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HOUSE OF REPRESENTATIVES—*Tuesday, April 8, 1975*

The House met at 12 o'clock noon.

Rabbi Morris M. Shapiro, Jewish Center, Huntington Station, Long Island, N.Y., offered the following prayer:

Almighty G-d, as we commemorate the holocaust where 6 million of Thy children were sacrificed as burnt offerings on the altar of human bestiality, we pray to Thee to make us cognizant of this awesome reality that Thou hast granted man free will and that every man has the potential to use this power to create an Auschwitz.

We pray to Thee that this day may serve as a challenge to every Member of this Chamber to question himself—What am I, who represent the most powerful Nation in the world, doing to prevent another holocaust from reoccurring? For anything that has happened once can happen again. The same events that took place in Germany can take place again in the Middle East and in the Soviet Union.

O God, help us to face this grave challenge that it is in the hands of these United States of America that the survivors of the ashes of Auschwitz have placed their destiny.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI MORRIS M. SHAPIRO

(Mr. AMBRO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AMBRO. Mr. Speaker, it is my privilege to introduce to the House of Representatives Rabbi Morris M. Shapiro, the spiritual leader of the South Huntington Jewish Center.

It is particularly appropriate for Rabbi Shapiro to deliver the opening prayer today, because on this day, 30 years ago, Allied troops began their liberation of Hitler's concentration camps revealing to the world the horrendous extent of the Nazi holocaust. Unfortunately, Rabbi Shapiro was both a tragic witness to and a refugee from Hitler's terror. Rabbi Shapiro was just 22 years old when the Nazis started rounding up the Jews of his town of Lublin, Poland, for liquidation. He and his sister hid in the attic above Gestapo headquarters for 4 days and then ran off through the woods where they were eventually found by a Christian farmer who, in exchange for money, hid them in a crawlspace cave for 2 years.

If Rabbi Shapiro's early manhood stands in mute testimony to the extent of man's inhumanity to man, his life in the United States—to which he emigrated in 1948—is an example of the basic civilization of the Jewish people and of this country's traditional and honorable role as a haven and land of opportunity for the oppressed.

Upon his arrival in America, Rabbi Shapiro had no secular education whatsoever, and could speak no English. Within 6 years, he had satisfactorily completed elementary school, high school, received a bachelor's degree and a master's degree in clinical psychology from the University of North Dakota. This is clearly a record of achievement that most native-born Americans cannot match and must admire.

Rabbi Shapiro, his wife, Rochelle, and their three children, Holli, Jerome, and Simcha have been residents of Huntington for the past 9 years. I am pleased to have them as constituents and proud to call them friends.

Rabbi Shapiro's presence here today must serve as a reminder to us that we cannot, we must not, forget the atrocities committed in the name of ideological and racial purity by one nation against its citizens while the rest of the world community stood idly by, and that we must not allow those survivors of the holocaust who have settled in the State of Israel to be threatened with extinction of their homeland, and we must never permit another such holocaust by any nation against any segment of its population to take place again.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. AMBRO. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I join in the remarks of the gentleman from New York (Mr. Ambro) concerning Rabbi Morris M. Shapiro.

RABBI MORRIS M. SHAPIRO

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I appreciate the gentleman's yielding and join him in welcoming the rabbi.

I would like to thank Rabbi Shapiro for his very eloquent plea in behalf of all of mankind on the occasion of the 30th anniversary of the liberation of the Buchenwald concentration camp. It is of great importance that the House pause today to contemplate man's inhumanity to man—and to make it clear to generations to come that we could not forget, and would not forget, the holocaust.

I have joined my distinguished colleague from New York (Mr. Ambro) in sponsoring a resolution calling upon the President to proclaim today a day of observance of the 30th anniversary of the liberation of the survivors of the holocaust, in order that Americans, and freedom loving peoples everywhere, be encouraged to contemplate the genocide of the Nazis and to vow "never again."

APPOINTMENT OF CONFEREES ON H.R. 25, SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. HALEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 25) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, what was the request? I do not think any of the Members heard it.

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. Haley) explain to the gentleman from Maryland (Mr. Bauman) what his request was?

Mr. HALEY. Mr. Speaker, if the gentleman will yield, may I say to the distinguished gentleman from Maryland that that is merely a request to go to conference with the Senate on the bill, H.R. 25.

Mr. BAUMAN. Mr. Speaker, I thank the chairman of the committee for that information, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Mr. Udall, Mrs. Mink, and Messrs. Vigorito, Melcher, Roncalio, Seiberling, Carr, Skubitz, Steiger of Arizona, and Ruppe.

STATEMENT OF CONGRESSMAN EDWARD P. BEARD UPON INTRODUCTION OF THE SOCIAL SECURITY FAIRNESS ACT

(Mr. BEARD of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD of Rhode Island. Mr. Speaker, today I am introducing legislation, the Social Security Fairness Act, identical to that which my colleague, Senator CLAIBORNE PELL, of Rhode Island, has introduced. The fact that this bill has 40 cosponsors is a good indication that the problem which faces many elderly citizens has become a nightmare for some. The legislation will eliminate delays of payments or lost checks.

According to the Bureau of Hearings and Appeals of the Social Security Administration, the average processing time for hearing decisions on claims was 213 days in December 1974. This figure represents the amount of time elapsed from the date of a hearing request until the time the decision is made. Of course, in many parts of the country the situation is much worse. For example, the average yearly delay in New England is 236 days.

Passage of this bill would mean congressional district offices could devote more time to other problems. I am looking forward to speedy hearings and passage of the Social Security Fairness Act, as are many elderly people who have been victimized by the unnecessary bureaucratic delays.

PRESIDENT FORD'S BAFFLING CRITICISM OF THE TAX REDUCTION ACT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday in a speech before the National Association of Broadcasters, President Ford criticized Congress for passing a tax reduction bill which was "unfairly concentrated in the very lowest income brackets." Mr. Ford went on to complain that the bill "took some 6 million Americans off the tax rolls."

The President concluded his criticism by saying:

> We cannot afford to have this Nation divided between taxpayers and nontaxpayers. This is most unfair. It places an increasing burden on the middle-income taxpayers.

Mr. Speaker, I am completely baffled by the President's remarks. I cannot understand why he does not support reforms which create a more equitable tax system. Who are these 6 million Americans Mr. Ford is worried about? The fact is that over 90 percent of these people have incomes under $7,000.

It is outrageous for President Ford to criticize Congress for exercising some compassion in helping our lowest income citizens cope with intense pressures of inflation and recession.

Our tax system should be based upon "ability to pay." It should properly exclude those who cannot.

RETIREMENT OF MR. CHARLES C. O'DONNELL

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call to your attention the imminent retirement of Mr. Charles C. O'Donnell, 83, of Lynn, Mass., after nearly 50 years of dedicated service to this Nation's elderly citizens.

Mr. O'Donnell, in his capacity as vice president and executive director of the Senior Citizens and Associates of America, Inc., which he founded in 1926, has become a well known figure in the Massachusetts State House. For days at a time he would stalk the corridors, buttonholing every legislator that he came in contact with, to make sure that the bill being voted upon would serve the elderly, in the best possible fashion. I worked closely with Charlie, when I was a member of the Massachusetts Legislature, and I found him to be truly one of God's great and noble men. For, not only did he work solely in behalf of his fellow man, but he refused to receive any remuneration for his efforts, as well.

Long before most people came to recognize the problems of our elderly, Charlie O'Donnell was in the forefront of the movement to insure senior citizens greater protection under the law. In 1930, Franklin Roosevelt, then Governor of New York, noted, in a reply to a letter received from Mr. O'Donnell, that—

> There is no question in my mind that unemployment insurance will be an important factor in the life of the coming generation.

For Charlie, it was like a dream come true, when social security became law in 1935.

Passage of social security in 1935 did not stop him from continuing his quest for better security for the elderly. Many times in the ensuing decades Charlie made the trip to Washington, at his own expense, to work selflessly in behalf of our country's older generations. Every Member of Congress shall miss his advice when we consider social security legislation in the near future. I know that I had looked forward to working with him again, in my new capacity as chairman of the Committee on Social Security.

I commend Charles O'Donnell for his significant contributions in the area of social security. Mr. O'Donnell has and will continue to have a special place in our hearts, for his efforts on behalf of this Nation's elderly have truly been an inspiration to us all.

LEGISLATION TO ENLARGE PRESIDENTIAL STAFF

(Mr. STEED asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEED. Mr. Speaker, I am today introducing legislation which in my opinion is long overdue. As strange as it may seem, there is no basic legislation on the books which provides the President of the United States with an adequate staff and related authority with which to perform his enormous and numerous responsibilities.

It has been customary for many years for the Appropriations Committee to recommend appropriations for that purpose and the House, under the rule of comity, has graciously acceded to those recommendations.

On the fiscal year 1974 bill, however, a point of order was lodged against those appropriations and the Chair, under the rules of the House, was constrained to sustain the point of order and the language was denied in the House. Fortunately, the other body restored the language which had been stricken. The amendment was brought back to the House for a vote under the rules. The amendment was agreed to and the bill was passed.

The bill which I introduce today will remedy that awkward situation. The language of the bill has been developed by the White House in conjunction with the Appropriations Committee to make certain that the proposed language is in conformance with actual requirements and customary practices over the years.

I welcome as cosponsors of this bill the gentleman from Ohio (Mr. MILLER).

I will be pleased to testify before the appropriate legislative committee on this measure at their convenience.

OPPOSITION TO THE STRIP MINING LEGISLATION

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, members of the Appalachian Organization of Surface Miners have come to Washington to express to Members of the House of Representatives and Senate their concern over the adverse economic impact that the provisions of H.R. 25 and S. 7 will have on the surface mining industry specifically and the indirect economic effect that it will have generally on suppliers to the surface coal mining industry.

The group includes both union and nonunion miners, coal operators, truck drivers, equipment operators, and small businessmen who supply tires, equipment, gas, and oil to the surface coal mining industry.

I have informed the representatives of the Appalachian Organization of Surface Miners that I will be glad to assist them while they are in Washington, and I will greatly appreciate if if each Member or a responsible member of your staff could talk with the unit that will contact your office to express their views on this legislation.

Mr. Speaker, I have here petitions signed by more than 20,000 of my constituents urging the Congress to reject the conference report on H.R. 25 and S. 7.

THE 15TH MEXICO-UNITED STATES INTERPARLIAMENTARY UNION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, during the Easter recess it was my privilege to be a delegate to the 15th Mexico-United States Interparliamentary Union held on the Yucatan Peninsula.

While it is only fair to state that there were no great, dramatic breakthroughs in our relationships, I do believe that substantial progress was made toward mutual understanding on matters of great mutual concern and advantage such as trade, narcotics control, aviation, and cultural and scientific exchanges.

While all members of the delegation diligently and effectively performed their duties, and certainly Senator MIKE MANSFIELD, chairman of the delegation, was a credit to the Congress and to our country, there is little doubt in my mind that the star of our show was the chairman of the House delegation, the gentleman from Texas, Congressman JAMES WRIGHT.

The gentleman from Texas (Mr. WRIGHT) was our spokesman on several occasions, and did a very fine job. I can tell the Members how proud we all were of him when he spoke in Spanish to a large group of Mexicans at a ceremony honoring Benito Juarez in Campeche, Mexico. That one sincere, heartfelt address, which was acclaimed by "vivas" from the crowd, did more to help relations between our two countries than anything else.

TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938

(Mr. DUNCAN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Oregon. Mr. Speaker, I have submitted a bill today which is of importance to the State of Oregon, to the future of agricultural crops that have traditionally been harvested, inpart, by school-age children and to those children themselves.

This bill would amend the Fair Labor Standards Act of 1938 and show children less than 12 years of age to be employed as hand harvest laborers in agricultural operations which have been and are customarily recognized as being paid on a piece rate basis, in the regions where these children reside. It would not apply therefor to migratory labor.

This bill, if enacted, would allow children during the summer months, no more than 13 weeks, to commute from home, and pick and harvest crops, that have traditionally been harvested in this manner.

In the State of Oregon, and in my congressional district, the berry farmers are in trouble. Faced with increasing imports of foreign horticultural products, they now have added to their problems a further government regulation that will hamper their ability to even harvest their crops let alone sell them at a profit.

In introducing this legislation, I intend only to continue a tradition which allows our children, during their summer vacations, to work in the fields, helping harvest crops, that are otherwise financially infeasible to harvest, and crops, that have traditionally been harvested by our young. It does not return us to the infamous days of the exploitation of child labor but does permit the kids to earn money and keep busy during vacation as they have been for years.

PROVIDING FOR A JOINT SESSION OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

Mr. BRADEMAS. Mr. Speaker, I have been advised that the President of the United States desires to address a joint session of the Congress on Thursday, April 10, at 9 o'clock p.m. Accordingly, Mr. Speaker, I send to the desk a concurrent resolution for that purpose, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 203

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, April 10, 1975, at 9 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES, SUBJECT TO THE CALL OF THE CHAIR, ON THURSDAY, APRIL 10, 1975

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that on Thursday, April 10, 1975, the Speaker be authorized to declare recesses, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I would like to inquire what the purpose would be of authorizing recesses at any time on next Thursday.

Certainly the business of the House is not going to run until 9 o'clock, or 10 o'clock, p.m.

The SPEAKER pro tempore. The Chair would state that at the end of the legislative program on Thursday, which will come probably in the late afternoon, it might be necessary for the House to be in recess until 9 p.m.

Mr. BAUMAN. I thank the Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ANNOUNCEMENT AS TO LEGISLATIVE PROGRAM

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute.)

Mr. BRADEMAS. Mr. Speaker, I would like to make the following announcement with respect to the order of the program for today.

We have five bills, all under suspension of the rules, as follows:

First. H.R. 3922, Older Americans Act amendments;

Second. H.R. 543, Rehabilitation and Betterment Act amendments;

Third. H.R. 3109, saline water conversion program;

Fourth. House Joint Resolution 335, Commodity Futures Trading Commission Act amendments; and

Fifth. House Joint Resolution 148, National Day of Remembrance of Man's Inhumanity to Man.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BRADEMAS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 101]

Anderson, Ill.
Andrews, N.C.
AuCoin
Bevill
Biester
Bingham
Boland
Brooks
Burke, Fla.
Byron
Casey
Chisholm
Cochran
Collins, Ill.
Conte
Conyers
de la Garza
Derwinski
Diggs
Dodd
Eckhardt
Esch
Flynt
Ford, Tenn.
Fulton
Giaimo
Goldwater
Hamilton
Harrington
Hébert
Hefner
Horton
Jarman
Johnson, Pa.
Karth
Kazen
Landrum
McClory
McDade
McEwen
McKinney
Mathis
Matsunaga
Meeds
Mills
Mink
Mollohan
Murphy, Ill.
Murphy, N.Y.
Nolan
O'Hara
O'Neill
Patman
Patten
Pattison, N.Y.
Pepper
Pickle
Pressler
Price
Rangel
Rhodes
Satterfield
Scheuer
Seiberling
Shuster
Staggers
Stark
Symington
Teague
Waggonner
Whalen
Whitehurst
Wilson, Bob
Winn
Wright
Wydler
Young, Ga.

The SPEAKER pro tempore. On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

Pursuant to the provisions of clause 3(b) of rule 27, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

OLDER AMERICANS AMENDMENTS OF 1975

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3922) to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1975".

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

SEC. 101. (a) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) (hereinafter in this title referred to as the "Act") is amended by adding at the end thereof the following new title:

"TITLE VIII—SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

"PART A—GENERAL PROVISIONS

"STATEMENT OF PURPOSE

"SEC. 801. It is the purpose of this title to stimulate actions to meet the critical needs of elderly persons and to provide assistance to such persons designed to enable them to lead more meaningful and independent lives. Such assistance, which shall include homemaker and other home services, legal counseling assistance, residential repair and renovation, and home mortgage interest reduction and insurance payments, is intended to alleviate the problems and needs of elderly persons.

"DEFINITIONS

"SEC. 802. For purposes of this title—

"(1) the term 'elderly person' means any person who, as determined by the Commissioner under criteria which he shall prescribe by regulation and which give preference to persons aged sixty or older, is in need of any service provided under this title; and

"(2) the term 'State agency' means a State agency designated under section 304(a)(1) which administers or supervises the administration of any State plan approved under section 305.

"ADMINISTRATION

"SEC. 803. (a) The Commissioner shall administer the provisions of this part, and parts B, C, D, and E, through the Administration on Aging.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Justice, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Commissioner may (1) use, with their consent, the services, equipment, personnel, and facilities of Federal agencies and other agencies with or without reimbursement; and (2) on a similar basis, cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the provisions of this title, the Commissioner may (1) provide consultative services and technical assistance to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State; (2) provide short-term training and technical instruction; and (3) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this part.

"PAYMENT OF GRANTS

"SEC. 804. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"GENERAL PROGRAM REQUIREMENTS

"SEC. 805. (a) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives disbursements under part B, C, D, or E shall agree—

"(1) to utilize methods of administration, including outreach, which will ensure that the maximum number of elderly persons may have an opportunity to participate in the programs involved;

"(2) to include such training as may be necessary to enable personnel participating in any such program to carry out the provisions of part B, C, D, or E, as the case may be;

"(3) to establish and administer any such program with the advice of persons competent in the field of service involved, of elderly persons who will participate in any such program, and of persons who are knowledgeable with respect to the needs of persons aged sixty or older;

"(4) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of any such program;

"(5) to give preference to persons aged sixty or older for full-time or part-time staff positions for which such persons qualify, and to encourage the voluntary participation of other groups, to the extent practicable; and

"(6) to comply with such other standards as the Commissioner may by regulation prescribe in order to ensure the high quality of any such program and the general effectiveness of any such program in attaining the objectives of this title.

"(b) The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records which are pertinent to a grant or contract received under part B, C, D, or E.

"APPLICATION OF OTHER FEDERAL LAWS

"SEC. 806. (a) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives disbursements under part D, or any sponsor which agrees to carry out a project under part F, shall agree to pay any laborer or mechanic employed in connection with any renovation, conversion, or construction of housing, wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.).

"(b) For purposes of this section, the term 'sponsor' has the meaning given it by section 852(1).

"EXPENDITURE OF ALLOTMENTS

"SEC. 807. (a) Any State which has a State plan approved under section 305 shall use at least 20 per centum of the funds allotted to such State under section 303(b)(2), from amounts appropriated under section 303(a), to carry out programs described in part B, C, D, or E, in any fiscal year in which such State receives any such funds. However, the Commissioner may designate a portion of the allotment of any State under this section for a fiscal year to be used to establish and maintain such transportation programs for older persons in such State as the Commissioner determines to be necessary.

"(b) Any expenditures made by any State agency or area agency in accordance with subsection (a) shall be in addition to, and not in lieu of, any expenditures made by such State agency or area agency to carry out any program, under title III or under any other provision of law, which is similar to any program described in part B, C, D, or E.

"PART B—HOMEMAKER AND OTHER HOME SERVICES

"STATEMENT OF PURPOSE

"SEC. 811. It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

"PROGRAM REQUIREMENTS

"SEC. 812. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which agrees to establish a program to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, or other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

"(b) For purposes of this part—

"(1) the term 'homemaker services' includes (A) services performed in the home of an elderly person who is unable to perform such services for himself (whether or not such person requires home health services) to assist such person in remaining in such home, to maintain or strengthen his capacity for self-care, and to raise his level of functioning with respect to personal care and household management; and (B) services which are reasonably necessary to assist an elderly person in living outside a hospital, skilled nursing facility, or other institutional facility; and

"(2) the term 'home health services' includes items and services described in section 1861(m) of the Social Security Act.

"PART C—COUNSELING ASSISTANCE

"STATEMENT OF PURPOSE

"SEC. 821. It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with necessary or appropriate legal and other counseling services and assistance, including tax counseling and counseling to assist elderly persons living in nursing homes to meet problems and needs arising out of the manner in which such homes are administered, through the establishment of programs designed to train lawyers, lay advocates, and paraprofessional persons and to direct the attention of the legal profession to the problems and needs of the elderly.

"PROGRAM REQUIREMENTS

"SEC. 822. Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State, which agrees to establish programs to further the just treatment of elderly persons through the provision of necessary or appropriate legal and other counseling services and assistance, including tax counseling and counseling to assist elderly persons living in nursing homes to meet problems and needs arising out of the manner in which such homes are administered, to train lawyers, lay advocates, and paraprofessional persons, to develop law school curricula and clinical education programs which address the problems and needs of elderly persons, and to provide such other information, training, or assistance as may be necessary to meet such problems and needs.

"PART D—RESIDENTIAL REPAIRS AND RENOVATIONS

"STATEMENT OF PURPOSE

"SEC. 831. It is the purpose of this part to encourage and assist State and local agencies to meet the special housing needs of elderly persons in a manner designed to insure adequate housing for such persons and to enable such persons to lead a more independent life in a home environment without the need for institutionalization.

"PROGRAM REQUIREMENTS

"SEC. 832. Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State which agrees to establish programs—

"(1) to enable elderly persons, through financial assistance or otherwise, to make such repairs and renovations with respect to their homes as may be necessary for such homes to meet minimum housing standards; or

"(2) to adapt existing housing, or construction of new housing, to meet the needs of elderly persons suffering from physical disabilities.

"PART E—TRANSPORTATION

"STATEMENT OF PURPOSE

"SEC. 841. It is the purpose of this part to encourage and assist State and local agencies to undertake programs to meet the transportation needs of elderly persons in order to enable such persons to participate in, and take advantage of, the benefits of their surrounding community.

"PROGRAM REQUIREMENTS

"SEC. 842. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State, which agrees to establish programs to meet the transportation needs of elderly persons, with special emphasis on (1) providing supportive transportation in connection with nutrition projects under title VII; (2) providing supportive transportation in connection with obtaining medical services necessary to enable elderly persons to continue living independently in a home environment without the need for institutionalization; and (3) providing additional low-cost transportation, by bus or otherwise, to enable elderly persons to achieve better access to existing urban rapid transit systems or other similar systems.

"(b) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives funds to establish or operate any program under this part shall consult with persons providing transportation on a local basis in the area involved (such as taxi service, charter and private school bus service, and public school bus service) and, to the extent feasible, utilize such transportation on a contract basis to the extent such utilization will result in a more economical provision of services under this part.

"(c) In making grants and contracts under this part, every State agency shall give priority to applicants proposing to serve areas in which existing public transportation is inadequate to meet the special needs of elderly persons.

"PART F—MORTGAGE INTEREST REDUCTION AND INSURANCE PAYMENTS

"STATEMENT OF PURPOSE

"SEC. 851. It is the purpose of this part to encourage the conversion and renovation of housing for elderly persons and the reduction of rentals paid by elderly persons by establishing a program of mortgage interest reduction payments and mortgage insurance.

"DEFINITIONS

"SEC. 852. For purposes of this part—

"(1) the term 'sponsor' means a nonprofit organization or public agency which agrees to carry out a project which meets the requirements of this part, including any such organization or agency which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which is approved for the receipt of benefits under this part;

"(2) the term 'convertible housing' means single or double family housing units which may be converted into multifamily efficiency units through the addition of kitchen and bathroom facilities;

"(3) the term 'supportive services' means any service which enables an elderly person to continue to reside in a noninstitutionalized setting, as determined by the Commissioner, including transportation, mobile facilities for the provision of meals, homemaker services, legal counseling assistance, and home heatlh services;

"(4) the term 'mortgage insurance premium' means, with respect to a project financed by a loan under a State or local program, such fees and charges, approved by the Commissioner, as are payable by the mortgagor to the State or local agency mortgagee to meet reserve requirements and administrative expenses of such agency;

"(5) the term 'mortgage' means a first mortgage on real estate, in fee simple, or on a leasehold (A) under a lease for not less than ninety-nine years which is renewable; or (B) under a lease having a period of not less than fifty years to run from the date the mortgage is executed;

"(6) the term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby;

"(7) the term 'mortgagee' includes the original lender under a mortgage, and his successors and assigns approved by the Commissioner; and

"(8) the term 'mortgagor' includes the original borrower under a mortgage and his successors and assigns.

"ADMINISTRATION

"SEC. 853. The Commissioner shall administer the provisions of this part through the Administration on Aging and in consultation with the Secretary of Housing and Urban Development.

"INTEREST REDUCTION PAYMENTS

"SEC. 854. (a) For the purpose of assisting sponsors in purchasing convertible housing, converting such housing into dwelling units suitable for occupancy by elderly persons, reducing rentals for elderly persons of low and moderate income, and renovating convertible housing and other existing housing, the Commissioner may make and contact to make periodic interest reduction payments on behalf of the sponsor, which shall be accomplished through payments to mortgagees holding mortgages meeting requirements established by this part.

"(b)(1) Interest reduction payments with respect to a project shall only be made during such time as the project is operated as a rental project and is subject to a mortgage which meets the requirements of, and is insured under, section 856.

"(2) The interest reduction payments to a mortgage by the Commissioner on behalf of a sponsor shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premiums which the sponsor as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such sponsor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum

"(3) The Commissioner may include in the payment to the mortgagee such amount, in addition to the amount computed under paragraph (2), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"CONDITION FOR RECEIPT OF PAYMENTS

"SEC. 855. (a) As a condition for receiving interest reduction payments, the sponsor (1) shall demonstrate that it is providing through its own program, and through working arrangements with other community programs, a fully comprehensive system of supportive services for elderly persons; and (2) shall operate the project for which such payments are sought in accordance with such requirements with respect to tenant eligibility and rents as the Commissioner may prescribe. Procedures shall be adopted by the Commissioner for review of tenant incomes at intervals of two years (or at shorter intervals where the Commissioner deems it desirable).

"(b) For each dwelling unit there shall be established with the approval of the Commissioner (1) a basic rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 per centum per annum; and (2) a fair market rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project. The rental for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge, as represents 25 per centum of the income of the tenant.

"(c) The sponsor shall, as required by the Commissioner, accumulate, safeguard, and periodically pay to the Commissioner all rental charges collected in excess of the basic rental charges. Such excess charges shall be deposited by the Commissioner in a fund which may be used by him as a revolving fund for the purpose of making interest reduction payments with respect to any rental housing project receiving assistance under this part, subject to limits approved in appropriation Acts pursuant to section 859. Moneys in such fund not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to principal and interest by the United States or any agency of the United States, except that such moneys shall, to the maximum extent feasible, be invested in such bonds or other obligations, the proceeds of which will be used to directly support the residential mortgage market.

"INSURANCE

"SEC. 856. (a) The Commissioner may, upon application by the mortgagee, insure a mortgage (including advances on such mortgage during construction) which meets the requirements of this part. Commitments for the insurance of such mortgages may be issued by the Commissioner before the date of their execution or disbursement thereon, upon such terms and conditions as he may prescribe.

"(b) To be eligible for insurance under this section, a mortgage shall meet the requirements specified in subsection (d)(1) and subsection (d)(3) of section 221 of the National Housing Act, except as such requirements are modified by this part.

"(c) A mortgage to be insured under this section shall—

"(1) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time, as the Commissioner, in consultation with the Secretary of Housing and Urban Development, finds necessary to meet the mortgage market; and

"(2) provide for complete amortization by periodic payments within such term as the Commissioner may prescribe.

"(d) The property or project shall—

"(1) comply with such standards and conditions as the Commissioner may prescribe to establish the acceptability of the property for mortgage insurance and may include such nondwelling facilities as the Commissioner deems adequate and appropriate to serve the occupants and the surrounding neighborhood;

"(2) include three or more dwelling units; and

"(3) be designed primarily for use as a rental project to be occupied by low-income or moderate-income elderly persons.

"AGREEMENTS WITH STATES

"Sec. 857. The Commissioner may enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments subject to all the terms and conditions specified in this part and in regulations and procedures prescribed by the Commissioner under this part, with respect to all or a part of a project covered by a mortgage insured under this part. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed, and accounted for by the Commissioner in accordance with the agreemnts entered into by the Commissioner with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this section the Commissioner shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract.

"REGULATIONS, AGREEMENTS, AND PROCEDURES

"Sec. 858. The Commissioner may prescribe such regulations, enter into such agreements, and prescribe such procedures as he considers necessary or desirable to carry out the provisions of this part.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 859. (a) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this part, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Commissioner under this part.

"(b)(1) Not more than 20 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to elderly persons, occupying rental housing projects assisted under this part, whose incomes at the time of the initial renting of the projects exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937 (or sections 3(2) and 5(e)(1)(ii) of such Act, on and after the effective date of the amendment made by section 201(a) of the Housing and Community Development Act of 1974), for initial occupancy in public housing dwellings, but the income of such persons at the time of the initial renting of the projects shall in no case exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d)(3) of the National Housing Act which bear interest at the below-market interest rate prescribed in the proviso of section 221(d)(5) of such Act.

"(2) The limitations prescribed in this subsection shall be administered by the Commissioner so as to accord a preference to those elderly persons whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this part. The Commissioner shall report semiannually to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate with respect to the income levels of elderly persons living in projects assisted under this part.".

(b) Title III of the Act (42 U.S.C. 3021 et seq.) is amended by striking out section 309.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Sec. 102. (a) The Act, as amended by section 101, is amended by adding at the end thereof the following new title:

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"Sec. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"Sec. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (relating to list of organizations exempt from tax on corporations, certain trusts, etc.), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

"(G) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary;

"(L) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

"(M) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

"Sec. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

"(1) the localities in which community service projects of the type authorized by this title are most needed;

"(2) consideration of the employment situations and the types of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number and percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of

1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"Sec. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"Sec. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration of Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

"(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"Sec. 906. (a)(1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for contracts with national organizations currently funded under this title to enable such organizations to maintain the level of activities at least at the level of such activities supported under this title and under any other Federal authority in the fiscal year ending June 30, 1975. Each such contract shall contain provisions to assure that, to the extent practicable, funds received under such contract will be allotted in the same manner as is provided under paragraph (2).

"(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of an amount which bears the same ratio to such sums as the number of persons aged fifty-five or over with low incomes in the State involved bears the number of such persons in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, which ever is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged fifty-five or over with low incomes, in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to such total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

"DEFINITIONS

"Sec. 907. As used in this title—

"(1) the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

"(2) the term 'eligible individual' means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this Act;

"(3) the term 'communuity service' means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

"(4) the term 'program' means the Older American Community Service Employment Program established under this title.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 908. There are authorized to be appropriated $100,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, $37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $150,000,000 for the fiscal year ending September 30, 1977, $200,000,000 for the fiscal year ending September 30, 1978, and $25,000,000 for the fiscal year ending September 30, 1979, to carry out the provisions of this title.".

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.) is hereby repealed.

TRANSMISSION OF CERTAIN RECOMMENDATIONS RELATING TO FEDERAL COUNCIL ON AGING

Sec. 103. (a) Section 205(g) of the Act (42 U.S.C. 3015(g)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976,".

(b) Section 205(h) of the Act (42 U.S.C. 3015(h)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976,".

APPLICATION OF OTHER LAWS

Sec. 104. Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION OF OTHER LAWS

"Sec. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93–510; 88 Stat. 1604), shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.".

DEFINITION OF SOCIAL SERVICES

Sec. 105. Section 302(1) of the Act (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (E) thereof, by striking out "or" at the end thereof; and

(2) by redesignating subparagraph (F) as subparagraph (G) and by inserting immediately after subparagraph (E) the following new subparagraph:

"(F) services designed to provide legal counseling assistance to older persons; or".

ALLOTMENTS TO INDIAN TRIBES

Sec. 106. (a) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

"(3)(A) The Commissioner shall reserve from sums appropriated for any fiscal year under paragraph (2) not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such sums for the fiscal year involved as the population of all Indians aged sixty or over on all Federal and State reservations bears to the population of all persons aged sixty or over in all States.

"(B) From sums reserved by the Commissioner under subparagraph (A) with respect to any fiscal year, each Indian tribe on a Federal or State reservation shall be allotted not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such reserved sums for the fiscal year involved as the population of Indians aged sixty or over on such reservation bears to the population of all Indians aged sixty or over on all Federal and State reservations.

"(C) In order for an Indian tribe to be eligible for grants for a fiscal year from its allotments under subparagraph (B), it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria established by section 305(a) to be appropriate.

"(D)(i) Whenever the Commissioner determines that any amount allotted to an Indian tribe for a fiscal year under this paragraph will not be used by such Indian tribe for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purposes to one or more other Indian tribes on

Federal or State reservations to the extent he determines such other Indian tribes will be able to use such additional amount for carrying out such purpose.

"(ii) Any amount made available to an Indian tribe from an appropriation for a fiscal year pursuant to clause (i) shall, for purposes of this title, be regarded as part of such Indian tribe's allotment (as determined under the provisions of this paragraph) for such year.".

(b) The first sentence of section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "From" and inserting in lieu thereof "Subject to the provisions of paragraph (3), from".

(c) Section 303(b)(4) of the Act (42 U.S.C. 3023(b)(4)), as so redesignated by subsection (a), is amended by inserting immediately after "States" the following: ", and the number of Indians aged sixty or over on any Federal or State reservation and on all Federal or State reservations,".

AREA PLAN REQUIREMENTS

Sec. 107. (a) Section 304(c) of the Act (42 U.S.C. 3024 (c)) is amended—

(1) in paragraph (3) thereof, by striking out "and" at the end thereof;

(2) in paragraph (4)(F) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) provide for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.".

(b) Section 304(c)(4) of the Act (42 U.S.C. 3024(c)(4)) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) through subparagraph (F) as subparagraph (C) through subparagraph (E), respectively.

STATE PLAN REQUIREMENTS

Sec. 108. Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (8) thereof, by striking out "and" at the end thereof;

(2) in paragraph (9) thereof, by striking out the period at the end thereof and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new paragraph:

"(10) provides for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.".

MODEL PROJECT REQUIREMENTS

Sec. 108. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended—

(1) in the first sentence thereof, by inserting immediately before the period at the end thereof the following: ", including projects to provide continuing education to older persons (including free tuition arrangements with colleges and universities), and projects to provide preretirement education, information, and relevant services"; and

(2) by striking out the second sentence thereof.

PERSONNEL TO PERFORM COUNSELING AND MONITORING FUNCTIONS

Sec. 110. Section 404 of the Act (42 U.S.C. 3034) is amended by adding at the end thereof the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older persons; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs.".

PURCHASE OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

Sec. 111. (a) Section 707 of the Act (42 U.S.C. 3045f) is amended by inserting "(1)" immediately before the first sentence of subsection (a), by striking out "this section" in subsection (d) each place it appears therein and inserting in lieu thereof "this subsection", by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively, by redesignating subsection (e) as subsection (b), and by adding at the end thereof the following new subsection:

"(c)(1) During each of the fiscal years ending June 30, 1975, and June 30, 1976, and during the period beginning July 1, 1976, and ending September 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated under this section, as determined under paragraph (3), for distribution to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

"(2) High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) that an annually programed level of assistance under subsection (a) of not less than 10 cent per meal shall be maintained.

"(3) In order to carry out the program established under paragraph (1) there is authorized to be appropriated $8,000,000 for the fiscal year ending June 30, 1975, $10,000,000 for the fiscal year ending June 30, 1976, and $2,500,000 for the period beginning July 1, 1976, and ending September 30, 1976.".

(b) The first sentence of section 708 of the Act (42 U.S.C. 3045g) is amended by inserting after "this title" the following: "(other than section 707(c))".

(c) Section 707(a)(4) of the Act (42 U.S.C. 3045f (a)(4)), as so redesigned by subsection (a), is amended by striking out "subsection (d)" and inserting in lieu thereof "paragraph".

AUTHORIZATION OF APPROPRIATIONS

Sec. 112. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979,".

(b)(1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "$180,000,000 for the fiscal year ending June 30, 1976, $57,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, $231,000,000 for the fiscal year ending September 30, 1977, $287,200,000 for the fiscal year ending September 30, 1978, and $349,640,000 for the fiscal year ending September 30, 1979,".

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "for the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal years ending September 30, 1977, 1978, and 1979,".

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979".

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979".

(e) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, 1978, and 1979".

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended by striking out "and" immediately after "1976," and by inserting in lieu thereof "$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976,", and by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, $275,000,000 for the fiscal year ending September 30, 1978, and $300,000,000 for the fiscal year ending September 30, 1979".

TECHNICAL AMENDMENTS

Sec. 113. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out "OFFICE" and inserting in lieu thereof "ADMINISTRATION".

(c) Section 202(a)(8) of the Act (42 U.S.C. 3012(a)(8)), is amended by striking out "and" at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out "authorized to be".

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out "Commissioners' " and inserting in lieu thereof Commissioner's".

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out "part" and inserting in lieu thereof "title".

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out "or" the second place it appears therein and inserting in lieu thereof "of".

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out "ALLOTTMENT" and inserting in lieu thereof "ALLOTMENT".

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045b(c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045b(d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045d(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045d(c)) is amended by inserting a comma immediately after "failure" the first place it appears therein.

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

Sec. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1979", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

ADULT EDUCATION ACT

Sec. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1979", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Sec. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof "six fiscal years and the period beginning July 1, 1976, and ending September 30, 1976"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

VOCATIONAL EDUCATION ACT OF 1963

Sec. 204. Section 161(d) of the Vocational Education Act of 1963 (20 U.S.C. 1341(d)) is amended by inserting "(1)" immediately before "At least one-third" and by adding at the end thereof the following new paragraph:

"(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.".

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 205. (a)(1) Section 201(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(a)) (hereinafter in this section referred to as the "Act") is amended by striking out "is authorized to" and inserting in lieu thereof "shall".

(2) Section 201 of the Act (42 U.S.C. 5001) is amended by adding at the end thereof the following new subsection:

"(c) Any State which has established or designated a State agency under section 304(a)(1) of the Older Americans Act of 1965, shall designate a person to coordinate and serve as a resource person with respect to the carrying out of programs under title III of such Act and programs under this title. Such State agency shall compensate such person from funds made available to such State agency under this title.".

(b)(1) The first sentence of section 211(a) of the Act (42 U.S.C. 5011(a)) is amended—

(A) by striking out "volunteers" the first and third places it appears therein and inserting in lieu thereof "individuals"; and

(B) by striking out "serve as volunteers to".

(2) Section 211(b) of the Act (42 U.S.C. 5011(b)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(3) Section 212(a)(1) of the Act (42 U.S.C. 5012(a)(1)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(c)(1) The heading for title II of the Act (42 U.S.C. 5001 et seq.) is amended to read as follows:

"TITLE II—NATIONAL OLDER AMERICAN SERVICE PROGRAMS".

(2) The heading for section 201 of the Act (42 U.S.C. 5001) and the heading for section 211 of the Act (42 U.S.C. 5011) both are amended to read as follows:

"GRANTS AND CONTRACTS".

(d)(1) Section 502(a) of the Act (42 U.S.C. 5082(a)) is amended—

(A) by striking out "and" immediately after "1974,"; and

(B) by inserting immediately after "respectively," the following: "$6,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $24,000,000 for the fiscal year ending September 30, 1977, $28,800,000 for the fiscal year ending September 30, 1978, and $34,560,000 for the fiscal year ending September 30, 1979,".

(2) Section 502(b)(1) of the Act (42 U.S.C. 5082(b)(1)) is amended—

(A) by striking out "and" immediately after "1974," each place it appears therein;

(B) by inserting immediately after "respectively," the first place it appears therein the following: "$12,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $48,000,000 for the fiscal year ending September 30, 1977, $57,600,000 for the fiscal year ending September 30, 1978, and $69,120,000 for the fiscal year ending September 30, 1979,";

(C) by inserting immediately after "respectively," the second place it appears therein the following: "$9,600,000 for the period beginning July 1, 1976, and ending September 30, 1976, $38,400,000 for the fiscal year ending September 30, 1977, $46,080,000 for the fiscal year ending September 30, 1978, and $55,296,000 for the fiscal year ending September 30, 1979,"; and

(D) by inserting immediately after "respectively," the third place it appears therein the following: "$2,400,000 for the period beginning July 1, 1976, and ending September 30, 1976, $9,600,000 for the fiscal year ending September 30, 1977, $11,520,000 for the fiscal year ending September 30, 1978, and $13,824,000 for the fiscal year ending September 30, 1979,".

(3) The heading for section 502 of the Act (42 U.S.C. 5082) is amended to read as follows:

"NATIONAL OLDER AMERICANS PROGRAMS".

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

SHORT TITLE

Sec. 301. The provisions of this title may be cited as the "Age Discrimination Act of 1975".

STATEMENT OF PURPOSE

Sec. 302. It is the purpose of this title to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance.

PROHIBITION OF DISCRIMINATION

Sec. 303. (a) Except as provided by subsection (b), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

(b)(1) It shall not be a violation of subsection (a) for any person to take any action otherwise prohibited by subsection (a) if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity, established under authority of any law, which provides any benefits or assistance to persons based on the age of such persons.

REGULATIONS

Sec. 304. (a) The head of any Federal department or agency which extends Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall prescribe regulations to carry out the prohibition established by section 303(a) with respect to such program or activity.

(b) No regulation prescribed under subsection (a) shall take effect until such regulation is approved by the Secretary of Health, Education, and Welfare.

ENFORCEMENT

Sec. 305. (a) The head of any Federal department or agency who prescribes regulations under section 304(a) may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Any termination of, or refusal to grant or to continue, assistance under subsection (a)(1) shall be limited to the particular political entity or other recipient with respect to whom a finding is made under subsection (a)(1). Any such termination or refusal shall be limited in its effect to the particular program or activity, or part of such program or activity, with respect to which such finding is made.

(c) No action may be taken under subsection (a) until the head of the Federal department or agency involved has advised the appropriate person of the failure to comply with the regulation involved and has determined that compliance cannot be secured by voluntary means.

(d) In the case of any action taken under subsection (a), the head of the Federal department or agency involved shall transmit a written report of the circumstances and grounds of such action to the committees of the House of Representatives and the Senate having legislative jurisdiction over the program or activity involved. No such action shall take effect until thirty days after the transmission of any such report.

CIVIL ACTIONS BY ATTORNEY GENERAL

Sec. 306. Whenever the Attorney General of the United States has reason to believe that any person is engaged in a pattern or practice in violation of the provisions of this title, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

JUDICIAL REVIEW

Sec. 307. (a) Any action by the head of any Federal department or agency under section 305(a) shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any such department or agency head on other grounds.

(b) In the case of any action by the head of any Federal department or agency under section 305(a) which is not otherwise subject to judicial review, any person aggrieved may obtain judicial review of such action in accordance with the provisions of chapter 7 of title 5, United States Code. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a)(2) of such title.

EMPLOYMENT PRACTICES

Sec. 308. Nothing in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance involved is to provide employment.

DEFINITION

Sec. 309. For purposes of this title, the term "Federal financial assistance" includes any payment made to any State or local government under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.).

Amend the title so as to read: "A bill to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes.".

The SPEAKER pro tempore. Is a second demanded?

Mr. BELL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BELL. No, Mr. Speaker.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. MICHEL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. Brademas) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. Michel) will be recognized for 20 minutes.

Mr. BRADEMAS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 3922.

POINT OF ORDER

Mr. MICHEL. Mr. Speaker, may we have a little order? Under this new system, could we have it turned up loudly enough so that we can hear? I have heard all these commendations about how good it is, but I will be darned if I can hear any better than before.

I would like to have the volume turned up so that we can hear.

The SPEAKER pro tempore. The gentleman makes a point of order that there is no order in the Chamber. If the Members will refrain from conversation until the new public address system can be adjusted, it will make proceedings move more smoothly.

The gentleman from Indiana will please speak right into the mike.

Mr. BRADEMAS. Mr. Speaker, I rise in support of H.R. 3922, as amended, a bill to extend and amend the Older Americans Act of 1965, to extend the authorizations of appropriations, and for other purposes.

I want at the outset, Mr. Speaker, to commend the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. Perkins) as well as the ranking minority member, the gentleman from Minnesota (Mr. Quie) for their contributions to the bill we are considering today.

I must also say a word about the work of the members of the Subcommittee on Select Education, which I am privileged to chair, for their diligence in helping to draft this legislation.

I speak of the gentleman from California (Mr. Bell), the gentleman from Washington (Mr. Meeds), the gentleman from New York (Mr. Peyser), the gentlewoman from New York (Mrs. Chisholm), the gentleman from Vermont (Mr. Jeffords), the gentleman from Florida (Mr. Lehman), the gentleman South Dakota (Mr. Pressler), the gentleman from Wisconsin (Mr. Cornell), the gentleman from Rhode Island (Mr. Beard), the gentleman from New York (Mr. Zeferetti), the gentleman from California (Mr. Miller), and the gentleman from Illinois (Mr. Hall).

Mr. Speaker, I also would like to thank all members of the committee for their support of this legislation.

Evidence of the success of our bipartisan effort, Mr. Speaker, was the vote by which the Committee on Education and Labor reported this bill—a unanimous vote of 36 to 0.

Finally, Mr. Speaker, I want to thank the gentleman from Ohio (Mr. Seiberling), the gentleman from New York (Mr. Koch), as well as the gentleman from Oklahoma (Mr. Risenhoover), the gentleman from North Carolina (Mr. Andrews), the gentleman from Illinois (Mr. Simon), the gentleman from Minnesota (Mr. Fraser), the gentleman from California (Mr. John Burton), the gentleman from Missouri (Mr. Randall), and the gentleman from Arkansas (Mr. Thornton), for their constructive suggestions which we have incorporated into the legislation.

PROVISIONS FOR THE BILL

Mr. Speaker, the bill we are considering today includes provisions which can help make life better for millions of older Americans. Those provisions include:

First. An extension through fiscal year 1979 of the State and community grants program—title III of the Older Americans Act—which coordinates community services for the elderly;

Second. Extension of the nutrition program for the elderly—title VII of the Older Americans Act—for 2 years, through fiscal year 1979, and provision for the additional distribution of commodities;

Third. A significant expansion of the Older Americans Community Services Employment Act through fiscal year 1979;

Fourth. Extension of the National Older Americans Services Programs—title II of the Domestic Volunteers Act—including the retired senior volunteer program and the foster grandparents program;

Fifth. Creation of new special service programs—under title III of the Older Americans Act—for the elderly to enable them to live independently at home so as to avoid institutionalization;

Sixth. Provisions for direct funding of service programs—under title III of the Older Americans Act—for Indian tribes;

Seventh. Prohibition against discrimination in Federal programs based on age.

Mr. Speaker, at this point, let me bring to the attention of Members several amendments that do not appear in the copy of the bill that is available to us.

I have discussed these several amendments with Mr. Quie and they are acceptable to him.

Briefly, the amendments are as follows:

First. A "maintenance of effort" provision is added on page 8 which assures that States and local communities will increase their expenditures in the areas designated by the bill under title VIII, as needing special attention.

Second. An extension of the deadline to January 1, 1976, for two major studies now being conducted by the Federal Council on Aging. Since the Council was appointed so late, it is necessary to have the additional time in order that the Council might address these studies thoroughly.

Third. An amendment to take care of the technical changeover to the new fiscal year beginning next year. The amendment authorizes funds for the 3-month period beginning on July 1, 1976, through September 30, 1976. The amendment thus increases the authorization of appropriation for the bill by approximately $175 million.

Fourth. An amendment which encourages the Commissioner to designate a portion of the moneys needed to carry out the new title VIII special emphasis programs in order to fund special transportation programs for older persons.

Fifth. An amendment which would provide for the authorization of moneys to purchase commodities rather than the appropriation of funds, as originally provided in the bill.

Sixth. An amendment which would change the requirement in the bill that one-third of the Federal funding authorized under the Vocational Education Act must be used to fund Homemaker Services to older adults aged 60 and over, and to provide that special consideration, be given to training persons 60 and over, from funds available under the Vocational Education Act, for homemaker services.

Mr. Speaker, let me take just a moment to say a word about the success of the programs supported by the Older Americans Act before discussing the provisions I have just enumerated.

PROGRAMS SUPPORTED BY OLDER AMERICANS ACT

Mr. Speaker, the Older Americans Act was enacted in 1965 by the 89th Congress and has subsequently been amended several times.

Under the funding provided by the act, virtually every State and territory has created a State office for the aging, and 412 local area agencies have been funded under title III to provide a focal point in communities for services to older adults.

Here is what has been achieved under the Older Americans Act and the amendments to the legislation:

First, 412 area agencies have been established in areas containing 70 percent of our Nation's older adults;

Second, in 1974 and 1975, $17,000,000 was awarded for State agencies to conduct Statewide projects which concentrated on such areas as information and referral, transportation, homemaking, housing, education, and day care;

Third, 47 career training programs have enrolled 4,600 students in aging courses;

Fourth, a national clearinghouse on aging has been established to collect and disseminate information about older people and their needs;

Fifth, approximately 221,000 older adults are receiving one hot, nutritious meal daily at over 4,100 sites under title VII nutrition programs for the elderly;

Sixth, 3,700 people, aged 55 years and older, have held jobs under title IX, community services employment programs;

Seventh, 130,000 senior citizens annually participate in community services programs through the retired senior citizens volunteer program—RSVP—which provides volunteer opportunities in local communities and through the foster grandparents program, which provides financial support for low-income elderly persons who serve children with special needs in institutions.

Mr. Speaker, the witnesses before the Select Education Subcommittee, including representatives of a wide variety of organizations serving the elderly, were unanimous in telling us that the time had come significantly to expand the programs supported under the Older Americans Act. The 4-year bill before us, while modest in its overall authorizations of approximately $2.5 billion, does allow for that expansion.

The bill authorizes title III, State and community services programs, to grow from $180 million in 1976 to $349 million in 1979. The measure also allows for a modest growth of the title VII nutrition programs by authorizing $275 million for title VII in 1978 and $300 million in 1979. Existing legislation already authorizes title VII through 1977.

The major expansion provided for by H.R. 3922 is, Mr. Speaker, in the title IX community services employment program, which contains authorizations of $100 million for fiscal year 1976, rising to $250 million for fiscal year 1979.

COMMUNITY SERVICE EMPLOYMENT, TITLE IX

Mr. Speaker, the increase in the authorizations under title IX is prompted by two principal considerations.

First, the combination of extraordinary inflation and deepening recession hits the elderly particularly hard. For example, the latest Department of Labor statistics indicate that there are 1.5 million unemployed Americans aged 45 and over and that the unemployment rate of middle-aged and older persons has risen by 75 percent since last July.

Yet at the same time, the Department of Labor has been attempting to terminate all categorical employment programs for the elderly. Indeed, earlier this year the administration requested a rescission of the full $12 million appropriated for the older Americans community services employment programs for fiscal year 1975.

Members of the House know that we have already rejected this proposed rescission but that we have gone a step further to fight unemployment among the aging. The emergency supplemental appropriations bill which recently passed the House included $24 million for this program.

Clearly, Mr. Speaker, the time has come to expand greatly this important program for our older workers.

The second consideration underlying the committee's decision to continue and expand this program, Mr. Speaker, lies in the great success the program has experienced to date.

Public witnesses before the Select Subcommittee on Education were unanimous in their opinion that the title IX programs had already provided significant benefits to older adults and to the Nation and that its continuation and expansion were justified:

These witnesses were unanimous in their praise of the work of the national contractors who administered the limited funds available under title IX and urged that, in view of their demonstrated capabilities and the expertise they have developed while operating these programs over the past several years, Congress make clear its intent that the national sponsors should continue to have an important role in the operation of title IX programs.

SPECIAL SERVICE PROGRAMS—TITLE VIII

Mr. Speaker, without doubt the major innovation contained in H.R. 3922 is a new title VIII, authorizing a program of special services for the older adult.

These services are designed to help our older citizens live more meaningful independent lives and to provide significant alternatives to institutionalization.

Part B of title VIII, Mr. Speaker, would encourage the States and localities to provide persons aged 60 and over with homemaker services, home health services, shopping assistance, and transportation.

Mr. Speaker, although 21 million Americans are aged 65 and over and although many of them can no longer care for their basic needs, there are not enough long-term facilities currently available for them.

As we all know, many of the facilities which are available are seriously deficient in the health, nutrition, and basic care they provide.

Clearly, making available sufficient facilities and correcting these deficiencies is important.

It is equally clear, Mr. Speaker, that the lack of suitable alternatives to long-term care often results in older adults being institutionalized prematurely when they could be better cared for in their homes.

Mr. Speaker, this is a deplorable situation for the elderly, and it is bad public policy. As the National Association of Home Health Agencies estimates, home care is 3.5 times less expensive per patient than hospitalization and 4 or 5 times less expensive per day than skilled nursing home care.

Mr. Speaker, the modest homemaker services authorized by H.R. 3922, as amended, can result in great savings to public agencies as well as more independent living for the elderly.

At this point, I would like to make clear that it is our intention that a portion of any funds disbursed to establish a program under section 812(a) may be used to train professional and paraprofessional personnel to assist in carrying out such a program.

Part C of the title, Mr. Speaker, would expand counseling assistance to persons living in nursing homes.

Mr. Speaker, the statistics made available to the subcommittee indicated that many older persons are experiencing appalling infringements upon their basic rights.

One recent study, for example, indicated that 84 percent of the committed elderly were not even present at the hearings at which they were committed. Indeed, in less than 8 percent of the cases examined was there any evidence that the person had any form of legal representation.

And the recent rash of newspaper stories on abuses in for-profit nursing homes indicates that elderly nursing home patients might well make use of legal assistance.

In summary, Mr. Speaker, the evidence presented before the subcommittee clearly indicated that making available greater counseling assistance for the elderly is an idea whose time has come.

HOUSING FOR THE ELDERLY

I must say a word, too, Mr. Speaker, about parts D and F of title VIII, which would help the older adult with the high cost of housing and home repair, and hence keep many of them out of institutions.

Part D, would create programs to enable older Americans to make repairs, renovations, and other home improvements, and is similar to a program suggested to the committee by the gentleman from Ohio (Mr. SEIBERLING).

Further, Mr. Speaker, it is our intention under this part to enable elderly persons to improve the thermal efficiency of their homes and reduce the consumption of energy by installing storm doors and windows as well as other insulating materials and equipment.

Part F, Mr. Speaker, would establish programs of mortgage interest, reduction payments and mortgage insurance in order to encourage the conversion and renovation of housing for the elderly.

Clearly, Mr. Speaker, because many of our older adults live in poverty and spend a disproportionate share of their income on rent and housing costs, the programs authorized by parts D and F can help thousands of elderly persons live a more dignified, independent life in decent housing.

Part E of title VIII, Mr. Speaker, authorizes special transportation projects for older citizens to enable them to participate in the lives of their communities as well as help them obtain medical services and reach the title VII nutrition projects. This part also includes a provision authorizing low-cost transportation services, by bus or otherwise, to enable the elderly to have better access to existing public transportation systems.

Mr. Speaker, according to the Bureau of Labor Statistics, transportation represents the third largest expenditure in the retired couple's budget, and amply justified the inclusion of this transportation program.

Hopefully this new program will go a

long way toward meeting this critical need of older citizens.

Mr. Speaker, I want to make just a few concluding remarks about title VIII.

First, the bill authorizes no new funding for title VIII, but rather, requires that at least 20 percent of the moneys appropriated for title III be used to provide these special services.

However, because of these new responsibilities which must be met out of the title III appropriation, the committee has increased the authorizations for title III.

Second, Mr. Speaker, so that the legislative history of these provisions will be clear, I want to stress that although we intend priority for title VIII services to go to those aged 60 and over, the programs are not restricted to the 60-plus age group. In many instances it is eminently sensible from a public policy viewpoint to provide the kinds of services I have been describing to those approaching the age of 60.

AGE DISCRIMINATION

Mr. Speaker, let me now describe briefly another significant provision in the legislation before us.

Title III of the bill, Mr. Speaker, is a new Age Discrimination Act of 1975.

The new act prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance, and authorizes the Secretary of Health, Education, and Welfare to approve plans on the part of other Federal agencies to carry out the antidiscrimination provisions, and the Attorney General to bring civil action against persons violating the provisions of the Age Discrimination Act.

Mr. Speaker, the Commissioner of Aging, Dr. Arthur Fleming, who also serves as Chairman of the U.S. Commission on Civil Rights, told the committee that ageism, which is to say, discrimination against the elderly, is as great a problem as racism or sexism.

Said Dr. Fleming:

> I hope that the day will come when the Civil Rights Act will be amended to include age as well as sex as one of the factors that must be taken into consideration under the Civil Rights Act.

Mr. Speaker, although H.R. 3922 does not amend the Civil Rights Act, it does prohibit discrimination based on age.

The committee has included this provision in the bill because of the information and evidence brought to the attention of the committee indicate that the noninvolvement of the elderly in our society leads rapidly to their physical and mental deterioration.

Prejudices against the elderly are reflected in such situations as: The refusal of persons to consider the elderly as workers or volunteers because of their age, the refusal to provide the elderly with appropriate services in education, transportation, and recreation.

Mr. Speaker, our society has for a long time recognized and pontificated upon the evils of discrimination against the elderly.

The subject was an issue in both the first and second White House Conferences on Aging.

Although some steps have been taken to attack this problem, it is still very much with us.

Title III of the bill before us, Mr. Speaker, will clearly enunciate national policy that discrimination against the elderly based on their age will not be tolerated and provides a reasonable mechanism for enforcement.

Mr. Speaker, allow me to offer briefly a few points of clarification concerning title III of the bill.

Some concern has developed with regard to section 303 of the act which permits certain exceptions for actions which otherwise would be prohibited by the act.

One question pertains to compulsory retirement under the terms of a bona fide retirement program. Under the provisions of the bill it would appear that it would be lawful for an employer or labor organization to observe the terms of a retirement plan. However, the exception would definitely not apply to involuntary retirement of employees who are not participants in a retirement program.

Another question has been raised concerning the application of section 303 to age limitations for apprenticeship programs.

In this case, it would appear that age limitations for apprenticeship programs are not intended to be affected by the age discrimination provisions of the act. However, it is clearly our intention that persons of all ages have an opportunity to receive the necessary training in order to do the job they are capable of performing, regardless of age.

Finally, Mr. Speaker, I want to note that the provisions of the Age Discrimination Act of 1975 would not apply to programs established under authority of any law to provide benefits or assistance to persons based on the age of such persons.

And I want to note also that although the bill we are discussing relates to the elderly, its provisions are broad and it is the intent of the committee that it apply to age discrimination at all age levels, from the youngest to the oldest.

NUTRITION

Mr. Speaker, before closing, let me make a few brief comments on a problem which has come to my attention recently and which is closely related to the bill we are considering today. Presently, Mr. Speaker, in some States low-income elderly are benefiting from the use of social service funds available under title VI of the Social Security Act which are supporting nutrition projects. These projects are similar to those operating under the Older Americans Act, title VII, nutrition program thereby significantly expanding such services.

Recent decisions within HEW, however, seriously threaten these current and planned nutrition services.

First, recently the Administrator of the Social and Rehabilitation Service has stated that no part of congregate meal programs can be supported under the title VI program.

Second, the Administrator has stated that no Federal funds may go toward raw food costs in home delivered meal programs.

Neither the law nor regulations support either of these decisions in my judgment. The law clearly envisions a variety of group and individual and social services which could include these meal programs. The regulations contain conflicting provisions with regard to this issue, but in one place they specifically state that the cost of food and food preparation is an allowable activity eligible for Federal reimbursement.

Finally, I am further distressed to learn that HEW draft regulations to implement the new title XX would continue this exclusion of raw-food costs. Congress clearly envisioned that title XX would give maximum flexibility to States in determining which services would best meet the needs of their citizens. I hope HEW will reassess their position on this issue.

Indeed, Mr. Speaker, the recent actions of the Department of Health, Education, and Welfare are obviously at odds with the philosophical foundation supporting social services provided under the Social Security Act, and fly in the face of our efforts to secure a better life for the low-income elderly.

CONCLUSION

Mr. Speaker, this year marks the 10th anniversary of the enactment of the Older Americans Act.

The act, and its subsequent amendments, has proven itself to be sound legislation which has benefited millions of senior citizens and their communities across the Nation.

The extensive hearings held before the Subcommittee on Select Education, provided compelling evidence of the need for the amendments and revisions which I have been describing today.

H.R. 3922, as amended, Mr. Speaker, is sound legislation which will prove to be in the interests of millions of older Americans in our society.

I urge my colleagues to join in giving this bill the unanimous support which it received in the Committee on Education and Labor.

The **SPEAKER** pro tempore. The gentleman from Indiana has consumed 5 minutes.

Mr. **BRADEMAS**. Mr. Speaker, I have a number of requests for time on my side and, therefore, I will reserve the balance of my time.

Mr. **MICHEL**. Mr. Speaker, I yield myself such time as I may consume.

Mr. **BAUMAN**. Mr. Speaker, will the gentleman yield for a question?

Mr. **MICHEL**. I will be happy to yield to the gentleman from Maryland.

Mr. **BAUMAN**. Mr. Speaker, the gentleman from Indiana has just illustrated the parliamentary problem all of us are facing. He suddenly tells us he is coming in with 10 or 12 so-called committee amendments, under a restrictive procedure of 20 minutes debate on either side, with no chance for full debate, no chance to find out what the amendments are. None of us have seen them. The gentleman is talking about approximately $3 billion in this bill and he wants the House to pass it on his say-so. That is not the way to legislate. I think it is a shame and an offense to the Members of this House that this is the kind of ram-through, railroad legislative procedure we have to endure. We have seen it time and again by the so-called "reform majority." I want to say I am sick of it and I think the American people are getting sick of it.

Mr. BRADEMAS. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, as I announced at the outset and as I will say now to my friend, the gentleman from Maryland (Mr. BAUMAN), these amendments have been discussed with the ranking minority member of the committee, and——

Mr. BAUMAN. But the Committee on Education and Labor as a whole has not accepted these amendments.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield further, I would like to respond fully to the gentleman from Maryland.

Mr. MICHEL. Mr. Speaker, I yield very briefly. I only have 20 minutes.

Mr. BRADEMAS. Mr. Speaker, I will simply reiterate what I said before: That these amendments have been discussed with the ranking minority member on the other side, and he supports the amendments.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Speaker, does the gentleman from Indiana, representing the Committee on Education and Labor, have the right to offer so-called committee amendments that have been discussed with only a few members but never formally acted upon by the Committee on Education and Labor, since this bill is being offered under suspension of the rules?

The SPEAKER pro tempore. The Chair will state, in answer to the parliamentary inquiry, that the gentleman has moved to suspend the rules and pass the bill in the form in which the bill was sent to the desk. So the answer to the gentleman's inquiry is: Yes, the motion is in order in the form in which it has been sent to the desk, with the amendments therein.

Mr. BAUMAN. I thank the Speaker for that revelation.

Mr. MICHEL. Mr. Speaker, I will yield 5 minutes to the gentleman from California (Mr. BELL).

However, before doing so, I just want to commend the gentleman from Maryland (Mr. BAUMAN) for making the observation he did. I know the gentleman from California (Mr. JOHN L. BURTON) objects to the procedure here today for a different reason than I do, and whatever that reason is, I believe he is entitled to be heard.

That is the point we are trying to make, that in a broad, sweeping piece of legislation of this magnitude, one in which we are talking about more than $2½ billion involved, we ought to have an opportunity to debate the matter freely and offer amendments.

Mr. Speaker, I am happy to yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Speaker, I thank the gentleman from Illinois for yielding this time to me.

Mr. Speaker, today we are considering amendments to one of the most important measures to be enacted by any Congress, the older Americans Act of 1965.

The act has enjoyed bipartisan support since its inception, and I believe that the amendments we are considering today are worthy of this same support.

The House Education and Labor Committee unanimously reported H.R. 3922 after testimony was heard from expert witnesses in both the Government and private sector, and all opinions were given careful consideration by committee members.

The results of the hearings were more than clear to me—this act has accomplished its goal by providing assistance to older Americans and assuring that every dollar spent is spent to its full advantage.

It is with pleasure that I join my distinguished colleague from Indiana (Mr. BRADEMAS) in presenting this bill to you.

The gentleman from Indiana and I successfully developed a package of amendments in committee that make this legislation agreeable to both the needs of our senior citizens and to the Congress need to be fiscally responsible.

At first glance, the authorization levels in the bill may seem high.

However, I must remind my colleagues that this is a 4-year bill, and that any increases are both responsible and reasonable.

I would prefer to have increased the authorization levels in this bill, especially since I recognize that the largest and fastest growing minority in our country today is the aged.

At the turn of the century there were approximately 3 million older persons, or every 25th American was age 65 or over.

Today, these figures have greatly multiplied so that there are now over 21 million senior citizens, or every 10th American is now in this age group.

However, I do believe that we in the Congress also have the responsibility to be realistic in terms of spending Federal dollars.

Since the recently publicized nursing home scandal, I believe all my colleagues would agree that keeping our senior citizens at home would be, by far, the best of all possible solutions.

This legislation is worth our every effort if such can be the result.

Although the Older Americans Act does not contain the authority to deal specifically with the problems in nursing homes, it does contain provisions that address themselves to many unique problems of our senior citizens.

A new title 8 is authorized that highlights projects in specialized areas to strengthen self-skills and to provide an environment that will keep the elderly independent of institutions, such as nursing homes.

The homemaker and other home services section in title 8 provides for services designed to assist the elderly in leading an independent life.

Counseling assistance is designed to provide the elderly, including those living in nursing homes, with legal assistance.

Testimony from expert witnesses pointed out that there are many legal problems unique to the elderly and that special assistance is greatly needed in this area.

The section, residential repairs and renovations, is designed to assist the elderly in meeting minimum housing requirements and to provide assistance to adapt or construct housing for the physically disabled older American.

Another section highlighted in H.R. 3922, transportation, is self-explanatory, and I do not need to remind my colleagues of the problems that must be solved in this area.

Mr. Speaker, a little help from us in these areas will go a long way in providing confidence and security for our senior citizens.

Although I could further expand on the merits of this legislation. I believe that my colleagues who have previously spoken have done an admirable job in this regard.

Mr. Speaker, I feel that this legislation need not be either justified or defended—its excellent programs and services speak for themselves.

I can only urge my colleagues to join me in unanimously supporting H.R. 3922 today.

GENERAL LEAVE

Mr. HEINZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HEINZ. Mr. Speaker, I rise in support of the Older Americans Act amendments, H.R. 3922, and compliment the committee for its swift action. At the same time, I must express my disappointment over the fact that none of these amendments are aimed at eliminating the unfair burden of property tax on the elderly. Since H.R. 3922 is a 4-year extension, it appears that our senior citizens may be denied the prospect of property tax relief until 1979.

As my colleagues are very well aware, most people 65 or older are existing on much lower income than the average individual and they pay a disproportionately large percentage of their income for property taxes. Despite our repeated pledges to attack this problem, Congress has completely failed to act.

Recently, I introduced H.R. 5587, a bill to provide property tax relief for older Americans who own or rent their homes. Since then I have received letters strongly supporting the concepts embodied in my legislation and had planned to offer this language as an amendment to H.R. 3922, the Older Americans Act amendments, when it came before the full House. However, H.R. 3922 is coming to the floor under suspension of the rules and I will not have an opportunity to offer my amendment to this legislation.

Because I believe it is critically important to provide this aid to the aged now, I am asking my colleagues' support for my proposal which I will again reintroduce as a bill, with cosponsors, on Wednesday, April 9. With strong support from the House membership, this much-needed measure can and should become an integral part of other older American programs which after all are designed to help the aged maintain their independence as well as the homes they own and rent.

Mr. Speaker, unlike so many previous legislative efforts, my bill is not a tax bill. It is an amendment to the Older Americans Act and has been referred to the committee handling H.R. 3922; namely, the Education and Labor Committee. My bill establishes a State grant program to provide up to 50 percent of the revenue expended by a State for a property tax relief program which assists homeowners and renters who are 65 and older. It is important to note, that under my legislation, to qualify for Federal assistance every State must maintain its level of funding going into this program as it did in the previous fiscal year. This would guarantee that States would not substitute Federal dollars for State dollars and would assure that more funds would be distributed to elderly homeowners and renters in every State that participates.

An equitable distribution of aid among States is assured by a formula designed to provide the proper ratio of the total funds appropriated to those States that have a high percentage of elderly poor according to numerical population weighted by income.

In the past, two problems have particularly frustrated congressional efforts to enact an equitable and fair property tax relief program for the elderly. The first is the technical difficulty of developing a program that meets the tremendous differences of each State's circumstances and preexisting programs. My bill accommodates this problem by allowing within very broad guidelines each State to receive support for the program of its choice.

The second question is how to encourage States which need, but do not have a program, to establish one without penalizing those States which have existing programs. My bill provides for this necessary balance by establishing the incentive of Federal assistance up to 50 percent of what a State spent on a property tax relief program for the elderly in the previous year.

Mr. Speaker, the bipartisan group of Members who have cosponsored or who have to date agreed to cosponsor this legislation includes the following members:

LIST OF COSPONSORS

Mr. George E. Brown (Calif.).
Mr. James A. Burke (Mass.).
Mr. Thomas J. Downey (N.Y.).
Mr. Daniel J. Flood (Pa.).
Mr. Joseph Gaydos (Pa.).
Mr. Michael Harrington (Mass.).
Mr. Floyd V. Hicks (Wash.).
Ms. Elizabeth Holtzman (N.Y.).
Mr. Frank Horton (N.Y.).
Mr. Robert Nix (Pa.).
Mr. Matthew J. Rinaldo (N.J.).
Mr. Peter W. Rodino Jr. (N.J.).
Ms. Patricia Schroeder (Colo.).
Mr. Fortney H. Stark (Calif.).
Mr. Joseph P. Vigorito (Pa.).
Mr. James Weaver (Oreg.).
Mr. Gus Yatron (Pa.).
Mr. Leo C. Zeferetti (N.Y.).

I am pleased with the broad support this bill has already received from both Members of Congress and elderly interest groups. I hope that this support leads to early action on my proposal so that we can eliminate the unjust burden of property tax on our older citizens.

Mr. Speaker, as I said earlier, I certainly intend to support the Older American Act. But the rather rapid procedure through which it will probably clear the floor today gives me some pause. I had hoped that there would be an opportunity to make amendments to the bill.

I have had some conversations with the gentleman from Indiana (Mr. Brademas) regarding the amendment that I would have hoped to offer, the amendment involving the prospect of property tax relief for our senior citizens to that I previously introduced as H.R. 5587.

Mr. Speaker, I was wondering whether the gentleman from Indiana might be willing to answer a few questions.

Mr. BRADEMAS. If the gentleman will yield, Mr. Speaker, I would be pleased to answer the questions of the gentleman from Pennsylvania.

Mr. HEINZ. I was wondering whether the gentleman from Indiana could indicate whether he has any intentions of working for property tax relief legislation of the kind that was referred to his committee in the form of H.R. 5587, which I think the gentleman is probably familiar with.

Mr. BRADEMAS. Mr. Speaker, if I may respond to the gentleman from Pennsylvania, a study is coming from the Federal Council on Aging, which study our subcommittee would certainly want to review with respect to their problem. I would be receptive to the gentleman's suggestion for hearings conditioned, of course, on two matters: One, work on other legislation over which our subcommittee has jurisdiction; and two, wanting to make sure that there were no parliamentary difficulties involved with respect to jurisdiction over his proposal.

Mr. HEINZ. May I inquire further of the gentleman from Indiana as to when the report from the executive branch referred to is due to be made to this body?

Mr. BRADEMAS. It is our hope that it will have been sent to us by next January. This report is the one that is being proposed by the Federal Council, and it is a report which the Select Education Subcommittee requested.

Mr. HEINZ. If I understand the gentleman from Indiana correctly, it is not his intention to have any legislative proceedings in his subcommittee on property tax relief for the aged until at least January of 1976. Is that a fair statement?

Mr. BRADEMAS. It is a reasonable supposition on the part of the gentleman. However, our colloquy here is the first time that the gentleman from Pennsylvania has put that question to me. Although I am always open to the eloquent blandishments of my friend, the gentleman from Pennsylvania, I do think it would be more responsible for the legislative subcommittee to hear whatever recommendations may be made by the Federal Council.

I would, however, be very glad to join with the gentleman from Pennsylvania in urging the administration to speed up the completion of that report.

Mr. HEINZ. I thank the gentleman from Indiana for his suggestion and I would, of course, intend to cooperate in any way.

Mr. Speaker, I must again emphasize that H.R. 3922 is a 4-year extension of the Older Americans Act. I certainly hope that our senior citizens will not have to wait 4 more years for property tax relief, and I certainly am willing to take all responsible measures to hasten the day when we can ease the increasing burden that this kind of regressive taxation places on those on fixed incomes.

Mr. Speaker, since the rules under which we are considering H.R. 3922 prevent my offering an amendment, I insert the text of my legislation at this point in the Record:

A bill to amend the Older Americans Act of 1965 to provide relief for older Americans who own or rent their homes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—RELIEF FOR OLDER AMERICANS WHO OWN OR RENT THEIR HOMES

DEFINITIONS

"Sec. 801. For purposes of this title—

"(1) the term 'State' means any State of the United States and the District of Columbia;

"(2) the term 'Secretary' means the Secretary of Health, Education, and Welfare;

"(3) the term 'personal income tax' means a tax imposed by a State on the income of individuals;

"(4) the term 'real property tax' means an ad valorem tax imposed on real property by a State or political subdivision thereof;

"(5) the term 'qualifying head of household' means any individual—

"(A) who is aged sixty-five or older; and

"(B) who provides more than 50 per centum of the cost of maintaining a household which is his principal residence;

"(6) the term 'eligible household' means any household which is the principal residence of a qualifying head of household; and

"(7) the term 'household income' means the income of all individuals occupying the same household as their principal residence and, for purposes of this paragraph, the term 'income' means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

"PAYMENTS TO STATES

"Sec. 802. (a) Except as provided in subsection (c), the Secretary shall pay out of moneys appropriated under section 805, during each fiscal year beginning after the date of the enactment of this title, to each State with a qualifying real property tax relief program an amount equal to the entitlement of such State determined under section 803 for such fiscal year.

"(b) For purposes of this title, the term 'qualifying real property tax relief program' means a program established by any State—

"(1) which provides any eligible household a credit against a personal income tax or real property tax imposed by the State, or a rebate or other cash payment in lieu of such a credit, for—

"(A) all or a certain portion of the real property taxes (i) imposed on the real property occupied by the eligible household for residential purposes, and (ii) paid by any member of the eligible household; or

"(B) a certain portion of the rent paid by any member of the eligible household with respect to the real property occupied by the eligible household for residential purposes, if a real property tax has been imposed on such real property by the State or a political subdivision thereof;

"(2) which (as determined under regulations prescribed by the Secretary) is designed primarily to provide relief to eligible households with low or moderate household incomes; and

"(3) which meets such qualifications as the Secretary may by regulation prescribe respecting the manner in which applications under such program are to be submitted to the State.

"(c) The Secretary shall not make payments to any State during any fiscal year beginning after the close of June 30, 1975, if he determines that the aggregate of the credits allowed, and payments or rebates made, with respect to eligible households during the calendar year preceding the calendar year in which the fiscal year begins under the qualifying real property tax relief program of such State, is less than the sum of—

"(1) the amount (if any) of the payments made under subsection (a) during such preceding calendar year to such State, plus

"(2) the aggregate of the credits allowed, and payments or rebates made, with respect to eligible households during the calendar year 1974 under the qualifying real property tax relief program of such State.

"ENTITLEMENT OF STATES

"SEC. 803. (a) The entitlement of any State for any fiscal year shall be equal to an amount which bears the same ratio to the amount appropriated under section 805 for such fiscal year as the amount allotted to such State under subsection (b) for such fiscal year bears to the aggregate of the amounts allotted under subsection (b) for such fiscal year to all States which are eligible for payments under section 802 during such fiscal year.

"(b) Each State shall be allotted for any fiscal year an amount which is equal to the aggregate of—

"(1) the household entitlement of each eligible household in the State with an annual household income of less than $15,000, multiplied by

"(2) the applicable percentage for such household (determined under subsection (c)).

"(c) For purposes of subsection (b), the applicable percentage of any eligible household shall be determined in accordance with the following table:

"If the annual household income of the eligible household is:	The applicable percentage is:
Less than $3,000	100 percent.
At least $3,000 but less than $5,000	80 percent.
At least $5,000 but less than $7,000	60 percent.
At least $7,000 but less than $9,000	40 percent.
At least $9,000 but less than $15,000	20 percent.

"(d) The entitlement of any State for any fiscal year may not exceed 50 percent of the qualifying revenue loss under the qualifying real property tax relief program of such State during the calendar year preceding the calendar year in which the fiscal year begins.

"(e) For purposes of this section—

"(1) the term 'household entitlement' means an amount determined by dividing the amount appropriated under section 805 for the fiscal year involved by the number of eligible households in all States on the last day of the calendar year preceding the calendar year in which the fiscal year begins;

"(2) the qualifying revenue loss under a qualifying real property tax relief program of any State during any calendar year is the aggregate of—

"(A) the credits allowed during the calendar year under such program to eligible households against a personal income tax or real property tax imposed by the State; and

"(B) the rebates and cash payments made under such program during the calendar year to eligible households;

"(3) in determining the qualifying revenue loss under any qualifying real property tax relief program for a calendar year, there shall not be taken into account the amount of the credits allowed, or rebates or cash payments made, during the calendar year—

"(A) to any eligible household to the extent that the amount of such credits, rebates, or cash payments exceeds $500; or

"(B) to any eligible household with household income greater than $15,000; and

"(4) the determination of the number of eligible households in a State and of the amount of the household incomes of such households shall be made as of the last day of the calendar year preceding the calendar year in which the fiscal year begins and the data used in making such determinations shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

"ADMINISTRATION

"SEC. 804. (a) The Secretary may not make any payment under this title to any State unless an application therefor has been submitted to and approved by the Secretary. Such application shall be submitted to the Secretary at such time, in such manner, and containing such information as he may by regulation prescribe.

"(b)(1) If the Secretary disapproves the application of any State under subsection (a), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, except that the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may in such a case make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari of certification as provided in section 1254 of title 28, United States Code.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 805. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title for the fiscal year ending June 30, 1976, and for the fiscal years ending September 30, 1977, 1978, and 1979.".

Mr. BRADEMAS. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the full Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, the bill we are now considering extends and makes major improvements in the Older Americans Act and extends benefits of other acts to older persons. It is a measure which I believe every Member of the House can support.

The Committee on Education and Labor has a long and active history of concern for older Americans, recognizing their special problems and their special contributions to this country. As early as 1962 the committee held hearings on the establishment of an agency such as the present Administration on Aging and on authorizing special programs for the aging to be administered by such agency.

Further hearings were held in the 88th Congress, and on March 9, 1965, the Committee on Education and Labor took the lead in reporting out a bill to establish the Administration on Aging, and research, demonstration, and training programs to meet the special needs of the aged. That bill led to the Older Americans Act of 1965.

Our committee initiated and supported amendments in 1967 and 1969 to the Older Americans Act which strengthened State agencies on aging to provide more effective leadership and advocacy at the State level, authorized areawide model project programs, provided continued support for community service programs, and added Foster Grandparent and Retired Senior Volunteer programs to the act.

A resolution to authorize the 1971 White House Conference on Aging was reported by the committee in 1968.

In 1971 the committee reported legislation to authorize a nutrition program for the elderly which became law in March 1972, and is now serving nutritious meals to over 200,000 older persons daily.

In 1972 and 1973 the committee reported out bills providing comprehensive amendments to the Older Americans Act. These bills and the subsequent amendments significantly strengthened the role of the Administration on Aging as a focal point of Federal concern for older persons and upgraded its organizational status, created a Federal Council on Aging, established a State/community coordinated planning and service system for the elderly, provided authority to lease, renovate, and construct multipurpose senior centers, and expanded most of the existing programs under the act.

The Older American Comprehensive Services Amendments of 1973 also established the Older Americans Community Service Employment Program and amended several education and library acts to provide special programs for the elderly. Last year the committee reported out legislation to extend and improve nutrition programs for the elderly which also became law.

The Education and Labor Committee is deeply concerned with the implementation of these programs. A number of oversight hearings have been held recently on major issues resulting from the administration of the Older Americans Act programs. Such hearings in 1971 focused on budget cutbacks requested by the administration in Older

Americans Act programs, the administration's preparations for the White House Conference on Aging scheduled for that year, a reorganization in the Department of Health, Education, and Welfare which adversely affected the Administration on Aging, and the transfer by the administration of the Foster Grandparent and Retired Senior Volunteer programs to the ACTION Agency.

Other oversight hearings have explored the achievements of the training programs under the Older Americans Act and the effect of the administration's continuous efforts to underfund these programs. I am pleased that thus far we have not allowed these efforts by the administration to be successful.

In the most recent oversight hearings related to the implementation of the Older Americans Act, the committee questioned the advisability and legality of an administration plan to delegate responsibilities of the Administration on Aging away from the Administration on Aging. These hearings resulted in a change of plans by the administration and an amendment prohibiting such action in the future.

At this point, Mr. Speaker, I want to make special mention of the effective leadership of the distinguished chairman of the subcommittee, JOHN BRADEMAS. The subcommittee under his chairmanship has played a major role in legislative accomplishments in this area, and in following through on their oversight responsibilities. Mr. BRADEMAS and the members of his subcommittee on both sides of the aisle are to be complimented for the bill which is being considered in this House today—a significant piece of legislation which comes to grips with the serious concerns and problems of the elderly.

The committee's concern for older Americans is not limited to just the Older Americans Act. The Age Discrimination and Employment Act was reported out of this committee and passed by Congress in 1967. This is important legislation which can protect older workers against job bias. This act was extended during the last Congress to include additional workers. The Employee Retirement Income Security Act of 1974 provided new protections and guarantees for employees covered by private pension and welfare plans. Our committee worked jointly with the Committee on Ways and Means on this legislation, which has a significant impact on the income of older Americans.

Mr. Speaker, as this House well knows, the Committee on Education and Labor also has had a long history of promoting programs to combat poverty. When the committee began its work in this area, one-third of the elderly were living in poverty. A number of programs which are of special concern to the elderly were originally initiated under the Economic Opportunity Act—for example, the Foster Grandparents and Senior Opportunities and Services programs and Operation Mainstream. The committee has worked since the 88th Congress to establish, continue, expand, and improve programs in this vital area.

The bill we are considering today—H.R. 3922—is a good example of the broad concern of the committee on matters related to our older Americans. The bill adds a new title to the Older Americans Act to provide services for certain critical needs of the elderly. These special services and programs are: Homemaker and other home services, counseling services, renovation and repair of housing, and transportation for the elderly. It also provides a program of interest reduction payments to encourage the conversion of existing dwellings into specially designed efficiency units for the elderly. Among other things, these amendments are aimed at lessening the need for institutionalization of the elderly, and in improving the conditions of such institutionalization.

H.R. 3922 also extends and provides increases in authorizations for programs under the Older Americans Act through fiscal year 1979. It also extends through fiscal year 1979 the foster grandparent program, the retired senior volunteer program and the older American community service employment program.

The bill provides for a new Age Discrimination Act of 1975, the purpose of which is to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance. Just as civil rights legislation was needed and has been effective for minorities and women, so too is this provision needed for the assistance it can provide our middle-aged and older citizens. The bill also extends and improves programs for older persons under the Adult Education Act, the Higher Education Act, the Community Services Act and the Vocational Education Act.

Mr. Speaker, there have not been major controversies with respect to this legislation. I am pleased that we have been able to work out through the amendment offered by the chairman of the subcommittee, Mr. BRADEMAS, satisfactory answers to a number of inquiries and questions which have been raised.

I am particularly pleased, Mr. Speaker, that one provision in the amendment will change a provision in the bill which would have I believe had implications far beyond what was ever intended by the committee. I speak specifically of that provision in the bill which would amend the Vocational Education Act so as to expand participation of elderly persons in the part F program dealing with consumer and homemaking education. Instead of requiring that at least one-third of the Federal moneys be used for elderly persons under this program, the change proposed will require that special consideration be given to such projects under part F. I believe this is a step in the right direction and one which will allow us opportunity to give further consideration to this matter in future deliberations.

Mr. Speaker, I feel that every Member of this body can support this legislation, and I, therefore, urge overwhelming approval of H.R. 3922.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Indiana.

Mr. MADDEN. Mr. Speaker, I want to commend the Chairman of the Committee on Education and Labor, and the members of the Committee on Education and Labor, for bringing in this long delayed and necessary legislation to take care of millions of older Americans that are really in need.

Mr. Speaker, I rise in support of H.R. 3922, the Older Americans Act amendments. The purpose of the bill is to extend, expand and strengthen programs begun by the Older Americans Act of 1965. H.R. 3922 extends the nutrition program for the elderly. This has been a highly successful program and has helped local communities meet the nutritional needs of older persons who do not eat adequately because either they cannot afford to buy nutritional food, or lack the physical skills to prepare well-balanced meals or are physically unable to go to the store and shop for their groceries.

Passage of this bill will also extend the retired senior volunteer program which provides volunteer opportunities in local communities for persons of retirement age and the foster grandparent program which provides part-time volunteer opportunities for low-income older persons aged 60 and older to help children in institutions.

H.R. 3922 creates a new special service program for the elderly which will provide greater emphasis on homemaking and home services such as counseling assistance and shopping services.

Another very important feature of the bill is the prohibition against discrimination in Federal programs or activities on the basis of age.

Mr. Speaker, it is important that the Congress demonstrate its concern for our older Americans who have worked hard throughout their lives and who need our help. I ask all Members to support this bill so that we may have a unanimous show of support for our senior citizens.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island, a member of the subcommittee (Mr. BEARD).

Mr. BEARD of Rhode Island. Mr. Speaker, I want to congratulate the Chairman for bringing this very, very necessary piece of legislation that has an impact on over 20 million elderly Americans in this country to the floor of the House of Representatives. This is so important.

There is one provision in this legislation that will provide a special service that is needed today in the United States for our elderly: legal services, legal assistance. For example, we have many elderly people in this country who are in nursing homes, elderly people who cannot afford to hire lawyers when they have difficulty in this area. We need this provision in the Older Americans Amendments that will take care of and assist and help people who really cannot get help elsewhere.

I certainly support this legislation. We have so many elderly people that need the legislation. It covers many, many areas. I urge the Members here not to forget our elderly people, and really go all out and have a tremendous vote here on the floor today for this Act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Select Committee on Aging, the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. I thank the gentleman from Indiana for yielding. I rise in enthusiastic support of H.R. 3922—the Older Americans Act Amendments of 1975.

In the time allotted I cannot say very much. Of course many of us would have preferred to consider this measure under a rule with the privilege to amend. On the other hand, there were good and sufficient reasons for the procedure we are following to avoid certain points of order.

I am sure we are all familiar with the provisions of the old act—such as the nutrition program, transportation, RSVP, green thumb, foster grandparents and the renovation of the elderly housing to keep our senior citizens in their own homes as long as we can. But there is something new and exciting in H.R. 3922 that may have escaped the Members' attention. It is the new title VIII.

Title VIII prohibits job discrimination on the basis of age. It is something that has never been enacted into law before.

I want to commend the subcommittee chairman, Mr. BRADEMAS, and the chairman and the full committee, Mr. PERKINS, for something brand new. As chairman of this new Select Committee on the Aging which has just been funded, I have just discovered that less than 1 percent of all revenue-sharing funds are allocated to projects that reach our senior citizens over 65 years of age.

Mr. Speaker, let me here and now, as the chairman of our new House Select Committee on the Aging, pledge that if this prohibition against age discrimination becomes law, I will see that my committee devotes whatever time is needed for oversight to see that there is no discrimination in employment because of age.

Mr. Speaker, I have long been interested and involved in legislation concerning older people. In the 92d Congress I chaired the Special Studies Subcommittee which conducted hearings on the problems of the aging. Sad to relate, most of the problems and concerns which we uncovered at that time are still unresolved, just as many of the recommendations of the White House Conference on the Aging have not been implemented.

Congress, in its wisdom, has now established a permanent Select Committee on the Aging which it is my privilege to chair. Let me pledge here, that this new committee will work unceasingly toward that goal when people will look forward to their later years with anticipation instead of the foreboding with which many view them today.

The Older Americans Act Amendments of 1975 will, I believe, move us in that direction.

Let me again commend the committee for the fine work they have done in bringing out these amendments. And I want to say that I think it is disgraceful that the administration and the Office of Management and Budget have seen fit to cut funds for our programs for the aging. Those are neither the wishes of the Congress nor the people they represent.

Before I conclude let me cite the latest figures from the U.S. Department of Labor which show that despite the fact that 19 percent of the people over that ripe old age of 45 are employed, people over 45 receive only 5.6 percent of the Federal Manpower Training and Employment Services.

Seven percent of those 55 and over were unemployed and seeking work, yet they received less than 2 percent of the Manpower Training and Employment Services, and that 7 percent does not include the millions who have given up and stopped looking for a job.

With the passage of the Older Americans Act Amendments of 1975, older workers should get a fair share of these and other Federal services and programs.

Let me repeat that our committee will be looking hard to our Federal departments to combat age discrimination in any Federal program, and we will be able to use this act effectively in our work.

I am glad that the Older Americans Act Amendments would continue and expand such community programs as the senior community aides, green thumb, RSVP, and foster grandparents. They are good programs, providing needed jobs for older people. In Missouri, I know, we need the talents of these older workers as badly as they need the work and the income. I trust that our Appropriations Committee will provide adequate funding for these programs.

It is interesting to note that the new title III gives emphasis to transportation, home health services, home repairs and counseling, all aimed at making it easier for our elderly to remain at home and avoid the need to be institutionalized.

We have developed a very effective and popular rural State system for senior transportation under the Older Americans Act, through the Older Americans Transportation System in Missouri. Over 10,000 senior citizens in our State are members of the OATS, paying dues and riding in the minibuses.

Without creating a new categorical program, this bill would give added emphasis to such transportation programs.

There is no question about the need of the other title VIII services. We cannot measure, in terms of money, the value of making it possible for a low-income elderly couple to get funds to make repairs so that they can remain in their own home in their own community. Nor can we measure, in terms of cash, the value of providing nutritional services and home health aides. These prolong the joy of living for our senior citizens and at but a fraction of what it would cost to have them in a nursing home.

There should be no question for the critical need of extending this improved version of the Older Americans Act. For too long, America has cast a myopic eye toward this very important segment of our population. Here is our chance to, in a small measure, compensate our senior citizens for our previous years of near neglect.

There need not be one negative vote against the 1975 amendments to the Older Americans Act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADEMAS. Mr. Speaker, I yield myself 1 minute.

I do so for the purpose of expressing my appreciation to the gentleman from Missouri (Mr. RANDALL) because I think he has touched on a very important provision in the bill. I am encouraged by his indication that his new committee will carefully monitor the operation of the antidiscrimination feature of the bill.

Let me reiterate to the gentleman on the floor (Mr. RANDALL), as I have in conversations with him off the floor, the desire of members of my subcommittee to work very closely with the chairman and members of the new Select Committee on Aging for the common purpose of improving programs for the elderly.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Speaker, I just want to briefly tell the Members how the Older Americans Act has worked in my district. I held a hearing recently, about 2 weeks ago, in which many of our senior citizens came in and testified.

One provision which is vitally important to the people in my district is the nutrition provision of the act. Many people in my district rely on this provision for the only hot meal they get during the day. In fact, during the hearing we provided free hamburgers from the McDonald Corp. We found that senior citizens were taking 5 and 6 hamburgers home with them and freezing them, and saving them for other days, because that was to be their only hot meal. This is not a perfect bill; there are problems with funding levels that I would like to have seen stepped up. The Older Americans Act does not begin to solve the problem of our older Americans. It does not restore the dignity that has been stripped from our elderly poor but it is a step in the right direction. The bill deserves the support of the Members, as do the many amendments.

Mr. Speaker, on March 3, I held a daylong public hearing in my district on senior citizens and the economy. I heard testimony from more than 2 dozen witnesses, including heads of senior citizen organizations, Government agency directors, and several individuals. The hearing room was crowded with older Americans interested in having their words heard by me as well as by the public officials and various administrators who were in attendance.

The town of Islip was well represented at the hearing by its supervisor, Mr. Peter F. Cohalan, and by its commissioner of human resources, Mr. Gregory W. Munson. The testimony of these gentlemen combine to depict very clearly the experience of one community in its attempts to provide services to its older citizens. I think that my colleagues would do well to read how the town of Islip has responded to Federal programs designed to aid the elderly, and to take special note of the problems and suggestions that these two public servants have presented in their testimony. I insert their testimony in the RECORD at the conclusion of my remarks.

The testimony follows:

TESTIMONY OF GREGORY W. MUNSON, COMMISSIONER, DEPARTMENT OF HUMAN RESOURCES

The Town of Islip Department of Senior Citizen Services was established a little more than a year ago in September 1973. This Department which recently became the Division of Senior Citizen Services under the Town of Islip reorganization has been a leader in Suffolk County for the establishment of programs to provide services to the more than 25,000 Senior Citizens in Islip Town. The Department established the first discount program and solicited cooperation from more than 300 local merchants who gave varying discounts to Senior Citizens.

The Town Board last year recognized the additional needs of Senior Citizens and offered reduced docking fees, free ramp permits, free parking permits, and a host of other reduced rates at recreational and cultural events sponsored by the Town. The Department sponsors low cost Senior Citizen trips throughout the year which have included one day trips to New York City, one and two week trips to Hawaii and Bermuda, and a nine-day bus trip to Florida this past January. In addition travel assistance is provided to the 32 Senior Citizen Clubs in the Town of Islip which average three to four one day excursions per year. More than 9,000 Senior Citizens have participated in these trips during the past year.

Even with these special opportunities for recreational travel, the Town is unable to address itself to the real problems of Senior Citizens in the area of transportation. Senior Citizens who are involved in the many activities sponsored by the Town are generally those who are active, gregarious, and able to arrange much of their own transportation. There is a great number of Senior Citizens who, through physical restrictions, or psychological or social shortcomings are not active in community programs and for the most part remain at home. Many of these same Senior Citizens are unable to find transportation to social functions, if in fact they were interested, and have no transportation which is reasonable in cost to adequate medical services or to the basic needs of life such as shopping for nutritious food.

The Town Department of Planning, Housing and Development is doing a comprehensive transportation study this year which should be completed towards the middle of 1975 and will indicate accurately the transportation needs of the residents of the Town of Islip. There is no question that the report will indicate a need for low cost local door-to-door transportation for the elderly and it is also a fact that the implementation of such a transportation system is financially outside the resources of a local municipality such as a township. The Federal Highway Trust Fund which collects annually between four and five billion dollars through excise taxes should reallocate their spending priorities from super interstate highway development to such areas as support of local urban transportation systems which need funding in areas such as the Town of Islip.

The need for transportation is evident in such a small program as the Nutrition Program for the Elderly which is co-sponsored by the Town of Islip at the Senior Citizen Hospitality House in Bay Shore. The Town Board, realizing in April of 1974 that Senior Citizens who are in need of this program were unable to find reasonable transportation, passed a resolution permitting the purchase of a minibus to be used in conjunction with the Nutrition Program. This bus, brings an average of 20 Senior Citizens per day from every hamlet in the Town of Islip to the Nutrition center for activities and lunch, has transported more than 5,000 passengers in the last nine months, and, during the same period, has delivered over 3,000 meals to homebound Senior Citizens. There is a waiting list of nearly 100 Senior Citizens who wish to be scheduled for transportation to the nutrition site and cannot be accommodated at this time.

The high cost of food and the necessities of life together with ever increasing taxes and higher rents are not being sustained by Social Security Income which is increasing at a rate much below the current inflationary trends and is seriously affecting our Senior Citizens' ability to provide themselves with a nutritionally balanced diet. The Nutrition Program for the Elderly is one way that the Federal Government has been able to assist the localities in meeting the nutritional requirements of Senior Citizens; however, the Islip program provides 100 meals a day in a Town within excess of 25,000 Senior Citizens. The Sayville School District began a hot lunch program for Senior Citizens who are residents of the school district this year. The eighty cent meal is meeting the needs of many local Senior Citizen residents who find this a more economical way to receive one balanced meal per day than shopping and preparing a meal at today's outrageous food prices.

Federal and State funds should be allocated and State Education Department mandates should require school districts which have hot lunch programs to begin similar programs for the elderly so that Senior Citizens throughout the Town, the County, and even the State may cope more adequately with their financial problems and meet their nutritional needs. Once again, the success of such a program to a great extent depends on transportation. Scheduling of an additional run throughout each school district by the regular bus service, which is provided for the local children, could be funded for Senior Citizens.

The State Legislature last year enacted legislation which relaxes to some extent the requirements for Senior Citizens to receive property tax reductions. If this law is to have any real meaning to the majority of Senior Citizens who are in very low income brackets and are struggling to survive, Social Security Income must not be counted as part of the $6500 minimum income a Senior Citizen over age 65 receives to qualify for a property tax reduction. The property tax system for supporting education must be revised immediately and consideration given to Statewide equalized tax system or a step-by-step assumption by the Federal Government of funding local education. A hard look must be taken at a system which requires the elderly to support the education of children especially when most of our elderly residents have paid property taxes to support education for more than 40 years.

The Town of Islip Division of Senior Citizen Services publishes a newsletter each month which brings information about special programs for the aging to the nearly 5,000 Senior Citizens who are members of the 32 clubs in the Town. The newsletter is also mailed to more than 2,000 homebound Sennior Citizens, to nursing homes, and local hospitals. Recent issues have provided special information and application blanks for Senior Citizens who may qualify for Supplemental Security Income and for reduced property taxes. The Federal bureaucracy must take measures to reduce the red tape involved in Senior Citizens applying for, and receiving Supplemental Security Income. The red tape, and the delay from the time the application is filed until assistance is received is seldom less than three months and more often closer to six months.

Although there are many concerns to Senior Citizens which should be addressed at this time, the final one which is of grave concern to Senior Citizens in Islip Town is the high cost of drugs and basic medical services. The Medicaid and Medicare laws need to be carefully reviewed and revised as many needy Senior Citizens are ineligible because of minor quirks in the requirements. In New York State, an ethics code administered by the State Education Department governing the pharmaceutical industry does not permit druggists, nor even municipalities to advertise where discounts on prescription drugs may be obtained by Senior Citizens. An ethics code that prevents Senior Citizens from receiving needed discounts when they are already backed against the wall because of other financial pressures needs revision. The government must not waste time in seeing to these revisions which contain such an inequitable requirement.

In 1900 the average life expectance was only age 50 and consideration of Senior Citizen needs was unknown and for the most part unneeded. Today, life expectancy is 72, the number of Senior Citizens is massive, the needs are great, and Federal, State, and local governments must readjust their priorities immediately so that this group can be given equitable, fair treatment.

STATEMENT OF ISLIP TOWN SUPERVISOR PETER F. COHALAN

I am pleased to appear here today in my role as Supervisor of the Town of Islip to participate in this day long hearing on the senior citizens and the economy. Congressman Downey is to be commended for his concern with regard to senior citizens, a concern which I hold and one which must result in solutions to many problems that our valued senior citizens face today.

My testimony today will take into consideration the three levels of government participation in the senior citizens' program, Federal, State and Local. I shall attempt to address myself to where I see the problems in each and to offer some suggestions for improvement and modification. One thing is certain, if all levels of government do not immediately address themselves to the problems of our senior citizens are experiencing we, the elected officials, will soon have on our hands, if we don't already, a senior citizen problem which will be a national disgrace.

First and foremost are the fixed incomes which most of our senior citizens are saddled with, primarily through Social Security. Social Security payments today in our sector of the country are in most part inadequate for seniors to even survive on. Spiraling inflationary costs have far outstripped the meager additions that have been provided to those on Social Security incomes. All around us the standards of living of our senior citizens are falling from barely adequate to below subsistance levels. I urge you Congressmen to support legislation which addresses itself to this foremost problem, that of income to senior citizens. I urge you to seek substantial increases in the monthly allowances to our citizens. I believe increases in the neighborhood of 35% to 45% are required merely to bring our senior citizens back to a level of adequacy in terms of income. Further, I would propose to you that legislation at the Federal level be drafted to call for two additional Social Security checks this year to all our senior citizens on Social Security. This immediate influx of money to these citizens will aid them in their battle against inflation, and would help bolster the nation's sagging economy.

Secondly, with respect to Supplementary Security Income, the Federal bureaucracy and red tape involved in applying for these supplemental benefits has already become a nationl disgrace. I would urge that you call for a complete revamping of the administrative procedures, especially those between the federal and local governments to allow for a more rapid response to this emergency funding income program. Today it takes more than three months to process supplemental income requests. We must seek and find ways to eliminate this disgraceful performance.

At the State and Local levels, we have to begin to coordinate the problems of transportation, of medical services, of tax reilef, of drug and medical costs and of nutritional deficiencies. In Islip we are attempting to implement programs which will provide transportation for senior citizens to medical services, to shopping areas, and to social functions to help combat the loneliness of old age. Our Senior Citizens Department has several vehicles for these purposes but they are not enough, nor can our tax base adequately support such systems. We need federal and state assistance for capital monies to develop these programs which we can operate at the local level. The use of school buses during those periods of the day when they are not used for school purposes should be implemented on a much greater scale. Now we in Islip are engaged in a battle with the State Department of Education trying to free up school buses. In some school districts we have been successful. In others, we have not been successful. These programs need impetus, they need action to undue the red tape by people concerned with the very real problems of transportation that our seniors face.

Homebound senior citizens require medical services, require home domestic needs in the form of family visiting programs and meal delivery programs. Again the finances of the Town are inadequate to fund programs in terms of capital investments and costs of goods delivered. We are willing and able to operate programs with personnel but need the Federal and State support for the capital cost aspects.

Tax relief at all levels of government is an absolute necessity for senior citizens. Sales taxes, school taxes, property taxes, income taxes, all must be re-evaluated with respect to senior citizens to recognize that (a) their income levels are not sufficient to meet this overwhelming burden, and (b) that they have contributed heavily in these areas over the many years they have spent in our communities working and raising their families, and consideration must be given to delineating between the elderly senior citizens who require so few of the services the taxes go for from those property owners and income producing people who use the services so much more frequently.

Nursing home problems, old age home problems, legal assistance problems, all of these are matters which command the attention of the Federal, State and Local elected officials. I would propose legislation which mandates the advertising of drug prices so that senior citizens can get the best bargain for the drugs they need. I would call for legislation requiring the advertisement of medical service prices for general types of medical services so that senior citizens can avail themselves of the best prices. At the local level I would call upon the County of Suffolk to hold special senior citizen days at heath clinics and to staff the clinics on those days with people who are more familiar with geriatric problems facing our senior citizens and I intend to make these recommendations to the Suffolk County Legislature.

At the very local level, it is my belief that the local government can deliver much more to the senior citizens in terms of our ability to operate programs which are beneficial to the senior citizens. What we need, however, is as I said before, the capital monies from the Federal and State levels to enable us to begin the program which we can then handle on an operating basis.

Finally in the area of housing, it is imperative that Federal monies continue to flow to the local levels for the erection of senior citizen housing. In the Town of Islip we are currently completing 180 units of senior citizen housing under Federal auspices. It is a good program. It is a program we welcome. It is a program that is needed. It is a program that needs so much more funding. It is a program that needs so much more. Islip would gladly erect hundreds more senior citizen housing units. We have the need, we have the senior citizens, and we have the will to do the job. We need the assistance of the Federal Government in funding.

In Islip we have a unique problem which I know Congressman Downey is familiar with, that of the plight of the senior citizens in trailer parks where the owners of the trailer parks extract exorbitant rents, and charge enormously high maintenance costs, impose stiff regulations, lock in sales commission payments to themselves, and other fiscal devices which are forcing our senior citizens in these trailer parks to the verge of virtual bankruptcy. I have personally agonized with senior citizens who have this problem for the last three years of my Administration.

To date, there has been no real solution. However, I am prepared to present to the Town Board a proposal which will substantially reduce the land rental cost to the mobile home owners and at the same time will retain the same or even greater tax revenue to the Town of Islip.

I assure you, Congressman Downey, we at the local level are trying to do what we can. With your support and the support of the federal government and the funding available we can, we must, we shall do more.

Thank you.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Speaker, I support this legislation. When the legislation came out of the subcommittee I was opposed to it. During the process of the full committee consideration changes were made that overcame my objections and met with my approval and therefore I support the bill. In fact, everybody on the Committee on Education and Labor supported the bill.

There are amendments offered by the gentleman from Indiana when he moved to suspend the rules and those amendments I have looked at and I concur with. I think they follow the pattern of no backdoor spending. One amendment removes the backdoor spending and the other changes will insure that there will not be any supplanting of State funds with Federal funds and encouragement for the transportation for the elderly.

There has been opposition expressed since the bill authorizes far more than what was recommended by the administration budget next year. However we should point out that the only additional authorization that we have provided for fiscal year 1976 over fiscal 1975 is $50 million that could come in title III for the programs that are listed in title XIII of the bill, which are the homemaker and home services, counseling assistance, residential repairs, and transportation.

I believe the legislation we have before us is a measure that we all ought to support and which I am supporting and I urge my colleagues to do so.

I could, as other speakers have already done, cite many of the statistics which are attributed to accomplishments of the Administration on Aging and their programs, but statistics alone are meaningless because they can be used to prove almost any point. I do, however, recognize that there are a great many older people in the country who have problems and need our help. These figures indicate to me that there is still much which can and must be done for these Americans who have given so much to their country through their productive working years.

Mr. Speaker, great credit is due the gentleman from Indiana (Mr. Brademas), the chairman of the Select Education Subcommittee, for his openness and willingness to accommodate all points of view which help insure unanimous support in the full committee. While I think this is a good bill and fully support it, there are some points that I would like to make which I think will clarify some of the actions taken by the full committee and can be the basis for legislative history.

I heartily approve of the action taken here today to eliminate the backdoor spending provision in this legislation, but I still feel there is a need for special clarification of the provision which directs that $8 million be spent in fiscal year 1975 and $10 million in fiscal year 1976 for the purchase of high protein foods, meat, and meat alternates. It is necessary to clarify congressional intent as to specifically what is meant by the words "high protein foods, meat, and meat alternates." So that my colleagues can understand how this language evolved, I must explain that in the subcommittee the words "beef, beef products, and dairy products" were adopted. In the full committee, however, these words were stricken and replaced by "high protein foods, meat, and meat alternates." Because the committee print does not specifically detail what is meant by these words, I feel it is necessary to explain my understanding. The words "high protein foods" include, but are not limited to, dairy products, since all dairy products are recognized as a source of high protein. The word "meat" means beef, lamb, pork, and poultry. There apparently has been some confusion since the report was filed as to whether or not turkeys and chicken are covered. It is my clear understanding they are, and my words today here on the floor are designed to insure it.

It will be interesting to see the new title III of this bill as it is implemented to prevent discrimination based on age in any program receiving Federal financial assistance. As was pointed out, one of the greatest harms to older people has been mandatory retirement. To what extent this will apply in federally financed programs, to what extent it will apply to people in programs or employment only indirectly affected by Federal assistance or not at all, only time will tell.

There is some concern with the change made by amendments to the Domestic Volunteer Service Act of 1973 where in many places the word "volunteer" was changed to "individual." This to me was purely a matter of semantics. The individuals who contribute their services through the older American volunteer programs offer their services in a manner similar to the way individuals offer their services through VISTA and the Peace Corps. The method of computing stipends or assisting them with their living expenses are different in method but similar in purpose. The programs under the national older American volunteer programs, amended to read National Older American Service Programs, have not been changed because of this change of a word, nor are the individuals any less volunteers after the change of the word than they were before the change of the word.

Some felt foster grandparents were misclassified as volunteers, but as I said, the differences are semantic and in no way substantive, since one could hardly call VISTA or Peace Corps volunteers true volunteers either. The cost of the Federal Government maintaining a VISTA volunteer far surpasses a foster grandparent volunteer or individual.

The program retired senior volunteer program, better known as RSVP, still carries the word "volunteer" in its title. They now number better than 120,000 volunteers. I hope those who have volunteered for foster grandparents, retired senior volunteers program, or senior companion program will not feel this in any way diminishes the recognition or appreciation for the work they are doing, nor should it deprive them of the distinction and satisfaction associated with their service. They are engaged in useful activities and it also, in addition, enables them to escape from loneliness and they are so greatly appreciated by those whom they serve, those less fortunate than themselves. Even so the poverty line is a criteria for service. Only those who fall below are eligible to serve.

Recognition that the stipend only helps them with some of their expenses to enable them to contribute their time and talents is also evidenced by the fact that their financial assistance does not jeopardize their opportunity to receive assistance under other Federal programs for which they are otherwise eligible or their status with respect to taxation. They do not pay taxes on these stipends. Neither will it bring them under the Fair Labor Standards Act.

Last, I am pleased that in full committee, we did not transfer the older American volunteer programs to the Administration on Aging, but retained them in ACTION. In order that my colleagues might see the views of some individuals who are in concurrence with that view, I will now submit a copy of their correspondence with me for the RECORD.

The first one is from a friend of mine who I have known for many years as a neighbor near my farm at Dennison, Minn., Mrs. Carl Hellerud. She has contributed greatly in a most capable way to the foster grandparent program.

The material follows:

FARIBAULT, MINN., *March 10, 1975.*

Rep. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: I am a volunteer at the Faribault State School and Hospital, as a Foster Grandparent. We sincerely hope the program as it is now, under Action remains. The State Director in Minn., Jim Lieder, has so ably kept this program running smoothly. Our supervisor of the grandparent program at Faribault, is Beryl Lattimors who is kind to us all. I hope the Action program will continue as it is.

We are so proud of Gladys Severson being chosen Minn. Mother of the Year. I hope she is chosen as Mother of the Year in New York in May.

Thank you for all your time. Good Luck.

Yours truly,

MRS. CARL HELLERUD.

TRANSFER OF OLDER AMERICANS PROGRAMS

From: Alison K. Gilbert, Director, Foster Grandparent Program, Pepperdine University, Los Angeles.

It has come to my attention that oversight hearings will be held by Congressman Hawkins in Washington, D.C., to the effect that Older Americans Programs may be transferred from the President "ACTION" Administration to the Department of HEW (Administration on Aging).

It is my contention that these hearings should be held throughout the country in various locations such as Los Angeles, San Francisco and similar cities to provide an opportunity for all people interested in aging programs to offer their views and opinions regarding this proposed transfer.

After considerable thought and discussion with other Foster Grandparent Program Directors, I have reached the conclusion that it would be in the best interests of the older adults I represent to remain under the Administration of ACTION.

ACTION has been receptive to the needs of my project and has supplied me with support, cooperation and on-going training which has enabled me to successfully maintain 105 low-income older adults for approximately three years.

ACTION has shown evidence of providing even more support by their assigning additional Program Officers in the field.

ACTION has implemented program improvements for the benefit of Older Americans.

The ACTION personnel in direct contact with my program have demonstrated superior capabilities and prior experience in dealing with older persons.

It is my belief that a transfer from an agency providing suitable administration would serve no practical purpose and would, in fact, be detrimental to the older adults participating in these programs.

TELEGRAM

Hon. ALBERT QUIE,
House of Representatives,
Washington, D.C.:

RSVP Region 5 Advisory Council representing 114 programs in 6 States urges you to vote against the proposed transfer of RSVP to HEW or to refer back to Select Subcommittee on Education until local RSVP programs can be heard. Considerable correspondence received by Advisory Council indicates support of retention of RSVP in ACTION.

LOIS FILIPIC,
Chairperson.

TELEGRAM

Congressman ALBERT QUIE,
Capitol One,
Washington, D.C.:

Vermont 6 RSVP directors urge you to vote for our RSVP to remain within the ACTION agency. ACTION has proved to be responsive to the needs of the elderly, imaginative, flexible and is programatically oriented. Its small size enables it to respond quickly to program needs. RSVP serves the needs of the entire community and is therefore a total community effort and as such should remain under the jurisdiction of an agency serving a more comprehensive population. Rapport between ACTION and individual RSVP programs is excellent in Vermont. We wish to continue individual RSVP programs. We wish to continue growth and development of Vermont RSVP with the guidance and support of ACTION whose priority is volunteerism.

MS. PEARL SOMAINI,
Chairman.

TELEGRAM

Representative ALBERT QUIE,
2182 Rayburn House Office Building,
Washington, D.C.:

As grantee for RSVP of Greater Maricopa County, Arizona, we would like to express our satisfaction with the manner in which ACTION has discharged its responsibilities with respect to its older American volunteer program. We are deeply concerned that no change in Federal administration of RSVP, SCP and FGP be implemented that would in any way diminish the impact of senior volunteers in our community.

Sincerely,

DAVID R. MARTIN,
MSW Catholic Charities, Inc.

CITY OF GRAYLING, MICH.,
February 24, 1975.

Representative ALBERT H. QUIE,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: It has been brought to my attention that discussion is under way in the House Select Committee on Education, about the possibility of moving the Retired Senior Volunteer Program (R.S.V.P.) from the ACTION Program to the Department of Health, Education and Welfare. As a member of the Crawford County R.S.V.P. Advisory Council, I am opposed to a move of this nature. It is my feeling that a change is not necessary or desirable. From what we have seen of the R.S.V.P. Program here, it is working well with 11,323 volunteer hours in seven months of this fiscal year and 160 volunteers. We also have 13 other R.S.V.P. Programs in Michigan which I am sure are operating well under the present system.

Please accept this letter as registering my disapproval of the above discussed change in departments.

Sincerely yours,

ALLEN V. SCHREINER,
Grayling City Treasurer.

FOSTER GRANDPARENT PROGRAM,
Minneapolis, Minn., March 7, 1975.

Congressman ALBERT QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: There is a rumor that the Foster Grandparent Program is going to be taken out of Action Agency and put into H.E.W.

I would like you to consider these points before making a firm decision on this issue.

1. If we are put under H.E.W. we will be buried in a bureaucracy and facts will not be considered from the grassroots.

2. The State Director of Action Agency is a distinct advantage to get to the grassroot needs. Under H.E.W. there would be no contact on the State level.

3. Under H.E.W. the Foster Grandparent Program would not be considered a volunteer program.

Your vote to leave this volunteer program for senior citizens under Action Agency will be acknowledgment of your concern for the senior citizens.

Yours very truly,

MARY ANN ERCKENBRACK,
Program Supervisor.

FOSTER GRANDPARENT OFFICE,
Faribault, Minn.,
March 4, 1975.

Representative ALBERT QUIE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: There are substantial rumors brought to my attention that Foster Grandparent and RSVP programs are to be transferred from Action to HEW.

The contention is that the salary will be increased to the minimum wage standard of $2.00 per hour. To those unfamiliar with the programs, this might seem to be a benefit. Actually, they would lose the free meal at $1.25 per day and their transportation allowance. Their stipend then would be considered wages subject to withholding and declarable on rent and tax returns.

Because of your knowledge and co-authorship of the original grant, I am sure you are more familiar with the operation than any of your constituents. I know you will give this every consideration.

Sincerely yours,

BERYL LATTIMORE,
Supervisor.

RETIRED SENIOR VOLUNTEER PROGRAM,
West Union, Ohio, February 10, 1975.

Hon. ALBERT H. QUIE,
Select Subcommittee on Education, U.S. House of Representaives, Washington, D.C.

DEAR SIR: As RSVP Director of Adams County, Ohio, I am much concerned about the speculated fate of RSVP (Retired Senior Volunteer Program) under any other Agency. We are a very new Program, and through the State and Regional Offices of ACTION, I have had much help, support and cooperation.

It is with great concern that I urge you to use your influence in keeping RSVP with the ACTION Agency.

I would like those who participate in the Committee hearings on the alleged "changeover" or the "taking-out" of RSVP from ACTION, to consider the intimacy a small Agency afford its Directors, and to vote to retain RSVP with ACTION.

Sincerely,

PRUDIE M. COOPER.

FROM THE DESK OF BERYL PRANGE LATTIMORE
MARCH 4, 1975.

DEAR AL: If you have any doubts about how smoothly our program operates under Action, call our State Supervisor, Jim Lieder, at 612–827–5641. I am not questioning HEW's competency, but I am sure you are aware of the problems all these hospitals and institutions are having with HEW. All 15 program directors agree with me Mr. Lieder is certainly tops not only as a State Director, but as a "boss".

I talked to Keith Purdy at the Olympia last night and naturally we spoke of you. Keith is not only my neighbor, but a very nice guy.

I know you are busy. If you can, come and visit us here on the job.

The best to you,

BERYL.

TELEGRAM

Congressman ALBERT H. QUIE,
House of Representatives,
Washington, D.C.:

The Minnesota RSVP Directors Association opposes transfer of OAVP from Action to HEW. Request return to subcommittee for further testimony by knowledgeable persons uninformed of earlier subcommittee hearings and who may be adversely affected by transfer.

LARRY WHITE,
President.

FOSTER GRANDPARENT PROGRAM,
Minneapolis, Minn., February 28, 1975.

Representative ALBERT H. QUIE,
2182 Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE QUIE: As a representative who is aware of the worthiness of the Foster Grandparent Program, I am forwarding some information for your consideration and reply.

Directors of the Foster Grandparent Program, RSVP, and Senior Companion Program have learned of hearings being held "on the hill" regarding the transfer of these three programs to the Dept. of HEW (AoA).

Those who have testified have not been involved in these programs, yet they seem concerned in having these programs transferred just because they are "aged" programs.

As directors of these programs, and as we are the persons who must work with ACTION personnel, I would believe some testimony from the "grass roots" level would have been vitally important in order to arrive at a reasonable decision.

The original legislation listed Foster Grandparents as volunteers, and yet there are some, who would consider them workers. As such, they would be subject to the minimum wage and what would they gain? Their stipends would be reduced by FICA, State and Federal taxes, and as a worker would they not be entitled to a warm meal and transportation allowance?

The National Association of Foster Grandparent Program Directors will be holding a board meeting the middle of March and our position statement in opposition to this transfer will be forwarded to your office.

I sincerely hope you will give this considerable thought, as I feel, the constant shift from one agency to another only weakens the program, and if we were to become a part of the Dept. of HEW (AoA) the Foster Grandparent Program may be lost in this huge bureaucracy of funding.

Rep. Brademas has been conducting these hearings, and I am relating my views to bring you up to date on our position at this level.

With kindest regards, I await your reply.

Sincerely,

JAMES E. LIEDER,
Director.

TELEGRAM

PORTSMOUTH, OHIO.

Hon. ALBERT QUIE,
Washington, D.C.

Please use your influence to retain RSVP in ACTION or postpone decision until concerned RSVP directors can be heard.

ELIZABETH W. GLASS,
RSVP Director.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Speaker, I rise in support of H.R. 3922, the amendments to the Older Americans Act.

Since its inception in 1965, the Older Americans Act has provided valuable services to our older adults. The thrust of the act has been to provide community services to older Americans through a variety of programs.

H.R. 3922 will make the Older Americans more responsive to the many and varying needs facing our older citizens today. Title VIII of the bill, the special service programs, represents the response of the committee to the testimony received concerning the plight of our elderly as they face the current economic crisis with limited resources. We have attempted to authorize programs designed to provide resources to help our elderly lead more meaningful and independent lives.

Of special concern to me, and I know to many of my colleagues, is the section on homemaker and other services, part B of title VIII. The thrust of this section is to provide programs designed to enable the elderly to lead an independent life in a home environment without the need for institutionalization. Those who can remain at home as a result of these services will lead longer, more enjoyable and productive lives, and the cost to the Government will be far less than the cost of providing institutional care.

Recently my colleague from New York (Mr. KOCH) citing both congressional studies and GAO reports, released figures showing that in New York City, home health programs—averaging from $180 to $600 per month depending on the level of care—cost substantially less than the $15,000 to $20,000 per year or $1,500 per month or $50 per day that it takes to keep a patient in a nursing home.

These significant savings to the taxpayer, added to the substantial benefit to the patient, make a compelling argument for home health care, homemaker services, and the other home services which are authorized by this section of the bill. It is my belief that the programs authorized by this act will prove to be the successful model that will result in Congress enacting legislation to provide the option of home health care and correlative services under medicare and medicaid for our elderly and disabled citizens as an alternative to institutionalization.

The other projects in this section will provide similar beneficial services to our elderly. Counseling assistance will furnish legal, tax, and other counseling to elderly persons in need of assistance. Housing repairs, transportation programs, and the mortgage interest reduction and insurance payments will all serve as useful resources to our senior citizens, and will be especially meaningful given the current economic difficulties we are experiencing.

I urge my colleagues to support this measure.

Mr. MICHEL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I hate to be cast again in the role of having to oppose this bill in demanding a second under the suspension procedure, if for no other purpose than to pose some very pointed questions as to what all is involved in this piece of legislation.

I made the point earlier and I will reemphasize it here—that I object very strongly to our considering this multibillion-dollar authorization under the suspension procedure where we have only a total of 40 minutes' debate—20 minutes for, 20 minutes against, and no opportunity for Members to offer amendments. There is no good reason why we could not be considering this legislation under the normal procedure of getting a rule, several hours of debate, at least and then amending it under the 5-minute rule.

Now, I am going to be voting against this bill and it is not because I am opposed to programs for the elderly. I am not so naive as to believe I am going to be joined by very many Members in voting against it, although Members could very well argue that they are only opposed to the procedure under which we are considering this measure. It requires a two-thirds vote for passage under suspension of the rules and unless it gains that majority, it would go down to defeat today and then the normal procedure would be for the committee to seek a rule and bring it out under the conditions under which I have just described.

I am not the only member opposed to this procedure, for the gentleman from

California (Mr. John L. Burton) who has views on this legislation quite at odds with my own, would like an opportunity to be heard, and I respect his right to have that opportunity, just as I argue for my own this afternoon.

The Older Americans Act has, I believe, served the Nation well by easing the very substantial burdens that fall inexorably on the elderly.

The blessings that we enjoy today as Americans are ours because people, in years past worked for them, saved for them, built them. Our senior citizens had a part in that working and saving and building; it is therefore our duty to see that they are not forgotten, to see indeed that they are honored and rewarded for their contributions.

We must realize too that a person's contributions need not end at some arbitrarily arrived at age limit. Thousands of senior citizens remain able to give much to the future of our country, and to our happiness. Their knowledge, experience, and resourcefulness are a national treasure, to be preserved, extended, and enhanced.

The Older Americans Act has helped us to do that; it has been a useful vehicle in our pursuit of that goal.

Mr. Speaker, I should like to be in favor of extending the Older Americans Act, but in so doing, I want to make certain that we are not going far beyond our ability to produce, and I am talking about broadening the scope of the act to the extent called for in this legislation at a time when we are under real serious budgetary restraints. Here is one of the first pieces of legislation coming before us after the President has drawn the line on a $60 billion deficit that will exceed his budget. Yes; there will be those that argue that for this coming year and the following year it is not all that much over his budget to be too terribly exercised. But then, it is a 4-year authorization and we got into some astronomical figures in that fourth year. The committee itself says it is unable to calculate the total cost and several of the programs are provided with "such sums as necessary," and that, my friends, is far too loosely drawn language for me to accept in these times.

Now I should like to pose several questions to the chairman of the subcommittee handling this legislation.

Did the Department of Health, Education, and Welfare or the Office of Management and Budget have an opportunity to testify on the legislation at all?

Mr. BRADEMAS. Mr. Speaker, the answer to the gentleman's question, if he will yield, is yes, and I am distressed to report that the Department of Labor refused to testify.

Mr. MICHEL. Where do we find reference to the administration or the OMB testimony in the committee's report? I did not see it.

Mr. BRADEMAS. I did not wish to embarrass the administration any further.

Mr. MICHEL. Let us take the housing provisions for example.

How did the Committee on Education and Labor get into the housing business? I note this bill would: First, assist elderly persons to repair and renovate their homes; Second, adapt existing or proposed housing to the needs of handicapped elderly persons; and Third, subsidize mortgage interest down to 1% for projects housing the elderly. Now this feature sounds very much to me like the oft-discredited 236 rental housing program.

Does not the Banking and Currency Committee have jurisdiction in this area? I regret that I do not see members of that committee on the floor at this time to inquire whether their housing experts or they themselves were ever consulted about this legislation.

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield.

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. BRADEMAS. The Committee on Education and Labor followed the same procedure on this legislation as it has followed with other committees, the procedure customary among committees in the House.

I would say further, with respect to the question of the gentleman from Illinois concerning housing, that housing has been affected by the Older Americans Act since its inception in 1965.

Mr. MICHEL. I thought we passed a housing bill last year to do away with the categorical grant programs. Now we are getting right back into the act by undoing what we did in passing the overall omnibus housing bill last year. I also understand the Committee on Rules is considering another bill tomorrow morning to postpone mortgage foreclosures. If that is what the gentleman from Wisconsin (Mr. Reuss) and the gentleman from Pennsylvania (Mr. Barrett) want, then why do we need that in this bill? We ought to have a full discussion on these housing provisions rather than slipping them in here because it has a nice moniker, "Housing for the Elderly."

The gentleman from Missouri (Mr. Randall) made a very important point with respect to discrimination. If this is enacted, it could raise similar questions as with the sex discrimination and the Higher Education Amendments of 1972.

There are other reasons for my opposing this particular piece of legislation.

Special training and research in the bill would authorize grants for the training of lawyers, lay advocates and paraprofessional persons who will provide legal counseling assistance to older persons.

This is directly contrary to our goal of ending the proliferation to grant institutions narrow categorical training funds. I would also like to register my objection to the committee's proposal requiring at least one-third of certain funds available under the Vocational Education Act of 1965 be expended on programs effecting the elderly. Not only does this proposal involve yet another unwarranted earmarking of Federal funds, but it also purports to make a significant amendment to the Vocational Education Act at a time when extension of that act is now under active consideration in the Congress.

And finally, Mr. Speaker, I would have preferred to see the titles of the act expiring on June 30 of this year limited to 2 years extension or June 30, 1977, making them coterminous with the title VII nutrition authorization. The title III grants for the State and community programs and title VIII nutrition program are only in their second year of operation and it seems to me we ought to await the availability of definitive data on the efficacy of these massive programs rather than act to extend them as currently structured for another 4 years.

Believe me, if Members had an opportunity to visit some of the nutrition programs going on in their respective districts personally to see who the people are participating in these programs, they would really have their eyes opened. I would say again in conclusion, Mr. Speaker, we ought not to be considering this bill under suspension of the rules. We ought to put it off for another day when we can get a rule, have a more extended debate and ample opportunity for offering amendments.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. Lehman).

Mr. LEHMAN. Mr. Speaker, I rise in support of the bill. I want to compliment the subcommittee chairman, the gentleman from Indiana (Mr. Brademas), and the chairman of the Committee on Education and Labor (Mr. Perkins) for bringing this bill to the floor today.

I want to particularly support the hot meal program. We have been able in Dade County to include in this program some of our long stored civil defense foods. Without this hot meals program we could not have channeled this civil defense food for the benefit of our senior citizens. We found and are using 300 tons of highly nutritional biscuits stored underground in Dade County that were still in good shape.

I would suggest to my colleagues to investigate in their own districts the availability of these kinds of civil defense foods and the possibility of including such high protein food as part of the hot meals program which is included in this bill. Before another 5 or 10 years have passed these stored biscuits will have turned to garbage.

Mr. BRADEMAS. Mr. Speaker, I yield 30 seconds to the great chairman of the Subcommittee on Social Security, the gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Speaker, I have just a handful of comments to make regarding this very fine piece of legislation, the older Americans amendments, H.R. 3922.

First, I wish to commend the Education and Labor Committee for bringing us this polished bill, which finally provides programs and assistance for America's elderly persons in a comprehensive manner, programs in which they can participate proudly. In fact, I think the new titles added by this bill to the 1965 Act show the great respect Congress has for our older citizens, and is a piece of legislation which this Congress will be proud of. It is overdue, and I strongly urge prompt enactment.

The new title VIII will even out the disadvantages faced by many of America's elderly in our society today. Due simply to advanced age, and often the infirmities accompanying old age, the elderly are subject to discrimination, exploitation, and the inhumanity of bureaucratic obfuscation. This is what this bill and the able members of the committee seek to correct.

The new title IX opens greater opportunities for still useful senior citizens to obtain work. Together with CETA, this legislation is a shot in the arm for public service employment programs aimed at the elderly, letting them make an honest income independently and proudly.

The unanimity of the committee members is a testimony to their dedication and to the strength of this legislation. I urge my colleagues to join them in passing H.R. 3922.

The key to individual independence in America today, among other things, is having a shelter over your head. And that is one of the foremost targets of this bill, that fear among elderly persons of losing the roof over their heads, of being stashed away in a nursing home, becoming "institutionalized," although "institutionalization" is still too clean a word for it, in view of some of the revelations of injustices by investigations of nursing homes in many of our States. Title VIII provides for the funding of several programs that make it easier for elderly persons to stay in their own residences, maintain them, and enjoy them without overbearing problems of finance.

On one hand is part B of title VIII, which provides for in-home health care and various homemaker services. This is the cornerstone of alternatives to institutionalization. In-home care will result in numerous savings for the public and elderly alike, which the committee points out, because in-home care costs almost one-fourth what hospital care costs and one-fifth what skilled nursing home care costs. In addition to health care, there is a provision to involve homemaker services, such as very basic functions, like letter writing, cooking, cleaning, or doing a load of wash.

On another hand is funding for home renovation programs, to help elderly homeowners keep their homes up to minimum housing standards, and to provide special carpentry services with an eye toward making it easier for handicapped persons to get about in their homes.

A third section of title VIII is aimed at increasing the independence of elderly homeowners through subsidization of a mortgage interest rate of 1 percent. The section is intended as an incentive for participants on the State level to purchase housing and renovate it for elderly occupants, and provide it at low cost. It provides safeguards insuring that sponsors provide a wide range of services to elderly residents of their housing and that they keep the rent down.

These parts I most heartily endorse, for they put meat on the ageless rhetorical skeleton of "alternatives to institutionalization." For once we can look at a bill that has come from clamorous appeals for alternatives to something or other undesirable, and readily proclaim: "Look, here are real, substantive alternatives."

There is still more worthy of merit in this title. Note part C, which is an incentive for needed counseling programs—counseling on legal matters, tax problems, nursing home grievances, due process, medical problems, and so on. Most importantly, it provides for training of persons to handle the unique, and too often ignored, difficulties that are a part of growing old, and getting trapped in the bureaucracy of old age.

Besides the bureaucracy that often dwarfs the personal lives and problems of our elderly generation, there is a very real, although perhaps subconscious discrimination in our society that says: "Old folks can't work any more. Let's just retire 'em, let 'em rest, keep 'em comfortable." I know this is the one discrimination that hurts most—above and beyond the bureaucracy, the cultural and societal abandonment—and the one that senior citizens will be most quick to deny.

And, I am pleased to say, that is one discrimination the committee has acted forcefully to erase with the addition of title IX to the act. No longer will those elderly who want a little bit of work to keep themselves busy be "shelved."

I think the Older American Community Service Employment program is just about the best employment program to come along in decades. It brings to mind the successful New Deal employment programs, which are not entirely a bad memory for me. We may come to the point in the near future where we have to do some serious glancing back to the thirties and learn from the depression programs the lesson they taught, that everyone has to share the burden and the work when there is work to be had.

This community employment program is a continued stride in the right direction, along with the ongoing CETA programs, like Operation Mainstream and so on, which are public-service oriented. There are many, many jobs that can be established in the average community that can be handled by elderly persons, and the bill points out several—"health, welfare, educational, recreational services; conservation, maintenance of natural resources; community beautification, antipollution and environmental quality efforts; economic development."

One that immediately comes to my mind as an example is community gardening projects, which are sprouting all over the Nation, if my mail is any indication of the trend. Several communities have suggested using public service funds to hire a community gardening coordinator, and I think it would be money well spent. Certainly in every community there are men and women who have grown up with agriculture in their blood and dirt under their fingernails.

There is myriad expertise just itching to be utilized among America's elderly citizens. Remember, it is those of us that are growing old now that made this country great in their youth. A retired businessman does not forget that business sense, nor does a retired farmer lose that golden touch.

We should not lose sight of the target of this program, however. It is not to make elderly people independently wealthy, but instead to help them remain independent, keep up with the cost of living index, keep them busy, making them valuable to their community, allowing them to retain the dignity which the accomplishment of a task awards every man and woman.

That is what these amendments are all about—the dignity of older Americans. By passing this bill we can do much to increase the dignity and ease which our elderly deserve in the later years of their life. We have a chance to insure for them, to give to them, that even break which growing old steals from them.

I believe this bill will be one of the milestones of this Congress. I believe it symbolizes a new American awareness of just what is owed the elderly segment of our population, that we have an obligation to at least see that they are not "shelved," or hidden, or forced into institutions. We have here programs that will let elderly folks stay independent, and programs that will let them help themselves and their community.

To those that cannot work, we offer programs that can keep them out of institutions, secure under their own roof. To those with skills still sharp, we offer opportunities to exercise them in the service of their community.

Simply put, this bill is an end to the long pattern of neglect experienced by America's aged. It is a noble effort, and I am proud now, as proud as I have ever been in the House of Representatives, to reaffirm my appreciation and my strong support for these additions to the Older Americans Act.

Mr. BRADEMAS. Mr. Speaker, I believe the gentleman from Montana (Mr. Melcher) has a question he wishes to put to me, and I yield to him for that purpose.

Mr. MELCHER. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me.

I wish to draw attention to the fact that in the report only 220,000 of the elderly are being fed each day under title 7 of the act, whereas the report indicates 5 million persons, 5 million of our elderly, would be eligible under the program.

In the House Agriculture Committee, H.R. 48 would direct the Commodity Credit Corporation to buy up to $2 billion worth of commodities, animal food products, during the next 12 months.

I wish to ask the chairman of the subcommittee whether, if that bill were enacted, it would fit into supplying under title VII of the Older Americans Act commodities greatly in excess of the $8 million which is proposed in the bill for fiscal year 1975 and $10 million for fiscal year 1976.

Mr. BRADEMAS. The answer, Mr. Speaker, to the gentleman's question is "Yes."

Mr. MELCHER. Mr. Speaker, I thank the gentleman.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. Cornell), a member of the subcommittee.

Mr. CORNELL. Mr. Speaker, I am pleased to have the opportunity to speak in behalf of a bill on which I have such strong feelings. It has long been my contention that it is a national disgrace that in the richest Nation in the world so many of our elder citizens live in poverty. In this regard, the Older Americans Act is a landmark piece of legislation and the amendments to this act we are considering today only strengthen and improve the original law. I would like to comment briefly on the provisions I find most significant.

During the hearings on this bill, I asked witnesses representing groups of older Americans what type of assistance should be given top priority in attempting to help our senior citizens. The response I got was that the greatest need of the aging was assistance to make it possible for them to live at home and avoid, if possible, the alternative of more expensive nursing home care.

Most of the amendments proposed in this bill have this as the objective whenever possible. Home improvements, more health care, mortgage interest reduction and insurance payments will clearly help our older citizens to remain at home in place of institutionalization. In my district transportation, particularly in the rural areas, is most important. Recently I received a report of hearings concerning the needs of the aging in rural areas of my district. Transportation and nutrition were the critical needs expressed. They are, of course, interwoven, as a food program does not help anyone who can not get to the place serving food or have it brought to their homes. This bill extends the highly successful nutrition program which now provides a hot meal each day, 5 days a week, for 220,000 elderly persons. It calls for the State and local agencies to meet the transportation needs especially in connection with medical services and nutrition projects.

I cannot urge my colleagues too strongly to support this bill which is the minimum we can do to provide more dignity and a better life for our senior citizens in their twilight years.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HALL), a member of the subcommittee.

Mr. HALL. Mr. Speaker, I rise in support of this long overdue and much needed legislation. I agree with my colleague from Wisconsin that it is a shame—in fact, it is a disgrace; we should hang our heads in shame, as the wealthiest nation on this Earth, when we admit that 20 percent of our senior citizens live in poverty.

I am reminded of what Pearl S. Buck had to say on one occasion, and that is that the true test of a great society or a great civilization, if you will, is what it does for its helpless members.

Mr. Speaker, I have no doubt that this legislation will help to meet that test, and I am bound and determined that we shall. Members all over this House Chamber should be rising to support this legislation without much further discussion.

Mr. MICHEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 3922, the Older Americans Act amendments of 1975.

I regret that the measure has come to the floor under suspension of the rules, but I hasten to urge my colleagues to lend their full and active support to its passage.

The measure we now consider will extend programs authorized under the Older Americans Act of 1965, for 4 years, through fiscal year 1979. I express my heartiest compliments to the chairman and members of the House Education and Labor Committee, who have labored long and hard to develop this outstanding piece of legislation which addresses itself so directly and meaningfully to the problems and needs of America's elderly.

My long-time support for programs benefiting the elderly has always been reflected in endorsing any legislation aimed at improving the quality of life for our older citizens. Today, I voice my support for this legislation with the knowledge that I will be working in a very positive and direct way on these problems, having been appointed to serve on the recently established House Select Committee on Aging. It is an honor I highly value and a responsibility I look forward to.

My interest is keen in taking part in oversight hearings as to how these programs and policies are being promulgated and administered. This specialized panel will zero in and focus attention on the particular problems of this segment of Americans. The needs of the elderly are different, specialized and require a highly-developed sense of understanding and compassion. I hope to make a meaningful input in the work of the Committee on Aging and look forward to working with the other committees having jurisdiction in the subject areas we will consider.

Mr. Speaker, the strong support for this extension of the 1965 Older Americans Act is reflected by the 36 to 0 vote in the House Education and Labor Committee, recommending passage. I make reference to the fact that the committee, in its wisdom, has probably touched upon every relevant aspect of life for the elderly. No doubt they have made a determined effort to cover all problem areas.

Consider the varied and vital programs extended under H.R. 3922: the nutrition program for the elderly; special service programs; homemaker services; counseling assistance; housing repairs and transportation; mortgage interest reduction and insurance payments; employment and age discrimination.

Authorization is included in the measure to continue Green Thumb and other popular Mainstream programs, to provide meaningful employment opportunities for older workers living below the poverty level. Many of my constituents are vitally interested in Green Thumb, a program I have closely followed and supported for years.

H.R. 3922 recognizes the enormous importance of housing for the elderly. I have the privilege of serving on the Housing Subcommittee of the Committee on Aging and I cannot think of a more vital aspect of life for older Americans than housing.

I compliment the Education and Labor Committee on development of this title. It provides alternatives to what I feel is perhaps the greatest fear of the elderly: institutionalization. In fact, it could mean the difference between living in dignity and comfort, in warm, secure, and familiar family surroundings, or the other alternative, which I need not belabor.

Other highly worthwhile features of the bill relate to the creation of programs to enable older Americans to make repairs, renovations, and other home improvements. And, it establishes a program of mortgage interest reduction payments and mortgage insurance to encourage the conversion and renovation of housing for the elderly, and will encourage reduced rents and provide multifamily efficiency units. How many times has each of us received a cry of despair from a senior citizen who is in fear of losing their home?

H.R. 3922 addresses itself in a decisive and positive way with the shameful, hidden but very real problem of age discrimination, which the committee has referred to as "ageism."

This is so important to the entire Nation and to Arkansas as well, for Arkansas ranks second only to Florida in the number of elderly citizens and second per capita nationwide in the number of low-income senior citizens. This fact alone speaks for itself and for the importance to Arkansas in enacting H.R. 3922.

The programs authorized and extended under this act will touch upon every aspect of life for the elderly. It will offer opportunities to take part and become involved in our national mainstream and our society—and in our national consciousness. It will enable us to draw upon the vast reservoir of experience and knowledge held by our older citizens. It will afford untold opportunities for a more hopeful, secure future.

Mr. Speaker, our guidepost in consideration of this legislation might be this: There can be no price placed on the acquisition of human dignity nor on the fulfillment of human need.

I urge each and every one of my colleagues to cast a resounding yes vote for H.R. 3922.

Mr. MICHEL. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, it disturbs me to hear Members of Congress constantly downgrading the United States and its people for not doing enough for this or that Federal program with respect to aid to our senior citizens. The people of this country have done more to assist the elderly than any other nation on earth. I, myself, have supported laws increasing housing for the elderly, extending the life of the National Institute on Aging, appropriating $600 million for nutrition programs for the elderly and increasing social security payments.

But Mr. Speaker, I urge Members to consider what we are doing here today. This bill was reported on March 14, almost a month ago. It was to have come up on the floor under an open rule allowing Members the freedom to offer amendments. Such amendments could have either increased funding, curtailed it, or redirected the substance of the bill. But instead of bringing up the bill under this regular procedure, the gentleman from Indiana (Mr. BRADEMAS) has called this bill up under suspension of the rules, not in the form in which it was reported by the Committee on Education and Labor, but in an entirely new form containing numerous amendments which none of us in the House have had the privilege of seeing. While the gentleman from Indiana is within his rights, his course of parliamentary action prevents any other Members from exercising what is normally their right—to have full debate and offer amendments. The gentleman says that these amendments have the agreement of one or two members of his committee—that is all very well for the gentlemen privileged to be part of this hitherto secret agreement, but it is no help to the rest of the membership.

Mr. Speaker, the senior citizens of America deserve to be treated better than this. It is a shame and a disgrace in my opinion to force the House to legislate in the dark on such an important issue. This bill contains numerous separate and distinct programs of assistance to the aged, including an important new antidiscrimination clause, which is certainly needed. It covers matters such as nutrition for the elderly, homemaker services, legal counseling, transportation and community services. But none of us knows specifically what the amendments of the gentleman from Indiana do to these important programs.

As one example, I site the committee report on page 12 dealing with section 902(b)(1). This section appears to permit national lobbying groups to be paid with Federal funds under the public service employment program, title IX. Does this mean that such groups as the National Council of Senior Citizens are to have their blatant lobbying activities subsidized by the taxpayers?

I think any Member who is frank will admit that this particular group is nothing more than a front for the AFL–CIO Committee on Political Education. Its role is to elect liberals to public office. Certainly I cannot support a bill which contains this kind of highly unusual precedent, but under the suspension procedure it is impossible to debate or discuss this issue.

Let me add another thought. Recently, the President of the United States, before a national television audience announced that, "I am drawing the line right here." He meant that he would not accept a Federal deficit in excess of $60 billion. The President added:

> This is as far as we dare go. I will resist every attempt by the Congress to increase the deficit by spending programs.

But H.R. 3922 provides authorization levels of $2.6 billion for the next 4 years. This, I am told, exceeds administration requests by a considerable amount. In its original form the bill authorized potentially large sums of spending in an open-ended authorization described only as "such sums." The bill also contained "back-door spending" which violates the new Budget Control Act. We have been told by the gentleman from Indiana that his unseen amendments change these spending provisions, but how are we to know that?

Mr. Speaker, the cruelest hoax perpetrated on the aged and senior citizens of our Nation is the robbery of the value of their savings, their fixed pensions, and the income from programs such as social security. Inflation ravages their buying power and they are indeed forced to live at levels which are often disgraceful. In spite of the fact that we have done much for our senior citizens, constant Federal deficit spending at the present irrational level will produce a direct inflationary tax on each one of these citizens. If the Members of Congress are so concerned about our older Americans, why should we not consider this legislation in an orderly manner that allows full debate so that the interests of senior Americans will be protected.

I will vote for proper legislation if it is brought up under the normal procedure but I cannot vote blindly for this bill under suspension today.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. Mr. Speaker, if I have time left, I will yield to the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Speaker, I would just like to say that I am quite distressed with the fact that we are operating under suspension and not a rule. I am grateful to the chairman, the gentleman from Indiana (Mr. BRADEMAS) and the gentleman from Minnesota (Mr. QUIE), for accepting some amendments, because some of us objected to the bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADEMAS. Mr. Speaker, I yield 1 minute to the gentleman from California.

Mr. JOHN L. BURTON. Mr. Speaker, I was fully prepared to ask for the second and to vote against this bill for the purpose of getting some discussion on it, although it would have been only 40 minutes. I am pleased that I was relieved somewhat of that onerous burden by the distinguished gentleman from Illinois.

I would point out that this bill and authorization is only $15 million more than the present bill, which barely keeps up with inflation, as far as authorization is concerned. The part of the money that deals with transportation, which is lumped in with other sections, would total $36 million of authorization for transportation, homemaker services, mortgage, repairs, et cetera, where under present law there is a $35 million authorization for transportation that has not been appropriated, but the authorization was there.

Mr. Speaker, the testimony has shown time and time again that the problems with getting elderly people into the nutrition program was the lack of transportation.

I am going to vote for this bill because it is better than a jab in the eye with a sharp stick. But I will say this, that those Members who vote for the authorization are going to get a chance to vote for the full appropriation, because that amendment will be put to the floor of this House when the HEW appropriation comes before us. We can put our money where our mouth is, so far as caring for the elderly.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise in support of H.R. 3922. I commend the Education and Labor Committee for acting on this necessary extension and expansion of the Older Americans Act of 1965.

The Education and Labor Committee has my praise for its increased authorization levels for programs for the aging, and for its new efforts in establishing a special service program emphasizing home services.

I commend the committee for its recognition of the fact that home health services are a humane and money-saving alternative to long-term institutions, one that preserves the aged person's sense of self-worth and is not inflationary. The counseling services, transportation facilities, special housing provisions and mortgage interest and insurance sections of the bill would provide much-needed relief for our senior citizens, which is more necessary than ever in these times of economic crisis.

Other noteworthy provisions of H.R. 3922 are the Aged Discrimination Act of 1975 and the extension of the Older American Community Service Employment. It is my belief that our Nation has, to a large extent, been leaving untapped the great reservoir of talent and experience that our senior citizens collectively possess. With this legislation, we have new opportunities to take advantage of these human resources. The estimated 210,000 part-time jobs which could be created by the passage of H.R. 3922 would help to preserve the dignity of many of our most valuable citizens, permitting them to earn their own living while serving their country. Such provision is particularly needed in the district which I represent, the south Bronx section of New York City. There are large numbers of elderly poor living in the 21st Congressional District and if these same citizens were able to work part-time at community service jobs, they would not have to feel degraded in order to have enough money for food. The Older Americans Amendments of 1975 would help the people of my district to survive and to preserve their pride and heritage.

The passage of this legislation should not be seen as sufficient, however, to provide for the needs of older Americans. One proposal that would provide a substantial benefit to the elderly is H.R. 2041, of which I am a cosponsor, which would establish a minimum standard of income, adjustable annually to reflect changes in the economy, of $3,850 a year for an individual and $5,200 for a couple. This bill would increase benefits to provide for the elderly living in metropolitan areas like New York City, where the cost of living is a good deal higher than the national average. It is only just that the urban aged have the same purchasing power as rural senior citizens, and that is part of the intent of this bill. Enactment of such legislation, in addition to the bill before us, would materially improve the plight of older Americans.

I urge the passage of H.R. 3922, both for the thousands of elderly citizens in my own district and for the benefit of all older Americans. We must not permit the administration to neglect the needy citizens of this country, and I feel that the passage of the legislation is an excellent opportunity to demonstrate the House's intentions to the President regarding the elderly and our concern for their welfare.

Mr. BRADEMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 3922, as amended.

Mr. Speaker, I would like to take this opportunity to commend the Education and Labor Committee for its thorough and comprehensive work in preparing the amendments to the Older Americans Act as set forth in the bill, H.R. 3922.

Ten years have gone by since Congress first addressed itself to recognizing the unique needs and problems of our older citizens. While the original legislation represented a real break through in dealing with this most important problem, the amendments set forth by the committee today address themselves straight to the heart of the problems facing older Americans. It is particularly gratifying to me that the committee has recognized the contributions which senior citizens can make to society as well as the contributions society must make to them.

The provisions contained in title VIII regarding homemaker services, home health services, shopping and transportation services among others, illustrate the committee's real grasp of the problems facing senior citizens. Rather than lumping all individuals together in some amorphous mass, these provisions recognize the individuality and the need for independence which is so important to the elderly. In my many conversations and meetings with older people this one aspect has consistently come across. The old do not want to become a burden but wish to retain as much self-reliance and independence as possible. This piece of legislation will play a large part in insuring their rights to live in dignity and independence.

Presently, too many older people do not have access to adequate means of transportation in order to conveniently and cheaply take care of their daily needs. For many of the elderly, transportation represents the third largest expenditure in their budgets. It is tragic indeed, that section 309 of the Older Americans Act has not been funded until this bill. The committee's willingness to commit funds for transportation represents a real break through in meeting the transportation needs of the aging.

I could go on extolling the virtues of this legislation, Mr. Speaker, but I will suffice it to say, that the committee has presented an intelligent and far-reaching outline to help meet the needs of the 21 million plus older Americans.

Mr. BRADEMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have had a constructive debate, and I hope very much that the Members on both sides of the aisle will, as the Committee on Education and Labor did, give their overwhelming support to this legislation.

Mr. KEMP. Mr. Speaker, I rise in support of the legislation before us this afternoon to provide major new assistance for the elderly. No other segment of our society is more deserving of congressional attention and action than is our Nation's retired community, for no other segment of our society has been more adversely affected by the continuing and accelerating rise in the cost of living.

This legislation, H.R. 3922, will extend the Older Americans Act of 1965 and provide major new assistance programs in the area of counseling services, home health care and housing assistance. Additionally, the bill will expand the current program providing part-time community service jobs for workers 65 years of age and older.

Since 1965, a total of 412 local area agencies funded under the provisions of the Older Americans Act have reached over 70 percent of our retired community. It is important that we reaffirm the basic goals of the Older Americans Act, while recognizing the need to expand our assistance to the elderly in several significant new areas. In brief, H.R. 3922 includes the following major programs:

Housing: The bill establishes a program of mortgage interest reduction payments and mortgage insurance in order to encourage the conversion and renovation of housing for the elderly which will have reduced rents and provide multifamily efficiency units. Additionally, the bill creates programs to help the elderly make home repairs, renovations, and other improvements.

Transportation: The bill expands programs to cover transportation the elderly need to obtain medical care and to participate in nutrition programs.

Community service employment: The bill extends the Older American Community Service Employment for 4 additional years through 1979.

Counseling: The bill provides for legal counseling programs to protect the rights of elderly Americans facing involuntary placement in institutions. Additionally, the bill would create counseling programs for the elderly in nursing homes, and for the elderly who need assistance in dealing with the complexities of the social security or medicare programs, or with the filing of income tax forms.

Special service program: The bill creates a new program designed to encourage State and local agencies to provide home-oriented assistance to the elderly, such as home health care and shopping services.

Aid to Indians: The bill directs the Administration on Aging to provide assistance to elderly Indians.

Nutrition: The bill extends the nutrition program for the elderly for 2 additional years, through fiscal year 1979 and provides for the additional distribution of commodities.

Mr. Speaker, these, and other provisions of H.R. 3922 will help alleviate many of the critical problems facing older Americans who now pay disproportionate shares of their incomes for housing, transportation, and food expenses. I strongly believe that this bill will help millions of retired Americans live in the dignity and independence to which they are richly entitled—and again urge support of the bill.

Mr. HAYES of Indiana. Mr. Speaker, the 1975 Older American Act Amendments would authorize through fiscal year 1979 a conservation and outreach manpower program known as Green Thumb. The National Farmers Union has sponsored this program, which has received its funding through the Department of Labor since 1966. Nationwide over 10,000 older men and women have had the opportunity to serve their communities and receive substantial compensation for their part-time employment in this program.

In the Eighth District of Indiana this program has proved most beneficial to many communities. Over 240 low-income senior citizens there have found personal satisfaction and employment by serving in various capacities, from planting trees to working in mental hospitals.

An example of such service is the accomplishments of senior citizens in the development of the West Boggs Park near Loogootee, Ind. Green Thumb crews worked at the park since its groundbreaking in 1970, spending hours on tedious brush clearing, and assisting with the construction of buildings, mechanical repairs and planting trees. Not only have they contributed to the physical beauty of the park, but they have had a positive influence on the young people employed there.

In Vincennes, Ind., crews of senior citizens ranging in age from 65 to 74 have assisted the Knox County Cemetery Commission through the Green Thumb program in restoring five pioneer cemeteries which date back prior to 1850. These same senior citizens have helped make the campus of Vincennes University more attractive by helping to raze old structures and restore the campus grounds.

Spring Mill State Park in Mitchell, Ind., has used members of the program in its pioneer village, assisting with inventory, restoration, maintenance, and historical interpretation for visitors. The women in the program have aided in the demonstration of weaving and quilting. The men have helped repair the log cabins, antique furniture, and farm equipment.

Direct personal services have also been made available through this program. Senior citizens have aided in transportation of the handicapped, assisted in mental hospitals and helped served meals in the hot lunch programs at various senior citizens centers.

I believe these examples illustrate that the Green Thumb program has been highly effective in southwestern Indiana. Various community services have been part of the lives of over 240 elderly workers in my district who participate in this program. In return for their efforts they receive a paycheck. But more importantly they receive a restored sense of self-worth, knowing that they are making a positive contribution to our society.

I highly endorse this program and encourage my colleagues to support its continuation through the passage of the Older American Act amendments.

Mr. WIGGINS. Mr. Speaker, once again those Members who may be concerned with the spiraling cost of our Government are confronted with an unpleasant choice.

When worthwhile activities are funded at excessive levels, the options are to follow the politically tempting course of supporting the program and damn the cost; or to resist the legislation because the proposed authorizations are irresponsibly high. Obviously the latter course is fraught with political hazards since such a vote will be understood as reflecting opposition to the program itself.

The Older Americans Amendments of 1975 is a classic case in point. There is not a single title of the act which I do not endorse and do so enthusiastically. But in the 4 fiscal years covered by these amendments, funding authorizations escalate from $290 million to more than $1 billion. Increases of such magnitude do not reflect simply increased costs occasioned by inflationary factors. They reflect significant increases in the programs themselves at a time when fiscal restraint is an overriding national priority.

The dilemma is enhanced when such legislation reaches the floor under suspension of the rules where moderating amendments may not be considered.

Regretfully, Mr. Speaker, I must say "No." I have no doubt that only a few of my colleagues will join me in resisting this excessive measure, but I am comforted in this difficult decision by the conviction that the wisdom of restraint now will ultimately become manifest.

Mr. GAYDOS. Mr. Speaker, I rise in strong support of this bill, the Older Americans Amendments of 1975.

I would first like to commend my colleague from Kentucky (Mr. PERKINS), chairman of the full committee, and my colleague from Indiana (Mr. BRADEMAS), chairman of the Subcommittee on Select Education for their unrelenting efforts in providing leadership on legislation to ease the tremendous burden borne by those millions of Americans who have already spent their productive years in contributing to the greatness of this country.

Those Americans in the 60 to 70 age bracket were in the 15 to 25 age bracket when the calamitous depression of the thirties occurred. As the "youngsters" of their day, they experienced the very worst of the "Great Depression." But, through their patience, persistence, and dedication to the American ideals, our nation survived that depression.

But how ironic it is that the youth of yesterday whose energies and labors were indispensable to the elimination of the economic plight of the 1930's should now find that today at the end of their working years, a new economic crisis should restore to their frail shoulders the burden that they unloaded only through their own courageous and persistent efforts.

While all segments of our society are affected in varying degrees by the pernicious inflation we are experiencing, the senior citizen is uniquely adversely affected. Not only has inflation destroyed the value of any savings he may have set aside for the "rainy day," but the substantial changes in the structure of both the family unit as well as our society have tended to isolate the senior citizen from the mainstream of our society. It seems that a subtle philosophy of "institutionalization of the senior citizen" has been evolving.

The recent disclosures about the shocking conditions of nursing homes demonstrates the need for a comprehensive analysis of such conditions, in order to frame legislation to prevent a continuance of such conditions. This would offer protection to those senior citizens who have no alternative to spending their remaining years in a nursing home. But we should also consider the plight of those senior citizens who presently lack a reasonable alternative.

Section 101 of title I of the bill before us would add a new title VIII to the Older Americans Act of 1965. This would retard the "institutionalization" of many of our senior citizens by providing services which would allow them to continue to "lead more meaningful lives." This would be accomplished by authorizing grants to States and local agencies to assist them in providing:

First. Homemaker services, home health services, shoping services, escort services, reader services, letter-writing services, and other services to enable such persons to live in a home environment;

Second. Programs designed to train lawyers and paraprofessional as to the problems of the elderly so that legal counseling will be available to them;

Third. Assistance to the elderly through financial assistance and otherwise in making repairs or renovations to their homes to meet minimum housing standards, and particularly those elderly persons suffering from physical disabilities;

Fourth. Programs designed to meet transportation needs of the elderly with special emphasis on providing supportive transportation in connection with nutrition projects and medical services, and with priority to those areas where public transportation is inadequate or nonexistent; and

Fifth. Programs of mortgage interest reduction and mortgage insurance to encourage conversion and renovation of housing to provide reduced rental costs and multifamily efficiency units for the elderly.

These measures would greatly enhance the opportunities for many senior citizens to live in their own homes and avoid being institutionalized in nursing homes prematurely.

While the bill before us is an omnibus bill and provides other measures to aid the plight of our senior citizens in addition to what I have just mentioned, I will comment on one other provision of the bill. This is title III, the Age Discrimination Act of 1975, whose purpose is to prohibit discrimination based on age in any and all programs which receive Federal financial assistance.

Many consider the Civil Rights Act deficient in that it does not protect against age discrimination. The time may come when that act will be so amended to prohibit age discrimination. But in the meantime, passage of the Age Discrimination Act of 1975, would provide that our senior citizens who still have the mental and physical skills and capabilities to be gainfully employed will not be denied employment in federally assisted programs solely because of their age.

Effective implementation of this act should provide gainful employment for many senior citizens and at the same time eliminate the false notion that becoming a senior citizen is synonymous with becoming useless and unwanted.

I sincerely believe that passage of this bill would provide immeasurable benefits, physical, mental, and psychological to our senior citizens whom our society has increasingly tended to ignore. I urge my colleagues to give their strong support to this legislation.

Mr. BURKE of Florida. Mr. Speaker, I am delighted to express my support for H.R. 3922, the Older Americans Act Amendments of 1975.

Since becoming a Member of Congress in 1967, I have supported the Older Americans Act, and I have wholeheartedly voted from time to time to expand and improve this law. I am, therefore, proud to do so again today.

It is my honest conviction that this law has done much to improve the physical, emotional, and social well-being of all Americans over the age of 65, and the changes made by H.R. 3922 should also go a long way to make their life better for them.

In addition to authorizing those programs already existing under the Older Americans Act such as the Administration on Aging; grants to State and community programs; training and research; multipurpose senior centers; nutrition programs for the elderly—H.R. 3922 will also set up five special service programs.

The first of these is for homemaker and home services. These additional services would involve home health services; reader and letter writing services; and transportation and shopping services. Hopefully this will offer an effective alternative to expensive institutionalization, and allow individuals to remain independent.

The second new service is for counseling assistance which will offer legal assistance, tax counseling and educational programs to meet the needs of our older Americans.

The third is housing renovation and repairs which will provide an alternative to institutionalization of the elderly by establishing a program to include all repairs and renovations needed to meet minimum housing standards, or the adaptation of existing or new housing for physically disabled elderly people.

The fourth is a transportation program which places emphasis on transportation of our elderly to nutrition centers and medical services, and will improve the access of elderly individuals to existing transit systems.

The fifth new program is for the reduction of mortgage interest payments and mortgage insurance so as to encourage the conversion and renovation of housing for the elderly which will have reduced rents and provide multifamily efficiency units.

We all know that our elderly Americans are faced with serious problems. We are all faced with the most serious inflation in our history, and a world of increased complexity. We here in the Congress should welcome these efforts to aid our older Americans in the effort to cope with the problems of housing, laws, transportation, health, and finances.

I therefore have no hesitancy in asking my colleagues to act swiftly and vote in favor of H.R. 3922 so that these programs can be implemented quickly.

Mr. WOLFF. Mr. Speaker, I rise in support of H.R. 3922, the Older Americans Amendments of 1975. This extension and improvements of services and programs for the elderly is particularly needed at a time when economic conditions have created a tremendous burden upon our senior population.

I particularly want to commend the Education and Labor Committee for authorizing new special service programs for the elderly. I have advocated establishment of several of these programs for a number of years. For instance, several of us in the House have sponsored separate legislation to provide tax counseling and counseling assistance to the elderly to help them resolve the legal complexities that too often accompany programs like social security, SSI, medicare, and pension programs. The new counseling services authorized by H.R. 3922 will also help us to insure that older Americans are guaranteed due process of law and fundamental human rights, particularly for those who reside in nursing care facilities. Many of us have also advocated special programs to deal with the transportation needs of the elderly, aware particularly of the architectural barriers that often render our public transportation facilities inaccessible to the elderly. H.R. 3922 allows the Federal Government to encourage and assist States and local agencies to meet the transportation needs of the elderly so that they will be able to benefit from their community and have access to the services which the community provides.

The special services programs created by H.R. 3922 are designed particularly to provide alternatives to institutionalization for the elderly. In addition to transportation and counseling services, the bill encourages States and local agencies to reduce housing costs for the elderly and to provide home health services to assist the elderly in living more independent, full lives. Those of us who have seen the conditions in some of the long-term nursing facilities in this country realize full well that providing meaningful alternatives to institutionalization is the first real step toward insuring many of the elderly a life of dignity.

I also want to make particular note of the two provisions in H.R. 3922 which will create an estimated 210,000 part-time jobs for older workers and which will establish the Age Discrimination Act of 1975. The unemployment rate among older Americans is staggering, and while the country as a whole faces a critical job shortage, the fact cannot be ignored that the older worker is too often the first to go and the last to be hired simply because of his age. As one who worked in the development of some of our first anti-age discrimination laws, I have followed this area very closely over the years, and I know that both the laws and the enforcement of the laws need to be strengthened. The prejudice against the elderly that exists in the area of employment is one of the saddest reflections upon our society, and I am hopeful that the provisions contained in H.R. 3922 to end this discrimination and provide jobs for the older workforce will help to restore to the elderly the respect which they have well earned in a lifetime of work on behalf of this Nation. The country can much profit from the experience of its older citizens, and it is time we recognized that fact.

Mr. Speaker, the administration has indicated that the President may veto this legislation. The elderly, perhaps more than any other group, have been tremendously hard hit by our economic problems. The legislation is a responsible measure that could provide older Americans with some relief from economic hardship and provide them the independence needed to live a more productive and enjoyable life. The committee has determined that the bill is not inflationary; 21 million Americans would tell you, from firsthand experience, that the bill is necessary. I hope that the President will consider these factors and reconsider any inclination he might have to veto the bill.

Mr. Speaker, I would also like to add that, while H.R. 3922 is an important piece of legislation, it should not be considered the final word on the responsibility we have to older Americans. There are many areas of concern to the elderly which have not received adequate attention, and there are existing programs which sorely need improvement. A case in point is the supplementary security income program, which provides assistance to the needy elderly, as well as to the needy blind and disabled. In many areas of the country, including New York, SSI does not provide an adequate level of benefits and the needy old and handicapped are barely eeking out an existence. Several of us in the House have introduced legislation to upgrade SSI. My own bill would mandate such needed provisions as automatic cost-of-living increases, emergency assistance to those facing a particular hardship, special allowances to those who require special diets or to those whose living environment is significantly altered; it would also restore food stamp eligibility to all SSI recipients and end the travesty of cutbacks in SSI payments when social security increases take effect. Last year, the Ways and Means Committee indicated it would review the SSI program, and I am hopeful that this reexamination of the program will take place as quickly as possible.

I not only urge my colleagues to support the bill we are considering today, but to continue working to bring some measure of comfort and dignity to the lives of millions of our older population.

Mr. ALEXANDER. Mr. Speaker, I rise in support of the extension of the Older Americans Act of 1965 to extend authorization for the many fine programs it covers. I want, especially, to speak in support of title IX of the bill, the Community Service Employment for Older Americans.

Green Thumb is one of the programs presently funded under this section which has proved so valuable and worthwhile to my own State of Arkansas and some 24 other States. I have followed the development of Green Thumb for 10 years, from the time it was first launched as a demonstration of the philosophy that older people who needed to supplement their meager incomes would rather use their skills and energy to build community facilities and provide useful community services than to accept welfare.

These demonstrations have been exciting. The citizens of Arkansas and other States can enjoy the beautiful park at Blanchard Springs, Ark., which crews of older men on Green Thumb helped to build under supervision of the U.S. Forest Service. Because of Green Thumbers, tourists now have access to the marker commemorating the Louisiana purchase and may use the picnic area they have constructed there.

Many a family traveling across our country or enjoying a Sunday outing will use the picnic tables at rest stops, and the roadside parks themselves along our highways which were developed and maintained by Green Thumb crews.

Green Thumb workers repair and paint guard posts and rails, park signs and litter barrels, table tops and docks.

They work on landscaping and develop erosion control, develop hiking trails and walkways, ski trails, bike trails and horseback trails, camping areas, tent and trailer sites.

They have developed park trails to be enjoyed by the blind and the disabled.

And the men and women of Green Thumb have given their helping hand to the disadvantaged and disabled in their own communities.

They provide transportation to a shut-in to buy groceries, to get the doctor, or to have their glasses repaired—the incredibly important things that make life a little easier to those folks trying to maintain themselves in their own homes, in stead of being moved into more expensive and less satisfactory nursing homes or other facilities.

They help deliver meals to senior citizens, work in senior citizen centers.

They may help the local librarian so she can be freed for additional service to the community—sometimes so the library can stay open longer.

They help with Head Start programs, as teachers' aides, and with school lunch programs.

They provide homemaker services for the sick, the aged and shut-ins.

Successful Green Thumb programs have been carried out in State mental hospitals, providing the therapy of work for inmates and in some cases have provided the opportunity for those inmates to move out into the community as self-supporting citizens.

We do not have time to begin to review the wide variety of services provided to our rural communities under this program. And they are all services that would not have been provided without the Green Thumb program because this program works with local, State, and Federal Government agencies or nonprofit private groups to "fill the gaps," not to take over already existing programs.

This program is not inflationary. It provides income for those men and women living below the poverty level, those over 55 years of age who have little or no opportunity for other employment—many of whom are not even included in the official unemployment figures because they have given up hope that our society can find a job opportunity for them with so many younger people out of work. Or if they are over 65, they have been counted out of the labor market, regardless of their lifetime accumulation of skills.

These folks get the minimum wage for about 24 hours a week and that money goes right to the local merchant for food and shoes and eye glasses and doctor bills, all the things that make life a little easier.

Green Thumb projects help rural communities because in some towns, it is the largest payroll in the community.

Let us look for a moment at the breakdown of the people who make up the Green Thumb payroll in Arkansas.

In February of 1975, 476 people were employed under either the title IX program or the title III Mainstream program. Of these 397 were males and 87 were females. 271 were white and 213 were black; 396 of these people have only an eighth grade education while only 11 have had any college and only 30 have graduated from high school.

The age breakdown is as follows: 55–59 years—55; 60–64 years—78; 65–69 years—166; 70–74 years—128; and 75 and over—57.

The man who has the distinction of being the oldest Green Thumber in Arkansas is Mr. Willie Huffines of Big Flat in Baxter County. Mr. Huffines who joined the program in 1968 celebrated his 94th birthday last month.

Out of this total of 476 jobs, only 39 are funded under title IX. This is why it is so imperative that today we provide the additional funding for community service employment programs. Otherwise 437 people in Arkansas alone would be out of work.

Only about 10,000 people have employment opportunities under the present funding program. We have had a hard time convincing the Office of Management and Budget that such a worthwhile program must be continued, as many of you know. The bill before us today will provide for a modest expansion.

The Office of Management and Budget finally released to the Department of Labor the $12 million which we appropriated in the 1975 Labor-HEW appropriations bill last fall and which OMB had sent up to us for rescission. I hope we have finally made our point to them, with our refusal to allow the rescission, that we want this program continued.

Mr. RANGEL. Mr. Speaker, I rise in strong support of H.R. 3922, a bill to amend the Older American's Act.

With our recent advances in medicine, technology, and health care facilities, the ranks of our elderly are rapidly increasing. Today, the life expectancy at birth is 70 years. Twenty-one million Americans, or approximately 10 percent of the total population, are 65 years of age or older. These people have served our country in various capacities throughout their lives, and now, when work is no longer required of them or even possible for some, it is up to the Federal Government to repay this debt. We have a moral obligation to aid our elderly and to neglect them would be an unpardonable injustice.

The Older Americans Act was first enacted by the 89th Congress in 1965. Revisions were made in 1967, 1969, and 1973. However, with the swelling ranks of our elderly coupled with our current economic crisis, additional amendments to the Older Americans Act have become necessary. With the inflationary rise in prices those on fixed incomes are forced to bear an inequitable financial burden. This inequity must be alleviated. The amendments to the Older Americans Act of 1965 proposed in H.R. 3922 go far in solving this problem.

The bill provides for additional grants to States for community programs aimed at aiding the elderly. It also extends the nutrition programs for older Americans. The nutrition program is probably one of the most successful programs authorized by the Older Americans Act. The ravages of inflation, however, is undermining the fine work of this program. Furthermore, at least 5 million older Americans who are eligible and in need of nutrition services, are not being served. Additional funds must be made available in order to extend this program to all that are eligible and to provide high protein foods to those enrolled in the program.

Additional aid to the elderly is imperative, but the elderly are not helpless citizens seeking handouts. Many are still able and willing to provide valuable skills and services, but they lack the opportunity or the accessibilty to contribute these services. H.R. 3922 addresses this problem directly. It extends for 4 years the Older American Community Service Employment Act. With authorizations totaling $700 million. This would provide an estimated 200,000 part-time jobs for those 55 years of age or older. The additional income provided by these jobs would give many of the olderly the independence and purposefulness that many lose when they retire from the full-time job market.

There are also many unique problems which confront the elderly. These include transportation, housing, and home services. H.R. 3922 deals directly with these problems. The bill calls for extending the transportation provisions orginally authorized under the Older Americans Act. Adequate transportation facilities for the elderly would increase their independence and allow them the mobility they may need.

Perhaps the largest single problem facing the elderly is home services and health care. There are currently over 1 million older Americans living in nursing homes. Countless others are forced to be hospitalized for health services which could be provided for at home. Clearly, provisions for quality low-cost, long-term, care facilities is vitally important. In our current inflationary period, home care services are a cost-saving alternative to institutionalizations. Furthermore, home health facilities would provide for better care as well as permitting one to remain independent in one's own home.

The needs of the elderly are twofold: Financial assistance and independence. H.R. 3922 provides for both these needs. The approximate cost of this bill is $2.6 billion, mere pittance when compared to the percentage of our budget which goes to destructive and less humanitarian purposes. Perhaps even more important, however, this bill would afford the elderly a sense of autonomy and independence, a desire they share with all Americans, regardless of age. Thus I urge my colleagues to vote in the affirmative when the bill comes to a final vote.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise in support of H.R. 3922, the Older Americans Amendments of 1975, of which I am pleased to be a cosponsor.

This legislative approach to meeting the needs of the Nation's elderly has been unique inasmuch as it has recognized the social and psychological needs of our older citizens, as well as their economic needs.

Programs developed under the Older Americans Act have restored a sense of belonging to countless senior citizens—a sense of being involved in the life of the community in which they reside. Community services, congregate meals, and part-time employment services have worked to bring the elderly back into the mainstream of the community. These programs have provided sustenance for the spirit as well as the body, and have helped to restire dignity and meaning to the lives of countless elderly Americans.

Mr. Speaker, I am sure many of my colleagues are keenly aware of the tragic plight of many older Americans who are fighting a losing battle against inflation. They worked and saved their money for their retirement years, but suddenly, everything they did is just not enough. Pensions and savings erode under the constant onslaught of spiraling inflation.

Countless older Americans have lost their homes because they could not keep pace with rapidly rising property taxes. They have been forced to seek out cheap and shabby lodgings where they live in isolation—fearing the unknown terrors of a bleak tomorrow. They are even afraid of venturing outside, lest some youthful mugger steals their wallet or purse—and with it their meager funds. Countless elderly tolerate conditions that you and I would not abide for 1 minute. They tolerate poverty, deprivation and fear because they have lost hope. When the human spirit loses a sense of hope for a better tomorrow, it withers and wastes away, leaving only a fragile shell where once a vital human spirit thrived.

The irony of this situation is that we ignore it at our own individual peril. We are all growing older day by day. Though we may all plan for a secure retirement, the forces of rapid economic change could, conceivably, cancel out all our well-laid plans. This is exactly what has happened to so many of our older citizens. Over 3 million of them live in abject poverty and countless others live marginal existences.

Has this situation occurred because Americans do not care about the elderly? A recent Harris poll shows evidence to the contrary. According to that survey, 81 percent of the American people believe the Government should help support older people from taxes collected from all Americans, and 76 percent believe that no matter how much a person earned during his working years, he should be able to have enough money to live comfortably when he is retired.

Has the administration been responsive to this overwhelming public sentiment? Unfortunately, it seems that the President has turned a deaf ear and a blind eye to the needs of the elderly. He has proposed budget rescissions and cutbacks in programs affecting the health and welfare of 21 million older Americans. President Ford proposes to limit social security increases, cut off programs for part-time employment and hot meals for the aging, and increase the cost and reduce the coverage of medicaid and medicare.

Additionally, despite the horror stories emanating from hundreds of nursing homes across the Nation, the administration has not developed an appropriate Government response to alleviate the suffering of the institutionalized elderly.

This attitude is even more unconscionable than being neglect, because it represents an all-out assault on the independence and dignity of 21 million Americans—Americans who are entitled to the basic necessities of life and the assurance that their older years will not be devoid of meaning.

Mr. Speaker, I am confident that most of my colleagues share my sense of concern about the tragic plight of the Nation's elderly, and will join with me in supporting H.R. 3922 as a symbol of their awareness and concern for their fellow Americans who need and deserve our help. The extension of ongoing programs that have already demonstrated their effectiveness, and the establishment of imaginative new programs under title VIII will do much to improve the lives of millions of older Americans.

Mr. Speaker, the President has come forward and urged this Congress to demonstrate fiscal responsibility in appropriating moneys for social welfare programs. Clearly, this responsibility must include a well-defined set of social and economic priorities. These priorities must reflect needs that are so compelling that to ignore them would represent nothing less than an abdication of our responsibility to those who need and deserve our help.

We must help those who cannot help themselves, and we must also help those whose ability to care for themselves has been impaired by sudden economic reverses and/or the natural process of growing old. The legislation before us today is designed to meet a variety of needs of the elderly, and it will do much to restore a sense of dignity and pride to millions of Americans who have been deprived of these essential human qualities by conditions well beyond their control.

This society will not be judged on how many wars we win, or how many technological advances we bring to the world. In the final analysis, the judgment of history will assess our collective responsibility and compassion for the poor and the powerless. There is no dignity for the helpless; there is no pride in poverty. Each of us must examine our own conscience and ask what we can do to make life worth living for those who need our helping hand. They need some economic help, some nutritional help, and some help in getting reinvolved in the life of the community.

H.R. 3922 addresses these worthy goals with a well thought out and comprehensive program, and it deserves our strong support.

Mr. Speaker, I urge all of my colleagues to support this bill and let America know that we do not intend to abdicate our responsibility to 21 million Americans whose only sin has been to grow old.

Mr. SOLARZ. Mr. Speaker, today, more than at any time in the past, this Nation's older citizens are faced with a myriad of complex problems with which they are finding it more difficult to cope. The vast majority of these men and women are living on fixed incomes which are being eroded almost daily on account of rising prices, soaring taxes, and ever increasing costs of living. It is disgraceful that 16 percent of the 21 million Americans age 65 and above live in poverty.

Millions of older Americans are unable to afford decent housing, nutritious meals, adequate medical and dental care, or many of the bare necessities of life. They are often abandoned and left to fend for themselves, with little or no concern as to their individual worth, dignity, or self-respect. Many desire to continue to lead useful and productive lives—even though they may have passed normal retirement age—but they frequently have little or no opportunity to make a contribution to their community.

It was because of conditions such as this that the Congress enacted the Older Americans Act a decade ago. While a great deal more needs to be done to guide and assist our elder citizens, important progress has been made through the enactment of subsequent measures and the implementation of a variety of programs under the Older Americans Act. Almost every State now has some official entity which is specifically concerned with the problems of the aging and over 400 local area agencies have been funded to provide special services to older adults.

One of the most critical programs is the one which provides low-cost, nutritious meals to those over the age of 60. Authorized under title VII of the Older Americans Comprehensive Services amendments, these nutrition programs provide at least one hot meal per day, 5 or more days each week. There are also certain supportive social services, such as outreach, transportation, and health and welfare counseling. I find it unconscionable that elderly men and women—who cannot afford the cost of even the most minimal meal—are being forced to eat pet food, to beg for meals, or to dig through garbage cans. There is just no excuse for this state of affairs to exist and I find it unacceptable that it should occur in a land as wealthy and as productive as the United States. Not only do these programs provide nutritious meals but they also fill a very necessary need for companionship and for the understanding of those who actually care about the plight of persons who are old and alone.

The Education and Labor Committee reported that approximately 220,830 meals are being served every day at 4,100 locations. And 64 percent of these meals are served to older Americans below the poverty level in some 665 nutrition projects. Clearly, this important effort must not only be continued but must be substantially expanded and I am encouraged that the committee has increased the authorizations.

I must say, Mr. Speaker, that I am somewhat disappointed that this legislation is being considered under suspension, rather than the regular legislative process, as I had intended to offer an amendment in relation to the cost of the nutrition program for the elderly. Many of my constituents must maintain strict dietary laws for religious reasons. Thus, the meals which are provided under title VII must be kosher in many of the feeding locations. It has been estimated that these kosher meals cost at least 25 cents more per meal than nonkosher ones and additional funds are clearly required in order to provide adequate feeding programs, not only in New York but in other sites which must provide kosher meals. I have shared my concerns with our distinguished colleague from Indiana (Mr. BRADEMAS) and I hope that his capable subcommittee will carefully consider the situation and take affirmative steps to provide additional assistance, in the future, to programs furnishing kosher meals.

While I will not receive all of the features of the legislation before us this afternoon, there are two items which are worthy of particular note. The amendments establish an Older American Community Service Employment program which is aimed at locating suitable part-time employment for unemployed, low-income men and women who are 55 years or older and who have little hope of locating work. Such an effort is most critical at this time of soaring unemployment, especially as there are 1.5 million jobless Americans over 45. It has been estimated that the $700 million authorized for the next 4 fiscal years under this program will result in some 210,000 part-time jobs.

This measure also establishes the Age Discrimination Act of 1975 which prohibits discrimination on the basis of age in any program or activity funded whole or in part with revenue sharing funds. There must be a meaningful Federal commitment to bar age discrimination. As the committee so aptly noted, it is important for the Nation to combat ageism just as the country promotes programs aimed at combating racism and sexism. In simple terms, older persons do not want to be put on the shelf and forgotten. The committee has stated:

> Non-involvement in our society on the part of older persons leads rapidly to their physical and mental deterioration.

Not only is the community deprived of the contribution these men and women can make but this blatant ageism also deprives these citizens of many fundamental rights. Clearly, there is no more room for discrimination on the basis of age than there is for religious, racial, sexual or ethnic discrimination. I commend the committee for taking the initiative in focusing attention on the problem and in taking steps to remove the blot of age discrimination.

Mr. Speaker, the legislation before us this afternoon is urgently needed, not only by many of my own constituents but by millions of other Americans throughout the land. A number of programs aimed at assisting the elderly have suffered setbacks, such as impoundments and budget cuts. We must not allow this to happen again. We must move decisively to insure that older Americans are not only treated with respect and compassion but that their basic needs are properly met and that they are assured they may spend their autumn years in security—properly fed, housed, clothed, and cared for. To do any less would violate the basic principles of our Judeo-Christian heritage and would break commitments which have been made to older citizens to earlier Congresses. I urge, therefore, that we suspend the rules and adopt the Older Americans Amendments of 1975 without delay.

Mr. GAYDOS. Mr. Speaker, I rise in support of the proposed amendment earlier discussed by the gentleman from Pennsylvania, and commend my good friend and colleague from my neighboring congressional district in Pennsylvania, JOHN HEINZ, for his intention to offer it. In my previous remarks today, I pointed out the very serious predicament that so many of our senior citizens currently are in, due to the very critical economic conditions of our society.

Additionally, the evolving "institutionalization of the senior citizen" is a serious concern for all Americans. Title I, section 101, of the bill, seeks to provide one method of providing home facilities rather than institutionalization for our senior citizens.

This amendment, previously introduced as H.R. 5587, would provide another way of allowing our senior citizens to continue to live in their own homes by providing tax relief to homeowners and renters who are aged 65 and older. This would be implemented by providing up to 50 percent Federal assistance to States with a qualifying real property tax relief program, which provides any eligible household a credit against a personal income tax or real property tax imposed by the State, for real property taxes, or a certain portion of rent paid.

This legislation would provide significant tax relief to a substantial number of our senior citizens whose annual income is so limited as to make it increasingly difficult for them to continue the home environment they have worked for so many years to maintain.

I most sincerely urge my colleagues to give their strong support to this legislation.

Mr. OTTINGER. Mr. Speaker, today the average American's life expectancy at birth is 71.2 years of age and approximately 10 percent of our population, or some 21 million persons, are age 65 or over. The failure of our society to provide adequately for this group is reflected in the appalling statistics which show that 16 percent of the elderly are living in poverty, and another large portion live just above the poverty level. The elderly customarily pay a disproportionate share of their income for rent and mortgage payments, about 35 percent of income as compared to 23 percent paid by younger persons. Many of the elderly live alone in substandard housing, and over a million senior citizens are living in nursing homes which charge an average fee of $600 per month for what are often nonexistent services. Indeed, the recent revelations about the status of nursing home care in this country have exposed shocking conditions which constitute a scandalous fraud upon one of the groups least able to defend itself.

The irony of the plight of the elderly is that all of us face that period in life when we can no longer work to support ourselves, and thus we may lose not only the ability to sustain our most basic needs but also the psychological and emotional gratification of feeling productive and needed in the world. Medical science continues to make great strides in increasing longevity, but unfortunately we have paid scant attention to improving the quality of life in the later years. Recently we have begun to talk of expanding our middle years—in other words, to increase that period of time when we have acquired enough knowledge and experience to be looked upon as wise but without the physical ravages that advanced age brings.

Ten years ago, with the Older Americans Act of 1965, which I was privileged to support, Congress initiated several new Federal programs to provide for both the physical and mental well-being of the elderly. Working under the premise that good nutrition is essential for anyone to be a productive citizen, Congress established the nutrition program for the elderly in 1972. Today some 220,830 meals are being served daily at sites around the country. Tragically, the administration has sought to rescind over $25 million for this program in fiscal 1975 and hopes to cut the appropriation for the nutrition program in fiscal 1976 by $25 million also. With the approval of the amendments we are considering today services for the elderly would include such comprehensive and far-ranging programs as job placement in useful, part-time work, volunteer programs to enable senior citizens to serve others in their communities, homemaker and counseling services, special transportation programs, and assistance for repair and renovation of housing. There would also be direct funding for service programs for American Indians—certainly one of the most neglected groups in history. Of special significance in these amendments is a new title VIII which would provide viable alternatives to the institutionalization of the elderly.

Since passage of the Older Americans Act by the 89th Congress, virtually all the States have established their own offices on the aging, and a total of 412 local agencies have been created through funds provided under title III of the act. I was privileged to cosponsor this legislation in the 89th Congress and to serve in subsequent Congresses that expanded the act in 1967 and 1969. I am happy to have the honor of returning to the House this year to support the revisions and extensions provided for in H.R. 3922.

This legislation attacks just one aspect of the problems of the elderly, however—the special programs provided thereunder through the States. Much remains to be done in this Congress, most importantly righting the grievous inequities that Congress wrought upon the disabled, blind and aged through the SSI program. We must also correct serious inequities in the social security program which limit earnings unfairly and discriminate against widows and widowers. We cannot feel we have satisfied our obligation to our older Americans until these measures are corrected.

Mr. Speaker, it has been said that there is power in numbers. Until very recently the elderly were a small, quiet segment of our society. They now constitute 10 percent of our population, and this figure will surely increase as we continue to conquer disease and as the birth rate declines. Senior citizens in ever-increasing numbers are demanding that we provide a program and services that will enable them to remain productive citizens. I believe that H.R. 3922 will contribute to the establishment of such a program by providing greater opportunities for the aging to participate more fully in our national life and by granting them the means to live out their remaining years in peace and dignity. It is, then, with a feeling of pride in what we have already accomplished and a sense of hopeful anticipation for the future that I support passage of these amendments.

Mr. GRASSLEY. Mr. Speaker, as a member of the House Select Committee on Aging, I commend and support the action of the Education and Labor Committee in reporting the Older Americans Act Amendments of 1975. Since enactment of the Older Americans Act a decade ago, this legislation has provided a variety of much-needed services for our older adults. In view of recent and continuing inquiries into the $7.5 billion nursing home industry, the direction of services authorized under H.R. 3922 becomes even more important when considering how to best care for our 1.2 million older Americans.

Let us bear in mind that Federal elderly assistance programs cover little else besides long-term care in nursing homes. Medicaid, for example, pays for about $3.75 billion—or 50 percent—of the Nation's nursing home bills, but only spends about $24 million annually on home-based health care. According to research compiled by a Maryland geriatric research center, geriatric day care is one-fourth less expensive than nursing home institutionalization. These findings also reveal that home-based health care is less costly for persons who do not need full nursing home services. These reasons alone merit passage of H.R. 3922, and development of further legislation to help the elderly without removing them from their lifelong homes.

Some 60,000 persons age 65 and over reside in Iowa's congressional district I have the privilege of representing, and the State of Iowa ranks second in the Nation in terms of the percent of population in this age bracket. The U.S. fastest growing minority group today is the over-65 population and it is expected to increase another 25 percent by 1990. Clearly, this legislation is of vital importance to the citizens of Iowa and the elderly across the land.

Foremost in the long list of reasons for continuation of programs authorized by the Older Americans Act is the function of the Administration on Aging, a focal point and advocate for older Americans and their needs within the Federal Government. Congressional action of 2 years ago assigned the duties of the Administration on Aging to the Department of Health, Education and Welfare, and this legislation before us today will do much to assure current programs remain an integral part of that Department's duties.

The health and welfare of the elderly in Iowa and throughout the Nation rests heavily upon congressional extension of the act for the next 4 years as provided in this bill. The nutrition program for the elderly will receive $8 million to assist in the purchase of high protein foods and meat during this fiscal year. In addition, the bill authorizes the expenditure of $10 million for this purpose during the fiscal year beginning July 1, 1975. All consumers are faced with the ravages of inflation in prices of goods on supermarket shelves, but increased food costs hurt most those who can least afford to pay skyrocketing grocery prices—our elderly who live on fixed incomes. This bill will help to offset the burden of inflation upon the elderly.

It will also do much more to help our elderly. The homemaker services program to be created under the provisions of the bill will include home health services, reader and letter writing services, and transportation and shopping services.

Such in-home assistance is designed to offer elderly Americans an alternative to expensive institutionalization while allowing these individuals to remain independent.

The counseling assistance program will offer legal assistance and other necessary advice to senior citizens, including tax counseling for persons in nursing homes.

The housing repairs program is designed to ensure that adequate housing is provided for the elderly. Service provided under this program include all repairs and renovations needed to meet minimum housing standards, and the adaptation of existing or new housing for physically disabled elderly people.

The purpose of the transportation program is to increase the mobility of older Americans so that they might benefit from the surrounding community. Particular emphasis is to be placed on transportation to nutrition centers and medical services and improving the access of elderly individuals to existing transit systems. In addition, State agencies must give priority to projects serving areas where public transportation is inadequate or nonexisting.

H.R. 3922 establishes an interest subsidy program to encourage elderly private home renovation and the reduction in rents paid by senior citizens.

It is my sincere hope that Congress will not only enact this legislation, but it will also continue to give attention to further meaningful legislation of benefit to our elderly.

Mr. EVANS of Indiana. Mr. Speaker, I rise in support of the Older Americans Act amendments.

In the few months I have been in office, I have received many, many letters from senior citizens in the sixth district. While Indianapolis may not seem like a retirement haven to many of the Members, in that part of Indianapolis which is in the sixth district, 19.6 percent of the residents were 65 years of age or older.

The older Americans in Indiana are not looking for handouts; they are not looking for sympathy. What they are looking for is a little bit of help so they can remain independent and live out their remaining years with dignity and pride.

The bill before us today gives that helping hand. And in this regard, I am especially pleased with the new title VIII, Special Service Programs for the Elderly.

Under this title, homemaker services, home health services, shopping services, and escort services, among others, will be made available to our senior citizens.

This kind of gentle helping hand is what they need oftentimes in order to be able to stay in their own homes.

I would also like to mention the nutrition program for the elderly. The committee has increased the authorization for this very worthwhile program, and I sincerely hope that the Appropriations Committee will take notice of the increase and appropriate the necessary funds to carry out the purpose of this program.

As it is now, almost 221,000 meals are served daily at some 4,100 sites. This is a good beginning. But the number of senior citizens who would like to participate in the program is, I suspect, far greater than the number the program is currently serving. We need to go forward with this program, not backward, as President Ford has suggested by recommending a lower budget for the program than was available last year.

I would also like to compliment the Committee for the continued authorization of funds for the Senior Community Service Employment program. As we know, the administration, for the third consecutive year, has recommended zero funding for this program which provides part-time jobs to low-income elderly who have poor prospects for finding a job. Prodding the administration to carry out this program has become an annual task, and I gather than this year will not be any different from previous ones.

For those Americans who are 55 and older, and out of a job, the alternatives are either public assistance or this program. My preference, and theirs, is the Community Service Employment program, which both gives them an income and meaningful work, and in turn gives the community the services of these experienced people.

With all of its opportunities, America is a good place to grow up, but indications are that it is not such a good place in which to grow old. These Americans who have helped build America deserve better treatment. Just as they helped us through our growing pains and youth, so do we need to enable them to grow old with dignity and peace.

Mrs. SCHROEDER. Mr. Speaker, I would like to speak in favor of title IX of the Older Americans amendments, which would continue the public service employment program for the elderly. I was distressed in recent months with the proposed phaseout by the Department of Labor of Operation Mainstream, which had been funded at $20 million as title III of CETA.

There has been widespread recognition of the effectiveness of Operation Mainstream. In my own State of Colorado, the Denver senior aides program, which also serves Arapahoe, Jefferson and Elbert counties, is funded through Operation Mainstream and works with 28 host agencies. It has provided jobs for 60 senior citizens, stimulating their utilization of a multitude of skills, including clerical, nursing, transportation, community homemaker, home help and companionship, and day care jobs. The program provides a chance for these elderly people to augment their income with meaningful activity. Senior aides serve not only the elderly, but are involved in community projects with the low-income younger population, producing a healthy interaction between age groups. The senior aides program has encouraged these older Americans to become concerned and active in their public service jobs, and the tremendous opportunity and stimulus provided by this program has been a life sustaining factor for most.

The program has been an important factor in moving elder Americans back into the economic mainstream, into unsubsidized employment. The placement ratio has jumped from 13 percent last year to 33 percent, and it is estimated that 50 percent of the senior aides could graduate to unsubsidized employment in the future.

A unique feature of the Denver senior aides program is that the entire grant goes for the benefit of the program. The administrative costs are absorbed entirely by the sponsoring agency. For the current contract period—January 1, 1974–June 30, 1975—this amounts to $17,520 in-kind dollars. In recognition for its past achievements at the conclusion of the Governor's Conference on Aging last May, the Denver senior aides program was honored for "outstanding contributions of service to the community." The program has met enthusiastic response from the senior citizens and host agencies, as well as the State and various city governments in which they are located.

At this time of double digit inflation, which hits the elderly the hardest, it is deplorable to think of eliminating a program such as Operation Mainstream. It is a self-help program which not only augments minimum incomes, but utilizes the gifts of those who have contributed much to society in their younger years and enriches and broadens their old age as they work to make their communities better places in which to live.

I urge the passage of these amendments and the continuation of this important program for older Americans.

Mr. BONKER. Mr. Speaker, in 1964 and 1965, as a staff assistant with the Senate Committee on Aging, I had the opportunity to participate in the studies which led to the creation of the first Older Americans Act. At that time, the committee highlighted the special problems and needs of the older American population. Because of their age, senior citizens were unable to work, or to find work, or even to obtain meaningful volunteer positions. Widowed and alone, many were isolated from their peers by scattered housing and inadequate transportation. Elder Americans on low incomes were undernourished and lacked proper medical care. The unique problems of the elderly demanded legislation directed to their special set of circumstances. And so, in 1965, I witnessed the passage of the first Older Americans Act to establish an Administration on Aging and to provide research programs, training grants and community services for the elderly.

Today, 10 years later, as a Member of Congress and a member of the House Select Committee on Aging, I wish to express my support for the proposed 1975 amendments to the Older Americans Act, and to comment on the success of the act's programs in the intervening decade.

In 1965, the initial $5 million was authorized for community planning and services for the elderly. With much ingenuity, various communities have tailored growing title III funding to the particular needs of senior citizens in their area. A traveling geriatric clinic, providing health screening services 4 days a week in 17 locations, now operates in Pierce County, Wash. On the Quinault Indian Reservation, title III funds helped buy a van so that elder Indians could enjoy senior citizen activities both on and off the Reservation. In a cooperative venture with private concerns, Cowlitz County, Wash., uses title III funds to provide an escort service and reduced bus fares for its elder Americans. I am pleased to see how many ways the communities in my congressional district have employed community planning funds. I fully support requests for higher authorizations.

Perhaps one of the most popular and successful additions to the Older Americans Act since its inception in 1965 has been the title VII Nutrition Program. This program recognizes that many low-income senior citizens are, on their own, unable to afford or to prepare a well-balanced diet. The "hot lunch" program sponsored under this title insures that many elder Americans will obtain at least one hot, nutritious meal per day. In Washington State, 57,533 "hot lunches" are currently served per month under title VII. Most of these meals are served in community facilities, where the participants have an opportunity to chat with their peers. The meals are home-delivered to some 148 individuals who are unable to travel to the centers. The great success of this program, and the need to serve many more eligible, low-income elderly, mandate higher authorizations under this title.

Elderly persons, although beyond their full-time working years, have much time, energy, and talent to contribute to their communities. The volunteer services programs funded through the Older Americans Act give many older Americans opportunities both to serve their communities and to fulfill a need to be useful, creative participants in our society.

In Washington State, 4,300 older persons contribute 62,500 hours per month to community service projects. Many others, involved in the Foster Grandparent program or a pilot Senior Companion program, give their time, attention and love to youngsters, the mentally retarded and the aged sick.

The success of these and other programs has necessitated expansion and increased funding of the Older Americans Act's current titles. At the same time, the success of these programs has highlighted the need to focus further attention on several specialized areas. I applaud the Education and Labor Committee for its work on two new titles—title VIII, Special Service Programs for the Elderly, and title IX, providing community service employment for older Americans.

The success of various outreach, health and transportation projects suggests that many senior citizens can remain self-sufficient if they are provided with minimal special services. The tragedies of institutionalization, coupled with the great cost of nursing home care, compel this Nation to help our elder Americans maintain their independence. The programs to be funded under title VIII will provide needed home services and legal counseling and will help with residence repairs and costs.

I am, finally, happy to note the extension of community service employment for the elderly under the proposed title IX of the act. In this period of economic recession, all too few employment opportunities exist for elder Americans. The committee projects that title IX will provide an estimated 210,000 part-time jobs nationwide over the next 4 fiscal years.

Mr. Speaker, I congratulate the Education and Labor Committee on its review of the Older Americans Act. I was proud to have participated, 10 years ago, in the act's original formation. Today, I am pleased to speak in support of the act's expansion through H.R. 3922.

Mr. KOCH. Mr. Speaker, while I support the Older Americans Act Amendments on the floor today, the home health services included in the bill by no means meet the need by the elderly and disabled for such services. The bill provides a limited amount of funding in the form of grants: $26 million in 1976, $46.2 million in 1977, $57.4 million in 1978, and $69.9 million in 1979, all for a variety of purposes of which home health care is one.

There is an effective, less expensive way to provide the needed broader coverage for our millions of elderly and disabled citizens. We should provide the option of home health services under medicare and medicaid, or under national health insurance if enacted by the Congress, whom the Government would have covered for institutionalization under the same programs. These persons therefore have no option but to go into institutions, rather than remain in their own homes.

To provide such services will correct a costly inequity in the law, which now allows fuller coverage of institutionalization than home health care. The cost to the taxpayer for each individual assisted on a part-time basis in his or her own home, instead of being permanently institutionalized in a hospital or nursing home, is far less. Clearly, we should provide the option of home health care for our elderly and disabled citizens not needing the full range of services provided by nursing homes who are now more fully covered for institutionalization.

Legislation I have introduced with 78 House sponsors, the National Home Health Care Act of 1975, H.R. 4772, would provide such services under medicare and medicaid.

I am delighted that the Older Americans Act Amendments now before us include two amendments which I drafted and which my good friends and colleague, Representative PETER PEYSER, offered in committee and which were accepted. These include an expansion of the definition of homemaker services to provide supportive services as part of home health care in addition to doctor visits; and transportation for the elderly to and from medical visits.

I am pleased that the Older Americans Act Amendments will provide seed money for home health care. However, I hope that the Congress will also include full home health services in the various national health insurance proposals now before it; or else that it amends medicare and medicaid separately, so that the many needy elderly and disabled now covered for institutionalization but who do not need the full range of services of a nursing home will be equally covered for the cheaper, better alternative of home health care.

Obviously, great numbers of the elderly do need the services of a nursing home. Legislation is badly needed to upgrade these services, also.

Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 3922 the Older Americans Act Amendments of 1975. As a cosponsor and member of the Education and Labor Committee which considered the bill, it gives me particular pleasure to be able to present such comprehensive legislation which will benefit millons of older Americans in this Nation.

The 10-year history of this legislation has been spectacular. The original act passed in 1965 was hailed as one of the more innovative pieces of legislation ever passed. Since that time the bill has been amended on two occasions, and in total the bill has gained widespread acclaim from senior citizens across the Nation.

Today's legislation will extend four key programs of the act as well as establish a new special services program for the elderly, a new title VIII of the act.

Specifically the bill extends the program of grants for community services through 1979.

Extends the Older American Community Service Employment Act through 1979. It is estimated that this provision could provide part-time employment for more than 200,000 American workers aged 55 and over.

Extends the national older American service programs, including RSVP, Foster Grandparents programs through 1979.

Finally the bill makes a strong new commitment to prohibit discrimination in Federal programs or activities on the basis of age.

I wish to direct my comments to two important provisions of H.R. 3922 but before I do I wish to make brief mention of my hopes that title V of this act which provides for multiservice senior centers to be established can finally be funded. This program was created in 1973 amendments but has yet to have 1 cent appropriated. I know of several groups within my congressional district who are anxious to establish this type of service for the senior citizens of their community and I feel they should be afforded the opportunity.

I consider the key provision of this bill to be the extension of the older Americans nutrition program through 1979. This program established in 1974 has been one of the most popular and successful programs for older Americans ever established. I originally cosponsored the legislation which established this program and cosponsored legislation in the last Congress which sought to extend and increase the funding. The program provides almost 250,000 senior citizens with one hot meal a day 5 days a week. There are currently some 4,100 sites in existence which serve meals for older Americans.

This program has helped to alleviate the growing problem of elderly malnutrition in this Nation. The severe inflation and the consequential sharp rise in food prices has caused many senior citizens to cut back drastically on their purchases of food. For many it meant the difference between an adequate and inadequate diet. Americans were shocked to hear reports of senior citizens purchasing dog and cat food for consumption because of their inability to buy regular meat.

The nutrition program has assured hundreds of thousands of senior citizens of one hot and nutritious meal 5 days a week. According to reports from the various States administering the program, almost two-thirds of the meals are being served to older persons whose incomes are below the poverty index.

The success of this program has been demonstrated by the large numbers of applications which are submitted to State and local agencies by organizations who wish to sponsor this program. It is the hope of us on the committee that the extension and increased funding for the program will allow more senior citizens to participate in this program, thus hopefully reducing elderly malnutrition. It should be noted that the bill also provides funding for the Secretary of Agriculture to purchase high protein foods, meat and meat alternatives, for the title VII program.

I am particularly enthusiastic about the new title VIII we have added to the act, the special services programs. This section sets out an ambitious but urgently needed agenda aimed at improving various facets of senior citizens' lives to make them more meaningful.

The objective of this section is to provide alternatives to, and in some cases prevent entirely, institutionalization of senior citizens.

Under the section State and local agencies would be encouraged to provide Americans 60 and older with homemaker services including health care. The benefits of this approach will be twofold. One, it will allow more older Americans to remain at home rather than be sent to long- or short-term facilities. The recent shocking exposés on conditions in nursing homes was a prime motivating factor behind the introduction of this section. Secondly, American taxpayers will be saved millions of dollars by providing millions of older Americans with less expensive forms of health care. The National Association of Home Health Agencies states that home health care is three times less expensive than hospitalization and four to five times less expensive than a nursing home. For years there has been a serious lack of legislative proposals to provide alternatives to institutional care. This is the first realistic approach offered which could provide as many as 2.5 million older Americans with this alternative.

Title VIII will provide elderly citizens with counseling services including special assistance to those elderly in nursing homes. This will allow elderly to file grievances in instances when they have been swindled or denied benefits legally due them.

Title VIII also provides for programs designed to renovate and improve housing for the elderly including the establishment of a mortgage reduction program to encourage home improvement to be made and conversions of housing units for the elderly. In our hearings on this bill we were advised of some staggering statistics about deplorable housing conditions which exist for the elderly today. Included among these findings were the fact that the elderly in this Nation pay as much as 35 percent of their income on housing while the figure for younger people, many of whom are in the prime of their earning years, is but 23 percent. Over 1.5 million elderly live in housing that lacks plumbing facilities. This new section will help to alleviate some of these horrid conditions and provide better quality housing for the elderly thus further contributing to our efforts to promote deinstitutionalization of older Americans.

Finally title VIII also provides for better transportation facilities for the elderly to allow them to participate in community life. This section is designed to implement existing legislation including the Biaggi amendment to the Urban Mass Transportation Acts of 1970 and 1975 which provided that the elderly and handicapped of this Nation must be provided with equal access to all public transportation. The need for this type of program is vital and long overdue and I am pleased to see this provision incorporated into this legislation.

I have a special interest in this legislation for as a member of the new Select Committee on Aging, we will play an important role in insuring that this bill is fully implemented. The committee has as one of its primary functions to study existing legislation for the elderly to recommend improvements for possible new legislation. The Subcommittee on Recreation, Transportation, and Community Life, of which I am a member, will have under its direct jurisdiction this new title VIII and we will work to make sure that it fully serves the needs of the elderly.

Mr. Speaker, we are again considering landmark legislation to benefit the elderly of this Nation. We are aware that their needs, especially in this era of recession, are more urgent than others in this Nation and must be responded to in a comprehensive and responsible fashion. H.R. 3922 does precisely this as it improves and expands one of the finest pieces of legislation ever enacted, the Older Americans Act. I commend my colleague from Indiana, Mr. BRADEMAS, for his untiring efforts on behalf of this bill and I hope that the unanimous vote which this bill received in the full committee will help insure its swift enactment by the full House today.

Mr. CONTE. Mr. Speaker, I rise in support of this bill, the Older Americans Act Amendments of 1975.

This bill extends the programs authorized under the Older Americans Act of 1965, as amended, for 4 more years, until 1979. In addition, this bill extends certain provisions of the 1973 Domestic Volunteer Services Act and other statutes which aid older Americans for the same period.

Mr. Speaker, I am especially enthusiastic about the authorization for title VII nutrition for the elderly programs. This bill amends provisions of that program to authorize the Secretary of Agriculture to use $8 million to purchase high protein foods, meat, and meat substitutes to be donated to the nutrition program during the remainder of fiscal year 1975. If not used, these funds will remain available until obligated.

These donations will be in addition to existing requirements for the donation of surplus commodities to the nutrition program.

This bill also authorizes new appropriations of $10 million for this program during fiscal year 1976.

The title VII nutrition program is one of the most worthwhile programs we have for the elderly. It provides for a portion of the cost of supplying hot, nutritious meals for eligible older Americans. For many of these people, this program provides the only hot meal of the day. I have received innumerable letters from constituents of mine, telling me how much this program is needed and appreciated. I expect that all of my colleagues have received similar letters.

Mr. Speaker, provisions of this act will also prohibit discrimination on the basis of age in any program receiving Federal financial assistance. The Congress rewards seniority and experience among its Members. It seems only fitting that those of us who work under the seniority system should protect the employment rights of our senior citizens.

Mr. Speaker, our senior citizens are among our most valuable natural resources. They have a wealth of knowledge and experience to impart to us, as well as a legitimate expectation to living out their lives in reasonable comfort and security.

Today's senior citizens are faced with tremendous problems, especially if they are trying to live on a fixed income in these inflationary times. It is nothing less than shameful, in my opinion, that more than 16 percent of our elderly citizens are living below the poverty level.

Many of the programs provided for under this act deal with this situation, by providing certain benefits and services to enable elderly persons to lead more meaningful and independent lives.

I strongly urge my colleagues to support this bill.

Mr. SEIBERLING. Mr. Speaker, I want to commend Chairman CARL PERKINS of the Education and Labor Committee and Chairman JOHN BRADEMAS of the Select Education Subcommittee for their foresight in including an expanded home repair program with increased funding in the Older Americans Act Amendments of 1975. I have long been interested in the home repair problems of our older citizens, and have, in fact, sponsored the Older Americans Home Repair Assistance Act, H.R. 4251, to aid older homeowners.

About 70 percent of all older people are homeowners, and many of them are clearly unable to meet the rising costs of home repair which have jumped 53.9 percent in the last 5 years. It has become apparent that traditional Federal grant and loan programs do not meet the home repair needs of the elderly with low and moderate incomes: these people are financially unable to assume home improvement loans even at low interest rates and an existing grant program which could have directly assisted them has gone unfunded for years.

The expansion of home repair and other special services to the elderly will be an important step in deferring the forces of institutionalization which all too often entrap our older citizens. It is a concept which I wholeheartedly support and hope can be expanded even further in the years ahead.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 3922—the Older Americans Act Amendments of 1975—which, in essence, extends the program of the 1965 act, for 4 more years through fiscal year 1979.

The Older Americans Act of 1965 created an Administration on Aging (AOA), which is now part of HEW, to act as an advocate for Older Americans and as a highly visible—focal point for programs to improve the physical, emotional, and social well-being of Americans over the age of 65.

We are all too well aware of the present stresses and strains on our economy The main topics of conversation wherever we go today are inflation and recession. And nowhere is this concern more evident than it is among our elderly. Especially hard hit by inflation, most of our older Americans are living on fixed incomes, with their purchasing power constantly eroding. The security of our elderly—millions of Americans—is gravely threatened by the remorseless spiral of inflation intertwined with depression.

These amendments, now before us, not only will help to ease the pace of this erosion, but will also provide the funds needed to upgrade the quality of life for our senior citizens.

I would hope, Mr. Speaker, that a portion of the funds authorized by this act will be used by HUD to supplement rents of those senior citizens on fixed incomes who have suffered exorbitant rent increases over the past 2 years as a result of inflated utilities and operating expenses.

It is significant, Mr. Speaker, that H.R. 3922 provides funds for a housing repairs program and interest subsidies that are designed to insure that adequate housing is afforded the elderly. Presently, not only is their standard of housing inadequate, but even the retention of this substandard housing is difficult for the elderly, many of whom spend upwards of 38 percent of their income for shelter.

Another provison of H.R. 3922 that is deserving of our wholehearted support is the special services program which will enable our older Americans to maintain meaningful and vigorous lives.

One of the noblest actions that we as Representatives of the people can take is to assure that those who have spent their lives in arduous labor can now spend their golden years in comfort, with a peace of mind, and in quiet dignity.

Accordingly, I urge your support of H.R. 3922.

Mr. DON H. CLAUSEN. Mr. Speaker, our senior citizens need our help. Inflation has seriously hurt those living on fixed incomes making it more and more difficult for them to provide themselves with adequate meals, housing, basic transportation, and health needs.

The legislation before us today will provide the elderly with many of these services and programs which they need to live in dignity.

The nutrition program is one of the most important programs authorized under the Older Americans Act and I strongly support extension of it.

I have received numerous letters from senior citizens living within my congressional district praising the nutrition programs in their communities. For many of them, these programs enable them to obtain hot, well-balanced meals which they would otherwise have to go without. In many cases, they are unable to cope with the strain of daily shopping or are unable to prepare a good meal for themselves. Others have benefited from the companionship they have found through these programs.

In a nation as strong and prosperous as ours, I can see no reason why any person should have to go hungry or suffer the humiliation of begging for food.

A recent survey conducted in the State of California indicated that, when asked to list their needs, seniors listed transportation, housing, nutrition, and health protection as high priorities.

In Humboldt County, one of six counties in my district, 40 percent of our senior citizens were found to be living below the poverty level and 39 percent of them showed nutrition to be a need priority.

Good nutrition is basic to an active and productive life and I strongly support our efforts to insure that our senior citizens are provided with a coordinated and comprehensive nutrition program.

This legislation will also enable us to further assist elderly who are unable to get themselves around. Many do not own a car, others live too far from public transportation and still others are simply afraid to attempt the use of public transportation. This bill will permit the continuation of community programs aimed at overcoming this problem. Seniors will be provided with a means of getting to locations where they can benefit from the other programs we are dealing with.

State and local agencies will be encouraged by this legislation to extend health services to our elderly. It has become painfully clear that many facilities currently serving the elderly are inadequate and unable to assist many of those in need.

This bill will bring basic health care services to our senior citizens in their own homes. Not only will this result in a savings to the public by lessening the number of elderly who live in institutions but it will also make it possible for more seniors to retain their independence and dignity.

I would also like to praise my colleagues on the Education and Labor Committee for their leadership in recognizing the problem of age discrimination.

We have many programs aimed at combating racism and sexism. It is equally important that we end "ageism." Many of our elderly citizens want to be active. They do not want to be "written off" as nonproductive members of society. Many are capable of making unique contributions to their communities and we must eliminate the prejudices which block their doing so.

While this legislation focuses attention on the key areas in which our elderly need our assistance; nutrition, housing, transportation and health; I would like to emphasize that the bulk of Federal assistance must come through the better coordination of ongoing programs in these areas. By recognizing the needs of the elderly as a whole and working to meet them in a coordinated and comprehensive manner we will avoid duplication and insure that we do not overlook a key concern.

Mr. KRUEGER. Mr. Speaker, Alexis de Tocqueville, in his classic study of American democracy, said that America is a country in which the child is king. It is true that we have been, and are now, a nation dedicated to sustaining a vision of freshness, hope, vitality, and we are a nation primarily focused on the future. That is as it should be. But the clearest way of charting our course for the future is to recognize where we have been, and there can be no respect for young Americans and no hope for their future if we ignore those who have built the society we now enjoy and those who have provided the momentum to bring us where we are. This Nation must recognize the legitimate needs for assistance which many older Americans have, and this bill, though it has faults, gives impetus in the right direction.

H.R. 3922 extends the authorization for all the programs of the Older Americans Act including: Title III grants for State and community programs on aging; title IV research, demonstration, and training programs to meet the special needs of the elderly and, title V provisions for acquisition alteration, or renovation of multipurpose senior centers. Also retained is Title VII nutrition program for the elderly and, title IX, the Older Americans Community Service Employment Act.

New to the bill are provisions under title VIII for special service programs for the elderly. These include homemaker and home services, counseling and tax assistance services, conversion and renovation of housing for the elderly, and transportation services—all designed to provide alternatives to deleterious and costly institutionalization of our older citizens.

One of our most satisfactory Federal programs is the foster grandparents program which this act supports. This program had its beginning in San Antonio, Tex., and has been a success there, as elsewhere. I have witnessed firsthand the activities of this program and am pleased to support its continuation. The satisfaction achieved by the participants in this program and the benefits which they provide to the youngsters they assist is an important asset in any community. Other programs in this act which allow our older citizens the dignity of an opportunity for work, and which make available hot meals to those in need, are also well directed.

H.R. 3922 is another major step in the development of a public policy responsive to the needs and potentials of our country's older citizens. Its greatest accomplishment is the expansion of programs to assist America's elderly to live a better and more independent life.

I think it important that we do our best to see that these programs are administered with fiscal responsibility and respect for the labor of those who will be paying for these programs, and I wish that we had not built in automatic funding increases from year to year. In spite of these reservations, I wish to support this act because it will help to support those who have so long supported us.

Mr. PRICE. Mr. Speaker, originally passed in 1965, the Older Americans Act has been instrumental in the development of pioneer programs to aid the senior citizen. As the original sponsor of the act, I am concerned with its future development. Today we consider H.R. 3922, a bill that will amend the act extending it for another 4 years.

These past years have witnessed increased awareness of the problems facing older Americans. This new bill reflects congressional sensitivity to these problems by broadening the scope of the 1965 act increasing programs and services to the senior citizen.

The new bill includes employment, education, and special services programs. An agency will be established to help find jobs for unemployed persons of age 55 and older. The bill extends programs for the elderly under the Adult Education Act. The new special services programs are designed to especially meet the needs of the senior citizen by providing; in-house care, legal and tax counseling, special transportation services, and funds to encourage the conversion and renovation of housing for the elderly.

The new bill will continue programs initiated by the 1965 act. It authorizes $87.3 million for the retired senior volunteer programs and $139.7 million for the popular foster grandparents program.

Another important feature of the bill amending the Older Americans Act is the prohibition of discrimination based on age in any program funded by revenue sharing. This is an important step in the right direction.

Much has been done, much more needs to be done. I urge that my fellow Members of the House of Representatives join me in my support of H.R. 3922, the Older Americans Amendments of 1975.

Mr. MOFFETT. Mr. Speaker, we have just witnessed solid congressional support for the extension and expansion of the programs established under the Older Americans Act of 1965. The administration has indicated its opposition to the funding provisions for these programs, for it would like to place them under the domain of the Comprehensive Employment and Training Act, to be administered at the discretion of that program's bureaucracy. On the contrary, I feel strongly that we must maintain a separate and distinct Older Americans Program, with categorical funding for specific vital services, to insure adequate assistance for the elderly.

I am particularly concerned that we continue to provide regular nutritious meals for our needy senior citizens. Rising food costs have turned this into a major problem for many thousands of people. Title VII of the Older Americans Act provides 220,000 needy Americans with a nutritious hot meal 5 days a week. This presently occurs at over 4,000 locations, most of them neighborhood community centers. However, as the cost of meals under this program has increased due to spiralling inflation, the program itself has been cut back.

It must be acknowledged that the economic hardships faced by our society these days have hit hardest upon the elderly. The effect of inflation on those with fixed incomes has been especially devastating, and the majority of our senior citizens fit this category. There are now more than 20 million people in this country who are 65 or older, and this number increases every day. One-fourth of these people live in poverty. These are proud people, people who have worked hard all their lives. They do not want handouts or token sympathy. All they ask of us is the most basic assistance for living.

I have met with senior citizens from Torrington, Enfield, Winsted, and New Britain, and have visited many of the community centers which serve these title VII meals. These visits have left me with a deep understanding and appreciation of the worth of this program, and I have committed myself to work for its extension. For many of the people I met, this was the only nutritious meal they could get each day.

But nutrition is only one of the benefits of this program. Just as important is the fact that each meal serves as a social gathering for these otherwise isolated individuals, a priceless opportunity for them to experience a sense of community, of belonging. We hear a lot about "community" these days—community services, community involvement—and there is danger of the word becoming just another meaningless cliche. That, I think, would be a tragedy, for "community" is indeed a necessary key to the solution of this problem.

We are speaking here about people who have for years been ignored, disregarded, and neglected—sometimes intentionally, more often inadvertently. In short, they have repeatedly been excluded from the mainstream of society and the collective activities of their communities. In an age where every group feels alienated and forgotten, we should remember that our elderly, while often the least vocal, have perhaps the most legitimate basis for such feelings.

Finally, to those who would object to the costs of these programs, I would simply point out that these are preventive programs, which is to say that the social costs of not having them would be far greater than the costs of administering them now, as an "ounce of prevention." The cost of a good meal is much less than the cost of hospitalizing a starving or undernourished person. It would be uneconomical, as well as cruel and insensitive, to end these essential programs.

Mr. BINGHAM. Mr. Speaker, I rise in enthusiastic support for passage of H.R. 3922, the Older Americans Act Amendments of 1975, which represents a reaffirmation of our concern for the plight of the elderly and our determination to alleviate the special problems which face older Americans. Congressional action on behalf of men and women over 55 is especially critical now, given the Ford administration's tragic inclination to sacrifice the needs of elderly poor and older unemployed workers on the altar of fiscal restraint. I am proud of the way the 94th Congress has responded so far to this cold-hearted approach and I look forward to overwhelming House and Senate approval of H.R. 3922 and quick enactment of the bill over possible Presidential objections.

H.R. 3922 extends and strengthens programs authorized by the Older Americans Act of 1965 and subsequent amendments through fiscal year 1979. It creates a new special service program for the elderly to provide much needed assistance to senior citizens designed to prevent their unnecessary placement in nursing homes—home services, counseling, transportation, and so forth—prohibits discrimination in Federal programs or activities on the basis of age, and extends senior volunteer programs run by ACTION, including the foster grandparent program and retired senior volunteer programs, RSVP.

I have a particular interest in the bill's extension and expansion of the Older Americans Community Service Employment Act—title IX of the Comprehensive Older Americans Services Amendments of 1973—because of my active involvement in originating the program. In 1966 I joined with Senator HARRISON WILLIAMS in introducing legislation establishing a National Senior Service Corps which would provide part-time employment for men and women age 60 and older who want to participate in community service programs. The idea grew out of antipoverty hearings in 1965 and 1966. We pursued the proposal with the Johnson administration until HEW and Labor Department officials agreed to a pilot project beginning in 1968.

That year, under existing poverty and manpower legislation and funding authority, grants were given to certain nonprofit national organizations to establish demonstration projects utilizing the talents of poverty level senior citizens in services to the community. One of the most succesful projects under this program was senior AIDES run by the National Council of Senior Citizens which in its first year of operation attracted seven applicants for each job available under its program. The AIDES program dramatically demonstrated that senior citizens are eager to contribute their time and energies to meaningful community activities. They are a unique manpower source which can fill gaps in community services without straining the Federal budget. In 1970 I joined with Senators KENNEDY and WILLIAMS in proposing a permanent nationwide older Americans community service employment program based on the outstanding accomplishments of the demonstration projects and our proposal was subsequently adopted as part of the vetoed 1972 Older Americans Act Amendments which was reworked and finally signed into law as title IX of the Comprehensive Older Americans Services Amendments of 1973.

Despite Congress clear endorsement of a nationwide employment program specifically designed for older Americans, the Nixon and Ford administrations since the enactment of title IX have tried to kill this program and phase its approved funding into general manpower revenue sharing under the Comprehensive Employment and Training Act of 1973—CETA. Pursuant to this policy, Labor Department officials recently announced their plans to terminate the 6-year-old practice of providing grants to national senior citizen organizations to run older American community service employment projects by the end of the fiscal year in addition to seeking an end to the title IX program.

They argue that if present older American employment projects are worth continuing after June 30, State and local CETA officials will fund them under manpower revenue sharing, but generally their position is that older Americans' employment needs can be handled adequately along with the general population in strong opposition to the categorical approach aimed specifically at Americans 55 and older.

In testimony before various congressional bodies, representatives of the national organizations which have been running older American community service employment projects for over 6 years presented convincing evidence against the administration's revenue sharing approach. They pointed out that only a small percentage of CETA funds are used by State and local sponsors to help unemployed older Americans while more than half of the funds are used to assist unemployed youths. This despite the fact that older workers make up almost as large a share of the total labor force as those 21 and under, and are more likely to have families to support. The explanation for this, they believe, lies in the hard fact that older Americans have relatively little political clout on the State and local level. In addition, the representatives argue, the employment needs of Americans over the age of 55 are more difficult to meet because of the problems of health, age discrimination, and retirement restraints. Most older Americans, they point out, do not want to compete with younger people for full-time jobs. They would prefer part-time employment which involves meaningful service to the community. I believe these national organizations have clearly demonstrated the need for a national categorical approach to older American unemployment.

Congress has recognized this fact all along and has continued to press for funding of the title IX program over the strong objections of the Nixon and Ford administrations. We appropriated $10 million in fiscal year 1974, which was finally released to national organizations in June 1974, and $12 million in fiscal year 1975 which still has not been released although Congress just rejected the President's request to rescind the title IX authority. To reaffirm congressional concern for the employment problems of those 55 and older, $24 million for community service employment for this age group was included in the emergency employment appropriations bill, H.R. 4481, recently passed by the House. I hope for quick approval of this legislation so that older Americans can find a needed outlet for their proven talents and energies while providing valuable service to their communities.

The history of administration attempts to thwart the community service employment program for older Americans is a frustrating one. Surely, the success of the categorical approach to the employment needs of senior citizens has been proven. I sincerely hope that the administration will finally embrace this valuable program and work with Congress to implement it. To do otherwise, would be to ignore one of our most neglected natural resources—our older Americans.

Mrs. LLOYD of Tennessee. Mr. Speaker, the Older Americans Amendment of 1975 will extend and increase funding for currently existing programs which provide necessary and invaluable services to the elderly. Older Americans represent 10 percent of our population and yet an equal amount of interest and effort has not been devoted to serving their needs.

The objectives of the act are clearly in keeping with the traditional American concept of the inherent dignity of the individual in our society. The proposals contained therein will enable older Americans to live out the remainder of their lives with pride and self-respect.

Older Americans have made substantial and significant contributions to the progress of our country. The loss of their independence and their lack of mobility in our society, however, result in feelings of noninvolvement. This contributes directly to their premature mental and physical deterioration. These people have strengthened the foundations of our country. They richly deserve the chance to continue contributing in their own ways to our society and to the enrichment of us all.

Elderly citizens have previously been forced by the high cost of home maintenance and improvement to leave their homes. An alarming number of our elderly live in poverty. Too many older Americans pay too much of their income for rent. Too often older adults are forced to give up their homes for lack of funds and are institutionalized earlier than is necessary—a situation which not only demoralizes them, but deprives them of all feelings of independence and usefulness to society. In the end, this proves to be more costly than if they were cared for at home. Home care services are 3 to 5 times less costly than the cost of hospitalization or skilled nursing care. This amendment provides important and practical alternatives to institutionalization.

The Age Discrimination Act of 1975, which is a crucial measure in terms of employment for the elderly prevents ageism by employers. Again discrimination based on ageism leads to noninvolvement—noninvolvement not by their own choice, but by the choice of leaders of society's institutions who judge only on the basis of age, not on the basis of experience and skill. Discrimination against the elderly is also evident, in that society and the Government are not willing to supply them with the services they need and rightfully deserve. The elderly should not be excluded from participation in or be denied the benefits of any activity or program receiving Federal financial assistance.

I feel that we must commit ourselves to supporting this legislation which will provide ways to help those who have spent their lives in building this Nation to live out their remaining years in dignity, free from deprivation and want. These people for too long have faced their enormous problems alone and in silence with no recourse.

Mr. TREEN. Mr. Speaker, it is with extreme regret that I must cast a nay vote on H.R. 3922. I have regret because of the risk that my nay vote may be construed in some quarters as opposition to continuation of programs that are extended by this bill. Like a lot of legislation which comes before us, this bill has an attractive title, so attractive that political risk is involved for anyone who would dare to vote against the bill. But, as always, one must look behind the title and/or the stated purposes of legislation in order to evaluate its merits or demerits.

I have studied this legislation carefully and concluded that the demerits outweight the merits. Ordinarily, the opportunity exists to offer amendments to legislation of this variety so that the Members have an opportunity to work their will and to restructure the legislation. Not so in this case; the bill comes to us on a take-it or leave-it basis. The bill comes to us under a motion to suspend the rules, which means that no amendments to the bill may be offered. Frankly, I am astonished that this is so. This is not unimportant legislation nor is it emergency legislation, either of which conditions might justify consideration of the bill under suspension of the rules.

This legislation introduces new programs of significant consequence, and it involves annual authorizations for the next 4 years totaling more than $2.6 billion in specific amounts, plus open-ended authorizations for certain other programs. Certainly, this kind of legislation should be coming to us under regular order so that Members might have the chance to offer amendments. If such amendments were in order I would have offered them to eliminate the new programs in this bill. I would have also offered an amendment to change the allocation formula because I do not think the present formula is fair to the elderly who live in rural areas.

So my first reason for voting against this bill is because it is offered here on a no-amendment basis. No acceptable reason has been advanced for this procedure.

The second reason for my opposition is the inclusion in this bill of new programs—programs which will be very costly—at a time when we are facing a federal deficit which our Budget Committee has already estimated will amount to more than $73 billion in fiscal year 1976. The President, with very good reason, has asked the Congress not to pass any new programs unless they are absolutely vital. I agree that the only way we can hope to get spending under control is to refrain from passing new programs, recognizing that the elimination of existing programs is virtually impossible. And I take this opportunity to publicly pledge that I will not vote for any new programs in this Congress except those which are essential to our national security or which are necessitated in order to avoid disastrous consequences.

The two new programs which are included in this legislation are set forth in titles VIII and IX. Title VIII sets up a whole new program of funds to provide homemaker services, housing renovation and repairs, transportation, mortgage interest reduction and insurance payments. These homemaker services include such things as reader and letter writing services. Certainly the American public expects us to postpone these kinds of expenditures in light of our dire financial condition. Indeed, the elderly suffer perhaps more than any other group from rampaging inflation which flows from Federal deficit spending. We do them a disservice with this sort of new program at this time.

Title IX sets up a new employment program for older Americans, the purpose being to provide part-time jobs for those who are 55 years old and over. There is nothing basically wrong with helping persons to find productive work, but we have a number of existing programs to provide employment and there is no reason why we should have a duplicative program which categorizes people because of their age. Thus we are adding another bureaucracy to eat up a large portion of the funds which will be directed to this program.

Indeed, one of the sad consequences of this kind of legislation is that the bureaucracy, at the Federal, State, and local levels will consume large amounts of the money appropriated for these programs. In some instances there will even be a fourth level of bureaucracy because local agencies will contract with private companies and agencies to deliver some of the services. Thus, we will have the overhead of a fourth bureaucracy to finance before the eligible persons under these programs receive any benefits.

My third reason for opposition to this legislation is the outrageous escalation of authorization contained in the bill. The specific authorization amounts for the several fiscal years involved are as follows: For 1976: $290,000,000. For 1977: $453,000,000. For 1978: $848,600,000. For 1979: $1,003,320,000. Thus, over a 4-year period we are increasing the specific authorizations in the bill three and a half times. This is the very reason that our Federal budget is out of control. Almost every piece of legislation which comes before us which has multiple year authorizations contains an escalation schedule far in excess of that which is required for the purpose of covering inflation. There is no way to get Federal spending under control with that kind of automatic program growth.

In addition, several of the programs are open ended. That is, there is no specific amount authorized. The authority set forth in the bill for these pro- appropriation of such funds as are grams, including title VIII, is for the needed. Indeed, there is no way to predict the ultimate cost of the homemaker programs under title VIII. Spending under that title could dwarf the spending under all of the other programs covered by this legislation.

Another reason for my vote against this bill, not nearly so important as the foregoing reasons, is that funds are made available to certain national organizations— including, for example, the National Council of Senior Citizens—which organizations are very politically oriented. The National Council of Senior Citizens is able to receive funds under this legislation as an agency to carry out some of the programs. In my judgment, any organization involved in carrying out programs funded by the Federal Government should be barred from activities which have as their purpose the encouragement of support for, or opposition to, candidates for public office. Stated another way, such organizations have the right to engage in political activities—and I will defend that right always—but if they do so engage themselves they should not qualify as an agency to receive funds for the purpose of carrying out congressionally enacted programs.

In conclusion, Mr. Speaker, I reiterate my dismay that this legislation came to us on a take-it or leave-it basis, without the opportunity to offer any amendments whatsoever. I believe that this legislation contains some good and, if we had the opportunity of eliminating the bad through amendment, it could have received my support. Also, by opening the legislation to amendment we would have had full opportunity for debate and evaluation of its provisions.

I conceive my duty to be to look behind the title and the stated purposes of legislation, and not to be stampeded by what appears to be popular from a political standpoint. Measured against that duty, I find the legislation to be seriously deficient and cannot give it my support.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 3922, as amended.

The question was taken.

Mr. RANDALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. THONE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from Nebraska withdraw his point of order of no quorum?

Mr. THONE. Mr. Speaker, I do withdraw my point of order of no quorum.

PARLIAMENTARY INQUIRY

Mr. RANDALL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANDALL. Mr. Speaker, will I have an opportunity to renew my demand for the yeas and nays at a later time? Will such a demand be in order?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RANDALL. I thank the Chair.

EXPANDING COVERAGE OF THE REHABILITATION AND BETTERMENT ACT

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 543) to expand coverage of the Rehabilitation and Betterment Act (Act of October 7, 1949, 63 Stat. 724), as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act to provide for the return of rehabilitation betterment costs of Federal reclamation projects", approved October 7, 1949, is amended to read as follows: "Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be scheduled for return with their construction charge installments or otherwise scheduled as he shall determine: Provided, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act.".

The SPEAKER pro tempore. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 543, which I introduced and which has been reported to the House by the Committee on Interior and Insular Affairs. While this is not a major bill it is no less important and badly needed. As I shall point out later, its cost implications are minor.

In 1949 Congress enacted the rehabilitation and Betterment Act. The purpose of that act was to provide a simplified procedure through which the operators of existing Federal irrigation programs could obtain funds for rehablitating, repair and modernization of their irrigation systems.

The law, as originally enacted, simply required the execution of a contract between the borrower and the Secretary of the Interior—through which the funds would be repaid, not to exceed 40 years.

In the intervening 28 years we are told that approximately three dozen Federal reclamation projects have availed themselves of this source of funding for rehabilitation and modernizing their systems.

Testimony given the Subcommittee on Water and Power Resources is to the effect that there has never been a default on an R. & B. loan repayment—and here are no delinquents at this time. Surely, we can all be proud of a program with this record of troublefree implementation.

Some years after passage of the R. & B. Act the Congress created the small reclamation projects program. Under this program qualified applicants may seek and receive loans from the Federal Government for constructing minor water resource development projects.

Such projects may be multipurpose in character and the enabling legislation sets out the criteria for repayment of the loans.

This too has been a successful program and more than $150 million has been loaned for construction of small projects. We have recently been advised that projects constructed under the authority of the Small Reclamation Projects Act are not eligible to apply for R. & B. loans under the 1949 act—if indeed it appears desirable to rehabilitate and modernize the small project facilities.

H.R. 543 will correct this situation by providing, clearly, that such small projects are indeed eligible for R. & B. loans. The legislation before us requires further that the repayment of the R. & B. loans granted to small projects shall be covered by the Small Reclamation Projects Act.

This means that certain portions of the R. & B. loan will, in appropriate systems, be repaid with interest at the prescribed rate.

Mr. Speaker, it is reasonable to assume there will be, from time to time, the necessity to rehabilitate and repair small projects. It is in the interest of the Government that this be done effectively and expeditiously. Authorizing recourse to the R. & B. program is the best way the committee knows to keep these projects in tiptop shape and able to make their continuing contribution to our economic well-being.

I, therefore, wholeheartedly commend this legislation to my colleagues and solicit your support.

Mr. SKUBITZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague, the esteemed chairman of our Water and Power Resources Subcommittee, in support of this bill. As he so ably pointed out, it is not a major bill, but it corrects a situation that has developed in the administration of rehabilitation and betterment loans for projects constructed under the authority of the Small Reclamation Act.

As amended, the bill satisfies the objections expressed in our committee hearings by the administration, except in one minor instance. The Department said it would have preferred us to amend the Small Reclamation Projects Act, rather than the Rehabilitation and Betterment Act which this bill amends.

The committee decided—wisely, in my opinion—to adhere to its original intent to amend the Rehabilitation and Betterment Act because it was felt that we should not open the Small Reclamation Projects Act to amendments and run the risk of having that act amended beyond the narrow purpose intended.

As finally passed by the committee in the form that it now appears before us, this is a good bill that performs a worthwhile purpose and I join the gentleman from California (Mr. JOHNSON) in urging its unanimous passage by the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I join in full support of this bill and urge my colleagues to give it the unanimous support it deserves.

For the record, I will point out that as originally introduced, this bill would have extended the authority of the Rehabilitation and Betterment Act, not only to small reclamation projects constructed under the authority of the Small Reclamation Projects Act, but also to any irrigation or drainage system operated by a State-authorized public agency. Further, it would have granted interest-free status to loans for rehabilitation of municipal and industrial water projects as well as irrigation projects.

On those two points—extension of coverage to State projects, which would have broadened this part of the reclamation program to all 50 States, and the granting of interest-free loans to M. & I. projects, which it has not been congressional policy to do—on those two points the Department disagreed with the original bill and recommended against its enactment.

The committee amended the bill to eliminate both of those objectionable provisions, and as it is now before us the bill does not extend coverage to State projects, nor does it subsidize M. & I. projects.

As pointed out by the gentleman from Kansas, the distinguished ranking minority member of our committee, Mr. SKUBITZ, we chose to override a third objection by the administration relating to the choice of which act to amend. This is a good bill and I urge its passage. Mr. Speaker, I call for the question.

Mr. SKUBITZ. Mr. Speaker, I have no further requests for time.

Mr. JOHNSON of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 543, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR SALINE WATER CONVERSION PROGRAM FOR FISCAL YEAR 1976

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3109) to authorize appropriations for the saline water conversion program for fiscal year 1976, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated, to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159) during fiscal year 1976, the sum of $3,850,000 to remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. SKUBITZ. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. JOHNSON), and the gentleman from Kansas (Mr. SKUBITZ), will be recognized for 20 minutes each.

The Chair recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I am privileged to rise on behalf of legislation to authorize appropriations for saline water conversion research and development.

This is the only purpose of H.R. 3109—which would authorize $3,850,000 to be appropriated for fiscal year 1976 and to remain available until expended.

It has been the policy of the Congress for many years to authorize appropriations for this program 1 year at a time.

I well remember that the purpose of this policy was to prevent and restrain uncontrolled growth in the size and scope of the Department's activities.

For many years the Congress and the Executive mutually agreed that something in the range of $25 to $30 million, annually, represented a justifiable level of operation. In recent years, however, the administration has progressively reduced its level of requested authorizations—and in fact did not request any authorization at all for fiscal year 1976.

Accordingly, the committee drafted and introduced H.R. 3109 at the level of $3 million upon learning that such an amount had been included in the President's budget—under the heading of water research and technology.

The Subcommittee on Water and Power Resources held hearings on H.R. 3109 at which time a formal report from the Department recommended a substitute bill which would have repealed the requirement for annual authorizations among other things. The subcommittee did, however, learn from the departmental witness that $3 million was indeed the level of requested funding in the President's budget.

Testimony was also received concerning two specific developmental programs involving expensive pilot plant and modules that have not yet been tested and which the administration did not propose to test.

The Subcommittee and the full Committee on Interior and Insular Affairs agreed that it is highly irresponsible to fabricate such sophisticated developmental hardware at public expense and then refrain from testing and operating it.

Accordingly, H.R. 3109 was amended to authorize an increased amount of $850,000, to be specifically utilized as follows:

First. $700,000—to be expended in test operations of the VTEMSF distillation module in Orange County, Calif.—which has been constructed at an expense of about $5 million by the Federal Government and an approximately equal amount by the Orange County water district.

Second. $150,000—for additional operations and testing on the 75,000 gallons per day freezing process pilot plant—fabricated by AVCO of Wilmington, Mass., and which is now on the stream at the Wrightsville Beach, N.C., test facility.

The $3,000,000 in the President's budget is needed for continued research activity in membrane processes for seawater conversion and for further work in the freezing process.

This budget will support a bare-bones staff of about 22 people which contrasts sharply with a staff of about 140 people working on this important activity 2 or 3 years ago. None of the funds included in this authorization is intended to be used for continuing work in membrane processes for brackish water conversion or for the support of the Roswell Test Facility.

The committee is advised, however, that ample funds for these purposes are available from prior years' appropriations. Mr. Speaker, although I endorse this measure and urge my colleagues to vote in favor of it, I do not, in any sense, consider it to be an adequate program for it not having been further increased by the Committee on Interior and Insular Affairs.

In the 2 immediately preceding fiscal years the Committee on Interior and Insular Affairs has sharply increased the requested authorization. Such increases have been approved by the House—by the other body—and by the President.

For reasons of which I am not at all certain, most of these increased authorizations have not been appropriated and those which have been appropriated have been withheld from obligation for extended periods and their effectiveness has been limited through arbitrary controls on positions and other examples of management indifferences to the program.

Very frankly, our experience in the last 3 years has led to the judgment that this administration would probably prefer no program at all and that those of us who support this activity are well advised to pass this legislation promptly and secure this level of appropriations rather than to bring out a more ambitious program and perhaps lose all of it.

There is no question that H.R. 3109 is a justifiable bill and worthy of immediate passage. I renew my recommendation that the House suspend the rules and do precisely that.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman very much for yielding.

Mr. Speaker, I rise in support of this legislation and would like to say that this program certainly should be continued. It has done a marvelous job, I think, so far. It is something that the Nation needs.

Water is not only scarce in the Western part of the United States, but it is getting scarce in other parts of the United States. I think that this bill came out of the subcommittee unanimously; it came out of the full committee unanimously; and I urge passage of the bill.

Mr. JOHNSON of California. I thank the Chairman of the full committee for his comment.

Mr. SKUBITZ. Mr. Speaker, I join the distinguished chairman of our Water and Power Resources Subcommittee, Mr. JOHNSON, in the full support of this bill.

I will point out that there has been some disagreement in this body in recent years on the question of whether the Federal research program for saline water conversion should continue, or whether it has gone as far as it needs to go in demonstrating the economic viability of this program, and should now turn it over to private enterprise.

This is, an has been, a valid point of argument. All too often, Federal programs of research and demonstration drag on and on, far beyond the point where further development should be turned over to the private community for more efficient continuance under the profit-motivated free enterprise system. It is clearly the position of the administration that this point has been reached in the saline water conversion research program, and this belief has been reflected in the administration's refusal to obligate funds appropriated for this purpose by the Congress.

While I agree with the general principle expressed by the administration, I disagree in the application of that principle in this particular program. The costs of converting both saline and brackish water have been dramatically reduced by the Federal research and demonstration program but they are still too high for viable economic application under present conditions. The Federal program should continue, and this bill should pass.

Mr. Speaker, I now yield to the gentleman from New Mexico (Mr. LUJAN), chairman of the subcommittee that handled this legislation.

Mr. LUJAN. Mr. Speaker, I rise in support of this bill and urge its passage. I concur with the opinion expressed. I want to add one point for emphasis, so that the Department will in no way mistake the intent of this committee in reference to the brackish water conversion program.

My colleague from California, who has so ably supported this program from its inception, pointed out that none of the funds included in this authorization is intended to be used for continuing work in membrane processes for brackish water conversion or for the support of the Roswell Test Facility.

Standing alone, that statement would appear to be an expression of congressional intent to close down the Roswell facility, but I know that is not the intent, either of the gentleman from California nor of our committee nor of the Congress. The gentleman followed up on that statement by saying, and I quote:

> The committee is advised, however, that ample funds for these purposes are available from prior years' appropriations.

Mr. Speaker, I want it clearly understood that the committee included no funds for the Roswell facility in this bill for one reason only: Because we were assured that adequate funds for its operation are still available and that they will be used. We have no intention of permitting this facility to be closed before it has completely fulfilled its mission of bringing the cost of conversion of brackish water down to competitive market level.

Mr. Speaker, my emphasis of this point is in no means a narrow political emphasis based only on the fact that the Roswell facility happens to be in the State that I represent. It is such narrow political considerations that have caused the costs of Government to balloon out of control over the past 30 years. I fully and completely concur with the proposition that when a Federal program has outlived its usefulness it should be terminated immediately and the taxpayers relieved of the burden of supporting it. But such is not the case here.

In the case of the Roswell facility, we have one of the best examples on record of the successful and legitimate use of Federal funds to achieve a worthwhile and necessary public purpose. Through its development of the reverse osmosis membrane process, the Roswell plant has brought the cost of brackish water conversion down from $3.50 per thousand gallons to its present cost of about 30 cents per thousand. But that is still not on target. We must get the cost down to 6 or 8 cents per thousand if we are to utilize our vast underground reservoirs of brackish water to augment the critically diminishing supplies of surface waters in the West. Until that is done—and I am certain we are within just a few years of reaching that goal—we have no intention of pulling the rug out from under the dedicated scientists at Roswell.

With that point clearly on record, Mr. Speaker, I urge full support of this bill.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from California, the chairman of the committee.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman for yielding.

I want to make it crystal clear, too, that the test facilities the gentleman talked about will be carried on with carryover funds, and in no way does this committee stand for the discontinuance of those programs the gentleman has alluded to in his remarks here.

Mr. LUJAN. I thank the gentleman. I certainly appreciate his remarks.

Mr. SKUBITZ. I yield to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of this bill to authorize the continuation of research and development in saline water conversion.

The issue before us is far greater than simply keeping another Federal program alive for another year; it is an issue bearing on the very maintenance of human life and growth on this planet. Mankind has squandered the natural resources of this Earth for hundreds of thousands of years in the mistaken belief that those resources are endless and undepletable. In recent years, we have seen the fallacy of such thinking as one natural commodity after another has joined the ranks of the "going, going, gone."

Oil, natural gas, timber, precious metals, industrial metal ores—the list of shortages grows with every day of increased usage—while we search the remote corners of the Earth for discoveries of new supplies. And in the meantime, our expanding industries and manufacturing plants create even heavier pressures on these dwindling resources to meet the mushrooming demands of the world population explosion.

The current energy shortage caught us unprepared. We had made no plans or preparations toward the day when oil and natural gas supplies would be insufficient to meet world demand, and we are paying the price of national recession and international inflation while we scramble today to meet an emergency that should have been foreseen yesterday.

But the dislocations caused by the energy shortage, bad as they are, will be mild compared to the massive human readjustments we will have to make if we do not prepare today for the coming shortage in one of the basic necessities of life: fresh water.

I suggest, Mr. Speaker, that this shortage is already upon us, and that is what makes this bill so vitally important.

Just a few short years ago, it would have been ludicrous to suggest that this planet, whose surface is two-thirds covered with water, could possibly run short of it. And yet the signs are all around us. We are fast approaching the day when the words of Samuel Coleridge, "Water, water everywhere nor any drop to drink," will be more truth than poetry.

Our Great Lakes—the largest single supply of fresh water in the world—are too polluted for human consumption and they grow more polluted by the day. The mighty Colorado River which once flowed crystal clear and upon which millions of people depend for their daily sustenance, is now so polluted that the United States is ashamed to let it flow across its borders in its present condition and we are spending hundreds of millions of dollars to remove the mud and salt before we pass it along to Mexico.

In California, we have spent billions of dollars to import fresh water from the North and the East but we still do not have enough to supply the daily demands of our people in Los Angeles and San Diego. And throughout the West, the picture is the same: Communities, States, industries and Indian tribes are all scrambling for the few precious drops of surface water not yet allocated or committed.

The scarce water situation is being exascerbated by our frantic rush to develop new energy sources. It is a frustrating fact that this Nation's greatest remaining coal reserves are located in the arid West and require vast quantities of water to be reduced to slurry and be refined into pipeline gas. We are faced with the Hobson's choice of using the water to grow food for our table or to manufacture the gas we need to cook that food. Without a new source of water, the West cannot have both.

Over the past 25 years, our committee has encouraged and funded the Interior Department to develop new sources of water by finding an efficient and economical method of converting salt water and underground brackish water into pure fresh water for drinking and irrigation. To date, they have come up with three very promising methods, one of which will be used in the massive job of cleaning up the Colorado River.

That particular method is the reverse osmosis technique developed in the Interior Department's research facility at Roswell, N. Mex. By using a unique membrane invented at Roswell, the cost of converting brackish water to fresh has been reduced from $3.50 per thousand gallons of 8 years ago to the present cost of about 30-cents per thousand. We must get that cost down to 6- or 8-cents per thousand before this process is commercially feasible in this country, although it is already in demand in the Middle East desert countries where 30-cents per thousand is a bargain.

A second and different process utilizing flash evaporation has been successfully tested and an operational full-size plant has been built in Orange County, Calif., to demonstrate its commercial feasibility. This test module was built by the Federal Government at a cost of $5 million, matched by an equal amount of non-Federal money. The plant is completed and ready for operation, and yet the administration did not request a penny from Congress this year to run the feasibility tests. I am pleased to report that our committee added $700,000 to this bill for that purpose. The test module will be operated this year.

A third process that extracts fresh water from seawater by freezing has been developed to the testing point and a pilot plant is now in operation at Wrightsville, Beach, N.C. Again, the administration requested no funds for this facility, but our committee added $150,000 to the bill that is before us, and this testing will be continued.

Thus, Mr. Speaker, this bill is really today's three-phase congressional response to tomorrow's inevitable problem of acute water shortages. When we have perfected these methods of saltwater conversion, all the oceans of the Earth will be, in effect, mankind's inexhaustible drinking well. I am proud to have had a hand in bringing this bill before the House, and I commend it to my colleagues as a worthwhile piece of legislation that merits their support.

Mr. YATES. Mr. Speaker, I rise in support of H.R. 3109, the bill to authorize appropriations for the saline water conversion program for fiscal 1976.

Mr. Speaker, I do not rise to support this legislation without some reservations. The present saline water conversion program is a valuable and worthwhile program and it is my view that the authorization contained in H.R. 3109 is too low given the critical needs in this area. It is my conviction that the authorization should be increased. I would like the record to show that if the legislation were not being offered under suspension of the rules, I would offer an amendment to substantially increase the authorization.

For over two decades, the Department

of the Interior has been engaged in a program of research and development directed toward achieving technology by which saline and brackish water may be converted to a usable form. The program was founded in 1952 and was reorganized and strengthened in 1971. The latter reorganization provides that authorizations for appropriations be obtained on an annual basis.

Until 1973, the Department of the Interior carried out a substantial saline water conversion program. The administration requested and the Congress authorized and appropriated between $25 and $30 million annually. Beginning in 1973, however, the administration suddenly decided to scrap the program. In a one-sided policy decision, the administration decided to abolish the saline water conversion program, even though it had solidly endorsed the program the previous year. Accordingly, budget requests dropped sharply; in fiscal year 1974 $10 million was requested and in fiscal year 1975 only $3 million was requested.

To further degrade the program, the Secretary of the Interior directed that the Office of Saline Water, which had been directing the Federal effort, be abolished. The office was merged with the Office of Water Research and Technology.

For fiscal 1976 the Department requested only minimal funds and personnel. Today, the Department has a skeleton crew working on desalinization research and technology.

Mr. Speaker, we are now considering legislation which would authorize $3,850,000 for the saline water conversion program in fiscal 1976. A major protion of the funds will be directed toward research and development to advance the use of reverse osmosis on seawater. In addition, funds are authorized to be made available for continuing pilot plant testing of the freezing process. H.R. 3109 also contains a committee amendment authorizing $700,000 for the operational testing of the VTE–MST module in Orange County, Calif.

While I fully support H.R. 3109, it is my feeling however, that we have not authorized sufficient funds to realize the full potential for this important program. There is a critical need for research work in the saline water conversion area at this time.

The United States is on the threshold of a national water supply crisis. Today, there are critical shortages of water throughout many parts of the Western United States. Every indication points to a continuation of this condition, and there is every possibility it could get worse. The National Water Commission has estimated that the total national withdrawals of water for all uses amounted to 415 million acre-feet per year in 1970. By the year 2000, total withdrawals will more than double, increasing to 902 million acre-feet.

There is growing evidence that we will not be able to meet such large demands for water. The total supply of water in the United States is relatively fixed, yet the demand for water is growing rapidly and will soon exceed supply in several regions. The Rio Grande and Lower Colorado regions, for example, are already consuming more than their estimated dependable supplies for 1980. Other regions projected to have water shortages by 2000 are the Texas-Gulf region, the Great Basin, and western portions of the Arkansas-White-Red region.

Not only are water supplies in doubt, but there will be an increasing number of conflicts between water users. Legal entanglements over water rights in the West could seriously curtail future water supplies for irrigation and agriculture.

The ability of the United States to meet future energy needs may also be restricted by insufficient water supplies. The National Academy of Sciences has reported that water may be a limiting factor to energy development in the West. This will be especially important in areas such as the Colorado River Basin and the Northern Great Plains which are rich in energy resources, but short in water supplies.

In order to avoid regional water shortages or potential conflicts between water users, it is imperative we develop every available option to increase water supplies. The development of saline water conversion technology is one important option for future water supplies.

We can provide future decisionmakers with this additional option if we lay a solid foundation for improved saline water conversion research. Increased funding for this program is one essential ingredient. In addition, we should provide a workable research program which contains goals and adequate funding.

It is my hope that the Committee on Interior and Insular Affairs will have an opportunity over the next year to thoroughly re-examine the saline water research and development program. I hope the committee can provide new enabling legislation which will revitalize this important program.

While I am disappointed at the authorizing level in H.R. 3109, I must take this opportunity to congratulate the chairman of the Subcommittee on Water and Power Resources, Mr. HAROLD T. JOHNSON of California, for the leadership he has shown in this area. He has waged a 2-year effort to retain the saline water conversion program. Without his valiant efforts, I am sure the administration would have completely abolished this program.

Mr. Speaker, the saline water conversion research and development program offers large potential for resolving future water supply problems. It is a vital program which should be strengthened and continued.

Mr. SKUBITZ. Mr. Speaker, I have no further requests for time.

Mr. JOHNSON of California. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 3109, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMODITY FUTURES TRADING COMMISSION ACT EXTENSION

Mr. BERGLAND. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 335) to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974, as amended.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law or of the Commodity Exchange Act, as amended (7 U.S.C. 1 *et seq.*), the Commodity Futures Trading Commission established in section 2(a) of the Commodity Exchange Act, as amended, in its discretion, and without prior notice or hearings:

(a) may grant provisional designation as a contract market to any boards of trade for any commodities traded thereon for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 and under such terms and conditions as the Commission may prescribe: *Provided,* That upon the expiration of any provisional designation of a board of trade as a contract market, such board of trade shall not be designated as a contract market except as provided in section 6 of the Commodity Exchange Act, as amended:

(b) may grant provisional registration as a futures commission merchant, floor broker, associated person, commodity trading adviser, and commodity pool operator to any person for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 (Public Law 93–463) and under such terms and conditions as the Commission may prescribe; and

(c) may defer for such period not in excess of ninety days from the effective date of the Act, the effective dates of sections 204, 205, and 210 of the Commodity Futures Trading Commission Act of 1974 (Public Law 93–463).

SEC. 2. Section 203 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "six months" wherever it appears in the last paragraph therefor the phrase "nine months".

SEC. 3. Section 106 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "one year" wherever it appears in the last paragraph thereof (subsection (i) of new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "fifteen months" and by striking the phrase "nine months" in the last paragraph thereof (subsection (i) of the new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "one year".

SEC. 4. Section 404 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "ninety days" wherever it appears therein and substituting therefor the phrase "one hundred and eighty days".

The SPEAKER pro tempore. Is a second demanded?

Mr. WAMPLER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. BERGLAND) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. BERGLAND. Mr. Speaker, I yield myself such time as I may consume.

The Commodity Futures Trading Commission Act of 1974 was signed into law on October 23, 1974. That act reformed the regulation of the Nation's half trillion dollar commodity futures industry and created a new independent regulatory body, the Commodity Futures Trading Commission, CFTC, with expanded jurisdiction and powers to oversee the act.

The effective date of the CFTCA was 180 days after the date of enactment, or April 21, 1975. The date was picked after consultation with administration figures as to a reasonable period during which the five Commissioners could be expected to be nominated, confirmed, and engage in the necessary preliminary activities to establish the Commission, hire principal staff—the Executive Director selected by the Commission requires Senate confirmation—and engage in the time consuming activities involved in registering the approximately 25,000 to 30,000 persons handling customer accounts otherwise regulated under the act, designate new contract markets for all commodities and begin to effectively regulate this volatile and sensitive industry.

Unfortunately only four of the five Commissioners were nominated on March 18 of this year and none of them have yet been confirmed by the other body.

The plain fact is there are certain things that the Commodity Futures Trading Commission simply cannot physically accomplish between the time of the confirmation of the Commissioners—presumably within the next 2 weeks—and April 21, 1975, the effective date of the Commodity Futures Trading Commission Act of 1974.

For example, the Commission cannot review the operations, bylaws and rules of commodity markets in sufficient depth to determine whether such markets should be designated as contract markets under the act.

The registration of persons associated with futures commission merchants and of commodity trading advisors and commodity pool operators cannot be done quickly enough. It is estimated that there are approximately 25,000 to 30,000 persons who would be required to register under these provisions. The Commission could not within the brief period allotted to it prior to April 21 promulgate the necessary regulations, review the applications from such persons, make meaningful fitness checks, and issue the required registrations. House Joint Resolution 335 would, by authorizing provisional designations for a period not in excess of 90 days or by delaying the effective date of sections 204 and 205, give the Commission an additional 90 days in which to accomplish this work.

Other sections within the current act impose statutory deadlines on the Commission which were originally based on the supposition of a trouble free transition between the current regulatory structure and the CFTC.

These include provisions of the act dealing with the question of trading by floor brokers and futures commission merchants, customer reparations procedures, and new definitions of hedging. Appropriate adjustments of these provisions also need to be made and is contained in the provisions of House Joint Resolution 335, as amended.

All in all this resolution, which was cosponsored by the gentleman from Washington (Mr. FOLEY), by the gentleman from Virginia (Mr. WAMPLER) and by the gentleman from Illinois (Mr. MADIGAN) and myself, who serve as the full committee chairman, the ranking minority member, the subcommittee ranking member, and the subcommittee chairman, is badly needed in order to allow the Commission the opportunity to do the job the Congress intended it to do.

Mr. Speaker, when hearings on this matter where held by the committee, testimony was presented by Mr. Alex C. Caldwell, the Administrator of the Commodity Exchange Authority of the Department of Agriculture, appeared on the 26th day of March, 1975, before the Subcommittee on Conservation and Credit of the House Agriculture Committee.

Mr. Speaker, I would like to read a few appropriate excerpts from the Administrator's remarks, because I think it serves to reinforce the need for this legislation.

He said for example:

> The approval of this resolution seems necessary if we are to have an orderly transition from the Commodity and Exchange Authority to the Commodity Futures Trading Commission.
>
> The designation of contract markets without proper review and the regulation of trading in new commodity futures without a proper reporting and surveillance system would not be in the public interest.
>
> The postponement of the effective date of section 201(b) would also delay the exclusive jurisdiction provision of the Act. Since the Commission would not have jurisdiction over trading in certain commodities such as gold and silver during this 90-day period, other Federal agencies and the States could continue their present regulatory programs in these areas.
>
> The House Joint Resolution would, by delaying the effective date of sections 204 and 205, give the Commission an additional 90 days in which to accomplish this work.
>
> Section 106 of the law, which establishes a reparation procedure, would be slightly changed. The Commission would, under this proposal, have an additional 90 days in which to put a reparation program into effect. The proposed change would not, however, adversely affect any person who might seek to use such a reparation procedure.
>
> The House Joint resolution would extend the claims period to one year and, thus, include the entire period covered by the present provision of this section.
>
> As the Committee is aware, there is a wide difference of opinion as to whether this type of dual trading should be permitted. Since this is a controversial matter and the Commission's decision could have a major impact on certain traders and on the markets, it would be extremely helpful for the Commission to have the additional 90-day period provided by this resolution.

The Administrator believes further:

> It would be well to postpone for 90 days the effective date of sections 210 and 407 of the Commodity Futures Trading Commission Act of 1974. Section 210 requires contract markets to submit to the Commission for its approval all by laws and rules issued by the contract market or by its governing board relating to trading requirements.
>
> In summary,—the Administrator points out—the House Joint Resolution would permit the Commission to take over from the Secretary of Agriculture the regulation of the currently regulated markets on April 21, 1975, and improve the regulation of these markets through the use of the more effective regulatory tools provided by the Commodity Futures Trading Commission Act of 1974. In addition, it would provide an orderly way in which new markets and new registrants could be brought under the provisions of the Act, and provide additional time for the Commission's consideration of some of the more complex provisions of the Act.

Mr. Speaker, I reserve the balance of my time.

Mr. WAMPLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 335.

This legislation would extend for 90 days—from April 21 to July 20, 1975—the key provisions of Public Law 93-463 which was enacted last October.

There simply are a number of things that the Commodity Futures Trading Commission that was created by Public Law 93-463 cannot physically accomplish by April 21, 1975, the effective date of the Commodity Futures Trading Commission Act of 1974.

As the administration has pointed out, the Commission cannot review the operations, bylaws, and rules of commodity exchanges seeking designation as contract markets in sufficient depth prior to April 21, 1975, to determine whether such markets should be designated. In addition, the Commission cannot review and process within the brief period allotted to it prior to April 21, 1975, the applications of an estimated 25,000 to 30,000 individuals and firms that are expected to apply for registration as Futures Commission merchants, floor brokers, associated persons, commodity trading advisers, and commodity pool operators.

This bill, therefore, would give the Commission the authority to issue provisional designations as contract markets for a period not to exceed 90 days from the effective date of the Commodity Futures Trading Commission Act, and to delay for the same period the effective date of the provisions of the act requiring Commission approval of contract market bylaws and rules. House Joint Resolution 335 would also give the Commission the authority to issue provisional registrations as Futures Commission merchants, floor brokers, associated persons, commodity trading advisers, and commodity pool operators for a period not to exceed 90 days from the effective date of Public Law 93-463.

What, one may ask, would happen if this legislation is not adopted?

In the absence of this resolution, the new Commission would certainly get off on the wrong foot. By April 21 of this year:

> It could not possibly register from

25,000 to 30,000 persons who will be required to register under this law.

It could not begin to regulate the dozens of agricultural and nonagricultural commodities that are currently being traded and which the CFTC law brings within its scope.

In brief, Mr. Speaker, this resolution which has the support of the administration and the Committee on Agriculture is both sound and necessary and should be speedily enacted.

Mr. BERGLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. BRECKINRIDGE).

Mr. BRECKINRIDGE. Mr. Speaker, I would like to ask the gentleman whether or not, under the provisions of the joint resolution presently pending before the House, there are any expenditures contemplated which were not within the anticipation of the House when we passed the original enabling legislation.

Mr. BERGLAND. Mr. Speaker, the answer to the gentleman's question is in the negative. There is no additional cost incurred as a result of this joint resolution. We merely delay for 90 days the effective date of some of the authority of the Commodity Futures Trading Commission, and it will result in no added cost to the taxpayers.

Mr. BRECKINRIDGE. Mr. Speaker, I would direct this question to the gentleman, as to the inflationary effects of the proposed legislation and any adverse results of the delays which have been suggested here today?

Mr. BERGLAND. Mr. Speaker, I cannot imagine that the delay we recommend would in any way contribute to the inflationary spiral that is so devastating to the economy of the United States. It does nothing in the way of changing the Commission's authority. It was unfortunate that the commissioners were not nominated earlier and approved by the Senate, as was contemplated when we enabled this commission last fall.

At that time, we fully expected that the commissioners would have been appointed, their officers appointed and confirmed, and that they would be in the business of undertaking the many and very complex authorities vested in the Commission.

Unfortunately, however, as the gentleman knows, the President, for reasons of his own, was not able to submit the nominations until 2 weeks ago, therefore, we felt it would be unwise to force the new commissioners, once they are appointed, to adopt a set of rules—as important as these authorities are—within the few days that would be required of them to meet the provisions of the law.

So in answer to the gentleman's direct question, I can see no circumstances under which the passage of this bill would in any way serve to increase the rate of inflation in the United States.

Mr. BRECKINRIDGE. Mr. Speaker, if the gentleman will yield further, am I correct in stating it is my understanding that we do not recommend action here today that would in any way enlarge upon, detract from, add to, or take away from the authority that previously has been vested within the Department of Agriculture, but hereunder will be lodged in the new Commission?

Mr. BERGLAND. Mr. Speaker, if the gentleman will yield on that point, when the Futures Trading Commission Act was passed last fall, we folded into the Commission the authority currently vested with the Commodity Exchange Authority an agency of the Department of Agriculture. We created a totally independent Commission, because we felt it was in the best interest of the industry and all who use it that the Commission be free of any kind of external pressures. The authorities that are continuing under the Department of Agriculture will move into the authority of the new Commission and the extension of time we recommend here will in no way alter the basic charter that was created by the creation of the Commodity Futures Trading Commission Act of 1974.

Mr. BRECKINRIDGE. Mr. Speaker, I would like to say to the gentleman that this is a matter that has long been before the people. Some 50 years have elapsed since a major reorganization of this regulatory act of the Federal Government has been undertaken. I wish to join and associate with my friend in his remarks, and I compliment him for bringing this matter before the House. I thank the gentleman for his indulgence.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. BERGLAND) that the House suspend the rules and pass the joint resolution, House Joint Resolution 335, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. LEVITAS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 102]

Anderson, Ill.
Ashley
AuCoin
Bevill
Biester
Bingham
Boland
Breaux
Burke, Fla.
Burton, John
Byron
Casey
Cochran
Cohen
Collins, Ill.
Conte
Conyers
de la Garza
Dellums
Derwinski
Diggs
Dingell
Drinan
Eckhardt
Eilberg
Esch
Eshleman
Fish
Flynt
Ford, Mich.
Ford, Tenn.
Fraser
Fulton
Gibbons
Goodling
Hall
Hamilton
Harrington
Harsha
Hébert
Hefner
Hillis
Jarman
Johnson, Pa.
Jones, Ala.
Kazen
Kemp
Landrum
McClory
McCollister
McDade
McEwen
Mathis
Matsunaga
Meeds
Mills
Mink
Mitchell, Md.
Moakley
Mollohan
Morgan
Nichols
Nix
O'Brien
O'Neill
Patman
Patten
Pattison, N.Y.
Pepper
Pickle
Pressler
Price
Rangel
Rees
Rhodes
St Germain
Santini
Satterfield
Scheuer
Seiberling
Stark
Steed
Stephens
Sullivan
Symington
Teague
Udall
Waggonner
Whalen
Whitehurst
Wiggins
Wilson, Bob
Wilson,
  Charles H.,
  Calif.
Winn
Young, Ga.

The SPEAKER pro tempore. On this rollcall 337 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

GENERAL LEAVE

Mr. BERGLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

Mr. HENDERSON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 148) to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man," as amended.

The Clerk read as follows:

H.J. RES. 148

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1975, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry who succumbed to the genocide perpetrated in 1915, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.

The SPEAKER pro tempore. Is a second demanded?

Mr. ROUSSELOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. HENDERSON) will be recognized for 20 minutes, and the gentleman from California (Mr. ROUSSELOT) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Speaker, the resolution (H.J. Res. 148) presently under consideration would designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man," and authorize and request the President to issue a proclamation calling upon the people of the United States to observe such day. I think, Mr. Speaker, that I should take just a moment to explain that this resolution having been assigned to the House Committee on Post Office and Civil Service, and therein assigned to the subcommittee chairman and gentlewoman from Colorado (Mrs. Schroeder), had not been acted upon in the subcommittee or full committee. In view of the fact that the designation date is April 24, we were requested by the sponsor and other Members who were most interested in the passage of the resolution to bring the matter up under suspension of the rules today in order to give time for the House and the Senate to act.

With the consent of the Speaker and the majority leader, the joint resolution was put on for consideration today. We have amended the resolution by striking two words in the resolution, which are "in Turkey." This amendment resulted from objections of the State Department set forth in a letter which was transmitted to us yesterday. This has been acceptable to the sponsor of the resolution and those Members who are most interested in designating April 24 a commemorative day as explained.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HENDERSON. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for yielding. Can the gentleman tell us why it was necessary to strike Turkey? I thought that is what this was all about. Who are we deceiving by striking Turkey?

Mr. HENDERSON. The objection of the State Department, as I understood their letter, was to the effect that by specifically spelling out "Turkey" as the country in question they contend it could possibly interfere with delicate negotiations going on at this time. It was felt that the amendment was in some way responsive to the request of the State Department.

Mr. ROUSSELOT. I assume the gentleman means our State Department and not the Turkish State Department.

Mr. HENDERSON. That is correct.

Mr. ROUSSELOT. I thank the gentleman.

Mr. HENDERSON. Mr. Speaker, I yield such time as he may consume to the sponsor of the resolution, the gentleman from New Jersey (Mr. Helstoski).

Mr. HELSTOSKI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would first like to commend the original cosponsor of House Joint Resolution 148, Tip O'Neill, for his strong sense of justice evidenced by his interest and diligent efforts on behalf of this resolution.

Over 50 Members of the House have joined Tip O'Neill and myself in sponsoring this measure to authorize and request that the President issue a proclamation calling upon the people of the United States to observe April 24, 1975, as a day of remembrance of the Armenian victims of the genocide perpetrated in Turkey in 1915. This upcoming April 24 will mark the 60th anniversary of the tragic prelude to the first large-scale massacre of this country which ensued when the Turks carried out a deliberate plan to eliminate some 2 million Armenians living in the Ottoman empire through deportations, starvation, and wholesale carnage.

Mr. Henry Morganthau, the U.S. Ambassador to Turkey during this infamous period, was one of several observers of the genocide who recorded the atrocities committee at the time:

> I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915. ("Ambassador Morganthau's Story," Garden City, 1918)

The Norwegian High Commissioner for Refugees for the League of Nations, Fridtjof Nansen, related the following description of the deportations:

> A foreign witness has said that these deportations were merely a polite form of massacre, but in reality they were infinitely worse and more heartless; for instead of instant death they forced the victims to undergo all sorts of inhuman sufferings, while this cowardly and barbarous plan was to save the face of the authorities by posing as a necessary military measure. From June till August 1915, the hottest time of year when the victims were most likely to succumb, these processions of death wended their way endlessly from all the vilayets and towns where there were Armenians southwards in the direction of the desert. ("Armenia and the Near East," New York, 1928)

Yet, despite voluminous reports and accounts of the human destruction which occurred, there was a recent effort to minimize this reprehensible episode. I am referring to the March 1974 meeting of the United Nations Commission on Human Rights when an interim report on genocide being prepared for the Subcommission on the Elimination of Discrimination and the Protection of Minorities was under consideration. The progress report contained an historical survey of the crime of genocide and included the following brief paragraph:

> Passing to the modern era, one may note the existence of relatively full documentation dealing with the massacres of Armenians, which have been described as "the first case of genocide in the twentieth century.

The Turkish representative recommended that this reference, paragraph 30, be deleted from the report alleging that it was a distortion of facts and served only to represent the views of certain Armenian circles. The delegates of several nations spoke in support of omitting the reference to the Armenian genocide. It is my understanding that this controversial report remains unfinished.

We must not be passive about or indifferent to this ignominous page of history. I urge approval of House Joint Resolution 148 in order that we may designate this April 24 as "National Day of Remembrance of Man's Inhumanity to Man" in commemoration of all those who succumbed to this odious genocide.

Mr. HENDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Sisk).

Mr. SISK. Mr. Speaker, I want to commend the distinguished gentleman from North Carolina (Mr. Henderson) for making it possible for us to consider this piece of legislation today.

I particularly want to commend my good friend, the gentleman from New Jersey (Mr. Helstoski) for having sponsored the legislation.

It has been reputed through the years that I represent in my district surrounding Fresno, Calif., the largest Armenian population outside of native Armenia. In fact, many times Fresno has been referred to as the Armenian Capital of the Western world. Naturally, this is a matter of high emotion to these people. I have a number of constituents who are alive and serving as good solid Americans by virtue of the fact that as children they actually survived by being curled up under the bleeding bodies of their mothers and fathers during the horrible massacre that occurred in 1915. Of course, it is of concern to these people.

This is the 60th anniversary of that terrible occurrence, in which somewhere between 1½ to 2 million men, women, and children were massacred.

I recognize, as has already been mentioned by the questions, some of the reasons for the amendment that the committee is proposing to strike the word "Turkey." On the other hand, I have great sympathy with the thousands of people who underwent this persecution and the high feelings that they have.

I am concerned, of course, about our international relations and I am in full support of the amendment, because of that reason.

I would urge Members of the House to support this resolution.

I want to make it absolutely clear that we are not here setting aside a day in perpetuity. This is a one-shot deal, if we can call it that. This is setting aside April 24 as the 60th anniversary of the 1915 massacre. April 24 has long been a day in which the Armenian people have met together and have remembered what happened when the attempt was made to totally—and that was the intent of the persecutors in this case—totally eradicate the Armenian race from the face of the Earth.

The fact that they have survived is because of the hardiness of these people. They are, indeed, great Americans, we have tens of thousands of Americans of Armenian descent in the United States and many of us know they are outstanding Americans, political leaders in every walk of life, in California and I understand the same is true in Massachusetts and other areas where they have settled.

So, Mr. Speaker, I would urge that my colleagues join in voting for this resolution and to commend these people for the great achievements that they have made since that 60-year ago tragedy that occurred.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. SISK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 103]

Anderson, Ill.
AuCoin
Bevill
Biester
Bingham
Boggs
Boland
Breaux
Burke, Fla.
Burton, John
Byron
Casey
Cochran
Cohen
Collins, Ill.
Conte
Conyers
Corman

de la Garza
Dellums
Dent
Derwinski
Diggs
Dingell
Dodd
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fish
Flynt
Ford, Tenn.
Forsythe
Fraser
Fulton
Gibbons
Hamilton
Harrington
Hébert
Holtzman
Horton
Jarman
Jenrette
Johnson, Pa.
Kastenmeier
Kazen
Landrum
Leggett
McClory
McCormack
McDade
McEwen
Macdonald
Mathis
Matsunaga
Meeds
Mikva
Mills
Mink
Moffett
Mollohan
Moorhead, Calif.
Moss
Murphy, N.Y.
O'Brien
O'Neill
Patman
Patten
Pattison, N.Y.
Pepper
Pickle
Pressler
Price
Rangel
Rees
Rhodes
Riegle
Roe
Rosenthal
Rostenkowski
St Germain
Satterfield
Scheuer
Seiberling
Shipley
Sikes
Stark
Steed
Steiger, Wis.
Stephens
Stuckey
Teague
Udall
Ullman
Vigorito
Waggonner
Whalen
Whitehurst
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Young, Ga.

The SPEAKER pro tempore. On this rollcall 326 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DESIGNATING APRIL 24, 1975, AS "NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN"

Mr. ROUSSELOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe that there is an individual in this House who would not join with our colleagues in denouncing the genocide of the Armenians.

Genocide is an offense against the human race. History tells us that insufficient attention was paid to this heinous act.

Adolf Hitler, when addressing his troops before the invasion of Poland stated:

> Our strength is our quickness and our brutality. . . . For the time being I have sent to the east only my death's heads units, with the order to kill without pity or mercy all men, women and children. . . . Who talks nowadays of the extermination of the Armenians? The World believes only in success. (November 23, 1939, Obersalzburg, Germany.)

These comments indicate that Hitler envisioned the world would ignore his atrocities and remember him for his world domination. A small consolation to the families of the 6 million European Jews who were annihilated is that Hitler will be recalled as one of the most despicable individuals for as long as there is history.

But I submit that there is an additional issue which should concern us today—that is orderly procedure for legislation brought before the House. I realize that an exception is being made for this resolution as it was for Earth Day, because of the closeness of the date of commemoration.

But I would point out to my colleagues that neither the Committee on Post Office and Civil Service nor its Subcommittee on Census and Population has had a chance to consider this legislation. While I realize under the procedure of suspending the rules this problem is overcome, it is a bad policy to pursue.

Obviously the Democratic leadership has the authority to schedule measures under this procedure. But I think that all of my colleagues are aware of the dangerous precedent of passing legislation which had no consideration in committee. While the resolution before us is not of major importance, it should be apparent to all of us that this procedure can be used for any matter which the leadership may favor.

On the matter of bringing the commemorative resolution as such to the floor, my point is that if we allow this exception we are opening the door for others. The result will be that we will expend far too much time of the House in discussion and debate on problems which can be appropriately resolved at the subcommittee and committee level.

If we subvert the role of committees, the work of the House will devolve into chaos. The Committee on Post Office and Civil Service has on its agenda for April 17 a proposal which we feel will facilitate the handling of commemorative day resolutions. This committee policy will set strict criteria and standards which will streamline the procedure for considering these motions and use a minimum of the House's time, which I believe will work to everyone's advantage.

Mr. Speaker, I urge the House to vote down this resolution and return it to the committee for proper consideration.

Now, the committee has just asked that we strike the word "Turkey" from the resolution, which terminology makes it more specific as to why this national day is to be commemorated.

Mr. Speaker, I do not think that there is a Member in this House who would not try to commemorate the inhumanity to man that was created against the Jews in Germany or the Chinese in China when Mao Tse-tung executed roughly 15 million to 20 million people when he took over in China or by any of the other inhumanities that have been carried out by genocide in many parts of the world. The problem is that we are setting aside just one group. We are totally violating all the rules of the House as they relate to the fact that there were no committee hearings. This has never been before our committee.

Mr. Speaker, I realize that this appears as a relatively harmless resolution; but as a member of the Committee on Post Office and Civil Service who just received this responsibility from the House last year when we changed the jurisdiction of commemorative dates, I point out that we have never even considered it before the full Committee on Post Office and Civil Service.

I think it is a mistake. I realize that this is to help my colleague, the gentleman from California (Mr. SISK), who has a substantial number of Armenians in his district. I understand, too, that it is to help the majority leader, the gentleman from Massachusetts (Mr. O'NEILL), who unfortunately is not here but may be momentarily to vote for the resolution. I think, however, that we do ourselves an injustice in handling legislation in this manner.

Therefore, I will be constrained to vote against the resolution because we have stricken from the resolution the term "Turkey," which makes it more specific.

Mr. Speaker, I know several Members who had intended to speak on this resolution. Now that the term "Turkey" has been struck, they say that it is basically diluted in its effort to try to commemorate those who had been executed in 1915. I also believe that we have made a mistake in not allowing any more discussion on the issue and on whether we should include other groups that have experienced genocide as it relates to the problem of man's inhumanity to man.

But I suppose everybody has made up their mind. The leadership scheduled the deal, and I am merely raising the point because I am sorry to see the House do things in this way, although I suppose mine is a useless gesture.

Mr. Speaker, at this point I yield 3 minutes to my friend and colleague, the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman from California for yielding me this time.

I agree with the observations made by the gentleman from California (Mr. ROUSSELOT) and I will make only one additional point, and I certainly do not need 3 minutes in which to do so, and that is that I believe that one of the things that bothers many of the Members many of the times is the fact that the language at the top of a bill that tells the Members what is supposed to be in that bill often does not have any appearance at all of what the content of the bill is. I think that the joint resolution before us is a good example of this.

We are being asked through a joint resolution to "designated April 24, 1975, as 'National Day of Remembrance of Man's Inhumanity to Man'."

If this resolution were to be accurate it should read, in my opinion, "A National Day in Remembrance of the Armenian Genocide," or something that relates to the body and the substance of the resolution.

I know that when I saw the whip's notice it said, "Man's Inhumanity to Man," and I wondered what it was going to be about. Are we to be talking about our friend, the gentleman from Oregon, and his day of humility? Or are we talking about a national day, or just what is involved in the resolution of a national day of remembrance of man's inhumanity to man?

So I would say, Mr. Speaker, if we want to have a resolution commemorating and remembering the massacre in the Katyn Forest, or a resolution commemorating various genocides, or the Nazi atrocities, then, fine, but why refer to it under man's inhumanity to man?

Mr. Speaker, I would offer an amendment to the title were it possible but, unfortunately, under the rules I cannot. Therefore I will oppose the resolution for that reason.

Mr. HENDERSON. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of the resolution, and hope that all of my colleagues will vote for it. I realize that there have been some minor procedural difficulties in that apparently the committee, which now has jurisdiction over commemorative resolutions, is new to that jurisdiction, and apparently there were some procedural steps that were not fully observed. I can only express my regret for that.

However, the resolution is simple in its contents, it is clear in its meaning, and there certainly is no reason why anyone cannot fully understand it, and be able to vote intelligently on this most important resolution.

Mr. Speaker, in this 20th century the human race has gone through some most trying times. There have been genocides. There have been persecutions. There have been invasions. There have been captive nations. Here we are in the year 1975, and the world has scarcely observed a year of peace, a year without inhumanity to man.

So, Mr. Speaker, I submit that it is most appropriate that we at this time set aside a day, a National Day of Remembrance of Man's Inhumanity to Man, to serve as a constant reminder to us that it is our duty first of all as human beings to treat all others as humans.

Within this century, we have seen, as my distinguished colleague and friend, the gentleman from California (Mr. Rousselot) has pointed out, the genocide not only of Armenians, but of other ethnic groups throughout the world.

We have also seen, as we remember each year, a long parade of captive nations being brought under the heel of others.

I should like to point out that the first genocide of the 20th century was the Armenian genocide, and that it was on the night of April 23–24, 1915—60 years ago—that the intellectuals, the community leaders, and the prominent people of the Armenian community, were rounded up in the dead of the night and, in a pattern which has become all too familiar, were herded off into the desert and massacred. Their families were marched across the desert, the blazing sands of the Turkish desert, to die of starvation, thirst, and mutilation.

That grim precedent of genocide was followed in Germany during the Nazi days of Adolph Hitler, and there have been far too many other examples of that practice.

It is important for us to set aside a date to remember, not to remember the oppressors, but to remember the oppressed. This is a day of remembrance for the victims, not for the persecutors.

I submit that it is entirely proper that the day we set aside should be April 24, since that is the anniversary of the first genocide of the 20th century.

Armenia as a nation survived for only a few days, but in case some of the Members do not recall, it was recognized by the United States of America. The boundaries of Armenia were established by our own President Wilson. It was only due to the outrageous acts of other nations that that brave little nation was put under the heel shortly thereafter. This was all related to the great genocide to which I have referred.

I urge everyone to cast aside any feelings of reluctance that our procedural rules have been bent somewhat, and to vote overwhelmingly in favor of this National Day of Remembrance.

Mr. HENDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Krebs).

Mr. KREBS. Mr. Speaker, let me say preliminarily that I, indeed, sympathize with the point raised by my colleague, the gentleman from California (Mr. Rousselot). But let me also remind my colleagues that Mr. Rousselot pointed out to us—and I think correctly so, and I certainly would hope so—that the substance of this resolution is a totally noncontroversial issue and if, indeed, there had been any substantive controversy involved in this resolution, I would be the last one to stand here and ask my colleagues, in the words of my colleague, the gentleman from California (Mr. Danielson) to bend the procedural rules of this House. But it would seem to me that if there is anything we should have learned in this year 1975, it is that we can ill afford, in the civilization of ours, the repetition of the events of 1915, the repetition of so many tragic events that followed as has already been set forth by the speakers who preceded me.

Let me say that I, as a youngster, if I may take this point of personal privilege, remember walking the streets of old Jerusalem, and I remember the Armenian community in that walled city distinguished itself by its hard work, the type of hard work, the type of concern for the community in which they resided, and in other communities in which they have resided as refugees following the 1915 holocaust. This includes my district that I share with the gentleman from California (Mr. Sisk), an Armenian community that has been a hard-working community and that has arisen out of the rubble of the events of 1915 to make its tremendous contribution in the State of California and throughout this country of ours.

I think the importance of this resolution lies, not only in remembering 1915, but in remembering that even in this year 1975 we still have massacres. We have a massacre going on right now in Iraq, the massacre of the Kurds. If it had not been for this great democracy of ours which fortunately is in a position to exert its influence, we would have massacres in many other parts of the world.

So I urge my fellow Members of this House to join us in unanimously passing this resolution.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROUSSELOT. I yield 2 minutes to the gentleman from Illinois (Mr. Crane).

Mr. CRANE. Mr. Speaker, I thank my friend, the gentleman from California, for yielding.

Mr. Speaker, I am totally in sympathy with the intent of this particular resolution. I think it is essential, particularly during these poignant days when we see such gross evidence of man's inhumanity to man in Southeast Asia, to acknowledge this kind of behavior and to remember that our ideals in this country are predicated on recognition of the infinitely precious quality of man.

On the other hand, I do find it somewhat distressing that while there is a reference in this resolution to the tragedy of the Armenians, there are not also references to the tragedies of the Estonians and Lithuanians and Latvians, the Czechs, the Hungarians, the Poles, and the Yugoslavs, and the Jews in both the Soviet Union and Germany. I think one could carry this list on rather considerably and I think the resolution would have had greater impact had it either attempted to chronicle those specific cases or stuck to the general comment about man's inhumanity to man.

Mr. HENDERSON. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. Dominick V. Daniels) such time as he may consume.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I rise in support of House Joint Resolution 148, which will designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man." I was pleased to join my distinguished colleague from New Jersey (Mr. Helstoski) as a cosponsor of this resolution.

This resolution commemorates what is now regarded to be the first instance of deliberate genocide in the 20th century—the massacre of the Armenian people by the Turks in 1915.

Since that time, of course, the world has witnessed other incidents of man's outright cruelty to fellow human beings. This week will also mark the commemoration of the allied liberation of the Nazi concentration camps. It is altogether fitting that we pause to reflect as a nation that man can be a heartless and cruel species. We have witnessed in recent days yet another example of the bestiality to which man can be reduced—I refer, of course, to the tragic and shocking events taking place in South Vietnam.

Mr. Speaker, let us hope that this national day of remembrance will bring back into focus the essential principles that must guide a civilized people. Let us renew our commitment to these principles, and let that commitment be translated into action and policies that will reflect credit upon this Nation.

Mr. Speaker, I include at this point in my remarks a brief history of the Armenian massacre of 1915, which this resolution commemorates. We cannot undo the past, but we can help to shape the future. Let us hope that shaping is accomplished in a spirit of compassion and humanity for all our brothers.

EARLY ARMENIAN HISTORY

The turbulent history of the Armenian people has followed an uneven course, largely tragic and marked by long periods of subjugation to foreign rule. The Armenians were left in peace in their homeland only for relatively short periods, first in the years 189–40, B.C., then in 880 to 1040, A.D. Since the country formed a bridge between East and West, between invading Asiatic hordes and conquering forces of the West, the Armenians were fated to be subdued by and suffer under groups from both sides. In ancient times Persians, Romans, Arabs, Byzantine Greeks, Mongols, and Egyptian Mamelukes, and in modern times Persians, Russians and Ottoman Turks, have contended for the mastery of Asia

Minor and ruled over part or most of Armenia, holding its inhabitants as conquered subjects. Early in the 16th century nearly the whole country was overrun and held by the Ottoman Turks. Since then, with certain shifts of boundary lines between Russia and Turkey, the Turks have continued to cling to a large part of historic Armenian territory.

ARMENIANS UNDER THE TURKS

In the year 1515, when most of Armenia became part of the Ottoman empire, the majority of the Armenian people were placed under the rule of the sultans. These new overlords did nothing to improve the lot of the people. The latter, however, made the best of a bad situation and clung to their homeland as firmly as they did to their Christian faith; when the First World War broke out more than 1 million Armenians were still living there. Then, in 1915, began their greatest national tragedy.

THE MASSACRES OF 1915

During their long subjection to the Ottoman Turkish rule Armenians suffered under a series of injustices and racial and religious discriminations. They were held down by callous and corrupt government officials and subjected to the plundering of unruly Kurds. They were oppressed and robbed, suffered kidnapings, and were often in danger of their lives. Still they managed to hold together and retain their national consciousness through their national church and their language. The sense of unity and national aspiration became intense among them by the mid-19th century. From the 1870's on, many Armenians dared to feel that they were entitled to a measure of freedom, a form of autonomy in their homeland; and they hoped that through the good offices of European governments, or by some aid from these governments, they could attain their goal of self-government. Meanwhile the Turkish authorities, never admitting the validity of Armenian claims for equality and justice under Turkish law, charged the Armenians with conspiracy and persecuted them. By the turn of the century, a tense and precarious situation developed for the Armenians.

The Turks were devising their own way of solving "the Armenian problem." Their plan, as it unfolded early in the First World War, called for the elimination of some 2 million Armenians in the Ottoman empire through deportation, starvation, and wholesale massacre. The opportune moment for carrying out such a policy came at the time when nearly all of Europe was in the throes of a life-and-death struggle, and the Armenians could expect no effective help to rescue them from the impending disaster. Turning a deaf ear to protests made by many neutral governments, and even ignoring the protests of their ally Germany, the Turks proceeded systematically against the Armenians. In the first instance of deliberate genocide in modern times, half of the Ottoman empire's 2 million Armenians were removed by deportation, contrived famine, and large-scale massacres. The other half barely survived, some by fleeing abroad to neighboring Persian and the Caucasus, and many hundreds of thousands—mostly women and children—through forced adoption of Moslem faith and submission to servitude in Turkish homes. Thus the Turks attained their goal, while Armenians paid with their lives for having entertained the elemental idea of human dignity and freedom.

Mr. HENDERSON. Mr. Speaker, I yield my remaining time to the gentleman from Rhode Island (Mr. Beard).

Mr. BEARD of Rhode Island. Mr. Speaker, on this resolution I speak firsthand. My father-in-law happens to be Armenian. In this century it was mentioned the first massacre was by the Turkish Government. I am going to call a spade a spade. The Defense Department is worrying about the effect of this resolution but the people of my district, the Second District of Rhode Island, know it was the Turks who massacred the Armenians and Nazi Germany who massacred Jews. We cannot play games with words. That is it.

I support wholeheartedly House Joint Resolution 148. I have a personal feeling toward the Armenian people. I know what they had to endure during that massacre. We must support this kind of resolution in order to remind the world of the atrocities that have taken place during this century.

Mr. O'NEILL. Mr. Speaker, as cosponsor of House Resolution 148, I urge all my colleagues to support this resolution, designating April 24, 1975 as a "National Day of Remembrance of Man's Inhumanity to Man." The purpose of this resolution is to commemorate and remember all victims of genocide, and especially those nearly 2 million Armenians who were systematically massacred by the Turkish Government in 1915.

I would like to take this opportunity to thank Chairman David Henderson and Subcommittee Chairwoman Pat Schroeder for their understanding, cooperation, and willingness to expedite floor consideration of this legislation.

This year marks the 60th anniversary of the genocide of the Armenians, and preparations by the Armenian community in the United States are already underway to use this date to pay tribute to the memory of those martyrs, to dedicate the day to a renewed reverence for human life, and to enhance the consciousness of Armenian-Americans.

As Americans, we all believe in justice and decency in every human interaction. Genocide is an atrocious and inexcusable crime, physically perpetrated against one people but in essence, committed against humanity as a whole. No nation, regardless of its strength, should have the right to determine the extermination of another nation under any circumstances. Had the responsibilities for the Armenian genocide, the first genocide of modern times been held accountable to world public opinion, the second could not have taken place only 25 years later, as substantiated by Hitler's infamous declaration: "Who remembers the Armenian massacres?"

The Armenians suffered untold miseries and tortures, pillage and plunder, sorrow and pain, destruction and death. They have painfully earned the right to commemorate their losses in righteous condemnation and indignation comparable to the enormity and ruthlessness of that unforgettable and unforgiveable offense.

It is for this purpose that Henry Helstoski and I offer this resolution and urge its immediate adoption.

I have received more than 2,500 petitions from all over the United States from survivors of the holocaust and their descendants, Armenian-Americans, who have urgently requested passage of this resolution. I include for insertion into the Record a letter from one of the survivors which graphically illustrates the unfortunate plight of many Armenians in 1915. I also include a scholarly statement on the genocide written by a famous Armenian-American and one of my own constituents, Dickran Boyajian.

The material follows:

Upper Darby, Pa., *April 2, 1975.*

Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

Honorable Gentlemen: In 1915 I was five years old when the Turks began massacring the Armenians. I do not intend to go into the horrible details of our tortures. I will only say that on my mother's side from the families of my mother, her three brothers and two sisters (altogether about 30 persons), only one boy survived. As for my father's side, from his family and the families of his six brothers and three sisters (altogether about 50 persons), only 15 of us survived. There is not one living Armenian family who had not suffered similar losses in 1915.

From 1919 until 1924 my younger sister and I were given shelter and education by the Near East Relief orphanage which was supported by donations from sympathetic Americans. I am proud of being an Armenian and at the same time am proud of being an American citizen.

Congressman Henry Helstoski and Congressman Thomas P. O'Neill recently introduced in Congress H.J. Res. 148 to designate April 24, 1975 as "National Day of Remembrance of Man's Inhumanity to Man." I know you too will agree it is important that this resolution be adopted so that no nation or group thinks that great crimes by one group against another can go unnoticed. I therefore respectfully urge you to do all in your power to help in the adoption of this resolution.

With thanks, very truly yours,
Zabel A. Jebejian.

The First Genocide of the 20th Century, Documentary Evidence on the Turkish Plan To Exterminate the Armenian Race

(In support of H.J. Res. 148)

COMMEMORATIVE OBSERVANCES

Peaceful demonstrations, commemorative mass meetings, expressions of anger and even emotional outbursts may be evidenced during the observances of the Sixtieth Anniversary of the crime of Genocide committed by the Turks on the Armenians with a definite plan to exterminate the Armenian nation.

Such incidents and irate expressions should evoke compassion and sympathy, not condemnation and criticism. After all it was the Armenians who suffered untold miseries and tortures, pillage and plunder, sorrow and pain, destruction and death, and they should not be denied the right to condemnation comparable to the enormity and ruthlessness of the crime.

There are some who ask: Why not forgive and forget? Yes, why not? But one must not forget that forgiveness can only be given after an admission of guilt and repentance on the part of the perpetrators of the crime who conspired to eliminate an entire nation with no compassion to spare even babes-in-arms, the weak and the ailing, the old and the invalid.

Can the crime of genocide, or any crime of such magnitude be forgotten, ever? Can we in the United States forget December 7 which our late and lamented President Franklin Delano Roosevelt, aptly characterized as "a day of infamy"? Wounds may heal but the scare left on the body will always be constant reminders of both the wounds and the persons who inflicted them.

PERPETRATORS OF THE CRIME

Literally thousands of books, pamphlets, papers and articles have been written in many languages apprising the world of the untold miseries suffered by the Armenians at the hands of the Turks throughout many centuries, especially during the horrible years from 1915 through 1918, when the life of the Armenian nation was threatened to extinction.

It has been proved beyond any doubt that most of the orders for deportation and massacres of the Armenians were issued by Talaat, the Minister of the Interior of Turkey. The following is one of his Orders quoted by Paul de Veou in his book entitled *La Passion de la Cilicie, 1919–1921,* (page 11).

"It has been previously communicated that the government by the order of the Assembly (Jemiet) has decided to exterminate entirely all the Armenians living in Turkey . . . without regard to women, children and invalids. However tragic may be the means of transportation, an end must be put to their existence."—Minister of the Interior, Talaat, May 15, 1915.

Mr. Henry Morgenthau, the American Ambassador to Turkey during the time when the Armenians were being led to slaughter, in his book *Ambassador Morgenthau's Story* quotes Talaat as saying:

"I have accomplished more toward solving the Armenian problem in three months than Abdul Hamid accomplished in thirty years." (p. 225)

Mr. Morgenthau also relates a conversation with the other arch-criminal, Enver Pasha, the Minister of War. Morgenthau suggested that the Central Government was probably not to blame for the massacres.

"Of course" he continued, "I know that the Cabinet would never order such terrible things as have taken place. You and Talaat and the rest of the Committee can hardly be held responsible. Undoubtedly your subordinates have gone much further than you have ever intended. I realize that it is not always easy to control your underlings."

"You are greatly mistaken" answered Enver. "We have this country absolutely under control. I have no desire to shift the blame on our underlings and I am entirely willing to accept the responsibility myself for everything that has taken place. The Cabinet itself has ordered the deportations. I am convinced that we are completely justified in doing this owing to the hostile attitude of the Armenians toward the Ottoman Government, but we are the real rulers of Turkey and no underling would dare proceed in a matter of this kind without our orders." (p. 231)

Enver's accusation that the Armenians had a "hostile attitude toward the Ottoman Government" is contradicted by his own words uttered months before the massacres and deportations began.

MASSACRES AND DEPORTATIONS

In the Report of the American Mission, headed by Major General James G. Harbord, published in the Congressional Record, May 29, 1920, as Senate Document 266, we read:

"Massacres and deportations were organized in the Spring of 1915 under definite system, the soldiers going from town to town. The official reports of the Turkish government show 1,100,000 as having been deported. Young men were first summoned to the government building in each village and then marched out and killed. The women, the old men and children were, after a few days, deported to what Talaat Pasha called 'agricultural colonies', from the high, cool, breeze-swept plateau of Armenia to the malarial flats of the Euphrates and the burning sands of Syria and Arabia. The dead from this wholesale attempt on the race are variously estimated from 500,000 to more than one million, the usual figure being about 800,000.

"Driven on foot under a fierce summer sun, robbed of their clothes and such petty articles as they carried, prodded by bayonet if they lagged, starvation, typhus, and dysentery left thousands dead by the trail side. The ration was a pound of bread every alternate day, which many did not receive, and later a small daily sprinkling of meal on the palm of the outstretched hand was the only food. Many perished from thirst or were killed as they attempted to slake thirst after crossing of running streams. Numbers were murdered by savage Kurds, against whom the Turkish soldiers afforded no protection. . . ."

I respectfully submit to the attention of the Congress of the United States an excerpt from the Report of the King-Crane Commission also.

We read in the Report:

"They (the massacres) have not been crimes of passion of the moment. And they have involved cruelties horrible beyond description.

"For it must not be forgotten that this thing was not done in a corner. The evidence for few events in history has been more carefully gathered, sifted and ordered. The Bryce report upon *The Treatment of Armenians in the Ottoman Empire 1915–1916,* leaves no room for doubt of the essential facts. It is idle to attempt to deny it or appreciably to mitigate its force.

"Lord Bryce, himself a trained historian says of the report: 'Nothing has been admitted the substantial truth of which seems open to reasonable doubt'. And in estimating the value of the evidence he calls attention to these facts: (1) 'Nearly all of it comes from eye witnesses', (2) 'The main facts rest upon evidence coming from different and independent sources', (3) 'Facts of the same, or of very similar nature, occurring in different places, are deposed to by different and independent witnesses'—including Danish and German witnesses; (4) 'The volume of this concurrent evidence from different quarters is so large as to establish the main facts beyond all questions', (5) 'In particular is it to be noted that many of the most shocking and horrible accounts are those for which there is the most abundant testimony from the most trustworthy neutral witnesses. None of these cruelties rest on native evidence alone'. And he adds: 'A recollection of previous massacres will show that such crimes are a part of a long settled and often repeated policy of Turkish rulers.' . . . 'The attempts made to find excuses for wholesale slaughter and for the removal of a whole people from its homes leave no room for doubt as to the slaughter and the removal. The main facts are established by the confession of the criminals themselves. . . .' The disproval of palliations which the Turks have put forward is as complete as the proof for the atrocities themselves."

A former Turkish Minister to Sweden, Mehmed Cherif Pasha, in a letter to the editor of *Journal de Geneve* and later published in the *New York Times* on September 21, 1915, branded "the Armenian atrocities perpetrated under the present regime (young Turks) as surpassing the savagery of Genghis Khan and Tamerlane". . . . If there is a race which has been closely connected with the Turks by its fidelity, by its service to the country, by the statesmen and functionaries of talent it has furnished, by the intelligence which it has manifested in all domains—commerce, industry, science and the arts—it is certainly the Armenians.

"Alas! At the thought that a people so gifted, which has served as the fructifying soil for the renovation of the Ottoman Empire, is on the point of disappearing from history—not enslaved, as were the Jews by the Assyrians, but annihilated—even the most hardened heart must bleed, and I desire, through the medium of your estimable journal, to express to this race which is being assassinated my anger toward the butchers and immense pity for the victims."

It is to be noted that Mehmed Cherif Pasha was the son of Said Pasha, the first Grand Vizier of Turkey under the new constitution.

I could go on citing innumerable instances to prove the monstrocity of the men in the commission of a crime the enormity and cruelty of which had no precedence in the recorded history of mankind.

The Resolution known as H.J. Res. 148, submitted in Congress jointly by the House Majority Leader, Hon. Thomas P. (Tip) O'Neill, Jr. (D. Mass.) and Congressman Henry Helstoski (D. N.J.) and sponsored by many other Congressmen, to designate April 24, 1975, as "National Day of Remembrance of *Man's Inhumanity to Man,* deserves a unanimous acceptance in the House and the Senate of the United States. This statement "Man's Inhumanity to Man" symbolizes the crime of Genocide committed by the Turks against the Armenians, and it is only fitting and proper that April 24, 1915, be recognized as the day best illustrating *Genocide*—a word coined years after the first genocide in the 20th century.

The purpose of the Armenians to seek such recognition is not to encourage a desire for vengeance, nor to inflame the hatred existing between the two neighboring peoples, but to bring to the attention of the civilized world the need for an equitable solution of the Armenian problem, hoping that the voice of truth and the call of justice will find an awakened conscience and a sympathetic attitude in the hearts and minds of all the people of the world.

Respectfully submitted,

DICKRAN H. BOYAJIAN.

WATERTOWN, MASS., *April 4, 1975.*

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of House Joint Resolution 268, I am pleased to join other Members of the House this afternoon in urging that April 24, 1975, be designated as "National Day of Remembrance of Man's Inhumanity to Man."

As we observe the 60th anniversary of the crime of genocide committed by the Turks on the Armenians, I believe it is appropriate to pay tribute to the memory of the more than 2 million Armenians massacred at the hands of the Turks. During those years from 1915 to 1918 the life of the Armenian nation was threatened to extinction from the Ottoman Empire; and for the world it marked the first policy of genocide.

Therefore, the statement of "Man's Inhumanity to Man" symbolizes the crime of genocide committed by the Turks against the Armenians, and it is only proper that April 24 be recognized as the day best commemorating genocide. This recognition will bring to the attention of the world the call of justice for all peoples.

In closing, Mr. Speaker, let me emphasize that I was very pleased to be one of the main sponsors of this legislation and I urge other Members to support House Joint Resolution 148.

Mr. MIKVA. Mr. Speaker, I am proud to be a cosponsor of House Joint Resolution 328 which would designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man." This resolution is identical to House Joint Resolution 148, which the House of Representatives is considering today.

This day would be a tribute of remembrance for all those who were the victims of genocide, epsecially those of Armenian ancestry. It is very appropriate that we take this day to reflect on man's past inhumane treatment of his fellow man in hope that we will strengthen our present conviction to humanitarian efforts towards all persons in the world.

The present year 1975 marks the 60th anniversary of the genocide of the Armenians perpetrated in Turkey. The anniversary of this tragic event must not be allowed to pass without a proper tribute to the 1,500,000 Armenian men, women, and children who perished during 1915–18. Such past sacrifices of nations of people must not be forgotten in 1975. I urge my colleagues to support House Joint Resolution 148.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of House Joint Resolution 148, designating April 24, 1975, as a "National Day of Remembrance of Man's Inhumanity to Man."

On that day, Armenians all over the globe will observe the 60th anniversary of the ruthless Turkish massacres of the Armenian people.

In 1915 the Turks set out to exterminate the whole Armenian Christian population within the Ottoman borders. Systematically, and with cold callousness, the Turks first killed the writers, teachers, clergymen, and leaders of the Armenian people. Then the able-bodied men were brutally murdered and the young women enslaved. The remaining women, children and old people were forced to march barefooted under the blazing Sun, without food or water, toward their ultimate destruction in the remote deserts of Der-el-Zor.

Along the way these helpless people were subjected to inhuman tortures, and mutilation, to rape and massacre, and those who survived these initial brutalities, died one by one from exhaustion, disease, and starvation. The roads where these caravans passed were piled high with the corpses of these innocent victims of the Turks.

When the carnage was over, 1,500,000 martyrs had been slain and another million had been ruthlessly torn up from their ancient homeland and deported to the desolate deserts to die. Not only had the Turks attempted to annihilate the Armenian nation, but at the same time they tried to obliterate every trace of the 3,000-year-old Armenian civilization. Universities, libraries, churches and monasteries were burned, and with them, irreplaceable antiques, paintings, books, and relics were destroyed.

Not an Armenian alive today has been left untouched by these massacres. Grandparents, mothers and fathers, children and even newborn infants were murdered without mercy. Whole families were wiped out with a single blow, and a new word, "genocide," had to be coined to describe the Turks' efforts to destroy an entire people.

The massacres in 1915 were a more extensive repetition of the Armenian massacres in 1895 and 1896, which horrified a civilized world and caused Gladstone, Britain's prime minister, to rise up and make the last public speech of his career in the defense of the Armenian people and against Abdul Hamid, the perpetrator of these crimes.

The Armenians are perhaps the oldest of the civilized races in western Asia and were the first nation in the world to accept Christianity as their state religion. From time immemorial, the Armenian has worked peacefully and industriously in the high mountains which are his home between the Black Sea and the Caspian Sea. Here, church and people have maintained with amazing vitality their traditions and culture against wave after wave of alien conquest. For centuries, the Armenian has been known not only for his industry, but for his intellect, his ingenuity, his courage, and his talent for handicraft and commerce.

When Talaat Bay gave the signal for the unwarranted massacre of the Armenian people in 1915, he declared:

> After this, there will be no Armenian question for fifty years.

Sixty years have elapsed since that declaration. During those six decades, the Armenian question has continued to exist and to this day remains a blot on the conscience of mankind. The world was shaken by this crime—with which no other in recorded history can compare—but unfortunately, not enough to support an innocent people in their great need.

The Germans have made reparations to the Jews—the Turks have failed even to acknowledge their heinous crime against the Armenians. Only last year, during the consideration of a report on genocide being prepared by a subcommission of the U.N., the United Nations Human Rights Commission acquiesced in a request by the Turkish representative to delete from the study a reference to the Armenian genocide in 1915.

As citizens of the United States, Armenian-Americans are asking their elected Representatives in the Congress to recognize the martyrdom of 1½ million Armenians who died in the holocaust of 1915 at the hands of the Turks, and they are asking recognition of President Woodrow Wilson's decision on the territorial boundaries of the Armenian Republic as provided in the 1920 Treaty of Sevres which Turkey signed recognizing Armenian independence.

Mr. Speaker, as Members of Congress, let each of us examine our conscience, and let us do our utmost to alleviate the memory of this unjustified crime against the Armenian people, the scars of which are carried in the hearts and minds of every surviving Armenian. The first step is passage of House Joint Resolution 148, for which I urge bipartisan support.

Mr. WOLFF. Mr. Speaker, I rise in support of House Joint Resolution 148, to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man."

While we are often caught up in the events of today and in trying to ascertain the future, it is important for us to pause to review the events of the past. Such an event is the systematic massacre of the Armenian people by the Turks in 1915.

According to several authorities, this cold blooded massacre of 1,500,000 people sought to completely eliminate the possibility that Armenia might someday become independent. The Turks simply eliminated the Armenian population, attempting to kill all except those that were so young that they would not recall their parents. These children would be brought up as Turks. We cannot allow such an example of genocide to be forgotten. We cannot permit such a crime to fade into the shadows of history.

The measure we have before us, a measure I cosponsored, will insure that this crime is not forgotten, and by so doing will help prevent future crimes and future incidences of "Man's Inhumanity to Man."

Mr. BIAGGI. Mr. Speaker, I rise in support of this joint resolution which seeks to designate April 24 as a "National Day of Remembrance of Man's Inhumanity to Man." It is an opportunity for us to reflect back on the horrors and atrocities committed during warfare and pledge a renewed commitment to promoting world peace.

The day will pay special tribute to the 2 million Armenians who were massacred by Turkey in 1915. This was the first recorded instance of genocide warfare and remains one of the most shocking and deplorable acts ever perpetrated by one nation against another.

Yet our modern day world is not immune from the inhumanity against humans. One need only to look at the history of the 20th century to discover what a major and tragic role war has played. We have endured two World Wars and numerous smaller wars in all sectors of the world. Today in 1975 we are far from peace, the Middle East, Southeast Asia and the Mediterranean regions remain explosive for bloodshed.

Passage of this resolution will be significant if we are to demonstrate our continued interest in the establishment of peace in the world. We are seeing with the tragedy of the Vietnam orphans and refugees the utter disgrace which war is to people. The faces of the orphans who have been successful in coming to the United States are filled with apprehension and terror from the effects of living their entire lives in war.

We cannot deceive ourselves, peace in the world will not come tomorrow or next week. At the same time we cannot shun our roles as the champions of freedom for the world. War should be viewed as a disease of the past, peace should replace it as the lifeblood of the future. I urge the support of all my colleagues today.

Mr. KRUEGER. Mr. Speaker, Armenia has been the cradle of civilization. This cradle has been rocked back and forth, not always gently, but frequently, convulsively. I rise today to pay tribute to the contributions of the Armenian people to our civilization and to all civilizations, and I hope that we may continue to prosper from the contributions of this great people to our Nation. As President Kennedy reminded us, "We are a Nation of immigrants" and the richness of our national fabric is enlivened by the contributions of the Armenian people.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. HENDERSON) that the House suspend the rules and pass the joint resolution, House Joint Resolution 148, as amended.

The question was taken.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from California withdraw his point of order that a quorum is not present?

Mr. ROUSSELOT. Mr. Speaker, I withdraw my point of order.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3 rule XXVII, the Chair will not put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3922 and House Joint Resolution 148.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

OLDER AMERICANS AMENDMENTS OF 1975

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill (H.R. 3922), as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 3922, as amended.

The question was taken.

Mr. RANDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 377, nays 19, not voting 36, as follows:

[Roll No. 104]

YEAS—377

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Conable
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hammerschmidt
Hanley
Hannaford
Harkin
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Jacobs
Jeffords
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif.
Perkins
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NAYS—19

Archer
Armstrong
Ashbrook
Bauman
Clawson, Del
Collins, Tex.
Crane
Devine
Eshleman
Hansen
Ichord
McDonald
Michel
Rousselot
Schneebeli
Shuster
Symms
Treen
Wiggins

NOT VOTING—36

AuCoin
Biaggi
Boland
Burke, Fla.
Byron
Casey
Collins, Ill.
Derwinski
Diggs
Eckhardt
Esch
Flynt
Ford, Tenn.
Hamilton
Harrington
Hébert
Hinshaw
Jarman
Jenrette
Johnson, Pa.
Landrum
McClory
McEwen
Matsunaga
Mills
Mink
Mollohan
Patman
Pattison, N.Y.
Pepper
Pressler
Rhodes
Satterfield
Teague
Whitehurst
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Eckhardt with Mrs. Collins of Illinois.

Mr. Biaggi with Mr. Jenrette.

Mr. Teague with Mrs. Mink.

Mr. Diggs with Mr. Mills.

Mr. Byron with Mr. Patman.

Mr. Boland with Mr. Hinshaw.

Mr. AuCoin with Mr. Pepper.

Mr. Matsunaga with Mr. Derwinski.

Mr. Mollohan with Mr. Jarman.

Mr. Young of Georgia with Mr. Pattison of New York.

Mr. Casey with Mr. Johnson of Pennsylvania.

Mr. Flynt with Mr. McEwen.

Mr. Ford of Tennessee with Mr. Satterfield.

Mr. Hamilton with Mr. McClory.

Mr. Hébert with Mr. Landrum.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. BIAGGI. Mr. Speaker, I was on the floor and called off the floor for a moment when the vote occurred on the Older Americans Amendments of 1975 and returned too late to have my vote recorded. Had I been present, I would like the RECORD to show that I would have voted in favor of the bill, and I ask that my statement appear immediately after the vote.

DESIGNATING APRIL 24, 1975, AS "NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN"

The SPEAKER pro tempore. The unfinished business is the vote on the motion offered by the gentleman from North Carolina (Mr. HENDERSON) to suspend the rules and pass the joint resolution, House Joint Resolution 148, as amended.

The Clerk read the title of the joint resolution.

The question was taken.

Mr. ROUSSELOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 332, nays 55, answered "present" 1, not voting 44, as follows:

[Roll No. 105]

YEAS—332

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Bedell
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Cederberg
Chisholm
Clancy
Clausen, Don H.
Clay
Cochran
Conlan
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edgar
Edwards, Calif.
Eilberg
English
Erlenborn
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Ford, Mich.
Forsythe
Fraser
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Gradison
Grassley
Green
Gude
Guyer
Haley
Hall
Hammerschmidt
Hanley
Hannaford
Harkin
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Jacobs
Jeffords
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCollister
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif.
Perkins
Peyser
Pickle
Poage
Preyer
Price
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Russo
St Germain
Sarasin
Sarbanes
Scheuer
Schneebeli
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Thompson
Thone
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Wampler
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, Charles H., Calif.
Wirth
Wolff
Wright
Wydler
Yates
Yatron
Young, Tex.
Zablocki
Zeferetti

NAYS—55

Archer
Armstrong
Ashbrook
Beard, Tenn.
Bennett
Breckinridge
Burleson, Tex.
Butler
Carter
Chappell
Clawson, Del
Cleveland
Cohen
Collins, Tex.
Conable
Crane
Daniel, Dan
Devine
Edwards, Ala.
Emery
Eshleman
Fountain
Frenzel
Goodling
Hagedorn
Hansen
Hastings
Hechler, W. Va.
Ichord
Kemp
Kindness
McDonald
Mathis
Montgomery
Mosher
Myers, Pa.
Pike
Pritchard
Railsback
Rose
Rousselot
Schroeder
Shuster
Sikes
Steiger, Wis.
Stephens
Symms
Thornton
Waggonner
Whitten
Wiggins
Wilson, Charles, Tex.
Wylie
Young, Alaska
Young, Fla.

ANSWERED "PRESENT"—1

Santini

NOT VOTING—44

Aspin
AuCoin
Boland
Burke, Fla.
Byron
Casey
Collins, Ill.
Derwinski
Diggs
Eckhardt
Esch
Flynt
Foley
Ford, Tenn.
Hamilton
Harrington
Hébert
Hyde
Jarman
Jenrette
Johnson, Pa.
Landrum
McClory
McCloskey
McCormack
McEwen
Matsunaga
Mikva
Mills
Mink
Mollohan
Moss
Patman
Pattison, N.Y.
Pepper
Pressler
Rhodes
Ruppe
Ryan
Satterfield
Teague
Whitehurst
Winn
Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mrs. Collins of Illinois.
Mr. Boland with Mr. Aspin.
Mr. Casey with Mr. Jenrette.
Mr. Teague with Mr. McCormack.
Mr. Satterfield with Mr. Mikva.
Mr. Pepper with Mrs. Mink.
Mr. Mollohan with Mr. Esch.
Mr. Ford of Tennessee with Mr. Patman.
Mr. Hamilton with Mr. McCloskey.
Mr. Flynt with Mr. Burke of Florida.
Mr. Moss with Mr. Pattison of New York.
Mr. Foley with Mr. Hyde.
Mr. Byron with Mr. McEwen.
Mr. AuCoin with Mr. Jarman.
Mr. Matsunaga with Mr. Ruppe.
Mr. Landrum with Mr. Johnson of Pennsylvania.
Mr. Harrington with Mr. Ryan.
Mr. Diggs with Mr. Mills.
Mr. Young of Georgia with Mr. Winn.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on House Joint Resolution 148, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

House Resolution 341 was laid upon the table.

AMERICAN FOREIGN POLICY IN SOUTH VIETNAM

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, over recent weeks we have heard the President suggest that all of Southeast Asia, the whole stack of dominoes, will be lost to communism solely because the Congress would not appropriate an additional $300 million to fight the war. This, after a decade in which the United States spent 55 thousand of its most precious lives and a $150 billion, is an idea that is preposterous. The administration cannot and the American people do not believe such nonsense.

If recriminations and blame-setting were constructive activities, President Ford could spend a lot of time pointing out the inadequacies of the Thieu government. But as the President pointed out, such criticism will not turn defeat into victory.

Nor will a very justifiable criticism of the quality of the South Vietnamese armies save those armies from defeat. It is hard to know whether to criticize the pupils or the American teachers, but in any event the giving up of vast quantities of South Vietnam without even a fight hardly qualifies the highly heralded ARVN forces as a great military force.

The fact of the matter is that the United States has tried for almost two decades to work its will in Indochina, not because the people of that area wanted us to, but because we thought it was good for us. That policy was disastrous and we have paid a tremendous price—but nowhere near as much as the people of Indochina.

At this point, additional military aid to a corrupt and unpopular government in Saigon only serves to continue the agony, anguish, and the amorality.

Any effort to blame the 94th Congress as the sole villain in this almost 25-year-old tragedy not only ignores the facts, but ignites the potential for deep division in our country. By seeking to pit one branch of government against another, we rend again the very delicate and highly bruised fabric of the separation of powers which has kept us on a national balance for nearly 200 years.

We are told that a reduction by Congress in military aid to South Vietnam over the last 2 years represented a default on an American promise made when the Paris Peace Accords were signed. What promise? If there was a promise by the Nixon administration to continue sapping American resources and strength in the sinkhole of Southeast Asia, that promise was never told to the Congress or to the American people.

The sudden emergence of alleged promises and commitments is the kind of deception—whether intended or not—that has too often characterized our Government's policies in Vietnam. It was exactly that kind of flimflam which caused Congressman Jerry Ford to help shape the War Powers Act in the very form of which President Gerald Ford now complains.

Every measure of American public opinion shows that the overwhelming majority of people opposes any further military aid for South Vietnam. There is broad-based support for the American disengagement which has been in progress for the last several years. And there is broad support among the American people for a foreign policy on which the Congress and the President can work together—rather than have at each other.

Some columnists say that the President is being encouraged to make Congress the whipping boy on the Southeast Asia debacle because the public opinion polls also show that Congress is not very beloved in the country. I think that is a misreading of where America is at about the 94th Congress. It is at best a reflection of the "time lag" between what Congress is doing and the American people's perception of what Congress is doing. The fact of the matter is that Congress is clearly reflecting the strong message sent to Washington in the November 1974 election to keep us out of further military involvement in Southeast Asia. Any one who doubts the depth of American feeling on that subject has been spending too much time talking to the original architects of our policy in Southeast Asia and too little time talking to the people who have paid for that policy.

In any event, whatever short run political points can be made by the administration in taking on Congress as the enemy will be more than offset by the renewed divisiveness, disillusion, and despair which such a game plan will cause in this country.

The re-emergence of Congress as a real partner in the setting of American foreign policy has caused some unhappiness at the State Department and the White House, but it is good for the country. I trust that Congress will not easily cede back its constitutional obligation to be an active partner, rather than a passive yea-sayer to anything the executive wants in foreign affairs.

This new relationship will require adjustments and accommodations not needed in those days when disagreement on foreign policy stopped at the foot of Capitol Hill. Those were not halycon days, what with major wars and hundreds of thousands of Americans dead and wounded, and with Congress ratifying the most extensive kind of executive policy by such devices as the voice-voted Gulf of Tonkin resolution.

In any event, whether the old days were good or not, the present posture of Congress is much more in keeping with the grand design of our constitutional fathers who had lived too long with a system where the King made war.

Our need is for Congress and the President to pursue the real American interests here and abroad. That is the common cause on which the President and the Congress must work together. That is a much more useful enterprise than to see who wins the finger-pointing battle as to past mistakes. It is a most necessary enterprise if we are to do what the people and the Constitution have mandated.

UNITED STATES SHOULD LEAD IN POSSIBLE REFORM OF THE UNITED NATIONS

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, the United States was instrumental in establishing the United Nations. The United States has been the largest single financial contributor to the United Nations. Many believe such investment has not always been in the best interests of the United States. Our goals of furthering world peace and understanding through participation in the United Nations necessitate a review for positive change to bring about a truly effective, functioning United Nations.

I am today introducing a resolution, joined by 19 of my colleagues, which concerns our country's relationship with the United Nations. This measure is a revised and updated version of our resolution of the 92d Congress—House Concurrent Resolution 258 or an identically worded companion measure—calling for high-level studies by the U.S. Government on the United Nations and its charter, and which was joined by 125 colleagues in the House and 68 in the Senate.

The United Nations General Assembly passed a resolution on December 17, 1974, which establishes a 42-member Ad Hoc Committee on the Charter of the United Nations to study the current views of member nations on proposed charter revision and procedural changes not requiring charter amendment. The U.N. resolution asks member nations to submit their views to the committee by May 31, 1975. The United States is one of the nations named to serve on this committee which will meet this summer to analyze the views submitted and will present a report to the General Assembly at its session next fall.

The United States voted against the resolution in the General Assembly. While the United States has been one of the most vocal and sharpest critics of the United Nations, its attitude toward change has been lukewarm with comments during debate in the General Assembly on the resolution including the following statement:

> . . . Those problems can be solved by the full and proper use of existing machinery, rather than by the establishment of new machinery. "The Charter has, through the normal process of interpretation and evolution, undergone very significant modifications as times and circumstances have changed. . . . The fact that the Charter has allowed such flexibility is clear evidence of its fundamental value and wisdom. . . . Although the U.S. is fully prepared to keep an open mind regarding modifications to the Charter which are broadly supported, it is of the opinion that dissatisfactions with the policies of States must not be confused with inadequacy of the Charter.

Neither the responsibility of world peace nor the responsibility of humanitarian efforts is the responsibility of one nation, financially or in manpower. Increasingly, the United States has been called to this role, often with adverse effects to our Nation, its people, and economy. We cannot alone serve as policemen of the world nor can we continue to withstand the economic drain of solo humanitarian programs.

It is often said that the United Nations cannot work, however, most will agree no better hope for solving world problems can be seen. It is the only existing organization with a potential for multinational cooperation in solving such problems.

The committee established in the United Nations, by studying current views of member nations on the United Nations Charter and its procedures, will provide for the first time an indepth look at the United Nations. From its creation, the United Nations has had the goals of achieving international peace and understanding but, after 30 years, is still far from reaching them.

If the possibility exists that by channeling our efforts through an effective United Nations, the costs to America could be greatly diminished, then I do not believe we can afford to ignore exploration of such a possibility. We must find out if the U.N. can work and what participation by the United States is in our best interests.

Could the presence of U.N. peacekeeping forces in the Middle East help force a settlement between the nations living each day on the brink of war? Could the U.N. have made a difference in the Vietnam war which has cost America so much? Can the United States continue to risk reliance on the shuttle diplomacy of one man in present and future trouble spots of the world? The potential for new outbreaks of violence is present in many parts of the world. For certain, the United States will be called upon again and again for assistance. We need the United Nations, rather a United Nations that can effectively deal with the problems confronting our world. If the United Nations cannot work, then we must help create an international organization that will.

I wish to call my colleagues's attention to the remarks of Gen. Carlos Romulo, Foreign Secretary of the Philippines and one of the founders of the

United Nations, during debate on the United Nations resolution:

> At this point in history, after 25 years of activity, the United Nations is neither the organization of 1945, nor is it yet the organization needed to meet the challenges of the remainder of this century. Clearly our world organization is in a transitional stage, between the world of unlimited unilateral national policies, and the world in which problems of planetary scope will be effectively dealt with through concerted co-operative and skilled planetary management. Meeting the problems of human survival—peace, disarmament, population, poverty, economic underdevelopment, violation of human rights, and control of environmental pollution—will require a much more concerted and integrated approach to the global problem-solving than was foreseen by the founders of the United Nations. If the United Nations is to grow into the primary agency for implementing the will of the peoples of the world in problem areas too large and too complex to be met by random actions of individual nations, no matter how well-intentioned, then the revitalizing and upgrading of the world Organization must urgently be undertaken by its Members.

The study of the United Nations by the ad hoc committee is going on whether or not the United States chooses to participate through submission of its own proposals and position on U.N. reform. As a major world power who helped create the United Nations and with a responsibility to the American people who have a tremendous investment in the U.N., our leadership and participation in this study with a view to positive change would seem essential. I urge my colleagues to join in our resolution which calls upon the U.S. Government to assume its historic role of leadership in making every effort in this important study of the United Nations for possible reform that might bring about an effective, functioning United Nations.

U.S. FOREIGN POLICY: NO GUIDING PRINCIPLES

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, in recent weeks, the United States and the cause of freedom have been suffering severe setbacks around the world. Two-thirds of South Vietnam has fallen under Communist control, and some are predicting a complete collapse within weeks. Secretary Kissinger's latest negotiations in the Middle East have broken down, while he seems to have ignored problems elsewhere. Portugal is on the verge of an outright Communist takeover, with political activity suppressed as the Communists move to consolidate their power. On every front the news is bad, and the U.S Government seems paralyzed.

Part of the problem, in my view, is that U.S. foreign policy does not seem to be motivated by any clear principles or goals. We seem to improvise our way from one crisis to another, even though some of Secretary Kissinger's policies have been effective. But without a national commitment to a set of guiding principles, the reverses of the past several weeks were practically inevitable.

The most important failure in our foreign policy has been the U.S. Government's determination to ignore the fact that communism has not changed its stripes. It is still a militant, armed ideology with the ultimate goal of world domination. There is abundant evidence from Soviet leaders and theoreticians themselves, that "détente" to the Communists is just a strategic phase on the path to world conquest. Thus the Soviets continue to supply arms to the North Vietnamese aggressors, and have moved quickly to obtain military bases in Portuguese territory, creating Europe's own Cuba.

Against this single-minded, long-range Communist determination, what does the United States offer? Step-by-step negotiations, an eagerness to get signatures on meaningless scraps of paper, and a firm commitment to the elusive "benefits" of détente.

The result has been an inevitable confusion on the part of the American people. In traveling through the first district last week, I found many people sympathetic to the plight of the Southeast Asians, but reluctant to commit the United States to more aid to South Vietnam or Cambodia. That is easy to understand. While calling for more aid to Southeast Asia, Secretary Kissinger remains committed to détente with the Soviet Union, the principle backer of the North Vietnamese. The Secretary has not breathed a word of criticism about this blantant Soviet encouragement of aggression. Presumably any such criticism would be dangerous to "détente" and "world peace."

I have yet to see many benefits of détente. If our supposed friendship with the Soviet Union is not strong enough to get them to stop supplying arms to the aggressive North Vietnamese dictatorship, or to show some restraint in exploiting the situation in Portugal, what benefits has it brought?

I believe the United States needs to make a firm commitment to protect and extend freedom throughout the world. We do not need constant compromise with the Soviet slavemasters at the same time we give half-hearted resistance to their puppets. Without a return to basic principle in American foreign policy, we are likely to drift from crisis to retreat to defeat. Our commitment to freedom must be as strong as the commitment of the Communists to slavery. Only then will the American people begin to regain confidence in our foreign policy.

This does not mean a policy of U.S. intervention in every crisis which occurs. It will require a judicious policy of choosing opportunities where gains for freedom can be made, backing up commitments with a will to win, and assisting our allies once a victory has been achieved. The United States cannot be the policeman of the world, but it can help other people to gain and defend their freedom. If we fail, our freedom is at stake.

ENLARGE THE TINICUM NATIONAL ENVIRONMENTAL CENTER

(Mr. EDGAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDGAR. Mr. Speaker, today I am introducing a bill to amend Public Law 92-326 to extend the boundaries of the Tinicum National Environmental Center in Tinicum, Pa., to include two parcels of land which are adjacent to the Center.

The Tinicum National Environmental Center was created by Public Law 92-326, enacted June 30, 1972. Its purpose is to preserve and protect the last remaining true tidal marsh in Pennsylvania, which, despite its urban industrial setting, serves as a prime habitat for many species of wildlife, a major stop for migratory waterfowl, and a natural sewage treatment system. Under its Federal charter, the Tinicum National Environmental Center, which is administered by the Interior Department's Fish and Wildlife Service, offers its many visitors a wildlife interpretative center which promotes environmental education and awareness and permits the study of wildlife in its natural habitat.

The two parcels of land included in the bill I am introducing today fall readily within the contemplation of Public Law 92-326, whose stated purpose is "the preservation from imminent destruction" of the Tinicum tidal marsh. One parcel has recently been used as a "borrow pit" during the construction of the nearby Interstate Highway, and the owners are now seeking permission to fill the land with 5 million cubic yards of dredged material. This land borders the western boundary of the Tinicum Center. The second parcel has been used as a garbage dump, and it has oozed toxic wastes into the creek which washes through the marsh and has attracted hundreds of rats who now threaten the native wildlife of the marsh. This land borders the eastern boundary of the Tinicum Center.

It is my hope, and that of the thousands of citizens of the Delaware Valley area who are actively concerned about the preservation of the Tinicum marsh, that the House will act quickly to include these terribly abused marshlands within the Tinicum National Environmental Center.

COMMON CAUSE FAILS TO FILE FINANCIAL DISCLOSURE REPORT ON TIME

(Mr. HAYS of Ohio asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and to include extraneous matter.)

Mr. HAYS of Ohio. Mr. Speaker, I think the Members will be interested in what I have to say at this time.

I find it rather incredible, but not surprising, that Common Cause, the so-called citizens lobby, has yet to file its March 10, 1975, financial disclosure report with the Clerk of the House. The Federal Election Campaign Act Amendments of 1974 require under section 308 that any organization which spends any money or commits any act for the purpose of influencing any election must report as a political committee. Common Cause had its representatives in virtually every Committee on House Administration meeting when this election reform legislation was being drafted, so I cannot imagine that they are unaware of the provision that they must file a March 10, 1975, report.

Additionally, on January 10, 1975, Common Cause filed a document with the Clerk of the House, specifically under section 308 of the same law, thereby acknowledging that they were obligated to file reports as a political committee.

It is no wonder their membership is declining if this is the way they are spending their members' dues. I hope that this apparent violation will give Common Cause a better appreciation of what it takes to comply with the Federal campaign law.

In the past Common Cause has monitored and criticized the reports filed by candidates and other political committees, and I am sure all of the Members got a letter from them within the past week or 10 days saying that they had looked at their reports and wanted to know if the following figures were accurate.

It now clearly appears time for them to assign a portion of their large staff to *self*-examination and to monitoring their own financial disclosure reporting requirements to insure future compliance with the law.

A NEW NATIONAL PARTNERSHIP IN FOREIGN POLICY

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House the gentleman from Michigan (Mr. BROOMFIELD) is recognized for 45 minutes.

(Mr. BROOMFIELD asked and was given permission to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I sense that the House may be on the verge of a significant foreign policy debate; a debate that can either increase the acrimony already manifest between the administration and the Congress or begin to turn us gradually away from confrontation toward the sense of shared purpose and responsibility so important—and currently so lacking—in the conduct of our foreign relations.

My purpose in taking the floor at this time is to suggest that a sense of moderation and understanding, a willingness to accept the administration in good faith even in the face of disagreement over specific issues, must have a place in our deliberations.

Members of the House do not see eye to eye with the administration on all aspects of our foreign policy, and it is unreasonable to assume that they should. Congress has an accepted oversight role in the foreign policy process, a role made credible by our power over appropriations. But let us not lose sight of the fact that the administration also has a role—indeed primary responsibility—in the conduct of our foreign affairs. Foreign policy is a shared responsibility. Let us see that we share it responsibly.

Many of you will recall that in January, Secretary Kissinger—speaking on behalf of President Ford invited Congress "to a new national partnership in the conduct of our foreign policy" and suggested that—

> We must define new principles of Executive-Legislative relations—principles which reconcile the unmistakable claims of Congressional supervision and the urgent requirements of purposeful American world leadership.

Inevitable disagreement or differences of interpretation on policy issues need not—and should not—devolve into the sort of constant conflict which can work only to the detriment of our image abroad and impair our ability to deal effectively with other nations.

As we return from recess, I am sure many of the Members will share my impression that there is a sense of isolationism, a desire to turn inward, building in this Nation. It may not be isolationism in the traditional sense of conscious retreat to fortress America. The feeling I perceive might more accurately be described as a weariness with world issues, a feeling that we have enough problems of our own to contend with, and a sense that international policy has become so remote, complex, and disillusioning that we might simply cease to care about it. Rather than turn our attention to the problems of the future—many of them quite predictable, there is a tendency to debate the issues of the immediate past.

After a decade of bitter, divisive war in Southeast Asia, followed by the national trauma of Watergate, and the economic problems besetting us, this attitude is in many respects understandable. It could not, however, come at a worse time for the Nation.

In an era of increasingly important economic and political interaction among States—frequently referred to as "interdependence"—this Nation, for the first time since World War II, may appear to the world to be losing its resolve and will to compete. Certainly the domestic consensus on foreign policy objectives which served us so well in the postwar years has become tattered beyond recognition.

Our task today is to determine what can be done to restore a semblance of bipartisan unity and purpose to the conduct of foreign affairs, rather than to remain mired in the disagreements of the past. To the extent we succeed, we realize a positive accomplishment and strengthen America's ability to face the future.

The agenda of foreign affairs is staggering: It includes the traditional issues of our relationships with our allies and our adversaries, relationships obviously crucial to a peaceful world order. After more than two decades of cold war and confrontation with the Soviet Union, we have begun a search for areas of understanding and mutual interest.

There are those who assume, mistakenly in my opinion, that the challenge to compete peacefully and seek out areas of accommodation relieves this Nation of the necessity to maintain a strong national defense posture; that our system of alliances and friendships throughout the world is outdated, irrelevant, or even detrimental, to a policy of reduced tension with the Soviet Union.

This is dangerous logic. The relaxation of tensions between East and West became possible when both parties acknowledged that the stability of the world could no longer be based on an uneasy balance of power between two opposing blocs. The relative balance of power—and its associated potential for nuclear holocaust—was a determining factor for both parties in backing away from the policies of the cold war.

A powerful, confident, secure United States and the continued solidarity of our alliances are prerequisites to a policy of understanding with our adversaries.

Another traditional element of our foreign policy, perhaps the one that engenders most debate here and abroad, concerns our efforts to contain regional conflicts, to separate local disputes from big-power rivalry. These are the explosive issues of policy, producing a series of unrelated crises around the globe. Many of these problems are difficult to predict. They demand rapid response from the policymaker. Delay in reacting to these situations can foreclose policy options or work to the detriment of the national interest. In this area of fast-moving, crisis diplomacy, it is sometimes difficult or impossible for the administration to construct a basis of congressional support in advance of policy initiatives. These crises are often frustrating because our ability to impose our will is limited and there are no easy, clear-cut answers to the problems. I think the Members of the House will agree that on this operational level of foreign affairs, we must show some trust in—and compassion for—those appointed to deal with the issues.

In addition to the wide range of familiar foreign policy issues, this Nation is confronted with a bewildering array of new problems on the international front: energy is the most apparent; a coherent policy on food aid, population, access to commodities, uses of space and the ocean are other items of concern. These are not problems we can solve by ourselves; each issue concerns scores of nations and requires a concerted approach.

The issues of interdependence, many of them rooted in economics, are every bit as important to the continued stability and security of our Nation as traditional concerns. The energy problem has not disappeared because we no longer have to wait in line for gasoline; food has not ceased to be a concern with the prospect of abundant harvests this year. It has yet to be determined whether the nations of the world can work together, compromise differences, and solve the problems of the future before they become crises for mankind.

Without attempting to define where Congress should or should not tread in carrying out its foreign policy duties and obligations, let me suggest that the issues of the eighties, problems of vital national concern we are just beginning to address seriously—energy, food, population, use of the seas, access to commodities—provide tremendous latitude for positive, creative input from the Congress and from the public at large. These are issues we must be thinking about, problems that will demand resolution in the interest of international stability and prosperity. Our policies for the eighties are still in the formative stages; the occasion, in fact the requirement, for a concerted, responsible national effort to address them is apparent. Congress cannot afford to let this opportunity lapse; now is the time to become involved.

The United States cannot walk away from its foreign policy agenda. Nor can this country deal effectively with these traditional and future problems from a position of weakness, divisiveness, or disinterest. The time for recrimination or attempts to apportion blame for past policy is over. Let us bury the hatchet and direct our search toward a new beginning, a sense of partnership in foreign affairs that will serve the Nation, enabling us to deal coherently and purposefully with friend and foe alike.

I submit that Congress might temper its growing interest and influence in foreign affairs with a profound sense of responsibility, an element of sympathy for the dilemma of the policymaker, and with the realization that this Nation has but one President and one Secretary of State. We face an urgent requirement for positive action to bind the Nation together and strengthen our ability to face the inevitable challenges of coming years.

Congress must be consulted on foreign policy, and Congress has been consulted. Certainly in the field of foreign affairs, I can attest that the administration has made a very credible effort to consult with Congress and has lived up to President Ford's commitment to a policy of communication, conciliation, compromise, and cooperation with Congress.

With the new Congress, and with international affairs becoming increasingly entwined with domestic affairs, let us be frank and recognize that the administration has a problem of whom to consult on foreign policy; every Member of the House cannot be consulted on every foreign policy question. Let us guard our prerogatives in foreign affairs; we have seen in the past how, once the pattern is established, a willful executive branch can ride roughshod over Congress in the field of foreign policy. Shared responsibility for the conduct of our relations with other nations does not, however, imply that every Member of Congress is free to make foreign policy, or that the function of Congress is to become involved in every decision bearing on our relations with other States.

What is lacking in our present conduct of foreign policy is not an executive unwillingness to consult with Congerss or a latent administration desire to return to the days of the Tonkin Gulf resolution, but a sense of national purpose. In calling for concepts such as bipartisanship and unity, I am not suggesting that Congress become a rubber stamp for the administration's foreign policy. I am suggesting that perhaps it would be in the national interest to turn our efforts to the definition of a broad sense of where we are going and how we want to get there, what sacrifices are involved and the price we are willing to pay.

We might do well to recall President Eisenhower's remarks in the 1958 state of the Union address:

> Our real problem is not our strength today; it is the vital necessity of action today to ensure our strength tomorrow.

This statement is as true in 1975 as it was 17 years ago. America remains the most powerful, compassionate, technologically advanced nation in the world. Our ability to bring our talents and energies to bear on the problems we face, however, is hindered by bitterness over the past and confusion about the course of the future. To the extent that we remain reluctant to start anew, seize the initiative, and break out of the cycle of narrow debate, we endanger our ultimate ability to deal with the important issues vital to the future of our country.

Each of you is familiar with the current issues in dispute; in most of them Congress has worked its will on the administration. There is legitimate discussion about whether, in so doing, we have actually served the national interest. My purpose is not to prolong this debate but, hopefully, to help create an atmosphere in which it can taper off and we can turn our attention to a more concerted, bipartisan approach to the problems of the future.

A new partnership in foreign affairs—not necessarily classical bipartisanship but at least a willingness to accentuate the positive, reconcile our differences, and work together to develop a new order and coherence in our priorities and objectives—will require patience, understanding, and the assumption of good will on the part of Congress, the administration, and the American people.

As we in the weeks ahead turn to debate foreign policy issues before us, I urge the Members of the House to take seriously the President's call for a new beginning, a new partnership in foreign affairs. I am convinced the administration is acting in good faith in its foreign policy consultations with Congress, that they are more than ready to meet us half way.

I am also convinced that the future strength and prosperity of our Nation depend to a large measure on our ability to talk out our differences calmly and without rancor. I sincerely hope that our deliberations will be conducted in this spirit; that they will lead eventually to a lowering of voices, a sense of common purpose and involvement, and an awareness that foreign policy problems are grave national concerns demanding a sense of solidarity and the best efforts of all Americans.

ADDITIONAL HUMANITARIAN ASSISTANCE FOR SOUTH VIETNAM AND CAMBODIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. MEYNER) is recognized for 5 minutes.

Mrs. MEYNER. Mr. Speaker, I am introducing today a bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for the fiscal year 1975 in the amount of $100 million. This bill is identical to S. 1350 introduced in the Senate by Senator KENNEDY.

The American people have been deeply touched by the human suffering in Phnom Penh and the Saigon-controlled areas of South Vietnam. Tragically, the suffering we witness on television and in newspapers and magazines is only a small portion of the current human tragedy in Indochina.

Americans have poured out their hearts to the Vietnamese orphans. Unfortunately, there are many troubling aspects to "Operation Babylift." I address some of them in an entry I am making today in Extensions of Remarks.

Regardless of the merits of the airlift, however, we need to remember that there are suffering children and adults throughout Indochina. They are the victims of this tragic war, not its actors. The fact that they might have fallen behind the lines of battle has not reduced their suffering, their innocence, or their need for assistance. I believe that the first important aspect of this bill is that it provides "humanitarian assistance to all people in need in South Vietnam and Cambodia," not just to those in pro-American enclaves.

The second important aspect of this bill is that it channels the assistance through "the United Nations and its specialized agencies, other international organizations or arrangements, multilateral institutions, and private voluntary agencies." I am sure that many of you have been as disturbed as I have by reports of food aid being sold by the Cambodian and South Vietnamese Governments for general revenues, and of economic development assistance being used for assassination teams in South Vietnam.

I believe that abuses of this kind are inherent in bilateral assistance. Governments in the middle of civil wars are naturally inclined to use foreign assistance in ways that will benefit them politically. Our primary responsibility now, however, is not to the dying regimes in Phnom Penh and Saigon, but to the human casualties of this war.

I firmly believe that the good offices of the United Nations and of private organizations that have the confidence of all sides in the conflict will succeed, where governments have failed, in getting relief assistance to those who need it.

I urge the speedy consideration of this bill, and I hope the Committee on International Relations will consider internationalizing all future humanitarian assistance to Indochina.

Mr. Speaker, I include a text of my bill at this point in the RECORD:

H.R. 5731

A bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for the fiscal year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law in addition to amounts otherwise available there are authorized to be appropriated to the President for the fiscal year 1975, to remain available until expended, $100,000,000 to provide humanitarian assistance to all people in need in South Vietnam and Cambodia.

(b) Such assistance shall be provided under auspices of and by the United Nations and its specialized agencies, other international organizations or arrangements, multilateral institutions, and private voluntary agencies.

(c) Not later than six months after the date of enactment of this Act, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing fully and completely—

(1) the names of all agencies and organizations involved in the distribution of such assistance;

(2) the means with which such distribution is carried out; and

(3) the recipients of such assistance.

ONLY PEOPLE PAY TAXES: LET US REDUCE THE TAX BURDEN AND THE COST OF LIVING, CREATING JOBS IN THE PROCESS, BY REDUCING CORPORATE TAXES THIS YEAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, all the taxes come ultimately from the people. They pay some taxes directly: Individual income taxes, sales taxes, gasoline and fuel taxes, gift and estate taxes. They pay others indirectly through higher prices they pay for goods and services they purchase: Corporate income taxes, real estate and sales taxes paid by businesses, and so forth. The point is: The people pay all the taxes.

WHAT HIGH CORPORATE TAXES DO TO OUR ECONOMY

High corporate tax burdens—American corporations today pay almost a 50-percent tax on their incomes—mean a number of things.

First. They must pass along those taxes to the consumers in the form of higher prices. Almost all corporate income comes from sales. The only way to recover the costs of taxes is through what they charge for goods and services. If corporate taxes were reduced, prices all of us pay could be reduced.

Second. They have less net dollars to spend for inventory replacement, replacement of equipment, purchase of new equipment, and expansion of plant facilities. That means a loss of jobs in two ways. It means the construction trades which build the plants will not be building them, so unemployment in the construction trades goes up or does not go down. It also means the loss of jobs in the company that wanted to replace its equipment or the deferral of plans to create new jobs because additional, new equipment and facilities have not been bought or built.

Third. The companies paying these high corporate taxes do not have sufficient funds to pay higher salaries to their employees or to increase the share paid by the company to retirement and pension funds or to increase other fringe benefits. This means less income to the work force.

Fourth. The companies are left with less funds from which to pay dividends to those who own shares of stock in the companies—and that is millions of people—little people, middle-class people, working men and women, retired people, widows—who depend upon dividends to maintain their standards of living.

WHY ADEQUATE CAPITAL IS ESSENTIAL TO ASSURE PROSPERITY

This last effect of high corporate taxes is one of crucial importance to the long-term growth of the American economy and the maintenance of the prosperity which has been associated with our free enterprise system—the greatest, most productive economic system known in man's history—a system which has been a mainstay of the reasons and emotions which make us proud of America and its history.

I speak, of course, of the necessity of having sufficient investment capital to assure the continued growth of the economy. We do not now have sufficient investment capital, and high tax burdens placed on industry and business are one of its principal causes.

Let me use an analogy.

A farmer knows that after each harvest he must set aside enough seed to plant next year's crop. He can do it by taking the best seed from his own harvest and storing it. Or, he can make sure that he has sufficient funds to buy next planting season's seed from someone else who has stored it. If he decides not to save his money but to save his seed from this year's harvest, but circumstances cause him to have to eat that seed, he is in real trouble when planting season comes next year.

He has neither the seed with which to plant nor the funds to buy new seed. Or, if he decides to sell all his seed from this year's harvest and then has to dip into those funds during the winter to meet other necessary expenses, then he is in trouble. The worse situation, of course, is when the farmer then turns to buy other seed only to find that demands of others have drained the supply and thereby driven up the price.

American corporations today are faced with just this kind of situation, and our prosperity—and our economic system—are being endangered by it.

Too many of those businesses—after paying taxes, after paying abnormally high prices for goods to be used in manufacture, after paying record-high wage rates—are "eating their seed corn." They do not have sufficient profits to reinvest in expansion or to devote to increased inventory or additional worker benefits or shareholder dividends. When they go to borrow money, they find that there is not enough investment capital to go around—because in 1974 Government borrowed 62 percent of all the investment capital available and in 1975 is expected to borrow as much as 80 percent of that available capital—and what is left over is at rates of interest that are simply too high.

We, as a nation and as national policy, simply must do something about this situation.

HOW CUTTING CORPORATE TAXES WOULD BOLSTER THE ECONOMY, 1975–85

Cutting corporate taxes is the quickest—and the most enduring—way to put people back to work and create new jobs.

Mr. Speaker, this editorial from the Wall Street Journal shows why—

If Congress were to vote on a reduction in the corporate tax rate to 40% from the current 48% there's not much doubt the proposal would be resoundingly defeated. But if the vote were by secret ballot, we suspect such a bill would be approved, even by a comfortable margin. Our belief is that a majority in Congress understands that much of the weakness in the U.S. economy is due to the heavy tax on capital, magnified by inflation, and that the most direct way to stimulate expansion, employment and tax revenues would come through a reduction in the corporate tax rate.

But Congress does not vote in secret, and members of Congress do not usually stray very far from their perception of "political practicality." Democrats who might vote for such a tax cut in secret have to worry about being characterized as captives of big business, thence unseated by more liberal Democrats. Republicans have the same problem, worrying about more liberal Republicans and all Democrats. So Congress labored for more than two months on a tax bill to charge the crumbling economy without even considering a reduction in the corporate tax rate.

Why this sorry condition? Is President Ford to blame for doing so little to sell the public on the economic benefits of such a tax cut? Are the liberal Democrats to blame for acting like liberal Democrats? Is the press corps to be accused of contributing to an atmosphere of hostility toward business, thereby making it politically impractical for politicians to vote their convictions? Is the problem more basic, in that perhaps the schools have not been selling the role of the corporation in a free economy?

While these are generally the excuses offered up by the business and financial community, the truth is American businessmen have done a pitiful job in making the arguments for a cut in the tax on capital. Indeed, they've done no job at all. The deeply rooted assumption is that to call for a cut in corporate taxes is a waste of breath, so why bother?

Instead, businessmen will try the back door of tax relief. They will lobby furiously for handouts from Washington, knowing Congress rather likes dealing in special-interest legislation that involves giving away money that doesnt' belong to it in the first place. They'll push for gimmicks, like the tax-loss carry-back, which even liberals can support in the certain knowledge that their constituents don't understand what it means. Or they'll go for a hike in the investment tax credit, which the liberals regard as their very own bone for business, which can be thrown out and recovered on a short string.

If the business community is not going to make the case for corporate tax reduction, who will? We have even heard an economist for organized labor say privately he'd prefer cutting the corporate tax rate to the assorted gimmicks lately considered, but why should labor make the case for something the National Association of Manufacturers only mentions in perfunctory fashion? Can you imagine the shop steward at the blackboard, the rank-and-file gathered 'round, while the boss peers through the window hopefully?

Most Americans who are working still work for corporations. Why is it that they were not being advised that the swiftest, neatest way to move the economy back toward full employment is to reduce the government bite out of corporate profits? It should not take much to persuade the most educated work force in the world that it would suddenly be more profitable to do business in the United States, that instead of sending out capital, the U.S. would be attracting it. And competition would prevent corporations from retaining higher nominal profits to somehow spend on wine, women and song; prices would fall relative to what they would otherwise be, and thus real wages would rise.

> As it is, inflation has been magnifying all three of the taxes on capital. Dividends paid with cheap dollars push recipients up the progressive tax ladder. Capital gains taxes must be paid even though the gain is only nominal, the result of inflation. And the government doesn't absolve companies from paying taxes on illusory inventory profits. The real culprit, of course, is inflation, but that inflation is throttling the economy through its tax effects on investment and production.
>
> U.S. economists of the left, right and center may have their differences on how genuinely competitive American corporations are or on the distribution of incomes between rich and poor. But not many of them seem prepared to argue that there is a more effective way to spur output and employment than through a reduction in corporate taxes. Why isn't anyone saying so? The silence from the corporate community for some reason has us recalling Casey Stengel's comment about his New York Mets: "Can't anybody here play this game?"

Most people in the 38th Congressional District of New York—as well as across this country of ours—work for corporations as the editorial pointed out. They have a real stake—their jobs and income—in the future of those corporations.

Those corporations face some hard facts today. So, too, do the people who depend upon them for jobs and for goods and services, and that means all of us. What are some of those hard facts?

A tabulation of growth rates by the Organization for Economic Cooperation and Development of 20 advanced economies for 1960–70 put the United States in 18th place—third from the bottom.

We anticipate a capital shortfall of $1.5 trillion—that is 1,500 times $1 billion—over the next 10 years in what it will take to assure continued growth in our prosperity—even to stay at the standard of living at which we now find ourselves—to avoid sliding even further backward. This shortfall means we will be underinvesting $400 million each and every day for a full decade.

These startling figures are why I believe the highest priority of our economy should lie in the nurture and stimulation of capital formation—for corporations, for small businesses, for farmers—because everything the American people want and need grows out of that capital formation.

What could happen in this country if we do meet this challenge is so encouraging that every Member of Congress ought to be working every day to assure it. Assume that we meet this challenge and invest sufficient capital to sustain a 4.2-percent real growth rate.

America in 1985 would have:

First. A 43-percent decline in the number of people living in poverty—which means 10.6 million fewer poor people.

Second. A total of 17 million more jobs for Americans—the work force would grow from 86 million to 103 million people—up a full 20 percent.

Third. An increase in median family income of 59.2 percent, up from $12,051 in 1974 to $19,191 by 1985—based on constant, not inflated, dollars—a growth in real income of nearly 60 percent.

And, fourth, 31.6 million more housing units—up 47 percent from 1970, leaving only 5 percent of total housing substandard—a 40-percent improvement over 1970.

These indices reflect substantial potential growth.

HOW CONGRESS SHOULD PROCEED TO ASSURE ECONOMIC GROWTH

Economic growth—and the recreation of jobs—can be best assured through inducements to capital formation.

We should provide sufficient inducements to assure a growing base of personal savings.

We should establish more realistic guidelines for depreciation allowances.

We should give better tax treatment for retained corporate earnings used for investment purposes.

We must ameliorate our relatively harsh treatment of capital gains compared with that of most other countries.

We must stabilize our fiscal and monetary policies to prevent violent swings in the economy.

And, we should eliminate unnecessary controls—those outmoded regulations that unduly restrict the economic system and push prices up and production down.

THE PROPOSED JOBS FORMATION ACT

Measures have been introduced to accomplish these objectives.

On March 20, I introduced the proposed Fiscal Integrity Act of 1975, H.R. 5293 and H.R. 5294, with over 30 cosponsors. That bill would limit the growth of Government—and thereby bring substantial stability to our fiscal and monetary policies—by establishing a limit on the size of total Federal Government revenue. In no fiscal year in the future could the size of those revenues—measured in terms of total national income—exceed the percentage those revenues bear to such income in the fiscal year in which the bill were enacted. Government's revenue could grow, in dollar terms, but it could not grow in relation to the peoples' total incomes. That is crucial to limit the size of Government in relation to the totality of our society. That bill would also require balanced budgets, thereby eliminating the deficit borrowing which robs the capital markets of the funds essential to growth in the private sector.

On March 13, I introduced what can be considered the first, rough draft of the second component of these measures: inducements to capital formation through changes in our tax laws. That bill, the proposed Jobs Formation Act, H.R. 4906, consists of sections which fall into three basic categories of tax reform conducive to capital formation: Income tax reforms relating to individuals, such reforms relating to corporations, and employee stockownership plan financing.

Specific tax reform measures proposed in the bill include an exclusion from gross income for certain qualified savings and investments up to $500 per year, or $1,000 for a joint return; granting a $1,000 exclusion from capital gains for each capital transaction; granting an extension of time for payment of estate taxes where the estate consists largely of small business interests; increasing the estate tax exemption for family farming operations to $200,000; amending the corporate normal tax rates, including provision for reduced taxes for small businesses; increasing the investment tax credit and making it permanent, an essential requisite for long-term business planning; increasing the corporate surtax exemption, allowing taxable year price level adjustments in property—indexing; increasing class life variances for purposes of depreciation—ADR's; providing for alternative amortization periods for pollution control facilities which do not add to productivity; and, expanding the scope of employee stockownership plan financing. In addition, there will be included—in the amended, "clean" version of the bill—an elimination of the present double taxation of common dividends—now taxed once at the corporate level and once at the individual level.

Under no circumstances should the introduction of that bill be construed as my ultimate recommendation on what course we should follow. The bill, in the form of H.R. 4906, is simply a means to permit Members to discuss the pro's and con's of specific tax reforms, including recommending additional ones not in the first draft of the bill, as well as a means around which both the Congressional Reference Service of the Library of Congress and the Department of the Treasury could prepare an analysis of potential losses and gains to the Treasury which would result from the enactment of each provision.

When this bill is reintroduced in the coming days, in refined form and with cosponsors, it may contain only one of the two sections in several either/or situations in the present bill. For instance, we will probably go with either the ADR amendment or the taxable year price level adjustments in property amendment, but not both. We will probably go with either a corporate normal tax rate amendment or an increase in the corporate surtax exemption, but again not both.

The potential losses to the Treasury will be important in our analysis as to final recommendations, but it is important to stress that we have already introduced a bill to require balanced budgets and have made calls for reductions in expenditures down to the level of income. Therefore, these losses to the Treasury, in our proposed policy and program, would not be inflationary, because expenditures, under the other component of the overall plan, would be held to the level of income.

A revised Jobs Formation Act will be introduced within the coming days. I welcome cosponsors of it.

This point—congressional support for such measures—is itself an important one. I find a growing number of Members who are more acutely aware of the pivotal role of capital formation and of the necessity of congressional action to foster that formation. Fewer than that number, however, are willing to be broadly identified with tax reforms which appear "pro-business."

This program which we have set forth—most particularly in the extensive House colloquy of February 5, found on pages 2380–2405 of the daily edition of the RECORD—is a pro-jobs bill. It is no more pro-business than it is pro-labor. It simply is pro-jobs, and it is jobs which we need more than anything else in the economy today—jobs which do not depend upon taxes—as do public service jobs. I deplore the all too true point made by the Wall Street Journal in the editorial quoted earlier, that Congress may realize what the problem is but that it does not have the courage to correct it through inducements to capital formation.

Mr. Speaker, when one considers that all taxes are paid by the people, and when one further considers that disincentives and outright discouragement of capital formation in our present laws must be changed to nurture the capital formation which we so badly need, this is the way in which we should proceed.

SAVING JOBS OR DISPOSAL OF ASBESTOS CHRYSOTILE FROM THE NATIONAL STOCKPILE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. FENWICK) is recognized for 5 minutes.

Mrs. FENWICK. Mr. Speaker, the Labor Department announced on April 4 that during March, unemployment in the United States increased substantially. Whereas in January and February of this year 8.2 percent of the labor force was without a job, during March the figure jumped to 8.7 percent. This means that 8 million Americans have no jobs. Both the President and the Congress recognize the severity of the economic crisis and are searching for programs which will lead to employment without stirring inflation. Congress has passed, and the President has signed, landmark tax legislation to stimulate the economy and the President has proposed an 18-month extension of unemployment benefits for jobless workers.

I think we all agree that our goal at this time is to get people back on the job. The unemployed from New Jersey who have visited my office are not looking forward to another year or more of unemployment payments. They want productive jobs.

At this time we should do all in our power to see that these unemployment lines do not lengthen. One way Congress can act to save jobs is to authorize the disposal of asbestos chrysotile from the national stockpile. Disposal of this asbestos would prevent the further erosion of jobs and would be one Federal employment program that would cost the taxpayers nothing. Today I am introducing disposal legislation because of the sudden short supply of asbestos chrysotile in the United States.

The United States imports 100 percent of its asbestos chrysotile. Over 96 percent comes from Quebec, Canada. The major Canadian asbestos mine—which is the largest in the free world and is operated by the American-owned Johns-Manville Corp.—suffered a landslide in January 1975, thus effectively eliminating the major U.S. source of this industrial ore. Other supplies of the asbestos ore are not presently available on the world market. In fact, according to the U.S. Bureau of the Mines, there is a worldwide shortage of asbestos mining capacity and consequently a shortage of the ore. The effects of this sudden interruption in supply are obvious. Many of the two dozen major primary producers of asbestos products—who manufacture such articles as textiles, brake linings, fire-protective clothing, roofing, insulation, and other fire-retardant building materials—will be forced to curb production and lay off personnel. Production cutbacks could affect many of the 142 factories in the asbestos products industry throughout the United States, including the Johns-Manville plant located in my own congressional district at Manville, N.J. which employs 2,100 people. Other States which have asbestos products firms include: New Hampshire, 3; Massachusetts, 5; Connecticut, 2; New York, 13; New Jersey, 15; Pennsylvania, 15; Ohio, 8; Indiana, 5; Illinois, 11; Missouri, 5; Virginia, 2; North Carolina, 4; South Carolina, 2; Georgia, 2; Florida, 2; Kentucky, 2; Tennessee, 1; Alabama, 3; Mississippi, 2; Louisiana, 4; Texas, 6; California, 19; and Arizona, 1.

The additional unemployment that will be created is unnecessary for two reasons. First, the demand for asbestos chrysotile has not declined. Unlike in the automobile industry, where demand for new cars has dropped substantially, demand for asbestos products has not slackened with the recession.

Second—and most important to us in Congress—the Federal Government maintains a vast stockpile of asbestos chrysotile for national defense needs. It is, of course, altogether fitting that the Government maintain such a stockpile. Yet, the present 11,000-ton stockpile is far in excess of a prudent supply.

The defense requirements of asbestos chrysotile are quite limited. The major military uses of this kind of asbestos are in the production of certain gaskets for tanks and for hoods of jet engines. The Johns-Manville Corp.—the major defense supplier—estimates that less than 1 percent of its total production is military related.

The General Services Administration has recognized that our defense needs for this natural resource are more than met by the present stockpile. GSA recently completed a thorough review of our requirements for asbestos chrysotile, based on the needs of the first 3 years of a war. GSA determined that 1,100 short tons of the asbestos would be adequate and that 9,900 short tons was in excess of stockpile needs. I think my colleagues will agree that the proximity of the Canadian mines and a 1,100 ton stockpile are sufficient for our defense preparedness.

Mr. Speaker, under present law, our stockpiling system does not provide for disposal when domestic industries are critically in need of short-supply materials. This is the situation in which we now find ourselves: a major U.S. industry is deprived of its supplies of a raw material and consequently faces the prospect of diminished output and unemployment of many of its workers. In the case of asbestos chrysotile, there was no malicious Canadian embargo. The mine was closed by a landslide. The only available source—until the mine can be reopened later this year—is the U.S. stockpile. The only way the domestic asbestos users can get the asbestos they need is through a congressional grant of authority such as the one I am introducing today.

Mr. Speaker, Congress passed similar legislation in 1970 which authorized the disposal of 2,884 tons of asbestos chrysotile from the national stockpile. The asbestos was sold off through an open bid process. This disposal was completed in 1974, and no further asbestos can be sold until Congress authorizes it.

As a concluding note, I would like to point out that asbestos is used in the production of home insulation. I have joined with many of my colleagues who have urged tax deductions and credits for homeowners who insulate their homes and who thereby aid our energy conservation effort. Unless our manufacturers have the raw asbestos to work with, there will be no asbestos insulation for American homeowners to buy.

Mr. Speaker, we are all serious about putting people back to work and keeping present employees on the job and we have here an opportunity to affirm this commitment with prompt and positive action. I ask the support and cooperation of all my colleagues in seeing that this legislation is speedily enacted into law.

The text of my bill follows:

H.R. 5683

A bill to authorize the disposal of asbestos chrysotile from the national stockpile and the supplemental stockpile

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately nine thousand nine hundred short tons of asbestos chrysotile now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, 68 Stat. 456, as amended by 73 Stat. 607. Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

PRICE CONTROL BY EMBARGO HURTS EVERYBODY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, this morning's Washington Post reprinted an excellent editorial which appeared in the March issue of John Deere's agricultural magazine, the Furrow. As one who strongly believes in free trade and who has supported and sponsored legislation to prohibit embargos, I found my self in accord with this editorial. Because it will be of interest to my colleagues, I am today inserting "Price Control By Embargo Hurts Everybody" in the RECORD, immediately following my remarks. This will not point out the thoughts which have been voiced by many farmers, but will explain why restrictive trade policies would adversely affect everyone.

The editorial follows:

PRICE CONTROL BY EMBARGO HURTS EVERYBODY

It is easy to understand why a less developed nation, facing starvation, might place an embargo on the export of foodstuffs to other countries. Such a step would seem just and necessary in order to reduce hunger at home. But for a rich trade-oriented country to do so, as a way of manipulating domestic food prices, seems not only unnecessary, unwise, and unfair, but counter-productive and downright callous.

An embargo or quasi-embargo against crop exports, such as U.S. restrictions on soybean exports in 1973, or the oft-threatened and widely-demanded (but never imposed) embargo on U.S. corn and wheat last year, can play havoc with crop marketing and consumption patterns. It creates a situation something like an auction of scarce commodities at which only one buyer (in this case the richest one) is allowed to bid on most of the lots. Lacking competition, the protected buyer can purchase what he desires at the price he wishes to pay. Others must scramble for what's left, and some—the poorest of course—go away empty-handed.

Have the best interests of protected buyer really been served?

The answer, in our opinion, is no. Some short-term national benefit may be derived, but the aftershock can affect national and international well-being for years to come.

BUYER BEWARE

First of all, an export embargo on any scarce commodity causes a certain degree of economic disruption and hardship in countries that are traditional buyers of the crop. So those countries immediately begin searching for substitute foods or for ways to become self-sufficient. At the very least, they look carefully at other producing countries, seeking more dependable sources of supply. Thus there is great risk of losing future trade with valued customers, perhaps some long and carefully cultivated.

Fragile trading patterns and practices are disrupted by embargoes. World trade is inhibited by unpredictably gyrating supplies and prices. Commodity contracts lose viability and futures markets may become confused and depressed by fear of unnatural restrictions on trade.

SUBSIDIZED LUXURY

An embargo can also be directly damaging at home because it results in a false price that is well below the world value. Because this price does not function to dampen buying, the result is luxury domestic consumption of a scarce, high-value product in much demand overseas. Associated is the lost opportunity to strengthen the national currency through free trade of the product. Also crop embargoes discourage home farmers, who find themselves subsidizing domestic consumption (or, by world standards, overconsumption). And demoralized farmers are not likely to produce a plentiful supply of anything.

Viewed through the eyes of would-be purchasers, one can see in food embargoes a kind of cynicism that places politics and short-term expediency above responsible humanism. To deny people in other countries the right to bid for what is produced is to tell them: "Even though you may want and need this commodity more than we do, it is not available to you at any price." This kind of self-indulgence, if widespread, can't help creating a climate of international selfishness and distrust.

What is feed in one nation may be food in another. Thus if the embargo idea spreads, one nation may fatten pigs with commodities that other countries want to purchase for human food, only to find the product can't be bought for love or money, even for both.

Food embargoes, imposed on scarce commodities, shut off supply when the customers' need is greatest. After years of trade have created dependence and trust, embargoes should be applied only to stave off famine at home. If you refuse to share a farm commodity when there's not a lot of it, the rest of the world will do everything possible to get along without your product even when you have too much of it.

MODEL UNITED NATIONS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 5 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I recently had the opportunity to meet with an outstanding group of young people.

Every year, for the past 9 years, the faculty, administrators and students of the Napa County school system have sponsored a model United Nations program in the county.

They have made an extraordinary effort to keep abreast of changing circumstances and challenges facing the United Nations. Their efforts have proven to be an excellent example of "learning by doing."

In my judgment, each participant has gained a greater understanding of the precedural questions and complexities facing the U.N.

It is my view that they have a more realistic understanding of what the U.N. can and cannot do.

It was a singular honor for me to be invited to participate and the students are to be commended for their willingness to participate in the workings of government at every level.

For the benefit of my colleagues in the Congress, I am inserting at this point in the RECORD excerpts from the address I made that evening:

EXCERPTS FROM SPEECH BY MR. DON H. CLAUSEN

It is important that you as students; and we, as legislators public officials, educators and private citizens; learn as much as we can about the political institutions that, in some degree or another, are determining the kind of life we will lead.

I can't think of a better way of learning than to participate in a model of the institution itself.

It is one thing to study an organizational chart and quite another to gain an understanding of how the organization really works.

The United Nations was born in the ashes of the League of Nations and was designed to avoid the fatal flaws that were incorporated in the League.

The U.N. was conceived as an action agency with the assignment from the nations of the earth that it seek out and find ways to keep the peace.

Never before in history had so much hope for so many people be gathered together in a single organization. The deliberations and decisions of the United Nations have been helpful in some degree, but any great accomplishments still lie ahead.

Can the U.N. be more than a discussion forum? Can it help us achieve the age old goal of men and women governing themselves in freedom, peace and mutual cooperation?

The United Nations has been closely involved in the Middle East situation practically from the moment its charter was ratified in 1945. But today, 30 years later, the situation is as potentially explosive as ever and very limited progress has been made toward a permanent peaceful solution.

And today it is primarily the United States that is providing the impetus toward a peaceful agreement among the nations of the Middle East. The U.N. cannot expect continued support if it is incapable of meeting the major challenges it faces.

Perhaps it has been institutionally unprepared for the remarkable changes in national boundaries, security alignments, weapons developments and world political structures that have taken place in the last three decades.

The United States faces many difficulties in the U.N. The basic foreign policy of the United States must be the preservation of own sovereignty and free institutions. Our image before the world should be neither defensive nor belligerent. We should expand ideas and ideals with nations whose interests are in harmony with ours. We must also seek to reduce tensions and constantly search for acceptable avenues of cooperation and communication with our adversaries as we continue to advance the cause of freedom throughout the world.

The changing face of the United Nations—particularly in its General Assembly—is making it increasingly difficult for use to achieve our goals through the U.N. It is clearly obvious that we cannot put all our eggs in the U.N. basket.

Over one-third of all the people in the world are living in new nations which, in 1945, were controlled by foreign nations. Since then, there has been an accelerated movement toward independence.

These third world nations are economically, politically and militarily weak for the most part, but have, as a group, a control in the U.N. far out of proportion to their capacity and role in the real world.

We, the most advanced nation in the world have, as I have said, many difficulties in dealing with the United Nations as presently constituted or structured.

But even so, we must tirelessly seek, by every avenue open to us, the means of establishing the conditions for institutional change and improvement.

Our nation, because of its productivity and power, both existing and potential, has the awesome responsibility of stabilizing and maintaining peace, in concert with our free world friends.

We must be constantly aware of certain fundamentals. Our nation does not covet the territory of any people. We have no wish to dominate others. The peace we seek is a secure and a just peace, not bought at the expense of others, not bought at the expense of principle, and not bought by surrender of our vital national interests.

In the years immediately ahead, the advancement of peace, with freedom, will demand much of us—our strength, our patience, our perseverance and our performance.

But more than anything—it will demand, above all, a realistic understanding of the world and its challenging problems.

The principal and continuing factor is the expansionist plans of the Soviet Union and the People's Republic of China. They show absolutely no evidence of genuine change despite their claims of wanting to relax tension and to preserve peace.

I am not sure the American people share my deep belief that a danger exists in the world.

I am not sure the American people believe we must maintain an adequate security organization to deter aggression and to help keep peace in the world.

Our strong military defenses are not the enemy of peace, they are, in reality, the guardians of peace. We have fought four wars in this century, but our power has never been used to break the peace, only to keep it. Never to destroy freedom, only to defend it.

Our strength is a trust upon which rests the current safety and security of free men.

The structure of our security organizations cannot remain the same. With constantly changing dangers, with rapidly changing development in the science of warfare, our security alliances must be re-structured to meet the challenges of change.

But our primary purpose is now and must always be to prevent aggression and/or war.

To do this, institutional reform is absolutely essential—if we are to deal effectively with the problems of the nuclear age and the potentials of our space age technology.

Those of you who have participated in this model United Nations and the other young men and women of your generation have much more at stake in the future than your parents and those in our generation.

In the year 2000, which seems like a long time away, none of you will be 45 years old yet and some of you will be less than 40. You will have completed less than half of your adult lifetime in the next 25 years.

Are you thinking that far ahead? Are you learning from the problems of diplomacy you have seen in your studies over the past few months, and seeking solutions based upon conditions we might face in the year 2000?

I hope so.

Let me take this opportunity to invite each of you to write to me in the next few weeks with any suggestions you have on how the U.N. should be re-structured or reformed and what the role of the United States in relation to the United Nations should be.

If you are willing to do so, I will bring your comments to the House Committee on Foreign Affairs, to our State Department and to John Scali, our Ambassador to the United Nations.

Your views, based upon the experience you have had this week, would be very interesting to me and the policy-makers who determine our foreign policy.

Submitting your thoughts, as I have suggested, would give you an opportunity to participate in the political process and would give you an opportunity to process and influence policy at the highest levels of government.

TRAGIC CRASH OF C–5A IN SAIGON FRIDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, the tragic crash of the C–5A in Saigon Friday, claiming the lives of more than 175 adults and orphans, is yet another chapter in this multibillion-dollar fraud on the American public. That this tragedy could have been avoided were it not for shoddy engineering might well be the case. Viewing this crash from the backdrop of coverup and negligence, I think there is an immediate need for a full-scale congressional investigation. This seems to fall within an established Pentagon pattern of evasion and concealment.

The Air Force is in the midst of an investigation, but I do not think we can afford to take their word for this crash just as we took their word for the C–5A's airworthiness. Since 1966, critics have charged that structural defects would cripple the C–5A and sent cost overruns into the billions of dollars. The Air Force attacked the problem by attacking the critics assigning one to supervise bowling alleys in Thailand and sending another to Addis Abbaba as air attaché.

At the same time, the Air Force permitted Lockheed to weaken strength requirements and other basic standards that the company refused to meet.

There is documented evidence, which I will be developing later this week through sworn affidavits, showing that the Air Force was a willing partner in massive and illegal substitutions of material that threaten the structural integrity of the plane. Wholesale substitution of substandard materials and bootlegged parts has been systematically concealed from the public, even to the extent that exposure of this practice cost a reporter his job.

Now, with this tragedy in Vietnam, the Air Force reports that this crash is the first of its kind and has ignored incidents which contradict this. At one point in its development, a C–5A engine took off without the aircraft. Last September, in Oklahoma, a C–5A, under circumstances suspiciously similar to the Saigon crash, suffered a blown-out door, decompression, and eventual disintegration because of structural flaws.

In the face of all these events, those most closely associated with the C–5A have systematically attempted to whitewash the failures and promote more funding. The investigations they have had in mind were those that specialized in finding no evidence. Defects have only been acknowledged in order to back up requests for more money from Congress. Now, Lockheed and the Air Force are back and want another billion dollars over the next few years to cure some of these defects.

I think that the public and the Congress have a right to know how their money is being wasted and where responsibility for this massive subterfuge lies. It is for this reason that I am asking the House Government Operations Committee to reopen the C–5A case.

While it is unfortunate that it takes accidents of this tragic proportion to force us to reassess, an accounting must be made. Any Air Force investigation of the crash must be reviewed by the Congress. In the meantime, all 77 C–5A's should be grounded. Engineering must be reviewed and this history of deception exposed. Lockheed and Air Force involvement in this scandal has to be investigated and violations of the law punished.

Since the project began, criticism from the Congress has been constant but we have not really come to grips with the issues of whether our money was wasted, the lives of many endangered, and massive fraud being perpetrated. Hopefully, this horrible catastrophe will serve as a positive catalyst in that direction.

INTRODUCTION OF BILL TO AUTHORIZE ARMY, NAVY, AND MARINE CORPS BICENTENNIAL MEDALS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Missouri (Mrs. SULLIVAN) is recognized for 5 minutes.

Mrs. SULLIVAN. Mr. Speaker, I am indebted to Dr. Gerald H. Moeller, assistant superintendent of schools in St. Louis, a captain in the Naval Reserve, for calling my attention to the fact that the U.S. Army, the U.S. Navy, and the U.S. Marine Corps are all celebrating this year the bicentennial of their establishment, and that it would be most appropriate for the Congress to authorize the striking of national medals commemorating these 200th anniversaries.

Between 1963 and the end of the 93d Congress on January 3, 1975, it was my privilege and pleasure to introduce and/or manage in committee and on the House floor numerous bills which became law to strike commemorative national medals for the observance of major anniversaries of events of national historic significance. During that period, legislation dealing with coinage, currency and medals came within the jurisdiction in the Committee on Banking and Currency of the Subcommittee on Consumer Affairs, of which I was then chairman. I therefore have developed a great appreciation and admiration for the fine work done by the Bureau of the Mint in designing and striking national medals, and I have been impressed by the widespread interest in these medals among collectors and also the general public, including thousands of schoolchildren who buy them when touring facilities of the Bureau of the Mint.

Medals commemorating the bicentennials of the Army, Navy, and Marine Corps would certainly conform to all of the standards we adopted in the Committee on Banking, Currency, and Housing in the past in determining appropriate subjects for national commemorative medals.

I have therefore today introduced a bill along lines suggested by Captain Moeller when he wrote to me on this subject. It would authorize the Secretary of the Treasury to strike separate medals commemorating the bicentennial of the Army on this coming Flag Day, June 14; the bicentennial of the Navy on October 13; and the bicentennial of the Marine Corps on November 10.

LIST MEDALS GO BACK TO WASHINGTON AT BOSTON

The medals authorized by the legislation would be struck by the Bureau of the Mint and offered for public sale by the mint as Treasury "list" medals, at prices sufficient to cover all costs of manufacture, including labor, materials, dies, use of machinery, and overhead expenses. Additional copies of the Army medal could be furnished to the Secretary of the Army and of the Navy and Marine Corps medals to the Secretary of the Navy at cost.

Similar arrangements were made by Congress 3 years ago for the striking of medals commemorating Transpo '72. Other Treasury list medals authorized by Congress in recent years included those commemorating the 100th anniversary of the Secret Service; the 50th anniversary of the Diplomatic Courier Service of the Department of State; and the life and accomplishments of Dr. Jonas Salk, Adm. Hyman Rickover, Dr. Robert H. Goddard, Robert Frost, Dr. Thomas

A. Dooley III, Speaker Sam Rayburn, and FBI Director J. Edgar Hoover.

These and scores of other Treasury list medals honoring each of the Presidents, and great events in national history going back to one marking George Washington's lifting of the siege of Boston, are available to the public at prices determined by the mint and the General Accounting Office to reflect the costs of production. The Army, Navy, and Marine Corps bicentennial medals would be added to the catalog of Treasury list medals by the legislation I have just introduced.

It is my understanding that designs for these medals have been worked out by the three services so that production could begin promptly after the legislation is enacted.

ANTITRUST AND PUBLIC LANDS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 5 minutes.

Mr. **HARRIS**. Mr. Speaker, this morning the House Interior Subcommittee on Public Lands heard testimony from Mr. Keith Clearwaters, Deputy Assistant Attorney General, Antitrust Division of the Justice Department, regarding the serious antitrust implications involved in opening Naval Petroleum Reserve No. 1, Elk Hills, Calif., to exploitation by the oil industry. Mr. Clearwaters pointed out that Standard Oil of California, SOCAL, controls the only pipeline leaving the installation, has superior knowledge of the geological formations on the reserve, and has an anticompetitive edge over other companies in developing the oil and gas at Elk Hills.

This was an extremely important hearing, and I commend its record to the attention of my colleagues.

Today I am introducing two pieces of legislation which will promote energy development in the public interest, rather than in the interest of the big oil companies. I have also written to the Honorable PETER W. RODINO, chairman of the Judiciary Committee's Subcommittee on Monopolies and Commercial Law requestng oversight hearings on the exploitation of public lands and a report on possible steps to promote competition in the development process.

Hon. PETER RODINO,
Chairman, House Judiciary Subcommittee on Monopolies and Commercial Law, Washington, D.C.

DEAR MR. CHAIRMAN: Developing the oil and gas reserves on public lands, including the outer continental shelf, is one of the most difficult topics before the Congress in this session. The public now owns 60% of known domestic oil reserves, 80% of developable shale reserves, and virtually all of the oil on the continental shelf. We must therefore insure that the public does not lose control over these valuable resources. Any development of public resources must be in the public interest, rather than in the interest of the big oil companies.

The House Interior Subcommittee on Public Lands is currently studying a proposal to create national petroleum reserves on OCS lands, as well as on the Naval Petroleum Reserves, and to allow the domestic oil companies to implement the development. The Armed Services Committee is reviewing the same legislation from the standpoint of the petroleum needs of the military.

I respectfully request that the Judiciary Subcommittee on Monopolies and Commercial Law hold concurrent hearings on public lands as well. Specifically, I would like the Subcommittee to hold investigative oversight hearings on the administration's oil development plans, and to report on possible means of promoting competition among the major oil companies now vying for the opportunity to lease public lands for oil exploration and development.

I know you share my concern over the anticompetitive nature of the U.S. oil industry, and my fears over the great potential for abuse which exists in the opening up of our vital reserves to exploitation by the private oil companies without adequate antitrust safeguards. The presence of Standard Oil of California at the Elk Hills Reserves presents an enormous opportunity for abuse. The public's oil reserves should not become another excuse for windfall oil profits in the name of the energy crisis.

I will appreciate your consideration of this matter.

Sincerely,

HERBERT E. HARRIS II.

WAYS AND MEANS OVERSIGHT SUBCOMMITTEE ANNOUNCES HEARINGS ON TAXPAYER SERVICES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. **VANIK**. Mr. Speaker, the Oversight Subcommittee of Ways and Means announces a hearing on Monday, April 14, in room 2325, Rayburn House Office Building, with Internal Revenue Service Commissioner Donald Alexander.

Monday's hearing will be limited to the issue of taxpayer services. Subcommittee staff, which has been periodically monitoring the quality of tax information provided at IRS offices, will report on its findings.

Among the issues which will be discussed are:

First, the quality of training provided taxpayer service representatives;

Second, the added cost to the Government created by a single tax filing date of April 15;

Third, monitoring of private tax preparation firms and the need for strengthening legislation; and

Fourth, simplification of tax forms, both for individuals and businesses.

And other related issues.

The subcommittee will schedule later hearings to hear from members of the public. Written comments and examples of problems with IRS taxpayer services are welcome at this time. Interested parties should submit data to 2371 Rayburn House Office Building, Washington, D.C. 20515.

STATEMENT IN FAVOR OF INCREASING THE SUPPORT PRICE OF TOBACCO TO 70 PERCENT OF PARITY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. JENRETTE) is recognized for 5 minutes.

Mr. **JENRETTE**. Mr. Speaker, the most salient argument in favor of increasing the support level of tobacco to 70 percent of parity is that it probably will not cost the taxpayers one cent. Tobacco is a cash crop which has not contributed to our balance of payments deficit. It has been such a successful export crop that the government has asked farmers to increase production this year by 15 percent so the United States will have more tobacco for export purposes. The change in the support level formula is entirely equitable and just. In fact, it is a very modest increase when compared to the increased cost of production in the past year alone.

The average market prices have been above the support levels that would be set by this legislation. But tobacco farmers deserve the peace of mind that this legislation would give them—a kind of assurance that the prices paid will not fall below their production costs. It is that simple.

During the last few decades we have lamented the demise of the small farmer and the replacement of the family farm by the vertically integrated corporate farm. This displacement of the small farmer has caused an outmigration to the cities with all of the attendant problems in the cities, including job retraining, unemployment and an increased level of social services and the cost of those services. This legislation could be an inexpensive method, in the long run, to insure that the small tobacco farmer is not squeezed out by spiraling production costs. The average size of a tobacco farm is only 2 acres, according to the USDA. We are not asking for special treatment. We are asking for fairness. The present support level is below the cost of production.

Other nations can duplicate the quality of our cotton, our soybeans and our grains. But the one thing they have not been able to duplicate is the unique flavor and quality of our tobacco. Accordingly, American tobacco exports made a positive contribution of $1 billion to our balance-of-payments dilemma last year. It would be shortsighted in the extreme to deal a severe blow to a farm industry which has contributed so much to our economy. About 40 percent of our tobacco is earmarked for export.

At home, taxes on tobacco are an intrinsic part of the fabric of our economy in every State. Excise taxes on tobacco last year amounted to $5.8 billion throughout the United States.

The existing parity formula applies a 3-year average cost of producing tobacco to a base price. This formula is hopelessly out of date. Tobacco production costs have increased during the last year by 35 percent.

If we establish price supports at 70 percent of parity, this will mean an increase in the support level of Flue-cured tobacco from 93.2 cents per pound to $1.04½. It will raise the level for burley from 96 cents to $1.12. But market prices are expected to stay above these support levels.

Now let us try to anticipate possible arguments against keeping this provision in the bill. The chief potential argument on the House side could be germaneness. It might be argued that the tobacco parity provision was tacked on as an afterthought without benefit of hearings.

My staff has checked with parliamentary experts and they have assured us that, should someone raise a point of order on grounds of germaneness on the House floor, then we can call for a separate up or down vote on the parity question alone without endangering the bill. We can make a sound and convincing case for the provision because we can show that the present 1959-vintage, 56 percent formula is far behind the realities of today's production costs. We can show that no hearings are required on this simple and modest increase, although the Senate Production and Stabilization Subcommittee held extensive hearings on the subject in February at which some House Members testified.

We also anticipate that someone not familiar with tobacco farming might raise the question of whether this provision might not encourage the overproduction of tobacco. Of course, as most of you are aware, current law contains production restrictions. Farmers are restricted to marketing so many pounds of set allotments. So that argument can be handled easily.

We can explain that this legislation is virtually assured of being completely without cost to the taxpayer. We can point out that the suggested increase is even below the market prices of last year and will most certainly be below the 1975 market price.

If someone raises the issue of health, as did Senator Moss of the Senate side, we can show that despite warnings by the U.S. Surgeon General, the use of tobacco has continued to increase. We can argue that the people of this country will resist any attempts to reduce the use of tobacco by legislative fiat, just as we resisted the attempts to legislate the use of alcoholic beverages during prohibition. If tobacco production in this country is ever curtailed because of misguided health reasons, then the American consumer would simply resort to use of cheap and inferior tobacco products imported from other countries.

There is also the overriding economic factor. There are many States—and not all Southern States by any means—where tobacco is a vital part of the economy. For example, in my own State of South Carolina over 33,000 families—families and not individuals—are associated with tobacco farms or the tobacco industry. There are almost 600,000 families associated with tobacco throughout the United States, including significant numbers in North Carolina, Kentucky, Virginia, Tennessee, Georgia, Florida, Maryland, Connecticut, Pennsylvania, Ohio, Indiana, Massachusetts, Wisconsin, Missouri, and West Virginia.

It looks as if 1975 will be another bright year for tobacco farmers, handlers, and others involved with the industry. The production of tobacco this year should reach 2.2 billion pounds—about 10 percent more than last year. The increase will mainly be for Flue-cured tobacco, with the basic quota to be increased by 15 percent, or about 90,000 acres. Burley production also will increase, with a 10-percent boost expected to increase acreage by 17,000 acres. Tobacco planters are expected, in all, to increase total planting 11 percent above the 962,000 acres planted last year.

We expect that the party increase can survive attacks on the House floor just as it survived an attack on the Senate side where Senator Moss had prepared 27 amendments.

The price of equipment, fertilizérs, and labor has far outstripped the present parity level of 56 percent. I do not have to remind any of you that we are now involved in a tug of war between inflation and recession—an economic malaise that hits the farmer hardest of all. But the tobacco farmer has not hurt the Federal loan programs. For example, in fiscal year 1974, the Commodity Credit Corporation's commodity inventory program on tobacco had no losses.

Gentlemen, to summarize, allow me to say that there is no other agricultural commodity that carries its own weight like tobacco. There is no other cash crop with as steady a market. Tobacco farmers have been good to this country—the balance of payments problem would be no problem at all if all other commodities and industries were as solid as our tobacco industry. Tobacco farmers deserve this modest show of support. As I indicated before, it is more psychological than anything else. In all likelihood, it will not cost the American taxpayer one cent. But it will have immeasurable value as a means of proving to this segment of our agricultural community that Government is prepared to do something about spiraling production costs, even if on a standby basis.

YOM HASHOE—THE DAY OF THE HOLOCAUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, today April 8, 1975, marks the 30th anniversary of the liberation of the Buchenwald concentration camp, a day traditionally remembered by Jews throughout the world as Yom Hashoa—the day of the holocaust.

Yom Hashoa is a grim but necessary reminder to all the world of the tragedy—the murder of the 6 million. This year, under the most troubling of circumstances, we remember the agony and the ultimate destruction of those 6 million Jews of Germany. With each passing day, Israel's security, in fact, its very existence is increasingly threatened. The popular worldwide support that Israel once enjoyed has been replaced by oil and recession induced denunciations of its basic right to survival.

Some would ask: "Why remember the holocaust and bring back such obviously painful memories?" In fact, Jewish law teaches a deep respect for life; to respect the living not to look back to the dead. But the Jews of today are as bound to the past as they are to the present and future; and that past, present, and future includes for them the security of the State of Israel. The old maxim, "We are what we are" applies most relevantly to the Jewish culture. History, in the Jewish case, is both our strongest ally and our most adament enemy. Elie Wiesel, the famous Jewish writer and a survivor of Aushwitz, once wrote:

> An assault on Jews anywhere means an attempt to humiliate Jews everywhere. The name of our secret is history and not geography. Therein lies our strength. The enemy knows it. His attempts at killing Jews are aimed at erasing Jewish history.

But history can also be a bitter adversary. Without the slavery, inquisitions, ghettos, and pogroms of the past, Jews would be able to live in peace, without fear of destruction. It is almost as if our past is our destiny. This is not to say, however, that Jews are self-pitying; quite to the contrary. The Jews of Israel want nothing more than to live their lives in peace in the country that is historically theirs. Elie Wiesel wrote, most appropriately:

> We want neither to humiliate the enemy nor to allow him to humiliate us; we want neither to kill nor to be killed. All we want is to live and teach others the sanctity of life, all we want is to build peace and build in peace, and bear witness that man is not necessarily man's enemy, that every war is senseless, that the solution lies in compassion and that compassion is possible.

STEPHEN MUGAR: ARMENIAN-AMERICAN CITIZEN OF THE YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, I wish to direct the attention of my colleagues to the Armenian American Citizens' League which is holding its 42d Annual State Convention on April 11, 12 and 13 in Sherman Oaks, Calif.

The League's 1975 Theme is "Our Heritage Stands Tall, We Give To All." The League will support the Ararat Home of Los Angeles, Calif., Armenian Home for the Aged, and the League's Educational and Scholarship fund.

Because the 24th of April marks the 60th anniversary of the Armenian Martyrs, the League will observe that milestone by a special candlelight ceremony at their April 12 dinner.

Mr. Stephen P. Mugar of Belmont, Mass., will be honored as the League's 1975 Citizen of the Year. The award will be presented by Mr. George M. Mardikian of San Francisco, who was similarly honored in 1974. These two distinguished Americans came to this country as immigrants, penniless, and know what adversity means. They are classic examples of the spirit, resourcefulness and talent which is inherent in the Armenian people. Another outstanding example of those qualities is my former colleague and good friend in the California Legislature, State Senator George Deukmejian, with whom I will be sharing the dais on April 12.

Yes, the Armenian heritage does stand tall. And as the Member of Congress who is honored by being referred to as "the Armenian Congressman," let me also remind everyone that that heritage is indestructible.

WHAT CAN WE DO TO HELP?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 25 minutes.

Ms. ABZUG. Mr. Speaker, the major question that remains about South Vietnam and Cambodia is, What can we do to help? The guilt felt by the American people over our long involvement there is finding some relief in attempting to help the Amerasian orphans. But however well-intentioned, this help is a pebble on the beach of human misery. I saw a great deal of that misery on the recent fact-finding trip to both these countries. It is the lot of all but the very rich, who have already fled. Women and children, babies, old people, of all political persuasions or no political persuasion, are seeking shelter from war's ravages. This is a turning point; our country can now fulfill its commitment, to the human beings on all sides who are suffering terribly.

The one thing we can do, it seems to me, is to help the tragic victims of the war that we have paid for so long. We must give human aid, quickly, while being sure that it is not diverted into further useless military aid. The best way to do this is to require that it be administered by international agencies such as the United Nations. In this way we can be sure that it will be used in accordance with international law.

Above all, as Senator HUMPHREY's statement yesterday noted,

> Congress must not seek to obtain political objectives through humanitarian aid, but only concern itself with saving lives and relieving suffering.

That is what this bill, and two comparable Senate bills, attempt to do. The text of the bill follows:

H.R. 5715

A bill to provide $200 million in emergency humanitarian assistance for South Vietnam and Cambodia, to supplement that already authorized and appropriated by Congress for Fiscal Year 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law in addition to amounts otherwise available there are authorized to be appropriated to the President for the Fiscal Year 1975, to remain available until expended, $200,000,000 to provide humanitarian assistance to all people in need in South Vietnam and Cambodia.

(b) Such assistance shall be provided under the auspices of and by the United Nations and its specialized agencies, or other international organizations, or by arrangements with multilateral institutions and private voluntary agencies.

(c) Not later than six months after the date of enactment of this Act, the President shall transmit to the Speaker of the House of Representatives and the Committee on International Relations—

(1) the names of all agencies and organizations involved in the distribution of such assistance;

(2) the means with which such distribution is carried out; and

(3) the recipients of such assistance.

REEXAMINE FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, yesterday I addressed the House, noting that I was looking forward to the President's address to the Congress on Thursday night on U.S. foreign policy. Today I would like to expand those remarks.

First, Mr. Speaker, I think we in Congress, those in the executive, and all of the people of this country should undertake a thorough and far-reaching reexamination of American foreign policy. The recent events in Indochina, coupled with emerging developments in the Philippines, South Korea, Portugal, Italy, the Middle East, and elsewhere, suggest that this reexamination is absolutely essential. I would like to spell out some of the assumptions which I believe should lie behind this reexamination, but first I think it is important to focus on South Vietnam and Indochina.

People in this country are deeply disturbed by these developments, by the collapse of the South Vietnamese defense, the apparently inhumane retreat, the staggering loss of equipment, the appalling refugee problem, and the touching and sensitive situation surrounding thousands of innocent orphans.

But as people are disturbed, so they, like myself, are confused: How did this happen so quickly? What are our continuing commitments to Indochina? What implications, if any, do Southeast Asian developments have for U.S. commitments around the world? Where do our true national interests lie? And perhaps most important of all, what have we learned from our recent experience? What new role should we define for ourselves abroad?

We must address ourselves to these questions, Mr. Speaker, and to do this, we must call upon the best talent available to us in this country. In my opinion, this re-examination must not be characterized by partisan rhetoric; nor can it be marked by the hurling of ideological brickbats or recriminations back and forth down Pennsylvania Avenue.

One of the best statements, summarizing the wrongs of this kind of recrimination, was presented by Secretary Schlesinger last Sunday, April 6, when he was a guest on the CBS program "Face the Nation":

> I think that there has been some tendency in interpreting what has been said to suggest that Congress is to blame. So let me state categorically the question of who is to blame is a simplistic question in a very complex set of events. The Congress clearly cannot in any way be blamed for the cohesion, the discipline, the training, the leadership, the command control, of South Vietnamese forces. In addition, there are many other factors that contributed to this partial collapse and undoubtedly amongst those factors is a decline of aid of approximately 70%. I think there's a little touchiness on that issue.
>
> I would hope we can get those issues behind us. There is nothing that this country needs less at this time than an extended post-mortem on Vietnam that is as divisive as the Vietnam episode itself; and the only thing that we need less than that is a major confrontation between the executive and the Legislature.

I am in complete agreement with this statement by Secretary Schlesinger; I hope the spirit of his statement is found in the President's address Thursday night, and permeates the coming debate over American foreign policy. I also believe that Mr. Schlesinger's statement as quoted above is a fair and thoughtful reflection of the thinking of most Americans.

Turning now to the future, I would repeat my belief in the need for a major review of American foreign policy. I do not believe that we have had adequate debate on this issue for too long—perhaps as much as 20 years—and I believe that we desperately need this review.

Now I would like to take this opportunity to outline four basic assumptions which should characterize our foreign policy.

First, while we have learned from the agony of the last 10 years that we in the United States cannot be all things to all people, this lesson is not an excuse for total retreat to "Fortress America." We are irrevocably tied to a wider community of nations, not merely by treaties but by the fact that we share this planet in common. With regard to that community we have a set of obligations and commitments; in that community we also have a set of interests and legitimate expectations about how our interests shall be treated by others.

Second, as we recognize our involvements overseas, we must also be guided by our historic commitment to the support of democratic, free, and open governments. We must free our foreign policy from the contradictions created by our continued support and encouragement for governments that are repressive, and dedicated to a denial of basic human rights.

Third, our foreign policy must recognize that around this globe there exist spheres of influence that are extremely important. For example, just as our own sphere of influence includes the land mass of the Western Hemisphere, so the Soviet Union maintains an historic concern for a buffer between herself and Western Europe, and the Chinese Government has an historic commitment to a zone between herself and the U.S.S.R., and to hegemony in the Indochina Peninsula. Further, while these historic and natural spheres of influence exist and must be recognized, they certainly should not be equated with a 19th century policy of colonialism; this distinction must be made and understood.

Finally, our foreign policy should recognize our central commitments, interests, and history overseas. I believe that the specific areas of our policy should rest on Western Europe, Israel, Latin America, and Japan. These are our geographic areas of first concerned, and should be the foundation of our economic, political, and defense commitments around the world.

Mr. Speaker, hopefully this brief summary of one approach to our foreign policy will be helpful in the opening of the debate and reexamination of our foreign policy. I look forward to this long and difficult job, and I hope that it is characterized by the open, bipartisan, and decent debate that is the best of our country.

CAB CONSUMER ADVOCATE URGES TRUTH-IN-TRAVEL CAMPAIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 5 minutes.

Mr. ROONEY. Mr. Speaker, as you know the Members of Congress have been concerned about the role of travel and tourism in the United States. In the past week Mr. Jack Yohe, Director, Office of the Consumer Advocate at the Civil Aeronautics Board, addressed travel agents and tour organizers on Wednesday, April 2, on the subject of the need for "truth-in-travel" advertising. Consumers feel, and we agree, that there is a particular need for a "truth-in-travel" approach in the packaging and sale of tour packages. Only when the advertising for such package tours honestly and forthrightly describes the features offered, can the consumer hope to understand what he is buying and what he will—and equally important—will not receive.

We believe that tour wholesalers have a particular responsibility in this regard as they promote tourism in these United States and since they are the ones who normally select the accommodations and services to be used and it is they who normally prepare the advertising for the tours.

The action of the CAB's Consumer Advocate in initiating a "truth-in-travel" campaign is a major step in promoting travel and tourism in the United States and in insuring fair treatment for consumers.

Remarks by Jack Yohe

I believe that you will be interested in knowing how today's meeting came about. It has been our tradition to meet annually with the various air carrier personnel who deal with consumers, ordinarily in Washington. The purpose of the annual get-together is to evaluate the previous year's activities and engage in some practical discussion about how to improve things for the consumers of air transportation. That meeting will be held here Friday. We genuinely feel that the various air carriers attempt to use the complaints they receive in a constructive manner, that is, to try to avoid repetition. As you know, air transportation is a service industry and, as such, has no real product other than the satisfaction derived by its patrons from its services. Keeping customers satisfied is good for both the consumer and the provider of air transport services.

While we claim no expertise on matters not directly involving air transportation, the sheer volume of consumer correspondence we deal with, 14,760 complaints during 1973 and 15,719 during 1974, expose us to a considerable variety of consumer opinion and comment in your areas of expertise, namely the provision of wholesale and retail accessorial services sold in conjunction with air transportation.

We feel that the travel agent at the retail level and the tour operator at the wholesale level are vital links in the overall air transportation product. We feel that, in order to serve the American consumer more effectively, we must develop our contacts with you as you must develop yours with us. It seems that our two paths are inexorably moving together—not as the regulator and the regulated—but as consumer contact points in the fields associated with commercial air transportation. We are here today to gain an understanding of your needs, and desires and share with you some of our observations. Hopefully, the ensuing discussions will enable each of us to profit by the day's activities by gaining knowledge of each other's concern and respect for each other's functions.

Some of you may have had contact with the Office in the recent past. Probably, if you have, it has been in the form of a short form letter which was attached to a photocopy of a consumer complaint. If so, you know that one of the basic functions of the Office of the Consumer Advocate is to facilitate the consumer grievance process. More often than not, the grievance involves air transportation directly in which case the Board has well-known and stated jurisdiction. In other cases, there may be very little or no direct air transportation service involved. In such cases, our concern is simply to acquaint you with the expressed concerns of your clients with the hope of an amicable resolution to the problem presented.

There is another aspect to our function, one which in the long run may be at least as important to you as gaining consumer satisfaction. This is the consumer advocacy function of the Office. While we fully realize that you are not consumers in the usual sense, the wholesale and retail outlets for air transportation services are indeed vast consumers of the services of the air carriers we regulate. Your opinions in this capacity are important to us and to your clients.

In the recent rulemaking proceedings concerning the possible abolition of affinity charter flights, the establishment of One-Stop-Inclusive Tour Charters, and the advertisement of Group Inclusive Tour packages, there was one major group noticeable by its underrepresentation—and that was your group. Wholesale and retail agents failed to respond in any significant numbers in three of the most important rulemaking proceedings affecting your business which the Board has considered in recent years.

Certainly we would have been pleased to hear from you for each of you has a certain perspective on events which only a person in your position can provide. Basically, that is what today is all about. We are here to let you have a look at us while we look you over. We hope that we can provide you with information concerning the Board and our Office, in particular. We are also here to alert you to a number of concerns expressed by consumers about the services which you provide. We feel that, if you are made aware of consumer complaints, you will act to eliminate some of their primary causes.

Our basic concern in handling consumer complaints is not to make every consumer completely happy—this is a dream, at best, and well beyond even Don Quixote's hopes. Rather our concern is more radical. We hope that, by alerting you to the sources of consumer complaints, we can eliminate many of these sources at the start. Simply stated, preventive medicine is the best medicine.

What then are the concerns which we hear from your clients?

Most consumers implicitly trust you as travel agents. They approach you in the same way that they approach doctors and lawyers, not only basically without the benefit of much in-depth knowledge of your operation, but also without any valid critical basis. When selecting other professional services, the consumer must leave a lot to his intuition and rumor. Whether this is good or bad, I have no way of saying. It just seems to be the case.

I believe that, as an industry, you are respected by the consumers with whom you deal. By and large, there is an enormous pool of consumer satisfaction behind your activities at all levels. However, there are also some areas of concern which you, as professionals, should be alerted to.

The basic quality of the services which you sell reflects upon you in the consumer's overall evaluation of your service. If you sell a good tour package, you have won a friend. If you sell a poor package, you have earned a mortal enemy.

What is often ironic is the similarity in approach that the consumer takes in dealing with a retail agent, and that same retail agent's approach to a wholesaler. Quite often, the retailer knows little, if anything, of a concrete nature about the wholesaler upon whom his reputation will so largely depend.

Certainly there are companies represented here who try to prepare and sell only the finest quality tour packages. Nevertheless, even those fine companies should be alerted to the consumer's view of their operations.

A good example of the concern voiced by consumers is the simple process of selecting hotel accommodations. In some locales, the local automobile club rates hotels; in others, the government does; and in other areas, you must rely on Fodor and Fielding to see you through. Quality is difficult to evaluate at more than arm's length, not only for you, but also for the consumer. Yet the consumer relies on your judgment, since you are the professional in this business and he has come to trust you.

Consumers feel, and we agree, that there is need for a "truth-in-travel" approach to the packaging and sale of tour packages. Only when the solicitation material is forthright about the features offered, can you as agent and the consumer as purchaser hope to gain a clear understanding of the nature of the product.

Wholesalers who arrange group movements have a particular responsibility to assure that their accommodations are well located and respectable. This doesn't mean the very best 5-star offerings on the most fashionable boulevards at all times. It does mean that, in every price range offered, there should be a straightforward appraisal of the type and location of the hotel proposed. If there has to be a last minute substitution, it should be fully and clearly explained to the consumer by a responsible agent of the operator. If your solicitation material matches the quality of the offering, 99 percent of your clients will be receptive to your efforts.

The ready availability and cooperation of local wholesaler representatives is another essential feature which consumers look for or, in their absence, complain about. "When in Rome, do as the Romans do" is a fine saying if, when you are in Rome, somebody is there to tell you what the Romans are doing. Most tourists, though venturesome, are nonetheless made to feel more secure and satisfied by effective local representation when arriving, checking into hotels, selecting local sightseeing, and arranging airport transfers as well as reconfirming on-going flights. The importance of effective local representation cannot be overestimated. Consumers sincerely appreciate the presence of a person whom they can contact to assist them with any problems and to advise them when unanticipated things happen.

On the retail level, there is as great a need for information as there is on the wholesale level in the field. We are often contacted by consumers who either have not been informed or have failed to understand the conditions which affect their travel plans. A good example would be lack of information relating to changes of itinerary or cancellation fees on GIT fares. Retail agents should take considerable care to assure that they fully understand the nature of the product they are selling and, also, to assure that the client understands the pertinent information necessary for him to have a successful trip. Such elementary information as flight departure time and check-in point are on occasion overlooked and this can lead to considerable confusion.

Many retail travel agents sell trip insurance of varying types ranging from baggage protectors to air-fare protectors. We encourage the sale of worthwhile policies of this sort, but there are indications that some such policies are not worth the expense to the consumer. If you are going to offer a service to clients, make certain that the service is a valuable one to him. The quality of the offering is a good gauge of your professionalism in the consumer's eyes.

Certain basic informational functions of both the tour retailer and wholesaler lead to considerable consumer discontent, primarily in the area where they interface with direct air carriers. For example, if a charter carrier requires two hours advance check-in, you are not doing a client a favor by telling him to wait an extra hour because the lines will be shorter. He may be left behind.

The wholesaler in particular assumes certain obligations to the passenger which the retailer does not. One such function is transfer service of a tourist and his baggage from airport to city or from city to city. While we would hope that standard baggage insurance policies become more widely available and used, we also hope that the gray area of who is responsible for baggage during transfer is resolved between the tour operator and the carriers. Of particular concern of late have been inclusive tour charter movements during which a large number of bags are lost beween the hotel or ship and the airport. Most carriers and wholesalers routinely pass the buck to virtually unknown and unapproachable trucking companies. The consumer is left—without his bags and without a prayer of recovery. We feel, as do consumers, that the wholesaler has the obligation to protect the passenger's property when it is entrusted to him at least to the same degree that direct air carriers do when it is entrusted to them.

These then are just some of the areas of concern which have been voiced to us by your clients. Now, I'd like to throw the floor open to any questions and I would invite you to feel free to discuss any matters of interest to you which affect the consumer. We invite your comments and wish to assure you of our willingness to act for the betterment of your industry and the consumers it serves.

THE SST—AND CANCER

(Mr. YATES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. YATES. Mr. Speaker, the Federal Aviation Administration has recently announced its intention to allow supersonic transport aircraft—SST's—to land at both Dulles and National Airports.

Apparently the FAA has forgotten the reasons underlying the action of the Congress when it killed the SST program 4 years ago. One of the many reasons was the incredible noise factor when an SST takes off. Why must a public already overburdened with airplane noise be subjected to even greater noise? It does not make sense.

Two articles, one from the Washington Star and the other from the Chicago Sun-Times, cite additional reasons for barring such flights on the findings released by the National Research Council on the dangers of nitrous-oxide pollution to the stratosphere.

Judith Randal and William Hines should be commended for the public service they have performed by their timely and accurate reporting of this matter.

The articles follow:

[From the Chicago Sun-Times, April 1, 1975]

ESTIMATE DOUBLE ON CANCER

(By William Hines)

Washington.—A National Research Council panel has doubled estimates of the hazards to people on the ground if large, fast planes invade the stratosphere in the closing years of the 20th Century.

In a report, the council, an arm of the National Academy of Sciences, said a mixed fleet of subsonic and supersonic transports operating in the 1990's could cause 600 additional deaths a year in the United States from skin cancers and several times that many worldwide. This represents an increase of 10 per cent over present mortality figures.

The cancers, both highly lethal malignant melanoma and the more common but more readily curable nonmelanoma tumors of the skin, would be caused by a weakening of the protective ozone layers in the upper atmosphere.

Warnings of such a hazard were brushed aside in the debate over the now-defunt proposed U.S. supersonic transport early in the 1970's, but were later confirmed by a number of scientists and were finally acknowledged in January by the Transportation Department.

The NRC report doubles the department's estimate of incidence and mortality from skin cancer. But the panel chairman, Prof. Henry G. Booker of the University of California at San Diego, said the findings of the two studies were not in essential disagreement.

The report shows that if the SST killed by Congress about four years ago had been put into production, the 500 planes expected to be flying in the 1990's would have created a veritable cancer epidemic. According to the NRC figures, 500 planes would cause a 30 per cent rise in melanoma and other skin cancer deaths.

Any new aeornautical advances, the panel warned, should be assessed in the light of their possible effects on the thin but vital layer ozone in the stratosphere.

However, the panel said technical improvements in engines and fuels could almost entirely cancel out the dangerous effects of stratospheric flight without greatly increasing the capital and operating costs of airlines.

Commercial planes now have a negligible effect where skin cancer is concerned, the panel indicated. The reason is that only a small proportion of commercial flight takes place above 40,000 feet, about the altitude the stratosphere begins.

But, the panel said, a "new generation" of subsonic planes would probably fly higher, at around 44,000 feet.

Aircraft operating below the tropopause (lower boundary of the stratosphere) have no effect on the ozone layer because the nitrogen oxides created in the combustion chambers of their jet engines do not get up into the stratosphere.

When a plane operates in the stratosphere, the nitrogen oxides in its exhaust eventually rise to the levels where ozone is created by the action of sunlight on atmospheric oxygen. The nitrogen oxides then interact chemically with the ozone, and when this happens sufficiently often, the ozone layer can be depleted.

The principal function of ozone, as far as life on Earth is concerned, is to filter out dangerous ultraviolet rays. In a number of ways, scientists have demonstrated that ultraviolet rays at wavelengths filtered out by ozone can cause skin cancer. The rate at which cancer incidence would rise with depletion of the ozone layer can be readily calculated.

About 400,000 Americans contact nonmelanoma skin cancer each year (this figure is an estimate because many early skin tumors are treated at the doctor's office and are never officially reported). Only about 2,000 Americans die of skin cancer annually, making this the most readily curable of all malignant disorders.

Though 40 times rarer than nonmelanoma skin cancer, malignant melanoma claims twice as many victims each year: 10,000 cases, 7,000 deaths.

The NRC panel said new low-nitrogen-oxide engines could be built for a research outlay of about $100 million, which might translate into an increase of 5 per cent in the unit cost of one of the improved engines.

The trick, said panelist Frederick D. Rossini of Rice University, is to reduce the temperature in the primary combustion chamber of the jet engine without reducing the temperature of exhaust gases that spin the turbine blades. The crucial temperature is about 2,200 degrees Fahrenheit, below which no significant amounts of nitrogen oxides are generated.

PANEL ISSUES SKIN CANCER WARNING

(By Judith Randal)

As now designed, planes flying at levels of 44,000 feet or more—whether supersonic or subsonic—will increase the risk of skin cancer to those on the ground by twice as much as has been estimated by a Department of Transportation study, a panel of the National Research Council has concluded.

The panel thus sees the threat as not only from jets such as the Anglo-French Concorde and the Russian TU144, but also from aircraft now planned to supersede the Boeing 747, the DC10 and the Lockheed L1011.

This panel of the NRC—the operating arm of the National Academy of Sciences—says in its report, "Environmental Impact of Stratospheric Flight," that a mixed fleet of subsonic and supersonic transports operating in the 1990s could cause an additional 600 deaths a year from skin cancer among Americans and several times that number worldwide.

This represents a projected increase of 10 percent in deaths, the report says, and most of the excess illness and mortality would be among white populations living in the Northern Hemisphere.

The possibility of such a hazard figured in the debate over the now-defunct U.S. supersonic transport in the early 1970s, but was discounted at the time by the plane's advocates.

In January, however, the Transportation Department acknowledged the reality of the incidence and mortality of skin cancer caused by the entrance of jets into the stratosphere is half that of the NRC panel.

At a news conference, yesterday, the panel's chairman, Dr. Henry G. Booker, said the findings of the two studies—while apparently in conflict—are really not in serious disagreement since they are based on related estimates.

What is important, he said, is the consensus that fuel emissions from the aircraft can be expected to deplete the earth's ozone shield or blanket of tri-atomic oxygen. As the stratosphere loses ozone, he explained, it is predictable that both the amounts of ultraviolet radiation reaching the earth and the number of people developing skin cancer will increase.

Booker, who is professor of applied physics at the University of California-San Diego, said the danger stems from both the sulfur oxides and the nitrous oxides exhaust from the planes. While the technology to control the first of these hazards is available, he reported, no means to control the nitrous oxide emissions now exist.

According to the panel, a 10-year research and development effort costing $100 million will be necessary if the estimated increase in skin cancer rates from high flying aircraft is not to exceed 1 percent.

The report estimates that had Congress not killed the SST, the 500 jets that would have been built to fly in the 1990s would have caused a 30 percent rise in skin cancer deaths. It warns that failure to design cleaner engines for travel in the stratosphere will result in an increase in the incidence and death rate from two types of disease.

One of these—malignant melanoma—is far rarer than the other, but is almost universally fatal since it is particularly difficult to treat. Moreover, the more common form of skin cancer is also a serious public health problem because, while curable, it is often disfiguring and tends to recur.

At present, only 2,000 of the 400,000 Americans who are estimated to get this disorder each year die. The mortality rate among the 10,000 or so Americans who have malignant melanoma in any one period is about 4,000 annually.

Besides increasing the rate of both forms of skin cancer, the report says, depletion of the ozone layer could reduce the average age at which they typically occur.

In addition to its effects on human health, damage to the ozone layer could seriously interfere with the growth capabilities of plants, according to experimental evidence cited by the NRC report.

Moreover, the sulfur impurities of the jet fuels now in use might drastically alter the world's climate, it says.

PRIVATELY ENDOWED PUBLIC FACILITIES UNFAIRLY TAXED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I am reintroducing today a bill to correct what I believe to be an unintended effect of certain IRS regulations. This bill would exempt privately endowed museums and libraries, open to the general public, from the 4-percent Federal excise tax placed on foundations by the Tax Reform Act of 1969. In this new bill, I have made certain changes which include expanding the coverage of the bill to include educational institutions similar to museums and libraries, such as arboretums, zoos, and symphony orchestras.

There are a number of very fine museums and libraries serving the public in our country that are supported by private endowments. In the past, many of these institutions had been classified for tax purposes by the IRS as "public organizations" because of the services they provide the public; therefore, they had not been subject to the 4-percent excise tax on foundations. In April 1971, however, the IRS issued regulations that established a minimum floor of 10 percent of public financial support—as a percentage of total income—for a privately supported institution to qualify as a public organization. The result of this is that such museums are being subjected to the 4-percent annual excise tax on net investment income, imposed on private foundations.

Museums affected by this IRS regulation include the Frick Museum in New York City, the Isabella Stewart Gardner Museum in Boston, the Winterthur Museum in Delaware, the Currier Gallery of Art in New Hampshire, the Clark Art Institute in Williamstown, Mass., the Kimbell Art Museum in Fort Worth, Tex., and the Timken Art Gallery in San Diego, Calif.

A tax on the Frick or any other privately endowed educational facility serving the public is not in the public interest. The 4-percent tax is negligible in terms of Government revenue—indeed the tax was enacted not for revenue but for auditing purposes—and yet the cost of the tax to the community is incalculable. The tax in effect will utimately be borne by the public in the form of a cutback in services, an admission charge, or a city or Federal grant for its support, or a combination of all four. It is certainly inequitable to penalize with a tax such an institution simply because it has to recent date not been necessary to finance these services with public funds. I believe, rather, that the tax laws should focus on the public nature of the services provided by these museums, and that the changes which would be made by my bill are very necessary to the survival of these educational facilities.

THE NATIONAL ENVIRONMENTAL POLICY ACT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, at present, I am a cosponsor of H.R. 3968 to amend the National Environmental Policy Act to clarify the procedures with respect to the preparation of environmental impact statements and H.R. 5088 to delegate the preparation of environmental impact statements to the State affected by the proposed project on a Federal aid highway system.

In considering the impact of these bills, I have reached the conclusion that, at this time, I would like to withdraw my cosponsorship of them for the following reasons:

First. I feel that the Federal Highway Administration can and should be responsible for the final environmental impact statement and can, in preparing that report, rely on material from the project sponsor, the State. To think that the FHWA cannot rely on this material results from a misunderstanding of an opinion in the Court of Appeals for the Second Circuit.

Second. The fear of unemployment if highway projects are stalled should not be blown out of proportion inasmuch as there are projects which can be worked on and thought is being given to using Federal aid highway money for the repair and maintenance of existing highways. And, there should be an express provision allowing a diversion of highway money to mass transit construction at the option of the city or State.

I know that there is disagreement about the best and most expeditious way to proceed in an attempt to release $2 billion in impounded highway trust fund moneys to New York, Vermont, and Connecticut. But I hope that while we are pursuing that course, we not lose sight of the necessity to keep strong the National Environmental Policy Act.

ATTICA AND JUSTICE DENIED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's New York Times there is a report by Michael T. Kaufman that Malcolm H. Bell, who had been the chief assistant of Anthony G. Simonetti, chief prosecutor of the Attica Special Prosecutor's Office, has charged that the Attica investigation undertaken by the State is, in fact, a cover-up operation. Mr. Bell puts it succinctly when he says in a letter that he sent to Gov. Hugh Carey:

> One Watergate in this decade is enough.

The article details the reasons for Mr. Bell's resignation, and why he thinks that the attorney general, Louis Lefkowitz, does not intend to pursue Mr. Bell's charge.

Mr. Bell is reported in the New York Times story as having said that—

> A wide variety of alleged crimes by law enforcement officers—from murder, manslaughter, assault and reckless endangerment to hindering prosecution, perjury and conspiracy—might be proved through an "open and full" investigation.

The Attica prison was retaken from the prisoners who had forcibly occupied part of it on September 13, 1971. The article stated that:

> Thirty-nine inmates and hostages were killed and more than 80 were wounded by gunfire from state troopers and correction officers. Earlier in the rebellion three inmates and one guard, William Quinn, were beaten or stabbed to death, all presumably by inmates. John Hill, an inmate, was convicted on Saturday of murdering Mr. Quinn.
>
> Sixty-two inmates have been named in 42 indictments for crimes related to the uprising. No law-enforcement officer has been indicted by the two grand juries sitting in Warsaw, near the upstate prison.

I am placing the entire article in the RECORD because it must shock the conscience of any person interested in pursuing justice equally.

I have had correspondence with State Corrections Commissioner Benjamin Ward with respect to Attica which also came out of a report in the New York Times. That report indicated that a guard had brought false witness against a prisoner, alleging that he had participated in an assault upon the murdered guard and ultimately confessed that his testimony was false. What was particularly disturbing to me was the fact that same guard 3½ years later is still employed as a guard, although in another State institution. He has not been punished in any form. Furthermore, the incident concerning this guard had not been reported by the very officials investigating Attica on behalf of the State to the commissioner of corrections so as to permit him to take disciplinary action. That such an incident occurred lends credibility in my judgment to the allegations of Mr. Bell that officials charged with the responsibility of investigating what occurred at Attica have not pursued their investigation fully and effectively and instead left certain areas unprobed and uninvestigated and may well have wittingly engaged in a cover-up.

Mr. Speaker, the Attica episode and the officials who have engaged in the coverup are not the responsibility of the new Governor and his administration. It is however their responsibility to correct any deficiencies in the present investigation and to seek indictments against any persons who committed crimes in either the Attica takeover or in any subsequent coverup attempt. I have great faith in Governor Carey and I believe that he will take the appropriate action. However, this is not a passing matter and those of us who are interested in justice must keep this matter before us and watch the unfolding events until justice is done. The correspondence and article follow:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 20, 1975.
Hon. BENJAMIN WARD,
Commissioner, Department of Correctional Services, State Campus, Albany, N.Y.

DEAR COMMISSIONER: I read with horror in today's New York Times the report on the Attica trial which made public the fact that a prison guard, Alton Tolbert, for two years had falsely stated that he had seen an inmate at the prison strike Correction Officer William E. Quinn. Apparently in yesterday's hearing there was a complete admission by Mr. Tolbert that his earlier statements to this effect were totally false.

What distresess me is that when Mr. Tolbert originally admitted the falsity of his accusation, he was not disciplined, and in fact, he continues to serve as a prison guard, currently at the Elmira Correctional Facility. It is inconceivable to me that anyone who would bear false witness, particularly in a matter of this kind, against an inmate subject to his supervision, could continue as a guard in the New York State Prison System. I ask that there be an immediate hearing in this matter to determine Mr. Tolbert's fitness for this service. In my judgment, he should be removed as expeditiously as possible from the prison system.

The entire Attica episode with the brutality and the deaths which ensued as a result of the callousness of the State of New York and its officials, including its then Governor, is one that will live on in the annals of prison horror stories and man's inhumanity to man. Having not been involved, you are free to do that which is right and now. I urge you to do so. I would appreciate receiving any comments that you may have on this matter.

Sincerely,
EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTIONAL SERVICES,
Albany, N.Y., March 28, 1975.
Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in response to your recent letter concerning Correction Officer Alton Tolbert.

This Department was instructed by the Governor's Office shortly after the Attica tragedy that all investigations of that incident would be conducted by the Organized Crime Task Force. We discussed Mr. Tolbert's case with the Task Force officials as soon as we learned of his testimony, which was through the New York Times news article, the same source as your own. We had no knowledge of this incident prior to the news article.

The Task Force officials have informed us that Mr. Tolbert's behavior does not constitute perjury although they are investigating the case further. Our contract with the Correction Officers' Union requires that disciplinary action be taken within one year after the incident, unless a crime has been committed. We are continuing to investigate this situation and you may be assured that Mr. Tolbert's behavior is not condoned in any way by any Member of this Department.

Sincerely,
EDWARD R. PATRICK,
Special Assistant to the Commissioner.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., April 2, 1975.
Mr. EDWARD R. PATRICK,
Special Assistant to the Commissioner, New York Department of Correctional Services, Albany, N.Y.

DEAR MR. PATRICK: I have your letter responding to my inquiry regarding Officer Alton Tolbert. I would find it more than shocking—indeed an absolute outrage and perversion of justice if Officer Tolbert could continue on in the corrections system after bringing false witness against a prisoner. No matter what your contractual arrangements are with the Correction Officers Union, if he did what the article alleges he did, then fire him, and let them sue you and let the courts determine whether or not he has any rights in such a situation.

I do want to be kept informed of all actions taken by your Department in this matter.

Sincerely,
EDWARD I. KOCH.

[From the New York Times, Apr. 8, 1975]

CHIEF PROSECUTOR ON ATTICA ACCUSED OF JURY COVER-UP

(By M. A. Farber)

A key member of the Attica special prosecutor's office has resigned and charged the chief prosecutor, Anthony G. Simonetti, with covering up possible crimes by law-enforcement officers who put down the rebellion at Attica prison in September, 1971.

The accusation was made by Malcolm H. Bell, who was once Mr. Simonetti's chief assistant. Mr. Bell charged that the inquiry into whether crimes were committed by state troopers and correction officers "lacks integrity" and was being "aborted" by Mr. Simonetti.

Mr. Bell made the statement in his letter of resignation to Attorney General Louis J. Lefkowitz last Dec. 11. A copy of the letter, from which information about certain cases before the grand jury was deleted, has been obtained by The New York Times.

After Mr. Bell concluded that Mr. Lefkowitz did not intend to pursue his charge, he sent a 160-page report on Jan. 30 to Governor Carey.

LEFKOWITZ TO REPORT

Mr. Carey asked the Attorney General yesterday to submit a written report responding to Mr. Bell's charge. At the same time, Mr. Lefkowitz said he had been exploring the allegation since it was made. He declined to comment on the merit of the charge.

Mr. Simonetti said that the allegation was "both false and shocking" and that "we have held a very open investigation of Attica and we will continue to look at all aspects in a logical and thorough manner." A spokesman for the Governor said that Mr. Lefkowitz had expressed "complete confidence" in Mr. Simonetti following the charge by Mr. Bell.

Before his resignation, Mr. Bell conducted most of the grand jury hearings on possible crimes by state troopers, prison guards and other officials in connection with the Attica rebellion.

ACCUSATIONS DETAILED

Although what he termed "substantial evidence" pointed to crimes by law-enforcement officers during the bloody quelling of the four-day Attica uprising, the 43-year-old lawyer wrote to Mr. Lefkowitz that "Mr. Simonetti has repeatedly refused to allow witnesses to be called, questions to be asked, leads to be followed and legal and logical conclusions to be utilized which will allow a fair presentation" of the cases to the grand jury.

The letter indicated that the cases involved not only unwarranted shooting by state troopers and correction officers, but also a failure by senior law-enforcement officers to assure that their men could be held accountable for their actions.

"Was all the shooting justified? The evidence makes it plain that it was not," Mr. Bell said.

Mr. Bell, in an interview yesterday, said that a wide variety of alleged crimes by law enforcement officers—from murder, manslaughter, assault and reckless endangerment to hindering prosecution, perjury and conspiracy—might be proved through an "open and full" investigation.

During the retaking of the Attica prison on Sept. 13, 1971, 39 inmates and hostages were killed and more than 80 were wounded by gunfire from state troopers and correction officers. Earlier in the rebellion three inmates and one guard, William Quinn, were beaten or stabbed to death, all presumably by inmates. John Hill, an inmate, was convicted on Saturday of murdering Mr. Quinn.

Sixty-two inmates have been named in 42 indictments for crimes related to the uprising. No law enforcement officer has been indicted by the two grand juries sitting in Warsaw, near the upstate prison. There have been reports recently, however, that several indictments of state troopers or prison guards are imminent.

In his letter to the Attorney General, Mr. Bell indicated that his troubles with Mr. Simonetti began last August. He said Mr. Simonetti "suddenly switched" the presentation before the grand jury from cases that Mr. Bell estimated needed "a month more evidence" to a case "which was not yet ready for presentation."

CONFUSION IS CITED

"Besides creating confusion, Mr. Simonetti increasingly restricted the scope of the questions I was allowed to ask witnesses in the jury," Mr. Bell said. "It was a fight, for example, even to be allowed to ask witnesses to the retaking whether they saw anyone shoot anyone. Later he increasingly refused to let me question witnesses much or at all, leaving them to be examined superficially by assistants who lacked the knowledge or the will to inquire fully."

Mr. Bell said that Mr. Simonetti "failed or refused (when I asked him) to ask many pertinent questions of the witnesses he examined," and that "he refused to call many witnesses who should have been called."

Mr. Bell said that, over his protests, Mr. Simonetti "needlessly, prematurely and, without proper justification or particular benefit" granted immunity from prosecution to two of the four leading suspects in a case. The two suspects are understood to be high-ranking state police officers.

Mr. Bell also said that while the grand jury record was being evaluated by the office last fall, he was given the "unprecedented direction to cease writing all further memoranda for at least eight weeks."

"One Watergate in this decade is enough," Mr. Bell said in his letter.

"At stake," he said, "is whether the knowable facts of a terrible tragedy will be presented or buried, whether equal justice will apply to inmates and law officers, whether more law officers will hereafter be more careful why they shoot people, and whether they keep the circumstances of their shootings from coming before juries of citizens afterwards."

INFORMANT IS SHIELDED

Mr. Bell said yesterday that he was "suspended" by Mr. Simonetti last Dec. 6 after he refused to identify an informant who had demanded anonymity in exchange for information that might have "made liars" out of some grand jury witnesses.

On Dec. 12—a day after resigning from his $31,000-a-year post as a special assistant attorney general—Mr. Bell requested a meeting with Mr. Lefkowitz to discuss his charge against Mr. Simonetti. The meeting, also attended by Mr. Simonetti, was held on Dec. 17, at the Attorney General's office here at 2 World Trade Center.

Mr. Bell, in the interview yesterday, said he elaborated on his letter to Mr. Lefkowitz during the one-hour meeting. The former prosecutor declined to characterize the Attorney General's reaction: Mr. Simonetti, he said, did not speak.

Mr. Bell said that he expected to hear from Mr. Lefkowitz after the meeting, but that he received only a routine, three-sentence letter on Dec. 27 accepting his resignation.

He then resolved to draw up a report for the Governor and he also sent a copy of the report late in January to Justice & Carmen F. Ball of the State Supreme Court, the supervising judge for all cases growing out of the Attica revolt. He says he has not heard from Justice Ball regarding the report.

Justice Ball declined to comment yesterday on any aspect of the controversy.

Mr. Simonetti declined to discuss specific aspects of Mr. Bell's charge, saying he did not want to "get into a debate" with Mr. Bell in public. And he noted that he was prohibited by law from disclosing matters before a grand jury.

The chief prosecutor also refused to explain why Mr. Bell had been suspended. "That's an internal personnel matter," he said.

According to both Mr. Simonetti and a spokesman for the Governor. Mr. Simonetti and the Attorney General met in Buffalo with Judge Ball on Dec. 23 to discuss Mr. Bell's charge. Mr. Lefkowitz first mentioned the allegation to Governor-elect Carey in a letter on Dec. 27, accompanied by some documents Mr. Bell had given to Mr. Lefkowitz on Dec. 17.

The Governor's spokesman said that Judah Gribetz, Mr. Carey's Council, and other members of the Governor's staff had met with Mr. Lefkowitz and Mr. Simonetti and had tried to arrange a meeting between the Attorney General and Mr. Bell and his lawyer. The meeting could not be arranged, the spokesman said, without elaborating.

The spokesman said the Governor's office had been advised that the Attica grand juries "will remain in session at least until these charges are again reviewed by the Attorney General."

Mr. Lefkowitz, in a brief statement, said he had been "assured" by Mr. Simonetti that all relevant results of the Attica investigation "have been and are being fully presented to the grand jury, which is still continuing."

In an interview, Mr. Simonetti said that "with a quite limited staff we have worked unstintingly to examine all the available evidence" on possible crimes by any person at Attica. "Shortly," he said, "the grand jury will consider the evidence and speak. Any action they take will be based on a full presentation of the facts."

Mr. Simonetti called the investigation "an intricate one, involving large numbers of people, fast action" and events that do not lend themselves to "ready identification" of the participants.

Mr. Bell said yesterday that his suspension was the "straw that broke my back" after several months of arguing with Mr. Simonetti over the handling of the Attica investigation.

"I ultimately and reluctantly concluded that Simonetti was deliberately blocking the full investigation of material evidence of the grand jury, in so far as it relates to possible crimes by law officers," he said. "And I realized I couldn't be of any further use in the office with Simonetti in charge.

"I would not have taken the steps I have if I thought this was merely a matter of differences of judgment betwen two lawyers over the proper way to give a grand jury all the evidence it needed to do its job fairly."

Mr. Bell said he had no complaints about the investigation or prosecution of alleged crimes by inmates during the rebellion—he said he knew relatively little about those cases.

He also said he had "not hard and specific evidence that the cover-up of possible law-officer crimes goes beyond Simonetti—I don't want to speculate in the absence of specific evidence."

Mr. Bell, who declined for "legal and ethical reasons" to discuss particular cases still before the grand jury prior to his resignation, said that a few indictments against state troopers or prison guards would not convince him that Mr. Simonetti was no longer engaged in a "whitewash".

"I don't know what has happened in the office since I left," Mr. Bell said. "But I have no present reason to think that several indictments would reflect a basic change."

In his letter to Mr. Lefkowitz, Mr. Bell said that "Mr. Simonetti may now claim that he has intended to investigate all along, and then go ahead and do so."

"If he does," he continued, "that would be a most welcome and surprising benefit from my resignation."

From time to time, some persons who felt that the assault on the rebels at Attica used excessive force have warned against a cover-up of any crimes by law-enforcement officers. And some segments of the legal community, civil liberarians and Attica inmates and their sympathizers have been openly critical of the lack of indictments against state troopers and prison guards.

FISCHER HEADED INQUIRY

The criminal investigation of all aspects of the Attica riot and the retaking of the prison was headed by Deputy Attorney General Robert E. Fischer from Sept. 15, 1971, until the end of 1973, when he was elected to the State Supreme Court.

Mr. Fischer, who was also head of the state's Organized Crime Task Force, was named to the Attica post by Gov. Nelson A. Rockefeller. Mr. Simonetti, who had been chief assistant to Mr. Fischer on the Attica investigation, was chosen by Mr. Lefkowitz, prosecutor.

The original Attica grand jury, which has handed up all the indictments against inmates, was impaneled on Nov. 1, 1971, and is still sitting intermittently. But it has never been clear how much testimony the jury heard with regard to possible crimes by law-enforcement officers.

In April, 1974, a second Attica grand jury—consisting like the first of residents of Wyoming County, where Attica is situated—was impaneled to consider indictments against non-prisoners.

Technically, either grand jury could return indictments against prisoners or non-prisoners. Some state troopers have maintained that the second grand jury was convened by Mr. Simonetti under pressure from "various groups" who were supposedly disappointed that no law officers were indicted by the first grand jury.

As an Attica prosecutor, Mr. Bell was primarily involved with the investigation of possible crimes by law-enforcement officers. Mr. Bell, who grew up in Brooklyn and graduated from Harvard College and Harvard Law School, was engaged mainly in civil litigation before Mr. Simonetti hired him for the Attica prosecution team in September, 1973.

Most of Mr. Bell's professional experience was gained with the firm of Dewey, Ballantine, Bushby, Palmer & Wood, with which he was associated from 1958 to 1968.

8,500 PAGES OF TESTIMONY

Between September, 1973, and February, 1974, he helped prepare a case against 10 Attica inmates and worked on pretrial motions. He was then shifted to analyzing possible cases against law officers and, in the first half of 1974, he served as Mr. Simonetti's chief assistant.

Mr. Bell said that, of 8,500 pages of testimony before the second grand jury before his resignation, he elicited a little more than 7,000 pages.

Last Feb. 18, Mr. Bell—not having heard from the Governor's office—sent a reminder to Mr. Carey about his 160-page report.

Eight days later Mr. Bell attended a forum on the state's prisons at the offices of the Association of the Bar of the City of New York. He was especially interested in the last question, which asked by Robert P. Patterson Jr., who was formerly president of the Legal Aid Society and a member of the panel that was named to help safeguard Attica prisoners' constitutional rights after the revolt. Mr. Patterson asked whether, with regard to any crimes by non-prisoners: "Have we any assurances at all that a large cover-up is not being engaged in, and what can we as a bar association do about it?" Mr. Patterson, who had not talked to Mr. Bell since 1968, was applauded.

The response to the question was provided first by Robert B. McKay, the dean of New York University Law School, who served as chairman of the state's special commission on Attica.

The McKay commission, as it came to be known, had been very critical in its report in 1972 of the use by the police of weaponry and ammunition that "virtually assured the death or serious injury of innocent persons" during the retaking of the prison. It also criticized what it called the lack of planning for the assault, the lack of an adequate photographic record of the assault, the lack of assurances that weapons and bullets could be traced to individual troopers, and the lack of sufficient medical care for the wounded after the attack.

"BRUTALITY" IS CHARGED

It also said there had also been "unnecessary shooting" by a minority of officers involved in the assault, significant contradictions between statements give to state police investigators and to the commission by state troopers, and a failure by senior law-enforcement officers to prevent reprisals and "acts of brutality" by their men against prisoners following the assault.

At the bar association meeting, Dean McKay said that Mr. Patterson had asked "a blockbuster of a final question."

"I do not know whether there is a cover-up or not," Mr. McKay said. He added that he was "surprised" that the prosecution had not "been able to build" at least some cases against law-enforcement officers, considering the information in the commission's report.

Mr. McKay called on Steven B. Rosenfeld, a deputy general counsel of the commission who was sitting in the audience. Mr. Rosenfeld said: "The problem is that it is probably very difficult to get indictments from citizens in Western New York against correctional officers and state troopers from Western New York."

"I don't think it's fair to say that prosecutors have not, at least in some measure, been trying," Mr. Rosenfeld said. "I don't think they have tried as hard—they didn't try at the same time—but they have been trying."

After the meeting, Mr. Bell spoke to Mr. Patterson. On March 7 Mr. Bell received a call from Paul Gioia, an assistant counsel to Governor Carey, who said that he and Mr. Gribetz, Mr. Carey's counsel, had read Mr. Bell's report and were "quite concerned" about it.

REVISING ESTATE TAX WILL BENEFIT FARM FAMILIES

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, a current television commercial for an insurance company says, "if your family were to lose you, they shouldn't have to lose everything."

But the lack of appropriate life insurance isn't the only way such a problem can happen. There is another financial problem that faces many families at the time of the death of the head of the household, and that is the payment of estate taxes.

Some call the estate tax the "death tax," and indeed it is: it is a tax on dying, payable by one's heirs. Now most people think that the estate tax only hits the very wealthy, but increasingly this is not true.

The problem is that the tax is triggered whenever an estate's value exceeds $60,000. To many, that may seem like a lot of money, but actually it is not.

Consider the farm family, for example. In central Illinois, a typical farm might be 300 acres, which, planted in corn and soybeans, is something that a family can handle on their own, without hiring outside help. In other words, this is no big operation; it is a family farm, worked by the people who own it, and providing them with a modest, but by no means affluent, living.

Yet at current land values, the acreage that man owns may be worth $450,000, or even more. Now, understand, it will still grow only so many bushels of corn and beans. But when that farmer dies, his family gets socked with a bill from the Government that can be simply staggering.

The result is that the surviving family members are in all likelihood forced to sell a portion of their land in order to pay the tax on the estate. Depending on the other assets and liabilities involved, it would not be unusual for the 300-acre farm family to have to dispose of fully one-fourth of their property in such a case.

We ought to be working to preserve family farms, not destroy them. But the estate tax, as presently constituted, runs counter to this goal.

I am therefore sponsoring legislation in this Congress to raise the deduction level from $60,000 to $185,000. This single action will save the typical farm family I have cited about $40,000, and go a long way toward permitting them to maintain the integrity of their farm.

The $60,000 figure was established in 1943. Clearly, given the rate of inflation during the intervening 32 years, that sum no longer has the same meaning. Indeed, the $185,000 figure is just about what would be required to make up for the general inflation between 1943 and 1975. So in reality, my bill would simply put things back to where they were intended originally.

This measure is urgently needed. It should be passed by this Congress. We owe that much to our farmers and farm families.

UNEMPLOYMENT

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, as the Congress moves to counter the disturbing growth in unemployment in this country, it is becoming increasingly clear that the traditional nostrums are not very effective.

We spend too much time treating symptoms, and not nearly enough on root causes. We are too prone to think that the mere spending of money solves problems. It is not so.

Moreover, far too many of our nonsolutions in fact exacerbate the very problem they are intended to attack. Unless, therefore, we are willing to apply some sound judgment and more flexible thinking, we cannot hope to reduce unemployment and stabilize the economy.

An excellent discussion of the problem was contained in a recent editorial in the Wall Street Journal, and so I would like to have this editorial printed at this point in the RECORD.

ANALYZING UNEMPLOYMENT

Few people would doubt that the nation should bend its best efforts to lessening the hardships of the jobless and reducing their number from the present eight million to some more normal level.

In other words, there is no good-guys-bad guys conflict. How to achieve the objective is all that is at issue. Analysis and judgment are needed.

Unfortunately, Congress seems intent on abandoning both analysis and judgment in favor of simply appropriating vast sums of money. Now that the Easter recess has ended, it will start to consider "economic recovery" spending programs totaling some $23.5 billion. Unless the President wields an effective veto we may soon have a $100 billion federal deficit. Anyone who thinks that is a good way to help working men and women had better review the history books.

What under-reaction there has been so far to rising unemployment has been due mainly to bureaucratic red tape, not a lack of money. An over-reaction, on the other hand, would not only expand the red tape but regenerate inflation. Ultimately, that will destroy still more savings and still more jobs. Thus, over-reaction, not under-reaction—at least in terms of spending—is the biggest potential problem at this stage.

To understand further needs, it is useful to examine the elements of unemployment and what is being done now to help the jobless. There are two primary categories of unemployed, those who have been laid off and those who haven't. The second category includes folks who quit their last job, new entrants to the work force and people re-entering after some considerable absence.

Interestingly enough, the two categories were about evenly split last December, when unemployment was around 6.5 million, according to an analysis by economist Geoffrey H. Moore. Since then, unemployment has risen by about 1.5 million. Statistics indicate that a sharp rise in layoffs and firings accounted for all of the increase.

Workers who are subject to layoffs include many who are primary wage earners for their families. The trend has been serious in that sense. On the other hand, such workers have the best unemployment insurance protection. Congress already has supplemented state insurance benefits, which now run for a year. Nine "emergency" states have just been given a further 13 weeks protection. UAW members, who no doubt were hard hit in the first quarter, have further supplemental benefits under union contracts with employers. And finally, most of these workers are likely to go back to their jobs when an economic recovery begins.

Judging from Mr. Revzin's front-page article in this paper March 14, laid off workers seem to have their main problems with bureaucratic snafus at state unemployment compensation offices. Not only were some offices unprepared for the surge of layoffs but their work seems to be complicated by new state and federal programs and the mass of paperwork they entail. For the moment, Congress might occupy its time inexpensively and productively trying to help states simplify procedures.

For the uninsured unemployed the problem is a bit more complex. This group includes a lot of teenagers, particularly black teenagers. Some are college students who are faced with rising tuition costs and are seeking part-time work.

It also includes people not previously in the work force who are seeking jobs to supplement family incomes because of inflation or the layoff of another family member. Both re-entrants and new entrants to the labor force rose after the recession began. A number have since given up the job search.

Helping these people is more complex. Dr. Moore suggests extending unemployment compensation to them as well, but admits it would present some administrative problems in screening eligible applicants. Certainly, it would help to lower the minimum wage and dismantle other impediments to the hiring of unskilled help. But that would face opposition from organized labor. Of course, there are already extensive manpower training programs operated by the federal government, with mixed results.

Last fall, Congress approved an expensive "public service employment" program, but there now are doubts about how much it has helped either unemployed category. It, too, has encountered bureaucratic problems. Some cities apparently are merely using the federal money to rehire laid-off city workers—so "public service employment" has become revenue sharing. Nonetheless, much of the heavy new spending Congress has in mind comes under this heading.

Congress already has appropriated large sums to ease the unemployment burden and there is little evidence of inadequate funding. If it overspends it risks renewed double digit inflation, further damage to private employers and postponement of the recovery. Obviously, it is time for Congress to exercise judgment. It is injudicious to spend more money if it only makes the problem worse.

FOREIGN OIL CONTRACTS REVIEW AND SUPPLY ACT OF 1975

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today I have introduced the "Foreign Oil Contracts Review and Supply Act of 1975." The purpose of this legislation is to provide the administration with one means by which to deal with the international energy crisis. The proposal would do two things. First, it would grant the executive the authority to review import supply contracts of U.S. companies, and second, it would provide the Federal Government with the authority to enter into foreign supply contracts for petroleum.

This legislative proposal is premised on several facts which have come to light as a result of what is broadly termed the international energy crisis.

One, it is clearly evident that the U.S. international oil companies have not had the interests of the U.S. consumer uppermost in mind in negotiating price agreements with the OPEC nations. The companies have been able to pass along the price rises and have had little incentive to maintain prices at a reasonable level.

Second, the four-fold jump in petroleum prices has had a severe chilling effect on the world economy and has been one of the major contributory factors to the spiralling inflation of 1974, which in turn, led to the recession of late 1974 and early 1975. High prices continue to have a dampening effect on economic activity.

Third, the United States must be wary of becoming dependent on petroleum supplies from any one producing country or area of the world. In order to protect itself against possible political manipulation of oil prices and supplies, the United States must spread its petroleum imports among a large number of producing nations and secure as large a portion as possible of its imports from the more reliable producing States.

Fourth, the U.S. Government, mainly through a lack of expertise and information on the international petroleum industry, but also because it has tended to pursue short-term political goals rather than long-term economic goals, has conducted its oil policy in a rather inept manner.

These factors, and others, have induced many persons to consider ways in which the U.S. Government could intervene in the international oil industry in order to protect the interests of the U.S. consumer. Two of the main proposals that have been put forward are Government review of supply contracts and Government purchase of all petroleum imported into the United States.

In January 1975 the Krueger report on "An Evaluation of the Options of the U.S. Government in Its Relationship to U.S. Firms in International Petroleum Affairs" was delivered to the Federal Energy Agency. While not recommending any specific course of action, of the various options that are discussed, the report seems to find more favorable arguments for some form of Government review of foreign supply contracts.

There have been several recent congressional proposals for making the Federal Government the sole purchaser of petroleum imports. While having the advantage of involving the Government in foreign supply contracts, there would seem to be serious drawbacks to this approach. First, while the Government reportedly has increased its knowledge of international petroleum affairs multifold over the past year, it still does not possess the indepth knowledge and experience that the U.S. oil multinationals have developed over decades of participation in the international oil industry. It would take many years for the U.S. Government to develop personnel with sufficient knowledge and expertise not to be at a disadvantage in dealing with other entities which are more experienced at this rather intricate game.

Second, to suddenly shift foreign purchasing from many private companies to one Government agency could entail a disruption of supplies. To centralize in one office the hundreds of activities now undertaken by many companies could prove to be a bureaucratic nightmare that would take years to unravel and that could possibly upset the delicate balance between demands and supplies.

Third, while it is argued that a central purchasing agent would have more clout against the unified block of OPEC nations, this is not necessarily the case. Recent months have produced evidence that the OPEC is not as monolithic as was once thought, and various developments, particularly the large amount of excess productive capacity—some 8 million barrels per day are now shut in—could serve to develop cracks within OPEC. In contrast, the prospect of the U.S. Government taking over the role of purchaser could be interpreted as a confrontation by the OPEC nations and could stiffen their resolve and unity.

Taking these various factors into consideration, I have attempted in the proposed "Foreign Oil Contracts Review and Supply Act of 1975" to combine the advantages of these two approaches in an effort to provide the Executive with a flexible approach to deal with the problem of petroleum supply and price.

This bill would require that all contracts for the importation of petroleum into the United States must be reviewed by the Federal Energy Administration. Petroleum could be imported only if the importation were approved by the FEA or if the FEA failed to specifically disapprove the contract within 20 days of the contract being registered with the FEA. In reviewing contracts, the Administrator of the FEA would have to take into consideration the following factors:

(1) the degree to which the price of crude oil and refined petroleum products under such contract constitutes a threat to the economic well being of the United States and of other importing nations;

(2) the degree to which a price lower than such price can be obtained on the world market;

(3) the duration of the contract;

(4) the degree to which such contract unduly concentrates U.S. imports of oil on any one producing country or area; and,

(5) the degree to which approval of such contract will encourage competition in the international markets for crude oil and refined petroleum products.

This review authority would serve two purposes. First, it would allow the Government to specifically disapprove any contract which did not seem to be in the national interest. Not only would this provision allow the Government to reject unfavorable contracts, it would provide the companies with an added bargaining chip if they could argue that a contract might be disapproved by the FEA. Second, this process would allow the FEA to develop its knowledge and expertise of the international petroleum industry. It would provide FEA with knowledge of the international oil negotiating process and with a broad picture of international oil price and supply conditions. Furthermore, it would allow FEA to monitor and keep current as to developments in the world oil market.

The second major provision of this bill would authorize the Federal Energy Administration to enter into foreign supply contracts. The purpose is two-fold. First, if FEA were to disapprove an import contract, FEA might be faced with a situation where the private company might claim that no other oil was available and FEA would have to find replacement oil for that contract. FEA would have to either produce another private contract that would replace the oil to be supplied by the contract disapproved, or purchase the oil itself. This provision allows for this situation.

The second purpose of this provision is to introduce competition into the oil negotiating process. The various proposals to make the Federal Government the sole purchasing agent for imported oil are aimed at assuring that the negotiations are carried out by someone who will protect the interests of the U.S. consumer. This can be accomplished, without disrupting the existing complicated supply network, simply by introducing competition. FEA would have the authority to enter into supply contracts, so the companies would be forced to find the most favorable prices available. The intent is that this provision would serve as an inducement that would never actually have to be utilized. However, if necessary, it could be used, and FEA would have the authority to require that the petroleum it imported be distributed domestically by U.S. petroleum distributors.

While the Foreign Oil Contracts Review and Supply Act of 1975 offers no panacea to securing adequate supplies of petroleum at reasonable prices, neither do any of the other proposals. However, this approach does have the advantage of not unduly disrupting existing supply networks and allowing the Government the flexibility to respond to changed market conditions. This bill will not produce an immediate reduction in world oil prices, but it may serve, when joined with appropriate political and economic developments elsewhere in the world, to help bring downward pressure on long-term world oil prices.

The text of my bill follows:

H.R. 5670

A bill to provide for the review of petroleum import supply contracts and to provide for authority for the government to enter into foreign supply contracts for petroleum

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. This Act may be cited as the "Foreign Oil Contracts Review and Supply Act of 1975."

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby determines that—

(1) excessive prices for crude oil and refined petroleum products in international commerce constitute a serious threat to the economic well-being of the United States, and of all oil importing countries;

(2) such prices are set almost exclusively by member countries of the Organization of Petroleum Exporting Countries, and are passed on to the world's oil consumers through contracts which those countries enter into with the companies which transport, refine, and market such oil and products;

(3) information concerning these contractual arrangements is therefore necessary to the formulation of an international approach to the oil price problem; and

(4) intervention in the oil pricing mechanism by the United States Government, operating on the basis of this information, may be necessary to effectuate a reduction of oil prices to reasonable levels.

(b) The purposes of this Act are to require that certain contracts involving the purchase or procurement of crude oil and refined petroleum products be registered with the Federal Energy Administration; to grant to the Administrator of the Federal Energy Administration authority to disapprove certain contracts providing for the importation of crude oil and refined petroleum products into the United States; and, to grant the Administrator of the Federal Energy Agency the authority to enter into import contracts for petroleum.

Sec. 3. (a) Thirty days after the enactment of this act no person may import any petroleum or any petroleum product into the United States unless the Administrator has first reviewed the import contract covering such petroleum or petroleum product and has not disapproved such import contract.

(b) In exercising the authority granted to him under this section, the Administrator shall consider, among other factors, the following:

(1) the degree to which the price of crude oil and refined petroleum products under such contract constitutes a threat to the economic well being of the United States and of other importing nations;

(2) the degree to which a price lower than such price can be obtained on the world market;

(3) the duration of the contract;

(4) the degree to which such contract unduly concentrates United States imports of oil on any one producing country or area; and,

(5) the degree to which approval of such contract will encourage competition in the international markets for crude oil and refined petroleum products.

(c)(1) No corporation or other business entity engaged in commerce shall take any action with respect to carrying out any contract entered into on or after 30 days after the enactment of this Act for the importation of crude oil or refined petroleum products until after the expiration of a twenty-day period following the date on which a copy of such import contract is registered with the Administrator.

(2) Upon the expiration of the twenty-day period following the date of its registration, a contract shall be deemed approved if, within such twenty-day period, the Administrator fails to disapprove such contract.

(d) Taking into account all of the factors listed in subsection (b), the Administrator may issue regulations establishing criteria for the automatic approval of contracts requiring approval under the provisions of subsection (a).

(e) Taking into account all of the factors listed in subsection (b), the Administrator may establish regulations ordering that all contracts described in subsection (a) not meeting certain criteria shall be automatically disapproved.

(f) The Administrator shall have the power to inspect the books, records and papers of corporations and other business entities which seek approval of contracts pursuant to this section, for the purpose of determining whether such contracts should be approved.

(g) To the extent that the Administrator determines that publication of information in any contract or agreement would seriously interfere with the national interest in obtaining secure supplies of crude oil and refined petroleum products at reasonable prices he may make a determination that such information shall not be made available for public inspection, but shall be held secret by the Administrator. Copies of such contract, agreement or portion thereof shall, however, be made available on a confidential basis to the Department of Justice, the Federal Trade Commission, and the relevant committees of Congress.

(h) Any person who imports any petroleum or petroleum product into the United States—

(1) without submitting the import contract covering such petroleum and petroleum product for review by the Administrator pursuant to this Act; or

(2) after the import contract covering such petroleum or petroleum product is disapproved by the Administrator—shall be fined not more than $250,000, or imprisoned for not more than two years, or both.

(i) Nothing in this Act shall be construed as approving any action or contract which is in violation of any Federal law, and no approval by the Administrator of any such contract shall be a defense to any action or other proceeding brought under the antitrust laws of the United States.

(j) The approval by the Administrator of any contract pursuant to this Act shall not be construed as evidencing the reasonableness of such contract, or of any identical or similar contract at any time thereafter.

Sec. 4. (a) If the Administrator determines that the securing of adequate supplies of imported petroleum or any imported petroleum product at reasonable and stable prices will be promoted by the purchase, and sale, of imported petroleum or any imported petroleum product by the Administrator, the Administrator shall purchase and sell imported petroleum and petroleum products.

(b) the Administrator shall—

(1) purchase petroleum and petroleum products for importation into the United States at the lowest prices obtainable on the basis of competitive bidding; except that the Administrator may direct, after taking into account the need for obtaining petroleum and petroleum products from secure foreign sources and such other factors as he deems appropriate to the national interest, that quantities of petroleum and petroleum products be purchased or otherwise acquired by the Administrator through other means, including—

(A) negotiated purchases from any foreign country, or

(B) exchange of United States products for petroleum or petroleum products of any foreign country;

(2) sell petroleum and petroleum products purchased or otherwise acquired by it to private and public persons and entities within the United States in such manner, and under such terms and conditions, as deems necessary and appropriate to insure that such sales will—

(A) encourage competition within the domestic petroleum industry,

(B) result in the equitable allocation of overall supplies of petroleum and petroleum products on a geographical basis, and

(C) insure the maximum utilization of petroleum refining facilities located within the United States; and

(3) to the maximum extent practicable, buy and sell imported petroleum and petroleum products without profit or loss.

(c) The Administrator is authorized to sell such petroleum supplies to federal petroleum reserves and to require that domestic distributors of petroleum purchase such petroleum.

(d) The Administrator shall prescribe such regulations as may be necessary and appropriate to carry out this section.

Sec. 5. For purposes of this Act—

(1) The term "Administrator" means the Administrator of the Federal Energy Administration.

(2) The term "import contract" means any contract, agreement, or other arrangement under which any person purchases or otherwise acquires, or agrees to purchase or otherwise acquire (either for the account of that person or some other person), any petroleum or any petroleum product for importation into the United States.

BINARY CHEMICAL WEAPONS—BILL REINTRODUCED

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, on March 14, 1975—pages 6730 and 6731—I introduced H.R. 4955, which prohibits the use of any appropriations for the procurement of any munition delivery system or production facility for any binary chemical warfare agent.

On March 24, 1975, page 8452, I reintroduced the bill along with with 25 of my colleagues.

I reintroduced the bill again on March 25, 1975—page 8551—with 25 additional cosponsors.

I am pleased to reintroduce the bill again today, along with 10 additional colleagues, who also feel that the United States should not begin production of the new binary nerve gas system. The text of the bill and the new cosponsors follow:

Additional Cosponsors

Mr. Nedzi, Mr. McDade, Mr. Roybal, Mr. Rodino, Mr. Hawkins, Mr. Rees, Mr. Moss, Mr. Moakley, Mr. Harkin, and Mr. Tsongas.

H.R. 5738

A bill to prohibit the production and procurement by any agency of the United States of any delivery system designed to disseminate any binary-type chemical warfare agent

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds authorized or appropriated by any Act making authorizations or appropriations for fiscal year 1976 or for any fiscal year thereafter to the Department of Defense for military functions administered by that Department may be used by any department, agency, or instrumentality of the United States to—

(1) procure any delivery system, or any part of component of any delivery system, which is designed to disseminate any binary-type chemical warfare agent, or

(2) establish (by construction or otherwise) or operate any facility for the production of any such system, part, or component.

The Members might also be interested in knowing that I have received an interim reply from the Chairman of the Joint Chiefs of Staff, General Brown. His response relates to a letter I sent him detailing questions concerning the Department of Defense position on chemical warfare, outlined in his recent statement on the U.S. military posture for fiscal year 1976. A copy of the letter and military posture statement was printed in the Record on March 18, 1975—pages 7077–7079.

Since I indicated that I would inform the Members of any reply, I would like to request that General Brown's letter be inserted in the Record at this point:

Washington, D.C., *March 29, 1975.*

Hon. Richard L. Ottinger,
House of Representatives,
Washington, D.C.

Dear Mr. Ottinger: Your letter of 11 March 1975 dealing with the issue of a US chemical warfare retaliatory capability has been received and is appreciated, particularly your expressed intention to advise other members of Congress of your request so that I will not be confronted with duplicate inquiries.

I had hoped to be able to respond prior to my departure for a CENTO meeting and an official visit to Indonesia. Unfortunately, the gathering of the detailed information you have requested has taken longer than I had anticipated. I assure you, however, that I will give your letter careful consideration and an appropriate response as soon after my return as circumstances permit.

Sincerely,

George S. Brown,
General, USAF.

THE TRUE ROLE AND WORK OF THE FAA

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, during the past few months the Federal Aviation Administration has been under fire from numerous critics.

Much—in fact most—of this criticism has been unfair, unfounded, and unfortunate. The 55,000 men and women of this agency do not deserve the derogatory image that has been cast about them.

The FAA will soon have a new boss and a new chance to have their true merits come into view. I would plead with every Member to make himself familiar with the real work of this agency.

On April 1, 1975, Mr. Alexander P. Butterfield resigned as Administrator of FAA, in order for the President to select his own team member. His service had been outstanding, according to the opinion of knowledgable people in aviation.

In his last speech, as Administrator, Mr. Butterfield did an excellent job of outlining the true role and work of the FAA as well as presenting the true facts concerning some of the recent unfair criticisms that had been cast.

His entire speech is included for your study:

Remarks by Alexander P. Butterfield, Administrator Federal Aviation Administration

As the Administrator of the Federal Aviation Administration . . . I am so damned proud of our organization and the men and women who keep it moving that I am honestly compelled on occasions such as this one to preface my remarks, on whatever subject, with a brief rundown on what exactly the FAA is and does. And generally I find it helpful to the listeners. It seems to provide a sort of memory hook on which aviation-related information received subsequently can be hung, and thereby given some degree of reason and relevance. So I am going to give into that compulsion today . . . but then go on to do as much as I can in a necessarily limited time to put into proper perspective many of the critical aviation safety issues you may have heard about these past few months.

There is a greatness to United States Civil Aviation and you ought to know about it. So, let me begin.

The central purpose of the FAA is to promote air safety and air commerce. We were doing this as an independent agency until 1967, when the Department of Transportation was created. Then, in that year, we became an integral part of the new department.

The personnel strength of the FAA team—and we are a team—is 55,200 . . . roughly two-and-a-quarter times that of the State Department; and our annual budget is just under 2.5 billion. Although our headquarters is in Washington, D.C., nearly all of our operational business is run by twelve regional directors and two center directors.

Nine of the FAA regions are here in the 48 continguous States. The tenth region is the entire State of Alaska. The eleventh is all of the area of the Pacific, Southeast Asia and Far East, with its headquarters in Honolulu; and the twelfth is all of Europe, Africa and the Middle East, with its headquarters in Brussels. The two centers—one for aeromedical research and both technical and management training for employees; the other for developmental testing of devices and equipments—are at Oklahoma City and Atlantic City, respectively.

The FAA's charter is statutory—I'm sure you know that—so can be changed only by passage of another law. And while the description of the mission fills three to four pages in the Government Organizational Manual, it says in essence that we're charged with six major responsibilities.

First, we are to maintain a national system of airports. That means that our airport engineers must work continuously with State and local airport authorities, those who own and operate the country's 12,000-plus airports, to encourage timely development and to achieve an orderly sensible pattern of small and large facilities. The purpose of the effort is to insure environmental considerations and see to it that the flow of air traffic into and out of these fields is compatible with the network of airways overhead . . . and, therefore, safe. It is also to help guarantee that present and future air transportation needs are met at the national state and local levels. In carrying out this airport responsibility we disburse in the form of Federal grants for airport improvement and expansion projects some 310 million dollars each year. I should add perhaps that the FAA owns and operates two of the Nation's bigger airport facilities—Washington National and Dulles International, both in the Washington, D.C. Area. Running these two airports is not a part of our charter per se, but it is a responsibility given to us by the Congress and one we do not take lightly.

A second responsibility of the FAA is to ensure the efficient utilization of U.S. airspace. This is our air traffic management mission, and some 35,000 of our people are engaged in the task—keeping aircraft safely separated both horizontally and vertically. 25,000 of these competent specialists are air traffic controllers and flight service advisors; 10,000 are skilled electronic technicians who attend to the installation and maintenance of the countless numbers of sophisticated navigation aids—radars, beacons, instrument landing systems and other high-cost equipments used in air navigation. The FAA Air Traffic Control System operates literally around the clock and handles in an average day anywhere from 70,000 to 90,000 separate flights. At a peak moment on a busy day, the nationwide system handles simultaneously as many as 13,000 aircraft—large, small, fast and slow. Think of that for a minute . . . then think of the safety and efficiency factors.

Third, we are responsible for promoting and regulating safety. We are, in other words, the Federal regulators where aviation safety is concerned. We write the rules for air traffic management. We test and certificate the more than one million pilot and non-pilot airmen in America for proficiency as well as for physical fitness. We test and certificate aircraft engines. We test and certificate airframes. We inspect and certificate flight schools of which there are some 2,500. We inspect and certificate aircraft repair stations of which there are an equal number. But we do not certificate anyone or anything that is not of proven reliability. In other words, the FAA establishes appropriately high standards of proficiency, physical fitness and reliability and ensures that those standards are met.

Our fourth mission is to fulfill our defense agreements. It may surprise you to know that we have more than 100 agreements with the Department of Defense—agreements on matters ranging from joint-use of property, to reserving on occasion blocks of airspace for military exercises—agreements pertaining to peacetime as well as to national emergency procedures. In fact, in time of war the entire FAA moves from the Department of Transportation and becomes an operating arm or adjunct of the Department of Defense.

The fifth mission is to foster and promote U.S. civil aviation and air commerce at home and abroad. That's a big one. Let me say it again—to foster and promote U.S. civil aviation and air commerce at home and abroad. That means we are to strive always for a healthy flourishing aviation industry. It means we're deeply involved in aviation economics. The effort involves among other things our engineering and development functions, our public affairs programs and our extensive aviation liaison work overseas. You may not know that in the last 20 years the FAA has done business of one kind or another—technical assistance, air transportation security training, air traffic control instruction, et cetera—with 113 foreign governments and negotiated 239 written agreements or memoranda of understanding. Why do we put so many eggs into the foreign affairs basket? Because . . . uniformity of good, well-manufactured and proven equipment worldwide leads to a universal standardization of procedures and techniques . . . and that, ladies and gentlemen, is essential to creating a safe environment for international flights. In other words, we care about your safety at home and abroad.

The sixth and final mission is simply stated, but it carries a wallop. It is our responsibility to carry out our assigned tasks effectively and economically.

So there, in a word, is the FAA. I hope that quick sketch has given you a better appreciation of the jobs we're trying to do and of the scope of our charter.

Now for perspective. Now for some insight into the real world of U.S. civil aviation. The popular expression is, "I've got good news and bad news." Well, to my way of thinking, you've had the bad news. You've had from the sensationalists an eyeful and an earful . . . and by now it should have been a belly full.

I'm going to talk to you objectively—in a straight from the shoulder manner—and try to give some balance to the charges levied against the FAA and this country's air transportation system. Hopefully, I can do this without sounding defensive or self-serving. I want to make it very clear to each of you, and I mean this, that it is not at all my purpose to serve myself as I prepare to leave this post. Plans for my departure from the administration were in the mill early last fall, long before current aviation safety issues were being given front page priority. My single purpose here today is to revive whatever faith you may have lost in a dedicated and competent Federal regulatory agency and in an industry, the aviation industry, which contributes so enormously to America's undisputed world leadership. My purpose, therefore, is to serve you.

EXAMPLE A

On December 1, 1974, an airliner bound for Dulles International Airport descended below the minimum safe altitude of 3,400 feet after the pilot was given an "approach clearance" to the airport by the FAA air traffic controller. Moments later it crashed and 92 people were killed. We can assume the pilot thought he was doing the safe thing by descending as low as he did at that particular time. Was he confused? Were the charts unclear? Was the air traffic controller in some way at fault? I'm not going to point a guilty finger here, rest assured; nor should certain aviation spokesmen have done so as openly and unprofessionally as they did throughout a three-month period following the crash. Actually, the formal investigation is still underway, so I would be off base to even speculate.

But I will give you these facts in the interest of perspective. Point one: When an FAA air traffic controller gives a pilot an "approach clearance", he is saying to that pilot, in effect, that the way ahead is clear of other aircraft, that there are no airborne hazards between the pilot and the airport, and for that reason the pilot can proceed with his approach to the designated runway in accordance with the instructions on the appropriate approach chart. That's what an "approach clearance" means. The controller is not telling the pilot at what height it is safe to fly the aircraft. Point two: Air traffic controllers are not really controllers in the strict sense of that word. Everyone in the aviation community knows this very well. They are more accurately "spacers" . . . spacers of aircraft. They do not act in the capacities of directors or supervisors, but more as spacing advisors. Pilots reserve at all times the right to do as they see fit, to act independently, in the interest of the safety of their aircraft and passengers.

So, let me say it again. FAA's air traffic controllers space aircraft horizontally and vertically. Terrain clearance or terrain avoidance has always been, and is still today, a very definite pilot responsibility. Point three: None of this is to say that the FAA is shirking, or wants to dodge, potential liability. If we are even partially at fault we want it to come out in the interest of improvement. We will never take evasive action. We are just as proud of our record for openness and honesty as we are of our record for safety.

EXAMPLE B

This past December 28, ABC Television presented a one-hour documentary entitled "Illusions of Safety". The network's Mr. Jules Bergman was the narrator and interviewer. That documentary was highly critical of the FAA. But I should tell you that although we had some four months advance warning of the plot, and knew the film was to be generally unfavorable, we assisted in its preparation. It could almost have been billed as an ABC/FAA documentary. We opened wide the doors to Mr. Bergman and had our regional directors submit to interviews. I myself was interviewed by the geneal fellow for 102 minutes—the very worst 90 seconds of which were aired on "The Big Show". But I didn't fret, nor did the FAA, for we are not in the business of winning or losing battles or popularity contests. We honestly do not care if we as an agency do not reflect as well as we might on particular issues so long as in the highlighting of such issues the American public is at least the long-term, or ultimate beneficiary. But I will interject this personal opinion: While we expected the program to be somewhat unfavorable, we assumed incorrectly that there would be at least a shade of balance. As it happened, there was nothing noticeable to counter the adverse side, nothing noticeable to indicate that there even existed "another side". So, in my opinion, the program, taken in its entirety, was a disservice to the American people, especially coming when it did in the holiday season when so many were depending heavily on air transportation.

EXAMPLE C

There is a device called a ground proximity warning indicator which shouts out the words "pull up, pull up," when an aircraft is moving straight ahead toward a hill or mountain, or descending at an excessive rate toward the ground. A committee of the Congress has recently asserted that the FAA was derelict in not requiring the installation of this device four to five years ago. The facts are these: The National Transportation Safety Board recommended five to six years ago that some kind of terrain warning system be devised. It took a good two years to get the manufacturers to build and develop such a system to the point that it indicated promise. Meanwhile, by February 1972, in compliance with a rule put out earlier by the FAA, every jet airliner in this country had already had installed on its instrument panel an altitude alerting system which when set at an altitude, any altitude, alerts the pilot by way of a buzzer and a light when the plane is 1,000 feet from that altitude.

The pilot receives an additional warning when the plane is 700 feet from the set altitude, and still a third warning when the plane is 300 feet from the altitude. It's really much like an alarm clock with three alarms—one at 10 minutes, one at 7 minutes and one at 3 minutes before "rising time" . . . but requiring a proper manual setting beforehand. This instrument has been installed in all jet airliners for three years. It was made mandatory to compensate for those rare instances of pilot laxity or inattention to normal flight procedure. So the search for something extra, a bonus device, was important, but it was by no means as urgent as some would have had us believe. In my view, the FAA probably should have been doing more to preclude those rare instances of pilot laxity by getting to the root of the problem—that is by working closer with the airlines to upgrade pilot proficiency. I say that because while the addition of another indicator may indeed be helpful, there is a limit to how many lights and buttons and dials can be crammed into an airplane's instrument panel to monitor flight crew technique and procedure. Moreover, the FAA, as a regulator, has a responsibility to be absolutely sure before promulgating a rule. We cannot be imposing junk items, gadgets of poor quality, on aircraft owners and operators. We have to insure that no devices are made mandatory without their meeting specific reliability standards. And in our considered judgment the ground proximity warning indicator did not come up to those standards until this past summer. Incidentally, the Boeing Company, also experimenting with the warning system, agreed with our assessment. Since then of course, I've signed a rule requiring installation of this now worthy instrument in all jet airliners by December 1, 1975.

EXAMPLE D

This concerns a two-segment approach to airports. The ABC documentary left the impression that the FAA is allowing "experimentation" with passenger-carrying aircraft, that unsuspecting passengers are like so many guinea pigs in live experiments; yet nothing could be further from the truth. The facts are these: the two-segment approach is an approach to an airport runway in two segments of slightly different angles—a six degree or moderately steep descent during the first part of the plane's approach, then, during the final three to four miles before landing, a flatter three degree descent. The purpose is to provide some aircraft engine noise relief to those on the ground who live and work under the flight paths of landing airplanes. The outer six degree segment puts the planes at a greater height above the ground. The documentary did not make clear that long before any planes made two-segment approaches with passengers aboard, 1,514 such approaches were made by 114 highly experienced airline and FAA pilots. That was the "experimental" phase. And only after every single one of those safe and operational or "in-service" evaluation phase was begun by three airlines; and the approaches are flown in clear weather only.

The point I want to emphasize is that it is an evaluation of noise levels on the ground and such things as flight profiles. The experimental phase has long since been completed.

EXAMPLE E

I should certainly mention the air transportation of hazardous materials. Admittedly this is an important issue and I want you to know that we are and have been concerned about it from the outset of my tenure as administrator. But I think I should make one point to allay some of the apprehension: Since 1946, the first year that our airliners carried what are known as hazardous materials—and even hair sprays fall into that rather terrifying sounding category—there has not been one single passenger fatality or injury due to such carriage. Of course this doesn't mean that there is no possibility of an accident; thus many positive actions have been and are being taken to render the chances increasingly unlikely.

EXAMPLE F

The FAA has been criticized for not adopting all of the safety recommendations sent to it over the years by the National Transportation Safety Board. I would point out here that the National Transportation Safety Board is a five-member board, no member of which is required to have any safety, or investigative, or aviation, or rail, or shipping or any other particular expertise. The Board serves in a strictly advisory capacity, and it investigates all major accidents—not just aviation accidents. Most of us think it is right and proper to have a non-specialty group, as it were, looking into aviation accidents and making recommendations, for oftentimes those in special fields cannot see things as clearly as those who are not. So the relationship is a good one: advisor to expert, or advisor to decision-maker. Thus, it is quite natural that 100% of the Board's recommendations have not been adopted. Think for a minute how we would inhibit the Board's work if we were to suddenly start converting all of its recommendations to rules. Then they would be the rulemakers and, of course, they want no part of that role or that responsibility. So, once again, things are fine as they are. We get along well and over the years we have adopted most of the Board's recommendations—about 60%. Another 20% are adopted in part, or handled in some mutually satisfactory way, while only 19% are rejected out of hand.

I want to jump now to a different subject, but one that continues to give a sense of perspective. I want to describe in a word or two some of the things the FAA is doing to promote and further enhance aviation safety.

One: We are revising many old Federal air regulations. One of these revisions requires general aviation pilots (pilots other than those rated to fly air transports) to undergo a proficiency flight review at least once every two years. Prior to this change a pilot never had to account for himself in terms of flying proficiency.

It's hard to believe, isn't it? But it's true. This rule, made effective back in November of last year, will pay big and almost immediate air safety dividends.

Two: We've started a program called Operation Ground Assist. Twice a year, for two week periods, FAA flight inspectors leave the 85 general aviation district offices we have scattered fairly evenly around the country and cover in droves the Nation's public airports to offer suggestions and assistance. Our people don't take their pencils with them so minor violations are not written up or prosecuted. Our objective is to talk candidly, to offer expert advice—then to ask the individuals or groups confronted how the FAA might better serve them and their particular aviation constituencies. The program has proven more than beneficial already and will be continued.

Three: In 1973 we started an annual series of 10 half-day meetings with specific aviation elements. They are called "listening sessions." The purpose is to have FAA's top staff (and I chair these conferences personally) sit and listen to safety and other suggestions by the ten major segments of the aviation community. The first listening session was with a cross-section of airline pilots. It was held in Washington. We had another with air taxi operators, another with helicopter pilots, another with industrial aviation experts (such as those involved in agricultural spraying), another in Florida with flight school supervisors, another at Hales Corners, Wisconsin, with sport aviation enthusiasts, and still another with airline flight attendants here in San Francisco. I think you can imagine how beneficial this program is proving. And needless to say, participants are more than grateful for the opportunity to represent colleagues and be heard.

Four: Last year we began placing far more emphasis on survivability. That may sound strange to you but it is a fact I think that we had been a bit remiss by not concentrating enough on considerations such as cabin safety, crashworthiness standards; emergency evacuation assurances; and flammability, smoke and toxicity problems. Because evidence suggests that many survivors of plane crashes die needlessly or are unnecessarily injured in the aftermath, we are off and running now on a strong new program to insure that as many passengers survive crash landings and other kinds of plane accidents as possible . . . and that all who survive get out and away quickly and without further injury.

Five: We didn't use to certificate airports. Now we do—for adequate runway length and width, for appropriate fire-fighting and rescue equipment, and other such requirements. By mid-1973, we had completed the certificating process of the Nation's 500 busiest airports.

Six: This one is very important. Aviation discrepancies can be remedied in two principal ways—either by the issuance by the FAA of an airworthiness directive, which carries the force of law, or by service bulletins from the manufacturers, suggesting or urging compliance, but not requiring it. In the spring of last year I signed a rule which required the remedying of all safety-related discrepancies by airworthiness directive. In other words, the correction of known safety-related discrepancies is now mandatory . . . and nothing is being left to chance.

Seven: At the end of this past calendar year the FAA achieved its goal of automation in the air traffic control system. That means that pertinent flight data which used to be passed orally from controllers in one sector to controllers in another sector, and from region to region, are now computerized and relayed electronically. It means, too, that radar information—such as an airplane's position, speed and altitude—are processed through the computers and displayed meaningfully in easily readable form on the controllers' consoles. This recently achieved level of automation has significantly reduced the hazards inherent in a manual system.

Eight: The last action I'll mention here is no doubt the one which will have the greatest impact on safety in the years to come. It was a move to update all of our voluminous airworthiness regulations after nearly 15 years of watching aircraft design and manufacturing technology move dramatically ahead. And what were we doing all this time? We were being forced to issue exemptions, waivers, and "special conditions." We were actually "ad hocing" ourselves almost out of the business. So we decided in October of 1973 to put on the brakes and take the time—a two-year period (starting officially in January of 1974)—to bring all FAA airworthiness regulations up to the current state of the art. Now, a little over half-way through that two-year updating process, we've begun the same kind of thorough review and updating of the other major category of Federal air regulations—flight rules. After these initial two-year periods, we will be updating both the airworthiness regulations and the flight regulations biennially—one category one year, the other category the next. What I'm saying is that in the fall of 1973 we saw the error of our ways and vowed never again to get behind and risk the consequences of a level of safety inconsistent with our responsibility to the public.

These eight programs I've mentioned are only a sampling of FAA business. Together, they represent the kind of activity we plan, develop, and implement on a day-to-day basis.

As a final word in behalf of aviation progress, I'm going to ask you to consider, and remember, just a few statistics and recent entries from the air safety record book:

Over the past five years, U.S. airlines have made well over 25 million passenger carrying flights—99.9999% of them safely. Robert Serling, renowned aviation safety expert and former aviation editor, United Press International, has verified this in writing. As he said in his article, "Somebody must be doing something right."

The most complex airliners ever built—the Boeing 747, the Lockheed L–1011 and the McDonnell-Douglas DC–10—have achieved by far the best safety performances of any new-type transport planes in the history of aviation. Mr. Serling mentioned this in his writings, also, and went on to give due credit to our government/industry airworthiness certification process.

The U.S. Air Traffic Control System is the safest and most operationally efficient in existence. It is the world standard.

In 1973 general aviation components (business, industrial, sport, leisure time, and air taxi) had their lowest accident rate in 17 years.

In 1973 U.S. air carriers had their safest year in terms of total accidents in a quarter of a century.

In 1974 that proud, ever-enthusiastic general aviation group surpassed the '73 record and achieved its lowest accident rate in 18 years.

1974 represented our fifth consecutive year without a mid-air collision of a U.S. airliner in a terminal control area (a specifically defined positive control area around a busy airport).

1974 represented the second consecutive year we have gone without a mid-air collision of a U.S. airliner anywhere. Never before in the history of jet air carrier service has this happened. As of today, we have gone two years and nine months without such a tragedy.

The average number of hijackings of U.S. air carriers during the years 1969 through 1972 was 29. Yet since 1972 we have had none.

In closing, ladies and gentlemen, I want to say that while people like to joke about flying fears and the "White-Knuckle Brigade," I can understand that to many it just isn't funny. It is even less amusing when this kind of anxiety is fueled by irresponsible writers and programmers with doubts about the competence of pilots, the safety of aircraft, and the diligence of those who regulate air safety.

Let me assure you, however, that where air traffic control, design and manufacture of aircraft, airport engineering, and pilot professionalism are concerned, it is common knowledge throughout the world of aviation that this country—these United States—leads all others. I don't tell you that because I think it sounds good; I say it because it's factual. I've been close for years to aviation officials of other nations and I know.

Although we can never fully solve the problems caused by human error, we are applying every day of our lives experience, know-how, and judgments—actually every ounce of energy we can muster—to minimize human error occurrences. There is direction and purpose at the FAA; and with a great and wonderful spirit our men and women are displaying a noticeable conscientiousness with regard to the mission. Though we are a proud organization—very proud, indeed—we welcome criticism and strive openly to do better. It bears repeating that we do not care whether we in government win or lose a fight or a battle or an issue so long as you are better served. In short, we are and shall remain public service oriented.

I think that in this connection an important step taken during my stewardship was the creation for the first time at the FAA of a high level safety standards staff. It is my hope that this staff will be able eventually to consolidate rulemaking functions, cut through the almost unbelievable red tape and improve Federal responsiveness to the public need. As administrator, I have pressed relentlessly and from the outset for innovation in the safety area, for long overdue, not always popular, but certainly remedial changes which I know would result in increased safety and security for our air travelers. I feel certain that my successor, whoever he or she might be, will do the same, for that person will know, as I have known, the terrible responsibility for human life which devolves upon the single individual who holds this post.

I don't mean to dramatize. What I say is true.

Perhaps some day, the FAA Administrator, the Federal Regulator for Safety, will serve for a fixed term rather than at the pleasure of the President. I frankly believe that because of the statutory requirement that the incumbent must have had "experience in a field directly related to aviation", and because of the congressional intent that he or she be the final authority where air safety is concerned, the "fixed term" system would better serve U.S. civil aviation and the public welfare.

But meanwhile, I can say without reservation that whoever succeeds me will have the privilege of working with and for a man of considerable competence and stature—A man of total commitment to the task at hand: the new Secretary of Transportation—the Honorable William T. Coleman, Jr.

I look for better days to come; I really do. I feel in my bones that FAA's recently gained momentum in the areas of accident prevention and survivability will make this the safest flying year in our history. And as I said in my March 24 letter to President Ford, I'll be watching with undiminished interest and enthusiasm.

Thank you so much for honoring the FAA by having me here. It has been a genuine pleasure and privilege being with you and meeting so many nice people I had not met previously.

AMPOWER AND PUBLIC LANDS

(Mr. HARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARRIS. Mr. Speaker, the growing debate over oil development on public lands, including the Outer Continental Shelf and the naval petroleum reserves, illustrates one of the best arguments for the creation of a Federal oil and gas corporation.

I am a cosponsor of Mr. McFALL's bill to create AMPOWER, and I believe such an entity can help insure that the public's oil and gas is developed in the public interest. It can also provide a yardstick against which to measure oil company costs and profits, and will serve as an additional, competing force in the critical oil market.

We literally cannot afford to indiscriminately lease—as President Ford has proposed—millions of acres of offshore reserves or naval reserves without knowledge of the value and exact location of our best reserves, and without specific plans to promote oil company competition. The creation of a quasi-public corporation such as AMPOWER can and should perform these functions on public lands.

The House Committee on Science and Technology and the Interior and Insular Affairs Committee have concurrent jurisdiction over this legislation and should make substantial progress on the bill in this session.

In the meantime, I am introducing two pieces of interim legislation which can prepare the way for AMPOWER—the Federal Oil and Gas Management Act, and the Naval Petroleum Production Act of 1975. These measures are the least we can do immediately to protect public lands, and to increase energy production in the public interest.

FEDERAL OIL AND GAS MANAGEMENT ACT

Mr. Speaker, this act has two functions. First, it provides for an alternative to the current mineral leasing procedure on Federal lands; and second, it requires the Secretary of Interior to report back to the Congress in 60 days with his specific recommendations for improving competition in the development of the public's oil and gas.

The specific alternative contemplated by this act is one in which the actual oil reserve is not leased for development. Rather, oil companies are hired to act as service companies, drilling, proving, and producing oil, which would remain the property of the United States.

Those companies, large and small, participating in this program, would be paid a reasonable rate of return for the work performed. The Government would have a number of options for disposing of its oil, which might include sale to small, competitive refiners, or allocation to utilities or regions of the country which are currently dependent on foreign oil.

Current leasing procedures favor the biggest oil companies who can easily afford the relatively modest bonus bids, or up front money. The President has actually proposed leasing 10 million acres of unproved offshore reserves with no knowledge of the specific location or value of our best reserves and without adequate plans to promote competition.

I believe my proposal will allow for the orderly production of much-needed reserves, while protecting the public interest.

DEVELOPMENT OF THE NAVAL PETROLEUM RESERVES

(Mr. HARRIS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARRIS. Mr. Speaker, the Naval Petroleum Production Act of 1975 directs the Secretary of the Navy to go into active production of oil and gas on naval petroleum reserve No. 1 at Elk Hills, for use by the Navy and other service branches. The act also provides authority for the Navy to condemn and acquire a nearby Arco gas pipeline, and to build or acquire other such transportation, pumping, and supporting facilities as shall be necessary to free the naval reserve from dependence on the California commercial pipeline system.

The act also enables the Secretary to condemn and purchase the 20 percent of the reserve area owned by Standard Oil of California.

If this area is simply leased to the major oil companies, or to "mom and pop" independents like Paul Getty, the public will get no appreciable benefit from the reserve, and the Department of Defense will continue purchasing 620,000 barrels of oil per day from commercial sources.

Navy officials have told me that the facility at Elk Hills could currently produce 130,000 barrels per day. Naval production for internal DOD use at Elk Hills would eventually reduce the commercial U.S. demand for oil by 400,000 barrels per day or 40 percent of President Ford's goal of 1 million barrels per day.

The needs for additional independent pipeline capacity are several. First, there is not sufficient capacity now to accommodate an increase in production. Second, a pipeline from Elk Hills to the coast would enable the Navy to transport its oil by ship to any available refinery. Third, just as almost every other oil producer in California, the Navy is utterly dependent on the good will of Standard Oil for access to its pipeline.

This situation is intolerable. Independent pipeline ownership should be a goal of a public-interest oil entity such as AMPOWER eventually, and the Navy currently.

Mr. Speaker, elsewhere in the Record today I have inserted a copy of my letter to the Honorable Peter W. Rodino, chairman of the Judiciary Subcommittee on Monopolies and Commercial Law, calling for oversight hearings on antitrust aspects of public land development. I feel that this bill circumvents the serious antitrust problems surrounding the petroleum reserve at Elk Hills, Calif.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Matsunaga (at the request of Mr. McFall), for today and Wednesday, April 9, on account of official business.

Mr. Byron (at the request of Mr. McFall), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Meyner, for 5 minutes, today.

(The following Members (at the request of Mr. Kasten) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 15 minutes, today.

Mrs. Fenwick, for 5 minutes, today.

Mr. Railsback, for 5 minutes, today.

Mr. Don H. Clausen, for 5 minutes, today.

(The following Members (at the request of Mr. Hightower) to revise and extend their remarks and to include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Fraser, for 5 minutes, today.

Mr. Mezvinsky, for 5 minutes, today.

Mrs. Sullivan, for 5 minutes, today.

Mr. Harris, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

Mr. Jenrette, for 5 minutes, today.

Mr. Koch, for 5 minutes, today.

Mr. Danielson, for 5 minutes, today.

Ms. Abzug, for 25 minutes, today.

Mr. Wirth, for 5 minutes, today.

Mr. Rooney, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates, and to revise and extend his remarks.

Mr. Michel, to extend his remarks in three instances in the Extension of Remarks today.

Mr. Milford, in the body of the Record, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $764.50.

Mr. Harris in two instances.

(The following Members (at the request of Mr. Kasten), and to include extraneous material:)

Mr. Ashbrook in three instances.

Mr. Young of Florida in five instances.

Mr. Archer.

Mr. Madigan.

Mr. Derwinski in two instances.

Mr. Steiger of Arizona in two instances.

Mr. Goodling in two instances.

Mr. Crane in two instances.

Mr. Findley.

Mr. Michel.

Mr. Horton in two instances.

Mr. Ketchum in two instances.

Mr. Brown of Ohio in five instances.

Mr. Peyser.

Mr. Martin.

Mr. Symms in two instances.

Mr. Forsythe.

Mr. McCloskey.

Mr. Don H. Clausen.

Mr. Sebelius in two instances.

Mr. Moore.

Mr. Gilman in two instances.

Mr. Conlan in five instances.

Mr. Lagomarsino.

Mr. Myers of Pennsylvania.

Mr. Andrews of North Dakota.

(The following Members (at the request of Mr. Hightower) and to include extraneous material:)

Mr. Nowak.

Mr. Fraser in three instances.

Mr. Eilberg in five instances.

Mr. Richmond.

Mr. Moorhead of Pennsylvania.

Mr. Stuckey.

Mr. Anderson of California in three instances.

Mr. Gonzalez in three instances.

Mr. Dodd.

Mr. Waxman in two instances.

Mr. Carr in two instances.

Mr. Ullman in five instances.

Mr. Aspin in 10 instances.

Mr. Lloyd of California in two instances.

Mr. Ryan.

Mrs. Mink.

Mr. Karth.

Mr. Zeferetti.

Mr. O'Hara.

Mr. de la Garza in 10 instances.

Mr. McCormack.

Mr. Downey.

Mr. Drinan.

Mr. Dominick V. Daniels in two instances.

Mr. Rangel.

Mr. Evans of Indiana in two instances.

Ms. Abzug in two instances.

Mr. Risenhoover in two instances.

Mr. Long of Maryland in 10 instances.

Mr. Weaver.

Mr. Koch.

Mr. Lehman in 11 instances.

Mr. Hungate in two instances.

Mr. Rees.

Mr. Mikva.

Mr. McDonald of Georgia in five instances.

Mr. Addabbo.

Mr. Jones of Tennessee.

Mr. Ford of Michigan.

Mr. Danielson in five instances.

Mr. Hubbard.

Mrs. Spellman.

Mr. Baldus.

Mr. Moakley in two instances.

Mr. Russo.

Mr. Bedell.

Mr. Corman in five instances.

Mr. Rooney.

Mr. Mineta.

Mr. Won Pat.

Mr. Reuss in five instances.

Mr. Brown of California in five instances.

Mr. Dingell in two instances.

Mr. Wolff.

ADJOURNMENT

Mr. HIGHTOWER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 9, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

750. A letter from the President of the United States, transmitting an amendment to the request for supplemental appropriations for fiscal year 1975 transmitted in the budget for fiscal year 1976 for the Department of Health, Education, and Welfare (H. Doc. No. 94–97); to the Committee on Appropriations and ordered to be printed.

751. A letter from the President of the United States, transmitting an amendment to the request for contract authority transmitted in the budget for fiscal year 1976 for the Department of Housing and Urban Development (H. Doc. No. 94–98); to the Committee on Appropriations and ordered to be printed.

752. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to consolidate existing authorities under the Vocational Education Act of 1963 in order to create a more efficient mechanism for Federal assistance to States for vocational education; to the Committee on Education and Labor.

753. A letter from the Comptroller, Defense Security Assistance Agency, transmitting a quarterly report on foreign military sales letters of offer, pursuant to section 36(a)(1) and (2) of the Foreign Military Sales Act, as amended [22 U.S.C. 2776(a)]; to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee on Education and Labor. H.R. 46. A bill to provide for the development and implementation of programs for youth camp safety (Rept. No. 94–97, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. SARBANES: Committee on the Judiciary. H.R. 1387. A bill for the relief of Raul Alvarez Rodriguez (Rept. No. 94–126). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1388. A bill for the relief of Guadalupe Villegas-Cantu (Rept. No. 94–127). Referred to the Committee of the Whole House.

Mr. SARBANES: Committee on the Judiciary. H.R. 1393. A bill for the relief of Jacinta Roque Gonzalez Lopez; with amendment (Rept. No. 94–128). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 1408. A bill for the relief of Joseph Hoffman (Rept. No. 94–129). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 1510. A bill for the relief of Steve P. Reese (Rept. No. 94–130). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1553. A bill for the relief of Victor Henrique Carlos Gibson (Rept. No. 94–131). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 1556. A bill for the relief of Hendrika Koenders Lyne (Rept. No. 94–132). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 1757. A bill for the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng; with amendmend (Rept. No. 94–133). Referred to the Committee of the Whole House.

Mr. RUSSO: Committee on the Judiciary. H.R. 2119. A bill for the relief of Maria Gilda Jiminez-Alcala; with amendment (Rept. No. 94–134). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 5670. A bill to provide for the review of petroleum import supply contracts and to provide for authority for the Government to enter into foreign supply contracts for petroleum; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ANDERSON of California (for himself, Ms. Chisholm, Ms. Burke of California, and Mr. Moakley):

H.R. 5671. A bill to establish the Cabinet Committee for Asian American Affairs, and for other purposes; to the Committee on Government Operations.

By Mr. ANDERSON of California (for himself, Mr. Hechler of West Virginia, Mr. Krebs, Mr. Charles H. Wilson of California, Mr. Symington, Mr. Lent, Mr. Peyser, Mr. Won Pat, Mr. Murphy of New York, Mr. Robinson, Mr. Eshleman, Mr. Fithian, Mr. Hinshaw, Mr. Charles Wilson of Texas, Mr. Studds, Mr. Harkin, Mr. Hawkins, and Mr. Coughlin):

H.R. 5672. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

By Mr. BAUMAN:

H.R. 5673. A bill to reestablish November 11 as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD:

H.R. 5674. A bill to amend the Social Security Act to provide that an alien must have resided in the United States continuously for at least 36 months in order to qualify for aid to families with dependent children, supplemental security income benefits, medicaid benefits, or aid or assistance under any other Federal or federally financed welfare program; to the Committee on Ways and Means.

By Mr. JOHN L. BURTON:

H.R. 5675. A bill to amend the Small Business Act to include small business establishments primarily engaged in the production of cow's milk for purposes of obtaining loans to assist them in meeting the requirements established under the Federal Water Pollution Control Act; to the Committee on Small Business.

H.R. 5676. A bill to prohibit the importation of pate de foie gras made from the livers of ducks or geese which have been force-fed by mechanical means; to the Committee on Ways and Means.

By Mr. COHEN:

H.R. 5677. A bill to amend section 501(c)(5) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. DICKINSON (for himself and Mr. Kelly):

H.R. 5678. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. DOWNEY (by request):

H.R. 5679. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services; to the Committee on Armed Services.

By Mr. DUNCAN of Tennessee:

H.R. 5680. A bill to amend the State and Local Fiscal Assistance Act of 1972 to provide that in applying the formula for computing a local government's revenue sharing funds the amount of such government's taxes which are allocable to the expenses of education shall not be excluded in determining such government's tax effort factor; to the Committee on Government Operations.

By Mr. DUNCAN of Oregon (for himself and Mr. AuCoin):

H.R. 5681. A bill to amend the Fair Labor Standards Act of 1938 with respect to certain agricultural hand harvest laborers; to the Committee on Education and Labor.

By Mr. EDGAR:

H.R. 5682. A bill to provide for certain additions to the Tinicum National Environmental Center; to the Committee on Merchant Marine and Fisheries.

By Ms. FENWICK:

H.R. 5683. A bill to authorize the disposal of asbestos chrysotile from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. FISH (for himself, Mr. Badillo, Mr. Bauman, Mr. Blanchard, Mrs. Boggs, Mr. Brown of Michigan, Mr. Butler, Mrs. Chisholm, Mr. Cohen, Mr. Coughlin, Mr. Downey, Mr. Esch, Mrs. Fenwick, Mr. Gilman, Mr. Gude, Mr. Hanley, Mr. Hannaford, Mr. Hicks, Mr. Jeffords, Mr. Kelly, Mr. Kemp, Mr. Krueger, Mr. LaFalce, and Mr. Lagomarsino):

H.R. 5684. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. FISH (for himself, Mr. Lent, Mr. McHugh, Mr. McKay, Mr. Mazzoli, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Mitchell of New York, Mr. Murphy of New York, Mr. Pattison of New York, Mr. Peyser, Mr. Rinaldo, Mr. Rousselot, Mr. Sarasin, Mr. Seiberling, Mr. Solarz, Mrs. Spellman, Mr. Tsongas, Mr. Walsh, Mr. Charles H. Wilson of California, Mr. Charles Wilson of Texas, Mr. Won Pat, and Mr. Zeferetti):

H.R. 5685. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. FREY (for himself and Mr. Kelly):

H.R. 5686. A bill lto amend title 38 of the United States Code in order to provide service pension to certain veterans of World War I and pension to the widows of such veterans; to the Committee on Veterans' Affairs.

By Mr. GUDE:

H.R. 5687. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 5688. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HAMMERSCHMIDT:

H.R. 5689. A bill to amend the Communications Act of 1934 in order to prohibit the television broadcasting of programs portraying nudity, obscenity, or explicit sexual activity which is offensive to the public taste and morals; to the Committee on Interstate and Foreign Commerce.

H.R. 5690. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. HARRIS:

H.R. 5691. A bill to require the Secretary of the Navy to immediately extract petroleum from Naval Petroleum Reserve numbered 1 for national defense needs, and for other purposes; to the Committee on Armed Services.

By Mr. HAYS of Ohio:

H.R. 5692. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on International Relations.

By Mr. HELSTOSKI:

H.R. 5693. A bill relating to collective-bargaining representation of postal employees; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself, Mr. McFall, and Mr. Santini):

H.R. 5694. A bill granting the consent and approval of Congress to the California-Nevada Interstate Compact; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of Colorado:

H.R. 5695. A bill to establish improved programs for the benefit of producers and consumers of rice; to the Committee on Agriculture.

By Mr. KOCH:

H.R. 5696. A bill to amend the Internal Revenue Code of 1954 to provide that the 4 percent excise tax on the net investment income of a private foundation shall not apply to a private foundation organized and operated exclusively as a library, museum, or similar educational institution; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. Beard of Rhode Island, Mr. Buchanan, Mr. Hinshaw, Mr. Jacobs, Mr. Ryan, Mr. Bob Wilson, and Mr. Young of Florida):

H.R. 5697. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mrs. LLOYD of Tennessee (for herself, Mr. Quillen, Mr. Duncan of Tennessee, Mr. Evins of Tennessee, Mr. Fulton, Mr. Beard of Tennessee, Mr. Jones of Tennessee, and Mr. Ford of Tennessee):

H.R. 5698. A bill to amend the Atomic Energy Community Act of 1955 to authorize the Administrator of the Energy Research and Development Administration to make assistance payments to Anderson County and Roane County, Tennessee; to the Joint Committee on Atomic Energy.

By Mr. McFALL (for himself, Mr. Bergland, Mr. Dodd, Mr. Downey, and Mr. Drinan):

H.R. 5699. A bill to establish an independent board which shall have the authority to require prenotification of price increases, delay proposed price increases, disapprove proposed price increases, and roll back excessive prices with respect to companies in concentrated industries, in order to reduce inflation in the United States; to the Committee on Banking, Currency and Housing.

By Mr. MACDONALD of Massachusetts:

H.R. 5700. A bill to amend the Internal Revenue Code of 1954 to provide a repayment for part of the Federal excise tax paid on gasoline and special fuels used in taxicabs; to the Committee on Ways and Means.

By Mr. MARTIN:

H.R. 5701. A bill to amend the Internal Revenue Code of 1954 to raise the estate tax exemption from $60,000 to $100,000; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland (for himself, Mr. Hicks, Mr. Roybal, Mr. Conyers, Mr. Jenrette, Mr. Diggs, Mr. Harrington, Mr. Roe, Mr. Won Pat, Mr. Eilberg, Mr. Murphy of New York, Mr. Metcalfe, Mr. Dellums, Mr. Ryan, Mr. Nix, Ms. Abzug, Ms. Spellman, and Mr. Solarz):

H.R. 5702. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for educational programs designed to meet the educational needs of certain children of preschool age; to the Committee on Education and Labor.

By Mr. MITCHELL of Maryland (for himself, Mr. Badillo, Ms. Burke of California, Mr. Rangel, Mr. Moakley, Mr. Stokes, Mr. Hannaford, Mr. Richmond, and Mr. Hawkins):

H.R. 5703. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for educational programs designed to meet the educational needs of certain children of preschool age; to the Committee on Education and Labor.

By Mr. PEYSER (for himself, Mr. Abdnor, Mr. Carr, Mr. Downey, Mr. Gude, Mr. Hechler of West Virginia, Mr. Long of Maryland, and Mr. Rosenthal):

H.R. 5704. A bill to restrict changes in the standards for slaughter cattle and carcass beef; to the Committee on Agiculture.

By Mr. RAILSBACK (for himself and Mr. Johnson of Colorado):

H.R. 5705. A bill to amend the Internal Revenue Code of 1954 to raise the estate tax exemption from $60,000 to $185,000; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Esch, Mr. Blanchard, Mrs. Boggs, Mr. Carney, Mr. Cotter, Mr. Coughlin, Mr. Duncan of Tennessee, Mr. Fascell, Mr. Fraser, Mr. Gilman, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Hinshaw, Mr. Pattison of New York, Mr. Pepper, Mr. Richmond, Mr. Rooney, Mr. Ruppe, and Mr. Stark):

H.R. 5706. A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment; jointly to the Committees on Interstate and Foreign Commerce and Science and Technology.

By Mr. ROYBAL:

H.R. 5707. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mrs. SULLIVAN:

H.R. 5708. A bill to provide for the striking of medals in commemoration of the Bicentennials of the U.S. Army, the U.S. Navy and the U.S. Marine Corps; to the Committee on Banking, Currency and Housing.

By Mrs. SULLIVAN (for herself, Mr. Ruppe, Mr. Leggett, and Mr. Forsythe):

H.R. 5709. A bill to extend until September 30, 1977, the provisions of the Offensive Shrimp Fisheries Act of 1973 relating to the shrimp fishing agreement between the United States and Brazil; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. Murphy of New York, Mr. Leggett, and Mr. Forsythe):

H.R. 5710. A bill to authorize appropriations for fiscal year 1976 for the purpose of carrying out titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. SYMMS:

H.R. 5711. A bill to repeal the withdrawal of consent to sue the United States in a proceeding involving gold, silver, currency of the United States, including claims arising out of any surrender, seizure, or acquisition of any such gold, silver, or currency; to the Committee on Banking, Currency and Housing.

By Mr. SYMMS (for himself, Mr. Robinson, Mr. Lott, Mr. Rousselot, Mr. Ketchum, Mr. Chappell, Mr. Milford, Mr. Collins of Texas, Mr. Charles Wilson of Texas, Mr. Grassley, Mr. Snyder, Mr. Hastings, Mr. Fontain, Mr. Pressler, Mr. McCollister, Mr. Beard of Tennessee, Mr. Don H. Clausen, Mr. Weaver, Mr. Vander Jagt, Mr. Waggonner, and Mr. Ichord):

H.R. 5712. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manuufacture of firearms or ammunition; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself and Mr. Gilman):

H.R. 5713. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the interest on deposits in certain savings institutions; to the Committee on Ways and Means.

By Mr. WON PAT (for himself, Mr. Phillip Burton, Mr. Bingham, Mr. Howe, Mr. de Lugo, Mr. Johnson of California, Mr. Melcher, Mr. Stephens, Mr. Seiberling, and Mr. Meeds):

H.R. 5714. A bill to amend the Organic Act of Guam to provide for a certain procedure for the settlement of claims arising out of the acquisition of property in Guam by the

United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. ABZUG:

H.R. 5715. A bill to provide $200 million in emergency humanitarian assistance for South Vietnam and Cambodia, to supplement that already authorized and appropriated by Congress for fiscal year 1975; to the Committee on International Relations.

By Mr. COTTER:

H.R. 5716. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 5717. A bill to provide humanitarian assistance to refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia; to the Committee on International Relations.

By Mr. du Pont (for himself, Mrs. Burke of California, Mr. Melcher, Mr. Moorhead of Pennsylvania, Mr. Talcott, Mr. Stokes, Mr. Ford of Tennessee, Mr. Hawkins, Mr. Dodd, Mr. McKinney, Mr. Hannaford and Mr. Carr):

H.R. 5718. A bill to insure that each admission to the service academies shall be made without regard to a candidate's sex, race, color, or religious beliefs; to the Committee on Armed Services.

By Mr. du PONT (for himself, Mr. Horton, Mr. Brown of California, Mrs. Schroeder, Mr. Ottinger, Mr. Esch, Ms. Abzug, Mrs. Spellman, Mr. Stark, Mr. Solarz, Mr. Pritchard, Mr. Pattison of New York, Mr. Carr, Mr. Duncan of Oregon, Mr. Harrington, Mr. Litton, Mr. Cleveland, Mr. Tsongas, Mr. Conyers, Mr. Martin of North Carolina, Mr. Charles H. Wilson of California, Mr. Frenzel, Mr. Treen, Mr. McCormack, and Mr. Bell):

H.R. 5719. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. du PONT (for himself, Mr. Moss, Mr. Waxman, Mr. Charles Wilson of Texas, Mr. Richmond, Mr. Fraser, and Ms. Holtzman):

H.R. 5720. A bill to promote public health and welfare by expanding and improving the family planning services and population sciences research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENZEL:

H.R. 5721. A bill to amend the Federal Election Campaign Act of 1971 to establish a program of Federal financial assistance to encourage and asssist the State and local governments in voter registration and election administration, and for other purposes; to the Committee on House Administration.

H.R. 5722. A bill to declare a national policy of converting to the metric system in the United States, and to establish a National Metric Conversion Board to coordinate the voluntary conversion to the metric system over a period of 10 years; to the committee on Science and Technology.

By Mr. HAMMERSCHMIDT:

H.R. 5723. A bill to modify the White River Basin plan to provide for a fish hatchery at Beaver Reservoir, Arkansas; to the Committee on Public Works and Transportation.

By Mr. JONES of Alabama (for himself, Mr. Roe, Mrs. Spellman, Mr. Fascell, Mr. Hawkins, Mr. Ryan, Mr. Corman, Mr. Mazzoli, Mr. Moss, Mr. Beard of Rhode Island, Mr. Harrington, Mr. O'Hara, Mr. AuCoin, Mr. Ford of Michigan, Mr. Edwards of California, Mr. Bergland, Mr. St Germain, Mr. Danielson, Mr. Ford of Tennessee, Mr. Lehman, Mr. Leggett, and Mr. Brown of California):

H.R. 5724. A bill to authorize a local public works capital development and investment program; to the Committee on Public Works and Transportation.

By Mr. KARTH (for himself, Mr. Blanchard, Mr. Florio, and Mr. Charles Wilson of Texas):

H.R. 5725. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Public Works and Transportation.

By Mr. KASTENMEIER (for himself, Ms. Abzug, Mr. Aspin, Mr. Biester, Mr. Coughlin, Mr. Diggs, Mr. Eckhardt, Mr. Gude, Mr. Harrington, Mr. Helstoski, Mr. Koch, Mr. Metcalfe, Mr. Mikva, Mr. Murphy of New York, Mr. Pepper, Mr. Rangel, Mr. Rosenthal, and Mr. Stokes):

H.R. 5726. A bill to establish an independent and regionalized U.S. Parole Commission, to provide fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. Rodino, Mr. Railsback, Mr. Danielson, Mr. Drinan, Mr. Badillo, Mr. Pattison of New York, Mr. Wiggins, Mr. Edwards of California, Mr. Conyers, Mr. Eilberg, Mr. Seiberling, Ms. Holtzman, Mr. Mezvinsky, and Mr. Cohen):

H.R. 5727. A bill to establish an independent and regionalized U.S. Parole Commission, to provide fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. LITTON (for himself, Mr. Brown of California, Mr. Davis, Mr. Florio, Mr. Roe, Mr. Won Pat, Mr. Rees, Mr. Harrington, Ms. Holtzman, Ms. Abzug, Mrs. Spellman, Mr. Runnels, and Mr. Mann):

H.R. 5728. A bill to establish an Agency of Economic and Natural Resources Planning in the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. LITTON (for himself, Mr. Dominick V. Daniels, Mr. Hayes, of Indiana, Mr. D'Amours, Mr. Adams, Mr. Ford of Michigan, Mr. Hannaford, Mr. Matsunaga, and Mr. Fisher):

H.R. 5729. A bill to provide for protection of franchised dealers in petroleum products; to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY (for himself and Mr. Burke of Massachusetts):

H.R. 5730. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mrs. MEYNER:

H.R. 5731. A bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for the fiscal year 1975; to the Committee on International Relations.

By Mr. MEZVINSKY:

H.R. 5732. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. MILLER of Ohio:

H.R. 5733. A bill to limit the use of limousines; to the Committee on Government Operations.

H.R. 5734. A bill to make the use of a firearm to commit certain felonies a Federal crime where that use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH (for himself and Mr. Thompson):

H.R. 5735. A bill to establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service; to the Committee on House Administration.

By Mr. MYERS of Pennsylvania (for himself, Mr. Gude, Mr. Hicks, Mr. Pattison of New York, Mr. Stark, and Mr. Won Pat):

H.R. 5736. A bill to amend the investment credit provisions of the Internal Revenue Code of 1954 to provide an incentive for the production of passenger automobiles with fuel consumption rates of 20 miles per gallon or more; to the Committee on Ways and Means.

By Mr. NATCHER:

H.R. 5737. A bill to authorize a local public works capital development and investment program; to the Committee on Public Works and Transportation.

By Mr. OTTINGER (for himself, Mr. Nedzi, Mr. McDade, Mr. Roybal, Mr. Rodino, Mr. Hawkins, Mr. Rees, Mr. Moss, Mr. Moakley, Mr. Harkin, and Mr. Tsongas):

H.R. 5738. A bill to prohibit the production and procurement by any agency of the United States of any delivery system designed to disseminate any binary-type chemical warfare agent; to the Committee on Armed Servcies.

By Mr. PEYSER (for himself and Mr. Koch):

H.R. 5739. A bill to restrict changes in the standards for slaughter cattle and carcass beef; to the Committee on Agriculture.

By Mr. ROGERS (by request):

H.R. 5740. A bill to retain November 11 as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida (for himself, Mr. Ottinger, Mr. Mitchell of New York, Mr. Bafalis, Mr. Bennett, Mr. Roe, Mr. Whitehurst, Mr. Fuqua, Mr. Coughlin, Mr. Downey, Mr. St Germain, Mr. Sikes, Mr. Gude, Mr. Gibbons, and Mr. Fascell):

H.R. 5741. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for the equalization of residual fuel oil prices charged to public, private, and investor-owned utilities and other persons using such oil; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD of Rhode Island (for himself, Mr. Conyers, Mr. Hechler of West Virginia, Mr. Zeferetti, Mr. du Pont, Mr. Duncan of Tennessee, Mr. Charles H. Wilson of California, Mr. Patten, Mr. Thompson, Mr. St Germain, Mr. Ottinger, Mr. Sarbanes, Mr. John L. Burton, Mr. Roe, Mr. Won Pat, Mr. Murphy of New York, Mr. Metcalfe, Mr. Carney, Mr. Mazzoli, Mr. Pattison of New York, Mr. Eilberg, Mr. Harrington, Mr. Pepper, Mr. Solarz, and Mr. Fithian):

H.R. 5742. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits; jointly to the Committees on Ways and Means and Education and Labor.

By Mr. BEARD of Rhode Island (for himself, Mr. Riegle, Mr. Rangel, Ms. Abzug, Mr. Baucus, Mrs. Burke of California, Mr. Pressler, Mr. Dent, Mr. Jeffords, Mr. Waxman, Mr. Harkin, Mr. Dominick V. Daniels, Mr. Downey, Mrs. Spellman, Mr. Harris, Mr. Richmond, Mr. Tsongas, Mr. Rodino, Mr. Hawkins, Mr. Diggs, Mr. Fraser, Mr. Studds, Mr. Cornell, and Mr. Ford of Tennessee):

H.R. 5743. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 per cent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits; jointly to the Committees on Ways and Means and Education and Labor.

By Mr. EVANS of Indiana:

H.R. 5744. A bill to provide employment opportunities for unemployed and underemployed persons and to promote safe and efficient service by rail, and for other purposes; jointly to the Committees on Education and Labor and Interstate and Foreign Commerce.

By Mr. FINDLEY (for himself, Mr. Bingham, and Mr. Hannaford):

H.R. 5745. A bill to terminate age discrimination in employment; to the Committee on Education and Labor.

By Mr. HARRIS:

H.R. 5746. A bill to provide that oil and gas from Federal lands, including the Outer Continental Shelf, shall be produced by private persons under contract with the United States and marketed by the United States, and for other purposes; jointly to the Committees on Interior and Insular Affairs and Rules.

By Mr. HENDERSON (for himself, Mr. Derwinski, Mr. Steed, and Mr. Miller of Ohio) (by request):

H.R. 5747. A bill to clarify existing authority for the employment of personnel and the procurement of services by the President and the Vice President, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KEMP:

H.R. 5748. A bill to amend section 312 of the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Public Works and Transportation.

By Mrs. SPELLMAN:

H.R. 5749. A bill to assist low-income households in purchasing and installing energy conservation improvements; to the Committee on Banking, Currency and Housing.

By Mr. BLANCHARD:

H.J. Res. 376. Joint resolution proposing an amendment to the Constitution of the United States relative to the maintenance of neighborhood public schools; to the Committee on the Judiciary.

By Mr. BLOUIN:

H.J. Res. 377. Joint resolution prohibiting the utilization of any equipment or personnel from any State National Guard in or for Cambodia, Laos, or Vietnam; to the Committee on Armed Services.

By Mr. HELSTOSKI (for himself, Mr. O'Neill, and Mr. Kemp):

H.J. Res. 378. Joint resolution to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H.J. Res. 379. Joint resolution to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man"; to the Committee on Post Office and Civil Service.

By Mr. MYERS of Indiana:

H.J. Res. 380. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. O'HARA (for himself and Mr. Blanchard):

H.J. Res. 381. Joint resolution proposing an amendment to the Constitution of the United States relative to the assignment of public school students; to the Committee on the Judiciary.

By Mr. DINGELL:

H. Con. Res. 204. Concurrent resolution relating to the awarding of the Purple Heart to members of the Armed Forces interred in the Tomb of the Unknowns at Arlington National Cemetery; to the Committee on Armed Services.

By Mr. FLOOD (for himself, Mr. Annunzio, Mr. Buchanan, Mr. Burke of Massachusetts, Mr. Cotter, Mr. Derwinski, Mr. Giaimo, Mr. Gilman, Mr. Koch, Mr. Patten, Mr. Roe, Mr. Stratton, Mr. Vander Veen, Mr. Walsh, and Mr. Zeferetti):

H. Con. Res. 205. Concurrent resolution to seek the resurrection of the Ukranian Orthodox and Catholic Churches in Ukraine; to the Committee on International Relations.

By Mr. HUNGATE (for himself, Mr. Bolling, Mr. Brown of California, Mr. Drinan, Mr. Fascell, Mr. Gilman, Mr. Hawkins, Mr. Howard, Mr. Kastenmeier, Mr. Kemp, Mr. Lent, Mr. Mikva, Mr. Moss, Mr. Pepper, Mr. Rodino, Mr. Roe, Mrs. Sullivan, Mr. Thompson, Mr. Charles H. Wilson of California, and Mr. Eshleman):

H. Con. Res. 206. Concurrent resolution urging review of the United Nations charter; to the Committee on International Relations.

By Mr. LITTON:

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress with respect to International Women's Year; to the Committee on Post Office and Civil Service.

By Mr. LONG of Maryland (for himself, Mr. Jenrette, Mr. Gilman, Mr. Duncan of Oregon, and Mr. Baldus):

H. Con. Res. 208. Concurrent resolution urging the telephone and hearing aid industries to provide full access to telephone communications for hearing aid users; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER (for himself and Mr. Koch):

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress in regard to the United Nations' position on refugees in Indochina; to the Committee on International Relations.

By Mr. LITTON (For himself, Mr. Carr, and Mr. Fithian):

H. Res. 376. Resolution expressing the sense of the House of Representatives concerning the need for immediate and substantial public investments in agricultural research and technology for the express purpose of increasing food production; to the Committee on Agriculture.

By Mr. MINISH:

H. Res. 377. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. Symington, Mr. Sikes, Mr. Yatron, Mr. Thone, Mr. Davis, Mr. Charles Wilson of Texas, Mr. Duncan of Tennessee, Mr. Emery, Mr. Jeffords, Mr. Mathis, Mr. Waxman, Mr. Martin, Mr. Snyder, Mr. Alexander, Mr. Weaver, Mr. Fulton, Mr. Harsha, Mr. Nichols, Mr. Butler, Mr. Del Clawson, Mr. Hagedorn, Mr. Casey, Mr. Esch, and Mr. McDonald of Georgia):

H. Res. 378. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. Stephens, Mr. Roe, Mr. Mitchell of New York, Mr. Talcott, Mr. Downey, Mr. Traxler, Mr. Zablocki, Mr. Rogers, Mr. Hicks, Mr. O'Brien, Mr. Brown of California, Mr. Richmond, Mr. Rinaldo, Mr. Cotter, Mr. Eshleman, Mr. Mikva, Mr. Hechler of West Virginia, Mr. Flood, Mr. Lent, Mr. Wiggins, Mr. Goodling, Mr. McCollister, Mr. Patman, and Mr. Au Coin):

H. Res. 379. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. MONTGOMERY (for himself, Mr. Nowak, Mr. Cleveland, Mr. Burke of Florida, Mr. Pepper, Mr. Abdnor, Mr. Harkin, Mr. Hyde, Mr. Sarasin, Mr. Clay, Ms. Heckler of Massachusetts, Ms. Meyner, Mr. Pressler, Mr. Carr, Mr. Badillo, Mr. Wydler, Mr. Dan Daniel, Mr. Horton, Mr. Lloyd of California, Mr. Neal, Mr. Sharp, Mr. Bergland, Mr. Frey, Mr. Moakley, and Mr. Robinson):

H. Res. 380. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. RINALDO:

H. Res. 381. Resolution in support of continued undiluted U.S. sovereignty and jurisdiction over the U.S.-owned Canal Zone and the Isthmus of Panama; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER:

84. A memorial of the House of Representatives, of the State of Hawaii, relative to the establishment of a national network of youth advisory boards; to the Committee on Education and Labor.

85. Also, a memorial of the Legislature of the State of Nevada, relative to gasoline rationing; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERGLAND:

H.R. 5750. A bill for the relief of Chu Wol Kim; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 5751. A bill for the relief of David J. MacKenzie; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 5752. A bill for the relief of Lucie Stein; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 5753. A bill for the relief of Mrs. Wallace S. Anderson; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 5754. A bill for the relief of Juan Lopez Mejia; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 5755. A bill for the relief of Albert Cheuk-Kei Tsang; to the Committee on the Judiciary.

By Mr. KOCH:

H. Res. 382. Resolution to refer the bill (H.R. 5652) for the relief of Estelle M. Fass to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

77. The SPEAKER presented a petition of Harry L. Peterson, Houston, Tex., and others, relative to legislation affecting oil companies, which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4975

By Mr. MOFFETT:

Page 8, strike out line 25 and all that follows through page 9, line 10.

And redesignate the following sections accordingly.

SENATE—*Tuesday, April 8, 1975*

The Senate met at 10 a.m. and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father-God, may our meditations rise above the noise, the confusion, and the sorrow of our troubled world, to the light of Thy healing presence. Make us to know Thy nearness and Thy wisdom in our work as in our prayer. Create in us inner lives that are clean and true and kind that we may have a part in making a world which is clean and true and kind, a foretaste of the day of Thy kingdom. Brace us for all the readjustments, perils, and sacrifices we must face in a swiftly changing world. Out of the pain and debris of many wrongs may there be distilled a new and fairer homeland, a happier humanity, and a more righteous world.

In the Redeemer's name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 8, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. BUMPERS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 7, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. I do not.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 10:30 a.m., with statements therein limited to 5 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Is there morning business?

Mr. JACKSON. Mr. President, I ask that I be recognized for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

SECRET VIETNAM AGREEMENTS

Mr. JACKSON. Mr. President, since the Armed Forces of South Vietnam began their retreat, the administration has intimated that Congress has reneged on "commitments" and "obligations" to the South Vietnamese Government. The fact is that Congress is being accused of violating commitments and obligations it never heard of.

I have been reliably informed that there exist between the Governments of the United States and South Vietnam secret agreements which envision fateful American decisions, yet whose very existence has never been acknowledged. We do not even know when President Ford, himself, first learned of all of them.

I call upon the President now to make public and to provide to Congress all documents embodying or reflecting these secret agreements.

At a time when the foreign policy of the United States has suffered major reverses, cooperation between the executive and legislative branches is critically important. I am ready to join in an effort to rebuild this historic partnership. But we in Congress cannot play our constitutional role in constructing a coherent foreign policy so long as information to which we are entitled is kept from us. Nor will the American people have confidence in their Government so long as the commitments made in their name are not revealed to them.

Americans may have many arguments about Vietnam, but we can agree on one essential point: The foreign policy of a democracy cannot successfully be transacted through secret agreements. To make promises without the knowledge and consent of the people—promises which remain secret because they might not gain the consent of the people—is to court foreign policy disasters.

In recent years, obsessive secrecy has come to surround American diplomacy. Secret "understandings"—withheld not only from Congress but from the then Secretaries of State and Defense—characterized the SALT I negotiations. When Congress was considering the Trade Act of 1974, crucial Soviet-American communications bearing directly on that legislation were withheld—and to this day those communications have not been disclosed to Congress. Indeed, this is the pattern which has come to characterize our relations with other nations—secret negotiations producing secret agreements containing secret commitments.

With this pattern of diplomacy, allies may feel betrayed if secret promises made to them are not kept; other nations will inevitably doubt whether secret promises made to them are equally valueless; and Americans are left to wonder just how many secret commitments there may be.

Twenty-five years ago, in a period marked by cooperation between Congress and the Executive, Senator Arthur Vandenberg described American foreign policy as "a meeting of the minds." He said:

> Thus we achieved substantial unity. Our government did not splinter. It did not default. It was strong in the presence of its adversaries.

Today, confidence and cooperation can be restored. But the essential first step is for the President to act now—without further delay—in making a full and complete disclosure. We have to know where we stand.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. MORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes.

Mr. MANSFIELD. Mr. President, what was the request?

The ACTING PRESIDENT pro tempore. The request is to speak for not more than 5 minutes.

Mr. MANSFIELD. How much time is allocated during the morning hour?

The ACTING PRESIDENT pro tempore. Five minutes during the morning hour, under the previous order.

Mr. MANSFIELD. Otherwise, I would have given the Senator some of my time.

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes.

Mr. MORGAN. Mr. President, I listened with a great deal of interest to the comments of the distinguished Senator from the State of Washington concerning reliable information of secret agreements. The Senator did not specify what agreements were made and by whom, or the source of his information. I have spent 2½ hours this morning reading yesterday's Congressional Record, including the discussion which took place early yesterday morning about the situation in Vietnam and Cambodia. It seems to me that what we are doing in Congress, as is the President, is spending time making accusations against the other branch of Government.

Some 2 months ago, I felt strongly that we in this country should have granted military aid to South Vietnam. And I made a strong statement to that effect on the Senator floor. I hate to say it, but now it may be too late to grant aid to South Vietnam. But the thought that continues to go through my mind, and one that I have tried as best I can to determine, is why we in Congress have waited so long to consider the President's request.

I heard this morning on the news that the policy committee of my party had voted yesterday not to consider the matter until next Friday. I do not know where that information came from. I could not find it this morning.

I think, Mr. President, it is time, once and for all, that the leadership of Congress and the leadership of this Nation presented this matter for debate on the floor of the Senate, so we can ascertain whether or not there is need or justification for aid to Vietnam; whether or not there were commitments, secret or otherwise. Frankly, I am tired of reading about it in the newspapers and in the Record.

I respectfully suggest to the leadership on both sides of the aisle that arrangements be made to bring this matter before the Senate to the end that those of us who are not on the Committee on Foreign Relations or the Committee on Armed Forces, or who do not have access to such information as we read in newspapers, hear on the radio, or read in the Record may be informed also.

Mr. JACKSON. Will the Senator yield?

Mr. MORGAN. I shall be delighted.

Mr. JACKSON. I ask unanimous consent to proceed for 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. JACKSON. I am sure my good friend from North Carolina will agree that it is important for us to know whether there were secret commitments, understandings, arrangements of some kind at the time of the Paris accords or shortly thereafter. I have it on the best of information and the best of authority that there were secret agreements reached which have not been revealed to the Congress.

May I say that Dr. Kissinger, at the time of the Paris accords, at a news conference, said there were no such secret understandings and obligations. In fairness to President Ford, it should be made clear that I think that he has only recently found out about them.

I ask unanimous consent that the excerpt from Dr. Kissinger's January 24, 1973, news conference be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Agreement on Ending the War and Restoring Peace in Vietnam

(Excerpt from News Conference of Dr. Henry A. Kissinger, Assistant to the President for National Security Affairs, January 24, 1973, Old Executive Office Building, Washington, D.C.)

Q. Dr. Kissinger, because of a news report from Paris this morning that actually there were some 15 or 20 protocols of which only four are being made public, were there any secret protocols agreed to?

Dr. Kissinger. The only protocols that exist are the protocols that have been made public.

Q. What about understandings?

Dr. Kissinger. There are, with respect to certain phrases, read into the record certain statements as to what they mean, but these have been explained in these briefings and made clear.

There are no secret understandings.

Q. Dr. Kissinger, it has been widely speculated that the 12-day saturation bombing of the North was the key to achieving the agreement that you found acceptable. Was it, and if not, what was?

Dr. Kissinger. I was asked in October whether the bombing or mining of May 8 brought about the breakthrough in October, and I said then that I did not want to speculate on North Vietnamese motives. I have too much trouble analyzing our own.

I will give the same answer to your question, but I will say that there was a deadlock which was described in the middle of December, and there was a rapid movement when negotiations resumed on the technical level on January 3 (January 2) and on the substantive level on January 8. These facts have to be analyzed by each person for himself.

I want to make one point with respect to the question about understandings. It is obvious that when I speak with some confidence about certain developments that happen with respect to Laos and other places, that this must be based on exchanges that have taken place, but for obvious reasons I cannot go further into them.

The formal obligations of the parties have all been revealed, and there are no secret formal obligations.

Mr. JACKSON. I am sure my good friend from North Carolina would agree that it makes a lot of difference whether or not there was a commitment—and I have always been brought up to believe that if one makes a commitment, even though it may have been an unwise one, one should keep one's word. I think he would agree with me that it would be useful not only to have a complete disclosure in this case; but, may I say, there has not been, yet, a full and complete disclosure of U.S.S.R.-United States communications relating to the emigration amendment to the 1974 Trade Act, of which there has been so much discussion.

I am aware of the existence of those communications that have not been disclosed, which, I think, are extremely relevant to the role and responsibility of Congress in trying to carry out a bipartisan foreign policy—which was founded and really given life by a great American, Arthur Vandenberg, as I mentioned in my main remarks.

Mr. MORGAN. I say to the Senator that, first of all, the Senate must have felt that there were some commitments to the people of South Vietnam, or else they would not have voted aid last year and the year before.

I also would agree with the distinguished Senator that if there are agreements or commitments that were made that the Senate does not know about and has not been informed about, it should be informed about them.

I also suggest to the distinguished Senator from Washington that if he knows of those commitments he lay them before the Senate. And if there were commitments related to the immigration bill that the Senator knows about and they have not been made public, then I would suggest that somebody lay them before the Senate. I think this is the thing that has destroyed the trust of the American people in their form of government. In whom can they believe?

Mr. JACKSON. Will the Senator yield?

Mr. MORGAN. Yes, I yield.

Mr. JACKSON. I wish the Senator to know that I have requested the communications relating to the Trade Act and have not been able to obtain them. I point out that, of course, this is a matter that we can handle by bringing the parties in and putting them under oath and asking for the materials. I had to do that, by the way, in the SALT I agreement and the documents came out. But this is not a way to conduct a bipartisan foreign policy.

Mr. MORGAN. Will the Senator yield?

Mr. JACKSON. Yes.

Mr. MORGAN. If the Senator requested this information and has not received it, does he not think it might prompt those who have it to deliver it to the Senate if the Senator laid before the Senate the sources of his information concerning where and when the communications took place and the extent of his knowledge about them?

Mr. JACKSON. I intend to get them. The only way I think I can get them is to convene a committee and request the presence of the appropriate parties and place them under oath.

But is that the way we should function? Should not these communications, as well as the presently secret Vietnam agreements, be made available to Congress voluntarily? In the SALT I debate, we were assured, Mr. President, that there were no understandings or agreements other than those presented to the Senate. What happened was that there were two agreements that the key witnesses for the administration in 1972—may I have 1 minute?

Mr. GRIFFIN. Mr. President, may I be recognized?

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. I yield to the Senator from Washington.

Mr. JACKSON. I thank the Senator.

There were two accords that had been reached between Dr. Kissinger and Mr. Dobrynin on the one hand, and between President Nixon and Mr. Brezhnev on the other, that not even the Secretary of State, Mr. Rogers, the Secretary of Defense, Mr. Laird, the Chairman of the Joint Chiefs, or the chief negotiator of those agreements were aware of. We found out about them when Mr. Paul Nitze, one of the negotiators, almost 2 years later, in talking with his Russian counterpart, was told, "Why, Mr. Nitze, do you not know about these agreements?" And Mr. Nitze had not heard of them.

So what did I do? Well, I got the Secretary of State up before my committee and placed him under oath, and asked him for the agreements. And there they were. Congress had been led to believe that all of the documents relating to SALT I had been presented. Mr. Laird, Mr. Rogers, and the others honestly—honestly—testified that there were no other agreements, because the information was withheld even from them.

They were asked, "Are there any other agreements?" Senator Ervin played a major role in that effort. He asked over and over again, "Are there any other agreements?" And they said, "No." And those witnesses told the truth as they knew it, because the information had been withheld from them.

Is that the way to run our foreign policy in a true spirit of bipartisanship? There is a whole series of secret accords that we just have to dig out and dig out and dig out, on an unrelenting basis.

I bring this up today not in a spirit of divisiveness, but in a spirit of reconciliation, to see if we can get a clean deck. Watergate was bad enough, but I want to see a clean deck, so that we will not be dealing at arm's length but in terms of cooperation and understanding, which is essential to the survival of this Republic and all free institutions.

Mr. MORGAN. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORGAN. I would simply say, Mr. President, that the Senator from Washington knows of the high esteem in which I hold him. All I am saying is that I wish, once and for all, that we could get this matter before the Senate, so that those of us who are new in the Senate and are not privileged to all of the information that some other Members of the Senate are privileged to could have access to it. Maybe then we could reach some kind of decision based upon information that we have available to us as Senators.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MORGAN. I yield.

Mr. JACKSON. Let me just say I have not seen these documents relating to Vietnam but, as I am sure the Senator knows, there are some people you can rely on. I have relied on a very reliable person, and these secret agreements, I have no doubt, exist. As sure as I am standing here on the floor of the Senate, they will be forthcoming. And I want to say, in fairness to President Ford, that I do not know when he first learned of some of these agreements, but I think we have a duty to find out about it. That is the purpose of my remarks here today.

I share the high regard of other Senators for the distinguished junior Senator from North Carolina. I do not think we are in disagreement. It is just a question of knowing what the facts are.

Our obligation, it seems to me, is to get the facts, and if there is a commitment we should know about it. We should have known about it a long time ago. Because Dr. Kissinger did state at a Washington, D.C., press conference in connection with the Paris Accords that there were no secret understandings or obligations. I believe that question should be answered forthwith, Mr. President. It should be answered immediately. We should know in this body just what agreements, understandings, or whatever else may have been entered into, which would give reasonable cause for another nation to rely on and expect something from the United States.

Mr. MANSFIELD. Mr. President, I had thought that the acting Republican leader was in the Chamber. I guess he just left. But may I say in response to what is being said this morning that every time the leadership has met at the White House with Secretary Kissinger after his return from a journey, successful or not, or Secretary Rogers, while he was the Secretary of State, it was either volunteered that there were no secret agreements made, or the question was raised and the answer was that there were no secret agreements. So I must say that I am a little bit surprised at the statement made by the distinguished Senator from Washington (Mr. JACKSON) that there were agreements or commitments.

Frankly, I know of no secret agreements affecting the Paris Peace Accords. The question was raised and the assurance was given that there were no such secret agreements. I know of no secret agreements relative to the Middle East. That question was also raised, and the response was that there were no secret agreements.

I would hope that if there have been any, they would be brought to the attention of Congress, not only the members of the Foreign Relations and the Armed Services Committees, may I say to my distinguished colleague from North Carolina, but all Members of the Senate and all Members of the House of Representatives, because, as I have tried to indicate from time to time, we all share and bear an equal responsibility in this institution, and no one really should be given access to information which is not available to all.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 2:25 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 25) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. UDALL, Mrs. MINK, Mr. VIGORITO, Mr. MELCHER, Mr. RONCALIO, Mr. SEIBERLING, Mr. CARR, Mr. SKUBITZ, Mr. STEIGER of Arizona, and Mr. RUPPE were appointed managers of the conference on the part of the House.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BUMPERS) laid before the Senate the following letters, which were referred as indicated:

EXECUTIVE ORDER DESIGNATING BENEFICIARY DEVELOPING COUNTRIES FOR THE GENERALIZED SYSTEM OF PREFERENCES UNDER THE TRADE ACT OF 1974

A communication from the President of the United States, transmitting an Executive order designating beneficiary developing countries for the generalized system of preferences under the Trade Act of 1974 (with accompanying papers); to the Committee on Finance, and ordered to be printed.

REPORT OF THE ASSISTANT COMPTROLLER GENERAL

A letter from the Assistant Comptroller General of the United States reporting, pursuant to law, on the deferral of National Oceanic and Atmospheric Administration budget authority; to the Committee on Appropriations, the Committee on Budget, and the Committee on Commerce, jointly, pursuant to the order of January 30, 1975, and ordered to be printed.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States reporting, pursuant to law, on the rescission of Office of Education budget authority; to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Public Welfare, jointly, pursuant to the order of January 30, 1975, and ordered to be printed.

REPORT OF THE ASSISTANT SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report for the second quarter of the fiscal year 1975 of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, material, and for expenses involving the production of lumber and timber products (with an accompanying report); to the Committee on Appropriations.

REPORTS OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation for the Department of Agriculture for forest protection and utilization for the fiscal year 1975 has been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, that the appropriation for the Federal Mediation and Conciliation Service for salaries and expenses for the fiscal year 1975 has been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

Proposed Legislation of the Department of Agriculture

A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to repeal the disaster payment provisions for feed grains, cotton, and wheat in the Agricultural Act of 1949 (with accompanying papers); to the Committee on Agriculture and Forestry.

Reports of the Assistant Secretary of Defense

A letter from the Acting Assistant Secretary of Defense transmitting, pursuant to law, the first annual report on the defense industrial reserve (with an accompanying report); to the Committee on Armed Services.

A letter from the Deputy Assistant Secretary of Defense reporting, pursuant to law, concerning the administration of office responsibility pay for the calendar year 1974; to the Committee on Armed Services.

A letter from the Assistant Secretary of Defense reporting, pursuant to law, on the adequacy of pays and allowances of the uniformed services; to the Committee on Armed Services.

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report of contract award dates for the period March 15 to June 15, 1975 (with an accompanying report); to the Committee on Armed Services.

A letter from the Deputy Assistant Secretary of Defense reporting, pursuant to law, on seven construction projects proposed to be undertaken from the Army Reserve; to the Committee on Armed Services.

Proposed Legislation To Eliminate the Requirement for Quadrennial Physical Examinations for Members of the Fleet Reserve and Fleet Marine Corps Reserve

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve (with accompanying papers); to the Committee on Armed Services.

Report of the Department of Defense Procurement

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report of the Department of Defense procurement from small and other business firms for July 1974–January 1975 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

Proposed Interest Rates for Loans Made Pursuant to Sections 7(a), 7(b)(2) to 7(b)(8) and 7(g) of the Small Business Act

A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation which will alter the computation basis of interest rates charged under the Small Business Administration's section 7(a) direct loan program and the economic injury loan programs under subsections 7(b)(2) to (8) (excluding section 7(b)(1), physical disaster loans) of the Small Business Act (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

Report of HEW Regarding Administration of Fair Packaging and Labeling Act

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Department of Health, Education, and Welfare regarding the administration of the Fair Packaging and Labeling Act by the department during fiscal year 1974 (with an accompanying report); to the Committee on Commerce.

Transportaton Safety Board Amendment to Fiscal Year 1976 Budget

A letter from the Chairman, National Transportation Safety Board, transmitting an amendment to the fiscal year 1976 budget (with an accompanying document); to the Committee on Commerce.

Proposed Lease of Transportation Research Center

A letter from the Acting Secretary of Transportation, transmitting, pursuant to law, a prospectus for a test facility proposed for lease by the National Highway Traffic Safety Administration (NHTSA) (with accompanying papers); to the Committee on Commerce.

Report on Animal Welfare Enforcement

A letter from the Office of the Secretary, Department of Agriculture, transmitting, pursuant to law, a report on animal welfare enforcement, 1974 (with an accompanying report); to the Committee on Commerce.

Proposed Metric Conversion Act of 1975

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to establish a national policy relating to conversion to the metric system in the United States (with accompanying papers); to the Committee on Commerce.

Report on Ocean Pollution, Overfishing, and Offshore Development

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on ocean pollution, overfishing, and offshore development, July 1973 through June 1974 (with an accompanying report); to the Committee on Commerce.

Report on Effectiveness of the Rail Passenger Service Act

A letter from the Chairman, Interstate Commerce Commission, transmitting, pursuant to law, a report on the effectiveness of the Rail Passenger Service Act of 1970 (with an accompanying report); to the Committee on Commerce.

Report on Utilization of Authority Granted To Designate and Rent Inadequate Quarters, Lease Housing, and Hire Quarters

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on the utilization of the authority granted to designate and rent inadequate quarters, lease housing, and hire quarters (with an accompanying report); to the Committee on Commerce.

Report of the National Advisory Committee on Oceans and Atmosphere

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the National Advisory Committee on Oceans and Atmosphere (with an accompanying report); to the Committee on Commerce.

Report of the National Railroad Passenger Corporation

A letter from the Vice President, Government and Public Affairs, transmitting, pursuant to law, a report on (1) total itemized revenues and expenses; (2) revenues and expenses of each train operated; and (3) revenue and total expenses attributable to each railroad over which service is provided (with an accompanying report); to the Committee on Commerce.

Actions of the District of Columbia Council

Two letters from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, actions of the Council of the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

Report of the International Trade Commission

A letter from the Chairman of the International Trade Commission transmitting, pursuant to law, the first quarterly report on trade between the United States and the nonmarket economy countries (with an accompanying report); to the Committee on Finance.

Report of the Department of Labor

A letter from the Secretary of Labor transmitting, pursuant to law, the annual report to the Congress on the work incentive program as required by the Social Security Act (with an accompanying report); to the Committee on Finance.

Report on Excess Defense Articles Delivered to Foreign Governments

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report, based on information provided by the Department of Defense, on excess defense articles delivered to foreign governments in the second quarter and first half of fiscal year 1975 (with an accompanying report); to the Committee on Foreign Relations.

International Agreements Entered Into by the United States

A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, international agreements other than treaties entered into by the United States (with accompanying papers); to the Committee on Foreign Relations.

Reports of the Comptroller General

Eight letters from the Comptroller General of the United States each transmitting, pursuant to law, a report entitled as follows: "Better Management of Secondary Items by the Republic of Vietnam Armed Forces Would Reduce U.S. Investment"; "Audit of United States Railway Association February 1 Through June 30, 1974"; "Examination of Financial Statements of the Pennsylvania Avenue Development Corporation for the Fiscal Year Ended June 30, 1974"; "Cleaning Up the Great Lakes: United States and Canada Are Making Progress in Controlling Pollution from Cities and Towns"; "How To Improve the Selected Acquisition Reporting System"; "Data-Reporting Requirements for State and Local Educational Agencies"; "Examination of Financial Statements of the Tennessee Valley Authority for Fiscal Year 1974"; and "Opportunities for Improving Computerized Civilian Payroll Processing Operations" (with the accompanying reports); to the Committee on Government Operations.

Report of the National Aeronautics and Space Administration

A letter from the Administrator of the National Aeronautics and Space Administration transmitting, pursuant to law, a report listing required information with respect to contracts negotiated by NASA for the period July 1, 1974 through December 31, 1974 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation by the Department of the Interior

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to authorize the payment of oil import license fees collected for imports into Puerto Rico, and for imports into the Customs Territory of the United States from the Virgin Islands (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Energy Research and Development Administration

A letter from the Administrator of the Energy Research and Development Administration transmitting, pursuant to law, the

1974–75 annual report on the Government's coal conversion program (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Department of the Interior

A letter from the Secretary of the Interior transmitting a draft of proposed legislation to provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and the Wild and Scenic Rivers Systems, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Department of the Interior

A letter from the Acting Director of Territorial Affairs of the Department of the Interior transmitting, pursuant to law, the annual report of the Government Comptroller for Guam/TTPI on the fiscal condition of the Government of Guam for the year ended June 30, 1974 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Contract for a Research Project

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract for a research project entitled "The Development of a Winch Pulled Dozer Blade Equipment System" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Department of the Interior

A letter from the Assistant Secretary of the Interior transmitting a draft of proposed legislation to provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional Budget and Impoundment Control Act of 1974 (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract for a Research Project

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a proposed contract with the Southwest Research Institute, San Antonio, Tex., for a research project entitled "The Development of a Winch-Pulled Dozer Blade System" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Distribution of Ottawa Judgment Funds

A letter from the Acting Secretary of the Interior transmitting, pursuant to law, a copy of a proposed plan for the use and distribution of Ottawa judgment funds in dockets 304 and 305, before the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract for Research Projects

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract with Bend Research, Inc., Bend, Oreg., for a research project entitled "Contract for Active Transport Membranes for Metal Separations" (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract with the University of Missouri, Rolla, Mo., for a research project entitled "Rapid Excavation of Rock With Small Charges of High Explosives" (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract with Flow Research, Inc., Kent, Wash., for a research project entitled "The Application of a Hydraulic Borehole Mining Apparatus to the Remote Extraction of Coal" (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract with the University of Missouri, Rolla, Mo., for a research project entitled "The Development of a Longwall Water Jet Cutting Machine" (with accompanying papers); to the Committee on Interior and Insular Affairs.

A letter from the Deputy Assistant Secretary of the Interior transmitting, pursuant to law, a copy of a proposed contract with the University of Pittsburgh, Pittsburgh, Pa., for a research project entitled "Self-Replacing and/or Self-Adjusting Belt Cleaning System" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Environmental Impact Statement on Omnibus Energy Bill

A letter from the Assistant Administrator of the Federal Energy Administration transmitting, pursuant to law, an environmental impact statement on the Energy Independence Act of 1975 and the related tax proposals (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Construction Contract for the San Luis Unit of the Central Valley Project

A letter from the Assistant Secretary of the Interior transmitting, pursuant to law, a copy of an amendatory contract for construction of the San Luis Unit of the Central Valley Project (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Plan for Distribution of Judgment to the Zia, Jemez, and Santa Ana Pueblos

A letter from the Secretary of the Interior transmitting, pursuant to law, a copy of a proposed plan for the use and distribution of the funds of the Zia, Jemez, and Santa Ana Pueblos awarded in docket 137 before the Indian Claims Commission (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report of the Energy Research and Development Administration

A letter from the Administrator of the Energy Research and Development Administration reporting, pursuant to law, on actions by the Atomic Energy Commission for the calendar year ending December 31, 1974; to the Committee on the Judiciary.

Orders of the Immigration and Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders of the Service in the cases of certain aliens who have been found admissible to the United States (with accompanying papers); to the Committee on the Judiciary.

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered relating to certain persons (with accompanying papers); to the Committee on the Judiciary.

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders suspending deportation, as well as the list of persons involved (with accompanying papers); to the Committee on the Judiciary.

Report of the Assistant Secretary of Defense

A letter from the Assistant Secretary of Defense transmitting, pursuant to law, a report for the year 1974 on extraordinary contractual actions to facilitate the national defense (with an accompanying report); to the Committee on the Judiciary.

Reports of the National Music Council

A letter from the Administrative Secretary of the National Music Council transmitting, pursuant to law, the annual audit reports of the Council for the periods ending April 30, 1973, and April 30, 1974 (with accompanying reports); to the Committee on the Judiciary.

Report of the Civil Rights Commission

A letter from the Commission on Civil Rights transmitting, pursuant to law, a report concerning the extent of civil rights progress in the United States since May 1954 (with an accompanying report); to the Committee on the Judiciary.

Report of the Girl Scouts of America

A letter from the president and national executive director, Girl Scouts of the United States of America, transmitting, pursuant to law, the 25th annual report of the Girl Scouts of the United States of America (with an accompanying report); to the Committee on the Judiciary.

Report of the National Labor Relations Board

A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, a report of the National Labor Relations Board concerning the implementation of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Department of the Interior

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Department of the Interior on activities of the department under the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Federal Deposit Insurance Corporation

A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report of the Federal Deposit Insurance Corporation concerning the implementation of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Environmental Protection Agency

A letter from the Executive Officer (Freedom of Information Officer), U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of the Environmental Protection Agency concerning agency actions pursuant to the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Report of the Department of Justice

A letter from the Attorney General of the United States, transmitting, pursuant to law, the 1974 annual report of the Department of Justice on the administration of the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

Proposed Legislature To Amend the Elementary and Secondary Education Act of 1965

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title I of the Elementary and Secondary Education Act of 1965 to provide a more equitable means of allocating grants among the local educational agencies (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the Equal Employment Opportunity Commission

A letter from the Acting Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the eighth annual report of the Equal Employment Opportunity Commission for the fiscal year ending June 30, 1973 (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Legislation Providing for Work Injury Coverage of Federal Petit and Grand Jurors in the Performance of Their Duties

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Acts, as amended, title 5, United States Code, by adding a new section providing for work injury coverage of Federal petit and grand jurors in the performance of their duties (with accompanying papers); to the Committee on Labor and Public Welfare.

Regulations Covering Methods for Determination of Expected Family Contribution for the Basic Educational Opportunity Grant Program

A letter from the Executive Secretary to to the Department of Health, Education, and Welfare, transmitting pursuant to law, final regulations covering the methods for determination of expected family contribution for the Basic educational opportunity grant program for the 1975–76 academic year (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Criteria for Funding Domestic Mining and Mineral and Mineral Fuel Conservation Fellowships Applications for Fiscal Year 1975

A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, proposed criteria for funding applications for fiscal year 1975, domestic mining and mineral and mineral fuel conservation fellowships (with accompanying papers); to the Committee on Labor and Public Welfare.

Regulations for School Assistance in Federally Affected Areas for Parts 112, 113, 114, and 115

A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, final regulations for school assistance in federally affected areas for parts 112, 113, 114, and 115 (with accompanying papers); to the Committee on Labor and Public Welfare.

Regulations Governing Rights To Read School Based Program

A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, final regulations governing the right to read school based program pursuant to the authority contained in section 2(a) of the Cooperative Research Act (Public Law 85–531, as amended) (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Criteria for Funding Applications for the Demonstration Centers for Extension and Continuing Education Programs

A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, proposed criteria for funding applications for fiscal year 1975, demonstration centers for extension and continuing education programs (with accompanying papers); to the Committee on Labor and Public Welfare.

Regulations Governing the Emergency School Aid Act

A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, notice of proposed rulemaking, regulations governing the Emergency School Aid Act, title VII of Public Law 92–318, as amended by Public Law 93–380 (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Further Appropriations for the Office of Environmental Quality

A letter from the Chairman, Council on Environmental Quality, Executive Office of the President, transmitting a draft of proposed legislation to authorize further appropriations for the Office of Environmental Quality, and for other purposes (with accompanying papers); to the Committee on Public Works.

Proposed Legislation Relating to Veterans Cemeteries

A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38 of the United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans cemeteries, and to provide for transportation of bodies to a national cemetery (with accompanying papers); to the Committee on Veterans Affairs.

Report of the Veterans' Administration

A letter from the Administrator, Veterans' Administration, transmitting, pursuant to law, a report of the activities of the Veterans' Administration (with an accompanying report); to the Committee on Veterans' Affairs.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Bumpers):

A resolution of the General Court of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Enact Legislation Making November 11th a Legal Holiday and Observed as Veterans Day

"Whereas, Until recent years November the eleventh had been observed as a legal holiday in memory of the ending of World War I and called Armistice Day; and

"Whereas, The celebration of this day was changed to the observance of a day in memory of all Veterans and called Veterans Day; and

"Whereas, Recently the federal legal holiday observed as Veterans' Day was changed to the fourth Monday in October; and

"Whereas, Because of such change, great consternation has resulted and there has been a great demand by Veterans' groups and others to change the federal legal holiday back to November the eleventh; now, therefore, be it

"*Resolved*, That the General Court of Massachusetts respectfully requests the Congress of the United States to enact legislation establishing November the eleventh as a federal legal holiday and celebrated as Veterans' Day; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of the Congress of the United States and to the members thereof from the Commonwealth."

A concurrent resolution of the Legislative Assembly of the State of North Dakota; to the Committee on Public Works:

"Senate Concurrent Resolution No. 4019

"A concurrent resolution opposing a Corps of Engineers land acquisition plan along the Missouri River for the stated purposes of flood control and state game propagation

"Whereas, the U.S. Army Corps of Engineers is attempting to acquire approximately 3,000 acres of land, lying on either side of the Missouri River in Morton and Burleigh Counties immediately south of the City of Bismarck, for the claimed purposes of flood control and state wildlife propagation; and

"Whereas, the Corps of Engineers was negligent in not obtaining such land in 1963 when funds were first appropriated and when such land was unsettled and unproductive, and now such land has been developed and is highly productive; and

"Whereas, the desirability of state control of such land for wildlife propagation has been investigated at the direction of Governor Arthur A. Link and has been found to be unacceptable because of the level of development thereon; and

"Whereas, the use of the majority of such land for flood control purposes is implausible because of the height of such land; and

"Whereas, the Corps of Engineers has not made clear its true intentions and purposes regarding such land; and

"Whereas, the North Dakota Congressional Delegation has in the past opposed the acquisition of such land by the Corps of Engineers and funds previously appropriated by Congress for such land have been withdrawn;

"Now, therefore, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

"That the Forty-fourth Legislative Assembly opposes the proposed land acquisition program by the Army Corps of Engineers for its stated purposes; and

"Be it further resolved, that the Forty-fourth Legislative Assembly strongly urges the North Dakota Congressional Delegation to oppose the proposed land acquisition program by the Army Corps of Engineers for its stated purposes; and

"Be it further resolved, that the Forty-fourth Legislative Assembly strongly urges the President and Congress of the United States to examine the procedures of the Corps of Engineers regarding the proposed land acquisition program; and

"Be it further resolved, that officials within the Army Corps of Engineers inform state officials of and discuss with them the true intentions and purposes of the Corps of Engineers regarding the proposed land acquisition program; and

"Be it further resolved, that copies of this resolution be forwarded to President Gerald R. Ford, to the President of the Senate and the Speaker of the House, to the Chief of the Army Corps of Engineers, and to each member of the North Dakota Congressional Delegation."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"Senate Joint Resolution No. 17

"(Relating to the possible closure of the Ketchikan Pulp Company)

"Be it resolved by the Legislature of the State of Alaska:

"Whereas Ketchikan Pulp Company has announced that it may have to cease operations because of environmental expenditures of up to $34,000,000 being required by the 1972 amendments to the Federal Water Pollution Control Act; and

"Whereas the expenditures required, which would be to provide for secondary effluent treatment, approach the initial investment required of the company to begin operations in 1954—approximately $50,000,000; and

"Whereas Ketchikan Pulp Company has a modern, innovative, chemical recovery process which is a celebrated model for the industry and leads, today, in environmental cleanliness; and

"Whereas the requirements of the Federal Water Pollution Control Act are to be applied in the same manner to sprawling urban areas as to isolated, single industry communities; and

"Whereas viable alternatives must be derived, as even if the required expenditures were to be made, they would be approximately two to four times that of the company's dissolving pulp competition, and would result in disproportionate costs, thus providing no base for competitive profit and hence would mean assured economic failure, while at the same time offering little, if any, improvement in water quality; and

"Whereas Ketchikan Pulp serves as the economic base of the community, contributing prosperity, stability and peace of mind to the area's people; and

"Whereas closure of this viable industry would bring instantaneous unemployment to more than a thousand people and adversely affect directly another twelve thousand, as well as mean a giant loss of revenue to the state and to the federal government; and

"Whereas an extended ocean outfall for the mill's effluent has been proposed as an alternative to secondary effluent treatment and persons with expertise in the field are of the opinion such an alternative would be adequate, although not conforming to the letter of the law as it is now written;

"Be it resolved by the Alaska State Legislature that the United States Congress is urgently requested to immediately reexamine and reevaluate the 1972 amendments to the Federal Water Pollution Control Act with the objective of establishing standards appropriate for differing locations and circumstances existing throughout the country in order to make the law equitable and yet assure high water quality controls; and be it

"Further resolved that the National Commission on Water Quality which is investigating the impact of the 1972 amendments take into consideration the existing inequitable and inappropriate requirements of the amendments as applied across the board indiscriminately.

"Copies of this resolution shall be sent to the Honorable Gerald R. Ford, President of the United States; the Honorable Nelson A. Rockefeller, Vice-President of the United States and Chairman, National Commission on Water Quality; the Honorable Russell E. Train, Administrator, Environmental Protection Agency; the Honorable Edmund S. Muskie, U.S. Senator, Chairman, Air and Water Pollution Subcommittee, Senate Committee on Public Works; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

A resolution of the Legislature of the Territory of Guam; to the Committee on Interior and Insular Affairs:

"RESOLUTION NO. 32

"(Relative to establishing an Executive-Legislative Commission to recommend a site other than the Sella Bay site for the relocation of the Department of Defense ammunition wharf now situated at Cabras Island)

"Be it resolved by the Legislature of the Territory of Guam:

"Whereas, attempts to arrive at a mutually acceptable site for a new ammuntion wharf for Department of Defense activities in Guam have proven to be unproductive over the past three years; and

"Whereas, the existing ammunition wharf is a continuing threat to the safety of the community in the event of an accident during the handling of ammunitions; and

"Whereas, both the civil and military communities wish to see the ammunition wharf relocated to a site other than the Sella Bay site that will provide effective servicing of Department of Defense needs and provide greater safety for the community; and

"Whereas, this problem might be resolved if the Legislature and the Executive together review and consider all the proposed sites other than the Sella Bay site and studies thereof including the mechanism of land exchange as necessary to determine the one site other than the Sella Bay site that would be most satisfactory to the people of Guam and the Department of Defense and most likely to receive funding from the United States Congress; and

"Whereas, this Legislature believes that all interested parties are now prepared to work toward a harmonious solution to this long-standing problem; now, therefore be it

"Resolved, that with the concurrence of the Governor, an Executive-Legislative Commission is hereby established to recommend a site other than the Sella Bay site suitable to the people of Guam for the relocation of the Department of Defense ammunition wharf; and be it further

"Resolved, that the members of the Commission shall consist of three Legislators, who shall be appointed by the Speaker and three members appointed by the Governor from his Executive Office or cabinet; and be it further

"Resolved, that the Commission shall report its findings to the Legislature and the Governor not later than April 30, 1975; and be it further

"Resolved, that the staff of the Legislature is hereby directed to give such support and assistance to the Committee as it may find necessary, provided, however, that no additional funds shall be appropriated to support the actions of the Commission; and be it further

"Resolved, that the Speaker shall certify and the Legislative Secretary attest the adoption hereof and that thereafter copies shall be transmitted to the President of the United States, the Secretary of Defense, the Secretary of Interior, the Secretary of the Navy, the President of the Senate, the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Defense and Interior and Insular Affairs, to Guam's Delegate to Congress, Senate and House Armed Services Committees and to the Governor of Guam.

"Duly and regularly adopted on the 14th day of March, 1975."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION NO. 7

"A concurrent resolution, citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of South Dakota, and memorializing the Congress of the United States and the President of the United States to exercise responsibility and authority in resolving them

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, the establishment and governance of the several Indian reservations within the state of South Dakota have resulted from treaties and other acts of the United States government; and

"Whereas, the various governmental relationships among tribal, local, state and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by our federal system; and

"Whereas, the fundamental question of the definition of boundaries of the reservations is presently under litigation in the federal courts; and

"Whereas, in addition to the boundary question, there are further questions surrounding the relative authority of tribal, local, state and federal governments to exercise normal governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries; and

"Whereas, the uncertainties and complexities of these relationships raise substantial questions concerning the availability of full Constitutional guarantees to all persons residing within the reservation boundaries, and further that these conditions tend to have the effect of establishing various categories of citizenship with attendant differences in the rights and obligations of these categories of individuals in such important areas as taxation; and

"Whereas, the application of governmental authority is further complicated by property ownership patterns intermingling privately owned and deeded lands with tribal and trust lands within a given reservation; and

"Whereas, the administration of Justice and protection of personal safety and property of both Indian and non-Indian peoples alike remains in question in such matters as extradition, application of tribal law to non-Indian persons and application of state law to Indian persons residing or located within reservation areas; and

"Whereas, legal uncertainties extend beyond personal rights to the management of national resources and environmental protection including but not limited to, existing and potential conflicts involving hunting and fishing regulation, water management and rights, and funding obligations for the development of park and recreation areas; and

"Whereas, free and orderly commerce on the conservations and within disputed areas is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, other financial transactions, the Federal Traders Act, liquor control and other aspects of commercial intercourse; and

"Whereas, consumer protection in such matters as professional licensing and others is in question in reservation areas as a result of apparent and growing limitations placed on the application of state law within the several Indian reservations; and

"Whereas, questions are being raised relative to what services state and local governments should and must provide reservation residents in view of growing assertions that state law and authority do not extend to reservation areas; and

"Whereas, the cost and time involved in seeking a resolution to these and other problems through litigation is undesirable and only serve to prolong uncertainties and encourage increased tensions; and

"Whereas, South Dakota's Indian reservations are generally lacking in quality health services, employment, educational opportunity, adequate communications and transportation and other services and opportunities generally available to other portions of the state; and

"Whereas, the availability of quality and clearly defined governmental services are critical to the solution of these problems and are not readily possible under current conditions; and

"Whereas, these undesirable conditions are largely a result of acts of the United States government and the state of South Dakota is virtually powerless to achieve their fundamental solution; and

"Whereas, the state of South Dakota and the several tribal governments have worked effectively together, within limitations outlined herein, through such mechanisms as the South Dakota Indian Affairs Commission, the Task Force on Indian-State Relations and the Indian Affairs Coordinator in addressing common problems in economic development, education and other common concerns:

"Now, therefore, be it resolved, by the Senate of the State of South Dakota, the House of Representatives concurring therein, that the Congress of the United States and the President of the United States and his subordinates are urged, petitioned and memorialized to fullfill their respective responsibilities in providing leadership in the solution of these and other problems which are equally destructive to the progress and quality of life and preservation of peace of both Indian and non-Indian residents of the state of South Dakota; and

"Be it further resolved, that the state

of South Dakota recognizes the right of tribal self government.

"Be it further resolved, that copies of this resolution be forwarded by the Secretary of the Senate of the State of South Dakota to the presiding officers of the United States House of Representatives and the United States Senate, the South Dakota Congressional delegation, the President of the United States, the Secretary of the Interior, the Attorney General of the United States and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, North Dakota, Oregon, Washington, Wisconsin and Wyoming."

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Interior and Insular Affairs:

"A JOINT MEMORIAL

"(Requesting the Congress of the United States to adopt legislation providing for a transfer of title of certain lands in and about the village of Apodaca in Rio Arriba County, New Mexico and in other areas of the State similarly affected, to the people in long-term possession for a nominal consideration)

"Whereas, the Bureau of Land Management was created in 1946 by the consolidation of the Grazing Service, formed in 1934, with the General Land Office, created in 1812; and

"Whereas, many of the residents in or near the village of Apodaca in Rio Arriba county, New Mexico, and other areas of the state, have been in possession of lands that were obtained from their ancestors at a date before the Bureau or the Grazing Service were created; and

"Whereas, by the terms of the treaty of Guadalupe Hidalgo in 1848, the United States acquired the right of property in all the public lands ceded by the Republic of Mexico to the United States, and engaged itself to confirm valid land grants and to inviolably respect the property rights of Mexican nationals; and

"Whereas, under the treaty those Mexicans who remained in the territory of New Mexico would be presumed to have elected to become American citizens if they had made no election to retain their Mexican citizenship within one year after the ratification of the treaty, and as such American citizens could retain the property of which they were in possession; and

"Whereas, the United States government chose not to recognize the Spanish land grant of 1725 whereby the Spanish government issued a land grant to the local settlers in the area of Rio Arriba county near the village of Apodaca and to settlers in other areas of the state; and

"Whereas, the land has been improved by the labor and finances of those people in possession, which has greatly increased its value from the original value of raw lands usable only for grazing purposes;

"Now, therefore, be it resolved by the legislature of the state of New Mexico that the Congress of the United States is requested to adopt legislation providing for the transfer of title to lands in and around the village of Apodaca in Rio Arriba county, New Mexico, and in other areas of the state similarly affected, for a nominal consideration, to those people who have been in long-term possession and have made substantial improvements to such lands either through tillage, irrigation or buildings; and

"Be it further resolved that copies of this memorial be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the New Mexico delegation in Congress and to the Bureau of Land Management."

A concurrent resolution of the Legislative Assembly of the State of North Dakota; to the Committee on Interior and Insular Affairs:

"HOUSE CONCURRENT RESOLUTION NO. 3022

"(A concurrent resolution urging the Congress not to pass legislation which would regulate abandoned unreclaimed lands nor to pass legislation which would put a per-ton charge on surface-mined coal.)

"Whereas, Congress has passed and the President has vetoed the Surface Mining Control and Reclamation Act of 1974 which, among other matters of concern, deals with the control of the environmental impacts of surface coal mining and more specifically with the reclamation of abandoned mine sites and with the charging of a "reclamation fee" on a per-ton basis on surface-mined coal; and

"Whereas, the North Dakota Legislative Assembly applauds the finding of Congress within the vetoed Act to the effect that "the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations should rest with the State", and the North Dakota Legislative Assembly furthermore applauds the purpose of Congress within the vetoed Act to "promote the reclamation of mined areas left without adequate reclamation and which continue, in their unreclaimed condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of the land or water resources, or endanger the health or safety of the public"; and

"Whereas, surface mining for coal has been conducted for many years within North Dakota before the Legislative Assembly enacted a reclamation statute, with the result that there are presently abandoned, unreclaimed lands which the State desires to be left to the jurisdiction of the State so that the desires of citizens of the State may be followed in determining whether a particular tract of land should be reclaimed to a previous contour or use, whether the tract should be reclaimed for the benefit of wildlife which thrive in certain mined lands, or whether the land should be reclaimed for other special or higher uses; and,

"Whereas, any flat tax applied to both bituminous and lignite coal, as suggested by the vetoed Act, would be discriminatory against lignite coal producing states, as the value of lignite coal is much lower than the value of bituminous coal; and

"Whereas, the North Dakota Legislative Assembly, in dealing with potential large-scale coal development, is considering a severance tax on a per-ton basis for surface-mined coal, and if the State imposes such severance tax and the Federal Government imposes a 'reclamation fee' of the variety suggested in the vetoed Act, it may become economically impossible for the vast lignite reserves of North Dakota to be developed for the benefit of the entire Nation; and

"Whereas, the Legislative Assembly of the State of North Dakota, in the spirit of the finding and the purpose of Congress as listed in the Surface Mining Control and Reclamation Act of 1974 and as cited herein, desires to control its own destiny by taking upon itself the responsibility of developing, authorizing, issuing, and enforcing laws and regulations for surface mining and reclamation operations within the area of its own sovereignty;

"Now, therefore, be it resolved by the House of Representatives of the State of North Dakota, the Senate concurring therein:

"That the Congress of the United States is hereby urged and requested to pass legislation in the area of surface mining and control which will not interfere with the rights of individual states to deal with abandoned, unreclaimed lands as they deem necessary and desirable; and

"Be it further resolved, that the Congress of the United States is hereby urged and requested to pass legislation in the area of surface mining and reclamation which will not have the effect of requiring individual states to forego either their own severance tax or to forego potential coal development, because of a federal severance tax; and

"Be it further resolved, that duly enrolled copies of this resolution be forwarded by the Secretary of State to the President of the United States, to the President of the Senate of the United States, to the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegaton."

A resolution of the House of Representatives of the State of Arkansas; to the Committee on Foreign Relations:

"HOUSE RESOLUTION

"(Urging the United States Congress to immediately cease all aid and assistance to the governments of South Vietnam and Cambodia)

"Whereas, President Gerald R. Ford has asked the Congress of the United States to appropriate $300 million in aid to the government of South Vietnam and an additional $222 million in aid to the government of Cambodia; and,

"Whereas, despite massive aid in the past by the government of the United States to the government of South Vietnam, the government of South Vietnam is still in great peril; and,

"Whereas, the people of South Vietnam have suffered through years of war and South Vietnamese government corruption; and,

"Whereas, of the $700 million made available to the government of South Vietnam for the 12-month period ending June 30, approximately $517 million has been spent thus far; and,

"Whereas, the government of South Vietnam has spent $204.6 million of this $700 million for bullets, shells, bombs, and other ammunition; $70.5 million for fuel and other petroleum products; $46.6 million for spare parts for aircraft, weapons, and other war equipment; $59.8 million for other military supplies; $48.4 million for technical assistance and training; $28.5 million for American administrative services, including military attaches in South Vietnam; $52.3 million for transporting material to South Vietnam; and $6.9 million for new equipment; and,

"Whereas, the United States is still in the process of recovering from its previous involvement in Vietnam; and

"Whereas, that involvement began with the government of the United States providing aid similar to that now being sought; and,

"Whereas, in that previous involvement some 50,000 American lives were lost, billions of dollars were spent, and the economy of the United States, as a result, is currently suffering severe dislocations; and,

"Whereas, the energy crisis and other economic problems demand that we focus our attention to solving domestic problems and needs.

"Now, therefore be it resolved by the House of Representatives of the 70th General Assembly

"That the government of the United States should not give further assistance to the government of South Vietnam as that assistance would, and could eventually result in the further loss of American lives, and severe economic repercussion.

"Be it further resolved that all American aid including personnel and materials to the government of South Vietnam and Cambodia should cease immediately, and that national administration and Congress should turn their attention to the solution of the severe economic problems which this nation is presently experiencing.

"Be it further resolved that a copy of this resolution be transmitted forthwith to the

President of the United States, Vice President of the United States, Arkansas Congressional Delegation, to the Speaker of the United States House of Representatives, and to the President Pro Tem of the United States Senate."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Interior and Insular Affairs:

"Resolutions Memorializing Congress To Take Such Steps as May be Necessary To Establish and Designate Boston Harbor as a National Historic Site

"Whereas, Boston Harbor is of such great historical significance as it is so closely associated with the early heroic struggle of the inhabitants of the Commonwealth of Massachusetts and of the colonists for their independence; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to take such steps as may be necessary to establish and designate Boston Harbor as a National Historic Site in commemoration of the Bicentennial Observance of the founding of our Country; and be it further

"Resolved, That copies of these resolutions be sent by the Clerk of the House of Representatives to the President of the United States, the Secretary of the Interior, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

A resolution of the Senate of the State of Washington; to the Committee on Foreign Relations:

"Senate Resolution 15

"Whereas, DURING January 1973, the Viet Nam Cease-Fire Agreement was signed in Paris; and

"Whereas, The provisions of that agreement called for the return of American prisoners of war and an accounting of the men missing in action by the Republic of North Viet Nam; and

"Whereas, Today, almost two years later, the fate of thirteen hundred of our prisoners or men missing in Viet Nam, Laos, Cambodia or China remains unknown; and

"Whereas, There is no evidence that the Communists intend to comply with the provisions of requiring a return of all prisoners or requiring an accounting of the men missing in action, and requiring the return of the remains of those who died on foreign soil; and

"Whereas, VIVA (Voices in Vital America) and the National League of Families have undertaken the task of bringing to focus attention on the plight of our prisoners of war and those missing in action; and

"Whereas, The focus of our endeavors must be a complete rededication for freedom;

"Now, therefore, be it resolved by the Senate of the State of Washington, That we do hereby proclaim our full support of the efforts of the families and friends of the American Prisoners of War and Missing in Action in Southeast Asia, and call upon all citizens to support their cause and help to bring their fate to the attention of America and the world at large; and

"Be it further resolved, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Gerald R. Ford, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Congress from the State of Washington."

A resolution of the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Memorializing the President and Congress of the United States Relative to Protecting the Territorial Integrity of Cyprus

"Whereas, The Republic of Cyprus is an independent military state and a member of the United Nations; and

"Whereas, Turkey by armed force invaded Cyprus last summer, forcing over ⅓ of Cypriot population to flee their homes; and

"Whereas, Cyprus is composed of 80% of Greek heritage, 20% of Armenian heritage and 18% of Turkish background; and

"Whereas, Turkey has seized 40% of the land area of Cyprus and ⅔ of the agricultural and industrial wealth of the island, including its major ports; and

"Whereas, The United Nations has passed a resolution calling upon all nations to withdraw its troops from Cyprus and respect the territorial integrity of Cyprus; and

"Whereas, Turkey has refused to abide by the United Nations resolution; and

"Whereas, Turkey has declared its seized portion of the island as a separate state; and

"Whereas, That the Massachusetts House of Representatives condemns armed aggression by Turkey upon Cyprus; and

"Whereas, That the Massachusetts House of Representatives protests the establishment of a separate state on the seized land by Turkey; now, therefore, be it

"Resolved, That the Massachusetts House of Representatives calls upon the President and Congress to support the United Nation's resolution on Cyprus and relief efforts for Cypriot refugees; and be it further

"Resolved, That the Massachusetts House of Representatives calls upon the President and Congress to support the territorial integrity of Cyprus and to request Turkey to withdraw its armed forces immediately from Cyprus; and be it further

"Resolved, That copies of these resolutions be sent by the Clerk of the House of Representatives to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Massachusetts Delegation to Congress and His Eminence, Archbishop Iakovos, Greek Orthodox Archbishop of America."

A joint resolution of the Congress of Micronesia; to the Committee on Interior and Insular Affairs:

"A House Joint Resolution

"(Respectfully resuesting the United States Government to sponsor the Trust Territory of the Pacific Islands for membership in the Asian Development Bank)

"Whereas, under Article 6 of the Trusteeship Agreement the United States, as administering authority, is charged with the responsibility of promoting the economic advancement of the people of Micronesia; and

"Whereas, in order to ensure the steady growth of the Micronesian economy, an influx of investment capital is necessary; and

"Whereas, the Asian Development Bank is an international development financial institution which lends funds to developing member countries in order to accelerate the economic development of Asian and the Pacific region; and

"Whereas, the Trust Territory of the Pacific Islands can now become a member of the Asian Development Bank due to its associate membership in the Economic and Social Commission for Asia and the Pacific (ESCAP) of the United Nations; and

"Whereas, in order for Micronesia to join the Asian Development Bank, the United States must sponsor the Trust Territory of the Pacific Islands and guarantee all obligations incurred by the Trust Territory of the Pacific Islands; and

"Whereas, the Congress of Micronesia is willing to appropriate all funds necessary to meet any obligations incurred by the Trust Territory of the Pacific Islands; and

"Whereas, Micronesia has a great need for additional funds considering the small increase this year in United States funds given to Micronesia when compared with the present rate of worldwide inflation; and

"Whereas, the Trust Territory of the Pacific Islands made a similar request for United States sponsorship, under House Joint Resolution No. 77 adopted by the Second Regular Session of the Fifth Congress of Micronesia upon which no action has been taken; now, therefore,

"Be it resolved by the House of Representatives of the Sixth Congress of Micronesia, First Regular Session, 1975, the Senate concurring, that the United States Government is hereby requested to sponsor the Trust Territory of the Pacific Islands for membership in the Asian Development Bank; and

"Be it further resolved that certified copies of this House Joint Resolution be transmitted to the President of the United States, the Speaker of the House of Representatives and the President of the Senate of the United States Congress, the Secretary of the United States Department of the Treasury, the Secretary of the United States Department of the Interior, the President of the Trusteeship Council of the United Nations, and the High Commissioner of the Trust Territory of the Pacific Islands.

"Adopted: March 2, 1975."

A resolution of the House of Representatives of the State of Arkansas; to the Committee on Appropriations and the Committee on the Budget jointly, pursuant to the order of January 30, 1975:

House Resolution No. ——

"House resolution urging the Congress of the United States to take action, whenever the current economic recession and unemployment situation is reduced, to establish a revenue stabilization approach in administering the Nation's budget.

"Whereas, the Congress of the United States has conducted the fiscal affairs of this Country through the enactment of numerous definitive programs which commit federal funds for a number of years in the future; and

"Whereas, the obligations of many of these programs are of a continuing nature and these commitments often result in unmanageable deficits during periods of economic crisis or low tax yield; and

"Whereas, the State of Arkansas has, since 1945, operated under a Revenue Stabilization Law approach whereby the various expenditure programs of this State are managed on a pay-as-you-go priority basis; and

"Whereas, the recent experiences of the federal government in incurring operating deficits points up the need for the Congress to establish a system of fiscal priorities whereby the federal expenditures may be geared to the revenues of the Country on a priority basis; and

"Whereas, it is recognized that during the current inflationary economic crisis and high unemployment, it would not be feasible, at this time, to establish a pay-as-you-go budget, but plans should be made to restore the Nation to a balanced budget with Revenue Stabilization restraints to govern the Nation's fiscal affairs whenever the current economic crisis and unemployment situation is reduced; Now therefore, be it

"*Resolved* by the House of Representatives of the Seventieth General Assembly of the State of Arkansas: That the Congress of the United States is respectfully requested to undertake studies of the feasibility of establishing, whenever the current economic recession has abated and unemployment is reduced, a Revenue Stabilization approach of managing the Nation's budget by categories of identified priorities whereby the total obligations of the Nation's budget would be operated on a pay-as-you-go basis or within defined maximum levels of expenditures as outlined by the Congress. Be it further

"*Resolved,* That upon adoption hereof, copies of this Resolution shall be furnished by the Chief Clerk of the House of Representatives to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Arkansas Congressional Delegation."

A joint resolution of the General Assembly of the Commonwealth of Virginia; to the Committee on the District of Columbia:

"HOUSE JOINT RESOLUTION No. 264

"Petitioning the Congress of the United States to make funds available to the Washington Metropolitan Area Transit Authority

"Whereas, the General Assembly of the Commonwealth of Virginia recognizes the demonstrated need and importance of a modern, rapid rail system to Northern Virginia and the Washington Metropolitan Area; and

"Whereas, the current federal funding of two-thirds of the rapid rail construction cost does not reflect the 1973 amendment to the National Mass Transit Assistance Act providing for 80–20 funding of the capital projects for mass transit; and

"Whereas, the impact of inflation upon the construction costs of the system has reached the point where construction within the present funding level would not provide the 98.5 mile system as planned; and

"Whereas, the resulting deficits for the operation of the bus system are becoming and will become a prohibitive burden on the Northern Virginia localities; and

"Whereas, a large portion of the operating deficit must be borne by a fare increase; and

"Whereas, the residents of these jurisdictions have demonstrated their commitment to a 98.5 mile system by a willingness to tax themselves through bond referenda and appropriations of the local governing bodies; now, therefore, be it

"*Resolved* by the House of Delegates, the Senate concurring, That the General Assembly of the Commonwealth of Virginia does hereby petition the Executive Branch of the Federal Government and the United States Congress to endorse and approve 80–20 funding retroactive to July one, nineteen hundred seventy-three, for the Metrorail construction project of the Washington Metropolitan Area Transit Authority; and, be it

"*Resolved further,* That the General Assembly of the Commonwealth of Virginia does hereby petition the Washington Metropolitan Area Transit Authority to adopt a realistic fare schedule which will minimize the operating bus deficit which must be paid by the Northern Virginia local governments.

"*Resolved further,* That the General Assembly of Virginia expresses its support for and in behalf of the Northern Virginia jurisdictions in their joint and several efforts to meet their commitments to the Washington Metropolitan Area Transit Authority."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"RESOLUTION CHAPTER ——

"Assembly Joint Resolution No. 4—Relative to the definition of tax effort under the State and Local Assistance Act of 1972.

"LEGISLATIVE COUNSEL'S DIGEST

"AJR 4, Lancaster. State and local assistance.

"This measure would memorialize Congress to redefine 'tax effort' for purposes of determining allocation of funds to local government under the State and Local Assistance Act of 1972, in order to allocate a larger share of such funds to cities and counties.

"Whereas, The current formula for allocation of funds to local governments under the State and Local Assistance Act of 1972 places a major emphasis on the tax effort factor in local communities; and

"Whereas, The tax effort factor is based on the amount of eligible taxes collected by a local community, this being recognized as the measure of a local government's effort to fully utilize the financial resources available in the local community; and

"Whereas, In formulating the State and Local Assistance Act of 1972, the Congress failed to take into consideration the status of California cities and counties which receive services from special districts which are the direct recipients of taxes paid by the citizens of these cities and counties; and

"Whereas, As a result of this special district taxation, cities and counties are thus deprived of credit for tax effort under the present definition of tax effort in the State and Local Assistance Act of 1972; and

"Whereas, This results in cities and counties receiving a reduced amount of revenue on a per capita share basis, the inequity amounting to as much as 1,000 (one thousand) percent between the lowest and highest city per capita allocation, despite the fact that taxpayers in these cities and counties may pay approximately the same average tax rate; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to remove such an inequity either by amending the State and Local Assistance Act of 1972 or by administrative ruling specifically defining what constitutes 'tax effort' by a city or a county, so as to include the total amount of eligible taxes 'paid' by the taxpayers of a city or a county rather than taxes 'collected' by the city or county government, the former being a truer measure of local effort to fully utilize the financial resources available in the local community; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Senate of the State of Hawaii; to the Committee on Finance:

"SENATE RESOLUTION No. 178

"Urging establishment of equitable application of the aid to families with dependent children program.

"Whereas, the Federal Government has undertaken to provide assistance to persons with dependent children, to assure a basic income to qualifying families; and

"Whereas, the operation of the program has resulted in inequitable coverage for AFDC fathers as opposed to qualifications of AFDC mothers; and

"Whereas, an AFDC mother may work and continue to receive AFDC, but a working AFDC father is ineligible for AFDC assistance and must resort to State-supported assistance programs, resulting in often inequitable coverage and assistance for persons in substantially identical circumstances; and

"Whereas, Federal efforts to assist the States in providing basic income to qualifying families should be structured to avoid clearly inequitable applications of the law; and

"Whereas, penalizing persons in identical circumstances by allowing coverage for some, and not for others, is not in keeping with the intent of assuring a minimum standard of public assistance for families with dependent children; and

"Whereas, the inequitable result prevents States from handling the problems on an equitable basis because of the different standards of eligibility and classes resulting from the Federal regulations; now, therefore, be it

"*Resolved by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975,* That it urges the reformation of eligibility standards of the Aid to Families with Dependent Children program, to insure equal coverage to all families with dependent children in need of public assistance; and be it further

"*Resolved,* That certified copies of this Resolution be transmitted to Senator Daniel K. Inouye, Senator Hiram L. Fong, Representative Spark Matsunaga, Representative Patsy T. Mink, Speaker of the House Carl Albert, Vice-President Nelson Rockefeller, and the Secretary of Health, Education and Welfare."

A resolution of the Senate of the State of Hawaii; to the Committee on Finance:

"SENATE RESOLUTION No. 179

"Urging expanded Federal assistance to States for public assistance programs.

"Whereas, the federal government has in the past recognized the duty of the government to provide public assistance aid to the states in meeting the soaring costs of welfare; and

"Whereas, the federal programs do not include coverage for all persons who are in genuine need of public assistance; and

"Whereas, persons not presently covered by federal programs are no less in need, and the federal government has no less a duty to provide benefits and direct aid to states, in the form of matching funds or similar assistance mechanisms for persons not covered by federal public assistance programs; and

"Whereas, there is no reasonable basis for the federal government to provide assistance to states for the support of certain classes of needy persons, to the inequitable exclusion of assistance to other equally needy persons; and

"Whereas, the costs of welfare in the states is very burdensome, despite the existence of some federal programs, because of the increasing numbers of persons in genuine need of public assistance, resulting from factors beyond their control, such as the slumping economy and incumbent decrease in jobs; and

"Whereas, the needy persons are deserving of financial relief of a nature and to the extent other needy persons presently covered by federal programs are receiving; now, therefore, be it

"*Resolved by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975,* That it urges expansion of federal programs to persons in need of public assistance, whether by matching funds programs, or on other basis; and be it further

"*Resolved,* That certified copies of this Resolution be transmitted to the members of the Hawaii congressional delegation; the Speaker of the U.S. House of Representatives; Vice-President Nelson Rockefeller, presiding officer of the Senate; and the Secretary of Health, Education and Welfare."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION No. 3

"Requesting Congress to establish a federally funded national income maintenance program

"Whereas, changes in the economy and society have increased the dependence of many citizens on government for the provision of income sufficient to meet their minimum needs; and

"Whereas, while the federal government pioneered the implementation of income maintenance programs, the financial burden for many programs is also the responsibility of the states; and

"Whereas, perceptions as to what constitutes minimum needs for income maintenance vary drastically among the states and their political subdivisions; and

"Whereas, the present system of state responsibility has resulted in an uneven patchwork of programs and benefits, in which some states, in setting unrealistically low standards of minimum need, can shift the responsibility to other states with a more enlightened, attitude towards the needs of all citizens; and

"Whereas, the burden borne by each state in income maintenance programs is strongly influenced by national policies on expenditures and immigration; and

"Whereas, there is widespread concern that current income maintenance programs have created dependence and loss of dignity among assistance recipients, and that new approaches should be attempted; and

"Whereas, many of these new approaches demand additional funds which are not available to hard-pressed state governments; and

"Whereas, the people of Hawaii believe that all citizens of the United States should be guaranteed an income adequate to meet their minimum needs, regardless of their age, sex, family arrangement, or state residence, while at the same time they should be given an economic incentive to work; and

"Whereas, the people of Hawaii believe that the financial responsibility for national policy should be placed with the federal government; now, therefore, be it

"Resolved by the House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, the Senate concurring, That the Congress of the United States is urged to develop and fund a national income maintenance policy and program to replace current state and federal income maintenance programs; and be it further

"Resolved, That certified copies of this Concurrent Resolution be transmitted to the Speaker of the United States House of Representatives, the President of the United States Senate, and all members of the Hawaii congressional delegation."

A resolution of the Senate of the State of Hawaii; to the Committee on Finance:

"SENATE RESOLUTION No. 172

"Requesting revision of Federal allocation procedure of public assistance funds.

"Whereas, the increasing numbers of persons receiving and needing public assistance has caused state expenditures to dramatically increase, requiring increasingly larger proportionate spending for public assistance by the State of Hawaii; and

"Whereas, the ability of the State to maintain the increasing expenditures is not unlimited; and

"Whereas, the proportionate federal funding of state welfare programs is significantly below the national average, contributing to the public assistance burden on the State; and

"Whereas, the disproportionate federal funding is the result of allocation of funds in a ratio disproportionate to the needs of the State; and

"Whereas, there are factors not subject to state control particularly contributory to the required higher spending by the State, which are peculiar to the State, including the higher cost of living for persons residing in Hawaii, and the obligation of the State to provide for immigrants, from the U.S. mainland, and from foreign countries; now, therefore, be it

"Resolved by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, That it requests and urges revision of federal allocation of public assistance funds based on needs of the State, in view of problems peculiar to the State not allowing the State its proportionate share of federal allotments; and be it further

"Resolved, That certified copies of this Resolution be transmitted to the members of the Hawaii congressional delegation, the Speaker of the U.S. House of Representatives, to Vice-President Nelson Rockefeller, presiding officer of the Senate, and to the Secretary of Health, Education, and Welfare."

Two resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Finance:

"SENATE RESOLUTION No. ——

"Resolutions memorializing the Congress of the United States to enact legislation expanding medicare

"Whereas, The United States is now enveloped in the throes of serious inflation; and

"Whereas, The elderly citizens with fixed and limited incomes are faced with impending financial crises; and

"Whereas, The needs of these elderly citizens in the field of assistance are so essential to our way of life; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation which under the Medicare Program would include the cost of eyeglasses, dentures, hearing aids and prescription drugs; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth."

"SENATE RESOLUTION No. ——

"Resolutions memorializing the Congress of the United States to enact legislation that would preclude social security benefits from affecting Veterans Administration pension payments

"Whereas, Many war veterans are receiving Social Security benefits and Veterans Administration pension payments; and

"Whereas, It would be unfair and unjust to allow any Social Security benefits to decrease or to eliminate the Veterans Administration pension payments to veterans receiving both; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation to preclude any change in Social Security benefits from affecting any Veterans Administration pension payments to veterans receiving both benefits and payments; and be it further

"Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

A resolution of the Senate of the State of Hawaii; to the Committee on Finance:

"SENATE RESOLUTION No. 310

"Supporting Senate bill 410 of the United States Senate regarding social security benefits limitations

"Whereas, the Social Security system of the United States was established by the Congress to provide for an adequate income to retired persons to spare them from the economic hardships which often accompany retirement; and

"Whereas, the current schedule of benefits payable under Social Security provides that payments to persons 65 to 72 are ratably reduced if the recipient continues to earn outside income; and

"Whereas, this method of calculating benefits means that retired persons are effectively discouraged from continued employment in any capacity on reaching age 65 and are therefore reduced to accepting their Social Security benefits as their sole source of income; and

"Whereas, in view of the dependence of the elderly on income which is relatively fixed, Social Security benefits are inadequate in view of the current escalating cost of living which is outstripping cost-of-living allowances under Social Security; and

"Whereas, it would be in the public interest and necessity for the Congress of the United States to remove the current provisions relating to earnings limitations and Social Security benefits in order that the elderly can continue to work and earn extra income in addition to Social Security; and

"Whereas, such a bill has already been introduced into the Senate of the United States as Senate Bill 410 which would repeal the provisions in the Social Security Act; now, therefore, be it

"Resolved by the Senate of the Eighth Legislature of the State of Hawaii, Regular Session of 1975, That the Legislature supports and recommends passage of Senate Bill 410 for the aforementioned purposes; and be it

"Resolved, That certified copies of this Resolution be transmitted to members of Hawaii's Congressional Delegation, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Director of the Social Security Administration."

A resolution of the Maryland Municipal League supporting reenactment of general revenue sharing with an amendment regarding requirements for publication of reports; to the Committee on Finance.

A resolution of the Legislature of the County of Suffolk, New York, urging the Congress to amend the Supplemental Security Income Program; to the Committee on Finance.

A resolution of the Tennessee Public Service Commission in opposition to the import tax on oil; to the Committee on Finance.

A resolution of the Public Utilities Commission of the State of New Hampshire regarding the transportation of liquefied natural gas from Alaska to the United States East Coast; to the Committee on Commerce.

A resolution of the Industrial Arts and Vocational Education Association of Philadelphia, Pennsylvania, opposing reductions in vocational educational appropriations; to the Committee on Appropriations, the Committee on the Budget, and the Committee on Labor and Public Welfare jointly, pursuant to the order of January 30, 1975.

A resolution of the Episcopal Diocese of Washington, D.C., on behalf of the hungry and poverty-stricken people of the world; to the Committee on Foreign Relations.

A resolution of the Pacific Conference of Legislators, Saipan, Mariana Islands, relating to the surface transportation needs in Micronesia; to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Mark W. Buyck, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Lieutenant General Woolwine, USA, to be placed on the retired list in that grade. In the Navy, Admiral Shear for appointment as Vice Chief of Naval Operations; Vice Admiral David Bagley for appointment to the grade of admiral; two admirals—Admirals Worth Bagley and Ralph Cousins—to be placed on the retired list in that grade; Vice Admiral Moran for appointment on the retired list in that grade; and, eight captains for temporary appointment to the grade of rear admiral. In the Marine Corps and Marine Corps Reserves, there are 13 for appointment to the grade of brigadier general. And, in the Air Force, Maj. Gen. William Lyon, USAFR, for appointment as Chief of the Air Force Reserve. I ask that these names be placed on the Executive Calendar.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. In addition, there are 238 for appointment in the Army to the grade of colonel and below. In the Navy and Naval Reserve, there are 2,026 for promotion to the grade of captain and below and in the Air Force and Reserve of the Air Force, there are 2,104 for promotion to the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of March 6, March 17, March 20, February 28, March 12, March 24, March 14, March 26, and March 3, 1975, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROBERT C. BYRD:

S. 1372. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis. Referred to the Committee on Finance.

By Mr. HELMS:

S. 1373. A bill for the relief of Chatchai "Rick" Chatranon. Referred to the Committee on the Judiciary.

S. 1374. A bill for the relief of Bienvenido L. Mendoza. Referred to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1375. A bill to provide for construction of certain bridges, approaches, and roads in the Panama Canal Zone, and for other purposes. Referred to the Committee on Public Works.

By Mr. TOWER:

S. 1376. A bill for the relief of Concepcion Velasquez Rivas. Referred to the Committee on the Judiciary.

By Mr. HATHAWAY:

S. 1377. A bill to authorize the establishment of the Atlantic Wetlands Research Center. Referred to the Committee on Commerce.

By Mr. BAKER (for himself and Mr. BROCK):

S. 1378. A bill to amend the Atomic Energy Community Act of 1955 to authorize the Administrator of the Energy Research and Development Administration to make assistance payments to Anderson County and Roane County, Tennessee. Referred to the Joint Committee on Atomic Energy.

By Mr. FANNIN:

S. 1379. A bill to amend the Internal Revenue Code of 1954 to provide for tax credits for certain applications of solar energy equipment and other purposes. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S. 1380. A bill to amend the Foreign Assistance Act of 1974 to increase the amount of assistance available to South Vietnamese, Cambodian, and Loatian children. Referred to the Committee on Foreign Relations.

S. 1381. A bill to require the Secretary of State to reimburse each State and local government the amount of real property tax revenue lost through diplomatic tax exemption. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. THURMOND

S. 1375. A bill to provide for construction of certain bridges, approaches, and roads in the Panama Canal Zone, and for other purposes. Referred to the Committee on Public Works.

Mr. **THURMOND**. Mr. President, as a longtime advocate of the Panama Canal, I am today introducing a bill which would provide for the construction of a bridge across the Atlantic end of the canal to provide easy transit similar to that now achieved at the Pacific end by the Thatcher Ferry Bridge.

At the time of the 1903 treaty when the United States obtained the Canal Zone in perpetuity, there was only very light traffic across the Canal Zone at either end.

However, as Panama developed, ferry systems were utilized and finally in 1962 the Thatcher Ferry Bridge was constructed at the Pacific end of the canal.

As the years passed, the traffic at the Atlantic end has increased but today there is no adequate canal crossing facility except for a small bridge across the locks at Gatun. The time has now been reached where the construction of a suitable bridge across the Atlantic end of the canal and the Lower Chagres River with appropriate roads in the Canal Zone is needed.

Therefore, Mr. President, I am introducing the bill which is designed to provide for certain construction in the Panama Canal Zone and for other purposes. I urge my distinguished colleagues to give this bill serious and favorable action.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to serve the needs of the Canal Zone and the Republic of Panama, the Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed—

(1) to construct, or cause to be constructed, across the Atlantic sea level portion of the Panama Canal, and maintain, a bridge clear of all locks and dams of the canal and with a clearance not less than the clearance of the Thatcher Ferry Bridge in the Canal Zone;

(2) to construct, or cause to be constructed, and maintain, a bridge at a suitable point across the Chagres River in the Canal Zone; and

(3) to construct, or cause to be constructed, and maintain, such approaches to each such bridge, and such additional roads in the Canal Zone, as may be necessary to provide appropriate highway connection of each such bridge with the road system of the Canal Zone and the road system of the Republic of Panama.

(b) Such bridges, approaches, and roads shall be constructed and maintained for the accommodation of the public and shall be made available for use by the public free of tolls.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

(d) There are authorized to be appropriated such sums as may be necessary to finance the construction, operation, and maintenance of such bridges, approaches, and roads in accordance with this Act.

By Mr. HATHAWAY:

S. 1377. A bill to authorize the establishment of the Atlantic Wetlands Research Center. Referred to the Committee on Commerce.

ATLANTIC WETLANDS RESEARCH CENTER

Mr. **HATHAWAY**. Mr. President, "wetlands" includes ponds, small lakes, marshes, sloughs, bogs, swamps, and so forth, as well as shallow parts of coastal waters and large lakes. Millions of Americans rely on these wetlands to furnish them with healthful outdoor recreation in the form of hunting and birdwatching, and to observe unique aquatic situations. Wetlands are particularly important in maintaining the ecological balance necessary to sustain migratory waterfowl.

Over the years, however, wetland acreage has been steadily shrinking. Many of the swamps and marshes, which at first provided some of the basic necessities for life, have gradually disappeared through drainage and filling to provide for agriculture, mosquito control, highways, housing, and industry.

Since colonial times the wetland acreage in the Atlantic flyaway has been reduced from 60 million acres to about one-half that.

Although many levels of government, including Federal, interstate, State, county, and township have now legislated to preserve wetlands, wetland managers must develop new techniques for upgrading these remaining wetlands. What are these techniques and how can they be effectively applied? What is the present and potential production of wildlife from existing wetlands? What, for example, is the current production of black ducks, woodduck, and ringneck ducks?

The answers to these and other fundamental questions can only be found through long-range scientific studies. No existing facility now exists, however, in the Atlantic flyaway, either in the United States or Canada, which begins to provide the multitude of answers needed for effective wetlands preservation and management.

Mr. President, the purpose of this legislation is to create such a facility. After much consideration, it is recommended by the Atlantic Waterfowl Council that the principal physical location of the station be close to the home campus of the University of Maine at Orono. This site has many advantages. Officials of the University have expressed high enthusiasm for the station and have pledged their support in providing both temporary facilities and long term essentials such as library services and technical knowledge from the areas of soil science, wildlife management, forestry, agriculture, animal diseases, hydrology, biology, biometrics, and data processing.

Of particular significance is the location of the New England-Atlantic Provinces-Quebec Center for Regional Studies at the University of Maine. This endowed center is designed to encourage graduate study and research in regional topics. It is open to Canadians and Americans in the fields of environmental ecology and offers another bridge for cooperative work on an international basis.

Mr. President, I hope the Senate will enact this important piece of environmental legislation. The proposed Atlantic Wetlands Resource Center would focus on the preservation and management of wetlands especially those of importance for waterfowl production. This includes portions of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida. The station would be indirectly concerned with a diversity of wetland habitats and would coordinate with agencies conducting studies outside the limits of the U.S. portion of the Atlantic Flyway.

If we are to preserve our wetlands, we must coordinate our efforts. This center would enable us to do that.

I ask unanimous consent that the text of this bill be printed in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of promoting responsible land use planning and the development of management criteria to protect, maintain, and increase the productivity of wetlands which are of particular importance in maintaining the Atlantic flyway waterfowl population, the Secretary of the Interior is authorized and directed to establish an Atlantic Wetlands Research Center.

Sec. 2. In carrying out the purposes of this Act, the Secretary of the Interior shall establish, administer, and conduct such programs of investigation and research, and undertake such pilot projects for management of wetlands, and develop and demonstrate such techniques, as he determines necessary in order to maintain or increase the biological productivity of the principal migratory bird habitats of the Atlantic flyway.

Sec. 3. In carrying out the purposes of this Act, the Secretary of the Interior may enter into cooperative agreements with State conservation agencies, land-grant colleges, corporations, associations, other business entities, or individuals, and may acquire lands by donation or purchase with donated or appropriated funds, or by lease. The Secretary is authorized to accept donations to carry out the purposes of this Act.

Sec. 4. The Secretary of the Interior shall establish an Advisory Council of no more than seven members to represent the views of the principal agencies, organizations, and institutions concerned with the preservation, perpetuation, and management of wetland resources for migratory birds in the Atlantic flyway and to advise him with respect thereto. The Secretary shall appoint the members of the Council, of whom one member shall be a State fish and wildlife agency director or commissioner to represent the northeast section of the Atlantic flyway and one member shall be a State fish and wildlife agency director or commissioner to represent the southeast section of the Atlantic flyway. Members of the Council shall serve without compensation as such, but may be reimbursed for travel, subsistence, and related expenses incurred in carrying out their duties under this Act. The Secretary shall designate one of such members as Chairman.

Sec. 5. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BAKER (for himself and Mr. Brock):

S. 1378. A bill to amend the Atomic Energy Community Act of 1955 to authorize the Administrator of the Energy Research and Development Administration to make assistance payments to Anderson County and Roane County, Tennessee. Referred to the Joint Committee on Atomic Energy.

Mr. BAKER. Mr. President, today my distinguished colleague from Tennessee (Mr. Brock) and I are introducing a bill authorizing the Energy Research and Development Administration to make assistance payments to the Tennessee Counties of Anderson and Roane. This legislation compensates the two counties for the loss of tax revenues and the special burdens placed on county services by the Oak Ridge Nuclear installation, which is exempt from taxation.

Mr. President, the benefits of the location of numerous Government facilities in Roane and Anderson Counties have been accompanied by a number of fiscal problems as well. Between the Energy Research and Development Administration and Tennessee Valley Authority installations, much of the useable industrial land already has been occupied in the two-county area. Furthermore, the Oak Ridge complex is the largest employer in the State of Tennessee; and the size of that employment makes it difficult to attract other industries.

Anderson County possesses the highest county tax rate in Tennessee, with Roane County ranking only a few counties behind. Citizens in Tennessee counties industrialized by tax paying private industry pay far less in taxes than the residents of Roane and Anderson Counties.

In summary, the location of huge, tax-exempt Federal complexes which preclude other potential industrial developers from utilizing the land, as well as the rapid rise of urban problems in formerly rural counties have generated financial difficulties as these counties struggle to meet their service obligations to their citizens—citizens who already are paying the highest tax rate in Tennessee.

For these reasons, the bill which we are introducing today authorizes assistance payments for a 10-year period to Anderson and Roane Counties, this assistance to be determined by the ERDA Administrator by the same formula as used currently for payments to the cities of Oak Ridge, Tenn., and Richland, Wash. It is to be stressed that this in-lieu-of-tax proposal is tied directly to the intent of the Atomic Energy Community Act of 1955, under chapter 9, local assistance, section 91. The particular difficulties which affect the cities of Oak Ridge, Tenn., and Richland, Wash., which receive in-lieu-of-tax compensation under this provision, also affect Anderson and Roane Counties. It is the intent of this legislation to recognize the complications in the way the law is now written and to correct those deficiencies.

Thus, I urge that the bill introduced today be considered by the Congress as an attractive means whereby Anderson and Roane Counties can be provided reliable, long-term assurance that they will be made whole for revenue losses occurring as a result of the tax-exempt status of the Oak Ridge complex.

By Mr. WILLIAMS:

S. 1380. A bill to amend the Foreign Assistance Act of 1974 to increase the amount of assistance available to South Vietnamese, Cambodian, and Laotian children. Referred to the Committee on Foreign Relations.

AID FOR INDOCHINA'S NEEDY CHILDREN

Mr. WILLIAMS. Mr. President, for the past several weeks Americans have seen a number of pictures of wounded and dying Indochinese children; these are more grim reminders that the children are the truly innocent victims of the war. The long years of the Vietnam conflict showed Americans the suffering of hundreds of thousands of children who were killed, maimed, or abandoned. Too many children and teenagers were turned into beggars, orphans, and prostitutes during this tragic period—that is, if they were fortunate enough to survive. And now the tragedy of the children has reached disastrous proportions.

My personal commitment to assisting these children prompted legislation on four separate occasions for their relief. I was very gratified that Congress accepted my amendment which earmarked $10 million for the assistance of Vietnamese children in the foreign aid authorization for fiscal year 1975.

The United States is spending this $10 million for expanded child care programs in Vietnam this year. Child care activities include day care centers, nutrition, special attention to handicapped children, foster home care, and counseling for mothers. In addition, 10 percent of the funds allocated are used to facilitate intercountry adoption.

Cambodia's child-care needs are also enormous. In mid-1974, the U.S. Embassy in Phnom Penh estimated that there were 1,200,000 refugees in Cambodia, and at least half of them were thought to be children. There can be little doubt that the figure has increased significantly since then; the Senate Subcommittee on Refugees and Escapees has estimated that there were 3.3 million refugees at the end of 1974. The majority of Cambodia's refugees are concentrated in and around Phnom Penh.

Like Vietnam, thousands of Cambodia's refugee children end up either abandoned or as war casualties. But there is a new element to their suffering: starvation. It is now apparent that several thousand of Phnom Penh's children are beginning to sicken and die for lack of food.

That, at least, is the estimate of Americans and others involved in private relief work in the Cambodian capital; and the press accounts of 1-, 2-, and 3-year-old starving and dying children at these voluntary relief centers tends to confirm it. Dr. Robert Beck of World Vision, one of the relief agencies in the city, reportedly summed up the tragedy in this way:

> Kids are dying who shouldn't die. They die in our arms. It's hard to believe. There's no excuse for it.

In testimony last year before the Senate Subcommittee on Refugees and Escapees, warnings were given that large numbers of Cambodian children were beginning to experience malnutrition and that a crisis was emerging. Still, little was done to meet the crisis by either the U.S. Government or the Cambodian Government. With little protest from either the State Department or the U.S. Embassy, the Cambodian Government persisted in its failure to develop a food distribution system that will put food in the mouths of hungry people. And while the administration last month devised unique methods to airlift military equipment into Phnom Penh, it disregarded the need to move food into the city until forced to begin a program in order to induce Congress to pass the $222 million supplemental military aid request. Our Government is doing practically nothing to relieve the shortage of hospital beds, medicine, and medical supplies so desperately needed by Cambodia's children. The plight of Cambodia's young should touch every one of us.

Uppermost in our minds today is the continuing suffering of the children of South Vietnam brought on by the continuing war there. The Senate Subcommittee on Refugees and Escapees reported in January, 1975, that there have been 1.4 million new refugees in South Vietnam since the cease-fire was signed. Undoubtedly, several hundreds of thousands of these are children. The subcommittee also reported that at least 20 percent of South Vietnam's children are orphans. U.S. voluntary agencies working in South Vietnam have reported that some 800,000 of the country's 8 million children have lost one or both parents in the war. About 25,000 Vietnamese children live in orphanages. The current fighting will swell these numbers by incredible amounts.

Since the Congress appropriated and the Agency for International Development allotted $7.5 million for child welfare services in fiscal year 1974, a number of useful and promising approaches and programs were begun. AID started to work through the American voluntary agencies in South Vietnam, which have done so much to help the Vietnamese and already know the problems. Secondly, while AID continued to support orphanages and adoption programs, its principal thrust was to prevent child neglect, child abandonment, or placement of children in orphanages by offering alternatives to economically pressed families. AID has been supporting over 400 day-care centers for working mothers and their children. AID funds channeled through South Vietnam's Ministry of Social Welfare helped finance a civilian widows' program which indirectly helps 25,000 children. AID also assisted a type of family assistance program run by the ministry under which economically distressed families receive direct payments. A similar private program by an American organization also receives U.S. aid funds. Other programs focus on nutrition centers, pediatric clinics, handicapped children, and health facilities. Such programs, if adequately funded, offer the children of South Vietnam a more hopeful future that may, in a small way, compensate for the miseries of the past.

Although the hostilities in Laos have been terminated, and the work of peacetime reconstruction is beginning, 370,000 refugees have been dislocated by the war. As many as 115,000 will require relief aid at the end of this fiscal year, and a substantial number of them will be children.

President Ford in recent weeks has spoken of the United States moral commitment to South Vietnam and Cambodia. While we in the Congress may debate whether or not there is a moral commitment to extend more military aid to these countries, there is no question that a continuing commitment exists to the millions of children of South Vietnam, Cambodia, and Laos. Such a commitment will exist so long as these children suffer the effects of the Indochina conflict.

I propose to expand the commitment of my previous legislation. My bill will increase the amount of children's humanitarian assistance to $25 million for this coming fiscal year for all of Indochina. In addition, 5 percent of that amount could be used to facilitate intercountry adoptions. Once again, the funds will be channeled through international and private voluntary agencies to the maximum extent practicable. Should AID be unable to administer this program effectively in the future, I believe the Congress should consider using the United Nations as the administering agency.

Our policies have helped to produce the sufferings of the past and present. Let our policies now open up a brighter future for Indochina's young. I believe the legislation I offer today will contribute toward that end.

I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the Foreign Assistance Act of 1974 is amended as follows:

(a) Subsection (a) thereof is amended to read as follows:

"(a) It is the sense of Congress that inadequate provision has been made (1) for the establishment, expansion, and improvement of day care centers, orphanages, hostels, school feeding and emergency food programs, health and welfare programs, and training related to these programs which are designed for the benefit of the children of South Vietnam, Cambodia, and Laos, who have been disadvantaged by hostilities in Indochina or by conditions resulting from those hostilities, and (2) for the adoption by United States citizens of South Vietnamese, Cambodian, or Laotian children who are orphaned or abandoned, or whose parents or sole surviving parent, as the case may be, has irrevocably relinquished all parental rights."

(b) Subsection (b) of such section is amended as follows:

(1) strike out "$10,000,000" and insert in lieu thereof "$25,000,000"; and

(2) strike out "10 per centum" and insert in lieu thereof "5 per centum".

ADDITIONAL COSPONSORS OF BILLS AND REGULATIONS

S. 171

At the request of Mr. Domenici, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of the bill (S. 171) to provide for a study of the suitability and feasibility of designating the Vietnam Veterans Chapel, Eagle Nest, N. Mex., as a national memorial to the Vietnam veteran.

S. 461

At the request of Mr. Williams, the Senator from Kansas (Mr. Dole) was added as a cosponsor of S. 461, the alien child adoption bill.

S. 624

At the request of Mr. Thurmond, the Senator from Maryland (Mr. Beall) and the Senator from Alabama (Mr. Sparkman) were added as cosponsors of the bill (S. 624) to prohibit any change in the status of any member of the uniformed services who is in a missing status under chapter 10 of title 37, United States Code, until the provisions of the Paris Peace Accord of January 27, 1973, have been fully complied with, and for other purposes.

S. 660

At the request of Mr. Mondale, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 666

At the request of Mr. Bentsen, the Senator from Tennessee (Mr. Baker), the Senator from Georgia (Mr. NUNN), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from Colorado (Mr. GARY HART) were added as cosponsors of the bill (S. 666) to provide an income tax credit for savings for the payment of postsecondary educational expenses.

S. 755

At the request of Mr. BURDICK, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 755, the postal supervisors bill.

S. 792—WITHDRAWAL

Mr. TUNNEY. Mr. President, on February 21, 1975, I introduced S. 792 for myself and 19 other Senators. S. 792, the Part-Time Career Opportunity Act, is legislation designed to expand the opportunity for part-time employment in the Federal Government.

Due to a typographical error, Senator EAGLETON was named as a cosponsor of this legislation and Senator KENNEDY was omitted from the list of cosponsors. I ask unanimous consent that Senator EAGLETON's name be deleted from the list of cosponsors and that Senator KENNEDY's name be added to the list of cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 858

At the request of Mr. HANSEN, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of the bill (S. 858) to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of cemeteries for veterans.

S. 937

At the request of Mr. NUNN, the Senator from New York (Mr. JAVITS) and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 937, a bill to reorganize the executive branch to establish a National Center for Productivity and Quality of Work, to provide for a review of Federal laws, regulations, and policies with respect to their impact on productivity, to encourage labor, industry, and Government efforts to improve productivity growth in all sectors of the economy; to authorize a program of grants, and for other purposes.

S. 1196

At the request of Mr. HUMPHREY, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of the bill (S. 1196) to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels of government and with Members of Congress.

S. 1216

At the request of Mr. TALMADGE, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Kansas (Mr. DOLE) were added as cosponsors of the bill (S. 1216) to amend the Federal Water Pollution Control Act.

S. 1264

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1264 to amend the Education of the Handicapped Act, and for other purposes.

S. 1273

At the request of Mr. PERCY, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 1273, a bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities.

S. 1326

At the request of Mr. JAVITS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1326, the Emergency Special Public Service Employment and Railroad Improvement Act of 1975.

S. 1331

At the request of Mr. DOLE, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of the bill (S. 1331) to amend the Commodity Credit Corporation Charter Act.

SENATE JOINT RESOLUTION 20

At the request of Mr. CRANSTON, the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Minnesota (Mr. MONDALE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of the joint resolution (S.J. Res. 20) to create the Tule Elk National Wildlife Refuge, in California.

SENATE JOINT RESOLUTION 23

At the request of Mr. HARRY F. BYRD, JR., the Senator from Tennessee (Mr. BROCK) and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 23, tô confer posthumously full rights of citizenship to Gen. Robert E. Lee.

SENATE RESOLUTION 104

At the request of Mr. HATHAWAY, the Senator from Colorado (Mr. HASKELL), the Senator from Tennessee (Mr. BAKER), the Senator from Minnesota (Mr. MONDALE), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. INOUYE), the Senator from Alaska (Mr. STEVENS), the Senator from Arizona (Mr. FANNIN), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Hawaii (Mr. FONG), the Senator from Texas (Mr. BENTSEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Maryland (Mr. BEALL), the Senator from Colorado (Mr. GARY HART), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of the resolution (S. Res. 104) providing limited legislative authority to the Select Committee on Small Business.

SENATE RESOLUTION 109

At the request of Mr. STEVENSON, the Senator from New Jersey (Mr. CASE) and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of the resolution (S. Res. 109) creating a Temporary Select Committee to Study the Senate Committee System.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. DOLE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of the concurrent resolution (S. Con. Res. 5) to urge the President to establish a Council on the Missing in Action.

SENATE RESOLUTION 124—SUBMISSION OF A RESOLUTION PROVIDING FOR A BUST OF CARL HAYDEN TO BE PLACED IN THE SENATE WING OF THE CAPITOL

(Referred to the Committee on Rules and Administration.)

Mr. GOLDWATER. Mr. President, it is my deep honor to reintroduce today, on behalf of myself and my senior colleague from Arizona, Senator FANNIN, a Senate resolution providing for acquiring a marble bust of Carl Hayden of Arizona and placing the bust within the Senate wing of the Capitol or any of the Senate Office Buildings.

Mr. President, on January 25, 1972, America lost a public servant who served his State and his Nation longer than any other man in history. Elected sheriff of Maricopa County in 1906, Carl Hayden became Arizona's first Congressman upon statehood in 1912. For more than half a century, Carl Hayden served in the Halls of Congress, being elected to eight succeeding terms in the House of Representatives and seven succeeding terms in the Senate.

As a permanent act of tribute to this great man and to his unsurpassed 57-year record of consecutive service in the Congress, I believe it is fitting and needed that a suitable sculpture be acquired in memory of Carl Hayden and be placed here in the Senate area of Capitol Hill where he served for 42 years of his public career.

Accordingly I send to the desk today in behalf of Senator FANNIN and myself this resolution, which we had first introduced in 1969. The purpose of our resolution is to provide a lasting tribute to one of the greatest of America's legislative statesmen of the 20th century.

High among the great legislation crowning Carl Hayden's service in Congress is passage of authority for constructing the Central Arizona Project, a program for bringing lifegiving Colorado River water to the arid central part of Arizona.

Although this project is a fitting memorial to Carl Hayden, being built in the territory where he was born and enacted in the last year of his service in the Congress, it is but one of many major legislative accomplishments of his career.

For example, Carl Hayden was the sponsor in 1919 of the 19th amendment to the Constitution, extending the right of suffrage to women; he sponsored and managed the original bill first establishing the Grand Canyon National Park; and he was a pioneer in establishing the Interstate Highway System.

To this record, I would add that Carl Hayden's remarkable accomplishments through an unparalleled period of service are not as well known as they shall become in time, largely because of the modest character of the man we propose to honor in this resolution. Carl Hayden did not boast or brag; he did not choose to be a showhorse—he was a workhorse.

Mr. President, I urge the prompt approval of this resolution by my colleagues in Congress, many of whom served with Carl Hayden and all of whom have heard of him with reverence.

Mr. President, I ask unanimous consent that a copy of the Senate resolution which I am introducing for myself and Senator FANNIN be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 124

Resolved, That in honor of Carl Hayden, who served in the United States Congress longer than any other man in history, the Commission on Arts and Antiquities of the United States Senate (hereinafter referred to as the "Commission") is authorized and directed to provide for the design and sculpture of a marble bust of Carl Hayden. The Commission is further authorized and directed, subject to the provision of Senate Resolution 382, Ninetieth Congress, agreed to October 1, 1968, to accept such bust on behalf of the Senate and to cause such bust to be placed in an appropriate location within the Senate wing of the Capitol or any of the Senate Office Buildings, or any room, space, or corridor thereof.

SEC. 8. Expenses incurred by the Commission in carrying out this resolution, which shall not exceed $3,000, shall be paid out of the contingent fund of the Senate on vouchers approved by the Chairman of the Commission.

SENATE CONCURRENT RESOLUTION 28—SUBMISSION OF A CONCURRENT RESOLUTION RELATIVE TO A BUST OR STATUE OF MARTIN LUTHER KING, JR.

(Referred to the Committee on Rules and Administration.)

Mr. MONDALE (for himself, Mr. HUMPHREY, Mr. BIDEN, Mr. BUMPERS, Mr. CASE, Mr. CRANSTON, Mr. CULVER, Mr. GARY W. HART, Mr. PHILIP A. HART, Mr. HARTKE, Mr. HASKELL, Mr. HOLLINGS, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MOSS, Mr. NELSON, Mr. SCHWEIKER, Mr. HUGH SCOTT, Mr. STEVENSON, Mr. SYMINGTON, Mr. TAFT, Mr. TUNNEY, and Mr. WILLIAMS) submitted the following concurrent resolution:

S. CON. RES. 28

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Library is authorized and directed to procure a bronze bust or statue of Martin Luther King, Junior, and to cause such sculpture to be placed in a suitable location in the Capitol as determined by the Joint Committee on the Library.

SEC. 2. Expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution, which shall not exceed $2,500, shall be paid out of the contingent fund of the Senate on vouchers approved by the chairman of the joint committee.

Mr. MONDALE. Mr. President, I am introducing today, with 26 cosponsors from both parties and all sections of this country, a concurrent resolution which would authorize the commissioning of a statue or bust of Dr. Martin Luther King, Jr., to be placed in the U.S. Capitol. A similar resolution, introduced by Congressman JONATHAN B. BINGHAM, of New York, is pending in the House of Representatives where it has more than 160 cosponsors.

Dr. King, the son and grandson of Baptist ministers, was born in Atlanta, Ga., on January 15, 1929. Until his tragic death in Memphis, Tenn., on April 4, 1968, Dr. King lived a life of vision, dedication, leadership, and peace. The remarkable accomplishments of this man are too numerous to mention in detail here. Suffice it to say that the effects of his deeds are still being felt throughout this Nation. Dr. King was uncompromisingly dedicated to justice, to equality, to faith, and to peace.

For his important work, Dr. Martin Luther King, Jr., received many honors, including being awarded the Nobel Prize, being chosen as Time magazine's Man of the Year, and receiving numerous honorary degrees. Not the least of the results of Dr. King's efforts are the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Civil Rights Act of 1968. Although these laws stand as fitting memorials to Dr. King, I propose that Congress honor this great leader in yet another way.

Although Dr. King's portrait hangs today in millions of American homes, no such portrayal memorializes him in the Halls of the U.S. Capitol, a building in which his deeds have been felt and the seat of Government of a nation which he has profoundly affected. Indeed, not a single black American has been honored by having a portrait or statue placed in the Capitol Building.

The resolution which I am introducing today would authorize and direct the Joint Committee on the Library to procure a bronze bust or statue of Dr. Martin Luther King, Jr., and to place such sculpture in a suitable location in the Capitol.

AMENDMENTS SUBMITTED FOR PRINTING

MILITARY ASSISTANCE AUTHORIZATIONS FOR CAMBODIA—S. 663

AMENDMENT NO. 328

(Ordered to be printed and to lie on the table.)

EMERGENCY AID TO ALL VIETNAMESE AND CAMBODIAN REFUGEES

Mr. HUMPHREY. Mr. President, I introduce an amendment in the nature of a substitute to S. 663, legislation authorizing additional military assistance for Cambodia in the current fiscal year.

My amendment would authorize, instead, $200 million to be appropriated to provide humanitarian assistance to help relieve the suffering of refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia. This assistance would be provided under the direction and control of the United Nations or under the auspices of approved voluntary agencies.

It is intended that this assistance shall go to refugees and needy people throughout South Vietnam and Cambodia and through channels acceptable to all parties. Reports to Congress would be required every 90 days, on the provision of economic assistance under the terms of this legislation.

This amendment is identical to a bill which Senator MCGEE and I introduced on April 7.

Mr. President, this legislation constitutes a vital new initiative in American foreign policy which I strongly believe should be taken without delay. In an address at Yale University on April 6, I outlined the reasons for this course of action to lessen the suffering in this tragic conflict. It is a course of action behind which the administration and Congress can unite, rather than continue to engage in recrimination. It is a course that should be taken to reassert America's role of responsible leadership in the community of nations in helping to end conflict, to provide for the security of peoples, and to alleviate suffering and hunger, eradicate disease, and end illiteracy.

This is a bipartisan foreign policy which can be supported by the American people, because it has as its goal the human and responsible pursuit of legitimate American interests.

Mr. President, I ask unanimous consent that the text of this substitute amendment, and the text of my remarks as prepared for delivery at Yale University, be included in the RECORD.

There being no objection, the amendment and remarks were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 328

Strike out all after the enacting clause and insert in lieu thereof the following:

That it is traditional for the American people to be generous and compassionate in helping the victims of foreign conflicts and disasters. In keeping with that tradition it shall be the policy of the United States to provide humanitarian assistance to help relieve the suffering of refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia. To insure that the assistance is provided to such persons throughout both countries and through channels acceptable to all parties, the assistance authorized by this Act is to be provided under the direction and control of the United Nations or under the auspices of voluntary relief agencies.

SEC. 2. (a) Notwithstanding any other provision of law, in addition to amounts otherwise available for assistance to South Vietnam and Cambodia, there are authorized to be appropriated to the President for the fiscal year 1975, to remain available until expended, $200,000,000 for the purpose of providing humanitarian assistance to refugees and other needy people who are victims of the conflicts in South Vietnam and Cambodia.

(b) Funds made available under this section shall be furnished under the direction and control of the United Nations or its specialized agencies or under the auspices of such international agreements or voluntary relief agencies as the United Nations or any specialized agency thereof may approve.

(c) Notwithstanding any other provision of law, any amounts authorized under paragraph (1) or (2) of section 36(a) of the Foreign Assistance Act of 1974 which have not been obligated on the date of enactment of this Act may be used to carry out the provisions of this Act.

(d) Not less than 90 days after the date of enactment of this Act and not later than the end of each 90-day period thereafter, the President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing fully and completely—

(1) the amount of each type of economic assistance provided under this Act;

(2) the expected recipients of such assistance;

(3) the names of all organizations and agencies involved in the distribution of such assistance; and

(4) the means with which such distribution is carried out.

REMARKS BY SENATOR HUBERT H. HUMPHREY

It is a great pleasure to be here this evening at this distinguished university.

Originally I had planned to speak to you about the role of college students and universities in solving some of the great social problems which beset our nation—problems such as poverty, racism and worker alienation.

However, because of the tragic events of the past weeks in Southeast Asia, I have decided to turn toward this critical foreign policy issue instead and share my views with you.

Events in Cambodia and Vietnam are occurring so rapidly that it is impossible to look beyond the horizon of the coming days and weeks.

And the collapse of the South Vietnamese effort has been so precipitous that questions such as "Why?" and "What should have been done?" cannot be answered with any certainty.

But I have a responsibility as a United States Senator to ask, and then answer the question: "What should our country do now?" During the past days, while traveling in Europe, talking with leaders and discussing this issue with American officials, I have come to several conclusions which I want to share with you.

The first task for America should be to alleviate the great human suffering which now is occurring in Cambodia and Vietnam. This relief should primarily take two forms.

First, the government of the United States should announce that it stands ready to help feed and provide shelter and medicines for *all* Vietnamese and Cambodian refugees.

I do not believe that our government should abstain from its moral obligation to all the people of South Vietnam and Cambodia. There is absolutely no justification for denying emergency food and medicine to those Vietnamese and Cambodians who suddenly find themselves outside of the control of Phnom Penh or Saigon.

They are not the enemy.

They are the sudden and unwitting victims of a long and tragic war.

To this end I will introduce a bill which will provide at least $200 million in emergency assistance for refugee relief. The provisions of the bill call for the distribution of relief supplies by the United Nations, its specialized agencies, the Red Cross, and other private multilateral groups. The time has now passed for the American government to be the primary organization which supervises and distributes humanitarian relief.

I feel certain that the Congress will endorse this effort. I call upon the President and the Secretary of State to join with the Congress to speed this emergency relief measure through the Congress in the coming days and to work with the United Nations, the Red Cross and others to assure that those who need help receive it promptly.

Supplying American food and medicines to starving refugees through international relief agencies cannot be interpreted as an endorsement of North Vietnamese and Khmer Rouge military tactics.

It simply is a recognition of our moral commitment to suffering peoples who are desperately in need. The governments in Saigon and Phnom Penh never will reconquer the territory they have lost. I do not believe the American people look upon those who have suddenly come under control of Communist forces as the enemies of our country.

They should be helped now with the same resolve that we help those in Phnom Penh and in the remaining areas around Saigon and the Mekong Delta.

America's second obligation in the coming days and weeks is to assist those Vietnamese and Cambodians to leave Indochina who may be in danger of losing their lives when their present governments change hands.

There are, of course, no precise methods of determining who these people are. But after years of war and American involvement, we should have a reasonable idea of which individuals may be marked for reprisal.

There may be too many of these people and not enough time to evacuate all of them. But I urge tonight that the Executive Branch recognize the crisis nature of the situation and begin to take the necessary measures now to provide assistance and a safe haven for those Vietnamese and Cambodians who need to leave their country in order to stay alive.

I believe we must help anyone who wants to leave—especially the very young and the refugees. But it is not likely that the United States and the international community will evacuate and resettle millions of Vietnamese and Cambodians.

I endorse President Ford's desire to help all of those to leave whom we can physically handle with available resources, and I stand ready to vote for funds to achieve this goal.

If our first obligation is to alleviate human suffering, the second is to take steps to halt the fighting in Cambodia and Vietnam.

Quite frankly, in view of the intransigence of all sides and the present military situation, I do not know whether this now is possible.

In Cambodia, the departure of Lon Nol and others at long last has provided the Phnom Penh Government an opportunity to negotiate with the Royal Government of National Union for a ceasefire and an orderly transition of power based on the political realities of the situation.

There is little expectation that the Congress will provide additional military assistance. However, the Foreign Relations Committee has recommended the provision of emergency food assistance.

It is my firm belief that the United States has failed in years, months and weeks past to recognize the political and military realities in Cambodia and has failed to turn our full efforts toward a negotiated settlement there. Today we are seeing the tragic fruits of this lack of initiative.

In Vietnam, the goal of obtaining a halt to the fighting through negotiation seems remote.

But this does not mean that the United States should not try to obtain a ceasefire.

It seems that there are two choices. The United States can sit back and watch the North Vietnamese surround Saigon, battle President Thieu's forces and then occupy the capital after what might be a prolonged and devastating seige. Or, we can urge those Vietnamese of reason and good sense to begin the process of negotiation with the other side.

In other words, the choice is between total military conquest and resulting bloodshed, or some more humane path of negotiation without the possible destruction of Saigon and killing of great numbers of helpless innocents.

But these choices are not ours. The choice is up to the Vietnamese. We can only guide, urge, offer advice and serve as a moderating influence. We cannot make the decision for them.

If there was a time for the government of the United States to assess realistically the situation in Vietnam and to urge a course of action upon our ally which would lessen the suffering, it is now.

We cannot afford as a nation or a people to be tied to the false wisdom of the past as we witness the agonies of a people we have given so much to help.

Finally, I want to turn very briefly to the domestic ramifications of the sudden reversal of American policy in Vietnam and Cambodia.

At a time of desperate economic crisis at home and increasing difficulties in the Middle East and Europe, those political leaders who blame the Congress for the events in Indochina are wrong. They are irresponsibly sowing discord among our people.

The American people know that the Congress is not to be blamed for military incompetence and irresponsible military strategies.

It can't be blamed for the lack of will, loyalty and stamina of the Vietnamese armed forces.

And it can't be blamed for being ungenerous. For over the years it has been responsive to Presidential requests for billions in funds and it has provided the Executive Branch with the authority to send our people to die in Indochina.

I call upon all those who have indulged in the tactic of blame-setting to stop. The American people are ashamed by it, and we offer the world a sorry spectacle of our government and political system by such conduct.

The scar of Vietnam has been etched too deeply into the American body politic to begin a new era of blame and recrimination. It is counterproductive and has poisoned our political process far too long.

Let us turn now toward the task of mobilizing our resources to help the victims of years of war.

Let us urge a course of negotiation in Indochina to stop the killing.

And let us tell the world not to misinterpret the tragedy of Indochina. Our allies, friends, and adversaries need to know that America will remain true to its commitments and faithful to its friends in their hour of need.

In turning away from the horror and tragedy of Indochina the American people must not turn their backs on the world. American involvement in the affairs of this planet does not have to be a destructive process. This nation has a critical role to play in helping to provide for the security of others. America has a role to play in assisting in the alleviation of hunger, the eradication of disease and the ending of illiteracy.

We must now turn our attention and energies to developing a bipartisan foreign policy which can be supported by the American people, because it has as its goal the humane and responsible pursuit of legitimate American interests.

STANDBY ENERGY AUTHORITIES ACT—S. 622

AMENDMENT NO. 329

(Ordered to be printed and to lie on the table.)

Mr. FANNIN submitted an amendment intended to be proposed by him to the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

AMENDMENT NO. 330

(Ordered to be printed and to lie on the table.)

Mr. JOHNSTON (for himself and Mr. LONG) submitted an amendment intended to be proposed by them jointly to the bill (S. 622), supra.

AMENDMENT NO. 331

(Ordered to be printed and to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill (S. 622), supra.

AMENDMENT NO. 332

(Ordered to be printed and to lie on the table.)

Mr. HASKELL submitted an amendment intended to be proposed by him to the bill (S. 622), supra.

NOTICE OF HEARINGS ON S. 1—CRIMINAL JUSTICE REFORM ACT OF 1975

Mr. McCLELLAN. Mr. President, for the information of the Members and the public, I wish to announce that the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary will hold 2 days of hearings on S. 1, the "Criminal Justice Reform Act of 1975," which is the bill to codify, revise, and reform the Federal criminal laws.

Hearings are scheduled for April 17 and 18, beginning at 10 a.m. each day, in room 1223, Dirksen Senate Office Building. Additional information on the hearings is available from the subcommittee staff in room 2204–DSOB, telephone AC 202–224–3281.

NOTICE OF HEARINGS ON DRUGS

Mr. NELSON. Mr. President, I wish to announce that the Subcommittee on Monopoly of the Senate Small Business Committee has scheduled a resumption of hearings dealing with Federal expenditures on pharmaceuticals April 24 and 25 in Room 318 of the Russell Senate Office Building beginning each day at 10 a.m.

ANNOUNCEMENT OF HEARINGS ON S. 6, S. 1256, S. 1264—EDUCATION OF THE HANDICAPPED ACT

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I announce that our subcommittee has scheduled hearings on S. 6, S. 1256, and S. 1264, the Education of the Handicapped Act. The hearings will be held on Tuesday, April 15, 1975, in room 6202, Dirksen Senate Office Building starting at 9:30 a.m.

Persons wishing to testify should contact Mrs. Patria Forsythe, professional staff member, 10–B Russell Senate Office Building, (202) 224–9076.

NOTICE OF HEARINGS BEFORE THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, from May 5 through 8 the Senate Committee on Banking, Housing and Urban Affairs will be holding hearings on disinvestment in cities by lending institutions, and particularly on the problem of discrimination against older neighborhoods by some mortgage lenders, a practice sometimes called red-lining. The committee will be considering S. 1281, a bill to require disclosure of geographic distribution of mortgage loans by lenders. The 4 days of hearings will begin at 10 a.m. in room 5302, Dirksen Senate Office Building.

Anyone wishing to testify or to submit material for the hearings record should contact Mr. Bob Kuttner, room 5306, Dirksen Senate Office Building; telephone 224–7391.

CHANGE IN SCHEDULE OF HEARINGS

Mr. LONG. Mr. President, the hearings of the Commerce Committee's Merchant Marine Subcommittee on S. 868, a bill to provide for minimum ocean rate provisions by nonnational or third flag common carriers by water operating in the foreign commerce of the United States, scheduled for April 10, 1975 at 10 a.m. in room 5110, Dirksen Senate Office Building, have been changed to April 11, 1975 at 10 a.m. in room 4200, Dirksen Senate Office Building.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

H. Brooks Phillips, of Mississippi, to be U.S. marshal for the northern district of Mississippi for the term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, April 15, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS

Mr. TALMADGE. Mr. President, the Committee on Agriculture and Forestry will hold hearings on the nominations to the Commodity Futures Trading Commission Thursday, April 10, beginning at 10 a.m. in room 324, Russell Office Building. The nominees are William T. Bagley of California, Gary Leonard Seevers of Virginia, John Vernon Rainbolt II of Oklahoma, and Read Patten Dunn, Jr., of Maryland. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

FINANCIAL DISCLOSURE AND OUTSIDE EMPLOYMENT

Mr. CANNON. Mr. President, it has become customary for the chairman of the Select Committee on Standards and Conduct to make an announcement to the Senate about this time every year on the reports that Senators and certain employees of the Senate have to make on financial disclosure and outside employment.

Under Senate rule 44, each Senator and each employee who is compensated by the Senate at a rate in excess of $15,000 a year is required to file two financial disclosure reports before May 15. The first, the confidential statement of financial interests, must be sent to the Comptroller General. The second report, the statement of contributions and honorariums, should be submitted to the Secretary of the Senate.

In addition, any employee regardless of his salary from the Senate who is engaged in any outside business or professional activity or employment for compensation should report in writing a description of his outside work to his supervisory Senator on May 15 itself. Negative reports are not required by Senate rule 41, which regulates outside employment of employees.

Again this year the Select Committee on Standards and Conduct has prepared printed instructions, forms, and envelopes for making these reports. A copy was sent to each Senator, chairman, and officer in January.

The chief counsel of the committee is available to assist Senators and employees in determining their responsibilities under the rules. Those offices that have not yet requested forms may order them from the committee by telephone on extension 42981.

TAX CUT BILL COURTING DISASTER

Mr. FANNIN. Mr. President, during the debate on the tax-cut bill I expressed my opinion that the legislation would be highly inflationary, would cause the loss of many American jobs, because of the tax credit provisions, and would retard our efforts to achieve energy sufficiency.

President Ford reluctantly signed this bill during the recess. I concurred with his decision only because I feared Congress would pass even more detrimental legislation if the President vetoed the tax-cut bill.

Mr. President, the day we passed the bill the Arizona Republic carried an excellent editorial concerning the legislation and the problems we face if we suffer a deficit of $80 to $100 billion or more. Although the President acted contrary to the recommendation of the Republic concerning this bill, I believe the commentary is valid and should be heeded by Congress in the consideration of future fiscal actions. I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COURTING DISASTER

Talk about adventures in space!

The way the anticipated federal deficit is soaring into the stratosphere, it may well end up orbiting around Mars.

Originally, President Ford projected a deficit of $51.9 billion. He predicated this on a tax cut of $16 billion and cuts in federal appropriations.

Congress quickly rejected the idea of making any cuts; then it went to work on a bill to reduce $9 billion more than Ford had asked—about $25 billion.

On this basis, Treasury Secretary William E. Simon recently predicted a deficit of $80 billion.

Simon spoke too soon. Congress has since been putting forward dozens of proposals for new spending. Taking them into account, the Office of Management and Budget now figures the deficit at $98.5 billion.

The OMB also may be speaking too soon. For the day hardly passes that someone in Congress doesn't come up with still another idea for spending money. The way things are going, the deficit seems likely to pass $100 billion unless Congress comes to its senses.

As recently as 1963, the whole federal budget was only $100 billion, and that was considered an astronomical figure. The idea of the deficit alone exceeding $100 billion is staggering.

Staggering and frightening.

The banks do have money to lend now. As proof of this, the prime rate has steadily been coming down. A year ago, it was hovering around 12 per cent. Now, at most banks, it's around 7½ per cent, and falling.

However, if the federal government has to finance a $100 million deficit, the money supply will quickly dry up. Interest rates will start skyrocketing again. The Federal Reserve will have to pump money into the banks, and that will send the cost of living skyrocketing again, too.

It won't happen overnight, of course. The first result probably will be a flush of returning prosperity. Then will come the day of reckoning, with the return of double-digit inflation and a double-digit prime rate.

Most economists agree on the necessity of stimulating the economy through a cut in taxes and an expansion of the money supply.

However, even the chairmen of the congressional budget committees, Sen. Edmund Muskie, D-Maine, and Rep. Brock Adams, D-Wash., recognize that a deficit of $100 billion will mean courting disaster.

Until a week or two ago, White House aides reported that Ford would sign any tax-cut bill Congress passed. Now, they are singing another tune. They are hinting that he may veto a bill providing for a cut as deep as $25 billion.

In view of the way Congress is planning to spend money, he should.

BISHOP CANNON DISCUSSES THE ECONOMY

Mr. TALMADGE. Mr. President, there recently came to my attention an excellent column on the economy by Bishop William R. Cannon of the Methodist Church in Atlanta. Bishop Cannon discusses the evils of the inflation which presently plagues our Nation, and makes the point that the U.S. Government should start putting forth more of an effort to get its own house in order and stop worrying so much about the rest of the world, with which I wholeheartedly concur.

I bring Bishop Cannon's column to the attention of the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Bishop's Corner

(By William R. Cannon)

President Ford has said repeatedly that inflation is public enemy number one. I think everyone will agree with him from the housewife who purchases groceries in the local stores and markets to the construction and building firms who create skyscrapers and houses; that is, when there are enough people who can afford them. Just down the street from where I live there is a collection of new condominiums. They are apartment units of a few rooms, each of which sells for $125,000. The last time I passed by, only a very small number were occupied. What a few years ago might have sold for less than $35,000 now sells for over $100,000 due to the erosion of our economy and purchasing power.

The aged and those on fixed incomes suffer most. Back in the 1920's, when Germany was in the throes of inflation, Adolph Harnack, the world-renowned church historian of the University of Berlin, saw his income dwindle to nothing.

He had been very careful in the management of his personal affairs. He had saved systematically. He had one of the highest pensions of anyone in his profession.

Yet, it got where it took 100,000 marks to pay monthly rent. German currency was absolutely worthless. Finally, Harnack's monthly pension would not buy one good meal at a restaurant.

Older Germans still remember this. This is why the West German government is more alarmed over inflation than over anything else. The leaders are taking every step they can to insure that this will never happen again. As a result, the German mark is perhaps the soundest currency in the Western world.

President Ford knows what the problem is. But does he, or anyone else, know how to check it? He has been to Japan and Asiatic Russia. Nixon used to make those trips. Foreign affairs were important then. They are not the crucial issue now. If we are not strong domestically, it makes no difference what our foreign policy is. Even if it succeeds, there won't be anything left at home to be able to reap the fruits of that success.

Therefore, Goldwater was absolutely right when he told President Ford to address himself now altogether to the domestic ills that plague our nation. Congress wants to do something, but Congress can't do much without a leader. Let President Ford come up with a program, no matter how rigid or demanding it is, that will stop inflation.

In fact, we need more than a mere stoppage of inflation. We need deflation as well. Prices should be rolled back to a realistic level. For example, I have to use restaurants. It is hard for me to entertain sizeable groups of church leaders at dinners without running up a huge bill. Only cafeterias are anywhere near reasonable. In Atlanta, guests do not like to be invited to a cafeteria. In fact, Raleigh, N.C., is about the only town I know where people do not hesitate to entertain friends in a cafeteria. Private rooms are available for such purposes, and the food at one of them is the best in town. Right now, I wish that might be possible in Atlanta, too.

Hotel rooms in Eastern cities have lept to over $30 per night. For that reason, it is not practical to go to New York City anymore. We used to hold a lot of church meetings there, but not any more. I guess the Board of Global Ministries does, still, since its offices are there, but I am not on that, anyway, and I think of no others who meet in New York. The same rooms used to be only $10 per night. When I was at Emory, I used to stay at the old Biltmore in New York, near Grand Central Station. I never paid more than $10 per night. In fact, if I would take a room without a bath, on the top floor, it cost only $4.00.

We are in an odd predicament. Economically, the country is in a recession. Unemployment is down. Firms are going bankrupt. Business is down. Yet, prices keep rising.

When we had the depression, prices fell with the decline in business. This is not so now. The main reason for this odd phenomenon is the fuel shortage and the scarcity of raw materials, including food.

But America has not changed her pattern of national behavior. We still make plans to give away food, even when there is not enough at home. We offer most favorable trade status to foreign countries when our own balance of trade is in the red.

I am afraid we must change our international posture. Charity must begin at home. Otherwise, the bread-basket of the world will become entirely empty. We, who for so long have fed much of the world, won't have enough to feed our own population. We are letting inflation destroy us rather than accept the discipline of wage and price controls. President Nixon showed the effectiveness of those controls in his first term, but, unfortunately, did not continue at the time he sought re-election. And, back then, inflation was only 3 percent or so; now it is 12 percent or more. It could easily become astronomical.

FORMER POW'S REACTION TO INDOCHINA SITUATION

Mr. THURMOND. Mr. President, an article entitled "Indochina War 'Sickens' POW" appeared in the March 23 issue of the State newspaper in Columbia, S.C.

This article contains the reaction of Rear Adm. Jeremiah A. Denton, Jr. to the refusal of the Congress to provide help for South Vietnam in the face of massive military attacks by Hanoi.

Admiral Denton led the return of American prisoners from Vietnam about 2 years ago after surviving for over 7 years as a prisoner.

Mr. President, the views of this heroic man deserve the attention of the Congress and I ask unanimous consent that this article be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indochina War "Sickens" POW

Norfolk, Va.—Rear Adm. Jeremiah A. Denton, Jr., who led the return of American prisoners of war from North Vietnam two years ago, said Saturday that renewed warfare in Southeast Asia and the American people's apathy toward it "sickens me."

Denton, who set the tone for the return of the POWs with his "God Bless America" speech as he stepped off the first plane from Hanoi on Feb. 12, 1973, also predicted serious morale problems in the military and a loss of American credibility overseas if the United States does not take urgent action.

"I trust and respect the right of Congress to reflect the opinions of the American people," Denton said. "With respect to Southeast Asia, I think that opinion is wrong."

Denton spent 7½ year in a North Vietnamese prisoner of war camp and was awarded Navy Cross for resisting extreme torture at the hands of his captors.

He now serves as commandant of the Armed Forces Staff College here.

"The present requests and policies of the President and secretaries of defense and state require urgent action," Denton said, adding that current North Vietnamese advances into South Vietnam and resulting apathy on the part of the American people "sickens me and it's causing me a great deal of loss of sleep."

While expressing concern over the potential loss of freedom by Southeast Asians, Denton voiced worries over a loss of American credibility around the world and the possibility of plunging morale in the military.

"The problem is, I've had (men) come into my office weeping like babies and saying, 'My God, admiral, I did three tours over there, I lost 27 friends, three of them my best buddies. I was wounded four times. We would have kept Khe Sahn. I would have gladly given my life to hold it at any cost, and now those guys have it up there.' And he started to cry like a baby. I was already fairly shaken up by it."

American reluctance to save South Vietnam could cause "a problem of military morale," he said.

"It could affect the best military men we have and could have a terribly traumatic effect."

But he said the key question in a case where the United States sits idly by would be the effect on U.S. commitments around the world.

"At stake is real—not cosmetic—success in negotiations on any issue, including oil," he said, voicing concern about the credibility of all U.S. commitments to friends, and threats to enemies, in any area of the world."

Although avoiding making suggestions about solutions, Denton argued that the contention of some State Department officials that the government has been released from the restrictions of the Paris peace accord because of North Vietnamese action could bring about a decision to take positive action in Southeast Asia.

NEW FOCUS FOR YOUNG LAWBREAKERS

Mr. HUMPHREY. Mr. President, in the wake of the new statistics reporting a sharp increase in crime in the United States and subsequent calls for a tougher attitude toward convicted criminals, I hope we do not lose sight of the rehabilitation function of our prison system. In this connection, I would like to draw the attention of my colleagues to a creative and innovative program in Minnesota which sends artists into corrective institutions to try through art to change the antisocial behavior of incarcerated youngsters.

The project called New Focus, is described in the March issue of American Education. Concentrating on three coed juvenile facilities, the program offers a full range of artistic involvement to youths between the ages of 12 and 18. Courses range from sculpture and painting to creative drama and Indian crafts. Funding is provided jointly by title III of the Elementary and Secondary Education Act and the Red Wing, Minn., Public School District.

New Focus is based on the assumption that experience with the arts cannot only correct the negative self-image held by most youthful offenders, but that it can help them deal positively and more productively with their emotions and energies. As the project director stated, "Art can give them all the challenge and excitement they can handle, and in a socially acceptable manner."

Mr. President, Minnesota has always pioneered such innovative social programs. New Focus is an experiment that might usefully be applied elsewhere and thus be an important and effective method for bringing down some of those crime statistics.

I ask unanimous consent that the article "New Focus for Young Lawbreakers" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

NEW FOCUS FOR YOUNG LAWBREAKERS

(By Michael W. Fredo)

Charles is 16, tough, cunning, an authority on the mores of the inner-city streets. Above average in intelligence, Charles nevertheless has an education record marred by academic failure. Worse, an impulse to steal has earned him several stretches in the Minnesota Reception and Diagnostic Center at Lino Lakes, a corrective institution where even now he is completing his period of commitment to the Corrections Department. Officials at the center once regarded him as one of those kids hopelessly snared within the endless cycle of delinquency to—be paroled in time, but quickly returned to the institution after committing new and probably more serious offenses. But now they're not so sure.

In any event, Charles isn't brooding over his past failures or the possibility of getting mixed up in future crimes. He's too busy contemplating poetry these days, and is in fact writing some promising verse. Not that poetry in itself will change his behavior; it could, however, signify a new direction in his life.

Charles is gifted, and through an innovative program called New Focus: Arts and Corrections he has discovered his talents. Moreover the program has nurtured his talent by helping him publish some of his verse in booklets sponsored by the Minnesota Department of Corrections. In a poem titled "Me a Thief" Charles is straightforward about his criminal activity while for perhaps the first time in his young life regarding himself as a thinking, sensitive human being:

I wish to own only the warmth
of your skin
The sound your thoughts make
reverberating off the coldness
of my loss
to love you purely
as I love trees
The quiet sheens and
Colors
of my house
My heart is full
of charity
of fair pay
although on
occasions
It has been acknowedged
I am a thief

New Focus, which led to the blossoming of this young poet, is a two-year-old project funded jointly by Title III of the Elementary and Secondary Education Act, and the Red Wing (Minnesota) Public School District 56. The project represents the first time Title III monies have been used in corrections. The Minnesota grant totals $257,000 over a three-year period.

New Focus offers a full range of artistic involvement to youths between 12 and 18 who are incarcerated at three State coed juvenile facilities—Lino Lakes, the Home School at Sauk Centre, and the State Training School at Red Wing—for everything from chronic running away from home to such serious crimes as armed robbery, theft, and even murder. At the present time, 30 workshops in 20 artistic areas are being offered under the guidance of practicing artists. Among the courses are sculpture, painting, photography, dance, film making, creative drama, creative writing, guitar, and Indian crafts.

According to Merle Segal, the project director, New Focus looks to the arts as a means for returning to society youngsters whose antisocial behavior led to their removal in the first place. "We hope to show these young people that they don't have to break the law to get their kicks. Art can give them all the challenge and excitement they can handle, and in a socially acceptable manner."

Ms. Segal believes that experience with the arts cannot only efface the negative self-image most of these young people possess, but that it might help them deal positively and hence more productively with their emotions and energies. "Charles is a good example," she says. "At the beginning of project he told me he didn't think it would work for him, but we encouraged him to stay with it, and suddenly he seemed to find himself."

Actually, the New Focus concept is an outgrowth of the nationally successful Artist-in-the-Schools programs operating in many communities. If the arts, so the reasoning went, can bring about change in student interest and attitude in the classroom, might they not have some salutary effect on lawbreakers? It was at least worth an attempt. And so a little more than three years ago, the St. Paul Arts and Science Council proposed an Artist-in-the-Prisons program, a proposal which was accepted by then Corrections Commissioner David Fogel after a survey had determined the need for such a program and how it might best be implemented. The study led to the conclusion that education and opportunity in the arts were important for the social reclamation of young law-breakers and should where possible be added to the rehabilitation programs of juvenile correctional institutions.

The idea posed certain problems. Staffs at correctional facilities had, for the most part, little grounding in the arts themselves and were hardly trained to identify, encourage, and develop artistic skills and interests among the residents. Many officials were in fact skeptical about the idea and expressed doubts about the rehabilitative potential of the arts. As if this wasn't enough of a headache in itself, the study had clearly pointed out that for an arts program to have a chance to succeed, people would be needed who had an ability to break through barriers of defense that inmates frequently erect, confinement often making them non-communicative.

Ms. Segal, whom Commissioner Fogel had recruited from the schools to head New Focus—a name thought more fitting than Artist-in-the-Prisons—decided that if the program were going to lift off the ground, she would have to hire only serious, practicing artists to help in the effort. This special faculty would be part-time only, as all the teacher-artists would need time to pursue their own creative lives.

The decision to hire artists having been made, Ms. Segal then announced New Focus to the inmates and explained that it was voluntary and set up to help them to understand themselves better and to cope with life beyond the walls. The response was something less than thunderous, but the number of prisoners who showed up for the first workshops surprised Ms. Segal. Of course, they came weighted down with skepticism, their attitudes strongly suggesting that it was all probably a do-good gesture that would soon peter out, but what had they to lose.

At this point the decision to hire artists took on the appearance of a stroke of genius. The enthusiasm of the new faculty cut into the skepticism and case-hardened facade of the incarcerated youth and brought them back for a second session with the arts. They kept coming back until eventually they became infected with the notion of creativity, of examining some of their innermost thoughts and expressing them in clay or pastels or free verse or iambic pentameter. And they told their fellow residents how they felt, until they too put aside their reservations and joined the workshops. During 1973–74, of 500 eligible inmates in the three State juvenile centers, 452 participated in New Focus.

One 17-year-old girl with a lengthy record says, "I'd have tried to run away from this place if it hadn't been for New Focus. I never really thought I could do anything before, but now I know I can and it makes me feel good."

One day, in for larceny, participated in four classes and, though society had considered him a failure, he enrolled in college upon his release last spring. He credits New Focus for helping him pull himself together.

Tony Mayo, a ceramics instructor at Lino Lakes, recently authored a pamphlet about his theories and experiences with the program. He too believes fully in the program's rehabilitative potential. "Since these kids have had little or no personal success in any undertaking during their lives, they dislike themselves and society at large," he writes. "As soon as a student has his first success with clay he immediately begins to feel a little pride in his achievements and consequently in himself."

Supporting Mr. Mayo's impressions, other instructors also note that as students develop interest in their work, they wish to improve their skills and start asking questions and giving thought to the answers. In the process they realize that they must be attentive if they are to improve.

Instructors observed interested students sharing their knowledge and ability with classmates in an interaction new to many of them. Previous exchanges had frequently been limited to teasing, arguing, or fighting. This reversal in behavior supported the staff's general conclusion that students who want to improve, who desire praise and encouragement, become disciplined; they thus develop self-control which keeps them from fighting, stealing, using drugs or drinking.

The New Focus staff also believe that involvement in the arts helps juvenile offenders establish an affirmative sense of identity found lacking in most incarcerated youth. Success in New Focus, for example, has led several former convicts to apply for jobs as New Focus teachers—and they have been hired. "Because of their backgrounds, they relate easily to the students," says Ms. Segal. "And because their art has been highly responsible for their own rehabilitation, they come across as especially sensitive instructors and counselors."

Al Cotton, a 34-year-old painter and sculptor, developed his skills while serving six years at Stillwater State Prison. Now as an instructor at Lino Lakes, Mr. Cotton says art can be a real benefit to confined youngsters. "The body isn't the only thing locked up," he says. "Minds and emotions get locked up, too, and art is an honest way of unlocking the mind and heart and freeing long-silenced thoughts and feelings.

"When a kid takes an interest in art, he acquires initiative and incentive. Now in our program I think it's important to point out that these kids are getting some individual attention, perhaps in a way they haven't gotten it before. You know, most of them don't come from a stable, middle-class home."

Mr. Cotton also stresses the acquisition of discipline as important to budding artists, but more important to the youth with a criminal background. He calls it a "tremendously important step toward rehabilitation," and that is the goal toward which the program is aimed.

Workshops are held on the grounds of the institutions, with class sizes varying from four to 15. Classes usually meet for 90 minutes twice a week and the atmosphere attending them is loose and informal, breaking with the regimented correctional routine. One class working with papier-mache had a couple of students wheeling about the room on roller skates, moving equipment and supplies as needed. There are no textbooks assigned for classes, though reference material is available. No grades are notated but credit is given. "At the core of the instructional process is help and direction in technical development, and stimulation and motivation of artistic imagination," Ms. Segal says.

Often an instructor's reward may be only a slight, shy smile from a sullen, withdrawn teenager. But that smile could represent a significant breakthrough, according to a teacher's consensus. Margaret Hasse, a poet who teaches poetry and creative drama at Sauk Centre, feels such small cracks in the shell to be worthy of personal sacrifice. "I find my teaching leaves me very little energy left over for my own writing," she says. "Still, the thrill of seeing these youngsters respond to poetry and drama is worth the exhaustion."

Another facet of New Focus constitutes field trips to art museums and theaters around the Twin Cities. And last spring a group from Sauk Centre gave public performances in a Reader's Theater format at a large metropolitan shopping center. And in reverse of that aspect, outside artists and groups have come to the institutions to perform for the residents. These have included professional ballet companies and the St. Paul Chamber Orchestra. In other related activities, several State colleges have sponsored shows on student artists' work, and some paintings have been sold.

Strong administration support for New Focus continues under Kenneth F. Sloan, the present Commissioner of Corrections. New funding from the National Endowment for the Arts, the Minnesota State Arts Council and the McKnight Foundation has helped initiate arts workshops in the State's three adult correctional institutions. Also the project is beginning to work with parolees within the community.

"These things are encouraging," Ms. Segal says. "And it's clear the program is being well received. Those of us in corrections look on New Focus as a program of options. A youngster in the situations it offers can do as much or as little as he or she wants, knowing that nobody will be pushing. At the very least, it brings humanization to the institutional process and offers those inside a relief from boredom."

Al Cotton worked with 15 students last year and says that about five have professional possibilities—an inordinately high percentage. "It makes you feel good inside to see them open up," he says. "With hard work and a little luck some of these kids might make it in the ranks of the professionals. But more important, they'll make it in society."

The students who have exhibited genuine talent do not represent the real thrust of the project, of course. And Ms. Segal would be sure that point is understood by any parties interested in adopting such a program. "We aren't interested in turning out x number of artists each year," she says, "although we're always pleased with their achievements. For the great majority, art will be avocational. We're talking about the total person and whether or not institutions are going to be just warehouses for bodies or places for rehabilitation."

RELATIONS BETWEEN THE UNITED STATES AND JAPAN

Mr. HATFIELD. Mr. President, although our relations with Japan have undergone periodic strains over the past 25 years, the overall relationship has been one of stability and friendship. Some of the recent economic jolts came about through the poor timing of economic and diplomatic steps that could have been avoided through some advance planning on our part. Generally, though, the United States and Japan have maintained a close friendship.

The year 1975 symbolically is a good time to examine our economic relationship with Japan. The distinguished majority leader already has urged a broad reexamination and reassessment of our global responsibilities. While the situation is not at all the same with Japan as with foreign policy trouble spots around the world, I believe the need still exists for a close look at the future of our economic relationships with Japan.

We have good reason to expect this relationship to be good. In the past, the economic ties have helped both countries, although segments of U.S. industry hurt by Japanese import competition would quarrel with this. In the Northwest, however, I am pleased that the relationship between Oregon and Japan continues to be a positive one.

As a Senator, however, I must monitor closely possible trends on the international economic front. Let us look at the last few years. We have had substantial currency revaluations. We have had global inflation of unprecedented dimensions. We have seen oil costs skyrocket. We see recession here and abroad.

These factors alone should alert us to the need to follow closely what is transpiring and what is expected to occur in international trade and finance.

I am aware that one gets conflicting views on the future of the Japanese economy. From some, we are told that the luster is off the bloom; the miracle years are over, and the rate of growth will be much slower. Principal factors in this view are the high cost of energy and the inflation rate. From others, however, we are told that the current global recession will only postpone the eventual refueling of the highly tuned Japanese economic engine. I call attention to the article "Pacific Century, 1975–2075?" in the January 4, 1975, "Economist" for amplification of this view.

In an area of such critical importance to the United States, however, I do not think we can proceed on broad assumptions alone. It was with a great deal of interest, therefore, that I read a recent speech given to the Philadelphia World Affairs Council by Mr. William L. Givens. Mr. Givens' topic was "United States-Japan Economic Relationships, 1975–85." Given his background as a well-known management consultant very familiar with Japan, Mr. Givens is in a position to cast the eye of the independent observer at the future of our relationship with Japan. Mr. Givens points to fundamental behavior patterns, both in the United States and in Japan, that could lead to loss of international economic leadership by the United States to Japan in the not too distant future. This should be a serious concern of all Americans.

In his speech, Mr. Givens mentions

some points worth serious consideration. For example, what should the U.S. policy be toward Japanese investment in U.S. research and development operations? This is a very important issue. In the past, the U.S. superior R. & D. programs have put us out front for several years in new technology areas, and only then would the Japanese catch up and sometimes surpass us in that area. Because of the extremely low profile of foreign investment in R. & D., it will not attract much attention now. But, what will happen when this advanced new technology is exported immediately, and we lose this traditional advantage? It obviously would have serious consequences for our long-range economic potential.

With this in mind, I call Mr. Givens' speech to the attention of my colleagues. I urge everyone who is concerned with foreign trade to ponder the issues he raises.

Mr. President, I ask unanimous consent that the remarks by Mr. William Givens be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

U.S.-JAPAN ECONOMIC RELATIONS, 1975-85

(Remarks by William L. Givens, President, Twain Associates)

I was originally asked to speak to you this morning on the prospect for U.S.-Japan economic relations between 1975 and 1980. I accepted the assignment, but with proviso that the time frame be extended to 1985. This was for two reasons. First, surely by 1985 no one here will have the faintest recollection of what I have said today, so that I can proceed with the utmost confidence and certitude. Second, and a bit more seriously, it is beginning to appear that within that extended time frame, that is sometime in the early 1980's, Japan may well overtake the United States as the world's most productive economy on a per capita basis, and be moving toward world industrial leadership in absolute terms.

The implications of such an evolution, particularly for us here in the United States, would, of course, be rather profound, and so it seems to me that, whether or not one wishes to accept it as probable, it should at least be examined critically as a possibly.

As a point of departure, I would like to read a few paragraphs from a recent article in the London *Economist*, by the *Economist's* Deputy Editor, Norman Macrae:

"Anybody who visits Japan as I have done at about seven yearly intervals . . . is told each time by exactly the same cohorts of intelligent and persuasive people that Japan's rate of economic growth is about to slow permanently. So far it has accelerated slightly instead. In 1975 the cries about permanent slowdown are more insistent than ever, but the technical reasons for expecting further modest acceleration are a bit bigger than before. To say this is at present wild heresy, but it is also important because the next surge would presumably alter the industrial leadership of the world."

The writer then notes that since the late 1940's, Japan's annual real growth has averaged 10%, or a doubling every 7–8 years, making Japan's per capita GNP 40% higher than that of the United Kingdom by the end of 1974. He then continues:

"Growth has slowed shudderingly on five other occasions during the 25-year boom. Each time the wailing of the brakes and the wailing about permanent slowdown have been quickly followed by re-acceleration back to over 10 per cent growth. Although blind straight-line extrapolation is the worst sort of economics, it is still worth looking wide-eyed at where just a few years' resumption of past Japanese growth would bring us.

"Before the completion of even one more doubling, i.e. in the early 1980's at recent rates, Japan would pass the United States in income per head. Before the completion of the next doubling after that, which means by about the beginning of the 1990's if 1948–73 trends were continued for another brief 15 years, the by then 110m Japanese would be more than twice as rich as the by then 220m Americans, so that Japan would have the largest industrial production in the world.

"Most westerners resent these sorts of projections, and many Japanese feel insecure about how Japan might then comport itself. The slump of 1974–76 will delay matters a year or two, so everybody is pretending politely that the era of Japanese industrial leadership will not come. But it is rather likely that it will."

Now, admittedly, this is only one point of view, a rather bullish one which, to say the least, has enjoyed something less than universal acceptance over the years. Other observers, equally qualified and looking at the same set of facts, still find the Japanese economy to be vulnerable and fragile and still tell us that, in light of the current world recession and all that it reflects, the so-called Japanese "miracle" is at an end. We laymen must listen to both arguments and choose for ourselves. For my part, I must say that I am finding the bullish view increasingly persuasive with the passage of time, not only because the "bears" have consistently underestimated Japan over the years, but also because there is a good deal more to the expectation of continued growth than mere straight-line extrapolation.

It is useful in this context to look back over the past twenty-five years of Japanese economic growth to review again what the "miracle" has consisted of. First, as to the underlying motive, we hear a great deal about "growth for growth's sake" and economic expansion as a surrogate for frustrated military aspirations.

However, I would suggest a somewhat more straightforward motivation for Japan's sustained economic effort: it is simply that the Japanese want for themselves and their families the same high living standards that we enjoy here and in Western Europe. For some reason, this ambition seems to strike many Americans as unrealistic and even presumptuous, particularly on the part of an Asian society whose per capita GNP as late as 1950 was $132 per year, versus just under $2000 in the United States. I assure you, however, that it seems perfectly plausible and fair to both Japan's economic planners and the Japanese public.

Let us note, also, that beginning from that tiny 1950 productivity base, barely 1/15 that of the United States, and assuming even moderate continued growth on our part, catching up to our standard of productivity would require of Japan a literally unprecedented rate of economic growth, sustained over a full half century. And before we dismiss that as fabricated, let us note further that it has already been maintained for the first quarter century of that period, and that Japan's per capita output is now more than 60% of ours and still gaining.

It is revealing, I think, to look at the rate of that gain. That is, in 1950 Japan's per capita output of $132 was, I should imagine, equivalent to U.S. levels somewhere in the mid-19th century—a lag of perhaps a hundred years. By 1960, Japan's GNP had increased some 3½ times to around $460 per head, or about equivalent to World War I levels in the United States. By 1970 it had quadrupled again to about $1900, which was about at the U.S. level in 1950. In 1974, with currency revaluation and inflation, it had more than doubled again in dollar value, to about $4200. This means that in current dollars Japan's per capita output now stands approximately where ours did four or five years ago.

Various explanations have been advanced for Japan's economic success. I would like to list here a few which strike me as particularly relevant. First, and overwhelmingly the most important, has been a coherent and consistent economic policy, with three principal features:

Concentration of Japan's resources into those major industries in which Japan has the best prospect for achieving international comparative advantage.

Systematic and continuous re-allocation of those resources into increasingly sophisticated, productive, and higher growth industries, making for a steady upgrading of Japan's industry and labor force in productivity and income. Thus, Japan, which in the late 1940's was producing raw silk and cheap toys, has advanced successively into basic textiles, synthetic fibres, and advanced fashion designs into low carbon steels, specialty steels, and shipbuilding; into radios; television receivers, and computers; into bicycles, motorcycles, and automobiles.

An impressively far-sighted balance between consumption and re-investment of the growing national and personal incomes, allowing not only a steadily rising standard of living, but a remarkably rapid expansion of industrial capacity, as well. To be specific Japan's gross investment rate has averaged around 38–39% of GNP, versus about 18% for the United States; Japan's personal savings rate has been just under 20% of disposable income, versus around 7% in this country.

In addition, there are a number of other factors which tend to facilitate and reinforce this fundamental policy. Let me note some of these:

A high degree of political and social stability. Japan is geographically compact and ethnically homogeneous. The same political party, though declining in popular support at the polls, has remained in power since the early 1950's. Crime rates are low, education and literacy levels are high; life expectancy for both men and women is among the highest, and the infant mortality rate *is* the lowest, in the world. This favorable environment is both cause and effect of economic success, and offers both a basis and incentive for continued rapid growth.

An essentially cooperative labor-management relationship. As many of you know, organized labor in Japan takes the form of company, or enterprise, unions rather than craft unions, and the general pattern is one of lifetime employment with a single firm. Loyalties are to companies, and are quite strong. One key advantage of this pattern is that the Japanese worker feels considerably less threatened by change or by new technology than does his counterpart in the West.

He tends, rather, to welcome new products, new technologies, and other innovations which increase his productivity, since these will enhance the competitiveness and profitability of his firm and, hence, his own future income and security. This single, small, and often overlooked aspect of the Japanese system has enabled Japanese industry to absorb new technology and methods, to modernize, and to advance into a succession of new products and activities with remarkable speed.

A sophisticated global perspective. Of necessity, Japanese industry has had to develop both markets and sources of supply in virtually every part of the world. Over time, a truly international outlook in which competitive dynamics are seen in global terms has permeated deeply into the thinking and reactions of both the Government and the private sector. Thus, in such products as steel, automobiles, machinery, and consumer electronics, Japanese strategic planning tends to be global in scale, with sourcing, production, assembly, and marketing considered in that perspective. By contrast, in our economy, one finds this outlook only in a relative handful of multi-national firms. We are still essentially domestically-focused in an era of global competition.

"High-growth" reflexes. Average real growth of 10% for 25 years means that the leading firms and industries have grown much faster, often at twice that rate or more. Sustained growth at these rates soon produces an entirely different set of dynamics and instincts, which tend to be self-perpetuating. Much more effort and attention must be channeled into planning for and stimulating future growth, into probing for new products, technologies, and market opportunities, and into the systematic expansion of capacity in increasingly larger increments. As a consequence of this, the Japanese have internalized the concept of a dynamic, evolving economy in which mature, low-productivity products and activities are phased out in favor of more sophisticated, productive ones, and the entire economy is constantly being upgraded.

On closer examination, then, the Japanese "miracle" is neither very miraculous nor, indeed, even inscrutable. It is a straightforward combination of perceptive, competent planning, internal coordination, discipline, and diligence, and therein lies its ultimate strength. It seems to me that in some rather fundamental aspects of their economic activity—notably, concentration of resources, reinvestment practices, and systematic productivity gains—the Japanese have simply achieved a somewhat greater degree of effectiveness, more consistently, than other advanced economies, and the cumulative effects of those incremental differences, compounded over time, are now assuming some rather formidible proportions.

Japan now has a solidly established base of sophisticated, capital intensive industries, competitive on an international basis. Export success has generated a favorable trade position, and together with currency revaluations has opened up to Japan a much wider range of international economic activities than have been available in the past. I believe that Japan may now be entering a wholly new stage of its economic development, in which the Japanese homeland will serve less exclusively as an industrial center and increasingly as the headquarters of a global economic system. The vehicle for this transition will be Japanese direct investment abroad, through which Japanese industry will begin shifting a significant proportion of its new manufacturing capacity into other economies, (particularly in labor and energy intensive and high pollutant industries), will move to secure stable long-term sources of food and raw materials, will seek to establish a position in the R&D sectors of other advanced economies, and will begin to diversify and expand their external business and financial activities beyond the bounds of their traditional import-export trade.

Against this background, let me now outline what I feel are some of the likely developments in the Japanese economy over the coming decade, and then speculate briefly on what these might imply for the relationship between Japan and the United States.

First, I believe we can expect the so-called Japanese "system" to remain essentially intact and strong. That is, unlike some other observers, I see little sign of significant deterioration in, for example, government-business relationships, the employment pattern, savings and investment rates, or any of the various factors which have contributed to Japanese economic development heretofore.

Second, I therefore believe we can anticipate a general continuation of the established pattern: continued advancement into new growth industries, continued gains in Japanese GNP, productivity, and living standards relative to the United States and other leading industrial economies. Here, I find particularly misleading the frequently-encountered argument that the Japanese are tiring of "growth for growth's sake". GNP growth rates simply measure productivity gains and the rate at which living standards are improving, and in Japan these have been dramatic. The idea that the Japanese family, after now having a taste of private automobiles, better food and clothing, vacation homes, leisure time, travel abroad, and the like, should now be satisfied at some 60% of our living standards strikes me as somewhat more likely to appeal to outsiders than to the Japanese themselves, particularly when full parity appears so close.

Third, increasing productivity will translate itself into increasing Japanese competitiveness in higher technology and large-scale enterprises in a broadening spectrum of industries and activities. Increasing productivity will presumably also be reflected in the continued appreciation of the yen against the dollar and other currencies. For this and other reasons, Japanese industry will be particularly aggressive in adding large-scale capacity increments in heavy commodity production and processing in all parts of the world.

Fourth, the continued expansion of Japanese economic activity outside of Japan. As in the past, Japanese domestic resources will continue to be reallocated into more efficient and productive channels, and less productive activities will be transferred abroad, often under continued Japanese management. Thus, as the Japanese domestic industrial base becomes more sophisticated, the proportion of Japanese economic activity which is carried on outside of Japan—and, from the other point of view, the Japanese presence in other economies—will continue to grow.

Fifth, increasingly complex patterns of trade, investment, and competitive dynamics, requiring increasingly sophisticated corporate strategies and government policies.

Sixth, and finally, I would expect to see rising levels of business frictions and adverse political reaction as the Japanese competitive presence in other countries continues to expand. Indeed, if there is a likely constraining factor on future Japanese growth overall, I believe it may well be the degree of acceptance in other countries of steadily rising levels of that Japanese competitive presence. Here, much will depend on the skill and perceptivity with which Japanese industry—and particularly the major Japanese industrial and trading firms—plan and implement their long-range strategies in the rest of the world.

The effect of these developments on the U.S.-Japan economic relationship will depend, of course, in large part on the U.S. economic performance and the American response to the challenge of continuing Japanese economic growth. I don't find that response easy to predict. I am not sure, frankly, to what extent the prospect of Japan's supplanting the United States as the industrial leader of the world will stimulate this country to a more vigorous and competitive effort, will be accepted philosophically, will be met with antipathy and resentment, or, indeed, to what extent it may simply go unnoticed. What does seem clear, though, is that the next decade will be a period of competitive ferment and transition in which Japan will be making further economic advances relative to the United States.

For the U.S. side, this suggests a need for a pragmatic and sophisticated awareness of what Japan actually represents, both as an opportunity and as a competitive challenge. At the corporate and industry levels, American firms should learn at least as much about the Japanese markets for their products, and about their Japanese competitors, as their Japanese counterparts know about our activities. In many cases, U.S. corporations should evaluate Japan systematically as an explicit part of their overall strategies. Particularly in the critical areas of partner and distributor selection, they should have enough independent knowledge of the Japanese competitive environment and the range of prospective Japanese associates to maintain the initiative and make intelligent choices. They should not, as many still do, establish a relationship with the first Japanese firm they come in contact with, and therafter accept its advice on all matters reating to Japan.

Likewise, at the state and local levels, any community seriously interested in attracting Japanese investment should acquire sufficient knowledge of the Japanese economic and competitive environment to maintain the initiative in identifying and attracting the appropriate kinds, levels, and "mix" of Japanese investments. They should identify specific industries and activities in which they offer relative advantages to the prospective Japanese investor over other communities and locations. They should identify and evaluate specific prospective investors and present them with concrete proposals, tailored to the needs and interests of both the investor and the U.S. community. Not very many communities, in my experience, have made this effort, and the result has been that Japanese corporate investors have tended to cluster in a few familiar areas, or find other locations on their own.

As a closing thought, I would point out that the U.S.-Japan economic relationship is not an abstraction. It is a tangible, living, breathing composite of many thousands of business transactions and competitive corporate relationships. Its future growth, its quality, and its contribution to our respective economics will be determined by the skill and sophistication with which these are planned and managed at the corporate and local levels. It will, in short, be pretty much what we choose to make it.

THE ENERGY CRISIS

Mr. **BUMPERS**. Mr. President, within the past year and a half, while other States have felt the sharp pinch of the energy crisis, Arkansas moved quickly to cope with the problem. It is blessed by nature with sizable energy resources in the forms of oil, natural gas, coal, and hydroelectric potential, but still imports most of its energy. Arkansas quickly realized that its energy resources were limited and nonrenewable, and that, in any event, the interdependent nature of the American economy made immunity from the energy crisis a temporary phenomenon at best.

Above all, the energy crisis pointed up the need for a sensible policy of energy conservation if the same problems being encountered by other States were not to be facing Arkansas in the near future. For such a policy to be successful, however, it was necessary that it be based on an awareness of the situation which would outlive the immediate symptoms of the crisis. Cognizant of this basic fact, the State government took the lead in creating and sustaining an energy consciousness among Arkansans. An energy forum, comprised of representatives of government and industry, was convened to help focus attention on the situation as well as to formulate possible solutions. The creation of a State energy office provided the machinery needed to deal with the problem on a full-time basis and to keep energy conservation in the public mind. In a series of conferences around the State, energy producers and consumers were brought together to exchange ideas and opinions.

But a campaign to reduce energy consumption requires more than mere talk, and here again the State government provided the impetus. In the spirit of the Shakespearean injunction to "suit the action to the word," the State agencies embarked on an ambitious conservation program with the goal of cutting their energy use by one-fifth. In the offices, unnecessary lights were extinguished and thermostats were reset; on the roads, State employees drove smaller cars at lower speeds. By the end of a year, these and other measures had resulted in savings of 11.3 percent, somewhat short of the original goal, but nonetheless remarkable, in light of the facts that State government continued to expand during the period, and more stringent automobile pollution standards had been put into effect.

Across the State, individuals and corporations have followed the lead of State government in voluntary actions designed to use less energy more efficiently. The response to an energy-office campaign encouraging motorists to save at least 1 gallon of gasoline per month has been enthusiastic. Industries have implemented their own conservation plans, spurred not only by the exigencies of the energy crisis, but also by the knowledge that such measures make good economic and environmental sense.

Large and small, the savings effected added up to a significant amount. But perhaps more significant even than the savings has been the spirit of cooperation which has underlain each effort. Individuals, industry, and government have worked together harmoniously in the best interest of all concerned.

The people of Arkansas are well aware that the energy crisis did not disappear with the lines at the gas pumps. And, furthermore, they are working to do something about it.

THE INAUGURATION OF LT. GEN. GEORGE M. SEIGNIOUS II, AS PRESIDENT OF THE CITADEL

Mr. THURMOND. Mr. President, on March 1, 1975, Lt. Gen. George M. Seignious II, was inaugurated as the 14th president of the Citadel. General Seignious is a great soldier and a great patriot. He has served his country with distinction in peace and war. The Citadel is fortunate to have a man of his character and experience as its president. Following in the tradition of his predecessors, who include such eminent men as Gen. Mark Clark, Gen. Hugh Pate Harris, and Gen. James W. Duckett, General Seignious will provide an outstanding example of integrity, industry, and ability, not only for the Citadel cadets but for all the young people of South Carolina.

On the occasion of his inauguration, General Seignious delivered a brief address outlining his personal philosophy and setting forth the objectives he intends to pursue in his new position. His thoughtful words, full of hope for the future, are extremely timely. They deserve the widest possible audience at a moment in our Nation's history when so many people are gloomy or despairing. To help them achieve this, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

INAUGURAL ADDRESS BY GEN. GEORGE M. SEIGNIOUS II

Governor Edwards, Senator Hollings, Congressman Mann, Congressman Davis, Governor Harvey, Governor West, State Treasurer Patterson, members of the Board of Visitors, my three living illustrious predecessors—General Clark, General Harris, General Duckett, honorable mayors, distinguished delegates of our colleges and universities, ladies and gentlemen of The Citadel faculty, members of the Class of 1942, gentlemen of the Corps, my friends old and new, and my family. I feel deep gratitude to each of you who has extended such generous and poignant greetings. I am truly overwhelmed, I deeply appreciate the presence of each of you and am remindful of those who are here in spirit only.

I do solemnly and humbly, at this holy place, at this moment, in this company, in the sight of God and with His help, formally assume the duties as the 14th president of The Citadel, a high honor vested in me by the Board of Visitors and the Governor of the State of South Carolina. With the privilege comes the grave responsibility and the impelling feelings of opportunity to serve and mold the future leaders of our state and nation—leadership that will extend well into the 21st century. I do so at a time in our nation's history when prophecy wallows in cynicism and despair, when scandal, economic turmoil, deprivation, and threat erode our national will, and when the sense of well-being and self-confidence has given way to fear.

We can and we must reject this pathetic gloom. It is unworthy—it is unworthy of our heritage, it is unworthy of us who lead or teach, it is unworthy of our sons and daughters, and it is categorically unworthy of the gentlemen of the Corps seated there in the south transept. This republic has met adversity and endured travail throughout its 200-year history. Now is the time and place and the circumstance, as we approach our Bicentennial, to reassert the basic fundamentals of our national character—a rebirth of patriotism when national issues are addressed for the national good and not on partisan grounds; when integrity and ethics are the hallmark of business, government, and our dealings with each other; when hard work and earning a living are measures of dignity and self-respect; when the love of God and country is proudly inspiring. These values have preserved liberty, advanced our national and individual well-being, and given us happiness and satisfaction—and above all have created a nation of self-reliant people. We must return to those values or lose our heritage.

In early 1843, a few months after the South Carolina General Assembly created The Citadel in 1842, a changing of the guard took place on Marion Square here in Charleston. The old guard, who had been protecting the arms and munitions at The Citadel, was manned by the Washington Light Infantry. The new guard, for the first time, was to be manned by the new cadets at The Citadel. In your mind's eye picture a winter's night of uncertainty by the new guard and a trained, seasoned, and confident old guard—and imagine with me the general orders passed to the new guard.

General Order No. 1—You are to be men of learning—seek the truth.

General Order No. 2—You are patriots—guard your state and nation's heritage and resources.

General Order No. 3—You are men to be trusted—you cannot lie, cheat, or steal.

General Order No. 4—You are responsible—thus you are to be accountable for your deeds.

General Order No. 5—You are special and have been given great opportunity to learn and develop—thus much will be expected of you.

General Order No. 6—You are Citadel men—cherish and preserve it.

These general orders, ladies and gentlemen, imagined for 1843, are simple and basic, relevant and timely—given on a winter's night of uncertainty—and need now to be revitalized by us of the old guard and passed on to the new guard of today. These are the precepts and principles for individual, state, and national well-being. I believe in them. I pledge the entire being of my administration to honor and preserve them—all for one aim—to enlighten, guide, and inspire, for the state and nation, worthy leaders of tomorrow—

Men of learning
Men of integrity
Men of patriotism
Men of self-reliance.

I ask your prayers, your support, and your confidence that these goals shall be met.

NATION SHOULD BE MOBILIZED IN MAJOR VOLUNTARY ENERGY SAVING PROGRAM

Mr. HUMPHREY. Mr. President, neither the Congress nor the President are happy with our efforts to encourage voluntary energy conservation. The spirit of conservation engendered by the embargo in the winter of 1973–74 dissipated all too quickly. The voluntary 55 miles-per-hour speed limit was soon ignored and remains so in many areas despite its becoming law. Use of mass transit facilities has stagnated; and imports of oil continue to rise.

There has been an extensive debate regarding the costs and benefits of coerced energy conservation. Alternatives to achieving such conservation include rationing, higher fuel prices, and mandatory standards.

Without justification, the concept of reliance on voluntary conservation has been dismissed out-of-hand. Our nonprogram during the embargo has soured many on voluntary conservation.

The problem with our earlier voluntary energy conservation program was largely a problem with Washington. We in Congress did not press the administration to devote resources to developing an effective and efficient voluntary conservation program. And the need to deal with the myriad problems of the embargo and rationing distracted the administration sufficient to prevent it from pressing for voluntary conservation. With no direction of encouragement from Congress or the administration, voluntary conservation programs iniated by Governors, mayors, or private organizations just withered.

I propose that we begin anew to promote voluntary energy conservation as a complement to whatever mandatory conservation should be directed primarily by the Administration with the cooperation of Congress.

This American mobilization for energy conservation should, I think, be directed by our Vice President. Mr. ROCKEFELLER deals as an administration official almost daily with Congress. And, I need not add, he is certainly capable of directing this effort.

The mechanics of this mobilization can include the following:

The Vice President would call upon industry to rally with commitments for conservation. These commitments can include conservation targets for the end of 1975 and 1976 of 10 percent and 20 percent, respectively, below 1973 energy consumption levels. Also included should be specific waste recycling commitments by firms in combination with surrounding localities.

The Vice President would call upon the National Conference of Governors, The League of Cities, the Conference of Mayors, and other similar groups, to convene special energy conservation meetings to develop State and regional conservation plans.

The Vice President would call on local public service organizations, trade and professional organizations, and the Advertising Council to develop energy conservation campaigns by their members.

Solid waste recycling facilities can be encouraged to provide cheap boiler fuel, to conserve fossil fuel, and to provide for inexpensive waste disposal.

This voluntary conservation effort should be developed by the Vice President to complement other energy conserving proposals of a mandatory nature—including those outlined in the National Energy Conservation Act of 1975, sponsored by Senator JACKSON and myself. It is appropriate, for example, to impose excess energy taxes on large fuel-guzzling autos and large residential, commercial and industrial energy users. This would provide for a more equitable distribution of the burden of energy conservation.

It is vitally important that America pursue a vigorous voluntary energy conservation program. The Vice President should rally America to undertake this consensus program to solve one of our most pressing national problems.

ATTORNEY GENERAL LEVI SPEAKS OUT ON GUN CONTROL

Mr. PERCY. Mr. President, Sunday evening, April 6, in an address to the Law Enforcement Executives Narcotics Conference, Attorney General Levi made a significant and innovative proposal concerning the controversial issue of gun control.

The lines have been drawn for so long on this complex issue that it is unusual to see a proposal which sparks more light than heat. Yet this proposal hopefully will serve to generate discussion and thought about the tremendous problem which the proliferation of handguns presents to our society.

Although Attorney General Levi did not get into specifics in this speech, and although I might have some suggestions about changes which might be made in any substantive proposal, I think it would be beneficial to have this entire address printed in the RECORD for our study and review. I encourage my colleagues to begin a new dialog on this issue to see if we can come up with a proposal which will address the concerns of the overwhelming majority of Americans who want the Congress to act to get guns off our streets.

Mr. President, I ask unanimous consent that Attorney General Levi's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE EDWARD H. LEVI, ATTORNEY GENERAL OF THE UNITED STATES

I would like to talk with you tonight about a problem that concerns us all, both as officials charged with the duty of enforcing the law and as citizens and residents of American cities. Violent crime in the nation's urban areas has reached grave proportions. As police chiefs you meet this problem every day. You see the ugly results of violence not only among the victims of such crimes, but also in the looks of fear that appear intolerably often on the faces of the people you serve.

The Federal Bureau of Investigation's latest figures indicate that the rate of serious crime—murder, forcible rape, robbery, aggravated assault, burglary, larceny, and auto theft—was 17 per cent higher in 1974 than in 1973. That is the biggest increase in the 42 years the Bureau has been collecting statistics. Since 1960, the rate has increased about 200 per cent. Among the serious crimes, those involving violence or the threat of it have also been on the increase, in large part because of increases both in the cities and in the suburban areas around them. Once composed mainly of crimes of passion within families or circles of acquaintances, the murder rate lately has included increasing numbers of crimes in which the perpetrator and victim were strangers. Impersonal, passionless murder on the street has come to symbolize to many people the insecurity of living in crowded urban environments.

I don't want to overemphasize these statistics or to play upon people's fears. It would be easy to do so because people are already afraid and are prepared to accept arguments that give them more cause for fear. I also recognize that the statistics may give a distorted picture of the problem, representing changes in the level at which crime is reported as well as the level at which crime occurs. Yet those qualifications do not offer us much solace.

We are brought face to face with the problem of violence and we must discover new methods to bring it under control. Even the best we can offer, we must concede, will not bring an immediate end to the violence. And achieving our best will undoubtedly take time. Yet we must try to act immediately to counter a dangerous trend in our cities, in which citizens, skeptical of the government's ability to protect them, seek to guarantee their personal safety through a terrible balance of force. The idea that individual security depends on an armed standoff between citizens threatens the very heart of civilized society.

The idea threatens the legal system directly because faith in the law—in its effectiveness and in the fairness and decency with which it is enforced—forms the foundation of obedience to the law. Faith in the law has also been called into question recently by a wave of cynicism about the way law is enforced.

To counteract the cynicism and in that way restore some of the law's effectiveness we must all by our conduct exemplify the even-handedness and kindness of American law. We must show Americans the law is something in which they should believe. But that effort, while it is absolutely necessary, will not make an immediate change in the pattern of violence.

It would be comforting to know precisely what forces and conditions cause crime. But we must do without that comfort because we don't really know all the causes. Even when we think we have isolated a cause, it isn't at all clear what we can do to remedy it. To be sure, economic hardship, dissatisfaction with the quality of life, and deterioration of social institutions have had a devastating effect on obedience to law. These are fundamental matters that shape the morale of the people. Some have argued that our approach to the problem of crime must center exclusively on these matters. And they have found a contradiction between trying to remedy these social problems and trying to strengthen the deterrent impact of the criminal law. I deny that there is any incompatibility.

People's morale depends in part upon their faith in the law's ability to protect them. To reduce their fear of violence is to increase their real wealth. Likewise the decline in the deterrent force of the law impoverishes us all. Chaos in the criminal justice system makes it unlikely today that an offender will receive a punishment commensurate with his crime, and that has reduced the deterrent effect of law drastically. An unpublished study conducted in one major American city showed that only four per cent of the persons arrested for a felony were actually convicted of that felony. Even fewer ever went to prison. FBI statistics show that there are only 19 arrests for every 100 serious crimes reported. And recent research by the Law Enforcement Assistance Administration indicates that in some categories of crime many occurrences are never even reported to police by the victim. When people know that the odds of punishment for criminal conduct decline at every level of the criminal justice system because of inefficiency and disorganization, the deterrent value of punishment is minimal. The deterrent power of the criminal law depends not so much upon the severity of punishment as it does upon the swiftness and certainty with which punishment follows the crime. Finding ways to strengthen this deterrent impact is extremely important.

While we must make our best efforts to discipline and strengthen the criminal justice system and to restore the quality of life in our cities, these things cannot be accomplished rapidly and when accomplished may still not quickly reverse the increasing incidence of violence.

The effort against crime must involve many new techniques because the problem involves many facets, but we can concentrate on the facets one by one. Tonight I would like to discuss one element of the problem of urban violence. The handgun has become the common denominator of much of the violence that besets us.

The stock of handguns in the United States has been estimated at more than 40 million, and that number increases each year by about 2.5 million. The handgun, in itself, is nothing but a relatively simple machine. In some circumstances the handgun is not socially troublesome. It can be used for sport. It can be used in the wilderness for self-protection. Nevertheless, in crowded urban areas the handgun has become a medium of terror. More than half of the murders in America—perhaps 10,000 in 1973—are committed by persons using handguns. About one of every four aggravated assaults and one of every three robberies involves a handgun. In the decade ending in 1973 a total of 613 policemen died of wounds inflicted by handguns. And apart from these statistics, handguns carried on the streets of our urban centers have become the focus of fear. While handguns have reaped great carnage, they have sown an even greater anxiety.

A handgun makes an individual in a city too powerful for his environment. It is a menace because it can be so readily hidden. It is a mechanism that translates passion or a passing evil intent into destruction. The possibility, or in some neighborhoods knowledge, that people roam the streets with handguns in their pockets has called into question the safety of even venturing out from behind locked doors. And the fear of handgun violence has provoked people to purchase their own handgun for self-defense, causing a proliferation of arms that aggravates the basic problem. In short, handguns pose a great threat in cities beleaguered by violence.

Most states have some form of gun control law, ordinarily regulating the place and manner in which firearms may be used and setting some limits on the people to whom handguns may be sold. Only two—New York and Massachusetts—have strict laws. Many cities have tough firearm registration or licensing laws. The latest federal statute, passed in 1968, requires manufacturers, importers and dealers in firearms to obtain a federal license. It prohibits them from selling to persons they have reason to believe are convicted felons, persons under indictment for a felony, fugitives from justice, addicts or adjudicated mental defectives. It also requires some record-keeping by gun dealers. And it bans the import, though not the manufacture, of cheap handguns, the so-called "Saturday night specials." Those state, local and federal laws have proven to be insufficient.

While the 1968 federal law has made it difficult for anyone to purchase a cheap imported handgun, it has not prevented anyone from buying a similar weapon manufactured or assembled within the United States. A person who lives in a city that has a law prohibiting him from buying a handgun need only travel a short distance—often only across the street into a suburb—to purchase a weapon legally. The federal law requires licensed gun dealers to keep records of purchasers of handguns, but it does not require the same of individuals who sell or transfer weapons but don't make a business of it. Consequently there are no universal records of gun ownership. That makes federal prosecution difficult.

And it hampers efforts to trace the origin of weapons used in crime. In state and municipal courts, the crushing burden of other criminal cases leads prosecutors and judges to give low priority to the proper adjudication of gun law violations. Finally, judges often hesitate to impose criminal sanctions on people whose only offense is carrying a weapon for self-protection.

Finding current gun control laws ineffective, the mayors and police chiefs of many major cities, the executive director of the International Association of Chiefs of Police, the United States Conference of Mayors, the Director of the Federal Bureau of Investigation, and many other knowledgeable officials and groups have called for further restriction on handguns. Yet since 1968 no new major federal legislation has been passed.

The idea of gun control generates strong feelings. Some oppose it because they fear they will be stripped of their only defense against violent criminals who would otherwise prey upon them. Others urge that there is a constitutional policy of government restraint in regulating firearms reflected in the Second Amendment, which states, "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Gun control is criticized as missing the point because weapons alone do not cause crime. Many of the objections to gun control, however, simply do not reflect the conditions of modern urban life. They are based on an American style of living that no longer exists in the places where people have congregated to live. And while it is easy to sympathize with those who want handguns to protect themselves from others who have handguns, it is obvious that they contribute to the unacceptable proliferation of handguns in the cities.

The test of our government may lie in its ability to open thoughtful discussion on issues marked by deep emotional divisions. I want to use this occasion to try to do just that, for there is much to talk about.

Proposals relating to handguns range from total prohibition of manufacture and sale coupled with confiscation of existing privately-held handguns to the repeal of all laws that currently place limits on weapon commerce and ownership. In between those extremes there have been proposals for national registration of handguns, for national licensing of handgun owners, and for tightened enforcement of current handgun controls.

Any realistic proposal for federal regulation of handguns must take into account the interests of the opponents of gun legislation. Some people may say that for that reason any new federal gun control law will be less than perfectly effective. The accommodation of strong competing interests almost always results in something different from what any single interest desires. And yet the accommodation required by our system of government can accomplish something useful.

One approach to handgun control we have been discussing is designed to eliminate the so-called "Saturday night specials." These cheap, low-quality handguns pose a special threat simply because they are so inexpensive and so accessible to anyone willing to pay twenty or thirty dollars for a large measure of deadliness. They are the handguns most commonly used in crime. A study by the Treasury Department of more than 4,500 handguns used in crimes in four major cities indicated that 70 per cent were "Saturday night specials." The main problem in prohibiting these cheap and dangerous machines lies in defining their characteristics. We believe that an effective test can be devised to define these weapons with sufficient clarity. It would include a variety of factors such as overall size and barrel length, the presence of safety features, the metallurgical quality of the weapon's parts, and the performance of the handgun after being subjected to various strains.

Banning manufacture and sale of "Saturday night specials" would begin to remove from circulation the kind of handgun most often used in urban street crime. Short of prohibition, a taxing system could be developed to price this variety of weapon out of existence. The only advantage purchasers see in these low-quality weapons is their low price. A graduated tax could be designed to bring the price of every handgun up to some specified level. For example, a $25 handgun could be taxed $75, a $75 handgun could be taxed $25, and a $90 handgun could be taxed $10 to make the cheapest available handgun cost no less than $100. If enforcement efforts cut off the development of a black market in cheap handguns, economic forces would quickly make it unprofitable for anyone to manufacture "Saturday night specials."

But "Saturday night specials" are not the only weapons on the street, and a ban on their manufacture and sale would not eliminate the threat caused by existing handguns—cheap or expensive: "Saturday night specials" proposals do not discriminate between areas of the country where the need for control is greatest and the vast areas where handguns pose less of a threat. Also, it is hardly opening new vistas of discourse to come to you with the suggestions about controlling cheap handguns. That idea has been around for some time. A proposal to implement it passed the Senate in 1972. The Department of Justice has on more than one occasion supported the idea of controlling "Saturday night specials," and President Nixon offered some support for it in 1973.

A newer approach to handgun control is to design a mechanism which includes strong sanctions against violators but which strikes only in places where the need for handgun control has been clearly demonstrated by a critical level of violence. At the Department of Justice we have been sketching out ways in which such a mechanism might operate.

We began by concentrating on urban centers where the problem of handguns is most critical. The Standard Metropolitan Statistical Areas designated by the Office of Management and Budget are a convenient tool for defining the limits of the areas in which our proposal might operate. Those statistical areas all include a central city with a population of 50,000 or more and surrounding political subdivisions. Preliminarily, we have discussed a mechanism which would be set into operation either by a local violent crime rate significantly higher than the national average or by a high local violent crime rate coupled with a significant increase in the local rate of violent crime over the course of a year. For example, assume that the mechanism had been put into effect in 1972 and assume that the system provided federal controls in a local area if its violent crime rate was either 20 per cent higher than the national average or both 10 per cent higher than the national average and five per cent higher than the previous year's local rate. Under these assumptions, a federal gun law designed to go into effect in limited geographic areas would have applied in 62 Standard Metropolitan Areas including New York City, Washington, D.C., Chicago, Baltimore, San Francisco, and Los Angeles.

The formula could be adjusted, of course. For example, the mechanism might only apply to Standard Metropolitan Statistical Areas with core cities whose population exceed 250,000. Under the assumptions I mentioned just a moment ago, only 27 relatively large metropolitan areas would be covered by such a mechanism. Perhaps some metropolitan areas would want to be covered but would not be under either hypothetical formula I have described. Perhaps both of the formulas are overinclusive. The point here, though, is the broad idea and not the technical details.

In areas where the violent crime rate has reached the critical level, this proposal would ban the possession of handguns outside the home or place of business. It would apply to all handguns, not simply "Saturday night specials." It would ban the sale or transfer of handguns and handgun ammunition in the relevant metropolitan areas and also prohibit importing handguns into the metropolitan area, except in certain circumstances in which the guns are imported for the use of law enforcement or other strictly defined security personnel exempt from the law.

In these critical crime areas an owner of a handgun would be required to obtain a special permit of extremely limited duration if he wanted to transport his weapon outside his home or business for a legitimate reason. Handguns could be used at target-shooting clubs if they were kept in secure arsenals at the clubs.

It is well to remember that the areas in which these federal controls would apply are those which generally want strict controls the most. They are the areas which need controls the most.

And they are the areas that suffer the

most from the lack of effective national regulation over the interstate transportation of handguns. The regional approach I am outlining avoids more drastic nationwide measures such as registration and licensing, but it strikes no less than they do at the illegal commerce in weapons. It strikes not at the moment a handgun crosses a state line but rather at the end of the line of commerce when the weapon has reached the hands of an individual who is the reason for the commerce in the first place. It strikes at the moment when the weapon is most deadly.

There are many variations that can be built upon this regional critical crime rate mechanism. It could include a high civil penalty plus confiscation of the weapon for the first violation of the possession or transfer provisions. This kind of penalty, we believe, would be stiff enough to deter violation. But because it would be a civil penalty, judges would not hesitate to impose it on otherwise law-abiding citizens. A second offense could carry a short prison term and a third offense and any violation of the gun-running provisions of the law could carry a stiff criminal penalty.

These penalties—indeed all features of this proposal—could be modified. But in discussions with U.S. Attorneys and other law enforcement officials, most have told us that this gun control mechanism could have a significant effect on urban gun crime. They have offered suggestions. Some have suggested, for example, that a civil penalty for the first offense is not enough because prosecutors would not take seriously a law providing such a mild sanction. We are considering their suggestions, but they do not go to the essence of the regional approach.

As one final consideration, a gun proposal of the sort I have just outlined may not be effective unless it were imposed for a period of years once crime in a metropolitan area reached critical levels. If the federal law were to switch on and off with slight changes in the crime rate, we believe that the important deterrent effect which stems from the certainty of its enforcement would be lost. In addition, the benefits of a federal law would not flow instantaneously but would only occur when a lasting pattern of strict enforcement becomes clear. Nevertheless, the mechanism could be designed to free a metropolitan area of federal handgun regulation once the crisis level of violence had clearly passed.

This proposal has several advantages. Because it would cover not only central cities but also the suburban regions around them, it would avoid the problem encountered in so many cities whose neighboring suburbs do not control handguns strictly. The federal law could reduce the possibility of crossing the street from a city into a suburb to purchase a lethal handgun whose sale had been banned in the city. It could change people's habits with respect to handguns. And a change in the habits of a society can make the crucial difference in its conduct.

Finally, it would leave unaffected the use of handguns in vast areas of the nation, in cities where violence has not reached emergency proportions and in rural areas where handgun use is both less threatening and more legitimate.

The handgun control proposals I have discussed tonight are only a small part of the universe of social inventions we could design to stem the spread of firearms. Gazing at a universe can be rather frightening sometimes because it involves seeing such a limitless range of possibilities. In the past we have often avoided this sense of vertigo by seizing upon one idea, reducing it to the language of legislation, then trying to sell it in a market that encompasses deeply divided interests. And in the past we have often failed. I reject the idea that the universe of possibilities for controlling handguns is foreboding. I believe it makes for a great challenge because it offers so many opportunities for thoughtful discussion and compromise.

I am calling upon you tonight and upon other law enforcement officials as well as representatives of all sides of the gun control controversy to join with the Department of Justice in conversations that can lead to legislation to stem the violence in our cities. The dangers to our society posed by uncontrolled violence are simply too great for us to fail to act.

I have concentrated tonight on only one approach to the problem of urban violence. Of course, we must design other approaches, other social and legal inventions to increase the efficiency of the criminal justice system—the police, the courts, the system of corrections. I believe that if we use our best wisdom and our most resolute spirit we will be able to fashion those inventions. I chose tonight to talk of only one facet of the problem because handguns are such a basic factor in violence and the declining morale in our cities and also because finding a means of controlling handguns challenges our democratic institutions to produce a compromise measure that can still be effective.

The control of handguns is a terribly difficult problem that generates deeply emotional responses in all quarters. But it is also central to the horrible insecurity affecting so many of our cities. I need your advice and participation in the discussions I hope will begin in good faith on the subject of handgun control. And I pledge my cooperation and the cooperation of the Department of Justice in your efforts to bring peace to your communities.

JERRY T. VERKLER

Mr. JACKSON. Mr. President, when the Committee on Interior and Insular Affairs held its organizational meeting in January, members of the committee adopted a resolution of appreciation for the service of Jerry T. Verkler as staff director of the committee for 14 years.

Senator Clinton Anderson of New Mexico appointed Jerry as staff director of the committee at the beginning of the 87th Congress in 1961. It has been my pleasure to work with him since then, first as a member and then as chairman of the committee.

Jerry's service as staff director has spanned a period of enormous growth and change for the Interior Committee. During those years, the committee has moved from preoccupation with western resources issues to a role of national leadership on critical energy and environmental problems.

Jerry's leadership was instrumental in the committee's adjustment to its new role. His knowledge of the Senate and its procedures, his ability to work effectively with members of the committee and its staff has made it possible for the committee to fulfill its growing responsibilities.

As an ardent conservationist, Jerry had the opportunity during his years with the committee to help enact landmark legislation in the conservation field. He played an important role in securing enactment of the Wilderness Act of 1964, which created the National Wilderness System, and the act establishing the Land and Water Conservation Fund.

Jerry's contribution to the committee's outstanding record in the conservation field was recognized in 1973 when he was chosen to receive the coveted American Motors Conservation Award for his work as staff director.

Mr. President, Members of the Senate are well aware of the invaluable contribution made by the professional staffs of committees. There is no doubt that the role played by senior staff members is increasingly significant as the Senate considers a growing number of complex issues. The dedication and hard work of people like Jerry Verkler goes unheralded but the Senate could not function without it.

I know I speak for many members of the Interior Committee of both parties in acknowledging the loyal service of Jerry Verkler over the past 14 years. He leaves with our gratitude for an important job well done and our best wishes for success in private life.

REMARKS BY PRESIDENT FORD AT UNIVERSITY OF NOTRE DAME

Mr. THURMOND. Mr. President, in an address recently at the University of Notre Dame, President Ford eloquently stated our basic foreign policy of commitment in the world. His remarks went right to the heart of our international outlook and clearly rejected the so-called new isolationism which seems to be creeping into American thought.

The President not only recounted the gains in the human condition around the globe during the last quarter century, but explained the U.S. relationship with other nations which has made it so. He has made a solid case for the continuance of a world commitment by the United States to freedom and progress for all people.

His remarks should be read or heard by all thoughtful Americans. As we struggle to resolve the differences in our midst over continuing assistance for our friends around the world, President Ford's Notre Dame address can give us solid guidance. Although he pledged continued U.S. interest in international developments, he also urged the kind of aid and cooperation which helps others to help themselves. Further, he pledged our best efforts toward the preservation of freedom and dignity throughout the world.

No finer principle could be laid down for a nation to follow in the conduct of world affairs.

Mr. President, in order that my colleagues may have the full text of President Ford's address I ask unanimous consent that it be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by President Gerald R. Ford

Father Hesburgh, Governor Bowen, my former good friends and colleagues in the Congress, Senator Birch Bayh, and Senator Hartke, Congressman John Brademas, distinguished public officials, honored faculty, members of the student body and distinguished guests—and I add our new Attorney General:

It is really a great privilege and a very high honor for me to have the opportunity of being in South Bend on the University of Notre Dame campus, but I am especially grateful for the honor that has been accorded me this morning. I really cannot express adequately my gratitude being made a member of the Notre Dame family. I thank you very much.

I would be most remiss if I did not also express as strongly and as sincerely as I can the gratitude that all of us have in the government for the contributions that have been made, not only in the program described by Father Hesburgh, but by his many other contributions. I say to you, Father Hesburgh, thank you from the bottom of our hearts.

This has been a most exciting morning. As we were getting off the plane at the county airport, a rather amazing thing happened. Somebody asked me, "How do you get to the campus of the University of Notre Dame?" What made it so amazing—it was Father Hesburgh. (Laughter)

I especially want to thank Father Hesburgh for all he has done to make me and my party most welcome here today, and particularly for granting amnesty to the classes this morning.

It is also a rare opportunity for me to be at Notre Dame, the home of the Fighting Irish, on, of all days, St. Patrick's Day. I tried to dress appropriately and honestly, I have a green tie on. Let's face it, this is one day we can all be part of the greening of America.

As your next door neighbor from Michigan, I have always been impressed by the outstanding record of the students of the University of Notre Dame. You have always been leaders in academic achievement, in social concerns, in sports prowess, and now, once again, you are blazing new paths in the developments of new concepts in mass transportation.

Some communities have the mono-rail, some have the subway, Notre Dame has the quickie.

The Fighting Irish of Notre Dame have become a symbol of tenacity and determination of the American people.

But Notre Dame believes not only in might on the football field or on the basketball court, but in a spiritual response to humanity's struggles for a decent life.

I have been told many of you chose to go without a normal meal, eating only a bowl of rice to save money to help feed the world's hungry. It is heartwarming to know that students are concerned about others abroad at a time when many here at home are finding it difficult to afford an education or to get a job.

Although life is hard for many Americans, I am proud that we continue to share it with others. And that, in my opinion, is the measure of genuine compassion, and I congratulate you.

I am especially proud to be on a campus that looks up to God and out to humanity at a time when some are tempted to turn inward, and turn away from the problems of the world. Notre Dame's great spokesman, Father Hesburgh, is known in Washington as a non-conformist. I must admit that I do not share all of the Father's views, but he is following one non-conformist viewpoint to which I fully subscribe, and I quote, "Be not conformed to this world, but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect, will of God.

To conform to apathy and pessimism is to drop out and to cop out. In that sense, I fully reject conformity. In that sense, I am a non-conformist who continues to be proud of America's partnership with other nations and who makes no apology for the United States of America.

America's goodness and America's greatness speak for themselves. I believe in this Nation and in our capacity to resolve our difficulties at home without turning our back on the rest of the world.

Let me share a personal experience. I was elected to the Congress in the aftermath of World War II. A non-partisan foreign policy was emerging at that time. America realized that politics must stop at the water's edge. Our fate was linked to the well-being of other free nations. We became the first Nation to provide others with economic assistance as a national policy. Foreign aid was an American invention or an American project of which we can be justifiably proud.

Today, as I look back, I am grateful for the opportunity to serve in our government during the third quarter of the 20th century. The past 25 years, while not perfect, were incomparably better for humanity than either of the two previous quarters of this century. There was no world war nor global depression. Major nations achieved detente. Many new nations obtained independence. There has been an explosion of hope, freedom and human progress at home as well as abroad.

America's role, considered in fair context, was a catalyst for change, for growth, and for betterment.

The Marshall Plan, unprecedented in world history, restored war-ravaged Europe. Even earlier, United States relief and rehabilitation activities during World War II and assistance to Greece and to Turkey after the war had provided precedents and experience in America's overseas assistance.

In the same year that I came to Congress, 1949, President Truman advanced Point IV, an innovative and remarkable concept providing technical assistance to developing nations. It brought new American ideas and technology to people hitherto unable to benefit from advances in health, agriculture and education.

The Food for Peace Act, designed to use America's agricultural abundance to assist others, was a product of the Eisenhower Administration. In the late 1950s, we created the development loan program to help others help themselves. In 1961, the Congress established the Agency for International Development to consolidate and to administer the various activities and agencies. They were carrying out the will of the Congress and the President at that time.

Programs to help people in the developing countries are an expression of America's great compassion and we should be proud of them. But such aid is also part of the continuing effort to achieve an enduring structure of world peace. It is no longer a question of just the Third World. I am deeply concerned about the problems of the fourth world, the very poorest world where from 400 million to 800 million people suffer from malnutrition; where average per capita income is under $275 per year; where life expectancy is 20 years less than in the developing countries; where more than 40 percent of the children will never reach the age of five; where more than half of the population has never been to school.

Despite these problems, the economies of the developing countries have grown at an encouraging rate in the past ten years, thanks in part, I think substantial part, to American assistance. Manufacturing output increased 100 percent. Food production rose by over one-third. Enrollment in elementary schools doubled. Enrollment in secondary schools and colleges quadrupled.

But population growth and increased demand collided with inflation and energy shortages. Gains in many, many instances have been wiped out. At the very time when our policy seeks to build peace with nations of different philosophies, there remains too much violence and too much threat to peace.

The Congress defined the role of foreign aid this way, and I quote from the legislation itself: "The freedom, security and prosperity of the United States are best sustained in a community of free, secure and prospering nations. Ignorance, want and despair, breed the extremism and violence which lead to aggression and subversion."

Those words, written by the Congress, I think are so accurate. If nations are to develop within this definition, they must be able to defend themselves. They must have assurances that America can be counted on to provide the means of security, their own security, as well as the means of sustenance.

People with affirmative vision of the future will not resort to violence. While we pursue a peaceful world in which there is unity and diversity, we must continue to support security against aggression and subversion. To do otherwise, in my judgment, would invite greater violence.

The United States, in this day and age, cannot avoid partnership with nations trying to improve the kind of world the children of today will face tomorrow. Recent events have demonstrated the total interdependence of all people who live on this planet.

The 1973 war in the Middle East showed that war confined to a limited region nevertheless has an economic impact, not only in South Bend, but in every corner of the world.

Developing and developed countries are all part of a single interdependent economic system. This audience, I am told—and this student body includes many students from over 60 foreign countries, and I congratulate you, Father Hesburgh—let this demonstrate to all Americans that other people place a high valuation on what America has to offer. Let it demonstrate that the University of Notre Dame rejects what some call the new isolationism.

Let me share with you a specific problem that Father Resburgh mentioned in his introduction. When the World Food Conference met in Rome in the fall of 1974, I—as the newly chosen President—was faced with a very perplexing problem.

Food prices in America were over one-fifth higher than in the previous year. Food reserves, as reported by the Department of Agriculture, were dwindling. The corn crop and other commodities were disappointing in 1974. There were concerns about hunger among our own people.

Against this background, I was presented with several alternative estimates on how much we should spend for food for peace for those in other lands.

At the Rome conference, American spokesmen pledged that we would try our utmost to increase our food contribution, despite our own crop problems. As crop reports improved, I designated—as was mentioned by Father Hesburgh—a sum even higher than the highest option recommended to me at the time of the conference.

A factor in my own decision was your fine President, Father Hesburgh, and you should be thankful that you have a person who has such broad interests as he, as the President of your university.

A factor also in my judgment was that the program provided, and properly so, a reminder of America's moral commitment. Food for peace was increased from about $980 million to $1.6 billion. This will provide about 5.5 million tons of commodities, up from 3.3 million tons last year.

Most of the commodities will be wheat and rice, but also desperately required and also increased are blended foods used in nutritional programs for mothers and for infants.

The United States, fortunately, is no longer the only country aiding others, but we continue to lead—and we will—in providing food assistance. In 20 years of food for peace, we shipped over 245 million tons of wheat, rice and other grains, valued at roughly $23 billion.

Every American should be proud of that record. It is an illustration of the humane feeling and the generosity of the American people.

While food helps, only by technical assistance can emerging nations meet their needs. It has been often said, but I think it is appropriate at this time, that if a hungry man is given a fish, he can eat for one day, but if he is taught to fish, he can eat every day.

The greatest opportunity lies in expanding production in areas where production will be consumed. The world is farming only about one-half of the potential crop lands, yet there are insufficient farmer incentives in many countries, shortages of fertilizer, high fuel costs and inadequate storage and distribution systems.

The answers to the world food problem are to be found in interdependence. We can and will help other nations, but simplistic paternalism may do more harm than good. Our help must take the form of helping every nation to help itself, and we will.

I am particularly concerned about the problem of fair distribution. America believes in equality of opportunity. This Nation provides a showcase of change in providing better nutrition, education, health, to more and more people, including those who can least afford it.

Some nations have made excellent use of our assistance to develop their own capacities. Other governments are still struggling with the issue of equality of opportunity and fair distribution of life necessities.

Good world citizenship requires no more than moralizing about the role others should take. It requires each nation to put its own house in order. Good American citizenship requires more than moralizations about what is wrong with the United States.

It requires personal involvement and action to bring about change. It requires voting and organizing and challenging and changing with the flexible and dynamic American political process.

Our system, by any standard, works, and will work better, and you can be a part of it.

The developing nations of the world are increasingly successful in bringing prosperity to larger numbers of their own people. In fact, the assistance we have provided these nations is not just a one-way street.

Thirty percent of U.S. exports are purchased by these developing nations, thereby obviously contributing to a better life for their people and jobs for ours. In cases where countries have the means, let them join in sharing with us, as they should.

Some have helped; others have not. We lead the way, and we will not shirk from future burdens, but all nations must cooperate in developing the world's resources.

We extend the hand of partnership and friendship to make a better world.

Another challenge facing the developing nations, as well as other nations, is to realize the need for peaceful accommodation with neighbors. An interdependent world cannot solve disputes by threat or by force.

People now and in the future depend on each other more than they sometimes realize. For example, we in America import between 50 and 1C0 percent of such essential minerals as cobalt, bauxite, nickel, manganese and others.

The challenge, as I see it, is for America and all other nations to take responsibility for themselves while building cooperation with each other.

The challenge is also the preservation of the freedom and dignity of the human individual throughout the world. Just as the world's nations can no longer go it alone, neither can the American people.

Woodrow Wilson said that "What we should seek to import in our colleges is not so much learning itself as the spirit of learning.

Great universities that pursue truth face the challenge that confronts the entire American people. It is whether we will learn nothing from the past and return to the introversion of the 1930s to the dangerous notion that our fate is unrelated to the fate of others.

I am convinced that Americans, however tempted to resign from the world, know deep in their heart that it cannot be done. The spirit of learning is too deeply ingrained. We know that wherever the bell tolls for freedom, it tolls for us.

The American people have responded by supplying help to needy nations. Programs, both government and the volunteer agencies, could not have been, and cannot be reenacted without popular support. CARE and Catholic Relief Services, pioneers in Food for Peace programs, are feeding over 28 million people around the world right today. Protestant, Jewish and other groups are similarly involved at universities throughout the Nation.

Researchers seek answers to world problems. Right here in Indiana, Purdue University, scientists have made discoveries in high protein aspects of sorghum, a basic food of more than 300 million people in Asia and in Africa.

Not only the scientists at Purdue, but people throughout America, realize that no structure of world peace can endure unless the poverty question is answered. There is no safety for any nation in a hungry, ill-educated and desperate world.

In a time of recession, inflation, and unemployment at home, it is argued that we can no longer afford foreign assistance. In my judgment, there are two basic arguments to the contrary.

First, foreign aid is a part of the price we must pay to achieve the kind of a world in which we want to live. Let's be frank about it. Foreign aid bolsters our diplomatic efforts for peace and for security. But secondly, and perhaps just as importantly, even with a recession, we remain the world's most affluent country and the sharing of our resources today is the right, the humane and the decent thing to do. And we will.

But just as we seek to build bridges to other nations, we must unite at home. This Administration wants better communication with the academic world and I express again my appreciation for the warmth of this reception.

But this communication must not just be a search for new technology, but for the human and spiritual qualities that enrich American life. In the future, fewer people must produce more. We must, therefore, unleash intellectual capacities to anticipate and solve our problems.

The academic world must join in the revival of fundamental American values. Let us build a new sense of pride in being an American.

Yes, you can make America what you want it to be. Think about that for just a moment, if you would. Is it really true? Yes, in my judgment, it is.

But there is a catch to it. You will never see it come true. Perhaps your children or your grandchildren will. What you can do is move America slowly, but surely, along the right direction.

Admittedly, today's America is far from perfect, but it is much closer to the America that my class of 1935 wanted than it was when I left the University of Michigan.

Today's America is a far better place than it was 40 years ago when the lingering shadows of worldwide depression were being blotted out by the darker clouds of worldwide war. My generation did not wholly save the world, obviously. But we did, to a degree, help to move it along in the right direction.

We learned along the way that we are part of one world. The author of that phrase was a Hoosier, the first political candidate about whom I got personally involved enough to volunteer as a campaign worker. His name was Wendell Willkie.

Wendell Willkie, of Indiana, was never President, but he was right. He fought for what he believed in against almost impossible odds. In the last Presidential campaign before Pearl Harbor, he believed most deeply—too far ahead of his time, perhaps—that America must be part of one world. He lost the 1940 election but he helped unite America in support of the truth, which has been our non-partisan national policy since the Second World War, and I say with emphasis, there has been no third world war.

On the contrary, the prospects for long-range peace have slowly, but surely, improved.

Despite setbacks and current international problems, the standards of human life have been lifted almost everywhere. Yet, today, we hear another theme, that the time of history is running against us, that America's example of American leadership is neither needed nor heeded at the present time; that we should take care of ourselves and let the rest of mankind do likewise; that our domestic difficulties dictate a splendid selfishness that runs counter to all of our religious roots, as well as to all recent experience.

We are counseled to withdraw from one world and go it alone. I have heard that song before. I am here to say I am not going to dance to it. Nor do I believe this generation of young Americans will desert their ideals for a better Nation and a better world.

You can and you will help to move America along in the right direction. Hopefully, you can do a better job than the Class of 1935, but while the Classes of 1975 and 1935 are still around, we have much to learn from each other.

We can renew the old American concept of respect for the conviction of others, in faith in the deceny of others. We can work to banish war and want wherever they exist. We can exalt the spirit of service and love that St. Patrick exemplified in his day.

I am not alarmed when I hear warnings that the tide of history is running against us. I do not believe it for a minute because I know where the tide of history really is—on this campus, and thousands and thousands of others in this great country, and wherever young men and women are preparing themselves to serve God and their countries and to build a better world.

You are a part of the tide of this history, and you will make it run strong and true. Of that, I am sure.

Thank you, and the top of the morning to you.

U.S. AND INDIA REACH AGREEMENT ON FOOD AID

Mr. HUMPHREY. Mr. President, I am pleased that our negotiations with India, regarding a Public Law 480 agreement, have reached a successful conclusion.

This agreement for 800,000 tons is a happy convergence of Indian need and stabilization of the U.S. market. The negotiations relating to this agreement have dragged on for some months, and it is fortunate that the agreement was reached as other commercial sales agreement have been canceled, thereby weakening the market.

I also hope that this agreement signals a better and more wholesome relationship between our two countries. We both have much to offer one another, and there is ample reason for close cooperation.

Mr. President, I ask unanimous consent that the March 24 New York Times article "U.S. Grain Accord Welcomed in India," which describes the agreement, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. GRAIN ACCORD WELCOMED IN INDIA—WHILE NEW DELHI PLAYS DOWN CONCESSIONAL DEAL, AIDES PRIVATELY HAIL IT

New Delhi, March 23.—The new agreement for the supply of 800,000 tons of

American wheat to India on concessional terms has been welcomed by officials here with much relief.

"It's most timely—it will solve a lot of our problems," said one official at the Food Ministry.

Although for political reasons the Government is playing down the significance of the agreement that was signed in Washington on Thursday, officials here privately acknowledge the beneficial effect on food prices, stocks and Government finances.

The agreement provides for the delivery of the entire quantity before June against repayment in dollars spread over a period of 40 years. This was the first concessional loan agreement signed between India and the United States after the termination of similar accords under public law 480 that were in operation for more than a decade until 1971, and that brought 60 million tons of United States grains to India.

The quantity now pledged is probably one-fourth of what the Government will have to import by commercial purchases this year. But it has come at a time when officials are struggling to formulate a workable policy on prices and food management.

Currently, the New Delhi Goverment is resisting pressures from state chief ministers to grant a higher purchase price for wheat than last year to induce farmers to sell to Government agencies. Last year farmers preferred selling to private traders who offered nearly double the Government price. It resulted in poor internal procurement and higher imports.

Even after a record import of 5,000,000 tons of grain last year, because of poor local procurement the public-distribution system nearly reached a breaking point and food riots erupted in several areas.

MAJOR SHIFT IN FOOD POLICY

The Food Ministry is now planning to stick to last year's prices and also to bar private trades from wholesale trading in wheat outside their states. This is a major shift in the food policy and takes it back to the policy of 1973 when the Government took over the wheat trade. Then the experiment ended in near disaster beacuse farmers held back food because of low Government prices.

The following year the Government reversed the policy and increased prices by nearly 50 per cent and also allowed private traders to operate. This also failed to bring enough grains to Government stocks. The Government accused the traders of hoarding and pushing up prices artificially.

This year with a substantial quantity of American wheat—worth $128-million—available at no immediate cost, the Government could tell the farmers that wheat is available outside India at a much cheaper price.

The budget for this year has already provided enough funds to import at least the same quantity of grains as last year.

Officials say that wheat prospects this year are bright and that the total wheat output is likely to reach 27 million tons, 5 million tons more than last year. Present plans call for freezing of food prices and the building up of at least 10 million tons of Government stocks that can keep the public-distribution system on a fairly sound basis.

PICTURE IS STILL POOR

However, the total food picture will be as poor as the last year's. The food output for the fiscal year ending June 1 is not likely to exceed the last year's production of 103 million tons. Nevertheless, according to officials, whatever deficit there is could be taken care of from the substantial stocks. With at least five and a half million tons of local purchases, they are confident of building the stocks with the imports.

"Apart from the concessional food, we are assured of availability of enough grains in the United States market this year," said the Food Ministry official.

The American agreement to supply the wheat is seen here as a step toward improving relations between India and the United States. One of the things affecting those relations was Washington's recent announcement lifting the arms embargo on the subcontinent at the behest of Pakistan.

"The agreement is to be welcomed both for itself and as signaling the process of healing between the two countries," said The National Herald, the New Delhi newspaper close to the Government.

"The lifting of the arms embargo and the United States stand on a number of other issues are likely to rankle in the Indian mind for a long time to come," the paper added. "But it's good to know that cooperation, where this is possible, is not having to wait on the resolution of policy differences in other fields."

OUR SERIOUS ECONOMIC PLIGHT

Mr. GOLDWATER. Mr. President, recently I had the opportunity and the honor to deliver a speech before the Committee for Monetary Research and Education at Columbia University. Needless to say the contents of my address had to do with our Nation's economic system and monetary policy in a period which encompasses both inflation and recession. I felt it was a good time, Mr. President, to expose the consequences this Nation has reaped from a devotion to the policies of John Maynard Keynes. The late Lord Keynes was an advocate of Government policy based on "full employment" and Federal expenditures. It has led us into the economic problems we are faced with today and seems to have convinced succeeding generations in this country that "easy money will cure everything."

Because of our extremely serious economic plight Mr. President, I ask unanimous consent that my speech on March 22, 1975 be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR BARRY GOLDWATER

It gives me great pleasure to appear on this, the Harriman Campus of Columbia, a university that has made a profound impression on the nation's monetary history from the time of Alexander Hamilton—and at the same time recognizes the serious plight of many privately endowed colleges and universities because of inflation.

Rightfully, they treasure their teaching independence and freedom, but, hard-pressed for financial aid, they are turning to Washington only to discover that there is invariably a price to pay. Currently it consists of intervention in the selection of faculties and students. I shudder to think what can happen to our nation, as it has to some countries abroad, should our government control the direction of higher education.

On the other hand, I cannot shed a tear for some hardpressed institutions. They are hurting badly from inflation, but continue to be hotbeds for Keynesian economics with its guiding star of "full employment" at any cost. To deal with the social evil of partial unemployment, which is inevitable in any free economy, the disciples of the English economist, the late Lord Keynes, advocate vast governmental outlays and controls. We have pursued this policy for years. The result has been inflation and the recession we see all around us. It is time that we back away from Keynesian economics and also re-examine the Full Employment Act of 1946.

But to come to the business at hand . . . I do not profess to be a monetary expert, but as a legislator with responsibilities in helping to restore confidence in our dollar, I have done monetary research on my own. Just as it has been said that war is too important to leave to the generals—and I am one—so the fate of the dollar is too important to leave to the economists and the intellectual dreamers. I hope my investigation will encourage others to do likewise.

Many Americans may believe the subject is too complicated to understand and throw up their hands in despair. But I urge them not to give up. Too much is at stake. Moreover the basics are comparatively simple.

Quality, for example, should count in money as well as in commodities. A dollar that is redeemable in gold should be better than a dollar that is redeemable only in paper. Certainly more people will have confidence in it. And there is the nub of the matter. Now, for my own investigation. We legislators have to seek professional guidance on many of the complex problems that come before us. So it was to be expected that the Joint Economic Committee engaged two economists to prepare a report in 1972, entitled, "The Inflation Process in the United States." Page after page consists of mathematical equations giving the impression of scientific accuracy and finality. The report concluded with a recommendation of "A permanent incomes policy which reconciles wage and profit claims with the country's ability to meet them." How frightening! A gigantic intrusion of the police force to cure inflation. I don't buy it, although some of my colleagues may.

Perhaps I should not be surprised at this and similar recommendations of economists so much in the public eye in Washington during the past forty years. They have nearly all accepted the theories of the late John Maynard Keynes who relied on government to create credit to end depressions and to achieve full employment and perpetual prosperity.

In 1933, President Roosevelt, enjoying immense popularity after his handling of the banking crisis, soon turned to Keynesian type policies. Keynes became the ambitious economists' hero. The New Deal thrust hundreds of these intellectuals into positions of immense influence over government policy. It is also notable that both Roosevelt and they were hostile to business. Then for years they played a tune that has gone completely sour in the last few years. Initially their policies brought on an inflation exhilarating to commerce and industry as long as business enjoyed record-breaking paper profits. As inflation grew, sobering reality set in.

Now the bitter results are becoming evident and I heard there was bewilderment among economists at the recent convention of the American Economic Association over the failure of their so-called "fine tuning" of the economy. What went wrong? The "new economics" had not only created inflation but a troublesome recession to go with it. At first this unexpected development was confusing to the Keynesians. They preferred to ignore the real possibility that the uncertainties of inflation might have been a prime cause of the depression. Rather they were almost relieved at the appearance of the depression for it justified their prescribing familiar sugar-coated remedies—more spending (except for the national defense), lower taxes, larger subsidies and further interference with business, the very medicine that gave our economy inflation fever in the first place. I have known ill people who got sicker and sicker until, in desperation, they discharged their doctor and hired a new one who threw out all the old drugs and pills and prescribed a simple rest sure. Then the patient recovered. Could it be that that is the treatment our ailing economy needs?

Let me pass, for the moment, to another bit of my research prompted by a statement of Mr. Martin while he was Chairman of the Federal Reserve Board a few years ago. He urged a restoration of the integrity of the dollar, again making it a store of value. Paper dollars then, as now, are not a store of value. We are all aware how rapidly these irredeemable notes are lising their buying power. Our constitution provides for coining money, not printing it.

Oddly enough, I can find no reference to the store of value quality of money in the leading college text book on economics. Being curious about the kind of college economics being taught today, I examined the widely used college economic text of Nobel Prize winner, Dr. Paul Samuelson. It appears to be a greenbackers bible! Speaking of money, he says, and I quote, "Today, all American currency and coin is essentially 'fiat' money. It is money because we all accept it." Factually that is right—unfortunately. But money ought to be more than a medium of exchange. He completely fails to mention that it should also be a store of value. Fiat money is the worst kind any nation can issue. History offers example after example of nations experiencing disastrous consequences from using it.

Samuelson also says: "From the standpoint of understanding the nature of money, it is perhaps simpler that gold certificates and coin no longer exist. The modern student need not be misled as were earlier generations of students, by some mystical belief that 'gold backing' is what gives money its value. Certainly gold, as such has little to do with the problem."

I wonder if Samuelson would today turn down an opportunity to purchase a few ounces of gold at $35 an ounce? Gold recently sold at over $175, five times that figure. Could the policy he and his friends recommended in 1970 have been based on faulty theory or limited knowledge of history?

Much more Keynesian instruction is contained in Dr. Samuelson's text. Typical is the statement that "modern mixed economies will not go through the agony of deflating themselves, running the risk of mass unemployment and stagnation, merely to obey the rules of the gold standard game." Yet under that standard the buying power of every major currency was more stable than it is today operating under a fiat paper money standard.

So, what have we now after forty years of Keynesianism? One of the most serious crises in American history with the vaunted full employment concept a shambles. The current depression cannot be blamed on the gold standard which the Keynesians unfairly made the scapegoat for the depressed 1930's. Keynesian economics is now being revealed as the Pied Piper of economics, leading the nation off to oblivion unless this younger generation loses its fascination for that dulcet tune, "easy money will cure everything."

Sober reflection on the "full employment" concept of Keynesianism leads to the conclusion that its dependence upon government coercion completely disregards the fact that society cannot be made into a machine, that computer statistics cannot replace morality as a guide to human behavior. It ignores the height of wages which has a lot to do with unemployment, a truth just too sensitive to touch. Even more significant is the fact there is no omnipotent wisdom in government, only coercive power derived from politics.

It is all very well for Keynesianism to be covered in college economic text books, but in fairness to the student, and in balance, he should also be told that, when the gold standard was operative internationally, there were few troublesome balance of payments problems, no currency devaluations of questionable morality, far, far less inflation and few sinking or floating currencies. Above all, he should be told that fiat paper money can depreciate to zero, the value of the paper itself, but that is not the case with gold or silver money.

Not surprisingly Keynesianism has penetrated deeply into business, too. The prestigious Committee for Economic Development, supported by many of our finest industrial corporations and banks, recently issued a report entitled, "Strengthening the World Monetary System." It recommended that the world adopt Special Drawing Rights (SDR's) or paper gold, as the money of the future and eliminate absolutely the use of gold as a monetary reserve. I doubt that this recommendation for international credit cards will set well with the Middle East petroleum producing nations.

Apparently, too, the Secretary of the Treasury is thinking of ending the official monetary role of gold so that it may be treated in all respects like any other commodity. He testified to that end a few weeks ago. If this is to be Republican policy, I wish to record my strong objection. I am unalterably opposed to fiat money because of its destructiveness to society, and I believe I have history on my side.

One government step already taken to reduce the nation's stock of gold was the auction in January of 2,000,000 ounces from our reserves. There was no rush to buy despite considerable newspaper publicity. Even so, it was profitable business for the Treasury. I understand that only 753,600 ounces of gold were sold for an average price of $165.65 per ounce. The proceeds were about $125,000,000. Since the Treasury acquired about a third of this metal at only $20.67 an ounce in 1933 or before, add the other two thirds at $35 an ounce, it realized a profit of over $100,000,000. And it has lots more to sell.

The intrusion of the government in the gold market may cause dismay among speculators for they are up against an extremely powerful market force, the large supply of government gold. How long will the Treasury stay out of the market? How big a sale will it next advertise? How will such a sale affect the dollar? The policy of the Treasury can have significant monetary effects across the world. I deplore a national monetary attitude dependent on uncertain Treasury declarations. They can be seriously misleading. For example, in May, 1971, the Secretary of the Treasury in a speech to the American Bankers Association in Munich, Germany, stated there would be no devaluation of the dollar, no change in the price of gold, and that our nation was winning the battle against inflation. Only three months later, in August 15, 1971, the Treasury shut its gold window and on December 18, 1971, devalued the dollar. Then it devalued the dollar again in February, 1973. Worse yet, the bat-

Is that the kind of a monetary system freedom-loving Americans favor? I doubt it. In order to protect the capital of their clients; trust companies and other institutions with fiduciary responsibilities may have to take investment, indeed speculative risks they would avoid if the dollar were stable. The results may be further disasters, exceeding those of the Franklin National Bank in New York, the Herstatt Bank in Germany and Sidona in Great Britain. Aside from the precarious position of some banks, some states and municipalities are in a serious financial bind. Unlike the federal government, they cannot resort to a printing press to discharge their obligations and therefore are inclined to turn to Washington for relief.

I know that the gold standard is in no sense perfect, but it shines brightly in comparison with what we have today. It gave stability and discipline to governmental and industrial commerce. Surely a monetary standard of value is pust as important, if not more so, than standards of length, weight and space. The gold standard is sometimes criticized as being too rigid or inflexible. So then are honesty and integrity.

In conclusion, the Keynesian intellectuals, the dreamers and creators of "funny money" can sneer all they wish at the gold standard terming it antedeluvian, or a lost cause, but they cannot escape history. The gold standard was not planned. It evolved over centuries of fruitful and sometimes bitter human experience with all kinds of money. Incontestable evidence shows that, in full flower, the gold standard gave the entire world unparalled freedom. I believe it can do so again, turning the globe away from growing and devastating collectivism, repugnant to freedom-loving Americans, and help us get out of the monetary mess we are in, by restoring confidence once again in our dollar.

I cherish the freedoms our brilliant forefathers gave us. I have faith there are fellow citizens who will take the time to penetrate and even expose fashionable and current economic fallacies and, hopefully, help shorten this period of Keynesian depression. They will undoubtedly come to the conclusion of the Vice Chairman of the First National Bank of Chicago when he stated that gold and sex are basic, a conclusion I share. I would be merely following the sage advice of a distinguished son of Columbia, Alexander Hamilton, who cautioned his countrymen not to disregard the wisdom of the ages.

THE IMPACT OF THE FEDERAL BUDGET ON MAINE

Mr. HATHAWAY. Mr. President, last week our colleague, Mr. MUSKIE, made some remarks to the Maine State Legislature in Augusta concerning the budget process, a subject on which he has much knowledge, and the need to make some difficult decisions regarding fiscal policies for not only today, but for tomorrow.

In the days to come, this Chamber will see many proposals made to add to and subtract from, the Federal budget. The economic situation today is difficult at best, and there are no easy solutions to the dilemma in which we now find ourselves.

Mr. MUSKIE's remarks could be useful to those of us in this Chamber who will be voting on budget measures. I ask unanimous consent that the text of our colleague's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE

It's a pleasure and an honor to be here with you today, and to have an opportunity to talk about budget processes and decisions and how they affect the people of Maine. The last time I spoke to a legislature about budgets, I recommended a general fund budget of $98 million.

It's been my experience in the past that talking about budgets often tends to bring a glazed look to the eyes of people in the audience.

This reaction is probably understandable. Most people have no more contact with governmental budgets than what they see on the evening news, when the commentator announces that the President has proposed spending four billion dollars for program X or the Congress has appropriated 23 billion dollars for program Y. The numbers are often so great that they defy interest or understanding.

Even so, the fact of the matter is that the day-to-day decisions which comprise budget processes are what government—at any level—is all about.

This time of year, citizens and public officials throughout Maine—are agonizing over budget decisions as difficult as any they have had to make in recent years.

What comes out of those decisions will be nothing less than a statement about the social and economic priorities of every level of government, affecting every American citizen. That is a constant truth about budgets.

There is another fact about budgets that is becoming more of a truth every day—that is, that budget decisions made by any one level of government have a profound impact on those of all other levels of government as well.

This may seem obvious when one is talking about the Federal budget.

What is not so obvious is the growing interdependence of all levels of government, where budget decisions are concerned. The Federal Government is still the dominant partner. But since World War II, State and local governments have grown far faster than the Federal Government, to the point where the budget decisions they make have both local and national implications.

Let me give you some examples of the kind of interdependence I'm talking about.

On a single day last week, a glance at the front pages of Maine's newspapers told the following stories:

1. The lead story in the Waterville Morning Sentinal quoted State officials as predicting that Maine's Unemployment Compensation Fund would be exhausted by September unless the economy dramatically improved.

2. Locally, there were reports on recent town meetings. Burnham residents voted a budget increase of over 13%, which would probably mean a hike in property taxes. The voters of Arrowsic were warned that property taxes might be increased by 50% if the State legislature did not respond.

3. The Portland Evening Express reported that the Maine Senate had passed a $19.5 million emergency appropriation to meet current deficits in health, welfare, education, and other state programs.

4. And on the same day, a wire service story from Washington reported that I had warned my colleagues on the Senate Budget Committee that it would be virtually impossible to hold total Federal spending to the level proposed by President Ford, given built-in cost increases and actions already taken by the new Congress.

All four of these stories are interrelated. All four illustrate the difficulties government at every level is having in meeting its financial responsibilities. And—although news reports do not say so—all four illustrate how budgetary decisions made at one level of government have an impact on the decisions being made at other levels.

Today, you in this chamber and we in the Congress are struggling with budgetary problems exacerbated by the worst economic situation since the great depression.

The double impact of inflation and recession is making the perennial budget gap almost impossible to close.

In human terms, the recession is increasing the demand for certain services government provides—such as unemployment compensation, health care, and food stamps—while the demand for basic services such as police and fire protection is undiminished.

At the same time, recession is draining the resources available to meet these needs. At every level of government, revenue from sales and income taxes is showing the impact of a slack economy. It is estimated that Federal income tax revenues will fall short by a whopping $55 billion because of reduced employment.

Even property tax revenues, generally more immune to fluctuations in the economy, are not rising as rapidly as anticipated due to the standstill in new construction.

The budgetary tools for solving these problems are by no means simple or painless.

At the Federal level, we have the responsibility not only of providing resources to meet growing human needs in a time of economic distress, but also of providing the fiscal stimulus to bring the economy back to good health. This means tax cuts for the private sector and jobs programs for the unemployed. In budget terms, it unfortunately means a Federal deficit of very large proportions.

At the State level, your options are more limited. Unable to budget in the red, you can either freeze or cut back on services, or raise taxes. In the first case, you eliminate jobs, or place an even heavier burden on those who rely upon government services for their welfare—the poor, the elderly, and the unemployed. If you raise taxes, you run counter to Federal tax cuts enacted to stimulate private spending. If you do not raise taxes, you may force local governments to raise theirs. As it is, some 62 Maine Communities responding to a survey I recently conducted have already had to raise taxes, or expect to have to do so very soon.

Hopefully, the immediate problem of recession will be eased by efforts at the Federal level, and the pressures of today's very unique economic illness on your budgets will lessen.

But fundamental and long-range budget problems will remain. If unattended, they pose a substantial threat to the task of government at all levels to make this country a better place in which to live.

During the decade of the sixties, the Federal Government took the lead in attacking certain problems which were national in scope, problems such as poverty, ignorance and disease which were beyond the resources of smaller units of government.

Maine, like every other State, has benefited from this decision. Federal money now accounts for 31.8% of all revenues received by the State—the largest single source of State revenues. Without this money, you in this chamber would be hard-pressed to meet current demands with your own fiscal resources.

This growth in Federal activity has hardly occurred without criticism, however. By the beginning of this decade, the philosophy of the sixties was beginning to be challenged. No longer were public officials asking whether small governments could solve large problems. Instead, the question was—Can large governments solve small, local problems.

There was a fifth story in the Maine newspapers which illustrates what I mean.

The article noted that the Maine food stamp program has an unacceptably high error rate in determining eligibility for recipients.

The difficulty, according to State officials administering the program, is the complexity of Federal regulations concerning eligibility. These officials concluded by saying that "Congress ought to take a look at the complexities of the program they are proliferating." Federal funds are vital to the pattern of public services we have established in Maine. But Federal programs often come encrusted with rules and regulations which are often inappropriate to Maine's circumstances, discourage local discretion and lead to the sort of waste and inefficiency described in the food stamp article.

I see this every day. And I am sure you do almost as frequently. We find a partially disabled older worker who doesn't quite fit into any Federal assistance program. We find a rule of one Federal agency prevents another branch of the Federal Government from implementing a needed program. We see community hospitals closed down for failure to meet Federal safety standards when no alternative health care arrangements are made available because a second Federal program has not been fully implemented. We see unanticipated impoundments creating havoc for State and local budgets in Maine which are on an annual or biannual cycle.

The Federal response to the outcry over this kind of strangulation by Federal red tape has just begun.

Though there was much to President Nixon's program of new federalism that was only rhetoric, that phrase sparked an energetic and healthy re-evaluation of Federal grant programs which is still in progress. Out of that review have come such initiatives as revenue sharing, grant consolidation and anti-impoundment legislation. And I suspect that we will see considerable more fall-out from this debate in the years ahead.

Such discussion is important.

Nevertheless, I believe it is time for us to look beyond this debate, to more profound problems I see in the future.

Federal assistance has been and will continue to be important to the people of Maine.

But I see a time coming, in the not too distant future, when more Federal assistance—however desirable—may not be available. The needs of our society are expensive, and they are not likely to become any less so as society becomes more complex. We still have not eliminated poverty, ignorance or disease. And now we have to worry about major threats to the health of the environment which supports us, not to mention a growing scarcity of almost every natural resource upon which our society depends.

What are we going to do, as these pressures continue to close in on us?

The experience of this year's budget-making process may be a useful trial run for the future. Recession and inflation are forcing us to make decisions we woud prefer not to make, and which we might have been able to forestall under better economic conditions.

Consider the present dilemma of the Senate Budget Committee, which is currently trying to prepare a preliminary statement of what the budget ought to look like for the next fiscal year.

The President has said he wants to hold the deficit at $60 billion. As desirable as he feels this may be, let's look at the practical problems involved. The Senate Budget Committee staff is presently projecting a deficit of $68 billion, without the addition of programs which appear to be well on their way to passage—including some of the President's own proposals.

The bulk of this $68 billion is made up of automatic increases—from prior year commitments, from increased costs of unemployment compensation and other costs of recession. Also included are new energy initiatives, increased public service and summer youth jobs programs, and removal of the 5% lid on social security increases—all worthy causes, to be sure.

Not included in the $68 billion are a number of other important measures—for example, start-up costs of national health insurance, maintenance of current levels of Federal aid to education through inflation adjustments, maintenance of the present level of Federal matching in social service grants, emergency financial assistance to State and local governments unable to make ends meet because of inflation and recession, and maintenance of current levels of Federal cost-sharing in the medicare-medicaid programs.

What to do with such measures is not as easy as simply being for or against them. For if the Federal Government decreases the amount it spends in Maine for education, or for social service programs, or for medicare and medicaid, then the burden will be on you to fill the gap. And if the Federal Government does not come to the assistance of State and

local governments severely squeezed by inflation and recession, then the entire Federal effort to stimulate the economy may be undercut by tax increases and job layoffs at the State and local level.

You here in the legislature are confronted with equally tough decisions. Holding the line on State spending means cutting back in certain programs. And no matter how you slice it, somebody is going to lose out. It may be the person who qualifies for State assistance under the priority social services programs, or the person whose home town raises its property taxes because the State's commitment has been cut back. Either way, the impact of your actions is felt far and wide.

If the economy were in better health, perhaps you and I might not have these difficult decisions to make. But we do, and perhaps this is good. Because I think that this year's experience is just a taste of what is to come. And we should take stock of that possibility before it becomes a regular occurrence.

If there is one point that has been brought home to me during my brief tenure as chairman of the Budget Committee, it is that we may be rapidly approaching the limit of the resources available to Government for solving problems in this country. The size of the pie is not infinite, and the best of intentions cannot make it so. The ongoing debate over whether more Government money can solve a problem is becoming academic. For we simply may not be able to afford to try.

What all this means for public officials like ourselves is a time of rough sledding ahead. A time for recognizing the increasing degree to which we are dependent upon one another—that whatever we do in Washington affects you here in Maine, and vice versa. And a time for realizing the very great need for working with—not against—each other.

Outside this chamber, and outside the halls of Congress, this means making the American public aware of what lies ahead—that budget processes will become increasingly important to them, as a way of allocating resources that grow scarcer every year.

There may have been a time in the past when budget decisions could be left solely to public officials with the confidence that, although individual priorities might differ, there was plenty to go around.

We must begin to think about the passage of such a time.

WISE COUNSEL FROM THE PRESIDENT OF INDIA

Mr. PERCY. Mr. President, I noted in the Times of India for February 24, 1975, a news report of a speech made by the President of India, Mr. Fakhruddin Ali Ahmed, in which he warns his people against blindly following Western practices and life styles. He said that India must evolve its own solutions which are more relevant to the problems of a developing country.

Because his counsel strikes me as wise and sound, I wish to share this report with my colleagues. I ask unanimous consent that the news account be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ahmed Warns Against Imitation of West

New Delhi, February 23.—The President, Mr. Fakhruddin Ali Ahmed, said today India should not blindly follow the West and must evolve its own solutions to its problems, reports UNI.

Inaugurating a two-day seminar on "traditional cultural values and contemporary challenges" here, Mr. Ahmed said a direct result of the blind acceptance of the western model was the failure to develop intermediate technologies, indigenous sources of energy and more relevant forms of management.

"In whatever we do we should be true to our cultural heritage which attaches primacy to the things of the spirit."

The President said a developing country like India will not get the full benefit of modern science unless simultaneous efforts were made to restructure social and economic life to suit the demands of modern life.

The seminar, organised by the Zakir Hussain Educational and Cultural Foundation, is being attended by about 60 intellectuals, vice-chancellors, artistes, writers and MPs.

Mr. Ahmed called upon the present generation to evolve a synthesis of the scientific progress and the progress of the mind and spirit.

He said the pursuit of an industrial civilisation based on alien cultures and conditions in a predominantly rural society will result in loss of originality and creativity and will accentuate the hiatus between the rich and the poor.

The President warned that high consumption and western life styles would not bring happiness or peace.

He said: "The hippies and dropouts from western civilisation that we see around must be a warning to our urban elite who are trying to imitate the high consumption and life styles of the affluent societies of the West."

Mr. Ahmed said the greatest challenge was the problem of poverty and unemployment. Technology should be adapted to suit our conditions and help in realising the well-being of the largest number of people.

FINANCING SOCIAL SECURITY—WHO SHOULD BEAR THE BURDEN?

Mr. HUMPHREY. Mr. President, in recent weeks, a number of articles have appeared in the press about our social security system—and about the fiscal soundness of the trust funds. The specter of a brankrupt fund is increasingly being raised in an irresponsible manner. I believe strongly that, after emergency legislation relating to the recession has been passed, Congress should turn its attention, in a dispassionate, thoughtful manner, to the benefit structure and the financing of our social security system.

It is true that social security benefits have risen substantially in the last 7 years, by approximately 68 percent. But the point which is often overlooked is how the composition of tax revenues has changed in the last decade. Or, in other words, how are we financing the improvement in retirement benefits? The following comparison of sources of Federal tax receipts illustrates the changes that have occurred from fiscal year 1966 to fiscal year 1976:

Sources of Federal tax revenues

[Percent distribution]

Type of tax:	*Fiscal year 1966*	*Fiscal year 1976*
Personal income	42.4	35.7
Social insurance	19.5	30.8
Corporate income	22.9	16.0
Other	15.1	17.5
Total	100.0	100.0

I find it alarming that since 1966 our reliance on the personal income and corporate income taxes as a source of Federal revenues has declined sharply. The percent of Federal revenues coming from corporate taxes has declined by 7 points in the last 10 years. Personal income taxes have declined from 42.4 percent of total revenues to less than 36 percent. Combined, these taxes, personal and corporate income, accounted for 65.3 percent of revenues in 1966 but will account for only 51.7 percent in 1976. The difference between the two can be accounted for almost entirely by an increasing reliance on the payroll tax system. In 1966, social security taxes accounted for less than 20 percent of all revenues; in 1976, they will account for more than 30 percent.

In, and of itself, this shift in the source of revenues may not appear to be particularly alarming. However, the structure of each of these taxes, that is, the incidence of various taxes on different income groups, makes the question of financing sources an important one. The personal income tax system retains progressivity in spite of the numerous deductions. The payroll tax system, on the other hand, is regressive. A worker with earnings of up to $14,100 pays $825 in social security taxes each year, or 5.85 percent of his income. Someone making $35,000 per year still pays a maximum of $825 into the Social Security Trust Fund, but this figure represents only 2.4 percent of his income. To be more accurate, the payroll tax is proportional up to $14,100 of income—that is, it collects 5.85 percent of income. Above that level, it becomes regressive by collecting a smaller and smaller percent of income as income rises.

Recently, the Advisory Council on Social Security issued a report recommending that part of an expected shortfall in revenues, the result of high inflation and unemployment, should be made up by funding from general revenues. It is true that the Advisory Council referred only to the financing of medicare benefits. However, I think that we must consider general revenues financing on a broader scale. If the actuarial estimates about the soundness of the system are correct, and I believe that Congress must scrutinize these estimates carefully, then we are going to have to face the issue in the not-too-distant future of how to finance future benefits.

One option is to raise the tax rate above 5.85 percent. This move would simply perpetuate, and intensify the regressive nature of the tax. Another alternative would be to increase the taxable base sharply, above the $14,100 which prevails in 1975. This is already being done to a degree. By law, the taxable base is now tied to increases in the Consumer Price Index. Some estimates suggest that the taxable base will have to rise to $24,000 in the next 5 years to preserve actuarial soundness. This solution still maintains a certain degree of regressivity, because above $24,000 the effective tax rate would decline.

The third alternative, and the one which I find most attractive, is partial financing of social security benefits out of general revenues. In both the 92d and 93d Congresses, I introduced legislation which would have permitted up to one-third of social security benefits to be financed out of general revenues, which are composed primarily of the more progressive personal income taxes. I am convinced that when the social security system was enacted, the regressive burden which it places on taxpayers, and the growing share which it now constitutes of total Federal revenues, was not foreseen. We must rethink our traditional approach to financing benefits in the light of these changes which have occurred over the years.

I urge my colleagues to carefully consider the alarming reports which have appeared recently and to make a review of social security one of the highest priorities in this Congress.

Mr. President, I ask unanimous consent that two articles which appeared recently on social security finances be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follow:

[From the Washington Post, Mar. 9, 1975]

Social Security Panel Asks Aid

The Social Security Advisory Council recommended yesterday that Congress earmark $6 billion to $7 billion in general revenues next year to protect the huge retirement system from income loss caused by rising inflation and unemployment.

In its 239-page report, more than two months overdue, the 13-member panel also recommended changes to make Social Security less sensitive to inflation, and to liberalize benefits for men, the disabled and retirees who continue to work.

The report now goes to Congress. Putting its recommendations into effect would require substantial change in the Social Security laws.

The proposal to introduce for the first time general tax revenues into the Social Security system, which now is financed entirely by payroll contributions, was criticized immediately by Secretary of Health, Education and Welfare, Caspar W. Weinberger.

"I think such a step would be inappropriate for a program whose strength has depended so heavily on support by working people and their employees," he said. "We should find other ways to solve the financing problems in Social Security."

President Ford also expressed opposition. In a statement he said such a shift would depart from the "earned right" principle that he strongly supports as a basic feature of Social Security.

As for the soundness of the fund's financing, Mr. Ford said: "While existing reserves are adequate to maintain the fund's financial integrity for the next several years, I want to insure the integrity of the system into the 21st Century. Therefore, I have asked the Vice President to have the Domestic Council explore alternative approaches to financing and to make appropriate recommendations to me."

The council split 8 to 5 on its recommendation to use general tax revenues.

Council Chairman W. Allen Wallis, chancellor of the University of Rochester, said the majority felt that use of general revenues to pay more than half the Medicare hospitalization costs would not violate the contributory nature of Social Security, because health coverage is not related to past earnings while retirement checks are.

The council's recommendation would free more payroll tax money earmarked for Medicare to pay rising retirement benefits.

Wallis said the council was unanimous in recommending a major change in the method by which retirement benefits are computed. He said the proposal would correct a flaw in the 1972 Social Security amendment.

Under the proposal, future retirement benefits for workers would be computed on a complex index of actual earnings adjusted to average earnings of all workers.

The council said this would eliminate the "erratic effect" when average price increases are considered also, as at present.

After retirement, a person's benefits would be adjusted according to the Consumer Price Index, as they are now. The more than 30 milion Social Security beneficiaries are scheduled to receive an 8.5 to 8.7 per cent increase in July, to catch up with last year's inflation. Congress has indicated it will not approve President Ford's request to limit that increase to 5 per cent.

The liberalized benefits for men are designed to make the benefits for fathers and divorced men equal to those for mothers and divorced women. Currently, mothers and divorced women receive more benefits under Social Security than do their male counterparts.

Wallis said the financial soundness of Social Security is increasingly in jeopardy because of the effects of inflation and recession—benefits are increasing at the same time that more and more Americans are being thrown out of work.

Federal actuaries recently estimated that Social Security will run a $2.5 billion deficit this year.

Wallis said there is no danger, in his opinion, that the system will collapse.

[From the Wall Street Journal, Mar. 10, 1975]

Rise in Social Security Tax, Wage Base Seen as Ford Bars General-Revenue Plan

(By Jonathan Spivak)

Washington.—With the door closed on the use of general revenue to ease the financial plight of the Social Security system, the Department of Health, Education and Welfare is looking at short-range financing alternatives.

At present, it appears that some kind of combined increase in the system's tax rate, currently at 5.85%, and a higher wage base on which the tax is applied, probably will be proposed to Congress.

Over the weekend, President Ford and HEW Secretary Caspar Weinberger immediately rejected the major recommendation of an administration-appointed Social Security advisory council, which called for infusion of $7 billion a year of general revenue into the Medicare program. Such an infusion would allow the Medicare payroll tax of 1.8% on employer and employes to be transferred to meet the mounting deficit in the huge Social Security retirement and disability program, the council said, after eight months of studying the problem.

The advisory council also took note of new cost estimates, due out next month, that probably will project a doubling in the system's expected deficit over the next 75 years. These figures will show the long-range need for an increase of six percentage points in the combined payroll tax of 11.7% and forecast that the $46 billion in the system's trust funds will be exhausted soon after 1980 at the current rate of spending its maintained.

Despite the gloomy outlook, President Ford stressed that Social Security should continue to rely on contributions only by employer and employees to preserve its "earned-right" principle. And the President promised that the administration's Domestic Council would begin work on its own solutions to the Social Security system's financial bind.

SORT OUT POSSIBILITIES

Indeed, HEW already is beginning to sort out various short-range financing possibilities that will be considered by the Domestic Council under the leadership of Vice President Rockefeller. While nothing yet is firm, the department's experts have been looking with interest at these two possibilies:

Increasing just the tax rate, which in the short-run could be one percentage point or less to keep the system fiscally sound.

Increasing the tax rate less than the above, perhaps 0.4 or 0.5 percentage point, but applying it to an annual wage base larger than the current $14,100.

To reduce the burden of the payroll tax HEW is likely to push for the second possibility. Under the current law, the wage base automatically will increase to about $15,300 in 1976 and to $16,800 in 1977. But the Social Security system could push for up to an additional $2,500 increase in the wage base starting in 1977. And that amount would be designed so that the escalator provision, which increases the taxable wage base as overall earnings rise each year, would reach $24,000 in five years.

For administration officials worry, however, about pushing for too big a jump in the wage base, which hits middle- and upper-middle income workers and expands the coverage of the Social Security program by providing bigger pensions keyed to higher wages. A jump to $24,000 would mean that even without an increase in the payroll tax rate, the maximum annual payment by a worker whose wages are above the earnings limit would rise 70% above the current level of $825.85 a year.

DOMINATED BY DEMOCRATS

At the same time as it develops a short-range policy, the administration will also try to blend it with long-range solutions before submitting a package to Congress for action this year. But Congress is dominated by Democrats, and it could well emphasize the short-term problem. "We should get earlier financing as a first step and then go after the more complex long-range issue," says a House Social Security expert. The lawmakers are also more inclined to examine and debate the idea of financing through general revenue.

There are other possible points for debate. The HEW short-term possibilities are based on somewhat optimistic economic assumptions and differing judgments on whether administration cost-cutting proposals will actually go into effect. The President's budget for next year assumes an 8.7% increase in Social Security benefits, based on automatic boosts tied to the cost of living. But Social Security experts believe that with a moderation in price increases, this benefit jump will be in the range of only 8% and thus reduce outlays about $500 million a year.

Some Social Security experts would also like to soften the administration's grim future forecasts of unemployment levels on the theory that the high rates won't persist because of political pressures to reduce them. Finally, the administration's proposal to hold Social Security benefit increases to only 5% in the year beginning July 1 and to impose a variety of other cost-cutting measures on Medicare and Social Security outlays probably won't be approved by Congress. But if they are, Social Security's short-term financial needs would be less urgent.

Whatever shape the administration's package takes before it gets to Congress, a major issue still to be confronted is how much in retirement and disability trust funds should be maintained as a safety valve for the whole system. Currently, these funds total about half a year's benefits to guard against increasing problems in making payments to the system's 30 recipient. But the proportion will drop sharply in coming years, and the issue is how much more money can flow out before the funds must be stablized. Three years ago, Social Security experts were arguing that 75% to 125% of a full-year's outlay, currently about $70 billion, should be kept in the trust fund as a reserve.

The advisory council avoided coming to grips with the reserve issue, and some Social Security officials insist they would feel comfortable as long as reserves don't drop below 30%, a level expected in 1977. The President on Friday insisted that there wasn't any immediate problem, but added that he wanted to be certain that the program had adequate money into the 21st Century."

[From the Wall Street Journal, Mar. 10, 1975]

SOCIAL SECURITY TAX PAID OVER FULL YEAR IS STUDIED

WASHINGTON.—Social Security planners are looking with interest at imposing the payroll tax over the full year, thereby easing the current weekly bite.

At present, a worker pays the 5.85% tax each week until he passes the current $14,100 taxable wage base and the withholding taxable wage base and the withholding ceases. Thus, about 15% of the 100 million persons who contribute to the system pay all their Social Security taxes in the first half of the year.

Spreading the tax cut over a full year's pay would require a change in the law and some system by which higher-paid workers would declare in advance what their annual income will be.

But the planners hope that the Ford administration, in its review of the system's financing needs, will consider such a change before an overall proposal is made to Congress, although there well could be objections along the way. Treasury officials may object because such a change would disrupt the flow of cash into that department. And other officials feel the Social Security tax should be made very apparent to discourage attempts to liberalize and expand the system.

USE OF FEDERAL FUNDS TO RESOCIALIZE SCHOOLCHILDREN

Mr. THURMOND. Mr. President, a shocking article appeared in the March 6, 1975 issue of the Oxon Hill Times, Oxon Hill, Md.

This article reports that Federal funds are being used to resocialize our society through "change agents" in the public school system.

I have written the Secretary of Health, Education, and Welfare reference this matter as it is my feeling neither the American people, nor the Congress, would approve of taxpayers' money being used in this manner.

I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PSYCHOLOGY IN OUR SCHOOLS: IS IT A PROBLEM TODAY

(By Erica Kenney)

A Montgomery County mother warned Oxon Hill parents recently of efforts underway in the Maryland public schools to "resocialize our country by shaping the thinking of students using psychology techniques." Mrs. Jacqueline Lawrence, a Montgomery County resident involved in a court action against the public school system on the grounds that some of the activities are illegal and violate her Constitutional rights, was guest speaker at a luncheon meeting at the home of Beth Trotto of Tantallon on February 13.

Around thirty persons were present to hear Mrs. Lawrence, including a number of wives of Prince George's officials and some former candidates for public office. Among those attending were Mrs. Winnie Kelly, Mrs. Fred Wineland, Mrs. John Wolfgang, Mrs. Mike Miller, Mrs. William McCaffrey; also, School Board candidates Doleris Burcham and Irene Whitaker and House of Delegates candidates Ann Shoch and Pat Dunlap.

Mrs. Lawrence, who spent ten years abroad as wife of a Foreign Service Officer, gave talks overseas on American schools. Her appearances were under the auspices of the American Embassy speakers' bureau. She said that upon her return to the U.S. in 1968 she found alarming changes in the school systems and is seeking support to reverse these developments.

According to Mrs. Lawrence, the problem lies with the curriculum writers, theorists and behavioral scientists who are attempting to resocialize our country—to change our attitudes towards race, religion and politics. She cited the November, 1972, issue of "Psychology Today," which describes a three-year plan to bring about social changes in Prince George's County through use of the resocialization technique in some of the county's schools.

This is to be accomplished through change agents, who she described as "persons who actively look for methods of bringing about social change without our being aware of it." Moreover, they are being trained with our tax money.

Last spring the U.S. Office of Education gave a grant of $5.9 million for 500 change agents to be trained at 21 universities throughout the country, including the University of Maryland. The grant was under the provisions of Title V of the Education Professions Development Act, and offered a "Fellowship for Management of Educational Change."

Mr. John Goodlad, a continuing consultant for the Montgomery County schools set up most of the Title III innovative projects funded by the Elementary and Secondary Education Act of 1965. In "Pacesetters in Innovation," Project No. 00230, implemented in Connecticut for sensitizing teachers, he stated, "Forces which block the adoption of new ideas will be identified and ways to overcome them will be explored." "In other words," stated Mrs. Lawrence, "teachers parents or groups who block the innovations will be sought out and dealt with."

In the report of the President's Commission on School Finance, Issue No. 9, Dr. Goodlad complains that "the majority of our youth still hold the same values as their parents, and if we do not resocialize, our system may decay." The report also states that "The Use of Conventional Wisdom (common sense) as a Basis for Decision-Making Is a Major Impediment to Educational Improvement."

Various foundations as well as HEW have given money to these theorists who hold training labs throughout the country to teach educators their ideas. According to Mrs. Lawrence, they are aware that people cannot be forced to change until they are psychologically ready. Therefore, they are moving into psycho-social and psycho-medical education so that children will become psychologically ready for resocialization—alienated from the values of their parents, isolated from past values and attachments, and prepared for a new society. She stated that this is happening today in many classrooms all over the country. In order to alienate children from their parents, some teachers are trained to identify children as to where they are in their value system. Mrs. Lawrence stated. "To accomplish this, teachers are spending much time extracting data from children, which is then kept in storage computers."

In 1970 the Maryland State Board of Education implemented the Human Development and Life Science program. Its aim is to develop a particular kind of human being, according to Mrs. Lawrence. Focus Area No. 1, Interpersonal Relationships, does not need parental approval and no child may be excused. It is interspersed throughout every subject. All new textbooks were purchased for this program. They are based on the psychological approach in order for the child to reveal himself to his instructor. They deal with home situations and domestic relations. They ask the children about their home lives, brothers and sisters, etc.

The children are told to keep diaries, including a budget diary (one of the questions in this category is. "Do you get a fair share of your father's income?"), also a political diary, religion diary, independence diary, hostility and anger diary.

They are asked what situations with adults frighten them, are told to observe their family for a week and tell how love was shown, how anger was shown, and to discuss increase in conflict with parents.

They are asked, "Should you expect to be paid for chores done at home?" "Who does your family entertain at your house?" They are told, "Write a short paragraph about a time when you were afraid. Tell about your fears, dreams, nightmares, death, etc."

Mrs. Lawrence noted that we cannot have religious exercises in school, yet children are being asked questions such as, "How often do you attend church? Why? What are your religious attitudes? Why do you or don't you believe God exists? How do we know what is right or wrong? Does God exist? Does God care? Paul Brandwein, author of "Concepts and Values," a social studies series approved by the state of Maryland and other states, said that "Any child who believes in God is mentally ill."

A Home Economics course offered in some Maryland schools contained an exercise in which the students role-play a pre-marital pregnancy and keep a dairy of conflicts in their homes. The Maryland Association of Home Economics Teachers rejected it, but it was approved by the State Board of Education.

Other examples implemented in some Maryland schools cited by Mrs. Lawrence were (1) the "Who Shall Survive?" exercise in which children are taught to accept murder by the elimination of certain people in society (as in Nazi Germany); (2) the "Blindfold Game," where children are blindfolded and led through the school by the teacher, which teaches them to trust the leader; (3) study of an extinct Eskimo tribe which allowed most female babies and old persons to die, introducing the concepts of infanticide, senilicide and euthanasia; (4) the film, "The Lottery," which challenges tradition and is anti-God.

"The Lottery"' has been shown in many Prince Georges schools, including Eugene Burroughs. When the School Board voted to ban the film last fall, the Prince Georges County Educators' Association opposed the move, charging the Board with "Censorship" and protesting this "infringement" on their "academic freedom." The Educators' Association has appealed to the State Board of Education hearing examiner to overrule the local Board. In addition, two members of the County Educators' Association, together with the County Federation of Teachers and the American Civil Liberties Union have filed suit against the Board in Federal court on the grounds that the move by the Board violated their Constitutional rights based on the 1st and 4th amendments.

When "The Lottery" was reviewed prior to removal from the approved list, a member of the review committee, speaking for the school staff, was asked why the film was being used in the schools. Her answer was, "Every child who enters school at the age of 5 is mentally ill because of the values they have inherited from their families, and we must cure them."

Resistance to parental participation in teaching programs was illustrated by Mrs. Lawrence who used as an example Maryland

Senate Bill 196. This bill, the Parental Rights Bill, allows parents to have access to curriculum. It was introduced in the Maryland Senate, but the State Teachers Association issued a press release to all local associations, and the Prince George's Association got out the word to oppose it on the grounds that it would render schools ineffective as change agents because it would place all curriculum in the hands of parents. The bill was defeated in Committee.

In Montgomery County certain books are held under cover to such an extent that no one may take them out of the schools. Even School Board members must look at them in the schools. Mrs. Lawrence stated, "Textbooks are being introduced into the schools in a clandestine manner, and the Director of Curriculum lied under oath when he denied that a certain series of books was being used."

Test scores show that Maryland students are achieving behind the national norms. College textbooks have had to be simplified because of college students who cannot read at traditional college levels. Mrs. Lawrence told the group that many children are no longer being taught to read because teachers are spending so much time extracting data rather than teaching basic skills. She charged, "Some teachers themselves in their training programs are not learning how to teach the basic skills because their time is spent in learning how to extract information from the students. In many schools there is no geography or history as such. Children do not learn chronological, factual history. They have instead conceptualized social studies."

Mrs. Lawrence noted that some teachers want smaller classes so they can document individual children. They want the children to be cooperative, so they want all competition to stop. Athletes represent a threat because they are aggressive and not manipulative; therefore they are trying to eliminate competitive sports. They want people who will "go along."

Mrs. Lawrence stressed the need for parents to be on the alert for instances of teachers gathering data on their children and their families, and to instruct their children not to give this information. She also urged that parents press for legislation stating that experimental education must have prior informed consent of the parents. She stated that we have never voted to get away from teaching basic skills or give teachers the right to psychoanalyze our children. Mrs. Lawrence declared, "There is a groundswell of protest all over the country now, the citizens must join in to eliminate these dangerous trends in our educational system."

THE GRAY PANTHERS—SENIOR CITIZENS WITH A PURPOSE

Mr. TUNNEY. Mr. President, senior citizens in my home State of California are organizing to preserve the dignity and value of their lives. They are mobilizing as the Gray Panthers which sounds menacing, but really is a call for dignity and self-worth and solid community action.

The Gray Panthers movement favors action. They are organizing to protest the ravages of inflation, utility rate hikes, inaccessible transportation, job discrimination, food costs. We in Congress can help by passing legislation to encourage jobs for seniors, accessible transit facilities, programs to promote an active life. Seniors are creative, independent, and a capable force in our society.

An editorial in the March 25 Los Angeles Times amply sums up the purposes of the Gray Panthers, and I ask unanimous consent that the text of this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Gray Panthers on the Prowl

Gray Panthers—the name sounds menacing. And this organization of senior citizens is threatening. Its very existence challenges the notion that older people—those whose hair is gray or those who have no hair at all—are washed up and useless citizens.

The Gray Panthers, then, is a liberation group. What it proposes to liberate is how we—young, old, in between—regard the elders in our society. "We want to shake up society, to humanize it for everyone," explained Mrs. Maggie Kuhn, the organization's founder. "If we do that, we will make it easier for any age group."

She is right, of course. How we regard old age and over elders in America is often shocking. The inhumane condition of nursing homes, now being exposed across the nation, is but one very dramatic example of how we treat—or, mistreat—the elderly.

There are other examples of more benign mistreatment. Mrs. Kuhn, speaking in Southern California last week, summed it up very well: "We are supposed to be playing cards, shuffleboard, bingo or games all day long. Not growing, not exploring selfhood, not putting anything back into the community."

Senior citizens represent an enormous talent bank of human resources, skills, experience. Intellectual vigor and spirit do not erode as the years advance. The problems the elderly face are problems that afflict all of us. Decent housing, health care, job discrimination, self-esteem are concerns of every citizen, regardless of age.

So don't let the ominous-sounding name put you off. The very existence of the Gray Panthers is a welcome, refreshing and long overdue challenge to old and tired ideas. As Mrs. Kuhn said: "We should go down flying for a better world." Indeed, every one of us—young, old, in between—should.

OUR CRUMBLING INDUSTRIAL BASE

Mr. GOLDWATER. Mr. President, it concerns me a great deal these days when I hear people talk glibly of America's ability to wage war if it were to break out tomorrow or next week.

Unfortunately, past experience has made it an article of American faith that all we need to do in any emergency is prime the pump with dollars, turn on the faucet, and watch an unending stream of military hardware and supplies gush forth.

That is the way it was Mr. President, in World War II and other recent conflicts. But things have changed and changed drastically in recent years. And while they were changing, the industrial base needed for the kind of production that once made America the "arsenal of democracy" has been eroding. Some U.S. strategic industries have virtually disappeared, because of high labor and material costs. Many other producers who are able to make military products refuse to do so, because of budgetary uncertainties.

The crumbling of the industrial base which the United States would need to wage a major war has been going on at an accelerated pace and I am sorry to say that, at a time when the Soviet Union is reaching for both nuclear and conventional weapon superiority.

Because this facet of our defense is so poorly understood, Mr. President, I ask unanimous consent to have printed in the Record an editorial entitled "Our Crumbling Industrial Base" by John L. Frisbee, executive editor of the Air Force magazine. The editorial is from the April 1975 issue.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Our Crumbling Industrial Base

(By John L. Frisbee)

We take nothing from American generalship or the quality of the US fighting man when we say that this country could not have won its major wars of the twentieth century without the miracles of production that overwhelmed opponents who were less materially affluent or lacked our management and mass-production capacity. Now, the United States is close to becoming a victim of its own past achievements.

It has become an article of American faith that all we need do in an emergency is prime the pump with dollars, turn on the faucet, and an unremitting stream of hardware and supplies will gush forth. America—the Arsenal of Democracy.

Well, when the chips are down, no amount of priming will do the job if the pipes have been allowed to rust away. And that is precisely what is happening to our defense-related industrial base, a fact largely obscured by debate on less mundane defense subjects.

In his recent Posture Statement, Chairman of the Joint Chiefs of Staff Gen. George S. Brown had this to say:

". . . nuclear war remains the least likely course of action for our potential enemies. The capability of industry is critical to the United States successfully developing a stalwart conventional deterrent. . . . We are experiencing a creeping erosion of the US industrial base that promises to grow progressively more severe in the foreseeable future. . . . The industrial base must be capable of sustaining all mobilized US forces (Active and Reserve) in a long war against either the Warsaw Pact or the People's Republic of China."

The US industrial base also must be *perceived* by potential opponents as adequate to maintain our deterrent forces, and at the same time be capable of providing friends and allies with the material to defend themselves.

A few examples of industrial base shrinkage serve to illustrate General Brown's point:

In the past three years, 1,000 US foundries have been driven out of business by the cost or meeting new environmental standards. We are unable to produce enough heavy castings to support tank production at the minimum essential level of eighty-three tanks a month, while the USSR producers thousands each year.

Some US strategic industries have virtually disappeared because of high labor and materials costs. An example is watchmaking, a primary source of precision components for military equipment and ordnance. And with the disappearance of such industries goes a skilled and irreplaceable labor force.

Many producers who are able to make military products refuse to do so because of budgetary uncertainties and what they call a "lack of growth potential." When one of the two large producers of ether, used in single-base propellants, stopped production, sixteen potential producers declined to fill the gap.

In contrast, General Brown reported a significant expansion of the Soviet production base that supports its general-purpose forces. The Yom Kippur War apparently taught the Soviets, who always have been advocates of military mass, a few things about the tremendous cost of modern conventional war in terms of equipment losses and ordnance expendiutres. We apparently have not taken that lesson to heart.

Fortunately, we haven't passed the point of no return. Environmental standards *can* be relaxed when the national interest is at stake. Stockpiles of critical materials *can* be increased if necessary.

Perhaps the most important is a recent amendment to the Defense Production Act of 1950. As originally passed, the DPA set up a revolving fund of $2 billion to support a defense production base that would meet wartime needs. The funds were made available to the Office of Emergency Preparedness through a borrowing arrangement with the Treasury. By 1970, interest payments had reduced the revolving fund to insolvency.

The amendment to the DPA, passed by Congress last fall, has breathed life—or at least the chance of it—into the program through new funding procedures. The General Services Administration's Office of Preparedness (a successor to OEP) now can go directly to Congress for support of critical industries that could not otherwise operate in the black. Studies to determine where added production capabilities will be needed are again under way.

All of these remedies, of course, require congressional support.

There is much the Defense Department can do—and is doing—to check the erosion of our production base. But ultimately, the viability of that base depends on the Congress. Adequate congressional support is not likely to be forthcoming unless there is wider understanding of two related points:

First, the USSR is reaching for *both* nuclear and conventional superiority. Second, our production base is an essential element of the overall US deterrent. As Soviet general-purpose forces grow in size and improve in quality, deterring the Soviet conventional threat becomes as important as deterring nuclear war.

Supporting conventional, general-purpose forces is the primary function of our industrial base. That base must not be allowed to crumble.

PSYCHOLOGY AND CENSORSHIP

Mr. PROXMIRE. Mr. President, last October 10, I delivered a statement in this Chamber that argued that fears about the persuasiveness of television were unfounded. I was attempting to counter arguments that governmental controls over broadcasting are needed, because people will be misled by what they see and hear, that television is such a powerful medium that viewers are weaklings in comparison.

I do not believe that. I believe that people are capable of making up their own minds and that our form of representative Government is based on that fact.

Recently, Mr. President, an article in last fall's issue of the Public Opinion Quarterly came to my attention. It was originally presented as a speech to the American Association for Public Opinion Research by Harold Mendelsohn, who was president of that organization. Dr. Mendelsohn is chairman of the Department of Mass Communications at the University of Denver.

Dr. Mendelsohn questions the research methods of the social-psychological behaviorists and the application of their findings to mass communications policies.

One of the key quotations from Dr. Mendelsohn's article, is this:

> No matter what guise they may take on, the major policy implications derived from behavioristic mass communication's research invariably converge at one ultimate point—censorship. Because censorship is so critical an issue in a democracy, the policy recommendations emanating from the behavioristic school can by no means be taken lightly. To avoid any possible misunderstanding, I am not denying that the media presently are subjected to all kinds of censorship at the hands of producers, editors, advertisers, publishers, trade codes, boards of censors, and the like. Neither am I proposing that criticism of the media is unwarranted or that it should be stopped. To the contrary, I endorse lively normative criticism of the media on philosophical, aesthetic, moral, and any other humanistic grounds. What concerns me is the increasing trend toward the utilization of social science research as a rationale for criticisms of the media, giving such criticisms and the policy recommendations accompanying them an aura of scientific validity and legitimacy they never before had.

At another point he says:

> Because audiences are viewed basically as automaton receptacles, incompetent to make meaningful judgments in their own behalf, it is recommended that external standards be set by various regulatory elitist bodies outside the domain of audiences.
>
> * * * * *
>
> It is precisely because of numerous publics with varied social and psychological attributes, interests, motivations, expectations, and tastes come away from the media with differing experiences that it would be unrealistic to formulate media policies from any given catalogue of presumed audience needs. Policy recommendations flowing from subjectively determined audience needs are generally one-sided, undemocratic, and insensitive to the real expectations and behaviors of media audiences.

Mr. President, Dr. Mendelsohn is saying in academic language what I have been arguing: Television audiences can think for themselves; they do not need the Federal Communications Commission to control the news and opinion content that shows up on the tube; they do not need an elitist group telling them what is good for them.

Dr. Mendelsohn only hints at the first amendment rights that are abridged by censors. I maintain flatly that governmental control of broadcast journalism is a violation of our first amendment guarantee to a free press, whether it be delivered by a printing press or an electronic tube.

That is why I have introduced S. 2, the First Amendment Clarification Act of 1975.

Just as Dr. Mendelsohn, I do not believe that the news media are perfect. But I believe a free press is a better bet for the continuation of our form of representative government than a controlled press.

The authors of the Bill of Rights thought so, too.

Competition in the marketplace of ideas is the protection from an errant press; not the Government.

Mr. President, I ask unanimous consent that Dr. Mendelsohn's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Behaviorism, Functionalism, and Mass Communications Policy

(By Harold Mendelsohn)

(Note.—This article compares the functionalist and behaviorist approaches to mass communications research and examines their respective policy-making implications and limitations.

(The author, Chairman of the Department of Mass Communications, University of Denver, was President of the American Association for Public Opinion Research in 1973–74. This article was presented as the presidential address at the AAPOR annual conference in Bolton Landing, Lake George, New York, on June 1, 1974.)

In the March 25th 1974 issue of *Newsweek*, writer Colman McCarthy solemnly proclaimed how, after banishing his TV set from his domicile, he belatedly discovered the passions of Beethoven, became a worshipper of the lowly dandelion, and avoided a costly trip to Masters' and Johnson's marital relations pleasure dome.

Reacting to Mr. McCarthy's somewhat self-congratulatory public confession some weeks later, a critical letter to the editor appeared in the same periodical. It read:

"Thank goodness we have TV to save us from pointy-headed intellectuals like Mr. McCarthy. The world would be a bore if everything had to be "deep" and cultural. After working all day, people like to relax and not have to think."

And so the issue is joined once again. A contemporary footnote to the dialogue that began with Plato's recommendation to rid society of its diversionary poets, through Montaigne's plea for a more humane recognition of the organism's need for respite and diversion, right up to present-day discussions that separate acerbic media critics such as Dwight MacDonald, Ernest Van Den Haag, and Albert Bandura from more restrained mass communications observers such as Joseph T. Klapper, Herbert Gans, and Elihu Katz.

Since the debate about mass communications policy began, and to this very day, the discussion has been dominated by two principles. One is fundamentally normative in nature; the other comprises basic images of man. Clearly, one is a function of the other, with normative proscriptions growing directly out of how the nature of man is perceived.

Persisting over time is the imagine of man as the malleable, reacting robot—Homo Mechanicus. Driven by "tiny time capsules" that never cease popping off within his soma as well as undergoing a never-ending "massage" by external stimuli, Homo Mechanicus can do very little else than to respond instantly and directly to everything he may encounter—very much like a combustion engine compelled to respond automatically each and every time the accelerator is depressed. In the deterministic image of man as Homo Mechanicus, he is perceived as essentially weak; and the media as essentially all-powerful.

Over time this perception has been abetted by the mechanistic Greek philosophers, such as Democritus; by the divine deterministic Hebraic and Christian theologies; by the mechanistic analogs suggested by early scientific explorers such as Kepler, Harvey, and Descartes; and by the more contemporary behavioristic models of Watson, Skinner, and Weiner.

From the start, mechanico-deterministic theories of man have not gone unchallenged. Ancient Hindu teaching stressed that the very essence of ego—that is, selfhood and its psychological attributes of cognition, motivation, and emotion—is primarily and most importantly a product of social contact and interaction. In Confucianism, we find the proposition, "The heart of a man who observes no rules of society is the heart of a beast." Aristotle not only proclaimed man to be essentially social in character, but further asserted that "without law and justice [and society] man would be the worst of animals." And even Descartes exempted both God and soul from his mechanistic universe by humanistically declaring that the "trustworthiness of human perception follows from God's veracity."

Essentially, then, the vision of Homo Mechanicus has always been accompanied by equally convincing perceptions of the human organism as an initiating actor within a social milieu—man as Homo Sapiens, and importantly, man as Homo Volens.

The political and economic upheavals of the eighteenth and nineteenth centuries fostered a dualistic image of man and the media that is still with us. European sociologists of knowledge and mass society such as Marx, Tonnies, Simmel, Mannheim, Tarde, and Le Bon all asserted that society cannot exist without communication and that communication cannot exist without society. The undue stress on communications thus became two-edged. Although the role of mass communications was considered to be socially integrative for the most part, European sociologists who were abetted by primitive behavioristic psychological theories simultaneously asserted the dysfunctional potentialities of the media in manipulating the masses against their wills. Here, mass man emerged as essentially atomized, governed by needs over which he had little control, and highly vulnerable to external manipulation by the media.

Unlike the Europeans, the American founding sociologists were not so much concerned with the seizure and control of political and economic power as they were with the establishment of consensual reciprocities between the governing and the governed. They saw public opinion as the fundamental guideline for democratic political authority. Rather than being disruptive, the potentialities of the media were considered to be primarily integrative. Thus, from the start, American sociologists were mainly concerned with the two-way flow of communications *between* the people and their leaders in the active reciprocal exchange of ideas, values, and beliefs. From such interactive exchanges of opinion between the individual citizens and their leaders, it was believed that consensus

American sociology thus shifted focus from ideologies in broad political and economic contexts to a new social-psychological emphasis on individual values, beliefs, attitudes, and opinions—how they originate, how they are expressed, how they can be harnessed for the common good—all within a societal context. Ultimately, the functionalist orientation to mass communications grew out of the American tradition—an orientation that challenges the efficacy of searching out specific effects allegedly produced by specific mass communications signs without regard for the totalities of specific situational influences.

Despite the caveats regarding the human organism's capability to initiate action as well as to react, contemporary behavioristic theories applied to mass communications persist in perpetuating an optimistic image of the media as deterministic stimuli; a perception that is simultaneously accompanied by a hoary pessimistic image of man as primarily an automatic responder to such stimuli. Here, effect is *always* equated with simple exposure; and the more freqeunt the exposure, the more intense will be the effect. For illustration one need simply to turn to the innumerable media critics of the contemporary exposure-to-evil-begets-evil school of mass communications thought.

It has become a cliché of the behavioristic critical orientation toward the study of media exposure to cite the bromide regarding the allegedly of proportionate time spent by children watching television vis-à-vis attending school. The basic assumption here is that frequent exposure to television must, by definition, be totally harmful to children, while frequent exposure to school—to any school, as long as it is labeled such—is, by definition, entirely beneficial to children. A short visit to any inner city red brick dungeon called a "school" should alter this proposition drastically. Even dyed-in-the-wool behaviorists have occasionally admitted that repeated exposure may not necessarily lead to heightened effect; it might lead to surfeit and boredom instead.

Two major policy implications stem from the proposition that the media institutions are totally dysfunctional and the formal education institutions entirely functional: get rid of the media or turn them into formal schools so that children will spend all their waking hours acquiring very little else but formal knowledge. The latter course is vociferously prescribed by various reform-minded fraternities within education, social research, government, religion, and the lay citizenry.

In its simplest form, the behavioristic model as it has been applied to mass communications research has been little more than an extension of the most naive Pavlovian stimulus-response dynamic. Old-line mass communications behaviorists, generally unmindful of modern gestaltist psychological thought, have been plying their threadbare mass communications wares to unsuspecting publics who are turning more and more to unitary deterministic theories for guidance to the confounding perplexities of modern life: If you want to put an end to sex crimes, do away with pornography and obscenity in films; if you want to curb demonstrations in the streets, ban portrayals of violence on television; if you want to defend an incompetent and manifestly corrupt president, blame the press for conspiring against him and pressure reporters and newscasters to report only "the good news" about the Chief Executive and his administration.

No matter what guise they may take on, the major policy implications derived from behavioristic mass communication's research invariably converge at one ultimate point—censorship. Because censorship is so critical an issue in a democracy, the policy recommendations emanating from the behavioristic school can by no means be taken lightly. To avoid any possible misunderstanding, I am not denying that the media presently are subjected to all kinds of censorship at the hands of producers, editors, advertisers, publishers, trade codes, boards of censors, and the like. Neither am I proposing that criticism of the media is unwarranted or that it should be stopped. To the contrary, I endorse lively normative criticism of the media on philosophical, aesthetic, moral, and any other humanistic grounds. What concerns me is the increasing trend toward the utilization of social science research as a rationale for criticisms of the media, giving such criticisms and the policy recommendations accompanying them an aura of scientific validity and legitimacy they never before had.

We have been witness to an important growing emphasis on the need for systematic policy-making in the mass communications area. In a recent article in the *Journal of Communications,* Ithiel Pool noted that technological innovations in the media act as a principal spur for the necessity to develop sound public policies regarding their ownership, control, accessibility, and regulation. It might be observed, in addition, that as claims accumulate for the validity of social science data as evidence of mass communications effects, so-called scientific data are with increasing frequency being put to use in the formulation of media policies—especially policies pertaining to media content.

The nature of the evidence offered by behavioristic mass communications research becomes critical in examining its claim to legitimacy in the formulation of mass communications policy. First, it is derived basically from artificial laboratory experiments. Often lacking both adequate controls and adequate samples, these laboratory experiments generally contrive to simulate mass communications situations in which one factor, and only one factor—exposure—is manipulated. The determination to isolate just one experimental factor for investigation at precisely the time when various multi-factorial designs, manipulations, and analyses are readily available in the social sciences is an interesting curiosity in itself.

Secondly, behavioristic mass communications research is solely dependent on the assumption that content can be equated with stimulus. That is to say, behaviorists conducting research on mass communications confound the fundamental principle of learning: before a sign can be learned it must first be transformed into a stimulus by the recipient. To put it another way, what the communicator puts into a message is not necessarily what the recipient ultimately gets out of it. Still, the literature is replete with examples of battered-head and bloodied-nose counts, solemnly offered as evidence of "violence" in the media. Most often, neither verbalized nor non-verbalized conspiracies, threats, and insults are counted or accounted for in these analyses, because such incidents fall out of the rubric of so-called overt expressions of aggressive behavior.

It might be added that content analyses of so-called violence are customarily reported in absolute terms, rather than as proportions of totalities that include neutral and non-violent signs as well. It is not surprising to find much violence in television content when that is all that is being sought. It is not a matter of hyperbole, then, to expect behavioristic-oriented content analysts, for example, to codify scenes of Adolph Hitler doing his famous little jig beside the French surrender railroad car at Compiegne as non-violent media content, or perhaps even as a manifestation of pro-social behavior. Hitler as a patron of the performing arts. At the same time, it would not be far-fetched for the same content analysts to codify a scene depicting a freckle-faced young scholar sticking out his tongue behind his teacher's back as an "overt expression of aggressive behavior."

In essence, all content analysis—whether formal or informal, qualitative or quantitative—must be normative. Without accompanying data on how the signs reported in these content analyses are transformed into actual stimuli by audiences, analyses of content alone have the same value for media policy formation as do any other speculative data. This fact notwithstanding, the mass media are constantly subjected to pressures to censor themselves or to be censored solely on the basis of the number of expletives uttered, the kind and amount of anatomy exposed, the number of physical blows struck, or the number of remarks ranging from favorable to unfavorable made about a presidential candidate or a minority group.

The third perplexity stemming from behavioristic research in mass communications focuses on the problem of extrapolating experimental data derived from highly selected miniscule samples first to large populations and then to society as a whole. Ever since Carl Hovland's attempt to reconcile differences between results derived from laboratory experiments with those derived from field studies, it has become customary to explain away such differences as mere consequences of variations in research design and research methods.

In essence, it is tautological to attempt to explain why laboratory-derived effects data cannot be generalized on the basis of how the data are gathered. We know that such differences are indeed due in part to differences in method. But, perhaps more importantly, they are fundamentally due to differences in the basic images of man and the media which dictate choice of method in the first instance. In normative terms, behavioristic experimentation in mass communications research necessarily begins with a dysfunctional image of man as peculiarly susceptible to powerful mass mediated signs. This percept is bound to contaminate everything that flows from it.

Two additional factors enter into the failure of experimental data as candidates for extrapolation. The one is inherent in the way typical behavioristic experiments in mass communications research are set up. Here, Ernest Nagel's "law of the hammer" seems to apply most appropriately. Nagel's law posits the simple thesis that when an individual is given a hammer to hold, he will sooner or later strike something with it. Often, behavioristic mass communications experimenters not only provide the hammer, but, for good measure, also conscientiously scatter about the nails and boards as well. Albert Bandura's much publicized "Bobo-doll" experiment is just one outstanding case in point.

The other factor serving to constrain extrapolation relates to the subjects on whom experiments on mass communications research are most frequently conducted. Hovland and his Yale colleagues early noted that mass-mediated messages are most effective in influencing the brightest, the most aware, the most interested, the most open-minded, and the most highly motivated subsets of given audiences. This finding has been confirmed in a variety of studies conducted both in the laboratory and in the field over the past several decades.

Experiments on the alleged effects of mediated communications conducted solely on subjects who are college students or the children of university professors are almost certain to manifest changes as a direct consequence of exposure. These population subsets are literally trained to react to abstractions and to be receptive to innovative ideas. But the population as a whole is made up of both sophisticates and provincials, professors and functional illerates, those with flexible receptivity to ideas and those whose positions are literally immutable (even under the most intense bombardments of symbols inviting them to change).

The provincials, the functionally illiterate, and the immutable traditionalists rarely show up in the laboratory. Yet their distribution in the population far outweighs that of the types on which mass communications experiments are typically conducted. Their resistance to changes of any sort is monumental. Small wonder, then, that the effects noted in much of behavioristic mass communications experimental research manifest themselves in *naturo* only on occasion, if at all.

For the functionalist, both exposure and effect are equally controlled by disposition and utility. Here, the image of man is powerful; the media are weak. It is an image in which the human organism actively chooses from among the manifold signs that beckon to him. He avoids most of them, ignores many more of them, and transforms only minute numbers of them into stimuli in accordance with his own personal situation, background, experience, needs, wants, and expectations. In this process, the signs that first appear as overt content may or may not remain congruent with what was originally intended by the communicator or with what a thrid-party observer thinks he sees. For example, it is equally possible to conclude that a youngster viewing a scene of a sheriff shooting an outlaw will infer from it that "crime doesn't pay" as it is to suggest that he or she is being schooled in the notion that violence is an acceptable mode for resolving conflicts.

One cannot help but wonder how the generation of young viewers who were supposedly weaned on television violence became so active a force in bringing a conclusion to our violent involvement in Viet Nam. The behavioristic paradigm would have us expect a contrary outcome.

The possibility that all media signs may not stimulate all audiences to react immediately, directly, and equally is nothing less than an imprecation for many adherents of the behavioristic mode. In some instances, the resistance to functionalist interpretations of mass communications effects is strong enough to bring forth *ad hominem* attacks on the very integrity of the scholars who are daring enough to posit such outlandish alternatives. To take an example, the bitter assaults by certain behaviorist critics on the very motives of the functionalist-oriented individuals who served on the Surgeon General's Scientific Advisory Committee on Television and Social Behavior are not only outrageous exercises in calumny and bad taste, but, most dangerously, they pose a serious threat to the free pursuit of scientific investigation in general. If we slip into the habit of publicly questioning the motives and integrity of fellow scientists who happen to disagree with us and conjure up participation in mythical conspiracies as explanations for differences in their approaches and interpretations, we shall quickly plunge into an abyss of ignorance from which it will take generations to ascend.

I have disgressed not only to remind these particular critics—some of whom, unhappily, are colleagues in AAPOR—of the serious and unwarranted mischief they are perpetrating, but also to make them aware of their responsibilities as proper scientific critics. Perhaps Sidney Hook put it best when he wrote in *The New Leader:*

"Criticism should be directed just to policies, and against persons only when they are responsible for policies and against their motives and purposes only when there is some independent evidence of their character."

From the perspective of behaviorism in mass communications research, policy recommendations consistently hide behind the veil of normatively proscribed "needs." For the humanist, primary needs are essentially aesthetic in nature; for the cleric, they are moral; for the educator, mainly cognitive.

In general, behavioristically inclined researchers seek to assess the effects of media from the perspective of what *a priori* they consider to be discrepancies between human deficiencies and what the media offer. Curiously, mass communications behaviorists rarely bother to find out the relevancy of what they, as observers, subjectively consider to be needs and what audiences themselves actually experience as such. Because audiences are viewed basically as automotion receptacles, incompetent to make meaningful judgments in their own behalf, it is recommended that external standards be set by various regulatory elitist bodies outside the domain of audiences. As previously stated, such external standards ultimately involve some form of media censorship. Rather than reflecting realistic needs of audiences, externally applied standards reflect the needs of the elitists who seek to impose them an individuals, communities, and society for various self-serving personal, ideological, or political reasons.

The functionalists are not free from normative proscriptions, particularly as they apply to needs, either. Predisposing needs often are referred to as explanations for a wide variety of observed media behavior. Newspaper readership may be explained, for instance, in terms of needs for linking community and society. Assiduous viewing of televised football games ventilates repressed hostility. Going to the movies is a vehicle for courtship and romance.

From a strictly scientific viewpoint the conceptualization of prior needs as motivating forces for media usage and gratification is not only legitimate but may very well serve to upgrade the entire human needs construct as well. However, the matter becomes troublesome when the formulation of broad mass communications policy is involved. Here, it is quite possible to resort to "needs" as *post hoc* rationalizations for submitting content of questionable merit and quality to audiences. Consequently, "gossip" columns can flourish under the pretense of meeting the public's "need to know"; explicit sex films can be purveyed under the guise of "public health education"; and blatant one-sided propaganda can proliferate as responses to the public's need for information."

It is precisely because numerous publics with varied social and psychological attributes, interests, motivations, expectations, and tastes come away from the media with differing experiences that it would be unrealistic to formulate media policies from any given catalogues of presumed audience needs. Policy recommendations flowing from subjectively determined audience needs are generally one-sided, undemocratic, and insensitive to the real expectations and behaviors of media audiences.

In functionalism, varied dispositions and uses are seen as producing varied effects. Thus, the uses to which individuals put the media and the gratifications they derive from them vary as do their dispositions, needs, wants, and expectations. Functionalists should generally address themselves to the discrepancy between what audiences may actually expect or want and what the media actually deliver. This is by no means a simple task; perhaps, it ultimately defies the empirical research process. Yet, in practice, all policies regarding mass media content are promulgated on the premise of audience wants, expectations, uses, and gratifications—a fact most disturbing to the behavioristic critics of the media. Such a policy orientation serves simply to maintain the *status quo,* they argue.

The assertion that use-gratifications guidelines for media policy merely re-enforce the status quo does not stand up before even the most casual examination of media content over the years. Thus, motion picture films, television programs, newspapers, popular novels, magazines, and radio programs produced in 1974 bear little resemblance to similar materials available in 1964 or 1954. What, then, can possibly be meant when critics of the use-gratification model refer to the "status quo." Status quo as of when—1974, 1954, or 1844? Changes in media content, style, and format occur neither randomly nor arbitrarily. To the contrary, they reflect changing technology and social processes as well as changes in the composition, needs, wants, expectations, and tastes of audiences. It seems peculiarly naive on the part of media behaviorists to assume that the uses to which audiences put the media and the gratifications they derive from them are monotonic, simplistic, static, and immutable, while all other aspects of human behavior are considered multi-faceted, complex, and dynamic.

Because behavioristic research in mass communications can only point to dysfunctions, it cannot offer constructive policy recommendations that will result in more functional mass communications efforts other than suggesting censorship. In other words, behavioristically anchored policy recommendations invariably involve the replacement of content considered to be "harmful" to audiences with content that, *a priori*, has been judged "beneficial." Simple-minded policy recommendations such as more uplift, more educational stuff, less sex, and less violence are the standard suggestions for media policy changes here. On the other hand, reliance on simple audience head-counts to maintain policy postures frequently cited by self-styled functionalists to bolster claims of meeting audience needs will not do either.

Given the state of the art, current social research on the policy aspects of mass communications can, at best, point to specific wants and expectations of particular audiences that the mass media have either overlooked or neglected, such as women, preschool children, Chicanos, blue-collar workers, and the elderly. Working with mass communications practitioners, functionally minded social researchers can be extremely useful in generating new, exciting, and functional mass communications modes. One outstanding example is the Children's Television Workshop enterprise; another is CBS' "Fat Albert and the Cosby Kids" series, a third is the Satellite Technology Demonstration project of the Federation of Rocky Mountain States.

Beyond serving middle-range functions in specific policy areas, it is premature to expect either behavioristic or functionalistic social research to act as reliable bases for formulating large scale societal mass communications policy at the present time. Before social research can serve to undergird over-all mass communication policy a considerably greater functionally oriented research effort is required. For example, we need much more data than are now available on two major variables. On the micro level, we need a far better understanding of precisely what roles the media play in the full process of socialization. On the macro level, we need far more insight into the integrative distintegrative functions of the media in relation to groups and communities.

Perhaps a more enlightened behaviorism holds some future promise here. Perhaps, we can still look ahead to the time envisioned by Carl Hovland some twenty-five years ago when he expected the hope that someday "we may develop a social psychology of communication with the conceptual breadth provided by correlational study of process. . . . with the rigorous but more delimited methodology of the experiment." Perhaps

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CONGRESS AND OLDER AMERICANS: FULFILLMENT OF THE CONGRESSIONAL PLEDGE

Mr. MATHIAS. Mr. President, modern medicine has enabled us to fulfill the American dream—to live longer. But, we have not found a way—and we never will—to preserve our youth at the same time we prolong our lives. The longer we live the older we get: that is a fact of life that we, as Americans, have always found difficult to face—a fact of life that, in this age of accelerating change and instant obsolescence, we go to great lengths and expense to avoid and ignore.

We try to hide or hold off the onset of age upon ourselves; and as if to avoid reminding ourselves of the aging process, too many of us cut off the elderly from any genuine participation in our society. "Out of sight, out of mind" seems to be our characteristic approach to both old age and senior citizens.

Despite that view, however, I believe that more and more Americans are waking up to the fact that people do not go into some sort of suspended animation, or precipitous decline, when they reach 60 or 65—they do not enter some sort of limbo, or twilight zone between life and death—they do not, at the stroke of midnight on the 60th birthday, become suddenly incapable of living creative and constructive lives both as individuals and as members of society—and they do not cease to need a decent standard of living.

Mr. President, we falsely think of ourselves as a young people. In fact, the number of Americans over 65 has, in this century, grown much faster than the overall population. For example, the percentage of the population over 65 has more than doubled while in absolute numbers our older population has increased seven fold. Today, one out of every 10 Americans is over 65, and as our population growth slows as we approach zero population growth, that proportion will grow. According to the U.S. Census Bureau, the older population is expected to increase 46 percent to 29 million in the year 2000.

Our senior citizens are, in fact, a pioneer generation—the first in history to experience a long and early retirement. And, their experience thus far does not bode well for the future. For far too many of our senior citizens, retirement is simply a euphemism for a paralyzing sense of isolation, of uselessness, of life emptied of its purpose or meaning. For far too many, retirement means material as well as emotional and spiritual poverty, as they find their savings and fixed incomes devoured by soaring prices, property taxes, and other forms of inflation and the current recession.

Congress, in the Older Americans Act, promised America's senior citizens "an adequate income in retirement in accord with the American standard of living." Yet, as congressional cochairman of the HEW Conference on Inflation held last year, I learned that over 17 percent of the total population over 65 have incomes below the poverty level; that personal health care expenditures in fiscal year 1973 rose fastest for persons 65 or over—11.6 percent compared with 7.6 percent and 9.9 percent for younger persons; that medicare met only 40 percent of the health bill of individuals 65 and over; that food costs have risen by 59 percent since 1967 including a 24-percent increase in the cost of food in 1973; and that the spiraling cost of operation and repair and maintenance of housing, and increase in property taxes have forced older people out of their homes, or significantly increased the percent of older citizen's income which is spent on housing.

Mr. President, in spite of our much vaunted respect and love for our senior citizens, the elderly today find that their limited incomes cannot buy them even the basic necessities of life—food, housing, medical care, especially health care.

It is unforgiveable for us as a people to allow conditions to exist which force the aged to go without badly needed health care; to allow over a million senior citizens to live in exorbitantly expensive and atrociously run nursing homes, many of which are simply "warehouses for the dying" and "waiting-rooms for the grave."

How can we, as a decent and honorable society, allow 6 million older Americans continue to live to dilapidated or substandard housing, over 1½ million to live in dwellings with basic plumbing facilities not included and 0.5 million in unhealthy overcrowded housing conditions?

But, Mr. President, the problems are not simply that many older Americans are denied a decent standard of living. Many, far too many, are denied a life worth living. They find themselves often exiled from ordinary human affairs, strangers in a society they helped to build. They no longer have a place in the human community. They are in the way—a bother, a nuisance, a drag.

Many older people just give up—they give up even going through the motions of trying to stay alive.

Mr. President, I ask unanimous consent that at this juncture, an article which appeared in the February 13, 1975, edition of the New York Times, entitled "Inflation's Grip Tightens on Poor" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Inflation's Grip Tightens on Poor

(By James T. Wooten)

Special to The New York Times

St. Petersburg, Florida.—When Mrs. Elsie DeFratus could no longer afford the cost of living, she died.

She was nearly 80 years old, and she had survived somehow for a long, long time on her meager widow's pension, frugally measuring it against the rising prices, scrimping and scraping and skipping meals, making do with less and less each day until finally, on a recent morning at an ancient hotel in this city, she crumpled quietly to the floor of her dark and tiny apartment.

She weighed 76 pounds. An autopsy found no trace of food in her shrunken stomach.

"Malnutrition," the coroner concluded.

"Surrender," sighed an elderly friend. "She just stopped believing tomorrow would be better."

Both may have been right, but in any case the small, emaciated woman had become the ultimate victim of inflation. Her extremity had gone as far as it could go.

For millions of other Americans, inflation's effect has been not as extreme, but it is hurting deeply nonetheless.

From one end of the country to the other, in rural hollows and small-town slums, in prairie reservations and mountain encalves and city ghettos, it attacks the poor, the elderly, those on fixed incomes. Sometimes it leaves them, like Mrs. DeFratus, both hungry and hopeless.

President Ford, in his first few months in office, concentrated his economic policy on reducing inflation. And even though prices rose by 12.2 percent last year—the most in 28 years—some progress was being made.

Last month, however, Mr. Ford decided that the time had come to shift the power of government from primarily fighting inflation to fighting a deepening recession, which has pushed the jobless rolls to 7.5 million, or 8.2 percent of the work force.

The Administration itself foresees no immediate drop in living costs. Its forecast, submitted earlier this month with the President's new budget, listed an average inflation rate of 11.3 prcent this year, as against 11 percent last year.

Should inflation stay high, it seems certain to provide new dimensions to the nation's longtime poverty problems. And there are already some signs that economic difficulties are putting fresh edge on traditional class, ethnic and racial antipathies.

At the airport in El Poso, a middle-aged aircraft executive who declines to give his name, tells a fellow traveler his views on the poor.

"They just suck at the Great American Teat," he says. "That is their sole function, to milk the country."

One of the poor, Robert Davis, sat at his kitchen table in the tiny dinette of his housing-project apartment in Little Rock recently, talking with his wife and some visitors about the way he believes other people see him.

"I don't think they think much of me," he said, staring at his mud-caked, high-top shoes. "I mean, they don't think I've amounted to much as a man. Used to be, I didn't much care what they thought, but nowadays—well, I don't know. Maybe they're right."

Mr. Davis is a 40-year-old black man who works more than 40 hours almost every week on a construction crew and earns slightly more than $2 an hour. Occasionally he takes odd jobs on Saturdays to supplement his weekly earnings.

"It wasn't hardly ever enough," he said. "Not with nine kids at home. But there was a time there not too far back when we were sort of looking up. Now, I don't see nothing but down."

SOUP AND CRACKERS

As he talked, his wife quietly prepared dinner for the family, a meal consisting of chicken soup, some crackers, milk for the younger children and coffee for the older ones. She is 38 years old.

She cannot remember a single moment in all of her life, she said, when she was not lacking something she really needed.

Her husband said: "I know people look at us and laugh and say how come we got so many kids, and I say it's because we always wanted a bunch of them and because I never did know we was going to be poor."

Mrs. Davis laughed—a slight chuckle heard above the sounds of her puttering at the stove.

Mr. Davis went on: "I always thought that the way I could work—I'm a right strong man—that we'd make it some way. Now, tell the truth, I don't think we can."

In the last few months, their utility bills have gone from $8 to $21 each month, the result of a rate increase by the local power company. The cost of their groceries has risen from about $60 a week to more than $100, even when Mrs. Davis buys less than she believes they need.

A few weeks ago, with several auto loan installments long overdue, they chose to pay for their food and their water and their lights and their shelter, and the finance company repossessed their second-hand car.

They pay $33 each month for their cramped, dark quarters, and, should Mrs. Davis take a job, the rent would increase proportionately and make the added income almost inconsequential.

"You know them beans I use to buy, Robert?" she said softly. "You know, those dried beans—Lord, I guess I've cooked a ton of them—and they used to be four pounds for 59 cents. You know how much they are now, Robert?"

Mr. Davis shook his head.

"Just guess, Robert," she said.

He declined silently.

"Well, they're $2 for four pounds, that's what they are, and we just can't buy them any more," she said.

Still her husband said nothing.

"You know what, Robert?" Mrs. Davis said, turning away from the stove for a moment. "I think you're right."

"What's that?" he asked.

"I don't think we're going to make it either."

High atop a new St. Petersburg hotel, only blocks from the old one where Mrs. DeFratus died, a bartender talks about the problems of poverty.

"There are no such things," he says. "There are only those who will not work, and I say to hell with them. I work hard. Everybody I know works hard. Why can't they work hard?"

In Seattle there is an old, beige, Victorian house at the corner of East Olive Street and 14th Avenue where every Tuesday morning hundreds of men and women—young and old, black and white—form a long line that snakes down the block toward the towering Space Needle.

ABSOLUTELY FREE

It is a "food bank," a pick-up point for absolutely free, no-strings-attached groceries distributed by Neighbors in Need, a nonprofit group funded partly by the Federal Government and partly by public support.

It was formed after massive layoffs by the Boeing Company, Seattle's largest industry, in 1971. Thousands of formerly middle-class workers were abruptly unemployed.

"We tried to fill that space between the Government benefits and the needs of the people," Milton Kemp, a 28-year-old employe of the group, said. "But we're not really doing it any more. Inflation is killing us. All we're doing is just throwing a few groceries into the gap."

The group's purchasing power in the last few months has plummeted to a point at which pork and beans was listed recently as a "meat" item.

"And there wasn't any pork in those beans, either," Mr. Kemp said.

Each week, thousands of Seattle residents shuffle through one of the group's several "banks," and each week the number of its clients increases.

"People who were once using us as a supplement—our original function—are now solely dependent on us," Mr. Kemp said.

The people who pick up the food are a varied collection. On one Tuesday morning not long ago, a young black man and a middle-aged white woman stood next to each other in the line outside the house.

LESS THAN $100 A WEEK

He was unemployed, and his wife's job brought the couple less than $100 each week. They have two children.

"Can't make it without these—these, well, these gifts," he said, slightly embarrassed.

"Why, if you weren't black your face would turn red," the matronly woman chided. "Shame on you. When you need help, you need help. When your babies need food, they need food, and there's nothing about that to be embarrassed about."

The young black man stared at the sidewalk. "Yes, ma'am," he said. "There is."

Reggie, a black Vietnam veteran in his late 20's, leans against the wall of an abandoned store-front in Columbus, Ohio, and offers his views on inflation.

"It means just one thing to me," he says. "America, the white middle class sort of rearranges its life-style, you know, sort of moans a little about how much hamburger is costing these days, but the black people—you know, man, the poor people—they got no life-styles to rearrange. They're just getting destroyed, you know. I mean, getting killed. And that's America to me. I never knew it to be any other way."

In Seattle Peggy Maze, director of Neighbors in Needs, was embarrassed about the food donations, too.

"Not for me," she said in her office at an old warehouse near the Puget Sound waterfront. "I'm embarrassed for Seattle."

In 1971, public donations were over $250,000. This year, they will be less than $100,000. The Office of Economic Opportunity gave the program $750,000 in 1972, $650,000 in 1973 and $500,000 this year.

"When we need more, we get less," she said.

"SUCH GREAT SENSE"

"You see the grand logic here," Mrs. Maze went on. "As the number of poor increases because of inflation, the need for services such as our group's grows. Correspondingly, the interest and the funding of the public and the Government decreases. It makes such great sense."

As the line lengthened throughout the morning at the food bank, the wind from Puget Sound increased sharply and several of the people on the line pulled their old coats close around them, embracing themselves with crossed arms and patting their own shoulders to keep warm.

"A few months ago," Mrs. Maze said as the brown paper bags crammed with groceries were doled out, "many of these people wouldn't have been here. They wouldn't even have thought of being here. Now, they come. They can't buy what they need any more, and they've got to eat somehow."

A young white man and a young black man—both Southern immigrants to Detroit—stand outside a food wagon at a small plant and talk about charity.

"Not me, brother," the black man says. "No giveaways for me. I'd steal to feed my family before that, wouldn't you?"

The white man hesitates for a moment and then nods an affirmative response.

"I know a hell of a lot of people that are going to steal before they'll stand in line for food," the black man says."

In New York, Detroit, Miami and Chicago, there have been arrests of elderly citizens—some of them extremely feeble—for stealing groceries in order to eat.

"But Elsie never would have done that," said Steven Haddock, manager of the hotel where Mrs. DeFratus lived here on the Sunshine Coast of Florida. "She just wouldn't have stolen anything."

Instead, she chose to attempt to manage on her Social Security checks of less than $100 a month, and with the cost of her room, $15 a week, and her transportation to and from the Post Office to pick up her check, her food allowance was down to less than 65 cents a day.

Frequently, when her funds were nearly depleted toward the end of the month, she would settle for a single ice cream cone each morning, and somehow it had always been enough.

But on Oct 3, after carefully arranging her clothes on her bed, she collapsed to the floor and died. Her Social Security check arrived the same day.

Mr. MATHIAS. If old age is not to become for increasing numbers of Americans a kind of living death, a hell on Earth, we will have to execute a 180-degree turn in our attitude toward senior citizens and in the President's fiscal year 1976 budget.

This Congress, as a first step, has made it clear that a retrenchment in support for older Americans will not be tolerated. We denied the administration's attempt to increase the price of food stamps. The administration's proposed rescission of $42,400,000 in the fiscal year 1975 budget for the Older Americans Act was totally rejected by the Congress. This proposal would have prevented approximately 50,000 elderly citizens from receiving daily hot, nutritious meals. Additionally, the rescission request, if approved, would have prevented the expansion of State and community services for the aging to as many as 50 additional areas of the Nation and would have denied funds for training specialized personnel who provide services for older citizens.

The 94th Congress, however, must pay far greater attention to the needs and problems of the elderly. We must reset the priorities in the administration's 1976 budget. The National Council on the Aging, in its January/February 1975 edition succinctly spells out the tasks before the 94th Congress. Mr. President, I ask unanimous consent that the editorial from the National Council for the Aging be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Why Should Elderly's Hardship Be Doubled?

Two weeks after President Ford assumed office, he met at the White House with representatives of national organizations composed of or serving the nation's older citizens. NCOA then praised the President's assertion that in forthcoming budget cuts he would avoid adversely affecting the most vulnerable groups in the country. Developments since those early days clearly suggest that our praise was premature.

The President's requests for budget rescissions and cutbacks in programs directly affecting the health and welfare of millions of older people show that—his earlier statements notwithstanding—he has decided to place the heaviest burden on those who are *most* vulnerable: The elderly poor.

As a first step in countering the President's proposal, we are pleased that the Congress voted to freeze the price of Food Stamps, thus rejecting the Administration's plan to raise the price for practically all elderly beneficiaries. The President's decision to allow that bill to become law without his signature rather than to face a potential congressional rejection of his veto is also salutary.

But, at the same time, we recognize the need for other steps. First, we hope the Congress will not approve the Administration's rescissions in the FY'75 Federal budget for the Older Americans Act. Such cuts would severely curtail programs that could provide critical social services, food and employment to millions of older people.

Secondly, NCOA believes that a reallocation of Federal funds in the proposed FY'76 budget is critical. It is the poor, and especially the elderly poor, who suffer acutely in times of inflation or recession. To ask these citizens to assume the heaviest part of the burden in turning the economy around is unjust and unproductive. Therefore, we also hope the Congress will:

Keep its promise to maintain the value of Social Security benefits. A five percent limit on these benefits and those received under the Supplemental Security Income program, after a year of double digit inflation, would be an unconscionable act.

Not increase the cost of already skyrocketing medical expenses for elderly beneficiaries of the Medicare and Medicaid programs but, rather, expand the coverage and reduce the cost of these programs.

Maintain the present Federal matching rate to states for social services to insure an expansion of essential services to the poor under the Social Service Amendment of 1974.

Increase the funds available under the Older Americans Act for nutrition, training and employment—and appropriate funds for the senior center and transportation provisions.

Not reduce the Federal matching rate to states for social services, thus insuring a reduction in the delivery of essential services to the poor.

Not limit the funds available under the Older Americans Act for nutrition and social services; to eliminate all monies for training and employment and to allow the senior center and transportation provisions to expire.

Not discontinue programs of the anti-poverty agency which have assisted the elderly poor—Senior Opportunities and Services and Emergency Food and Medical Services.

Today's older population has contributed much to the economic prosperity enjoyed by the entire nation. They have sacrificed before and are willing to do so again to assist the country in times of economic hardship. But why should their hardship be doubled; why should they be penalized; why should they, who have the least, be expected to sacrifice the most to ease the nation's current economic ills?

We cannot believe that Congress will approve the proposed curtailment of funds; such an injustice must not be allowed to occur.

Mr. MATHIAS. Mr. President, all of our individual and collective pledges to older Americans will be hollow indeed, if these lofty words are not supported by legislative action. This Congress will have the opportunity to fulfill these pledges.

This Bicentennial Congress can demonstrate its attitude toward today's older Americans by acting immediately to insure the adequacy of social security benefits in this time of prolonged inflation as well as guarantee the financial integrity and long-range financial soundness of the social security program for tomorrow's older Americans.

This Congress should reject any attempt to place a 5-percent ceiling on the social security cost-of-living increase scheduled for July 1975. We should, likewise, vote down the administration's proposed legislation which would place additional financial burdens on the elderly toward the payment of their medicare costs.

Instead, we must extend and strengthen the Older Americans Act of 1965 so that communities may continue to provide much needed transportation, employment, education, housing, legal and home health services to older Americans; so that elderly citizens who cannot afford to eat adequately or who are unable to cook for themselves or buy their own food will still be able to enjoy decent meals in wholesome settings with friends and loved ones.

Let it be said that this was the Congress that fashioned laws which guaranteed economic security for the elderly; let it be said that this was the Congress which removed artificial barriers against older Americans who wish to continue employment; let it be said that this was the Congress that provided the necessary increase in the volume of suitable housing for older citizens; let it be said that this was the Congress which enacted comprehensive mental and physical health services for the aged, including coverage for home care, preventive services, and out of hospital drugs and medicines.

But, just as important as the laws we enact, let us as a nation begin to realize how much we need the wisdom and compassion and the understanding that older adults have to give. We owe them and ourselves that much.

MR. LAWRENCE C. TOSCANO

Mr. WILLIAMS. Mr. President, as our Nation begins to celebrate its 200th anniversary, I am pleased to bring to the attention of the Senate a gentleman whose lifelong love affair with America exemplifies the spirit of pride that has made possible our Nation's great progress.

Mr. Lawrence C. Toscano, who recently celebrated his 72d birthday, is the historian of the borough of Lodi. A lifelong resident of Lodi, he is the author of a book published many years ago entitled "Lodi in Review." I note that an article by Mr. Toscano, "The Spirit of America," appeared in the Weekly News, March 20, 1975. As a tribute to his dedication to this country, I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Spirit of America

Throughout the span of two hundred years, the people of our great nation have witnessed the passing historic events of the birth of our nation on July 4, 1776 and the tragic Civil War of the 1860's which threatened to dissolve our growing United States of America. Through all of these crisis, our weary and dedicated founding fathers have learned to cope with pain and hardships and with a common devotion, stood steadfast to help achieve and restore the needed unity in our young nation. These were the real "rugged individuals" in our great country!

In this generation, we are ever mindful of the ravages of wars that have plagued our nation and the rest of the world. Our courageous people have withstood the Civil War, Spanish-American War, World War I, World War II, and the so named police action in Korea and Vietnam. Lest we forget; the Atom bombing of Hiroshima and Nagasaki, Japan where thousands of people lost their lives and many maimed for life! Add to these devastating and bloody wars, the great Depression, influenza epidemics, riots, militant groups, campus uprisings, hate mongers and the sex-obsessed evils in our country.

EVILS AND CORRUPTION

There is no doubt that there is too much evil and corruption these days which is causing much unrest, concern and despair amongst our people throughout the country. Through the mass communication media and television reports of the infamous Watergate break-in and corrupt officials jailed throughout the country, they have left our people baffled, stunned, weary and bitter.

Today, the upheavels throughout the world with energy problems, street muggings, worldwide drug traffic, unrest in Ireland with bombings and deaths, uprisings in many countries and the war rumblings in the Mid-East are undoubtedly causing turmoil, desolation and chaos around the world. Despite all of these crucial events, it has been well written for Americans, "Loyalty is a realization that America was born of revolt, flourished in dissent, became great through experimentation".

Through all of these sad events, we had a moment of rejoicing with the ending of the Vietnam War and the return of our Prisoners of war back home. How tragic and ironic, that several months after this great achievement, President Richard M. Nixon, following Vice President Spiro Agnew made unforgettable history for the first time in our nation when a President and Vice President of the United States of America, resigned under public pressure, their exalted offices.

It is also to be noted that for the first time in our nation's history, that a United

States President and Vice President were appointed with great power and authority without being elected by the voters of America. However, somehow in reflecting the past courage and abiding faith of our gallant American people, I feel certain that we will, as the late honorable black leader in our nation, Rev. Martin Luther King's whose oft-used phrases, "We will overcome" will be the theme of our hopes to restore human dignity in our nation.

OUR GREAT AMERICAN PEOPLE

In my humble opinion, the true spirit of a great nation, is in the loyalty, dedication, faith, justice and good will of its people. All of us in this generation, as we approach our Bicentennial observance, should ponder well the agonizing decisions confronting our founding fathers as they desperately sought a restless search for inner peace of heart and salvation. They have left to us a proud legacy of honor and heart breaking sacrifices so that we today, could carry on those honorable traditions that made our nation the greatest power on earth!

At this point, I am presenting forthwith, a beautiful written portrait of our nation's people by, R. L. Duffus, an American journalist written in 1940 under the title, "What is America." Herewith is his heart rending editorial.

"America is men at work. It is the storm-tossed fisherman coming into Gloucester and Providence and Astoria. It is the farmer riding his great machine in the dust of harvest, the dairyman going to the barn before sunrise, the lineman mending the broken wire, the miner drilling for the blast. It is the servants of fire in the murky splendor of Pittsburgh, between the Allegheny and the Monongahela, the trucks rumbling through the night, the locomotive engineer bringing the train in on time, the pilot in the clouds, the riveter running along the beam a hundred feet in the air. It is the clerk in the office, the housewife doing the dishes and sending the children off to school. It is the teacher, doctor and parson tending and helping body and soul, for small reward.

"It is a great number of people on pilgrimage, common and ordinary people, charged with the usual human failings, yet filled with such hope as never caught the imaginations and the hearts of any nation on earth before. The hope of liberty. The hope of Justice. The hope of a land in which a man can stand straight, without fear, without rancor.

"The land and the people and the flag . . . the land a continent, the people of every race, the flag a symbol of what humanity may aspire to when the wars are over and the barriers are down, to these each generation must be dedicated and consecrated anew, to defend with life itself, if need be, but, above all, in friendliness, in hope, in courage to live for."

OUR PROUD HERITAGE

Since we have become the proud heirs of all generations in our nation, lest we forget, that today we must make every loyal and brave effort to leave to our present young generation a noble and blessed heritage to proudly share . . . and never any shame to bare! Yes, I feel it within my heart, that these honored young people in loving memory of our generation, will meet the challenge of tomorrow with pride, justice and determination. As we all look forward to celebrate our historic Bicentennial . . . let us reflect with pride, ardent devotion, righteousness and love in our relations with all of the great people in our beloved country.

Let us always join together in unity and repeat time and time again, I am very proud to be an American!

AID TO SOUTHEAST ASIA

Mr. BARTLETT. Mr. President, yesterday I was interviewed by a gentleman from the Washington Post about my attitude, and the attitude of Oklahomans, concerning the President's request for emergency military aid for South Vietnam and Cambodia.

Unfortunately, the report of that interview in this morning's Post conveys an entirely different viewpoint from that which I believe and intended to convey.

The Post reported, quoting me among other Senators, a rising tide of opposition in Oklahoma to further military assistance to South Vietnam and Cambodia.

To the contrary, as I traveled around Oklahoma during the Easter recess, I found a growing sentiment that the United States should honor its commitments in Southeast Asia. And I found that the more that people examine the issue, the more strongly they feel about our commitment.

Additionally, the Post reported that I, in addition to the other Senators mentioned, was "inclined to back President Ford's requests."

Again, there must have been a breakdown in communication because I am not only "inclined" but am totally committed to the President's request for $300 million aid for Vietnam and what is needed up to $222 million for Cambodia.

I am convinced that the United States has a moral commitment to financially assist these allies in the defense of their freedom against Communist aggression.

Now we must determine whether our commitment to the defense of liberty is as strong as that of Russia and China in support of tyranny.

CORPORATE RESPONSIBILITY IN SILVER BAY

Mr. PHILIP A. HART. Mr. President, the history of the Reserve Mining Co. pollution of Lake Superior and the litigation which has dragged on interminably over the last 4 years is well known to everyone who has an appreciation for this magnificent body of water.

Each day, 67,000 tons of tailings from the processing of taconite are dumped into Lake Superior. In addition to the problems caused to Lake Superior itself, the tailings have been implicated as contaminating the drinking water of Duluth, Minn., with asbestos. Unfortunately, a district court decision which required that the tailings be dumped on land has been thwarted by a series of decisions by the eighth circuit court of appeals.

Recently, an article by John G. Mitchell entitled "Corporate Responsibility in Silver Bay" appeared in the March issue of Audubon. In my view, the article presents one of the best narratives yet of the history of the Reserve Mining case. I commend it to all who have an interest in this great lake.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CORPORATE RESPONSIBILITY IN SILVER BAY

(by John G. Mitchell)

Everything else—what Reserve is and does and causes others to do—is colossal. Other mining corporations in America may be larger and more profitable, but in one special sense this company is uniquely a giant. In just twenty years, with but two outfalls aimed at the blue expanse of Lake Superior, Reserve has managed to cast its industrial offal over 2,000 square miles of the world's greatest freshwater body and into the water supplies of a quarter-million people in two states. The offal contains trace elements of such minerals as copper, nickel, lead, zinc, chromium, and manganese. These, however, are of no significance compared to the trillions of tiny silicate fibers, each no larger than a red blood cell, that are flushed daily from Reserve's ore-processing plant at Silver Bay. Many scientists and doctors believe these fibers can cause cancer in humans. But because an accurate understanding of the morbidity of such things takes time, and because there are no corpses yet at the water taps of Superior and Duluth and Two Harbors, and because Reserve employs some 3,200 persons in a region of acute economic depression, with its payroll of over $40 million and heavy tax contributions to the two counties in which it operates, silicate fibers may pour into the lake at Silver Bay for years to come. Exactly how many years will depend to a great extent on decisions now pending in the federal courts—and on the contrite good sense of Reserve's directors, none of whom, one suspects, could possibly relish the prospect of moral judgment should cancer of the larynx, pleura, gastrointestinal tract, or peritoneum ever begin to exact an excessive toll in human lives in the cities downcurrent from the outfalls of Silver Bay.

In taking the measure of a corporation, it is customary to begin with goals. Though small and angry outside factions may voice dissent, the real goal of Reserve Mining is neither to induce cancer in Minnesotans nor to destroy the biomass of Lake Superior, but to produce iron ore pellets and pass them along profitably to its joint owners, the Republic and Armco steel corporations of Ohio. The pellets are dark gray, almost a half-inch in diameter, the size of a small-bore musket ball. Reserve produces 30,000 tons of them each day, or about 15 percent of the domestic ore consumed by the U.S. steelmaking industry. The profits, passed on directly to Armco and Republic, are substantial—nearly $60,000 a day, two dollars a ton. Not bad. Understandably not bad at all when you consider that Reserve incurs virtually no operating costs whatsoever in the disposal of its mine tailings, which are likewise substantial. Gravity is cheap.

So it happens that from the gray shores of Silver Bay one can perceive a parting of the ways. One can see great ore freighters, their holds piled high with pellets, steaming darkly east toward Sault Ste. Marie; and soon the turning south to the piers of Cleveland and Toledo, and then the rail cars rolling to the blast furnaces where pellets become pig iron and pig iron becomes steel; then more rails, and assembly lines, and welders' torches, and finally the machines that will sell for two dollars a pound, or more, on the showroom floor at your friendly neighborhood automobile dealer's. Yet this is only half of it, and not even that. Because in the parting of the ways at Silver Bay, for every ton of processed pellets piled on an ore boat sailing east, two tons of tailings come roaring to the outfalls, down the sluiceways of the concentrating plant and lickety-split along the giant launders reaching nearly a third of a mile across a delta of crushed rock. Down it comes, around the clock, like a river of paste, 67,000 tons of solids suspended in two million tons of water, each gallon charged with billions of silicate fibers and each fiber honed from the milling to a fine cutting edge. From the lips of the launders the slurry is vomited across the edge of the delta to the lake; and while the heavier particles sink slowly toward the bottom of the so-called Great Trough offshore, the lighter ones sweep out into the prevailing Lake Superior current, which runs to the west, toward Duluth. On bright, dazzling days, from the overlooks along the scenic North Shore Drive, you can see the milky green spoor of tailings in the water writhing with refracted light.

It looks so harmless. What's 67,000 tons of solids a day in a lake whose surface encompasses nearly 32,000 square miles? That is only two tons per section, if you could spread it around, and in some places the lake is 1,000 feet deep. A drop in the bucket? Well, perhaps. But Reserve's drop is estimated to be greater by a factor of five than all the sediments that are deposited naturally in the lake by erosion and streamflow. Or, to view the drop from a more graphic perspective, consider garbage. Everyone knows about garbage; and almost everyone knows that New York City produces more of it than any other city in the world. To be as exact as official statistics permit, the people of New York produce 28,500 tons of trash and garbage each day. That is a colossal amount of solid waste, but it is not even half as colossal as the amount of waste that is pouring this very day down the launders at Silver Bay.

A quarter of a mile out from Duluth's Lakewood Pumping Station, and 60 feet straight down, the mouth of a huge pipe yawns open and the water surges cold at 40 degrees into the pump house. The system is unfiltered. Chlorine, fluoride, and ammonia are added sparingly to the water. The idea is to kill bacteria. But there is no measurable destructive effect on silicate fibers. Centrifugal pumps force the treated water into seventeen reservoirs. From the reservoirs, as needed, the water feeds directly through 325 miles of mains to the faucets of Duluth.

The Lakewood Pumping Station is a landmark of sorts. It was built in 1897, and its bold Victorian lines are typical of the style in which that period's architecture was executed with classic heavy hands throughout the American Gothic Midwest. Some of the information in and around the Lakewood Pumping Station appears to be more or less of the same vintage. On a wall inside the pump house, for example, is the faded message: "The quality of the water is unsurpassed anywhere, having less than three grains per gallon hardness." There is another message outside the pump house—a sign on the shoulder of U.S. 61, which soon becomes the scenic North Shore Drive to Silver Bay. The sign reads: "Pure cold drinking water, 500 feet." And sure enough, 500 feet away is a roadside test area and a water fountain fed by a pipe from the pump house nearby. The base of the fountain is constructed of ferrous metal, possibly of Minnesota ore. Turn the handle of the fountain. The water comes up crystal clear. It tastes good. That cold bites the teeth. Down the hatch to the warm beaches of the gastrointestinal tract. It seems so harmless, this cold, soft, soothing water. What's one or five or even ten million silicate fibers to a bucket as big as the human stomach? You can't see them. You can't taste them. You can't even feel them. Not yet.

The Biwabik Formation occupies the eastern end of the Mesabi Range, roughly extending from the vicinity of Eveleth, Minnesota, along a crest of low hills to the spruce bogs of Superior National Forest. The hills are covered with glacial drift, as much as 20 feet of it, and below the drift lies a flint-hard, dark-veined rock. The rock is very old, formed more than a half-billion years ago by sedimentation on the floor of a shallow Precambrian sea. Each successive layer of sediments put pressure on those underneath, so that as geologic time marched on the rock grew harder. Then volcanic intrusions came to bake the rock harder yet, fusing within it a variety of earthly elements, but mostly silica and magnetite, the black oxide of iron. The rock is called taconite. It contains the stuff of which automobiles and bridges are made. And water fountains. And possibly, under recent unnecessary circumstances, cancer.

More than half the volume of taconite rock in the upper layers of the Biwabik formation where Reserve mines is composed of a metamorphic silicate mineral known to geologists as cummingtonite-grunerite; or if one prefers the formula, $(Mg,Fe)Si_8O_{22}(OH)_2$. Cummingtonite-grunerite is an amphibole, which means it belongs to a complex group of hydrous silicates generally containing calcium, magnesium, iron, silica, and aluminum. Its chemical properties are remarkably similar—if not identical—to those of asbestos, which is not a mineral per se but rather the commercial name for any tiny silicate fiber capable of performing colossal feats, such as resisting fire—or perforating human tissue. Cummingtonite-grunerite is not what Reserve Mining Company needs for its pellets. Reserve needs the magnetite, representing about a quarter of the volume of the crude rock. It is the magnetite, mainly, that Reserve extracts magnetically from the crushed rock at Silver Bay. The magnetite is made into pellets and posted by freighter to Ohio. The cummingtonite-grunerite is posted by launder to the shining big sea waters of Lake Superior, to the asbestos Gitche Gumee.

The taconite deposits at Babbitt, from which Reserve now strips some 30 million tons of rock each year, were discovered in 1871 by a prospector named Peter Mitchell. Wandering cross-country from Beaver River northwest toward Vermilion Lake, Mitchell noticed one day that his compass and dip needle were acting strangely. There was only one thing to do; he dug through the glacial drift. As a result, men have been digging there with such fierce intensity that Peter Mitchell's hole is now nine miles long, almost a mile wide, and up to 175 feet deep.

In the early days the mining of taconite was simple enough, but converting it into a blast furnace feed—at a cost comparable to and a quality competitive with that of the higher-grade hematite ores of the Mesabi Range—was something else. One company, organized at Babbitt in 1919, went broke in five years. Soon, however, the high-grade ores began to give out. And at the Mines Experiment Station of the University of Minnesota, E. W. Davis was hard at work developing a process that would allow Reserve, by the mid-1940s, to emerge as the pioneer of a new and profitable industry. The plan envisioned a 47-mile rail spur linking the company's mine at Babbitt to a huge processing complex at Silver Bay. The tailings? They would simply go into the lake with the blessings of the State of Minnesota.

Dumping permits were officially awarded to Reserve in December 1947. It was a time before most people in Minnesota or anywhere else had been exposed to either the principles of ecology or the politics of pollution; and when Reserve stated at public hearings that the tailings would be as pure as the driven sands of Superior, and that they would be contained within a nine-square-mile area of the lake, and that they would have no harmful effect on fish life, much less on human life, people—including the state's commissioner of conservation—tended to believe. A few feisty fishermen raised forlorn objections, but their testimony was overwhelmed by Reserve's "expert" witnesses, many of whom then worked for the company or were soon to join the payroll. One state biologist, in an effort to determine the rate at which tailings would settle in the lake, conducted his experiments in room-temperature water bottles. As a team of environmental reporters noted later, "Lake Superior is obviously not a bottle of water." Another scientist, retained by Reserve with the understanding that he would testify at the hearings, determined independently that the tailings would indeed have an adverse effect on fish-spawning areas near Silver Bay. Reserve's attorney, W. L. Montague, declined to call the scientist to the stand. And so—on condition that the tailings would never discolor the lake beyond the nine-mile area, never adversely affect fish, nor cause unlawful pollution, nor have material adverse effect on public water supplies—the permits were granted. And construction moved apace toward that signal day in 1955 when, with the gates of the launders thrown open, the first gray sleeve of tailings reached out to the lake. One can picture it even now—the sleeve, and the hand coming out, and the slurried middle finger, dripping with cummingtonite-grunerite, going up, straight up and nail-side out, to the face of America.

Armco Steel Corporation of Middletown, Ohio, is the fifth largest steel producer in the United States. Republic Steel Corporation, with headquarters in Cleveland, is the fourth largest. Each company is represented by five of its top executives on the eleven-member board of directors of Reserve Mining Company—the eleventh member being Edward M. Furness, who is the president of Reserve but not the chairman of its board of directors. The chairman is C. William Verity Jr., top man at Armco and a figure of considerable prominence in Republican fund-raising circles.

Though some of his associates have fallen on bad times of late, things in general could not be better for C. William Verity Jr. In his annual report to Armco shareholders last year, Verity proudly described how all the company's profit centers combined to achieve a record level of earnings in the face of inflation and price controls. The 1973 earnings were $107.5 million, of which almost two-thirds came from the manufacture and shipment of some seven million tons of steel mill products forged, in large part, from Biwabik taconite ore. Elsewhere in the Armco annual report it is noted that a "corporate responsibility committee" has been established "to assure the board that the company is responding properly to its social responsibilities and to the public interest," especially in such areas as safety and "environmental improvement." Finally, on the back cover, appears a typical Armco advertisement. It shows an appealing three-year-old named Jenny, looking out a window into the waning light. The headline: "Pollution is waiting out there. How are we cleaning things up for her?" The answer supplied by the text is that Armco is working hard to recycle its wastes in Middletown and to "vacuum" air pollutants at four other plant locations. There is, of course, no mention of Armco's half-interest in the Reserve operations at Babbitt and Silver Bay, or of its resistance over the years to any and all efforts to clean up Armco's own untidy things from the waters of Lake Superior.

For most of the decade after Reserve, in behalf of Armco and Republic, administered to Superior the first of perhaps the last rites, only the fishermen and a handful of North Shore environmentalists took more than a passing melancholic interest in the situation in Silver Bay. But before long melancholy turned to militancy as reports were circulated that a federal biologist, Louis Williams, had information that dissolved solids from the Reserve outflow were unleashing nutrients in the water, thereby encouraging a bloom of undesirable algae. In Washington, D.C., meanwhile, environmental lobbyist Verna Mize, a native of Michigan's Keweenaw Peninsula (which juts into Lake Superior 130 miles east of Silver Bay), was making the rounds of congressional offices and demanding nothing less than total abatement of Reserve's discharge.

The first official response came from the U.S. Department of the Interior. Under the direction of its Great Lakes regional coordinator, Charles Stoddard, a Taconite Study Group proceeded in 1968 to take a long, hard look at the Reserve operation at Silver Bay. The group's findings, leaked early the following year despite attempts in high official places to suppress the information, did not win enthusiastic reviews—especially in the board rooms of the Armco and Republic steel corporations. Among other things, the Stoddard report found that suspended tailings were causing "green water" for distances of at least 18 miles southwest of the point of discharge, that lake currents were carrying some particles across state boundaries, that water quality standards for iron, lead, and copper were being violated, that bottom fauna important as fish food was adversely affected, that the tailings were lethal to the sac fry rainbow trout, and that eutrophication of the lake was accelerating. In summary, the report recommended that Reserve be given three years' grace to investigate and construct alternate on-land disposal facilities. That was almost seven years ago; and Reserve, however reluctantly, is still investigating, presumably in the hope that it can somehow stretch its protracted period of grace into a plenary indulgence.

If anyone at the time doubted the determination of the Armco-Republic-Reserve consortium to obfuscate the issues, such charitable thoughts must surely have been laid at rest at the first of several federal water pollution enforcement conferences convened to examine the situation at Silver Bay. In a crowded Duluth ballroom in May 1969, Reserve President Edward Furness coolly repeated to the assembled conferees the same argument that had been offered at the permit hearings more than 20 years earlier. The tailings, he said, are "inert, inorganic, insoluble," like "the material that is washed from sand beaches" and eroded from cliffs by the waves. "From a conservation standpoint," he added, "Reserve's use of Lake Superior is sound. There is no waste of water, no injury to water . . . No agency, industry, or individual—public or private—is more interested in preserving the high quality of Lake Superior than is Reserve Mining Company." Of course, Furness continued, ignoring the fact that at least five other mining companies in the Mesabi region dump their tailings at on-land disposal sites, "we would have located the processing plants near the mine if that had been possible."

The hearings and conferences continued for another two years, yet despite the accumulating evidence that Reserve's use of Lake Superior was anything but sound, no real government pressure was brought to halt the discharge. None, that is, until faint hearts in the old Federal Water Quality Administration were replaced by a new and aggressive team headed by Environmental Protection Agency Administrator William D. Ruckelshaus. In the spring of 1971 Ruckelshaus ordered Reserve ot develop a water pollution abatement plan within six months or face the consequences of a battle in court. Reserve responded with an implausible scheme, rejected by Ruckelshaus, to pump its tailings directly to the bottom of Lake Superior.

In retrospect there is nothing surprising about the arrogance of Reserve and its parent corporations at the time, for who was young Bill Ruckelshaus to kick them around when they could count on such good friends as Maurice Stans, the Secretary of Commerce and Nixon fund-raiser who viewed Ruckelshaus as the figurehead of an eco-freak conspiracy? Stans had set up his own counterinsurgency group, the National Industrial Pollution Control Council, among whose esteemed members were none other than Republic Steel's president, Willis Boyer, and Armco's C. William Verity. Boyer then was vice-chairman as well of the Ohio Republican Finance Committee, and Verity was well-remembered for the money he had raised for the Nixon campaign of 1968. What's more there were friends of big business and enemies of Ruckelshaus at large in the White House—namely, advisor Peter Flanigan and, according to Washington columnists Evans and Novak, one Charles W. Colson. It was Flanigan who had come to the aid of Armco in another dispute with EPA, involving Armco's discharge of heavy metals into the Houston ship channel. From press reports and the transcript of hearings before the House Subcommittee on Conservation and Natural Resources, one can trace Flanigan's fine hand in negotiating for Armco a six-month delay in meeting the EPA compliance deadline. But this, of course, is so much dirty water over the dam, for Stans, Colson, and Flanigan are no longer with us in government. For a somewhat different matter, neither is William D. Ruckelshaus.

Yet in his time at EPA, Ruckelshaus did manage bravely to fend off intruding executive hands. At his insistence on February 2, 1972, the federal government finally moved against Reserve. Joined eventually by the State of Minnesota and the Minnesota Pollution Control Agency as coplaintiffs, and by Wisconsin, Michigan, and five environmental organizations, including the Save Lake Superior Association and Environmental Defense Fund as interveners, U.S. attorneys filed a complaint alleging that Reserve's discharge into Lake Superior violated sections of the Refuse Act of 1899, the Federal Water Pollution Control Act of 1970, and the common law of public nuisance. Reserve, for its part, confidently prepared its defense—confident because it had already won a minor court skirmish with the State of Minnesota. But in June 1973, less than two months before the federal case was to go to trial in the U.S. district court in Minneapolis, the central legal issue suddenly shifted from water pollution to public health. EPA had discovered asbestiform fibers in the water that a hundred thousand people were drinking daily in Duluth.

Babbitt, due south of Ely and the sparkling lakes of the Boundary Waters Canoe Area, is billed in the local literature as "a new city in the wilderness." A brochure distributed by the Babbitt Area Business and Professional Association acknowledges that the town, incorporated in 1956, "doesn't have everything yet, but it does have the important ingredients for growth: youthful spirit and vigor!" Such expressions of boosterism lead one to wonder if the town might possibly have been named in honor of George F. Babbitt, antihero of the 1922 Sinclair Lewis novel, who extolled the virtue of the vigorous "regular guy" in his own zestful "Zip City." In fact, I put the question myself to a Reserve public relations man last summer, but he promptly dismissed the association as an ugly coincidence. The town, he said, is named after Kurnal Babbitt, a New York State judge who drew up the papers for the original taconite mining company, which failed after five years in the business and two years after publication of Lewis' Babbitt.

One has to see Babbitt to believe it. I do not mean the town, which has hardly anything except housing for some 3,800 people, half of whom work for Reserve in order to support most of the other half. Driving slowly one can see all there is to see of the town in five minutes. What boggles the mind is the mine and the machines that are working there; and how the one called the Jet Piercer, screaming like a rocket, its burner head generating a 4,300-degree flame, spalls down through the naked rock; and the ammonium nitrate paste that is pumped into each 40-foot hole; and the sirens before the shot; and how, from a mile away in an August drizzle, you can see the sparks following the electric fuses across the top of the mining bench, and then the dust cloud that hovers 40 stories high over a half-million tons of shattered taconite. And next, the giant power shovels and trucks, and rocks the size of refrigerators pouring into the mouth of the gyratory crusher—the world's largest mortar and pestle—which reduces 3,500 tons per hour to eight-inch pieces. Then four-inch pieces. Grapefruits. And the locomotives going down the rails to Silver Bay, a departure about every three hours, 120 to 160 rail cars each trip and each car filled with 85 gross-weight tons for the concentrating plant. And for the waters of Lake Superior.

The town of Silver Bay is much like the town of Babbitt, the only substantial difference being that Silver Bay enjoys a scenic view of Lake Superior, while Babbitt enjoys an airshed that is somewhat less clouded by gray taconite dust, occasional ammonium nitrate explosions nearby notwithstanding. Silver Bay sprawls across the slope of a hill above the lake and inland from the Reserve plant. A wide road winds up through aspen and birch from U.S. 61, and as you approach the development you are greeted by signs of welcome from the community's churches and service clubs. There is a shopping center with three gasoline stations, the Big Dollar, Kosy Korner Bakery, Fish's TV Appliances, Minnesota Power & Light, Rexall Drugs, the First Northwestern Bank, Skogmos, Montgomery Ward, a Laundromat, a bar, and a fast-order cafe called the Silver Platter, where rib-sticking fare is served up on roadhouse ceramic antique. The curvilinear streets are lined with postwar ranch-style homes. The lawns are trim and green. The birds are singing in the ornamental trees. The tykes are out on their trikes and bikes, and football players are in front of the high school, gulping huge lungfuls of air for the summer scrimmage. In short, the American Dream—as long as you keep your back to the launders, the green water, and the persistent smudge that lingers over U.S. 61 as it passes the pelletizing furnaces of Reserve Mining Company, the Minnesota corporation with headquarters in Cleveland and Middletown, Ohio.

The taconite grapefruits arriving by rail at Silver Bay contain 23.5 percent magnetite ore. The goal now is to increase that percentage by separating the magnetite from what Reserve prefers to call "unwanted" and "useless" minerals, such as cummingtonite-grunerite. The process begins uphill from U.S. 61 and progresses, generally by conveyor belt, down through a number of stages to the edge of the lake. In the first stage the grapefruits are fed through a dump hopper to a cone crusher system. The grapefruits are reduced to pecans. Next the pecans are conveyed under the highway to the storage bins of the concentrator plants; and from the bins they are fed to a mill to be tumbled and ground by steel rods to the consistency of coarse sand. Still, each particle is only 23.5 percent magnetite. Then the coarse particles are conveyed to a magnetic separator, which discards a third of the "useless" minerals and sends the useful—now some 40 percent magnetite by volume—to a second milling system. In the second mill, steel balls in a rotating drum grind the particles even finer, to a flourlike consistency. And again magnetic separation, so that now the flour is more than 60 percent magnetite. Through all of this comes a constant voluminous flow of Lake Superior water, carrying off the useless unwanted minerals. But now the water is sucked away, and what remains is a jet black concentrate that is rolled again and again in another drum until the moist particles embrace each other and snowball into pellets. Small-bore musket balls. Finally, the musket balls are conveyed to the furnaces of the pelletizing plant, where they are baked six minutes for hardness and porosity at 2,400 degrees. *Viola.* Who needs or wants to know more than that? Except for one thing: Where did all the useless unwanted minerals go?

Seriously. I mean here are brochures and throwaways prepared for visiting tourists and the press. They explain everything you ever wanted to know about taconite mining and processing except: Where did all the rest of it go? Here is a "photo clip sheet" kit from Reserve, detailing every conceivable step of the operation. But aside from the pellets, which are only a third of the volume, where *did* the rest of it go? And here is "Your Visit to Reserve," eight newsy pages in slick-paper duotone for "up to 2,000 visitors" who are said to stop each vacation day for a "detailed explanation of the process." Detailed it is, from how much Reserve pays in taxes to a functional chart of the whole complex process from crusher to furnace to ship. The cover of this booklet shows the full spread of Silver Bay—everything except the launders. Why were the launders cropped? If only the cover had been a few inches wider. And the functional chart? Beyond the furnace it ends with the explanation, "Plant discharge: two tons waste, one ton pellets." All right. We know about the pellets. But where does the rest of it go? The two tons, hell. The 67,000 tons daily. It is as if the useless unwanted minerals had somehow been vacuumed into the not-so-thin air of Silver Bay, which is something I am sure C. William Verity and his associates would like to pull off, if only there were some way to do it for free.

I was beyond the furnaces and the fantasies. I stood at the lip of a launder with my guide from Reserve. The tailings poured out across the delta to the lake. I asked a question.

"Aren't there any industrial uses for the tailings?"

"Lots," he said. "Get the water out of it, and you can use it for the foundations of highways, the manufacture of glass."

"Why not, then?"

He had been looking at the lake, at the gray-green water curling out across the rich blue roof of the Great Trough. Slowly he turned away. "Nobody could possibly use it all," he said. "There's just too much."

On April 20, 1974—after 139 days of trial, after hearing more than 100 witnesses, examining more than 1,600 exhibits, and reviewing nearly 20,000 pages of courtroom transcript—U.S. District Court Judge Miles W. Lord issued a terse thirteen-page memorandum. In his findings of fact he held that Reserve Mining Company's "discharge into the air substantially endangers the health of the people of Silver Bay and surrounding communities as far away as the eastern shore in Wisconsin," and that its discharge of asbestoslike fibers into the water likewise "endangers the health of the people who procure their drinking water from the western arm of Lake Superior." Judge Lord further found that testimony and representations by the chief executives of Armco and Republic, heard under oath that very day, and by the defense in general in seeking to place conditions on Reserve's abatement of the discharge (such as obtaining federal and state subsidies), were "unacceptable, preposterous, absurd, and shocking." Faced with the defendants' "intransigence," Judge Lord concluded, "the court must order an immediate curtailment of the discharge." At one minute after midnight on April 21st, Reserve's mills and magnets and drums and conveyors fell silent. The lips of the launders went dry. Yet within 48 hours, on the evening of the fourth anniversary of Earth Day, an emergency panel of three judges from the U.S. Court of Appeals for the Eighth Circuit granted Reserve's attorneys a stay of Judge Lord's injunction. So once more the tailings poured down the launders at Silver Bay.

In staying the injunction until the merits of the case could be heard and decided by the full appellate court, the circuit judges found that the plaintiffs had failed to prove a demonstrable health hazard; that the assumption of such a hazard was based solely on medical hypothesis and was, therefore, "simply beyond proof." In other words, asbestiform fibers might be a murder weapon, but show us the bodies. Moreover, the panel held that Judge Lord's resolution of a reasonable doubt in favor of public health might better have been left to a legislative body. And with the implication that Judge Lord had somehow ruled inequitably in "balancing the health and environmental demands of society at large against the economic well-being of those parties and communities immediately affected," the panel went on to quote from an opinion once rendered by Chief Justice Warren Burger of the U.S. Supreme Court, when he was sitting as a circuit judge:

"Our society and its governmental instrumentalities, having been less than alert to the needs of our environment for generations, have now taken protective steps. These developments, however, praiseworthy, should not lead courts to exercise equitable powers loosely or casually whenever a claim of 'environmental damage' is asserted. The world must go on and new environmental legislation must be carefully meshed with more traditional patterns of federal regulation."

The panel further noted its somewhat magnanimous belief that "there are neither heroes nor villains among the present participants in this lawsuit." But it did condition its stay on Reserve's "good faith" in taking "prompt steps" to abate the discharge and move its disposal of tailings to an acceptable on-land site. Exactly what constitutes prompt steps in the eyes of the Eighth Circuit Court was not made clear. After ten months and with what seems to be an indefinite stay to keep its launders open, Reserve is still playing pin the tailings on the donkey.

When and if it is ever finished, the United States of America vs. Reserve Mining Company—or 5–72 Civil 19 as it is known to the file clerks of the U.S. District Court at Minneapolis—may well enter the record books as the longest and most complex environmental litigation since society, as Mr. Justice Burger put it, began taking "protective steps." Motions, briefs, opinions, applications, remands, and appeals have been filed and cross-filed, some all the way from Judge Lord's chambers through the Eighth Circuit Court of Appeals to the U.S. Supreme Court and back again. If it were possible to collect all the original documents, and each mimeographed copy thereof, I would not be surprised to see the accumulation filling two dozen of those 85-gross-ton ore cars that run from the mine at Babbitt to the plant at Silver Bay. Then Reserve could dump the entire record, and its own persiflage, into the lake as well. For despite the present lack of injunctive relief from the company's offal, and the appellate court's skepticism on the question of endangered public health, it was not the government and environmentalists that emerged battered from their 139 days in court. It was Reserve, which had sought to project for itself and its Ohio profit centers an image as the undisputed Mister Clean of Lake Superior, but which came away instead as a corporate wastrel with failing grades in almost everything from ethics to mineralogy.

Reserve has contended from the beginning, for example that cummingtonite-grunerite entered the lake from a number of satural sources; indeed, that it was present in the waters of some 60 tributaries feeding the lake. Yet the plaintiffs also sampled sediments from streams, includisg those between Silver Bay and Duluth, and in only one of more than 50, the Montreal River, was cummingtonite-grunerite found by X-ray diffraction. Of the Reserve analysis, Judge Lord noted in a memorandum supplementing his shutdown order of April 20th: "When exposed to extensive cross-examination . . . it became clear that the [Reserve] criteria used for identifying cummingtonite-grunerite in this study [were] highly subjective, with bias entering into the determination." Moreover, Judge Lord pointed out, the government's finding was consistent with testimony that cummingtonite-grunerite is *not* present in core samples of lake-bottom sediment predating the start of Reserve's operations.

It was also Reserve's contention that virtually all of its tailings, rather than sweeping out into the lake, settled safely to the bottom of the Great Trough, at depths of from 600 to 900 feet. The force of gravity, said Reserve's witnesses, simply pulls the heavier fluid downward from the delta. A "density current," they called it. Yet the court found that the density current is broken up by thermodclines, which peel off layers of tailings; and that vertical turbulence and deep mixing spread those tailings around the entire western arm of Lake Superior, not to mention Duluth's municipal water supply. Samples of that supply, taken from the Lakewood Pumping Station during the years 1939–40, 1949–50 and 1964–65 and preserved in vials, showed no traces of cummingtonite-grunerite for the first two periods (before Reserve came to Silver Bay) but did show positive traces for the later. Reserve then claimed that cummingtonite-grunerite undoubtedly had been present in the older samples, but unfortunately had dissolved over the years.

All this was merely prelude to two main events—the question of asbestos and public health, and the feasibility of shifting the disposal of tailings to an on-land site.

In defending itself on the health count, Reserve contended that the level of exposure to people inhaling or ingesting fibers from its discharge was not sufficient to pose a hazard; therefore, no health problem could logically be associated with the discharge. To support such a claim Reserve fielded its own medical and scientific witnesses. But later in the trial it embraced the testimony of Dr. Arnold Brown, chairman of the department of pathology and anatomy at the Mayo Clinic and Judge Miles Lord's own court-appointed impartial expert witness. It was Dr. Brown's belief, for example, that asbestos fibers are present in the lungs of most urban adults throughout the country, and that such fibers have been detected as well in beer, wine, and ginger ale. There was no evidence at present, Dr. Brown testified, that any increased incidence of cancer at Silver Bay or Duluth could be attributed to asbestos fibers in the air or water; in fact, it was impossible to predict an increased incidence of cancer simply by virture of the presence of the fibers in the air or water. Still, Dr. Brown's testimony did not altogether please the attorneys for Reserve, for he concluded: "The fibers should not be present in the drinking water of the people of the North Shore . . . [The] presence of a known human carcinogen [and here he was speaking of fibers in the air] . . . is in my view a cause for concern, and if there are means for removing the human carcinogen from the environment, that should be done."

For its part, the government relied heavily on the testimony of Dr. Irving J. Selikoff, director of the Environmental Sciences Laboratory at the Mount Sinai School of Medicine in New York. Dr. Selikoff said he had conducted epidemiological studies of four separate groups of factory workers exposed to asbestos. Three of these groups, numbering in aggregate more than 14,000 individuals, showed an excessive rate of death from lung cancer, pleural and peritoneal mesothelioma, asbestosis, and cancer of the stomach, colon, and rectum over that projected for these diseases and the population as a whole by the U.S. National Office of Vital Statistics. The deaths did not occur until twenty years or more after the first exposure; and in each group the incidence of cancer was three times greater than expected. Dr. Selikoff further testified that a distinct public health hazard was posed by the presence of amphibole fibers, morphologically consistent with amosite asbestos, in the Duluth water supply. Amphibole levels in the ambient air at Silver Bay, he added, were ten times greater than those measured near insulation spraying sites in New York City, where there is now a ban on asbestos spraying.

The Selikoff testimony was supported by a number of other government witnesses. Dr. Thomas J. Mason, a statistician with the National Cancer Institute, reported that he had examined cancer mortality statistics for Duluth for the period 1965–69 and had found 54 "excess" deaths as compared to the rate for the state of Minnesota. He also testified that rates for cancer of the rectum were increasing in Duluth while national rates have been declining. Although Dr. Mason could not state unequivocally that excess cancer deaths in Duluth were caused specifically by amphibole fibers, neither could he conclude "that there is no risk to the population [of Duluth] . . . as a function of their exposure to water-borne asbestos particles." Dr. William J. Nicholson, biophysicist and associate of Dr. Selikoff at Mount Sinai, added: "If we wait until we see the bodies in the street, we would then be certain that there would be another 30 or 40 years of mortality experience that would be before us. To wait for deaths would in fact be, from public health considerations, irresponsible."

As the trial plodded on in U.S. District Court, the central argument soon shifted to whether Reserve could come up with an alternate disposal system that would be acceptable to the government. Reserve maintained there was only one feasible alternative—a deep-water plan whereby the tailings would be pumped through pipes directly to the Great Trough. Day after day of testimony was heard as Reserve witnesses and attorneys sought to assure the court of the plan's environmental safeguards, such as the addition to the tailings of some 12,000 pounds per day of polymers to hasten settling on the bottom. The government promptly devalued that dividend by demonstrating that among the basic building blocks of one of the polymers Reserve proposed to use is a known mutagen and carcinogen called ethyleneimine.

The impracticality of the deep-water plan apparently was also known at the time by Reserve executives, even as they continued to hail it in court as the only alternative. As Judge Lord reconstructed it in his supplemental memorandum: "Notwithstanding [Reserve Vice-President Kenneth M.] Haley's denials under oath, there was a plan in existence which provided for total on-land disposal of tailings . . . Records provided during the testimony showed that the deep-pipe system presented by Mr. Haley to this court had in fact been rejected by Mr. Haley's task force in 1972." Clearly annoyed by such "misrepresentations," Judge Lord found the defendants had acted in "bad faith" by withholding documents "in violation of plaintiffs' discovery requests and this court's order."

Then began what Judge Lord was later to describe as "the corporate shell game." The on-land disposal plan that had been discovered in Reserve's files proposed that the Palisade Creek Valley, some 1.2 miles inland from the lake and just across a low ridge from Silver Bay, be converted into a vast tailings basin contained by a series of dams. From one configuration advanced by Reserve, it appeared that the main dam would be twice as long and as high as the Grand Coulee. What the Reserve planners had failed to take into account (or, as some cynics have it, what they *did* take into account with malice aforethought) was the Minnesota Department of Natural Resources' interest in this same valley, which had not only been identified in the early 1960's as a potential park site, but as one of the seven most attractive of some 700 sites considered. Moreover, as Judge Lord noted subsequently in his response to the appellate court's order of remand, it became evident that Reserve's plan for the Palisade Valley "was being fashioned before the court's very eyes." In effect, Judge Lord found that Reserve's plan was "conceptual at best," in that no tests had been conducted to determine the stability of dam construction material that there had been no test drillings or detailed geological surveys of the area, and that Reserve, by its own admission, "had done nothing more than eyeball the area to determine whether the tailings would be visible from Highway 61." Later the judge toured the area himself, on foot, scrambling across rock ledges to view the valley's lush forest of aspen and birch and fir, and the creek winding past beaver-built pools to the shining waters of Lake Superior. Having seen it, the judge wrote:

"The Palisades area provides a place upon which to roam, to be free, to enjoy the opulence of the scenic wonders that have been provided by nature. This court cannot allow the present greed of a few to deny priceless treasures to many. It cannot allow the immediate problems of some to cheat others of their environmental birthright."

As Reserve defined them, the immediate problems were of course economic. And with the Palisades plan about to be shot down by a hang-tough judge, Reserve was now forced to consider other alternatives that for one reason or another were unattractive to the firm—alternatives such as the International Engineering Company's design for a new concentrator plant at the mine site in Babbitt, with on-land disposal nearby and only the pelletizing and ship-loading functions remaining at the end of the rail line in Silver Bay. The relocation, according to International's figures, would cost Reserve $188.7 million in capital expenditures. Reserve promptly factored this estimate up to $391.2 million, a figure the government termed "outrageously high" in view of cost estimates announced by two other taconite processors planning new facilities at Hibbing and Virginia, Minnesota.

The fiscal laments of Reserve were further discredited by the testimony of economist R. Glenn Berryman, who calculated that rather than sapping Reserve's economic vitality, the International plan would in fact result in increased profitability. Using figures supplied by Reserve, Berryman computed the company's average income after taxes for the years 1970–72 at $18 million annually, its income per ton or ore shipped at $1.88, and its rate of return (to Armco and Republic) on assets at 8.27 percent. Next, Berryman made a forecast of Reserve's potential profitability based on certain assumptions, including capital expenditures of about $188 million for on-land disposal and concentrating at Babbitt, increased operating costs as a result thereof, but a decrease in other operating costs as a result of product improvement. (With up-to-date equipment installed in a new concentrator plant, product improvement would come through a reduction in the silica content of the concentrate, a subsequent reduction in the overall cost of blast furnace fuel and maintenance, and enhancement of the iron content—not to mention the market value—of the finished pellets.) With these assumptions, Berryman came up with a forecasted profitability for the years 1973–75 that could result in an average annual after-tax income of $31.7 million, an average income per ton shipped of $3.17, and an average rate of return on assets of 9.68 percent. Even without product improvement, Berryman testified, Reserve could make the move to Babbitt and still pass on a profit to its parent corporations. But of course Reserve does not want to move anything to Babbitt, or anywhere else for that matter. Why should it, with tight money and inflation clouding such forecasts as Berryman's, and when, by most accounts, it has already saved more than $50 million by allowing gravity and a lake to dispose of its tailings?

So the shell game continues. In one of the most recent moves, Reserve (with some encouragement from the Eighth Circuit Court of Appeals) offered yet another on-land disposal plan, this time for Mile Post 7, seven miles up the rail line from Silver Bay, near Lax Lake. Judge Lord characterized the proposal as "shabby and hollow." And once again from Reserve came ominous hints that if it cannot have its way, that if it must abate the discharge on anyone's terms other than its own, then perhaps it might pick up its marbles and go home to Middletown, leaving its 3,200 workers to the vicissitudes of unemployment and public assistance. In response to earlier threats, Judge Lord had written:

"Defendants are using the work force at Reserve's plants as hostages. In order to free the work force of Reserve, the court must permit the continued exposure of known human carcinogens to the citizens of Duluth and other North Shore communities. The court will have no part of this form of economic blackmail."

On October 11, 1974, the U.S. Supreme Court—Justice William O. Douglas dissenting—denied without prejudice the government's application for an order vacating the stay granted Reserve by the Eighth Circuit Court of Appeals. Justice Douglas noted in his dissent that the Court of Appeals' position seemed to hold that "maximizing profits" was the measure of the public good, and he added:

"If . . . there is doubt, it should be resolved in favor of humanity, lest in the end our judicial system be part and parcel of a regime that makes people . . . the victims of the great god progress . . . Our guiding principle should be Mr. Justice Holmes' dictum that our waterways, great and small, are treasures, not garbage dumps or cesspools."

Ben Boo is the Mayor of Duluth. He is a friendly, accessible man, an able administrator, and a shrewd politician. From the windows of his city hall office you can look down to the waterfront of what has become, since completion of the St. Lawrence Seaway, one of the busiest ports in North America. The day I was there the harbor was crowded with ships, the docks and storage facilities brimming with lumber and grain. And iron ore. Duluth is filled with magnificent old houses and hardworking people. It is a fine city; and as far as I can tell, Ben Boo is a fine mayor who doesn't run scared. We talked about water, the kind you drink.

Mayor Boo said 1973 had been some year, all right, beginning with the EPA discovery of asbestiform fibers in the city's water supply right at the start of the tourist season. "It hurt us some, the publicity," he said. "But the people here were wonderful. No one panicked. I guess a lot of them had the feeling it would go away." Despite the prevailing optimistic mood of his constituents, Boo wasted no time. He immediately retained a firm of consultants to make preliminary studies for a filtration system at the Lakewood Pumping Station; asked for and received pledges of federal aid; put the state's Civil Defense people on standby with tank trucks to provide 600,000 gallons of well water daily, if such action were deemed necessary; arranged, through the U.S. Army Corps of Engineers, for the installation of portable water filters in public places; and demanded in no uncertain terms that the Reserve Mining Company halt its discharge into the waters of Lake Superior. Later the City of Duluth moved to intervene as a party plaintiff in the case being tried by Judge Lord, much to the chagrin of the Duluth Area Chamber of Commerce, which had already thrown in its lot with the other side. And so it went, through the summer and into the winter and on to the spring of 1974, to the morning of April 23rd to be exact, when the people of Duluth awoke to some reassuring news. The Eighth Circuit Court of Appeals had reversed Judge Lord on the health issue, and faster than you can say cummingtonite-grunerite, in many people's minds all those amphibole fibers were thereby and forever rendered harmless. In August the Army Corps of Engineers notified the mayor that they would no longer provide and install the portable filters as a public service. Why not? Because, according to the Corps' inverted logic, it had been proved that there was no health hazard (which is not quite the same as a health hazard not being proved).

"They weren't too successful anyway," said Ben Boo of the filters. "They needed a lot of maintenance. They were gradually plugging up."

"With asbestos?"

"With whatever came with the water."

"But what about the Selikoff testimony?"

"Scare stories," said the mayor.

"So you are not terribly concerned about the health issue?"

"Oh, we'll still go ahead with the filtration system at the pumping station."

"Then you are concerned."

"No," said Ben Boo. "I am not."

The Pickwick Restaurant on Superior Street in downtown Duluth features fresh lake trout and a splendid view of the harbor. You enter through a door with a sign that reads, "Filtered Water." The filter itself, one of those installed by the Corps of Engineers, is located under and attached to the water tap where the waitresses fill glasses on their way from the kitchen to the room with a view. The filter is a 12-inch jar packed tightly with thin shafts like pipe cleaners—your Maginot Line against a mouthful of amphibole fibers. To partake of asbestos-free water, of course, a resident of Duluth does not have to go out on the town every night. Ben Boo has made filtered water available at the city's firehouses, and WDIO-TV, the local broadcasting station, generously shares its copious hilltop well with the populace, which carries away about 45,000 gallons each month. Not much, considering that Duluth's total consumption is 15 million gallons a day. Still, the WDIO water is there for anyone who wants it; and those who do, if you bother to ask their opinion, are more than happy to express themselves on the current distressing situation. Said one elderly man emerging from the well-shed with a plastic jug in each hand, "How come I have to pay for sewage disposal and everyone I know has to pay for sewage disposal and that outfit up the lake, that Reserve, gets it for nothing? How come is what I'd like to know."

And at the bar of the Pickwick sat a man who for 28 years worked as a brakeman on trains hauling ore from Mesabi. He is retired. I found this out after I mentioned the filtered water. Then he began to speak of Lake Superior. "I love that lake," he said, "I fish it a lot, but mostly just look at it. In the war it was good to be from Minnesota because Minnesota was part of this lake. And you could be proud because all your buddies knew that this was where the fresh air and clean water was. But now these sons-of-bitches in Cleveland and Dayton . . ."

"Middletown," I said.

"And Middletown—all the way down in Ohio, can you believe it?—are pouring their crap into this lake. And they're killing it." Having said that, the man who loves Lake Superior slammed his fist on the bar and stalked out through the door, the one with the sign that reads, "Filtered Water."

I stalked out, too. In the morning I drove out along the U.S. 61, past the Lakewood Pumping Station. The pump house, I understand, is finally to be retrofitted with a filtration system; and the project possibly may be completed in time for a Bicentennial Year christening. Possibly, but not probably, because Ben Boo is haggling with the United States of America, the State of Minnesota, and the Reserve Mining Company over the delicate question of who will help him pick up the $6 million tab.

And then I was talking with Dr. Donald Mount, a biologist and director of EPA's National Water Quality Laboratory, not far from the pump house off Highway 61. "Every liter of water coming into Duluth right now contains about 35 million asbestiform fibers," Mount was saying. "I can't understand how we can treat so many people as if they were laboratory animals."

A few miles northeast of Silver Bay, the pink porphyritic ledges of Palisade Head rise 350 feet above the lake. Legend has it that Chippewa braves, from their canoes below, made great sport attempting to shoot arrows to the top of the cliff. Very few succeeded; and it is said that occasionally a brave or two perished in the attempt, for what goes up and misses must inevitably and swiftly come back down again. Gravity is not only cheap, it is ruthless.

Behind the cliff, Palisade Head rises another hundred feet or so to a small windswept dome covered with stunted mountain ash and Juneberries. Standing there, and turning counterclockwise, one can enjoy a most unusual view: the distant shores of Wisconsin straight ahead at high noon; the lake spreading out as if there were no end to it; the spruces at nine o'clock, leaning over the water at Baptism River State Park; then the deep forested hills at six; and finally, at three, the shoreline running raggedly back to the institutional sprawl at Silver Bay. And there it is. The gray in the sky and the green in the water, and the silicate fibers without end or beginning flowing on to Duluth. *O, Veritas, O, Verity. Requiescat in cummingtonite-grunerite.*

And good-bye, Superior.

POSITION PAPER OF NAVAL RESERVE ASSOCIATION

Mr. THURMOND. Mr. President, on March 22, 1975 the executive committee of the Naval Reserve Association met in New Orleans, La., and adopted a position paper on the role and mission of the Naval Reserve.

Mr. President, I ask unanimous consent that this position paper be printed in the Record.

There being no objection, the position paper was ordered to be printed in the Record, as follows:

Naval Reserve Association,
Washington, D.C., March 22, 1975.

Position Paper on the Role and Mission of the Naval Reserve

Public law provides for Reserve Components of the Armed Forces to act in peacetime and wartime to provide trained units and qualified persons as the national security requires. It is the policy of the Naval Reserve Association to support a viable Naval Reserve in respect to this law.

The lack of a clearly defined mission for the Naval Reserve has jeopardized the capability of the Naval Reserve to carry out its responsibility.

The Department of Defense has established the requirement that the Armed Forces base their force level requirements on threat scenarios. In addition, since the expression of the total force policy, the Armed Forces have been required to include their Reserve requirements in response to established scenarios. The lack of defendable specification by the Navy of their requirements for Reserve Components has contributed to the lack of resolve by the Department of Defense to support a strong Navy and Naval Reserve and has contributed to a perilous decline of both components.

In order to provide the nation with a practical and viable Naval Force, capable of maintaining a strong global posture, the following actions must be undertaken by the Navy:

Define and identify clearly the role and mission of the Naval Reserve under the guidelines of the Defense Program Planning and Guidance Memorandum. Specifically to be included in the threat scenario response is the use of Reserve units, augmenting personnel and support personnel, and including the use of Naval Reserve talent in such planning;

Address the use of the Naval Reserve as a cost effective means of maintaining a ready forces posture and a cost effective means of supporting the Navy while maintaining mobilization potential. Such an approach is particularly appropriate in view of budgetary pressures on the Armed Forces;

Grant the Chief of Naval Reserve policy authority as well as administrative responsibility to establish and operate a viable Naval Reserve program similar to the authority now granted to the Army and Air Force Reserve components chiefs; and

Cease further reductions in Naval Reserve personnel, until such time as the role and mission of the Naval Reserve is defined, so that valuable talent is not lost to the Navy.

PROGRESS TOWARD RESIDENTIAL SOLAR ENERGY UTILIZATION

Mr. CRANSTON. Mr. President, as the Senate sponsor of the Solar Heating and Cooling Demonstration Act—Public Law 93–409—I am deeply interested in promoting the widespread use of solar energy to help meet our Nation's future energy needs. In a time of rising costs of conventional energy sources and diminishing supplies, harnessing the Sun's energy offers us an attractive alternative. Not only is it nonpolluting, safe, and virtually inexhaustible, but once the installation costs are defrayed, the operating costs of solar energy are low.

I am pleased to note from a recent Wall Street Journal article that solar energy has captured the imagination of inventors across the country who are ingeniously putting the Sun's rays to work. Their pioneering efforts merit our attention for the significant strides they take toward proving the technical feasibility of solar energy as an alternate means of heating and cooling America's residential and commercial buildings.

Mr. President, I ask unanimous consent that this article, which appeared in the March 18, 1975, issue of the Wall Street Journal, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 18, 1975]

Progress Toward Residential Solar Energy Utilization

(By David Brand)

Tijeras, N.M.—So far as Robert Reines is concerned, Arab countries can turn off the oil tomorrow and electricity costs can go through the roof. He is insulated from all that.

Mr. Reines lives in a igloo-like white dome that gets its heat from the sun and its electricity from the wind.

The dome home is on a hillside some 20 miles from Albuquerque. At night, with the inside lights shining through the dome's portholes, the scene is reminiscent of an H. G. Wells futuristic novel. In fact, Mr. Reines sees himself as pioneering an age when whole communities will be energy-sufficient.

"I have freedom because I have all the energy I need, and that's real freedom," he says with a fervor that almost bristles.

Of course, Mr. Reines still drives a conventional gasoline-powered car. And New Mexico's winters are less severe than many other areas'. But he has lived comfortably for three winters in his energy-independent home with outside temperatures often below freezing.

LEADING THE PACK

To Mr. Reines and a small group of architects, engineers and plain happy tinkerers, energy independence is becoming a reality, while the government's Project Independence still is largely a vision.

The homes of these pioneers use a variety of ingenious methods to provide and preserve energy. All are equipped with devices to collect the sun's energy. Some have windmill generators to provide electricity.

The homemade heat in these dwellings is stored in large water tanks, in rocks under the floor or in concrete walls. And the houses are tightly insulated in some unusual ways as well.

In Guilford, Conn., Everett Barber is completing a $50,000 home equipped with a huge south-facing picture window, several tons of rock under his floor, rooftop solar panels and, if he can get planning permission, a windmill. In Beallsville, Ohio, Warren Stetzel is digging a large excavation for an underground house that will be insulated by the earth. At McGill University in Montreal and at the University of Minnesota in Minneapolis, architecture students have developed energy-independent houses. And in Allentown, Pa., Pennsylvania Power & Light Co. has spent $140,000 on a house to demonstrate that a combination of gadgetry can cut heating and cooling bills dramatically.

PROBLEM OF FUNDING

It's notable that these efforts largely are privately financed. Despite Washington's ambitious program for energy independence, focusing on such things as nuclear power and coal research, little research money is trickling down to energy conservation at the family level. "We tried to get the National Science Foundation to grant us $30,000 to develop a simple heat-storage system, but we were turned down cold," says Steve Baer, an energy researcher and the owner of a solar house in Albuquerque. "There hasn't been any government money put into a project that would tell a person how to build something in his own backyard."

In Butler, Pa., architect Richard Rittleman has a similar complaint. He has designed an advanced energy-saving home for a woman who wants to use the building to train architecture and engineering students. "We tried to get government research funding, but none was forthcoming, so the project has been shelved for the moment," he says.

There's a ray of hope, though, from the six-month-old Solar Heating and Cooling Demonstration Act, under which the Housing and Urban Development department and the National Aeronautics and Space Administration could each spend $5 million on research.

From HUD's share, about $98,000 is going to the research arm of the American Institute of Architects, which has spread the money among 10 design companies and architecture schools for research on energy-saving equipment and homes.

SUN BUSINESSES BLOSSOM

Already in the U.S., according to a University of Colorado survey, are nearly 200 solar-heated houses built, under construction or planned. To equip these homes, more than 100 solar-equipment makers have emerged, many of them small, backyard concerns. The solar-power market, according to a study by the research firm of Arthur D. Little, could reach $1.3 billion by 1985 "if industry, with effective government support, moves ahead promptly to introduce solar hardware into the marketplace."

Now this hardware is high-priced. It's largely handmade from expensive materials such as copper, and large amounts of the materials are necessary. A commonly used rooftop solar panel is a glass-covered aluminum or steel tray in which antifreeze, water or air is heated as it moves through blackened copper tubing. In many parts of the U.S., such heat collectors must cover at least 50% of the roof surface to provide about 80% of a house's central heating.

Fred Dubin, of the New York engineering firm of Dubin-Mindell-Bloome Associates, designers of a number of solar buildings, says that even at today's high fuel prices, in most areas of the country it can take 15 to 20 years to recover an investment in solar-heating equipment. Everett Barber, who teaches at Yale University and in his spare time runs a small company that makes solar collectors, says that "at present, solar power is still mainly for the rich."

Mr. Barber should know. He has been struggling to keep down the cost on a small energy-saving home he is building on three acres of wooded land in Guilford, Conn., outside New Haven.

The planned center of the two-story house's heating system is a massive 2,000-gallon water tank, warmed by antifreeze that is heated by rooftop solar collectors. Surrounding the warm sides of the tank is a sheath of corrugated aluminum. Air is drawn through channels in the metal and is then blown by a fan over tons of crushed rock under the ground floor. The rock retains heat and lets it gradually rise up through the floor. Warm air is also circulated by the fan through ducts leading to three upstairs bedrooms.

The rock is heated further by what Mr. Barber calls low-level heat. This is the heat generated by people in the house, the heat from such activities as cooking and the heat from the morning sunlight that pours into the house from a large south-facing picture window and two sliding glass doors. This heat rises to the top of the House, where it is drawn by the fan down a central duct to the rock.

Mr. Barber estimates that his solar panels and his rock system will provide him with 80% of his central heating when put into operation. The rest will come from a wood fireplace.

A system like this one requires a tightly insulated house. Mr. Barber's is built of cinder blocks sprayed with a three-inch coat of polyurethane to prevent inside heat from escaping. This gives the exterior a stuccoed appearance similar to orange peel.

Little heat in the house will be wasted. Solar panels will provide the hot air for the clothes dryer. Hot water used for washing will be preheated by the panels and then "topped up" by heat from electricity, perhaps provided by the wind generator.

In addition, the wood fireplace will help heat the water storage tank. The fireplace will use cold air vented in from outside the house for combustion, saving some warm inside air.

But Mr. Barber is running into a host of problems. He had planned to use a $2,500 windmill to generate much of his electricity. But the machine is lying in his garage because the town hasn't given him permission to erect a needed 60-foot-high tower.

DECORATING A WATER TANK

Then he ran out of storage space for the 11-foot-high water tank. Unperturbed, he has put the cylindrical steel tank in a corner of his living room. He insists his wife doesn't mind. "We've made it a design element of the house—we'll paint it like a Grecian urn," he says. But the elephantine urn is taking up a considerable chunk of living space.

And there's the cost. Mr. Barber thought that a $50,000 mortgage, on his land, which cost $11,000, would allow him to build a sizable house. But the cost of energy devices kept growing and the house got smaller. His system is costing about $13,000.

Designers around the country are looking for ways to bring down such costs. Perhaps the most novel approach is that of a group of architects and engineers in Harrisville, N.H., who call their operation. Total Environmental Action. They have designed a house for a family in Manchester, N.H., using a concrete wall to collect and store the sun's heat.

The south wall is 12-inch-thick blackened concrete on the outside covered with two layers of glass-fiber sheet. The morning sun's rays strike the wall, and the heat is stored in the concrete. This heat then circulates through ducts into the house.

At night, the outside of the concrete is insulated by tiny beads of plastic foam, automatically blown into a three-inch space between the glass-fiber sheets, to prevent the escape of interior heat. In the morning, the beads are sucked out of the space to let in the sun's heat again.

Equally ingenious is Mr. Reines's system in New Mexico. His 30-feet diameter steel-dome home is made up of about 90 pieces. They can be bolted together by four people in about 12 hours. The inside of the steel dome is sprayed with polyurethane.

Heat comes from a series of solar panels arrayed on the hillside above his home (but on a new dome home he is developing, the panels are built into the roof). The panels heat antifreeze, which in turn heats a huge tank that supplies the water for the dome's baseboard heating system.

Mr. Reines's electricity comes from 30-year-old windmills that he found abandoned on nearby farms and installed atop towers on his 30-acre property. But without this luck, Mr. Reines doubts wind-generated electricity would be feasible for a single family.

DOMES ON THE MARKET

Development of the domes has cost the 29-year-old former Air Force electrical engineer some $85,000, about $50,000 of which came from a research foundation. But further outside funding isn't in sight, says Mr. Reines's partner, Malcolm Shannon, Jr., an Albuquerque lawyer. So, to raise the money to develop new domes, Mr. Shannon says they hope to sell the structures, with built-in solar panels, for about $17,000 each.

An energy-saving existence is clearly a frugal one for Mr. Reines. Because of the limited amount of electricity from his windmill generators, he has few appliances, and all his cooking is done on an energy-saving microwave oven. But Mr. Reines, a bearded, feisty man, growls, "I have all the energy I need. A dishwasher isn't freedom."

In Beallsville, Ohio, Warren Stetzel takes the view that energy frugality "doesn't mean the end of civilization." He is building a house that, he says, will allow all the usual creature comforts. Energy will come from solar and wind systems supplemented by utility-company power. But the most unusual thing about this house is that it is being built under the ground.

It is being made of poured concrete in a hole carved in a hillside on 850 acres of scenic land that Mr. Stetzel and a group of friends bought four years ago to save from strip-mining. There's a practical reason for the hole; the house will be largely insulated by the hillside itself—3½ feet of sod, perhaps the oldest insulating material known.

By contrast, modern technology is being used by Pennsylvania Power & Light Co. to show how power bills can be drastically reduced. The utility has spent $50,000 on an experimental house (plus $90,000 on research) that is being heated and cooled for about $200 a year in electricity, compared with about $500 for a conventional house of the same size.

The 1,700-square-foot house, just outside Allentown, is being occupied for a year by company employe Kenneth Borger and his family. They must put up with a basement jammed with the pipes and gadgetry that make up their heating and cooling system. It consists of two main elements: solar panels and heat pumps. The pump absorbs heat from outside air to warm the inside air. In summer it reverses itself and becomes an air conditioner. Its efficiency lies in its ability, depending on the outdoor temperature, to extract three times as much heat energy from the outside air as the electrical energy the pump uses.

An insulated water tank in the basement stores the heat produced by an outside heat pump and by the solar panels that form a screen outside the house. The tank also stores excess heat from such things as the clothes dryer and waste water. Heated water from the tank is then used in an inside pump for central heating.

Bob Romanchek, the utility's research director, says, "We think we can bring the heating costs well below $200 a year. But that's the thing about a new type of house; you're never quite sure what it's capable of."

FREEDOM HAS LOST A GREAT CHAMPION

Mr. HELMS. Mr. President, freedom-loving people around the world have lost a great friend and dedicated leader in the fight against Communist tyranny. The death of President Chiang Kai-shek saddens me deeply.

This 87-year-old world statesman was an unyielding anti-Communist. When mainland China was taken over by the Communists after World War II, President Chiang led thousands of his countrymen to the island of Taiwan. On Taiwan, under President Chiang's leadership, a nation was built that today symbolizes, in the most dramtic sort of way, the difference between tyranny and liberty.

That nation today stands as a living memorial to President Chiang.

On Taiwan, people live, work, and prosper in an atmosphere in marked contrast to the dismal life in mainland China, where Communists are in control and there is no freedom or prosperity.

Early last year, Mrs. Helms and I visited Taiwan. I had been invited there to address the annual World Freedom Day rally, held that year in Taipei. More than 16,000 Chinese citizens jammed a giant coliseum-type building to rededicate their efforts to preserving freedom, not only in Taiwan, but throughout the world. Their dream, of course, is that 1 day freedom can be restored to mainland China, where their relatives and friends are in the bondage of the Communist tyrants.

During our several days in Taiwan, Mrs. Helms and I traveled freely around the island, meeting the people, and getting a firsthand glimpse at the kind of life the people lead there. Taiwan is a beautiful, serene country. People smile. They are courteous to each other, and to visitors.

There is no welfare program there—except for the elderly and the sick—those who cannot help themselves. Every able-bodied citizen works for a living, because he knows there will be no handout from the government if he refuses to work.

There is virtually no crime in Taiwan, because criminals know that they will receive quick and stern punishment. Women are not afraid to leave their homes at night, because they know that their neighborhoods are safe. There is plenty of food, because Chinese farmers work hard to produce it. And there is a stable economy in the country.

This, Mr. President, is the nation that Chiang Kai-shek built. How freedom-loving Chinese on the mainland must yearn for the same kind of freedom, stability, and prosperity that exists in Taiwan.

Chiang Kai-shek's personal interest in the welfare of the Chinese people can well be illustrated by an interview he gave early December of 1945. World War II had just ended and the battle with Communist forces, led by Mao Tse-tung, for control of the mainland was being waged fiercely. During those critical days, President Chiang took time out to talk with Father Raymond S. DeJaegher, internationally known author and lecturer, who had lived in China for a number of years and who had traveled widely throughout the country. For 2½ years, DeJaegher had been imprisoned by the Japanese in Weihsen concentration camp. Recently freed, and fearing that a new tyranny was about to engulf China much as the Japanese had done only a few short years before, DeJaegher sought out the one leader he felt could preserve freedom in that country.

President Chiang's concern, as expressed to DeJaegher during the interview, was for the welfare of the Chinese people. His desire was to preserve their freedom, to move them from an agrarian economy and feudal society toward needed industrialization and a freer society. His eyes were trained on a better future for China.

Mr. President, I ask unanimous consent that the interview, as described in DeJaegher's best selling book, "The Enemy Within," be printed in the Record.

There being no objection, the interview was ordered to be printed in the Record, as follows:

THE ENEMY WITHIN

It was on December 11 that Generalissimo and Madame Chiang Kai-shek arrived in Peiping for a ten-day visit. They came back to this lovely, ancient city for the first time in ten years, and their triumphant return was symbolic of the victory over Japan. The people of Peiping who had suffered so much under the eight long years of occupation and oppression cheered the Generalissimo in a gay, colorful parade through the streets to the east section of the city where his aides had prepared a house for him.

A few days later he sent a messenger with a handwritten note inviting me to the house, and on the seventeenth the Generalissimo's secretary, Mr. Shen Ch'ang-huan,[1] called for me and took me to the residence.

The Generalissimo was staying in a house which had been occupied formerly by the Chinese puppet head of the city. He had been arrested when the Japanese surrendered, and the house had been taken over by the government as an official residence. It was an ugly stucco house, with no more integrity architecturally than its former puppet tenant had had personally. They had chosen it for the Generalissimo, Mr. Shen said as we came upon it after turning into a small hutung off a main street, because it was in a quiet section, easily guarded, and quite comfortable inside for working and living.

We came to the gate, and the two soldiers at the sentry boxes saluted smartly and passed us through into the gardens, brown and desolate in their winter bareness. The main house was flanked by smaller dwellings for staff officers and household servants, and the gardens extended well to the rear, in Western fashion, and must have provided a pleasant bounty of flower-filled beauty in spring and summer.

It was eleven o'clock when we were shown inside, and the house was comfortable and spacious, as Mr. Shen had said. The Generalissimo was in a military conference and had left word for me, begging my indulgence while he finished this essential business. Mr. Shen and I talked while we waited, exchanging experiences, he of wartime Chungking, I of my own life under the Communists in Hopeh Province and my two and a half years in the Weihsien concentration camp. Presently an aide came in and told us the Generalissimo had finished his conference, and Mr. Shen and I followed him down a corridor and into a big room overlooking the front gardens and the hutung.

Mr. Shen presented me to the Generalissimo, who shook hands with me warmly and drew out a chair for me. Although his features were all familiar to me, on this, my first meeting with him, I saw details not readily apparent in his photographs—a tenacious strength of purpose and will, high lights of humor, a simplicity that is neither ascetic nor austere but composed of elements of each in the proportions his life had prescribed He wore the *chung shan fu*, or Sun Yat-sen uniform, half foreign, half Chinese, Western-style trousers and Chinese-style coat with high hooked collar. His was made of some dark, coarse khaki cloth.

The Generalissimo served tea immediately. As a rule, he told me, he doesn't drink tea, just hot water. The big room was quiet, and in contrast with all the Communist headquarters I had been in, dignity and orderliness reigned there, and old-fashioned Chinese politeness; there was not a trace of the roughness, the blatant military quality that pervade every Red headquarters. I have never seen a Red general who was not always flanked by his guards and his guns, his political commissar and his guards and their guns.

The Generalissimo began by thanking me for what I had done during the war for China.

"I have heard of your work from many persons," he said. "And I am grateful for the work Father Lebbe did," he went on, adding with the most profound feeling, "He sacrificed his life for my country and my people." I couldn't speak for a moment and the Generalissimo was silent, too, thinking, as I was, of that noble old man who had been my inspiration from my boyhood in Belgium, my mentor and guide and friend.

I would have told the Generalissimo a little of this, but he understood without my speaking.

"We have a hard time ahead of us in China," he said. "Many people think that this victory has brought real peace. I hope so," he said, and I echoed his hope.

"But there is a big obstacle ahead of us," he went on. "A big obstacle." We exchanged glances of understanding.

"The reconstruction of China is going to be a difficult and formidable undertaking because of that obstacle. You know what that obstacle is as well as I do," the Generalissimo said, looking at me directly.

"I do know what it is," I said.

"Yes, reconstruction is going to be difficult because we will have to meet and overcome the obstacle somehow, some way. To rebuild China I shall need the collaboration and help of all."

The Generalissimo was silent for a second, and I reflected on how he had put the least shade of emphasis on "all." I hoped with all my heart that a miracle would give him what he needed; that the great strength of the United States of America, the courage and idealism of her people would be matched with wisdom and sagacity in the mediations that would begin soon.

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[1] Mr. Shen is currently the Chinese Nationalist Government's official spokesman in Formosa.

In the half-hour or more that we talked and visited, neither the Generalissimo nor I mentioned the word "Communist" or "communism." We didn't have to, really, for I knew what he meant when he said "obstacle," and he knew that I knew. It was obvious that the Generalissimo would have considered it tactless to a degree to discuss the Communists with me or any foreigner, European or American, when General Marshall was en route to China to try to bring about collaboration between them and the National Government, a result that Chiang Kai-shek must known was doomed but he would strive for so long as the United States thought there was hope.

He brought the conversation back to Father Lebbe.

"I said I shall need the collaboration and help of all. I'd be grateful if you'd bring together all the friends of Father Lebbe and bespeak their help."

He meant my friends also, of course. In the Chinese way, he spoke of the elder man only but included me and my followers, assuming, as a matter of course, and correctly, that the aims of one would be the aims of all. Father Lebbe was a Chinese national hero and had an enormous following, for he had lived in China nearly forty years and had traveled the country from one end to the other, on foot, muleback, by sedan chair, any means that would take him. And he was known and admired from one end of China to the other. His followers and friends were not just the men and women of his own faith, but Protestants and pagans who respected and loved him for himself.

I told the Generalissimo I was ready to do whatever I could to help rebuild China, and not only to speak but to work in the same spirit as Father Lebbe, who worked first and talked after.

The Generalissimo smiled and thanked me. He was touched and pleased and, characteristically, he became instantly practical and asked me what I thought might be done first in the rehabilitation of the country. He settled himself to listen with the utmost attention, and I leaned forward in my own earnestness to convey my ideas to him.

"First of all, more publications and books and magazines are needed, good ones, that will give truthful information to the people," I said, and I expatiated on this theme for a while, out of my own experience with the methods of the other side, the side of the "obstacle." The Generalissimo listened carefully and nodded in agreement from time to time. He inquired about dissemination of information and expressed agreement with my ideas.

"There are two main courses to be followed, I believe," I told him, "one among the intellectuals, the other among the farmers. And there should be further improvement of agricultural methods and organized help for the farmer."

Chiang had long been conviced that major reforms were needed among the peasants, who were following the same farming methods their ancestors had used for hundreds, even thousands, of years. He had made many agricultural improvements before the war, but the Communists had appropriated all credit for themselves in this field as in so many others.

He was therefore most interested in my description of the model farm run by a group of Catholic brothers not far from Peiping, a project I said I was sure could be a pattern for the peasants. He said he considered this a sound idea, especially since the peasants could see for themselves on the brothers' land the fine result of the newer methods.

I explained that the model farm was the development of an experiment we had tried at An Kwo. We had brought in some foreign advisers who had had excellent experience with modern farming methods, and they tried to teach the peasants in the area the value of chemical fertilizers, improved new seeds, and many other innovations. We met great resistance, however.

"It is not that the Chinese are so conservative as that they are practical," the Generalissimo said, smiling.

"That is what I discovered," I replied. "They came to me and said, 'These new ways of yours are interesting, Father, and they seem good, but the way we plant and cultivate our land now we are sure of our crops. If we try the new way and fail, we'll all starve.' "

The Generalissimo was listening attentively and he nodded in complete silent understanding of this realistic analysis his people had made.

"What did you do? How did you convince them?" he asked.

"I rented a small piece of land and marked it off exactly in half. Then we demonstrated our methods by cultivating one half according to modern methods and the other half the old way. Our first crop was corn; we used American corn and Chinese corn. The American corn grew much higher, the yield was much greater, the ears were finer and larger in every respect. The farmers saw this for themselves. They didn't need any further arguments."

"What did they do?" asked the Generalissimo.

"They asked us for seed, our special American corn seed," I told him.

"Did you grow any other crops for demonstration purposes?"

"Yes, we grew cotton too. The summer is so hot in our part of the country there in Hopeh, we can grow very good cotton. And we built artesian wells near Peiping later on, and many farmers followed our example in that, too, when they saw they could grow rice that way."

Throughout our conversation the Generalissimo revealed a profound understanding of the needs of China and her people and of the difficulties ahead in bridging the gap between China's agrarian economy and feudal society and the Western world's industrialization and freer society. He showed no slightest disposition toward pessimism, however, nor any lack of faith in China's ability to make the transition.

"We can accomplish everything if we all work," he said as I took my departure, "and if we can overcome the obstacle. It is important that we not underrate its strength—or its ramifications."

NATIONAL CONFERENCE ON RURAL AMERICA

Mr. CLARK. Mr. President, the Senate Agriculture and Forestry Subcommittee on Rural Development has been holding oversight hearings on the programs that serve rural America for some time now. These hearings have pointed out the problems that confront rural people, and the difficulties they experience simply because of their place of residence.

At these hearings, we have heard over and over again that national legislation is too urban-oriented—that the majority of Federal dollars are being used to solve the problems of the cities, leaving rural areas without the resources to help solve many of their most pressing problems. Right now, rural taxpayers do not believe they are receiving equitable treatment from their Government and that feeling is growing stronger every year. One way to prevent any discrimination against rural interests is to insure that legislative proposals reflect the interests of both rural and urban problems, and that must be done while legislation is being formulated by congressional committees.

To help the Congress in this effort, a National Conference on Rural America has been called for mid-April by the Rural Housing Alliance and Rural America, Inc., along with more than 50 cosponsors. The participants at the conference will seek to examine ways to help this Nation's rural areas receive equitable treatment.

The conference will have 12 sessions over a 4-day period, April 14 to 17, at the Sheraton Park Hotel. Rural America and its problems will be examined under the following broad headings: Land, resources, and people; rural poverty; self-government in rural America; rural health; agricultural production; employment, jobs and training; public education in rural America; housing and community development; energy and rural people; rural economic development; rural public transportation; rural justice and legal assistance.

When Richard Margolis, chairman of the Rural Housing Alliance, called the conference, he said:

> Much of American history comes down to the people's pursuit of equity in the face of privilege, and to their insistence on public concern in the face of indifference. Despite lapses, most generations have managed to recast the great Jeffersonian goal—"equal rights for all, special privileges for none"—in forms that have continually reenforced the nation's democratic base and replenished its democratic dream. In the 1930s that dream was expressed largely in terms of class; in the 60s, of race. Both expressions remain valid today.
>
> Yet we sense in the mid-70s a chance once again to take up the struggle and carry it forward—that is, to redefine the issue in language that this generation of Americans can readily comprehend and willingly act upon. The time seems right to speak not only of class and race, but also of *place*, and of those Americans who by virtue of where they live are deprived of full participation in the system.
>
> We issue this call for the 1st National Conference on Rural America in order to begin to achieve equity and justice for those 60 million Americans who reside in small towns and rural areas. The Conference will assess our present social and economic needs against the historic shortcomings of both government and the private sector in dealing with rural people. Delegates will seek ways to assure rural Americans of their fair share of society's goods and services—health care and decent housing, jobs and educational chances, public transportation and public assistance—those benefits, in short, which taken together go far to define the quality of a citizen's life.
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> We hope the Conference participants will bring forth the broad outlines of a platform for rural Americans, including positions on such critical questions as access to land, credit, resources, energy, and production. The focus will be on people—the right of rural people to determine what actions their governments take, the right of farmers to produce the food needed by society in an economical manner without being the first link

in some corporate chain, the right of rural people to control and conserve the land and resources around them.

This conference offers all of us an excellent opportunity to discuss the problems and potential of rural America, and I urge everyone to attend some of the meetings. If Congressmen and Senators cannot be there, staff members are welcome to cover the subjects that are of interest to individual Congressmen.

MILITARY AID TO SOUTHEAST ASIA

Mr. THURMOND. Mr. President, now that Congress has reconvened, the House and the Senate must act quickly to help our struggling friends in Southeast Asia. Every day the military situation worsens in both South Vietnam and Cambodia. For want of arms and ammunition, these two nations are about to be lost, perhaps irrecoverably, to Communist tyranny. The suffering of the Cambodian and Vietnamese people, graphically depicted in our newspapers and on our television screens, is almost beyond our comprehension, and it will only increase with further Communist successes. We must try to prevent these successes. It is a matter of conscience. We have a moral responsibility to provide our friends with the means to defend themselves.

Some people are saying that Southeast Asia is now hopeless, that nothing we can do will prevent Communist victory. Even if this opinion were correct, it would not give us an excuse to desert our friends. We must conisder our honor and our credibility as well as our prospects of success. If we refuse to help smaller nations that depend on us in Southeast Asia, we will lose the confidence and the respect of our allies everywhere else.

Moreover, I am not convinced that Communist victory is inevitable. It is true that the Cambodian and South Vietnamese armies are badly demoralized. However, what army would not be demoralized if it had no guns or bullets with which to repel an advancing enemy? Despite the catastrophic losses of recent days in South Vietnam, no less an authority than Gen. William Westmoreland believes that the South Vietnamese can still stop the Communist advance if only they are properly equipped.

Mr. President, the inactivity of Congress in this vital and pressing matter is alarming. Nevertheless, voices of reason and compassion continue to be raised across the land. I ask unanimous consent that two recent accounts, including an editorial, from the Augusta Chronicle of Augusta, Ga., spelling out our obligations and our options in Southeast Asia be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Augusta (Ga.) Chronicle, Apr. 2, 1975]

Conscience Dies

Aside from those Vietnam War veterans in this country who feel anguish at the way in which our country has thrown anti-Communist forces to the wolves in Southeast Asia, apathy appears, in general, to mark American public reaction to the current collapse of resistance to Communist aggressors.

A dull, possibly uneasy but nevertheless real indifference seems to be the reaction as most persons read and view the spectacle of thousands attempting to flee from the invaders. We mumble the famous line coined in Washington. "Let them settle it their own way," as we contemplate hysterical soldiers kicking an old woman in the face to get aboard the last outgoing plane from Da Nang. We try to assure ourselves it is none of our concern that a frantic free people would rather fall from the undercarriage of a plane, than to rush into the arms of these who come to "liberate" anti-Communists.

The circle around Saigon, bereft of any sign of continued supply from the U.S. Congress, grows even smaller. Lon Nol announces his departure from Cambodia to Indonesia, to "pave the way for a peace settlement"—and we try to work up enthusiasm for peace, knowing in our heart that peace with Communists is the peace between the lamb and the jackal.

What has happened in Southeast Asia? That isn't the question. What we should be asking is what has happened in the United States.

It started with Korea, when the no-win policy in military operations was adopted. Regardless of what one may think of relationships between former President Truman and the late Gen. Douglas McArthur, Korea marked the end, for the foreseeable future, of our determination to end wars quickly, victoriously, with a minimum of casualties. From then on, we find military actions to be a token activity, in which we sacrifice as victims on the altar of futility, hundreds of thousands of lives of brave young men—dragged through years of unnecessarily prolonged conflict.

America's conscience has died. For the selfish goal of a theoretical devotion to pacifism, we direct our efforts toward certain failure. Veterans indeed do seem to have died in vain, with the anguish of knowing that millions of people back home didn't care enough to back them for a quick victory and a return home—alive.

Don't think the world has not noticed. With regard to U.S. congressional desertion of Southeast Asian non-Communists, the Berlin newspaper Tagesspiegel write: "The credibility of the United States Congress stands at stake . . . comparable with that of its predecessor after the First World War . . . The result was the appearance of Hitler . . ." And a day later, the Frankfurter Allgemeine said, "If America is unable to keep its foot in the door in Phom Penh . . . what will happen in Lisbon, in Tel Aviv or Berlin? . . . If little allies are so cooly, so summarily, so relievedly surrendered, written off, given up, what are others to think? . . . The consequences go far beyond Southeast Asia."

Indeed, they do.

[From the Augusta (Ga.) Chronicle, Apr. 2, 1975]

Westmoreland Warns "The Jig's Up" if South Viets Don't Get Material Aid

New York.—Gen. William Westmoreland, commander of U.S. forces in Vietnam during the height of the U.S. military involvement in that country, said in a television interview Tuesday if the United States withholds material aid from the South Vietnamese, "the jig's up."

Westmoreland also said the current South Vietnamese retreat was "not well planned," but the South Vietnamese still might save the remainder of their territory if they can regroup their forces and if they get material aid from the United States.

"The one essential factor is, we have to give them the wherewithal to fight, and if we withdraw that, well, the jig's up," Westmoreland said.

Asked about reports of South Vietnamese troops "running amok" during the retreat, Westmoreland said such behavior was "evidence of demoralization."

"It is evident that the strategic withdrawal, the retrograde movement, which is the most difficult of all military operations, was not well planned," Westmoreland said. "One gets the impression that it was ordered one day and executed the next, whereas an operation that complex takes weeks in order to carefully plan. . . ." The fact that they've had this setback doesn't mean that they are going to lose the final battle, because the really productive areas in South Vietnam are the third and fourth regions (Saigon and the Mekong Delta)," Westmoreland said.

"If the South Vietnamese can group their forces, strengthen their chain of command, they can inflict great casualties on the enemy, and they would hold the really productive and important parts of South Vietnam, if—and this is a big if—if we can give them the vote of confidence."

GENOCIDE CONVENTION DOES NOT VIOLATE THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, on Monday I explained why citizens' first amendment rights to free speech would not be compromised by Senate ratification of the Genocide Convention. My remarks yesterday were directed primarily to the substantive evolution of free speech rights in the courts. Today, I want to address a procedural matter which further rebuts charges that the Genocide Convention conflicts with the first amendment.

Should an indictment under article III(c) of the convention for inciting to commit genocide produce a conflict between the convention and the first amendment would prevail. The reason for this is that article V of the convention requires contracting parties to the convention to enact "in accordance with their respective constitutions" implementing legislation necessary to make these offenses domestically punishable. In addition, as a matter of constitutional law, a treaty could not validly obligate the United States to do anything the Constitution prohibits.

If a case arose under a public law "direct and public incitement to commit genocide" a criminal offense in the United States, the defendant would still have to be prosecuted and convicted under those criminal procedures which protect all persons accused of a crime in this country. The Supreme Court, or any appellate court, could overturn a conviction if it found the defendant's activities were protected by the first amendment or did not constitute the kind of incitement which falls outside the first amendment's ambit.

Hence, it is evident that both substantive and procedural safeguards to the first amendment would apply, and that ratification of the Genocide Convention by this body would in no way diminish those right protected by the first amendment.

DEATH OF GENERALISSIMO CHIANG KAI-SHEK

Mr. THURMOND. Mr. President, on Saturday, April 6, 1975, the world lost a great leader and a great opponent of

Communist tyranny. Generalissimo Chiang Kai-shek, President of the Republic of China, died in Taipei at the age of 87. Chiang Kai-shek was a lifelong friend of the United States and our loyal ally from World War II to the present. On behalf of the countless Americans who warmly returned his friendship while he was alive, and who will now hold his memory in the deepest respect, I rise to pay him a few words of tribute.

Chiang had been a principal figure in Chinese political life ever since the fall of the Manchu dynasty in 1911. From Dr. Sun Yet-sen, the founder of the Republic of China, he first learned the goals that he was to pursue throughout his career—freedom and unity for the whole Chinese people. These goals were not achieved with the founding of the Republic. In the years immediately afterward, diehard adherents of the monarchy split the country into many contentious parts. Dr. Sun and Chiang had to wage a massive joint campaign of warfare and education to bring constitutional government to China.

With the death of Dr. Sun in 1925, Chiang assumed the leadership of the Nationalist movement, a position he held with only one brief interruption for the rest of his life. At this time, the Chinese Communist Party, which previously had cooperated with the Nationalists, withdrew from the movement and began to seek power for themselves. Chiang was thus forced to fight on two fronts at the same time—against the reactionary warlords on the one hand, and the radical Communists on the other. To his great credit, he was able to sustain this warfare with general success, even when in the 1930's the Japanese began to exert pressure on yet another flank.

Japanese pressure soon became an all-out attack, and China suffered grievously during World War II. Chiang did what he could to rally his people, worn out with two decades of internal fighting, but continued Communist sedition made real unity impossible. Nevertheless, Chiang made notable contributions to Allied efforts in the Pacific Theater, joining Roosevelt, Churchill, and Stalin among the so-called Big Four of Allied leadership. When the war was over, he then participated in the founding of the United Nations.

Sadly, though, the Chinese Communists had been able to capitalize on China's privations to undermine Chiang's support among the people, and his international prestige could not win all this support back. The civil war heated up again as soon as the war against the Japanese had ended. By 1949, after four years of hard fighting, the Communists had gained control of almost the entire Chinese mainland. The Nationalist cause seemed to be doomed, and Chiang's career seemed to be over. But Chiang would not give up. Gathering the remnants of his forces and freedom-loving Chinese from all over the country, he withdrew to the island of Taiwan to regroup, reorganize, and await the day when the Nationalists could return to the mainland in triumph.

That day did not come during his lifetime. The Chinese Communists, led by Chiang's old rival, Mao Tse-tung, wasted no time in establishing a militaristic police state which ruthlessly exterminated all political opponents at home and mobilized a people's army that far exceeded the entire population of Taiwan. Yet Chiang's years of exile were far from idle. He and his associates, with American help, made Taiwan into one of the most prosperous nations in Asia. They defended their island from the plots and the attacks of the Communists. Finally, they kept alive the hope of freedom for Chinese and friends of the Chinese all over the world. These achievements are no small legacy to leave behind. However, Chiang will be remembered for more than this.

If Chiang Kai-shek did not completely fulfill the goals that he dreamed of, it is worth remembering how lofty these goals were. To bring freedom and unity to a billion people that had never before known either is a task of almost incomprehensible magnitude. This was the task that Chiang Kai-shek undertook. The remarkable thing about his career is not that he ultimately fell short of his goals, but that he came as close to achieving them as he did. What is more, I am confident that his posterity will win the victory which was denied to him in person. He pointed the way to this victory. His was the vision; his was the inspiration. The day will come when China will be free, and when it does, the world will know who the first author of that freedom was. The name of Chiang Kai-shek will be recorded in the annals of history as the liberator of his country.

Mr. President, I had the privilege of knowing Chiang Kai-shek personally. Thus, I can testify from firsthand knowledge that Chiang Kai-shek was a man of rare character and integrity. His death not only deprives Taiwan of its greatest leader, but it deprives his family and friends of a unique and beloved influence in their lives. I take this opportunity to extend my deepest sympathy to his charming wife, Madame Chiang Kai-shek, who has been the President's closest confidant and most trusted assistant for many years, and to his able son, the Premier of the Republic of China, the Honorable Chiang Ching-kuo. During my trip to Asia in January of this year, I had a lengthy discussion with Premier Chiang, and I can assure my colleagues in the Senate that he will do his utmost to live up to the distinguished record of his father.

JAMES L. GILLIS, SR.

Mr. TALMADGE. Mr. President, the State of Georgia on March 31 lost one of its most outstanding citizens, a great political leader of many years, and a dedicated public servant. James L. Gillis, Sr., was chairman of the Georgia State Highway Department, and almost singlehandedly responsible for the modern development of the State's public highway and road system.

Also, he held various county offices during his career, and served as a member of the Georgia House of Representatives and as president pro tempore of the State Senate. Known by his many friends and associates throughout Georgia as "Mr. Jim" and "Mr. Highway Department," Jim Gillis was a close friend of mine for some 40 years and it was my privilege and pleasure while I was Governor of Georgia to appoint him to the Georgia Highway Department Board. He was friend, adviser, and confidant to Governors and leading political figures from the grassroots level on up to the State capitol.

I personally valued his friendship very highly and I shall always cherish our long-time warm association.

Mrs. Talmadge joins me in extending our heartfelt sympathies to members of the Gillis family. I ask unanimous consent that there be printed in the RECORD articles from the Atlanta Journal and Constitution on his passing.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Atlanta Constitution, Apr. 1, 1975]

"MR. JIM" GILLIS DEAD

(By Frank Wells)

James Lester Gillis Sr., 83, who saw Georgia's public roads develop from slippery clay trails to modern paved ribbons of traffic and who supervised much of the change, died Monday in an Atlanta hospital.

"Mr. Jim," as he was known in his beloved Highway Department and to many politicians, was the man to see for more than 20 years if a paved road was needed for your county.

He was also the man who introduced a program of competitive bidding on highway contracts.

Mr. Jim was instrumental in the election of three governors and one senator, but made less than a dozen public speeches in his long career as a public servant. His influence was in knowing people, including the smallest of politicians and the lowliest of applicants for road help.

Born in Soperton on Jan. 6, 1892, he attended the University of Georgia and entered politics in Treutlen County early in life. He served as county ordinary for two years and was a county commissioner for Treutlen for 20 years. He was a member of the Georgia House of Representatives and then of the Senate, where he served as president pro tem in 1923.

He was a delegate to the Democratic National Convention in 1936.

Mr. Jim was named a member of the State Planning Board in 1937 and was a member of the State Highway Board from 1937 to 1939. He was named director of the Highway Department for 1948–50, and a member of the board and chairman from 1950 to 1955.

He resigned in 1955 so that then-Gov. Marvin Griffin could appoint his own man to the job.

But he was back again in January, 1958 appointed by Gov. Ernest Vandiver. When Mr. Jim got back into office, he used a heavy hand in cleaning house of what he called "dead wood," and supervised the early emphasis on the interstate program and on Vandiver's $100 million highway-widening and repair program.

In 1963, Mr. Jim was named director of the Highway Department, and he served in that capacity until he resigned in 1970.

In November of 1970, he was unanimously reelected by the State Highway Board as director of the department, but he immediately handed in his resignation, and Gov. Jimmy Carter appointed Bert Lance to succeed him.

Gillis was a close friend of Gov. Eugene Talmadge and his son Herman, both governor and senator. He worked for the election of both men to the offices to which they aspired.

He was instrumental in the elections of Ernest Vandiver and Carl Sanders to the governorship. He did not support Lester Maddox, but Maddox left him in office as the man best suited to build and run the Georgia roads—so many of which Gillis had seen paved for the first time.

Marvin Griffin, who said that despite their political wars they remained good friends, called Gillis "Mr. Highway Department for many, many years. He was more interested in seeing that people in Georgia who didn't have pavement got it than anything else."

Emory Parrish, deputy commissioner of the state Department of Transportation, who worked 16 years with Gillis, said he remembers him as a public servant whose mission was "getting Georgians out of the mud."

"He did not want politics played in this department, contrary to what some people would believe about what went on during his administration," Parrish said.

However, Mr. Jim was never loathe to remind county politicians who came hat-in-hand asking for pavement of where his sympathies lay, and he asked for their help around election time by encouraging his favored candidates.

Gillis toyed with the idea of running for governor in the early 1950s, but gave up the idea because he had no skill or reputation as a public speaker.

Former Gov. Carter, who replaced the aging Gillis with his own man, Bert Lance, had this to say about the man from Soperton: "He was completely dedicated and absolutely honest. He had a remarkable sensitivity about the interrelationships of local and state governments."

Speaker of the House Tom Murphy said Gillis was a "storehouse of knowledge as far as state government was concerned."

And Jim Gillis said about himself: "Carl Sanders says I have more friends than anybody in Georgia. Herman Talmadge says I know more people than anybody in Georgia. That's what they say. I don't know.

"You can't get votes with roads. Your friends vote for you because they trust you."

Gillis was married in 1915 to Annie Lois Walker of Griffin. The same year, he was elected to the state House of Representatives.

They had two children, James Lester Jr. and Hugh Marion. The first Mrs. Gillis died in 1962.

In 1967, Mr. Jim married Dicy Kate Phillips of Soperton.

He was hospitalized on Jan. 29 and died Monday at Piedmont Hospital.

Funeral services will be at 11 a.m. Wednesday at the First Baptist Church in Soperton, burial in the Gillis family cemetery near Soperton. Dr. James Wesberry and the Rev. Gene Brooks will officiate.

In addition to the widow and sons, survivors include three sisters, Miss Annie Mae Gillis and Mrs. Jim Peterson of Soperton and Mrs. Kate Thompson of Bowling Green, Ky.

In lieu of flowers, the family requests that donations be made to the First Baptist Church in Soperton, which Gillis served as a member of the board of deacons.

[From the Atlanta Journal, Mar. 31, 1975]

Ex-Highway Director "Mr. Jim" Gillis Dies

James Lester Gillis, Sr., the "Mr. Jim" of the old State Highway Department, died Monday at Piedmont Hospital. He was 83.

A man who dispensed pavement with a firm political hand, Gillis was the state's top highway official off and on for 20 years.

He was state highway director from 1948 to 1950 and served as chairman of the State Highway Board from 1950 to 1955.

After he failed to support Marvin Griffin of Bainbridge for governor, he was ousted as chairman by Griffin, but reassumed the chairmanship in 1959, serving in that post until 1963, when he became highway department director again. He resigned in 1970.

"He was Mr. Highway Department for many, many years," says Griffin, who says despite their political wars, he and Gillis were close personal friends.

"He was more interested in seeing people in Georgia who didn't have pavement get it than anything else," said Griffin.

Emory Parrish, the current deputy commissioner of the state Department of Transportation who worked for 16 years with Gillis, said he remembers him as a public servant whose mission was "getting Georgians out of the mud."

"He never sought the limelight," Parrish said. "He was long a servant of this state.

"He did not want politics played in this department, contrary to what some people would believe about what went on during his administration," Parrish added.

Gillis was instrumental in getting the legislature to provide for a system of competitive bidding for highway construction contracts, Parrish said. He said Gillis thought deficit spending was the worst thing any government could get into so he helped push through laws that require the transportation department to operate on a "pay as you go" basis.

"It (Gillis' death) certainly is a great loss to the state and certainly a great loss to the department," Parrish said.

The Soperton native used his powerful post to remind county political leaders, who often came hat-in-hand to get some paved roads to please their constituents, of his help around election time and to encourage their support of his favored candidates. He was directly involved in the campaigns of three governors.

But ex-Gov. Jimmy Carter says that Gillis was "completely dedicated and absolutely honest.

"He had a remarkable sensitivity about the interrelationships of local and state governments," added Carter, who eased Gillis out the final time in favor of Bert Lance as highway director.

Speaker of the House Tom Murphy said Gillis was a "storehouse of knowledge as far as state government was concerned.

"To the older generation," adds Griffin, "he was a fixture in the highway department. Like the rest of us in rural Georgia—he was not quite so effective after the county unit system died."

[From the Atlanta Journal, Apr. 1, 1975]

"Mr. Jim" Pulled State From Mud

In the official state chronicles of his influence, he was James Lester Gillis Sr., but to those who knew him, he was "Mr. Highway Department" or, simply, "Mr. Jim."

And Monday, one of Georgia's most noted political personalities and public servants died at the age of 83 after an extended illness.

Jim Gillis had been in Piedmont Hospital here since Jan. 29, where he died about 10 a.m.

Funeral services will be Wednesday at 11 a.m. in the First Baptist Church of Soperton, where he served as a deacon.

Burial will be at Gillis Cemetery in Treutlen County. The family requests that flowers be omitted. Contributions may be sent to the First Baptist Church of Soperton.

Gillis had served as the top man in the old State Highway Department off and on for 20 years, vacating the position only when the consequences of firm political stands proved costly.

He first became state highway director in 1948, and was named chairman of the state Highway Board in 1950, where he served until 1955.

A run-in with then-Gov. Marvin Griffin gave him a four-year hiatus, but in 1959, he assumed the chairmanship again, becoming director of the State Highway Department in 1963 and remaining until 1970, when he resigned once more under political pressure.

Gillis' mission, said Emory Parrish, deputy commissioner of the Georgia Department of Transportation who worked for Gillis for 16 years, was "getting Georgians out of the mud."

"He never sought the limelight," Parrish said. "He was long a servant of this state."

"He did not want politics played in this department, contrary to what some people would believe about what went on during his administration."

Parrish recalled Gillis as a man instrumental in getting the legislature to provide for a system of competitive bidding for highway construction contracts, who rejected deficit spending and who pushed laws to require his department to operate on a "pay as you go" basis.

Ex-Gov. Jimmy Carter, who encouraged Gillis' ouster in 1970, said, "He was completely dedicated and absolutely honest. He had a remarkable sensitivity about the interrelationships of local and state governments. He was a personal friend of mine."

Former Gov. Carl Sanders, who had Gillis' backing when he first ran for governor and again when he ran unsuccessfully in 1970, said, "I don't think I have ever known a man I have dealt with that was any more honorable. He was a perfect gentleman and the epitome of what a political figure should be.

"I loved him, as much as any man can love another man," Sanders added. "He was a man whose deeds out-shadowed criticism he received.

Gillis was not without his critics.

He was a powerful man, and county commissioners often would come hat-in-hand to negotiate for some pavement to please their constituents, pavement Gillis was not hesitant to remind them of at election time when his favorites needed help.

But, says former Gov. Marvin Griffin, who Gillis declined to support Griffin for governor, more than anything "he was interested in seeing that people in Georgia who didn't have pavement got some if possible.

"He was very pleasant for county commissioners and folks in government to talk to. He had a long and distinguished record of public service."

Griffin said that while he and Gillis often did not see eye-to-eye politically, "we were always good personal friends."

U.S. Senator Herman E. Talmadge, who knew Gillis for 40 years and got his support in his first bid for a Senate seat, remembers Gillis as more than just a political figure.

"He was the father of modern-day forestry in Georgia," says Talmadge. "He was one of our state's leading farmers and conservationists."

Gillis was born and reared in Soperton where he farmed and most recently shared ownership of 22,500 acres of farm and forest land with his two sons. Jim L. Gillis Jr. and Hugh Gillis developed political careers of their own—Jim Gillis Jr. as former head of the Georgia County Commissioners Association and Hugh Gillis as a state senator.

As a state representative, Gillis helped created his home county of Treutlen out of parts of Montgomery and Emanuel counties in 1917. Gillis also served as a state senator from 1923 to 1924, when he was also president pro tem of the Senate.

Although Gillis was rebuffed in 1973 when he was considered for a seat on the state Transportation Board, many of those on both sides of the issue remember him as the man who shaped the department that eventually became the state Department of Transportation, which oversees airports and transit systems as well as the highways.

"He was a great gentleman and a great, gentle person," says House Speaker Tom Murphy. "He was a storehouse of knowledge as far as state government was concerned . . . The state and its people will miss him greatly."

In addition to his wife and sons, Gillis is survived by three sisters, Miss Annie Mae Gillis and Mrs. Jim Peterson both of Soperton, and Mrs. Kate Thompson of Bowling Green, Ky., seven grandchildren and nine great-grandchildren.

[From the Atlanta Journal, Apr. 1, 1975]

JAMES L. GILLIS

James L. Gillis was a big man in every sense of the word. He was powerful and made himself into one of the great political movers of Georgia. He also was a quiet man with no great taste for the limelight. The result was that despite his great influence he could travel through the state and attract little attention from the general public, though the courthouses and city halls knew him well.

Those who mattered in politics knew him and were anxious for his friendship. Through the force of his personality which made it possible for him to make friends with whomever he pleased and through the patronage of the Highway Department which he ruled for many years he was able to help or to hinder, as he wished, the career of many a Georgian in politics.

He ran this department as he wished, which was straight, and slowly the department got Georgia drivers out of the mud and sand. His career coincided with a period of great development, and while, toward the end of his public life, his allegiances were to the things of the past, he remained a figure which towered over his contemporaries and the new generation of politicians which had taken over.

The Journal joins his multitude of friends in extending sympathy to his family on his death.

MINNESOTA CHARITIES COUNCIL SUPPORTS NATIONAL DISCLOSURE LEGISLATION

Mr. MONDALE. Mr. President, for more than a year, the Subcommittee on Children and Youth, which I chair, has taken an active interest in the performance of charitable organizations which claim to serve children and youth. In the course of our investigations, we determined that the great majority of charities are doing a fine job of raising funds and running programs for the less fortunate members of our society. We found, however, that disreputable organizations were able to flourish in some cases because of a lack of effective legislation and enforcement in this area.

As an outgrowth of the subcommittee's studies, I have introduced S. 1153, the Truth in Contributions Act. One of the major purposes of this legislation is to provide a mechanism for the fullest possible public disclosure of information about how charities which raise money from the public are actually spending those funds.

I am proud that in my home State of Minnesota we have an organization which keeps the public informed about the activities of charitable groups in the State. This agency is known as the Minnesota Charities Review Council. I am also particularly pleased to learn that the council, in its 1975 annual report, "Charity in Minnesota," has gone on record in favor of "national legislation requiring full disclosure by the public."

The report explains:

We are not naive enough to assume that federal legislation will resolve all abuses of public generosity, but we have reason to believe that responsible national charitable organizations would welcome full disclosure legislation and even reasonable supporting cost limitations if they (1) would reduce the volume of questionable appeals, (2) standardized financial reporting nationwide, and (3) gave the public a relatively good basis for evaluating appeals.

In the interest of making the findings of the Minnesota Charities Review Council available to the interested persons, I ask unanimous consent that the Council's annual report and a press release describing it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARITY IN MINNESOTA: ANNUAL REPORT, 1975

INTRODUCTION

We believe that information detailed in the following pages illustrates clearly the need for federal legislation requiring full disclosure by all charitable organizations soliciting from the general public. We also believe there should be few, if any, exemptions.

Abuses in charitable fund raising were high-lighted during hearings before the Subcommittee on Children and Youth conducted under the Chairmanship of Senator Mondale last spring and fall. Increasing public interest in wise giving is demonstrated by the volume of inquiries submitted to that Minnesota Charities Review Council, Better Business Bureaus and the media.

Despite all of the information available, all of the warnings against questionable or illegal appeals, there are still enough people who feel compelled to respond to any appeal that is sufficiently urgent and touching, or who cannot refuse giving money to those who send token gifts placing them under implied obligation.

We are not naive enough to assume that federal legislation will resolve all abuses of public generosity, but we have reason to believe that responsible national charitable organizations would welcome full disclosure legislation and even reasonable supporting cost limitations if:

(1) they would reduce the volume of questionable appeals,

(2) standardized financial reporting nationwide,

(3) gave the public a relatively good basis for evaluating appeals.

MAIL APPEALS

Mail appeals have always inspired the bulk of inquiries to the MCRC but 1974 tripled the number received in any previous year. Thanks to media coverage, a growing public awareness of the Council brought letters of inquiry naming dozens of organizations soliciting for charity and at the year's end we were given lists from two generous givers who had kept careful records through the year on every appeal. A retired bank official delivered 293 enveloped appeals from 68 different organizations; an attorney from New Ulm sent a list of 212 organizations that made 746 appeals for support.

The Wilderness Society set the volume record with 23 mailings in twelve months to our attorney friend. The American Kidney Fund sent him 20 appeals, CARE sent 17, Project Hope tried 18 times, Planned Parenthood and West Africa Emergency Relief both sent 18 mailings in the year. The Epilepsy Foundation of America sent 15 requests to our banker friend and 14 to the attorney.

Only 54 of the 212 agencies listed by our attorney-inquirer clearly met MCRC standards. The Banker's list included 30 out of 68 that met our standards.

A number of the organizations listed by both inquirers included educational, political and religious appeals that could legitimately claim exemption under the law, but four out of five were health and welfare organizations that should have registered.

HOW MCRC HANDLES INQUIRIES

Our typical inquirer calls the office, names from one to three charitable organizations and asks: "Are they okay, or aren't they?"

In most cases our answers are as simple as the question, ie: "Yes, the first one meets our standards, no, the second one does not. We don't have any record of the third organization—give us the complete address and we will check it out."

What made the first organization "Okay"? It was on file with the State of Minnesota under the charities law and had submitted an annual report showing reasonable fund raising and administrative costs (30% or less of the total receipts) and had spent at least 70% of its gross on purposes described in the solicitation.

The organizations that failed to meet our standards were either not in compliance with the Minnesota Charities Law, or the records on file revealed less than 70% of the total income was spent on its charitable program.

When our files contain nothing on an agency, we check it with the State of Minnesota Registration office in the Department of Commerce. If it is new to that department, they take the address and send a letter advising the organization of the Minnesota Law's requirements and ask for prompt compliance.

Often out-of-state mail campaigns ignore the State's request and it is common for them to ignore letters from the Minnesota Charities Review Council.

Frequently we receive a letter from an attorney, advising us that his client is exempt as a religious organization, even though the appeal may have been entirely devoted to a description of a children's program open to all without regard to religious, racial or national background.

We do not consider religious affiliations a valid reason for failure to register under the charities law when a charitable organization makes a general public appeal. The law clearly allows for voluntary compliance by exempt organizations and many responsible agencies in this class waive their right to exemption and willingly make full disclosure.

LISTS: WHO MEETS THE STANDARDS—WHO DOES NOT?

One of the most persistent requests received by MCRC in the past few years has been for a comprehensive list of responsible charitable appeals. We have resisted preparation of such a list because changes occur in charity daily and the agency that has failed to register under the law today may be on record tomorrow.

However, since the requests are so frequent and the records generally follow consistent patterns, we are including a list in this report. We are also providing a list of organizations that have not met our standards, and have given the reasons.

We urge those interested in these lists to read the introductions carefully—they are important. These are not complete lists—they simply include statewide appeals that are consistent sources of inquiry to this office. They are intended to be useful in a general way but we still welcome individual inquiries and will be happy to provide updates when asked. If enough changes occur to warrant it, we will issue supplements during the year.

THE IN-BETWEENS

A number of organizations on record with the state have supplied information that at first glance appears complete, but under closer examination raises serious questions. These do not always mean the agency is hiding serious deficiencies, but often we can only conclude that they are obscuring important facts. The following reports below are typical examples.

Many charitable organizations cannot be simply evaluated and in such cases we offer the inquirer a written report which details financial information and other factors we consider important to the wise donor. Examples of this type will be discussed in more detail on pages 7 and 8 of this report.

Muscular dystrophy

Last October we prepared a comparative study of expenditures by seventeen major health and welfare organizations soliciting statewide and nationally. We found that average costs reported for "Management and General" (administrative expenditures unrelated to charitable program) were approximately seven percent. Muscular Dystrophy reported one-tenth of one percent. We found that unlike other agencies examined, MD reflected no costs for salaries, occupancy (rent and utilities), supplies or meetings in this category. Under fund raising we found no report of payments to telephoners hired to find block workers in the door to door campaign, no expenditures for travel and meetings which we would assume were necessary to set up appeals across the state.

On October 31, 1974, we wrote a detailed letter to Muscular Dystrophy, asking for explanations and while we received a telephone call and assurances of a detailed response, we still had nothing concrete on file four months later.

The Pearl Buck Foundation

A direct request to this organization from MCRC in 1973 brought no response but in 1974 it registered under the Minnesota Charities Law and submitted a financial report to the Department of Commerce.

The detailed financial report submitted with the registration reported total receipts from the public at $1,194,072. Program expenditures in the audit total 87.7% of that and fund raising and administrative costs came to 19.7%.

The problem is that the "Program" expenditures include $313,165 (or 26.6% of total receipts) under "Public Education" and when we check the functional breakdown we find this includes "advertising and printing" at $212.149 and "postage and shipping" at $77,284. There are no other expenditures listed that would seem to cover fund raising costs for a mail campaign large enough to occasion the number of inquiries we receive.

The amount is significant because if it belongs all or even partly under fund raising, the picture takes quite a different focus.

St. Jude's Hospital American Lebanese—Syrian Associated Charities

St. Jude's Hospital was founded by Danny Thomas and specializes in research and treatment of catastrophic diseases such as Leukemia. We are advised that it recently reported its "primary objective is not the delivery of clinical care, but, rather, research which leads to publication of new biomedical information . . ." (Underlining is ours.)

In addition to personal appearance by Danny Thomas, funds are raised for St. Jude's Hospital through mail appeals which recently included "sweepstakes" offering prizes that totaled about $56,000. Ten million "sweepstakes" ticket mailings were made.

Fund raising releases used by St. Jude Childrens Hospital strongly emphasize the care of children. In a public service announcement distributed to radio stations, the public relations agency representing St. Jude Childrens Hospital stated: "That great medical institution is free of charge and—it saves 70% of children with cancerous leukemia."

This is a hospital that recently had 24 beds available for in-patient treatment. The majority of children treated by St. Jude's are out-patient and it is our understanding that treatment is limited to children who have a disease under treatment at the hospital, who have been referred by a practicing physician and generally who have not received certain prescribed treatment elsewhere.

Financial information supplied by St. Jude Children's Hospital has generally reflected supporting costs below 5% of total income. This is hard to understand considering the volume of mail and the extent of fund raising efforts nationally. Most organizations with large mail campaigns report fund raising costs in excess of 20% and we cannot see anything in the operations of St. Jude Children's Hospital which would account for the wide disparity between it and its many competitors in this sort of fund raising.

REGISTRATION EXPERIMENT

In 1974 the State of Minnesota attempted to provide a simple solution for answering questions about relative expenditures for support and charitable programs. On the second page of the form, all registrants were asked to fill in blanks asking for the total contributions received by the agency, the total percentage of that spent on charity, and the total percentage spent on supporting costs.

Response to these blanks have been characterized by more imagination than candor—and in a surprising number of cases, the blanks have been ignored.

To illustrate: The American Police and Fire Foundation, Inc. (formerly called the Police Hall of Fame), of North Miami, Fla., raises funds by mail to "selected" candidates for membership. In its registration filed December 21, 1974, it stated that it raised "approximately" $35,000. It claimed expenditure of 80% of this for charity and 20% for supporting costs.

The Annual Report submitted by the same organization on the same day, which covers the year ending December 31, 1973, reports total income was $42,987. The breakdowns are not provided in the manner prescribed by Minnesota law and the executive director, in the accompanying letter protested that it would cost his organization hundreds of dollars to comply with the state forms. The limited information supplied reveals expenditures for two items that are obviously within the organization's stated purpose: "Hero Awards"—$800, and an "Education Grant", $3,900.00. These expenditures made up 11% of the gross receipts, not the 80% referred to in the registration. Costs for what appear to be fund raising and administration total $22,140—which comes to 51.5% of gross receipts, not the 20% reported in the registration. An excess of income over expenditures totaled 37.6% of total receipts.

The American Foundation for the Blind, Inc. in its registration filed July 5, 1974, reported total income of $2,342,095 and claimed 68% went for charity and 32% to support.

The Annual Report, filed by the same agency, revealed total receipts of $3,200,064, program services totaling 58.7% of that and supporting costs of 33.4%.

The Starr Commonwealth for Boys in filling out the registration blanks claimed contributions totaling $2,650,051 and said 85% went to charity and 15% to support. But again, when we go to the Annual Report the picture changes; actual contribution income—$826,750, actual fund raising costs (not counting administration) 26.8% figured against public income, and expenditures for the charity program, 72.6% of total receipts.

We are not sure whether this proves that those who leave the registration questions blank are more confused than those who fill them out, or more honest.

THOSE WHO COMPLY WITH THE LAW BUT—

Nine organizations listed as not meeting MCRC standards filed reports with the State of Minnesota under the Charities Law and made what appears to be full disclosure. Their reported supporting costs ranged from 47.2% to 81.0% and all of them solicited from bases outside of Minnesota. The following reports illustrate why we believe it is not enough for a contributor to know that minimum requirement of the law have been met.

AMVETS National Service Foundation

According to literature enclosed by AMVETS with mailings of unordered merchandise, the organization is "Dedicated to Americanism" and contributions will "help us continue our program that brings cheer to hospitalized veterans . . . aids widows and orphans . . . grants educational scholarships and lends help wherever it is needed most."

Information filed by AMVETS with the State of Minnesota on February 4, 1975, reports total receipts of $790,583 last year and program expenditures as follows:

		Percent of total receipts
Service to vets	$153, 148	19. 4
Americanism program	152, 051	19. 2
Scholarships	14, 350	11. 8
Driver education	7, 633	1. 0
Grant to State depts	7,000	. 9
Total program	334, 182	42. 3
Direct Costs (Mail Appeal)	358, 319	45. 3

Expenditures for the "Americanism Program" included $66,677 for Flag Seals and Flags which were "sent out to further a sense of patriotism in the minds of the American Public." Since these items were enclosed with a request for funds, we believe the amount named belonged under fund raising, which would add another 8.4% to supporting costs and would subtract that amount from program.

High costs for fund raising are typical of organizations that solicit by sending out unordered merchandise and the above example illustrates one of the reasons we believe it to be an unacceptable method of fund raising.

The other reason is that we do not feel it is ethical to place an implied obligation on prospective donors by sending them "gifts."

The D.A.V. (Disabled American Veterans) National Appeal from Cincinnati, Ohio

The D.A.V.'s license tag mailings and return address stickers plus a few other promotions involving sixty million mailings raised $23,734,840 from the public in 1973. According to the information filed by the D.A.V. with the State of Minnesota in April, 1974, they spent 20.2% of that on charitable causes and 53.8% on supporting costs.

The other 26% evidently went for direct services to members (publications, license tag returns, etc.) and there was an excess of income over expenditures.

CHARITABLE APPEALS THAT DO NOT COME FROM CHARITIES

Many inquiries we receive are not about charities, they just look that way to the casual reader. For example, ANN ADAMS GREETINGS and ASSOCIATED HANDICAPPED ARTISTS are self-declared commercial enterprises. While their letters emphasize handicaps of the parties involved, people who read the full message will find disclaimers to any charitable or nonprofit status, and a clear statement saying purchases are not tax deductible.

A number of organizations using law enforcement or civil rights organization sponsorship, call business selling advertising space and claiming the sponsor will benefit. The degree of benefit is rarely mentioned, nor is the nature of the benefit specified—all emphasis is on the sponsor's name and the charitable intent of the seller.

To the best of our knowledge, at this time, no such organization has registered with the State of Minnesota under the charities law. Persons asked to purchase ads on behalf of charity should ask to see a sample of the publication, obtain a written statement spelling out the percentage that goes for a charitable purpose, and find out what that charitable purpose is. The claim that "widows and orphans" will benefit should never satisfy a wise giver.

STATE LAW

We believe the record of Minnesota Charities reflected in this report demonstrates that full disclosure requirements have been beneficial to responsible charitable organizations as well as to the contributing public. Nothing in our experience over the fifteen years during which Minnesota has had a charity law has given us reason to believe the law imposed any undue burden on charities.

One serious flaw we see in the current statutes is the section dealing with "Professional Fund Raisers." This classification covers persons or firms conducting public solicitations for charitable organizations for a fee or a percentage. It does not include salaried persons working on the staffs of charitable organizations—unless their compensation is based directly on what they raise. In 1971 an amendment to the charities law established a license requirement for such organizations and we understood this was to make them more completely accountable. In experience, the opposite was the case.

For example, the King Brothers Circus which promoted shows all across Minnesota last summer, with sponsorship from men's service clubs, veteran's groups, etc. have not submitted an audit prepared by a certified public accountant to show total income and expenditures. The same is true of the George Matthews Greater London Circus which was sponsored by the Suburban Law Enforcement Association the last three summers, yet bonafide charitable organizations are required to produce CPA audits if they raise $25,000 or more. We have not had any reason to believe circus promoters are more responsible than charitable agencies.

FEDERAL CHARITIES CONTROL

As stated at the outset of this report, we believe federal legislation requiring full disclosure by charitable organizations is necessary if we are ever to see correction of the more obvious abuses of American generosity. We are particularly interested in the suggested requirements of full disclosure at the time of solicitation—that is—a clear statement of the percentage spent by charitable organization on the purpose described at the time of appeal. One proposed law described to us would withdraw tax exempt status from those who spend less than fifty percent of their gross on the declared purpose. This is the sort of figure that does not satisfy anyone—responsible charities that keep costs under twenty-five or even ten percent think it is far too liberal—and organizations that are relatively unknown and have no means of fund raising other than mail solicitation, argue that the fifty percent limit will destroy hundreds of programs that are helping people in need.

We have reservations about specific legal limits on supporting costs for two reasons: first the establishment of a legal limit gives that amount an element of acceptability. People may be inclined to think if the government accepts fifty percent as legal, it must be a responsible cost. Second, we are concerned about how the figure will be arrived at and how charitable agencies will be held accountable. If such laws are strictly enforced, how expensive will it become for charitable organizations to prove they comply?

Perhaps the simplest solution would be to determine at what point does it become fraudulent for an organization to claim it is serving a charitable purpose. Then authorities could police charities on the accuracy of their claims.

People might think that charitable organizations live or die on the basis of their public image, but in the last fifteen years we have not seen a single charitabe organization close because it was exposed by the media and "disgraced." After each exposé, supporters of the cause rallied, the agency rose from the ashes and soon thrived again. The only charitable organization we have seen go out of existence was stopped by the Attorney General's office, not public rejection.

NOTES TO EXHIBIT

Exhibit A

The twenty two agencies in this exhibit raised $18,715,472 in the past year for a total increase of over ten percent above the year before.

None on the list report combined fund raising and administrative expenses over the 30% limit we consider acceptable.

Exhibits B & C

Fourteen of the 41 charitable organizations listed as meeting MCRC standards, are supported at least in part by United Way campaigns across Minnesota, the others are independent. About ten use mail for at least part of their income but only Christmas seals, CARE Inc., Common Cause and National Camps for Blind depend primarily on the mails for support.

Door to Door campaigns are being dropped or modified by all but the most well-known health organizations—costs of obtaining block workers have risen and resistance has grown. Special events are gaining favor and when well organized have been highly successful in providing both income and visibility for sponsors.

Every one of the appeals listed as not meeting MCRC standards solicits from outside the state, and most use the mails. Nineteen of them have written to the State of Minnesota claiming exemption on religious grounds but as mentioned earlier, we do not believe this is an acceptable basis for refusing financial disclosure.

One organization, Guiding Eyes for the Blind, write to the state and claimed it did not solicit in Minnesota. We have five envelopes in our files addressed to a Minneapolitan from GUIDING EYES which were received by one individual during 1974.

MAJOR STATEWIDE APPEALS

Agencies	1973-74 total [1]	Public [2]	Support [3]	Percent of total	Percent of public	Local program [4]	Percent of total	To national	Percent of total
Arthritis	$226,704	$207,951	$44,439	19.6	20.3	$12,183	53.5	$65,057	28.7
Association for Children With Learning Disability	33,717	19,942	5,212	15.5	26.1	28,933	85.8	3,087	9.2
Cancer	1,952,653	1,836,506	281,703	14.4	15.3	619,637	31.7	733,730	37.6
MCRC	28,078	27,851	2,132	7.6	7.6	24,533	87.4	0	0
Children's Home Society	690,043	175,983	121,007	17.6	(5)	577,461	83.6	0	0
Christmas Seals	1,057,500	992,555	236,508	22.4	23.8	755,745	73.4	105,452	9.9
Correctional Service	133,106	83,467	22,219	16.7	26.6	143,160	107.6	0	0
MISCCA	2,152,131	1,529,452	174,592	8.1	11.4	1,143,930	53.2	0	0
Cystic Fibrosis	104,557	102,668	25,025	24.0	24.4	59,368	56.8	30,921	29.6
Easter Seals	342,010	251,387	68,566	20,0	27.3	283,044	82.8	11,845	3.5
Heart	1,442,365	1,340,763	232,443	16.1	17.3	555,260	38.5	329,441	22.8
Kidney	379,111	231,508	46,087	12.2	19.9	314,829	83.0	45,777	12.1
March of Dimes	855,641	802,600	193,735	22.6	24.1	225,843	26.0	373,871	43.2
Mental Health	222,909	208,784	26,093	11.7	12.5	155,187	69.6	24,656	11.1
Multiple Sclerosis	342,735	331,694	35,909	10.5	10.8	124,917	36.4	153,516	44.8
Muscular Dystrophy	587,126	493,336	86,484	14.7	17.5	108,061	18.4	390,493	66.5
Retarded Children	1,336,167	697,356	40,821	3.1	5.9	1,231,936	92.2	63,410	4.7
Sister Kenny	3,057,872	698,219	336,011	11.1	(5)	2,546,484	83.3	0	0
Variety Club	1,933,297	1,909,386	105,428	5.5	5.5	4,244,467	219.5	0	0
Volunteers of America	1,581,549	228,387	277,452	17.5	(5)	1,118,488	70.7	41,762	2.6
UNICEF	53,042	53,042	1,549	2.9	2.9	0	0	49,000	92.4
United Cerebral Palsy	193,159	167,770	35,790	18.5	21.3	75,134	38.9	71,607	37.1
Total	18,715,472	12,390,617	2,399,115	12.8	19.4	14,457,600	77.2	2,493,625	13.3

[1] All receipts, including contributions, grants, interest, dues, sales of goods and service, et cetera.

[2] Public contributions from all sources—mail, door to door, telethons, canisters, legacies, et cetera.

All fund raising and administrative expenses not directly related to program.

[4] Amounts spent directly by the agency in Minnesota.

[5] Asterisked agencies received half or more of their gross receipts from fees or grants. In such cases it is not practical to show supporting costs related to public income.

EXHIBIT B

STATEWIDE AND NATIONAL APPEALS THAT MEET MCRC STANDARDS

The following list is confined to statewide or national charitable organizations that have complied with the State of Minnesota charities law and are on record with financial reports that provide full disclosure.

Information on record gives us reason to believe that all of these organizations have spent a minimum of 70% of income on programs and a maximum of 30% on fund raising and administration (supporting costs).

This is by no means a complete list of legitimate charities since it excludes those that bring few inquiries and all appeals limited to local communities such as: Scouts, Campfire Girls, Societies for the Blind, Hearing Societies, Goodwill Industries and the many United Ways, United Funds and Community Chest across the State. There are simply too many of these for us to cover.

American Friends Service Committee, Philadelphia, Penn.

Arthritis Foundation, Minneapolis, Minn.

Association for Children with Learning Disabilities, St. Paul, Minnesota.

Bar—None Ranch (Volunteers of American) Minneapolis, Minn.

Cancer Society, Minn. Chapter, Minneapolis, Minn.

C.A.R.E. New York.

Children's Home Society, Minneapolis, Minn.

Christmas Seals (American Lung Associations—Hennepin Ramsey—Northeast and Minn.)

Common Cause, Washington, D.C.

Correctional Services, Minneapolis.

Courage Center Minneapolis (Minnesota Society for Crippled Children and Adults).

Crippled Children's School Worthington, Minn.

Cyctic Fibrosis, Minneapolis.

Easter Seals, Minn. Society, Minneapolis.

Foster Parents Plan, Warwick, Rhode Island.

Futures for Children, Washington, D.C.

Galloway Boy's Ranch (Volunteers of America) Minneapolis.

Heart Association, Minn. Minneapolis.

Kidney Fund of the Upper Midwest, St. Paul, Minn.

Leukemia Research Foundation of the University of Minnesota, Minneapolis.

March of Dimes (national foundation), Minneapolis.

Meals for Millions, Santa Monica, Calif.

Mental Health Association, Minneapolis.

Minnesota Association for Mentally Retarded Citizens, Minneapolis.

Minnesota Civil Liberties Union, Minneapolis.

Minnesota Council of Alcohol Problems, Minneapolis.

Multiple Sclerosis, Minneapolis.

National Council on Crime and Delinquency, Hackensack, New Jersey.

National Camps for the Blind (Christian Record braille), Lincoln, Nebr.

Planned Parenthood of Minnesota, Minneapolis.

Project Concern, San Diego, Calif.

Project Hope, Washington, D.C.

Radio Free Europe, New York.

Red Cross, Minneapolis.

Salvation Army, Minneapolis.

Sister Kenny Foundation, Minneapolis.

United Cerebral Palsy, St. Paul.

UNICEF, New York.

United Service Organizations (USO), Des Plaines, Ill. (regional office).

Variety Club Heart Hospital Association, Minneapolis.

EXHIBIT C

APPEALS THAT FAIL TO MEET MCRC STANDARDS AS OF FEBRUARY 20, 1975

Inclusion in the following list does not mean that the named agencies fail to serve a useful purpose or deliberately mislead the public regarding their programs and services. In most cases it reflects a failure to make full disclosures of income and expenditures. In some cases agencies have made disclosures, but report costs for fund raising and administration in excess of 30%—which we consider too high except under unusual circumstances.

The State charities law requires two filings by agencies that raise over $25,000 in the year; (1) registration each year—providing basic facts about the organization, and (2) an Annual Financial Report detailing sources of income and functional breakdowns of expenditures as prepared by an independent certified public accountant. Both filings must be made on schedule, before a charitable agency can legally solicit in Minnesota.

Supporting costs percentages shown below are based on total public income. Figures shown for organizations that have failed to register come from sources we consider reliable. In a few cases, agencies have given us information but have not responded to the State's request.

EXHIBIT C

APPEALS THAT FAIL TO MEET MCRC STANDARDS AS OF FEB. 20, 1975

Agency	Registered	Annual report	Support costs
American Council of the Blind	No	No	Unknown.
American Foundation for Overseas Blind	Yes	Yes	34.9.
American Kidney Fund	Yes	Yes	42.1.
American Korean Foundation	Yes	No	34.6.
American Medical Center in Denver	No	No	Unknown.
American Near East Refugee Aid	No	No	Do.
American Police and Fire Foundation	Yes	Not complete	51.5 percent.
Amvets National Service Foundation	Yes	do	45.3 or 59.2 percent.
Appalachian Development Fund	No	No	80 approximate.
Bangladesh	No	No	Unknown.
Boy's Athletic League	No	No	Do.
Boy's Town of Missouri	No	No	Do.
Cadet School	No	No	80 approximate.
Children's Asthma Research Institution	Yes	No	Unknown.
Children Inc	Yes	Not complete	Do.
Children of the Mountains	No	No	Do.
Children's Medical Relief International	No	No	Do.
Children's Relief Fund (on file as Korean Cultural and Freedom Federation).	Yes	Not complete	Do.
Christian Appalachian Project		Claims exempt	Do.
Citizen for Decency Through Law	Yes	Yes	81 percent.
Columbian Fathers		Claims Exempt	Unknown.
Congress For Racial Equality	No	No	Do.
Dakota Indian Foundation		Claims Exempt	Do.
Disabled American Veterans; National DAV	Yes	Yes	53.8 percent.
Defenders of Wildlife	No	No	Unknown.
Dooley, Tom, Foundation	No	No	Do.
East Pakistan Emergency Relief (David Livingstone missionary)	No	No	Do.
Epilepsy Foundation of America	Yes	Yes	53 percent approximate.
Environmental Defense Fund	No	No	Unknown.
Evers, Medgar Fund	No	No	Do.
Father Flanagan's Boys Town	No	No	Do.
Federation of Handicapped	No	No	Do.
Girl's Vacation Fund	No	No	Do.
Guiding Eyes for the Blind	No	No	Do.
Handishop	No	No	Do.
Heart Disease Research Foundation	No	No	Do.
Help Hospitalized Vets	Yes	Yes	47.2 percent.
Hondura Emergency Relief	No	No	Unknown.
Hope School of Springfield	No	No	70 percent approximate.
Island of Lepers (Oblate missions)	No	No	Unknown.
Korean Relief, Inc	No	No	Unknown.
Little Sioux Indians		Claims exempt	Do.
Livingstone, David, Missionary Foundation	No	No	Do.
Marianist Missions		Claims exempt	Do.
Mays, Ewing Mission for Handicapped		do	Do.
Meharry Medical College Fund		do	Do.
Missionhurst (Operation Happy Child)		do	Do.
NAACP	No		
Nader, Ralph (Public Citizen, Inc.)	No	No	Do.
National Cancer Cytology	No	No	50 approximately.
National Federation of the Blind (St. Louis and Des Moines	No	No	Unknown.
National Leukemia Association	No	No	Do.
New Spirit of '76	No	No	60 approximately.
Oblate Philippine Mission	No	No	Unknown.
Omaha Home for Boys	No	No	Do.
Out Little Brothers and Sisters (Virginia)	No	No	Do.
Pallattine Missions		Claims exempt	Do.
Paralyzed Veterans of America	Yes	Not complete	Do.
Red Cloud Indian School		Claims exempt	
Rehabilitation Center and Workshop	No	No	Do.
Rural Advancement Fund	No	No	Do.
St. Christopher Shelter for Homeless Men		Claims exempt	Do.
St. Christopher's Inn		do	Do.
St. Francis Mission		do	Do.
Save a Family Plan	No	No	Do.
Sex Information and Education Council of United States.	No	No	Do.
St. Joseph Indian School		Claims exempt	Do.
St. Jude's Shrine (Pallottine Missions)		do	Do.
St. Labre Indian School		do	40.5 percent.
Salesian Missions		do	Unknown.
Seitz, Rev. Paul Bishop of Kontum		do	Do.
Southwest Indian Foundation		do	Do.
Stop immorality on TV	No	No	Do.
United States Committee for Refugees	No	No	59.9 percent.
Voice of the Martyrs		Claims exempt	Unknown.
Water for West Africa (World Mercy Fund)	No	No	Do.
Wilderness Society	No	No	Do.
World Changers	No	No	33.9 percent.
World Rehabilitation Fund	No	No	Unknown.
World Wildlife Fund	No	No	Do.

News Release Minnesota Charities Review Council

The Minnesota Charities Review Council, watchdog agency for charitable solicitations, went on record today favoring national legislation requiring full disclosure by all those who solicit the general public.

In a nineteen page annual report on Charity in Minnesota, the MCRC detailed instances of confusion and waste caused by the lack of national regulations. The report claims that the Minnesota Charities Law passed in 1960 has made it relatively easy to compare appeals made within the state and has not caused undue hardship on the complying agencies.

"We are not naive enough," says the report "to assume that federal legislation will resolve all abuses of public generosity, but we have reason to believe that responsible national charitable organizations would welcome full disclosure legislation and even reasonable supporting cost limitations if:

(1) they would reduce the volume of questionable appeals,

(2) standardized financial reporting nationwide,

(3) gave the public a relatively good basis for evaluating appeals."

The report includes a list of forty major statewide appeals on file with the State of Minnesota that show expenditures for charity of 70% or better with combined costs of fund raising and administration at less than 30%.

The report also includes a list of over 80 charitable appeals, all conducted by mail from outside the state, that failed to file under the charities law, or reported fund raising and administration expenses ranging from 34 to 80%.

The report was critical of religious organizations that solicit outside their membership yet refuse to make full disclosures to the State of Minnesota on the basis of religious exemptions permitted under the law. The council favors a national law without such exemption when the appeal is to the general public.

Examples of organizations that had complied with the State Law but still fell below acceptable MCRC standards were AMVETS NATIONAL SERVICE FOUNDATION which reported direct mail campaign expenses totaling 45.3% of total income and program expenditures of only 42.3%, and the D.A.V. appeal from Cincinnati, Ohio, which reported direct fund raising costs of 53.8% and charitable expenditures of 20.2%. Both organizations had excesses of income over expenditures last year.

The MCRC was not enthusiastic about a suggested law for charities that would establish a fifty percent limit on supporting costs.

"This is the sort of figure that does not satisfy anyone—responsible charities that keep costs under 25% or even 10% think it is far too liberal—while organizations that are relatively unknown and have no means of fund raising except by mail, argue that fifty percent limit will destroy hundreds of programs that are helping people in need."

In conclusion the report stated: "People might think that charitable organizations live or die on the basis of their public image, but in the last fifteen years we have not seen a single charitable organization close because it was exposed by the media and "disgraced." After each exposé, . . . supporters of the cause rallied, the agency rose from the ashes and soon thrived again. The only charitable organization we have seen go out of existence was stopped by the Attorney General's office, not public rejection."

LATEST FIGURES ON THE U.S. FOREIGN MILITARY SALES PROGRAM

Mr. NELSON. Mr. President, I recently received the latest figures on U.S. arms sales for fiscal year 1975. The figures, provided by the Defense Security Assistance Agency, cover sales made through March 26, 1975. I think this most recent data will be of general public interest.

Over $5.4 billion worth of arms have already been sold abroad to some 65 different countries. At the present rate of sales, the United States will contract to sell over $7.2 billion worth of weapons in the current fiscal year. This projected figure, although less than the fiscal year 1974 total of $8.2 billion, would still represent a large increase over the totals from other recent years. For example, it is eight times greater than the 1970 arms sales total and almost twice as much as the total for 1973.

Mr. President, the continuing high level of arms sales merely serves to emphasize the need for Congress to carefully scrutinize and review the arms sales program. On February 26, 1975, I introduced legislation, S. 854, designed to give Congress a mechanism for effective oversight of foreign military sales.

This legislation, which has been cosponsored by 13 Members of the Senate, would give Congress the opportunity to evaluate in advance and set guidelines for the U.S. foreign military sales program. The bill would require the President to submit to Congress an annual report containing a forecast of the dollar amounts of foreign military sales proposed to be made to each country during the next fiscal year. In addition, the forecast would include the types and numbers of major weapons systems and major defense services proposed to be transferred.

Along with the forecast, the report would contain an explanation of the manner in which the sales would support U.S. foreign policy, strengthen U.S. security, and promote world peace. The report would also outline the impact of the proposed sales on regional power balances and arms races, arms control policies and negotiations, U.S. defense production capability, U.S. forces' preparedness, and war reserve stocks. Congress would review the report and set guidelines for, place restrictions on, and/or make additions to, the administration's proposed plans for the coming fiscal year.

The statement I made on the introduction of this legislation is more applicable today than ever, in light of these recent figures on arms sales:

> No one can say for certain what impact this massive and continuing infusion of arms will have. . . . But one thing is certain. Congress should have the opportunity to consider in advance arms sales such as these, which have wide-ranging implications for U.S. commitments and U.S. foreign policy.

I was pleased to note that Senator HUMPHREY and Senator CASE, chairman and ranking member of the Subcommittee on Foreign Assistance and Economic Policy of the Committee on Foreign Relations, recently announced that they would hold hearings on U.S. arms sales policy. It was also announced that these hearings will be comprehensive and that S. 854, as well as other proposals on arms sales, will be considered during the course of the hearings.

Mr. President, I ask unanimous consent that a table, prepared by the Defense Security Assistance Agency, outlining the most recent figures on a foreign military sales for the current fiscal year be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FOREIGN MILITARY SALES IN FISCAL YEAR 1975 THROUGH MAR. 26, 1975

[Dollars in thousands]

Country	Cash	Credit	Total
Argentina	$2,037	$7,515	$9,552
Australia	29,423		29,423
Austria	2,480		2,480
Belgium	29,637		29,637
Bolivia	564		564
Brazil	29,062	1,699	30,761
Burma	24		24
Canada	30,115		30,115
Chile	23,855	5,237	29,092
China (Taipei)	81,981	4,524	86,505
Colombia	104	397	501
Denmark	9,586		9,586
Dominican Republic	1		1
Ecuador	14,811		14,811
El Salvador	44		44
Ethiopia	12,750	2,627	15,377
France	2,722		2,722
Gabon	212		212
Germany (Bonn)	187,814		187,814
Greece	161,268	4,753	166,021
Guatemala	31		31
Haiti	34		34
Honduras	21		21
India	3,145		3,145
Indonesia	32,509	2,922	35,431
Iran	1,935,242		1,935,242
Ireland	20		20
Israel	805,520	6,711	812,231
Italy	37,256		37,256
Jamaica	65		65
Japan	18,632		18,632
Jordan	16,466	643	17,109
Korea (Seoul)	167,641	4,894	172,535
Kuwait	331,671		331,671
Lebanon	197	26	223
Liberia	240	9	249
Malaysia	4,217		4,217
Mali		128	128
Mexico	16		16
Morocco	3,289		3,289
Nato	28,623		28,623
Netherlands	36,169		36,169
New Zealand	1,548		1,548
Nicaragua	79		79
Nigeria	905		905
Norway	12,884		12,884
Oman	1,613		1,613
Pakistan	29,183		29,183
Panama	98		98
Paraguay	18		18
Peru	9,715		9,715
Philippines	12,568		12,568
Portugal	1,347		1,347
Saudi Arabia	1,101,774		1,101,774
Shape	2		2
Singapore	657		657
Spain	30,974		30,974
Sweden	657		657
Switzerland	19,182		19,182
Thailand	3,770		3,770
Tunisia	430		430
Turkey	68,553	495	69,048
United Kingdom	17,362		17,362
Uruguay	6,200	1,509	7,709
Venezuela	23,272	2,346	25,618
Yugoslavia	11		11
Zaire	1,278		1,278
Total	5,383,575	46,434	5,430,009

FASOG TRIBUTE TO ARTHUR SAMPSON

Mr. NUNN. Mr. President, I have the honor of serving as chairman of the Subcommittee on Oversight Procedures of the Government Operations Committee, which has jurisdiction over most functions of the General Services Administration.

Recently, the Federal Administrative Services Officers Group, FASOG, composed of the top administrative services officers of the 11 cabinet-level agencies, honored General Services Administrator, Arthur F. Sampson, as the first recipient of its Federal Administrative Services Award.

This distinction is "in grateful appreciation for the contributions the General Services Administration had made under his effective leadership to the FASOG member agencies."

Mr. President, I ask unanimous consent that the FASOG press release and citation of the award be placed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

FASOG Press Release

The head of the U.S. General Services Administration was honored last night by the Federal Administrative Services Officers Group (FASOG), made up of the top administrative services officers from 11 cabinet-level agencies.

At a meeting held at the Department of Interior, GSA Administrator Arthur F. Sampson was presented with the first Federal Administrative Services Award given by FASOG.

The citation accompanying the award read, in part: ". . . in grateful appreciation for the contributions GSA has made under (Sampson's) effective leadership to the FASOG member agencies. His personal example of accessibility in time of need, his responsiveness on matters of urgency, and his flexibility in administering programs have been emulated by thousands of officials and employees of GSA and institutionalized as the agency's standard of service."

The FASOG member agencies are the Departments of Interior, Treasury, Justice, Agriculture, State, Housing and Urban Development, Health, Education, and Welfare, Commerce, Labor, and Transportation, and the Federal Energy Administration. George F. Gauzza of Interior is FASOG chairman.

Sampson joined GSA in 1969. He served both as commissioner of the Federal Supply Service and Public Buildings Service before being named acting administrator in June 1972. Earlier, over a six-year period, he was secretary of administration, budget director and deputy director of procurement for the Commonwealth of Pennsylvania.

Citation

The Federal Administrative Services Officers Group designates Arthur F. Sampson, Administrator of the General Services Administration, as the first recipient of its Federal Administrative Services Award in grateful appreciation for the contributions the General Services Administration had made under his effective leadership to the FASOG member agencies. His personal example of accessibility in time of need, his responsiveness on matters of urgency, and his flexibility in administering programs have been emulated by thousands of officials and employees of GSA and institutionalized as the agency's standard of service.

STANDBY ENERGY AUTHORITIES ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 622, which the clerk will state by title.

The legislative clerk read as follows:

A bill to provide standby authority to assure that the essential energy needs of the United States are met, and so forth.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 319

The ACTING PRESIDENT pro tempore. The Senate will now proceed to vote on the amendment by the Senator from Oklahoma (Mr. Bartlett), No. 319, which the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bartlett) proposes an amendment, No. 319.

The amendment is as follows:

On page 63, line 8, following the word "President", add "obtains the approval of the appropriate State regulatory authority and".

The ACTING PRESIDENT pro tempore. Under a previous unanimous-consent order, there was agreement that there would be debate of 1 minute on each side before the rollcall vote on this amendment.

Mr. BARTLETT. Mr. President, the rationale behind the committee language is that the Federal Government, or specifically the Department of the Interior, is in a better position or is more intelligent or can do a better job than can the State regulatory agencies in determining the MER or in determining a larger MER. The MER is the maximum efficient rate beyond which, if the production is increased, there is a risk of damaging the ability of the reservoir to produce oil in the future, both on a daily basis and ultimately.

It is very obvious that the Secretary of the Interior does not even have the information on which to base a judgment nor does he have any experience, whereas the State regulatory agencies have years of experience and years of information to back up the decisions they have made.

So the amendment that I have offered requires approval of the appropriate State regulatory authority. It is a safeguard that my colleagues in the Senate should insist upon in this bill.

The ACTING PRESIDENT pro tempore. The Senator from Washington has 1 minute.

Mr. MANSFIELD. Mr. President, in the absence of the manager of the bill, all I wish to state is that I have been told that he is opposed to the amendment. That is all I can say. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. The yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senate will be in order. The clerk will suspend calling the roll until the Chamber is in order. Will the Senators please take their seats.

The clerk may resume.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Colorado (Mr. Haskell), the Senator from Kentucky (Mr. Huddleston), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) is absent on official business.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "Nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Nevada (Mr. Laxalt), the Senator from Kansas (Mr. Pearson), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. Case), and the Senator from Vermont (Mr. Stafford) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Case), and the Senator from Ohio (Mr. Taft) would each vote "Nay."

The result was announced—yeas 29, nays 54, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—29

Allen
Bartlett
Bellmon
Bentsen
Brock
Cannon
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Gravel
Hansen
Helms
Hruska
Johnston
Long
McClure
McGee
Montoya
Morgan
Packwood
Scott, William L.
Stennis
Stevens
Thurmond
Tower
Young

NAYS—54

Abourezk
Baker
Bayh
Beall
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Hatfield
Hathaway
Hollings
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mathias
McClellan
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Sparkman
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—16

Buckley
Case
Fong
Goldwater
Haskell
Huddleston
Inouye
Laxalt
Magnuson
McGovefn
McIntyre
Metcalf
Pearson
Ribicoff
Stafford
Taft

So Mr. Bartlett's amendment No. 319 was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to vote, after one minute of debate on each side by a previous order, on the amendment of the Senator from Oklahoma (Mr. Bartlett), amendment No. 323, which the clerk will report.

Mr. JACKSON. Mr. President, I ask that the Senator from Oklahoma be granted 2 minutes instead of 1 minute.

The ACTING PRESIDENT pro tempore. Will the Senate be in order?

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma (Mr. Bartlett) proposes Amendment No. 323.

The amendment is as follows:

> On page 63, line 20, following the word "fields", add "working interest owners, royalty owners, and any other parties having financial interests in such designated oil and gas fields shall be compensated by the Federal Government for any estimated loss in ultimate recovery resulting from implementation of this subsection;".

Mr. JACKSON. Mr. President, I ask unanimous consent that the Senator from Oklahoma be granted 2 minutes. I shall retain my 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, article V of the Constitution——

Mr. DOMENICI. Mr. President, we cannot hear.

The ACTING PRESIDENT pro tempore. All proceedings will be suspended until the Chamber is in order.

The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, article V of the Constitution guarantees to every person that his private property shall not "be taken for public use without just compensation."

Under the present provisions in S. 622, the Government can require a producer to operate an oil property beyond what has been determined to be its maximum efficient rate. Unfortunately, when operating beyond the MER, a field may produce more petroleum for a period of time; but ultimately the field may be damaged and total recovery reduced.

S. 622 provides no compensation for a producer or royalty owner whose field is damaged by overproduction as a result of Government order. Clearly this constitutes a "taking without just compensation."

Granted, in view of the constitutional prohibition against such a taking, the producer can go to court and either enjoin the Government from taking the property or sue for compensation.

However, this defeats the apparent intent of this bill and, worse, places the burden of action on the producer. By analogy, it would be like the Government moving in and taking a piece of property for an air base and telling the owner they can sue if they want to.

Obviously, we have had more foresight and have in the past been more reasonable than this. We have set up a condemnation process whereby the Government compensates the landowner for his loss or, if necessary, goes to court and asks the court to condemn the land and set a just compensation.

I suggest it would be grossly unfair, as well as unlawful, for the Government to damage an oil field, for the ostensible good of the public, and yet have no reasonable means of compensating the owner.

The amendment I have proposed will curb this deficiency in S. 622.

Mr. JACKSON. Mr. President, let me state this in very simple terms. The amendment of the Senator from Oklahoma would go beyond existing law, which is, of course, that property cannot be taken without due process of law. Therefore, where there is a constitutional taking, there must be compensation. He would go beyond that and add a statutory requirement which would supersede all decisional law in connection with the taking of property.

We have had this matter up before. We voted it down. This would be a precedent that would come to haunt not only the Federal Government but also State governments.

The decisional law is clear on what constitutes a taking of property, but this amendment would go beyond and be in addition to the decisional law and all the interpretations of the Constitution, which prohibits the taking of property without due process of law.

Surely, the costs here would be in terms of untold billions if this precedent were to be established. All property owners are protected by the Constitution. Property cannot be taken without due process of law.

I hope the Senate will reject the amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) is absent on official business.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Nevada (Mr. Laxalt), the Senator from Kansas (Mr. Pearson), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. Case) and the Senator from Vermont (Mr. Stafford) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Case) and the Senator from Ohio (Mr. Taft) would each vote "nay."

The result was announced—yeas 24, nays 61, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—24

Baker
Bartlett
Bellmon
Bentsen
Brock
Curtis
Dole
Domenici
Fannin
Garn
Gravel
Hansen
Helms
Hruska
Long
McClure
Morgan
Packwood
Scott, William L.
Stevens
Stone
Thurmond
Tower
Weicker

NAYS—61

Abourezk
Allen
Bayh
Beall
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Mansfield
Mathias
McClellan
McGee
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott, Hugh
Sparkman
Stennis
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—14

Buckley
Case
Fong
Goldwater
Inouye
Laxalt
Magnuson
McGovern
McIntyre
Metcalf
Pearson
Ribicoff
Stafford
Taft

So the amendment of Mr. Bartlett, No. 323, was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

Mr. JACKSON. I yield to the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no rollcall votes occur today between the hour of 12:30 p.m. and the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the Senator yield for 1 minute.

Mr. JACKSON. Yes, I yield.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination at the desk, which has been cleared by all concerned, and was reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Mark W. Buyck, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. JACKSON. Mr. President, I ask unanimous consent that Linda McCorkle, of the staff of the Committee on Commerce, and Gary Klein, of Senator Javits' staff, be accorded the privilege of the floor during the consideration and voting on S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is open for further amendment.

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Glenn). Without objection, it is so ordered.

AMENDMENT NO. 121

Mr. FANNIN. Mr. President, I call up my amendment No. 121, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. Fannin) proposes an amendment (No. 121) as follows:

At the conclusion of the bill, add the following new title:

Title XII

Short Title

Sec. 1201. This title may be cited as the "Building Energy Conservation Standards Act of 1975".

Mr. Fannin's amendment (No. 121) is as follows:

At the conclusion of the bill, add the following new title:

TITLE XII

SHORT TITLE

Sec. 1201. This title may be cited as the "Building Energy Conservation Standards Act of 1975".

FINDINGS AND PURPOSE

Sec. 1202. (a) The Congress finds that—

(1) large amounts of fuels and energy are consumed unnecessarily each year in heating, cooling, ventilating, and providing domestic hot water for newly constructed residential and commercial buildings because such buildings lack adequate energy conservation features;

(2) Federal policies and practices contribute to this condition, which the Nation can no longer afford to view of its current and anticipated energy shortage, by providing, without regard to energy considerations, Federal construction aids directly such as through loans or grants and indirectly through financing from federally approved, regulated, or insured financial institutions;

(3) failure to provide adequate energy conservation measures in newly constructed buildings increases long-term operating costs that may affect adversely the repayment of and security for loans made, insured, or guaranteed by Federal agencies or made by federally insured or regulated instrumentalities; and

(4) State and local building codes or similar controls can provide an existing means by which to assure, in coordination with other building requirements and with a minimum of Federal interference in State and local transactions, that newly constructed buildings contain adequate energy conservation features.

(b) The purposes of this title, therefore, are to—

(1) redirect Federal policies and practices so that Federal financial assistance for construction purposes is provided only under conditions which assure that reasonable energy conservation features will be incorporated into new buildings receiving such assistance;

(2) provide for the development and implementation as soon as feasible of prescriptive and performance standards for new residential and commercial buildings which are designed to achieve the maximum practicable economies in fuels and energy consumption within reasonable cost levels; and

(3) encourage States and local governments to adopt and enforce such standards through their existing building code and other construction control mechanisms.

DEFINITIONS

Sec. 1203. As used in this title, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "Administrator" means the Administrator of the Federal Energy Administration;

(3) "building" means any structure to be constructed which includes provision for a heating or cooling system, or both, or a hot water system;

(4) "residential building" means any building developed for residential occupancy substantially on a year-round basis, for one or more persons or families;

(5) "commercial building" means any building developed for use other than residential occupancy, including buildings developed for industrial or public use;

(6) "Federal building" means any building to be constructed by or for the use of any Federal agency which is not legally subject to State or local codes or similar requirements;

(7) "unit of general local government" means a city, county, town, municipality, or other political subdivision of a State or any combination thereof, which has a building code or similar jurisdiction over a particular area;

(8) "Federal agency" means any department, agency, corporation, or other entity or instrumentality of the executive branch of the Federal Government, and includes the United States Postal Service, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation;

"(9) "financial assistance" means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance, other than general or special revenue sharing or formula grants made to States;

(10) "Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration;

(11) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States territories and possessions.

(12) "prescriptive standard" means a minimum standard describing the means, such as structural components, systems and subsystems, to be employed to meet prescribed thermal or energy consumption requirements for a building and/or component thereof;

(13) "performance standard" means a minimum energy conservation standard for various classifications of buildings which may be satisfied through any method or system which consumes or involves use or loss of less than specified amounts of energy in connection with heating, cooling, ventilating, lighting or providing domestic hot water for a building, and which includes or is accompanied by one of more illustrative prescriptive solutions which meet the performance requirements specified; and

(14) "building code" means a legal instrument which is in effect in a State or unit of general local government, the provisions of which must be adhered to if a building is to be considered to be in conformance with law and suitable for occupancy and use.

PROMULGATION OF MINIMUM ENERGY CONSERVATION STANDARDS

Sec. 1204. (a) (1) Within six months after the enactment of this title, the Secretary, only after consultation with the Administrator and the Secretary of Commerce utilizing the services of the Director of the National Bureau of Standards shall develop and publish in the Federal Register for public comment proposed prescriptive energy conservation standards for new residential buildings. Final prescriptive standards shall be developed and promulgated within six months after publication of the proposed standards, shall become effective one year after such promulgation, and shall remain effective until superseded by the standards described in subsection (a) (3) of this section.

(2) As soon as practicable, but in no event later than eighteen months after enactment of this title, the Secretary, only after consultation with the Administrator, the Secretary of Commerce utilizing the services of the Director of the National Bureau of Standards, and the Administrator of the General Services Administration, shall develop and publish in the Federal Register for public comment proposed performance energy conservation standards for new commercial buildings. Performance standards shall be developed and promulgated within six months after publication of the proposed standards, and shall become effective within a reasonable time, not to exceed one year after promulgation, as specified by the Secretary.

(3) As soon as practicable, but in no event later than three years after enactment of this title, the Secretary, only after consultation with the Administrator and the Secretary

of Commerce utilizing the services of the Director of the National Bureau of Standards, shall develop and publish in the Federal Register for public comment proposed performance energy conservation standards for new residential buildings. Performance standards for such buildings shall be promulgated within six months after publication of the proposed standards, and shall become effective within a reasonable time, not to exceed one year after promulgation, as specified by the Secretary.

(b) All standards promulgated pursuant to this section shall take account of, and make such allowance as the Secretary determines appropriate for, climatic variations among the different regions of the country.

(c) The Secretary, in consulation with the Administrator, the Secretary of Commerce, the Administrator of the General Services Administration, and other Federal officials, as appropriate, shall periodically review and provide for the updating of standards promulgated pursuant to this section.

(d) The Secretary, if he finds that the dates otherwise specified in this section for publication of proposed or promulgation of final performance standards under subsection (a)(2) or (a)(3) cannot practically be met, may extend the time for such publication or promulgation, but no such extension shall result in a delay of more than six months in promulgation. The Secretary may also extend for not to exceed six months the date for promulgation of prescriptive standards under subsection (a)(1) if he finds that such extension is necessary in order to allow an adequate opportunity for analysis and action on public comments.

INCORPORATION OF STANDARDS IN STATE AND LOCAL CODES

SEC. 1205. (a) No Federal officer or agency shall approve any financial assistance for the construction of any building in any area of a State unless the State has certified that the unit of general local government having jurisdiction over such area has adopted and is implementing a building code or similar requirement which provides for the enforcement of any effective energy conservation standard or standards promulgated pursuant to section 1204 of this title, or unless the State certifies that a State code or requirement providing for the enforcement of such standard or standards has been adopted and is being implemented on a statewide basis or within the area in which such building is to be located.

(b) In any case where, on the effective date of the prescriptive standards referred to in section 1204(a)(1), a State has not yet developed and implemented a procedure for certifying local codes or similar requirements, or adopted and proceeded to implement a State code or requirement for carrying out the provisions of subsection (a) of this section, but where the Secretary finds that the State is actively developing such procedure or code, the Secretary may receive and approve a code or other requirement proposed by a unit of general local government as complying with the provisions of subsection (a) of this section, but no such approval shall extend for more than one year.

(c) Each Federal instrumentality responsible for the supervision, regulation, or insuring of banks, savings and loan associations, or similar institutions shall adopt regulations prohibiting such institutions from—

(1) making loans for the construction or financing of buildings, or

(2) purchasing loans made after the effective date of any energy conservation standard for the construction or financing of buildings, unless such buildings are to be located in areas where Federal assistance for construction is permitted under subsection (a) of this section.

(d) The Secretary shall, by regulation, provide for the periodic updating of State certifications under this section, and shall make such reviews and investigations as he deems necessary to determine the accuracy of such certifications. The Secretary may reject, disapprove, or require the withdrawal of any certification but he shall not take such action without affording the State a reasonable opportunity for hearing.

FEDERAL BUILDINGS

SEC. 1206. The head of each Federal agency responsible for the construction of Federal buildings shall adopt such procedures as may be necessary to assure that such construction meets or exceeds the applicable energy conservation standards promulgated pursuant to this title.

GRANTS TO STATES

SEC. 1207. (a) The Secretary is authorized to make grants to States to assist them in meeting the costs of developing State building codes or State certification procedures to carry out the provisions of section 1205 of this title.

(b) There is hereby authorized to be appropriated for the purpose of grants under this section not to exceed a total of $5,000,000 for fiscal year 1976.

TECHNICAL ASSISTANCE

SEC. 1208. The Secretary, directly, by contract or otherwise, may provide technical assistance to States and units of general local government to assist them in meeting the requirements of this title.

CONSULTATION WITH INTERESTED AND AFFECTED GROUPS

SEC. 1209. In promulgating standards and carrying out his other functions under this title, the Secretary shall consult with appropriate representatives of the building community, including labor, the construction industry, engineers and architects, and with appropriate public officials and organizations of public officials, and representatives of consumer groups. For purposes of such consultation, the Secretary shall, to the extent feasible, make use of the National Institute of Building Sciences as established by section 809 of the Housing and Community Development Act of 1974. The Secretary may also establish one or more advisory committees as may be appropriate. Any advisory committee or committees established pursuant to this section shall be subject to the provisions of the Federal Advisory Committee Act.

RESEARCH

SEC. 1210. The Secretary, in cooperation with the Administrator, the Administrator of the Energy Research and Development Administration, and the Director of the National Bureau of Standards shall carry out such research and demonstration activities as he determines may be necessary to assist in the development of standards under this title and to facilitate the implementation of such standards by State and local governments. Such activities shall be designed to assure that standards are adequately analyzed in terms of energy use, institutional resources, habitability, economic cost and benefit, and impact upon affected groups.

Mr. FANNIN. Mr. President, the amendment is not a complicated amendment, and I will just take a short time to review its contents. I believe it is very important to this body and the American public.

My amendment is identical to title X of the President's Energy Independence Act of 1975.

Title X would establish mandatory thermal—heating and cooling—efficiency standards for all new homes and commercial buildings. It is anticipated that this program will save the equivalent of 500,000 barrels of oil per day in 1985. The Secretary of Housing and Urban Development in consultation with engineering, architectural, consumer, labor, and industry representatives would be responsible for developing thermal efficiency standards. Prescriptive standards for residential dwellings would be promulgated and implemented within 1 year, and performance standards for commercial and other residential buildings would be developed and implemented as soon thereafter as practicable. State and local governments would assume primary responsibility for enforcing standards through local building codes.

Title X has received the following consideration by the Congress:

The Banking and Housing Committee has already held hearings on this matter. Administration witnesses will testify before the Subcommittee on Housing and Community Development of the House Banking, Currency and Housing Committee in April. Also, witnesses will appear in April before the Senate Government Operations Committee hearing on energy conservation.

Mr. President, we are at a crossroad in the history of this country—the choices before us are clear—we can become energy self-sufficient by 1985 or we can become almost entirely energy dependent by 1985. The President's Energy Independence Act of 1975 can lead us to independence or we can further jeopardize our national security and domestic economic well-being by steadily increasing our dependence upon vulnerable foreign sources of energy. Title X of the President's Energy Independence Act will establish much needed thermal efficiency standards to new homes and commercial buildings.

When the President submitted the Energy Independence Act of 1975 it was accompanied by a factsheet which I ask unanimous consent to have printed in the RECORD as this point for consideration by my colleagues.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

ENERGY INDEPENDENCE ACT OF 1975—TITLE X

FACT SHEET—BUILDING ENERGY CONSERVATION STANDARDS ACT OF 1975

Background

In his State of the Union Message, the President proposed legislation to make thermal efficiency standards mandatory for all new buildings in the United States. Such standards would save thousands of barrels of oil daily by reducing the amount of energy needed to heat and cool buildings. The "Building Energy Conservation Standards Act of 1975" provides for the development and implementation of minimum energy conservation standards to be applied to new buildings through the operation of State and local building codes.

The problem to be solved

Large amounts of fuels and energy are consumed unnecessarily each year in heating, cooling-ventilating, and providing domestic hot water for newly constructed residential and commercial buildings because such buildings lack essential energy conservation features.

What the bill would do

Direct the Secretary of Housing and Urban Development to develop and promulgate energy conservation standards for new residential and commercial buildings, and to implement those standards through State and local building codes.

Major features of the bill include the following:

Types of Standards—Provides for:

Initial "prescriptive" energy conservation standards to be promulgated by the Secretary of HUD, after consultation with the Administrator of the Federal Energy Administrator of the Federal Energy Administration, which will set forth specific energy conservation features to be included in new residential buildings.

Later "performance" standards for new commercial and residential buildings, under which energy conservation objectives would be specified but architects and builders would be given flexibility to use different specific means or methods of achieving those objectives.

Timetable for Standards—Sets forth timetables as follows:

Within six months after enactment, HUD to publish for public comment proposed prescriptive standards for residential buildings; HUD to consider comments received and within six months to promulgate final prescriptive standards which will become effective one year after promulgation.

Within eighteen months after enactment, HUD to publish for public comment performance standards for commercial buildings; by six months thereafter, HUD to issue final standards which will become effective within one year after promulgation.

Within three years, HUD to propose for public comment performance standards for commercial buildings; by six months thereafter, HUD to promulgate final standards to become effective within one year after promulgation.

Dates for promulgation of proposed or final standards may be extended if necessary, but by no more than six months.

State and Local Codes—Provides for implementation of standards through:

State codes, local codes or similar provisions certified by the State as implementing the Federal standards, or, on a temporary (not to exceed one year) basis only, local codes approved by the Secretary of HUD, where a State on the effective date of the prescriptive standards is developing but is not yet ready to implement its State code or procedure for certifying local codes.

Conditions for Federal Assistance and Federally Related Loans—Provides that in areas which do not have codes or similar procedures for enforcing prescribed energy conservation standards:

No Federal financial assistance shall be extended for construction of buildings.

No loans for construction or financing of buildings are to be made by Federally insured, supervised, or regulated banks or savings and loan associations.

Grants and Techanical Assistance—Provides for:

One time grants to States to assist them in developing codes and certification procedures, with a total of $5 million authorized for such grants for fiscal 1976.

Technical assistance to States and localities.

Research:

HUD is directed, in cooperation with FEA, ERDA, and NBS, to carry out necessary research and demonstrations to assist in development of standards and their implementation by States and local governments. A three-year research and demonstration program is contemplated.

Other Features—Requires that:

Standards take account of climatic variations.

Standards be periodically reviewed and updated.

Standards be issued only after consultation by the Secretary of HUD with industry, labor, consumers and other interested or affected groups.

Federal agencies take steps to assure that Federal buildings conform to the energy conservation standards prescribed under the bill.

Mr. FANNIN. I have given the background of what has happened and what is now in process, and explained problems to be solved and what the bill would do. It does go farther than what I have explained so far, in that it would direct the Secretary of Housing and Urban Development to develop and promulgate energy conservation standards for new residential and commercial buildings, and to implement those standards through State and local building codes.

In addition, it provides for a study nationwide of what would be best under the different conditions that exist throughout our Nation. Mr. President, there are many variables that must be considered in energy legislation. For example, in the Southwest we have an entirely different climatic condition than they have, say, in the Northeast. We have a climate in parts of the Southwest where they intend to use new programs such as solar energy, which will be successful provided that we provide adequate insulation to give that solar energy program a chance to operate properly.

We have a great potential with solar energy. We also have other fuel efficient sources, like the heat pump. It is not as inexpensive as solar energy, but the insulation material is absolutely mandatory if we are going to have satisfaction, with either system or are going to keep the bills limited to a reasonable amount.

Mr. President, the poorest people are the people who are living in houses that, in many instances, are not properly insulated and do not have the protection they should because they have been built without these standards, and without meeting the requirements for housing that is financed by the Federal Government or that has been built under Federal regulations; but if we take into consideration that this would be mandatory, it would be a part of an overall building program, as far as the competitive position of the different builders is concerned, they would all be the same. Consequently, they would try to abide by these regulations which would be mandatory, in order that they could qualify for the Federal moneys available.

So this is an overall, cooperative program, Mr. President. The idea is to bring in the local communities, so that they will have an incentive to abide by these requirements, and everyone will save by their doing so. Their utility bills would be of lesser consequence in their overall budgets, and I think that is something that would be of great importance.

When we talk about some of the new ideas in heating—and I have mentioned solar energy in but one respect where it would be utilized, sometimes supplementarily and sometimes for the full heating load—it should be remembered that also, Mr. President, we have the problem of cooling in some areas of the country that is just as important and, in fact, more expensive than heating in such areas. As I say, there are variables throughout the country, and the legislation I am offering takes those variables into account.

The timetable is important, too, for doing what we are talking about. That is why I am offering the amendment on this legislation. We do not know when the bill will be coming through that I have discussed, that would provide some of these requirements. I know there is always the matter of jurisdiction, the thought that, well, this is going to be in this bill or that bill, so why take it up at this particular time? But, Mr. President, that is exactly the reason why I am offering it on this particular bill, because it provides that within 6 months after enactment, the Department of Housing and Urban Development will publish for public comment proposed prescriptive standards for residential buildings.

After considering the comments received, and within 6 months HUD is to promulgate final prescriptive standards which will become effective 1 year after promulgation.

Mr. President, as I explained, the necessity of action at the earliest possible date is important. Within 18 months after enactment, HUD is to publish for public comment the performance standards for commercial buildings; by 6 months thereafter, HUD is to issue final standards which will become effective within 1 year after promulgation.

Dates for promulgation of proposed or final standards may be extended, if necessary, but by no more than 6 months.

Now, I have covered quite an area because we are talking about the homes, we are talking about businesses, we are talking about public buildings, and we are talking about many areas, so time schedules are derived based upon what can be attained. But we may delay further—as we all know, in the spring of 1971, we did pass a resolution, Resolution No. 45, that was to accomplish or to set forth the goals that we wanted to accomplish in the way of energy conservation and production.

We have been a long time doing anything about it. Now, if we do not incorporate in this particular bill this very essential amendment, I do not know how much longer it will be before we give it consideration in some other legislation.

As I say, Mr. President, the State and local codes would provide for implementation of standards through the provisions of this legislation.

There will also be grants and technical assistance which, I think, are essential. There will be one-time grants to States to assist them in developing codes and certification procedures, with a total of $5 million authorized for such grants for fiscal 1976.

So, Mr. President, we want to get started as quickly as possible.

Of course, in addition to that there will be technical assistance to the States and localities which I think is very important.

Then, too, we have research that has been going on, especially in the last few years and months, and HUD is directed in this legislation, in cooperation with FEA, ERDA, and NBS to carry out necessary research and demonstration to assist in the development of standards and their implementation by States and local governments, as I have explained in this 3-year program.

There is also a great deal that can be done by having this research available as time goes along.

There are other features in the amendment that require standards to take account of climatic variations throughout our Nation; and the requirement that they be periodically reviewed and updated.

For instance, Mr. President, we have talked about solar energy, and I just digress for a moment to comment upon the changes that have come about just in this field of endeavor in the last few years.

We started developing electricity by solar energy a century ago, not just in the last few years—rather crude applications—but in the early 1900's we had equipment operating that was very successful, in a limited manner—it was small, but as early as 1901 we had electricity being generated by solar energy to run water pumps.

In my own State of Arizona we had a very successful small unit that was operating on the Salt River back in the early 1900's, around 1904 and 1905, and this, of course, was not expanded because of the low-cost energy that became available as time went along, the low-cost electricity in those days from hydroelectric power, and then later from cheap natural gas. In fact, that is one of the greatest problems we have today because 30 percent of the natural gas we have available is now being utilized for the generation of electric power. That was the figure in 1973.

We are hoping to see that figure go down very rapidly, and hope coal will take over. But we must realize that as we go to these other fuels that require a greater amount of insulation, we must see that we do not have failures. Concerning solar energy, that is what we are discussing in my State, and many other States around the Nation, we must assure an increased possibility of successes because, as we all know, success breeds success, and if we can get the program started, it would mean the leveling of the load of the utilities. That is one of the great expenses that a utility is faced with as far as capitalization is concerned, and that is one of the greatest problems of the utilities today because, unlike the normal manufacturing industry which, for each dollar of investment into capital equipment they expect a return of $1, the utilities must invest $4 to just get a return of $1.

So this is a very serious problem. If we can cut down on that peak load, it is very important.

In cold weather in many of the States during the winter months the peak load is when residences are being heated during the day and then, of course, use is cut back at night.

In my particular area of the country we have just the opposite situation. We have the heavy refrigeration load in the summertime during the day, and it is even much, much greater than what we have as far as heating is concerned in the winter months. So cooling is one of the problems we face, and I think meeting this demand is vital to us in being able to accomplish these objectives.

We have other ways, of course, in insulation towards which we must work. I mentioned yesterday that we are doing a great deal in solar energy electrical development and I elaborated on that. But what I am talking about now is utilizing solar energy and the need that we have for additional utilization of the different types of insulation available.

Mr. President, I reserve the remainder of my time.

Mr. JACKSON. Mr. President, this amendment is similar to the amendment offered yesterday and is subject to the same objections.

I would point out that I am in favor of the concept and the objective that the Senator from Arizona seeks to achieve.

The problem here is that we have a unanimous-consent agreement which was entered into on February 5 for the referral of the provisions of this amendment to the Committees on Banking, Housing and Urban Affairs, Commerce, and Public Works, which are recognized as sharing the jurisdictional for this title. It would be contrary to the spirit of the unanimous-consent agreement and, from a procedural point of view, I think it would be a mistake.

May I say that we have dealt with some of the provisions of the Senator's amendment on an interim basis in connection with title II of the pending measure dealing with the subject of lighting efficiency standards, thermal performance, and so on.

I hope that my good friend from Arizona would see fit to withdraw the amendment because it again raises the problem of the unanimous-consent agreement that was entered into on February 5.

I share his sense of urgency. If the other committees do not accept them, I know we will be in a position to take appropriate actions, but I do believe they are going to accept and there is a concerted plan to move on all of these proposals.

Mr. FANNIN. Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. FANNIN. The Senator from Arizona understood that in the unanimous-consent request and agreement the amendments that were at the desk at the time prior to the unanimous-consent agreement would be considered germane, and I, of course, feel this amendment is germane but I would like to clarify the unanimous-consent agreement.

Mr. JACKSON. May I just say to the distinguished Senator from Arizona that I am not raising any question of germaneness. I am merely saying that we have a unanimous-consent agreement which covered the whole subject of the referral of the provisions of S. 594 and it is only in the interest of orderly housekeeping in the Senate and following the understandings and agreements that I raise this question and I am not objecting on the germaneness ground. I would like the Senator to be assured of that fact.

Mr. FANNIN. Mr. President, the request was whether or not the unanimous-consent agreement included the amendments that had already been filed and that were under consideration.

The **PRESIDING OFFICER.** All amendments have to be germane. There was no differentiation between amendments submitted before or after that unanimous-consent agreement.

Mr. FANNIN. The Senator understood——

Mr. JACKSON. Well, I am not raising it.

Mr. FANNIN. The Senator is not raising germaneness on the particular amendment. I certainly realize why the distinguished Senator from Washington, the manager of the bill, has made some of his objections, but I am concerned about the time element and we are so prone to delay and delay and delay that I just ask that if the Senator from Washington feels it would be advantageous to go ahead and have the provisions of this bill carried out, that it is certainly not going to be detrimental to any goal that he has.

In fact, I think it is in agreement with what he is trying to achieve.

Mr. JACKSON. The Senator is generally correct, that is why we have title II in the bill. It is in on an interim basis so that the President will have authority to move without delay. In the meantime, the several committees that are considering this matter will have the chance to go into it in some detail.

Again, I respectfully request that the amendment be withdrawn, or let us just vote.

Mr. FANNIN. It is difficult for the Senator from Arizona to understand how the Senator can insist on retaining title II in the bill and still make the argument that it is not important to have, I think, a strengthening of title II by adopting the amendment.

The Senator from Arizona is in agreement that if we are going to drop title II that certainly the amendment the Senator is offering, No. 121, should also be dropped.

It is not the thought of the Senator from Arizona to insist on something or to try to obtain a vote or to go in any opposite direction to the Senator from Washington, because I think we have a common goal, but I still cannot understand why the Senator is in disagreement with the amendment I am offering and still insist that we should retain title II.

I would like to have the Senator's comment in that regard.

Mr. JACKSON. Well, Mr. President, the provisions of title II are subject to the broader consideration in connection with the unanimous-consent agreement and, very clearly, there is no jurisdictional problem as far as title II is concerned with the other committees, but if we proceed to adopt the provisions of the Senator's amendment, we would run contrary to the unanimous-consent agreement of February 5.

I made the same objection in connection with another amendment yesterday and there are several others here and I would hope we could either vote or that my good friend would withdraw the amendment.

Mr. FANNIN. Would the Senator comment on another inquiry, is it true that there has been a general agreement that the Commerce Committee would have primary jurisdiction on the contents of the inclusion of the requirements in title II?

Mr. JACKSON. No, Banking and Currency; Banking, Housing and Urban Affairs.

Mr. FANNIN. I am speaking of energy conservation, in general.

Mr. JACKSON. I do not know; I cannot answer that.

Mr. FANNIN. Yes.

Mr. JACKSON. But in this case the lead committee is Banking, Housing and Urban Affairs. Commerce and Public Works are recognized as sharing jurisdiction over this title.

Mr. FANNIN. Well, Mr. President, I certainly respect the request of the distinguished Senator, the manager of the bill, and in light of the other considerations of the bill, the matters that we will be taking up at a later time, I will withdraw the amendment with the understanding, of course, that we always have considering other amendments and their adoption or rejection. It would have, certainly, great impact on whether or not the Senator from Arizona would want to reconsider this particular amendment.

So, Mr. President, I would withdraw the amendment.

The amendment of the Senator from Arizona was withdrawn.

AMENDMENT NO. 117

Mr. FANNIN. Mr. President, I call up Amendment No. 117 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

> The Senator from Arizona (Mr. FANNIN) proposes an amendment to add a new title at the conclusion of the bill.

The amendment is as follows:

At the conclusion of the bill, add the following new title:

TITLE XIII

SHORT TITLE

SEC. 1301. This title may be cited as the "Winterization Assistance Act of 1975".

FINDINGS

SEC. 1302. The Congress finds that—

(a) dwelling owned or occupied by low-income persons frequently are inadequately insulated, and low-income persons can least afford to make the necessary modifications which would reduce their residential energy use;

(b) winterization of dwellings of low-income persons would save thousands of barrels per day of needed petroleum and would lower heating bills for low-income persons and particularly the low-income elderly; and

(c) the States should be encouraged through Federal assistance to formulate and implement winterization programs designed to conserve energy as well as to ameliorate the adverse effects of high energy costs of low-income persons, particularly the low-income elderly.

SEC. 1303. The purpose of this title is to encourage the States to develop and implement winterization programs to insulate the dwellings of low-income persons, particularly the low-income elderly, in order to conserve needed energy and aid those persons least able to afford higher energy costs.

DEFINITIONS

SEC. 1304. As used in this title, the term—

(a) "Administrator" means the Administrator of the Federal Energy Administration;

(b) "elderly" means persons who are sixty-five years of age or older;

(c) "low income" means income at or below the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget;

(d) "winterization materials" means items primarily designed to improve the thermal efficiency of a dwelling including, but not limited to, ceiling insulation, storm windows, and caulking and weatherstripping but excludes mechanical equipment;

(e) "State" means the fifty States and the District of Columbia.

WINTERIZATION PROGRAM

SEC. 1305. (a) The Administrator is authorized, in accordance with regulations issued pursuant to this title, to provide grants to the Governors of the various States and the Mayor of the District of Columbia to assist in carrying out programs designed to provide for winterization of dwellings of low-income persons, particularly dwellings of the low-income elderly.

(b) A grant under this section may be made only upon annual application therefor containing such information as may be prescribed by the Administrator in regulations.

(c) The Administrator, after consultation with the Secretaries of Housing and Urban Development; Health, Education, and Welfare; Labor; and other appropriate Federal agencies, shall develop and publish within ninety days of enactment criteria to evaluate State applications provided for in subsection (b). These criteria may include but not be limited to the following:

(1) the amount of fuel to be conserved by the State's winterization program,

(2) the number of dwellings to be winterized by the State,

(3) the dependence of the State upon imported petroleum, as determined by the Administrator,

(4) the cost and availability of home heating fuel within the State, as determined by the Administrator,

(5) the climatic conditions of the State, which may include consideration of annual degree days,

(6) areas to be served within the State, considering climate and other factors,

(7) the type of winterization work to be done,

(8) provisions for the use of skilled local work supervisors and foremen to supervise winterization work,

(9) mechanisms for obtaining services of volunteers,

(10) the priorities established among winterization recipients, including the extent to which priority will be given to winterization of dwellings of low-income elderly, and

(11) the amount of non-Federal resources to be applied to the program.

(d) Grants provided to the States for the purposes of this title may be utilized only for the purchase of winterization materials to carry out the program authorized in this section, except that no more than 10 per centum per annum of the grant to any State may be used by the State to administer such grant. In no event shall more than 12½ per centum per annum of the total amount appropriated for any fiscal year under section 1312 of this title be granted to any one State.

(e) The Administrator may not finally disapprove any State winterization program application without first affording the State reasonable notice and an opportunity for a hearing.

ADMINISTRATIVE PROVISIONS

SEC. 1306. (a) The Administrator, by general or special orders, may require a State Governor responsible for the administration of a program receiving Federal assistance under this title to file with the Administrator in such form as he may prescribe, reports or answers in writing to such specific questions, surveys, or questionnaires as may be necessary to enable the Administrator to carry out his functions under this title.

(b) Each State which receives financial assistance under this title shall keep such records as the Administrator may prescribe in order to assure an effective audit of the disposition of the funds provided under this title.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purposes of audit and examination to any books, documents, papers, and records of any State which receives financial assistance under this title that are pertinent to the financial assistance received under this title.

(d) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(e) The Administrator is authorized to develop and publish rules, regulations, and orders necessary or appropriate to carry out the purposes of this title.

FAILURE TO COMPLY

SEC. 1307. If the Administrator finds, after notice to a State, that it is failing to comply substantially with the provisions of its approved application for a winterization program for any fiscal year, then thereafter during such year and until there is no longer any such failure to comply, no additional Federal funds may be granted.

JUDICIAL REVIEW

SEC. 1308. (a) If any State is dissatisfied with the Administrator's final action under section 1305(e) or 1307 of this title, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which the State is located a petition for review of the Administrator's action. A copy of the petition shall be immediately transmitted by the clerk of the court to the Administrator. Thereupon the Administrator shall file in the court the record of the proceedings on which he based his actions, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Administrator, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administrator to take further evidence, and the Administrator may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Administrator or to set it aside in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

NONDISCRIMINATION

SEC. 1309. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

(b) Whenever the Administrator determines that a grantee has failed to comply with subsection (a) or an applicable regulation, he shall notify the grantee of the noncompliance and shall request the grantee to secure compliance. If within a reasonable period of time the grantee fails or refuses to secure compliance, the Administrator is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such action as may be provided by law.

LABOR STANDARDS

SEC. 1310. All laborers and mechanics (other than volunteers) employed by contractors or subcontractors in any winterization project, where 25 per centum or more of the costs of that project are attributable to labor (excluding supervisory and administrative personnel) and 25 per centum or more of the total cost of the project is paid out of a grant provided to a State under section 1305 of this Act, will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

REPORT TO CONGRESS

SEC. 1311. The Administrator shall, on or before March 31, 1978, submit a report to the President and the Congress presenting the results of winterization programs receiving Federal assistance under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 1312. There are authorized to be appropriated not to exceed $9,000,000 for fiscal year 1975, and not to exceed $55,000,000 per year for each of fiscal years 1976, 1977, and 1978, to remain available until expended.

Mr. FANNIN. Mr. President, I would like to modify the amendment that I am offering, No. 117, to delete section 1310.

The PRESIDING OFFICER. The amendment is so modified.

Mr. FANNIN. Mr. President, this amendment is another one that I want to discuss on the same basis in accordance with the discussion I have had with the distinguished Senator from Washington, that other amendments may change the desire of the Senator from Arizona as to the request for a vote. But I do feel that if we are going to have a bill that is going to accomplish what we desire, to provide standby authority to assure that the essential energy needs of the United States are met and to reduce reliance on oil imported from insecure sources, such as the title says, and I will not repeat the whole title, then I think we must consider what will accomplish those objectives.

When we start to vote on these different amendments I believe it is essential that we go forward in consideration of what will carry out the intent of the bill.

This amendment involves dwellings owned or occupied by low-income persons which are frequently inadequately insulated. Low-income persons can least afford to make the necessary modifications which would reduce their residential energy use.

I have spoken about the prior amendment, which went further than this amendment. I do not know whether the distinguished Senator from Washington, the manager of the bill, would have the same objections to this particular amendment as he did to the previous amendment I offered. But I do think that it is important that we discuss just what is involved.

When we talk about a winterization program, the Administrator is authorized in this bill, in accordance with regulations issued pursuant to the title, to provide grants to the Governors of the various States and the mayors of cities and the District of Columbia to carry out programs designed to provide for winterization of dwellings of low-income persons, particularly dwellings of the low-income elderly.

Mr. President, I realize that similar legislation has been involved in other bills, but we have not acted upon those different bills that have been involved.

So my plea is that we should take some action in this particular legislation. It may be that as we go through the bill we can take care of these programs or decide just what would be best as far as the sequence of the different provisions is concerned.

Throughout this Nation we have some very great difficulties. In the last few months we have seen a change as far as the Federal Power Commission is concerned, a tendency towards trying to obtain a greater production of natural gas. But we have not achieved that goal. We have, in many areas of the country, a cutback in the utilization of natural gas, and also a restriction on whether or not gas lines could be extended and new homes added.

Where we cannot add natural gas, or where we cannot extend the natural gas lines to take care of these new homes, we find ourselves with a more expensive fuel. It could be electricity or it could be oil, but it is far more expensive than natural gas.

Whereas winterization of a particular home was not of great importance previously, we do find that there is a great necessity for it now since the cost of fuel is so much higher.

If we are successful in deregulating new natural gas, and I hope we are, it might be that we would not have the same problem or it would not be as serious. But now, Mr. President, we have people forced to go to high-cost energy. As far as heating purposes are concerned, electricity is high-cost energy.

I have known of people having bills of $10 to $15 a month which then go up to as high as $50 to $60 a month just in the difference of electric heating over gas heating, especially the low-cost gas that has been available throughout the country.

We see, too, an increase in the cost of natural gas, but not to the same extent as in electricity.

What I am concerned about is that we do what we can. I am hoping we can have a program throughout the country to assist the people who cannot afford to install equipment that would be less expensive in operation. We can have some tax program or some program of incentive, some type of incentive program.

For instance, in many areas of the country, where they can install solar energy, we could have incentive programs.

Solar energy comes right back into the picture with what I am talking about now as it did in the previous amendment. We have this tremendous potential, especially when solar energy can pick up 90 percent of the load on hot water, and, in many cases, on the heating of a home and other requirements. In some cases, it is even possible to use solar energy for cooling, too.

In the Southwest, we now have homes that are being successfully heated and cooled with solar energy. In some instances, it does take a booster, but the booster represents 10 to 20 percent of the load, whereas the solar energy heating unit takes care of the 80 or 90 percent otherwise.

We have had installed in a model home in Tucson, Ariz., just recently, heating and cooling performed by solar energy. That particular home is an expensive home, but I am talking about low-cost homes.

I feel that we have a great opportunity in this field to assist the poor and many of the people who are elderly as well as being poor.

I am hoping that the distinguished manager of the bill will give consideration to this amendment. Perhaps he feels on this amendment as he did on the prior amendment. I do not feel at this time I want to put it to a vote because, as I have stated earlier, there are several amendments that I hoped would be considered after we determine what disposition is going to be made of some of the amendments which would delete from the bill certain sections.

If those sections are deleted, then these amendments would not be necessary. But as long as those sections stay in the bill, then I feel it is highly essential that we consider these amendments that I am offering.

I realize, Mr. President, that I have offered some amendments that, although they are very important amendments, will have their value determined by other sections in the bill.

Mr. President, I ask the distinguished manager of the bill to comment on this. I believe I understand his feeling, but I hope that he will at some time along the way give further thought to the consideration of these amendments in connection with the other provisions of the bill which will be discussed.

Mr. JACKSON. Mr. President, again I make the same objection. The unanimous-consent agreement on February 5 for the referral of the equivalent title of S. 594 recognized the Committees on Labor and Public Welfare, the Committee on Banking, Housing and Urban Affairs, and the Committee on Interior and Insular Affairs, as sharing jurisdiction over this title.

I have been advised that the Committee on Banking, Housing and Urban Affairs is now in the process of marking up this particular title, or amendment, that the distinguished Senator from Arizona has offered.

So here, again, we run up against the understanding we had, and I hope that the Senator from Arizona will offer to set this amendment aside, for the reasons given previously. The committee is now in the process of marking it up.

Mr. FANNIN. I say to the distinguished Senator that I think it is important that we bring out what is involved, because I realize that many of these items have been considered previously.

As the Senator well knows, these are recommendations of the administration. They are anxious to have consideration of this matter in one bill or another, and the energy bill that we are now considering is very important. If we can make some changes and if it is properly written, I think it will be of great help.

The Senator realizes that the President did make these recommendations, that these are important parts of the program that the administration has recommended. If we do not take earlier action or quicker action than we have taken on many of the other recommendations, I feel that it would be a disservice not only to the President but also to the people of this country.

I hope that the Members of the Senate and of the House will give greater consideration to this matter. When the complete bill comes over, we may not have the time to expand it with respect to the coverage of these amendments.

Mr. JACKSON. I point out that the Committee on Interior and Insular Affairs will have re-referral of this title and that we will have ample opportunity to give our views and offer our amendments. It is in committee process right now.

I point out that the Senate has been in continuous session. As the Senator knows, in our committee, we have not had a day off—meeting every day, meeting today. Our sessions are long and laborious, in our efforts to move on the energy bill. We are moving as fast as we can.

We have other issues before us, such as the confirmation of the nomination of the President's selection for Secretary of the Interior. So far as I am concerned, I will work from morning to night; and I know that the Senator from Arizona will do the same—he always has—as will the other members of the committee.

I hope that for the same reasons my good friend would defer action on this amendment.

Mr. FANNIN. Mr. President, as previously stated, these amendments are very important to the people of this country, especially the last amendment. We are talking about the poor people, who do not have the many advantages that others have. The cost of energy to many of the families of America, in percentage of their total budget, has increased tremendously in the past couple of years and in the past few months. The percentage of their budget that they must spend for heating and cooling has doubled and tripled in many cases.

I think timing is important, and that is why the Senator from Arizona feels that it would be advantageous to incorporate the amendments in the proposed legislation. The Senator also realizes that the amendments are under consideration by other committees, although that does not insure passage.

I feel that as we go through this bill, we will have time to analyze what is involved, after several amendments are offered that would delete sections from the bill. The Senator certainly would not offer these amendments again if those sections were deleted. If they are not, the Senator stated earlier that perhaps there will be rollcall votes on these amendments.

Mr. President, in consideration of what is involved in the future amendments to be considered, I ask unanimous consent to withdraw this amendment.

The PRESIDING OFFICER (Mr. HATHAWAY). Without objection, the amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 123

Mr. HANSEN. Mr. President, I call up my amendment No. 123.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes amendment numbered 123.

The amendment is as follows:

TITLE IV

SHORT TITLE

SEC. 401. This title may be cited as the "National Strategic Petroleum Reserve (Civilian) Act of 1975".

FINDINGS

SEC. 402. The Congress hereby finds that—

(a) the Nation is and will continue to be dependent upon imports from foreign sources to meet a significant portion of its energy needs;

(b) imports of energy supplies are subject to disruptions;

(c) such disruptions could impair the national health and welfare, adversely affect commerce, and jeopardize our national security;

(d) there is a need to protect the Nation from the deleterious effects of any oil import disruptions;

(e) emergency petroleum storage is a cost-effective and environmentally effective method for reducing the impact of an import disruption;

(f) a strategic petroleum reserve system will provide protection against a disruption of oil imports over a significant period of time;

(g) a strategic petroleum reserve system will support the energy requirements of the United States in time of import disruptions and national emergencies; and

(h) the public interest requires that a strategic petroleum reserve program be consistent with the objective of preserving an economically sound and competitive petroleum industry, and that the program provide for a minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

DECLARATION OF POLICY

SEC. 403. It is hereby declared to be the policy of the United States to create a national strategic petroleum reserve of up to one billion three hundred million barrels of petroleum (consisting of three hundred million barrels in the national strategic petroleum reserve (military) as authorized by title II, and up to one billion barrels for the national strategic petroleum reserve (civilian) as authorized by this title) capable of reducing the impact of disruptions of oil imports.

DEFINITIONS

SEC. 404. As used in this Act—

(a) The term "petroleum" means—

(1) crude oil,

(2) natural gas liquids, and

(3) refined petroleum products, including but not limited to gasoline, naphtha, kerosene, distillates, residual fuel oil, refined lubricating oils, diesel fuel, unfinished oils, and liquified petroleum gases.

(b) the term "interests in land" includes, but is not limited to, fee ownership, easements, leaseholds, subsurface and mineral rights.

(c) The term "storage facilities" means those facilities in which significant amounts of petroluem are or can be stored.

(d) The term "related facilities" means those necessary appurtenances to storage facilities, including, but not limited to, pipelines, roadways, reservoirs, and salt brine lines.

(e) The term "National Strategic Petroleum Reserve" means the National Strategic Petroleum Reserve (Military) as provided in title III and the National Strategic Petroleum Reserve (Civilian) as provided by this title.

(f) The term "National Strategic Petroleum Reserve (Civilian)" means petroleum owned by the United States and stored in the civilian portion of the National Strategic Petroleum Reserve and the Industrial Strategic Petroleum Reserve (Civilian).

(g) The term "Industrial Strategic Petroleum Reserve (Civilian)" means that portion of the National Strategic Petroleum Reserve (Civilian) which consists of petroleum owned by importers or refiners and stored pursuant to section 405(j) of this title.

(h) The term "person" means any natural person, corporation, partnership, association, consortium, or any entity organized for a common business purpose which does business in any part of the United States, the Commonwealth of Puerto Rico, the United States territories and possessions, or the District of Columbia.

(i) The term "national security" shall

include the needs of, and planning and preparedness to meet essential civilian or military energy requirements relative to the national safety or economy, particularly resulting from foreign military or economic actions.

GENERAL PROVISIONS

SEC. 405. There is hereby created a National Strategic Energy Reserve (Civilian). To implement the creation of this reserve, the President, in furtherance of and not in limitation of any other authority, is authorized to—

(a) promulgate rules, regulations, or orders necessary or appropriate to implement the provisions of this title;

(b) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

(c) construct, purchase, lease, or otherwise acquire storage and related facilities;

(d) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired pursuant to this title;

(e) create a national strategic petroleum reserve (civilian) by acquiring petroleum for storage;

(f) execute any contracts necessary to carry out the provisions of this title;

(g) require that performance under contracts and orders (other than contracts for employment) which he deems necessary or appropriate to implement this title shall take priority over performance under any other contract or order, and for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and to allocate materials and facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate to achieve the objectives of this title;

(h) cause proceedings, whenever he deems it necessary to implement this title, to be instituted in any court having jurisdiction of such proceedings to acquire by condemnation, any real or personal property, including facilities, temporary use thereof, or other interests, therein, together with any personal property located thereon or used therewith, that he deems necessary to achieve the objectives of this title;

(i) waive application of the provisions of the Federal Property and Administrative Services Act of 1949, as amended, with respect to procurement necessary for the purpose of this title, if he finds it is in the national interest to do so;

(j) create an industrial strategic petroleum reserve as part of the national strategic petroleum reserve (civilian) by requiring any person engaged in the importation or refining of petroleum to acquire, store, and maintain reserves of petroleum under such terms as the President deems necessary;

(k) require that the industrial strategic petroleum reserve (civilian) portion of the national strategic petroleum reserve (civilian) be stored in facilities owned, controlled, or audited by the United States at such reasonable terms as he may specify;

(l) require the replenishment of the Industrial Strategic Petroleum Reserve (Civilian); and

(m) replenish the National Strategic Petroleum Reserve (Civilian).

CONDEMNATION PROCEEDINGS

SEC. 406. Before condemnation proceedings are instituted pursuant to this title, an effort shall be made to acquire the property involved by negotiation unless, because of reasonable doubt as to the identity of the owner or owners, because of the large number of persons with whom it would be necessary to negotiate, or for other reasons, the effort to acquire by negotiation would involve, in the judgment of the President, such delay in acquiring the property as to be contrary to the national interest. In any condemnation proceeding instituted pursuant to this section, the court shall not order the party in possession to surrender possession in advance of final judgment unless a declaration of taking has been filed, and a deposit of the amount estimated to be just compensation has been made, under the first section of the Act of February 26, 1931 (46 Stat. 1421), providing for such declarations. Unless title is in dispute, the court, upon application, shall promptly pay to the owner at least 75 per centum of the amount so deposited, but such payments shall be made without prejudice to any party to the proceeding. Property acquired under this section may be occupied, used, and improved for the purpose of this title prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended.

TERMS AND CONDITIONS

SEC. 407. (a) Upon a finding by the President that the national security is threatened, he is authorized, on such terms as he determines to be reasonable and equitable and in a manner consistent with the public interest requirements of 402(h), to use, sell, or otherwise dispose of all or any part of the Government-owned portion of the national strategic petroleum reserve (civilian) and order the disposition and allocation of all or any part of the industrial strategic petroleum reserve (civilian) portion of the national strategic petroleum reserve (civilian).

(b) Upon finding that all or any part of the national strategic petroleum reserve (civilian) is no longer necessary to meet the requirements of this title, the President may, in a manner consistent with the public interests requirement of 402(h)—

(1) dispose of all or any part of the Government-owned portion of the national strategic petroleum reserve (civilian) at a reasonable price; and

(2) allow or require any person owning petroleum in the industrial strategic petroleum reserve (civilian) to remove or otherwise dispose of such petroleum.

INJUNCTIONS AND OTHER RELIEF

SEC. 408. Whenever it appears to any person authorized by the President to exercise authority under this title that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any rule, order, or regulation issued under this title, the President may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. Any such court may also issue mandatory injunctions commanding any person to comply with any such rule, order, or regulation.

ANNUAL REPORTS

SEC. 409. (a) Within one year after the date of enactment of this title, the President shall prepare and submit to the Congress a report setting forth those actions taken and his plans for providing a strategic energy reserve system in accordance with sections 402 and 403 of this title. The report shall include, but not be limited to, consideration of—

(1) a comprehensive environment assessment;

(2) the manner(s) of storage, chosen from among the alternative types of storage facilities;

(3) the proposed locations of such facilities and the proximity of each to necessary transportation facilities;

(4) the most attractive substances for emergency storage;

(5) the size of the stockpile and the most economically efficient stockpile levels;

(6) a program schedule for this reserve system, taking into account the capability to construct related facilities and obtain sufficient petroleum products to free programed storage in the desired time frame;

(7) the direct cost of the reserve system, including:

(a) cost of storage facilities;

(b) cost of petroleum to be stored; and

(c) maintenance and operation costs.

(8) the market impact of developing the storage program taking into account:

(a) availability and price of oil field supplies and equipment and the effect upon domestic production;

(b) the level of world market price fluctuations stimulated by short-term increased petroleum demands during a build-up period;

(c) the extent to which the reserve system buildup may hold up prices in an otherwise declining price market; and

(d) the extent to which purchases for the reserve system will affect competitive markets.

(9) the ownership of the storage facilities; and

(10) the ownership of the stored substances.

(d) Each year thereafter, the President shall prepare and transmit to the Congress a report summarizing all actions taken under the authority of this title, with an analysis of their impact and an evaluation of their effectiveness in implementing the provisions of this title.

DELEGATION OF AUTHORITY

SEC. 410. The President may delegate any authority conferred upon him by this title to such officers, departments, and agencies of the United States as he deems appropriate.

SPECIAL FUND

SEC. 411. The President is authorized to use the special fund established by title III in any manner necessary to implement the provisions of this title.

AUTHORIZATIONS

SEC. 412. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEVERABILITY

SEC. 413. If any provision of this title or the applicability thereof to any person or circumstances is held invalid, the remainder of this title and the application of such provisions to other persons or circumstances shall not be affected thereby.

Mr. HANSEN. Mr. President, I take this opportunity to discuss a matter I believe to be very important to this body and the American public. I am referring to title II of the President's Energy Independence Act of 1975 which is identical to my amendment No. 123. Title II authorizes the establishment of a civilian national strategic petroleum reserve of up to 1 billion barrels of petroleum. The creation of this strategic reserve, together with the exercise of certain standby authorities requested in title XIII of the President's proposal, would minimize any future oil import disruption. This title would authorize the Federal Government to acquire, construct and maintain petroleum storage facilities, to purchase petroleum or require industrial set-asides for a strategic reserve, and to utilize petroleum from the reserve to offset disruptions in foreign imports. Most of the funds required to finance this program, as well as a large amount of the oil to be stored would come from the proceeds of production from NPR No. 1 in Elk Hills, Calif. Within 1 year of enactment, a report would be prepared and submitted to Congress detailing actions already taken and those envisioned for developing the strategic petroleum reserve system.

Mr. President, I urge my colleagues to carefully consider the challenging issues now before them. The oil embargo which followed the Yom Kippur War in 1973 gave the American public its first glimpse of the effects of an energy shortage. Yet today our annual dependence on foreign petroleum has continued to increase. The plain truth is that this country must free itself of this dependence. I, therefore, encourage Senators to act thoughtfully and favorably in viewing the President's energy program.

When the President submitted the Energy Independence Act of 1975 it was accompanied by a fact sheet which I ask unanimous consent to have printed in the RECORD at this time for consideration by my colleagues.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

ENERGY INDEPENDENCE ACT OF 1975

FACT SHEET: NATIONAL STRATEGIC PETROLEUM RESERVE (CIVILIAN) ACT OF 1975

Background

In order to make the United States invulnerable to foreign oil disruptions and other energy emergencies, President Ford in his State of the Union Message proposed the establishment of a national strategic petroleum reserve of 1 billion barrels for civilian use and 300 million barrels for defense purposes.

Problem to be solved

It is anticipated that by 1985 the United States will still be importing between 4 and 5 million barrels of oil a day. If we are to be protected from the potentially disastrous ramifications of future disruptions in foreign imports, we must have the capability to offset significant reductions in imports.

What the bill would do

The National Strategic Petroleum Reserve (Civilian) Act of 1975 would

Provide for the construction and maintenance of strategic petroleum storage facilities.

Authorize the President to purchase petroleum or require industrial set asides to meet the 1.3 billion barrel goal.

Authorize the President to utilize the strategic petroleum reserve to offset disruptions in imports and protect the national security.

Require a detailed implementation plan to be submitted to the Congress within one year of enactment which would include

A comprehensive environmental assessment.

An analysis of alternative types of storage facilities.

A timetable for completing the petroleum reserve system.

A comparison of available methods for obtaining petroleum for the strategic reserve.

Require submission of annual reports to the Congress.

Mr. HANSEN. That fact sheet, Mr. President, is titled Energy Independence Act of 1975, and it deals specifically with the National Strategic Petroleum Reserve (Civilian) Act of 1975.

As part of the background, in order to make the United States invulnerable to foreign oil disruptions and other energy emergencies, President Ford, in his state of the Union message, proposed the establishment of a national strategic petroleum reserve of 1 billion barrels for civilian use and 300 million barrels for defense purposes.

Mr. President, parenthetically, I attended a hearing yesterday when this particular bill was under discussion. I am certain that the distinguished chairman of the committee will agree with me that while it is being considered, it is of utmost importance that we consider the wisdom and the merit of the President's proposal in the context of this bill, S. 622, because many of the matters that we are attempting to deal with here would be resolved if we were to adopt this particular amendment, which incorporates the national strategic petroleum reserve as proposed by the President.

The problem to be solved is simply this: It is anticipated that by 1985, the United States still will be importing between 4 and 5 million barrels of oil a day. If we are going to be protected from the potentially disastrous ramifications of future disruptions in foreign imports, we must have the capability to offset significant reductions in imports.

Here is what the bill will do: The National Strategic Petroleum Reserve (Civilian) Act of 1975 would provide for the construction and maintenance of strategic petroleum storage facilities. Yesterday, in the hearing, we were talking about these storage facilities. They include the pipelines of America, the storage tanks, the naval reserves, the tanker fleet, the oil that is in tankers. While it adds up to an impressive amount, the fact is that not the last drop of oil can be taken from the pipeline. As was observed by Members on both sides of the aisle at the hearing session yesterday, it is apparent that we cannot take the last drop of oil out of the pipeline. It takes something to push the oil through to move it as the oil flows from fields in Texas or in Oklahoma to the Northeast. As a consequence, additional storage space was deemed to be necessary.

The United States has found that salt domes can be created into acceptable storage facilities for crude oil and perhaps for finished product as well. The technique that is used is to drill down into the salt domes. There are salt mines, salt caverns, in many areas of the country. There are a number of very notable ones found in the State of Kansas, I think, and possibly in Oklahoma as well. They also find these salt domes in the Gulf of Mexico States.

The technique is to drill down into a salt dome to inject water that is potable—not brackish water—and to dissolve the salt by the injection of the kind of water that normally is encountered throughout America, on the lands of America. It has the effect of dissolving the salt and opening up a fairly big cavern. Then oil can be pumped into these caverns and that sort of facility, which is an appropriate and efficient one for the storage of oil, can be developed at far less cost than would be required to construct aboveground facilities. It has the added advantage of being fairly immune from sabotage or enemy attack if we were to contemplate that, I hope, rather remote possibility.

The bill would also authorize the President to purchase petroleum or require industrial set-asides to meet the 1.3 billion barrel goal.

One of the witnesses testifying yesterday at the committee hearing, Mr. President, was asked the question: "What should we do about coal?" Most of us agree that coal is the most readily available alternate source of energy supply we have in the United States. I suspect that many people might be surprised to know that the variances that were authorized by State legislative action during the oil embargo, in order to permit the burning of coal rather than oil or natural gas in many of the powerplants throughout the United States, have, for most of those plants, long since expired. So we find today, despite the fact that we are in the middle of an energy crisis, that energy power companies are going back to the burning of natural gas or low-sulfur oils simply because the permission granted by State authorities has expired.

And here we are, further exacerbating the oil crisis in America by the inability of State governments and the Federal Government to recognize the lack of wisdom in permitting powerplants to return to the requirements that earlier had resulted in a switching, in many instances, from the burning of oil or natural gas to coal.

I think that we must applaud Federal Energy Administrator Frank Zarb for his declaration that was given the press a few days ago in saying that he was going to do everything he could to see that America utilized coal in powerplants throughout this country. I think it follows that whatever changes may be required in the air quality laws, commensurate with the ability of power companies, so as to modify, through additions to stack gas control, the amount of sulfur that is discharged in the air—I hope that we will do that. It makes no sense at all to have us burning up natural gas and crude oil or burner fuel that is coming into shorter supply, those types of energy sources, when we had better be using coal.

Third, the bill will authorize the President to utilize the strategic petroleum reserve to offset disruptions in imports and protect the national security. I had occasion yesterday to observe that no one has been more diligent, insofar as I know, than has been the distinguished chairman of the Committee on Interior and Insular Affairs of the Senate in his insistence upon adequately protecting the national security. No one knows better than Senator JACKSON the important role that oil plays. I am certain that Senator JACKSON has commented more than one time upon the seriousness of oil to propel and energize the Navy of the United States.

It was, I think a couple of years ago, that actually—I guess it was just a little over a year ago—when we had to ship oil from the east coast of the United States to supply the 6th Fleet in the Mediterranean when we were no longer able, because of that oil embargo, to secure oil supplies in that part of the world. Yet, here we are, burning oil in the powerplants that supply the energy and the lights for America, that run the motors, that make possible the continuance of most jobs in this country. We are doing these things with oil, when we had better be burning coal.

We have passed a strip mining bill. A similar bill has been passed by the House. I think before long, from what I am told, there will be a conference between the respective committees of the House and the Senate to work out those differences in order that we can get on with the job of spelling out specifically and precisely what this Nation expects of its coal operators as they undertake, even more intensively than they have in the past, the job of removing coal by surface mining operations.

Incidentally, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) yesterday spoke about a delegation of coal miners who come, I think, from a three- or four-State area. They are to be in Washington sometime today, protesting the harshness of those strip mining bills and to call attention to the fact that, in their judgment, these two bills—the House bill and the Senate bill—as they study and interpret them, will probably result in a loss of some, if my memory serves, around 140 million tons of coal per year that will not be available for the public because of the harshness of these bills.

They also point out that nationwide, we could anticipate that these two bills would result in the unemployment, the loss of jobs, of about 47,000 Americans. These are very serious concerns, and certainly underscore the need for all Americans to not only be realistic, but pragmatic as well.

I think the time has come when most reasonable people agree that we have got to try to temper all of our actions so as not unnecessarily to harm the economy of this country or to jeopardize the national security of the United States. And, though we do not in any way reject the environmental goals we have set for ourselves, I think we must recognize that when there is an imminent threat or possibility of the reimposition of an oil embargo, it behooves the United States to take all such steps as it can to achieve energy self-sufficiency, and coal is very definitely the No. 1 source of energy that we must now look to in minimizing our dependence on oil from insecure foreign sources of supply.

The bill further would require a detained implementation plan to be submitted to the Congress within 1 year of enactment which would include a comprehensive environmental assessment.

I might observe, Mr. President, that I was talking with Mr. Charles Luce of Con Ed of the State of New York, and he was telling me, as I recall, that 17 percent of the total cost that that big utility in the State of New York encounters results or comes about as a direct consequence of its efforts to comply with environmental laws.

I am not saying that these laws are too tough. I am saying that when people everywhere are concerned about loss of jobs, on the one hand, and are concerned on the other with the rising and ever-larger bite that inflation takes out of paychecks, we have to recognize that environmental costs, in the final analysis, have to be paid by all Americans. They have to be paid by everyone who turns a light switch on.

There was a time, a few years ago, when a big effort was being made to push through environmental laws, that it was almost implied they would not cost anyone anything, that what would be done would be simply to make the big power companies shape up, and make the manufacturing companies shape up their operations, and that we could achieve these goals with little or no effort or pain on the part of the general public.

That no longer is true. I might point out further that a timetable for completing the petroleum reserve system would be required within 1 year of the enactment of this bill by Congress. A comparison of available methods for obtaining petroleum for the strategic reserve, and, lastly, the submission of annual reports to Congress, would also be required.

I know that these proposals are being considered by other subcommittees. They will in due time, I suspect, see the light of day in one form or another. But it seems to me that the urgency of this moment and the demands of the kind of crisis or potential crisis that we may be facing augur well for favorable consideration of this amendment at this time. I hope that the distinguished chairman of the committee (Mr. JACKSON) will be willing to accept this amendment to the bill.

Mr. JACKSON. Mr. President, I appreciate the able remarks of my good friend from Wyoming. I point out that our committee, the Committee on Interior and Insular Affairs, completed hearings on a strategic reserve bill on Monday, and we will start marking up that bill very shortly. Then the committee headed by the Senator from Mississippi (Mr. STENNIS), the Armed Services Committee, will be moving very shortly. We are subject to the same problem, and that is the unanimous consent agreement of February 5, by which our two committees share the jurisdiction, and I fully appreciate the Senator's position in trying to include in this bill all of the various recommendations made by the administration. This is a very important part of the whole energy program, but as I say, we do have this commitment with Senator STENNIS and myself, which I feel makes it mandatory for us to proceed in accordance with the unanimous consent agreement of February 5.

As the Senator knows, the Interior Committee has done the pioneer work on this whole question of strategic reserves. We started in on it some 3 years ago, in 1972—long before the oil cutoff. I believe it is indeed one of the most important aspects of any national energy program. It shoud be at the top of the list, but I hope the Senator will defer action on his amendment, in view of the action being taken by our committee and that which will be taken by Senator STENNIS' committee in due course.

Mr. HANSEN. Mr. President, would the Senator from Washington, the chairman of the committee, care to venture an opinion as to the probable time frame that we might anticipate before this bill now being marked up would be available for floor action?

Mr. JACKSON. The target is May 1. I would like to act before we start hearings on the Hathaway nomination. That is another matter that should be moved along as fast as possible. I would expect that we could mark up the bill and report it, and then it will be rereferred to the Armed Services Committee, and I will do everything I can to meet that target of May 1.

Mr. HANSEN. May I inquire further from the distinguished chairman——

Mr. JACKSON. I am also a member of the Armed Services Committee, and the Senator from Nevada (Mr. CANNON), of course, is the chairman of the subcommittee that handles strategic reserves from a military point of view.

Mr. HANSEN. Does the chairman of the committee have a target, a time set for the hearings on the nomination by the President of the former Governor of Wyoming, Mr. Hathaway, to become Secretary of the Interior?

Mr. JACKSON. I have not set a specific date. I will confer with the distinguished Senator from Wyoming regarding a specific time.

The immediate problem is that we are trying to determine which committee hearings we can cancel. I expect that the hearings will last more than 1 day, and therefore I would like to discuss with the ranking minority member, the Senator from Arizona (Mr. FANNIN), and the Senator from Wyoming a time that we could set aside that will not conflict seriously with previously scheduled hearings, such as where witness are coming from out of town and so on. I assure the Senator of my full cooperation in the matter.

Mr. HANSEN. Possibly I misunderstood the distinguished chairman. I thought, in response to my earlier question, he said that he would anticipate we might have the bill, the strategic reserve bill, on the floor around the 1st of May, and he hoped that we could——

Mr. JACKSON. I would hope we could mark the strategic reserve bill up before the Hathaway nomination because of its high priority, but it would not interfere in giving proper notice because we do have to give notice in connection with the nomination.

Mr. HANSEN. I would be in error then to infer, as I earlier did, that the Hathaway nomination would fall sometime after the 1st of May.

Mr. JACKSON. Oh, no. The Senator is in error. It would not fall after the 1st of May.

Mr. HANSEN. I appreciate that.

Mr. JACKSON. I want to move just as fast as possible, taking into consideration proper notice, and I will assure the Senator that we will do exactly that, but we want to give proper notice so that witnesses who wish to be heard will have an opportunity to be heard, and there will be no delay.

When we get into the hearings, we will hold, if necessary, afternoon hearings, depending on whether or not we have Interior Committee business before the Senate at the time when the nomination will be up.

So I would hope that under all the circumstances the distinguished Senator from Wyoming would withdraw the pending amendment.

Mr. HANSEN. Mr. President, with full recognition of the assurances and the interest that I know motivate the chairman's observations, and given the belief that this matter will be handled very expeditiously, I ask unanimous consent that further consideration of my amendment at this time may be withdrawn.

The **PRESIDING OFFICER.** The Senator has the right to withdraw his amendment, and the amendment is withdrawn.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that floor privileges be granted to Harold Brayman and Richard Hellman of the Committee on Public Works during the consideration of this particular bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I yield myself 10 minutes on the bill.

The **PRESIDING OFFICER.** The Senator is recognized for 10 minutes.

Mr. FANNIN. Mr. President, yesterday and today, too, I discussed solar energy at some length in connection with the amendments, and also in connection with a particular amendment on the bill which was adopted. I mentioned yesterday about the work that has been done by Dr. Burke Nelson of the Interior Committee staff starting some 3 years ago when he was attending a particular conference. I want to elaborate on my remarks and extend my remarks at this time because I would like to add information that we have available concerning solar power generation that I think would be of great interest to the Members of Congress and to the general public, so far as that is concerned.

The need for energy sources other than our dwindling supply of oil and gas has been clearly recognized in this Congress and in the previous Congress through the enactment of pioneering legislators establishing ERDA, and calling for research programs in all new energy forms, including geothermal and solar energy. Solar energy is especially attractive since it is inexhaustible, available everywhere, and has a history of successful applications. When we talk about hot water heating and space heating, those technologies are available today and primarily need economic incentivization to bring the industry along to be self-sustaining. When we talk about power generation, the great drawback has always been cost and complexity. As an example of this, Mr. President, let me cite the famous French high temperature solar energy research furnace of CNRS. This uses 63 heliostats on the side of a mountain, each containing 180 mirrors, and swiveling to follow the sun.

I am sure the Members of the Senate can imagine the magnitude of this particular arrangement and this particular piece of equipment.

Now, these mirrors reflect into a 130-foot high, 175-foot wide parabolic concentrator containing 9,500 mirrors. This whole assembly generates about 1 megawatt of thermal energy. Now, I realize, and I am sure many of my colleagues are aware, that this is a research facility, not a powerplant, but it points out the complexity and cost of attempting to concentrate the diffuse solar energy to produce power. Now, Mr. President, we have in the West many natural features such as meteor craters and volcano craters whose natural shapes approximate spherical or parabolic shapes, but the environmental barriers to using such remarkable natural resources are obvious.

I could recite that in my own State where there were great objections to even building a road near the meteor crater that is located not too far from Winslow, Ariz., which is one of the wonders of the world, there were great objections to even considering roads in the neighborhood of that crater, so we know what would happen if we tried to utilize that facility or others like it around the Nation for the solar power program about which I am speaking.

But, Mr. President, we also have open-pit copper mines, where the environmental concern is just the opposite. Having been exhausted of mineral resource, they now sit idle. These pits are ideally shaped for the task of solar collection. In fact, there is a lens form, known as the Fresnel lens, which approximates the shape of a reflector surface with a series of steps, and this sounds and looks very much like the terracing used in an open-pit mine. If the horizontal surfaces of the north face and parts of the east and west face were covered with a reflecting surface, a great deal of solar energy might be reflected. Now, the reflector would need to be inexpensive and durable; spreading mirrors over such an expanse would invite hail and rock damage and be very costly. In the space program, Mr. President, a tough, reflective surface was developed to insulate spacecraft and survive the rigors of landing on the Moon.

The material is aluminized mylar. This is simply a tough plastic film, coated with aluminum. Such a film could be held in place with a simple framework, and could then be used to reflect and concentrate sunlight on a collector located on or above the south rim. The collector then has enough energy to achieve the high temperatures necessary to generate power. In fact, Mr. President, several forms of energy collectors could be employed, depending on the economics of the situation. The energy could be used for steam generation to drive a steam turbine and generate electricity. This would be a baseload device, and possibly not appeal to the electric utilities, who are currently so short of capital. It would have great appeal. There is also the need to site powerplants at the mines, which might prove costly.

Another approach might be the use of solar cells, and since we are concentrating the Sun, such collectors should generate large amounts of energy per square foot, and thus be cost effective. The direct current electricity thus generated could then be used to generate hydrogen by electrolysis. The hydrogen could be put into the pipeline system, and thus be available for burning at high-electric-demand times—the so-called peak shaving which reduces capital investment needs. The hydrogen burned is of course virtually pollution free, producing water vapor as its main exhaust.

The emphasis is on replacing a small, costly, precise mirror by a large area of reflective surface, following the contours of the pit wall. Mr. President, I have discussed this plan briefly with various knowledgeable people, both here and in Arizona, and I am certain of its technical feasibility. I urge a thorough analysis of its costs, and its ultimate benefits to the United States.

Mr. President, we are prone to look at some programs or some suggestions as being farfetched, but when we realize the amount of heat that is generated by the sun falling on each square foot of the Earth, generating about 330 B.t.u.s each square foot, and when we reflect that as in this particular case and utilize that vast area covered by these reflectors we know that we are getting the concentration that would, to the greatest extent possible, utilize fully this energy.

There are many other concepts that are involved in using solar energy. But this one was first discussed several years ago, as I stated, in connection with these different areas that would not or could not be utilized without great hue and cry from many people in the country.

We considered, for instance, the meteor crater that is in my State of Arizona, the largest one, one of the wonders of the world. It has a tremendous amount of visitors there each year, and consequently, it would not be wise to utilize a facility such as that or utilize a cavern such as that for this purpose.

But when we are talking about open pit mines, especially those that have been abandoned, we come into an entirely different category of utilization.

Mr. President, I just hope, as time goes along, that we will consider this prospective solution to some of our energy problems, perhaps a small percentage of them, as it would be tremendously important to the areas that would be involved.

We may be talking about a thousand megawatts if we consider the different open pit mines that have been abandoned. Open pits are usually usable, some have water in them, but others, like those in my part of the country, are usually dry because there just is not enough rainfall to make that a problem.

Mr. President, we are always looking for new devices for generation of power and I am very pleased to bring this to the attention of my colleagues and hope that we will have further discussions and even hearings regarding some support of this program.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **HASKELL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. **HASKELL**. Mr. President, I ask unanimous consent that the Senate stand in recess until 2 p.m. today, but that the recess time be equally charged against the bill.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LAXALT).

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. **HANSEN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. On whose time?

Mr. **HANSEN**. The time to be equally divided.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BARTLETT**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 321

Mr. **BARTLETT**. Mr. President, I call up my Amendment No. 321.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bartlett) proposes an amendment numbered 321.

The amendment is as follows:

On page 64, beginning with line 3, amend section 106, by deleting all of subsection (b) and add a new subsection (b) as follows:

(b) No oil and gas field as designated in subsection (a)(1) of this section shall be produced at rates in excess of the currently assigned maximum efficient rate of production until all the naval petroleum reserves capable of being produced are first being produced at rates in excess of their maximum efficient rates of production unless the President determines that the types and quality of the reservoirs contained within the naval petroleum reserves are such as to permit production at rates in excess of the maximum efficient rate without risk of losses in ultimate recovery.

Mr. **BARTLETT**. Mr. President, I amend the amendment as follows: On the second line on the second page, between "as" and "to", insert the word "not".

Mr. President, that corrects the amendment.

The **PRESIDING OFFICER**. If there is no objection, the amendment will be so modified.

Mr. **BARTLETT**. I will read the amendment:

On page 64, beginning with line 3, amend section 106, by deleting all of subsection (b) and add a new subsection (b) as follows:

(b) No oil and gas field as designated in subsection (a)(1) of this section shall be produced at rates in excess of the currently assigned maximum efficient rate of production until all the naval petroleum reserves capable of being produced are first being produced at rates in excess of their maximum efficient rates of production unless the President determines that the types and quality of the reservoirs contained within the naval petroleum reserves are such as not to permit production at rates in excess of the maximum efficient rate without risk of losses in ultimate recovery.

This amendment is very simple. It points out that if the provision which the committee has in S. 622 has merit—namely, that it is wise for Congress to empower the Secretary of the Interior and the President to determine for fields which are privately owned that the maximum efficient rates under certain conditions, in certain fields, can be exceeded—then certainly it would make sense that first the maximum efficient rate be exceeded in those fields that are publicly owned. I am referring specifically to the naval reserve fields.

If the policy of this Nation is that private individuals are to risk their property and their assets, then certainly the United States must be willing to risk the publicly owned reserves and assets first.

The distinguished manager of the bill knows that on several occasions previous to the consideration of S. 622, and with one previous amendment on this bill, I have questioned the validity and the soundness of the thinking with respect to the Federal Government being authorized to raise production above the maximum efficient rates established by the State regulatory agencies, unless those agencies would agree.

In the second amendment to S. 622, I asked that those private individuals who would suffer damage because of such action be recompensed for the amount of that damage and not have to sue in order to obtain a fair return of the losses they have sustained.

This amendment would show that the Federal Government really believes that it has a good policy and is willing to risk its own assets, and these assets are considerable. These assets, for the long run, have much greater potential than the few fields to which the MER provisions in S. 622 are addressed and which are subject to State MER regulations.

This amendment would show the good intentions of the Federal Government. If the President considers it important, from an emergency point of view, to risk the assets and the holdings of private individuals in order to increase the domestic production of this Nation, the President, as a first step, would call upon the publicly owned fields to be produced at rates higher than their MER's.

Mr. President, it is a matter of fair play. It is a matter of justice. It is a matter of good policy for this Nation to establish one that is fair to all concerned.

Mr. President, I reserve the remainder of my time.

Mr. **JACKSON**. Mr. President, I shall be very brief.

May I just say that this is a matter that was not considered in connection with the strategic reserve bill, to my knowledge, during our hearings of the Senate Committee on the Interior. We will, however, be geting into it on the markup very shortly. We have completed our hearings.

Again, it is a matter of jurisdiction between the responsibility of the Senate Committee on the Interior and the Committee on Armed Services. Under the unanimous-consent agreement entered into on February 5, I believe, that is a matter that is to be decided by the Committee on Armed Services and the Senate Committee on the Interior.

There may or may not be some merit in this. What my good friend from Oklahome is saying, in effect, is that before we can call on the private sector to go to the full MER, we have to exhaust the remedies in that regard in connection with the naval petroleum reserves or the Government reserves. Whatever the merits of that contention may be, the matter is pending before the Committe on the Interior and the Committee on Armed Services. For that reason, I shall have to oppose the amendment.

I am prepared to yield back.

I shall be glad to yield to the Senator from Virginia.

Mr. **HARRY F. BYRD, JR.** Mr. President, I wish to direct some questions to the manager of the bill in regard to the bill itself, not the amendment. Perhaps it would be well to use the time on the amendment for that purpose, if that is agreeable to the Senator.

Mr. **JACKSON**. It will come out of my time on this amendment. That is fine with me.

Mr. **HARRY F. BYRD, JR.** I thank the Senator.

In regard to the legislation, may I say, I have made no decision as to how I shall vote. I should like to ask several questions, however, to try to clarify my thinking.

What aspect of this proposal will create additional energy resources?

Mr. **JACKSON**. It will create additional resources in the sense of conservation. It would save resources that are now being utilized and used up. Title II relates to the basic conservation program which is proposed in lieu of a taxing program.

Second, I point out that the bill is an emergency bill. It contains standby provisions, including the provision for standby rationing if world conditions should warrant that action. I should say about 80 percent of the provisions of the bill were requested by the administration. The President did request standby authority for rationing, and it is in the bill.

We estimate that when the conservation measures are put into effect, it will save approximately 800,000 barrels a day. We consume between 17 million and 18 million barrels a day. We are importing close to 6 million barrels a day.

Mr. HARRY F. BYRD, JR. But in reading the committee report, it occurs to the Senator from Virginia that virtually all of these matters can be handled under existing legislation.

Mr. JACKSON. No, sir. We provide for mandatory conservation steps. What we would do, instead of creating a Federal bureaucracy, is delegate authority to the President. He, in turn, can delegate it to the States.

Mr. BARTLETT. Will the Senator yield for a unanimous-consent request to appear at the end of this dialog?

Mr. JACKSON. Yes.

Mr. BARTLETT. Mr. President, I ask unanimous consent for the yeas and nays on amendment 321.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. JACKSON. I point out that the objective here would be for the States to implement certain targeted goals and objectives in the area of conservation. There would be flexibility under this approach. The States would implement the various conservation alternatives—lighting, heating, industrial uses. They could go to one-day closings or odd-even plans at service stations. The States would be given a conservation target. If they want to meet that target by one method, they could. Every State is different.

We are deliberately avoiding the setting up of a Federal bureaucracy. Our target, here, is expressed in one word, "gradualism." We move into this, or back into it, gradually, so that we can attain a goal of around 800,000 barrels a day saving. Those figures are based on the findings of the Federal Energy Administration. But there is no authority in law, today, for the President to undertake the conservation measures that we have provided here. That is in the bill.

Mr. HARRY F. BYRD, JR. There is no authority in law for him to restrict the lighting efficiency of public buildings?

Mr. JACKSON. No, sir.

Mr. HARRY F. BYRD, JR. Does the Senator mean to say that the President cannot regulate the lighting of the buildings of the Federal Government?

Mr. JACKSON. By that, does the Senator mean Federal buildings? Yes, he can do it in Federal buildings.

Mr. HARRY F. BYRD, JR. Does the Senator mean that by this bill the President can tell each State how much lighting they may have in each county, in each city, in each municipality?

Mr. JACKSON. No, sir. What he is saying is that our target is nationally to achieve a goal of 800,000 barrels a day saving and that each of the States must take their fair portion of it. They will have authority to deal with that conservation target in keeping with the provisions set forth in the bill. So there is flexibility.

A State like Florida, that has a lot of tourism, will place less emphasis on conservation in the area of gasoline and instead, will place it on heating and other areas—air-conditioning, a long list of things—so that they can meet their target goal.

Mr. HARRY F. BYRD, JR. I like the idea of voluntary conservation. I think that is extremely important. I think that probably our problems can be met by voluntary conservation. But I am just wondering to what extremes this bill might go.

Mr. JACKSON. This bill is, I think, a sensible bill, because we are trying to provide for the greatest flexibility, recognizing that the economies of all 50 States are different.

If the Senator would turn to page 23 of the report——

Mr. HARRY F. BYRD, JR. I have it in my hand.

Mr. JACKSON. "These Federal initiatives shall include"—there are about 11 of them there—"lighting efficiency standards for public buildings."

Mr. HARRY F. BYRD, JR. The Senator said Federal initiatives. I thought that meant Federal buildings.

Mr. JACKSON. No; this relates, of course, to public buildings that the public has access to, non-Federal public buildings.

Mr. HARRY F. BYRD, Jr. Non-Federal public buildings.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. A building owned by the State of Vermont is a non-Federal public building.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. A building owned by the city of Salem, Oreg., is a non-Federal building.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. A building owned by Frederick County, Va., is a non-Federal building.

Mr. JACKSON. That is one of the 11 options.

Mr. HARRY F. BYRD, JR. I understand.

Mr. JACKSON. It is in this area where there is enormous waste.

Mr. HARRY F. BYRD, JR. I am not in disagreement with the Senator. I just wish to find out how far reaching this legislation is.

As I understand it, this would permit the President of the United States to decree what should be done in a public building in a municipality, in a township, anywhere in the United States.

Mr. JACKSON. On the contrary, the 11 options set forth are the respective tools that will be available to the Governors. They must meet their conservation target, but whether they want to exercise only some of the options or all of them is their decision. The objective is that each State must meet the targeted goal of saving a specific amount of energy in that quota.

Mr. HARRY F. BYRD, JR. What Congress is saying to the Governors is, "Your State must have x amount of fuel."

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. And we authorize them to go into the township of such and such and the county of so and so and the city of so and so, and tell them what to do with their public buildings.

Mr. JACKSON. Well, they, of course, in their own State buildings——

Mr. HARRY F. BYRD, JR. I do not speak about State buildings. He can control that now. I am talking about going down to the county level, the township level.

Mr. JACKSON. All right. Yes, that would be an option that the Government or the State authorities could exercise.

Mr. HARRY F. BYRD, JR. But my question as to this bill—and I would like to support it and probably will—is that so much good legislation that comes to this floor, with good intent, at least, goes so far that it could have very far-reaching effects on the people of this country.

I am thinking now, for example, of a bill that passed the Senate by a very large majority, a well-intentioned bill, that I would like to have supported, but it goes so far that it will put out of work 47,000 people, and it will prevent the mining of coal that we badly need. I do not want to get mixed up with another bill that is going to go to such extremes.

Mr. JACKSON. Let me read from the report. We are trying to avoid, I say to my good friend from Virginia, that which I fear most: that is, that we get into a severe crisis and we will end up with it all being run from Washington, D.C.

Mr. HARRY F. BYRD, JR. That is the way this Congress wants things to be done, apparently. Practically everything Congress has enacted is being done from Washington, D.C.

Mr. JACKSON. I ask the Senator to turn to page 24, the second sentence in the third paragraph:

> The Committee intends—

That is referring back to those 11 options—

> The Committee intends that States will select from among these conservation measures those which fit best their own local economic, geographic, and climatological conditions for incorporation in the State Energy Conservation Programs mandated by Section 204.

Mr. HARRY F. BYRD, JR. That sounds good.

Mr. JACKSON [reading]:

> The Committee believes that a national energy conservation effort guided by Federal standards, mandated by Federal authority but administered by States and tailored to local circumstances will result in significant energy savings without precipitating the further deterioration in the nation's economy which would result if the Administration's program of energy tariff, tax and pricing policies were enacted.

I think therein lies the heart of the philosophy of it.

Instead of setting up Federal offices all over, regional offices, State offices, what we would do is utilize the State resources that are available in all 50 States to administer this program.

Mr. HARRY F. BYRD, JR. The Senator does not envision any new Federal employees?

Mr. JACKSON. No. But we do envision a good-faith effort by the States, and we will assist the States in whatever extra cost——

Mr. HARRY F. BYRD, JR. What does the Senator mean by "assist the States"?

Mr. JACKSON. Assistance to States to deal with the extra burden placed on the States.

Mr. HARRY F. BYRD, JR. What does the Senator envision will be the cost of this legislation?

Mr. JACKSON. Section 210 authorizes such funds as may be required to carry out the act. In any event the cost will be less than would be involved in the administration's program of rationing by prohibitive energy prices. The administration admits that the increases in fuel prices which are proposed in the President's program would cost the Federal Government an added $3 billion annually in higher fuel costs.

Mr. HARRY F. BYRD, JR. It is an open ended approach.

Mr. JACKSON. But the Appropriations Committee will have to monitor that.

Mr. HARRY F. BYRD, JR. I am not impressed by the monitoring being done by the Congress of tax funds. The Senator and I have disagreed on that before.

Mr. JACKSON. I understand; the Senator and I do not see eye to eye on that. But we are trying to follow a States' rights approach.

Mr. HARRY F. BYRD, JR. It is not a States' rights approach when the report itself says it will be mandated by the Federal Government.

Mr. JACKSON. It is a States' rights approach in the application of it and the choices which the States have available.

Mr. HARRY F. BYRD, JR. "The choices which the States have available"; that is good. It is at the sufference of the Federal Government.

Mr. JACKSON. Yes. But here we are facing two options, as I see it. One is to raise the price of everything. That adds to the cost of all programs and services. The $3 tariff, and the decontrol of old oil which would go from $5.25 to $14.40—would result in a total cost of at least $3 billion. That is certainly inflationary.

Mr. HARRY F. BYRD, JR. Of course it is inflationary; and it has no support whatsoever in Congress. It has been discarded by the President himself, for that matter.

Mr. JACKSON. No, the President still——

Mr. HARRY F. BYRD, JR. Well, if it has not been discarded by him, it has been discarded by Congress; there is no question of that.

Mr. JACKSON. But the Senator should realize that we will be voting on those particular provisions in the course of the consideration of the energy legislation during this session.

I just want to point out that there is a need to find ways to cut back on the approximately 6 million barrels of oil imported each day. I believe we should have a conservation ethic, whether or not we are in an emergency or whatever the situation may be. Let me cite one point.

Mr. HARRY F. BYRD, JR. I agree precisely with the Senator on that.

Mr. JACKSON. I know the Senator is a good conservationist.

Mr. HARRY F. BYRD, JR. I agree that the conservation of fuel and energy resources is vitally important. I think it should be done, but I think it could be done without a complicated bill like this, although I am not arguing against the bill.

Mr. JACKSON. The Senator from Virginia always asks good questions, and keeps the manager of a bill on his toes. But let me just say we have here a perfect example: Those two huge trade towers on the lower end of Manhattan Island have one light switch that turns all the lights on or off, and all the lights are going 24 hours a day.

Mr. HARRY F. BYRD, JR. How would the Senator's bill affect that?

Mr. JACKSON. This bill would make it possible for the owner of that building to take appropriate steps to conserve the lighting.

Mr. HARRY F. BYRD, JR. Who would issue such an order?

Mr. JACKSON. That order would be under the State or local authority, and through the State agency.

In this situation that I have referred to, by having the lights on 24 hours a day, they are consuming—wasting—as much energy as is consumed by the city of Syracuse, N.Y. Imagine a building designed with one light switch; they all go on or all go off. They have one switch, and in the summer, that lighting heats up the building. They then have to have air-conditioning to try to cool off what the lighting heats up. The windows are hermetically sealed.

I do not know what has happened to the architects in this country. They are designing buildings without regard to the availability or the cost of energy. I was brought up to be frugal, and it seems to me we are just enormously wasteful in this country in some of these areas.

I point this out as one illustration.

Mr. HARRY F. BYRD, JR. I think Congress has been running amuck, too, and I think the lighting of those two buildings the Senator referred to is ridiculous. Whether this bill will reach that or not, I do not know. I sort of doubt that it will.

Mr. JACKSON. Well, I would welcome alternatives. The alternative, it seems to me, is to put a heavy tax——

Mr. HARRY F. BYRD, JR. I do not think that is the alternative at all. I think we need a voluntary conservation program. I think Congress and the President should collectively dramatize to the public the need for conservation. The public will respond. Let me repeat, the public will respond.

Mr. JACKSON. May I say to my good friend from Virginia we passed Senator RANDOLPH's resolution unanimously. It was a good resolution. But I regret to report that our conservation efforts are going awry. We are now consuming more than ever, and I do not think the Senator had in mind the WIN buttons, I mean voluntarism at its worst. WIN became WIND, and I must say that I would like to see a voluntary program. There have been all sorts of pleas for voluntary solutions, but we get nowhere, and we are consuming more than we need to consume to run our economy and maintain employment.

I think we can do this job but we need some guidelines. If there is better language, it is welcome. We are here to find a way to do it, but I do not think we can do it voluntarily.

Mr. HARRY F. BYRD, JR. I think the Senator——

Mr. JACKSON. We have been trying it now for over a year on the voluntary side.

Mr. HARRY F. BYRD, JR. May I ask the Senator, it all gets back to the question of energy resources. Now, what has Congress done in the 2 years or more that we have had an energy crisis to create additional resources?

Mr. JACKSON. Well, for example, the Senate has passed the Outer Continental Shelf leasing bill. We have been pushing the administration, and Secretary Morton is now moving, so that when an oil company gets a lease that it will develop it, they have not been doing it.

We have pending in the Interior Committee the National Energy Production Board.

Mr. HARRY F. BYRD, JR. What have we passed? We have been in this business for 2 years now.

Mr. JACKSON. Let me give the Senator some of the things we have passed.

Mr. HARRY F. BYRD, JR. If it has achieved something, what have we achieved?

Mr. JACKSON. I think the most important thing directly——

Mr. HARRY F. BYRD, JR. Is the Alaskan pipeline.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. It was passed by one vote; such a crucial matter was passed by one vote here in the Senate of the United States.

Mr. JACKSON. I was the author of the legislation, and I have been in a lot of one-vote situations. In this case we passed it.

Mr. HARRY F. BYRD, JR. We passed it.

What else has Congress passed in achieving energy conservation?

Mr. JACKSON. For the longer term we created the Energy Research and Development Administration.

Mr. HARRY F. BYRD, JR. It is a very important piece of legislation, but it is a long-term piece of legislation.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. I think it is absolutely necessary.

Mr. JACKSON. That is right. But it is very clear that leaving it to private initiative alone to go out on the Outer Continental Shelf and in Alaska is not enough, and that the Government must lay down some rather tough conditions so that the private sector really participates.

For example, let me just point out that there are only about, well, maybe at the most, 15 companies that can go out on the Outer Continental Shelf and into Alaska. We do not have a single independent oil company drilling in Alaska and the Outer Continental Shelf.

Mr. HARRY F. BYRD, JR. What does the Senator want to do, have the Government set up independent oil companies?

Mr. JACKSON. No, no. The National Energy Production Board on which we are holding hearings now would do many things, one of which would offer to the independent oil companies an opportunity to joint-venture with the Government——

Mr. HARRY F. BYRD, JR. With the Government?

Mr. JACKSON. With the Government as a participant.

Mr. HARRY F. BYRD, JR. In other words, the Senator's theory is that the Government should get into the exploration business.

Mr. JACKSON. I think the Government should do the preliminary geophysical and preliminary exploratory work on the Outer Continental Shelf. This involves environmental considerations. It ought to be a two-stage affair.

Mr. HARRY F. BYRD, JR. Has legislation been passed to accomplish that?

Mr. JACKSON. It passed the Senate, but it——

Mr. HARRY F. BYRD, JR. Nothing has been passed by Congress.

Mr. JACKSON. The Senator is correct. It passed the Senate last year, and the House did not act.

Mr. HARRY F. BYRD, JR. I am getting back to what Congress has done and, so far as I can judge, what Congress has done has been one and a half folds, you might say. It took affirmative action and important action in regard to the Alaska pipeline. It took important and affirmative action in regard to a long-range program. But that does not help us in the short range.

Mr. JACKSON. Let me recite seven specific areas: The first is the trans-Alaska pipeline; second is the Energy Supply and Environmental Coordination Act.

Mr. HARRY F. BYRD, JR. Is that the one that is putting the Virginia coal mines out of business?

Mr. JACKSON. No, no. This is a proposal that Senator RANDOLPH was deeply involved in to help convert from oil to coal. It is just the opposite of what the Senator is referring to.

The Energy Research and Development Act, and the authorization for the $20 billion Project Independence.

Mr. HARRY F. BYRD, JR. That is the one I just commended.

Mr. JACKSON. That is right.

Mr. HARRY F. BYRD, JR. So we have two.

Mr. JACKSON. Then we passed the Solar Heating and Cooling Demonstration Act.

Mr. HARRY F. BYRD, JR. That is a long-range demonstration, part of the one the Senator just read.

Mr. JACKSON. Exactly; next, the Geothermal Energy Demonstration Act.

Mr. HARRY F. BYRD, JR. That is also part of the one the Senator just read.

Mr. JACKSON. No. This was a separate initiative.

Mr. HARRY F. BYRD, JR. Separate legislation, but it is a long-range initiative.

Mr. JACKSON. That is true. Next, the Deep Water Ports Policy Act.

Let me point out that we cannot even bring the oil in because of the environmental problems we have in various areas of the country.

I would point out to the Senator we have taken the initiative in connection with the Elk Hills Petroleum Reserve.

Mr. HARRY F. BYRD, JR. Congress has not acted on that.

Mr. JACKSON. The Senator knows that President Ford went out to Elk Hills, looked over the whole area, and praised what was being done. But for 2 years in a row the administration did not ask for one dime to develop Elk Hills Petroleum Reserve No. 4.

Mr. HARRY F. BYRD, JR. Well, it is all right to criticize President Ford, and I criticized him in Richmond yesterday.

Mr. JACKSON. Let me tell the Senator what we did.

Mr. HARRY F. BYRD, JR. That does not get away from the fact that Congress has not done anything.

Mr. JACKSON. That is not true, Senator. We put in the appropriation bill, with the cooperation of Senator McCLELLAN, 2 years in a row the money to go ahead with Elk Hills, which the administration did not have a budget item for, and which they opposed, for Elk Hills and petroleum reserve No. 4. That was in fiscal year 1975 and fiscal year 1976 and, I think, it has been running about $70 million per year, so we can accelerate it.

So I am saying it is a little confusing when the President of the United States goes out to Elk Hills and says, "It is great what you are doing," but someone had not briefed him on the fact that Roy Ash, his Director of the Office of Management and Budget at the time, did not approve the funds for it. The Navy asked for the money, they sent it over to the White House, and they turned it down.

The Senator asked what Congress is doing? That is a specific example.

Mr. HARRY F. BYRD, JR. That is the oil owned by the Government of the United States that we are talking about there.

Mr. JACKSON. That is right. But the Senator is asking about production, and I am pointing out——

Mr. HARRY F. BYRD, JR. But if you take away—and I am not arguing against taking it away, but if you take away—the oil from Elk Hills you are taking it away from the Government's own supply.

Mr. JACKSON. No, sir. May I say to my good friend from Virginia, here is our choice: the maximum amount of oil that you can pump out of Elk Hills is 300,000 barrels a day. The total reserves are a little over a billion barrels.

What is proposed, and we are now completing the management end of this proposal; we are going ahead with the speedup of the daily production capability from roughly 165,000 barrels a day to 300,000 barrels a day. We will move that oil into salt domes or storage areas so that in the event of an emergency that oil can be taken out of those salt domes or tanks at the rate of millions of barrels a day instead of being confined to 300,000 barrels a day.

Mr. HARRY F. BYRD, JR. That is right, but it does not go into the total of the market in helping the people today. It is another long-range——

Mr. JACKSON. Senator, that will be a decision for Congress.

Mr. HARRY F. BYRD, JR. That is exactly what I am talking about, Congress has not made the decision yet.

Mr. JACKSON. That is correct.

Mr. HARRY F. BYRD, JR. That substantiates my statement, to begin with.

Mr. JACKSON. That is correct.

But the point I want to make is you have to do first things first, and first you have to increase the production in the reserves and on the Outer Continental Shelf. The House committee voted 32 to nothing to put it all under the Interior Department, and it would become, I believe, a national strategic reserve or whatever use is necessary for both civilian and military purposes.

Now, the problem has been that the oil industry, for example, has had to be chastised by Secretary Morton. They have held leases on the Outer Continental Shelf for 2 years—that is, in the gulf area of the United States—and the problem is in forcing them to go ahead with their production program.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. JACKSON. I would yield time on the bill. Has the Senator got some time left on the amendment?

Mr. BARTLETT. Yes.

The PRESIDING OFFICER. The Senator has 25 minutes left.

Mr. BARTLETT. How much time would the Senator like?

Mr. HARRY F. BYRD, JR. Say, another 10 minutes.

Mr. BARTLETT. That is fine.

Mr. JACKSON. I would point out that the problem has been that the oil industry, this is true now for over 10 years, has gone abroad to drill where they have had tax advantages.

Mr. HARRY F. BYRD, JR. The Senator is correct.

Mr. JACKSON. And they have not done the drilling here.

Mr. HARRY F. BYRD, JR. And that, of course, Congress, there again, has done nothing about that.

Let us get back now, and I am not going to fight the battle of the oil companies.

Mr. JACKSON. I understand.

Mr. HARRY F. BYRD, JR. What else has Congress done?

Mr. JACKSON. I have covered the basic areas. All initiatives have been there for the industry to move, but they have not moved.

Mr. HARRY F. BYRD, JR. So the best I can determine, to get back to my original statement, when we analyze these five or six points, there have been two points, one is the Alaskan pipeline, the other is the long-range program.

Mr. JACKSON. Well, deep water ports and supporting the Trans-Alaska Pipeline Act, all these things have immediate impact.

Mr. HARRY F. BYRD, JR. I would like to——

Mr. JACKSON. The coal conversion program is a very important part of this, I am sure the Senator would agree to that.

Mr. HARRY F. BYRD, JR. The Senator from Virginia will certainly agree with that, that is why I am concerned that the Congress in passing legislation going to the extremes of eliminating huge tonnages of coal, low-sulfur coal, that could be made available for the energy needs we have. But that is a different bill and I am not getting into that now.

Mr. JACKSON. That matter is in conference.

Mr. HARRY F. BYRD, JR. That matter is in conference and I would be hopeful the Senator from Washington would be willing to try to work something out to try to protect the consumers of this Nation who need protection. The more we eliminate the production of coal, I stress again, insofar as the Virginia production is concerned, the coal at issue is a low-sulfur coal which is badly needed.

The reason I am raising these questions, I want to vote for the bill, but I have been burned a good many times in voting for legislation in this Chamber and finding out we have been absolutely wrong in what we have done and have to come around and correct it.

What did we do about pollution on automobiles? A good cause. I supported it.

Mr. JACKSON. We failed, I would agree with the Senator. I do not think we correctly forecast the impact on the amount of additional fuel that would be required to meet those standards.

Mr. HARRY F. BYRD, JR. Not only that——

Mr. JACKSON. That may have been a mistake.

Mr. HARRY F. BYRD, JR. That was a mistake, I agree with the Senator from Washington. Not only the amount of additional fuel, but we have increased the cost of the automobile where the average guy is going to be priced out of the market.

Maybe that is what we want to do. Some people take an attitude that only certain people need automobiles. But I would like to see all our people able to afford an automobile.

I do not like to see Congress legislate these huge increases in built-in costs. I am glad to know that the Senator from Washington feels that it was a mistake and Congress had not foreseen it. I hope there is nothing here in this legislation we are not foreseeing and will have to come back and——

Mr. JACKSON. May I say to my good friend, there is a lot here that I cannot foresee in every detail. This is a very complex society. I think it does meet the test of commonsense and reasonableness.

There are two fundamentals we need to deal with. One, massive conservation; the other massive production of petroleum, gas, coal, and so forth.

Mr. HARRY F. BYRD, JR. Right.

Mr. JACKSON. Those things we need to do because I think what happens in the next 4 years will determine the welfare of the Western industrialized nations in economic and financial terms.

Mr. HARRY F. BYRD, JR. I think the Senator from Washington is so right. That is why I stressed Congress itself has done so little, in my judgment. We have done a lot of talking, but we have done so little in the last few years to alleviate this problem.

As a matter of fact, in many areas we have gone in just the opposite direction.

Mr. JACKSON. May I comment on that?

We started under the leadership of the distinguished Senator from West Virginia (Mr. RANDOLPH) in 1971 to undertake hearings, legislation was proposed and we encountered nothing but administration opposition, right across the board. The administration opposed the strategic reserve program and opposed the various programs to accelerate the development of the Outer Continental Shelf.

Mr. HARRY F. BYRD, JR. The Senator puts it on the administration. I am putting it on Congress. The Congress has not acted.

Mr. JACKSON. The Senator is aware that the omnibus bill that covered a tremendous area of the energy effort was vetoed by President Nixon, and that was done just a year ago last month. That dealt with conservation, that dealt with price rollbacks.

I think it is scandalous that we allowed prices to go to the cartel level in this country. In other words, the price that we permitted our producers to get was literally, for all practical purposes, fixed by a group of willful nations who were bent on destroying the free financial institutions and economic systems in what we like to call the industrialized world.

We have got utilities on the verge of bankruptcy in the United States. We have got banks in the United States that, if we apply the test on their collateral that they hold of the current market value, would be insolvent.

Why? Because of the price of energy.

Mr. GRAVEL. Will the Senator yield on that point?

Mr. JACKSON. I say the utilities can no longer go in the bond market or the equity market. Where do they go? To the banks, and they are loaned up to the hilt.

Mr. HARRY F. BYRD, JR. The Senator from Washington is so right, but it has very little, if anything, to do with the precise problem.

Mr. JACKSON. It does.

Mr. HARRY F. BYRD, JR. It has nothing in the world to do with that.

Mr. JACKSON. It does. We are trying to deal in this bill with the problem of conservation. I said there are two fundamental things we need.

Mr. HARRY F. BYRD, JR. I understand.

Mr. JACKSON. Conservation and production.

Mr. HARRY F. BYRD, JR. Yes.

Mr. JACKSON. The bill is directed to the subject of conservation.

Mr. HARRY F. BYRD, JR. I am trying to figure, and I believe I have determined this bill may not do too much damage, but I do not see how it is going to do too much good. I am inclined to go along with it, but I do not like some aspects that appear to be far-reaching.

But the fact that the Senator from Washington has admitted, and stated on his own initiative in fact, that the Congress made a mistake in what it did in regard to automobile emission controls, makes this whole debate worthwhile from my point of view.

I thank the Senator from Washington.

Mr. JACKSON. Well, we failed to take into consideration the whole question on the automobile emission control of how much additional petroleum would be required to meet these standards. However, I must note that no one at that time envisioned the cartel pricing of oil.

Mr. HARRY F. BYRD, JR. And how much additional cost.

Mr. JACKSON. And additional costs on those things. But the biggest mistake was on the additional fuel consumption because we increased the fuel consumption and we should have struck a balance and laid down the standard. Not only clean air, but how much can we conserve in the way of fuel.

I think that Congress, whether this one or another to follow, is going to have to say to Detroit in so many words, "We are not going to allow you to produce automobiles anymore that cannot get *x* miles per gallon of gasoline."

Mr. HARRY F. BYRD, JR. I would not disagree with that at all. But I would also say that Congress and other Congresses have to be careful how they legislate demands which increase the cost of the automobile to the individual. We want our people to have automobiles.

I am not concerned about the automobile companies. I am concerned about the employees, the workers of our country who are entitled to have automobiles if they want them and not be priced out of the market by congressional action.

The PRESIDING OFFICER. The additional 10 minutes have expired.

Mr. JACKSON. I take 30 seconds on the bill just to answer.

I must say, whether it is automobiles or anything else, there needs to be a balance, that is what the Senator from Virginia, I think, is saying.

Mr. HARRY F. BYRD, JR. That is what is needed.

Mr. JACKSON. A proper balance, and I hope there will be the collective wisdom of this body that we will be able to answer that question effectively.

Mr. HARRY F. BYRD, JR. I thank the Senator from Washington.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I would like to compliment the Senator from Virginia for his dialog, and also the Senator from Washington, on the general matters of energy.

I certainly agree with the Senator from Virginia when he questions whether or not Congress has made any contribution on the supply side of energy.

I would like to point out to the Senator from Virginia and the Senator from

Washington that there is one contribution that this body has made that they did not discuss. This is the stripper well amendment which I introduced and which was modified by the Senator from Washington. This has provided a market for about 12 percent of the domestic production. It is true that the Senator from Washington had a change of heart about that amendment and later made two efforts to place it under price control.

I think in reviewing the areas of accomplishment or lack of accomplishment of the Senate, it is important to start with the Alaskan pipeline, which, in fact, was not passed by the Members of the Senate. The Members of the Senate had a tied vote. The recommendation from the Interior and Insular Affairs Committee, at least the majority of the Interior and Insular Affairs Committee, opposed it. But it did pass by a vote of the Vice President and, hence, became law.

I am talking not about the bill, itself, but about the Gravel amendment and the Stevens amendment which legislated the Alaskan pipeline. This was the key provision in the Alaskan pipeline bill. It was just on a tie vote with the Vice President breaking it that we decided to hurry up and market our own oil in the lower 48 States.

On the price on gas deregulation, in Congress in the 4 years since Senate Resolution 45 was passed, the distinguished chairman was in charge of that. I can recall at the time that Senate Resolution 45 was under debate—and which was introduced by the distinguished Senator from West Virginia (Mr. RANDOLPH)—that the distinguished Senator from Washington said one of the first areas of concern was the shortage of natural gas.

This body has not passed one piece of legislation to increase the natural gas production of this Nation in that 4-year period. I am very greatly concerned.

I believe the distinguished Senator from Virginia should be congratulated for looking at this body's lack of interest, lack of accomplishment, in our domestic energy supplies.

There is no question when the Senator from Washington is correct when he says we need to have massive increases in production and massive increases in conservation. But I would stress that massive increases in conservation have a long leadtime and are going to provide very little, if any, relief because of increased demand that takes place as we conserve more of our energy.

There have been no efforts to increase by massive steps the production rate of either oil or gas in this country. I find it very discouraging that this body is not taking the lead in providing adequate supplies for this Nation.

The distinguished Senator from Washington talked about Elk Hills and how valuable that production is. The amendment that I have before the Senate is an amendment which would require the President to first increase the Elk Hills production if he determines that it can be increased above the maximum efficient rate without damage to the reservoir, that the naval reserve production would be increased before he would call for an increase above the MER's of privately owned properties in other fields.

I think this only makes sense. I know the distinguished Senator from Washington feels that this could be accomplished without too much risk.

I will concede that it might be accomplished without damage, but I do contend that there is significant risk. The place to try it is with publicly owned production, not with private production. If the emergency is so great that we should have a risk by private owners, then certainly prior to that we should call upon the public production where all the citizens of the country can participate and share this risk.

I want to compliment the distinguished Senator from Virginia. Seldom on this floor do we have a debate about whether or not this body is properly assuming its responsibilities in the area of energy supplies. In the time I have been here I have found a great desire for this body to take no action. The Senate seems to like to investigate the oil industry. It seems to like to blame the oil industry for the problems. It seems to be interested in reducing the demand. And then in this bill, which is not a part of this amendment, in section 123, there is a limitation on raising or removing petroleum price controls.

The increase that we are enjoying domestically in our offshore and onshore production areas comes about because of the price of new oil being decontrolled, not being under control. This is providing an incentive in Alaska and in various parts of the United States for increased production efforts. The number of rigs active today is up some 65 percent over 1971, which I think speaks well of the program we have. But it is still not enough.

Mr. GRAVEL. Will the Senator yield for a question?

Mr. BARTLETT. Yes.

Mr. GRAVEL. I was surprised to hear the Senator from Washington make the statement that we were permitting the price level in this country to rise to cartel levels, and also I was impressed with the remarks of the Senator from Oklahoma with respect to what devices are used to bring about increased production.

Is there any way, short of increasing supplies, of combatting the economic hammerlock that the OPEC countries have on this country and other countries of the world? Is there any other way of doing that other than increasing production, increasing the supply of oil available to counteract those economic forces which are underpinned by the fact that they can exert this power because of the scarcity of oil?

My colleague from the State of Washington indicated that many things had been done. Does my colleague from Oklahoma know of any device where you can increase production other than by increasing the amount of oil?

Mr. BARTLETT. I agree with my distinguished friend from Alaska. It is very obvious that a price incentive is required and there needs to be sufficient capital in order to do that. Yet the number of wells drilled reflect the amount of oil found. The amount of money available to drill those wells, the capital that is generated internally, borrowed or invested externally, brings about the additional rate of drilling. So the amount of production found is in direct relationship to the amount of investment made.

I would like to emphasize one other point in commenting on the very interesting question that the distinguished Senator from Alaska has raised. The messages that have been sent to the Arab leaders have been ones that we were not really all that interested in marketing the Alaskan oil in the lower 48 States because of our dragging our heels on the Alaskan pipeline; we are not all that interested when this body and the other body votes twice by large votes to hold back the prices, when we do nothing to deregulate natural gas, when our efforts are not to bring on additional supplies, which is the only way that the cartel prices will be finally broken.

When there is an obvious consensus in this body and in the House of Representatives dedicated to sufficient energy supplies and energy sufficiency in this Nation, when we do not any longer want to be relying upon other nations for our sources of energy, when this consensus is reached is when that cartel will really start to break.

Mr. GRAVEL. With respect to the statement made by the Senator from Washington in connection with the price rollback, or in connection with an increase in taxes, which is the effect of the depletion cutback, let me pose this question: If we cut back the prices, as was attempted by Congress, and if we cut back or increase the taxes to industry, which has been determined—and I do not argue that now but it must mean that there is less capital in industry to do a certain job—and if, through the device of this legislation, a compression on the price mechanism in this area is brought about, if any capital can come forward at all, where will it come from, to pay for the cost of bidding on government bonus sales, be they in Alaska or on the Outer Continental Shelf? Where will the money come from to pay for the oil rigs? Where will the money come from to pay for the added refinery capacity, once we get back up to capacity? Where will this money come from?

Mr. BARTLETT. If this capital does develop, it will have to come from increased prices paid by the consumers, prices of the refined products. There is a chance that this money will not develop.

Mr. President, I yield to the Senator from Washington for a unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. JACKSON. Mr. President, I ask unanimous consent that there not be additional rollcall votes after 4 o'clock; that starting at 11 a.m. tomorrow, we vote on the remaining amendments that will be subject to rollcall votes.

I have cleared this request with the assistant majority leader (Mr. ROBERT C. BYRD) and with the distinguished minority member of the committee. Also, I ask that the rollcall votes come in consecutive order.

The PRESIDING OFFICER. Does the Senator mean the rollcall votes that accumulate during the course of this legislative day?

Mr. JACKSON. The rollcall votes that accumulate today and tomorrow. Those rollcall votes shall commence at 11 a.m.

Mr. GRAVEL. Mr. President, reserving the right to object—and I shall not object—I want to arrive at an understanding with the Senator from Washington.

If we do not use up all the time—for example, if we have 5 or 10 minutes remaining between rollcall votes—could we have a wrap-up, with 5 minutes on each side?

Mr. JACKSON. I can modify the request and ask that we have 1 minute to a side between each vote.

Mr. GRAVEL. Will the Senator make that 5 minutes to a side? That would be a little more reasonable.

Mr. JACKSON. Why not make it 2 minutes?

Mr. GRAVEL. I would have trouble telling the time of day in this body in that period of time, much less trying to get across something more substantive.

Mr. FANNIN. Mr. President, I agree with the distinguished Senator from Washington so far as the rollcall votes are concerned. My question is, however, what time will we convene tomorrow?

Mr. JACKSON. I assume that we will convene at 10 a.m., but that is a decision for the leadership.

Mr. FANNIN. I thank the Senator; 10 a.m. would be satisfactory.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. GRAVEL. I should like to get an agreement with my colleague with respect to 5 minutes a side, which is reasonable.

Mr. JACKSON. That is going to string it out. That is 10 minutes, and each rollcall vote is 15 minutes.

Mr. GRAVEL. I think it would be reasonable to shorten the rollcall votes to 10 minutes, since the Members will be here. That would give us 10 minutes to discuss, 10 minutes to vote. We would have better attention.

Looking around the Chamber, we can realize that not all the Members will be that attuned to the proliferation of votes on the proliferation of issues. They would be getting a yes or no response from their staffs.

Mr. JACKSON. Mr. President, I modify the unanimous-consent request, first, by asking that after the first vote, the rollcall votes be on a 10-minute basis; that 5 minutes be allowed to each side. I say, for the benefit of the Senate, that I will use 1 minute, so that it really will be 6 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Addressing myself to the Senator from Washington, I hope we will be privy to greater wisdom than he can provide in 1 minute. I hope we will be privy to 5 minutes of wisdom from the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The order with respect to the unanimous-consent request has been entered.

Mr. GRAVEL. Mr. President, I ask unanimous consent that two members of my staff, William Hoffman and Nancy Leonard, be permitted the privilege of the floor during the deliberations on S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in family.

I further announce that, if present and voting the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Hawaii (Mr. FONG), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. CASE) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE) and the Senator from Ohio (Mr. TAFT) would each vote "nay."

The result was announced—yeas 21, nays 67, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—21

Baker
Bartlett
Bellmon
Curtis
Dole
Domenici
Eastland
Fannin
Goldwater
Gravel
Hansen
Helms
Hruska
Johnston
Laxalt
Long
McGee
Percy
Stevens
Thurmond
Tower

NAYS—67

Abourezk
Allen
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Eagleton
Ford
Garn
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mathias
McClellan
McClure
Mondale
Montoya
Morgan
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Scott,
William L.
Sparkman
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—11

Buckley
Case
Fong
Hartke
Inouye
Magnuson
McGovern
McIntyre
Metcalf
Stafford
Taft

So Mr. BARTLETT's amendment No. 321, as amended, was rejected.

ORDER FOR NO ROLLCALL VOTES BEFORE 11:30 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, under an order previously entered, it is agreed by the Senate that there would be no rollcall votes on tomorrow until the hour of 11 a.m. I now find that both Mr. SCHWEIKER and Mr. BAYH would miss that vote, and at their request, and in consideration of their problem, I ask unanimous consent that any rollcall votes that are ordered this afternoon and prior to the hour of 11:30 a.m. tomorrow begin at 11:30 a.m. tomorrow, instead of 11 o'clock as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL obtained the floor.

Mr. GRAVEL. Mr. President, before calling up my amendment, I yield to the Senator from Kansas.

Mr. DOLE. I thank the Senator from Alaska.

The PRESIDING OFFICER. On whose time?

Mr. DOLE. Will the Senator yield me 1 minute?

Mr. GRAVEL. I yield the Senator 1 minute.

The PRESIDING OFFICER. The Chair advises the Senators that there is no time until the amendment is called up.

AMENDMENT NO. 318

Mr. DOLE. Mr. President, I call up my amendment No. 318.

The PRESIDING OFFICER. Is it the purpose of the Senator from Kansas to call up an amendment?

Mr. DOLE. Yes.

The PRESIDING OFFICER. Will the Senator please identify his amendment?

Mr. DOLE. No. 318.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 318.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE's amendment (No. 318) is as follows:

At the appropriate place, insert the following:

SEC. . The Natural Gas Act, as amended (52 Stat. 821; 15 U.S.C. 717 et seq.), is amended by inserting immediately after section 22 the following new sections:

"SEC. 22a. Notwithstanding any other provision or law or of any natural gas allocation or curtailment plan in effect under existing law, the Federal Power Commission shall expeditiously consider and grant—

"(a) Under the provisions of this Act, applications for emergency relief to prevent interruption or curtailment of natural gas used in the production of anhydrous ammonia necessary to maintain maximum fertilizer production from existing plants, or necessary to maintain any agricultural production or operation including the production of agricultural chemicals, crop drying, dehydration, or irrigation, except to the extent that any such amounts are required to maintain natural gas service to existing residential and small commercial (less than 50 Mcf per day) users or cause significant unemployment by diversion of natural gas from other users.

"If grant or relief in the total amount requested can be effectively demonstrated to result in the inability to meet the actual requirements of residential and small commercial customers or to result in significant unemployment due to diversion of natural gas from other users, the relief shall be limited to the maximum amount available to avoid those results. The maximum relief available to any anhydrous ammonia manufacturer or agricultural user, as described in the first paragraph of this subsection, shall not exceed the existing contractural volumetric limitations with its natural gas suppliers.

"In order to qualify for relief hereunder the anhydrous ammonia manufacturer or agricultural user must demonstrate a maximum usage of all currently available alternate fuels an a continuing basis and shall immediately undertake alternate fuel conversion where technically and economically feasible. In addition, in each proceeding under this subsection, the Commission shall promptly notify the Administrator of the Federal Energy Administration of such proceeding and the Administrator shall expeditiously report to the Commission on the availability and cost of alternate fuels for industrial, agricultural, or utility use requested.

"In the event relief is not granted by State or local authority or public utility commission due to jeopardy of residential and small commercial users or for reasons of significant unemployment, under conditions expressed herein, the anhydrous ammonia manufacturer or agricultural user may request its intrastate natural gas supplier(s) to immediately petition on its behalf for extraordinary relief to the Federal Power Commission if the curtailment is attributable to one or more natural gas pipeline companies subject to the Commission's jurisdiction. The intrastate natural supplier shall immediately file such petition, accompanied by showing why additional deliveries from the interstate pipeline company are required.".

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Kansas yield to me for a unanimous-consent request?

Mr. DOLE. I yield.

ORDER FOR RECOGNITION OF SENATORS GRAVEL AND MORGAN AND DESIGNATING PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the Senator from Georgia (Mr. TALMADGE) is recognized tomorrow under the order previously entered, the Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes, that he be followed by the Senator from North Carolina (Mr. MORGAN), to be recognized for not to exceed 10 minutes, and that there then be a period for the transaction of routine morning business not to extend beyond 11:30 a.m., and that Senators may be permitted to speak for not in excess of 5 minutes during that period for the period of routine morning business.

The PRESIDING OFFICER (Mr. MATHIAS). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:15 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. DOLE. Mr. President, recognizing that this amendment might be subject to a point of order, I will discuss it briefly and then withdraw it.

While this amendment might be nongermane to the Standby Energy Authorities Act we are considering, it is very relevant to the subject of energy and our most basic industry—agriculture. This amendment has been discussed with a significant number of Senators. Most of those Senators have agreed to cosponsor it. Others have indicated their support should this provision come to a vote.

I wish to call this support to the attention of those concerned with providing natural gas for agricultural uses. While we will not vote on the issue today of giving a priority on natural gas for agricultural uses, we may vote on it next week or some time in the future. I have been advised that the Senate Commerce Committee is working on legislation that may give that priority, but that the controversy surrounding the legislation may delay passage of that bill for some time.

The junior Senator from Kansas believes that the importance of food production is such that action to provide an adequate supply of natural gas for agriculture should not be delayed.

It is my understanding that the Federal Power Commission is holding further hearings to consider the curtailment of natural gas for irrigation engines. Those hearings follow recent orders by FPC that would curtail natural gas for irrigation.

The impact of curtailing natural gas for irrigating purposes would be severe. I hope the support for this amendment today will carry a message to those policymakers in the FPC about the importance of this issue.

The President has expressed his support for providing an adequate supply of natural gas and other fuels for agriculture. I hope Congress will pass legislation soon that would permit the realization of that goal. I have introduced a bill to put a priority on natural gas for agriculture and it is my strong belief that this bill or similar legislation should be enacted.

Having said that, I withdraw the amendment.

Mr. President, I ask unanimous consent that the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. HELMS), the Senator from Nebraska (Mr. HRUSKA), the Senator from North Dakota (Mr. YOUNG), the Senator from Texas (Mr. TOWER), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors to amendment No. 318 to S. 622, a bill to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

I further ask unanimous consent that the names of Senators DOMENICI, BELLMON, PERCY, and CURTIS, who cosponsored my amendment on yesterday, be so shown in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment is withdrawn.

AMENDMENT NO. 314

Mr. GRAVEL. Mr. President, I call up my amendment No. 314.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) proposes an amendment numbered 314.

Mr. GRAVEL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL's amendment (No. 314) is as follows:

On page 97, beginning with line 4, strike out all through line 13 on page 98 and insert in lieu thereof the following:

"SEC. 122. EXPIRATION OF MANDATORY ALLOCATION PROGRAM.—Notwithstanding any other provision of this Act, or of any other law, the regulation promulgated and made effective under section 4(a) of the Emergency Petroleum Allocation Act of 1973 shall terminate August 31, 1975.".

On page 113, immediately after line 17, insert the following:

"TITLE III—EXCESSIVE PROFITS TAX

"SEC. 301. (a) Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

" 'CHAPTER 7—TAX ON EXCESSIVE FOSSIL FUEL PROFITS

" 'Sec. 1601. Imposition of tax.
" 'Sec. 1602. Credit for reinvestment in domestic areas.
" 'Sec. 1603. Excess fossil fuel profits income.
" 'Sec. 1604. Related corporation.
" 'Sec. 1605. Definitions; special rules; regulations.

" 'SEC. 1601. IMPOSITION OF TAX.

" 'There is imposed on the excess fossil fuel profits income of every corporation for any taxable year ending after December 31, 1974, and before January 1, 1980, a tax of 80 percent.

" 'Sec. 1602. Credit.

" 'General Rule.—There is allowed to each corporation liable for the tax imposed by section 1601 for the taxable year, as a credit against such tax, an amount equal to the amount of such corporation's qualified investment for the taxable year.

" '(b) Recomputation of Tax and Credit on Cumulative Basis.

" '(1) In general.—In the case of each taxable year (hereinafter in this subsection referred to as "current period") the taxpayer's liability for the tax imposed by section 1601 and his credit under this section shall be recomputed by treating the current period and all prior taxable periods as one taxable period (hereinafter in this subsection referred to as "recomputation period").

" '(2) Effect of recomputation.—If the sum of the taxpayer's net tax liability for the current period and for each prior taxable period exceeds his net tax liability for the recomputation period—

" '(A) a portion of such excess (not greater than the amount by which the tax imposed by section 1601 for the current period is greater than the credit allowable by this section for the current period) shall be applied to, and shall reduce, the amount of the tax imposed by section 1601 for the current period, and

" '(B) the remainder of such excess shall be treated as an overpayment of the tax imposed by section 1601 for the current period.

" '(3) Net tax liability defined.—For purposes of this subsection, the term "net tax liability" means, with respect to any taxable period, the excess (if any) of the amount of the tax imposed by section 1601 for such period (or, in the case of the recomputation period, would be imposed for such period) over the credit allowable by this section for such period.

" 'Sec. 1603. Excess Fossil Fuel Profits Income.

" 'For purposes of this chapter, the term "excess fossil fuel profits income" means the amount by which the fossil fuel profits income of a corporation for the taxable year exceeds the larger of—

" '(1) the average annual fossil fuel profits income of that corporation for the base period; or

" '(2) an amount equal to an annual return for that taxable year of 15 percent on capital investment by that corporation in fossil fuel industry activities.

" 'Sec. 1604. Foreign Source Income.

" 'In the application of the provisions of this chapter to any domestic corporation, fossil fuel profits income from a source without the United States shall be taken into account for the taxable year of the domestic corporation in which such profits are earned, under regulations to be prescribed by the Secretary or his delegate.

" 'Sec. 1605. Definitions; Special Rules; Regulations.

" 'Definitions.—For purposes of this chapter—

" '(1) Base period.—The term "base period" means, in the case of any corporation, the first four taxable years of that corporation beginning after December 31, 1969.

" '(2) Fossil fuel industry activity.—The term "fossil fuel industry activity" means the business of extracting, refining, transporting, distributing, manufacturing, producing, or selling gas, coal, petroleum, petroleum products, or products used in connection with the extraction, refining, transportation, distribution, manufacture, production, or sale of gas, coal, petroleum or petroleum products.

" '(3) Fossil fuel profits income.—The term "fossil fuel profit income" means the taxable income of a corporation derived from fossil fuel industry activities.

" '(4) Qualified investment.—For purposes of this chapter, any person's qualified investment for any taxable period is the amount paid or incurred by such person during such taxable period (with respect to areas within the United States or a possession of the United States) for—

" '(A) intangible drilling and development costs, or geological and geophysical costs of oil and gas wells and geothermal deposits or wells,

" '(B) the construction, reconstruction, erection, or acquisition of the following items but only if the original use of such items begins with such person:

" '(i) depreciable assets used for—

" '(I) the exploration for or the development or production of coal, oil, or gas (including development or production from oil shale),

" '(II) converting oil shale, coal, or liquid hydrocarbons into oil or gas, or

" '(III) refining oil or gas (but not beyond the primary product stage),

" '(ii) pipelines for gathering, transmitting, or distributing oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines,

" '(C) secondary or tertiary recovery of oil and gas,

" '(D) the acquisition of oil and gas leases (other than offshore oil and gas leases), but the aggregate amount which may be taken into account under this subparagraph for any taxable period shall not exceed one-third of the aggregate of the amounts which may be taken into account by the taxpayer under subparagraphs (A), (B), and (C) for such period, and

" '(E) the discovery, development, or utilization of any other energy source (including amounts paid or incurred for the acquisition of depreciable assets and for the construction, reconstruction, or erection of facilities in connection therewith).

" '(b) Special Rules.—

" '(1) Return on capital.—

" '(A) In general.—For purposes of section 160, return on capital investment shall be determined by computing a corporation's fossil fuel profits income for the taxable year as a percentage of the amount of its capital investment in fossil fuel industry activities during the taxable year.

" '(B) Exclusions.—In computing return on capital investment there shall be excluded from—

" '(i) the excess of any amount allowed as a deduction under section 613 (relating to percentage depletion) over the amount allowable under section 611 for cost depletion;

" '(ii) any amounts allowed as a deduction in accordance with the provisions of section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells) in connection with any oil or gas well which is commercially productive under regulations prescribed by the Secretary or his delegate; and

" '(iii) with respect to each item of section 1250 property (as defined in section 1250(c)), the amount by which the deduction allowable for the taxable year for exhaustion, wear and tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life (determined without regard to section 167(k)) for which the taxpayer has held the property.

" '(2) Changes in corporation structure, volume of business, etc.—In the application of the provisions of this chapter—

" '(A) income, expenditures, gains, and losses not related to fossil fuel industry activities shall be disregarded; and

" '(B) under regulations prescribed by the Secretary or his delegate, the average annual fossil fuel profits income for the base period shall be adjusted to take into account changes in corporate structure, mergers, volume of products handled, changes in product line and other matters in such a manner as necessary, to reflect equitably that part of the fossil fuel profits income for the taxable year which is subject to treatment as excess profits from fossil fuel industry activities as compared to the profits from those activities during the base period.

" '(c) Members of Affiliated Group.—If two or more corporations are members of an affiliated group making a consolidated return with respect to the tax imposed by chapter 1 for a taxable year or years which include any entire taxable period, such corporations shall be treated as one person for purposes of the tax imposed by section 1601 for such taxable period and for purposes of the credit against such tax allowable under section 1602.

" '(d) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.'.

"(b) Section 11 of the Internal Revenue Code of 1954 (relating to tax on corporations) is amended by adding at the end thereof the following new subsection:

" '(g) Tax Not To Apply to Excess Fossil Fuel Profits Income.—The provisions of this section apply only to so much of the taxable income of a corporation for the taxable year which is excess fossil fuel profits income (as defined in section 1603) of that corporation for that taxable year as equals the amount of the credit claimed under section 1602 by that corporation for the taxable year.'.

"(c) Technical Amendments.—

"(1) Section 12 of such Code (relating to cross references relating to tax on corporations) is amended by adding at the end thereof the following new paragraph:

" '(9) For tax on excess fossil fuel profits income, see chapter 7.'.

"(2) Section 21 of such Code (relating to effect of changes is amended by adding at the end thereof the following new subsection:

" '(f) Changes Made by the Tax Reduction Act of 1975.—In applying subsection (a) for the taxable year of a corporation which is not a calendar year, the tax imposed under section 1601 shall be treated as a change in a rate of tax.'.

"(3) The table of chapters for subtitle A of such Code is amended by adding at the end thereof the following item:

" 'Chapter 7. Tax on excessive fossil fuel profits.'.

"(d) The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than 90 days after the date of the enactment of this title, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this title.

"(e) The amendments made by this title apply with respect to taxable years ending after December 31, 1974.".

Mr. GRAVEL. Mr. President, I can explain very briefly what this amendment does.

One, on page 97 of the bill it repeals section 122, the extension of the mandatory allocation program; and, two, section 123, limitations on raising or removing petroleum price controls.

The point I wish to make, and I address it to the floor manager on this matter, the Senator from Arkansas, is, very simply, the committee has not made a case as to why there should be an extension of the mandatory allocation program. We have already voted one extension. The time used during that period for that extension has not been used to address itself to the issues in question. In fact, the committee hurriedly put together a 1-day hearing, and hurriedly brought this legislation to the floor with a simple plea to "let us have another extension," and I would commend to my colleagues the reading of the minority report from the committee. I think it makes the case very well as to why there is no particular reason for continuing the mandatory allocation program.

The question that I would ask my colleague, who is managing the bill at this time, is why, when we have a situation of abundance of oil—and I say abundance of oil because today we have over a 30-day supply in the United States of America—why we have to have an allocation program. What is served by an allocation program when we have oil? Can we not trust the private sector of our society with the necessary mechanisms to apportion the benefits and increments or nonincrements that would take place? Why should we have the control by Government of this sector?

Mr. BUMPERS. Mr. President, I say to my distinguished colleague from Alaska that, one, the Mandatory Allocations Act also has within it the price control section on oil, and to delay or to strike section 122 from the bill, which would do away with the mandatory allocation provision, would also do away with the price control on oil.

Second, there are even at this time some small marketers and small distributors in this country who are operating under the mandatory allocation program who might not be able to get products unless some majors or some less than majors were required to supply them with oil and petroleum products.

Mr. GRAVEL. Mr. President, I would ask unanimous consent, so that the time is properly divided, that my questions be charged to my time, and that the time for responding to the questions be charged to the time of the Senator from Arkansas rather than to me.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. BUMPERS. Mr. President, will the Senator please state his request again? I am not sure I understood it.

Mr. GRAVEL. When the Senator is responding to my questions, the time would be charged to his time. If my colleague—and I am sure my colleague does not engage in that practice—would be extremely verbose, he would use up all of my time, and I would have precious little time for my argument.

Mr. BUMPERS. I most respectfully decline and object to the request.

The PRESIDING OFFICER. Objection is heard.

Mr. BUMPERS. I will make my answers as short as possible.

Mr. GRAVEL. I was asking the same question, and I would be glad to respond on my time, but I will be happy to honor the request of the Senator from Arkansas.

Since the Senator from Arkansas is prepared to protect, I understand, hogs, since that is a very important industry in Arkansas, what would be the situation of the small meatpackers who cannot buy the proper quantity of hogs so that they can stay in business? Would my colleague be willing to institute price controls or mechanism controls or allocation of the hogs that are produced in Arkansas so that we can guarantee that all of these small meatpackers in the country could be similarly protected as are all the small oil jobbers in the country? Would that not be a similar request?

Mr. BUMPERS. I would say if the Arabs were holding 40 percent of all the hogs consumed in the United States that that might be a fair request. But, unfortunately or fortunately in the United States, they do not and, therefore, we do not have the three-tier pricing system for hogs as we have for oil, and I think that is the way it ought to be, and the way it will be, until some unfortunate and unhappy day in the future.

Mr. GRAVEL. I would ask my colleague to elaborate on the logic of the fact if the Arabs controlled the hogs. I do know the Arabs control the oil, and they set the price of oil in the Persian Gulf for the world. They do it through their own devices. They just arbitrarily say that the price is going to be $10 or $12, and so they set the price.

What would be the benefit of controlling the price at an artificially lower level? If they control it, suppose they controlled 40 percent of the hogs, what would be the benefit of then keeping artificially low the price of hogs in the State of Arkansas when we have no control over what will be the price of hogs in the international market?

Mr. BUMPERS. Mr. President, the American society has been built on concepts of equality. We like to think even now this is an egalitarian society, and there are certain rights of the consumers which Congress, and the executive branch as well, have always considered paramount, and if we are going to maintain the egalitarian ethics of this Nation it simply means that we must, because of the oligopoly that exists in the oil industry, and because of the fact that the Arab nations control such an inordinate amount of the petroleum of the world, I think it is necessary that we maintain this pricing system in order to protect the consumer.

Finally, if we look at the profits of the major oil companies, and even some of the minor oil companies, over the last 2 years, I would have to disagree with the Senator from Alaska's statement that the pricing structure of the domestic oil is unfair. If it is unfair to anybody, it is unfair to the consumer, not to the producers.

Mr. GRAVEL. First, let me say my colleague did not answer the question; second, if he does want to get into a dialog on profits of the oil companies, I would be happy to call in the chart that I used in the debate on the Tax Reduction Act and, of course, the whole profitability scale that was published for 850 companies by Forbes magazine. Perhaps my colleague could bring forth some proof as to the exorbitant profits he speaks of.

But, prior to engaging in that dialog, I would like to seek an answer to the question I posed, which is that the Arabs now hypothetically control 40 percent of the world hog market. They can now pay more since they can capriciously set the price of hogs.

Supposing they set the price of hogs at $10 a pound. That is what they are going to sell hogs at. That means they will now sell in the world marketplace hogs at $10 a pound.

Supposing it used to cost to produce the hog probably a dollar's worth of maize per pound, and so now the Arabs are selling hogs at $9 more than they used to, and they now can bid $5 for what they are going to feed the hogs.

How can my colleague then permit the price to be depressed in Arkansas of what hogs will sell for? Where can these people go to buy the feed in a competitive situation to feed the hogs so they can sell the hogs? What would happen?

Mr. BAYH. Mr. President, will the Senator from Alaska yield?

Mr. GRAVEL. I would like my colleague to answer the question and perhaps the Senator from Indiana, whom I see rising with great glee, can answer it.

Mr. BUMPERS. The Senator from Indiana can obviously talk about hogs and oil at the same time. I have great difficulty straightening out the two in my mind, so I yield to the Senator from Indiana to make a response.

Mr. BAYH. I would like to ask the distinguished floor manager a question.

Mr. GRAVEL. Could my colleague's time be charged to their time since they now have a colloquy?

The PRESIDING OFFICER. The Senator from Arkansas has yielded to the Senator from Indiana.

Mr. GRAVEL. On his time.

Mr. BUMPERS. For purposes of answering the question.

Mr. BAYH. I have been coming here all day now voting on an energy bill and, as a farm boy from Indiana, can the Senator tell me how we got into the hog business?

Mr. GRAVEL. Very simply, because I think it covers hogs and sheep, covers cattle. That is economics, and that is what covers hogs. So what we are talking about in this legislation is to regulate oil, but you do not want to regulate hogs, you do not want to regulate sheep, you do not want to regulate cattle, you do not want to regulate milk for obvious reasons. It does not work, and so I am seeking to make the case that this legislation has not worked and will not work in the future, and so I am addressing simple economics.

Mr. BAYH. I would just say to my friend from Alaska, without proceeding at any great length, because this is being very ably handled by my distinguished colleague from Arkansas, that when the time comes when a handful of nations, relatively unpopulated nations, has the kind of stranglehold on the hogs, beef, butter, and milk that now exists in the petroleum market, then I think Congress and the country will demand the kind of sensible controls that are contained in this bill. I say that to my friend in all sincerity.

Mr. GRAVEL. Well, if I might address myself to my colleague from Indiana, why is it in this legislation we seek to do what we have already discarded nationally?

We set up wage and price controls and standby controls in 1970. They were implemented in 1971. We recognize it did not work and that it could not pass in this body today. But we still want this bankrupt policy to be foisted upon the energy industry, which is the touchstone of our entire society.

I do not understand that. So I am using the example of hogs. I will do it with chickens.

The Government tried to regulate the price of chickens. So they could not regulate the price of feeds so the farmers drowned the chickens because it cost more to feed the chickens than one could sell the chickens for.

Mr. BAYH. If I may say to my friend from Alaska——

Mr. GRAVEL. The same with oil.

Mr. BAYH. If the Senator would allow, I got into this more in jest than seriousness trying to get us back on the mark here, but I have——

Mr. GRAVEL. The mark is economics, whether hogs, poultry, or oil. It is economics.

Mr. BAYH. And the reason the farmers were killing the chickens is that they were not making any money.

I say the oil company executives are crying all the way to the bank.

Mr. GRAVEL. I put forth the challenge: Will anybody come up with any proof that these profits are there? I had adequate proof from two Finance Committee studies, from Forbes magazine of 800 companies. My colleague was here and he recalls very well the night we labored until 2 o'clock. We pointed out that the company that leads the Nation in profits is the company in Indiana. It is a company that makes mobile homes which exports them to Alaska.

So I can only say that what must be sauce for the goose is sauce for the gander. All I am saying is, why control the price mechanism to deny the capital acquisitions in this vital industry? Why do that, when obviously we know it is a bankrupt policy?

Mr. BAYH. It may be a bankrupt policy, but the oil companies are not bankrupt, and they are not even close to becoming bankrupt.

But for 30 seconds I looked at that chart. I was glad to see, according to the figures of my friend from Alaska, Skyline at the top of the list. But unfortunately, of the rest of it, the Senate looked at it, and it concluded differently as to where the oil companies should properly be placed on that chart.

I think we need a strong oil industry. They need to make money——

Mr. GRAVEL. Well, now——

Mr. BAYH. Let me finish and I will be——

Mr. GRAVEL. But this is so vital, I want to say to my colleague from Indiana, this is so vital, and it is a great embarrassment to us all.

That is exactly what did happen that fateful night. They looked at a chart of facts and they did not want to see them, and there was no alternate information put forward.

I hold it in my hand; 850 companies that are rated by Forbes magazine. Now, this information is backed up by Chase Manhattan, First National City, by two studies we had from the Finance Committee.

That is sometimes the problem with the Senate when you give it some facts. It does not evaluate them independently. And my colleague is merely confirming that. He saw those facts, had no alternative facts, but still voted, unfortunately in error, and that grieves me greatly, because my colleague knows how desirous I am of seeing him vote the proper way on these important issues.

Mr. BAYH. The last thing I would want to do is to know the kind of grief my friend from Alaska had because of the transgression of his friend from Indiana. But I must say that I think I may have been guilty on occasion in about 12 or 13 years in this body of making the same consideration of right and wrong my friend from Alaska is; that it is right if I believe it and the Senate is wrong if the Senate does not see the merit to my wisdom.

Mr. GRAVEL. My colleague is not being fair. I am talking about justice. I would be prepared to change my mind if my colleague brought forth facts. Not as the Senator from Washington did that night. He had a mere scrap of paper and he somewhat distorted my amendment. That was all the evidence he brought to this body of the excessive profit charges of the oil industry. I brought forth two studies of the Finance Committee backed up by the investigation of the Treasury Department on what they actually paid.

This is what this is, and my colleague says they are not the facts. All I say is, "Come forward with your proof." That is all. Just come forward with facts.

Mr. BAYH. I say to my friend from Alaska, I have been confronted over the last 2 years, since this present situation arose, and I do not see how the Senator can refute the argument that the oil companies have had it pretty darn well. They are pretty well off. The way in which the oil prices have been handled by a cartel are more responsible than anything else for the kind of inflation we have experienced, and as a result of that we had a bankrupt policy which led to recession.

Yet the Senator tries to suggest we ought to deal with the oil companies in an entirely different way than this bill. I think this bill is an equitable——

Mr. GRAVEL. The oil industry, like the mobile home industry in the Senator's State, and the hog industry in the State of my colleague from Arkansas——

Mr. BAYH. How can the Senator suggest—I do not know of any foreign nations—are there foreign nations that have a stranglehold on the market on mobile homes or hogs?

We cannot just look at the oil industry and compare that with free enterprise in this country, because the free enterprise is pretty well gone out of the petroleum industry.

Mr. BUMPERS. I would like to say as a sequel to what the Senator from Indiana just said, it has gone out ever since the Arab oil embargo.

I would like to ask this question of the Senator from Arkansas. First, I think we could both agree that that part of the domestic production of oil in this country which is decontrolled carries the same price as the OPEC price and I think it would be reasonable to conclude if the Arab nations tomorrow should increase the price of oil from $11 a barrel to $20 a barrel, the American producers who have unregulated, decontrolled oil, would raise their prices to $15 or $20, with no justification whatever as to what it cost them to produce the oil.

I would ask the Senator from Alaska if he would impose that sort of burden on the consumers of this country?

Mr. GRAVEL. I would have no choice for the simple fact—and I respond, Mr. President, on the time of my colleague from Arkansas—I would have no choice for the simple fact that we are talking about economics.

I am a person who has equal sensitivity to any other Member of the Senate for the consumer, and I think I can show a voting record in that regard. I would love to be able to tell Mr. Consumer America, "I have shielded you from this price mechanism."

But do we know something? The only way I can show him that is not to faultily alter the laws of economics, but to permit the American economy to bring about necessary production so that we are dependent upon ourselves and not upon the Arabs.

The only way to check the cartel is with oil. We cannot with laws, because the only way we can do that is if we had an international lawmaking community that could enforce it. But we know we have no impact on what they do in Saudi Arabia, other than the money and troops. Since we have no impact, there is only one thing we can do. What do we do for ourselves? The only thing is to bring about more oil and gas and the only way to do that is with money. There is no magic to pass laws, but bring it about with money, and this comes from two sources: price or taxes. It is simply that fundamental.

I will tell my colleague and my colleague from Indiana that the price rises that have taken place since 1971 in the United States of America have not been occasioned by the Arabs. It has been occasioned by the FEA. It is the Government, the Wage and Price Council, that brought about the price increases.

The ultimate argument there is, obviously, we sold out to the oil companies.

Mr. BAYH. No, no, no. Not from the Senator from Indiana. The Senator from Alaska would never sell out to the oil companies. But I do not know what he has been reading as far as what has been happening with the OPEC companies matter.

Mr. GRAVEL. Those OPEC companies are not in existence.

Mr. BAYH. Well, they are the ones setting the price of oil, not by FEA.

I apologize, Mr. President.

Mr. GRAVEL. The problem of the corporations, OPEC countries, is very sophisticated and would take a good deal more time than presently given me to elaborate, but I would provide my colleague with a reading in the London Economist where it is explained that it really was not a ripoff. But that does not go to the point and I want to stay on target.

It is very simple, the problem of economics.

In responding to the question of my colleague from Arkansas, the answer is a very simple one. That is that there is no way to condition the consumer; there is no way we can, under law, condition the consumer to the problem. We can hide from the problem. We can postpone the problem, which is what we do. But sooner or later we have to face up to what it costs to produce oil. They set that standard.

It is interesting that right now in Louisiana, if I might inform my colleague, the costs have ranged in relationship to inflation. Where it used to cost $1 or $2 or $3 to produce and bring oil to market, it now costs $4 just to pay for the cost of exploration. So when they talk in terms of rollback, all they are doing is pushing to further foreign dependency.

When my colleague emotes over the problem of what do we do for the consumer, let me tell you that what we do for the consumer. When we artificially depress price we stop money from going into the area to produce more oil and gas which would then depress prices through abundancy, which will then help the consumer. But when we just artificially say, "Let us protect the consumer," we have the situation that exists in natural gas.

Mr. President, I do not know if that answers the question of my colleague from Arkansas. I think he has a schedule he must keep. Perhaps my colleague from Ohio or my colleague from Indiana has something else to say.

How much time do I have remaining and how much time do the opponents have remaining, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has 18 minutes remaining on his amendment, and the Senator from Arkansas has 20 minutes remaining.

Mr. GRAVEL. Mr. President——

Mr. BAYH. Mr. President, might I ask the distinguished Senator from Ohio to yield for a couple of minutes?

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield whatever time the Senator requires.

Mr. BAYH. I would just have to say, not argumentatively, and I am sure the Senator from Alaska is sincere in his assessment of the situation, it is almost unbelievable. I came into the Chamber listening to my colleagues who had been dealing with this, thinking we were worried about energy, and here I find out we are talking about hogs. Anybody who believes that we really have the same problem as far as the hog market is concerned nationally as we do in the production of petroleum products has been in a different country than I have been in for the last several months and a couple of years.

My disbelief is compounded by listening to my very good friend, my distinguished colleague from Alaska, tell us that the FEA is the one responsible for increasing oil prices.

Anybody who looks at what the price level set by FEA is and compares that with what the price is as set by OPEC has to come to the conclusion that FEA is a piker. I wish FEA would roll it back a dollar. That last dollar FEA told us last fall was not merited by increased costs.

I must say I do not know how my good friend from Alaska comes to the conclusion that FEA is the problem.

If we want to look at the reason for increased cost of exploration, go back and we find that one of the major ingredients for the cost of everything right now is the ripple effect resulting from the increased cost of energy. The tires on those trucks that go out and drill those holes are made out of petroleum products. Even the clothes worn on the backs of some of the people who are doing the drilling are probably made out of synthetic fibers. The soles on their shoes are made out of synthetic petroleum products. That is directly the result of what has happened to the cost of oil. The biggest increment of that increased cost has come from the cartel. I do not think the Senator from Alaska likes what the cartel is doing.

I think he is filled with compassion for the consumers of Alaska and the consumers of Indiana and the consumers of Ohio. But I must say, although he is filled with compassion, that is not going to help solve the problem. Unless we are willing to stand up and say to those countries that are doing it to the rest of the countries, we are really not going to come to grips with it. I say that with all respect to my friend. I can have great compassion and love for him, but I cannot say that his figures add up to a 2-plus-2-equals-4 solution. I regret I cannot, but I really cannot.

Mr. GRAVEL. I think the wisdom and knowledge of my friend from Indiana will be of value to this body. I will try one more time to explain the dynamics of what happens economically. I think I might best cite the point of chickens, since my colleague is more familiar with chickens than hogs. In the situation with chickens, as my colleague stated, the reason they killed the chickens was because they could not make any money. That is simple. That is economics. You have a product as these farmers did, little chicks, and some lived in Indiana. The Government said, "You can only sell your chickens for a set price," and they said, "Fine." They went back to buy the feed to feed the chickens. The Government did not regulate the feed. So the feed went up as a result of the inflation that was besetting this country, in much the same way steel, paper, and rubber have risen; in much the same way all things have risen to contribute to the cost of drilling and developing oil production.

But be that as it may, the farmer buys his feed for 1 month, feeds his chickens, starts to figure out his profits and says, "Hey, when this thing is all done 4 months from now and I sell those chickens at this price, I will be bankrupt. I will have a net loss." What is he going to do?

"Do I intelligently take my losses right now and kill the chicks or do I let the Government force me into taking a bigger loss?"

Obviously, what he does is drown the chickens. Fortunately, because of our communications system, we are able to have television cameras seeing this ridiculous situation occur.

Why was it ridiculous? Because people were hungry and we were killing chickens. Why was that happening? Because of the fickleness and capriciousness of public policy.

Now we see the same thing happening with oil. We have a situation where we have compressed the price of oil. I think the best example was when the Senator from Washington said, "Wasn't it a great thing we did in the Congress when we were trying to roll back the price of oil to $5.25 a barrel when OPEC is selling it for $12 a barrel?" We can go out and make a speech to our constituents and say, "Am I not a hero? I just passed a law saving you $6.75 a barrel. Am I not a hero?"

[Applause.]

But in point of fact, how can anybody do that in this body? It is ridiculous. You cannot roll back the price of anything.

Here is what would have happened. Suppose my colleague has $1 million and I have $1 million and we decide to take our $2 million and invest it and drill for oil. Where do you think my colleague from Indiana and I are going to drill for oil? Do you think we are going to drill for oil in the United States where, if you find oil, you have to sell it for $5.25 a barrel? Or do you think we will go to Indonesia, to the North Sea, or some Arab country and drill the hole there because if we find oil there we can turn around and sell it to the people of Indiana for $12 a barrel?

That is what is happening. You can pass all the laws you want in this body, but there is nobody who will be able to stop the Arabs from selling oil to the American people at $14 a barrel, which they are doing today. Pass all the laws you want. What you are saying is we are going to pass a law to stop the American producer from selling to the American people, taking the money and reinvesting it. My amendment with the excess profits tax requires forced feeding of the energy industry so that all the money—all the money—goes to the expansion of the energy industry, thereby providing more abundant product and also containing the economic seeds to depress the price of oil to the American people, to the consumer. There is only one way we are going to help the consumer. Not by apportioning the scarcity but by providing the tools to increase the quantity so that the market forces can come into play.

I have tried again with my colleague from Indiana. I hope it has had some effect on his substantial intellect. I would be happy to respond to further questions.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield, on the time of the Senator from Indiana.

Mr. BAYH. Mr. President, I did not ask the Senator from Alaska a question. I hope that the time for this very interesting discourse will come out of his time, because I want to respond.

Mr. GRAVEL. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Does the distinguished Senator wish to have the yeas and nays on his amendment? We have enough Senators now to order them.

Mr. GRAVEL. I ask for the yeas and nays.

Mr. ROBERT C. BYRD. This is with the understanding that the rollcall vote will not occur until tomorrow at 11:30 a.m.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAYH. Will the Senator from Ohio be benevolent to the Senator from Indiana and permit me to have a little more time?

Mr. GLENN. I yielded as much time as was necessary.

Mr. President, what is the time situation?

The **PRESIDING OFFICER.** The Senator from Ohio has 12 minutes remaining.

Mr. BAYH. I understand that we have some time on the bill, so it is not really a crisis. I do not want to take time from the members of the committee.

Mr. GRAVEL. I think it would be important to yield to the Senator from Indiana, to give him the necessary time to debate this issue.

Mr. GLENN. I yield whatever time is necessary.

Mr. BAYH. Mr. President, I am impressed with the sincerity of the Senator from Alaska, but in listening to him, it is obviously that he has not grown very many chickens.

Mr. GRAVEL. I have not drowned any, either.

Mr. BAYH. That is because the Senator has not been familiar with the real problems that he expresses very adequately and accurately, except that he left out one factor, and that is that in the chicken business, you have free enterprise; you have competition among chicken producers.

Basically, what determines the price of chickens today on the free market is cost and competition. You do not have very much of either of those factors in the petroleum industry right now. I regret it.

Mr. GRAVEL. Can my colleague substantiate that?

Mr. BAYH. If the Senator from Alaska has not been following the way the OPEC nations are setting prices, then I do not think the Senator from Indiana ever can get through to him, so far as substantiation is concerned.

Mr. GRAVEL. I should like to add one point: How can we legislate on OPEC? If OPEC is the problem, let us talk about foreign policy. We are legislating here domestically, not on OPEC.

Mr. BAYH. If the Senator from Alaska will permit me to continue, I will try to deal with both of those aspects.

First of all, the basic problem with price right now is that at $11 or $12 or whatever the latest market price is that is set by the OPEC nations, that is where the biggest price increases come.

I think the Senator from Arkansas had an excellent point, which certainly was not denied by the distinguished Senator from Alaska, when he said, "Why should we establish a domestic policy which permits oil which is now being produced domestically and sold to the consumer at $5.25 a barrel—why should we take that ceiling off and let the price go to the price it is being assessed to the consuming public by the Arab nations?" If we take the control price off domestic consumption, the domestic price is going to go up to the international price. We cannot control OPEC, but we can control the 60 percent of oil being produced domestically, and I think we would be irresponsible if we did not do it.

Mr. GRAVEL. I think the Senator has put the fundamentals where they are, and that is that we can legislate the price of oil in this country. We cannot legislate what OPEC does. When you legislate the price of oil below what the market is, you chase capital away from that industry. When you do that, there is no money to drill; there is no money to find oil. What you do is decrease the domestic pool, the amount of oil you will have, which puts you in a worse position with respect to OPEC.

The only way to fight OPEC is to find more oil, to develop more oil and gas, so that we are self-sufficient. My colleague, with his logic—which unfortunately seems to be the majority logic in this body—insists on making OPEC more powerful than it actually is.

Mr. BAYH. I respectfully say to the Senator from Alaska that I do not see how one can reasonably reach that conclusion. The FEA, in establishing the ceiling, takes into consideration what is profitable. This was the difference. This is the unfortunate lack of comparison—or perhaps I should say fortunate lack of comparison—that existed between the chicken question and the oil question.

Right now, one cannot say that the oil companies are bleeding at $5.25 a barrel. One might say that they should make $11, $12, $13, or $14. If I were an oil company president, I would be pushing to try to get that done, too. But I could not honestly say that I was not making a profit at $5.25 a barrel. I might be able to look at a chart and say that I am not making quite as much as the corporate director of Standard of Indiana is making in profit on petroleum as I would be if I were making mobile homes at Skyline. They are making money.

The General Accounting Office told us last fall that when we gave them that extra dollar from $4.25 to $5.25, that increase was not merited by increased costs.

Mr. GRAVEL. My amendment contains an excessive profits tax provision, so that there is no way that the profits of oil companies can be increased through this device. There is an excess profits tax to guard against what the Senator thinks would happen.

Mr. BAYH. If the Senator from Alaska has studied the past experiences we have had with excess profits tax, he knows that is better than nothing. There are 19 ways to skin a cat, to get around excess profits. Take 30 days vacation and assess it as part of the expense of doing business. There are all sorts of ways to pad expenses that, in the final analysis, increase the cost to the consumer.

Mr. GRAVEL. Is the Senator saying that the oil industry is the only industry that pads 30-day vacations?

Mr. BAYH. No.

Mr. GRAVEL. Does the Senator say that the mobile home industry is virtue personified?

What really is the case, is that this industry is no different from any other industry—it has its good and its bad. If we could only raise our heads above this bias and look at the economics of the situation. I do not like to be cast as a defender of industry. I have no stake in this. All I understand is simple economics. If you want to get something, you have to pay for it. When you think you can kid the American people that they are going to get something without paying for it, you are charting a road to disaster.

Mr. BAYH. I know that the Senator does not interpret what the Senator from Indiana is saying in disagreement as impugning his motives or that he takes his position on anything but a basic, equitable position.

I feel that the simple economics he is using is simple in another way. I do not believe it is 2-plus-2-equals-4 economics. There is one difference between the oil industry right now and other industries, and it is a fact, and it is that the major problem is caused by the cartel which is operating effectively in the petroleum business. It is not operating in the chicken business. It is not operating in the mobile home business. It is not operating in the dairy business. It is not operating in all the other industries that the Senator from Alaska has tried to compare.

None of us wants to fix prices. The reason we are doing it with petroleum is that petroleum prices are being fixed by a few small nations. Competition is not working, and we do not have free enterprise. We do not have oil established as we have the price of chickens established.

Mr. GRAVEL. I would like to add to the wisdom of the body in this regard by stating that there persists a mistaken insistence that we are going to do something to OPEC with this legislation. I have read this bill. I do not see anything here about OPEC.

We are all talking about OPEC; we are going to do something to the Arabs. To the best of my knowledge, we cannot pass laws to do anything to the Arabs, so pass all the laws you want. The only people you are going to punish are the industry and the American people. That is simple. It is not complicated.

People can rant and rave about how the Arabs are gouging us, and I agree. If I do not want to be gouged by the Arabs, then I hope I have my own oil and gas to use.

What we are doing is passing legislation to not provide the American people with oil and gas. We are passing legislation that will cause us to have to buy more OPEC oil. That is what we are passing.

Mr. BAYH. Let me say to my friend from Alaska that I wish it were possible for us to legislate to get at OPEC. Oh, Lord, how I wish it were possible. It is not. But I do not see how we can realistically assess the total international petroleum supply-demand price situation as we would like to, or how we can compare that to chickens or other commodities that my friend from Alaska has alluded to, without recognizing the fact that what OPEC is doing is having a tremendous impact on the total demand-supply price picture, internationally as well as nationally.

I say to my friend from Alaska that I think the one thing that Congress has done that is going to have a more significant impact on determining where these oil companies are going to explore and develop resources is what we did in that tax bill.

I say, looking at the facts and figures, if I were the corporate president of a major international oil company—and I do not think these people are scoundrels. I think they have a responsibility to their stockholders to try to make as much money as they can. It is our responsibility, those of us who are responsible to a broader constituency, to try to keep them from doing that, if, indeed, it has to be done at the expense of the consumer.

Last year, or the first part of this year, if I were a corporate president of an oil company, because of the various tax mechanisms that existed, I would have had a much greater incentive to develop a field in Algeria. Standard of Indiana, for example, last fall, entered into a $30-some million contract with the Algerian Government, and kept 49 percent of it because of the royalty situation, and because of the depletion situation. That was the major reason they were developing oil in foreign countries and were not doing it here at home, because they had a bigger tax break abroad than they had here at home. I think now we have dealt with that and I think we are going to see this greater development and exploration take place right here at home that we would like to have.

I salute my colleague for having that excess profits tax in there. I commend him for that. But I think that violates one of the old geometric axioms, that the shortest distance between two points is a straight line. It does not make much sense to me that we ought to let oil prices go up to $12 or $13 or $14 a barrel and then take it away from the oil companies in order to keep the oil company profits from being unconscionable, because in the meantime, the consumers are paying $12 or $14 a barrel, or whatever it might be. I do not see how we can assess that kind of cost to the consumer.

The Senator from Alaska has not suggested that the price of oil is not going to rise.

Mr. GRAVEL. There is no question that it will.

Mr. BAYH. And who is going to pay the higher price?

Mr. GRAVEL. Obviously, the consumers.

Mr. BAYH. So the only thing we are going to get is additional tax to the consumer.

Mr. GRAVEL. Oh, no, we are going to get more oil.

Mr. BAYH. Two and a half times the price is going to be paid for that percentage of domestic production now being controlled at $5.25. I do not think we are going to get that much increase of oil discovery and production, I say, with all due respect, to my colleague from Alaska. The consumers are going to pay through the nose for that oil.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alaska has 10 minutes remaining.

Mr. GRAVEL. I ask that I be notified when I have 5 minutes remaining.

Addressing the Senator from Indiana, the facts are that the price of oil has been increasing. I do not know how to reverse that tide except to get more money into the hands of the domestic oil companies so they can produce more.

I do want to dispel one view my colleague from Indiana and other colleagues may have. There are oil companies that are for this legislation. There are oil companies that have already had themselves gutted and do not want to compete. When they see the Government doing something favorable, then, of course, they want to get at the public trough. I say there are oil companies, majors, that want to see this legislation passed. That may come as a revelation to my colleague from Indiana and to other colleagues, but they do.

The oil industry is really divided on this issue. The majority, who still believe in free enterprise, are willing to take their risks with that system. But unfortunately some of them have already been spoon fed and it is just the beginning of the annihilation of the last vestiges of the free enterprise system.

Again, the facts are clear. I cite the facts from the Department of Commerce. The amount of crude oil that is being imported into the United States, from 1972, has increased from 2.217 million barrels per day to, now, 3.85 million. Unless we can provide the capital to reverse that situation, we are going to have what has occurred in other areas of our economy when we have recognized a disaster—a flight of capital. Unfortunately, the sentiment of Congress at this point in time is an excess amount of emotion for the consumer, sincerely felt, but unfortunately, illogically developed to its conclusion. There is only one way to provide cheaper oil for the American people, and that is for the United States of America to produce more oil.

My colleague cites that we did the right thing by cutting out depletion and other things. That may very well be. But the actual fact of what happened—and I can show him in charts—is that when we had the depletion cut in 1969, there was a decrease in the search for oil and gas. Obviously, as a result of our action three weeks ago, there will be another decline in the search for oil and gas in this country, which means that we will have to import more oil, oil that is $14 a barrel. If we were to permit the free market forces to work, oil would rise to $12 a barrel.

Under my proposal, with the excess profits tax, that money would be guaranteed to go into expansion of the industry. There would be increased exploration for oil and gas. More oil and gas would come back to the marketplace, resulting in fewer purchases abroad. This would make oil and gas cheaper to the American people.

I find it very difficult to understand why this is so difficult to perceive.

My colleague from Indiana, in his debate with me, states that the oil companies are making exorbitant profits and we should not have bleeding hearts for them. But when we look at the faces, we see the oil companies are no different from any other American industry.

When we look at the legislation we are passing, especially section 123, it is ironic. What we are saying is that we will not permit the President of the United States to use his best judgment to cut off controls when he thinks it is right. My colleague from Indiana was here in 1970, when this body passed the standby wage and price controls. We passed it saying that we should not get involved in the details, we should give the power to the executive and if they, in their wisdom, decided to use it, let them use it. If they do not want to use it, they do not have to use it.

The PRESIDING OFFICER. The Senator from Alaska has consumed 5 minutes of his time. There are 5 minutes remaining.

Mr. GRAVEL. Now this body, in its wisdom, says we do not trust the executive; they might decontrol old oil, so therefore, we are going to lock it in. Now, the oil companies are faced with the loss of the $2 billion depletion incentive and will have to absorb that loss in their profit structure. There is no way that the executive can give solace to that industry if it is merited, because the Congress, in its wisdom, got locked into concrete. I must say I am most chagrined that we have taken that course of action.

I reserve the remainder of my time until tomorrow, before we vote.

Mr. BAYH. Will the Senator permit me to have a couple more minutes?

Mr. GLENN. I yield whatever time the Senator may need.

The PRESIDING OFFICER. The Senator from Alaska has 4 minutes remaining for tomorrow.

The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, I must say that, contrary to the assessment of my friend from Alaska, I do not find Congress locked in concrete at all. I find us dealing with a very difficult situation, trying as best as we can to reconcile all the competing interests, and putting, understandably and rightfully so, I think, the interest of the consumer first.

One thing that we really overlooked here, I think, in examining the Congressional approach to this problem, is that we are importing about, I think, around 40 percent of the petroleum—that is cartel priced petroleum that the Senator from Alaska and the Senator from Indiana have been discussing—and that about 60 percent, give or take a percent or two, of all the oil that we use in this country is produced here at home.

I would like to ask the Senator to look at the pricing of that 60 percent, because we look at the way that the Congress and the country now are governing the price of domestic oil production, we will see, I think, that we have drawn a pretty good line on one side in which we protect the consumer and on the other side in which we create an increase in incentive for additional production.

About 60 percent of the domestic oil which is now being produced and used here at home is controlled at $5.25 a barrel. That is what is called "old oil." About 13 percent is stripper wells, or relatively small producers, and that is exempted and thus goes at the international price. Twenty-seven percent is new oil, and that is left free to fluctuate. It is now at about $12.40 because of the $1 increase that was imposed by the tax put on by the President. Prior to that it was about $11.40 a barrel.

What concerns me and what I think is really erroneous about the logic of the Senator from Alaska, as far as the incentive is concerned, is that we all want to create whatever incentive is necessary for the oil companies to go out and explore and develop the new oil. There is no control right now, may I say to my colleagues, in the Senate, on the price of new oil. There is every incentive for oil company executives to go out there and explore for new oil, if they are concerned about the price, because new oil prices fluctuate in proximity to the international market.

What we are trying to do is say, "All right, Mr. Oil Company Executive, we are going to let you get what the market will bear internationally for new oil that you go out and explore for and develop. That is why we have not controlled new oil, to provide an incentive for development. But on that old oil that is already in the ground, for which you have already drilled the holes, put up the derricks, and invested the resources, we are not going to let you go out and make a windfall ripoff of about $7 a barrel on that. We are going to protect the consumer by saying that 60 percent of the oil, oil that was discovered years ago, is going to be controlled at $5.25. But, at the same time, to provide an incentive to develop new resources, to do what the Senator from Alaska wants done, we are going to meet that very legitimate requirement by decontrolling the price of the new oil."

Mr. GLENN. Mr. President, will the Senator yield?

Mr. BAYH. The Senator from Ohio has already yielded to the Senator from Indiana. I am speaking on the Senator's time.

Mr. GLENN. It might be well to indicate that for every barrel of new oil produced, we release a barrel of old oil to the new oil price, which runs up the price to some extent for the producers who already have old oil in production.

Mr. BAYH. I think the Senator from Ohio is wise in interjecting that at this time. It reinforces what the Senator from Indiana was saying, which is that we really do not need to decontrol the old oil already in the ground to provide an incentive to explore and develop new reserves.

The price at the international market being set by the cartel has very little relation at all to what it costs, contrary to what was the situation before the embargo and contrary to the situation that exists insofar as the chickens and hogs we were discussing earlier are concerned. The price is being established by the OPEC countries assessing all they can get, by limiting production and really socking it to us.

But despite the fact that international prices are set by the cartel in that manner, as an incentive to new oil discovery and ultimate production we will let that new domestic oil price fluctuate clear up to the ripoff price of the cartels, and if that is not tough, add in the additional barrel mentioned by the Senator from Ohio. That ought to be enough of an incentive. Let us not kid ourselves.

Mr. GRAVEL. Mr. President, if I may resort to a device I have seen used heretofore——

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I seek recognition, and call up my amendment No. 315.

The PRESIDING OFFICER. The Chair advises the Senator that while there is an amendment pending, he cannot call up another amendment.

Mr. GRAVEL. I cannot call up another amendment? A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAVEL. We have a unanimous-consent agreement that we will stack up the amendments and vote on all of them tomorrow. Therefore, I wish to reserve the remainder of my time, 4½ minutes, on this amendment until tomorrow, which is covered by the unanimous-consent agreement, and, in order to continue the dialog, I wish to call up another amendment which I have, which I think would certainly be in order.

Mr. GLENN. Mr. Speaker, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. If the Senator from Alaska were to ask unanimous consent to proceed in that manner, would that not be in order under the original agreement?

The PRESIDING OFFICER. The unanimous-consent agreement was to proceed with the debate on the pending amendment until the hour of 4:30, which has nearly arrived, and at that time it would be in order to call up a further amendment. However, by unanimous consent, this amendment could be laid aside until tomorrow, reserving the 4 minutes remaining to the Senator from Alaska, and at that time a new amendment could be called up.

Mr. GRAVEL. That was the understanding that we had. So I do not see why it would not be in order to call up a new amendment now, or ask unanimous consent to call up a new amendment.

The PRESIDING OFFICER. It would be proper to ask unanimous consent.

AMENDMENT NO. 315

Mr. GRAVEL. I ask unanimous consent to call up my amendment No. 315.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alaska?

Mr. GRAVEL. Reserving the right to object to my own request, for a point of information, does the Chair construe that the unanimous-consent agreement as requested by the Senator from Washington precluded the consideration of all other amendments?

The PRESIDING OFFICER. No; the Chair merely says it precludes it during the time reserved for debate on this amendment, unless it is otherwise disposed of.

Mr. GRAVEL. A further inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAVEL. Since I have another amendment in addition to amendment No. 315, I assume tomorrow I could call up that amendment, and be allotted the proper hour or one-half hour, and I would not be precluded from doing so; is that correct?

The PRESIDING OFFICER. As long as two amendments of the same precedence are not pending at the same time.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. GRAVEL. Has the Chair ruled on my unanimous-consent request?

The PRESIDING OFFICER. The Chair has ruled that, by unanimous consent, the pending amendment will be laid aside and another amendment called up.

Mr. GRAVEL. I call up my amendment No. 315.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. GRAVEL) proposes an amendment numbered 315.

Mr. GRAVEL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL's amendment (No. 315) is as follows:

On page 97, beginning with line 4, strike out all through line 13 on page 98 and insert in lieu thereof the following:

"SEC. 122. EXPIRATION OF MANDATORY ALLOCATION PROGRAM.—Notwithstanding any other provision of this Act, or of any other law, the regulation promulgated and made effective under section 4(a) of the Emergency Petroleum Allocation Act of 1973 shall terminate August 31, 1975, except that, all authority under such regulation relating to prices which may be specified for crude oil, residual fuel oil, and refined petroleum products shall terminate on the date of enactment of this Act.".

On page 113, immediately after line 17, insert the following:

"TITLE III—EXCESSIVE PROFITS TAX

"SEC. 301. (a) Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"'CHAPTER 7—TAX ON EXCESSIVE FOSSIL FUEL PROFITS

"'Sec. 1601. Imposition of tax.
"'Sec. 1602. Credit for reinvestment in domestic areas.
"'Sec. 1603. Excess fossil fuel profits income.
"'Sec. 1604. Related corporations.
"'Sec. 1605. Definitions; special rules; regulations.

"'Sec. 1601. Imposition of Tax.

"'There is imposed on the excess fossil fuel profits income of every corporation for any taxable year ending after December 31, 1974, and before January 1, 1980, a tax of 80 percent.

"'Sec. 1602. Credit.

"'(a) General Rule.—There is allowed to each corporation liable for the tax imposed by section 1601 for the taxable year, as a credit against such tax, an amount equal to the amount of such corporation's qualified investment for the taxable year.

"'(b) Recomputation of Tax and Credit on Cumulative Basis.—

"'(1) In general.— In the case of each taxable year (hereinafter in this subsection referred to as "current period") the taxpayer's liability for the tax imposed by section 1601 and his credit under this section shall be recomputed by treating the current period and all prior taxable periods as one taxable period (hereinafter in this subsection referred to as "recomputation period").

"'(2) Effect of recomputation.—If the sum of the taxpayer's net tax liability for the current period and for each prior taxable period exceeds his net tax liability for the recomputation period—

" (A) a portion of such excess (not greater than the amount by which the tax imposed by section 1601 for the current period is greater than the credit allowable by this section for the current period) shall be applied to, and shall reduce, the amount of the tax imposed by section 1601 for the current period, and

"'(B) the remainder of such excess shall be treated as an overpayment of the tax imposed by section 1601 for the current period.

"'(3) Net tax liability defined.—For purposes of this subsection, the term "net tax liability" means, with respect to any taxable period, the excess (if any) of the amount of the tax imposed by section 1601 for such period (or, in the case of the recomputation period, would be imposed for such period) over the credit allowable by this section for such period.

"'Sec. 1603. Excess Fossil Fuel Profits Income.

"'For purposes of this chapter, the term "excess fossil fuel profits income" means the amount by which the fossil fuel profits income of a corporation for the taxable year exceeds the larger of—

"'(1) the average annual fossil fuel profits income of that corporation for the base period; or

"'(2) an amount equal to an annual return for that taxable year of 15 percent on capital investment by that corporation in fossil fuel industry activities.

"'Sec. 1604. Foreign Source Income.

"'In the application of the provisions of this chapter to any domestic corporation, fossil fuel profits income from a source without the United States shall be taken into account for the taxable year of the domestic corporation in which such profits are earned, under regulations to be prescribed by the Secretary or his delegate.

"'Sec. 1605. Definitions; Special Rules; Regulations.

"'(a) Definitions.—For purposes of this chapter—

"'(1) Base period.—The term "base period" means, in the case of any corporation, the first four taxable years of that corporation beginning after December 31, 1969.

"'(2) Fossil fuel industry activity.—The term "fossil fuel industry activity" means the business of extracting, refining, transporting, distributing, manufacturing, producing, or selling gas, coal, petroleum, petroleum products, or products used in connection with the extraction, refining, transportation, distribution, manufacture, production, or sale of gas, coal, petroleum or petroleum products.

"'(3) Fossil fuel profits income.—The term "fossil fuel profit income" means the taxable income of a corporation derived from fossil fuel industry activities.

"'(4) Qualified investment.—For purposes of this chapter, any person's qualified investment for any taxable period is the amount paid or incurred by such person during such taxable period (with respect to areas within the United States or a possession of the United States) for—

"'(A) intangible drilling and development costs, or geological and geophysical costs of oil and gas wells and geothermal deposits or wells,

"'(B) the construction, reconstruction, erection, or acquisition of the following items but only if the original use of such items begins with such person:

"'(i) depreciable assets used for—

"'(I) the exploration for or the development or production of coal, oil, or gas (including development or production from oil shale),

"'(II) converting oil shale, coal, or liquid hydrocarbons into oil or gas, or

"'(III) refining oil or gas (but not beyond the primary product stage),

"'(ii) pipelines for gathering, transmitting, or distributing oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines,

"'(C) secondary or tertiary recovery of oil and gas,

"'(D) the acquisition of oil and gas leases (other than off-shore oil and gas leases), but the aggregate amount which may be taken into account under this subparagraph for any taxable period shall not exceed one-third of the aggregate of the amounts which may be taken into account by the taxpayer under subparagraphs (A), (B), and (C) for such period, and

"'(E) the discovery, development, or utilization of any other energy source (including amounts paid or incurred for the acquisition of depreciable assets and for the construction, reconstruction, or erection of facilities in connection therewith).

"'(b) Special Rules.—

"'(1) Return on Capital.—

"' (A) In general.—For purposes of section 160, return on capital investment shall be determined by computing a corporation's fossil fuel profits income for the taxable year as a percentage of the amount of its capital investment in fossil fuel industry activities during the taxable year.

"'(B) Exclusions.—In computing return on capital investment there shall be excluded from consideration—

"'(i) the excess of any amount allowed as a deduction under section 613 (relating to percentage depletion) over the amount allowable under section 611 for cost depletion;

"'(ii) any amounts allowed as a deduction in accordance with the provisions of section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells) in connection with any oil or gas well which is commercially productive under regulations prescribed by the Secretary or his delegate; and

"'(iii) with respect to each item of section 1250 property (as defined in section 1250 (c)), the amount by which the deduction allowable for the taxable year for exhaustion, wear and tear, obsolescence, or amortization exceeds the depreciation deduction which would have been allowable for the taxable year had the taxpayer depreciated the property under the straight line method for each taxable year of its useful life (determined without regard to section 167(k)) for which the taxpayer has held the property.

"'(2) Changes in corporation structure, volume of business, etc.—In the application of the provisions of this chapter—

"'(A) income, expenditures, gains, and losses not related to fossil fuel industry activities shall be disregarded; and

"'(B) under regulations prescribed by the Secretary or his delegate, the average annual fossil fuel profits income for the base period shall be adjusted to take into account changes in corporate structure, mergers, volume of products handled, changes in product line and other matters in such a manner as necessary, to reflect equitably that part of the fossil fuel profits income for the taxable year which is subject to treatment as excess profits from fossil fuel industry activities as compared to the profits from those activities during the base period.

"'(c) Members of Affiliated Group.—If two or more corporations are members of an affiliated group making a consolidated return with respect to the tax imposed by chapter 1 for a taxable year or years which include any entire taxable period, such corporations shall be treated as one person for purposes of the tax imposed by section 1601 for such taxable period and for purposes of the credit against such tax allowable under section 1602.

"'(d) Regulations.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.'.

"(b) Section 11 of the Internal Revenue Code of 1954 (relating to tax on corporations) is amended by adding at the end thereof the following new subsection:

"'(g) Tax Not To Apply to Excess Fossil Fuel Profits Income.—The provisions of this section apply only to so much of the taxable income of a corporation for the taxable year which is excess fossil fuel profits income (as defined in section 1603) of that corporation for that taxable year as equals the amount of the credit claimed under section 1602 by that corporation for the taxable year.'.

"(c) Technical Amendments.—

"(1) Section 12 of such Code (relating to cross references relating to tax on corporations) is amended by adding at the end thereof the following new paragraph:

"'(9) For tax on excess fossil fuel profits income, see chapter 7.'.

"(2) Section 21 of such Code (relating to effect of changes) is amended by adding at the end thereof the following new subsection:

"'(f) Changes Made by the Tax Reduction Act of 1975.—In applying subsection (a) for the taxable year of a corporation which is not a calendar year, the tax imposed under section 1601 shall be treated as a change in a rate of tax.'.

"(3) The table of chapters for subtitle A of such Code is amended by adding at the end thereof the following item:

"'Chapter 7. Tax on excessive fossil fuel profits.'.

"(d) The Secretary of the Treasury or his delegate shall, as soon as practicable but in any event not later than ninety days after the date of the enactment of this title, submit to the Committee on Ways and Means of the House of Representatives a draft of any technical and conforming changes in the Internal Revenue Code of 1954 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this title.

"(e) The amendments made by this title apply with respect to taxable years ending after December 31, 1974.".

Mr. GRAVEL. Mr. President, all that this amendment does is to strike out section 122, which is a continuation of the mandatory allocation program, and insert in lieu thereof my excess profits tax.

This would permit us to arrive at a free economy while still maintaining other facets of the allocation program to guarantee that the recipients, the jobbers, the small distributors, can still be privy to the beneficence of Government as it tries to make decisions in lieu of the marketplace, as imperfect as that may be. But that is the essence of this particular amendment.

I would like to address my questions to the Senator from Ohio. If, taking the report on the bill that we have, that is, the report on S. 622—if I could have the attention of my colleagues from Ohio—if I could secure the attention of my colleague from Ohio and his assistants—if they might turn to page 23 of the report, "The Standby Energy Authorities Act," of the report on page 23, under section 203 it lists certain items that are required of the administration, of the FEA, setting forth certain standards, and there are several things that frighten me in that list, because I harken back to the original allocation bill, and when I look at some of the items there that we asked for and saw the results. The one I would like to ask about is item (H), if my colleague perceives that one, which says, and I will read:

> These Federal initiatives shall include—

And the one that it makes mention of is item (h)—

> standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

I know what we did with the allocation bill, and we did it to the industry, but I am afraid of what might happen to this body when we begin to do it to the American people, and so I would like to ask my colleague, since they are laying down policy as to what the Federal Government will do, if he would tell me what he thinks (h) means.

Mr. GLENN. Yes; I would be glad to respond to the Senator from Alaska.

I refer my colleague to the report of the Interior Committee, together with the minority and additional views, on S. 622, page 52—does the Senator have that?

Mr. GRAVEL. The same report.

Mr. GLENN. The detailed section-by-section analysis, page 52—does the Senator from Alaska have a copy there?—under section (h) it is explained, and I quote:

> Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country——

Mr. GRAVEL. I want to apologize; I do not think I have the same item on page 52—I have it, I am sorry.

Mr. GLENN. Page 52, where the paragraph starts at (h).

Mr. GRAVEL. I see it.

Mr. GLENN. (h) Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend.

The committee expects that a broad range of options will be suggested to influence transportation practices of individuals and businesses to increase the efficient use of energy. The creation of bicycle paths and bicycle and motorcycle lanes for commuters and the designation of automobile-free areas or areas in which reduced parking will be available can shift transportation habits away from the automobile to other more efficient modes.

Policies to discourage purely discretionary driving involving reduced hours of operation for service stations, purchase limitations or "odd-even" purchase plans are options for consideration. However, with regard to these options the committee wishes to point out that the existence of a significant recreational or tourist industry within a group of States may suggest that State policies be coordinated regionally so that the flow of private automobile traffic across State lines to participate in this commerce is not unduly impeded.

That is the extent of the explanatory part to that section (h).

Mr. GRAVEL. Unfortunately, there are not many colleagues in the Chamber tonight. I think what the Senator has just told us is that the American public will no longer have control over their automobiles; is that not the case? The Senator is going to tell us when we can go to the gas station; he is going to tell us when we can enjoy what we might consider a recreational judgment and so forth. I might point out to my colleague, since I serve on the Public Works Committee, we have a program of bicycle paths. I was the author of it, a $10 million grant-in-aid program—the Senator from New York and I were the authors of that program.

We have not done anything for motorcycles, but I think maybe we could let the motorcycles, if we want, ride in the bus lanes when the buses are not using the bus lanes. But I do know, in that first paragraph, that anything that the Committee on Interior is suggesting, the Committee on Public Works has long legislated the existence of those. But that second paragraph is the one that frightens me considerably. We are really going to be very surprised when the remainder of the Senate and the Congress realize what we are doing, because what the Senator is saying is that FEA can go out and write some regulations which will tell John Q. Citizen how he is going to use his automobile. Is that what we have come to in this legislation?

Mr. GLENN. Would the Senator repeat his question?

Mr. GRAVEL. I will reread the paragraph that the Senator cited to me, and I will reread (h) and, of course, (h) is the guideline of what FEA is supposed to do. I can track for the Senator what we told them to do in the allocation bill, and the abortions that ensued, but I only look prospectively at what we are going to legislate for the American people.

It says:

> These Federal initiatives shall include—

That means we want the Government, the Federal Government, to do this, and it says:

> (h) standards for reasonable controls and restrictions—

I want to underscore "restrictions"—

> on discretionary transportation activities upon which the basic economic vitality of the country does not depend.

That means that we are telling somebody in Washington in the FEA that he is going to make a decision for Mr. John Q. Citizen in Columbus, Ohio, telling him what he is going to do in discretionary travel.

Now, the Senator called my attention to page 52 and what the interpretation of the committee in greater detail is. I read the second paragraph that was read to me, and it says,

> Policies to discourage purely discretionary driving . . .

I want to meet the bureaucrat that we are going to give that power to tell me and to tell Mr. John Q. Public in Anchorage, Alaska, what is discretionary travel. I want the Senator to take me downtown and introduce me to that omniscient individual that we are giving this power to.

I will read further what the Senator is telling him to do:

> Policies to discourage purely discretionary driving involving reduced hours of operation for service stations . . .

So we are going to fix it so that I have to line up at a service station, like we had to during the oil crisis, and wait for gasoline. And it may be because now we have reduced the hours of the service station that we will have to wait in line for a half hour.

If I am an attorney and I charge $50 an hour for my time, that means it cost me in time spent $25 a half hour to wait in line to buy $10 worth of gasoline. It means the gas in my tank cost me $35. Does the Senator know why it cost me $35? Because of what this body did to that citizen. That is why it cost me $35 an hour.

I read on in the explanation that the Senator called to my attention that now we are going to "purchase limitations or odd-even." I do not know, when we have a 38-day supply of oil in this country today, when we have refinery capacity operating at 80 to 85 percent, why we have to tell the American citizen that he has got to look at this number to indicate as to when he has to go to the gas station.

It just baffles me, totally baffles me, as to why we would want to do that to our constituents who have the goodness to send us to Washington and to send us to the Senate or to Congress. Why do we want to punish our constituents like that? I do not know. But that is apparently what the Interior Committee wants to do.

Then odd-even purchase plans "are options for consideration. However, with regard to these options the committee wishes to point out that the existence of a significant recreational or tourist industry"—or they want to tell you what you may do, you may hurt Colorado, you may hurt Vermont because if you close the gas stations on Sunday which is, of course, when discretionary travel takes place. I cannot drive to Vermont to go skiing, so, therefore, I do not spend the money in Vermont and, therefore, they have to lay off people at the ski resorts.

That is what we are saying, that the person in New York cannot go to Vermont on Sunday or Saturday, on a weekend, discretionary days. Maybe, I do not know, maybe they are going to close the gas stations on Monday like we have some barber shops. We leave them open on Saturday. And now we are leaving shopping centers open on Sunday because that is convenient to the consumer. But, of course, we do not want to be convenient to the consumer. We want to make sure that the American people get the full wisdom of the Interior Committee, and that is to give power to the FEA, telling them—now, this body gets upset over gun control.

They think that is the serious thing. This is automobile control. That means we cannot walk down to the garage and get into our automobile without the FEA telling us how to do it and when we are going to do it. This is in this legislation.

Now, maybe my colleague from Ohio can tell me in greater detail what it does to this on page 52.

Mr. GLENN. Yes, the Senator from Ohio will be glad to comment on that.

I think the key word which the Senator from Alaska used several times is on page 108 of the bill.

Mr. GRAVEL. Of the bill?

Mr. GLENN. Yes, of the bill itself.

Mr. GRAVEL. OK. Let me go to that.

Mr. GLENN. Specifically, standards for reasonable controls and restrictions on discretionary transportation activities. The key phrase is "reasonable controls."

Now, going back to the committee report, if the Senator from Alaska would turn to page 24.

Mr. GRAVEL. Page 24, let me just mark page 52.

Mr. GLENN. All right, the first complete paragraph, just below the listing at the front of the page there.

> The Federal Energy Administration has estimated that the energy equivalent of over 800,000 barrels per day of crude oil could be saved within a year through a purely voluntary program incorporating many of the provisions included in Section 203. Mandatory adoption of these measures will increase energy savings.

Now, the important point is:

> The Committee intends that States will select from among these conservation measures those which fit best their own local economic, geographic and climatological conditions for incorporation in the State Energy Conservation Programs mandated by Section 204. The Committee believes that a national energy conservation effort guided by Federal standards, mandated by Federal authority but administered by States and tailored to local circumstances will result in significant energy savings without precipitating the further deterioration in the nation's economy which would result if the Administration's program of energy tariff, tax and pricing policies were enacted.

Thus, this is tailored to regions and areas where the States do have the capability of making their own plans for approval.

Therefore, if the Senator from Alaska wishes to prevent a skiing industry from being decimated in a situation like this, or should there be ski areas outside of Anchorage, or Nome, Alaska, that would actually benefit from such a program, local areas may tailor their own regulations so that restrictions are not unduly imposed upon them by this law.

It was the committee's intent that this be tailored to the situations existing in each area of the country by local authorities.

Mr. GRAVEL. What will happen if the States do not develop their own State plan?

Mr. GLENN. If the States choose not to develop any program, the Federal Government is authorized to come in and develop a program for them. We must all share in energy saving together, so that one area of the country where they may be saving considerable amounts of energy is not punished by the lack of energy conservation actions in another area. Moreover, this provision would come into effect only if States absolutely refused to set up programs of their own, and it was considered to be important enough that the Federal Government should assist in establishing what their program should be.

But once again, let me emphasize that it would be done only in the interests of their own situation: climatologically, recreationally, all these things the Senator from Alaska mentioned earlier.

Mr. GRAVEL. What my colleague is saying, he is confirming what I have already said, that is, the Federal Government. The motivation, I understand that the motivation is conservation. Fine. I do not think the American public is prepared to turn over the control of this, Mr. John Q. Citizen's control of his car, which he labored hard to buy, to some official in the FEA.

My colleague can tell me, "Well, the State Governor of New York is going to appoint in his State this person who is going to control the automobile in New York."

I do not think that will wash politically, so we will not see any State that is going to develop any plan.

If my colleague says, "Well, what we can do is have a regional plan." So we say we have to have a regional compact. But my colleague forgets that in this bill he is requiring the FEA to come up with something in 3 months. In this bill, the FEA has to come up with the rules and regulations in 3 months. That means this is going to move forward, except if the States do not act, who is going to act? It is going to be the FEA.

Let us go back. My colleague said nothing to defeat a point I make that we are going to give control to a bureaucrat in the Federal Government over the use of the automobile.

Now, we can say that is so preposterous that it will not happen. But let me give something equally proposterous that has already happened. That is, when we passed Public Law 93-159, under the same operative section in that part of the bill, we had a section (i) on page 3 of that bill that said that the purpose of the allocations program will be to put the minimization of economic distortion—unnecessary interference with market mechanisms.

If there is any human being in this country that can tell me the FEA has done that—it actually has been just the opposite—this is convoluted reasoning. So this is what Congress told the FEA to go to—do not interfere with the market mechanisms, and obviously it not only did that, but did more.

So now I remember what the Interior Committee says we are going to do. This, of course, we did to industry to insulate one step away from the American citizen. But what we will do under this new proposal, under (h), is control the automobile.

We are going to tell the American public when he can use his car—that is what this says.

We can say, "Well, it is going to be the State government that will do it," but I do not care who will do it. I am concerned as a free citizen. The automobile represents the most sophisticated and the freest mode of transportation yet brought on this planet. Now we are going to legislate a regressive step in that direction, because of what? Conservation, because we have been profligate in some of these resources.

I might say, one of the best ways to conserve might be to let the market mechanism institute the necessary prices to discipline the individual citizens so that I, if I want to buy gas on Tuesday, somehow I can do it. If I want a carpool because gas is expensive, I can do it. If I want to save in a carpool during the week to drive to a ski area on Sunday, I can do it.

What my colleague is advocating is that we appoint some omniscient czar somewhere in Washington who is going to tell me and 200 million Americans what we are going to do. We will take away individual choice.

Now, how can we straight-facedly stand here and do that?

I want to say to my colleague from Ohio, if we pass this law and they start doing this, we are probably going to do the most significant thing to truly solve the energy crisis, because there will be so many of us run out of office as a product of this law.

I might say there is only one other emotional instance I know of in American politics that would contain this type of retribution, and that would be gun control. If the Senator thinks that is a hot issue, hang on when we take away these automobiles.

I recall the first public act in Los Angeles when a gas station attendant refused to give gas to a citizen in Los Angeles. He went home and got his gun, came back and shot the attendant.

Imagine what they will do to us politicians when they have found out what we have done to their automobile. My God.

Mr. GLENN. I would like to respond to the Senator from Alaska's comments because I think there is one point we are very much missing as to the intent of this bill.

When the Senator from Ohio was in committee, one of the prime considerations was not only keeping supplies available on a reasonable regional basis to everyone, but was also to keep the costs down so that poorer people—and they are working, they must drive to construction or factory jobs, or wherever, from their dispersed homes—would still be able to afford to drive their automobiles.

What we are trying to do is to conserve enough gasoline so that we can reduce our dependance on expensive imported oil and keep our prices down to a reasonable level through a conservation program. That was part and parcel of it.

There is an amendment pending, I understand, which will require congressional review and the right of disapproval of each of the 11 regulations promulgated under section 203 of this bill. That will undoubtedly be discussed and debated here tomorrow. It would apply, of course, to our discussion this afternoon.

Mr. **GRAVEL**. Let me ask my colleague, since he is on the Committee on Interior and Insular Affairs, was he privy to the annual report of the FEA that they must provide to the Congress? Has he read the report?

Mr. **GLENN**. I have not studied the report. It was voluminous. I have scanned it.

Mr. **GRAVEL**. It is very thick. What the Senator is saying is that now we have the device that will come back to us. They will come back to us with something 5 or 10 times as thick. Nobody will read it. But does the Senator know who will suffer from something that voluminous? The American economy and the American people. I want to leave, if I can, a modicum of freedom.

My colleague misses one important point. All he is talking is conservation. This country is in economic doldrums. We will not get out through conservation. We will get out through more oil. Is there anything in this bill that my colleague is putting forth that adds one drop of oil or gas to the marketplace so that Americans will not have to tighten the belt but might have more oil and gas, American oil and gas, rather than buy Arab oil and gas?

Mr. **GLENN**. It is estimated that we can save up to 800,000 barrels per day by conservation methods if all of these things were placed into effect.

Mr. **GRAVEL**. I ask my question again of my colleague. I know we can conserve. We can pass a law that nobody can drive their car. Look how much we will conserve. Is that what my colleague wants, to bring this economy to a standstill so that we can conserve? Are we in business for conservation's sake, or are we in business to give a modicum of freedom to the American public commensurate with the demands of our industrial society?

Mr. **GLENN**. I would say that when the Senator from Alaska asserts there are absurd things in the bill, he carries his examples to absurd ends. That is like saying that when I put a piece of candy in my mouth, I should not put 50 pounds of candy in my mouth as I will probably choke on it. We can carry anything, drinking water or using gasoline in our cars, or anything else, to ridiculous extremes and it obviously would not be workable.

What we have tried to do with this bill in the section on conservation is to add to our available energy supplies and make more efficient use of our energy supplies. The result is that we are less vulnerable to a breakdown in international supply systems and less vulnerable to the international cartel. We do not propose or intend that it should be carried to the extreme where we say, "Do not drive your cars. Do not take the train. Do not fly an airplane." We say we want to cut back some on the cars; while we will try to increase production in other energy sources. Further, we will try to reduce our imports so that our balance-of-payments account is not as far out of whack as it has been for the last few years.

We try to accomplish these things so that they may fit together as a jigsaw puzzle which makes one good picture of energy conservation and availability. Unless we do this and fit all of these pieces together, we are going to be more, not less, vulnerable in the future.

This is the intent of the bill. It is the intent of many of the amendments. It is the intent of this conservation section. It is not to be examined solely on its own. The intent of these actions is to fit together as part of an overall picture, an overall package. Each part will contribute to that goal. It is not to be taken to the extreme that we stop using cars, stop transporting goods, stop driving ourselves where we want to go.

Mr. **GRAVEL**. I want to say to my colleague, I have not dealt in extremes. I want to read what I think is an extreme act. That is on page 23 of what the bill will do.

> H. Standards. These Federal initiatives shall include standards for reasonable controls and restrictions on discretionary transportation activities.

That is probably the most extreme thing I have ever heard. So when my colleagues tells me that I am being extreme or alludes to extreme arguments, I am not talking about eating 50 pounds of candy. We are talking about the possibility to walk to your automobile and use it the way you want.

When my colleague responds and says we are going to have conservation, that is fine. We presently consume 17 million barrels of oil a day in this country. If my colleague, by restricting travel in this country, can bring it down to 15 million barrels a day, I applaud him. I do not want to be party to that policy.

If he wants to cut back that 2 million barrels a day, fine. The Senator can do it. I do not want to do it. What I want to do is to find on American soil 2 million barrels of oil and sell it to my fellow Americans. That is what I want to do.

I will ask the question one more time, though I have been asking it all afternoon: Will the Senator show me one line in this legislation where we add one drop of oil or gas to the American marketplace?

Do not tell me that we are going to conserve over here and that means that over on the other side of the economy we will have it.

There are 17 million barrels of oil consumed daily in this Nation. We are on the verge of depression. If we come out of this economic doldrum, we will probably be consuming somewhere around 20 million barrels a day. That other 3 million barrels to power the industry of America, to create the jobs in Ohio, is going to come from 3 more million barrels a day imported, bought from the Arabs, at $14 a barrel. That is where it is going to come from.

I want the Senator to show me what is there in this legislation that is going to add one barrel a day more from American sources to the American economy, to increase the American economy, to create more employment, so we are less dependent upon foreign sources. I want to see one line. Not two lines in this bill, just one line.

Mr. **GLENN**. Let me respond to the comment of the Senator from Alaska. I think the Senator from Alaska has been laboring under a misapprehension as to what the purpose of this bill is. We have had other energy legislation. We established the ERDA. We have changed the nature of nuclear energy research and put it under that. We put the Nuclear Regulatory Commission under a separate area.

The purpose of this bill is to give the President standby authority for rationing and to set up Federal initiatives, in cooperation with States, in conservation as a title I–title II part of this bill. Nothing in this bill was intended to go out and increase production of oil. This was mainly in the conservation area of rationing and conservation programs that could be initiated at the Federal level and the State level. It is not only to encourage that but to mandate it. It would mandate it to such an extent, in fact, that if the States did not take this up, the Federal Government could move in and see that they did meet their responsibilities.

Mr. **CULVER** assumed the Chair at this point.

Mr. **GLENN**. Concerning the comments of the Senator from Alaska about not restricting ourselves one bit, I think we do this every day in so many areas that I am surprised he would comment on this. I restrict myself when I pull up to a traffic light and it is red. I would prefer to go through it, but in the light of the public interest I do not drive through it. That is what we are doing here. In light of the public interest we are trying to conserve while simultaneously we go through those other mechanisms of getting more crude oil available—whether it be by less cost through the international market or whether it be by conservation; whether it be by encouraging drilling or by maximizing our petroleum and national gas production in this country so that we are not as vulnerable. And, at the same time, we are getting future fuels on stream as fast as possible, whether they be solar, geothermal, nuclear power fission, fusion, all of these different sources that can be used to supplement our dwindling petroleum reserves and national gas reserves in the future. All of these things have to fit together as a package. That is what we are putting together.

I think the Senator has apparently been under a misconception of exactly what this bill is intended to do. This bill covers the conservation area, part of which is rationing if, indeed, the President needs that. It also covers the area of conservation mandated from the Federal level and implemented by the States.

It covers only these areas. I agree with the Senator from Alaska, my colleague, completely with respect to production.

There probably is not a line in this bill—I do not recall a line—that will produce one new drop of crude oil. But while it is not producing that, it saves potentially 800,000 barrels a day. The President's goal was to cut imports by 1 million barrels a day, and we would take care of eight-tenths, or 80 percent of that, with this bill, if everything worked as outlined here.

The PRESIDING OFFICER (Mr. CULVER.) The time of the Senator from Alaska has expired.

Mr. GRAVEL. Mr. President, will the Senator yield me additional time?

The PRESIDING OFFICER. The Senator from Ohio has one-half hour.

Mr. GRAVEL. I was kind enough to use all my time in the course of the colloquy, and I wonder whether we might use some time of the distinguished Senator from Ohio.

Mr. GLENN. Is 5 minutes satisfactory for the Senator from Alaska?

Mr. GRAVEL. I think we might go on with the colloquy until we complete it, unless my colleague would like to end for the day. I think it is important for the record and the few members who are here. I will accommodate myself to the schedule of the Senator from Ohio.

Mr. GLENN. Would it be satisfactory with the Senator from Alaska if he continued for another 15 minutes and ended at 5:15?

Mr. GRAVEL. That would be most gracious of the Senator from Ohio.

What is the purpose of section 106 of the bill, since there is no effort made to add any oil? I want to state for the record that, apparently, we have agreement that this legislation would not add one drop of oil or gas to the marketplace. That is the record as it now stands.

Mr. GLENN. Is the Senator from Alaska clear on the purpose of this bill?

Mr. GRAVEL. It is a conservation bill, as I understand it.

Mr. GLENN. That is basic to the question.

Mr. GRAVEL. Is it a conservation bill?

Mr. GLENN. Basically, yes.

Mr. GRAVEL. When this Nation is on the brink of economic disaster, with unemployment at 8.7 percent and projected to go to 9 percent, why would the Interior Committee come forward with a conservation bill which is going to aggravate the economic situation in the Nation? Why would they want to do that?

Mr. GLENN. The Interior Committee does not intend to aggravate the economic situation in the Nation. If the intent of this bill is carried out, it will mean quite an improvement in the economic situation of the country in that we would have more energy sources available to fuel industry, particularly in my State of Ohio. We are running out of natural gas supplies and are having difficulty in securing sufficient fuel for some industries. This bill would help in these cases. I did not think this would make the situation worse.

Mr. GRAVEL. My colleague agrees that this bill will not add one drop of oil or gas to the marketplace. We are presently expending 17 million barrels a day, and now he tells me that this is going to add to industry in his State. Where is the oil and gas going to come from that is going to go into Ohio?

Mr. GLENN. This bill was originated as an alternative to the President's program, which we felt would be absolutely ruinous to this economy. If we think we are in trouble now, what will happen when we put a $3 tax on oil imported into this country and let that ripple through our whole economy? It will move our whole cost of living to a higher plateau, with only very marginal possibilities—as testimony before the committee indicated—of cutting down the imports as much as had been hoped. That really is playing Russian roulette with the economic future of this country.

This bill was brought to the committee as an alternative to what the President has proposed. We think that it was quite a logical alternative, because we believe that the President's bill had the potential of being ruinous to our economy.

Mr. GRAVEL. I hope my colleague is not trying to persuade me with that logic, that President Ford offered a bill that is ruinous and that therefore the committee offers a bill which I say is ruinous.

Mr. GLENN. I ask the Senator from Alaska whether he supports the President in his $1, $2, $3 increase in cost for the import of crude as a means of controlling imports?

Mr. GRAVEL. I say to the Senator that I think the President's program is absolutely ridiculous, and I might say that bringing this bill out of the Interior Committee runs that a close second.

Mr. GLENN. What would the Senator from Alaska propose as an alternative to conservation, other than trying to encourage new production? Would the Senator say that there should be no conservation program at all in this country?

Mr. GRAVEL. Quite the contrary. I think my record is abundantly clear that I am for conservation. I want to make the decision for myself as to what I want to conserve; and, within my abilities, I want to let every citizen of this country make that decision. The best way to do that is with the marketplace, through price.

Mr. GLENN. I am glad to hear that the Senator from Alaska is for conservation. I would be interested in hearing his ideas on conservation, in addition to the ones proposed in this bill, which he does not care for. What would the Senator from Alaska propose in the way of conservation?

Mr. GRAVEL. If my colleague has the time, I will tell him the answer.

Mr. GLENN. I have the time—until 5:15.

Mr. GRAVEL. It is very simple. It is a little faith in the free enterprise system.

Mr. GLENN. Faith in the free enterprise system, I am sure the Senator from Alaska would agree, is hardly a conservation measure.

Mr. GRAVEL. My colleague is being a little short on that score. We see that the Arabs have brought about conservation. The amount of oil consumption in the world today is down 20 percent. Refineries in this country are operating at 85 percent capacity, not 100 percent capacity. So obviously there is a diminution, through the price mechanism, as to what a person is going to spend. That is conservation.

If it costs me more now to operate my automobile, I have to make a judgment that I am not going to waste some of the use of the automobile. Is that not conservation?

Mr. GLENN. The Senator from Ohio doubts that all of the decrease has been because people were automatically conserving. We have seen a general business downturn that certainly might be responsible for the bulk of that reduced consumption.

I have not yet heard the conservation measures that the Senator from Alaska would propose.

Mr. GRAVEL. I am glad that my colleague underscores that, because he is continuing that situation. He is saying in this bill, "Let's have somebody in FEA or in State government tell you when you can use your automobile." What I am saying is that we should have the marketplace do that.

It is cheaper, because when I have to pay somebody in Washington to make a decision for me as to how I am going to use my car, I not only get to use my car at his dictates, but also, I have to pay his salary. If I do it in the marketplace, I do not have to pay anybody's salary. I decide myself. So we save some of my money—that is conservation—and I use my car less, because it now is going to cost me more to use my car. That is conservation.

So when the Senator asks me what my conservation plan is, it is the most simple and fundamental in a free society, and that is to let Mr. John Q. Public make that decision, not some bureaucrat in Washington.

Mr. GLENN. So the conservation program that the Senator from Alaska is proposing is one that would force every working person and every person on a modest income and every person on social security and those on pensions from driving their cars completely. It is a program designed not to affect those rich enough to afford gas at whatever it would cost under this system. That proposal hardly qualifies as a conservation measure. It simply means pricing people out of the market. It seems to me that it is more in line with the President's proposals of pricing us out of the marketplace until few can afford it, and that is his conservation method. But what the Senator from Alaska is proposing is similar, though perhaps a more limited basis. However, it is the same principle.

Conservation is normally meant to be achieved in those areas where we try to use less or make more efficient use of whatever energy resources we have available. On that basis, I think this bill makes a great deal of sense. Title II of this bill sets up the conservation measures as listed. The States may choose to implement other programs.

What the Senator from Alaska is proposing is basically what the President has, a conservation program by pricing those less able to afford it out of the marketplace.

Mr. **GRAVEL**. The President had a good part in his program. That is deregulation, so they could get to the marketplace. Where I disagreed with him was on the proposal to put a tax not only on foreign oil but on domestic gas and domestic oil. The money would go back to the Government. That was the money that was going to be used for the part of his program that was to pay for the rebate. What Congress did was not provide the income for that. I thought that was fallacious. Under the mechanism I am proposing, not only do we get conservation, but also we get more money into the energy area to produce more oil and gas.

So that the consumer is not hurt in the process, I institute an excess profits tax to guarantee that the money will go to the expansion of oil and gas. In my device, we get conservation, the choice being made by the consumer, and we get more capital for the expansion of oil and gas, the decision being made by industry, not by the bureaucrat.

I am chagrined to say that what my colleague says is that this is a great conservation measure. Let me just say that what my colleague is saying is that some bureaucrat is going to tell us how to conserve. Maybe the Committee on the Interior feels that the Nation is not intelligent enough, with the individual perspicacity to make those decisions. But I have not lost faith in the intelligence of the American people to make decisions in the marketplace, as imperfect as they may be. Because I know one thing: They are considerably more imperfect when they are made from the top of the pyramid here in Washington.

I can give the Senator example after example of ridiculous situations where bureaucrats in Washington have made decisions which are totally—in fact, the FEA turned around and issued regulations on January 22 of this year, and since then, has issued over 2,000 pages of regulations about the regulations. Now, who can figure out that?

I shall bring in tomorrow a chart that, with the background that the Senator from Ohio has in mathematics, I would ask him to tell me what that chart means. All it is is the pricing of gas at the refinery level.

I might add, the biggest bugaboo—and I understand my colleague's concern for the poor. I am concerned about the poor. I just do not want to see us be so concerned about the poor that we destroy the economic system that might begin to solve the problem for the poor.

When we talk about what deregulation will mean in dollars and cents, we are talking theory. Let us actually look at what will be the result of it and see what the dollars are. It may not be such a horrendous task.

FEA estimates that if we deregulate the oil, it would rise to about $12 a barrel. Twelve dollars a barrel will mean about 5 cents at the pump to the American person who must go buy gasoline. That is considerably less than what Congress, the House of Representatives, is talking about. They are talking about a gas tax of anywhere from 5 to 20 cents. That is what Congress is going to do to them, without any increase of oil or gas.

Mr. **GLENN**. Will the Senator yield?

Mr. **GRAVEL**. If I may finish, because it is very important to understand, really, what this horrendous, terrible thing is going to be. If we say, as FEA projects, that deregulation will mean 5 cents per gallon at the pump, that means that it will cost the American consumer, poor or rich, 75 cents a week. That is the average traveler. It will cost him $3.20 more per month. It will cost him $38 per year. That is based upon 126 million vehicles registered, with the average vehicle using 15 gallons per week, 65 gallons per month, 763 gallons per year. Thirty-eight dollars is what it is going to cost the American public to stop the FEA from ensconcing a czar who is going to tell him what to do with his automobile. I suspect if we had a referendum in this country on this issue, it would pass; 99.9 percent of the vote would say, do away with the czar and please, let me have the pleasure of paying $38 a year to be able to drive my car in freedom. These are the values in question.

Mr. **GLENN**. What the Senator from Alaska refers to could be put in slightly different terms. I think a rough rule of thumb that is generally accepted by petroleum experts and economists, also, is that for every 1 cent we raise the price of gasoline, it means about $1 billion per year in total cost to the whole economy, or to American consumers. If we are talking about going up 5 cents a gallon, as the Senator from Alaska states, we are talking about $5 billion a year out of the consumer purchasing power of this country. If we go that route, in effect, we would be diluting the effect of the tax cut, the tax rebate bill we just worked on so hard here, and so late, a couple of weeks ago or 10 days ago. We are talking about cutting the effect of that by $5 billion. We are talking about taking the chance of jobless lines getting longer. We are talking about not pumping up the economy, not pump-priming to the effect that we should if we went into a 5-cent-a-gallon increase right away.

I think what the Senator from Alaska is suggesting, is that the elasticity in this area is such that if we up the price, we automatically cut demand at the bottom. Yet we have had experts come before us and, more importantly, we have seen over the past year from our practical experience that that just does not happen. When the cost goes up, as it did some 40 percent—40 percent, about a year and a half ago—we saw an initial drop in demand. Then it came right back to previous levels all over again. All we did was readjust to a higher cost of living, a higher energy cost. Unless we go to something like $1.25 a gallon we are not going to get into a situation where, it appears from the best oil economists that we have talked to, that there really is this type of elasticity of demand to which the Senator refers. Quite the opposite.

Rather, it appears that at the current levels, and certainly with this nickel-a-gallon increase that the Senator is talking about, that the effect would not be one of conservation, which is the Senator's stated purpose or as a viable alternative to the bill we are discussing here. It would not provide that conservation. All it would do would be to hit hardest at those working on a slender budget, those who are hard pressed to drive back and forth to work now. It would penalize them unduly, in opposition to the rest of us who are fortunate enough or wealthy enough to afford gas at any price.

The conservation program set forth in this bill is an alternative to exactly what the Senator from Alaska is talking about. The Senator's suggestion is more in line with what the administration has proposed. We think such proposals as deliberately pricing citizens out of the market until only those wealthy enough to afford to travel could have automobiles is even worse for the economy and is unfair.

The **PRESIDING OFFICER**. The 15 minutes of the Senator from Ohio have expired.

Mr. **GRAVEL**. May I have 2 minutes to close off?

The **PRESIDING OFFICER**. The Senator from Alaska is recognized for 2 minutes.

Mr. **GRAVEL**. Let me close by saying that these figures come from FEA. The Senator can dispute them. The Senator says my primary purpose is conservation. That is my secondary purpose. My primary purpose is to get the economy moving.

The Senator can say that the $38 a year on the average that it will cost the consumer—that is the cost, not the $5 billion a year or whatever the Senator says. That does not count to the man in the street. What counts to the man in the street is what it costs to have a free market. It will probably cost him $38 a year, $3.20 a month, or 75 cents a week. I think I would rather pay that 75 cents a week to have a free market than to stand in line for a half hour and only be able to buy gas on whatever my number on my plates is. Those are the alternatives that my colleague puts forth.

I think the case, in my mind, is very clear, that the Committee on the Interior wants to substitute in the marketplace the judgment of bureaucrats for individual citizens. I think it can still be done by individual citizens. It will not be horrendous.

With respect to the tax rebate, understand this: If the Senator wants to get this country moving, we have to provide jobs. To provide jobs, we have to have energy. That tax rebate did nothing to provide energy. What it did was to take $2 billion out of the energy marketplace. So it will cause an atrophying of energy, which will actually be the basis upon which jobs are to be there.

When we think that what we have done by throwing money at the American people is doing something for this economy, we are going to be sorely surprised when we do not see us come out of the doldrums. There is only one horse that this economy can ride out of the doldrums. That is the horse of energy. All that we have done has been counterproductive and this legislation is not only counterproductive.

In fact, I am not terribly distressed that I may lose my cause.

I cannot think of anything that will be more likely to shock the American people into recognizing the idiotic policies which we have pursued for the last 3 years than this legislation becoming law, and then having the FEA tell every single American what he can or cannot do with his automobile. I cannot think of anything that will more quickly hasten the day when we will begin exercising intelligent leadership in this country.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. GRAVEL. I thank the Senator from Ohio for his participation in this dialog, and I yield the floor.

Mr. GLENN. I thank the Senator. This has been an interesting colloquy. I ask unanimous consent that substantiating materials with reference to certain points in the discussion we have had this afternoon be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Petroleum Price Increase Limitation Act of 1975

IV. NEEDS

The decontrol of all domestically produced crude oil as proposed by the Administration will eliminate entirely the insulation between the petroleum prices paid by U.S. consumers and the arbitrary petroleum prices set by the Organization of Petroleum Exporting Countries cartel. At the present time two thirds of the crude oil produced in the United States is under price controls at $5.25 per barrel. New contracts for the portion of domestic oil production which is not under price controls—new, released and stripper oil—now provide for prices of over $11.00 per barrel. The landed price of imported crude oil is nearly $12.50 per barrel.

The impact of oil price increases on the U.S. economy during the past year has been enormous. The costs of all energy have increased in response to oil price increases. According to the Bureau of Mines, fossil energy increased in cost by $33 billion in 1974. The results of these increases for consumers are:

Increased electricity costs of 33% nationally and by as much as 60% in some regions;

A rise in coal costs of 75% on a national basis, while spot price increases have substantially exceeded 100%;

An increase in average natural gas prices of nearly 40% at the wellhead;

A doubling of home heating oil costs, while gasoline prices have increased by nearly 15¢ per gallon.

Petroleum supplies 47% of the energy consumed in the United States; the fossil fuels—coal, oil and natural gas—account for over 95% of U.S. energy consumption. The impact of increased fossil energy costs on U.S. consumers is profound and substantially exceeds the impact of increased costs of the fuels and electricity they purchase directly. Thus the energy price increases of 1973–74 have played a major role in the 12% inflation rate experienced during that period, which affected nearly all sectors of the economy. Even ignoring the current precarious position of the domestic economy, it is clear that a second round of price increases equivalent in total economic impact to the increases of 1973–74 must be avoided.

Yet the proposals which President Ford announced in his state of the Union Message would produce almost exactly this impact. Assuming the fees for imported oil increase to $3 per barrel and domestic oil is released from price controls—actions which can now be taken administratively without additional Congressional authority—the result will be energy cost increases for the U.S. economy of at least $33 billion on an annual basis. From 1973 to 1974 U.S. oil costs rose by $28 billion; a $17 billion increase in the cost of imported oil and an $11 billion increase in the cost of domestic oil. The President's administrative actions would increase the cost of imported oil by $5.4 billion annually and the cost of domestic oil by $22.3 billion; $19 billion from decontrol of "old" oil and $3.3 billion from the increase in "new" oil prices which the tariff would induce. The total impact on oil costs is $27.7 billion, almost identical to the 1974 oil cost increase. In 1974 the costs of coal and natural gas increased by approximately $5 billion. The administrative actions of the President would induce similar increases in 1975.

Of the measures which the Administration plans to implement through executive order, the decontrol of domestic oil carries the heaviest impact. Assuming a decontrolled price of over $14 per barrel—driven beyond the OPEC set new oil price of $11 per barrel by the Administration's $3 per barrel tariff—the increased cost resulting from the removal of all domestic production from price controls would be an enormous $19 billion per year. This action would not only increase the cost of all petroleum products but it would cancel finally any attempt to protect the U.S. economy from OPEC pricing policies. The U.S. will have, in effect, joined the cartel, and the decision will have been implemented without the participation of Congress.

The dangers implicit in the administration's energy tariff, tax and price decontrol proposals have been underlined in Congressional testimony by a distinguished group of economists. In this group are the current chairman of the Federal Reserve Board, economists who have served both Democratic and Republican Administrations in the past, and a number of distinguished academic and business economists.

Arthur Burns, Chairman of the Federal Reserve Board, in testimony before the Joint Economic Committee on February 7, 1975, said "* * * I find the President's (energy) program extremely complicated. There are some parts of it I think are hazardous at a time like this * * * I, for one, would want to phase in that kind of a program, and not concentrate it in the manner that the President has suggested."

In response to a query from Representative Brown, Dr. Burns said of the energy program: "It is so complicated, so intricate, and so inherently controversial a measure, I think the Congress should take its time about that program. I think you should hold very extensive hearings."

Arthur Okun, Former Chairman of the Council of Economic Advisors in testimony before the House Ways and Means Committee on January 28, 1975, said:

"* * * one aspect of energy policy looms as a dire and imminent threat to our economy. If the President levies the indicated tariff on imported oil and all oil prices are decontrolled before any offsets to these measures are enacted, the President would be draining real income away from the American consumer at the enormous annual rate of nearly $30 billion. I cannot believe that the President intends to risk a depression in order to hasten Congressional action on his energy proposals. Yet his own recent words point in that direction. The Congress must ensure against any such ruinous action—if possible, by appealing to the President's good judgment; but, if necessary, by restricting his statutory powers over tariffs and mandating the extension of price ceilings."

Dr. Eric Herr of Data Resources Incorporated, a firm whose analyses the administration often quotes in support of its programs, testified before the Senate Interior Committee on February 12, 1975:

"It is true that the goal of energy independence will impose macroeconomic costs on the U.S. economy whenever it is applied. However, the energy tax and price package is simply too big a bite for the economy to swallow in a year of deep recession and high inflation. Given our other inflationary problems, *the enactment of the President's energy program would likely make 1975 another year of double-digit inflation.* We have already seen that the economy cannot prosper under that condition, that consumer confidence is destroyed, and that ultimately, business suffers acutely. The Federal Reserve is not likely to accommodate double-digit inflation, and consequently, will not provide the financial conditions that make recovery possible. *In other words, the extra inflation that a quick implementation of the President's energy package would imply, could well deepen the recession and keep the economy on the road to depression.*" (emphasis added)

That the President's program is broadly inflationary seems beyond dispute. Paul A. Volcker, Senior Fellow at Princeton University's Woodrow Wilson School of Public and International Affairs, in testimony before the House Ways & Means Committee, January 27, 1975, said (the President's energy program) "could be another drag on business activity * * *" He said, "Much clearer is the upward impact on the price indices, which I suspect the official 2% estimate understates significantly in seemingly accounting only for the direct price effects on oil and from the new taxes."

In addition a substantial body of opinion emphasizes *both* the inflationary and depressive effects of the administration's oil pricing proposals.

George L. Perry, Senior Fellow at the Brookings Institution, testified before the Joint Economic Committee on Jannuary 29, 1975 that "* * * a substantial rise in the price of oil will add a huge new burden depressing the economy and will undo most of the expected improvement in the inflation rate. It is doubtful that policies could be implemented to offset either the depressing effect or the inflationary effect of the price increases that would come from the Administration's energy proposals."

In testimony before the House Ways and Means Committee on January 27, 1975 Joseph A. Pechman, the Director of Economic Studies at the Brookings Institution stated: "The proposed taxes on petroleum are, unfortunately, an ill-advised approach to the energy problem. These taxes will be counter-productive in two respects: first, they will raise prices substantially—certainly more than the direct 2% effect to be felt initially—as the effect of the petroleum tax increase is pyramided through the economy; second, on balance, they will depress demand, because $6.5 billion of the $30 billion tax increase will be used to reduce the corporate tax rate, reduction that will have little effect on corporate spending at least in the short run. Thus, the energy program will be inflationary and deflationary at the same time."

If the dangers to the domestic economy posed by the President's energy pricing proposals are real and well-documented, the benefits which will flow from the sacrifice these proposals entail are subject to considerable uncertainty. The Administration maintains that its plan to substantially increase by administrative action the prices of the full range of petroleum products will result in the saving of the energy equivalent of a million barrels per day of oil by the end of 1975. In the Administration view these savings will result from the price elasticity of the demand for petroleum—the reduction in the consumption of petroleum induced by higher prices.

Testimony presented to the Committee has raised considerable doubt concerning the likelihood that the elasticity of petroleum demand is sufficiently great to produce the reduction in consumption which the Administration claims will be achieved. The irony of the U.S. petroleum situation is that the massive economic impact of the Administration's energy pricing policies will not increase the price of specific refined petroleum products—gasoline, home heating oil or residual fuel—to an extent which will induce any substantial reduction in demand. Faced with the increased costs of fuels and electricity which result from the Administration's energy program, individual consumers have no choice but to pay. These increased payments and the higher rate of inflation which higher energy prices produce all conspire to reduce the chances that consumers will be able to reduce their energy consumption by purchasing for example the insulation, the storm windows or the automobile with improved fuel economy to help reduce their energy consumption.

Charles R. Owens, former Deputy Assistant Administrator for Policy Planning and Regulation of the Federal Energy Administration, testified before the Senate Interior Committee on February 6, 1975, concerning the historical and recent evidence for the degree of price elasticity of gasoline consumption:

"Any attempt to show a simple systematic correlation between gasoline demand and gasoline price for the period from 1946 to 1973 is doomed to failure. The data simply do not support it. The evidence in fact is slightly against a negative correlation between price and demand. Using deviations from trend growth rates, the correlation was more often positive than negative. When price went up demand went up, and when price went down demand went down in 16 of the last 28 years. In the other 12 years, the reverse was true; when price went up, demand went down and *vice versa*. This clearly shows there has been so significant demand elasticity with respect to U.S. gasoline prices in recent times.

"The structural reasons for this interaction of disparate supply/demand relationships as determinants of price—rather than the mistaken assumption that price largely determines demand—are quite straightforward. Gasoline use is essentially derived. That is, Americans buy gasoline as a minor input to the service of transportation. Since there are few substitutes for transportation, and practically no substitutes for gasoline, we should expect little causal relationship between price changes and demand.

"Since the Administration has put special emphasis on an overall tax on oil, we should note that higher prices generally may inhibit oil demand overall more than in gasoline. This judgment is based on two considerations. One is that demand in the non-automotive sectors is more easily associated directly with price. Homeowners can dial down thermostats and wear sweaters. Industrial users will tighten controls on energy use and install energy-saving equipment. The second is that BTU-equivalent incentives to shift to other fuels are increased for those consumers with existing or potential dual-fired capability.

"The sum of these two factors should yield a higher demand elasticity for total oil than for gasoline alone. But since gasoline currently represents some 35 percent of U.S. oil product demand, this seriously inhibits the capability of the Administration to cut overall oil consumption by a tax on oil. It is difficult to expect the relatively modest price increases proposed by President Ford to have a perceptible effect on U.S. oil demand. Short-term, without rapidly deepening recession, the results may appear to be promising. But after adjustment for changing economic activity, *it seems highly unlikely that the Administration's conservation goal, i.e., a million barrel per day reduction in imports by year-end, can be achieved by the methods the President has proposed.* (Emphasis added.)

"Fundamentally, we believe the President's program is based on several highly dubious assumptions. These include the assumption:

" 'That a viable recession recovery program can be financed by regressive oil and natural gas taxes.

" 'That demand elasticity for energy is significantly negative despite the contrary evidence over the entire post-World War II period. Even the past eighteen months, while admittedly exceptional, indicate almost zero elasticity.

" 'That U.S. domestic oil production can be quickly turned around, even though under the two-tier price system U.S. output still declined by 10 percent or 900 thousand barrels per day from December 1973 to December 1974.

" 'That exploration incentives would still be positive with the recommended excise taxes on oil, plus the excess profits tax.

" 'That the cake is really worth the candle. A makeshift tax package—both on the input side and on the rebate side—has been constructed to show OPEC that we mean business, to put economic pressure on foreign oil producers, despite the fact that the amounts involved are only a minor fraction of producing capacity, and to prove to our European and Japanese allies that we are willing to make sacrifices. We strongly suggest that the potential strategic benefits of these "bargaining chips" ought to be balanced against a rigorous assessment of their costs.' "

If the prospects for reducing domestic petroleum demand over the short run are dim, the foreign policy gains in terms of protection against Arab blackmail from such a reduction, should it be achieved, are also open to question. Dr. John C. Sawhill, former Administrator of the Federal Energy Administration, testifying before the Senate Interior Committee on February 12, 1975, said, in connection with the national security question:

"* * * the question is not whether we reduce our vulnerability to foreign sources—almost everyone would agree that we should do so—but how quickly. Today, we are importing about 6.5 million barrels of crude oil and petroleum products per day. A 1-million barrel per day reduction would still leave us importing more than 30 percent of our petroleum requirements. Thus, even if we achieve the President's goal, we would remain extremely vulnerable to a cutoff, and the differences between our vulnerability with imports at 5.5 million barrels per day and imports of 6.2 million barrels per day—the result of a more gradual import reduction goal—is marginal.

"The fact is that imports in 1975 will be substantially below early expectations even without the proposed program of tariff and price increases to the lower level of economic actiivty. Thus, rather than setting an unrealistically large goal and enacting measures which would jeopardize economic recovery, the Congress should legislate a broad program of actions to increase energy supplies (along the lines previously indicated) and gradually reduce demand growth so that—over a period of time—we become less dependent on foreign sources."

The Committee finds that the benefits and advantages which have been claimed for the Administration's energy tariff, tax and pricing proposals have not been clearly or convincingly demonstrated. On the other hand, the opinion of the economic community is virtually unanimous concerning the dangers posed for the domestic economy by these proposals.

The Committee therefore believes that Congress must accept the responsibility to arrest the Administration's rush towards a major economic disaster.

Mr. HANSEN. Will the Senator from Ohio yield to me?

Mr. GLENN. Mr. President, I yield whatever time he may require to the Senator from Wyoming (Mr. Hansen).

Mr. HANSEN. I thank the Senator for his courtesy.

Let me say to the Senator from Alaska that there was not unanimous agreement in the Committee on Interior and Insular Affairs with respect to this bill. I call his attention to page 78 of the committee report, from which I shall read one short paragraph. This is from the minority report or other views, I forget how it is headed, signed by Senators Fannin, Hansen, McClure, and Bartlett. We said, on page 78:

> In short, the committee is asking the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer is too stupid to figure out for himself how he can cut down on his fuel use and that the federal and state governments must force him to save energy in the manner the governments think best. Thus, with the inclusion of Title II coupled with Sections 122 and 123, the committee is abandoning the price mechanism and forcing what is tantamount to government dictated rationing programs under the guise of "conserving" energy.

Mr. President, I thank my colleague from Ohio for yielding.

Mr. GRAVEL. Mr. President, I read the minority report, and I thought it was excellent. I compliment the Senators who signed it.

Mr. BAKER. Mr. President, I wish to state my strong opposition to title II of S. 622. The provisions of this title—particularly sections 202 and 203—require that the Federal Government develop regulations and standards for energy conservation. The problem is that the requirements in those sections are vague and infringe on areas where effective Federal programs now exist.

I shall not dwell on the draftmanship in these sections, other than to endorse the minority views on the bill—page 77—that note the inconsistency in using language such as "functionally discrete," together with the overly broad discretion allowing coverage over all industrial activities.

Some of these standards involve the operation and construction of Federal office buildings. The General Services Administration, which is not listed among the agencies to be consulted, has already developed an impressive program for energy conservation. Is that program to be ignored by this legislation?

The bill calls for lighting and thermal performance standards. By what criteria will lighting and thermal performance be judged?

Another provision calls for "programs to insure better enforcement" of the national 55-mile-per-hour speed limit. What does that imply? Existing law takes away all of the State's highway money if that State does not certify enforcement of that limit. What better program does this bill propose?

Another provision in sections 202 and 203 encourages the creation of a program to maximize the use of car pools and public transportation. The provision seems to ignore the existence of section 120 of the Federal Aid Highway Amendments of 1974 which granted the Secretary of Transportation broad authority to implement programs for car pooling.

Another standard is designed to increase industrial efficiency in the use of energy. What are the criteria? What is the yardstick?

Another standard would allow control of transportation "upon which the basic economic vitality of the country does not depend." What kind of standards? Will such transportation be outlawed by Federal regulations? How would this work?

Mr. President, I believe that these sections of the bill are unwise and offer language that is too vague to be effectively implemented in our mutual efforts to conserve energy.

The standard is too vague, too uncertain, and too unclear to prove useful. It represents a delegation of responsibility that may haunt us for a generation.

For these reasons, I urge that title II be deleted.

Mr. MONDALE. I would like to inquire of the distinguished floor manager regarding section 113(b) of this bill.

In 1973, when the Alaska Pipeline Authorization Act was debated, one of the most pressing concerns which I expressed was the possibility that large quantities of Alaskan crude oil might be exported to Japan and other nations. As a result, a provision was inserted in the legislation which restricted the ability of a President to export North Slope oil without congressional concurrence. Under provisions of this section, the Congress would have 60 calendar days to consider whether a presidentially requested export of Alaskan crude oil would be in the national interest. If during this period of time, we passed a concurrent resolution of disapproval, such exports would have to stop.

Section 113(b) of this bill, as I understand it, would remove the ability of the Congress to disapprove such exports under certain circumstances. In view of the conclusion of the Interior Committee staff that a surplus of production of Alaskan oil over West coast consumption could reach 1 million barrels per day by 1982, is there a possibility that enactment of the language of section 113 (b) might be used to load a disproportionate share of any exports obligations should the IEA agreement be invoked on Alaskan crude?

Mr. JACKSON. The intent of the Alaska pipeline authorization bill in this regard was to insure that Alaskan crude oil remained in the United States for American use, except under conditions which did not reduce the "quantity or quality of petroleum available in the United States." The potential of a substantial crude oil surplus on the West coast as a result of production of Alaskan oil should not be interpreted as a justification for fulfilling a disproportionate share of our IEA obligations in case of emergency through the export of Alaskan crude oil.

Mr. MONDALE. As the distinguished floor manager is aware, the Canadian Government has announced that it is going to reduce exports of Canadian crude oil to the United States, and totally phase them out by 1982. Among the possibilities of making up for this Canadian crude—on which my State of Minnesota is heavily dependent—would be a negotiated agreement with the Government of Canada to exchange Alaskan crude oil for continued Canadian oil exports to the United States. Another possibility would be construction of an oil pipeline from the West coast to the Midwest to dispose of this surplus.

Would the language of section 113(b) of this bill pose a problem with regard to potential negotiations between the American and Canadian Governments on this question, or to financing of a West coast to Midwest pipeline?

Mr. JACKSON. Section 113(b) of this bill is in no way intended to permit export of Alaskan crude oil in a proportion greater than the proportion of Alaskan crude oil production to total American production in the event of an emergency situation. The language is strictly limited to a situation of real emergency, and would require a Presidential finding stating the emergency nature of the situation. It should in no way be construed to go beyond this type of situation and in no way would nullify the provisions of the Alaskan pipeline authorization bill as they relate to exports of crude oil which flows over Federal rights-of-way.

This language is intended only to aid us in the fulfillment of our obligations to the International Energy Agency in maintenance of regional equity within the United States is a prime goal of this legislation, even in event of such an emergency.

Mr. BAYH. I note on page 37 of the committee report that the committee directs the FEA to afford the highest priority in its allocation program to manufacturers of pharmaceuticals and drugs. Can you explain why this directive was not in the legislation itself?

Mr. JACKSON. Because we thought Congress had made this clear in the Petroleum Allocations Act of 1973, whose system of priorities is incorporated in this bill. By directing a first priority for "public health" in subsection 4(b)(1) (A) of the Allocations Act, Congress clearly intended to include pharmaceuticals that are used in hospitals, nursing homes, doctors' offices, and health centers, as well as those health care products purchased by individuals. The committee report directs the FEA to make the necessary changes in its regulations to implement that priority within 60 days.

Mr. BAYH. Is the phrase "essential drugs and pharmaceuticals" on page 38 of the committee report meant to include only prescription drugs?

Mr. JACKSON. No. There are many essential medicines for which a prescription is not necessary. Insulin for diabetics and aspirin for arthritics are just two of many examples. The committee intended to include all health care products for the protection of public health under the term "pharmaceuticals and drugs," that was the intent of Congress in the 1973 act as well.

Mr. BAYH. Would the phrase include products used in the research and development of new drugs, and in the quality control that is so important to pharmaceutical production?

Mr. JACKSON. Yes. Those aspects of the pharmaceutical manufacturing process are equally vital to the health and safety of the public.

Mr. BAYH. How about the special packaging materials, such as the plastic bottles, that are often required to maintain the potency and efficacy of pharmaceutical products? Are they included in the definition?

Mr. JACKSON. Certainly. I hope the FEA will not interpret the phrase narrowly, or draw up lists of eligible products. That is not what Congress intended in 1973 or what the committee intended in this bill. The pharmaceutical industry uses less than two-tenths of 1 percent of crude oil production. It uses it for a very essential purpose. We do not wish to see its operations restricted in any way by shortages.

Mr. BAYH. When the committee report uses the term "highest priority," is it the intention to give the pharmaceutical industry the same priority under the FEA's mandatory petroleum allocation regulations that is now given to the Department of Defense and to agricultural production?

Mr. JACKSON. Absolutely.

Mr. BAYH. I am interested in how that would work in practice. The present FEA regulations do not cover the majority of petrochemicals needed for pharmaceuticals. Does the committee intend to clearly direct the FEA to promulgate regulations that would allow the pharmaceutical producer at the end of the supply chain to obtain 100 percent of his entire requirements of products derived from crude?

Mr. JACKSON. Yes; we were thinking in terms of a simple passthrough certification procedure for petrochemicals, whereby the manufacturer of pharmaceuticals would state on his purchase order that the material is required to produce such products. The supplier would also have authority to pass the certification upstream to his suppliers. This process could continue if necessary to the refinery level.

Mr. BAYH. As a cosponsor of this bill, I wish to state my agreement with the clarifications made by the Senator from Washington, and to express my appreciation for his making them.

SENATOR RANDOLPH SUPPORTS PRIORITY CONSIDERATION FOR HANDICAPPED INDIVIDUALS DURING AN ENERGY CRISIS

Mr. RANDOLPH. Mr. President, I greatly appreciate the understanding with which the distinguished chairman of the Interior Committee, Mr. JACKSON, and the members of that committee accepted an amendment which I authored giving handicapped citizens priority consideration during an energy crisis. The members of the Interior Committee incorporated this provision in S. 622 as reported by that committee. Their action expresses our conviction that disabled persons should not suffer extraordinary hardships should an energy-rationing system be imposed on consumers.

The average American has the options of driving a car, joining a car pool, riding a bicycle, using a taxi, bus, train, or subway—or walking. These choices often are not available to a handicapped individual who is unable without special assistance to use conventional forms of transportation.

Our mass transit systems are usually inaccessible to the disabled due to stairways or other architectural barriers. Therefore, handicapped citizens are often relegated to the use of the private automobile as their only means of transportation. To move to and from one's job, the market, and medical and other necessary services, a handicapped person must use a private car.

This problem is further compounded when we realize that individuals with physical disabilities also must have accessible housing. As a consequence, they are often forced to live in areas which may be far from their jobs or the location of shops.

Gas rationing during World War II did not create undue problems for physically disabled persons, in great measure because of exemption provisions provided for them. Since then major national programs have been instituted to enable handicapped citizens to participate more fully in our society by encouraging equal opportunity for education and for employment. As a consequence, the handicapped are more reliant than ever before on private transportation. Unless the Congress assures special priority is given in rationing and energy conservation programs affecting transportation for this segment of our population, we will indeed subject them to an unfair burden and take a step backward.

My amendment, which was accepted by the Interior Committee, does several things:

First, it defines the terms "handicapped person" and "eligible person".

Second, it provides for special consideration for the needs of handicapped and other eligible persons—such as the parent or guardian of a handicapped person—in the event of rationing. Such consideration would include an allotment of fuel—decided on an individual basis—over and above the number of gallons allotted to other private users.

Third, it provides for special arrangements for those who are physically unable to personally pick up coupons because of architectural barriers.

Fourth, it requires the Federal Energy Administration to consult with the Veterans' Administration and the Social Security Administration to decide who is eligible or handicapped.

Fifth, it mandates that all machinery to administer this program be ready to move on the first day a rationing plan takes effect, so that no handicapped person or the parents of a handicapped person would have to wait for his eligibility status to be approved.

Mr. President, I urge my colleagues to support both this amendment and S. 622 so that we may successfully deal with the energy crisis without undue burdens upon any one segment of society, but with an equal sharing of responsibility by all.

THE RECORD OF THE SENATE, JANUARY 14–MARCH 26

Mr. MANSFIELD. Mr. President, the record of Senate legislative activity from January 14, up to and including March 26, is as follows:

Days in session	43
Hours in session	225.34
Total measures passed	89
Private laws	0
Public laws	10
Treaties	0
Confirmations	8,372
Record votes	117
Vetoes	1

This indicates a busier and more productive period of time for this new Senate than any other in recent years. The Senate had scheduled a nonlegislative period from February 7 until February 17, which was canceled and the Senate remained in session to consider urgent business. March 21 until April 7 was also scheduled as a nonlegislative period, but the Senate remained in session until Thursday, March 27. As a result, the President has been sent a massive tax rebate and tax-cut bill, legislation preventing the President from raising the cost of food stamps, and a measure to assist financially railroads. The Congress has also delayed Presidential imposition of $3-per-barrel oil import tariffs with the result that there was a compromise agreement to delay $2 of that amount.

The Senate has authorized a special investigation of intelligence-gathering agencies and activities and has changed rule XXII by reducing from two-thirds of the membership present and voting, to a constitutional three-fifths, or 60 Members, present and voting, to stop filibusters.

The Senate has also passed a major farm policy bill and is ready to act on energy, housing, and emergency public jobs legislation.

The new Budget Committee is living up to its responsibilities and deadlines and the Appropriations Subcommittees are working continuously to carry out their duties.

In sum, this has not been a "do-nothing," but a "do-something" Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 10:15 a.m. After the two leaders or their designess have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. HELMS, Mr. TALMADGE, and Mr. GRAVEL.

Mr. MORGAN will then be recognized for not to exceed 10 minutes, after which a period for routine morning business will ensue until no later than 11:30 a.m. Senators may make statements not in excess of 5 minutes each during that period for routine morning business. At 11:30 a.m. the Senate will proceed to vote on amendment No. 314, by Mr. GRAVEL, the yeas and nays having already been ordered thereon.

Throughout the day rollcall votes will occur on amendments and/or other matters related to the energy bill.

It is hoped that final action can be reached on the energy bill tomorrow.

ADJOURNMENT UNTIL 10:15 A.M. TOMORROW

Mr. GLENN. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 10:15 a.m. tomorrow.

The motion was agreed to; and at 5:24 p.m. the Senate adjourned until tomorrow, Wednesday, April 9, 1975, at 10:15 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 8, 1975:

DEPARTMENT OF JUSTICE

Mark W. Buyck, Jr., of South Carolina, to be U.S. attorney for the district of South Carolina for the term of 4 years.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

FIFTY YEARS OF BEAUTIFUL MUSIC

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EILBERG. Mr. Speaker, the Curtis Institute of Music is 50 years old this year. The distinguished school has been training singers and musicians of world renown since 1924 and its reputation for excellence is known wherever classical music is enjoyed.

At this time I enter into the RECORD an article about the Curtis Institute written by James McClelland and printed in the magazine Destination: Philadelphia:

FIFTY YEARS OF BEAUTIFUL MUSIC

(By James McClelland)

This season The Curtis Institute of Music is celebrating a golden anniversary year; the renowned Philadelphia Institute has been preparing singers and instrumentalists for careers in the music world for the past half century.

Founded by Mary Louise Curtis Bok Zimbalist in 1924, the Institute has had many distinguished directors including Josef Hofmann, Randall Thompson and Efrem Zimbalist; today, pianist Rudolf Serkin is Artistic Director. Since its early days, The Curtis Institute of Music has prepared many artists who have distinguished themselves in the music world. These include such artists as sopranos Anna Moffo, Judith Blegen, Benita Valente; baritone Frank Guanera; pianists Abbey Simon, Sidney Foster, Peter Serkin, Ruth Laredo, Jorge Bolet, Walter Hautzig, Susan Starr, Eugene Istomin, Gary Graffman, Lee Luvisi and pianist conductor Lukas Foss. Instrumentalists include Jaime Laredo, Leslie Parnas, the Guarneri String Quartet, Leonard Rose, Oscar Shumsky, Shmeul Ashkenasi, the Curtis String Quartet and Joseph de Pasquale.

In addition, Curtis has further contributed to the world of music by preparing musicians for the great orchestras of the world, including of course, the Philadelphia Orchestra. Conductor Eugene Ormandy rehearses the Curtis Orchestra regularly throughout the season.

A major segment of the school's future has already long existed in its faculty, many of them Curtis graduates who have worked alongside or in succession to their teachers. Paraphrasing the classic statement of the school's basic purpose, they are 'the contemporary masters who are handing down the great traditions of the past and are teaching students to build on this heritage for the future."

The student body has always been small, varying in size between 100 and 250; this season it is about 175.

The Opera Department, headed by stage director Dino Yannopoulos, is currently emerging as an exciting new force on Philadelphia's music scene. Critics and public alike have acclaimed the Curtis Opera productions, and, at present, the subscription membership is larger than ever. This season, The Curtis Opera is presenting four productions at the historic Walnut Street Theatre and three productions in the Curtis Studio. The Walnut productions are done with complete orchestra, conducted by David Effron and Thomas Fulton. Studio productions, fully-staged, are performed with piano. This season the repertoire includes such works as "Tales of Hoffmann," "Xerxes," Rape of Lucretia," "The Portuguese Inn," "La Boheme," "Don Giovanni" and "Werther."

Applicants to the Opera Department, as well as all applicants, are selected on the basis of stiff competitive auditions and must show evidence of high talent and satisfactory preparation for admittance. All applicants are taught on a scholarship basis and tuition-free.

The Board of Directors, like their predecessors, combine administrative and financial expertise with a deep love for music. Membership on the board is not an empty ceremonial activity for the board has given itself a worthy and difficult assignment. As M. Todd Cooke, President, recently announced, the board "recognizes the Golden Anniversary as an occasion to review Curtis' past and to weigh its future . . . they are studying all phases of the school's operations so that the Curtis Institute can move into its second half-century with a clear resolve to provide musical education of the highest quality and a firm sense of direction as to how this may be accomplished."

One thing is certain, that The Curtis Institute of Music has consistently distinguished itself in its first half century—and they will certainly continue to do so in the next half century.

Complete information on the anniversary season activities is available directly from The Curtis Institute of Music, Concert Division, Rittenhouse Square, Philadelphia, Pennsylvania 19103.

TOUCHING ALL THE BASES

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HARRINGTON. Mr. Speaker, a constituent of mine, Mr. Walter J. Birmingham, Jr., of Peabody, Mass., has recently written me a letter entitled, "Touching All the Bases," expressing the feelings of millions of Americans toward the present economic conditions in this Nation. At a time when Government seems unresponsive to the needs of its people, Mr. Birmingham points out that we should all remember the words of Abraham Lincoln on "fooling the people."

As he has requested, I would like to insert his letter into the CONGRESSIONAL RECORD for the information of my colleagues.

The text follows:

TOUCHING ALL THE BASES

To the EDITOR:

I am writing this letter for all the concerned taxpayers and citizens everywhere.

We have had it up to our necks with all the phoney business going on in this country.

Last year it was the "gasoline game" where the big boys raised the gas up to 70 cents a gallon, then dropped down to 56 to 57 cents a gallon, which was the price they wanted anyway.

They upped the price to 70 cents a gallon then dropped it to 56–57 cents a gallon to give the impression "they were giving us a break." No, big boys we didn't fall for it.

Before the phoney increase gasoline averaged 50 cents a gallon.

The pepole don't fool that easily.

This year they played the "sugar game."

They figured the people caught on to the gasoline game so this year they played the "sugar game," where they raised the price of a 5-pound bag of sugar from approximately 85 cents a bag to $3.50 a bag. It seems like the people caught on to this game quick as they weren't buying, as evidenced by an ad in The Salem News suggesting that one could buy a 5-pound bag of sugar for $1.98 with a $10 food purchase.

"How Come?" big boys, I guess the people aren't buying this game, heh! for $3.50 for a 5-pound bag of sugar.

And now the fuel, oh that fuel. They played the "fuel game" by the weather pattern.

Last winter and this winter so far it has been a mild winter. So the big boys said to one another around Jan. 1974, and Jan. 1975, Geez, we're not selling enough fuel due to the weather, so what we'll do to make up the difference is raise the prices sky high to keep our big profits and let the people suffer. Big boys, we caught on to that game also.

And Welfare, oh Welfare.

Welfare is supposed to be for the needy, elderly, poor, etc., which it should be.

Well, when people take advantage of welfare by being transit, going from state to state, and from other countries to good old Uncle Sam, it is about time that Uncle Sam got strict and harsh and said wait a minute I can't send my people to your country and receive U.S. type welfare, housing, furnishing, food, etc., so I am going to screen every applicant thoroughly and make sure the applicant is needy.

Some of the people who come from the foreign countries no sooner step on U.S. soil and their first stop is the "local Welfare office." A lot of people skim off welfare and work "under the table" (no taxes). This could be stopped with a little bit of investigating.

Remember, Welfare is supposed to be for the elderly, poor, and needy.

If we all take heed to this, we will see the astronomical welfare cost drop considerably. And, of course, Americans with long standing ties in the United States should have first preference for welfare benefits.

I was on welfare myself, receiving $40 every 2 weeks when I was out of work and couldn't collect unemployment insurance. The Welfare people in the Peabody office were very kind to me and I thanked them kindly for the help I received.

I am now employed by the City of Peabody in the C.E.T.A. program (Comprehensive Employment Training Act) which is a federally funded program reminiscent of the W.P.A. days of the 1930's, which is geared to help take us through these difficult and trying times. I am thankful and grateful to Mayor Nicholas Mavroules for appointing me to the C.E.T.A. program.

Now, getting back to the "Big boys", we the people, don't want to see our "billions of dollars" going up in smoke on your silly probes of the Moon, Mars, Venus, etc.

You haven't even straightened out things on earth yet and you are going to straighten out things in "Outer Space." Leave that to "Jules Verne." We are happy here on earth.

And, don't use competition with Soviet Russia, China, etc, as excuses.

If the Good Lord wanted us to be on the Moon, Venus, Mars, etc., we would be there, and not by rockets either.

Let's get together and spend the money where it should be spent, on the starving people of the world, diseases, slum areas, education for the undereducated, etc.

And now here is another note to you, "Big Boys."

Subject. Foreign Aid.

Foreign Aid.—Charity should begin at home. In other words what I mean by that is that you big boys should not be so free with our hard earned money by being too generous with Foreign Aid.

Only help them for diseases, storms, such as earthquakes, typhoons, tidal waves, etc., and dire emergencies, not for factories, etc., where there is a big buck for you big boys.

In previous experiences we have helped every country on earth and a lot of them turned against us.

We have loaned them outrageous amounts of money and, as history says, only little Finland paid us back.

So, big boys, if you stop being so generous with "our money" those foreign countries will join us and we will have a world of United States in Peace.

Next subject.—War.

War is the most "terrible phoney game" there ever was, as evidenced by Vietnam. Times were difficult, getting no better. War didn't help the economy then, did it? Right?

All of us have heard the saying, "War helps the economy." No way, all war does is sacrifice life and leave untold un-healed wounds for the benefit of a greedy few who make a fast buck.

Remember, We the People, "Know the Game," and we are going to stop it.

All of us attend Memorial Day exercises and we hear this famous saying, "So those shall not have died in vain." That is why wars are going to be no more because all the veterans who lost their lives in previous wars do not want to "turn over in their graves" as they have done in the last several wars.

I wrote this letter expressing the thoughts and feelings of millions of people, with no political ambitions for myself, although quite a few people have asked me to consider political office.

WALLY BIRMINGHAM, JR.,
8 HIGHLAND TER., PEABODY.

YOUTH CAMP SAFETY ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DANIELS. Mr. Speaker, the U.S. Consumer Product Safety Commission intends to establish mandatory safety standards for play equipment on public playgrounds in the near future. Surely with an estimated 55,000 people injured on playground equipment in 1973, safety standards are an appropriate response to insure the well-being of children at play.

Yet, while measures are undertaken to protect young people on public playgrounds, an estimated 2,700 youngsters sustain serious injuries or incur serious illness and another 25 children die each summer at youth camps. These statistics were compiled through a congressionally mandated survey undertaken by the Department of Health, Education, and Welfare covering one-third of the Nation's camps—the 3,343 youth camps that permitted HEW to study their records. What are the injury, death, and illness statistics for the remainder of camps? I surmise that these institutions may have higher fatality records and therefore are unwilling to undergo public scrutiny.

I believe, however, that the health and safety of our children attending summer camp is a matter of utmost concern. Even in these difficult times of unemployment, inflation and energy crisis, we cannot turn our backs on our most precious resource—our children. Accordingly, 119 Members of Congress have joined me in cosponsoring H.R. 46, the Youth Camp Safety Act. This bill is the product of extensive hearings and investigations over many sessions of Congress by the Subcommittee on Manpower, Compensation, and Health and Safety which I chair. It is a true bipartisan effort, a cooperative attempt to remedy a problem that literally cries out for swift action.

State laws protecting children in youth camps are woefully inadequate—only seven States have comprehensive laws dealing with youth camp safety. Clearly, minimum Federal standards formulated in consultation with interested and knowledgeable groups are an appropriate response to this situation, as safety standards covering play equipment are a proper solution to safety on play equipment.

I call my colleagues' attention to a recent article in the Jersey Journal by Kay Mills of the Newhouse News Service which outlines the action to be undertaken by the CPSC. It is my hope that my colleagues will concur shortly that such an affirmative response to improving safety conditions in youth camps by passing H.R. 46 is indicated.

FEDERAL SAFETY COMMISSION TO SET PLAYGROUND STANDARDS

(By Kay Mills)

The U.S. Consumer Product Safety Commission (CPSC), hoping to reduce some of the unnecessary scrapes, bumps and bruises of childhood, plans to set mandatory safety standards for seesaws, slides, swings and other equipment on public playgrounds.

The commission estimates that in 1973, more than 55,000 people were hurt seriously enough on playground equipment to warrant emergency room treatment.

Acting on a petition filed almost a year ago by Elayne Butwinick of Washington, D.C., CPSC has asked outside groups to submit offers to help write the standards. If the commission accepts an offer, the group will draft the manufacturing, assembly and maintenance guidelines and then the commission will review them before proposing them as a regulation.

Playground fights or accidents caused by clumsy kids aren't covered by the commission guidelines, but just about anything else is. "The hazards associated with public playground equipment," the commission said in its Federal Register notice, "include being struck by, falling from, being entrapped within, being cut by, breakage of and other contact with such equipment, component parts or the surfaces thereunder.

"The types of injuries sustained include amputation, fracture, contusions, abrasions, lacerations, concussions, strains, sprains, strangling and death," CPSC added.

The commission said that aside from misuse of equipment or "rough-housing," other causes of accidents include poorly designed, assembled or maintained equipment.

It suggested that groups wanting to write the standard specifically should consider safety requirements for exposed nuts and bolts, open-ended hooks, sharp edges, rough surfaces, sides of sliding boards, swing seats, ground clearance for swings, moving parts which could pinch a child's hand or leg, slip-resistance of ladders, maintenance instructions and so forth.

"The requirements should also address the hazard of children falling from public playground equipment and striking nonenergy absorbing surfaces," the commission notice said.

THIRTIETH ANNIVERSARY OF THE SOVIET OCCUPATION OF HUNGARY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HORTON. Mr. Speaker, April 4 of this year marked the 30th anniversary of the Soviet military occupation of Hungary. Unfortunately, the Congress was not in session that day but I wish to take this opportunity to recognize that tragic historic milestone.

Despite three decades of Soviet occupation and oppression, millions of men and women throughout the world have never lost sight of the goal of a free Hungary. As leaders of the free world, we have a special duty to reaffirm our commitment to the quest for freedom for all people.

The heavy responsibility we bear was addressed in a joint statement issued by the Free Hungarian Organizations, representing Hungarians of four continents. I include that message in the RECORD for the benefit of my colleagues:

STATEMENT OF FREE HUNGARIAN ORGANIZATIONS

(On the occasion of the 30th anniversary of Hungary's occupation by the Red Army of the Soviet Union)

April 4, 1975 marks the thirtieth year of Hungary's military occupation. These three decades of subjugation by force of arms underline the shame of humanity and of humanitarianism. These three decades of subjugation by force of arms point to the weakening of the West's will to conduct a foreign policy which aligns the United States and the other powers of the Free World with the principles of freedom and with the yearnings of humanity seeking bread and liberty.

The continuous armed suppression of Hungary, which followed the occupation by Nazi Germany, makes mockery of the principles of democracy, of every written and unwritten law, of every international declaration.

The Soviet occupation—breaching all treaties and serving the ill hidden purposes of International Communism and of Soviet military expansion—tramples the ten million Hungarians and threatens the very existence of Hungary.

The fateful and paradoxical decision of the West—coined by the thrust of the United States—at the Mutual and Balanced Force Reduction negotiations conducted in Vienna to concede to Moscow's demand that Hungary's territory be excluded from the area of projected troop cuts, robbed from the Hungarians the only treasure that they still could call as their own: the hope for freedom, for life without foreign occupation, exploitation.

The presence of the Soviet Red Army on Hungarian soil, sanctioned by western eagerness to please the red rulers in the name of detente, provides a beachhead for Communist Imperialism in the strategically located crossroads of Central Europe and may prepare Hungary for the fate of the Baltic States.

The voice of the Hungarians, who escaped from oppression and found refuge in the countries of the Free World—our voice—remains the only free pronunciation of the Hungarian Nation. Guided by this responsibility and commanded by our conscience, on the thirtieth anniversary of Hungary's military occupation, we, the undersigned Hungarian Organizations, representing Hungarians of four continents, with the delivery of this statement and its supplements call upon the nations, the governments, the lawmakers of the Free World, the members of the United Nations Organization, reminding them of the facts and of their responsibilities. It is the task of the signatories of the 1947 Hungarian Peace Treaty and the supporters of the resolutions of the United Nations Organization, demanding the withdrawal of Soviet troops from Hungary, to give effect to the terms of these documents.

The destruction of a thousand year old sovereign nation must arouse the concern of every freedom loving man. We urge everyone who possesses the spirit of morality, humanity and integrity to help us to free Hungary from the double bonds of foreign arms and foreign ideology.

We cite the last message of the Hungarian Writers Association, broadcasted after the torrent of Soviet bullets killed the short lived freedom of Hungary in 1956: "Help Hungary! Help the Hungarian Nation! Help the Hungarian writers, scientists, mothers, peasants, priests, children!" Save the soul of Hungary and the Hungarians, and with it—believe us—your own soul.

We repeat the words spoken by Imre Nagy, the Premier of Hungary during the Revolution of 1956:

"We appeal to our neighbours and to countries far and near to respect the unalterable decision of our people for a free, independent, democratic and neutral Hungary."

Washington, D.C. April 4, 1975.

PERSONAL INCOME TAX RETURN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HUNGATE. Mr. Speaker, in accordance with my regular practice since coming to Congress, I again disclose my income as shown by my most recent income tax return for the year 1974, due and filed in the year 1975.

My joint personal income tax return, form 1040, line 9 shows my congressional salary of $42,500. Line 11 shows interest income of $918. Line 12 shows other income as $5,435 consisting of an accounting for receipts to my nonpolitical Legislative Service Fund of $2,160, income from honoraria, musical compositions, and recordings of $3,362, and a loss on rental property of $87.

My total income, as noted on line 13, was $48,853, less line 14 of $6,583, which included an adjustment for allowed congressional living expenses attending Congress in Washington, D.C.—$3,000—and congressional travel expenses paid from personal funds for which no reimbursement was received, leaving an adjusted gross income of $42,270, as shown on line 15.

Form 1040, schedule A, shows total deductions of $17,358 on line 41, consisting of State and local taxes of $2,855.94, interest paid of $1,467.16, charitable contributions of $9,562.40—$8,500 of which was the donation of Honey Shuck, the home of former Speaker Champ Clark, to the Champ Clark Honey Shuck Restoration, Inc., a charitable corporation, No. 23-735-7208—and allowable medical and dental deduction of $150. Miscellaneous deductions, line 40, totaled $3,322.90 consisting of $2,117.23 for printing newsletters and other official expenses such as constituent entertainment, newspapers, and periodicals totaled $1,205.67.

The total income tax, form 1040, line 16, is $5,472, and line 19 shows the total self-employment tax of $266, making the total amount due of $5,738 shown on line 20. The total net Federal income tax withheld, line 22, was $12,930. There was an overpayment per line 24 of $7,192 of which is a refund of $3,992 was requested, leaving the balance of $3,200 overpaid to be credited on the 1975 estimate. The Missouri State income tax paid was $850.

I do not own any stocks or bonds.

In accordance with the Federal Election Campaign Act of 1971, Public Law 92-225, all receipts and expenditures of campaign funds are handled by the Hungate for Congress Committee, P.O. Box E, Troy, Mo., Identification No. 007820. Don Thompson, Treasurer. In 1974 that fund had no taxable income.

MARTIN LUTHER KING REMEMBERED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RANGEL. Mr. Speaker, I would like to take this opportunity today to advise my colleagues that last Friday was the seventh anniversary of the death of Rev. Dr. Martin Luther King, Jr., and also to commemorate and pay tribute to the memory of this great man. His teachings envisioned an America existing in harmony, free of racial prejudice. In his speeches and writings he voiced a strong criticism of discrimination in American society, yet his dream was of one America, coexisting in harmony.

His method for achieving this ideal was through nonviolence. This is not to say he was afraid of physical violence, but he felt such action was futile and wasteful. He held true to this conviction all his life. Ironically it was a violent act that cut his life short before he could fulfill the dreams he had so eloquently voiced.

Americans of all races mourned his death. But the tears were barely dry when yet another great American, Robert Kennedy, was struck down by a violent vengeful act. These two assassinations, coming within 2 months of each other, should demonstrate to us the absolute necessity of supporting the current gun control legislation.

Gun control laws must be passed and enacted immediately. Every day in our society faceless citizens are being cut down by this senseless weapon. There is no logical reason why there should not be a law enacted which would exclude the private possession of all guns except in the case of law enforcement agents. If we believe that disarmament can be achieved in the foreign affairs area and we exert efforts to achieve that goal, it would seem that the Congress would be able to disarm the private citizen here at home in the interest of restoring humanity back to our daily actions.

We commemorate the life of Dr. King and all of his laudable achievements. What comes out most clearly about his life is his full acceptance and advocacy of nonviolence. As we reflect on his life, and other political and moral leaders, let us not fail to realize that a first step toward a fulfillment of his dreams is swift and effective gun control legislation.

NEED FOR DISCUSSION ON RAILROAD PROBLEMS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ASHBROOK. Mr. Speaker, before the end of this year the Congress will be called upon to make some important decisions in regard to railroad service in the Northeastern portion of the country. With the recent declaration of bankruptcy of the Rock Island and Pacific Railroad the ranks of class I railroads in bankruptcy have spread to include more areas than only the Northeast.

In a number of statements in this body I have discussed the problems faced by the communities which may be losing railroad service and by the railroad lines themselves. It is important that discussion continues on these issues. An editorial in a recent issue of Barron's discusses some of the problems faced by the Rock Island and Pacific Railroad. Of particular interest is the discussion of the role that Government regulation played in the downfall of the Rock Island. It seems that once again Government has been working at cross purposes with itself.

At this point I include the text of the editorial from the March 31, 1975, issue of Barron's:

ROCK ISLAND WRECK: ANOTHER CARRIER HAS BEEN DERAILED IN WASHINGTON

The petition of Chicago, Rock Island and Pacific Railroad Company, a railroad corporation, hereinafter referred to as the Debtor, respectfully represents:

First: That the Debtor is a railroad corporation organized and existing under the laws of the State of Delaware, and is a common carrier by railroad engaged in the transportation of persons and property in interstate and intrastate commerce in the States of Illinois, Iowa, Minnesota, Nebraska, Kansas, Missouri, Colorado, Arkansas, Louisiana, Oklahoma, Tennessee, and New Mexico . . .

Second: That as of the close of business on March 14, 1975, the Debtor had cash in the amount of approximately $3,700,000, and it had vouchers on hand, representing outstanding unpaid bills, substantially in excess of the cash aforesaid; that the Debtor has equipment and other fixed debt obligations falling due during the remainder of 1975 of approximately $27,100,000 and $6,200,000 in January and February 1976; that the Debtor is without funds to pay and discharge the aforesaid obligations as they mature and, on information and belief, alleges that it has no means of borrowing or otherwise procuring such funds; that it is unable to meet its debts as they mature and desires to effect a Plan of Reorganization pursuant to Section 77 of the Bankruptcy Act.

Thus, with the help of a personal check made out by a corporate lawyer to the clerk of the court (who, according to Newsweek, wouldn't accept the Debtor's), the Rock Island, financially speaking at any rate, on March 17 reached the end of the line. Thereby the carrier, which in recent years has reported an endless series of deficits and otherwise made only the drabbest kind of news, willy-nilly acquired several claims to fame. For one thing, the latest petition to the U.S. District Court marked the third trip into reorganization—the others occurred on April 20, 1915, and June 7, 1933—in its 123-year history. Moreover, by making the move ahead of one or two faltering competitors, the Rock Island clinched its position as the first Class I carrier outside the Northeast to file for bankruptcy since World War II. As a result—here is perhaps the most rueful distinction of all—the proposed merger between the Rock Island and the Union Pacific, which led to 274 days of public hearings (twice as long as those held in connection with the Penn-Central proceedings), pending for the past 12 years, now seems highly unlikely to go through.

As in all such corporate disasters, there's plenty of blame to go 'round. The previous chief executive, who was replaced only last autumn, has been faulted for failing to take a tough enough stance in the protracted merger negotiations. His successor, John W. Ingram once headed the Federal Railway Administration and is widely known as the "Don Rickels of the railroad industry"; hard-nosed or not, however, he apparently is slated soon to give over to a court-appointed trustee. Nor can one ignore the physical and financial handicaps under which the railroad labored. Its operating territory, which sprawls for thousands of miles throughout the U.S. heartland, perennially is buffeted by some of the worst weather in the country (including the hardest rainstorm to hit Enid, Okla., in a century or more). And owing to the industry's historic overexpansion, as well as to more recent competition from federally subsidized highways, it must cope with rivals on most of its routes, notable into Chicago.

Such shortcomings doubtless took their toll. But in the end the Rock Island was derailed not in Enid, Okla., or Chicago, Ill., but in Washington, D.C. And the villain of the piece is inevitably the Interstate Commerce Commission, which has done perhaps more damage to the nation's railroads than the marauding Confederate and Union armies combined. In particular, by stalling the merger for a dozen years, during which officialdom leisurely indulged its propensity to redraw the U.S. railroad map—a delay which a corporate resolution once decried as "deplorable and scandalous"—ICC did the company and its shareholders irreparable harm.

Over a decade ago, the Union Pacific offered to exchange one share of preferred stock, convertible into .85 of a share of common, for each Rock Island share. At last Thursday's closing price of 70⅝ for UP, that would be equivalent to roughly $60 per RI share, compared to the $7 at which the latter closed prior to suspension of trading. And by withholding badly needed rate relief for three crucial months (ICC finally granted reluctant approval for a 7% increase last week), the bureaucrats went a long way toward worsening the Rock Island's cash bind and tipping it over the brink. Crowbars and dynamite gets fast results, but to really wreck a railroad, there's nothing quite like regulation.

That's especially true when the regulators often as not are working at cross-purposes. With respect to the railroads, at least three duly constituted arms of government—the ICC, the Department of Transportation (which embraces the Federal Railway Administration) and the newly organized U.S. Railway Association which funnels money into the bankrupt Eastern roads—all vie in calling signals. Transportation and ICC have clashed time and again, most recently in heated fashion over the operations of Amtrack; hence by virtue of its own background in DOT, Rock Island management may have been on the freight from the word go. Be that as it may, it has run into one regulatory roadblock after another. Last winter the company approached USRA for a $100 million loan; the agency granted, and then withdrew, a credit totalling $9 million. In so doing, it cited the likelihood that the carrier would be unable to repay, a prospect plainly enhanced when the ICC in late January suspended as "unjust, unreasonable and otherwise unlawful" a 7% freight rate hike which would have yielded the Rock Island an additional $20 million per year in urgently needed revenues. Last week, too late to do the carrier much good, the Commission reversed itself. Suddenly 7% is just, reasonable and otherwise lawful.

Zig-zags in official policy have been an ugly fact of life for Class I carriers for nearly a century. But for regulatory capriciousness and ineptitude, nothing comes close to matching the ICC record in the now-aborted merger between the Rock Island and the Union Pacific. First proposed in 1963, the combination, after a bitter proxy fight waged by the Chicago & North Western, which, also wanted the Rock Island, won overwhelming approval from stockholders—some 2,281,000 shares, or 78.2% of all those outstanding, against a statutory requirement of 66⅔%—in January, 1965. Then the cumbersome regulatory machinery took over.

In August 1968, after a record-breaking 27½ months, the 274 days of testimony cited above and 48,000 pages of transcript, the hearings were closed. "Our recommended report," said one hearing examiner (now called administrative law judge) at the time, "may take as long as a year."

Three years later, his colleague (who, after virtually making the Rock Island a life's work, recently retired) handed in a report which shocked all parties to the dispute. By then, the Chicago & North Western Railway, after going downhill for years, had been sold to its employes and was withdrawing from the case. Nonetheless, the ICC examiner, in a wide-ranging, free-wheeling departure, recommended sweeping changes in the Western half of the U.S. rail grid, viz, blanketing both the Chicago & North Western and the Central Pacific (part of the Southern Pacific) into the Union Pacific, consolidating the Missouri Pacific, Western Pacific and Denver & Rio Grande, along with chunks of the Rock Island and Sopac, into the Santa Fe, and a few other minor moves along the same lines. Largely disavowed last December by the full Commission, which imposed an absurd restriction or two of its own, the hearing examiner's report nonetheless effectively threw a roadblock in the merger's path. Now Rock Island—as should have been obvious years ago, when it ran into the first of its recurring cash binds—has filed for Reorganization under the Bankruptcy Act. That's a hell of a way to ruin a railroad.

Where things go from here, remains to be seen. The U.S. District Court, which has not yet named a trustee, has postponed the scheduled shutdown from today until a week from Saturday, and may do so again. Carving up the carcass, now so eagerly sought by ICC, may be delayed indefinitely. Yet a few points are painfully clear. While by no means out in the cold—the carrier boasts a relatively low indebtedness and several strategic stretches of track, worth perhaps $50–$100 million—shareholders won't get within miles of what they once were offered by the Union Pacific (which has just formally rescinded its bid). Sooner or later, continued operation of the line is bound to cost the taxpayers money. And ICC regulation has chalked up still another victim. Two years ago, a study by the American Enterprise Institute for Public Policy Research concluded that the Commission costs the nation's railroads $1.7–$2.4 billion annually, the U.S. economy perhaps as much as $10 billion. With every passing year, de-regulation looks more and more like the way to go.

TRIBUTE TO JACK BURNS, MEMBER OF CONGRESS, GOVERNOR OF HAWAII

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mrs. MINK. Mr. Speaker, the people of Hawaii today mourn the loss of a man who, perhaps more than anyone else, has shaped our island State and the lives we live there today. Jack Burns, who served as Delegate from Hawaii in this House of Representatives, from 1956 to 1959, died over the past weekend after a long fight against cancer. He was 66 years old, and only a few months ago officially left public life when he stepped down from the Governorship. Jack had been ill for more than a year in his final term as Governor, and his death at what is a relatively early age is all the more sad because he had spoken in the last few years about looking forward to retirement and spending some time with his grandchildren. It is a sad time for Hawaii, and those of us who knew him well, as many who are still Members in this House did, share the sorrow of his family at his passing.

Jack Burns' life was service to the public. He was born on the mainland, but grew up mainly in Hawaii, where he was a police officer before and during the war. But politics became his life's work, and his early efforts resulted in the strong Democratic Party which exists in our 50th State today.

As Delegate to Congress, he represented the interests of the people of Hawaii he knew and loved so well, and he became a fervent supporter of statehood for the islands. In insuring ultimate congressional support for statehood, he became known as the "Architect of Statehood," and it is clearly through his efforts that we proudly fly a 50-star flag over the Nation today.

In his three terms as Governor of Hawaii, Jack Burns had an enormous influence over the way our State has developed, and he always fought hard for those programs and policies which he believed were in the best interests of the people. During the years of statehood since 1959, Hawaii has taken a more than equal position with her sister States in the Union, often showing the way in demonstrating concern for the individual and care for our most beautiful environment. We inherit a progressive tradition, the seeds for which were planted in the late 1940's and through the 1950's as Jack Burns rose to prominence.

The people of Hawaii have lost a true friend, a loyal public servant, a man who worked hard, but quietly, for all of us.

Those of you in this Congress who knew Jack Burns will, I am sure, join me in sending our sincere condolences to his wife, Beatrice, their three children, and their grandchildren, as we bid Jack a final Aloha.

U.S. PERSONNEL IN THE MIDDLE EAST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LEHMAN. Mr. Speaker, the House Government Operations Committee's Subcommittee on Government Information and Individual Rights is currently holding hearings on alleged Federal agency discrimination involving assignment of personnel to Middle East countries.

These hearings were called after the shocking admission by the U.S. Defense Department that the Army Corps of Engineers had carefully screened out American officers and technicians of Jewish heritage from assignments in Arab nations.

As part of my testimony, I have compiled information on U.S. civilian employment in the Middle East. I know that many of my colleagues will be interested in this information and I am, therefore, inserting my testimony into the RECORD:

TESTIMONY OF CONGRESSMAN WILLIAM LEHMAN

Madam Chairman: The subject of these hearings—the alleged discrimination by the United States Government against certain United States citizens—deals with the most fundamental principles of our nation.

The founders of America came to this country to build a new land where religious discrimination would not be tolerated.

To defend individual freedom requires continued vigilence. The need for vigilence was recently underscored by the shocking admission by the U.S. Defense Department that the Army Corps of Engineers had carefully screened out American officers and technicians of Jewish heritage from assignments in Arab nations.

Apparently this practice has been going on for years. In what other agencies of the U.S. government is it occurring?

One thousand Americans—civilian and military—work for the U.S. government in Middle Eastern countries hostile to Israel. Have all of these positions been screened by the various agencies of the U.S. government in deference to the Arabs? Are we allowing an assortment of feudal kings and sheiks to dictate the hiring and placement policies of the United States Government? Are we so anxious to give away taxpayers dollars to the Arabs that we will subvert the Constitutional prohibition against religious discrimination in the process?

As a member of the Post Office and Civil Service Committee, I am especially interested in working with your Subcommittee to bring an end to discriminatory practices by officials in the Federal Civil Service. I am including information provided to me by the Civil Service Commission which details Federal Civilian Employment in selected Middle East countries.

Each Federal agency with personnel in the Middle East should be investigated to see if it has discriminated in the assignment of those personnel. This government has no need to continue to employ these responsible for this discriminatory policy. Indeed cases of such discrimination should be referred to the Justice Department for prosecution under the Civil Rights Act.

FEDERAL CIVILIAN EMPLOYMENT IN THE MIDDLE EAST BY AGENCY AND CITIZENSHIP, MAR. 31, 1973

Country	All agencies			State (excludes AID)			AID			USIA		
	Total	U.S. citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship	Total	U.S citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship
Algeria	55	22	33	49	20	29				6	2	4
Bahrain	88	60	28	8	5	3						
Iraq	15	3	12	15	3	12						
Jordan	105	33	72	69	29	40	17	3	14	13	1	12
Kuwait	51	29	22	40	21	19				5	2	3
Lebanon	343	115	228	175	85	90	5	1	4	140	16	124
Libya	70	23	47	70	23	47						
Saudi Arabia	249	128	121	129	38	91	7	7		14	5	9
Sudan	58	14	44	44	12	32				13	1	12
United Arab Emirates	10	6	4	10	6	4						
United Arab Republic	176	16	160	71	11	60				7	1	6
Yemen	18	11	7	15	8	7	2	2				
Arab countries total	1,238	460	778	695	261	434	31	13	18	198	28	170
Israel	200	68	136	146	55	91	1		1	41	6	35

Country	Army			Navy			Air Force			Other DOD			All other agencies		
	Total	U.S. citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship	Total	U.S. citizenship	Non-citizenship
Algeria															
Bahrain	55	55		25		25									
Iraq															
Jordan	3		3				1		1	2		2			
Kuwait													6	6	
Labanon							2		2	4	1	3	17	12	5
Libya															
Saudi Arabia	66	50	16				9	5	4	1		1	23	23	
Sudan													1	1	
United Arab Emirates															
United Arab Republic				97	3	94							1	1	
Yemen													1	1	
Arab countries total	124	105	19	122	3	119	12	5	7	7	1	6	49	44	5
Israel							1	1		3		3	8	6	2

Source: U.S. Civil Service Commission.

NOTES ON FEDERAL CIVILIAN EMPLOYMENT IN THE MIDDLE EAST

"All Other Agencies" includes Treasury, Justice, Interior, Agriculture, Commerce, Health, Education and Welfare, Transportation, and ACTION.

The March 31, 1973, statistics were the latest available. The recent increase in U.S.-Arab contacts has increased these figures.

These statistics do not include U.S. civilian contractors operating in the Middle East under U.S. government supervision.

Only Arab countries considered hostile to Israel are listed.

NOTES ON U.S. MILITARY PERSONNEL STATIONED IN THE MIDDLE EAST

According to the Library of Congress, major detachments of U.S. military forces in Arab countries are as follows:

Saudi Arabia, 250.

Bahrain, 140.

Smaller numbers of U.S. military personnel are assigned to almost every Arab country including those receiving U.S. military equipment—Jordan and Lebanon.

DEVONIAN AND MISSISSIPPIAN OIL AND GAS SHALE DEPOSITS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, as chairman of the House Conservation, Energy, and Natural Resources

Subcommittee of the Committee on Government Operations, I wish to announce that our subcommittee will conduct investigations during the coming months on the subject of Federal involvement in the development of the Devonian and Mississippian oil and gas shale deposits. It is our impression that the Federal Government has not given sufficient attention to the potential of helping to meet the Nation's energy needs from the fuels present in these shale deposits. Many of these deposits are located east of the Mississippi River.

LOS ANGELES POLICE CHIEF BLASTS GUN CONTROL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ASHBROOK. Mr. Speaker, Ed Davis has served as the chief of police of Los Angeles, Calif., since 1969. In a recent interview with Human Events, he was asked about his views on gun control.

Chief Davis rejected the idea that antihandgun legislation would reduce murders and other gun-related crimes. According to Davis:

> That whole idea is absurd. We have legal restrictions on guns right now, but that doesn't stop the Arthur Bremers from receiving $50 fines or probation.

What, then, is the answer? Chief Davis states:

> If we really want to reduce gun-related crimes, all we have to do is require judges to impose an additional penalty on those individuals using guns during crimes. This has a dramatic deterrent effect on other gun-carrying criminals.

I concur with the views of Chief Davis and I am including his full response in the RECORD:

> Q. There has been a lot of talk about the need for the control of guns as a way of fighting crime. What is your view on gun control and gun ownership?
>
> A. My views on gun control and the rights of individual gun ownership are well known. Some people seem to believe that if you legislate against handguns you will reduce murders and other gun-related crimes. That whole idea is absurd. We have legal restrictions on guns right now, but that doesn't stop the Arthur Bremers from receiving $50 fines or probation.
>
> New York is a good example of a city that has restrictions on handgun ownership. The Sullivan Law has been in effect for several years. Yet, this law seems to only have an impact on the people who are generally law-abiding. The criminals sure don't have any difficulty getting guns.
>
> There are two extremes involved in this issue—one group wants unlimited guns and the other wants total abolition. There is no constructive dialogue between the two groups. You are in favor of one position or the other. Things really are not that clear.
>
> If we didn't have a pro-gun lobby, we would be completely disarmed by now. Frankly, I'm not going to give up my gun until government can assure me that I will be protected from the blood-thirsty killers turned loose by the courts. Any individual who wants my guns will have to come and get them the hard way.
>
> If we really want to reduce gun-related crimes, all we have to do is require judges to impose an additional penalty on those individuals using guns during crimes. This has a dramatic deterrent effect on other gun-carrying criminals. Your average criminal on the street knows just what society will tolerate. He knows that his sentence will not be any greater, under current judicial practices, if he "packs a piece." This is another issue that can be effectively resolved through proper sentencing practices. The laws are there. If each state had laws like ours here in California, and if we had judges willing to impose stiff penalties, the problem would diminish.

TOM GREIG PASSES

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DON H. CLAUSEN. Mr. Speaker, the recent loss of one of our northern counties most respected citizens, Thomas Greig, at the young age of 84 deeply grieves me. This distinguished native son of Fortuna was honored recently by a dedication of a memorial grove before his death, south of Pepperwood on the famous Avenue of the Giants. As an active member of the Save the Redwoods League almost from its founding, he spent the past 20 years as a senior counselor and leader in the acquisition programs. The most significant of his achievements included his work in completing the Avenue of the Giants negotiations with the Pacific Lumber Co. Numerious acquisitions in Del Norte and Humboldt Counties, as well as serving as a consultant to many visiting conservationists seeking to donate groves are among his many achievements.

Tom Greig, entered banking at an early age, first with the old Humboldt National Bank in Eureka, later with a bank in San Jose and then returning as assistant cashier of the First National Bank in Scotia. At this time he married the former Mabel Lund of my hometown, Ferndale. He rejoined the First National Bank in Eureka, which had been purchased by the Bank of Italy and later became the Bank of America. He was a bank cashier in Crescent City, and later transferred to the offices of the Bank of America in Berkeley followed by his appointment as the vice president and manager of the Alameda branch of Bank of America.

After his retirement he lived in Alameda until the death of his wife in 1962, after which he returned to Eureka to make his home. Tom Greig is a great loss to all of us in the district that knew him. Those who did not know him personally, know of his deep interest, commitment and love he had for his native woodlands. Tom Greig however will not be forgotten, he has left his mark on history for future generations to enjoy, the famous Avenue of the Giants.

A MAN OF COURAGE—REGARDING VIETNAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BROWN of California. Mr. Speaker, I have largely refrained from commenting on the situation in Vietnam since I returned to the House in 1973, and I do not intend to change that practice now. However, I was struck by the David Halberstam column in the current issue of Newsweek of April 14. It so happens that Halberstam was the author of some of the earliest reporting to influence my own views on Vietnam. Later, his book on Vietnam, and those of the late Bernard Fall and others, added substance and background to the picture developed in the news columns.

Men like Halberstam, who had the courage to report the facts as they saw them, and to analyze those facts within a framework of objective historical knowledge, made a great contribution to U.S. journalism. Halberstam's contribution was recognized by the award of a Pulitzer prize. I have never publically acknowledged my own indebtness to him for his reporting. I would like to do so now. And I would like to commend his latest column to the attention of my colleagues:

[From Newsweek, Apr. 14, 1975]

WHY IT NEVER WORKED

(By David Halberstam)

There is this scene: the summer of 1962 and American helicopters have just arrived in Vietnam, lending promise of great new technological advantage to the groggy Vietnamese Army. The elusive Viet Cong will finally be found. Three days of heliborne operations are scheduled in the Mekong Delta by what is said to be a crack ARVN division. Little tigers. Three days of famous battles and three days of famous victories. All sorts of reporters imported for the occasion, including my New York Times predecessor in Vietnam, Homer Bigart, and a 25-year-old UPI reporter, Neil Sheehan. The first day there is a very small victory, a few Viet Cong killed. The second day an enormous operation is launched and nothing happens. The third day, with great expectations and mounting American irritation, the same thing happens: no enemy, no battle.

That night, back in Saigon, Sheehan is muttering, "What's the matter, Mr. Sheehan?" asks Bigart. Sheehan grumbles about three days in the paddies, all that time wasted—and worst of all for a keen young reporter—no story. "No story?" asks Bigart, slightly surprised. "But there *is* a story. It doesn't work. That's your story, Mr. Sheehan."

ROTTEN CORE

It *doesn't work*. It never worked, not then, not now, not ever. It didn't work in the early '60s and so at a terrible cost both to that country and this one 500,000 Americans were brought in, aided by the heaviest bombing in the history of mankind, and when it was all over and 50,000 of those young men went home in wooden boxes, it still didn't work. Nothing had changed. It was always failed and hopeless and pathetic and the core was always rotten. Our Vietnam was a dying, corrupt, feudal society; theirs, like it or not, was a new, modern society born of a colonial war with the French.

To justify the struggle in terms that might seem palatable to Americans we employed vast numbers of skilled, sophisticated propagandists who proved again and again to their own satisfaction, and to that of their employers, how evil and sinful the other side was, but who could never understand why the other side kept winning. Public relations was a booming industry in Vietnam in the '60s; it was as if by saying these things often enough to ourselves, perhaps they would come true, illusion would become reality.

I am reminded of all that this week as I see these shameful photos of defeat and tragedy in Hué and Da Nang, as the lies are all stripped away faster than anyone in Washington imagined. The line has already changed in mid-retreat—from full confidence in the little tigers, to placing the blame on the Democratic Congress. The Pentagon seems surprised this week by the collapse, surprised by the failure of Saigon's command and initiative. And no wonder. A generation of American officers built their own careers endorsing ARVN fitness (because there was no other way an American officer could be promoted; if he found ARVN failing he was judged to have failed himself; as we corrupted them they corrupted us back). Washington has no memory and no taste for the truth. The truth is simple. ARVN is a defeated army. A twice-defeated army. First when it fought alongside the French against its own people from 1946 to 1954. Second when it was defeated by the Viet Cong from 1961 to 1964. And now defeated a third time.

All of this is unfair to the ARVN, which deserves better of everyone. They bore their burdens honorably and with no small amount of dignity; all the historical failures and political cowardice and mendacity of so many Western leaders were placed on their backs. Their job was to live up to the lies of powerful Westerners. How unfair it was, how unjust to expect an army to be better and more modern and less corrupt than the society that produced it. For the only source of legitimacy for Saigon was external, France or the United States. Nothing ever flowed up from the peasantry to the leadership and nothing ever flowed back down.

END OF IDEALISM

Perhaps long ago in the early days of the war there was some element of misguided idealism for the war. But that was long ago and Tet spelled the end of any of that. And the Nixon and Kissinger Administration prolonged the war, told us defeat was victory, like the Administration before it, gave us a blood bath in order to spare a blood bath, and even extended the war into Cambodia. One more famous victory.

The shame for all this is ours, not the ARVN's. Theirs is the pathos. The scenes this week from Vietnam were the legacy of peace with honor, which in truth brought neither peace nor honor, but which is in essence Caucasian face-saving, camouflaged defeat. Presumably peace with honor was designed to allow the President and the Secretary of State to leave office with Thieu still in power (the President at least made it). If the collapse was to come, let it come under another Administration.

CONTRADICTIONS

The Secretary of State remains. A man who asks for trust and gives none. A man who because of his past is worried about the stab-in-the-back theory and now, by blaming the Congress, prepares the way for it. A man filled with contempt for Thieu and Saigon who demands that we believe in Thieu and Saigon. A man finely skilled in the delicacy of international politics who lumps all dominoes together and can find no difference between the viability and legitimacy of the Saigon government and that of the Israelis. A man who has been listening to his own briefings for so long that unlike the rest of us he has come to believe them and thus perhaps knows less than the country knows about Vietnam.

The line from him, and from Ford and the Pentagon, is already out: that we failed in giving matériel. The blame is on the Democrats in Congress. This as the ARVN leaves behind billions of dollars worth of weapons. The truth is we gave them not too little, but too much; if anything we made them more dependent upon us and our technology than upon their own population. And more important, we gave them the wrong things, not what they wanted, but what we wanted for them. Had we given them twenty or 25 years ago what they wanted, the best of our ideals, had we paid more than lip service to our belief in anticolonialism and had we used our then powerful leverage with the French to prevent them from fighting this stupid tragic war, then the outcome might have been very different.

TWO AMERICAN HEROES IN AIRLIFT OF ORPHANS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. STEIGER of Arizona. Mr. Speaker, the Arizona Republic on April 4 published as its lead editorial a tribute to Ed Daly and Ken Healy for their courage and coolheadedness in evacuating a planeful of Vietnamese orphans from beleaguered Da Nang airport.

Their action showed the type of guts that Americans are noted for during emergencies and I daresay that had they not taken the bit in their teeth and ignored the red tape, their craft would be sitting on the ground at Da Nang to this day.

The editorial follows:

[From the (Phoenix) Arizona Republic, Apr. 4, 1975]

TWO AMERICANS

Ed Daly and Ken Healy. These are names to remember.

Civilians, both of them, but heroes of the war in Vietnam.

Amidst the panic that has swept the country, while others were crying, "It's every man for himself," while soldiers were shooting women and children in a mad scramble for safety from the onrushing Reds, Daly and Healy, two Americans, who otherwise might have lived and died in obscurity, stood tall.

They could have fled, too. This is not their war. The Vietnamese are not their people.

Had they fled, no one would have known. No one could have pointed a finger of scorn at them.

They chose, instead, to stay and save whom they could.

Daly runs a charter airline called World Airways. Healy works for him as a pilot.

They heard that Da Nang was crowded with refugees. They asked the South Vietnamese government for permission to get out as many as they could.

Instantly, they became enmeshed in the red tape and half-buried in paperwork.

"Forget the clearances," Daly told Healy. "Let's go."

At Da Nang, hysterical soldiers poured into the plane, ripping off Daly's clothes, ripping off part of his skin. Healy had to lift the plane from the taxiway because the runway was jammed with soldiers.

Back at Tan Son Nhut airbase in Saigon, they asked the South Vietnam, Australian and American governments for permission to fly another mission of mercy—to fly out Vietnamese orphans waiting for adoption in Australia and the United States.

Again the red tape, the endless paperwork.

Without permission, they rounded up 57 children from orphanages run by the Seventh-day Adventists and World Vision.

"Don't take off. Don't take off. You have no clearance," the airport tower ordered Healy. He took off anyway, with Daly serving as nursemaid for the kids.

"I just didn't get the message in time," he said later.

He was then in Oakland, Calif. The kids are safe; they will soon meet their adoptive parents.

Ed Daly and Ken Healy. Two men all Americans can be proud of.

MEN VOTE, WOMEN DIE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Ms. ABZUG. Mr. Speaker, this week Members of the other body will consider an amendment offered by Senator BARTLETT to S. 66, the Nurses Training and the Health Revenue Sharing and Health Services Act. This amendment would prohibit the use of any funds authorized under that act, or any other act, to directly or indirectly pay for or encourage the performance of an abortion, except in cases in which the abortion is necessary to preserve the life of the mother.

One column and one editorial which recently appeared in the New York Times and the Washington Post, respectively, outline the reasons why this amendment should be opposed. I wish to call them to the attention of my colleagues by inserting them into the RECORD:

[From the New York Times, Apr. 3, 1975]

MEN VOTE, WOMEN DIE

(By Beatrice Blair)

In a few days 100 men are to decide whether to cause the suffering and death of thousands of American women. Last year the Senate passed such legislation, but fortunately it died in conference committee.

When the Nurses Training Act and the Health Revenue Sharing and Health Services Act comes to the Senate floor for a vote, it will carry an amendment filed by Senator Dewey F. Bartlett, Republican of Oklahoma, which would disallow funds for abortion under this or "any other act." Co-sponsors are Senator James L. Buckley, Conservative-Republican of New York, and Senator Jesse Helms, Republican of North Carolina.

Before the United States Supreme Court abortion decisions of Jan. 22, 1973, which said abortion is a decision to be made solely between a woman and her doctor in the first trimester, illegal abortion was a leading cause of maternal mortality.

Since then, the rate of 300 deaths per year dropped to 47 last year; of these, 25 were from illegal procedures. Unfortunately, in spite of the Supreme Court decisions, in some parts of the country people who oppose freedom of choice are still able to deny safe medical care for abortions to many women.

Even more dramatic has been the decline in septicemia, a common result of botched abortions. Hospital wards that used to be filled with women suffering the effects of illegal procedures are now virtually devoid of such patients.

Before the decisions, it was the poor who in desperation sought out quacks or mutilated themselves. Rich women could afford to pay for safe care or to travel to find it. The Bartlett amendment will return women to this era of medical discrimination, for it will affect only women who depend on Medicaid or similar federally funded programs for health care.

Such unwilling pregnant women will face only two alternatives: To risk suffering and death, or to bear an unwanted child.

Another injustice here is the procedure being followed. The amendment is being tacked on as the bill comes to the Senate floor for a vote. It thereby avoids committee hearings, a rigorous testing process that almost all other legislation undergoes. Whatever a Senator's viewpoint, to vote on this important matter without thorough investigation is certainly an abuse of normal legislative procedures. A Senator would be justified in voting against the Bartlett amendment for this alone.

In fact, hearings are being held in a Senate judiciary subcommittee on several proposed constitutional amendments that would ban virtually all abortions for everyone. One proposed by Senator Helms would also apparently ban the intrauterine device, a widely used contraceptive; some forms of the pill; and the "morning-after" pill, a medication particularly useful in cases of rape. Senator Bartlett's amendment could be interpreted to outlaw funds for these contraceptives as well.

A zealous, well-organized, well-financed minority is responsible for the enormous political pressure that is causing many politicians to vote as they do on this issue. The impetus comes from the Roman Catholic Church. For example, the Diocese of Pittsburgh alone contributed $60,101 for "pro-life" programs last year. The adoption of this amendment will impose the religious beliefs of one group on others who hold differing, but equally valid, moral principles.

Most major Protestant and Jewish denominations, as well as many individual Catholics, believe that the decision to have an abortion can be a morally responsible one.

Every abortion represents a failure. It can be the failure of one of the more reliable contraceptives used by a well-motivated couple or the failure of a society to teach its young about their sexuality and its responsible use.

Are we going to allow the men in the Senate to force only the women—in this case only the poor women—to bear the sole burden of this failure?

[From the Washington Post, Apr. 7, 1975]

THE ANTI-ABORTION AMENDMENT

One of the first things the Senate will have to deal with upon its return next week is the annual effort to bar the use of federal funds to pay for or to encourage abortions. Last year, the Senate passed the measure as a rider on an appropriations bill only to have it killed by a conference committee which said that was not the appropriate vehicle for such far-reaching legislation. This year, an attempt is planned to attach the same rider on the Senate floor to the nurse training and health services act. As a matter of both procedure and substance, the attempt should be defeated.

There are many objections to this proposal. No one really knows how far it reaches because it would bar, in its broadest form, the spending of funds under any federal program to "directly or indirectly" pay for or encourage abortions. The only exception it would make is for an abortion that is necessary to save the life of the mother, thus barring those designed to save the mother's health or to help women victimized by rape or to eliminate grossly deformed fetuses. Beyond this, it would be a major policy move of the U.S. government against abortion, a matter which we think should be left up to a woman and her doctor.

Leaving aside the larger issue, we would rest our objection to this particular proposal on a simple matter of equal justice. The effect of it, if made into law, would be to deny legal abortions to those women so poor they must rely on government help for medical care while permitting legal abortions to women who have money enough to pay for them. On these grounds alone, this would be bad government policy inasmuch as it would bring unwanted children into only those homes least able financially to provide for them. Beyond that, it is offensive to the fundamental principle that the exercise of legal rights should not turn on the size of one's bank account.

THE AFL–CIO PROGRAM FOR ENERGY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EILBERG. Mr. Speaker, no one denies that our Nation is facing a grave energy crisis. Our problem seems to be that we have not been able to come up with a workable solution for solving this dilemma. For this reason I believe we should give serious consideration to every responsible suggestion. At this time I enter into the Record the "AFL–CIO Program for Energy" which was printed in the March edition of the Pennsylvania AFL–CIO News:

THE AFL–CIO PROGRAM FOR ENERGY

The cornerstone of the nation's energy policy must be the establishment of a reliable source of energy free from the blackmail threat of a renewed Arab oil embargo while achieving high employment, a dynamic economy, and a prosperous and satisfying way of life.

The hardships, inconveniences and sufferings—financial and otherwise—endured by the American consumer more than a year ago as a result of the first peacetime shortage of energy due to the Arab oil embargo need no recital. Everybody knows about the staggering increase in gas and fuel prices, the inadequately heated homes, and the frantic search by people to find a few gallons of gasoline.

The inconveniences and hardships of consumers were compounded by scattered shutdowns, layoffs, production cutbacks, curtailed working hours, reduced earnings of workers and cuts in consumer purchasing power.

If the energy crisis were a thing of the past—a passing phenomenon—we would need have no concern. But not since the depression of the '30s, except for World War II, has America faced a situation of such dangerous and monumental proportions.

Contrary to claims of the oil industry, the American consumer was not responsible for the energy shortage. It was not, as the oil industry said, the insatiable appetite of the consumer for bigger quantities of energy that was rapidly depleting our resources.

We believe that the energy emergency was a result of policy decisions made by the multi-national oil companies to squeeze the consumers, force them to pay higher prices, and fatten the profits of the oil companies. And this happened.

What this country experienced a year ago pales into insignificance compared to what looms ahead unless immediate and drastic action is taken to cope with the energy problem.

There is no single, simple, painless measure that will take care of the problem. A battery of measures directed both at a short-term and long-term is called for in a comprehensive energy policy, which would provide for the reduction of imports, energy consumption, increasing energy supplies and other related measures.

REDUCTION OF OIL IMPORTS

As long as the United States is dependent on the importation of oil, shipped in foreign vessels, from insecure sources, the energy crisis will remain with us.

The first steps must be aimed at the elimination of that dependence:

1. Take the importation of oil out of private hands and place it in the hands of government. The government should determine the amount of oil imported, negotiate its price and provide for its internal allocation.

2. Enact a quota on oil imports, including a ban on such imports originating in those countries that embargoed oil to the United States and Holland in 1973–1974.

3. Establish a fair and equitable system of allocation and rationing. Permit motor gasoline consumption above the rationed amount, but levy a high tax on this additional consumption. The funds created by this tax should be earmarked for the reduction and the ultimate elimination of commuter transit fares and for the development and construction of mass transit systems.

4. Make it clear to any nation contemplating an embargo directed against the United States that this country will strike back with economic counter measures. To nations imposing such an embargo against this country, export bans would be applied. No item, including military equipment as well as agricultural and industrial commodities, would be shipped to such countries. Their assets in this country would be frozen. All technical assistance would be withdrawn. This country would construe such an oil embargo as economic warfare and retaliate with all of the economic weapons at its command.

ENERGY CONSERVATION

Although conservation, while indispensable, is not The Solution, steps to reduce wasteful use of energy must be taken:

1. Rigidly enforce the 55-mile speed limit which saves lives as well as gasoline.

2. Tax automobile and other energy using equipment in relationship to their energy efficiency. Higher tax rates should be levied on energy wasting equipment.

3. Label energy consuming equipment with respect to its energy efficiency.

4. Revamp gas and electric rate structures to discourage and penalize the use of wasteful amounts of energy.

5. Economize on heating, lighting and cooling through the establishment of temperature and light standards that could reasonably be enforced in industrial, commercial and residential buildings.

6. Require all new and existing structures to conform to energy efficiency standards.

7. Develop and expand mass transit systems and subsidize low fares.

INCREASING ENERGY SUPPLIES

It is urgent that the United States launch a massive program to increase energy supplies. Yet this country need not delude itself that this is an instant panacea.

Increasing supplies from old sources has its limitations. Developing new sources of energy takes time. From the planning board to the consumer may take anywhere from three to ten years.

Since the Arab embargo, more than a year ago, domestic oil production has actually declined four to five per cent. Billions of dollars of planned utility construction have been cancelled or postponed. Despite enormous coal reserves, significant moves have not been made to make more effective use of these reserves. Because of the long lead times in developing energy supplies, delay in initiating programs for increasing energy supplies cannot be tolerated. Therefore, we recommend that the U.S.:

1. Launch a ten-year $20 billion government-funded crash program to mobilize the nation's scientific and technological resources to develop alternative sources of energy, increase the efficiency of consumption and expand existing sources. Major emphasis should be on expanding existing sources, particularly nuclear energy, domestic oil (including offshore), coal and coal gasification and liquefaction, natural gas, with particular reference to the development of more efficient internal combustion engines.

2. Make a major effort toward increasing the domestic use of coal. A time-table should be established for the conversion of power plants from oil to coal, with appropriate applications of technology to minimize pollution. Electric utilities now consume over 1.5 million barrels of oil daily and substantial quantities of gas.

3. Intensify production from U.S. military reserves while taking proper care to maintain strategic reserves at appropriate national security levels. In the leasing of these reserves safeguards must be taken against exploitation by private interest.

4. Revoke the lease of any oil or natural gas producer who refuses to pump supplies on land leased from the United States. The government should turn these leases over to companies who will produce the needed supplies. Similar action should be taken with respect to any coal leasings.

5. Establish a government corporation for the construction of prototype and new energy facilities which would serve as a cost yardstick. Depending on the success of such prototypes, long-term commitments could be made for the development of alternative energy sources.

ADDITIONAL ENERGY MEASURES

A comprehensive energy policy should envision a number of other measures:

1. Stretch out as necessary present environmental restrictions on energy production and use to reduce energy consumption and facilitate expansion of domestic energy output. This is a matter of timetable not of objectives. The advance of technology and development of clean energy sources can permit realization of environmental objectives. The two programs should be viewed as compatible parts of a single problem. Extension of auto emission control standards should provide that the auto companies be required to increase mileage per gallon and to lower prices, dollar-for-dollar, for any cost reduction enjoyed as a result of an extension.

2. Establish a petroleum stockpile to guard against future oil embargoes.

3. Strengthen legislation to provide for the full identification of all significant foreign investments. While there are a few haphazard legislative restrictions on foreign participation in domestic enterprise, additional safeguards are needed to prevent a foreign takeover of major and sensitive facilities.

4. Reject the Presidents proposal to deregulate the price of natural gas and "old" oil, block the President's imposition of a $3 per barrel duty on imported oil and roll back the price of new domestic oil.

5. Terminate U.S. government subsidies for the giant international oil companies, including elimination of the depletion allowance, the intangible drilling expense and the dollar-for-dollar credit against U.S. taxes for the corporations' royalty and tax payments to foreign governments.

6. Enact legislation to prohibit a single company from owning competing sources of energy. This horizontal integration has hampered the development of alternative sources of energy.

7. Enact legislation to require the dissolution of vertically integrated oil companies. The separation of the marketing of petroleum from the production and refining would benefit the independent marketer as well as the consumer.

8. Treat giant oil companies as public utilities subject to stringent regulation by the federal government.

9. Enact legislation to require that a substantial portion of oil imports be transported in U.S.-flag vessels.

10. Direct the Federal Reserve to allocate available credit at reasonable interest rates for the development and expansion of domestic energy resources.

THE UNITED STATES SHOULD REAFFIRM ITS COMMITMENTS TO THE REPUBLIC OF CHINA AT A TIME OF THE LOSS OF A LEADER OF THE FREE WORLD

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. KEMP. Mr. Speaker, China and the Free World have lost a leader and statesman, one of profound influence in the world community for nearly half a century. I refer to Chiang Kai-shek, the President of the National Government of China.

President Chiang's long life was one of many triumphs, and the loss of the Nationalist Government on the mainland can diminish those triumphs only in small measure, for the responsibility for that loss must be shared by others.

Chiang was the first modern leader to unify China, saving it from the stale Manchu dynasty and from the warlords who ruled their local domains on a feudal basis. It was the revolutionary and statesman, Sun Yat-sen, and his brother-in-law by marriage, Chiang Kai-shek, who brought China from feudalism into the 20th century and into world leader status.

Chiang expelled Soviet influences in China in the twenties, presided over the removal of the extraterritorial enclaves of foreign powers on Chinese soil, and helped defeat the Japanese in World War II It was Chiang who sat victorious with Roosevelt and Churchill at the war's end and who, with them, helped found the United Nations.

President Chiang was indeed no ordinary man. Born in 1887 of a middle class Chinese village family, he was graduated from the Toyko Military Staff College, soon joining the revolutionary party of Sun Yat-sen. He worked with Sun Yat-sen in Canton, later developing the Koumintang army and serving as commandant of the Whampoa Military Academy.

After Sun's death in 1925, he was chosen commanding general of the southern army, leading an expedition to the north and establishing the Koumintang government—under the "Nationalism, Democracy, and People's Livelihood"—at Wuchang and then Nanking. He led the Nanking army northward and occupied Peking in 1928, then serving as president of the Chinese Nationalist Government from 1928 to 1931.

He was made commander in chief of all military forces in 1932 and chairman of the executive committee of the National Government from 1935–38 and 1939–45.

He changed the country's policy of appeasement toward Japan to one of opposition, assuming command on the outbreak of hostilities with Japan in 1937. In January 1942 he was chosen by the Allied powers as the supreme commander of Allied air and land forces in the Chinese war theater.

He then succeeded Lin Sên as President of the National Government on the mainland from 1943 to 1949, resuming the presidency on Taiwan in 1950.

The President and Madame Chiang are widely regarded, even among those who do not support their political posture, as tireless workers for the social and educational improvement of the Chinese people.

Taiwan today is a prosperous, energetic island. It is 1 of the 10 biggest customers for U.S. exports. Chinese professionals and businessmen are in service throughout the world as a result of Taiwan's successes, playing a major part in the development of the free countries of Asia.

The Republic of China on Taiwan is an important and inspiring symbol of freedom.

Just as the Berlin Wall is a symbol of communism's fear of freedom, the Republic of China is a symbol of man's indominable will and desire for freedom.

The real revolution taking place in Asia today is on Taiwan where people are accomplishing miracles despite adversities—principally that of other nations' leaders trying to first tell it what it should do and second insisting or inferring that they must some day give all that up—including their freedom—in an "accommodation" with the Communist Chinese Government on the mainland.

Freedom, individual liberty, the maximization of individual choice—these are the most liberal, the most advanced, the most progressive of all forms of human conduct. Oppression, totalitarianism—what we see on the Communist mainland—are the most regressive of all systems; it is the system of feudal warlords—now called Communist Party officials—in a different time—today—under a different system—communism.

It is important, therefore, at this time of President Chiang's passing to look carefully at the status of American foreign policy with respect to China. As advocates of freedom and dignity—and I do believe that remains our position with respect to Asians too—we have both moral and treaty obligations to stand with those who share that view and who live in accordance with it. It would be an unspeakable act for the United States—openly or covertly—to breach our promise and allow the free people on Taiwan to fall prey to the Communists on the mainland.

I think the United States should now reaffirm its commitment to the Republic of China, most particularly our security and defense guarantees with it. Such action should not be "provocative" toward the mainland, for we would be reaffirming what already exists. If it were held by the mainland, Communist Chinese leadership to be "provocative," then that tells us something also: That they thought our agreements with the government on Taiwan were actually less than what those agreements declared, which alone would tell us something we need to know about how our commitments are perceived in the world community today.

We have seen in the past few weeks the ability of a foreign, aggressive power—the Communist government of North Vietnam—to read and apparently correctly the extent of U.S. commitments, and upon discerning the probable lack of a commitment—after the Democratic Caucus of the U.S. House of Representatives, in effect, said it would provide no more money to the defense of the free people of South Vietnam and Cambodia—to then initiate hostilities on such a presumption—successfully.

The Communist government on the Chinese mainland has helped to sustain the Communist governments of North Vietnam and North Korea for decades. It was the principal supplier of men and material to the North Koreans in waging the war against South Korea, the United States, and the United Nations powers. There is a lesson there, because it was not until we withdrew most of our troops from South Korea and left a vacuum there that the Communists invaded the South in 1950. It took 3 years and 33,600 American battle deaths to end that war.

This cannot be again repeated.

We owe it to the new President of the Republic of China, Chiang Ching-kuo, to the people of Taiwan and to the free world to reaffirm our basic support of the Republic of China.

I include a timely editorial for the RECORD:

CHIANG'S LEGACY

Chiang was correct in his understanding that military strength alone was not enough. It is interesting that critics often accused him of being "corrupt" and "reactionary," arguments that not only don't require proof but need only to be repeated often enough to be believed. Yet the man who had helped put down China's warlords and helped usher in that country's modern era, also undertook on Taiwan some of the most notable and successful reforms of any government anywhere. In a comparative few years he and his advisers transformed an island of 16 million people into a prosperous nation worthy of emulation by other developing nations and not a few developed countries.

Taiwan's per capita income today is higher than that of any Asian nation except Japan. Its productivity is high, its civil service efficient, its workmanship of fine quality. Moreover, its land reform program exceeded even the most optimistic expectations. Despite the conventional wisdom that Chiang lost the mainland because of corruption and ineptitude, on Taiwan he managed to build a society that offers its citizens more than most nations of the world offer theirs.

U.S. military and economic aid played an important role in this transformation. But the guiding force was undeniably Chiang Kai-shek, who made efficient use of U.S. assistance and established the institutional framework that made the Taiwan success story possible. That may not always have seemed as important as his dream of returning to the mainland, but it ranks as a major accomplishment and an admirable legacy.

CALIFORNIA'S REVOLUTIONARY BOMBERS: TIMETABLE OF TERROR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McDONALD of Georgia. Mr. Speaker, revolutionary urban terrorist organizations in the San Francisco Bay area of California have been setting their explosive devices at a rate of more than one a week during 1975. On this morning's news broadcasts, I heard that yet another bomb attack on Pacific Gas & Electric—PG & E—facilities causing disruption of electrical service had been carried out.

The extent of the problem of political terrorism in California is clearly indicated in a perceptive article by Stephen Cook which was published in the San Francisco Examiner on March 28, 1975.

I offer for my colleagues' consideration that excellent report and a chronological table of bombings in that State which appeared in the same edition of the Examiner:

[From the San Francisco Examiner, March 28, 1975]

A BOMB EVERY 7 DAYS

(By Stephen Cook)

They place their bombs in ceilings, walls and restrooms of busy office buildings, apparently before the unsuspecting eyes of office workers.

They set them at night, hidden by darkness at remote and semi-remote constructions of the capitalist system they abhor.

They are a highly efficient cadre of absolutely devoted revolutionaries and they live and work in their explosive fashion in the Bay Area, apparently immune from discovery by law enforcement authorities.

They are the bombers of the New World Liberation Front, the Weather Underground Organization, the Frente de Liberacion Chicano, the Americans for Justice and now the Red Guerrilla Family.

This year they are laying their deadly bombs at the Bay Area doorsteps of capitalist "AMERIKA" at a rate of once every 6.69 days.

Last year they exploded one bomb every 24 days here.

They claim $509,100 in damages to corporate and state establishments here in 13 bombings and attempted bombings this year.

Last year, their devices cost government and businesses here an estimated $332,000.

The California revolutionaries carried their operations outside the Bay Area to Los Angeles on two occasions last year, adding another $80,000 worth of wreckage to their total.

There were 15 revolutionary bombings here last year and two in Los Angeles.

Yesterday's bombings were claimed by the Red Guerrilla Family, a previously unheard of organization that attacked the FBI's Berkeley office, and the New World Liberation Front, by far the most active of these radical groups, and now focusing on Pacific Gas and Electric Co.

The NWLF has claimed 16 of the 28 bombings here since the start of 1974. It has attacked such business interests as International Telephone and Telegraph, Dean Witter and Co., General Motors, Standard Oil and PG&E.

NWLF wrote yesterday: "We again attack PG&E on behalf of poor people who see their lives drained daily by parasite corporations.

"Through our demands we seek relief for poor people and a chance to demonstrate that, in unity through armed struggle, poor people can and will win. Together we will defeat these leeches that prey upon us."

They demanded that PG&E provide free utilities to unemployed, cut rates in half for those on fixed incomes, and change its rate system so large corporations pay most.

"PG&E, you have 48 hours to respond to our three just demands," said the communique signed: "Unit III, people's forces, of the New World Liberation Front."

Such demands and time limits are typical of the NWLF, which laid its first bomb here Aug. 5, 1974.

Last Thursday it bombed PG&E towers in San Mateo and the East Bay and gave the utility 48 hours to meet two demands.

On Aug. 5, 1974, it laid a bomb that didn't explode at a General Motors office in Burlingame, citing the corporation's "crimes against the poor."

Further retaliation would come if the corporation did not set up 25 health centers for poor people within 48 hours, it warned.

On Aug. 8, with no health centers in sight, NWLF laid another bomb—this time at a General Motors outlet in The City. It too failed to explode.

The NWLF finally scored in style, though, bombing General Motors once in December 1974 and once last month, for a total damage estimate of $350,000.

One police intelligence gatherer, who charts the elusive courses of radical bombers here, said other trademarks of the NWLF are the uniformity of its bombs and its apparently neutral position on the possibility of human casualties.

The NWLF does not always give adequate warning, he said. Its bombings have nearly injured people on several occasions—at KRON–TV, at the Sheraton Palace Hotel and at a Standard Oil foundry in Oakland, for example.

There is concern among bomb watchers that this group will cross over to anti-personnel bombings, he said.

On Feb. 4, at a remote ITT radar station at Pillar Point, the group exploded a pipe bomb, the sides of which had been cut into so that it would fragment on explosion.

"It was obviously an anti-personnel device," he said. "We think they were checking the operational value of this new device."

Police intelligence agencies have little information about the NWLF. But he said there is speculation it may be an umbrella organization encompassing members of the Black Liberation Army, which used to bomb police stations and kill officers, and some Weather Underground types.

This belief partly is fostered by a December communique in which the group called itself a guerrilla front organization, a coalition of several guerrilla forces, including "Voz of New America," the Frente de Liberacion Chicano, the Symbionese Liberation Army and the People's Forces, he said.

In contrast to the NWLF is the Weather Underground Organization, which has claimed four California bombings, three in the Bay Area, since the start of last year.

The WUO always calls to warn of its bombs and, on occasion, has called back several times, frantically warning that even though no bomb has exploded, there is one in the building.

Authorities have the names, fingerprints and pictures of many of the Weather Underground but still are unable to halt the bombing activities.

In 1974 and 1975, WUO has claimed attacks on U.S. Department of Health, Education and Welfare here, the offices of Attorney General Evelle Younger in Los Angeles, a subsidiary of ITT in Oakland, and an attempted bombing of the Defense Department offices in Oakland. Its cash damage total is $82,000 in California for the stated period.

Born in the late 60s though, it claims 25 bombing missions in this country with a cash value of "$10 million damage to the imperialists and a significant blow to their arrogance."

The Frente de Liberacion Chicano (Chicano Liberation Front) has claimed the killing of Hayward's police chief and three bombings and one attempted bombing, cash value estimated at $1,100.

Americans for Justice claimed five bombings in the Bay area from November 1973 through March 14, 1974—then disappeared.

They attacked PG&E, demanding rate decreases and setting a 48-hour deadline, doing $20,600 damage.

They attacked Shell Oil, charging it with responsibility for last year's oil shortage and high gasoline prices, demanding aid to the old and poor, and setting a 48-hour deadline, damage estimate: $25,000.

No one knows who Americans for Justice were, but the betting is on a leftist group, despite the name, the same source said.

No one had heard of the Red Guerrilla Family before it bombed the FBI in Berkeley yesterday and sent its salutations to other underground radical groups.

A Timetable of Terror

Radical groups last year exploded bombs in the Bay Area at the rate of one very 24 days.

This year they are planting the deadly devices at the rate of more than one a week.

They claim to have done more than half a million dollars damage this year alone. So far, no one has been killed.

The record:

Feb. 11, 1974—PG&E substation, Palo Alto, pipe bomb, Americans for Justice, $600 damage.

March 7, 1974—Shell Oil storage tank, San Jose, 10–15 pounds of dynamite, Americans for Justice, $25,000 damage.

March 7, 1974—Health, Education and Welfare office, San Francisco, dynamite bomb with clock device, Weather Underground Organization, Women's Brigade, $2,000 damage.

March 8, 1974—Shell Oil gas station, Los Altos, one stick of dynamite, Americans for Justice, nominal damage.

March 14, 1974—Shell Oil chemical plant, San Ramon, two pipe bombs, one detonated, Americans for Justice, no report of damage.

May 31, 1974—Los Angeles State Office Building, target Attorney General Evelle Younger, time delayed high-explosive bomb, Weather Underground Organization, $50,000.

Aug. 5, 1974—General Motors Corp. business office, Burlingame, pipe bomb unexploded, Unit No. 3, New World Liberation Front, Voz of New America.

Aug. 8, 1974—General Motors Corp., agency, San Francisco, pipe bomb unexploded, New World Liberation Front.

Sept. 3, 1974—Dean Witter and Co. Inc., San Francisco, dynamite, New World Liberation Front, The People's Forces, $4,500 damage.

Sept. 10, 1974—Anaconda, an International Telephone and Telegraph subsidiary, Oakland, dynamite, Weather Underground Organization, $30,000 damage.

Sept. 13, 1974—Dean Witter and Co. Inc., Palo Alto, never claimed by a revoluntary organization, $2,500 damage.

Sept. 28, 1974—Harper, Inc., International Telephone and Telegraph subsidiary, San Leandro, dynamite sticks, some of which did not detonate, New World Liberation Front, damage not reported.

Oct. 2, 1974—Sheraton Palace, International Telephone and Telegraph subsidiary, San Francisco, pipe bomb, New World Liberation Front $12,000 damage.

Oct. 5, 1974—Sheraton, Los Angeles, pipe bomb, New World Liberation Front, Unit 2, $20,000–$30,000 damage.

Oct. 30, 1974—Residence of International Telephone and Telegraph executive Los Altos, one stick of dynamite against front gate, New World Liberation Front, Communications Division, $100 damage.

Nov. 6, 1974—U.S. government, PG&E and City of Berkeley vehicles in Alameda County Civic Center Garage, Berkeley, gasoline, New World Liberation Front, $5,000 damage.

Dec. 19, 1974—General Motors Corp. in Union Bank Building, San Francisco, dynamite sticks, New World Liberation Front, $250,000 damage.

Jan. 29, 1975—Defense Department, Oakland, 15 pounds TNT or plastique, exploded safely by bomb squad, Weather Underground Organization.

Feb. 3, 1975—General Motors Acceptance Corp., San Jose, 6–10 sticks of dynamite, New World Liberation Front, Unit 3, $100,000.

Feb. 4, 1975—International Telephone and Telegraph, Pillar Point radar tracking station, pipe bomb under diesel tanker, New World Liberation Front, minimal damage.

Feb. 4, 1975—Standard Oil's Fulcon Foundry, Oakland, pipe bomb, New World Liberation Front, $4,000 damage.

Feb. 6, 1975—KRON–TV, San Francisco, pipe bomb, New World Liberation Front, $3,500 damage.

March 10, 1975—Del Monte Corp., San Francisco, pipe bomb, Frente de Liberacion Chicano, $5,000 damage.

March 10, 1975—Wells Fargo Bank, Piedmont, pipe bomb, Frente de Liberacion Chicano, $5,000 damage.

March 10, 1975—Safeway, San Jose, pipe bomb, Frente de Liberacion Chicano, less than $100.

March 10, 1975—Bank of America, Hayward, pipe bomb unexploded. Frente de Liberacion Chicano.

March 20, 1975—PG&E San Mateo, dynamite, New World Liberation Front, $1,500 damage.

March 20, 1975—PG&E, Oakland, dynamite, New World Liberation Front, damage unknown. .

March 27, 1975—PG&E, San Jose, dynamite, New World Liberation Front, $80,000 to $90,000 damage.

March 27, 1975—FBI, Berkeley, unknown high-powered explosive, Red Guerrilla Family, $200,000 to $300,000 damage.

AMENDMENT TO H.R. 4723

HON. GARY A. MYERS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MYERS of Pennsylvania. Mr. Speaker, I plan to introduce this amendment to H.R. 4723, National Science Foundation authorization for the purpose of guaranteeing local school districts to make an informed choice when deciding whether or not to introduce a National Science Foundation-subsidized curriculum into their public schools.

The amendment follows:

H.R. 4723, National Science Foundation authorization, amendment by Mr. Myers of Pennsylvania.

Insert on page 4, beginning on line 15 the following new section, Sec. 2(a)(11):

"No funds authorized to be appropriated to the National Science Foundation under this or any other Act shall be available to implement any course, curriculum, program, or materials in a public primary or secondary school, unless the National Science Foundation, the grant recipient, or the school board of the community involved shall first give public notice to the local community concerning the contemplated introduction of said course, curriculum, program, or materials into a particular school or school system prior to its introduction; and second, all teaching materials used in the training of teachers for the program and the instruction of the program's students shall be made available for public inspection.

"Such public notice shall occur a reasonable time before the introduction of the course, curriculum, program, or materials and in no case less than 60 days; the teaching materials shall be available for public inspection at a school within the public school district during the period of public notice and shall continue to be available at the school for inspection throughout the duration of the course, curriculum, program, or materials' period of use in the community's schools."

THE TAX REDUCTION ACT OF 1975

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FORSYTHE. Mr. Speaker, in the last few hectic minutes before adjourning for the Easter recess, Congress passed the Tax Reduction Act of 1975. In signing this legislation into law, President Ford commented that if he were still in the House of Representatives he would have voted to send the bill back to committee for further work. Mr. Speaker, as a Member of the House of Representatives I voted to do exactly that. Failing the attempt to return the bill to committee, however, I found that I had no choice but to vote against this legislation.

I have long advocated a tax rebate as an effective way to immediately stimulate economic recovery, to generate jobs, and help put Americans back to work.

But what is needed is a substantial rebate—one that will really have a positive impact on the economy, not the small one enacted by Congress in the Tax Reduction Act of 1975. What is not needed are tax cuts that are permanent in nature, which will send inflation spiraling upward—to the detriment of us all—without providing any real tax relief for anyone.

In short, the Tax Reduction Act does not provide this immediate, effective, one-time solution to the specific problem of recession. Instead, it became a hastily assembled, ill-thought-out package of goodies which will only cause more inflation without significantly easing the recession or attacking the need for true tax reform. Furthermore, many of these goodies will tend to become permanent parts of our tax structure. While they are due to expire next year, who really believes they will not be extended in an election year?

Thus, I had no choice but to vote against this legislation. Simply put, it does too little, too hastily, for too few, and, in the doing, removes the immediate incentive for sweeping positive reform of the entire tax structure.

First of all, the Tax Reduction Act provides far too little for the individual taxpayer, regardless of his income level. The original concept of a tax rebate to stimulate consumer purchases is made almost laughable.

Instead of the substantial, one-time tax rebate enough to actually stimulate durable-goods purchases—and thereby hasten economic recovery—it was scaled down to a meager $200 maximum payment for 1974 and a token $30 tax credit for 1975. In view of the present rate of inflation and the present tax liabilities of the average tax-paying family, such rebates and credits are hardly substantial enough to restore either consumer confidence or purchasing power.

The $50 one-time payment to social security and railroad retirement recipients also exhibits the same tokenism as the rebate and tax credit provisions. Even if the present pace of inflation is not intensified by the tax reduction, of what substantive benefit is $50 to a person living on a fixed income when the rate of inflation is still around 8 percent? What recipients of social security and railroad retirement really need are not "cosmetic" changes but substantive changes in the tax structures. A $50 payment is a gesture, not a substantial aid—an acknowledgement that the retired are in desperate need of help in this time of inflation, but a refusal to take the necessary steps to provide that help.

Unfortunately, that gesture not only does not really help, it may even hurt those it ostensibly benefits by sending up the cost of living.

Perhaps more frightening than the failure of the rebates, credits, and token payments to fulfill their original purpose, therefore, is the very real possibility that, due to the overall magnitude and obvious permanence of the tax reduction, they may instead serve to further intensify the spiraling inflation.

Although the amount of money in the pocket of the individual taxpayer provided by the new tax law may be almost inconsequential, the cumulative effect of the tax reductions will contribute substantially to the Federal budget deficit. It is in relation to the possible effect of the huge resulting deficit upon the economy that I feel the tax reduction was enacted too hastily without sufficient study of its long-range effect. The economy needs a speedy stimulant. It does not need an ill-examined major revision of the tax structure that will be permanent.

Although economists disagree about exactly what will happen, they all agree on some basic principles. When the Federal Government borrows to cover its deficits, it competes with people and businesses who need money to invest in plant construction and housing. These funds for both private and Government borrowing must come from the so-called savings pool—business savings, personal savings, and incoming foreign investment. In editorials on March 13, and April 2, 1975, entitled, "Crowding Out," and "Crowding, Continued," the Wall Street Journal discussed the implications of a large deficit upon the economy. Using what now seems to be a very conservative estimate of a deficit of $70 billion for 1975, the March 13 editorial estimated a gap of $35 billion between the funds needed and the funds available in the savings pool. Naturally the currently predicted deficit of $100 billion would widen that gap even further.

The danger to the economy as a whole lies in exactly how that gap is filled. Part of it will be filled by the Federal Reserve Systems purchase of Federal debt by expanding the money supply—in effect printing new money. Here there are two extreme courses of action which the Federal Reserve System may follow: Totally accommodating the Federal debt or "barely" accommodating the Federal debt.

Total accommodation, would result in astronomical inflation. The Wall Street Journal estimates that total accommodation of a gap of $35 billion would result in an increase of the money supply of about 30 percent in a year's time which would force interest rates skyward. The editorial cites an independent analysis conducted by Mr. Normal B. Ture, a Washington-based economist, which discusses the Federal Reserve System's monetizing the bulk of the deficit and a resultant prime interest rate of 20 percent by the end of 1975. Think of what this soaring price rate figure means for the consumer trying to get a mortgage.

On the other hand, "barely accommodating the gap" means little or no expansion of the money supply. Such a course of action would inevitably lead to a vicious struggle for funds between private borrowers and the Government which could severely threaten the economic recovery now just beginning to be felt. Think of what that course may mean for the workingman. My State of New Jersey is already facing a major problem of unemployment for which economic recovery is a necessary remedy.

The obvious course of action which the Federal Reserve will probably attempt to pursue is a more moderate policy, expanding the money supply sufficiently to lessen competition for funds, yet controlling the exansion sufficiently to avoid unbearable inflation.

The danger, of course, is that the Federal Reserve System has not traditionally been able to find that middle road successfully—that "point of perfect balance" between too little accommodation and too much.

And, of course, a complicating factor is the fact that Congress has passed the Tax Reduction Act of 1975. Discussing the effect of the anticipated deficit upon economic recovery, the Journal editorial of April 2, states:

> The problem would have been eased some if Congress directed its tax cutting in ways designed to produce maximum recovery rather than maximum income redistribution, but it has not done so. Nor do we as yet see a single reason to doubt the $100-billion deficit projections for fiscal 1976. What has Congress so far turned down? And the bulk of the spending programs will linger on even after recovery.

The mention of income redistribution, Mr. Speaker, brings me to my next major objection to this new law. Not only does it provide too little relief—thus defeating its primary purpose of economic stimulation—without considering the long-range impact on the cost of living, it also provides relief for too few.

As I stated initially, a tax reduction which should have been designed to function as an immediate, one-time solution to a specific problem has become instead a package of weak remedies for numerous problems. No one would deny that we in the United States face massive social needs which the Congress must attempt to deal with forcefully. Nor would anyone deny that these massive social problems come sharply into focus when we examine our tax structure. But this kind of hasty meddling without constructively providing workable alternatives will ultimately complicate those social problems rather than solve them.

I feel strongly that the lower-income members of our society need help in dealing with the present economic situation. In the instance of the new tax law, however, I feel that the minimal relief provided for the lower-income taxpayer is coupled with a heavy burden upon the middle-income taxpayer who already has shouldered a massive part of our countrys' tax burden and who will continue to shoulder the major portion of all taxation programs.

Let us examine some of the specific provisions of our new tax reduction law.

The tax rebate for working class Americans is puny compared to the impact on inflation and in relationship to this group's overall tax burden.

The $30 tax credit for 1975 is nothing more than a token, especially for those whose tax liabilities are heavy in comparison to their incomes.

It has been estimated that only 17.1 percent of the total tax reduction of $8.1 billion will benefit middle-income families—those earning between $10,000 and $20,000 per year.

Thus, Mr. Speaker, I am saying that the tax reduction law that we have foisted upon the American public discriminates against the middle-income taxpayer, the backbone of our economy.

It is this group of hard-working people upon which is thrust increasingly larger proportions of the cost of all Government programs. It is this same taxpayer who faces constantly decreasing spending income due to the steadily increasing cost of living.

There must be some degree of responsibility in managing and controlling Government spending. If this restraint is not used, costs will continue to go up and spendable income will continue to go down. Puny tax cuts will not help. The majority part in Congress must accept responsibility for this.

As noted earlier, Mr. Speaker, I feel that Congress should have passed a speedy tax rebate as a necessary stimulant to the economy and then addressed itself to consideration of substantive, well-thought-out reforms of the tax structure as well as of other programs which would ultimately benefit those in need of economic help.

In the area of changes in the tax structure, I introduced in January a package of bills designed to help our senior citizens better cope with today's economic situation. In addition to dealing with food stamps, prescription drugs, and credit discrimination, these bills proposed to increase the social security earnings limitations without reducing or taking away veterans pensions, to exempt the first $5,000 of retirement income from

Federal income tax, and to provide refundable property tax credits and rental credits to senior citizens.

These proposals represent substantive tax changes benefiting those on fixed incomes much more than the $50 token payment of the new tax law.

In addition to tax changes benefiting specific segments of our population, I have long advocated sweeping reform of our general tax structure and have consistently pressed my colleagues in Congress to hasten this reform. Again, however, such reform must consist of substantive, well-examined changes in the present structure rather than ineffective, haphazard proposals. All proposed changes, including my own should be carefully evaluated not only as to their immediate but also as to their long-range effect.

In other areas dealing with the economy I have urged substantive action rather than the token gestures represented by the tax reduction law. I and many of my colleagues have worked diligently to pressure both the Nixon and Ford administrations to release impounded funds for construction of new sewage facilities. The resultant release of $9 billion of Federal funds should represent a substantial economic boost not only for the construction industry but also for the housing industry. The State of New Jersey alone anticipates that these projects will produce 66,000 onsite jobs. Such constructive use of Federal funds, I believe, represents a meaningful approach to handling economic problems rather than the expensive gesture embodied in the new tax law.

Thus, Mr. Speaker, to summarize my evaluation of the tax reduction law, I strongly feel that this law provides too little immediate stimulus for the economy and at the same time risks substantially increasing long-term inflation. I also am convinced that this law, by providing a package of ill-thought-out "benefits," will remove the incentive for long-range sweeping reform of the entire tax structure. With these reservations clearly in mind, therefore, I had no choice but to vote against this legislation.

BILL NELSON, OUTSTANDING YOUNG FARMER IN NATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FUQUA. Mr. Speaker, recently Bill Nelson of Lake City, Fla., was selected Outstanding Young Farmer in the Nation. It is with a great deal of pride that I have the privilege of bringing this to the attention of this body.

His selection is quite an honor, not only to himself, but to the citizens of Lake City and Columbia County, and to young farmers throughout America on which this honor has focused a national spotlight.

I am continually impressed with the vigor and enthusiasm of young farmers. They have made, and will continue to make, significant contributions to American agriculture—the mainstream and lifeblood of our very existence.

This highest of awards exemplifies that vigor.

Certainly the greatness of agriculture can be measured in varying ways, but no criterion is more significant than the individual himself.

I commend Mr. Nelson's achievements to my colleagues and the general public.

CONGRESSIONAL ACTION ON THE THREE "E'S"—ECONOMICS, ENERGY, AND THE ENVIRONMENT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, this morning's New York Times contains an excellent article and an editorial describing the economic, energy, and environmental challenges that must be faced by the 94th Congress.

I believe my colleagues can be justifiably proud of the initiatives they have taken already to meet these vital challenges. Such notable achievements as the emergency employment appropriations bill, the tax bill and legislation creating public works projects for emergency employment will be important steps in our national strategy to restore economic vitality.

In the area of environmental concerns, the House acted quickly to avoid large-scale environmental damage in the West by passing the strip mining bill, of which I was pleased to be a cosponsor. In addition to environmental protection, this landmark legislation will also create jobs through the provisions requiring reclamation of abandoned strip mines.

The area of energy—and its relation to both the economy and the environment—will demand great initiative and courage by this body. The achievement of energy conservation goals will not be possible without widespread public support. This support can only be forthcoming if the public has confidence in the merit of congressional proposals which will range from regulations requiring improved fuel economy in American automobiles to appropriations for energy research and development.

I commend my colleagues who have been working to produce legislation that will effectively address this Nation's energy challenge. The American people are now looking to Congress to develop an energy program that is more acceptable than that proposed by the President. However, our primary concern should not center on the political acceptability to all sectors, but instead, should focus on the principles of equity and concern for the Nation's best interest. We cannot possibly avoid stepping on some toes in this process. Indeed, we must have the courage to do so. But our legislative actions must be guided by a keen regard for the importance of both energy conservation and improved energy deployment capability. The achievement of these goals is essential to the preservation of our economic stability and national security.

Mr. Speaker, I believe my colleagues will be interested in these topical articles from the New York Times, and I include them at this point in my remarks:

[From the New York Times, Apr. 7, 1975]

THREE E'S FOR CONGRESS

When Congress returns today from the Easter recess, it will again be preoccupied with the three E's—economics, energy and ecology. In its first ten weeks, the 94th Congress got off to an unusually fast start. It has already approved the tax reduction bill, a measure providing financial help to the bankrupt Northeast railroads, a farm bill and a bill to regulate strip mining, although the latter two have yet to be put in final form by House-Senate conference committees.

I. ECONOMICS

The economy is the foremost concern of returning members. It is also the subject to which Congress can most readily react because it involves politically popular moves such as tax reduction and enactment of job-creating programs.

The House has already passed the Emergency Employment Appropriations bill, an omnibus measure making available $5.93 billion to create 900,000 public service jobs. The House Public Works Committee is at work on a companion bill to authorize $5 billion for 100 per cent grants to local governments for small public works projects. In broad outline, these bills parallel the W.P.A. and P.W.A. of the Great Depression. The first is geared to putting people to work quickly, the other would be slower in its effect.

The real problem for Congress is how to accommodate these programs in an over-all design for Federal spending that will keep the already huge deficit for fiscal 1976 from reaching astronomic heights. Congressional capacity to exercise budgetary control will be tested by the realism of the priorities its new budget committees establish on all such programs.

The tax bill provided additional unemployment compensation payments for the long-term jobless. Congress may finally put through a complete reform of unemployment compensation, which would be one of the wisest antirecession measures it could adopt.

II. ENERGY

More than 500 bills have been introduced in this Congress concerning one aspect or another of the energy problem. Congressional Democrats are virtually unanimous in rejecting President Ford's thirteen-point energy program which would attempt to depress energy consumption by raising prices.

But the Democrats have had substantial difficulty in reaching consensus on their own alternative program. Chairman Ullman of the House Ways and Means Committee has drafted a comprehensive plan, including such controversial items as import quotas on petroleum and refined products and a levy of seven cents per gallon on gasoline, rising gradually to 37 cents by 1980. This plan is caught in a crossfire between conservatives following the lead of President Ford, who do not like a gasoline tax on import quotas, and liberal Democrats who regard a gasoline tax as economically depressing and regressive.

Congress is likely to improve an excise tax on new cars that penalizes the overweight gas guzzlers. There is also support for tax incentives to insulate homes and introduce novel sources like solar energy.

These are intermediate and long term measures. Unless Congressional Democrats summon up the courage to support the Ullman proposals or something close to them, for more immediate effect, they will bear the blame for rejecting Mr. Ford's plan and substituting—nothing.

III. ENVIRONMENT

The strip mining bill, similar to a measure vetoed by President Ford last December, has been passed again by both Houses. Conservationists support the House bill as providing added protection for the alluvial valleys of the West where intensive and ecologically risky strip mining has already begun. A land use bill rejected in the House last year is needed more urgently than ever. It has recently been the subject of House Interior Committee hearings, with prospects for enactment favorable in this more liberal Congress.

These three months between now and the Fourth of July are traditionally Congress's most productive period, when numerous bills reach the floor and most of the others eventually acted upon move through the committee stage. It is a time of testing for Congress. Many members of the House elected last November on pledges to make government more responsive are well aware that they now have to make good on those promises.

The elected leadership of both Houses and the more senior members have an even greater obligation to join with them in producing programs to deal with the economy, the energy problem and the environment in ways that are creative and responsible.

[From the New York Times, Apr. 7, 1975]

ENERGY AND ECOLOGY COMPETING

(By Gladwin Hill)

Are energy problems and inflation sidetracking the national drive for environmental quality?

This question, seemingly susceptible to a clear-cut answer, is generating a surprising array of conflicting opinions among officials and others involved with environmental problems.

The short, oversimplified answer is that familiar fence-straddler: yes and no.

Recent weeks and months have brought a rapid succession of developments that have been dismaying in many ways to people concerned about environmental progress.

These have included the Ford Administration's exhortation for all-out development of strip mining and of off-shore oil and nuclear power; its recommendations for long deferments of some clean air requirements, and the nomination for Secretary of the Interior of Stanley Hathaway, former Wyoming Governor who is regarded by many conservationists as an ally of exploiting interests.

Other developments have disturbed environmentalists: adverse legislative and legal decisions, and opinion polls indicating that other national problems have pushed environmental improvement out of the top spot it occupied in ciitzens' preoccupation a few years back.

UDALL SEES LESS CLOUT

The trend away from environmentalism has moved even an ecology zealot like Arizona's Representative Morris Udall, a Democratic aspirant for President, to declare in recent weeks: "Environmentalists have now got their backs against the wall. The movement has less clout in national policy councils than it has had in a decade."

But, paradoxically, other assessments of recent developments have produced the opposite conclusion—a large if not predominant body of opinion, particularly among organized conservationists, that the cause of environmental quality is not only unimpaired but is gaining ground.

"We don't see any significant change in direction and movement," Russell W. Peterson, chairman of the Federal Council on Environmental Quality, said in an interview a few days ago. "There is a lot of talk about environmental setbacks, but when you look at the actual evidence, it adds up to continual progress on many fronts."

A canvass by The New York Times in recent weeks provided some insights into the contradictory assessments of the state of environmentalism.

It indicated that there were a multitude of crosscurrents along the course of environmental progress, springing from various levels of national life—politics, business, the Administration, Congress, the bureaucracy, the courts, organized conservationists and the grassroots.

Crosscurrents in some of the major environmental areas include:

Air pollution. The Environmental Protection Agency has postponed achievement of final automobile emission reductions from 1977 to 1978, and is recommending to Congress further postponements that would delay the target date until 1982. The Administration is recommending slower stationary source-requirements that would put off full compliance 12 years beyond the original 1977 target date. However, there are indications that Congress may not grant all these deferments.

Water pollution. Long-standing pressure from industry and municipalities for amendment of 1972 Water Pollution Control Act requirements has stepped up. However, Congress is not expected to enact any major changes. Meanwhile the abatement program has gained great impetus through release of $9-billion in impounded Federal subsidy funds.

Strip mining. President Ford vetoed a strip mining control bill in December. But virtually the same measure has just been repassed by Congress, and it has a good chance to surmounting another veto.

Toxic substances. Legislation for comprehensive regulation of toxic substances—a high priority of the Environmental Protection Agency—is bogged down in Congress, under intense opposition from the chemical industry. This battle, however, began long before the nation's recent economic and energy problems.

Offshore oil. People worried about environmental progress point to the Administration's strong pressures for rapid offshore oil development as a symptom of environmental recklessness. But others observe that this pressure has precipitated a massive resistance among coastal states that promises to bring an historic reform of the Federal leasing system, with new environmental precautions.

Land use. National land use coordination legislation struck out in the last Congress. But the legislation has been revised, and is given some chance of enactment. Meanwhile implementation of the 1972 Coastal Zone Management Act has gathered momentum, and nearly every state is involved in land use control legislation.

Courts. Environmentalists are unhappy over the Federal courts' recent rulings against an E.P.A. program that would have phased out leaded gasoline, and for the continued dumping of waste into Lake Superior by the Reserve Mining Company of Minnesota. On the other hand they point to recent rulings requiring the United States Forest Service and the Bureau of Land Management to make thorough environmental assessments on their logging and development programs.

Congress. In the name of easing inflation and the energy shortage, there are proposals before Congress to suspend the application of the National Environmental Policy Act (requiring exhaustive assessments of environmental impact) on new projects. So far, however, these efforts have been fruitless, and some observers sees environmental concern in Congress as at an all-time high.

The divergence in the interpretations of current trends depends on whether the focus is on what has been done in environmental improvement or what remains undone.

Thus, Russell E. Train, head of the E.P.A., says: "I keep hearing about an environmental setback. But I'm darned if I can find any examples. I don't find any slackening in the public interest."

In contrast, his chief assistant, John R. Quarles Jr. says: "I think there's been a very marked impact on environmental progress. Our statutory programs like air and water pollution abatement are moving ahead. But there just isn't the momentum that's needed to break new ground for bigger problems that confront us—like irrational land use planning. We're spinning wheels while our national heritage deteriorates in important respects, by the week."

No one is contending that the nation's economic and energy problems have had no effect on environmental activities. Shortages of oil and gas have forced use of dirtier fuels than would have been considered otherwise, although Mr. Train has said repeatedly that the protection agency would sanction no industrial emissions that would cause Federal air quality primary [health] standards to be exceeded.

The mid-1975 target date set in the Clean Air Act of 1974 for nationwide achievement of Federal air quality standards (with some selected exceptions) will be subject to myriad "slip-pages," attributed chiefly to the automobile emissions problem.

Any postponements in scheduled air pollution reductions, Richard Ayres of the National Resources Defense Council says, are a blow to environmental progress.

He cites a recent National Academy of Sciences report that automobile emissions alone cause 4,000 above-normal deaths each year and four million days of illness. Other studies, he says, suggest that excessive sulfur emissions, largely from coal-fired power plants, could cause 25,000 excess deaths over the next five years.

"MIDCOURSE CORRECTIONS"

But, Messrs. Peterson, Quarles and others agree that "midcourse corrections" were inherent in much of the sweeping pollution control legislation passed between 1970 and 1972. They maintain that these adjustments would have come even without the economic and energy pinches and that they do not represent any fundamental changes in the nation's commitment to environmental reform.

Along with other conservation leaders, Dr. Elvis Stahr, president of the National Audubon Society, dismisses talk about any major setback as "the feverish wishful thinking of those who still desperately want to see the environmental movement destroyed."

Brock Evans, Washington director of the Sierra Club, says: "President Ford's been basically antienvironmental from way back. But there's nothing new about that. We just shrug and go ahead with our work in Congress, where the votes are."

Environmentalists count as a big forward step the result of last November's election, which gave Congress a major infusion of new blood and shook up hoary committee structures and personnel that, according to them, had obstructed environmental protection.

NEW HOUSE COMMITTEE

The new Environmental Study Committee in the House, sparked by Representative Richard Ottinger, Democrat of Westchester, already has attracted around 100 members.

Even Representative Sam Steiger, an Arizona Republican whom some environmentalists have tried to unseat, conceded in a recent estimate of legislative prospects: "The optimism of environmentalists is remarkably well founded. Congress is still reluctant to take on the environmental lobby."

Joe Browder, director of the Environmental Policy Center a Washington lobbying coalition, said, "Anytime you get 84 per cent of the Senate voting for an environmental measure (strip mining controls) that the President has just vetoed," he says, "you have to feel that the legislative climate is pretty good."

In the last year, the environmental movement has repelled a major assault on the economic front.

Assertions that environmental improvement was substantially aggravating inflation were refuted by four exhaustive studies by independent economic research organizations that consistently placed environmental expenditures' contribution to rising wholesale prices at no more than one-half of 1 per cent.

POLLUTION EXPENDITURES

Industry's expenditures for pollution controls last year were less than 6 per cent of expenditures for new facilities, and only 2 per cent of companies questioned in a Department of Commerce survey said that pollution outlays had crimped their expansion programs.

Although there has been much talk of reducing environmental requirements in relation to unemployment, actual or potential, there is not much evidence that environmental regulations have caused plants to close.

Federal officials attribute 71 industrial plant closings in the last four years to Federal, state or local environmental regulations. These involved 12,000 jobs.

By contrast, the Department of Commerce reported recently that as far back as 1972, spending for pollution abatement by citizens, business and all levels of government had totalled $18.7-billion, or 1.6 per cent of the nation's total production of goods and services. This figure undoubtedly rose substantially in 1973 and 1974.

50,000 NEW JOBS

According to an Environmental Protection Agency official, the Federal water pollution abatement program, enacted in 1972, alone has been providing employment to over 50,000 workers, mostly on sewage treatment plant construction.

Since January, $9-billion worth of sewage treatment grant appropriations that had been impounded by President Nixon have been reelased. This is projected to create 180,000 on-site-jobs and more than 360,000 jobs in related industry.

Proposed strip-mining controls, it has been estimated, will produce as many jobs in land rehabilitation as in mining operations.

Although the electric power industry has been stressing the burdens imposed on it by inflation and fuel shortages, E.P.A. economic analyses indicate that proposed pollution control requirements would increase consumers' electric bills by less than 1 per cent a year over the next decade.

Mr. Udall, despite his sense of diminished environmental impetus, thinks it still has tremendous potential in both physical and political terms, and has been stressing it in his stumping.

"THINGS WE COULD DO"

"I hold out a whole laundry list of things we could do to help the economy and the environment at the same time," he says: "Build small cars instead of big gas guzzlers; rebuild railroad beds of this country, rebuild the inner cities instead of another ring of suburbs. "I tell people that the Bay Area Rapid Transit [in San Francisco] and Washington's subway have been the two biggest employers of construction workers in the country."

At the grass roots, opinion polls have shown that dominant problems like inflation and the energy pinch have surpassed environmental quality in citizens' rankings of the nation's most pressing issues.

But pollsters explained that this relative change in rankings does not necessarily mean any absolute diminution in public concern about the environment or that solutions of the two sets of problems are considered mutually exclusive.

BUSINESS TAX RELIEF

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ARCHER. Mr. Speaker, in looking at our present economic situation and the significance of future economic policies, it is essential that we consider the area of business tax relief. A healthy business climate will strengthen our entire economic system, encourage expansion, and create new jobs. Treasury Secretary William Simon presented an excellent analysis of this situation in testimony before the Senate Finance Committee in discussing the administration's business tax relief program. I would like to enter this statement in the CONGRESSIONAL RECORD.

BUSINESS RELIEF

In the area of business tax relief, the President proposed increasing the investment credit to 12 percent, which would decrease business tax liabilities by $4.1 billion. The House bill would increase the credit to 10 percent, which would decrease liabilities by only $2.4 billion, and would increase the corporate surtax exemption, at a cost of $1.2 billion. The Administration's increase would last for one year, while the increase in the House bill would probably be permanent.

Both bills recognize that businesses, like people, have been badly buffeted by our economic difficulties. Many are in precarious financial situations. One need only look at the unemployment rolls in the auto and housing industries to see how important it is to all of us to maintain a healthy climate for business.

There are two major problems of business taxation which give increasing concern. Both contribute to the difficulties which business is clearly having in financing the new investment which we must have if we are to sustain economic growth. Both affect large and small businesses alike, although in different degree. These problems are first, the overstatement of operating profits arising out of the effect of inflation on depreciation and inventory accounting and, second, the heavy anti-investment bias which flows from the two-tier corporate tax system.

OVERSTATEMENT OF OPERATING PROFITS

There are two major elements which substantially overstate operating profits in periods of inflation. They are inventories and depreciation.

The inventory situation may be illustrated by assuming a company that normally maintains an inventory of 100,000 widgets. Under traditional LIFO accounting, if inflation causes the price of widgets to increase by $1, from $2 to $3, the $100,000 increase in the value of the inventories is reported as profits, even though the company is no better off in real terms than it was before the inflation. Economists have long recognized that this increase is not a true "profit" and the Department of Commerce national income accounts have, from the inception of those accounts in the 1940's separated it from profit figures.

For 30 years, business taxpayers have been permitted to exclude these amounts from taxable income by using LIFO accounting, but only if they reported on the same basis to their shareholders and the public. Many larger businesses have preferred to pay higher taxes rather than report lesser earnings to their shareholders. Other companies, both large and small, concluded that in their particular cases the dollar advantages of LIFO were not sufficient to justify the somewhat more complicated procedures it required. With the rapid inflation which has occurred in the last year, however, the penalty in increased taxes on unreal income has become so great that there has been a major shift to LIFO accounting. This is long overdue. It is unfortunate that it has taken the business world and the accounting profession so long to get there.

A similar situation exists with respect to depreciation. In a period of rapid inflation, depreciation deductions based on historical cost result in reporting as income amounts which do not represent an increase in wealth but which are required merely to stay even. In a period of constant and substantial inflation, this subject urgently needs re-examination. Under current tax and accounting rules, business management is powerless to deal effectively with this problem.

The effects of the inventory and depreciation adjustments produce dramatic overstatement of real income: Nonfinancial corporations reported profits after taxes in 1974 of $65.5 billion as compared to $38.2 billion in 1965, an apparent 71 percent increase. But when depreciation is calculated on a basis that provides a more realistic accounting for the current value of the capital used in production and when the effect of inflation on inventory values is eliminated, after-tax profits actually declined by 58 percent from $35.3 billion in 1965 to $14.9 billion in 1974. A major factor contributing to this decline is that income taxes were payable on these fictitious elements of profits. These resulted in a rise in the effective tax rate on true profits from about 44 percent in 1965 to 75 percent in 1974. Thus a realistic calculation shows that the sharp rise in reported profits was an optical illusion caused by inflation.

Some point out that, for the equity owners of corporations, the adverse effect of these items is offset by the fact that if the corporation has borrowed money, inflation permits it to be repaid with devalued dollars. This is essentially the same thing that has been happening to millions of homeowners. Inflation has caused the value of their homes and their incomes to rise very significantly, while the dollar value of their mortgage indebtedness stays constant. As a result, they have had a very real and major increase in their total wealth. Inflation has in effect caused a redistribution of wealth from creditors to debtors. Our tax system does not tax that increase, however, until the home is sold, and the mortgage lender never gets a deduction for the loss in value of the money which he lent. The taxation—or nontaxation—of these very real economic gains and losses introduces major distortions in a time of major inflation.

However, in the case of business taxation, it is necessary to separate what might be called the "financial" gains and losses from the "operating" profits. The capital required to run a business is supplied by both stockholders and lenders. In the long run, if a manufacturing business, for example, is to be healthy, its operations—the manufacture and sale of products—must provide a profit sufficient to compensate both shareholders and lenders for the capital which they have supplied. Thus, in a period of inflation, if we wish to see whether business is healthy we must restate the operating profits to reflect the fact that the costs associated with depreciation and inventories are, in fact, much greater than reflected under conventional accounting principles. If we are looking more narrowly to see whether the equity owners of the businesses are better or worse off, then we should also take into account the degree to which they have profited, like the homeowner, by a redistribution from wealth from creditors to debtors. The point is, however, that we should look at each of these elements separately and should try to correct each to the extent practical.

At the present time our overriding concern is with the operating profits, for in the long run they make the difference between financial health and financial sickness. Inflation is clearly causing operating profits to be overstated. That overstatement has several nontax consequences. To the extent that management relies on accounting data which do not reflect these real costs, bad management decisions, including underpricing, are likely to be made. Further, the public is left with the erroneous impression that business is profiting from inflation when in fact it is a major victim. That in turn leads to further wage and price demands, which further compounds both inflation and the business problem.

From a tax point of view, the overstatement of profits results in overtaxation, i.e., we are taxing more income than actually exists in the system as a whole. That is not true, at least on a current basis, with respect to the "financial" profits, because the increased wealth which goes to debtors is exactly offset by the losses of creditors, and neither is taken into account currently for tax purposes. On a periodic basis, there may also be overtaxation of the financial profits if stock which benefits from the devaluation of debt is sold or otherwise disposed of at a gain, as the gain will be taxed but the offsetting loss to others is not allowed as a deduction to them.

Since, in our economy, corporate profits are a major source of funds for new investment in productive capacity, and also enable corporations to attract new investment funds in the equity and capital markets, all of this has grave implications for investment and growth. That is perhaps seen best in the figures for undistributed profits of nonfinancial corporations, restated on the same basis to account realistically for inventories and depreciation. It is the undistributed profits that corporations have left to fund additional new capacity (as distinguished from the replacement of existing capacity). When inventories and depreciation are adjusted for inflation, we find that in 1965, there were $18.4 billion of undistributed pofits. By 1973—after eight years in which real GNP (the rest of the economy) grew 33 percent—the worsening inflation had contributed to a decline of undistributed profits of nonfinancial corporations to $2.8 billion. And for 1974, our estimate is that the figure for undistibuted profits is a minus $15.6 billion. That means that there was not nearly enough even to replace existing capacity, and nothing to finance investment in additional new capacity.

The following chart shows with dramatic—and frightening—clarity the true state of affairs.

[Chart not printed in the Record.]

This problem of overstatement of earnings and the overtaxation which results from it is common to both large and small businesses. However, the lower the tax rate the less the problem. Thus, enterprises which pay little or no tax at the corporate level are the least affected, and to that extent there is less overtaxation of small businesses than there is of larger businesses. It is also true that the overtaxation element in the case of inventories may be corrected by any taxpayer who chooses to elect LIFO, but taxpayers can do nothing about the understatement of depreciation. It is in general the case that smaller companies have a larger percentage of their total investment in inventories and a lesser percentage in depreciable assets than do larger companies. Thus, smaller businesses tend to be less adversely affected than larger companies. It is true that use of LIFO accounting presents extra complications which can in some cases be burdensome for smaller companies, and the Treasury is working on proposals for a somewhat simpler system.

In sum, however the overstatement of profits caused by inflation is a problem for all businesses. While small business tends to be somewhat less affected directly, the prosperity of smaller firms is inextricable from the prosperity of larger firms, and the overstatement and overtaxation of operating profits is a major threat to all business and, in the end, to all of us.

ANTI-INVESTMENT BIAS: THE TWO-TIER CORPORATE TAX SYSTEM

Our two-tiered system of corporate taxation in which income is taxed once at the corporate level and again at the shareholder level discriminates against corporate investors generally and small equity investors particularly. An individual in the 20 percent tax bracket in effect pays 48 percent at the corporate level and then an additional 20 percent on what is left for a total tax burden of 58.4 percent, or nearly three times his individual rate. If the individual is in the 70 percent bracket, he pays 48 percent at the corporate level and then an additional 70 percent on what is left. His total tax burden is 84.4 percent. If the same business could be conducted in a noncorporate form the investors would pay only 20 percent and 70 percent respectively.

Our tax system puts a great penalty on companies that must incorporate. Companies that do incorporate are those that have large capital needs that must be raised from many persons. We should keep in mind that our system of taxation bears more heavily on corporations than do the tax systems of almost every other major industrial nation. In the last few years our major trading partners have largely eliminated the classical two-tiered system of corporate taxation. Through a variety of mechanisms they have adopted systems of "integrating" the personal and individual income taxes so that the double taxation element is radically lessened.

The House bill does not deal directly with either of the above problem areas. The House bill's increase in the surtax exemption is called an aid to small businesses. While the Administration supports sound measures for small businesses, we do not believe that this is one of them. The increased corporate surtax exemption will do nothing at all for the vast majority of small businesses, which are operated as proprietorships or partnerships. It would likewise provide no relief for a corporation with taxable income of less than $25,000. In fact, it would help only the most prosperous 10.5 percent of all corporations and only 1.3 percent of all businesses. Furthermore, the $1.2 billion cost from increasing the surtax exemption would be more effective as immediate fiscal stimulus if it were spent on increasing the investment credit to 12 percent temporarily as the President proposed. To turn the economy strongly upward this year, we need to get capital spending moving today. While a tax rate reduction may be effective in the long run to increase investment, the investment credit is a superior tool to aid investment in capital goods in a time of economic recession. While the difference between a 10 percent credit in the House bill and a 12 percent credit proposed by the President may sound small, in fact the percentage point difference between them may be quite significant relative to the overall return of investment. Moreover, the difference in new investment stimulated by the two different investment credit proposals would be about equal to the difference in revenue cost, or $1.7 billion. Accordingly, while we would not ordinarily favor a credit which varied from year to year, in this time of steep recession, we would strongly urge this Committee to return to the President's proposal.

THE TRUTH ABOUT PROFITS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MICHEL. Mr. Speaker, I greatly fear that demagoguery among the press, within the Halls of Congress, and among the public at large has led to a seriously distorted view of the nature and function of profits in our free enterprise system.

As a result, the very existence of that system is threatened.

But profits are not something evil or unconscionable. They are the basic motive force behind our progress as a society. Moreover, they do not exclusively benefit a few fat cats and plutocrats. They benefit every American.

An article in this month's Reader's Digest makes these points, and in the process tells a story that greatly needs telling these days. In the hope that my colleagues might take up the telling of the story, I would like to have this article printed at this point in the Record.

[From the Reader's Digest, April 1975]

"Them"

We've been hearing a lot about "Them" lately. Often bad things. About how big they are. They've been cursed in the streets, reviled in Congress, condemned in the press. They are often overestimated. They are seldom understood.

We all should know them better, for their handiwork is everywhere—though we may not realize it.

They built a factory in a riot-torn section of Watts, Calif., then helped it along until it was a $10-million-a-year business owned largely by its employes.

They helped to remodel a home for troubled youngsters in Leavenworth, Kan., and to fix up a recreation center for school dropouts and drug victims in Dallas.

They created a million new jobs in the United States last year.

They pour $325 million into education each year and another $144 million yearly into the arts. Their total outlay for charity each year is about $1 billion.

They put $85 million into a new steelmaking process that prevented a steel mill in Pennsylvania from closing down, saving 2,000 jobs.

They give federal, state and local governments more than $41 billion in annual tax revenues.

Who are "they"?

Profits. The money earned over and above the expenses of operating our American business and industry. If industry were not profitable, not only would companies soon go out of business—with dire consequences to employes and stockholders—but a great variety of social and humanitarian activities would simply go by the board. It is a corporation's continued profitability that allows it to regularly put money into, say, public TV or the local symphony, and at the same time create new technology and new jobs.

Profits are not, as some people seem to think, clutched in the hands of a few cigar-smoking tycoons. There are 30 million stockholders in this country who count on them;

33.5 million workers whose retirement funds, invested in stocks and bonds, depends on them; 365 million life-insurance policies in force in the United States that depend to a great degree on dividends that profits produce.

Profits are far more, of course. They are one of man's primary incentives. Long after factories have been built and payrolls and fringe benefits paid, profits keep lights burning in offices, in laboratories, in men's minds, spurring the almost indefinable mix of new products and ideas called progress. Paper shufflers and chart devisers in a centralized economic bureaucracy do not invent automatic transmissions, fresh-frozen foods, kidney machines, double-knit fabrics or wonder drugs. Men in the market-place do. Stimulated by the prospect of profit, they find harder steel, brighter color television, sharper razor blades, quieter air conditioners.

When millions wanted electric hair-styler dryers, tremendous amounts of money, planning and machinery had to be channeled to meet that demand by companies seeking a profit. When the dryers started rolling out, who benefited? The companies—sure. But the big beneficiaries were the consumers, first, because their demands were satisfied and, second, business competition quickly drove prices down.

Yet, while profits are so intimately tied to the lives of all of us, the public concept of them is so distorted as to be hardly a concept at all. For example, polls indicate that the majority of Americans believe business clears about 28 cents profit on every dollar it earns.

The fact is, after taxes the average U.S. company now makes a little less than a nickel profit on each sales dollar.

Certainly, in some industries the average is higher, but not very much. Mining companies, office-equipment and computer firms average between nine and ten cents on the dollar. Lumber products make around seven. Oil production and refining produce about eight. But in many industries the profit margin is much lower. Ironically, many of the lowest profit margins are in businesses that many people assume to be making "unconscionable profits" at the consumer's expense. Supermarkets, for instance, clear a little less than a penny on each sales dollar. In the retail-sales industry, the average profit per sales dollar is around two cents.

Business and industry have tried tirelessly to convey this true profit picture. But somehow we Americans remain peculiarly unconvinced. We buy a house for $28,000, sell it for $40,000, then the next day condemn someone else's "pursuit of profit." We blithely forget the realities of economics and competition.

Let's look at the profit picture on a common product—a woman's dress that sells in department stores for $50. A woman examining it might conclude she could make the same dress for quite a bit less than that amount. Provided she could get the pattern (one of hundreds submitted by the manufacturers' designers), she could indeed save money. But this dress is on the rack because the majority of women have neither the time nor the inclination to make their own.

Why does it cost $50?

The box in the previous column gives a breakdown of costs. And it shows that a $25.75 dress that provided jobs and made a profit for people in the garment industry ends up fulfilling a consumer desire, providing livelihood for a department store's employees, putting tax money in the public treasury and profiting the store's owners. In the process, it becomes a $50 dress. As for that $1.30 retail profit—well, you the consumer are the reason why it is that low. For to raise the profit margin the businessman would have to risk losing your patronage. You in the end make the decision. That's what competition is all about. And profit is the essence of competition.

Manufacturer's cost and profit

Fabrics and accessories	$8.11
Design and factory operations	4.91
Production wages and benefits	6.86
Administrative and sales salaries	3.97
Taxes	.98
Profit from sales to retailer	.92
Wholesale price to retailer	25.75

Retailer's cost and profit

Dress from manufacturer	$25.75
Advertising, sale markdowns, freight	5.55
Store operations	6.20
Payroll	9.10
Taxes	2.10
Profit from sales to customer	1.30
Selling price to customer	50.00

KEMPER INSURANCE CO. CANCELS JUNE SALES CONFERENCE IN PORTUGAL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McDONALD of Georgia. Mr. Speaker, Kemper Insurance Co. recently canceled its June Sales Conference in Estoril, Portugal, in order that the new Communist government of that nation not benefit financially from the operation of these companies. To me, this is a commendable reaction. We cannot just ignore what is going on in Portugal. My congratulations to President Kemper. The text of the press release by Kemper Insurance Co.'s follows:

PORTUGESE CANCELLATION

WASHINGTON, D.C.—In the aftermath of a Communist takeover in Portugal, the president of a major American company has dramatically moved to guarantee that the present Portugese government does not benefit from the operations of his companies.

At a speech delivered today in Washington D.C., James S. Kemper Jr., president of the Kemper Insurance Companies, said his company is cancelling its long planned June Sales Conferences in Estoril, Portugal, and rescheduling them in San Francisco.

Company officials estimate the direct financial loss to the Portugese economy will be more than $500,000.

"We will not contribute more than a half million dollars to the economy of a nation which has nationalized its insurance companies and banks, exiled or imprisoned its moderate leaders, told the American ambassador that it cannot be responsible for his safety, and is now moving to replace the socialists in its government structure with communists because the socialists are not radical enough," he said.

"It is a source of personal satisfaction to me, and I hope. to our company personnel, our insurance agents and to the more than 4 million policyholders and employees of policyholders who are covered by insurance written in the Kemper Companies," he said, "that this conference will now be held in a beautiful American city in an atmosphere of freedom, democracy and good will. We have already arranged to hold the meetings in San Francisco."

Kemper said that, in addition to the political and ethical reasons for the cancellation, he was concerned for the physical safety of the 800 company personnel, independent insurance agents and their spouses, who had planned to make the trip.

HAHNEMANN MEDICAL COLLEGE AND HOSPITAL PRIMARY CARE MEDICINE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EILBERG. Mr. Speaker, on February 19 Mr. Wharton Shober, president and chief executive officer of Hahnemann Medical College and Hospital of Philadelphia and Wilbur Oaks, M.D., senior associate dean of the Hahnemann Medical College, addressed the Pennsylvania delegation on the problem of family health care.

During his statement, Mr. Shober outlined Hahnemann's program for educating primary-care physicians.

At this time I enter into the RECORD a summary of Mr. Shober's remarks.

COMMENTS BY MR. WHARTON SHOBER

Many Americans are deprived of adequate medical care because of the acute and worsening shortage of primary-care physicians who make up health care's front lines. This scarcity extends throughout the Nation and plagues much of Pennsylvania. No form of National Health Insurance will solve the problem—unless a sufficient number of primary care doctors are educated and voluntarily practice where they are needed.

Accordingly, three years ago Hahnemann conceived a bold idea—the Hahnemann Plan to supply Family Physicians for service in communities where they are most needed. The idea is simple, low in cost, and since it is based on freedom of choice, ideal for a free society in which compulsion is considered repugnant. The Hahnemann Plan turns out Family physicians for medically underserved communities by starting out with the right medical students—drawn from these communities—students who will really want to settle in their home towns and practice Family Medicine.

In order to implement the Plan, Hahnemann negotiated agreements in these doctor-scarce areas with local pre-medical colleges. with hospitals (the latter to provide clinical training), with county physicians' societies, and with the political, labor, and business leadership. A special Family Medicine curriculum was developed, a six-year combined B.S.–M.D. track, made up of two years of pre-medicine at the local college, two years at Hahnemann Medical College, and two years of clinical training at the local community hospitals.

The Hahnemann Plan is founded on these premises:

(1) Traditional methods of medical student selection, based only on aptitude test performance and other quantitative measures, are closing the doors of medical schools to many qualified applicants who would have chosen careers as general practitioners rather than as specialists.

(2) The traditional medical curriculum inadequately exposes students to primary care practice and, further, stresses specialization.

(3) Physicians tend to practice in communities where they train and/or where they can get expert consultation from a medical community.

(4) The most elaborate and up-to-date medical care is customarily available only at medical college affiliated undergraduate and graduate teaching hospitals.

(5) The Medical School accrediting agency recognized by the National Institutes of Health (the Liaison Committee of the Association of American Medical Colleges and the American Medical Association) would approve the gradual Freshman class size increase from 160 to 260 students over four years.

(6) The Commonwealth of Pennsylvania would approve the required class size increase.

By virtue of the first promise, a special student selection process has been created, employing both academic and non-academic criteria. The choice of academic yardsticks was fairly easy: the student is required to have performed well enough in undergraduate courses—both science and the humanities—to promise academic success in medical school. The guideline is a 3.0 average, although a lower figure may be acceptable where there is a steep upward trend in grades.

While pre-medical college grades and the Medical College Admission Test may accurately predict a student's performance in the pre-clinical phase of medical school, as far as we now know, they do not necessarily foreshadow how well a student will function in the clinical phase or after graduation; that is, in clinical studies and in actual medical practice. In fact, Hahnemann believes that non-academic attributes—personality traits—may be more significant than college grades in anticipating the performance of working physicians, and importantly, in selecting those students who are likely to become generalists rather than specialists.

Thus, the Hahnemann Plan reflects the results of an extensive study of the role model of the Family Medicine Practitioner: what he considers the essentials of primary care, what he has to bring to it beyond clinical competence, and what satisfactions motivate him to remain in it. The study's objectives were to define those personality characteristics which ought to be used in the student selection process and to provide a method of measuring them.

Involved in this research project were interviews with physicians who were already practicing Family Medicine, as well as with residents in Family Medicine residency programs, directors of these programs, and some of their faculty members. The interviews focused on determining the philosophy of each program, the type of student attracted by it, and student concepts of how they intended to practice, what had drawn them to Family Medicine, and what they thought they had to offer. Those who were interviewed took a psychological test for personality type, to allow comparison with the results of a prior study that had looked at 5,000 medical students and their choice of specialty. This was done because a significant clustering of Family Physicians into a particular personality type would help Hahnemann sort out and evaluate non-academic admissions criteria.

The on-site interviews encompassed three Family Medicine Programs: Lancaster General Hospital, Lancaster, Pa.; the University of Rochester Family Medicine Program at Highland Hospital in Rochester, N.Y.; and the Harvard Medical School Family Health-Care Program at Children's Hospital in Boston, Mass. These Institutions were picked both because of their locations and because of the likelihood that differences in approach would be observed among residency programs operated by a community hospital, a university-affiliated department of medicine and a university-affiliated department of pediatrics.

The result: a verbal picture of the Family Physician leading to a verbal picture of the ideal Family Medicine student, and hence to a list of the personality characteristics such a student should have. These traits, and their relative importance, now make up the non-academic selection criteria which are honing the choice of Family Medicine students from among the undergraduates enrolled in the Hahnemann Plan.

By the time that final selection process takes place, the undergraduates have undergone two years of careful monitoring at their local college, making them perhaps the most closely observed group of trainees since the astronauts. Admission is completed by a committee with local community representation. This contrasts sharply with conventional medical school admissions procedures in which the applicant does not come into view until senior year of college.

The first Hahnemann Plan was launched in Northeastern Pennsylvania in September, 1972 by Hahnemann, Wilkes College in Wilkes-Barre and five community hospitals. This program is designed to turn out 25 Family Physicians a year, with the first class of doctors graduating in June, 1978.

The second Hahnemann Plan was launched with Lehigh University in Bethlehem, Pennsylvania and two community hospitals in September, 1974. It has the same overall structure as that of the Hahnemann/Wilkes undertaking, having been modified only to the degree required for adaptation to the regional needs of the Lehigh Valley.

A third Hahnemann Plan has reached the stage of screening students for admission to Gannon College in Erie, Pennsylvania in September, 1975. This also involves five hospitals in the Erie area serving 13 counties of Northwestern Pennsylvania.

A September, 1976 starting date is envisioned for the fourth plan in which Hahnemann will be joined by Widener College and the Crozier-Chester Medical Center. Here we will strive to select and train one group of medical students who are motivated to serve in the Inner City and one group to serve in rural areas.

An unusual blend of communities characterizes this program. It encompasses both rural and suburban counties, as well as the city of Chester, many of whose residents are disadvantaged. Special effort will be made to prepare disadvantaged students early in their high school careers for eventual admission to Widener, and ultimately to Hahnemann Medical College and Crozier Chester.

Discussions are underway in other areas of the Commonwealth including those with St. Francis College in Loretto, Pennsylvania, located between Johnstown and Altoona. This Hahnemann Plan would serve the medical needs of the rural counties in the South Central section of Pennsylvania.

Hahnemann is giving its full support to each of its college and hospital partners to help them develop and maintain Physician Assistant Education Programs, and where needed and requested, strengthen residency training programs in Family Medicine, Pediatrics, and Obstetrics. Planning is in advanced stages for a statewide closed circuit medical television network for education and for participating physcian consultation with the Hahnemann subspecialists in Philadelphia. This will strengthen the mortar tieing the participating institutions together and will help fill the individual physician's need for easy access to expert consultants.

The response of the Medical Societies and of the individual physicians in the areas covered has been most favorable. Those doctors who participate in the local clinical teaching programs receive academic appointment to the Hahnemann Faculty. In addition, Hahnemann's full time faculty is assigned to and rotate through each participating institution. This faculty in effect is transforming the participating hospital into a true "Teaching Hospital" by adding undergraduate medical education. Already evidence of a synergism is apparent which is attracting new physicians to these areas.

During November, 1974 Hahnemann Medical College and Wilkes College received an accreditation visit from the Liaison Committee of the AAMC/AMA. At the close of the committee's visit the Chairman informed Hahnemann Medical College that his committee was recommending approval of the requested Freshman class size increase from 160 to 260 gradually over four years and full accreditation for four years. The Chairman of the Commonwealth of Pennsylvania Board of Medical Licensure also indicated strong support for the Hahnemann Plan and approval of the required and requested additions to class size.

These approvals have given the Hahnemann Faculty encouragement and substantial progress has resulted.

In total, Hahnemann's existing and planned contractual arrangements with other institutions to train Family Physicians for service in Pennsylvania affects the majority of the counties in the Commonwealth.

While the primary goal of these outreach programs is to supply Family Physicians to Pennsylvania, they cannot help but upgrade institutional health care delivery systems throughout the State, and thus provide additional benefits to the entire population.

It has been nearly three years since the inaugural Hahnemann Plan got underway in Wilkes-Barre; students in its "first wave" are already rounding out their freshman year at Hahnemann Medical College.

The Hahnemann Plan is a reality. Visitors from other areas of America have indicated that it could well serve as a national model.

MEANY CALLS FOR REASSESSMENT OF U.S. POLICY OF DÉTENTE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ASHBROOK. Mr. Speaker, as most of my colleagues are aware, I have long been a critic of our policy of détente with the Soviet Union. This policy seems to have a one-way street. The United States makes concessions to the Soviet Union. The Soviets, however, give nothing of substance in return.

Consequently I was very interested in reading George Meany's recent remarks on this subject. Meany urges a reassessment of our entire policy of détente following the collapse of Middle East peace negotiations and Communist gains in Vietnam and Portugal. Meany states:

> The policy of detente lies in ruins. Everywhere communism is on the march. Everywhere the West is in retreat. Such are the fruits, the bitter fruits, of détente.

Meany want on to say:

> There can be no doubt that the bold Communist push for power in Portugal is fed by an awareness of declining American power in the world. That decline has to do with the disarray of the Western economies and resulting political instability. It also has to do with America's deteriorating military position vis-a-vis the Soviet Union. But it also has to do with the belief, widespread in the world, that the rhetoric of détente masks a loss of nerve, a lack of will to bear any longer the burdens of defending freedom in the world.

I concur wholeheartedly with Meany's judgment that the United States should reassess the policy of détente with the Soviet Union. As Meany emphasizes, it is a policy "which has produced disillusionment everywhere and success nowhere."

CAMPAIGN FINANCING

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RISENHOOVER. Mr. Speaker, in a costly three-quarter page Washington Post advertisement, the so-called National Right to Work Committee asked a question yesterday why $429,632 in labor union political funds were paid to 33 House members of the Committee on Education and Labor.

The answer in part, I suggest, is reflected in a headline on the same page of the Post which reports: "25 Country Clubs Share $638,000 Maryland Tax Break."

Published records of my campaign committee show generous and appreciated contributions from working people—the noncountry club set.

The innuendo of the misnamed "Right to Work" Committee is that there is something evil about working people helping candidates finance their campaigns. Quite the contrary, I believe rank and file workers had better give to good candidates and support honest government.

Nonetheless, I explained that all of my contributions were above-board, legal and fully reported. Then, I asked them why they—as a secretive weight throwing Washington lobby—have failed to file lawful reports and disclose their expenditures and receipts.

Reed Larson, executive vice president of NRTWC, wrote back:

> We were not aware of the absence of reports for the fourth quarter, 1974, until we received your telegram. Those reports have been refiled with the appropriate congressional officials.

NRTWC still has not revealed its sources of big money and its benefactors.

In reply to the NRTWC innuendoes of March 25, I issued the following statement:

> Since my campaign committee is still $30,000 in debt, I invite working people and other producers in our society to contribute more. However, I am proud—very proud—that laboring people, dairymen and small businessmen voluntarily helped me pay part of the debts of this past campaign. They don't own me and I don't own them. They support me and I support them.
>
> However, long before I took money from anybody, I decided the so-called right to work law was a misrepresentation. It is a tricky, dishonest gimmick of right-wing extremists who have raised millions of dollars for their propaganda campaigns. These charges against me also are misleading and treacherous.
>
> Today, I challenge them to show where I have taken any labor contribution that was not voluntarily contributed by working people. I challenge them to show where I have taken any illegal funds. Let them tell the truth about the slave labor laws they propose—and about the money my campaign received.
>
> I can think of no enemy I would rather have than that infamous enemy of all working people, the right-to-slavery committee.

On March 27, at a Chamber of Commerce meeting in Sapulpa, Okla., I made the following remarks concerning campaign financing and the misdeeds of innuendoes such as those by NRTWC:

Text of an Address by the Honorable Ted Risenhoover Before the Sapulpa, Okla., Chamber of Commerce, March 27, 1975

In light of events surrounding my public life—and in view of its importance—I want to talk today about money.

To impress you with my scholarly research, I checked on what some other folks have said about money.

Sir Francis Bacon said: "Money is like muck, no good unless it is spread."

Cicero said: "There is no fortress so strong that money cannot take it."

Somerset Maugham said: "Money is like a sixth sense—and you can't make use of the other five without it."

Particularly, I want to talk about the money I spent—and raised (in that order) for my political campaign.

There have been newspaper stories—about the issue which, I assume, were slanted to be damaging. My latest critic, of course, was the National Right to Work Committee, and I come to you businessmen—not a union meeting—to answer.

First, I want to say, that all the money I have raised—and spent—was fully and legally reported. The information is available from the Clerk of the House and the Government Printing Office.

Since my campaign committee still owes about $30,000—I only regret that the receipts are not greater. I invite each of you to consider a contribution—and I believe you have a responsibility not only to vote for your candidate—but to help finance his campaign.

I want to talk first about my critic—the National Right to Work Committee. That committee—I wish to report—has never published a financial statement. They do not report who gives them money—or where they spend it. Yet, they are as fully involved in public policy as I am. They are lobbyists—and they are high rollers. I have demanded that they deny or confirm that they spend some $2 million a year in their activities. How can any organization criticize—when it is so vulnerable itself?

Certainly, I took money from union members. I took money from dairymen. I took money from small businessmen, dirt farmers, students, housewives, pensioners, Blacks and Indians. And I am grateful for each dollar, and not once has even one of them tried to tell me how to vote!

But, all that money from members of organized labor was fully reported—both by the committees that pooled the contributions and made the gifts—and by my own election committee. And, I say to you, the Right to Work Committee has the same responsibility as a tax-exempt institution—and a lobbying group.

On a broader scale—I am critical of this lobby's results. They have done more to damage peaceful labor-management relations than any other single group in America. I am very pleased with the tranquility which exists between labor and management, especially in Oklahoma!

I endorse Teddy Roosevelt's attitude which I quote:

> "Labor organizations are like other organizations, like organizations of capitalists; sometimes they act very well, and sometimes they act very badly. We should consistently favor them when they act well, and as fearlessly oppose them when they act badly."

Adding to that, let me tell you that I am not a puppet or a hand-picked tool of labor. I vote independently, but I try to reflect what I believe to be the best interests of the Second Congressional District of Oklahoma when they are compatible with our nation's best interests.

And—I might note—that one of the few people in Oklahoma trying to cause me trouble is none other than Henry Likes, President of the State AFL–CIO.

As for my philosophy toward organized labor, I think every person has a right to join any non-subversive organization they choose. I don't believe laws should try to bridge that right.

My own newspaper—where I have made my living—is not organized labor. But, I know I must pay union scale—or better—to keep my excellent help. Any businessman knows that basic rule. Sweat shops and wage cutters seldom succeed in business.

Statistically, union organization has grown in the greatest percentile rate within those states which have the so-called right to work law. Oklahoma—without the law—has experienced phenomenal industrial growth.

We have a peaceful labor-management scene. We have lawmakers who are concerned about both the businessman—and the laboring man. I am one of those lawmakers.

I believe that jobs are first: Business must be healthy before labor can prosper. By the same token, workers need decent wages if they are to consume the products of business. And the worst injustice I could do a worker would be to vote for any bill that could reduce job opportunity.

I am far more concerned about paying a foreigner $12 a barrel for oil—than paying an oil field worker $6 an hour.

When we are paying our money to American workmen, they are spending that income with American business. That is a point Henry Ford made years ago when he started paying auto workers $5 a day . . . and those workers started buying his cars.

And, today, I am much more afraid of multi-national corporations—the people who gave us the energy crisis and $12 oil—than I am of labor unions.

Our fear should be of big—big unionism; big—big business; and big—big government, more than fear of unions, business or government which is responsible. We have cause to fear imbalance—in any sector of our economy—and imbalance comes when one side gets too big for its britches!

And, as for contributions from labor, I can say to business—you have an opportunity and a responsibility to help. I still have that $30,000 campaign debt—which I will retire legally. I will be raising money for the 1976 elections—and I want support from business and labor—because I represent both the worker and the manager.

I believe we have a great economic team in America—and I am pleased that both sides are on mine.

OZONE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ROGERS. Mr. Speaker, since I first became interested in the threat to health represented by the depletion of the ozone layer by fluorocarbons dispersed by aerosols there has been growing public concern on this issue.

Recently, during hearings on the Clean Air Act it was brought to our attention that the scientific backing for these concerns has been strengthened. I have been receiving an increasing number of letters and calls from the public revealing their concern.

I rise today because 18 more of my colleagues wish to join myself, Mr. Esch, and 33 others in sponsoring the Ozone Protection Act of 1975. So I am reintroducing this bill which will make the studies necessary to determine the scope of the problem and take the steps necessary to deal with it.

GASOLINE RETAILERS NEED 3 CENTS PER GALLON

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McCORMACK. Mr. Speaker, at a time when Federal policy is to reduce the consumption of gasoline, it seems ironic that the Federal Energy Administration should be considering removing the 3 cents per gallon allowance authorized for gasoline retailers last year.

As we reduce the consumption of gasoline in this country, the local retailer will be the first and most adversely affected businessman in the Nation.

Congress responded to the reduced allotments of fuel during the oil embargo by requesting 3 cents per gallon increases for the price retail dealers are allowed to charge. Now, according to the theory of such consumer groups as Ralph Nader's, the dealers are on full 1972 allotments and the additional 3 cents per gallon results in excessive profits. This conclusion fails to take present inflationary conditions into consideration, or to recognize that gas station operators must continue to operate—and provide necessary services for us all—in the future. In the Fourth Congressional District in the State of Washington, gasoline station operators who survived last year's market convulsions are not making even a reasonable income let alone excessive profits.

In addition, some oil companies have recently canceled franchises in favor of company owned and operated facilities—after the local retailer has established the business and their clientele. Gasoline retailers lack any bargaining power whatsoever in such cases, and they are thus all the more vulnerable.

These dealers are not asking for anything unreasonable. They do not want a subsidy, or a handout, or even a price increase. They do not ask for the power to earn excessive profits. They merely want a stable environment in which to conduct a legitimate and necessary business, and earn a decent living.

Many disruptions in private businesses occur from necessary changes in regulation by the Federal Government, but when such disruptions are unnecessary and when they are particularly devastating to a business' ability to plan ahead and provide the public with required goods and services, one must ask: "Why?" If the FEA eliminates the 3 cents per gallon pass through established last year, we will, I expect, have to allow it again, as this Nation succeeds in its plans to reduce the consumption of gasoline, and as inflation impacts on individual service station operators.

Mr. Speaker, I hope this message, and others supporting it from our colleagues here in the Congress, will cause the FEA to reflect and decide not to withdraw this allowance.

LAWSUIT TO ENJOIN THE UNITED STATES FROM PARTICIPATING IN FURTHER MILITARY ACTION IN CAMBODIA—APPEAL TO THE U.S. COURT OF APPEALS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DRINAN. Mr. Speaker, in yesterday's Congressional Record I informed my colleagues that 20 Members of Congress and myself are in the process of appealing a decision which dismissed our Cambodian lawsuit at the district court level. The first half of the plaintiffs-appellants' brief was printed in yesterday's Record, April 7, 1975, on pages 9187 and 9188. Today, I would like to bring to my colleagues' attention the second half of the brief which was filed on April 1, 1975:

Part II: Statutory Basis for the Lawsuit

Over the years, Congress, following the trauma of the Cambodian invasion, enacted a series of laws set up at pp. 15 ff. of the Complaint, which were intended to prohibit categorically any further military involvement by the United States in Cambodia and severely to restrict the role and activities of the United States in that unhappy country. None of these laws has a time limit and none has been repealed. The Special Foreign Assistance Act of 1971, 22 U.S.C. § 2411(n) provides:

"(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other Act may be used to finance the introduction of United States ground combat troops into Cambodia, or to provide United States advisers to (or for military, paramilitary, police, or other security or) intelligence forces in Cambodia.

"(b) Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense."

Section 30 of the Foreign Assistance Act of 1973, 22 U.S.C. § 215n, provides:

"No other funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos or Cambodia."

Section 806 of the Department of Defense Appropriations Authorizations Act of 1974, P.L. 93-155, 87 Stat. 605, provides:

"Sec. 806. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of Cambodia, unless specifically authorized hereafter by the Congress."

Section 13 of the Department of State Appropriations Act of 1973, P.L. 93-126, provides:

"Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

The Foreign Assistance Act of 1971, 22 U.S.C. § 2146 provides:

"The total number of civilian officers and employees of executive agencies of the United States Government who are citizens of the United States and of members of the Armed Forces of the United States (excluding such members while actually engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia *at any one time* shall not exceed two hundred. . . ."

The same Act also provides:

"The United States shall not, *at any time*, pay in whole or in part, directly or indirectly, the compensation or allowances of more than eighty-five individuals in Cambodia who are citizens of countries other than Cambodia or the United States." (Emphasis added.)

It should be abundantly clear from this brief review that the passage, in December 1974, of one more aid appropriation for Cambodia can have no legal effect on the specific prohibitions on United States activity previously enacted by Congress, and in fact the passage of the Foreign Assistance Act of 1974 was not intended by Congress to have such effect. The Act was designed "to reduce further the scope of U.S. involvement in South Vietnam, Cambodia, and Laos" Pub. L. 93-559, S. Rep. No. 93-1299, 93rd Cong., 2d Sess., p. 14 (1974) (emphasis supplied) not to make nugatory a long history of legislative restrictions designed to prevent increased U.S. involvement. The passage of § 39 of the Foreign Assistance Act of 1974 further delimits American aid to Cambodia by amending the Foreign Assistance Act of 1961 (22 U.S.C.A. §§ 2415, 2416). The restrictions on U.S. involvement incorporated in the Foreign Assistance Act of 1961 by later amendments are in no way repealed, modified or diluted by the passage of the Foreign Assistance Act of 1974. The Foreign Assistance Act of 1961 as now amended by the Foreign Assistance Act of 1974 continues to incorporate Public L. 93-189 providing that "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia." 22 U.S.C.A. § 2151.

Depending on Congress' mood, and on military and political developments in Cambodia, there may or may not be future appropriations, but this has no bearing whatsoever on the statutory restrictions currently in effect. As of now, the situation is the same as it has been for the past four years, in that Congressionally authorized aid is being provided to Cambodia, subject to a series of specific caveats.

Perhaps, then, the key to Judge Freedman's doctrine of "implied repeal" lies in his emphasis on Congress' request, contained in the Foreign Assistance Act of 1974, that "all available means" be used to bring about a negotiated settlement of the Cambodian conflict. But surely such precatory language, whatever its legal effect, must be read within the context of, and not as superseding, existing legislation. It is an elementary principle of statutory interpretation that courts will not strain to find conflict between two laws where an interpretation devoid of conflict is possible. Obviously this is the case here. There is not the slightest reason to believe that the passage cited by Judge Freedman, in which Congress requests the President and the Secretary of State:

"(2) to *urge* by all available means that the Government of the Khmer Republic enter in negotiations with representatives of the Khmer Government of National Union for the purpose of arranging an immediate ceasefire and political settlement of the conflict; and to use all available means to *establish contact* with the Khmer Government of National Union, and to urge them to participate in such negotiations. The United States should *urge* all Cambodian parties to use the good offices of the United Nations or a respected third country for the purpose of bringing an end to hostilities and reaching a political settlement . . ." (emphasis added.)

P.L. 93-559, § 34, represents anything other than an expression of Congress' growing impatience with the "rathole" of Cambodian aid and a none too subtle suggestion that the President and Secretary Kissinger should "lean on" the Lon Nol regime to bring about an end to the war, lest Congress' patience with supporting that war run out, as it now seems to have done. Indeed, it would fly in the face of all reason, after four years of steadily growing Congressional frustration and disenchantment with the U.S. role in Cambodia, to interpret the "all available means" language as suddenly giving the President carte blanche to ignore all the carefully framed and repeatedly reaffirmed directives of Congress. "All available means", obviously, refers to diplomatic pressures on Lon Nol, not to military pressures on the Khmer Rouge.

Any other interpretation of the "all available means" language of § 34 would seem especially absurd in light of the section's authorship. The policy statement of § 34 was initiated by Senator Humphrey, one of the leading and most outspoken opponents of any further U.S. involvement in Southeast Asia, and was based on a Congressional finding that "continuation of the military struggles in South Vietnam and Cambodia is not in the interest of the parties directly engaged in the conflicts, the people of Indochina or world peace." P.L. 93-559, Sec. 34(b); see, also Sen. Rep. No. 93-1299, p. 48. Congress called on the President to negotiate and *to urge negotiation by all available means* "to lessen the human suffering in Indochina and to bring about a genuine peace there." P.L. 93-559, Sec. 34(b). Exhibit I sets out § 34 in its entirety so that the language cited by Judge Freedman can be read in context.

It is impossible to read Senator Humphrey's remarks to the Senate on the Foreign Relations Committee's policy statement with respect to Indochina and conclude that the language of that section was intended to authorize increased military involvement in Cambodia. Indeed, after reading Senator Humphrey's remarks—the thrust of which is contained in his words "let us seek the path of negotiation once again. Let us stop this official self-delusion which says, 'just a little more, and victory will be certain' . . . [i]t is absolutely essential that we lend every effort toward the diplomatic and political solutions which are the only solutions that we ought to be giving our attention to."—it would be disingenuous to conclude that the policy statement intended the language "all available means" to authorize increased military involvement. (Senator Humphrey's remarks are set out in full in Appendix B, Cong. Rec. Senate, October 1, 1974, 33291-33292.)

That Congress, "at this writing, . . . has the power", by voting down the Administrations' request for supplemental appropriations, "to end American assistance to Cambodia once and for all time", as Judge Freedman correctly states at p. 4 of his opinion, is quite beside the point. Whether additional aid is approved or not, the statutory restrictions on executive actions in Cambodia—some of which are not even related to the granting or withholding of aid—remain in full force and effect, and their transgression is cognizable by the courts.

Nor does anything relevant, for purposes of this suit, flow from the fact that, "if indeed Executive acts go beyond Congressional mandate, there are committees within the Congress that can summon the executive officers of the nation . . . to public hearings." In the first place, such hearings, and other expressions of Congressional displeasure, have taken place; there is nothing in this record to support the District Court's statement that "that kind of conflict has not occurred." See, for instance, Exhibits B and L of WEISS Affidavit dated January 31, 1975, and Exhibits PP and QQ to WEISS Supplemental Affidavit of March 6, 1975. These exhibits merely show that executive lawlessness is matched by executive evasiveness and that, in the real world of Washington politics it takes a good deal more than Congressional hearings, resolutions of inquiry and speeches from the floor of Congress to bring the Executive branch to account. If the use of these devices were adequate to insure Executive compliance with Congressional mandate, why would there ever be an occasion to invoke the aid of the courts under the "clear conflict" doctrine of *Massachusetts* v. *Laird* and *Drinan* v. *Nixon?* In the perfect world postulated by Judge Freedman, a word to the wise would be sufficient. In such a world, however, there would be no executive law-breaking to begin with, and therefore no need to bring this suit.

One further point in the decision below, bearing on justiciability, requires discussion. Plaintiffs' motivation in bringing this action is not simply their concern, in principle, that the Administration not set an example of lawlessness for the rest of the country, although that principle obviously is an important one, particularly in the current period of our country's history. They are also genuinely concerned lest the actual and prospective violations of the various statutes involved, which were designed effectively to terminate American military involvement in Indochina, lead, by design or accident, to a recurrence of such involvement. In this connection, they are disturbed by the following passage in the District Court's opinion:

"The Court takes judicial notice that the President has had televised press conferences since then when he has emphasized that American troops will not be returned to conflict in Cambodia, and I am compelled to accept his words at face value."

As has been pointed out above, there is at least one statement in the record by the Secretary of Defense, admitting the existence of a contingency plan to "send in the marines". Plaintiffs believe that they have a right to explore this statement and its implications by discovery, subpoena or other appropriate means and that they cannot be deprived of this right by an impromptu remark made by the President at a televised news conference. To do so would be to confer upon the President the status of sunking and upon television that of best evidence.

II. STANDING

As was suggested at the outset of this brief, the dictum at the conclusion of the decision below raises the possibility that this case may be remanded to the District Court, only to have it dismissed once more, for lack of standing. The Congressional plantiffs believe that they have standing under such cases as *Coleman* v. *Miller*, 307 U.S. 433 (1939); *Mitchell* v. *Laird*, 488 F. 2d 611 (D.C. Cir. 1973); *Trombetta* v. *Florida*, 353 F. Supp. 575 (Mid. Dist. of Fla. 1973); *Kennedy* v. *Lampson*, 364 F. Supp. 1075 (D.C.C. 1973); and *Nader* v. *Bork*, 366 F. Supp. 104 (D.D.C. 1973). They fail to understand the District Court's suggestion that they brought this suit because they "are not satisfied with the end result of some congressional enactment," since they merely seek to bring about executive compliance with congressional enactments, not change their "end result." They do not believe that the cases on congressional standing support the proposition that the denial of the "effective right to vote" is the only basis for such standing. Rather, they believe that their standing is founded on the nullification of their vote by the Executive Branch, on the criteria adopted by the Court of Appeals for the District of Columbia in *Mitchell* v. *Laird*, *supra*, and on the fact that denial of congressional standing in foreign affairs and war powers cases is a prescription for executive lawlessness, since other types of plaintiffs would normally have even greater difficulty satisfying the standing requirement in such cases.

There is, of course, one exception to the proposition just enunciated, namely members of the Armed Forces. Plaintiff Lowry, in the instant case, falls into this category, and the decision below is silent as to his standing. It is assumed that this Court would, if faced squarely with the issue, uphold plaintiff Lowry's standing, on the precedent of its one-sentence dismissal of the standing objection in *Massachusetts* v. *Laird*, *supra* at 29. Given the extreme urgency of reaching a determination on the merits, it is therefore respectfully suggested that, should this Court decide to reverse the District Court on the question of justiciability, its remand include some guidance to the District Court on the question of standing. Plaintiffs stand ready to brief the question of standing more fully, either before or after the Hearing, if the Court would find such a briefing helpful.

Respectfully submitted.

Rhonda Copelon, Doris Peterson, and Peter Weiss, % Center for Constitutional Rights, 853 Broadway, New York, New York 10003; (212) 674-3303.

Nancy Gertner, Silverglate, Shapiro and Gertner, 217 Lewis Wharf, Boston, Massachusetts, Attorneys for Defendants-Respondents.

Dated: New York, New York, April 1, 1975.

FOREIGN ASSISTANCE ACT

POLICY WITH RESPECT TO INDOCHINA

SEC. 34. (a) The Congress finds that the cease-fire provided for in the Paris Agreement on Ending the War and Restoring Peace in Vietnam has not been observed by any of the Vietnamese parties to the conflict. Military operations of an offensive and defensive nature continue throughout South Vietnam. In Cambodia, the civil war between insurgent forces and the Lon Nol government has intensified, resulting in widespread human suffering and the virtual destruction of the Cambodian economy.

(b) The Congress further finds that continuation of the military struggles in South Vietnam and Cambodia are not in the interest of the parties directly engaged in the conflicts, the people of Indochina or world peace. In order to lessen the human suffering in Indochina and to bring about a genuine peace there, the Congress urges and requests the President and the Secretary of State to undertake the following measures:

(1) to initiate negotiations with representatives of the Soviet Union and the People's Republic of China to arrange a mutually agreed-upon and rapid de-escalation of military assistance on the part of the three principal suppliers of arms and material to all Vietnamese and Cambodian parties engaged in conflict;

(2) to urge by all available means that the Government of the Khmer Republic enter in negotiations with representatives of the Khmer Government of National Union for the purpose of arranging an immediate cease-fire and political settlement of the conflict; and to use all available means to establish contact with the Khmer Government of National Union, and to urge them to participate in such negotiations. The United States should urge all Cambodian parties to use the good offices of the United Nations or a respected third country for the purpose of bringing an end to hostilities and reaching a political settlement;

(3) to utilize any public or private forum to negotiate directly with representatives of the Democratic Republic of Vietnam, the Provisional Revolutionary Government, and the Republic of Vietnam to seek a new cease-fire in Vietnam and full compliance with the provisions of the Paris Agreement on Ending the War and Restoring Peace in Vietnam, including a full accounting for Americans missing in Indochina;

(4) to reconvene the Paris Conference to seek full implementation of the provisions of the Agreement of January 27, 1973, on the

part of all Vietnamese parties to the conflict; and

(5) to maintain regular and full consultation with the appropriate committees of the Congress and report to the Congress and the Nation at regular intervals on the progress toward obtaining a total cessation of hostilities in Indochina and a mutual reduction of military assistance to that area.

VOCATIONAL EDUCATION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LEHMAN. Mr. Speaker, the Distributive Education Classes of America have proven to be an example of what Vocational Education can achieve. As the vice chairman of the Congressional Advisory Board of DECA, I have become increasingly aware of the fine work that these young Americans have produced.

Recently, DECA students in Toledo, Ohio undertook a study of the food stamp program in Lucas County, Ohio. Their findings are most enlightening and pertinent to any congressional review of this program.

Earlier this session, the House prevailed over a proposed administration attempt to increase the basic price of food stamps to all recipients. The rationale at the time was that such action would be grossly unfair and punitive to the thousands of individuals and families who are eligible for food stamps. Still, we must admit the program is not without its cases of fraud and abuse. As a result the GAO has commenced a review of the program to determine the magnitude of these alleged abuses.

These problems and issues are touched upon by the DECA students in their review of the program in the Toledo area. I commend to my colleagues at this time DECA's recommendations to Federal and local government authorities, to retailer, and to the recipient. Devoid of any political considerations, I feel their study underscores the importance of broadening the food stamp program especially during these troubled and uncertain economic times.

Their recommendations follow:

CONCLUSIONS AND RECOMMENDATIONS

RECOMMENDATIONS TO THE LOCAL AND FEDERAL GOVERNMENT

At present, food stamps are equated with welfare. The stigma of welfare should be removed from the program; a head of household with a low net income should not necessarily be on welfare before he is referred to a food stamp center. The food stamp program should be open to all those who qualify and need help in maintaining a proper diet. If the federal government truly believes in the food stamp program, legislators at both the local and national levels should make every effort to see that the program serves all those it was intended to. More information should be made available to the public through the mass media, especially television and newspaper. Public service spots or announcements about the different aspects of the food stamp program should be instituted with the cooperation of the various television networks. A slogan should be developed for the food stamp program. This would aid in promoting public awareness and understanding. Furthermore, business, industry, and trade unions should be informed and involved in helping their employees and members who need food stamps and qualify for them. Likewise, an effort should be made to better inform the food retailer. The federal government should promptly notify the retailer of any changes in the program.

A food stamp user should never be turned away because a retailer does not accept food stamps. The food stamp program should be attractive enough to every food retailer to make him want to handle food stamps.

The food stamp program should be explained in clear, concise language so that the "average" layman can understand the criteria used for determining allotment quotas etc. Informative, but concise posters describing how the food stamp program works should be prepared and made available to all food stores, post offices, and federal buildings.

The food stamp program should have a "built-in" allowance adjuster or be reviewed periodically to provide adjustments for inflationary periods of time.

Although unemployed persons will normally be the largest group of food stamp users, the federal government should make an effort through the media and by working with business, industry, and unions, (as explained earlier) to make food stamps available to those employed heads of household who have a low net income after deductible allowances.

Since there is much confusion about where food stamps are obtained, permanent distribution points should be established in several locations throughout metropolitan Toledo. Ideally, food stamps should not be issued through the welfare office because of the "welfare implications". In some counties, banks have been used with much success as distribution points. If possible, distribution to the recipients should be conducted throughout the entire month on an alphabetical basis instead of at the first of the month, only. The present practice of distribution only on the first of each month produces long lines and frustrated people.

Because of the immense cost of the food stamp program, the federal government should consider employing more personnel to administer the program at all levels, not only to serve all those who can qualify, but to curtail abuses of the program as well. To help prevent abuses of the program, "mystery shoppers" should be employed to check out food retailers' food stamp practices without giving advance notice.

Printed information on proper diet should be distributed to food stores and other places where the consumer will come in contact with it. This will help insure good nutrition for both users and non-users of food stamps.

Federal government should consider allowing some purchases of paper products and soaps that are necessary in day-to-day living, since some food stamp users have no cash to purchase these necessaries.

Picture identification cards for the users of food stamps should be developed by the local control board to insure the proper use of food stamps at food stores.

The federal government might consider allowing the retailer to give up to $1.00 worth of change for orders totaling more than $5.00 instead of giving scrip to the food stamp customer. This would make handling food stamps easier for both the customer and retailer.

RECOMMENDATION TO THE RETAILER

The food retailer should cooperate with the local control board for food stamps as fully as possible. He should willingly post any information the local and federal government has on the program for the consumer. Likewise, the food retailer should make a sincere effort to make sure his employees understand the program and can courteously and efficiently deal with customers who use food stamps. However, since the food stamp program is not serving the food distributor or his customers as well as it could be, ie., communications problems, inflation, "red-tape," abuses, he should "speak out" to the industry and state and Federal legislatures for much-needed reform.

RECOMMENDATIONS TO THE FOOD STAMP RECIPIENT

The food stamp user should have patience with the food stamp program since the number of people using food stamps has grown rapidly in the last few months. However, it is the duty of the food stamp user to keep informed. He should constantly check the newspaper for any changes or new issues in the program since the newspaper is the media that deals with the food stamp program on a day-to-day basis.

Because "red tape" and inflation are real problems for the food stamp user, he should solicit the aid of his elected representatives, as well as local food stamp board to make the program more workable and valuable to him.

To help promote good service, the food stamp user should patronize only those food stores that treat the food stamp user courteously and efficiently. He should likewise encourage other food stamp users to follow these practices. He should discreetly report any fraudulent behavior on the part of a food stamp user or grocer since it hurts both the program and him. The food stamp user should encourage the food distributor he patronizes to lobby or at least "speak out" for a review of the food stamp program at all levels. Such a review will mandate the need for revisions and improvements.

GAINESVILLE RESERVE UNIT TAKES HEALTH CARE TO NEEDY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FUQUA. Mr. Speaker, I would like to call attention of the Congress and the American people to a program initiated by the 445th Medical Company, U.S. Army Reserves, in Gainesville.

Since the implementation of "MEDPRO," the 445th's free medical examination program in April 1972, unit medics and doctors have administered to more than 3,500 thorough physical examinations to youngsters, mostly from low-income families, revealing a range of ailments from heart defects to hearing losses.

Publicity and word-of-mouth spread the good news of MEDPRO, started by 1st Sgt. George L. Campbell as a training and recruiting vehicle, far beyond the city limits of Gainesville.

The unit has made lab tests, blood pressure and dental checks, house calls, and physical checkups throughout communities in north and central Florida. Skin tests for tuberculosis, blood studies, visual checks, and audiological tests have been given in addition to immunizations by the 445th. Blacks also have received tests for sickle cell anemia.

In addition to the community health standpoint in which many real and potentially serious medical problems have been uncovered, this mass health screening has accrued several other significant benefits involving this unit in particular and the U.S. Army in general.

First, the image of the U.S. Army has been appreciably heightened in the eyes of the community through the "good will" publicity and word-of-mouth praise generated by the activities. The unit has also received numerous telephone calls and letters of appreciation from individuals and community organizations.

Second, recruiting problems have lessened as the reputation of the 445th has spread.

Third, unit morale, both on an individual and group basis, has increased considerably. Doing something tangible and beneficial for the community and getting involved with people who need their expertise, has had a dynamic effect on individual proficiency levels and the unit's overall level of competence in its mission performance.

Mr. Speaker, it gives me a great deal of satisfaction to publicly offer my congratulations and personally commend before my colleagues this unit for a remarkably successful project.

H.R. 5005

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. STUCKEY. Mr. Speaker, as H.R. 5005, a bill to provide a comprehensive national energy conservation and conversion program, is now in mark-up in the Ways and Means Committee, I would like to share with my colleagues a letter I have received from C. O. Williams, Jr., president, Hangar One, Inc., Atlanta, Ga. Hangar One, Inc. is a general aviation corporation affected by one of the provisions of H.R. 5005 which would levy a 20-percent excise tax on general aviation aircraft. I commend Mr. William's letter for your consideration:

HANGAR ONE, INC.,
Atlanta, Ga., March 31, 1975.

Congressman W. S. STUCKEY, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STUCKEY: The House Ways and Means Committee is currently considering HR-5005, which among other things, contains a proposed 20% Excise Tax on general aviation aircraft. This appears to be a most unrealistic and inequitable tax and fails to consider that general aviation provides transportation to over 90 million Americans each year, or one-third of all inter-city air travel passengers—plus the fact that the scheduled airlines serve only about 500 airports and general aviation serves some 12,700. This general aviation segment of our economy provides numerous public benefits vital to this nation's business and has long since outgrown the image of "the little yellow cub." It contributed some 300 million dollars in foreign sales last year and employs over a quarter of a million people in manufacturing, sales, service, etc. The 153 thousand aircraft composing the general aviation fleet consumes only .7 of 1% of fuel used in transportation and only 5% of that used by aviation. The reciprocating aircraft engine in itself is 20% more fuel efficient that the automobile, not counting distance, time, etc., saved in straight line travel. The present state of the art turbine engine uses up to 90% less than its predecessors. It is doubtful that this country's modern-day business could survive without a healthy general aviation industry and its supporting base.

We readily recognize the overall energy problems contained in HR-5005, but urgently recommend that general aviation receive fair and equal treatment and not be placed in the same category as a snow-mobile or other "pleasure" craft. The business aircraft is a vital business tool—let's treat it as such.

Please oppose the 20% Excise Tax on general aviation contained in this proposal.

Sincerely yours,

C. O. WILLIAMS, Jr.,
President.

AMERICA NEEDS A STRONG NAVY

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. WON PAT. Mr. Speaker, during the several months in which I have been privileged to serve on the House Armed Services Committee, I have had the opportunity to personally learn more and discuss America's defense requirements with a member of top-ranking Defense Department officials.

What concerns me most is the need for America to remember the mistakes of the past when we permitted our defense to be stripped in the name of economy and détente. The grief which that policy caused us in Guam when we found ourselves helpless against a fearful enemy in 1941 will long be remembered by my people. As a member of the Armed Services Committee, this is a mistake I want to do all within my power to avoid repeating. America must remain strong within the capabilities of our country to afford such action.

I have grown particularly concerned in recent months about the decline of the U.S. Navy. Recent announcements indicate that the fleet is being cut back to only 490 ships, the least number of line vessels since 1939. Wherever we turn, the Navy has been forced to mothball vessels at a hidden cost to our defense and a real cost to those who rely on the U.S. military for their livelihood.

Recently in Guam, for example, I found that the Navy has overturned an earlier decision to homeport a destroyer squadron in the territory. The reason: not enough money and not enough ships to go around. Some of the vessels destined for Guam appear to be going to Japan to replace line vessels which are headed for the mothball fleet.

At the same time America willingly gives up command of our seas to whomever wants it, our sworn enemies are busy building one of the most powerful navies ever seen. It is not a coincidence that as we gear down our defense operations, the Russians have made startling and strong appearances in the Indian Ocean and the Persian Gulf. While I do not hold with those who feel that America must police the world, I must express my deep and sincere concern that we are leaving too big a gap in our defense systems. In the last war, America was blessed with time to repair our oversights; I wonder if we shall be so fortunate next time.

Speaking for the people of Guam, I call on my colleagues in Congress to give our defense policies careful scrutiny. We must not and cannot afford to be second best if we want to assure our security for future generations. Obviously, I am not calling for a "blast the expense" operation. Like my colleagues, I am aware that our economy is suffering, and that we must be cautious not to create a greater burden on the taxpayers than they can handle. Security is of utmost importance, however, and I fully intend to cast my support behind sound plans which call for safeguarding both the economy and our ability to defend our just interests in the Pacific.

At this time, I insert in the RECORD a recent editorial written by the editor of the Gannett-owned Pacific Daily News, Mr. Joe Murphy. He is a skilled observer of the military scene and his observations of the current state of the U.S. Navy is well worth reading:

[From the Pacific Daily News]

EDITORIAL—STRONG U.S. NAVY NEEDED

A chill should be in the bones of all Americans today, whether they live on Guam, or Topeka, Kans.

We're been reading a spate of stories that for the first time since Pearl Harbor the U.S. Navy will have fewer than 500 ships in active service. Frankly, in view of what seems to be happening in the world, this scares us.

It particularly worries us on Guam. We were supposed to have a destroyer squadron homeported here, only to find out that the economic situation wouldn't allow it.

The Navy plans to cut its fleet back to 490 ships, the smallest it has been since 1939. Among the ships to go are the carriers Hancock and Orikany. Also, included in the cut is the nuclear-attack submarine Halibut. In the coming 18 months the Navy will drop 32 ships, and will gain only 21 new vessels. The Navy is getting one new carrier, the Nimitz, its second nuclear vessel, so the total carrier strength will drop from 14 to 13. Since 1969 the Navy has cut the fleet almost in half to save on operating costs and free more money for a major construction program.

We see four major reasons why the Navy should be expanding, not contracting at this point in time.

1. The world energy situation, which is going to require that the oceans of the world be explored and exploited for oil. This is bound to cause a rash of incidents, especially in the Pacific, between various countries claiming oil rights. We've already seen conflicts between Vietnam, Japan, Taiwan, and Mainland China over resources and areas of exploration. Moreover, the sea routes delivering oil around the world are going to have to be patrolled, especially in the event of any major conflict.

2. The World Sea Conference apparently was a failure in trying to resolve such things as fishing and mineral rights in the sea. Different countries have claimed different territorial limits to the sea. The old three-mile zone is out. Some now claim 12, others 50 and still others 200. If the world community of nations can't get together on world sea laws, then it is pretty obvious that chaos is going to exist. The U.S. is going to need a strong Navy, not only to protect U.S. rights but to help prevent sea piracy and fights over mineral rights and fishing rights, which are bound to develop in the years ahead.

3. The Soviet Navy, despite detente, has made giant strides in improving its capa-

bilities to match its expanded missions on the seas. These include the Persian Gulf and the strategic Indian Ocean, places where the Soviets had only a bathtub naval presence less than a decade ago.

The Soviets have established, where none existed 10 years ago, a continuous presence in the Mediterranean Sea, as well in the strategically important Caribbean Sea and waters near the coast of West Africa. More importantly to Guam, the Soviet Pacific fleet also has been growing in size and boldness. Navy Secretary J. William Middendorf told the Senate Armed Services Committee recently that "Soviet nuclear submarines armed with long-range nuclear strategic missiles regularly patrol our coasts and their surface ships deploy to every corner of the world's oceans."

Middendorf said: "There is direct and abundant evidence that the Soviets have fully embraced the concept of sea power and have established themselves as a major maritime power." There are many who feel that the Soviet Navy now has surpassed the U.S. Navy, at least in number if not in firepower.

4. The world situation in general has never been more chaotic and never has the need for a superior Navy been more necessary. The Vietnam war goes on and Cambodia is likely to fall soon. This easily could precipitate the loss of all of Southeast Asia. The U.S. Navy is at the scene, ready to evacuate U.S. citizens. The Soviet-Chinese situation has not been resolved and it is possible that a major war could break out in East Asia at any time. The Chinese question, too, has not been settled. We still have a treaty with the Republic of China and it is necessary that our fleet patrol the Straits of Taiwan. The Korean situation is as explosive as ever and thousands of American troops are in Korea at this moment. Their lives depend upon a strong U.S. Navy.

The situation in the Mideast is probably the worst of them all. Still another Israeli-Arab war could break out at any time. It has happened before, time and time again, and the U.S. Navy presence there is essential. Our entire position in the Mediterranean East has been compromised in the past year by the overthrow of the Greek government and the Cyprus war, which has shaken our ties with Greece and Turkey, both NATO nations, where we had strong bases before.

In Portugal another revolution may have cost us additional bases and friendly ports. The Communists in that country have made massive strides to assume command. If they succeed the U.S. could lose a base in the Azores and NATO could lose its western Mediterranean anchor. Conservative writer James Kilpatrick believes that the Mediterranean—long a U.S. strong point—may be, for all intents and purposes, already lost.

We must remember that the U.S. Navy doesn't have the British Navy as a back-up force anymore. The British have long since left Singapore and are virtually ineffective elsewhere, except in protection of their home island.

The balance of power around the world has indeed shifted. Our thin Navy is not going to be able to cope with these changes. Secretary Middendorf and Adm. James L. Holloway, chief of Naval Operations, stressed to Congress that the Navy's obligations have not diminished, while the size of the fleet has. "From the eastern Mediterranean through the Middle East and across to the Far East, we find a catalog of trouble spots to which U.S. forces have reached for years in support of our diplomatic and peacekeeping efforts. But reaction will be more difficult in the future," Holloway said.

The people of Guam have always been Navy-oriented. It is a "Navy Island." And as an island, far from the Mainland U.S., we have perhaps abnormal fears and worries. We want to see a strong, effective U.S. Navy. This seems to be a very inappropriate time for still more cutbacks. It's time that we citizens began to demand that the U.S. Congress strengthen, instead of weaken, our Navy. JCM.

NSF FLAUNTS CONGRESS ON MACOS ISSUE

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. CONLAN. Mr. Speaker, despite promises to Congress last month by National Science Foundation Director Guyford Stever to immediately terminate NSF's further use of taxpayers' money to aggressively promote and market outrageous social studies curriculum materials throughout the country, NSF is still using 1975 funds to continue these activities.

NSF is moving right ahead to further promote and market "Man: A Course of Study" (MACOS), a course for 10-year-olds mainly about the Netsilik Eskimo subculture of Canada's Pelly Bay region. Student materials have repeated references in stories about Netsilik cannibalism, adultery, bestiality, female infanticide, murder, incest, wife-swapping, killing old people, and other shocking condoned practices.

NSF plans to put this course into eight additional school systems next fall, and to promote and market several other controversial social studies courses in 15 target regions of the country through 1976, despite assurances to Congress by Dr. Stever to the contrary.

In addition, completely unknown to Congress and again contrary to Dr. Stever's promise to the House Science and Technology Committee, NSF is also continuing a multimillion-dollar promotion and marketing effort to sell a 10th grade sequel to MACOS called "Exploring Human Nature."

I have documentation, which I will outline here, detailing a sophisticated and aggressive promotion and marketing network being organized at taxpayers' expense to induce local schools to use this new course on human behavior and other curriculum materials developed with NSF funding by Education Development Center, Inc., of Cambridge, Mass.

Immediate NSF-EDC goals are to promote and sell these explosive courses to 1,900 schools in every State within 2 years.

It is absolutely unacceptable for NSF to continue using taxpayers' money for aggressive promotion and marketing activities for their own preferred social studies courses, undercutting competition from regular textbook publishing houses.

I include at this point in the Record documentation of NSF's role in promoting MACOS, "Exploring Human Nature," and related social studies courses that are infuriating citizens everywhere:

National Science Foundation Role in the Development and Marketing of "Man: A Course of Study" (MACOS)

DEVELOPMENT PHASE—1963-67

March 26, 1963

NSF grant of $91,440 funded first Education Development Center, Inc. MACOS proposal of Dr. Jerome S. Bruner, et al., to develop a one-year experimental 5th grade social studies course.

March 1963–December 1967

NSF approved successive MACOS development grants totaling $4,797,380 for this experimental program.

December 1967–September 1969

EDC/NSF offered MACOS to 50 commercial publishers, who all rejected the course.

EDC/NSF seeded Curriculum Development Associates, Inc., private publishing firm in Washington headed by Dr. Willard Wirtz.

NSF gave Curriculum Development Associates, Inc., an 80 per cent discount on royalties owed to the federal government from commercial proceeds of MACOS sales to make MACOS commercially viable.

MACOS became commercially available in September, 1969. Education Development Center, Inc., and the National Science Foundation have since jointly provided promotional and marketing assistance and teacher training to the tune of $2,166,900.

IMPLEMENTATION PHASE—1967-75

The National Science Foundation has funded 91 separate awards totaling $2,166,900 to promote and market MACOS. NSF funded all but one of these MACOS promotion activities to help Curriculum Development Associates, Inc., market MACOS after the course became commercially available.

NSF-funded promotion and marketing activities, conducted for the publisher by Education Development Center, Inc., have consisted of:

Regional educator conferences to promote the EDC social studies philosophy and MACOS curriculum materials.

Creation of 85 strategically-located university centers to train teachers in the EDC social studies philosophy and use of MACOS in the classroom.

Establishing educator networks to overcome local resistance to replacing traditional education methods and objectives with this and other experimental social science programs developed by psychologists and social anthropologists with NSF funds.

Arranging with many universities to give teachers special graduate credit for attending and completing EDC/NSF MACOS seminars.

NSF grants for academic papers promoting the MACOS philosophy, which have been included in national education journals and presented by EDC officials in lectures before national professional educator conventions.

Obtaining agreements from professional teacher organizations to help upgrade teachers engaged in EDC/MACOS curriculum activities.

Grants to university professors in target areas for actual introduction of the MACOS curriculum and other EDC social science programs into entire local school systems.

NSF funding of these promotional activities for "Man: A Course of Study" helped Curriculum Development Associates, Inc., and Education Development Center sell the course to more than 1,700 elementary schools in 47 states.

NSF MACOS GRANTS—1975

NSF announced 19 social science implementation projects totaling $697,079 on Jan. 15, 1975. These grants for the implementation, promotion, and marketing of MACOS and related social science programs throughout the nation are scheduled for the summer and fall of 1975, with some to be spent in 1976.

NSF plans to allow these unspent grants for future MACOS and other implementation projects to be expended, despite NSF Director Guyford Stever's March 17 commitment to House Science and Technology Chairman Olin E. Teague to suspend all such NSF implementation activities.

NSF awards that will put MACOS into eight additional school systems next fall total $82,315. They include grants to the following universities:

Georgia State University—Atlanta public schools.

California State University, Northridge—Los Angeles, Palm Springs, and Saugus school districts.

State University of New York, Genesco—Livingston, Wyoming, and Steuben County public schools.

University of Pennsylvania—Delaware Valley public schools.

NSF awards for additional future promotion and marketing projects for MACOS and related social science programs totaling $593,750 went to 15 recipients. These MACOS projects will consist of educator conferences held by Education Development Center, Inc., university regional workshops, and teacher seminars to promote and disseminate MACOS and related EDC social studies programs throughout areas targeted by EDC and Curriculum Development Associates, Inc. Recipients of these awards are:

Education Development Center, Inc.—$95,993.

American University Field Staff—$49,994.

Arkansas State University—$30,182.

California State University, Northridge—$52,605.

Stanford University—$29,652.

State University of New York, Genesco—$18,262.

University of Colorado (two grants)—$129,209.

University of Georgia—$15,200.

University of Iowa—$17,801.

University of Kentucky—$32,518.

University of Michigan—$41,384.

Washington State University (two grants)—$53,177.

Wichita State University—$21,513.

The National Science Foundation has also funded a $326,000 field evaluation of MACOS to help EDC and Curriculum Development Associates, Inc., the course's commercial publisher, to revise the program. This NSF-funded evaluation will continue through 1977.

The evaluation consists of student and teacher interviews in schools using MACOS, student testing and questionnaires, classroom observation, and related investigative work. A team of psychiatrists and social scientists headed by Antioch University Professor Russell Cort, the NSF grant recipient, is doing the study.

Students in MACOS classes are being compared with students not enrolled in the MACOS curriculum to determine whether MACOS students have achieved the desired changed attitudes and values conceived by the developers of MACOS. The evaluation will determine ways to strengthen behavioral techniques of the MACOS program to more fully achieve the psychological and social goals outlined in MACOS teacher guides by Jerome Bruner, B. F. Skinner, and other developers of the experimental 5th grade social studies curriculum.

NATIONAL SCIENCE FOUNDATION ROLE IN THE DEVELOPMENT AND MARKETING OF "EXPLORING HUMAN NATURE"

DEVELOPMENT PHASE—1970–1974

February 27, 1970

A National Science Foundation grant of $2,486,890 funded the five-year development of Education Development Center, Inc. experimental 10th grade social studies course "Exploring Human Nature."

"Exploring Human Nature" is the high school sequel to the NSF-funded EDC experimental 5th grade social studies program "Man: A Course of Study" (MACOS), and incorporates some of the MACOS materials on the Netsilik Eskimo. Principal developer of "Exploring Human Nature" was Irven DeVore, a Harvard anthropologist, who helped experimental psychologist Jerome S. Bruner develop MACOS.

IMPLEMENTATION PHASE—1973–1976

NSF funded 12 university/school district teams to serve as regional centers for promotion, marketing, and pilot-testing of "Exploring Human Nature" during the 1973–74 school year. NSF awards were also made for conferences and workshops to promote the course, totaling more than $60,000.

The NSF-funded regional centers, which also conducted implementation activities for "Man: A Course of Study" (MACOS) and "People and Technology", included:

California—Contra Costa Public Schools, Pleasant Hill, California State University, Northridge.

Colorado—Colorado Womens College, Denver.

Florida—University of North Florida, Jacksonville.

Indiana—Indiana University, Bloomington.

Massachusetts—Boston University.

Michigan—University of Michigan, Ann Arbor, Wayne State University, Detroit.

Minnesota—Social Studies Service Center, Minneapolis.

New York—State University of New York, Genesco.

Oregon—University of Oregon, Eugene.

Texas—Texas Southern University, Houston.

NSF funding for "Exploring Human Nature" allowed pilot-testing of the course in 10th grade classrooms throughout the northeastern U.S. in 1974. This also involved extensive additional national promotion and dissemination of the program.

NSF announced a $95,993 grant to Education Development Center, Inc., on Jan. 15, 1975, which funded the second phase of promotion and marketing of "Exploring Human Nature" and nine other related EDC social science programs. The marketing strategy announced in the NSF-approved EDC grant proposal included establishing key target regions and localities throughout the U.S. as a first step towards implementing "Exploring Human Nature" in every U.S. high school.

They include: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, and District of Columbia.

NSF funding for "Exploring Human Nature" under its 1975 grant provides for a series of promotion conferences to train local school administrators and teachers in the EDC social studies philosophy over the next 18 months. Conferences are scheduled as follows:

June 22–28, 1975—Promotion conference for 40 school administrators and additional teacher leaders from Eastern coastal states.

September, 1975–June, 1976—Two separate promotion conferences for school administrators and teacher leaders to promote additional EDC social science curricula.

July 27–August 9, 1975—EDC will establish an NSF-funded national implementation network of educators to promote the marketing of "Exploring Human Nature." Eight teams of university personnel, administrators, and teacher leaders will be trained for key roles in implementing the program. The team will:

Conduct dissemination workshops in their local areas to promote EDC social science curriculum programs.

Provide the nuceus of a growing national educator network to promote and market "Exploring Human Nature," "Man: A Course of Study," and other related EDC social science programs.

GOALS—1975–1976

The announced goals approved by NSF for the promotion and marketing of "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula in Education Development Center NSF grant number PES75–01635 included:

Implementing "Exploring Human Nature", MACOS, and related EDC curricula with NSF funding in a *minimum* of 1,900 additional classrooms, in 500 school districts, in 50 states.

Maximizing the impact of EDC goals for educational and social change by obtaining the broadest possible dissemination of EDC course materials through regional networks established and trained at NSF-funded promotion conferences and teacher workshops.

To achieve these goals:

Existing EDC local educator network teams must have sponsored Spring 1975 promotion workshops involving a minimum of 20 teacher-administrator teams from at least 10 school districts in one-day programs describing and soliciting their involvement in "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula.

From these promotion workshops, three-member teams consisting of one college and two school district teachers, were to be selected for the July 22-August 17, 1975, EDC conference in Cambridge, Mass., to become additional teams in the EDC network.

All participants of the NSF-funded EDC promotion/network conferences scheduled for 1975–1976 have a commitment to arrange and staff two full-day staff development workshops in their local areas for a minimum of 20 teachers and other school district personnel to promote at least two of the EDC social science courses included in the conference programs.

Network teams must involve a minimum of three local area classrooms and teachers in each EDC course during the 1975–1976 school year and provide teacher education and technical assistance on a regular basis.

EDC network teams must conduct at least three promotion conferences during the 1975–1976 school year involving at least 120 participants from area schools. These sessions are expected to lead to the introduction of each EDC social science course in a minimum of 20 additional classrooms.

All EDC network teams trained with NSF funds must maintain constant liaison with Education Development Center, Inc., and coordinate regional promotion activities with the national dissemination effort.

In addition, Education Development Center received NSF approval in its grant prospectus to:

Lobby for "Exploring Human Nature," "Man: A Course of Study" and other EDC/NSF social science courses among federal, state, and local agencies which provides support services and financial assistance to local school districts and employ personnel who help local school districts introduce new curriculum programs.

Seek arrangements with professional education associations, such as the National Education Association, and participate in a minimum of four national conventions of professional education associations during each year of the NSF grant to promote and market EDC social science curricula.

FUTURE NSF FUNDING

NSF commitments of more than $1,275,000 for a third-year promotion and marketing phase for "Exploring Human Nature" were outlined in the NSF-approved EDC grant prospectus number PES75–01635. These include:

$150,000 to train 10 additional university/school district teams to promote the course for high school adoption and hold educator workshops in local areas.

Between $1,050,000–$1,200,000 for separate NSF funding of approximately 30 regional school district and/or teacher projects to promote and disseminate "Exploring Human Nature" and other related EDC social science curriculum programs.

In addition, the EDC promotion outlined in the PES75–01635 grant prospectus approved by NSF grants for their own activities over an indefinite time to support the promotional and marketing goals for EDC social science curricula.

[From the Washington Star-News, Apr. 1, 1975]

TEACHING FIFTH-GRADERS ABOUT ESKIMO-STYLE SEK

(By James J. Kilpatrick)

Over the past 10 years, the National Science Foundation has paid out more than $6.5 million in public funds for the development and promotion of a social studies course intended for use at the fifth-grade level. The course is now under attack in the House of Representatives. The matter merits your attention.

The row has to do with "Man: A Course of Study," known for short as MACOS. The teaching materials were developed under an NSF grant by Curriculum Development Associates, a private Washington firm. Dr. Jerome Bruner, an experimental psychologist long identified with Harvard and later with Oxford University, was in charge of the undertaking.

Work began on MACOS in 1963. In 1970 the completed course of study became available. Since then, an estimated 1,700 schools have put it into use. Some school districts have tried MACOS and discarded it under parental fire.

Much of the course of study deals with animals, birds and fish. The most controversial portion has to do with the Netsilik Eskimos, whose tribal characteristics are approvingly examined. Congressman John B. Conlan of Arizona has catalogued some of these characteristics: adultery, bestiality, cannibalism, incest, infanticide, murder, revenge, robbery and wife-swapping. Children are encouraged, through "role-playing," to empathize with the Eskimos.

Conlan provides this quotation: "Husbands have a very free hand in their married life and it is considered to be quite in order for them to have intercourse with any woman whenever there is an opportunity."

A number of progressive and liberal educators have praised the course of study because "it raises value issues," and "it doesn't tell children how to think." Critics contend, to the contrary, that the values promoted by MACOS are not regarded as values except by a highly sophisticated minority; and they say the barely concealed purpose of MACOS is indeed to teach children how to think—to think, that is, as Bruner would like them to think.

Questions arise. To judge from Conlan's compilation of complaints across the country, the content of this course of study assuredly is offensive to hundreds, perhaps thousands, of parents.

Did the NSF have any responsibility, once it had agreed to get into this thing, for the course content? The question arises because the NSF director, H. Guyford Stever, last week yielded to the outcries from Conlan and from Olin E. Teague of Texas. Stever tentatively agreed to cut off current as well as future funding for MACOS. Five Democratic liberals promptly howled "censorship." I think the liberals are wrong. If the NSF isn't accountable for spending our money on MACOS, who in the world is?

Finally, the most serious question: Is it wise for the Federal Government, through NSF or any other agency, to commission the writing and promotion of any textbooks at all? Is this not an ominous echo of the Soviet Union's promulgation of official scientific theory?

It seems so to me. For my own part, I am repelled by the manipulative theories of such behavioral scientists as Bruner and B. F. Skinner. Skinner's stuff gives me the creeps. But even if they were propounding sound doctrine, they would have no right to pursue academic freedom with the people's money. Once the notion is accepted that government has power to commission and to subsidize textbooks in social science, we move a significant step down the road to 1984.

ARREST OF SOUTH KOREAN MINISTERS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FRASER. Mr. Speaker, I am deeply concerned over the arrest last Friday of two Korean ministers in Seoul. The two, Rev. Kim Kwan-suk and Rev. Park Hyung-Kyoo, were among a large number of Koreans I met during a visit to Seoul last week. They were arrested 2 days after I departed Seoul. Reverend Kim is secretary-general of the National Council of Churches of Korea and Reverend Park was just released from prison in February along with other political prisoners. Both clergymen have been known in Korea for their criticism of the Park government. I was assured by the South Korean Minister of Justice that Koreans would not be arrested or interrogated as a result of meeting with me.

The purpose of my visit to Korea was to investigate reports of violations of international standards of human rights by the Government of South Korea, and to evaluate my findings in relation to overall U.S. interests in South Korea. The Foreign Assistance Act contains sense of Congress provisions against military and economic aid to countries which hold political prisoners and against military aid to countries whose governments show a consistent pattern of gross violations of internationally recognized standards of human rights.

I was treated with courtesy and hospitality by the government officials I met. During my visit a number of students who claimed they had been tortured in prison were taken out of Seoul by government officials for a "sightseeing excursion to the countryside" so that I was unable to meet them. And when I arrived at the home of an American Embassy officer to meet some former legislators who claimed that they also had been tortured in prison, I learned that all had been detained inthe ir homes. Thereupon I visited the home of one of the detainees and found men standing outside the front door whom, he said, had prevented him from leaving. I met other Koreans who told me that prior to my arrival in Seoul, Korean CIA officials had urged them not to see me. But when I met Prime Minister Kim Chong-pil, he stated that during my visit I was free to see anyone.

In light of these indications of Korean Government misgivings about Koreans meeting with me, the arrest of Reverend Kim and Reverend Park just 2 days after I left should be a cause for concern by our colleagues in Congress. I am deeply impressed by the will and capacity of the Korean people to defend themselves, to develop their economy and to build democracy. It is my hope that the United States will be able to help Korea move forward in all three of these endeavors at the same time. Many of our colleagues are concerned about the repressive policies of the Park Government. A continuation of such policies can lead to dangerous instability within South Korea and Korea's isolation in the international community. This would be tragic.

FARM BILL SHOULD BE VETOED

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. PEYSER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I offer the following article for the consideration of my colleagues:

[From Newsday, Apr. 3, 1975]

THE FARM BILL DESERVES A VETO

President Ford has threatened to veto every new congressional spending measure that isn't connected with energy or national security. We hope he starts by vetoing the farm bill Congress will send to the White House shortly after it returns from Easter recess.

Food prices at the farm level dropped in March for the fifth straight month, which means it should be only a matter of time until supermarket prices begin coming down. The farm bill would send them higher instead. It's true that farmers have had a tough winter—if the basis of comparison is the last two years, when farm income set all sorts of records. But the Agriculture Department thinks farm prices have bottomed out, while farmers' costs actually declined last month.

The version of the farm price support bill that passed the House is bad enough, and we're glad five members of Long Island's congressional delegation voted against it (Representative Norman Lent didn't vote). But the Senate version is even worse. It stretches out some provisions of what was supposed to be short-term "emergency" legislation over three years. The Senate even went so far as to prop up the cost of tobacco—at a time when Congress is funding research to stamp out cancer.

The farm bill would cost the federal treasury and consumers $10 billion, the Agriculture Department estimates. Having just enacted the biggest tax cut in history, Congress can no longer afford to lavish funds on a special-interest group while millions of other Americans are dependent on food stamps for survival. We don't go along with Ford's threat to use the veto on all congressional spending, but the farm bill certainly deserves it.

THE HOLOCAUST MUST BE REMEMBERED

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. SOLARZ. Mr. Speaker, on April 6, 1945, allied soldiers liberated the infamous Buchenwald concentration camp. It seems hard to believe that it was only 30 years ago—after the liberation of Buchenwald, Dachau, Auschwitz, Bergen-Belsen, Treblinka, and the various other Nazi death camps whose names are firmly etched in the annals of demonology—that the world fully realized the nature and extent of the horrors of Hitlerism.

It is my belief that the holocaust sheds a great deal of insight into the nature of the human condition. Indeed, I would contend that the European Jewish Community in World War II is one of the central existential facts in the history of mankind. The systematic slaughter of 6 million men, women, and children—for no other reason than they were Jewish—is a shocking indication of the depths of depravity to which the human spirit can sink.

Although the mass murder of the European Jewish Community may have been at the hands of the Nazis, let no one mistake the fact that it could happen elsewhere as well. The German nation, forever marked by the collective curse of Caine, has no monopoly on evil. The slaughter of the Armenians by the Turks, the killing of the Poles by the Russians, the starvation of the Biafrans by the Nigerians, and the massacre of the Indians by the Americans, all indicate that the capacity for mass murder is by no means a uniquiely German characteristic.

What was unique about the holocaust was the methodical manner in which it was executed and the extent to which it relied on the means and methods of modern technology to achieve the elmination of an entire people. The beast in man, thanks to the technology of death, now has the capacity to overwhelm us all. And we would do well to recognize that the prevention of such a slaughter is one of the major—if not the primary—tasks with which men and women of good will throughout the world are confronted.

Speaking of the victims of the Nazi reign of terror at Yom Hashoah observances at Temple Emanu-El in New York last Sunday, Elie Wiesel, the distinguished writer, very aptly stated that "to forget them now would be to betray them again." I believe that we have a solemn moral obligation to fully inform our children and their children and those after them not only about what happened to the 6 million Jews of Europe but how it happened and, perhaps more importantly, why it happened.

We must educate these students about the Night of the Broken Glass—the Kristallnacht pogrom of November 1938—which provided a violent prevision of the slaughter that lay ahead.

We must let these young people know about the Wannsee Conference in January 1942 at which the administrative basis—the decision to adopt the final solution—was laid for the elimination of the Jewish people. We must let them know about Adolph Eichmann who, with bureaucratic efficiency, oversaw the implementation of the final solution itself. We must let them know about the glorious and courageous revolts against the Nazis at Treblinka, at Sibibor, at Auschwitz, at Bialystok, and at Warsaw by ill-equipped and greatly outnumbered Jewish prisoners and partisans. We must let them know of the silence of popes, presidents, and prime ministers who failed to speak out in protest against this most monstrous evil and of those lands which cruelly denied refuge to those seeking to escape from certain death. We must let them know about the refusal of this Nation to bomb the death camps and, by so doing, to bring an end to the extermination of the Jewish people. We must let them know how the holocaust had its roots in the theology of anti-Semitism. And we must let them know about the Nuremburg trials, at which those who were responsible for these foul and dastardly deeds were finally brought before the bar of international justice.

Mr. Speaker, there is a plague at Yad Vashem—that moving memorial and museum in Jerusalem to the 6 million—which eloquently enjoins us to teach this lesson over and over again. "Son of Man," it reads, "keep not silent, forget not deeds of tyranny, cry out at the disaster of a people, recount it unto your children, and they unto theirs from generation unto generation, that hordes swept in, ran wild and savage, and there was no deliverance. . . ."

I strongly believe that, if the world is to survive, today's students and those in the distant future, must know about what can happen when the forces of evil triumph over the cause of righteousness. In the words of Emerson, they must be taught that "the only thing which is necessary for the triumph of evil is for good men to do nothing." Accordingly, last month I introduced legislation—H.R. 5490—which directs the National Institute of Education to develop curricula concerning the holocaust which would be disseminated to elementary and secondary schools throughout the country. Unfortunately, the holocaust is given only passing mention, at best, in the standard history texts. This is simply unacceptable. The memory of the 6 million who died—as well as the additional millions who are still fortunate to be alive but endured unbearable suffering and pain—will not permit it. I do not believe, in all candor, that the future of mankind can permit it. As Santayana declared, "Those who do not study the past are condemned to relive it." Indeed, we can ignore the lessons of the past only at the greatest peril to the future.

The holocaust is not only the personal tragedy of a people but it is equally the universal tragedy of mankind. Regardless of race, religion or ethnic background, the holocaust warrants a significant place in our children's education and development. Certainly the entire human race was diminished by the holocaust and all must learn what can happen when the darker impulses of the human spirit are unchecked by the more decent instincts of an outraged world.

Mr. Speaker, I insert herewith, for inclusion in the RECORD, the text of H.R. 5490. I commend it to our colleagues' attention and urge that it be given prompt consideration by the Education and Labor Committee.

The bill follows:

H.R. 5490

A bill to direct the National Institute of Education to develop curricula concerning the destruction of the European Jewish community by Nazi Germany prior to and during World War II, for dissemination to elementary and secondary schools

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 405 of the General Education Provisions Act (20 U.S.C. 1221e) is amended by inserting after subsection (e) the following new subsection:

"(f) In addition to the other authorities conferred upon the Institute by this section, the Director shall develop separate curricula (appropriate for elementary schools and for secondary schools) which document and explain all aspects of the destruction of the European Jewish community by Nazi Germany prior to and during World War II. Such curricula should focus on the forces and factors which precipitated the effort by the Nazi regime to systematically destroy the Jewish people as well as the manner in which this policy was carried out. Such curricula should also concentrate on similar untoward attempts to destroy other ethnic, religious, cultural, or minority groups and the efforts by mankind to formulate policies to prevent the occurrence of such actions in the future. Such curricula should include teaching materials for each such type of school and materials to be used in teacher training. Such curricula shall be developed not later than six months after the date of enactment of this subsection. The Director, through appropriate means, shall disseminate such curricula to States and political subdivisions thereof.".

SEC. 2. There are authorized to be appropriated whatever sums as may be necessary to carry out the amendment made by the first section of this Act.

MAN'S INHUMANITY TO MAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. WOLFF. Mr. Speaker, 30 years ago, the Nazi concentration camps were liberated and the world was shown the horrors that can be perpetrated by man against his fellow man. Six million people were killed, because some twisted minds felt that this was the proper treatment for people of the Jewish faith.

Earlier today, we approved a measure to proclaim a day of "Man's Inhumanity to Man." While this measure was specifically directed toward the 1,500,000 Armenian victims of the Turks, I feel that we must also include this heinous act of genocide. As the years pass, crimes such as these tend to fade from view.

I would like to urge my colleagues to join me in paying tribute to the millions who died and the many more still alive today who suffered from the crimes of the Nazis just a few decades ago.

BASEBALL COMMISSIONER OPPOSES LEGALIZED GAMBLING FOR PROFESSIONAL SPORTS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HORTON. Mr. Speaker, in recent testimony before the Commission on the Review of the National Policy Toward Gambling, Baseball Commissioner Bowie K. Kuhn expressed strong opposition to any form of legalized gambling for professional sports. Because this issue is of great interest to my colleagues in Congress and to the American people, I include a summary of Commissioner Kuhn's statement in the RECORD.

STATEMENT OF BASEBALL COMMISSIONER BOWIE K. KUHN BEFORE THE COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

Ladies and gentlemen of the Commission, I welcome this opportunity to present professional Baseball's views in opposition to any expansion of legalized gambling in the United States with regard to team sports betting. I am joined in this opposition by other professional team sports commissioners as well as numerous officials of the amateur sports organizations in the United States. . . . It is our position that any form of gambling on profesional Baseball games, legal or illegal, poses a threat to the integrity of our game, exposes it to grave economic danger and threatens a disservice to the public interest. . . .

Going back to the days of the Black Sox scandal in 1919, Baseball felt the frightful impact gambling could have on our sport. . . . In order to protect . . . aganst this real and present danger the Office of Commissioner of Baseball was created in 1920 with primary responsibility for protecting the integrity of the game. . . . Since I became Commissioner I have viewed this mandate as my most important assignment.

The proponents of legalized gambling on team sports have argued that legalization would contribute in the following ways to the public welfare:

It would deal a death blow to organized crime,

It would not have adverse effects on society,

It would greatly increase state and local revenues, and it would not irreparably harm team sports.

I disagree emphatically on each of these points, and I will deal with each individually:

EFFECT ON ORGANIZED CRIME

With respect to organized crime it is my very strong conviction that legalization would lead to greatly increased gambling on Baseball both in terms of the dollar volume and the number of bettors. . . .

The illegal bookmaker will not be put out of business by legalization. No government operation can match his low overhead and he can be counted on to effectively compete for the gambling dollar. He will feed on the host of newly-initiated gamblers which legalization would make available to him. He will meet gimmick with gimmick and service with better service. He will give credit and rebates. He will accept poor credit risks, confident that his strong arm methods will be an efficient collection agency. He will benefit further from enlarged loan sharking opportunities presented by increased gambling.

EFFECTS ON SOCIETY

. . . One must fear that many of [gamblings] . . . well intended proponents seeking somehow to improve the serious revenue problems of local governments have blinded themselves to its dangerous consequences. . . .

It is mathematically certain that those who gamble regularly with either the legal or the illegal bookmaker lose in the long run. . . . What is going to be the source of the money that the public loses in legalized gambling? . . . The money will come, . . . from people who are least economically able to lose it; money that should go for food, clothing, education and other necessities will go into gambling. Gambling is also likely to be taken from wages and welfare payments with all the varieties of problems that could present.

I think it is the utmost in cynicism to use the great family sport of Baseball to draw into the vice of gambling the overwhelming majority of our population which does not gamble today. We have enough problems of addiction in our society now without introducing another lure such as legalized gambling.

EFFECT ON STATE AND LOCAL REVENUES

We do not believe the legalization of gambling on team sports events will provide an important new source of revenue for governments. We believe increased anti-social behavior and poverty among gambling citizens will result from any such legalization. Therefore while it may be true that a legalized gambling operation may produce a modest revenue return, I feel we have not fully evaluated the complex set of interactions which could make the promised riches of legalization fool's gold.

EFFECT ON SPORTS

Probably the area in which proponents of legalization have the least knowledge and sophistication is the effect on team sports. I do not think I exaggerate one bit when I say that legalization could jeopardize the very existence of professional baseball and other professional team sports by:

1. shaking public confidence in the integrity of the game;
2. creating a climate favorable to gambling which would undermine baseball's historic efforts to prevent gambling by its people;
3. creating a new class of gambling fans;
4. adversely affecting baseball's strong family following; and,
5. threatening the financial stability of professional baseball.

Where there is heavy gambling, suspicion of dishonesty will inevitably follow regardless of how honest the sport may actually be. Moreover, legalization would certainly increase the likelihood of efforts being made to fix baseball games and performance. . . .

The devotion of millions of fans to professional sports is rooted in their deep faith that the games are honestly played and that the athletes give their best performances at all times. Anything less than the absolute isolation of the gambling syndicates from the world of professional sports would constitute a betrayal of that faith.

It is altogether probable that [legalization] would lead to forms of baseball betting other than individual game bets. The most likely new forms of betting would be spread betting and individual performance betting. . . . Such approaches give the gamblers a much more persuasive argument when trying to induce athletes to give less than their best.

The legalization of gambling on baseball games or any of the team sports either professional or amateur would require that a decision be made with respect to whether licensing and controls should or should not be imposed on owners, players and game conditions such as are in existence in horse racing.

We are advised by our counsel that such activities by local or federal government in the absence of our consent—which we do not propose to give—would represent a deprivation of baseball's property rights. Accordingly, we intend, if necessary, to protect the good name and economic well being of our game through recourse to the courts. . . .

CONCLUSIONS

[W]e in baseball sincerely hope that this Commission will be persuaded we are right in our fight against legalization of gambling on baseball games and we appeal to all friends of team sports to give us their assistance and support.

THE FOREIGN TAX CREDIT AND MULTINATIONAL OIL CORPORATIONS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Wall Street Journal of March 26 contained an article by James Carberry concerning the foreign tax credit, a peculiar device that has fostered intense U.S. participation in foreign oil operations. This, of course, has been very good for the profitability profiles of the multinational oil corporations; however, it has been bad for the United States, both in terms of loss of energy deployment capability and the loss of corporate tax revenue to the U.S. Treasury.

On March 3, I introduced H.R. 4061, a bill to change the foreign tax credit to a tax deduction for the operations of multinational oil companies. My bill would also deny the percentage depletion allowance on foreign operations, as well as the deduction for intangible drilling expenses.

In my introductory remarks, I pointed out that the foreign tax credit mechanism allowed the U.S. oil industry to reduce its 1973 total tax liability from $2,305,854,000 to $613,327,000. In the case of the Aramco consortium, U.S. tax liability for 1973 of $1,539,920,000 was reduced by $1,392,714,000 in foreign tax credits.

As Mr. Carberry's article points out, the loss of the foreign tax credit will raise the U.S. taxes of the oil industry by about $1.5 billion.

The U.S. tax rate on the oil companies' foreign income would drop to 24 percent from 48 percent, but the change to a tax deduction from a tax credit will sharply increase U.S. taxes on overseas profits.

The oil companies contend, of course, that the royalty payments they make to foreign oil-producing countries should be treated as "income tax." In my view, these charges are "per barrel" charges unrelated to oil production income.

The oil companies charge that this change to a deduction from a credit will make their foreign operations less competitive than foreign producers who receive some form of government subsidy for such operations. Frankly, I believe this Congress should support legislation designed to discourage foreign oil operations and encourage domestic exploration and production. This Nation will not improve its energy deployment capability through increased oil production abroad, especially when those foreign sources are unreliable and expensive.

U.S. oil companies should concentrate their efforts in this Nation. They are entitled to appropriate incentives for increased exploration and production activity. At the same time, the American people are entitled to the assurance that these economic incentives will, indeed, result in increased oil and gas production. Both of these objectives could be achieved through a well-defined plowback provision that allows oil companies to reinvest profits in exploration and development activities in return for appropriate tax incentives. I intend to introduce legislation to accomplish this objective, and I hope that it will receive the favorable consideration of my colleagues in the House.

Mr. Speaker, I am sure my colleagues will benefit greatly from the information contained in Mr. Carberry's excellent article, and I include it at this point in my remarks:

[From the Wall Street Journal, Mar. 26, 1975]

MAJOR U.S. PETROLEUM FIRMS MAY LOSE FOREIGN TAX CREDITS WORTH $1.5 BILLION

(By James Carberry)

NEW YORK.—U.S. international oil companies, while almost certainly facing the highly publicized loss of their coveted depletion allowance, also are coming close to losing and additional $1.5 billion a year in estimated taxes to Uncle Sam.

Tucked into the same tax cut bill now working its way through Congress is a provision that would eliminate the oil industry's foreign tax credits and thereby raise its U.S. taxes by about $1.5 billion.

Foreign tax credits permit U.S. companies with international operations—in all businesses as well as oil—to deduct from their U.S. income taxes on foreign earnings the income taxes the companies have paid foreign governments on those earnings. U.S. oil companies account for about half the foreign tax credits claimed by U.S. international corporations.

Oilmen complain that they have been singled out for what they call punitive legislation. "This will effectively destroy American international oil companies by eliminating them from their foreign markets," says William P. Tavoulareas, president of Mobil Oil Corp. About two-thirds of Mobil's 1974 profit of $1.04 billion came from overseas operations.

The tax laws of most countries refrain from double taxation of income earned by their national companies abroad. Some simply exempt from taxation income earned abroad. Others, including the U.S., use a foreign tax credit system. Here's how the U.S. system works:

If a U.S. company earns $100 in a foreign country with a 40% tax rate, the foreign government takes $40 in taxes. The U.S., with a 48% corporate tax rate, gives the company a $40 "credit" for paying those foreign taxes. The company pays the U.S. Treasury $8—the eight-percentage-point difference between the U.S. and foreign tax rates on that $100 in foreign income.

In many countries, however, taxes on petroleum operations are higher than the U.S. corporate tax rate. Thus, if a U.S. oil company earns $100 from producing oil in a foreign country with a 60% tax rate, the foreign government takes $60 in taxes. And the company gets a $48 credit against its U.S. taxes on that foreign income. The remaining $12 is considered an excess credit; under some circumstances, excess credits can be used to reduce an oil company's U.S. tax on its income from other foreign operations, such as shipping or refining.

What these rules mean is that U.S. oil companies generally pay little U.S. tax on their overseas operations and a hefty tax to foreign governments. This disturbs some congressional and other critics of the oil industry, who argue that the U.S. Treasury, by facilitating foreigners' tax collections, is in effect subsidizing imported oil at a time when the U.S. is seeking self-sufficiency in energy.

Some critics also claim that U.S. oil companies aren't paying their fair share of taxes to Uncle Sam because their huge foreign profits are nearly exempt from U.S. taxation. Oilmen term this criticism unfair. They say the industry pays substantial taxes at home and abroad. In 1973, the latest year for which figures are available, the tax rate paid by the 10 major oil companies on their U.S. income averaged 42.9%; the average tax rate paid foreign governments on overseas profits was 77.8%, according to a Senate Finance Committee report based on information supplied by the companies.

The bill pending in Congress would change the foreign tax credit for oil companies to a tax deduction. This is much less valuable than a credit because it's subtracted from total taxable income instead of tax liability. The U.S. tax rate on the oil companies' foreign income would drop to 24% from 48%, but the effect of the bill would be a sharp boost in the companies' U.S. taxes on overseas profits.

Much of the controversy over the oil companies' foreign tax credits centers on their income-tax payments to foreign governments. Critics contend that those taxes really are royalty payments and other fixed costs and therefore should be treated under U.S. tax law as ordinary deductions rather than tax credits.

"It is clear that so-called 'income taxes' are per-barrel charges, unrelated to the oil companies' oil-production income," says Sen. Frank Church, chairman of the Senate subcommittee on multinational corporations, Oil companies dispute this.

A look at the operations of Arabian American Oil Co., or Aramco, in Saudi Arabia shows how taxes and royalty payments in one major foreign oil-producing country are computed. Aramco is owned 60% by the Saudi government and 40% by four major U.S. oil companies, Exxon Corp., Texaco Inc., Mobil Oil Corp. and Standard Oil Co. of California. Aramco sells 93% of its oil production to these four companies at the posted price of $11.25 a barrel as required by Saudi Arabian law. It pays a royalty of 20%, or $2.25 a barrel, to the government as owner of the oil. It also incurs a production cost of 25 cents a barrel. On the remaining $8.75, Aramco pays an income tax to the Saudi government of 85%, or $7.44 a barrel.

The oil companies buying Aramco-produced crude at $11.25 a barrel cannot sell the oil at that price because it is substantially above the $10.46-a-barrel market price set by the Saudi government. But the companies have been able to recoup their sizable losses as well as make a profit—currently 21 cents a barrel—by receiving dividends from Aramco. The companies say Aramco couldn't pay those dividends if it didn't have foreign tax credits to offset its U.S. tax that would be charged on the high artificial profits it makes by selling Saudi crude at the posted rate.

U.S. oil companies contend that without the foreign tax credit, they couldn't compete overseas with foreign oil companies that get more favorable tax treatment from their governments. Elimination of the tax credit would "drastically reduce our ability and our incentive to make desired investments at home and abroad," says J. K. Jamieson, chairman of Exxon Corp., the world's largest oil company. Exxon estimates that loss of the credit would lift its U.S. tax bill $450 million a year.

Privately, some oil companies threaten to move their operations outside the U.S. if the foreign tax credit is abolished. While Mobil Oil denies it would take such a step, it does say it might establish the headquarters of its international group outside the tax jurisdiction of this country. Mobil estimates that loss of the foreign tax credit would add $150 million annually to its U.S. tax bill.

Oil company officials say they couldn't simply pass through the higher taxes to their customers and still remain competitive with foreign oil companies. "You can't recover (higher tax costs) in the marketplace when the other guy doesn't have the same expenses you do," says a Mobil spokesman.

And these U.S. tax boosts, of course, are quite apart from those that loom due to the all-but-certain congressional repeal of the depletion allowance. When the major oil companies lose the depletion allowance—which permits them to deduct from taxable income 22% of their income from oil and gas properties, up to half of net income—their U.S. tax bill is expected to go up by billions of dollars.

THE 30TH ANNIVERSARY OF THE OCCUPATION OF HUNGARY BY THE SOVIET ARMY ON APRIL 4, 1945

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DERWINSKI. Mr. Speaker, 30 years ago on April 4, 1945, Soviet troops invaded the territory of Hungary and have kept the country occupied up until the present time. The Hungarian people have shown, in the elections permitted in 1945 and 1947, their rejection of all forms of communism, but the Soviet occupation army has continued to force their oppression upon the Hungarian people's cultural heritage. A reign of terror followed in those years causing thousands of Hungarian patriots to be executed, hundreds of thousands imprisoned and sent to forced labor camps to face unbearable torture.

It must be emphasized that the present officials in Hungary were imposed into power by the armed forces of the Soviet Union, and are maintained in power by the Soviet occupation forces against the expressed will of the peoples. Their desire to participate in choosing their own government were again laid to rest after the Hungarian Revolution and Freedom Fight of 1956. At that time, the Hungarian patriots demanded the withdrawal of the Soviet troops from Hungarian soil, but result was deportation to the Soviet Union of those who fought against this unlawful foreign oppression. Many never returned after being banished to Soviet death camps.

At the end of three decades of occupation, after the loss of many lives, fallen for liberty, independence, and national integrity, after the loss of her freedom and sovereignty, Hungary still strives for freedom from the continuous armed suppression of Soviet communism.

FADS, FEARS, AND FOODWAYS

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. SISK. Mr. Speaker, Dr. William J. Darby, president of the Nutrition Foundation, Inc., recently received the 22d annual service award from the Forty-Niners, a group of 100 members of supplier firms to the food processing industry.

I would like to share with my colleagues Dr. Darby's acceptance speech. It is his contention that education, a responsible code of conduct, and rigorous integrity will all play a part in allaying public fears, minimizing food fads, and improving the foodways of the consumer.

Mr. Speaker, Dr. Darby's comments follow:

FADS, FEARS, AND FOODWAYS

(By William J. Darby, M.D., Ph. D.)

There are many determinants of our foodways, i.e. what and how we eat, our food habits. These include: the existing status of food production, food processing, food preservation, food distribution, the science of food and nutrition, trends in child training and education, medical knowledge and practice, level of environmental development, religion, political forces, economics, history, social patterns and stratification, and communications systems. No one of these influences is dominant, contrary to the views loudly expressed by the critics of advertising and their demands for stricter controls. It is only an informed, educated public that can and will adopt policies that permit continuation of the great nutritional improvements in this country's health that have occurred during the past 49 years.

During this period in the United States the industrialization of food production at all levels—with concomitant awareness of and attention to nutritional needs and safety—has been accompanied by a virtual disappearance of the classical deficiency diseases: pellagra, endemic scurvy, rickets, endemic goiter, protein deficiency, beriberi, and sprue. Our life expectancy has greatly increased. By contrast, in many regions of the world where food production and distribution systems are primitive, famine recurrently strikes and high morbidity and mortality rates countinue because of pellagra, iodine deficiency goiter, protein-calorie malnutrition, folic acid and iron deficiency anemias, and vitamin A deficiency and resultant blindness. In addition, the non-industrialized societies continue to suffer from severe and deadly food- or water-borne infections, diarrheal diseases of the young child, enteric infections, febrile illnesses, acute intoxications, typhoid, and others that are no longer of consequence in our society.

Other health changes, the so-called diseases of the affluent societies, may accompany industrialization. But these are not primarily attributable to alteration in food patterns. They are broadly influenced by the profound differences in life styles within the urbanized industrial complex and the rural non-industrialized society, and by the accompanying increased survival time and longevity that results from industrial, scientific, and economic development.

Despite this a cadre of irresponsible and misinformed writers, reporters, entertainers, and, I regret to note, members of the scientific and medical communities are unjustifiably instilling apprehension into the public's mind about the wholesomeness of our food supply. These persons deliberately distort or, in their ignorance, misinform their audiences concerning the nutritional quality and safety of our food supply, and the nature and effectiveness of quality control measures in effect from farm to home. Throughout the food chain protective controls are applied by the farmer, warehouseman, processor, and distributor and monitored by state and federal regulatory agencies. These controls assure safety by preventing microbiological or chemical contamination and maintaining nutritional quality by minimizing loss of nutrients and/or by nutritional improvement through enrichment, fortification, or selected ingredient formulation. The misinformers depict these desirable, beneficial, scientifically based procedures for health improvement and consumer benefit as "ersatz" or debasement. They falsely accuse the nutrition scientist, toxicologist, food technologist, regulatory official and industrialist of irresponsible practices, and often impugn the integrity of even the most prestigious institutions, such as the National Academy of Sciences, which represent the highest degree of objective competence in such matters.

Many responsible, highly competent groups are beginning to react to the misinformers: the American Medical Association through its Department of Foods and Nutrition and The Journal of the American Medical Association, the U.S. Department of Agriculture and the Food and Drug Administration through their consumer publications, the Food and Nutrition Board of the National Academy of Science, the American Academy of Pediatrics, the American Psychiatric Association, the National Nutrition Consortium and its constituent societies—the American Institute of Nutrition, the American Society of Clinical Nutrition, the American Dietetic Association, and the Institute of Food Technologists.

The Nutrition Foundation is disseminating a series of position papers from each of these authoritative organizations through Nutrition Reviews. A special supplement of this journal was published in July, 1974, on Nutrition Misinformation and Food Faddism. It contains a critique of food fads entitled "Americans Love Hogwash" by the distinguished physician, Edward H. Rynearson, M.D., of the Mayo Clinic. "Hogwash" is defined as "worthless, false or ridiculous speech or writing."

Dr. Rynearson states:

". . . the most widespread and expensive type of quackery in the United States today is the promotion of vitamin products, special dietary foods, and food supplements . . . Food quackery today can only be compared to the patent medicine craze which reached its height in the last century . . . Although it is inappropriate to classify all unusual dietary philosophies as being dangerous without first examining their nutritional value . . . some of these, however, are insidiously harmful and an examination of them is therefore important . . ."

He holds that physicians are in a unique position to understand food faddism and its dangers and that they should be more willing to attack hogwash. They should do so, he states, ". . . by providing their patients with a clear understanding of the true essence of nutritional sciences—the process of nourishing or being nourished—rather than the polypharmacy of supernutrition and organic foods that make for so much hogwash." Dr. Rynearson cites as a great present need: ". . . medical educators should accept the criticisms of some laymen and women that there are few full-time departments of nutrition in medical schools."

Parenthetically I may note that the Nutrition Foundation, financed by the food industry, currently gives highest priority to encouraging nutrition education of physicians through symposia, grants to medical schools to establish teaching units, development of innovative educational materials, support of scholarships in nutrition administered by the American College of Physicians, and support to and advice on model regional and state educational programs.

The public whose interest in nutrition is aroused is seeking sound, honest information. As evidence, some 50,000 copies of the Nutrition Reviews supplement on misinformation have been ordered. The Kentucky Medical Association recently devoted a major segment of its annual meeting to nutritional misinformation, an excellent book Let's Talk About Food by Dr. Philip White of the American Medical Association is now in its third edition, and the January 11–17 "TV Guide" has featured an informative article by Max Gunther billed "Physicians Warn: Beware of Fad Diets Plugged on TV." This report includes critiques of fad diets by the Council on Foods and Nutrition of the American Medical Association and articles in the Nutrition Reviews supplement. It gives the public an accurate picture of the differences between the reasoned scientist and the glib author-promoter who so frequently is seen in TV shows.

Beware, also, of "great new" diet and nutritional revolutions brought directly to the public media—newspaper, TV, radio or magazine—before the concepts are submitted to peer examination, review and critique. The competent judge of data and evidence of new highly important advances is the appropriate peer scientist, not the newspaper reporter, the book publisher, the TV entertainer, the actor, or prominent citizen.

The scientific community as a whole has a duty to protect the public from the consequences of misinformation on such vital issues as food and nutrition in relation to health and thereby preserve public confidence in science. It has been proposed that a Code of Conduct, a statement of ethical principles in the communication to the public of the results of scientific studies, be developed. It is suggested that such a Code might, like the "Hippocratic oath", set or prescribe rules of good conduct befitting a scientist communicating to nonscientific audiences. Such a Code is sorely needed!

Indeed, writing in Food Technology recently, Dr. Richard Hall has cautioned "Believe least of all the scientist, even the Nobel Laureate, commenting outside his field. He is the most dangerous, for he will appear to the public to be qualified, but actually is not."

Education, the recognition of and adherence to a responsible code of conduct in popularizing scientific and health claims, and rigorous integrity on the part of industry in production, marketing and promotion will allay the public fears, will minimize food fads, and will continue to improve the foodways of the American people and provide increased health benefits.

VETERANS DAY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. GOODLING. Mr. Speaker, I recently cosponsored legislation to redesignate November 11 as Veterans Day.

In 1968, the Congress changed several legal holidays to make 3-day weekends. While this action seems justifiable in the observation of such holidays as Labor Day and Columbus Day, in that workers can have the benefit of 3 consecutive days off to celebrate these festive occasions, I believe that they erred in applying this concept to Veterans Day. Veterans Day, which was originally known as Armistice Day, marked the closing of World War I in 1918, and was set aside as a special day of thanksgiving and remembrance for the great sacrifices of our servicemen and women during that lengthy conflict.

I believe that it is appropriate for us to remember that on the 11th day of the 11th month in that year we signed an armistice which ended suffering for many. Since that time we have had many servicemen and women fight for the cause of freedom throughout the world. We should continue to look upon their sacrifices with sincerity, and not merely as a convenience for another holiday weekend.

Forty of the States which had previously amended their State laws to conform with the law passed by Congress have reconsidered their position and many of these now observe November 11 as Veterans Day. The Federal Government should realize that it erred and return Veterans Day to its original day and meaning.

SOVIET OPPRESSION CONTINUES DESPITE FACADE OF DÉTENTE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BIAGGI. Mr. Speaker, the Soviet Union has a history of persecuting people who ask for simple human dignity. The Soviets have been especially harsh upon those citizens of the U.S.S.R. who are not ethnically Russian who seek to preserve a modicum of their own ethnic identities. This persecution is regularly visited upon numerous peoples, but perhaps most frequently and most harshly upon the people of the Ukraine.

The Ukraine is the breadbasket of the U.S.S.R. It is the second most populous and, per capita, the richest of the 15 Soviet republics. Its people are ethnically distinct from the true Russians, as are, incidentally, most Soviet citizens.

Many Ukrainians desire independence for their land; many others wish to live a more "capitalistic" life—that is, to own their own land and have available consumer goods—and many simply want the freedom to speak and read their own language, learn their own history, and live their own cultural patterns.

These "criminal" desires prompted Ukrainians First Party Secretary, Vladimir Shcherbitsky, to complain:

> Hostile propaganda kindles private property psychology and revives religious prejudices.

Shcherbitsky further asserted that—

> Ukrainian nationalist organizations abroad have built up contacts with Zionists and Maoists.

Victims of Russian oppression in the Ukraine have come largely from the group dubbed the "intellectual" community. Actually, there is no single kind of person who dissents from the Soviet line. The so-called intellectuals come from all walks of life, and include literary critics, artists, professors, teachers, and even army officers. Only frequent arrest for such crimes as demanding the implementation of those liberties guaranteed by the Soviet Constitution. Political prisoners are often tried in camera, in itself a violation of the Soviet Constitution.

The treatment accorded the prisoners can be described as nothing short of barbaric. Professor Andrei Sakharov, the outstanding Russian physicist, stated in his appeal from Moscow on February 12, 1974, that—

> Leonid Plyushch (one of the Ukrainian political prisoners) is near death in the Dnipropetrovsk "psychiatric ward" and that "the unregulated administration of large doses of haloperidol has caused a sharp deterioration in his health.

Anatole Radygin, a Jewish poet and former Soviet prisoner, spoke of Valentyn Moroz, another Ukrainian political prisoner. He said that—

> From his cell we often heard screams and yells . . . they would subside for a while and then the beatings would start again.

Among the ranks of the political prisoners can be found large numbers of women. These include Red Cross workers, such as Halyna Didyk and Daria Husak; academicians, such as Prof. Irena Stasiv-Kalynets; artists, such as Stephanie Shabatura; and many others. The crimes these women are charged with are typical of those used against dissenters. "Anti-Soviet propaganda", the crime Professor Stasiv-Kalynets was convicted of, is typical.

The Soviets resort to repeatedly violating their own laws to silence opposition. It is ironic that the Soviets resort to such tactics in their repression of the Ukrainian people for in doing so they are directly violating the express wishes of Lenin, who supported the rights of self-determination and succession for all nations, especially those in a union of soviets; the Soviet Union. Yet, when following the Russion revolution, numerous peoples who had been part of the Russian empire but who were not ethnically Russian declared their independence, the Bolsheviks proceeded to reconquer them all.

In a sense, it appears that Russian history has run the full circle. In the 19th century, Russian peasants were tied to the land by their feudal lords. In the 20th century, Russian farmers are held to the land by their feudal commissars. They still do not own their own land and they still require their masters' permission to leave it. And, of course, they are "happy", their lords inform us.

In the spirit of the charter of the United Nations, a document to which Russia is—though it is easy to forget—a signatory, I urge Congress to call upon Russia to release their political prisoners. How can we, as Americans, as sons of the sons of liberty, sit idly by while people cry out for freedom. We cannot, I say, celebrate a Bicentennial of our liberty while Ukrainians, or any other people, are surpressed. The celebration loses all meaning.

Mr. Speaker, in the spirit of Rousseau, in the spirit of Jefferson, and even in the spirit of Marx and Lenin, I call for liberty for the people of the Ukraine and for those of all of the Soviet Union.

MINIMUM WAGE MEANS FEWER JOBS FOR YOUNG BLACKS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. CRANE. Mr. Speaker, as with many other pieces of legislation, the minimum wage laws tend to hurt those very individuals they were intended to help most, the young, the poor, and members of minority groups.

When the determination of wage levels is taken out of the economic process and placed within the political, negative results are certain to occur.

Prof. James Tobin, who was a member of President Kennedy's Council of Economic Advisers, notes that—

> People who lack the capacity to earn a decent living need to be helped, but they will not be helped by minimum-wage laws, trade union wage pressures or other devices which seek to compel employers to pay them more than their work is worth. The more likely outcome of such regulations is that the intended beneficiaries are not employed at all.

The fact that current unemployment rates among black teenagers have skyrocketed should be no surprise to those who understand the inevitable economic result of minimum wage laws. Writing in Newsweek magazine of September 26, 1966, economist Milton Friedman declared that—

> Women, teenagers, Negroes and particularly Negro teenagers will be especially hard hit. I am convinced that the minimum wage law is the most anti-Negro law on our statute books—in its effect not its intent. . . . Both Negroes and teenagers are only made worse off by discouraging employers from hiring them. On-the-job training—the main route whereby the unskilled have become skilled—is thus denied them.

As concern mounts over the rate of unemployment among black teenagers, we would do well to attempt to understand the real reasons for this unfortunate condition. This is especially true in light of the AFL–CIO's current call for a new, $3 per hour minimum wage law, which would exacerbate the problem still further.

In a recent column, John D. Lofton, Jr., quotes Aaron Turpeau, the chief job hunter for Mayor Maynard Jackson of Atlanta as stating that—

> There is definitely a good argument to be made for the position that a lower minimum wage would mean more jobs for young people.

Turpeau told Mr. Lofton that the idea of a lower wage for youth is "very logical," and he said that many businessmen in his area have made this argument publicly.

I wish to share with my colleagues the column, "Minimum Wage Means Fewer Jobs for Young Blacks," by John D. Lofton, Jr., which was distributed for publication by United Feature Syndicate on March 17, 1975, and insert it into the RECORD at this time:

MINIMUM WAGE MEANS FEWER JOBS FOR YOUNG BLACKS

(By John D. Lofton, Jr.)

WASHINGTON.—Simultaneous with reports that we may be facing another "long, hot summer" in the inner cities because of increased unemployment, especially among teen-agers, comes the news out of Bal Harbour, Fla., that the AFL-CIO is demanding that Congress pass legislation the effect of which would be to decrease employment in the inner cities, especially among teen-agers. The irony is excruciating.

In its call for Congress to pass a $3-an-hour minimum wage bill, the AFL-CIO's executive council declared that such action is necessary to guarantee "a minimum standard of living necessary to health efficiency and general well-being of all workers."

Terrific. But what about the well-being of those individuals looking for jobs? If George Meany gets his pay hike—as he most certainly will—a lot of nonworkers will never become workers because certain jobs will have been priced out of the market.

This sort of talk enrages union leaders and their supporters, but the evidence is overwhelming: Increases in the minimum wage do have an adverse impact on employment. There is no longer any real doubt about this. The only question is whether those advocating such increases really care about the consequences of their actions.

Charles T. Stewart, Jr., a professor of economics at George Washington University, tells me that he has no doubt that if there were a lower minimum wage for teen-agers, "there would be tens of thousands of more jobs available than there are now." Stewart is the co-author of "Employment Effects of the Minimum Wage Rates," which concludes:

"Minimum wage rates produce gains for some groups of workers at the expense of others, with the adverse employment effects greatest among workers who are the most disadvantaged in terms of marketable skills or location."

Stewart's study also found that minimum wage laws work against depressed areas, especially the South, and regions like Appalachia, and that teen-agers, nonwhites and women tend to lose their jobs in low-wage industries. They are then forced into less well-paying, noncovered industries that already have a surplus of workers.

A colleague of Professor Stewart's, Associate Economics Prof. Bob Goldfarb, told me that "in the more sophisticated studies it is clear that there is a correlation between decreasing employment and a higher minimum wage."

Goldfarb—who has been conducting a review of all major minimum wage studies—says that some of the surveys he has seen show that if the minimum wage were decreased by 25 per cent, this could result in an increase in the employment rate of between three and five per cent.

In Atlanta, Aaron Turpeau, the chief job hunter for Mayor Maynard Jackson, says that from his own experience there is "definitely a good argument to be made for the position that a lower minimum wage would mean more jobs for young people."

Turpeau told me the idea of a lower wage for youth is "very logical" and he said many businessmen in his area have made this argument publicly.

Reginald Willis, director of youth employment for the National Alliance of Businessmen, agrees with Turpeau.

In an interview, Willis declared: "From the feedback I get from our people in the field, I'd have to say yes, a lower minimum wage would mean more jobs for disadvantaged young people."

Willis does not know exactly how many more, but the National Federation of Independent Business, Inc. has estimated that the minimum wage prevents some five million job opportunities for teens—an average of almost one job per independent business in this country.

Rather than listen to George Meany and Company, Congress would be wise to heed the advice of James Tobin, a former member of the Economic Council of Advisers under President Kennedy, who has written:

"People who lack the capacity to earn a decent living should be helped, but they will not be by minimum-wage laws, trade union pressures or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all."

Better yet, since we know that minimum-wage laws definitely make unemployment higher for some groups, why not repeal all of them?

IT IS FINISHED

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. CARR. Mr. Speaker, there are those of us in the Congress who have been constant critics of U.S. policy in Southeast Asia. However, the day-to-day debate does not always provide the American public with what is really needed—a healthy overview of who makes foreign policy, how it is made, and why.

On April 3 the New York Times carried an article by Anthony Lewis which not only pulls into focus our policy in Cambodia, but also answers some questions we ought to be asking ourselves. I insert that article in the RECORD at this point:

IT IS FINISHED

"I can only tell you my emotional reaction, getting into that country. If I could have found the military or State Department leader who has been the architect of this policy, my instinct would be to string him up. . . . What they have done to the country is greater evil than we have done to any country in the world."—Representative Paul McCloskey, testifying after his recent visit to Cambodia.

(By Anthony Lewis)

BOSTON, April 2.—The images from Indochina assail us with their misery and horror. The ones from Phnom Penh are in a way the hardest to bear: Those children are starving because of an American blunder—recent, utterly avoidable and prolonged in the teeth of reason.

The American intervention in Vietnam may be explained in terms of the assumptions of another era. For Cambodia there is no excuse. It was wanton cruelty, reckless and useless.

Unlike Vietnam, it is relatively easy to trace the American involvement in Cambodia. The crucial decisions were made in 1970 by Richard Nixon, with the advice and support of Henry Kissinger. They led inexorably, predictably, to tragedy—death and destruction for Cambodia, moral and political disaster for the United States.

Until 1970 Prince Sihanouk had kept Cambodia relatively peaceful by an intricate neutralist game. He turned a blind eye to Vietnamese Communist use of his eastern provinces, then to American bombing of those areas. His policy was untidy, but it worked.

The idea of invading Cambodia had occasionally come up in the Pentagon, but it was never taken seriously. At one meeting in the 1960's the chairman of the Joint Chiefs, Gen. Earle Wheeler, said: "Why the hell does Westy [Gen. William Westmoreland, U. S. Commander in Vietnam] need more battlefields to fight on?"

Then, in March 1970, Lon Nol took over in a coup. He abandoned neutralism, announcing that he would attack the Vietnamese Communist forces, and there was a slaughter of Vietnamese civilian residents around Phnom Penh. Not surprisingly, the North Vietnamese began moving on Lon Nol's weak army.

In this situation Mr. Nixon and Mr. Kissinger revived the old idea of an American invasion. They overrode doubts within the Administration, from, among others, Secretary of Defense Laird and Secretary of State Rogers. Mr. Kissinger accused one doubter of showing "the cowardice of the Eastern Establishment."

Five members of Mr. Kissinger's own staff warned that a Cambodian operation would enlarge the war without benefit to the U.S. Three resigned: Anthony Lake, Roger Morris, William Watts. They went quietly because, as Mr. Lake explained recently, "We were very concerned about damaging Kissinger. Then they put a tap on my telephone, which shows how much they were impressed by our scruples."

Mr. Nixon told the world it would be only a brief and limited "incursion," to clean out the Communist areas. Mr. Kissinger said the same thing to the White House staff. William Safire's book, "Before the Fall," describes a meeting at which the staff was given a National Security Council paper saying, "This is not a long-term 'quick-sand' operation that would lead to a new 'Vietnam situation' in Cambodia."

But it did, Mr. Nixon and Mr. Kissinger, having said they would not intervene on Lon Nol's behalf in the Cambodia dispute, soon did just that. Before long B-52's were bombing all of Cambodia. In five years, the United States sent $2 billion in aid to Lon Nol.

The results were exactly as the dissenters on the Kissinger staff had predicted: a wider war, increasing Cambodian opposition to Lon Nol, destruction of the countryside, finally a Communist instead of a neutralist Cambodia.

The end has been inevitable for a long time, but the Administration preferred to have the Cambodians go on starving and dying rather than admit the bankruptcy of its policy. It kept the war going with the tattered argument that more military aid would somehow lead to peace.

Now that Lon Nol has left, the United States could still help toward a humane transition. Most important, we should offer to continue our flights of food and medicine whoever rules in Phnom Penh, and ask Sihanouk's cooperation. We should do that for our sake as well as the desperate Cambodians. But there can be no easy expiration for one of the most terrible episodes in the history of American foreign policy.

What Richard Nixon and Henry Kissinger did cannot be undone or forgotten. All we can do is try to make certain that American leaders are never again able to make such decisions on their own, in secret, against advice—and then persist for years in a futile and destructive policy.

OPPOSITION TO FOOD STAMPS FOR STRIKERS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. GOODLING. Mr. Speaker, I recently cosponsored legislation which was introduced by my distinguished colleague from Alabama (Mr. DICKINSON) to prohibit the issuance of food stamps to strikers.

One of the reasons for the food stamp program was, and still should be in my opinion, to help those who cannot afford to feed themselves because of circumstances beyond their control. This is not the case with strikers—who are voluntarily out of work. In many instances, they had good paying jobs before going on strike which were adequate to feed their families.

I want to make it understood that I am not against labor unions, or the right for certain occupations to strike under conditions where all other means of negotiating a reasonable contract have failed, but why should the taxpayer be forced to pick up the tab for feeding strikers. Many of these taxpayers are having a rough time feeding their own families.

Not only is it wrong for the taxpayer to bear the burden of feeding those who could afford to do so if they were not on strike, but the whole idea of governmental intervention in assisting one side of the negotiating table to "hold out" is fundamentally incorrect. We are in fact subsidizing strikes by allowing workers to continue to receive the benefits which they have been accustomed to before the strike thus making it more difficult to come to an agreement.

The Wharton School of Finance, a respected institute in my own State of Pennsylvania, issued a study that documented that there is a direct relation between the increased length of strikes and the increased use of public assistance by strikers. Even union representatives do not deny the benefits of public assistance in holding out for their demands at the negotiating table. The end result of all this is to undermine the long used practice of collective bargaining as a method of solving labor disputes.

In light of our current Federal deficit, it is unbelievable to me that we continue to hit the middle-income taxpayer over the head for programs which do not in fact help those who are truly in need. Americans are generally a humanitarian group of people, but to ask them to support programs like this are in error.

It is obvious that the reason that the public's faith in their garbagemen is greater than their faith in Congressmen is because they are tired of being taxed to death for the benefit of special interest groups like this. Perhaps many of the Members of Congress should change jobs with the garbagemen of our Nation for a while so that the taxpayer will get what he has requested—fiscal responsibility. I make this statement because anyone who has contracted for trash pickup will know that extra garbage will cost you more money, and that is what we have here—extra garbage in the Federal budget. Garbagemen know, just as all businessmen do, that you can only run a business for so long in a deficit before it goes bankrupt—so let us bring the garbagemen into Congress before our Nation collapses.

THINK TANK IN A TURKEY BARN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. KARTH. Mr. Speaker, in this age of corporate research teams with multimillion dollar research facilities at their command it is heartening to me to read a success story of a two-man think tank housed in a converted turkey barn.

John Wetjen and Leslie Grove, the principals in G & W Engineering Co. of Forest Lake, Minn. are doing a booming domestic and international business in designing products for hydraulics and hydromechanical applications despite the faltering national economy.

During these days of doom and gloom in the news this success story is a welcome bit of cheer. I am pleased to share with my colleagues the following article from the Forest Lake Times of March 20, 1975:

G & W ENGINEERING HIDEAWAY THINK TANK FOUND IN TURKEY BARN

Where would a couple of thinkers hide away?

Well, there are two of them, John Wetjen and Les Grove, partners in G&W Engineering, and they are located in an old turkey barn about five miles west of Forest Lake.

Wetjen logged 13 years with the Sperry-Rand Corp., has a MA degree from Hofstra University and has done doctoral work at George Washington University, Washington, D.C.

Grove has totaled 28 years in hydraulics engineering. He has a MA degree from Tubening, Ger.

The two joined forces about one year ago to design products and then have them licensed for production.

Much of the design has been in the hydraulics and hydro mechanic field. Grove does most of the engineering and technology work and Wetjen handles the sales and administration phase of the operation.

Grove has designed an element for a pump and hydraulic motor used extensively in Europe to power movers in the construction business.

"We are currently looking for funding to put a hydraulic motor on a semi," Wetjen says.

The firm has also developed a speed reducer that is built around a patented gear, the patent held by Grove.

The speed reducer effectively decreases the RPM of an electric motor and proportionately increases its pulling power or torque.

G&W Engineering has designed a stairway crawler which can take a 600 pound refrigerator up and down stairs.

The firm is working with improving the performance of an all terrain vehicle used by power companies or citrus companies, for example.

G&W currently is waiting for U.S. Department of Commerce approval to transmit technology to Belgum, India.

Grove says he has many engineering friends in Europe and in Australia. "Europe is much more advanced in hydraulics than is the United States," Grove says.

G&W is currently exploring with the Federal Energy Administration a way, without use of dams, to harness energy from the surface flow of the river water. "Think of a barge getting loose, that goes on surface power," Grove says. "You waste nothing with it and it's free power," he added. Grove emphasizes that the Mississippi River has 100,000 horsepower for each mile.

G&W Engineering develops a concept or idea and draws out that concept on paper, utilizing various mathematics formulas. The two workers then may go to the shop and knock out a plastic model of the design.

After developing a prototype, the two partners then develop a brochure and a marketing plan. "We may build the first 20 units and then look for somebody to take over production," Wetjen explains.

"We are also looking for six other things to do," Wetjen says. "We are always interested in new things and must turn out items like a cookie cutter," he pointed out.

"We launched our business right at the turndown in the economy but we've had a phenomenal March already," Wetjen says.

Grove has also developed a design to have hydraulic motors power each wheel of an automobile and he has designed plans for use of hydraulic motors in snowmobiles and outboard motors.

KANSAN OF THE YEAR

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. SEBELIUS. Mr. Speaker, just before the Easter recess I had the privilege to serve as President of the Kansas State Society, a nonpartisan organization comprised of former Kansas citizens residing in or around the Washington, D.C., area, and to preside over the society's annual Cherry Blossom Dinner Dance March 29.

Each year, the society presents a Kansan of the Year Award to a distinguished Kansas citizen whose contributions and accomplishments in behalf of our State merit public recognition.

This year it was my pleasure and privilege to present the Kansan of the Year Award to McDill "Huck" Boyd of Phillipsburg, Kans.

He and his late brother, F. W. "Bus" Boyd, Jr., carried on the pioneer tradition of Boyd family newspapers started by his father and mother, Frank and Mamie Boyd. This tradition, practiced by the Boyds and their contemporaries in Kansas, has enabled our citizens to enjoy the best grassroots journalism in our State.

"Huck" Boyd's role as a country editor has ranged from covering the courthouse in Phillipsburg to representing the United States in the United Nations in Geneva, Switzerland. A county editor not only reports, he leads. He becomes the conscience of his community. Huck's efforts have been synonymous with the progress of his hometown, his State, and Nation.

He received the Kansan of the Year Award for his active role of leadership in behalf of the State of Kansas in every conceivable field of public service. He is well known in Kansas and here in Washington for his leadership in behalf of his political party. However, his accomplishments in the journalistic profession and on behalf of education, mental health, health care in rural areas, rural development, and economic opportunity for young people have also truly been remarkable.

I could doubtlessly go on for a considerable amount of time enumerating the many areas of public service and countless contributions McDill "Huck" Boyd has to his credit. However, when Huck received his award here in Washington last month, he also made an acceptance speech that touched the hearts of everyone present. It was a speech, I think, that captured the true spirit of the kind of self-sacrifice and public service that has been synonymous with the progress of our great Nation.

Mr. Speaker, I commend the following remarks by McDill "Huck" Boyd to the attention of my colleagues:

KANSAN OF THE YEAR AWARD: ACCEPTANCE SPEECH OF MCDILL "HUCK" BOYD

Mr. President and fellow Kansans: I have heard our master of ceremonies speak on many occasions, and he always does a superb job. So I knew—that if Keith Sebelius presented me tonight—that his presentation would be far better than my response, and I do appreciate it.

Throughout the years, much has been written about the accident of time—and place—and circumstances—which shape men's lives, and as I stand before you tonight, this must be my fortunate lot . . . and credit for this recognition properly belongs to my family.

My grandfather homesteaded in Smith county nearly 100 years ago. Five of his sons learned the printing business in the small community of Kensington. All went on into lives of service.

My mother and father took over the "fourth paper" in our small community 71 years ago this spring. They had nothing but spirit, and determination, and a debt equal to 100 percent of the cost of the property.

From my parents, I learned a very simple creed. You worked hard, you paid your bills, and you never forgot that a newspaper should be a show window for your community. You were expected to conduct yourself in such a manner that respect for the newspaper and those who operated it—would be inherent. It wasn't quite like living in a fish bowl. It was more like living in a small town with the window shades always up.

Neither was it necessary to be a Pollyanna. I still have the pistol my Dad bought after the trainer of a blind tiger took exception to something he had written. The pistol has never been fired. But it lies in my desk as a constant reminder that men who "set their feet" against pressure are seldom tested.

My parents not only believed in service to others as an essential to good citizenship—they worked at it.

My mother, whose bright spirit flickered out after 96 years on this earth, had more than 90 awards at the district, state and national level in civic and newspaper circles without losing the common touch in her hometown.

Dad served as mayor of Phillipsburg 14 years during that period when sewers replaced cesspools, the first waterworks and concrete paving and Community building were built; when the city park was started and the first trees were set out. This was hardly the basis of financial reward. Kansas mayors then received $1.00 per month.

The Boyd family has actively supported every community improvement proposed the past 70 years in Phillipsburg. . . . not through the newspaper alone, but in person. It is difficult to ask others to help if you are not willing to lend a hand yourself.

I started my own career as a dishwasher at 50¢ a week to ease Mother's household chores while she was recuperating from what was then called consumption.

When the tough depression years came along—and the banks went broke—and nobody had any money—the family ran the newspaper. I set the type, Dad put the paper together and Mother got the news. That was the staff.

I was earning $15 a week, but fortunately I met a girl who was teaching school, and she had money. She was getting $70 a month. In her little schoolhouse she carried the wood, built the fire, swept the floor, and taught her little brood.

Besides this wealth and show of industry, she was pretty, smart, and thrifty, too. She wanted me to save $1000 before getting married. On $15 a week, this seemed like it might take quite a while, but I dug out my horn, helped organize a dance band, and working by day, "playing by night"—the two of us saved $1000, and she couldn't very well get out of it after that.

Shortly after our children were born, I persuaded her to join the staff—without pay—but she still had time to lead a campaign for an additional second grade teacher when enrollment was pushing 50, and to help with other community services on the local, district, and state level.

My brother, Bus (we lost him nearly 3 years ago) got into the act, too. We continued to operate as a family; our newspaper operation grew into other communities; and when Marie and I were probing areas of activity away from the home base, Bus tended to business, and became a legend in his own right for community service. Now his sons are in the newspaper business in nearby towns, and the family tradition continues.

This far-too-lengthy summary of family activity in community affairs is undoubtedly the genesis of my own. I would probably have been disowned if I had not been interested in health, educational, civic and political activities.

All have one thing in common. They are important to people. They are worth working for. They do provide a way to pay rent for the privilege of living in our land.

I was bitten by the political bug at an early age, and I do not begrudge one minute of my political affliction, but in retrospect, I'm not too sure that a newspaperman should become so closely involved in politics. It becomes most difficult to remain objective.

But, if I can persuade even one young man or young woman to take part in politics—to help write the rules by which we govern our lives—to help monitor and control the strain upon our respective pocketbooks—to help decide what kind of hospitals, schools, highways and public services we should provide—just one more recruit—my work in politics will have been worthwhile.

We have much to do in our own land, where an era of affluence has emphasized an economic imbalance among our own people. Yet the poorest among us enjoy benefits undreamed of in the developing nations of the world.

I still believe that government should serve people—not support them—but I must admit that my agrarian viewpoint has changed. Every tub can no longer stand on its own bottom. The challenge of today can be met only through united action, and if this be heresy from the conservative heartland of America, lay it to the basic creed with which I was endowed: Service to others carries its own reward.

As I stand before you tonight to acknowledge this recognition, let the record show the credits which must be given:

To my father, who taught me that a firm stand is the best way to ease pressures upon a newspaperman;

To my mother, for her wise understanding: "Every day is a good day if you make the most of it";

And to my wife, who taught me the importance of accuracy, and detail, and compassion.

In their names, I humbly acknowledge the recognition you have given me, and I will always remember this night as the high point in my life.

STATEMENT BY CONGRESSMAN FRED RICHMOND ON THE PRELIMINARY SYSTEM PLAN OF THE UNITED STATES RAILWAY ASSOCIATION.

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RICHMOND. Mr. Speaker, I would like to submit my statement to the CONGRESSIONAL RECORD on the preliminary system plan of the United States Railway Association which I delivered at the Interstate Commerce Commission hearings at the World Trade Center in New York:

STATEMENT BY CONGRESSMAN FRED RICHMOND

I am extremely concerned that this reorganization proposal would leave New York City in general and Brooklyn in particular, with less viable rail freight service than we have now.

The failure of the United States Railway Association to include the 3.4 mile Parkville to Bay Ridge Interchange is a heavy blow to our hopes for the continued growth of commerce along the Brooklyn waterfront.

More than a year ago, Mayor Lindsay announced a plan which would finally provide the Brooklyn waterfront with overland rail connections with the rest of the nation. That proposal is now supported by Mayor Beame, Governor Carey and others concerned with the creation of employment and commerce in this area.

This overland rail route would link the Brooklyn waterfront, including the new, multi-million dollar Northeast Marine Terminal with Queens, via the Parkville Interchange and Bay Ridge line of the Long Island Railroad. From Queens, cargo would move into the Bronx via the Hell Gate Bridge and thence along New York Central tracks crossing the Hudson at Selkirk.

The purposeful exclusion of the Parkville to Bay Ridge Interchange may well spell doom for all of our hopes for an overland rail link to a portion of our City's commercial base that has remained healthy and viable despite extremely depressed economic conditions elsewhere.

I cannot support a plan that will deprive the Brooklyn waterfront of its potential for economic expansion and I am convinced that the United States Railway Association's decision to exclude the Parkville Interchange will mean the loss of employment in my Congressional District and in other areas throughout the City.

Beyond any immediate effects, the failure to provide meaningful overland freight service to the Brooklyn waterfront will make it increasingly difficult for us to compete over the next decade with other port facilities that already have such rail connections.

Just the other day I learned of a small company of sixty employees that is seriously considering moving out of Brooklyn to New Jersey, specifically because of the lack of adequate rail connections.

This company receives carloads of supplies from the midwest which take two days to arrive at the New Jersey rail head from Michigan. An amazing week to ten days must then elapse before this cargo can arrive at the factory which is no more than 10 miles away.

The continued absence of direct rail service to Brooklyn is simply intolerable.

A major port facility cannot survive and grow without reasonably efficient overland freight transportation.

As a result of this obvious fact, the failure to include the Parkville to Bay Ridge Interchange directly jeopardizes the future employment of 20,000 people whose jobs are directly related to commerce along the Brooklyn waterfront.

I simply cannot support his proposal which will have such an adverse effect upon those I have been elected to represent.

I strongly urge that the Interstate Commerce Commission take immediate action to include the Parkville Interchange in the final system plan.

THE CLOUD OF UNCERTAINTY

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ZEFERETTI. Mr. Speaker, as we sit here in Congress deliberating the effects of increased fuel prices on American citizens who are already hard hit by increasing unemployment and inflation, many times we tend to lose sight of the whole picture; the major effect of our economic situation on the entire population. Not only are adults, who must pay the higher prices for oil to heat their homes and run their cars affected. The concern goes much deeper. It seems to be filtering down to Americans of all ages, undermining the optimism and hopes so necessary to the successful management of a well-established economic order.

Therefore, I present to you a letter, written by class 8A of McKinley Junior High School in Brooklyn, N.Y., expressing their deep concern over the ability of Congress to take meaningful measures to ease the problems caused by the current oil situation. The ages of these students range from 13 to 15 years. I think this is significant. They see the oil crisis affecting all aspects of American economic life. This brings to mind the devastating blows caused by the Great Depression of the 1930's which clouded the aspirations of all Americans, both young and old.

Although the views of these students do not necessarily coincide with mine on these issues, I present them to you with the hope that they will be a spur to action. We must begin immediately to foster national unity and a sense of economic well-being, for the good of our country.

The letter follows:

LETTER BY CLASS OF 8A, MCKINLEY JUNIOR HIGH SCHOOL, BROOKLYN, N.Y.

We are currently studying the legislative process and of the obligation of citizens of all ages in a participatory democracy to contribute some input into this process for the well being of our country.

Although our ages are in the range between 13 and 15 years, we believe we are obliged to express our thoughts and beliefs for congressional consideration. We believe that our views should be considered by the Congress in enacting laws and by the Executive Department in executing the laws.

We are worried and concerned with the poverty of management in the oil situation. We are worried and concerned with the manner in which the distribution of oil is used to enrich some people and impoverish the remainder of the world. We are concerned that our national finances, our national institutions are being eroded by the high price of oil. We are concerned by the application of a means test in the distribution of oil and oil products rather than the application of a democratic process such as allocation and rationing. We are concerned that we are imposing a higher duty on oil imports rather than an embargo and thus preserve our world fiscal balance. We are concerned that international cartels and trusts are arising throughout the world to control and exploit vital products. We are concerned that the wealth, thus accumulated, may be used for nefarious purposes and to financially enslave the world.

We think that the Congress should assume control of the situation. We think that oil, gasoline and other products in short supply should be shared democratically and on the basis of need rather than on the basis of ability and willingness to pay the price. We think that rationing is overdue. We think that we should import no more oil than is absolutely necessary and we would impose a total embargo to protect and preserve the integrity of our fiscal system, of our institutions, of our corporations and of our wealth.

In the crisis in World War II, we developed the use of the atom—and rightfully so. Why can't we have an all out effort to develop alternate fuel energy such as solar, atomic, waterfall, etc.

We hope that you will help lead the Congress into these necessary steps for our welfare and for the welfare of those who will follow us.

SAVED LIFE IN CHESAPEAKE BAY

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LONG of Maryland. Mr. Speaker, it is always a special pleasure to encounter four people who were not only willing to get involved, but to do so at extraordinary risk to themselves.

On April 9, I will be joining in honoring Mr. and Mrs. Andrew Carr and Mr. and Mrs. Thomas Weber, who saved the lives of four people in rough waters of the Chesapeake Bay.

On July 14, 1974, the Carrs and Webers were fishing on the bay, when a nearby rowboat capsized in the waves of the wake of a passing freighter.

Not only did these four maneuver their boat through rolling waves to reach the victims, but they managed to haul all four of the rowboat's occupants aboard and promptly administered the appropriate first aid, thanks to Red Cross training.

On Wednesday, April 9, over 200 of Mr. Carr's and Mrs. Weber's coworkers at Western Electric in Cockeysville, Md., will gather at the Hunt Valley Inn to honor the couples. I am proud to be among that group and proud to represent such concerned and alert Americans.

A LETTER TO PRESIDENT FORD

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Ms. ABZUG. Mr. Speaker, the dimension of the suffering in Vietnam rouses all our compassion and moves us to act. But we must be very careful, this time, that the actions we take are moral and will lead to real solution of the crisis. I have suggested to the President six steps that I feel should be taken. I would like to insert that letter into the RECORD, along with an editorial from the New York Post:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 3, 1975.

HON. GERALD R. FORD,
White House
Washington, D.C.

DEAR MR. PRESIDENT: The human suffering and chaos in South Vietnam require prompt humanitarian and constructive action by the U.S. government, whose wrong policies and illegal military intervention for the past decade are largely responsible for the current tragic plight of the South Vietnamese.

I urge you to take the following steps to help bring immediate peace to South Vietnam:

1. *Cease at once all military aid to the discredited government of President Thieu.*

President Thieu has clearly lost all control over his troops, who, according to news reports, are fleeing in panic, killing, trampling and robbing civilians and abandoning an estimated billion dollars worth of American military supplies in their flight.

To send the remaining $175 million in military aid available for this fiscal year or to continue to seek an additional $300 million in military aid for Thieu would be a scandalous waste. Military arms sent now may well wind up in the hands of the Provisional Revolutionary Government and the North Vietnamese.

I note that at his press conference April 2, Secretary of Defense, James Schlesinger, said it was erroneous to describe North Vietnam's military actions thus far as an "offensive." He said there has been "relatively little major fighting" thus far and said it was the withdrawals of South Vietnamese forces ordered by President Thieu that had led to the "near debacle" and created openings for the opposition forces. As the man in charge of the "debacle," President Thieu should receive no further military aid.

2. *Call on President Thieu to resign and urge his replacement with a democratic coalition government.* This has been proposed in a resolution overwhelmingly approved by the South Vietnamese Senate on April 2.

When I was in Saigon recently, I and other members of Congress met with dozens of South Vietnamese of differing political persuasions. Almost all agreed there was no hope as long as President Thieu persisted in his policy of ignoring the Paris Peace Agreement, which has been violated by both sides, and jailing even his moderate political opponents who could provide the elements for a more broadly based and popular government.

3. *Propose an immediate cease fire and resumption of peace negotiations between the government that succeeds the Thieu regime and representatives of the Provisional Revo-*

lutionary Government and North Vietnamese.

PRG representatives said in Paris April 2 they are prepared to negotiate with representatives of a new Saigon government for implementation of the 1973 Paris peace accord. As you know, President Thieu refused to honor Article 12 of this U.S.-backed agreement, which called for the establishment of a National Council of Reconciliation, consisting of Saigon, PRG and third force delegates in three equal segments.

4. *The U.S. should make food and medical supplies available immediately to all people in need of such help, whether they are in areas still controlled by the Thieu regime or controlled by the PRG.* The U.S. should take similar action in Cambodia. We should call on other nations and international relief agencies to join in these efforts.

5. *The U.S. must, of course, evacuate all Americans seeking to leave South Vietnam and Cambodia and assist in the evacuation of South Vietnamese and Cambodian men, women, children and orphans who seek refuge either in other parts of South Vietnam or abroad.*

6. *In no case, should the U.S. take any actions that involve the use of American troops in any military activity in any part of Southeast Asia.* This is prohibited by American law and would be opposed by the overwhelming majority of Americans, who are deeply against any further U.S. military involvement in Indochina.

Along with humanitarian relief efforts, the best way for the American government to relieve the suffering of the people of South Vietnam and Cambodia is to facilitate political settlements that will restore peace and order to those lands.

From press accounts, it is apparent that thousands of refugees are fleeing for a number of reasons. South Vietnamese troops and their families are in flight. Others are fleeing to escape being caught and killed in the fighting, because they oppose the PRG and fear political reprisals, and because of the panic created by a breakdown in government. Another apparent reason for the current refugee movement is the destruction of food supplies and fresh water facilities by retreating Saigon troops.

I believe this is a time for Americans to distinguish between their real interests and the interests of a bankrupt policy that was pursued in their name, but never really represented their needs or their will.

The policies of the men who preceded you in the White House—Presidents Nixon, Johnson and Kennedy—and continued by you have failed, but we as a people have not failed. The American people and Congress have succeeded in repudiating a wrong policy that was responsible for the death and wounding of millions of Southeast Asians, the deaths of 55,000 American soldiers and the maiming of many thousands more, as well as the squandering of $150 billion in American aid.

General Thieu and Lon Nol may fall, but the people of South Vietnam and Cambodia will not fall. As the leader of the American people, you would earn the respect of friends and foes alike if you would now publicly admit the terrible responsibility of American war-makers for what is happening in Southeast Asia and lend all the efforts of our government to helping the people of South Vietnam and Cambodia to find a peaceful and democratic political solution to their problems.

Sincerely,

Bella S. Abzug,
Member of Congress.

Playing Politics With Tragedy

During a San Diego press conference yesterday dominated by questions about the agonies of Vietnam, President Ford was asked if America might at last have learned any lessons from its long involvement in that devastated land. His response was to recite from memory the old, discredited answers.

The President might finally have begun to acknowledge forthrightly that it is all over in South Vietnam and reflected aloud on what the horrors of recent weeks and long years have meant to this nation. Many of his countrymen are still waiting for such a statement.

But he did not. Instead he insisted on reiterating the claim that U.S. policy in Indochina, since its inception, was "aimed in the right direction"—presumably along with the automatic rifles and the bombs—and, before very long, he was engaged in a new attack on Congress for having failed to ratify larger investments in a futile war. His petulant charges, accompanied by innocent insistences that he was not casting any blame, were reminiscent of the worst hours of his predecessor.

The President began his press conference with a brief statement reporting that all official effort was being bent to extend humanitarian aid to the South Vietnamese. He spoke of possible appeals to Congress for money to help. These are minimal gestures, deserving sympathetic support, in a period of chaos and suffering in Vietnam. To the extent that merciful help can be delivered, it is a worthy, honorable mission. Had the President said no more, his appeals would have stirred many who heard him.

But even as Ford was speaking, planeloads of artillery and ammunition were being flown to Saigon, as though there were some tactical or strategic design, some hope of forestalling the inevitable, some fantasy of reversing the tide of battle.

The President recited the routine justifications for a tragic, collapsing Indochina policy and even indicated that appeals will be renewed for the $300 million in military aid to Vietnam and Cambodia that Congress has wisely refused. If some of his words betrayed discouragement, he still blandly insisted there had been no defeat.

There are expected to be sober conferences among Ford and his aides this weekend. They are unlikely to have even modest influence upon the surging events now in progress unless the White House abandons the delusion that it can rewrite history.

The President can hardly summon the nation's best instincts for humanitarian action by mingling such pleas with a political vendetta. Any "salvage" operation requires Thieu's departure and the creation of a coalition government that can negotiate peace. Nothing the President says is relevant until he confronts that reality. The press conference was a portrait of a floundering Chief Executive offering the country scapegoats rather than a moment of truth. He would have been better advised to remain on the golf course than to stage this confused, contradictory and combative effort to play politics with tragedy.

CELEBRATING THE BICENTENNIAL

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DODD. Mr. Speaker, the spirit of the Bicentennial is upon us. As we approach our Nation's 200th anniversary, Americans of all ages are planning different ways to celebrate our Nation's birthday. Two Connecticut students have devised their own method to commemorate the Bicentennial. Sandra McRae and Anita Locklear of Snow School in Middletown, Conn., for their school project, have decided to take writing paper and dip it into tea and water to produce parchment type of paper. This paper, when dry, gives the appearance of being very old and weathered. The students then send letters to their friends on this paper to remind them of the coming Bicentennial. Anita and Sandra should be commended for their idea and their enthusiasm in putting it to work.

America's Bicentennial will be a celebration of the spirit of '76 and the birth of our Nation. All over America, large exhibits and productions will be put on to rekindle the spirit of the American revolution. However, the best example of this spirit is seeing individual Americans from all walks of life and of all ages each "doing their own thing" to commemorate our 200th birthday.

SENIOR CITIZENS AND THE ECONOMY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DOWNEY. Mr. Speaker, on March 3 I held a day-long public hearing in my district on senior citizens and the economy. I heard testimony from more than two dozen witnesses, including heads of senior citizens' organizations, Government agency directors, and several individuals. The hearing room was crowded with older Americans interested in having their words heard by me as well as by the public officials and various administrators who were in attendance.

Mrs. Mae Hajek presented testimony on behalf of her organization, the American Association of Retired Persons—AARP. Mrs. Hajek is an associate State director of the AARP and is an articulate advocate in Suffolk County on behalf of its membership. Her presentation is a comprehensive review of Federal policies and their effect on older Americans in particular. I believe that Mrs. Hajek's statement is a significant contribution to the public debate on this important issue, and that my colleagues in the House would do well to review it as we prepare to set public policy affecting the elderly.

I ask that her testimony be printed in the Record at the conclusion of my remarks.

The testimony follows:

Testimony of Mrs. Mae Hajek

Congressman Downey: I am Mrs. Mae Hajek, Associate State Director of the American Association of Retired Persons for the State of New York. The Association represents nearly 750,000 older persons in this State and over 7,300,000 nationwide.

As an advocate for the aged, our Association cannot ignore what is currently happening in the economy nor what can be expected to happen if the Administration's energy, tax relief and budgetary programs are implemented.

Let it be understood at the outset—inflation-recession is the most serious threat to the income security of the poor and fixed-income aged at the present time and is seriously jeopardizing the financial integrity of the income maintenance structure on which millions of them are dependent. Let it also be understood—the extortionately high prices artificially established for oil, both at home and abroad are responsible for much of this current situation.

It is our conclusion that the Administration's program package will substantially aggravate that situation and will have proportionately greater adverse consequences for the poor and the aged—the very groups who have already suffered the most.

While our organization's statement, which I am submitting to you for the record of this hearing, deals with all of the Administration's interrelated programs, I shall, after commenting briefly with respect to the energy and tax relief proposals, confine my remarks to the Administration's fiscal 1976 budget and certain proposals contained therein that would have seriously adverse consequences for our constituency.

I. THE ENERGY PROGRAM: MORE INFLATION

With respect to the Administration's energy program, our Association is persuaded that the consequences of its implementation would be: (1) accelerated inflation; (2) continued and deepening recession, (3) increased portions of consumer budgets devoted to energy, (4) another massive shift of wealth from consumers to the energy industry, and (5) permanent energy prices at levels wholly unjustified by the supply response. We have concluded, on the basis of the estimates available, that the burden of that program, which would attempt to achieve a reduction in energy use through higher prices, would devolve most heavily on those with the least ability to pay—among whom are disproportionately large numbers of the aged.

As an alternative, our Association is supporting a combination of policies to achieve gradually reduced energy use without another surge of inflation. This combination includes: (1) a "white market" gasoline rationing system or a rebatable gasoline tax; (2) an import quota; (3) a phased-in, graduated excise tax on new and used automobiles (based on the vehicle weight and horsepower); and (4) a standby, mandatory fuel allocation scheme. We wish to add, however, that these policies should be phased-in over a period of time to allow stimulative fiscal and monetary policies a reasonable opportunity to take effect and revive the economy and to allow both industry and consumers time to adjust.

II. THE TAX RELIEF PROGRAM: THE HIGHER INCOME GROUPS WILL BENEFIT MOST

With respect to the impact of the Administration's tax relief proposal (including the $80 payment), our Association has concluded that, contrary to the Administration's claims, it will fail to offset, especially with respect to low and fixed-income groups, the direct and indirect effects of higher energy prices. First, it appears that the Administration's estimates of increased energy costs for family units at different income levels are substantially understated. Second, since the tax relief program lacks a negative income tax aspect, the poor and the non-poor living on non-taxable income can expect to receive only the $80 payment and little or no tax relief.

The aged who are taxpayers are a distinct minority even within their own age group. They can therefore expect to receive a disproportionately small share of the intended relief.

Considering both the energy and tax relief proposals, our Association believes that the results will be, for the poor and fixed-income aged, higher prices and little relief. For some population groups, the Administration's programs would mean a "taking with one hand" and a "giving with the other"; for much of our constituency, they would simply mean a "taking".

III. THE BUDGET: IN THE CONTEXT OF INFLATION-RECESSION

Our Association has examined the fiscal 1976 budget. We do not believe that it is sufficiently stimulative to accomplish the most critical objectives at the present time—putting people back to work and restoring a healthy rate of growth in the economy.

We recognize that the budget contains a projected deficit of $52 billion. While a deficit of this magnitude is serious, it is almost totally a function of the present 8.2 percent rate of unemployment. Workers who are unemployed are not paying taxes (thus decreasing revenues) but are instead receiving unemployment insurance benefits (thereby increasing expenditures).

Our Association is more concerned with the far greater economic losses that result from a prolonged recession. High rates of unemployment mean successive budget deficits and lost output. This latter consequence means that the pie which we all must share will be smaller than it might otherwise have been.

Our Association would tolerate an even greater deficit this year, if it would mean a more rapid return to a full employment economy and deficits lower than those projected by the Administration for succeeding years.

While we favor highly stimulative monetary and fiscal policies to combat the current recession, we believe that a mechanism more appropriate than such policies must be perfected to deal with the type of inflation that results from excessive concentrations of market power in the hands of certain industries and unions. No economic program that attempts to deal with inflation while ignoring recession or with recession while ignoring inflation will succeed.

To us, some form of controls over noncompetitive markets is absolutely essential to permit a reasonably safe pursuit of stimulative monetary and fiscal policies designed to end the recession. Our Association believes that the Congress should delegate to the Council on Wage and Price Stability the authority: (1) to subpoena pertinent information in industries where market power is excessively concentrated (such as oil, gas, steel, automobiles, cement, aluminum, etc.); to delay, for a limited period, wage and price actions which threaten to undermine progress toward price stability and which are unjustified by market conditions; and (3) to reimpose controls on particular sectors of the economy (such as health care) if necessary to prevent unjustified increases in prices. A viable price and wage policy would be another important tool for stabilizing the economy.

IV. SPECIFIC BUDGET PROPOSALS: ARBITRARY CURTAILMENTS IN FEDERAL PROGRAMS AND IMPLICATIONS FOR THE POOR AND FIXED-INCOME AGED

1. General remarks

In order to facilitate the tax relief aspect of the budget, keep the projected deficit to a minimum and hopefully, restrain inflation, the Administration's fiscal 1976 budget contains a number of curtailments in expenditures for programs upon which the poor and fixed income aged are highly dependent. In view of the impact of inflation and the estimated impact of the Administration's energy program on these groups and the disproportionately small amount of tax relief that will be made available to them, these program curtailments, in the opinion of our Association, are extremely callous. Since the Administration's food stamp proposals has already been rejected by the Congress, we will not comment on this issue except to say that, in view of the extraordinary rates of increase in food prices and the impact these have had on our constituency, we cannot understand how this proposal could have been thought to be in the public interest.

2. The 5-percent limitation

With respect to the Administration's proposed 5 percent limitation on cost-of-living increases in social security and other primary retirement and welfare programs, our Association is adamantly opposed. Over the past three years, it has been the aged poor and fixed-income who have suffered the greatest loss of purchasing power as a result of inflation. They need their full cost-of-living increases.

We recognize that high rates of inflation trigger automatic benefit increases in social security and other programs, thereby increasing federal expenditures and the extent of the federal deficit. But the appropriate way to control program expenditures is not the imposition of an arbitrary ceiling, but the creation of appropriate machinery to restrain the exorbitant and unjustified price increases in non-competitive markets that have contributed (along with food shortages and artificial petroleum pricing practices in the world market) to recent inflation.

3. Medicare and medicaid cutbacks

The Administration's proposed curtailments in Medicare and Medicaid are a means of restraining further dramatic increases in federal spending under these programs as a result of high rates of health care inflation. What this response ignores is the increasing cost burden on the Medicare beneficiary that has resulted from this same inflationary trend. Medicare now covers less than 40 percent of the aged's annual health care bill.

The inflation-induced increases in expenditures under these programs on which the aged are so heavily dependent would best be remedied not by changes designed to limit federal expenditures but by remedies designed to restrain inflation in the health care market.

Our Association has urged both the Administration and the Congress to reimpose controls over this market similar to those which were in effect during the last phases of the economic stabilization program.

The 17 percent annual rate of inflation in health care that followed the expiration of controls last April was entirely unacceptable, especially in view of the fact that the controls that were in place prior to that time were designed to allow a complete pass-through of increased costs. While this 17 percent rate may have moderated in the last few months, our Association fully expects a return to the pre-1971 experience when inflation in health care annually exceeded inflation for the economy as a whole.

While our Association favors controls over health care charges, we also recognize a need to develop and implement fundamental reforms that would make such controls unnecessary in the future. We are convinced that current cost-reimbursement procedures used not only by Medicare but by private insurers as well, must be abandoned in favor of payment procedure reforms in medicare and in any program of national health insurance that may be enacted. Such reforms should require prospective approval of institutional providers' annual budgets and schedules of charges prepared according to standard accounting procedures. This prospective payment procedure for institutional providers should be complimented by negotiated fee schedule procedures for licensed professional practitioners. If, following the termination of controls, such reforms are found to be inadequate, then a more complete restructuring of the delivery of health care services may have to be considered.

The Administration's proposed curtailments in the Medicare and Medicaid programs are apparently predicated on the "over-utilization" theory of health care inflation. While we concede that an increase in the financial barriers to needed health care services will restrain demand, it will do nothing to remedy the structural and procedural imperfections which we believe to be the real causes of inflation in the health care market.

Hospitals and other institutional providers are neither competitive not profit-maximizing entities and have no incentive whatsoever to produce services of a given quality at a minimum cost. The only economic restraint on increases in their charges is the inability of the patient to pay. Although Medicare and private health insurance initially eliminated this crude restraint (and in the process, facilitated spiraling hospital charges), the aged are once again finding their access to needed health care blocked by the complete inability to pay. Health care inflation is about to leave aged in a position worse than the one that prevailed in 1965. Unless something is done very soon, the only ones to be found to have derived any lasting benefit from Medicare and Medicaid will be the hospitals, the physicians, and other providers and practitioners.

V. CONCLUSION

In conclusion, Congressman, I would like to state that the poor and fixed-income aged have suffered a great deal as a result of the inflation-recession experience of 1974. Moreover, the income maintenance system upon which they depend for a substantial portion of their income is seriously threatened by a continuation of this combination.

In the giant shell game that is the Administration's energy, tax relief and budgetary proposals, the poor and the fixed-income aged will be very big losers. Our Association therefore has urged the Congress to reject these proposals, to take the initiative in developing a comprehensive economic and energy program that treats all population groups fairly, and to enact that program even over the flurry of Executive Branch vetoes that must be anticipated. In these efforts, the Congress will have the aid and counsel of our Association and the more than 7 million persons it represents.

THE HOLOCAUST AND RESISTANCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ADDABBO. Mr. Speaker, April 8 is a day of remembrance for Jewish martyrdom and heroism. It is a sad reminder of 6 million people taken from life during a period of terrorism unparalleled in the history of society.

The importance of this observance of the Holocaust and Resistance Day by organizations, religious groups, and people of all faiths is the assurance that our children and future generations will never forget the evil which can dominate a government bent on power and control of territory. This is also an occasion when we remember those who fought the Nazi tyranny and led the free world to victory in World War II. As we refresh our memories about that period in history, we celebrate the 30th anniversary of the liberation of those in concentration camps and we place the spotlight on freedom and its precious value.

This is a most complex period in terms of our Nation's involvement in foreign lands and the formulation of new foreign policies. It is therefore particularly appropriate for us to recall the past and to observe this day of remembrance. Our position as leader of the free world depends on our continuing ability to understand the motives and dangers of those who worship power at home or abroad. No greater example can be studied than the tragic annihilation of 6 million Jews in World War II. That lesson must be learned and relearned to keep us vigilant against any repetition of that sick and cruel passage in history.

OBSERVATIONS ON THE WORLD FOOD SITUATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BROWN of California. Mr. Speaker, the World Food Conference in Rome, held last fall, was a disappointment to many observers. The U.S. role, which was crucial to its success, was less than admirable, but many other factors contributed to the failings of that conference.

One of these other factors was recently described in some detail by one of California's more farsighted elected officials, Assemblyman Charles Warren, who is chairman of the Committee on Energy and Diminishing Materials in the California State Assembly. In analyzing the Rome Food Conference, Assemblyman Warren pointed out that the planners of the conference failed to approach their task from the broader perspective which "recognizes that the food crisis is not an isolated phenomenon, but part of a larger complex of problems that together constitute the crisis of industrial society." Assemblyman Warren continued:

> To minimize and eventually eliminate famine, we must bring into equilibrium the world's need for food as determined by population, nutritional levels, and the earth's food-producing capacity, represented by land, water, fertilizers, and energy.

Another failing of the planners of the World Food Conference was their focus on the next 10 years at the exclusion of the needs of the next 30 years, or some longer period of time. This failing is not exclusive to international conferences. Our own Government fails to even look 10 years into the future, and begin assessing the future impacts of our current policies and actions, but we should be looking at the longer range impacts.

Mr. Speaker, I would like to insert the article by Assemblyman Charles Warren, which appeared in the March issue of the Sierra Club Bulletin, in the RECORD at this time for the review of my colleagues.

The article follows:

PARSON MALTHUS TOLLS THE BELL

(*"If the earth must lose that great portion of its pleasantness which it owes to things that the unlimited increase of wealth and population would extirpate from it, for the mere purpose of enabling it to support a larger, but not a happier or a better population, I sincerely hope, for the sake of posterity, that they will be content to be stationary, long before necessity compels them to it."*— John Stuart Mill.)

(By Charles Warren)

The United Nations World Food Conference in Rome is but another lost opportunity to prevent the extirpation from the earth of "that great portion of its pleasantness which it owes to things." One should rage at the twisted perspective of man's place on earth which permitted the conference to ignore the fact that the "posterity" for whose survival John Stuart Mill expressed such concern may well consist of those whom each of us today knows and loves. It is no longer permissible to defer consideration of the consummate gluttony with which we are devouring the finite resources of the earth. There is no longer time to tolerate the belief that future generations will accommodate our folly. Ours is the generation that must respond to its own folly.

We are at the beginning of an epoch marked by events unanticipated by most and characterized by all as "crises": food, energy, inflation, unemployment, environment, government credibility, among others. Almost without exception, each is viewed as a separate event with scant relationships to the other. Each crisis is parceled out to its particular bureaucracy, which responds with its conventional wisdom and solutions.

Thus the United Nations will continue to have world conferences to resolve this or that crisis, while individual nations attempt to adjust their own policies and programs to the particular crisis-impacts to which they are especially subject.

The confluence of these events is more than coincidental. It is a harbinger of a radical change in man's relationship with his earth. Simply put, such events are manifestations that exponential growth in the consumption of finite resources has reached a critical stage, and that conventional wisdom does not relieve, but aggravates the problem.

In order to deal with each crisis in a rational manner, it is necessary to understand the consequences of exponential growth in a finite-resource system. Environmentalists, particularly, must acknowledge such linkages. Some traditional conservationists appear to be as confused as those opting for business as usual, perhaps because they joined the environmental movement to ensure that their biases as well as personal options are preserved. Anti-environmental literature abounds with such examples as snob zoning and the wish to create at public expense outdoor experiences reserved for only those able to afford such diversions.

However, others within the environmental movement have a profound knowledge of ecological relationships and are pioneering a new knowledge, understanding, and political base. They perceive the range of inter-relationships, plan accordingly, and most importantly, forestall willy-nilly action by government or their fellow citizens. Too often, public policy is stampeded by public panic or institutionalized stupidity into single-purpose solutions that attack symptoms rather than causes, and ensure that a social Brownian movement ensues without necessary reflective action.

Reality requires a perspective of man and his earth lengthier than those that presently rule his institutions. For example, if we were to carry single-purpose planning to its ultimate conclusion, malnutrition might be eliminated within ten years: strip the forest, develop all maximum fertilizers from feed stocks, and build massive water projects. But at the end of ten years what would be the consequence?

If we single-mindedly determine to meet all needs and requirements, there is no shortage of oil, nor will there be for the next ten or 20 years. But to squander petroleum reserves leads to impoverishment far beyond the depletion of fossil fuels, and on a scale that touches not just those who plundered the till to perpetuate growth.

This innocence of wisdom is no better

illustrated than by the United Nations World Food Conference, the avowed purpose of which was to "agree on the measures necessary to provide all humanity with a quality diet at a cost which the poorest can afford." Pointedly, the objective was limited to a mere ten-year period. To accomplish this fantastically complicated objective, the Secretariat of the World Food Conference produced a four-point program:

(1) an urgency feature designed to immediately shift 20 million tons of grain to avert starvation in India, Bangladesh, Sri Lanka, and Sahelian Africa;

(2) a 10-million-ton grain reserve for local or regional shortages and restoration of the 1950–1960-era grain stocks of 60 to 70 million tons, enough to feed about 300 million persons for one year;

(3) an early warning system composed of data such as crop projections, yields, and weather on a yearly basis;

(4) a fund of $18–20 billion per year was proposed for agricultural development in the lesser-developed countries, with $5 billion being provided from external funding sources such as the World Bank on a per-annum basis.

The conference planners were voluble and myopic. They talked endlessly of shortages and little of solutions. They saw a food shortage based primarily upon: intervention in the world market by certain nations that had not previously participated; shortages in fertilizer and fuel created by petroleum-price inflation; and unusual weather—particularly floods and drought cycles in the Indian subcontinent and in Africa. The planners demonstrated nothing of that broader perspective which recognizes that the food crisis is not an isolated phenomenon, but part of a larger complex of problems that together constitute the crisis of industrial society.

The fallacy of modern industrial states is their commitment to growth at exponentially increasing rates in a world where resources are finite. The inevitable result is system collapse. The symptoms of pending collapse may go unrecognized until it is too late to prevent it. For example, within the next ten years, it is probable that over 250 million persons will die of starvation. They will die in Asia, Africa, and Latin America. In the United States, to the extent our production is available to the world market, prices of food products will rise disproportionately to other products and a larger percentage of our countrymen will be malnourished and hungry. The demand for food and increased inability of the earth's resources to accommodate demand is at the heart of the problem.

In 1850, world population was one billion; in 1920, two billion; in 1975, four billion; and today, our population is primed to double to eight billion in the next 32 years. The time it takes for the population to double is getting shorter and the amount being doubled is expanding.

To minimize and eventually eliminate famine, we must bring into equilibrium the world's need for food as determined by population, nutritional levels, and the earth's food-producing capacity, represented by land, water, fertilizers, and energy. Since the food-producing resources are limited, our efforts, incontestably, must directly address the cause of burgeoning demand—population. Instead, Micawberites in government perversely take comfort in optimistic estimates of man's ability to tinker with and adjust our resources.

A common claim is that there are vast acreages of land still uncultivated in the world. In truth, all of our best lands are already in production. The remaining land is marginal and will require immense and perhaps impossible capital investment. One estimate of developing new land is set at $2,000 per acre, and much is unsuitable for cultivation because it is in the tropics—where the lateric soils will not sustain continuous cropping—or in swampy areas with poor drainage, or in areas where soils are poor. Overall, probably 500 million additional acres have crop potential. This represents only a little more than ten percent of the land currently cultivated. As it happens, this additional land is situated in the United States, Canada, Argentina and Australia. The amounts available will be insufficient to provide the 40-percent increase in global food production necessary in the next ten years.

Another assumption is that we can make the desert bloom. In fact, it is becoming increasingly clear that water, not land, may be the crucial limiting factor of food production. Massive water-distribution projects for the developing countries are beyond fiscal or technical range because of the coordination and planning required. Many of the major rivers in the poorest nations form national boundaries—impoundments, diversions, and the control of which stir conflicts between neighboring countries.

The role and significance of fertilizer in the development of agriculture is a recent phenomenon. Fertilizer use has increased 400 percent in 20 years while crop yields have increased only 50 percent. This lopsided relationship is due to the diminishing returns stemming from each additional increment of fertilizer applied to a portion of land, and to the larger fraction of the available fertilizer being used in the richer nations, where rates of fertilizer application are already high. Fertilizer use will certainly increase, but to what extent is unknown.

Given the recent sharp price increases in fertilizer and the slim prospects for a price roll back, one should not be too optimistic about substantial gains in food production from the sharply increased use of fertilizers. When fertilizer is expensive, only the richer countries can afford it. The irony is that a ton of fertilizer in a non-developed country would yield ten tons of additional food, but in a developed country only three to five tons. The rising price will serve to put fertilizer out of reach of those who need it most.

Energy is another material central to the development of world food supplies. Much of the world's agriculture is labor-intensive, but even in these countries energy can have a crucial role in increasing output—diesel irrigation pumps, tractors, and farm-to-market trucks, for example. Energy price hikes quickly foreclose increases in production, since fuel energy purchases usually absorb a large fraction of a farmer's income in these countries. Thus, rising fuel costs will doubtless reduce production.

The industrial nations, on the other hand, have become strongly dependent on low-cost energy to support their food system. The impact of increased fuel costs will thus be widely and dramatically felt. The principal effect will be higher food prices with unknown but certain effects on production and processing.

Many of the potential techniques for increasing agricultural yields will require increased reliance on chemicals such as herbicides and insecticides. Worldwide use of such chemicals has tripled in the last 20 years, but increasing use is again complicated by the energy crisis as both are petrochemical products and thus are tied intimately to fossil-fuel shortages. A five-fold increase in global use of such petrochemicals is seen, but the predictions do not address the problem of availability or cost.

Finally, there are the vagaries of the weather to contend with. Meteorologist Paul Berghorrson has carefully pieced together a record of the earth's weather over the last thousand years. It shows that the past 50 years have been a period of unprecedented warmth and climatic stability. Though some meteorologists do not agree, Berghorrson and others conclude from this that we are about to enter a more typical period, when the temperatures will be cooler and the climatic pattern more variable. Evidence is also accumulating that suggests a cooling trend resulting from atmospheric pollution. When food is in short supply, even small weather changes can have devastating consequences.

With all these improbables, is it possible to expand production at the rate necessary to accommodate anticipated demand? World food production has been increasing at a linear rate for the past 15 years. To meet 1985-demand projections, production must increase at a rate substantially greater than the historical trend. Given the shortages and constraints imposed on agriculture, it seems difficult to continue the historic trend in production, much less achieve greater gains each year. If the constraints are as serious as some believe, the production trend may actually begin to lag behind the historic rate. In fact, there is strong evidence that a worldwide decline in per-capita food production began in 1970.

Until 1970, numerous countries produced more food than they could consume, so food was available for export. The United States had prime agricultural land in storage; food surpluses were sufficient to feed the world for four months; the fish catch was bountiful. The "Green Revolution," with the application of petrochemical fertilizer and pesticides, was increasing yields of wheat and rice.

Since 1970, all has changed. There are only four countries which produce food for export: the United States, Canada, Australia, and Argentina. Now, there is no agricultural land in storage. The fish catch is declining. The "Green Revolution" was quelled by the force of a four-fold increase in the price of fertilizer and pesticides essential to its success. Our world grain reserves have dwindled perilously. The need for larger herds of livestock for larger numbers of persons have resulted in overgrazing and destruction of the agricultural capacity in Sahelian Africa. The Sahara Desert is moving southward 25 miles each year.

Similar destruction of the ecosystem in Bangladesh has resulted in aggravating floods and the destruction of crops, particularly as a result of clearing more land at the base of the Himalayas. India, in its quest to industrialize and develop nuclear energy, ignored its agricultural problems and population growth, and today blithely sets aside areas where famine is officially eliminated by a fiat denying its existence. Russia, unable to satisfy growing consumer demands, particularly for meat, is forced to buy grain on the world market. China still imports more than it exports. All of this is symptomatic of a food-supply system being crushed by the pressure of inexorable demand. With these indicators, one would assume that world leaders gathered in Rome would respond with urgency and concern.

The U.S. position was set forth by Secretary Kissinger. It implicitly assumed that research and development could meet the goals of feeding twice as many people as now inhabit the earth. The U.S. position directly, albeit obscurely, recognized that population is the problem and declared that the United States is prepared to treat this with the same degree of seriousness as client nations. The United States' participation in terms of world food requirements and export involvement is that it will wait until clients states are prepared to help solve the problem. This policy was directly designed to bring to the attention of the Third World the necessity to link population and food policy within the normal constraints of full agricultural production. The United States will offset the petrodollars outflow by the politicization of food policy in terms of aiding our allies or others who will do our bidding and withholding from those nations which have no physical or political bargaining power.

The position of the Holy See set an objective of freedom from hunger for mankind and a redistribution of wealth between the rich and poor nations. However, the Church's longstanding position on population control was advanced in terms of governments' not having the right to dictate in any form population policies that would interfere with individual preferences. This opposition to even elementary population planning represents a gross disservice to mankind. For the choice before the world is clear: either decrease population growth rates to permit subsistence consumption levels of available resources, or condemn increasing numbers of people to malnutrition and starvation.

Representatives of the Third World countries found solace in the Vatican's philosophical justification for their refusal to consider population growth as an element of hunger and famine. They preferred instead to demand more food aid, particularly from the United States. In strident language they attacked any suggestion that they had a responsibility to maintain their population at a level consistent with their native agricultural capacity.

Curiously, it was China that emphasized the major alternative for underdeveloped and developing countries. The Chinese delegate contended that relying on international relief in the intermediate or the longer run was yielding to policies of "imperialism, colonialism, and big-power hegemonism." China argued that such aid in the past destroyed native agricultural independence. Paradoxically, the Chinese also implied that large populations were required to keep the world revolution in ferment as well as the drive for socialist structural independence. But they cannot have it both ways.

Perhaps one of the largest disappointments in terms of the World Food Conference was the news media's coverage of the world problem, which largely consisted of noting which delegate ate at which restaurant. Shuffling between the delegates and the media were certain representatives of nongovernmental organizations, whose generally reported thesis was that malnutrition and famine would disappear if the people of the developed countries would embrace vegetarianism. One particularly aging agronomist from France declared, "Meat eaters are cannibals feasting on the flesh of children of the poor."

The only attempt by any organization to require a more comprehensive view of the implications of food demand given exponential growth in global population and other resource limitations was made by the Sierra Club's representatives to the World Food Conference. The club's proposal included a 30-year demand forecast on food, together with an assessment of the world's agricultural lands now in, or suitable for, agricultural production. The assessment would be made by analyzing the productive capacity of the land, requirements for energy, capital, and irrigation. In addition, the proposal included a method of preserving world options by controlling the urbanization of farmlands now in or potentially able to be used for production, except in extraordinary cases of health, safety, and welfare.

A monitoring system as well as a passive early warning system was recommended for the earth's oceans to determine the extent to which toxic wastes and other pollutants were reducing the ability of the sea to provide food. The real hope, as expressed by the club's representative, John Zierold, was that since limitations to growth in a finite resource system were not intuitively accepted by those responsible for developing both national and world food policies, perhaps by induction they would infer from a data base of their own computation what they were resisting as gratuitious advice.

What needs to be done? Perhaps one of the most salient comments at the World Food Conference was actually made before it began. Economist Barbara Ward and a group of other experts convened a World Food Forum prior to the arrival of the delegates to the conference itself. They argued that only conservation can work in the short term, and that the long term requires both increased productivity and *population control.*

In addition, research that is basically and environmentally sound and nondestructive of the essential resource base and availability of capital must be focused in order to realize the world's potential agricultural productivity, particularly that of the developing nations. Surveillance must take place in all countries in order to provide both short- and long-term information on food requirements and crop potentials, as well as an assessment of the implications of future needs and the degree to which energy, water, land, and capital are available. And, finally, that in the developed countries production must not only be stimulated, but that some form of equalized distribution must occur in order to feed those already here.

The solution that must be adopted not merely for the sake of posterity, but for millions of people alive today, is to establish a balance between available resources and rates of consumption. In the short term, mankind must recognize its plight and begin to plan for the increasing shortages of foodstuffs and other raw materials that seems to be its unavoidable lot. But most importantly, it must recognize that the food shortage and other contemporary resource problems are but separate symptoms of a common malady—namely, exponential growth in a finite world. Population growth coupled with increasing per-capita consumption of resources conspire to inflict on people everywhere and on governments at all levels one crisis after another. Whether we have the understanding and will to respond is doubtful. If we do not, one must wonder, along with John Stuart Mill, to what condition "necessity" will compel us.

BEEF, DAIRY PRODUCTS, AND STRAWBERRIES

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MOORE. Mr. Speaker, it was my privilege this morning to testify before the International Trade Commission, formerly the U.S. Tariff Commission. It seems that under the Trade Act which was enacted last year, the President has proposed a long list of articles on which he intends to negotiate trade concessions with other countries. The Commission is holding hearings to determine the effects of such concessions on domestic industry.

Now free trade is all well and good, and I support efforts in that direction because they will lead to lower prices here at home and greater export markets for our goods and services. But none of this is going to do any good, not even for the consumer, if Americans are put out of work through business failures traceable to increased imports. That is why the Congress devoted a good part of the Trade Act to insuring that fair and equitable conditions of trade are negotiated and that American industry is protected.

If we are going to be able to feed future generations of Americans we must reverse the current trend of people leaving the farm for nonagricultural pursuits. We should take a lesson from the Arab oil embargo and not subject ourselves to foreign blackmail for the very food we eat. Unfortunately, the administration seems to have lost sight of the "fair and equitable" provisions of the act, and is going about trying to grant every possible concession regardless of the effect on domestic industry and employment.

I outlined to the Commission the current problems facing the beef and dairy industry due to increased imports and called for an "Agricultural Project Independence" for these and other vital commodities.

The situation in strawberries is equally severe. Cheap Mexican strawberries flood and market just as the Louisiana crop is being harvested, yet even more concessions are proposed. The answer here would be a short, seasonal embargo on imported strawberries during the domestic crop season. This will allow domestic growers to stay in business without burdening the consumer during the rest of the year.

My testimony follows:

TESTIMONY OF HON. W. HENSON MOORE

Madame Chairman and members of the Commission, I represent the Sixth Congressional District of Louisiana and serve on the House Agriculture Committee. I appreciate this opportunity to testify before you this morning regarding the impact of current and future international trade negotiations on domestic producers of three items listed by the President for the possible granting of concessions, namely beef, dairy products, and strawberries. With me at the table is Mr. Mike J. Duczer, a constituent of mine from Hammond, Louisiana, who serves as chairman of the Louisiana Farm Bureau Federation Market Produce Advisory Committee.

I share the admirable aims of the Trade Act of 1974 to generally reduce barriers to free international commerce and establish fair and equitable conditions of trade. The emphasis is on the words "fair and equitable." It must be a two-way street. Reduced tariffs and non-tariff barriers are merely means to accomplish this, and if such reductions do not lead to the desired end, fair and equitable trade conditions, they will not have served the intent of Congress.

In Title I, Chapter 1, of the Act, the President is required to determine if barriers set up by foreign countries are unduly burdening and restricting the foreign trade of the United States. Negotiators for the U.S. must have as their overall objective open and equitable market access for American exports. They are directed to attempt to obtain equivalent competitive opportunities within individual sectors of the market.

When this Commission determines under Title II, Chapter 1, of the Act, that imports cause or threaten to cause serious injury to an industry, the President is required to provide relief. This may take the form of quotas, higher duties, orderly marketing agreements, or adjustment assistance. The President may decide not to grant the required relief, but such action is subject to privileged veto action by the Congress.

Finally, Title III mandates procedures to protect domestic industries from unfair trade practices which give imports a competitive edge over American products and services. This includes authorization to retaliate against countries who unreasonably restrict importation of our exports. It also provides for anti-dumping and countervailing duties against foreign price discrimination practices and subsidies.

Madame Chairman, U.S. negotiators will not and cannot comply with the will of Congress if they go into talks with foreign governments with the idea that their major objective is to grant every possible concession permitted by the Trade Act regardless of the effect on domestic industry. Tragically, that seems to be exactly what they have in mind. Let's take a look at meat imports, for example, and see what our negotiators think is "fair and equitable". I'll largely confine my remarks to beef, with which I am most familiar.

Several factors have combined to make 1975, potentially one of the worst years in the history of the American cattle industry. Although consumption of beef is at its highest level ever, we have an oversupply of the domestic product and prices to the farmer are down drastically. Choice feeder cattle which brought 53 cents per pound went for only 27 cents in January of this year. Cows are down to 17 cents from 33 cents in 1973. The total value of the herd on January 1, 1975, was only $21 billion, compared to $41 billion a year earlier. These figures represent a nearly 50% cut in our farmers' income and assets. At the same time the beef grower is suffering from the same double-digit inflation that is affecting all of us, plus even higher costs for feed and fertilizer.

The U.S. cattle industry is particularly vulnerable to increased imports at this time. Not only are prices forced down even further, but the imported beef is mostly grass-fed and competes head-to-head with current efforts to reduce the size of the herd by marketing cows and calves.

To top it off, we are the only beef importing country in the world without controls at this moment. With other markets closed against them, therefore, foreign exporters are all the more likely to try to sell their product here.

What has our government done to help bring some rhyme and reason into this dangerous situation which threatens the continued availability of sufficient quantities of domestic beef? Darn little! The Congress, in its wisdom, passed the Meat Import Act in August 1964. This law requires that quotas be imposed on certain meats, mostly beef, when projected imports will exceed an historical percentage of domestic production. This is not a protectionist embargo, nor do I favor such action at this time—at least not if our government is determined to make the Meat Import Act work.

Unfortunately, the Executive Branch is headed in exactly the opposite direction. In 1972, quotas were suspended by Presidential Order, and our doors have been open to destructive competition ever since. This year it seems as if the Administration is playing a little game with our domestic cattle growers—a game which I do not find amusing in the least.

This year's quota, under the Meat Import Act, representing a reasonable market-sharing with other countries, is 1,074.3 million pounds of fresh, chilled and frozen beef, veal, mutton and goat. If import predictions rose above 1,181.7 million pounds, this was to trigger the imposition of quotas. Just such a prediction was made last December 31, but the Administration decided to bargain away as much as possible of the difference between the quota and trigger levels. Instead of instituting quotas immediately, as they should have done, the powers that be announced that they would negotiate so-called "voluntary restraints" with meat exporters and allow an additional 76 million pounds of imports, further depressing domestic prices. Just over a week ago, the Department of Agriculture updated its figures and revealed the State Department's true intentions. The new estimate is 1,180 million pounds. U.S. negotiators are giving away 98.4% of their bargaining position. Is this "fair and equitable"?

To add insult to injury, the Secretary of Agriculture, in announcing this sell-out, bragged that without negotiations the estimate of imports would have exceeded the trigger level for imposition of quotas. In other words, there has been a deliberate attempt to just barely comply with the letter of the law while completely ignoring its spirit. I have written to Secretary Butz protesting this state of affairs, but it appears that no help will be forthcoming from that quarter.

I therefore urge that your Commission make a finding under Section 201 of the Trade Act of 1974 that imports of beef are "a substantial cause of serious injury" to our domestic producers and recommend to the President that he impose import restrictions at or below the corresponding quota level under the Meat Import Act.

Mr. Chairman, as with beef imports, I fear that our negotiations with respect to milk and dairy products are also paying mere lip service to the law. In 1974, approximately 250 million pounds of imported dairy products entered the United States above quota levels when quota restrictions were relaxed to meet rising consumer pressure. These products came from countries where their production is subsidized, and thus their entry into our market provided unfair competition for our own dairy industry. After some negotiation, the European countries that were the primary exporters of dairy products to the U.S. halted the subsidization of their dairy industries. However, on February 6, 1975, the European Community re-established subsidies for the export of cheese to the United States.

Presently, the Treasury Department is considering the imposition of countervailing duties in this instance, as is their duty under section 331 of the Trade Act of 1974. These negotiations have been marred by acceptance of European Community compromises which would still permit some subsidized dairy products to enter the U.S. without the additional duties being collected. Since the domestic dairy industry is in a state of decline, I find this action to be highly unacceptable.

The dairy farmers and marketing cooperatives are all in agreement that the unwise relaxation of dairy import quotas in years past has directly attributed to the current financial distress of the domestic dairy industry. In my own Congressional District, over 150 dairies or 15% of the total number in existence went out of business last year. This depletion in dairy herds is continuing at an alarming rate. The House Agriculture Committee recognized this situation and reported out H.R. 4296, which I co-authored and which has passed the House and Senate, trying to give immediate emergency relief to dairy farmers. Holding dairy imports to quotas or below is very definitely a necessary part of these emergency measures. I have written a letter to the Secretary of Agriculture, Earl Butz, expressing these same comments and have also written to the Secretary of the Treasury, William Simon, requesting in the strongest terms the countervailing duties be collected.

All countries which produce dairy products for exportation to the U.S. maintain some form of restriction or levy duties on imported dairy products from the U.S. and other countries. There also exists in certain segments of the European Community variable levy plans which impose fees upon imported products. These same countries which impose import duties upon the U.S. are being allowed to market their products in this country without paying the additional fees. Since the European Community is not competing on an equal basis with our own dairy products, I urge the Commission to determine that, under section 301(c) (2), "such exports to the United States have the effect of substantially reducing sales of the competitive United States product or products in the United States; . . ." and report those findings to the President. The President has previously pledged to enforce duty action under section 301(a) (4) (A) and impose duties or import restrictions on the offending countries. I feel that the limiting of dairy imports to quota level or below and imposing countervailing tariffs is necessary to halt the demise of our own dairy industry.

Madame Chairman, I don't have to tell you that this country is in a recession. Those of us in Congress are trying to find every way possible to keep people at work in the private sector so that the government doesn't have to add to the inflation through higher spending for increased unemployment, welfare and make-work jobs. We're not going to win this battle if private enterprises go under due to competition from cheap imports. Agriculture is feeling the pinch as much, if not more than other industries, and it is up to us to insure that our domestic producers can compete on equitable terms, make a reasonable profit and stay in business. If we don't, these jobs are going to be lost, farms are going to be paved over for parking lots, and we are going to become dependent on foreign imports for the food we eat at whatever price producing nations feel like charging us.

Haven't we learned our lesson from the oil embargo? I submit that we cannot afford to put ourselves under threat of foreign blackmail by depending on imports for vital commodities we can produce ourselves. If we are going to have enough protein to support our population, beef and dairy products better be at the top of the list of items marked for an "Agricultural Project Independence".

Perhaps less known to the consuming public, but of great importance to the small family farmers who grow our domestic crop is the damaging impact of the importation of low-priced Mexican strawberries. Louisiana is one of the largest producers of domestic strawberries, and I'm proud to say that most of my state's contribution to this ambrosial and healthful fruit is grown in the fertile soil of Livingston and Tangipahoa Parishes in my Congressional District.

Many people are not aware of the productivity of this important cash crop. Researchers at Louisiana State University are working with our strawberry growers to develop better strains and more efficient production methods. Even now it is possible to net $20,000 for a crop on only 15 acres making this sweet fruit one of the best uses of small acreage. The survival of the strawberry industry is therefore of vital importance to the economy of these two parishes.

Despite all this wonderful efficiency, the situation is bleak. Louisiana strawberry acreage has declined from 8400 acres in 1964 to only 900 acres at present. The major cause of this decline has been the availability of large quantities of Mexican strawberries during our short marketing season. Right now it is possible for Louisiana housewives to buy imported strawberries, with shipping costs and duties included, for less than the home-grown product. Much of the price spread has occurred as a direct result of U.S. Government action to end the Bracero Program and restrict the use of agricultural chemicals. Cheap labor is available to Mexican growers, many of which are displaced Americans, and controls on chemical usage are questionable at best. Our berries are far superior in quality with far stiffer chemical usage controls.

Berries from Mexico begin to enter the United States some three to four weeks ahead of the start of the Louisiana harvest, clogging the pipeline and driving down prices so that on the average our growers cannot even cover their costs. Tariffs are a minimal ¾¢ per pound.

There are several actions which can be taken to alleviate this situation and reverse the downward trend in domestic production. We could impose equalizing tariffs, limit imports to a percentage of domestic consumption or place an embargo on imports during our domestic marketing season.

Of these, I favor a seasonal embargo, it provides the greatest benefits to domestic growers with the least effect on year-round retail prices. With respect to Louisiana, it would only be needed for two to three months out of the year. I am not recommending quotas all year long to protect frozen strawberries and pulp—merely the fresh crop, which is only marketed in March, April, and May.

If Americans are going to be able to enjoy sweet and flavorful home grown strawberries in the future, I respectfully urge the Commission to make a Section 201 finding under the Trade Act and recommend a seasonal embargo of Mexican strawberries as needed to prevent further injury to the Louisiana industry.

At this time, I should like to introduce Mr. Duczer, who is far more knowledgeable on the subject. I am sure that after his statement he will be more than happy to answer any questions you might have. Thank you, Madame Chairman.

Mr. Speaker, I think it would be helpful for my colleagues to have the benefit of Mr. Duczer's analysis of the strawberry situation as well, and I insert his testimony in the Record at this point:

Testimony of Mike Duczer, Chairman, Louisana Farm Bureau Federation Market Produce Advisory Committee

Madame Chairman and Members of the Commission: my name is Mike Duczer. I am chairman of the Louisiana Farm Bureau Federation Market Produce Advisory Committee. I also represent the Louisiana Strawberry Advertising and Development Commission. I am also a strawberry grower. I am appearing here today in behalf of the market produce growers in Louisiana. First of all I would like to emphasize that I do not seek to completely stop the entry of market produce into the United States from Mexico. However, I do feel that some type of control should be placed on the Mexican produce entering this country.

It seems that every year increasing amounts of produce are entering this country from Mexico. This is having a very drastic effect on the prices received by the growers in the United States. Some examples of this are cabbage, tomatoes, strawberries and cucumbers. This winter, for instance, when the cabbage grower in Louisiana began harvesting their crop, truck loads of cabbage from Mexico began coming into the New Orleans market. Prior to the Mexican cabbage coming in these growers were getting a fair price for their produce. When this imported cabbage came in the market the price began to fall rapidly. The end result was that a good deal of the cabbage crop in Louisiana was not harvested but was plowed under rather than be sold at a loss to the grower. It is just not profitable or reasonable for a grower to plant and cultivate a crop of cabbage only to receive prices such as $1.00 per 50 pound sack of U.S. No. 1 cabbage.

In Mexico, the strawberry harvest begins in late October or November, and lasts until April. In Louisiana, our harvest begins in February or March, depending on the severity of the winter, and lasts until early May. For the past several years at about the time our harvest begins, Mexican growers are reaching the peak of their season. These vast amounts of berries are used to flood our local markets and depress the price we receive for our berries. When our harvest begins we are faced with trying to compete with Mexican berries which are delivered at a price lower than we can produce them for. This has also been a contributing factor in the steady decline in the acreage of strawberries grown in Louisiana. Other factors are the high cost of all inputs, labor, plastic mulch, fertilizer, chemicals, containers etc.

This year for a few days we had the opportunity to witness what can happen when we are not facing the competition of Mexican strawberries. Our harvest began this year in early February. At that time the net price received by Louisiana growers was in the neighborhood of $4.00 per 12 pint flat. One of the largest supermarket chains in Louisiana, Winn-Dixie, was advertising Mexican, "Harvest Fresh," strawberries at 3 pints for $1.00. This translates to a retail price of $4.00 per 12 pint flat. I would emphasize, Retail Price, and not the price received by the grower. Four dollars hardly covers the immediate expenses of labor and containers, for American Growers.

About March 15, of this year strawberries entering this country from Mexico were found to contain some type of contaminant. The result was that an embargo was placed on the Mexican berries. This was only for a few days but, overnight, the price received by Louisiana growers began increasing. For a short time we were receiving a fair price for our produce. If this embargo had not been placed on Mexican berries it is very doubtful as to whether we would have enjoyed these prices.

This problem, as I previously stated, affects practically all phases of market produce. Statistically, there is not too much to offer. Recent data is unavailable to me, but I can cite some examples based on data taken in the mid 60's. Some examples are:

Imports of fresh strawberries from Mexico increased from 387,000 pounds in 1960, to around 25 million pounds in 1967. Over 27% of the strawberries eaten in the United States were imported.

Fresh Tomato imports jumped from 245 million pounds in 1963–64 to nearly 400 million pounds in 1966–67.

Cucumber imports went from 18 million pounds in 1964 to 58 million pounds in 1967.

As I said before, I realize these are not recent figures but use them mainly to illustrate how these imports are increasing. The latest information I have seen indicates that approximately 60% of the produce, fresh and processed, consumed in the United States is being imported from Mexico.

If the American produce farmer is put out of business by cheap foreign imports will produce follow in the foot steps of oil? Will Mexico be as eager to sell this produce to the United States as cheaply as it now does if they have the market to themselves? Madam chairman, I very seriously doubt it.

The main cause of the sudden increase in Mexican production and export are the large shifts in American growers and capital into Mexico following the cut-off of bracero and off shore labor. When the bracero returned home, the Americans took their capital, experience, marketing know-how and went into successful farming below the border. For various reasons, many obvious and many personal, we cannot all move to Mexico. I for one have no desire to move out of this country. I am proud to be an American. I am also proud to be a farmer, and ask only that I be allowed to make a reasonable living for myself and my family without having to fight unfair competition.

The question that we are not as efficient as our counterparts in Mexico is just not reasonable. Here, the cost of our inputs is quite high. Vast amounts of and labor in relatively large numbers are required for the production of many of our crops. This labor has become very costly and is also very scarce. It seems that a large percentage of the local labor is being encouraged not to work by the many social hand-out programs of our Federal government. I understand that in Mexico labor is available for $1.75 to $2.00 per day. We, on the other hand, are required by law to pay this much or more per hour. However, given an equal footing we can compete, with a much better quality product, with these imported products.

As I previously stated one effect of this influx of produce from Mexico has been to force a great many American produce growers out of the market. For example, some twenty years ago between 15 and 20,000 acres of strawberries were grown in the Florida parishes of Louisiana, this year the acreage grown is less than a thousand.

I realize that more and more every one is becoming consumer conscious. Lets face it gentlemen, we too are consumers. We too, have families to feed and clothe. Our families want the same things that other families want. I have to pay the same price for these goods as any one else. The old cliche still applies, "The farmer buys at retail, sells at wholesale and pays the freight both ways."

We are plagued with inflation just as other consumers. Plastic mulch has gone up 200%, fertilizer has gone up 300%, Tractors when you can find one, have increased 150%. These are just a few examples.

In conclusion, I would like to strongly urge that some type of limitation be placed on the importation of produce from Mexico. We do not feel that our markets should continue to be the dumping grounds for foreign products which are sold in the United States at a price below the cost of our production. These controls could be in the form of a quota or tariff. It could also be in the form of the banning of shipment of produce into an area when that same produce is being harvested.

I would again like to emphasize that we do not seek to eliminate Mexico from the market. But, we do strongly feel that this competition be made equitable for the American farmer.

I would like to take this opportunity to thank this commission for the opportunity to present my feelings in behalf of the Market Produce growers of Louisiana. If there are any questions I would be more than happy to answer them.

Madam Chairman and gentlemen, I thank you.

THIRTIETH ANNIVERSARY OF SOVIET OCCUPATION OF HUNGARY

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. NOWAK. Mr. Speaker, April 4, 1975, marked the 30th anniversary of the onset of the Soviet military occupation of Hungary.

The reason for the presence of Soviet troops in 1945 was Hungary's strategic location for maintaining lines of communication with the Soviet Army occupying Austria. When the Soviets withdrew from Austria in July 1955, the ostensible purpose for stationing Soviet troops in Hungary was removed.

With the signing of the Warsaw Pact on May 4, 1955, the U.S.S.R. simply avoided the question of withdrawing armed forces from Hungary.

The Soviet suppression of the Hungarian revolution in November of 1956 dealt a crushing blow to the hopes of a people whose main desire was to return their nation to the sovereignty it had maintained for more than a thousand years. The United Nations immediately passed a resolution stating that, rather than affording a smaller nation protection, the Soviet Union was actually "depriving Hungary of its liberty and independence and the Hungarian people of the exercise of their fundamental rights."

Seeking to legitimize its military presence in Hungary, the Soviet Government signed an agreement with the authorities then in power regulating the temporary stationing of Soviet troops in Hungary. These authorities were not recognized by the United Nations as legal representatives of the Hungarian people. In fact, the U.N. did not accept the credentials of the Hungarian Government's representatives until 1962.

The United States still holds in trust the Holy Crown of St. Stephen, the foremost symbol of the inherent right of the Hungarian people to rule themselves without foreign intervention. I have joined with several of my distinguished colleagues in cosponsoring a resolution which would keep the Holy Crown in the possession of the U.S. Government "until Hungary once again functions as a constitutional government established by the Hungarian people through free choice."

In an attempt to achieve détente, the United States should not abandon the principles of freedom and democracy which have made it a great nation, and should mark with sadness and reflection the 30th anniversary of Hungary's military occupation by the Army of the Soviet Union.

FARM BILL WOULD UNDERWRITE SOYBEAN PRODUCTION IN BRAZIL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FINDLEY. Mr. Speaker, soybeans are America's miracle crop for many reasons, but largely because their production has been free of most of the Federal red tape which complicates the production of other commodities.

But the era of the golden soybean could come to an abrupt end with the passage of the emergency farm bill. In one swift blow, the bill will ensnare soybeans in the bureaucratic web and encourage competitive production in other nations.

The March issue of "World Agricultural Production and Trade" published by USDA's Foreign Agricultural Service reports that Brazil is planning to develop about 50 million acres of land. If planted to soybeans, this land would double Brazil's annual soybean output by about 20 million tons per year by 1980.

Passage of the farm bill will establish a price umbrella effective worldwide of almost $4 per bushel. The U.S. price support will give foreign producers a massive credit guarantee.

A high world soybean price, established by U.S. price supports will, in effect, underwrite Brazilian soybean expansion.

Is this the kind of "emergency" farm bill we need? Do we really want to encourage production in Brazil, already our biggest competitor for soybean export markets?

For the good of the American soybean farmer—and the U.S. balance of payments, the bill should be vetoed.

The pending farm bill is also bad for dairy farmers for several reasons.

First, it would cause a decline of some 1 billion pounds in the consumption of dairy products, according to USDA. This consumption loss would occur because of consumer resistance to higher market prices for dairy products.

Second, it replaces the "adequate supply" concept in the dairy price support with an arbitrary level of either 80 percent or 85 percent—or something somewhere in between—of parity. For years the standard in the law was for the Secretary of Agriculture to try to get an "adequate supply" of milk for the Nation. Now, the test will be simply how high can the milk lobby get Congress and the administration to set the support price.

Third, it will lose customers for dairy products forever. Once people quit using these products or shift to substitutes because of unneeded high prices, it is very hard to get them to shift back again.

Finally, the dairy industry outlook is brightening without further Government tinkering. In this regard I include an article from the March 31, 1975, Wall Street Journal, setting forth some basic and encouraging economic facts about the dairy industry:

[From the Wall Street Journal, Mar. 31, 1975]

Dairy Industry's Outlook Is Brightened by Feed Costs, Productivity, U.S. Help

(By George Getschow)

Chicago.—Harlan Gries, a 33-year-old farmer near Manitowoc, Wis., is doing this year what many older dairymen in the area would consider a bit foolhardy: growing animal feed in place of the corn and soybeans that he normally cultivates for cash. Even more surprising, he's increasing his dairy herd about 30%.

"I know the general feeling among farmers here is that dairying isn't going to get a whole lot better and could get a whole lot worse," Mr. Gries says. "But I don't agree. I think things are just beginning to turn around and I want to be in a position to take advantage of it."

Although the pessimists still outnumber the optimists, a growing number of the nation's 300,000-dairy farmers are turning surprisingly optimistic about the outlook for the industry. That's largely because of recent declines in feed costs, improvement in per-cow output and a 10% increase in January in government price supports for milk, which raises prices dairy farmers receive. (Another increase in price supports for butter and cheese will go into effect tomorrow.)

Indeed, some dairymen who had their minds set on leaving the business because of falling profits and heavy losses are reconsidering.

RELIEF FOR CONSUMERS

In view of the forecasts of just last fall, when most dairymen were predicting dwindling supplies and rapidly rising prices through 1976, this is good news for the consumer. It probably won't bring any reduction in dairy-product prices because of higher labor, material and packaging costs and increased price supports already in effect. But many dairy experts maintain that the greater supplies will prevent the much sharper price increases that were feared just a few months ago.

Year-ago predictions of milk shortages that envisioned mothers standing in line for milk and other dairy products also have vanished. Although milk production for all 1974 was about even with that of 1973, it picked up appreciably during the second half of the year. In September, for example, production rose 3%, the largest monthly increase in a decade. Production in October through December also increased slightly from a year earlier. Many dairy experts say the trend will continue at least through the rest of this year.

At the same time, however, total consumption of milk, including that used to make cheese and other products, dropped, apparently because declining beef prices are resulting in less use of cheese as a meat substitute. After increasing for two years, per-capita milk consumption declined 2% to an estimated 543 pounds from 554 pounds in 1973. This was the sharpest drop since 1967.

Dairymen were encouraged to increase production—or in some cases, to produce, period—after feed prices, which account for about half of a dairyman's costs, started falling during the second half of the year. For example, soybean meal, which was selling for about $150 a ton a year ago, currently sells for about $115.

MILK-FEED PRICE RATIO

The milk-feed price ratio, which is the number of pounds of feed equal in value to a pound of whole milk, has risen commensurately. After having reached its lowest level since 1955 of 1.11 last August, the ratio climbed to 1.20 in December, 1.25 in January and 1.38 in February. Many dairy experts expect the ratio to rise gradually throughout the year. They add, however, that this will depend on a continued decline of prices for soybeans, corn and other feed-stuffs.

The improved milk-feed price ratio induced dairymen to increase their grain feeding rates, which, in turn, boosted per-cow output 1½% to 10,286 pounds last year. Although this was below the average annual gain of 2½% to 3% during the last decade, it marked a dramatic turnaround from the 0.3% decline a year earlier. That decline occurred because high-protein feed costs climbed to prohibitive levels, and farmers fed their animals less-nutritious feeds.

All farmers aren't convinced that dairying prospects are all that glowing, however. Lyle Viney, a Evansville, Wis., dairy farmer and a director of Associated Milk Producers Inc., the country's largest dairy cooperative, says the only reasons that more dairymen aren't leaving the business are the low prices they'd get for selling their herds and the lack of off-farm employment opportunities.

"We're still in a real dire situation," he says. If he were to sell his dairy herd, he says, he would sustain sizable losses because milk cows are currently selling for $200 less than they were a year ago. "Cow prices are so low that they preclude everything but desperation sales," says Patrick B. Healv, secretary of the National Milk Producers Federation.

MOUNTING DAIRY STOCKS

Consequently, cow numbers increased slightly during 1974's last half, the first such gain since 1953. Just last fall, farmers were culling their herds at a 3% rate, the highest level since 1970.

With dairymen moving into their heaviest production period and with demand for fluid milk down from a year ago, much more milk is being used to make cheese and other manufactured products. In recent months, the government has bought huge amounts of these products to meet the increased price-support levels established on Jan. 4.

In February, for example, the government bought 12 million pounds of cheese, compared with 2.3 million pounds a year earlier, and monthly government purchases have risen steeply ever since. If this trend continues, "we'll easily accumulate the largest stock of dairy products ever in this country," says Rod Leonard, executive director of the Community Nutrition Institute, a Washington, D.C.-based consumer group.

During this period of "clear overproduction," Mr. Leonard thinks that a proposal before a House-Senate conference committee to increase milk-price supports another 60 cents a hundred pounds is a bit unreasonable. The Agriculture Department says it would add eight cents to the retail price of a gallon of milk and 20 cents to the price of a pound of butter. "I don't think consumers would stand for that," Mr. Leonard says.

REPRESENTATIVE KEMP INTRODUCES LEGISLATION TO PERMIT STATE LAWS ON CONTROL OF VESSEL POLLUTION WHICH ARE MORE STRINGENT THAN FEDERAL STANDARDS TO REMAIN IN EFFECT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. KEMP. Mr. Speaker, I have today introduced a bill to permit States to keep in effect their standards on control of pollution from marine vessels, when those State standards are more stringent than those adopted by the Federal Government.

Since the inception of Federal participation in water pollution control in 1948, meaningful State involvement in water pollution control planning and implementation has been a hallmark principle. That principle was, in the main, reiterated in the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, the basis for most of the present Federal program.

There are States—New York among them—which have maintained water quality standards of greater stringency than those required under Federal law and regulations.

Unfortunately, a provision of the amendments of 1972 preempted State standards in an area of crucial importance to the maintenance of water quality. I refer to section 312(f) of the basic act, a section which provides for Federal preemption of States' vessel waste laws—laws governing discharges of wastes from water-borne craft—ships, barges, boats, et cetera.

The effect of this Federal preemption apparently was not fully seen at the time of its enactment.

Most Congressmen had assumed that the Federal standards would be at least as strict as the standards in those States regarded as leaders in water pollution control. Because no one suspected at the time section 312(f) was enacted that the draft regulations—which were issued by the U.S. Coast Guard on January 30, 1975, to take effect one year from that date, January 30, 1976—would be based on what some have called the common denominator of minimal stringency, the principle of uniformity of regulation won out over the principle of assured State participation.

The fact is that the proposed rule and regulations promulgated on January 30 are not sufficiently tough to assure a quick and thorough clean up of our coastal areas. They will not take full effect until next year—January 30, 1976—but in the meantime we must work to grant to the States a right to continue their respective State programs on vessel waste management after that effective date when those programs are more strict than the Federal standards being proposed and to, second, obtain amendments in those proposed Federal standards to tighten them.

The issue here is of profound importance to cleaning up the Great Lakes. Of the eight States bordering on the Great Lakes—New York, Pennsylvania, Ohio, Michigan, Illinois, Indiana, Wisconsin, and Minnesota—three already have standards tougher than the proposed Federal regulations. I speak of New York, Michigan, and Ohio.

Pollution from discharges of wastes in the Great Lakes is a contributing factor of large consequence. Both intralakes and interstate and international commerce traveling the lakes and St. Lawrence Seaway to the Atlantic depends on ships and barges which discharge wastes into the lakes.

If the United States is to honor its commitment to the people of the United States to reduce pollution along our shorelines—the Great Lakes, the Atlantic and Pacific coasts, and the Gulf of Mexico—then the State laws and regulations which are more stringent than Federal laws and regulations ought to be allowed to stand.

Furthermore, if the United States is to maintain the target dates to clean up the Great Lakes—agreed to by formal agreement with Canada in 1972—then those State laws and regulations, when more strict, ought to be allowed to remain in effect.

This is a problem of much broader application than the Great Lakes too. It is hard to imagine a State which does not have within its borders water-borne vessels discharging wastes and covered by the proposed Federal standards.

It cannot be said that allowing the more stringent State standards to remain in effect will put undue pressures on the ship and boat building industries or their operators, for these more stringent standards already apply to all vessels using waters in and bordering those States. Vessels using those waters are already equipped with devices to assure compliance with the stringent State standards. What I am here proposing is that those requirements be maintained in the future, that we not take a step backward in this effort to clean our waters.

The Conference of Great Lakes Congressmen—comprised of the Members of Congress from the eight States bordering Great Lakes—is very much aware of this problem. We are undertaking a plan designed to make the Federal regulations tougher.

But, more needs to be done. We need to assure continued State participation in this subject of vessel waste. We need to do that through the enactment of the bill which I introduced today, H.R. 5748.

That bill is, in part, a response to the commendable efforts being made by the Interstate Legislative Committee on Lake Erie, an association of State legislators from the States of New York, Pennsylvania, Ohio, and Michigan, and the Province of Ontario.

The chairman of that committee, the able State Assemblyman Ronald H. Tills of Hamburg, New York, offered a resolution at the committee's most recent meeting in Albany, that resolution opposed Federal preemption of State's powers and authorities in pollution control and urged amending legislation be introduced and adopted to permit the States to establish and enforce more stringent marine sanitation device requirements. I commend he and his committee for their leaderships in this vital effort.

A copy of that resolution, approved on March 14, follows:

RESOLUTION OF THE INTERSTATE LEGISLATIVE COMMITTEE ON LAKE ERIE

Whereas, the Interstate Legislative Committee on Lake Erie, organized in 1969 by legislators from the States of New York, Pennsylvania, Michigan and Ohio has pledged itself to purifying the Lake's environment in order to promote public health, commercial fishing and recreational pursuits; and

Whereas, the United States Water Quality Act provided for pre-emption of the States' vessel waste laws; and

Whereas, the Federal Water Pollution Control Act provided for pre-emption by the Federal Government of the vessel waste laws when the Coast Guard established rules and regulations; and

Whereas, on January 30, 1975 the Coast Guard promulgated rules and regulations which go into effect on January 30, 1976; and

Whereas, the States of Michigan, Ohio and New York have stricter laws than those which are promulgated by the Federal Government and which are presently compatible with those of the Province of Ontario; and

Whereas, the 1972 Great Lake Water Quality Agreement provides that compatible vessel waste regulations be established; and Therefore, be it

Resolved, the Interstate Legislative Committee on Lake Erie expresses its strong opposition to the Federal Government of the United States for pre-empting the State laws where they are stricter than those of the Federal Government and forcing an incompatibility among the States and between the States and the Province of Ontario contrary to the 1972 Water Quality Agreement; and be it further

Resolved, the Interstate Legislative Committee on Lake Erie urges the Congress of the United States immediately to amend the Federal Pollution Control Act to permit the states to enact more stringent marine sanitation device requirements than those of the Federal Government; and be it further

Resolved, this be directed to the Congress of the United States and that copies of this resolution be forwarded to all Governors of the Great Lakes states, all United States Senators and Members of the House of Representatives of the member states and all state representatives and senators from the Great Lakes' states.

In response to that resolution, the encouraging State legislative action which underlay its adoption, and the support of the environmentalists and conservationists of our country, I have today introduced H.R. 5748. A copy of that bill—which is short in length, but long in importance—follows:

H.R. 5748

A bill to amend section 312 of the Federal Water Pollution Control Act relating to Marine sanitation devices

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (f) of section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322) is amended to read as follows:

"(1) Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation devices on any vessel subject to the provisions of this section, except that if any standard or regulation promulgated under this section is in effect, such State or political subdivision may not adopt or enforce any statute or regulation which is less stringent than the standard or regulation in effect under this section."

Mr. Speaker, I welcome the support of my colleagues in cosponsorship of this measure. I urge the Committee on Public Works and Transportation to which it was referred to consider it as soon as possible.

JOBS AND CRIME

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the New York Times of Friday, April 4, contained an excellent article by Tom Wicker concerning the correlation between unemployment and the rising crime rate.

Recently released FBI crime statistics indicate that the incidence of crime increased 17 percent in 1974, compared to only 6 percent in 1973. Violent crimes doubled from 5 to 11 percent, and property crimes tripled, from 6 to 17 percent.

As the Wicker article points out, these crime increases were most dramatic in the last 3 months of 1974—which coincides with an increasing number of job layoffs and business failures that occurred during the same period. Additional credence to the theory linking unemployment and crime is given by statistics revealing that those cities that suffered the greatest increase in the number of unemployed also suffered the greatest increase in the number of crimes.

In a speech that accompanied the introduction of my emergency jobs bill in the 93d Congress, I referred to unemployment as the "crucible of social unrest." At that time, I was very concerned about the societal implications of widespread unemployment—implications that would reach out and affect even those who retained their jobs. Crime is an inevitable byproduct of social and economic frustration—frustration that becomes desperate and hostile in its ventilation.

I share Attorney General Levi's assessment that crime will continue to increase until we manage to get unemployment under control. Additionally, I believe this Congress must address with greater vigor and imagination the problems of the hardcore unemployed—those who lack the education, training, and skills necessary to get a good job even when times are relatively good.

Mr. Wicker has also pointed out another serious problem related to the Nation's unemployment situation—that of the difficulty of the former convict in obtaining employment. Any increase in recidivism noted during high unemployment periods must be analyzed from the economic as well as the sociological point of view. A depressed employment environment shuts the door of opportunity in the face of those who have been released from prison and who are seeking to make a new life for themselves. Is this society prepared to cope with the implications of this situation?

Is the cost of rising crime being included in economic statistics that attempt to quantify the cost of unemployment to this Nation? If not, it surely should be. I am sure it would be a shockingly high figure and one that would probably make the costs of an effective jobs program seem small in comparison.

Mr. Speaker, I believe my colleagues would benefit from the thoughtful article on jobs and crime at this point in my remarks:

[From the New York Times, Apr. 4, 1975]

JOBS AND CRIME

(By Tom Wicker)

LOS ANGELES.—Crime was sharply up in 1974, according to Federal Bureau of Investigation statistics, and Attorney General Edward Levi thinks that bears out his prediction that rising unemployment would cause more crime. With unemployment generally above 8 per cent and as high as 41 per cent for black teen-agers, there is little reason to doubt Mr. Levi's analysis.

As reported by The Los Angeles Times, the F.B.I. statistics show the incidence of crime to have risen by 17 per cent in 1974, compared to only 6 per cent in 1973. Violent crimes—murder, rape, robbery and assault—more than doubled to 11 from 5 per cent; property crimes tripled, from 6 to 17 per cent in 1974. Crime statistics are not entirely reliable, for many reasons, but these F.B.I. figures seem to reflect a definite upward trend.

That these increases at least to some extent are the product of rising unemployment can hardly be doubted. For one thing the crime increases were sharpest in the last three months of 1974, when the economic recession was gathering speed and producing large-scale layoffs and business failures.

For another, cities where unemployment was at its worst suffered the biggest increases in the incidence of crime. As the number of unemployed persons nearly doubled from 7.9 to 14.9 per cent in Detroit, for example, the crime rate there rose by 17.9 per cent. But in Houston, where the rise in joblessness was only from 3.7 to 4.6 per cent, crime increased by only 10 per cent.

These figures were entirely predictable. As Mr. Levi suggested in his confirmation hearings, when jobs are not available, when layoffs are widespread and when the first-fired are likely to be those least skilled and least educated, hence least able to get and keep whatever work may be available—particularly when prices also are rising—an increase in crime is almost bound to result, as the jobless seek some way to maintain themselves, or their families, or their drug habits, or their installment payments, or their loan shark, or all of these.

The direct translation of unemployment into crime may be seen increased, in the current situation, by the well-known phenomenon of disappointed expectations.

Hundreds of thousands of blacks, Spanish-speaking people, and other minorities, in the wake of the city riots of the 1960's, gained employment from concerned businesses, government projects and affirmative-action programs. New vistas seemed to open through economic opportunity. Now recession has clouded those vistas; and the old story of "last hired, first fired" is once again a bitter reality. How much crime is a direct result of such dashed hopes and frustrated ambitions would be hard to measure; it may well be much.

High unemployment, moreover, is likely to result—as the F.B.I. figures suggest—in precisely the most-feared forms of crime. Since layoffs disproportionately affect the poor, the unskilled and the disadvantaged, they stimulate muggings, robbery and assault, which are predominantly crimes of the poor, often against other poor people. And one high-risk class of potential offenders—ex-convicts—are particularly affected by hard economic times. It is difficult enough for ex-cons to find work during periods of prosperity, and all but impossible in a recession—which is one good reason why recidivism rates are estimated as high as 70 per cent.

Mr. Levi drew from the higher crime figures the conclusion that a greater emphasis was needed on "deterrence." This is no doubt true, since—as he pointed out—about a third of violent crimes go unreported, much less punished, and only a small percentage of those arrested for felonies can be convicted. But "deterrence" is nevertheless a limited prescription for what ails us.

That is, the more desperate economically a potential offender may be, the harder he will be to deter from committing an offense. Thus, as economic deprivation heightens desperation, as seems clearly to be the case at present, the less effect deterrence may have.

Deterrence of crime, moreover, in the opinion of most who have studied the matter, is more nearly a question of the certainty of punishment than of the severity of punishment. So if economic hardship increases the number of crimes likely to be committed, it correspondingly decreases the likelihood of punishment for any one of them. Hence, the deterrent effect of the criminal justice system may be even less than it would be in times of prosperity.

Mr. Levi's concern is properly the criminal justice system. The rest of us, rightly fearful of crime as we are, might also ponder the implications of the apparent link between rising unemployment and rising crime. Maybe full employment and reduced economic disparities would do more to make the streets safe than any number of policemen.

TRIBUTE TO DR. NARDO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to your attention the accomplishments of one of my constituents, Dr. Joseph T. Nardo, retiring director of county health, Santa Barbara County, Calif. During his 29 years of public service, the Santa Barbara County Health Department has been recognized as one of the outstanding health departments in the Nation by the U.S. Public Health Agency. Dr. Nardo's leadership and professional ability have provided the foresight essential to meeting the vital needs of his community.

After graduating from New York University, Dr. Nardo began a career with the Santa Barbara County Health Dept. in 1946. During his administration, the county has maintained a very low rate in the incidence of communicable diseases with particular emphasis on tuberculosis, poliomyelitis, and diphtheria. For the past 15 years Santa Barbara County has maintained one of the lowest infant mortality rates in the Nation.

Among Dr. Nardo's many other achievements, he has been instrumental in obtaining State and Federal Grants amounting to $1½ million for construction of county health centers in Santa Barbara and Santa Maria. He initiated the first voluntary public agency to provide combined family planning services with OEO in 1965. Dr. Nardo was also responsible for the county health department to be the first county department to hire Spanish-speaking aides in 1963. Since 1963 his office has maintained a field placement center for graduate students in health education from the University of California and several countries abroad. Dr. Nardo has actively participated in rendering diagnostic and treatment services to thousands of handicapped children of needy families since inception of the State Crippled Children's Services in 1956.

In view of Dr. Nardo's outstanding achievements in the field of public health, it is only appropriate to take this opportunity to pay tribute to him and the great legacy he leaves to the county he so ably served.

ARIZONA CIVIC LEADER HONORED

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. STEIGER of Arizona. Mr. Speaker, Mr. Harry Rosenzweig of Phoenix, Ariz., chairman of the Arizona Republican State Committee, long has served his community in a multitude of civic, cultural, business, and political endeavors.

His most recent honor came on April 3, when the Boys Club of Phoenix honored him as the "Man of the Year." The event was reported in an article in the Arizona Republic which follows:

ROSENZWEIG HONORED BY BOYS CLUBS

Boys Clubs of Phoenix honored businessman Harry Rosenzweig as Man of the Year during a $125-a-couple fund-raising banquet at the Towne House Thursday night.

Rosenzweig, and Carl Hayden, High School honor student Emmett Boyd, 16, also received the J. Edgar Hoover Award from the Federal Bureau of Investigation in cooperation with Boys Clubs.

A past president of Boys Clubs of Phoenix, Rosenzweig was recognized for his civic activities and his work with boys. Boyd, a Boys Clubs member, was praised by the FBI for "caring for others." The high school junior is the son of Mr. and Mrs. Clark Boyd of 1504 W. Sherman.

Rosenzweig, chairman of the Arizona Republican State Committee, received telegrams of praise from President Ford, Vice President Nelson Rockefeller and the Republican members of the Arizona congressional delegation.

A spokesman said nearly 2,000 tickets to the banquet were sold and that the money will help build a sixth Boys Club of Phoenix unit proposed for the Maryvale area.

Dan L. Finch, president of the clubs' board of directors, said the proposed building will cost an estimated $600,000. He said the clubs have a $300,000 fund earmarked for the project.

Boys Clubs of Phoenix operates four buildings in Phoenix and one in Peoria. Finch said 5,000 boys have memberships in the facilities.

H.R. 46—YOUTH CAMP SAFETY ACT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MOAKLEY. Mr. Speaker, as the summer vacation season approaches, millions of American youngsters prepare to go off to camp. For most young people, the camp experience has proved enjoyable and rewarding. For others, the summer camp season has ended in tragedy—because of the serious lack of national youth camp safety standards.

The need for Federal youth camp safety provisions is long overdue. The Congress is now in a position to correct this grievous situation by favorably acting on H.R. 46, the Youth Camp Safety Act introduced by Mr. DOMINICK V. DANIELS of New Jersey. This measure is identified as H.R. 2427 which I cosponsored.

H.R. 46 would create Federal regulations for youth camp safety, and would provide Federal assistance for State enforcement of these standards.

I have recently received a letter from Mr. Glenn E. Watts, president of the Communications Workers of America which cogently and persuasively details the need to adopt H.R. 46. I would like to share Mr. Watts' letter with the Members of this Chamber, and urge prompt and favorable House action on this legislation:

COMMUNICATIONS WORKERS OF AMERICA,
Washington, D.C.

Hon. JOE MOAKLEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MOAKLEY: The Communications Workers of America endorses the enactment of the Youth Camp Safety bill, H.R. 46, that is scheduled to be considered early next week by the House Rules Committee on which you serve.

We urge that at that time you vote to report the Youth Camp Safety bill and request that you seek expeditious action on this legislation that has been sponsored by Rep. Dominick Daniels (D-N.J.) since it was first introduced in the House nearly seven years ago during the 90th Congress.

Currently, millions of parents all across America are involved in selecting a camp for their children to attend this summer. In fact, it has been estimated that 10,000,000 American youngsters will be going off to camp in just a few short months yet at the present time only seven states have adopted comprehensive youth camp safety laws to protect these children.

The compelling need for federal youth camp safety legislation has been documented in a Department of Health, Education and Welfare study conducted last year which revealed that 25 deaths, 1,223 "serious" illnesses and 1,448 injuries were associated with camping during the summer of 1972.

It is highly anomalous that the United States has federal laws aimed at protecting animals used in research and laws to protect our wildlife and environment yet Congress has adopted no federal law to protect our nation's young people who attend summer camps.

To remedy this, Mr. Daniel's bill would provide for a Director of Youth Camp Safety to be located in the Department of Health, Education and Welfare. The Director would promulgate minimum safety standards in consultation with organized camping and other interest groups.

Last year at CWA's annual Convention, nearly 2,000 delegates adopted a resolution calling on Congress to adopt federal youth camp safety legislation. That resolution stated in part, "The paradox is that the employees of summer youth camps are protected by the Occupational Safety and Health Act, but the children entrusted to the care of these employees do not have comparable protection under federal law."

We urge you to vote next week to report the Youth Camp Safety bill to the House floor for prompt consideration so that Congress will be able to enact this much needed and long sought legislation prior to the beginning of the 1975 summer camp season.

Sincerely and fraternally,

GLENN E. WATTS,
President.

AFL-CIO PRESIDENT ATTACKS DÉTENTE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BAUMAN. Mr. Speaker, while I do not often find myself in agreement with George Meany, president of the AFL-CIO, I have always admired his basic understanding of the Communist threat.

In a recent publication of the AFL-CIO, Mr. Meany has, in my opinion, correctly assessed the failure of détente as the basis of American foreign policy.

I include at this point a news story from Human Events, April 12, 1975, which details Mr. Meany's impressive arguments against détente:

MEANY SCORES DÉTENTE IN WAKE OF U.S. SETBACKS

In the wake of the serious deterioration of the U.S. posture around the world, AFL-CIO President George Meany has run a front-page editorial in the labor federation's newspaper charging that "detente lies in ruins." No less "sweeping indictment," he maintained, "can be made by sober and reasonable men. . . . The wreckage is global." The Nixon-Kissinger "policy of detente," argued Meany, "has produced disillusionment everywhere and success nowhere. . . . In our opinion the Israelis were right not to rest their future on 'guarantees' by Henry Kissinger. No doubt they, along with our other allies, were watching the horrible tragedy unfolding in Vietnam—another fruit of detente."

In January 1973, Dr. Kissinger arranged a cease-fire in Vietnam and a withdrawal of American troops, said Meany. "This, we were told," he continued, "with great fanfare, would bring an end to the killing. Mr. Nixon took credit for ending the war.

"But the following year, more South Vietnamese soldiers were killed than in any other year of the war, save two. Then we were told, by leading members of Congress, that the way to stop the killing was to cut off military aid to South Vietnam.

"No sooner did it become clear that Congress intended to do just that than the North Vietnamese launched a full-scale invasion of the South. We are now witnesses to one of the most massive migrations of human beings in modern history—roughly a million Vietnamese fleeing south. (They are not, be it noticed, rushing to the workers' paradise in the North but to the 'repressive' and 'corrupt' regime in the South. They are voting with their feet.) And as these men, women and children flee, they are being fired upon by the advancing Communist troops.

"Is this the kind of peace agreement Henry Kissinger has in mind for the Middle East? And what about all those members of Congress who profess support for Israel but would withhold from another small country struggling for survival against Communist aggression the aid she needs to survive?

"The question here is not whether Israel and Vietnam are the same, but whether the dishonorable abandonment of our commitment to one ally will strengthen the credibility of our commitment to another. The AFL–CIO does not think so, and the Middle East debacle, coming in the midst of the Indochina tragedy, is powerful evidence to the contrary.

"The 'domino theory' is supposedly out of fashion, but events are reasserting it with a vengeance. We see before our horrified eyes plain and simple proof that the fate of the Western world rests on a series of interlinking alliances and relationships which cannot be damaged at one point without weakening the whole chain. This—rather than any oversimplified notion of adjacent countries toppling over each other—is what links Israel, Vietnam, and for that matter, Portugal.

"There can be no doubt that the bold Communist push for power in Portugal is fed by an awareness of declining American power in the world. That decline has to do with the disarray of the Western economies and resulting political instability. It also has to do with America's deteriorating military position vis-a-vis the Soviet Union. But it also has to do with the belief, widespread in the world that the rhetoric of détente masks a loss of nerve, a lack of will to bear any longer the burdens of defending freedom in the world.

TEL-MED INFORMATION SERVICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LEHMAN. Mr. Speaker, like most people reading the daily newspaper, I usually only glance at the daily advertisements. However, as I scanned the April 2 edition of the Miami Herald, my eye caught a full page ad that among other things gave readers a telephone number to call for free medical information on over 200 illnesses and diseases. The Tel-Med system is a collection of tape-recorded health messages that are selected to help residents and visitors in the Dade County area to remain healthy, and to recognize the early signs of a specific illness. The individual tapes discuss the illness and the steps to recognize and prevent it. All the messages are presented in both English and Spanish, and in easily understood layman's language.

This unprecedented service was cosponsored by the Miami Herald newspaper, and the Heart Association of Greater Miami in cooperation with several other health associations in the area.

These organizations are to be commended for making this invaluable medical information service so easily and readily available to the English and Spanish speaking communities of Dade County. It is what one might term, "just what the doctor would have ordered."

At this point I would like to include a list of illnesses included in the Tel-Med information service. Also, I would be interested in finding out from my colleagues how many of their communities have instituted a similar medical information service:

LIST OF ILLNESSES INCLUDED IN TEL-MED

FIRST AID

Tape No.

91. Severe Bleeding.
93. Electrical Shock.
94. Shock.
96. Poisoning by Mouth.
98. Head Injuries.
99. Sprains.
101. Thermal Burns.
102. Mouth To Mouth Resuscitation (Children).
103. Mouth To Mouth Resuscitation (Adults).
108. Fainting.
109. Epileptic Convulsions.
110. When You Find Someone Unconscious.
111. Choking.
118. Animal Bites.
121. Bee Stings.
123. First Aid For Chemical Burns.

CHILDREN

Tape No.

3. Medicine In Your Home Can Poison Your Child.
10. Poisons In The Home.
17. Lockjaw.
18. Tonsillectomy.
43. Stuttering & Other Speech Defects.
48. Thumb Sucking.
49. No No—What Does It Mean To The Toddler?
71. Aspirin For Children—When, Why, How Much?
73. Earache In Children.
75. Pinworms.
80. Ringworms.
81. Tics: A Child's Outlet For Anxiety.
83. Impetigo.
85. Pesky Pinkeye.
200. Normal Feet In Children.
220. Limping And Children.
224. Mumps.
226. Should I Keep My Child Home From School.
227. Measles.
229. Chicken Pox.
260. Supplies For The Newborn.
261. Care Of The Newborn.
263. Teething.
381. Muscular Dystrophy In Children.
400. Tommy Gets His Tonsils Out.
401. Personal Hygiene For A Child.

PARENTS

Tape No.

50. Teen Years—The Age Of Rebellion.
51. When A New Baby Creates Jealousy.
133. Advice For Parents Of Teenagers.

WOMEN

Tape No.

24. Abortion.
31. Vaginitis.
42. I'm Just Tired, Doctor.
53. Tubal Ligation.
74. Why A "D & C"?
173. Menopause.
182. What Is A "Pap" Test?

MEN

Tape No.

1. Vasectomy.
175. Fears Of The After 40 Man.
193. Baldness And Falling Hair.
1101. Exercising—Warm Up Slowly.

PREGNANCY

Tape No.

5. Early Prenatal Care.
12. Am I Really Pregnant?
14. Family Planning.
32. Unwanted Pregnancy—Where Can I Get Help?
62. The Premature Baby.
66. What Causes Miscarriages?
67. Warning Signals In Pregnancy.

BIRTH CONTROL

Tape No.

54. Birth Control.
55. The Pill.
56. Intrauterine Devices.
57. The Rhythm Method.
58. Diaphragm, Foam and Condom.

VENEREAL DISEASE

Tape No.

8. Venereal Disease.
15. Syphilis.
16. Gonorrhea.

DRUG ABUSE

Tape No.

134. LSD.
136. Amphetamines & Barbiturates (Up & Down Drugs).
137. Marijuana.
138. Narcotics.

CARE OF TEETH

Tape No.

301. The Way & How Of Flossing Your Teeth.
302. Effective Toothbrushing.
303. Dental Plaque, The Cause Of Tooth Decay & Gum Disease.
304. Diet Tips For Dental Health.
306. What About Wisdom Teeth?
307. Seven Warning Signs Of Gum Disease.
310. How Important Are Baby Teeth?
313. What You Don't Know (About Dentures) Can Hurt You.
314. We Know What Causes Bad Breath, Do You?
315. Dental X-rays—Really Necessary?

HEART

Tape No.

21. Cigarettes & Heart Disease.
23. Diet & Heart Disease.
25. Hypertension & Blood Pressure.
26. Stroke Apoplexy.
27. Health & Heart Check-Up.
28. How To Decrease Risk Of Heart Attack.
29. Atherosclerosis And High Blood Pressure.
30. Angina Pectoris.
63. Early Warning Of A Heart Attack.
65. Chest Pains.
72. Heart Failure.

ARTHRITIS/RHEUMATISM

Tape No.

126. Gout.
127. Arthritis—Rheumatism.
128. Rheumatoid Arthritis.

129. Bursitis.
131. Arthritis And Quackery.

CANCER

Tape No.
6. Breast Cancer.
179. Lung Cancer.
180. Cancer of the Colon & Rectum.
181. Cancer—The Curable Disease.
183. Cancer's 7 Warning Signals.
5001. Bone Cancer.
5002. Brain Tumors.
5003. Cancer Chemotherapy.
5004. Cancer Of The Bladder And Prostate.
5006. Cancer Of The Mouth and Throat.
5007. Cancer Of The Stomach.
5008. Cancers Of Blood Leukemia.
5009. Childhood Cancers.
5010. Radiation Therapy For Cancer.
5011. Skin Cancer.
5012. Uterine Cancer.

RESPIRATORY

Tape No.
7. What A Case of Penumonia Means.
13. Pulmonary Emphysema.
38. Influenza.
90. Hay Fever.
200. The Flu—1975.
576. Bronchial Asthma.
580. Dust Disease.
581. Chronic Cough.
582. Shortness of Breath.

SKIN DISORDERS

Tape No.
79. Dandruff.
82. Why The Mystery About Psoriasis?
86. Are Old Age Freckles Dangerous?
172. Acne.
518. Itching Skin.

DIGESTIVE SYSTEM

Tape No.
2. What Is A Normal Bowel?
4. Hemorhoids.
196. Peptic Ulcer.
199. Colitis And Bowel Disorders.
219. Laxatives—Use Them Rarely If At All.

DIABETES

Tape No.
11. You May Have Diabetes And Not Know It.
5000. Juvenile Diabetes.

ALCOHOL PROBLEMS

Tape No.
945. So You Love An Alcoholic?

SMOKING

Tape No.
693. Weight Control While Quitting Smoking.
694. Why A Woman Should Quit Smoking.
695. Reducing The Risk Of Smoking.
696. How Smoking Affects Your Health.
697. Do You Want To Quit Smoking?
698. What Do You Get Out Of Smoking?

GENERAL

Tape No.
9. Glaucoma.
33. Tension.
34. Anemia.
35. Understanding Headaches.
37. Backaches.
36. Hiccups.
47. Leg Cramps And Aches.
52. Lice—Pubic, Head And Body.
59. Blood Transfusion—Blood Bank.
61. The Meaning Of Fever.
64. Flies, Dirty And Dangerous.
76. Otosclerosis, One Cause Of Hearing Loss.
77. What Can Be Done About Kidney Stones?
84. Dizziness.
122. Sleep Is Kind.
125. Epilepsy.
144. Emotional Experience Of The Dying Person.
159. Hypnosis.
160. Cockroaches—Menace Or Nuisance?
162. Hepatitis.
174. Masturbation.
191. Varicose Veins.
194. What Happens When A Disc Slips?
195. Bee Sting—It Can Cause Death.
198. Hiatal Hernia.
201. Neck Pains.
565. Hypoglycemia.
566. Sickle Cell Anemia.
725. Brain Damage.
969. Infectious Mononucleosis.

REMEMBERING THE HOLOCAUST AND OBSERVING THE RESISTANCE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. DOWNEY. Mr. Speaker, 30 years ago today the allied forces began the liberation of Hitler's concentration camps and the world began to know the stark reality of the horror that had been wrought by the Nazis.

Today we remember the 6 million who were the helpless victims of a distorted mind and a world that was too slow in saying "no." And the countless other men, women, and children who suffered but managed to survive. And we pay tribute to those who fought and those who died to resist the holocaust—noble soldiers in the name of human freedom.

On this day of remembrance it is especially appropriate that in this legislative body of our freedom-loving country, we have with us a man who witnessed the tragedy and suffered the agony of tyranny. He is Rabbi Morris M. Shapiro. More than 30 years ago, 22-year-old Morris Shapiro hid in the attic above Gestapo headquarters as the Nazis began rounding up Jews for liquidation in the town of Lublin, Poland. After 4 days, he and his sister ran off and were eventually found by a Christian farmer who, in exchange for money, hid them in a crawlspace cave for 2 years. Their father, a rabbi, died of hunger. And their mother, seven brothers, and two sisters disappeared.

Rabbi Shapiro came to the United States in 1948 where he quickly learned English and in little more than 5 years earned a high school diploma, a bachelor of science degree, and a masters degree.

Today Morris Shapiro is rabbi for the South Huntington Jewish Center on Long Island, and teaches psychology at the State University of New York at Farmingdale. He will be honored for his achievements and for his rabbinical scholarship later this month by the Jewish Theological Seminary of America.

That Rabbi Shapiro is before us today to deliver the prayer is a testimony to his personal strength and his determination. And it is a testimony to the persistence of the struggle for human freedom—the determined struggle of 30 years ago that brought liberation to the concentration camp survivors and the persistence today of the American dream of freedom for all people.

GREEK INDEPENDENCE DAY

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RUSSO. Mr. Speaker, it is with a great deal of pleasure that I join my colleagues in observance of Greek Independence Day. March 25 marks the 154th anniversary of the independence of the land universally acclaimed as the cradle of philosophy, of rhetoric, of science, of the arts, of democracy and liberty.

Over a century and a half ago, on March 25, 1821, a dedicated little band of freedom-loving Greek patriots unfurled the banner of revolt against the tyranny of Ottoman rule. Their zeal and the justice of their cause stirred the hearts of freedom-loving people throughout the world. Among those who flocked to their standard were Americans, who themselves had enjoyed independence for only a short time. Many U.S. citizens journeyed to Greece to fight on the side of that land's valiant patriots. Many American communities donated aid to the Greek cause. In 1822, in a message to the Congress, President James Monroe summarized the American attitude toward the Greek war for independence:

> Genius and delicacy in the arts, daring and heroism in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural therefore that their (the Greeks') contest should arouse the sympathy of the entire United States.

The Greek cause ultimately prevailed, and their victory was formally recognized in the Treaty of Constantinople—July 1832—when the Turks renounced all claims of rule over the Greek land.

Thus, after a long and difficult fight an independent Greek state arose and assumed its rightful place once again in the assemblage of sovereign nations. In a century and a half—due to the genius and determination of the Greek people—that nation has progressed toward strength and full maturity.

Yet, following World War II Greek independence was mortally threatened. Not only had the war's devastation brought economic chaos, but Communist-led guerrillas hindered attempts at unification and reconstruction. Moreover, in 1947, the British, who had extended economic and military aid to Greece in the early postwar years, announced that their own financial crisis would force them to discontinue this assistance. Greece petitioned the United States for help, and on March 12, 1947, President Harry S Truman went before the Congress for the authority to extend $400 million of economic and military aid to the beleagured nations of Greece and Turkey. The President regarded the situation as a national emergency and declared that "the foreign policy and the national security of the United States" were directly involved in Greece. The Congress honored the President's request. Additional grants and loans followed and technical experts were sent to help rebuild the country. This aid, plus the decisive factor of Greek innovative ability, resilience, and perseverance, enabled Greece to defeat the Communist threat and to proceed with the task of economic recovery. In the almost three decades since proclamation of the Truman doctrine, Greece has realized outstanding economic progress and development and the bonds of friendship binding our two nations have become only stronger.

Thus, Mr. Speaker, on this anniversary of Greek independence, we here in America are proud to recall an outstanding instance in the postwar era when we were able to help the Greek people maintain their self-government. At the same time, this great day stirs us to recall the enormous debt that we owe Greek civilization for its contribution to mankind. On this happy occasion let us renew our commitment to the Greek ideal of democracy and freedom and pray that all men everywhere may soon attain individual liberty and that all nations may be blessed with independence. Again, it is with great pleasure that I extend my congratulations and warmest wishes to our Greek friends in my own Third District of Illinois, throughout the United States, and all over the world.

HONOR DESERVED

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ANDREWS of North Dakota. Mr. Speaker, on May 1 one of my constituents, Hon. Elton W. Ringsak, will receive the President's Trophy, the Nation's highest honor for a handicapped person. The honor was richly deserved and Elton has been an inspiration to all of us who have had the privilege of knowing him.

I include the following editorial in the RECORD, and I would like to associate myself with the remarks in this article.

HONOR DESERVED

It is with great pleasure and pride that we extend our most sincere congratulations to Grafton's native son, State Sen. Elton W. Ringsak, on the occasion of his selection as the "Handicapped American of the Year."

Elton Ringsak is one of the most highly decorated veterans to serve in World War II. It was wounds incurred in defense of his country that caused the particular handicaps that he to this day must make special efforts to overcome.

And overcome them he has. Speaking before a joint session of the North Dakota Legislature last Friday, Ringsak said, "I do not have a handicap. You have to block it out of your thinking."

As well as blocking it out of his thinking, he must avoid fatigue and emotional upheaval, must keep from getting chilled, restrict himself in making rapid movement, follow a strict diet and continuously take medication. All of this is necessitated by the shrapnel wounds incurred during the war.

Brought to an Army medical encampment, Ringsak was experiencing up to 20 convulsions per day and was not expected to live. Through sheer determination and self-taught behavioral control he has patterned a life directed toward giving of himself as a public servant, an advocate for and an inspiration to others, especially those with any type of physical handicap.

Ringsak's accomplishments as a lawyer, state legislator and active citizen of his community are well known. He is known as a spokesman for the handicapped and disadvantaged, and some say he may be the single most influential senator in the North Dakota Legislature.

Sen. Ringsak will receive the President's Trophy, the nation's highest honor to its handicapped citizens, on May 1. Certainly there can be no one more deserving of the award.

MODERNIZATION OF CUSTOMS LAWS AND PROCEDURES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McCLOSKEY. Mr. Speaker, recently WEMA, an association serving the electronics and information technology industries, held a Capital Caucus in Washington, D.C. On March 19 members of the caucus heard a most interesting presentation by the Honorable David R. MacDonald, Assistant Secretary of the Treasury, regarding steps which are being taken to modernize customs laws and regulations.

In the belief that this is a subject of interest to all Members of Congress, I submit the full text of Secretary MacDonald's remarks:

ADDRESS BY THE HONORABLE DAVID R. MACDONALD

On September 10, 1974, I delivered a speech to the American Importers Association in which I concluded: "The Customs laws and procedures are antiquated relics from another era—the era of the California gold rush, the three-masted square rigger, and the pony express." I have since found that this statement has received universal approbation. Everyone agrees with it. Unfortunately, I have also found those who agree with the statement to be analogous to characters out of the movie "Roshamon." You will recall that in that movie four or five persons, each of whom went through the same experience, later described the experience in such disparate ways that no one could recognize that each was talking about the same thing. Similarly, I now find that, although everyone agrees that Customs procedures are outdated, the perception of and solution to these procedural inadequacies is totally different when you look at it from Customs side of the fence than from the importers' vantage point. We at Treasury perceive the problem as a statutory constraint placed on Customs which requires Customs to examine each importer' entry and value it based upon facts, by and large, extraneous to the importer's books and records. We realize that the importer often perceives the problem as one in which the Customs Service has an inordinate power to impose penalties without sufficient procedural safeguards.

I am here today, therefore, in an ongoing attempt to describe what we in the Treasury Department intend to do about the causes and cures of the problem of expeditious and fair importation of goods into the United States.

Customs and Treasury have drafted a bill known as the Customs Modernization Act of 1975, which we expect shortly to introduce in Congress. The bill is presently in the final stages of review before introduction and contains provisions which we believe will streamline the manner of duty payments to which Customs is now statutorily tied.

Under existing law, every importation must be represented by a separate entry document accompanied by a payment of the estimated duties owed on the imported merchandise. Each entry must be processed separately and should additional duties or a refund be found owing, the system must generate a separate bill or refund check for each entry. The Customs laws allow little deviation from this scheme and, consequently, proposals to adopt modern fiscal practices long in use by the Internal Revenue Service cannot be implemented.

Customs modernization, therefore, is dependent on two elements: (1) separation of the entry reporting procedure from the duty collection procedure, and (2) improved verification procedures. The importance of the verification capability cannot be overemphasized. The Customs Administrative Act of June 10, 1890, provided for the examination of importers, consignees, agents and others for the purpose of ascertaining the classification and value of merchandise and established penalties for failure to appear, produce records or testify. Its provisions are not adequate to meet the needs of an industrialized society in the age of computer technology.

Although an integral part of the internal revenue collection system is a requirement for the making, keeping, and rendering of records for examination and inspection in accordance with regulations prescribed by the Secretary of the Treasury, the Customs Service, which enforces over two hundred laws for forty different agencies, has no similar authority. Clearly, the Customs Service is in need of modern statutes which will provide the necessary tools to enable it to perform its functions effectively and efficiently. Authority is needed which replaces or supplements existing authority found in the Tariff Act of 1930, and provides a means of verifying data supplied to Customs, gaining access to data, and penalizing the failure to supply data. The Customs Service must be able to designate those types of records and documents which should be retained and must be able to enforce compliance with such retention requirements.

Thus, the proposed Customs Modernization Act would allow Customs to adopt new methods for reporting importations and collecting duties by granting the Secretary of the Treasury or his designee the power to allow the filing of returns and to separate the payment of duties from the entry or, withdrawal from warehouse procedure. The Customs Service has a collection, accounting and verification system handling over $4 billion annually and still depends on the recording, reporting and verification of every import transaction. The expense to the Government and the importing public in terms of processing the repetitive filing of entry documents and duty payments and establishing documentation controls and verification procedures is enormous. The Internal Revenue Service, along with countless private businesses, long ago recognized that benefits in terms of efficiency and economy, without weakening verification controls, could be obtained from a system of periodic account reporting. This system is equally suitable to the processing of Customs transactions.

Section 484 of the Tariff Act of 1930 now requires that an entry be filed at the customhouse, within a specified time period, for each importation of merchandise. Section 505 of the Tariff Act of 1930, as amended, now requires that the estimated duties on such importations be deposited at the time of making entry. Under the proposed bill, this law would be amended to authorize the filing of a return in lieu of an entry. If a "return" system were adopted, it is anticipated the return would be filed periodically, with the frequency of filing depending upon the number or value of importations, the type of merchandise being imported, the compliance history of the importer and similar factors. Not all importers would be granted the periodic return privilege, nor would all importers want to participate in the program, and not all merchandise imported by a qualified importer would necessarily be subject to the procedure. Existing entry procedures would apply to nonqualifying importers and merchandise with the possibility, however, that a delayed payment procedure or periodic billing procedure could be established at a later date. Of course, an applicant's past history respecting import violations and the accounting procedures of an applicant would be significant factors. Once the privilege is granted to an importer, all these factors would be monitored and the privilege would be withdrawn if the revenue or the laws of other Federal agencies administered by Customs were not fully protected by the return procedure.

The proposed bill would also impose a recordkeeping requirement on every person liable for any duty or tax arising out of the importation of merchandise into the Customs territory of the United States or who imports or causes merchandise to be so imported. Under exising law there is no such requirement. Customs officers are, as a consequence, frequently thwarted by the lack of documentary evidence in attempts to verify the accuracy of entry documents and in investigations of possible frauds. In addition, the absence of a recordkeeping requirement has reduced the effectiveness of existing provisions of the law which require the production of records and penalize the failure to provide the requested records. An importer cannot be penalized for failure to produce records when there is no requirement to keep them.

Modeled on the Internal Revenue Code, the bill would therefore authorize the Secretary of the Treasury or his delegate, for the purpose of protecting the revenue and enforcing the laws of the United States administered by the Department of the Treasury, to require that such records be made, kept, and rendered for examination and inspection. We do not believe that the recordkeeping requirement would be any substantial burden on those importers who now keep accurate records for their own accounting and reporting purposes.

We at the Treasury Department feel that the Customs Modernization Act is a necessary prerequisite to any weakening of those enforcement procedures whereby Customs assesses deficiencies for nonpayment of duties. In connection with the enactment of the Customs Modernization Act, however, we will be happy to consider any substantive or procedural amendment to the penalty procedure so long as it does not pose a potential threat to the revenue. We would expect to discuss any such proposals during hearings on the Customs Modernization Act and, hopefully, formulate an agreed position which can be supported by Treasury and Customs as well as the American Bar Association, and other groups such as WEMA.

I would like to say, however, that we are not waiting for the enactment of the Customs Modernization Act before addressing ourselves to some of the problems that have been raised by your representatives at WEMA and other interested associations. By way of illustration, Treasury and Customs, with the full cooperation and leadership of Commissioner Acree, have taken several steps which, we believe, have brought closer the realization of a justifiable procedure for assessing import penalties, considering the present statutory framework under which Customs operates.

1) We have published the guidelines for mitigation of Customs penalty cases, with the exception of the actual multipliers used by Customs as guidelines in mitigating penalty assessment based upon the degree of importer culpability.

2) We have adopted a "prepenalty notice procedure" whereby the importer is notified of a proposed imposition of penalties in large transactions under Section 592, and is given a chance to respond in writing and in some cases orally to the proposed notice.

3) We have requested funds in an amendment to Customs' Fiscal 1976 appropriation for the purpose of categorizing and publishing the technical rulings issued by Customs. This should let some light into an arcane area of the law which presently is the province of a small group of Customs practitioners.

4) A program of visits by import specialists to importers' premises has been instituted. These are usually made at the time the first significant importation is processed, with follow-up visits scheduled at irregular intervals. This program has proved useful in educating importers in the complex requirements connected with importations of foreign merchandise. I might add that it has also resulted in the collection of $5 million in additional revenue.

5) I have personally asked the Commissioner of Customs to examine and report back to me concerning the method of proceeding and warnings given to an importer before a case is referred to the U.S. Attorney for criminal prosecution.

Here again, I would ask that you recall that within the statutory framework governing its acts, Customs does not have the means to grind the wheels of justice as fine as it might were its legislative authority broader.

I have heard many horror stories concerning abrupt and allegedly unreasonable conduct of certain Customs agents. Both Commissioner Acree and I would be happy to know of any alleged transgression committed by any employee of the Customs Service. Let me assure you that I can detail some horror stories of my own involving purposeful defrauding of the revenue, not just by fly-by-night importers, but by large publicly held and prestigious companies. Without entering into this sort of "who-struck-John" contest, however, I would like to suggest that, with the assistance of WEMA and other organizations like it, we at Treasury can come up with legislation that is constructive, time and money saving, and, at the same time, protects the rights of the government and those persons who appear before it in connection with international business transactions. We solicit your suggestions and assistance to this end.

ESTATE TAX EXEMPTION SHOULD BE RAISED

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MARTIN. Mr. Speaker, it has been decades since the Congress enacted the $60,000 exemption from estate taxation. There have been several suggestions for change and I am herewith submitting a bill of my own.

In the 1950's, an exemption set at $60,000 let pass to one's heirs quite a bit of property free of tax, probably a home, its furnishings, a car or two, and some cash. Today—with the value of a family home badly inflated—the estates of most urban homeowners will not come within the exemption. There are few small family farms valued under $60,000. We no longer have a system under which only the well-to-do have estate tax problems.

My bill would raise the exemption to $100,000. That figure would encompass an unencumbered middle income, urban or suburban home, a small savings account, a bit of cash, and family belongings of the usual type. The figure in my bill does not translate dollars of 1954 into dollars of 1975. To do that would require an exemption approaching $200,000. But an estate that size is almost certain to be liquid enough to afford estate taxes. An estate in the range of $60,000 to $100,000 is very likely to have a liquidity problem, and a nonprofessional executor or administrator.

This is one step we can take to help the solvent middle-income American. We have done a great deal to help the insolvent and poor while they are alive. I am not asking for tax relief for those worth $100,000 while they are alive and working, just for their estates when they pass away.

DAY OF HOLOCAUST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. GILMAN. Mr. Speaker, this week we observe the 30th anniversary of the holocaust, a grim reminder to the world of the slaughter of 6 million Jews. On March 12, 1975, I introduced House Joint Resolution 309 in concert with my colleague in the other body, the senior Senator from New York, JACOB JAVITS, which authorized and requested the President to proclaim a National Day of Observance, the thirtieth anniversary of the liberation of the survivors of the Buchenwald concentration camp. The Senate measure passed the Senate handily.

However, in the House, a moratorium on such commemorative proclamations, imposed by the Subcommittee on the Census and Population of the Committee on the Post Office and Civil Service, precluded legislation which would appropriately honor this day.

The Senate, on the other hand, not having imposed such a restriction, has adopted an appropriate resolution, despite the lack of House sanctions.

In thanking my colleagues in the House who supported the intent of this memorial resolution, I again solicit the support of the entire House in expressing our Nation's humanitarian concern for the 6 million martyrs of the Jewish faith who perished in the gas chambers and concentration camps during the Nazi regime. The holocaust was a brutal, infamous chapter in the history of the 20th century. Let us remind the world of those atrocities so that they may serve as a tragic reminder of man's inhumanity to man and may this commemoration help to prevent the world from ever again allowing such cruelty to be perpetrated and inflicted upon mankind.

KATHLEEN GRANT

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RYAN. Mr. Speaker, on April 24, Mrs. Kathleen Grant will be honored by the city of San Carlos with a retirement dinner in her honor. Mrs. Grant has given the city of San Carlos 28 years of dedicated service as its city clerk. There are many citizens who have contributed a lifetime of service to their community asking for no praise and receiving no publicity for their hard work. One such person is Mrs. Kathleen Grant.

A native Californian, Mrs. Grant's career in the public service began in 1942 when she received an appointment as supervisor of executive secretaries for the War Relocation Authority in San Francisco, Calif., under Milton Eisenhower. In 1943 Mrs. Grant was appointed office manager of the Office of Defense Transportation in San Francisco. She later transferred to Norfolk, Va., in the same capacity and was awarded a Presidential Citation from Harry S Truman.

After Federal service in the Office of Defense Transportation and the U.S. Navy Department, she returned home to San Carlos in 1947. Appointed secretary of the civil service commission of the city of San Carlos that same year, she began her long career in local service. After a brief term as deputy city clerk, she was appointed city clerk in 1949 and was returned to that office for seven consecutive terms totaling 28 years.

Her professional distinction was recognized in 1970 when she was the recipient of the Award For Professional Excellence from International Institute of Municipal Clerks in 1970, and with the receipt of the Certified Municipal Clerk's Certification in 1973.

Mrs. Grant's participation in community affairs includes membership in the police reserves and service as police matron from 1948 to 1953. A member of the Soroptimist Club since 1950, Mrs. Grant has directed the many worthwhile projects of the community's professional women for 20 years.

I join with the many others in this community in expressing our very deep gratitude for Kathleen Grant's dedicated service to the city of San Carlos in her professional capacity and in the very special way in which she contributed to the quality of our personal lives. We wish her well in her retirement and commend Mrs. Grant for her outstanding service to the people of the city of San Carlos. Although we are honoring her upon the occasion of her retirement, I know that she will continue to have a very real effect upon all of our lives by her presence in the community.

SPIRIT OF VOLUNTEERISM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EILBERG. Mr. Speaker, during this period of stress and hardship, when many are struggling to make a living, there are people who are willing and able to give of their time and themselves to help those less fortunate. That the spirit of volunteerism still exists in large measure in this country, is a tribute to our citizens. No matter how great our problems seem, there will always be people willing to place others' needs before their own.

On May 19, 1975, ceremonies will be held at the Veterans' Administration Hospital in my city, Philadelphia, honoring 172 individuals and 45 organizations for their volunteer service to the veteran patients at the hospital.

An outstanding example of the unselfishness of our people is Mrs. Eleanor Greene, who will be honored for having given 10,000 hours as a volunteer at the veterans hospital, and will receive the VA Silver Bowl, a high honor, in appreciation for her work.

All of the men and women who have given of their time, are to be thanked and honored for their unselfish work.

At this time I enter into the RECORD the names and awards received by these individuals and organizations:

SPIRIT OF VOLUNTEERISM

VA SILVER BOWL

10,000 hours

Eleanor Greene.

VA GOLD PIN

5,000 hours

Catherine Rotay (ALA).

VA SILVER EMBLEM

2,500 hours

Helene Hoback (N/A).
Horace Hopkins (AL).
Marie Kenney (ALA).
Charles Peterson (N/A).
Bernadette Ward (ALA).
Mae Weisgrow (DAVA).

VA BRONZE PIN

1,750 hours

Harold Nelson (AMVETS).
Dorthy Rose (ARC).
Paul Stewart (MSA).

CERTIFICATE OF DEVOTION TO VOLUNTEER DUTY

1,000 hours

Helen Braun (N/A).
John Carr (OG, COP).
James Fields (DAV).
Marjorie Greene (ARC).
Wiley Harmon (DAV).
William Knight (N/A).
Benjamin Powell (JWV).
Josephine Ratay (ALA).
Ronald Tempest (DAV).
William Woolingham (AL).

CERTIFICATE OF OUTSTANDING SERVICE

500 hours

Augusta Campbell (AWM).
Eleanora Cerquitella (ALA).
Dorothy Greene (SA).
Katherine Grien (CDA).
Ruth Grim (ARC).
Elieen Jones.
Reine Land (ALA).
Washington Lewis (N/A).
Rose Matt (CWVA).
Marion Newell (N/A).
Edward Nolan (AL).
Anna Stay (ALA).
Jack Stein (DAV).
Roscoe Thornton (N/A).
Elsie Titus (CDA).
Diane Toole (N/A).
Ralph Twiford (NMC).
Victor Varano (N/A).
Grace Wilkinson (AWM).
Beatrice William (N/A).

CERTIFICATE OF MERIT

300 hours

Dolores Bridges (MOCA).
Willie Brown (N/A).
Agnes Ducar (N/A).
Joseph Lauriello (N/A).
Jane Lundahl (DAR).
Bertha Schimpf (VFWA).
Ernest Wiley (N/A).

CERTIFICATE OF APPRECIATION

100 hours

Catherine Briscoe (VFWA).
Guillama Cerone.
Anne Clarkson (IAWVA).
Anne Cunningham (CDA).
Theresa Devenshire (ARC).
Mary Dougherty (ALA).
Virginia Duffy (MOCA).
Elizabeth Durant (AWM).
Vertelle Hughs.
Jane Johnson (AWM).
Minerva Johnson (N/A).
Patricia Kane (N/A).
Dawn Kealey (N/A).
Helen Knox (DAR).
Faie McCann (WACV).
Mary McCloskey (CWVA).
Blanch MacIntyre (CWVA).
Rosemarie Miller (N/A).
Anthony Morgan (N/A).
Darshna Patel (N/A).
Kenneth Norris (CMC).
Mary Ellen Pickett (N/A).
Jane Riley (ALA).
Linda Saunders (N/A).
Walter Simmons (DAV).
Walter Spence (N/A).
Rose Spiegle (VFWA).
John Taylor (N/A).
Mary Twiford (NMC).
Dorothy West (ARC).
Edward Young (N/A).
Walter Zulewski (AMVETS).
Helen Weaver (AMVETS AUX.).

YOUTH VOLUNTEER PIN

50 hours

Ruth Bell (N/A).
Denise Diggs (N/A).
Patricia Kane (N/A).
Theresa Ponzio (N/A).

CERTIFICATE OF SERVICE AWARD

Elizabeth Aro (ALA).
Esther Biddle (ALA).
Rose Cloud (SCC).
Frederick Haas (VWI).
Elizabeth Hicks (ARC).
Vada Hyde (N/A).
Edward Johnson (N/A).
Elizabeth Jones (CWVA).
Eleanor Kilpatrick (MOPHA).
Florence Krug (ARC).
Charles Leons (AL).
Mae McElvaney (VFWA).
Anne McKenna (VFWA).
Ann Miller (JWVA).
Mary Mosteller (ARC).
Sara Myers (AL).
Agnes Hausler (VFWA).
Michael Radvansky (315 I).
Dorothy Rose (ARC).
Samuel Schiff (JWV).
Wilson Shive (VWWI).
William Tadley (WWI).
William Toy (VWWI).
Frances Urwiler (ALA).
Lida Wright (N/A).

HONORABLE MENTION

Donna Adams (N/A).
Louise Alberts (DAR).
Cindy Armstrong (N/A).
Bonnie Baker (SA).
Joan Bamford (SA).
Joesph Biello (AMVETS).
Gertrude Brenner (N/A).
Richard Buckler (N/A).
James Carpino (N/A).
Mariebelle Cavanough (N/A).
Manzoor Chaudhry (N/A).
Adele Coyt (N/A).
Esther Cranford (SA).
Josephine Davis (DEC).
John Doughtery (N/A).
Mary Draper (CWVA).
Virginia Eglinger (AMVETS AUX.)
Lydia Floyd (N/A).
Elizabeth Frick (AMVETS AUX.)
Eunice Gamble (AWM).
Bernice Glashoffer (JWVA).
Olga Goodwin.
Katherine Gormley (AGSM).
Mabel Hagherty (SA).
Charlotte Hall (SA).
Barbara Harper (AMVETS AUX.)
Pearl Hegh (VFWA).
Helen Hoeffer (NMC).
Winifred Jones (N/A).
Philip Kees (N/A).
Ethel Kehm (N/A).
Hannah Klenk (SA).
Anne Laff (AWM).
Samuel Leecan (AMVETS).
Martha Lewis (N/A).
Rosalie Lewis (N/A).
Harry Lincoln (N/A).
Inez Lincoln (N/A).
Michael London (N/A).
Marybeth McClellan (N/A).
Henrietta McCloskey (AMVETS AUX.)
Michelle McFalls (N/A).
Jean McIntosh (N/A).
William McPadden (N/A).
Helen Magee (CWVA).
Florence Miles (MOLB).
Florence Martin (AMVETS AUK.)
Margaret Miller (N/A).
Pearl Morris (N/A).
Irene Nedd.
Samuel Nedd (DPS).
Fannie Peterson (N/A).
Lillian Peterson (N/A).
Dorothy Quidart (ARC).
Virginia Russ (N/A).
Maryann Spice (CWVA).
Peter Stone (N/A).
Mary Tenaglia (CWVA).
Florence Toupe (N/A).
Trudy Urbani (CWVA).
John Votta (VFW).
Jennie Weintraub (JWV).

Regularly Scheduled (RS) Volunteer Workers still active, who served during 1974, but not entitled to 100 hour certificates or the next plateau (300, 500, 1,000, etc.) certificates.

Organizations to receive certificates in recognition of exceptional or continued outstanding service to patients through VAVS:

American Gold Star Mothers, Inc.—Rep: Katherine Gromley; Dep: Maude Bailey; Dep: Lillian Sinclair.

American Legion Auxiliary— Rep: Mrs. Leo Riley; Dep: Mrs. Francis Dougherty.

American War Mothers—Rep: Grace Wilkinson; Dep: Ann Loff; Dep: Jane Johnson.

Amvets Auxiliary—Rep: Henrietta McCloskey; Dep: Catherine Carroll.

American Legion—Rep: Samuel J. C. Greene; Dep: William E. Woolingham.

American National Red Cross—Rep: Mrs. Dorothy Rose.

Amvets—Rep: Joseph Biello; Dep: Walter Zulewski.

B'nai B'rith—Rep: Robert Schwartzberg; Dep: Lewis August.

B'nai B'rith Women—Rep: Mrs. Eugene Glazer; Dep: Mrs. Beatrice Silver.

Brith Sholom—Rep: Aaron Goldenberg; Dep: Samuel Winkler.

Catholic War Veterans—Rep: Mr. Joseph Kelly.

NS, Daughters of The Amer. Revolution—Rep: Mrs. Charles A. Lundahl; Dep: Mrs. William Alberts.

Disabled American Veterans—Rep: Dante Bonatucci; Dep: William Letino.

IB&PO of The Elks of The World—Rep: Dennis C. White: Dep: Col. William A. L. Clay; Dep: Joseph H. Brown; Dep: Louise Baskerville.

Jewish War Veterans—Rep: Isaac Smith; Dep: Joseph J. Goldstein.

La Societe Des 40 Hommes et 8 Chevaux—Rep: Elmer R. Confair; Dept: Richard S. Ross.

Marine Corps League Auxiliary—Rep: Ruth Jannotta; Dep: Louise Uysase.

Military Order of the Cootie—Rep: Prince A. Clifton; Dep: Joseph Corey.

Military Order of The Lady Bugs—Rep: Florence E. Miles; Dep: Marie V. Nixon.

Mothers of World War II—Rep: Carrie Meck; Dep: Estelle Snyder.

B&P of Elks of the U.S.A.—Rep: Frank P. Nocitra; Dep: Vincent DiDominic; Dep: Oscar Wexlin.

Catholic Daughters of America—Rep: Kay Greim; Dep: Elsie Titus.

Catholic War Veterans Auxiliary—Rep: Mary Ann Spice; Dep: Mary Tenaglia.

Defense Personnel Support Center—Rep: Mr. Samuel Nedd; Dep: Mrs. Angelina Restifo.

Disabled American Veterans Aux.—Rep: Mae Weisgrow; Dep: Rebecca Anderson.

Italian Amer. War Veterans Aux.—Rep: Mrs. Anne B. Clarkson.

Jewish War Veterans Auxiliary—Rep: Ann Miller; Dep: Mildred Lermack.

Marine Corps League—Rep: Wilbur R. Hengst.

Masonic Service Association—Rep: Paul S. Stewart; Dep: Ernest P. Knorr.

Military Order of the Cootie Aux.—Rep: Dolores Bridges, Dep: Babs Schimpf; Dep: Rose Spiegle.

Mil. Order of the Purple Heart, Aux.—Rep: Eleanor Kilpatrick; Dep: Augusta Campbell.

Music Performance Trust Fund.

National Catholic Community Service—REP: Mrs. William Dougherty; DEP: Mrs. Catherine Auerwick.

Phila. U.S. Army Ambulance Service—REP: Clifford Hoag; DEP: Thomas H. Ellis.

Supreme Cootiette Club—REP: Rose Cloud; DEP: Mary McKinley; DEP: Ann Foster.

315th Infantry Association—REP: Mr. Michael S. Radvansky; DEP: Mr. Cheston Hunter.

Veterans of Foreign Wars—REP: Cassel Wechter; DEP: Robert M. Graham.

Veterans of World War I—REP: Wilson H. Shive; DEP: William L. Toy.

United Services Organization.

United Spanish War Veterans Auxiliary—REP: Mrs. Anna Parker.

Order of the Eastern Star—REP: Emma E. Appelgren; DEP: Beulah B. Witman; DEP: Anna M. Ingram.

Polish Legion of Amer. Vets. Aux.—REP: Frances Piwnicki; DEP: Helen Zarek.

The Salvation Army—REP: Mrs. Major Irving Cranford; DEP: Mrs. Mabel Hagherty.

The Senior Citizens of E. Lansdowne—REP: Margaret E. Siegman; DEP: Amelia H. DiPrima.

Veterans of Foreign Wars Auxiliary—REP: Mae McElvaney; DEP: Pearl Hegh; DEP: Ann Compton.

Women's Army Corps Vets. Association—REP: Harry L. McCann; DEP: Mrs. Anna L. Godsho.

United Spanish War Veterans—REP: Arthur T. Lou.

SEEKS CREATION OF JOBS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FORD of Michigan. Mr. Speaker, I am joining my distinguished colleague, the chairman of the Committee on Public Works and Transportation, ROBERT E. JONES, in introducing the $5-billion Emergency Local Public Works Capitol Development and Investment Act of 1975.

This two-pronged legislation will create urgently needed jobs for unemployed workers and help local governments keep pace with the facilities needs of their communities. The bill will provide 100 percent Federal funding to States and local governments for local public projects which can be initiated immediately and which have an immediate impact on unemployment.

In addition, to assure that there are no delays in project approvals, the legislation will require that applications for grants be acted upon within 30 days after receipt. If the Economic Development Administration does not act within that time, the application will be considered approved.

Mr. Speaker, there is no need to dwell on the depressed state of our economy; every day brings us new evidence that the Nation is in the middle of the worst economic decline since the Great Depression of the 1930's.

The Detroit Metropolitan area is among the most severely affected in the Nation. Unemployment surpassed 16 percent as of last month—about double that of a year ago. In some inner-city areas, it has passed 40 percent.

Mr. Speaker, these outrageous unemployment figures can no longer be tolerated. Any day, special unemployment benefits for many autoworkers in the Detroit area will expire. Weekly income will be cut by almost half. People will not be able to feed, house, and clothe their families unless they can find decent paying jobs.

By passing the public works bill I am cosponsoring today, we will create approximately 250,000 jobs and will, in turn, give a boost to the general economy, help lower welfare and unemployment costs, and help State and local governments catch up on their huge backlog of long overdue and drastically needed public facilities.

In recent weeks I have been contacted by local officials within my district from virtually every community in my congressional district expressing a need for funds to build essential public facilities.

Mr. Speaker, I would like to rebut those who say this bill is inflationary and too expensive. The Joint Economic Committee has reported that the $5 billion authorized in this bill could stimulate approximately $14 billion in additional national production in the 24 months after enactment. This would permit the Federal Government to recoup practically the entire cost of this program in a relatively short time through additional Federal revenues arising from higher national production, and the savings of unemployment and welfare benefits.

This does not include the tax benefits to State and local governments, the valuable addition of $5 billion worth of facilities to the capital stock of the public sector, or the very real benefits, not measurable only in dollars and cents, to residents of local communities who will enjoy the use of these facilities.

Mr. Speaker, this bill is a sound investment for our Nation and I urge the Members of the 94th Congress to give it their prompt and favorable consideration.

THE ELECTRONICS INDUSTRY AND GOVERNMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MINETA. Mr. Speaker, on Tuesday, March 18, 1975, Dave Packard, original founder of WEMA, a trade association representing over 700 firms engaged in electronics and information technology in the Western United States, addressed a joint meeting of the association's executives and Members of Congress. A number of my colleagues attended this meeting but a rollcall vote prevented us from hearing Mr. Packard's entire speech. Under these circumstances, and because I am sure that many of my colleagues would be interested in reading the full text of Mr. Packard's remarks, I submit them for the RECORD:

THE ELECTRONICS INDUSTRY AND GOVERNMENT

(Speech of David Packard, Chairman of the Board, Hewlett-Packard Co.)

Thank you very much Earl, and let me add my welcome to all of you from the Congress who have taken time from your busy schedules to be with us today.

I have a special interest in this organization because I have had a long association with it. In fact, I was one of the two founding members of WEMA.

The association in the year that it was founded had 25 members, and the total annual business of those 25 members added up to $35 million, so these companies were doing a little less than a million and a half dollars each on the average. I would remind you however that those dollars were worth about three or four of today's dollars. We now have over 700 members, representing approximately 600,000 employees who work generally in the states which you people represent. The total annual volume of business is in the neighborhood of $15 billion. The smallest firm that I found on the list had four employees, and the largest had 100,000. I believe the latter is one of the aerospace firms which has business other than electronics, because to my knowledge there are no firms in WEMA with that many people involved only in electronics.

Much more important than their size, however, is the fact that the organizations represented here today are at the forefront of the electronics industry in respect to the entire world—in terms of technology, in terms of enlightened management-leadership, and also in terms of contributions these companies have made to the general welfare of the communities in which we operate. So I hope that you will pardon my pride when I talk about some of the things that we've done over the last thirty years. I do not believe there is any group of electronics companies anywhere in the world—not in Japan, not in Europe, certainly not in the Soviet Union, and not even on the East Coast—that has turned in the kind of performance over these last thirty years as has the Western electronics industry which is represented here today.

It is for this very reason that our industry has been able to compete very effectively in world trade. The involvement in world trade varies of course from company to company, depending upon the particular products which are manufactured. I don't know that Hewlett-Packard is typical, but I would like to tell you a bit about the involvement of our company in the international market because this will give you some idea of the importance of international trade to our electronics industry. I would also suggest that the same considerations apply in many other industries.

We find that we can compete in terms of the cost of our products and, as a matter of fact, the re-evaluation or the devaluation of the dollar which began in 1971 has benefited our company and our industry, just as it has benefited other American industries in this regard. One interesting thing that we have experienced is that we can now manufacture products in the United States, ship them to Germany, pay the duty and deliver them in Germany cheaper than we can manufacture them in Germany. And so this devaluation is giving us a rather significant advantage in these international markets. There are some reasons why we think it is important to have plants in overseas locations even when we do not have cost advantages. We understand a good deal more about doing business in countries where we have plants and we can do some things that we would not be able to do were we not involved there. But the fact remains that a great deal of our international business supports and generates jobs here at home.

The sale of our products in overseas markets is limited to a considerable degree, in some cases, by non-tariff restraints of one kind and another. I am quite sure that we could sell more abroad and in turn add more jobs here at home if we could get rid of some of these non-tariff trade barriers.

Our industry, as you might suspect from what I have said, strongly supported the trade bill, and we will do everything we can to help Secretary Dent in his negotiations in Geneva. The outcome of these negotiations, particularly in respect to some of these matters having to do with non-tariff restraints, can have a significant impact on our industry, and will indeed influence a number of jobs here in the U.S. which are the result of foreign trade.

Many of the companies in WEMA also are doing business with the Soviet Union, with the countries in Eastern Europe, and with the People's Republic of China. And I want to say that many people in our industries were disappointed by the Jackson Amendment on the trade bill. I knew Senator Jackson very well when I was here in Washington. I thought very highly of him and still do. However, I do not think that he made the right judgment in adding this amendment to the trade bill. It certainly turned out that the Soviet behavior in regard to allowing Jewish emigration has not been influenced in the slightest degree by this amendment and I am sure that could have been predicted. There is no question, however, that the amendment on the trade bill has caused a reduction in our trade with the Soviet Union. We've seen this in the case of our own company, where we've had a rather sharp reduction in our business. So I hope that you people in the Congress will see fit in the near future to find some way to take the Jackson Amendment off of the trade bill because it is counter-productive. I do not think it achieves in any way the worthy purposes the good Senator had hoped to achieve.

There are several other points, however, that I would like to make in respect to trade with the Soviet Union. In the first place, I believe more trade and the resulting communication and personal relationships that will come about from this trade will be helpful in general to the spirit of detente. But I do not believe that either trade or detente will, in any meaningful way, eliminate the fundamental ideological conflict that exists between our two countries. I think then that we must look at this trade in the sense that we can trade with the Soviet Union, as well as the People's Republic of China, and other Communist countries, in ways that will be mutually beneficial. But we must be careful, particularly in areas of high technology, to remember that there are national security aspects involved here and we have to keep these under careful consideration as we move ahead.

The Defense Department, under guidance from the President, has the final say on what high technology products can be exported to the Soviet Union, the People's Republic of China, and similar areas. I think that is as it should be; there are, in fact, capable people at the Pentagon who are advising the Secretary on this problem. I found that when I was there they were sometimes overly-cautious and I often felt that they could be a little more liberal in what items we could approve. But the Secretary of Defense now has an Industry Advisory Committee which will help on this matter, and I believe that with good judgement, and an adequate amount of attention in regard to national security issues, this trade can be administered so that a great many products of our industry and many other industries can be safely exported to countries such as the Soviet Union and the People's Republic of China.

There are a couple of other points I would like to make in respect to trade with these countries. One is that I do not see any reason whatsoever why we should not give the Soviet Union and the People's Republic of China the Most Favored Nation treatment in respect to our trade, with the exception of those issues regarding our national security. I cannot see, however, why we should give them any special concessions or terms on credit. I think it is basically wrong to ask the American taxpayer to subsidize the credit that we extend to the Soviet Union or the People's Republic of China. I see no reason why they should get better terms of credit than our own industry at home, or the industries in the developed countries of Europe or Japan or other parts of the world.

As a matter of fact, just recently the Bank of America has offered to put together an $800 million credit line for the Soviet Union on commercial terms, and I think that's the way these problems should be handled. The Soviets would like to have concessions, of course, but I hope that we hold tight on this issue because I think this is a matter or rather fundamental concern.

So, in regard to foreign trade, the message I want to leave with you today is that foreign trade has been very important to our industry, and it will continue to be so. Foreign trade supports thousands of jobs in those states which you represent here in Washington. Some non-tariff barriers have been troublesome in that they have limited our trade, and these barriers should be eliminated to the extent they can be. We should continue to look upon foreign trade as an important and growing opportunity for our electronics industry, not only on the West Coast but throughout the entire country.

Now as you all know there is a continuing debate about whether or not the Soviet Union is ahead of the United States in areas of technology, and that the debate tends to heat up at this time of year when the R&D budget for the Defense Department is debated before your committees. You might be interested to know about the experience our company has had in this matter during the last year and a half, in that it may provide some additional insight into the status of technology between our two countries.

Our company signed a technical exchange agreement with the Soviet Union about a year and a half ago. Since that time we have had a number of discussions with representatives of the Soviet Union to try to find areas where we might be able to exchange technology on a mutually beneficial basis. We have been able to identify a number of areas in our company from which the Soviet Union would like very much to have us give them technology. So far we have been unable to find any area of technology in the Soviet Union that would be of any benefit whatever to our company. I can assure you, we're certainly not interested in making any one-way deals with these fellows in this matter. We may find some other ways that will provide a balance of trade for our technology, and we are continuing to pursue this matter. But I think this is a clear indication that, in the electronics industry at least, there are hardly any instances anybody has been able to find where they are ahead of us, and there are a great many technological areas where we have a very substantial lead over them. I don't want any of you to go back now and use this argument as a reason not to support Secretary Schlesinger's R&D budget request this year, because it seems to me that the only safe course for our country is to continue to maintain this important technological lead we have. It is very important in terms of our national security, and it is also very important in terms of maintaining the world wide competitive advantage of our industry. I really think even more federal money to support research and development might be better medicine for our economy right at this particular time than some of those "make-work" programs that are being considered. And the easiest way to do this is to support those requests that are in the President's budget for research and development, not only in the field of defense, but in other fields such as energy as well.

Our industry in the past thirty years has had a very interesting and useful experience—useful in terms of the lessons that we may be able to learn from it, and in terms of the fallout which has come from government-supported research and development. I'd like to take a few minutes to cite some examples, because I think that they prove the point that this very high level of government-supported R&D has been very productive.

If you go back to about the time that WEMA was founded, or more specifically to World War II, there were three very important vacuum tube developments that came out of government-supported research and development: the Klystron tube, the magnetron tube and the traveling wave tube. These tubes were essential to the development of radar, which was necessary during our war effort, and later the traveling wave tube became an essential ingredient in the communications necessary to mount our space effort. Those devices have made possible the tremendously capable communications systems we have throughout the world today. Some of the peaceful uses of space that we are now beginning to see come into service are possible because of the very-high-level communications capability that can be built with these devices. You can even relate this technology to more commonplace things like the microwave ovens some of you may have at home, which are possible again because these tubes were developed.

Another area is computer technology. In the early days it was, to a large degree, Defense Department research programs and some Air Defense programs that nurtured the rapid development of large-scale computers. They also produced a good deal of the software capability that has provided the foundation for the tremendously important computer industry in the United States today. Here again, I think without any question the reason that the United States is so far ahead of everyone else in this field goes back to the important research and development activities that were supported by military funds during this period of time.

Now there are many other examples. I see in our own company a great number of things that we have been able to do in developing commercial instrumentation for applications in electronics, for applications in medicine, for data products jobs in all the areas of business and industry because of the past high level of defense R&D. We've had this experience first hand, and I can assure you that there have been some very real benefits in terms of what you might call fallouts from this government-supported activity.

In recent years there have been a few things that have been a bit disturbing in this area. I was very troubled about the Mansfield Amendment at the time that I was here in Washington, and had I known a little more about how government operated at the time I might have been more effective in preventing it from being adopted. It is a very counterproductive amendment because it stipulates that independent research and development (I. R. & D.) should not be directed at potential commercial applications, but rather must be limited to potential military applications. If the Mansfield amendment could be eliminated it would help to nurture some of these fallouts and make the research and development dollars that the government spends go further. I would hope that some of you people might pay a little attention to that and perhaps we might get the amendment changed at some time.

There is another amendment that relates to computers and I guess that is called the Brook Amendment. That amendment has made it so difficult that our company has almost given up trying to sell computers to the government. It just isn't possible under these regulations.

These are some areas where, it seems to me, we are seeing a much more vindictive attitude in governmental actions which relate to industry. It is particularly troublesome to see this come about because, as I look back over these past thirty years, we've had a good working relationship. The government has been tough to do business with, but I think they've gotten the value for the money they've spent and the fallouts have resulted in the tremendously impressive growth of the industry which is represented here today.

I am disappointed to see the increasing intrusion of the government into a great many of the affairs of business and industry. I suspect that you will have a chance, if you have not already been able to do so, to talk about some of these things. In saying this, I recognize very well that the private sector has not always done its job as well as it should, and I would also agree that there are probably some areas where the government must become involved if we are going to move ahead in some of the important issues that society wants taken care of.

In concluding my remarks, I would just like to say a word or two about some of the experiences I had when I was here working in the area of Defense Procurement. I think there may be a lesson here which could be profitably applied to some of these other matters the government is concerned about in relation to their dealings with industry.

As many of you know, when I came to the Pentagon in 1969 we had a lot of problems with new weapons systems in the procurement area. As I got into these problems I found that everyone was in on the act. We had a lot of assistant secretaries and every one of them had a large staff. There were a number of committees in Congress and everybody was trying to figure out ways to put on more constraints, in terms of what they thought were ways to solve this job. We had procedures galore in this matter. As far as I could see, the only result was that the paper industry was enjoying a great period of prosperity. There were some cases where the weight of paper being produced by these procedures was about half of the weight of the equipment being produced and that seemed to be a rather unreasonable circumstance. In fact, as I looked into this situation, it turned out that very few of the people in the department had very much first-hand procurement experience. This was, of course, true of most people in the Congress and their staffs. As we studied this problem and searched for ways to find a better approach, I came to the conclusion that the best way to handle it was to get all these people out of the act, to give the responsibility to people in industry who had demonstrated a capability and know-how, to tell them what performance we wanted from the new product and then leave them alone until they got the job done.

We added an element of competition by recommending that this be done with at least two firms, whenever possible. This, of course, you will recognize as the essential ingredients of the prototype program. It has been characterized sometimes as a fly-before-you-buy program but that's not the important aspect of it—the important aspect is that we were able to give a team in industry an assignment and let this team go ahead and get the job done without all of these Mickey-Mouse rules and regulations that had been required in previous procedures.

In my opinion, at least, this approach has worked very well. We have, as a result of this approach, obtained two excellent lightweight fighter aircraft which could be tested in actual flight and we have been able to do this for about $100 million as far as I can determine. Under the old procedures, that first $100 million would have bought very little more than paper. I firmly believe it will be better for both government and industry to eliminate supervision in detail whenever possible. Too often, as in the Defense Department, people with no experience are writing the regulations and the results are what should be expected—frustration and waste. The desired result should be specified by the government, and industry should be expected to achieve that result in the most efficient way possible. I am convinced that we will not only save a tremendous amount of money but the government will get better products and services through this process. I think this philosophy can be applied to a great many other areas in which government is involved. I am very troubled by the continuing attempt to add layer on layer of rules and regulations that tell a business what it must do when working for the government. I don't think these rules and regulations are going to be productive in terms of getting a better product or better service at lower cost—They will probably reduce the profits of industry, but they certainly will not reduce the cost to the government. I would hope then that some attention could be given to these matters.

I thing further that it also would be very helpful if we could find some way to reduce the vindictive atmosphere that is continuing to build up between the government and industry. I think we can do many of these jobs that need to be done much more effectively if we can somehow find a way to do them in a spirit of more cooperation and less of an adversary attitude. I don't think this climate is serving the people of our country very well. I would hope that this meeting which has been sponsored by WEMA and has been attended by a good many people from government, will serve in some way to engender a little better mutual understanding of the problems we each have and I hope it will help find some ways to work together more effectively in the future. I am convinced that with the tremendously large and important and complex problems facing our country, we must find ways for the public and the private sector to work more effectively together, and I would encourage all of you to work toward that goal.

SMALL FARMS PROTECT THE TOPSOIL

HON. ALVIN BALDUS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BALDUS. Mr. Speaker, in the last few years we have seen the administration's agricultural policy, or lack thereof, create a market situation which was devastated our agricultural economy to the point that increasing numbers of small farmers have been forced to abandon dairying.

At a time when the costs of products essential to the production of milk were skyrocketing and the prices farmers receive for their milk were falling, the administration compounded the problem by opening import gates to large volumes of cheaper dairy products. Even now the administration speaks of negotiations and compromise instead of following the letter of the law and imposing countervailing duties on subsidized European imports.

At the same time, the administration stands firm in its opposition to increased dairy price supports as a means to enable the small farmer to muddle through our economic crisis. On the one hand the administration controls our agricultural economy by importing masses of foreign dairy products while on the other hand the administration argues against increased support prices by citing the need for a free and uncontrolled agricultural economy.

Because of the instability in agricultural prices, farmers each spring face a critical decision. Should they continue to run feed and grass through a dairy cow and try to sell the milk at a profit? Or should they plant their farms fence-to-fence in corn, cereals, and soybeans and hope prices turn a profit at harvest?

For farmers in Wisconsin, the decision is imminent. Milk prices continue below the cost of production. When prices get that low, farmers question whether they ought not to grow corn and grain outright for cash, instead of running it through a hayburner—a cow. The profitable decision for a Wisconsin farmer at the present time would be to get out of dairying altogether and choose an alternative, which is exactly the decision forced on him, incidentally, by the administration and its chief lieutenant, Secretary of Agriculture Earl Butz. Their pursuit of the Flanigan plan to implement a policy of grain exports and dairy imports has been unofficial, but crystal clear. They have actively sought to drive small dairy farmers out of business as a matter of national policy and force them into grain production or the ranks of the unemployed.

We are the strongest, most productive dairy nation in the world. I am not an economist, but is it reasonable to ship our grain abroad, run it through foreign dairy cows, process it, and then import it back to this country, inspect it before it comes in and store it in warehouses when we could produce it ourselves? I do not think so.

For the Wisconsin dairy farmer there is no good alternative to dairying. Wisconsin is a hilly State, and the Third District which I represent is its hilliest part. Stretching for 300 miles along the Mississippi River, these rolling unglaciated hills have been covered over the ages by a rich topsoil. This topsoil supports a thick carpet of grass. It is because of such rich pastureland, ideally suited to dairying, that Wisconsin produces 45 percent of the Nation's cheese, and the Third District is the Nation's leading milk-producing district by a large margin.

For the same reason that the hills are ideally suited to dairy, they are ill-suited to crops. For a farmer to plant fence-to-fence crops against these hills means turning over the sod and exposing the loose topsoil. Without the roots of the grass to hold it back, the work of the rain in a short time will make for a "muddy Mississippi." Planting those hills fence-to-fence in cereal grain or corn will redistribute the Third District's topsoil from Wisconsin to Louisiana.

Can dairymen turn to beef? Beef means corn; and even if beef prices were at a point which would encourage farmers to enter the business, which they are not, corn-fed beef is not an alternative. Grass-fed beef may someday be an answer, when and if the country decides to tolerate it.

The point is, farmers in the Third District have no alternative to dairying which does not risk substantial environmental damage.

The small farmer knows the problem. In the last 20 months, over 4,000 farmers in Wisconsin have left dairying. These small farmers, the traditional defenders of the topsoil, who for years have practiced contour farming, strip cropping, and careful watershed management, now may be forced to knowingly violate these practices, or get out of farming altogether.

It is our responsibility to stop pursuing agricultural policies which force this result and begin to give the small dairy farmer some agricultural stability.

SALTON SEA NEEDS HELP NOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ANDERSON of California. Mr. Speaker, in the desert of southern California lies one of the most unique bodies of water in the world—the Salton Sea.

Actually a large saltwater lake, the sea provides recreation for the entire Southwest, as well as a living for many of the local residents. The Salton Sea was formed years ago by a flooding Colorado River, which inundated a large area of desert flatland. Salt from the underlying sands, once an ancient seabed, gave the Salton Sea its ocean-like salinity.

The Salton Sea is used for swimming, boating, and water-skiing. However, sportfishing is perhaps its greatest use. Several species of fish from the Sea of Cortez were planted in the sea and have flourished, especially the large corvina and the smaller sargo.

But unless action is taken immediately, the Salton Sea fishery is doomed. This is due to the fact that the salinity level of the sea is steadily increasing. Irrigation water from farms in the Imperial Valley runs into the sea, bringing high levels of salt into the already salty waters. Since the sea has no natural outlet, water escapes only by evaporation into the hot, dry, desert air. This causes the salt concentration to become even higher.

Unless Federal assistance is provided, these processes will continue to the point at which the Salton Sea will be unable to support life. Should this be allowed to happen, an important resource and the local industries it supports, will be lost.

The following article appeared in the Los Angeles Times on March 14, and gives an excellent breakdown of the dangers the Salton Sea sports fishery faces. Hopefully, it will help focus attention on the crisis which faces one of California's finest recreation areas:

SALINITY PROBLEM: SALTON SEA FISH REMAIN IN PERIL

(By Lupi Saldana)

DESERT SHORES.—For years, experts have been saying the Salton sea would get so salty in 1975 that its abundant fish would start dying.

Well, the year is here—and they're thriving. Why?

Bob Hulquist, State Department of Fish and Game biologist, says they have a temporary reprieve owing to an unusually large flow of fresh water into the sea in the last two years.

"But the fish are on borrowed time," said Hulquist, looking over the sea's ruffled waters one recent sunny, windy afternoon. "Unless action is taken soon to stabilize the salinity, we may lose the fisheries."

The sea contains three species prized by fishermen—corvina, sargo and croaker.

The salinity—salt level—is at the danger point, averaging about 38.5 parts of salt per thousand parts of water, with a few areas reaching 40 occasionally. Hulquist believes the fish will begin to die when the entire sea reaches the 40 mark. Salinity of the ocean is 34.

First warning of peril was in a 1966 report by Dr. Richard Pomery. He said salt, draining into the sea from lush Imperial Valley croplands at the rate of 10,000 tons daily, could begin damaging the fisheries by 1975, ruin them by 1985. The salt hurts reproduction by reducing development of eggs and larvae, and eventually could make the water unlivable for large fish.

Hulquist is the sea's foremost expert. He was assigned as biologist in 1962, but his interest goes beyond mere salary. In 1950 he worked with a DFG crew that netted, trucked and stocked the sea with fish from the Gulf of California. Then he watched the fish multiply to the point where the sea became the heaviest-fished inland body of water in California.

The favorite is the corvina, a scrappy, tasty table fish that weighs up to 33½ pounds. The sargo and croaker average 1 and 2½ pounds, respectively, and are also good eating.

A net sampling last fall yielded 86 corvina and lots of sargo, a record net catch. More importantly, the fish included yearlings to 4-year-olds, showing that all ages were in excellent condition.

Hulquist says the high runoff of agriculture water stabilizes the salinity because it replaces water lost by evaporation in the 35-mile long and 9½ to 15-mile-wide sea.

"But when the farmers begin using all their water allotments—it could happen this year—the fisheries are going to be in trouble," said Hulquist. "This could result in damage to the fisheries within two to three years."

Federal and state officials, sportsmen and area businessmen agree on a solution: build a dike around 40 square miles of the sea at its southeast corner for an evaporation pond. As the pond evaporates, new water would be admitted periodically. Gradually, salt would be transferred from sea to pond. Meanwhile, agricultural water entering the sea from creeks near the dike would form a fresh-water lagoon, which would be stocked with catfish and be a home to waterfowl.

Estimated cost of the dike is $58 million, or $38 million if bottom material can be used. Additional tests are necessary to determine this. The dike would be effective for about 100 years.

The key question—who pays for the dike?—has triggered a controversy between Secretary of the Interior Rogers B. Morton who opposes use of federal funds, and sportsmen, state officials and businessmen, who want Uncle Sam to pick up the tab.

Although two federal agencies, Bureau of Sport Fisheries and Bureau of Reclamation, spearheaded the preliminary studies of the salt problem at a cost of some $250,000, most of it federal money, Morton says the project should "not be considered as a national priority item at this time" and federal funding should be withheld.

"This does not mean that there is no federal interest in the Salton Sea or that the federal government should not play any part in its continuance as a recreational activity," said Morton.

"Rather, there should be explicit recognition that the Salton Sea and the activities related to it are primarily and predominantly state and local in nature . . . Because the majority of the benefits fall within California, the project should be funded by the state or some other appropriate entity."

Sportsmen, state officials and businessmen say its a federal responsibility because the sea is used by many out-of-staters, much of the salt problem is created by other states as their runoff water with a high salt content flows into the Colorado River and eventually into the sea, that migratory waterfowl and other birds, as well as a federal refuge, will be hurt because high saline content will kill aquatic plants that feed the birds.

At a recent protest meeting chaired by Reps. Clair W. Burgener and the late Jerry Pettis, whose districts in Riverside and Imperial counties are straddled by the sea, proponents of federal funding urged Morton to change his position. They said he has pigeonholed an environmental impact report on the proposal.

"Once the report is made public," says businessman Mike Leonte, "it will be necessary for the federal agency to hold public hearings and Morton is afraid it will generate overwhelming public support for the plan."

Bob Montgomery, DFG regional manager in Southern California, said that if the salinity is allowed to reach the point that fish life is destroyed "the sea also will lose its value to protect other wildlife."

Montgomery emphasized the value of the sea as a recreational area, saying fishing provides 360,000 man days of recreation a year, water sports provide another 200,000 and hunting, nature studies and other uses 177,000. If the salinity is controlled, recreation use may reach 1.5 million man days in the next 25 years, with a potential to reach 4 million.

Bob Vile, president of Project Salton Sea, a broad-based organization leading the drive to save the fisheries, says a dike project would help the economy by creating jobs for the two years required for construction.

If the dike isn't built, marina operators, land developers and other businessmen stand to lose millions. This would further depress the economy in the area and force thousands of recreationists to other already overcrowded areas.

Meanwhile, Burgener and Pettis' widow Shirley, a candidate to succeed her husband in the 37th Congressional District, got a promise from Morton to reconsider his objection to federal funding of the dike.

Geologists say that millions of years ago it was an inland sea extending as far north as San Gorgonio Pass.

In more recent times, perhaps as late as about 1400, it was a fresh-water lake about 100 miles long and 35 miles wide, called Lake Cahuilla after the Indian tribe whose members still live in the area. An estimated 125,000 Indians lived around the lake, fed by the Colorado. The water line is still visible along the base of the San Jacinto Mountains on the west.

Then the river changed course and the lake became a saltmarsh. In 1905 Colorado flood waters ripped out the gates of a canal bringing water to the Imperial Valley and water poured into the sink until 1907 when the gates were replaced.

In the early 1900s the Salton was called a dead sea because it had only a few species of non-game fish, mullet, desert pupfish and minnows.

Some of the most colorful history of the sea is underwater.

The tops of old buildings of Desert Beach, once a thriving boat landing with restaurant, pier and motel, stick out between North Shore Marina and Salton Sea State Park.

Mullet Island at the south end was the home of a colorful character, Capt. Charles Davis, and his sidekick, Shorty Britt, in the early 1920s. They guided duck hunters from their residence, called Hell's Kitchen because of the summer temperatures and the captain's dry humor.

Only a few ruins of the buildings remain and the road to the island is underwater.

Scientists say the buttes in the southeast corner—Red Hill, Pumice Rock and Obsidain—are extinct volcanos that straddle a branch of the famed San Andreas earthquake fault. Many mud pots that once hissed and popped are covered by water.

WHY WE REALLY "LOST INDOCHINA"

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HUBBARD. Mr. Speaker, at a time when Congress is being blamed for the "loss of Indochina," I wish to submit an editorial from the April 6, 1975, Courier-Journal and Times, a Louisville, Ky., newspaper whose editor and publisher is Barry Bingham, Jr., and whose "Opinion" page editor is Robert Barnard:

After years of inconclusive fighting and a failed attempt by a U.S. intermediary at conciliation between the government and its Communist opponents, the government forces began to suffer a series of reversals. Suddenly a trickle of defeats became a flood as Communist troops streamed southward.

Government forces were trapped or fled in disarray; vast quantities of American-supplied arms and equipment were surrendered to the Communists or simply abandoned by the routed government divisions. Government forces were further weakened by bad leadership; their battle strategy had not changed with changing circumstances. There was a tendency to hoard supplies, to fight too defensively.

Equally responsible for the sudden collapse was demoralization prompted by erosion of public support for the government. The general who headed that government was growing more rigid and detached from reality every day, yet he refused to bow to pressure and resign. Hyperinflation and corruption were further undermining public confidence in the regime. And the U.S. government, which had poured billions of dollars and an enormous emotional commitment into propping up this regime as a buttress against Communist encroachment, was powerless to prevent the final disintegration.

That could be the scenario for what is happening today in Vietnam. In fact, it took place 26 years ago in the winter of 1948–9, as Communist troops overran most of China and routed the Nationalist armies of Generalissimo Chiang Kai-shek. The Communist surge to victory came as a tremendous shock to the American people. By and large, we felt a combination of alarm at such a sudden expansion of the Communist empire and grief that a country to which many Americans felt a strong bond should be lost to us.

The recriminations that followed, as answers were sought to the question "Who lost China?" have haunted the United States ever since, ruining individual lives and careers, demoralizing the State Department, distorting our attitude to Asian problems. Above all, the fear of "losing" another Asian country to communism drove successive administrations into a steadily deepening commitment to South Vietnam in defiance of the historical forces at work there. It is particularly important, therefore, that if South Vietnam should now fall, the postmortem should be honest and constructive, rather than bitter, divisive and blinding.

Already there are hints of what might lie ahead. The Ford administration has been hinting for weeks that Congress would be held responsible for any catastrophe if it refused to appropriate more military aid for Saigon. At his press conference Thursday, President Ford came close to blaming Congress for wasting 55,000 American lives in Vietnam if it does not now compensate for its previous refusal to keep the munitions flowing into Saigon. Without specifically pointing the finger at Congress himself, he ominously warned that "the American people will make that judgment."

But before the American people render their verdict, all the facts must be heard, not just the statistics of how much was asked and how little was granted.

Take, for instance, the moral commitment springing from the 1973 Paris agreement, invoked so often by the President and Secretary of State Kissinger. Certainly the agreement specified that arms and equipment might be replaced on a one-for-one basis. But since this accord was not a treaty, subject to Senate ratification, Congress was not given the opportunity to commit itself. That doesn't mean the agreement would have been rejected, since it provided for withdrawal of U.S. troops and return of our POWs. But neither does it mean that Congress can be saddled with the responsibility for failure of other aspects of the agreement.

INHERITING A COLONIAL WAR

Therein lies the flaw in the whole administration argument over the interpretation of the Paris agreement. Even at the time of the signing, it was clear that this document provided little more than a face-saving way for the United States to extricate itself from Vietnam. From the start, neither Hanoi nor Saigon had much interest in reaching a political accommodation. The most either side hoped to get from the ceasefire was a breathing space during which to prepare for the next phase of the struggle.

If Americans are ever to look back on the Vietnam war realistically and purposefully, then we must be prepared to shed our illusions about the nature of that war and about the U.S. role in it. The intentions of successive administrations were good and rooted in principle, but they were misdirected all the same, for they were based on a faulty analysis of the situation.

In the 1950s, for instance, France was perceived to be engaged in a struggle to contain international communism in Indochina. When France dropped out, the United States did what it could to provide support for the forces of "freedom." In the 1960s, when the non-Communist side appeared to be in danger of losing, U.S. troops and bombers were sent in on behalf of "democracy." Over the years, $150 billion and 55,000 lives have been given by Americans to this cause. No one can accuse us of not trying to "save" Vietnam.

But the fatal error of judgment was made right at the beginning. The war the French were fighting was not an anti-Communist crusade but an ordinary colonial war. The Vietnamese rebels happened to have Communist leadership, but primarily they were nationalists seeking independence. The great strength of the Viet Cong and the North Vietnamese all along has been their continuing appeal to nationalist sentiment, while the fundamental weakness of all the Saigon governments has been their inheritance of the colonialist mantle.

The main reason that the nature of the struggle was not clearly perceived was the traumatic memory of the Chinese experience. President Johnson, for instance, in weighing the momentous decisions of 1965 to bomb the North and to commit U.S. troops to combat, was ultimately swayed by the fear that, if he allowed the Saigon regime to fall, his administration would be tainted with the stigma of having "lost Vietnam."

LESSONS BADLY LEARNED

From that initial basic misconception have flowed all the tragic mistakes of U.S. policy in Vietnam; the desire to preserve an independent South, whatever the cost; the belief that this could be accomplished by military means, with American might and technology pitted against the forces of an enemy that didn't even have an air force; the sureness that our determination could make up for the deficiencies of the South Vietnamese.

Because the lessons of the Chinese experience were so badly learned, it is vital that we analyze the Vietnam involvement clearly and honestly and that we draw the right conclusions from it. For the threat to our future foreign policy and to the credibility of our alliances around the world is not, as the administration claims, that the United States has let the South Vietnamese down. It is rather that we were so blinded by our own mythical version of history that we allowed ourselves to become entangled in a nightmarish situation that we could not possibly control.

No individual or group can be singled out to bear the major responsibility for our Vietnam policy. Democrats and Republicans, Congress and executive branch, all in one way or another, through their action or their failure to act, contributed to this monumental mistake. Yet because in any political turning-point it is impossible to wipe the slate clean and make a fresh start, the review and the reassessment will be painful. All the more important, then, that we seek the answers to what happened in Vietnam as objectively and as dispassionately as possible.

INCORPORATION OF CITY OF LANCASTER, CALIF.

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. KETCHUM. Mr. Speaker, I ask my colleagues in the House to join with me in recognizing the Lancaster, Calif., Chamber of Commerce; its executive board, and many community minded individuals for a remarkably innovative project to educate the citizens of Lancaster regarding that city's possible incorporation.

This original concept of presenting the pros and cons of incorporation is called the "incorporation game." At the end of the first 6 months of operation, the "game" has shown that an incorporated city of Lancaster will be financially responsible, without increasing homeowners' taxes, or property taxation. Perhaps more importantly, this project shows that local representation on the city level is more responsive to the community's needs than a county board of supervisors, 75 miles away.

Those on the executive committee who have donated their time and effort in the conception, planning, design, and operation of the "incorporation game" include:

Dr. Lawrence Cunningham, President/City Mayor.

Lee Reinhart, Vice President/City Councilman.

Ilene Ryan, Vice President/City Councilman.

George Estok, Vice President/City Councilman.

Bob Hayes, Treasurer/City Treasurer.

Carl P. Hilgenfeldt, Vice President/City Councilman.

Denver Cook, Immediate Past President/City Councilman.

Jack Strait, Vice President/City Councilman

Robert J. Keenan, Executive Vice President/City Administrator.

Those who gave of their personal time and effort to act in the capacity of commissioners include:

Gordon Lansing, Finance Commissioner.

Larry Lakes, Parks and Recreation Commissioner.

Elaine Stewart, Planning Commissioner.

Ron Jackson, Planning Commissioner.

Dr. Marshall Mercer, Cultural Arts Development Commissioner.

The legal firm of Cosgrove, Michelizzi, Schwabacher & Ward, City Attorneys.

The population of 40,000 in Lancaster owe their enlightenment to the dedicated work of these fine people. It is with great pleasure that I honor them today.

PROTECTION AGAINST POLLUTION ON THE GREAT LAKES

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. O'HARA. Mr. Speaker, there is growing concern in the Great Lakes States over proposals by the U.S. Coast Guard and the U.S. Environmental Protection Agency to seriously weaken standards now in effect governing the discharge of sewage from vessels into the Great Lakes. It has been argued that easing of these standards is necessary to safeguard the intersts of ship operators on the Lakes.

I do not agree with this argument, Mr. Speaker, and I am delighted that the Port Huron Times-Herald of Port Huron, Mich., which is part of the 12th Congressional District which I represent in the House, shares my view on the urgent need to enforce the present standards in the interests of cleaning up these Lakes. Mr. Speaker, I would like to place in the RECORD an editorial on this important subject which appeared in the March 27, 1975, editions of the Times-Herald:

NO SPECIAL HARDSHIP CLAIMS FOR SHIPPERS

The push is on again—or should we say yet—for relaxing of sewage disposal regulations as they affect shipping on the Great Lakes.

Ship operators complain that rules are unrealistic in that they demand either adequate treatment of waste aboard ship before discharge, or holding tanks to be emptied into on-shore facilities.

The arguments are plausible, but not convincing. The damage sewage from a ship will do to the fresh water reservoir of the Great Lakes is in no way different from that done by the same discharge from land.

It is a costly, unpleasant nuisance for shipping interests to live by the rules. And it is a costly, unpleasant nuisance for municipalities to install the quality of disposal facilities that will do the same thing.

Shippers have no more claim on the basis of hardship than any community or any taxpayer, has. Since all are using a common resource, all should help take care of it.

TRIBUTE TO CHIANG KAI-SHEK—CHAMPION OF FREEDOM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BIAGGI. Mr. Speaker, the world joins with the people of Nationalist China in mourning the passing of Generalissimo Chiang Kai-shek, President of Nationalist China, who died last Saturday at the age of 87. His passing plunged the nation of Nationalist China into profound mourning as Chiang has been such an important part of its life for much of the past half century.

Chiang Kai-shek's life was filled with both spectacular successes and bitter defeats. His personal pinnacle of success was achieved in the late 1920's when he successfully drove the Communists from power in China and established a government with himself as President. The following decade and much of the 25 years he ruled as President were turbulent times in China with both intense prewar pressures from the Japanese and the constant factor of the Communists posing a real threat to the security of Chiang and the Chinese people. World War II was ended much as a result of the efforts of Chiang, but his reward was having the stronger Communist influence drive him from power and fleeing to the island of Formosa where he was to rule in virtual exile until his death.

The past quarter century for Chiang were troubled and frustrating years. He died with his one goal, a free China, left unresolved. His staunch anti-Communist stand led him to be recognized the world over as one of the modern-day bulwarks of freedom.

Under Chiang's rule the people of Nationalist China enjoyed a level of prosperity far in excess of their Communist counterparts. While the Mao government was enduring the serious Cultural Revolution of the 1960's as well as numerous purges which included an attempted coup by Lin Pao, former key figure in the Communist hierarchy, Chiang enjoyed an uninterrupted rule much due to the abounding respect and admiration which he had gained from his people.

The 1970's ushered in a new era in international relations commonly referred to as détente. Paramount to this policy was the efforts of the United States to improve relationships between ourselves and the two Communist giants, the Soviet Union and Red China. Chiang and the Taiwan people in a sense were casualties of this policy as the 1970's progressed our relations deteriorated with the crushing blow being President Nixon's much-heralded visit to Red China, which in Chiang's eyes was tantamount to our abandoning one of their most staunch allies. Many people both in this Nation and around the world were critical of our policy toward the Nationalist Chinese and pointed to it as being responsible for Chiang's demoralization and weakened stature as a world leader.

Irrespective of the adversities which plagued him for his last years. Chiang Kai-shek remains one of the major figures of the 20th century. He was the last surviving member of the allied war leaders. Many remember his instrument efforts which brought about Japan's surrender and the end of the Second World War. He and his nation were one of the original members and strongest advocates for the United Nations, yet ironically, they, too, turned against him in recent years. The people of Taiwan never waivered in their respect and love for Chiang. They recognized him as their leader and one of the world's modern-day statesmen. He was a friend to many U.S. Presidents in the 20th century.

Chiang Kai-shek's death marks the end of an era. His legacy will continue with the assumption of power by his son and the continued spirit of freedom in the hearts of the Nationalist Chinese.

MAX ZIDES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. HUNGATE. Mr. Speaker, I would call to my colleagues' attention the passing of a great musician who brought radio entertainment to hundreds of thousands of people as part of the well-known team of "Hum and Strum" and their ukelele. All those who have enjoyed "The Irish Were Egyptians Long Ago" and other tunes they made famous will mourn the passing of Max Zides.

I include the following article:

Max Zides, "Hum" of Singing Duet

Max Zides, 70, known to millions of early radio and television fans as "Hum" of the musical duo "Hum and Strum," died yesterday at his home, 43 Beaconsfield rd., Brookline.

For 36 years, beginning in 1924, Zides and his longtime childhood friend, Tom Currier, entertained America, humming and strumming their way into the hearts of millions.

They were pioneers in radio, getting their first job in 1924 with station WGI at Medford Hillside, one of the nation's first radio stations.

Soon they were on top of the entertainment business, appearing on radio network programs and in major vaudeville theaters.

Both Zides and Currier attended the Boston High School of Commerce and several years after they graduated, Zides, already a radio personality, met Currier in a Boston music publisher's office. Currier, a left-handed ukelele player, was an out-of-work cab driver at the time and hoping to break into radio.

Their antics and music were carried on just about every Boston radio station, including WBZ, WHDH, WEEI and WNAC. During World War II, they toured with the USO, entertaining the troops overseas. They also scored big in television, landing several shows around New England.

Early in their career, they shared a vaudeville billing with George Burns and Gracie Allen and got that famous couple interested in radio. They also helped launch the career of comedian Phil Silvers, whose first radio appearance was on their network program.

They retired in 1960 and Zides became a public consultant with a chain of bowling alleys.

At the time of his death, he was still active as the public relations manager for the Wollaston Bowladrome in Quincy.

Recently, he was honored by the city of Quincy for his charitable works and contributions to early radio.

He is survived by his widow, Esther (Vigoda); and two sons, Alan of Brookline and Danny of California. He also leaves two brothers, Fred of Revere and Arthur of Randolph, and two Sisters, Mrs. Charlotte Olken and Mrs. Rita Rogoff, both of Sharon.

Funeral services will be held today at 12:30 p.m. at the Levine Chapel, 470 Harvard st., Brookline.

CONSUMER CAUSE AT CAB IN REGULATORY AFFAIRS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. ROONEY. Mr. Speaker, last Friday, April 4, in Los Angeles, Mr. Jack Yohe, Director of the Civil Aeronautics Board's Office of the Consumer Advocate, addressed the customer relations directors of the U.S. scheduled and supplemental airlines. It was a significant forum and a significant statement. In this period when easy criticism seems to find some regulatory bodies more than others, I believe we ought to take note of that address because it makes some compelling points for both the consumer, whose cause Mr. Yohe's Office pleads, and the Agency which has known some 13 years of his singular dedication in one capacity or another.

I would call attention to two statements in Mr. Yohe's remarks which point up a responsible approach to the needs of the airline consumer. In one of these he said he does not intend to "shotgun" all issues but, rather, intends to prepare "fully and well" a consumer-oriented position on matters of concern that may come before the CAB. He also assures that if a matter of concern does not come before the Board in the normal course of business, "we shall not hesitate to initiate action on it."

In the other statement, he points out that the time is past "when the air transport industry can be viewed as a segmented group of separate interests."

Trunks, locals, supplementals, and taxis all provide key elements in the overall transportation network. That network is designed to satisfy the travel needs of the consuming public, and only through a unified and cooperative approach can the various components of the industry provide the type of service consumers are seeking . . . What is necessary now is a new mentality aimed at eliminating the erosion in passenger support by active measures designed to assure that all citizens have the ability to travel by air when the need or desire arises.

Mr. Speaker, for the information of my colleagues, I include in the RECORD the remarks of Mr. Yohe:

REMARKS BY JACK YOHE, DIRECTOR, OFFICE OF THE CONSUMER ADVOCATE

Good Morning! On behalf of the Board and also our hosts, the Los Angeles County Department of Airports, I would like to welcome you to the Fifth Annual CAB/Airlines customer relations personnel meeting.

For us, this has been a year of great change and our choice of a meeting place is representative of that change. The proverbial winds of change have been blowing rather strongly lately—in the nation as a whole, in Washington, and at the Board. Many of these changes directly affect the air carriers you represent and others directly affect the Board and the Office I direct. I want to address my comments today to some of the changes we have undergone and, at the same time, treat topics of interest to you, to us, and to the consumers we deal with on a daily basis.

The Board's Managing Director, Mr. Harry J. Zink, is attending today's meeting. Accompanying me are two members of my staff, Mr. Peter C. Edison, our Assistant Director-Law, and Mr. John T. Smith, a staff analyst.

It goes almost without saying that all of us, and the Board as well, share certain concerns and want to cooperate with you to the fullest extent possible to implement a fair deal for consumers.

In April, at our last meeting, I decided to launch a trial balloon. Weathermen tell me that is the best way to find out which way the winds are blowing. Well, I have been pleased with that balloon's progress, for some beneficial wind has blown it across the country and here we are in Los Angeles, reconstituted and reinvigorated.

As you know, late last October, former Chairman Timm, in cooperation with the White House, announced the transformation of the Office of Consumer Affairs into the Office of the Consumer Advocate. To some, the change was viewed as cosmetic or symbolic at best, a simple change of name. However, I can assure you that the Board considers it a good faith effort to focus independently and intently upon the needs of the consumer in the overall activities of the Board.

The Office of the Consumer Advocate is now a fully independent bureau, equal in status in Board proceedings to the Bureau of Operating Rights, Bureau of Economics, Bureau of Enforcement or any other Bureau. Our function is to work within the system to represent and give voice to what we perceive as the needs and desires of the users of your services.

Our primary role will be that of spokesman. We will strive to be balanced in our positions and selective in our areas of concern. I do not intend to "shotgun" all issues. What I do intend to do is to prepare fully and well a consumer-oriented position on major matters of consumer concern which come before the Board. If a matter of concern does not come before the Board in the normal course of business, we shall not hesitate to initiate action on it.

I want to stress our intention to be even-handed. In championing what we see as the consumer's position, we are not necessarily opposing yours. Rather, we are seeking a better air transport system for the benefit of all concerned.

I do not believe that the interests of the consumer are divorced from your interests. Your interest is to provide the best possible air transportation services at a reasonable price. The consumer's interests lie in obtaining the best possible air transportation services at a reasonable price. The basic area of overlap is in the area of "best possible air transportation service" and it is in this area that the Office of the Consumer Advocate intends to work.

Our major concern will be for the quality of the air transportation services which you sell and the consumer purchases. What we hope to accomplish is the development of strong separate corporate identities which consumers can approach certain in the knowledge that equity will govern all dealings between your corporate structure and his rights as a customer.

We do not propose to "regulate" the system to achieve a homogenized lumping of carriers totally indistinguishable in terms of quality of service. We understand that you have the right and the ability to offer a level of service as good—or as poor—as your corporate policy dictates. However, we propose to insure that, whatever that level of service, consumers are fairly treated by all air carriers.

Simply stated, we want to encourage you to compete in terms of quality of service to gain your desired percentage of the market. It makes no difference if you are a trunk, regional, supplemental, or third-level carrier, the following truism applies. The consumer deserves the best for his money; you are entirely capable of providing that best to each consumer; and each consumer will reciprocate your efforts by his patronage. Lest you think that is a new concept, let's take a quick backward glance.

In October 1973, the Office of Consumer Affairs released a baggage "White Paper" which was received with mixed views. Some of you disagreed heartily with our intrusion into this area of consumer concern. Others, particularly United and Trans World, saw that our concern was not simply to criticize the system, but to encourage the system to take corrective action.

The need for corrective action was manifest, not only from the standpoint of consumers, but also from the point of view of some carriers. Baggage claims cost money. They cost the consumer money; they cost the carriers money. Therefore, the reduction in baggage claims through improved baggage handling is a benefit for all.

Our thrust was two-sided. First and foremost, we have sought to correct the inequities inherent in the claims process. The Board, I am most gratified to say, has seen merit in our proposals.

Secondly, by alerting both the Board and the industry to a problem area, we tried to provide you with both the incentive and the opportunity to correct the source of the problem—the baggage-handling process which gives rise to claims in the first place.

Of the two sides to this particular issue, one is obviously ours to deal with. That is the issue concerned with equity. We are seeking to assure that each consumer is dealt with fairly in the claims process.

The other side is yours. You can have as many, or as few, costly baggage claims as you wish, since the area relating to your baggage operations is yours alone to deal with. Obviously, we would hope that you give the necessary time and attention to the handling problem for the benefit of the consumer and your company. But that choice is yours. I can only offer encouragement and cooperation.

The area of tariffs is another area of concern where the interests of consumers, carriers, and regulators interface. I spoke at length on the tariff problem last April. There is no need to repeat myself. I would simply note that last year I suggested that there were two ways in which the problem of ambiguous tariffs could be dealt with.

The first was carrier-initiated reform, either on an individual or industry-wide basis. The second was government-implemented reform. I have available for you copies of a letter on this subject sent by Acting Board Chairman Richard J. O'Melia to the presidents of each certificated air carrier. I urge you to respond positively to Acting Chairman O'Melia's expression of concern.

Before I leave the area of reform, I would like to compliment United Airlines for a reform which it has recently announced. Last year, I suggested a reform in the refund area. It struck me that some simple system could be devised whereby ticket refunds could be accomplished without months of lengthy and expensive correspondence. We suggested that a voucher system be initiated. United has announced an experimental program, which I urge the rest of you to carefully evaluate. United's system appears to offer a means by which both carriers and consumers benefit. OCA views this with enthusiasm. We hope you will, too.

While the Office is gradually changing its emphasis, this does not mean that we need or intend to forsake the individual consumer. We intend to maintain our facilitation services for individual consumers. This will involve a continuation of our consumer complaint referral service. In that area of our operations, we solicit not only your continued cooperation, but also your suggestions. If you feel that we can improve our facilitation function, we will be happy to receive your suggestions to try to make our efforts more compatible with your own.

Today's agenda has been supplied in advance to each of you and, hopefully, we can cover each topic. I'd like to quickly run through the agenda to highlight what we see as the important points which we feel deserve attention.

1. *Baggage.* In the area of baggage, we have an old and troublesome friend which is likely to be with us for many months to come. As you know, on March 7, 1975, the Board ordered air carriers to show cause why they should not discontinue certain baggage practices. At the same time, the Board instituted a rulemaking which, if adopted, would prescribe a greater liability for air carriers for lost or delayed baggage.

The area of concern which is cited by most consumers is not the fact that baggage irregularities occur—this they take for granted—but that the ensuing claims and retrieval process is burdensome. It is in these areas that the Board is taking action, and it is in these areas that you and I deal on a daily basis.

I would note for the benefit of the supplemental carriers that your claims procedures are among the more regressive in the industry from the consumer's point of view. We submit that your procedures require prompt reform. Copies of the Board's March 7 orders relating to baggage are available for you.

2. *Flight Irregularities:* With the same resignation that they accept baggage irregularities, consumers take for granted the fact that some flights will be delayed or canceled. The incidence of allegations of economically inspired cancellations has even dropped. However, while the consumer can accept the fact that a flight irregularity may occur, he cannot accept the carrier's unwillingness to give him the facts about his flight.

Consumers feel they have a right to accurate and timely flight information and this Office concurs. We urge you to study the implementation of an "honesty in flying" policy insofar as flight irregularities go. The newest certificated air carrier in the country—Air New England—as well as Ozark have forms for standard distribution concerning flight irregularities. The Air New England form explains amenities in simple straightforward ways. It is apparently very effective and worth study by larger carriers who operate into airports which are frequently subject to operational restrictions. Charter carriers in particular need to develop positive liaison with their ground handling agents to assure the proper passenger handling procedures are implemented when delays take place.

3. *Promotional and Discount Fares:* There are very few types of air carrier public contact which cause more confusion than the advertisement of fares. More than ever, the current consumer is price conscious. The lowest price advertised in the largest type is the one which gets his attention. Unfortunately, he may never be able to purchase the fare which he sees advertised. The Board has recently acted in the area of Group Inclusive Tour advertisements and I suspect that other forms of advertisement may be scrutinized. Our area of concern is the boldfaced ad which loudly proclaims a low fare and a tiny qualifying asterisk which whispers that the sale is subject to governmental approval. In some instances, advertising begins not only before the tariff goes into effect, but in fact, before the tariff is filed. The recent Eastern Air Lines advertising of a $61 New York-Miami discount fare is a good example of this. We urge the industry to examine its policies with regard to promotional fare advertising. Perhaps, if you want to attract people with lead ads, you could adopt a policy which prohibits sales of tickets until the fare has in fact been approved.

An informational program appears to be required to alert consumers to the terms and conditions of their particular fare. Some carriers stamp the tickets with short explanations; others use stickers on the ticket to advise of restrictions. Both of these are good policies and we urge wider use. While there is no requirement that every advertisement for a particular air fare list every restriction included in the tariff, we think the advertisements should contain the main restrictions, whether they are an advance purchase requirement, stop restrictions, or midweek use. Despite your urgings that everyone call the carrier or his local travel agent for details, it is obvious to us that many consumers rely solely on the advertisement.

We also believe there could be improvement in the information on such plans which is provided to your agent, the retail travel agent. Don't force them to rely on a footnote in the OAG to figure out your plan and sell it.

4. *Tour Packages:* Increasingly, it has become the fashion for air carriers to hold out and sell tour packages under their corporate logo. This is all well and good, but it has created considerable consumer concern. Quite often the tour programs sold as a company package are in fact operated by a local agency and also quite frequently there appears to be an absence of quality control by the carrier. Some of you have adopted positive customer satisfaction policies which we certainly applaud. Others are content to pass the buck to the consumer and tell him to fight it out with some far-off tourist agency. We feel that, if you sell a package which appears to be your own, the problems it spawns should be yours as well as the consumers. We also expressed our concern in this area when we met with wholesale and retail vendors of ITC and GIT programs here last Wednesday.

5. *Credit Card Refunds:* As expressed last year, our concern is the inordinate amount of time refunds take when a credit card is used. Most carriers accept and encourage the use of credit cards, yet the procedures surrounding refunds is a major unsolved problem area. Last year I suggested that a consumer should have to spend no more time in acquiring his refund than he did in buying his ticket. I still believe this. As I said earlier, I am encouraged by United's recently announced policy change and invite your comments on other refund-related problems, particularly as they relate to interline difficulties.

6. *The Charter Flight Passenger:* This problem area is maturing along with the growing availability of charter services on all classes of carrier. People are no longer surprised to be flying North Central to Miami, Alaska to Jamaica, Continental between Las Vegas and New York, or a supplemental to London. The trunkline industry operates more charter flights than any other industry segment. Pan Am, United, and TWA account for a large percentage of charter passengers, yet we are all prone to think of charter travel as being a strictly supplemental activity. The image of the second-class passenger using a second-rate airline to travel from a second-rate terminal must be ended. Charter travel appeals to the price sensitive traveler now as never before and all segments of the industry must prepare to deal with the associated problems of group travelers. Much public education must be done to assure that the passenger understands what it is he buys when he purchases charter transportation. He must learn that his rights are not abrogated the moment he checks in for a charter. You all sell these flights yet, except for the supplementals, there appears to be a growing conviction that charter passengers are second-class citizens. We urge strong cooperation between the carriers and their tour operators and agents to educate the public and between the various classes of carriers who sell this important product.

7. *Handicapped Passengers:* The transportation of the disabled is a problem in which your concern parallels our own. Simply stated, none of us has a clear understanding of the problems, particularly at the passenger handling level. I have asked Janet Garlough of TWA to prepare an informational presentation concerning travel for handicapped passengers and I hope it can become a springboard for discussion in this much confused area of interest. Perhaps discussion can lead to improvement for carriers and passengers alike.

8. *Cargo Claims:* The problems associated with cargo claims are often relegated to an inferior status because all of us have an inner desire to forget about the esoteric world of airwaybills. However, cargo is an important part of the system and inevitably handling problems arise. Some of you may not have seen our publication in this area, so we have brought along some extra copies. Our particular concern is in the area of interline claims handling, not only among direct carriers, but also between direct carriers and airfreight forwarders. Again, the focus of our concern is the time lag in resolving claims matters. Some of you may also wish to improve the speed at which COD funds are remitted.

I am greatly concerned with the ever escalating costs of air transportation services. In the last 18 months scheduled domestic services have risen an average 20 percent, and it looks like there may be more fare increases on the way.

All of you have no doubt noticed the decreasing percentage of pleasure travelers, especially among mid-level income groups. At a given point, the consumer decides to drive or not travel at all. That point has been reached for an ever-increasing percentage of his ranks.

With this in mind, I applaud the initiative shown by National Airlines in recently proposing a new off-peak experimental fare program. Without commenting on the merits of National's proposal, I would urge each of you to carry back the messsge to your managements that the public is clamoring for reduced fares. More cost savings are possible and these should be passed along to the consumer.

I, for one, do not believe that passengers need to be fed on flights lasting 90 minutes or less or on any flight outside of normal meal hours. Snacks and free beverage service could be eliminated as could many of the "freebies" which have proliferated in the industry.

To our way of thinking the time is long past when the air transport industry can be viewed as a segmented grouping of separate interests. Trunks, locals, supplementals, and taxis all provide key elements in the overall transportation network. That network is designed to satisfy the travel needs of the consuming public, and only through a unified and cooperative approach can the various components of the industry provide the type of service consumers are seeking. Today's meeting, by bringing together the various segments of the industry for unified discussions typifies our perception of the need for continuing cooperation for the betterment of consumers.

What is necessary now is a new mentality aimed at eliminating the erosion in passenger support by active measures designed to assure that all citizens have the ability to travel by air when the need or desire arises. We cannot allow a situation to develop wherein only the most privileged in our society can use air transportation services.

In general then, these are our concerns. Hopefully, today we can initiate some action for the benefit of the American consumer. We all have to bear in mind that it is the American consumer who pays all our salaries and it is his support which is essential to both your work and my own.

Thank you.

AWARD-WINNING NEWSPAPER EDITOR RETIRES

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. SEBELIUS. Mr. Speaker, about a month ago, Whitley Austin, the long time editor of the Salina Journal, retired. He was 26 years at the helm of one of Kansas' leading newspapers and 48 years in the newspaper business.

We in Kansas are a proud lot. We lay claim to a proud history, a job well done in tilling the soil to the benefit of our fellow man and surely the most friendly and sincere people in all of the world live in the Sunflower State. The basic Christian theme of "Help Thy Neighbor" is alive and well in Kansas. We also have the best grassroots journalism that this Nation has to offer. I make that claim without any reservation because of men like Whit Austin.

It is not my intent nor within my capability to put into words the accomplishments of this man. For a politician to summarize the career of a newspaper editor, especially an editor like Whit Austin, would be downright blasphemous. There is not a public official worth his salt in Kansas today who has not felt the prick of Austin's pen. In my case, there have been times it felt more like a poke with a sharp stick.

It has been only a matter of days since Whitley retired and his comments appeared top left of the editorial page of the Salina Journal. The band has played on providing the citizens of Salina and the surrounding counties with perhaps the best small town newspaper in

Kansas. However, the man who put the band together, composed and arranged the music and directed the refrain with the hand of a maestro has retired.

In the February 16 issue of the Hutchinson News, Whitley Austin's long time friend and contemporary Stuart Awbrey, wrote an article that put Whit's career into perspective as only a fellow newspaperman could. I commend the following article to the attention of my colleagues for Whit Austin's career has been exemplary of what a free and responsible press is all about.

I add one final thought. It is most ironic that those of us who were on the receiving end of many of his editorial pokes now miss him the most.

The article follows:

After 48 innovative hard-driving fun-loving award-winning years as a newsman—Whitley Austin is retiring.

In his half-century of smoking, Whitley Austin hit the ashtray seven times. Maybe eight. His low batting average was the despair of hostesses and the marvel of small children, who stood in awe as the cigaret ash drooped longer and longer or, in later years, the cigar ash grew boldly to a half the length of the weed.

It fell off when he was greatly perturbed. He was greatly perturbed that afternoon 35 years ago in the second floor newsroom of the News-Herald, on East Second. The ash tumbled to his desk, and he roared:

"Who called Mrs. Bell a lady?"

I was sitting several desks away, but I got the message, and confessed. He roared even louder:

"The only time we refer to a woman as a 'lady,' on this newspaper, young man, is when she is either British royalty or a whore!"

Jack Harris, whose desk was just behind mine, smiled briefly. The other reporters, jerked from their contemplation of waterworks audits and favorite recipes, returned to their tasks. The lesson had been taught. "Lady" is double-entendre in journalese.

Later, I asked Whit why he didn't come over and straighten me out, rather than bawling through the newsroom.

NOW EVERYONE KNOWS

"Because if I had, only you would have learned anything," he explained. "This way, everyone on the staff now knows what a 'lady' is."

Whit Austin retired yesterday, after 48 years as a working newsman. He is being succeeded as publisher by, of all things, an advertising man—a fact that gives Whitley pause when he considers the next years in Kansas journalism.

Whit was not a tyro at the cash register. His thrift was inherited in successive turns from William Allen White, his first boss; Jack Harris, his second, and Peter Macdonald, who moved around from the ad department at The Salina Journal to corporate leadership of Harris Enterprises. His disdain for business improvement to Glenn Williams, another Hutchinson News graduate who will now run the Journal's news department.

"If it costs money," Williams said, "Whit won't want it."

But basically he was a newsman. Even in his World War 2 tour of duty as a Signal Corps officer attached to the British with a combat photo team, his journalistic instincts were intact. His pictures, including memorable ones of Mao Tse-tung and Chou En-lai, were news photography at its best.

He said recently that he has written more than 15,000 editorials. With that volume, most editors tend to repeat themselves. But Whit remained fresh, impudent, and vigorous, right up to his last cocking of his typewriter snoot at Gerald Ford's invasion of Kansas.

Despite a barrel of honors, Whit will be remembered mostly for those editorials, for his zest in newspapering, for his idiosyncrasies and particular prejudices about grammar.

"It's THE Rev. Chillington, dammit!" he exploded at me once. "Not Rev., not in the Episcopal church!"

BACK TO COL. WHITLEY

To understand both the editorials and the foibles, we must go back to Col. Hiram C. Whitley, a peppery Yankee who once was chief of the U.S. Secret Service. Col. Whitley arrived in Emporia shortly after the Civil War, and promptly let people know he was there—not only with such edifices as the Whitley hotel and the Whitley opera house, but also with an almost choleric temperament.

The latter trait was evident in his frequent complaining letters to W. A. White, and in his business dealings.

One of his employes once said: "If Col. Whitley tells you to shingle a roof upside down, by God, that's the way you had better shingle it."

Obviously, his grandson inherited much from the Colonel.

Whit's childhood was, in large part, idyllic. He sat on Buffalo Bill's lap, got autographs from Pawnee Bill and from swarms of Washington politicians, salvaged a decanter from which Gen. Grant drank (and from which William Jennings Bryan declined to drink) when a train wrecked near Emporia.

He published a neighborhood newspaper, wrote poetry, and devoured hundreds of books given him by Mr. White. (20 books in a batch, one memorable Christmas.) He became a friend of Ronald Finney, whose bond scandal rocked Kansas.

"We remained friends," Whit recalled recently. "He and I had lobbied for the state income tax, and I guess you can blame us for that. I went to see him in jail; he ordered up a bottle of booze from the guards, and we had a pleasant drink together."

TOOLED TO HUTCHINSON

His schooling was at Emporia Teachers and the University of Wisconsin, where he received senior honors. Home, and jobless, in 1933, he tried first to latch on at the Salina Journal, the paper he later led. Bob Leubengayer of The Journal said no, so Whit tooled out to Hutchinson.

He says now he was in pursuit of a girl. He didn't catch her. He did catch a job with Jack Harris, at $8 a week, a salary soon raised by NRA fiat to $14.50.

"It was enough to live on, if you sent your laundry home," Austin told a Journal reporter last week.

Harris, a product of Ottawa and Chanute, was new in Hutchinson. He said Whit could sign on for a "week or two trial period." That began an association to last a lifetime.

Whit was unquestionably the innovator and director of Jack's development of The News and Herald. His ideas, and Mr. Harris' backing, led to this journal's first photo department, and its Sunday edition. They planned the consolidation into The News-Herald. All the while, Whit served as city hall reporter, police reporter, chief photographer, Sunday editor. When I arrived in 1938, we turned out the Herald editorials during our lunch breaks.

In an interview with John Schmeideler of The Salina Journal last week, Whit recalled:

RIDING SHOTGUN

"A reporter had more fun in those days. You could ride to an alarm hanging on the back of a fire wagon. You could ride shotgun with the detectives on manhunts. You could get into trouble, too. Once the chief of police knocked me down just in time to save me from being shot by a maniac.

"Those were the days when the mayor gave the city hall reporter a case of the best confiscated bootleg whisky every Christmas."

(These gifts he generously shared with the new cub in town. He and I had adjoining rooms in an East Sherman boarding house, and lived much the same hours.)

His marriage to Mary Frances Danforth, who worked at the First National Bank, in June, 1941, preceded Pearl Harbor. (Mary stoutly denies the two events were connected.) Whit spent nearly four years in service, much of it in the China-Burma theater.

When Jack and his brother, Sid Harris, acquired The Salinia Journal in 1949, Whit was the logical choice.

How logical is easy to pinpoint. In his 26 years there, The Journal has more than doubled in circulation, number of pages, dollar income. It was a front-runner in new photocomposition processes, and now is installing one of the first electronic newsrooms for papers of its size in the nation.

GAGGLE OF HONORS

Along with all this came a gaggle of public honors. The William Allen White Award as the state's outstanding editor. Service on the Board of Regents (which gave him the delightful opportunity to dedicate a new Kansas State building, in Ciceronian Latin.) Leadership in such professional groups as the American Society of Newspaper Editors and the International Press Institute. The usual civic chores in Salina that editors undertake. (Whit was a sparkplug in the successful conversion of Schilling Air base from military to civilian use.) Travel, always travel, around the nation and the globe.

And the church. Episcopalianism has been, and is, no casual affair with him. A vestryman at Grace church here, he twice has been senior warden of Salina's Christ Cathedral.

In all these matters, great and small, he has operated with two guidelines:

To do what you are doing as well as you can. To have fun while doing it.

Rolla Clymer, editor of The El Dorado Times, said of Austin a few years ago:

"More than any other editor, he has been cast in the whimsical mold which gave to 'Father' William Allen White his undeniable and everlasting appeal.

"The distinction he has gained at mid-life in the hurly-burly of 20th century journalism would cause his stalwart grandfather to bubble with joy over the long and lustrous beam of light the name of Whitley has flung across the face of Kansas.

PARADOX

Let's let Whitley close these reminiscences. In accepting the White Award at KU, he commented:

"Ours is a business of paradox. You have a deep moral purpose, you're convinced of it, but it's always eluding you. You strive to save the world and survive by pratfalls. It is the tragedy of the successful editor that his efforts to depict the human comedy so often end with the comic strip.

"Yet you persist in your frustrated endeavor because newspapering has that excitement, gives you an illusory sense of power, serves you the succulent juices of living, extends your ego and sometimes, you hope, enlarges your soul.

"So you are a peculiar animal . . ."

PEOPLE KILL, NOT GUNS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McDONALD of Georgia. Mr. Speaker, I would like to correct the impression left by the gentleman from New York, the Hon. JONATHAN BINGHAM, on March 10, on page 5941 of the CONGRESSIONAL RECORD. The Honorable Member entered into the RECORD an account of a shooting at Eastern High School, in the District of Columbia, taken from the Washington Post issue of March 4. I did some checking on this matter, and found that, by means of selective reporting and editorialization, the Post conveyed the impression that the principal of the school, Mr. William Saunders, had blamed the crime on the existence of guns. Post editorialization is evident in the insertion of remarks in parenthesis into a spoken statement. Selective reporting became more evident when my office interviewed Mr. Saunders. While he did say that "guns are easily available," he already knew that. He was more disturbed by the fact that he had no effective means of preventing his school from being invaded by outside hoodlums, whatever their purpose. The principal was also distressed to hear that one of the hoodlums involved was out on bail after being charged previously with first-degree homicide. Tedious as it is to belabor the obvious, it is apparently necessary to repeat once more that it is people who kill, not guns.

LOW-INCOME HOME INSULATION ACT OF 1975

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mrs. SPELLMAN. Mr. Speaker, I am concerned about the enormous waste of energy brought about by woefully substandard insulation in low-income homes. I am introducing legislation today to authorize the Community Services Administration to spend $400 million in the next 4 years to insulate homes owned or occupied by low-income persons, including the low-income elderly. Presently, more than 18 million single family homes in America are inadequately insulated, and 5 million of these homes are occupied by the poor. The poor spend more than 11 percent of their income on energy used in the home, while middle income citizens spend only 4 percent. It is the poor, then, who are particularly hard hit by rising fuel prices that are expected to continue to rise in the future.

The Community Services Administration has recently conducted a highly successful 1-year pilot program in Maine that resulted in the reinsulation of nearly 3,000 homes at a cost of less than $100 per home. No other Federal agency has demonstrated such capability nor do any others have the extensive grass roots community organization needed to do such a job.

Several legislative alternatives are now before the Congress in the area of insulating homes for low-income households. However, no one proposal: First, vests authority for administration in the one agency which has the flexibility and the outreach capability to implement the program; namely, the Community Services Administration, which can work through its network of over 600 community action agencies. Both the Department of Housing and Urban Development and the Federal Energy Administration would in effect have to repeat the work that the Community Services Administration has already done by contacting and organizing local community groups and volunteers in lower income neighborhoods; second, concentrates on the insulation needs of those most in need; third, works through the States or directly through the effected party rather than through middlemen; and fourth, would give proper attention to the near-poor and national Indian reservations.

At present there is legislation in existence under section 222(a)(12) of the Community Services Act of 1974 to provide for an "emergency energy conservation program" for low-income families that includes an authorization for funds to be spent to insulate homes. However, the President's budget requests for fiscal year 1975 and fiscal year 1976 contained no provisions for funding of the program. Instead, the President offered his Winterization Assistance Act which provided for an arbitrary program of assistance. Since clear authorization presently exists as part of the Community Services Act, the appropriations committees of the Congress need only appropriate adequate funds to the Community Services Administration's energy conservation program which could include a program of home insulation for low-income households. A consensus appears to have developed, however, that a larger effort directed solely to the need to insulate the homes of these people is needed.

I share that belief but also believe that such a program can be better administered through the Community Services Administration.

My legislation would combine the best provisions of all the legislative alternatives and would administer the program through the Community Services Administration. Specifically, my bill would: First, authorize the Director of the Community Services Administration to provide grants to States to provide for insulation of homes owned or occupied by low-income persons; second, insure that these funds are used to supplement, not supplant, funds that might be authorized for other Community Services Administration energy conservation programs; third, establish criteria for eligibility for such grants; fourth, provide administration safeguards, including limitation of funds for administration to 15 percent of the grant; fifth, provide for adequate hearing and judicial review procedures when States feel they have been unfairly denied funds; and sixth, authorize funds for 4 years at the sum of $100 million per fiscal year.

POETIC JUSTICE DONE TO TAX INCREASES

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BIAGGI. Mr. Speaker, ask the average American what bothers him most about government and he will probably complain about taxes. As the old saw goes, nothing is certain but death and taxes. The burden taxes impose upon the middle-income workers is large and seems to be growing larger.

Recently, Bill Courtney, one of my constituents, sent me a copy of a poem that appeared in the Pocono Record. This anonymous piece, though written about 75 years ago, expresses very clearly the opinions of numerous Americans. Perhaps we in Washington should keep the words of the poem in mind before we decide to pass legislation which will cause taxes to be raised.

The poem follows:

Tax his head, tax his hide,
Let the government officials ride.
Tax his cow, tax her calf,
Tax his horse, tax his ass.
Tax his horse, tax his lands,
Tax the blisters on his hands.
Tax his Ford and tax his gas,
Tax the road that he must pass.
Tax the payroll, tax the sale,
Tax his hard-earned paper kale.
Tax his pipe and tax his smoke,
Teach him government is no joke.
Tax the water, tax the air,
Tax the sunlight if you care.
Tax the living, tax the dead,
Tax the unborn ere they're fed.
Tax his coffin, tax their shrouds,
Tax their souls beyond the clouds.
Tax them all and tax them well,
Tax them to the gates of hell.
Almighty God and our federal, state, county,
and city governments have mercy on
us!

AMERICAN FREEDOM TRAIN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MOAKLEY. Mr. Speaker, a constituent of mine, Mr. Arthur Stivaletta, has undertaken an interesting project. Recently I read a factsheet on the American Freedom Train which I have been asked to share with my colleagues:

THE AMERICAN FREEDOM TRAIN

Colorfully decorated in red, white and blue, the 24-car Bicentennial Freedom Train will steam into Boston on Patriot's Day, April 19th and remain in the Hub for a week before embarking on its historic 18-month journey across the nation, it was announced by Greater Boston contractor, Arthur Stivaletta. The project is on schedule, according to Stivaletta, the diminutive developer and founder of the internationally recognized Wake Up America Committee, who conceived the idea for the Freedom Train in his office at 33 Clough Road, Dedham, Mass. nearly four years ago. "It's a dream come true", the energetic Stivaletta said of the Freedom Train which is heralded as the single major project commemorating the 200 year history of the United States.

Boston will be the official launching point of the Train. A modern day patriot, Stivaletta has spent the last half dozen years promoting patriotism and peace through his Wake Up America Committee, travelling tirelessly throughout the Country, preaching unity among all Americans.

The American Freedom Train will begin its historic two-year journey in celebration of the American Revolution Bicentennial. The American Freedom Train will initially journey through the northeast, including Albany, Burlington, Manchester, Portland and Boston. From there the Train will travel to each of the forty-eight contiguous states.

Before the nation-wide journey is over more than 10 million Americans will have boarded the Train and experienced its magnificent display. It will travel more than 17,000 miles through thousands of American communities and will be viewed along the way by 40–60 million Americans and make stops in more than 75 cities. During its journey, it will be on display within a one-hour driving distance of 90 percent of the nation's population. This extraordinary project, which promises to be one of the most colorful and exciting of all Bicentennial activities was created and founded by Al Stivaletta and Ross Rowland and is managed by private citizens through the American Freedom Train, a tax exempt public foundation.

In October of 1972, Stivaletta and Ross Rowland, Jr. a fourth generation member of a railroad family and a senior partner of Floor Broker Associates which has a seat on the New York Stock Exchange, chartered the American Freedom Train Foundation, Inc. at the Massachusetts State House. By 1974 they had just about given up on the project when they made a presentation to Pepsi-Cola Company. The project soon caught the ear of Donald Kendall, Chairman of Pepsi-Cola Company and the project was under way.

Three more public-spirited corporations, General Motors, Prudential Insurance Company of America and Kraft Foods, donated $1 million each and the Freedom Train was on the tracks.

In announcing their donation of $4 million, they said: "The American Freedom Train will bring the Bicentennial to almost everyone's home town. We can think of no better way to celebrate the country's 200th birthday. The most meaningful way to appreciate the vitality of our country today is to examine its heritage by reflecting into its past. The Bicentennial is the perfect time—and the local community is the perfect place. In making our grant to initiate this project, we recognize that no single display or exhibit can capture all that is America. Our best hope is that the American Freedom Train will stimulate both pride and celebration."

The Freedom Train on Tour: The engine: 400 ton steam locomotive. A former Southern Pacific Daylight Glass Engine has been donated by the city of Portland, Oregon. The locomotive will be restored, thoroughly tested and painted American Freedom Train colors. In addition to the engine and tender, there will be twenty-one cars, twelve of which will be used for displays and exhibits. The other cars will be used for tools and equipment, security and support services needed for the Train.

The Ceremonial Honor Guard from the U.S. Army will travel with the American Freedom Train.

Inside the Freedom Train: Inside the train, visitors will travel through exhibit cars on a moving walk-way at the rate of 1000 people per hour each 14-hour day. They will carry individual transistorized sound units which play a running narration coordinated with the exhibits.

With the assistance and cooperation of many organizations, the staff of the American Freedom Train Foundation is assembling an impressive array of historical documents and artifacts.

Car No. 1.—The Beginning: A look at the first moment of the struggle for independence from 18th century, New England. Visitors will view an exhibit that includes precious documents that are the foundation of our liberty, such as George Washington's copy of the Constitution and Pennsylvania's ratification of the Constitution.

Car No. 2—Exploration and Expansion: Exhibit of American frontiers from the opening of the West to the penetration of space. Early pioneers were lured by gold; modern pioneers are lured by the mysteries of outer space.

Car No. 3—Growth of the Nation: The growth of our country through cities, farms, transportation centers and energy production, has added to the early landscape. America the Beautiful, a musical reminder of the need for preserving our national environment.

Car No. 4—Origins: Tracing the ethnic, religious and geographical origins of contemporary Americans. The music of dozens of lands speaks of this unique land of opportunity.

Car No. 5—Innovations: A review of the manufacturers and technicians whose efforts are synonymous with American know-how and the development of our free enterprise system and the America we know today; patent drawings and models of inventions, big and small, are on display.

Car No. 6—Labor and Provisions: An examination of the definiteness and magnitude of fields of creative Americans and their products of their work. The pursuit of Americans from silversmiths and glass-blowers to film-makers and artists are outlined.

Car No. 7—Sports: A panorama of the sporting American as hero, participant and spectator, scenes, artifacts and film clips from a sports loving country include a sprinting Jesse Owens, Secretariat romping to victory and Babe Ruth batting a home run.

Car No. 8—Performing Arts: A montage of American talent through vaudeville, Hollywood, radio and television and the Broadway stage; the sounds of entertainment from television to vaudeville, provide a musical backdrop for this dramatic part of America.

Car No. 9—Fine Arts: A gallery of American paintings and sculpture reflecting the evolution of American society. Priceless paintings and sculpture will capture the look of our country in 18th century portraiture through western landscape.

Car No. 10—Conflict & Resolution: A dramatic portrayal of five events in American history which have tested the fiber of our system from which Americans have emerged stronger and more unified. President Lincoln's assassination and President Roosevelt's economic strife will help portray the ability of peace to grow.

Show Case Cars: The first of two glass enclosed display cars deal with transportation and contains a series of wheeled vehicles lending additional testimony to American progress. The second car contains the Freedom Bell which is twice the size of the Liberty Bell and will be built through support of the American Legion on behalf of the nation's children.

Outside the Freedom Train: Moving through communities in which there is no scheduled stop, the Train will travel slowly along so that commuters gathered by the side of the tracks will at least feel the excitement of the Train.

The two glass-enclosed display cars featuring developments in transportation and the Freedom Bell, will be plainly visible from track-side. Each of the other exhibit cars will have four giant windows. The twenty pairs of windows are dedicated to a decade in the nation's 200 year history. At each scheduled stop, a stage will be set up for the entertainment of the waiting crowds and for local celebrations and ceremonies. Local organizations such as cultural, entertainment, musical and historical groups are currently working with the Foundation to set up displays.

Historical Artifacts: A blue ribbon committee of consultants has been formed to advise the Foundation what should be featured about the train. The panel includes: Oliver Jansen, Editor, American Heritage Magazine; Dr. Milton Klein, Professor of American History, University of Tennessee; Dr. Joshua Taylor, National Director of Fine Arts; Dr. Bernard Finn, Curator, Division of Electricity and Nuclear Energy, Smithsonian Institute, Museum of History and Technology; and Curt Gowdy, NBC–TV sports, and others.

Working in conjunction with organizations such as the National Archives, the National Aeronautic and Space Administration and the Smithsonian Institute, the Foundation has received numerous commitments for artifacts such as Benjamin Franklin's draft of the Articles of Confederation, George Washington's copy of the Constitution, Delaware's ratification of the Bill of Rights, moon rock and tape, the first Bible printed in the United States.

More than 500 of these historical documents and memorabilia collected from museums, historical societies and individuals throughout the United States, will reflect American achievements in nearly every aspect of life.

The Freedom Bell: The major exhibit on the American Freedom Train is the Freedom Bell. The Freedom Bell will be twice the size of the Liberty Bell in honor of the country's 200th birthday. The American Legion, in behalf of the nation's children, will donate funds necessary to build and exhibit the Freedom Bell. The Foundation is exploring a permanent exhibition site for the Freedom Bell in the nation's Capitol.

Security: To guarantee both the Freedom Train and the historical artifacts and documents aboard the train, a sophisticated environmental and security protection system has been designed.

Admission and Memorabilia: Tickets will be priced at $2.00 for adults and $1.00 for children. A portion of the advance ticket sales in each locale will be returned to the city for local Bicentennial activities.

Quality souvenirs of the American Freedom Train will be available for purchase track-side.

The Preamble Express: The logistics involved with the American Freedom Train are so complex that it was necessary to run a preliminary train across the United States in 1974 to coordinate the advanced planning. The red, white and blue Preamble Express left Boston on July 9, 1974 and visited many of the display sights. Aboard the Preamble Express was a group of specialists who investigated track conditions, display sights, security plans and local and State activities planned around the Bicentennial. Those specialists are developing final Freedom Train plans.

Arthur Stivaletta said that the Freedom Train Foundation is presently negotiating to turn over the Train to the Smithsonian Institute following the 18-month journey through the forty-eight states and possibly Hawaii, Alaska, and Europe.

LAST CHANCE TO SAVE SOUTH VIETNAM

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BAUMAN. Mr. Speaker, in recent days many public officials have been seeking ways to place the blame for the loss of South Vietnam. Few have been giving public voice to what possibilities may exist toward saving Vietnam from the Communists.

One of the best estimates of the possibility of the salvation of South Vietnam appeared this week in Human Events, and I include it at this point for the serious consideration of my colleagues:

Last Chance To Save South Vietnam

The news from Vietnam over the past two weeks is enough to tear at the heart of every person, dove or hawk, who has an ounce of human compassion or of concern for the survival of freedom. The sight of the endless stream of hungry, desperate refugees, fleeing from the Communists with what little they could carry on their back, has brought about an unprecedented outpouring of public interest and concern. Relief agencies and government offices are being flooded by phone calls from private citizens, eager to help.

In the old days, it used to be fashionable to argue that the refugees always moved from the areas under Communist control to the areas under American control not because they opposed the Communists, you understand, but because this was the only way they could get away from the American bombing. But today there is no American bombing in Vietnam—there is hardly any bombing at all—and curiously enough the refugees are still fleeing South, toward the fighting, toward, most likely, the losing side.

It is now clear beyond the smallest shadow of a doubt that they are impelled by their terror of communism—a terror borne of intimate personal knowledge of what Communist control has meant in those parts of Vietnam, such as Hué, which have previously fallen under Red domination.

Opponents of military aid to the Saigon government are now saying that we ought to do something about the plight of the refugees. With the exception of those who have always favored a Communist victory, there can be no doubt that this concern is genuine. But they are not prepared to face up to the fact that if the dykes give way completely—if the flood of communism engulfs the whole of South Vietnam—we will be confronted with a refugee problem of such staggering dimensions that it will be impossible to find a solution for it. How do you transport a nation of 17 million people to sanctuaries? Who is going to take them?

In truth, the huge waves of refugees, over one million by common estimate, is the product of a congressional policy that for several years has undermined the South Vietnamese armed forces and induced President Thieu to issue the hasty—and eventually disastrous—withdrawal order.

We have created the humanitarian problem because Congress, first, deprived the executive in the summer of 1973 of the authority to reintroduce U.S. B-52's into the fighting, our major ace in the hole to prevent massive violations of the Paris peace accords. As the British military expert Sir Robert Thompson explains, just the threat of using the B-52's would have deterred the current Hanoi offensive.

This massive humanitarian problem was also created because Congress, deliberately and systematically, deprived the South Vietnamese of the fuel and ammunition they desperately needed to maintain control of the territory they held after the cease-fire.

It is conceded by one and all that the poorly executed withdrawals of the South Vietnamese from the Central Highlands and the north directly led to their present, awful predicament. But it is equally true that President Thieu would not have felt constrained to issue his withdrawal orders if the U.S. Congress had supplied his country with the wherewithal we pledged to give under the terms of the Paris accords.

Moreover, virtually every knowledgeable military man—including President Ford's own emissary to Saigon, Gen. Weyand—believes that President Thieu's efforts to execute a strategic retreat were essential because of the failure of Congress to give Saigon the necessary military support.

No one can honestly say that the ammunition and fuel shortages weren't grave enough to require a strategic retreat. And no one can say that there weren't serious warnings that the shortages might lead to the catastrophe that we now face.

When the American Conservative Union's Executive Director Jim Roberts visited South Vietnam last fall, he wrote a telling—and prophetic—pamphlet spelling out the disastrous effects of the aid cutbacks. As Roberts, a former naval officer, who served aboard a destroyer stationed off Vietnam, stated in his report:

"One of the greatest ironies of the situation is the status of the air force, which possesses 1,800 aircraft bequeathed to Saigon in the Vietnamization program and which is manned by a highly professional corps of pilots and technicians, most of whom were trained in the United States. Because of the shortage of fuel, ordnance and spare parts, most of those aircraft are grounded. Also, as a result of shortages, air reconnaissance is limited to situations in which the enemy is actually engaged; fighters are limited to close tactical support operations and even then are deployed sparingly; helicopters can no longer be used to shift troops and are limited to medevac operations.

"The effects of the aid cutback are everywhere evident. For the first year and a quarter following the cease-fire the ARVN troops were able to hold their territory and outposts. In the last two months as a result of inadequate supplies, they have withdrawn from dozens of outposts. Dozens of other outposts have been overrun. (While we were in Vietnam, Chung Nghia, a large outpost in the mountains of MR II, was captured by the North Vietnamese following a 12-hour seige in which the defenders were hit by an estimated 9,000 mortar rounds.)

"The North Vietnamese, meanwhile, have not been suffering from a similar aid cutback. Working full steam, they have improved and enlarged the Ho Chi Minh Trail network that runs south through Laos and Cambodia and the western border of South Vietnam. A good portion of the road is now paved and a spiderweb network of lateral roads toward the coast has been constructed. An oil pipeline has also been constructed all the way down to MR III to accommodate the fleets of trucks and tanks that have been sent south.

"Supplies now come south in a never-ending stream for use in the present mini-offensive and for the growing stockpile. Before the cease-fire almost half the supplies were destroyed en route by U.S. air power, but virtually all of them reach their destination now. Thus, although military aid from China and the USSR has been decreased in the last year, the amount of material actually reaching the South is considerably greater.

"Flushed with material, the North Vietnamese have increased the pressure on the ARVN forces. Daily sporadic fighting flares throughout the country; daily convulsive spurts of refugees abandon their homes; daily the shipments of flag-draped coffins arrive at the National Cemetery outside Saigon; daily the North Vietnamese stockpiles grow in the South while Saigon's stockpiles dwindle.

"Estimates are that within six months at the most the North Vietnamese will be able to mount a '72-style offensive and sustain it indefinitely. ARVN is estimated to have stockpiles adequate to meet this type of offensive for a month at most."

In other words, there is no question that the aid cutbacks—as President Ford has feebly tried to say—have been instrumental to the unravelling of the South Vietnamese defenses.

The question is, of course, what do we do now, if anything? Can South Vietnam still be saved? While Sir Robert's outlook is anythink but bright, a number of other military experts believe it is still possible, including Maj. Gen. John Murray, U.S.A., Ret. who was the senior general officer representing the Defense Department in Vietnam from the beginning of the cease-fire until August 1974. He believes the South Vietnamese still have the capacity to hold Saigon and the Delta, the capital and the rice bowl. Moreover, by holding on to Saigon and the area southward, the South Vietnamese government would still control the majority of the country's populace.

But to maintain control, South Vietnam needs immediate U.S. help, to bolster sagging morale, if nothing else. President Ford, according to a number of military experts, should call for renewed bombing authority, and there are some who believe he could, without going to Congress, re-mine Haiphong.

Instead of maintaining an almost bland posture, he must try to galvanize this country and the Congress into restoring aid, but this will take full-scale lobbying on his part. Diplomatically, he could threaten both the Soviet Union and Red China, Hanoi's major suppliers, with economic and other reprisals.

Admittedly, the hour is late, but so far the President has failed to communicate to the American people the extreme importance of the survival of Indochina, free from Communist control.

The Saigon government, of course, has much to do on its own to salvage its present plight. Because of his strategic blunder, President Thieu, in order to re-establish confidence in the government, should appoint a supreme military commander of unquestioned integrity and brilliance.

No one better fits this description than Gen. Truong, recent commander of I Corps, who asked to be permitted to defend Hue, and tendered his resignation when Thieu ordered him to withdraw without a fight. Truong is universally rated the most effective general in the South Vietnamese Army, and because he never dabbled in politics, there is every reason to believe that his appointment would be hailed in all sectors of the armed forces and by all major tendencies in the Vietnamese political spectrum.

The South Vietnamese Army and the people must also take a heroic stand, to show the world and the United States they still have the will to defend themselves. A lot of people, it is true, are saying that it is too late to do anything. For these people, the spirit of Valley Forge is, apparently, a storybook affair that has no relevance to events.

Admittedly, it may require a near miracle to turn the tide of battle. But military miracles have taken place, even in modern times and even when the opposing forces have been Communist. One such miracle, which the plight of Saigon now calls to mind, was the battle of the Vistula in 1920, in which the Poles, fighting with their backs at the gates to Warsaw, threw back the mighty Red Army under the leadership of Marshals Tukhachevsky and Budenny.

In the summer of 1920, having destroyed all military opposition in the Soviet Union and having consolidated their own power, the Bolsheviks mobilized their forces for the invasion of Poland. Initially, they easily overpowered the Poles and inflicted heavy losses on them.

The Western military advisers looked at the situation and found it virtually hopeless. Gen. Weygand of the French mission—an able and courageous soldier—told Marshal Pilsudski, the Polish commander, that Warsaw could not be defended, and he recommended to the Marshal that he withdraw his forces to Poznan.

Pilsudski refused to buy this advice. Instead, he regrouped and re-equipped the Polish units that had escaped from the Red Army after suffering grievous losses in previous battles, and he started mobilizing—in four weeks' time—a volunteer army of students, workers and peasants.

In mid-August the Red Army, confident of final victory, reached the suburbs of Warsaw. On the east bank of the Vistula River they were met by a blocking force consisting of Pilsudski's volunteer units. While the blocking force held the main Bolshevik army, Pilsudski, using several divisions of battle-hardened veterans, regrouped and re-equipped, executed a brilliant outflanking maneuver from south to north. Finding themselves under fire from both sides and cut off from their rear units, the Bolshevik army broke in panic. Thousands were killed, many thousands more were captured—and those who managed to escape, fled across the border into East Prussia, where they were interned.

The route of the Bolshevik invaders was completed a short while later, when the Polish cavalry divisions decisively defeated a Soviet cavalry army under Marshal Budenny at Zamosc, in southern Poland.

This miracle could not have happened if France, in particular, had not provided Poland with generous quantities of weapons and ammunition. And it could not have happened without the inspirational leadership of Marshal Pilsudski. And herein lies a formula that has direct application to the present situation in Vietnam.

Like France, the U.S. must supply the necessary aid. Like Poland, South Vietnam must once again bravely stand up to the enemy. There is no question that South Vietnam has the capacity to face its deadly foe with game courage. Up until President Thieu ordered the hastily conceived strategic retreat three weeks ago, the South Vietnamese, according to both hawks and doves, fought extremely well against Hanoi's army. Even Rep. Paul (Pete) McCloskey (R.-Calif.), the dovish ex-Marine who has been a relentless critic of South Vietnam's military capacity, acknowledged as much in his March report following his Vietnam visit.

"From our own evaluation of various battles fought during 1974 and early 1975," McCloskey wrote, "we accept the ambassador's evaluation of the Vietnamese Armed Forces (RVNAF's) performance in January 1975: 'RVNAF can stand up to the NVA/VC, has been doing so countrywide . . . acquitting itself well.' "

It can do so again. And it desperately needs American help.

PRELIMINARY SYSTEM PLAN

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. BROWN of Ohio. Mr. Speaker, recently several editorials from leading newspapers in this country have been brought to my attention concerning the work of the U.S. Railway Association and its "preliminary system plan" for ConRail. With the thought that my colleagues will find these editorials interesting, I ask that they be printed in the RECORD at this point:

[From the Chicago Tribune, Mar. 4, 1975]

THE PLAN TO AID RAILROADS

The United States Railway Association has produced a massive, two-volume plan to save portions of the Penn Central and six other bankrupt railroads. The proposal is a step in the right direction in that it aims at restoring to profitability the surviving parts of those lines.

It is sure to be controversial. A plan which envisions abandoning 6,200 miles of the 21,200-mile system cannot escape criticism. Even communities which agree in theory that railroads cannot forever operate unprofitable branch lines may rise in fury when they find that *their* branch line has been chosen for oblivion. Fortunately, possible remedies are provided for such communities.

In any event, the Penn Central cannot stumble on much longer and the problem on some other lines is almost as acute. And since these crippled lines serve the nation's industrial heartland, their disappearances would be an intolerable disaster.

The agency has probably produced the best program it could by the Feb. 26 deadline. It does, after all, seek to avoid nationalization. In fact, said USRA Chairman Arthur D. Lewis, it offers "the only way" to do so. Conrail, the entity which is to operate the surviving mileage, is to be a privately owned, profit-making organization, and, while perhaps the hope is optimistic, the aim is as it should be.

Private enterprise is a more efficient operator in most areas than is the government. The railroads are in trouble now largely because they have not been able to operate as true free enterprise institutions—they have been saddled with government-imposed rate structures and have been prevented from abandoning lines that were no longer profitable. In addition, their competitors—buses, trucks, planes, and barges—have used publicly subsidized rights-of-way or terminals.

Perhaps the biggest and most immediate matter raised in the report involves trackage. So massive are the track-restoration needs of the battered lines that the report talks of a new entity, called Confac, to own the rights-of-way, trackage, and similar facilities and to wrestle with the problem of restoring both. Whether this agency should be publicly or privately owned the USRA leaves for consideration.

USRA envisions a 14-year, $5 billion program to upgrade tracks and facilities. The figure is so staggering, and so much of the money would have to come from the government, that Confac might have to be publicly-owned, with Conrail paying users' fees to it. Another argument for public ownership is that it would put railroads on a more nearly equal basis with their competitors with regard to right-of-way costs.

Whatever the decision, the need to improve trackage is so great as to approximate a wartime emergency. Perhaps only the government has the resources and power to cope with all the problems in rail repair. There is a limit on rail manufacturing capacity, rail welding capacity, and trained track maintenance personnel. These limitations caused the USRA to stretch the rail repair program over 14 years.

These estimates of time generally turn out to be optimistic, and, besides, months will pass before the USRA submits its final report to Congress and more months before Congress acts. This makes speed all the more important wherever it is possible. Track restoration should not have to wait even 14 years. The first goal should be to cut red tape so that work can begin now on the 15,000 miles that seem likely to be retained as the new system. Surely that is within reach.

[From the Wall Street Journal, Mar. 11, 1975]

THE RAILROADS' FUTURE

As a plan for salvaging the bankrupt Northeast railroads, the United States Railway Association offers a 1,146-page, two-volume draft. Its most significant concept seems to be something called ConFac.

ConFac stands for Consolidated Facilities Corp., suggested in the plan as a potential owner of railroad rights of way and "structures"—rails, crossties, switches, and the like. ConFac would be government owned and thus government would acquire and maintain rail highways much as it owns and maintains concrete highways, airports and air traffic systems and waterway facilities. Private railroads, principally the new ConRail to be formed out of the bankrupts, could use these facilities in return for a user fee just as truckers pay a weight tax, airlines landing fees, etc.

We do not see ConFac as opening the way to a bright future for the rail industry. All Northeast rail plans at this stage are, to a greater or lesser degree, Hobson's choices made necessary by years of politicized federal and state regulation, which has imposed costly cross-subsidization of uneconomic rail services, inhibited adaptations to changing conditions, brought about deferrals of maintenance and, finally, bankruptcy of a vital service.

But in that context, ConFac has one beauty. To wit, government would acquire direct responsibilities in railroading, whereas in the past it has dictated to the private railroads without accepting responsibility. If private rail companies merely became users of a public system, in the way that private truckers use the highways, the cost bases of various transportation modes would seemingly be more competitive. And this would offer a sounder base for demanding more competition, and less federal rate and service regulation, among carriers of whatever transportation mode.

There is something to be said for having all transportation companies as operators and letting them charge whatever the market for the service dictates. That way, shippers and the nation would be on the way toward getting the maximum efficiencies of each mode.

Now this idea is of course a lot prettier in concept than it might prove to be in practice. Given the present physical state of the Northeast roads, ConFac would have to issue securities not only to acquire but also to rehabilitate them. Government borrowing is already dangerously swollen.

If ConFac's debt is to be liquidated over some reasonable period, as it should be, its initial amortization costs might run up its user fees. This might throw still more business to trucks or barges before rail operators could start offering the natural advantages of the rail mode.

More seriously, if ConFac took over only the bankrupt facilities, competitive lines that still own their own facilities—the Chessie and Norfolk and Western primarily—might be at a competitive disadvantage to the new ConRail. That, of course, will be a problem with almost any Northeast rail plan.

Finally, there is the natural problem of expanding government ownership of once-private property. It is easy enough to fear that this process would not end until not only rail facilities but rail operations were in government hands. The government's one venture into rail operations—Amtrak—shows what can happen. It is carrying passengers on some lines at many times what it recovers in fares but is yet under congressional pressures to retain or expand such services. Its deficits multiply.

We're not sure the reverse process, with the government getting into facilities but not operations, will work any better politically. The experience with the airlines is only so-so in that respect. But we are sure that transportation badly needs greater power to adapt to new needs and possibilities and should be put under greater competitive pressure to that end. We also are reasonably sure that, whether we like it or not, the government will become more directly involved in the railroads. ConFac is a Hobson's choice but it may be the best Hobson has available.

REMEMBERING BUCHENWALD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. LONG of Maryland. Mr. Speaker, today, April 8, marks the anniversary of the Allied liberation of Hitler's concentration camps. George Will, in today's Washington Post, identifies a number of the implications of the holocaust that we should remember so that such events never reoccur. I am taking this opportunity to share Mr. Will's observations with my colleagues.

The text of Mr. Will's column follows:

REMEMBERING BUCHENWALD

(By George F. Will)

Elie Wiesel, the novelist, was a young boy when he, his parents, baby sister and other relatives were deported from Hungary to Auschwitz. His mother, sister and other relatives died there, and he and his father were moved to Buchenwald, where his father died shortly before the Americans arrived.

In Wiesel's autobiographical novel, "Night," the protagonist, a boy, remembers Auschwitz:

"Not far from us flames were leaping up from a ditch, gigantic flames. They were burning something. A lorry drew up at the pit and delivered its load—little children. Babies! . . . Never shall I forget the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky."

It is a time, 30 years later, for remembering the Holocaust, and for foreswearing the innocence that should have died with the millions of innocents. It is time to remember Buchenwald, the concentration camp located on a hill above Weimar, home of Schiller, Liszt and Goethe.

Around noon, April 11, 1945, the SS men left. That afternoon U.S. tanks rolled into the camp. As camps went, Buchenwald was not ambitious. Fewer than 60,000 people died there. The principal killing camps were in the east, outside of Germany.

But Buchenwald provided the West with the first shattering sight of what can be done when a modern state is put on the service of radical evil. It is the joining of ancient sins and new forms of tyranny that has made this century a charnel house—the worst century in terms of the quantity of inflicted death, and in terms of gratuitous, ideological beastliness.

The counter-intuitive is always fascinating, and the Holocaust refutes those modern intuitions that flatter men.

"What a piece of work is man!" exclaimed Hamlet, who knew better. "How noble in reason! how infinite in faculty! . . . in action how like an angel! in apprehension how like a god! the beauty of the world! the paragon of animals!"

In 1936 a piece of work called Herman Goering arrived late at a reception at the British Embassy in Berlin, explaining that he had been shooting. British Ambassador Eric Phipps, who was leaving Berlin and thus could be incautious, replied, "Animals, I hope, your excellency."

One could not be sure about such things in the middle of the 20th century in the middle of Europe.

The Holocaust was not just the central event of the 20th century, it was the hinge of modern history. It is the definitive (albeit redundant) refutation of the grand Renaissance illusion that man becomes better as he becomes more clever. The most educated nation in Europe built modern transportation systems and machines, and transported Jews to machines of mass murder.

The Holocaust, like most modern atrocities, was an act of idealism. It did not make economic sense, and it hindered the German war effort, but it was a categorical imperative for Hitler, and hence worth all the trouble.

Genocide requires bureaucratic organization to bring together men and material, railroad rolling stock and barbed wire, Zyklon-B gas and ovens. As the Israeli court in the Adolf Eichmann trial noted, acidly: "The extermination of the Jews was . . . a complicated operation . . . Not everywhere was convenient for killing. Not everywhere would the local population submit to the slaughter of their neighbors."

The size of the gas chambers defined the issue. Their purpose was not the punishment of individuals for violations of known laws. Rather, their purpose was the liquidation of a people whose crime was existing.

A task of that scale required paper work, record-keeping, tidiness; a loudspeaker in one camp announced the request that anyone planning suicide should, please, put a note in his mouth with his number on it.

Eventually the bureaucracy tattooed victims of what it called the "negative population policy." It is still with me, the chill I felt on a warm summer night in 1964 in a cafe in Brussels, when I saw the blue numbers on the forearm of the matron at the next table.

There was nothing new about cruelty to Jews and other vulnerable people. Remember, for centuries Jews and gypsies (also Nazi victims) were considered "uncanny" and "not belonging" and were hounded through history.

There was a time when some Rhineland nobility hunted not foxes but gypsy women. To force the women to run from the baying hounds even when desperately weary, the huntsmen lashed the women to their babies. This occurred in the 18th century, the age of reason and good horsemanship.

What was new about the Nazis' "final solution" was the bureaucratization of cruelty.

VIETNAMESE ORPHANS: POLITICS AND REALITY

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mrs. MEYNER. Mr. Speaker, Operation Babylift is a golden political issue. Surely no politician could fail to support the evacuation of innocent orphans from the imminent Communist deluge. I have reluctantly concluded, however, that there are many troubling aspects of this project that have not been adequately considered.

For example, it is commonly believed that the 18,000 children in registered orphanges are truly orphans whose parents have died or deserted them. In fact, half of these children have one or both parents still living. Many of the parents are political prisoners. Many parents send their children to orphanages because they know the children will be treated better there, not in order to abandon them.

The motives of the administration are also open to question. An article in the Washington Post of April 7 revealed that—

> Ambassador Graham Martin stressed that this evacuation along with the millions of refugees abandoning Communist-controlled zones, will help create a shift in American public opinion in favor of the Republic of Vietnam He felt that when these children land in the United States, they will be subject to television, radio, and press agency coverage and the effect will be tremendous.

I was also alarmed to learn that the private relief agencies which have worked in Indochina have expressed serious misgivings about the wisdom of the current airlift, according to an article in the New York Times of April 5:

> A private meeting of relief officials was called yesterday by the American Council of Voluntary Agencies for Foreign Service—an umbrella organization for 42 religious and civic groups working in Indochina—and was held at the council's headquarters at 300 Park Avenue South.
>
> AIRLIFTS QUESTIONED
>
> The members adopted a resolution attesting to the world community's responsibility to provide security and care for lost, abandoned and orphaned children, but they emphasized that transferring such youngsters abroad should be undertaken only when there was no alternative.
>
> A number of relief representatives complained that a dramatic airlift of orphans was an emotional response to the problem—a way of assuaging American guilt about the Vietnam war—and they questioned the advisability of such moves.

I also believe that we have not given sufficient attention to what the impact of this potentially massive adoption program would be on the family and societal ties of the Vietnamese people. I am enclosing an excerpt from an article entitled "Plight of Vietnam's Children" from Response magazine, July–August 1974, by Mr. Doug Hostetter, resource coordinator for Asia, United Methodist Office for the United Nations. It addresses this subject in an eloquent and powerful way:

PLIGHT OF VIETNAM'S CHILDREN

(By Doug Hostetter)

There are good reasons why almost every Vietnamese is against intercountry adoption. First, there have been several million Vietnamese who have died as a result of the war. It is the children who are the future hope, the next generation of Vietnamese. Secondly, there is the factor of Vietnamese national pride. For the Vietnamese to see their children taken and raised in another country is to suggest that they are incapable of taking care of them, or that there are others who could do it better. Finally, there is the fear among many Vietnamese that when peace actually comes and relatives try to relocate their families they will discover the children have been sent to another country.

However, there is a group of Vietnamese children that will not be able to live a normal life in Vietnam. These are the only children whose problems could best be solved outside of Vietnam. These are the children with serious medical problems for which there are not yet adequate facilities for treatment in Vietnam. These children will be unable to live a normal life without the advantages of sophisticated modern medical treatment.

Another smaller group which fits into this category of children who may need help outside of Vietnam, is the offspring of American servicemen in Vietnam. These children face an identity problem and often a discrimination problem as well. The children of black or Hispanic fathers seem to face the worst discrimination. These children, left at an orphanage by their natural mothers, could profit from an American home. U.S. government statistics show only 770 children of mixed parentage in all orphanages in South Vietnam, and only 276 of them appear to have had black fathers.

The assumption of most Americans is that this is the category of children who are selected by adoption agencies. However, U.S. AID official Donald Goodwin, in a June 1973 address to the American Council of Voluntary Agencies estimated that between 80 and 90 percent of the Vietnamese adopted in this country the previous year were pure blooded Vietnamese with no major medical problems. Furthermore, the dark-skinned racially mixed children have been primarily adopted by European rather than American families. Vietnamese government officials have guided the dark-skinned children to European families, feeling that these children would grow up with less discrimination against them in European society.

In the past several years there has been an increasing demand among Americans for intercountry adoption of Vietnamese children. This has caused a number of very serious problems. In addition to blinding us to the needs of the vast majority of Vietnamese children, it also resulted in some cases in the sale of Vietnamese children by their mothers to Americans.

In many major cities there has developed a black market for babies. Prices range anywhere from $10 in some Saigon maternity hospitals to $800 for American (children with Asian mothers and American fathers) children in Bangkok. With the black market "purchase" of a child, the "customer" does not have to worry about getting written legal consent from the closest relatives of the child, and does not have to worry about a declaration of religious faith. Most orphanages in South Vietnam only allow their children to be adopted into homes of the same religion as the administration of the orphanage.

Currently there are 25,000 children living in orphanages in South Vietnam. The traditional solution of relatives taking in parentless children has somewhat broken down today because of the mass relocation of families caused by the military destruction of the countryside. The U.S. policy of "forced urbanization" (the creation of refugees) also aided the dislocation. This has caused many families to lose track of their relatives in other villages or other sections of the country. A second factor in this breakdown has been the critical economic situation of most Vietnamese families, making it impossible for them to support any new family members under an already strained family budget.

It is in the areas of family support and the location of relatives of "orphans" which Western churches can best help Vietnamese children. Vietnam Christian Service (VNCS) already has programs of this nature operating in conjunction with 3 hospitals in Saigon. Vietnamese social workers are hired by VNCS to work in conjunction with hospital midwives to discuss the future plans and needs of the prospective mothers. The social workers help the women to understand the needs of children and the benefits of a family and some of the liabilities of orphanages. They encourage the women not to abandon their children to orphanages. If the women are unable to support the additional child, the social worker is able to offer job counselling or financial aid from VNCS to enable the women to keep their children.

Programs like this, which allow the children to mature naturally in their home or that of a relative, should be supported by Americans concerned about the plight of Vietnamese children. The real solution to the problems of Vietnamese children will, of course, only come when peace once again returns to their land. As we continue in our struggle for that peace, let us be sure that our efforts to help Vietnamese children are directed toward the needs of the children in all areas of Vietnam, and that these efforts strengthen Vietnamese family and societal ties.

CONGRESSIONAL RURAL CAUCUS

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. RISENHOOVER. Mr. Speaker, a remaining frontier of this country is the development of rural America. There is a need for jobs, industry, capital, utilities and increased leadership to meet the challenge of balanced growth across the land.

For that reason, the Congressional Rural Caucus—CRC—has been formed.

To date, 84 Members of the House have joined in this caucus. We come from various political persuasions and parties. However, we are jointly concerned about rural development—bringing all the forces of our economy together to insure balanced progress.

Not only will the problems of smaller cities, towns, villages and the countryside be met—but, by developing the rural sector, the pressures on overcrowded cities will be relieved.

Alternate industrial sites, the building of new cities to contain natural growth, the strengthening of agriculture and geographic diversification of our economy concern all Americans both rural and urban.

The staff director of the CRC, Mr. Frank Tsutras, joined me in a very successful rural development seminar on the campus of Claremore Junior College and also participated in the annual meeting of the Eastern Oklahoma Development District at Western Hills Lodge. We talked about what Congress is doing, plans to do, and has done to help rural areas achieve their destiny.

The Second Congressional District of Oklahoma seeks new industry. It is a beautiful, hilly sector of Oklahoma with greenery, trees, clean air, abundant fresh water, power and mineral resources, a hard-working labor supply and a public attitude which is conducive to business and industry.

There is a shortage of investment capital. There are great needs for strengthening agriculture and for increased public works; medical facilities, housing, and schools; sewer and water facilities; bridges and highways; new ports on the McClelland-Kerr Waterway; airports and railways. We need conservation, erosion, and siltation controls. We do not need a new Federal land use law.

When these factors come together, new industry and business will arise in the Second Congressional District. Our youth, instead of migrating to crowded urban areas, will be able to find jobs at home—where they want to live. Urban dwellers, choked by the congestion of city life, will have employment and wonderful living opportunities in the hills and along the clear streams of a place we call "Green Country"—northeastern Oklahoma.

Part of this important thrust is being provided by the Congressional Rural Caucus—which is becoming an increasing force in the United States and aiding chamber officials, visionary businessmen, Oklahoma Gov. David Boren, and others who want more balance between rural and urban in America's development and growth.

The April 1975 issue of Rural Electrification, in an article written by Mike Molony and headlined: "Cooperation in Congress—New "Clout" for Rural America," has told of CRC. I insert the article at this point in the RECORD:

COOPERATION IN CONGRESS—NEW "CLOUT" FOR RURAL AMERICA

(By Mike Molony)

Of dozens of resolutions prepared and proposed, pondered and passed at NRECA's 33rd Annual Meeting, there was one which drew little note or controversy, but which may end up as important an element in the well-being and development of rural America (and its electric co-ops) as any. The resolution said in part: "We commend the members of the House of Representatives who have organized the Congressional Rural Caucus for the purpose of championing the interests of rural America on Capitol Hill. . . . We urge NRECA member systems to work closely with the CRC and its individual members, and encourage Congressmen to join CRC."

For many of the delegates who voted on that resolution, especially those whose activity in the rural electrification program does not involve them in the area of legislative affairs, this may have been their first exposure to the name Congressional Rural Caccus. Based on the impact CRC has had on key agriculture and rural development legislation during its short 18-month existence, however, it's very likely they will be hearing much more from and about the CRC in time to come.

Standing up for rural interests in states from Alaska to Florida, California to the Carolinas, the Congressional Rural Caucus currently numbers some 43 House members. This bipartisan coalition cannot be labeled as liberal, nor as conservative, nor even as "middle of the road." CRC is more fittingly described, in the words of caucus staff director Frank G. Tsutra, as a "common sense group."

The rural caucus membership is even more difficult to categorize politically. As individuals, they hold extremely diverse opinions on almost every issue—outside of the rural development and agriculture umbrella under which they stand together. Even within this limited area of common interest, it cannot be said there is always unanimity of thought as to how their collective goals for rural America might be reached. What can be said about CRC—and this might be a big part of its strength—is that it is composed of reasonable, responsible persons, determined to find a way to get this job done.

Formally organized in July, 1973, the original caucus consisted of 22 members, drawn mainly from the ranks of first-year or "freshman" representatives. Working then with their lone staffer, Tsutras, this original group analyzed nearly 400 roll call votes, constructing a yardstick of voting performance on rural development and agriculture issues. Those members of Congress who had shown through their votes a high level of commitment for the cause of rural America were invited to join the alliance. A member's stand on the specific issues of rural development has always been and still is the sole criterion for membership, with no regard given to party affiliation, or the individual's stand or other, unrelated issues.

"We're determined not to soften the focus" is how Tsutra explains the strict emphasis on rural issues. Within this sharp functional definition, the caucus provides its membership with a full range of research and analysis, coordination and communication services.

The CRC executive committee is responsible for the administration and operation of the caucus and its staff. The committee, which currently includes Reps. Bob Bergland (D-Minn.), John Breckinridge (D-Ky.), Ed Jones (D-Tenn.), Gillis Long (D-La.), Gunn McKay (D-Utah), Charles Rose (D-N.C.) and Don Young (R-Alaska) recently issued a joint statement identifying subject areas to be given high priority by the caucus during the 94th Congress. Among those mentioned were:

Implementation of the newly enacted Congressional Budget and Impoundment Control Act of 1974—to insure the fairest possible consideration for rural areas;

The Rural Development Act of 1972, as amended, which it is felt still has much unrealized potential as a major source of assistance for rural programs of every type;

Full health care services for rural areas;

Improved transportation services for rural areas;

Rural housing assistance, including full implementation of water and sewer programs in rural areas, and

Measures to stabilize the topsy-turvy economic situation now plaguing all of agriculture.

With these priorities and goals in mind, the rural caucus staff—Director Tsutras, Legal Counsel Carol Forbes and two part-time assistants—work long and hard to provide essential research and reporting services on the broad range of government programs that have an impact on rural areas. Beyond this, and perhaps even more important, is CRC's function as a communications clearinghouse, helping the Congressmen of the caucus and various groups and individuals at the national, state and local levels keep in close touch with each other.

What little expenses are necessary for CRC operations are shared by its membership, with responsibility for professional staff salaries "floating" from one member to another each month as required.

Partly because of the fact that CRC's staff is of the "small but dedicated" variety, the rural caucus has maintained a relatively low profile in its activities. "We've accomplished some things here that are almost unbelievable," says Tsutras, "but aren't too well known outside of the Capitol Hill community because we're action oriented—we're concentrating on today's battle, instead of talking about yesterday's victory."

In its element, however, following the long and twisty pathways of the legislative process, the work and words of the caucus are highly respected. Tsutras is often called on to testify before congressional committees and subcommittees concerned with rural issues. As spokesman for CRC in these situations, his statements carry the weight not only of his personal expertise and years of experience as a rural development activist, but also that of the unified membership of the rural caucus—and the nearly 25-million Americans who form their collective constituency.

This small but growing group of lawmakers concerned about the orderly growth and development of rural America are learning, and using, a lesson that is well known to the rural constituents they represent. They are finding out that through cooperation—working together in a positive way toward goals they share—they give the cause of rural development a life and strength of its own.

SOUTH VIETNAM

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EVANS of Indiana. Mr. Speaker, the last 2 weeks have seen terrible suffering among the South Vietnamese people. Refugees, estimated by the South Vietnam Government at 2 million, are struggling south toward Saigon. Television films have shown children, women, and old people lining the docks in the coastal cities, with neither food nor water. Newspapers carry stories of senseless shootings of civilians by South Vietnam soldiers. The death toll continues to rise.

At the same time, the President decries the unwillingness of Congress to accede to his request for $222 million in emergency military assistance to South Vietnam. While stopping just short of pointing the finger of blame at Congress, his intimations are clear. Yet at the same time, no diplomatic efforts by the administration have been made since January.

Mr. Speaker, I doubt there is one among us who does not deplore the terrible plight of the refugees. I strongly believe the President would face little, if any, opposition to a request for humanitarian aid for these suffering people, despite his assertions to the contrary.

President Ford seems to be confusing the Congress with the Secretary General of the United Nations, who advises that the United Nations should avoid the problem of the fate of Vietnamese refugees in areas occupied by Communist forces.

Mr. Speaker, I, for one, will support humanitarian aid.

However, the question of military aid is one that we must carefully evaluate and examine. We must look at what has occurred in the course of the past 2 weeks, and determine why and whether we could have or still can reverse what is appearing to be a rout.

In a matter of days, South Vietnam lost its second, third, and fourth largest cities. Qhi Nhon and Da Nang were abandoned with little fighting and much panic. Da Lat, site of the South Vietnam military academy, was similarly lost.

An estimated equivalent of six South Vietnamese infantry divisions, or about 75,000 men, have deserted or fallen behind enemy lines. In Cam Ranh, the location of a huge South Vietnamese military base, soldiers dropped their arms and shed their uniforms to swim out to civilian rescue barges. The chief of a province near Saigon was forced to shoot some of his soldiers whom he could no longer control.

Left behind in the panic that has seized the South Vietnamese troops were well over $1 billion of weapons and equipment. Saigon has lost close to 300 planes and helicopters since the start of the offensive. Most of them were taken intact on the airfields.

Mr. Speaker, will $300 million in military assistance to an army shrunk by desertion and panic turn the tide? For that matter, will $1 billion, to replace the abandoned equipment, make a crucial difference? Was the lack of an automatic reaction by Congress to send military aid to South Vietnam the cause, or must we look elsewhere?

Frankly, I think it is unlikely we can find a cause in the absence of the emergency supplemental appropriation, which could not in any event have effected the military situation in South Vietnam during the past two weeks. While the United States is being derogated by the South Vietnam Ambassador for its failure to appropriate the funds, what is his own President Thieu doing? Nothing. Silence is screaming from Saigon. Simultaneously, President Thieu is walling off the nation's capital from the flood of refugees caused by President Thieu's own decision to abandon most of the central highlands and northern provinces in very short order.

We must recognize that the current crisis is in large part a result of poor policymaking by the Saigon Government. Military analysists point out that Saigon's abandonment of the northern provinces resulted in the ability of the North Vietnamese to establish a headquarters in a major southern city. This may be pointed to by future historians as the one crucial turning point in the entire war.

But there is more, because no war is so simple. This war has gone on for more years than many care to remember. In a war where there are few victories to celebrate and yet few defeats to discourage, it is understandable to find that the emotional strength of the soldiers has been exhausted.

When the United States withdrew its men from South Vietnam, for the first time in many years the South Vietnamese were on their own. Their manpower could be drawn only from their own people, their morale only from their own government and leadership.

From this point on, it seems the strength and stability of the Saigon government was in fact a house of cards, constructed over a fault in the land. When the foundation of American troops was removed, it was time for the South Vietnamese to either replace it or take their chances on how long the house could stand without supports.

We are now faced with several alternatives. In making intelligent judgments, we must consider whether or not any or all of them will tilt the scales and turn back the tide.

First, we could send military aid to South Vietnam in the form of equipment and weapons. In all honesty, I do not believe this is the solution at this time. Many soldiers have stripped their uniforms and melted back into the civilian population. The military is disorganized, confused and panicked. There is a vacuum within the leadership. If military aid is sent, it is highly doubtful that it could be sensibly utilized, judging from the present condition of the military forces.

Second, we could send American soldiers back into South Vietnam. There are two significant objections to this course.

Recalling 1964, you will remember the desperate situation of the South Vietnam Government then. While not as critical as that which now faces Saigon, it was nonetheless serious. In 1964, President Johnson, in response to the crisis, began by sending 125,000 men to South Vietnam. Within 6 months, our troop levels were close to half a million. This stemmed the tide then, and presumably, could hold off the North Vietnamese now, except for one factor. And that is that South Vietnam does not have a margin of 6 months. Secretary Kissinger estimates 30 days.

The second objection is an obvious one. Americans are unwilling to send their young men back to Southeast Asia. It was a long struggle getting them home again, and we do not want to send them back. Moreover, we do not want to send them back to aid an army that seems to be unwilling to fight its own war.

Our third alternative is to concentrate on humanitarian aid to the people of South Vietnam. The Saigon Government is, I am sure, incapable of organizing, much less funding, any extensive refugee relief program. But the situation is desperate for these people, and I do believe we have some obligation to do what we can to provide aid to the millions of suffering children, women, and old people.

There are no words to express the grief in Vietnam. They have nothing but war for the last 20 years. How long can a nation bear such a burden, and survive as a people? We read about the atrocities—the killing of small children, the maiming of women in the streets, the suffering of generation after generation.

The American people are blaming themselves for these tragedies, wrongly, I believe. A peace agreement was signed 2 years ago, and all the while, transgressions were taking place on both sides. The blame for this cannot be laid at our door.

While all the rest of the world watches, millions need food, shelter, and medicines. Let the United States concentrate on aiding the war-ravaged innocents.

THE DEATH OF CHIANG KAI-SHEK

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. CRANE. Mr. Speaker, the death of Chiang Kai-Shek grieves those men and women throughout the world who believe in freedom and who have sacrificed to oppose tyranny.

Chiang Kai-Shek was a leader in the real Chinese revolution which unified China and eliminated the corrupt rule of warlords who provided the people of China with neither freedom nor peace nor economic security.

Yet, the Chinese Communists rapidly stole this revolution from the Nationalists and in 1949 imposed their ironclad rule upon the people of China.

The Communists set out to destroy all of the values which Chiang Kai-Shek held dear, the traditional Chinese culture, religion, and ties to family. Under the brutal leadership of Mao Tse-Tung, the Communists slaughtered millions of Chinese who would not bend to their will, launched campaigns against such giants of Chinese culture as Confucius, and set out to destroy the entire family structure through the forced collectivization of agriculture and other aspects of Chinese life.

One in Taiwan, Chiang Kai-Shek provided the world with an example of what a vigorous and free people could do. In Taiwan, the Chinese tradition was kept alive, and the people attained one of the highest standards of living in Asia, despite the fact that such a large portion of their resources had to be used for defense.

At the present time, the people of Taiwan have the second highest standard of living in Asia and a per capita income five times that of the population living under Communist rule on the mainland. The stable Taiwan economy has a gross national product which has risen at a rate of 10 percent over the past 10 years. In 1973, the rise was reported at 12.3 percent.

Under the leadership of Chiang Kai-shek, Taiwan has become 12th among the world customers of the United States and instead of receiving foreign aid, which it once did, has replaced it with a booming foreign trade. Its foreign trade volume in 1973 was $8.4 billion.

In human terms, Taiwan is a good place to live. Young people are offered 9 years of free, public education. Its health and social security programs now extend to approximately half of the population. Unemployment is at about 1 percent of the work force. These facts are all the more remarkable when one realizes that the population density on Taiwan is highest in the world.

Chiang Kai-shek, on March 1, 1950, addressing the Legislative Yuan which had reassembled in Taiwan, made a vow to make Taiwan a model Province and the bastion of a counterattack and national recovery. Writing in the New Orleans Times Picayune, Edward Neilan notes that—

> Chiang has succeeded beyond all expectations on the first half of that vow. As for the second, there are few who believe that a counterattack to invade the mainland will ever be accomplished in military terms. But social and economic forces are at work that inspire confidence in officials of the Republic of China today. There are a variety of scenarios that could be played out in the future that could make Chiang a posthumous "victor" over Mao in the eyes of the Chinese people and the world.

It is my view that Chiang Kai-shek is the real winner. In terms of the values which are eternal, the dignity of man and his right to be free, Chiang Kai-shek will be viewed as a valiant fighter. When the tyranny which now oppresses the Chinese people is finally destroyed, and all tyrannies in the history of the world have, in the end, been overthrown, the Chinese people look back to the memory of Chiang Kai-shek as one who kept the faith and who prevented the Communists from destroying the Chinese culture, language, and tradition.

Wherever there are Chinese men and women who revere their own tradition and culture, Chiang Kai-shek will be dearly missed. Wherever men and women, of whatever nationality or faith or race, cherish freedom and oppose tyranny, Chiang Kai-shek will be remembered.

AID TO AUTHORITARIAN REGIMES: A LETTER FROM CONGRESSMAN FRASER

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. MIKVA. Mr. Speaker, our colleague from Minneapolis, Congressman Donald M. Fraser, has written an important letter considering the implications and advisability of military and economic aid, including nongovernmental aid, to authoritarian regimes. This letter was written at the urging of several University of Minnesota faculty members.

The letter, plus a background comment by Hernan Vidal, associate professor of Spanish and Portuguese at the university was published by the Minnesota Daily, Wednesday, February 26, 1975.

Don Fraser's letter merits review by Members of the House. It is a thoughtful and articulate expression by a Member who has spent considerable time and effort seeking to find the road this country ought to follow toward a moral and responsible foreign policy. For these reasons, I am having the letter reprinted, in slightly altered form, along with Professor Vidal's introductory remarks as they appeared in the Daily:

Academic Freedom in Chile: A Letter From Fraser

(By Hernán Vidal)

"Ultimately our actions should reflect both our own concern about violations of human rights as well as our concern for the welfare of those affected." Donald M. Fraser, 1974.

Some time ago a group of faculty visited U.S. Rep. Donald M. Fraser. They brought to him their concern about the moral, academic and civil libertarian implications of the interchange agreements now existing between the University and Chilean universities under military intervention. Fraser is the chairman of the Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs. On March 27, 1974, the subcommittee presented a report entitled Human Rights in the World Community: A Call for U.S. Leadership. In its introduction the report states: "Protection of human rights is essentially the responsibility of each government with respect to its own citizens; however, when a government is itself the perpetrator of the violations, the victim has no recourse but to seek redress from outside his national boundaries. Men and women of decency find common cause in coming to the aid of the oppressed despite national differences. Through their own governments and international organizations, they have both the opportunity and the responsibility to help defend human rights throughout the world." The faculty group requested Fraser's opinion on the agreements. He replied by means of a letter, which we were authorized to publicize.

Fraser's letter can be best understood within the context of the events that took place at Chilean universities after the military coup of Sept. 11, 1973. The military junta intervened in them by appointing rectors and officials carefully selected from the higher ranks of the armed forces and political sympathizers. A thorough purge was initiated. At the University of Chile channels were opened to receive secret denunciations. Charges were never specified and the decision for dismissal rested solely on the will of the official in charge of the investigations. "In the State Technical University, University of Concepcion and Austral Universities there were not even the pretense of a legal procedure: the resolutions were based on black lists and faculty members or students were given notice through a standard form which specified no charges." (Nature, Vol. 253, Jan. 3, 1975, p. 5).

The universities that enroll 75.6 percent of the student have lost about 29 percent of their faculty members since the military intervention. This means that 5,000 people have been terminated through killing, enprisonment, exile, or dismissal. There are no reliable figures as to how many university students have lost their chances to register again. But it is a fact that more than one year after military intervention students are still being expelled.

Since the University of Minnesota is, at present, training postgraduates in the medical profession, it is important to know the facts gathered by a commission of the Federation of American Scientists. The Colegio Medico de Chile (Chilean Medical Association) cooperated with the military junta by preparing lists of doctors to be killed, imprisoned or barred from practice. The commission came to know of 16 actual cases of murder—although other estimates put the figure over 60—and 300 cases of arbitrary detention and torture. The number of doctors who have left Chile is 250.

The Chilean Society of Biology had 414 members, and 28 percent have left the country. The situation of the Faculty of Sciences of the University of Chile is even worse. Of its 123 faculty members from mathematics, physics, chemistry and biology, 60 have left the country.

On political grounds the military junta is destroying human resources created after long years of hard work, national and international investment and interchange. To permit this situation without protest and then train other personnel to replace the professionals killed, maimed, imprisoned or exiled by the junta is to give it moral, intellectual, and economic support. Recognizing this, the University of California has suspended its interchange program with Chile. The charges made against the junta are harassment of scientists engaged in non-political research and use of interchange channels with political criteria. Within our own University awareness of the issues involved is already resulting in concrete opposition to the agreements. In December the majority of the faculty of the Department of Spanish and Portuguese sent a letter to President Magrath denouncing the agreements. A few days ago the faculty of the BioMedical Engineering Program overwhelmingly voted to suspend further discussion of an M.A. program in cooperation with the University of Chile. The faculty members clearly expressed their repudiation of the repressive atmosphere prevailing at that institution.

Yet in spite of all the information easily available, and of increasing faculty opposition, the University administration is moving ahead to strengthen and expand the agreements. Under advice and support from the administration, the All-University Council for International Programs voted not only to continue cooperation with the University of Chile but also to initiate another interchange program with the Universidad Austral (Valdivia). Two main reasons are often repeated by University officials to justify these actions: the interchange is to be understood as cooperation between autonomous, academic, professional institutions on nonpolitical terms; the interchange would give support to democratic people still working within Chilean universities. In the light of the existing information on the military control and purge of those institutions, such arguments are bankrupt.

Within this context the following letter from Fraser indeed serves as a call to question, discuss and investigate with utmost care the implications of these agreements. The letter says:

DEAR PROFESSOR VIDAL: My general impression is that in the absence of an overriding U.S. security interest, military assistance should be withheld from an authoritarian regime—especially one which shows no sign of progressing in the restoration of the rule of law and the protection of basic human rights. Military aid has always seemed to associate us with the exercise of power by the recipient—power unrestrained by the institutions we associate with democratic regimes.

Economic assistance is to be judged, in my view, on a case by case review of the circumstances to be found in each country. Generally, aid which is directly supportive of an authoritarian regime should be avoided for the same reasons that military aid should be withheld.

At the other end of the spectrum, technical assistance helping to establish cooperatives in rural areas which is not interfered with by the central government probably should be continued.

Considerations which I believe are relevant would include:

(a) the timing of new programs in relation to the activities of the government;

(b) the extent to which progress is being made in the observance of basic human rights;

(c) the extent to which the program gives support to the continuation of the authoritarian regime;

(d) the usefulness of the assistance in helping to meet basic problems facing a nation regardless of the nature of the government;

(e) the extent to which a continuation of the program may be considered useful in encouraging the restoration of a broader range of human rights;

(f) the extent to which the act of withholding or granting aid may influence the evolution of events within the recipient country.

In addition to these general considerations, a university may wish to give consideration to the nature of the institutions which might be assisted in a program. I understand that in Chile the universities have been the subject of active junta intervention. The effect of such intervention undoubtedly should be given some weight. For example, I find it hard to believe that the U.S. labor movement would wish to give technical assistance to labor unions which were directed or controlled by a central government. A university may similarly wish to evaluate whether or not its own integrity may not be impaired by giving assistance to another university whose integrity has been violated.

I do not find these questions easy to answer—particularly in light of the widespread abuses of human rights found in most countries of the world. One may have to settle for trends, consider the timing, and weigh the pros and cons on sensitive scales to be able to sustain the applicable principles on something like a consistent basis.

Generally I believe that violations of human rights do not evoke enough public protest. The United States as a nation should be far more sensitive to violations of human rights in its foreign policies than it has been. Perhaps a university would want to consider that it has its own responsibilities in this regard.

Ultimately our actions should reflect both our own concern about violations of human rights as well as our concern for the welfare of those affected.

With best wishes, I am

Sincerely yours,

DONALD M. FRASER,
Chairman, Subcommittee on International Organizations and Movements.

HEALTH INSURANCE FOR THE UNEMPLOYED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. FRASER. Mr. Speaker, as the unemployment rate continues to rise, more and more workers face not only loss of income, but loss of health insurance. Several different bills have been introduced in the House to provide stopgap coverage for these workers and their families.

Both the Ways and Means Committee and the Interstate and Foreign Commerce Committee are marking up bills to continue coverage for these families who cannot afford individual health insurance policies, but who are too affluent to meet the stringent medicaid means test.

Mal Schechter has written an excellent article describing the various proposals to provide continued coverage. As he notes, there are serious problems with each approach. Despite the inequities inherent in each of the bills, any action will surely be better than the administration's approach of benign neglect.

I commend this thoughtful analysis, "Health Insurance for the Jobless," to my colleagues:

[From the Washington Post, Apr. 6, 1974]

HEALTH INSURANCE FOR THE JOBLESS

(By Mal Schechter)

When the Social Security system was assembled in 1935, national health insurance just missed the boat. Forty years later, the issue is being pushed by another deep economic upset—surging unemployment. Although for budgetary reasons President Ford wants to keep the NHI issue on ice until next year, hard times among the nation's 90 million workers—specifically among the 8 per cent now unemployed—just won't let the issue be.

Millions of American breadwinners have been put in double jeopardy: They have lost their jobs and the health insurance based on those jobs. If they and their dependents lost quality coverage, they add to the 60 million Americans the Ford administration estimates as having no or inadequate coverage.

Since Social Security reached the statute books, this country has not so much forgotten NHI as it has become stymied over alternative approaches to assuring coverage for all. Between the Depression of the 1930s and the recession of the 1970s, a huge private insurance industry has matured to cover most of the work force, albeit with packages of varying protection against sickness costs. Employers and workers pay an estimated $25 billion a year in premiums. This mammoth insurance operation now is being challenged by unemployment. The situation dramatizes the inherent limits of the job-related approach to protecting a population against health-care expenses.

Movement toward comprehensive NHI also has come along governmental avenues. These might be thought of as additional pieces of a missing national plan.

There is NHI for the aged and disabled, costing $11.3 billion a year; that's Medicare and it's available as a matter of right, without relation to income or job. There is NHI for some of the poor, costing $11.2 billion a year; that's Medicaid, and it's available on the basis of tests of income and other resources to people who fit into certain categories of need, such as Aid to Families with Dependent Children. There is NHI through the Veterans Administration at $2.8 billion a year. And there are NHIs for special groups, including American Indians. (The government also is involved in job-related insurance programs through the Defense Department and federal employee health benefits.)

To this aggregate of programs approaching $30 billion, Congress is considering what might be called "unemployment NHI" at a first-year cost between $1.5 and $2.5 billion, assuming no rise in the 8 per cent unemployment rate. The congressional stage has been set for deliberation on two bills, by Sen. Edward M. Kennedy (D-Mass.) and by Rep. Daniel Rostenkowski (D-Ill.). They share the goal of continuing the worker's health insurance while he is out of work and receiving unemployment insurance.

Both proposals have been framed as temporary expedients for a year, possibly longer, until the enactment of comprehensive NHI. But the duration is as uncertain as that of the recession, and of Congress' ability to resolve the political conflicts around NHI. Members of Congress seem uneasy in dealing with temporary legislation that may have the potential of biasing, blunting or delaying a comprehensive plan. Indeed, some prefer to do nothing short of dealing with the larger issue.

Nonetheless, the Kennedy bill has been approved by the Senate Labor and Public Welfare Committee. The Rostenkowski bill awaits action by the full House Ways and Means Committee after having won approval of the health subcommittee Rostenkowski chairs.

UNBEATABLE ISSUE

Unemployment NHI—as admitted even by its sponsors—is marred by inequities. Not all the unemployed would benefit. Those who might benefit are likely to be the better-off unemployed. No congressman likes to explain why he chose to benefit one group of unemployed and not another. There could be repercussions at the polls.

Yet, "aid to the unemployed" probably would be an unbeatable issue when and if it reaches the floor of Congress. Some observers give the issue a 50–50 chance of reaching the floor but a 100–0 chance of winning approval in one form or another once it arrives there. And, if subordinates correctly portray the White House, Congress at that point may have set President Ford up for a veto and the stigma of the man who left the unemployed out in the uninsured cold.

The deep inequities in the Kennedy and Rostenkowski proposals spring in good measure from the insurance systems on which they base assistance. Many workers have no job-based health insurance. And many lack eligibility for unemployment insurance.

The idea of simply financing the extension of health insurance for the worker getting unemployment insurance leaves out one-third of the unemployed. Of 7.5 million workers unemployed early this year, 1.5 million were not eligible for unemployment insurance. Of the remaining 6 million, 900,000 had no health insurance. Among the remaining 5.1 million, the quality and cost of the insurance protection is quite variable.

The uneven effect of the unemployment NHI bills can be seen in the normal pattern of job-based coverage. One of the best recent views is in a 1972 federal study. Of 89 million persons then in the work force, 77 million were full- or part-time workers, 7 million were self-employed and 5 million were unemployed.

Among the 77 million, 54 million had hospital expense protection, almost as many had in-hospital doctor coverage and 26 million had major medical benefits covering office visits and gaps in other protection. For hospital expense protection, the most widespread, the degree to which the worker paid out of pocket—through deductibles and coinsurance and for uncovered services—varied from little or nothing to considerable.

The unemployment NHI bills would not change this. They would spare the unemployed worker from any contributions toward premiums or from having to pay for converting from group to individual coverage, at a large increase in premium.

UNEVEN COVERAGE

Not only is there uneveness among benefits and costs but there also is unevenness among the kinds of workers who typically have coverage. In general, the people less likely to have health insurance on the job are women, nonwhites, young people, managers, agricultural workers, persons in small firms, persons with earnings under $8,000 a year and workers in the construction, retail trade and service industries.

Some job-based plans begin to cover a new worker after a waiting period of one to several months. Some plans may carry the laid-off worker for similar periods. But for about 70 per cent of today's jobless, benefits end with a pink slip or soon thereafter. In the hard-hit auto industry, which boasts some of the best coverage, three in five workers lose coverage in the same month they are laid off.

The resources available to a laid-off worker include unemployment insurance through the federal-state system for up to 52 weeks. But one in five workers are ineligible—chiefly newcomers to the labor force—because they have not worked long enough to qualify or for other reasons.

Depending on the state, the top weekly payment may be between $60 and $70. Some workers receive industry or union supplements. At best, these add enough to unemployment insurance to approach 95 percent of take-home earnings, depending on seniority. The worker who exhausts these resources and depletes any savings and assets may qualify for one or another of the public assistance programs designed for the poor.

The unemployed worker—precisely because he is receiving unemployoemnt insurance—is barred from receiving Medicaid and cash assistance, even though he has depleted his resources to a level below the tight standards of state programs. Federal law enacted in 1968 prohibits federally aided state welfare programs from assisting families with able-bodied breadwinner husbands until their unemployment insurance is exhausted.

Even when the unemployment insurance is less than the welfare payment, the husband has no choice. The U.S. Supreme Court this year is to consider Weinberger v. Glodgett in which a Vermonter contests the preclusion. Federal sources point out that 29 states pay more under Aid to Families with Dependent Children than they do under unemployment insurance, where the weekly average is $62. This holds true in states with the greatest unemployment.

The cost of eliminating the exclusion is an estimated $50 million annually in order to cover families at the welfare level who receive or are eligible for unemployment insurance. As one federal official commented, the recession is revealing "how rickety the country's social welfare patchwork really is."

CRISIS AT HAND

Exactly how many workers have lost coverage due to unemployment is not known. The statistics are being gathered. The assumption is virtually uncontested that a crisis of enormous size is at hand for workers and the providers of health care.

Already some municipal hospitals are reporting a jobless clientele that previously had used private facilities. A fear of demands for care by insurance-deprived workers has been expressed by hospitals. The American Hospital Association says community hospitals only rarely are able to provide any large amount of charity care because key insurers, like Blue Cross and Medicare, do not share in hospital bad debts and charity expenses.

Hospitals and doctors, for years complaining that Medicaid payments are substandard, see income threats in the unemployment situation. It may be no surprise, therefore, that organized labor, insurers, organized medicine and hospitals are cooperating for unemployment NHI, despite ideological differnces over how full-fledged NHI should go.

The major plans before Congress seek to move massively and quickly to cope with the perceived emergency. But there are impediments of a procedural nature, reflecting some of the same stumbling blocks before comprehensive NHI.

There is the "jurisdictional game." Congress has no single set of committees to deal with all the complexities of NHI. Any approach based on tax-supported trust funds or changes in the tax law falls to the House Ways and Means Committee under Rep. Al Ullman (D-Ore.) and the Senate Finance Committee under Russell B. Long (D-La.).

If the approach revises Medicaid, involving general revenues, the pertinent committees are Senate Finance and House Commerce under Rep. Harley Staggers (D-W. Va.), and especially its health subcommittee under Rep. Paul Rogers (D-Fla.). If Federal regulation of health insurance is to be pioneered, other committees and other personalities are involved.

For Sen. Kennedy to deal with unemployment NHI through his health subcommittee of the Labor and Public Welfare Committee, his bill had to be shaped to avoid jurisdiction of the Finance Committee. Specifically, it had to avoid entanglement with tax laws, trust funds and Medicaid. For Rep. Rostenkowski, chairman of the Ways and Means health subcommittee, to attempt to shape a bill, it had to be in the form of a tax measure.

"A BIG FOG"

The jurisdictional game has bedevlled the House leadership. Conceivably, Speaker Carl Albert (D-Okla.) may be called on to authorize an ad hoc committee to deal with NHI problems. As to unemployment NHI, nobody is sure how the House will deal with bills emerging from both Commerce and Ways and Means, an increasingly likely prospect. "It's all in a big fog," comments a lobbyist.

A second stumbling block is the "budget game." A solution that can be framed to avoid additions to federal spending is considered far more likely to attract conservatives in Congress and at the White House than a solution affecting the budget, even if the overall economic impact on the country of a budget proposal might be less.

President Nixon's NHI proposal, Comprehensive Health Insurance Plan (CHIP), was absorbed by President Ford. By using the job-related employers to offer a standard benefit package to employees—CHIP keeps a considerable portion of NHI costs out of the federal budget.

Sen. Kennedy's comprehensive plan, Health Security backed by a tax-supported trust fund as is Social Security, has been attacked as an intolerable addition to federal spending and power, although its partisans insist the overall costs to the consumer/taxpayer/employee would be smaller and its public accountability greater.

Anyone ignoring the jurisdictional game and expecting Sen. Kennedy to rely on the trust fund approach to unemployment NHI is mistaken. His bill, S. 625, calls for general revenue spending. This would pay the premiums of health insurance for the worker on unemployment insurance, provided a spouse or parent had no insurance covering the worker secondarily, and provided the worker's job-based plan did not cover him during the layoff. The Kennedy bill, administered through the Labor Department as an ancillary to unemployment insurance, would reach an estimated 3.2 million workers and families (perhaps 9–10 million people at any one time). The estimated cost for the one-year program is $1.5 billion at present unemployment rates.

LABOR SUPPORT

Organized labor, which backs health security, has joined with the insurance industry, American Medical Association and American Hospital Association—each of which has its own job-based approach—in supporting S. 625. Labor witnesses insist the bill's virtue is that it does absolutely nothing to change the inequitable, inflationary and profiteering health-insurance system they perceive and wish to obliterate. The bill provides for federal recoupment if premium rates turn out too high (Conservative Sen. Bill Brock (R-Tenn.) sees the Kennedy bill as an extravagant bail-out for the insurance industry.)

Testifying on H.R. 4004, Rep. Rogers' counterpart to the Kennedy bill, a United Auto Workers spokesman acknowledged the limitations. "It will continue the costly, unregulated private insurance administration of health care benefits," said Mel Glasser. "It will also do nothing to improve the inadequate insurance coverages which were available to lower-paid workers, now unemployed and uninsured. But H.R. 4004 would act as an emergency stopgap measure for millions of unemployed Americans in the next few months, if they fall ill and require care they cannot possibly finance," he declared.

To those who might argue that the proper answer to the emergency is full-fledged NHI, Glasser and others argue simply that there isn't enough time.

When Congress returns this week, the Rogers bill will be back in the midst of a subcommittee markup and a race with the Rostenkowski bill. Rogers and colleagues have been concerned that the Rostenkowski bill had "permanent" features lacking the fixed deadline in the Rogers-Kennedy approach. Moreover, they worried about the fairness of leaving some of the unemployed out of the emergency program.

Where the Kennedy approach requires an unemployed worker to fall back on another family member's coverage, even if inferior, the Rostenkowski approach does not. It also would cover the self-employed. Thus, the emergency Health Insurance Extension Act, H.R. 5000, reaches 30 per cent more people—an estimated 4.6 million without counting family members. But it would cost 40 per cent more than the Kennedy plan.

AN INGENIOUS GAMBIT

H.R. 5000 is an ingenious gambit through the budget and jurisdictional games. Its two parts work through the Internal Revenue Code. Under Part 1, to keep certain tax deductions, employers and insurers would have to extend coverage to laid-off workers receiving unemployment compensation. As health fringes come up for renegotiation over the 14 months after the program starts, the extensions would be added at an increase in premium. (Where fringes are not bargained for, extensions would be provided within three months.) Part 1 would stay in force until NHI is enacted.

According to Ways and Means sources, as much as 8 per cent would be added to annual premiums, assuming an 8 per cent unemployment rate. On an estimated premium base of $30 billion for both employed and self-employed persons, Part 1 would cost as much as $2.5 billion a year.

Where the $1.5 billion Kennedy approach would be paid by federal taxpayers and add to the federal deficit, the cost of H.R. 5000 would fall outside the federal budget—on consumers (if businesses raise prices), employers (if they forego profits by not raising prices) and employed workers (if they forego higher wages or fringes).

The cost of either approach could be more than stated. Estimates are an actuary's nightmare. Nobody is sure, for example, whether the unemployed as a group would tend to use more health services (such as elective surgery) than the employed.

Also, if insurers insist on a large cushion of financial reserves, premiums overall would be higher. The premium for a specific employer would depend partly on the insurer's estimate of risk of unemployment. This factor might upset marketplace economics, especially for smaller employers. To moderate this kind of variation and to protect against insurer losses, the Rostenkowski bill calls for pooling among insurers to share the risks of long-term unemployment. In the Kennedy approach, Uncle Sam pays the higher rates.

Part 2 of H.R. 5000 sets up a federal trust fund for the period before Part 1 becomes wholly effective. The fund would borrow perhaps $750 million from the Treasury in fiscal 1976. It would pay for expenses workers incur rather than for premiums. This feature seeks to hold down overall cost, eliminate risk to insurers and cut out profit. The fund would be amortized, with interest, over several years by a 1 per cent federal tax on premiums. When the loan is repaid, the fund and tax disappear. Any impact on the federal budget would be ephemeral.

LOBBYISTS COOL

Rostenkowski wants a bill the President can sign, not an issue that will delay getting help out to the people who need it," a House aide explained.

But the bill generates little enthusiasm among lobbyists. Fearing that Part 1 might set a precedent for full-fledged NHI based on private insurance, organized labor wants to substitute a one-year, trust-fund-only bill as a possible alternative to the Kennedy approach.

The Health Insurance Association of America accepts both Kennedy and Rostenkowski approaches, with a preference for the latter. But insurers are wary of federal intrusion and what might happen to their place in the NHI derby if politicians saddled them with blame for increased insurance costs and administrative imbroglios that could accompany a crash effort. The doctors don't like the looks of a trust fund as a possible NHI precedent.

Says Rostenkowski: "Any program we may develop for meeting the immediate needs of the unemployed will not be able to address the problems needing resolution under NHI. We cannot deal here with problems in the health care delivery system—with unequal distribution of health services, with wrong incentives, with inefficient reimbursement systems, with spiraling inflation. We cannot deal here with the severe problems in rural and big city areas. Nor will we likely be able to help those unemployed who have never had a job, or those who have jobs but no health insurance. The solutions to those problems must await our consideration of NHI."

WEINBERGER OPPOSITION

Rejecting an unemployment NHI approach, the administration sees trouble in terms of the federal budget, the economy, equity and administrative feasibility. In arguing against the Kennedy plan (and by implication against Rostenkowski's), Secretary of Health, Education, and Welfare Caspar Weinberger pointed to the inequity of using federal resources to extend high-grade and low-grade benefits. He feels it is unfair to discriminate among those getting unemployment insurance on the basis of prior health insurance coverage. He also saw insurmountable administrative problems in coordinating state-run unemployment insurance programs and insurance companies. He foresaw disincentives to the unemployed who might delay getting a new job because the insurance offered was inferior to that of the last job. He foresaw a cheapening of job-based coverage and the possibility that management and labor might be tempted to shift the costs of laid-off workers to Uncle Sam.

The best thing to do for the unemployed, he told the Finance Committee, is to get workers back to work and to hold down on federal spending and its contribution to inflation.

The criticism that no unemployment NHI approach covers the unemployed who had no job-based coverage has embarrassed sponsors of the legislation. It's better to do something for somebody than to do nothing for everyone, they contend. Labor was stung to suggest a Kennedy bill amendment to cover automatically under Medicaid some 900,000 workers (plus dependents) receiving unemployment insurance who had no prior health plan. HEW estimated the cost as $800 million a year. Hearing the proposal made at a House Commerce meeting recently, an expert in health-care delivery guffawed: "I never thought I'd see the day when labor would endorse covering workers through a program with a means-test stigma."

When a reporter asked a HEW official what the cost would be for covering the unemployed not on unemployment insurance, the response was, "Whoa! If you did that, anyone could qualify for Medicaid and you'd have NHI through the back door."

"PERMANENT" STOPGAP

As Rostenkowski and Kennedy partisans present the issues, Congress is being asked to adopt administratively feasible programs that do not establish new bureaucracies, do not permit profiteeering by insurers and do not cement them into a future program. But they admit to serious shortcoming that cannot be solved except through a comprehensive approach.

The unemployment issues may propel Congress into a debate over fullfledged NHI sooner than expected. Rep. Rostenkowski announced his intention to have an NHI bill out of committee by the end of summer. But he noted it would take time to pass and implement, and that's why his stopgap is called "permanent until NHI."

For an NHI debate, difficulties in covering the unemployed may dramatize limitations in the job-related approach to the disadvantage of the Administration's CHIP and similar proposals. Dividing a population by job, income or other status is confusing to beneficiaries and tends to drive up administrative costs; workers have to be tracked in and out of employment or other status in order to establish eligibility. The administrative problems Secretary Weinberger sees in unemployment NHI may inhere in CHIP.

From labor's viewpoint, the plight of the jobless is another indication of the need for decent health insurance independent of job status—as a matter of right. Much of the ring of Depression era debates over Social Security and public versus private sector responsibilities, danger and equities pervades the arena in which NHI is being considered.

NULL ADAMS, NEWSPAPERMAN, ENDS LONG CAREER

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. JONES of Tennessee. Mr. Speaker, recently Null Adams, city editor for the Memphis Press-Scimitar, has retired from the newspaper profession. Null has been a newspaperman for 51 years and was the city editor for the Press-Scimitar for 30 years. He is retiring as assistant managing editor and politics editor, a dual position that he has held for the past 10 years.

Null Adams has been an outstanding journalist throughout his career which began when he worked as office boy on the News-Scimitar in the mid-twenties. He is the recipient of many newspaper awards over the years and has richly deserved every one of them.

He will be sorely missed by his colleagues at the Press-Scimitar and by those of us who look forward to his column each day.

In recognition of Mr. Adams' dedication to fair and impartial journalism I would like to take this opportunity to include in today's Record the text of an article that appeared in the Memphis, Tenn., Press-Scimitar on Tuesday, March 25, 1975.

Null Adams Ends a Long Career

(By Clark Porteous)

Null Frank Adams, who was a city editor's city editor for more than 30 years, will retire Monday after 51 years as a newspaperman.

Which means that Adams, a living legend as a newsman, is retiring at the age of 69.

Adams made a sudden decision last week to retire and nobody could talk him out of it.

Commenting on the retirement, Charles Schneider, editor of the Press-Scimitar, said:

"Null Adams is going to be missed around this newspaper, both for his knowledge and understanding of politics and government and for the warmth and kindness of his personality.

"Null has had a long and highly successful career as a newspaperman. The Press-Scimitar's record over the past half-century is full of his achievements as a journalist.

"I have known Null personally for the major portion of his career, and value his professional counsel as well as his friendship. He and his wife, Faye, are richly deserving of a healthy and happy retirement."

A man who has covered and directed coverage of countless thousands of stories in more than half a century in the news field, Adams is the subject of many good newspaper yarns himself.

He is retiring with the title of assistant managing editor and politics editor, dual positions he has held for the last 10 years. But he has been noted for his political acumen since his early newspaper days when E. H. (Boss) Crump was the man to see about political stories.

Born in McKenzie, Tenn., Feb. 17, 1906, Adams moved to Memphis with his family at the age of 12. He grew up in the old Fort Pickering area near De Soto Park, and carried papers as a boy.

He was graduated from Tech High, and while a student worked part time as a night police reporter. He was city editor of the Tech High Technician, later the Yellow Jacket, and the late Early Maxwell, noted as a promoter, was the editor.

Adams worked as an office boy for The News Scimitar, one of the parent papers of The Press-Scimitar, and won a place on the sports staff, later transferring to the news staff where he covered police, City Hall, Courthouse and the Federal Building.

In 1926, Adams left The News Scimitar to work for the Atlanta Georgian and later International News Service, now part of United Press International, in Atlanta and Florida. He returned to Memphis in 1927 and managed the Memphis INS bureau for 18 months. Then he joined the staff of the Evening Appeal, at that time an afternoon sister paper of The Commercial Appeal.

While working on the staff of The Evening Appeal, he located a missing witness, Mary (Sunshine) Walker, in the famous Stanley Furyear murder case.

Adams joined The Press-Scimitar staff in 1933 and that stopped his journalistic wandering. He has been with this paper since. Adams covered the Legislature in 1935 for The Press-Scimitar and Knoxville News-Sentinel.

He covered The Press-Scimitar's intensive campaign to bring TVA and its benefits to the Tennessee Valley and Memphis.

It was in late 1932, while covering TVA, that Adams got his most memorable news story, one that ran on the front page with a 120 pt. headline, and that's a big one. It was at Muscle Shoals, Ala., where President-elect Franklin D. Roosevelt was on an inspection trip, seated in an open car surrounded by Secret Service men. Reporters covering the presidential trip were kept at a distance.

Adams knew the late Sen. K. D. McKellar well, and K. D. asked Null if he wanted to meet Roosevelt, and of course he did. The Senator put his arm around Adams' shoulder and took him to Roosevelt. Not even Secret Service men would stop someone who had McKellar's arm around him.

Adams met the President-elect, asked him a few questions, and Roosevelt noticed that Adams was jotting down the answers and asked "Are you a newspaperman?"

"Yessir, Mr. President, and I've sure got a good story," Adams replied. And he drew the famous Roosevelt laugh. When Adams left Roosevelt, the other reporters crowded around him and asked what the president-elect had said. "Read about it in my paper," Adams said. But he adds that he probably wouldn't be that blunt with them today. And it's true, the tough city editor has mellowed a bit over the years.

In his reporting days before becoming city editor, Adams was nominated for the Pulitzer Prize for his graphic coverage, with the late Marshall J. Smith, of a triple hanging in Hernando, Miss.

Adams was named City Editor Feb. 14, 1936, a position he held for 30 years and 17 days. At first, he was tough on fellow reporters, as he could not get reporting—his way—out of his mind. But he became a great city editor, and during many years, had as his rival city editor, his late younger brother, Malcolm, who was Commercial Appeal city editor. At family gatherings, the two brothers just didn't talk shop, and at other times, strived to beat each other to the news.

In 1946, Adams was selected as one of the 27 city editors from throughout the nation to attend the American Press Institute for a three-week seminar on city desk procedures at Columbia University in New York City. Adams made such an impression that he was called back 12 years in a row as visiting speaker for API city editor seminars.

Adams devised an unusual file system for city editors "because I'm lazy," with a folder for each day of the month and also monthly folders, and stories about annual events and the like would come up in the file at the appropriate time for stories. A model of the system was made at Columbia and city editors all over the world have adopted the Adams filing system.

There are so many "big stories" in Adams' career that it would be difficult to even list them. Examples are the capture of "Machine Gun" Kelly in Memphis, with Adams learning that the big time criminal was really a one-time Memphis hip-pocket bootlegger whose real name was George Barnes; working with other reporters to uncover the theft of hundreds of thousands of dollars in the City Hall "shortages" of the early 30's and of course his official "Big Story," when he won the Pall Mall award for the radio-tv big story for getting evidence to clear a police detective being held in jail as a suspect in the slaying of a policeman.

As city editor, he directed coverage of all sorts of big stories, including political campaigns. Oddly, two stories that he remembers best came within a year of each other—the terrible Tupelo tornado April 5, 1936, and the big Mississippi River flood the following year.

Before becoming city editor, Adams won a place on the honor roll in George Seldes' book, "Freedom of the Press," for stories against the power trust. Adams received the Malcolm Adams Journalism award, named for his brother, for the best political coverage of the 1967 city election, when Memphis changed from City Commission to Council-mayor government.

He also won the John W. Finney award of the UPI-Tennessee Association of Newspapers for the best political coverage in the state during the 1968 national election.

In private life, Adams is married to the former Faye Tucker. They have two daughters and he is particularly proud of six grandsons, but sometimes wishes for a granddaughter. Mr. and Mrs. Adams live at 3041 Kirkcaldy in Scenic Hills.

He has taught a men's Bible Class at Union Avenue Baptist Church for 40 years, and the class was long ago named for him. He does not plan to retire from this. Also, the Tech High chapter of Quill and Scroll was named for Adams.

What will Adams do after retirement March 31?

"I plan to travel more, wet a few fish hooks and have more time for church work," Adams said.

Asked about politics (there have been occasional rumors that Adams might run for City Council or something), Adams grinned and said, "I might dabble a little in politics—who knows?"

Those who know are certain that Adams will do more than "dabble" if he decides to get involved in politics.

I CAN'T PAY MY ELECTRIC BILL

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. SYMMS. Mr. Speaker, there is a closing line in one of our great American theater productions, "How do you thank a man for a million laughs . . .". For those Americans who still have a vestige of humor left, I am sure they regard Government in the same light. We have made poignant jokes about the excesses of OSHA; we have chuckled over EPA's effort to diaper loggers' horses to prevent pollution of watersheds; we rolled in the aisles when U.S. Postal Service workers threatened a slowdown in mail delivery.

Now, for the enjoyment of my colleagues, I have unearthed a man who still deals humorously in his increasingly futile effort to meet his business expenses. Sent to me by my good friend and adviser, Al Eiguren of Boise, Idaho, the article demonstrates the irony of our political situation in which the U.S. Government is attempting to be all things to all people:

[From North Star, Dec. 1974]

I CAN'T PAY MY ELECTRIC BILL

We receive an increasing numbe of letters alibi-ing as to why an electric bill can't be paid, but if we would get a letter like the following, it would certainly top any excuses we have heard so far:

Dear R.E.A.

In reply to your request to send a check I wish to inform you that the present condition of my bank account makes it impossible. My shattered financial condition is due to federal laws, state laws, county laws, township laws, city laws, zoning laws, environmental laws, health laws, corporation laws, liquor laws, mother-in-law-laws, sister-in-laws, and outlaws.

Through these "laws" I am compelled to pay a business tax, amusement tax, head tax, school tax, light tax, water tax, sales tax, liquor tax, income tax, food tax, cigarette tax, property tax, sewer tax, garbage tax, furniture tax, and excise tax. Even my brains are taxed. I am required to get a business license, car license, equipment license, truck license, bicycle license, not to mention a marriage license and a dog license.

I am also required to contribute to every society and organization which the genius of men is capable of bringing to life.

For my own safety I'm required to carry life insurance, property insurance, liability insurance, burglar insurance, tornado insurance, hail insurance, vandalism insurance, unemployment insurance, old age insurance, and fire insurance.

My business is so governed that it is not easy to find out who owns it. I am inspected, expected, suspected, disrespected, neglected, collected, protected, defected, examined, reexamined, informed, required, summoned, fined, commanded, and compelled until I provide an inexhaustible supply of money for every known need or hope of the human race.

I can tell you honestly that except for the miracle that happened, I could not enclose this check. The wolf that comes to many doors now-a-days just had pups in my kitchen. I sold them and here's the money.

PLIGHT OF SYRIAN JEWS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. WAXMAN. Mr. Speaker, while once a thriving, dynamic population of 30,000 Jews lived in Syria the 4,500 now remaining live deprived of civil rights—the overwhelming majority reduced to abject poverty due to governmental persecution. Although a total ban on emigration is in effect the Jews long to leave—for humans cannot long endure lives of constant fear and deprivation.

For the information of my colleagues and the public I respectfully submit an updated fact sheet describing the plight of the Syrian Jews. The information was compiled by Dr. George E. Gruen, director, Middle East Affairs of the American Jewish Committee in New York City.

As the largest and most representative legislative body of the world's democracies, the U.S. Congress has an obligation to focus our Government's attention on this matter of international humanitarian concern.

The material follows:

THE CURRENT PLIGHT OF SYRIAN JEWRY, AN UPDATED FACT SHEET

(By Dr. George E. Gruen, director, Middle East Affairs)

Although there have recently been much publicized reports about an alleged improvement in the position of Syrian Jewry, the basic ban on all emigration remains in force. Moreover, after a few months of slight liberalization to allow some blind or critically ill persons to travel abroad for urgent medical attention, the Syrian authorities have once again clamped down and have denied more recent medical requests. In addition, a variety of harsh discriminatory measures continue to restrict the fundamental human rights of the 4,500 Jews in Syria, subjecting them to constant secret police surveillance and harassment, denying them educational and economic opportunities, and limiting their freedom of movement even within the country. (A list of the major restrictions is appended.)

In recent months there were a few hopeful signs that the Syrian authorities were not completely insensitive to world public opinion. There was an international outcry following the disappearance and subsequent discovery of the bodies of two young Syrian Jewish men who had attempted to flee; and then the rape and murder last March of four young Jewish women, in the mountains near the Lebanese border, as they were apparently attempting to flee the country.

At first the Syrian Minister of the Interior declared that two Jews and two Moslems had been arrested and had "confessed" to the murder of the women. After it was revealed that the two accused Jewish men, Yusef Shaluh and Azur Zalta, were respected members of the community (Zalta's brother is married to the sister of one of the victims), and that their "confessions" had been obtained through torture and were repudiated in court, the Syrian authorities first dropped the murder charge against the Jews, accusing them instead of aiding in illegally smuggling persons out of the country, and then last summer released them on bail. The two Moslems, with a record of smuggling and other crimes, were placed under psychiatric observation. The trial was scheduled to be resumed in October, but there have been no reports of any further sessions thus far, prompting some to believe that the Syrians have decided quietly to drop the proceedings against the Jews.

After three years of imprisonment, the Syrian authorities have also finally released two young Jews, Nissim Katri and Joseph Swed, who had been picked up by the Muhabarat (secret police) in the summer of 1971 and had languished in solitary confinement in secret police cells without formal trial for nearly two years before being transferred to the regular al-Maze prison in Damascus, from which they were released in June 1974. (Nothing is known of the present fate of Dr. Albert Elia, secretary-general of the Lebanese Jewish community, who was kidnapped from a Beirut street by agents of the Syrian secret police in September 1971 and was reliably reported to have been held in a Damascus military prison.)

Even in the few cases that the Syrian authorities gave permission for persons to travel to Lebanon or Europe for urgent medical attention not obtainable in Syria, they had to leave large security deposits with the Syrian authorities, which are forfeited if they fail to return promptly. In addition, the Syrians required some close family members to remain behind, fearing that if the entire family were let out they would not return.

The Syrian authorities today are particularly sensitive to their image now that diplomatic relations with the United States have been resumed and the Syrians are eager to encourage increased business and tourist contacts with the United States. As part of their campaign to portray a falsely rosy picture of Jewish life in Syria, the Syrian authorities have singled out a few Jews for special privileged treatment. They may own shops and live outside the Jewish quarter. They are trotted out for display whenever visiting foreign dignitaries or journalists inquire about Syrian Jews.

For example, the *New York Times* on January 5, 1975 reported a Syrian statement that "the most popular men's clothing store in Damascus is owned by a Jew." This is true, but the *Times* failed to note that the owner, Halil Jijati, is known in the Jewish community to be a close friend of the head of the Syrian secret police. Mr. Jijati is also a member of the Jewish Community Council, which in Syria is *not* picked by the Jewish community but is appointed by the secret police. Because of his special relations with the police, Jijati has been able to rent space for his store in a government building and has been permitted to travel to Europe on business.

Similarly, three Syrian Government agents accompanied Mike Wallace of CBS "60 Minutes" while he was permitted to interview a specially selected well-to-do family. Wallace noted that Mr. Nusseri is one of Damascus' best known artisans in copper and brass. His son, Albert, is a pharmacist. But Mr. Wallace failed to note that two other sons of Mr. Nusseri had fled, leaving all their wealth behind because they wished to live in freedom. Moreover, Mr. Nusseri himself and members of his family had some years back spent over a month in prison for "interrogation" before being released without charges. Under such circumstances it should be obvious that Mr. Nusseri would not dare say anything critical of the Syrian authorities.

It is difficult for foreigners to go without police escort to the old Jewish quarter, where most of the Jews live in poverty. And even when they chance to encounter Jews, they are usually too terrified to discuss the actual situation for fear of reprisal against them or their families.

(See for example, the report by Danish journalist Ole Roessel, "Jews in Syria Locked Up in a Nameless Street—No One Wants to Guide You There," published in the independent *Politiken* (Copenhagen), December 21, 1974.)

DISCRIMINATORY RESTRICTIONS IMPOSED ON SYRIAN JEWS

(The following is an updated listing, based upon eye witness and other reliably confirmed reports, of the numerous discriminatory restrictions to which Syrian Jews are currently being subjected:)

Jews are forbidden to leave the country. They are not even permitted to join relatives in the United States, Canada or other countries far from the Middle East.

Jews still require special permission from the secret police to travel more than three miles from their homes.

A nightly curfew is still imposed on the Jews and they are subject to periodic roll calls.

Jews must carry special identity cards on which the word "Musawi" (Arabic for Jewish) is written in large red letters across both sides of the cards. Jewish bank accounts are similarly marked in red, as are Jewish homes in the town of Qamishli.

Jews are barred from employment in government offices, public bodies or banks. They have been arbitrarily dismissed from jobs without compensation and their licenses to conduct foreign trade revoked.

Jews are no longer able to obtain drivers licenses or to have telephones in their homes. (The only exceptions are doctors and a handful of merchants given preferential treatment.)

In the past few years only a handful of the many qualified Jewish students have been admitted to Syrian universities. As a result many young Jews are unemployed or eke out a living as peddlers.

Jews are forbidden to sell their homes or other real estate. The government takes over title to property of Jews who die if any heirs are no longer living in Syria. (In the case of Moslem and Christian Syrians, the shares of heirs outside the country are divided among the family members remaining in Syria. It is only in the case of Jews that the government confiscates the property.) As a result, many Jewish families are reduced to poverty.

The Jewish schools have Moslem government-appointed principals and Jewish religious instruction is limited to four hours per week.

Military intelligence and secret police representatives frequently search Jewish homes. Jews are held for interrogations and tortured at the whim of the police.

INFLATION—CAUSE AND CURE

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. KETCHUM. Mr. Speaker, it appears that everyday, congressional leadership comes up with several plans designed to ease our economic ills. Sadly, none of them attacks the root cause of inflation. Recently, I was privileged to read the following article: "Inflation: What Caused It and How It Can Be Cured." I sincerely hope that my colleagues will agree with me that its author, Dr. Gramm, has something worthwhile to say:

Inflation: What Caused It and How It Can Be Cured

(Dr. W. Philip Gramm)

The United States is experiencing the most prolonged period of rapid inflation in its history. While there have been short periods where inflation rates have been more intense, a decade of rapid inflation is without precedence.

As an index of how severe price increases have been for the last decade, the consumer price index, which measures the price of the market basket of goods and services purchased by the American consumer, is up 57% and the wholesale price index, which measures the price of raw materials used in the production processes, is up 65% from a decade ago. Not only has there been a decade of high inflation rates, but in the last year the rate of price increase has quickened. The consumer price index is up 12% from a year ago and the wholesale price is up 20%.

These harsh economic facts suggest two questions: How did we get in such a mess and how do we get out?

The first question is easy to answer. Data are available on inflation back to the 15th Century, when gold was discovered in America, transported to Spain, and permeated the European market. Since that time, there has never been a prolonged general price inflation in recorded history that was not preceded by and directly related to a growth in the money supply. In our economy a growth in the money supply occurs principally when the government spends more than it taxes and prints money to make up part of the deficit.

There have been five major inflations in the history of the United States: the Revolutionary War inflation, the War of 1812 inflation, the Civil War inflation, the World War II inflation and the Vietnam War inflation. All five of these inflations have had the same cause—a rapid increase in the money supply.

Under the Articles of Confederation, the Continental Congress did not have the power to tax. It was therefore forced to issue paper currency to fight the Revolutionary War. The paper currency units were called Continental Dollars. The old saying "not worth a continental" was derived from the fact that when Continental Dollars were redeemed at the end of the Revolutionary War, they were redeemed at 2 cents on the dollar in gold and silver. The paper currency depreciated very rapidly because of the tremendous quantity which was issued. In essence, the Continental Congress was coming on the American market competing against private citizens for goods and services with newly issued Continental currency and buying goods at a more rapid rate than the economy was producing them. Prices, therefore, were driven up.

An important factor to note, however, about our first inflationary experience as a nation, is that at the end of the Revolutionary War the Congress established the First Bank of the United States and the First Bank of the United States systematically withdrew Continental Notes from circulation. Prices then leveled off and fell to their original level.

The next major inflation in American history was the War of 1812 inflation and it basically was a carbon copy of the Revolutionary War inflation. The principal method of deriving federal revenue at the time was import taxes or tariffs, but we were at war with our major trading partner, England, and tariffs had fallen off drastically. To fight the war, tremendous quantities of paper currency were issued, causing a rise in general price level. Again, however, to the credit of our forebears, when the war was over the Congress established a Second Bank of the United States that redeemed paper currency at par. Prices leveled of and declined to their original level as the paper currency was withdrawn from circulation.

The next major inflation in American history occurred during the American Civil War. The federal government ran a billion-dollar deficit, which was a deficit without precedence. It financed 60% of this deficit by issuing Greenback Notes. These Greenback Notes expanded the money supply by over 150% and prices roughly doubled from 1860 to 1865. At the end of the war, taxes were left at their war-time level and government spending was cut back drastically. The government surplus drew Greenbacks out of circulation and the Treasurer of the United States burned them. As the money supply declined, prices fell off, and by 1879 we went back on the gold standard at exactly the same par value that existed in 1860, as a result of the fact that prices had been driven down to their previous level.

The next major inflation in American history occurred in World War II. The federal government ran a large deficit and the money stock grew 140% as the Federal Reserve Bank monetized a part of the debt. As the government entered the market armed with newly printed money, it drove up prices. Over-all, prices increased by more than 60% during the Second World War. By 1946, we had balanced the budget and by 1947, price increases had ceased. The period from 1947 to 1962 (excluding 1950) was one of the most prolonged periods of stable prices and stable economic growth in the 20th Century.

The next major inflation in American history occurred with the initiation of massive government expenditures on the Vietnam War. We are today in the fifth major inflation in American history and its source has been identical to the four inflations that preceded it.

The current inflation differs only by the fact that it has been carried over into a peace-time period and this peace-time inflation is the only significant peace-time inflation in U.S. history. The present inflation has been caused by the fact that the federal government since 1965 has run a hundred-billion-dollar deficit and has financed 40% of that deficit by simply printing money.

It is fundamentally important to note the difference between federal finance by taxing and borrowing, as opposed to printing money, in their impact on the economy. When the government taxes and goes out and spends the receipts of those taxes, the ability of the private consumer to purchase goods and services is diminished by the amount of the tax. Therefore, the increase in total spending as a result of the increase in government spending is quite small.

If the government goes onto the bond market and sells bonds, competing with private firms and private individuals for loanable funds, the competition simply drives up interest rates as government competes funds away from private investment projects. In this case, private spending falls by the amount that public spending increases. In the case of selling government bonds to the Federal Reserve Bank which in turn gives the Treasurer the capacity to write checks drawn on the Federal Reserve Bank, there is no corresponding decrease in private spending. So the increase in government spending represents a net increase in total demand for goods and services.

There is a simple rule of thumb to follow in gaging the relation between growth in the money stock, growth in the economy and changes in prices. Remember what money is used for: it is used to buy and sell goods and services and consummate exchange. And as the level of economic activity grows with the growth in income and commerce, the demand for money grows by a corresponding amount. So if the economy grows at about 3% a year, which has been the historic growth rate on average in the history of the United States, then the economy will absorb a 3% growth in the money supply with no change in prices.

For example, from 1947 to 1962, the federal government ran small deficits and the money stock grew at about 3% per year as the Federal Reserve Bank purchased government securities in the open market to keep interest rates low. The economy also grew to about 3% a year, so that the increase in money supply was simply absorbed in the consummation of exchange, and prices remained virtually stable for the entire period with the exception of the year 1950. Then, the economic impact of the Korean Conflict was felt, and the money supply grew by 12%. The economy grew by about 3% and prices increased about 9%.

Beginning in 1964, there were large increases in federal spending to finance unprecedented domestic expenditures on the War on Poverty and on Great Society Programs. With the escalation of the war in Vietnam the government deficit rose from a fairly low level in 1964, to $25 billion a year in 1968. The so-called anti-inflationary surcharge imposed in 1968 had no real impact on inflation rates, because government expenditures grew more rapidly than tax receipts so that in 1968, the United States ran a record peace-time deficit and the money supply grew by almost 8%.

In 1969, when President Nixon took office, we made the only real attempt in the whole inflationary period to stop the inflation. Beginning in January, President Nixon brought the budget into balance and the rate of growth in the money stock from January to June was zero %. This policy worked because the rate of pricing increase, which was almost 5% on an annual basis in December and January, had fallen to a 2.7% rate of price increase by June. But in April, May and June the unemplyoment rate jumped a significant amount.

Unemployment rose principally because in the wage negotiations, which occurred in the fall of 1968, wage contracts were made on the assumption of a continuation of 5–7% inflation rates. This expectation was realistic given the previous 5 years experience. An employer who expected productivity of his workers to rise by 2% was willing to negotiate a 7–9% wage increase, if he expected the price of his product to rise by 5–7%. Laborers, being aware of the same set of circumstances, were unwilling to accept any smaller pay increase.

If the federal government had continued its expansionary monetary and fiscal policy, such wage negotiations would have caused no changes in the unemployment rate. But when the federal government reversed its monetary policy in attempting to stabilize prices, and the rate of price increase fell below 3% by June, the wages that had been negotiated in the fall of 1968 were too high for full employment and workers were laid off.

The federal government at this point faced a crucial decision: (1) it could reverse its monetary policy, reinflate, and, therefore, seek to drive up prices which would produce a fall in real wages to the point necessary to produce full employment; or (2) it could maintain its monetary policy and allow the new contracts, in the fall of 1969, to be made on the basis of a 2.7% inflation rate and a higher unemployment rate.

In the latter half of 1969 and 1970, the federal government reversed its policy and began to inflate at an increasing rate. By January 1971, the inflation rate was back up to a 6% annual rise and the unemployment rate was beginning to slide. Since June 1969, there has been no significant attempt to stop inflation in the United States. Easier solutions to our economic dilemma have been sought; at first, on a voluntary basis, in the second half of 1969 and 1970. Then, on a mandatory basis, in 1971, an attempt was made by government edict to freeze prices and wages in the United States.

The first recorded wage and price controls occurred 5,000 years ago in the fifth dynasty of ancient Egypt. Pericles imposed price controls in ancient Athens and Diocletian imposed wage and price controls in ancient Rome. And from the fifth dynasty of ancient Egypt to President Nixon's Phase IV price controls, all of these experiences have one thing in common, not one in history has ever worked. And they do not work for a very simple reason; they freeze prices at a point where the quantity demanded exceeds the quantity supplied. They simply turn price increases into shortages and stifle the incentive to produce and therefore cause output to fall.

In fact, a minor miracle has occurred in the United States in the 1970s, in that we have produced at various times, grain and meat shortages through government policy in a country that has the most fertile land, the highest level of capital equipment and technology in agriculture, and the best educated farmers in the world. Shortages of critical inputs into the production process have been created that have sent the country into a recession where output fell by 7% in the first quarter of 1974 and 1½% in the second quarter of 1974. We are today recovering from a recession that was caused by wage and price controls, and the energy crisis.

If one looks at what the federal government says that it has done in its "anti-inflation" policy, and then looks at the growth in the money supply to see what was actually being done, there is only one conclusion that can be drawn: Federal anti-inflation policy from June 1969 to December 1973 has been a "fraud." Even over the last 12 months the monetary base has grown at almost an 8% annual rate and never in history has such a rate of monetary expansion failed to produce rapid inflation.

When the federal government, in June 1969, stopped trying to do anything about inflation, it turned its activities toward developing scapegoats to get Americans to blame their neighbor for their problems. Had the scapegoat strategy not been so effective, it would be humorous.

Here's how the system works: A bureaucrat goes to businessmen and says, "Why are you increasing your prices?" And businessmen say, "Because our costs are rising." And then the bureaucrat says, "What is your major cost?" And the businessman says, "Labor." And then the bureaucrat says, "Well, labor unions cause inflation." And then the same bureaucrat goes to union leaders and says, "Why are you demanding such high wage increases?" And union leaders note that the consumer price index is up 12% since last year and that real wages of hourly wages are 4% lower than they were a year ago in real purchasing power dollars. And the bureaucrat says, "Well, who sets prices anyway?" And the labor leaders say, "Businessmen." And the bureaucrat says, "Well, businessmen through price collusion and administered prices create inflation."

Perhaps the low point in scapegoatism was reached when Herbert Stein pronounced, just before his retirement from the Council of Economic Advisors, that the American people were responsible for inflation.

Picking up the scapegoat theme, Jack Anderson, about 14 months ago, wrote an article in which he said high interest rates are the result of banker collusion in an attempt to drive up the interest rate and make fat profits at the public's expense. This statement showed that Jack Anderson knows nothing about banking and finance, and nothing about economic history, because never in the United States have we had high inflation rates that we have not also had high interest rates.

Our high interest rates today, which have disrupted the long term capital market, have been caused by irresponsible government.

It is important that bankers and businessmen not be used as scapegoats for government failure. In fact if one looks at nominal interest rates and the current inflation rates and attempts to draw any parallel between current interest rates in terms of real resources borrowed relative to real resources paid back, recent interest rates in real terms have not been at historic highs, as we are told in the newspaper and on the news. They are instead at historic lows.

We hear from Washington that government economists marvel at high demand in the short-term credit market in the face of high interest rates. However, if one can borrow even at 12½% on prime commercial paper, and the inflation rate is 12%, he is paying back, in real terms, only ½% interest. It is indeed no marvel that the demand for capital on the short term credit market a year ago was at a record high because real interest rates were at a record low. Indeed, if the Federal Reserve Bank had not followed an easy money policy through open market purchases of government securities, interest rates on short-term credit would likely have reached 15%.

While high nominal interest rates have not disrupted the short-term credit market, they have had a disastrous effect on the long-term credit market and the reason is very simple. The United States has always been blessed with fiscally responsible government and if all the war years in American history are discarded, prices have remained constant and/or fallen slightly on average for the entire history of the country. As a result, there have been historically low nominal interest rates. Therefore borrowers are loathe to commit themselves on a 25 to 30-year basis to a nominal interest rate that, despite the fact that it may be in real terms be 2% or negative of current inflation rates, might turn out to be an extremely disadvantageous rate if the current inflation should be ended.

Secondly, at high inflation rates, funds have been diverted from their traditional channels whereby savings flowed into commercial bank and savings and loans institutions and were in turn loaned out to businesses to build new factories to generate jobs and to individuals to build new homes. Funds have, as a result of high inflation rates, been diverted into land and commodity speculation and competed away by large government bond issues.

The impact of inflation is obvious in terms of income redistribution away from those with fixed salaries, away from the old and the poor. There is no question that this is a major cost of inflation. But an additional cost that is probably more important is the impact that inflation has by diverting funds from traditional channels and by disrupting the link between the saver and the investor. In this way, seeds are being planted that will yield lower economic growth rates for a decade.

The diversion of funds into land and commodity speculation, while it is an effective inflation hedge, does not promote the economic growth of the country and does not promote growth in employment and wages.

How can inflation be stopped? Inflation has one cause and it has but one cure. And that one cure is to slow the rate of growth in the money supply. This can occur only by closing the government deficit. Our inflation has resulted from the prevalence of a bankrupt and a bankrupting idea within government that money solves problems.

If one looks at the historic growth pattern of government spending over the history of the United States, it is very easy to discern that within the last 15 years there has been a fundamental change within our government. From the birth of the United States it took more than 180 years for the federal budget to grow from roughly zero to $100 billion. It took only 10 years to grow from $100 billion to $200 billion, and it has taken only 4 years for it to grow from $200 billion to $300 billion. Despite the fact that federal tax collections have grown by 110% over a decade, over three times the rate of economic growth, the federal government has failed to live within its budget. The government is deficit financing at such a rate that today it is absorbing 60% of all funds raised in U.S. capital markets.

Last year, the author worked for his Congressman, Olin Teague (D-Texas), in Washington, on the Emergency Energy Act and read some of the bills that the Congressman had to vote on. Despite the fact that the author makes his living reading and writing, the bills could not be read as fast as they arrived, and the stack of unread material kept getting higher and higher. Finally, it became apparent that it is physically impossible for any Congressman to read all of the bills he must vote on. In fact it is extremely unlikely that any member of the U.S. Congress read the $25 billion education act that became law a few months ago.

The sheer bulk of paperwork is so great that no effective research is being done in the Congress by those who are actually engaged in the process of making decisions in the public interest. We are experiencing an attempt by the Congress to substitute money for ideas.

One of the best examples of the money-solves-problems philosophy was John Lindsay's statement shortly after he became mayor of New York. The gist of Mayor Lindsay's message was as follows: people think New York City has a lot of problems, but New York City has only one problem, and that problem is private affluence and public poverty. If my budget were simply twice what it is today, I could solve every problem in New York City. The day John Lindsay left office his budget was two times what it was the day he took office and, by every index from garbage collection to crime in the streets, New York City was a worse place to live the day he left than the day he came. And the reason is that money does not solve problems—ideas solve problems. And government, with few exceptions, has not had a viable idea in 40 years.

If we are to ever put an end to spiralling prices, shortages, high interest rates and economic stagnation, we must stop the growth of government and put our monetary and fiscal house in order. To reverse the trend of fiscal irresponsibility, we need strong leadership which is a scarce commodity in Washington today. We must resist the siren song of more and more government spending, and more and more government controls and stand up for the free enterprise system.

This great system is under attack at all levels of government and is being replaced by a system which has never worked in history and which is working effectively nowhere in the world today. The greatest product in history is not selling for the simple reason that it has no salesman. Those within our government who supposedly represent our views are defending our system with an ineptitude unparalleled in the history of the Republic. To reverse this trend we need but a unit of will.

Until recently, each of us could live his own life and mind his own business with some assurance that the government would leave him alone. This is no longer true. Henceforth, we cannot enjoy prosperity and freedom without enduring the cost of political participation in defense of our system. Long ago, Thomas Jefferson said: "The price of liberty is eternal vigilance." Our problems today are a testimonial to his wisdom. We must be about America's business.

ARSENAL FOE LINKED TO CONTRACT BATTLE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. EILBERG. Mr. Speaker, the Army has been trying to close down the Frankford Arsenal in my city, Philadelphia. At this time the Army has failed to present acceptable facts and figures for its decision to shut down this facility and put some 3,500 people out of work. At this time I enter into the RECORD an article from the Philadelphia Daily News which raises the possibility that the decision to close Frankford Arsenal was not made for purely military and economic reasons:

ARSENAL FOE LINKED TO CONTRACT BATTLE

(By Hoag Levins)

The undersecretary of the Army was formerly a private corporate executive whose firm lost an $8 million argument with the Frankford Arsenal—which the Army is now closing.

Herman R. Staudt, previously vice president of management operations for Martin Marietta Co., personally directed that company's battle with the arsenal over a disputed contract that was eventually canceled under unusual circumstances.

Staudt, now the second most powerful man in the Army Department, was appointed to his military post by former President Richard M. Nixon in October 1973.

Staudt has received a "termination settlement" from the Martin Marietta Co. since assuming his new Army post. According to testimony before the Senate Armed Services Committee, that money was to be paid to the new Army undersecretary "in annual increments." In a phone conversation Friday Staudt refused to say how much money he had received, termining the matter "private."

Although Staudt's department—and even President Ford—have promised that the arsenal closing decision would be reviewed finally on May 1, the Daily News has learned otherwise.

Two weeks ago, the Daily News obtained and published a confidential Jan. 30 letter from the Army's No. 1 man, Howard (Bo) Callaway. The letter informed the chairman of the House Armed Services Committee that the decision to close Frankford already was made and "irreversible."

Prior to his appointment as the Army's No. 2 civilian, Herman Staudt took part in a bitter, 16-month feud with the contract officials of Frankford Arsenal.

His appointment as Army undersecretary in late 1973 ended Staudt's 19-year employment with Martin Marietta Co. and came within weeks after his company's $8 million claim against the Frankford Arsenal was rejected by the arsenal.

Staudt's involvement with the arsenal started in May 1972, when he was called in from Martin Marietta's New York headquarters to take charge of a "problem" contract.

That problem contract with Frankford Arsenal—which eventually involved $3.3 million in payments to Martin Marietta for a product never produced—was untimately settled last October. Ironically, that was just a month before the Army Department announced the arsenal closing.

The complex series of events—which pitted the arsenal as a financial watchdog for the Army against the corporate executive who is now second-in-command of the Army—offers insights into the little-known contract-monitoring function of arsenals, a function which involves billions of tax dollars each year.

The feud between Staudt and Frankford centered around a $10.6 million contract from the arsenal to Martin Marietta in 1971. The contract called for the company to make 1,700 laser rangefinders which the arsenal had developed in 1966. The rangefinder was expected to be a revolutionary tool for the Army's forward artillery observers.

Forward artillery observers are those soldiers who must creep close to an enemy target which is to be shelled by artillery. Their job is to report back and "guide" the gunner's aim onto the target In the past, forward observers have had only their eyes and crudely calibrated optical devices to work with. Their job also has been one of the military's most dangerous.

Frankford's 28-pound laser rangefinder allowed a soldier to compute instantaneously the exact distance and location of a target. It was put through an exhaustive series of tests by the Army's Testing and Evaluation Command and earned the military's highest performance rating, Standard "A." In addition, the rangefinder was tested under extreme weather conditions in the Arctic and Panama and was used in a still-classified 1969 project to map sections of Vietnam.

In February 1971, the Martin Marietta Company's aerospace division in Orlando, Fla., was chosen by the arsenal as low bidder on a contract to produce 1,700 rangefinders. That contract, however, was different from standard defense contracts of the past. It contained a new "Pre-production evaluation" clause—an idea earlier pioneered by Frankford to stop the practice known as "buying in" on government work.

On a "buy in," a contractor would bid very low to win a government contract, then attempt to "get well'" on the low bid by finding "engineering errors." Under that system, contractors were allowed to charge the Army for correcting "engineering errors" in the original design. Unscrupulous contractors in the past have used "engineering errors" to boost substantially the total price of a finished contract.

Under the new Frankford contract clause, the contractor was given money to make a thorough engineering study of the project before he was bound to the production contract. Once he took the money and started production, any "engineering errors" were his problem.

Martin Marietta wrote Frankford a letter in early 1971 saying it fully understood the new contract clause. The arsenal then gave the company $466,000 to study the rangefinder design.

Martin Marietta took the money, made no complaints about design errors and then was given about $1 million more when it began to set up production lines. The contract said the company had to deliver its first finished rangefinder in a year—by February 1972.

The company set up for production in a plant it had just constructed in Ocala, a small city 70 miles north of its main plant in Orlando. One of the problems at that new plant was that the staff had never worked together before.

Late that year Martin Marietta said it wouldn't be able to make the February deadline and asked for a delay until June. That delay was granted. Then in May, Martin Marietta told the arsenal it wouldn't be able to make the June deadline and asked for a delay to December.

Arsenal officials were angry because Martin Marietta didn't offer the "consideration" that usually went along with a delay request. "Consideration" is a sign of good faith when a contractor is seeking a contract change.

Sometimes the consideration involves the incorporation of a small engineering change at no cost to the arsenal. More frequently, the "consideration" is merely a letter which explains the problem and promises to make an effort to correct it.

The arsenal was still making that "consideration" demand and Martin Marietta was still refusing it in May 1972, when Herman R. Staudt entered the picture. Staudt—now Army undersecretary—was then Martin Marietta's corporate vice president of management operations.

Staudt visited Frankford Arsenal and confronted officials there, flatly refusing to offer any "consideration." Staudt said no consideration would be offered, and that his company had no intentions of meeting the new December deadline. Staudt threatened to stop work completely on the rangefinder project unless the contract was renegotiated at a higher price.

Incensed by Staudt's demands and attitude, arsenal officials said unless Staudt's company continued work as agreed under the contract, that the contract would be terminated for "default."

"Default" contract terminations are usually disasters for defense contractors. At that point, a default termination would have required Martin Marietta to forfeit the contract, return $1.44 million it had already received and pay what it would cost the arsenal to find another company that could do the work.

In the next 16 months, until September 1973, Staudt and arsenal officials engaged in bitter conflict. In letters, official reports, telephone calls and meetings in both Florida and Philadelphia, the two sides kept up a steady barrage of threats and accusations. Meanwhile, not a single rangefinder was produced at the Ocala plant.

Staudt, faced with the steadily growing threat of a default termination, began a massive lobbying effort throughout the higher ranks of the Army Department to discredit the Frankford rangefinder. Staudt claimed the rangefinder didn't work, and suggested to the Army Materiel Command in Washington that the task of design re-engineering be given to his company.

In meeting with arsenal officials, Staudt vowed that "as a stockholder and an employe" he didn't intend to see Martin Marietta lose the fight.

In December 1972, as Martin Marietta Missed another deadline, Staudt submitted an "Omnibus Engineering Change Proposal" to the Army. It called for Martin Marietta to be given $8 million to correct "engineering errors" made by arsenal designers.

The arsenal, which had immediate jurisdiction over the contract, rejected Staudt's claim Staudt again threatened to stop the entire project.

Arsenal officials were outraged at Staudt. They moved to complete the paper work necessary to terminate the contract for default.

On April 23, 1973, in a highly unusual move, the arsenal was ordered by high Army Department officials to terminate the Martin Marietta contract for "convenience of the government."

The difference in termination types is large. Termination for "convenience" usually is done when the government is at fault. The generous terms offered under this procedure often are a financial windfall to contractors. Under a convenience termination, Martin Marietta would be paid millions of dollars instead of being charged for millions.

The teletype order was signed by Gen. John C. Raaen Jr., Commander of the Weapons at Rock Island Arsenal, Ill. Raaen explained in the teletype, that he had been ordered over the telephone by Gen. Chester M. McKeen to issue the termination. Gen. McKeen was director of requirements and procurement at the Army Materiel Command in Washington.

In June, 1973, Staudt—who had already won $3.2 million in the special termination—again appealed for $8 million more in engineering costs allegedly involved in the aborted rangefinder contract.

The claim was again denied—this time by the Army's judge advocate-general.

On that note, Herman Staudt officially bowed out of the picture. Weeks later, on Sept. 28, 1973, he surfaced as then President Nixon's choice to fill the Army undersecretary post.

Staudt, vice president of a company whose biggest business was defense contract work, was confirmed as undersecretary by the voice vote of the U.S. Senate in October 1973. Noting Staudt's nomination before him on Oct. 8, acting president pro-tem of the Senate, Sen. William Hathaway (D., Me.) said, "Without objection, the nomination is considered and confirmed."

Three weeks later, Martin Marietta once again raised its claim for more money on the canceled rangefinder contract. Instead of $8 million, this time Martin Marietta only asked the Army Department for $3 million.

The haggling continued another year. The dispute was settled finally last October when an out-of-court settlement gave Martin Marietta $100,000 more. That settlement was a technical victory, but represented a financial setback to the company which had spent $1 million more to win engineering control of the contract.

A month after that settlement, the Army Department announced Frankford Arsenal would be closed by July 1977.

Meanwhile, the actual laser rangefinder remains in limbo.

To declare a "convenience" contract termination, the Army Materiel Command had to establish the item no longer was needed by the Army. The special termination automatically put the rangefinder in "obsolete" status—at least on paper.

However, at Ft. Sill, Okla., the Army Artillery Board still wants a laser rangefinder as much as it did a decade ago when it ordered one developed.

Col. Victor Keef, information officer at Ft. Sill, said forward artillery observers are still using the crude optical devices that have inaccurately guided artillery batteries for decades.

"It isn't clear to us why the rangefinder hasn't been produced yet," said Col. Keef. "Apparently the only people who know just what is going on are at Frankford Arsenal."

Curiously, the Army Materiel Command still is trying to clear up the paperwork which justified the unusual contract termination with Martin Marietta. On April 2, Frankford Arsenal is due to file reasons—for the uncompleted technical record—which "explain" why the rangefinder is now "obsolete."

"There is no reason other than, 'The contractor wouldn't make it,' and that is not a normally acceptable reason," said one high arsenal official. "So here we are stuck with a rangefinder which is officially 'obsolete' but which is also a revolutionary break-through in the field of artillery rangefinding. You figure it out. We've given up."

THE BLUE RIBBON DEFENSE PANEL REVISITED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 1975

Mr. McDONALD of Georgia. Mr. Speaker, the Blue Ribbon Defense Panel, appointed by the President and the Secretary of Defense in July 1969, submitted its report on July 1, 1970. Members of the panel reserved the right to submit supplemental statements on areas not covered by the Panel's report. The report itself, it will be recalled, covered mainly administration of the Defense Department and possible improvements that could be made in that regard.

On September 30, 1970, seven members of the Blue Ribbon Defense Panel submitted a report entitled "The Shifting Balance of Military Power." In this report they assessed the major points in this shifting balance of military superiority as follows:

> (i) the growing Soviet superiority in ICBM's; (ii) the Soviet commitment of greater resources than the U.S. to strategic offensive and defensive weapons, with the continued deployment thereof; (iii) the possibility that present U.S. technological superiority will be lost to the Soviet Union; (iv) the convincing evidence that the Soviet Union seeks a preemptive first-strike capability; (v) the rapidly expanding Soviet naval capability; and (vi) the mounting hostility of segments of the public towards the military, the defense establishment and "the military-industrial complex," without due recognition that sustained irresponsible criticism could undermine and weaken the only forces which provide security for the U.S.

Now let us look at how good their prophecy was. The Soviets do now indeed have a superiority in ICBM's. The Soviets have continued to make a greater commitment of resources, whether measured in terms of money, manpower, or just plain scope of effort. As for point 3, it appears to me that if the next few defense budgets are not adequately funded, then we will be well on the way to losing our technological superiority also. On point 4, evidence that the Soviet Union seeks a preemptive first-strike capability is more difficult to assess, but the overall buildup of Soviet forces is such that it cannot be attributed to any present real threat to the U.S.S.R. from the United States or Communist China. Relative to the Soviet Navy, it is well on the way to first place in many categories of ships and striking power if our U.S. Navy modernization program is not greatly accelerated. Lastly, what these men said in point 6 in 1970 is still true, but in a more subtle manner. The long, sad chapter of our history in Vietnam is just about over, but the feeling generated during that conflict against the military is still there in the form of many who seek in every way possible to weaken our defenses.

The worst aspect of all this, as the report pointed out at that time, is that:

> Neither the facts concerning these trends nor the ultimate danger is generally understood by the public, which for the most part remains uninformed and hence apathetic.

It is high time this Congress and the public awakened to the real state of the world. Otherwise, we will soon be a second class power and time alone will dictate a Soviet world order. The men who wrote the Supplemental Statement to the Report of the Blue Ribbon Defense Panel were correct and if we intend to preserve our freedom, we had better take heed.

HOUSE OF REPRESENTATIVES—*Wednesday, April 9, 1975*

The House met at 12 o'clock noon.

Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong and of good courage; for it is the Lord your God who goes with you; He will not fail you or forsake you.—Deuteronomy 31: 6.

O God, our Father, in the midst of the differences and difficulties of these disturbing days we turn to Thee, grateful for the light that shines and the love that lives at the heart of our faith. With Thee we are made equal to every experience, ready for every responsibility and adequate for every task.

Through the hours of this day make us thoughtful of one another, remembering that every person fights a lonely fight and walks a lonely way. Teach us to be more understanding, more gentle, and more forgiving that we may add brightness to the day and light for the way.

In all our deliberations keep our motives clean, our vision clear, our patriotism courageous, and our faith creative. May we continue to work for the time when peace shall come, when justice shall rule the lives of men and nations, and when goodwill shall dwell in every heart: to the glory of Thy holy name and the greater good of our human family. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 26, 1975:

H.R. 4592. An act making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes.

On March 29, 1975:

H.R. 2166. An act to amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low income allowance and the percentage standard deduction, to provide a credit for personal exemptions and a credit for certain earned income, to increase the investment credit and the surtax exemption, to reduce percentage depletion for oil and gas, and for other purposes.

On April 8, 1975:

H.R. 2783. An act to continue the national insurance development program;

H.R. 3260. An act to rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93–398), and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94–39), and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93–391), transmitted pursuant to the Impoundment Control Act of 1974; and

H.R. 4075. An act to rescind certain budget authority recommended in the message of the President of January 30, 1975 (H. Doc. 94–39), and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94–46), and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974.

JUSTICE FOR THE ELDERLY: 15-PERCENT SOCIAL SECURITY INCREASE REQUIRED

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today I am introducing legislation which would increase social security benefits by 15 percent commencing June 1, 1975. The purpose of this legislation is to grant recipients of social security the more than 8-percent cost-of-living raise now provided automatically by law, as well as an additional increment to the base of social security which is so inadequate.

I believe that the increase is a reasonable one and takes into consideration the fact that the present level of social security payments is inadequate to maintain a minimum standard of living. Therefore, it is necessary not only to catch up with the cost of living arising from inflation so as to recapture the lost income, but also to regularly increase the base payment.

Large numbers of senior citizens in this country are living in abject poverty. What is particularly distressing is that the administration in its fight against inflation has sought to use the senior citizen as the whipping boy, the class of individuals who should bear the greatest economic suffering. What a travesty of justice that the administration urges the Congress to limit to 5 percent the cost-of-living increase now scheduled for those on social security instead of advocating the actual amount in excess of 8 percent. Were that to occur, those on social security in their remaining years would have to further reduce a standard of living that is already intolerable. Instead, I propose that we improve that standard of living and the proposed 15-percent increase is indeed a modest one.

Society must be judged by what it does for its elderly and its very young. Our society is failing miserably in both of these areas. This Congress must rectify that even if only modestly.

PERMISSION FOR ALL SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES TO SIT TODAY DURING GENERAL DEBATE, AND UNDER THE 5-MINUTE RULE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all subcommittees of the Committee on Armed Services be permitted to sit this afternoon during general debate, and under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SOUTH VIETNAM STABILITY REQUIRED FOR CONTINUED AID

(Mr. FRASER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FRASER. Mr. Speaker, there is a good deal of discussion about additional refugee aid for South Vietnam, but I think it has to be made clear that refugee aid to South Vietnam will be of little value if the Saigon government collapses. I, myself, am prepared to support additional military aid to South Vietnam in order to try to bring some stability to the battle lines in the hope that there could be an opportunity for an orderly political settlement of the war.

If we were to proceed in this manner, it would require that the Department of State change its policy of unqualified support for President Thieu. President Thieu has lost the confidence of the South Vietnamese people, the South Vietnamese Senate, the moderate political leaders in Saigon, and he ought to retire from the scene.

I believe that in the absence of some stability in South Vietnam, the withdrawal of American citizens and the disengagement of the United States from that war is going to be painful and bloody, making asylum difficult or impossible for Vietnamese whose lives will be in jeopardy.

I would regret that kind of termination after this decade of U.S. involvement.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

SECOND QUARTERLY REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Banking, Currency and Housing:

To the Congress of the United States:

In accordance with section 5 of the Council on Wage and Price Stability Act, as amended, I am hereby transmitting to the Congress the second quarterly report of the Council on Wage and Price Stability. This report contains a description of the Council activities during the past few months in monitoring both wages and prices in the private sector and various Federal Government activities which lead to higher costs and prices. Additionally, it contains a discussion of wages and prices during the last quarter of 1974 and the outlook for 1975.

We are making good progress in winning the battle against inflation. The Council on Wage and Price Stability has helped to obtain the voluntary cooperation of labor and management in these efforts. The Council also is playing an important role in restraining any adverse economic impact of proposed Government actions.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

PROVIDING FOR CONSIDERATION OF H.R. 37, AUTHORIZING APPROPRIATIONS FOR THE STANDARD REFERENCE DATA ACT

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 340 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 340

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 37) to authorize appropriations to carry out the Standard Reference Data Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 106]

Archer
AuCoin
Beard, Tenn.
Blouin
Boland
Burke, Calif.
Chisholm
Conyers
Corman
Dent
Diggs
Drinan
Duncan, Oreg.
Esch
Flynt
Ford, Mich.
Giaimo
Harsha
Hébert
Henderson
Jarman
Jones, Tenn.
Kemp
Keys
LaFalce
Landrum
Lent
McCormack
McEwen
McKinney
Matsunaga
Mills
Mink
Mollohan
Nowak
Ottinger
Patman
Pattison, N.Y.
Pressler
Rhodes
Riegle
St Germain
Santini
Shuster
Skubitz
Steiger, Ariz.
Talcott
Udall
Vander Jagt
Wampler
Waxman
Whitehurst

The SPEAKER pro tempore. On this rollcall 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON RETIREMENT AND EMPLOYEE BENEFITS TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. WHITE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Retirement and Employee Benefits be allowed to sit today during the proceedings under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4296, ADJUSTING TARGET PRICES, LOAN AND PURCHASE LEVELS ON 1975 CROPS, AND PROVIDING PRICE SUPPORT FOR MILK

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. FOLEY, POAGE, JONES of Tennessee, BOWEN, BERGLAND, WAMPLER, and SEBELIUS.

EFFECT OF LEGISLATION ON INFLATION

(Mr. WYLIE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYLIE. Mr. Speaker, something new and interesting has been added by rule XI, clause 2(1)(4) of the rules of the House to the various committee reports that accompany bills being considered on the House floor. This is an item called "Effect of Legislation on Inflation." It is interesting to note that each bill we have considered so far this session contains a statement that in effect says, "This legislation is assessed to have no adverse inflationary effect." I think it is fair to project that this will be the prognostication for the potential inflationary effect of every bill we will consider for the remainder of this Congress.

As things appear to be shaping up, however, the sum total of all bills passed during this Congress may amount to a deficit as high as $100 billion. Still each and every bill will say this legislation has no inflationary impact. I fear that the use of rule XI, clause 2(1)(4) may amount to a rather cruel joke as far as the American people are concerned.

PROVIDING FOR THE CONSIDERATION OF H.R. 37, AUTHORIZING APPROPRIATIONS FOR THE STANDARD REFERENCE DATA ACT

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes to the miniority, the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 340 provides for an open rule with 1 hour of general debate on H.R. 37, a bill to authorize appropriations to carry out the Standard Reference Data Act.

H.R. 37 provides for an authorization level of $3 million. The Standard Reference Data Act was first enacted into law in the 90th Congress. It established within the Department of Commerce a standard reference data system to be administered by the National Bureau of Standards. To carry out the terms of the act, the Secretary of Commerce was directed to provide or arrange for the collection, compilation, critical evaluation, publication, and dissemmination of standard reference data.

Mr. Speaker, the Secretary of Commerce supports this bill. H.R. 37 was passed by a voice vote in the Committee on Science and Technology and was reported by the Committee on Rules by a voice vote. I urge the adoption of House Resolution 340 in order that we may discuss, debate and pass H.R. 37.

Mr. LOTT. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, as has been noted, this rule provides 1 hour of general debate for consideration of H.R. 37, the Standard Reference Data Act. Under the terms of the rule the bill will be open to all germane amendments.

H.R. 37 would authorize $3 million to

be appropriated for fiscal year 1976 and such sums as may be necessary for succeeding years to the National Bureau of Standards to carry out the National Standard Reference Data Act. The purpose of this act is to provide scientists, engineers, and the general public with evaluated standard reference data for use in transportation, electronics, construction, and the manufacturing of commercial goods, medicines, and products.

I know of no strong opposition to this bill, as the Committee on Science and Technology reported it by voice vote. Additionally, I know of no adverse economic effects on prices that would be precipitated by passage of H.R. 37; and, in fact industrial performance costs should be reduced through continued authorization of the National Standard Reference Data Act.

Therefore, Mr. Speaker, I urge adoption of this rule so that we may further proceed to consider and pass H.R. 37.

Mr. LONG of Louisiana. Mr. Speaker, having no requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4700, AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 343 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 343

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from California (Mr. DEL CLAWSON) and pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 343 provides for an open rule with 1 hour of general debate on H.R. 4700, a bill making authorizations for NASA.

The purpose of H.R. 4700 is to authorize appropriations for NASA for fiscal year 1976 and the transition period which runs from July 1 to September 1, 1976. The total authorization provides for $3,585,873,000 for fiscal year 1976 and $922,450,000 for the transition period.

Funds under the title "Research and Development" will be authorized for programs such as the Space Shuttle, for space flight operations, for launch vehicle procurement, aeronautical research and technology, tracking and data acquisition and energy technology applications. Funds authorized for "Construction and Facilities" will be allocated for construction of Shuttle-related facilities, for discrete non-Shuttle-related facilities and for agencywide facilities and advance facility design. The Research and Program Management authorization provides for research in Government laboratories, management of programs and other agency activities.

Mr. Speaker, I urge the adoption of House Resolution 343 in order that we may discuss, debate and pass H.R. 4700.

Mr. Speaker, I would like to compliment the gentleman from Texas (Mr. TEAGUE), the chairman of the committee, and also the members of the committee for their prompt action on this authorization bill. I know that the committee has held hearings a number of mornings, as early as 8 o'clock in the morning; and I think it is a real achievement for something as technical and as complicated as this is to be brought to the floor by the committee within 3 months of the organization of the new Congress.

Mr. Speaker, I would like to offer my congratulations to them.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as previously explained, House Resolution 343 provides for the consideration of H.R. 4700, the NASA authorization. It is an open rule with 1 hour of general debate. In welcome contrast to some of the recent actions of the Rules Committee, this rule is appropriate to the content of the legislation it makes in order and it does not flout key provisions of the budget reform law we labored so hard to enact during the last Congress.

H.R. 4700 authorizes continuation of the space program, surely one of the bargains the American people receive from the Federal Government. At a time when the economy, energy, the environment, and employment rank high on everybody's list of priority national problems, this one program contributes toward solutions of the major problems while simultaneously returning an estimated $14 to the gross national product for each $1 invested over a 10-year span. Jobs in the space program are not just "make work" they are a part of a national effort which stretches mankind's horizons and yet forges ahead in such earthbound and varied fields as weather-earth exploration, conservation of electrical and nuclear energy, development of new energy sources and technological development applied to airplanes, radios, refrigerators, hand calculators, medical devices, automobiles, gas turbines. Stimulation of the Nation's productivity is not short term but a spur to lasting growth. This is not an inflationary authorization and it was reported unanimously by the Committee on Science and Technology.

Mr. Speaker, I urge adoption of House Resolution 343 so that we may discuss and go on to approve H.R. 4700 to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1976 and transition period to adjust to the new fiscal year.

Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. PRESSLER).

Mr. PRESSLER. Mr. Speaker, I rise in support of the NASA authorization, H.R. 4700. For too long the dramatic achievements of NASA in manned space efforts have overshadowed its valuable contributions in other areas.

One particular NASA program which offers an awesome number of benefits to our Nation and the world is the Earth resources and technology satellite program. Presently there are two satellites in operation scanning the globe and gathering data on a variety of critical subjects. I am delighted to note that there are funds in this legislation we are now considering to provide for an additional satellite. The new satellite will provide continuity for the research efforts of the ERTS programs through 1979.

The ERTS satellites provide information which is very helpful in assessing the condition of crops, timberlands, water supplies and many other resources. The program is opening new vistas in mapmaking, geology, and mineral exploration. An article in the February edition of Fortune magazine likened the contributions of these satellites and their related ground facilities to the invention of the microscope.

More than 110 countries have purchased ERTS pictures, and hundreds of scientists from universities, corporations, and government agencies have taken courses on how to use the data.

There is justifiable hope that the program will enable us to prepare worldwide surveys of food production. Secretary Kissinger mentioned this emerging capacity to make a continuous inventory of the world's crops in his address to the World Food Conference last year in Rome.

I am also pleased to note that this bill puts a greater emphasis on the ground facilities involved in the ERTS operation. These installations are responsible for receiving and analyzing the data from the satellites. One of the major facilities in the program is the data center maintained by the Interior Department in Sioux Falls, S. Dak. One problem in the past with data analysis and distribution is that it has taken so long to get the data processed at the receiving stations and shipped to the data center. Sometimes 2 months pass before a user receives an ERTS image from the data center and 4 months is the waiting period for a computer tape. Users for whom timeliness is important—such as managers of rangelands, watersheds, and timberlands—have been unable to employ ERTS data for any but experimental purposes because they cannot get the pictures quickly enough.

Obviously, if the program is to be fully utilized, this situation must be corrected. I have introduced a bill which would assure the continued availability of satellite data to public and private users through January 1, 1980. Also, the legislation I am sponsoring will place renewed emphasis on developing the ground systems so that they can make the fullest and fastest use of the data gathered by the satellites.

Although I continue to be somewhat skeptical of the utility of the Space Shuttle idea, I am a firm believer that the use of space technology in assessing the needs of the world and in helping to formulate methods and programs with which to meet those needs is a wise and important investment. Thank you.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4723 AUTHORIZING APPROPRIATIONS TO NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1976

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 368 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 368

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4723) authorizing appropriations to the National Science Foundation for fiscal year 1976. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. Long) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Del Clawson) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 368 provides for an open rule with 1 hour of general debate on H.R. 4723, a bill authorizing appropriations for the National Science Foundation for the fiscal year 1976.

H.R. 4723 authorizes $751.4 million out of money in the Treasury and $4 million in foreign currencies. This amount, added to the $20 million fiscal year 1975 deferrals will provide a total of $775.4 million for obligation, an increase of $78.3 million over fiscal year 1975.

Mr. Speaker, I urge the adoption of House Resolution 368 in order that we may discuss, debate, and pass H.R. 4723.

Mr. DEL CLAWSON. Mr. Speaker, this rule provides 1 hour of general debate on H.R. 4723, the authorization for the National Science Foundation for fiscal year 1976. The rule provides that the bill will be open to amendment under the 5-minute rule. There are no waivers of points of order, so I have no objection to passage of this rule.

With regard to the bill, there were some questions raised in the Rules Committee, concerning the kind of press coverage that some of the National Science Foundation study grants have received. In some cases columnists have printed lists of subjects studied, and the lists are presented in such a way as to make the expenditure sound ridiculous. When asked about these grants the distinguished chairman of the Committee on Science and Technology, Mr. Teague, assured the Rules Committee that these study grants were being reviewed carefully by the National Science Foundation. He indicated that no more money would be spent on some of these projects until review has been completed.

Mr. Speaker, while there may be some controversy during consideration of this bill, I am not aware of any controversy concerning the rule. I propose that we adopt the rule, and proceed to debate the merits of the bill during time allotted for general debate.

Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on each of the bills on which the rules have just been granted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4700, with Mr. McKay in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. Teague) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Science and Technology has undertaken a very intensive scrutiny of the National Aeronautics and Space Administration budget request for fiscal year 1976 and the transition period of 3 months to adjust to the new fiscal year basis. Members of the committee on both sides of the aisle have played key roles in developing this bill. The members of the committee have painstakingly examined the request embodied in H.R. 4700, the bill to authorize appropriations for the National Aeronautics and Space Administration. I heartily commend the subcommittee chairman, Don Fuqua, the ranking minority member, Larry Winn, and all members of the subcommittee for their diligent and dedicated effort.

This bill was reported by the committee on March 11, 1975, by unanimous voice vote of those present. The distinguished gentleman from Ohio (Mr. Mosher), the ranking minority member of the committee, has labored with diligence to help develop this legislation. He, along with the gentleman from Florida (Mr. Fuqua), and the gentleman from Texas (Mr. Milford), the subcommittee chairmen, along with all members of the committee, have held hearings in Washington, at the NASA field centers and key industrial contractors on the programs included in the bill before us. I thank them all for their effort.

Since 1966, the Federal outlays of our national space program have declined by over 38 percent. The funding proposed for this coming fiscal year will exceed that of the previous year for only the second time in a decade. Inflation has affected this program as well as every sector of our society. The estimated buying power of this budget is nine percent less than the budget for last year so that the $11\frac{7}{10}$-percent increase from fiscal year 1975 is all but wiped out by inflation. When the total inflation from 1966 up to this year is considered the buying power in real terms is less than ever before for the NASA budget. Yet even with these stringent financial conditions, the multiple achievements of NASA in practical benefits and new knowledge are a stimulant to our economy and contribute to our quality of life.

It is significant to note that during 1975 NASA will launch 28 major payloads—14 of which will be paid for by industry or other agencies of Government. This is an excellent indicator that the use of space by the community at large has matured. Communications, weather, Earth survey, and other enterprises now need space based systems to meet our societies needs and the needs of the world.

To reach and maintain this state of maturity in the space program requires continued support of an aggressive research and development program of high technology content. The bill before you provides for a strong practical applications program, for continuation of the development of a low-cost, reusable space transportation system, and for support to continue a selective but well-conceived scientific satellite effort. Increasing emphasis is being placed on the development of low-cost payload designs and standardization so that more benefits for the dollars expended will be achieved. The committee has and is continuing to encourage more intensive and comprehensive advanced planning for increasing the practical uses of space and strong programs of high scientific and technological content.

In this period of stress on our economy, the question has been raised as to the benefits of our national space program. In the short-run the space program provides 125,000 direct jobs today in our economy. The indirect jobs generated by this employment are conservatively estimated to be approximately 250,000 or a total direct-indirect space program employment of about 350,000 people. A further example may help: Today, 31,000 people are working on the development of the Space Shuttle, by June this will be 34,000 and within 2 years the effort will reach a peak of 50,000 people. Contractors large and small, in 47 out of the 50 States are working on the Space Shuttle. A similar pattern can be found for other portions of our space program.

The space program is labor intensive expending about 85 percent of the funds for salaries and wages of highly skilled and productive people. In this era, it would be difficult to find a better employment of Federal funds.

I have dwelled on the short-term economic benefits of the space program but we must not overlook its continuing long-term benefits. The economic multiplier effect of the NASA high technology program has been estimated by various authorities to be between 2 and 7. This means that the positive economic effect of the dollars used by NASA return to the economy over the long run $2 to $7 for every dollar invested. The reason for this highly favorable return is clear. Not only do we get a direct near-term return from salaries and wages paid, but the practical applications of the space program multiply our return. Communication and weather satellites are excellent examples. The current development and application of education-medical services satellites and Earth survey systems are adding to new capability, new income, and to new solutions for national and international problems. The indirect benefits—often called spin-offs—of our aeronautics and space program also continue to multiply creating new industries and new jobs, and contributing to our maintenance and improvement in living standards.

The two positive international balance-of-payment cornerstones of our Nation are agricultural exports and export of high technology products. If we are to survive in the international marketplace we must foster a strong research and development base in this country. Our aeronautics and space program is a major contribution to that base which produces the research and development necessary to our export strength in such areas as aircraft, computer systems, and a host of high technology products. With the high technology impetus of the aeronautics and space program we provide a positive force for improved balance of payments.

Our leadership role in the international aircraft marketplace is much too important to overlook. In the last 3 years alone, aircraft sales have provided us with over $11 billion in favorable trade balances. This is possible because of the technological advantages provided our industry by productive aeronautical research. As you know, the governments of Western Europe have recently placed a high priority on the development of a European aerospace industry to give us tougher competition in the aircraft market which we have long considered safe for U.S. industry.

We face today a number of large-scale problems of environment and materials and food scarcity. The only hope of solution to these problems includes not only national resolve and international cooperation, but also the capability to gather timely and comprehensive physical data on a worldwide basis. Only our continued support of national aeronautics and space program can achieve this.

I urge your support of this legislation.

The bill before you today, H.R. 4700, is to authorize fiscal year 1976 and transition period appropriations for the National Aeronautics and Space Administration. This bill was reported out by the committee on March 11, 1975, by a unanimous voice vote of those present. The committee report has no minority or separate views.

For the benefit of my colleagues, I will summarize the bill and the committee actions taken.

The National Aeronautics and Space Administration requested a new authorization of $3,539,000,000 for fiscal year 1976 and $958,900,000 for the transition period to adjust to the new fiscal year pattern. This amount is $264.57 million more than that authorized in fiscal year 1975. The actions taken by the committee on the fiscal year 1976 budget and transition period would yield a net increase of $10.45 million.

I will now describe the changes made to the budget line items and three language changes made to the bill.

The National Aeronautics and Space Administration requested a new authorization of $3,539,000,000 for fiscal year 1976 and $958,900,000 for the transition period. The bill, as reported by the committee, would authorize $3,585,873,000 for fiscal year 1976 and $922,450,000 for the transition period. This amount is more than authorized for fiscal year 1975. However, the decline of the NASA budget since fiscal year 1966 coupled with inflation has brought the buying power of the NASA program down to approximately $1.9 billion for the current budget—in 1966 dollars.

I will now describe the program changes and three language amendments made to the bill.

In space flight operations the committee made a net reduction of $4 million, decreasing development, test, and mission operations by $5 million and increasing mission systems and integration by $1 million.

Advanced missions studies were increased $1.5 millions to provide broader based future program studies.

Physics and astronomy was increased $1 million to provide additional stratospheric research to aid in determining potential ozone depletion in the upper atmosphere.

Lunar and planetary exploration was decreased by $1 million in the lunar science research area.

Space applications was increased $6.5 million in recognition of the fact that payoff from our national space program is increasing each year and merits increased emphasis and support. The increases were:

First, $1 million for enhancing severe storm research;

Second, $1.5 million for earth resource survey effort;

Third, $2 million for experiment operation support for the advanced technology and cooperative Canadian communications satellite projects and for expanded research in high frequency radio transmission;

Fourth, $1 million supporting research

in additional data interpretation techniques, analysis and special investigations; and

Fifth, $1 million to permit detailed definition and early flight test experience.

Space and nuclear research and technology was increased $2 million to accelerate high pressure hydrogen-oxygen propulsion system technology and to expand high temperature, lightweight composite materials research.

Tracking and data acquisition was reduced $2.2 million to adjust for reduced network work load and to adjust the advanced systems level of effort.

Technology utilization was increased $2 million to provide for expanded applications teams to work with the public and for intensified effort in documentation analysis for public use.

In construction of facilities the committee increased the NASA request of $84,620,000 to $125,693,000. The primary increase were for two projects:

First. Modification of a 40-by-80-foot wind tunnel at the Ames Research Center—$12.5 million—and

Second. Construction of a high Reynolds number transonic research wind tunnel at the Langley Research Center—$27.5 million.

In the transition period NASA requested a total of $958,900,000. The committee reduced this amount by $36,450,000 to $922,450,000. This reduction was in two parts:

First. A general reduction of $30 million in research and development, and

Second. A general reduction of $6.45 million in construction of facilities.

The committee made three notable language additions to the bill:

Added to an existing provision language under which the Government may acquire title to properties obtained in performance of a contract to operate a tracking and data relay satellite system if such a system is leased;

Added line item enumeration for research and development and construction of facilities to the transition period authorization; and

Added a new section 8 to the bill to provide authorization to the Administrator of NASA to promulgate regulations relating to disclosure of technical information.

I am including in the RECORD a summary table of these actions for the benefit of my colleagues:

I. UNAUTHORIZED BUDGET ESTIMATES FOR FISCAL YEAR 1976—CHANGES ONLY

H.R. 4700—COMMITTEE ON SCIENCE AND TECHNOLOGY; NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[In millions of dollars]

Issue—Program	Budget estimate		Committee recommendation		Comments
	Budget authority	Outlays	Budget authority	Outlays	
Agency total	3,539.0	3,498.0	3,585.873		
Research and development:					
Space flight operations	(207.10)		(203.10)		5.0 million decrease for development, test and mission operations; 1.0 million increase advanced development, mission systems and integration.
Advanced missions	(1.50)		(3.00)		1.0 million increase to support additional studies.
Physics and astronomy	(155.80)		(156.80)		1.0 million increase stratospheric research program.
Lunar and planetary exploration	(259.90)		(258.90)		1.0 million decrease in lunar research program.
Space applications	(175.03)		(181.53)		6.5 million increase in 5 areas of practical space applications.
Space and nuclear research and technology	(74.90)		(76.90)		2.0 million increase for space propulsion and composite materials research.
Tracking and data acquisition	(243.00)		(240.80)		2.2 million decrease for reduced data processing requirement and advanced system effort.
Technology utilization	(7.00)		(9.00)		2.0 million increase for improved dissemination and expanding documentation services.
Construction of facilities:					
Ames Research Center	(2.695)		(15.195)		12.5 million increase for modifications to 40 by 80 ft wind tunnel.
Johnson Space Center	(2.49)		(......)		2.49 million decrease deferring lunar sample curatorial facility.
Langley Research Center	(1.94)		(29.44)		27.5 million increase for High Reynolds Number Transonic Research Tunnel.
Space Shuttle facilities	(47.22)		(46.283)		0.937 million decrease deferring portions of hypogolic checkout and refurbishment facilities, Kennedy Space Center and portions of Orbiter approach and landing facilities, Flight Research Center and Palmdale.
Facilities planning and design	(9.275)		(13.775)		4.5 million increase for design of transonic research tunnel and 40 by 80 ft wind tunnel modification.

Note: Transition period funding—Budget estimate, $958.9; $30.0 million decrease in research and development. Outlay, $905.2; $6.45 million decrease in rehabilitation and modification and minor facilities construction. Committee recommendations, $922.45.

FISCAL YEAR 1976 NASA AND TRANSITION PERIOD, H.R. 4700—COMMITTEE ACTIONS

[Thousands of dollars]

Subline—Line item	Fiscal year 1975 House authorization	Fiscal year 1976 authorization request	Committee action	Committee approved	Remarks
Research and development:					
1(a)(1)—Space Shuttle	820,000	1,206,000		1,206,000	NC.
1(a)(2)—Space flight operations	308,300	207,100	—4,000	203,100	—5.0 development, test and mission opns.; +1.0 mission system and integration.
1(a)(3)—Advanced missions	1,500	1,500	+1,500	3,000	+1.5 planning for large space structures.
1(a)(4)—Physics and astronomy	140,515	155,800	+1,000	156,800	+1.0 SRT (stratospheric).
1(a)(5)—Lunar and planetary exploration	266,000	259,900	—1,000	258,900	—1.0 lunar research.
1(a)(6)—Launch vehicle procurement	140,500	166,900		166,900	NC.
1(a)(6)—Space applications	179,500	175,030	+6,500	181,530	+1.0 severe storm research; +1.5 Earth resource survey; +1.0 Data mgt (thermatic mapper); +1.0 ATS and CAS; +1.0 high power, frequency transmission; +1.0 Shuttle payload research.
1(a)(8)—Aeronautical research and technology	170,655	175,350		175,350	NC.
1(a)(9)—Space and nuclear research and technology.	80,500	74,900	+2,000	76,900	+1.0 space propulsion and power systems; +1.0 materials and structures research.
1(a)(10)—Energy technology applications	4,435	5,900		5,900	NC.
1(a)(11)—Tracking and data acquisition	250,000	243,000	—2,200	240,800	—1.0 data processing operations; —1.2 advanced systems.
1(a)(12)—Technology utilization	5,500	7,000	+2,000	9,000	+1.0 improve technology transfer; +1.0 expansed analysis, documentation and industrial applications aid.
Subtotal, R. & D.	2,362,970	2,678,380	+5,800	2,684,180	
Research and development (transition period):					
R. & D. for the period July 1, 1976 to Sept. 30, 1976		730,600	—30,000	700,600	—30 general reduction to be applied to all R. & D. items except aeronautical.
Subtotal, transition period R. & D		730,600	—30,000	700,600	

FISCAL YEAR 1976 NASA AND TRANSITION PERIOD, H.R. 4700—COMMITTEE ACTIONS—Continued

[Thousands of dollars]

Subline—Line item	Fiscal year 1975 House authorization	Fiscal year 1976 authorization request	Committee action	Committee approved	Remarks
Construction of facilities;					
1(b)(1), 1(b)(6)—Ames Research Center	3,660	2,695	+12,500	15,195	+12.5 modifications to 40 by 80 ft wind tunnel.
1(b)(2)—Lyndon B. Johnson Space Center	935	2,490	−2,490	0	−2.5 lunar sample curatorial facility.
1(b)(3), 1(b)(5)—Langley Research Center	3,505	1,940	+27,500	29,440	+27.5 High Reynolds Number Transonic Research Tunnel.
1(b)(4)—Space Shuttle facilities (various locations)	77,020	47,220	−937	46,283	−637K mods to hypergolic checkout and refurb facs—KSC; 300K Orbiter approach and landing facs—FRC.
1(b)(7)—Rehabilitation and modification of facilities (various locations).	14,900	16,000		16,000	NC.
1(b)(8)—Minor new construction and additions (various locations).	4,500	5,000		5,000	NC.
1(b)(9)—Facility planning and design	10,900	9,275	+4,500	13,775	+1.5 design mods to 40 by 80 ft. wind tunnel; +3.0 des'gn transonic res tunnel.
Other	31,070				
Subtotal, construction of facilities	146,490	84,620	41,073	125,693	
Construction of facilities (transition period):					
7(b)(1)—Rehabilitation and modification of facilities (various locations).		8,750	−4,750	4,000	−4.8 general reduction
7(b)(2)—Minor construction and additions (various locations).		2,950	−1,700	1,250	−1.7 general reduction.
7(b)(3)—Facility planning and design		2,800		2,800	NC.
Subtotal, transition period		14,500	−6,450	8,050	
Research and program management:					
1(c)—Total agency R. & P.M	749,624	776,000		776,000	NC.
Subtotal, R. & P.M	749,624	776,000		776,000	
Research and program management (transition period):					
Total agency for the period July 1, 1976 to Sept. 30, 1976.		213,800		213,800	NC.
Subtotal, R. & P.M		213,800		213,800	
Recapitulation:					
Fiscal year 1976:					
Research and development		2,678,380	+5,800	2,684,180	
Construction of facilities		84,620	+41,073	125,693	
Research and program mgt		776,000		776,000	
Total, fiscal year 1976		3,539,000	+46,873	3,585,873	
Transition period:					
Research and development		730,600	−30,000	700,600	
Construction of facilities		14,500	−6,450	8,050	
Research and program mgt		213,800		213,800	
Total, transition period		958,900	−36,450	922,450	

The coming 18 months in the area of manned space flight should be both productive and exciting. In July of this year, the Apollo-Soyuz Test Project will be launched. A rendezvous and docking is scheduled between the manned U.S. Apollo spacecraft and a Soviet Soyuz vehicle. A joint experimental program will be conducted by the three Astronauts and two Cosmonauts. The docking adapter and system has been cooperatively engineered by both countries to develop a universal docking system for potential rescue on manned space flights in the 1980's. Extensive safety reviews have been undertaken within NASA in conjunction with the Soviets. An independent safety assessment was also conducted by the Aerospace Safety Advisory Panel for the Administrator of NASA. The judgment reached indicated that no more than the normal hazards associated with space flight were associated with this effort. Substantial experimental work will be conducted following the undocking of the two vehicles. While the Soviet Soyuz vehicle returns to Earth, the Apollo spacecraft will continue orbital flight to complete Earth resource survey, space processing and manufacturing, and other experiments.

The Space Shuttle program has progressed to the point that major subsystems are in fabrication and approaching qualification testing. Major main engine test work will be undertaken during the next 18 months. The low-altitude, low-speed tests of the orbiter vehicle will utilize the first orbiter vehicle now in fabrication. Intensive work on facilities, and final design definition continues for the external tank and solid rocket boosters. While this effort is continuing the payloads to be placed on the Shuttle are being defined. A European consortium of Nations—European Space Research Organization—has committed to providing a $400 million development program to furnish a Spacelab to be provided for multiple flights of the Space Shuttle. Payload planning and analysis continues in this country in preparation for conversion of all payloads, with the exception of small Scout-launched payloads, to the Shuttle vehicle in the early 1980's. Low-cost Space Shuttle transportation with an increased proportion funds for payloads is the goal for the program. A goal that is rapidly approaching realization.

Advanced planning is a continuing need in a complex activity such as the NASA program. Both for practical space application such as weather prediction, Earth survey and communications and for scientific investigations for new knowledge a complex set of interdependent requirements must be balanced and evaluated. The decisions made from advanced planning activity is crucial to the costs and performance of the NASA programs in the years ahead. The committee has provided a small but significant stimulus to these efforts in the legislation before you to amplify the work underway.

For construction of facilities in fiscal year 1976, the bill before you includes $125,693,000. This authorization will provide for contractual services for the design, major rehabilitation and modification of facilities, the construction of new facilities and the purchase of related equipment at 16 locations throughout this country and two overseas locations.

The bill also includes $8,050,000 for the transition period, July 1, 1976, to September 30, 1976, for modifications, rehabilitation, minor construction at existing NASA installations and for advance design for future construction requirements.

NASA originally requested $84,620,000 for fiscal year 1976 and $14,500,000 for the transition period for construction in support of the space effort. The committee reduced the basic fiscal year 1976 request by $3,427,000 and the request for the transition period by $6,450,000. Recognizing the urgent need for major additional aeronautical research facilities, the committee then added a total of $44.5 million to the NASA fiscal year 1976 request for facilities, which are considered to be required at the earliest practical date.

In general terms, the construction requirements in the bill include: $46.3 million for manned space flight activities, all of which are in direct support of the Space Shuttle research and development program; $44.6 million for the provision of urgently needed facilities in support of this Nation's aeronautical research effort; and $34.8 million for general institutional support facilities, mostly rehabilitation and modifications to existing capital plant at the various NASA field installations, and advance design for future construction requirements.

This year, as in the past years, the bill before you places maximum emphasis on the use of existing facilities to meet current space research and development needs, rather than the construction of new facilities. The committee has diligently pursued a policy of insisting that no new facilities be built by NASA until it has been proven to the satisfaction of the committee that new facilities must be built to meet justified needs. This supporting element of the space effort is reviewed not only in conjunction with the annual authorization bills, but continuously as a matter of legislative oversight. For fiscal year 1976, only 27.5 percent of the construction authorization is for new facilities and design for future requirements. For the transition period only 13 percent of the $8.1 million being purposed for authorization is for new facilities, the balance being for modifications, additions, and advance design. The committee has satisfied itself that the new capital plant acquisitions in support of the space effort are being kept to an absolute minimum.

The committee has also paid very close attention to the facilities management aspect of the space endeavor. The NASA captial plant, with a "book" value of approximately $5.9 billion continues to be operated and maintained at relatively minimal costs.

Escalation in materials costs and labor rates, coupled with delays in deliveries of critical construction materials, pose major problems to NASA management, and tend to distort the budget cost estimating process. Despite these problems, the committee's review of the construction program reveals that none of the research and development efforts are being delayed because of slippages in construction schedules and all work underway at present is being accomplished within cost.

The NASA request for fiscal year 1976 of $84.6 million was of modest proportions.

The committee denied the NASA request for an addition to the Lunar Sample Curatorial Facility at the Johnson Space Center in the amount of $2,490,000 on the basis that a site selection survey should be completed to ascertain the appropriate disposition of samples and the need and location for curatorial facilities. The committee also reduced the amount to be authorized for two proposed projects in support of the Space Shuttle program, one at the Kennedy Space Center, and one at the Flight Research Center. These projects were reduced by $937,000.

For fiscal year 1976 the committee added two major projects to the authorization bill now before you: Modifications to the 40- by 80-foot wind tunnel at the Ames Research Center, $12,500,000; and construction of transonic research tunnel at the Langley Research Center, $27,500,000. These actions were taken on the basis of the committee views that aeronautical research and development has not been given sufficiently high priority within the Federal budget and particularly within the NASA program. Most of the major aeronautical research facilities were built in the 1940's and only minor upgrading of facilities has been accomplished since 1959. If this nation is to maintain any semblance of preeminence in aeronautical development, the committee strongly believes that the research tools must be available to further this goal.

The committee also added $4,500,000 to the request for facility planning and design to accomplish the advance design for the two major aeronautical research facilities.

For construction during the transition period, the committee reduced the NASA request of $14,500,000 by $6,450,000, a reduction of about 45 percent. The committee has recommended reductions in the requests for rehabilitation and modifications to existing facilities and for minor construction and additions. The committee believes that this type of facilities improvement should proceed during the transition period at a rate not in excess of that programed for fiscal year 1976.

For research and program management NASA requested $776 million for fiscal year 1976, and $213,800,000 for the transition period. The committee recommends that these requests for authorization be approved as submitted.

The research and program management—R. & P.M.—authorization provides for research in Government laboratories, management of programs, and other agency activities. Principally, this appropriation provides for the civil service staff needed to perform in-house research, and to plan, manage, and support the research and development programs; and the other elements of operational capability of the laboratories and facilities such as utilities, logistics support—travel and transportation, maintenance, and operation of facilities—and technical and administrative support.

The in-house personnel funded by the research and program management authorization are engaged in research and technology, and direct and indirect support of project work. Over three-fourths of this authorization is required to cover salaries and related costs of these employees. The balance, consisting of travel, facilities services, technical services, and administrative support of all NASA installations, provides the test and operational facilities support and related goods and services which make possible the accomplishment approved missions assigned to NASA.

The committee has very carefully scrutinized the request for research and program management and believes that the amounts to be authorized are the minimum necessary to sustain operations. Despite automatic civil service pay raises, escalation in the cost of materials, utilities, and wage rates for service support contract personnel the authorization levels for this account has remained relatively constant. The committee notes that by the end of fiscal year 1975, the NASA civil service work force will have been reduced by 704 personnel since fiscal year 1974. The balance of the supporting costs have been compressed in order to stay within a prescribed ceiling imposed on the research and program management account.

A major division within NASA is the Office of Space Science. This bill provides $582.6 million to continue the important programs managed by this office. The amount provided for fiscal year 1976 is about $40 million above the 1975 level. This is due to a peaking of development activity for the High Energy Astronomy Observatory, the Mariner Jupiter-Saturn 1977 missions, the Pioneer Venus orbiter and probes, plus increased supporting launch vehicle procurement activity. These increases are somewhat offset by the decline in the funding for Viking, which will be launched this summer. The amount provided is the full amount requested by NASA, and will insure continuation of the vigorous and successful space science programs.

The planetary exploration programs in calendar 1974 had many exciting events. Pioneer 10 and 11 flew by Jupiter at very close range returning important pictures and data about that huge planet. Very intense radiation was measured. Mariner 10 swung by Venus and was flung inward to Mercury. Passing Mercury it returned our first detailed close-up pictures of that moon-like planet.

The first Helios spacecraft was launched in December 1974 with a mission to explore the interplanetary space closer to the Sun than ever reached by a manmade spacecraft. Helios reached its first closest approach to the Sun just recently on March 15.

Mr. Chairman, Helios is one significant example of international cooperation. Germany has provided the spacecraft and the United States has provided the launch vehicle.

Viking is the most ambitious project yet undertaken in our unmanned planetary exploration program. This summer we will launch two Vikings on 1-year journeys to Mars. These spacecraft will enter into Martian orbit. Lander modules from each spacecraft will soft-land on Mars. One of the scientific objectives is to examine the Martian soil for signs of life. NASA has testified that technical difficulties have been overcome and Viking will launch on schedule.

Other planetary exploration programs well underway are the Mariner-Jupiter-Saturn mission to be launched in 1977 and the Pioneer-Venus orbiter and atmosphere probes to be launched in 1978.

The NASA Office of Space Science also manages many physics and astronomy projects. Several projects are focused on the Sun and how it affects our Earth. Data taken during the Skylab missions is being thoroughly analyzed. The Orbiting Solar Observatory-I will be launched in 1975 and will provide different valuable data. The Space Shuttle Spacelab will also carry solar payloads.

The largest astronomy project currently underway in the Office of Space Science is the high energy astronomy observatory program. These spacecraft when launched into Earth orbit will provide higher quality data on the high-energy X-rays coming in from distant space. Scientists tell us that study of the distant sources of these X-rays may lead to discovery of energy processes more powerful than nuclear fusion.

A small but very important project is the stratospheric research program. Some scientists claim that certain pollutants if introduced into the stratosphere may decrease the ozone, which protects human life from ultraviolet radiation.

However, the scientists are not certain this can happen. Mr. Chairman, the Committee on Science and Technology has urged NASA to accelerate its stratosphere research program, and has recommended additional funds for this purpose. We must have a more certain scientific understanding of this problem to support future policy decisions.

The NASA Office of Space Science procures all the launch vehicles for automated missions. The launch vehicle family is made up of the Scout, the Delta, the Atlas/Centaur, and the Titan IIIE/Centaur. In 1974 NASA scored 15 successes in its 17 launch attempts. During calendar year 1975, 27 automated launches are planned.

Members remember the effort on the solar energy and demonstration bill and the geothermal bill during the last session.

In these bills, the Congress asked NASA to lend their expertise to the energy research and development area wherever practicable. Mr. Chairman, NASA responded and I am proud to say is lending substantial support to the new Energy Research and Development Agency.

NASA has established a focal point for their participation, an Office of Energy Programs and appointed Apollo 17 astronaut-geologist Dr. Harrison "Jack" Schmitt. Both NASA and Energy Research Development Administration have benefited from Jack's background and his capable team. We commend NASA for their response and we encourage them to participate to a greater extent wherever and whenever possible.

The Office of Tracking and Data Acquisition continues its fine record of coverage of NASA's activity in space.

The outstanding coverage of the Pioneer missions to Jupiter and other planets plus the Mariner spacecraft pictures of Venus' cloud cover is a testimony to NASA and the industrial teams who work to make these events happen.

The Office again has asked the committee in testimony for approval to proceed with the orderly planning for incorporating the tracking and data relay satellite system into NASA's plans for the 1980's and beyond. The contract approach calls for NASA to lease services from a contractor and pay only when the services are on hire. The committee will follow the progress of this program and will insist that the lease method is in the best interest of the Government before granting fiscal approval. Also the committee took steps in the bill to assure NASA the option to buy the equipment and/or facilities at the end of the base period by incorporating such language into section 6 of the bill.

It seems important to comment on a number of additional aspects of our national space program.

NASA'S MINORITY BUSINESS ENTERPRISE PROGRAM

NASA's minority business enterprise program is provided for in the NASA procurement regulation. This directive cites national policy as its basic authority and sets forth the principal elements of the program as: First, the identification, development and solicitation of minority business sources; second, the assistance of minority firms through counseling and insuring an awareness of prime and subcontract opportunities; and third, contracting with minority firms through the Small Business Administration. The responsibility for program management has been placed with NASA's senior procurement official, the Assistant Administrator for Procurement. The Deputy Administrator is NASA's representative on the Interagency Council for Minority Business Enterprise.

In an effort to insure an increasingly effective program, an executive-level Minority Business Enterprise Program Council has been recently established at each NASA field center. Chaired by the center's Deputy Director, each council functions as a planning-advisory group, and provides for the participation of all field level senior management personnel who may impact the minority business program. A principal responsibility of the council is the development and surveillance of the center's annual minority business program plan.

Though the principal direction of the minority business program has been through noncompetitive section 8(a) contracting, increased emphasis has been placed on the participation of minority firms in competitive prime and subcontracting opportunities. The following table reports the monetary value of known NASA awards to minority firms. Direct and subcontract awards to minority firms were not reported prior to fiscal year 1973:

MINORITY BUSINESS PROCUREMENT AWARDS

Fiscal year	Total MBE awards	Direct awards	Section 8(a) contracts	Reported subcontracts
1970	$76,909		$76,909	
1971	1,399,530		1,399,530	
1972	3,222,050		3,222,050	
1973	12,524,986	$2,155,846	7,161,461	$3,207,679
1974	21,855,829	1,178,829	12,896,000	7,781,000

Since program inception, over $39 million in known NASA prime and subcontract awards have been made to minority firms. In fiscal year 1973, minority awards totaled $12.52 million; in fiscal year 1974, this increased to $21.86 million. NASA has established a fiscal year 1975 section 8(a) goal of $15 million and expects a substantial increase in its total minority business awards during this fiscal year.

NASA has also established the requirement for its major contractors to assume affirmative obligations with respect to subcontracting with minority firms. Particular management attention is being given to this aspect of the hardware procurement for the Space Shuttle program. Similarly, NASA has established a 20-percent minority subcontracting goal for the multi-million-dollar Space Shuttle construction program at the Kennedy Space Center.

In addition to the minority business program, NASA has undertaken a strong Equal Employment Opportunity program within NASA.

NASA'S EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAMS

A series of actions have been taken in 1973, 1974, and 1975 to improve and strengthen NASA's Equal Employment Opportunity—EEO—program and affirmative action program. These actions include:

First. An increase in program funds from $2.04 million in fiscal year 1974 to $2.75 million in fiscal year 1976.

Second. Elevation of the EO offices to report to the senior management in the various NASA centers.

Third. Establishment of weekly, biweekly, and monthly review and monitoring procedures.

Fourth. Expansion of the EO Council which advises the Administrator and Deputy Administrator of NASA, and

Fifth. Establishment of goal and timetables for minority and female employment.

In addition to these actions which I have cited the Spanish speaking minorities program and a Federal women's program, established in 1974, have expanded.

I am including as part of the RECORD a table which summarizes the progress being made in this area and goals for fiscal year 1975 and fiscal year 1976:

	Calendar year 1974 experience		Remainder of fiscal year 1975		Fiscal year 1976 plus 3 mo transition	
	Number	Percent	Number	Percent	Number	Percent
Nonminority female professionals	91	(15.4)	35	(16.0)	130	(16.0)
Minority professionals	134	(22.7)	55	(25.0)	190	(23.8)
Minority nonprofessionals	207	(29.4)	70	(37.8)	250	(30.0)

	Calendar year 1974 experience		Remainder of fiscal year 1975		Fiscal year 1976 plus 3 mo transition	
	Number	Percent	Number	Percent	Number	Percent
Anticipated change in work force:						
Minority of work force		6.5	--------	6.7	--------	7.9
Females of work force		17.3	--------	17.6	--------	18.6

The committee took a strong position with NASA during our recent hearings that the new advance and innovative technologies resulting from aerospace research and development programs are transferred and applied to nonaerospace needs. The vehicle or forum established to accomplish this role is the Office of Industry Affairs and Technology Utilization. The technology utilization program has received very modest funding in the past and as a result have been somewhat constricted on what it could do.

NASA asked for $7,000,000 for fiscal year 1976 but the committee increased this by $2,000,000 making a total of $9,000,000 in this bill. The enthusiastic support of the some hundreds of users of the NASA developed research and technologies warrants this increase so the Office can do an even better job of disseminating this information.

The committee also adopted as part of the legislative report accompanying the bill, 11 committee views on various aspects of the bill.

The views are as follows:

NASA ADMINISTRATIVE AND PROGRAM PLANNING

The information presented to the committee confirms the need on the part of NASA to review its institutional allocations of programs and strengthen its program planning activities. The committee notes that the current review by an ad hoc committee on the future outlook for space and the establishment of senior level positions in NASA for programs and institutional management are steps in the right direction. It is the view of the committee that further concerted effort should be initiated by the Administrator of NASA to assure that the highest possible ratio of agency funds are devoted to nonduplicative programs and research as opposed to institutional support and services. Strengthening of the future program activities with particular emphasis on utilitarian applications, in the committee's view is essential to the goals.

APPLICATION PROGRAM PLANNING

It is the sense of the committee that NASA take a more affirmative approach to the planning of application missions with a view toward the ultimate user.

As evidenced by application programs such as LANDSAT—formerly ERTS—and the advanced technology satellite program—ATS–6—NASA has yet to provide a long-range plan for the ultimate conversion of applications programs from an experimental program effort to an operational system in either the public or private sector.

The committee notes that the SEASAT program is NASA's first attempt to involve the ultimate users in the program from its inception. NASA is to be commended for this first step. However, the committee observes that greater effort to assess user requirements needs to be a part of every NASA applications program.

Therefore, the committee requests that NASA adopt a policy of providing the committee with long-range plans for the ultimate use of each applications satellite program, wherever practical, at the time of requesting the new start.

NASA has achieved a rare blend of high-technology and managerial expertise. For years it has applied its talents to coping with a wide range of problems facing man; for example, special medical problems, improved crime detection equipment and advanced firefighting techniques. It is now time for NASA to lend its assistance to overcoming the energy crisis. NASA is in the unique position of being comfortable with advanced technology and also of having the ability to appreciate the overall situation. It can focus in on narrow technological points but not lose sight of the ultimate goal. NASA can make positive contributions by demonstrating the technical viability of many well-known but heretofore neglected concepts.

For example, the plan for harnessing the huge heat reserves of the oceans has been known for many years but it needs a concentrated effort to bring it to the point of practical application: NASA could be a vital link in transforming promising concepts into ready-to-use energy. The committee recognized this potential last year when it requested and received a report detailing NASA's ability to help solve critical national needs. There is no more critical need than our energy crisis and NASA should move to meet the problem head-on.

STRATOSPHERIC RESEARCH

The committee is concerned about the recent statements relating to upper atmospheric ozone depletion, allegedly resulting from Freon gas discharges from aerosol cans, refrigerators and air conditioners, and a problem purportedly to be compounded by supersonic transport aircraft emissions. We note with favor that NASA has underway various studies and experiments addressing this issue as evidenced in testimony before the committee at the NASA field centers. A significant amount of research funds have to be allocated to this effort. The committee urges NASA to devote as much effort as possible to a definitive analysis of this issue and to report their findings to the committee at the earliest possible time.

LARGE SPACE TELESCOPE

The committee notes that there is broad scientific support for a large space telescope—LST. First recommended in a National Academy of Science report in 1962 and currently recommended as a new start by the Space Science Board, the LST will accelerate our scientific understanding of the content, structure, scale, and evolution of the universe. The LST, now being studied as a 10- to 15-year life Space Shuttle launched and serviced observatory, will have the ability to see 6 to 10 times further into space and with about 10 times better resolution than our best ground-based optical observatories.

The committee notes with approval that, since the budget hearings of last year, NASA has been investigating lower cost options, international participation, and a later launch schedule. Testimony before the committee by NASA indicated that cost savings are possible by going to a slightly smaller telescope than initially envisioned. Also the smaller telescope has less technical risk in development and hence a cost estimate with greater confidence. The smaller telescope still meets the requirements of the scientific community. NASA also reported on discussions of participation in the LST program with the United Kingdom and the European Space Research Organization.

The LST is one of the more important programs likely to be requested by the NASA Office of Space Science in the reminder of this decade. It is essential that costs be minimized to insure that a vigorous balanced space science program can be maintained.

EDUCATIONAL, MEDICAL, AND COMMUNICATION SERVICES

The committee wishes to emphasize the importance it places on the advanced technology satellite program. The ATS–6 has been an unqualified success. The data from this valuable spacecraft has already proven its worth in several areas of daily life such as education, medical and communications services. Because of its coverage, the quality of its data and the many uses to which it can be applied, ATS–6 has quickly come to be considered an outstanding tool. This program has been widely acclaimed by experts and laymen alike, for its potential and actual contributions to the betterment of our quality of life.

The committee notes with concern that the backup advanced technology satellite—ATS–G—is being placed in bonded NASA/industry team disbanded. The concern arises from the fact that NASA has no plans for:

storage by NASA and the successful

First, exploring the possibility of financial support from the potential user community for ATS–G;

Second, exploring with the aerospace industry the possibility of purchasing the ATS–G as a commercial venture; and

Third, examining the effort now underway between the Indonesian Government and a U.S. aerospace firm providing a similar service satellite for that country to determine the most expeditious way in which a similar venture can be provided for the United States following the use of the advanced technology satellite.

Therefore, the committee requests that the administrator of NASA take the initiative to examine the above concerns and report his findings to the Committee on Science and Technology not later than October 1975.

SHORT-TERM WEATHER PHENOMENA

The committee wishes to reemphasize the importance it attaches to NASA's research related to short-term weather phenomena. The outgrowth of this concern was the Congress earmarking $2 million in Public Law 93–136 for meteorological research directed to reducing the annual number of weather disasters, the amount of property damage, and most important, the number of lives lost.

NASA has the unique ability to apply advanced techniques and technology to a problem which is largely defying more conventional approaches. The NASA research and development effort envisioned by the committee would entail development of sophisticated techniques for observing and forecasting severe local storms, particularly thunderstorms, tornadoes, and hurricanes relying on both satellite and aircraft-borne sensing devices. The program would be aimed at expanding the current state of knowledge in order to develop the necessary systems to detect, monitor, modify, and forecast severe storms.

EARTH RESOURCES SURVEY

The committee commends NASA for providing a third Earth Resources Technology Satellite now called Landsat–C, that will provide continuity of remote sensing data from space through the remainder of this decade.

The reprograming of fiscal year 1975 funds and subsequent authorization will allow Landsat–C to include an improved multispectral scanner containing a thermal channel and also an improved return beam Vidicon camera system. These features provide a thermal mapping capability and an improvement in image resolution substantially better than the capability of the predecessor to Landsat–C.

However, the committee notes the increasing demands for data reduction, analysis and interpretation necessary to realize the full potential of Landsat and the committee urges NASA to expand and reinforce its effort to assure that the goal of maximum user service is met.

EARTH RESOURCES REVIEW

The committee recommends that the Administrator of NASA continue to provide for an independent review of the remote sensing technology development program such as carried out by the Committee on Remote Sensing Programs for Earth Resource Surveys, Commission on Natural Resources, National Academy of Sciences. Included in these reviews should be an analysis of the processing and information management techniques and an assessment of the program as related to the needs of those working in the earth resources and environmental fields. Further, these reviews should identify where possible technological opportunities that may lead to improved remote sensing capabilities.

TECHNOLOGY UTILIZATION

The committee notes with approval the fact that NASA has seen fit to increase the technology utilization budget in order to better perform the vital function of disseminating technical information to the public and private sector.

The committee was impressed with the plans of the Technology Utilization Office as described during the fiscal year 1976 authorization hearings for a broader dissemination base by expanding the basic seven NASA industrial application information centers to include additional field centers.

The committee encourages these initiatives by NASA and looks forward to corresponding increases in the application of space technology to the everyday benefit of the public.

Mr. Chairman, I yield such time as he may require to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, for 7 of the past 10 years the budget for the National Aeronautics and Space Administration has declined. The budget for fiscal year 1976 and the transition period—July 1, 1976 to September 30, 1976—in the areas of space science and applications is in total somewhat less than the NASA request—$4,077,000. This budget contains no new programs.

Although, in the total NASA budget, there is a slight increase over last year, inflation largely cancels out that approximate 11-percent increase. Even under these circumstances we consider this a sound, conservative space program budget that has been brought to the floor under the leadership of the distinguished gentleman from Texas (Mr. TEAGUE) chairman of the Committee on Science and Technology.

As chairman of the Space Science and Applications Subcommittee, I want to commend the members of the subcommittee on both sides for their effective effort in developing this bill. Particularly, I want to recognize the contributions of the gentleman from Kansas (Mr. WINN) the ranking minority member of the subcommittee who applied his skill and knowledge to this legislation throughout hearings in Washington, at the NASA field centers and key industrial contractor facilities, and also the fine staff that has put in many tireless hours in bringing this bill to the floor.

All of the subcommittee members have labored with care and diligence in recommending 13 changes in budget line items, 2 language changes, and 10 committee views. These recommendations in the area of space science and applications have had the effect of:

Increasing the fiscal year 1976 NASA budget request by less than one-tenth of 1 percent—$2.373 million.

Decreasing the transition period NASA request by $3\frac{3}{10}$ percent—$30 million.

Strengthening the oversight function of the committee in language changes with respect to the tracking and data relay satellite effort and through enumeration of line items thus strengthening the oversight of transition period line items, and

Providing evaluation of 10 key areas of concern—committee views—of areas of emphasis or improvement through which the committee would seek to insure a continued strong national space program.

I urge adoption of the bill as recommended by your committee.

I am including in the record a table which summarizes the budget actions recommended by the committee in the area of space science and applications on the fiscal year 1976 and transition period NASA authorization request.

Budget line item	Fiscal year 1976 NASA request	Subcommittee action	Transition period NASA request	Transition period subcommittee action
Research and development:				
Space Shuttle	$1,206,000	$1,206,000	$321,000	$321,000
Space flight operations	207,000	203,100	55,100	55,100
Advanced missions	1,500	3,000	500	500
Physics and astronomy	155,800	156,800	46,600	46,600
Lunar and planetary exploration	259,900	258,900	73,300	73,000
Launch vehicle procurement	166,900	166,900	40,400	40,400
Space applications	175,030	181,530	54,700	54,700
Space and nuclear research and technology	74,900	76,900	22,300	22,300
Energy technology applications	5,900	5,900	1,500	1,500
Tracking and data acquisition	243,000	240,800	66,400	66,400
Technology utilization	7,000	9,000	2,000	2,000
Total, R. & D. (excluding aeronautical research and technology)	2,503,030	2,508,830	683,800	683,800
Construction of facilities:				
Ames Research Center	$2,695	$2,695		
Johnson Space Center	2,490			
Langley Research Center	1,940	1,940		
Space Shuttle facilities	47,220	46,283		
Rehabilitation and modification	16,000	16,000	$8,750	$4,000
Minor construction	5,000	5,000	2,950	1,250
Facilities planning and design	9,275	9,275	2,800	2,800
Total construction of facilities	84,620	81,193	14,500	8,050
Research program management	776,000	776,000	213,800	213,800
Total (excluding aeronautical research and technology)	3,363,650	3,366,023	912,100	905,650
Less general reduction of $30,000,000 in research and development				30,000
Total				875,650

Mr. Chairman, the Subcommittee on Space Science and Applications held 23 intensive hearings in Washington, at NASA centers and key industrial contractors to review the NASA fiscal year 1976 and transition period budget request. Testimony was also taken from the Air Force, the European Space Organization and the American Institute of Aeronautics and Astronautics on all phases of our national space program. The committee recommends 10 changes to budget line items in the bill H.R. 4700 before you. They are:

SPACEFLIGHT OPERATIONS

A reduction of $5 million in development test and mission operations on the basis of fund transfers by NASA during fiscal year 1975.

An increase of $1 million in mission system and integration—Advanced development—to intensify development and test of new technology concepts and intensified planning.

ADVANCED MISSIONS

An increase of $1.5 million to support studies in space station preliminary design, large space structure concepts and additional low-cost space transportation and related studies.

PHYSICS AND ASTRONOMY

An increase of $1 million in supporting research and technology—stratospheric research program—to measure chlorine in the upper atmosphere as part of a program to determine the potential ozone depletion.

LUNAR AND PLANETARY EXPLORATION

A decrease of $1 million in the Lunar research program based on funding deferrals in fiscal year 1975 and increased funding requested in fiscal year 1976.

SPACE APPLICATIONS

A total increase of $6.5 million in five areas as follows:

Weather and climate—severe storm research—to facilitate additional research, computer modeling, and analysis, $1 million.

Earth resource survey—applications verification tests—to increase effort in water management, snow, mapping, and similar hydrology activity, $1.5 million.

Data management to allow an earlier start of thermatic mapper, $1 million.

To provide support to additional users of the advanced technology satellite—ATS—and cooperative applications satellite—CAS—$1 million—and to expand basic research in high power, higher frequency spectrum transmission, $1 million.

Shuttle payloads to permit detailed definition and early flight test experience of selected applications payloads, $1 million.

SPACE AND NUCLEAR RESEARCH AND TECHNOLOGY

An increase of $1 million in space propulsion and power systems to accelerate high pressure, hydrogen-oxygen propulsion breadboard tests and component tests.

An increase of $1 million to expand and accelerate high temperature and strength composite materials and structure research.

TRACKING AND DATA ACQUISITION

A decrease of $1 million in data processing operations based on termination of support of 16 satellites next year.

A decrease of $1.2 million in advanced systems effort based on a constant level of effort funding in past years.

TECHNOLOGY UTILIZATION

An increase of $1 million to improve regional application services and to foster engineering, biomedical, urban construction and safety and transportation technologies transfer from the space program to the civil community.

An increase of $1 million to foster expanded analysis documentation and regional industrial applications aid.

TOTAL RESEARCH AND DEVELOPMENT

A general decrease of $30 million in research and development in the transition period to aline more closely the three month transition funding to a one-quarter—3-month—increment of the fiscal year 1976 request.

CONSTRUCTION OF FACILITIES

A total decrease of $3,427,000 in funds for construction in fiscal year 1976 as follows:

Deferral of the Lunar Sample Curatorial Facility, Johnson Space Center, $2,490,000;

Deferral of modifications for hypergolic checkout and refurbishment facilities, Kennedy Space Center, $637,000; and

Deferral of construction of orbiter approach and landing facilities at the Flight Research Center and Palmdale, $300,000.

A decrease of $6,450,000 in funds for construction in the transition period as follows:

Deferral of rehabilitation and modification at various locations, $4,750,000; and

Deferal of minor new construction at various locations, $1,700,000.

In the bill under consideration two language changes were recommended by the Subcommittee on Space Science and Applications and adopted by the full committee:

In section 6: Adding language to an existing provision to authorize NASA to contract for tracking and data relay satellite services a provision under which the Government may acquire title to properties obtained in performance of contract, and

In section 7: Adding line item innumeration of research and development and construction of facilities programs for the transition period.

Ten committee views evolved from the deliberations of the Subcommittee on Space Science and Applications and the full committee. Generally these views fell into the broad categories of program directed considerations and management aspects of NASA operations. These views elicit specific action or define specific requirements in program areas including application satellites, energy, research, stratospheric research, earth resource survey, short-term weather phenomena, and large space telescope. Specific management direction and administrative review are spelled out in committee views on administrative and program planning, applications program planning, educational, medical and communications services, and technology utilization.

In the area of manned space flight a series of significant events will take place during the remainder of fiscal year 1975 and during fiscal year 1976. The Apollo-Soyuz test project will get underway with July 15, 1975, launch of the Apollo-Saturn IB vehicle. A rendezvous and docking will then take with an already orbiting Soviet Soyuz vehicle. Following jointly conducted experiments during the docking the Apollo vehicle will continue experimental work after the Soviet vehicle has return to Earth. Space processing and manufacturing. Earth resource, life sciences, and space science investigations experiments are scheduled. These experiments will further refine and in some cases better define work done during the Skylab flight. Among the investigations, space processing and manufacturing will expand on the exciting possibilities determined from Skylab to grow crystals in space not susceptible to being grown on the ground. Earth resources surveys will augment the Landsat program data while a full program of experimentation is undertaken.

Space Shuttle, as I have pointed out, continues on schedule for a 1979 first orbital flight and within cost goals established in 1971. Major portions of the flight hardware is in fabrication and all major portions of the program are under contract.

The Space Shuttle development is now about one-third of the way to completion. There is now sufficient experience in the program comment with some confidence on the program status. As was to be expected tough technical problems were encountered. Intensive effort and competent management attention are surmounting these problems. Undoubtedly, more difficult hurdles will be found and overcome during the remaining two-thirds of the development effort. A strong dedication to cost and schedule discipline, I believe, will sustain the Space Shuttle program in its objectives.

The gains to be derived from the Space Shuttle are simple and direct: a reusable space transportation system; a low-cost per-flight vehicle; a versatile launch and recovery system to replace nonrecoverable rockets; and a system capable of maintenance and repair heretofore unavailable.

All of these attributes provide a system which can make space a fully utilized place of commerce in the next decade. Because of its good progress and continued high potential your committee continues to endorse the Space Shuttle development.

An area which received the particular attention of the Subcommittee on Space Science and Applications in hearings on the bill before us today was future program planning. NASA has in addition to the continuing advance planning activities a task force examining the outlook for space through the remainder of this century. These efforts are commendable and are supported by this legislation. However, the return from space application programs and technology warrants an even more intensive advanced planning effort and consequently the committee took a number of steps of strengthening areas essential to future programs. These include advanced plannings: Advance development, a part of space flight operations, space applications, space technology, and technology utilization. The areas involved expend small amounts of money but share the future return that will be derived from the space program. This is "seed" effort in its truest sense. From this increased emphasis a stronger space program should grow.

Mr. Chairman, turning now to the NASA programs managed by the Office of Space Science—OSS—Mr. Chairman, this is the first year that I have had the pleasure to participate in detailed hearings on these space science programs. Before the reorganization of the Science and Technology Subcommittee, the NASA space science and applications programs were reviewed by a separate subcommittee under the chairmanship of the able gentleman from Missouri (Mr. SYMINGTON), and now chairman of the Science, Research, and Technology Subcommittee. For me it was a personal pleasure this year to be briefed on the various NASA space science programs and to develop a deeper appreciation for the goals of these exciting programs.

Mr. Chairman, I heartily endorse full funding of the NASA space science program at the dollar level requested by NASA. The committee has taken two actions, however, recommending a reduction in the amount requested for lunar science and an increase in the amount requested for stratospheric research, including measurements to help understand the ozone depletion problem.

The bill provides $582.6 million to continue programs managed by the NASA Office of Space Sciences—OSS. Total funding for the programs shows an increase in fiscal year 1976 of about $40 million above the fiscal year 1975 level. This increase reflects the peaking of development activity for the High Energy Astronomy Observatory, the Mariner Jupiter/Saturn 1977 missions, the Pioneer Venus missions, and the higher launch vehicle procurement activity in support of NASA missions. These increases are partially offset by a decline in Viking funding as we approach the launch of the two Viking spacecraft this summer. With these exceptions, the OSS programs are being funded at about the same levels as the previous fiscal year.

I would now like to present a summary of some of the important programs in the Office of Space Science. There are three broad categories of work, which are: Lunar and planetary exploration, physics and astronomy, and launch vehicle procurement.

Several exciting milestones in planetary exploration were accomplished in 1974, with spacecraft passing Jupiter, Venus, and Mercury. Pioneer 10 gave us a new picture of Jupiter, the solar system's largest planet, and provided new information on Jupiter's weather pattern, atmosphere, and intense radiation belts. Pioneer 11 swept past Jupiter on December 3, 1974, three times closer than Pioneer 10, after a 2-year journey from Earth. It discovered new surprises in the Jupiter cloud structure, magnetic field, and radiation belt. Pioneer 11 is now on its way for an encounter with Saturn in September 1979.

The Mariner 10 spacecraft successfully reached Venus, taking detailed pictures of the cloudy Venusian atmosphere. After encountering Venus, the spacecraft continued on to Mercury. On March 29, 1974, Mariner 10 took the first closeup views of that little known planet. There were many surprises in the data, which the scientists are examining with excitement. The mission controllers and engineers were able to devise some clever techniques for extending the life of the spacecraft to permit a second encounter of Mercury on September 22, 1974.

The Helios program is a cooperative effort with West Germany to investigate interplanetary space as close to the Sun as practical. The German-built spacecraft was launched by the United States on December 10, 1974. The closest approach to the Sun has just been reached on March 15, 1975. The temperatures encountered are hot enough to melt lead. All experiments, including five from the United States are collecting data from a region of space never before visited by a spacecraft.

The most ambitious visit to another planet underway is the Viking project. The objective is to increase our knowledge of the planet Mars by means of observations from Martian orbit and direct measurements in the atmosphere and on the surface. Of the several scientific experiments carried on the Viking, the most exciting is a biology package designed to examine Martian soil samples for evidence of life. The first of the two Vikings is scheduled for launch in mid-August 1975 with the arrival in Martian orbit June 1976. The lander module will touch down possibly on July 4, 1976, a fine centennial achievement.

Work continues on the Mariner Jupiter/Saturn mission for launch in 1977. Also the Pioneer Venus project progresses toward two launches in 1978. These Pioneers are dedicated to measuring the properties of the Venusian atmosphere. One will scan from Venusian orbit, and the second will release four probes that will enter the Venusian atmosphere. Scientists tell us that understanding the Venusian atmosphere will help us understand the complex processes in our own Earth atmosphere.

An active program of lunar research continues, the goal of which is to understand the origin and history of the Moon, which in turn helps scientists understand the origin and history of the solar system, including Earth. The essence of the lunar effort now is to exploit to the maximum extent the Apollo lunar data and experiments still operating on the lunar surface.

The second category of work in the NASA Office of Space Science is physics and astronomy. The machines of space and the instruments of science are used to understand physical processes in Earth's immediate space environment, to understand the complex relationship between the Sun and Earth, and to explore all of space to increase our understanding of the nature and evolution of the universe.

Earth and space physics projects frequently involve small scientific satellites in Earth orbit. For example, Explorer I launched in 1958, provided the data that Dr. Van Allen interpreted to be an intense belt of radiation circling the Earth. A current project example is Atmosphere Explorer C, with which scientists are studying the molecules and ions in the upper atmosphere down to an altitude of 130 kilometers—81 statute miles. Quite a bit more sophisticated than the first explorer, the Atmosphere Explorer requires a propulsion system to keep the satellite from being dragged down by the atmosphere.

The Sun exerts a primary control on the environment of Earth. Understanding the physical interaction of the Sun and Earth is a key to understanding many aspects of the Earth's environment. For example, sunspots increase and decrease in number with the same 11-year cycle as auroral displays and the quality of low frequency radio communications. Periods of drought seem to be also related to the solar cycle. Finding the physical cause of this relationship may prove to be the key to accurate long-term climate forecasting.

NASA solar investigations are now focused on data obtained with the Apollo Telescope Mount experiments flown on Skylab. The Orbiting Solar Observatory-I, to be launched in 1975 has substantially greater capabilities than any previous solar spacecraft. One objective is to investigate the puzzling large temperature increase above the visible surface of the Sun. Additional solar investigations in the planning stage are a solar maximum mission automated spacecraft and the Space Shuttle Spacelab solar payloads.

The age-old science of astronomy has received enormous new impetus from data gathered by spacecraft. The Earth's atmosphere obscures much of the important information reaching us from space. Through satellites in space, intense sources of X-rays have been discovered. Enormous quantities of this high energy coming from a black point in space have led to the concept of a "black hole" star. A "black hole" is believed to be a place where matter is so incredibly densely packed that light waves cannot escape the intense gravity field. Finding such objects and trying to learn how the energy is generated is a major part of the NASA astronomy program. Several astronomy satellites have been launched focusing on X-ray and ultraviolet radiation. Soon to be launched is the Small Astronomy Explorer-C and there are experiments to be carried on the Apollo-Soyuz test project.

The three high-energy astronomy observatories, scheduled for launch in 1977, 1978, and 1979, constitute the major effort in the physics and astronomy program. The prime contractor has completed preliminary design of the spacecraft, and subcontracts for the subsystems have been awarded. Payloads for all three missions have been selected and are under contract from the Marshall Space Flight Center—MSFC. Every effort is being made to save money by using a common spacecraft design for all three missions, by using many subsystems developed for other programs, and by building, with few exceptions, only those articles that will actually fly. Hardware fabrication of the HEAO–A instruments is underway, the grinding and polishing for the X-ray mirror on HEAO–B has begun, and final design of HEAO–B detectors is underway. Peak activity in the HEAO program will occur during fiscal year 1976 leading to the first launch in 1977.

It is expected that next year NASA will request as a new start a large space telescope—LST. First recommended in a National Academy of Science report in 1962 and currently recommended as the highest priority new start by the Space Science Board, scientists tell us the LST will accelerate our scientific understanding of the content, structure, size, and origin of the universe. The LST, now being studied as a 10- to 15-year life Space Shuttle launched and serviced observatory, will have the ability to see 6 to 10 times farther into space with about 10 times better resolution than the best ground-based optical observatories. Since the budget hearings last year, NASA has been investigating lower cost options and international participation. NASA reported to our Space Science and Applications Subcommittee during the recent hearings on the progress of these investigations. Testimony indicated that cost savings and reduced technical risk are possible by going to a slightly smaller telescope than originally planned. The smaller telescope will still meet the requirements of the astronomers. Participation in the LST program is being discussed with the United Kingdom and the European Space Research Organization.

Stratospheric research is receiving dramatically increased public attention. The stratosphere contains the ozone, which filters out harmful ultraviolet radiation. There is an increasing scientific and public concern that various pollutants, if introduced into the stratosphere, may decrease the ozone. Current scientific understanding of the problem is hampered by a lack of direct stratospheric measurements. NASA with its capabilities using high flying aircraft, balloons, sounding rockets, and satellites, can take the lead in conducting critical experiments and measurements in the stratosphere. The Office of Space Science is formulating a broad-based program in stratospheric research. Our committee has urged NASA to accelerate this program and has recommended additional funds.

The third category of work supervised by the Office of Space Science is launch vehicle procurement. All unmanned spacecraft are launched by vehicles procured under this program. The launch vehicle family is made up of the Scout, the Delta, the Atlas/Centaur, and the Titan IIIE/Centaur. During 1974, NASA scored 15 successes in its 17 launch attempts.

The Titan IIIE/Centaur, unsuccessful in its February 1974 proof test launch, later successfully launched Helios-A in December. The Helios success was particularly important because the Titan Centaur vehicle will be used to launch the Viking spacecraft to Mars this summer and the Mariner Jupiter/Saturn missions in 1977.

Extensive use of our launch vehicles are planned for the remainder of this decade and before the Shuttle system becomes fully operational. During calendar year 1975, 27 unmanned launches are currently expected and over 20 launches are already planned for calendar year 1976.

The Office of Applications requested $175,030,000 for fiscal year 1976 and was increased by the committees by $6,500,000 to make the total request in this bill $181,530,000.

The objective of the Space Applications effort is to conduct research and development activities that demonstrate space-related technology which can be effectively applied and used in the civil sector.

In no other area does the space program technology spinoffs and benefits evidence itself more. The committee heard testimony as to the outstanding role the Advanced Technology Satellite—ATS–6, is playing in the areas of medicine, education, and communications. We have witnessed live as well as videotaped coverage of actual medical examinations of patients in sparsely populated areas by physicians hundreds of miles away, saw classes being taught to students in school areas that are very difficult to obtain sufficient numbers of instructors.

Another example of success is the remote sensing satellite which takes pictures of the entire continental United States every 18 days. This program was formerly called Earth Resources Technology Satellite—ERTS—but now is referred to as LANDSAT. The third of this series LANDSAT–C will receive sufficient funding in this budget request to meet planned 1977 launch date. These programs, Mr. Chairman, are but two of many outstanding programs in this area which also covers weather and climate, pollution monitoring, and Earth and ocean physics and several others.

These applications programs affect each and every one of us in our daily lives ranging from accurate weather forecasting to monitoring crop inventories and disease while monitoring the atmosphere to warn us of pollution.

The addition of a new Office of Energy Applications appears in the fiscal year 1976 NASA authorization request and reflects the response of the agency to the Nation's goal of energy independence in the future.

NASA is requesting $5,900,000 for fiscal year 1976 which will enable NASA to conduct small research and technology projects designed to identify, as well as mature technologies of importance to the national energy community. These activities will be concerned with applying aeronautics and space technology to the discovery, production, conversion, transmission, storage, conservation, utilization and management of energy in terrestrial applications.

The committee commended NASA for its initiatives and look forward to their cooperative work for the Energy Research and Development Administration.

The bill provides for $76,900,000 for the NASA space and nuclear research and technology effort for fiscal year 1976. This figure is $2,000,000 greater than the NASA request and reflects the committee's concern that this basic research and technology is receiving sufficient emphasis. The reason for the increase was the work NASA is performing in the area of composite materials. This technology is in its infancy but growing rapidly as reflected by the composite materials being used on U.S. Air Force and Navy fighter aircraft and also commercial airlines. This lightweight material holds great promise and the committee encouraged NASA to keep moving forward in this vital area. The committee also increased the space power and propulsion research and technology effort since this area holds the key to future growth of the Nation's space program.

The tracking and data acquisition program continues to provide vital tracking and data acquisition support to meet flight operations for NASA. The Office has asked for $243,000,000 for fiscal year 1976 with $193,000,000 for the total request required for operations support.

This request reflects a leveling off in funding requirements for network operations and savings associated with closing of stations being offset by significant cost escalation in all program areas.

A result of the office and tracking and data acquisitions supporting research and technology effort has been the tracking and data relay satellite system. This future system will allow NASA to close eventually most of its present ground network known as the spaceflight tracking and data network consisting of 16 land stations located around the globe. As stated last year when we introduced this program in the fiscal year 1975 authorization bill, NASA would like to "lease" the TDRSS services rather than buying the spacecraft and ground station. This method of contracting is still under review by the committee and is being tested as to its economic merit.

The committee also incorporated language in section 6 of this bill giving NASA the option to own this system at the end of the leasing period.

The committee decreased the overall request by $2,200,000. This reflects an adjustment in operations because of a reduction in satellite data reception and analysis requirements and an adjustment in advanced systems level of effort.

In fiscal year 1976, the Technology Utilization Program Office plans to broaden its capability to transfer aerospace technology to meet technological needs in certain U.S. geographical areas which have heretofore been difficult to serve. The current NASA Industrial Application Centers—formerly known as Regional Dissemination Centers—will increase their coverage in the legislation recommended.

The Office of Industry Affairs and Technology Utilization which has the responsibility for technology utilization requested $7 million for fiscal year 1976. The committee felt that an additional

$2 million was justified because NASA proposes during 1976 to institute an "outreach program" that will enable the Industrial Applications Centers to effectively serve new user markets in cities of high industrial concentration—for example, Chicago, Atlanta, Seattle, and so forth—by establishing field officers reporting to these various centers. The committee was impressed by this initiative and is urging NASA to continue this effective technology multiplier approach.

Mr. Chairman, the NASA authorization bill now under consideration includes $76,558,000 for construction of facilities in fiscal year 1976 and $8,050,000 for the July 1, 1976, through September 30, 1976, transition period, in support of the space science and applications programs.

NASA had requested $79,985,000 for fiscal year 1976 and $14,500,000 for the transition period for space science and applications construction. The committee is recommending reductions in the amounts to be authorized for these purposes of $3,427,000 for fiscal year 1976 and of $6,450,000 for the transition period.

The Subcommittee on Space Science and Applications has analyzed the facilities requirements in detail based on testimony received in Washington, and actual on-site reviews of each project in the field. Every NASA field installation and contractor-operated facility having construction requirements in the fiscal year 1976 program were visited during the course of the subcommittee hearings for the specific purpose of conducting in-depth reviews of the justification for, and the costs associated with each project. We feel that the program has been subjected to most careful scrutiny.

For construction in support of space science and applications activities specific recommended reductions were made in five projects, which, in the opinion of the committee, should be deferred in whole or in part based upon identified needs.

At the Johnson Space Center, NASA requested $2,490,000 for the construction of a two story 15,000 square foot addition to the lunar sample curatorial facility. The justification for the new facility is based on the need to provide a structure that is more resistant to hurricanes, tornadoes, flooding, vandalism, or sabotage; one that provides more laboratory space for visiting scientists; and one that will more adequately accommodate present and proposed processing requirements.

In the absence of a detailed site selection study as to where this activity should be located, and in view of the relatively large sums of money which have been spent at the Johnson Space Center for facilities to receive, process, isolate, store and analyze lunar samples—approximately $19.0 million—the committee recommends that the request be deferred until such time as a detailed study has been completed concerning the disposition of samples and the need and location for curatorial activities.

At the Kennedy Space Center, Cape Canaveral, Fla., NASA proposed a project entitled "Modifications for Hypergolic Checkout and Refurbishment Facilities" in the amount of $6,940,000. This project provides for rehabilitation and modifications to five existing buildings in the fluid test complex at Kennedy, which were formerly used to support the Apollo and Gemini programs. This project will provide a capability to decontaminate, maintain, refurbish and store hypergolic propellant modules used on the orbiter. A remote site is required to accomplish these hazardous operations.

Three of the buildings require extensive modifications and will require 30 to 34 months to complete. The other two buildings require relatively minor modifications and can be accomplished in a much shorter period. The committee considers that the work on these latter two buildings can be authorized at a later date, and accordingly recommends deferral of that portion of the work in the amount of $637,000.

At the Flight Research Center, Edwards, Calif., NASA has proposed a project for the construction of orbiter approach and landing test facilities in the amount of $1,680,000. This project is a continuation of work provided for in fiscal year 1975 to meet the requirements associated with the horizontal flight test program for the orbiter.

Included in the fiscal year 1976 project is a requirement for four structures and eight generator shelters to house the microwave scanning beam landing system which is designed to provide an automatic landing capability for the orbiter. Based upon testimony received, there is some question as to whether mobile equipment will be used or a fixed installation will be necessary for the approach and landing tests. The committee recommends deferral of that part of the project involving these structures, estimated at $300,000, until such time as a firm decision is made.

Based upon the foregoing, a reduction of $3,427,000 is recommended which would result in a total authorization of $76,558,000 for construction of facilities in support of the space science and applications programs for fiscal year 1976.

For the transition period, July 1, 1976 through September 30, 1976, NASA requested no new authorization for discrete projects. However, authorization was requested for agency-wide "packages" totalling $14.5 million broken down as follows: $8,750,000 for rehabilitation and modification; $2,950,000 for minor construction; and $2,800,000 for facility planning and design.

The committee recommends that facility planning and design be approved at the level requested since it provides a basis for better estimates for future construction projects.

However, the committee considers that the rehabilitation, modification, and minor construction work proposed should proceed at the same rate as for fiscal year 1976. Accordingly, the committee recommends that the requests for rehabilitation and modification be reduced by $4,750,000, and minor construction by $1,700,000. This will result in a total authorization for construction during the transition period of $8,050,000.

For research and program management, NASA requested $776 million for fiscal year 1976 and $213.8 million for the July 1, 1976 through September 30, 1976 transition period.

The research and program management authorization provides for the civil service staff necessary for in-house research and development, and the manpower required to plan, manage and support the R. & D. program. It also provides for the operation, maintenance and administrative support of the NASA headquarters and field centers.

This authorization will support in-house research, maintenance and operations at the NASA headquarters, 10 major field installations, as well as contract inspection and supervisory expense at numerous contractors' plants. the authorization provides for maintenance and operation of capital plant involving 346,024 acres of real estate owned, leased or under permit, and improvements thereon, valued at $5.9 billion.

The budget for 1976 is $776 million, an increase of $10,825,000 over the budget plan for 1975. The 1976 estimate provides for the full-year effect of increased utility rates which continue to rise rapidly. Additionally, continued increases in wage rates for support service contract employees as well as increases in the cost of materials are provided for in the fiscal year 1976 request. Personnel compensation estimates include the net cost of the full-year effect of the October 1974 pay raise, offset by the full-year effect of the 1975 300-position reduction. Personnel costs for fiscal year 1976 included in the request will increase by 3.1 percent as compared to that requested for fiscal year 1975.

Other categories of expense in fiscal year 1976 will increase by approximately $7.9 million as compared to the fiscal year 1975 request. Most of this increase is attributable to rising costs of electrical power, fuel costs, and wage rates and to service support contractor personnel.

The projected end fiscal year 1976 civil service strength of 24,316 personnel represents a cumulative reduction of 9,810 positions since the peak employment in July 1967.

The committee has reviewed the NASA request for these purposes in considerable detail and considers that it is barely adequate to meet the needs. Personnel costs account for 76.9 percent of the request. The NASA civil service strength of 24,316 positions to be supported by end fiscal year 1976 will be the lowest level since 1962. Rising costs of electrical power, fuel costs, and wage rates paid to service support contractor personnel, all of which are provided for in this account, are presenting an ever expanding problem.

The committee recommends that the NASA research and program management requests for fiscal year 1976 and for the transition period of $776 million and $213.8 million respectively, be approved.

I have reviewed the content of the legislation before us and now would like to discuss two elements of NASA's current operations which are both significant to this legislation and important to the public.

THE ECONOMICS OF SPACE

In November 1974, Chase Econometrics Associates, Inc., published a study on the short-term effects of NASA expenditures. They chose as their base the year 1975. This study was commissioned by NASA to better understand what our investment in NASA programs does within our economy. Because this study has received little public attention, I will briefly summarize a number of points as they relate to the bill before us today.

Using 1971 dollars as a basis, Chase estimates that an additional $1 billion transfer of Federal expenditures to NASA would have resulted in $153 million increase in manufacturing output in 1975. This, according to the study, would "tend to shift spending from low productivity industries to higher productivity industries, thereby increasing the aggregate productivity in the economy." The estimated employment effect of this Federal expenditure would increase manufacturing employment by 20,000 people. It should be noted that such a transfer does, as pointed out by the report, tend to reduce the demand in industries currently experiencing severe bottlenecks, despite recession, and increase the demand in industries having idle capacity and underemployment of labor and materials. Perhaps most significant was the indication in the study that such an expenditure in 1975 would have added $28 million simply as a "multiplier effect" in the economy in 1 year. That multiplier effect is even more impressive over a few years and has been variously estimated to be 2 to 7 times the original investment. In summary, the study finds an increased investment in our space program to be stabilizing not inflationary, while having a long term positive economic multiplier effect on our economy.

All of these considerations ignore the gain derived from the NASA programs themselves. When the direct benefits of the dollars spent are coupled with the benefit derived from space based programs a strong case is made for expanding our national space program.

UPPER ATMOSPHERE RESEARCH

The stratosphere is that part of the Earth's atmosphere, extending from an altitude of about 15 to 50 kilometers—40,000 to 150,000 feet—in which the temperature increases with increasing height. It accounts for about 12 percent of the mass of the atmosphere.

Ozone, three atoms of oxygen combined, is a very important minor constituent in the atmosphere, located mainly in the stratosphere. It is produced by the action of ultraviolet sunlight on molecular oxygen—the normal two atoms of oxygen.

Ozone's principal importance comes from the fact that, even in relative small amounts, it absorbs solar ultraviolet radiation that would otherwise penetrate down to the Earth's surface and have disastrous effects on the biosphere. In addition, this absorption of solar radiation is responsibile for the warm region at the top of the stratosphere and thereby helps to determine the thermal structure of that part of the atmosphere.

The amount of ozone in a column of air increases significantly with latitude and also varies somewhat with longitude. The amount of ozone in the stratosphere can vary as much as 30 percent from day to day and by as much as 10 percent over periods of years. Its variation appears to be strongly coupled with the 11-year sunspot cycle.

Many chemicals appear to have the propensity to destroy ozone molecules. For example, the oxides of nitrogen are present in the stratosphere in concentrations of one molecule per billion air molecules. One molecule, the oxide of nitrogen, destroys approximately 1,000 ozone molecules before it is removed by diffusion from the stratosphere. Other chemicals which are known to destroy ozone are the hydrogen oxides—for example water vapor—and the chlorine oxides—from hydrogen chloride or from the chlorofluoromethanes, commonly called freons. There may be other chemicals which could take part in the destruction of ozone. For this reason, it is important that we study the role and reactions of ozone in the stratosphere.

The National Aeronautics and Space Administration through its major program offices has an ongoing stratospheric research program. The NASA program is structured in three general areas: First, measurements in the stratosphere; second, modeling of changes to the natural stratosphere; and third, the physics and chemistry of the stratosphere. Four NASA offices have programs which support the overall program. They are the Office of Manned Space Flight which has created the Shuttle Environmental Effects Office, the Office of Applications which has emphasized the stratosphere in applying space technology to the Earth's environment, the Office of Aeronautics and Space Technology whose interest is pollution from aircraft engines, and the Office of Space Science whose interest is in the fundamental physics and chemistry of the stratosphere.

The program elements with fiscal year 1975 funding are—in thousands of dollars:

Measurements	$4,354
Airborne background measurements	1,541
Oxygen atom, hydroxyl radical measurement	393
Advance sensors for satellites	1,320
Aircraft engine emission	1,100
Modeling	913
Development of 1-dimensional, 2-D, 3-D and radiative models	773
Jet wake models	140
Stratospheric chemistry and physics	1,609
Chemical reactions of chlorine compounds	550
Reactions of the oxides of nitrogen	315
Reactions of the oxides of hydrogen	300
Research in fundamental processes in the atmosphere	444

Thus, NASA has approximately a $7 million program in stratospheric research. Many aspects of the program are directly related to the Freon question. NASA is planning to expand its program. This would include; first, direct atmospheric measurements of the Freons; second, expanding the existing models to include the Freons; and third, investigating the chemical processes leading to chlorine and oxides of chlorine production from the Freons. Because of the concern about hydrogen chloride from the Space Shuttle exhaust, NASA will continue to be heavily involved in chlorine effects in the stratosphere. NASA also is currently in the process of forming a science advisory group on stratospheric research.

The primary concern of Space Shuttle operations in the stratosphere is the effect of engine exhaust products on the ozone concentration. Since the orbiter's main engines use hydrogen-oxygen fuel, the only exhaust product is water. Water does have the potential for reacting with ozone. However, because of the relatively high concentration of water already in the stratosphere, the small amount of water from the shuttle's main engine has negligible effects.

The engine exhaust product which has greater potential for adverse effects on stratospheric ozone is the hydrogen chloride from the solid rocket motors of the shuttle boosters. Chlorine atoms are known to cause the decomposition of ozone in a way very similar to the oxides of nitrogen. If the hydrogen chloride exhaust product is converted to chlorine atoms, depletion of ozone could occur.

The overall effect of hydrogen chloride on stratospheric ozone has been investigated as part of the shuttle environmental effects program. Preliminary calculations, using one-dimensional models, indicate a potential ozone reduction of about 0.4 percent based on a projected 60 shuttle launches a year. This is an aggregate reduction that would take 20 years to attain, assuming 60 shuttle flights per year. It is not the reduction per year. There exists some uncertainty in the 0.4 percent number because of uncertainties in the rates of key chemical reactions and the fact that stratospheric concentrations of many of the important chemical species have never been measured.

The shuttle environmental effects program is designed to reduce the uncertainty through a coordinated program of theoretical studies, laboratory experiments, and airborne measurements. NASA is committed to an environmentally acceptable shuttle. In case it is needed, NASA is studying the use of an alternate nonchlorine containing propellant.

Because of the program I have outlined we can expect sufficient facts to be determined to make the necessary decisions on refrigerant and propellant gases, high altitude aircraft flights and Space Shuttle operations.

(Mr. MOSHER asked and was given permission to revise and extend his remarks.)

Mr. MOSHER. Mr. Chairman, without any reservation, I support H.R. 4700, the NASA Authorization Act for fiscal year 1976.

Chairman TEAGUE as well as other members of the committee who worked closely on the authorization bill are to be congratulated for their careful consideration of this complex piece of legislation. The bill has the unanimous support of the Republicans of the committee. It was reported out of the full committee without dissent.

The bill before us reflects an authorization request for the 12 months of fiscal year 1976, plus the 3-month transition period to the new fiscal year. These two amounts are $3.586 billion and $0.922 billion respectively for a total of approximately $4.508.

By comparison, the NASA request for fiscal year 1976 was $3.539 billion and for the transition period $0.959 billion. Thus, the committee increased the fiscal year 1976 portion of the budget by $46 million while decreasing the transition period portion of the budget by $36 million.

From a budgetary standpoint, therefore, the committee action may be summarized as having added only $10 million or 0.2 percent to the NASA request for the total 15-month period.

There is no question but that compelling justification was provided for a number of increases within the budget request; however, the committee was ever mindful of the massive budget deficits now being run by the Federal Government and therefore felt constrained to hold the budget close to the guidelines submitted by the administration.

The fiscal year 1976 budget request reflects an increase of approximately $300 million above that of fiscal year 1975. This in itself is a very positive sign by comparison with the steady diet of cutbacks the NASA budget has received since the mid-1960's. I would point out though that this increase is somewhat illusory. Approximately $200 million of the $300 million increase will be directed to ongoing program commitments approved by the Congress in prior years, which means that the effective increase will be only $100 million, or 3 percent.

The true increase for NASA is therefore much less than the current rate of inflation. The result of this has been numerous program adjustments in the form of cutbacks and schedule delays in order to stay within the proposed budget.

As further evidence of the severity of the financial guidelines within which NASA must operate, we should recall that the present budget is far below the guidelines proposed by the administration under the "constant budget" approach. Back in fiscal year 1971, the NASA budget stood at approximately $3.4 billion having been reduced from the $6 billion peak in 1965 and 1966. In recognition of the consequences of this cut and also the need for a more stable and predictable level of funding, NASA recommended a budget plan under which total NASA expenditures would not exceed the level of $3.4 billion as measured in 1973 dollars. Appropriate allowance was also permitted for inflation.

Since fiscal year 1973, the Congress has approved the NASA budget at a budget level substantially similar to that submitted; however, the budget submitted has been reduced below even the $3.4 billion level, as measured in the equivalent dollars. The reduced submissions were in keeping with the Government-wide fiscal restraints imposed upon Federal spending. The point to be made is that the fiscal year 1976 request is the equivalent of $2.8 million in 1973 dollars.

Thus, the NASA effort has been substantially cut back from the level of effort of past years—an overall cut which has impacted every single employee, facility, and mission within the entire organization.

NASA is to be commended therefore for the manner in which it has responded to these difficult times. Although the fiscal year 1976 budget program incorporates no new program starts—for the first time in a number of years—all major programs are within projected budget guidelines and on schedule.

As the chairman outlined, the committee has made numerous budget changes. I would classify these changes as minor with the bulk of the approximately 30 adjustments involving the shift of $1 million amounts from one program to another program. There are three major exceptions however.

One is a $30 million reduction in the major program element of research and development for the transition period budget with that money largely transferred for the construction of facilities—research wind tunnels—at NASA centers in California and Virginia. The $30 million reduction in the transition period R. & D. request was provoked by the request for that 3-month period being somewhat larger than a straight 25 percent of the fiscal year 1976 R. & D. request. No new programs were provided for in the transition period funding and it was felt that the cut could be generally distributed by NASA throughout the entire R. & D. program element.

These two major facility construction efforts will provide for an increase in capability for the full-scale testing of a broad spectrum of aeronautical and space vehicles. These tunnels can be justified on an economic basis based upon the demonstrated savings that have accrued in past aircraft development programs when full-scale tunnel tests could be conducted early in the development program before the expensive commitment to flight test.

As regards other major elements of the NASA program, the Space Shuttle, the key NASA effort, is proceeding on schedule without the need for further disruptive delays as were necessitated under the fiscal year 1974 and fiscal year 1975 budget cutbacks; the Landsat-C Earth Resources Satellite is continuing on its schedule for a launch in the fall of fiscal year 1977; aircraft research programs aimed at achieving greater fuel economies continue as a principle focus of aeronautics work; Space Shuttle mission payload planning will continue in the science, applications, and aeronautics areas; and finally, a significant number of NASA, commercial communications, and other domestic, foreign, and international satellite programs will reach launch dates in fiscal year 1976.

The most spectacular launch will, of course, be that of the Apollo-Soyuz test project which is scheduled for July 15, 1975. This will be the only manned space flight before the first orbital flight of the shuttle in 1979.

Mr. Chairman, in summary, the authorization bill now before the Congress is the result of the most careful consideration of testimony and recommendations provided the Science Committee. I strongly believe that the $4.5 billion we are requesting reflects a well balanced program taking into account available resources. As I pointed out, this bill was unanimously approved by the members of our committee, and I urge my colleagues to give this measure their unqualified support.

Mr. RANGEL. Mr. Chairman, I rise in support of the immediate closing of the South African tracking station. H.R. 4700, authorizing apropriations to the National Aeronautics and Space Administration, sets aside $1.2 million to close this station by the end of 1975. Operation of this station is scheduled to end in August while the closing of the station is scheduled for December of 1975. While I strongly favor the closing of this tracking station, I do want to advise the Members that we have been given assurances in the past regarding the closing of this particular station. Needless to say, these pledges have not been fulfilled. Our continued presence in South Africa can be viewed as approval of that nation's abhorrent racial policies. In order that this misconcept be corrected, I have continually urged since I have been in the Congress that the United States take leave of this station as soon as practicable.

South Africa relentlessly practices the evil theory of apartheid. By denying the funds for this station we in the United States will illustrate quite clearly our negative sentiments toward this repressive practice. For too long we in America have sat back and condoned aparthied in South Africa either overtly or covertly. Under this regime no black man or woman has any hope of being able to take an active role in shaping the laws and policies that govern him. Under the present system segregation is complete. Blacks cannot be served in white restaurants, restrooms, or even ride the same public transportation as whites.

Many argue that the internal affairs of other countries should not be tampered with by the United States. I agree. Yet the policies of South Africa cannot be left uncontested. The actions of South African authorities reflect a total disregard for the very basic human rights of people. We must stand up and recognize the need to point out violations in the internationally recognized norms of human rights.

By approving this authorization, the Congress gives a clear signal to the Chief Executive that it is our intention not to participate with any nation that follows obnoxious racial practices. I have faith in the American people to carry the banner of international rights to all corners of the globe, and stand up for the rights of oppressed minorities wherever they may be.

Mr. WINN. Mr. Chairman, I rise in support of H.R. 4700, the authorization bill for the National Aeronautics and Space Administration—NASA—for fiscal year 1976 and the transition quarter.

Mr. Chairman, NASA has demonstrated a capability to push forward the frontiers of technology and also apply these achievements to solving the everyday problems of man. A decade ago space was perceived as a novel environment. After years of perseverance NASA has shown that space is an accessible and valuable working environment.

In some areas NASA can attack important problems both from the ground and from space. Violent weather phenomena such as hurricanes and tornadoes bring considerable property loss and suffering to our citizens every year. A NASA satellite is in synchronous orbit over the Atlantic Ocean which monitors developing weather patterns over the United States. The output of this satellite is made available to weather forecasters and usually is shown on TV weather reports. The more sophisticated use of the weather satellite is to provide data to scientists to help identify potentially destructive storms ahead of time and give adequate warning to local inhabitants.

Hurricanes are relatively easy to diagnose because they take a long time to form. The challenging problem is to identify tornadoes in advance. Tornados form much more rapidly. Satellite data is helping NASA scientists search for clues regarding those particular atmospheric conditions which trigger tornados. NASA airplanes with advanced equipment are being flown to gather data close to Earth on pressure, humidity, and other atmospheric conditions which favor tornado formation. The immediate purpose of this work is to be able to forecast tornados by satellite and/or ground-based equipment. Beyond that lies the possibility that NASA could develop a means of dissipating a tornado before it fully matures.

The most comprehensive and ambitious program currently underway at NASA is the space shuttle development. The space shuttle is a reusable launch vehicle which will be capable of ferrying 65,000 pounds of men and equipment in space. It will replace most of the expendable launch vehicles now in use. Test flights will begin in 1979 and the complete vehicle should be operational by 1980. Progress on the shuttle is on schedule. The shuttle will do for the exploitation of space what the automobile did for interstate travel.

Several exciting programs will take place this year. Project Viking will be launched late this summer and will travel to Mars and then make a soft landing. The instrument package has been designed to transmit to Earth data on organic and inorganic properties of the Martian surface; atmospheric, meteorological, magnetic, and seismic conditions.

Since a prime objective of the mission is to test for signs of life, the entire lander system will be sterilized before launch to insure that no Earth contaminants are introduced to Mars. Besides giving information regarding possible life on Mars, the mineral and molecular data returned to Earth will give scientists deeper insight into the overall evolution of our solar system.

The second significant event of 1975 will be the Apollo-Soyuz test project set for July 15. This is a joint United States-Soviet Union experiment which involves the rendezvous and docking of United States and Soviet space vehicles. The project demonstrates the ability of the two major world powers to cooperate in a sophisticated space mission. The two crews will visit each other's craft after docking and jointly perform scientific experiments. The preparation for the mission has been intensive. Every possible contingency has been anticipated and provisions taken to cope with them.

Mr. Chairman, beyond the impressive array of talent and technology which it represents, NASA stands at the forefront of American technology. Our aerospace technology has been one of the key drivers in retaining the U.S. lead in world technology. Space technology has set the pace; it has established a level of performance and sophistication which others seek to emulate. NASA must continue to be in the vanguard of technology. Space-related technology soon finds its way into the broad base of our industry and economy. It results in the improved products and increase productivity which gives the United States its competitive edge in world trade. I am discouraged by the recent skeptics who allege that technology is a source of our Nation's problems rather than a means to their solution. This erosion of public support is unfounded and erroneous. By vigorously supporting our space program we will assure that America will remain dominant in the balance of powers, the balance of payments, and the overall balance of our budget.

Mr. Chairman, I believe that H.R. 4700 is a responsible bill which will allow us to continue and expand our proven track record in space. I urge my colleagues to join me in supporting it.

Mr. JARMAN. Mr. Chairman, I am pleased to join with the distinguished chairman of the Science Committee, Chairman TEAGUE, and the ranking minority member, Congressman MOSHER in supporting the fiscal year 1976 NASA authorization request. I would also like to compliment the committee for its very painstaking review of the NASA budget and for proposing what I assess to be a well-balanced program for space exploration and Earth-related scientific applications.

As my colleagues are aware, I am a relatively recent appointee to the Science Committee. In spite of the briefness of my membershp, I have been impressed with the committee's thoroughness in analyzing the NASA program. The committee heard from over 56 witnesses including a significant number of outside witnesses and received direct testimony from virtually every major NASA center as well. I therefore congratulate the membership for their diligence in this review.

Mr. Chairman, I personally take pride in the remarkable achievements which NASA has accomplished in space. Our space effort reflects an ingenuity and a perseverance which characterized first the emergence and now the dominance of our country as a world power. NASA's efforts in the well-publicized programs of Mercury, Gemini, Apollo, and Skylab are known and respected throughout the world. These manned programs, in addition to our efforts in space science and applications, are providing techniques and technology directly related to our most pressing priorities here on Earth.

I cite as just one example of the benefits of our space program the Earth Resources Technology Satellite series and the remarkable role it has played in addressing problems related to agriculture, land use, forestry, energy, hydrology, geography, and geology. The committee's hearing record is replete with the contributions of these remote sensing spacecraft.

The ERTS satellite, for instance, produced a three-State land use map of Massachusetts, Rhode Island, and Connecticut for $1 per square mile compared to $10 to $15 per square mile using conventional aircraft surveillance techniques. The mapping was accomplished in 1 day using the satellite versus in excess of 4 weeks using conventional photomapping.

In Alaska, previously unknown oil fields have been detected by the satellite's identification of peculiar topographical features later revealed to be the typical dome structures which form oil traps. These new finds represent promising areas for future fossil fuel exploration. The same type of remote sensing imagery was also responsible for a minor copper rush in central Alaska with two of the ERTS finds now being explored by private mining operations.

As one final example, important crop and crop health surveys have been accomplished throughout the entire country with regards to such critical crops as wheat, corn, and soybeans. The satellite has been invaluable in locating and isolating disease and in determinng optimum harvesting cycles as well.

Mr. LLOYD of California. Mr. Chairman, I rise in support of the bill (H.R. 4700) to authorize appropriation for the National Aeronautics and Space Administration for fiscal year 1976 and the transition period.

The National Aeronautics and Space Administration is an organization of two components: aviation and space research and development. They are complementary in that the skills and techniques applicable to one are generally applicable to the other. The fact that our space program was born out of the National Advisory Committee on Aeronautics—NACA—is an apt illustration of this. The contribution in the aviation area by National Aeronautics and Space Administration often are unspectacular but are essential to our continued dominance in the aviation market in the years ahead. The space portion of the National Aeronautics and Space Administration effort is fast becoming a worthwhile tool of practical applications as our communications, weather prediction, and Earth survey come to depend more and more on space based systems. The promise of making space a fully utilized place of commerce can be fulfilled in the remainder of the 1970's and early 1980's.

The advent of a low cost, space transportation system, the Space Shuttle, promises a versatility in the use of space which to date, has been unavailable at low cost. The belief in this statement is so strong in Western Europe that the European Space Research Organization—ESRO—a consortium of European nations, has committed to a $400 million program to develop and build a Spacelab to be used on the Space Shuttle in the early 1980's.

The Space Shuttle is into its third year of development and is meeting its cost and performance goals set in late 1971. The bill before us today contains a major continuing commitment to development of the Space Shuttle. Reduction in payload development costs and reduction in flight costs are the cornerstones of the Space Shuttle program. Every indication is that these objectives will be met and, therefore, deserve our support.

I would like now to briefly outline a number of areas within the National Aeronautics and Space Administration program which I believe will be of particular significance to my colleagues.

VIKING

A new phase in the exploration of the planet Mars will begin in mid-1976 when two Viking Landers reach Mars surface and begin their scientific investigation. The Viking mission—to orbit and land on Mars—constitutes the most ambitious automated space program ever attempted. The science objectives of the mission are related to man's quest for knowledge about his place in the solar system. Viking will attempt to determine if there is life on Mars or has been in the past, or possibly will be in the future.

Further, the Viking spacecraft will send back detailed information about our sister planet Mars which will aid in understanding the geologic and meteorologic forces which control our own planet's environment.

The Viking spacecraft will be launched from Kennedy Space Center—KSC—in August-September 1975 by two Titan/Centaur launch vehicles. Each spacecraft will consist of an orbiter and a lander. When the spacecraft arrive at Mars—over 200 million miles away—in the summer of 1976, the spacecraft will place themselves in orbits around Mars. After surveys are made of the preselected landing sites, a lander will separate from its orbiter and descend through the atmosphere to land softly on the surface. During descent and once safely down, instruments in the lander will perform biological, meteorological, and geological experiments. Results will be radioed to Earth. The orbiters will continue to circle Mars and obtain data on dynamic planetary processes, and will also act as radio relay stations for sending results to Earth. Each lander will operate on the surface of Mars for at least 60 days.

The chief experiments on the landers are: biology for land detection, organic analysis of the soil, imaging of the landing area, inorganic analysis of the soil, meteorology for atmospheric determinations. Experiments on the orbiter include: imaging, water mapping of the atmosphere, and temperature mapping of the surface. Results from these in situ experiments will give man, for the first time, a fairly complete picture of a planet other than Earth. We should be another important step further along in understanding the evolution of the solar system, the distribution of life within the solar system, and the dynamic planetary processes which shape our geography and control our weather.

After nearly 5 years of development activity, the two Viking spacecraft are now at Kennedy Space Center in the final months of their preparations before launch. All spacecraft equipment has been delivered with the exception of a few science instruments which are scheduled for March and April. The outlook for meeting schedules and controlling costs is favorable. National Aeronautics and Space Administration is confident of launching—on time—two spacecraft which will accomplish their mission objectives.

LANDSAT

The Landsat program, undertaken as a research effort, is an unqualified success. From the engineering standpoint, Landsat-1 is still returning excellent data 2 years and 8 months after operations were initiated. This means that the satellite has doubled its predicted lifetime and will triple it if it is still operating in July of this year; and that's not far off.

Successful satellite operations are a necessary first step, but the second step is to utilize the resulting data in areas of need here on Earth. Has this happened?

In agriculture, investigators have identified five applications areas of great promise based upon their analysis of Landsat imagery. These areas are:

First, inventory and monitoring of agricultural crops on a worldwide basis;

Second, monitoring the changing conditions of rangelands;

Third, inventory and monitoring forest resources;

Fourth, monitoring changes at the urban-rural interface; and

Fifth, inventory of habitat for wildlife management.

The Department of Agriculture has entered into a program with NASA and NOAA called the large area crop inventory experiment, which is designed to find out if data gathered by spacecraft and analysed with the aid of computers can improve the timeliness and accuracy of major crop forecasts. Wheat is the crop being used in the test. If the techniques are successful during the first phase to be conducted over North America, they will then be extended in later phases to other regions and hemispheres.

U.S. Geological Survey geologists have demonstrated that Landsat images can record extensions of known faults, lineaments, and other linear and circular patterns often not visible on aerial photographs, that could be clues to possible oil and mineral deposits. One previously unknown series of such surface features, too large to show up on aerial photography, was spotted on a Landsat image of northern Alaska, indicating a target area for further exploration for oil and gas deposits. This capability of Landsat could be of crucial importance in helping to increase the world's supply of energy and minerals.

In the area of hydrology, investigations have shown that Landsat can map and monitor variations in snow cover extent in important hydroelectric power watersheds in the Pacific Northwest. This capability can give reservoir managers more accurate information on the amount of snow melt runoff enabling them to more efficiently allocate available water among electric power generation, irrigation, flood control, and other needs.

These are but a few illustrated examples, and others can be cited in such areas as flood mapping, cartography, mapping stripmine and forest fire scars, sea ice monitoring, wetlands mapping, environmental degradation control, and surface water mapping. The beneficiaries are all of us, since over 40 States of these United States and 40 foreign countries are participating in the Landsat follow-on program.

Money for Landsat is being well spent not only because Landsat is teaching us a new way to look at the Earth, a way that we cannot duplicate from here on Earth or from aircraft, but also because it is estimated that the benefits to the Nation from the development of this technology should exceed the costs of development many times over.

I have chosen these programs as illustrative of NASA's applications and new knowledge programs to point to the importance of a strong effort in aviation and space during the remainder of this decade. Your support of H.R. 4700 will further this objective.

Mr. HALL. Mr. Chairman, I rise in support of H.R. 4700 to authorize funds for the National Aeronautics and Space Administration. The contents and importance of this legislation has been well covered by the gentleman from Texas, the distinguished chairman of the committee (Mr. TEAGUE) and my colleagues on the Committee on Science and Technology. I want to emphasize only one program underway within the National Aeronautics and Space Administration today. It illustrates to me, and I believe the general public, the importance of the use of space to meet pressing national needs.

Since its launch on May 30, 1974, the advanced technology satellite—ATS-6—has, with minor exceptions, performed flawlessly. All experiments have undergone successful technical checkout. All of them have been successfully demonstrated except for the satellite instructional television experiment for India scheduled to begin in July. The ATS-6 mission met all of its primary objectives and was declared a success on September 26, 1974.

The significant accomplishments of the ATS-6 mission include the demonstrated practicality of satellite TV broadcasting to low-cost ground terminals.

The health/education telecommunications—HET—experiment among remote and isolated rural communities in Appalachia, the Rocky Mountains, and far Northwest—Washington and Alaska—has shown the practicality of providing such modern educational and health-care services for the first time on an experimental basis.

This satellite technology application has made possible the delivery of graduate-level college courses to teachers in service in both the Appalachian and Rocky Mountain regions. About 20 universities and colleges have agreed to accept these courses for credit.

Satellite broadcasting has also been applied to the provision of medical services and education to remote and isolated populations in Alaska. The Indian Health Service has been able to optimize clinical and medical specialty services to isolated native villages through the video telediagnosis and consultation capabilities provided by ATS-6.

Medical students in Alaska, where there is no medical school, have had the opportunity to attend first-year medical studies from the University of Washington School of Medicine via ATS-6, before transferring to the University of Washington to complete their studies. Similarly, seminars have been supplied to health professionals in 11 Veterans' Administration hospitals. These have received accreditation for continuing medical education from the American Medical Association, the American Dietary Association, and several State nursing associations.

The Advanced Technology Satellite—ATS-6—is supporting over 20 practical programs demonstrating the ability to deliver educational and medical service heretofore unavailable because of economics or distance or both.

When this outstanding program is arrayed beside the other practical space applications and technology programs of NASA it is clear why support for our space effort is an essential component of our society in the years ahead.

I urge support and adoption of H.R. 4700 as recommended by the committee to the Members of this body.

Mr. BELL. Mr. Chairman, I rise in support of H.R. 4700. The authorization bill for NASA for fiscal year 1976 and the transition quarter.

I have witnessed the development of NASA into a vital national resource.

Through its satellite technology. NASA's research has practical applications in the fields of communications, agriculture, and geology.

NASA has pioneered the search for improved energy sources and better energy conservation.

I wish to add my strong endorsement to NASA's biomedical research efforts.

I am familiar with the need for biomedical research, especially from having worked with legislation for the handicapped in my Education and Labor Subcommittee.

NASA has perfected technology for improved health diagnosis and treatment.

Furthermore, the committee kept within budgetary limits in approving this authorization bill.

The total dollar figure is only slightly above the amount requested by the Administration.

For these reasons, Mr. Chairman, I strongly urge passage of H.R. 4700, so that NASA's research might continue at a steady pace.

Mr. PICKLE. Mr. Chairman, the National Aeronautics and Space Administration stands today as one of the best examples of government that works. Created to pull together a wide range of fields and to acomplish a task set before it, it did just that.

The temptation is often to say that the task is over and we can now forget the whole thing. The temptation is especially strong when we are facing severe budget constraints such as we face today. The temptation is to say "no" to space when we are facing down-to-earth problems of the magnitude and complexity we face today.

But that is not the case. Our two futures, space and Earth, are now intertwined. We use space for communication. We use space to map and chart our lands; to study earthbound natural disasters, to prepare for them and to direct the cleanup after them. We now face tasks as critical as seeing if that miracle of modern convenience, the aerosol can, is destroying the Earth's natural protective shield against harsh radiation.

These are down-to-earth problems. But the answers lie up in space. And it is the National Aeronautics and Space Administration which has the duty to ferret out those answers.

In a different tone, throughout all history man has never been more magnificent than when he dared to "reach for the stars." This could be in daring to dream of helping the less fortunate, of daring to create a free society, of daring to question established beliefs, of daring to reach out and expand his knowledge of his universe.

It sounds melodramatic, but I think that as we consider where to spend our Federal budget, we should not forget the role of the dreamer and the reacher in the advancement of mankind—and we should not forget that NASA is an integral part of that dream.

And, along those same lines, I would dare to suggest that we might wish parts of this NASA budget had an even more generous slice. I am speaking here of portions which support basic research. Basic research is the hardest thing to support. Often it has no fixed objective. Usually we are not really sure what all we can get out of it. What we are asked to do is support an amorphous entity called brain power. Yet, is that not the most important tool that man has?

At the University of Texas one of the world's major observatories, the McDonald observatory, gets significant funding from the NASA budget. But this funding falls in this hard to understand basic research category—and it often suffers severely. This year is no exception. Under the physics and astronomy program, supporting activities are still not back up to a 1973 level after a severe whack in 1974. Under lunar and planetary exploration, the planetary astronomy line has been held constant—or effectively reduced—for 6 or 7 years running, and the lunar science operations line is held constant in spite of a worthwhile request from McDonald for a lunar laser telescope which can pinpoint within an inch the movements of the earth's plates, watch the formation of her crust, and give us other information which will increase geometrically our understanding of our Earth, how minerals are formed and where, why earthquakes occur and when, and so forth.

So again, we get down to the fact that the "far out in space" agency, NASA is really a very down to earth program.

I hope my colleagues here today will give this bill their support.

Mr. BADILLO. Mr. Chairman, I rise in opposition to H.R. 4700. I cannot support the authorization of $3.58 billion for the National Aeronautics and Space Administration at the time of economic crisis and serious social ills.

I fail to understand the administration's priorities in supporting this legislation. President Ford has asked Congress to hold the line on spending, exercise fiscal restraint, and enact no new social welfare programs, yet would provide more than $1 billion for research and development of a Space Shuttle. The problems of poverty, hunger, and the elderly go unattended while billions of dollars are spent for programs of space exploration. Given the state of our economy and particularly of our cities, I cannot support the NASA authorization bill.

Mr. CASEY. Mr. Chairman, I would like to urge full support for the authorization considered for NASA.

The authorization requests a modest increase in appropriations amounting to slightly more than $300 million, and in view of inflated costs and the increasing demands placed on NASA in research and development, is more than justified.

A significant portion of the authorization will be applied to space and nuclear research, to technology utilization and to energy technology applications. As our Nation seeks new energy resources, there can be no greater priority than for the development of the scientific data concerning energy application, which NASA's scientists have proven they are so capable of developing.

The continuation of a number of NASA projects are included in this authorization, including the Space Shuttle, and further developing technology that will allow mankind to benefit even more from the utilization of outer space.

I know that it would be repetitious to again outline the many benefits to this Nation that we have gained from NASA over the last 17 years, or to enumerate the gains in prestige that our space program has brought our Nation.

I do wish to state my full support for NASA and for this authorization, Mr. Chairman, and I urge my colleagues to give it their full support. I am confident they will join me in highly commending the committee for the diligent, perspective, and excellent manner they have prepared this authorization.

We can all be assured that in the future, as in the past, our confidence and our tax dollars, are well placed in NASA.

Mr. HUGHES. Mr. Chairman, budget deficits are projected as high as $100 billion for fiscal year 1976. It is imperative, therefore, that we cut the budget where we can and encourage the Ways and Means Committee to continue the excellent start it has made in enacting true tax reform this year.

While I emphasize that it is not my intent to express dissatisfaction with the concept of space flight and aeronautical research and development, I nonetheless am compelled to vote against a $4.5 billion appropriation to the National Aeronautics and Space Administration at this time.

We simply must get our priorities closer to the ground.

This Congress has taken risks through the passage of multibillion-dollar spending programs in the hope that such action will end the serious recession we are now in.

But we should plan as well for cutting back where we can to recoup moneys lost to the Treasury. The space program, to me, is an area where I believe budget trimming is in order.

I intend, therefore, to vote against firing another $4.5 billion into space while we have more serious needs to address on the ground. In so doing, I hope that the Committee on Science and Technology will review the authorization with a view toward finding additional areas where program savings can be made.

A lesser authorization, I could support.

Mr. FLOWERS. Mr. Chairman, I rise in support of H.R. 4700, a bill to authorize appropriations for the National Aeronautics and Space Administration. This bill provides a continued basic program for space applications and scientific exploration. My remarks will center on three elements of our space program. The first reviews a near term project, the Apollo-Soyuz test project, the second are comments I believe need to be made on Space Shuttle economics and finally my views on the payloads that will be carried on the Space Shuttle.

APOLLO-SOYUZ TEST PROJECT

In July an era will end when the Apollo-Soyuz test project is completed. NASA can be justifiably proud of its accomplishments during that era of manned flights using expendable vehicles. It has been a period of spectacular scientific and engineering achievements. The ASTP mission closes the era appropriately as we look forward to the coming Space Transportation System. This mission is no space spectacular but is an important program from which we expect to gain significant dividends.

First of all let me emphasize its primary objectives of rendezvous, docking, and crew transfer. The development of compatible systems to accomplish these objectives should do much for future joint space operations, both in near Earth orbit and outer space, in which two or more nations can participate. We all know how expensive space exploration and utilization has become. One way to spread this cost is by joint ventures. Apollo-Soyuz will go a long way in developing the equipment, techniques, procedures, and operational controls and communications, both space and ground, with which joint ventures, manned or unmanned, with the U.S.S.R. or any other nation or nations may be carried out.

Second, the experiments to be performed will make a significant contribution to the existing state of the art in the four areas being investigated: space, science, Earth resources, space processing and manufacturing, and life sciences. For example, building on the experience of earlier manned missions, Earth features and phenomena will be observed and photographed, such as ocean currents, plankton blooms and red tide concentrations, desert movements and dune patterns, fault structures in earthquake regions, snow cover and melting patterns, and dynamic features of tropical storms. These data will be used to better understand the Earth and its environment.

Another example is the extension of the preliminary Apollo and Skylab experiments in the field of space processing of materials by melting and solidifying various metal combinations in an improved Skylab furnace. In another experiment, crystals will be formed in a water solution. Both techniques could lead to improved materials for such application as integrated circuits, infrared lenses and high strength magnets.

The cooperation between United States and Soviet engineers and scientists on this project have been commendable. It is the hope that this spirit of good faith and cooperation can grow in years ahead.

With those comments on the close of the manned expendable rocket era, I would now like to examine some of the important implications of the manned low cost, space transportation system—the Space Shuttle.

SHUTTLE ECONOMICS

The Space Shuttle is designed to carry out various missions in Earth orbit at a fraction of the cost of conventional launch vehicle systems. The Shuttle will be able to send most unmanned applications spacecraft into orbit; for example, communication, weather, navigation, Earth resources observation satellites and military spacecraft.

Scientific spacecraft for the study of near and far space will also be launched by the shuttle. Men will be able to supervise the launch and placement of the satellites and will be able to service and repair them as needed. As a result, satellite and launch vehicle failures, which require the construction of a whole new satellite, will no longer occur.

The Space Shuttle will make space operations less complex and less costly. A 1973 mission model analysis shows $14.10 billion net benefits will occur utilizing the Space Shuttle to place payloads into space, support payloads in space, and return them to Earth rather than be confined to the use of expendable launch vehicles during the period from late calendar year 1980 through 1991. These cost benefits are attributed to: First, major parts of the shuttle system being reused rather than thrown away; second, lower launch costs; third, increased launch vehicle reliability; fourth, payloads having the capability of being supported in orbit, retrieved, and reused; and, fifth, the shuttle launch environment and large cargo carrying capabilities permitting lower cost payload designs.

The Space Shuttle will extend man's ability to do useful work in space while contributing to the economy of space operations. The shuttle will also encourage far greater participation in space flight. The shuttle will be built and pressurized so that passengers, such as scientists, engineers, and others will be able to go into orbit to supervise and check on their space experiments.

By lowering the cost of space operations, the shuttle will encourage not only our country but other nations to participate in space activities. The Space Shuttle will make launching payloads into Earth orbit a virtually routine event.

My last comment in support of H.R. 4700 today deals directly with the payloads that the Space Shuttle will carry.

PAYLOADS THAT CAN BE LAUNCHED ON THE SPACE SHUTTLE

The Space Shuttle will have the capability to carry to Earth orbit payloads up to 15 feet in diameter and 60 feet long and weighing 65,000 pounds. Payloads up to 32,000 pounds can be returned from orbit to Earth for refurbishment and reuse. In conjunction with an interim upper stage, to be developed by the Air Force, payloads can be placed in geosynchronous orbits or launched to deep space. With the exception of the Apollo lunar missions, the Space Shuttle, in conjunction with the interim upper stage had it been available, would have been capable of launching any of the space missions which the United States has launched in the past 17 years.

The types of payloads that will be placed in geosynchronous orbit include communication satellites and payloads designed to repetitively view the same areas of the earth in order to identify changes with time with emphasis on the atmospheric, oceanographic, and landing monitoring. The monitoring capabilities of these payloads will support weather prediction, weather dangers and disaster warnings, fisheries resources management, maritime activities, mineral and land resources, agriculture, forestry and range resources, and environmental quality and control.

As a launcher of automated satellites the shuttle can deliver spacecraft for all scientific and application disciplines including astronomy, solar physics, atmospheric and space physics, high-energy astrophysics, biological sciences, Earth observations, Earth and ocean physics, and space technology. The Large Space Telescope for instance, is being designed for launch by the shuttle and, after several years on-orbit, it will be recovered, returned to Earth, refurbished, and reused. This scenario will be followed by many other payloads.

In what is called the Spacelab "sortie mode," the space transportation system will be used as a space platform to perform investigations in disciplines which benefit from being above the Earth's atmosphere or from a zero-g environment. For example, short wavelength infrared and ultraviolet astronomy requires a space platform for observation since these stellar emissions are absorbed by the earth's atmosphere. X-ray astronomy also owes it existence to the space age when X-ray detectors were put on satellites.

Many life science and biological functions are influenced by zero gravity, radition, and circadian rhythms, factors which are inherent in the space flight environment. Materials science and technology will capitalize on the weightlessness experienced in zero-g and the vacuum of unlimited capability available in space to exploit the production and manipulation of mixtures that are not stable in normal gravity. Processes utilizing the enhanced control over heat and mass transfer that is made possible by the convectionless behavior of weightless fluids will also be investigated.

The Space Shuttle is the backbone of the space transportation system of the 1980's and is being designed to be compatible with the full range of anticipated payload requirements as they can be identified today. With a low cost transportation system a larger proportion of the dollars for the program will be devoted to payloads.

As the distinguished gentleman from Florida (Mr. Fuqua), the able chairman of the Subcommittee on Space Science and Applications has pointed out there are no new programs in this budget. But the programs do look ahead to our national needs of the 1970's and 1980's and to maintaining a growing base of new scientific knowledge.

For a few moments I will briefly examine some of the practical and scientific gains we can expect from the space program for the next several years.

In 1976 a series of significant satellites will be launched including:

Geodynamic Experimental Ocean Satellite–C, GEOS–C: A geodetic satellite to demonstrate the applicability of new instrumentation for NASA's Earth and ocean physics applications program, is scheduled for launch in March from the western test range.

Nimbus–F: One of a series of spacecraft to develop and flight test advanced sensors and technology to study the atmosphere and provide data for weather and climate research, it is scheduled for launch in May from the western test range.

Cooperative Applications Satellite, CAS: This joint United States-Canadian experimental communications satellite will use a very high power television transmitter in space to broadcast to small ground terminals. It is scheduled for launch late in 1975 or in 1976 from Cape Canaveral.

Apollo Soyuz Test project, TSTP: A joint endeavor of the United States and the Soviet Union to conduct a joint experimental mission to rendezvous and dock a manned Apollo spacecraft with a manned Soyuz-type spacecraft to test these docking systems in orbit. Each nation is separately developing docking systems based on mutually agreeable single set of interface design specifications.

The mission will include testing a compatible rendezvous system in orbit: Testing the compatible docking systems; verifying techniques for transfer of astronauts and cosmonauts; conducting experiments while docked and undocked; developing experience for the conduct of potential joint flights by the United States and U.S.S.R. spacecraft, including, in case of necessity, rendering aid in emergency situations. The Apollo will be launched from Kennedy Space Center, Fla., and the Soyuz from the Soviet Union both on July 15.

Viking: Two spacecraft will be launched from Cape Canaveral on a 440-million-mile journey to Mars on August 11 and 21. They will arrive at Mars about July 4, 1976. Upon reaching the planet, each of the spacecraft will separate into two parts, an orbiter and a lander. Together they will conduct scientific studies of the Martian atmosphere and surface empasizing the search for extraterrestrial life. While the orbiter performs television, thermal and water vapor mapping, the lander will conduct analyses of the Martian soil and atmosphere.

In addition to these flights a small astronomy satellite, one orbit solar observatory and two small explorer satellites to examine the upper atmosphere will be launched in 1976. Mariner 10 also is to take an unprecedented third look on Sunday, March 18. This spacecraft was originally launched in 1973.

NASA is active this year in several modest but significant energy research and development efforts where technology developed for space and aeronautics is finding important and promising applications. Some specific projects include solar heating and cooling; windmill energy systems; improving energy efficiency of automobiles and trucks; identifying energy resources on Earth with spaceborne instruments; fuel conservation in civil air transport; and general energy and environmental conservation techniques and alternatives.

In May 1974, NASA Administrator Dr. James C. Fletcher established a new NASA office and named scientist-astronaut Dr. Harrison H. Schmitt as NASA Assistant Administrator for Energy Programs. This office permits NASA to support other Federal agencies responsible for energy research and development more effectively, insuring the application of NASA developed technology to critical energy problems facing the Nation. In fiscal year 1975, $4.435 million was authorized for this work and the requested authorization for fiscal year 1976 is $5.9 million.

In 1977 NASA will make three significant launches.

Laser Geodynamic Satellite, LAGEOS: Scheduled for launch in 1976 from western test range, this passive satellite is a solid sphere fitted with about 600 laser retroreflectors. Laser beams from ground stations will be bounced off it and returned to Earth, permitting very accurate position location of both ground station and satellite for determining movements of the Earth's crust that can cause earthquakes.

International Ultraviolet Exployer, IUE: This Explorer-type spacecraft, scheduled for launch in 1976, is designed to obtain high resolution untraviolet data on many types and classes of astronomical objects. Launch will be from Cape Canaveral.

Helios-2: A cooperative project with the Federal Republic of Germany is planned for launch in 1976. Helios-1 was launched in interplanetary space close to the Sun.

Perhaps the most visible activity of 1977 will be the beginning of the Space Shuttle horizontal test flights in 1977. The Space Shuttle, a reusable space vehicle operated as a transportation system for a wide variety of space missions in low Earth orbit. The Shuttle will deploy scientific and applications satellites of all types. Since it can carry payloads weighing up to 65,000 pounds, it will replace most of the expendable launch vehicles currently used. Following the horizontal test flights will be orbital test flights in 1979 and the complete vehicle is expected to be operational in 1980. It is expected that the Air Force will fund and develop an interim upper stage—IUS—to be used for Shuttle missions which require a higher orbit beyond the Shuttle's capabilities. The IUS will be available when the Shuttle becomes operational and will be used until the mid-1980's when the fully reusable Space Tug will become operational. Another element of the full space transportation system is Spacelab. This is being developed, manufactured and funded by the European Space Research Organization—ESRO—a consortium of European nations. Spacelab is a versatile new laboratory which will be carried in the cargo bay of the Space Shuttle. It will be staffed by as many as four persons during orbital flights than can last as long as 30 days. Spacelab will be suitable for research projects in Earth resources, solar investigations, astronomy, materials processing, and several other areas.

In addition to the Space Shuttle activity in 1977 six other investigations will be undertaken.

Television Infrared Observations Satellite-N (TIROS-N: Scheduled for launch in mid-1977 is the prototype of the next generation of polar-orbiting operational meteorological satellites. It will use new and advanced instruments required for NOAA's operational environmental satellite system. It will be launched from western launch operations division.

Heat Capacity Mapping Mission, HCMM: Small spacecraft are scheduled for launch in 1977, to measure day and night temperature differences or areas of Earth's surface to determine thermal inertia of the surface material. They will be launched from western test range.

High Energy Astronomy Observatory, HEAO: Designed to extend our present knowledge of extraterrestrial X-ray and gamma-ray sources by using heavier and more sensitive instruments than previously possible. HEAO–C are scheduled for 1978 and 1979 all from Cape Canaveral.

International Sun and Earth Explorers, (ISEE): A joint effort between NASA and the European Space Research Organization, the program consists of two Delta launches of three spacecraft from Cape Canaveral. This mission will investigate solar-terrestrial relationships at the outermost boundaries of the Earth's magnetosphere.

Mariner Jupiter/Saturn 1977: Two spacecraft will be launched from Cape Canaveral—one in August 1977 and the second in September 1977—to fly by Jupiter and Saturn and conduct exploratory investigations of the Jupiter and Saturn planetary systems and the interplanetary medium out to Saturn.

LANDSAT–C: Scheduled for launch late in 1977 from western test range is the third spacecraft in the series formerly called Earth Resources Technology Satellite, ERTS. The spacecraft, which will carry improved sensors to collect more detailed data than its predecessors, like them will circle the Earth 14 times a day, returning images used in investigations in such resources disciplines as agriculture and forestry, geology and mineral resources, land use, water resources, environment, and mapping.

In 1978, NASA has two application oriented and one scientific satellite launch planned.

SEASAT: Scheduled for launch in 1978 from western test range, this will be the first satellite devoted exclusively to collecting data for study of the ocean. It will circle the globe 14 times a day and observe all Earth's open oceans and coastal areas.

Nimbus–G: Scheduled for launch from western launch operations division in 1978, this satellite will carry advanced instruments for monitoring pollution and measuring oceanographic and meteorological conditions.

Pioneer Venus 1978: Two spacecraft, an orbiter and a lander to be launched early in 1978 from Cape Canaveral, are due to arrive at Venus late in 1978. The lander will drop four small probes and then itself will become a large probe which will radio data to the orbiter circling the planet. The spacecraft will study the Venusian atmosphere and cloud structure.

The efforts that I have outlined will aid in solving problems of our daily life while increasing our technology and scientific base. Both are essential if we are to be a vital and prosperous nation in the final half of the 1970's and in the 1980's.

Your support of H.R. 4700 before us today will contribute to those objectives.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time and I reserve the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,206,000,000;

(2) Space flight operations, $203,100,000;

(3) Advanced missions, $3,000,000;

(4) Physics and astronomy, $156,800,000;

(5) Lunar and planetary exploration, $258,900,000;

(6) Launch vehicle procurement, $166,900,000;

(7) Space applications, $181,530,000;

(8) Aeronautical research and technology, $175,350,000;

(9) Space and nuclear research and technology, $76,900,000;

(10) Energy technology applications, $5,900,000;

(11) Tracking and data acquisition, $240,800,000;

(12) Technology utilization, $9,000,000;

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Modification of 11- by 11-foot transonic wind tunnel, Ames Research Center, $2,695,000;

(2) Addition for composite model and metal finishing shops, Langley Research Center, $1,940,000;

(3) Space shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $13,110,000;

(B) Construction of Orbiter processing facility, John F. Kennedy Space Center, $8,160,000;

(C) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, $5,240,000;

(D) Modifications for hypergolic checkout and refurbishment facilities, John F. Kennedy Space Center, $6,303,000;

(E) Modifications for launch equipment test facilities, John F. Kennedy Space Center, $1,960,000;

(F) Construction of Orbiter approach and landing test facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $1,380,000;

(G) Construction of Shuttle/Carrier aircraft mating facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $3,890,000;

(H) Modifications for crew training facilities, Lyndon B. Johnson Space Center, $830,000;

(I) Modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, $2,410,000;

(J) Modifications for solid rocket booster component manufacturing and assembly facilities (location to be designated), $3,000,000;

(4) Modification of 40-by-80 foot subsonic wind tunnel, Ames Research Center, $12,500,000;

(5) Construction of Transonic Research Tunnel, Langley Research Center, $27,500,000;

(6) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $16,000,000;

(7) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,000,000;

(8) Facility planning and design not otherwise provided for, $13,775,000.

(c) For "Research and program management," $776,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing or unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (7), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate on the circumstances of such action, may be varied upward 25 per centum,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (7) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), or (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Aeronautical and

Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Aeronautical and Space Sciences,

(2) no amounts appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Sec. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Sec. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriation Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract. The contract shall include a provision under which the Government may acquire title, upon termination of the contract, to facilities, equipment, and spacecraft which have been acquired in the performance of the contract, under terms and conditions agreed upon in the contract. The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

Sec. 7. In addition to the amount authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than July 1, 1976:

(a) For "Research and development," for the programs specified in the following paragraphs, $700,600,000, of which no more shall be avaliable for any such program than the amount stipulated (for that program) in the applicable paragraph:

(1) Space Shuttle, $321,000,000;

(2) Space flight operations, $55,100,000;

(3) Advanced missions, $500,000;

(4) Physics and astronomy, $46,600,000;

(5) Lunar and planetary exploration $73,300,000;

(6) Launch vehicle procurement, $40,400,000;

(7) Space applications, $54,700,000;

(8) Aeronautical research and technology, $46,800,000;

(9) Space and nuclear research and technology, $22,300,000;

(10) Energy technology applications, $1,500,000;

(11) Tracking and data acquisition, $66,400,000;

(12) Technology utilization, $2,000,000. Notwithstanding any other provision of this Act or any action taken with respect to the other programs specified in this subsection, the entire amount stipulated for the purpose of "Aeronautical research and technology" in paragraph (8) shall in any event be avaliable for that purpose.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $4,000,000.

(2) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,250,000;

(3) Facility planning and design not otherwise provided for, $2,800,000.

(c) For "Research and program management," $213,800,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

Sec. 8. Notwithstanding section 552 of title 5, United States Code, the Administrator may prescribe such regulations as he may deem to be necessary to permit the release with restrictions for a limited period of time or to prohibit disclosure of any technical information obtained or developed by the Administration in its conduct of research and development activities, if such technical information—

(a) contains ideas, concepts, or designs which have been submitted in confidence to the Administration by any person, firm, or institution; or

(b) results from a program of the Administration and the Administrator determines that disclosure or unrestricted release of such information to foreign competitors of the United States may be detrimental to the preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof.

Nothing in this section shall be construed to authorize the withholding of information from duly authorized committees of Congress, or to restrict or modify any authority presently existing in any other agency or department of the Government of the United States to exchange information or otherwise to authorize or license the export of information.

Sec. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1976".

Mr. TEAGUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Abzug: Page 13, line 13, strike section 8.

The CHAIRMAN. The gentlewoman from New York (Ms. Abzug) is recognized for 5 minutes in support of her amendment.

Mr. TEAGUE. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, the Government Operations Committee, which has basic responsibility for the Freedom of Information Act, think we have a section in this bill that is in conflict at least with their thinking and they have promised a hearing on the matter and to give this committee consideration, and with that this side will accept the amendment.

Ms. ABZUG. Mr. Chairman, the Government Operations Committee, which has oversight over the Freedom of Information Act, is of the opinion that there is presently adequate protection under the Freedom of Information Act for the questions raised here, particularly the exemption provisions, sections 552(b)(1) and 552(b)(4), which protect the national security and trade secrets respectively.

In the course of our discussion with the committee handling the bill on the floor some issues were raised as to the application of the Freedom of Information Act in particular instances. We agreed in our discussion that we would be very happy in the oversight committee which I chair, the Subcommittee on Government Information and Individual Rights, to hold hearings on the particular questions raised that concerned the Members who urged the inclusion of section 8 in the bill.

I would therefore urge that section 8 of this bill be stricken.

Mr. MILFORD. Mr. Chairman, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, it is my understanding from the chairman of the Government Operations Committee that this would be heard by the legislative subcommittee. Was that different from the gentlewoman's understanding?

Ms. ABZUG. Yes, the legislative committee of the Government Operations Committee is the Subcommittee on Government Information and Individual Rights which has both the legislative and oversight authority over the Freedom of Information Act.

Mr. MILFORD. I thank the gentlewoman.

Ms. ABZUG. I would like to further explain to my colleagues that if each agency of the Government is permitted to suggest their own particular exemptions to the Freedom of Information Act, the act itself will become a shambles, filled with loopholes and exceptions on top of exemptions. The proper means for correction of possible difficulties is hearing and consideration by the legislative committee responsible for the act.

Mr. MILFORD. I thank the gentlewoman. I could care less what the various agencies request or suggest, that is not the issue. The issue covered by section 8 involves the leakage of technology to foreign governments and the protection of confidential information that industries share with NASA.

I will agree to the amendment with the understanding that the Government Operations Committee will hold hearings on this problem.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. ABZUG).

The amendment was agreed to.

Mr. FREY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 4700, the authorization bill for NASA for fiscal year 1976 and the transition quarter.

Mr. Chairman, for the past decade NASA has set the pace in aerospace technology. Its programs have been the driving force behind many technical breakthroughs. These achievements have had more pervasive benefits for our country than just the accomplishments of the immediate space-mission application for which they originally were developed. The technology advances spearheaded by the space program have proliferated throughout our economy and filtered down to the advantage of the average citizen.

For the past several years it has been fashionable for some to preach a gospel of gloom and doom with respect to the role of technology in the world. The theme is that technology is the source of our problems rather than a likely source of their solution. Such a position is totally erroneous. Unfortunately it has eroded some public confidence in and support for technology programs. Our advanced technology has been assimilated by American private enterprise with resulting high productivity and superior products. This is responsible for the favored position for American products in the world market. If the pace of our technology slackens then the eventual negative impact on our industrial productivity will aggravate our deteriorating position in world trade.

There is no better example of the positive effects of technology achievements in our overall economy than a scrutiny of NASA's technology. A recent study by the Midwestern Research Institute has dramatically highlighted the sweeping benefits which new technology brings. It was determined that for each R. & D. dollar spent that more than $7 of technologically induced economic gains are generated over an 18-year period following the expenditure. The $25 billion spent on civilian space R. & D. from 1959–69 has returned $52 billion as of 1970; it will continue to generate a return to at least 1987, at which time the total return will be $181 billion. Thus, R. & D. expenditures are a good national investment. A vigorous R. & D. effort is an essential catalyst for sustained economic growth.

Looking at current NASA programs, the most ambitious and challenging is the Space Shuttle development. The Space Shuttle will replace virtually all of our expendable launch vehicles. It aims to make spaceflight less costly and more routine by designing a reusable space vehicle system. The Space Shuttle will be able to ferry men and equipment into space. For example, satellites will be carried into space by the Shuttle and then placed in orbit. The Shuttle will also have the capability of retrieving malfunctioning satellites for repair and maintenance.

The Space Shuttle consists of an orbiter mounted with two solid rocket boosters and a large propellant tank. Everything is reusable except the propellant tank. The shuttle orbiter has a payload volume of 370 cubic yards and cargo capacity of 65,000 pounds. This high weight and volume factor will allow the use of less complex and costly equipment. Heretofore, the stringent weight and size constraints on payloads have necessitated expensive and complex equipment packages. With this constraint relaxed, less expensive and more reliable hardware can be used. The Space Shuttle will have a flight crew of three: commander, pilot, and mission specialist. In normal situations it can carry seven persons in space for up to 7 days.

A review of Space Shuttle economics reveals that it will be extremely cost effective. In many cases savings of 50 percent of the program costs should be realized. Comparing cost projections for a 45 program package shows that with expendable launch systems the total cost is $16.1 billion while with the shuttle the cost is $10.1 billion. The current cost of a Atlas-Centaur launch is $16.5 million for a 14,000-pound payload; a Titan III launch is $35 million for a 30,000-pound payload. Shuttle flights will cost about $10 million for a 65,000-pound payload. This improvement can be highlighted by focusing on one program: the orbital astronomical observatory–B. Using a conventional launch the total cost for OAO–B is $212 million versus $105 million for a version launched by shuttle. The total savings comes from the reduced launch cost and reduced satellite hardware costs.

Another money saving feature of the Space Shuttle is its ability to repair satellites. Many NASA satellites cost between $40 and $100 million each. One malfunctioning part can ruin an entire mission; with shuttle the problem could be solved and the mission saved.

Besides reducing the costs of currrent programs, the Space Shuttle will make possible programs which would not be possible otherwise. The European spacelab will be carried into orbit by shuttle. It would be prohibitively expensive to launch and assemble by conventional means. Also our experience with Skylab has shown that space has special effects on crystal growth and biological processes. With easier access to space we can begin to capitalize on these advantages in a comprehensive way. Our past space achievements have whet our appetites for what can be done in space; the Space Shuttle will let us realize our great expectations.

While the Space Shuttle will not be operational until 1980, its program is already returning benefits to our economy. Today almost 31,000 contractor employees in 47 States are at work on the Space Shuttle development. The number will soon reach 34,000 and within 2 years it will be 50,000.

While the long-range programs underway at NASA are exciting, there are no less valuable projects currently in operation. Just a few days ago the best imagery ever of the planet Mercury was obtained. Scientists will be busy studying this data to determine new facts regarding origins of Mercury and perhaps additional information on the formation of our own planet. Later this year the Viking Mars mission will be launched. Viking aims to send a spacecraft to Mars for a soft landing. The landing craft will contain equipment to sample critical environmental factors such as water vapor and chemical composition. This data will not only serve to resolve the questions which men have asked of Mars for centuries, but also help resolve unanswered questions about the Earth's evolution. The soft landing is scheduled for early July 1976. This will be a fitting tribute to our Bicentennial.

The Apollo-Soyuz test project has the dual objective of scientific research as well as demonstrating the capability for international cooperation in joint-space missions. This United States-Soviet venture will underscore the many opportunities which exist for cooperative projects in space. Each nation has built its own spacecraft after joint discussions and agreement on all significant features.

NASA can also play a valuable role in helping solve the energy crisis. NASA is comfortable in dealing with advanced technology. It can focus on small technical points, but not lose sight of the overall objective. NASA can make a positive contribution by demonstrating the technical viability of promising but unproven concepts. For example, the possibility of harnessing the thermal energy trapped in the oceans was known long ago, but no incentive existed to pursue this innovative energy source. Although small ocean thermal gradient conversion units have been operated, no large scale plants have ever been built. The remaining work consists largely of system engineering and design; no further research is required. NASA is expert on system design and integration and could assist in bringing this new form of solar energy to the point of practical application.

Mr. Chairman, technology is one of the key pacing factors in sustaining our economy and our standard of living. And NASA aerospace technology is the technology which leads all others. NASA programs have been at the cutting edge of new advances for a decade. In all instances, NASA programs have a dual effect: first, the successful accomplishment of the mission at hand, and second, the upgrading of American talent and productivity. While we often focus our attention on the first effect, the second effect is one whose residual benefits are substantial.

Mr. Chairman, I am confident that my colleagues recognize and appreciate the role which NASA plays in maintaining our technical superiority in the world. The money we spend on NASA programs is an investment. It is an investment which sparks our economy and will be returning dividends even a decade hence. I urge my colleagues to join me in voting for continued progress and constructive growth.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I rise in support of H.R. 4700, and would like to add a few remarks to those of the gentleman from Texas (Mr. MILFORD) chairman of the Subcommittee on Aviation and Transportation R. & D.

For many years, the Committee on Science and Technology has been a strong supporter of more extensive work by NASA in providing the technology which could be used to reduce aircraft noise. We have urged a higher priority for noise abatement and have held extensive oversight hearings in past years—including two reviews in the past 15 months. This past December we issued a report strongly urging rapid action by the FAA to require modifications of aircraft and operating procedures which should result in significant reductions in noise.

NASA research and technology over a number of years led to these modifications being made possible. First, sound absorbing materials have been developed and tested on aircraft. Second, operating procedures have been tested which show that noise on landing can be reduced—using a two-segment approach. Third, a major engine modification has been tested and proven possible for incorporation in future new production aircraft.

The NASA aircraft noise program has involved: First, a major in-house acoustic research effort, second, a strong university basic research program, and third, an industry based contract research program.

Much emphasis was initially placed on jet noise reduction, but the most significant early demonstration of technology to reduce aircraft noise was for fan noise suppression—fans are the primary noise source on landing. Flight demonstrations of fan noise reduction by acoustically treated nacelles were conducted on Boeing 707 and McDonnell Douglas DC–8 aircraft in 1968–69 at the Langley Research Center. Wide body aircraft now in the fleet, which include the Douglas DC–10, Boeing 747, and Lockheed L–1011, all employ fan noise suppression technology whose first major demonstration was in the NASA sponsored program.

Beginning in 1969 and continuing through 1973, the technology available for reducing fan noise through mechanical design changes as well as through engine nacelle treatment was further demonstrated in the NASA quiet engine program. This program provided the first opportunity for evaluation of engine performance and operating cost penalty trade-offs associated with given increments of noise reduction. The design of advanced engines now underway in industry, such as the General Electric/SNECMA/CFM–56 and the Pratt and Whitney JT–10D engines have benefited from this noise reduction technology.

From 1972 to 1975 NASA supported the development of technology for possible retrofit noise reduction options for the so-called narrow-body fleet of commercial aircraft. Their major effort was the NASA refan modification of the JT–8D engines. This program successfully demonstrated the potential for fleet noise reduction by this means, and has provided industry and the FAA with data necessary for evaluation of this option and for rule making.

NASA's quiet, clean short haul experimental engine program was begun 2 years ago to achieve noise levels significantly lower than those demonstrated in the first quiet engine. A number of special noise reduction design features hitherto not incorporated in existing engines will be evaluated in this program.

Major reductions in aircraft noise beyond those now available for application—if rules are issued by the FAA—through recent technology achievements will become increasingly difficult and costly. Quieting must now be achieved for several noise sources which were previously obscured. NASA's research program is focusing on the most significant of these troublesome sources, which include the combustion or "engine core" noise, and the basic aerodynamic noise which the aircraft generates simply by its motion through the air. Aerodynamic noise is most pronounced during aircraft landing approach, when the landing gear and flaps are extended into the airstream, and when engine power is reduced. Further reductions in jet noise "rumble" are still needed during takeoff, and economically practical ways for these further reductions are also the subject of NASA's ongoing program.

It is clear that much imagination, innovation and hard work will be required to realize this potential. To achieve necessary reductions in aircraft noise, I urge you to support the NASA budget authorization request.

Mr. MILFORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Subcommittee on Aviation and Transportation Research and Development held extensive hearings here in Washington, D.C., and at NASA field centers on the aeronautical R. & D. part of the NASA fiscal year 1976 budget request.

Additionally, the subcommittee reviewed NASA's request for a 3-month transition period from July 1, 1976, through September 30, 1976.

In addition to the authorization hearings, the committee conducted six major oversight investigations in the field of aeronautical research and development during the past 18 months. These oversight investigations have been of great value in assisting the subcommittee to evaluate the management and technical content of NASA's aeronautical research and development program.

IMPORTANCE OF AERONAUTICAL RESEARCH AND DEVELOPMENT

The reorganization of the House adopted last October clearly expressed congressional intent that all civil aviation R. & D. should receive greater visibility, attention, and emphasis. As one means of carrying out this intent and to focus more sharply on aviation objectives, programs, and problems, jurisdiction for civil aviation R. & D. was concentrated in the Committee on Science and Technology, and specifically in the Subcommittee on Aviation and Transportation Research and Development.

Among our objectives will be to see that:

First. The intent of the House is carried out.

Second. NASA's aeronautical R. & D. program will be devoted to advanced research and technology beyond the scope of aerospace industrial R. & D.

Third. NASA's aeronautical R. & D will benefit all of the U.S. areospace and air transportation industries—and not any single firm or group of firms.

Fourth. The results of NASA aeronautical R. & D. will flow first and foremost to U.S. industry before they are available internationally. Maintaining our technological lead in the international market place is and must continue to be a primary U.S. objective.

Fifth. Those U.S. agencies concerned with civil aviation R. & D. will cooperate effectively in meeting overall U.S. objectives for maintaining an effective civil air transportation system—including the air terminal, the air traffic control system, and the airplane.

Safe, rapid, economical travel by air has become a part of our national life. As air transportation has grown so have related problems: Environmental, economic, and technological. All of the industrialized nations and many emerging nations have as a matter of national policy allocated governmental resources to the development of various segments of the aviation manufacturing industry.

These national policies stem from a determination to obtain a larger share of the world market. Based on an effective partnership of private industry and the Government, the United States has been able to dominate the world aviation market; indeed, as the following data show, exports are substantial in relation to imports.

Year:	*Exports*	*Imports*
1972	$2,919,408,134	$414,925,292
1973	4,124,048,349	554,498,398
1974	5,766,415,674	510,159,162

Along with agricultural products, aircraft and related items remain as one of the few areas which contribute favorably to our international trade balance. Therefore, in view of the importance of aeronautical research and development to the retention of U.S. leadership in the international marketplace, to the health of two major industries—aircraft manufacturing and air transportation, and to the public's welfare in solving severe environmental problems—for example, noise and emission—the committee is concerned about the "no-growth" character of the fiscal year 1976 budget request. NASA is strongly urged to resume and continue a modest growth rate in aeronautical research and development programs and facilities.

An important consideration in analyzing the NASA aeronautical R. & D. budget is the fact that military developments, once heavy contributors to new civil aeronautical technology, are fewer in number and are projected to produce less civil oriented research and technology. Industry believes that the time is coming when civil research and development will be a significant factor in military development. This amounts to a role reversal from the 1940's and 1950's.

NASA BUDGET REQUEST FOR AERONAUTICAL RESEARCH AND TECHNOLOGY

That part of NASA's program under the jurisdiction of this subcommittee includes three categories related to aeronautical research and technology:

First. Research and program management.

Second. Research and technology.

Third. Construction of facilities.

RESEARCH AND PROGRAM MANAGEMENT

The research and program management funds related to aeronautics are requested to provide the civil service manpower for in-house research, planning, management, and support of R. & D., as well as the costs of operating, maintaining, and supporting research center installations. The funds related to aeronautics are not identified separately in the budget request and have been discussed in Mr. FUQUA's statement; therefore, I will not go into program details.

RESEARCH AND TECHNOLOGY

The amount requested for aeronautical research and technology for fiscal year 1976 is $175,350,000; $46,800,000 is the amount requested for the transition period. The objectives of this program are to advance technology to make possible safer, more economic, and environmentally acceptable air transportation systems which are responsive to current and future national needs; to maintain a strong competitive position of the United States in the international aviation marketplace; and to support the miltary in maintaining the superiority of the Nation's military aircraft. NASA will maintain a strong research effort in the areas of materials, structure, avionics, propulsion, aerodynamics, and man-vehicle interactions to provide advanced technology to meet the future needs of civil aviation.

The aeronautics program also includes a major effort aimed at reducing aircraft energy consumption and the undesirable environmental effects of noise and pollution. This effort is directed at providing the technology for quiet, clean, and efficient propulsion systems; the reduction of aerodynamic drag; the application of active control concepts, and advanced materials and structural concepts to aircraft to reduce weight and improve operating efficiency; and an examination of new types of fuel.

Another major area of emphasis is concerned with improving aircraft terminal area operations and safety through development of technology in areas such as avionics systems, operating procedures, crash-worthiness aircraft structures, and fire-resistant aircraft interior materials.

All of these technology efforts are integrated with various systems studies to provide the technical basis for future advanced long-haul and short-haul transportation aircraft—which, of course, is the ultimate purpose of NASA engaging in aeronautical research and development.

The aeronautics research and technology program is divided into four major efforts. First, there is the research and technology base which is discipline-oriented and has the overall objective of establishing a solid foundation for the evaluation of advanced concepts. The second area—systems studies—provides a systematic basis for decisions on what to emphasize in the research and technology base and identifies and evaluates potential applications of advanced concepts. The third area—systems technology programs—contains technical demonstration and proof-of-concept activities which have matured to the point where they are ready for systems integration and demonstration, or the project definition phase of potential future experimental programs. Fourth, there are the experimental programs which involve multidisciplinary concept demonstration and major research vehicle development.

CONSTRUCTION OF FACILITIES

The construction of facilities request for aeronautics by NASA was $4,600,000 for fiscal year 1976—two modification projects for research facilities built in the 1940's. Indeed, it is important to emphasize that the great bulk of our civil aviation research and development facilities were constructed in the 1940's. Such money as has been invested over the past 30 years has been largely devoted to modifications for upgrading capabilities.

But such extensions of capabilities can go only so far. To meet the requirements of doing R. & D. for future generations of aircraft—and for improving current aircraft—we must face the fact that the nation will have to build some new aeronautical R. & D. facilities in order to maintain its leadership in aviation. I have already noted the major contributions to our trade balance with other nations made by the sale of aircraft and parts.

Between 75 and 80 percent of aircraft flying today in the non-Communist part of the world were built in this country. If we wish to retain this leadership—which also means hundreds of thousands of jobs—we must provide the kind of research and facilities necessary to maintaining technical leadership.

For such reasons as these, the committee added $44,500,000 to the NASA request to undertake two vitally important facility projects. Both are essential to advance aeronautical technology. First there is a requirement for a new transonic research wind tunnel; and second, the existing 40-foot by 80-foot subsonic wind tunnel at the Ames Research Center in California must be modified extensively.

Transonic research tunnel: This project provides for the construction of a high Reynolds number transonic tunnel which will satisfy the research needs of NASA, the military and industry. The facility will provide a much needed capability to test a broad spectrum of aeronautical and space vehicles. A summary of the justification, main features, cost and schedule is as follows:

There is an urgent need, established over a number of years, for a new ground based capability for aerodynamic testing at transonic speeds under conditions more closely resembling actual flight conditions than is now possible.

This need is supported by the U.S. Department of Defense and the U.S. aerospace community. The Europeans also recognize the need and are working on the problem of how and where to establish such a facility. This need stems from the recognition that experimental data obtained from existing low Reynolds number transonic wind tunnels often lead to erroneous conclusions on flight vehicle performance predictions.

A wind tunnel which will permit accurate experimental measurements at transonic speeds approaching flight Reynolds number is, therefore, necessary to the continuing development of high-speed aircraft technology which is the base for national leadership in efficient, energy conservative aircraft design and for the superiority of U.S. military flight vehicles. Thus, the urgency for the new testing capability stems from national leadership and needs which suggests that this facility should be available at the earliest possible time.

The initial amount required for fiscal year 1976 is $30,500,000—with between $37,500,000 and $42,500,000 required for fiscal year 1977, making a total estimate of between $68 and $73 million. By further scaling down, NASA hopes to set a final target cost of about $50 million. If started this fiscal year, the facility would become operational in late 1979. Of the fiscal year 1976 amount, $27,500,000 is required for construction and $3,000,000 is needed for facilities planning and design.

Subsonic 40-by-80 foot wind tunnel modification: This project provides for the modification of the Ames Research Center's 40-by-80 foot subsonic wind tunnel to provide an increased capability for full scale testing of various advanced types of aeronautical vehicles. A summary of the justification, main features, cost and schedule is as follows:

The new capability would provide an increase in test speed from 200 knots to 300 knots by replacing the existing wind tunnel drive motors and fans with new, more powerful ones.

This capability would permit the testing of advanced rotorcraft at their higher cruise speeds and full-scale wind tunnel testing of V/STOL—vertical and short takeoff and landing—aircraft.

This requirement has become critical during the past decade, during which both civil and military rotorcraft have advanced significantly in speed capability; and, subsequently, they can no longer be adequately evaluated in any existing test facility. The limitations of current test facilities were recognized in 1967 by the Aeronautics and Astronautics Coordinating Board—AACB—when it initiated studies that have ultimately led to this plan to repower the 40- by 80-foot wind tunnel.

As noted above, this facility is needed primarily to study low-speed—up to 300 knots—flight characteristics of rotorcraft. In civil aviation, such studies are important in minimizing structural, and associated safety problems, in reducing aircraft noise during landing and takeoff, and in improving flight performance of airplanes in congested terminal areas; these are all factors that strongly affect the impact of air transportation systems on their environmental surroundings and on total energy consumption. Military operations also impose stringent requirements on landing and takeoff performance and on satisfactory low-speed flight characteristics for rotorcraft and V/STOL aircraft. Unquestionably, the proposed facility modifications will enable development of significantly improved aircraft systems in both civil and military sectors.

The economic justification for this full-scale wind tunnel test facility lies in the demonstrated savings that have accrued in aircraft development programs when full-scale wind tunnel tests were conducted early in the development program and before expensive commitment to flight tests. Discovering problems during the flight-test program has sometimes had catastrophic consequences. For example, the AH–56A Cheyenne helicopter program, which did not include full-scale wind tunnel tests, was terminated after a $400 million investment, against which the cost of this facility modification appears reasonable indeed. Three other rotorcraft types—XV–1, XH–51A, and XV–5—failed during wind tunnel tests and before flight tests. All of these failures involved the complicated interface between aerodynamics, dynamics, and structures. Therefore, tests of the full-scale hardware were the only way that these problems could have been discovered.

LANGUAGE CHANGE

NASA testified before the committee that in recent years U.S. leadership in certain product areas has been weakened by the rapid technical program of other countries. In view of this situation it has been determined to be in the natural interest to facilitate early domestic dissemination of NASA technology to potential U.S. users, while taking steps to delay, for a limited period, the export of such information.

NASA currently is using an early dissemination procedure which it believes is legally and soundly based. However, the legal issue has not been tested in the courts and the new section 8 of the bill would provide a much more clear statutory basis for NASA. It would invoke an exemption category of the Freedom of Information Act which provides for information being exempted by law from the act's general provisions.

CONCLUSION

The action to increase the NASA budget for the two facilities was not lightly taken—considering the magnitude of this year's budget deficit. But in the end it was concluded that the investment in these projects would pay off enormous returns in future years. They will reduce risk in development programs, help to insure U.S. leadership in aviation, and help in the development of safe, efficient, fuel conservative aircraft for future years. In short, we are investing today for the future—and the returns will flow to us for decades to come.

Mr. SYMINGTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the National Aeronautics and Space Administration authorization bill H.R. 4700 and I strongly urge my colleagues to join me in voting its passage. I have the privilege to serve as a member of the Subcommittee on Space Science and Applications which has jurisdiction over the nonaeronautical NASA activities and I can therefore personally attest to the amount of effort that went into the preparation of this bill for your consideration today. I would like also to compliment the distinguished chairman of the subcommittee, Mr. Don Fuqua, of Florida, and the capable ranking minority member, Mr. Larry Winn, of Kansas, for their exemplary leadership during the many weeks of intensive hearings.

This is a reasonable budget, not elaborate in its moneys for NASA, but one I feel that NASA can endure under the constrained economic conditions we are facing today. There are no frills nor fat in this budget, only moneys for essential ongoing programs and no new starts, as mentioned previously.

We can take pride in the many accomplishments of the NASA space program, not only in the spectacularly successful Apollo lunar landing program of the last decade and subsequent manned space program but also the many achievements of the diverse automated space programs. In the last Congress, we had three subcommittees overseeing the NASA space programs. I had the pleasure of serving as chairman of the subcommittee responsible for authorizing the NASA unmanned space programs. In these years of reviewing NASA programs I have developed a special appreciation for the outstanding accomplishments of NASA in the two areas of space applications and space science. Mr. Chairman, I would like to devote the remainder of my remarks to these two areas.

Space applications refers to those automated satellites systems which provide communications services, meteorological observations, earth resources surveys, navigation, and air traffic control data. These programs demonstrate the nations space program's value in terms of direct benefits to the nation, to its economy, and in improving the quality of life enjoyed by its citizens. This is what the Space Applications program is all about, and the reason the members of our committee have given it such strong support over the years. Let me pick out some of the highlights of this area for the past year which I feel you will find most interesting.

Weather and climate: As we watch the evening news and weather report, we see the satellite map and hear the statement "Turning to our satellite map"—this is a direct benefit from our space program. Reliable short- and long-term weather forecasts can mean savings of life, property, and money. The weather and climate program has been directed toward the application of satellite data to problems in detection, prediction, and early warning of severe storms and the improvement of our capability for mid-range—1 to 14 days—and long-range—climatic—weather prediction. The atmospheric processes associated with these phenomena, that is, severe storms, daily weather and climate, require different approaches and differing satellite systems to provide the data to achieve better forecasts. The major activities in fiscal year 1976 and the transition period will be: First, continued emphasis on applied research and technology; second, severe storm research; third, the prototype development of the third generation NOAA operational weather satellite, TIROS–N; and fourth planning for the first international global atmospheric research program experiment to be conducted in calendar year 1978. A significant activity proposed for fiscal year 1976 is the continued augmentation of the severe storm research program including the definition of Stormsat. This satellite would observe those short lived and violent meteorological features which describe and are associated with severe storms, for example, thunderstorms and tornadoes, and provide a capability for improved warnings to the population as to their formation and path.

The gentleman from Kansas (Mr. Winn) and I share a strong interest in the NASA severe storm research. I am pleased that one committee action, which we supported, was to increase the funds authorized for this important work.

Pollution monitoring: Man must learn to achieve progress while living in harmony with his environment. The monitoring of the environment is an important aspect of this task. The pollution monitoring program has as its objective the development and demonstration of systems capable of identifying and measuring pollutants in the air and water on global and regional scales. This will be done by: First, determining the present composition of the atmosphere for use as a baseline against which the long-term trends of atmospheric pollutants can be measured; second, monitoring changes in the composition from established norms with respect to time and place; and third, incorporating the data describing atmospheric constituents and their behavior into circulation related environmental quality models.

Additional significant data will also be obtained by the second application explored mission—the stratospheric aerosol and gas experiment—SAGE—

which will fly a single instrument to direct and map stratospheric aerosols and gas concentrations. The information derived will complement that obtained by the Nimbus-G program currently under development.

Earth resources survey: The effective utilization of the world's natural resources requires that their extent be surveyed, their changes be monitored, and that systems for wisely managing their exploration be constructed. In the earth resources survey area, two objectives have been established: First, to develop the capabilities for remotely sensing the Earth's resources from aircraft in order to perform comprehensive global surveys, and second, to apply these to oceanography, geology, hydrology, geography, and cartography. Achieving these objectives will provide an information base that can be used in the world's resources management.

Significant activities being continued are involved with the applications systems verification tests program—ASVT—and LANDSAT-C. The ASVT program is designed to demonstrate to the user community that remotely obtained information—from satellites and aircraft—provides entirely new capabilities that may efficiently supplement and/or complement existing data gathering systems.

The most significant demonstration taking place in fiscal year 1975 and fiscal year 1976 is the large area crop inventory experiment—LACIE—and experiment using Landsat data to determine wheat production over the North American Continent with possible extension to the entire world. Landsat-C, and Earth resources technology satellite just getting underway, will provide greater resolution and additional information as well as continuity. It will differ from the earlier Landsat 1 and B in that: First, the resolution of the return beam vidicon system will be increased twofold, a change fully supported by the Department of the Interior and many other Government agencies, and second, the multispectral scanner will incorporate a thermal sensing capability—fifth band—providing better discrimination of both land and water features.

Earth and ocean physics applications: This program provides a focus for the use of space platforms and related research efforts to acquire data on the dynamic qualities of the Earth and oceans. Earth dynamics research is centered on the study of the motions of the large solid plates—tectonic plates—which make up the surface of the Earth. The motion of these tectonic plates is one of the causes of large earthquakes. Measurement of these motions using both the LAGEOS satellite which will be launched in 1976 and accurate ground measurements will permit a better understanding of this dynamic process and may lead to an earthquake prediction capability.

The Seasat-A satellite, now under development, is the result of new measurement capabilities and compelling user interests and requirements for global measurements of ocean waves, winds, currents, sea-surface topography and air-sea interface. Radar sensors, coupled with satellite viewing, now for the first time can provide observation of all of the world's oceans on all-weather, day-night basis.

SEASAT data is economically important to commercial and Government operations. Detailed economic study of only a small segment of potential benefits show savings of about $350 million annually.

Offshore oil platform construction and logistics support is shut off in high seas. Work is lost when high seas appear unexpectedly and even when high seas are predicted but do not occur. Ecoomic study of worldwide offshore oil platform and undersea pipeline construction at current levels show better sea forecasts aided by SEASAT would save $100 to $200 million annually.

Cargo ships sailing the North Atlantic and North Pacific lose time when they slow down for high seas. Also, from fall to spring they routinely use the longer southern routes in the Pacific to avoid any possibility of high seas. SEASAT can measure wave heights for better sea forecasts, allowing ships to be routed into the low sea areas. Economic studies for containerized and packaged cargo alone project a savings of $30 million per year from better routing of only 10 percent of world cargo trade.

When the oil from Alaska's North Slope is shipped to the western U.S. ports, the tankers will want the fastest routes. SEASAT's observations of waves and winds in the North Pacific will greatly aid sea and weather forecasts with a predicted savings of $9 million annually.

Improvements in mapping the extent and movement of ice in the Canadian Arctic are essential to the use of the northern passage for shipping as well as the development and exploitation of the vast resources of that area. Studies show that the benefits from SEASAT could be about $50 million per year.

Today, shipping in the North Atlantic iceberg areas use an international ice patrol which relies upon a computer position probability model and aircraft for visual berg-position updates. Often aircraft do not fly for a week due to bad weather, therefore, berg positions deteriorate and ships have to sail more southerly and longer routes. An operational SEASAT, with radar observations through clouds, could provide 12-hour, berg-position updates, which would save $7 million annually for Grand Banks shipping alone.

Numerous other benefit areas look promising. Currently, NASA and SEASAT users are studying oil import shipping, Great Lakes ice, ports and harbors, and offshore facility siting and construction.

An unusual wave condition on South Africa on May 17, 1974, ripped off the bow of the Norwegian tanker *Wilstar* at $1.2 million damage. SEASET may prevent similar disasters in the future by measuring waves on a global basis, providing better inputs to sea state forecasts. High waves can be easily monitored by SEASAT as they propagate away from storms into shipping lanes and into coastal regions.

Hurricanes and tropical cyclones are unpredictable, high intensity storms with great potential for damage. For example, a hurricane caused $1.4 billion damage to New Orleans in 1963; a cyclone killed or injured 500,000 people along the Ganges River in 1970; and a cyclone killed 44 people and damaged every structure in Darwin, Australia on Christmas Day, 1974. Today, joint NOAA-Navy-Air Force aircraft observations of hurricanes are made only when these storms are within 24 hours of landfall. Prior to that time, these storms are tracked over the open ocean by satellites; however, only the cloud movement is monitored and no direct data is available on surface winds and wave heights. Seasat would greatly enhance future satellite measurements by providing these direct surface measurements on a day-night basis.

Space processing: The objective of this program is to exploit the unique characteristics of zero gravity to prepare and process materials in ways that are not possible or economically practical on Earth. The eventual benefits of the program are expected to include new knowledge of materials and technology improvements. These will be directly applicable to industrial and biomedical processes on the ground as well as the unique new products in space.

Communications: From the inception of the space age, NASA has engaged in a vigorous research and development effort that has clearly demonstrated the viability of satellite-based communications systems. The current NASA effort is directed toward the development of advanced technology and the performance of the agency's responsibilities to provide expert advice and consultation on satellite communications to various Government departments and agencies.

The highly successful series of applications technology satellites—ATS-1,3,5, and the recently launched ATS-6—will be continued to be used by various domestic and international experimenters. Two important experiments involving ATS-6 are the health and education television experiment being conducted, with the Department of Health, Education, and Welfare and the satellite instructional television experiment in cooperation with the Government of India.

I am pleased that an additional committee action was to increase the amount authorized for this important work.

Mr. Chairman, I have mentioned several space applications projects, in which the benefits to mankind will be realized in the near term future. I would like now to turn to the topic of space science, which also holds great promise for mankind, although the exact benefits are much more difficult to forecast and the time scale for obtaining benefits is much longer.

PLANETARY EXPLORATION

One space science project with which you are familiar is Project Viking. This summer the first of two Viking spacecraft will be launched with the powerful Titan/Centaur rocket for a 1-year voyage to Mars. After Viking inserts itself into Martian orbit, the lander module will detach and execute a soft landing on Mars. There are a broad range of scientific experiments carried aboard Viking. Of special interest is the biology package, which will conduct several experiments using samples of the Martian soil, searching for evidence of low-level life on Mars.

The Viking project is the most ambitious project yet undertaken with unmanned spacecraft. Technical difficulties and some cost growth last year prompted us to hold special oversight hearings in November 1974. Responsible persons from NASA, its major contractors, and subcontractors gave our committee a complete review of Viking cost, performance, and schedule. We were assured that Viking will launch on schedule, that the costs have stabilized, and that technical problems with the biology package have been overcome.

Other significant planetary exploration programs are well underway. Significant funding is provided in this bill for continued development activity on the Mariner Jupiter/Saturn spacecraft to be launched in 1977 and the Pioneer Venus orbiter and atmospheric probes to be launched in 1978.

Data from the several planetary and lunar exploration programs support a growing field of scientific activity called "comparative planetology." Scientists tell us that by comparing the atmospheres, the gravity fields, the radiation belts, the surface conditions of the various planets, we are developing a better understanding of the complex physical processes that control our environment here on Earth. I support these post-flight data-analysis activities. I am pleased to report that this bill provides adequate funds for data analysis to insure that we obtain maximum return from the data collected by the successful flight programs.

PHYSICS AND ASTRONOMY

Astronomy has received new impetus from data gathered by spacecraft. High energy ultraviolet and X-ray radiation do not penetrate our atmosphere and cannot be observed on the Earth surface. With orbiting observatories, intense X-ray sources from outer space have been discovered. Some of the most intense radiation comes from directions in space that have no visible light. Astronomers have called this phenomenon or "black hole." The theory is now that these are collapsed stars, packed so densely and with gravity so strong that light cannot escape. However, the higher energy X-rays do escape into deep space and indeed reach Earth.

X-ray astronomy is an example of a pure science investigation whose future benefit to mankind is hard to forecast. Scientists tell us that the energy coming from a black hole is so intense, that it may be caused by an energy process more powerful than nuclear fusion. Perhaps some day in the far future, understanding these processes in space may help solve our energy problems here on Earth.

To obtain much higher quality data on these outer space X-ray sources, NASA is developing the high energy astronomy observatories—HEAO. The continued development of these observatories is the major item in this bill for astronomy. The three observatories will be launched in 1977, 1978, and 1979.

A necessary next step in astronomy is the development of a large space telescope—LST. We look forward to NASA requesting such a telescope as a new start next year. The Space Science Board of the National Academy of Science calls the LST the highest priority new start in space science. The LST will be one of the unique payloads placed into orbit and serviced by the Space Shuttle. A large telescope gathers more light or other radiation and hence can see much farther into deep space.

Also, above the distortion of the Earth's atmosphere, the resolution is much better. As a result, the large space telescope proposed by NASA will have the ability to see 6 to 10 times further into space with about 10 times better resolution than the best ground-based optical observatories. By observing starlight from farther away, astronomers will be able to observe light that started its journey to Earth 10 to 20 billion years ago. Some cosmologists believe that the universe was born about 15 billion years ago, so the LST will permit astronomers to gather data about the very formation of the universe. Other investigations, equally exciting to scientists await an operational large space telescope.

Let me conclude, Mr. Chairman, by urging approval of the NASA authorization bill under consideration today. The many achievements of NASA have advanced the Nation's science and technology and have enriched the lives of our citizens. The space program and the NASA aeronautics program deserves our continued support.

The **CHAIRMAN**. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. McFALL) having resumed the chair, Mr. McKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4700) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 343, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER** pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **ASHBROOK**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 72, not voting 42, as follows:

[Roll No. 107]

YEAS—318

Abdnor
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Barrett
Baucus
Bauman
Beard, R.I.
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Boggs
Bolling
Brademas
Breckinridge
Brooks
Brown, Calif.
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Carney
Casey
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conlan
Conte
Corman
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Gonzalez
Gradison
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hastings
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hightower
Hillis
Hinshaw
Holt
Horton
Howard
Hubbard
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krueger
LaFalce
Lagomarsino
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mann
Martin
Mathis
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Milford
Mineta
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nowak
Oberstar
O'Brien
O'Hara
Passman
Patten
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Rees
Regula
Reuss
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sisk
Skubitz
Smith, Iowa
Smith, Nebr.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas

Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—72

Abzug
Badillo
Baldus
Beard, Tenn.
Bedell
Bonker
Breaux
Brinkley
Broyhill
Burlison, Mo.
Burton, John
Carr
Carter
Chisholm
Clay
Conyers
Cornell
Dellums
Early
Edgar
Evans, Ind.
Fenwick
Fish
Fithian
Florio
Ford, Tenn.
Ginn
Goodling
Grassley
Harrington
Hawkins
Heckler, Mass.
Hefner
Hicks
Holland
Holtzman
Howe
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Koch
Krebs
Latta
McDonald
McHugh
Mazzoli
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mitchell, Md.
Nolan
Obey
Randall
Rangel
Richmond
Rosenthal
Russo
Shuster
Simon
Slack
Snyder
Solarz
Stokes
Studds
Symms
Taylor, Mo.
Weaver

NOT VOTING—42

Anderson, Ill.
AuCoin
Bevill
Blouin
Boland
Bowen
Brodhead
Broomfield
Burke, Calif.
Burton, Phillip
Cederberg
Conable
Esch
Flynt
Frenzel
Giaimo
Goldwater
Hébert
Landrum
Litton
Long, Md.
McCormack
McEwen
Mahon
Matsunaga
Michel
Mills
Mink
Mollohan
Morgan
O'Neill
Ottinger
Patman
Pattison, N.Y.
Price
Rhodes
Sikes
Spellman
Steiger, Ariz.
Waggonner
Wampler
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Mahon.
Mr. Matsunaga with Mr. Long of Maryland.
Mr. O'Neill with Mr Brodhead.
Mr. Morgan with Mr. Ottinger.
Mr. Sikes with Mr. Patman.
Mr. Waggonner with Mrs. Mink.
Mr. Giaimo with Mrs. Burke of California.
Mr. Boland with Mr. Bob Wilson.
Mr. Phillip Burton with Mr. McEwen.
Mr. Mollohan with Mr. Goldwater.
Mr. Litton with Mr. Broomfield.
Mr. Landrum with Mr. Steiger of Arizona.
Mr. AuCoin with Mr. Cederberg.
Mr. Bevill with Mr. Frenzel.
Mr. Flynt with Mr. Wampler.
Mr. Blouin with Mr. Conable.
Mr. Esch with Mr. Pattison of New York.
Mr. Michel with Mrs. Spellman.
Mr. Price with Mr. McCormack.
Mr. Anderson of Illinois with Mr. Bowen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BEVILL. Mr. Speaker, on rollcall No. 107 I was in the Chamber and inserted my card and intended to vote "aye." Unfortunately, the computer failed to register my vote.

AUTHORIZING CLERK TO RENUMBER PARAGRAPHS IN H.R. 4700, AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to renumber the paragraphs in H.R. 4700, the bill just passed, because of the amendment which was adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4723) authorizing appropriations to the National Science Foundation for fiscal year 1976.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4723, with Mr. McKAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MOSHER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to congratulate the subcommittee for its efforts in handling this bill by coming to work at 8 o'clock in the morning and working through the day in order to have it out this early in the session.

Mr. Chairman, I rise to present to the committee the bill H.R. 4723, the annual authorization for the National Science Foundation for fiscal year 1976, and recommend its adoption by the House.

Mr. Chairman, H.R. 4723 would authorize $755.4 million for the National Science Foundation for fiscal year 1976 including $4 million in excess currencies. This amount is identical to the amount requested in the President's budget. However, the Committee on Science and Technology had made certain reallocations within the total sum to reflect the priorities which we believe should be attached to the individual program elements. As in past years, the bill reported by the committee includes an authorization in the form of 13 line items, which correspond to the 13 most important programs in the National Science Foundation budget.

Before describing the changes made in the line items I want to say that we believe that the National Science Foundation's program is a sound program. Basic research is the foundation on which much of the Nation's advanced technology will be built. Most of the advances in technology from which we are now benefiting are based on basic research done in previous years. Much of the basic research which is being done today will yield payoffs in the form of new technology yet to be invented.

I am well aware that occasional newspaper headlines suggest that some basic research projects are done for ridiculous purposes and therefore are a waste of the taxpayers money. However, in many of these cases, when the real purpose is thoroughly investigated, we have found that the aim of the research is worthwhile even though the project title is misleading. Our committee will continue to work with the National Science Foundation to insure that project titles reflect both the actual work and the purpose of each grant, although we recognize that basic research will always involve unconventional ideas at the frontiers of science, and will always involve new ideas for which it is difficult to predict a payoff.

The largest single category in the National Science Foundation's budget is "Scientific Research Project Support." This part of the Foundation's program provides for research in all of the basic scientific disciplines including physics, chemistry, mathematics, biology, materials, oceanography, astronomy, and the Earth sciences. The research is done by scientists in American universities working by themselves, or in small teams. The committee approved the amount of $366.3 million for this purpose. This is $13.7 million less than what was requested, but would allow an increase of $25.7 million over last year. The increase amounts to a growth of 7.5 percent over last year's program, and would permit the basic research projects to continue essentially level after the effects of inflation are taken into account.

Scientific research investments augment our stock of knowledge thus enabling our society to cope more successfully with the changing problems of a modern industrialized society. This knowledge is like a fund of capital from which information can be drawn for applications leading to future payoffs and the avoidance or mitigation of problems and mistakes.

Fundamental scientific research is needed not only to provide solutions to the specific or general scientific problems, but also serves to increase the options from which decision makers may choose in the future.

While scientific research is undertaken to answer questions about phenomena and unknowns in man's natural and social environment, new knowledge is also relevant to his present and future needs.

New products, new processes, and new applications do not emerge full grown. Basic science is a long-term investment in the national welfare and has a continuing payoff. Some short-term payoffs result, but more important are the longer-term payoffs that result from the accumulation of permanent additions to our stock of knowledge. These payoffs are founded on new principles and new conceptions which in turn are painstakingly developed by research in basic science.

The objective of the Foundation's atmospheric sciences research program is to build a base of fundamental knowledge about the atmosphere to encompass the entire range of atmospheric phenomena. Research includes studies of the atmosphere from the surface of the sun to the surface of Earth, as well as the atmosphere of other planets; the research also includes a considerable amount of ionospheric and space plasma physics.

In fiscal year 1976, lower atmosphere research will concentrate on the dynamics of local scale weather in extratropical regions and on cloud studies related to the role of ice in precipitation processes of winter clouds.

In the upper atmosphere and space, work will intensify in preparation for the international magnetospheric study—IMS—planned for mid-1976 through 1979. The IMS is an international cooperative research effort whose aim is to gain a thorough understanding of the dynamic processes operating in the plasma and field environment of the Earth. Research will involve a number of multinational satellites which offer a unique opportunity to probe the nearby regions of space which cause effects on Earth such as auroral communication interruptions and magnetic storms associated with power blackouts. The NSF will support much of the ground-based, balloon, rocket, and aircraft measurements which are necessary to complement the spacecraft experiments.

The Foundation's Earth sciences research program is concerned primarily with those aspects of environmental science dealing with the geological, geophysical and geochemical constitution of the Earth's crust. The objectives of this program are to provide man with a basic knowledge of the structure and composition of rocks that comprise the Earth's crust, and the processes which form and modify these rocks.

Basic geologic data are essential to the technological society in which man lives today. The industrial base of our economy is dependent on the development and production of our natural resources, but the discovery of new mineral and fuel deposits has become increasingly difficult as the more easily found deposits are consumed. Only through a better understanding of fundamental properties of ores, mineral fuels, and host-rock characteristics can new economically attractive deposits be found.

Earth sciences research also contributes to our understanding of natural hazards such as earthquakes and landslides and improves our ability to cope with and perhaps reduce the effects of these hazards. Geological studies are an important aspect of land development and urban planning and can contribute to solution of pollution and solid waste disposal problems. Increasing attention is also being given to geological engineering facets of the earth sciences.

Oceanography research project support is designed to increase understanding of the oceans and the evolution of ocean basins and of marine life. Studies of the processes that control the transport and transformation of seawater, sediment, and organisms will be emphasized.

Physical oceanography research ranges from global circulation descriptive studies through atmospheric and mixing interactions down to local processes that characterize estuaries and coastal areas. Marine chemistry research includes studies of the composition and reactions in natural waters, the effects and fate of compounds in estuaries, coastal areas, and the ocean, and the interaction of the compounds with biota and sediment. Submarine geology and geophysics research concerns the history and movement of the sea floor, plate tectonics, marine volcanism, and studies of mineral and petroleum formation in marine sediments. Biological oceanography research is concerned with the interrelationships, behavior, and energetics of the components of marine ecosystems. The effects of environmental factors on various species also are examined.

The specialization of function encountered in living organisms, and in particular in multicellular plants and animals, imposes a requirement to have a means of transporting materials between the different parts of the organism as well as a means of relaying messages so that the different parts and functions operate in a coordinated fashion. Understanding a given function ultimately depends upon elucidating the reactions of its chemical components, identifying the bases of their functioning states, and resolving the regulatory mechanisms by which a given function is integrated for the benefit of the organism as a whole.

Information on the properties of isolated biological molecules and the chemical changes associated with the active state can now be obtained directly. High resolution electron microscopes, amino acid analyzers, peptide sequencers, analytical ultracentrifuges, X-ray diffractometers and instrumentation for studying the rapid kinetics of enzyme reactions have become standard items of equipment for leading research laboratories around the country. Other classes of instrumentation, currently used heavily by specialized groups, are on the way to becoming standard tools.

A major objective of the cellular biology program is to understand the role of the cell in biological functions that occur at higher levels of organizations. Knowledge from cell biology is particularly significant in understanding and controlling disease and can contribute toward the long-term resolution of the energy problem, and a more immediate contribution to food problems. The latter is true particularly in the development of plant tissue culture methods for the study of photosynthesis and nitrogen-fixation and their genetic regulation, and by exploiting the biological conversion processes of microbial systems.

The objective of the physics program is to increase the knowledge and understanding of the basic properties of the fundamental forces and elementary constituents of matter. Studies of the interactions of the very simplest constituents of matter are used as a basis for understanding larger and more complicated systems. These studies range from the elementary few-body interactions of particles and fields to the collective phenomena exhibited by large aggregates of matter. Physics provides an understanding of phenomena basic to advances in other sciences, in engineering and technology, and in many areas of energy-related research.

Increases in this program will provide incremental funding for operational and user group support for improved utilization of accelerator facilities and for additional instrumentation necessary for viable and efficient physics research programs.

The objective of the chemistry program is to promote the understanding of the structures, properties, and chemical transformations of matter.

This program includes research in each of the principal subfields of modern chemistry, ranging from thermodynamics, structure and analysis, through dynamics and quantum mechanics, to the discovery of new reactors of synthetic utility. Most research topics in chemistry cut across, or involve, each of these subfields. Examples of such topics that are receiving special emphasis include chemical catalysis an other energy-related general research, chemical separations, liquids, and the chemistry-biology interface. One aspect of chemical catalysis research will be mechanistic studies of selected reactions to provide a logical basis for the synthesis of catalysts. Such mechanistic characterization also is essential if chemists are to modify known catalysts so that other functionally substituted substrates may be employed. In the field of separations, developing fundamental chemical understanding of the kinetics and energetics associated with new chromatographic column materials will be stressed. Examples are porous layer beads, bonded phases, ion exchange resins, and chemically reactive columns. Also, the critically important subject of detectors for liquid chromatography will be actively researched.

The objective of the Foundation's research support program in astronomy is to increase our understanding of the physical nature of the universe, the structure and behavior of stars, the objects and phenomena observed in deep space, and the make up of the interstellar medium. While forming cohesive disciplines themselves, these objectives are also of critical importance to the full understanding of related physical science.

In certain areas of the mathematical sciences research is conducted which has relevance to problems in the production and conservation of energy. Thus research on partial differential equations which arise in the flows of gases and liquids, or in the study of stresses and strains—elastic or heat—in structures may well be energy related. The solution of problems in allocation of resources, traffic flows and scheduling, and optimization all make use of algebraic, especially combinatoric, methods. Statistical and probabilistic analysis also play a role in any analysis of phenomena involving uncertainty, and both appear in problems such as those above. The basic tool in the theory of plasma dynamics is statistical mechanics, and important theoretical work is currently being done on the study of thermonuclear fusion.

The principal objective of the Foundation's social sciences research programs is to foster the development of objectively verifiable knowledge about how human beings interact and about the functioning of societal organizations and institutions. The social sciences clearly need to be strengthened as sciences. Potential applications for social science research are all around us, yet objectively tested knowledge about people and the operation of man-made institutions is in short supply. Untested or inadequately based assumptions about human behavior now form the basis of many beliefs and actions. Much of the disappointment with what is considered the lack of success of recent social programs arises because these programs were not developed from a base of solid understanding. To develop this base of knowledge requires more satisfactory scientific explanations for a wide range of behavioral phenomena. This is the principal focus of the NSF program of fundamental research in the social sciences, the only Federal support program designed to advance the base of understanding across the spectrum of the social sciences.

The engineering subactivity supports the research which allows conversion of scientific knowledge into the structures, processes, and systems that sustain our society. Its objective is to improve understanding of the engineering principles which serve to maintain the strength of the Nation's technology base and contribute to its growth. The full spectrum of engineering research from basic studies to general application is supported. Engineering programs share the common goal of contributing to the solution of present and future technological and societal problems and are united by a common criterion, excellence in research. The Foundation's engineering program attempts to focus U.S. scientific and engineering resources on emerging problems as well as to improve existing technologies at a time when it is critical to maintain U.S. competitive posture in world markets.

The solid state sciences program element provides support for research essential to increasing our understanding of basic phenomena in solids. The research in part involves studies of spin resonance in solids, of low temperature phenomena, of electronic structure of condensed matter, and of scattering. In the metallurgy and materials element support is provided to improve our knowledge of materials of scientific and technological importance. This includes research in hard materials, biomaterials, polymers, physical properties, mechanical properties, physical and extractive metallurgy, as well as the preparation and characterization of materials.

The Francis Bitter National Magnet Laboratory—NML—maintains its position as the world's leader in the field of magnet research and development. Since assuming responsibility for the NML in 1971, the Foundation has expanded the visitors program, encouraged new developments in magnet technology, and supported a strong program of basic and applied research in magnetism. The laboratory's facilities are continually upgraded and modest new facilities have been developed. The objective of the NML is to maintain a strong versatile program of basic and applied research in magnetism, superconductivity, magneto-optics, plasma physics, quantum electronics, molecular biophysics, and high resolution resonance spectroscopy. It also provides an opportunity for qualified postdoctoral and graduate students to participate in research programs in these areas.

The Materials Research Laboratories—MRLs—program provides core support to 16 major academic materials research centers. Of these, 12 had been initiated by the Advanced Research Projects Agency of the DOD in the early sixties, while the support of the remaining four has been initiated by this program within the last 2 years. The primary objective of this program is to increase the understanding and control of factors determining the properties and behavior of materials.

The Foundation's computer research program coordinates and encourages basic research on both underlying principles and research applications of computing. The objective of this program is to provide comprehensive support for basic research in computer science so as to: first, stimulate the development of new basic knowledge and understanding in computer science to improve the foundation for the future design and utilization of improved systems; and, second, advance research methodology through the use of computer science and technology.

The national and special research programs provide for research activities which can only be carried out through large teams with a certain amount of logistics support. Within this program the National Science Foundation conducts the global atmospheric research program, the international decade of ocean exploration, the polar research programs, as well as the important program of science information dissemination. The Foundation requested $107 million for this activity, and the committee reduced it by $5.5 to $102 million.

The national research centers program supports five important research facilities, of which four are large astronomy observatories. None of these facilities could be maintained or operated by any individual university, because of the substantial financial requirements which they impose. For this part of the NSF program the sum of $60.2 million was requested, and the committee included that sum in the bill. This amount includes $13 million for the construction of the world's largest radio astronomy observatory in New Mexico.

The program of research applied to national needs, known also as the RANN program, would be authorized $60 million under this bill. This is $11.5 million less than the budget request, which amounted to $71.5 million. The RANN program has had some outstanding successes, and one measure of this success is that its projects are transferred to other agencies who find them relevant to their own missions. RANN did pioneering work in the fields of solar and geothermal energy, and much of that work has just recently been transferred to ERDA, the new Energy Research and Development Administration. In the coming year we expect that the fire research program will be transferred to the Fire Research Center at the National Bureau of Standards.

Mr. Chairman, the National Science Foundation has for many years played an important role in science education. The Committee on Science and Technology has been a strong supporter of the Foundation's science education program which, in the sixties, following the launching of Sputnik, played a major role in the upgrading and strengthening of American science education.

Since 1970 the NSF and the OMB have urged that science education support be reduced. The committee has made a careful evaluation of the current status of science education in this country and has held oversight hearings on the subject earlier this year. It is our conclusion that the National Science Foundation should continue a strong science education program and that this program should include both research and development in this field and also sustaining support of science education on a selective basis.

At the same time the committee concluded that the institutional grants program, which would have provided $5.5 million through formula grants, had outlived its usefulness, and we recommend that it be phased out.

As a result of our review, the committee has divided the former science education improvement program into two new line items. These are science education innovation for which $39.8 million would be authorized, and science education support, for which $34.7 million would be authorized. Together with the separate line item for graduate student support, which the committee increased by $1 to $15.8 million, this would provide a total of $90.3 million for the National Science Foundation's science education activities. This is an increase of $16 million over the current year.

The only other notable increase which the committee made in the proposed budget was in the intergovernmental science program. This small program was proposed at the level of $1 million. It has the function of bringing the results of science and technology to bear on the many problems faced by State and local governments. The program has been funded over the last 4 years at the level of $1 million a year, and the committee heard testimony which showed that the potential for very important benefits had been proved, and that an increase in the new fiscal year would be timely. The bill, therefore, includes $6 million for the intergovernmental science program.

The bill includes minimum obligation levels for 10 program categories. It has been the experience of the committee that programs which were judged by the Congress to be of high priority, and for which funds were included, were frequently reduced or in a few cases even deleted unless such floors were included in the legislation.

Mr. Chairman, this bill will provide the authorization for the funds to keep American science strong. It would provide the exact amount requested by the President for the National Science Foundation. It was reported unanimously by the Committee on Science and Technology. I urge its favorable consideration and adoption by the House.

Mr. Chairman, I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Missouri (Mr. SYMINGTON).

(Mr. SYMINGTON asked and was given permission to revise and extend his remarks.)

Mr. SYMINGTON. Mr. Chairman, I wish to express my thanks to the chairman of the full committee, the gentleman from Texas (Mr. TEAGUE), for his consideration and assistance, and I wish to thank the subcommittee for the work it has done on this bill. I also want to express a particular debt of gratitude to the ranking minority member, the gentleman from Ohio (Mr. MOSHER), for his steady participation and his wise counsel in the preparation of H.R. 4723.

Mr. Chairman, I rise in support of the bill. This bill would provide authorization for the sum of $755.4 million. I would like the Members to note that this is precisely the sum which was requested by the administration. I believe that this bill is fiscally responsible in that it does not exceed the request made by the President for this agency. At the same time the bill does provide the funds necessary to permit the National Science Foundation to carry forward a strong program of support for scientific research, science education, and associated activities.

The Subcommittee on Science, Research and Technology held 4 days of hearings on this bill. The attendance was very good. We met early, as the chairman of the full committee has indicated, at 8 o'clock; but our minds were fresh. We heard the testimony and we absorbed it, and we incorporated it into the bill. We heard from officials of the National Science Foundation as well as from witnesses representing organizations outside Government. In addition, our subcommittee held 2 days of oversight hearings on the NSF science education program, and this is of particular importance.

I would like to focus my remarks today on those program categories where the committee made significant changes. These are primarily the science education program and the intergovernmental science program.

The science education program ranks equal in importance with the science research program. Just as the research program provides an investment in ideas, so does the science education program provide an investment in people, people we are going to have to depend on if we want those good ideas to come forward. If American science is to deliver on the promise of solutions to our problems, and of a higher quality of life through the wise application of technology we must have, both now and for the future, plenty of new ideas and plenty of new people who can do scientific research and who can understand and apply these ideas.

In the years prior to 1970 the NSF conducted a strong and versatile science education program. Through summer institutes for science teachers it provided a continuing upgrading of the abilities of science teachers at all levels to do a better job. Through institutional programs such as the college science improvement program it provided for the continuing upgrading of the libraries and laboratories of the Nation's schools and colleges so they could do a better job. And through the development of new science curriculums and teaching methods, including computers, it provided new and challenging content and techniques for the teachers and the schools. In its peak years almost $125 million or close to 30 percent of the total NSF budget were devoted to science education.

Under the budget proposed by the NSF, science education would receive only $70.3 million, or 9 percent, of the total budget. The committee proposes that the total amount for science education be increased to $90.3 million, or 12 percent of the budget.

I hasten to say, for any latecomers, that this is not an absolute increase; it is merely a reshuffling. We are going to live within the budget the President proposed.

In making this increase, the committee emphasized that the NSF should not only engage in the innovation of new ways of teaching science, but it should also provide some degree of sustaining support. Science education, unlike the teaching of history or English, requires expensive materials, equipment, laboratories, and specialized facilities. Whether at the elementary level, the secondary level, the college level, or the graduate level, the teaching of science is expensive. Furthermore, since science itself is constantly changing and evolving, there is a need to constantly upgrade the equipment and facilities for science education.

We recognize that the National Science Foundation could not hope to do this job for each school and college in the country.

We do not expect that. Therefore, we propose that the NSF continue to make awards for sustaining support on the basis of competitive proposals. This means that a limited number of upgrading projects in the field of science education will receive support after all the proposals for such work have been evaluated. Therefore, we propose that the NSF continue to make awards for sustaining support on the basis of competitive proposals. This means that a limited number of upgrading projects in the field of science education will receive support after all the proposals for such work have been evaluated.

The emphasis on competition as part of the grant award system, also led the committee to conclude that the institutional improvement for science program, which in recent years provided grants only through formula, or noncompetitive grants, should be discontinued. The bill includes a provision which would authorize the unobligated funds in this program to be merged with the funds which would be authorized for science education support.

To provide for a strengthening of sustaining support for undergraduate science education the committee has included in the bill provisions which would establish a new effort which we call comprehensive assistance to undergraduate science education or CAUSE for short. This program will provide specialized science teaching equipment and materials, and will allow for the renovation of undergraduate science laboratories. It will afford opportunities for the implementation of new methods of science teaching developed elsewhere, and will permit departments and educational institutions to develop their own approaches to science teaching. CAUSE will also provide funds for the further training of science faculty and for the addition of new science faculty. It is contemplated that CAUSE grants will be awarded to individual departments and institutions, to groups of such departments and institutions, and to the undergraduate components of large universities. Interdisciplinary approaches to the teaching of science will be encouraged, and particular emphasis will be placed on encouraging the teaching of science in 2-year colleges and in minority institutions. The bill would set aside the sum of $18 million for CAUSE in fiscal year 1976.

In addition, the bill singles out three highly successful science education programs which in past years have received the strong endorsement of science educators. These programs would have been reduced or eliminated under the budget proposed by the NSF. However, the committee heard testimony from educators to the effect that these programs are among the best in the entire science education program of the foundation. For these three programs the bill includes minimum obligation provisions to insure that they remain an active and healthy part of NSF's activities. They are undergraduate research participation for which a minimum of $3 million would be available, secondary school student science projects for which a minimum of $2.5 million would be available, and science faculty fellowships for which $2 million would be available, at least.

We believe that the science education funds which would be authorized by this bill will provide for a well-balanced, although barely adequate effort to keep this country in the forefront of science and technology—and that is what we have to have. It will provide for the continuation of a science education program which will yield both a large number of well-educated citizens, and the smaller number of scientists and engineers which the country must have to solve the energy crisis, the food crisis, the materials crisis, and the many other problems we have facing us.

The other part of NSF's program where the committee made a notable increase in the intergovernmental science program. The committee increased this activity from a proposed budget figure of $1 million to a level of $6 million.

These may not sound like very substantial figures in one sense, but they are quite important from the point of view of what they are intended to achieve in this intergovernmental science program that has been going on for a few years, and which has always moved along at the level of about $1 million a year, but it was the conclusion of the committee, based on the testimony we heard from public officials, that this program is now ready for wider application.

The concepts and techniques which have been developed and refined in past years have proved that there is an important role to be played by science and technology in solving many of the problems at the State and local level. The projects that have been concluded thus far have proved that State and local officials are receptive to these new, and often unconventional solutions. And the National Science Foundation has proved that their staff include people with the special talent for working with State and local governments in this complex field.

Mr. Chairman, I want to emphasize that while the committee has made increases in these two programs it has not increased the overall authorization for the National Science Foundation. The increases we made would be offset by reductions in other programs of the Foundation. Those reductions were carefully made to insure that the research activities of the Foundation were in no way compromised or damaged. In fact, in all three of the program areas where reductions were made, the fiscal year 1976 program remains substantially higher than the level for the current fiscal year.

Mr. Chairman, the result of our work on this authorization is a bill which I think should have the strong support of this committee and the House.

Mr. Chairman, I am pleased to join the chairman of the committee, the gentleman from Texas (Mr. Teague), and my other colleagues, in thanking them for their assistance and their contributions on the Committee on Science and Technology and in urging this House to give this bill favorable consideration.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I associate myself with the remarks of Mr. Teague and Mr. Symington and I completely support H.R. 4723, the bill to authorize appropriations for the National Science Foundation for fiscal year 1976.

This legislation is strongly supported in the Science Committee, including our minority side, and I personally feel that it deserves the complete support of this House.

The final funding level we are recommending is identical to that requested by NSF and the administration, a total of $751.4 million in new authorizations. That would make available to the Foundation for obligation in fiscal year 1976 the larger figure of $775.4, because $20 million in fiscal year 1975 deferrals plus $4 million in special foreign currency will be included.

This $755.4 million in new funding represents an increase of $58.3 million above the current fiscal year 1975 program level of $697.1 million. Again, I emphasize, this increase is recommended by the administration, it is in the budget.

However, within this total figure there are a number of significant modifications made by the committee. The significance of these changes is reflected not so much in the individual transfers of dollars from one category to another; rather, the import is the very general shift in funding in favor of the science education-oriented NSF programs. This action was accomplished after the most painstaking deliberations and reflects a shift in priorities distinct from those recommended by the administration.

The dollar changes total $30.7 million and are distributed between 5 of the 12 major NSF program elements.

Examining these on an individual basis, the committee increased the two science education activities—science education innovation and science education support—by $24.5 million. The committee bill also recommends a termination of the institutional improvement for science program with the funding for that program transferred to the science education support area.

The science education program of NSF is designed to meet a number of goals, including increasing the efficiency and effectiveness of science programs, helping provide the essential number and variety of trained scientists and engineers, and providing science training to enable the nonscientist to cope in a science and technology intensive society.

The bulk of the committee's $24.5 million increase in science education is directed to the proposed category of science education support. This shift is based upon the committee's conviction that science education programs have not been maintained at a level commensurate with the demonstrated needs, nor with increases in NSF's basic and applied research programs.

Thus, this addition will be spread between the many important program categories of undergraduate research participation, student originated studies, secondary school student science projects, science faculty fellowships, ethnic minorities in science program, and comprehensive assistance to undergraduate science education to name a few of the specific efforts.

Similarly, the committee also increased the major program element of graduate student support by $1 million. This increase is aimed at strengthening the energy-related postdoctoral fellowships program over and above the $1.4 million request. The committee strongly supports this NSF initiative which seeks to provide and train the manpower necessary to address our energy crisis and looks forward to a substantially enhanced effort by virtue of our recommendation.

The other two major program elements the committee increased are science information activities and intergovernmental science and R. & D. incentives. The science information activities was voted an additional $200,000 to bring it to the level originally requested of the administration by NSF. The committee concurs with NSF that the program is essential, as it is designed to improve the management of scientific and technical information services and to encourage managements within the R. & D. community to promote the greater use of scientific and technical information.

The intergovernmental science and R. & D. incentives effort—a program designed to increase the scientific capability and utilization of science and technology in the public and private sectors—received an increase of $5 million. This addition was in recognition of the need for State and local governments to more aggressively utilize science and technology. The committee heard excellent testimony on this matter and concurred with the recommendations of outside witnesses that the program merited further strengthening.

Insofar as the balancing decreases recommended by the committee are concerned, three major program elements were cut a total of $30.7 million. The largest single cut, $13.7 million, is in the scientific research project support program. Under the fiscal year 1976 budget request, the Foundation will fund almost 20 percent of the total Federal support of basic research, up from approximately 12 percent 7 years ago. The trend is therefore one of NSF supporting an increasingly larger percentage of Federal basic research.

The committee recognizes that this particular program area represents the heart of NSF's basic research effort but feels strongly that the priority of science education warrants this slight reduction in the proposed program. The committee proposed figure of $366 million still will provide an increase of almost 8 percent over the planned commitment for fiscal year 1975.

The second of the three programs which were reduced is the national and special research programs. The budget requested by the Foundation was increased by almost 35 percent over the fiscal year 1975 spending plan. This program was cut slightly in order to bring the increase over last year's budget request into line with a more reasonable pattern of growth.

Finally, the research applied to national needs program was decreased $11.5 million. The committee felt that the RANN elements of environment, productivity, and exploratory research are being accelerated at too rapid a growth rate. Although this reduction also is generally directed at the RANN energy work, it is not to be interpreted as a deemphasis by the committee; rather, with the bulk of Federal energy-related R. & D. being transferred to the new ERDA, it was felt appropriate to trim the NSF RANN energy work accordingly.

Finally, Mr. Chairman, I will comment on the consideration given by the committee to the NSF policy regarding implementation of science curriculum materials.

The focus for that discussion was a Foundation grant for implementation of anthropological coursework, entitled "MAN: a course of study—MACOS." NSF, in effect, was proceeding in accordance with committee direction of past years in which it was recommended that the Foundation disseminate the course materials it developed in more comprehensive and aggressive fashion. It was our feeling that much of the excellent material produced under Foundation grant was not being fully utilized due to NSF sharply curtailing its efforts once the curriculum had been developed.

The controversy this year arose as the combined result of first, NSF pursuing the committee-recommended policy relating to implementation, and second, the implementation of somewhat controversial subject matter.

After a very thorough airing of the issue, the committee adopted a strongly supported position in recommending establishment of a small, impartial review group, to be appointed by our committee chairman, Mr. TEAGUE, to study both particular course materials and NSF's overall curriculum implementation policy.

In response to the committee's concern, Dr. Guyford Stever, NSF Director, took the initiative in promising to withhold from obligation further 1975 funds, as well as all 1976 funds for any precollege course development and implementation.

This he promised to do until NSF had had the opportunity to conduct a thorough review of the Foundation's effort in these areas. The result of the NSF findings along with recommendations will then be reported to the National Science Board and the Congress. I point out that Dr. Stever took this action prior to any position being taken by the Congress.

I would like to express my full support both for the recommendation of Chairman TEAGUE in establishing a group to study the matter, and, the initiative taken by Dr. Stever in assigning a staff group to perform a similarly comprehensive analysis. As the ranking minority member on this subcommittee with jurisdiction over the National Science Foundation, I applaud this action and look forward to the final report of both groups within the coming weeks.

In summary, the Science Committee felt it important to hold the NSF budget within the administration recommended figure. But the committee also felt compelled to give more emphasis to the NSF work as it relates to providing this Nation with the necessary quality and quantity of scientifically and technically trained manpower—in short, science education. This has been accomplished by the judicious shifting of dollars within the total NSF program so that all increases are matched by corresponding funding reductions.

Mr. Chairman, I personally would like to compliment the committee, and especially our subcommittee chairman, JIM SYMINGTON; firmly supported by Chairman TEAGUE, for maintaining the budget at the requested level. The bill now before us does deserve the overwhelming support of all of us, on both sides of the aisle.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in strong support of H.R. 4723, the 1976 authorization bill for the National Science Foundation.

The committee hearings on this legislation were quite comprehensive and I feel that we have reported a sound bill.

For many years, I was ranking member of the subcommittee that has jurisdiction over the NSF.

Consequently, I am very familiar with the success of this Agency.

I have seen the Foundation develop and prosper over the years, and can assure my colleagues that the National Science Foundation spends its Federal dollars well.

We have been fiscally responsible in H.R. 4723.

Dollars were transferred out of the RANN program to strengthen science education programs.

I would have preferred this reduction to have been spread among other NSF program elements.

As many of you know, the RANN program is designed to focus our scientific and technical resources on key domestic priorities, including energy and the environment.

With the establishment of ERDA, the bulk of the RANN energy funding and a sizable number of staff and projects were transferred to the new agency.

NSF, however, continues to carry a heavy responsibility in the energy field.

An $11.5 million reduction can only weaken this effort.

Even with this reservation, Mr. Chairman, I do feel that this bill is worthy of our support.

Mr. TEAGUE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, in these days of increasingly scarce economic resources, we are all anxious to invest our R. & D. funds in what we hope will be quick payoff areas of technological breakthrough and development. Recently much criticism has been directed at the National Science Foundation for its support of what, at first glance, appear to be irrelevant and costly basic scientific research projects in the social, biological, and other sciences. I should like to say to these well-intentioned critics that most of our understanding of the sequence of scientific R. & D. indicates that successful technological innovations and useful problem-oriented R. & D. cannot occur without long and arduous years of unfettered basic research which increases our knowledge and understanding of man and his universe.

No one today can predict precisely the unforeseeable events or problems which will plague the future of this Nation. However, it is certain that fundamental scientific research is the critical factor which will determine our ability and readiness to cope with tomorrow's problems.

Mr. Chairman, in 1968, the NSF supported a project at the Research Institute of the Illinois Institute of Technology to determine and trace the critical R. & D. events which led to the successful development of five technological breakthroughs with undeniably major economic and social implications. These are ferrites used extensively in computer memories and other electronic equipment, the contraceptive pill, the electron microscope, videotape recording, and chemical matrix isolation which has important applications in the petroleum industry.

The study was called "TRACES: Technology in Retrospect and Critical Events in Science."

The study demonstrated that in all cases only nonmission research—the same kind of nondirected basic research NSF supports—provided the origins or precursor events from which mission-directed research could advance to the innovation.

The "Traces" study clearly established the importance of nonmission research to these innovations. Three-fourths of all the events recorded in the study were nonmission-oriented work. Nonmission research also played an important role in initiating the lines of thought which evolved into the technical knowledge needed to complete the innovations. The study also showed that, in the innovations studies, the number of key fundamental research events required occurred about 20 to 30 years before the actual innovations, and that approximately 90 percent of all fundamental key research events took place before the innovation itself was even conceived.

For example, the innovation of the electron microscope depended almost completely on non-mission research for its achievement. New, at that time, revolutionary theories in physics, combined with experimental advances in electronics, and related fields, were the essential research ingredients. The theories necessary to understand the way in which developments had to proceed to refine video tape recorders—that is understanding of magnetic recording, occurred in a chain that extends as far back as the 19th century. Basic research over many years—on the physiology of reproduction, hormone research, and steroid chemistry—facilitated the development of the contraceptive pill. Much of this research was done by individual scientists following their own lines of curiosity.

In all cases a long sequence of nonmission research activities provided enough knowledge that other researchers—doing more directed mission research—could conceive of a solution to a problem. As a U.S. Air Force colonel, Joseph Martino, an authority on technological forecasting, has described this process and its implications for the innovation sequence:

> There are some spectacular examples of individual [nonmission] research results having a major impact on technology. Perhaps nuclear power and the transistor provide the classic instances of this type of interaction. However such examples are actually few and far between. Probably over 99

> percent of all the results of a research program are like the tiles in a mosaic: individually they are not very meaningful; it is only when they are arranged in the proper pattern that a picture emerges. While it is the spectacular results which get popular attention, over the long run it is the collection of many, many isolated results into an overall pattern which permits major advances in technology. These many individual results produce a knowledge base on which technology can build to produce solutions to problems. (Martino, Joseph P. Technological Forecasting for Decisionmaking. New York, American Elsevier Publishing Company, Inc. [1972]. p. 380.)

Mr. Chairman, my comments have many implications for the current criticisms of basic research in the Foundation. The Congress gave the NSF a mandate to support basic research when it created the agency. It would be sheer folly for us to abandon this mandate and our Nation's excellence in science to the expediency of a temporary economic crisis. Not only would we forfeit the creativity of our leading scientists, but, as the Traces study demonstrates, we would be denying our Nation the knowledge base it needs for technological advance. And it is almost certain that the diversity of knowledge required for tomorrow's innovations will be even greater than that required in the past.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, since its establishment in 1950 the National Science Foundation has had the unique responsibility to promote and to insure the strength of this Nation in basic science. Today, the activities of this agency are of central importance to the future of this country, for it is through the application of new knowledege that we insure both our social and commercial vitality.

In the past decade we have landed men on the moon; we have made giant advances in the prevention of disease and in our methods of helping those needing intensive health care; and we have fostered an electronic revolution that, among its many other contributions, has almost made the small computer into a household appliance. Each of these advances depended upon knowledge gained over many years in chemistry, biology, physics, mathematics, and other fields; knowledge that was generally sought and acquired for its own sake.

World War II convinced us of the utility of such knowledge. Today, that utility is far greater. From a commercial standpoint, we must note that this Nation has a large and growing export surplus in items involving high technology. We have now reached a point where our competitive advantage in the world market lies in producing new ideas, new techniques, and new devices which other countries cannot originate for lack of our scientific and technological strength. We can only maintain this position by having a strong scientific effort of the sort that the NSF is intended to foster. Our advantage is in constant technological innovation, for all too often another country can, in time, copy our products at lower labor costs.

Similarly, the future vitality of our society, the productivity of our citizens and our opportunity to lead meaningful and creative lives, depends upon our understanding of how people behave and react to each other. Our cities are not likely to be more habitable until we can understand the fundamentals of what is wrong with them. Our factories are the focus of a good deal of complaint by those who work in them, but for reasons that we do not understand well enough to be able to provide solutions. Our use of alcohol and psychotropic drugs is large and our divorce rate is increasing, yet we do not know the reasons for those symptoms of discontent. Clearly we need to accelerate our growth of basic understanding in these areas. We seem to know so little about social matters that we hardly know where to start to work. And though our knowledge of animals and other living things appears more certain, we apparently risk disaster by mounting programs to eradicate wildlife and insects without adequate understanding of the total effects.

I am particularly pleased that, due to changes in the bill which I was able to initiate in committee, $23 million of the $60 million RANN program will be available for applied social research and policy sciences research. It is gratifying to realize that we are beginning to win the long-fought struggle to raise "people problems" to their rightful position. NSF has done much good work as to the hows and whys of the hard sciences; it is my sincere hope that its record in the social sciences is on the way to the same level.

The National Science Foundation and other science-supporting agencies have recently been criticized for funding research projects whose titles seem strange or frivolous. Some have questioned the appropriateness of learning more about human behavior, in the apparent belief that life is best when least understood. Others have simply found humor in the seemingly absurd things that scientists seek to investigate.

However, it is worth noting that where such humor, or criticism, has been leveled, further inquiry has quickly established a serious research objective bearing a relationship to the national interest. Though even scientists will debate priorities among projects for research support, this effort to belittle the proper and arduous effort to expand man's knowledge is a threat to the future prosperity of this Nation. The National Science Foundation has a difficult task in trying to promote discovery and understanding in areas where our knowledge is least. It has acquitted itself well. The current efforts to deride and belittle its fine work are emphatically not in the national interest.

A few examples may be in point.

One which has been in the news quite a bit lately concerns the funding of a study referred to by some Members of Congress as "Why People Fall in Love." Much has been made of this activity in a derisive tone. Factually, however, this is a serious effort to develop a data base which will enable social scientists to learn something about the forces which are causing breakups in American families, unstable lifestyles and the resulting effects on very young children involved. No such reliable data base exists today, but it could provide some clues of very great social utility.

Another example some years back was the support of experiments with the sterilization of certain insects by X-ray. A lot of people laughed at that one, too, but when the information obtained resulted in a marked reduction of the lethal screwworm, cattlemen from Texas to Florida rejoiced.

NSF has been condemned for supporting studies of the behavior of Arctic lemmings as well as the feeding behavior of plant lice. But the reason for the lemming study was to see what might be learned about the ways in which these prolific animals deal with aggressive attitudes created by dense populations.

The potential for understanding and dealing with crime is obvious. The study dealing with plant lice is leading to the development of certain plant strains which are repugnant to the lice which now annually destroy millions of dollars of crops.

A recent NSF grant in the area of biology was devoted to "the study of the mating calls of Central American toads." Information gleaned here has proved valuable to the medical profession in connection with heart stimulation in humans.

The total cost for all of the foregoing examples was less than a quarter of a million dollars—not a bad price for the results obtained.

By no means is such ridicule limited to the National Science Foundation. Almost every agency of government is subjected to it at some point or another. The Department of Agriculture has been chastised for developing an "odor measuring machine" for research in Turkey. This was not to gage the smell of the Turks; it was to help in determining the quality of fresh and stored food products as an aid in grading and inspection. The Defense Department was chastised for studying the aerodynamics and behavior of frisbees; but the purpose was to help develop a self-sustained flare for naval applications which would be cheap, safe, and reliable. NIH has been taken to task for inquiring into the perspiration characteristics of Eskimos and Australian Aborigines. The idea here was to learn something about the balance of body fluids in order to help our military personnel operate efficiently and safely in severe climates, particularly in the dehydrating jungles of Southeast Asia.

And so it goes—from studies of the biological rhythms of catfish in India to comparison of the developments between American and Indian whistling ducks, to why some Polish frogs are bisexual, to why children fall off tricycles. These may sound silly, but they can be deceivingly important, indeed, as in the case of the study of aboriginal sweating characteristics, a matter of life and death to thousands upon thousands of U.S. servicemen serving abroad on high risk missions.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN).

I should like to point out that the gentleman from Oklahoma is a distinguished new member of our committee, although he is a very experienced and distinguished old hand here in the House. We certainly welcome him to our committee as the third ranking member on the minority side.

Mr. JARMAN. Mr. Chairman, I wish to express my support for H.R. 4723, the National Science Foundation's Fiscal Year 1976 Authorization. The Science Committee has done an excellent job in examining and resolving a number of somewhat controversial issues presented by the bill. This legislation comes to the floor with the overwhelming support of the committee's membership and I recommend its passage without amendment.

I personally see the fiscal year 1976 NSF program as representing a firm and unwavering commitment to improve this Nation's scientific strength. The NSF work is reflected in an impressive and ever-expanding base of fundamental research in addition to its applied research activities directed to select domestic and international problems.

As the chairman has highlighted, the committee made a number of substantive changes from the individual budget line items submitted by the administration. To the committee's credit however, the dollar figure approved by the committee does not exceed that requested by NSF. H.R. 4723 would authorize $751.4 million for the National Science Foundation for fiscal year 1976 plus $4 million in excess foreign currency.

In terms of legislative priorities however, significant changes were made—and I feel wisely so—in emphasizing that there should be no precipitous reduction in the traditional support for science education programs. Thus, the thrust of the committee's activities were obviously to achieve a balance between the very important work in basic and applied research on the one hand, and, science education on the other. Although there was reluctance to reduce the research funding, there was no dispute that the science- and technology-oriented problems which we as a society face today cannot be solved by money alone. Indeed, it is essential that we train and educate the necessary manpower to refine and apply the knowledge we develop. The committee therefore felt it necessary to boost certain of the science education categories to a level commensurate with the amounts requested in the basic and applied research areas.

I feel that these have been judicious dollar transfers and that no matter how strong the justification for individual program increases the committee wisely restrained the total budget to the level of the administration request. I congratulate my colleagues on the Science Committee for this legislative proposal and I also compliment them for the emphasis they have placed upon a number of the more key science education efforts.

Mr. Chairman, the budget we are recommending will provide the funds necessary to keep American science and technology in the forefront. The changes recommended by the committee were carefully reviewed and considered and I urge the adoption of this bill.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MYERS).

Mr. MYERS of Pennsylvania. Mr. Chairman, I rise in support of the bill with some reservations. I intend to offer an amendment at a later time.

However, I would encourage this Congress and the general public to look at the need for research and development funds in light of the fact that in committing ourselves to a reasonable research program we have to expect some embarrassing failures if we are really extending ourselves sufficiently in the field of research. I think we as Members of Congress have to be willing to explain that point. Too often we are criticized for the fact that NSF has funded research programs that do not succeed and provide us the right answers or expected results. However, we have to recognize that if we are reaching out and getting into the research field in an adequate manner we will have to expect some failures and we do have to pay for those failures.

On the other hand, I ask the NSF administrators to recognize the fact that we do have a need to review our expenditures closely. I ask that NSF review projects and programs so that possible failures are recognized early enough to eliminate the commitment of funds, and save tax dollars.

In the bill and in the committee I had a great concern about NSF funds in science education, particularly pertaining to the fact that as we move into an expanding energy program there is a need to recognize the fact that we have many previously educated engineers which do not specifically apply in the field of energy development. I encourage that we develop programs to retrain them; for instance, to train civil engineers and mechanical engineers to be mining engineers or engineers in some field related to energy development. I strongly urge that funds which are available to NSF administrators to be used for scientific education make proper use of our reserve of technical ability.

Mr. PICKLE. Mr. Chairman, between Paul Harvey's list of budget boondoggles and the Netsilik Eskimos program, the National Science Foundation comes to us this year with a little egg on its face.

Good oversight is the best, it is the only really effective tool that we have to protect the taxpayer from unnecessary spending—and unnecessary taxes to support it. Some research can be too far out, and we should control any abuses.

But let us not in our concern here forget all the other aspects of the National Science Foundation, all the other projects and efforts which are funded by this agency and which are vital to our future.

There are two kinds of scientific research. There is practical research, which has a specific goal in mind. This is good; it is necessary; it helps the country find answers to its problems. I am glad to see this kind of research get strong funding in the NSF budget.

There is another kind of research, however, basic research. It, too, is good, necessary, and helpful to the country. But it is not as easy to support because it does not have an immediate goal in mind. We do not know exactly what will come from basic research often. But we do know—or should know—that almost every major scientific breakthrough was built on or came out of just such unspecified research. The answers for tomorrow are there, if we are just willing to let ourselves go to explore for them.

I have been in contact with both kinds of research as it is ongoing with the National Science Foundation.

At the Univeristy of Texas at Austin we are working with the NSF to gassify the vast resources of lignite in our State, to improve tertiary recovery of oil, to assess and develop the vast geothermal resources of the gulf coast. These are projects obviously of benefit to the nation, and there are many more in the universities in Texas alone.

I had another experience this year which exhibited to me both the practical and the more long range types of research. In January I was priviledged to go as a guest of the National Science Foundation to our research bases in Antarctica. The trip was long and arduous, and standing in the blustery cold of the South Pole, one might wonder why in the world we would want to fool with this vast chunk of ice and snow in the first place.

I can tell you why. Besides the sheer magnificence of the place, from our research in Antarctica, the National Science Foundation is learning about our weather, about our oceans over air currents, and magnetic forces, about our early beginnings, about the very formation of the crust and the continents. We are there expanding our knowledge in big ways and in little ways, in long range ways and ways with immediate payoff. It is a continent devoted to scientific research alone, and protected by treaty with 11 nations.

But most important, whether it is in Antarctica, at the University of Texas, or in any other place on the face of the Earth, through the help and able direction of the National Science Foundation we are expanding our knowledge.

Brain power is the only tool man really has. As our problems become more complex, the importance of brain power becomes more important. It is the key to learning to live more in harmony with our Earth and with each other. And the National Science Foundation is the mainspring of that effort in this country.

I applaud them for their many years of able work. Dr. Guy Stever and his staff are doing an outstanding job. They are gentlemen and scholars—daring and doing a better job for our scientific endeavors. This authorization deserves our support.

Mr. RAILSBACK. Mr. Chairman, I am pleased to lend my support to H.R. 4723, the National Science Foundation Authorization Act for 1976. Since its establishment in 1950, the National Science Foundation has assumed an increasingly creative and important role in fostering higher education in the sciences. The continuing high quality of graduate level science education and research in American universities depends heavily upon the imagination and resources of this agency. Its activities and performance over the past 25 years justify our respect and further support.

The National Science Foundation has an outstanding record of achievement in improving the quality of our universities, both public and private. In sponsoring large amounts of basic research at the graduate level, it is promoting the creation of new knowledge in science while at the same time supporting the education of large numbers of students. Today, education—particularly graduate education—is a national resource. Graduate training in science is an expensive process which demands long hours of faculty advising for each student and often the use of many thousands of dollars of research equipment. Upon graduation, students often migrate rapidly away from the localities where they have been trained to those regions of the country where their talents are needed. With this great educational expense and this level of mobility, graduate education has appropriately come to be considered as much a national, as it is a State or local, responsibility.

The National Science Foundation was created to meet that national responsibility. Under H.R. 4723, it will provide $366 million in fiscal year 1976 for basic research, most of which will be carried out in universities. In addition, approximately $16 million will be provided in direct support to graduate students in the form of fellowships, traineeships and postdoctoral stipends.

Recently, the National Science Foundation initiated its new program entitled Research Applied to National Needs (RANN). This program focuses on the application of basic knowledge to definite problems of national importance. Within this format, it creates an opportunity for basic and applied scientists and students in science to work together, each contributing experience and knowledge. While a good many of the RANN projects are performed in non-university surroundings, last year approximately 58 percent of the $83 million allocated to RANN was used to support university based research. This proportion is expected to remain approximately constant in fiscal year 1976.

Thus, through its support of scientific research projects, graduate student support, and the RANN program, the National Science Foundation will provide approximately $420 million in support to universities in the coming year. In addition, the National Science Foundation supports the National Center for Atmospheric Research, the National Radio Astronomy Observatory, the Kitt Peak National Observatory, the National Astronomy and Ionospheric Center—in Aricebo, Puerto Rico—and the Cerro Tololo Inter-American Observatory, in addition to this Nation's participation in Antarctic Research, in the Global Atmospheric Research Program, in the International Decade of Ocean Exploration and in other international scientific endeavors. These several programs, largely university oriented, are to receive combined support of approximately $160 million in the coming year.

The support provided by the National Science Foundation is crucial to those colleges and universities attempting to maintain high quality science programs. This is especially true of private institutions, since they lack the resources available to publicly supported institutions and are especially hard hit in these inflationary times. Private colleges and universities serve a large fraction of the students in higher education. They represent a large fraction of the Nation's capability in graduate education in the sciences, a function they could hardly serve without National Science Foundation support.

This bill, H.R. 4723, is therefore not simply a means of providing support for basic research. It is also a means of sustaining the capabilities and quality of our education system. This support is massive in size and affects virtually every graduate institution in the country. And it is of particular importance to those institutions which, in the absence of Federal programs, would have to survive on tuitions, private gifts and endowments. It is for these reasons that I strongly support the full authorization for the National Science Foundation provided by H.R. 4723.

Mr. McCORMACK. Mr. Chairman, the task of carrying out applied research at the National Science Foundation is assigned to a directorate in charge of research applications. Its program consists of research applied to national needs—RANN—and a complementary effort in intergovernmental science and research utilization—ISRU.

Through this directorate, the Foundation focuses U.S. scientific and technical resources on selected problems of national importance. The purpose is to make a contribution to timely, practical solutions. In this way, the program serves as a bridge between NSF's basic research and the programs of Federal mission agencies, State and local governments, and industry.

At present, the directorate organizes its research into four principal parts: energy, environment, productivity, and exploratory research and problem assessment. The last of these emphasizes resources, advanced industrial processing, and technology assessment. Each part responds to major national needs; the research involves a variety of science disciplines.

For the past 3½ years, as Members are aware, the RANN program has played a lead role in Federal solar energy research. The effort was begun in fiscal year 1971 with NSF funding of more than $1 million in research project grants for solar energy applications. This was the first sizable Federal effort to investigate the practical use of solar energy for producing energy or power for domestic needs.

RANN-sponsored experiments proved that solar energy systems work satisfactorily and show promise of improvement in the near term. The high visibility of the experiments generated great interest among potential users, particularly the housing industry where higher fuel costs began to pinch severely.

In January 1975, with the formation of the Energy Research and Development Administration, the RANN program entered a spinoff stage. Nearly $52 million in projects ready for demonstration, testing, and evaluation was transferred to ERDA; $37 million of this amount involved research in solar energy applications.

For energy research in fiscal year 1976, RANN is concentrating upon innovative, long-range, high-risk high-payoff projects. These include superconducting magnetic energy storage, modeling of combustion processes, transmission control problems, and potential tradeoffs among solar, geothermal, and conventional energy systems.

The RANN environmental program is studying secondary problems generated by population growth, economic activity, and changes in land use. Nearly 4 years ago, RANN-sponsored investigators began to develop mathematical models for predicting secondary effects and the consequences of alternative environmental decisions.

Now several regional applications of these studies are being made. The Tennessee Valley Authority, for example, is using study results from the Oak Ridge National Laboratory to evaluate the consequences of alternative management programs for TVA lands. ERDA is adopting the regional study approach to assist the decisions on power planning and power park siting.

In a portion of the environmental program for fiscal year 1976, RANN administrators plan to expand research into the effects of synthetic organic chemicals introduced in large amounts into the environment. The research is to be concentrated upon problems involving direct toxicity created by the degradation of these chemicals.

The RANN program in productivity will emphasize during fiscal year 1976 the development of measurement systems for State governments. Previous research disclosed three major problems in measuring public sector productivity:

Hard measures of output based on performance levels, rather than measures of input, are needed;

Impacts of State, local, and Federal regulatory procedures must be understood more fully; and

Some means to determine the value of changes in the structures of public sector organizations also are needed.

The RANN program in exploratory research and problem assessment will be expanded to take in new technologies for food and resource production. The program will include research on protein production from nonconventional sources and analysis of the energy implications of producing plastics from wood and farm products instead of petroleum.

Mr. McKAY. Mr. Chairman, I wish to express my support for the amendment which would strengthen congressional overview of the National Science Foundation's promotion of curriculum program. As I understand it, the amendment would require review of materials by the appropriate congressional committee and that the funding be specifically approved by the Appropriations Committee.

This move to strengthen review of National Science Foundation educational courses is necessitated by the development and marketing of MACOS—Man: a course of study. This is a social studies program for 10-year-olds—fifth graders—designed to get children to think about value issues and about family relationships. A major portion of the study deals with a nearly extinct Netsilik Eskimo subculture. According to Congressman CONLAN, in this segment there are repeated references to adultery, bestiality, cannibalism, female infanticide, murder, incest, wife swapping, and other shocking practices.

NSF has spent nearly $7 million in public funds over the past 10 years in the development and active promotion of this program. I believe that schools would be better off promoting healthy family life rather than showing family disintegration. Due to the importance of family life to American well-being, it is our responsibility to guard against any governmental programs which undermine the family. This particular program has very questionable material and should not be actively promoted with public money without some congressional review.

In addition, I think that it is time that Congress exercise more strenuous oversight over research grants. Pure research is vital but recent revelations of waste indicate that there should be more careful review.

Mrs. HOLT. Mr. Chairman, the National Science Foundation sponsors many research projects and programs that will be of practical benefit to the citizens of our country.

However, it also spends many millions of dollars for what can only be described as welfare for academicians, who are delighted to have a flow of Federal money to indulge their esoteric interests.

For example, a $45,000 grant was awarded last year to enable some professor to spend 2 years indulging his fascination for red-spotted newts.

I could go on and on with this listing. There were the studies of the post-Civil War economy, pleistocene spring deposits in the Western Ozarks, the desert millipede, the flora and physiogeography of the Fijian region, the evolutionary biology of salamanders, the Gullah language, and so forth.

Just this week, the National Science Foundation announced a list of grants for studies that include evaluation and improvement of self-report measures of behavior, early man in the Upper Delaware Valley, and hermit crabs.

Mr. Chairman, if ever there was a time for the Government to limit its spending to only what is essential, the time is now. But the unfortunate tendency of this Congress is to spend our Nation and its citizens toward bankruptcy.

I daresay we could eliminate the total $755 million requested here today by the National Science Foundation, and not 1 citizen in 10,000 would even know or care that it was gone.

Certainly, the most important scientific research that the Federal Government could be performing is in the area of energy, but our new Energy Research and Development Administration has assumed this vital responsibility.

There are, to be sure, other fields of scientific research for which grants by the National Science Foundation can be justified, but I have the strongest objections to its intervention in the social sciences and policy.

This legislation would authorize $23 million for research on policy alternatives for Federal, State, and local social programs. It is a relatively small amount in comparison with the total Federal budget, but it is another step in the relentless drive of the Federal Government to restructure society.

We do not need more Federal intervention in matters that should be reserved to the States and localities. The people do not want to be ruled by central bureaucracies remote from their own neighborhoods.

In this vein, perhaps the worst transgression committed by the National Science Foundation has been the funding for development and marketing of a school curriculum called "Man: A Course of Study."

The National Science Foundation has spent more than $7 million to produce and promote this social studies course which gives 10-year-olds a learning experience with adultery, bestiality, cannibalism, female infanticide, murder, incest, wife swapping, and other unsavory practices of a primitive people.

Worse yet, the NSF has come up with a high school curriculum that it will attempt to sell to nearly 2,000 high schools in every State within the next couple of years.

Mr. Chairman, the Federal Government should have no role whatever in developing and promoting curriculums to be used in public schools. Parents across this country are enraged that the education of their children is being removed from their control.

Those who cherish the tradition of freedom in these United States will not tolerate the use of Federal power as a thought-control mechanism to be used on the minds of children.

Education should remain forevermore a responsibility of local officials which are more vulnerable to influence by parents. Education should not be the function of faceless, nameless bureaucrats who operate as unseen forces beyond the control of parents.

Mr. TEAGUE. Mr. Chairman, I have no further requests fo rtime and I reserve the balance of my time.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1976, for the following categories:

(1) Scientific Research Project Support, $366,300,000.

(2) National and Special Research Programs, $101,500,000.

(3) National Research Centers, $60,200,000.

(4) Research Applied to National Needs, $30,000,000.

(5) Science Education Innovation, $39,000,000.

(6) Science Education Support, $34,700,000.

(7) Graduate Student Support, $15,800,000.

(8) Science Information Activities, $6,200,000.

(9) International Cooperative Scientific Activities, $8,000,000.

(10) Intergovernmental Science and R. & D. Incentives Program, $8,000,000.

(11) Science Assessment, Policy, and Advisory Activities, $9,200,000.

(12) Program Development and Management, $41,700,000.

SEC. 2. (a) Notwithstanding any other provision of this or any other Act—

(1) of the total amount authorized under section 1, not less than $39,800,000 shall be available for the purpose of "Science Education Innovation";

(2) of the total amount authorized under section 1, not less than $34,700,000 shall be available for the purpose of "Science Education Support";

(3) of the total amount authorized under section 1, not less than $15,800,000 shall be available for the purpose of "Graduate Student Support";

(4) of the total amount authorized under section 1, category (6), not less than $3,000,000 shall be available for "Undergraduate Research Participation";

(5) of the total amount authorized under section 1, category (6), not less than $2,500,000 shall be available for "Secondary School Student Science Projects";

(6) of the total amount authorized under section 1, category (6), not less than $2,000,000 shall be available for "Science Faculty Fellowships";

(7) of the total amount authorized under section 1, category (10), not less than $6,000,000 shall be available for the "Intergovernmental Science Program".

(8) of the total amount authorized under section 1, category (4), not less than $23,000,000 shall be available for "Applied Social Research" and for "Policy-Sciences Research" directed toward increasing the cost-effectiveness of policies and programs dealing with urban and human service problems at the Federal, State, and local government levels. Such funds may be used to identify, analyze, and contribute knowledge to improve productivity in the public sector; identify, analyze, and evaluate more effective, efficient, and equitable ways to deliver human services; and to develop the data base and analytical techniques required for improving applied research on municipal systems and human service delivery.

(9) of the total amount authorized under section 1, category (4), not less than $1,000,000 shall be available for the purpose of "Fire Research". The transfer of this program to Fire Research Center of the National Bureau of Standards (15 U.S.C. 278 f.) during the fiscal year ending June 30, 1976, is authorized; and

(10) the amount of $5,500,000 for "Institutional Improvement for Science" which was authorized and appropriated to the National Science Foundation for the fiscal year ending June 30, 1975, and which remains unobligated as of the close of the fiscal year ending June 30, 1975, shall be merged with and added to the amount authorized under section 1, category (6), "Science Education Support", of this Act.

(b) The National Science Foundation is authorized and directed to conduct a Comprehensive Assistance to Undergraduate Science Education program, referred to hereinafter as CAUSE. CAUSE shall have the purpose of strengthening the science education capabilities of predominantly undergraduate educational institutions and departments or groups of departments thereof through awards to four-year colleges, two-year colleges, to the undergraduate component of advance degree institutions, and to groups of such institutions. Notwithstanding any provisions of this or any other Act, of the total amount authorized under section 1, category (6), not less than $18,000,000 shall be available for CAUSE and not less than $3,500,000 thereof shall be awarded to two-year institutions. Awards within each category of CAUSE shall be made on a competitive basis.

(c) In the conduct of the energy research and development activities under the "Research Applied to National Needs" category, the National Science Foundation shall coordinate all new project awards with the Administrator of the Energy Research and Development Administration or his designee.

(d) As used in this Act "Science Education Innovation" means projects aimed at the development of new approaches to the teaching of science to students, teachers, and professionals, including but not limited to new curriculums, new technologies, new methods, and retraining or other efforts to make the existing scientific manpower pool better able to fulfill the Nation's manpower needs. As used in this Act "Science Education Support" means projects aimed at building a capability to teach science, including but not limited to awards for equipment, conferences, and institutional development.

Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 4. In addition to such sums as are authorized by section 1, not to exceed $4,000,000, is authorized to be appropriated for fiscal year ending June 30, 1976, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 5. Appropriations made pursuant to authority provided in section 1, 2, and 4 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 6. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

Sec. 7. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1976".

Mr. TEAGUE [during the reading]. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. SYMINGTON

Mr. SYMINGTON. Mr. Chairman, I offer an amendment to correct a printing error.

The Clerk read as follows:

> Amendment offered by Mr. Symington: On page 2, line 3, delete the sum "$39,000,000" and insert the sum "$39,800,000".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONLAN

Mr. CONLAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Conlan: Page 6, line 15, insert "(a)" after "Sec. 6.".
>
> Page 7, immediately after line 11, insert the following new subsection:
>
> (b) (1) No funds authorized to be appropriated to the National Science Foundation under this or any other Act shall be available to implement or market course or curriculum programs or materials unless the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate have first been provided a complete prospectus for each course or curriculum project proposed for such funding by the Foundation, and—
>
> (A) the funding to implement or market such course or curriculum programs or materials has been specifically approved in an Appropriation Act; or
>
> (B) both Houses of Congress have adopted a resolution approving such funding for implementation or marketing.
>
> (2) For purposes of this section, a prospectus shall include—
>
> (A) the grant application with names and institutional affiliation of applicants, justification for the implementation grant, and duration of the project;
>
> (B) a complete description, educational objectives, and historical overview of the course or curriculum to be implemented;
>
> (C) copies of all evaluations and recommendations concerning the implementation proposal; and
>
> (D) the National Science Foundation budget and fiscal report, the total per-pupil cost to implement the course or curriculum, sources of other funding, and a projection of future Federal funding for the course or curriculum.

Mr. CONLAN (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. CONLAN. Mr. Chairman, my office and others have been inundated with outraged complaints from parents nationwide about the National Science Foundation spending more than $7 million to promote and market a social studies course for 10-year-olds called "Man: A Course of Study."

I share their indignation. My amendment is designed to reassert congressional authority over NSF curriculum activities to stop what is shaping up as an insidious attempt to impose particular school courses and approaches to learning on local school districts—using the power and financial resources of the Federal Government to set up a network of educator lobbyists to control education throughout America.

Congress needs to stop this, and to tightly review NSF curriculum implementation activities. This is especially vital in light of the revelation when the MACOS issue came up in committee last month that, as late as March 6 of this year, neither NSF Director Guyford Stever nor any top officials of the education staff there had reviewed any of the MACOS materials or knew what was in the course, despite a 12-year NSF involvement in developing or marketing the course at taxpayers' expense.

Mr. Chairman, MACOS materials are full of references to adultery, cannibalism, killing female babies and old people, trial marriage and wife-swapping, violent murder, and other abhorrent behavior of the virtually extinct Netsilik Eskimo subculture the children study.

Communal living, elimination of the weak and elderly in society, sexual permissiveness and promiscuity, violence, and other revolting behavior are recurring MACOS themes.

This is simply not the kind of material Congress or any Federal agency should be promoting and marketing with taxpayers' money.

The course was designed by a team of experimental psychologists under Jerome S. Bruner and B. F. Skinner to mold children's social attitudes and beliefs along lines that set them apart and alienate them from the beliefs and moral values of their parents and local communities.

This aim of MACOS is blatantly spelled out in the course's philosophical and behavioral manifesto—a teacher's book of essays called "Man: A Course of Study Seminars for Teachers."

In this MACOS book there is a call for a radical break from traditional loyalties from self-avowed French Marxist Claude Levi-Strauss:

> Ours is the only society from which we have to disentangle ourselves.

There is a justification for using children's lack of awareness and immaturity to shape new values:

> Infant plasticity and prolonged immaturity provide us as humans with the opportunity to shape the development of our offspring, and in this sense "humanness" is a continuous human invention. ("Man: A Course of Study Seminars for Teachers," p. 1.)

And there is a call by behavioral psychologist B. F. Skinner to use lower grade classrooms for conditioning to mold a new generation of Americans toward a repudiation of traditional values, behavior, and patriotic beliefs:

> Education is the establishing of behavior which will be of advantage to the individual and to others at some future time . . . [R]einforcements are arranged by the educational agency for the purpose of conditioning. ("Man: A Course of Study Seminars for Teachers," p. 7.)

These revealing paragraphs from the teacher's philosophical introduction to MACOS all come together in a lengthy essay on human aggression—a central theme of this social studies course for 10-year-olds. This is the new world society envisioned by an elite group of scholars who have developed and promoted MACOS and similar school materials with the generous funding from the National Science Foundation:

There are . . . a few societies where men seem to find no pleasure in dominating over, hurting or killing the members of other societies, where all they ask is to be at peace and to be left at peace. These societies are, of course, small, weak, technologically backward, and living in inaccessible country; only so they could survive the power-seeking of their uninhibited neighbors. . . .

What seems to me the most significant common traits in these peaceful societies are that they all manifest enormous gusto for concrete physical pleasures—eating, drinking, sex, laughter—and that they all make very little distinction between the ideal characters of men and women, particularly that they have no ideal of brave, aggressive masculinity. . .

It seems possible that the youth international, which has developed, nearly the whole world over, in the last generation, has inarticulately sensed the necessity to redefine the concepts of "a real man" and "a true woman" if we are not to destroy ourselves completely. The long hair, dandified dress and pleasantly epicene features (which so infuriate their elders) are a physical repudiation of the ideal of aggressive masculinity which has been traditional in all their societies in recent generations, and which is still maintained by the conventional and the neo-Fascists (white supremacists, Empire loyalists, Birchites, and the like) in the same societies.

Even idiotic slogans such as "Make love, not war" (as if the two activities had ever been incompatible!) and the use of drugs make the same point. Mankind is safer when men seek pleasure than when they seek the power and the glory.

If members of the youth international—the beats and the swingers, the *provos* and the *stilyagi*—maintain the same scale of values and the same sex ideals 20 years hence when they themselves are middle-aged and parents, then they may, just possibly, have produced a permanent change in the value systems and sex roles of their societies, which will turn the joy of killing into an unhappy episode of man's historic past, analogous to human sacrifice, which ascribed joy in killing to the gods also.

The attempts to devise a social unit more inclusive than the nation-state, a brotherhood of man, have all been unsuccessful to date. It is just possible that the youth international, with its emphasis on shared sensual pleasure and its repudiation of the ideal of truculent "manliness", may succeed where the grandoise schemes of idealists have always failed. For man has no "killer instinct"; he merely lacks inhibitions. ("Man: A Course of Study Seminars for Teachers," pp. 53–55.)

Mr. Chairman, there is little difficulty understanding why parents to 10-year-olds in scores of American communities find MACOS and its Federal backing repugnant and threatening to their way of life. Consider some of the Netsilik Eskimo concepts and customs taught as part of the MACOS student materials:

NETSILIK CUSTOMS AND OTHER CONCEPTS TAUGHT IN "MAN: A COURSE OF STUDY" (MACOS)

ADULTERY AND WIFE-SWAPPING

Husbands have a very free hand in their married life and it is considered to be quite in order for them to have intercourse with any woman whenever there is an opportunity. ("The Netsilik Eskimos," MACOS Volume I, p. 117)

* * * * *

If a man is about to set off on a journey and his wife is sick or unable to go with him, he may borrow the wife of his song partner to take along, giving his own wife in exchange. This kind of wife-exchange is necessary in the kind of life the Eskimos lead. ("A Journey to the Arctic," MACOS Booklet 18, p. 23)

* * * * *

Two men who become song partners . . . are so closely bound together that they can exchange wives if they choose ("A Journey to the Arctic," MACOS Booklet 18, p. 38)

* * * * *

[Kiviok] passed many shores until he came to a village where two women had stayed at home when their husbands went out hunting . . . Kiviok stayed with the women and became the husband to both of them. ("The Many Lives of Kiviok," MACOS Booklet 25, p. 8)

* * * * *

Pakluk had a pretty young wife, a woman who laughed a lot and showed her little teeth and sewed well and seemed to be all the things a wife should be . . . "Pakluk's wife had agreed to go with me," Ekaluk said. The old man said, "Pakluk will follow you." "By the time he finds out we'll be far away," was Ekaluk's reply. ("On Firm Ice," MACOS Booklet 24, p. 38)

CANNIBALISM

The wife knew that the spirits had said her husband should eat her, but she was so exhausted that it made no impression on her. She did not care. It was only when he began to feel her, when it occurred to him to stick his fingers in her side to feel if there was flesh on her, that she suddenly felt a terrible fear; so she, who had never been afraid of dying, now tried to escape. With her feeble strength she ran for her life, and then it was as if Tuneq saw her only as a quarry that was about to escape him; he ran after her and stabbed her to death. After that, he lived on her, and he collected her bones in a heap over by the side of the platform for the purpose of fulfilling the taboo rule required of all who die." ("The Netsilik Eskimos," MACOS Volume I, pp. 97–98)

DIVORCE AND TRIAL MARRIAGE

Divorce is common as long as there are no children, and there are women who go through seven or eight trial marriages before they finally settle down. ("The Netsilik Eskimos," MACOS Volume 1, p. 115)

FEMALE INFANTICIDE

[The Netsilik Eskimos] would like to have many sons and few daughters. If a baby girl has not already been promised as a future wife, her family may feel that they cannot provide for her. If there is no family to adopt her, it is their custom to allow the child to die. ("A Journey to the Arctic," MACOS Booklet 18, p. 24)

* * * * *

I talked to several Netsilik women in one camp about the children they had. One had borne eleven children—four boys and seven girls, of which four girls had been allowed to die at birth. ("A Journey to the Arctic," MACOS Booklet 18, pp. 24–25)

* * * * *

[I]t is solely economy that lies behind the custom that girls are killed at birth, if they have not already been promised to a family where there is a son who some day is to have a wife. ("The Netsilik Eskimos," MACOS Volume I, p. 99)

MURDER

As time went on, the old woman grew angry, for she too wanted a husband. She envied her daughter more and more, until one day when Kiviok was out hunting caribou, she killed her. She pulled the young smooth skin from her daughter's face and hand, and with it she covered her wrinkled, old face and her bony hands. When Kiviok returned, the mother went to greet him as her daughter always did. ("The Many Lives of Kiviok," MACOS Booklet 25, pp. 11–12)

* * * * *

I had a hunting companion with whom I spent much time. We were equally matched in skill, but he was stronger . . . And then one day, to prove that he was better, he insulted me in a terrible way. When a man does that in our country it means that he wants to kill you. Hatred grew in me, and every time I met my old companion out hunting, thoughts that I could not control came up in me. So one day when we were alone together, I killed him. ("A Journey to the Arctic," MACOS Booklet 18, p. 15)

SENILICIDE

When we spoke of Eskimo murder, Father Henry told me about a man now at Committee Bay who had come to him one day, and, after the usual tea and silence, had said to him suddenly: "I took the old woman out on the ice today." It was his own mother that he had driven out and set down at sea to freeze to death. He was fond of her, he explained. He had always been kind to her. But she was too old, she was no longer good for anything; so blind, she couldn't even find the porch to crawl into the igloo. So, on a day of blizzard, the whole family agreeing, he had taken her out, and they had struck camp and gone off, leaving her to die. ("Old Kigtak," MACOS Volume 7, p. 18)

* * * * *

We have a custom that old people who cannot work anymore should help death to take them. ("Songs and Stories of the Netsilik Eskimos," MACOS Booklet 16, p. 44)

SURVEILLANCE

In this project you will observe the behavior of young children without taking part in what they are doing. You will be watching for conflict among young children—how fights start, how they end and how they are avoided. Observe children in a kindergarten for 30 minutes. Watch a small group of children. (Do not let them know you are watching them.) Every time a fight occurs (either an "action" fight or a "word" fight), record what happens. Use the Data on Conflict sheets to record your observation. ("The Observer's Handbook," MACOS Booklet 8, pp. 1–2)

* * * * *

Watch a child and list the names of all the people he cooperates with. How does he feel toward these people? Watch for cooperation among adults . . . Obeserve children to find out what makes them angry and how they show their anger. Keep a record of things that make you angry . . . Do adults express their anger differently from the way children do? How? ("The Observer's Handbook," MACOS Booklet 8, p. 29)

* * * * *

The April 14 journal entry describes Netsilik family life. If the reading is done at home, the children can contrast it with their own family life and with what they know about American family life in general. Each child might respond by writing a report at home describing a scene that occurred in his family sometime in the evening, including typical conservations, and then answer the questions below. "Which of these activities would also be a part of Netsilik family life? Which would not?" ("The Family," MACOS Volume 6, p. 23)

MACOS films, which are also a central part of this 5th grade NSF-developed curriculum, contain many lurid and gory scenes of Eskimos killing and butchering animals they hunt. Children are shown scenes of Eskimos eating the eyeballs and other organs of slaughtered animals, and drinking warm blood.

The following carefully-edited favorable film note from the MACOS teacher volumes themselves give us some idea how repugnant and vulgar these full-color films would be for anyone, let alone impressionable and sensitive 10-year-olds who should be shown the beauty and wonders of life, not just its seamiest and most uncivilized aspects:

MACOS Film Notes

AT THE CARIBOU CROSSING-PLACE

Itimangnark helps Irkowagtok butcher his animal. When the animal is freshly killed, the skin peals off cleanly from the flesh. Umiapik and his mother watch the butchering with interest. Irkowagtok does most of the butchering, because it was his kill. As he works with his short hunting knife, he stops for a moment and cuts out one of the eyes to give to Umiapik as a delicacy. ("Caribou Crossing-Place, MACOS Volume 6, p. 55)

The harpoon tip is imbedded in the seal. Soon the blood begins to show on the snow. Hurriedly he scoops away the snow and ice . . . When he can pull the seal a little way out of the water, he jams the handle of the scoop through the seal's fragile skull and pulls a thong loop through the head of the seal to make sure that he does not lose it . . . When he has it well clear of the hole he breaks its neck by bending its head back against its body. He removes the harpoon tip from the body, licks off the blood and coils it ready for use again . . . Itimangnark . . . slits the stomach with his knife. The other men kneel around in a semicircle, watching him remove a piece of blubber and the liver. Soon each man is stabbing morsels for himself, feasting on the warm liver and fresh blubber. ("Hunting Seals," MACOS Volume 7, p. 40)

* * * * *

Kingnuk then skins the seal and butchers it on the floor of the ceremonial igloo. She cuts slabs of blubber from the sides of the carcass and cleans the intestines and sets them aside. The offal she puts with the blood in a snow bowl beside the carcass. Some of the blood she offers to the young people to drink. ("Seal-Sharing Partnerships," MACOS Volume 7, p. 61)

Mr. Chairman, transcending serious concerns about the particular nature of "Man: A Course of Study," my amendment is addressed to the larger and more vital issue of local school choices and decisionmaking. We Americans place a high value on local autonomy in education, and have always repudiated a national policy on education or a single national school system directed from Washington.

However, NSF activities in curriculum implementation are moving ominously in that direction. Consider these facts:

When MACOS development was completed in 1969 at a cost to taxpayers of more than $6.5 million, more than 50 publishers were offered and refused to market the course because of its objectionable content, philosophy, and its high cost.

It is enlightening to note that these, more than 50 publishers, ordinary commercial firms of long-standing reputations, rejected the blandishments of NSF and Education Development Center, who developed MACOS, and refused to have anything to do with what they uniformly regarded as a curriculum not desired by American parents and schools.

But this adverse judgment by experienced professional publishers did not deter NSF and EDC. They seeded Curriculum Development Associates, a small commercial publishing firm in Washington, so that a profit could be made. And NSF gave CDA a special 80-percent cut in the normal royalty required when federally developed school materials are sold commercially so MACOS would sell and undercut competition from other curriculum materials available in the private sector.

In ordinary textbook trade channels, 15 percent royalties are paid to authors or developers of published materials. Since NSF gave most of the money for development of MACOS, one would expect the Foundation to demand the ordinary return on its efforts, should there be a marketing of the results of such efforts.

In the particular case of MACOS, however, NSF permitted only a 3-percent royalty return to the Government—one-fifth the customary amount—and has in turn received from EDC at last report less than 10 percent of that greatly discounted royalty.

Of the enormous sales revenues generated by NSF for CDA, a mere $5,339 in royalties has been returned to NSF. At the same time, NSF and EDC have spent more than $2 million in direct marketing and promotion of MACOS for its commercial publisher.

This means that NSF has given millions to a small group of closely related individuals in order to enable them to turn a profit by undercutting competition and virtually forcing an undesirable curriculum on parents and educators across the country. The intentions of NSF—to insure a profit on an NSF project to a particular group of friends and to brutally kill off any possible commercial, educational, or parental competition—are amply demonstrated by the extraordinary royalty arrangements made with EDC and CDA for the sale of MACOS materials.

Mr. Chairman, NSF and Education Development Center are now embarked on a further multimillion dollar effort, unbeknown to Congress, to establish a larger educator network to implement other jointly developed social studies programs. Congress must stop this insidious invasion of local autonomy in education, which it can do with this amendment.

Despite assurances to Congress that all funding for such activities had been suspended to allow a thorough review of NSF curriculum policies, NSF is moving right ahead to promote and market a sequel to MACOS for high schools called "Exploring Human Nature," a more sophisticated behavior and social value modification course, and other programs for schools.

A lengthy Education Development Center grant proposal, approved and funded by NSF on January 15, graphically documents the situation we face. The prospectus outlines "establishment of a network that will initially create and then sustain linkages between existing educational institutions" to disseminate certain social studies courses for use from kindergarten through 12th grade.

The EDC prospectus, approved by NSF as grant No. PES75–01635, outlines a series of national and regional conferences and workshops to implement these courses:

> As total programs, not merely as social studies courses . . . In this way participants will be made aware of the broad potential for educational change inherent in these curricula . . . Administrators may see these curricula as wedges for systematic change . . . The involvement of both teachers and administrators should facilitate team decision-making, diminishing traditional teacher resistance to curricular change in which they have not had a voice, while maximizing administrative commitment and support of classroom efforts.

Here are some of the specific goals of this enlarged NSF-funded promotion and marketing campaign by Educational Development Center to get their social studies programs into all our Nation's schools with backing from the Federal Government at taxpayers' expense:

Goals of the Educational Development Center

The marketing strategy announced in the NSF-approved EDC grant proposal included establishing key target regions and localities throughout the U.S. as a first step towards implementing "Exploring Human Nature" in every U.S. high school. They include:

Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, District of Columbia.

NSF funding for "Exploring Human Nature" under its 1975 grant provides for a series of promotion conferences to train local school administrators and teachers in the EDC social studies philosophy over the next 18 months. Conferences are scheduled as follows:

June 22–28, 1975.—Promotion conference for 40 school administrators and additional teacher leaders from Eastern coastal states.

September, 1975–June, 1976.—Two separate promotion conferences for school administrators and teacher leaders to promote additional EDC social science curricula.

July 27–August 9, 1975.—EDC will establish an NSF-funded national implementation network of educators to promote the marketing of "Exploring Human Nature." Eight teams of university personnel, administrators, and teacher leaders will be trained for key roles in implementing the program. The teams will:

Conduct dissemination workshops in their local areas to promote EDC social science curriculum programs.

Provide the nucleus of a growing national educator network to promote and market "Exploring Human Nature," "Man: A Course of Study," and other related Harvard/EDC social science programs.

GOALS—1975–1976

The announced goals approved by NSF for the promotion and marketing of "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula in Educational Development Center NSF grant number PES75–01635 included:

Implementing "Exporing Human Nature", MACOS, and related EDC curricula with NSF funding in a *minimum* of 1,900 additional classrooms, in 500 school districts, in 50 states.

> Maximizing the impact of EDC goals for educational and social change by obtaining the broadest possible dissemination of EDC course materials through regional networks established and trained at NSF-funded promotion conferences and teacher workshops.
>
> To achieve these goals:
>
> Existing EDC local educator network teams must have sponsored Spring 1975 promotion workshops involving a minimum of 20 teacher-administrator teams from at least 10 school districts in one-day programs describing and soliciting their involvement in "Exploring Human Nature," "Man: A Course of Study," and other EDC curricula.
>
> From these promotion workshops, three-member teams consisting of one college and two school district teachers, were to be selected for the July 22–August 17, 1975, EDC conference in Cambridge, Mass., to become additional teams in the EDC network.
>
> All participants of the NSF-funded EDC promotion/network conferences scheduled for 1975–1976 have a commitment to arrange and staff two full-day staff development workshops in their local areas for a minimum of 20 teachers and other school district personnel to promote at least two of the EDC social science courses included in the conference programs.
>
> Network teams must involve a minimum of three local area classrooms and teachers in each EDC course during the 1975–1976 school year and provide teacher education and technical assistance on a regular basis.
>
> EDC network teams must conduct at least three promotion conferences during the 1975–1976 school year involving at least 120 participants from area schools. These sessions are expected to lead to the introduction of each EDC social science course in a minimum of 20 additional classrooms.
>
> All EDC network teams trained with NSF funds must maintain constant liaison with Education Development Center, Inc., and coordinate regional promotion activities with the national dissemination effort.
>
> In addition, Education Development Center received NSF approval in its grant prospectus to:
>
> Lobby for "Exploring Human Nature," "Man: A Course of Study" and other EDC/NSF social science courses among federal, state, and local agencies which provide support services and financial assistance to local school districts and employ personnel who help local school districts introduce new curriculum programs.
>
> Seek arrangements with professional education associations, such as the National Education Association, and participate in a minimum of four national conventions of professional education associations during each year of the NSF grant to promote and market EDC social science curricula.
>
> ### FUTURE NSF FUNDING
>
> NSF commitments of more than $1,275,000 for a third-year promotion and marketing phase for "Exploring Human Nature" were outlined in the NSF-approved EDC grant prospectus number PES75–01635. These include:
>
> $150,000 to train 10 additional university/school district teams to promote the course for high school adoption and hold educator workshops in local areas.
>
> Between $1,050,000–$1,200,000 for separate NSF funding of approximately 30 regional school district and/or teacher projects to promote and disseminate "Exploring Human Nature" and other related EDC social science curriculum programs.

In addition, the EDC promotion plan outlined in the PES75–01635 grant prospectus approved by NSF also requires each university/school district team in the EDC educator network to apply for yearly NSF grants for their own activities over an indefinite time to support the promotional and marketing goals for EDC social science curricula.

Mr. Chairman, I cannot imagine a more dangerous plan for a federally-backed takeover of American education. This is ultimately what the MACOS controversy and out-of-hand NSF curriculum implementation activities are all about.

We must reassert effective congressional authority over all NSF activities in the area of developing and promoting school materials. My amendment, patterned after the existing requirement that all proposed Office of Education regulations be reviewed and approved by Congress before they are implemented, is a necessary first step in that effort.

Mr. Chairman, what my amendment does is to not get into the areas pro or con on this material, although this material, I think, is repugnant to me and to most of us, although to some in this body it is not. It is part of that philosophical approach that wants to reform human nature from a behavioral program rather than along classic Judeo-Christian lines.

What my amendment does is say that the implementation of the marketing of any programs shall not be done by NSF unless the Appropriations Committee specifically grants them money to do that, or unless they come to our authorizing committees and spell out exactly what the program is for, an approval by this body as to whether they should go into commercial marketing of this on a statewide—not statewide, but nationwide—marketing network that they have already started within certain elements of the educational community.

Mr. Chairman, I would ask support on this amendment, and I think the constituents of the Members would very much appreciate that support.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent Mr. CONLAN was allowed to proceed for 2 additional minutes.)

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I compliment the gentleman from Arizona (Mr. CONLAN) for introducing his amendment. The amendment goes a long way to solve a problem which has caused great concern to me and to many of my constituents. I am in agreement with his amendment and urge my colleagues to support it.

For the past 12 years the National Science Foundation has made shameless use of the taxpayers' hard-earned dollars to develop and subsidize the publication of the MACOS curriculum development project: "Man—A Course of Study," the full title of the project, developed new curriculum materials in the social studies for elementary school youngsters. It is designed to acquaint them with alternative and culturally distinct but supposedly acceptable types of human behavior. According to the NSF, the project—

> . . . is intended to provide children with a basis for understanding that what is regarded as acceptable human behavior is a result of one's own culture, so that as they assume their responsibilities as citizens they may better understand the diversity they will encounter among people and nations.

Using funds awarded by the NSF, the Educational Development Center in Cambridge, Mass., began curriculum development work in 1963 and completed it in 1970. With publication materials subsidized by Federal funds, many school districts put the course into use in the last several years—but only to terminate it under subsequent parental fire.

Why did this occur? It is very easy to see why. James J. Kilpatrick explained this in a column in the Washington Star on April 1. I quote:

> The most controversial portion [of the MACOS study] has to do with the Netsilik Eskimos, whose tribal characteristics are approvingly examined. Congressman John B. Conlan of Arizona has catalogued some of these characteristics: adultery, bestiality, cannibalism, incest, infanticide, murder, revenge, robbery and wife-swapping. Children are encouraged, through "role-playing" to empathize with the Eskimos.
>
> Conland provides this quotation: "Husbands have a very free hand in their married life and it is considered to be quite in order for them to have intercourse with any woman whenever there is an opportunity."

Now I submit—is this acceptable human behavior for American youngsters? Is it acceptable for our schools to promote moral turpitude with federally subsidized curriculum materials? Can we continue to condone our schools teaching fifth and sixth graders that sexual promiscuity is right, or that children should casually accept a man abandoning his wife and moral responsibilities for the sake of carnal greed? Children are daily exposed to these baser elements of human life when watching TV or reading the papers.

As a former teacher in the Chicago public school system, and as a parent and grandparent, it is my firm conviction that our schools should be seen as an extension of the family function which instills moral standards in children. The exposure of children during their formative years to these vagaries of other civilizations and cultures without appropriate perspective constitutes a condemnation of the moral standards of the Judeo-Christian culture which have made this Nation so great.

Mr. Chairman, I recognize that the social sciences are an important part of education and that students should be exposed to the most noteworthy and useful developments in the understanding of human behavior. Like other areas of science education, the social sciences deserve Federal support for curriculum enhancement. I do not fault all projects to improve social studies teaching. However, local school boards, reflecting the prevailing social norms of the community, should be the final arbiter of curriculum development and not the Federal Government. And these school boards should not be exposed to the subtle coercion presented by the lures of a federally subsidized project.

We have come to learn that the NSF exceeded the boundaries of its mandate in developing and promoting the MACOS project. The Foundation spent close to $7 million of our taxpayers' dollars in awards to the Educational Development Center to develop this project. The developer proceeded to claim copyright privileges for the materials developed—holding these rights to December 1975. Since the developer held these rights it took 3 years before it found a publisher willing to prepare and promote the materials for classroom use. The Foundation assisted this mismanagement when it found a way to circumvent prevailing Federal regulations and lowered requirements for the copyright claimant to return royalty fees to the U.S. Treasury.

Instead of 15 percent, the copyright claimant returned only 3 percent of these fees to the Government. The rest, with NSF approval, were used to subsidize promotion and marketing schemes—thereby tantalizing local school boards with what appeared to be an appealing Government sponsored—but later to be proven—dubious venture. The NSF not only promoted an immoral objective—but also stepped beyond its authority and the authority of the Government when it presumed to influence the free market mechanism which underpins the economy of our Nation.

The House Committee on Science and Technology, and the Comptroller General are now beginning to investigate not only the substance, but also the promotional aspects of this project, and I applaud these efforts. I am deeply concerned, however, that despite NSF's assurances to the contrary, it will not suspend MACOS temporarily, but instead will put this controversial course into eight additional school systems next fall using taxpayers' money for aggressive promotion and marketing activities—thus undercutting competition from regular textbook publishing houses. Such fiscal mismanagement must not be permitted to continue.

Mr. CONLAN's amendment will help us do that. His amendment will require the NSF to submit for congressional approval a prospectus for each course it wishes to promote and have published. To counter any criticism, I should note that this amendment is not a form of governmental censorship. There is plenty of capital available for publishers willing to take commercial risk for meritorious curriculum development materials. The Government and the people's elected representatives, however, have a responsibility to judge whether public funds should be used to underwrite a venture which publishers have already rejected.

I should like to conclude by noting that the idea behind Mr. CONLAN's amendment comes from existing Federal regulations which require the Office of Education to secure congressional approval for all proposed new regulations. These regulations have not prohibited the promotion of meritorious educational initiatives which reflect not only the wisdom of our foremost scholars but also an acceptable standard of decency.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I want to compliment the gentleman on bringing this subject to our attention. I had not been able to inform myself on the details of this bill until his letter arrived in my mail this morning.

I want to join with him in urging that this amendment be adopted, and to stop this kind of thing once and for all. We are all concerned about seeing that the bodies of the children of this country are well nourished and we hasten to appropriate the necessary funds for food stamps for low-income families and for school lunch programs. It is about time we take the necessary steps to see that their minds are properly nourished and to now insist that programs such as those under discussion today are not made possible with public funds.

Mr. CONLAN. Mr. Chairman, I thank the gentlewoman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I was grieved to hear the gentlewoman from Missouri's comment, but perhaps it was informative in one sense because no Member of the House received a copy of this amendment, I think, until today.

I would say to that point that an amendment that arrived so late and is so comprehensive and challenges so many of the tenets of our system in an effort to live up to them, and is so distant from the basic philosophy of our Nation and the manner in which we govern, that I would not think it should enjoy any support.

What the amendment does is to make of the Committee on Science and Technology and the Committee on Labor and Public Welfare of the Senate a joint committee of censorship to determine the validity, the usefulness, the propriety of the curriculums of educational programs developed by the National Science Foundation.

Look at what it says. It says that there shall not be any funding to implement or market such courses of curriculum until specifically approved in an appropriation act or when both Houses of Congress have adopted a resolution approving such funding.

Mr. Chairman, the National Science Foundation was mandated by Congress to develop educational programs in an innovative way and not simply to develop them and put them on the shelf but to make them available to the school boards and the school districts of the country, not to ram them down their throats, but just to show them to them.

There is no more democratic institution in the country than the school board. If the people are dissatisfied with the manner in which the school board does its work, there is a very easy way to take care of that, and that is to remove the school board and get another one.

Hundreds of school boards and hundreds of schools are using this particular program known as MACOS, and we have testimonials, as thick as those of the gentleman from Arizona, on behalf of that program of education as one which does acquaint youngsters with social conditions that are characteristic of tribal life. I must say, with all due respect to our society, our civilization, the Eskimos are not an evil people. They are a good people. They live in certain ways because conditions exist that have caused them over the centuries to adopt certain forms of life.

What this program attempts to do is to acquaint youngsters with some of the basic tenets of the organizational aspects of Eskimo life. The time for know-nothingism has long since passed. I cannot think that we will cross the threshold into our Bicentennial Year with the idea that America is turning inward intellectually, academically, tradewise, and in every other way.

For that reason, it seems to me both untimely, as well as unwise, to offer an amendment of this broad character at such late date and expect the House to act favorably on it.

Mr. Chairman, I might say to the gentleman, and to some others who have indicated dissatisfaction with the particular program, that he would fire a shotgun into an entire educational program with the hope that one pellet would land on MACOS. And I would say that the materials to which he refers and some of the real oddities that suggest abberations of human behavior from our point of view, these are not shown on the films the children receive. These are not even in the books the children receive. These are some of the teaching materials the teachers are given to indicate some of the broader context of the teaching materials involved. It is left to their discretion as to whether or not they refer to these in their teaching.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. SYMINGTON was allowed to proceed for 1 additional minute.)

Mr. SYMINGTON. Mr. Speaker, I might say to the gentleman and to the House that the subcommittee, in its deliberations on this bill, never had before it this particular amendment or even the earlier MACOS amendment. It was brought for the first time before the full committee. It was considered by the full committee and it was defeated. Then there was a compromise suggestion that there ought to be a look given by the National Science Foundation at all its implementation programs and to report back to the committee as to what they think ought to be done further with these programs.

Mr. Chairman, we ourselves agreed to set up a committee for the same purpose, and those two boards of review were to report back before the Congress took any hasty action. In the meantime, all the members of the committee were invited to review all 6 hours of the films involved. By heaven, we were shown those 6 hours of films. I went and viewed personally one of the parts considered most harmful to young minds, the caribou hunt.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. SYMINGTON) has expired.

(By unanimous consent, Mr. SYMINGTON was allowed to proceed for 1 additional minute.)

Mr. SYMINGTON. Mr. Chairman, the caribou hunt is something Eskimos engage in in order to live. There is a great deal of footage in the films showing kayaks plodding rather laboriously through the water. Others have driven the caribou into the water to make it easier to kill them. They do kill the caribou, and they drag them up onto the beach; there in their furs they cut them up and eat them. That is all in the film, I admit, but it looks rather natural considering the way they do it.

There is no evil in it. We try to pull a cosmetic shade over the violence we are required to commit in order to eat and live. They do not do that.

Mr. Chairman, I think it is useful for citizens, even at the age of 10, to see how it is that a great people live, struggle and survive in another part of the world.

When I was a boy working on my grandfather's farm, I used to see how they dispatched hogs before the bacon could be made available. Nothing I saw in that film exceeded the severity of that operation.

Therefore, Mr. Chairman, with all due respect to the gentleman from Arizona been told and been led to believe that there is something damaging and wrong in this, I urge them to reconsider and to vote down this amendment.

Mr. MOSHER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Science Committee has spent several hours on this subject. We had 2 days of review of the material and of the movies, and I hate to say this, but in my judgment and in the judgment, I think, of a majority of those who have actually seen the materials, I think there is no question but that we disagree thoroughly with the gentleman from Arizona (Mr. CONLAN) in his interpretation and his assessment of these materials.

This is a course in anthropology. It is an effort to tell young Americans something of the way other people live in other civilizations.

The materials to which the gentleman from Arizona (Mr. CONLAN) particularly refers have to do with the customs and the mythology of the eskimo tribes. These are in every respect very similar to some of our own traditional myths and fables. There is, in my opinion, absolutely nothing in these materials that cannot equally be found similarly in Grimm's Fairy Tales and in Aesop's Fables, scattered throughout the Bible, in the Odyssey, and in many of the other traditional stories that are so familiar to us, and, as the gentleman from Missouri, JIM SYMINGTON, has said, in the lives of the pioneer farmers, the basic civilization in which we are rooted.

Mr. Chairman, the principal impact of these eskimo fables, as I have read them, is to impress upon youngsters and on other members of the family unit the fact that members of a family must hang together and must be interdependent. That seems to me to be a lesson that our society today could well learn.

However, Mr. Chairman, the nature of MACOS, this one anthropological program, is not the issue before us. The issue before us is the amendment offered by the gentleman from Arizona (Mr. CONLAN).

I suggest that that amendment would put a horrendous burden on the congressional committees and on the Congress itself. It would require that we have oversight responsibility of each particular proposal. We in the Congress would have to view and approve each particular proposal.

There were more than 600 proposals last year, 300 of which were approved. I cannot imagine Congress taking on that burden.

That is specifically what this amendment would require. It would put us directly in the business of thought control.

Mr. Chairman, I am shocked, really, that the gentleman from Arizona (Mr. CONLAN), whom I think of as responsibly and philosophically in the conservative tradition, would propose what is essentially thought control and totalitarian acceptance of curricula. These matters should be determined strictly at the local elected school board level.

Mr. Chairman, I suggest that this would put upon the Congress a horrendous burden, a very unnecessary burden. It is not a proper burden. It certainly is an unwanted burden by the Congress.

It would really establish an unthinkable precedent for us. It is not feasible, it is not wise, it is not practical. It would serve absolutely no useful purpose.

Mr. Chairman, I cannot conceive that the House would accept this amendment.

Mr. KRUEGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not like the MACOS program. It is unpopular in my district. The school districts in my congressional district have consistently chosen not to adopt this book, and I would defend to the last the right of those school districts to make that decision. They did not elect me to this body to make decisions for them on what they or their children might read. But the issue here is not whether or not we in this House like or dislike this program, but if we are to make decisions for local school boards which should properly be their own.

It seems to me that this House, which has found difficulty in giving more than 3 or 4 hours to a budget bill that has brought a $22 billion deficit, is very ill equipped to take the time to make judgments about hundreds of individual textbooks for the young people of America.

Although the values of this particular program, the MACOS program, may not be mine—and they are not—they are nonetheless values which have the right to be heard and to be judged by local school districts, and therefore, in order to keep the Federal Government from wrongly intruding upon this local decisionmaking power, which I think is where the decision on school education must be made, we should oppose this amendment.

I recall the words of Voltaire, who said:

> I disapprove of what you say, but I will defend to the death your right to say it.

Mr. Chairman, I would defend to the death the right of decisions to be made locally in this matter.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. Yes; I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I would like to thank the gentleman for a succinct and reasonable statement, an eloquent statement besides, on the manner in which we govern ourselves.

The Congress is not a star chamber to review all ideas that emanate, with the assistance of the Federal dollar, throughout the country.

I might say further to the gentleman and to the committee that this amendment reaches 90 percent of courses or 99 percent. I think there is only one anthropology course offered in the current selection. It strikes at mathematics, physics, higher energy, chemistry, et cetera.

I do not know how many Members of this House feel competent to engage in a study of those curricula. I was an English major myself, and I still have difficulty with that subject. In any event, I know it would be very difficult for me to sit in the Committee of the Whole and decide whether two and two is true under the new math or not, and whether we should attempt to engage the Nation in a discussion of that kind.

No, no. I would much prefer to leave these matters to the institutions of Government that we fashion such as the National Science Foundation, which I think is held in high regard and rightly so.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. Mr. Chairman, I yield to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding, and I would join him in opposing this amendment for three very quick reasons:

First, the amendment, in effect, sets up committees of Congress as censors.

Second, the amendment would be impossible to administer and would, in effect, require the committees of Congress to become detail administrators in that these committees would have to pass on specific curriculums, program materials, per-pupil costs, and a horde of day-today details.

Third, the amendment would mandate impossible tasks.

For example, paragraph 2(d) mandates that the prospectus would be approved by the committee would require the National Science Foundation to produce the per-pupil cost to implement the course of curriculum. Since these materials are produced and distributed on on elective basis, it would be impossible to determine these costs in advance.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. KRUEGER. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, this amendment, if it is adopted, would prove to be a total disaster for the Congress. For we would be completely immersed on a day-to-day basis in scrutinizing particular applications for funding under the program. The amendment is totally ill-conceived. We were elected to be legislators—not administrators. Let us set legislative guidelines and standards, let us inform the executive branch, no uncertain words, how we want them to administer the programs. But then, having done that, let us for goodness sake, let them tend to the day-to-day administrative function of selecting individual grantees and approving individual funding applications. Any other course would lead us into sheer chaos.

Mr. KRUEGER. Mr. Chairman, since I still have time remaining, I would like to take advantage of it and point out to the Members that, among other things, the National Science Foundation has, in the past, instituted a large number of programs that have proved to be extremely important in our educational system such as new science, new math, geology and chemistry. Local school districts had the right to choose or to reject such texts. They should continue to have that right, and we here must defend the rights of local school boards to make decisions for themselves. To do so, I believe that we should defeat this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Arizona (Mr. CONLAN).

Mr. Chairman, the best argument I have heard in opposition to the amendment is the difficulty in trying to perform the duties that will be imposed upon the Congress. That is a good argument, and it does have some merit.

But, on the other hand, when one analyzes the rest of the arguments, they fall completely by their own weight, and I would ask the Members of the House to think them over very carefully, particularly those arguments that this amendment would impose censorship or thought control on the Federal Government.

The fact of the matter is that what we are talking about here is the spending of Federal tax dollars. That is the issue. That is not something that the school districts are doing; it is something that the Federal Government is doing by taking Federal money and spending it to produce certain results, and then selling that to the school districts, and making a value judgment in that process.

I think that we, as Members of the Congress, not only have a right to examine it; I think we have the duty to do so.

If people want to join together and finance these programs, that is fine with me, but when they want to use Federal money to do this then it is my responsibility to look at what they are about, and look at it carefully.

What bothers me particularly is also the idea that somehow or other everybody in the Federal Government has the right to get into this act but Members of the Congress. Continuing judgments on this program are going to be made by some bureaucrat over at the National Science Foundation. He is going to pass the judgment on it. He is going to censor it, or engage in thought control concerning it.

But what I really object to the most, is a breach of the agreement we had reached in the committee regarding this particular program. When this matter was raised and became a matter of discussion before our committee, we received a letter from the head of the National Science Foundation which I thought, in effect, said that it was going to stop all these programs until there was a review of them. The fact seems to be, when we read what is happening now, is that they are going right on with the programs, and we were going to set up a committee composed of the members of the Committee on Science and Technology to look into these very matters. What is going to be the purpose of the committee looking into these matters if they are going to continue with the programs in an ongoing fashion?

So I will ask the chairman of the committee, the gentleman from Texas (Mr. TEAGUE) where we have proceeded in the committee on exercising some control, or in reviewing these matters, when, as set forth in the letter from the gentleman from Arizona (Mr. CONLAN), the National Science Foundation is continuing on with these programs in their normal fashion?

Mr. TEAGUE. The Chairman had hoped to take 5 minutes of his own time to go into exactly the question the gentleman has asked.

Mr. WYDLER. All right; if the gentleman wants to, I will be glad to have that explanation now.

Mr. TEAGUE. This question did not come before our committee until after the subcommittee had finished all its work. It came before the full committee the next day. The gentleman from Arizona, in my opinion. did this Congress a great service in what he has done. I argued for his amendment in committee, and I voted for his amendment. We were defeated on the basis that the Members did not know what they were voting on, and that was true. We did not have the time.

The committee asked that we secure all the evidence there was so that we could see it. There were about 6 hours of films and about 50 books. We secured that material and every Member had a chance to look at it.

After that we had a meeting and reported the bill to the Committee on Rules. We got a rule, and I went to the gentleman from Ohio (Mr. MOSHER), the gentleman from Missouri (Mr. SYMINGTON) and the gentleman from Arizona (Mr. CONLAN). I thought we had reached a situation whereby an amendment would not be offered and had come to an agreement in the committee. So I asked unanimous consent on the floor that the bill be sent back to the committee.

It was sent back. We did not ever settle it. As I remember it, actually Mr. CONLAN did not really offer it, and he did not say he would not offer it. And by this time the Members had had time to see this; Also we had had a long letter from Mr. Stever, and for the Members to understand, I would like to read it.

Dr. Stever, for whom I have great respect and whom I trust implicitly, says:

> DEAR CHAIRMAN TEAGUE: I have now had a chance to talk about MACOS with a number of members and staff on the Committee on Science and Technology and especially of the Subcommittee on Science, now that all have had a full opportunity to see all of the MACOS material—films, teacher manuals, student pamphlets, etc. The top leaders of the NSF staff, including the Director, Assistant Directors, and members of both the Executive and Management Councils and others have also examined the material.
>
> Because of the concerns expressed on all sides of several issues, I have decided that, regardless of what action is taken by Congress, no further 1975 funds will be obligated for MACOS, and no 1976 funds, if authorized and appropriated, will be obligated either for MACOS or any other precollege science course development and implementation until we have conducted a thorough review of the NSF effort in these areas and reported to the National Science Board and Congress with recommendations. I will assign a top-level group of staff from the Foundation with some members outside the Education Directorate, together with some carefully chosen outsiders to make this report to me.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. WYDLER, and by unanimous consent, Mr. TEAGUE was allowed to proceed for 2 additional minutes.)

Mr. TEAGUE. That is all I am going to read of that letter.

I have another letter dated April 1, where he names his board. He has told them not to go on reviewing MACOS.

MACOS is one of about 50 going on. There are about the same number going on over at HEW that are, I think, worse than MACOS. I think for us to do this now is wrong, when he has appointed his board.

My committee directed me to appoint a review board and report back by May 31. Dr. Stever appointed his board and told them to report back to him on May 14.

Although I voted for it in committee and worked for it, I am in the position now where I am not very comfortable with it.

Mr. WYDLER. I understand that, but according to the part of the letter the gentleman read. Dr. Stever said he was going to suspend spending or obligating 1975 funds. The gentleman from Arizona has said here they are going ahead with spending 1975 funds. Which is the fact?

Mr. TEAGUE. I believe the gentleman has a copy of the letter. I believe he says "obligate" and not "spend."

Mr. WYDLER. I understand what the gentleman is saying. There is some technicality, but the impression I got from reading that letter was that they were going to stop spending the funds until the review was completed. That was the gist of the letter.

Mr. TEAGUE. He says:

> . . . regardless of what action is taken by Congress, no further 1975 funds will be obligated for MACOS, and no 1976 funds, if authorized and appropriated, will be obligated either for MACOS or any other precollege science course. . . .

I say we need to give them a chance.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Ohio.

Mr. MOSHER. Mr. Chairman, I thank the gentleman from New York for yielding.

I would like to ask the chairman of the committee this question for clarification. The chairman has twice said that the committee considered the Conlan amendment and defeated it, and the chairman did vote for the amendment, but he did not indicate that the amendment in committee was a completely different amendment. It was not this same amendment and it really did not do the same thing at all. Is that correct?

Mr. TEAGUE. If the gentleman will yield, I think there is some difference. I really could not tell the gentleman the total difference between the two.

Mr. MOSHER. It is a total difference as I see it.

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. TEAGUE. Mr. Chairman, I do not consider this censorship at all. Every Member of this House has oversight over everything we pass in this Congress. I do not want my grandsons and daughters seeing the kinds of things that come out in this. I do not consider it censorship.

Long ago the chairman told me he would go over this as chairman of the committee that has oversight over this legislation.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find it appalling that we should be spending valuable time in this Congress on this particular issue.

My friend, the gentleman from New York (Mr. WYDLER) says this amendment does not involve censorship and it does not involve Congress in any impropriety, and yet if we follow the logic of this amendment we would have to set up committees in Congress to read all the books in the libraries which receive Federal assistance and we would have to look at every book that the Federal Government finances in our school systems. This is a kind of censorship that certainly is just absolutely abhorrent.

I do not hold any particular brief for the MACOS program. I know some people in my district think it is effective and some think it is ineffective, but the local school board is the level on which these decisions really ought to be made. The issue is not the merits of the MACOS program but in whether Congress should set itself up as a censorship board over any program.

Take a look at what is found objectionable in what is offered by the gentleman from Arizona (Mr. CONLAN), and we find in the context as we read these books—and I have read them and I have seen the films—that we are describing a primitive Eskimo society and doing it in realistic and nonoffensive terms. If we pick individual incidents out of context we create an impression that is entirely misleading, describing them as involving such odious practices as "adultery," "murder" and "bestiality."

I assure the members of this committee that the Holy Bible would never pass muster under the kind of demagoguery in which my friend, the gentleman from Arizona, is engaging, because in the Holy Bible there is murder—indeed murder of brother against brother, Cain against Abel.

Mr. CONLAN. Mr. Chairman, will the chairman admonish the Clerk to take down the gentleman's words on that?

Mr. OTTINGER. Mr. Chairman, there is adultery in the Bible, as Abraham had children by three handmaidens. I wonder if the gentleman would really want us to examine word for word all the instances of the "begats" in the Bible and decide that was unfit for our children to read.

I just think this amendment is taking a matter that is a perfectly legitimate subject for decision by local school districts and creating an issue out of it that is entirely improper. That is, the decision as to whether or not to use this course material belongs in our local school districts and local school boards.

Take a look at some of the individual examples that the gentleman from Arizona has presented to us. For instance, take the claim of bestiality. It is claimed by the gentleman from Arizona that bestiality occurs on page 8 of the MACOS student program entitled "The Many Lives of Kiviok." The only possible bestiality on that page is the following passage which I will quote:

> Out on the open sea Kiviok paddled on again. He passed many shores until he came to a village where two women had stayed at home when their husbands went out hunting. The women were small—they were spiders in human form.

Now, is not that shocking? I mean, this is the kind of out of context accusations to which we are being exposed.

This story, by the way, is a myth, a fairy tale similar perhaps to "Little Red Riding Hood" who does, as we remember, mistake a wolf for her grandmother. Maybe on that basis we should call that bestiality and ban "Little Red Riding Hood" from our schools. It would be no less appropriate than charging the MACOS program with presenting bestiality.

I find it very hard to stand by and see either one of these fairy tales taken away from children, be they in Alaska or in New York or anywhere else in the United States, on the assertion that they involve bestiality.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from North Carolina.

Mr. MARTIN. Mr. Chairman, I want to ask the gentleman, since he referred to a comparison of the Holy Bible, is it the understanding of the gentleman that the Federal Government now subsidizes the publication and promotion of the Bible in public schools?

Mr. OTTINGER. They may well provide for the purchase of them in some of the general educational funding.

Mr. MARTIN. Is the gentleman saying that he knows that?

Mr. OTTINGER. What I am saying is under the test to which the gentleman has subjected this particular course, the Holy Bible would not pass. It is just as easy to show out-of-context examples of murder, adultery, et cetera in the Bible as in MACOS.

Mr. MARTIN. Does the gentleman take the view that it is the responsibility of Congress to pass upon the Holy Bible, to assess its merits, or promote it in the schools?

Mr. OTTINGER. I would hope not and I would devoutly hope that this Congress would not take upon itself the responsibility of reading all the literature and pamphlets and books of all the departments and agencies of Government to make its own determination whether or not these are proper subjects for our children to read.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think it is appropriate that the chairman of the committee has said that when the amendment appeared before the committee that he himself did not consider it to have been censorship; so the great gray ghost that has been raised here that this amendment somehow creates an atmosphere of censorship is just not true.

We are talking about the use of taxpayers' money for the promotion of books or booklets that are the end product of the National Science Foundation and the use of those funds for the specific promotion of that material in schools primarily.

Now, my colleague, the gentleman from New York has just asked would we object to the Bible being utilized? Yes; there would be many here who would object to the Bible being promoted by taxpayers' funds, and that is the issue that we are talking about.

So on the same standard that the gentleman would question the use of Federal funds for the promotion of the Bible, I say we have the right, and my colleague, the gentleman from Arizona, has the right to raise the issue of the use of taxpayers' funds for the promotion of this highly questionable and unprovenly sound books.

Now, somebody has raised the issue of timing. It is always a major part of our deliberations that any Member of this House has the right to raise an issue at any time any attempt to try to shunt aside the discussion of this amendment merely because the gentleman from Arizona took the time to debate this issue in the committee—put the amendment to a vote and lost it should not be a reason to defeat the amendment. The gentleman from Arizona has every right to bring that issue to this floor for full discussion. To now try to claim that it is bad timing to bring this issue to the whole House, destroys the whole basis for which we are supposed to be here in Congress.

Now, I will yield to my colleagues in just a moment.

We have a substantial number of people who want us to review in great detail every single weapon system that comes before Congress, especially the gentleman from New York, and I think rightly so.

All this amendment does—let me read it for the members of the committee—is to say that we require that "the grant application contain names and institutional affiliation of applicants, justification for the implementation of the grant—" what is wrong with that?

Is that not what we are here for? Is that not what our constituents send us here to do: To justify grants for which we give taxpayers' money in the name of research? Nobody has said here that a school board is, by the passage of this amendment, prevented from reviewing these books and either accepting them or not accepting them.

This amendment is entirely proper. It is the type of thing we are supposed to be doing in our defense appropriations, and I say, as the gentleman from Texas has said, the chairman of this committee, that the gentleman from Arizona has performed a worthwhile service in bringing this amendment before us to require that we receive this kind of research material. After all, it is our taxpayers' dollars that we are voting for this kind of activity.

Mr. Chairman, I am glad to see the chairman of this committee put aside completely the argument that it is any form of censorship. There is not one single portion of this amendment which refers to or encourages censorship. It merely asks us, as Members of Congress, and specifically the members of this Science and Technology Committee, to review these types of authorizations. What is wrong with that?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, some of the argument we have heard is that the Congress is not able to get into this oversight function. It is a little bit strange when we know that so many Members of this body believe that we have the time and ability to get into the internal affairs of Turkey; we have the time and ability to involve ourselves in the internal affairs of Soviet Russia, Rhodesia, South Africa, and others. I certainly believe that if we have the time and ability and the right to involve ourselves in the internal affairs of other nations, why in the world do we not also have the time and in fact the responsibility to involve ourselves in the activities of the National Science Foundation, one of our own agencies?

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent Mr. ROUSSELOT was allowed to proceed for 1 additional minute.)

Mr. ROUSSELOT. Mr. Chairman, I yield to my colleague from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I thank my good friend from California. I simply advise my good friend from California that this amendment was not offered in the Committee. When it was read by the Clerk, the gentleman from Arizona asked unanimous consent, after the first few lines had been read, that the reading of the rest of the amendment be dispensed with.

I doubt whether there are more than half a dozen copies of this amendment available to the membership of the Committee of the Whole. I simply would like to observe that I think it is very poor procedure to present an amendment such as this which has neither been heard nor examined by the membership. I am sure my friend from California would agree.

Mr. ROUSSELOT. I have read the amendment.

Mr. HECHLER of West Virginia. The amendment is very far-reaching, I have had no opportunity to discuss this amendment nor has anyone on the committee, nor has anyone in the National Science Foundation.

Mr. ROUSSELOT. I would say to my colleague from West Virginia that I believe that this is the kind of amendment to bills we should attach to all types of authorizations as it relates to our ability to have justification from the agencies as to what the purpose and intent of various line research items are, or are supposed to be, and what the end result has been once we vote the funds.

So, I say to my colleague from West Virginia that I would not object to this type of amendment being placed on any basic authorization. I have read it, and I think it is proper.

Mrs. LLOYD of Tennessee. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. CONLAN), to require congressional review of educational material funded by the National Science Foundation.

Mr. Chairman, we hear a great deal of concern voiced over the moral decay of our Nation. Much is said about the decline of the family as a vital institution in providing values and principles to today's young people. In light of this alarming trend, I think it is imperative for us to address ourselves to the type of material which the Federal Government is encouraging that young people be exposed to. Children are our greatest asset as a Nation, and their education and development as citizens and future leaders is one of the greatest responsibilities that we, as elected officials and as individuals, face. I can think of no greater priority.

If we found our school lunch programs dilatory in providing wholesome food for our children, what would we do? We would move promptly to see that the problem was eradicated. In the same way, I think we must examine these education programs; to look into the food for our children's minds. If we authorize the payment for educational programs, we are responsible for the material.

Furthermore, I for one, strongly object to the expenditure of Federal funds for the sale and promotion of a particular educational course of study, which must compete in the marketplace with nonsubsidized materials developed by private enterprise. Not only do we place private publishers at a competitive disadvantage, but my tax dollars and yours as well, are going to support a program with whose entire emphasis I strongly disagree. This sentiment is, I think, strongly shared by the vast majority of parents in this Nation. As public servants we must act for what we believe to be the will of our constituencies. Given the opportunity to speak on this amendment, I am convinced that the American people would overwhelmingly support this amendment.

Mr. MARTIN. Mr. Chairman, I rise to strike the last word and to put just two questions to the gentleman.

The issue of censorship and thought control has been raised several times during this session. I would like to ask the gentleman a couple of questions because it was my understanding that what he is asking us to do is exercise a little discretion as to what we subsidize with Federal tax money.

I would ask, does the amendment as offered prohibit anyone from in any way promoting or selling this educational material or any other educational material to the public school systems?

Mr. CONLAN. No, this does not in any way prohibit a local school board from buying any kind of school materials that they want that are available from a private publisher.

Mr. MARTIN. Then if it does not prohibit that, it would seem to me that in that sense of the word "censorship," it would constitute in no way censorship or "thought control" of this or any other imaginative pedagogy, or deprive it of the right to be heard. In a different sense, then, if we were to accept the more strained argument that it is censorship to cutoff the subsidy from a political philosophy or from a particular text material, or to deny it a subsidy, and thereby that that actually constitutes censorship, then would not it be true that if a government singles out certain text material for subsidy and declines to subsidize others, then that would be, in effect, denying them that equal right and, therefore, subjecting the unsubsidized text materials to "censorship" under the loose definition being bandied about by the opponents to your amendment?

Mr. CONLAN. The gentleman from North Carolina is indeed a scholar, as well as a statesman, because he very acutely puts his finger on the point that, with taxpayer dollars, we in the Congress have delegated to people in the bureaucracy the right to use their own bias and prejudice in the development of the promotional materials that feed their particular philosophical viewpoint.

So the gentleman is quite right. What we are in effect saying in this amendment is that this only stops the marketing and implementation of programs that have already been developed. The figure has been mentioned that 600 of these grants would have to be reviewed by the committee. Those 600 are not part of this amendment. There are only about 20 courses involved in the NSF that have been developed and are marketed. What we are talking about is subsidizing their sales and distribution efforts in competition with all other text materials in the country, and I do not think the Government ought to be involved in the all-out disseminating and marketing system that this program has been doing. In the program grant file, which we were finally able to get out of the bureaucratic tombs after 3 months of trying, they have a planned nationwide distribution system. They are moving it all across the country. I do not think this kind of morally sick texts ought to be subsidized.

That is what this amendment goes to, ending the subsidy of the marketing of these materials.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Florida.

Mr. FUQUA. I thank the gentleman for yielding. I notice that in the amendment, paragraph (B) says that: "both Houses of Congress have adopted a resolution approving such funding for implementation or marketing."

Under the Reorganization Act powers that we gave the President, he can reorganize an agency of Government subject to the veto of the Congress. This puts it in reverse. I assume what the gentleman from Arizona has implied, we must approve rather than veto.

It would seem that that might be rather a burdensome program if everyone who came along, we had to have affirmative action in hearings and have a resolution for approval by both Houses. Is that the intent of the gentleman?

Mr. CONLAN. No. What we are saying is, "Come to the Appropriations Committee or come to the Science and Astronautics Committee if you think that taxpayer funds should be used for marketing." This is the intent. This is the only anthropological course NSF is pushing.

Mr. Chairman, the children have not learned world history, they have not learned economic geography, and they cannot understand the basic conflicts going on around the world, but yet they are planning to study a subculture group with only 30 or 40 people in it. That is a culture that is so low that even the other eskimos do not want to associate with this clan.

Yet this is lauded here as a type of cultural pattern for our children to study.

One of the previous speakers said that this is part of the American society and part of our civilization. If we push these materials, we are undermining the family and traditional Judaic-Christian societal values.

Mr. FUQUA. Mr. Chairman, if the gentleman will yield further, does the gentleman's amendment contain any other courses, other than the MACOS program?

Mr. CONLAN. Yes, they have approximately 20 courses, I am told.

Mr. FUQUA. And we would be required to approve those programs?

Mr. CONLAN. I see no reason why those materials to be marketed could not be brought before our congressional committee for approval.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise to speak because the Educational Development Corporation that has produced these materials is in my congressional district; it is located in Newton, Mass.

I spent 3 hours last week talking with these people who have developed what is called MACOS. I have followed this controversy, and I think that we should point out that the National Science Foundation has not been unreceptive to the oversight function of this committee. In fact, I think it should be said once again that all funding for this program for this particular fiscal year has been terminated. And, as the distinguished chairman of the committee, the gentleman from Texas (Mr. TEAGUE), has pointed out, no funds will be obligated for the MACOS program for next year until the Foundation, along with outsiders, has made a complete and comprehensive review of this program.

I oppose the Conlan amendment for several reasons. First, I think it is much too broad. I advocate oversight very vigorously. At the same time, this is not exactly oversight; this is really preclearance. This amendment would direct, to make an analogy, that the Committee on the Judiciary should seek ahead of time detailed information about every prospective use of all funds under the LEAA.

I want oversight, but I think that in this area it is dangerous to say that the committee must review the "educational objectives" sought to be obtained by the National Science Foundation and those with whom it contracts.

Last week I saw the films in question. I talked with these people; I saw all their literature. The Educational Development Corporation is a very distinguished body of educators, composed of people who have been engaged for some 30 years in all types of experiments and models in education.

I think this amendment would be very disastrous because, while it might gain a certain new oversight, one that would be too broad, in my judgment, it would erode the independence of the National Science Foundation.

To repeat, this is not an agency that is adamant; this is an agency which, in the words of its distinguished administrator, Dr. Steever, has more than met the committee half way. It has in fact stopped all funds and will review all funds for next year.

I think in particular that we should state that this is a dangerous precedent. If Congress does approve this amendment today, we would be ruling that Congress, composed of all Senators and all Representatives, must approve every prospectus ahead of time. One can doubt whether this is censorship or one can deny or agree to that, but it seems to me that the Congress should set a policy so that we would not be drawn into the interstices of a program.

I say to those Members who agree with the objectives of the Conlan amendment that the committee or the Congress should set an objective and should give guidelines. But we should not say ahead of time that every single educational adventure or model or experiment to be contracted for with the National Science Foundation must come here with all of the evaluations and recommendations and the educational objectives to be sought.

With all due deference to the Congress, this would take a long, long time. Those who would be opposed to a particular experiment could kill that experiment. I think that would be bad for the Congress, bad for the National Science Foundation, and bad for the objectives we seek.

I, therefore, urge that we follow the distinguished gentleman from Ohio (Mr. MOSHER), who made remarks here that were very relevant. I urge that we follow what many Members have said here and vote "no" on the amendment offered by the distinguished gentleman from Arizona (Mr. CONLAN).

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding.

I know that the gentleman has been very cautious and has searched out in great detail information on the development costs of the weapons systems and has asked that we discuss those matters more completely for justification on the floor.

Is this not a parallel type of thing?

Mr. DRINAN. Mr. Chairman, I think the suggested parallel is rather ingenious, but I do think the analogy limps for a variety of reasons.

First of all, we are tampering with something that is in the human mind.

Mr. ROUSSELOT. Yes, items that affect children's minds, that is right.

Mr. DRINAN. Whereas in weapons, we are searching for something that will protect the national security of the country. We listen to what people say. We give deference to generals and admirals. At the same time, we want to know precisely what they think the enemy is and why they think that this particular weapon would protect us from this particular enemy, as they conceive it.

Mr. KETCHUM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have listened very intently to the debate today. It was not my intent to speak for or against the amendment, but to vote for it.

The gentleman who just preceded me in the well has indicated that he spent some 3½ hours or so with the individuals responsible for developing this program. He said that they are a distinguished group of educators and that they have been for 30 years involved in this field. I say to my colleagues, if they have been 30 years in this field, is it not about time that they went it alone? Is it not about time that they compete with the other publishers in this field rather than to work for almost 13 years on this program with our constituents' money, and compete directly with the other distinguished book publishers in the State of Massachusetts and elsewhere in the United States?

This amendment does not deal with thought control. It does not deal with censorship. That is a strawman that has been thrown up here because of the content of the program, of this particular program.

This amendment deals with the responsibility of the Members of Congress to determine whether or not money should be spent in the development and in the marketing of a program.

Mr. Chairman, I doubt that there is a Member on the floor of this House who has not been subjected to mail from his district complaining to that woman or to that man about the study that we did on why children fall off a tricycle. They say, "Why did you vote for that?" You say, "Well, I did not vote for that."

Or they ask about the study of the sweat glands of the aborigines or about some of the multiplicity of ridiculous studies that we have been conducting in the last few years. Yet, each one of us will answer our constituents and say, "Oh, well, I did not vote for that."

The reason we did not vote for it is because we did not have an amendment like this. The reason that we do not have an opportunity to know what is going on in all of the research areas is because they are carefully hidden in appropriation and authorization bills which we pass every day on the floor of this House.

This amendment simply goes to our responsibility. I do not want to censor books, but I do have a responsibility to my constituency that their money be wisely spent in the development of programs and to see to it that I am not going to help any individual company or group of companies market a product that is in direct competition with others.

Let us put ourselves in the position of any school board today, school boards desperately looking for ways to save money, and two programs are presented to them, one which has been subsidized by the Government and is, therefore, less expensive, and one that is out there in the private field. Our school board is going to pick that program. They do not have time to go through each one of these. They are not going to look at 19 hours of movies, and they are not going to look at the books. They are going to have a program synopsized to them and then they are going to accept it or reject it on the basis of price.

The Members were told a little bit earlier that if the school board does not do it right, they can be replaced. In my district we have never had more than 15 percent of the electorate turn out to do anything about a school board. Yet I think that argument has gone unchallenged.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from New York.

Mr. OTTINGER. The gentleman has said that he does not like this kind of marketing system, which I can understand. The proper remedy, however, is to strike the money to finance all these NSF programs promoted under this kind of system. The gentleman from Arizona's amendment presents an entirely different issue, though—not whether Congress should finance such programs, but whether Congress should set itself up as the arbiter of all materials produced under such programs. The amendment would not end the marketing system to which the gentleman objects—it would leave the system, but intrude Congress into it as a censorship board.

Mr. KETCHUM. Mr. Chairman, we are not asking the Congress to read a book; we are asking to determine whether or not we should be marketing the program, not reading the book. That is up to individual thinking. If you do not like the contents of a program—and I do—that is something between us. We are saying whether or not we should subsidize a program, marketing, vis-a-vis this, in the private sector.

The gentleman brought up the Bible. I do not believe the Bible should be forced on any school, but the Bible is not subsidized.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding. I want to say I emphatically support the amendment to the National Science Foundation authorization for 1976 calling for congressional review and approval of this marketing program for MACOS.

I know I speak on behalf of concerned parents across the country in commending my distinguished colleague from Arizona (Mr. CONLAN) for the capable and diligent manner in which he has pursued the National Science Foundation's promotion and marketing of the social studies course "Man: A Course of Study"—MACOS.

For the past 10 years, the National Science Foundation has spent more than $6.5 million in taxpayer funds to develop and promote this course designed to teach 10- and 11-year-olds about animals, birds, and fish—a course focused, however, upon the social behavior of the Netsilik Eskimo subculture.

Teaching materials used in reference to these Eskimos contain repeated and approving reference to such tribal habits as adultery, bestiality, cannibalism, incest, infanticide, murder, revenge, robbery, and mate-swapping. Teaching materials suggest the value of role-playing, and identifying with the Eskimo subculture, on the apparent theory of "progressive" educators that this sort of school activity raises "value issues" and encourages children to think for themselves.

I and my wife have been personally familiar with this social study course for several years. I have found absolutely no merit to the way in which these "value issues" are raised and in the manner which this MACOS course is formulated to do. And while I recognize that reasonable people may disagree as to the merit and usefulness of the content of this course, I am appalled that the Federal Government, through the National Science Foundation, has taken such an active and consistent role in promoting the course.

Since the complete MACOS course became available in 1965, some 1,700 schools have put it into use. A significant number of schools, however, have attempted to use the course and have been forced to drop the course because of strong parental opposition.

I am concerned that the National Science Foundation has not only been responsible for the content of the MACOS course, but has also been intricately and aggressively involved in marketing the course to school districts across the country, at taxpayer expense, and in direct competition with our regular textbook publishing firms.

I find it hard to believe that Congress could condone subjecting our local schools to any sort of campaign to utilize any specific social science textbook. There is no justification for using taxpayer funds to promote a manipulative course of study.

Yesterday, my distinguished colleague from Arizona documented for the record the fact that contrary to original assurances to the House Science and Technology Committee, the NSF has plans to continue its efforts to market MACOS.

The amendment offered today would put an end to this flagrant abuse of taxpayer funds by requiring Congress to approve the implementation of any curriculum of the National Science Foundation. Under this amendment, the House Committee on Science and Technology and the Senate Committee on Labor and Public Welfare must be provided with a complete prospectus for each course or curriculum project proposed for funding by the Foundation. This prospectus would include, amongst other important information, the total, per-pupil cost to implement the course or curriculum, sources of other funding, and a projection of future Federal funding for the course or curriculum.

The amendment is responsibly drafted to deal with the problems and issues raised by the MACOS course, and merits prompt passage.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as the Representative of the Second District of Colorado, I count among my constituents the people of Jefferson County, which includes the 24th largest school district in the country. I asked them about the value of the National Science Foundation program, "Man: A Course of Study." And I must say that their feelings overwhelmingly fall on the side of continuing the MACOS program. Their schools have used MACOS for the last 6 years in the sixth grade program. About 5,000 students a year have participated in the MACOS study program. The response has been widespread enthusiasm among teachers, school administrators, and parents. In addition, the school system and the school board members have voiced strong support for MACOS and feel it would be very unfortunate if MACOS were no longer available in their school district.

I have here a telegram which I recently received from two social science coordinators, Bill White and Marilee Bradbury, who are upset at the prospect of losing MACOS. The telegram reads as follows:

> We are very concerned over the issue of ending funding to the National Science Foundation which supports the educational program "Man, A Course of Study." This program is used throughout Jefferson County and, indeed, is considered a dynamic educational program for our 6th grade students. We highly encourage you to support funding to the NSF in order to continue teacher training and implementation programs for "Man, A Course of Study."

Of course, Mr. Chairman, the consensus is not unanimous, but what is at issue here is not what we choose to teach our children, but whether we have a choice. I believe very strongly that program decisions of this kind should be made on the local level. By continuing the MACOS authorization we are not requiring any local school board to adopt it. We are giving them the opportunity to select it.

Finally, there is no hard and fast rule forcing local boards to accept the entire MACOS package once they have opted to utilize its techniques. In Jefferson County, for example, the course has been altered slightly, with some sections removed and some new units added which are tailored to their own students' specific needs, such as a unit on Mexico and one on local Indian cultures. This is the kind of individual, local, decision-making which should be encouraged, not interfered with.

In closing, I strongly oppose the amendment by the gentleman from Arizona. I believe it is strongly antithetical to the traditions of local control of education and attempts to replace the educational judgment of local school boards, teachers, and parents.

Though I often agree with my Republican colleagues in concern about the involvement of the Federal Government in too many phases of American life, I am surprised at their advocacy of this incursion into what are clearly local responsibilities. Finally, as a former teacher and education administrator, I am unalterably opposed to this amendment and urge its defeat.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I would like to review briefly the chronology of the amendment.

It has been frequently stated on the floor today that there has been just one amendment. The original amendment which was offered in the full committee, and not in the subcommittee, read this way:

> No funds authorized shall be available directly or indirectly for further development or implementation of "Man: A Course Of Study," MACOS.

Now, that is the amendment which was offered in the full committee. It was defeated there, but there was considerable sympathy brought about by some of the emotional arguments at that time so that the chairman of the full committee got the House to agree to release the bill back to the full committee to discuss it again, and to give the gentleman from Arizona (Mr. CONLAN) another opportunity to introduce his amendment. He did not do so at that time. Why? It is not entirely possible to know why. My impression is that in the intervening time since every single Member had full chance to review all of the materials, there were only two kinds of Members that would return to the committee to review the amendment:

They are, one, those who had seen the material, and, two, those who had not. It was the consensus of those who had that there was nothing wrong with it, and those who had not could not very well bring themselves to vote against it.

My impression is that the gentleman from Arizona accordingly made a strategic decision not to offer his amendment a second time, but to rely on the promises that were then made, both by the chairman of the full committee and Dr. Stever of the National Science Foundation, to conduct a thorough review of the implementation of this and other courses. That is the understanding that was reached. That is what I believe we all intended.

Today the gentleman approaches us not with that amendment to which all of his colleagues have addressed themselves, but to a far different amendment, one which would require the Congress to review before approving any NSF funding whether of mathematics, arithmetic, physics, science, elementary science, chemistry, environmental problems, time, space, matter, and astronomy. Perhaps those Members would say maybe we could not devise a Committee of the Whole House to review those matters because they are somewhat esoteric, but we surely know a lot about social science; we surely know what is right in that field to tell young people.

My impression is that a misinformed national consciousness concerning other races and other peoples has been in part responsible for our participation in wars and other mistakes simply through want of understanding of how other races and cultures live and how other peoples gather themselves together to meet the problems of life. To broaden the perspective of the young citizen in this regard improve the judgments he will make both for his own and the country's benefit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PEYSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am certainly in no position to comment on the MACOS program, on the merits of it one way or the other. Certainly if the program is what the opponents of it say it is, then it is a waste of the taxpayers' money, and I would certainly not support it.

Our former colleague, the gentleman from Iowa, Mr. Gross, many times took the floor and outlined dozens of wasteful programs in the Government, all of which I would like to see eliminated. However, I really do not think that is what we are looking at in this amendment, one section of which I would like to read and review briefly, this is what we are talking about.

The section of the amendment I would like to read says:

> No funds authorized to be appropriated to the National Science Foundation under this or any other Act shall be available to implement or market course or curriculum programs or materials, unless the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate have first been provided a complete prospectus for each course or curriculum project proposed for such funding. . . .

I have heard the argument back and forth, and I have listened very carefully, that this does not represent any form of censorship. If this does not represent censorship—and for the moment let us accept that this does not represent censorship, if that is the argument—then what is the natural progression of this—the next step will be the Congress going into the education programs that are federally supported, not by the National Science Foundation but by the Office of Education, going into title I moneys that are far more excessive than the programs we are talking about here, and studying some of the curriculums that are involved in those programs and having to approve them, I honestly do not believe that we as Members of this House are in a position to evaluate these types of programs.

I think that if we do not have the right bureaucrats there, let us get other bureaucrats who can reflect the thinking of this country in the terms of their specialty but not to put the Congress of the United States in a role of reviewing the curriculums of every course. It would be impossible. We cannot meet to cover many of the programs that we are really supposed to be directly involved with, we should not now be taking on the role of grand censor.

We in the Congress of the United States under this amendment will be reviewing the action of the school boards—because the school boards have the option now of accepting or rejecting—these programs.

I would think the members of all parties, and certainly if we divide them among the conservative and liberal and did not refer even to the Democrat and Republican Parties, that conservative-thinking people would reject this thing out of hand because it is the antithesis of everything pertaining to the freedom and independent philosophy that is called for by this concept. I do not see how we can accept this kind of amendment. I think it would be disastrous for us and I think it would open the door to many more programs in the educational field particularly that we would then be confronted with reviewing and acting as censors on hundreds of programs.

I hope the amendment will be defeated.

Mr. MYERS of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the gentleman from Arizona if he could supply some comment about the amendment. We have had a great deal of discussion on the floor and I think as a wrapping up of the gentleman's position I would like to hear his comments reflecting back on those remarks.

Mr. CONLAN. I thank the gentleman for yielding. I would like to summarize here a couple of points. As the gentleman from Colorado, the gentleman from Denver (Mr. WIRTH), raised the question as to whether this would keep his local school districts from having the materials, I would reply it would not. If they like it in Denver they can buy it in Denver with their own money, just as they would buy any other textbooks. They can buy it with their own money, so there is no infringement on the local school boards. If they like it in Fresno, Calif., they can buy it in Fresno, Calif.

What this amendment does is say the Federal Government and the Federal taxpayer shall not get into preferring this particular anthropology and sociology course over all other ones in the country by funding and by paying for inducements to teachers and by quota involvements and so on . . . by financial inducements to the school districts where we say if they will buy this material the Federal Government will subsidize its cost. We pay for conferences where we select teachers in the country to be trained and to be indoctrinated in this program and then they are asked to go and sell it with inducements to themselves, if they sell it to their local school districts. This is noncompetitive marketing. On that basis this amendment should be agreed to.

I think it is time for this program to stand on its own feet along with all other educational programs in the country. All the arguments about violence in the Bible and censorship are phony. This program did not meet the requirements which other programs have to meet, namely, to have its developers give to NSF and to authorities in Government a certification of no harmful effects of this experimental program on children involved.

The gentleman from Missouri (Mr. SYMINGTON) says this is censorship and that I have no right to bring this up on the floor. But everything is being brought up on this floor from soup to donuts throughout this Congress. I bring it up now so that if a Congressman wants to vote against the marketing of MACOS concepts he can do so. If he thinks it should not be subsidized and pushed into American schools, he can vote for my amendment and let MACOS suppliers market their own materials at their own expense, not with taxpayer's hard-earned dollars.

Mr. BLOUIN. Mr. Chairman, I move to strike the requisite number of words and I rise to oppose the amendment.

I think we have heard just a continual round robin kind of discussion of what this amendment really does. The authors are continually backing themselves into a corner on MACOS and every time they get nailed on the fact that this amendment is not just MACOS, they try a whole lot of other tactical approaches that have nothing to do with the argument they are continually harping on. They cannot have it both ways.

Pure and simple, this amendment would be a roadblock for months, possibly years, on every NSF Classroom program that is going on in this country. As worded, it would stop immediately the continuation of any of those programs until they build up this whole log of information that is not expected in anything we do in Government today, just because there are some things that the gentleman thinks are involved in a human direction.

The time we have spent on this amendment in committee and on the floor has blown this thing way out of proportion. This program does not teach human morality one way or another. It does not attempt to twist people one direction or another. It does not do any more than what Walt Disney has done on television for years.

Let us talk one side or the other. Let us assume we are going to have a logical approach to the general question of funding programs separate from destroying the work of NSF.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. BLOUIN. I yield to the gentleman.

Mr. SYMINGTON. I thank the gentleman for yielding.

I agree with the gentleman that this MACOS program does not advocate immorality in human conduct, to any extent that I can find in the materials or see in the films; but whatever it does, it certainly does not provide justification for examining mathematics, physics and other science, as if they were advocating something unethical or immoral, which is what this amendment would require us to do.

Never did I suggest or state that the gentleman had no right to bring this amendment to the floor. All I did was review the history of his involvement in this question and some of the conversations concerning the political impact on the country and on the support of those who are very interested in this aspect of his work.

I recall those conversations very well, but they do not affect the gentleman's right to bring up this amendment.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred twelve Members are present, a quorum.

The question is on the amendment offered by the gentleman from Arizona (Mr. CONLAN).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONLAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 215, not voting 21, as follows:

[Roll No. 108]

AYES—196

Abdnor
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Barrett
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Biaggi
Boggs
Breaux
Brinkley
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Casey
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis
Delaney
Dent
Derrick
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Emery
Eshleman
Evans, Ind.
Fish
Ford, Tenn.
Forsythe
Fountain
Fulton
Gaydos
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hammerschmidt
Hansen
Harsha
Hays, Ohio
Hébert
Hefner
Henderson
Hightower
Hillis
Hinshaw
Holland
Holt
Horton
Howe
Hubbard
Hungate
Hutchinson
Hyde
Ichord
Jeffords
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Lent
Levitas
Lloyd, Tenn.
Long, La.
Lott
Lujan
McCollister
McDonald
McKay
McKinney
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nichols
O'Brien
Passman
Patten
Pickle
Pressler
Quillen
Railsback
Randall
Regula
Rinaldo
Robinson
Roe
Rose
Rousselot
Runnels
Russo
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Staggers
Steed
Steelman
Stephens
Stratton
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Traxler
Treen
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—215

Abzug
Adams
Ambro
Anderson, Calif.
Anderson, Ill.
Aspin
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Biester
Bingham
Blanchard
Blouin
Bolling
Bonker
Bowen
Brademas
Breckinridge
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cochran
Collins, Ill.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, Dominick V.
Danielson
de la Garza
Dellums
Derwinski
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Fenwick
Findley
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Fraser
Frenzel
Frey
Fuqua
Gibbons
Gilman
Green
Gude
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Holtzman
Howard
Hughes
Jacobs
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Litton
Lloyd, Calif.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McHugh
Macdonald
Madden
Maguire
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mineta
Mitchell, Md.
Moakley
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patterson, Calif
Pepper
Perkins
Peyser
Pike
Poage
Preyer
Price
Pritchard
Quie
Rees
Reuss
Richmond
Riegle
Risenhoover
Roberts
Rodino
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Sikes
Simon
Sisk
Smith, Iowa
Solarz
Spellman
Stanton, J. William
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Studds
Symington
Teague
Thompson
Thornton
Tsongas
Ullman
Van Deerlin
Vander Veen
Vanik

Vigorito
Waxman
Weaver
Whalen
Wiggins
Wilson, Charles H., Calif.
Wirth
Yates
Young, Ga.

NOT VOTING—21

Ashley
AuCoin
Boland
Conyers
English
Esch
Flynt
Giaimo
Landrum
McEwen
Matsunaga
Mills
Mink
Mollohan
Patman
Pattison, N.Y.
Rangel
Rhodes
Steiger, Ariz.
Stuckey
Udall

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: Insert on page 4, beginning on line 15 the following new section, section 2(a)(11):

"No funds authorized to be appropriated to the National Science Foundation under this or any other Act shall be available to implement any course, curriculum, program, or materials in a public primary or secondary school, unless the National Science Foundation, the grant recipient, or the school board of the community involved shall first give public notice to the local community concerning the contemplated introduction of said course, curriculum, program, or materials into a particular school or school system prior to its introduction; and second, all teaching materials used in the training of teachers for the program and the instruction of the program's students shall be made available for public inspection.

"Such public notice shall occur a reasonable time before the introduction of the course, cirrculum, program, or matreials and in no case less than 60 days; the teaching materials shall be available for public inspection at a school within the public school district during the period of public notice and shall continue to be available at the school for inspection throughout the duration of the course, curriculum, program, or materials' period of use in the community's schools."

Mr. MYERS of Pennsylvania. Mr. Chairman, this amendment deals with the National Science Foundation funding or marketing of programs. I had this amendment placed in the CONGRESSIONAL RECORD yesterday so that Members who might want to review it could have the opportunity to do so. It was presented in similar likeness in the committee. I have allowed it to be read in toto in front of the Committee of the Whole House because I knew that my good colleague wanted this to be done in order that those Members who wanted to hear it would have the opportunity to do so.

Mr. Chairman, essentially I think we are all aware that there are a number of Members who are concerned about Federal funds and how those funds affect local communities. I do not think we ignore that responsibility. I do not think it is proper for us to just wave off that responsibility. Also I do not believe that we can serve in this Congress in an effective manner by just saying that there are some locally elected officials who can repair the damage caused by whatever we may cast their way. That is what we are talking about.

The amendment I propose in no way would incur any type of censorship. The fact of the matter is it would have a counter effect. It would insure that the local municipalities will know the facts. The local school boards, the local school directors, and the local citizens would be apprised of the fact that such a program sponsored by the National Science Foundation is being considered for their local school district. It does nothing more than give proper communication.

When we are talking about education we are often talking about communications. This amendment would insure proper communications to the constituents and taxpayers in every one of our districts so as to allow an informed choice on whether or not they wish to go along with a National Science Foundation funded program. We will not inhibit the National Science Foundation from moving in and subsidizing the programs and the development of them and the marketing of them, and even subsidizing the grants to teach teachers about them. The only thing this amendment does is to ask that proper communication be given to the local community.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I rise in support of my colleague from Pennsylvania (Mr. MYERS) on his amendment relative to the introduction of NSF-subsidized curriculums in the public schools. This amendment, in the tradition of "sunshine laws," guarantees the public the opportunity to be made aware of the proposed utilization of such material, prior to its implementation.

This amendment stems undoubtedly from the same concerns which led me last year to offer an amendment passed by the House to H.R. 69, the Education Amendments of 1974. My amendment at that time was to insure that where consideration was being made before local school boards of federally funded projects designed to explore or develop new or unproven teaching methods or techniques, such school board meetings would be open to the public, which would be given reasonable notice and opportunity to testify.

We are more cognizant these days than ever before of the need to insure that the public is a well-informed one, and this is particularly true when it comes to the education of our young children.

Mr. MYERS of Pennsylvania. Mr. Chairman, I would like to point out further that this amendment only deals with public schools, and the grades of kindergarten through 12th grade. It does not have any application to programs beyond the 12th grade.

As I say, Mr. Chairman, this amendment would require public notice.

There is one other essential thing that it provides for, and that is that the material be available in the community for them to inspect in the school district which is considering it. I think it would be highly improper to pass a piece of legislation and say the material should be available, and they are available here in Washington, but they are not available back in Butler, Pa., or Harrisburg, Pa., or some place up in Maine.

Such inspection would also relate to the teaching materials and the teaching programs.

I think what is important about this particular amendment is that it is not unlike many other requirements we provide for local communities of the country that are seeking grants or funds from the Federal Government. There are many examples where we require public notice that Federal funds are going to be used in the district. The only reason we do that is to provide proper communication to the constituents so that they may pass on whether or not they believe those funds should be appropriated which would affect their daily lives, and the daily lives of their children.

Mr. Chairman, in the committee there was discussion on whether we wanted to increase the communications to the general public. There was a feeling that we should not tell the general public, or we should not require anyone to tell the public that the National Science Foundation is coming in and is going to affect the minds of their children. I pointed out at that time that I think the minds of the children that we are talking about have as great of importance as any environmental study or any environmental public notification that we require. It is in that light that I rise and present this amendment.

I ask for the support of my colleagues, and I do so because I know that many, many, many of us have been contacted by constituents back home. I think that we owe it to them to at least say that we are going to inform the general public, that we are going to make every effort we can to apprise them of what we are doing here in Washington and how it is going to affect them.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

I commend the gentleman for this amendment. It is in the best traditions of our public school system. I certainly urge support for his amendment.

Mr. SYMINGTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

It seems to me that this amendment is, if anything, worse than the last one, and for the reason that it strikes at the very heart of the democratic system that has evolved over the past 199 years. If there is a more democratically constituted and established group of people than a school board, I do not know who or what it is.

If Congress thinks in its wisdom it can teach democracy to the school districts, then this is a pretty good amendment. My impression is that if a school board decides that something will work in the schools, it will be inclined to sponsor that initiative. If the people who elect the school board—and whether they voted for it or not—if the people to whom it is responsible decide they want to know what is in that curricula I imagine they will put the question to the board: Let us look at the curricula, and the board will have an opportunity to say, "Surely, come on over and look," or, for some peculiar reason that does not quite occur to me, they can say, "No, you cannot see it." If they take the latter position, my guess is they will be a very short-lived school board.

But I am not for making that massive nationwide judgment for them at this level of government. I would have thought that the Members on that side of the aisle would be extremely protective of local control, local conditions, local circumstances justifying certain initiatives in some areas and not in others, and would not abdicate to the heavy hand of the Federal Government both the power and the right to make these sensitive judgments at the local level.

Why have a school board? Maybe we should go back to the original amendment that was offered by the gentleman from Arizona and say we do not need a school board for this, because Congress will decide what these children should see and should not see.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. I thank the gentleman for yielding.

What great decisions are we making here that the gentleman would not want us to impose on the local districts?

Mr. SYMINGTON. I will say to the gentleman that if the gentleman desires the Congress to supplant the judgment of school boards, this is a very fine amendment.

Mr. MYERS of Pennsylvania. If the gentleman will yield further, the gentleman must not have read the amendment or understood it. It does not impose any restrictions on the school board to do that advertising to the general community. It explicitly provides that either the NSF, the grantor, or the local school board—any one of those three—can make that public notice to the constituency so that it can expedite the program.

Mr. SYMINGTON. The language of the gentleman's amendment is very clear. It requires the school board to take certain steps to inform the people who elected it, and to whom it is responsible not as a local matter, but as a Federal matter.

Mr. KRUEGER. Mr. Chairman, will the gentleman yield?

Mr. SYMINGTON. I yield to the gentleman from Texas.

Mr. KRUEGER. I thank the gentleman for yielding.

I also speak in opposition to this amendment because this would be to single out the National Science Foundation programs and make them peculiarly subject to a kind of review that no other books or programs in our society are required to have.

The fact of the matter is that the local school boards already have the right to have public discussions on any subjects they choose. In many of the school districts the local school board elections are very closely followed—perhaps more closely followed than congressional elections.

Mr. SYMINGTON. And what this amendment would seek to do would be to turn that right into a duty.

Mr. KRUEGER. This would require the school boards to call public meetings to consider books, which is a mistake.

Mr. FREY. Mr. Chairman, I move to strike the requisite number of words.

I would like to yield to the gentleman from Pennsylvania because I have some questions and some confusion about his amendment. It appears to me that under his amendment the materials themselves would be printed by the National Science Foundation, in other words, so that a school district would be able to inspect these materials we would end up printing them for practically all the school districts in the country and sending them out and spending money to print them and send them. Is that correct?

Mr. MYERS of Pennsylvania. The NSF does not print them. The only requirement would be they would be available to the general public. Keep in mind they are available for the school board members and for teaching seminars but they do not seem to be very easily available to the general public, and it is not proper for us to have one set sitting in Washington and for us to be saying they are available for public inspection. My amendment would address that problem. It would say that one set, whether this program or any other program, would be available.

Mr. FREY. And this published notice, what would it be like in our Orlando paper? Would it be saying a course is coming up in economics and everyone should be aware of it?

Mr. MYERS of Pennsylvania. There are sufficient precedents for forms of public notices in the Federal programs so that we could draw up the guidelines, very much as in the area of the environmental applications.

Mr. FREY. Who would pay for this notification?

Mr. MYERS of Pennsylvania. If we look at the amendment it says the NSF or the local school board or the publisher, any one of the three.

Mr. FREY. I thank the gentleman.

Mr. MYERS of Pennsylvania. If the gentleman will yield further, I would like to say I believe the good subcommittee chairman has misinterpreted the amendment for our colleagues, and I would ask each one of them to make their own interpretations. There is a clear difference between his interpretation and mine as to whether or not we are restricting and imposing on local school districts more than they have been doing. That is wrong and I think it is the duty of everyone of my colleagues here to read it for himself.

Mr. FREY. Mr. Chairman, in the time I have remaining I would like to ask the distinguished subcommittee chairman what happens now regarding these materials? Can the school boards get the materials for review any way?

Mr. SYMINGTON. If the gentleman will yield, I thank the gentleman for his question.

The school board has the opportunity to accept or reject any programs that are offered to them and they would undoubtedly in making that assessment come to some judgment as to the content of such programs and whether it is fitting to be used in their schools.

Mr. FREY. The only difference in the amendment offered by the gentleman from Pennsylvania is the fact that public notice has to be given, and that is different from what is in the bill?

Mr. SYMINGTON. Yes. The amendment offered by the gentleman would make it a Federal requirement that the school board could not make those judgments on their own but would have to share them with the local communities.

If I may continue for the gentleman a moment, the school board would be hard put to reject any member of the public who wants to come and have an opportunity to review the materials they deem fit for their schools. What this amendment would do would be to say the school boards must do that. It would say we do not trust them, that we think them lax in carrying out their duties in this respect. But the people to whom the board owes it existence should pursue that oversight function. Should any school board be unresponsive, it would not find itself in office next year.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. The gentleman brings up a valid point, that school boards cannot be trusted with our responsibilities.

I would like to ask the gentleman if he has any history of what the availability of material has been? It is quite obvious that many constituents have written and called on the phone long distances and asked that we help in solving this situation, because they had not been notified, they had not known about this program. It was not available to them within proper timing.

I think we will remember in the committee we had a very difficult time and the chairman had a very difficult time getting a look at the program.

I repeat that the only thing this amendment is doing is requiring communication. I think that is the very minimum that we can require.

May I refer to the fact that in the Education Amendments Act of 1974 we do provide for every essential part of this same amendment, except for the public notice.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield further?

Mr. FREY. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, this amendment is a vote of no confidence in every school board in the country. The National Science Foundation's contribution to any school's selection list of curricula is extremely small, perhaps less than 1 percent. Any time the public wants to know what the school board approves for teaching, they certainly have a right to go to the school board and the school board can refuse only at the risk of removal.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to ask a question of the chairman of the subcommittee. Is the gentleman's amendment any different in its requirement than the requirements that we have, whether it is ERDA or EPA, whatever it may be, where we say, "You will have these hearings. You will have these rules and regulations if you want to participate."

Is the amendment of the gentleman any different in those cases where we upset the county commissioners and the local authorities?

Mr. SYMINGTON. Mr. Chairman, I will ask the gentleman to be more precise in his definition of the corresponding requirements. What kind of requirements and in what instances do they occur?

Mr. GOODLING. Mr. Chairman, for instance, in the case of EPA, we say, "There will be a public notice. You will have a public notice that you are going to have this hearing, whether you are going to accept Federal funds."

Mr. SYMINGTON. Oh, the gentleman is referring to EPA?

Mr. GOODLING. Yes.

Mr. SYMINGTON. Which is a Federal agency and the gentleman is trying to draw an analogy between the kind of constraint the Federal Government can impose on local or on Federal agencies are those it can place on local agencies. I think that is really a distinction to preserve. We do not want to get that deep into the school boards' jurisdiction, but we want to see that the EPA carries out its mandate according to law.

Mr. GOODLING. Is the gentleman saying the National Science Foundation is not responsive to the Federal Government?

Mr. SYMINGTON. The amendment does not make the demand of the National Science Foundation. It makes it of the school board, and the school board is not a Federal agency.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. MYERS of Pennsylvania. Mr. Chairman, I would like to raise the point of whether the materials which were adopted were available. I think this amendment is directed to the problems for which we have too many examples right now where a school district has made a bad decision. It is directed to that problem right head on where school districts have made bad decisions. I think there are clear examples all across the United States where the general constituency of many school districts find bad decisions have been made.

For this reason where do we get to? We get the burning of the books problem, where people want to come in and burn a curriculum that has been adopted and paid for.

My amendment would eliminate that possibility of making massive expenditures at the local level and then going through the frustrating trauma of deciding whether or not we are going to continue with that program, the burning of books and what we are going to do with them.

The amendment only tells the public, "Look, the Federal Government is subsidizing something that is coming into your district. We think you ought to know about it."

I just find it very difficult to face the fact that many Members do not want the general public apprised of what we are doing and how we are affecting them.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, the gentleman has described the amendment very well. He makes it very clear that what he would like to do is force the judgment of this Congress upon hundreds of thousands of school boards around this country. It would be a vote of no confidence in the ability of those boards to do the job they were elected to do.

Mr. Chairman, this amendment should be defeated.

Mr. GOODLING. Mr. Chairman, I would merely like to say to the subcommittee chairman that if I thought the amendment was trying to take any power from local school boards, I would be opposed to it. I am under the impression that the gentleman's amendment is merely trying to bring about communication so that we do not have what we read constantly in the papers about some misinterpretation as to what textbooks are being used and what is wrong.

I understand the gentleman's amendment, if I understand it clearly, is merely a communication bit so that he is able to say to the public, "The Federal Government is funding this program and we would like you to know we are funding this program, and your local district is going to use it, you should have an opportunity to know it."

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I would like to say that unlike some Members on the other side, the gentleman from Pennsylvania has clearly described my amendment. This is clearly the intent of it, and I would like the colloquy to show that it concurs with my desires for the amendment, and not with interpretations I have heard from the other side.

Mr. MOSHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I completely respect and honor the gentleman from Pennsylvania (Mr. MYERS) for what I judge is his intention here, which is to make available for public inspection at the local level all curriculum materials that are being used in the local schools. I feel very strongly that every school board in the country should have sense enough and be responsible enough so that always the public should know what is being taught and how it is being taught in the public schools.

However, I have two questions about the gentleman's amendment. I am afraid I will have to vote against it. One of the questions is that it seems to me he would put Congress in the position of presuming to tell local school boards how to conduct their business. It would seem to me to be a rather arbitrary interference with local school authorities and an invasion of school jurisdiction. That is the point the gentleman from Missouri (Mr. SYMINGTON) has been making.

However, more important to me is the mechanics of this amendment, and I would like to discuss this with the author, if I may. I am talking about which comes first here, the hen or the egg.

The proposed amendment says that no funds authorized to be appropriated to the National Science Foundation under this or any other act shall be available to implement any course, et cetera.

The question I am raising is this: It seems to me that these funds are appropriated and available and are used before the time ever arises that the gentleman is concerned about; before the time when this curriculum is being considered at the local school board level.

Certainly, the way the National Science Foundation conducts the implementing of the curriculums developed with NSF money, by means of regional symposia that are sponsored by responsible universities and other such exercises, that all happens long before the school board is making its decision. It is later, perhaps as a result of these symposia, that the school board makes its decision.

Therefore, it seems to me the only organization on which this would be binding—and I do not see that it is binding at all—is on the local school board. They are not spending National Science Foundation funds, or in only very selective cases are they spending them. Most school boards are not using Federal money at that point, and therefore would not have the funds.

In other words, I do not think this amendment does what the gentleman is attempting to do.

Mr. MYERS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. If that is the question, I would like to answer it. The gentleman asked the question, How do we control it? I think that is essentially what the gentleman is asking.

Mr. MOSHER. No. The gentleman misread my question. I do not want to control local school boards.

Mr. MYERS of Pennsylvania. No. How we control the amendment, how we facilitate the amendment, is what the gentleman is asking. I think if that is the only objection the gentleman has to it, I am pleased to be able to answer it. In fact, we are not imposing upon the local school districts any restrictions. The amendment specifically allows for either NSF, the publisher, who is receiving the grant, or the local school districts for providing the funds for advertising.

I would like to explain what that means. That means that it does not necessarily mean any hangup or any delay because of this provision. Any one of them can choose to do so. How one would control it, insofar as funds go, is simply to hold the pursestrings on NSF. That is the whole question here today, Are we willing to hold the purse strings on NSF in regard to requiring them to communicate with the local districts?

If NSF does not comply with this advertising amendment, then we simply tell them we can no longer subsidize NSF's programs or subsidize the marketing systems. We have a yearly review of NSF's budget which clearly does not impose any restrictions on local districts.

Mr. MOSHER. I cannot see how it is possible to interpret the gentleman's amendment as he is interpreting it. I do not think it can be interpreted in that way. I cannot see where the gentleman is putting the slightest strings on NSF's money and the way they operate.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. MILFORD and by unanimous consent, Mr. MOSHER was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, I join my colleague on the other side of the aisle in opposing this amendment, and I make one point that has not been made in the debate so far.

This amendment would at least double the cost involved in these programs for the simple reason the cost of the public notice would be at least as much again as the programs themselves. I join the gentleman in opposing the amendment.

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman from Ohio will yield further, I would like to ask the gentleman where he has statistics that it costs more to advertise than the total program costs.

I would like to ask the gentleman, was the statement that he has facts showing public notice would cost more than the program? Is that what the gentleman stated?

Mr. MILFORD. I said the cost of public notice, of buying the ads to give public notice, would exceed the cost of the programs themselves. The gentleman is mandating that every school give public notice.

Mr. MYERS of Pennsylvania. Mr. Chairman, I think if that is the gentleman's objection, it is unfounded. I think the gentleman has come here and tried to present a case of statistics without any facts. I can buy a $10 ad in the Butler Eagle and get elected to Congress. So certainly we can take a $10 ad to notify the gentleman's constituency of what we are throwing back to him, and how our funds affect his children and grandchildren.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MYERS of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 68, noes 341, not voting 23, as follows:

[Roll No. 109]

AYES—68

Abdnor
Ambro
Archer
Armstrong
Ashbrook
Beard, Tenn.
Bennett
Broomfield
Brown, Ohio
Broyhill
Buchanan
Burgener
Carter
Clancy
Clawson, Del
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Dent
Derrick
Devine
du Pont
Emery
Evans, Ind.
Fenwick
Forsythe
Gaydos
Goldwater
Goodling
Gude
Hagedorn
Hansen
Hébert
Heinz
Holland
Hubbard
Hutchinson
Hyde
Jeffords
Johnson, Pa.
Kasten
Kelly
Kemp
Kindness
Latta
Lent
McDonald
Martin
Miller, Ohio
Moore
Moorhead, Calif.
Myers, Pa.
O'Brien
Santini
Schneebeli
Schulze
Shuster
Snyder
Spence
Sullivan
Taylor, Mo.
Treen
Winn
Wydler
Young, Alaska
Young, Fla.

NOES—341

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Bedell
Bell
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Mich.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Casey
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conte
Corman
Cornell
Cotter
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gibbons
Gilman
Ginn
Gonzalez
Gradison
Grassley
Green
Guyer
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holt
Holtzman
Horton
Howard
Howe
Hughes
Hungate
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Leggett
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Sebelius
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Symington
Symms
Talcott
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wirth
Wolff
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—23

AuCoin
Bergland
Boland
Conyers
Esch
Flynt
Giaimo
Landrum
McEwen
Macdonald
Matsunaga
Mills
Mink
Mollohan
Nichols
Patman
Pattison, N.Y.
Rangel
Rhodes
Seiberling
Steed
Steiger, Ariz.
Udall

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: Insert on page 4, beginning on line 15 the following new section, section 2(a)(11):

"All instructional material, including teacher's manuals, films, tapes, or other supplementary instructional material which will be used in connection with any National Science Foundation-funded program or project shall be available within the school district for inspection by the parents or guardians of the children engaged in such program or project."

Mr. TEAGUE. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from Texas.

Mr. TEAGUE. I thank the gentleman for yielding.

Those of us on this side of the aisle have no objection to the amendment.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Pennsylvania. I yield to the gentleman from Ohio.

Mr. MOSHER. I thank the gentleman for yielding.

Speaking only for myself, I have no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 7 beginning with line 12, strike out all through line 18 on page 7 and insert in lieu thereof the following new section:

"SEC. 7. (a) Notwithstanding any other provision of this or any other Act, every 30 days the Director of the National Science Foundation shall transmit to both Houses of Congress a message containing:

"(1) A list of grants, proposed to be made by the National Science Foundation and,

"(2) All facts, circumstances, and considerations relating to or bearing upon the decision of the National Science Foundation to approve said grants, including to the maximum extent practicable the manner in which the national interest will be fostered by the approval of such grants.

"(b) The grants transmitted under subsection (a) of this section shall be effective at the end of the first period of 30 calendar days of continuous session of Congress after the date on which the message is transmitted to it unless, between the dates of transmittal and the end of the 30 day period, either House passes a resolution stating in substance that the House does not approve all or any number of the grants listed therein.

Mr. BAUMAN. Mr. Chairman, in the last year dozens of newspapers and columnists have had a field day discussing various Government spending projects which strike ordinary people as, at best, ridiculous. We are all familiar with such expenditures as $6,000 to study Polish bisexual frogs, $70,000 to study the smell of perspiration given off by Australian aborigines, $28,600 to study prehistoric urban-rural relationships, $2,600,000 to study the sex life of crabs, or the studies of why people fall off tricycles, or fall in love.

If your office is like mine, whenever one of these articles appears, you get a large volume of letters asking why the Government spends money on such projects, and why we Congressmen do not do something about it.

Well, if we pass this "routine" authorization of $755.4 million for the National Science Foundation in the usual manner, we will have an answer for our constituents, if we choose to be honest about it. That answer will be, "The Government spends money on silly projects because your Congress takes an hour to debate an authorization of $700 million plus, and then hands the bureaucrats a blank check."

It should be obvious to anybody who has read the report on this legislation that there has not been a serious effort to control National Science Foundation grants. Although the committee has done some minor juggling with priorities, it has reported the same figure which the administration requested. There is little evidence of tough oversight activities. We do not see reports of GAO investigations into some of the more dubious grants. We do not see any oversight reports from the Government Operations Committee.

Most astounding of all, the inflationary impact statement, that requirement which Congress passed last year, amid all sorts of promises that now, at last, we would have a clear picture of how our spending affected the economy, reads as follows: "* * * this legislation is assessed to have no inflationary effects on prices and costs in the national economy." Imagine that. Spending $755.4 million will have no inflationary effect, in a year when the Government simply does not have that money to spend. Taking $755.4 million out of the private capital market, increasing the overwhelming pressure on the Federal Reserve to expand the money supply, will have no inflationary effect.

It is time Congress questioned all the research projects which the National Science Foundation supports. Just how appropriate is it for the taxpayer to support such activity in a time of recession, a time when many workers are seeking jobs, and many of those who have jobs are juggling their budgets to make their paychecks cover living costs which have been escalated by inflation? Regardless of how important a scientific project may be within a community of specialists, how comfortable can we feel asking ordinary wage earners to support researchers paid at an average annual rate of up to $45,000.

Another problem area within the National Science Foundation, which requires further study before we approve this authorization, is the extent to which NSF's activities overlap and duplicate projects being carried on by other agencies of Government. For example, we have a Law Enforcement Assistance Administration, administered by the Justice Department. Yet under research applied to national needs—RANN—a part of the National Science Foundation, we are paying $571,500 for an experimental study of decisionmaking in the 12-man jury as opposed to the 6-man jury. An inquiry into the effect of videotaped testimony will cost us $250,000. Is this not the province of LEAA?

The Department of Housing and Urban Development sponsors numerous grants into urban problems. However RANN is spending $148,000 to study black perceptions of residential opportunities in the Philadelphia metropolitan area.

The Department of Transportation conducts and funds numerous mass transit projects, yet RANN provided $216,300 for a study of comparative costs of Bay Area—San Francisco region—transportation modes.

This sort of thing is not only potentially duplicative, but it encourages the practice of grant shopping. Anybody who looks at the academic community with any objectivity can tell you that things have changed on campus. You would not find many Mr. Chips there any more. Of increasing importance to educational institutions these days are not good teachers and scholars, but those who are adept in the fine art of grantsmanship—getting Government and foundation money for chic research projects. The theory among professional grantshoppers is that, once you have mastered the subtleties of proposal-writing, if you cannot get money from one agency of Government, you can find it in another corner of our Federal leviathan.

On college campuses the availability of Federal grants is exerting pressure away from education geared to the needs of students and toward pleasing the fads and fancies which are current among those who are charged with dispensing Federal money.

We hear a lot of complaints from students that college education is not "relevant" to their needs and desires. Insofar as this charge is true, we need look no farther for a reason than the massive availability of Federal grants to educational institutions. When professors and departments gain so much of their revenue from writing grant proposals to please bureaucrats in Washington, they have little incentive, and little time left over, to concern themselves with the needs and desires of students.

Mr. Chairman, in order to bring some of the activities of the National Science Foundation under closer control by Congress, I am offering an amendment to this bill which would permit Members of Congress to see proposed grants by the National Science Foundation before they are made, and to authorize the appropriate committees to look into such grants when serious questions are raised. My legislation would place the responsibility for these uses of taxpayers' money right where it belongs—in the Congress of the United States.

The review procedure which this amendment embodies is simple. The National Science Foundation would submit a list of proposed grants to Members of Congress at least every 30 days prior to the final awarding of the grants. If there were no questions raised by Members, as there would probably not be about most of them, after 30 days, the grant would become final.

It should be a simple matter for NSF to provide this list. We already receive a daily list of grants after they have been made. All that would be required would be to delay the final awarding of the grants for 30 days.

If a Member wants further information about a grant, the NSF would provide it. Then, if a Member wanted an inquiry into a grant, the relevant committee of the House could be required to undertake a review of the grant within 30 days. If the committee failed to act, the grant would then go through. Or the committee could ask the Full House to disapprove the grant.

This seems to me a commonsense way for Congress to control the way this portion of the Federal budget is spent. We have heard a lot of talk this session about a renewed spirit of responsibility and accountability by Congress, of an assertion of our prerogatives as representatives of the people. This amendment is offered in that spirit. It will give us a real chance to exercise responsibility, and to be held accountable for our actions. I urge its passage.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. If the gentleman is asking me to yield in order to support my amendment, I will yield to him; otherwise, not.

Mr. MOSHER. Mr. Chairman, the grants the gentleman mentioned in his list are from other agencies and not one of them in the gentleman's list is from the NSF.

Mr. BAUMAN. I appreciate the gentleman giving me this information and I assume the implication is he disagrees with those grants too, so he will support my amendment which will require reporting to the Congress.

Before Members argue that this will impose upon the agency an onerous condition, I suggest Members read section 6 of the bill. We are already requiring the NSF to give written information to the committees regarding transfers of funds within their own budget. Why can we not require notice and if within 30 days no committee takes action then we will hear no further about it. Resolutions can be introduced to abrogate or repeal or prevent these things from happening.

We cannot avoid this issue. We cannot possibly avoid this issue because our constituents are watching us. They are fed up with all the Federal spending for these insane and questionable purposes. There are people out of work and this Government is facing a $100 billion deficit.

In this particular agency there is almost $1 billion we are dealing with. If we as congressmen fail to accept our responsibility in this instance we will have to go back and explain our vote to our people. They will say: "What are you doing with our tax dollars?" This is not censorship. It only permits the Congress to exercise its review and oversight over what the agency is doing. We cannot pass the buck and say: "I had nothing to do with it. Some bureaucrat did it."

Here is our chance. I hope the Members will support this amendment and let our constituents be more at ease about this particular measure and this agency of the Government.

Mr. LAGOMARSINO. Will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, we have seen this bill before. This is the Polish frog bill, or as it is otherwise known, the comic book bill. It is being brought to you by the same people who gave us the treatise on perspiration odor among Australian aborigines, for only $70,000. Along with the $121,000 essay on why people say "ain't."

Well I have just returned from the district, Mr. Chairman, and I think I can tell you why the people say "ain't"; and it would not cost you $121,000 either. The people say "ain't" because they figure the Congress ain't got any sense when it votes for expenditures such as these. The history of comic books, which was one of the projects undertaken in my own district, may bê interesting to some 10-year-old, or to someone who thinks like a 10-year-old. But it sure "ain't" worth $71,000 in tax funds. And it ain't worth your vote, either.

I find it difficult enough to explain to the voters why Congress has to spend so much money on needed programs, much less why we had to spend $7 million to develop a social studies course on the sex life of the Netsilik Eskimo. I am not opposed to "pure" research, gentlemen, but I am opposed to pure ripoffs. And I am convinced that somewhere in this country are hundreds of researchers laughing up their sleeves at Congress and the taxpayers as they collect their grants for studying why kids fall off tricycles or whatever it is that they have cooked up this year to study.

Sure, we did not approve these projects. But we did give the money to the men who did approve them. And before I will vote for any more, I want to be assured that next year we will not be called upon to explain what sort of priorities allow us to spend tax dollars for projects like these when there are so many very real needs to be met.

Mr. SYMINGTON. Mr. Chairman, I rise in opposition to the amendment. The amendment rests on a number of misconceptions concerning how the National Science Foundation does its work and how the Congress oversees that obligation. The National Science Foundation prepares a budget for submission to the Congress through the Committee on Science and Technology, first through the Committee on Science, Research, and Technology. In that budget it outlines broad areas where it would like to make investments of public funds.

The committee closely questions the Foundation witnesses with respect to the general direction the Foundation wishes to take, as well as particular objections that Members of the committee may have about programs that have been implemented in the past and ideas that have been pursued in the past by the National Science Foundation. Out of those hearings and later discussions comes a bill supporting a particular budget.

When the gentleman refers to page 6 of today's bill, what he is calling attention to is the very natural desire on the part of the Congress to know when the National Science Foundation has decided to make some internal switches in the allocation of funds that we have already budgeted, with an eye to the objectives to be achieved by the expenditure of those funds. So we do not want to have them use the money in a way we did not intend. But to infer from that or to reduce from that that the Congress should sit in judgment on virtually thousands of grants to the National Science Foundation. Why it is picked out of all the agencies of Government for this treatment, I am not sure, because I am sure its stewardship of this particular mandate has been particularly good and worthy.

Nevertheless, for the National Science Foundation to come to the Congress in some fashion with every single grant application, will require us to look at thousands of grants. This amendment is not even limited to the kind of educational grants the previous amendments were addressed to. This amendment covers all grants. It, of course, attempts to deal with the question of accountability. Of course, we want the National Science Foundation to be accountable for the funds we authorize, and they are. They have to give us an annual report, which is available to every single Member. That report reviews the criteria, as well as the operational difficulties, the successes and problems with which every single grant they have made in the preceding year.

I do not know if there are Members here that are prepared to get up on their feet and say that certain grants were wrong. But if we can identify grants as being wrong, then we have to say to the NSF, "Look, before we budget next year's authority, we want some changes made." That gives us, the Congress, oversight ability to make them accountable.

The gentleman referred to something rather close to my experience in discussing these questions when he referred to the "Aborigines' perspiration." That sounded ridiculous to a great many of us years ago. It was not an NSF grant. It was a Defense Department grant in an effort to learn if there was some way to keep the GI's in better fitness for the crunch in the jungle after they had become dehydrated after many hours without water, a problem that did not seem to be suffered by the Aborigines. It was a modest investment, I do not think it was too much to do for our young soldiers at that time.

Mr. Chairman, at this time I would like to yield to the chairman of the committee.

Mr. TEAGUE. Mr. Chairman, I merely want to say that I think the gentleman's amendment is an excellent title for oversight. It has already been planned and discussed with the chairman of the subcommittee about doing just exactly this, to a lesser degree, in his oversight work. In checking these many, many grants, he would do many, but not every single one. It should not be accomplished by law, but in the oversight of the committee.

Mr. SYMINGTON. I thank the chairman for his observations. I am apprised of the fact that about 14,000 grants are made each year, and 30,000 proposed. I know many Members have not got enough to read during the day in Congress, but I think this would add an intolerable burden to that which we already have, to get out the legislation and to do the job we were elected to do.

Mr. MOSHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I certainly sympathize with the problem all of us have in answering constituents' mail concerning what are ridiculous sounding titles for some research projects. However, I do suggest that there are fairly easy ways and responsible ways to answer that mail.

For instance, one of the more recent lists that had wide publicity—I suppose we have had hundreds of letters in our office concerning it—was thoroughly examined by the General Accounting Office. The General Accounting Office report is available. It tends to justify every of these research projects, and it points to the fact that whoever got up this list had gone way back 10 years or so to dream up some of these. Many were not current; they were long past due. The General Accounting Office has given a responsible answer.

Also, the list we are receiving lately, which has been widely publicized by Paul Harvey, the radio commentator out of Chicago, we have examined that list and should make clear to the Members that not a single one of his items are National Science Foundation grants. They are from the Department of Defense; they are from HEW, the Department of Agriculture, the Smithsonian Institute. There are several from the Council on Arts and Humanities. They are not National Science Foundation grants.

Let me emphasize, in speaking to the amendment which I will oppose, that I want to reemphasize the point the gentleman from Missouri (Mr. SYMINGTON) has just made, that there are about 14,000 to 16,000 of these NSF grants every year. They actually are reported to the Hill immediately when made. The lists come up the day they are made. They are available to the office of every Member, so the first part of the amendment is already in operation.

The second part of the amendment, which would allow that any one of these would go ahead, provided that Congress did not disagree within 30 days, seems to me to put an almost unbearable burden on the Congress and the National Science Foundation.

How are we going to act on 14,000 to 16,000 grants every year?

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I would say to the gentleman from Ohio that we have all just had our committee staffs almost doubled. We have got all kinds of majority and minority staffing and all sorts of people who are looking for work under the reform amendments to the rules of this House.

As for these grants, I have here a list for April 8. What difference will it make if 30 days after April 8 these grants take effect? We might just catch a fish or two in the net I am trying to construct. That is all I am asking. There is nothing unreasonable about that.

Mr. MOSHER. I thank the gentleman for his comment.

Mr. CONLAN. Mr. Chairman, I rise in support of the amendment. I think the amendment of the gentleman from Maryland is quite reasonable. He is saying, in effect, that the material reported to the committee goes into effect within 30 days after it is reported. I certainly respect my chairman from Texas and the ranking minority Member, but I support this amendment.

On the previous MACOS matter we discussed earlier this afternoon, it took 3 months for a member of the committee, myself, to get the basic grant application and the documents on that one particular program. Somewhere, sometime, we are going to have to stop and make a stand one way or the other as to whether the bureaucracy runs us or whether we represent the people and are accountable to them. I say this is a good place to start.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding. I would just say, Mr. Chairman, even according to the statement of the chairman of the full committee this amendment cannot do any harm. They are going to require it anyway. It might do some good. What is wrong with it? I think it is a good addition. I intend to support it.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding. We have had a great deal of discussion in this House many times about public disclosure of our own campaign activities. Four times a year our campaign committees are required to report to the House of Representatives. This is called "public accountability." These NSF research grants take a lot of money, and I see nothing wrong with this amendment which provides better "public accountability" of this kind of grant at the committee level.

As the gentleman from Alabama has suggested, what is wrong with it? After all, it is to be before the proper committees of Congress. It gives the committees a chance to review and it gives them a chance to cut off funding if they determine there is something wrong with a particular grant. I support the gentleman's comments, and urge its passage.

Mr. RANDALL. Mr. Chairman, I move to strike the last word.

I take this time to ask the gentleman from Maryland about his amendment. It requires 30 days' notice of projects they plan to start. Is that all?

Mr. BAUMAN. I would say to the gentleman from Missouri that we do receive now daily edification on the grants from the National Science Foundation, but these are grants already made.

Mr. RANDALL. Your amendment would require notice before they are made; is that correct?

Mr. BAUMAN. Before they are made. They are 30 days before the committee, and this procedure would allow the committee to report out any they do not feel are of value. It might never be used, but I think the threat of existence of such a procedure will certainly increase the responsibility of this agency.

Mr. RANDALL. I thank the gentleman from Maryland. Now let me say I have a very high regard and respect for my colleague from Missouri, Mr. Symington. I know he will oppose the amendment, but it seems to me it would do no damage.

I know you have all received mail which pointedly asks, "What are you doing about the General Accounting report of July 1974?" That report was a summary of information on newspaper articles about seemingly wasteful Government spending. That report cites $20,000 spent in a study of the mating calls of Central American toads and $70,000 spent on the population biology of Indo-Australian ants.

When we get mail on these wasteful projects we may say it is the fault of the bureaucrats. Recently one of our constituents ran a big ad in his local paper. It said, "Randall alleges he has no control over bureaucrats.

Now, by a vote on this amendment we may be able to exercise a little control over these faceless, nameless bureaucrats we have blamed in the past. We cannot deny that we have a chance now to do something to stop such things as study of the biological rhythm of catfish in India or a study of bisexual Polish frogs.

I agree with the gentleman from Ohio, who said many of these things are under the Department of Defense and some under HEW. They are not all funded by the National Science Foundation. By the time appropriation bills come to us it may be too late to eliminate some of these.

Then we are confronted with the proposition of legislating in an appropriation bill. So this is the time, now, in an authorization bill, to try to get these zany projects stopped. This amendment will provide a safeguard relative to these amazing projects that waste the taxpayers' money.

Mr. PEYSER. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I wish to ask a question. As I understand it, then, is the gentleman suggesting that if we adopt this amendment, the committees which receive these matters might each month receive 100 or 200 of these grants, just to keep it at a minimum number? If the gentleman is suggesting that, we would be responsible, because if we are going to get them and the responsibility is going to be ours, we cannot let them sit on our desks.

Mr. RANDALL. Mr. Chairman, I do not think we should shirk the responsibility, and I think perhaps we have shirked our responsibility for far too long in the past. We have shown apathy.

Mr. PEYSER. Mr. Chairman, if the gentleman will continue to yield, it would seem to me to be a matter of finding the time. I do not know where the time is going to come from to realistically review 100 or 200 grants and study them properly. We cannot turn them down out of hand.

Mr. RANDALL. Mr. Chairman, the gentleman may be right. Certainly there is an oversight duty involved. The point is that in the past the gun has been fired. The horse is out of the barn. It is fait accompli. At least we should have 30 days' notice before these projects become operative.

Mr. Chairman, I cannot see any detriment or damage done by this amendment. The responsibility is then on the committee. The Congress has the oversight responsibility to take some action if wasteful projects are proposed.

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I thank my friend, the gentleman from Missouri, for yielding.

The gentleman and I both hail from what is universally known as the "Show Me State," and we want to be shown.

Really, what is to be decided this afternoon is this: How do we want to reassure ourselves that we are conducting our oversight obligation properly?

In my view, the amendment proposes a method which is entirely cumbersome and impossible to use. I believe the manner in which our committee is doing this job, with a great deal of assistance from the public and from other Members who have a great number of ideas of how to do it better, is an infinitely better way.

Mr. Chairman, I would hope the amendment is defeated, and I invite the membership of the House to vote down this amendment.

Mr. RANDALL. Mr. Chairman, I come back to our original proposition. If there is anything inherently evil about the amendment, then we could oppose it in good faith. We are simply asking for information in advance. That is all we are seeking. Nothing more. I hope the amendment will be adopted on its merits.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that I was not present earlier today to hear all the debate and to see what criticisms have been leveled at the National Science Foundation for some of the grants that have been awarded.

This morning we heard testimony by the National Institutes of Health before our Subcommittee on Appropriations, and we came down hard on some of those grants that have been awarded by the National Institutes of Health.

I personally have received these same kinds of criticism that every other Member has, and it is awfully hard to justify some of these zany grants to the folks back home when we are given the responsibility of oversight.

Mr. Chairman, the University of Illinois just recently received a grant for some $70,000 for the purpose of determining why it is that the facial features of women and men attract one another. We can name all kinds of grants of this kind. I am telling the Members that if we do not come down harder and demand a clear selection of what is really good and valid at this time when we are having a hard time coming up with dollars, then the whole structure is going to crumble.

I would just like to ask the chairman of the committee and the ranking member of the committee this: When these people came to testify before you, did you tell them anything about the kind of heat we as Members of Congress get from this? They never get it, as a matter of fact; we are the ones who have to bear the brunt of it.

What we are hearing here today is a simple reflection of the doggone problem we have with our constituents who say, "What about it, Congressman?" and we can say, "Well, it is an authorization bill. Don't worry about it here. It is all going to be taken care of."

Then I get the thrust of this on the appropriation side, and my people say to me, "Congressman, are you going over this appropriation justification," and I would like to say, "Well, we have gone through it line item by line item, and I can assure you these dollars are being well spent."

I cannot do that, and doggone it, my credibility is destroyed when there are even just one or two of these items.

Mr. Chairman, I want to know this: When the legislative committee is hearing the testimony are you asking some of these serious questions? That is all that is being reflected here today. We are seeing reflected the Members' frustration over some of these silly things that are proposed.

Maybe it is simply a lack of communication. The titles that are given to some of these things are abominable, for heaven's sake.

On a regular basis, each of us receives a little blue-covered booklet entitled "Daily Congressional Notification of Grants and Contracts Awarded," in which are listed normally several dozen projects which have been approved by the Foundation. We also get press releases announcing fellowships and other programs.

But I am convinced that these documents are a classic example of the confusion between information and communication. Do these documents really communicate anything to laymen; that is to say, to Members of Congress? Or are they rather exercises in obfuscation?

Let me use the notification of April 1, 1975, as an example. In that document I learned that one Richard R. Heacock of the University of Alaska Geophysical Institute has been awarded $57,600 in order to study "Relations of Micropulsations to Magnetospheric Plasma Structure."

I was equally excited to learn that David G. Murcray of the University of Denver will get $40,100 of the taxpayers' money to conduct a "Measurement of the Stratospheric Distribution of the Fluorocarbons and other Constituents of Interest in the Effect of Chlorine Pollutants in the Ozone Layer." At least in that title there was one word I understood: constituents. And so the thought occurs to me, if one of my constituents should ask me my feelings about Dr. Murcray's project—which I implicitly approve when I vote the NSF appropriation—what in the world could I possibly say?

Now, not all of the projects in the notifications are couched in such abstruse language. The April 1 document also indicates that James A. Morrow and Edgar L. Stout of the University of Washington are getting $27,400 for "Complex Analysis." Well, for that amount of money, I certainly hope it is complex. "Simple Analysis," would, hopefully, be cheaper.

Mr. Speaker, I am not opposed to scientific research. Nor am I opposed to governmental support for scientific research. But I am concerned that in this, as in so many other areas, we are acting without knowing what we are talking about.

Are we doing our job of overseeing this area of Government activity? Are past NSF programs such as the one which tried to figure out why people are ugly, or the one which studied the mating calls of Central American toads really worthwhile? If not, how many other examples are there of misspent moneys?

Moreover, what is the effect of the widespread unfavorable publicity which these strange-sounding projects engender on the whole program, and indeed, on the whole range of Government programs?

Is the NSF grant procedure free from cronyism among academics? Is their notification system really communicating anything to us?

As Casey Stengel said to the early New York Mets, "Can anybody here play this game?"

Or is there no hope but to go on accepting on faith that the programs are good, that they are awarded without bias, and that somebody somewhere is keeping a tight rein on the public purse?

I hope that the Committee on Science and Technology will consider these questions and report to the rest of us their findings.

At that point, let me ask the gentleman from Missouri: What has really been done to try to bring pressure to bear on those people while we are under the gun? Has the gentleman asked those questions, seriously?

Mr. SYMINGTON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Yes, I yield to the gentleman from Missouri.

Mr. SYMINGTON. Mr. Chairman, I thank the gentleman very much for yielding.

On that point, we are extremely sensitive to it. We subjected the witnesses of the National Science Foundation to stringent questioning. Incidentally, they were the only ones we had a crack at. We could not go to the Defense Department, and ask them why they did entitle that study, "How to keep GI's alive in Vietnam." That would have been a better title and one that did not have to be defended.

We did put the question to Dr. Stever. We said, "How do you wind up with these titles?" We wanted him to try to write into the titles the goal sought so that at least people would have an opportunity to gauge the merit of that particular initiative and investment.

Mr. Chairman, I think the gentleman's point is extremely well taken, and we are mighty anxious to comply with his aim.

Mr. MICHEL. Mr. Chairman, if the debate or colloquy or exchange served no other purpose other than that those folks who read the record—and I hope they will—might gather from our exchanges here that some of us have no expertise, that would be something at least. I am not a scientist, I am not an academician. I have to trust them implicitly. I do not want to infringe upon their academic freedom. I am not competent to tell them what to do and what not to do in the area of general science research, but I do at least have some sensitivity to the problem that we are confronted with.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Chairman, the most significant thing about this whole business is exactly what the gentleman said: This is the only time, the first time and the only time, that thre has been any discussion on this floor of some of these zany grants that we have talked about in all of the time that we have been here, at least 16 years. This is the first time we ever heard of it right here on the floor this afternoon. If we do not accomplish anything else, I hope the press will indicate that we are at least mindful of what is going on.

Mr. CONLAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Chairman, one of the problems which we face here and which I discovered as a new member of the committee 2 years ago was when I received announcements from the National Science Foundation of proposed grants that could be awarded. The announcement of the availability of grant money went out on approximately the 10th of April. The deadline for the receipt of applications in the NSF Washington office was approximately 10 days later. In order for the scientists in the country to have a free chance to compete, they would have to know what is available.

I do not think we have the slightest idea of what is going on in the bureaucracy or of what is being pulled by bureaucrats under preselection arrangements, and if we do not show some kind of accountability here—and this is no reflection on the committee—I think it is time that we do that.

Mr. KRUEGER. Mr. Chairman, I rise in opposition to this amendment. This amendment may have political attractiveness at home, but the real meaning of it is to bring disrepute to this Chamber. It is, in a most fundamental way, an anti-intellectual amendment. I am confident that if most of us were to have read the subjects of the doctoral theses of people like Dr. Jonas Salk or of other distinguished scientists in this Nation, we would have thought that they sounded narrow and perhaps foolish. One of the easiest undertakings is to use a public forum to bring general nonunderstanding to bear on scientific research, in order to bring to that research, public abuse.

This is a country which has continuously led in scientific research and development through the guidance of the National Science Foundation. Our National Science Foundation has allowed us this position of leadership because it has been willing to gamble on important scientific ventures, and because it has recognized that subjects which may to the layman sound frivolous or inconsequential, can be of major importance to scientific development. What appear to be shallow streams in scientific research often become major tributaries of public knowledge which serve the general good. Which of us here feels qualified to make judgments about research into high-energy physics, biochemistry, or protein synthesis? Very few, or none; and it is not our task to make such judgments.

This amendment would call those subjects to our desks and make us responsible for passing or rejecting some 14,000 scientific projects funded by the NSF each year. We find little enough time to spend on major directions of public policy which we are charged with supervising. We have neither the time nor the talent to make determinations, as a body, on individual scientific projects. Although some of the rhetoric in favor of this amendment suggests that it is an act of public responsibility to support it, it would be an act of public and scientific irresponsibility to do so.

Our task is to judge whether we think the National Science Foundation and the scientific leadership if offers to this country, and in turn, to the world, deserves our support or our censure. If it does not deserve our support, we should change the leadership there and disband the agency. But, in my judgment, that would be an attack on America's scientific leadership and on the free inquiry which our free society demands. We should defeat this amendment as a means of supporting sound scientific research.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 212, noes 199, not voting 21, as follows:

[Roll No. 110]

AYES—212

Abdnor
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Biaggi
Bonker
Bowen
Breckinridge
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Butler
Byron
Carter
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conlan
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Davis
de la Garza
Delaney
Dent
Derrick
Devine
Dickinson
Downing
Duncan, Tenn.
Edwards, Ala.
Emery
English
Eshleman
Evans, Ind.
Fenwick
Findley
Fish
Forsythe
Frey
Gaydos
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hansen
Harsha
Hastings
Hébert
Heckler, Mass.
Hefner
Heinz
Henderson
Hightower
Hillis
Hinshaw
Holland
Holt
Horton
Howe
Hubbard
Hughes
Hutchinson
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Lent
Levitas
Lloyd, Tenn.
Lott
Lujan
McClory
McCollister
McDonald
McKay
McKinney
Madigan
Mann
Martin
Mathis
Mazzoli
Melcher
Michel
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Montgomery
Moore
Moorhead, Calif.
Mottl
Murphy, Ill.
Myers, Ind.
Myers, Pa.
Natcher
Nichols
O'Brien
Passman
Perkins
Pressler
Quillen
Railsback
Randall
Regula
Riegle
Rinaldo
Risenhoover
Robinson
Roe
Rogers
Roncalio
Rose
Roush
Rousselot
Runnels
Ruppe
Russo
Santini
Sarasin
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Shriver
Shuster
Sisk
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Stanton, J. William
Steed
Steelman
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Traxler
Treen
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wolff
Wright
Wydler
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—199

Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Ill.
Andrews, N.C.
Ashley
Aspin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bergland
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Brademas
Breaux
Brodhead
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carr
Casey
Chappell
Chisholm
Clay
Collins, Ill.
Conte
Corman
Cornell
Cotter
Daniels, Dominick V.
Danielson
Dellums
Derwinski
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Oreg.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Frenzel
Fulton
Fuqua
Gibbons
Gonzalez
Green
Gude
Hall
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Helstoski
Hicks
Holtzman
Howard
Hungate
Jarman
Johnson, Calif.
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Litton
Lloyd, Calif.
Long, La.
Long, Md.
McCloskey
McCormack
McDade
McFall
McHugh
Macdonald
Madden
Maguire
Mahon
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Mineta
Mitchell, Md.
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten
Patterson, Calif.
Pepper
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Rees
Reuss
Richmond
Roberts
Rodino
Rooney
Rosenthal
Rostenkowski
Roybal
Ryan
Sarbanes
Scheuer
Seiberling
Sharp
Shipley
Sikes
Simon
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, James V.
Stark
Stephens
Stokes
Studds
Symington
Teague
Thompson
Thornton
Tsongas
Ullman
Vander Veen
Vanik
Waxman
Weaver
Whalen
Wilson, Charles, Tex.
Wirth
Yates
Young, Ga.

NOT VOTING—21

AuCoin
Conyers
Esch
Flynt
Giaimo
Hyde
Landrum
McEwen
Matsunaga
Mills
Mink
Mollohan
Neal
Patman
Pattison, N.Y.
Rangel
Rhodes
St Germain
Steiger, Ariz.
Udall
Wilson, Charles H., Calif.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the chair, Mr. McKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4723) authorizing appropriations to the National Science Foundation for fiscal year 1976, pursuant to House Resolution 368, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 22, not voting 20, as follows:

[Roll No. 111]

YEAS—390

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baldus
Barrett
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
Delaney
Dellums
Dent
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—22

Ashbrook
Bauman
Bennett
Brinkley
Clancy
Collins, Tex.
Conlan
Crane
de la Garza
Devine
Ginn
Hansen
Harsha
Lagomarsino
Latta
McDonald
Mathis
Miller, Ohio
Shuster
Snyder
Symms
Taylor, Mo.

NOT VOTING—20

AuCoin
Conyers
du Pont
Esch
Flynt
Giaimo
Gude
Landrum
McEwen
Matsunaga
Mills
Mink
Mollohan
Patman
Pattison, N.Y.
Pritchard
Rangel
Rhodes
Steiger, Ariz.
Udall

So the bill was passed.

The Clerk announced the following pairs:

Mr. Giaimo with Mr. Landrum.
Mr. Mollohan with Mrs. Mink.
Mr. Matsunaga with Mr. Patman.
Mr. Conyers with Mr. Mills.
Mr. Rangel with Mr. Pattison of New York.
Mr. Udall with Mr. Steiger of Arizona.
Mr. Flynt with Mr. AuCoin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONTINUING THE SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN THROUGH SEPTEMBER 30, 1975

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1310) to continue the special food service program for children through September 30, 1975, and to consider the Senate bill in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, will the gentleman from Kentucky tell me whether or not this Senate bill, in the form in which he proposes to bring it up, contains backdoor spending or any provision which violates the Budget Control Act?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me say to the distinguished gentleman from Maryland, that we will offer an amendment to remove the use of section 32 funds. We have an assurance that an appropriation will be made in a timely fashion. Funding will be provided through the appropriations process.

Mr. BAUMAN. Mr. Speaker, I will ask the gentleman: What is the total amount of money involved in this bill?

Mr. PERKINS. We are estimating additional spending of $52,700,000 in addition to the use of $6,700,000 in carryover funds.

Mr. BAUMAN. And the gentleman from Kentucky does not feel the need to go to the Committee on Rules in order to have this legislation, with that much money involved, considered and debated in the normal procedure?

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague that an extension of the summer program is part of the school lunch bill debated earlier. That bill has already been considered by the Committee on Rules. Notwithstanding that, we felt we should remove the section 32 funding.

We met with the entire leadership, and it was agreed we would follow this procedure. The gentleman from Minnesota

(Mr. QUIE), from the other side of the aisle, was present during the meeting.

Because of the urgency of the matter and the fact that funds are needed by June 1, we felt that this was the only way we could provide for a program this year. Local schools, settlement houses, and other institutions must know how to plan for the summer program.

Mr. BAUMAN. Mr. Speaker, the gentleman from Kentucky could at any time bring up the school lunch bill, which he chose to defer, could he not, in order to accomplish this legislative purpose?

Mr. PERKINS. Yes, however there may be delay in the Senate. It will take some time to get the comprehensive school lunch bill finally enacted.

Through this legislation the summer program can be instituted and the bill will be signed by the President, in my judgment, and it will become law. We can do this within the next 10 days.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I just want to speak to the question of how the budget will be affected by the School Lunch Act.

We finished the work when the School Lunch Act was up and was called off. I said it was an acceptable bill and would like to have seen it enacted so that it could have gone over to the other body, enabling them to hold their hearings and then we would back their recommendations with respect to that controversial piece of legislation.

This proposal for which we are asking unanimous consent today cannot wait until the summer or the length of time that the school lunch program is going to take because of the summer feeding, which is in the middle of the fiscal year. As the chairman indicated, it is $52.7 million. Last summer the program cost $50.6 million, so it is $2.1 million more.

The proposal is that the money cannot in any way be used for expensive or unnecessary equipment in the summer program. Therefore, we have to say that the entire amount is within the budget. Consequently, we ought to take care of it now in order that people can plan for the summer feeding program and have it in operation. Then we can take care of the other controversy later on because, the way we have been going here, I do not know whether that school lunch program is going to be enacted into law.

Mr. BAUMAN. Further reserving the right to object, is the gentleman from Minnesota saying that with the amendment the chairman proposes, there is nothing regarding backdoor spending now in this bill?

Mr. QUIE. Yes. The backdoor spending provision has been removed and will have to go to the Committee on Appropriations. Therefore, I think it is an acceptable and good piece of legislation. It is exactly as it would have been passed—that portion of the School Lunch Act after the backdoor spending would be removed—as we were in the process of doing when it was withdrawn.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this legislation and commend the chairman for taking such prompt action in bringing this bill to the floor. As the Members well know, unless we pass this authorizing legislation immediately, the summer food program will not be able to be implemented this summer, which would be tragic.

This program serves over 1 million children per day during the peak summer months. It is vital for areas that have high concentrations of low income children, and for areas with children from families that have been hard hit by both inflation and unemployment.

The legislation that we are considering now will show the sponsors of this program in all the States that the Congress does intend to see that this program is continued this summer. Therefore, they will be able to begin to plan adequately to run the programs.

In addition to extending this program, this bill will also make several important changes to improve the program. First, it will do for the summer feeding program what we have already done for the school lunch and breakfast programs, that is, allow for automatic reimbursement rates based on the Consumer Price Index. This is essential since food costs have escalated 10 percent since last summer. The other change is merely to mandate the publication of regulations within a short time after passage of the bill. This is only reasonable since there is a crucial time factor involved with this program and legislation.

In summary, this is a bill that the children of the country need and depend upon for the summer months. I would hope that we could pass this bill without controversy today, go quickly to conference, and have a bill before the President as soon as possible. To delay at all would seriously jeopardize a program that serves the children in every State during a time of economic difficulty, when they need it most.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, under the gentleman's reservation, may I simply say that I concur in what the gentleman from Maryland has said. Furthermore, there is pending the first supplemental appropriation bill to which this $52 million could be added in the other body and agreed to without any hesitation or delay.

Tomorrow we are going to have before the full Committee on Appropriations the second supplemental; but it is quite conceivable that a supplemental, even though going through the House next week, would not be finalized after Senate action, conference, et cetera until we get into the summer program. Therefore, I concur in the action that has been taken here. We can thereby supply the funds sufficiently in advance to have an orderly distribution of those funds for a good summer program. I would encourage the gentleman to withdraw his reservation.

Ms. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentlewoman from New York.

Ms. CHISHOLM. Mr. Speaker, I want to express my support for the bill S. 1310.

The program is of vital importance to poor children across the country who have access to the free and reduced-price lunch program during the school year. Many of these children depend on these lunch programs for their most nutritious meal of the day and the summer program can be seen as an extension of school-based lunch programs for poor children.

Last summer 1.7 million children participated in the peak week of the season.

There are two important amendments to S. 1310 as passed by the Senate.

The first amendment increases the maximum reimbursement rates paid under the summer program by the percentage that the food-away-from-home series of the Consumer Price Index has risen in the last 12 months. This is the same mechanism that is used to adjust the reimbursement rates in the school food programs.

S. 1310, as passed by the Senate, takes no action to adjust the reimbursement rates. This is a dangerous omission because there is no automatic cost-of-living adjustment in the rates paid in this program, and if the rates are not adjusted this year to keep pace with inflation, many programs will simply be unable to survive. USDA data show that last summer, most summer feeding sponsors were reimbursed at very near the maximum rates allowed. If the rates are not adjusted this year and sponsors are forced to pay this year's food and labor costs with last year's reimbursement rates, many will be unable to stay in existence and run a program.

The second amendment requires USDA to issue regulations for the summer program within 10 days after the bill is signed, so that there will be no further delay in getting the program off the ground. Each day that regulations are delayed means that more sponsors are unable to mount a program this year because they will not have sufficient leadtime.

Thus S. 1310, as amended, would insure that reimbursement rates be raised to a level that would allow the program to stay in existence, and requires that regulations be issued promptly. For these reasons, I urge you to support this bill.

In closing I would like to point out that under this legislation the U.S. Department of Agriculture should allocate funds immediately to the States for this summer's program, using last summer's spending levels as the basis for such allocations. The allocation is needed immediately in order that sponsors have enough leadtime to run a properly administered program. It is our expectation that the USDA will use all remaining fiscal year 1975 funds to get the program started up and fund the remainder of the program with the $52.7 million we expect to be appropriated next week.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1310

A bill to continue the special food service program for children through September 30, 1975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (82 Stat. 117, as amended; 42 U.S.C. 1761) is amended—

(a) by inserting in the first sentence of paragraph (1) of subsection (a) before the words "to enable" the following: "and for the period July 1, 1975, through September 30, 1975,"; and

(b) by adding at the end thereof the following new subsection:

"(j) Notwithstanding any other provision of law, the Secretary is authorized and directed to use not more than $52,700,000 of the funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the purposes of this section during the period July 1, 1975, through September 30, 1975. Any funds expended from such section 32 to carry out the provisions of this section during the period July 1, 1975, through September 30, 1975, shall be reimbursed out of any appropriation or supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of this section, and such reimbursements shall be deposited into the fund established pursuant to such section 32 to be available for the purposes of such section. Funds made available under this subsection shall be in addition to direct appropriations or other funds available for the conduct of summer food service programs for children.".

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. Perkins) is recognized for 1 hour.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Perkins: Page 1, beginning on line 11, strike out all that appears down through line 15 on page 2, and insert in lieu thereof the following:

"(j) Reimbursement rates established by the Secretary for meals served during the period May through September 1975 in service institutions operating special summer programs under section 13(c)(1) of the National School Lunch Act and in service institutions operating special summer programs under section 13(c)(2) of the National School Lunch Act shall be adjusted to the nearest quarter cent to reflect changes since the period May through September 1974 in the cost of operating special summer programs as indicated by the change in the series for food away from home of the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor for the most recent twelve-month period for which the Consumer Price Index has been established.

"(k) No later than ten days following enactment of this legislation, the Secretary shall issue regulations pertaining to the operation of the summer food program during the months of May through September 1975: *Provided,* That such regulations shall in no way differ from regulations currently in effect, except for such changes as are necessary to implement the provisions of this Act.".

Mr. PERKINS. Mr. Speaker, S. 1310 as passed by the Senate extends the special food service program for children—section 13 of the National School Lunch Act — through September 30, 1975, and provides for the financing of the program through utilization of section 32 funds.

Mr. Speaker, may I initially provide some background information on the summer feeding program. During the summer of 1974, the special food service program provided meals to 1,745,000 children at 11,880 sites, which included recreation centers, settlement houses, playgrounds, neighborhood houses, and the like. There has been continual growth in the summer participation rates as is indicated by the fact that in 1971, there were on an average 1,080,000 young people participation in the program. This grew to participation of over 1,500,000 in 1973.

The summer feeding program is designed to feed children from areas having poor economic conditions or high concentrations of working mothers. The children from these areas are reached during the school year through the regular school lunch program, but when summer comes, their access to a nutritious noonday meal ceases. The summer feeding program is important, because it fills the gap and makes that important meal available.

The future Federal role and the very existence of the summer feeding program are threatened by the President's proposal to eliminate it as a Federal obligation. His failure to include funds for it in the 1976 budget has resulted in a great deal of uncertainty among summer program sponsors who are now in the position of having no administrative guidelines or regulations; they are unable to do the necessary planning, site preparation, personnel selection, contracting for food and food service, and outreach. If we are to provide a program, indeed we must let them know now. Within a period of a little over one month some programs should be in operation, but with the present uncertainties, no effective preparatory work can be done.

Mr. Speaker, the amendment which I have proposed to S. 1310 will first of all eliminate the alleged "backdoor spending" provision in the Senate measure. The amendment will delete that portion of the Senate bill which requires funding not to exceed $52,700,000 out of funds from section 32 of the act of August 24, 1935 (7 U.S.C. 612c). With adoption of the amendment, the bill will become a straight 3-month extension of the authorization of appropriations.

As I have indicated, Mr. Speaker, the future of the summer feeding program is seriously jeopardized. There is no fiscal year 1976 budget submission, and in my judgment, it was because of this that the Senate bill provides for the mandatory use of section 32 funds. It is strongly felt by many that without that mandatory spending, the program would not be operative this summer. The Committee on Education and Labor is aware of the concern of the House about "backdoor financing" and this morning, I met with Mr. Quie, the ranking minority member of the committee, Shirley Chisholm, a member of the committee, the chairman of the Appropriations Committee, the chairman of the Budget Committee, and the leadership of the House to see if we could work out a satisfactory solution to assure funding of the program. We have agreed to include in our amendment an elimination of backdoor spending on the assurance that funding—consistent with the Senate provision requiring $52,700,000 in section 32 moneys—would be provided through the appropriations process. More specifically, we discussed the possibility of adding such an amount to the pending supplemental appropriations bill or if this was not possible, providing for funding in a special resolution.

Our agreement, Mr. Speaker, which is responsive to the sensitive feeling of the House regarding of "backdoor spending," represents a commitment as firm as the Senate's to financing this program at an adequate level and in a timely manner.

Two additional changes are included in the amendment. First, the amendment will provide for an escalator in the reimbursement rates paid to institutions serving summer meals. This escalator is based upon the Consumer Price Index series of food away from home, and will be calculated on the most recent 12-month period. The second amendment provides for immediate implementation of the summer program by specifying a 10-day period after enactment as the deadline for issuance by the Secretary of Agriculture of summer program regulations.

In terms of dollars, this is not a large program if we consider the need that it fills. In 1971 the program began with funding at close to $30 million. Last year $60,600,000 was allocated. The Department of Agriculture advised today that there is an unexpended balance in fiscal year 1975 funds of $6,700,000 for the summer program. It is our intention that this $6,700,000 be utilized immediately for the initial part of the summer program, and as I have indicated, we anticipate funding in newly appropriated moneys of at least $52,700,000. This will bring the total available to approximately $60 million—that is, an amount equal to the funds available last year.

Mr. Speaker, before closing, I wish to take this opportunity to compliment the distinguished Gentlelady from New York, our colleague, Shirley Chisholm. It has not been easy to work out the difficulties in this legislation. I want my colleagues to know of the tremendous work and effort on the part of Mrs. Chisholm to see to it that the program was authorized and operative during the summer months. I am appreciative of her great effort. More importantly, it is the many children who will benefit from this program this summer who will appreciate her work.

I urge the Members of this House to vote favorably on S. 1310 with the amendments we have proposed.

Mr. VANIK. Mr. Speaker, I want to

commend the chairman and the committee for calling up this bill to provide a special 90-day extension of the special food service program, from June 30 to September 30.

The special food service program—known as section 13 of the National School Lunch Act—is a program which feeds low-income children during the summer months when the regular school lunch program is not available. For hundreds of thousands of poverty children, the section 13 program provides the only sound and nutritious meal which they receive during the summer months.

The regular school lunch legislation developed by the committee, H.R. 4222, provides for a 1-year extension of the section 13 program. Unfortunately, it will be some weeks before this legislation clears the House, the other body, and is approved by the President.

However, since the program is due to expire June 30, any further delays in extending the program would have created absolute havoc in this summer's program. Daily, my office has been receiving telephone inquiries from program sponsors—church groups, cities, child feeding centers—asking whether there would be a summer program and what it would entail. A number of cities, serving hundreds of thousands of children, were preparing to drop out of this summer's program, because they simply did not know what to plan for and what to expect.

The passage of this emergency extension will insure that the program is carried on and that these children do not go hungry.

Mr. RICHMOND. Mr. Speaker, I am gratified that the House today has finally passed emergency legislation that assures that the summer feeding program will be carried out this summer on a full-scale basis. Since the Department of Agriculture has refused to set regulations for this program until there was some authorization for the next fiscal year, Congress has had to act to insure that summer feeding agencies can plan for this summer's program. Passage of S. 1310 by the House today confirms my belief that Congress strongly opposes the Ford administration's attempts to cut back the child nutrition programs operated by the USDA.

The House version of S. 1310 assures agencies that the USDA will set their regulations in a timely fashion, provides for cost-of-living adjustments in the funding of the program, and grants a 3-month authorization for this summer. The Appropriations Committee has assured the Congress that it will act swiftly on this bill. We may now rest assured that there will pe a summer feeding program this summer. Last year this program benefited over 1.7 million children throughout the country. I have fully supported all efforts to insure that the program will operate this year, and am pleased that Education and Labor Committee Chairman PERKINS has understood the necessity of prompt action on this measure, and seen fit to act decisively. Now we can get on with the summer feeding program.

Mr. BIAGGI. Mr. Speaker, I rise to give my strong support to S. 1310 legislation which will provide an extension of the special summer feeding program through September 30. Passage of this legislation is vital if we are to insure continuation of this vital program which provides nutritional meals for some 380,000 children nationally.

I was a cosponsor and member of the Education and Labor Committee which reported out H.R. 4222, the overall Child Nutrition Act which contained an extension of this program as well. However this bill was withdrawn from the House floor and recommitted back to committee. It became obvious that if the 8,500 centers for the special summer program were to operate they would need to have their funds extended past the June 30 deadline. This is why this bill has been offered and its support is needed by all.

Briefly the program provides most participants with at least one meal a day usually lunch as well as a snack. Half of the children get breakfast and as many as 10 percent may get dinner as well.

I am pleased at the prompt actions taken by the Education and Labor Committee here today. This program is of great importance to the city of New York and our action today will insure that our children will not have to suffer from malnutrition this summer and will lead happier and healthier lives.

Mr. PERKINS. Mr. Speaker, if there are no requests for time, I then move the previous question on the amendment and the bill to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device; and there were—yeas 396, nays 2, not voting 34, as follows:

[Roll No. 112]

YEAS—396

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill,
Bucnanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers

Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Tsongas
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Zablocki
Zeferetti

NAYS—2

McDonald
Symms

NOT VOTING—34

Alexander
AuCoin
Beard, Tenn.
Conyers
Dickinson
Diggs
du Pont
Eckhardt
Edgar
Esch
Evins, Tenn.
Flynt
Giaimo
Goldwater
Hébert
Hillis
Landrum
McEwen
Madigan
Matsunaga
Mills
Mink
Mollohan
Patman
Pattison, N.Y.
Pressler
Rangel
Rhodes
Steiger, Ariz.
Thompson
Udall
Ullman
Yatron
Young, Tex.

So the Senate bill was passed.

The Clerk announced the following pairs:

Mr. Thompson with Mr. Edgar.
Mr. Udall with Mr. Conyers.
Mr. Rangel with Mr. Patman.
Mr. Hébert with Mr. Pattison of New York.
Mr. Matsunaga with Mr. Diggs.
Mr. Mollohan with Mr. Ullman.
Mr. Giaimo with Mr. Goldwater.
Mr. Eckhardt with Mr. Dickinson.
Mr. Esch with Mr. Landrum.
Mr. Flynt with Mr. du Pont.
Mr. Evins of Tennessee with Mr. Hillis.
Mr. AuCoin with Mr. Madigan.
Mr. Alexander with Mr. Steiger of Arizona.
Mr. Yatron with Mr. McEwen.
Mr. Young of Texas with Mr. Beard of Tennessee.
Mrs. Mink with Mr. Mills.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR THE STANDARD REFERENCE DATA ACT

Mr. TEAGUE. Mr. Speaker, in an attempt to pass a bill quickly which was reported out of the committee unanimously and to which, so far as we know, there is no opposition and there have been no amendments made known to us, I ask unanimous consent for the immediate consideration of the bill (H.R. 37) to authorize appropriations to carry out the Standard Reference Data Act, and that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are hereby authorized to be appropriated to the Secretary of Commerce, to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290–290f), the sum of $3,000,000 for fiscal year 1976 and such sums as may be necessary for succeeding fiscal years.

Mr. TEAGUE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, on March 6 of this year the Committee on Science and Technology reported out H.R. 37 which authorizes appropriations to the National Bureau of Standards to carry out the National Standard Reference Data Act for fiscal year 1976.

In 1968, the Congress passed the Standard Reference Data Act. This act provided the National Bureau of Standards with the authority to conduct a program of collecting, evaluating, and disseminating scientific data on the physical and chemical properties of substances which would be available to scientists, engineers, and the general public. The authorization in the original act was for 1 year, and this authorization has been renewed since for either 1 or 2 years. The current authorization expires on June 30, 1975.

Mr. Speaker, standard reference data are used daily as basic reference materials by scientists and engineers in Government, industry, and universities, and are necessary in fields such as transportation, electronics, construction, medicine, and others. The contribution which this data has made to our reference data needs in science and technology has been great and the Committee on Science and Technology is pleased with the role that the Standard Reference Data Act has played in filling this need. The primary outlet for this material is the Journal of Physical and Chemical Reference Data which appears four times a year and provides a minimum of 1,200 pages of compilations of reference data.

The committee recommends an authorization of $3 million for fiscal year 1976 and such funds as may be necessary for succeeding fiscal years.

Mr. Speaker, no amendments have been incorporated into this bill and I urge passage of this legislation by the House.

Mr. MOSHER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, this bill (H.R. 37) has the support of all Republican members of the Science Committee. It provides a fiscal year 1976 authorization of $3 million for a genuinely essential effort.

The Congress first approved the Standard Reference Data Act approximately 7 years ago with the need in mind of providing more comprehensive and accurate reference data to the scientific and technical community as well as to the general public. It is my personal assessment that the National Bureau of Standards has made an excellent effort to implement that congressional mandate, extended them in 1968, to gather and disseminate reliable, standardized, scientific reference data.

The kind of data to which I refer is the precise numerical results of measurements of intrinsic properties of every conceivable substance and material. Almost every scientist and engineer requires this type of data or information in his day-to-day work. But to eliminate the need to recalculate properties and reduce the risk of using faulty data, the scientist is able to refer quickly and conveniently to the National Standard Reference Data System.

Thus, through the work of the Bureau, the technical person is relieved of the expensive, time-consuming, and grossly inefficient burden of recalculating a property or redetermining a measurement whenever precise data is required.

That means a tremendous stimulus for more efficient, effective scientific endeavor.

The standard reference data provided by the Bureau of Standards documents the results of research projects and other studies conducted throughout the world. In testimony provided to the committee, it was estimated that over 650,000 pertinent articles are added each year. The data storage, retrieval, and categorization problem has become an increasing concern with each passing year; but to the credit of the Bureau, their product continues in its value and excellence.

The national standard reference data program is, of course, designed specifically to solve this retrieval, evaluation, and dissemination problem. Reports containing data are retrieved from scientific literature with the data stored in computerized files.

A continuous process of evaluation is then carried out by experts organized according to subject areas. This evaluation includes scrutinizing the manner in which the original measurements were made to determine the possibility of error or inconsistency in result with the final recommended data issued along with an estimate of its accuracy.

As necessary as the retrieval and storage processes are, the final measure of the merits of the data system is in its ability to serve the essential needs of all segments of American science and technology. In this regard, the National Bureau of Standards has played an invaluable role. Users of the reference data system are located within large companies, small companies, universities, and Government laboratories.

Surveys have shown that these users work within all the fields of basic and applied research, engineering design, and education as well. As testimony before our committee established, this diverse user community is provided with a program that responds positively to their questions and needs.

I might also emphasize that the role

of the standard reference data system is tied closely to technology assessment or determining in advance the impact which a new technology will have. Through the use of computers, and based upon highly precise and refined data, very complex systems can be simulated for research related to energy production, environmental protection, and industrialization, to name only three areas.

A very specific example is the computer "modeling" which was undertaken to examine the potentially harmful effects of large-scale flights of commercial supersonic transports. In order to predict the extent of this danger, the Department of Transportation required data on the hundreds of chemical reactions which could conceivably occur in the upper atmosphere. The National Standard Reference Data System Data Center furnished the essential information in establishing a standardized data base for use by all programers working in the area. This research effort could not have been carried out without this basic input.

Mr. Speaker, I firmly believe that this Nation's needs for critically evaluated and highly accurate data warrant an organized and focused national program. I also believe that the history of the National Bureau of Standards in developing such a program testifies to the excellence of their performance. There is no question that the need for data evaluation increases as our society becomes more complex and that the information provided by the national standard reference data system plays a pivotal role in both our understanding of the world around us and in the translation of this knowledge into technical advances for our future benefit.

I strongly support H.R. 37 and ask my colleagues to add their endorsement.

Mr. **ROUSSELOT**. Mr. Speaker, will the gentleman yield?

Mr. **MOSHER**. I yield to the gentleman from California.

Mr. **ROUSSELOT**. Mr. Speaker, this bill does not put us on the metric system, does it?

Mr. **MOSHER**. It has no relation to the metric system.

Mr. **TEAGUE**. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. **SYMMS**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 2, not voting 44, as follows:

[Roll No. 113]

YEAS—386

Abdnor
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grassley
Green
Gude
Guyer
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hightower
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
McKinney
Macdonald
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Treen
Tsongas
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—2

McDonald
Symms

NOT VOTING—44

Abzug
Alexander
AuCoin
Biaggi
Bolling
Conyers
Delaney
Diggs
du Pont
Edgar
Esch
Flynt
Giaimo
Gradison
Hagedorn
Harsha
Hébert
Hillis
Jones, Ala.
Landrum
Long, Md.
McEwen
Madden
Madigan
Matsunaga
Melcher
Michel
Mills
Mink
Mollohan
Murphy, N.Y.
Nichols
Nix
Patman
Pattison, N.Y.
Pressler
Rangel
Rhodes
St Germain
Steiger, Ariz.
Thompson
Udall
Whitten
Wolff

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Edgar.

Mr. Murphy of New York with Mr. Landrum.

Mr. Delaney with Mr. Whitten.

Mr. Giaimo with Mr. Conyers.

Ms. Abzug with Mr. Madden.

Mr. Biaggi with Mr. Flynt.

Mr. Jones of Alabama with Mr. Steiger of Arizona.

Mr. Rangel with Mr. Melcher.

Mr. Nix with Mr. Patman.

Mr. Thompson with Mr. Harsha.

Mr. Udall with Mr. du Pont.

Mr. Esch with Mrs. Mink.

Mr. St Germain with Mr. Hagedorn.

Mr. Matsunaga with Mr. Hillis.

Mr. Mollohan with Mr. Gradison.

Mr. Diggs with Mr. Mills.

Mr. Alexander with Mr. Madigan.

Mr. Aucoin with Mr. McEwen.

Mr. Wolff with Mr. Long of Maryland.

Mr. Nichols with Mr. Pattison of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. **MORGAN**. Mr. Speaker, on rollcall No. 107, on the bill H.R. 4700, authorizing appropriations to the National Aeronautics and Space Administration, I was not recorded. I was attending a bipartisan leadership meeting at the White House. Had I been present I would have voted "aye."

STATEMENT OF CONGRESSMAN LLOYD MEEDS ON INTRODUCTION OF OMNIBUS SUBMARGINAL LANDS BILL

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, on behalf of myself, Mr. Young of Alaska, Mr. Obey, Mr. Ruppe, Mr. Risenhoover, Mr. Bergland, and Mr. Jones of Oklahoma, I am introducing a bill providing for the transfer of certain submarginal lands in trust to the Indian tribe for which the lands were originally purchased.

The lands involve approximately 350,000 acres and were purchased by the United States in the depression years as a relief measure for certain Indian tribes. The bill would affect 17 Indian tribes in 9 states.

These lands were purchased by the United States as part of a general emergency relief program of the 1930's necessitated by the severe depression and a series of natural disasters, including floods, drought, and dust storms.

In 1933, the Congress enacted the National Industrial Recovery Act which provided authority for the creation of an agency to administer the selection and purchase of "submarginal" lands. It was the purpose of this program to purchase and take out of production large tracts of land which were overworked and depleted and to enable occupants of these lands to relocate to more promising areas where they could be rehabilitated and taken off the relief rolls.

The term "submarginal" is somewhat of a misnomer in that it referred to the temporary inability of the lands to provide more than a marginal economic return rather than to a long-term submarginal status.

Out of the $25 million appropriated to the Federal Emergency Relief Administration for purchase of submarginal lands, $2.5 million was allocated by the Roosevelt administration for the purchase of submarginal lands for the benefit of Indian tribes.

By 1934, the amount allocated for Indian submarginal land projects totaled $5 million and five Indian "demonstration areas" had been authorized. These included: First, checker-boarded reservations; second, watershed or water control areas; third, additional lands to supplement reservations; fourth, lands for homeless Indian bands or communities forming acute relief problems; and fifth, lands needed for proper control of grazing areas.

Eventual control of these lands was vested in the Farm Security Administration in the Department of Agriculture in 1935. A series of agreements were entered into between FSA and the Bureau of Indian Affairs whereby the BIA would administer these submarginal lands for the "exclusive benefit" of the Indian tribe involved.

Beginning in 1938, under President Roosevelt's executive orders, the Indian lands projects were transferred from the jurisdiction of the Department of Agriculture to the Department of the Interior.

Throughout the administration of the Indian submarginal lands program, as evidenced by several interagency agreements and correspondence, it was clearly recognized that: First, the lands were to be administered for the exclusive benefit of the tribes involved; and second, that it was the intent of the enabling legislation and the administration that legislation would be submitted to the Congress recommending a trust transfer of these lands to the affected Indian tribe.

As a result of a shift in Federal Indian policy toward "termination" in the 1950's, the original intent of the Indian submarginal lands program was abandoned. Not only were the lands no longer administered for the "exclusive benefit" of the tribe, the Department began to exact a fee from the tribes for the use of the lands.

Further, all income from the lands, whether realized by the payment of tribal fees or by lease of surface or subsurface mineral interests to non-Indians, was deposited in the U.S. Treasury, first in special "holding" accounts and, later, in the miscellaneous receipts.

In 1947, Congress enacted the Mineral Leasing of Acquired Lands Act which governed the mineral leasing of these submarginal lands in addition to other lands acquired by the United States. In a special proviso in that act, it was provided that revenue realized by the United States from mineral leasing of Indian submarginal lands would be paid into a special fund in the Treasury pending final disposition of the funds as determined by the Congress.

The Congress has already passed five acts making trust transfers of submarginal lands to the tribes for whom they were purchased. In 1949 and 1956, Congress enacted legislation transferring complete title, surface and subsurface, to approximately 535,902 acres of submarginal land to seven Pueblo tribes and to the Canocita band of Navajo Indians. It is interesting to note that, in the 1949 act, all revenue accrued from the leasing of these lands was also transferred to the credit of the tribes.

In 1956, legislation was enacted transferring complete title, surface and subsurface, to submarginal lands purchased for the benefit of the Seminole Indians of Florida.

In 1972, Congress enacted legislation transferring the surface interest only to approximately 13,077 acres of submarginal lands purchased for the Stockbridge-Munsee Indians of Wisconsin. In the same year, legislation was enacted transferring complete title, surface and subsurface, to the Burns Paiute Indian Colony approximately 761 acres of submarginal lands.

Mr. Speaker, this provides a brief overview of the history and status of these Indian submarginal lands. I would like to submit for the record a 1971 report on these lands done by the National Council on Indian Opportunity.

Mr. Speaker, these lands were purchased by the United States for the benefit of the affected tribes. A study of the administration of these lands under the enabling legislation convinces me that they were and are intended for the exclusive benefit of the tribes and that it was always the intent of the legislation and the submarginal lands program that the lands would be transferred in trust to the tribes.

Without the trust title, the Indians cannot make effective use of these lands. Some of the tribes desire to use the lands for housing projects for their members. Without title, that is impossible.

Some of the tribes wish to use the lands for economic development purposes. Lack of title frustrates these plans.

Transfer of the lands would, in some cases, eliminate the checkerboarding of existing reservations or is necessary to supplement an inadequate land base. These were the original purposes of the acquisition of the lands by the United States and these purposes are frustrated by lack of trust title.

The legislation I and my colleagues are offering will make that trust transfer and, taken in conjunction with other economic and social programs for Indians, will assist the tribes in achieving a greater degree of self-sufficiency.

The bill provides that all the right, title, and interest of the United States in and to these lands will be held by the United States in trust for the affected tribe. This includes any mineral interest in the land. There is nothing in the record of the acquisition and administration of these lands which indicates that only the surface was to be for the benefit of the tribes. "Exclusive benefit" could only mean all the interest and value.

The bill would also transfer to the credit of the appropriate Indian tribe any income which has been realized by the United States from the lease of these lands. As I have already indicated, over the period of years that these lands were supposedly being administered for the "exclusive benefit" of the Indian tribes, the United States has realized approximately $4 million in revenue. These revenues were once held in special accounts by the Bureau of Indian Affairs pending a congressional determination of the appropriate disposition. With the shift in policy I have already mentioned, these receipts were deposited in the miscellaneous receipts fund of the Treasury to the credit of the United States. In addition, since 1947, revenue earned from mineral leases on these lands have been placed in the special Treasury fund as required by law.

It is unconscionable that lands which were purchased for the exclusive benefit of Indian tribes in order to bring about the economic and social advancement of the tribes should be used as a revenue-earning source for the United States.

Mr. Speaker, as chairman of the Indian Affairs Subcommittee, I have scheduled hearings on this and related bills for April 24. In the interest of resolving an old issue and continuing wrong, I urge the support of enactment of this legislation.

SOCIETY'S ATTITUDE TOWARD THE AGING

(Mr. ESHLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESHLEMAN. Mr. Speaker, today I would like to dwell rather briefly on a problem that my State of Pennsylvania now shares with her 49 sister States and will share to a much greater extent in the future. In these troubled times we keep hearing depression, recession, inflation; shortage of energy, food, jobs; international tensions—and among others, scandals in the nursing home industry. Today, I wish to direct some remarks on problems facing our aging citizens. The problems are social, economic, spiritual, and cultural. However, the greatest underlying factor, relative to solving problems facing the elderly in America is that of society's attitude toward the aging. As stated by the World Health Organization, old people in poor countries are many times better off than the elderly in wealthy countries; primarily because in the rapidly developing western world, the elderly are quickly forgotten.

In the poor underdeveloped countries, the elderly continue to work and contribute to society, while in Western societies a person is virtually on the scrap heap at age 60; many times forced there by compulsory retirement.

Mandatory retirement reduces an elderly person's social contacts; decreases his income; gives him a lower social status, destroys his spirit, and very rapidly he becomes a statistic. On the other hand, the elderly in poor countries have a more respectable status by virtue of their work and being able to contribute to society. In addition, their well being is primarily the responsibility of the family; an attitude which, by the way, would be worth reestablishing in the United States.

We, in America, must wake up to the grave problems related to getting old. We must remember older people are living longer and their numbers are increasing all the time. Unfortunately, we in America have divorced ourselves from the responsibility of caring for the elderly members of our own families. We must cease giving help to the elderly as though we were dispensing charity. The elderly have worked all their lives to earn whatever they receive with dignity.

The elderly, however, cannot force their way back into the American mainstream without the support of those who have pushed them aside. The fact is that all special groups are doomed to failure without a true mutual concern for each other.

Some of the major problems facing elderly Americans today are: Inadequate income; quality health care and services; decent housing; proper nutrition; opportunities for employment; and convenient, inexpensive transportation. These are the same basic problems faced by the elderly 10 years ago.

Even though during the last 10 years a significant amount of legislation was passed by Congress and billions of dollars appropriated for programs for the elderly, the problems facing the elderly have become more complex. Perhaps the greatest lesson to be learned from our efforts is that the problem facing the elderly cannot simply be "legislated away" by continually creating more and more programs, appropriating more and more funds; without some consideration as to what has been accomplished through the legislation already enacted.

Too many of the programs for the elderly overlap. Too many are poorly administered, and oftentimes misdirected toward the aftereffects of the aging process and not directed toward solving the problems of the aging. For instance, not enough programs for the elderly are oriented toward preventing the need for long term care through the stabilization of our senior citizens in their own communities.

These as well as other problems relative to long-term care were studied through research initiated by Representative Sherman L. Hill, of Lancaster County, chairman of the House Health and Welfare Committee of the Pennsylvania General Assembly. This work is presently continuing under the direction of Representative Hill who is now minority chairman of the House Health and Welfare Committee. The initial findings were reported in two publications entitled "The Nursing Home Problem in Pennsylvania: A Preliminary Report" and "The Nursing Home Problem in Pennsylvania: An Opportunity To Serve" which were released in April and September of 1974, respectively. In summary, these reports show that:

First. It is estimated that by the year 2000, there will be 100 million elderly persons living in the United States. By 1980, Pennsylvania's population 65 years of age and over is expected to be 13 percent of the State's total population—1.5 million—an increase of 24 percent between 1970 and 1980.

Second. The U.S. General Accounting Office estimates there is presently a need for an additional 175,000 long-term-care beds in the United States. "The Nursing Home Problem in Pennsylvania: A Preliminary Report," estimated a need for an additional 175,000 long-term-care beds in Pennsylvania by 1980.

Third. There are presently 20 million persons 65 and over in the United States, 4.8 million of which are below the Government poverty level, and 2 million too poor to afford any medical services.

In 1970, over 296,000 or 23 percent of Pennsylvania's population of those 65 and over had incomes below the poverty level.

Fourth. The total expenditure for nursing home care in the United States increased from $187 million annually in 1950 to $3 billion in 1970, with projected costs of $7 billion annually by 1980.

According to "The Nursing Home Problem in Pennsylvania: A Preliminary Report," the amount paid directly or indirectly for medical assistance in Pennsylvania by the Federal, State, and county governments, increased by approximately 350 percent between 1963 and 1973. In the same period of time, the payments made directly or indirectly to private nursing homes increased 540 percent.

Fifth. The per capita cost for nursing home care in the United States increased 136 percent—from $1.21 to $2.86—between 1950 and 1960. Between 1960 and 1970, the per capita cost increased to $14.73—an increase of 415 percent. By 1980, it is estimated that the per capita cost for nursing home care in the United States will have reached $30 or an increase of over 3,000 percent since 1950.

The per capita cost for nursing home care in the Commonwealth of Pennsylvania increased 285 percent—from $3.77 to $14.52—between 1963 and 1973. By 1980, it is estimated that the per capita cost for Pennsylvania nursing home care will have reached $24.74 or an increase of 556 percent since 1963.

Sixth. In 1950, when the per capita costs of nursing home care was $1.21, 90.1 percent of the total costs were paid by the private consumer. By 1960, the percent of the total cost for nursing home care paid by the private consumer had decreased to 78.3 percent. In 1970, it was only 39.9 percent. Many feel that 100 percent of all costs for nursing home care by 1980 will be paid by the Government in some form or another.

These findings illustrate well the immediate need for government at all levels, providers, consumers, community groups, and organizations to begin dealing "honestly" with the "facts" relating to long-term care and the problems of the elderly in order that Pennsylvania and our Nation are able to provide our senior citizens with the facilities, programs and services they so rightly deserve, and which our Constitutions seek to insure.

We in the Congress, State legislatures, and in all branches of government; as well as all American citizens must decide if the philosophy "the elderly be damned" is going to continue in the United States, or if we care enough to reverse present trends.

INTRODUCTION OF RESOLUTION OF CONDEMNATION OF NORTH VIETNAM

(Mr. BAUMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BAUMAN. Mr. Speaker, I am pleased to join with several of my colleagues from the other body and this House in introducing a concurrent resolution which condemns the violations of the Paris peace agreement and the cease-fire by the North Vietnamese and the Vietcong. It is my belief that the administration must take strong steps to counter what is happening in Southeast Asia. Hopefully, President Ford, in his address tomorrow evening, will agree with the position we are taking today in this resolution.

Depending upon the amount and the specific recommendations, I will support further military and humanitarian aid to the government and people of South Vietnam. In view of the immediate and pressing need for assistance in South Vietnam, I would hope that the Congress could act within a matter of days on any request the President may make. To do otherwise places the responsibility for the loss of Vietnam squarely on the Congress of the United States.

Equally important, the events in Vietnam call into serious question the entire policy of détente with the Soviet Union and the People's Republic of China. I deplore the lack of any statement from Secretary Kissinger in condemnation of the part being played by both China and the Soviet Union in Vietnam.

Out of this current grave situation must come a full reassessment of American foreign policy toward the Communists. It is time that the U.S. Government accept the fact that communism has not changed its stated goal of world domination and that the benefits of détente have been largely an illusion.

The American commitment to freedom must be as strong as the Communist commitment to slavery. Only then will our foreign policy have a realistic basis.

The concurrent resolution follows:

H. CON. RES. 210

Whereas the current general offensive against South Vietnam by North Vietnamese and Viet Cong forces is in flagrant violation of the Paris Peace Agreement; and

Whereas in preparation for this offensive, Hanoi has from the beginning violated the essential term of the cease-fire, (which limited both sides to a one-for-one replacement of manpower and equipment) by augmenting its forces with more than 200,000 men, and bringing it at least 400 additional tanks and 1,000 additional artillery pieces, and building military roads, airfields and anti-aircraft systems; and

Whereas the massive buildup in South Vietnam that preceded the current offensive could not have taken place without generous shipments of equipment and ammunition from the Soviet Union and the People's Republic of China, or without their knowledge and approval; and

Whereas the current Communist offensive in Vietnam constitutes a threat not only to the survival of a free South Vietnam, but a threat as well to the peace and security of all nations of Southeast Asia; and

Whereas the United States during this entire period has continued, in the interest of detente, to ship large quantities of grain and sophisticated equipment to both the Soviet Union and China; and

And whereas, the United States, the Soviet Union, and the People's Republic of China share responsibility for assuring the faithful observance of the Paris Agreement by the Vietnamese signatories; Therefore be it

Resolved, by the House of Representatives (the Senate concurring), That the Congress of the United States condemns in the strongest terms the flagrant violation of the Paris Agreement by the Communist side in Vietnam and the massive aggression which now threatens the survival of a free South Vietnam, that it demands the immediate withdrawal of Communist forces to the cease-fire line established by the Paris Agreement, and the withdrawal from South Vietnam of all forces and equipment in excess of those present at the time of the Agreement; And be it

Further resolved, That Congress realizing the unwillingness of the United Nations as currently constituted to intervene actively or even to protest—appeals individually to the governments of all freedom loving nations to join in this condemnation and in this demand on the Hanoi government; And be it

Further resolved, That Congress lets it be known to the Governments of the Soviet Union and the People's Republic of China that all thinking Americans are bound to call into question the terms and the benefits of the existing détente if the two communist superpowers provide the guns and ammunition for aggression and expansion by their communist client states, that it looks upon their attitude towards the present aggression in Vietnam as a critical test of good faith, and that it calls upon them to use their very great influence with Hanoi to persuade Hanoi to pull back to the original cease-fire lines and to return to the conference table; and finally be it

Resolved, That the tragic flight of millions of refugees from the areas occupied by the Communist forces is properly a matter of international concern and that Congress calls upon the Administration, the governments of all free nations, and the United Nations, to mount a concerted action to assure the right of asylum and resettlement to all those Vietnamese who feel that they have good reason to fear for their lives if the communists win, or who refuse to accept the tyranny of communism.

HUNGARIAN OCCUPATION STARTED 30 YEARS AGO

The SPEAKER pro tempore (Mr. SMITH of Iowa). Under a previous order of the House, the gentleman from New Jersey (Mr. PATTEN) is recognized for 30 minutes.

Mr. PATTEN. Mr. Speaker, on April 4, 1975, it was 30 years ago that Stalin's Red army occupied the last portion of Hungary's territory, bringing to an end not only the German occupation of the country but also the last vestiges of Hungarian independence.

The occupation of Hungary took 8 months of constant battles and resulted in the destruction of much of the capital and some of the countryside. In addition to the battle damage, Hungary was stripped of much of its industrial capacity. Wholesale looting to secure "was booty" characterized the rule of the Red soldateska. This is referred to today by the Communist Hungarian government as the "liberation" of Hungary.

Despite the nightmare of occupation, Hungarians wanted to retain their national independence and democratic traditions. While conservative parties were banned, people rallied around the Agrarian Smallholders Party which had a democratic and national tradition during the previous regime. Despite intimidation, irregularities, and the presence of occupation armies, the Hungarian elections of November 1945 produced an absolute majority for the Smallholders Party and only 17 percent for the Communists. As we know, this was not sufficient to preserve a democratic Hungary and with Soviet help the Hungarian Communists assumed supremacy in the Government by June 1947.

Today, we pay tribute to the indomitable spirit of national independence and democratic ideals which the Hungarian people have displayed since 1945 in trying to maintain its own sovereignty and internal independence. We are all aware of the magnificent, yet tragic, fight of the Hungarian people in 1956 to restore its independence and freedom from Soviet occupiers which failed, both because of Soviet Russian aggression and Western acquiescence.

Let us today remember the black day of Soviet occupation of Hungary as does the American Hungarian Federation, a national organization of American-Hungarian churches, organizations and fraternal societies. The federation submitted a memorandum to the President and the Secretary of State pointing out the travesty of the "liberation" of Hungary and the real problems facing the people of Hungary today. I include the text of the memorandum into the RECORD. Also, I ask for unanimous consent for other Members to be allowed to revise and extend their remarks for the next 5 legislative days.

The memorandum follows:

MEMORANDUM OF THE AMERICAN HUNGARIAN FEDERATION ON THE 30TH ANNIVERSARY OF THE SOVIET OCCUPATION IN HUNGARY

On April 4, 1975, the Hungarian People's Republic will celebrate the "liberation" of Hungary in 1945 by the Red Army for the thirtieth time.

The American Hungarian community and its national organization, the American Hungarian Federation, state that Hungary has not been liberated and remains subject to Soviet occupation. A reign of terror, murder, rape and plunder characterized the so-called liberation.

Thirty years after the end of World War II, the Hungarian people are still subjected to very real constraints in regard to their political, military and economic sovereignty which are papered over only by agreements signed under duress and in the presence of foreign occupation forces.

I. THE ECONOMIC CONSEQUENCES

Soviet occupation forces, by their presence and their implied threat, inhibit free economic planning, trade and production in Hungary. Thus, the Hungarian people cannot attain the economic and living standards to which their managerial skills and ingenuity would entitle them. The recent demand for a three hundred percent rise in Soviet oil prices, the "sharing" of patents, uranium and experts with the U.S.S.R. and other CMEA countries demonstrate the limits of Hungarian self-determination.

The artificially expanded industries demand higher credit allocations from international and Western sources for productivity expansion while Hungary is forced to grant credits to other CMEA countries.

II. MILITARY CONSEQUENCES

The presence of reequipped and reenforced Soviet forces in Hungary is not based on any perceived threat from NATO. The main reason for their presence is an aggressive one. It foresees the potential use of the Hungarian Plains and Transdanubia as a springboard for an offensive against Yugoslavia in case of internal disorders, particularly after the death of President Tito.

An additional reason is to exert pressure upon the foreign policy orientation of Romania.

III. POLITICAL AND HUMAN RIGHTS CONSEQUENCES

The most insidious aspect of the occupation lies in the political and human rights fields. It forces a regime on the Hungarian people which is alien to its thinking and customs. During the one thousand years of Hungarian history, Hungarians became intimately identified with Western thought, values, ideals and customs and proved their belonging to the West by fighting Eastern invaders for many centuries. Hungarians cannot accept as permanent a system which differs conceptually from the values and standards subscribed to by Hungarians regardless of political persuasion for centuries. Any elections in Hungary prior to the Communist takeover proved the tenacious adherence of the people to these Hungarian values. Yet any free development is drastically limited by the ultima ratio of Soviet divisions stationed in the country. Free elections, genuine freedom of assembly, religion and speech become impossible under such circumstances.

CONCLUSIONS

The American Hungarian Federation and the American Hungarian community in general realize the difficulties confronting the American Government in working for the removal of Soviet troops in Hungary within the present framework of European détente.

We must request, however, that our Government should utilize every available political, economic and diplomatic avenue to remove the presence of forces in Europe, thus allowing a freer political and economic development of European nations, particularly those occupied by the Red Army.

In regard to the Vienna Conference on MBFR we reemphasize our view that the exclusion of Hungary from the zone of reductions would be a consequential and grave mistake and that increased efforts should be made by our negotiators to avoid it. We stress also that under the present circumstances, we cannot consider the Hungarian frontiers as permanent and inviolate, and trust that the final text of the CSCE Declaration will allow changes by peaceful means for the future.

May we finally ask that our European foreign policy be rededicated to the restoration of national self-determination of the small European nations now in the Warsaw Treaty organization. This would be a part of our noble American tradition for which our sons shed their blood in the Second World War, Korea and Viet Nam.

Mr. HELSTOSKI. Mr. Speaker, April 4, 1975, marked the 30th year during which Hungary has been occupied in one form or another by the armies of the Soviet Union. As a result, national sovereignty continues to be restricted and the desires of the Hungarian people for democracy remain unattainable in view of the rule of the Hungarian Communist Party which has been kept in power since the open Soviet intervention in 1956.

Despite our European détente, the Hungarian people have not attained their goals of expelling the Soviet armies and advancing toward a democratic and free system. Civil and human rights are still very much constrained, religious freedom is more honored in its breach than its fulfillment, and political rights can only be exercised within the rigid framework of the party and its affiliate, the People's Patriotic Front.

I believe that the American Hungarian Federation and the American Hungarian community in general are justified in denouncing the day of "liberation" of Hungary as a travesty while the Soviet troops remain stationed in Hungary. And détente should be a two-way street leading to a progression in East Central Europe toward more respect for human and civil rights as well as internal democracy. It should not be misused by the Soviet Union as a policy of consolidating its rule within its empire and undermining the political stability of many western and third world countries.

Mr. HOWARD. Mr. Speaker, today I am joining my colleagues, led by the distinguished gentleman from New Jersey (Mr. PATTEN), in commemorating the 30th anniversary of the Soviet occupation of Hungary.

Despite the historical distance from the end of World War II, we all remember the hopes of our people that peace and justice would be the fate of the small nations of Europe after allied victory. Unfortunately, this was not the case of those nations occupied by the Red Army. Looting, rape, and deportations were the order of the day and repression of the human and civil rights of the people soon followed by the returning Communist Party leaders. Hungary seemed to be an exception temporarily, for despite the intimidation the November 1945 elections produced an absolute anti-Communist majority in the Parliament. Yet the courageous stand was in vain; by June 1947 the Hungarian Government and Parliament were all dominated by the Communists and the Prime Minister and the Speaker of the Parliament were forced into exile.

In 1956 the Hungarian people rose again, but were overwhelmed with Soviet armored and infantry forces. Thus, the Babylonian captivity of the Hungarian people and of all peoples in East Central Europe continues despite marginal concessions by their imposed regimes and the general European détente which should have helped them to recoup at least some of their internal sovereignty and freedom.

At this day we must all think how best to promote the cause of more freedom and national sovereignty for the nation of Hungary and of East Central Europe within the existing international framework that does not favor dramatic overtures.

Mr. ASHBROOK. Mr. Speaker, 30 years ago the Soviet Union occupied a 1,000-year-old country with Western traditions, Hungary. The country had already experienced a short-lived Communist rule in 1919 and was unalterably opposed to any return to Communist rule.

It was a defeated country destroyed by constant battles between the German and Soviet armies between September 1944, and April 1945. Its capital lay in ruins after a 50-day siege, its industries looted, its men conscripted to slave labor by the Soviet authorities and its women raped by the advancing armies of "liberation."

Yet the Hungarian people still opposed communism. They gave demonstrable proof against insurmountable odds in November 1945, when in "free" elections full with irregularities, they still voted 57 percent for the Smallholders Party representing democracy and only 17 percent for the Communist Party. They rose in October 1956, against the imposed Communist regime and for little more than a week they fought the Soviet occupiers. But their courage, determination, and heroism was of no avail. Soviet aggression and, Western appeasement of Russia nullified the results of their heroic actions both at the polls and in the streets of Budapest.

Today, Hungary is still ruled by a Communist regime. The marginal improvements of the economic reform of 1968 lie in shambles, the Russians raised the oil prices 300 percent and even the Communist leadership predicts bad economic times.

Soviet troops have recently been increased on Hungarian soil from about 65,000 to more than 100,000 including paratrooper and air force units. They await their chance of invading or putting irresistible diplomatic pressure on Yugoslavia after the expected death of President Tito. At the Vienna MBFR Conference, the West even tacitly accepted to exclude Hungary from the zone of reductions, another détente madness.

Under these circumstances, it is a logical question to raise as to what authority under international law justifies the Soviet troops in Hungary? Of course, the answer lies in the right of conquest, but the legal situation should not be neglected in international politics. Some time ago, the American Hungarian Federation, the 69-year-old national organization of American Hungarian churches, fraternal organizations and societies composed an international law memorandum on the status of Soviet troops in Hungary which strongly questions the validity of the May 27, 1957, agreement between the Kadar Government and the U.S.S.R. on the "Temporary Stationing of Soviet Troops in Hungary."

Because of space restrictions on extraneous material in the CONGRESSIONAL RECORD, this memorandum cannot be included at this time. It should be procured and read by those who wish to take the initiative in eventually securing justice in freedom for the long-suffering people of Hungary.

Mr. CRANE. Mr. Speaker, on April 4, 1975, it has been 30 years since the Soviet armies occupied the last square mile of Hungarian soil after bloody and protracted battles lasting almost 8 months.

Instead of "liberation" the people of Hungary were treated to a nightmare of looting, deportations, rape, and terror by the victorious Red Army in a conscious attempt of national intimidation in order to pave the way for the returning Communist Party leaders from Moscow to take over the country. Despite the terror, election irregularities and the exclusion of 800,000 people from the election rolls as "war criminals," the Hungarian people demonstrated unmistakably their preference. Fifty-seven percent of the votes were cast for the Smallholder Party, an agrarian center-left party, but the most anti-Communist party which was allowed to enter the race. Despite irregularities, the Communist Party attained only 17 percent of the vote.

What followed was a period of smooth cooperation between the Soviet occupation authorities and the small Hungarian Communist Party that gradually whittled away the non-Communist majority in the Parliament, divided the Smallholder Party and established a sham coalition government under Communist domination by June 1947, just before the ratification of the peace treaty which would have legally ended the occupation rights of the U.S.S.R. The Hungarian people were thus forced to live under Communist domination and suffered the continued presence of the Red Army and secret police specialists.

In 1956, 3 years after the death of Stalin, the Hungarian people rose as a man to rid the Hungarian cities and countryside of Soviet occupation troops.

The rising was a success but only temporarily. Instead of helping, western nations referred the case to the United Nations while massive Soviet armored and infantry forces crushed the Hungarian freedom fighters. Hungary was again forced to endure a Communist regime which is still in power today.

In recent years, our policy of détente has helped reinforce political and military status quo in East Central Europe thereby reducing the chances for an end to Soviet domination in the region. The people of Hungary just as much as the peoples of Czechoslovakia, Poland, Rumania, East Germany, and Bulgaria have been left to their own devices with Western advice: "Don't rock the boat." I believe that is an open and conscious abdication on our part of our age-old ideals of furthering the cause of freedom and national self-determination for small nations everywhere, but particularly in Europe. Indeed I am afraid that our abandonment of the peoples of Hungary and East Central Europe, now repeated in Indochina, will exact a heavy toll in the future. Yet, I cannot help but believe that the nations of the region and the proud and courageous people of Hungary will find in the long run the ways and means to rid themselves from the foreign ideology and the alien occupiers as they have several times previously in their history.

GENERAL LEAVE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today concerning the 30th year of the Hungarian occupation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WYMAN-DURKIN—A BICENTENNIAL REMINDER OF OUR PHILOSOPHY OF ADEQUATE REPRESENTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 15 minutes.

Mr. CLEVELAND. Mr. Speaker, during the recent Easter period I held office hours throughout my district, as is my custom during congressional recesses, and I was bombarded with questions about the status of the Wyman-Durkin election recount in the Rules Committee of the Senate.

New Hampshirites, and I speak as one of them, cannot understand why the results of their votes on November 5, 1974—close though they may be—are still undecided.

New Hampshirites cannot understand why there is no indication whatsoever when a definite decision might come.

New Hampshirites cannot understand why, in circumstances unprecedented in our history, they were not permitted to reaffirm their right of choice in a special election, and why the Federal Government is now paying to have a group of nonresidents make the selection, regardless of the integrity or the dedication of the individuals involved in the vote-counting process.

New Hampshirites cannot understand why so many officials and representatives of the national and out-of-State news media seem to regard the historic Wyman-Durkin recount as sort of a local matter unrelated to the basic concepts of our past or the frightening possibilities which now lie in the future as a result of the procedures which have been followed and the subsequent delay.

NATIONAL ISSUE

This is a national issue.

It is an issue of immediate and far-reaching significance.

I remind my colleagues in both Houses that as we concentrate during this period on our Bicentennial activities, we should remember that this Nation was born because free men realized the necessity for adequate representation to combat tyranny, and I submit that the wisdom of our forefathers is being sadly abused by the inordinate length of time New Hampshire has been represented by only one Senator.

To bring my colleagues up to date on what has—and has not—been happening, I submit a column from yesterday's Manchester Union Leader which was written by Donn Tibbetts, political editor. It should be noted that Tibbetts, who enjoys an enviable record for objectivity in New Hampshire, is about the only member of the fourth estate who is continually covering the seemingly endless sessions of the Senate Rules Committee.

To me it is a sad commentary that in 3 months the committee has been able to count only 300 to 400 ballots. In view of the fact that the New Hampshire Legislature has enacted legislation which would make it possible for the election to be returned to the voters, it seems unpardonable that this is not done—and done promptly.

The column follows:

WYMAN-DURKIN QUESTION

(By Donn Tibbetts)

The cold, hard fact is that if it weren't for the Manchester Union Leader and its publisher, William Loeb, the U.S. Senate Rules Committee deliberations on the contested Wyman-Durkin Senate election might just as well be held in closed door session!

To be sure when the full Senate was considering what to do with the dilemma and when the Rules Committee reaches the so-called highlight events, the media is there in force. However, when the Rules Committee bogs down in the not so glamorous or newsy procedure of individual protested ballots, only the Union Leader is there representing the public and taxpayers.

Expense is frankly one of the reasons for the non-coverage. It is expensive to provide fulltime coverage when it's possible that the daily deliberations won't provide a top headline story to justify the money it costs.

However, the closest Senate race in history is of more than ordinary significance not only to New Hampshire but to all the states. The taxpayers from 50 states are now footing the bill and their states' rights to full Senate representation and to decide who their U.S. Senators will be are on the line. Unfortunately, it's safe to say many of them are unaware of what's going on.

The voters in the eight states whose senators are wrestling with the Wyman-Durkin matter are probably unaware that their senators are spending their time on a local New Hampshire matter instead of the grave national problems or issues of particular interst to Nevada, Rhode Island, West Virginia, Pennsylvania, Michigan, Alabama, Oregon, and New Jersey.

To be sure, Publisher Loeb and these newspapers are regularly criticized for an editorial tell-it-as-it-is stand, but the critics are usually silent about the publisher's efforts to insure that our readers are kept informed in the daily so-called "hard news" columns.

We vividly recall a few months ago when Rep. Eugene Daniell hand-delivered a letter to Gov. Meldrim Thomson Jr. challenging the governor to debate the issue as to who is trying to steal the Durkin-Wyman election. We asked Daniell for a copy of the letter in order to write a news account of it.

"Why waste your time, it'll never see the light of day or be buried on page 12," declared the fiery Daniell. We assured him that the editorial posture of the paper does not dictate what appears in the hard news columns while at the same time pointing out that we couldn't dictate where our news stories would appear in the paper.

The next day, Daniell's story was printed with two-column coverage under the headline, "Rep. Daniell Seeking Debate with Thomson" and was complimented by a picture of Daniell in a promiment page two spread.

Daniell was not moved in fairness to comment that in fact the paper had been fair in its coverage of his news event. That's exactly the point we made earlier.

When the State Senate recently passed a resolution asking U.S. Sen. Tom McIntyre to "engage more actively" in the settlement of the lack of representation for New Hampshire in the Senate and call for a new election if the U.S. Senate had not resolved the issue by March 21. Democrat McIntyre wrote back to State Senate President Alf Jacobson saying he would "not press for action because the Senate is currently working day and night, weekdays and Saturdays, counting ballots."

McIntyre thought "it would be an affront to those who are devoting such long hours to the matter to appear to undercut them as they try to carry out their constitutional responsibility."

For the record, the U.S. Senate has worked ONE Saturday and few nights on the question. In six days, they counted 313 ballots in 29 hours deliberation or an average of five hours per day, and then recessed along with McIntyre and their other Senate colleagues for Easter—the second Senate and House recess in 10 weeks.

We would be surprised if many taxpayers are deeply concerned with that schedule being too strenuous for the senators to handle.

On Jan. 9, 1975 Sen. McIntyre testified before a Senate Subcommittee that he was appearing in behalf of the people of New Hampshire—They have now waited more than two months for the will they expressed on Nov. 5, 1974, to be recognized and confirmed."

We respectfully suggest Sen. McIntyre appear before the Rules Committee post haste and on behalf of the people of N.H., remind the committee that the people have now waited FIVE months. That's the least he can do.

DEBT FINANCING HURTS PRIVATE CAPITAL MARKET—SPURS INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 15 minutes.

Mr. YOUNG of Florida. Mr. Speaker, the mushrooming Federal deficit for the current and upcoming fiscal years is cause for substantial concern on a number of grounds. Current projections place the deficit between $70 and $80 billion—up from the $51 billion in the President's budget—and given the way the majority is spending money so far this year, the deficit could top $100 billion for fiscal 1976. Such a level of debt is not only inflationary in its effect, but also carries profound consequences for private enterprise.

The Wall Street Journal has printed a series of articles and editorials pointing out that huge Federal deficits must be financed primarily on the open capital market, and that the amount of money available on this market is simply not sufficient to finance the requirements of both the Federal Government and private enterprise. If the deficit gobbles up the bulk of funds available for lending, then private enterprise will not be able to obtain the capital necessary for continued healthy growth.

The first evidence of the truth of this contention has appeared: The corporate bond market is in serious trouble. A Journal article of April 3 notes that—

> The market's performance yesterday was widely described as a rout.

Major corporations are being forced to postpone or withdraw their bond offerings, and those corporations that still propose offerings are drastically shortening their maturities and increasing their interest rates.

The Journal notes:

> The reason so many companies are being forced out of the bond market is the vast sums of money that the U.S. Treasury will have to raise there, thus causing a shortage of cash for other issues. Its' estimated that the Treasury will have to top the public debt market for an estimated $80 billion over the rest of this year to offset a record U.S. budget deficit. Earlier this week, the Treasury said that it must raise about $17.5 billion in net new money by June 30. That is a staggering $13 billion more than had been forecast as recently as late February.

Citing a number of corporations which have delayed their bond offerings—a record 12 in the preceding week alone—the Journal article asked:

> If the corporations can't go to the bond market for funds, where can they go? The probable answer: nowhere. And that's bad news both for the companies and for the country as a whole. This would mean that the corporations would sharply reduce expenditures. And this, in turn, would threaten a delay in the nation's economic recovery.

Mr. Speaker, in the past 6 months the Congress has spent or proposed close to $12 billion in Federal funds to ease unemployment, and to create new jobs. If the same $12 billion removed by the Treasury from the capital market were available to private enterprise, we would have those jobs, have them immediately, and have them permanently, not just on a "make-work" basis.

The lesson here is a clear one: so long as those who believe in Federal spending as universal panacea prevail, the patient—our economy—will get sicker and sicker. We must cut back on Federal spending, reduce our deficit, and eliminate unnecessary intervention by the Government which is strangling free enterprise. "Pump-priming" and meddling with the free market have consistently proven unworkable over the long run, and it is time to throw out these old chestnuts and return to fiscal responsibility.

In addition, Mr. Speaker, in its haste to deal with the present downturn in the economy, and the high rate of unemployment in the Nation, the majority is pushing through Congress a series of bills requiring massive Federal expenditures. While I share the concern over our economy, I cannot agree that such action is wise over the long run. The ever-increasing deficit—now being projected at $71.3 billion by the Budget Committee and more than $80 billion by Treasury Secretary Simon—threatens a return to double-digit inflation fueled by Federal spending.

Last fall, I spoke at length in the House about the role of Federal Government expenditures in feeding inflation, warning that our continual deficits are a prime cause of our fiscal problems. Recently, I received a letter from a constituent which speaks to this same problem in such an effective manner that I wish to share it with my colleagues.

Mr. Speaker, following is the letter which I received from Dr. Frank Seeger of St. Petersburg in which he makes a very cogent and impressive argument for cutting Federal spending and balancing the budget.

ST. PETERSBURG, FLA.,
March 17, 1975.

Hon. C. W. YOUNG,
House of Representatives,
Washington, D.C.

SIR: I've rewritten this letter two times, eliminating 90% of what I want to say in the hope that some brevity will increase its chances of being read by you personally. Here are the bare essentials concerning our most pressing national problem—the economy.

This thing called the dollar is a medium of exchange, only a representation of wealth. We tend to equate money with real wealth because we can (at least so far) still use it to purchase the items of real value that we need to survive (food, housing, etc.). Our whole economy is built upon this medium of exchange. Anything that damages it will damage the economic well being of everybody.

To serve as money, any substance must have universal acceptance and limited availability. The dollar achieved acceptance because of its original gold backing, and still has acceptance as a medium of exchange (out of habit and custom) even without any backing. But it still must be of limited supply, just as are the items of true wealth which money only represents. A pebble could serve as money just as well as a dollar bill except that no one would go out and work for a pebble when he could get one by just picking it up off the ground.

To serve as money, the dollar must be of limited supply. If that condition is met, it's impossible for the dollar to lose any purchasing power; inflation could not occur and destroy the value of the earnings all the citizens work for. But the results of expanding the money supply in excess of any increase in tangible total national wealth are absolutely inescapable: more dollars representing the same amount of tangible national wealth means each dollar is worth proportionately less (just another way of saying higher prices for everything). That's inflation and it robs everybody, more insidiously perhaps, but just as effectively as a thief with a gun.

I can't control the supply of dollars; neither can any business or corporation or labor union. There is only one institution which controls the money supply—the U.S. Government. The Federal Government is the one and only cause of inflation.

The government creates new money to pay for its deficit spending. Unbalanced Federal budgets must be eliminated. We've inflated for decades, causing most of our national economic problems today. For several years continually increasing productivity (i.e. continually increasing real wealth of the nation) didn't lag too far behind the money supply expansion and so inflation was only moderate; but for the past several years, productivity has not even closely matched the government's expansion of the money supply. When inflation inevitably became so great as to be a political liability, the FED reduced the money (credit) supply so quickly that it precipitated the present recession. (Inflation was still the basic underlying cause—just one example of the gyrations of government "management" of the economy.) Now the political hue and cry is for the government to do something, without regard to the historical fact that everytime the government "does something" to interfere with a free economy, it generally makes thing worse. And so the government is now proposing record budget deficits (which will almost insure accelerated or even runaway inflation) to try to cure the current recession which was basically caused by governmentally created inflation in the first place. We're trying to cure the evils of inflation by creating more inflation.

To slightly digress a moment: why can't the group of men who collectively comprise the legislative and executive branches of our federal government understand the following:

1) Government cannot create wealth—only working productive citizens can do that.

2) In a free economy, the prices of any item is determined by the economic voice of all the citizenry when they decide to buy or not to buy at any given price—pure economic democracy. Government management can never hope to be as accurate in bureaucratic controls as are the citizens themselves. The lesson is "hands off".

3) Anything the government does to alter and undermine the value of the dollar (the currency on which our whole national economy is built) cannot do anything but hurt this nation and every citizen in it.

4) Why can't most of the representatives comprising our federal government see the whole forest without letting two or three trees block their overall view. We're a republic. Our national leaders are supposed to do what's best for the nation, not engage in a political race to see who can destroy the nation the fastest because they think their only aim in life is to collect votes without regard to the consequences of their actions. Am I asking too much when I expect our federal officials to do what's needed rather than what's politically expedient for them personally? Perhaps I am, but I hope not. I'm a physician and I see patients every day who would gladly submit to surgery or any other expensive procedures if I merely told them it *might* have a chance of helping them. I could do this (increasing my income and enhancing my reputation as a busy "sought after" eye surgeon); but I don't and won't do it unless I really think what I recommend will be of benefit to my patient. If I conduct my professional life this way, can I expect anything less from my governmental representatives?

5) No mater what laws are enacted, the government cannot repeal the basic economic truths of supply and demand. Why does it keep trying to do so?

Back to the main point: Keep that federal budget balanced so that our nation can continue to provide an ever steadily increasing standard of living for everyone. Don't mess around with trying to manipulate the dollar supply to suit current political whims.

1. There's always a time lag between monetary cause and effect. Even now the current recession is leveling out and beginning to build a base on which to show a gradual upturn.

2. Please don't (I'll even beg you not to) ruin this by more rounds of deficit spending which can only lead to another cycle of massive inflation and predictably followed by a really chaotic depression.

Repetition: Keep that budget balanced! This is the most basic long term priority facing our nation. Please heed it.

In order to insure fiscal responsibility in our government, what can we individual citizens do to eliminate these national economic gyration brought on by government meddling:

1. We could insist on gold backing of the dollar so that government would automatically be restrained from destroying the value of our currency. Doubtful chance of doing this in the foreseeable future.

2. We could work for a Constitutional amendment to prevent federal budget deficits. Good solution, but would take years to achieve, and of questionable likelihood of passage. Still, we should press for it.

3. Best immediate solution would be to vote out any politician who supports any bill or program (however laudable sounding at present) which spends more than the government takes in.

Let me repeat it again: Keep that Federal budget balanced. Stop destroying the value of the medium of exchange on which our whole national economy depends. Printing extra paper dollars to pay for budget deficits does not create wealth—it only results in higher prices and further distrust of the dollar.

Congressman Young, I'll probably send a similar letter to Senators Chiles and Stone. After 20 years of voting and wondering "what's the use", I can't restrain from expressing my opinion any longer. Maybe I'll send a copy of this to President Ford or Senator Goldwater or anyone else I think might listen and act constructively. But you are still my basic representative in Congress. My impression is that you do have some basic understanding of what I've been talking about and will act accordingly. Since I can't write every Senator and Congressman, my basic request to you is: Let your fellow congressmen know that continued destruction of the whole monetary basis of our national economy won't be tolerated too much longer by the citizens. The voters are eventually going to awaken to what Washington is doing to them regardless of all the political rhetoric. If, I, as one of the "silent majority" (if that term is still in vogue), am finally awakened to the enormity of government counterfeiting of dollars and the chaos it produces, I imagine it's safe to say that thousands of others like me are doing what I'm doing—trying to show my friends and acquaintances about some basic economic truths, and hence how the government is cheating them through its inflationary programs.

You probably won't accept this invitation, but I'd be less a man if I didn't extend it. If you ever have a free evening in St. Pete for dinner and discussion with me (no publicity—just talk between a voter and his representative), let me know what date you'll be free. I'll be your host for the evening with pleasure.

Again, one last time: Keep that Federal budget balanced. Our whole national strength and standard of living depends on it.

Respectfully,

FRANK L. SEEGER, M.D.

CIVIL AIR PATROL SUPPLY BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 10 minues.

Mr. **YOUNG** of Alaska. Mr. Speaker, today I am introducing a bill to provide for authorization of funds to assist the Civil Air Patrol in its service to the Air Force and the Nation.

This bill, called the Civil Air Patrol supply bill, is needed to protect the Civil Air Patrol from the rising costs which threaten its strength and efficiency as a volunteer organization.

The Civil Air Patrol is a civilian auxiliary of the Air Force, created in 1946 to assist the force in noncombatant missions, to train civilian members in aviation, and to encourage the development of aviation. The noncombatant missions last year involved over 11,000 search and rescue flights saving 36 lives, medical emergency flights, and disaster relief missions after tornadoes and floods in 11 States. In Alaska alone, the CAP flew 952 sorties and saved 12 lives.

On a less dramatic scale, the CAP operates radio communications networks vital to search and rescue missions. It gives aviation education and training to more than 60,000 members, including over 25,000 cadets between the ages of 13 and 18. These young Americans are trained in aviation, radio communications, and other aerospace studies. They compete for $48,000 worth in scholarships to continue studying aeronautics, engineering and other aviation sciences. In short, the Civil Air Patrol is a vital aid in emergencies and disasters, a useful reserve for defense, and an important educator in the specialized field of aviation.

The strength and usefulness of the Civil Air Patrol are being attacked by the effects of inflation, oil scarcity and expense, and Defense Department economies. Under the present law, the patrol must pay for fuel, lubricants, and uniforms used in training cadets. The members donate hours of their time, and pay all the ancillary expenses incurred when they fly missions assigned by the Air Force. With the present state of the economy, these costs are becoming unbearable for volunteers.

The patrol depends on the Air Force for access to surplus military equipment, with which they supply their squadrons. The volunteer members cannot afford to buy their airplanes new. However, over the last few years, cost cutting in the Defense Department has reduced and eliminated the supplies of surplus parts and equipment. Last year, the value of the equipment they obtained declined 24 percent from the value received the year before that. The CAP obtained only one airplane last year. In 1973, they obtained 52. My bill will alleviate this problem by giving the Air Force the authority to obtain excess equipment for the patrol from other departments and agencies.

In recent years, fuel scarcity and expenses has forced the Civil Air Patrol to cut back on its flight training program, and has threatened search and rescue operations. My bill will insure that the Air Force will have the money to provide the patrol with the fuel it needs for all Air Force assigned missions, including training flights. This will help to ease the financial burden on the volunteers.

My bill helps the patrol in other ways, by allowing the Air Force to supply uniforms, pay for travel, and pay for subsistence and time, when the CAP flies on authorized missions. It allows the Secretary of the Air Force to arrange for the CAP to use the services and facilities of other departments and agencies, to assist the patrol in carrying out its mission.

If we do not help the volunteers meet their rising costs, they will not continue training pilots and cadets and saving lives in emergencies. Would you volunteer to fly dangerous rescue missions, and pay for your expenses? If we want the patrol to continue saving lives, we must pay them for their time, and give them the supplies they need to keep flying.

My bill provides a cheap and efficient way to do this. The new costs it would incur would probably be less than $1 million a year, because it makes use of men, equipment and facilities we already have. Let us use this bill to guarantee the strength and efficiency of the patrol for the future. The small extra cost is well worth the services the Civil Air Patrol volunteers give the Nation.

I ask unanimous consent that a text of the bill be printed as follows:

H.R. 5828

A bill to amend section 9441 of title 10, United States Code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 909 of title 10, United States Code, is amended as follows:

(1) Section 9441 is amended to read as follows:

"§ 9441. STATUS: SUPPORT, EMPLOYMENT

"(a) The Civil Air Patrol is a voluntary civilian auxiliary of the Air Force.

"(b) to assist the Civil Air Patrol in the fulfillment of its objecitves as set forth in section 202 of title 36, the Secretary of Defense may budget, and appropriations are authorized, for funds, which shall be specifically identified as being for, and necessary to carry out, the purposes set forth in subsection (c) (2) (A)–(D).

"(c) The Secretary of the Air Force may, under regulations prescribed by him with the approval of the Secretary of Defense, do the following:

"(1) Give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)—

"(A) major items of equipment, including aircraft, motor vehicles, and communications equipment; and

"(B) necessary related supplies, equipment, and training aids;

that are excess to the military departments, or any such property acquired by the Department of the Air Force under that Act as excess to any other Federal department or agency, including excess Government-owned property in the hands of contractors.

"(2) Use funds authorized to be appropriated under subsection (b) to—

"(A) provide such articles of the Air Force uniform to cadets of the Civil Air Patrol, in such quantities and under such limitations as he may prescribe;

"(B) furnish such quantities of fuel and lubricants to the Civil Air Patrol as are needed by it to carry out any mission assigned to it by the Air Force, including operational, unit capability testing, and approved training missions;

"(C) reimburse, in a fixed amount per flying hour above fuel and lubricant costs, members of the Civil Air Patrol while they are flying specifically authorized missions, subject to such limitations as he may prescribe; and

"(D) reimburse members of the Civil Air Patrol for the payment of travel expenses and subsistence while they are assigned to authorized specific missions, subject to such limitations as he may prescribe.

"(3) Permit the use of such services and facilities of the Air Force as he considers to be needed by the Civil Air Patrol to carry out its mission, and arrange for the use of those services and facilities of the other military departments or Federal departments or agencies as he considers necessary.

(4) Establish, maintain, and supply liaison offices of the Air Force at the National, State, and Commonwealth headquarters, and at not more than eight regional headquarters, of the Civil Air Patrol.

"(5) Detail or assign any member of the Air Force or any officer or employee of the Department of the Air Force to any—

"(A) Liaison office at the National, State, or Commonwealth headquarters, and at not more than eight regional headquarters, of the Civil Air Patrol; or

"(B) unit or installation of the Civil Air Patrol to assist in the training program of the Civil Air Patrol.

"(6) In time of war, or of national emergency declared after May 27, 1954, by Congress or the President, authorize the payment of travel expenses and allowances, in accordance with subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while carrying out any mission specifically assigned by the Air Force.

"(d) The Secretary of the Air Force may use the services of the Civil Air Patrol in fulfilling the noncombat mission of the Department of the Air Force."

(2) The analysis is amended by striking out the items relating to section 9441 and inserting in place thereof the following:

9441. Status support; employment.".

THE FUTURE OF THE ROCK ISLAND RAILROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Railsback) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, I am today introducing legislation which provides for a $100 million emergency loan to the Rock Island Railroad so that it may maintain its essential services to the Midwest.

In the absence of a loan from the USRA, the Rock Island has been forced to declare bankruptcy and may now be forced to embargo on May 15. If an embargo is indeed declared, the ICC will issue a service order which will cost the taxpayer in the neighborhood of $60 million over an 8-month period. Unfortunately, the funds issued under such an order would be used only to prevent the disruption of service and would not provide money to rebuild the many miles of track which are in a dangerous state of disrepair. The failure of a service order to provide for reconstruction only increases the possibility of further disrupted service and injury or death to the employees of the railroad.

The job security of the Rock Island employees must be given top consideration. I have received countless letters, telegrams, and phone calls from employees who are consumed by the fear of losing their jobs. If the Rock Island discontinues operations and its services are divided among existing carriers, the services of the vast majority of its employees would be terminated. In my district alone, the Rock Island employs approximately 1,500 workers. They and their families are faced with the devastating reality of losing their jobs at a time when jobs are hard to come by.

It is also important to note that at a time when the President and Congress have encouraged our farmers to produce at full capacity, farmers and other agriculture-related businesses dependent on the railroad may face serious difficulties in transporting their products. Although many Rock Island mainlines duplicate those of other railroads, the Rock Island is the only railroad which serves hundreds of communities and stations in the Midwest. According to the ICC, for example, 733 grain elevators are served exclusively by the Rock Island.

It is my hope that the committee charged with considering this legislation will recognize the serious ramifications of inaction and work promptly to insure the continuation of the Rock Island Railroad.

RESEARCH BOONDOGGLES SLOWED DOWN BUT CONTINUED

The SPEAKER pro tempore. Under a previous order to the House, the gentleman from Ohio (Mr. Ashbrook), is recognized for 10 minutes.

Mr. ASHBROOK. Mr. Speaker, I have always believed that a taxpayer has a right to expect that his or her tax dollars are wisely spent. Therefore I have been a frequent critic of Federal boondoggles and irresponsible Government spending.

Today the Congress is asked to authorize over $750 million of taxpayers' funds to the National Science Foundation. In looking at this authorization, I must say that the NSF always seems to have more than its fair share of nonsensical spending projects.

While H. R. Gross was a Member of the House, he brought to the attention of this body numerous examples of questionable spending by the NSF. Over the years, I have also detailed a number of projects whose utility and need are extremely doubtful. In the field of education, we have hundreds of similar ripoffs which are just as bad.

I would like to mention just a few of these questionable activities. In past years the NSF has granted $22,470 for a study on the "Enhancement of Cognitive Abilities and Self Image of Freshman Women," $20,500 to investigate "The Self-Esteem Maintenance Process" and $50,100 to study the topic of "Computer-Aided Refinement of Decision-Making of High-Ranking Executives, U.S./U.S.S.R."

More recently Senator Proxmire has blasted—with justification—NSF studies on love. The NSF has granted $84,000 for a study of why people fall in love and another $260,000 to investigate "passionate love."

These projects are hardly a proper use of taxpayer funds. At a time when prices are climbing higher, when governmental spending is out of control, such nonsensical spending must be stopped.

One other item that I would like to mention is the NSF subsidized program "Man: A Course of Study." This fifth and sixth grade social studies course, which contains highly questionable material, has no business being financed with taxpayers' dollars. I see no reason why the Congress should vote funds to aid this course in preference to other social studies courses.

We have endeavored to cut these programs. The Conlan amendment lost by 19 votes which should show clearly why these foolish projects continue. Fortunately the amendment of my good friend Representative Bauman, which requires a 30-day notice passed and will help stem the tide on these terrible wasteful projects. Taxpayers who wonder how these foolish projects persist only need check the debates and votes today. While we made some progress, I voted against the bill as it still encourages wasteful research.

Following is an excellent article on the National Science Foundation by James J. Kilpatrick, which appeared in the March 27 edition of the Washington Star:

Congress Needs to Look at Love and Boondoggles

(By James J. Kilpatrick)

The National Science Foundation, which has led a charmed and sheltered life these many years, suddenly is feeling some chilly winds off Capitol Hill. An appropriate moment may have arrived for Congress to take a careful and critical look at the NSF. Maybe this outfit is doing great things; and then again, maybe not.

Senator William Proxmire got off a couple of shots at the NSF for the funding of grants to study, of all things, love. On the House side, Reps. Olin Teague and John B. Conlan are attacking the Foundation for its role in subsidizing "Man: A Course of Study." Their concern is not merely with the waste of public funds, but with the question of basic policy as well.

It is high time these questions were asked. The National Science Foundation came into existence in 1950, but attracted little notice until the Russians lofted their first Sputnik in the fall of 1957. Overnight, science education became the in thing. Congress reacted so generously that the NSF now has a budget of $700 million a year.

In the beginning, for the benefit of the few sticklers who demand a constitutional justification, the Foundation's expenditures were justified in terms of the congressional power to raise armies and to support a navy. The key piece of legislation, indeed, was known as the National Defense Education Act of 1958. But like the lady in the cigarette ads, the Foundation has come a long way. Defense has been left behind.

That was Proxmire's complaint—and a well-founded complaint it was. To his astonishment, the Wisconsin senator discovered that the NSF has funded one grant of $84,000 for a study of why people fall in love, and another grant of $260,000 for a study of "passionate love."

How in the name of the Founding Fathers did these grants become a proper subject for the use of public funds? The short answer is that the grants are not proper. They amount to a reckless and irresponsible rip-off of the taxpayers.

Still more serious considerations are involved in "Man: A Course of Study." This is a bizarre piece of business. Known as "MACOS," this social studies course for fifth and sixth graders is an elaborate aggregation of booklets, films, records, games, maps, and teachers' guides. The course was developed by Dr. Jerome Bruner, an experimental psychologist, with the assistance of various social anthropologists and other scholars. Since 1963 the taxpayers have put $6.5 million into development subsidies, teachers' conferences, and other outlays. Some 470 school districts have bought the course.

According to Teague and Conlan, MACOS is a subtle and skillful exercise in behavioral manipulation. At seminars intended to train teachers in using the course materials, the promoters ridicule the idea of "brave aggressive masculinity," and speak of "the necessity to redefine the concepts of 'a real man' and 'a true woman' if we are not to destroy ourselves completely." Teachers are encouraged to accept the "value systems and sex roles" of "youth international," leading on to a "brotherhood of man."

Again: How in the world did it get to be the business of the federal government, using tax funds, to subsidize any social studies course promoting any particular ideology? In a free society, Dr. Bruner doubtless has a right to promote any ideas he wants to promote, wise or foolish, but with our money? Since when?

CARIBBEAN DANGER ZONE TARGETS: PANAMA CANAL AND GUANTANAMO NAVAL BASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in the near future the U.S. Secretatry of State will visit various countries in South America. Though the subjects that he will discuss are not known, it is known that two of the most vital questions now under consideration are Cuba and Panama, which are crucial points for Communist control of the strategic Caribbean and encirclement of the United States.

In the October 1974 report on "The Americas in a Changing World" by the privately financed Commission on United States-Latin American Relations headed by Hon. Sol M. Linowitz, its prime recommendations concern Cuba and Panama.

As to Cuba, its objective is "normalization" of relations with the United States, including agreement on the status of the U.S. Naval Base at Guantanamo.

In regard to Panama, the report supports the February 7, 1974 Kissinger-Tack "agreement on principles" to govern the current treaty negotiations on the control of the U.S. Canal Zone, which have aroused national opposition by people from all of the United States. The essential facts involved were discussed at some length by me in an address to the Veterans of Foreign Wars of the United States on March 9, 1975, and published in the CONGRESSIONAL RECORD of March 18, pages 7079–82.

In regard to Cuba, the VFW American Security Reporter of March 1975 stresses the importance of the U.S. Naval Base at Guantanamo as a "strategic imperative, absolutely indispensable," and provides other significant information.

Because the indicated VFW article should be of interest to all Members of the Congress, I quote it as part of my remarks:

GUANTANAMO NAVAL BASE VITAL TO THE UNITED STATES

Secretary of State Henry A. Kissinger tells us, "I think there will be some evolution of the Cuban issue during 1975." But the U.S. Navy base at Guantanamo is a different story.

Cuba stands inside our own Caribbean defense perimeter, 90 miles from Florida's shores, a Soviet bastion rimmed with fire. Guantanamo is a strategic imperative, absolutely indispensable, in the American interest. Moreover, we haye been there 72 years.

Our great, multi-billion dollar naval and air base covers 45 square miles and is surrounded by 50,000 American mines, the largest mine field in the world.

It is on Guantanamo Bay on the island's most underside, close to the Windward Passage between Cuba and Haiti, that links the Caribbean and Panama. It has one of the world's largest and best sheltered harbors, four miles wide, 12 miles long, and its narrow entrance makes Guantanamo ideal for defense.

The Soviet posts an electronically equipped spy ship offshore. World-wide, the USSR has at least 40.

The Soviet now regularly patrols the western Caribbean with three additional spy ships They refuel and reprovision at Cienfuegos, near Guantanamo on the south underside, and the Mexican port of Ensends.

Every submarine makes a slightly different sound, or signature, when travelling submerged. The U.S. Navy painstakingly discovers and records these signatures, as the Russians well know, by U.S. submarines lying silently in the depths. Additionally, the Navy uses a vast system of underwater microphones, code-named SOUSUS, which we planted on the ocean floor.

A submarine's sound detected on any two microphones is triangulated to reveal the sub's position. But we now have no SOUSUS ocean-bottom microphones on Cuba's south coast. On Cuba's underside, meaning Guantanamo, we lose the Soviet submarine. We are deaf here.

The Soviet has completed its naval base construction at Cienfuegos, but it is being expanded. So is its submarine base on the Isles of Pines, Seguanea Bay, and the Chullian, in Havana Provence shipyard. All this combines with the Soviet military adaptation of the vast, undetectable Caverna de Santo, Caverna del Suisenor, Escaleras de Jaruco and Caguanes caves.

The Kremlin has made the Soviet-guarded city of Remedios the command headquarters of Soviet-directed air patrols constantly surveying Guantanamo. These take off from San Antonio de los Banos and the Soviet's San Julian air base, 90 miles southeast of Havana, the island's largest air force station.

Yet, to please Castro and the USSR alike, our own U.S. air photographic reconnaissance of Cuba has been step by step reduced to occasional token flights.

Our Navy calls Guantanamo "Gitmo" and it still protects 400 Cuban refugees who fled there from Castro's tyranny in 1960. In addition, 200 Cuban citizens continue to work inside our base, but since 1960 Castro has refused to accept U.S. rent payments, although we have a rent lease made virtually perpetual in 1934.

Switzerland represents the U.S. in Cuba and the U.S. delivers the checks to the Swiss Embassy in Havana for Castro's government, but they are never cashed.

In 1964, Castro cut off Guantanamo's water supply. Our base still desalinates its water supply. Then in 1964 Castro ringed the base with barbed wire and fortification outposts. This is its condition today.

Dr. Kissinger is clearly less concerned about Guantanamo than the Defense Department, if our base stands in the way of what he calls movement in the Cuban issue of 1975. But Soviet detente is one thing. The defense of the United States is quite another.

So-called detente may come and go. Our homeland's defense is our permanent duty. We surrender it to our overlasting peril.

THIRTIETH ANNIVERSARY OF LIBERATION FROM NAZI CONCENTRATION CAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, yesterday, April 8, we observed the 30th anniversary of the liberation of Nazi concentration camp survivors.

Thirty years ago American and Allied forces first began to learn the full extent of Nazi atrocities. Stunned and revolted, the liberating soldiers moved through Ohrdruf and Buchenwald, and later, through Auschwitz, Dachau, Bergen, Belsen, encountering stacked corpses, crematoria, mass graves, gas chambers and the half-living skeletons that had once been Jews. And as these soldiers told of what they found, the world recoiled in horror at the unspeakable crimes of the Nazis. Even today, at 30 years removed, our minds can barely comprehend the extent of the slaughter—the destruction, in the most brutal way, of 6 million Jews.

Some would ask, why commemorate the day? Why not let the crimes lie buried with the victims? The answer, of course, is that we must reflect on the violence, on the hatred and prejudice, so that these crimes will never again be repeated. We must renew our commitment, not only to eliminate religious and racial bigotry, but to preserve the sanctity and dignity of all human life. "Never again" should not only be the grim rallying cry of Jews everywhere. It should be the unshakeable determination of all peoples.

And, as we recall the concentration camps, mourn the victims and hail the liberators, we must also remember that out of the ashes of the holocaust the State of Israel was created. Israel was to be a refuge for the survivors, for the Jews who had fled or been driven out of Central and Eastern Europe. Most importantly, Israel was to be a homeland for a people who had just been taught, with incomprehensible cruelty, that no land in Europe could truly be their home.

That is why the Israelis today cling so tenaciously to their freedom. They are determined that this homeland shall not be taken from them.

WATER POLLUTION CONTROL FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER), is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, today I am joining my distinguished colleagues from Georgia in sponsoring legislation which is essential for the equitable allocation of the recently released $9 billion in water pollution control funds which were impounded in fiscal years 1975, 1974, and 1973.

This bill has been drawn up based on recommendations by Mr. Russell Train, Administrator of the Environmental Protection Agency. Very simply it provides for the distribution of this money based on a 50-percent need 50-percent population basis.

Need would be determined by the latest EPA survey of wastewater treatment construction requirements.

If this amendment is not adopted, the $9 billion will be allocated on the basis of formulas used in the years 1973–75 in which the money was impounded. These formulas were based on the best available data during those times. However, that data was compiled primarily in 1971.

I do not believe I need to argue the merits of basing the allocation of this money on the most current information available. To do otherwise would be simply to ignore the needs of our people and take a giant step backward in the field of water and sewer construction.

So that my colleagues can see for themselves the need for changing this allocation system, included in the RECORD at this point is a chart showing the amount each State would receive under the present EPA allocation and under the proposed 50–50 formula.

ESTIMATED ALLOCATIONS OF $9,000,000,000 IMPOUNDED PUBLIC LAW 92-500 FUNDS FOR LOCAL GOVERNMENTS TO CONSTRUCT SEWAGE TREATMENT FACILITIES

Region and State	EPA allocation	50 percent population and 50 percent 1974 needs survey allocation	Amount of change
I			
Connecticut	$155.1	$112.8	−$42.3
Maine	78.5	48.6	−29.9
Massachusetts	295.8	252.3	−43.5
New Hampshire	77.2	53.6	−23.6
Rhode Island	45.6	38.9	−6.7
Vermont	22.5	22.1	−.4
II			
New Jersey	660.8	410.5	−250.3
New York	1,046.1	839.4	−206.7
Puerto Rico			0
Virgin Islands			0
III			
Delaware	56.4	31.5	−24.9
District of Columbia	72.5	22.5	−50.0
Maryland	297.7	312.7	15.0
Pennsylvania	499.0	412.9	−86.1
Virginia	251.8	211.7	−40.1
West Virginia	59.4	166.4	107.0
IV			
Alabama	44.0	120.7	76.7
Florida	345.9	337.3	−8.6
Georgia	117.8	199.7	81.9
Kentucky	90.4	133.4	43.0
Mississippi	38.7	83.1	44.4
North Carolina	101.3	212.8	111.5
South Carolina	82.3	127.6	45.3
Tennessee	107.4	151.9	44.5
V			
Illinois	571.7	468.0	−103.7
Indiana	251.6	194.0	−57.6
Michigan	626.0	356.4	−269.6
Minnesota	172.0	151.7	−20.3
Ohio	497.2	460.0	−37.2
Wisconsin	145.3	187.7	42.4
VI			
Arkansas	39.8	99.0	59.2
Louisiana	71.7	127.8	56.1
New Mexico	15.1	31.9	16.8
Oklahoma	64.3	120.7	56.4
Texas	175.0	445.2	270.2
VII			
Iowa	100.0	113.0	13.0
Kansas	53.8	99.2	45.4
Missouri	157.5	183.4	25.9
Nebraska	38.5	54.5	16.0
VIII			
Colorado	$43.1	$75.6	$32.5
Montana	12.4	24.1	11.7
North Dakota	2.8	20.7	17.9
South Dakota	5.7	21.4	15.7
Utah	21.4	45.1	23.7
Wyoming	2.9	12.6	9.7
IX			
Arizona	18.8	67.3	48.5
California	945.8	835.8	110.0
Guam			0
Hawaii	51.9	59.9	8.0
Nevada	31.8	28.5	3.3
American Samoa			0
X			
Alaska	25.3	37.8	12.5
Idaho	19.2	37.2	18.0
Oregon	77.6	76.3	1.3
Washington	103.9	139.1	35.2
Trust Territory of Pacific Islands			0
Puerto Rico and all territories	102.5	122.4	19.9

THE NUCLEAR ENERGY STUDY ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, I would like to bring to my colleagues' attention a bill which I recently introduced, the "Nuclear Energy Study Act of 1975," H.R. 5406. This legislation would provide for a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards. The study would be conducted by the Office of Technology Assessment.

In the last 30 years, Mr. Speaker, the United States has seen the emergence of the Atomic Age, an age which has held great promise for the United States, both from a social and a technological standpoint. Nuclear power, anticipated by many to become this country's No. 1 energy source by the year 2000, seemed to offer an ideal source of clean and inexpensive electricity. Yet, 30 years from the dawning of the Atomic Age, Americans are deeply divided over the desirability and safety of nuclear power as an answer to our energy needs.

The nuclear debate has now come to the Congress. Indeed, a total impasse exists at this particular moment with respect to action on the arguments of the proponents and opponents of the further utilization of nuclear energy for civilian energy purposes. Members of Congress are confused by the great proliferation of scientific papers and well-reasoned statements on this issue. Due to the complexities involved, answers are not easily found to this dilemma.

The Congress had eagerly awaited the arrival of an extensive report by Prof. Norman Rasmussen in the fall of 1974. The report was supposed to give the Congress an accurate estimation of the accident probabilities for nuclear power. The Rasmussen report, in fact, gave nuclear power an extraordinary clean bill of health, but the report has now come under heavy fire from those who question both its assumptions and conclusions. In view of the debate over the merits of the Rasmussen report, and the fact that it was financed with $3 million from the Atomic Energy Commission, most Members of Congress are having some difficulty in accepting its conclusions. Consequently, the whole nuclear question is very much up in the air in the 94th Congress.

THE NUCLEAR DILEMMA

In the 93d Congress, Mr. Speaker, Congressman Jerome R. Waldie introduced the Nuclear Energy Reappraisal Act, a bill terminating the granting of construction licenses for nuclear powerplants in the United States. If this legislation had been enacted, it would have required that a 5-year study of the nuclear fuel cycle be undertaken before construction licensing could be resumed, providing that the report supported the continuation of nuclear powerplants. Congressman FISH has introduced a revised version of the Reappraisal Act in the 94th Congress.

Mr. Speaker, there can be little question that Members of Congress would be a good deal more receptive to a nuclear moratorium if the present energy crisis did not exist. In the Nation as a whole nuclear energy supplies 7 percent of all electrical energy, and the New England region is already 22 percent dependent on nuclear power for its energy needs. While the proposed bill of the gentleman from New York would not halt the existing operations of nuclear plants, it would have very large implications for this country's future energy development.

It is quite probable that such a licensing moratorium would be of significant help in insuring that the American public is finally given the real facts underlying nuclear power. I am quite sure that the pressure to finish the study would be great, and as a result, answers would be forthcoming. However, Mr. Speaker, I am afraid that in order for the Congress to act favorably would have to be evidence which was generally supported throughout the scientific community. Although there is a serious division among scientists and the general populace concerning the wisdom of a further nuclear commitment, the evidence is certainly not overwhelming on either side.

What is clear, Mr. Speaker, is that there is good cause for concern in the nuclear field. Without an independent evaluation of these concerns by a genuinely impartial body of scientists and experts, there is no way for the Congress to make an informed judgment as to fission-based energy. And this is the reason that I have introduced the Nuclear Energy Study Act of 1975. It is my feeling that without the passage of the moratorium legislation there will be no comprehensive study, and this would indeed be unfortunate. Too many unanswered questions still remain for the Congress to look the other way with regard to nuclear power.

Members of Congress, like most citizens in America, keep hoping that adequate safeguards for nuclear energy can be developed. Only the best informed and the most realistic recognize that in all probability 100 percent safeguards can never be realized. Yet even if adequate protection could be developed in due course, the fact of the matter is that potentially horrendous dangers will always continue to be inherent within the nuclear fuel cycle.

THE RISKS INVOLVED

I do not claim to be an expert in assessing the risks of nuclear power, but I am impressed by the number of concerned scientists, engineers, members of the public and even former AEC employees who have spoken out against the dangers of the commercial fission processes. In reading and studying the voluminous literature in this field, I have found that all is not well in a number of subareas of nuclear power. While this is not a complete listing of possible trouble spots, I have noted that radioactive waste disposal, emergency core cooling, low level radiation, sabotage and terrorism, and the possibility of accidents all pose significant hazards for nuclear powerplants.

The disposal of radioactive waste has become an increasingly thorny problem in recent years for the Atomic Energy Commission and the nuclear community as more and more plants go "on the line" and begin producing highly dangerous waste byproducts. The standard AEC solution for waste disposal has been disputed by both the experts and the facts of late, as no easy solution has presented itself. Currently, millions and millions of gallons of high level radioactive waste derived from nuclear weapons production, research and powerplant operations are being stored in a number of waste disposal sites. However, the technology used has shown itself to be unfit for the task at hand, with the result that numerous radioactive leaks have occurred in the last few years. In June of 1973, for example, massive leaks occurred at the Hanford reservation in Washington State, where these waters are stored. Science magazine reported that before the leaks were stopped, 115,000 gallons of liquid containing cesium, strontium, plutonium and smaller amounts of assorted fission byproducts were released into the Hanford soil. Other examples of radioactive leaks could also be mentioned, pointing out that serious problems remain in the waste disposal area.

The emergency core cooling system—ECCS—is another cause of major concern with respect to nuclear powerplants. The core cooling system is designed as a plant's "emergency brake," to cool the hot and highly radioactive reactor core if normal cooling water is lost through an accident. Although the concept of the ECCS is persuasive. tests performed to check the operations of the system have shown that it has not performed as expected. Even some of the AEC's own staff has noted the inadequacies of the ECCS. indicating by way of memoranda that the criteria for the ECCS is not conservative enough and that accident condition factors have not been sufficiently allowed for or investigated. Mr. C. George Lawson, one of the Oak Ridge National Laboratory's authorities on the ECCS, summarized the unfortunate state of cooling technology in March of 1972. Mr. Lawson reported:

> Any conclusion with respect to the effectiveness of emergency core cooling systems is speculative.

I, for one, am not tremendously encouraged by the state of the nuclear art when statements such as these are made by genuinely knowledgeable men in the field.

Low level radiation emission from nuclear powerplants are a third area of concern for me. While the emissions are genuinely low level, their release safety criteria is based on "natural" radiation levels, on the theory that the risks presented by nuclear plants are justified if substantially more radiation is not added to the environment. While this theory has been the standard AEC dogma over the past 20 years, scientists are presently unable to demonstrate how much or how little exposure to low levels of radioactivity can cause actual damage. Cancer and premature aging are the two most significant forms of damage which may result from exposure to even the lowest levels, but perhaps most significantly, exposure to low levels of radioactivity may have profound genetic consequences. Yet even if these emission criteria were proven to be safe, we would still face possible danger from the "concentration effect," the tendency of radioactive materials to concentrate selectively in specific organisms. Studies have shown by way of illustration that duck egg yolks have exhibited 40,000 times the radiation level of the water in which they lived while blue gill bones showed a concentration 8,720 times that of their environment. This concentration is especially worrisome, as mankind can be eventually affected through the food chain by radiation which may have been originally generated through low level emissions.

The possibility of sabotage and terrorism against nuclear materials or installations is a fourth danger which must be considered. Until just recently, very little thought was given to this matter, but the increased level of terrorist activity has shown that real threats may lurk here. These dangers raise the foreseeable threat of future terrorists seizing nuclear power installations in an effort to advance particular causes, or nuclear materials could be seized in transit. I think it is fortunate that part of the money authorized in the supplemental authorization will go to safeguarding nuclear transportation security, but it is obvious that many shortfalls still exist. This was highlighted by a 1973 General Accounting Office report, which declared that security regulations guarding against theft or sabotage in nuclear installations were extremely lax. Neither is it happenstance that an eminent international group of scientists representing both the United States and the Soviet Union recently specified sabotage and waste disposal as the most distressing problems facing future nuclear power production. I fear that grave consequences could result in this sabotage and terrorism area, and unfortunately, nuclear power installations seem to present an ideal target for such activities.

Finally, while the nuclear industry has maintained a commendable safety record up to the present, I am not persuaded that the possibility of nuclear accidents is as remote as some would like to have us believe. In the Rasmussen report it is stated that the chances of a disastrous nuclear accident occurring are extremely small, but the stakes are so high and the possible outcome so incredible that we cannot just accept these assurances at face value. Even secret AEC task force studies have concluded that it has not been established that accidents are as remote as the report indicated. Moreover, neither the AEC nor Dr. Rasmussen can provide validated numbers on accident probability because of the scarcity of required data. In short, bland assurances will not do—the possible consequences of a nuclear disaster are just too great.

NUCLEAR ENERGY STUDY ACT OF 1975

The vulnerability of our nuclear power system was amply demonstrated when the new Nuclear Regulatory Commission recently forced a temporary shutdown of 23 plants from coast to coast. Public utilities have also been cancelling orders for new nuclear power stations in view of their high costs and the uncertainties which attach to them. Indeed, it appears that present day nuclear realities have imposed a de facto moratorium on the construction and development of new nuclear plants with no action being taken by the Congress.

Due to my great concern in this area, I believe that it is now incumbent upon the Congress to order a truly independent and comprehensive study of all aspects of the nuclear question. Under the Nuclear Energy Study Act of 1975, the Office of Technology Assessment would be required to conduct a study of the entire nuclear fuel cycle. The OTA would be authorized to contract with individuals or organizations for the purpose of conducting the study, as long as these groups have no interest in the further expansion of the nuclear industry.

The comprehensive study by the OTA will include a review of many important areas. These topics pertain to the safety and environmental hazards associated with existing nuclear fission powerplants, the safety of routine emissions, the indefinite storage of high level radioactive waste, the transportation of nuclear materials, the possibilities for diversion of nuclear materials and sabotage, the economic effect of a commitment to nuclear stations, and so forth.

In addition to the final report, H.R. 5406 provides that OTA will make available annual reports to the Congress and the public on the progress of the study. Through these reports, the Congress will insure that the study is being properly conducted and that governmental agencies are giving their full cooperation to the Office of Technology Assessment. So as to guarantee that adequate funds support the purposes of this legislation, $2 million for each of the first five fiscal years, or a total of $10 million is authorized.

Mr. Speaker, the Congress can no longer avoid its responsibility to the public with regard to nuclear power. We are talking in terms of a technology whose risks are awesome should a major accident occur, and we simply cannot afford to follow the bland assurances of those whose stake in atomic energy endanger their judgment. A comprehensive and independent study of the nuclear fuel cycle is the very least that the Congress can do in answering the very pointed questions now being raised by substantial numbers of Americans.

For the benefit of my colleagues, Mr. Speaker, I will now include the actual text of my bill, H.R. 5406:

H.R. 5406

A bill to provide for a comprehensive five-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Nuclear Energy Study Act of 1975".

SEC. 2. The Congress hereby finds and declares—

(1) that a serious division exists in the general citizenry and scientific community concerning the wisdom of a commitment to further expansion of nuclear fission power;

(2) that the potential danger to society should a major nuclear accident occur would be catastrophic beyond any similar threat posed to the general public;

(3) that unresolved questions remain to be answered concerning the safety, feasibility, and reliability of nuclear powerplants and their attendant problems, including but not limited to the storage of nuclear waste materials, the possibility of nuclear sabotage, the safety and environmental hazards posed by the mining, milling, transportation, and processing of nuclear materials, and the safety hazards involved in routine and accidental emissions by nuclear facilities; and

(4) that the Congress is in need of an independent and reliable study and report in order that informed assessments and judgments may be made with regard to the further expansion of nuclear fission power.

SEC. 3. (a) The Office of Technology Assessment is hereby directed to undertake immediately a comprehensive study and investigation of the entire nuclear fuel cycle from mining through fuel reprocessing and waste management and, as described in section 5, to determine the safety and environmental hazards of this cycle.

(b) The Office of Technology Assessment shall conduct this study independently. The Office in conducting the study shall request, receive, and consider the comments and opinions of independent scientists, engineers, consumers, and environmental representatives. The Office shall have the power to enter into contracts with individuals or corporations for the purpose of conducting the study, but it shall not enter into contracts with or rely primarily on the expertise of any industry or company which provides materials, management capabilities, research, or consultant services for nuclear fission facilities or which otherwise in the judgment of the Office might have an interest in the further expansion of the nuclear industry.

(c) All Government agencies shall cooperate to the fullest extent with the Office and shall provide access to their personnel and data. At the request of the Office, any governmental agency shall furnish any information which the Office deems appropriate for the purpose of conducting the study. The Office is further empowered to compel the delivery of any information in the possession of the Nuclear Regulatory Commission, National Laboratories, or any person, corporation, or association which the Office deems necessary for conducting the study.

SEC. 4. (a) Five years from the date of enactment of this Act, the Office of Technology Assessment shall submit a final report to the Congress and the public concerning the safety and environmental hazards of nuclear fission powerplants and the nuclear fuel cycle.

(b) The Office will provide an annual report to the Congress and the public on the progress of the study. In each annual report the Office shall inform the Congress of actions which it has taken to fulfill the requirements of the Act, including whether the Office has—

(1) found any evidence that any persons have violated the laws or regulations relating to safety in the development or use of nuclear power or special nuclear materials;

(2) any evidence that the agencies of the Federal Government, past or present, which have responsibility for insuring the safety of nuclear fission processes, have not faithfully or effectively exercised their required responsibilities;

(3) received cooperation from Government agencies with respect to requested data, information and personnel; and

(4) insured that all viewpoints have been adequately considered.

(c) The Office, in its annual report, shall make available to the Congress and the public any information relating to the safety of the nuclear fuel cycle which has not heretofore been publicly disclosed, either because the information was not publicly available or completed in publishable form, or for other reasons.

SEC. 5. The comprehensive study to be undertaken by the Office of Technology Assessment under section 3 shall include a review of (in addition to those topics cited in section 3)—

(1) the safety and environmental hazards associated with existing nuclear fission powerplants and the entire nuclear fuel cycle, including a discussion of the adequacy of design features and criteria;

(2) the safety and environmental hazards posed by the mining, milling, transportation, reprocessing and waste management of nuclear materials;

(3) the safety of routine emissions from nuclear fission powerplants and nuclear fuel reprocessing facilities with projections of future health effects in the proliferation of these plants is allowed to continue;

(4) the indefinite storage of high level radioactive waste and potential dangers of such storage;

(5) the transportation of nuclear materials from civilian nuclear fission powerplants and other nuclear facilities, the safety hazards inherent in such transportation, and the possibilities for diversion or sabotage present in such transportation;

(6) the possibilities for diversion of nuclear materials and sabotage throughout the entire nuclear fuel cycle;

(7) the economic effect of a commitment to nuclear fission powerplants, particularly in relation to short- and long-term costs, the danger of extended shutdowns, the availability of raw materials, and the costs of all necessary safeguards;

(8) the licensing processes of the Nuclear Regulatory Commission and its predecessor, the Atomic Energy Commission; and

(9) the prospects and problems involved in the production of electric power through the use of nuclear energy, and an assessment of its ultimate net energy yield as compared with alternative sources of energy.

SEC. 6. There is authorized to be appropriated for the study under section 3 the sum of $2,000,000 for each of the first five fiscal years beginning after the date of the enactment of this Act.

H.R. 3944 PROVIDING FOR IMPORTED PETROLEUM PURCHASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, the principal cause of our current energy and economic problems has been the revolutionary rise in crude oil prices. The OPEC cartel has quadrupled the price of oil in the last 2 years, and domestic energy prices have followed suit. These inflated oil payments have in turn placed a severe burden on our economy by draining off critical purchasing power and by exacerbating inflationary pressures. At this juncture, it is imperative that we devise an energy policy that will reduce our expenditures for extremely expensive foreign oil without further aggravating an economy now in the throes of a recession.

The opportunity is at hand for implementing such a policy. Its goal is to drive down the artificially high price of foreign oil.

The prime elements in the success of any cartel are elasticity of demand to price changes and cohesiveness of participating parties, particularly in their ability to limit supply. An additional factor in the case of OPEC has been the convenient guarantee to markets which the vertically integrated, multinational companies operating in those countries provide. Over the past 2 years, the OPEC monopolistic oil prices, supported and encouraged by the multinational oil companies, have helped to restructure demand in the oil-consuming nations. The oil producers themselves are now feeling the impact of economic changes in the world marketplace.

World demand has dropped significantly as a result of the sharp increase in price and subsequent world recession. Voluntary production cutbacks are straining the unity of the cartel, by pointing out the basic economic and political difference among these countries, most of which do not have diversified economies. We now have the opportunity to take advantage of this situation and to restore a greater degree of competition to the international oil market.

Sixty-six members of the House have joined in sponsoring legislation which seeks to introduce the potentially divisive element of competitive bidding into our purchase arrangements with the OPEC countries in an attempt to weaken the unity of the cartel and force down the artificially high price of foreign oil. This bill, H.R. 3944, recognizes that, with all indications pointing to the fact that excess capacity has placed the OPEC nations in a highly vulnerable position, the time is right for exerting some kind of competitive pressure on the oil-producing nations to drive down the artificially high price of foreign oil. It also recognizes the fact that multinational oil companies, which currently import the great majority of our foreign crude oil and which have a clear interest in maintaining high prices, are a major obstacle to lower world oil prices. What is vitally needed is a program that will put an agent that does not have a stake in the OPEC cartel and that has as its prime purpose reducing the price of foreign crude oil between the American consumer and the oil-producing nations.

H.R. 3944 would establish such a program. It would end the cozy and profitable arrangement between the multinationals and the OPEC cartel by authorizing the Federal Energy Administration to act as the sole purchasing agent for all petroleum and petroleum products imported into the United States.

In this capacity, the FEA would solicit sealed bids from all foreign oil suppliers who are interested in competing for access to the U.S. market. The sealed bids should encourage the oil producers to cut their price in order to increase their share of the U.S. market, thereby breaking the OPEC cartel and forcing down the price of foreign oil. The FEA would also be responsible for selling these imports to domestic refiners and marketers at equitable prices and on a geographically sound basis.

It is important to understand that this bill does not set the Government up in the oil business. What it does is have the Government establish a free commodity market for oil to counterbalance a foreign-government-sponsored cartel.

Implementation of H.R. 3944 would not require a huge bureaucracy. The oil import quota program functioned with a staff of 12 or so. The staff of the emergency petroleum allocation program is already in place.

The bill would limit supply contracts to 2 years in order to induce competition among producers at frequent intervals. It would give the Administrator of the program 10 percent leeway in setting the resale price of imported petroleum. This would make it difficult for foreign oil producers to pinpoint any price cutting by their associates. The bill also provides strictures against divulgence of secret bids to assure that they are kept confidential.

I believe that this is an important proposal that deserves prompt attention by the 94th Congress. I hope that my colleagues will give it serious consideration. The text of the bill follows.

H.R. 3944

A bill to provide that all petroleum imported into the United States after September 1, 1975, shall not be available for purchase other than by the Government of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Import Purchase Authority Act of 1975".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) the immediate and long-term stability of the economy of the United States is threatened by the high cost of foreign petroleum and substantial and increasing balance-of-payments deficits;

(2) a major factor in the present and projected balance-of-payments deficits is the tripling of the outflow of dollars for petroleum;

(3) a major factor in the high rate of inflation, unemployment, and other economic dislocations is the quadrupling of the cost of foreign petroleum;

(4) the present and projected harmful effects to the economy, the businessman, and the consumer are caused by a lack of competition among suppliers of petroleum to the United States and among petroleum companies within the United States; and

(5) the political and economic importance of imported petroleum from foreign nations is of such significance to the United States that it would be purchased by the Government rather than private companies.

PURPOSES

SEC. 3. It is the purpose of this Act to instill competition in the imported and domestic petroleum market, to reduce the cost of foreign petroleum and to reduce the balance-of-payments deficit of the United States.

SEC. 4. For purposes of this Act—

(a) the term "petroleum" means crude oil, all other refinery feedstocks, and all refined petroleum products;

(b) the term "United States" means the several States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States;

(c) the term "Administrator" means the Administrator of the Federal Energy Administration;

(d) the term "person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, or an unincorporated organization; and

(e) the term "responsible bidder" means any company, sovereign state, or person acting on its own or on behalf of others who, in accordance with such regulations as may be promullgated by the Administrator, is capable of performing in accordance with the terms of its bid.

SEC. 5. (a) The Administrator of the Federal Energy Administration, shall, after October 1, 1975, be responsible for the importation of petroleum into the United States, and no petroleum shall thereafter be imported into the United States except in accordance with this Act.

(b) After October 1, 1975, no petroleum shall be imported into the United States except pursuant to a bid submitted in accordance with this Act and accepted by the Administrator. Persons qualifying as responsible bidders wishing to sell oil to the United States shall submit sealed bids to the Administrator in accordance with such regulations as the Administrator shall promulgate.

(c) All such sealed bids submitted to the Administrator shall be in United States dollar amounts and shall show price, specifications, volume, terms of delivery, and schedule of delivery. The Administrator shall have the power to accept or reject any bid or to negotiate with the bidder for terms most favorable to the United States except that no contract accepted will be for a duration of over two years.

(d) Any person who imports petroleum into the United States except in accordance with this Act shall be punished by a fine not exceeding $1,000,000 or by imprisonment not exceeding one year, or both.

SEC. 6. (a) The Administrator shall promulgate regulations for the fair and equitable allocation by sale of all petroleum so imported into the United States, at prices not to vary more than 10 per centum above or below the cost of acquisition of the imported petroleum, taking into account—

(1) the preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(2) the allocation of suitable types, grades, and quality of crude oil to refiners in the United States to permit such refineries to operate at maximum capacity; and

(3) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, nonbranded independent marketers, branded independent marketers, and among all users.

(b) The Administrator shall make adjustments in the price paid by purchasers from the Administrator of imported petroleum at the end of each quarter beginning December 31, 1975, in order that each such purchaser receives a price based upon the average price paid by all such purchasers of imported petroleum of similar grade and quality during that quarter.

(c) Funds for the purchase by the United States of imported petroleum shall be appropriated from the general revenues of the United States Treasury. Moneys realized from the sale of imported petroleum by the Administrator shall be promptly returned to the general revenues of the United States Treasury.

(d) The provisions of subsection (i) of section 7 of the Federal Energy Administration Act of 1974 shall apply to any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued pursuant to section 6 of this Act.

SEC. 7. The Administrator shall promulgate rules which will provide for the debarment, suspension, and placement in ineligibility status of bidders who fail to perform in accord with the terms of their accepted bids. Debarment, suspension, and placement in ineligibility status should be used for the purpose of protecting the interest of the United States and not for punishment. To assure the United States (the benefits to be derived from the full and free competition of interested bidders, these measures should not be instituted for any time longer than determined necessary to protect the interest of the United States, and should preclude awards only for the probable duration of the period.

SEC. 8. (a) Any officer or employee of the Federal Energy Administration who shall make unauthorized disclosure of information relating to the identity of the bidders or the terms of the bids shall be punished by a fine not exceeding $100,000 or by imprisonment not exceeding ten years, or both.

(b) The Administrator shall insure that the identity of bidders is known to no more than six persons within the Federal Energy Administration.

UNEMPLOYMENT AND THE TAX REDUCTION ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, it has come to my attention that thousands of unemployed workers are not eligible to receive the additional 13 weeks of unemployment compensation benefits provided by the recently-enacted Tax Reduction Act of 1975. Although they have faced unemployment for over a year, these citizens have only qualified for 26 weeks of State compensation, just two-fifths of the 65 weeks of coverage that the Tax Reduction Act now makes available.

The Congress has been making every effort to ease the effects of the unemployment crisis. We have been considering proposals for the unemployed on emergency health insurance benefits, public service job programs, and mortgage payment deferrals.

We have been especially responsive to the need for increased unemployment compensation benefits. In the 1930's we established the present Unemployment Insurance Service, under which an unemployed individual can collect up to 26 weeks of State benefit payments. To acomodate periods of high unemployment, such as now, we added 13 weeks of benefits under the Federal-State Extended Unemployment Compensation Act of 1970. As the current recession progressed, the Emergency Unemployment Compensation Act of 1974 was enacted last December, providing an additional 13 weeks of federally funded benefits. As some States have begun to exhaust these payments, we have acted again, temporarily providing another 13 weeks of benefits under the Tax Reduction Act, bringing the total available benefits to 65 weeks.

Even the administration has shown responsive signs. The President announced last Friday that he will request legislation to extend to December 31, 1976, the coverage provided under the Tax Reducation Act.

However, we have overlooked a very large group of needy people, those who exhausted their rights to State benefits just before their States began paying additional benefits under the Federal-State Extended Unemployment Compensation Act of 1970. As a result, they have not qualified for any of the 39 additional weeks of funding that are now available. We estimate that 100,000 workers and their families are not now eligible for these benefits due to this technicality in the 1970 Federal-State Act. The 1974 Emergency Act and the Tax Reduction Act of 1975 should be helping out all those who are unemployed. The people I have described here should not be arbitrarily excluded from these needed benefits.

I have recently introduced H.R. 5636, the Emergency Unemployment Compensation Extension Act of 1975, to correct this urgent problem. As the recession continues, periods of individual unemployment are growing longer and longer. While we make more money available for unemployment compensation benefits, it is unconscionable to deny this assistance to those who need it most.

"INSIDE THE HOUSE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I have just finished reading a book about the House of Representatives by Mr. Daniel Rapoport called "Inside the House." Depending on how they are treated, I suppose some Members will like the book and others will not.

But what I found most interesting is that among the book's many anecdotes is one which is especially pertinent to what is happening today. That concerns the decision by the Congress to terminate U.S. military action in Indochina on August 15, 1973. Without that termination in the law—an amendment to a supplemental appropriation bill—we would certainly be bombing in South Vietnam today.

That termination, as members who were here will recall, was a compromise between the Congress and the White House. The Congress had the votes—after the vote on May 10, 1973—to add the provision ending the bombing in Cambodia to every bill of importance that came through the Congress. But the President could veto those bills and Congress did not have the votes to override the vetos. So, unless the Government was to come to a standstill a compromise had to be reached.

The compromise was an agreement to stop the bombing on August 15. The President could continue his bombing policy for an additional 45 days but after that no more. However, somewhere along the line the provision to stop the bombing in Cambodia was broadened to include all of Indochina. That is where Mr. Rapoport's account comes in.

The incident described shows a couple of interesting things. First, how governments can make decisions with far-reaching consequences in a confused and a casual manner. And second, the role in this episode played by President—then Minority Leader Ford in establishing now feels constrained by Congress, he might take a look at the role played by minority leader Ford in establishing these constraints.

One wonders in reading the account where Mr. Kissinger was and whether he would have seen the significance of what was happening and stopped it. One is certain in reading the account that Mr. Kissinger is sorry now that President Nixon did not sign the bombing cutoff the first time on May 10 when it just applied to Cambodia.

But I will let Mr. Rapoport describe the incident. His account follows:

NINETEEN SEVENTY-THREE

"Ten . . . nine . . . eight . . ." The crowd chanted the countdown as the digital clock ticked off the remaining seconds. A roar went up when the clock hit double zeros.

The scene was not a basketball game. It took place on the floor of the House of Representatives. The "crowd" was a knot of Democratic doves following the tally on the House's new electronic voting system.

The date was May 10, 1973. After nine years of mulling it over, the House of Representatives had cast its first vote ever against the war in Indochina.

The cheering by the doves was more playful than passionate. Maybe that was because the vote came three and a half months after a cease-fire had been proclaimed in Vietnam and after the last American troop had been withdrawn from the south and the last POW brought home from the North. To most Americans the war was over and Vietnam behind us. They were ready for passage of antiwar legislation. Speaker Albert voted for it.

Yet the vote on May 10, and the series of antiwar votes that followed it over the next seven weeks, proved to be far more crucial than the doves realized. The United States may have been militarily disengaging itself from Indochina, but what happened in Congress, and particularly in the House, made sure that it would not go back.

Congress and the president ended America's direct military role in the war in a welter of confusion, misunderstanding, surprise and irony. And perhaps by accident.

On May 10 the House voted 219 to 188 to stop the U.S. bombing of Cambodia. Henry Kissinger and Le Duc Tho had been unable to settle the conflict in that country, and the Nixon administration was determined that it not fall to the communists. Thus the daily air attacks.

Following the May 10 vote, the Senate began adding on the Cambodia amendment—which was broadened to include a bar against resuming the bombing of Laos—to every vulnerable bill in sight, meaning every piece of legislation the president would have a hard time vetoing. By June 29 the list concluded the debt ceiling bill, a continuing appropriation resolution and a supplemental money bill. The first two were absolutely essential. If the debt bill was not enacted by July 1, the government could no longer borrow money, an infirmity that would throw the securities market in particular and the financial community in general into chaos. Failure to approve the continuing appropriation by July 1 could soon bring chaos to the government, its major departments and agencies deprived of any authority to spend money in the new fiscal year.

But doves were adamant. The time had come to say no. Hadn't "peace with honor" been declared on January 27? What legal, moral or political justification was there for further U.S. military involvement in the region? That was that. The president would either accept the amendment or accept the consequences.

The president was just as firm. A total halt to U.S. air operations in Cambodia would virtually remove any pressure on the communists there to negotiate a settlement, risk a communist military takeover in the country and endanger the regional-wide peace outlined by Henry Kissinger and the North Vietnamese.

So high were the stakes, said presidential adviser Melvin Laird, that Nixon would veto every bill that came to him with an immediate Cambodia bombing cutoff provision.

Following the first such veto, Senate Democratic Leader Mike Mansfield vowed that the Senate would attach the amendment to every piece of legislation "over and over again," until the will of the people prevailed and until the president recognized which branch had been assigned the war-making powers by the Constitution.

"If the president doesn't want to stop the bombing but does want to stop the government, that's his business," Mansfield said angrily.

"We're eyeball to eyeball in a historic confrontation," warned Rep. Robert Giaimo, a leader of the House antiwar forces.

The president blinked first. He let it be known that he would accept a cutoff if it was pushed back to August 15. In one sense, the proposal worked in Nixon's behalf. It split apart the dove bloc. Some saw it as a means of finally getting a termination-of-hostilities deadline into law. Others, however, denounced it as morally repugnant because it permitted Nixon to bomb and kill for an extra forty-five days. They also saw it as a cowardly surrender by Congress to the president.

The battle was joined on the afternoon of June 29. Over the protests of holdout doves, the House accepted the compromise. But what neither opponents or supporters realized at the time was that the amendment adopted went further than the administration had intended or than the doves had demanded.

The House had tacked on to the supplemental appropriation bill an amendment that would bar U.S. combat activities over not only Cambodia and Laos but over North and South Vietnam as well. The press and most members paid scant attention to this last minute addition of Vietnam. Cambodia was the location where the fighting was taking place, not Vietnam, where a ceasefire had been proclaimed. It was U.S. bombing of Cambodia that Congress was trying to stop.

Administration officials, however, took note of the change and reacted with alarm. From the point of view of Nixon policy, their shock was understandable. It was one thing for the president to sign away his claimed constitutional right to unilaterally intervene in Cambodia or Laos. It was another thing entirely to give up on South Vietnam. To accept legislation prohibiting him from immediately responding to a communist military move in the south would, in the rhetoric of the administration, be inviting aggression from the north. It would run counter to everything Nixon had been saying and doing in Vietnam over the past four years. Yet that is precisely what he agreed to. That agreement was not willingly given. Nixon did not realize the full implications of what was taking place on the House floor until it was too late to do anything about it. Lapses of that sort were uncharacteristic of Nixon. In retrospect, it might be explained by his growing preoccupation with Watergate.

Watergate also leads us to speculate on what Nixon might have done had he been armed with what he considered his authority to return to Vietnam during the final days of his presidency. Analysts will tell us that even without a congressional prohibition blocking him from action, Nixon would have had to take leave of his political senses to resume bombing North Vietnam. But how inconceivable is it to imagine that Nixon could have taken leave of his senses, that pushed by the final agonies of Watergate an irrational president would view a "bold" move in Vietnam as a means of diverting public attention from his domestic tragedy? Or perhaps, acting less cynically, he would relieve his inner torment by lashing out at the communist in place of retaliating against his critics? The speculation may be idle, but it seems obvious that we were better off in 1974 with Richard Nixon barred from committing U.S. military forces to Indochina.

One of the principal participants in the events that led to enactment of the Vietnam prohibition was Nixon's successor. House GOP Leader Gerald Ford served as the administration's spokesman during the House debate. It was he who shuttled back and forth between the House floor and a phone booth in the House Republican cloakroom where he spoke with Nixon, White House Chief of Staff Alexander Haig and presidential adviser Melvin Laird at San Clemente. At one point Ford was forced to call Nixon and get personal assurances from the president that he regarded August 15 as a hard, fast and legal deadline, an assurance he relayed to the House. What Ford did not convey to his colleagues was his discovery that Nixon and some of his aides were less concerned about the date than they were about the inclusion of Vietnam in the prohibition. A week afterwards, sitting in his Capitol office, Ford confided how spontaneous and unplanned—as well as contrary to the president's position—that concession was.

'On the night before the Cambodia vote, I wrote down three points I was going to make. Number one, Nixon would accept August 15 as a bombing deadline. Number two, the ban on U.S. military activities would apply to all of Southeast Asia. And number three, the president would veto any legislative deadline earlier than August 15.

"Two members of the White House staff, one from Department of Defense, were here and I read the three points to them the night before. I read to them what I was going to say. The next morning they were here very early—eight, eight-thirty, I don't know, something like that—I reread it to them because I wanted specific reconfirmation. I had the feeling they didn't quite understand the significance of the words 'all of Southeast Asia' but I had written it down on a piece of paper which is now in my scrapbook.

"I made my floor speech, following Appropriation's Committee Chairman George Mahon's speech. At that point, White House lobbyist Max Friedersdorf, Pentagon legislative chief Jack Marsh and somebody else from the White House got me off the floor and said, 'Oh, Jerry, you can't say Southeast Asia, you've got to limit it to Cambodia.' I said to them, 'I have said it on the floor, you confirmed it and reconfirmed it and there's no way to go back on it. Sorry, that's it, period.' They said, 'It can't be that way.' I said, 'I'm sorry.'

"So I went back to the floor and the debate went on and on and on. My colloquies on the floor (on whether Ford's proposed compromise had presidential sanction) took place. I said, 'No, I didn't talk to the president but to White House sources.' And at that point there was some laughter or booing or whatever it was. Apparently Friedersdorf and his associates were in the gallery and they felt that things were deteriorating a bit. Maybe they were. So they called Timmons. Timmons called the White House (in San Clemente) and the president then called me. I took the call in the Republican cloakroom off the House floor. I talked to the president for about ten minutes. I read to him the three points I made on the House floor and he said, 'That's fine.' Then I went back on the floor and I reconfirmed what I had previously said and told the House that the president approved of it.

"Five minutes later or so I got a call from Al Haig. He said, 'Oh, you can't do that. The president won't accept it.' I said, 'Al, it's done. That's it. I'm sorry but there's no way I can erase what I said. It is my understanding that this is what the president approved in his conversation with me.' Al was obviously disappointed. He said, 'I was sitting in the room with the president when you talked to the president. What you have said was apparently not what the president understood you to have said.' I said, 'I'm sorry, Al, but that's the way it has to be.' About five minutes later, maybe ten minutes, I got a call from Mel Laird, out at San Clemente. Mel said, 'Everything's okay. Don't worry about it.' That's it. I never asked Mel. But I can't help but believe that the president called Mel in and Mel and the president and Al Haig talked about it. It was my impression that the three of them then decided that what I had said on the floor had their approval. Because in the meantime there was a big hassle on the Senate side as to whether it sould be limited to Cambodia or broadened to include Southeast Asia. Apparently my comment on the floor of the House resolved that problem in the Senate. That's what I'm told.

"I wrote down what I thought had to be said to win. In retrospect they say they didn't understand what I was saying. I thought it was pretty clear. Without it I think we might have gotten through. But it would have been a hard fight and I'm not sure the Senate would have taken just Cambodia. I think we might have won in the House.

"I don't like to put it on the basis of win or lose but I thought we made a very successful compromise. It was not all we wanted, but enough to give Henry Kissinger a chance to achieve what they thought could be accomplished in Cambodia. And I really, in retrospect, honestly believe that if we hadn't put in Southeast Asia the end result would have been chaos. The Cambodian provision was a rider to an appropriation bill that involved funding for a lot of agencies of the federal government. We could have had a very, very difficult situation if the bill had been vetoed."

VOTE ON H.R. 4700

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. SPELLMAN), is recognized for 5 minutes.

Mrs. SPELLMAN. Mr. Speaker, at the moment of the vote on H.R. 4700, I was involved in pressing for inclusion in impending legislation, items of great import to my district. Because I knew that, without question, H.R. 4700 would prevail by a large margin. I continued that work—very successfully, I might add.

However, H.R. 4700, clearly, is legislation I am vitally concerned with. I wish to state for the record that I would have voted "yea."

THE NEED TO REPEAL HATCH ACT RESTRICTIONS AGAINST FEDERAL EMPLOYEES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am pleased that the Subcommittee on Employee Political Rights, chaired by Representative BILL CLAY of Missouri, is holding hearing on the need to remove political restrictions against Federal employees under the Hatch Act.

In January 1973, I introduced legislation to restore the political rights of Federal, State, and local employees while still protecting them at work from financial solicitation and other political harassment. A provision of last year's campaign reform bill—the Federal Election Campaign Act Amendments of 1974, Public Law 93-443—removes most Hatch Act restrictions against State and local employees. As of January 1, 1975, the nearly 3 million State and local employees can serve as officers of political parties and as delegates to the national conventions, can solicit votes on behalf of candidates, and so on down the long list of previously prohibited endeavors under the Hatch Act's dictum of "no active participation in political management or in political campaigns." The restrictions against coercion of fellow employees, solicitation of funds on-the-job, or any other abuse of official authority to influence elections remain in force, as they should.

As a member of the House Administration Committee last year, which drafted the campaign reform bill, I was pleased to support and assist in the adoption of this provision.

I withheld from offering an amendment to include Federal employees as well in order to assure the adoption of the State and local provision. It was then and is now my hope that the Congress will also restore the political rights of Federal employees.

According to the Library of Congress and the Joint Committee on Reduction of Federal Expenditures, there are approximately 2.8 million Federal civil servants and postal employees in the United States today. The District of Columbia and seven States—California, Illinois, Maryland, New York, Pennsylvania, Texas, and Virginia—each have more than 100,000 Federal employees. New York City alone has over 98,000. Since 1939, these Government employees have been largely prohibited from participating actively in partisan political activities by the Hatch Act.

These 2,800,000 Federal employees are no less deserving of equal rights under the law than are state, local, and private sector employees. Congress should clear up the obvious discrimination and inconsistency in the law.

I am delighted that Subcommittee Chairman BILL CLAY has introduced H.R. 3000, the Federal Employees Political Activities Act of 1975, and that he is holding hearings on his bill and related Hatch Act reform legislation. I am cosponsor of H.R. 3000, and I have also reintroduced my own similar bill from the last Congress, H.R. 1326.

It is high time that Federal employees are considered old enough and intelligent enough to participate fully in the process of elections. This country has no right to make its public employees second class citizens. But the Hatch Act, by limiting their political activities, has effectively put them into that category. The nature and scope of activities prohibited, as well as the sheer numbers of persons affected by these restrictions, have led various commentators to criticize the Hatch Act as being at variance with the first amendment guarantee of freedom of political expression and the American commitment to participatory democracy.

The constitutionality of the Hatch Act has been challenged in the judicial arena. In July, 1972, the U.S. District Court for the District of Columbia—National Association of Letter Carriers against U.S. Civil Service Commission—ruled that the Hatch Act is "constitutionally vague" and has a "chilling effect," because many civil employees do not know either if they are covered or what they are prohibited from doing. According to the court, many persons did not engage in any political activity out of fear, rather than because they had to.

This decision, if left, would have repealed the Hatch Act.

However, the Supreme Court, in June 1973, reversed the decision by a 6 to 3 margin. But the Court still emphasized that "Congress is free to strike a different balance if it chooses."

In 1966, Congress created the Commission on Political Activity of Government Personnel, known as the Hatch Act Commission, to study all Federal laws restricting political participation by Government employees. In its final report, in December 1967, the Commission noted the need for substantial reform of the Hatch Act, particularly in the areas of clarifying its vagueness and reducing its application to the fewest employees. As the Commission noted, most Government employees are so confused by the more than 3,000 specific prohibitions issued over the years by the executive branch and have so little idea what they are permitted to do that they tend to avoid taking part in any political activity at all. Congress has taken the initiative in recent years in expanding other groups' opportunities for political activity through its civil rights legislation and the 18-year-old vote. It is time that Congress restores to Federal Government employees their right to free political expression and acts on the recommendations made by the Commission that it created.

Chairman Clay's bill, H.R. 3000, and my bill, H.R. 1326, would amend title 5 of the United States Code so as to permit Federal officers and employees to take an active part in political management and in political campaigns. We would retain the very important prohibition against the use of official authority to influence elections, while extending to the Government employees their full rights to participate actively in politics as private citizens. The bills list nine specific activities included under "an active part in political management or political campaigns," in addition to the right to vote or to express an opinion orally on political subjects, which even the existing provisions allow. The nine new rights can be summarized as follows:

First. Unrestricted participation in political conventions, including service as a delegate or officer.

Second. Unrestricted participation in the deliberations of any primary meeting or caucus.

Third. Unrestricted participation in a political meeting or rally, including preliminary arrangements.

Fourth. Unrestricted membership in political clubs, including initial organizing.

Fifth. Unrestricted wearing of campaign badges and distributing of campaign literature.

Sixth. Unrestricted written expression or association with any publication, except that no letter, editorial, or article shall mention the writer's official employment.

Seventh. Unrestricted organization or participation in a political parade.

Eighth. Unrestricted initiating or signing of nominating petitions, including canvassing for signatures of others.

Ninth. Unrestricted candidacy for nomination or election to any political office—National, State, county, or municipal.

My bill, H.R. 1326, is largely similar to H.R. 3000. Section 3 of H.R. 3000 is comparable to section 1 of my bill; the respective listings of nine items incorporated under "an active part in political management or in political campaigns," enumerated above, are virtually identical. H.R. 1326 would retain the existing provisions of the United States Code—sections 7323 and 7325—which already cover prohibited solicitations and penalties. However, I am very concerned that we retain effective safeguards against the politicization of the bureaucracy while at the same time giving public employees full political rights as private citizens. I support the additional sections in H.R. 3000, not included in my bill, which strengthen further the ability of the Civil Service Commission and the Attorney General to deal with violations.

For over 35 years we have relegated our public servants to being "second class citizens." Existing restrictions on the political activities of Federal employees are, in my judgment, unfair and long overdue for revision. But at the same time, we must protect the neutrality of the Government bureaucracy. We must also guard against possible coercion directed against public employees to participate involuntarily in politics. The solution is to replace the Hatch Act with legislation that contains adequate safeguards against abuses while granting Federal employees their rights to participate as private citizens in American political life.

The Congress has before it bills that seek to accomplish this purpose. I am hopeful that we will enact such legislation.

HOME HEALTH CARE—PART VI

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 78 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators FRANK MOSS and FRANK CHURCH, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, HUGH SCOTT, Senate minority leader, and Senators WILLIAMS, DOMENICI, and TUNNEY.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the RECORD several times a week by experts and lay persons commenting on the legislation.

This is the sixth in the series:

[From Annals of Internal Medicine, January 1975]

HOME CARE: MUCH NEEDED, MUCH NEGLECTED

The story of the Chelsea-Village program of home health care for the homebound aged operated out of St. Vincent's Hospital in New York City and described elsewhere in this issue by Dr. Philip Brickner, Sister Teresita Duque, and associates is as important as it is heart-warming. It should be required reading for health care professionals, third-party payers, and all public and private officials responsible for setting health priorities in this country.

Despite the modest dimensions of the experiment—involving only 200 referrals and 169 patients actually placed under care—Dr. Brickner claims significant savings to society. At a minimum rate of $800 a month for Medicaid to keep patients in a nursing home in New York City and with an estimated 70 patients maintained at home rather than being institutionalized, he claims a 1-year savings of $340,000 from this factor alone. With Medicaid paying about $150 a day for acute hospital care and on the assumption that 1000 hospital days were avoided as a result of the program during its first year, he estimates an additional savings of $150,000.

Equally important is the well-documented fact that most elderly patients prefer to remain in their own homes, if at all possible, rather than being institutionalized. Despite the rapid rise in the cost of care in nursing homes and some improvement in quality, conditions in many remain deplorable (1).

Not all the relevant questions are answered in the Brickner report. Why were there so few referrals—200 out of an estimated pool of 3000 aged homebound persons in the area? Especially, why so few from physicians—only 15 out of the 200? Why did seven persons who had been referred refuse services? Why not accept small payments from those who offer to pay? How did the hospital absorb the $50,000 that it underwrote? Is this type of unreimbursed service one cause for the ever-rising cost to the paying hospital patient?

Were all government resources fully explored? For example, under both Parts A and B of Medicare, 100 home-care visits by qualified professionals are covered, and under Medicaid the services of home health aides are available. Were these possibilities totally exhausted?

In addition to a number of such questions that pique the curiosity, it is obvious that no one can provide totally satisfactory cost-benefit analysis in this area. As the authors themselves point out, without the program some of their patients would have died at home. Although this is obviously not an acceptable solution, it is certainly cheaper.

Nevertheless, the broad conclusion is inescapable: home health care, when efficiently organized with good backup services, is a highly cost-effective way of caring for the elderly. Moreover, most of the elderly prefer home care to institutionalized care. Many health professionals also like home care, especially nurses. Judging from the number of physicians engaged in this experiment, a fair number of doctors also like it if the necessary financial and other supports are made available.

The continued increase—absolute as well as relative—in the over-65 population and the ever-rising cost of meeting their health needs to emphasize the importance of this type of program. We need home care to combat inflation in health care costs. We need it to bring a measure of reassurance and dignity to millions of older people who are seeing their cherished Medicare benefits shrink under the twin pressures of rising costs and increased cost-sharing. We need it to restore a degree of caring and outreach to our super-specialized health care institutions and professionals.

There is little theoretical argument on this question. Health care professionals, third-party payers, and government officials continue to extol the advantages of home care (2–4). Despite all the lip-service, however, we are unlikely to witness any rapid overall expansion. Even where some support is now available, as under Medicare, the relative use of home care continues to decline year by year. For example, during 1969 there were 628,543 approved claims for home health services under Part A. By 1973, the number was down to less than 400,000 (based on the first 6 months' experience) (5).

The reasons are not mysterious. Most physicians are not interested in chronic illness. Most are not interested in home care, even if the visits are actually made by nurses. Most hospital administrators today are primarily concerned with keeping their expensive beds filled. And most third-party payers, public as well as private, are primarily concerned with keeping the physicians and hospitals happy—or at least off their backs! Even the national government administration, with its continual scolding of physicians and hospitals for rising costs, is unwilling or unable to exercise the leadership involved in a real reordering of national health priorities away from inpatient care toward the kind of program described by Dr. Brickner.

And so Dr. Brickner and his colleagues are likely to receive a pat on the back—and not much more. At the very least, he should be sought out by the Social Security Administration for the possibility of an incentive experiment grant under Section 222 of PL 92–603. Ostensibly, the Department of Health, Education, and Welfare is looking for just such innovations that provide a possibility for cost savings without a reduction in quality.

Today, another possibility for positive action comes to mind. Perhaps the threat of unemployment could provide the impetus that nothing else seems to. There is now a great deal of talk about "public service jobs" to absorb some of the unemployment that is anticipated in the coming months. Hospitals are a likely site for such jobs. Instead of adding more nurses' aides, janitors, and others who may or may not be needed, why not develop a corps of home health workers who could, under the supervision of physicians and nurses, provide at least the minimal human support and reassurance so desperately needed by many old people?

To make sure that they do more good than harm, they would have to be carefully supervised, which usually means an institutional setting and being part of a health care team. Isn't this a logical responsibility for a community hospital through its department of community medicine? Or social service? Or health education?

Ten thousand such home health workers could bring a great deal of comfort and support to our 21 million older people while acquiring useful skills themselves. Even this modest suggestion will be resisted in some quarters. But sooner or later the nation will have to face up to the basic issue: For whose benefit are we operating our $100 billion a year health-care economy? (Anne R. Somers and Nancy H. Bryant, R.N., M.P.H., *College of Medicine and Dentistry of New Jersey, Office of Consumer Health Education, Piscataway, New Jersey*)

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The Homebound Aged— A Medically Unreached Group

CHELSEA-VILLAGE PROGRAM

(By Philip W. Brickner, M.D., director, Department of Community Medicine St. Vincent's Hospital and Medical Center of New York)

Throughout all urban communities in the United States, aged, homebound people are among the medically unreached. Their problems are multi-faceted, involving medical and psychological health, finances, housing, and isolation from society.

In January 1973 the Chelsea-Village Program was started to meet the needs of aged, homebound people in the Chelsea and Greenwich Village areas of Manhattan surrounding St. Vincent's Hospital. This program demonstrates that it is often possible to maintain these people in their own homes instead of in Nursing Homes or other institutions.

Our aims are to keep patients:

1. In their own community;
2. Out of institutions;
3. In adequate housing;
4. In the best best possible state of health; and
5. And at the maximum level of independence.

Community organizations serve as case finders; and physicians, nurses and social workers from St. Vincent's Hospital participate in the delivery of a broad range of services. In the first 22 months, 232 individuals have been referred and 1,116 home visits made. We serve our patients without charge or reimbursement.

This form of health care delivery serves society through substantial financial savings, and it fulfills the wishes of older people themselves for such programs.

Financial points

1. Through this program we have delivered health care at less cost to these patients in their own homes than if they were in Nursing Homes.

2. The present reimbursement rate for Medicaid patients in Nursing Homes in New York City is greater than $800.00 per month. We maintain our patients for less than ⅓ this cost, including all medical services, rent and food. Through our small program alone, the Medicaid savings in one year are about $340,000.

3. Further savings of about $150,000 are generated by keeping our patients out of acute care hospital beds. This is accomplished through early treatment of illness in the home, before the patient deteriorates.

Financial implications

The financial benefit to the country at large, if programs similar to ours can be adopted nation-wide, will be immense.

The fact that home maintenance of an aged person is one/third or less as expensive as nursing home care makes the point. A shift in priorities of health care funds away from institutions and toward home maintenance is required.

VULNERABILITY OF OIL SUPPLY LINES EMPHASIZE IMPORTANCE OF NUCLEAR POWERED NAVY

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, last year the Congress included in the Department of Defense Appropriation Authorization Act, 1975, a new title VIII, Nuclear Powered Navy. This title made it—

> the policy of the United States of America to modernize the strike forces of the U.S. Navy by the construction of nuclear-powered major combatant vessels and to provide for an adequate industrial base for the research, development, design, construction, operation, and maintenance for such vessels.

Title VIII stipulates that henceforth all requests for authorization or appropriation of funds for construction of submarines, aircraft carriers, and carrier escorts, such as cruisers, frigates, and destroyers, shall be for nuclear-powered ships:

> Unless and until the President of the United States has fully advised the Congress that construction of nuclear powered vessels for such purpose is not in the national interest.

The law provides:

> such reports of the President to the Congress shall include for consideration by Congress an alternate program of nuclear-powered ships with appropriate design, cost, and schedule information.

The vulnerability of our oil supply lines in time of war, the declining number of overseas bases available to support our Armed Forces, and the shrinking size of the U.S. Navy's fleet, all emphasize the importance that our future combatants for our naval strike forces be nuclear powered.

The Navy's largest and most powerful nuclear-powered surface warship is the aircraft carrier U.S.S. *Nimitz*, CVAN–68, which recently completed her initial sea trials. Adm. H. G. Rickover, Director of the Naval Nuclear Propulsion Program, wrote me a letter while he was at sea directing the *Nimitz* propulsion plant trials. I consider the points he made in his letter to be important and I hope they will be widely read. Therefore, with your permission, I will include Admiral Rickover's letter in the RECORD at this point.

U.S.S. "NIMITZ,"
At Sea, North Atlantic, March 3, 1975.

Hon. MELVIN PRICE,
Vice Chairman, Joint Committee on Atomic Energy.

DEAR MR. PRICE: We are returning from the first sea trials of the USS NIMITZ (CVAN68), our second nuclear powered aircraft carrier and our seventh nuclear powered surface warship. The purpose of the trials was to demonstrate the performance of her new design two-reactor propulsion plant which produces about as much power as the eight reactor plants in the USS ENTERPRISE. The NIMITZ was built by the Newport News Shipbuilding and Dry Dock Company, Newport News, Virginia. Two more ships of this class, the DWIGHT D. EISENHOWER (CVAN69) and the CARL VINSON (CVN70) are also under construction at Newport News.

The NIMITZ has a length of 1,092 feet, a flight deck width of over 250 feet, and a combat load displacement of nearly 95,000 tons, and can operate and provide sustained support for a naval air wing of about 100 aircraft. Her initial nuclear cores will provide her with enough fuel to carry out operations for the next 13 years, thus making her truly independent of propulsion fuel logistic support. These cores contain energy equivalent to over two million tons of coal or 11 million barrels of oil, enough oil to fill a train of tank cars stretching from Washington to Boston.

Our first nuclear powered aircraft carrier, the USS ENTERPRISE (CVAN65), was delivered to the fleet in 1961. She operated three years before her first refueling, including a 30,000 mile cruise around the world without logistic support in 1964. On this cruise she was accompanied by the nuclear cruiser USS LONG BEACH (CGN9) and the nuclear frigate USS BAINBRIDGE (DLGN25). Following her first refueling the ENTERPRISE operated four years on her second set of reactor cores, including four deployments to Vietnam before her second refueling and overhaul in 1970. To date the ENTERPRISE has steamed more than 750,000 miles. Her present reactor cores are expected to provide fuel for 10 to 13 years.

We now have five nuclear-powered guided-missile ships in operation, the cruiser USS LONG BEACH (CGN9), and the frigates USS BAINBRIDGE (DLGN25), USS TRUXTUN (DLGN35), USS CALIFORNIA (DLGN 36), and USS SOUTH CAROLINA (DLGN37). Three more nuclear-powered guided-missile frigates are under construction, the VIRGINIA (DLGN38), the TEXAS (DLGN39), and the MISSISSIPPI (DLGN40). Congress has also appropriated funds to construct one more nuclear frigate of the VIRGINIA Class. Advance procurement funds have also been appropriated for another ship of this class.

The NIMITZ marks the renaissance of a modern nuclear powered surface Navy: a Navy Fleet Admiral Chester W. Nimitz would have been proud to command. Admiral Nimitz took command of the Pacific Fleet on December 31, 1941, just 24 days after the attack on Pearl Harbor. Through his brilliant leadership and outstanding skill as a strategist, the forces under his command were able to defeat the Japanese off Midway, thereby reversing the course of the war in the Pacific. It was, as General Marshall said, "the closest squeak and the greatest victory." The long march back across the Pacific ended September 1, 1945, on the deck of the battleship MISSOURI in Tokyo Bay, when the Japanese surrender terms were signed. Fleet Admiral Nimitz signed for the United States.

Following World War II Admiral Nimitz relieved Admiral Ernest J. King as Chief of Naval Operations, serving in that capacity until December 15, 1947. Ten days before he was relieved. Admiral Nimitz signed a letter I had prepared for his signature. This letter recommended to the Secretary of the Navy that "the Bureau of Ships and the Atomic Energy Commission work out a mutually agreeable method for prosecuting the design, development, and construction of a nuclear propulsion plant for a submarine." This was the first top level Navy support I had received, and it started the nuclear propulsion program in the Navy.

Nuclear power in surface warships gives them the ability to operate continuously at high speed; this affords them protection not available to non-nuclear ships. This could mean the difference between victory and defeat in battle. As the number of our advance bases decreases and the size of the Fleet continues to shrink, the need for ships independent of the logistic umbilical cord of oil will continue to increase.

Next to providing the major deterrent to all-out nuclear war, I believe that the most important mission of our Navy is to insure that our first line naval striking forces can carry out their mission against threats potential enemies are presently developing. A significant portion of our major surface warships must be nuclear powered or we may end up without a credible deterrent to aggressions which no not warrant escalation to a nuclear war.

For the foreseeable future the aircraft carrier will be the principal offensive striking arm of the Navy in a non-nuclear war. No other weapon system under development can replace the long-range, sustained, concentrated fire power of the carrier air wing. Nuclear submarines and nuclear surface ships with anti-air and anti-submarine capabilities are all needed to supplement and augment the capabilities of the nuclear carrier.

The U.S. Navy currently has 14 active aircraft carriers: the ENTERPRISE, eight oil-fired FORRESTAL Class large deck carriers built in the 1950's and 1960's; three post World War II MIDWAY Class carriers; and two World War II ESSEX Class carriers, the ORISKANY and the HANCOCK. This is about half the 24 carriers the U.S. Navy had at the beginning of the Viet Nam war.

When the NIMITZ becomes fully operational in the fleet she will replace one of the ESSEX Class carriers. When the EISENHOWER and VINSON join the fleet the Navy will have only 12 carriers under 30 years of age. By 1981 when the CARL VINSON becomes fully operational in the fleet, the oldest large deck carrier, the USS FORRESTAL, will be 26 years old. All of the Navy's older carriers will then be well over 30 years old.

It will be necessary to start building replacements for the 8 FORRESTAL Class carriers soon just to sustain a 12 carrier force. With the declining number of overseas U.S. bases and the decreasing number of carriers, it is important that the new carriers we build be as capable as possible. The NIMITZ and her sister ships are such carriers.

Our carriers are vulernable to attack by Soviet sea-based cruise missiles—as are all surface ships. However, the first line of defense our surface ships have against such missiles and their launching platforms is carriers based aircraft. Without carriers and and their aircraft, other surface warships, replenishment ships, and amphibious forces, would all be much more vulnerable. The nuclear carrier task force with its capability of unlimited operation at high speed is the most powerful, least vulnerable surface ship force in the history of naval warfare.

Some have objected to nuclear warships on the basis of higher initial investment cost. In this regard it should be borne in mind that the initial cost of conventional ships does not include the cost of oil. Recently, oil costs have risen dramatically. It costs more than $25 a barrel to buy, store, and deliver oil to Navy ships. At that rate, it would cost about $270 million to provide the amount of oil for a conventionally powered carrier equivalent to the nuclear fuel in the NIMITZ. That is almost three times the comparable cost of nuclear fuel for this type ship.

Nuclear ships are often compared in cost with cheaper conventional ships of much less military capability, the argument being that we should build more of the cheaper conventional ships rather than fewer of the nuclear ships. Yet study after study has shown that when *all costs* are considered nuclear warships cost little more than conventional warships having the same weapons systems—and the nuclear warships are far superior militarily.

Further, the cost of war itself far exceeds any cost needed to be prepared to prevent a war. The best warships we can build are those which are never used in combat because they have served to prevent war.

With the heavy military and non-military demands on its budget the United States must only spend where it is necessary and where the value received is clear. But the real value of having a Navy capable of countering the Soviet threat cannot be measured in dollars alone; our survival may also depend on it.

The Soviets recognize the importance of becoming the world's strongest sea power. We have now chosen not to challenge them with numbers of ships. For this reason it is essential that the ships we do build are the most powerful and effective weapons we know how to build. This means nuclear propulsion for major warships. The penalty for any other approach is the steady erosion of our conventional military forces, with the consequent reduction in our influence and in our "options" in world affairs. The alternative is to rely for our security on nuclear weapons; their use could mark the supreme failure of mankind.

Respectfully,

H. G. RICKOVER.

PERSONAL EXPLANATION

(Mr. JOHNSON of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of Pennsylvania. Mr. Speaker, yesterday, because of circumstances beyond my control, I missed two rollcall votes. I would like the RECORD to show that had I been present, I would have voted "yea" on rollcall No. 104 on H.R. 3922, the Older Americans Amendments of 1975, and "yea" on rollcall No. 105 on House Joint Resolution 148, designating April 24, 1975, as "National Day of Remembrance of Mans Inhumanity to Man."

I ask that the RECORD show my support of these bills.

MONTHLY LIST OF GAO REPORTS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The March 1975 list includes:

Observations on the Food Stamp Program, RED-75-342.

An Appraisal of the Special Summer Food Program for Children, RED-75-336.

Audit of Commodity Credit Corporation Fiscal Year, 1974, RED-75-311.

Government Support of the Shipbuilding Industrial Base, PSAD-75-44.

The Auto Safety Program: Identifying Defects and Recalling Defective Vehicles, RED-75-324.

Contributions of Advisory Groups on Federal Motor Vehicle and Traffic Safety Programs, RED-75-315.

Local Housing Authorities Can Improve Their Operations and Reduce Dependence on Operating Subsidies, RED-75-321.

Examination of Financial Statements of Student Loan Insurance Fund Fiscal Year 1974, FOD-75-8.

The Pilot Cities Program: Phaseout Needed Due to Limited National Benefits, GGD-75-16.

Better Controls Needed to Prevent Foreign Students From Violating the Conditions of Their Entry and Stay While in the United States, GGD-75-9.

Report of the Office of Federal Elections of the General Accounting Office in Administering the Federal Election Campaign Act of 1971, AGC (OFE)-74-5.

Accountability and Physical Controls of the Gold Bullion Reserves, FOD-75-10.

Improved Cooperation and Coordination Needed Among All Levels of Government-Office of Management and Budget Circular A-95, GGD-75-52.

Premium Pay for Federal Inspectors at U.S. Ports-of-Entry, GGD-75-90.

Financial Status of Major Civil Acquisitions December 31, 1973, PSAD-75-58.

Critical Need for a Better System for Adjusting Top Executive, Legislative, and Judicial Salaries, FPCD-75-140.

Federal Agencies Administering Programs Related to Marine Science Activities and Oceanic Affairs, GGD-75-61.

Security Controls for Methadone Distribution Need Improving, GGD-75-50.

Pricing of Publications Sold to the Public, LCD-75-405.

Improved Procedures Needed for Justifying Lease Acquisitions of Federal Building, LCD-74-334.

Status of Efforts to Offset Balance-of-Payment Deficit for Fiscal Year 1974 Attributable to Maintaining U.S. Forces in Europe, ID-75-43.

Summaries of Conclusions and Recommendations on Department of Defense Operations, PSAD-75-36.

Status of Selected Major Weapon Systems, PSAD-75-53.

Financial Operations of the Five Service Academies, FPCD-75-117.

Improvements Needed in Cost-Effectiveness Studies for Major Weapon Systems, PSAD-75-54.

Unrecovered Costs for Utility Services Furnished to Non-Appropriated Fund and Non-Government Activities, LCD-74-338.

Need for More Effective Management of Transportation Data Systems, LCD-75-205.

Questionable Aspects of the Military's Study of Land Needs in Hawaii, LCD-74-320.

Overhaul of the Nuclear Submarine Nautilus, LCD-75-406.

Leasing Arrangement Negotiated with Wyman-Gordon for Use of Government-Owned Heavy Hammer and Press Facilities, LCD-74-441.

Federal Coal Research-Status and Problems to be Resolved, RED-75-322.

Using Solid Waste to Conserve Resources and to Create Energy, RED-75-326.

Additionally, letter reports are summarized including:

Summary information on 75 budget rescissions proposed by the President, ACG-75-12.

GAO comments on rescissions and deferrals proposed by the President in his eighth special message transmitted to the Congress January 30, ACG-75-13.

A report of a deferral of funds appropriated to the Federal Highway Administration without the required report to the Congress, ACG-75-14.

Reasons for delays in veterans' receiving educational assistance checks, MWD-75-32.

Transactions of the Export-Import Bank involving equipment and materials used in domestic energy activities, considered to be in short supply, ID-75-13.

Selection of bulk mail facility sites in Memphis and Philadelphia, B-114874.

Use of Department of Defense funds for constructing commissaries and post exchanges, B-140875.

Need to continue constructing military family housing at Fort Eustis and Langley Air Force Base, Virginia, LCD-75-322.

U.S. funds spent in South Vietnam for fiscal years 1974 and 1975, ID-74-41.

Proceeds collected for fiscal year 1972 for use or lease of Federal lands administered by the Bureau of Land Management and Forest Service, RED-74-203.

Costs of furnishing headquarters offices for the U.S. Postal Service, travel by the Postmaster General, and newspaper advertising, GGD-74-93.

Postal Service justifications for leasing foreignmade vehicles, P-73-125.

Quality of mail service in Detroit, Michigan, P-73-173.

Quality of mail service in Miami, Florida, P-73-164.

Quality of mail service in Manhattan, P-74-030.

Use of Federal funds for the aged in Ohio and Louisiana, MWD-75-57.

Delays in determining allowability of costs under cost-reimbursement contracts, PSAD-75-55.

Recommended improvements in planning for development of the Federal Personnel Management Information System, FPCD-75-124.

Costs incured because of delays in unloading seavans at Kaiserlautern Cold Stores warehouse, Germany, TCD-75-2.

Need for the Department of State and the United States Information Agency to record obligations for separation allowances for foreign national employees when incurred, FGMS-75-20.

Need for the Environmental Protection Agency's Office of Audit to follow up on corrective actions taken on recommendations and on resolution of costs questioned in audits of grantees, RED-75-337.

Weaknesses in administration of the Office of Education's College Work-Study Program, MWD-75-62.

Need for more accurate assessment of cost-benefit potential of the Army's Direct Support System in the continental United States, LCD-74-225.

The Monthly List of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, Room 4522, 441 G Street, N.W., Washington, D.C. 20548. Phone (202) 386-6594.

DEPARTMENT OF DEFENSE RECRUITING RESULTS FOR FEBRUARY, FISCAL YEAR 1975

(Mr. DAN DANIEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAN DANIEL. Mr. Speaker, I have been provided with preliminary figures showing that the total strength of the four military services at the end of January 1975 was 2,143,000 or 99.9 percent of their January target of 2,144,000. Strengths by service are compared with their June 1975 objectives as shown in the fiscal year 1976 budget request in the table below:

ACTIVE MILITARY STRENGTH

[In thousands]

	January 1975 (preliminary)	June 1975 (objective)
Army	778	785
Navy	547	536
Marine Corps	195	196
Air Force	623	612
Total DOD	2,143	2,129

ENLISTED ACCESSIONS, ALL SOURCES [1]

Service	February 1975		
	Objective	Actual	Percent
Army	14,500	14,500	100
Navy	5,800	5,900	102
Marine Corps	4,800	5,000	104
Air Force	6,100	6,100	100
Total DOD	31,100	31,500	101

[1] The total of 31,500 men and women recruited in February was 101 percent of the total objective of 31,100.

Ninety-seven percent of all nonprior service enlistees were in mental categories I–III which are the average and above average mental groups. The February proportion was about equal to that of January and reflects a continuation of the favorable recruiting climate that has existed in recent months. Of the new enlistees 72 percent were high school graduates, and 9 percent or 2,700 were women. Black enlistments accounted for about 15 percent of the February enlistments. The services also recruited about 3,400 prior-service personnel.

The total selected Reserve strengths declined slightly during January.

SELECTED RESERVE STRENGTH

[In thousands]

	End strength		Average strength, fiscal year—	
	January 1975 (preliminary)	December 1974 (actual)	1975 through January	1975 appropriated
Army National Guard	392.6	392.8	393.4	400.0
Army Reserve	228.2	228.3	230.9	225.0
Navy Reserve	106.8	107.1	110.4	111.9
Marine Corps Reserve	32.9	32.9	32.0	36.7
Air National Guard	94.0	93.9	93.8	95.0
Air Force Reserve	46.0	45.9	45.6	51.3
Total DOD	900.5	900.9	906.1	919.9

RAILWAY RIGHT-OF-WAY PROTECTION ACT OF 1975

(Mr. MAGUIRE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAGUIRE. Mr. Speaker, today I am introducing the Railway Right-of-Way Protection Act of 1975. This legislation is intended to provide a solution to two of the most serious problems facing our national railway transportation system—the deterioration in the conditions of the tracks which carry our trains, and the wholesale abandonment of hundreds of miles of tracks which have been providing a valuable economic service to the areas they serve. This bill provides a mechanism for: guaranteeing track standards by selectively placing responsibility for maintenance of railroad trackbeds under the authority of the Department of Transportation; and preventing ill-considered abandonments which do not take into account the economic needs or long term potential growth of the areas affected.

The need for an efficient rail system for the transportation of both passengers and freight was made abundantly clear during the fuel crisis of last year, and such a system will be critical in helping us to achieve our energy-conservation goals during the coming years. The railroads provide one of the most fuel-efficient means of transporting large quantities of goods or large numbers of people. But they have been unable to meet the new demands suddenly thrust upon them.

Unfortunately, the problem goes much deeper than a failure to meet new challenges. Many of the major railroad companies have become increasingly incapable of matching their past performances—the dramatic bankruptcies in the Northeast being the most obvious examples. Their capacity to meet demands upon them has been gradually shrinking through the years, and the immediate prospects of the railroads once again meeting their share of the national transportation burden is bleak. If we are to retain an effective rail system in this country, we must recognize that the routine palliatives of the past will no longer work. We must find new remedies which deal directly with the magnitude of the problem we face. This bill provides such a remedy.

One of the principal failures of many of the major rail companies has been inadequate maintenance of track and railbeds. Because they were already plagued with financial difficulties, and because they invested a significant proportion of their avaliable funds in non-rail ventures, the companies would defer maintenance of these facilities in order to make short-run savings. But this became a self-defeating effort. As conditions of the track and roadbed became worse, their deterioration becomes increasingly rapid. The cost of repairs grows more formidable, and even minimal maintenance costs eventually become overwhelming.

The results are semi-permanent slow orders which force trains to crawl over major segments of their routes due to the condition of track and roadbed. Or, worse yet, there are increasing numbers of derailments, with attendant dangers to persons and freight. Increasing inconvenience persuades shippers and passengers to utilize other modes of transportation, worsening the financial situation of the companies which have engaged in these practices. The whole problem becomes a vicious circle, a circle which cannot be ended by routine efforts.

The solution I am proposing to this grave national problem would provide for Government maintenance of the tracks and roadbeds of those companies which find themselves unable to meet the high standards proposed in this legislation. Alternative proposals have, of course, been made. It has been suggested that Government grants and loans should be provided to the railroad companies in order to allow them to make the repairs themselves. This might suffice for the short term, but without long-term improvement in the general financial condition of the railways, there is little to guarantee that deterioration of track and railbeds will not be a recurring malady afflicting our Nation's transportation capabilities. I believe we must use the present crisis in national rail transportation to work out a long-term, permanent solution to this problem.

An alternative approach would attempt to bail out the rail companies by repeated increments in rail tariffs, the additional proceeds being used to cover the cost of rail reconstruction within the current structure of the finances of the rail companies. But this approach only guarantees severe long-term erosion of the position of the rail companies. If rail rates are increased independently of other modes of freight and passenger transportation, the rails will lose ground still further in the competitive struggle for business, and a further round of financial deterioration followed by equipment and upkeep deterioration will be insured.

But some action must be taken immediately.

As the House is well aware, we are facing a national railroad crisis which has passed beyond the point of corporate financial distress and now threatens to terminate rail service in widespread areas of our country. Railroad track and roadbed is in such bad condition that trains may no longer be operated on some lines, even at very low speeds, unless major rehabilitation work is undertaken very soon.

The Penn Central is living from day to day on direct Federal operating subsidies. Much of its track is limited to 10 miles an hour, and last summer several of its lines were totally shut down for safety reasons by the Federal Railroad Administration.

The Rock Island Railroad is now in bankruptcy, and has announced its intention to cease operations in May. Rock Island management indicates that deteriorated track conditions are the most important single cause of its demise.

Derailments have increased 350 percent over the last decade, with defective track and railbed a leading cause in the increase. And the upward trend in such accidents seems to be accelerating. A less dramatic but equally serious indication of the severity of the problem is that this rise in accidents has occurred in spite of the prevalence of slow orders over much of the track traveled. This is clearly reflected in the on-time record of Amtrak trains, which decreased from 75 to 60 percent between 1971 and 1973. On the books there appeared to be a modest improvement during the early months last year, but this was achieved by the rather odd device of changing the definition of what it means for a train to be on time. Whereas the definition prior to last year was that a train was on time only if it was no more than 5 minutes late, the recordkeepers now declare that a train is on time if it is no more than 15 minutes late per 500 miles traveled.

Just as there has not yet been a satisfactory resolution of the need for a national policy for the rail system as a whole, there has been no consistent attempt to evaluate the implications of rail abandonment on America's economy, or to establish effective and economic means to preserve rail transportation to areas off the main lines.

The total size of our national rail system reached its peak in 1916, with a total of 255,000 miles. It has since then shrunk to the present level of about 204,000 miles, and the ICC has been besieged by a flood of requests for further abandonments—about 250 to 300 petitions per year since 1970. And the ICC has granted petitions to abandon nearly 7,800 miles of trackage since 1970. Further, the ICC has advocated easing the process of approval for abandonment, stipulating 34 carloads per mile per year as the cutoff point below which abandonment would be looked on favorably. This simply encourages sloughing off of service on economically marginal lines, and does not take into account the potentials for future development or the need for present service.

In my own state of New Jersey, there is great concern about both abandonment and the maintenance-solvency problem. The U.S.R.A. plan would eliminate a total of approximately 6,000 miles, including as many as 295 miles in New Jersey. The Penn Central, Jersey Central, Reading, Lehigh Valley, Lehigh and Hudson, and Erie-Lackawanna railroads are all to be part of the ConRail system, and all but the last of these were included in the preliminary system plan. The State's Commissioner of Transportation has called for a reconsideration of the proposals which would eliminate a number of valuable branch and secondary lines in the State, arguing that the requirement that lines must be within 10 percent of profitability is unrealistic and could be disastrous. The type of autonomous State system provided for in this bill would prevent any action without adequate consideration of the impact on users and consumers.

What we are clearly facing is an escalating interconnected crisis for our country's rail system—with a clear impact on the whole of the effectiveness of our national transportation system. And the present problems facing ConRail, combined with its formidable abandonment plans, indicate that the situation can only be expected to become worse.

It is for this reason that I am joining with Senator Humphrey, who is introducing an identical bill today in the

Senate, in recommending a major innovation in our national rail policy.

The bill I am introducing establishes an Interstate Railroad System under the authority of an Interstate Railroad Administration in the Department of Transportation, and a series of local railroad systems under the control of the individual States. The Interstate Railroad Administration and the States have the authority to become owners of and to maintain the rail lines and railbeds of those companies which choose to convey their lines to the Interstate Railroad Administration and the States in order to be relieved of the financial strain of remaining responsible for their maintenance.

The Interstate Railroad System will include initially all lines with traffic of over 10 million gross ton-miles per year per mile of rail line. This will include about 50 percent—about 100,000 miles—of track mileage in the country, and about 80 percent of the traffic. Those lines which it is determined are not necessary for the system because of redundancy may be deleted from the final system.

All lines in the designated system must be kept up to a specified standard—safe and smooth passage of freight trains up to 60 miles per hour. Such a standard generally guarantees satisfactory passenger services up to 80 miles per hour.

All railroad companies could, at their option, convey their tracks to the Interstate Railroad Administration in return for being relieved of responsibility for track maintenance and property taxes. Rail lines conveyed to the Interstate Railroad Administration and not included in the Interstate Railroad System would be turned over by the Administration to the States in which such lines are located. The States would then have responsibility for maintenance of these lines.

Those companies preferring to retain possession of their present lines are free to do so. It is thereafter their responsibility to maintain any of their lines designated as part of the Interstate Railroad System at quality levels required by this legislation.

The savings for companies which conveyed their rail lines to the Administration and the States would be considerable. It is estimated that companies would save 85 percent of total maintenance of way and structures expense, about 15 percent of total payroll taxes, and about 60 percent of total State and local property taxes. While all companies would then be required to pay a user fee of $1 per 1,000 gross ton-miles, most will still make a considerable savings over present costs. And, of course, that yearly savings is only part of the total expected savings for many companies, since a number of the poorer companies have put off adequate maintenance so long that they would be unable to meet the new standards without massive infusions of money. Presumably the companies least likely to convey their lines to the Administration and the States would be those which are currently paying less than $1 per thousand gross ton-miles for those expenses from which they are being relieved, and which additionally have no severe maintenance backlog.

I have prepared a chart for inclusion in the Record which indicates the estimated cost of the items of expense which would be assumed by the Interstate Railroad System and the States for the major rail companies. The figures are not yet avalable for 1974, since the official form A reports to the ICC are not due until April 15:

	1972			1973		
	1	2	3	1	2	3
PC	$254	220	$1.15	$266	225	$1.18
EL	31	37	.83	37	38	.97
RDG	18	9	2.00	18	8	2.25
BM	13	7	1.86	14	7	2.00
LV	7	6	1.17	9	6	1.50
B. & O	82	64	1.28	81	68	1.19
C. & O	64	56	1.14	70	58	1.20
N. & W	100	111	.90	106	115	.92
D. & H	6	5	1.20	7	6	1.16
ICG	73	71	1.05	77	73	1.05
L. & N	71	74	.95	76	78	.97
SCL	97	85	1.14	101	89	1.13
SOU (CO)	82	68	1.20	86	70	1.23
MILW	57	47	1.21	59	48	1.23
CNW	50	52	.96	50	55	.90
BN	164	161	1.01	185	177	1.04
SOO	25	19	1.31	28	22	1.27
RI	43	50	.86	42	52	.80
ATSF	135	136	.99	151	161	.94
DRGW	16	19	.84	17	20	.85
SP (TCo)	164	178	.92	160	191	.84
UP	102	130	.78	119	150	.79
WP	14	15	.93	14	15	.93
KCS	17	16	1.06	17	18	.94
MKT	10	13	.77	12	15	.80
SL-SP	36	37	.97	38	40	.95
MP	71	70	1.01	71	85	.83

NOTES

1. 85 percent of maintenance of way and structures expense, plus 15 percent of payroll taxes, plus 60 percent of State and local property taxes (millions).
2. Gross ton-miles in road service-cars and locomotives (billions).
3. 1 divided by 2—Maintenance and taxes per 1,000 gross ton-miles.

Rail companies which convey their System lines to the Interstate Railroad Administration shall convey their remaining lines to the States. Companies with no designated lines may convey their lines to the States. Any lines acquired by the Administration and later deleted shall be conveyed to the States.

No State may abandon any rail line unless it gives notice, at least one year prior to the commencement of a general session of the State legislature, to the chief executive of the communities and regional agencies through which the line extends, all rail carriers operating on the line, and all shippers who patronize the line. Abandonment may not take place until after adjournment of such session. No company retaining its lines may abandon a line without going through a similar procedure.

The rehabilitation and maintenance of rail lines conveyed to the Administration and the States will be financed through a user's fee and a special trust fund. Rail companies operating over rail lines of the Interstate Railroad Administration or States shall pay $1 per thousand gross-ton-miles—to be adjusted annually according to rates of inflation. If all companies were to convey their lines to the Administration and the States, this would yield—subject to revision when the 1974 figures become available—about $2 billion revenue in comparison to $1.86 billion annual average maintenance costs. But if the wealthiest companies with the best maintenance records choose not to convey their lines, revenue will be about $1.32 billion and costs about $1.28 billion.

Since there is a great backlog on rail maintenance, additional funds are needed to bring lines back up to the required standard. A rail rehabilitation trust fund is established for that purpose, and the act authorizes the appropriation of $500 million per year directly to the trust fund.

There are two mechanisms in the bill to enable the States to meet the increased costs of their new responsibilities. First, there is a direct appropriation for payment to the State and local governments of property taxes of which railroads would be relieved by conveying rail lines. Taxes on rail property are an important source of revenue to many local governments, and the Federal Government should step in to replace this revenue. The Federal payment would be around $250 million per year were all railroads to convey their rail lines and thus obtain relief from property tax liability; around $150 million per year if the more profitable railroads decide to retain their own lines.

Since the lines maintained by the States will be the more costly low-density lines, a portion—10 percent—of the funds earned from the user charges will be set aside to be made available to the States, to cover 70 percent of the costs to the States, over the amount of their own revenues, of track maintenance.

There is one last issue of considerable importance dealt with in the bill, and that is the issue of labor relations. The Interstate Railroad Administration or the States shall continue to employ those previously employed by the companies, and shall assume the existing collective bargaining agreements between the company and the employees. They shall be subject to the same laws regarding employee-employer relations. There are also guarantees for the prevailing wage and other protective clauses.

Public ownership and maintenance of rail rights-of-way has several advantages over present arrangements. It would facilitate more effective rationalization of redundant fixed plant, through joint use of track and facilities by two or more carriers. Low density branch lines could be supported by the excess user charges collected from operations on the high density main lines. Public control should assure uniform high standards of track maintenance, and no deferral of maintenance activities. Funds needed for maintenance could not be diverted into dividends or conglomerate acquisitions.

The net result would be that rail carriers would be placed on the same institutional basis as air, water, and highway carriers. That should give us a better balanced transportation system, and make the existing railroads more viable.

In summary, the approach specified in this legislation should lead us to the recognition that the profit figures for particular lines should not be the sole criterion for determining whether or not such lines should continue to serve the needs of America. And this approach would also enable us to obtain the benefits of having public control over a vital aspect of national transportation policy.

while retaining the benefits of private competition between companies for the most efficient conveyance of persons and goods.

THE VIETNAM DEBACLE—IRRESPONSIBILITY OF THE PRESIDENT

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, President Ford and his administration are displaying dangerous irresponsibility and surprising disregard for the truth in trying to exploit the tragic decline of South Vietnam to its own advantage and at the expense of the Congress.

In trying to make Congress the scapegoat, the President ignores the need for executive-legislative cooperation on major foreign policy issues and, more seriously, does violence to the facts.

In fact, Congress has appropriated more money than the administration has seen fit to spend in South Vietnam this year. Moreover, a report by the General Accounting Office received last week by the House Committee on Government Operations show that the South Vietnamese Government has wasted millions of dollars of the aid it has received.

The GAO found that the South Vietnam army, navy and air force have ordered far more equipment than they could effectively use—$76 million in excess vehicles alone. Equipment and supplies already on hand were overflowing South Vietnam's storage facilities and much of it is rusting and rotting in the open.

The tragedy of Vietnam is complex, many faceted, and beyond the competence of other nations to redeem. We had hoped that this administration had learned the painful lesson that massive military assistance, by itself and under inhospitable circumstances, will not end this conflict.

The apparent impending collapse of the Thieu government has roots which travel far into the past: a feudal society, dominated by colonialism shaken loose during the global war of the 1940's, split by religious, ethnic and political rivalries, which gradually turned Vietnam into the bloodiest battlefield in history.

The United States tried to "save"—not just help but save—half a country which was without benefit of sufficient national consciousness, economic health, or political capacity. Their political structure, designed to satisfy the appearances of democracy, was doomed by corruption, contradiction and incompetence, and a mighty military machine which leaderless troops could not run.

From early efforts to provide expert advisory assistance, we soon found ourselves too deeply into a total involvement, which is not clear, was predestined to come apart soon after we left—no matter how long we stayed or how much we left behind.

It was the Congress, not this President nor his predecessor, which finally awoke to the wisdom of ending this war that no one would win, a war that brought disaster to all concerned.

It ill becomes the President at this time to ignore history in order to secure a partisan advantage; to divide people and institutions in America at a time when cooperative action is required.

We should not have to remind a forgetful President of the facts on which the administration chooses not to dwell: The millions of dollars in military assistance already authorized by Congress which the President so far has failed to send to Vietnam; the world's fourth largest air force, fully equipped and trained by the United States, which South Vietnam fails to commit to its own defense; hundreds of millions of dollars of American tanks, guns, ammunition, spare parts abandoned to the enemy by leaderless, panic-stricken South Vietnamese forces; and a ineffectual President of South Vietnam who—without military necessity or justification—which the administration privately recognizes—surrenders half his country and millions of defenseless victims without a fight.

The collapse of South Vietnam causes tragic consequences for the Vietnamese and poses serious long-term problems for the United States, problems partially of our own making—but not the calamitous picture the President paints—which we all would be well-advised to confront: Realistically, deliberately, cooperatively.

It is this spirit—a spirit typical of America at its best—that we miss today. It is a spirit which the President and the Congress—together—can help restore.

CORRUPTION IN HONDURAS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, today's Wall Street Journal contains an article which reveals the shocking story of a $1.25 million bribe by the United Brands Co. of a Honduran Government official, allegedly the President of that country. This story raises anew serious questions about the activities of U.S. companies abroad. Undoubtedly the story will lead to further inquiries by appropriate committees and subcommittees.

In reading the article I was surprised to note the apparent lack of U.S. laws making it a criminal offense for a U.S. corporation to either conspire to offer or actually offer a bribe to a foreign government official. I intend to look further into this subject and offer appropriate legislation if warranted.

Following is the text of today's Wall Street Journal article:

Buying Favor: United Brands Paid Bribe of $1.25 Million To Honduran Official

United Brands Co., a multinational foods concern based in New York, admits that it paid a $1.25 million bribe to an official of Honduras to win concessions from that country on the export tax on bananas.

The Securities and Exchange Commission is investigating allegations that the official is the president of Honduras.

The SEC had been looking into the operations of the company following the suicide earlier this year of United Brands' chairman and chief executive officer, Eli M. Black. Mr. Black, 53, jumped to his death Feb. 3 from his 44th-floor office in mid-Manhattan. The SEC investigation had been routine—a study it customarily opens in any case of an unusual death of a chief executive officer.

The SEC investigation, however, intensified when the agency received information passed on to it by the State Department. According to a top-level State Department officer, the U.S. embassy in Tegucigalpa had developed some information regarding payoffs by United Brands allegedly to the president of Honduras. The embassy passed this information along to Washington, which in turn passed it on to the SEC.

United Brands said that it requested that the information it made available to the SEC be held confidential, but the company said it now is releasing the essential facts because of The Wall Street Journal's knowledge of the investigation, its inquiries into this matter and its plans to publish details in today's editions.

BLACK'S AUTHORIZATION ALLEGED

The company said in a statement issued last night that the board of directors has learned that the company in 1974 paid "an official of the Republic of Honduras" $1.25 million to win a reduction of the Honduran export tax on bananas. The company said that the payment was authorized by Mr. Black, who was then chairman and chief executive officer of United Brands. The payment was made through foreign subsidiaries of the company and wasn't accurately identified on their books and records, the statement said.

United Brands said that it was part of the original understanding with the Honduran official that an additional payment of $1,250,000 would be made. Although the company declined to identify the official, sources close to the investigation say that the payments were to Gen. Oswaldo Lopez, the president of the Central American nation.

In Honduras, a spokesman at President Lopez's office said that the president "is out" and that he didn't know where Mr. Lopez could be reached. For reasons that aren't clear, Gen. Lopez was stripped last week of his post as commander in chief of the Honduran armed forces. In Washington, the Honduran embassy also declined comment.

EXPROPRIATION FEARED

In the United Brands statement, which was drafted by six corporate attorneys, the company said that this year the board determined that the additional payment to the Honduran official won't be paid. But the company went on to say that the disclosure of the first payment could result "in a material reduction in future earnings and a loss of substantial corporate assets, which in turn, could affect the continuity of the operations of the company."

In effect, what United Brands fears is that as a result of the disclosure of this bribe, Honduras may very well decide to expropriate the company's 28,000 acres of banana properties in Honduras, which supply about 25% of United Brands' total banana production.

The company also said that the board has decided to appoint a special committee to investigate and report to it the circumstances connected with the Honduran payment as well as "certain other payments in countries outside the Western Hemisphere." The company said that on the basis of its present information, these "other payments" are thought to amount to about $750,000.

EFFECT ON A SHAKY GOVERNMENT

For its part, the SEC hasn't decided whether to charge the company with violating federal securities laws by covering up the payoff, but an SEC decision is expected later this week. The admission by United Brands of the Honduran payoff has larger ramifications than possible SEC action. The admission sets off other questions concerning the stability of the already-shaky Honduran government of Gen. Lopez. The State Department is concerned that the news will harm U.S. relations with Honduras and with Latin America generally.

United Brands' two major U.S. banana-producing competitors are Standard Fruit Co., which is a subsidiary of Castle & Cooke Inc., and Del Monte Corp. United Brands' major competitor in the Honduran banana trade, Castle & Cooke, said in Honolulu that it has never made payments similar to those by United Brands. "We find this a deplorable development," Robert G. Moore, vice president and general counsel, said in a telephone interview.

"We're at a loss to understand something like this," Mr. Moore added. "And it's most unfortunate coming as it does at a time when discussions with various Latin American governments are under way."

Castle & Cooke is concerned that the revelation of the United Brands payoff will have "tragic consequences" beyond the Honduran border. "This will have a tremendous impact in all of Central America when questions are raised" as to whether there were other payments to other governments, Mr. Moore said.

A source close to recent developments in Honduras said that there had been "a great amount of tension" in the country in the last week or so. The source said that some senior army officers have been removed from their posts on charges of personal aggrandizement. A core of young, energetic army officers, described as "left of center" has called for the resignation of certain cabinet officers, the source added.

"Things have moved rapidly in the last week and a half, and the United Brands revelations will add considerable fuel to the fire of the young officers," the source added.

WHAT THE REDUCTION MEANT

The current SEC investigation centers on United Brands and the company's efforts to lower the Honduran banana tax. In 1974, United Brands incurred a charge of well over $11 million because of banana export taxes imposed by Honduras, Panama and Costa Rica. In April 1974, Honduras, the world's third-largest banana-producing country, announced that it would impose a tax of 50 cents a box. Sources estimate that this would have cost United Brands somewhere in the neighborhood of $15 million. However, the company persuaded Honduras to impose only a 25-cent-a-box tax in 1974, thus reducing its costs by some $7.5 million.

The disclosure also rekindles speculation concerning the circumstances surrounding Eli Black's suicide, a death caused by what friends and associates have described as great strain because of business pressures.

What seems likely is that Mr. Black had to know of the bribes. He almost single-handedly built United Brands into the $2 billion multinational company it is today and ran it with authoritarian direction. His single-man control was established early; in 1954 he joined an old-line $5 million producer of milk-bottle caps, American Seal Kap Corp., as chairman and chief executive officer. He renamed that company AMK Corp. and in 1970 engineered the merger of AMK with United Fruit Co. After the completion of the merger, the company's name was changed to United Brands, and the concern was in the banana business.

For the past several years, it has been this business that has caused trouble for United Brands. In 1973, a windstorm swept through Honduras, curtailing for a time the company's production there. Early last year the banana situation was further complicated. United Brands increased its exports from Honduras to the U.S.; meanwhile its competitors also sharply raised their banana shipments to the U.S. These factors combined to create an oversupply, which severely depressed banana prices and produced what United Brands called "unsatisfactory banana operations" during the first quarter of last year.

At the same time that United Brands and other banana producers were suffering from oversupply, seven Central and South American countries decided to form a Union of Banana Exporting Countries and push together for high fruit prices. The plan called for banana-exporting countries to levy a tax of $1 per 40-pound box on bananas to offset these countries' climbing fuel costs.

The effort to impose this tax began what is referred to as "the banana war." United Brands and other concerns quickly protested this tax, and the banana war quickly was reduced to skirmishes involving just four countries. (The world's largest banana producing country, Ecuador, refused to enact a tax.)

Then, in April 1974, Honduras enacted its 50-cent tax. It deferred payment on this tax, however, until June. In August, Mr. Black wrote a letter to United Brands' shareholders in which he said that the Panamanian tax of $1 a box, the Costa Rican tax of 25 cents a box and the Honduran tax of 50 cents a box "violated and breached the provisions of existing agreements with these countries." But he also wrote that the company realized the countries' need for additional revenue and said he intended to negotiate with them to attempt to arrive at a reasonable formula. (Currently the Panamanian tax is 35 cents a box, and the Costa Rican levy is 25 cents.)

Later that same month, United Brands announced that it had reached an "understanding" with Honduras for a tax of 25 cents a box with yearly increases beginning in 1975, depending in part on the banana market at the time. (The Honduran tax is currently 30 cents a box.) Based on the sequences of these events, sources suspect that the bribe was given somewhere between April and August of last year.

A month after this announced understanding on the tax with Honduras, United Brands and that country suffered devastating losses from Hurricane Fifi. The hurricane crushed some 70% of the company's plantation in Honduras and caused a $20 million loss to crops and facilities. Thus after having negotiated a smaller banana tax, United Brands faced the calamitous situation of having precious few boxes of bananas to export.

According to a personal friend and business associate of Mr. Black, such a bribe would have been given only under extreme pressure. Mr. Black preferred to use social contributions to influence relations with the foreign countries where United Brands operated, this source says. Over the past several years, United Brands under Mr. Black's direction built a medical center in Guatemala and gave away 300,000 doses of polio vaccine to people in Costa Rica. The company also donated the use of planes and ships and gave medical aid and food to victims of Hurricane Fifi in Honduras.

"This was the kind of pattern he was trying to develop," his business associate says. But if he authorized a bribe in this case, the friend adds, he could only have been giving in to pressure."

The SEC's enforcement division has sent a detailed account of its findings to the five-member commission, which discussed the matter on Monday and plans to study the case again tomorrow. It's understood that the SEC staff believes that the company violated the reporting provisions of federal securities law by failing to disclose the payoff in its financial statements.

The SEC hasn't any authority over payoffs to foreign officials. But its rules require companies to make full disclosure of their financial affairs. Thus, the SEC is frequently able to use its disclosure requirements as a lever to pry out information about shady dealings.

The SEC staff reportedly has recommended that the commission require United Brands to disclose the payoffs. Additional recommendations, if any, aren't known. But in most cases involving violations of its reporting provisions, the agency also seeks a court order enjoining the company from further violations. In addition, the agency often forces a company to set up a special audit committee to monitor its reporting and disclosure policies.

Besides reviewing the United Brands case on Monday, the commission discussed the possibility of issuing a general policy statement emphasizing the obligation of companies to disclose foreign payments in exchange for special treatment. Officials in the agency's enforcement division believe that when a company receives substantial benefits as the result of payoffs, investors have a right to know the circumstances.

But the agency apparently decided against issuing such a statement, reportedly because it concluded that the foreign-policy implications were outside the SEC's sphere. It's possible, however, that the SEC and the State Department may try to work out a joint policy position on corporate payoffs to foreigners.

At the moment, the State Department seems especially interested in emphasizing that it didn't have any prior knowledge of or connection with the payoffs. "The interest the department has is to make it very clear that we aren't involved in this situation and that we condemn it," says a Latin American affairs expert at the department. "Throughout Latin America," he notes, "it's assumed that U.S. corporations and the U.S. government work hand in hand. But we have nothing to do with this."

WILDERNESS IN THE NATIONAL PARK SYSTEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, on December 4, 1974, the President submitted to the Congress his final series of recommendations resulting from the study and review process established by the Wilderness Act of 1964. This 10-year review has brought before us the administration's recommendations as to the suitability or nonsuitability for designation as wilderness of more than 150 acres of Federal land in the National Park System, National Wildlife Refuge System, and National Forest System.

Under the provisions of the Wilderness Act, an act of Congress is required to designate an area as wilderness, and thus to give the area permanent protection against development or impairment by placing it in the National Wilderness Preservation System.

The Subcommittee on National Parks and Recreation, on which I am happy to serve, will soon take up some of the wilderness proposals for units of the National Park System, of which more than 40 are now pending. However, most of these proposals represent only the views of the present administration. In many cases, local citizens have prepared contrasting proposals that would give wilderness designation to additional lands in these great natural areas.

These citizens' proposals, presented at

the Interior Department's field hearings, which were required by the Wilderness Act, reflect the longtime field experience and abiding concern that local citizens have for the national parks. I believe that these proposals should be thoroughly considered by the Congress on the same basis as those of the administration.

Therefore, to provide for fair consideration of these citizen proposals, I am today introducing an omnibus bill containing wilderness proposals of local citizen conservation organizations for 43 units of the National Park System. These proposals are also endorsed by national citizen conservation groups, including the Wilderness Society, Sierra Club, Friends of the Earth, Federation of Western Outdoor Clubs, and others.

I anticipate that when the subcommittee considers the wilderness proposals for the National Park System, we will want to consider and resolve the differences between these citizen proposals and the administration's proposals.

HOW AND WHERE U.S. OVERSEAS TROOPS CAN BE REDUCED: SOME POSSIBILITIES

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, over the past 3 years I have directed my attention—and that of the House—to the issue of this Nation's huge commitment of our military manpower. In both 1973 and 1974 I offered amendments to military authorization bills proposing significant reductions in those commitments and I shall do so again this year.

And while the language of all these amendments has left decisionmaking as to where and why such cuts could be made explicitly to the Department of Defense, I am continually asked those same questions. Once again, I emphasize that the location of these reductions must be left to the Pentagon; I believe it the job of Congress to set limits and the job of the executive branch managers to make the concrete decisions within those limits.

Nevertheless, it is possible to show where substantial reductions—say, of 100,000 troops—could be accomplished without affecting the absolute level of our defense capability in any part of the world.

The following analysis was undertaken to present a detailed perspective of how a 100,000 cut can be made without—as many critics have charged—"decimating" our forces in Europe or leaving the Pacific "stripped."

I stress that this is only a hypothetical presentation, that no amendment should directly call for specific reductions in any one place. Still I think that this exercise does clearly indicate where the fat in our overseas troop commitments can easily be trimmed, and that reduction of overseas troop levels can in no sense be called a retreat into isolationism or a decrease in real military strength.

A SUGGESTED WAY TO WITHDRAW 100,000 U.S. MILITARY PERSONNEL FROM LAND BASES IN FOREIGN COUNTRIES[1]

	Total U.S. military personnel overseas as of Dec. 31, 1974	Total suggested reduction under 100,000 amendment	Total U.S. military personnel remaining overseas after suggested 100,000 reduction
Southeast Asia	25, 250	−25, 000	250
Thailand	25, 000	−25, 000	0
South Vietnam	250		250
Western Pacific	139, 000	−42, 000	97, 000
Japan (including Okinawa)	52, 000	−18, 000	34, 000
Philippines	18, 000	−6, 000	12, 000
South Korea	40, 000	−16, 000	24, 000
Taiwan	5, 000	−2, 000	3, 000
Afloat	24, 000		24, 000
Western Europe and related areas	299, 000	−30, 000	269, 000
Belgium	2, 000	−250	1, 750
Germany	207, 000	−15, 000	192, 000
Iceland	3, 000		3, 000
Italy	12, 000	−4, 000	8, 000
Greece	4, 000	−1, 000	3, 000
Morocco	1, 000	−500	500
Netherlands	2, 000		2, 000
Portugal	1, 000	−250	750
Spain	9, 000	−4, 000	5, 000
Turkey	7, 000	−2, 000	5, 000
United Kingdom	21, 000	−3, 000	18, 000
Afloat	29, 000		29, 000
Other	1, 000		1, 000
Other world areas	48, 000	−3, 000	45, 000
Bermuda	1, 000	−200	800
Canada	2, 000		2, 000
Cuba	3, 000	−800	2, 200
Guam	10, 000		10, 000
Panama Canal Zone	10, 000		10, 000
Puerto Rico	5, 000		5, 000
Afloat	10, 000		10, 000
Other	7, 000	−2, 000	5, 000

[1] Above figures based on latest DOD report as of Dec. 31, 1974.

BACK-UP JUSTIFICATION BY AREA FOR A REDUCTION OF 100,000 MILITARY PERSONNEL ASSIGNED OUTSIDE THE U.S. AND ITS TERRITORIES AND POSSESIONS

SOUTHEAST ASIA

Thailand: Recent DoD reports show a U.S. military presence of approximately 25,000 Air Force and Army personnel in Thailand. The Thai government has also recently announced its intention of requesting the U.S. to remove all military personnel within one year. There is a no article of the SEATO Treaty which requires or authorizes any level of U.S. military force presence in Thailand. Indeed the Department of Defense has indicated that there is no signed bilateral agreement between the U.S. and Thailand which provides a legal basis for the presence of any number of U.S. forces in Thailand. According to the DoD, U.S. forces are in Thailand on the basis of "informal and oral agreements with the Thai authorities." In terms of combat deterrent power only about 9,000 Air Force personnel (out of the 25,000 overall force) are assigned to combat duties and they currently have no viable combat mission.

WESTERN PACIFIC

Japan and Okinawa: The suggested reduction of 18,000 military personnel from Japan and Okinawa could include the removal of the 18,000 man MAF divisional force and Air Wing from Okinawa and Japan. According to DoD, the III Marine Amphibious Forces (composed of an over-the-beach infantry assault division plus supporting tactical aircraft) mission is to contribute to "deterrence, stability in the area and assurance to our allies, especially Japan [where there are 18,000 more U.S. troops], Korea [where there are 40,000 more U.S. troops], and Taiwan [where there are 4,000 more U.S. troops] of the credibility of U.S. commitments." DoD cannot specify any threat to U.S. national security which the III MAF deters or defends against by its presence on Okinawa. It certainly is not intended for a one division over-the-beach landing in the Peoples Republic of China, nor is there much likelihood of it being legitimately used in Southeast Asia. And the presence of other U.S. forces in the areas mentioned in the III MAF mission preclude it from actually being needed to assure our allies in those countries of the "credibility of U.S. commitments." So why should the Marine division be continued on Okinawa at a cost in 1974 of over $350 million to the U.S. taxpayer.

Philippines: In 1974 the number of U.S. military personnel stationed in the Philippines increased from 16,000 to 18,000. There were no reported changes in threats to U.S. security, treaty commitments or foreign policy objectives which necessitated this increase. Article 1 of the Treaty between the Republic of the Philippines and the U.S. specifically states that the U.S. may relinquish rights to bases in the Philippines and does not require any level of U.S. military manpower to be stationed in the Philippines. The major part of U.S. military forces in the Philippines are noncombat logistic and communication personnel at the Air Force's Clark Field and the Navy base at Subic Bay. With reduced combat missions in Southeast Asia, it would appear logical that noncombat headquarter and base support personnel could be pruned back by 6,000 men at these huge U.S. bases. It is noteworthy that the mission of the 13th U.S. Air Force Headquarters in the Philippines includes a requirement to "conduct, control and provide logistics and communication support for defensive *and offensive* air operations" (emphasis added).

South Korea: A withdrawal of 16,000 military personnel from South Korea could include the Army's 2nd Infantry Division and its initial support troops plus the withdrawal of the entire Eighth Army Headquarters. This would still leave in Korea a sizeable fire-support force consisting of the Joint U.S.-Korean Command, I Corps Headquarters, the 38th Artillery Brigade, 4th Missile Command, Korean Support Command (KORSCOM) and approximately 8,000 personnel in U.S. Air Force Korea Headquarters to man 54 F4D fighter-bombers. There is no logical military mission requirement for continuing after 25 years to maintain the presence of a U.S. Army infantry division in South Korea, when the 600,000 man South Korean Army (which opposes a 400,000 North Korean Army) is strongest in Vietnam-trained battle-experienced infantrymen.

Taiwan: Reduced mission requirements in S.E. Asia and DoD postulating a lowered military threat analysis concerning the Peoples Republic of China, permit a reduction of 2,000 in the number of U.S. Air Force and Navy non-combat command, administrative and support personnel assigned in Taiwan for S.E. Asia support, transport and communication missions. These personnel are not assigned in Taiwan under the provisions of the U.S.-Republic of China Mutual Defense Treaty.

WESTERN EUROPE AND RELATED AREAS

Belgium: A reduction of 250 U.S. military personnel could easily be made in the 2,000 command, administrative and headquarter support personnel that the Army and Air Force currently maintain in the group supporting the U.S. Element of SHAPE Headquarters.

West Germany: The Army alone has identified approximately 12,000 noncombat command, administrative and support positions in U.S. Army Europe that can be changed to combat duties. There are approximately 60,000 more U.S. Army Europe personnel also assigned to noncombat command and support positions that could also be considered for deactivation. The suggested 15,000 reduction could come from the 48,000 identified superfluous support/spaces or from the other 19,000 or more noncombat support jobs throughout the Army and Air Force units stationed in the Federal Republic of Germany.

Italy: A 4,000 reduction could be made by withdrawing the Army's 2,700 person Southern European Task Force (SETAF) and consolidating and reducing the functions and number of military personnel assigned to Navy and Air Force command and support units at Naples and Aviano air base respectively. There is no NATO or bilateral treaty commitment or requirement for any U.S. military personnel to be stationed in Italy. If the nuclear fire support currently provided by the two Army missile battalions in SETAF was again required by the Italian Army, they could be quickly returned prior to the outbreak of hostilities. The U.S. airborne battalion currently provided as an Allied Command Europe (ACE) "mobile force commitment" could be a "commitment" of an Italian, British or Canadian battalion as well as American one. In 1974 DoD reported that only 2,310 of the 12,000 U.S. military personnel assigned in Italy were serving in combat skill duties. The bulk of the 4,000 cut could therefore come chiefly from the 9,690 U.S. personnel serving in sunny Italy in noncombat command and support jobs.

Greece: A reduction of 1,000 personnel would come from the additional 1,000 Navy command, administrative and support personnel sent to Greece since March 31, 1973 in connection with the "homeport" concept. A change in the Greek government's attitude concerning the desirability of having large numbers of Navy personnel "homeported" in Greece makes this concept highly questionable. Also, the sailors from the Sixth Fleet carrier task group "homeported" at Piraeus, Faleron and Elefsis are scattered over a 30 mile area in homes without adequate communication facilities for rapid assembly. This situation reduces the rapid-reaction operational readiness of the Sixth Fleet. The fallacy of the "homeport" plan plus the doubtful status of other U.S. bases in Greece since the Greek withdrawal from the NATO military command, make it necessary to begin to reduce the U.S. force presence. This reduction would not reduce the number of personnel assigned to the operational Sixth Fleet units.

Morocco: There is no approved treaty or agreement between the U.S. and Morocco which provides a juridical basis for the presence in Morocco of 1,000 U.S. military personnel and about 1,000 dependents.

None of the U.S. military personnel stationed in Morocco are assigned to combat jobs. It cost the taxpayer about $40 million for this noncombatant U.S. presence from 1958-1974. There are no DoD figures available for the costs to the U.S. from 1953–1968. The 500 reduction could be made among the command and administrative support personnel assigned to the Navy communication facility. It could be a first step in eventual removal of the U.S. facility from Morocco and its transfer to an afloat capability or to Rota in Spain.

Portugal: A 250 reduction could come from the small number of U.S. military personnel in Portugal (with the MAAG and the Iberian command) and from the Navy and Air Force command, administrative and support personnel stationed in the Azores. The U.S. Azores base at Lajes handles very few legitimate transient aircraft requirements and now has only one Navy sea reconnaissance element based there. The Azores base principally serves as a turn-around way-station for U.S. Air National Guard pilots and crews getting in their weekend flying for flight pay and proficiency as well as a few rounds of golf at the base golf course. This base was not as essential to the 1973 airlift to Israel as the DoD has indicated. It was a great convenience, but not an absolute necessity. It is even less important now that Congress has appropriated money for the C–141 transports to be converted for aerial refueling.

Spain: The suggested 4,000 person reduction could be made by deactivating the 16th Air Force Headquarters at Torrejon and the Air Force stand-by support group at Pablo-Moron air base. Additional reductions could be made from the base support personnel at the Air Force's Torrejon and Zaragoza air bases and the Navy's aerial support detachment at Rota. These reductions could be facilitated by a consolidation of all U.S. air and sea military activities in Spain at Rota and the subsequent removal of U.S. personnel from the U.S. financed, Spanish-commanded, bases, at Torrejon and Zaragoza. A similar course has been suggested by the Spanish during the current renegotiation of the 1953 base agreement. The U.S. is not required by any treaty or agreement to station forces in Spain. And there is considerable question whether Spain would permit the U.S. forces on Spanish bases to use those bases for NATO purposes when Spain is not a member of NATO. For example, during the 1973 Mid-East War, Spain refused to let U.S. aircraft on unilateral missions to aid Israel and use the Spanish bases.

Turkey: A 2,000 reduction in the 7,000 U.S. military personnel stationed in Turkey could come from the noncombatant Army and Air Force personnel assigned to NATO and U.S. headquarters, and from base administrative and logistical support personnel stationed at Iskenderun and Izmir.

There is no treaty or agreement which authorizes or requires U.S. military personnel to be stationed in Turkey. During the FY 1973 Mid-East War, U.S. aircraft flying supplies to Israel were denied unrestricted use of U.S. air bases in Turkey, although Soviet planes carrying military equipment to Egypt were allowed to overfly Turkish airspace unchallenged. The DoD says the major mission requirement for keeping F–4 fighter squadrons stationed in Turkey is because the U.S. "must continue to meet its responsibilities" in support of "integrated NATO strategy in Turkey." Why can't British, Canadian, Italian, Turkish, Dutch or Belgium squadrons perform this "integrated" NATO mission—why is it always incumbent that U.S. forces fill these "integrated" NATO requirements?

United Kingdom: A 3,000 person cut in the 21,000 U.S. military personnel stationed in the United Kingdom could come from the excessive number of command personnel assigned to the Navy and Air Force headquarters in Great Britain. No combat personnel would need to be removed. Reductions could be made entirely from noncombat administrative and base support personnel assigned at the various Air Force bases in Great Britain. There is no treaty commitment that requires any level of U.S. military personnel to be stationed in the United Kingdom.

OTHER WORLD AREAS

Bermuda: Of the 1,000 U.S. military personnel stationed in Bermuda, 250 are assigned to the Navy Maritime Patrol Squadron which is the only DoD combat mission force assigned on the island. The 200 person reduction could be taken from the 750 noncombat command and support personnel that service the base recreational and vacation facilities rather than the Maritime Patrol Squadron.

Cuba: The 800 reduction could be made by the withdrawal of one of the additional marine battalions sent to Guantanamo during the Cuban crisis of 1962. With the relaxation of tensions and the forthcoming re-establishment of U.S.-Cuban diplomatic relations strongly rumored, it seems reasonable to begin to slightly reduce the size of the beefed-up U.S. military presence in Cuba.

Other: This catch-all category of overseas U.S. military personnel is not broken down by country of assignment. But it includes military advisors, intelligence, support, transport and communication personnel scattered throughout the world. Certainly a small reduction of 2,000 can be made in this 7,000 person undefined force presence without affecting the combat power necessary to support U.S. worldwide foreign policy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KINDNESS) to revise and extend their remarks and include extraneous material:)

Mr. CLEVELAND, for 15 minutes, today.

Mr. YOUNG of Florida, for 15 minutes today.

Mr. YOUNG of Alaska, for 10 minutes, today.

Mr. RAILSBACK, for 5 minutes, today.

Mr. ASHBROOK, for 10 minutes, today.

(The following Members (at the request of Mr. SANTINI) to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Ms. HOLTZMAN, for 10 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. DRINAN, for 15 minutes, today.

Mr. BEDELL, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. KOCH, for 5 minutes, today.
Mrs. SPELLMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KRUEGER, his remarks prior to the vote on the Bauman amendment in the Committee of the Whole today on H.R. 4723.

(The following Members (at the request of Mr. KINDNESS) and to include extraneous material:)

Mr. WYDLER.
Mr. CRANE in two instances.
Mr. ARMSTRONG in two instances.
Mr. HILLIS.
Mr. PRESSLER.
Mr. QUIE.
Mr. ASHBROOK in six instances.
Mr. KELLY in three instances.
Mr. CONTE.
Mr. ROUSSELOT.
Mr. STEELMAN.
Mr. BEARD of Tennessee.
Mr. HANSEN in two instances.
Mr. O'BRIEN.
Mr. BOB WILSON in two instances.
Mr. CARTER in two instances.
Mr. RAILSBACK.
Mr. MICHEL in two instances.
Mr. KEMP in two instances.
Mr. JEFFORDS.
Mr. CONLAN in two instances.
Mr. DEVINE.

(The following Members (at the request of Mr. SANTINI) and to include extraneous matter:)

Mr. REES.
Mr. SOLARZ in three instances.
Mr. MOTTL.
Mr. EVINS of Tennessee in 10 instances.
Mr. LLOYD of California.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. OBEY in six instances.
Mr. KRUEGER in two instances.
Mr. MCDONALD of Georgia in five instances.
Mr. EARLY in two instances.
Mr. DELLUMS in five instances.
Mr. STUDDS.
Mr. MOFFETT.
Mr. SIMON in two instances.
Mr. RANGEL in four instances.
Mr. OBERSTAR.
Mr. BALDUS in three instances.
Mr. BEDELL.
Mrs. LLOYD of Tennessee.

ADJOURNMENT

Mr. SANTINI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Thursday, April 10, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

754. A letter from the President of the United States, transmitting a draft of proposed legislation to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes (H. Doc. No. 94-99); to the Committee on Government Operations and ordered to be printed.

755. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for the "Food Stamp Program, Food and Nutrition Service," has been apportioned on a basis which indicates a necessity for a supplemental estimate of appropriation for fiscal year 1975, pursuant to section 3679(e) of the Revised Statutes [31 U.S.C. 665(e)(2)]; to the Committee on Appropriations.

756. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing); transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Air National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

757. A letter from the Chairman of the Board and President, Federal National Mortgage Association; transmitting the 1974 annual report of the Association; to the Committee on Banking, Currency and Housing.

758. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to repeal section 411 (b)(4) of the Higher Education Act of 1965; to the Committee on Education and Labor.

759. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting notice of proposed rulemaking on assistance to States for State Equalization Plans, pursuant to section 842 (a)(2) of Public Law 93-380; to the Committee on Education and Labor.

760. A letter from the Secretary of Transportation, transmitting a report on the activities of the Department of Transportation under the Freedom of Information Act during calendar year 1974, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

761. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578), as amended; to the Committee on Interior and Insular Affairs.

762. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a statement of reasons that sales to Egypt under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, are in the national interest, pursuant to sections 103 (d) (3) and (4) of the act (Public Law 83-480); to the Committee on International Relations.

763. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Charles S. Whitehouse, Ambassador-designate to Laos, and his family, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

764. A letter from the Assistant Legal Adviser for Treaty Affairs Department of State, transmitting copies of international agreements, other than treaties entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on International Relations.

765. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a copy of the Commission's fiscal year 1975 apportionment schedule, received from the Office of Management and Budget, pursuant to section 27(k)(1) of Public Law 92-573; to the Committee on Interstate and Foreign Commerce.

766. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 1114 of title 18 of the United States Code to include officers and employees of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions; to the Committee on the Judiciary.

767. A letter from the Commissioner, Federal Prison Industries, Inc., Department of Justice, transmitting the annual report of the Board of Directors of the Corporation for fiscal year 1974, pursuant to 18 U.S.C. 4127; to the Committee on the Judiciary.

768. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended [8 U.S.C. 1154(d)]; to the Committee on the Judiciary.

769. A letter from the Deputy Secretary of Transportation, transmitting notice of a dedelay in the submission of the report on appropriations and staffing needed to monitor pipelines on Federal lands and the Outer Continental Shelf, required by section 21(b) of the Deepwater Port Act of 1974 (Public Law 93-627); to the Committee on Public Works and Transportation.

RECEIVED FROM THE COMPTROLLER GENERAL

770. A letter from the Comptroller General of the United States, transmitting a report on U.S. assistance and other expenditures benefiting Thailand; to the Committee on Government Operations.

771. A letter from the Comptroller General of the United States, transmitting a report on improving the Department of Defense's management of petroleum fuels; jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Georgia: Committee on Rules. House Resolution 385. Resolution for the consideration of H.R. 46. A bill to provide for the development and implementation of programs for youth camp safety (Rept. No. 94-135). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 386. Resolution providing for the consideration of H.R. 5398. A bill to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions (Rept. No. 94-136). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 5756. A bill to amend the Agricultural Adjustment Act of 1938 with respect to peanuts; to the Committee on Agriculture.

H.R. 5757. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. ARMSTRONG:

H.R. 5758. A bill to amend the Fair Labor Standards Act of 1938 to revise the application of the overtime compensation provisions of that act to public employees engaged in public utility functions or other functions operated on a continuous basis; to the Committee on Education and Labor.

By Mr. ARMSTRONG (for himself and Mr. Evans of Colorado):

H.R. 5759. A bill to limit the liability of a broker who sells any agricultural commodity on behalf of his principal when that commodity serves as security for any loan made, insured, or guaranteed under a program administered by the Farmers Home Administration; to the Committee on Agriculture.

By Mr. BREAUX (for himself and Mr. Young of Alaska):

H.R. 5760. A bill to amend section 4 of the Fish and Wildlife Act of 1965, to provide short-term relief to those portions of the fishing industry which have suffered economic dislocation; to the Committee on Merchant Marine and Fisheries.

By Mr. BREAUX (for himself, Mrs. Boggs, and Mr. Hayes of Indiana):

H.R. 5761. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster evacuation expenses; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. Young of Alaska):

H.R. 5762. A bill to impose quantitative limitations on the importation of shrimp into the United States during calendar years 1975 and 1976, and to impose a duty on imported shrimp; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. Hayes of Indiana):

H.R. 5763. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster preparation expenses; to the Committee on Ways and Means.

By Mr. BROYHILL (for himself, Mr. Hillis, Mr. Brown of Ohio, and Mr. Abdnor):

H.R. 5764. A bill to amend the Clean Air Act to provide a postponement of certain motor vehicle emission standards and to provide for certain related studies and reports, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Massachusetts:

H.R. 5765. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for individuals who perform voluntary public service by working for certain organizations; to the Committee on Ways and Means.

By Mr. CLANCY:

H.R. 5766. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 5767. A bill to amend the Internal Revenue Code of 1954 to provide that the deduction for charitable contributions shall be allowable whether or not the taxpayer takes the standard deduction; to the Committee on Ways and Means.

By Mr. DOWNEY.

H.R. 5768. A bill to establish a national cemetery at Calverton, N.Y.; to the Committee on Veterans' Affairs.

By Mr. ERLENBORN:

H.R. 5769. A bill to incorporate the United States Submarine Veterans of World War II; to the Committee on the Judiciary.

By Mr. EVANS of Indiana:

H.R. 5770. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. FLORIO:

H.R. 5771. A bill to amend title II of the Social Security Act to provide that the remarriage of a widow, widower, or parent shall not terminate his or her entitlement to widow's, widower's, or parent's insurance benefits or reduce the amount thereof; to the Committee on Ways and Means.

By Mr. GUYER:

H.R. 5772. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. Brown of California, Mr. Burke of Massachusetts, Mr. Flood, Mr. Gaydos, Mr. Harrington, Mr. Stark, Mr. Vigorito, Mr. Weaver, Mr. Wirth, Mr. Yatron, Mr. Zeferetti, and Mr. Patterson of California):

H.R. 5773. A bill to amend the Older Americans Act of 1965 to provide relief for older Americans who own or rent their homes; to the Committee on Education and Labor.

By Mr. HENDERSON:

H.R. 5774. A bill to amend section 1006 of title 39, United States Code, relating to the eligibiltiy of U.S. Postal Service employees for transfer to other positions in the executive branch, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH:

H.R. 5775. A bill to provide for an immediate 15-percent cost-of-living increase in social security benefits; to the Committee on Ways and Means.

By Mr. McFALL (for himself, Mr. Ford of Tennessee, and Mr. Obey):

H.R. 5776. A bill to establish an independent board which shall have the authority to require prenotification of price increases, delay proposed price increases, disapprove proposed price increases, and roll back excessive prices with respect to companies in concentrated industries, in order to reduce inflation in the United States; to the Commtitee on Banking, Currency and Housing.

By Mr. MAGUIRE:

H.R. 5777. A bill to designate a national network of essential rail lines; to authorize the Secretary of Transportation to acquire, rehabilitate, and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to the States for rehabilitation of rail lines, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS (for himself, Mr. Young of Alaska, Mr. Risenhoover, Mr. Bergland, Mr. Obey, Mr. Jones of Oklahoma, Mr. Ruppe, Mr. Andrews of North Dakota, and Mr. Lujan):

H.R. 5778. A bill to declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MILLER of Ohio:

H.R. 5779. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN:

H.R. 5780. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed per se unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS of Pennsylvania:

H.R. 5781. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 5782. A bill to authorize the Secretary of Transportation to make a loan of $100 million to the Chicago, Rock Island, and Pacific Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself, Mr. Duncan of Oregon, and Mr. Kelly):

H.R. 5783. A bill to amend the Employment Act of 1946 with respect to stability of the general price level; to the Committee on Government Operations.

By Mr. RIEGLE (for himself, Mr. Cleveland, Mr. Dan Daniel, Mr. Diggs, Mr. Leggett, Mr. Whitehurst, and Mr. Charles Wilson of Texas):

H.R. 5784. A bill to amend Federal statutes regulating automobile emissions and automobile safety and to provide certain rules with respect to automobile fuel efficiency to permit the manufacture of safe, nonpolluting, fuel efficient automobiles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIEGLE (for himself, Mr. Diggs, Mr. Maguire, and Mr. Wirth):

H.R. 5785. A bill to amend the Social Security Act to establish a program of food allowance for older Americans; jointly to the Committees on Agriculture, and Ways and Means.

By Mr. SISK:

H.R. 5786. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Government Operations.

H.R. 5787. A bill to amend the Communications Act of 1934 to provide that licenses for the operation of broadcasting stations may be issued and renewed for terms of 5 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TRAXLER:

H.R. 5788. A bill to amend the Internal Revenue Code of 1954 to exempt State lotteries from the tax on wagers; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 5789. A bill to amend the Sherman Antitrust Act to provide lower prices for consumers; to the Committee on the Judiciary.

By Mr. WALSH:

H.R. 5790. A bill to amend the Land and Water Conservation Fund Act of 1965 to permit the conversion of outdoor recreation property to enclosed or indoor property; to the Committee on Interior and Insular Affairs.

By Mr. WHITE:

H.R. 5791. A bill to repeal the prohibition on the payment of premium pay to National Guard technicians; to the Committee on Armed Services.

By Mr. WHITE (for himself, Mr. Horton, Mr. McKay, Mr. Brown of Michigan, and Mr. Matsunaga):

H.R. 5792. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Services with respect to records management by Federal agencies, and for other purposes; to the Committee on Government Operations.

By Mr. WHITE (for himself, Mrs. Spellman, Mr. Dominick V. Daniels, Mr. Harris, Mr. Mineta, Mr. Taylor of Missouri, and Mr. Jenrette):

H.R. 5793. A bill to amend chapter 83 of title 5, United States Code, to eliminate, subsequent to the death of an individual named as having an insurable interest, the annuity reduction made in order to provide a survivor annuity for such an individual; to the Committee on Post Office and Civil Service.

By Mr. WIGGINS:

H.R. 5794. A bill to provide for the conveyance of certain mineral interests of the United States in property in California to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

By Mr. YATRON:

H.R. 5795. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.R. 5796. A bill to require the submission to Congress of research proposals prior to the expenditure of Federal funds; to the Committee on Science and Technology.

H.R. 5797. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 5798. A bill to authorize the Smithsonian Institution to plan museum support facilities; to the Committee on House Administration.

H.R. 5799. A bill to reserve a site for the use of the Smithsonian Institution; to the Committee on House Administration.

By Mr. CLANCY (for himself and Mr. Guyer):

H.R. 5800. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the stock which certain private foundations may hold in certain public utilities without being subject to the excise tax on excess business holdings; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS:

H.R. 5801. A bill to amend the Public Health Service Act to provide for the screening and counseling of Americans with respect to Tay-Sachs disease; to the Committee on Interstate and Foreign Commerce.

H.R. 5802. A bill to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON (for himself and Mr. Hillis) (by request):

H.R. 5803. A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans cemeteries, and to provide for transportation of bodies to a national cemetery; to the Committee on Veterans' Affairs.

Mr. DELLUMS (for himself, Mr. Shriver, and Mr. Nix):

H.R. 5804. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift tax payments spent for nonmilitary purposes; to create a trust fund (the World Peace Tax Fund) to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. DERWINSKI (by request):

H.R. 5805. A bill to limit Federal pay increases to 5 percent for a specified period of time, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EILBERG:

H.R. 5806. A bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for the fiscal year 1975; to the Committee on International Relations.

H.R. 5807. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 5808. A bill to amend the act of August 24, 1966, as amended, to assure humane treatment of certain animals, and for other purposes; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 5809. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS of Ohio:

H.R. 5810. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on International Relations.

By Mrs. HECKLER of Massachusetts:

H.R. 5811. A bill to confer U.S. citizenship on certain Vietnamese children and to provide for the adoption of such children by American families; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 5812. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act for the purpose of providing a warning before a civil penalty is assessed certain persons under such act; to the Committee on Agriculture.

By Mr. JOHNSON of California:

H.R. 5813. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. JONES of Oklahoma:

H.R. 5814. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

H.R. 5815. A bill to amend the Internal Revenue Code of 1954 to exempt certain organizations from private foundation status; to the Committee on Ways and Means.

By Mr. LITTON (for himself and Mr. Brown of Michigan):

H.R. 5816. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the Administrator of the Small Business Administration may render onsite consultation and advice to certain small business employers to assist such employers in providing safe and healthful working conditions for their employees; to the Committee on Education and Labor.

By Mr. LITTON (for himself and Mr. Harrington):

H.R. 5817. A bill to provide an excise tax on every new automobile in an amount relating to the portion of such automobile's fuel consumption rate which falls below certain standards, to provide an Energy Research and Development Trust Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Simon, Mr. Robinson, Mr. Madigan, Ms. Meyner, Mr. Weaver, Mr. Blouin, Mr. Aspin, Mr. Diggs, Mr. Steiger of Wisconsin, and Mr. Roush):

H.R. 5818. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself, Mr. Rangel, Mr. Studds, Mr. Hannaford, Mr. Oberstar, Mr. Hays of Ohio, Mr. Coughlin, Ms. Schroeder, and Mr. Roush):

H.R. 5819. A bill to amend the Internal Revenue Code of 1954 to require the establishment of formal procedures and criteria for the selection of individual income tax returns for audit, to inform individuals of the reasons why their returns were selected for audit, and for other purposes; to the Committee on Ways and Means.

By Mr. LITTON (for himself and Mr. Ford of Tennessee):

H.R. 5820. A bill to amend the Internal Revenue Code of 1954 to require the establishment of formal procedures and criteria for the selection of individual income tax returns for audit, to inform individuals of the reasons why their returns were selected for audit, and for other purposes; to the Committee on Ways and Means.

By Mr. MELCHER:

H.R. 5821. A bill to amend part A of title XVIII of the Social Security Act to authorize payment for certain additional inpatient hospital services furnished outside the United States to individuals entitled to hospital insurance benefits; to the Committee on Ways and Means.

By Mr. MOORE:

H.R. 5822. A bill to amend the Internal Revenue Code of 1954 to treat expenses incurred for the adoption of a child as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 5823. A bill to designate certain lands in the National Park System as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHRIVER:

H.R. 5824. A bill to amend title 38 of the United States Code in order to entitle veterans, widows, and orphans to 45 months of educational assistance; to the Committee on Veterans' Affairs.

H.R. 5825. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. SPELLMAN (for herself and Mr. Moss):

H.R. 5826. A bill to approve executive agreements; to the Committee on International Relations.

By Mr. THONE (for himself and Mr. Bergland):

H.R. 5827. A bill to amend the Packers and Stockyards Act of 1921, as amended, to require packers or other persons buying or acquiring livestock or poultry to provide adequate bonding or other security to pay the producers for such commodities and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. Hicks, Mr. Eilberg, Mr. Bevill, Mr. Fulton, Mr. Wolff, Mr. Ford of Tennessee, Mr. Broomfield, Mr. Snyder, Mr. Mitchell of New York, Mr. Treen, and Mr. Ruppe):

H.R. 5828. A bill to amend section 9441 of title 10, United States Code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specified purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force; to the Committee on Armed Services.

By Mr. BEARD of Tennessee:

H.J. Res. 382. Joint resolution proposing an amendment to the Constitution of the United States with respect to the assignment of public school students; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself and Mr. Zablocki):

H.J. Res. 383. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Ms. Abzug, Ms. Burke of California, Mr. Carney, Mr. Carr, Mr. Corman, Mr. Horton, Mr. Jacobs, Mr. Long of Maryland, Ms. Meyner, Mr. Mezvinsky, Mr. Morgan, Mr. Roe, Mr. Ryan, Mr. Sarbanes, Ms. Spellman, Mr. Stark, Mr. Symington, Mr. Vander Veen, Mr. Charles H. Wilson of California, Mr. Young of Georgia, and Mr. Zeferetti):

H.J. Res. 384. Joint resolution designating April 17, 1975, as National Food Day; to the Committee on Post Office and Civil Service.

By Mr. STRATTON:

H.J. Res. 386. Joint resolution authorizing the President to proclaim the first Saturday in October of each year as National Jogging Day; to the Committee on Post Office and Civil Service.

By Mr. BAUMAN (for himself, Mr. Montgomery, Mr. Kemp, Mr. Ashbrook, Mr. Cleveland, Mrs. Holt, Mr. McDonald of Georgia, Mr. Spence, Mr. Symms, Mr. Rousselot, Mr. Burgener, Mr. Ruppe, Mr. Lagomarsino, Mr. Crane, Mr. Murphy of New York, Mr. Biaggi, Mr. Nowak, Mr. Chappell, Mr. Murtha, Mr. Lloyd of California, Mr. Goldwater, Mr. Devine, and Mr. Conlan):

H. Con. Res. 210. Concurrent Resolution stating the sense of Congress regarding the situation in Southeast Asia; to the Committee on International Relations.

By Mr. HAYS of Ohio:

H. Res. 383. Resolution providing funds for the expenses of the Committee on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Represntatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. BROOKS (for himself, Mr. Madigan, and Mr. Nolan):

H. Res. 384. Resolution directing the House Commission on Information and Facilities to provide for radio and television coverage of proceedings in the House Chamber during the first session of the 94th Congress; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

86. By the SPEAKER: Memorial of the General Assembly of the State of Rhode Island and Providence Plantations, relative to providing emergency generators in housing for the elderly; to the Committee on Banking, Currency and Housing.

87. Also, memorial of the Congress of Micronesia, Trust Territory of the Pacific Islands, relative to the Economic Development Loan Fund; to the Committee on Interior and Insular Affairs.

88. Also, memorial of the Legislature of the State of South Carolina, relative to restoring the citizenship of Gen. Robert E. Lee; to the Committee on the Judiciary.

89. Also, memorial of the Senate of the State of Rhode Island and Providence Plantations, relative to construction of a dike along Cherry Brook at Union Village in North Smithfield; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HARRIS:

H.R. 5829. A bill for the relief of Harry Stanley Spaulding, Jr.; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 5830. A bill for the relief of the heirs at law of Jiro Kunisaki and Ellen Kishiyama, his daughter; to the Committee on the Judiciary.

By Mr. MINETA:

H.R. 5831. A bill for the relief of David J. MacKenzie; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 5832. A bill for the relief of NEES Corporation; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

78. By the SPEAKER: Petition of the Corporate Board of Directors and Executive Committee of the Oklahoma City (Oklahoma) Chamber of Commerce, relative to Federal regulation of natural gas; to the Committee on Interstate and Foreign Commerce.

79. Also, petition of Clay F. Smith, Butler, Ind., relative to the cost of electricity; to the Committee on Interstate and Foreign Commerce.

80. Also, petition of Natalie Klemm, Macdoel, Calif., and others, relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

81. Also, petition of Kay Shadoan, San Francisco, Calif, and others, relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

SENATE—*Wednesday, April 9, 1975*

The Senate met at 10:15 a.m., and was called to order by Hon. Jesse Helms, a Senator from the State of North Carolina.

PRAYER

The Reverend Dr. Billy Graham, Montreat, N.C., offered the following prayer:

Our Father God, we are aware that the Scriptures declare that legislators of a nation are "ministers of God for good". (Romans 13: 4)

At this troubled, frustrating, confusing, and dangerous moment of history, we beseech Thy wisdom and grace to rest upon those who carry the heavy burden of leadership in this great Nation. May we be motivated by the wisdom, justice, and compassion of God the Father, the Son, and the Holy Spirit.

Forgive us if we have compromised our ideals and shut our eyes to the dangers abroad and the common good of all the American people.

Deepen our personal faith in Thee, and above all help us to have the integrity and the courage that our constituents expect of us.

Where there is division, bring accord; and where there is indifference, bring concern. May this Nation get moving again in Thy direction. Help us to remember the words "Seek ye first the Kingdom of God and His righteousness and all these things shall be added unto Thee".

And we could not pray today without remembering those who are suffering in Southeast Asia.

We ask in the name of the Saviour, who loved us and gave His life for us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 9, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Jesse Helms, a Senator from the State of North Carolina, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. HELMS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 8, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT REFERRAL OF COMMUNICATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a letter from the Deputy Secretary of Transportation relative to the reporting requirements of section 21 of the Deepwater Port Act of 1974 be referred jointly to the Committee on Commerce, Committee on Interior and Insular Affairs, and the Committee on Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Leahy). Does the Senator from Pennsylvania seek recognition?

Mr. HUGH SCOTT. Mr. President, I yield back my time.

The PRESIDING OFFICER. Under the previous order the Senator from North Carolina (Mr. Helms) is recognized for a time not to exceed 15 minutes.

Mr. HELMS. I thank the Chair.

THE REVEREND DR. BILLY GRAHAM

Mr. HELMS. Mr. President, it goes without saying that I am exceedingly pleased that my longtime friend and fellow North Carolinian, Billy Graham, is with us this morning. Earlier today, Billy was the special guest at our regular Wednesday morning Senate prayer breakfast. As always, he delivered an inspiring message.

Mr. President, Billy Graham was born in Charlotte, N.C., some 3 years before I was born about 20 miles down Highway 74 in the little town of Monroe. Like other North Carolinians, I have observed the remarkable career of this dedicated man. There are few men in history who have known and traveled this world as Billy Graham has done. I dare say that he has preached the Gospel of Jesus Christ to more millions than any other mortal in history.

I visit with Billy Graham from time to time, Mr. President. Not long ago, he stopped by to have lunch with me in the Senate Dining Room. He was not aware of it, Mr. President—he would have been embarrassed, had he known—but every eye was respectfully focused upon him; and he was scarcely able to finish his lunch because of the steady stream of people who came to our table to greet him.

It is his sincerity, his unyielding dedication to his great ministry, his willingness to do whatever is necessary to preach the Gospel of Jesus Christ—these are the things that have made him one of the great men of our time.

But, Mr. President, Billy Graham scoffs at such assessments. He thinks not of himself, except in terms of what he might do further to preach the Gospel to still others around the world.

Billy was ordained by the Southern Baptists in 1940. Since the late 1940's, he has led evangelistic crusades in virtually every State, and in more than 50 foreign countries. He is the author of six books.

His books, "Peace With God," "The Secret of Happiness," "My Answer," "World Aflame," and "The Challenge" have been read by millions. Billy has been the subject of several biographies and personality features in the world's leading magazines and newspapers. "The Jesus Generation," Billy's latest book (1971), sold 200,000 copies in the first 2 weeks after publication. It has been published in 15 languages. His New York, Los Angeles, four London crusades, and South Korean crusade probably stand as high water marks of his career as an evangelist.

Holder of degrees from Florida Bible Institute and Wheaton College, Billy Graham has received honorary doctorates from many institutions. He is author of a column, "My Answer," which appears in many of the Nation's foremost newspapers on a daily basis.

His counsel has been sought by Presidents, and his appeal to both the secular and nonsecular worlds is shown by the wide range of groups that have honored him. These recognitions range from addressing the President's National Prayer Breakfast to the Gold Award of the George Washington Carver Memorial Institute in 1963, from the Speaker of the Year Award in 1964 to the Salvation Army's Distinguished Service Medal. He regularly is listed as one of the "Ten Most Admired Men in the World" and has been named "Man of the Year" by Time magazine.

Founder of the Billy Graham Evangelistic Association, he leads the weekly "Hour of Decision" program which is broadcast by more than 900 stations around the world.

Mrs. Graham is the former Ruth McCue Bell, whose father died last year after a splendid career as one of the Nation's leading Presbyterian clergymen.

Mr. President, as a North Carolinian, I welcome Billy Graham here today. As his friend, I thank him for his splendid witness as an evangelist carrying the Gospel of Jesus Christ to the four corners of the earth. Nowhere, however, is his message more sorely needed than in America today; and I am immensely grateful for his presence on this occasion in the Senate Chamber.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HELMS. I am glad to yield to the Senator from Georgia.

Mr. TALMADGE. I am delighted to associate myself with the remarks made by my distinguished friend from North Carolina. I have known Dr. Billy Graham now for about 25 years as a warm personal friend. I am proud of what he has meant to me, to the State of Georgia, to the United States of America, and to the world.

Mr. HELMS. I thank the Senator for his comments. Mr. President, I yield back the remainder of my time.

THE REVEREND DR. BILLY GRAHAM

Mr. MORGAN subsequently said: Mr. President, earlier this morning when the Senate opened, we were privileged to have a very distinguished North Carolinian to give the invocation. I want to join with my senior colleague from North Carolina in paying a personal tribute to the Reverend Dr. Billy Graham, who is not only a citizen and resident of our State, but as someone else has already mentioned, in all reality a citizen of the world.

Mr. President, I rise in tribute today to the Reverend Dr. Billy Graham, a citizen of the world and one of the Old North State's noblest sons.

To capture in words the height and breadth of this man's spirit, character, service, and influence is a virtual impossibility. For 25 years this ambassador of Christ to the world at large has avowed to be none other than a servant to man and God. With vigorous intellect, sustained lofty purpose, honest and feeling heart, superb dignity, quiet consciousness of power, and purity of thought and speech Billy Graham has honored his State, Nation, and calling.

Girded with the mighty convictions of conservative evangelical truth, he has proclaimed with uncompromising fidelity and unique ability the good news of Christ to more people than any man in the annals of history. To more than we can number, he has lent encouragement to strive for and to live the just and admirable life.

During these years Billy Graham has received accolades from highest church prelates. He has stood before the thrones of kings and endless heads of state for recognition. And in nation after nation the common man has accorded him a place of greatest esteem in their lives. But no adulation by man, high or low, has either turned him from the simplicity of his faith or enticed him from his absolute dependence upon God.

There is no manmade standard by which we may measure or gage the influence of Billy Graham upon the course of history. Such tributes as we pay this day are but shadowy glimpses of the secret praise to be found in the minds of thousands who through his ministry have found peace.

It is with a sense of awe that I say to you this day, "We stand in the presence of a man of God; one who is convinced, as he views mankind through the eyes of faith, that no human being is without worth, use, beauty, and dignity."

Billy Graham is the kind of man who will accept our words of tribute with calm dignity and gracious thanks, but he will not look upon them as honoring his life or his ministry but rather an honoring of Him whom he serves. On the concluding page of his book "Peace With God" Billy Graham wrote,

> I would not change places with the wealthiest and most influential man in the world. I would rather be a child of the King, a joint-heir with Christ, a member of the Royal Family of heaven!

Such is the man we honor today.

The PRESIDING OFFICER (Mr. LEAHY). Under the previous order, the Senator from Georgia (Mr. TALMADGE) is recognized for not to exceed 15 minutes.

THE PROPOSED INCREASE IN STAFF ALLOWANCES FOR SENATORS

Mr. TALMADGE. Mr. President, Senate Resolution 110 to vastly increase the staff allowance for Senators is an affront to the American people.

It is a slap in the face of every hardworking American taxpayer out there trying to keep body and soul together in the midst of the most severe economic crisis in the United States since the thirties.

It is an insult to millions of citizens thrown out of jobs by the recession and to the elderly and the needy whose savings and retirement benefits and public assistance payments have been laid to waste by rampant inflation.

I could not be more opposed to this outrageous proposal if it were a scheme to build each Senator a palatial estate on the banks of the Potomac, complete with yacht and limousine service.

Regardless of how high sounding it may be made to appear, or how noble its avowed purpose, strip this resolution of its rhetorical facade and I contend, with all due respect to its sponsors, that it is a boondoggle.

At a time when the Nation is staggering under the double threat of recession and inflation, when there is more than 8½ percent unemployment, when there is a projected Federal deficit of $80 billion which very likely could be even higher than that, and when the Government cannot find funds to finance programs vital to our Nation's well-being and progress, I cannot see how such a proposal as this could even be seriously considered.

The Federal budget is awash in red

ink. If I read the American public right, taxpayers want Congress to spend less—far less—not more.

They want Congress to divest itself of waste and frills, not add more to the pile.

They want Congress to be leaner, not fatter—and more efficient, not a bureaucratic nightmare as so many of our Federal agencies have become.

They want Congress to get on with the busines of solving the Nation's social and economic problems, and not to try to legislate to feather its own nest.

If there were ever a time when all the eyes of the Nation are on the Congress, collectively and individually, that time is now.

People are no longer in the mood to plead and cajole for fiscal responsibility.

They demand it. It is rightfully theirs to demand.

This proposal flies in the face of fiscal responsibility.

I realize that on many spending programs there is room for honest differences of opinion.

Not so with this one.

What would it do? It would allow the addition of more than 900 employees to the staffs of Senators.

What would this grandiose disregard of the taxpayer's money cost?

To start with, it would run about $33 million a year.

And as anyone who ever has had anything to do with Government knows, these estimates are on the low side.

And, that does not include the extra office space that would be required, or the additional equipment and furnishings, which would run the cost up more millions of dollars.

Neither does it take into account travel allowances for these additional staff members.

In short, to say that some $32 or $33 million per year represents the cost of this proposal would not only be a gross understatement, it would be an insult to the intelligence of anyone familiar with the spending habits of the Federal Government.

This purports to be a proposal to expand committee staffs and thereby increase their efficiency.

I am not surprised. It is consistent with the kind of Government thinking that has gotten us into our present economic mess, the idea that "more is better."

This is the thinking that if you have a problem, throw money at it and it will go away.

But this is not a question of committee staffs. It is a ruse to permit individual Senators to increase their personal staffs.

To use myself as a personal example of the effect of this resolution, it would enable me to hire about 12 additional employees at $34,881 each, for a total of $418,572.

Or, I could pay less than the top salary and hire more than 12 new staff members.

I want no part of it.

Since I came to the Senate 18 years ago, I have never used my full staff allotment and I have turned money back every year.

We do not need additional staff of the same kind and number countenanced by this resolution.

In my judgment, one of our problems now is that we have too much staff.

Senators are too easily sold on new spending programs, not just in legislative appropriations for running Congress but in virtually every area of Government.

And, if you do not believe that, Mr. President, just take a look at our $500 billion national debt.

Mr. President, I urge Senators not to be sold on this spending program.

If there is any Member of this body who does not think he is under a mandate to stop spending money we do not have for programs we do not need, then he is not in touch with the people.

I know of no better way to demonstrate the responsibility we owe the American people than by the defeat of this resolution.

Mr. President, as a part of my remarks, I ask unanimous consent to have printed in the RECORD an article which originally appeared in the New York Times Magazine and which was condensed and reprinted in the Reader's Digest, entitled "Congress—A Problem of Size."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONGRESS—A PROBLEM OF SIZE

(By Milton S. Gwirtzman)

(Unless our legislative arm of government can curb its own phenomenal growth, its ability to function effectively may soon be paralyzed.)

After decades of playing second fiddle to powerful and sometimes glamorous Presidents, the U.S. Congress at last seems ready to take the offensive in the battle to influence federal policy. But whether Congress will be able to use its muscle to give the country the laws and direction it needs is very much in doubt. Searching questions have been raised about the strength of its present leadership, the rigidity of its seniority system, the power of hidebound committee chairmen, and the intrinsic difficulty of getting 535 independently elected individuals (who often speak for clashing interests) to agree on vitally needed programs. Aggravating each of these handicaps is the little-recognized fact that Congress may simply have become too large and cumbersome, and its expansion by now may well be out of control.

Consider:

In 1954, the House and Senate had combined staffs of 5600 people and an operating budget of $42 million. Today, they have 16,000 employes and a budget of $329 million. In the late 1950s, Senators and their staffs worked in a single office building, House members in two. The operations of Congress now take up five buildings and are spilling over into adjacent hotels and apartments. Recently, a new wing for the Dirksen Senate Office Building (estimated cost: $84 million) was commissioned, and an acquisition plan has been ordered for even more real estate. True, the number of constituents has increased, but Congress' staff has grown well over six times faster. At the rate of growth established during the past ten years, Congress will cost almost a billion dollars a year to operate by 1985.

Staff Infections. Until World War II, the average Congressman's staff consisted of little more than a secretary and a clerk. Today, members of the House are allowed 16 full-time employes for their personal staffs—not a startling number, but as many as some Senators had 15 years ago. Senators now have empires. In the staid 1950s, for example, the offices of the two Senators from California employed 40 people between them; their current sucecssors have 115 (with titles such as media secretary, local-issue director and secretarial supervisor). When former Sen. Sam Ervin (D., N.C.) first came to Washington in 1954, he had an office staff of seven; when he retired last December, he left nearly six times as many, spread among his personal office, committees and subcommittees. There are always plenty of applicants for staff posts, because the pay is good, the work is interesting and the fringe benefits are sensational.*

An even greater explosion has taken place in Congressional committees. The Senate Committee on the Judiciary, which listed 15 employes in 1954, now has 177. The Committee on Labor and Public Welfare, which had 14, has 97. The Committee on Interstate and Foreign Commerce has swollen from 10 to 53 staffers.

In its earlier years, Congress used to form a new committee to handle each new crisis. Crises passed, but the committees often kept going. The Legislative Reorganization Act of 1946 did eliminate 47 standing committees and prohibited creation of more except by special legislation. But virtually all the committees abolished by that act have been reborn, as subcommittees. In the 93rd Congress the Senate had 146 subcommittees, the House 132, including such vital instruments of national policy as the Senate Special Subcommittee on the Freight Car Shortage and the House Select Committee on Parking. The House Committee on Education and Labor had a Special Subcommittee on Labor, a General Subcommittee on Labor and a Select Subcommittee on Labor (each headed by a member with close ties of the union movement). All told, Congress now spends $54 million a year for committee operations alone.

Empire Building. One reason Congress has expanded so fast is that it has the ability to spend money on itself. This is, in effect, one of the few government powers that is neither checked nor balanced in our Constitution. Budget requests from the executive agencies are first pared by the Office of Management and Budget in the White House and then reviewed by several Congressional committees. But Congress alone decides how much to appropriate for its own operations, and each chamber accepts the other's decision without question.

To be sure, members of Congress do not come to Washington with the intention of building empires. But they soon see that to make a mark for themselves they are going to have to carve out an area of expertise. This can be done most comfortably through one of the committees to which they are assigned. A legislator with a few years of seniority tries to dream up an area, within his committee's jurisdiction, that has sufficient public interest to justify a subcommittee of his own. (The environmental movement was welcomed for this purpose: Congress has six new subcommittees in this field.)

Among the more senior members of Congress, power is measured by the number of staff positions one controls. Republicans fight Democrats for a larger share of committee staff positions, under the banner of "protecting the interests of the minority." When, for example, Senators on the new Budget Committee met last Auugst, the first thing they did was to grant each other one new professional staff member. All government agencies like to add employes, but only Congress can do so with such abandon.

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*The highest-paid administrative assistants receive $37,000 per year. In the numerous amenity rooms of the House and the Senate office buildings, staffers can buy a four-course lunch for under $2, and have pictures framed and packages wrapped for nothing. Those who stay for 20 years are eligible for the most liberal retirement plan in the federal government.

The Lobbying Industry. One would think that, with larger staff support, Congress would write more laws. It doesn't. The number of bills enacted in 1973 (247) was ten less than ten years earlier, when its staff was one half the present size. One might also think the influence of outside pressure groups would decline because Congressmen would not have to depend on them so much. Instead, the lobbying industry has grown even faster than Congress.

The confluence of increased staffs and more intensive lobbying is slowing down the legislative process instead of speeding it up. With an ever-larger array of interests knocking on their doors, Congressmen and Senators today find it harder to agree. They become locked into inflexible positions, which they defend with the help of their larger staffs. As a result, such important legislation as consumer-protection, health-insurance and land-use programs have become deadlocked. No wonder only 21 percent of the public expressed faith in Congress as an institution in a survey made last year.

One would think, too, that with increased professional assistance, members of Congress would be better able to help individual constituents in their dealings with the federal bureaucracy. Unfortunately, members of Congress can't do as much as they would like us to think. For example, when a Congressional office receives a plea for intervention, it normally sends what is called a "buckslip" to the appropriate agency. In many instances, the agency simply sends back a letter stating why the exception is impossible. This is then forwarded to the constituent with a cover letter indicating that the Representative or Senator has done his best.

Make the Boss Look Good. The rise of Congressional empires has made legislators busier than ever. On any morning on Capitol Hill, for instance, the typical Senator has four or five of his committees and subcommittees holding hearings at the same time. He ignores some, shuttles between the others. He gets a quick oral briefing from the staff on arrival, stays to ask a few questions, leaves to keep other appointments. In the afternoon, he races between more appointments, more meetings and roll-call votes on the Senate floor.

As a result, important legislation rarely gets a full hearing. Votes are cast on scanty knowledge. The time for useful discussion is minimal; for reflection, almost nil. Privately, Senators admit that many of the sub-committees are run by the staffs, and they don't like it. But they are willing to accept all these drawbacks in return for the chance to be in the forefront of as many important issues as possible.

They know that the rise of the Congressional empires has given them an important head-start in winning re-elections. A Senator from a middle-sized state like Connecticut or Iowa has almost $400,000 a year in public funds to spend on his personal staff. With a moderate amount of seniority, he controls another $200,000 in committee salaries. The first duty of a Congressional employe is to do one's job in a way that makes the boss look as good as possible. Personal staffs can participate in re-election campaigns. Although committee staffs are prohibited from giving priority to requests from the boss's constituents, some of them do just that.

What to Do? Congress could easily reduce its working force, with no loss in power and probably an increase in effectiveness. But it is futile to expect that this will happen. The best that can be hoped for is a halt to further expansion. No one wants legislators to do anything rash, such as write their own speeches; they should, however, hold their own operations to the same standards of economy as everyone else is being forced to meet.

They could begin by scrapping plans for further physical expansion, including construction of more Senate office space. More space will just bring pressure for more staff, which will bring pressure for more space.

Congress should set a fixed budget ceiling for itself. Then it should direct the General Accounting Office to investigate Congressional operations—as it does with executive agencies—to uncover waste and duplication, and to recommend which subcommittees are effective enough to stay in business. Unfortunately, the House, in its recent consideration of committee reform, went in the opposite direction. It tripled the number of professional employees on committee staffs, and created a new committee dedicated to problems of the aging—a subject on which 21 other House subcommittees already have some jurisdiction.

Unless Congress can curb its phenomenal growth, its renewed quest for authority will yield only further conflict and public mistrust. In the end, its real strength and stature will be determined by the quality of each member. If his main concern is to expand his staff and enhance his reputation, we shall continue to have a Congress whose members may be respected by their individual constituencies, but whose standing as a body is debased.

Americans expect a higher standard of performance from Congress in the post-Watergate era. If legislators can suppress the all-too-human desire to build empires or monuments to themselves, perhaps they *can* give us the timely, forceful action we need to improve our lives and preserve our liberties.

Mr. TALMADGE. I also ask unanimous consent to have printed in the RECORD an editorial published in the Washington Star of Wednesday, March 19, 1975, entitled "Congressional Inflation."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Congressional Inflation

Members of Congress talk a great deal about the evils of inflation, but very little about the costly ballooning of their own operations on Capitol Hill. In the belt-tightening race, they invariably come in last. Of course the monstrous deficits which the federal government will show in the next couple of years can be blamed mainly on the recession and recession-fighting imperatives—revenue losses due to lagging incomes, tax cuts and rebates, unemployment aid and the like. But the public needs to be aware that at least a small part of this added inflationary load is for expansion of congressional activities and prerogatives.

The members, true enough, haven't raised their regular salaries lately. That's too risky; most people back home consider the $42,500 a year to be sufficiently generous for the times. What may have escaped some constitutents, however, is that congressional allowances have been going up and up. In the House, since year before last, this rise totals some $10,000 per member. The House stationery allowance, $3,000 in 1969, now is $6,500 per member and need not be accounted for. That item, then, can amount to nothing but a hidden salary increase, and ideas for even more generous expense allowances are drifting around in the current session.

This is peanuts, though, when measured against the total picture of expanded congressional spending, which has far outrun the growth of government outlay as a whole. What Congress spends on itself has doubled in five years, more than tripled in 10 years, and soon will exceed $1 billion annually if some brakes aren't applied somewhere. The outlay, in fact, now is above $800 million and the new Congress doesn't seem in a braking mood. Proposals for committee enlargements and other new employment appear to be sailing along nicely, even though Senate and House employes have increased from 10,000 to 17,000 in just five years. A plan now before the Senate, for example, would give each Senator extra staff based on his committee assignments: For every committee on which he serves, there would be $69,762 a year for additional staff, and for a minor committee assignment, $34,881.

The resultant bloating of office payrolls would be mighty hard to explain among the homefolks, however, in these tight times, and we have a hunch the senators may back away from this one. But also hard to justify, as to public-works priority, are visions of physical expansion on a grand scale—enlargement of the Dirksen Senate Office Building, and addition of another building for House operations. The answer given is that the vital committee system needs to be improved, and that Congress needs a better research capability of its own, all of which is true. But one must question whether these purposes are well served by the sheer mushrooming of committees and subcommittees (the latter now totaling some 250) with their fast-multiplying personnel.

In this sprawl there is much overlapping of work and jurisdiction, and hence a great deal of waste, and perhaps little improvement in the quality of legislation. Too many subcommittees are mainly prestige domains for individual lawmakers—something to be chairman of. And for research, Congress quite rightly makes increasing use of the Library of Congress, for which it has built an enormous and splendid new building, now nearing completion.

In any case, for the sake of example if nothing else, hard thought must be given to controlling the pell-mell growth of the legislative branch. Government example is, after all, extremely important these days, having to do with the vital element of public credibility, which is dangerously depleted.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my friend from North Carolina.

Mr. HELMS. Mr. President, I commend the distinguished Senator from Georgia for his statement, and associate myself with his remarks. It often occurs to me that so many Members of Congress criticize the bureaucracy in the executive branch, yet say nothing about the bureaucracy that has been built, and is continuing to be built, in the legislative branch.

I think frugality and prudence are just like charity, they ought to begin at home. I think we ought to examine our own spending habits. The Senator from Georgia is a model in terms of trying to protect the taxpayers from inordinate and extravagant spending by the Federal Government. I commend him for his statement.

Mr. TALMADGE. I thank my friend.

To emphasize what both he and I have tried to point out in the Senate, the Members of this body should be aware of the fact that last year, of the 93 Senators still in office now, 66 Senators returned in excess of $10,000 of their clerk hire unspent; 53 Senators still in office returned over $20,000 unspent; 41 Senators still in office returned over $30,000 unspent.

That seems to me to emphasize fully that there is no shortage of funds for senatorial clerk hire.

Mr. HELMS. Will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. HELMS. All of us would like to have more office help from time to time. But there is a temptation to build an empire. I feel that I should try to operate my office—and I know the distinguished Senator from Georgia shares the feeling—on a sound, prudent, economical basis, just as would be the case if we were operating a business and spending our own money. I think we owe that to the taxpayers.

Frankly, some of the activities in Washington, if they were practiced in the business world, would result in wholesale bankruptcy, I would say to the Senator.

Mr. TALMADGE. All would be bankrupt.

In fact, since I have been in public office I have tried to watch public money with the same frugality that I have my own.

Mr. HELMS. I serve with the distinguished Senator from Georgia on the Committee on Agriculture and Forestry of which he is chairman, and he serves as chairman with distinction, Mr. President. I know he practices what he preaches on that committee. I again commend him for his statement.

Mr. TALMADGE. I am grateful indeed to my friend from North Carolina.

I yield now to my distinguished friend, the Senator from Wyoming.

Mr. HANSEN. Mr. President, I join the distinguished Senator from North Carolina in complimenting, and associating myself with the remarks just delivered by, our distinguished friend from Georgia (Mr. TALMADGE).

I am a cosponsor of one of the resolutions which would call for one staff member for each committee.

I did that for only one reason, and I am sorely vexed and disturbed by the reasons that seem to me compelling, in trying to point out some of the problems that I found, I have encountered, as a member of the minority party.

I am a member of several committees, and these past 2 or 4 years the Interior Committee has been, for reasons that sometimes escape me, very, very busy indeed so as to prevent my attendance at the committee that I think has to be one of the most important in the Senate, the Committee on Finance.

I want to say that we could not ask for a finer staff than we have on the Finance Committee.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I yield.

Mr. TAMADGE. I have been on the Finance Committee now for 17 years. I have not appointed a single member on the staff of that committee. That is the prerogative of the chairman and the ranking minority member but, without exception, every time I have called on the members of that staff for any service they have performed beyond the call of duty.

Now, the Senator from North Carolina and I serve on the Committee on Agriculture and Forestry. The staff of that committee is completely professional and nonpartisan and nonpolitical, and whenever Senators call on members on that staff they always deliver.

Mr. HANSEN. I could not agree more, Mr. President. Every time we have ever asked for any assistance, any background materials, the response has been immediate and enthusiastic.

My problem has been that it seems as though there has been a great proliferation of bills that have been referred to the Interior Committee. We will be debating again on the floor very shortly S. 622. We have bills upon bills upon bills. I think they overlap. I think many of them are unnecessary, and yet, in order to discharge my responsibilities as a member of that committee, I have found it necessary to attend hearings and to be present at markups, and to do the floor duty that is incumbent on a Member in order to try to discharge his responsibilities. Because of that it has been difficult for me to keep informed on what has taken place in the Finance Committee.

I read in the paper just the last 2 or 3 days of an example of the number of pieces of legislation that had been referred to the Committee on Finance. I recall, too, the total staff expenditure from that committee and, by comparison, I do not believe there is another committee in the Senate that does half as much work for twice as much money as the Finance Committee does.

Mr. TALMADGE. I concur with the Senator.

Mr. HANSEN. It has been a difficult thing to try to keep track of what goes on in that committee and to try to prepare myself, as I tried to do as a member of the conference between the House and the Senate, when we were discussing the tax rebate bill here just not long ago, and this basic dilemma is the reason why I associated myself with one of the resolutions that would provide for some input so that I might be better informed.

Mr. TALMADGE. I thank my distinguished friend from Wyoming.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEAHY). Will the Senator withhold that request?

Mr. TALMADGE. I withhold that request.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska (Mr. GRAVEL) is recognized for not to exceed 15 minutes.

INCREASED STAFF ALLOWANCES FOR SENATORS

Mr. GRAVEL. Mr. President, I had asked for the 15 minutes, because I was under the impression that the Senator from Georgia was going to speak on my resolution 60, and I was prepared to come to the floor to address myself to those comments.

If I might most respectfully ask the Senator from Georgia——

Mr. TALMADGE. I did address myself to Senate Resolution 110.

Mr. GRAVEL. 110, which was the staffing resolution?

Mr. TALMADGE. Yes. It is a resolution cosponsored by, I believe, a majority of the Members of the Senate.

Mr. GRAVEL. That is correct.

If the Senator from Georgia would like, I would be happy to respond to, perhaps, any questions he might have relative to that resolution so that I could add to the body of knowledge with respect to the purpose and the intent of that resolution. I am hoping to satisfy my colleagues——

Mr. TALMADGE. I made my statement on the floor of the Senate, and it will appear in today's RECORD.

I pointed out that of the present Members of the Senate, 66 Senators still in office returned over $10,000 of their clerk hire last year; 53 Senators still in office returned over $20,000 last year; 41 Senators still in office returned over $30,000 of their clerk hire last year. So it seems to the Senator from Georgia that there are adequate funds for clerks and other staff assistants already authorized by the Senate Rules.

I pointed out that the resolution, Senate Resolution 110, according to the best estimates, would cost some $30 odd million in extra money to fund additional Senate clerks, and would authorize in excess of 900 new employees at a salary of some $34,000 a year each, and I did not see the reason for that expenditure.

Mr. GRAVEL. Well, if I could respond to my colleague in that regard, when he states that it would cost $30 some million and he, at the same time, refers to a list, which is accurate, of Senators who have turned back moneys from their clerk hire, then I think we can make the reasonable assumption that if we do provide, under my proposal, additional staff capability, we can assume that those people who are presently turning back moneys will not avail themselves of my proposal.

So, therefore, it will not cost $30 million. It obviously will cost considerably less. I could break that down for my colleague, and I will break it down and put it in the RECORD. But the figures that we come up with are somewhere around $11 million or less, which is an increase in the legislative budget of less than 1.5 percent. It does not seem unreasonable.

We are not trying in this resolution to force any Member of the Senate to spend more money for staff. We are not going to do that. We would not begin to importune our colleagues. But what we are trying to get at is the inequality that exists in the Senate. The Senator from Georgia, when he votes on an issue important to the State of Georgia, representing the people of Georgia, and when I vote on an issue of importance relating to the people of Alaska, our votes happen to be equal.

Mr. TALMADGE. I agree with that.

Mr. GRAVEL. So, therefore, it is incumbent upon us to try and set up a system where the information we can place inside of our heads—we make that decision—is as equal as possible.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. TALMADGE. Will the Senator have a legislative section in his office?

Mr. GRAVEL. Yes, I do.

Mr. TALMADGE. So do I, and they alert me on matters as they relate to the State of Georgia.

The Senator and I serve on the Finance Committee, and I assume the Senator would share my view that the staff of the Senate Finance Committee is one of the finest, if not the finest, in the U.S. Senate. Would the Senator agree?

Mr. GRAVEL. No question, except for one problem, that it is not my staff.

Mr. TALMADGE. I agree, it is the committee staff. That is the point I am trying to make.

Has the Senator ever called on the Finance Committee staff for information or expertise and ever had that request refused?

Mr. GRAVEL. Oh, I would say that some of the things I wanted to do with my subcommittee were probably impeded by the lack of staff. But by the same token, I was able to get out a couple of fairly large omnibus bills. The chairman was of like mind, and I was able to get the staff to work on my legislation.

But I might say candidly, if the Senator from Georgia made demands on the staff of the Finance Committee, they would serve the Senator from Georgia before they would serve the Senator from Alaska.

Mr. TALMADGE. No, they would not, and I make this point: I went on the Finance Committee some 17 years ago as the most junior member of that body. Every time I have called on staff members of the Finance Committee for assistance, they have done so, beyond the call of duty, even though I might have been the most junior member of that committee.

Now, I happen to be the chairman of the Committee on Agriculture and Forestry, and when I assumed the chairmanship of that committee we had a woefully inadequate staff in terms of numbers. The staff was competent, but it was inadequate, and we asked the Committee on Rules and Administration to give us additional money for additional staff. They responded. Working with majority and minority members of the committee, we have appointed staff members who were nonpolitical, nonpartisan experts in their field. I have issued instructions to the staff that whenever any member of the committee called for assistance, they are to lend it, and I have not had the first complaint.

Mr. GRAVEL. Well, I will only say with respect to the Committee on Finance, I probably have an aptitude with respect to energy, but with respect to other areas I must confess that I walk around in a fair amount of ignorance. On the Finance Committee we handle all tax legislation, HEW legislation, revenue sharing, trade legislation, and I do not have a single staff person assigned to me to help me do that task.

Mr. TALMADGE. I am chairman of the Subcommittee on Health of the Finance Committee and I would say to the Senator that no individual staff member is assigned to my subcommittee either. But whenever any problem arises in the Finance Committee, as the Senator knows, the total staff is made available for whatever work and expertise is necessary on that problem.

I think the Senator is a little bit too modest. He merely refers to himself as chairman of the Subcommittee on Energy, but the Senate and the Finance Committee recognize the Senator as one of the foremost experts in this body on energy.

Now, he gained that knowledge somehow and I assume it was with the help of the Finance Committee staff as well as the Senator's own great ability.

Mr. GRAVEL. I might say that the Senator points out he is chairman of the Agriculture Committee, and I might say the Senator probably has more committee assignments than any other Member of the Senate. Certainly, that is testimony to the amount of commitment and effort the Senator from Georgia puts forth in his obligation as a Member of the Senate.

But I think the realities of the situation are that I did not turn back any money, clerk hire money, last year. I barely had enough to survive and satisfy my needs, as I view them.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. But it is, I might say, a personal view.

So if we are going to say, "Make us equal," then it has to be a personal judgment.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. But I can only say the Senator from Georgia has at his disposal because of his seniority position——

Mr. TALMADGE. Not because of seniority. The most junior Member of the Senate, who represents a State with the same population as my State of Georgia, has the same clerk hire allowance that I have.

In the 18 years I have been a Member of this body I have turned back a portion of my clerk hire every year.

Now, there are expenditures beyond what I have available as clerk hire in the Senate. I try to get out a newsletter to keep the people of my State informed on what is going on in the Senate and the views of their Senator. The cost of that paper is enormous.

I also do radio reports that I send to Georgia. I do television reports that I send to Georgia and I do a weekly news column that appears in the Georgia press. Each year those things cost me about $20,000 that I do not have available in my clerk hire allowance, but I have used honorariums and contributions for that purpose and I expect to continue to do so.

Mr. GRAVEL. If I may only add, my colleague with his committee assignments has at his disposal, because he is either chairman or ranking member, $4,618,475, and my distinguished colleague from Georgia has returned 11.1 percent of his clerk hire. But maybe I could return some of my clerk hire if I had $4,618,475.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. When I was in a command position to control.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. TALMADGE. The Senator is totally in error in that statement. I do not have four and a half million dollars at my disposal. Furthermore, the staff of the Committee on Agriculture and Forestry does not perform one single duty for the Senator from Georgia as the Senator from Georgia. They perform their duties for the Committee on Agriculture and Forestry. It is true, occasionally I get mail and inquiries addressed to me as chairman of the committee that they respond to.

I do not have a single employee on the staff of the Finance Committee, not a one. I do not want one.

Mr. GRAVEL. Yes.

First, I would not dare insult the Senator by saying that that is not what I said. What I said was that when the Senator comes to the floor, he is the most expert person on agriculture.

I would like to be knowledgeable on agriculture, but I cannot spare the time, so I rely upon the wisdom of the Senator from Georgia. I have done that repeatedly, and I will continue to.

Mr. TALMADGE. The Senator from Georgia relies on the wisdom of the Senator from Alaska——

Mr. GRAVEL. In the Finance Committee, I want to make up my own mind on taxes, so I want to have the staff to equip myself to do that. All I am saying is that I do not have.

The Senator is on the Finance Committee, he is on the Veterans Affairs, Joint Committee on Internal Revenue Taxation, Select Committee on Nutrition and Human Needs, Standards and Conduct, and Select Committee on Presidential Campaign Activities. I would like to get involved in all those issues.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. I would be very candid to say that if I were ranking member and I had committee staff, I would guarantee they would see me before any other member. That is the nature of the business.

Mr. TALMADGE. Will the Senator yield?

I do not have a single employee and have never recommended a single employee on any committee that I serve on, except the Committe on Agriculture and Forestry of which I am chairman. The Senator is a diligent member of this body, he attends hearings when we have matters before the Finance Committee, he attends the markup sessions when the staff experts explain those matters, and he has identically the same staff on the Finance Committee as the Senator from Georgia, no more and no less.

Mr. GRAVEL. And all I can say is that is not enough for me to discharge my responsibilities. It may be for the Senator from Georgia. But I do not see why the Senator from Georgia should want to penalize me if I feel I need more people because I am not, maybe, swift enough to grasp the issue since I am new on the committee.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. When I do vote on the committee on taxes, my vote is the same thing as RUSSELL LONG's, who has been there a number of years. So it is important for me to play the catch-up game.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. TALMADGE. I do not want to penalize the Senator from Alaska, he has the same right as every other Member of this body, but the Senator from Georgia and the Senator from Alaska have the same staff on the Committee on Finance, and that is the total membership of that staff, no more and no less, and the Senator has the opportunity and privilege and duty, if the need arises to call on the committee staff whenever he wants expert information which he does not have.

Mr. GRAVEL. Well, I might just reiterate, if it comes between a senior and junior member of the committee as to where that staff member is going to spend his time——

Mr. TALMADGE. It does not make a bit of difference.

Mr. GRAVEL. That would be the dumbest staff person on earth to give his time to the junior member at the expense of a senior committee member. And I have not met that kind of staff person. I have found they will serve me if there is time to serve me, and if my views are at variance from senior members or the chairman of the committee, they will not serve.

Those are the cold, hard facts of life. There is nothing wrong with that. It is just human nature. I am prepared to accept that. If I could explain to my colleague the fundamentals of the legislation, I think it would add to the dialog.

Mr. TALMADGE. Will the Senator yield?

Mr. GRAVEL. I will be happy to yield.

Mr. TALMADGE. I have found the staffs serve the junior as well as the senior Members. I pointed out to the Senator that when I was the most junior Member of this body, I called upon the staff of the Committee on Agriculture and Forestry and the Committee on Finance and I never made a request that was not complied with. The Senator from Alaska is no longer a junior Member. He has been elected for another 6-year term in this body. He is now more than a junior Member. He is a chairman of a subcommittee and recognized as an expert in the field of energy, as well as an expert in many other fields involving business and other matters. I have the greatest respect for the Senator, but he makes a mistake when he states that the staff of any committee in the Senate is not available to the total committee. They are available.

Mr. GRAVEL. I will not repeat the statement I made before, but I would like to go to the fundamentals of this legislation so my colleague from Georgia can understand the principles. I think the principles are valid and they are almost immutable. We apportion staff in the Senate on the basis of, one, population. That is good. There are more people in Georgia than in Alaska, so the Senator has more constituent responsibilities than I have.

Mr. TALMADGE. And New York and California have more people than Georgia.

Mr. GRAVEL. May I finish? I did not interrupt the Senator from Georgia.

So it is important that the Senator from Georgia has more staff because he has more people.

The other way we apportion staff is on the basis of committees, the full committees. We know, and it has been abundantly——

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. GRAVEL. I ask unanimous consent——

Mr. MANSFIELD. Mr. President, I am forced to object, reluctantly and respectfully, because the precedent has been set in allocating these time periods for Senators to be recognized. The Senator from North Carolina has been waiting patiently.

Mr. GRAVEL. May I pose a question to the majority leader?

Mr. MANSFIELD. No.

Mr. President, I object reluctantly and respectfully to observe the precedents which have been established. The Senator can come back after the Senator from North Carolina finishes his remarks.

Mr. GRAVEL. I will be happy to do that.

Mr. MANSFIELD. And then I will yield the Senator some of my time.

The PRESIDING OFFICER. Under the previous order the Senator from North Carolina is recognized for not to exceed 10 minutes.

(The remarks made by Mr. MORGAN at this point are printed in today's RECORD in the tributes to Dr. Billy Graham following the convening of the Senate.)

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 11:30 a.m., with statements therein limited to 5 minutes.

Mr. GRAVEL. Mr. President——

Mr. MANSFIELD. Will the Senator yield? If I am not in the Chamber, I would like to be recognized at this time to yield my 5 minutes to the Senator from Alaska.

Mr. TALMADGE. If the Senator needs additional time, I will yield my 5 minutes also.

Mr. GRAVEL. I would prefer that the Senator from Georgia keep his 5 minutes. I have 10 minutes.

I thank the distinguished majority leader for yielding his 5 minutes. I understand the precedent he wanted to maintain with regard to the rule.

The PRESIDING OFFICER. The Senator may proceed.

INCREASED STAFF ALLOWANCES FOR SENATORS

Mr. GRAVEL. Mr. President, let me begin by stating the purpose of the legislation and the fundamentals. We have staff in the Senate on the basis of two approaches. The first approach is on the basis of population. That is a very proper approach because, as I pointed out, the Senator from Georgia has more people in his State than I have in Alaska. Therefore, he has more need of staff to satisfy the constituency needs.

The Senator from California and the Senator from New York obviously have considerably more need for staff to satisfy their constituency needs than does the Senator from the State of Alaska, for an obvious reason—population. So the formula that we satisfy ourselves with in building a staff through population is a proper one. That is the end of the staff that we get as a matter of right. The second method by which staff is apportioned here in the Senate is to the committees. The balance of the staff goes to the committees, the Finance Committee, the Agriculture and Forestry Committee, the Commerce Committee, and so forth. The committee chairmen get that. They present their budgets as to what they need.

If, over time, the committee chairmen in question have had large appetites to do a lot of work, or have had a lot of imagination and wanted to do a lot, they obviously sought to expand their staffs because they had a lot of work to do. Also, they expanded if they wanted to be generous to members of the committee, as was the case of the Judiciary Committee where you have the budget of the Judiciary Committee which just about equals what this total amendment will cost—$8 million. And, of course, many members of the Judiciary Committee have very large staffs to do the work of the members that they serve on the Judiciary. But on the Finance Committee, we have no staffs assigned to individuals. It is a collective staff, under the leadership of the chairman. So on some committees we have no staff at all to serve us, but on other committees, if the chairman is generous, or depending on his approach, we have a great deal of staff. Obviously, this leads to a great deal of capriciousness, a great deal of injustice; and that is the reason why a very fine reporter from the Washington Post did what I thought was an outstanding series on this ineptitude within the Senate.

I want to state that I do not address myself to that problem. That is a problem of the Rules Committee, one that they should solve, and I think there are ways to solve it. The way to obviate the inequities is to develop a formula for committees so that there is an equity as to the staff the committees get, an equity related to the membership of the committees, and an equity related to the workload of the committee.

My proposal does not touch the population formula. It does not touch the appropriation to committees. It comes in with a totally new approach. It starts with the fundamental principle that we in the Senate are all equal. Therefore, if we are equal, in order to exercise our equal roles as legislators, we should have equal staff, based upon our legislative duties.

So my proposal says that we will get $69,000 for our "A" committee assignments, $34,000 for our "B" and "C" committee assignments; and if we happen to be chairman of a subcommittee or the ranking member, then we get another $69,000 to be able to handle those duties.

If a person is chairman of a subcommittee or a member of the Finance Committee and does not need that money, he does not have to take it. He takes it only if he wants it—if he wants to feel his full equality and satisfy his intellectual appetite. It is that simple. It is an effort to establish equality.

Based upon the record—and my colleague from Georgia probably would be one of those individuals—he would not be entitled to any money under my proposal——

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TALMADGE. I think the Senator errs when he assumes that the staff of a committee serves only the chairman of the committee and no one else. We have two different setups in the Senate. We have a hundred individual Senators, as the Senator knows, who have clerk hire allowances based upon population.

In addition, we have the committee system, whereby we try to draft legislation and get bills in an acceptable form to be brought to the floor of the Senate. Those committee staffs serve the entire committee, whatever committee it may be.

The staff of the Finance Committee, on which the Senator and I serve, serves the entire membership of the Finance Committee. They do not serve the Senator from Alaska exclusively nor the Senator from Georgia exclusively. Those staff members are experts in their field. They serve primarily the Finance Committee and every member thereof. In addition, they serve the membership of the Senate.

I say to the Senator that I have called on the staffs of many committees in the Senate. When a bill has been coming from, we will say, the Committee on Interior and Insular Affairs, I realize I have no expertise in that field. My legislative assistants—I have about five people, two lawyers and three secretaries, in the legislative section of my office—will see the staff of the Interior and Insular Affairs Committee and get information on that problem. So the staff of the committee serves all Senators.

The Senator makes a mistake when he assumes that the staff of a particular committee serves only the chairman thereof, to the exclusion of the Senator from Alaska.

Mr. GRAVEL. I did not say that. I can only add that I have found that the staff serves the one who issues their paycheck.

Mr. TALMADGE. The Government of the United States issues their paycheck, so they serve 212 million Americans.

Mr. GRAVEL. Of course, they do. The information that our expert staff on the Finance Committee brings forth is, of course, for the benefit of the American people, for the benefit of the Finance Committee, and for the benefit of the Senate. I use staff reports all the time to make a point before the Senate. So they do that. But when it comes down to whom they will serve if there is a conflict between members of the Finance Committee, I submit that they will serve the person who pays them, and the person who pays them on the Finance Committee is RUSSELL LONG.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TALMADGE. Some constituents came into my office this morning from Macon, Ga. They wanted to discuss legislation that comes under the jurisdiction of the Committee on the Judiciary. I called in one of my legislative assistants and instructed him to take these people to the most knowledgeable staff member of the Judiciary Committee so they could talk to him. That happens every day. The Senator and I know that. The staff members serve all Senators.

Mr. GRAVEL. I can give the Senator from Georgia a more graphic example than that.

Sitting at my side is a young man by the name of Harrison Fox, who is assisting me in the Chamber. He does not work for me. He does not even work for a Democratic colleague in the Senate. He works for a Republican colleague. But he is the most knowledgeable staff person on this subject. So I was availing myself of his brain power.

But the minute his Senator walks in and says, "You will not serve Senator GRAVEL; you will step over here and deny your knowledge to Senator GRAVEL," he would be a fool to sit here, because his paycheck comes from over there. That graphically states the point I am trying to get across.

Mr. TALMADGE. The Senator has proved my point better than I can prove it.

Mr. GRAVEL. I do not understand the Senator's point. If the Senator is saying that if the chairman of a committee and I agree, then of course, within the workload that he has defined for the committee, I have access to that staff. But if my appetite is larger than that, then obviously my appetite to satisfy my intellect, to serve my people, and to serve this Nation could not be satisfied by the staff because it is dependent upon the decision of another Senator. That is where the inequality creeps in, and that is what I am trying to get away from with this legislation.

I am saying that every Senator is equal here and, therefore, is entitled to basic staff to equip him to do the job as a legislator. That is not the case right now. The case right now is that the present system is wrought with great abuse. Some Senators have large staffs because of seniority, capriciousness of the chairmen, or accident.

Mr. TALMADGE. The Senator again makes the mistake of assuming that the staff of a committee is the personal staff of the chairman of the committee. That is not correct.

If there are any abuses of staff members serving the chairman to the exclusion of committee members, that should be corrected; and the way to correct it is for the Rules Committee to keep a sharp eye on these committee budgetary requests. The Senator knows as well as I that the members of the staff of the Finance Committee serve the Finance Committee. They serve all of us who are members of that committee.

Mr. GRAVEL. Under a certain pecking order.

Mr. TALMADGE. In 17 years, I have never been denied a request.

Mr. GRAVEL. They serve us on the Finance Committee in a certain pecking order, like the staff of the Senate serves the Senate in a certain pecking order. I do not think we can appeal to the Rules Committee to try to change the laws of human nature.

All I am saying is that we allow every Member of this body to have an equal right to fill his head with facts so that he can stand up and try to be equal. In a democratic society, in a rational democratic society, there is only one power at hand. That is the power of knowledge. The staff is the ability to acquire knowledge.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

Mr. TALMADGE. I have never found the Senator lacking in knowledge on any subject.

Mr. GRAVEL. I must say to my colleague that I accept that as a compliment; but in the introspection I have given my life, I have found gaping holes in my knowledge, to the point that I am embarrassed at times when I come to the floor of the Senate to vote. I would hate to codify time I did not know what I was voting on when I came to the floor of the Senate because of the lack of staff assistance to inform me and to do the job properly.

We see a situation in which the Executive has too much power. The Executive has had a 25 percent increase in the amount of staff available to them. When an issue comes up, we grope around in the dark. They can put a hundred men on a task and come up with an answer that befuddles us, confuses us, and overwhelms us. In a rational democratic society, knowledge is power, and the Executive has more knowledge than we have on issues and facts. Therefore, they have more power than we. That is the reason why our political society falters today and why Congress has not been able to assert its full powers under the Constitution. We have not equipped ourselves to do it.

Mr. TALMADGE. Does the Senator realize that senatorial staffs have increased 70 percent in 5 years' time?

Mr. GRAVEL. My staff has not increased 100 percent in 5 years' time.

Mr. TALMADGE. The Senate staff has increased 70 percent in 5 years' time. In 20 years' time, it has increased more than 200 percent.

Mr. GRAVEL. Well, maybe the cost of Government, maybe the duties of Government have increased. Our society is considerably more sophisticated. All of these things go forward.

I wonder if we want to close our eyes while the rest of sophisticated, technical society moves forward. The information we need on science today at our fingertips is more demanding than it used to be. Does my colleague say we should not equip ourselves to handle this?

Mr. TALMADGE. The Senator from Georgia is not of the opinion that more staff makes for better government. It makes for bureaucracy, it bungles more things than it solves. I think the Senate operated better and more efficiently when the staff was smaller than it is now. The Senator knows that many of these staff people come up here right out of law school and college and they are dreamers and are idealistic. They get on staffs seeking new worlds to conquer. They sell new ideas to Senators, propose to spend more money, pass more laws, have more Government regulation. I think our country would be a good deal better off today if we had less staff, not more.

Mr. GRAVEL. I agree with my colleague from Georgia. In fact, I should like to see it at the level it was when Thomas Jefferson was President, when he did not have a National Security Council, and he did not have all these people who will propel him into these decisions. But that is not what we have today. We do not have an agrarian society as it was then, we do not have a society at the beginning of the industrial revolution; we have a society at the end of the industrial revolution and at the beginning of a cybernetic revolution. If we do not have that information in a democracy, democracy is going to fail.

I am the first to recognize the inadequacies of bureaucracy. I labored long yesterday afternoon on what I think is one of the great bureaucratic fallacies to occur in this Government. I want to limit the bureaucracy. I want to limit bureaucracy and permit us to operate the checks and balances. One of the checks and balances designed by our forefathers, and their true genius, was the fact of pitting Congress against the executive and making the judiciary the arbitrator of it all.

What we have done is permit the industrial revolution to co-opt the executive. We equip them to do the job in our modern-day society, but not Congress. So we sit here in our culpability and say, there is just too much going on; we cannot handle it. So we do not equip ourselves to try to handle it. That is the tragedy of it all.

Mr. TALMADGE. As the Senator knows, probably beginning with the days of the late President Franklin D. Roosevelt, the executive branch of Government has taken the initiative and Congress has yielded more and more power. The Senate, for some years now, has been trying to reassert its power. The Senator from Georgia and the Senator from Alaska have been active in that regard. But I do not think the size of the staff makes any difference in that. The Senators themselves yield the power, not the staff.

Mr. GRAVEL. I might say the staff does make a difference. It makes a difference from the standpoint of perspective, as I see it. If I can have an expert on taxation, he can then inform me as to what the issues are in taxation as the bills come up. I do not have the time to read all there is on taxation. I am not an expert on health care legislation.

I interviewed yesterday a fellow who is going to go to all the other Senate offices. He is an expert on health care. I will not be paying him.

Mr. TALMADGE. I am no expert, either. But we do have experts on our committee. We hold hearings in which we hear from outside experts. After we hear the outside experts, we can rely on our committee experts to help us make the decision.

Mr. GRAVEL. If I may say so, I would take and proselytize the experts on the Committee on Finance to draft the legislation I want. If that legislation were at variance with ranking members of that committee, I would find—I do not say this cynically; I say it with the full knowledge of how human nature operates, not in any critical fashion. But I would find that person who was helping me draft legislation would no longer be available to me.

I would say that has happened to me. It is no great confession. It has caused me to have no adverse feelings toward colleagues. It is just the realization that that is human nature. I would do the same thing. If I felt strongly about an issue and I were a committee chairman and I had a lot of work for the staff to do and a young member came in and said, "Senator, I need to grab a lot of that staff to go do this," I would say, "Senator, there is not enough time. We have our priorities set." I would say it in a paternalistic fashion, because the poor young Senator really does not know the whole issue, has not been around here long enough to know the whole issue. That is no disrespect to him. It is no capriciousness on our part. It is just that that is the way we act as human beings.

But that is not equality, that is not justice. When a new person comes in here, he may not know as much as I do on energy, because he has not had that much time. But that does not mean he should not have the equal right to get on this floor and fight as hard as he can with the assistance he needs to assault my position. That is how we are going to get better legislation.

Mr. TALMADGE. I agree fully with the Senator. We are all equal in this body. We have equal rights and equal sources. But he makes a mistake when he assumes that experts on the staff of any committee of this body are not available to any Senator. They are; I know. I have utilized them from time to time. My personal staff clerks, from the State of Georgia, utilize them daily, time after time.

Mr. GRAVEL. I can only close with this remark. That is to say, with all the respect that I have for the Senator from Georgia, I can only say that I have had experiences at variance with his. I can understand his experience. I am sure he can understand my experience.

I would say that, judging from the number of cosponsors that have joined me on this legislation, the experience that I have had seems to have been what other Members have had. That is why they have joined me, to try to rectify what is a very sad situation in the Senate and, of course, a situation that must be corrected. Otherwise, we cannot exercise our true role under the Constitution.

Mr. TALMADGE. Will the Senator yield?

Does the Senator realize that the majority of the cosponsors on his resolution returned to the Treasury clerk hire money that they did not spend?

Mr. GRAVEL. No question about it. I have that list and I wish to reiterate to my colleague that maybe they have seen the principle involved. That is the principle that we are equal and, therefore, we should afford every Member the right to equally inform himself on legislative matters.

That is all my proposal does. It does not upset the present arrangements that exist within committees, it does not upset the population formula. All it says is we are elected, we are equal, and we should have an equal opportunity to fill our minds with facts so that we can discharge the duties of the people that send us here, discharge the duties of the Nation, and, of course, meet our responsibilities.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

Mr. GRAVEL. I thank the distinguished majority leader for yielding me some time. As I said after he left the room, I respect the position he is in in trying to maintain the propriety of the rules.

Mr. MANSFIELD. I appreciate the statement.

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. HELMS) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

In accordance with section 5 of the Council on Wage and Price Stability Act, as amended, I am hereby transmitting to the Congress the second quarterly report of the Council on Wage and Price Stability. This report contains a description of the Council activities during the past few months in monitoring both wages and prices in the private sector and various Federal Government activities which lead to higher costs and prices. Additionally, it contains a discussion of wages and prices during the last quarter of 1974 and the outlook for 1975.

We are making good progress in winning the battle against inflation. The Council on Wage and Price Stability has helped to obtain the voluntary cooperation of labor and management in these efforts. The Council also is playing an important role in restraining any adverse economic impact of proposed Government actions.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Helms) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 543. An act to expand coverage of the Rehabilitation and Betterment Act (act of October 7, 1949, 63 Stat. 724);

H.R. 3109. An act to authorize appropriations for the saline water conversion program for fiscal year 1976;

H.J. Res. 148. A joint resolution to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man"; and

H.J. Res. 335. A joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 203. A concurrent resolution providing for a joint session of the two Houses of Congress on Thursday, April 10, 1975.

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hackney, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. Foley, Mr. Poage, Mr. Jones of Tennessee, Mr. Bowen, Mr. Bergland, Mr. Wampler, and Mr. Sebelius were appointed managers of the conference on the part of the House.

At 3:28 p.m., a message from the House of Representatives, delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (H.R. 3922) to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes, in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Helms) laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriations for the Department of Agriculture (S. Doc. No. 94-31)

A communication from the President of the United States, transmitting a proposed amendment to the request for supplemental appropriations for the fiscal year 1975 in the amount of $21,260,000 for the Department of Agriculture which was transmitted in the budget for fiscal year 1976 (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Proposed Supplemental Appropriation for the Civil Service Commission (S. Doc. No. 94-32)

A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1975 in the amount of $7,970,000 for the Civil Service Commission (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

Air National Guard Construction Projects

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, proposed construction projects to be undertaken for the Air National Guard (with accompanying papers); to the Committee on Armed Services.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a secret report on U.S. assistance and other expenditures benefiting Thailand (with an accompanying secret report); to the Committee on Government Operations.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Proposed Vocational Education Act of 1975

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to revise existing authorities under the Vocational Education Act of 1963 in order to create an improved means of providing Federal assistance to States for vocational education (with accompanying papers); to the Committee on Labor and Public Welfare.

Proposed Legislation To Clarify Existing Authority for the Employment of Personnel and Procurement of Services by the President and the Vice President

A communication from the President of the United States, transmitting a draft of proposed legislation to clarify existing authority for the employment of personnel and the procurement of services by the President and the Vice President, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

Deepwater Port Act Reporting

A letter from the Deputy Secretary of Transportation, relating to reporting requirements of section 21 of the Deepwater Port Act of 1974 (Public Law 93-627); to the Committee on Commerce, the Committee on Interior and Insular Affairs, and the Committee on Public Works, jointly, by unanimous consent.

PRESENTATION OF PETITIONS

Mr. PASTORE. Mr. President, I send to the desk, for myself and my colleague, Senator Pell, a resolution adopted by the General Assembly of the State of Rhode Island memorializing Congress to provide emergency generators in all housing for the elderly and ask unanimous consent that it be printed in the Record and referred to the proper committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution, which was referred to the Committee on Banking, Housing and Urban Affairs, reads as follows:

Resolution Memorializing Congress To Provide Emergency Generators in All Housing for the Elderly

Whereas, The housing for the elderly in many instances are above three floors and the elderly during a power failure are unable to use the elevators, and physically unable to use the stairs, emergency generators are necessary; now, therefore be it

Resolved, That the general assembly of Rhode Island and Providence Plantations, now requests the congress of the United States to provide for emergency generators in all housing for the elderly; and be it further

Resolved, That the secretary of state be and he is hereby respectfully requested and directed to transmit duly certified copies of this resolution to the President of the Senate of the United States, the speaker of the House of Representatives, and to the Rhode Island delegation in Congress.

OVERSIGHT ACTIVITIES OF THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS—SUBMISSION OF A REPORT (REPT. NO. 94-64)

Mr. PROXMIRE. Mr. President, pursuant to section 118 of the Legislative Reorganization Act of 1970, as amended, I hereby submit a report of the oversight activities of the Committee on Banking, Housing and Urban Affairs for the 93d Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Commerce, with an amendment:

S. 852. A bill to amend the Rail Passenger Service Act (Rept. No. 94-65).

By Mr. RIBICOFF, from the Committee on Government Operations, with amendments:

S. 200. A bill to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes, together with supplemental and minority views (Rept. No. 94-66).

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were read twice by their titles and referred as indicated:

H.R. 543. An act to expand coverage of the Rehabilitation and Betterment Act (Act of October 7, 1949, 63 Stat. 724). Referred to the Committee on Interior and Insular Affairs.

H.R. 3109. An act to authorize appropriations for the saline water conversion program for fiscal year 1976. Referred to the Committee on Interior and Insular Affairs.

H.R. 3922. An act to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes. Referred to the Committee on Labor and Public Welfare.

H.J. Res. 148. A joint resolution to designate April 24, 1975, as "National Day of Remembrance of Man's Inhumanity to Man." Referred to the Committee on the Judiciary.

H.J. Res. 335. A joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974. Referred to the Committee on Agriculture and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD (for himself and Mr. Packwood):

S. 1382. A bill to authorize the Secretary of Agriculture to reimburse cooperators for work performed which benefits Forest Service programs. Referred to the Committee on Agriculture and Forestry.

By Mr. BENTSEN:

S. 1383. A bill to amend the Outer Continental Shelf Lands Act with respect to payments to be made under oil and gas leases pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

By Mr. HATFIELD:

S. 1384. A bill to designate certain lands for inclusion in the National Wilderness Preservation System. Referred to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 1385. A bill to designate a national network of essential rail lines; to authorize the Secretary of Transportation to acquire, rehabilitate, and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to the States for rehabilitation of rail lines, and for other purposes. Referred to the Committee on Commerce.

By Mr. CULVER (for himself, Mr. Clark, and Mr. Magnuson):

S. 1386. A bill for the relief of Carmichael C. Peters. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1387. A bill to amend title IV of the Social Security Act to permit aid to families with dependent children to be paid with respect to a needy child whose father is receiving unemployment compensation or whose father is employed but whose earnings (plus other family income) are inadequate to provide family support. Referred to the Committee on Finance.

By Mr. DOMENICI:

S. 1388. A bill to direct certain Federal departments to undertake an immediate review of public lands withdrawn by executive action from exploration, development, and production of energy and other mineral resources with a view to determining and recommending the extent to which, if any, such lands should be made available for exploration, development, and production of energy and other mineral resources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 1389. A bill to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Church, Mr. Magnuson, Mr. Mansfield, and Mr. Metcalf):

S. 1390. A bill to authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON (for himself and Mr. Tunney):

S. 1391. A bill to study certain lands in the Mendocino National Forest, Calif., for possible inclusion in the National Wilderness Preservation System. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY:

S. 1392. A bill to establish a demonstration program in energy conservation, using promising innovative technology to the maximum extent possible, through retrofitting existing buildings with energy conservation equipment and systems, and for other purposes. Referred to the Committee on Public Works, the Committee on Commerce, and the Committee on Government Operations, jointly, by unanimous consent.

By Mr. CLARK:

S. 1393. A bill for the relief of Mitsuo Kakutani, Akaiko and Kota Kakutani. Referred to the Committee on the Judiciary.

By Mr. BEALL:

S. 1394. A bill to amend section 403 of the Congressional Budget Act of 1974 to require cost estimates of proposed legislation covering a 5-year period and to include costs to be incurred by nongovernmental entities. Referred to the Committee on Government Operations.

By Mr. THURMOND:

S. 1395. A bill to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of active duty military medical personnel, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 1396. A bill to amend the Regional Rail Reorganization Act of 1973 to provide a greater percentage of Federal subsidy of rail lines proposed to be abandoned and to require more thorough analyses of branch lines before a final determination is made not to include them in the Consolidated Rail Corporation. Referred to the Committee on Commerce.

By Mr. KENNEDY:

S. 1397. A bill to amend section 22 of the Federal Meat Inspection Act relating to punishment for the commission of certain offenses under such act. Referred to the Committee on Agriculture and Forestry.

By Mr. JACKSON:

S. 1398. A bill to provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93–344). Referred to the Committee on Interior and Insular Affairs and, if and when reported, to the Committee on Appropriations, by unanimous consent.

By Mr. DOMENICI (for himself, Mr. Eastland, Mr. Allen, Mr. Beall, Mr. Buckley, Mr. Fannin, Mr. Garn, Mr. Goldwater, Mr. Helms, Mr. McClure, Mr. Stevens, Mr. Stone, Mr. Thurmond, and Mr. Curtis):

S.J. Res. 69. A joint resolution relating to obtaining a full and accurate accounting for members of the U.S. Armed Forces missing in action in Southeast Asia and U.S. contribution to the U.N. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN:

S. 1383. A bill to amend the Outer Continental Shelf Lands Act with respect to payments to be made under oil and gas leases pursuant to such act. Referred to the Committee on Interior and Insular Affairs.

OUTER CONTINENTAL SHELF LANDS ACT

Mr. BENTSEN. Mr. President, today I am introducing a bill amending the Outer Continental Shelf Lands Act to greatly increase the Government's share of the proceeds from the sale of oil and gas produced on Federal lands, and broaden the interest and competition in offshore bidding.

The bill is patterned after a production sharing arrangement first adopted in Indonesia and now in use in 11 countries around the world. A more complete explanation appears at the conclusion of my remarks. However, very briefly, the bill would increase from 16⅔ to 36 percent the amount which an oil company is required to pay the Government from production revenues, prior to initial exploration costs being recovered. After the initial cost recovery, that payment would increase to 60 percent of production revenues minus actual ongoing operating costs. The bill would apply to all leases awarded after the date of its enactment.

I believe the adoption of this measure will accomplish four things:

First, it would allow the American citizen to receive a substantial benefit from the higher prices being paid for oil produced on his lands.

Second, it will encourage faster development of offshore oil and gas resources by permitting more rapid leasing of Federal offshore lands.

Third, it will increase competition within the petroleum industry, by enabling the smaller oil companies to participate in offshore leasing.

Fourth, it will generate additional Federal revenue so that a portion of such revenues may be returned to the several coastal States without loss to the Federal Treasury. Financial assistance is needed by the coastal States to encourage development and to compensate them for the adverse impact of Outer Continental Shelf development.

The present leasing system runs counter to all of these objectives.

Under the present system an oil company operating on Federal offshore lands pays the Government a royalty of 16⅔ percent of the oil and gas produced. However, the Government's principal compensation comes from the large cash bonuses which the companies pay in bids for the right to drill on these tracts. Only the very largest oil companies have been able to afford to take full advantage of this type of proposal.

INSURING FAIR COMPENSATION TO THE AMERICAN TAXPAYER

While the present system results in a large initial cash payment, the American citizen receives very little from what may be an extremely valuable oil and gas discovery on his lands. If the lease proves to be undervalued by the companies who bid on the tract, the Government has no way to share in what may be a bonanza. This becomes far more important today than it has been in the past due to higher oil prices and the President's desire to greatly increase the schedule of lease sales. As S. David Freeman of the Ford Foundation's energy project noted in the Washington Post in April of 1974, since the Government does not know the value of what it is selling until wells are drilled, a rapid acceleration of leases under the present system could result in leases going for prices which do not protect the interest of the American taxpayer.

I believe my bill increasing the share of the proceeds from the sale of the oil and gas once found and produced would insure that the taxpayer received a fair compensation for these valuable minerals regardless who was paid in initial bonuses. In addition, by taking the bulk of the Government's compensation from the sale of these minerals the Government's revenue will increase with oil prices—allowing the American taxpayer to share in the higher oil prices he is being asked to pay.

ALLOW MORE RAPID LEASING

Since the high initial bonus payments are presently the Government's principle means of compensation, the concern for maintaining those high payments has been one of the principal restraints to faster leasing schedules.

This became painfully obvious on February 5 of this year when the Interior Department opened bids for 515 tracts off south Texas, but found offers for only 143 of the tracts. Industry officials blamed the high cost of bonus bids and the "capital crunch" for the failure of the lease offering.

Heretofore, lease sales have been timed to maximize bonus bids rather than to maximize the exploration and development of offshore lands. And the recent Texas situation points to the folly of continuing this set of priorities.

Increasing the number and size of these sales is one of the fastest ways of making our Nation more energy self-sufficient. Less than 3 percent of the 186 million acres in the Federal Outer Continental Shelf is presently under lease yet we are producing more than a million barrels of oil a day from these leases. The Secretary of Interior has testified that the potential recoverable petroleum resources remaining on the Outer Continental Shelf is estimated to be 200 million barrels of crude oil and natural gas liquids and about 850 trillion cubic feet of natural gas.

Just the oil and liquids alone would increase our present reserves six times over. We must accelerate our leasing of these tracts but we must do so in a manner which insures the American taxpayer gets his fair share of the value of that production. As leasing is accelerated there is sincere and justified concern that the bonus bids will continue to decrease in size as greater number of bids are required. Thus there is a need to move away from bonus bidding in order to protect Federal revenue. I believe my bill substantially increasing the amount paid once production is found will meet this need.

INCREASE PARTICIPATION BY SMALLER PRODUCERS

A rapid acceleration of lease sales under the present system would not only endanger the taxpayers interest, it would award leases to those who could raise the most money the fastest rather than those who could best evaluate and develop our natural resources. One of the worst features of the present system's reliance on high initial cash payments is the advantage it gives the large companies over the smaller ones—the major over the independents. In an offshore lease sale last year one tract went for a record $211 million—$100 million over the next highest bid. If more independent producers and more smaller companies are going to play an active role in the development of offshore lands, these bonuses must be brought down. Not only are larger companies in a better position to raise the high initial bonus, they can better afford to lose it if they guess wrong on a lease and the lease does not prove as productive as was hoped. Under my measure providing the principal Government payment out of production after it is found, the smaller company's loss will not be so severe if the lease turns out to have been overvalued.

In addition, these bonuses are unproductive capital being expended before one drop of oil is found. The present high initial payments out of cash badly needed for exploration and low Government participation once production is found makes no sense if we want to increase domestic oil and gas production and if we want to enhance competition within the petroleum industry.

REDUCTION IN THE PRESENT HIGH BONUSES

My legislation would retain the bonus bids as an impartial means of determining who would be awarded the right to drill on the lease. However, the measure would so increase the amount to be paid to the Government once production is obtained that these bonuses would be greatly deemphasized.

Payments out of production of the magnitude required in this bill would force lower initial bonus bids thus allowing greater participation by smaller companies while still protecting the American taxpayers' interest. One independent producer has estimated that initial bonuses would be reduced to one quarter of the current expenditure. But in the long run, the Government would receive more revenue from the production on its lands. And it would get that production sooner than it will under the present system, due to accelerated lease sales. And again it would help avoid lease sale failures like the one which occurred in February of this year.

Mr. President, since I originally urged this change in the offshore leasing system, the concept has been endorsed by the Joint Economic Committee in an annual report, the president of the Coastal States Organization and by the executive committee of Texas Independent Producer and Royalty Owners, a group representing smaller producers. In fairness, I would add that it has been criticized by some members of the industry, particularly major oil companies. But, Mr. President, my proposal only requires the operating company to give the United States the same type of arrangement being used in 11 countries around the world. My bill requires them to give the American taxpayer the same deal they are giving foreign governments.

Mr. President, I would add, that while this legislation requires the Secretary of the Interior to lease future oil and gas tracts on the basis of production sharing, he has the authority to do so under existing law. I would urge the Secretary not to wait for a legislative requirement but to act now to increase the share of production which the American taxpayers receive on future lease sales.

COASTAL STATES COMPENSATION

Mr. President, as I mentioned earlier, my amendment would also allow Outer Continental Shelf revenue to go to the several coastal States to compensate for the environmental, social and economic impact of offshore drilling. Because the measure greatly increases Federal revenues, it is not anticipated that this portion of the bill would reduce Federal revenue from today's levels.

The Senate recognized that there is a need to compensate the several coastal States for the impact of Outer Continental Shelf development when it passed S. 3221 last year. However, it has become evident that the Coastal States Fund set up by S. 3221 would be woefully inadequate to meet the States' actual needs.

The Coastal States Organization, which represents all the various coastal States has conducted a careful survey to determine the actual financial needs of the several States in regards to Outer Continental Shelf development. The organization's able president, Texas State Senator A. R. Swartz has testified that the coastal States need between $800 million and $1.2 billion annually to cope with energy resource development and related facility siting. The average of this range, or $1 billion is roughly 15 percent of the $6.7 billion that the Federal Government earned from Outer Continental Shelf leasing in 1974. For that reason, my amendment would allocate 15 percent of the Federal revenue from offshore oil and gas production to the coastal States in the following manner:

Two-thirds of that amount would be paid into a special fund to be known as the Coastal States Fund; and

One-third of the amount would be paid directly to the several coastal States in proportion to the amount of oil and gas produced off the coast of each such State.

The Coastal States Fund would be administered by the Secretary of Commerce and would be administered to the States in the form of impact grants. The grants would be approved by a formula which would take into consideration the actual or anticipated environmental, social, or economic impact of the energy development of the Outer Continental Shelf. The formula would also take into consideration the amount of energy production off the State's coast and would be developed in coordination with the Coastal Zone Management Act of 1972. There is precedence for the development of such a formula in the form of the Texas input-output model which demonstrated that the development of the

Outer Continental Shelf off Texas coast has resulted in a net cost to the State of $62.1 million a year. A similar study for the State of Louisiana has indicated a yearly net loss to that State of $40 million.

Thus actual impact figures for offshore energy development are available, and establishing a fund to meet these costs will fairly distribute the Federal funds that are needed by the several States. And combining this impact formula with direct payments will greatly reduce the coastal States hesitancy to develop the energy that can be obtained off their coasts.

But to be effective the funds going to the States must be sufficient to meet the States needs. Other legislation on this topic now before the Senate all contain the intent of fully compensating the several States for the adverse impact of offshore oil and gas development. However, in each case, arbitrary numbers are used to set the levels of funds available, and this has proven to be inadequate. It is for that reason that I have gone to the Coastal States Organization to obtain the actual State estimates of impact need. In setting the compensation at the level that the States estimate they need, and combining the compensation with an offshore payment system that will substantially increase Federal revenues, I feel confident that this is a logical package to meet this portion of the challenge of offshore energy development.

Mr. President, I ask unanimous consent that a summary of this proposal be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF THE PROVISIONS OF AMENDMENT TO OUTER CONTINENTAL SHELF LANDS ACT

1. The present method of awarding leases on the basis of impartial bonus bids is retained.

2. In place of the present royalty payment a production sharing concept is adopted under which the following division is made:

(a) Up to 40% total production will be assigned to the operating company for recovery of actual costs as long as those costs justify a 40% share and if not, whatever lesser percentage of production is necessary to fully recover actual costs. In the later stages of production the Secretary may approve a payment for actual costs in excess of 40% of total production. If the Secretary finds that such expenditures are necessary to obtain the maximum recovery of oil and gas.

(b) The remaining 60% of total production or whatever amount in excess of the production being devoted to costs in Subsection (a) will be divided between the Government and the operating company. The Government will receive 60% of the proceeds from the sale of this production and the operating company will receive 40%, unless the Secretary prescribes a lower percentage for the Government prior to the time of the notice for bids on the lease. However, in no instance can the Secretary prescribe a Government share less than 50%.

3. All actual costs on offshore lands will be submitted and justified to the Secretary of Interior under such regulations he may prescribe.

4. The Government will be authorized to take up 16⅔% of total production (out of its share) in oil and natural gas, i.e. "in kind", as they can under present payment procedures. This provision will insure that small business refiners who currently have first call on this production continue to have it available.

5. Present system for the number of acres to be offered for lease would remain the same as today's.

6. To compensate for the adverse impact of offshore energy development, 15% of the Federal revenue obtained from offshore leasing and energy production will be divided in the following manner:

(1) ⅔ shall be paid into a fund to be administered by the Secretary of Commerce. The Secretary shall make grants from this fund to the various Coastal States according to an impact formula, and in accordance with the Coastal Zone Management Fund.

(2) ⅓ shall be paid directly to the several Coastal States in proportion to the amount of oil and gas produced off the coast of each such State.

In essence, the effect of this legislation would be to provide the Government with a firm 36% of the proceeds from the sale of oil and gas produced from Federal lands before the operating company recovers initial costs. (I.E. 60% of 60% under the normal 60–40 split.) This would be over twice the 16⅔% share of production presently being received by the Government. After the operating company recovers initial costs the Government's share would increase from 36% to 60% of total production, minus the operator's ongoing actual production costs. While bonus bidding will be continued as a means of awarding leases, the size of the bids will be reduced due to the higher participation payments being required. The reduction in these bonuses will allow greater participation by smaller operators in offshore exploration and development while still insuring the American taxpayer receives substantial compensation for the sale of his resources. The increased revenue to the Federal Government would allow the Coastal States to be compensated for the adverse effect of offshore energy development without a net loss occurring for the Federal Treasury.

By Mr. HATFIELD:

S. 1384. A bill to designate certain lands for inclusion in the National Wilderness Preservation Sytem. Referred to the Committee on Interior and Insular Affairs.

OREGON OMNIBUS WILDERNESS ACT

Mr. HATFIELD. Mr. President, I introduce and send to the desk the Oregon Omnibus Wilderness Act. This legislation would create six new wilderness areas and enlarge eight existing wilderness areas in my State. These areas are identical to those included in similar legislation which I introduced on March 12 of last year.

Introduction of this legislation today is a part of a continuing effort to insure the protection of some of the unique areas within the National Forests in Oregon. I believe that wilderness is a valid use of the public lands and that we can withdraw some areas from other uses if we upgrade the quality of management on other areas.

I want to make it very clear that the areas and boundaries included in this legislation are not set in concrete. It is essential that thorough hearings be conducted so that the views of all interested citizens can be considered before final boundaries are drawn. Economics and the Nation's housing requirements will be considered along with the need for recreation, solitude and spiritual renewal, all of which are a part of the wilderness experience. This bill really represents a vehicle for determining just what Oregon's wilderness needs are.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Oregon Omnibus Wilderness Act.

Sec. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 391; 16 U.S.C. 1132(b)), the following lands, as generally depicted on maps appropriately referenced, date February 1974 are hereby designated as wilderness—

(1) certain lands within the Umpqua National Forest, Oregon, which comprise about nineteen thousand two hundred acres, are generally depicted on a map entitled "Boulder Creek Wilderness Area—Proposed," and shall be known as the Boulder Creek Wilderness;

(2) certain lands within the Mount Hood National Forest, Oregon, which comprise about seventeen thousand two hundred acres, are generally depicted on a map entitled "Bull of the Woods Wilderness Area—Proposed," and shall be known as the Bull of the Woods Wilderness;

(3) certain lands within the Siuslaw Natinal Forest, Oregon, which comprise about six thousand one hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness Area—Proposed," and shall be known as the Cummins Creek Wilderness;

(4) certain lands within the Deschutes National Forest, Oregon, which comprise about eight thousand acres, are generally depicted on a map entitled "Diamond Peak Wilderness Additions—Proposed," and shall be included as a part of the Diamond Peak Wilderness;

(5) certain lands within the Fremont National Forest, Oregon, which comprise about three hundred and sixty acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed," and shall be included as a part of the Gearhart Mountain Wilderness;

(6) certain lands within the Siskiyou National Forest, which comprise about one hundred thirty-four thousand and twenty acres, are generally depicted on a map entitled 'Kalmiopsis Wilderness Additions—Proposed", and shall be included as a part of the Kalmiopsis Wilderness;

(7) certain lands within the Mount Hood Wilderness, Oregon, which comprise about fifteen thousand five hundred acres, are generally depicted on a map entitled "Mount Hood Wilderness Additions—Proposed", and shall be included as a part of the Mount Hood Wilderness;

(8) certain lands within the Willamette National Forest, Oregon, which comprise about five thousand six hundred and fifty acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and shall be included as a part of the Mount Jefferson Wilderness;

(9) certain lands within the Deschutes National Forest and the Willamette National Forest, Oregon, which comprise about five thousand two hundred and thirty acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and shall be included as a part of the Mount Washington Wilderness;

(10) certain lands within the Rogue River National Forest and the Winema National Forest, Oregon, which comprise about one hundred seventeen thousand four hundred

and thirty acres, are generally depicted on a map entitled "Sky Lakes Wilderness—Proposed", and shall be known as the Sky Lakes Wilderness;

(11) certain lands within the Malheur National Forest, Oregon, comprising about seventeen thousand eight hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and shall be included as a part of the Strawberry Mountain Wilderness;

(12) certain lands within the Deschutes National Forest and Willamette National Forest, Oregon, comprising about twenty-eight thousand and ninety acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and shall be included as a part of the Three Sisters Wilderness;

(13) certain lands within the Umatilla National Forest, Oregon and Washington, comprising about two hundred thousand acres, are generally depicted on a map entitled "Wenaha-Tucannon Wilderness—Proposed", and shall be known as the Wenaha-Tucannon Wilderness;

(14) certain lands within the Mount Hood National Forest, Oregon, comprising about seventeen thousand nine hundred and ninety acres, are generally depicted on a map entitled "Zigzag Mountain Wilderness—Proposed", and shall be known as the Zigzag Mountain Wilderness.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 4. Each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. HUMPHREY:

S. 1385. A bill to designate a national network of essential rail lines; to authorize the Secretary of Transportation to acquire, rehabilitate, and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to the States for rehabilitation of rail lines, and for other purposes. Referred to the Committee on Commerce.

RAILROAD REHABILITATION AND RECOVERY ACT OF 1975

Mr. HUMPHREY. Mr. President, today I am introducing the Railroad Rehabilitation and Recovery Act of 1975. This legislation is intended to provide a solution to one of the most serious problems facing our national railway transportation system—the continuing deterioration of the tracks which carry our trains. The bill is being introduced concurrently by Congressman ANDREW MAGUIRE of New Jersey.

One of the principal failures of many of the major rail companies has been inadequate maintenance of track and railbeds. Yet the need for an effective rail system is made increasingly clear as we pursue a balanced, integrated national transportation system incorporating energy-effective ways of transporting passengers and freight.

While it might be expected that new heavy demands on any mode of transportation would create some problems, the situation facing the railroads is more severe. Because they were already plagued with financial difficulties, the companies deferred maintenance of these facilities in order to make short-run savings. But this became a self-defeating effort. As conditions of the track and roadbed became worse, increasingly rapid deterioration occurred. The repair costs became increasingly formidable, and even minimal maintenance costs eventually became overwhelming.

Semipermanent "slow" orders where trains are forced to crawl over major segments of their routes due to the condition of track and roadbed, as well as increasing numbers of derailments—in spite of slow orders, and increasing inconvenience which persuades shippers and passengers to use other modes of transportation, only exacerbate the financial situation of the companies which have engaged in these practices. The problem becomes a vicious circle, a circle which cannot be ended by routine efforts.

What we are clearly facing is an escalating crisis for our national rail transportation system—with a clear impact on the effectiveness of our national transportation system.

The present legal problems facing ConRail, combined with its formidable abandonment plans, indicate that the situation can only be expected to become worse.

The U.S. Railway Association, in releasing its preliminary system plan for the Northeast and Midwest bankrupt systems, recently admitted that the situation was worse than anticipated. Recent legislation to provide emergency funds and to add the Erie-Lackawanna to the system is indicative of the magnitude of the problems we face in maintaining an efficient rail system.

The solution I am proposing to this grave national problem would provide for Government maintenance of the tracks and roadbeds of those companies which find themselves unable to meet the high standards proposed in this legislation. Alternative proposals have, of course, been made. It has been suggested that Government grants and loans should be provided to railroad companies in order to allow them to make the repairs themselves.

This might suffice for the short-term, but without long-term improvement in the general financial condition of the railways, there is little to guarantee that deterioration of track and railbeds will not be a recurring malady afflicting our Nation's transportation capabilities. Proposals to create a nonprofit corporation to which rail lines may be conveyed have also been made.

Mr. President, I believe we must use the present crisis in national rail transportation to work out a long-term, permanent solution to this problem. An efficient and effective rail system is a national priority. It is not something which should be dealt with on a piecemeal basis. We need to establish a national policy to provide for both satisfactory central corridor service and adequate maintenance of branch lines—the latter are especially important to our rural agricultural economy.

Just as there has been no clear effort to work out a national policy for the rail system as a whole, there has been no consistent attempt to evaluate the implications of rail abandonment on America's rural economy, or to establish effective and economical means to preserve rural rail transportation. The size of our national rail system reached its peak in 1916, with a total of 254,000 miles. It has since then shrunk to the present level of about 204,000 miles, and the ICC has been besieged by a flood of requests for further abandonments. Abandonment applications filed with the ICC for 1971, 1972, and 1973 alone involve 16 percent of the total number of miles abandoned since 1920. The 266 applications filed in 1973 involved more than 4,400 miles, a record for any year since the ICC assumed responsibility for abandonment proceedings.

Further, the ICC has advocated easing the process of approval for abandonment, stipulating 34 carloads per mile per year as the cutoff point below which abandonment would be looked on favorably. This simply encourages sloughing off of service on economically marginal lines, and does not take into account the potentials for future development, the need for present service, and the impact of inadequate rural transportation on the availability or price of farm goods for our cities.

Railroads are the mainstay of our grain transportation system; in addition, they handle a large part of our fertilizer and other agricultural inputs. However, railroads have not been successful in keeping some types of traffic on rails. Since 1960, the volume of traffic moved by railroads has increased from 579 billion ton-miles to over 785 billion, but railroad traffic as a percentage of total freight traffic has declined from over 44 percent in 1960 to about 38 percent in 1972.

In my own State of Minnesota, an opportunity to take part in a Federal-State program to boost agricultural exports may be blighted by inadequate rural transportation—and this loss can only be hastened by continued rail line abandonments.

It is for this reason that I feel that we must undertake a major innovation in our national rail policy.

The bill I am introducing establishes an Interstate Railroad System under the authority of an Interstate Railroad Administration in the Department of Transportation, and a series of local railroad systems under the control of the individual States. The Interstate Railroad Administration and the States have the authority to become owners of and to maintain the tracks and railbeds of those companies which choose to convey their tracks to the Interstate Railroad Administration and the States in order to be relieved of the financial strain of remaining responsible for their maintenance.

The Interstate Railroad System will

include initially all lines with traffic of over 10 million gross ton-miles per year per mile of rail line. This will include about 50 percent—about 100,000 miles—of track mileage in the country, and about 80 percent of the traffic. Those tracks which are determined unnecessary for the system because of redundancy may be deleted from the final system.

All lines in the designated system must be kept up to a specified standard—safe and smooth passage of freight trains up to 60 miles per hour. Maintenance for higher speeds on given systems may also be required by the Secretary.

All railroad companies could, at their option, convey their tracks to the Interstate Railroad Administration in return for being relieved of responsibility for track maintenance and property taxes. Rail tracks conveyed to the Interstate Railroad Administration which are not included in the final Interstate Railroad System would be turned over by the Administration to the States in which such lines are located. The States would then have responsibility for maintenance of these lines. These transactions would not affect the lines' bondholders and other railroad creditors. Security interests of creditors remain a charge on the property owned by the Administration and the States.

Those companies preferring to retain possession of their present tracks are free to do so. It is thereafter their responsibility to maintain any of their track routes designated as part of the Interstate Railroad System at quality levels required by this legislation.

Both ConRail and Amtrak will continue to exist as independent organizations, responsible for operating regional rail freight and national rail passenger service respectively. Track beds, however, meeting the criteria for inclusion in the Interstate Railroad System would be maintained by the Administration. Those not conveyed to the System would have to be maintained in accordance with Interstate Railroad Administration standards.

The savings for companies which conveyed their rail tracks to the Administration and the States would be considerable. According to the latest estimates companies would save 85 percent of total maintenance of way and structures expense, about 15 percent of total payroll taxes, and about 60 percent of total State and local property taxes. While these companies would then be required to pay a user fee of $1 per 1,000 gross-ton-miles, most will still make a considerable savings over present costs.

Mr. President, I ask unanimous consent that a table indicating the estimated cost of the items of expense which would be assumed by the Interstate Railroad System and the States for the major rail companies be included at this point in the RECORD. These statistics are derived from information submitted by the railroads to the Interstate Commerce Commission.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	1972			1973		
	1	2	3	1	2	3
PC	$254	$220	$1.15	$266	$225	$1.18
EL	31	37	.83	37	38	.97
RDG	18	9	2.00	18	8	2.25
BM	13	7	1.17	14	7	2.00
LV	7	6	1.17	9	6	1.50
B. & O	82	64	1.28	81	68	1.19
C. & O	64	56	1.14	70	58	1.20
N. & W	100	111	.90	106	115	.92
D. & H	6	5	1.20	7	6	1.16
ICG	73	71	1.05	77	73	1.05
L. & N	71	74	.95	76	78	.97
SCL	97	85	1.14	101	89	1.13
SOU(Co)	82	68	1.20	86	70	1.23
MILW	57	47	1.21	59	48	1.23
CNW	50	52	.96	50	55	.90
BN	164	161	1.01	185	177	1.04
SOO	25	19	1.31	28	22	1.27
RI	43	50	.86	42	52	.80
ATSF	135	136	.99	151	161	.94
DRGW	16	19	.84	17	20	.85
ST(TCo)	164	178	.92	160	191	.84
UP	102	130	.78	119	150	.79
WP	14	15	.93	14	15	.93
KCS	17	16	1.06	17	18	.94
MKT	10	13	.77	12	15	.80
SL-SF	36	37	.97	38	40	.95
MP	71	70	1.01	71	85	.83

NOTES

1. 85 percent of maintenance of way and structures expense, plus 15 percent of payroll taxes, plus 60 percent of State and local property taxes (millions).
2. Gross ton-miles in road service cars and locomotives billions).
3. 1 divided by 2—Maintenance and taxes per 1,000 gross ton-miles.

Mr. HUMPHREY. Mr. President, rail companies which convey their tracks to the Interstate Railroad Administration shall convey their remaining tracks to the States. Companies with no designated Interstate Railroad System tracks may convey their tracks to the States. Any tracks acquired by the administration and later deleted shall be conveyed to the States.

No State may abandon any rail track unless it gives notice, at least 1 year prior to the commencement of a general session of the State legislature, to the chief executive of the communities and regional agencies through which the line extends, all rail carriers operating on the line, and all shippers who patronize the line. Abandonment may not take place until after adjournment of such session. No company retaining its tracks may abandon a track without going through a similar procedure.

The maintenance of rail tracks conveyed to the administration and the States will be financed through a user's fee. Rail companies operating over rail lines of the Interstate Railroad Administration or States would pay $1 per 1,000 gross-ton-miles—to be adjusted annually according to rates of inflation.

Income from this user charge would be applied to meeting the costs of rail track maintenance. According to the latest estimates, if all companies were to convey their tracks to the administration and the States, this would yield about $2 billion revenue in comparison to $1.86 billion annual average maintenance costs. If the wealthiest companies with the best maintenance record choose not to convey their track systems, revenue will be about $1.32 billion and costs about $1.28 billion.

Since there is a great backlog on railroad improvement, additional funds are needed to bring tracks back up to the required standard. A Rail Rehabilitation Trust Fund is established for that purpose. There have been a number of suggestions for providing the money for that trust fund. The Railroad Right of Way Protection Act authorizes the appropriation of $500 million per year over a 6-year period directly into the trust fund for purposes of rehabilitation. An alternative approach, contained in other legislation already introduced, proposes financing railroad rehabilitation costs through a 1-percent tax on the cost of transportation of all domestic freight shipments by surface freight carriers—rail, track, barge, and pipeline.

There are two mechanisms in the bill to enable the States to meet the increased costs of their new responsibilities. First, there is a direct appropriation for payment to the State and local governments of property taxes of which railroads would be relieved by conveying rail routes. Taxes on rail property are an important source of revenue to many local governments, and the Federal Government should step in to replace this revenue. The Federal payment would be around $250 million per year, were all railroads to convey their rail tracks and thus obtain relief from property tax liability; or about $150 million per year if the more profitable railroads decide to retain their own track systems.

In addition, 10 percent of the funds earned by the Interstate Railroad Administration from the user charges will be set aside for the States, to cover a portion of the track maintenance costs of the States.

There is one last issue of considerable importance dealt with in the bill, and that is the issue of labor relations. The Interstate Railroad Administration or the States shall continue to employ those previously employed by the companies, and shall assume the existing collective bargaining agreements between the company and the employees. They shall be subject to the same laws regarding employee-employer relations. There are also guarantees for the prevailing wage and other prospective clauses.

The concept of public acquisition and maintenance of railroad tracks and roadbeds has significant advantages over the alternative concept of Federal subsidization of the efforts of the private railroad companies.

Federal ownership of tracks and roadbeds should enable us to achieve efficiency in track usage, avoiding duplication of facilities while at the same time enabling us to establish a national perspective on our needs. Enactment of this legislation does not deprive us of the advantage of competition between private carriers, since the carriers themselves will still be operating competitively. The public will not be faced with the transfer of company funds for other uses while the quality of track and roadbed, so basic to effective rail transportation, is allowed to deteriorate.

The uniform user fee established in this bill will put the rural rail system on the same footing as the rural trucking system. The urban and heavy density trucking routes have essentially financed the construction of much of our rural road system, and we now recognize this as a national transportation need. We should now recognize that the same need exists for our rural rail system, and that the profit figures for particular rural lines should not be the sole criterion for determining whether or not such a line should continue to serve the needs of rural and, indirectly, urban America.

In summary, the approach specified in this legislation would enable us to obtain the benefits of having public control over a vital aspect of national transportation policy, while retaining the benefits of private competition between companies for the most efficient conveyance of persons and goods.

Mr. President, I ask unanimous consent that the text of the Railroad Rehabilitation and Recovery Act be included in the RECORD. I also ask unanimous consent that a thought-provoking editorial, posing serious public policy questions in connection with current railroad reorganization plans, and appearing in the March 3, 1975 issue of the Washington Post, be printed in the RECORD, together with a summary of the main features of the Railroad Rehabilitation and Recovery Act of 1975, and the bill itself.

There being no objection, the material and the bill were ordered to be printed in the RECORD, as follows:

THE RAILROAD PLAN AND THE COUNTRY

The proposals made public last week for restructuring the railroads of the Northeast should force this country to face a series of hard questions it has avoided in the past. These concern not only railroads but the relationship of government to private industry; not only transportation but the system of hiding the costs of social policies in prices rather than paying for them out of taxes; not only the planning of a railroad network but the changing of the economic structure of a major part of the nation. The questions and problems raised by the railroad crisis are so hard, and their prospective answers so far-reaching, that the last thing the country needs now is for politicians to brush aside as impractical—or to embrace as inevitable—the proposals made last week.

These problems arise partly because of the economic condition in which the country now finds itself and partly because of the critical condition of the railroads. The American economy cannot continue to operate as it does now without a viable railroad network in the Northeast. Nor can it afford to continue the aimless course of public policy that has contributed to the bankruptcy of this vast railroad network. The "easy" solutions—pouring in billions in federal tax dollars to preserve the status quo or nationalizing the existing system with all its faults—will be far more expensive in the long run. And they will be misleading to the public which should be presented with the hard questions now.

One part of the U.S. Railway Association's preliminary plan demonstrates the scope of those questions. That is its proposal to cut the rail network in the Northeast by almost 30 per cent through the elimination of freight service over 6200 miles of track. On much of this track, freight operations have been uneconomical for years. They have been continued because someone—government or industry—decided the social costs of eliminating those operations were too high. The result is that these operations are being (and have been) subsidized by the railroads, and the subsidy has been paid for either through higher than necessary freight rates on other segments of track or out of the profits of the railroads. This system of subsidization did not cause much grief as long as the railroads were profitable; the railroads complained but no one listened. But when general railroad profitability dropped, these inherently unprofitable lines made bankruptcy inevitable.

In economic terms, the obvious thing to do now is what the Railway Association proposes: drop those lines (perhaps drop even more than it proposes) and put the new railroad system on a firm financial base. But what happens then to those companies, individuals and communities that lose rail freight service? Some, perhaps most, can shift successfully to other modes of transportation. But there will be those which cannot, and *that* means some factories will close, some jobs will be lost, and some communities be made substantially poorer.

There are two ways of looking at this problem. One is to consider it solely in terms of the present—in which those companies and individuals are entitled to some kind of help. The other is to acknowledge its relation to the past—a past in which the railroads, and the users of railroads, have been providing that "help" or subsidy all along. The tendency now will be to look only at the present situation and to devise remedies for it. But that is too narrow a perspective, for it attacks only the results of a disease, not its underlying causes.

By dwelling on the problem of uneconomic railroad lines, we do not intend to suggest that they are the sole, or even the principal, reason for the decline of the railroads. Government-imposed rate structures, government-financed highways and waterways, inefficient management, resistance to innovation and excessive labor costs, among other things, have also played a part. Our point is simply that in the area of service on lightly used lines, as in other areas, a combination of government policies and private decisions have produced an economic structure with a huge amount of excess costs built in.

This, unfortunately, is also true in industries other than railroading. Part of the current problem in the airline industry has the same origins, as do problems in other industries which are required as a matter of public policy to provide services or products to particular places or people at less than cost. These, too, will come back to haunt the country someday unless public officials begin to look seriously at costs as well as benefits.

It is the size, of course, of the new railroad reorganization proposals that may begin to drive this lesson home. The Railway Association is talking about $9.3 billion in federal tax funds over the next 15 years to rehabilitate the sharply reduced railroad network and clear the Penn Central's Washington to New York track for passenger service. Not included in that figure are the costs of either helping the communities and individuals disrupted by the plan or of maintaining the existing rail network. Frankly, we suspect the proposal will cost more than $9.3 billion but that prospect must be weighed against the alternatives and against what governments have been spending on other kinds of transportation which compete with the railroads. The Railway Association says governments spend about twice that much on highways each year and has spent at least half that much improving inland waterways (which now carry 16 per cent of the nation's freight) since World War II.

There is too much at stake in this reorganization plan for it to be taken with anything less than utmost seriousness. The quality of life and the costs of everyday living in the Northeast for years to come will be determined, in part, by what comes out of this plan. So will the relationship between industry and government in fields other than railroading. While there are many specifics of the plan which need close scrutiny, the most important aspect is the opportunity it provides—indeed, imposes—for serious thought about where public policy is taking us and whether that is where we want to go.

SUMMARY OF RAILROAD REHABILITATION AND RECOVERY ACT OF 1975

1. Creates an Interstate Railroad System under authority of the Interstate Railroad Administration in the Department of Transportation which will acquire, rehabilitate, maintain and modernize the rail lines of the System (Title III);

2. System will initially consist of all rail lines with 10 million gross ton miles per year per mile. Additions or deletions can be made after public hearings (Sec. 202);

3. Rail lines not conveyed to the System may be conveyed to States which will then provide for rehabilitation and maintenance of lines and other relief (Sec. 401);

4. Rail lines deleted from Interstate Railroad System may be conveyed to State. Abandonments may not take place for at least one year during which time the economic consequences will be determined. State will have ultimate authority on abandonment. (Sec. 403e and 503);

5. Changes in rail freight and passenger carriers' operations must be approved by the ICC for freight and the Administration for passengers. (Sec. 406 and 407);

6. Funding provisions for five purposes are provided for:

a. $2 million for costs of setting up the system;

b. maintenance: funded by user charge of $1.00 per 1000 gross ton miles paid by carriers using the rail lines, to the IRA and the States, respectively. Ten percent of user charges paid to the IRA also is reserved for States' maintenance assistance;

c. rehabilitation: a Trust Fund funded by appropriations from general revenues ($500 million per year for 6 years). Secretary of the Treasury is directed to invest portions of the Trust Fund not needed for current withdrawals in interest bearing or guaranteed obligations of the U.S. (Sec. 409);

d. open-end authorization for DOT–IRA administrative costs;

e. Secretary of Treasury will pay State and local taxes for all System lines out of a separate authorization (Sec. 402).

7. Employees of the individual carriers will be retained and collective bargaining agreements assumed by the IRA and the States (Title VI).

8. Standards set for the IRA and States' lines must be met by companies which retain their lines. (Sec. 206c).

9. Oversight and enforcement advisory committee established (Title VII).

S. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Railroad Rehabilitation and Recovery Act of 1975."

TITLE I—FINDINGS, PURPOSES AND DEFINITIONS

CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES

SEC. 101. The Congress finds that modern, efficient rail service is essential to interstate commerce and to national defense; that the international energy crisis requires more intensive use of fuel-economic freight and passenger trains; that better utilization of existing rail rights-of-way is more compatible with the environment in terms of land use, air pollution, and noise levels than is expansion of facilities for other modes of transportation; that many railroad tracks and roadbeds have greatly deteriorated in recent years; that such deterioration has resulted in inferior railroad transportation for both freight and passengers, together with a sharp increase in train derailments; that rehabilitation of such tracks and roadbeds will provide substantial public benefits through improved rail freight and passenger service; that both the efficiency and quality of railroad service and the economic utilization of the railroad plant can be improved by freer access by rail carriers to rail lines and facilities they do not own; and that to obtain modern and efficient rail service it is necessary to designate an Interstate Railroad System; to authorize the Secretary of Transportation to acquire, rehabilitate, maintain, modernize and restructure the rail lines included within such system; to transfer to the States responsibility for maintenance of rail lines not included within such system; to require minimum standards of maintenance for rail lines; to establish rights of access by rail carriers to rail lines they do not own; and to provide Federal financial assistance to the States for rehabilitation of rail lines.

DEFINITIONS

Sec. 102. For the purpose of this Act the term—

(1) "Administration" means the Interstate Railroad Administration established pursuant to section 301 of this Act;

(2) "Commission" means the Interstate Commerce Commission;

(3) "Office" means the Rail Services Planning Office of the Interstate Commerce Commission established by the Regional Rail Reorganization Act of 1973;

(4) "rail carrier" includes railroad companies; mail, express, or less-than-carload rail freight carriers; State, regional, or local transportation agencies; the National Railroad Passenger Corporation; and other private rail passenger carriers;

(5) "railroad company" means a class I or class II railroad, including the Consolidated Rail Corporation and switching and terminal companies, as designated by the Interstate Commerce Commission and which are subject to part I of the Interstate Commerce Act together with all subsidiaries, affiliates, and leased lines of such companies;

(6) "rail line" includes main rail track or tracks; side tracks and yard tracks adjacent to such main tracks; the roadbed supporting such tracks; signalling, communication, and power transmission structures and devices as are permanently installed on or adjacent to such tracks and roadbed; bridges, culverts, fills, tunnels, and other structures occupied by such tracks and roadbed; real estate occupied by such tracks and roadbed; real estate adjacent to such tracks and roadbed which is used for drainage of, maintenance of, access to, and protection of such tracks and roadbed; but does not include classification yards; station and terminal tracks and facilities, other than running tracks; any structures and devices other than those specified in this paragraph; and does not include air rights over, nor mineral rights under, such tracks and roadbed;

(7) "Secretary" means the Secretary of Transportation;

(8) "State" includes the District of Columbia; and

(9) "System" means the Interstate Railroad System pursuant to this Act.

TITLE II—INTERSTATE RAILROAD SYSTEM

INVENTORY OF RAIL LINES

Sec. 201. (a) Within thirty days after the date of enactment of this Act, all rail carriers shall provide the Secretary and the Office with one copy each of the latest edition of all employees operating timetables, with related special instructions; all temporary and semi-permanent "slow orders" currently in effect; all other current restrictions on train operation not included in the preceding items; and a verified statement indicating the maximum speeds authorized on each and every rail line for freight and passenger trains at all times since January 1, 1935, including the dates between which such speeds were authorized.

(b) Additions, deletions, and changes in the information required to be provided by subsection (a) shall be promptly forwarded to the Secretary and the Office within seven days after any such addition, deletion, or change is made.

INITIAL DESIGNATION OF SYSTEM

Sec. 202. (a) The initial Interstate Railroad System shall consist of all rail lines operated within the United States by domestic railroad companies which as of the date of enactment of this Act are subject to traffic usage of at least ten million gross ton-miles per year per mile of rail line.

(b) Within thirty days after the date of enactment of this Act, the Secretary shall release a concise descriptive summary, together with a map, of all rail lines included within the initial System.

HEARINGS BY COMMISSION

Sec. 203. Commencing thirty days after release of the initial System, the Office shall hold public hearings both in the District of Columbia, and in other parts of the country. Notice of the dates, times and places of such hearings shall be given in a manner as to assure a full and fair opportunity to be heard for consumers, shippers, rail carriers, industry, labor, and State and local governments.

RECOMMENDATIONS OF COMMISSION

Sec. 204. Within one hundred and twenty days after release of the initial System by the Secretary, the Office shall release and report to the Secretary its recommendations for additions and deletions to such System. In making its recommendations, the Office shall take into consideration the interests of persons, communities, States, and regions as developed during the hearings. Such report shall include findings in support of each recommended addition to or deletion from the initial System.

FINAL DESIGNATION OF SYSTEM

Sec. 205. (a) Upon receiving the recommendations of the Office, the Secretary shall within thirty days, after giving full consideration to such recommendations, and with the cooperation and assistance of the Office, prepare and transmit to the Congress the final Interstate Railroad System of rail lines located within the United States. The System shall promote and enhance the ability of rail carriers to provide modern, efficient, and economical interstate rail freight and passenger service responsive to present and future needs and demands. The report of the Secretary shall include findings in support of each addition to or deletion from the initial System.

(b) The System as designated by the Secretary shall be deemed approved at the end of the first period of sixty calendar days of continuous session of Congress after transmittal thereto unless either the House of Representatives or the Senate passes a resolution during such period stating that it does not favor the System. If either such body passes a resolution of disapproval, the Secretary with the cooperation and assistance of the Office shall prepare and adopt a revised System. Each such revision shall be submitted to Congress for review pursuant to this subsection. For purposes of this subsection, continuity of Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day period. Upon becoming effective after review by the Congress, the System shall not be subject to review by any court.

MAINTENANCE STANDARDS

Sec. 206. (a) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall prescribe standards for maintenance of rail lines included within the System. In formulating such standards, the Secretary shall be guided by preferred or recommended practices from an engineering and economic standpoint as distinct from minimum requirements for safety.

(b) System rail lines shall be maintained for smooth and dependable operation of freight trains at speeds up to sixty miles an hour. Upon application and for good cause shown, the Secretary may require a standard of maintenance on any given System rail line which will allow higher speeds.

(c) All rail lines shall be in compliance with the standards included within the System prescribed by the Secretary in accordance with this Act on or before the expiration of three years following enactment of this Act, and shall be kept in compliance at all times thereafter.

MODIFICATION OF SYSTEM

Sec. 207. At any time after the expiration of five years following the final designation of the System, the Administration or any railroad company may apply to the Commission for an order permitting deletion of a rail line from the System. After hearings, the Commission shall authorize the deletion, if consistent with the public interest. Approval of a deletion shall not be considered by the Commission as evidence in an abandonment proceeding that service on the line deleted is no longer required by public convenience and necessity.

LONG-TERM CAPITAL IMPROVEMENT NEEDS

Sec. 208. (a) Within sixty days after the date of enactment of this Act, any State or regional agency or the National Railroad Passenger Corporation may designate one or more high density passenger corridors within the System.

(b) Within two years after the date of enactment of this Act, the Secretary and the Secretary of the Army shall jointly undertake and carry out a study of the long-term capital needs for modernization of signal systems, line relocation, tunneling, highway grade crossing elimination, electrification, and other major upgrading of the System, including high density passenger corridors as designated by State and regional agencies and by the National Railroad Passenger Corporation under subsection (a). The study shall include recommendations for investment priorities among the various possible upgrading projects. The study shall evaluate the form and extent to which the Federal Government should assist with the financing of such upgrading, and the extent to which the Corps of Engineers and Department of the Army, should participate in the work involved in such upgrading. The study shall include an evaluation and recommendations regarding the public acquisition and operation of railroad freight yards and terminal facilities.

(b) Upon completion of the study, the Secretary and the Secretary of the Army shall submit to the President and to the Congress, and shall release to the public, a full report thereon together with their recommendations for such legislative, administrative, and other actions as they deem appropriate for implementing the report.

ACCESS TO INFORMATION

Sec. 209. All rail carriers shall provide such information as may be requested by the Secretary or by the Office in connection with the performance of their respective functions under this title. Nothing in this section shall authorize the withholding by the Secretary, the Office, or any rail carrier of any information from the duly authorized committees of the Congress.

DISCLOSURE OF RECORDS BY SECRETARY

Sec. 210. All material supplied to the Secretary in accordance with sections 201 and 209 of this Act shall at all times be open to public inspection. Any person desiring to inspect such material shall reimburse the Secretary for the time of his employees required to assist with such inspection. Any person requesting reproduction of any material shall reimburse the Secretary for the cost of such reproduction.

ADMINISTRATIVE EXPENSES

SEC. 211. There is hereby authorized to be appropriated, to remain available until expended, for purposes of this title $1,000,000 each to the Office and to the Secretary of the Army.

TITLE III—INTERSTATE RAILROAD ADMINISTRATION

ESTABLISHMENT OF ADMINISTRATION

SEC. 301. There is hereby authorized to be established in the Department of Transportation, under the general supervision of the Secretary, the Interstate Railroad Administration. The function of such Administration shall be to acquire, rehabilitate, maintain, and modernize the rail lines of the System so as to fully develop the potential of modern rail service in meeting the transportation requirements of the Nation.

GENERAL MANAGER

SEC. 302. The Administration shall have a General Manager, who shall be appointed by the President with the advice and consent of the Senate. Neither the General Manager nor any other officer of the Administration may have any direct or indirect employment or financial relationship with any railroad company during the time of his or her employment by the Administration.

BOOKS AND RECORDS

SEC. 303. All books, papers, records and documents of the Administration shall at all times be open to public inspection. Any person desiring to inspect such material shall reimburse the Administration for the time of employees required to assist with such inspection. Any person requesting reproduction of any material shall reimburse the Administration for the cost of such reproduction.

AUTHORITY OF COMPTROLLER GENERAL

SEC. 304. (a) To the extent the Comptroller General deems necessary in connection with annual audits pursuant to law of the financial transactions of the Administration, his representatives shall have access to all books, accounts, records, reports, files and other papers, things, or property belonging to or in use by any rail carrier pertaining to such rail carrier's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians. All such books, accounts, records, reports, files, papers and property of such rail carrier shall remain in the possession and custody of such rail carrier.

(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the financial operations of the Administration, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary, and to the Administration at the time submitted to the Congress.

QUARTERLY AND ANNUAL REPORTS

SEC. 305. (a) Within thirty days following the end of each fiscal quarter, the Administration shall submit to the Congress and release to the public a complete report of its activities and finances for the previous quarter. Such report shall include, but not be limited to the amount and location of (1) new and relay rail laid; (2) ties installed or replaced; (3) miles of track surfaced; (4) signals and interlockers installed or replaced; (5) grade crossing protection installed; and (6) communication systems installed. The report shall include a summary of all train derailments and collisions on Administration rail lines, including the probable cause thereof, and a statement of the extent to which each and every rail line of the Administration is not in compliance with the maintenance standards promulgated under this Act.

(b) In conjunction with the release of the annual report of the Secretary required under section 702 of this Act, the Administration shall submit to the President and to the Congress and release to the public, a comprehensive and detailed report of its activities and accomplishments during the preceding fiscal year, including a balance sheet and statement of receipts and expenditures. The report shall include a projection of receipts and expenditures for the current fiscal year, and a proposed budget for the forthcoming fiscal year, which shall provide specific justification for each and every proposed expenditure.

TITLE IV—ACQUISITION OF RAIL LINES BY ADMINISTRATION AND STATES

SEC. 401. (a) On or after thirty days after approval of the final System, and in consideration of (1) relief from responsibility for rehabilitation of, maintenance of, and signaling and communications functions in connection with, the rail lines conveyed; (2) relief from liability for the payment of State and local property taxes imposed on the rail lines conveyed (including taxes imposed in lieu of such property taxes); and (3) the right to continue operation over the rail lines conveyed, in accordance with the provisions of this title, any railroad company may convey to the Administration its right, title, and interest in all its rail lines included within the System.

(b) A railroad company which conveys System rail lines to the Administration pursuant to subsection (a) shall convey its non-System rail lines to the States in which such rail lines are located, in consideration of the same relief and operational rights as is accorded by subsection (a).

(c) A railroad company which has no rail lines included within the System may convey its non-System rail lines to the States in which such rail lines are located, in consideration of the same relief and operational rights as is accorded by subsection (a).

(d) Any rail line acquired by the Administration under this section which is subsequently deleted from the System shall be immediately conveyed to the State within which such rail line is located.

FEDERAL PAYMENT OF PROPERTY TAX EQUIVALENT

SEC. 402. There is hereby authorized to be appropriated during each fiscal year for payment by the Secretary of the Treasury to State and local governments an amount equivalent to the State and local property taxes (including taxes imposed in lieu of such property taxes) which railroad companies are relieved of responsibility for payment of in accordance with the provisions of section 401. Such payments shall be adjusted upward during succeeding fiscal years by amounts equivalent to increases in taxes on other property located within given taxing jurisdictions.

OPERATIONAL RESPONSIBILITIES OF ADMINISTRATION AND STATES

SEC. 403. (a) Upon acquisition of rail lines pursuant to section 401 the Administration and the States shall assume responsibility for the rehabilitation and maintenance of such rail lines; and for operation of signaling and communication devices on such rail lines.

(b) The Administration and the States shall have the power to fix rights of trains, maximum train speeds, size and weight limits for equipment, and other rules governing operations over Administration and State rail lines, respectively.

(c) The Administration and the States shall be subject to the provisions of the Rail Safety Act of 1970 and of regulations promulgated thereunder to the extent that any such provision is not inconsistent with any provision of this Act.

(d) The Administration shall not abandon any rail line. Any rail line in the System which is deleted from the System shall be immediately conveyed to the State within which such rail line is located.

(e) No State may abandon any rail line unless such State gives notice at least one year prior to commencement of a general session of the State legislature to the chief executives of communities, counties, and regional agencies through which the line extends; all rail carriers operating on such line; and all shippers who have patronized the rail service on the line during a period of one year prior to the date of the notice. The abandonment proposed in the notice may not take place until after adjournment of such session. Abandonment of State rail lines pursuant to this subsection shall not be subject to the provisions of the Interstate Commerce Act.

LABOR RELATIONS

SEC. 404. (a) In the performance of functions assumed by the Administration or any State, such Administration or State, as the case may be, shall—

(1) employ all persons theretofore employed by a railroad company in performing such functions;

(2) assume collective bargaining agreements previously entered into between any bargaining unit representing such employees and such railroad company; and

(3) be subject to the same laws and regulations as such railroad company with respect to the representation of its employees for purposes of collective bargaining, the handling of disputes between employer and employees, compensation for job-related injuries and other disabilities, employee retirement annuity, unemployment systems, and other dealings with its employees.

LIABILITY

SEC. 405. All bodily injury and property damage arising out of any accident or occurrence caused by defects in, or improper maintenance of, track, roadbed, signals, communications, or other facilities owned or controlled by the Administration or any State or caused by the negligence of an employee of the Administration or State shall be the responsibility of the Administration or State, as the case may be. Rail carriers shall be responsible for all bodily injury and property damage arising out of any accident or occurrence caused by reasons other than those enumerated in the preceding sentence.

OPERATIONS OF RAIL FREIGHT CARRIERS

SEC. 406. (a) A railroad company which conveys its rail lines to the Administration or to any State or which holds trackage rights over rail lines which are conveyed to the Administration or to any State shall continue such operations as a rail carrier of freight over such rail lines maintained by the Administration or any State as it was conducting prior to the conveyance thereof, unless and until a State abandons a given rail line in accordance with the procedures of section 403 of this title. The terms and conditions of pre-existing agreements and contracts for the use of track and other facilities shall be of no force and effect as between the Administration or any State and any rail carrier, but insofar as applicable, shall, remain in effect as between two or more rail carriers of freight using the same rail lines.

Upon application to the Commission by any rail carrier for the use of any rail line of the Administration or any State for freight service, if the Commission finds that—

(1) the applicant is fit, willing and able to properly perform the service proposed;

(2) such service is or will be required by the present or future public convenience and necessity; and

(3) the operations of the applicant will not significantly impair the level of performance of the carrier or carriers already using the line who are adequately serving the public;

the Commission shall by order require the Administration or State to permit the applicant to use such rail line upon such terms and conditions as are reasonable under the circumstances.

(c) No one shall commence freight operations over rail lines of the Administration or any State other than in accordance with the provisions of this section.

(d) Upon abandonment of any rail by a State in accordance with the procedures of section 403(d) of this title, the rail carrier may discontinue freight service over such line notwithstanding any provision of the Interstate Commerce Act.

OPERATIONS OF RAIL PASSENGER CARRIERS

SEC. 407. (a) Any rail carrier shall have the right to continue passenger service over any rail line maintained by the Administration or any State at the same frequency with which it was providing such service prior to the conveyance. All pre-existing agreements and contracts for the provision of passenger service shall be of no force and effect as between the Administration or any State and such rail carrier.

(b) (1) Any passenger rail carrier shall have the right to initiate new passenger service, or to increase the frequency of passenger service already being provided, unless the Administration or State determines that the rail carrier is not fit, willing, and able to properly perform the service proposed.

(2) A rail carrier or freight shipper whose service or operations are affected by new or expanded passenger service may file an application with the Secretary requesting appropriate relief. If after hearing and upon sufficient proof the Secretary finds that such passenger service will materially lessen the quality of freight service provided to shippers, he shall issue an order fixing such terms and conditions for the operation of such passenger service as are reasonable.

(c) (1) Except in an emergency, passenger trains shall be accorded preference over freight trains in the use of any given line of track, junction, or crossing of the Administration or any State unless the Secretary has issued an order to the contrary in accordance with paragraph (2) of this subsection.

(2) A rail carrier or freight shipper whose service or operations are affected by paragraph (1) above may file an application with the Secretary requesting appropriate relief. If after hearing and upon sufficient proof, the Secretary finds that adherence to such paragraph (1) will materially lessen the quality of freight service provided to shippers, he shall issue an order fixing rights of trains, on such terms and conditions as are reasonable.

RATIONALIZATION OF ADMINISTRATION RAIL LINES

SEC. 408. (a) If, in the opinion of the Administration, the transfer of freight traffic of one rail line and onto another rail line will permit significant economies through reduction in maintenance expenditures, it may apply to the Commission for an order requiring such transfer. If after notice and hearing the Commission finds that such transfer will not result, directly or indirectly, in a significant impairment in the rail service provided to any rail customer, the Commission shall issue an order requiring the transfer on such terms and conditions as are reasonable. Applications under this section shall be acted upon by the Commission within one hundred and twenty days after the application is filed.

(b) If at any time the Administration desires to realize economies through the elimination of any extra main track or tracks, or other type of reduction in capacity of any of its rail lines that would not result in elimination of service to any point, it shall give notice of its intention to the carriers using the line, to the States and localities through which the line runs, and to any other person who has requested to be given such notice. The Administration may proceed with such elimination or reduction on or after the expiration of one hundred and twenty days following the giving of notice unless it determines, on the basis of protests submitted in response to the notice, that such elimination or reduction will not be consistent with the present and future public interest in adequate rail service.

RAIL REHABILITATION TRUST FUND

SEC. 409. (a) (1) There is hereby established in the Treasury of the United States a trust fund to be known as the Rail Rehabilitation Trust Fund (hereinafter in this section called the "Trust Fund"). The Trust Fund shall consist of such amounts as may be appropriated or credited to the Trust Fund as provided by this section.

(2) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, to the Administration for (A) rehabilitation of rail lines in the System in accordance with section 206; and (B) grants to the States for the rehabilitation of State rail lines in accordance with the Federal Railroad Safety Act of 1970, except that no part of such amounts shall be used for the rehabilitation of rail lines used exclusively for passenger transportation.

(b) There are hereby authorized to be appropriated to the Trust Fund, out of any money in the Treasury not otherwise appropriated, for each fiscal year beginning after June 30, 1975 and terminating September 30, 1981, $500,000,000 for the purposes of subsection (a) (2) of this section.

(c) Alternative sources of revenue which may be established by other legislation may be credited to the Trust Fund in lieu of all or a portion of the appropriation authorized by subsection (b) of this section.

(d) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Transportation) to report to Congress not later than the 1st day of March of each year beginning after July 1, 1975, on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the current and next ensuing fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(e) (1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield, during the month preceding the date of issuance, on marketable interest-bearing obligations of the United States of comparable maturities then forming a part of the public debt rounded to the nearest one-eighth of 1 per centum. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest. Amounts appropriated to the Trust Fund and treated as repayable advances pursuant to subsection (d) shall not be invested.

(2) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to the Trust Fund.

(f) No part of any amount in the Trust Fund shall be used for the payment of any administrative expense incurred by the Secretary or by any other officer or entity within the Federal Government.

RAIL MAINTENANCE FUND

SEC. 410. (a) There is hereby established in the Treasury of the United States a fund to be known as the Rail Maintenance Fund (hereinafter in this section called the "Maintenance Fund"). The Maintenance Fund shall consist of such amounts as may be collected in user charges as provided by this section.

(b) (1) Rail carriers operating over rail lines of the Administration shall pay to the Administration a user charge of one dollar per thousand gross ton miles of locomotive and train operation.

(2) The amount of the user charge shall be adjusted at the end of the first year following the enactment of this Act and at the end of each succeeding year, in accordance with changes in the applicable wage and price indices.

(c) (1) Amounts in the Maintenance Fund in the Treasury of the United States shall be available to the Administration for the maintenance of rail lines under the control of the Administration with the following exception: ten per centum of all monies collected by the Administration in user charges shall be reserved for use by the States to supplement maintenance requirements not adequately funded under subsection (d) of this section.

(2) Upon application by a State, the Secretary is authorized to grant financial assistance from the Maintenance Fund without further appropriation to such State for maintenance of State rail lines, in an amount not to exceed 70 per centum of that portion of the ongoing State maintenance cost during any fiscal year which exceeds the amount collected during such year by the State from rail carriers in user charges. The Secretary may attach to such grants such terms and conditions as are just and reasonable, and further provided under subsection (d) (3) of this section.

(3) Any State receiving rail service continuation subsidy for any year under the provisions of title IV of the Regional Rail Reorganization Act of 1973 shall not be eligible for assistance under this section for such year.

(4) At the end of each fiscal year payments into the Maintenance Fund pursuant to subsection (b) which are in excess of payments out of the Maintenance Fund pursuant to subsection (c) for such year shall be made available to the Administration for financing capital improvements and for other purposes of the Administration.

(d) (1) Rail carriers operating over rail lines of a State shall pay to the State a user charge of one dollar per thousand gross ton miles of locomotive and train operation.

Such amounts as may be collected by the State shall be used for the maintenance of rail lines under the control of the State.

(2) The amounts of the user charge shall be adjusted at the end of the first year following the enactment of this Act, and at the end of each succeeding year, in accordance with changes in the applicable wage and price indices.

(3) To be eligible to receive payments under subsection (c) of this section, a State must agree—

(A) to use such accounting procedures as the Secretary shall prescribe in order to assure proper accounting for payments received by the State and proper disbursement of amounts for the maintenance of rail lines under the control of the State;

(B) to provide to the Secretary or his delegate and to the Comptroller General or his delegate, on reasonable notice, access to, and the right to examine, any books, documents, records, or other data of the State that he may reasonably require for the purpose of reviewing compliance with this section; and

(C) to make such reports to the Secretary as he may reasonably require.

TITLE V—MAINTENANCE OF AND ACCESS TO RAIL LINES OF RAILROAD COMPANIES

REHABILITATION AND MAINTENANCE

SEC. 501. (a) Rail lines which are included in the System which are not conveyed to the Administration shall be maintained in accordance with the provisions of section 206 of this Act.

(b) All other rail lines shall be maintained to standards prescribed by the States within which such lines are located, consistent with the minimum requirements of the Rail Safety Act of 1970 and regulations promulgated thereunder.

(c) Within one hundred eighty days after the date of enactment of this Act, any railroad company which owns or operates rail lines included within the System which are not being conveyed to the Administration shall file with the Secretary a detailed schedule of proposed short term and long term maintenance activities to be performed on each such rail line on a regular basis to assure that all such rail lines are kept maintained in accordance with the applicable standards. If the Secretary does not believe that the proposed maintenance activities will be adequate, he may require an appropriate revision of the schedule. Deferral of any scheduled maintenance activity is hereby prohibited.

ACCESS TO RAIL LINES

SEC. 502. (a). Section 3(5) of the Interstate Commerce Act is amended to read as follows:

"(5) Upon application by any common carrier by railroad for the use of any track or other facility owned or operated by a railroad subject to this part, if the Commission finds that such use will not substantially impair the ability of the owner or operator of such track or other facility to handle its own business, the Commission shall by order require such owner or operator to permit the applicant to use such track or other facility upon such terms and conditions and for such compensation as is just and reasonable under the circumstances. Compensation for such use by passenger carriers shall not exceed the incremental expenses incurred by the owner or operator as a result of such use. Applications by passenger carriers under this subsection shall be acted upon by the Commission within ninety days after such application is filed. If under any arrangement for the use of a track or other facility which is in effect at the time of enactment of the Federal Aid Railroad Act of 1974, or which is entered into subsequently, a party desires a modification in the terms and conditions, including compensation, such party may apply to the Commission for an order fixing revised terms of conditions as may be consistent with this subsection. In passing upon any applictaion by a rail carrier for increased freight rates, increased division of revenues, or other financial relief, the Commission shall consider and determine the extent to which such carrier has availed itself of the provisions of this subsection to effect economies and efficiencies in its operations. Upon granting such application in whole or in part, the Commission may condition such relief on the filing of an appropriate application under this subsection.

(b) Section 5(2)(a) of the Interstate Commerce Act is amended to read as follows:

"(2)(a) It shall be lawful, with the approval and authorization of the Commission, as provided in subdivision (b) for two or more carriers to consolidate or merge their properties or franchises, or any part thereof, into one corporation for the ownership, management, and operation of the properties theretofore in separate ownership; or for any carrier, or two or more carriers jointly, to purchase, lease or contract to operate the properties, or any part thereof, of another; or for any carrier, or two or more carriers jointly, to acquire control of another through ownership of its stock or otherwise; or for a person which is not a carrier to acquire control of two or more carriers through ownership of their stock or otherwise; or for a person which is not a carrier and which has control of one or more carriers to acquire control of another carrier through ownership of its stock or otherwise."

ABANDONMENT OF RAIL LINES

SEC. 503. (a) The first sentence of section 1 (18) of the Interstate Commerce Act is amended to read as follows: "No carrier by railroad subject to this part shall abandon all or any portion of a line of railroad, or the operation thereof, unless and until—

"(1) notice in accordance with paragraph (19) of this section has been given at least one year in advance of a general session of the legislature of the State or States thru which the line extends, and

"(2) there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity permit of such abandonment."

(b) The second sentence of section 1 (20) of the Interstate Commerce Act is amended by inserting before the period at the end thereof a comma and the following: "except that no such abandonment may take place until after adjournment of the general legislative session or sessions relating to the notice required by paragraph (18) of this section".

TITLE VI—PROTECTION OF EMPLOYEES CONTRACTING OUT LIMITATION

SEC. 601. No owner or operator of rail lines shall contract out any project for rehabilitation or maintenance work required by this Act of a value of over $450 per month in Labor and materials which is normally performed by employees in any bargaining unit covered by a labor agreement between such owner or operator and any labor organization.

GUARANTEE OF PREVAILING WAGE

SEC. 602. Owners and operators of rail lines shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed with the assistance of funds received under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. No one shall enter into any construction contract or agreement for such work without first obtaining adequate assurance that required labor standards will be maintained on such work. Health and safety standards promulgated by the Secretary of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) shall be applicable to all such work performed, except any construction work performed by an employee of a railroad company. Wage rates provided for in collective bargaining agreements negotiated under and pursuant to the Railway Labor Act shall be considered as being in compliance with the Davis-Bacon Act.

PROTECTIVE ARRANGEMENTS REQUIRED IN CERTAIN TRANSACTIONS

SEC. 603. (a) In connection with any transaction for access to rail lines, transfer of freight traffic, reduction of capacity rail lines, or abandonment of rail lines, the Administration, State, or rail carrier whose employees will be affected by such action shall be required to protect the interests of its respective employees. Such protective arrangements shall be those agreed to by the Administration, State, or rail carrier and the representatives of its employees, or in the absence of such agreement, as the Commission may determine upon application by such representatives. Such protective arrangements shall be included in any order which authorizes such transaction.

(b) The protective arrangements required by subsection (a) shall protect individual employees from the date first affected against a worsening of their positions with respect to their employment and shall include, without being limited to, such provisions as may be necessary to provide for (1) notice, negotiation, and execution of implementing agreements prior to the interests of employees being affected; except that where such implementing agreement has not been executed within thirty days after the date on which the action became effective, either party may submit for binding arbitration any unresolved questions in connection therewith, the arbitration decision to be rendered if possible within thirty days thereafter, but if such decision is for any reason delayed beyond said thirty days, the rights of the parties to such arbitration shall not be affected; (2) the preservation of compensation (including subsequent wage increases), rights, privileges, and benefits (including fringe benefits such as pensions, hospitalization, vacations, and the like, under the same conditions and so long as such benefits continue to be accorded to other employees of the Administration, State, or rail carrier in active service or on furlough as the case may be) to such employees under existing collective-bargaining agreements or otherwise; and (a) the arbitration of disputes arising out of the protective arrangements which cannot be settled by the parties. In such arbitrations the burden shall be upon the Administration, State, or rail carrier to prove that the employee was not affected by the action taken. In no event shall said arrangements provide benefits less than those established pursuant to section 5(2)(f) of the Interstate Commerce Act.

TITLE VII—OVERSIGHT AND ENFORCEMENT ADVISORY COMMITTEE

SEC. 701. (a) There is hereby established an Advisory Committee to be appointed by the Secretary within thirty days after the date of the enactment of this Act. It shall be composed of one member of each of the following organizations—

(1) National Association of Regulatory Utility Commissioners;

(2) National Governors Conference;

(3) Association of American Railroads;

(4) National Railroad Passenger Corporation;

(5) Railway Labor Executives' Association (including the Congress of Railway Unions);

(6) National Industrial Traffic League;

(7) National Association of Railroad Passengers; and

(8) United States Railway Association.

Members shall be appointed for terms of four years, except that (1) in the case of initial members, one-half of the members shall be appointed for terms of two-years each and one-half of the members shall be appointed for terms of four-years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only.

(b) The Advisory Committee shall—

(1) Monitor the activities of the Secretary, Commission, Administration, and States pursuant to this Act; and

(2) Submit to the Secretary a report evaluating the effectiveness of this Act in achieving the objectives thereof declared by the Congress.

(c) Members of the Advisory Committee who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Advisory Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS-18 under section 5332 of title 5, United States Code, including travel time, and while so serving on the business of the Advisory Committee away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

ANNUAL REPORT BY SECRETARY

SEC. 702. On or before October 31 of each year, the Secretary shall submit to the President and to the Congress, and release to the public, a comprehensive and detailed report of his activities pursuant to this Act during the preceding fiscal year, together with his evaluation of the effectiveness of this Act in achieving the objectives thereof declared by the Congress. The report shall set forth the number, nature, and location of inspections of rail lines made by the Secretary's personnel, and the extent to which each and every rail line falls short of compliance with the standards promulgated under this Act. It will also include the report prepared for the Secretary in accordance with Section 701 (b) (2). The annual report of the Administration required under Section 305(b) will be released concurrently.

INVESTIGATION AND INSPECTION

SEC. 703. The Secretary is authorized to perform such acts, including, but not limited to, conducting investigations, holding hearings, making reports, issuing subpoenas, requiring production of documents, making depositions, prescribing recordkeeping and reporting requirements, promulgating rules and regulations, and delegating to any public bodies or qualified persons functions respecting examination, inspecting, and testing of railroad facilities as he deems necessary to carry out the provisions of this Act. Officers, employees or agents of the Secretary are authorized to enter upon, inspect and examine railroad facilities and pertinent books, papers and records. Such officers, employees and agents shall display proper credentials when requested.

RIGHT TO COURT ORDERS

SEC. 704. The United States District Courts shall at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, have jurisdiction, subject to the provisions of Rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to enforce the provisions of this Act, and orders of the Secretary issued thereunder, by requiring the production of information, issuing injunctions or restraining orders, or by the granting of such other relief as may be appropriate. Failure to obey any order or decree of the Court may be punished by the Court as a contempt thereof.

PENALTIES

SEC. 705. (a) It shall be unlawful for any State or any rail carrier to disobey, disregard, or fail to adhere to the provisions of this Act or to any rule, regulation, order, or standard prescribed by the Secretary under this Act.

(b) Any State or any rail carrier violating any rule, regulation, order or standard referred to in subsection (a) shall be assessed by the Secretary a civil penalty for violation thereof in such amount, not less than $250 nor more than $10,000 as he deems reasonable. Each day of such violation shall constitute a separate offense.

(c) Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the District Court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged. All penalties collected under this Act shall be covered into the Treasury as miscellaneous receipts.

SUBPENAS IN COURT ACTIONS

SEC. 706. In any action brought under this Act, subpenas for witnesses who are required to attend a United States District Court may run into any other district.

OTHER RIGHTS AND LIABILITIES RESERVED

SEC. 707. Nothing contained in this Act shall be construed as depriving any person of any right of action which he may have otherwise than under this Act, or of relieving any person of any punishment, liability or sanction which may be imposed otherwise than under this Act.

ADMINISTRATIVE EXPENSES OF THE SECRETARY

SEC. 708. There are hereby authorized to be appropriated such sums as may be necessary to enable the Secretary to carry out the provisions of this Act and to perform any other related duties which may be imposed upon him by law. Wherever feasible, the Secretary shall make use of personnel and facilities employed under the Rail Safety Act of 1970 (45 U.S.C. 421 et seq.) in carrying out his responsibilities under this Act.

TITLE VIII—MISCELLANEOUS PROVISIONS

ANTITRUST EXEMPTION

SEC. 801. Persons contracting for the joint use of railroad tracks and facilities shall be and hereby are relieved from all prohibitions of existing law, including the antitrust laws of the United States, with respect to such contracts, agreements, or lease insofar as may be necessary to enable them to enter into such contracts and to perform their obligations thereunder.

EVIDENCE IN DIVISIONS CONTROVERSIES

SEC. 802. For a period of five years following the enactment of this Act, evidence that the operating expenses of any rail carrier were reduced as a consequence of any direct or indirect assistance provided by this Act shall not be admissible as evidence before the Commission in any controversy involving the division of revenues.

SEPARABILITY

SEC. 803. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

By Mr. MOSS:

S. 1387. A bill to amend title IV of the Social Security Act to permit aid to families with dependent children to be paid with respect to a needy child whose father is receiving unemployment compensation or whose father is employed but whose earnings—plus other family income—are inadequate to provide family support. Referred to the Committee on Finance.

FAMILY UNITY AND FATHER'S WORK INCENTIVE ACT OF 1975

Mr. MOSS. Mr. President, I am introducing today the Family Unity and Father's Work Incentive Act of 1975. This act will make two changes in the present law governing aid to families with dependent children—AFDC.

One of the major controversies surrounding the current AFDC law is its contribution to the destruction of family unity. This contribution comes about through the provision that when a father works more than 100 hours per month, no matter what his income, he disqualifies his family from eligibility for AFDC benefits. The current structure of this law will often cause a father to leave home in order that his family can obtain maximum welfare benefits and the father can continue working at the same time in an attempt to maintain his pride with his work ethic. The end result is the destruction of the family unit.

Mr. President, the Family Unity and Father's Work Incentive Act of 1975 will change this destructive situation by changing the measure for eligibility for assistance from an hourly work requirement to a monetary need requirement. It provides that a low wage earning father can supplement his income when his earned income is less than AFDC assistance. This supplement will bring family income up to the minimum AFDC grant level. As an example, a father who works 30 hours per week or approximately 120 hours per month at $2 an hour would be eligible for assistance and would receive the supplemental AFDC benefit which would bring the family's income of approximately $240 per month up to minimum grant level. For a family of four this could mean additional assistance ranging from as little as $33 a month to as much as $150, plus the additional needs of food stamps and medicaid. No longer would a father find it necessary to leave home in order for his family to receive the best support available, and at the same time maintain his personal pride.

Mr. President, I am informed that there are hundreds of families bearing the burden of this law which punishes the father who wants to work. Not only is it costly to the family but it is costly to the U.S. Treasury to finance the law in its present form. Clearly, a supplemental benefit is much less expensive—in terms of dollars actually spent—than the payment of a full Government grant. The present law which is conducive to the destruction of family unity and which is ultimately more costly in terms of real dollars spent must be changed, not only for the benefit of those who receive assistance but for the benefit of the entire Nation.

Mr. President, this bill will also eliminate the requirement for families with children to apply for unemployment benefits before they can obtain AFDC benefits. The new, 1974, unemployment compensation law expands the insurance to so many people that families who formerly would not have qualified for unemployment compensation now do. The result is that low-wage-earning families are forced to live on as little as $50 per week when the wage earner becomes unemployed; comparable AFDC benefits—usually considered minimum subsistence for a family with children—is always more than $50 per week in every State in the Union. Additionally, the families would be entitled to medicaid and food stamps. The act would thereby provide assurances that families with children would not be deprived of the essentials for life because their wage earner became unemployed. It would also prevent the need to prosecute concerned parents who are now applying for AFDC grants without first having gone through unemployment.

Mr. President, I urge immediate committee action on this act which would bring greatly needed reform to our present AFDC laws.

By Mr. DOMENICI:

S. 1388. A bill to direct certain Federal departments to undertake an immediate review of public lands withdrawn by executive action from exploration, development, and production of energy and other mineral resources with a view to determining and recommending the extent to which, if any, such lands should be made available for exploration, development, and production of energy and other mineral resources, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, it has long been recognized that the Congress has plenary constitutional authority over the retention, management, and disposition of the public lands. By Public Law 88-606 enacted on September 19, 1964, the Congress declared as its policy that public lands of the United States shall be managed in a manner to provide the maximum benefit for the general public.

By that same law the Congress announced that it had become necessary to undertake a comprehensive review of laws and regulations relating to administration of the public lands. Such a review had become necessary because those laws and regulations had developed over such a long period of time and in such an uncoordinated manner that they had become inadequate to meet the current and future needs of the American people.

In order to carry out the policy declared in that act and accomplish such a review of public lands administration, the act created the Public Land Law Review Commission. Section 4 of the act set forth the specific duties of the Commission which primarily entailed the comprehensive review of public lands administration I have referred to and a detailed report to the President and Congress regarding the entire process of public lands administration.

After a meticulous and extensive study as required by the act, the Commission submitted its report in June of 1970 in a volume entitled "One-Third of the Nation's Lands." That report contained specific recommendations for policy guidelines pertaining to the retention and management or disposition of the Federal lands that equal one-third of the area of the entire Nation.

The report contained many specific recommendations for the improvement of public lands administration. One of the most fundamental of the Commission's recomendations was as follows:

> An immediate review should be undertaken of all public lands not previously designated for any specific use, and of all existing withdrawals, set asides, and classifications of public domain lands that were effected by executive action to determine the type of use that would provide maximum benefit for the general public.

In view of this Nation's critical need for increased production from its mineral resources, particularly its energy minerals, there can be no doubt that energy and other mineral exploration, development, and production must be designated as among those uses which most directly contribute to the maximum public benefit. It is a difficult proposition to establish priorities when there are conflicting use possibilities for public lands. The Commission recognized this difficulty in its report by stating that there had been no attempt to define the maximum benefit for the general public. What I am suggesting is no more than should be obvious to everyone—regardless of how defined, maximum public benefit from the public lands must include orderly and effective utilization of energy and other mineral resources contained in those lands.

The Congress has often recognized this fact as illustrated by the Mining and Minerals Policy Act of 1970—Public Law 91-631—in which the Congress declared it to be:

> The continuing policy of the Federal Government in the National Interest to foster and encourage private enterprise in . . . the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and economic needs.

Recent events have made that simple policy declaration even more applicable now than it was in 1970, especially in view of our current domestic energy shortage and our growing dependence on foreign nations for sufficient mineral supplies, both fuel and nonfuel.

The Public Land Law Review Commission recognized the importance of domestic mineral activity by stating that—

> Public land mineral policy should encourage exploration, development, and production of minerals on the public lands.

The Commission also concluded that—

> A decision to exclude mineral activity should never be made casually or without adequate information concerning the mineral potential.

From the foregoing it seems clear to me Mr. President, that the constitutional authority of the Congress to manage the public lands for the maximum public benefit carries with it the obligation to review and modify as necessary those governmental actions which preclude mineral activities without an evaluation of potential uses or competing needs. This conclusion is in complete agreement with the major recommendation of the Public Land Review Commission I mentioned at the outset.

There are two types of governmental action by which mineral activity on the public lands may be limited or prohibited. Those are, of course, direct legislative action by the Congress and administrative action by the executive agencies acting under delegations from the Congress.

As to the majority of congressional actions relating to use designation, there is usually careful scrutiny of relevant possible uses based on full and accurate information relating to potential for different purposes, including mineral activities. Consequently, I agree with the conclusion of the Public Land Law Review Commission that, as to such legislative withdrawals and reservations, those actions for the most part were properly considered from the standpoint of energy and other mineral potential.

The same cannot be said, however, for most administrative withdrawals and reservations. In the commentary supporting its recommendations for an immediate review of such executive actions, the Public Land Law Review Commission observed that Congress had not provided sufficient statutory guidance nor established standards, guidelines, or criteria for most such withdrawals and reservations. In several places in the report the Commission indicated its strong opinion that an essential first step in implementing a more comprehensive system of public lands administration is the review of administrative withdrawals which may not be for the maximum public benefit. Typical of such emphasis on this point was the Commission's specific recommendation—No. 6—in which the Commission stated that—

> As an essential first step . . . Congress should provide for a careful review of . . . all executive withdrawals and reservations.

The bill I introduce today, Mr. President, would provide that essential first step for energy and other mineral uses. This is, in my opinion, a tremendously important undertaking because of the precarious position we now find ourselves in for short term energy supplies, particularly oil and natural gas.

I am concerned that continuing to restrict or prohibit energy activities on these public lands without evaluating their energy potential could prove to be a most improvident land use where substantial energy potential exists. I say this because I am convinced that without such an evaluation we may, if we are ever confronted with an energy crisis of truly emergency proportions, lack the information necessary to increase our energy production by devoting lands to that purpose which have energy resources but which in normal times have a more beneficial use.

I am advised that of the approximately 775 million acres controlled by various Federal agencies, about 100 million acres have been withdrawn or reserved by executive action. That is a significant amount of land from which, Mr. President, there is no possibility under present circumstances of that land producing one drop of oil or 1 cubic foot of natural gas or 1 pound of any of the minerals this Nation needs so desperately. This is true, Mr. President, regardless of whether there is energy or other mineral potential on the land or whether the use for which the land was reserved is still valid and reasonable and under current conditions still the best use for such lands.

I have no doubt, Mr. President, that these withdrawals and reservations were made in good faith by the various controlling agencies, acting frequently to fill the vacuum created by lack of congressional standards, guidelines, or meaningful policy determinations. I have no quarrel with these agencies or their administrative policies. I am simply concerned that so much of the public's resources have been removed from consideration for use as energy and mineral sources without adequate knowledge of true potential and under circumstances of national need much different that exists today and will exist for the next several years.

My bill would direct certain Federal departments to undertake an immediate review of public lands withdrawn by executive action from exploration, development, and production of energy and other mineral resources with a view to determining and recommending the extent to which, if any, such lands should be made available, for exploration, development, and production of energy and other mineral resources.

I think it essential that the review include all the public lands which have been set aside or reserved from energy or other mineral purposes by executive action. This scope would automatically exclude such legislative withdrawals as the national park systems, the national wildlife system, the wild and scenic rivers, the national wilderness system, and the primitive and roadless areas in the national forests now under review for inclusion in the wilderness system. Also excluded would be Indian lands. I have not excluded those lands set aside for the naval petroleum reserves; but I do feel that this issue would deserve careful consideration during the legislative process.

Mr. President, the Public Land Law Review Commission report suggested that the Departments would not be able to make this type of study and that it would be better to establish a Commission to look into the matter. I introduced a bill in the 93d Congress, S. 3554, which would have created just such a Commission and charged it with the functions and responsibilities I feel are so important to the mineral and mining activities of this Nation. On further consideration, however, I have concluded that although there are inherent problems involved in separate agency reviews, those problems can be overcome by a congressional mandate which clearly defines what is expected of each affected agency. In any case, interagency cooperation and assistance is essential to the success of this endeavor, particularly on the part of the U.S. Geological Survey and the Bureau of Land Management.

Accordingly, Mr. President, I have modified the bill I introduced last year and I reintroduce it today with the required review and evaluation of public lands withdrawn by executive action to be performed by the agency controlling that land. I trust that the directives contained in this legislature are sufficiently clear in their intent and their requirements that the agencies will do a thorough job in their reviews and a conscientious job in their evaluations and recommendations.

If the legislative process should indicate that the Commission approach would better accomplish this important objective, I will certainly concur in that determination.

Mr. President, I ask unanimous consent that the text of my bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) it is hereby declared to be the policy of Congress that the natural resources and the public lands of the United States shall be managed in a manner to provide the maximum benefit to the general public; and that, particularly in view of the critical energy and mineral needs of the United States, such maximum benefit for the general public includes maximum utilization of the natural resources and public lands of the United States for the production of energy and for mineral development when such uses are not inconsistent with other specific uses or national policies.

(b) As used in this Act, the term "public lands" includes acquired lands, but does not include Indian lands, lands in the National Park System, the National Wildlife System, the Wild and Scenic Rivers System, the National Wilderness System, and primitive and roadless areas in the national forests now under review for inclusion in the Wilderness System in accordance with the provisions of the Wilderness Act of 1964.

Sec. 2. In view of the fact that the executive agencies have withdrawn and reserved substantial areas of public lands from use for energy and other mineral exploration, development, and production without adequate guidelines, and because many such reservations and withdrawals are inconsistent with the policy of Congress as declared in the first section of this Act and other provisions of Federal law, the Congress hereby declares that it is the purpose of this Act to effect an immediate review of all public lands withdrawn or reserved from energy and other mineral resource exploration, development, and production by executive action to determine which of those withdrawals and reservations should be terminated or otherwise modified to meet the total energy and mineral needs of the Nation, including but not limited to the national defense.

Sec. 3. (a) In order to carry out the policy and purpose set forth in the first section and section 2 of this Act, each Federal department, agency or other instrumentality which has an interest in or responsibility with respect to the retention, management, or disposition of public lands withdrawn or reserved from energy and other mineral resource exploration, development, and production by executive action shall undertake an immediate review of such public lands with a view to determining which of such withdrawals and reservations should be terminated or otherwise modified to meet the total energy and mineral needs of the United States, including the national defense.

(b) In conducting such review, the appropriate department, agency, or instrumentality shall conduct a study of all such existing withdrawals, reservations, set-asides, and classifications of public lands of the United States that were so effected by executive action so as to—

(1) identify the use or uses presently designated for such public lands;

(2) determine whether such use or uses are currently valid and whether such withdrawals, reservations, set-asides, or classifications are reasonable in scope and area for such public lands;

(3) determine the extent of energy and other mineral resource potential in such public lands covered by such review and study;

(4) determine the extent, if any, to which energy and other mineral exploration, development, and production can be carried out on such public lands without interference with valid use or uses for which such lands were so withdrawn, reserved, set-aside, or classified; and

(5) recommend which of such public lands should be made available for energy and other mineral purposes in accordance with the policy of Congress declared in the first section of this Act and other policies of the Congress relating to the administration of the public lands.

Sec. 4. (a) Each such Federal department, agency or instrumentality shall, not later than six months following the date of the enactment of this Act, submit to the President and the Congress an interim report identifying, to the extent practical, all public lands so withdrawn, reserved, set-aside, or classified from energy and other mineral purposes by executive action, that contain readily available petroleum or other energy resources.

(b) Each such Federal department, agency, or instrumentality shall, not later than two years from the date of the enactment of this Act, submit to the President and the Congress its final report containing its findings, determinations, and recommendations pursuant to this Act, including its determination as to which of such withdrawals, reservations, set-asides and classifications should be terminated or otherwise modified in order to meet the total energy and mineral needs of the United States, including the national defense.

Sec. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. JACKSON (for himself and Mr. Fannin) (by request):

S. 1389. A bill to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I introduce, on behalf of myself and the Senator from Arizona (Mr. Fannin), a bill to provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,
Washington, D.C., March 20, 1975.
Hon. Nelson A. Rockefeller,
President, U.S. Senate, Washington, D.C.

Dear Mr. President: Enclosed is a proposed bill, "To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands."

We recommend that the bill be referred to the appropriate Committee for consideration, and strongly urge that it be enacted.

In 1946, in the interest of international security, all the Bikini people were removed from their home atoll to provide the United States with a nuclear test site. The Bikinians were moved three times, and finally settled on Kili, an island with a land area of only one-third of a square mile. Life on Kili was difficult from the very beginning. There was no lagoon in which to fish and no protected anchorage. In addition, a typhoon caused salt water flooding which destroyed crops and polluted the fresh water supply. Food shortages were common occurrences and high waves prevented field trip vessels from picking up copra and bringing foodstuffs ashore. In short, the past 29 years have been physically and psychologically difficult for the displaced Bikinians.

The people of Enewetak Atoll, also located in the Marshall Islands, experienced a parallel situation. They were displaced in 1947 and moved to Ujelang Atoll where they now live. Enewetak was also the site of weapons testing, and there were over 40 nuclear detonations through 1957.

However, there has been one significant difference in the experiences of the two peoples. In July 1969, the United States Government made an ex gratia payment of $1,020,000 to the people of Enewetak in recognition of the hardships faced, the longstanding removal from their home atoll, and the fact that their ultimate return was not then viewed as possible in the near future. The funds were placed in trust for the people, who since that time have received interest payments. The trust fund will remain available even though the people are now scheduled to return to Enewetak.

In April 1974, the people of Bikini petitioned the Department of the Interior and the Department of Defense for an ex gratia payment. Their request was based upon the same logic as that used to make the ex gratia payment to the people of Enewetak. Both Departments feel that 29 years of hardship and suffering are sufficient grounds to justify compensation. Thus, I recommend a payment of $2,270,000 to be held in trust for the people by a trustee approved by the Bikinians and High Commissioner of the Trust Territory.

We are aware that the people of Bikini Atoll, through the Kili/Bikini Council, have filed a claim with the Micronesian Claims Commission under the provisions of the Micronesian Claims Act of 1971. We believe the rationale for the ex gratia payment recommended in this bill is separate and distinct from the rationale advanced for the claim for damages filed with the Micronesian Claims Commission. Nevertheless, we will work with the Foreign Claims Settlement Commission, and the Micronesian Claim Commission, to avoid possible overlapping of any compensation for any item in the claim filed with them which, when fully developed, may relate to the same incident upon which the draft bill proposes to compensate.

The Office of Management and Budget has advised that the presentation of this proposed legislation is consistent with the program of the President.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

By Mr. JACKSON (for himself, Mr. CHURCH, Mr. MAGNUSON, Mr. MANSFIELD, and Mr. METCALF):

S. 1390. A bill to authorize a study for the purpose of determining the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail. Referred to the Committee on Interior and Insular Affairs.

PACIFIC NORTHWEST TRAIL

Mr. JACKSON. Mr. President, I am sending to the desk, for appropriate reference, legislation to authorize a study to determine the feasibility and desirability of designating the Pacific Northwest Trail as a national scenic trail.

The proposed trail would extend approximately 1,000 miles from the Continental Divide in Glacier National Park, Mont., to the Pacific Ocean beach of Olympic National Park, Wash. From Glacier to the North Cascades, this trail would encompass some of the most spectacular and precious scenery in the world. Snowy peaks, glaciers, alpine meadows with clear springs and brooks, small lakes and rushing rivers abound. The Cascades themselves form a distinct and identifiable change in environments: the tremendous precipitation and force of the storms which sweep off the ocean end at the Cascades. On the lee of the Cascades spectacular and rugged desert commands the attention of all who love the Northwest.

A great proportion of this trail is protected by inclusion in national park or national forest areas, but some of it is not.

Mr. President, I was privileged to serve on the Outdoor Recreation Resources Review Commission which recognized the importance of hiking and walking as recreational experiences. During the 90th Congress the National Trails System Act was enacted to provide for the designation, protection, development, and preservation of various trails throughout this Nation. This proposed trail would extend through many areas which I have fought to preserve—North Cascades National Park, Olympic National Park, Ross Lake National Recreation Area, Pasayten Wilderness Area, the Skagit River, and the list goes on.

These lands are dear to those of us who love the Northwest and enactment of this legislation will help assure that the vistas which we know will be available for others.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1391. A bill to study certain lands in the Mendocino National Forest, Calif., for possible inclusion in the National Wilderness Preservation System. Referred to the Committee on Interior and Insular Affairs.

MENDOCINO NATIONAL FOREST

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to study the Snow Mountain area of Mendocino National Forest in California for possible wilderness designation. I am delighted that my colleague from California (Mr. TUNNEY) is joining me as cosponsor of the bill.

The measure is similar to H.R. 5589, sponsored in the House by Congressmen HAROLD JOHNSON, BOB LEGGETT, and DON CLAUSEN, all of whose districts include portions of the Snow Mountain wilderness area.

It is identical to legislation (S. 114) which passed the Senate in the 93d Congress, but did not receive final action in the House.

Snow Mountain is located in the coastal mountain ranges of Lake, Colusa, and Glenn Counties. Rugged in character and dominated by 7,056-foot Snow Mountain peak, the area provides a unique opportunity for solitude within a few hours' drive of major population centers in the State—Sacramento and San Francisco.

Although not heavily timbered, it is an area rich in native flora and fauna. The vegetation includes grasslands, mountain meadows, many chaparral types, canyon oaks, oak woodland, mixed conifers, high elevation red and white fir. Snow Mountain also abounds with wildlife—deer, squirrel, bobcats, golden eagles, quail, bear, and mountain lions. The Middle Fork of Stoney Creek which flows through the area supports a fine native trout fishery.

There is nearly unanimous local support for immediate wilderness designation of the 37,000-acre Snow Mountain area. The boards of supervisors of all three counties involved have adopted resolutions endorsing wilderness classification. I share their view that the entire 37,000-acre area merits wilderness status.

In previous Congresses, I have sponsored legislation to provide for immediate designation of the Snow Mountain wilderness. I have not changed my commitment to ultimate wilderness classification of the entire 37,000-acre area.

However, since I first introduced the Snow Mountain wilderness bill in the 92d Congress, 620 acres within the area have been selectively logged. In addition, objections have been raised over the fact that no mineral survey has been made of the proposed wilderness area. In view of these circumstances, I am now proposing a wilderness study be made. The study would include a mineral review.

My bill directs the Secretary of Agriculture to study the 37,000-acre Snow Mountain area and submit his findings to the President within 2 years following enactment of the bill. The bill also requires that during the review period and for a period of 4 years after the recommendations are submitted, the Snow Mountain area be managed so as to preserve its wilderness character.

Hearings on the wilderness proposal have been held in both the 92d and 93d Congresses. Thus, I am hopeful that the Senate can move forward with the Snow Mountain study bill in the near future and provide statutory interim protection for the area.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture, in accordance with the provisions of subsection 3(d) of the Wilderness Act (78 Stat. 890, 892), relating to public notice, public hearings, and review by State and other agencies, shall review, as to its suitability or nonsuitability for

preservation as wilderness, certain lands in the Mendocino National Forest, California, which comprise approximately thirty-seven thousand acres, and which are generally **depicted on a map entitled** "Snow Mountain **DeFacto Wilderness Area", dated June 21, 1971. The Secretary** shall report his findings **to the President** on or before the expiration **of the two-year period** following the date of **the enactment of this** Act. The President **shall submit promptly** thereafter to the **United States Senate** and House of Representatives **his** recommendations with respect to **the designation** of such area or portion **thereof as** wilderness. Any recommendation **of the President** that such area or portion **thereof shall** be designated as wilderness and, **therefore, as a** component of the national **wilderness** preservation system shall become **effective** only if so provided by an Act of **Congress.**

SEC. 2. During the review period provided by this Act and for a period of four years after the recommendations of the President are submitted to the Congress, the Secretary of Agriculture shall manage and protect the resources of the lands depicted on such map in such a manner as to assure that their suitability for potential wilderness designation is not impaired.

SEC. 3. The review required by this Act, including any report and recommendations with respect thereto, shall, except to the extent otherwise provided in this Act, be conducted in accordance with the applicable provisions of the Wilderness Act.

SEC. 4. There is hereby authorized to be appropriated such amount as may be necessary to carry out the provisions of this Act.

By Mr. TUNNEY:

S. 1392. A bill to establish a demonstration program in energy conservation, using promising innovative technology to the maximum extent possible, through retrofitting existing buildings with energy conservation equipment and systems, and for other purposes. Referred to the Committee on Public Works, the Committee on Commerce, and the Committee on Government Operations, jointly, by unanimous consent.

ENERGY CONSERVATION IN BUILDINGS DEMONSTRATIONS ACT OF 1975

Mr. TUNNEY. Mr. President, I am introducing today the Energy Conservation in Buildings Demonstration Act of 1975. This legislation will assure Federal leadership in stimulating technologies to renovate Federal, State, and local government buildings for more efficient and economical use of energy.

A systematic energy conservation program is essential to the national security of the United States. Without such a program, our country will continue to be jeopardized by energy shortages or energy blackmail from the Arab-led cartel.

The opportunities for such an energy conservation program are enormous. The Federal Government is presently the world's largest landlord, owning and maintaining over 700,000 buildings and installations in the United States alone. Further, hundreds of thousands of buildings are owned by State, county, and local governments.

Many of these buildings and installations were built in a period when little attention was given to energy conservation. Therefore, a systematic governmentwide program to retrofit heating, cooling, ventilating, lighting and other facilities in these buildings could save millions of dollars and enormous amounts of energy throughout the country every year.

The legislation mandates the institution of a Federal demonstration program. This program will select at least 40 federally owned buildings throughout the country for renovation and retrofitting. Buildings will be selected to offer the widest possible range of geographic, structural and other circumstances in order to assure accurate data for future planning.

Initially, renovation will be expensive. In the long run, however, this program will prove itself to be cost effective and will lead to large overall savings for the Government. Once this program has been demonstrated, it can be expanded to other Government buildings and, eventually, to private buildings.

At the same time this program is being carried out at the Federal level, a similar project will be undertaken in cooperation with State, county, and local governments. Under the act, an awards panel will be set up to evaluate grants for State, county, and local governments. Grants will be funded on a 3 to 1 Federal to State or municipality matching basis.

It is our belief that, as an important outgrowth of this program, business and industry will see the potentialities for major financial and energy savings through retrofitting their buildings. Since commercial buildings utilize 14.4 percent of all energy in this country, the savings could be tremendous.

The Project Independence study by the Federal Energy Administration estimates that retrofitting and improved operation and maintenance practices could save up to 40 percent of the energy used in heating and cooling commercial buildings. Such a saving would be the equivalent of 400 million barrels of oil per year, or enough fuel to satisfy the yearly household energy needs of 30 million people.

Mr. President, I believe that this is an extremely important program and I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Energy Conservation in Buildings Demonstration Act of 1975".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) large amounts of fuel and energy are consumed unnecessarily each year in heating, cooling, ventilating, providing hot water, lighting, and for other major energy uses in residential and commercial buildings because such buildings lack adequate energy-conservation features;

(2) substantial savings in fuel and energy could be accomplished by retrofitting such buildings with adequate energy-conservation features that would more than pay for themselves in reduced energy costs on a life-cycle basis.

(3) the national interest will be best served by encouraging innovative technology and approaches so that a wide diversity of geographic and technological circumstances may be treated with a maximum of cost effectiveness.

(b) It is the intent of Congress to institute a demonstration program for retrofitting selected existing Federal, State, and municipal buildings for energy conservation, using promising innovative technology to the maximum extent possible, and to disseminate the results of that experience in order to promote this type of conservation nationwide.

DEFINITIONS

SEC. 3. DEFINITIONS.—As used in this Act—

(a) "Administrator" means the Administrator of the Federal Energy Administration.

(b) "Director" means the Director of the National Bureau of Standards.

(c) "Panel" means the Awards Panel as defined in section 4.

(d) "Governor" means a Governor of one of the fifty States.

(e) "Municipality" means a town, city, or other district in the United States which is not a State, which has powers of local self-government, and which owns at least ten buildings.

(f) "Executive" means mayor of a city or town, executive officer of a county or other municipality who has authority to contract for retrofitting of buildings which belong to that municipality.

DUTIES OF ADMINISTRATOR

SEC. 4. (a) Within ninety days after the enactment of this Act, the Administrator, in consultation with the Director of the National Bureau of Standards shall establish procedures for identifying existing buildings as candidates for retrofitting with energy conservation equipment and systems for the purpose of decreasing the cost of supplying such buildings with energy for climate-conditioning, water-heating, lighting, and other major uses of energy. In developing such procedures the Administrator and the Director shall consult with other Federal agencies and appropriate professional architectural and engineering societies as required to insure a broad perspective and maximum utilization of professional expertise.

(b) The Administrator shall establish and convene on a timely basis, as required, an Awards Panel for the purpose of awarding grants to States and municipalities under section 6 of this Act. The Panel shall consist of the Administrator or his designate, the Director or his designate, and one other person to be chosen by the Administrator. The Administrator shall designate one member of the Panel as Chairman.

(c) The Administrator shall publish in the Federal Register procedures established under (a) of this section, along with the provisions of this Act and necessary procedures for applicants, and shall also transmit a copy of same to the Administrator of the General Services Administration.

FEDERAL PROGRAM

SEC. 5. (a) On the basis of procedures established in section 4 the Administrator of the General Services Administration shall, within six months after the date of enactment of this Act, select no fewer than forty federally owned buildings as candidates for retrofitting with energy conservation equipment and systems. The buildings shall be selected so as to offer a wide range of geographic and technological circumstances and opportunities for implementation of energy conservation measures which can be justified on a life-cycle cost basis.

(b) The Administrator of the General Services Administration shall, within six months after the date of enactment of this Act, solicit proposals for retrofitting each building identified in subsection (a) of this section with energy conservation equipment and systems. On the basis of the proposals received in response to his solicitations, the Administrator of the General Services Administration, in consultation with the Administrator and the Director, is authorized to award contracts for the design and installation of energy conservation equipment and systems in any or all of the federally owned buildings identified in subsection (a) of this section. In addition to the cost and estimated effectiveness of the proposal in achieving energy conservation, the potential for a novel and innovative approach to be of particular value in wide application shall be a factor in awarding contracts.

(c) Grants for Federal buildings shall be for the full cost of the contract, within the limit of funds available, but not to exceed $1,000,000 for any one building.

STATE AND MUNICIPAL PROGRAM

Sec. 6. (a) Governors of the fifty States and executives of municipalities may submit requests for grants for retrofitting of buildings owned by their respective States or municipalities. Requests for grants shall be submitted to the Panel, through the Administrator, and shall include, in accordance with procedures published by the Administrator in the Federal Register, a description of their State or municipal awards panel, the criteria and procedures by which it will select proposals for awards, and an identification of the State or municipal buildings for which grants are to be sought.

(b) The Panel is authorized to allocate grants to States and municipalities from funds appropriated for those purposes, in accordance with criteria established by the Panel for State and municipal programs.

(c) Grants to States and municipalities shall be on a 3-to-1 Federal to State or municipality matching basis and may not be used for any other purpose. Grants may not exceed $10,000,000 Federal share for any one State nor $6,000,000 Federal share for any one municipality out of one year's appropriation under this Act.

ADMINISTRATIVE PROVISIONS

Sec. 7. (a) The Administrator of the General Services Administration, Governor or executive responsible for the administration of a grant under this Act shall file with the Administrator in such form as he may prescribe, reports or answers in writing to such specific questions, surveys, or questionnaires as may be necessary to enable the Administrator to carry out his function under this Act and to evaluate the effectiveness of the program in promoting energy conservation.

(b) The Administrator of the General Services Administration and the Governors and executives administering grants under this Act shall keep such records as the Administrator may prescribe in order to assure an effective audit of the disposition of the funds provided under this Act.

(c) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination to any books, documents, papers, and records of any State or municipality which receives a grant under this Act that are pertinent to the grant received.

REPORT TO CONGRESS AND DISSEMINATION OF INFORMATION

Sec. 8. (a) The Administrator shall, not later than one year after the enactment of this Act, submit a report to the President and to the Congress presenting the results of this program. A second report shall be submitted not later than two years after enactment of this Act.

(b) The Administrator shall disseminate to the public, in such form and in such manner as he deems most effective, results of this program which promise to further promote conservation of energy on a wide scale. Each grantee shall be required, as a condition of the grant, to make available to any interested person the complete breakdown of cost information incurred in his project.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed $30,000,000 for the Federal program, $60,000,000 for the State program, and $60,000,000 for the municipal program for each of the fiscal years ending June 3, 1976 and June 30, 1977, to remain available until expended.

Mr. TUNNEY subsequently said:

Mr. President, I ask unanimous consent that a bill I introduced earlier be referred jointly to the Committee on Public Works, the Committee on Commerce, and the Committee on Government Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. BEALL:

S. 1394. A bill to amend section 403 of the Congressional Budget Act of 1974 to require cost estimates of proposed legislation covering a 5-year period and to include costs to be incurred by nongovernmental entities. Referred to the Committee on Government Operations.

ECONOMIC IMPACT STATEMENT ACT OF 1975

Mr. BEALL. Mr. President, I am today introducing legislation, the Economic Impact Statement Act of 1975, designed to require that Congress take a close look at the cost of legislation, both for Government and the consumer, prior to legislative action.

My legislation will require the Director of the Congressional Budget Office to prepare an estimate of costs to be incurred by the Federal Government, by State and local governments, and by nongovernmental entities for a 5-year period for each authorization bill reported to the Senate or House of Representatives.

As my colleagues know, the Congressional Budget Act of 1974 already requires that an estimate be made to reflect the cost to the Federal Government during a 5-year period. However, it is my belief that these provisions do not go far enough. In addition to measuring Federal costs, we must also project what the bill is going to mean, costwise, to State and local governments and to the private sector.

All of us are aware that Government can cause inflation through either unwise fiscal or monetary policies. But increasingly Americans are realizing that inflation can be caused through governmental actions which increase the cost of production and thus raise prices for goods and services.

Although there are countless examples of this phenomena, one good sample took place when Congress enacted legislation requiring that inner-lock seatbelt systems be required in all 1975 automobiles. The result was that car prices were increased by at least $100 and the system was such a failure that last year the Congress repealed its decision. Perhaps we in Congress would have enacted the inner-locking legislation anyway, but at least if we had known the cost per car of the system, we might have deliberated a little longer before taking action.

In the 1960's, Congress decided that to protect our environment, we needed to initiate a system of environmental statements which would weigh the possible adverse environmental impacts a particular project would have on our air, water, and land. Now, I believe we need to begin a system of economic impact statements, to weigh prior to action a project's effects on our threatened economic conditions.

Unless Congress begins to rationally measure the long-term fiscal impact of its action, we will soon be faced, in the public sector, with a widely inflationary budget which Congress cannot reduce, and in the private sector with escalating Government-imposed costs which fuel the fires of inflation and cause dramatic increases in the price of goods and services which must be paid by the consumer.

My legislation is a first step in recognizing the long-term inflationary impacts Federal action often has, and will enable us to more adequately measure these effects before we act. I urge favorable consideration of this legislation.

Mr. President, I ask unanimous consent that two articles from the March 5 1975, Washington Post further discussing this problem be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 3, 1975]

It's Time for Economic Impact Statements

The scope of new government programs and regulations has never expanded so rapidly as it has in the past decade, except, perhaps, during the early days of the New Deal. Since the mid-1960's federal legislation and administration orders have set new standards for air, water, noise, meat, poultry, fabrics, land sales, boats, paint, credit transactions, industrial safety, and employment practices—to mention but a few. All of these regulations involved efforts to improve the quality of life for some or all citizens, and most have had a measure of success. Some have required the expenditure of large sums of tax money, while others have not. All, however, cost somebody something, and the costs that don't show up in tax bills tend sooner or later to show up in price increases. As Murray L. Weidenbaum makes clear in a new study, a portion of which appears elsewhere on this page today, those price increases have been a significant component in the inflationary spiral. And, if the expansion of regulation goes on at its present rate, such price increases could produce a stagnant economy.

The argument over health care provides a classic example of the way the present system works. Heatlh insurance plans before Congress are usually discussed in terms of how much they will cost federal or state governments in tax money. While these figures are of obvious importance, the true cost of any such plan must include the additional expenses the plan will impose on employers and employees. If those additional expenses are paid by the employers, they will be reflected, sooner or later, in prices. If they are paid by employees, they will be reflected in a loss of buying power, in either case, they are real costs, just as tax increases are real costs.

Congress has taken note of one aspect of this problem by requiring that the President's budget set out as "tax expenditures" those losses in tax revenues that result from deductions or tax credits used to encourage economic activities. But it needs to go further. In order to get a true picture of the full costs of a health plan or noise reduction regulation or any other federal program, Congress needs an "economic impact" statement not unlike the environmental impact statements now required of many construction programs. Then it could know how much a particular program or set of regulations really costs.

This is not to suggest that things like health insurance or safety regulations or meat inspection programs should be postponed or abandoned. Rather, it is to suggest that Congress and the public should be aware of the full costs of the legislation it approves—and of the individuals or institutions that will be made to bear those costs. We suspect that if Congress recognized the full cost of some of the information federal agencies now gather or of some of the health and safety regulations that have been imposed, it would cut back certain federal activities. The benefits, in some instances, of the information or the regulations would hardly seem commensurate with the costs. And, in a time of inflation and recession, any unnecessary cost imposed by government on business or individuals simply increases the agony.

[From the Washington Post, Mar. 5, 1975]

GOVERNMENT REGULATIONS: THE INFLATIONARY COSTS

(By Murray L. Weidenbaum)

As the American public is learning to its dismay, there are many ways in which government actions can cause or worsen inflation. Large budget deficits and excessively easy monetary policy are usually cited as the two major culprits, and quite properly. Yet, there is a third, less obvious—and hence more insidious—way in which government can worsen the already severe inflationary pressures affecting the American economy.

That third way is for the government to require actions in the private sector which increase the costs of production and hence raise the prices of the products and services which are sold to the public. For example, the price of the typical new 1974 passenger automobile is about $320 higher than it would have been in the absence of federally mandated safety and environmental requirements. Attention needs to be focused on this third route to inflation for two reasons: (1) the government is constantly embarking on new and expanded programs which raise costs and prices in the private economy and (2) neither government decision makers nor the public recognize the significance of these inflationary effects. Literally, the federal government is continually mandating more inflation via the regulations it promulgates. These actions of course are validated by an accommodating monetary policy.

Obviously, most of these government actions are not designed to increase prices. Nevertheless, that is their result. In part because of efforts to control the growth of government spending, we have turned increasingly to mechanisms designed to achieve a given national objective—better working conditions, for example, or more nutritious foods—without much expenditure of government funds. The approach emphasizes efforts to influence private decision makers to achieve specific ends. Thus, rather than burden the public treasury with the full cost of cleaning up environmental pollution, we now require private firms to devote additional resources to that purpose. Rather than have the federal government spend large sums to eliminate traffic hazards, we require motorists to purchase vehicles equipped with various safety features that increase the selling price.

At first blush, government imposition of socially desirable requirements on business appears to be an inexpensive way of achieving national objectives: it costs the government nothing and therefore is no burden on the taxpayer. But, on reflection, it can be seen that the public does not escape paying the cost. For example, every time that the Occupational Safety and Health Administration imposes a more costly, albeit safer, method of production, the cost of the resultant product will necessarily tend to rise. Every time that the Consumer Safety Commission imposes a standard which is more costly to attain, some product costs will tend to rise. The same holds true for the activities of the Environmental Protection Agency, the Food and Drug Administration, and so forth.

The point being made here should not be misunderstood. What is at issue is not the worth of the objectives of these agencies. Rather, it is that the public does not get a "free lunch" by imposing public requirements on private industry. Although the costs of government regulation are not borne by the taxpayer directly, in large measure they show up in higher prices of the goods and services that consumers buy. These higher prices, we need to recognize, represent the "hidden tax" which is shifted from the taxpayer to the consumer. Moreover, to the extent that government-mandated requirements impose similar costs on all price categories of a given product (say, automobiles), this hidden tax will tend to be more regressive than the federal income tax. That is, the costs may be a higher relative burden on lower income groups than on higher income groups.

Government regulation is an accepted fact in a modern society. The point being made here is the modest one that a given regulatory activity generates costs as well as benefits. Hence, consideration of proposals—and they are numerous—to extend the scope of federal regulation should not be limited, as is usually the case, to a recital of the advantages of regulation. Rather, the costs need to be considered also, both those which are tangible and those which may be intangible.

It should be acknowledged that what is taking place in the United States represents not an abrupt departure from an idealized free market economy, but rather the rapid intensification of fairly durable trends of expanding government control over the private sector. In earlier periods, when productivity and living standards were rising rapidly, the nation could more easily afford to applaud the benefits and ignore the costs of regulation. But now the acceleration of federal controls coincides with, and accentuates, a slowdown in productivity growth and in the improvement in real standards of living. Thus, the earlier attitude of tolerance toward controls is no longer economically defensible.

Worthy objectives, such as a cleaner environment and safer products, can be attained without the inflationary impact that regulation brings, and public policy should be revised to this end. But we need to examine more closely the phenomenon of government-mandated price increases. It is likely that this unwanted phenomenon will be with us for some time—at least until consumers and their representatives recognize the problem and urge changes in public policy.

As these government-mandated costs begin to visibly exceed the apparent benefits, it can be hoped that public pressures will mount on governmental regulators to moderate the increasingly stringent rules and regulations that they apply. At present, for example, a mislabeled product that is declared an unacceptable hazard often must be destroyed. In the future, the producer or seller perhaps will only be required to relabel it correctly, a far less costly way of achieving the same objective.

By Mr. THURMOND:

S. 1395. A bill to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of active military medical personnel, and for other purposes. Referred to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, it is disturbing to learn that our Government does not provide any statutory legal remedy to defend military doctors in court suits for alleged malpractice. Recently, there have been a growing number of suits filed personally against military doctors. These doctors stand a risk of losing their property, their salary and their savings in tort claims of alleged malpractice.

The Federal Tort Claims Act, as passed in 1946, did not bar suits against Government employees individually who committed torts while acting within the scope of their employment. Subsequently, three statutes were enacted by the Congress which barred such suits against three particular classes of Federal employees, such as drivers of Government vehicles, medical personnel of the Veterans' Administration and the Public Health Service. Moreover, Public Law 91–623, 42 U.S.C. 233, with respect to Pubilc Health Service medical personnel, also authorized the purchase of medical malpractice insurance coverage for medical personnel assigned to foreign countries, or detailed to other than a Federal agency or institution.

Mr. President, this is obviously an inequality of treatment between the medical personnel of the Department of Defense and those of the Veterans' Administration and the Public Health Service. The law should provide equal protection for military doctors. This inequity presents a serious morale problem in the Medical Corps of the Armed Forces. Consequently, I am recommending legislation to amend title 10 of the United States Code to eliminate this discrimination and to authorize the Government to accept the legal responsibility for a judgment against an individual doctor in the performance of his professional military duties.

Mr. President, this legislative proposal will provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of active duty military physicians, dentists, nurses, pharmacists, or paramedical personnel and for other purposes. The Surgeon Generals of the Army, Navy, and Air Force recommend enactment of this bill. This legislation, if approved, also would be most helpful in the recruitment and retention of physicians, dentists, and other medical personnel.

This bill will force such alleged malpractice suits into a Federal court with the Government as the defendant under the Federal Tort Claims Act and with the Justice Department responsible for defense. Any liability resulting from such cases would be the responsibility of the Government. This bill would also provide the Government the authority to purchase limited coverage of medical malpractice insurance which is much too expensive for military medical personnel.

Mr. President, this is the objective of my bill. I sincerely urge my distinguished colleagues to give this proposal serious and favorable action. I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended—

(a) by adding a new section at the end thereof:

"§ 1089. Defense of certain malpractice and negligence suits

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for personal injury, including death, allegedly arising from malpractice or negligence of an active duty physician, dentist, nurse, pharmacist, or paramedical (for example, medical and dental technicians, nursing assistants, and therapists) or other supporting personnel of the armed forces in furnishing medical care or treatment while in the exercise of his duties in or for the Department of Defense or any other Federal department, agency, or institution shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or his estate) whose act or omission gave rise to such claim.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or his estate) for any such damage or injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the Secretary of Defense to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General and to the Secretary of Defense.

"(c) Upon a certification by the Attorney General that the defendant was acting in the scope of his employment in or for the Department of Defense or any other Federal department, agency, or institution at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to assault and battery arising out of negligence in the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations.

"(f) The Secretary of Defense or his designees may, to the extent that he or his designees deem appropriate, hold harmless or provide liability insurance for any active duty physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel of the armed forces for damages for personal injury, including death, negligently caused by any such personnel while acting within the scope of his office or employment and as a result of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, if such person is assigned to a foreign country or detailed for service with other than a Federal agency or institution, or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, for such damage or injury."

(b) by adding at the end of the analysis of chapter 55 the following:

"1089. Defense of certain malpractice and negligence suits.".

SEC. 2. This Act shall become effective on the first day of the third month which begins following the date of its enactment and shall apply to only those claims accruing on or after the effective date.

By Mr. HARTKE:

S. 1396. A bill to amend the Regional Rail Reorganization Act of 1973 to provide a greater percentage of Federal subsidy of rail lines proposed to be abandoned and to require more thorough analyses of branch lines before a final determination is made not to include them in the Consolidated Rail Corporation. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, I am today introducing amendments to the Regional Rail Reorganization Act of 1973, which are designed to accomplish two essential purposes. First, as my colleagues here in the Senate will remember, the Regional Rail Reorganization Act creates a mechanism for expedited abandonments of light density rail lines that do not cover their costs. In other words, only those rail lines that at least cover their costs are to be included in the new ConRail system. Lines that do not cover their costs are eligible for subsidy under title IV of the Regional Rail Reorganization Act. If a State wishes to continue operations over one of these lines, it may take advantage of the subsidy provisions of title IV, pursuant to which the Federal Government will pick up 70 percent of the difference between costs and revenue on the particular line. The State is to contribute the remaining 30 percent. Title IV also requires the establishment of a State rail program, similar to the State highway programs that now exist in all States.

Mr. President, the objectives of title IV of the Regional Rail Reorganization Act are laudable. Not only will an attempt be made to formulate the much needed planning for rail transportation on the State level, but both the States and the Federal Government will be participating in decisions regarding rail service. While the Federal Government picks up the major share of the financial burden, the States have an economic stake in the continuation of service and will be making decisions based on sound principles of cost benefit analysis and balanced transportation policy. Unfortunately, the creation of State rail programs is an entirely new subject for many of the States in the 17-State region covered by the Regional Rail Reorganization Act. While State highway programs have existed for years, the act requires the creation of a State rail program and the ability to participate in the subsidy arrangement within a relatively short period of time. This period of time has not been sufficient for many States to create the needed program. Furthermore, the short time frame available for the U.S. Railway Association to analyze all light density lines in the region for inclusion in ConRail or eligibility for rail service continuation subsidy has been very short. This shortness of time has precluded specific analysis of every branch line with attention to the exact condition of the line, potentials for development, and in some cases even actual carloadings. The legislation I am proposing today addresses both of these problems. First, by allowing a 100-percent Federal subsidy for the first year of operation by ConRail, the States will be given the requisite time to put their State rail programs in order. Second, States—many of which are facing extreme financial strain in the current economic recession—will have more time to arrange adequate funding for State rail programs. Third, the additional time will permit more specific site analyses of various branch lines. This may lead to more light density lines being included in the ConRail system, once more is known about their condition, their potential for future development, and other factors which will be considered on a more timely basis.

Mr. President, the United States is on the threshold of major changes in the field of rail transportation in conjunction with an attempt to create a more balanced transportation system. Rail services continuation subsidies are one element of this fundamental change in policy, and I would like to point out to my colleagues that S. 863 was recently introduced by myself, Senator PEARSON, and several other Senators. S. 863 extends the rail service continuation subsidy program and expands it nationwide. I would anticipate that this legislation will be favorably reported by the Senate Commerce Committee during this Congress, and will form one part of the needed changes in transportation policy in the United States. The amendments I am introducing today will permit a more orderly and smooth transition for the States and communities affected by the Regional Rail Reorganization Act. The amounts already authorized for the rail services continuation subsidy program contained in title IV of that act are sufficient to accommodate the changes proposed in this legislation, and I am confident that the Commerce Committee will soon be reviewing these proposed amendments in conjunction with any other adjustments which may be made in the Regional Rail Reorganization Act.

Mr. President, I ask unanimous consent that the proposed amendments to the Regional Rail Reorganization Act of 1973 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. Section 202(b) of the Regional Rail

Reorganization Act of 1973 (45 U.S.C. 712(b)) is amended by adding the following new paragraph at the end thereof:

"(8) conduct specific analyses of any specified branch line of railroad in the region and to investigate and devaluate the costs and benefits of including its rail properties in the final system plan under section 206 (c)(1)(A) of this title, at the written request of an affected State, if such request includes a detailed statement of the State's reasons for believing that such branch line should be designated for inclusion in such plan.".

SEC. 3. Section 402(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 762(a)) is amended by striking the second sentence and inserting in place thereof the following sentence:

"For purposes of subsection (b)(1) of this section, the Federal share of a rail service continuation subsidy be 100 per centum for the first year of subsidized operation; 90 per centum for the second year of subsidized operation; 80 per centum for the third year of subsidized operation; 70 per centum for the fourth, and any subsequent, year of subsidized operation.".

By Mr. KENNEDY:

S. 1397. A bill to amend section 22 of the Federal Meat Inspection Act relating to punishment for the commission of certain offenses under such act. Referred to the Committee on Agriculture and Forestry.

AMENDMENT TO THE FEDERAL MEAT INSPECTION ACT

Mr. KENNEDY. Mr. President, I am introducing today a bill to amend section 22 of the Federal Meat Inspection Act. My amendment is designed to relieve many of the present pressures on the dedicated and hard-working corps of Federal meat inspectors.

The statute which I proposed to amend was originally enacted in 1907 and contains three parts dealing with bribery and corrupt influence of inspectors in the discharge of their duties. The present statute places an extreme burden on the inspectors by opening them to criminal liability for merely accepting any gift—given with any purpose and from anyone engaged in interstate commerce. On the other hand, it allows those involved in the meat packing business to offer gifts and gratuities to inspectors with impunity, so long as there is no demonstrable intent on their part to influence the inspectors in the discharge of their duties. The result is not merely an academic imbalance in a 65-year-old law. It has been the indictment and conviction to a number of inspectors, with no corresponding consequences for the donors whose gifts gave rise to the criminal charges.

In October 1971, 40 employees of the U.S. Department of Agriculture Animal and Plant Health Inspection Service in Boston were indicted in the Massachusetts Federal court. These men were for the most part dedicated career civil servants who, during the course of their employment as meat inspectors, had been offered and had accepted gifts from officers or employees of the companies to which they were assigned. They were charged with receiving a thing of value. No specific intent on the part of the inspectors was charged. There was no evidence that the gifts in any way influenced inspection standards, methods, or reports.

But these men had in fact violated Federal law. Some had accepted large monetary gifts, but others had only casually gone along with favors offered them on isolated occasions: Mr. Ray Tacito, an inspector of some 25 years, was charged with receiving four bundles of meat valued at around $50 back in 1967; Mr. William Martin was charged for receiving 8 ounces of ham salad, 8 ounces of turkey salad, two small packages of Danish ham, and two bottles of liquor—about $20 in value. The circumstances surrounding the indictments and trials in this case caused a furor among Government employees.

Mr. President, when I received petitions signed by over 4,000 persons requesting that I look into the problems giving rise to and resulting from the indictments of the 40 meat inspectors, I immediately wrote the Secretary of Agriculture requesting his observations. The Administrator of the USDA Animal and Plant Health Inspection Service wrote that the "essence" of the Boston situation "lies in patterns of behavior firmly established over a period of time, which have contributed to a gradual decline in the integrity of our inspection program in that area."

I believe that Congress and the American people should continue to expect the highest standards of ensuring the cleanliness of our Nation's meat supply. Therefore, it is entirely proper that there be imposed strict sanctions on the receipt of gifts by inspectors from persons related to the businesses where they work. By the same token, the absence of an equivalent prohibition directed toward the packers themselves appears to invite the bestowing of gifts and favors by them on inspectors—either occasionally or frequently—since proving any intent to influence the inspectors' actions is in most cases a practical impossibility.

The staff of my Subcommittee on Administrative Practice and Procedure conducted an informal inquiry into this matter, directed not toward the specific criminal cases involved but toward determining what might be done in the future to prevent such situations from arising. Mr. Daniel Kearney, national vice president of the American Federation of Government Employees, provided us with background and details necessary to our assessment of alternative approaches to the problems raised. Out of these activities grew the proposal which is incorporated in the amendment I am today introducing, which is supported by the AFGE.

My bill is straightforward. It would not eliminate the offense of receving gifts on the part of inspectors. It would, however, impose equal restrictions on the packers. It would also limit the offenses to those involving persons falling under the meat inspection program. The thrust of this bill would be to remove from the packers any temptation to bestow gifts or favors on inspectors. More importantly, however, would be the removal of the social pressures on inspectors "not to look a gift horse in the mouth." They would know that the sanction attaching to the acceptance of egg salad, a ride across town, a bottle of liquor, or a bundle of meat would attach equally to the donor, relieving inspectors from the now one-sided burden of the law.

For the background of my colleagues, I ask unanimous consent that an excellent article on the subject which appeared in Harpers magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CURIOUS CASE OF THE INDICTED MEAT INSPECTORS—LAMB TO SLAUGHTER

(By Peter Schuck)

THE INSPECTORS: "ALONE IN THE LION'S DEN"

At seven o'clock on the morning of October 8, 1971, Edmund Wywiorski arrived for work at a meat-processing plant in Boston. He entered the plant, waving casually to employees inside the gate, and headed for the U.S. Government office at the rear of the building. As he walked slowly past the long, silent lines of processing machinery being hosed down for another day's work, Wywiorski's thoughts oscillated between his first morning as a U.S. Department of Agriculture meat inspector back in 1929, and the jubilee day, now less than two years off, when he would reach sixty-five and retire. He smiled to himself as he walked, trying to imagine how many carcasses he must have inspected in those forty-two years. The old man, unaccustomed to such flights of fancy, broke off the effort as he approached the office door. Glancing at the other inspectors already inside, he knew immediately that something was up.

For most Federal meat inspectors, as for Edmund Wywiorski, theirs is a career, a life's work. More than perhaps any other federal career job, however, meat inspection is a grueling, exacting enterprise. Of all blue-collar work in our society, only that of the policeman on the beat begins to compare with meat inspection for the rigor of the intellectual, physical, social, and psychological demands on the job.

The meat inspector works under extremely unpleasant, if not nauseating, conditions. Most meat-processing plants are old, hot, noisy, and noisome. The constant sight and smell of rent flesh, blood, entrails, and offal are sensuous assaults to which the inspector may grow accustomed, but never immune. Twelve-hour work days are common. The inspector must often cover many "houses" in a circuit, traveling from plant to plant at some distance and at odd hours.

What the meat inspector must endure is nothing compared to what he must know. Many inspectors now start at a GS-5 level, earning less $7,400 per year, yet they cannot perform a day's work without routinely applying vast knowledge of food chemistry, bacteriology, animal pathology, sampling techniques, food-processing machinery and technology, plant construction, and industrial hygiene. The regulations, guidelines, and directives the inspector must follow and enforce are so numerous, intricate, and technical that they seem like the bureaucratic equivalent of Mission Control at Cape Kennedy. There are detailed regulations specifying the nature and condition of the salt solutions that may be used on wetting cloths applied to dressed carcasses. There are extensive instructions pertaining to packaging, labeling, and transportation of inspected products. Section 310.10 of the Manual of Meat Inspection Procedures sets forth in fifteen single-spaced pages the requirements for the "routine" (other than final inspection) postmortem inspection of every carcass A typical excerpt follows:

"Examination of the liver should include opening the large bile duct. This should be done very carefully as cutting through the duct into the liver tissue will interfere with the detection of the small lancet liver fluke. The incision shall extend at least an inch through the bile duct dorsally and in the other direction as far as possible. The beef liver should be palpated on the entire parietal surface and within the area of the renal impression. Palpation should be accomplished by exerting sufficient pressure with the hands and fingers to be able to detect deep abscesses or cysts within the liver. . . ."

The complex regulations and instructions nevertheless leave the inspector with an irreducible residue of discretion within which he is empowered to impose grave sanctions against the processor, including closing down the plant. In part, this discretion derives from the inability of law to reconcile fully the imperatives of uniformity and diversity. The point at which a "remote product contamination," i.e., a dirty rail, becomes a "direct product contamination," i.e., a very dirty rail, is obviously a matter of degree, and the regulations concede as much. Yet the latter may justify the inspector's closing down production until the condition is remedied, while the former ordinarily will not.

But the inspector's discretion goes well beyond this. It is a commonplace in the industry, denied only by official USDA spokesmen, that if all meat-inspection regulations were enforced to the letter, no meat processor in America would be open for business. This fact, probably common to all regulated industries, says as much about an agency's tendency to overregulate as about an industry's unwillingness to comply with the law, yet the net result is the same: the inspector is not expected to enforce strictly every rule, but rather to decide which rules are worth enforcing at all. In this process, USDA offers no official guidance, for it feels obliged, like all public agencies, to maintain the myth that all rules are rigidly enforced. Unofficially, the inspector is admonished by his USDA superiors to "use common sense," to do his job in a "reasonable way."

Ironically this amalgam of discretion—conferred by law, custom, and necessity—represents to the inspector not power but impotence. For he is obliged to exercise this discretion in a fluid, political context in which he is a pawn of those interests—the processor, its employees, and USDA—with the greatest stake in that exercise. The inspector is the focus, but not the locus, of responsibility.

Most meat processors (or packers) operate on a narrow margin of profitability. In a fiercely competitive industry the incentives to cut costs are practically irresistible. Watered hams, fatty sausages, chicken ingredients instead of beef—these are but a few of the strategems of the resourceful, cost-conscious packer. A 1 percent increase in the weight of poultry from added water, for example, has been estimated to cost consumers $32 million per year; government studies show excessive watering to be a routine practice. Violations of sanitation and construction standards are also profitable to the packer. There is every reason to delay compliance as long as possible and only one reason to comply at all—the threat that the inspector will stop production until the offending condition is remedied.

To forestall this threat, the packer relies upon a mixed strategy with the inspector, offering the carrot and wielding the stick. The carrots available to the packer are many, and perhaps the most significant is overtime. Since an inspector may earn thousands of dollars annually in overtime to supplement his meager USDA salary, availability of this perquisite is of crucial importance. The packer decides each day how long the plant will operate and bears the cost of all inspectors required beyond the normal eight hours. Inspectors insist that the subtle offer and withholding of overtime is a mainstay of the system of rewards and punishments by which they are encouraged to be "reasonable."

Another carrot is the gift or favor. Many items are necessary to the inspector's work—boots for the wet floor, freezer coats, pens, office supplies—yet USDA refuses to supply some of them, and scrimps on others. Some packer gifts seem animated by simple goodwill, the oil that lubricates the interactions of people working closely together in the plant day in and day out. A bag of doughnuts for the night shift, a Thanksgiving turkey, a bottle of Scotch at Christmas—these are routinely given to plant employees, and the inspectors are often included. Other gratuities grow naturally out of specific work situations. According to one inspector, "when you have to work overtime, the packer may send out for beer and sandwiches. If you insist on paying, they tell you to go out and get it yourself. It is to the packer's interest to have you eat on the job, so the line can keep running."

To the inspector, a gift of meat is even less suspect. The packer who throws away literally hundreds of pounds of edible product daily for one reason or another—and deducts it as a business expense—does not seen particularly insidious when he asks the inspector, "Need anything for Sunday dinner, Doc?" An inspector observing policemen, firemen, politicians, representatives of veterans groups, hospitals, and other charitable organizations, as well as the packer employees with whom he works, leaving the plant laden with free meat, is hard put to rationalize why he alone should refuse the proferred gift.

The practice is called "cumshaw"—accepting small amounts of product for one's own use at home. Inspectors argue that the pressure to conform to the practice begins from the first day on the job, and comes almost as much from other inspectors as from packers. "We are weaned on the tradition. The old-timers always say, 'It isn't a good inspector who pays for his Sunday dinner.' They tell you that everybody else does it and has always done it, that it has nothing to do with doing your duty, and that if you don't take it, someone else will. I figure the job is hard enough without having the other inspectors suspicious of you." There are unwritten ground rules, moral strictures transmitted from inspector to inspector, and these too are impressed on the new recruit: "Don't accept more meat than your family can use"; "Don't solicit the meat from the packer"; and by far the most important, "Don't let cumshaw influence your judgment or the way you do your job."

To the inspector this distinction between acceptng a gratuity and accepting a bribe is clear and morally based. The general federal bribery statutes recognize this distinction and reinforce this morality by making it a crime for a public official to receive anything of value "in return for . . . being influenced in his performance of any official act. . . .," or "for or because of any official act performed or to be performed by him."

The inspector readily acknowledges that what appears to be a gift may become a bribe—if it is large enough, takes certain forms, or is given under certain circumstances—but to him, the critical factor is always whether the gratuity induces him not to enforce the regulations in the normal manner. "Sure I'll accept bundles of meat to take home for my family," says one, echoing the sentiments of many. "But that doesn't affect my decisions in the plant one iota, and the packer knows that. The fact of the matter is that if you get on a high horse and *refuse* to take a bundle, it makes it much more difficult to get the job done. Everyone becomes edgy and suspicious. Enforcing the regulations requires reasonableness, cooperation, and flexibility, as USDA is always telling us. If the packer, his employees, or the other inspectors think I look down on them, they are not going to cooperate with me. How can it be morally wrong to do something that hurts nobody and helps me get the job done?"

In addition to the normal urge to self-justification, then, much in the meat inspector's daily life—the pressures of his work routine, temptations by the packer, the job socialization process, the traditions of the industry, the conventional morality of his fellow inspectors, the general bribery statute, and the imperatives of "getting the job done"—tells him that he may accept small gratuities from the packer with a clear conscience. Section 622 of the Wholesome Meat Act, however, tells him something very different. Where the packers are concerned, this section conforms to the traditional ethic—a packer commits a felony in giving something of value to an inspector *only if* it is given "with intent to influence said inspector . . . in the discharge of any duty. . . ." A convicted packer does not forfeit the right to engage in the meat business. The inspector, on the other hand, commits a felony if he receives *anything* of value "given with any purpose or intent whatsoever." And a convicted inspector, in addition to bearing normal criminal penalties, "shall . . . be summarily discharged from office."

The rationale for this double standard is obscure. Federal employees must be held to a high standard of conduct, to be sure, but should it be any higher than that applicable to a packer extensively regulated and certified to do interstate business by USDA? Should one party to an illegal transaction be regarded as guiltless while another is branded a felon? On October 8, 1971, these questions suddenly lost their academic quality.

THE DEPARTMENT OF AGRICULTURE: A CASE OF NONSUPPORT

Ed Wywiorski, seeing the other inspectors huddled over a newspaper, quickly entered the office and looked at the banner headline in the *Boston Globe*: 40 MEAT INSPECTORS INDICTED IN HUB. A stunned silence lay over the inspectors, each gripped by a private terror. Minutes later, the office phone began its relentless ringing as wives, children, and friends called to ask if it could really be true. Wywiorski cannot recall what he did for the rest of the day or how he made his way back to his West Roxbury home, but his wife recalls that he arrived "in a trance" clutching a notice from USDA suspending him from duty until further notice, effective immediately. "Ed has literally been in a state of shock ever since that day," his wife confides, "and I don't think he will ever get over it."

Later that day, Herbert Travers, then the United States Attorney for Massachusetts and the man who had obtained the grand jury indictments, held a televised press conference in Boston to announce the indictment and suspension of the inspectors, the largest group of federal employees ever indicted at one time, and to assure the public that no impure food had resulted from the inspectors' crime. The indictments received extensive publicity in the national media, featuring the remark of a USDA spokesman that "We're expecting the worst scandal since meat inspection became mandatory in 1907." Shortly after the indictments became public, the governor appointed Travers to a Superior Court judgeship.

Several days after he was suspended, Wywiorski and thirty-nine other inspectors, almost two-thirds of the inspectors in the Boston circuit, were arraigned in federal court in Boston under indictments charging some of them with having accepted "things of value," some of them with having accepted bribes, and some of them with having done both. In addition, some were charged with having conspired with certain individuals to defraud the U.S. Government of the full value of their services. Many inspectors were not served with their indictments by the

Government until they were arraigned. Judge Charles Wyzanski chastised the prosecutors for finding time to be on TV but not to serve the indictments. The inspectors pleaded not guilty. None had any prior criminal record.

On October 22, the inspectors were summoned to the USDA office in Boston. Each was handed a written advance notice of a proposal to suspend him from duty without pay "until the outcome of the proceedings resulting from the indictment is known." The notice gave them forty-eight hours to respond, USDA refused to give them more time to obtain counsel and prepare their responses, although the forty-eight hours covered a holiday weekend, and Civil Service regulations entitle the employee to "all the time he actually needs to prepare and submit his answer." Five inspectors obtained a federal court order extending their time to respond until November 5. Despite oral assurances by USDA officials that *all* of the inspectors could have the additional time, USDA suspended the other thirty-five inspectors on November 1. This was done by identical form letters, although the inspectors were charged with vastly different crimes, ranging from receiving "a handful of screws" to accepting a bribe of thousands of dollars. Even before the suspensions, USDA had already begun filling the suspended inspectors' positions with permanent replacements.

The inspectors then appealed their suspensions to the Civil Service Commission and USDA, contending that to suspend them before they had even been tried, much less convicted, was illegal, and that USDA had not complied with the procedural requirements for suspension. Twenty-six of the cases are still pending before the Commission. In six other cases, the Commission's Appeals Examiner ordered immediate reinstatement pending trial.

USDA has appealed five of these reinstatement decisions to the Commission's Board of Appeals and Review and refuses to reinstate the inspectors pending the outcome. USDA failed to appeal the case of inspector Frank Cavaleri, yet it refused to reinstate him for seven weeks, and then immediately served him wih another notice of suspension. Seven inspectors appealed their suspensions within USDA and won, but USDA rejected the decision of its own hearing examiner as "unacceptable" and appealed to the Commission, refusing reinstatement in the meanwhile.

One union official, surveying the fruits of these hard-won administrative "victories," lamented, "USDA decided from the very beginning to throw these men to the wolves, and it is not going to let due process of law stand in its way." As a result, the inspectors have received no salary since October, and most have been unable to find any work while under indictment. Lack of income, coupled with high legal expenses, has driven all into debt and many to the point of utter financial ruin.

To an old-timer like Ed Wywiorski, who has spent two-thirds of his sixty-three years in USDA, the indifference of the Department to his plight has been profoundly dispiriting. After so many years, he had come to think of the Department possessively and metaphorically: it was "his" Department, it had nurtured him to manhood, it had trained him in a respected career, and it would provide for him in his old age. Now, it seemed, it had suddenly turned on him, almost rushing to condemn him before he had a chance to defend himself.

Many of the younger inspectors, however, see in the situation a confirmation of USDA's true allegiances. To them, the Department is simply a bureaucracy, cold and morally neutral, but possessed of an unerring instinct for political survival. One inspector puts it this way: "Look, we are probably the only regulatory officials who are required to go out among the regulated to do our job. We don't just visit them periodically, we just about marry them. Day after day, night after night, we are in the lion's den alone with the lion. How are we supposed to get along? USDA doesn't tell us. How are we supposed to resist the barrage of threats and temptations the packers constantly direct at us? USDA doesn't tell us. USDA *does* tell us to use our ingenuity to do our job, to use our common sense—but that's not very helpful when you're in the lion's den."

Every inspector has dozens of anecdotes about the failure of USDA supervisors to back him up in disputes with plant management. This pattern of nonsupport is clearly woven in the public records of USDA and outside investigative bodies. The conflict arises from the fact that the inspector, in the words of one old-timer, is "a shock absorber between USDA and the packer. If you tag too many violations, your supervisor will frequently say you are being too antagonistic and rigid. Then when you let some minor violations go, such as allowing 4 per cent milk powder in a sausage instead of 3.5 per cent, and the supervisor catches them, he blames it on you, not the packer."

Santa Mancina, the top USDA official in the Boston area, readily concedes that most inspector complaints about packer pressures are legitimate. "The packers up here are resistant as hell. I met with their trade association in an effort to communicate. They continually tried to pressure us. Hell, they threatened to go to Washington and cut our appropriations if we didn't play it their way. The packers, of course, complain about the inspectors, but I tend to believe the inspectors most of the time."

USDA files, only recently made public after a Freedom of Information Act suit, are filled with instances of vicious physical and verbal attacks on inspectors by packers or their employees. These assaults, criminal under the Wholesome Meat Act, elicit from USDA little more than gentle reproach and an exhortation to the packer to read the Act. The Act authorizes USDA to withdraw inspection permanently from serious or persistent violators, yet USDA has never invoked that authority. Reports by the General Accounting Office, the investigatory arm of Congress, repeatedly document the low morale of the inspection corps, attributing this in large part to USDA's failure to back up its inspectors.

USDA takes a rigidly legislatic position against the gratuity system while at the same time appearing to ignore—and even contribute to—the vortex of pressures and incentives that nourish this system. Once every year, USDA supervisors meet with inspectors to go over the regulations prohibiting acceptance of things of value from packers. According to many inspectors and supervisors, this is a very tongue-in-cheek affair. "The best analogy I can think of," says one, "is the Army when they read you the Articles of War or instructions on how to respond to brainwashing. It is all very make-believe, and no one, least of all the supervisors, takes it seriously. If you press them about how to apply these lofty principles in the real world of the plant, they say, 'Oh, it's okay to take a cup of coffee or an occasional meal from the packer.' If you ask how they reconcile that with the regulations, they tell you, 'Use your common sense.' We leave that meeting thinking small gifts are okay so long as they don't affect the way we do our jobs."

USDA enforces these regulations against inspectors with a passion rarely found in its dealings with unregenerate packers. Consider the case of inspector Harry Topol, thirteen years an inspector and a recipient of the USDA Certificate of Merit in 1968 "for sustained superior performance in carrying out assigned responsibilities." One Saturday morning in July 1969, Topol, on duty at a new assignment in Boston, received a telephone call from his brother-in-law, Salvatore Cina, who said he needed about ten pounds of frankfurters, salami, and bologna for a barbecue that afternoon. Cina asked Topol to put in the order for him, and said he would pick the meat up at the plant before closing. The plant closed before Cina arrived, so Topol filled out a purchase slip and took the meat from the order clerk, arranging to pay Monday since no cashier was on duty. On Topol's way out, a USDA supervisor saw the package, stopped him, and ordered him to return the meat. Topol complied and proceeded to forget about the matter.

Three months later, Topol received a letter from USDA charging him with violation of the regulation and proposing that he be fired. Astonished, Topol requested a hearing and received one—before a circuit supervisor in the meat-inspection program. The supervisor recommended that Topol be fired on the ground that he had purchased meat from a plant that had no retail outlet, despite the uncontradicted testimony of at least four individuals that they routinely walked into the plant off the street and bought meat.

Topol appealed and finally obtained a hearing before an official not connected with the meat-inspection program, who found that the plant did sell to the public and that all charges should be dismissed. The resourceful Director of Personnel, however, while accepting these findings, managed to have the last word. Topol had obtained credit for the purchase until Monday, he ruled, "a personal accommodation which was out of the ordinary." He suspended Topol for four weeks without pay. Two weeks after his suspension, Topol suffered a heart attack. Shortly thereafter, his wife had a nervous breakdown that her physician attributed to the strain of the yearlong ordeal.

THE DEPARTMENT OF JUSTICE: "IT IS MORE BLESSED TO GIVE THAN TO RECEIVE"

In April 1972, Ed Wywiorski's trial began. He had been indicted on eight counts of receiving meat, "a thing of value," in 1967 and 1968. Six of the counts alleged the receipt of a quantity "unknown to the Grand Jury," the seventh stated a quantity of "eight pounds, more or less," and the eighth cited a quantity of "twenty-one pounds and two ounces, more or less." Before trial, the prosecution conceded that Wywiorski had been indicted on three counts he could not possibly have committed, having been on vacation or at different locations at the times alleged. Judge Andrew Caffrey permitted James Krasnoo, the young Assistant U.S. Attorney prosecuting the inspector cases, to drop these counts over the objection of Arnold Felton, Wywiorski's attorney, who argued that the jury should be able to see the kind of evidence on which the prosecution's case rested. A fourth count was dismissed on a technicality.

Krasnoo then offered Felton a deal. "Wywiorski's only a little fish in a big pond," Krasnoo told Felton. "If he pleads guilty before trial, I'll recommend two years probation to the judge." Felton relayed this offer to his client. Wywiorski decided to stand trial on charges of having received four bundles of meat from Jack Satter, Baldwin Vincent Scalesse, and John McNeil. Satter and Scalesse were and are executives of Colonial Provision Company, and McNeil had been a quality-control man with Colonial.

The only damaging witness against Wywiorski was McNeil. He testified that he had no independent memory of transactions with Wywiorski but that when he worked at Colonial he had given bundles of meat to inspectors on behalf of Colonial and had made notations on rack cards for each transaction, usually including the initials of the inspector, the date, and the amount of meat given. He had saved these cards, and he produced four bearing the notation "EdWy."

At the end of the first day of trial, Felton was confronted with an agonizing decision. Reviewing his thought processes, Felton says, "Wywiorski is an old, ineffectual, harmless guy, what people call a 'nebbish.' He would have made a terrible witness. Krasnoo would have made mincemeat of him. I decided he should plead guilty if we could get a favorable disposition." Felton called Krasnoo to ask if his offer to recommend probation on a guilty plea was still open. Krasnoo replied, "Tauro [the new U.S. Attorney] insists that we add on a $2,000 fine as a penalty for your having gone to trial." Wywiorski then called his wife from Felton's office. "I'm going to throw in the towel," he told her. "At least this way, I won't go to jail." Felton, Wywiorski, and Krasnoo then signed a form statement reciting that the determination as to a sentence recommendation "is always made after a verdict of Guilty or a Guilty plea has been entered, and not before. . . . Any statement relating to a recommendation by an Assistant U.S. Attorney made before a determination of guilt can only refer to his recommendation to be made to the U.S. Attorney, and does not refer to any recommendation to be made to the Court." The statement goes on to say that the final decision on sentence is that of the judge alone. The next day, Wywiorski entered a plea of guilty. Thus the trial ended before Felton could introduce evidence that on March 30, 1967, precisely the period during which McNeil said Wywiorski received meat, Wywiorski reported to his supervisor in writing that he had caught McNeil making entries of reports of laboratory results in official USDA folders without an inspector being present. The report concluded that McNeil left "in an annoyed and resentful manner."

On May 10, Wywiorski appeared before Judge Caffrey for sentencing. Caffrey told Wywiorski that before accepting his guilty plea and sentencing him, he wished to be satisfied that Wywiorski had in fact committed the crimes for which he was admitting guilt. Wywiorski stated that he had not. A surprised Caffrey reminded him that he could not accept a guilty plea unless he was actually guilty. Wywiorski again denied guilt. Caffrey suggested a short recess to resolve the confusion, during which Felton explained that Wywiorski could not plead guilty without admitting guilt, and that if he did not plead guilty, the deal with Krasnoo would be off. When court resumed, Caffrey once again asked Wywiorski if he was guilty. Wywiorski muttered that he had given McNeil the keys to his car (where McNeil had said the meat was probably placed). Caffrey then asked Krasnoo for his sentence recommendation, and Krasnoo responded with the agreed-upon recommendation. Judge Caffrey proceeded to sentence Wywiorski to one year in prison and a $1,000 fine.

Mrs. Wywiorski recalls the scene. "When the judge pronounced his sentence on Ed, even Krasnoo seemed stunned. Ed was in a trance. He had never for one moment believed that he would go to jail. All he had talked about was retirement, an end to the pressures in the plant. When the U.S. Marshals dragged him away, he still did not seem to know what had hit him. He is a totally broken man. And all this over four bundles of meat."

Wywiorski is now serving his prison sentence.

As of June 1, eight Boston meat inspectors had reached trial and had either been convicted or pleaded guilty. All six who have been sentenced so far have received prison sentences, ranging up to three years. The "bigger fish"—other line inspectors, two subcircuit supervisors, and a circuit supervisor, some of whom are accused of accepting money as well as meat—are still to come.

Krasnoo scoffs at the suggestion that the sentences have been unduly harsh. In his view, the inspectors have not been dealt with harshly enough: "These were public officials invested with a high public trust." (To the inspectors, this view is bitterly ironic. "For years," says one, "we've been pieces of shit, lowly GS-5s and 7s, barely noticed, barely lower middle class. Now, all of a sudden, we are exalted public officials charged with weighty responsibilities and moral leadership.") The young prosecutor told one lawyer that the inspectors were damned lucky that he wasn't prosecuting their wives, who he felt must have had knowledge of their crimes.

Most of the forty inspectors, like Wywiorski, were indicted on the testimony of McNeil, and to a lesser extent Scalesse and Satter, before a federal grand jury first convened in early 1970. The prosecution's case at trial was and is based almost entirely upon the same evidence.

One of the intriguing questions that haunt these trials is why McNeil, who left Colonial in June 1967 to become a USDA inspector, and who is all too familiar with the gratuity system, decided to go before the grand jury and incriminate the inspectors. There is some evidence—based on McNeil's frequently expressed hostility toward Colonial, and on his threats to sue Colonial for compensation for injuries sustained by him and his wife while in Colonial's employ—that he thought his revelations would result in prosecutions not of the inspectors but of the "biggest fish" of all: Colonial Provision Company. Such an expectation would be a natural one, of course, for McNeil's testimony is at least as damaging to Colonial, a company with annual sales of over $50 million, as to a bunch of low-level inspectors, many of whom were charged with receiving small quantities of meat. And while the inspectors could be effectively disciplined administratively—by loss of pay, discharge, or otherwise—Colonial could be punished only by prosecution and public obloquy.

If McNeil's intention was to damage Colonial, he has utterly failed to do so. The Department of Justice has actually contrived the meat-inspection prosecutions in such a way that Colonial has managed to emerge unscathed. That has not been easy to do, given the admissions of McNeil, Scalesse, and Satter that they routinely gave meat, money, and other things of value to numerous inspectors; thta McNeil, at Colonial's behest, doctored samples, illegally gained access to the USDA retention cage, and chose dummy samples; that Scalese lied to the grand jury in at least three sessions; that Satter lied to the grand jury and had tried to bring political pressure to bear from Washington against zealous inspectors. But the ingenuity of a political Department of Justice is not to be underestimated.

According to the Justice Department's own evidence, employees of Colonial and six other Boston area packers routinely and systematically gave meat, money, and other things of value to the forty inspectors on behalf of the packers. *Yet none of these packers or their employees has been, or probably ever will be, indicted for these transactions.* The reason is simple: after lying to the grand jury, Satter and Scalesse finally claimed the Fifth Amendment, refusing to answer further questions. The Department then granted them immunity from prosecution in order to induce them to testify against the inspectors.

When asked why the U.S. Attorney decided to grant immunity from prosecution to Colonial and six other packers and their employees, but not to the inspectors, prosecutor Krasnoo gave three reasons:

(1) "I would never grant immunity to a witness who lied before the grand jury." Yet Scalesse and Satter admittedly lied to the grand jury on several occasions prior to being granted immunity.

(2) "The inspectors failed to cooperate by giving evidence to the grand jury." But the packer witnesses also failed to cooperate, until they were offered immunity, and there is every reason to believe that the inspectors would have cooperated had *they* been offered immunity. Well before the indictments were issued, at least one attorney representing a group of inspectors told Krasnoo his clients would "sing like canaries" in return for immunity. The offer was refused. To the inspectors, it was clear from their first appearance before the grand jury that they were the targets of the investigation.

(3) "I know of no inspector who took the Fifth, so we couldn't offer them immunity." This is incorrect. A number of inspectors took the Fifth, as Krasnoo should certainly have known.

The real reasons that the Department of Justice pursued the minnows while protecting the whales probably lie elsewhere. As one former prosecutor put it: "From the Department's point of view, this was a smart prosecutive decision. By giving immunity to a relatively small number of influential packers who dealt with a relatively large number of inspectors, they could get a large number of convictions, a lot of publicity, and not step on any important toes. If they had prosecuted the packers, they would have had to prove 'intent to influence.' This way, the judge simply charges the jury that in order to convict, they need only find that the inspectors received anything of value. Since McNeil gets up with his cards and says they received, these are very easy cases to win."

The solicitude of the Department of Justice for Colonial, however, goes far beyond immunizing it from prosecution. For the Department has managed to draft indictments against the inspectors containing well over 2,000 counts, most of which involve gratuities given by key Colonial personnel, without ever mentioning Colonial by name. The same is true of the six other immunized packing companies. The indictments recite that things of value were given, and conspiracies entered into with the defendants, by certain named individuals—Satter, Scalesse, and McNeil in most cases—but they are not identified as employees or agents of Colonial. For all the public knows or *could* know from the indictments, Colonial and the other immunized packers have been pure as the driven snow. Since the mass media have confined their attention entirely to the indictments and the sentences, there has been virtually no coverage of the trials, at which the involvement of Colonial and other packers is brought out.

The Department, to be sure, has secured indictments against three small packers, none of them involved with the forty inspectors. Only one case has been tried, and the outcome is most intriguing and bizarre. As the result of an FBI plant and the use of marked money, inspector Robert Gaff had apparently been caught redhanded immediately after receiving money from a packer, Waters & Litchfield Co. On October 29, 1971, Gaff pleaded guilty to four counts of receiving things of value from two packers. He was sentenced to serve a six-month sentence (half that meted out to Wywiorski for accepting four bundles of meat). After Gaff completed his term and left prison, Waters & Litchfield was brought to trial in April. The Department of Justice, in a most extraordinary and inexplicable maneuver, *waived a jury*, knowing full well that a jury, particularly with the price of meat on their minds, would be far more likely to convict than a judge would be. Then Gaff took the stand as the prosecution's main witness, and his testimony—testimony that had supported his plea of guilty and the grand jury indictment of Waters & Litchfield—was so garbled that the judge directed a verdict of not guilty. So the Department's record remains clean as a hound's tooth: no packers convicted.

Other aspects of the meat-inspector cases also raise the question of whether the lady holding the Scales of Justice in front of the Department's headquarters is actually peeking from under her blindfold. On the day the indictments were returned against the inspectors, Herbert Travers, the then U.S. Attorney, took the extraordinary step in a case of this sort of applying for the issuance of bench warrants for the immediate arrest of the inspectors. This procedure was highly unusual because no inspector had a prior criminal record (this is a condition of being a USDA inspector), and they were obviously unlikely to flee. Travers had arranged for federal agents to sweep through the meat districts and make a dramatic and well-publicized mass arrest and incarceration of the inspectors. The judge, seeing no justification for arrests, refused to issue the warrants.

When the indictments were announced in October to an attentive press, many of the counts against the inspectors were so trivial as to lend comic relief to an otherwise relentlessly depressing affair. One inspector indicted for receiving "a thing of value, to wit, a handful of screws," quipped, "I wouldn't mind if I had a big hand, but how many screws can I get in this?" Another inspector was indicted for receiving "a spiritual bouquet," a third for receiving a light bulb. Other "things of value" forming the basis for individual counts were half a can of shoe polish, "the picking up of one photograph," and a car wash. One inspector was charged with accepting a ride home for his daughter from a packer employee.

Many of the counts were not simply trivial, they were demonstrably mistaken. Frank Cavaleri, for example, was indicted on six counts, four of which occurred at times when he was not even working for the Government. Most inspectors had at least some counts of this order of accuracy. After all of the publicity and hoopla had been generated, of course, these counts were dropped by the U.S. Attorneys office, often over the objections of defense counsel who wished the jury to learn how casual the Department had been in securing indictments. The proliferation of counts had another purpose too. As one ex-prosecutor explained, "They threw indictments around like confetti to inundate the inspectors. Then Krasnoo could offer to drop most of the counts in exchange for a plea of guilty. Krasnoo was giving up nothing that was worth anything, of course, but to the inspectors, the offer must have seemed generous."

The Department of Justice has employed other questionable tactics. The indictments contain a large number of counts for accepting bribes—in which there is necessarily an allegation of intent to influence the inspector's official actions—as well as counts of simply receiving things of value, which include no such allegation. *Yet there has been no evidence that inspectors were bribed, and much evidence that they were not.* First, packer employees have admitted at the trials that the inspectors did their jobs and did not relax their application of the regulations. Second, Travers and Krasnoo have both stated publicly that the public has not been exposed to deficient meat products as a result of the indicted transactions. Third, Krasnoo has dropped all bribery counts before trial; he concedes that he has proved only the receipt of things of value by inspectors. Nevertheless, despite requests by defense attorneys not to do so, Krasnoo has used the term "bribery" in summations to the jury on a number of occasions.

The Department, in conjunction with the courts, also consistently penalizes those inspectors who invoke their right to go to trial. This practice is not unique to these cases, of course, but the result is not less unjust for being common. Inspector Hugh McDonald was indicted on 183 counts of receiving money, meat, and liquor; 163 counts were dropped before trial. Then Krasnoo induced him to plead guilty to nine counts of receiving meat and liquor, dropping the others. Krasnoo made no sentence recommendation to the judge. McDonald received one year in prison and a $1,000 suspended fine, Inspector Richard H. Murphy was indicted on 157 counts of receiving money and meat, 147 of which were dropped before trial. Krasnoo offered to make no sentence recommendation if Murphy pleaded guilty. Murphy insisted on going to trial and was convicted on ten counts of receiving money. Krasnoo then recommended a sentence of four years in prison, with a $4,000 suspended fine. Murphy received three years in prison and a $1,000 fine.

It is inconceivable that Murphy would have received so severe a sentence if he, like McDonald several weeks before, had pleaded guilty instead of invoking his right to put the Government to its proof in a trial. As Krasnoo well knows, Murphy's example has not been lost on the thirty-three inspectors still awaiting trial. "I have a strong case," says one "but look at the risk I run by going to trial before jurors angry about the high cost of meat. I will have to plead guilty to avoid paying 'the Murphy premium.' "

With the Department of Justice at the bargaining table, negotiation for guilty pleas can be a nasty business. In the case of one married inspector, the prosecution threatened to show that he had had sexual relations with a female employee of the packer. The Internal Revenue Service, presumably with the connivance of the Department of Justice, has conducted tax audits on a number of inspectors in an effort to show that they were living beyond their means, evidence that would assist the prosecution's case. The IRS, after securing records and cooperation from the attorney for several inspectors, has refused either to return the records or to issue a ruling, thus enhancing the bargaining power of the Justice Department in negotiating with the inspectors for guilty pleas.

The Boston meat-inspector cases raise disturbing questions. A steady stream of inspectors are now entering prison, their careers and reputations irretrievably lost, their families plunged into unspeakable despair. Yet within a mile of the federal courthouse, Colonial Provision Company flourishes, processing millions of pounds of meat daily; Jack Satter drives his Cadillac to his new job as president of Colonial, and Vinnie Scalesse has been promoted to head of a Colonial subsidiary. These admitted perjurers and the other packers who admittedly gave things of value to the inspectors continue to do business as before. John McNeil continues as a USDA inspector, sometimes training new inspectors in their duties, despite having admitted doctoring and switching USDA samples as a Colonial employee and having been a key link in a chain of illegality. The public continues to subsidize this system in several ways—in higher meat prices, reflecting the costs of gratuities, and in higher taxes, reflecting the packers' practice of deducting these gratuities as part of their operational "shrinkage." It is likely, in addition, that the public is getting an inferior product for its money. "How much rigorous inspection do you think is going on today at Colonial or these other houses?" one inspector asks. "These packers bought insurance against strict inspection. How do you think the inspector is going to behave knowing that he can be prosecuted simply on the word of the packer he is supposed to regulate and that the packer will not be touched?"

A society truly concerned about crime must concern itself with those social systems—like the meat plant—in which crime seems to make sense to otherwise moral men. "Cumshaw" is such a system, and it flourishes. While some of its practitioners have been punished, the most powerful have not. For the latter, at least, the system has paid handsome dividends.

By Mr. JACKSON:

S. 1398. A bill to provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344). Referred to the Committee on Interior and Insular Affairs and, if and when reported, to the Committee on Appropriations, by unanimous consent.

Mr. JACKSON. Mr. President, I send to the desk for appropriate reference proposed legislation submitted by the Department of the Interior to provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional and Impoundment Control Act of 1974 (Public Law 93–344).

I ask unanimous consent that the letter to the Vice President from Assistant Secretary Kyl, dated March 24, 1975, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Interior,
Washington, D.C., March 24, 1975.

Hon. Nelson A. Rockefeller,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is enclosed a draft bill "To provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93–344)."

Numerous activities of the Department of the Interior including many funded through permanent authorizations and not covered by annual appropriations are authorized on the basis of the previous fiscal year timetable and would not be authorized during the period July 1, 1976, to September 30, 1976, if the enclosed draft bill were not enacted. A list of appropriate U.S. Code references is attached in order to provide examples of Departmental authorities requiring such legislation.

The draft bill would simply extend temporarily all Department of the Interior authorities in existence during fiscal year 1976 to the transition period commencing July 1, 1976, and ending September 30, 1976, in order that programs or other activities such as receipts, obligations and disbursements would continue as they would have had the fiscal year timetable not been changed by P.L. 93–344. Proposed changes in law required to effect an orderly and permanent change to the new fiscal year, as required by section 502(b) of P.L. 93–344 are being considered by the Office of Management and Budget and will be separately submitted by the Director of that Office.

The Office of Management and Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the Administration's program.

Sincerely yours,

John Kyl,
Assistant Secretray of the Interior.

A bill to provide authorization of activities and appropriations for the Department of the Interior for the period commencing July 1, 1976, and ending on September 30, 1976, in conformance to the requirements of section 502(a) of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93–344)

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, activities (including the receipt, obligation, apportionment and disbursement of funds) of the Department of the Interior which are authorized by law to be conducted during fiscal year 1976, are hereby authorized to be conducted during the period commencing July 1, 1976, and ending September 30, 1976, and any payments authorized to be made on or after the end of any fiscal year are authorized to be made on or after September 30, 1976, for the period July 1, 1976, to September 30, 1976.

AUTHORIZATIONS REQUIRING SPECIAL TRANSITION PERIOD AUTHORIZING LEGISLATION

16 U.S.C. 470c(b).
16 U.S.C. 669b, c, d, g-l.
16 U.S.C. 715k, s.
16 U.S.C. 718-718b, b-1.
16 U.S.C. 777b, c, i, and k.
16 U.S.C. 1380, 1384.
43 U.S.C. 315i, j.

Mr. GLENN subsequently said:

Mr. President, I ask unanimous consent that the bill introduced earlier today by Senator Jackson (S. 1398) be referred to the Committee on Interior and Insular Affairs and, if and when reported by that committee, then to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DOMENICI (for himself, Mr. Eastland, Mr. Allen, Mr. Beall, Mr. Buckley, Mr. Fannin, Mr. Garn, Mr. Goldwater, Mr. Helms, Mr. McClure, Mr. Stevens, Mr. Stone, Mr. Thurmond, and Mr. Curtis):

S.J. Res. 69. A joint resolution relating to obtaining a full and accurate accounting for members of the U.S. Armed Forces missing-in-action in Southeast Asia and U.S. contribution to the U.N. Referred to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, I rise today to speak on a subject that I had hoped would no longer be an issue. I am referring to the plight of American POW/MIA's in Southeast Asia and their families. For years this has been one of the most deplorable situations in our Nation's history.

Contrary to the Geneva Convention of 1949 Relative to the Treatment of Prisoners of War, the Democratic Republic of North Vietnam has utterly refused to cooperate in this matter. This lack of cooperation also violates the Paris Peace Accords signed on January 27, 1973.

Legislation has been introduced in this session by Senators Hollings, Thurmond, Sparkman, Dole, and others seeking to find a solution to this dilemma. I have cosponsored these bills in hopes that this wretched situation might in some manner be improved. I believe that we have another source of relief to which we can turn. Mr. President, we have an international body that could and should help alleviate this situation.

The United Nations was founded in the hopes that it could become a world peacemaker. By its charter the United Nations is obligated to promote universal respect for and observance of fundamental human rights. Yet, I have seen no willingness by the United Nations to undertaken to obtain a full and accurate accounting of American POW/MIA's in Southeast Asia. In fact, only last week Secretary General Waldheim refused to involve the United Nations in the "very controversial political problem," of evacuating refugees—another extremely stressing human problem.

If the United Nations cannot even perform this basic humanitarian function, I do not believe that it is an agency worthy of the Nation's continued disproportionate financial support and the substantial burden that support places on citizens of this Nation. My legislation would not withdraw the United States from membership, but rather would reduce our payments to a fair share of the financial burden of the United Nations if the United Nations cannot or will not produce an accounting of Americans still unaccounted for in Southeast Asia.

I pledged my support to the families and loved ones of those Americans still unaccounted for in my campaign in 1972. It is now 1975 and yet over 2,400 Americans remain unaccounted for in Southeast Asia. The Department of Defense lists nearly 1,000 individuals as still missing in action. This deplorable situation must be resolved so that these families can go on with their lives. This war has already been far too costly without further prolonging, grief and sorrow for those here in the United States still waiting for some believable word on their loved ones fate.

Only 2 weeks ago we were shocked to learn that North Vietnam now admits, after years of denial, that more information is available on American MIA's. It is conceivable, Mr. President, that if they have not told the truth about the availability of information for accounting purposes, they may also have been misleading us about whether any of the unaccounted for, confirmed POW's are still alive.

I am convinced that the United Nations, as a world forum for the protection of fundamental human rights should help to achieve this accounting. I fervently hope it will. This joint resolution resolves that the President shall direct the U.S. Ambassador to the United Nations to request that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the U.S. Armed Forces in Southeast Asia and to call on North Vietnam to comply with the provisions of the Paris Agreement.

The resolution would further provide that, if within 6 months the President does not certify that the United Nations has taken action which has resulted in an accounting of Americans still missing, the U.S. contribution to the United Nations be reduced from 25 per centum to 10 per centum.

Mr. President, I have asked the Congressional Research Service of the Library of Congress to do a background study of the POW/MIA issue. Mr. Richard F. Grimmett, analyst in National Defense, has prepared an excellent study of the entire issue and I ask unanimous consent that it be printed in the Record.

I also ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the study and joint resolution were ordered to be printed in the Record, as follows:

THE POW-MIA ISSUE

The procedures governing the accounting for servicemen missing in action in Southeast Asia were established by the Paris Peace Accords signed on January 27, 1973. Article 8(b) provides that:

"The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action."

A Protocol to the Paris Peace Accords titled "Concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel" also provides in Article 10(a) ("With Regard to Dead and Missing Persons") that:

"The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8(b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military Team shall be maintained to carry on this task." Under Article 17 of the Paris Peace Accords all disagreements stemming from the above activities are to be referred to the International Commission on Control and Supervision.

Another group which plays a key role in the resolution of the status of missing servicemen is the United States Joint Casualty Resolution Center which is located at Nakhon Phanom, Thailand. The personnel of the JCRC locate and investigate grave and crash sites throughout Southeast Asia under the guidance of the Four-Party Joint Military Commission. The JCRC also maintains a central identification laboratory staffed by a team of experts to aid in determining the identities of bodies recovered from crash and grave sites.

For this system, established to account for the missing personnel, to be effective it is essential that it be permitted to operate to the fullest extent. Search teams must be reasonably free to examine crash and grave sites throughout Southeast Asia. This requires the active cooperation of the North Vietnamese and their allies, in view of the fact that ninety-five percent of the crash and combat sites we wish to examine are under Communist or contested control. The lack of cooperation by the North Vietnamese in this regard sparked a diplomatic note of protest by the United States on July 29, 1973. This note, forwarded to Hanoi, pointedly reminded the North Vietnamese of their obligations under Article 8(b) of the Paris Peace Accords, and that they had refused to comply with their clear obligations under that agreement. No direct response to the note was immediately given. However, the North Vietnamese and the Provisional Revolutionary Government (Viet Cong) repeatedly stressed in meetings of the Four-Power Joint Military Team in September 1973 that no information would be provided on the missing in action and no remains returned until all other provisions of the Paris Peace Accords had been implemented. This condition was rejected by the United States, in a statement made on September 29, 1973 by the Chief of the U.S. Delegation to the Four-Party Joint Military Team, as being totally contrary to the express provisions of the Paris Peace Accords.

Over a year after the signing of the Paris Peace Accords, the North Vietnamese did return the bodies of 23 American servicemen whom they had identified as having died in captivity in North Vietnam. The transfer of these remains took place on March 6, and March 13, 1974. To date this action marks the limit of North Vietnamese cooperation on the missing in action question since the last American prisoner was released on April 1, 1973.

In Laos and Cambodia, the question of determining the status of American missing personnel has been complicated by political and military circumstances. On February 21, 1973, The Agreement on the Restoration of Peace and Reconciliation in Laos was signed by the Laotian government and the Lao Patriotic Front (the Pathet Lao). Article 5 of that agreement called for both Laotian parties to "return to each other all persons regardless of nationality that were captured during the war, including those imprisoned for cooperating with the other side." This return of prisoners was to take place "within 60 days" following the establishment of a Laotian Provisional Government and Joint National Political Council. Article 5 further provided that following the return of those who had been captured, each side had "the duty to gather information on those missing during the war and report the information to the other side."

When the protocol implementing the February 21 agreement was agreed to and signed on September 14, 1973 by the two Laotian parties, other requirements regarding prisoners of war and missing personnel were stipulated. Article 18(a) of the Laotian protocol provides for the "return of all persons regardless of nationality who were captured and imprisoned for cooperating with the other side during the war," such return to be "completed at the same time as the withdrawal of foreign troops and military personnel." (Article 18(c), 18(d) and 18(e) also provide that:

"(C) Within 15 to 30 days, counting from the date of signing of this Protocol, each side will report the number of those captured and imprisoned to the Joint Central Commission to Implement the Agreement, indicating nationality and whether military or civilian, together with a list of names of those who died in captivity.

(D) After the return of the prisoners is completed, each side must report as quickly as possible to the JCCIA information it is able to obtain about persons missing during the war regardless of nationality.

(E) The return of those captured and imprisoned during the war and the gathering of information that each will submit about persons missing during the war is the responsibility of the JCCIA. When both sides in the JCCIA believe it necessary, they may request assistance from the International Control Commission."

The United States, it must be noted, was not a signatory to the Laotian protocol and as a result we must work through the Laotian government to obtain information concerning our missing personnel. Furthermore, no provision was contained in the Laotian protocol that established the right of the U.S. Joint Casualty Resolution Center to visit crash and grave sites in Laos. The Communist authorities in Laos, in this context, have repeatedly refused to comply with our requests to search for remains of missing American personnel in the country. Inasmuch as the great majority of potential crash and graves sites in Laos are located in areas under Communist control, the resolution of the status of a number of American servicemen believed to have been lost in combat there has been held up. As far as the implementation of the Laotian protocol in general is concerned, the Pathet Lao have yet to provide the American government with information concerning Americans still unaccounted for in Laos.

In the case of Cambodia, the United States Government continues to work through our representatives there. We have received little if any information concerning personnel missing in that nation. No negotiations are currently under way between the two sides in Cambodia on the issue. Efforts have been made through the Four-Party Joint Military Team to obtain information from the Communists on our missing men but the other side has not been responsive.

The U.S. Government holds that because of the failure of the North Vietnamese and her allies in South East Asia to comply with the provisions of the Paris Peace Accords and other pertinent agreements, the United States has been unable to conduct the searches and investigations necessary to resolve immediately a significant number of cases regarding missing American personnel.[1]

The Department of Defense has continued to make status determinations regarding those personnel listed as missing in action, and where it has seen fit to act has changed the categorization of individuals from missing to dead. Such changes in category are "decisions of the Secretary of the respective Military Department as a result of Service Department board recommendations which are based upon the totality of information available to include information from survivors, returnee debriefings, intelligence and other sources." The statutory authority for Secretaries of the Military Departments to proceed in this manner is found in Sections 551 through 558, Title 37 United States Code.

Due to the fact that a number of relatives of those men listed as missing in action have charged that the Department of Defense has been too eager to reclassify MIA's as dead, as well as their belief that American efforts to discover the status of the missing or recover the remains of those believed dead have been inadequate, legal action on the issue seemed inevitable. Litigation took shape in the case of *McDonald v. McLucas* 371 F. Supp. 831 (1974). On February 13, 1974, acting in judgment of a suit brought by a group of MIA relatives against the Secretary of the Air Force, a U.S. District Court ruled that an MIA's next of kin currently receiving governmental financial benefits must be afforded a review of his status on reasonable notice and be given reasonable access to the information upon which a reviewing board would make its determination as to whether or not an MIA should be declared dead. Since then the Defense Department has reportedly tended to reclassify MIA's as dead only if the primary next of kin has asked for a reclassification review. Of course is those cases where the Department of Defense believes it has strong reason to believe that a missing individual is dead, based on the preponderance of the available evidence, it has exercised its legal authority to reclassify such persons as dead.

The MIA relatives who brought suit in the *McDonald* case, however, wished to obtain stricter limitations on the Government's power to declare an MIA dead than those laid down by the District Court and appealed the case to the U.S. Supreme Court. The Supreme Court affirmed the decision of the District Court on November 12, 1974 (43 LW3279). It should be noted that although the decision in *McDonald* v. *McLucas* does not require the Secretaries of the Military Departments to offer the rights outlined in the decree of the court to primary next of kin who are not currently receiving government financial benefits, as a matter of practice the Secretaries are reportedly offering those rights to such individuals.

It should be useful to examine what procedures exist in the Department of Defense at the present time to deal with the question of status determinations of missing personnel. In making status determinations, two options exist besides retaining a given individual in a missing status. In those instances when information is obtained which conclusively establishes that the individual is dead, a report of death is issued. When circumstances are such that a missing individual cannot reasonably be presumed to be living, a finding of death is made—thus the origin of the phrase "presumptive death." The law (Sections 551–558, Title 37 U.S.C.) requires that the Secretaries of the Military Departments make a full review of each missing case on an individual basis no later than a year after the individual is declared missing. After the review of all available information, a decision is made to declare the individual deceased or to continue him in a missing status. Further reviews are made as circumstances warrant. As of February 1, 1975, the Department of Defense listed 922 individuals in missing status. Since January 27, 1973, DoD has made 447 changes in status from missing to dead.

Footnotes at end of article.

Due to concern over the unwillingness of the North Vietnamese to live up to their obligations under the Paris Peace Accords, the U.S. Congress included section 403 in the Trade Act of 1974 (PL 93–618). This section gives the President of the United States discretionary authority to deny trade advantages to any country (not presently receiving most-favored nation treatment) that is "not cooperating with the United States—(1) to achieve a complete accounting of all United States military and civilian personnel who are missing in action in Southeast Asia, (2) to repatriate such personnel who are alive, and (3) to return the remains of such personnel who are dead to the United States." This section in the Trade Act of 1974 was clearly aimed at the Communist bloc countries who were interested in increased trade with the U.S. in the hope that it would motivate them to place pressure on Hanoi to comply with the provisions of Article 8(b) of the Paris Peace Accords. To date its effect in bringing about the changes in North Vietnamese policy that were hoped for has not been appreciable.

The interest of the 94th Congress in the POW/MIA issue remains visible, however, as twenty-one bills or resolutions dealing with the subject have been introduced in the Senate and House as of January 30, 1975. These bills and resolutions and their sponsors are as follows:

H. Con. Res. 54 (Gonzalez), H. Con. Res. 80 (Teague), H. Con. Res. 81 (Gilman), H. Res. 122 (Rhodes), H.J. Res. 142 (Edwards, Ala.), H.R. 174 (Abzug), H.R. 217 (Bingham), H.R. 456 (Flynt), H.R. 646 (Murphy, N.Y.), H.R. 1017 (Shriver), H.R. 1092 (Teague), H.R. 1631 (Wilson), H.R. 1638 (Wilson), H.R. 1716 (Mink), H.R. 2136 (Edwards, Ala), S. Con. Res. 5 (Dole), S. Res. 48 (Sparkman), S. 427 (Dole), S. 474 (Hollings). The focus of the majority of these pieces of legislation has been either the expression of continued support for American MIA's coupled with calls for the U.S. Government to continue to take appropriate measures to make Hanoi fulfill its legal obligations under the Paris Peace Accords—or attempts to limit the Department of Defense's freedom to reclassify individuals from missing to deceased status. Other bills seek to provide a variety of benefits to POW and/or MIA personnel.

The United States Government for its part continues to pursue diplomatic avenues available to obtain the requisite permission necessary to enable its search teams to explore areas in Southeast Asia where crash or grave sites are believed to exist. In addition, continued efforts are being made to obtain more definitive status lists from the Communists regarding American personnel whom we still classify as missing. These efforts, to the present, have proven to be fruitless. However, intensive searches in areas not under Communist control have provided important new information on some men who had been listed as missing,[2] enabling a resolution of their ultimate status. Yet, beyond the use of diplomatic channels to obtain access to Communist-controlled areas for search teams and to gain further information on MIA's, the United States Government has taken little reported action.

Given this situation the question arises what should be done to resolve this issue? The proponents of the current government approach to it point out that changes in status from missing to dead are made on the basis of individual reviews of all available evidence. These actions are not precipitate; they are carefully weighted before taken. Further, it is noted that even if the North Vietnamese were cooperative and permitted intensive searches of areas under their control, little or no new information about the status of a number of the missing would be obtained for a variety of reasons. This would be particularly true in cases of aircraft crashes in remote, mountainous regions or in rivers and harbors or in the ocean. It would also be true in cases where an aircraft disintegrated in flight or upon impact with the ground. In view of these possibilities the Department of Defense has not tied status changes unalterably to the inspection of crash sites or to the recovery of remains of persons listed as missing. Yet even if a person's status is changed from missing to dead by the military services, regardless of the circumstances or the time when such a change was made, the government does not cease its efforts to account for him. For these reasons the proponents of current government MIA policy believe that the present law on the subject should be maintained, as it provides the service secretaries with the flexibility they need to address the varied circumstances relating to missing personnel in wartime as well as peacetime.[3]

On the other hand, the critics of present MIA policy believe that there should be a termination of status changes of missing personnel to dead, as there appears to be little new information coming to light to justify such changes. Such critics are not unalterably opposed to status changes per se, but do believe that until the completion of a thorough search of Communist-controlled areas in Southeast Asia, and a comprehensive accounting for the missing is thus possible, such status changes are wholly unwarranted. These individuals also point out that there is evidence on the record to suggest that a number of missing servicemen may still be alive. Some were photographed in captivity. In other cases the enemy issued propaganda releases and photos of official armed services ID cards of various Americans, stating that they had been taken prisoner. After the Paris Peace Accords were signed, many of the names of the same men alluded to above were not on the official lists released by North Vietnam. Hanoi presumably knows whether these individuals are dead or alive. To date it has refused to clarify their status. The critics of present MIA policy strongly believe that North Vietnam must not be permitted to abrogate the clear stipulations of the Paris Peace Accords on this subject. They believe that we must become more forceful with the North Vietnamese and her allies on the diplomatic front to obtain the information we need to finally resolve the status of our missing men.[4]

FOOTNOTES

[1] Maury, John M. Memorandum for Senators and Members of the House of Representatives. Office of the Assistant Secretary of Defense, Legislative Affairs, October 7, 1974. pp. 1–3.

[2] U.S. Congress. House. Committee on Armed Services. Hearings on H.R. 16520, Legislation concerning the changing of status of military personnel mission in action. October 10, November 19, 1974 (93rd Cong., 2nd sess.) Washington, U.S. Govt. Print. Off., 1974. pp. 43–44. (Hereafter cited as House Armed Services Committee Hearings on MIA, October 10, November 19, 1974).

[3] House Armed Services Committee Hearings on MIA, October 10, November 19, 1974. pp. 42–48.

[4] House Armed Services Committee Hearings on MIA, October 10, November 19, 1974. pp. 18–34.

S.J. Res. 69

Relating to obtaining a full and accurate accounting for members of the United States armed forces missing-in-action in Southeast Asia and United States contribution to the U.N.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas all efforts to obtain a satisfactory accounting of Americans missing in Southeast Asia failed;

Whereas recent developments indicate that the North Vietnamese have information, previously undisclosed, regarding American MIAS;

Whereas the most basic and fundamental human rights require an accurate and verified accounting of all prisoners of war and persons missing in action;

Whereas the United Nations is required by its charter to promote universal respect for and observance of fundamental human rights;

Whereas the United Nations has recognized in Article 16 of its Universal Declaration of Human Rights that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State";

Whereas the United Nations has consistently recognized the Geneva Convention as an instrument designed to protect fundamental human rights and has recognized that the 1949 Geneva Convention relative to the Treatment of Prisoners of War not only sets forth specific requirements with respect to the treatment of prisoners of war, but codifies certain principles of human rights, including the requirements that detaining power—

1. Provide a complete accounting of all servicemen missing in action (article 5);
2. Furnish complete and accurate information on all prisoners and especially the circumstances surrounding the deaths of prisoners reported to have died in captivity (article 120);

Whereas article 8(b) of the Paris Agreement on Ending the War and Restoring Peace in Vietnam, provides as follows:

"The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action";

Whereas the United Nations has an obligation, especially to a member nation, to help inforce the Paris Agreement;

Whereas the failure of the United Nations to do so raises serious questions regarding the ability of the United Nations to provide member nations with protection of fundamental human rights; and

Whereas the United States has long supported the United Nations in the reasonable expectation that such protection would be afforded a member country: Now, therefore be it

Resolved, That the President shall direct the United States ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States armed forces missing in action in Southeast Asia and to call on North Vietnam to comply with the provisions of the Paris Agreement.

Sec. 2. (a) Unless the President certifies in writing to the Congress not more than six months after the date of enactment of this joint resolution that the United Nations has taken action which has resulted in an accounting of Americans still missing, the amendment made by subsection (b) of this section shall take effect.

(b) Public Law 92–544 (86 Stat. 1109, 110) is amended, in the paragraph under "INTERNATIONAL ORGANIZATIONS AND CONFERENCES" headed "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS", by striking out "25 percentum" and inserting in lieu thereof "10 percentum".

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 67

At the request of Mr. Kennedy, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of the bill (S. 67) to establish the Nantucket Sound Islands Trust in the Commonwealth of Massachusetts, and for other purposes.

S. 80

At the request of Mr. Mathias, the Senator from South Dakota (Mr. McGovern) and the Senator from Massachusetts (Mr. Brooke) were added as cosponsors of the bill (S. 80) to prevent the estate tax law from operating to encourage or to require the destruction of open lands and historic places, by amending the Internal Revenue Code of 1954 to provide that real property which is farmland, woodland, or open land and forms part of an estate may be valued, for estate tax purposes, at its value as farmland, woodland, or open land—rather than at its fair market value—and to provide that real property which is listed on the National Register of Historic Places may be valued, for estate tax purposes, at its value for its existing use, and to provide for the revocation of such lower valuation and recapture of unpaid taxes with interest in appropriate circumstances.

S. 93

At the request of Mr. Mathias, the Senator from Idaho (Mr. Church), the Senator from Wyoming (Mr. McGee), the Senator from Illinois (Mr. Stevenson), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Missouri (Mr. Symington), and the Senator from South Dakota (Mr. McGovern) were added as cosponsors of the bill (S. 93) to amend the Internal Revenue Code of 1954 to provide that a married individual who files a separate return shall be taxed on his or her earned income at the same rate as an unmarried individual.

S. 200

At the request of Mr. Ribicoff, the Senator from Tennessee (Mr. Brock) was added as a cosponsor of the bill (S. 200) to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes.

S. 334

At the request of Mr. Hathaway, the Senator from Wisconsin (Mr. Proxmire), the Senator from South Dakota (Mr. McGovern), the Senator from Michigan (Mr. Philip A. Hart), the Senator from Indiana (Mr. Bayh), the Senator from Iowa (Mr. Clark), the Senator from Wyoming (Mr. McGee), the Senator from New Jersey (Mr. Case), the Senator from New York (Mr. JAVITS), the Senator from Montana (Mr. MANSFIELD), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Tennessee (Mr. BROCK), the Senator from South Carolina (Mr. THURMOND), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Washington (Mr. JACKSON) were added as cosponsors of the bill (S. 334) to prohibit sex discrimination by educational institutions whose primary purpose is the training of individuals for the military service of the United States.

S. 544

At the request of Mr. CLARK, the Senator from Washington (Mr. MAGNUSON) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of the bill (S. 544) to authorize the Commissioner of Education to make grants for teacher training, pilot and demonstration projects, and comprehensive school programs, with respect to health education and health problems.

S. 858

At the request of Mr. HANSEN, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of the bill (S. 858) to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of cemeteries for veterans.

S. 917

At the request of Mr. PEARSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of the bill (S. 917) authorizing the ICC to grant temporary operating authority to a carrier by railroad pending final determination by the Commission.

S. 969

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL), the Senator from Maine (Mr. HATHAWAY), and the Senator from Ohio (Mr. TAFT) were added as cosponsors of the bill (S. 969) to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 985

At the request of Mr. PELL, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of the bill (S. 985) the Social Security Recipients Fairness Act.

S. 1183

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of the bill (S. 1183) to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1197

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of the bill (S. 1197) to prohibit the licensing of certain activities regarding plutonium until expressly authorized by Congress, and to provide for a comprehensive study of plutonium recycling.

S. 1244

At the request of Mr. BENTSEN, the Senator from California (Mr. TUNNEY) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of the bill (S. 1244) to reform trial standards for the crime of forcible rape.

S. 1279

At the request of Mr. HART, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of the bill (S. 1279) to extend the Voting Rights Act of 1965.

S. 1255

At the request of Mr. EAGLETON, the Senator from Missouri (Mr. SYMINGTON) was added as a cosponsor of the bill (S. 1255) the Revenue Sharing Amendments of 1975.

S. 1350

At the request of Mr. KENNEDY, the Senator from Alabama (Mr. SPARKMAN), the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. MCGEE), the Senator from Washington (Mr. JACKSON), the Senator from Iowa (Mr. CLARK), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maryland (Mr. MATHIAS), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of the bill (S. 1350) to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for fiscal year 1975.

S. 1359

At the request of Mr. MUSKIE, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of the bill (S. 1359) to coordinate State and local government budget-related actions with Federal Government efforts to stimulate economic recovery by establishing a system of emergency support grants to State and local governments.

SENATE JOINT RESOLUTION 50

At the request of Mr. KENNEDY, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of the resolution (S.J. Res. 50) to authorize and request the President to proclaim the second week in April of each year as "National Medical Laboratory Week."

SENATE RESOLUTION 99

At the request of Mr. TUNNEY, the Senator from Maryland (Mr. BEALL) and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of the resolution (S. Res. 99) to protect the tunas and other species in the eastern tropical Pacific.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. BAYH, the Senator from Alaska (Mr. GRAVEL) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of the concurrent resolution (S. Con. Res. 24) expressing opposition to the imposition of a coinsurance requirement of 10 percent of the costs imposed, above the initial deductible, for inpatient services with a $750 ceiling, and expressing opposition to increasing the amount of the deductible applicable to physician services.

SENATE RESOLUTION 125—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF REPORT ENTITLED "REPORT TO CONGRESS ON CONTROL OF SULFUR OXIDES"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 125

Resolved, That the report from the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 119(k) of P.L. 93–319, Energy Supply and Environmental Coordination Act of 1974), entitled "Report to Congress on Control of Sulfur Oxides," be printed, with illustrations, as a Senate Document.

SEC. 2. There shall be printed one thousand (1,000) additional copies of such report for the use of the Committee on Public Works.

SENATE RESOLUTION 126—SUBMISSION OF A RESOLUTION ENDORSING THE CONTINUED PRESENCE OF THE UNITED NATIONS PEACEKEEPING FORCES IN THE MIDDLE EAST

(Referred to the Committee on Foreign Relations.)

Mr. BROCK (for himself, Mr. BAKER, Mr. FANNIN, Mr. MCGEE, Mr. MOSS, Mr. ROTH, Mr. SPARKMAN and Mr. THURMOND) submitted the following resolution:

S. RES. 126

Whereas peace in the Middle East is essential to world peace and to the peace and well-being of the people of the United States; and

Whereas past history has shown that peace has been most effectively maintained in the Middle East when United Nations peacekeeping forces were in place: Now, therefore, be it

Resolved, That the Senate of the United States endorses the maintenance of the United Nations peacekeeping forces in the Middle East, and specifically urges the continuation and extension of the United Nations Emergency Force (UNEF), on the Israeli-Egyptian border and the United Nations Disengagement Observer Forces (UNDOF), on the Israeli-Syrian borders.

Mr. BROCK. Mr. President, I am today submitting a sense of the Senate resolution calling for the continuation and extension of the two United Nations peacekeeping forces in the Middle East. Although this might appear to be a rather simple resolution, the consequences are grave for peace, not only in the Middle East, but in the world if these forces are lifted.

There are actually two forces involved in this U.N. peacekeeping force. They are: The United Nations Emergency Force, UNEF, on the Israel-Egyptian line, the mandate for which expires April 24, 1975. The United Nations Disengagement Observer Force, UNDOF, on the Israel-Syrian buffer zone, the mandate for which ends May 29, 1975.

Why are these forces so important? There are several reasons. First, the recent breakdown in the Secretary of State's step-by-step negotiations indicates that any future diplomatic moves will be on an extended and undoubtedly more fragile and dangerous phase. No excuse must be provided for renewed hostilities or for the breaking off of negotiations and removal of the United Nations Forces could lead to these events. Second, the record of the United Nations peacekeeping forces has been good. In fact, as Betsy Wade wrote recently in a New York Times article.

It is the only peacekeeping employment agency with any world record at all.

Since World War II, the Middle East has been a troubled area with four major conflicts. The only lengthy time of peace was from 1956 until 1967 when United Nations peacekeeping forces were in place. And, subsequently, war broke out in 1967 only after the United Nations forces were removed.

Unfortunately, there were no United Nations forces in place in October 1973 to act as a deterrent, or at least as a weathervane, and we are still feeling the effects of that war. Third, another reason why this force is so necessary now is the recent assassination of King Faisal, considered one of our best allies in the Middle East. Although his successor also appears to be a good friend of the United States, there are radical elements in all countries that might want to take this opportunity to test and embarrass the new ruler by provoking a war. Fourth, areas and problems are never isolated and we should face the reality that with recent events in Southeast Asia, the last thing we need in these next few months is trouble in the Middle East. Fifth, many experts predict that if there is another war, the United States and the Soviet Union will be drawn into the affair. This should be prevented at all costs. There is an old Arabic saying which goes "If you get in between people having a fight, you must be prepared at least to have your shirt torn." I would rather that be a United Nations than a U.S. shirt.

Mr. President, a United Nations peacekeeping force will not, of course, guarantee peace. However, I think we can be guaranteed of greatly increased tension, if not war, if the U.N. forces were lifted for any reason.

At his recent news conference when asked about the role of the forces, Henry Kissinger said:

> We believe that the United Nations Emergency Force in Egypt and the United Nations Disengagement Observer Force in Syria were essential components of the disengagement agreements. We hope that the mandates of both of these will be renewed as a contribution to peace and stability in the Middle East and to permit the process of negotiation to go forward in a tranquil atmosphere.

Secretary General Waldheim has said the force is:

> Essential not only for the maintenance of the present quiet in the area, but also to assist any further efforts toward establishment of a just and durable peace in the Middle East.

And Ambassador Scali has said that:

> The United Nations peacekeeping provides a deterrent to renewed war after four tragic devastating conflicts. It offers time for passions to cool and for prudence and reason to prevail. In short, it offers to those who would grasp it an opportunity to move ahead toward peace.

I think that the Senate should be on record as supporting the "move ahead toward peace."

Mr. President, to add to these facts, in the past 2 days, some very disturbing news has been reported from the Middle East. It appears that some of the nations prefer only a 3-month extension of the peacekeeping forces. Another has even said it would desire to see the forces ended. I believe the seriousness of these positions are self-evident. It is vital to peace that these peacekeeping measures be continued.

AMENDMENTS SUBMITTED FOR PRINTING

NURSE TRAINING AND HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975—S. 66

AMENDMENT NO. 333

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to the bill (S. 66) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services.

AMENDMENTS NO. 334 AND NO. 335

(Ordered to be printed and to lie on the table.)

Mr. MOSS submitted two amendments intended to be proposed by him to the bill (S. 66), supra.

AMENDMENT NO. 336

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT (for himself, Mr. BUCKLEY, Mr. HELMS, and Mr. GARN) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 66), supra.

STANDBY ENERGY AUTHORITIES ACT—S. 622

AMENDMENT NO. 337

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Jerry N. Jenson, of Illinois, to be Deputy Administrator of Drug Enforcement (new position).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, April 16, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON THE ESCALATING RATE OF FIREARMS CRIMES

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, will commence hearings to explore additional initiatives to more effectively curb the senseless slaughter of innocent human beings and the ever-escalating number of armed assaults and robberies involving firearms.

Sunday night, Attorney General Levi spoke to a distinguished group of law enforcement officials and outlined several proposals regarding efforts to deal with the undeniable link between the ever-increasing crime rate and the failure of State, local, and Federal efforts to adequately curb the availability of firearms for illegal purposes.

I am gratified that the Department of Justice has recognized the problem and has expressed an interest in developing Federal legislation to deal more effectively with crime involving firearms.

I salute Attorney General Levi for his willingness to work with the Congress and his expressed desire to strike an accommodation between the strong competing interests involved in these issues. I welcome this apparent change in administration policy.

This is not the first time, however, since 1968 that an Attorney General or his representative expressed support for congressional efforts to curb the availability of nonsporting crime guns. In fact, representatives of former Attorney General Mitchell in 1969 and 1971 in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency, of which I am chairman, assured the Congress on both occasions that administration proposals would be forthcoming. These proposals, if indeed they ever existed, never saw the light of day. Thus, although I am encouraged by the current Attorney General's remarks, I would be less than candid if I did not admit that earlier rhetoric and indifference about these important issues only confirmed the former Attorney General's enjoiner that it was more important to watch what is done than what is said. You do not stop armed assaults and armed robberies with tough talk and hollow promises.

I share the Attorney General's concern that violent crime and the threat of violent crime has reached grave proportions. I am alarmed by the frightening picture of the rising tide of crime revealed by FBI statistics released last week. Serious crime in the United States rose an unprecedented 17 percent last year, the highest annual increase since the FBI began collecting crime data 45 years ago.

I am especially interested to learn more about the details of the Attorney General's proposals. For example, he indicates that the Department of Justice has been discussing the elimination of easily concealable handguns, often known as "Saturday Night Specials." I was surprised, however, that it was determined that no suitable definitions exist to implement this policy.

In 1972, the Senate passed a measure which I sponsored that contained carefully developed and proven criteria. This measure, S. 2507, closed a gaping loophole in the 1968 Federal Firearms law by applying to the domestic manufacture and domestic assemblage of imported parts the identical standards—"the sporting purposes test"—that had effectively prohibited the importation of crime handguns. The targets of such legislation are the so-called "Saturday Night Special" and other handguns which, by virtue of design, body construction, weight and other criteria are not of use to legitimate sportsmen. These easy to conceal, usually inexpensive weapons are the favorites of the murderers, the armed robbers and the gun wielding assailants who terrorize our communities. Let there be no mistake about it; we are talking about tens of thousands of murders and hundreds of thousands of assaults and robberies.

Additionally, I am especially interested in the Attorney General's sweeping proposal to ban the possession—except in the home or place of business—the transfer and sale of handguns into certain standard metropolitan statistical areas. The application of such restrictions would be triggered by a yet to be defined formula, including factors such as whether the local crime rate is significantly higher than the national average.

The possible application of mandatory civil and criminal penalties for persons who violate the Federal firearms statutes mentioned by Mr. Levi or to those who commit offenses using or while carrying a firearm is likewise of special interest to me. On April 3, 1973, the Senate, by a vote of 81–12, passed an amendment that Senator Herman Talmadge and I introduced to help make our streets safer. The measure imposed, in addition to the penalties already provided by law, a minimum sentence of 5 to 15 years for those who use firearms to commit felonies or who unlawfully carry firearms while committing a felony which threatens life or property. For a second offense a 10-to-30-year sentence was required. Unfortunately, this measure was not considered by the House of Representatives during the last Congress.

These and other relevant issues including the growing problem of illicit traffic in firearms or gun-running; recent proposals regarding penalties for the possession of unregistered firearms, such as the new Massachusetts statute; or gun amnesty programs like the one recently announced for the District of Columbia; and proposals like Baltimore's to purchase crime guns will be the subject of a series of hearings which will be conducted by the subcommittee.

The first hearing in this series is scheduled to be held on Wednesday, April 23, 1975, at 10 a.m., in room 2228 Dirksen Office Building. On Monday, I invited Attorney General Levi, Treasury Secretary Simon and others with special interest and expertise in these matters to present testimony to the subcommittee.

I am most appreciative of the Attorney General's concern about these important issues, and look forward to him joining with us in the development of new initiatives to stem the violence in our cities not by restricting the right of honest sportsmen to possess legitimate sporting weapons, but by seeking to keep weapons which are unsuitable for hunting or sport from criminals who use them to hunt and kill people.

Anyone interested in the subcommittee investigation or desiring to submit a statement for the record should contact John M. Rector, Staff Director and Chief Counsel of the subcommittee U.S. Senate, A504, Washington, D.C. 20510, telephone 202–224–2951.

NOTICE OF HEARINGS ON THE OLDER AMERICANS ACT

Mr. EAGLETON. Mr. President, the Subcommittee on Aging of the Labor and Public Welfare Committee will hold hearings at 10 a.m. on April 16, April 17, and April 23, in room 6226 Dirksen Senate Office Building, to hear the testimony of witnesses on legislation relating to the extension of programs authorized under the Older Americans Act of 1965. The House yesterday passed its bill on this subject, H.R. 3922, and it is our intention to move expeditiously to complete Senate action on this legislation since a number of these programs—which have proved to be of inestimable value to older Americans—expire June 30, 1975.

The following is a list of witnesses the subcommittee expects to hear on these days. We are awaiting notification from several of the groups who will be represented at these hearings concerning the names of the individuals who will testify on their behalf. In those cases, only the names of the association or group is given. ask unamious consent that the witness list be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

WITNESS LIST

Wednesday, April 16, 1975:

1. Hon. Stanley B. Thomas, Jr., Assistant Secretary for Human Development, Department of Health, Education, and Welfare.

Hon. Arthur S. Flemming, Commissioner, Administration on Aging.

2. Representative of American Association of Retired Persons/National Retired Teachers Association.

3. Mr. William R. Hutton, Executive Director, National Council of Senior Citizens.

4. National Association of State Units on Aging, Louise Gerrard, Ph. D. (West Virginia), Eleanor Slater (Rhode Island).

5. Representative of the National Caucus of Black Aged, Inc.

6. Representative of the National League of Cities/Conference of Mayors and Urban Elderly Coalition.

Thursday, April 17, 1975:

1. Jack Ossofsky, Executive Director, National Council on Aging.

2. Paul Nathanson, Executive Director, National Senior Citizens Law Center.

3. Robert E. Gonia, Chairman, Steering Committee, National Association of Area Agencies on Aging and Area Agency Director, Huntsville, Alabama.

4. Representatives of the Association of Gerontological Institutes in Higher Education.

5. Edwin Kaskowitz, Executive Director, Gerontological Society.

6. Mrs. Janet Sainer, Director, Programs for the Aging, Community Service Society, New York.

Wednesday, April 23, 1975:

1. Hon. Bertha S. Adkins, Chairman, Federal Council on the Aging.

2. Panel of witnesses on physical fitness and the elderly, led by C. Carson Conrad, Executive Director, President's Council on Physical Fitness and Sports.

3. Representatives from South Dakota Sioux.

NOTICE OF HEARINGS ON COST ACCOUNTING STANDARD 409—DEPRECIATION

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Stabilization and Production of the Committee on Banking, Housing and Urban Affairs will hold hearings on Cost Accounting Standard 409 on Monday, April 14, at 2 p.m. in the Banking Committee hearing room, room 5302, Dirksen Senate Office Building. Hearings will be open to the public. Persons wishing to testify or submit statements should contact the committee offices.

NOTICE OF HEARINGS ON THE HATHAWAY NOMINATION

Mr. JACKSON. Mr. President, I wish to announce that the Committee on Interior and Insular Affairs has scheduled hearings for April 21 and 22 on the nomination of former Gov. Stanley K. Hathaway of Wyoming to be Secretary of the Interior.

Since this nomination was announced, I have received many letters and calls from Members of Congress, organizations and private citizens who are deeply concerned about Governor Hathaway's position on vital environmental issues. Questions have been raised about his qualifications for the important post of Secretary of the Interior.

The committee will explore these questions fully at the hearings later this month. Those who are concerned about this nomination will have ample opportunity to be heard. In the meantime, it would be unfair to Governor Hathaway and inappropriate for the committee to prejudge this nomination on the basis of rumors, hearsay, or press reports questioning his fitness for the position of Secretary of the Interior.

ANNOUNCEMENT OF PUBLIC HEARING

Mr. CHURCH. Mr. President, I wish to announce that the Subcommittee on Energy Research and Water Resources of the Senate Interior and Insular Affairs Committee will conduct a public hearing on S. 1152, a bill introduced by Senator McClure and myself, to amend Public Law 93–206.

In 1973, the Congress enacted a bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the American Falls Dam, Upper Snake River Project, Idaho. The existing dam, built as part of a reclamation project in 1927, is deteriorating as a result of a chemical reaction between the cement and the aggregate in the concrete. The Bureau of Reclamation concluded that the dam does not meet current safety standards, and severe restrictions have been imposed on the amount of water which can be stored in the reservoir. In fact, the reservoir is limited to 65 percent of its usable capacity and greater restrictions may be forthcoming. In dry years, the present restriction would cause serious irrigation water shortages. This possible condition would mean economic ruin for many of the farmers who depend on the water to irrigate their crops.

It is, therefore, imperative that the American Falls Dam be replaced at the earliest possible date. Passage of Public Law 93–206 was meant to assure this result. However, since passage of the authorizing legislation, the American Falls Reservoir District, which has been designated the non-Federal constructing agency to finance and replace the existing American Falls Dam, has been unable to move ahead on this project. The delay has been largely caused by administrative inaction. The time already lost has been costly, the estimated price of the replacement dam has risen dramatically in the past year. Further delays simply jeopardize the project. S. 1152 attempts to clarify the status of the participants in this project and successful passage would eliminate some of the roadblocks to the start of construction.

The hearing scheduled on S. 1152 will take place before the Subcommittee on Energy Research and Water Resources, which I chair, on April 24 at 2:30 p.m., in room 3302, Dirksen Senate Office Building, which is the Government Operations Committee hearing room. Administration witnesses will be present to respond to the administration's position on the bill. Other persons who wish to testify on the bill should get in touch with Ben Yamagata of the Interior Committee at (202) 224–9894.

NOTICE OF HEARINGS ON REORGANIZATION OF THE NINTH JUDICIAL CIRCUIT

Mr. BURDICK. Mr. President, I wish to announce that open public hearings have been scheduled before the Subcommittee on Improvements in Judicial Machinery on S. 729, a bill to improve judicial machinery by reorganizing the fifth and ninth judicial circuits, by creating additional judgeships in those circuits, and for other purposes.

These hearings will replace the hearings previously noticed for March 19 and 20 which were cancelled upon the withdrawal of the general leave for committee meetings as required by rule XXV.

The hearings will be held on May 20 and 21 in room 2228 of the Dirksen Senate Office Building, commencing at 10 a.m. each day.

The witnesses from the ninth circuit scheduled to testify on the prior dates will be notified. Additional persons who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 Dirksen Senate Office Building, 224–3618.

NOTICE OF HEARINGS ON THE IMPLEMENTATION AND FINDINGS OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974—PUBLIC LAW 93–415

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency, Committee on the Judiciary will commence hearings regarding the implementation and findings of the Juvenile Justice and Delinquency Prevention Act of 1974—Public Law 93–415.

Last year the Congress overwhelmingly passed by a vote of 88 to 1 in the Senate and 329 to 20 in the House this act. This legislation, on which I have worked for the past 4 years as chairman of the subcommittee, represents a constructive and workable approach in a joint Federal, State, and local effort to control and reverse the alarming rise in juvenile crime.

The act is designed specifically to prevent young people from entering our failing juvenile justice system, and to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. It creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to coordinate all Federal juvenile justice programs now scattered throughout the Federal Government. It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise LEAA on Federal juvenile delinquency programs. It also provides for block grants to State and local governments and grants to public and private agencies to develop juvenile justice programs with special emphasis on alternative treatment and prevention.

Earlier last week, the FBI released its annual report on trends in crime for 1974 and frankly those statistics present a frightening picture of the rising tide of criminal activity in America. Serious crime in the United States rose 17 percent last year, the highest annual increase since the FBI began collecting crime data. In fact, the increase for the final quarter of 1974 had reached 19 percent. The suburban increase for last year was 20 percent while crime in rural areas increased by 21 percent. In the smaller communities—under 10,000—crimes increased by 24 percent last year while robbery alone went up by 30 percent. In the city of Indianapolis in my own State over 10,000 homes and businesses were burglarized last year.

It is quite apparent that the increase in crime in America is largely a product of the rapidly escalating crime level among our young people. While youths between the ages of 10 and 17 make up 16 percent of our population they account for fully 45 percent of all persons arrested for serious crime. The total of 51 percent of those arrested for property crimes and 23 percent for violent crimes had not yet reached their 18th birthday. That part of our population under 22 years old account for 61 percent of the total criminal arrests in this country.

Obviously, we are confronting a very serious situation and I for one am becoming increasingly frustrated with the enormous gap between the rhetoric and the reality of this administration's concern over rising crime. We cannot begin to solve the problems of crime in our businesses, streets, and homes by gathering statistics and wringing our hands over the sad picture they present.

Unfortunately while the administration professes to be shocked and concerned over our skyrocketing crime rates, they have responded with indifference to congressional initatives in this area. Although the Juvenile Justice Act was signed into law last September, the President has not as yet bothered to appoint an Administrator to coordinate our efforts in this area, nor did he appoint the Advisory Board mandated by the act until almost 6 months after the effective date of the act. Moreover, although crime by young people costs Americans almost $12 billion annually the President has expressed unwavering opposition to the expenditure of any funds under this act to reduce that loss.

I believe it is time for this administration to get serious with the issue of crime in America and begin to cooperate with the Congress in our efforts to solve this problem.

The hearing is scheduled to be held on Tuesday, April 29, 1975, at 10 a.m., in room 318 Russell Office Building. Witnesses invited to testify include Attorney General Levi, Director Lynn of the Office of Management and Budget, and Comptroller General Staats of the General Acounting Office, as well as numerous other representatives of organizations concerned about the Federal juvenile delinquency effort.

Anyone interested in the subcommittee investigation or desiring to submit a statement for the record should contact John M. Rector, staff director and chief counsel of the subcommittee—U.S. Senate, A504, Washington, D.C. 20510—202–224–2951.

NOTICE OF HEARING ON SECONDARY AND TERTIARY RECOVERY OF OIL AND NATURAL GAS

Mr. CHURCH. Mr. President, as chairman of the Subcommittee on Energy Research and Water Resources of the Senate Committee on Interior and Insular Affairs, I take this opportunity to announce that the subcommittee will conduct a hearing on April 25, 1975, on secondary and tertiary recovery of oil and natural gas and on advanced oil and gas drilling technology. We anticipate receiving testimony from representatives of the Energy Research and Development Administration and from expert industry witnesses.

As we strive to define the technologies we need to overcome our present energy problems we have been reviewing plans and programs aimed at short-term, midterm, and long-term research programs. All are important, but prospects for bringing some near-term relief attract special attention.

One of the quickest approaches to bringing about meaningful, near-term increases in domestic energy production is to focus our attention on our already known oil and gas reserves. It is a well-known fact that primary production of the Nation's oil and gas wells extracts only a fraction of the oil and gas known to be present. The bulk of the resources remain in the ground because of the lack of economically viable technology to bring it to the surface. Evidence before the Energy Research Subcommittee indicates that some 290 billion barrels of residual oil, most of which are onshore, will remain in the ground after present conventional production operations are completed. In addition, there are approximately 600 trillion cubic feet of noncommercial natural gas in deep Rocky Mountain basins alone. These resources should be the target of an aggressive enhanced recovery program. I understand that of these amounts some 40 to 50 billion barrels of tertiary oil and some 300 trillion cubic feet of natural gas are recoverable by known, but unrefined, technology.

The oil and gas industries have conducted much research and experimentation in this area. The Government has undertaken cooperative programs with industry to help define and advance the new technology that is needed. What is called for now is a more effective Government/industry effort to refine and demonstrate the technology required to harness the oil and gas that has already been found but resists production.

The April 25 hearing should be of prime interest to all who want to pursue domestic projects that promise a reasonably prompt augmentation of our oil and gas supplies.

NOTICE OF HEARINGS ON ACT TO ESTABLISH A LAW ON THE SUBJECT OF BANKRUPTCIES

Mr. BURDICK. Mr. President, I wish to announce that open public hearings will continue for the Subcommittee on Improvements in Judicial Machinery on S. 235 and S. 236, two acts to revise the bankruptcy laws of the United States. Hearings will be held on the 16th and 17th of April 1975, in room 6202 of the Dirksen Senate Office Building, commencing at 10 a.m. each day.

The Commission on Bankruptcy Laws of the United States has recommended sweeping changes in the bankruptcy law. These recommendations are reflected in the provisions of S. 236. The National Conference of Bankruptcy Judges has also recommended substantial changes in the present bankruptcy law. These changes are reflected in the provisions of S. 235. At these hearings, we will hear from representatives of the National Foundation of Consumer Credit and representatives of various labor unions.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 Dirksen Senate Office Building, telephone 224-3618.

ADDITIONAL STATEMENTS

MILITARY AID TO SOUTH VIETNAM

Mr. BUCKLEY. Mr. President, the developments we are witnessing in Vietnam are of far greater importance to the United States and the world than the fate of 19 million people of South Vietnam whose freedom and perhaps very existence is now in the balance. There is no question that the military situation in South Vietnam is serious, but it should not be concluded that South Vietnam is now beyond saving.

The present circumstances are a direct consequence of the failure of the United States to meet its moral obligations to provide a one-to-one replacement of military equipment and ammunition for South Vietnam under the terms of the Paris Accords of 1973. Approximately $1.5 billion was required to meet this commitment, but the Congress appropriated less than half that amount, $700 million. As a result, 60 percent of the South Vietnam Air Force—helicopters and fixed-wing aircraft have been grounded this year prior to the current offensive because of inadequate supplies of spare parts and fuel.

In the Mekong Delta region for example, no helicopter flights at all have been possible except for medical evacuation purposes since January. Infantry men in this region have seen their "daily load" of hand grenades reduced from the normal 10 grenades to only 2. Artillery fire between South Vietnam has been reduced to one-fourth of the level which was available at the time the Paris Accords were signed, as a result of the lack of ammunition.

Under these circumstances of inadequate ammunition, fuel, and spare parts, a strategic withdrawal by the South Vietnamese was necessary. It is difficult for Americans to understand the problems of executing a withdrawal by territorial defense units whose families reside in the areas that they are defending, but this was precisely the problem that the South Vietnamese faced. The families of the Vietnam Army personnel and civil administrators blocked the highways, airports, and harbors, making withdrawal of equipment and Army personnel extremely difficult; and this proved contagious. Moreover, shortages of spare parts made it impossible to fly out over 200 aircraft based in Danang and Pleiku.

The panic of refugees was understandable for they witnessed the probable fate they would suffer under North Vietnam during the earlier evacuation of Pleiku and Kontun in early March. Over 200,000 refugees sought to escape from Pleiku and Kontun by convoying down Route 7B to the coastal city of Tuy Hoa. Of the 200,000 that started on the convoy, only 100,000 reached the coast, simply because these refugees were families of Army personnel, the refugee column was shelled by North Vietnamese artillery, and the panic-stricken refugees were cut down by machinegun and automatic rifle fire.

The South Vietnamese have shown extraordinary will over the years in stopping Communist advances. The government is beginning to regroup its forces. Two provinces in the central highlands have been retaken, and the coastal cities of Nha Trang and Cam Ranh are being held despite the fact that South Vietnam forces are outmanned 5 to 1 in this region; 18 light infantry battalions have reconstituted in the past week as have the Vietnam marines division. Despite having lost six advanced equipped divisions only two and a half divisions equivalent of troops were lost, the balance being available to reform to fight in defense of the country.

It would be a shocking betrayal for the United States to fail to provide adequate military equipment and supplies to enable the South Vietnamese to fight for their own survival. The South Vietnamese are not asking nor do they need U.S. troops. All they are asking for is for the United States to fulfill its pledge under the Paris Accords to provide for a replacement for expended military equipment and ammunition, so that they can have a fighting chance to preserve their independence. The decision the Congress makes will affect U.S. interests around the world.

In editorials from geographical diversive regions such as the respected periodicals, Far Eastern Economic Review and the London Daily Telegraph, the willingness of the Congress to meet its commitment in Vietnam is being used as the benchmark over American credibility. After all, if we are unwilling to supply bullets for the South Vietnamese, would Americans really die for London, Paris, or Tokyo?

The question comes down to this. Will the United States deny the South Vietnamese the ammunition and equipment to defend themselves? Will we deny them the chance to fight a regime from which millions in South Vietnam have fled?

This is the question that is being asked and in my view, the Congress must respond affirmatively.

THE MEANING OF THE INDOCHINA CRISIS

Mr. CHURCH. Mr. President, the debacle in Indochina is setting off a panic here in Washington. President Ford is making a bad situation worse by behaving as though the United States were somehow to blame for the impending collapse of the Lon Nol regime in Cambodia and the Thieu government in South Vietnam.

The United States is *not* to blame. Neither is the Ford administration nor the present Democratic Congress. We are seeing the end result of a long-mistaken policy in Southeast Asia. Our client governments are crumbling, not because we failed to give them enough aid, but because they failed to rally their own people—even their own troops—to their cause.

Chalmers M. Roberts, in a recent column which appeared in the Washington Post last Friday, sums up the history of our fateful mistake in Indochina. His column contains the kind of wisdom we need so badly—and never seem to find—among our political leaders.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 4, 1975]

THE MEANING OF THE INDOCHINA CRISIS

(By Chalmers M. Roberts)

Cries of calamity and disaster are in the air. Panic in Vietnam is graphically shown nightly on television. The newspapers can hardly keep up with the cumulating evidence that Henry Kissinger's "decent interval" is coming to an end. Laos is forgotten while Cambodia shrinks to an enclave. The news magazines couple Indochina with Kissinger's failure in the Middle East, Turkey, Greece, Cyprus and Portugal to proclaim "a moment of danger" and "a world of woe."

Danger and woe are not new in this world or in American foreign policy. It has always been difficult in the crises of the moment to gain a long-term perspective on what they mean, how they fit in the larger picture. In the current situation we ought to separate Indochina from the other problems, for it has its own meaning and uniqueness.

It is worth remembering that it was President Wilson who stirred the idea of independence in Vietnam, the dominant part of what was French Indo-China, with his 14 Points during World War I. But when Ho Chi Minh went to Paris to ask their application, he could not get in the door. It was President Franklin Roosevelt who concluded that the French should be ousted after World War II, but he died before anything was done. President Truman let General de Gaulle regain the colony, in contravention of the promises of the Atlantic Charter. And so the revolutionaries took up arms and, with the victory of Dienbienphu in 1954, wrested half of Vietnam from the French.

President Eisenhower's Secretary of State, John Foster Dulles, fled the Geneva Conference that year lest he have to sign a paper conceding that victory. The best he could do was refuse to shake hands with China's Chou En-lai. At that, he was assaulted when he came home by the Republican right for following Democrat Dean Acheson in "selling out" to the Communists. His counter was to make South Vietnam "a bastion" of "freedom." And so the scene was set, two decades ago, for the inevitable American involvement that would cost so many lives and so much treasure.

Despite the rhetoric, Indochina has always been an adjunct of some other perceived problem: colonialism, Japanese aggression, Chinese penetration, the fate of France in Europe and "the spread of communism" by Moscow and Peking. The United States, or the American public, at times has been concerned with the peoples of Indochina as individuals, but that is not why we have been so deeply involved so long.

We now know that those who said Ho Chi Minh, if he had controlled all of Vietnam or even all of Indochina, would have been a sort of Asian Tito were basically right. But in the days of perceived "monolithic communism," our government, of both parties, would not accept even another Tito. In the end we withdrew to get our prisoners back, and we knew that the paper accord would provide only that "decent interval" for the three local governments to try to stand on their own feet. The end now in sight is the logical culmination of the long story; the only surprise is the speed of the finale.

We should not lump this Indochina outcome with such disparate issues as the Middle East, Greece, Turkey, Cyprus and Portugal. We should admit we have taken our lumps in Indochina and get on with the other problems, for they by no means have reached a point of no return.

Americans have always had a basic fault of generalization. Mr. Truman took one Greek crisis and turned it into the Truman Doctrine to cover the whole world. Now Defense Secretary James Schlesinger talks of moving from "the illusion of American omnipotence" to "a perception of American impotence," another vast oversimplification. In reality, the United States is struggling to find its role in the post-World War II world after its peak of projected power was reached the day John Kennedy was inaugurated in 1961. He began to retreat from "the illusion of American omnipotence" the day he gave the go signal for the Bay of Pigs which he had inherited from President Eisenhower.

There has been no straight line movement since then. Looked at overall, the trend has been to pull in our horns, to drop back to a more sensible posture. In the course of this effort we have accepted a parity with the Soviet Union and come to general terms at least with China. These were the essentials of the new posture. They still hold—and apparently firm. If so, the other problems, once Indochina is finished, can be treated in normal fashion.

The Middle East and the Greek-Turk quarrel, involving more than just Cyprus, are as old as history. Kissinger has failed in his most recent efforts to reconcile these two problems, but he and the United States are not precluded from trying again, as we will try. The change in Portugal reflects the end of the great colonial empires; we should be thankful that we are not struggling with Angola and Mozambique. Who can be sure how Portugal will develop, given the history of left-wing and Communist regimes in lands not contiguous to the Soviet Union and China?

The American problem is to avoid panic and doomsaying and to get on with the job of resolving those internal issues that impinge on our foreign relations: our energy shortfall, the international monetary and trading systems and the weaknesses in our own domestic economic, social, racial and political affairs. Strength at home means strength abroad, if used wisely and not profligately. This is the way to counter any "perception of American impotence."

This has never been a world in which all nations and all problems fit neatly into a scheme of things. It has been and remains a world in which a nation-state of power, self-confidence and self-discipline can make itself felt to its own, and the world's benefit.

THE DEATH OF A COUNTRY

Mr. GOLDWATER. Mr. President, I know all of us have experienced strong emotions as we have watched our TV sets and seen the panic which is making a shambles of South Vietnam. For whatever reasons, it is a stark tragedy. In effect, we are witnessing the death of a country. Mr. President, thousands of words have been written about this calamity, but I doubt if anyone has done it better than Homer Lane, an editorial spokesman for TV station KOOL in my hometown of Phoenix. I should like all the Members of Congress to read his words as they were presented to the Phoenix TV audience on April 3, and I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE VIETNAM WAR

As we watch the films from South Vietnam showing the panic of both soldier and civilian attempting to flee from advancing Communist troops, the tragedy taking place before our eyes is making lasting impressions.

And it is a tragedy. For whatever reason, inept political leadership, military incompetence, or lack of spare parts for equipment, we are witnessing the death of a country. We see thousands of people, civilians who took no part in the war between the two Vietnams, risking and often losing their lives, rather than stay in their homes and cities to live under Communist rule. News reports today tell of the thousands of teachers, religious workers, civil servants, and those who worked for and cooperated with American firms, the U.S. Military or U.S. Government . . . people who live in Saigon . . . that are making frantic preparations to leave their country by any means or face what they believe to be certain death at the hands of the conquering Communist forces.

The Vietnamese are the victims of a costly American experiment. We made a pledge to halt the advance of Communism everywhere it reared its ugly head in the world. It was a pledge we were not prepared or not willing to enforce. Many Americans felt we should have never entered into the conflict. Others felt that we should honor our pledge, go in and get it over with quickly by effectively using our overpowering military strength. Few thought that the war could be run from a swivel chair in Washington. Fifteen years and 150 billion dollars later, we are ourselves a divided people over the issue of Indo China and the subsidiary problems it presented.

We hope that we learned some lessons. We cannot police the entire world alone. However, the next time we make a promise or a threat, we must be ready, willing and able to carry it out with dispatch. Our own Country may not be able to bear the traumatic experiences of more Vietnams or Cambodias.

TIME TO REEVALUATE APOLLO-SOYUZ TEST MISSION

Mr. PROXMIRE. Mr. President, in view of the failure of another Soviet space mission last Saturday and the pending United States-U.S.S.R. Apollo-Soyuz joint project, I have asked the Central Intelligence Agency to make a safety assessment of Soviet manned space technology.

This study would be in the form of a briefing for the members of my Appropriations Subcommittee on HUD and independent agencies, which has responsibility for the NASA budget.

The inlaunch failure of another Soviet manned satellite last Saturday reinforces my deep concern that the upcoming joint Apollo-Soyuz experiment may be dangerous to American astronauts. NASA claims that the mission will be as safe as any in the Apollo programs. They have produced a mass of studies to back up this assessment. They have studied Soviet technology and how it will relate to the docking of the United States and Soviet spacecraft.

I do not fault NASA's preparation. But I disagree with their conclusions. The history of the Soviet-manned program shows an appalling lack of consistency. As soon as one severe problem is solved another occurs.

NASA says the Soviet failures, which have cost four lives, have been in the return phase of the mission and thus will not affect the Apollo-Soyuz program. That would be accurate if every failure occurred at the same point and for the same reason. They did not.

It is just this fear of "what will go wrong next" that concerns me most. Therefore, I have asked the CIA to prepare an assessment of Soviet-manned space technology with regard to its safety record. I have asked that this report be made to my Appropriations Subcommittee by next month, well in advance of the July launching.

The Soviet Soyuz capsule which will be used in the Apollo-Soyuz mission is vastly inferior to U.S. technology. Its launch record indicates that the U.S.S.R. has experienced severe quality control problems.

Since April of 1967, the U.S.S.R. has conducted 18 manned Soyuz flights. Of these, two have been catastrophic failures with the loss of four lives. In addition, two other flights, Soyuz 10 and Soyuz 15 have had docking problems and cannot be considered successes. Most recently was the launch failure of what would have been Soyuz 18. Thus, five out of 18 Soyuz flights have been marred by some type of failure.

These failures have occurred at all stages of the mission, during launch, during rendevous and docking, and during reentry.

This is a 28-percent failure rate throughout the mission profile.

I am aware of other unmanned Soyuz capsule tests during the same period and the fact that the U.S.S.R. also uses the Soyuz capsule in the reconnaissance program. The number of failures in the manned program, however, requires a fresh look at the safety of sending U.S. astronauts into a mission which has such a poor track record.

MAURA O'SHAUGHNESSY

Mr. **BROOKE**. Mr. President, a beautiful young lady of 31 years died in a Boston hospital yesterday morning of cancer of the brain.

Her name was Maura. Maura O'Shaughnessy. Maura O'Shaughnessy Donovan, a name that most who hear or read these words will not recognize. But to those of us who were privileged to know her and to work with her and to the thousands of others whose lives were touched by her, Maura was hope, help, and heart. If she had been a nun, she could not have done God's work more effectively than she did as a caseworker in the U.S. Senate.

I said that she was beautiful, and she was in the very literal sense of that word, with Irish eyes and lovely countenance, which smiled more than a songwriter could have ever dreamed. But she also had an inner beauty, a laughter, kindness, caring, and love that no songwriter could adequately describe.

Mr. President, in all the eons and annals of this world no nation has been as rich and powerful as ours, and yet our medical science could not save Maura's life or the lives of ten of millions who have suffered and died from the dread, omnipresent disease of cancer. And although we have done more than ever before, we must still do much more in using the great resources of our Nation to find a cure for cancer.

To Tom, Maura's devoted husband of 10 months, to her kind and courageous mother, to her loving brothers and family and scores of wonderful friends, my staff and I extend our deepest sympathy. We shall always remember with love, respect, and admiration, our Maura.

ENVIRONMENTAL PROGRESS IN WYOMING

Mr. **McGEE**. Mr. President, the environmental movement in this country has blossomed from a struggling idealistic infant into a mature, intelligent young adult. Now that its feet are on the ground and the word has been shouted around the world, we in Congress must pay attention.

I urge my colleagues to share with me an article that appeared in the High Country News, published in Lander, Wyo. Written skillfully by Wyoming environmental journalist John Soisson, the story of Bart Koehler, director of both the Wyoming Outdoor Council and Wyoming Citizens Lobby, portrays the valuable role of young and dedicated environmentalists.

Senators will learn that "the movement" in Wyoming is not a fringe element and that my State's strong environmental laws were bred, in part, by good citizens like Bart Koehler.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CITIZENS' LOBBY CRUSADERS SMILING—WYOMING PASSES SITING, LAND USE BILLS

(By John Soisson)

They called him a ragamuffin. A stitch in the border of the Radical Fringe. They knew him as a leader of what some called the Wyoming Children's Crusade.

What the legislators didn't know was that Bart Koehler and the other "Crusaders," although only in their twenties, spoke for a broadly-based group of voters throughout the state who could hardly be called "children." They soon learned.

"The constituents—that's where the real power is. The legislators won't change from what I say. The only power we have is the folks who put the legislators in office," Koehler said.

As director of the Wyoming Citizens' Lobby, Koehler headed a staff of young researchers that provided an alternative source of information to the legislators and a unique source of facts to thousands of those "folks." As executive director of the Wyoming Outdoor Council, he lobbyed for environmental bills that he described as "essential to the state's future."

"No one who left the lobby headquarters in Cheyenne after this session left without a smile," he said. "It was always said that Wyoming was a slow second, third, or fourth on environmental issues. That may not be true much longer. This session gave us an excellent land use planning act, a landowner consent requirement for strip mining, and a plant siting bill that's as good as most. The state could become a leader—it really can't afford to do anything else!"

He set his can of Coors on the round oak table in the house he called headquarters and scratched his unshaved cheek. The 40 days and 40 nights of struggle to keep several bills from going down three times had ended. Like a weary sailor safely in port, Koehler was looking out over a calming sea.

"Even though most of the legislators who ran in '74 ran on a 'motherhood, apple pie and trees' ticket, there was a lot of confusion about the substance of environmental protection. That made a lot of them uncomfortable—and when you're uncomfortable, you make a decision. A lot of them were open to learn, so, by and large, the decisions were good ones," said Koehler.

One of those decisions was to adopt a plant siting bill that establishes an independent, seven-person Siting Council in the governor's office that will review the construction permit applications of all energy conversion plants, uranium enrichment plants, and other industrial facilities that will cost in excess of $50 million.

If an industry can't show that its project will not cause severe impact, the council will conduct a 180-day study (with two 60-day extensions, if necessary), upon which it will base its approval or denial of the permit.

Once the study has been completed, the council is authorized to specify when construction of the project can begin—a flexible "lead-time" provision that can help a community ease some of the shock of impact.

"The bill will require public disclosure of a project," Koehler explained, "and, at last, the people of the state will have the opportunity to review what's going to happen to them."

The 43rd Legislature considered the long-term as well as the short. "The siting bill is an important 'stop sign,'" according to Koehler, "but the land use planning bill gives some direction to the future. It's the best citizen participation law in the state—the most democratic!"

That bill created the Office of Land Use Administration, which also was placed under the direct control of the governor. Under its provisions, each of Wyoming's 23 counties is required to prepare a local land use plan within the next four years. The counties will have technical, informational, and financial assistance available to them from the state office.

Public involvement is required through the entire planning process: hearings must be held in counties and cities prior to the adoption of local plans, prior to the adoption of state guidelines, before designation of areas of more than local concern, and before a final, statewide plan is enacted.

While the plant siting and land use planning bills were much discussed and anticipated in the months before the session, a package of amendments to Wyoming's 1973 Environmental Quality Act (EQA) brought the most surprises.

One of them was a provision which gives farmers and ranchers who have been in operation since 1970 the right to refuse to allow the coal beneath their land to be strip mined, even when that coal doesn't belong to them.

"As far as I know," Koehler said, "that makes Wyoming the first state with landowner consent, so we expect it to be challenged in court."

Another surprise was the serious challenge to the integrity of the EQA made by utility companies with power generating plants constructed or planned within the state.

"The Senate passed an amendment to the EQA that would have imposed a two-year moratorium on the SO2 regs, but the House turned that down. It was a strong vote for due process!" He smiled. His beer can was empty.

"We did well on the major issues," he said, "but we need to pick up on the other things—river protection, coal export. And we will. I don't think the people here will be overrun—they love their state too much!"

JUDICIAL SALARIES

Mr. PERCY. Mr. President, over the last few years I have endeavored to bring the issue of the urgent need for a Federal judicial salary increase to the attention of my colleagues. It has now been over 6 years since Federal judges received a salary increase, and the need is greater than ever.

An article in the November–December issue of the Chicago Bar Record of the Chicago Bar Association points out the facts which are central to this problem. It notes that in the last 6 years since the last salary increase,

> The Consumer Price Index has risen approximately 45%; "General Schedule" Federal employees have received comparability pay increases averaging nearly 40%; annual salaries for state court judges throughout the United States have increased an average of 42%; attorneys' salaries, as surveyed for the Department of Labor, have risen 43.9%; and top officials in the private sector have received salary increases averaging almost 60%.

In addition, this article also makes an important comparison between the salaries of Illinois State and Federal judges. The annual salaries of Federal district and appellate judges are $40,000 and $42,500 respectively. However, on the Illinois State court, Supreme Court justices receive $50,000; appellate court justices, $45,000; circuit court judges, $42,500; and associate judges, $37,500.

Much of the prestige of our judicial system stems from the ability of the bench to attract lawyers of outstanding character and ability. It is a tribute to these outstanding men and women that they willingly suffer the loss in income which occurs when they leave private practice for the bench. And yet, how can we continue to expect these outstanding lawyers to willingly undergo this loss of income when now, due to congressional inaction, they have every reason to expect that, instead of receiving periodic increases in salary, their income will actually decrease because of inflation? In effect, this discriminates against those members of the Federal judiciary who do not have the financial resources to enable them to sustain their standard of living on a salary which is decreasing in real purchasing power.

Mr. President, the article from the Chicago Bar Record which I have quoted makes many important points about the need for a Federal judicial salary increase. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Chicago Bar Record, Nov.-Dec., 1974]

ADEQUATE JUDICIAL COMPENSATION

(By Kevin M. Forde)

SUCCESS IN ILLINOIS

On January 7, 1975, Governor Dan Walker signed into law House Bill 2518, which grants Illinois judges a long overdue pay raise. Effective July 1, 1975, the new salary schedule for Illinois judges will be:

Supreme Court justices	$50,000
Appellate Court justices	45,000
Circuit Court judges	42,500
Associate judges	37,500

The CBA deserves a good deal of credit for obtaining the enactment of the judicial pay raise bill. This Association has been urging an increase in judicial salaries in Illinois since at least 1972. In that year the CBA, through its then President Philip Corboy, acting on a report of the Special Judicial Compensation Committee (chaired by Thomas F. Bridgman and consisting of Robert Stern and Robert Cummins) urged the increase in judicial salaries in Illinois and also recommended future adjustments in judicial salaries to reflect cost of living increases.

The special CBA committee then summarized its analysis in an 18-page report which was submitted to and approved by the Board of Managers. The report included statistics and comparisons of judicial salaries of Supreme Courts and General Trial Courts in 12 leading states (Connecticut, Alaska, Nevada, New York, California, Illinois, New Jersey, Massachusetts, Delaware, Maryland, Michigan and Hawaii) by per capita income from 1965–1972. This comparison showed that the Supreme Court of Illinois was lowest in the percentage of salary increases, and ranked sixth among the 12 states during this seven-year period. Judicial salaries in Illinois' General Trial Courts ranked seventh out of the same 12 states.

The report also noted that "as judicial salaries have failed to keep pace with annual increases in the cost-of-living, likewise those salaries have also failed to keep pace with comparable increases in salaries for other occupational categories in our economy."

Using as its source the U.S. Department *Monthly Labor Review* of the "Gross Average Weekly Earnings Statistics for Selected Occupational Groupings, 1967-August 1972," the Committee found that most workers in the construction, transportation and public utilities industries realized average salary increases of 35 per cent over the same five-year base period.

Regretfully, the salary increases were not adopted in 1972. The report was revived by Chairman Bridgman in 1974, however, and through the persistent urging of CBA President Jim Kissel and later by his successor Jim Connelly, the message of the CBA Committee Report finally got through to the lawmakers and the Governor. Perhaps some success of the bill should be attributed to the fact that it was coupled with the legislative pay raise.

The CBA should now turn its formidable support to increasing the compensation of the federal judiciary.

FEDERAL JUDICIAL SALARIES

In a recent year end review of federal judicial problems, Supreme Court Chief Justice Warren E. Burger appealed to Congress to raise the salaries of federal judges. Federal judges have not received a pay raise in six years. During this same period, regular federal employees received six increases amounting to more than 50% of their salaries.

Section 225 of the Postal Revenue and Federal Salary Act of 1967 (Salary Act) provides for the creation of a Commission on Executive, Legislative and Judicial Salaries to review and recommend increases in the rates of pay for high-level federal officials, including federal judges. In March of 1969, pursuant to the 1968 Commission's recommendations, the annual salaries for federal district and appellate judges were increased to $40,000 and $42,500, respectively.

Since March of 1969, the Consumer Price Index has increased approximately 45%; "General Schedule" federal employees have received comparability pay increases averaging nearly 40%; annual salaries for state court judges throughout the United States have increased on an average of 42%; attorneys' salaries, as surveyed by the U.S. Department of Labor have risen 43.9%; and top officials in the private sector have received salary increases averaging almost 60%.

During the same six year period, the salaries of federal judges and justices have not been increased by one cent. According to a study prepared by The Judicial Conference Committee On Judicial Compensation, these men and women have experienced a resultant loss in purchasing power since 1969 of 32%.

To suggest that such a salary freeze, during a period of record inflation, is unfair to the individuals affected belabors the obvious. Consider, however, the consequences of this inequity. During 1974, a record five federal judges resigned, four of whom did so in order to return to lucrative private practice. According to a recent article in *Judicature* Magazine) (November, 1974), "a too-cavalier Congressional attitude toward court needs also figured high on the list of judicial frustrations" (p. 161). And although elevation to the federal bench provides a measure of prestige and professional satisfaction which encourages accomplished members of the bar to accept appointment despite the financial sacrifice which often results, there comes a point at which prestige and satisfaction must yield to more practical considerations. Simply stated, the present salary levels, combined with Congress' apparent reluctance to provide scheduled periodic increases, will ultimately serve to discourage many qualified and desirable candidates from accepting appointment to the federal bench.

The Federal Salary Act was passed with the expectation that annual salaries of high-level federal officials, including judges, would be reviewed by the Commission every fourth year and adjusted upward in accordance with the Commission's recommendations. Under Section 225 of the Act, the mechanism for accomplishing this goal is quite simple. The President, after receiving the Commission's report, forwards his recommendations in the budget next transmitted to Congress. If neither the House nor the Senate vetoes these recommendations (by a majority vote of either house) they become effective the first pay period after the 30th day following their transmittal to Congress. Moreover, it is not necessary for Congress to either approve or veto the entire package of salary increase recommendations; i.e., it may veto, for example, recommended increases for executive positions while allowing increases for the judiciary.

Last year, the President sent his recommendations for salary increases to Congress pursuant to Section 25. Despite the fact that his recommendations represented a downward modification of the comparatively modest increases recommended by the Commission, Congress exercised its veto power and killed the raises. Whatever the motivation for doing so, the failure to provide an increase in compensation after a five year hiatus was a tragic mistake. Fortunately, it is one which can be remedied. Because the 1974 recommendations were vetoed, President Ford can again forward his recommendations for judicial salary increases to Congress based upon the Commission's latest report. Unless Congress vetoes such recommendations within 30 days, the salary increases submitted would become law.

As the nation's largest local Bar Association, we have a particular obligation to support a proposal to bring federal judicial salaries up to an equitable level. Because of the sensitivity of their positions, judges are all equipped to advance their own cause. The disparity between judicial salaries and those of comparably qualified members of the bar, combined with the tight restrictions properly imposed upon the judiciary regarding "outside" sources of income, compels that action be taken at the earliest possible date to insure that the long-overdue increase in federal judicial salaries also becomes a reality.

THE WAUKEGAN, ILL., NEWS-SUN REPORTS ON NURSING HOMES

Mr. PERCY. Mr. President, the quality of care in our country's nursing homes has been the subject of intensive investigation by Senator Moss, myself and other members of the Special Committee on Aging of the U.S. Senate supplemented by several excellent newspaper exposés in recent years. Few of these efforts have impressed me more than the series of articles written over the space of several months by Steve Rothman of The News-Sun of Waukegan, Ill.

Mr. Rothman's work focused on one of the most serious yet little-discussed problems facing the field of long term care, the transfer to nursing homes of residents of mental institutions. His articles raise important questions about such transfers as a matter of public policy as well as about the propriety of the process as it took place in Lake County, Illinois.

Mr. Rothman and The News-Sun are to be commended for the persistent, imaginative and constructive way in which this subject has been pursued. A problem area has been starkly illuminated. Governmental officials at all levels must now respond.

Mr. President, I ask unanimous consent that Steve Rothman's articles, together with an editorial from The News-Sun, be printed in the RECORD.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the Waukegan (Ill.) News-Sun, Oct. 10, 1974]

STATE TO INVESTIGATE DEATH OF TEEN IN NURSING HOME

(By Steve Rothman)

Illinois public health officials are joining the investigation into the August death of a mentally retarded youth in the Pavilion of Highland Park in Highwood.

Dr. Joyce Lashof, state health director, told The News-Sun she is particularly concerned whether "our people carried out their functions in the proper manner.

"We want to find whether those health officials charged with looking after the boy carried out their functions as set down by law and by department rule," said Dr. Lashof.

She said the results of that investigation would determine whether rules governing the handling of such deaths need changing. "We want to know whether our personnel were lax," she added.

Meanwhile, Lake County Coroner Oscar Lind said he had contacted relatives of the dead boy, Richard A. Hall, who had been a patient at the nursing home since Aug. 9, 1973.

Lind said the date for an inquest would be set next week "We have assured the family we will get to the bottom of the matter," said Lind, explaining he may seek new legislation requiring nursing home officials to report the death of any state patient to his office.

"I think this is important if we are to prevent this kind of incident from happening again," he said.

The boy's brother, William, Hall of 31 N. Wabash Ave., Glenwood, has alleged that nursing home personnel withheld the cause of death until after the funeral. He claims the doctor signing the death certificate listed the causes of death as heart failure and food poisoning.

Nursing home officials have refused to comment on these allegations.

Hall was one of 37 mentally retarded patients housed at the facility at the time of the incident.

The death was brought to public attention by the Lake County Health Department last week. In his report to the department's board of trustees, Eugene Theips, department director, said there was an indication of food poisoning, but insufficient data to make a final determination at this time.

[From the Waukegan (Ill.) News-Sun, Dec. 7, 1974]

STATE ENTERS FRAUD PROBE

(By Steve Rothman)

Illinois investigators Monday will begin proceedings to determine whether the licenses of a Deerfield psychologist and a Zion nursing home should be revoked.

Thomas F. Howard, chief enforcement officer of the Illinois Department of Education and Registration, said there is ample evidence to warrant a full hearing on whether the psychologist, Don W. McBride, and the Crown Manor Nursing Home were involved in fraudulent billing.

A recent News-Sun investigation revealed that a nursing home patient was billed for services she never received.

The Illinois agency not only has the duty of licensing medical practitioners along with 34 other code-regulated agencies, but has the power to strip them of their right to practice where there are sufficient grounds of wrongdoing.

"When we find sufficient evidence of unethical or illegal activity, we can hold formal revocation hearings," said Howard.

"We believe a statewide investigation is in order," said Charles S. Siragusa, head of the commission.

"We would hope that legislators from the Lake County area ask that such a resolution be passed," he added.

The Crown Manor Nursing Home case came to The News-Sun's attention through a Waukegan physician who found his patient had been billed for psychiatric services never requested and never provided.

His patient, Mrs. Maggie S. Ludlow, was billed for $200 in psychiatric services by McBride.

However, relatives of Mrs. Ludlow, who died April 17 at St. Therese Hospital, claimed they never authorized and psychiatric care and demanded that U.S. Social Security officials in the Waukegan office investigate the case.

"When we came to complain, we were told, 'Why should you care about who gets the money, it didn't come out of your pocket?' " said Mrs. Bernice McCutcheon, of 3308 Dewoody Road, Waukegan.

Mrs. McCutcheon and her sister, Mrs. Florence Spencer, of 2321 Greenwood Ave., Waukegan, have provided statements to investigators of the Continental Assurance Co., the federal government's Medicare carrier in this area, and to agents of the Social Security Administration's regional office in Chicago.

When contacted by The News-Sun regarding the case, officials said they were not concerned with putting doctors or nursing homes out of business for billing the federal government illegally for services.

Howard joined the Illinois agency in June. Since that time, he has been given a mandate to begin "any and all types of investigations into physician-involved frauds.

"We anticipate taking the licenses of 40 to 50 physicians during the next year," said Howard, explaining the Lake County case is "number one" on its list due to the amount of evidence and the list of witnesses willing to testify. "I see no trouble in getting the right result from such a hearing based on the information you have at hand," he said.

At the same time, The News-Sun has been joined by Lake County Coronor Oscar Lind and the Illinois Legislative Investigating Commission in probing several other nursing home cases.

ILIC officials said they could only "advise and counsel" in the Lake County cases, as it did not have a resolution from the General Assembly to look into the area.

They said it could take as long as four months to two years to prepare the case, adding that, in all likelihood, the complaining witnesses would be either dead or senile by the time the case came up for trial.

Officials readily admitted that few of the complaints brought to their attention ever wind up in court, and that 79 per cent of all complaints brought to their attention were "legitimate."

When McBride was originally contacted by The News-Sun, he denied receiving any money for seeing Mrs. Ludlow. He claimed that he never saw any of the patients professionally, claiming he was merely an adviser to the home's staff on how to make the patient's life better during their final days.

He claimed the home paid him a consulting fee and that he never received any money directly from the patients.

However, the nursing home denied McBride's allegations, claiming the psychologist said he would be paid by either the federal or state government for his services.

When CNA officials were contacted, they obtained the canceled check showing that McBride had in fact deposited the money in his own account.

[From the Waukegan (Ill.) News-Sun, Dec. 10, 1974]

RETARDED PATIENT DEATHS PROBED BY CORONER LIND

(By Steve Rothman)

Lake County Coroner Oscar Lind has seized the medical records of some of 12 mentally retarded patients who died of pneumonia in the All Seasons Nursing Home, 919 Washington Park, Waukegan.

All were transfers from the Dixon and Lincoln state schools for the retarded and died within the last year.

Working in cooperation with the Illinois Legislative Investigating Committee and The News-Sun, agents seized the records Monday for examination by Lind's office.

Until notified by The News-Sun, Lind's office was unaware of the nursing home deaths.

Commission agents learned of the deaths during an investigation of the Illinois Extended Care Center in Rockford.

Illinois Mental Health Department officials testified at a hearing that six patients at Dixon State School and six at Lincoln State School died in Waukegan of "pneumonia," caused, they said, by inadequate patient care.

All the deaths occurred during a period beginning Dec. 14, 1973, and ending Nov. 7 of this year. Death certificates showed the patients ranged in age from 19 to 87.

Medical experts interviewed by The News-Sun said patients who lack the ability to voluntarily change their positions while confined to bed will contract pneumonia because the body has no way of ridding itself of water gathering in the lungs.

Failure to move the patient, coupled with poor diet and lack of sufficient changes of bed-clothing to keep the patient dry, are additional factors.

The deaths were verified by Dixon and Lincoln School officials, who blame Region II of the Illinois Department of Mental Health's developmental disabilities department.

"We lost all control over these patients once they went into nursing homes," said Dave Edelson, Dixon administrator. "We had no way of knowing what was going on until we were informed of the deaths."

The Illinois General Assembly approved the plan to release those patients considered beyond rehabilitation to nursing homes.

The plan was approved over the objections of many mental health officials.

Commission investigators said testimony from Dixon and Lincoln School personnel described All Seasons as a "zoo" during the Rockford hearings. *Despite* this, no hearings into the Waukegan deaths are scheduled.

"We do not have a legislative mandate to look into the Lake-McHenry County area," said a spokesman for Charles S. Siragusa, the commission's executive director. "All we can do is make this information available to the public."

Dr. Richard Kinney, administrator of Region II, told The News-Sun he had records showing All Seasons was visited by inspectors 58 times in the last 12 months.

But when asked why Dixon and Lincoln, which knew the background of the patients and their case histories, were not allowed to follow up on their own patients, Kinney said "no comment."

When questioned whether he thought the medical care provided was adequate, Kinney said "no comment."

When asked whether the training period for nursing personnel at such private facilities was adequate, Kinney said "no comment."

Commission officials said, "We know conditions were bad in Rockford, and we know they are bad elsewhere. We are convinced things are just as bad or worse in other parts of Illinois."

Commission investigators believe the deaths could have been prevented if Lincoln and Dixon had been allowed to follow up on their own patients. "When Dixon came to Rockford, it was able to straighten out the mess in that nursing home real fast," commission investigators said.

Earl Rosenbaum, All Seasons administrator, told The News-Sun during a recent interview the patients given the home were beyond his staff's capabilities. "I want it clear. We sent back those we couldn't handle on our own volition," he said. "No one made us do it."

Kinney told The News-Sun last week that he had records showing his people did all in their power to "straighten out All Season's problems" when told his department had been blamed for the deaths.

But when he was asked Monday for these reports, Kinney said he would have to discuss their release with his legal staff before they could be made public.

[From the Waukegan (Ill.) News-Sun, Dec. 11, 1974]

Autopsy Rules Out Food Poisoning

(By Steve Rothman)

The death of a mentally retarded patient in a Highwood nursing home was the result of pneumonia and malnutrition and not food poisoning as the death certificate indicated, The News-Sun has learned.

This was the preliminary finding of Dr. Robert Stein, the state's forensic pathologist, who performed an autopsy on Richard Hall, who died while a patient in the Pavilion of Highland Park, Highwood.

The 19-year-old was one of 18 who purportedly developed food poisoning symptoms, according to the Lake County Health Department.

The original death certificate, issued by Dr. Sam Kruger, a Highland Park physician responsible for medical services at the nursing home, showed Hall died of food poisoning and cardiac arrest.

"There is simply no evidence to support these findings," said Lake County Coroner Oscar Lind who launched an investigation in cooperation with The News-Sun after he first learned of the boy's death when he read about it in the newspapers.

"I have an agreement with all of the hospitals that they call me whenever a patient dies," he said. "When I think an autopsy is in order, I ask for it.

"Nursing homes in this community seem to feel they do not need to report all deaths to this office before releasing the body for burial," added Lind. "That is a practice I am going to stop, now."

Lind said he intends to hold a full inquiry into Hall's death to find out what kind of medical treatment was provided the youth. A nursing home employe told The News-Sun the boy had been critically ill for at least a month prior to his death.

The employe has agreed to testify at any hearings conducted by state or federal officials, but asked not to be identified for the time being.

The name of the employe has been turned over to Lind and state investigating units looking into nursing home violations.

Lind's office is cooperating with the Illinois Legislative Investigating Commission which does not have the authority to hold hearings in Lake and McHenry Counties unless asked to do so by the legislature.

The employe said Richard had been losing strength for more than a month before he died. And on the date of his death, nursing home medical personnel knew he was dying, but did nothing to get him to any other medical facility for assistance.

"There was a call put to the doctor about 9 a.m. on the morning Richard died," the employe said. "But no one made any attempt to give him any medical attention as far as I could see."

When the employe viewed Richard shortly before noon on the day he died, the boy had turned white and his lips were blue. "I was told Richard was dying," she said.

"But the food didn't cause Richard's death. They found no reason to believe there was any food poisoning."

The employe said bed-ridden mentally-retarded patients were not kept clean by nuring staff. "You would find bowel under their fingernails and on their hands," the employe charged.

In many cases, the patients were allowed to lie in wet diaper all day long.

Recreation was limited to putting the children into special designed jackets and tying them to wheelchairs, the employe said.

Except for a brief recreation program in the morning, nothing else was provided by the home, the employe said.

The employe said Pavilion officials and state mental health officials entered into a "collusive" inspection of the home last Thursday.

"All of the contraband materials which patients were not supposed to have, were put down into the room used for recerational purposes, the employe said.

When Dr. Richard Kinney, director of Region II Developmental Disabilities of the Illinois Department of Mental Health, was asked whether it was normal to notify nursing homes before making inspections, he said "no comment."

However, Illinois Legislative Investigating Commission investigators told The News-Sun it is common practice to tell all homes in advance when inspectors are due and the time they will arrive.

"The attitude of nursing homes toward mentally retarded patients is one of fear, repulsion, and lack of knowledge of how to adequately care for them," commission investigators maintained.

[From the Waukegan (Ill.) News-Sun, Dec. 12, 1974]

Lind Names Nursing Home Dead

(By Steve Rothman, Staff Writer)

An investigation of death certificates filed in Lake County has disclosed the names of six mentally retarded patients who died within the past year at All Seasons Nursing Home in Waukegan.

Working with The News-Sun, Lake County Coroner Oscar Lind sifted through more than 400 death certificates in the Lake County Clerk's office.

The six are among 12 profoundly retarded patients who died at All Seasons within the last year of pneumonia, according to testimony of Illinois Mental Health Department officials.

"We will obtain the name of all 12 patients before we are through," said Lind, who intends to conduct a special inquiry into the quality and quantity of medical assistance given retarded patients in Lake County nursing homes.

The names of the dead, all former patients at Lincoln or Dixon Schools for the mentally retarded, are:

Warren Williams, 26, who died on Sept. 22, 1974; Robert Horn, 26, who died on Dec. 13, 1973; Timothy Wendt, 32, who died on Jan. 11, 1974; and John Przewoznik, 30, who died on March 16, 1974.

Gary Blanchette, 24, of Bartlett, who died April 12, 1974; and Robert A. Schuerr, 19, of 164 N. Rt. 12, Fox Lake, who died Feb. 17, 1974, are the only patients not from Chicago.

Wednesday. The News-Sun reported that an autopsy on a 19-year-old retarded patient who died at the Pavilion of Highland Park Nursing Home revealed pneumonia and malnurition as the cause of death, not cardiac arrest and food toxicity as indicated on the death certificate.

Dr. Sam Kruger, the Highland Park physician who provided medical services for Richard Hall at the Pavilion of Highland Park in Highwood, was also one of the doctors responsible for mentally retarded patients at All Seasons, The News-Sun was told.

Dr. Richard Kinney, director of the Illinois Department of Mental Health's Region II Division of Disabilities covering Lake and McHenry counties, has claimed All Seasons was visited on 58 separate occasions during the last 12 months. He has refused to comment on the medical care provided the patients.

In an interview with The News-Sun last year, All Seasons' administrator, Earl Rosenbaum, said there were 105 mentally retarded patients in the home when he took over in September 1973.

He said the home had begun taking patients from Dixon and Lincoln in May and June.

Rosenbaum told The News-Sun, when the home had 105 mentally retarded patients on the second floor, that he was confident his staff could provide better treatment than is found at either Lincoln or Dixon.

"We won't ignore the needs of the patients here," he said.

When interviewed two months ago, however, after 60 of the patients had been pulled out by Dixon and Lincoln officials, Rosenbaum said he had returned them because they were "super-skilled patients."

"They had very little potential to develop," he said.

Rosenbaum described All Seasons as not being merely a "custodial home" like those of Lincoln and Dixon, adding Kinney agreed fully with his decision to return those too retarded to respond to rehabilitation.

"The potential must be there within the patient if he is to respond to nursing home care," he said.

Rosenbaum charged it is the state's intention to de-populate its hospitals of severely and profoundly retarded patients.

"They wanted to reduce the population so they can work with those residents who respond to rehabilitation," added Rosenbaum.

Rosenbaum claimed he personally screened all of the patients given All Seasons by Lincoln and Dixon. This took place in September 1973 when he first became administrator of the home.

Rosenbaum said it was difficult to handle severely and profoundly retarded patients in the same home as geriatric patients.

But he claimed All Seasons could do it because it had the staff for physical and social development programs. "Any home is in trouble when it does not have these programs," Rosenbaum said.

Rosenbaum said he was "deeply committed" to the needs of the mentally retarded. He said he helps raise in excess of $20,000 annually for the Lambs Pet Farm, Inc., a Libertyville sheltered workshop for the mentally retarded.

Rosenbaum told The News-Sun his October 1974 mentally retarded population was 45. This was 30 days before the Nov. 7, 1974 death of a Dixon patient at the home of pneumonia.

Rosenbaum maintained he made the right decision in sending back 60 of his mentally retarded patients.

"State schools are set up for the severely or profoundly retarded patient," he said. "Nursing homes simply cannot give the kind of care they require."

[From the Waukegan (Ill.) News-Sun, Dec. 13, 1974]

State To Probe County Nursing Homes

(By Steve Rothman)

Two Lake County nursing homes where seven mentally retarded patients have died of pneumonia will be investigated by state officials.

Thomas F. Howard, chief enforcement officer of the Illinois Department of Education and Registration, told The News-Sun, "We intend to investigate this matter thoroughly."

Involved are the All Seasons Nursing Home in Waukegan and the Pavilion of Highland Park, Highwood.

The News-Sun, in cooperation with Lake County Coroner Oscar Lind and the Illinois Legislative investigative Commission, has discovered that 12 mentally retarded patients died at All Seasons, at least six from pneumonia, and one at the Pavilion, also of pneumonia.

Lind Thursday filed a new death certificate showing that Richard Hall, 19, of Glenwood Heights, died of bronchial pneumonia at the Pavilion and not food poisoning and cardiac arrest as shown on the death certificate filed by Dr. Sam Kruger, the Highland Park physician responsible for Hall's care.

Dr. Kruger has said that he was aware three or four days after the death that food poisoning was not the cause of death. At the time, however, a food poisoning epidemic at the home was suspected and he thought it was reasonable to list it as a cause.

Lind said he would empanel a special coroner's jury to investigate conditions in both nursing homes as well as others. Lind first learned of the deaths when informed by The News-Sun.

"Nursing homes as well as hospitals should be required to inform the coroner's office of any death," said Lind, maintaining this would lead to better care. "People are a lot more careful when they know someone is minding the store."

Meanwhile, Dr. Richard Kinney, director of Region II Developmental Disabilities, Illinois Department of Mental Health, has promised close surveillance of both nursing homes pending the outcome of the investigation.

Kinney said he could not reach any decision on whether the mentally retarded patients in both facilities should be removed until he studies the evidence gathered during the investigation.

When asked about All Seasons, Kinney said:

"My subregion staff will be in constant touch on All Seasons to ascertain whether the allegations are true."

Kinney said that on June 10, 1974, his department reached an unsigned agreement with All Seasons establishing what the home was expected to do for all developmentally disabled residents in that facility.

"My subregion staff will ascertain whether All Seasons is currently living up to that agreement," added Kinney.

As part of the agreement, All Seasons was to formalize reporting procedures on patient care; supply clothing; provide patients with body, oral and hair care; provide restorative nursing and insure that nutrition and liquid levels were sufficient to maintain the patients.

Both weight checks and changes of position were to be stressed in restorative nursing care for the severely and profoundly retarded patients.

Kinney said his department currently is scrutinizing skilled care being given to mentally retarded patients in nursing homes throughout Illinois. "We have been concerned with this situation for some time," added Kinney, who took over Region II 10 months ago.

Howard's concern with the Pavilion is whether adequate care was given to Hall during his last hours.

Medical records obtained during the investigation show that Dr. Kruger last saw the patient on Aug. 17, 1974, and prescribed a number of tranquilizing and vitamin products.

Hall joined 23 other patients who became ill after the Aug. 19 evening meal, developing severe diarrhea.

At 3 a.m., he was given two tablets of Lomotil to help stop the diarrhea. His temperature was 100 degrees.

At 7 a.m., Dr. Kruger was notified of the patient's condition and prescribed 25 milligrams of Lomotil.

At 8 a.m., nursing personnel noted his body was "cold and clammy." He was "weak and very lethargic and unable to eat his breakfast. Lungs appear very congested."

At noon, Kruger's office was notified once again.

At 12:45 p.m., Hall's blood pressure was unobtainable. His pulse was rapid at 130 beats a minute and quite irregular.

At 1:10 p.m., "all vital signs ceased."

Nursing personnel again tried to contact Dr. Kruger, who did not show up at the nursing home until 3 p.m., shortly after the Lake County Health Department arrived to investigate a suspected outbreak of food poisoning.

Howard said he wanted to know why no one thought it necessary to take Hall to a hospital or call another doctor under the circumstances.

[From the Waukegan (Ill.) News-Sun, Dec. 18, 1974]

Expect Nursing Home Probe Here

(By Steve Rothman)

An investigation of nursing home operations in Lake County may be in the works before the end of January, The News-Sun has learned.

State. Rep. Ron Griesheimer R-Waukegan, said he will ask the General Assembly to authorize a "broad-based" inquiry by the Illinois Legislative Investigating Commission.

Griesheimer called for the investigation following a series of News-Sun reports on the deaths of at least 13 mentally retarded patients in two Lake County nursing homes.

State Rept. Adeline Geo-Karis, R-Zion, also indicated she would favor a state investigation of county nursing homes.

Mrs. Geo-Karis also was asked by the Crown Manor Nursing Home in Zion to investigate a bill received by a patient for psychiatric services the patient never received.

Earlier, the News-Sun reported that the Illinois Department of Education and Registration also will investigate the pneumonia deaths of at least seven of the patients at the All Seasons Nursing Home in Waukegan and the Pavillion of Highland Park, Highwood.

Lake County Coroner Oscar Lind has subpoenaed the medical records of all mentally retarded patients for the hearings.

"We are just putting together facts at this time," said Lind, adding that he was "pleased" that the commission would be entering the case.

"We need trained investigators who can look into the matter thoroughly," said Lind, asking that all concerned residents contact his office with information regarding any nursing home. "We need stiff laws requiring autopsies on all deaths in Illinois," he said. "This is one way to insure proper care during life as a post morten will disclose any irregular causes of death."

Griesheimer said the resolution will be introduced Jan. 7. "I anticipate no problem in getting it through the legislature," he said.

"If there are new laws required, the commission will recommend them," he said. "If a nursing home has committed violations which require removal of a license, it can recommend it.

"The point is we want to get to the bottom of the matter as quickly as possible," I think that is important to everyone involved."

State mental health officials told The News-Sun they have been concerned for some time with the kind of care being given to mentally ill or mentally retarded patients in nursing homes.

In a November 1974, department report obtained by The News-Sun, investigators said "it is likely that there will always be abuses of community placement and care" in nursing homes.

"When identified, each abuse should be promptly corrected. But the citizen groups critical of department community placement practices would better serve the mentally ill were they to focus their attention on those abuses and the system as it exists today rather than generalizing the deplorable practices of the past—which have ceased."

"Mental health has always been a stepchild of government and so has the Department of Conservation," said Griesheimer.

"Whenever a budget cut is required, it is always from those two departments," he added, terming the situation "deplorable."

The department admits it has been the subject of criticism for placing longtime elderly patients into "totally inadequate nursing care facilities to the detriment of both the patient and the community.

The department admits it "dumped" patients into the community during past years. "Superintendents were complimented by how rapidly they did it. Institutional employes welcomed it; they weren't going to lose their jobs because sufficient patients remained in the state facilities to require their care."

Department officials deny that mentally ill patients receive more care than mentally retarded patients. Of the 15,200 residents in state facilities, 48 per cent have been diagnosed as having mental retardation problems.

"The department knows that treatment of a developmental disability has variables from treatment of mental illness," the white paper added.

[From the Waukegan (Ill.) News-Sun Dec. 28, 1974]

"Systematic Disposal" of Patients Charged

(By Steve Rothman)

Illinois health officials have been accused of carrying on a program that results in the systematic disposal of thousands of mentally retarded patients once kept in state institutions.

"If one wanted to purposely get rid of retarded children secretly, he would devise the present system," said Dr. Robert Mendelsohn, a consultant to the Illinois Department of Mental Health for 14 years, and coauthor of "A Handbook on Mental Retardation" being published under the auspices of the American Medical Association in 1975.

"It is unfortunate that maltreatment of the mentally retarded and other underprivileged groups in society has become a part of the American way of life," added Mendelsohn, a pediatrician and an associate professor of the Department of Preventive Medicine at the University of Illinois and assistant to the vice president of Michael Reese Hospital.

Mendelsohn was interviewed by The News-Sun in connection with the deaths of 15 mentally retarded patients at All Seasons Nursing Home in Waukegan and one death of a mentally retarded patient at the Pavilion of Highland Park, Highwood.

A spokesman for Illinois Gov. Daniel Walker termed Mendelsohn's charges "absolute nonsense."

"I think it is an irresponsible statement by someone who does not have any working knowledge of the complexities of the department," said Dr. Leroy Levitt, state mental health director.

Levitt, who was "appalled" by the 15 deaths at All Seasons, promised to supply the News-Sun with statistics on what had happened to all the other profoundly and severely retarded patients placed in similar nursing homes by his department in Illinois and other states.

Levitt also confirmed he has placed mentally retarded patients in out-of-state nursing homes.

Levitt said if that number of deaths had occurred "in one of my facilities, all kinds of heads would roll. I assure you that does not transpire in state facilities."

Mendelsohn told the newspaper that in his opinion the death certificates on the mentally retarded filed in the office of Lake County Clerk Grace Mary Stern merited a thorough investigation.

The question is not that they died, but "whether they should have died in the first place," he added.

Mendelsohn said that in "these days of modern medicine, with proper care, the ordinary life span of a mentally retarded person not suffering from other disabling conditions, would be pretty close to the life span of a normal person."

He now has some second thoughts about ever having recommended placement of mentally retarded patients in privately operated nursing homes.

Mendelsohn now believes that given present social conditions and attitudes, the mentally retarded patients may receive better care at state schools like Lincoln and Dixon because of the spotlight of public attention. The combined total population at these schools dropped from nearly 11,000 in 1968 to less than 3,600 in 1974.

The mental health department's total placement in nursing homes facilities in Illinois is now 17,000, with 12,000 of this number now carried on the public aid roles.

"My feeling is that community placement is a good idea in theory, but in practice it has proven to be an instrument largely for reducing the apparent cost of care," he said.

"With the way of much of community placement is working at the present time, I would be willing to return to a system of custodial care where at least the patient receives three meals a day, a roof over his head and some degree of caring which is what is signified by the term 'custodial care'," he added.

Mendelsohn said that a review of the death certificates of All Seasons patients reveals that some of the causes of death are "questionable," explaining the listing of the cause of death as "cerebral palsy" or "cardio-respiratory arrest" is "laughable."

"Everyone ultimately dies of cardio-respiratory arrest," he said, explaining there is sufficient evidence to inquire into the licensure of both the homes and the doctors involved.

[From the Waukegan (Ill.) News-Sun, Jan. 2, 1975]

PARENTS OF RETARDED BLAST STATE CARE

(By Steve Rothman)

An official of the defunct All Seasons Association for the Retarded has accused state officials of ignoring their request for an investigation.

"We sent letters to all of the various state and county agencies asking them to look into problems at the (All Seasons) nursing home, but they were ignored," said Mrs. Helen Mott, who disclosed copies of correspondence never answered by state officials.

The Motts took their daughter out of the Waukegan nursing home and returned her to Lincoln State School, "because conditions were so bad there." (at All Seasons).

The association was made up of parents whose children had been in state institutions prior to transfer. It acted as the patients' advocate.

In the letter to various mental and public health officials, the association listed the following charges:

Residents not getting dental care; public aid will pay only for fillings and emergency dental cases, not examination or cleaning or preventive dentistry. A resident must develop a cavity or abscess before treatment is given.

Nails not kept clipped; many residents are full of scratches from their long nails.

Residents not bathed often enough and not kept clean.

Diapers not changed before meals: residents fed while wet and cold.

Faces and hands not wiped off after meals: We often see residents with dried food on their faces, necks, hands and in the hair.

Slow feeders are not allowed enough time for meals; it takes time for some residents to coordinate their swallowing mechanism.

Residents not kept warm at all times: we have seen residents lying in bed uncovered with the blanket at the foot of the bed. At Christmas (1973), the residents received gifts of lovely lap robes, none of these are used now. We have observed residents sometimes wearing only a diaper.

In other charges, parents complained that the privilege of unrestricted visits to their relatives at state facilities has not been granted because of public aid regulations.

While the association applauded the health officials for their efforts to provide rehabilitation programs, it added: "Let's make sure these people survive or they won't need programs."

In a letter to Myron Birky, associate administrator for the state mental health department's developmental disabilities division, the association said: "We are learning that purchasing care, in the case of (mentally retarded) residents requiring skilled nursing care, is not cheaper than state institutional care."

The cost is less only when less care is provided—when residents are denied dental care, adequate medical supervision and even basic body hygiene that is essential to health and disease prevention.

The letter continued that parents would be happy to have their relatives transferred back to places like Dixon and Lincoln, where they could be assured of "adequate basic care."

Dr. LeRoy P. Levitt, state mental health director, told The News-Sun his health officials had received a number of reports concerning problems at the home. However, he could not explain why placements were not discontinued until the charges had been fully investigated.

"I am just as concerned as you are about those deaths," said Levitt, adding that he had his own investigation going on about them. Levitt was referring to deaths of the 15 mentally retarded patients, placed by the state in All Seasons Nursing home. All but one of the 15 died within four days of their transfer to hospital facilities. The other patient died 24 days after being transferred.

"I know what you feel about it, and in no way do I condone it," added Levitt.

In a letter from the Lake County Health Department to Mrs. Helen Mott, Mrs. Josephine Schabowicz, institutional nurse consultant, said:

"On a visit to the facility on Feb. 26, 1974, Mr. C. Roane, from our staff and I found many of the association's complaints that had been reported were justified. We have related our finding to Mr. William J. Walsh, Regional Illinois Department of Public Health coordinator . . ."

But when Walsh was questioned about the complaints, he said: "I don't want to get about that situation at all." Walsh is charged with inspecting nursing homes to see that proper care is given patients.

Levitt said he would find out why Walsh "didn't want to get involved".

The list of those who transferred to All Seasons Nursing Home who subsequently died there or at St. Therese Hospital and the causes of death are as follows:

Loretta Parker, 19, cochexia and chronic wasting; Robert Horn, 26, cardio-vascular collapse and pneumonia; Charles Becker, 79, cardio-respiratory arrest; George Herron Jr., 20, broncho-pneumonia; Marry M. Pickett, 19, cerebral palsy; Robert Rupkey, 23, pneumonia (presumptive); Timothy Wendt, 32, pneumonia; Bradley Holmes, 21, bacterial sepsis and bilateral broncho-pneumonia; John Prezewoznik, 30, pneumonia; Gary Blanchette, 24, pneumonia; Warren williams, 26, pneumonia; Judith Ginger, 24, cardio-respiratory arrest, clinically, enteritis with dehydration and possibly electrolyte imbalance, and severe muscular dystrophy and mental retardation; Adolph Bentsen, 81, broncho-pneumonia and encephalopathy; Caroline Marie Driscoll, 20, obstruction of airway, history of obstruction of bread and hot dog, history of retardation.

Gail Lee, about 20, died of chronic wasting and malnutrition after being rushed to the Lincoln School's hospital in March, state officials said.

Officials at All Seasons Nursing Home were called, but were unavailable for comment.

The resolution was sponsored by State Rep. Ronald Griesheimer, R-Waukegan. It was supported by State Rep. Adeline Geo-Karis, R-Zion, and State Rep. Calvin Skinner Jr., R-Crystal Lake.

The Illinois Department of Education and Registration is also looking into possible licensing irregularities at All Seasons as well as at the Pavilion of Highland Park in Highwood, where another mentally retarded patient died last August.

Lake County Oscar Lind, who has launched his own investigation, found the death certificate in the Pavilion of Highland Park case had indicated death by food poisoning and cardiac arrest, when in fact the patient died of pneumonia and "malnutrition."

"I am pleased that the commission is coming to Lake County," said Lind, adding he would cooperate with the commission in its efforts.

"There is a dark and murky problem facing us which must be cleaned up once and for all," said Lind, who added that the legislature should pass laws requiring the reporting of all deaths to the county coroner's office.

"Leave it up to the coroner to decide whether or not an autopsy is in order," said Lind, maintaining such a procedure would ensure quality care for any and all people in hospitals or other institutions.

Levitt said of the 938 mentally retarded patients given conditional discharges, 228 were severely retarded, 395 profoundly retarded, and 150 moderately retarded. Of the total, 165 returned to their own homes.

When asked whether this meant that nearly 50 per cent of the mentally retarded patients who died did so after placement at All Seasons, Levitt said:

"I asked the same question this morning and I am making the assumption that the 15 deaths in the last 17 months had to be the ones reported out of All Seasons. I would assume that by my figures."

[From the Waukegan (Ill.) News-Sun, Jan. 9, 1975]

RETARDED DEATH RATE HIGHEST IN WAUKEGAN

(By Steve Rothman)

More mentally retarded patients have died in All Seasons Nursing Home in Waukegan than in any other private or public institution in the state, The News-Sun has learned.

Dr. Leroy Levitt, state mental health director, said an investigation of records shows 14 seriously and profoundingly retarded patients died following placement in the home during the last 17-month period.

Levitt said his records did not reflect a 15th mentally retarded patient who choked to death on a hot dog on Nov. 7, 1974.

Levitt said of the 938 profoundly and severely retarded patients taken from state schools and placed in private nursing home facilities around the state only 31 deaths occurred.

Seven mentally retarded patients died in the Illinois Extended Care Nursing Home in Rockford. The remainder died in other nursing homes around the state.

Levitt could give no explanation why his department continued placing severely and profoundly retarded patients into All Seasons following reports to the Illinois Department of Public Health and his department alleging maltreatment at the facility.

At the same time, Levitt said he could not say how many of the other 1,835 profoundly and severely retarded patients taken from state schools and given absolute discharges during the same 17-month period had died.

"On the absolute discharges, we have no statistics regarding those deaths," said Levitt, who plans to send a top medical team to the Waukegan nursing home this week to check on patient care.

Levitt made the decision to launch an investigation after The News-Sun began publishing stories detailing possible irregularities at the nursing home.

Officials at All Seasons, according to their attorney, Paul Chervin, declined comment on the latest disclosures.

Dr. Robert Mendelsohn, a consultant on mental retardation problems for the state, in a News-Sun interview last week, accused Illinois of "systematically disposing" of thousands of mentally retarded patients formerly kept in state facilities.

He has criticized state officials who claim it is cheaper to place them in private institutions.

"It is unfortunate that the maltreatment of the mentally retarded and other underprivileged groups has become part of the American way of life," Mendelsohn told The News-Sun.

Dr. Levitt discounted Mendelsohn's remarks, saying Mendelsohn was given to "rash and impulsive" statements.

Tuesday, the Illinois General Assembly approved a resolution giving the Illinois Legislative Investigating Commission broad powers to look into nursing home problems in Lake County.

[From the Waukegan (Ill.) News-Sun, Jan. 13, 1975]

STATE IGNORED MENTAL HEALTH WARNINGS

(By Steve Rothman)

Illinois state health officials should not place mentally ill or mentally retarded patients into nursing homes, according to Eugene Theios, executive administrator of the Lake County Health Department.

But despite repeated warnings, Illinois mental health officials continued to make such placement, bringing the county's mentally ill and mentally retarded patient population to nearly 600.

Theios, whose department wrote critical reports on conditions at All Seasons Nursing Home in Waukegan, where 17 mentally retarded patients have died in the last 17 months, told The News-Sun:

"I think the death toll would have gone even higher if we had stayed out of the situation." More deaths have occurred at All Seasons than at any other private or public nursing home in Illinois.

Dr. Leroy Levitt, state mental health director, could not explain why his department continued to place mentally retarded patients in nursing homes here with state and public health officials warning of problems.

Levitt first claimed he had never seen any correspondence from the county health department concerning the problems at All Seasons. Then he confirmed receiving a letter critical of those placements.

In an Aug. 2, 1974, letter to Levitt, Edwin Oberto, county health board president, said:

"The county board of health has considered the matter of placement of patients of state mental hospitals into private nursing homes in Lake County.

"As you know, previous placement of a large number of these patients in a licensed facility in our areas was not a success. I am concerned about patient care under these circumstances.

"We believe that caring facilities built and staffed under the provisions of the Illinois Department of Public Health for shelter care can't provide the level of care needed by the mentally ill or mentally retarded persons who may have been long-term patients at state mental hospitals.

"We do not believe that the medical and nursing requirements in these homes are sufficient for the care of these patients," added Oberto.

Theios in a memorandum to the health board, said his check of nursing homes showed they were listing his department as the source of medical supervision of these mentally ill and mentally retarded patients.

"We cannot, from a logistic standpoint, provide the psychiatric care that 700-plus formerly hospitalized patients require," said Theios, adding state health officials have provided little community preparation for bringing the patients to Lake County.

Theios charged state health officials have not promulgated rules covering care for these types of patients in private facilities. Theios said while Levitt promised to provide his department with the funds needed to provide consultation to homes with these types of patients, the money has not been forthcoming.

In answer to Oberto's letter, Region II health officials said:

". . . Levitt and I are concerned about the matters which you raised in your letter. We, too, are concerned about placement of former Department of Mental Health patients.

"It is a difficult problem that we face when patients no longer need hospitalization and we are faced with finding alternatives for them in an extramural setting.

"We do want to follow through on our responsibility to these patients placed in Lake County in close cooperation with you."

State health officials conceded it is the responsibility of Illinois Department of Public Health to come up with standards for homes accepting these kinds of patients.

However, state health officials did not increase the county's budget for protecting these patients in long-term care facilities for fiscal 1975, which began on July 1, 1974.

Dr. Edward J. Leslie, chairman of the county health department's advisory board for mental health, called for a resolution asking the state to create statewide standards which must be met before placing such patients in a community setting. Oberto, in his letter, asked Levitt to suspend further placements at the January 1974, level until such standards are set.

Levitt told The News-Sun he had suspended further placement of severely and profoundly retarded patients into community nursing homes as of Nov. 30, 1974.

However, when he was asked why All Seasons received two more severely and profoundly retarded patients from the Dixon State School during the first week in December, he said:

"Well, that arrangement might have been made prior to that. I am glad you mentioned that, I will check it out."

However, Levitt could give no explanation why his ban on placing severely and profoundly retarded patients had not been lived up to.

David Edelson, administrator of the Dixon State School, said the entire problem arose because the Illinois General Assembly decided to thwart construction of all of the seven special care facilities designed and planned by mental health officials back in 1970.

Only three of these facilities, which ring the Chicago metropolitan area, have been completed. There is no plan to construct the special evaulation and treatment hospital planned by the department or the other three mental health facilities as well.

"The situation could have been avoided had the legislature not seen fit to cut our budget," said Edelson. "I agree with you that some types of patients can only be properly cared for in state facilities.

"We don't have to run at a profit like private nursing homes so we don't have to stint on care."

[From the Waukegan (Ill.) News-Sun, Jan. 14, 1975]

MENTAL HEALTH CARE ABUSES REVEALED

(By Steve Rothman)

State mental health officials say the public should be given all of the facts concerning alleged abuses of mentally ill or mentally retarded patients in nursing home facilities.

Dr. Leroy Levitt, state mental health director, made this comment in interviews with The News-Sun concerning the care given to these patients in Lake County nursing home facilities.

Levitt told The News-Sun there are no state standards governing the care of these types of patients in Illinois. But he said he had been trying to arrive at some kind of regulations which would meet public health standards as well.

Levitt said his department wants to continue placing patients in as many good private homes as it can.

The community placement program, however, is coming under increasing attack from county health agencies which believe placement of mentally ill or mentally retarded patients in such facilities is wrong because of a shortage of qualified personnel and facilities.

Levitt said he would provide the Illinois Department of Public Health, which licenses long-term care facilities, with full data on the mental health department's investigation of the Pavilion of Highland Park, Highwood, and All Seasons Nursing Home, Waukegan.

The News-Sun has found evidence at the two homes of "possible neglect of patients," said Lake County Coroner Oscar Lind. Officials at the two nursing homes have refused to comment.

According to Lind, 17 mentally retarded patients have died under "questionable circumstances" at All Seasons during the last 17 months; one died at the Pavilion, where a death certificate was filed listing the youth's death as food poisoning and cardiac arrest, when in fact he died of pneumonia and malnutrition, Lind said.

Following is some of the material collected by The News-Sun in its nursing home investigation:

All Seasons officials purchased the facility from a federal bankruptcy court in Oklahoma City. It was part of the assets of the defunct Four Seasons Nursing Homes Inc.

The purchasers were Dan Lipman and Norman Ruttenberg who later brought Earl

Rosenbaum, the home's current administrator, into the organization as a partner.

Rosenbaum became the home's administrator for a brief period in March 1973, when the home's then administrator, James Bryan, was discharged.

But on March 20, Melvin Levitt was made administrator of the home because Rosenbaum had responsibilities in another facility owned by the group.

The same group owns the Eden View Terrace Nursing Home in Northbrook and the Bryn Mawr Nursing Home in Chicago.

Shortly after Levitt took over, Mrs. Josephine Schabowicz, institutional nurse consultant for the Lake County Health Department, found irregularities at the facility.

While housekeeping problems were apparent from the very beginning, she said most of the problems had been corrected in a May 8, 1973, letter to state health officials.

But in June, Mrs. Schabowicz found deterioration of patient care with the arrival of profoundly and severely retarded patients from Lincoln and Dixon.

"My daughter was among the first six patients to be shifted from Lincoln to All Seasons," said Mrs. Helen Mott, former secretary of the now defunct All Seasons Association for the Retarded, a parent watchdog group.

"We went up there and were very favorably impressed," she continued, "It was a beautiful place, air conditioning . . . and we were thrilled to death to have her (their daughter) closer to home. We were looking forward to it. And it was fine for a while."

On June 7, 1973, Mrs. Schabowicz became alarmed at conditions at the home, sending a letter to Dr. Don L. Kimbrell, division of mental retardation, Madden Zone Center, Hines, Ill., stating her concern for adequate staffing.

"All of the patients wore some type of restraining device which requires a physicians's order and appropriate comments on the record to justify its application.

"We found one patient who had slipped out of the seat of a folding type wheelchair, her vest restraint slipped upwards, she had urinated in her effort to pull herself up.

"Your nurse (All Seasons) and I pulled her up with with the help of a nurse's aide who happened to pass through," she related in memorandums to Levitt and in the Kimbrell letter.

"The collapsable wheelchair kept folding as we attempted to get her into a sitting position. It is felt that this patient may have strangled herself had we not come up to here at the time."

Mrs. Schabowicz found patients in wet diapers but unattended. "It is felt that an aide should be assigned to be present with the group at all times to insure their safety," she wrote. Other patients were lying in wet beds, no evidence of any activity in progress even though the activity roster had two activities scheduled for the morning.

"There was dried fecal material on some of the patients," she said.

And she urgently advised: "We would like to suggest that you restrict further admissions of the mentally retarded residents until staffing has increased and those presently employed have had an opportunity to receive some inservice training on the care of this type of residents."

Her warning went ignored as the Illinois Department of Mental Health continued sending patients to All Seasons until its occupancy level reached 105 in the fall of 1973.

Most problems were on the home's second floor, where News-Sun reporters were given a tour by Rosenbaum, who told them he would provide better care than had ever been available at either Lincoln or Dixon.

But there were problems on the first floor in-patient care as well.

Bruno Jermakowicz, 81, died of bronchopneumonia on July 26, 1973.

"Many times when we came in we found him sopping wet," said his daughter who lives in North Chicago. "There would be dried bowel around him and his sheets were dry with urine.

"There were bed sores on both cheeks and on his heels," she said. The building was often cold—a complaint that Mrs. Schabowicz registered as early as Nov. 28, 1972, when she advised the home's owners to do something about it.

"His glasses and clothing were stolen," she said, adding she often found him lying without a blanket. "One day, he had managed to get his jacket and wrapped this around himself."

She said her father was senile and had to be kept in a restraint. But she found little reason for the home's failure to keep him clean.

She said nursing home officials would not allow the family doctor to treat her father. "They said Dr. (Sam) Krsger was the house doctor and he took care of all the patients," she said.

"The night before he died I went to the home," she said. "I found him lying on top of the sheet. He was cold. I couldn't find anyone with a blanket for him.

The next day he was gone."

[From the Waukegan (Ill.) News-Sun, Jan. 15, 1975]

County Health Officials Critical of Nursing Home

(By Steve Rothman)

"They never bothered to feed the kids. They were always starving to get food, and there were no blankets, sheets and water; they seldom gave the children anything to drink."

These were the conditions claimed by Mrs. Helen Fields to promote a trip by parents of the All Seasons Association for the Retarded to make a personal plea to Lincoln State School officials to get their children out of the All Seasons Nursing Home in Waukegan.

"We were among the lucky ones," said Mrs. Fields about their 24-year-old daughter, Ellen May. "We got her out in time. Others didn't."

In the last 17 months, 17 mentally retarded patients have died at the home, more than in any other public or private facility in the state.

The conditions mentioned over and over by many relatives of patients interviewed by The News-Sun were evident as early as June 11, 1973. In a letter to state mental health officials, Mrs. Jo Schabowicz, the Lake County Health Department's institutional nurse consultant, wrote:

". . . No drinking water is ever offered nor is it available on the bed stands. Care of retarded children's mouths is neglected.

"Insufficient bathing, patients smell of dry urine and heavy body odor. Housekeeping is poor, the floors are very dirty. Equipment needed is not available. Dirty linen is piled high in the hallways."

Three inspections were held at All Seasons during June by state health officials who control the purse strings for federal Medicaid and Medicare funds. In letters to the county health department and All Seasons, Russel L. Bryant, a state health administrator, wrote:

"These three inspections result in the finding of significant deficiencies in the minimum standards, rules and regulations for long term care facilities. You were advised of these at the time of the visits."

Bryant confirmed the reports from nursing personnel at the home who had called Mrs. Schabowicz out of concern for their patients. And the home was warned that "if these deficiencies are not corrected, the department will have no other alternative but to change your license to temporary license."

Downgrading of a license is the second step toward stripping a home of the right to care for Medicaid or Medicare patients.

On July 19, Dr. Don L. Kimbrill, director of Mental Retardation, Madden Zone Center, of state public health, wrote to Lincoln and Dixon state school officials; Dr. Leroy Levitt, state mental health director; Patrick Saunders, administrator of the Waukegan Developmental Mental Center, and county health officials concerning All Seasons.

In that letter, Dr. Kimbrill, said there were then 116 residents in the home, 45 of them mentally retarded. Inspectors found:

". . . several urine puddles and food spills on the floor. We cautioned staff against the practice of placing residents in carpeted sitting room areas in front of nursing stations."

Tours of the rooms found soiled personal clothing on the closet floors; odor (urine and bowel) accumulation was present. The excuse was the laundress had just taken the laundry basket downstairs. The kitchen was neglected, tile floor was sticky dirty gray with oil accumulation in doorways, around doors, and cupboards."

In a memorandum to county health department officials, Mrs. Schabowicz wrote of the complaints she had received:

"We had a multitude of complaints that, when we proceeded to investigate, were generally accurate in spite of the greater proportion of telephone complaints being anonymous."

Alarmed with the reports which Mrs. Schabowicz was sending to state health officials, the home's owners, Norman Ruttenburg and Dan Lipman, asked for a meeting with her.

They accused her of taking the wrong attitude about problems at the home. They argued she had never reported a good thing about the home and that it appeared her "purpose is to see the home fail."

Lipman was displeased with the unannounced visits made by county health officials, a practice which Dr. Leroy Levitt, state mental health administrator, told the News-Sun his people never did. "We always tell them when we are coming," he said, but refused to answer whether this insured quality care at all times.

Mrs. Schabowicz said both men were extremely upset with her reports, claiming she had shown extreme "unprofessionalism" in her actions.

On Aug. 27, state health officials conducted an investigation at the home. They found 151 public aid patients living in the home, whose total population was 164. Eighty-eight were profoundly retarded.

The home's owners claimed state health officials considered All Seasons to be one of the finest in the state. However, state health officials in Wheaton had a different story. They said the home "did not enjoy this reputation by their staff at the Illinois Department of Public Health and further they considered the home marginally operated and subject to review for noncompliance with caring facilities standards."

They praised Mrs. Schabowicz for her "excellence in evaluation of the home."

[From the Waukegan (Ill.) News-Sun, Jan. 16, 1975]

State Halts Patient Shift—Nursing Care Cited

(By Steve Rothman)

Lincoln State School plans to send more severely retarded patients to private nursing homes in Illinois and Wisconsin have been abandoned in the wake of a News-Sun investigation.

Dr. Richard Blanton, developmental disabilities director for the Illinois Department of Mental Health, told the newspaper that he had ordered Lincoln officials not to place any mentally retarded patients until further notice. Dr. Blanton said his order affected all mentally retarded patients at all state facilities.

Dr. Blanton was surprised to learn Lincoln intended to place profoundly and severely retarded patients despite a moratorium on community placement ordered by Dr. Leroy Levitt, state mental health director.

"Thank God," said Mrs. Helen Mott, whose child had been in All Seasons Nursing Home in Waukegan, where 17 mentally retarded patients died following placement. Her child is now back at Lincoln. "Parents were being pressured into sending their children out to other facilities.

"We had said we didn't want them sent any other place, but they refused to listen," she added.

The five Lincoln placements, The News-Sun learned, earmarked for Carlyle Home in Beloit, Wis., were youngsters from All Seasons. They had been taken back in Lincoln School after officials found 48 of them suffering from dysentery. They all sustained weight losses, which ran as high as 26 pounds in the case of three girls, Lincoln officials said.

Another ten Lincoln patients had been ear-marked for a nursing home in Canton, Ill.

"The moratorium actually involved skilled nursing level individuals," said Dr. Blanton. He said that he and Dr. Levitt were trying to determine why there were problems at Illinois Extended Care Center in Rockford, where seven mentally retarded patients died and at All Seasons, where 17 patients died in the last 17 months. All Seasons' death toll represents nearly 50 per cent of the total number of deaths statewide.

"The big problem seemed to be those individuals who needed expensive nursing and medical care," Dr. Blanton said.

Skilled care patients are defined by Blanton as being mentally retarded patients who cannot feed themselves, are bedfast, and require careful medical and nursing attention.

When The News-Sun learned of the Lincoln School's placement plans Tuesday, Dr. Blanton was contacted.

"I don't understand why they are placing them," he said, unwilling to believe that a state order was being ignored. "The moratorium on that type of individuals has definitely not been withdrawn.

"All of the superintendents have been given orders not to place this type of skilled level individual," he added.

Less than an hour after being questioned about the Lincoln plans, Dr. Blanton called back and confirmed the newspaper's information. "I just talked with Paul Klockengay, the superintendent (at Lincoln) and Mrs. Wright who handles the placement, and you were right.

"They were going to send some of the individuals who came from Waukegan to Carlyle. And the rationale they gave me was that these individuals are not skilled level, even though they were bedfast and profound.

"They aren't as far as the (Illinois Public Aid) point system is concerned," he said, (IPA determines the level of care required). "They were not skilled level so they went ahead and considered them for placement.

"Now I have asked them not to do this, and the rationale that I gave them is, look folks, these people have gotten in trouble before, and we are not quite sure and won't know until we finish the investigation, why they got into trouble, so let's not send them out again and get them in trouble again."

Dr. Blanton also ordered the Canton placement canceled. "I got the same story as you did," said Dr. Blanton, confirming reports given him by the newspaper. "Well, these people we have on the list have been recommended again for placement, and in one or two cases, it was the parents who asked for placement.

"The one thing I have asked them not to do until we find out, no matter what the level, is to make placements, because I know, at the time they were moved from All Seasons, they were at the skilled nursing level, because they needed a lot of care, they were losing weight.

"I have asked them not to make these placements now until we complete our investigation and decide," he said. Dr. Blanton said school officials have been told to advise parents there will be no further community placements for the time being of any mentally retarded patient. "If we feel that we can make that placement later on, then we will talk to parents," he said.

Dr. Blanton said while Lincoln staff was pleased with the Canton home, he found there was no plan for monitoring the patients once placed there. "Until we have worked that out, and until we can make sure that intermediate level individuals, who are truly intermediate level individuals who will not wind up at skilled level at the nursing home, we are not going to make further placements."

Dr. Blanton conceded the Illinois Public Aid point system, which pays more money depending on the level of care required, is at the root of the problem for some nursing home operators.

"It is possible for the level of a patient to change, for if you let them become more dependent, and require more nursing skills, you can wind up changing a patient from a person who does not need much help to one who needs more."

Not all parents were happy with the moratorium on Carlyle House. A Park Ridge mother, whose child lost eight pounds while a patient at All Seasons, had hoped her child would be placed there on Jan. 21 as planned. But she recognized the need for caution.

"My child had a good appetite and still lost eight pounds at All Seasons," she said. "And I often saw staff standing around complaining about the fact there wasn't enough staff.

"The food was always cold and so was the room," she added. "He was 11 years at Lincoln and never had a bed sore, but he had two by the time he got out of All Seasons."

[From the Waukegan (Ill.) News-Sun, Jan. 17, 1975]

HEALTH OFFICIAL: WHY SILENCE?

(By Steve Rothman)

An Illinois mental health official says one of the disturbing discoveries in the continuing discoveries in the continuing controversy over the maltreatment of mentally retarded patients in a Waukegan nursing home is the fact that nothing was done when the conditions were first reported.

Dr. Richard Blanton, director of development disabilities for the Illinois Department Mental Health, said he was shocked by the Lake County Health Department reports about the All Seasons Nursing Home and asked:

"Why didn't our staff return our patients when they saw what was going on at the home?"

Dr. Blanton said he was going to try to learn the answer to that question in his own investigation.

State mental health officials say there will be no further placements of mentally retarded patients at the nursing home until the investigations of the facility are completed.

"That is the position that Dr. (Leroy) Levitt took at Rockford and I am sure he will take the same position here," said Dr. Blanton.

Earlier this week, Dr. Blanton froze all placements to all private nursing homes.

Dr. Levitt, state mental health director, stopped all placements at Illinois Extended Care Center in Rockford following the death of seven mentally retarded patients there in 1974. After an investigation, the Illinois home was sold to other operators.

Dr. Blanton said a team of medical experts is currently evaluating on a patient-by-patient basis all of the mentally retarded and mentally ill patients housed at All Seasons.

Seventeen mentally retarded patients have died in the last 17 months.

Dr. Blanton said no decision on whether all of the patients should be pulled out will be made until after the investigation is completed.

Pat Saunders, director what was the new Waukegan Developmental Disabilities Center, said he was "instrumental" in obtaining mentally retarded patients for All Seasons.

In a memorandum written by Mrs. Josephine Schabowicz, the Lake County Health Department's facilities consultant, she said that Sanders seemed pleased with having established this relationship.

Mrs. Schabowicz said she informed him county health officials were recommending no further mentally retarded patients be sent there pending the hiring of sufficient staff and the correcting of numerous housekeeping problems.

Saunders confirmed Mrs. Schabowicz's report which was filed on June 8, 1973, about two months after state mental health officials began sending patients to the home.

"Now I don't have the exact date, but it would have been in mid to late 1971, when the facility was still owned by Four Seasons, that I became involved with possible placement of patients there."

Four Seasons was the original owner of the home which was sold to a group consisting of Dan Lipman, Norman Ruttenburg and Earl Rosenbaum, the current administrator. "They were interested in finding out what the facility could be used for," he continued. "I was assigned by the general office in Springfield to see if a program was feasible."

The plan was eventually presented to department officials but no action was ever taken. After the home was purchased by its current operators, Saunders said they renewed the request for mentally retarded placements.

"I didn't become involved with them (the current owners) until they had gone through one or two administrators,'' said Saunders.

Saunders was referring to the firing of James Bryan, the original administrator, and Rosenbaum, who stepped down to run one of the group's Chicago homes. Melvin Levitt was then named All Seasons administrator.

Saunders said he got to know the group sometime after Levitt took over. "I was assigned to work, to offer whatever we could do in developing programs," said Saunders.

Administrators prior to Levitt had complained few patients were being attracted to the new facility, according to county health records. The population as of March 30, 1973, was 32. Following that report, the census rose rapidly at the home with receipt of mentally retarded patients from both Lincoln and Dixon state schools, which were in the process of trying to reduce their own patient population. "We thought at the time that community placement was a good idea," said Dr. Robert Mendelsohn, a state mental health consultant for the last 14 years. "I am afraid the entire idea is all wrong."

Saunders said he didn't recommend that no further placements be made at All Seasons following conversation with Mrs. Schabowicz. But he did recommend that state public health officials look into the matter.

"There was a check made on the home on June 12, and there was a letter sent to Levitt stating they hoped the problems could be resolved."

Saunders said he faded out of the picture then, as he became busy with the task of opening the new Waukegan facility, which will become the home for roughly 400 mentally retarded youngsters sometime in April.

During the last eight or nine months, Saunders said he had no occasion to visit the home. "There is an exception," he said. "That is when the parents' group (All Seasons Association for the Retarded) became more involved," he said.

He attended two or three of these meetings, where parents asked over and over why care was not improving for their children. Mrs. Helen Mott, association secretary, said Rosenbaum and the other owners were evasive with their answers.

"We never did get any real answers to any of our questions," said Mrs. Mott.

During his earlier involvement, Saunders said questions of training or staff recruitment did come up. But said "these were general discussions."

With the kind of reports being filed on a regular basis over the two-year period, Saunders was asked how the home continued to acquire patients requiring special care.

"I cannot give you the answer to that. I honestly don't know what is involved. All I know is that at one time, there must have been 10 people involved in the discussion; a decision was made to use the home and the selection of patients was left up to Lincoln, Dixon and All Seasons."

[From the Waukegan (Ill.) News-Sun, Jan. 18, 1975]

U.S. ENTERS AREA NURSING HOME PROBE

(By Steve Rothman)

Lake County Coroner Oscar Lind met for more than three hours Friday with U.S. Atty. James Thompson going over material gathered by his office and The News-Sun in a probe of Lake County nursing homes where 19 retarded patients have died in the last 17 months.

Federal investigators have entered the probe and Lind gave Thompson information concerning five nursing homes, two in which 19 died, one involving Medicare fraud, one the robbery of an elderly woman, and one involving kickbacks on medical prescriptions.

Lind also told Thompson all persons interviewed by the News-Sun in its probe have agreed to testify at any government level of investigation but asked that their names not be published.

Lind has been working with State's Atty. Jack Hoogasian since the first death was discovered at the Pavilion of Highland Park, Highwood.

"Hoogasian has provided us with legal counsel in our efforts to get at the bottom of the matter," said Lind.

Hoogasian announced the entry of his office into the investigation today during a news conference in the Lake County Courthouse complex in Waukegan. "My grand jury will explore all facets of the case during the next several weeks," said Hoogasian, who would not state whether any indictments might be returned, saying, "We will decide that at the proper time."

The federal, state and county investigations will center not only on the Pavilion but on All Seasons Nursing Home, where 17 mentally retarded patients died. Lind said there is sufficient evidence to show malnutrition and pneumonia were the causes of death for at least some of the patients. Lind said he completed compilation today of records on 18 deaths.

With disclosure by Dr. Richard Blanton, state director of developmental disabilities, that an epidemic of dysentery broke out in All Seasons during March 1974, Lind said it may be necessary to exhume some of the bodies to see if this was a factor as well.

Funeral directors interviewed by The News-Sun revealed the bodies they handled were "nothing more than skin and bones."

"There were many bed sores as well," said one.

Dr. Bertram Moss, state public health director for longterm care facilities, said patients do not die of pneumonia if they are receiving proper care. The type of pneumonia involved occurs when nursing personnel fail to see the patient receives sufficient exercise, he said.

Moss said no decision has been made on whether there will be a full licensing hearing for All Seasons on Feb. 5, when it comes up for re-licensing.

"We have made no decision on that matter yet," said Moss, who said state health officials have been making a patient-by-patient check on all of the mentally retarded and mentally ill patients the home received from Lincoln and Dixon State Schools, and from both Manteno and Elgin State Hospitals.

Federal investigators will also turn their attention to Crown Manor Nursing Home in Zion.

Investigators said information developed by this newspaper indicated possible Medicare fraud involving a psychologist who billed a Lake County resident for psychiatric services never provided.

[From the Waukegan (Ill.) News-Sun, Jan. 20, 1975]

STATE ADMITS CRITICAL NURSING REPORTS WERE IGNORED

(By Steve Rothman)

Illinois mental health officials now admit receiving reports showing All Seasons Nursing Home was inadequately caring for its patients.

But Dr. Richard Blanton, director of developmental disabilities, said such reports were ignored by mental health placement officials who continued sending mentally retarded patients to the Waukegan facility.

"I have two questions," Dr. Blanton said. "I don't understand how they maintained their license with that kind of reports and I don't understand why the mental health staff that we had at the sub-region level left them in that kind of situation."

Blanton's statement concerning the home where 17 mentally retarded patients died following the placement is in contradiction to one made by Dr. Leroy Levitt, mental health director, who told The News-Sun two weeks ago he had no knowledge of problems in the home.

"The thing of it is, we were getting reports that it was a marginal facility as far back as July 1973," said Blanton, referring to Illinois and Lake County health department reports citing numerous violations. These included leaving patients in urine-soaked beds, patients not receiving properly prepared food, too little staff and no training.

In an Aug. 27, 1973 report made by state health officials following numerous complaints about the home, investigators said:

"The 88 profoundly retarded patients were viewed in a state of confusion, everyone in this unit was wet or wore no clothing at all. Patients were lying nude, food spilled on gowns and linen of those patients who had gowns."

Investigators found one female patient infested with maggots and incomplete medical records on all patients. The report states there was no physical therapy or restorative nursing, no bowel and bladder training programs, an inadequate activity program, and restricted availability of physicians. "It is my impression that adequate nursing care is not being received," an investigator said and recommended no further placements at the home. Following the report, Melvin Levitt, All Seasons administrator at the time, was notified that the home would lose its medicare and medicaid funding if the situation were not corrected.

While state health records show these deficiencies apparently were corrected within three days of the report the first mentally retarded patient died of pneumonia and within 30 days, more complaints of the same nature were being filed by concerned parents about what was happening to their children. Blanton admitted that he had never been in a nursing home where the patients were placed. "You have to put some dependence upon the staff that is out there," said Blanton, adding:

"There is a general program effort in the department to place these individuals, but definitely not to place them in settings where they are going to die or they are not going to get care."

All Seasons is just one of eight homes owned by Earl Rosenbaum, a former chemical salesman; Sam Weintraub, the principal owner of Bryn Mawr Nursing Home in Chicago; Dan Lipman; and Norman Ruttenburg, a former clothing salesman.

When All Seasons opened in February 1973, it had problems obtaining patients. But Lipman called a "family meeting" and told Levitt that he would receive two patients from each of the other eight nursing homes the group owned and operated, according to a former Lipman associate.

Lipman's group sent Illinois Public Aid patients from Cook County to Lake County. "They sent us the worst," said the former associate.

The Illinois Department of Public Aid, however, did not approve of such transfers.

But the official said Lipman was able to work out that difficulty. And the home was able to get patients with only a phone call to Elgin, where state mental officials had their offices.

Lipman's entry into the nursing home business came when he purchased a Northbrook nursing home for $5 a bed.

The major stockholders of the corporation owned outright 30 per cent of the operation and sold off the other 70 per cent. The estimated corporate income from the operation is $16 million, based on public aid payment rate of $735 per patient per month. At the same time, employees were paid $2 an hour.

All Seasons was to receive strictly nonambulatory patients from the Illinois Department of Mental Health. "They are cheap to take care of," said the former official. "You can feed them chicken parts that are all ground up and pureed and you never have to worry about giving them steak or anything like that," he said.

[From the Waukegan (Ill.) News-Sun, Mar. 20, 1975]

FOUL NURSING HOME CARE FOR RETARDED DEMANDS PROBE

The fate of mentally retarded patients farmed out by the state to private Lake County nursing homes is terribly disquieting. In fact, the Illinois program is so questionable the likelihood of politically inspired patient transfers from state hospitals must be investigated thoroughly.

Disclosures by the state and information uncovered by The News-Sun point to a cozy system of private and public care that may have been profitable for some but deadly for others. Eighteen mentally retarded patients died at two nursing homes in Lake County during a 17-month period. The number includes 15 who died of what Coroner Oscar Lind described as pneumonia and malnutrition. Seventeen patients died at the All Seasons Nursing Home in Waukegan and another at the Pavilion of Highland Park in Highwood.

The deaths alone would warrant an investigation but, unfortunately, there are many other troublesome aspects to the state program. Nursing home chains appear to be tied insidiously to the state's mental health bureaucracy in ways that assure a steady flow of retarded patients to replace those who die. The ready supply of replacements discounts the arguments of one operator who said it was to the nursing homes' advantage to keep their patients alive in order to receive state and federal pay for their care.

Although the state no longer sends patients to All Seasons in Waukegan it continues to send them to other facilities operated by the same group. Twelve mentally retarded patients were transferred Feb. 27 from Lincoln to the Carlyle home operated by the group in Beloit, Wis.

Further, it has been acknowledged that nursing homes were informed prior to inspections by the Illinois Department of Mental Health. That is a serious shortcoming that should be investigated.

Coupled with the lack of proper inspection was an absence of state standards and directives, two factors that appear to have contributed to the deaths of an alarming number of patients and untold misery for many others.

The public tends to indifference when it comes to the housing and treatment of the mentally retarded but we doubt that it will tolerate the deadly mix of politics and care-for-profit that constitutes the present system.

Lake County's representatives in Springfield have been alerted to a frightening trend in caring for the mentally retarded and we think it is time they demand an all-out investigation. To this point they have commented only feebly, or not at all. U.S. Sen. Charles Percy has responded to the disclosures but we have heard little from Sen. Adlai Stevenson or U.S. Reps. Robert McClory or Philip M. Crane.

State and federal legislators should need no reminder they share a responsibility for the mentally retarded looked after with state and federal funds.

IDAHO'S HUMANE POTATO PROTEST

Mr. CHURCH. Mr. President, I am proud of Idaho's potato farmers. The price of their celebrated product has declined to less than it costs to produce it. Obviously, that cannot go on for long. The potato farmers have been trying for some time now to gain attention to their plight. They made the reasonable and humane request that the administration include potato products in American food aid programs. Senator McCLURE and I have cosponsored a resolution urging that course. It is a course that would dispose of some of the present glut of potatoes, thereby stimulating the depressed potato market, and at the same time help hungry people around the world.

So far, the plea has fallen on deaf ears. Consequently, the farmers of Idaho were compelled to find a way to dramatize their plight. There were suggestions of a massive potato burn. But the farmers were more responsible than that. They devised a method of helping themselves while helping others. They gave their potatoes to the poor—100,000 pounds were distributed over a 2-day period at Boise and Salt Lake City.

Mr. President, at a time when violent protest is all too common, I believe this act of generous protest deserves wider attention. Consequently, I ask unanimous consent that a report on the Idaho potato giveaway, published in the April 3 Fremont Chronicle-News of St. Anthony, Idaho, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REMINGTON SAYS GIVE-AWAYS ARE SUCCESSFUL

"I was surprised to learn there are so many needy people," said Kent Remington, St. Anthony, following the potato give-away last weekend in Boise and Salt Lake City.

During the 2-day give-away, over 100,000 lb. of potatoes were distributed in protest of low potato prices and lack of government concern over the economic plight of Idaho potato growers.

Area potato growers had earlier voted to stage a massive potato burn to emphasize their problem. However, at the request of Gov. Cecil D. Andrus, the growers decided to give the surplus potatoes away rather than destroy them.

The potato burn had been set for Saturday, March 29, at Shelley.

Mr. Remington, a leader in the protest movement, said he was glad that the potato producers had given the potatoes to the needy.

He said the give-away had been an "eye opener" into the economic situations of many people in the Boise and Salt Lake areas.

He also said he felt the give-away had been successful in demonstrating the problems of the growers as well as providing food for the needy. He indicated many minority groups and senior citizens were on hand to receive the potatoes.

The give-aways were staged in front of the capitol building at Boise and at the Metropolitan Hall of Justice at Salt Lake City.

The protest cost area farmers between $2,000 to $3,000 for transportation and grading of the potatoes, Mr. Remington said.

About 25 farmers in the St. Anthony, Rexburg and Roberts areas donated the potatoes, and other growers donated money for the grading and gasoline for the trucks.

Mr. Remington said Idaho potato growers may continue their protest movement by taking their product into California for additional give-aways.

However, he said, such a protest "is still just talk."

Various groups in California and other states have contacted Idaho protesters requesting potatoes. A group in California has pledged financial support for bringing the potatoes into the Watts area at Los Angeles.

During the give-away last Friday in Boise, Gov. Andrus met with Mr. Remington and Del Ray Holm of Roberts, another of the leaders of the protest action and commended the farmers on their give-away.

Gov. Andrus, who is in sympathy with the potato growers, and has asked for government assistance in sending the Idaho product to needy nations, told the farmers he was pleased they had chosen the give-away as an alternative.

The proposed burning action came as a result of the Ford Administration's rejection of a plea made by Gov. Andrus to ship $50 million worth of processed potatoes out of the United States to starving people in Asia and Africa to stimulate the depressed potato market.

Farmers have been receiving less than $1 per hundredweight for potatoes. A surplus of potatoes has driven the price so low that farmers are receiving about $2 a hundredweight less than it cost to produce them, officials reported.

Senators Frank Church, D-Idaho, and James A. McClure, R-Idaho, have co-sponsored a resolution calling for the use of potato products in American food aid programs.

In a joint statement released earlier this week, the senators said, "Potato farmers across the country are faced with large surpluses which have dramatically reduced prices and seriously threatened the economic stability of the entire industry from producer to processor."

The resolution asked the Department of Agriculture to institute an expanded Food for Peace Program to include dehydrated potatoes and add potato products as an aid commodity for current domestic food assistance programs.

Sen. McClure said, "By indulging potatoes in our food aid programs we will be able to provide large amounts of desperately needed staple for the hungry abroad without creating a shortage at home."

Senator Church called the program a "sensible approach. Distribution of these surplus quantities of potatoes could benefit not only needy persons, but also assist the depressed potato industry."

JOHN A. DERR

Mr. MATHIAS. Mr. President, one of Maryland's most distinguished citizens, John A. Derr, died March 14. He was, in the words of an editorial the next day in the Frederick News-Post, "one of the giants of local politics, government and civic work in the past quarter century." Mr. Derr's contributions to the city of Frederick, to Frederick County and to the State of Maryland are measured in terms of a lifetime devoted to public causes and the public interest. His career was enhanced by his own deep personal commitment to his public work. He was a governmental and political leader, a public servant, and a friend, and all who knew him shall miss him. Mr. President, I ask unanimous consent that the editorial tribute to Mr. Derr that was published March 15 in the Frederick News-Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN A. DERR

The community of Frederick City and Frederick County was stunned Friday afternoon when word spread of the unexpected death of Mr. John A. Derr—one of the giants of local politics, government and civic work in the past quarter century.

Mr. Derr suffered a fatal heart attack outside his Rosemont Avenue home about 2 p.m., and was pronounced dead at the scene.

Funeral arrangements are under the direction of Smith, Fadeley, Keeney and Basford Funeral Home and will be announced later. Services are scheduled for 11 a.m. Tuesday, March 18, at the Church of the Brethren.

Mr. Derr had served the people of Frederick, Frederick County and Maryland in the positions of deputy clerk of the Circuit Court, Mayor, member of the House of Delegates, State Senator, and County Commissioner, and came under heavy consideration as a candidate for governor to succeed the late Theodore R. McKeldin. He also led the State Republican ticket in 1958 when he sought the office of Maryland Comptroller.

John Derr was active in many civic endeavors, headed both Red Cross and Community Chest (now United Givers Fund) campaigns, and was an active leader in the Church of the Brethren. A. 1929 graduate of Frederick High School, he received a degree at the Brethren Bridgewater College, Va., in 1934, attended the University of Baltimore and New York University.

Mr. Derr was the son of John C. and Laura E. Derr of Monrovia, and was born Aug. 2, 1910, in Ballenger District. He was married to Olive B. Brandenburg and they had one daughter, Sanra Faye Trout.

Mr. Derr served in the Coast Guard during World War II from June 4, 1942, to October, 1945. He studied law at New York University after the war and completed various law courses at the University of Baltimore.

In 1936 he attained his first public office as deputy clerk of the Circuit Court, a position he held 10 years, for seven until he went to the service in 1942, and from 1945–47. In 1947 he began his long business association with the T. Edgie Russell contracting and general construction firm of Frederick in public relations.

From 1950 to 1954 Mr. Derr was chairman of the Republican State Central Committee of Frederick County, and after that became chairman of the Sixth Congressional District Republican Committee, comprising all of Western Maryland.

In 1953, emerging as an able political leader and legislative mind, John Derr was appointed by Gov. McKeldin to fill a vacancy in the House of Delegates from Frederick County created by the resignation of Horace M. (Buck) Alexander to become Sheriff. He served out that term, then ran successfully for Mayor of Frederick in 1954.

In 1958 he sought the seat of Comptroller against the popular Louis L. Goldstein and a heavy Democratic majority. Although unsuccessful, he garnered the largest vote of any Republican on the state-wide ticket.

Four years later he was successful in his election bid for the State Senate, where he served four years until 1966 when he was elected again as mayor of Frederick. Four years later he was elected to the Board of County Commissioners, was then named as its president, and chose not to run for reelection in the recent elections, stating he had served 25 years, long enough for any man.

Mr. Derr's leadership brought many improvements to city and county, and the modernization and expansion of Frederick Airport was among these accomplishments.

He was a member of the American Legion Post 11, Amvets Post 2, the Elks, Moose, and was a member of the Board of Trustees of Bridgewater College and the Frederick Church of the Brethren.

Regardless of his office, John Derr's constituents always knew where he stood. He was for the Sixes Bridge Dam; against gun controls. He felt housing was Frederick's No. 1 problem and was instrumental in the construction of Catoctin View Apartments. He was concerned about solid waste disposal and developed a plan for a low-pollution incinerator for the city to reduce the amount of solid waste substantially to prolong the life of the landfill.

A hard-working mayor, Mr. Derr said it was one of the better rewards of the office to be able to work with all the groups in the city by signing proclamations to help them succeed in their community service projects designed to make living in the city better.

His rise in Republican politics was significant and one of his major assignments was as chairman of the county's committee for the election of Nixon-Agnew ticket in 1968.

During his second term as mayor, in July of 1969 during a lengthy youth program in Baker Park, Mayor Derr was stricken and collapsed. But he bounded back and completed his term with vigor, then served a full term as county commissioner. Upon his retirement from active politics he alluded to his good health and desire to enjoy it after leaving politics.

One of his final participations was as toastmaster for last year's annual Republican banquet at Peter Pan Inn, when Rep. Barry Goldwater, Jr., was the speaker. When introduced, Mr. Derr was given a rousing ovation, and was commended for directing an outstanding program.

John A. Derr has made lasting contributions to his community, his county and his state. He will forever be in the memory of the people he served.

CHIEF JUDGE BAZELON EXAMINES THE FIRST AMENDMENT

Mr. PROXMIRE. Mr. President, last Saturday evening at the Duke University School of Law in Durham, N.C., Chief Judge David L. Bazelon, of the U.S. Court of Appeals for the District of Columbia, gave an address entitled, "FCC Regulation of the Telecommunications Press."

This address presents one of the best arguments I have ever read for getting the Government out of the business of controlling program content, because of the violence that regulation does to the first amendment.

The Government regulates broadcast content, of course, through the Federal Communications Commission's fairness doctrine—which says opposing viewpoints on controversial public issues must get some air time—and through the equal-time rule, which requires that all candidates for the same political office get the exact same air time if one candidate receives it.

The so-called fairness doctrine, however, is the day-in, day-out control that has changed the character of broadcast journalism.

In a single sentence, Judge Bazelon explains what is wrong with the fairness doctrine:

> A government which can dictate what is "fair" reporting can control information to the public in a manner which subverts self-government into a tyranny managed by propaganda.

It is significant that Judge Bazelon began his speech with a quotation from the Watergate tapes, the quote in which then President Nixon says the Washington Post "is going to have damnable, damnable problems" in getting renewals for its television licenses.

The chief judge's speech was written before the revelation by Fred W. Friendly of the Kennedy and Johnson administrations' use of the fairness doctrine to counter broadcast comments by political opponents, and of Mr. Friendly's disclosure that the landmark fairness doctrine decision in the Red Lion Broadcasting case was tainted.

Read in that context, Judge Bazelon's address takes on even greater meaning.

Although the judge's analysis of the controls on broadcasting are incisive and well argued, I do have a major disagreement with his address. I disagree with his proposed remedies for increasing competition in the broadcast field, not so much because of their substance, but because they skirt the constitutional question.

He is right, of course, that—

> More competition producing programming will increase the multitude of tongues, and our First Amendment faith holds that the multitude of tongues unrestricted in speech will produce more diversity of ideas than if the government chooses who will speak and on what subjects.

But Judge Bazelon would achieve that greater competition through four strategies, none of which includes repeal of the offending sections of the Communications Act.

In mentioning my reservations, I do not wish to detract in any way from the brilliant analysis Judge Bazelon has provided of the first amendment and its application to broadcasting. As chief judge of the District of Columbia Circuit, Judge Bazelon plays a major role on the court that has appeal jurisdiction in FCC cases. In recent dissenting opinions he has questioned the validity of certain aspects of FCC control of broadcasting. I have referred to some those opinions in past speeches on this floor.

In light of his position in the judiciary and his background in deciding communications cases, Judge Bazelon's Duke address is of vital importance to the field of free speech and free press as applied to broadcast journalism.

Mr. President, for that reason, I ask unanimous consent that the text of his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

FCC Regulation of the Telecommunications Press

(By David L. Bazelon)

Taped Statement of Richard Nixon to H. R. Haldeman and John Dean, Sept. 15, 1970: "The main, main thing is The Post is going to have damnable, damnable problems out of this one. They have a television station. . . . And they're going to have to get it renewed."

This statement is indicative, albeit an unusual example, of the First Amendment problems raised by a comprehensive system for the licensing of speakers. Individuals who must obtain permission to engage in activity protected by the First Amendment are vulnerable to the various sub silentio pressures that prior approval permits and which Richard Nixon threatens in the statement quoted above. They may, therefore, find it easier to tailor their views to the wishes of the licensor rather than risk its displeasure. The manner in which the licensor conveys its wishes or exercises pressure on the speaker under a comprehensive licensing scheme often is disguised in an apparently noncoercive action, which might seem innocuous to others, not subject to the licensing scheme. Control of these pressures is thus particularly difficult. The motivation for communicating pressure may involve the rather crass political concerns voiced by Richard Nixon in the statement quoted above. This motivation may range from racial discrimination to a laudable desire to upgrade the quality of the particular speech involved. But under the First Amendment, the licensor's motivation should be irrelevant: the exercise of power over speech leads the government knee-deep into regulation of expression. And that, we have always assumed, is forbidden by the First Amendment. The Supreme Court has so held, time and again.

But traditional assumptions do not apply to the regulation of telecommunications speech. The licensing scheme mandated by the Federal Communications Act permits a wide-ranging and largely uncontrolled administrative discretion in the review of telecommunications programming. That discretion has been used, as we might expect and as traditional First Amendment doctrine presumes, to apply sub silentio pressure against speech in the following instances: to discourage broadcast of song lyrics that allegedly promote the use of drugs, to halt radio talk shows that deal explicitly with sex, to discourage specialized or highly opinionated programming, to force networks to schedule "adult" programming after 9:00 p.m., and to restrict, through Executive Office pressure, adverse commentary on presidential speeches. The methods of communicating these pressures are by now familiar to FCC practitioners: the prominent speech by a Commissioner, the issuance of a notice of inquiry, an official statement of licensee responsibility couched in general terms but directed against specific programming, setting the licensee down for a hearing on "misrepresentations," forwarding listener complaints with requests for a formal response to the FCC, calling network executives to "meetings" in the office of the Chairman of the FCC or of some other Executive Branch officials, compelled disclosure of future programming on forms with already delineated categories, and imposing specific regulatory action on a particularly visible offender against this background. All these actions assume their in terrorem effect because of the FCC power to deny renewal of broadcast licenses or to order a hearing on the renewal application. Recently, there have been indications that the threat of antitrust or Internal Revenue Service actions has served to buttress certain "raised eyebrow" suggestions. I do not mean by a recitation of these examples to alert you to a great danger or to engage in any sort of journalistic effort to inform the public. This has been fully accomplished by persons more able than myself. My only concern is with the legal implications of these examples in the context of our traditional constitutional order.

Beyond these various forms of "raised eyebrow" regulation, the Federal Communications Act permits more overt forms of speech regulation: these include the Fairness Doctrine (encompassing also the equal time and editorial reply rules) and review of programming at license renewal and at assignment to determine whether past and proposed future programming meets the FCC's criteria of balance.

I think it is beyond cavil that we would not tolerate this sort of regulation in any context other than telecommunications; the First Amendment would forbid it. But somehow telecommunications speech is different and permit, many think, a different First Amendment regime. I seek here to raise questions about this assumption through an exploration of the justifications generally offered to support this different First Amendment regime for telecommunications speech. After exploring those justifications, I will offer some alternative strategies for reforming telecommunications regulation in a manner which both eliminates present intrusion into protected speech and forwards the First Amendment interest in the diversity of ideas.

I. HISTORICAL JUSTIFICATION FOR FCC REGULATION OF THE TELECOMMUNICATIONS PRESS

A

The main factor in my mind that explains the different First Amendment regime applied to TV and radio is the lack of genuine journalistic effort in the beginning of telecommunications news. Radio and TV news at first was not considered a source of serious journalism; it was, many thought with justification, simply a rebroadcast of information and opinions obtained from the printed media. The main function of radio and TV was entertainment, and entertaiment programming was not considered at the core of the First Amendment scheme. Indeed, for a short time the FCC declared that the licensees should not "editorialize." The Commission later rejected this rule but only in favor of the Fairness Doctrine, which is today the most overt form of program regulation in which the FCC engages. The image one gets, looking backward, is that the radio or TV licensee was a mere conduit of news, a common carrier of sorts, and not the independent journalistic institution which the First Amendment protects as the "press."

But if this image were ever true, it surely is not true today. Independent TV and radio news and opinion teams are the main sources of information for the American people. If they have not completely overshadowed the printed media in areas such as investigative reporting, it is not because they are mere conduits. TV and radio journalism is now an independent press surely within the intendment of the First Amendment.

The fact that the telecommunications industry still relies heavily on entertainment programming does not mean it is any less a part of the independent journalistic institution the First Amendment protects. First, entertainment programming is protected speech, and, as an individual speaker, the licensee is entitled to First Amendment protection. Second, there is no reason why the press clause of the First Amendment refers only to the political press. We do not need Professor Charles Reich to tell us that music, fiction and art occupy a status in the "marketplace of ideas" completely equal to political opinion. While it may have been once true that TV was not the source of high-quality entertainment programming deserving of full First Amendment protection, it surely is no longer true. A different First Amendment regime cannot be justified on that basis.

B

Another factor which has gained prominence in recent years may explain the continuing vitality of the special First Amendment regime for telecommunications. This is the particularly powerful nature of telecommunications as a medium for speech. TV and radio offer access to immense numbers of listeners with at least part of the immediacy of person-to-person communications. This all-pervasive immediate form of press commentary gives tremendous leverage to speakers who have access to it. And for that reason, there is great pressure to expand the number of voices which have this access.

It is simply impossible to exaggerate the impact of TV in particular on our lives and the lives of our children. It is often said, but nonetheless worthy of repetition, that TV has altered our consciousness, our manner of relating to other people and the world, our decisions about the expenditure of our wealth and the use of our leisure time. It has both broadened and numbed our experiences with persons and events outside our normal range of acquaintance. TV is an acculturizer—even more so than public schools—and thus has an immense but largely unascertainable impact on the motivations and beliefs of our children. TV has so reordered our lives that we do not yet recognize the change. And the change was wrought almost inadvertently: nobody expected it, nobody forsaw the effect, and the people as a whole did not make a democratic choice to embrace it. But it is here to stay, and its power has led many individuals to question the validity of the traditional First Amendment regime.

One might profitably compare the impact of television on human perception, learning and communication with the discovery of atomic power and with recent developments in our understanding of human genetic structure, control of the brain and human biology in general. These three Twentieth Century revolutions in our knowledge and control of ourselves and the environment in which we live are awesome, at once bringing great promises and great perils. Rational evaluation of their growth is made difficult by the speed with which these developments have come upon us. Perhaps human kind has experienced such world-shattering developments in previous centuries. But in no other century have so many such developments come upon us so quickly and with such devastating impact.

What follows from a recognition of the immense power of TV (and, to a lesser extent, radio) speech? We may assume that nothing in the First Amendment prohibits a reasonable regulation of the time, place and manner of speech in order to ensure that all speakers may be heard. And we might further assume that marginally protected speech which significantly impinges upon individual privacy may be forbidden consistent with the First Amendment. But it is something else again to suggest that the force of a particular mode of speech in and of itself permits a generalized regulation of speech. To some extent, TV viewing is involuntary and thus privacy interests are involved which may justify some regulation of TV speech. But this involuntary aspect should not be exaggerated to justify the assumption that all TV programming is an invasion of privacy which can be regulated. In the final analysis, the assumption that the power of the telecommunications press justifies regulation strikes at the root of the first Amendment's guarantee of an independent journalistic institution: this assumption argues instead that the press is too powerful to be free. But it is important to distinguish between the power gained by oligopoly in the production of news and entertainment programming for radio and TV and the power inherent in the medium, I suspect that the former is the real concern, and I stress it later. The latter form of power may be amenable to regulation to the extent, and only to the extent, that the power itself causes a cognizable injury which we might deem worthy of suppression. A helpful analogy would be to the on the use of bull horns. But to regulate on the basis of the content of the speech because of the added power given by a particular medium of communication seems to me a wholly different proposition which, if justifiable at all, cannot be defended on the basis of the particular power of the medium alone.

C

A third factor leading to a different First Amendment regime for telecommunications, a factor which has emerged as the most widely-accepted justification today, is the scarcity of telecommunications outlets and thus the scarcity of broadcast speakers. The initial source of this scarcity was the concept of a license which in turn was caused by a limitation on the number of broadcast frequencies. Thus, as a permissible regulation of the manner of speech designed to permit all speakers to be heard, the government must allocate frequencies in order to avoid destructive interference. But the key to scarcity is the limited number of frequencies and not the mere existence of licensing, and it may be doubted whether today there is a scarcity of broadcast frequencies. The emergence of cable TV, perfection of UHF technology and more efficient usage of the VHF broadcast spectrum promise an end to scarcity of broadcast frequencies. Even if one focuses only on broadcast TV, present figures indicate that a great portion of the UHF band is not presently in use. Of course, UHF and cable are not sufficiently developed to be an effective alternative to VHF at present. But their possibility of development do suggest that physical limitations on the number of frequencies are not that severe.

In 1969 the Supreme Court in Red Lion Broadcasting Co. v. FCC found that scarcity was then still a reality. However, the figures discussed in Red Lion are not necessarily probative in this regard and, indeed, demonstrate a confusion inherent in discussions of scarcity. The only conclusion the figures utilized in Red Lion indicate is that the VHF television channels with high market penetration are completely filled. Thus the scarcity lies in this—there are very few VHF television channels linked to a nationwide network with good market penetration. This scarcity, it will be noted, is not premised on a limited number of frequencies per se. Otherwise, Red Lion relies only on the past—the fact that the original justification for regulation was the problem of scarcity and the resulting interference.

And this leads to a more troubling question, because all economic resources are scarce. When we say there is a scarcity of frequencies, to what are we comparing this scarcity? In other words, what is the contrasting "multitude" that is the implicit premise of discussions of scarcity? Broadcast frequencies are scarce in relation to what? Consider the following figures: as of December 31, 1974, there were 7,785 radio stations on the air and 952 TV stations, serving nearly every part of the country. As of January 1, 1971, daily newspapers totalled only 1,749. And the broadcast spectrum is still not completely filled. How is there a "scarcity" of broadcast frequencies? How many do we think could realistically be filled considering the capital market for broadcast facilities? Even if the previously stated figures seem "scarce" by some unknown standard, the potential of cable television is so enormous that it alone could, if properly developed, outnumber newspapers. "Scarcity," indeed!

Of course, the number of non-daily newspapers and periodicals, as well as book sales, has increased regularly in recent years. Professor Emerson is thus led to suggest that the real comparison is not between the number of daily newspapers and the number of radio and TV stations, but between the number of printing presses and the number of broadcast frequencies. This comparison of "theoretical" scarcity, if it may be so named, does produce a conceptual limitation on telecommunications not present in regard to the printed media. However, this conceptual limitation is really of no serious significance now that cable TV produces a "theoretical" expansion of the broadcast frequencies that must certainly parallel the "theoretical" number of printing presses for any realistic purpose we might impute to communications policy. Furthermore, most discussions of scarcity of broadcast frequencies really are premised on an "effective" scarcity and, if newspapers and the telecommunications press are to be compared, we must look also the "effective" scarcity of newspapers, which leads inexorably to a comparison between the number of daily newspapers and the number of radio and TV stations.

So, looking only to the "effective" scarcity that Red Lion proved, it is clear that this is a scarcity that is not really a product of the Federal Communications Act or the forces that gave impetus to that Act. Rather, it is a result of government policies which have permitted the development of VHF television prior to perfection of technology for cable and UHF to the commercial detriment of the latter. Even though the government is somewhat responsible for the dominance of the limited number of VHF licensees, the Failing Newspaper Act and repeated antitrust division approval of mergers of newspapers have implicated the government in the scarcity of high circulation newspapers in major markets. But that fact was apparently not enough to institute a new First Amendment regime for newspapers.

I suggested in a dissenting opinion in 1972 that the FCC reconsider the concept of scarcity to determine whether its vitality continues undiminished in light of recent technological developments. While the FCC has recently purported to accept my invitation, one may certainly question whether its effort was an in depth re-evaluation of the concept of scarcity.

More than this, what is the relation of scarcity to regulation of speech? The suggestion of Red Lion is that regulation is necessary to encourage a diversity of ideas. Thus, scarcity is apparently a problem in need of regulation because it produces less diversity. But there is no evidence that in all the various media of communication there is a deficiency of diversity. Rather the argument is that there is a deficiency in ideas communicated through the telecommunications media. This suggests that the problem is not scarcity of frequencies but rather the particularly powerful nature of TV communication. Indeed, there may well be a scarcity of political pamphleteers in the nation, but we would hardly think that was cause for regulating the ones that exist. Nor would we think to worry about the diversity of ideas presented by the pamphleteers that exist. So the key to the scarcity argument is that TV produces greater access to an audience than other modes of communication, and thus it can be regulated to ensure a diversity of ideas in that medium alone. But this argument is seemingly rejected by the promulgation of the First Amendment, since newspapers have a far greater access than other speakers to a audience; this fact is inherent in the concept of a "press" which is distinct from ordinary speakers, and we are back again to the point suggested above—if the press is too powerful to be free, do we not need a constitutional amendment to alter the scheme established by the First Amendment?

Another problem with the concept of scarcity is that we are left with no understanding of what program or speech regulation is permissible. One could argue all speech is unprotected because of scarcity, but the "diversity of ideas" justification for the use of the scarcity argument indicates that only nondiverse speech may be proscribed in favor of diverse speech. But FCC doctrine makes no such inquiry. Rather, it regulates in favor of diversity within the licensee's own programming and not in terms of the diversity in the viewing market as a whole. Thus the regulation supposedly justified by the scarcity argument extends well beyond the actual bounds of the real justification. One may ask whether this is an overbroad regulation of protected activity.

D

There is one final factor which probably has not served as an historical justification for a different First Amendment regime but is by far the most promising candidate for the future and has as among its proponents the true aficionado of regulation. This is a factor of infinite subtlety and causes me the most concern. The economics of broadcast TV require that programming be directed to a mass audience in order to insure a sufficient viewing audience (and hence sufficient advertising revenues) to finance the operation. Limited or specialized appeal programming will not sell enough advertising to be economically viable. There are two important corollaries to this point. First, producers of programming must be insured of large-scale distribution of their programs in order to make a profit. The difficulties in obtaining that distribution through individual dealings with licensees led to the use of the three networks and a few large-scale entertainment corporations such as Westinghouse and MCA as brokers in the placement of programming both with advertisers and with the licensees. This development in turn led to the now well publicized "network domination" of production and placement of programming. Second, news and public affairs programming does not attract as large an audience as entertainment programming. This sort of programming is thus a perennial loss leader and arguably without FCC intervention to insist upon it, a requirement found in the Fairness Doctrine, licensees might just do away with it. Network evening news is apparently an exception to this economic premise of broadcasting.

This concern with the economics of TV programming leads us into the most difficult quagmire of all: since the telecommunications press is a business and, thus, its decisions are "business" decisions in large part, does the First Amendment, which is concerned with journalistic judgment, protect these business judgments? Or put another way, should programming, news or otherwise, which is generated by a purely economic appraisal of the viewing "market" be enshrined as the sort of public discussion protected by the First Amendment? I have no problem conceptually with a "no" answer to these questions. The First Amendment does not sanctify the process of making money through titillating speech, and it does not protect economic propaganda of whatever form. Furthermore, the networks and the licensees have demonstrated a tremendous capacity to ignore the public interest when their private economic interests are at stake. Perhaps the most graphic examples are the failure to give any news coverage to the license renewal bill that Representative Staggers did us the courtesy of killing last session of the Congress and the failure to provide balanced coverage of the debate over pay TV. There is the depressing but nonetheless illustrative comment of Senator John Pastore of Rhode Island, Chairman of the Senate Subcommittee on Telecommunications, who, upon observing TV cameras at his hearings into violence on TV, stated as I paraphrase: "I don't know why they bring those cameras here; I know the networks don't intend to show a single second of what goes on here." And, of course, he was right. Nothing substantial was run on the hearings. The networks just do not report what they feel is injurious to their economic interests. Douglass Cater once quoted to me a remark by a candid network executive to the effect that if a broadcaster had to choose between the license renewal bill or abolition of the Fairness Doctrine, the broadcaster would choose the renewal bill and forego their First Amendment rights. We should expect nothing else from corporations which hire as their top executives not journalists, not even professional broadcasters, but successful businessmen. And we should also expect that every business decision will be defended as an exercise of journalistic discretion protected by the First Amendment when not one gram of journalistic discretion is involved.

Perhaps more important than these particular incidents of the promotion of economic self-interest to the derogation of the public interest is the existence of a network-imposed licensing scheme upon its own journalists. While this network censorship is even broader than that imposed by the FCC, it operates in a very similar fashion. I am informed that reporters from at least one network and from some major newspapers have a clause similar to the following in their contracts:

> Exclusivity
>
> Artist recognizes that the employment hereunder is a full-time employment and that Artist's other activities must be such as never to cast doubt on the fairness or objectivity of [network] or reflect unfavorably upon Artist or Producer. Accordingly,
>
> (a) From the date hereof, Artist will render services exclusively to and for Producer and Artist will not render any services to others, or on Artist's own behalf, directly or indirectly, in any capacity or media whatsoever (including without limitation granting rights to use Artist's name or likeness or both, or to use any performance or other services which Artist rendered for others prior to this agreement). . . .

Like many FCC policies, this clause appears unobjectionable on its face. In operation, however, it can be used to prevent network reporters from disclosing news items which they have uncovered but which the network has decided not to report. For the reporter to disclose such items would seemingly violate this "exclusive services" clause. There are certainly many legitimate business reasons for such clauses, but the possibility of abuse is also manifest. One must consider whether such clauses, when administered to prevent a reporter from disclosing newsworthy information without economic gain to himself—or herself—are contrary to public policy represented by the First Amendment and hence unenforceable. But even if this were settled, the "chilling effect" of such clauses surely maintains the networks monopoly on the sources as well as the actual reporting of news, and thus the network may prevent the reporting of information it considers damaging to its economic or other interests. Upon an examination of these clauses, we confront the following dilemma: an enterprise whose lifeblood is freedom of expression seeks to limit the personal freedom of expression of its employees.

But I am more than a little concerned with how the distinction between programming motivated by true journalistic integrity and programming motivated by crass economic desires can be judicially or administratively maintained without a terrible "chilling effect" on the journalists. Perhaps some of the "chilling effect" might be reduced by carefully and narrowly drawn rules designed to prevent a complete surrender of journalists' integrity to entrepreneurial attitudes of both network reporters and executives. Certainly a complete failure to operate as a journalistic institution would take a licensee out of the protection of the First Amendment and would arguably be grounds for denial of a broadcasting license under the Federal Communications Act. After all, it is clear that Congress intended that licensees be given air space to be journalists and not simply to sell products. But the difficulties of weeding out journalistic efforts from commercial pap are so severe that in the normal case, the distinction is not manageable. And this fact is one reason why the First Amendment commands the government to stay out of the regulation of speech.

II. THE PURPOSE OF THE FREE PRESS GUARANTEE

When all these justifications are shaken down, I at least am left with the impression that they all demonstrate mostly the fragility of our First Amendment traditions. Somehow we do not really think that the press should be free; they are too powerful, they are arbitrary, they are self-serving. If the subject were a discussion of the mistakes, bad judgment and excessive commercialism of the press—both printed and electronic—I would have much to say against the press. I have said before and I repeat it now that the press has abused its tremendous power, particularly the power of TV, largely for its own private profit, at the expenses of the public interest. But I do not personally believe in the efficacy of, nor do I think the First Amendment permits, government intervention to cure those abuses. Is this belief a mere relic of happier times when the press was not so powerful or so arrogant? I do not think so. I think the First Amendment retains its vitality and speaks a wisdom relevant to concerns we recognize today. But I think its truly practical wisdom needs reaffirming and in the process of this reaffirmation, I think we can better understand why the Framers felt so strongly about an independent journalistic institution. There is no better beginning point than the activities of the administration of Richard Nixon. I refer to a memorandum from Charles Colson to H. R. Haldeman describing a meeting between Colson and various network executives in which the Administration complained of alleged "unfairness" in network reporting of Presidential actions.

There is, to be sure, more than a little bit of self-serving in Mr. Colson's description of the meeting. But even so, the point is clear enough: Richard Nixon's assistants were enforcing a "Fairness Doctrine," a doctrine which, to paraphrase Red Lion, forces the licensees through the networks to share their frequencies with Richard Nixon. Of course, there is no reason why this doctrine should be limited to Richard Nixon; it could be extended to the NAACP or the American Civil Liberties Union or Duke University. The result, however, is always the same. By forcing the press to share its space, its medium, with persons of the government's choosing, we are restricting the journalistic discretion which it is the purpose of the First Amendment to protect. If one group has a right of access or a right to have the licensee present that group's point of view, there is no independent press; there is only a multitude of speakers. That might be permissible if the First Amendment protected only free speech. However, it also protects the press. It might perhaps be feasible for the licensee to set aside an hour or so of air time of the licenseee's own choice during the day for various speakers to present their points of view, or to require the licensee to sell advertising time without discrimination on the basis of the content of the proposed message. In this case, one could argue with more force that the independent journalistic discretion protected by the First Amendment is not contravened. But to require that a licensee be "fair" in presenting opinionated programming, or present a reasonable "balance" of programming as defined by a government agency, or not offer programs which a majority of listeners do not want to hear, nullifies that journalistic discretion which the Framers thought indispensable to our constitutional order.

The excerpt from the Colson memorandum amply demonstrates the reason why the Framers thought this independent journalistic discretion so important. If the government may eliminate this discretion, it has a much greater control over the information the people receive about their government and the views of their fellow citizens. As Alexander Meiklejohn has so persuasively argued, the free flow of this information is absolutely essential to self-government, to democracy. A government which can dictate what is "fair" reporting can control information to the public in a manner which subverts self-government into a tyranny managed by propaganda. Some think that we were not so far away from that state of affairs in recent years. The press must be free to tell the truth as it sees it, to criticize the government, to denounce politicians and judges, and to publish opinions.

Truth and fairness have a too uncertain quality to permit the government to define them. Certainly it is not fair to print that which you believe to be misleading, uninformative, irrational, or so lacking in factual justification as to be close to a pure falsehood. It is not fair to regard as "objective" news, the propaganda of an incumbent politician. It is not "fair" to require the licensee to present a balance of only those views which the government considers "significant," regardless of the licensee's view. In sum, in order to determine what the "other side" is, one has to have an objective concept of truth against which to compare the challenged speech. And who in this country is in possession of this objective concept of truth?

III. ALTERNATIVE STRATEGIES TO REMEDY PRESENT FAILURE IN TELECOMMUNICATONS REGULATION

I do not mean by the foregoing to imply that I am satisfied with the performance of either the broadcast or the printed press. The many concerns voiced about the excessive power and meager commitment to the public interest which the private press have demonstrated are not without merit. My project so far has been to indicate that the solutions relied upon at present may be unwise and contrary to our constitutional traditions. I very much believe that there are other solutions which are not only consistent with these traditions but which can be more effective in achieving the goals which many concerned citizens thought could be achieved by program regulation.

Before outlining these solutions, I think it important to state exactly what I believe to be the major problem in the broadcast media. This problem is not "scarcity," as that term has come to be defined in First Amendment jurisprudence, but rather simple, old-fashioned concentration of economic power and ownership of TV facilities. The situation would be bad enough if we considered only the actual licensees. But the major concentration is caused by the dominance of the networks in the programming field. The dominance of the networks makes enforcement of diversification of ownership policies an insufficient effort to deal with the concentration of economic power in TV programming. These policies would include the comparative diversification guides, stiff cross-ownership rules, further restriction of the group ownership rules, elimination of trafficking in licenses and retroactive enforcement of these policies. The major project for reform, then, must be an increase in programming competition. This increase in programming competition, it should be noted, attempts to deal directly with the central evil that concentration allegedly creates—a lack of diversity of ideas. More competition producing programming will increase the multitude of tongues, and our First Amendment faith holds that the multitude of tongues unrestricted in speech will produce more diversity of ideas than if the government chooses who will speak and on what subjects. Actions designed to increase competition within the press and thereby to decentralize power are consistent with the First Amendment, and the Supreme Court has so held.

A

The first strategy to increase competition in the telecommunications broadcast field is to reform the FCC itself. Mr. Henry Geller, former General Counsel of the FCC and an informed critic of the Commission's policy, has stated that the "root cause of dissatisfaction" with the FCC is its "overidentification with the industries regulated" as against the interests of "new emerging facets or technologies." He is not alone in this assessment. There can be no promulgation or effective enforcement of policies designed to increase competition in programming unless we have an FCC which is not beholden to the vested interests of the VHF licensees. Mr. Geller makes what he terms a "modest" proposal that the number of Commissioners be limited to five, that they be given one fifteen-year term with no possibility for reappointment and that they be prohibited from employment in the communications field for ten years after completion of their terms. I am not entirely convinced by this proposal but it, or something like it, must be done to change the atmosphere at the FCC.

B

Assuming that this first strategy is successful, a further strategy—increasing private competition in the production and placement of programming—comes to mind. Several measures may be taken in this regard. The first step is to limit the networks' ability to sell blocks of programming to the licensees and to increase the feasibility of new networks. Second, the Commission should act to encourage the development of cable, in both pay and nonpay forms, and the further development of UHF. Part of the way to upgrade UHF might be to permit present UHF licensees to challenge VHF licensees for lucrative VHF channels, with a comparative advantage to a promising UHF applicant, or a return to de-intermixture. The ultimate aim must be to equalize as much as possible the economic potential of the various bands of TV broadcasting. The broadcast industry is sure to fight these two suggestions tooth and nail. The industry was successful in crippling UHF development in the 1950's and today is battling to prevent pay cable from achieving economic self-sufficiency. As with earlier industry efforts to restrict the competitive position of cable through local origination requirements, the issues are not simple. Creating more competition for advertising dollars might reduce the amount of genuine journalistic and artistic commitment that exists today. It might create only a commercial monster larger than that now extant, resulting in the telecasting of more commercial pabulum and not the production of serious TV. We just do not know. The wisdom of the First Amendment is, however, that a multitude of tongues will produce the diversity of ideas and artistic achievement we all desire. In the absence of knowledge gained from experience with greater competition, I would follow this wisdom for the present.

C

A third strategy was suggested many years ago by Max Lerner—it is to create a "yardstick" public broadcasting company to compete with VHF licensees and the networks. This idea has to some extent been consummated by the public broadcasting or noncommercial stations now in existence. But more should be done. First, these stations should have access to the VHF band, since now they are almost entirely relegated to the less powerful UHF bands. Second, there should be provision for common carrier public stations or common carrier time periods on regular public stations, to which access may be had by lottery or through bidding. This concept has already been applied to a limited extent in the cable TV regulations. Third, public TV should take a more active role in producing programming. This requires either more government funds or a limited form of pay television. But it can be done, and if it is, there is the promise of a new outlet for creative and diverse programming.

D

A fourth strategy would be to directly attack the economics of TV programming and the institutional structure which creates that economic reality. The most obvious effort would be to increase the viability of minority taste programming by introducing some form of subscriber TV service. At present, programming is paid for only by advertisers, unlike the material in newspapers which is partially paid for by subscribers, and unlike movies which are wholly paid for by subscribers. The result is that the dictates of the advertisers—mass circulation—are the prime factor in evaluating the economic viability of programs. A limited form of subscriber TV would alter this situation, since at least in part the programming would be directed to those who would be willing to pay and who would most likely comprise a highly motivated, minority audience, instead of the low motivation, mass audience gained by so-called "free" TV. Government subsidy of programs for the poor might be necessary. Another line of attack would be to limit drastically the amount of commercial time which may be sold on television. This approach would of necessity reduce the dominance of advertising concerns and force programmers into a search for alternative sources of cash.

If these strategies are diligently pursued, they and others like them offer an opportunity to turn away from program regulation in all the diverse forms in which the FCC presently employs it in favor of a direct attack on the vested power of the VHF licensees and the networks. This change in policy direction is strongly supported by the First Amendment interests that are involved in program regulation. So, we would in effect be vindicating the First Amendment in two ways—by avoiding program regulation and by increasing the number of speakers in order to realize First Amendment values more fully. If these strategies I have discussed are effective, I think the FCC can confidently dismantle the entire system of program regulation it has erected in the past forty years and thereby recognize the broadcast media as true components of the American press. If these strategies are not pursued, there will continue to be pressure to impose public duties on these monopolistic entities, the networks and the licensees—pressure which will come under the guise of "fiduciary duty" or "scarcity of frequencies" or "power of the medium" but which will be essentially a traditional fear of monopoly power. I think the fear is reasonable but should be confronted on its own ground and not chased back into the hoary swamps of government regulation of speech.

VIETNAM VETERANS UNEMPLOYMENT

Mr. MATHIAS. Mr. President, I would like to call to the attention of my colleagues an article which was published in a recent edition of the Stars and Stripes, written by Timothy L. Craig, president of the National Association of Concerned Veterans.

This article, which was the text of Mr. Craig's address at the national conference of the Veterans Employment Service, sets forth in detail the special and real problems and concerns faced by the Vietnam era veterans. I personally found this a most interesting and informative article and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Stars and Stripes—the National Tribune, Thursday, Jan. 30, 1975]

The Impact of a Changing Economy on the Vietnam Era Veteran

By Timothy L. Craig

It is my sincere hope that this National Conference of the Veterans Employment Service will seek to address some outstanding economic issues as these pertain to the Vietnam era veteran in particular, and the veteran in general. It would be relatively easy to interject here today a host of criticisms, based on documentation and statistical evidence, that our nation has not done its job in offering adequate opportunities and effective services to the Vietnam era veteran, or the disabled veteran, or the veteran from the various minority group backgrounds. It would not be difficult to disaggregate some of the data which has been provided to us—through ESARS, or the data of the President's Veterans Program—to show contradictory evidence that, in fact, Vietnam veterans and other veterans continue to be shortchanged. And one can point to government-sponsored studies—such as by Kirschner Associates—that the Employment Services has been particularly ineffective.

That I do not deal with such issues here today, is in part due to my desire to throw out a series of suggestions, which—I hope—will be taken seriously, and which will be taken to heart, by the participants of this panel, the conference participants, and others concerned with the needs and interests—and rights—of the Vietnam era veteran. Rather than elicit anger and frustration, I hope to enlist your encouragement. It is encouragement that we Vietnam veterans need and want. And it is encouragement that responsible federal servants need and want, although often we need criticism to make us more aware of the problems at hand. With this "positive" note, therefore, I hope you will bear with me. For if a positive approach does not work, then we are really given no options. I have an abiding faith, unfortunately too often misplaced with regard to policy-makers at the federal levels, that most of us here are committed enough to substantially improve national policies, and services.

The first question I raise is this: Are those veterans, especially those younger veterans of the Vietnam era, who need help most—the poor, the disabled, the part-time employed, the Black and Hispanic American—being effectively assisted by our federal and federally-sponsored services and benefits systems? These veterans are of course the sectors most gravely affected by the continuing economic imbalance of our nation. A reasonable conclusion is that a massive task lies ahead if we are to foster the necessary economic investment in this underdeveloped sector of our veteran population. Let us ask further, whether the JFV and ES plans are in fact doing anything new, anything which was not done one, two, three or more years ago when the state of the economy was not as bad? Are these plans really reflecting the changing economy, the worsening of economic conditions? Let me put it better yet: Can our federal government do more for the Vietnam era veteran, or the disabled, or the minority veteran, or the poorest among us? The answer is obvious. Yet, I fail to discern any mood or inclination, any upsurge of interest by policymakers, to do more. Instead, we can note that some policy-makers do not take us at our word that there are some very real and outstanding problems facing large sectors of the veteran population. Such officials appear less concerned with the economic impact on the veterans, than with the impact of the veterans on the agency budgets. Are we then really coping with the issue before us—with the impact of the changing economy on the veteran?

Let me just note that some seven million human beings are affected by our nation's veterans policies, that is seven million Vietnam era veterans. Counting these veterans' immediate family and dependents, it may very well be that some fifteen to twenty million lives are directly affected by the kind of national policy our federal government has towards the Vietnam era veteran. Each and every city, county, and state is affected. In short, tne whole nation is affected. The absence of effective veterans policies, programs, services, and benefits is nothing new to the Vietnam era veteran. That condition has been with us since the war began in Southeast Asia, formally more than ten years ago. The progress that we have made since that time has been a slow and arduous one, confronting many hurdles, delays, and obstacles. The point that needs to be made clear is that even when the nation's economy was in a much better state, many of our veterans were confronted by the kind of problems which more and more sectors of our nation's constituency are currently facing.

The economic slump is nothing new to most of us. Many of our veterans have been living through a long recession, and quite a few have lived in a state of economic depression. And now, many of us who have been making a little headway, see themselves being thrown back into the very same plight with which they began upon their return to civilian life. The cost of food, services, rent, health care, and other basics has soared—making life hard indeed for many a young family. Can we call this "readjustment"? Even taxes—local, state, federal—have gone up. Everything has gone up—everything but our real incomes. And our benefit levels—they have gone up as well, but educational costs and other costs combined have more than matched the increased levels of aid. In a very real way, we Vietnam veterans have not been able to keep ahead of the game—in terms of benefits, services, or jobs.

What are we to do then? The Vietnam era veteran is part of the whole economic picture. We can reasonably conclude that if our nation's policies fail to address the economic needs of those Vietnam era veterans who need help most, then these policies are not addressing the economic interests and needs of the Vietnam era veterans. And if these do not address the Vietnam veteran question, then they are not addressing the economic issues facing the nation. For if one merely cuts out one half of a cancer from an affected patient, the patient is not necessarily cured—in fact, there will be a need for further operations. And then things will become considerably more complicated. Well, we are part and parcel of this nation's economic ills—it was not our choosing. We did not intend it. And, quite clearly, when the country's economy was much healthier, we

Vietnam veterans already were faced by the ills. It is my firm belief, that if the nation had taken a much closer look at the implications of the returning veterans for our economy, and had taken appropriate steps right from the beginning to deal with conversion needs, it would probably have found some sound answers to the problems we have today—and prevent such problems. And it is my firm belief that if such a closer look is undertaken today with respect to the Vietnam era veteran, that we may very well help prevent other problems in the coming years.

Unlike with businessmen, however, federal policy-makers have had a decided aversion in studying the market, in listening to the customers—in this case the Vietnam veteran. The feeling that many a policy-maker has conveyed is that this customer is always wrong. Perhaps it was our youth, our age. Perhaps it was simply the times. In any case, it is clear that a closer look at the "veteran market" is in order. Now, a businessman does not look toward selling his product or his services in that sector of the market which knows about his product or service. Nor does he sell them in the other sector of the market which does not need his product or service. He goes where his market is! Simply translated, this means that if the federal government wants to deal with the economic needs of the Vietnam veterans, it will go into those areas where it has been least effective in the past. It does not take much investigation to realize that I am talking about our nation's poorer areas—rural and urban—and our nation's disabled and its minority veterans. And let me add here, that there are as many poor white Vietnam veterans, as there are Hispanic Americans, Black, and other minority veterans who are poor. So, I am talking about an economic issue which cuts across racial lines. Yet, I am constrained to raise one clear racial issue. The fact is that very little has been done to advance the interests of the Native American or American Indian veteran, even though I have been continuously informed that most young adult Indians served during the Vietnam period! But even this is an economic issue. I do hope that you will keep this in mind, and vociferously advocate for major programmatic approaches—through grants, contracts, whatever is necessary—to effectively advance the opportunities of American Indians. Indeed, this would be entirely in accord with the goals of the Comprehensive Education and Training Act of 1973 (CETA). Because the total number of beneficiaries here is rather small, and because the need for greater investment in Indian communities is so great, even OMB could be persuaded to encourage outreach, recruitment, counselling, training, and other efforts which are vitally necessary. There has been a great neglect of Indian communities.

There is a continuing emphasis on such efforts with regard to the veteran in the nation's major metropolitan areas. While it is important to reach out systematically where the majority of the Vietnam era veterans are, it ought not be forgotten that there are millions of Vietnam era veterans in other areas of our nation. Thus, for example, in one of our Federal government's plans of action for assisting veterans, a number of major states are selected as target areas—including New York, California, and Texas. It has not been noticed, or emphasized, that there are considerably more veterans in the New England states—an area considerably smaller than Texas! Or California! and not much larger than New York—but with nearly as many veterans as in these two states. That is, there is a disproportionately larger number of veterans in certain areas and regions in our country which ought to receive equal emphasis. On the other hand, one state was selected as a priority area—the State of Washington—even though it is the eighteenth largest state in terms of veteran population concentration. The East South Central Region, composed of Kentucky, Tennessee, Alabama, and Mississippi, which are certainly states with high economic needs, and which have a population of veterans larger than that of Texas although the region is smaller geographically than Texas, is not a target region. In our emphasis on the major constituency states, it ought not be forgotten that the targeting of six or seven states from among fifty, is no solution to a national problem. What about the other 43 or 44 states? Are we to conclude that the Jobs For Veterans does not consider them as major target areas?

The question which I am raising is a simple one: All states should be a target area. Veterans in the smaller states are no less needy, and no less worthy of assistance, than veterans anywhere else. A major educational and employment gap among Vietnam era veterans in Montana or in Vermont or West Virginia may not mean much to those concerned with national statistical results. But it means a major problem for the state, now and in the future. It might do well to point out that this emphasis on certain areas in the country could encourage young veterans in search of opportunities to move to these highly visible areas, and rather than reducing the problems for these areas ensure continuing problems.

I would think that rather than arbitrarily selecting certain states with a large number of veterans, that greater consideration be given to the selection of counties throughout the United States which are often defined as depressed areas; or which are defined by the Economic Development Administration as poverty and economic development target areas. In this way, for example, the neediest areas in the country, those starving for investment, could be assisted. This would not only meet veterans needs, but also meet needs of other national policies, thereby providing for a greater economic impact on those areas struck hardest by the current recession. If the federal government is going to be selective, it might as well put the emphasis where it will do the most good. And it would provide for a proper rural/urban balance, as well as include the largest States in the union—but be selective within these states! It would cover the whole Appalachian region, where there are some real economic problems. Various agencies, including the regional commissions, could provide for administrative and other assistance. And it would cover most of the Indian Reservations.

The inescapable question that is being raised is whether in our nation's policies to advance veterans opportunities we are also addressing the economic issues posed by the Vietnam veterans question? Further, is our services and benefits structure really geared to cope with these economic questions? For nearly a decade now we Vietnam veterans have been trying to articulate a posture that the systems we do have are not effectively responding to these questions. It has been our misfortune that we have not been able to articulate these concerns in the same manner as the economists of the past and current Administrations. We simply have not had the data to make such a case with the precision we would like. All we can point to is our experience and the experience of others, and a few statistics here and there. What is apparent is that there was no conversion planning for the Vietnam era veteran, and that this condition is a reflection of the absence of such planning from a wartime to peacetime economy for the nation as a whole.

The single best illustration is the G.I. Bill of Rights. Another illustration is this very conference. There would be no need for such a conference, or new proposed plans of action—if we had taken care of business right at the beginning, or at least early during the war. The only positive thing we have had is the G.I. Bill. Yet each Congressional session has evidenced a decided aversion to come to grips with the issue. Ten years after the war period began, the Veterans Employment Service is finally being upgraded in terms of additional staff. So also this year the Veterans Administration has recently set up a "regiment" of veterans representatives at college campuses. While these are positive steps, it is clear that they are late, and that a closer look needs to be taken at what additional steps must be taken to meet new needs.

With respect to the JFV and VES activities, it seems to me that a greater focus on community and neighborhood organization contracts may prove very fruitful. That is, many of our veterans are at levels where they can be reached through Community Action Agencies, Model Cities type agencies, Community Development Corporations, federally funded Multi-service and community mental health centers, OIC's Urban Leagues, Urban Coalitions, and the like. The Department of Labor and Health, Education and Welfare, as well as Housing and Urban Development should be encouraged to have such federally-funded agencies participate in reaching out to the veteran. The burden should not rest wholly on NAB and the ES or the VA. These community organizations have a responsibility for greater and for continued involvement. After all, we fought during a war when many of these organizations just got underway. The Manpower Administration might well consider providing CETA title I and title II funds, either directly, or by way of requiring prime sponsors to utilize some job slots to set up veterans liaisons and counsellors in such local agencies.

These are temporary type opportunities for veterans to help fellow veterans. There are other attractive options. I see no reason why not the various local services programs funded out of HUD and HEW should not be encouraged to provide career opportunities in social services areas to Vietnam veterans, and provide such veterans with an opportunity to serve their communities' needs at the same time. There are many thousands of real job opportunities here. Quality job opportunities. Meaningful opportunities. Could not a systematic effort be made in this area?

There is a last item which I need to bring to your attention again. I am not at all certain whether the highest priority in a veterans policy—services to the disabled veterans—are receiving the proper attention. There seems to be no focus here. The goal of the JFV Plan of Action to help the disabled veteran encompasses a total of 7500 individuals—to get them jobs during FY 1975. Now, I know we can do better than that. That is, how many disabled veterans may walk in to ask for help—but it is not a goal responding to needs—economic needs!

To the question then of how the changing economy impacts upon the Vietnam era veteran, my answer is relatively simple. The impact is going to be what we largely want it to be! If the federal government does not wish to make some massive breakthroughs, then there will be no major breakthroughs. If we want to deal with the economic issues, then there are a sufficient number of options open to such agencies as the Employment Service or the Department of Labor. If veterans are to be a target group for manpower development activities under CETA, then there will be a positive impact through CETA—and if not, then CETA will have no positive impact. For you see, the real issue is the economic policy direction that is being set for veterans. The economic impact is going to be, and has been, largely an issue of what the agencies and the policy-makers want that impact to be.

DEMOCRATIC ADVISORY COUNCIL PROPOSES COMPREHENSIVE ENERGY AND ECONOMIC RECOVERY PROGRAM

Mr. HUMPHREY. Mr. President, as Congress resumes its work following the Easter recess, it is timely that the Democratic Advisory Council of Elected Officials—the policy voice of the Democratic National Committee—has adopted a comprehensive program on energy and economic recovery.

Composed of Members of Congress, Governors, mayors, State, county, and local officials, the advisory council acted on recommendations developed by its domestic affairs task force, chaired by Harry McPherson of Washington, D.C., and its foreign affairs task force, chaired by W. Averell Harriman of Washington. Arthur B. Krim of New York City serves as the advisory council's chairman.

On matters as difficult and controversial as energy and economic recovery, unanimity of opinion is nearly impossible to achieve. Not every Democratic Advisory Council member supports all elements of this policy statement. Nonetheless, it is encouraging and significant that the national Democratic Party has been able to reach meaningful conclusions on these important issues and that these conclusions are supported by a substantial majority of the advisory council membership.

I urge my colleagues in Congress to read this declaration and to weigh these recommendations carefully as we legislate in the coming weeks. It is particularly gratifying that the Advisory Council has emphasized the priority of achieving economic recovery over the arbitrary slashing of oil imports through higher prices.

Mr. President, I ask unanimous consent to have printed in the Record the policy statement on energy and economic recovery adopted by the Democratic Advisory Council of Elected Officials.

There being no objection, the policy statement was ordered to be printed in the Record, as follows:

The Energy Problem and Policy Objectives

The major problems posed to oil importing countries, including the United States, by the oil cartel are:

A threat to the security of supply. For the most part, oil importing nations cannot in the near future dramatically reduce their dependence on OPEC oil. The capacity of at least the Arab members of OPEC to turn the "oil spicket" on and off as demonstrated during the embargo suggests the possibility of major economic disruption for oil importers. The seriousness and duration of the threat for each importing country depends upon how much OPEC oil it imports; the measures that have been taken to adjust to a sudden curtailment of supply; and how long it will take for that country to diversify its energy resources. The United States is in a relatively favorable position compared to Japan, Western Europe, and most developing nations.

Less flexibility in the conduct of foreign policy, particularly in the Middle East, due to the vulnerability of the importers to supply curtailments by OPEC. Again, the severity of the constraints reflect the degree of reliance on OPEC oil, and the U.S. is in a comparatively favorable position.

A major transfer of capital from oil importers to oil importers. The large capital transfer is the direct result of the artifically and excessively high prices of OPEC oil. It is estimated that at a minimum the transfer will total about $250 billion by 1980, and it is more likely that the oil bill will approach $350–400 billion. The significance of this transfer lies in the fact that a disproportionately large share of national income will be spent on oil imports, leaving much less for either business capital, consumer, or government spending. This will have a depressing effect on the economies of oil importing nations unless the money is recycled. Even if the money can be recycled, it will be recycled to those countries that can provide the goods and services demanded by OPEC or that offer good investment opportunities to OPEC countries. The countries that will be the principal beneficiaries are the industrialized nations, most notably the United States, Japan, and West Germany. The developing nations face the prospect of zero or negative economic growth. To avoid this situation, the OPEC countries and/or the industrialized nations will have to finance the oil bill for developing nations.

OPEC leverage in foreign policy, through the threat of even further oil price increases or of an OPEC decision to curb the investment or spending of their oil money, actions that would worsen the maldistribution of capital.

In sum, the potential threat to security of supply and the possibility of a maldistribution of capital pose the prospect of economic disruption to oil importers and, as a consequence, may reduce the flexibility of some importing nations in their foreign policy. These contingencies constitute the near term energy problem. The priority objectives of a national energy policy must be to reduce the threat to the security of supply and the size of the bill for imported oil. This calls for development of the capacity to withstand a sudden curtailment of supply and reduced reliance on insecure and high priced oil imports through conservation and the development of alternative supplies. The capital transfer problem can be further eased by supporting all acceptable methods for the recycling of oil money.

As each oil importing country moves for reasons of economic and national security towards less reliance on OPEC oil, the cumulative effect may be a downward pressure on OPEC price due to a reduction in worldwide demand. This coupled with the use of diplomatic suasion to reduce price could alleviate the capital transfer problem.

It should be understood, however, that the October 1973 Arab oil embargo only dramatized a problem that eventually would have required significant changes in our energy utilization and production activities. The exhaustion of petroleum and natural gas—now forecast within the next one or two generations—coupled with the wasteful patterns of energy use in this country demand more efficient consumption patterns. The concern for a safe environment among a growing number of people require new methods of exploration and production. And we know that alternative non-fossil sources of energy must be in place by the early 21st century.

In developing policies to meet the near term energy policy objectives, the United States must evaluate competing policies along several dimensions. Most importantly, are the policies likely to achieve the stated objectives? If so, what will be the costs?

First, what will be the economic and social adjustment costs of the proposed policies? Specifically, what will be their effect on price level, output, and employment, and can the economy sustain these costs? Secondly, how much through higher prices and large investments in conservation and supply policies will be taken out of national income? High levels of spending on energy and by the energy sector will mean less spending for other needed and desired goods and services. Finally, what will be the environmental costs of the policies? The costs of alternative policies in terms of adverse economic impact, foregone social investment, and environmental degradation can then be compared to the effectiveness of each alternative in reaching the objectives.

It is, of course, much easier to ask the right questions than it is to answer them. The following proposals represent the task forces' assessment of competing policies and provide the base for an energy policy that will attain the stated objectives at a realistic cost.

GUIDELINES FOR A NATIONAL ENERGY POLICY

The United States is not faced today with a crisis comparable to that existing during the oil embargo. Moreover, under the authority of the Emergency Petroleum Allocation Act of 1973 the administrative machinery capable of managing shortages is in place. Secondly, with winter almost over the season of peak demand for oil has passed. Thirdly, the recession, a mild winter, and conservation measures have caused a drop in world demand for OPEC oil. Reduced demand and the difficulty OPEC has had in coordinating its production schedule are preludes to a slight decrease in the OPEC price. OPEC does not appear invulnerable.

We can agree with the Administration on the need for an energy policy. In fact, it should be noted that the last Congress gave its attention to major energy legislation. It was the Executive who was negligent. We cannot agree now with the artificial crisis atmosphere that the President has created. Energy policy must be developed within the context of other national needs and priorities. The country has time to work out a sensible long-term energy policy, and at the same time implement workable and effective measures to conserve energy in the short-run and insure emergency supplies.

1. *Economic Recovery:* Recession is by far the most critical problem facing this country. The highest priority item on the nation's agenda is economic recovery. The success of our policies in both the domestic and foreign fields is closely tied to the strength of our economy. Nothing should be permitted to interfere with the restoration of American economic health. Economic recovery policies must be given priority. Recovery policies cannot be sacrificed to an energy program. If properly constructed and timed, an energy policy can stimulate rather than impede recovery.

This economic recovery orientation for national policy was clearly established in mid-November by the Domestic Affairs Task Force statement on the economy. It was given expression again in early December in the economic policy statement endorsed by the Mid-Term Democratic Conference on Party Organization and Policy. The President has very belatedly adopted this orientation, and by the time he conceded that recession should receive the same attention as inflation, the situation was way out of hand.

A. *Fiscal Policy:* The one-shot $16 billion in tax rebates and an increased investment tax credit proposed by the Administration is only a first step in the right direction. But it is no more than a downpayment, and it is inequitable. It does far too little for the victims of inflation and the casualties of recession. The expenditure targets proposed by the Administration are too restrictive and have the wrong priorities. The general guidelines for a minimum fiscal package would be the following:

An immediate tax rebate of some $10–12 billion. It should be paid in one installment and favor low and middle income households—those who are most in need of buying power and who are most likely to spend the rebate. Cash payments should be paid to workers whose income was too low to incur income tax liabilities.

A tax reduction of about $15–20 billion in personal income taxes to be reflected as soon as possible in a reduction in withholding rates for those in the bottom half of the income distribution. This should include a refundable tax credit for low income households.

An increase in the investment tax credit from 7 percent to 10 percent, including a provision assuring full advantage of the 10 percent credit to public utilities.

Some relief for small business and farmers by a doubling (from $25,000 to $50,000) of the amount of corporate income tax subject to the initial 22 percent rate.

The recovery stimulated by those tax cuts will quickly restore the federal revenues and provide a margin to finance priority needs.

A tax reform package to be enacted in 1976 which would redress long standing inequities in the personal and corporate tax structure and add to government revenues.

In concert with these tax changes, an anti-recession expenditure package should be immediately developed and implemented. Components of this expenditure program could include the following:

An expanded public service employment program. With unemployment at 7½ million and rising, a million job public employment program could give both the workers and the nation the benefits flowing from productive employment. Although primary responsibility for developing these jobs to date has rested with state and local governments, a sizable portion of these new jobs could be provided by a federal emergency employment program. One example of such a work force would be an Energy Conservation Corps designed to facilitate the insulation of housing and community facilities, and a door to door educational effort which would stimulate energy conservation practices by households, hotel, and office buildings.

A counter-cyclical $3–5 billion revenue sharing program to alleviate the recession-caused fiscal crisis of local and state governments. The recession has transformed the municipal and state budget surpluses of recent years into a deficit of nearly $8 billion. Lacking the debt financing capacity of the federal government, state and local units are being forced to raise taxes or cut back services and jobs. If federal assistance is not forthcoming, increased taxes, service reduction and lay-offs will only aggravate the recession.

The creation of a development financing instrumentality to help finance the housing industry, public utilities, mass transit facilities and the nation's rail system, as well as to help break other critical supply bottlenecks in the economy.

The prompt initiation of construction and maintenance projects, such as, water and sewer facilities, which have been deferred or delayed because of the Presidential impoundment of funds. Additional federal assistance may be required to permit state and local governments to fully use the federal funds.

B. *Monetary Policy:* If the desired expansion in GNP is to be achieved, the Federal Reserve system must launch an aggressive program of monetary ease. The excessively tight money policy of the Federal Reserve has been a major cause of the current recession. Although the recent moves by the Federal Reserve are in the proper direction we fear they have been more apparent than real. If continued, this cautious monetary policy will stifle the effects of a stimulative fiscal policy.

The Federal Reserve and other federal lending agencies must also develop more selective methods for allocating credit. Housing, public utilities, municipal borrowers, food production and small businesses should receive preference over speculative non-productive ventures.

C. *Price and Incomes Policy:* Promoting a healthy recovery may result in larger wage or price increases than would be possible under a policy of recession. Furthermore, some sectors of the economy command excessive price increases for their goods or services even in the event of falling demand. At the very least, the Council on Wage and Price Stability should be strengthened. Additional powers could include the authority to subpoena pertinent information on wages, prices, sales, costs and profits, and the power to hold public hearings and to intervene selectively in wages and price decisions.

II. *Rejection of the Administration's Energy Program*: A weak economy cannot sustain an energy program like the Administration's nor can it successfully manage another disruption in oil supply or external price shocks. The most important element in a short run energy program will be the restoration of strong economic performance.

The President's energy program is based on a scheme of dramatic energy price increases. It will keep the rate of inflation at its double digit pace and will cost the economy $40–50 billion. This will more than neutralize the stimulative effects of the President's proposed tax reductions and deepen the recessionary trend in the economy. In short, the President's energy plan is an obstacle to economic recovery and, as such, it is self-defeating. The most effective defense against a threat to the security of supply and balance of payments deficits is a strong economy. In order to insure economic recovery the following steps should be taken by Congress:

A. Prohibit the President from imposing the tariff on imported oil.

Limit presidential authority to raise domestic oil prices or to remove price controls from domestic oil production. These actions would include; the renewal of the Emergency Petroleum Allocation Act of 1973 that expires in August 1975.

III. *A Positive Energy Program:* When the private enterprise market system works, it is a very powerful and effective force in determining what will be produced, how it will be produced, and how much it will cost. When and where free market forces work successfully, we should rely on them. However, there are circumstances under which the market system fails to operate effectively, and to pretend that it will function smoothly only results in excessive waste, inefficiency, and inequity. The mixed public-private economy in the United States represents a clear recognition that when the market fails, government must play a role to correct those failures.

The White House energy program rests squarely on the premise that unregulated market forces will be an effective means for suppressing energy demand and stimulating energy production. The program relies on extremely high prices not only for oil but for alternate energy sources as the key to conservation and supply development. The best available evidence suggests that this approach will not work and as already mentioned, it will be very costly to the American people. The proposed higher energy prices will not achieve the desired reduction in demand. They exceed what is necessary to stimulate domestic production and will simply result in large transfer of income from consumers to producers.

The President has taken a polar position and thrown good judgment to the winds. The exclusive reliance on market forces must be rejected and replaced with an approach that sensibly integrates the workings of the market with the degree and type of government involvement that is necessary to achieve our energy policy objectives at minimum cost to the consumer.

A. *Conservation:* Improvement on both the supply and demand side of the energy equation will be required to balance our energy budget in the face of reduced imports. However, insufficient conservation will mean greater pressure on domestic supplies and an increase in environmental risks. Therefore, a natural union exists between conservation and environmental concerns. Greater conservation will mean less environmental cost.

Energy conservation efforts must be limited by one factor: suppression of growth in energy demand cannot be brought about by a deliberate slowdown of economic growth in general. However, due to the high levels of energy waste built into our patterns of production and consumption, it does not appear that a reduction in the growth rate of energy demand will in the long run interfere with economic growth. In the short run, sensible conservation measures should not impede economic recovery. In fact, elements in the conservation program will help stimulate the economy.

1. *Short-Term Conservation*: Because substantial supply adjustments are not possible in the short run, the only way to achieve fewer imports will be through reduced demand. The goal of about 1 million barrels a day proposed by the Administration is arbitrary and economically disruptive. Short-term conservation can best be achieved through the following measures.

The imposition of an import quota designed to reduce imports by about 500,000–700,000 barrels a day. If this action is taken in concert with the other recommendations, it appears that it will not be economically disruptive. However, a gradual imposition of the quota would serve to eliminate any risk of adverse economic consequences.

Use of the Emergency Petroleum Allocation Act of 1973 to allocate petroleum and control price levels in the face of the quota-induced shortage. Reduced allocations should be concentrated in gasoline for automobiles rather than agricultural, industrial or home-heating fuels. However, savings must be made wherever practical in the industrial, commercial, and residential use of energy.

Phase-in over a period of about five years a gasoline tax which would not only serve as a revenue generator for energy supply and conservation projects, but encourage efficient use of the private automobile and the use of mass transit. The gas tax increases could be rebated either through a concurrent reduction in income tax rates for those in the lower half of the income distribution or federal grants to state and local governments that are awarded when sales taxes are reduced. The exact size and scheduling of the tax should be tied closely to the rate of economic recovery.

An immediate tax credit on the purchase of new cars with good fuel efficiency and a tax penalty phased in over several years on new cars that have poor fuel efficiency would provide additional incentives for the recycling of our fleet of cars from "gas guzzlers" to high fuel economy automobiles. The tax credit for new cars with good fuel efficiency would also be an expansionary economic policy.

2. *Medium-Term Conservation:*

a. Transportation.

Statutory performance standards to require better mileage in future cars.

Major funding for mass transit facilities.

A substantial increase in support for rail transportation leading to more energy efficient transportation of goods and people and much needed coal transport facilities.

A review and possible revision of the regulatory, rate structure and tax policies for railroads.

A research and development commitment to energy efficient modes of transportation.

b. Industrial.

Investment incentives applicable to capital expenditures made for the purpose of saving energy or switching from oil and gas to coal.

The development and implementation of federal energy efficiency requirements for major industrial sectors.

A federally supported study on the feasibility of shifting away from the production of energy intensive consumer goods to substitute goods that require much less energy to produce.

c. Residential and Commercial.

Federal loan and tax credit programs for the insulation of homes and commercial establishments.

A revision of building code standards at all levels of government for the purpose of improving the efficiency of space heating and cooling systems.

Energy performance standards for major appliances.

B. *Supply:* Conservation alone cannot bring about the desired reduction in oil imports, and a vigorous program to develop domestic energy suplies should be initiated. Price alone will not be sufficient. The market system cannot provide the leadership and commitment that will be required to develop our domestic reserves in an environmentally acceptable manner.

1. *Short-Term.*

A national strategic reserve and storage system to reduce the threat to our security of supply and immediate development of selected Naval Petroleum Reserves for either storage or commercial use.

The creation of a Federal Petroleum Purchasing Agency which would have the responsibility to negotiate the terms of the importation of crude oil and oil products into the United States. In addition, this agency could initiate a system of sealed bids for oil importers, an action that would spark competition for the American market among oil exporters and possibly lead to price decreases for imported oil.

Create a National Energy Production Board. Funded through a share of the gas tax, the Board will facilitate the development of domestic energy resources and help break other energy bottlenecks by providing needed capital and human resources. A major task for the Board would be to facilitate our conversion from the use of oil and natural gas to coal. The Board could also have the power to direct conservation measures and break conservation bottlenecks.

Create a Department of Energy and Natural Resources to consolidate and rationalize the management of our nation's natural resources. The Department would have the responsibility for setting specific goals for energy use and production and for insuring their realization.

2. *Medium-Term*

Onshore oil and natural gas should not be counted on as a major source of supply in the medium term. Domestic reserves appear to have been overestimated, and the rate of production of existing reservoirs has dropped off considerably. Outer Continental Shelf and coal resources are the more certain alternatives, and coal is our most viable long run source of supply.

The major challenge in supply development is to bring coal into the energy stream in an environmentally-accepted way. Major incentives for the conversion of industry and utilities to the use of coal must be designed and implemented. But coal should only be burned in compliance with environmental standards. Federal involvement and leadership will be required to make this conversion.

Enact the Surface Mining Control Act. This will not only insure environmental safe guards for coal mining but reduce the uncertainty on environmental matters that faces the coal industry and helps retard production.

Since the age of fossil fuels is reaching a conclusion, major efforts must be made to develop technically, commercially and environmentally feasible alternatives. To avoid placing all of our eggs in one basket, joint public-private research and demonstration projects should investigate the full range of alternatives including geothermal, synthetic fuels, solar, nuclear fission, and fusion, wind and tidal power, and others.

C. *Energy Prices and the Energy Industry,*

1. ***Prices.***

The United States should not permit the monopoly price of OPEC oil to set the price of domestic energy. The price of all domestic energy resources must be based on actual production costs and rates of return that recognize the risks of exploration and development.

The steps proposed earlier to limit presidential authority to raise domestic oil prices or lift price controls will help insure fair petroleum prices to consumers.

The current uncertainty about the future price of domestic natural gas must be resolved. Although an increased price for natural gas moving in interstate commerce is necessary, natural gas should remain under regulatory control.

Consider aid to the needy, who cannot afford the current prices of home heating oil, natural gas, and utility service.

2. *Information.*

In order to obtain reliable data on the quantity and quality of this country's energy resources, reasonable ground rules should be established for acquiring information and data from all energy entities, both privately and publicly owned.

Use of the National Energy Production Board to reach independent judgments on the potential oil and natural gas reserves on public lands and on reasonable production costs. Such a yardstick for measuring probable private-sector performance is particularly critical in making sound decisions on Outer Continental Shelf development.

Conduct congressional hearings on the economic need and legality of vertical and horizontal integration in the energy industry.

3. *Tax Policy.*

Repeal the oil depletion allowance for major oil companies, but retain reduced benefits for small producers.

Abolish tax credits for payments to foreign governments that are not taxes on profits.

Recover windfall profits on oil, natural gas and coal resulting from the rapid rise in world oil prices.

IV. *The Role of States in Energy Conservation and Resource Development:* An adequate national energy policy must encourage conservation practices that fall under state jurisdiction, and it must recognize the legitimate state and local concerns over the socio-economic and natural environment impact of energy resource development.

A. *Conservation.*

State and local governments must be encouraged to take the responsibility for:

Enforcing the 55 mph speed limit.

Revising state and local building codes to require more efficient space heating and cooling.

Reducing the reliance on the single passenger automobile. Examples of such actions include granting rights-of-way to multi-passenger vehicles, charging high parking fees for single passenger cars in the central business districts, developing or improving mass transit and encouraging higher density development.

Revising public utility rate structures to encourage conservation of electric power and natural gas.

B. *Supply Development:* Regardless of the outcome of pending litigation before the U.S. Supreme Court, states must play a role in the planning and regulation of energy resource development, specifically on the Outer Continental Shelf.

Preparation of an environmental impact statement regarding the specific site and region should precede exploratory work.

Exploratory work should be supervised by the National Energy Production Board, the results should be shared with the states. Joint federal and state decisions can then be made about the energy resources.

If development is warranted, states should have a role in determining environmental safeguards and in monitoring the project. Conditions should also be established for remuneration to the states in the event of environmental damage.

Government revenues earned on the projects should be shared with the states.

To assist the states generally in the rational planning of their resources, national land use legislation should be enacted.

V. *Energy and American Foreign Policy—General Directions.*

A. OPEC is not a monolith. Not only are there the obvious geographic differences, but important economic, social, cultural, and political distinctions. The common bond is oil and the desire for high prices. Foreign policy initiatives to OPEC must recognize these differences, and above all the generalized approach should be one of discrete negotiation, not confrontation. A direct government role in the negotiations on oil with OPEC countries should be given serious consideration. Those OPEC members that do not have a stake in a Middle East settlement are much less likely to use the security of supply threat. Countries with large populations and low per capita income—such as Nigeria and Equador—will tend to use their oil surpluses to support economic development. This means major recycling through the purchase of Western goods and services. The major capital transfer will be to those countries that cannot absorb their oil surpluses for economic development.

B. The United States should explore every means for the recycling of OPEC oil surpluses. As noted earlier, the U.S., Japan, and West Germany are likely to be the beneficiaries of recycling and the developing nations will bear a disproportionate share of the burden of oil deficits. The U.S., in cooperation with developing nations, should use all appropriate means to encourage OPEC to increase its development assistance. Unless large sums of aid are provided, the less developed nations will enter a period of catastrophic economic decline.

C. The concept of an International Energy Agency should be supported, but Congress should investigate the specific obligations of this country under the agreement.

D. The establishment of a world price floor for oil should be opposed and action to adopt a floor should be clarified and justified to Congress.

E. A settlement in the Middle East will permit greater flexibility in working out more adequate and economically acceptable arrangements on oil. However, a resolution of the conflict will not be tantamount to a resolution of the oil issue.

The primary objective of U.S. policy in the Middle East is peace and stability and not energy. A constructive Soviet role in reaching a stable solution should be seen as an important part of detente.

F. The denial of trade benefits to OPEC members will not be effective if it threatens to rupture our relations with an entire region of the world. In order to maintain and continue to develop amicable hemispheric relations, the U.S. should move to exempt Ecuador and Venezuela from the OPEC clause of the trade bill.

SIXTIETH NACA ANNIVERSARY

Mr. MOSS. Mr. President, 60 years ago this month the National Advisory Committee for Aeronautics, NASA's predecessor, was founded. For over 40 years that organization led the United States in aeronautical research.

On April 2, 1915, President Wilson appointed the first 12 members of NACA. Throughout its entire history until October 1958, members served without compensation. On December 9, 1915, NACA report No. 1, entitled "Report on the Behavior of Aeroplanes in Gusts," was released.

Between 1915 and 1958 the National Advisory Committee for Aeronautics was not only responsible for leading this Nation to a position of preeminence in aeronautical science and technology, but also initiated basic studies which in later years supported such remarkable achievements as the Mercury program.

On July 29, 1958, President Eisenhower announced that NACA would provide the nucleus of the newly formed National Aeronautics and Space Administration.

I feel that this 60th anniversary is an appropriate time to be concerned about NASA's role in aeronautical research, which, after all, remains a primary assignment of NASA. This summer NASA will release the results of two fundamental aeronautics planning studies. One deals with the outlook for aeronautics until the turn of the century, the other deals with a specific area of aeronautics, namely aircraft fuel efficiency.

In preparing these important studies NASA will draw on 60 years of competence, imagination, and drive developed by NACA and her progeny.

GOVERNOR HATHAWAY: A CLOSE LOOK IS REQUIRED

Mr. CHURCH. Mr. President, President Ford has nominated the former Governor of Wyoming, Stanley K. Hathaway to succeed Rogers Morton as Secretary of the Interior. I must admit that I greet the appointment with mixed emotions.

As a westerner, I am pleased that the Ford administration has looked westward to fill the post of Secretary of the Interior, for we in the West have the greatest stake in the decisions of that Department. At the same time, however, I am troubled. While there are qualified Republicans in the West—former Gov. Tom McCall of Oregon comes immediately to mind—with strong credentials, the President has picked a man whose nomination has caused deep concern among conservationists throughout the Nation.

I have already received several protests from Idaho opposing Governor Hathaway's appointment. They contend that the Governor is too strongly oriented toward the coal, gas, and oil industries to serve as the head of the agency which is primarily responsible for regulating them.

It has been asserted that the Governor views as a waste of time research into the potential of solar energy to help meet our energy needs. As chairman of the Senate Interior Committee's Subcommittee on Energy Research and Water Resources, I do not want to see any possible future energy source for this Nation overlooked. We must pursue every possible avenue—coal gasification, nuclear, geothermal, solar, and others.

I have no detailed information on the new nominee's record or philosophy. At this juncture, however, when an intelligent balance between the economy and the environment is crucial, we need a Secretary of Interior with an ability to even the scales, not to tilt them.

For this reason, I am hopeful that the Senate Interior Committee will give this nomination the closest scrutiny.

TAX EQUITY FOR TWO-EARNER FAMILIES

Mr. MATHIAS. Mr. President, since 1969 our tax rate schedules have severely discriminated against married couples in which both spouses work. A man and a woman, each of whom is a wage earner. pays significantly more taxes if they are married to each other than they would if they were still single.

In the 93d Congress, and again this year (S. 93), I have introduced legislation to eliminate this unjustifiable inequity. During the Senate debate on the Tax Reduction Act this year, Senator Long pledged to hold public hearings on proposals to eliminate this discrimination. I believe these hearings are important, both because the discrimination is substantial and unjustifiable and because more and more Americans are becoming concerned about this inequity.

This widespread concern is evidenced by an article recently written by Sylvia Porter, the well-known national financial columnist. Ms. Porter not only describes carefully the cause and extent of this discrimination, but she puts the blame right here with the Congress.

I believe this column will be of interest to my colleagues, and I ask unanimous consent that it be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

[From the Chicago Sun-Times, Mar. 19, 1975]

Tax Inequities for Working Pair

(By Sylvia Porter)

"I have been working on my income tax return today," writes the young man to his congressman, "and have found that my wife and I will have to pay $214 more in taxes this year than we would as single individuals living in sin. (Our incomes are nearly identical and just under $5,000 each.) I have several questions:

"First, assuming Congress arranged this for a reason, I would like to know what the reason is. I distinctly remember that when, as a bachelor, I started work in 1968, it was disadvantageous from an income tax point of view to be single. I resent being twice on the short end of an apparently capriciously divided stick.

"Second, I would like to know whether changes in this arrangement are pending. If there are none, the prospect of saving more than $200 annually for the next 50 years or so (that is $10,000 plus) obviously makes a simple uncontested divorce the economically rational thing for us to do.

"Third, if changes are proposed, I would like to know how you plan to vote."

Since the young man, R.C.A., sent me a copy of his letter and since I know that hundreds of thousands of you must be asking the same questions, here goes:

First, R.C.A. is absolutely right about the unanticipated inequities in the income tax tables and what seem to be utterly indefensible discriminations against married taxpayers.

To illustrate, say you are two taxpayers, single, each of you earning $15,000 for a total of $30,000. Under the increased standard deduction proposed for 1975 which Congress undoubtedly will enact and which will be law, therefore, when you file your income tax next year covering 1975, each of you would take a $2,400 standard deduction. Each of you also would take a $750 personal exemption. The total tax for both of you, as single individuals living together, would be $5,179.

Now, say you get married this year and your individual $15,000 income become a total joint income of $30,000. You get one standard deduction of $3,000 as a married couple. You get two $750 personal exemptions. The total tax on your joint return as husband and wife would be $6,200.

By getting married, as the compilation prepared for me by Leon Gold, chief tax expert of the Research Institute of America, underlines, you lose $1,200 on taxes in one year!

Now to specific answers to R.C.A.'s questions:

(1) Congress didn't "arrange" this for any Machiavellian reason—to penalize marriage or favor homosexuals or anything equally ridiculous. This inequity is a mathematical quirk which unexpectedly came out of the years of effort which led to the massive Tax Reform Act of 1969. In essence, the overall goal was to give the single taxpayer a break and particularly to ease the discrimination against the elderly spinster.

A special rate was voted for the single taxpayer. Then boosts in the maximum standard deduction added to the benefits for two single taxpayers taking two standard deductions, but undercut the positions of taxpayers filing as husband and wife and sharing only one standard deduction.

The gap narrows, though, if you, as taxpayers, itemize your deductions. It also narrows in the common situation where one single taxpayer (the man) earns considerably more than the other single taxpayer (the woman).

(2) Various congressmen have introduced bills from time to time to eliminate the problems. One solution: allowing married couples to file separate returns using the rate schedule for unmarried individuals instead of special, less favorable schedule presently required for married couples filing separate returns. In the House and Senate right now are identical bills, backed by influential legislators, to accomplish this objective.

(3) But, as Gold reports to me, "the key fact is that the House and Senate tax committees have not pushed this change at all." In fact, when hearings have been held, there have been a few impassioned outcries, and then dead silence.

If you—like R.C.A.—want action, write to your congressmen and make your position unmistakably clear. Follow up. If you want our tax committees to give this issue top priority, insist on action. You'll get it. Otherwise, Congress will concentrate on other tax issues such as how much to cut taxes and where.

THE CHICAGO COMMUNITY TRUST

Mr. HARTKE. Mr. President, I know that none of my colleagues is insensitive to the needs of our fellow citizens in these troubled times. Inflation and high unemployment take their toll in human suffering and misery. Throughout the history of our Nation, private initiative has been able to help meet the needs of people who have had to shoulder an unusually heavy share of the burdens caused by the economic and social ills of our society.

One of the means which the private sector has used to accomplish this purpose has been the foundation. There are over 28,000 foundations in the United States today. As chairman of the Senate Subcommittee on Foundations, I have had the opportunity to become acquainted with the work of many of these organizations. We often hear of the programs supported by the giants in the foundation community, but rarely do we learn about the work of the many smaller foundations.

Mr. President, the activities of one of these smaller foundations has recently come to my attention through articles printed in the Chicago Daily News and the Chicago Sun-Times. I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Daily News, Feb. 24, 1975]

CASH HELP TO FIT CHANGING NEEDS

(By Edward H. Eulenberg)

An English tobacco dealer provided in his will that after his death rents from his property should buy snuff for old women of the parish.

But how could he know so long ago that most women would cease to use snuff, or that the district would change from residential to other uses, with no women residents.

If he had put his money in trust, however, leaving it to the discretion of the trustees to adjust use of the funds to changing needs and conditions, he still could have been sure his rents would help old women (with filter tips?) or go to some equally worthy cause.

This example of good intentions gone astray is related in the annual report of the Chicago Community Trust, presented Monday to several hundred bankers, attorneys, foundation officials and donors of funds at the 60th annual meeting of the trust.

Presenting the report at the meeting in the First Chicago Center of the First National Bank of Chicago, Philip D. Block Jr., chairman of the trust's executive committee, said:

"During the trust's 60 years it has made nearly $50 million in grants for the benefit of the citizens of greater Chicago. The trust has supported the broad charitable needs of the community, from efforts to improve health and social services in Chicago to the maintenance and expansion of the community's cultural life."

In fiscal 1974, the annual report showed, there were 260 grants, totaling $4,012,677, to Chicago agencies and institutions, from 137 trusts benefiting specific agencies or fields, and 7 general funds.

The meeting also was told of $16,754,171 in new trust funds and additions to existing funds received in fiscal 1974, bringing the total in all funds to $77 million.

Behind the columns of figures in the report—$100 to a hospital or health association, $40,000 to a medical school, $225,100 to a health agency—are two other stories, said Bruce L. Newman, executive director of the trust.

One deals with the history and concept of the trust; the other with the many and varied activities helped by the trust funds.

The concept is that "nothing is forever," said Newman.

"This includes the social problems that loom so large in our concern today.

"Like other community foundations, the Chicago Community Trust ensures that the intentions of donors will always and forever be translated into meaningful charitable purposes.

"The trust accomplishes this because it provides a means of avoiding the so-called "dead hand" of an individual's will, which does not take into account changing human needs and social conditions.

Citing the case of the gift of snuff, Newman noted that the concept of the trust and the funds it administers provides "the needed flexibility to respond to changes."

Since more than half the trust's funds are unrestricted, the executive committee decides on their use, Newman explained.

There is flexibility also in use of restricted gifts—for a certain field, such as arts, music, health or education, rather than for a specified cultural group, hospital or school, he said.

Even gifts to a certain agency or for a limited purpose can be flexible, Newman explained, through a bequest form that the trust encourages. This form specifies that the money be used until the executive committee decides the use has become "unnecessary, undesirable, impracticable . . . or inconsistent with the charitable needs of the community," when the funds will go to the trust's general purposes.

Some requirements to be met by an agency seeking a grant are that funds are available; that competent persons will carry out the proposal; that other funds are not likely to be found; that the proposed program will have an impact on the community and that the problem—or need is important to the community.

Albert W. Harris of the Harris Trust and Savings Bank sparked formation of the Chicago Community Trust on May 12, 1915, through a resolution approved by the Harris Bank's directors.

Stating the need for a charitable trust in Chicago, the resolution declared that "charitable purposes can be made to accomplish greater good if the terms of the devotion of . . . funds . . . shall permit of change in the particular objects or enterprises to be assisted or encouraged, and in the channels through which such funds are applied."

Harris had heard of the concept of a community trust from Frederick Harris Goff, a Cleveland lawyer and banker who in 1914 created the first such trust, the Cleveland Foundation.

Goff said at the time he was hopeful such trusts, of which there are now about 250 throughout the country, would be "helpful in avoiding the evil effects of the 'dead hand' and in stimulating and safeguarding gifts to charity."

The other story behind the figures, Newman said, is the impact of funds administered by the trust in many areas. These include health and social services (hospitals, medical programs, special problems of children and the aged); cultural affairs; education (aid to schools, school programs and scholarships); civic affairs and jobs.

In human terms, such help can be translated into a class of fourth-graders from the inner city enjoying their first symphony concert; a medical student or nurse helped to complete professional education; a member of a minority group helped to find a home in Chicago or near a suburban job.

Or the grants from some of the funds might support a program to give a blind man or woman independence through skill training; the visit of a nurse to the home of a new mother; the chance for a boy or girl to go to summer camp; or hope and help for a working mother.

Some day advanced technology and social changes may eliminate the need for medical scholarships or child-care centers and other agencies as we know them now.

But as long as mankind survives there will be human needs. And the trust and others like it will be able to channel charitable gifts to those who best can use them.

[From the Chicago Sun-Times, Feb. 25, 1975]

GROUP WINS AWARD FOR NEWSLETTER

The Community Renewal Society received the annual $5,000 award of excellence Monday from the Chicago Community Trust in recognition of its Chicago Reporter newsletter.

Police Supt. James M. Rochford, who presented the award to CRS executive director Donald Benedict, praised the publication for its "high quality of investigative reporting." Rochford, a member of the award committee, singled out for praise the May, 1974 issue devoted to a study of homicides in Chicago.

He called the issue "thoughtful and in-depth reporting . . . one of the best articles written on murder."

The award of excellence is presented by Chicago Community Trust in honor of James Brown IV, who served as the organization's executive director for 24 years prior to his retirement in 1973.

Chicago Community Trust is a community foundation established in 1915 for philanthropic purposes. At Monday's meeting in the theater at the 1st National Bank Plaza, Philip D. Block Jr., chairman of the executive committee, announced that grants totaling $4,012,677 were made in fiscal 1974.

Block said the grants were made to 260 charitable institutions and agencies in the Chicago area.

RECOGNITION OF DR. JOHN GORRIE OF APALACHICOLA, FLA.

Mr. STONE. Mr. President, nearly 140 years ago, Dr. John Gorrie, a physician and resident of Apalachicola, Fla., was searching for ways to control the body temperature of his patients suffering from malaria. Also an inventor and a scientist, Dr. Gorrie felt that if he could lower the room temperature around the sick, he might be able to regulate their body heat.

Dr. Gorrie's efforts to aid the sick produced the machine by which ice was artificially produced for the first time. The forerunner of the modern refrigerating system, this invention ranks high among contributions in importance to the South and possibly to the entire world. On May 6, 1851, exactly 125 years ago next year, Dr. Gorrie obtained a patent for his machine from the U.S. Government. That machine is currently displayed at the Smithsonian Institution here in Washington, D.C.

The city of Apalachicola, incorporated in 1831 and one of Florida's oldest cities, has passed a resolution requesting the U.S. Postal Service to issue a commemorative stamp to honor Dr. Gorrie's achievements as the inventor of artificial ice and refrigeration.

Mr. President, I am convinced that this would be a worthy effort, and therefore I ask unanimous consent that the text of the resolution adopted by the city commissioners of the city of Apalachicola, Fla., on March 6, 1975, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, Dr. John Gorrie, a citizen and resident of Apalachicola, State of Florida, invented at Apalachicola, Florida, in the year 1839–1840 the process of artificially manufacturing or producing ice; and,

Whereas, Dr. John Gorrie obtained May 6, 1851 from the United States Government a patent No. 8080 for the machine by which ice was for the first time artificially produced; and,

Whereas, the machine invented by Dr. John Gorrie with which ice was produced for the first time is now in the Smithsonian Institute at Washington, D.C.; and,

Whereas, the invention of the ice making machine by Dr. John Gorrie by which ice was for the first time produced artificially ranks next to or possibly greater than the cotton gin invented by Eli Whitney in importance in the South, and possibly in the entire world; and,

Whereas, the ice producing machine invented by Dr. John Gorrie was the forerunner of the present modern refrigerating system; and,

Whereas, at that time the main task of Dr. John Gorrie was caring for patients suffering from malaria, and he felt that if he could lower the room temperature he might control the temperature of the sick, and thereby invented his ice making machine; and,

Whereas, Dr. John Gorrie was a great inventor, scientist, and humanitarian, and the public should be better informed as to Dr. John Gorrie and his accomplishments; and,

Whereas, on May 6, 1976, it will have been 125 years since Dr. John Gorrie obtained from the United States Government his patent for the machine by which ice was for the first time artificially produced; and,

Whereas, the City Commissioners of the City of Apalachicola, Florida, feels that it would be appropriate for the Postal Department of the United States in the year 1976 to issue a commemorative stamp to honor Dr. John Gorrie, for his invention 125 years ago of the machine by which ice was for the first time artificially produced; Now therefore be it

Resolved by the City Commissioners of the City of Apalachicola, Florida, that in order that the public may be better informed as to Dr. John Gorrie and his accomplishments, request the Postal Department of the United States issue in the year 1976, a commemorative stamp to honor Dr. John Gorrie, the inventor of artificial ice and refrigeration. Be it further

Resolved that the Postal Department of the United States and the U.S. Senators and Congressmen from Florida be furnished with a copy of this Resolution.

Adopted by unanimous vote of the City Commissioners in regular session on this 6th, day of March, 1975.

CWA PRESIDENT GLENN E. WATTS TESTIFIES ON ECONOMIC PROBLEMS

Mr. HUMPHREY. Mr. President, recently Glenn E. Watts, president of the Communications Workers of America, which represents more than 600,000 working people in collective bargaining, appeared as a witness before the Joint Economic Committee to testify concerning the economy and unemployment.

In his remarks, Mr. Watts persuasively pointed out that far from being a statistical problem or a political problem, the unemployment that our Nation is now experiencing is a devastating human problem. As he observed, the more than 8 million workers whom the Labor Department counts among the "official," unemployed are "not cold gray Government statistics" but are, in reality, "walking, breathing American tragedies."

In his remarks, CWA's president also pointed out that the latest intitiative of the Ford administration to cope with inflation, recession and unemployment is the ninth district economic policy in just the past 4 years. These policies, however, have accomplished very little and, as Mr. Watts stated:

> The upshot of all this economic gimmickry, with its theatrical phases and freezes, is clear today. The American people have been phased into a recession which the administration seems incapable of unfreezing.

Mr. President, I ask unanimous consent that the complete text of Mr. Watts' testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE PRESIDENT'S ECONOMIC REPORT BY GLENN E. WATTS

Mr. Chairman, my name is Glenn E. Watts and I am President of the Communications Workers of America, an AFL–CIO union which represents more than 600,000 working people in collective bargaining.

First of all, I would like to commend you for holding these hearings. The Joint Committee is in this way effectively continuing its Congressional oversight role with reference to the Administration's economic policies.

Never in its nearly 30-year history of assessing the state of the economy, however, has the Committee confronted as bleak a picture of the national economic landscape as it finds today.

The American people are currently suffering through a period of economic distress that is unparalleled since the Great Depression. Indeed, many of our citizens—the black, the poor, the old, the disabled, the uneducated and the unemployed—are presently reliving the nightmare of that dark era which was the low watermark in our nation's economic history.

I am here today to tell you that America's workingpeople are among the principal victims of the shameful economic mismanagement that for 75 months now has marked the current and the former Administration. In classic fashion, the recession in which we are presently mired and which has developed during this period has rapidly worked its way through our economy like a corrosive acid, not only afflicting the helplessly poor but also disrupting the lives of our nation's workingpeople.

This recession, however, is not the result of an economic accident. It is instead the inevitable consequence of the Administration's natural bias shown in behalf of the profits of big business, an attitude that for too long has measured economic progress within the narrow confines of corporate financial reports. The fallout of that myopic attitude has been disastrous for our wage earners, who have been forced to bear the burden of the various economic "game plans" that have emanated from the White House.

Walled in from the misery of the real world, the economic soothsayers who chart our destiny continue to seek the right "game plan" while workers and their families pay dearly for these experts' repeated miscalculations.

The glaring reality is that since 1971, when wage and price controls were first implemented, federal economic mismanagement has consisted of a maze of tortuous twists and turns. The latest initiatives of this Administration comprise the ninth distinct economic policy in just the last four years.

In early 1971, the former Administration was still following its original economic "game plan" of reducing inflation by holding down both federal spending and the growth of the nation's money supply.

Then came the Phase I wage-price freeze of August 1971, followed by Phase II, a system of so-called tight controls, which in turn was succeeded by Phase III, a strategy of so-called loose controls. In June 1973 we had Freeze II, which was chased by Phase IV, consisting of controls that were removed piece by piece until they expired last April 30.

The present Administration then converted to the "oldtime religion" of budget cutting and tight money, followed by the abortive WIN program, which gave way to the current policy, which has not yet acquired a name.

The upshot of all this economic gimmickry, with its theatrical phases and freezes, is clear today. The American people have been phased into a recession which the Administration seems incapable of unfreezing.

Mr. Chairman, almost five years ago, in July 1970, Dr. Arthur Burns, the architect of most of these failing "game plans," came before this same Congressional Committee at a time when the economy was beginning to falter, and he told the Committee that the downturn was nearing the bottom. He sought to soothe the furrowed brow of the average American at that time by predicting that full employment, by which he meant an unemployment rate of four per cent—and what a contradiction in terms that is!—would soon be restored.

A year later, Dr. Burns, then Chairman of the Federal Reserve Board, again appeared before this Committee, after his prediction had failed to come true, and he then declared there were signs that the economy was heading for a "real recovery."

So here we are today, four years later, and over the long haul things have not gotten better but have become increasingly worse. The American people have been promised that inflation would be cooled and promised that unemployment would decline. Neither of these promises has been fulfilled.

What worries us most today is that it is only at this late hour that the Administration is beginning to show signs that it intends to modify the economic philosophy of the previous Administration, a philosophy which places balanced budgets before people, an intolerable mixup in our national priorities. We now have new advisers, such as the new head of the Council of Economic Advisers and his colleagues, but they are giving the same callous advice offered by those who came before them. We are simply, in effect, having new wine poured into old bottles.

Because of the current Administration's inability to give the leadership necessary for modern economic thinking, the Communications Workers of America and the American people must look to Congress to formulate an effective economic policy. Along this line, I want to thank both the Senate and the House of Representatives for so decisively rejecting President Ford's proposed increase in the price of food stamps to the poor last month.

The food stamp proposal was for us a frightening example of the disorientation that marks this Administration's economic thinking and which signals to us clearly that the legislative branch must now play the role of national economic leader. Indeed, it was a tribute to Congress's collective sense of leadership, courage and character when the President backed down and signed into law the bill rolling back his food stamp price increase.

On that food stamp issue, the Administration, in the name of a "balanced budget," would have strangled the poor and the elderly into starvation, throwing them on the discard heap like so much disposable garbage. In effect, to "save" $650 million, the Chief Executive and his White House band of economic elitists sought to reincarnate a policy of 19th century Social Darwinism, survival of the fittest, at a time when 18 million Americans, nearly 10 per cent of the population, are receiving food stamps, and many others are growing less fit and wondering whether they themselves will soon be among the needy.

Mr. Chairman, I know that one of the areas that you want to explore today is the nation's unemployment picture.

Let me tell you that we draw no comfort from the latest government statistics showing that the unemployment rate remained steady in February after having climbed at the most rapid pace of the entire post-World War II period between August and January. We strongly believe that the 8.2 percent official jobless figure fails to reflect the true state of the nation's catastrophic unemployment picture. Nearly 600,000 discouraged workers who are not counted by the Department of Labor as unemployed totally dropped out of the labor force between January and February, giving up their quest for jobs because employment was not available. These dropouts from the labor force are probably now drifting into the backwaters of American society.

Moreover, in compiling their monthly figures, the Labor Department counts as "employed" 3.7 million wage earners who are working only part-time, due to the current economic crisis. Thus, a wage earner who has worked for as little as one hour in the survey week that the Labor Department uses is still counted by the Bureau of Labor Statistics as employed, even though he may have actually received as little as $2 in earnings during that week.

If you add the officially unemployed, the discouraged workers and the underemployed, you get nearly 13 million American workers who are enduring the most serious kind of job and earning problems. This is approximately 13.7 per cent of the labor force, or more than one out of every eight American workers.

But what I want to do this morning is to remove the lifeless cloak from the cold unemployment figures put out by the Department of Labor and try to lay bare the dehumanizing impact of joblessness on working people.

Unemployment is not a statistical problem or a "political" problem. It is a human problem. Left unchecked, it can uproot a whole society, turning an open democracy into a closed, brutal dictatorship.

But in personal terms unemployment is something even worse than that. It is a virulent disease that poisons workers' spirits. It is a venom that dilutes men's souls, transforming them into wretched shells of their former selves. It is a destructive bacillus that must be quickly cured, for, if it persists, it can eat at the taproot of a worker's personality, altering a friend into a Frankenstein, a man into a monster seeking to recapture in some misguided way his lost self-esteem.

Let us take a closer look at some of the unemployed among us who comprise that eight per cent jobless figure.

There is the middle-aged worker in an auto assembly line or a construction project sitting alone in his home, a good father, a pillar of his church and a model citizen, slowly realizing that in a couple of months there will be no money left with which to support his wife and children. No government statistic can measure the broken dreams and the bitter disappointment that are his constant companions.

There is the young Vietnam veteran who served his country honorably, crawled through the mud in southeast Asia, ate rations out of a tin can, saw his friends killed, learned how to die himself and then returned home to be forgotten and relegated to the rear of an unemployment line.

There is the black man in the ghetto wanting to succeed within the American system, ambitious, intelligent and capable, but once again placed on the periphery of society, his nose pressed against the glass, wondering if he fits into this country at all.

Mr. Chairman, these sidelined workers are not cold gray government statistics. They are walking, breathing American tragedies. And although they may be a national embarrassment, the unemployed will not just go away and disappear, much as some politicians might like them to.

When you take these cases and multiply them by several million, you'll get a pretty good idea of what it's realy like to be jobless and feel forgotten in America.

Put simply, there is something fundamentally indecent about a man or woman who wants to work being forced to take a beating from a plentiful society that he meant no harm and in which he only wants to participate. The gray government figures may measure unemployment in a national population as numbers on a piece of paper, but there is no way to keep score of the scars written on the lives of the jobless.

There is no government statistic that can measure the sething hostility growing in a man's mind, and no Labor Department figure that can convey the feelings of inadequacy that gnaw at a man as he sees his children being forced to run around wearing other people's clothes.

The sad fact is that the rampant recession and soaring unemployment are creating a potential powderkeg of social dynamite in our nation's cities. In the core areas of some of our largest metropolises, the unemployment rate for blacks in certain categories exceeds the rate of joblessness for the overall work force during the depression four decades ago. Among black teenagers, the jobless rate is nearly 40 per cent, an explosive situation giving rise to restlessness, rootlessness and resentment.

And as the 20th century has taught us already, a whole society beset by recession and unemployment can develop the ugliest mass emotions including the ancient curse of anti-Semitism as well as other prejudices which thrive on economic disaster.

So what's the solution? What do we do about getting this economy moving again?

The first thing we need to do is to declare all-out war on unemployment with a massive public service jobs program in which the federal government steps in and assumes the role of the employer of last resort.

To that end, I want to congratulate you, Mr. Chairman, for your sponsorship of S. 50, the full empoyment legislation which you have introduced in the Senate and which Mr. Hawkins has sponsored in the House. This legislation would help make the Full Employment Act of 1946 a reality rather than a shattered hope by mandating all agencies of government, including the Federal Reserve Board, to take whatever action is needed to assure a job, at decent wages, for every American who is able and willing to work.

The legislation also requires the President to prepare a Full Employment and National Purposes Budget each year. The purpose of this budget would be to design programs capable of reducing unemployment to no more than 3 per cent within 18 months of the first report and lower at a later time.

Second, in addition to jobs, we need authentic tax reform. For far too long, the United States Government has played the role of Robin Hood in reverse, practicing welfare socialism for the rich through tax loopholes and 1890 robber baron capitalism for the poor through regressive taxes.

As you know all too well, we are now experiencing the first recession in history in which the tax burden on families and individuals has increased, squeezing workers and their families even tighter during a difficult time.

We support a tax cut of at least $30 billion by the Congress in 1975. We are thus most pleased that in its recent report to the Senate Budget Committee, the Joint Economic Committee recommended a tax cut in the $30–$35 billion range for this year.

In addition to legislating a tax cut, however, the Congress must take steps to close a series of gaping loopholes that it has opened in the past in favor of big corporations at the expense of the average worker. As long as Congress continues to countenance tax evading as the great corporation sport, the most striking feature of the corporation income tax will be its disappearance.

It is utterly inequitable for a worker with a wife and two children who takes the normal deductions to have to pay more taxes from his salary earned by the sweat of his brow than giant corporations pay, although these multinational companies make millions of dollars in profits. Unlike the average worker, who does not shirk his revenue responsibility, these companies avoid paying their fair share of taxes by squirming through a series of special loopholes every April 15.

Last year, for example, ten of the nation's largest corporations earned almost $1 billion in total profits but paid not a single penny to the government in taxes, according to a study recently released by Representative Charles Vanik.

According to that same tax report, the aggregate adjusted gross income of 12 of our nation's largest oil companies skyrocketed by 61 per cent in 1973 over 1972, yet their effective tax rate was barely increased from 7.9 per cent to 9.6 per cent, a figure far less than what the average worker pays.

The time is long past for Congress to "take the rich off welfare" and make them measure up to a tax responsibility that is commensurate with their capability instead of compelling workingpeople to carry the rich companies on their already overburdened backs.

We are especially hopeful that this Congress will eliminate the foreign tax credit, a loophole which, according to a new Treasury Department report permitted U.S. multinational oil companies to cut their 1972 income tax bill by almost 77 per cent. The multinational oil companies have used this loophole like a giant tax eraser claiming $2.953 billion in foreign tax credits against total 1972 taxes of $3.846 billion and thereby reducing their U.S. taxes to $893 million.

Largely as a result of this loophole the 19 major U.S. oil companies ended up paying a total of 5.7 per cent of their 1972 income in U.S. income taxes. This is a lower rate of taxes than is paid by a worker and his family making $8,000 a year.

While favoring an end to the loopholes at an early date, CWA firmly believes that Congress must complete its work on the top-priority feature of tax legislation—a tax cut—before it takes another Congressional recess. The American people are becoming more and more tightly strapped. Rapid tax rebate action is imperative. Therefore, there should be no vacations until Congress completes its work on this legislation.

Third, in addition to comprehensive jobs legislation and genuine tax equity, we need a coordinated national energy policy aimed at achieving energy self-sufficiency.

At CWA, our memories are longer than last year's lines at the gas pumps. Although our workers and their families have so far been spared the convulsions of last year when most Americans suffered through a winter of discontent, they are still paying exorbitant prices for homeheating fuels and other energy needs.

Because of the policy of economic aggression practiced by the OPEC cartel, over $50 million leaves this nation every day of every week of every month. These oil producing countries have achieved an economic "Pearl Harbor," a victory that they could never have achieved by military means, which is seriously burdening every American citizen.

So that America can increase her domestic supply of oil, natural gas and other energy resources at reasonable cost to her workingpeople, the federal government must become involved in developing petroleum and gas reserves in the United States on public lands and in maintaining strategic reserves. We support this concept as embodied in legislation currently pending before the Congress as S. 701, the Consumer Energy Act, introduced by Senators Warren Magnuson (D-Wash.), Adlai Stevenson (D-Ill.) and others.

We also back the creation of a National Energy Production Board to develop and execute an "action program" to use the manpower and productive capacity which now lie idle because of the recession.

In addition, as part of an effective energy program, we must launch a major national effort to utilize coal for increased energy needs. Our nation's coal supply constitutes the largest single known fossil fuel reserve in the world. Coal has enormous energy potential for the United States, which we have not fully explored.

We must also investigate the use of other forms of energy which could provide a future source for our nation's ever-increasing power needs, in order that we will be able to run our factories, farms, offices, homes and transportation without looking back over our shoulders in the fear that we are exhausting an irreplaceable source of energy.

For example, we must continue our research and development in the uses of solar energy. Along this line, we are pleased that Congress took an important first step last year when it enacted useful legislation to further research in this promising area. We also need to conduct more intensive investigations into the development and use of geothermal and nuclear energy, both of which can be vital supplements to our diminishing supplies of oil and gas.

Mr. Chairman, given the current state of the economy, it now appears that next year America will celebrate the 200th anniversary of its birth at a time when millions of its citizens will be standing in unemployment lines. It is appalling that at this point in our nation's history such a tragic waste of human resources continues to occur.

It is up to the Congress at this juncture in the life of the United States to lead the fight for public service jobs, tax equity, energy independence and social justice. CWA believes that the Senate and the House are not chained to the old myths of yesterday's economic game plans but instead are capable of breaking new ground, seeing modern realities and forging ahead.

If Congress does not exhibit such leadership and if the economy continues to deteriorate, the economic recession of the 1970's may become the spawning ground for political radicalism in the 1980's.

Looking back, we see that 10 years ago we were beginning to build the "Great Society." Now, as we approach our 200th birthday, we are worried that we may be headed into another Great Depression.

Looking in the other direction, to the future, we have now entered the first year of the final decade on the way to 1984. In sharp contrast to that dreaded destiny which George Orwell vividly depicted, we also during the next decade embark on the third century of the American experience, an epoch unmatched in growth and development of technology and civilization.

Our nation has arrived at the crossroads, not unlike that described by one of our greatest poets, Robert Frost, in his prophetic work "The Road Not Taken."

Whether the President, the Congress, labor, business and the American people can effectively respond to the current economic challenge may weil determine if nine years from now we arrive at the doorstep of the Orwellian nightmare or emerge into the light of our nation's third century secure in the realization that through our determination today we will have frustrated that dark dream of tomorrow and instead turned toward the American dream of security, justice and individual fulfillment.

IMPROVING LEGAL REPRESENTATION FOR OLDER AMERICANS

Mr. TUNNEY. Mr. President, last year's Labor-HEW Appropriations Act included a $9 million increase for the Older Americans Act, title III, State and community services programs, raising the administration's budgetary request of $96 million to $105 million.

In September, when this provision was considered in the Senate, the distinguished chairman of the Labor-HEW Appropriations Subcommittee (Mr. Magnuson) and I had a brief colloquy. Senator Magnuson emphasized that the Senate intended at least $1 million of the increase for title III be used to strengthen legal representation for older Americans.

This recommendation was the result of a hearing I held last year in Los Angeles on "improving legal representation for older Americans." That hearing, conducted jointly by the Senate Committee on Aging and the Judiciary Subcommittee on Representation of Citizen interests, provided powerful reasons for strengthening legal counseling services for the elderly.

It also amply demonstrated that many moderate-income older Americans find themselves in a "no-man's land" when confronted with a legal problem. They are unable to qualify under the legal services program because their income is too high. Yet, they cannot afford a private attorney. The net impact is that far too many elderly persons are now denied benefits under Federal programs, even though they are legally entitled.

Despite the clearcut desire to strengthen legal representation under the Older Americans Act, as evidenced by the colloquy between Senator Magnuson and myself, there remains some doubt whether the administration would, in fact, carry out congressional intent.

For this reason, I asked Senator Chiles to question Commissioner Flemming about the administration's plans to spend a portion of the title III funding for legal representation projects. This brief colloquy came during a hearing chaired by Senator Chiles on the training needs in gerontology.

Commissioner Flemming's response was very forthright and encouraging:

> We will certainly respect the legislative history relative to the $1 million.

It is my understanding that the administration will soon make funds available to strengthen legal representation services for the elderly. I am also hopeful that the National Senior Citizens Law Center will be funded to provide training and technical assistance to make legal representation more readily available for older Americans.

To my way of thinking, the National Senior Citizens Law Center is superbly qualified to perform these tasks. Since this law center is based in my home State of California, I have had an opportunity to see firsthand how effective it has been in sensitizing area agencies on aging, law schools, the organized bar, the legal services program, and others about the special legal problems of the elderly.

Mr. President, I also ask unanimous consent that the colloquy between Senator Chiles and Commissioner Flemming concerning implementation of my amendment to provide $1 million in title III funding to strengthen legal representation under the Older Americans Act be printed in the Record.

There being no objection, the colloquy was ordered to be printed in the Record, as follows:

Senate Committee on Aging Hearing on "Training Needs in Gerontology"

Senator Chiles. The following is a question that Senator Tunney wished to ask.

He was not able to be here this morning.

As you know, the Senate added $9 million to the Administration on Aging Title III program in the fiscal 1975 Labor-HEW Appropriations bill.

When the bill was considered by the Senate on September 16, 1975, Senator Magnuson, the Chairman of the Labor-HEW Appropriations Subcommittee and Senator Tunney discussed the intent of this add-on.

Senator Magnuson made it very clear that the Senate intended at least $1 million be used "To strengthen legal representation for older Americans."

This Senate increase was accepted by the House and Senate Conferences without further comment about the $1 million, thus leaving the Senate legislative history to control the use of the $9 million.

I would appreciate your telling us how you are carrying out the intent that at least $1 million be used to strengthen legal representation for older Americans.

Dr. Flemming. Senator Chiles, of course, that $9 million is also on the Hill at the present time, because that is one of the items proposed for recission.

If the Congress does not concur in the recission of the $9 million, we will be in a position to allocate some of it to the States in connection with the Title III programs.

As Senator Tunney's question indicates, the apparent intent was we would allocate approximately $7 million to the States, leaving $2 million for other purposes, $1 million of which is involved in Senator Tunney's question.

We will certainly respect the legislative history relative to that $1 million.

Saying that, I am not making any commitments as to the type of legal services that we would provide grants for.

That will have to be determined on the basis of proposals that may be submitted to us, and in our evaluation of those proposals, but we will certainly follow the legislative history on the $1 million.

Senator Chiles. Thank you, Doctor, and we thank you for your testimony today.

STANDARDIZATION WITH OUR NATO ALLIES

Mr. McINTYRE. Mr. President, the economy of standardization of weapon systems and equipment by the NATO Alliance is a goal which I am actively pursuing as chairman of the Armed Services Subcommittee on Research and Development. From time to time I have addressed this subject on the floor of the Senate and will continue to do so as matters of significance come to my attention. Recently, I came across an article on this subject which was written by Dr. Gardiner L. Tucker, Assistant Secretary General of NATO for Defense Support, who is a strong proponent of standardization. I am in complete agreement with his views and ask unanimous consent that the article, which appeared in the NATO Review of January 1975, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Standardization and the Joint Defence

(By Dr. Gardiner L. Tucker)

The evolution of NATO strategy in recent years, particularly in light of approaching nuclear parity between the Soviet Union and the United States, has led to a greater emphasis on the role of the Alliance's non-nuclear forces in deterrence or defence. Both Warsaw Pact forces and NATO forces continue to improve but defence budgets in the West are coming under growing economic pressure. In this situation, the allies must devote more attention than ever to improving the effectiveness of their forces through a better use of limited resources. Standardization is an important means to this end.

The only external power which can constitute a serious potential military threat to the way of life of the Western Democracies, which NATO was formed to preserve, is the Soviet Union and the Warsaw Pact. No NATO ally has a policy of maintaining by itself sufficient forces to contain large-scale aggression by the Soviet Union, particularly close to Warsaw Pact borders. Each member country must, therefore, rely for its freedom from coercion and for deterrence of attack on the combined forces of the Alliance. It is indeed primarily to sustain these combined forces at an adequate level that NATO members maintain defence establishments at their current levels.

NATO has adopted a forward defence strategy for its conventional forces, rather than a retaliatory strategy, or one relying on defence in depth, or loss and regain of territory. The front line, extending from Norway through Turkey has been divided into sectors, with different nations manning different sectors to provide an initial covering force capable of holding the line against a limited attack or for a limited time. Should a major attack concentrate on one or more of these sectors, there would soon be a need for reinforcement. Ground and air reinforcements might come from any of several allies, depending on the status of the total conflict. Thus, the conventional forces of the allies are maintained primarily to fulfill a role which requires them to be able to operate together effectively.

This is why it is of particular importance, in improving the effectiveness of Alliance forces with limited resources, that attention be concentrated on increasing the ability of the various national forces to operate together. Standardization is a crucial means of achieving this.

MUCH ACHIEVED

Of course, something already has been done within NATO towards standardization; more than any other alliance of free and sovereign nations has achieved in peacetime. Some $5,000 million has been spent over the years on multi-national programmes. The Starfighter, the Mark 44 torpedo, and the Hawk, Sidewinder and Bullpup missiles are some systems of US design which were released into multinational production and entered the inventories of several allies. The G91 tactical reconnaissance aircraft; the Atlantic maritime patrol aircraft, and the AS-30 missile are examples of European designs which have had multi-national production and use. A further $5,000 million will be spent if current programmes are completed for such co-operative projects as the Jaguar tactical and training aircraft, the Sea Sparrow missile, the Multirole Combat Aircraft, and the Puma, Gazelle and Lynx helicopters.

In addition, about $5,000 million has been spent on commonly funded programmes to create an infrastructure capable of sustaining joint operations. A network of 220 NATO airfields has been constructed, and signals and pipeline networks provided for their support. The NATO Air Defense Ground Environment integrated air defence system, extending from Norway to Turkey, has been completed and consists of an interconnected network of 80 radar sites and a number of computers, all with the same language, symbols and software, thus ensuring common command and control of interceptors. Current infrastructure programmes involve a further $1,000 million.

A more recent example or agreement to cooperate towards the goal of standardization concerns an over-the-horizon anti-shop missile. Agreement has been reached among all NATO Navies on the general requirements for such a missile and on a staff operational objective, and a plan has been adopted setting out the steps involved in a collaborative project for its development and production. The characteristics have been agreed, and the NATO Industrial Advisory Group will soon undertake a pre-feasibility study and make technical proposals on what can be achieved. This is an excellent opportunity for standardizing a new weapon system as national commitments have not yet been made, and it is anticipated that there will be a wide need for such a missile in the next decade.

DESTANDARDIZING

Yet in spite of these impressive achievements, and these examples by no means exhaust the list, NATO has in fact been destandardizing in many areas in the past several years, so that the variety of weapons in the inventories of the Alliance has been steadily increasing. The result is that interoperability is seriously impeded and the development and production of armaments is inefficient.

This trend toward destandardization was illustrated in a review conducted two years ago which showed that there were 31 different types of anti-tank weapons in the inventories of member countries, whereas a military analysis indicated that five was probably the optimum number. In addition, there were 18 new or improved types under development at that time. That meant that there had been about five times as many separate developments as were needed. If even half of that development effort had been invested instead in one of the fields in which Soviet weapon technology has moved ahead of the West, we would be in a better position. If we had a fifth or even a third as many types, widely used throughout the Alliance, our forces would be much better able to share logistic support as well as training and doctrine, and to conduct joint operations.

Even where co-operative weapons projects have been established within NATO, the average number of nations participating in one project has been 3.6. As the minimum for cooperation is two, and there are fifteen member countries of the Alliance, this is not a very high average. The result is that there can still be several alternative systems each adopted by a few Allies, instead of a single NATO standard system.

The development of alternative weapon systems would not be harmful if they were competed against common criteria and only the most cost-effective selected. But this is not what usually happens. Each nation generally chooses the system it has developed or in whose development it has collaborated. Thus alternative developments simply lead to alternative weapons in Alliance inventories rather than to the establishment of a superior NATO-wide standard.

RESOURCES DISSIPATED

By this means, not only are research and development resources being dissipated but, more seriously, forces are being created which are not efficient in joint operations. Let us look for a moment at the ACE Mobile Force (AMF) which consists of units from seven member countries. It has about 5,000 men on the ground complemented by an air arm. The units in the force train together; they operate together; in any crisis they would deploy together to critical areas, and could well be the first integrated NATO forces on the scene. They symbolize the cohesiveness of the Alliance. But let us look at how well they are standardized. With seven nations contributing, there are seven different types of combat aircraft in the air arm; there are six different types of recoilless rifles; four different types of wire-guided anti-tank weapons; three different types each of mortars, rifles and machine guns. This force is prepared to deploy to a number of different critical areas in time of crisis, and obviously cannot pre-position its supplies in each of these possible areas. Because their weapons and supplies are so diverse, each of the seven national units in this force must maintain its own logistics personnel and establish its own logistic support. Because the weapons and supplies of the AMF units are not standardized with those of the host countries into which they are prepared to deploy, they cannot plan initially to draw on host country supplies and replenish them in due course; they must bring their full supplies with them ab initio.

The Commander of the AMF has determined that, if armaments were standardized both within his force and with the potential host country, then the time for his forces to deploy and be combat ready could be cut to less than half what it is today! To put this factor of two into perspective, it should be recalled that in virtually every analysis of East-West balances, NATO's response time is one of the most critical determining parameters. The AMF Commander has also estimated that with such standardization the seven logistic staffs could be consolidated and their tasks simplified so as to get the same job done with one-half the logistic personnel! To put this factor of two reduction in logistic personnel into perspective, it should be recalled that total manpower is the largest cost element in military budgets and its escalation is eating into modernization budgets throughout the Alliance. Finally, the airlift requirement would be cut in half, thus generating a major equipment saving. All of these improvements and savings might have resulted had the Allies spent the same level of resources they actually did spend, to acquire the same numbers of the same classes of weapons, if they had first agreed to adopt common standards.

POTENTIAL FRATRICIDE

The important thing about the AMF is that its experience is indicative of the problems and opportunities presented by the joint operation of larger units. Similar lessons are also emerging from the experiences of the NATO Standing Naval Force in the Atlantic and the Channel, and from NATO exercises. They demonstrate significant impediments to joint operational effectiveness and significant increases in logistic costs resulting from the lack of standardization of fuels, ammunition, armaments and supplies. The lack of common frequencies and codes for data transmission and of standard systems for identification of friend or foe, moreover, have been shown in recent exercises to lead to NATO destruction of NATO aircraft in a conflict. Of the substantial number of NATO maritime patrol aircraft which were (theoretically) shot down in one recent exercise, for example, subsequent analysis showed that more than 50% were attributable to NATO weapons!

Thus the proliferation of types of weapon systems and equipments in NATO inventories leads to explosive logistics, inefficient joint operations and even potential fratricide. In addition, the proliferation of development projects which feeds these inventories represents a serious dissipation of resources and a jeopardy to the continuing leadership of the Alliance in weapons technology. Leadership in technology may be more important to deterrence than the size of our forces or the efficiency of our logistics. The Soviets have demonstrated that they are striving for such leadership and may have achieved it in selected areas (e.g. in anti-shipping cruise missiles or in second generation Surface-to-Air Missiles). One might think then, that the roughly $8,000 million per year spent by the members of the Alliance on non-nuclear research and development would constitute a coherent, co-ordinated effort to maintain Alliance leadership in technology and to modernize Alliance armaments in a common cost-effective way. Yet in important areas this effort remains secretive, overlapping unco-ordinated.

REASONS FOR FAILURE

How are we to account for the failure of NATO to achieve the level of standardization which seems so clearly to be needed for its security and for the efficient use of its resources? The answer is many faceted, but one deep aspect concerns strategy. For many years, the dominant conviction throughout the Alliance was that the Warsaw Pact was largely deterred by the US strategic arsenal, and that the conventional non-nuclear forces were primarily intended to demonstrate the common commitment which is essential to effective deterrence, and to hold the line for a few days in order to test the seriousness of any attack and buy time for the political decision to escalate. In that strategy, the important thing about the non-nuclear forces was that they existed, not that they were effective together. In this situation, it was tolerable to design forces for separate national missions and to be preoccupied with fostering national defence industrial capabilities.

A second aspect of the explanation for NATO destandardization has to do with non-NATO military missions and the gradual erosion of common tactical doctrine. When NATO was first formed, the common defence has the overwhelming military concern of the members and the tactical doctrine tended to be common because it was derived from the common experiences of World War II. The NATO deterrent has kept the members of the Alliance free from attack or coercion for 25 years. During that period, however, the forces of several members have been engaged in conflict or have assumed missions in many other theatres. Thus the very success of NATO has often permitted a preoccupation with the doctrine and design of forces appropriate to missions and theatres not widely shared within the Alliance, and nations have tended to tailor their armaments to the preferences and perceived independent needs of their own forces rather than to the needs of the joint defence.

A third aspect has to do with economics. From the beginning it has been a deliberate NATO policy, for strategic, economic and political reasons, to stimulate the development of a strong NATO defence industry with wide participation by member nations. By the end of the last decade several nations had developed the technological and industrial capability to design, develop and produce modern weapons. In order to maintain this capability and the degree of military independence which it provides, to foster further development of defence industry and the concomitant advances in other sectors of industry which such development often implies, to gain a competitive posture for external armaments sales, to continue domestic employment, and to minimize armaments procurements from other countries with their attendant unfavourable payments balances, these countries have tended to protect their defence industries and to procure their own designs from their own factories.

Many countries have recognized that in principle multinational co-operative development and production of weapon systems might be preferable. But they have often judged that the task of harmonizing together the different perceived military requirements and schedules and the task of efficient organization and management of such multinational co-operative efforts would be too difficult to be successful except in very special cases. Moreover there has been a tendency to view the goals of standardization and co-operation in armaments on the one hand, and of national economic and industrial health on the other, as in conflict. It has, in fact, often been implied that if NATO were to agree to extensive standardization based on selection of the most cost-effective of alternative weapon systems designs, the result would be an extensive Americanization of NATO armaments and the atrophy of European design capability.

The strategic importance of non-nuclear forces to NATO security, and the necessity for the various national forces to be able to operate together effectively, are now better understood throughout the Alliance. The preoccupation with other missions is fading, partly due to world political developments and partly to national economic developments. The doctrinal differences which have grown up between the Allies in the non-nuclear field have begun to decline. Moreover several successful multinational developments have now established that such projects can be efficient and can satisfy reasonable national constraints relating both to payments balances and to technological participation. From such experiences appropriate organization and management techniques are becoming clear.

As a result, it is now recognized at the highest levels that NATO-wide standards are necessary to ensure that the forces of the Alliance can operate together effectively and can support each other logistically if necessary. It is accepted as both strategically and economically important to the Allies that there should be multi-national participation in the development and production of armaments and this participation must be effective and technologically satisfying to the nations involved so that no one nation derives the preponderant technological advantages.

Ways must now be found of satisfying the legitimate national economic and industrial goals of the member countries while, at the same time, ensuring that the West's armament technology and industry as a whole are adequate and efficient. What is needed, above all, is the acceptance of Alliance-wide standards derived from technological advances and weapons developments occurring on both sides of the Atlantic. This does not imply that all weapons in allied inventories must be the same. Indeed, specialization might well be necessary in order to meet the requirements of special missions undertaken by countries as part of the common defence. But where missions are shared, and forces must be able to reinforce and support one another, there must be common standards.

ACTIONS UNDERWAY

A number of actions are underway in an effort to substantially improve standardization in NATO over the next four years. The NATO armaments groups, under the guidance of the Conference of National Armaments Directors, have been conducting a systematic review, weapon by weapon, in order to encourage, wherever possible, standardization or co-operative development. The NATO allies have all agreed, for example, to an effort to harmonize their requirements for the next generation of anti-tank weapons and to co-operate in the development and production of a single family of five weapons to replace the 31 now in inventories. The major tank producing countries have agreed to a common testing programme to select the main gun and ammunition to be common for future Alliance tanks. We are approaching agreement on a common lightweight ASW torpedo for the 1980s.

In addition, we have started to formulate clearly our shared objectives for standardization, and beyond that to talk explicitly about the issue of defense industry and technology and its relationship to our strategic goals and to national economies. We are trying to specify and quantify the assessments of our accomplishments and our failures with respect to these goals. And we are trying to attack the underlying issues which have been preventing more extensive or effective collaboration. Thus, for example, we have had a series of frank discussions of these issues in the North Atlantic Council and in the Defense Planning Committee.

The NATO Industrial Advisory Group has undertaken to identify equipment areas where potential economies of scale make common items particularly attractive and where such items can be effectively shared out for production or where specialization in production is the more economical answer.

The Economic Committee is beginning to analyze the economic health of various sectors of the Alliance's armaments industry as a whole, to determine whether the "protective" policies often pursued by member nations have produced economically efficient industries and whether alternative policies can be devised which could foster a more efficient Alliance-wide industrial base while still satisfying national economic goals.

RECENT PROGRESS

In his article Equipment Standardization and Co-Operation,[1] John Stone referred to the efforts of NATO's Conference of National Armaments Directors (CNAD) in the fields of anti-armour, surface, air-to-air, and anti-ship missiles; airborne early warning, detecting and tracking; electronic warfare equipment and small arms ammunition.

Reference was made earlier in this article to the progress which has very recently been made toward collaboration on an anti-ship missile. It might be added that prospects have also improved for agreement on small arms ammunition. At a CNAD meeting last October, it was decided that there should be only two calibres for light infantry weapons, one of which should be the existing NATO 7.62 mm round. Furthermore, it was decided that wherever possible, no nation should introduce any other calibre into its inventories before the results of an agreed test and evaluation programme became available. Where, however, countries do have to acquire new light infantry weapons before this programme is completed, it was agreed that they should introduce these weapons on an interim basis only, or fill the gap in their stocks by leasing or borrowing supplies of such weapons from another nation.

A further example should perhaps be mentioned as it concerns a subject of outstanding importance—the replacement of the F104G Starfighter and other aircraft. The F104G has been one of NATO's major achievements, as the same aircraft was included in the inventories of eight NATO nations, most of whom had a share in its production. It makes sense from almost every point of view that where the military missions are similar NATO standard aircraft should again be procured. Interoperability will only be realistically achieved by a common aircraft; economies of production and logistic support require common procurement; commonality presents extensive opportunities for sharing training, maintenance and exercises, and contributes towards standardization of associated weapons, equipment and facilities, thus offering further economies and increased effectiveness. Belgium, Denmark, the Netherlands and Norway in particular have missions for their replacement aircraft which are sufficiently similar, and replacement schedules which are sufficiently compatible, that replacement with a single common standard is a very attractive possibility. These four nations have undertaken an impressively thorough joint study of the possible replacement aircraft, and of the operational, logistic, industrial and economic factors involved in their selection. By the time this article appears in print the consequences of their deliberations may well be known.

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[1] See NATO Review No. 4; 1974.

THE TASK AHEAD

This article can only suggest the scope and gravity of the problems associated with standardization and armaments co-operation, and the measures which are being undertaken or contemplated to tackle them. As modern weapon systems may require a decade or more from the initiation of development to full deployment, and as weapons once introduced may remain in the active inventories for one to three decades, standardization can only come slowly even when the objective is fully supported. There is very broad agreement throughout the councils of the Alliance, however, that the current inhibitions of joint operational effectiveness and the current inefficient and wasteful use of Alliance development and production resources can no longer be tolerated. There is now a tremendous and difficult task ahead of us. The accomplishments thus far in some limited areas, the new initiatives undertaken, and the serious study of underlying problems all suggest that the trend to further destandardization and proliferation of weapon systems may soon be arrested. It will, however, be necessary that throughout the next decade a sustained firm commitment to effective NATO standardization permeate national defence establishments if progress is to be commensurate with the gravity of the need. Given such a commitment, the defensive capability of the Alliance and its comparitive lead in armaments technology and therefore the strength of deterrence, can be significantly enhanced over the coming decade within present resource levels.

Surely that is a goal worthy of pursuit.

HAZARDS OF AEROSOL SPRAY CANS

Mr. HATHAWAY. Mr. President, in the past several months we have become increasingly aware of the dangers involved in the manufacture and use of aerosol spray cans. The immediate hazards posed by spray cans range from death through inhalation to disabling lung damage and disease from constant exposure to the use of aerosol sprays. Additionally, vinyl chloride, known to cause a rare form of cancer of the liver, is a component in many aerosal sprays. Yet, cans containing vinyl chloride remain on our market shelves, an unmarked danger to their purchasers.

Most recently, gases released from aerosol sprays have been implicated in a decrease in the protective ozone layer of the Earth's atmosphere. This layer forms a shield between us and the Sun's ultraviolet radiation. A decrease in ozone may result in increased cases of skin cancer, and could have substantial effect on the Earth's vegetation. Ultimately a significant deterioration of the ozone layer could result in a catastrophe.

The problem posed by the release of gases used in aerosol sprays and their effect upon the ozone layer have been presented in a recent article in the New Yorker magazine. Both the House and Senate have held hearings on bills which speak to this problem, and a petition was filed last fall with the Consumer Product Safety Commission in Washington by the Natural Resources Defense Council to ban the use of certain aerosol spray can propellants. Jurisdiction over this petition is presently being decided, and meanwhile, testimony and factfinding on the dangers presented by the extensive use of aerosol spray cans is being compiled both at the congressional and administrative levels. As the New Yorker article so clearly points out, it is essential that we all become informed of this potential danger and that we take necessary measures to protect ourselves from the dangers indicated by the present research on the interaction of the use of aerosol sprays and our protective ozone layer.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANNALS OF CHEMISTRY

INERT

(By Paul Brodeur)

In the age of convenience packaging, few items have scored a greater success in the marketplace than aerosol sprays. The phenomenal growth of the aerosol industry began in the early nineteen-fifties, when chemists at E. I. du Pont de Nemours & Company hit upon an ideal propellant—a mixture of two gases that could be confined under low pressure in tin-plate or aluminum cans—and Robert H. Abplanalp invented a mass-producible plastic-and-metal valve that could dispense the contents of the cans at the touch of a fingertip. Cheap, lightweight cannisters soon supplanted the cumbersome and expensive steel containers that had housed aerosol sprays since the Second World War, and from then on the proliferation of aerosols proceeded at an incredible rate. In 1947, four and a half million cans of the old-style aerosols—mainly insecticides—were manufactured and sold. By 1954, the annual production of aerosols had jumped to a hundred and eighty-eight million cans—a hundred million of them being more or less equally divided between insecticides and shaving lathers. In 1958, the production of aerosols soared past the five-hundred-million mark, with hair sprays taking over as the leading item. And in 1968, when two billion three hundred million aerosols were turned out, the total of a decade before was nearly equalled by the production of hair sprays alone.

By 1970, practically every product that was conceivably sprayable either had been packaged or was being considered for packaging in aerosol form. As a result, more than three hundred different uses have been devised for aerosols, which dispense everything from baby powder, slip preventive for bathtubs, breath sweeteners, and cheese spreads to cooking-pan coatings, nasal sprays, oven cleaners, rug shampoo, shoe polish, telephone disinfectant, waxes, weed killers, and whipped-cream substitutes. With the exception of a few failures, among them toothpaste and chocolate syrup, most of the new aerosol products—lavishly advertised and imaginatively marketed—have gained wide acceptance by the public. Today, with personal products such as deodorants, hair sprays, and shaving lathers accounting for fifty per cent of the take, aerosols are a three-billion-dollar-a-year industry in the United States. They are also virtually ubiquitous. In 1973, two billion nine hundred and two million three hundred and forty thousand aerosols were manufactured and sold in this country—enough to provide about fourteen for every citizen of the land—and the 1974 total was more than three billion, which amounted to about fifty per cent of the total world production. Small wonder that the average American family is estimated to possess between forty and fifty cans of aerosol in various parts of the house.

Though some consumer groups and medical researchers had reservations about this fantastic propagation of aerosol sprays, the matter caused no real stir until last year, when it became known that the propellant most commonly used in them—the same mixture of gases that had enabled the du Pont people to start the aerosol boom some twenty years ago—might be seriously threatening the environment.

The first hint of this was received in 1970, when Dr. James E. Lovelock, a biospheric chemist at the University of Reading, in England, detected one of the gases—trichloromonofluoromethane—in the ambient air over western Ireland. Because he knew that the other gas—dichlorodifluoromethane—is far more stable, though less easily measurable, Lovelock assumed that it was present also, and in fact he later found this to be the case. (Both gases had been synthesized in 1928 by chemists in the General Motors research laboratories who were trying to find a non-toxic, non-flammable refrigerant; dichlorodifluoromethane has been widely used ever since as a coolant in refrigerators and air-conditioners.) When Lovelock subsequently took air samples from shipboard in the North and South Atlantic, in 1971, he discovered that trichloromonofluromethane had pervaded the entire troposphere—the six-to-ten-mile-high portion of the atmosphere that lies between the earth and the stratosphere. At the time, he found no cause for alarm in his observations, for the simple reason that both gases—closely related compounds of chlorine, fluorine, and carbon, which are marketed by du Pont, their chief manufacturer, under the trade name of Freon—were known to be chemically inert. In fact, it was their chemical inertness that, together with a high volatility, had made them ideal as an aerosol propellant, which must vaporize at room temperature and not react with any of the ingredients it is designed to propel. As a result, Lovelock and other investigators at first regarded the omnipresence of chlorofluorocarbons in the troposphere as a harmless and potentially valuable tool for tracing air movement and wind direction.

The assumption that chloroflurocarbons would be innocuous in the environment because they were chemically inert might have gone unchallenged for some time if it had not been for Professor F. Sherwood Rowland, a member of the Department of Chemistry of the University of California at Irvine, who was a specialist in the chemistry of radioactive isotopes. Upon hearing that Lovelock had found chloroflurocarbons to be everywhere in the troposphere, Rowland began to wonder where they were going and what would become of them. Since there appeared to be no particular urgency about the matter, he pondered it off and on for more than a year. Then, in the summer of 1973, he requested and received permission to investigate it from the Atomic Energy Commission, which had supported his work since 1956. On October 1st, he and Dr. Mario J. Molina, a photochemist from Mexico City, who had recently completed his Ph.D. studies at the University of California at Berkeley and had just joined Rowland's research group, set out upon the trail of the chlorofluorocarbons, never suspecting that before the end of the year it would lead them to contemplate the possibility of an end to life on earth.

To begin with, the two men were aware that chlorofluorocarbons, like all molecular gases, could be decomposed upon photolysis by short-wavelength ultraviolet light from the sun. They also knew that such decomposition would have to occur high in the stratosphere—from fifteen to twenty miles above the surface of the earth. Below that, almost all short-wavelength ultraviolet light is intercepted and absorbed by a fragile layer of ozone—a gas formed by the action of sunlight on oxygen—which shields the planet from harmful solar radiation. Because they were sure of the existence of a photolytic sink in the stratosphere—"sink" is a term that scientists apply both to the processes by which chemicals are destroyed and to the places in which this breakdown occurs—the first question that Rowland and Molina asked themselves was whether there might be other methods or locations for the disposal of chlorofluorocarbons. Since Lovelock's measurements had indicated that the total amount of trichloromonofluoromethane in the troposphere was about equal to the total amount of it ever manufactured, this seemed unlikely, and after further study the two men came to the conclusion that the compounds, because of their relative insolubility in water, could not be removed and absorbed by natural sinks such as rainfall or the oceans, and, because of their chemical inertness, could not be broken down rapidly by any other known mechanisms in the troposphere. Thus, they presumed that the several million tons of chlorofluorocarbons estimated to be floating about in the troposphere would survive long enough to rise into the stratosphere. Rowland and Molina were aware that the upward diffusion of chlorofluorocarbons—as of any gas not lighter than air—would be very slow; in fact, after completing their next set of calculations they were able to estimate that the average molecule of chlorofluorocarbon would wander aimlessly, rising and falling between troposphere and stratophere in the manner of a yo-yo, for between forty and a hundred and fifty years before it encountered short-wavelength ultraviolet light and decomposed. They also estimated that by this time, if chlorofluorocarbons continued to be manufactured and used as propellants and refrigerants at the 1972 worldwide rate of almost a million tons a year, the several million tons of the compounds pervading the troposphere would increase to nearly a hundred million tons, and the decomposition of chlorofluorocarbons in the stratosphere would increase correspondingly.

The significance of this increase became apparent late in November of 1973, when Rowland and Molina undertook to examine the consequences of the long-delayed but inevitable encounter between chlorofluorocarbons and ultraviolet light. The two men had known all along that as soon as a molecule of chlorofluorocarbon decomposed it would release atoms of chlorine. They now determined that, within a second or two, each atom of chlorine (a highly reactive chemical) would seek out and react with a molecule of ozone (an extremely unstable substance), and that this, in turn, would initiate an extensive and complex catalytic chain reaction in which, over a period of a year or so, as many as a hundred thousand molecules of ozone could be converted into molecular oxygen and eliminated from the stratosphere. Uneasy at finding that a single atom of chlorine was capable of such destruction, Rowland and Molina returned to their earlier calculation that nearly a hundred million tons of chlorofluorocarbons could be expected to build up in the troposphere within the next century or so, and estimated that enough chlorofluorocarbon molecules would thereafter be decomposed annually in the stratospheric sink to unleash five hundred thousand tons of chlorine atoms. Chlorine in this amount, they concluded, was sufficient to roughly double the depletion of ozone known to occur naturally each year, chiefly through a catalytic chain reaction initiated by oxides of nitrogen released into the stratosphere as a result of bacterial action in the ocean and in the soil. The chlorine would thus bring about a situation in which ozone would be destroyed much faster than under normal conditions.

At the time Rowland and Molina reached this conclusion—it was a few days before Christmas—they had no easy way of determining exactly how much of the ozone layer might eventually be destroyed. However, a rough calculation led them to estimate that a loss of from twenty to forty per cent was within the realm of possibility. This was a disconcerting prospect, to say the least, since the work of previous investigators had demonstrated that such a reduction would cause a tremendous increase in the kind of solar radiation known to be most detrimental to plant and animal cells. Rowland and Molina thus came to the further chilling conclusion that if chlorofluorocarbon propellants and refrigerants continued to be used at present rates, chlorine might one day take over chemical control of the stratosphere, with consequences that could conceivably disrupt, if not destroy, the biological systems of the earth. Moreover, they realized that even if the use of the two gases were to cease at once, destruction of part of the ozone layer—though the full effect would not actually be felt for a decade or two—was foreordained by the fact that the chlorofluorocarbons already in the troposphere were inexorably seeping up into the stratosphere. In effect, they had discovered a planetary time bomb.

Since Rowland and Molina were not specialists in atmospheric chemistry, they initially reacted to their theory with disbelief, assuming that somewhere in their calculations they had made a simple mathematical mistake. But when they reviewed their work they were unable to find any error. At that point, seeking outside advice, they paid a visit to Dr. Harold S. Johnston, a professor of chemistry at the University of California at Berkeley, who in 1971 had been the first scientist to call attention to the threat posed to the ozone layer by oxides of nitrogen released from the exhaust of supersonic transports. Dr. Johnston not only confirmed their conclusion that large amounts of ozone could be destroyed through a chain reaction initiated by tiny amounts of chlorine but also informed them that similar theories had recently been worked out by several different groups of atmospheric scientists who were conducting research for the Department of Transportation's Climatic Impact Assessment Program—a three-year, twenty-million-dollar study that had been set up in 1971 to investigate the effects of nitrogen-oxide and sulfur-dioxide emissions from the SSTs. According to Johnston, these scientists had undertaken to examine the potential role of chlorine in the stratosphere because they were aware that the use of ammonium perchlorate in the fuel of the National Aeronautics and Space Administration's proposed space shuttle would result in the release of hydrogen chloride from its exhaust. But they knew of no existing major sources of chlorine in the stratosphere, and so they had not considered their findings immediately important. The irony of this was heightened when Johnston told Rowland and Molina that recent work in England had indicated that the chain reaction triggered by free chlorine atoms could destroy ozone six times as efficiently as the one initiated by nitrogen oxides.

As might be expected, Rowland and Molina came away from their meeting with Johnston fully convinced of the magnitude and urgency of the problem they had uncovered, and of the necessity of publishing their data as quickly as possible. During the first week of January, 1974, Rowland wrote an article describing their findings and sent it off to *Nature*, the international scientific journal, which is published in England. For the next eight months, the dissemination of their theory about the calamitous effect of chlorofluorcarbons upon ozone seemed to rival the slowness with which the gases themselves were diffusing upward into the stratosphere. To begin with, the editors of *Nature* were obliged to wait until the data had been evaluated by referees, and therefore did not get around to publishing the article until June 28th. A press release based on the article was sent out by the public-information office of the University of California at Irvine, and was picked up by the Los Angeles *Times*, the San Francisco *Examiner*, and several other California newspapers. Unaccountably, however, though the release was sent to the Los Angeles bureaus of the New York *Times*, the *Wall Street Journal*, the *Christian Science Monitor*, the *National Observer*, *Time*, and *Newsweek*, the story did not appear in any of those publications. As a result, word of Rowland and Molina's ominous findings did not become public knowledge on the East Coast until the two men reported them in person on September 11th at a meeting of the American Chemical Society being held in Atlantic City.

By that time, Rowland and Molina had calculated that if chlorofluorocarbon production continued to increase at the present rate of ten per cent a year until 1990 and remained constant thereafter, between five and seven per cent of the ozone layer would be destroyed by 1995, and between thirty and fifty per cent of it would disappear by the year 2050. To underscore the gravity of even a five-per-cent depletion, they cited studies indicating that the resulting increase in ultraviolet radiation would, after 2050, cause forty thousand additional cases of skin cancer each year in the United States alone. They went on to warn that greater losses of ozone could cause other serious biological damage, such as genetic mutation and crop damage, and might even shift stratospheric temperatures sufficiently to create changes in the world's weather patterns. To point out the irreversible aspect of the problem, they predicted that if nothing was done over the next decade to prevent further release of chlorofluorocarbons, the vast reservoir of the gases that would have built up in the meantime would provide enough chlorine atoms to insure continuing destruction of the ozone layer for most of the twenty-first century. Not surprisingly, they told the members of the Chemical Society that in their opinion the advantages of using chlorofluorocarbon propellants and refrigerants scarcely seemed worth the serious hazards they posed to the climate of the world and to the health of its inhabitants. And they urged that the compounds be banned.

The informaion presented by Rowland and Molina in Atlantic City touched off a chain reaction of its own. Within two weeks, their findings were confirmed by an announcement of similar findings by Dr. Paul Crutzen, a meteorologist working with the National Center for Atmospheric Research and the National Oceanic and Atmospheric Administration, both in Boulder, Colorado. They were also confirmed by two of the scientific groups that had been investigating the problem of ozone depletion for the Climatic Impact Assessment Program. One of these groups was led by Dr. Ralph J. Cicerone, a physical chemist at the University of Michigan's Space Physics Research Laboratory; the other was heated by Dr. Michael B. McElroy, professor of atmospheric science at Harvard University's Center for Earth and Planetary Physics. The calculations of both indicated that chlorofluorocarbons would, if anything, destroy ozone even faster than Rowland and Molina had estimated.

Coming hard on the heels of a disclosure by Dr. Fred C. Ikle, director of the Arms Control and Disarmament Agency, that nitorgen oxides released by the heat of thermonuclear explosions in warfare would destroy a large part of the ozone layer, these alarming predictions received wide coverage in the press and aroused considerable public concern. There was already a great deal of concern in the scientific community. In mid-September, the National Academy of Sciences appointed a special five-man panel to assess the situation and recommend a course of action. In addition to Professors Rowland, Johnston, and McElroy, its members included Francis S. Johnson, ex-executive director of the Center for Advanced Studies at the University of Texas at Dallas, and Dr. Donald M. Hunten, an atmospheric physicist at the Kitt Peak National Observatory, in Tucson, Arizona. The panel met in Washington, D.C., on October 26th, and the five men agreed unanimously that a serious problem was in the making; they recommended that the Academy undertake a full-scale study of the chlorofluorocarbon hazard and complete it within a year. Dr. Hunten, the panel's chairman, held a news conference upon his return to Tucson and, emphasizing the urgency he felt, called for an immediate halt to the purchase of aerosol sprays that contained chlorofluorocarbon propellants. Three weeks later, a petition to ban the sprays was filed with the federal Consumer Product Safety Commission, in Washington, by the Natural Resources Defense Council, an organization that has won a number of landmark court cases involving environmental problems. Among other things, the Council's petition cited recent measurements taken from high-altitude aircraft by Philip W. Krey, of the Atomic Energy Commission's Health and Safety Laboratory, in New York City, which showed that chlorofluorocarbon molecules had already risen into the lower stratosphere, twelve miles above the earth.

Meanwhile, the aerosol industry had been developing its own response to the situation. In September, when chlorofluorocarbons first broke into the headlines, spokesmen for the du Pont Company, which had been aware of the findings of Rowland and Molina for more than six months, contented themselves with pointing out that the calculations were hypothetical—that no real proof existed to demonstrate that the two gases could rise into the stratosphere, let alone that they could lead to the destruction of ozone. Subsequently, Dr. Raymond L. McCarthy, technical director of the company's Freon Products Division, announced that industry-sponsored studies involving both direct measurement of chlorofluorocarbons in the troposphere and observation of their chemical reactions in chambers designed to simulate high-altitude conditions would be undertaken by scientists at several universities. According to Dr. McCarthy, these studies would take three years to complete, and would be coordinated by a trade group known as the Manufacturing Chemists Association. Nineteen producers of chlorofluorocarbons, including the six American manufacturers—du Pont, the Allied Chemical Corporation, the Union Carbide Corporation, the Pennwalt Corporation, the Kaiser Aluminum & Chemical Corporation, and Racon, Inc.—would finance the studies. McCarthy said that pending the first results of the industry-sponsored research there was no dependable evidence that chlorofluorocarbons posed a hazard to ozone, or, for that matter, that the chlorine chain reaction worked out by Rowland and Molina and other investigators could occur at all. He added that it would be an injustice if hypothesis were to serve in the meantime as a basis for judgment and action. Nevertheless, during the month of November the sale of aerosol products dropped by seven per cent, and rumors soon began circulating that du Pont had halted construction on a new chlorofluorocarbon-manufacturing plant, in Corpus Christi, Texas.

As the autumn wore on, it became obvious that furor over chlorofluorocarbons would lead to a congressional inquiry, and on December 11th the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce began two days of hearings to consider legislation that would regulate, and possibly ban, the manufacture of the gases. In an opening statement, the subcommittee chairman, Paul G. Rogers, a Florida Democrat, expressed grave concern over the problem, declaring that it was like a tale out of science fiction. "Since coming to the Congress, I have never begun hearings with such an eerie feeling," he said. "The idea that we may in fact be destroying the layer of atmosphere which protects us from the sun's rays is both rather staggering and frightening."

As it happened, the legislation proposed to regulate chlorofluorocarbons was not reported out of the subcommittee, because the Ninety-third Congress expired eight days after the hearings were concluded. But the testimony of the witnesses on both sides of the issue, though it produced little information that had not already appeared in newspapers all across the country, had served to raise some difficult questions for the new Congress and the Administration to ponder. For example, who should assume the burden of furnishing absolute proof of whether chlorofluorocarbons pose a threat to the ozone layer? Who, for that matter, should determine whether it is safe to wait for absolute proof to be established? What measures, if any, should be taken in the meantime to control the manufacture and use of the chemicals? Which agency should be given the power to enforce these measures? And which agency, then, should assume jurisdiction over the stratosphere?

Neither the Administration nor Congress has yet come up with specific answers to these questions. But the President's Council on Environmental Quality and the Federal Council for Science and Technology are sponsoring a broad interagency study of the situation, and during February two bills attempting to deal with the problem were introduced in the House of Representatives. Both bills avoid a politically unpalatable outright ban on chlorofluorocarbons by calling for additional studies to determine whether a chain reaction initiated by chlorine released from the gases is in fact destroying the ozone layer. These studies are to be conducted over the next year or so by the National Academy of Sciences and by NASA. One of the bills—it has just been introduced in the Senate as well—would ban chlorofluorocarbons if their manufacturers fail to furnish proof within two years that the stuff is safe. The other bill would require that the administrator of the Environmental Protection Agency determine what constitutes a safe level of ozone depletion, and to what extent chlorofluorocarbon production should be regulated in order not to exceed it. Thus, both of the proposed laws would, in effect, grant industry's request for a delay in regulatory action. Indeed, it appears that the initial concern of the Congress over the threat that chlorofluorocarbons pose to the world's environment has been tempered by subsequent consideration of the adverse effects of regulatory legislation upon the national economy in a time of recession.

Whether it is prudent, let alone safe, for Congress to try for a trade-off between these two priorities—the environment and the economy—remains a question. It also remains a question whether it is wise of Congress to assign a major role in determining the extent of the chlorofluorocarbon hazard to NASA, an organization that can surely be said to have a vested interest in the matter as a result of its billion-dollar-a-year space-shuttle program. It is equally questionable whether any legislation regulating the production of chlorofluorocarbons in the United States can be effective in preventing destruction of the ozone layer unless similar restrictions are imposed by other chlorofluorocarbon-producing nations—including the Soviet Union, where the compounds are manufactured under the trade name Eskimon. For that matter, how can the E.P.A. administrator or anyone else determine a safe level of ozone depletion caused by chlorofluorocarbons without taking into account the destruction of ozone that will be caused by supersonic transports? (According to a report released by the Department of Transportation just the other day, several hundred SSTs would reduce the ozone layer from ten to twenty percent within five to ten years.) Or without taking into account the destruction of ozone that may be caused by other natural or man-made pollutants yet to be identified? While Congress and the Administration grope to find a way out of this murky situation, the problem, like the chlorofluorocarbons, remains in the air.

Concern over the potentially disastrous effect of chlorofluorocarbons in the stratosphere has tended to overshadow strong evidence that aerosol sprays are more immediately hazardous to the health of millions upon millions of people who have been inhaling them here on earth. For almost a decade, it has been known that chlorofluorocarbons in high concentrations could cause death from cardiac arrest. More recently, it has been reported that smaller doses of the gases can cause changes in the normal heart rhythm of human beings and can weaken heart muscle and lower blood pressure in test animals. For at least fifteen years, it has been suspected that the plastic resins in hair sprays cause a restrictive-lung-storage disease called thesaurosis, as well as abnormal lung cells that may be the precursors of lung cancer. These suspicions now appear to be confirmed by a study of five hundred cosmetologists in Utah recently conducted by Dr. Alan Palmer, an epidemiologist with the Department of Health, Education, and Welfare's National Institute for Occupational Safety and Health. Dr. Palmer's study found that nearly fifty per cent of the cosmetologists had symptoms of early obstructive lung diseases such as asthma and emphysema. Even more ominous was the disclosure, in the spring of 1974, that vinyl chloride, a chlorinated hydrocarbon gas that had been used for twenty-five years in the manufacture of plastics and had been discovered to cause a rare type of liver cancer in workers who inhaled it, had also been employed for at least ten years as either a propellant component or a solvent in dozens of household aerosol sprays.

(As with the chlorofluorocarbons, the labels of these aerosols listed vinyl chloride not by name but only as one of several "inert ingredients.") Incredibly, instead of following the lead of the Japanese government, which spent twenty-five million dollars to impound all aerosols containing this carcinogen, the Food and Drug Administration, the Environmental Protection Agency, and the Consumer Product Safety Commission—the three agencies responsible for regulating aerosol products to protect the public health in the United States—did little more than request that companies engaged in the manufacture of aerosols stop using vinyl chloride as a propellant in them. As a result, millions of spray cans containing a known cancer-producing agent remained in stores and in households from one end of the country to the other even after it had been shown that with normal use—say, massacring a few bugs on the ceiling or giving style and body to a hairdo—it was possible to contaminate an average-sized room with up to four hundred parts of vinyl chloride per million parts of air. This level was eight times that known to cause liver tumors and other cancers in rats, and was soon judged by the Department of Labor's Occupational Safety and Health Administration to be four hundred times the safe level of exposure for workers.

In spite of extensive press and television coverage of the vinyl-chloride hazard during the spring and summer of 1974, there was no drop in the sale of aerosol sprays. Indeed, the average consumer's appreciation of the toxicity of aerosols apparently continued to be limited to a vague awareness of the warning that appears on virtually every aerosol can—"KEEP OUT OF REACH OF CHILDREN"—which, of course, is simply an evasion of the fact that there is no way to use a household aerosol in the presence of anyone, child or adult, and keep its contents out of the human lung. Ironically, it has taken a chance discovery by two chemists who were not even investigating within their usual field of research to bring home the full extent of the aerosol hazard. For by demonstrating that inert chlorofluorocarbons, instead of vanishing harmlessly into thin air, can scar the ozone layer Rowland and Molina have shown us that we may well have succeeded in inflicting a chronic and irreversible disease upon the atmosphere, which is the very lung of the earth. For better or worse, however, they have also provided us with a valuable lesson in the crucial necessity of testing potentially harmful substances—before putting them on the market—for their consequences both in the environment and upon the human beings who will come in contact with them. (Such testing might have begun some time ago if Congress had seen fit to agree upon the Toxic Substances Control Act, which, vigorously opposed by the Manufacturing Chemists Association and other industry groups, has twice passed both houses and then been allowed to die in conference.) In the meantime, as we await the results of studies yet to be undertaken and action yet to be decided upon, it appears that we can do little more than cross our fingers and hope that somehow or other Rowland and Molina will be proved wrong.

ALLEGED EFFECT OF RATIFICATION OF GENOCIDE CONVENTION ON FEDERAL-STATE RELATIONS

Mr. PROXMIRE. Mr. President, one of the arguments raised in opposition to Senate ratification of the Genocide Convention has been based upon the alleged effect of the Convention on Federal-State relations. It is claimed that the States will be deprived of a field of criminal jurisprudence. This concern is groundless.

Consider our form of government. The Federal Government deals with national and international questions; local matters are reserved to the States and their subdivisions. According to the Constitution, power to make treaties and to define and punish offenses against law of nations are specifically the province of the Federal Government. Article I, section 8, clause 10 gives Congress the power to provide criminal sanctions for offenses against the law of nations.

It is wholly unwarranted to say that because another offense would be added to the list of those now punishable as offenses against the law of nations, the soverignty of State governments would be usurped by the Federal Government.

Dean Rusk, as Deputy Under-Secretary of State, addressed the issue before the special ad hoc subcommittee of the Senate Foreign Relations Committee:

> Twice all of the states-members of the United Nations have declared that genocide is a matter of international concern. Twice all states-members of the United Nations have declared that genocide is a crime under international law. All have declared that internal cooperation is needed to stop this practice and that states have a duty to put a stop to such practices within their own respective borders. In view of this history, no one can doubt that genocide is a subject within the constitutional power of the Federal Government to define and punish offenses against the law of nations.

It is unquestionably the power and the duty of the Senate to ratify the Genocide Convention.

SENEGAL CELEBRATES 15TH ANNIVERSARY OF INDEPENDENCE

Mr. HARTKE. Mr. President, April 4 marked the celebration of the 15th anniversary of the independence of Senegal, with whom the United States has close and friendly ties. I am thus delighted to extend to President Leopold Sedar Senghor, Prime Minister Diouf, and the people of Senegal best wishes and congratulations.

Senegal is the African country physically closest to the Western Hemisphere, serving as an air and sea crossroads for West Africa, the Americas, and Europe. Most Americans who visit Africa are likely to stop first at Senegal's modern capital, Dakar. Culturally and scientifically as well as in other areas, Senegal enjoys growing links with our own country despite barriers of language. American tourism is growing steadily as Senegal expands its facilities to accommodate the tourists seeking famous local art, crafts, dances, gracious beaches, exciting deep-sea fishing, and even a budding movie industry.

Symbolic of these widening ties and especially of Senegal's increasing scientific sophistication was the country's hosting last summer of the very large multination GATE tropical atmosphere experiment in which aircraft and ships of over 30 nations, including the United States, United Kingdom, France, and U.S.S.R, gathered data on weather formation over a 3-month period. Over 300 Americans alone participated. President Senghor's own gifts as a world-renowned poet are widely esteemed in the United States.

Senghor, the man of peace, whose endeavors, speeches, and actions on the inter-African and international fields have always been geared to the promotion and defense of peace, prosperity, and cooperation.

As well as having received honorary degrees from a number of our most highly regarded universities, Mr. Senghor is an honorary member of the American Academy of Arts and Letters. This appreciation is felt in return as President Senghor is deeply interested in America and especially Black American culture.

Under President Senghor's leadership, Senegal has benefited since independence from political stability and steady social progress. President Senghor was reelected to a third term of office in 1973 by an overwhelming popular vote. President Senghor is a champion of national economic development through regional cooperation, and Senegal is taking a leading role in the formation of the West African Economic Community. Inspired in part by the success of our own Tennessee Valley Authority, Senegal joined with neighboring Mauritania and Mali to form the Senegal River Development Organization—OMVS—to help provide a viable economic future for the drought-affected northern parts of Senegal.

This year Senegal, like many of its neighbors, is beginning longer range programs to overcome the serious effects of 6 years of drought, the worst Africa has known this century. Fortunately, normal rains fell last summer, easing immediate problems. Today the United States and Senegal are working together in projects, totaling at some $6 million in American assistance, designed to improve food and animal production which was so damaged by the drought. During the height of the drought the United States contributed to Senegal 55,000 tons of emergency food grains. Our country also furnished $1.14 million in various forms of nonfood emergency assistance and $1.4 million for special short-term drought recovery and rehabilitation projects. Our country clearly intends to continue to extend a helping hand to Africa's drought victims, including those in Senegal, and has confidence in the ability of the Senegalese people to meet the challenge facing them.

To help provide a better future and spur diversified economic growth, Senegal has adopted a highly favorable investment code backed by a record of respecting contractual agreements second to none. A number of American firms participated in Dakar's first international trade fair, held in its new and splendid internationally designed permanent exposition convention park, in November and December 1974. This fair, which I visited and which is to be held every 2 years, was an unqualified success. The Senegalese Government puts out the welcome mat for American investors, whose imagination and knowhow Senegalese leaders believe will accelerate Senegal's economic progress. The country's main export is peanuts, followed by increasingly valuable phosphate sales. Iron ore and other minerals await development as rising world prices encourage investors to seek new sources of raw materials. Senegal is already expanding its tourist, winter vegetable, fishing, and manufacturing industries, all sectors to which American managerial and technical skills can contribute. In business, as well as cultural, scientific, and social fields, ties between Senegal and the United States appear destined to multiply for the mutual benefit of the Senegalese and American people.

DIRECTOR COLBY'S ADDRESS TO THE ASSOCIATED PRESS

Mr. NUNN. Mr. President, from what I have read in the press, it appears that the remarks of William E. Colby, the Director of Central Intelligence, were well received Monday by those in New Orleans who attended the Associated Press annual meeting.

The thrust of what Mr. Colby said makes it clear that he is not one to hide behind artificial barriers the activities of the Central Intelligence Agency, but he does entreat all of us to protect "good secrets" in the interests of our Nation.

I think it is important Mr. President, that we occasionally remind ourselves that the CIA is a creature of statute, a legitimate and even indispensable institution within the executive branch of the Federal Government and that in this capacity it serves the people and the leadership of this Nation, and that its effectiveness is dependent upon its commitment and capability to protect "good secrets." For this reason, Mr. President, I ask unanimous consent to have printed in the Record the text of Mr. Colby's statement.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Intelligence and the Press

(Address to the Associated Press Annual Meeting by William E. Colby)

Fellow Publishers: I presume to address you in this way to bring out a point which is not adequately perceived these days: that intelligence has changed from its old image to become a modern enterprise with many of the attributes of journalism. We collect much information in the same way you and your reporters do from open sources, such as the foreign press and radio, and those foreigners and Americans willing to talk to official American reporters, such as our Embassy officers, Defense Attaches, and CIA's clearly identified inquiring reporters here in the U.S.

Our collection process involves a lot more than these efforts, of course, but it is still the process of assembling individuals bits of information from a variety of sources, cross-checking them, and coming up with reasoned assessments and conclusions about them. I sometimes say, and not entirely in jest, that our publications have the largest staff, the smallest circulation, and the lousiest advertising of any journalistic enterprise.

One of our problems, of course, is an erroneous identification of current intelligence practices with old-fashioned spy stories. Just as the image of "The Front Page" hardly fits the modern investigating reporter, so the old spy story hardly reflects the enormous contribution technology makes to modern intelligence. Some of this technology has pressed the state of the art, as in the U–2 and certain other activities of which you may have become aware. In many of these, advances had to be made in secret in order to avoid alerting foreign subjects of these capabilities so that they not frustrate them. This contribution to modern information, in a variety of fields from photography to electronics, has revolutionized intelligence, and we now can run a pictorial supplement and a technical journal about foreign weapons systems and military forces which we could only generally sketch out from indirect sources in years past.

Just as in your profession, we are faced with the problems of success—how to organize and articulate the key judgments and conclusions hidden in this explosion of raw information. For this I am pleased to say that we have adopted another attribute of the profession of journalism—the editorial board. In the early days of World War II, our country faced the problem of an instant need for knowledge of such far-off places as South Pacific islands or the hump between India and China. We assembled from American academic circles, business circles, and journalisms, staffs of experts of these areas. They then became the repository of all information on these subjects available to the United States Government.

This analysis staff has since developed into another unique American contribution to intelligence. At our Headquarters today, we probably have more doctors, masters, and other advanced students of complex disciplines from agricultural economics to nuclear physics than can be found in most large American universities. It is their task to separate the true from the false, the full from the half story, and the warped from the straightforward report. They produce our publications, and their reputation for independence, objectivity and integrity is as precious to them as the reputation of your profession is to you.

Am I sliding over the old-fashioned concept of clandestine intelligence or our role in political and paramilitary work abroad? No. These are a part of our intelligence function, and they do make a unique and important contribution to the safety of our country. Some things cannot be learned by the inquiring reporter or technical means. Sources within a closed and authoritarian foreign society can let us know its secrets in these days of mutual vulnerability to nuclear warfare. When defense systems take years to build, we need to know of the hostile weapon while it is being planned, as well as when it is cocked. We must understand the personal and political dynamics which can produce threats from such societies. And, there are occasions in which some quiet assistance to friends of America in some foreign country can help them withstand hostile internal pressures before they bccme international pressures against the United States.

But while I do not wish to slide over these activities, I do wish to point out the comparatively small proportion they play in our intelligence function and activities these days. The most important part of our mission is in the intellectual process of collecting, analyzing and presenting intelligence to assist in the important decisions our government makes about the safety of our country and the welfare of our people.

In the very function of intelligence, great changes have occurred. Intelligence no longer consists only of stealing the military secret so that the General may win a battle. Today it provides the basis for negotiations to remove or defuse military and economic threats to our country by mutual agreement rather than armed force. It thus fulfills a positive peace-keeping as well as its old defensive security role.

While I think our country has developed the best intelligence service in the world, I must warn you that it is in danger today. Intelligence by its very nature needs some secrets if its agents are to survive, if its officers are to do their work, and if its technology is not to be turned off by a flick of a switch. We in the American intelligence profession are proud of our open society; this is why we devote our lives to its service. But we also believe that this open society must be protected and that intelligence, and even secret intelligence, must play a part in that protection in the world in which we live.

There are secrets in American society. Grand jury proceedings are secret, Congressional committees meet in secret executive sessions, we have secret military capabilities, and our journalistic profession insists on its right to protect its sources. But for some reason, secrets of intelligence arouse such public fascination that the letters "CIA" can move a story only tangentially referring to CIA from the bottom of page 7 to the top of page 1.

Mr. Charles Seib, the "ombudsman" of *The Washington Post,* recently wrote a critique of what he called the "sensational lead." This referred to the wire service practice in days gone by, and he stressed that they have gone by for the wire services today (both in the splendid Associated Press and Brand X) wherein a story would be twisted and turned in order to get a sensational lead to catch immediate reader attention.

The CIA today, I fear, fits this category of the sensational lead. If CIA were in politics, we could perhaps take solace from the politician's old story about not caring what they said about him so long as they spelled his name right. But our intelligence agency today and its service to our country are being jeopardized by its status as the nation's number one sensational lead.

Our agents abroad are questioning our ability to keep their work for us secret, work they do with us because they believe in democracy too, but work which can jeopardize their lives if revealed. Many Americans who have helped their country through its intelligence service are concerned that they will be swept into the climate of sensationalism and their businesses abroad destroyed by a revelation of their patriotic assistance to CIA. And a number of cooperative foreign officials have expressed great concern to me as as to whether they can safely continue to pass their sensitive information to us in this climate of exposure. We are already seeing some of these sources withdraw from their relationship with us or constrict the information they provide us.

The foreign military attache in Washington can purchase at our newsstands information which our intelligence service must run the risk of life and death and spend hundreds of millions of dollars to obtain about his country. I do not object to this. In fact, it is one of the strengths of this great American society. But I do believe that with the benefits of our open society comes an equal responsibility to protect it by not revealing its attempts to protect itself through intelligence operations. That responsibility rests not only with the nation's intelligence service, it rests with every American. It rests especially with you, with your enormous power and freedom under our Constitution to choose which subjects to call to public attention and which ones to ignore.

I am pleased to say that in various dealings with the journalistic profession, I found much evidence of this sense of responsibility, even from some of my most severe critics. This sense of responsibility was double-bladed. Part was a receptiveness to the valid reasons why I believed certain information should be withheld from publication and consequent inevitable exposure to foreigners. Part of that sense of responsibility also involved a clear understanding that in our society the decision on this question was the journalist's, not mine, unless I could meet the Supreme Court's test of "direct, immediate and irreparable damage to our nation or its people."

Thus, on this question of intelligence and the press, I believe we Americans can quite easily agree on the general principles. It becomes difficult, however, if the story gets ahead of the capability to be responsible. For example, sometimes the journalist assumes that the story can do no harm, when, in reality, there are unrevealed facts about it which would change the journalist's mind. Some of our more critical journalists have a practice of calling the subject of a story to afford a chance of a denial or other comment. This does allow the presentation of good reasons to write the story so as to protect important secrets or even, in exceptional cases, to withhold it.

I do not have to make this appeal to this audience, as I know that your procedures would be the responsible ones. I do suggest, however, that you consider carefully whether CIA really should be the sensational lead in any story in which it is mentioned even incidentally, and thereby fan the fires of excitement about CIA and inevitably obscure the real nature of modern intelligence and its contribution to our country.

I do not ask that "bad secrets" be suppressed. In fact, I have exposed some of our missteps of the past. I also believe that "non-secrets" should be exposed. A "non-secret" I define as a known fact about intelligence which in the old tradition would have been kept secret, but which in our open society should no longer be withheld. The public inquiry and debate we are conducting as to the proper authority, limits, and supervision of our national intelligence effort falls into this category. But I do make a plea that "good secrets" be respected, in the interests not of intelligence but of our nation. Our people must not only be protected in today's world, they should benefit in many other ways from what modern intelligence can provide. I do not ask that the healthy adversary relationship between the press and government (and our government's intelligence structure) should be abandoned. I only ask that we Americans protect our nation's sources in the same way the journalist protects his.

CONGRESSIONAL CONSULTATION ON FOREIGN RELATIONS

Mr. CHURCH. Mr. President, Congress has been periodically scolded merely for exercising its constitutional role of helping shape this Nation's foreign policy. Thomas A. Dine, a former legislative assistant in my office and now a fellow at Harvard University's Kennedy Institute of Politics, points out in an article in a recent edition of the New York Times that Congress must have its say in formulating such policy.

However, as he notes, Congress lacks the personnel and resources to counter, by itself, the personnel and resources at the command of the executive branch. Consequently, what Congress lacks in staff, it must make up for in the skillful organization of its talents and allies. Mr. Dine has written a practical primer on how the smaller branch of Government can marshal and focus its advantages to compete in the formulation of foreign policy with the larger branch. Mr. President, I ask unanimous consent that his article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A PRIMER FOR CAPITOL HILL

(By Thomas A. Dine)

CAMBRIDGE, MASS.—President Ford and Secretary of State Kissinger want to stop Congress from interfering in the making of foreign policy.

Senators and Congressmen, however, intend to participate more in the process. A majority on Capitol Hill now sees the country's institutions and foreign policies best served by checking and balancing this and future Administrations.

For the legislative branch to exercise its constitutional foreign affairs powers effectively, it is necessary to be mindful of eight considerations.

1. POINT MAN

An individual member makes a conscious decision to lead and sustain the lead on a particular foreign policy issue. To stay out in front, to be a point man, the member must acquire and display expertise on a regular basis. This is easier if the leader is an insider, although a person outside the appropriate committee can, and often does, become the focal point on certain issues.

2. LEGISLATION

Law-making is policy-making. One-shot speeches or debaters' duels with high Administration officials at hearings have limited relevance. Resolutions or letters to the President or a Cabinet secretary are only nudges.

The very best way to make foreign policy is to write an alternative approach into law. The best instrument is the Congress's power—the pursestrings—and to use the power is to stop or limit a program by cutting off the flow of Federal funds. Attaching an amendment to a major bill is the most common and effective approach.

3. APPEAL

Legislation must be framed so that the potential policy has political appeal. Bipartisan supporters and the Congressional leadership must be lined up, if possible; external interests must be linked to domestic ones so that the objectives of both are similar. In taking on the executive, facts and logic must be stressed. Such criticism sharpens debate and clarifies the issue. The end product, the nation's policy, will be strengthened and more broadly supported.

4. INFORMATION

Developing an independent base of information is essential. The executive branch or The New York Times is frequently Congress's sole source of data during a controversy; such dependency insures ineffectiveness.

Sources may be dissidents within the bureaucracy, former Administration officials, journalists, academicians, foreign officials and groups, or domestic private-interest groups.

An effective way to develop new information is through committee investigations that use the pre-trial technique, put witnesses under oath, exercise the subpoena power, and control the flow of information. It is necessary here to show strength, sometimes by creating uncertainty over how much the committee knows. This often turns up more information.

5. THE PRESS

Publicity is the great equalizer among the branches. The Washington press corps should be reached and cultivated: the Senate and House press, syndicated columnists, editorial writers. Television and radio will inevitably follow. An important internal byproduct is that such publicity becomes the only common means of communication with other members and staffs. Here The Washington Post and The Washington Star take on added importance.

6. SPECIAL-INTEREST GROUPS

Outside special-interest groups should be mobilized on behalf of the issue. Such groups legitimate the alternative policy.

They provide members with forums in which to speak and organize nationwide. They also provide manpower and are helpful in collecting information as well as intelligence on members' voting positions.

7. STAFF

A staff devoted to foreign policy must be developed and worked with. It is the role of staff to map out the legislative labyrinth through which the member must drive. With such a road guide, a member's inevitable involvement with other committees may never result in his losing his momentum nor getting sidetracked by the obstacles of procedural strategy. Staff members exist in a world of foreign policy substances; they are political actors, too. This is their strength and potentially their downfall. They are the vehicles that carry the alternative-policy debate cargo. They also oversee the law's implementation.

8. PERSISTENCE

By perennially and persistently criticizing a policy, there is a possibility of inducing the Administration to abandon or modify a program, or of prevailing upon a committee chairman to add statutory language requiring the executive to certify or report about a program.

Because Mr. Ford and Secretary Kissinger regard the constitutional struggle over our foreign-policy direction as interference, this procedural primer for making foreign policy on Capitol Hill may have useful application.

NATIONAL COMMITTEE FOR THE BICENTENNIAL ERA

Mr. PERCY. Mr. President, an extraordinarily diverse and accomplished group of Americans have joined together to help us focus on the meaning of our Nation's Bicentennial. The planning of events to commemorate our 200th birthday is well underway. In a time of severe stress across the land, it is essential that we also address ourselves to the problems and opportunities attendant to entering our third century.

The National Committee for the Bicentennial Era is making a major contribution to the dialog necessary to fulfill our intellectual obligations to this historic period. Its name, emphasizing the 13-year period devoted to developing our noble experiment in government from the Declaration of Independence to the Constitution, is particularly appropriate. Too often today our impatience to accomplish our goals leads to unnecessary frustration. The committee reminds us that, like Rome, America was not built in a day.

I ask unanimous consent that the statement of the National Committee for the Bicentennial Era, as published in a recent advertisement, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A BICENTENNIAL DECLARATION

This great country of ours stands at a crucial turning point in its history. We face new and serious problems and uncertainty as to the future.

Two hundred years ago, our founding fathers stood at a similar crossroads. Beset then by grave doubts, they ultimately resolved to stake everything on a handful of ideas and ideals.

They forged those ideas and ideals into founding principles and then fought to uphold them. The American Revolution brought forth a new system of government based on freedom, justice, and individual rights.

Today we are called upon to maintain and improve that system and to fulfill those principles in a world growing increasingly interdependent. We are called upon to resolve our problems in many areas such as the economy, education, the environment, equal opportunity, freedom of choice.

We, the undersigned, believe—and we feel confident we reflect the sense of the American people—that we have reached the point in our history when a *second* American Revolution is called for, a revolution not of violence, but of fulfillment, of fresh purposes, and of new directions.

We believe that the Bicentennial of our founding offers just such an opportunity. To realize this potential, we believe the Bicentennial must be based on four fundamentals.

Let us be inspired by our origins, and by the challenges we face.

If we are not today an inspired people, we need to be reminded that we once were, and must be again. There is high inspiration to be found in the great ideals that created our country. The phrases that have been worn smooth by use have fresh and urgent meaning for us today—"government by consent of the governed," "the blessings of liberty," "all men are created equal," "a nation of laws." The Bicentennial can and must become a time to celebrate those ideals, and to celebrate them in the profound sense of renewal and rededication.

Let us make the Bicentennial a great period of achievement, nationally and in every community.

What our forebears did 200 years ago had never been done before. What we must do today is equally unprecedented. At every level in our society, there is an urgent need for achievement—in education, housing, transportation, the arts, communications, new ways of solving social problems, new methods of setting goals for the future, increased citizen participation in government. We believe that dedicating the Bicentennial to achievement is the way to put the sense of alienation and powerlessness behind us, to become once again the masters of our own destiny.

Let us commit ourselves to a Bicentennial Era, to at least the same time span required for the founding of our nation.

The first American Revolution neither started nor ended on the Fourth of July, 1776. Thirteen difficult years elapsed between the signing of the Declaration of Independence and the creation of an enduring system of government based on the Constitution. Many of the problems of today are different from those of 200 years ago, but they are at least as grave. Therefore, the second American Revolution will require at least a comparable period of time to grow strong and firm roots. We endorse the concept of a Bicentennial Era from 1976 to 1989 as a realistic period for tough-minded planning and accomplishment.

Let us put our trust in individual initiative, in the participation of each individual citizen.

Our great experiment in democracy will surely erode unless the Bicentennial Era becomes a time when we once again assert the primacy of individual initiative in moving our country forward. Governmental units at all levels must play a vigorous part. But the primary responsibility lies with the people, not with government. Let each of us, acting alone and in groups, take our own initiatives. There is work for all—for each individual—in every part of the country, of every color, creed, age, and ethnic background. That work must begin now.

For our part, we, the undersigned, pledge ourselves to spread this message throughout the land, and to undertake our own individual initiatives. We earnestly invite our fellow citizens, all those who share our vision of what the Bicentennial Era can mean and accomplish, to lend their time, their energy, and their spirit to the work that lies ahead.

DEPARTMENT OF DEFENSE ANNUAL REPORT ON INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, section 203, paragraph (c) of Public Law 91–441 requires the Department of Defense to submit an annual report to the Congress on independent research and development—I.R. & D.—and bid and proposal—B. & P.—costs. The report for 1974 has been received, and I ask unanimous consent to have the report and a copy of the letter of transmittal dated March 13, 1975, printed in the RECORD at the conclusion of my remarks. For the purpose of my statement, I.R. & D. and B. & P. will be referred to as I.R. & D.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Mr. President, this is the fifth year of reporting, and it covers the fourth full year of implementation since section 203 was enacted. The subject of I.R. & D. has been under intensive review during the past year by the General Accounting Office, by the Cost Accounting Standards Board, and by an interagency study group chaired by the Government Services Administration. The GAO activity is in response to a letter dated October 8, 1973, signed jointly by myself as chairman, Subcommittee on Research and Development of the Armed Services Committee, and my distinguished colleague, the senior Senator from Wisconsin in his capacity as chairman, Subcommittee on Priorities and Economy in Government, Joint Economics Committee. The complete history of this situation appears on pages S9042 through S9055 in the CONGRESSIONAL RECORD of May 28, 1974, and on pages S16781 through S16786 in the RECORD of September 17, 1974.

The final report of the General Accounting Office is expected to be received this month and will be the basis for formal hearings to be held by the Subcommittee on Research and Development within the next several months to determine what, if any, legislative action should be initiated.

Mr. President, I would like now to summarize and address the significance of the financial data reported by the Department of Defense for 1974. Gross payments to contractors for I.R. & D., as estimated a year ago, totaled $819 million for calendar year 1973, but included $32 million for a category of costs called other technical effort which no longer is properly identified as a part of I.R. & D. Therefore, the amount to be considered as a basis for comparison with the current reports is $787 million.

The revised gross amount reported for 1973 is $801 million, which includes $24 million for 42 more reporting contractors' divisions and cost centers than were included in last year's estimate for 1973. On a comparable basis, therefore, the revised gross amount is $777 million which is $10 million less than the $787 million estimated a year ago.

Last year, the Department of Defense estimated that I.R. & D. costs for 1974 would approximate that for 1973. The gross amount now reported for 1974 is $808 million which compares with $801 million reported for 1973. Here again the amounts are essentially the same, and if inflation is applied would bring the 1974 level below that for 1973.

Mr. President, these gross amounts do not represent actual costs to the Department of Defense because they include amounts which are recovered from foreign military sales. To be specific, the $801 million and $808 million I.R. & D. amounts for 1973 and 1974 includes $38 million and $42 million respectively which are paid from foreign military sales. Therefore, net out-of-pocket costs charged to the Department of Defense are $763 million and $766 million for these respective years. To the taxpayer, this means that $3 million more is expected to be paid by the Government for I.R. & D. in 1974 than in 1973.

Another way to consider I.R. & D. is as a percentage of sales to the Department of Defense by the 90 contractors involved. Sales in 1973 totaled $21.148 billion which increased to $21.690 billion in 1974. Based on these amounts, I.R. & D. payments show a decline as a percentage of sales from 3.78 percent to 3.72 percent. These figures also indicate that I.R. & D. payments have essentially leveled off despite an increase in gross sales of over $500 million.

In conclusion, Mr. President, as I stated in my report last year, the total amount of funds spent by the Department of Defense for I.R. & D. is very large, although it has leveled off at about $765 million. I do not mean to imply that the Government does not realize a fair return on this investment. Much of it, in fact, will result in advancing technology on a broad front which is essential not only to the security of our Nation but also to our economic strength and the well being of our people. Consumer products reflect the direct benefits of many of our advancements in military technology.

Nonetheless, Mr. President, the government-wide implications of the I.R. & D. program will be thoroughly examined in cooperation with my good friend, Senator PROXMIRE, and we will report our findings and make recommendations for legislative change as are determined to be appropriate at the earliest practicable date.

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 13, 1975.

HON. NELSON D. ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Secretary of Defense has requested that I prepare and submit to you in the report of Independent Research and Development and Bid and Proposal costs required under Section 203, Paragraph (c) of the 1971 Department of Defense Appropriation Authorization Act (PL 91–441). This Section requires the submittal of an annual report to the Congress on or before March 15th each year setting forth—

"(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this Section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major defense contractors, whether or not covered by subsection (a)(1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this Section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' independent research and development and bid and proposal programs."

The report is in three parts corresponding to the three items quoted above. Parts I and II were compiled from detailed data pertaining to individual companies. This detailed company information is very sensitive and is not included in the report, however, it will be made available for review.

Sincerely,

JOHN J. BENNETT,
Acting Assistant Secretary of Defense.

REPORT TO THE CONGRESS ON INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

PART I

Companies with which negotiations were held pursuant to Section 203 prior to or during the preceding fiscal year of the Federal Government and the results of those negotiations.

In accordance with the above requirement the attached Schedule A provides data pertaining to the negotiations conducted in the Government's fiscal year 1974:

SCHEDULE A—I. R. & D./B. & P. REPORT—PT 1, NEGOTIATIONS COMPLETED IN FISCAL YEAR 1974 AND RESULTS OF THOSE NEGOTIATIONS

[In thousands of dollars]

	Contractors' number of companies	Total program dollars proposed by contractors			Total advance agreement ceiling dollars, negotiated by DOD			Estimated DOD share of ceiling dollars, negotiated		
		I. R. & D.	B. & P.	Total	I. R. & D.	B. & P.	Total	I. R. & D.	B. & P.	Total
Fiscal year:										
1973	30	$594, 292	$320, 312	$914, 604	$453, 331	$259, 398	$712, 729	$170, 617	$163, 977	$334, 594
1974	48	784, 888	409, 974	1, 194, 862	579, 567	352, 290	931, 857	309, 480	255, 173	564, 653
1975	4	33, 390	14, 225	47, 615	25, 866	13, 165	39, 031	15, 214	10, 548	25, 762

PART II

Latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development (IR&D) or Bid and Proposal (B&P) payments made to major defense contractors, whether or not covered by Subsection (a) (1) of this Section [203, PL 91–441] during the preceding calendar year.

The statistics required are provided in the attached DCAA report. The report shows total IR&D and total B&P costs incurred by the contractors reviewed, the amount accepted or recognized by the Department of Defense and the DoD share. In addition, total sales of the contractors are shown along with the portion representing DoD sales.

The amount listed on Page 1 under the column heading "Amount Accepted by Government" represents the sum of the ceilings negotiated with individual contractors as well as the sum of amounts recognized for other contractors who had no advance agreements. These accepted amounts are not the costs reimbursed by the DoD but are the amounts that the DoD recognizes for allocation to all the contractors' business. The DoD portion is shown under the column headed "DoD share."

On pages 2 and 3 of the report the totals shown on page 1 are broken down to show, respectively, the portions applicable to contractors for which advance agreements were required, and the portion applicable to contractors for which advance agreements were not required. The foreword appearing in the DCAA report explains the basis for the cost data reported, but we would like to call particular attention to note A on page 1 regarding foreign military sales. These sales and IR&D/B&P costs should be subtracted from the amounts shown in the report to determine the amounts applicable to the Department of Defense. This adjustment is as follows (all figures are in millions):

	1973	1974
Sales to DOD per report	$21, 148	$21, 690
Less foreign military sales	1, 027	1, 353
Net sales to the DOD	20, 121	20, 337

	1973	1974
DOD share of I. R. & D./B. & P. per report	801	808
Less amounts absorbed by sales to foreign Governments	38	42
Net costs charged to DOD	763	766

In the report furnished last year we included data on the cost increases resulting from first-time burdening by many contractors. There was little or no impact due to increased burdening in 1974, because full implementation of the accounting practice of applying burden to IR&D/B&P costs was completed by most contractors in 1973. Thus 1973 and 1974 cost data are comparable in this respect.

It will be noted that data for both 1973 and 1974 are furnished. It has been the practice to update data previously furnished because latest year figures include significant amounts of estimated information. The 1973 figures presented here have had most of the estimated data replaced with actual data. The report furnished next year will similarly update the 1974 data furnished herewith.

FOREWORD

This summary report presents the latest available Defense Contract Audit Agency (DCAA) statistics, estimated to the extent necessary, on the independent research and development (IR&D) and bid and proposal (B&P) payments made to defense contractors. The statistical data are submitted for inclusion in the annual report to be submitted by the Secretary of Defense to the Congress on or before 15 March 1975, in accordance with paragraph (c), Section 203, Public Law 91-441. The data set forth in this statistical summary report are similar in nature to the information previously furnished to the Office of the Assistant Secretary of Defense (Installations and Logistics) (OASD (I&L)), for contractor fiscal years 1972 and 1973.

The summary of page 1 is an overall presentation of IR&D and B&P costs incurred by 90 defense contractors during their fiscal years 1973 and 1974, amounts accepted by the Government, and the Department of Defense (DoD) share of amounts so accepted. The column "Amount Accepted by the Government" contains amounts considered allowable and allocable to all contractor work performed—Government and commercial. The DoD share of the costs accepted each year is the contractors' allocation of such costs to DoD work. In addition, this summary shows related sales achieved by the 90 contractors, comprising 236 reporting divisions and-or operating groups.

As in past reports, the defense contractors represented in this summary are those which had an annual auditable volume of costs incurred of $15 million or required 4,000 or more man-hours of DCAA's direct audit effort per year. In addition, other contractors who, although not meeting the above criteria, negotiated IR&D and B&P advance agreements are being reported for the first time in order that the summary on page 2 will be compatible with the data in the Reports on IR&D and B&P Advance Agreements Negotiated with Defense Contractors prepared by Army, Navy, Air Force and DSA. Contractors specifically excluded from this summary are construction companies; educational institutions; foreign contractors and overseas operations of U.S. contractors; insurance companies; marine transport contractors; and military medicare contractors. These contracting activities incurred nominal or no IR&D and B&P costs. Details in support of the summary are contained in a separate statistical report, designated "FOR OFFICIAL USE ONLY," copies of which are available through OASR(I&L) or DCAA.

DCAA obtained the IR&D and B&P cost and sales data from contractors' records, but such data do not necessarily represent audited amounts. Included in the costs shown are amounts accepted by the Government in overhead negotiations and through advance agreements. Where actual cost and sales data were not available, as in the case of contractors who had not completed the closing of their books for 1974, DCAA auditors obtained reasonable estimates. It should be noted that the contractor sales shown do not necessarily equal total contractor sales, but rather the sales of the individual contractor divisions and-or operating groups that are listed in DCAA's detailed supporting report.

The summary on page 2 indicates the extent of advance agreements in effect during 1973 and 1974. The summary on page 3 shows costs not subject to advance agreements.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED AND SALES ACHIEVED BY MAJOR DEFENSE CONTRACTORS FOR CONTRACTOR FISCAL YEARS 1973 AND 1974

[In millions of dollars]

	1973			1974		
	Costs incurred	Amount accepted by Government	DOD share	Costs incurred	Amount accepted by Government	DOD share
Independent research and development (I.R. & D.)	1, 164	896	441	1, 148	901	457
Bid and proposal (B. & P.)	553	515	360	546	504	351
Total I.R. & D. and B. & P. costs	1, 717	1, 411	[1] 801	1, 694	1, 405	[1] 808
Sales:						
Total Government and commercial	[1] 37, 635			[1] 40, 405		
Total DOD		[1] 21, 148			[1] 21, 690	

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[1] Included in the data are the sales to foreign governments placed through DOD contracts and reimbursed to DOD by such foreign governments in the amounts of $1,027,300,000 and $1,353,500,000 for 1973 and 1974, respectively, as well as the applicable *I.R. & D. and B. & P.* costs allocable to these sales in the amounts of $38,200,000 and $42,000,000 for 1973 and 1974, respectively.

FOR CONTRACTOR FISCAL YEARS 1973 AND 1974 WITH ADVANCE AGREEMEI

[In millions]

	1973				1974			
	Costs incurred	Amount accepted by Govment	DOD share	Number of contractor divisions	Costs included	Amount accepted by Govment	DOD share	Number of contractor divisions
Independent research and development (I.R. & D.)	$1,135	$869	$431	183	$1,115	$869	$445	183
Bid and proposal (B. & D.)	524	486	343	179	515	475	334	181
Total I.R. & D. and B. & P. costs	1,659	1,355	774		1,630	1,344	779	

FOR CONTRACTOR FISCAL YEARS 1973 AND 1974 WITHOUT ADVANCE AGREEMENTS

	1973				1974			
	Costs incurred	Amount accepted by Govment	DOD share	Number of contractor divisions	Costs included	Amount accepted by Govment	DOD share	Number of contractor divisions
Independent research and development (I.R. & D.)	$29	$27	$10	51	$33	$32	$12	53
Bid and proposal (B. & P.)	29	29	17	55	31	29	17	55
Total I.R. & D. and B. & P. costs	58	56	27		64	61	29	

NOVEMBER 27, 1974.

GUIDELINES FOR CONTRACTOR PRESENTATION OF INDEPENDENT RESEARCH AND DEVELOPMENT INFORMATION

A contractor desiring to negotiate an advance agreement for costs of independent research and development (IR&D) projects in accordance with the provisions of ASPR 15-205.35 is required to prepare an annual Technical Plan setting forth the scope and costs of such projects. The Technical Plan assists in determining the potential military relevancy (PMR) and in evaluating the reasonableness and the technical quality of the contractor's IR&D program in accordance with existing law and the ASPR. The Technical Plan shall be submitted no later than 90 days after the beginning of a company's fiscal year. Separate copies of the Technical Plan (hereinafter called the Plan) will be distributed to DoD and NASA organizations for evaluation in accordance with a distribution list provided by the IR&D Technical Evaluation Group.

A. GENERAL GUIDANCE

1. Compiling the Plan. To obtain a timely review of the contractor's proposed IR&D program for the year, a Plan is often separated into group of projects or into individual projects so that the various group or individual projects may be evaluated by several people at the same time. The plan should, therefore, be compiled in such a manner that it is easily separated and reassembled. Binders which are convenient to use yet inexpensive are suggested. Spiral binders should not be used. For ease in locating the Plan when filed, the name of the company, the title and the company fiscal year covered by the Plan, should appear on the bound edge of the document.

2. Organization of the Plan. The Plan should generally contain the following sections and information:

a. Technical Evaluation Group Cover Letter and Distribution List
b. Title Page
c. Table of Contents
d. Introduction
e. Summary of Financial Data
f. Project Descriptions

a. Technical Evaluation Group Cover Letter and Distribution List—These items are provided to you by the Lead Military Department. The cover letter identifies the IR&D focal point to whom IR&D project evaluation forms completed by Government evaluators are to be sent.

b. Title Page—A title page should give the title of the Plan, the company/division name and mailing address, the IR&D contact with telephone number, the company fiscal year covered by the Plan, the date of issuance of the Plan by month and year, the volume number and the total number of volumes if the Plan requires more than one volume.

c. Table of Contents—The information should be displayed under the following headings:

TABLE OF CONTENTS

Project No.
Project Title
COSATI Code*
Category**
Page

*COSATI Field/Group

**Research, Development, System Studies (research projects should be separately identified into basic and applied if possible)

d. Introduction—This section should briefly explain the compilation of the various volumes of the Plan and, further, should explain the relationship of the individual volumes to particular organizational elements by highlighting on a corporate organization chart the pertinent elements involved. Included in this section should also be a discussion of where IR&D is performed and how it's costs are allocated within the corporate structure.

e. Summary of Financial Data—A table of pertinent project financial data should be included in the following format for projects that are new or continuing and that were completed or cancelled in the prior year:

FINANCIAL DATA SUMMARY

[In thousands of dollars]

Project number and title	Tech plan page number	COSATI code	Category	Prior year proposed program	Prior year actual program	Current year proposed program

f. Project Descriptions—The project descriptions should be compiled by a convenient or useful compilation such as technological or system areas or by project number. Explain the rationale for the compilation.

3. Classified Projects—Project descriptions discussing technology with established military security classification should be compiled separately in a properly classified volume and distributed using proper Industrial Security Procedures. Each Service will provide the company a separate list for distribution of the classified volume within that Service when that Service's IR&D Technical Manager is made aware of the existence of the classified volume.

4. Company Proprietary Projects—Highly sensitive company projects can be separately compiled and can be handled by the Government in a manner similar to classified projects if requested by the company. All volumes of the Plan should be marked "Company Proprietary" if appropriate, not "Company Confidential" or "Company Secret." Such "Confidential" or "Secret" markings may be misinterpreted by DoD mail handlers. Any page within a volume should be marked "Company Proprietary" if appropriate so that any page separated from the volume will still be controlled.

B. PROJECT DESCRIPTIONS

1. A writeup should be prepared for each IR&D project the company is planning to conduct during the company fiscal year of the Plan and for each project completed or cancelled in the previous fiscal year. In this context a project is defined as the smallest segment into which research and development efforts are normally divided for purposes of company administration. A project is usually technically distinguishable in scope and objective from other efforts with which it may be aggregated for financial and administrative purposes. For example, a system study or development effort (which could be a project of itself) could include several potential subsystems each of which have distinct technical problems for which projects are established. In general, an IR&D project will not be determined by size or funding level but by technical considerations. However, a project will usually involve at least one man-year of effort.

2. Each project writeup should begin on a right hand page to ease separation of the writeup for project evaluation.

3. Each project writeup shall begin with a one page partial synopsis of key project information as required by DDC Form 271 dated 4 October 1974. When the DDC Form is used as the project synopsis in the technical plan, the narrative concerning technical approach and progress shall be blanked out. The complete synopsis shall be the input to the IR&D Data Bank and shall therefore be completed in accordance with the instructions of Section IV of DSAM 4185.9, Independent Research and Development Data Bank Input Manual. To minimize the input software requirements at DDC, no deviation in the format of DDC Form 271 can be permitted.

4. Following the synopsis, the complete project narrative should be organized under the following subject headings:

Problem.
Objective.
Approach.
Progress.
Costs.
Résumés.

While the project narratives are the key parts of the Plan, every effort should be made to keep these writeups brief and factual. As a guide, experience has shown that three to five pages including the synopsis are often sufficient to describe a one to five man-year effort.

a. Problem. The problem which the project is or was addressing should be identified and described from a technical or operational standpoint. The background surrounding the problem should be briefly summarized. Current technology state-of-the-art or current equipment subsystem or system capability could be described and the deficiency that this level of the state-of-the-art or capability produces should be identified. The relationship of the project to DoD requirements, objectives or needs should be cited by identifying pertinent DoD planning or requirement documents as well as interesting DoD organizations.

b. Objective. Within the context of the problem, the project's technical objectives should be identified and described. If the project is run over several years, the overall objective should be described as well as the objective of the current fiscal year or immediate past year in the case of a completed or cancelled project. Quantitative terms should be used if possible and appropriate.

c. Approach. The overall technical approach to be used to achieve the overall objective should be described as should this year's specific technical approach for achieving the current year's objective. Emphasis should be on the method, technique and design approach rather than schedules or milestone. The specific tests and equipments, theoretical work being conducted, and factors which may tend to accelerate or decelerate the work should be outlined. In the case of a completed or cancelled project, the approach which was taken should be explained.

d. Progress. The progress made during the immediate past year should be summarized. The technical objective of the past year should be indicated followed by a discussion of progress made during the past year in achieving that objective. The implication of the results both to the overall project objective (see section on Objective) and to the technical approach utilized for the project should be described. Facts and data should be presented whenever possible. Charts, tables and photographs which aid in the explanation of the progress made should be used. Significant reports generated within the reporting period should be identified by number, title and date at the end of this section.

e. Costs. Provide a table of cost data including all direct costs and also all allocable indirect costs except general and administrative costs, broken in the following manner:

Project number and fiscal year	Dollars			
	Labor	Material	Other	Total
Prior				
Current				

Explanations may be offered, following the table, of situations which may appear unusual. For example, a project requiring a high amount of computer or other facility time might cause the dollar amount in "Other $'s" to appear high in comparison to the dollars of labor. Similarly, a project utilizing a large amount of subcontracting might reflect unusual ratios of dollars among the cost classes which would be worthy of explanation. The costs to be entered here are for the purposes of technical evaluation and not project cost audit. Average burden rates, if more than one burden pool charges to an IR&D project, are acceptable.

f. Résumés of Principal Investigators. Résumés of the principal investigators of each basic research project should be included as the last section of the project description of that basic research project. Each résumé should not exceed one page and should contain the following:

Full Name.
Job Title.
Formal Education: Field; Degrees; Years Received; University.
Work Experience: What; With Whom; and When.
Significant Work, Papers, Reports and Patents.

If an investigator is responsible for more than one basic research project, his résumé should be repeated in each project to facilitate separation of the projects for individual evaluation.

C. DOD CONTACTS

Any questions concerning these guidelines should be referred to the IR&D Technical Evaluation Group member noted below representing the Military Service responsible for negotiating the IR&D Advance Agreement with the company.

Army: Commander, Army Materiel Command, AMCRD-T, Washington, D.C. 20315 (202) 274-9335.

Navy: Office of Naval Research, Code 400A, Ballston Tower #1, 800 Quincy Street, Arlington, Virginia 22217 (202) 692-4024.

Air Force: Headquarters AFSC/DLXB, Andrews Air Force Base, Washington, D.C. 20334 (301) 981-2482.

Individual Data Element Descriptions

A. GENERAL

The following paragraphs contain descriptions of data elements which comprise inputs to an IR&D project record in the DoD IR&D Project Data Bank. The paragraphs also provide instructions for entering each data element on the DDC Form 281 layout shown in Appendix A.

B. DDC FORM 271, INDEPENDENT RESEARCH AND DEVELOPMENT DATA SHEET

1. The DDC Form 271 is to serve both as the project synopsis in the contractor's annual IR&D Technical Plan and as the principal source data sheet for the DoD IR&D Data Bank. The DDC Form 271 *only*, for each project described in the contractor's Technical Plan, should be forwarded to the DDC contact point at the time of distribution of the Technical Plan. The contractor may, at his option, forward at this same time only projects which have actually started. The DDC Form 271 for projects described in the Technical Plan but not actually started and for new projects started during the contractor's fiscal year may be forwarded at the time of project initiation.

2. Those contractors who wish to provide machinable inputs such as punched cards or magnetic tape are encouraged to do so and should contact the DDC contact point for specific instructions.

3. The DDC Form 271 is designed so that a minimum of effort is required of the contractor and the input process can be expedited. For the foregoing reasons, the contractor is requested not to deviate from the DDC Form 271 format or character assignment. Supplies of DDC Form 271 are maintained by DDC and may be obtained from the DDC contact point. At their discretion, companies may locally reproduce or overprint the form.

C. DATA ELEMENT DESCRIPTIONS

1. Technical Plan Fiscal Year (2 characters). Enter the last two digits of the fiscal year covered by the Technical Plan.

2. DDC Form 271 Report Submission Date (6 characters). Enter the date, in a 6 digit format, that the project report (DDC Form 271) is submitted; calendar year (two digits), month (two digits) and day (two digits), in that order. If the project is described in the Technical Plan and has started, then this date in month and year will coincide with the month and year the Technical Plan was issued.

3. Report Type (1 character). Enter one of the following report type codes:

A—Initial submission of any new project.

B—Report describing a project continuing into the current fiscal year from the previous one.

C—A correction to a previous submission. (Submission of a C-type report will not change the existing report type or date of report.)

K—Report describing completion of a project.

T—Report describing termination of a project.

4. IR&D Project Number (Up to 10 characters). Enter a specific project number for the work described. If the work was described in the Technical Plan, use the same project number as the Technical Plan. If the work was not described in the technical plan, assign a unique number to the project. Generally, this number should be preserved throughout the life of the project. However, if the project evolves into new projects or changes in category and objective sufficiently to warrant a new project number, then traceability should be assured by identifying the old project number in Field 18, Related Projects—Previous Years.

5. Unclassified Project Title (Up to 122 characters). Enter an unclassified, descriptive title of the project. This title should refer to a specific system or to a technology or a general area of application of the study or effort. If there are two discrete levels of a project title, enter continuously, but separate by some appropriate punctuation as a dash, colon or semicolon.

6. Name and Address of Performing Organization. Enter name and address both of the parent organization and the performing organization if they differ.

Level 1—Name of the Major or Parent Organization, if applicable. (Up to 61 characters.)

Level 2—Name of Organizational entity actually performing the project. (Up to 61 characters.)

Level 3—Performing Organization Street Address. (Up to 61 characters.)

Level 4—Performing Organization City, State and Zip Code. (Up to 61 characters.)

7. Name and Telephone Number of Technical Plan Focal Point.

Name (up to 41 characters. Enter the last name, followed by a comma, the first name and middle initial, separated by spaces, of the company point of contact for the IR&D program. This is the responsible company official for the technical plan.

Telephone (Up to 20 characters). Enter the commercial phone number, including area code and extension, of the IR&D Technical Plan focal point. Enter elements of phone number separated by dashes; e.g., 203-565-4399-12345.

8. *Technical Plan Volume and Page Number* (Up to 11 characters). Enter the identification of the volume, if any, and page number(s) containing a more detailed description of the project. If the project does not relate to an item in a Technical Plan, enter one of the following 2-letter codes:

PI—Project initiated after Technical Plan was published

PC—Project substantially changed from what was originally in the Technical Plan.

9. *Category of IR&D Work* (1 character). Enter one of the following single-letter codes to identify the category of the work. Definitions of IR&D categories are contained in the Armed Services Procurement Regulation, paragraph 15-205.35.

R—Research (research projects should be divided into basic (B) or applied (A) is possible)

D—Development

S—Systems and other Concept Formulation Studies

10. *Subject Category Field and Group Codes* (Up to 6 characters, each code). Enter at least one Subject Category Field and Group Code from Appendix E. Put the most relevant code in the first field, the next most relevant in the second, etc. *Only the codes listed in Appendix E are acceptable.*

11. *Project Start Date* (4 characters). Enter the last 2 digits of the calendar year and the month (01 through 12) of the date on which work on the project started for continuing or completed projects and the "will start" date for new projects.

12. *Project Completion Date* (4 characters). Enter the estimated or anticipated completion date for the project as calendar year (2-digits) and month (01 through 12), in that order. "INDF" may be entered if the project has an indefinite completion date. For completed or cancelled projects give actual completion or cancellation date.

13. *Professional Man-Years Expenditure Estimate for Current Fiscal Year* (4 characters). Enter the estimate of the professional man-year* expenditure on the project for the current fiscal year to the nearest tenth of a man-year. Insert a decimal point to identify tenths. Otherwise, figure(s) will be assumed to be a whole number.

Actual Expenditures to Date (4 characters). Enter the actual expenditure of professional man-years on this specific project number to date to the nearest tenth of a man-year. Insert decimal point to identify tenths. Otherwise, figure(s) will be assumed to be whole number(s).

Security Classification. For classification authority reference Section II, paragraphs 10d (ii), and 10f in DoD 5220.22-M, Industrial Security Manual for Safeguarding Classified Information and DoD 5200.1-R, DoD Information Security Program Regulation. For classification definitions reference Section I, paragraph 3 of DoD 5220.22-M. For regarding definitions reference Appendix II to DoD 5220.22-M and DoD 5200.1-R.

14. Security Classification Code of the Data Sheet (Up to 3 characters). Enter one of the following codes to describe the established or tentative security classification of the data sheet. This field will reflect the security classification of the DDC Form 271. The code entered in this field must reflect an equal or higher security classification than that of the narrative—Fields 21, 22, 23 and 24:

Security Classification Codes

U—Unclassified.

C—Confidential.

S—Secret.

CRD—Confidential Restricted Data.

CFR—Confidential Formerly Restricted Data.

SRD—Secret Restricted Data.

SFR—Secret Formerly Restricted Data.

CT—Confidential-Tentative (Protect as Confidential).

ST—Secret-Tentative (Protect as Secret).

If the IR&D Data Sheet (DDC Form 271) is classified, in addition to the notation in Field 14, the sheet will be stamped as prescribed in DoD 5220.22-M, Industrial Security Manual for Safeguarding Classified Information, Section II, item 11. The security classification of the data sheet must not be lower than the highest classification of any paragraph. Classification Authority and Declassification Dates must also be written on the Data Sheet.

15. Regarding Code (1 character). Enter the appropriate regrading code for each classified data sheet where item 14 (Data Sheet Classification) is C, S, CRD, CFR, SRD, or SFR. If the data sheet is unclassified or has only a tentative classification (item 14—U, CT, or ST), item 15 must be blank. Enter one of the following codes:

Code, symbol, and explanation.

A, GDS, General Declassification Schedule.

B, ADS, Optional Accelerated Downgrading.

C, XGDS-1, Exempted—Cat. 1 (Furnished by Foreign Government).

D, XGDS-2, Exempted—Cat. 2 (Special—covered by statute).

E, XGDS-3, Exempted—Cat. 3 (Disclosing a system, plan, project, etc.).

F. XGDS-4, Exempted—Cat. 4 (Disclosure means personal jeopardy).

G, Excl., Excluded from GDS (Pending originator review).

H, RD or FR, Restricted Data or Formerly Restricted Data.

M, Multi., Multiple exemption categories apply.

16. Technical Contact

Name (Up to 41 characters). Enter the last name, followed by a comma, the first name and middle initial, separated by spaces, of a point of contact for additional technical information about the project.

Example: Doe, John J.

Telephone (Up to 20 characters). Enter the commercial phone number, including area code and extension, of the project contact point. Enter elements of phone number separated by dashes: eg., 203-565-4399-12345.

This contact should be either the principal investigator or an individual close enough to the project to be able to answer technical questions.

17. Related Projects in Current Fiscal Year Program (Up to 10 characters, per project). Enter up to three project numbers from the current company fiscal year program which are directly related to the project being reported. This correlation of the project with others in the same year's program will assist in viewing it as part of the overall program rather than as a separate entity. If a "PC" was entered in Field 8, enter the project number from the technical plan from which this project evolved.

18. Related Projects in Previous Fiscal Year Program (Up to 10 characters per project). Enter up to three project numbers from previous company fiscal years that contributed to or led to the present project. This Field differs from Field 17 in that Field 18 looks at a project's progression from year to year whereas Field 17 looks at parallel projects in a single year. Both Fields can help considerably in searching for technical information in the data bank.

19. Keywords (Up to 30 Keywords of 50 characters each). Enter at least five keywords which relate to the subject covered by the report. A keyword can be a single word or a group of words. Keywords will be used in conjunction with other elements on the record to retrieve project summaries. Do not use punctuation in the entry. All keywords must be unclassified. "Cryogenics," "lightweight radar," and "space vehicle navigation" are examples of keywords. Avoid the use of complete phrases which include prepositions and conjunctions, e.g., navigation of space vehicles. A suggestion for the first few keywords would be systems, subsystems, or application oriented words. The title and text may describe work on a guidance or a signal processing project but could fail to mention that it was missle guidance not aircraft guidance or that it was a signal processing of sonar signals and not radar signals. It would be of great help to be able to distinguish the application. Many research projects may not have a specific application but could have an area of application.

For example, materials research could have applications to structures, coatings, electronics, optics, lubricants, etc. Also, select a group of words which are technically descriptive of the project. For example, if there were a project on a miniature stereoscopic display for a space application involving the use of laser holography, a keyboard chain could be maser, laser, spacecraft display, three dimensional display, Argon, holography, optics, miniaturization, navigation, reliability, high intensity Military Standard—847A, 31 January 1973, Format Requirements for Scientific and Technical Reports Prepared by or for the Department of Defense, page 19, paragraph 20.20 implement format standards, including selection of terms, for the Department of Defense. The DDC Retrieval and Indexing Terminology, Preliminary Edition, AD-773 300, can also be helpful. These will not guarantee ideal indexing, but they offer an inexpensive step in that direction.

20. Related DoD Technical Planning and Requirement Documents & Interested DoD Organization (Up to 10 of 60 characters each). The purpose of these entries is twofold. First, to give contractors the opportunity to identify any DoD technical planning or requirements documents to which this project is responsive in order to assist in the determination that the project meets the basic tests of relevancy. Second, to assist the Government individual responsible for distributing the IR&D projects to direct the project to the appropriate evaluators. This should help assure the contractor the most appropriate technical evaluation by having the contractor identify organizations or people who know of this IR&D work; or those who have expressed an interest in the project. Typical examples of DoD technical planning or requirements documents are: Required Operational Capabilities (ROC), Technology Needs (TN), Technical Objective Documents (TOD). In identifying interested DoD organizations, the organization's abbreviation or symbols may be used. Where an individual is identified, his organization should also be identified.

Fields 21, 22, 23 and 24. The narrative portions of the project record comprises 4 data element abstracts—Problem (Field 21), Objective (Field 22), Approach (Field 23) and Progress (Field 24). These paragraphs should provide a technical description of the work, its purpose and progress. While these narratives should be brief, they should be sufficient to identify the project and the technology or system/equipment involved.

A maximum of 3600 characters is allowed for the entire narrative portion. This allowance may be divided among the 4 narrative fields in any way desired as long as the combined length of the 4 fields does not exceed 3600 characters. Include security classification at the beginning of each narrative field.

Problem (Field 21)—The problem which the project is or was addressing should be identified and described from a technical or operational standpoint. The background surrounding the problem should be briefly summarized. Current technology state-of-the-art or curent equipment, subsystem or system capability could be described and the deficiency that this level of the state-of-the-art or capability produces should be identified.

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*Professional Man-Years represent all the scientific and engineering time that a scientist or technically-trained person who has received at least a bachelor's degree (or the equivalent) expends directly on the IR&D work being reported. Excluded are skilled craftsmen, laboratory assistants, programmers, shop workers, secretaries, and other personnel providing nontechnical support and services.

Objective (Field 22)—Within the context of the problem, the project's technical objectives should be identified and described. If the project is to run several years, the overall objective should be described as well as the objective of the current fiscal year or immediate past year in the case of a completed or cancelled project. Quantitative terms should be used if possible and appropriate.

Approach (Field 23)—The overall technical approach to be used to achieve the overall objective should be described as should this year's specific technical approach for achieving the current year's objective. Emphasis should be on the method, technique and design approach rather than schedules or milestone. The specific tests and equipments, theoretical work being conducted, and factors which may tend to accelerate or decelerate the work should be outlined. In the case of a completed or cancelled project, the approach which was taken should be explained.

Progress (Field 24)—The progress made during the immediate past year should be summarized. The technical objective of the past year should be indicated followed by a discussion of progress made during the past year in achieving that objective. The implication of the results both to the overall project objective (see section on Problem/Objective) and to the technical approach utilized for the project should be described. Facts and data should be presented whenever possible. Significant reports generated within the reporting period should be identified by number, title and date at the end of this section.

Appendix A: November 27, 1974

Independent research and development data sheet.

1. Tech plan FY.
2. Report date.
3. Report type.
4. Project No.

Furnished in confidence and subject to exemption under Subsection b of 5 USC 552. The information contained herein is the property of the company indicated in Item 6 below is furnished for the sole purpose of identifying the subject program and shall not be disclosed other than to duly authorized Government personnel. Any authorized reproduction or disclosure of the information contained herein, in whole, or in part, shall include this notice.

5. Project title (unclassified).
6. Organization; name and address.
7. Technical plan focal point; name, telephone.
8. Plan vol/pg no.
9. Category.
10. Subject category fields and groups.
11. Project start date.
12. Completion date.
13. Prof man year: est this yr.; cum to date.

Security classification:

14. Data sheet.
15. Regrade code.
16. Technical contact: telephone.

Related projects:

17. Current year.
18. Previous years.
19. Keywords.
20. Related DOD technical planning and requirements documents and interested DOD organ.
21. Problem.
22. Objective.
23. Approach.
24. Progress.

Appendix B: Subject Field and Group Structure

01 Aeronautics:
01 Aerodynamics.
02 Aeronautics.
03 Aircraft.
04 Aircraft flight instrumentation.
05 Air facilities.
02 Agriculture:
01 Agricultural chemistry.
02 Agricultural economics.
03 Agricultural engineering.
04 Agronomy and horticulture.
05 Animal husbandry.
06 Forestry.
03 Astronomy and Astrophysics:
01 Astronomy.
02 Astrophysics.
03 Celestial mechanics.
04 Atmospheric Sciences:
01 Atmospheric physics.
02 Meteorology.
05 Behavioral and Social Sciences:
01 Administration and management.
02 Documentation and information technology.
03 Economics.
04 History, law and political science.
05 Human factors engineering.
06 Humanities.
07 Linguistics.
08 Man-machine relations.
09 Personnel selection, training and evalution.
10 Psychology (*Individual and group behavior*).
11 Sociology.
6 Biological and Medical Sciences:
01 Biochemistry.
02 Bioengineering.
03 Biology.
04 Bionics.
05 Clinical medicine.
06 Evironmental biology.
07 Escape, rescue and survival.
08 Food.
09 Hygiene and sanitation.
10 Industrial (*Occupational*) medicine.
11 Life support.
12 Medical and hospital equipment and supplies.
13 Microbiology.
14 Personnel selection and maintenance (*Medical*).
15 Pharmacology.
16 Physiology.
17 Protective equipment.
18 Radiobiology.
19 Stress physiology.
20 Toxicology.
21 Weapon effects.
07 Chemistry:
01 Chemical engineering.
02 Inorganic chemistry.
03 Organic chemistry.
04 Physical chemistry.
05 Radio and radiation chemistry.
08 Earth Sciences and Oceanography:
01 Biological oceanography.
02 Cartography.
03 Dynamic oceanography.
04 Geochemistry.
05 Geodesy.
06 Geography.
07 Geology and mineralogy.
08 Hydrology and limnology.
09 Mining engineering.
10 Physical oceanography.
11 Seismology.
12 Snow, ice and permafrost.
13 Soil mechanics.
14 Terrestrial magnetism.
09 Electronics and Electrical Engineering:
01 Components.
02 Computers.
03 Electronic and electrical engineering.
04 Information theory.
05 Subsystems.
06 Telemetry.
10 Energy Conversion (*Non-propulsive*):
01 Conversion techniques.
02 Power sources.
03 Energy storage.
11 Materials:
01 Adhesive and seals.
02 Ceramics, refractories and glasses.
03 Coatings, colorants and finishes.
04 Composite materials.
05 Fibers and textiles.
06 Metallurgy and metallography.
07 Miscellaneous materials.
08 Oils, lubricants, and hydraulic fluids.
09 Plastics.
10 Rubbers.
11 Solvents, cleaners and abrasives.
12 Wood and paper products.
12 Mathematical Sciences:
01 Mathematics and statistics.
02 Operations research.
13 Mechanical, Industrial, Civil and Marine Engineering:
01 Air conditioning, heating, lighting and ventilating.
02 Civil engineering.
03 Construction equipment, materials and supplies.
04 Containers and packaging.
05 Couplings, fasteners and joints.
06 Ground transportation equipment.
07 Hydraulic and pneumatic equipment.
08 Industrial processes.
09 Machinery and tools.
10 Marine engineering.
10.1 Submarine engineering.
11 Pumps, filters, pipes, tubing and valves.
12 Safety engineering.
13 Structural engineering.
14 Methods and Equipment:
01 Cost effectiveness.
02 Laboratories, test facilities, and test equipment.
03 Recording devices.
04 Reliability.
05 Reprography.
15 Military Sciences:
01 Antisubmarine warfare.
02 Chemical, biological, and radiological warfare.
03 Defense.
03.1 Antimissile defense.
04 Intelligence.
05 Logistics.
06 Nuclear warfare.
07 Operations, strategy, and tactics.
16 Missile Technology:
01 Missile launching and ground support.
02 Missile trajectories.
03 Missile warheads and fuzes.
04 Missiles.
04.1 Air and space launched missiles.
04.2 Surface launched missiles.
04.3 Underwater launched missiles.
17 Navigation, Communications, Detection, and Countermeasures:
01 Acoustic detection.
02 Communications.
02.1 Radio communications.
03 Direction finding.
04 Electromagnetic and acoustic countermeasures.
05 Infrared and ultraviolet detection.
06 Magnetic detection.
07 Navigation and guidance.
08 Optical detection.
09 Radar detection.
10 Seismic detection.
18 Nuclear Science and Technology:
01 Fusion devices (*Thermonuclear*).
02 Isotopes.
03 Nuclear explosions.
04 Nuclear instrumentation.
05 Nuclear power plants.
06 Radiation shielding and protection.

07 Radioactive wastes and fission products.
08 Radioactivity.
09 Reactor engineering and operation.
10 Reactor materials.
11 Reactor physics.
12 Reactors (*Power*).
13 Reactors (*Non-power*).
14 SNAP technology.
19 Ordnance:
01 Ammunition, explosives and pyrotechnics.
02 Bombs.
03 Combat vehicles.
04 Explosions, ballistics and armor.
05 Fire control and bombing systems.
06 Guns.
07 Rockets.
08 Underwater ordnance.
20 Physics:
01 Acoustics.
02 Crystallography.
03 Electricity and magnetism.
04 Fluid mechanics.
05 Masers and lasers.
06 Optics.
07 Particle accelerators.
08 Particle physics.
09 Plasma physics.
10 Quantum theory.
11 Solid mechanics.
12 Solid state physics.
13 Thermodynamics.
14 Wave propagation.
21 Propulsion and Fuels:
01 Air breathing engines.
02 Combustion and ignition.
03 Electric propulsion.
04 Fuels.
05 Jet and gas turbine engines.
06 Nuclear propulsion.
07 Reciprocating engines.
08 Rocket motors and engines.
08.1 Liquid rocket motors.
08.2 Solid rocket motors.
09 Rocket propellants.
09.1 Liquid rocket propellants.
09.2 Solid rocket propellants.
22 Space Technology:
01 Astronautics.
02 Spacecraft.
03 Spacecraft trajectories and reentry.
04 Spacecraft launch vehicles and ground support.

DIRECTOR OF DEFENSE RESEARCH
AND ENGINEERING,
Washington, D.C., October 21, 1974.

Memorandum for Assistant Secretaries of the Military Departments (Installation and Logistics); Assistant Secretaries of the Military Departments (Research and Development); Director, Defense Supply Agency.

Subject: Guidance for Negotiation of Independent Research and Development (IR&D)/Bidding and Proposal (B&P) Advance Agreements and for the Coupling of Negotiation and Technical Evaluation of IR&D/B&P.

The following guidance, as approved by the IR&D Policy Council, is to be used in the negotiation of IR&D/B&P advance agreements and for the coupling of technical evaluation results to the negotiation. This guidance supersedes that given in the joint DDRE/ASD (I&L) memo dated 18 April 1973.

1. It is essential that every effort be made to ensure that all contractors are treated equitably regardless of which Military Department, including DSA, is responsible for conducting the negotiation. The four Departmental Central Offices (see DPC No. 83) shall meet together from time to time under the leadership of OASD (I&L) IR&D focal point to (a) exchange views and information necessary to achieve equitable treatment of contractors, and (b) identify issues to be submitted to the IR&D Technical Evaluation Group or the IR&D Policy Council for resolution. In addition, each Departmental Central Office shall to the extent practicable assign representatives to attend and participate in prenegotiation and negotiation meetings conducted by the other Offices.

2. Each Departmental Central Office shall maintain sufficient documentation in the advance agreement negotiation file to provide the rationale for the dollar level established and for any other provisions of the agreement.

3. The results of the technical quality evaluation of a contractor's IR&D program shall have a meaningful and traceable effect on the negotiated ceiling.

4. Three-year advance agreements, with provision for adjustment when appropriate to the second and third year, should be used to the extent practicable.

5. In negotiating IR&D and B&P ceilings, inflationary or deflationary economic factors shall be given the same consideration as is given to any other cost in a contract price negotiation.

6. A technical representative associated with the evaluation of the company concerned shall participate to the extent practicable in the prenegotiation meetings during which negotiation objectives are established by the negotiating team.

7. Departmental Central Office negotiators shall have primary responsibility for reviewing each contractor's B&P projects and making the final determination of their potential relationship to military functions or operations. Those proposals solicited by DoD activities and those unsolicited proposals that resulted in DoD contracts shall be considered "potentially related." The relationship of all other B&P projects shall be determined on a case-by-case basis.

Since IR&D and B&P ceilings are interchangeable, potential relationship determination for each non-DoD B&P project shall be made on the same basis as for the IR&D determination. Therefore, the determination for the B&P effort shall be premised on the relationship of the technical effort to a military function or operation rather than to which customer the proposal is submitted. Negotiators shall obtain the comments and recommendations of cognizant ACOs and auditors, and, when appropriate, may refer a specific proposal project to the responsible IR&D Technical Evaluation Group representative for a recommendation.

Generally, determinations of B&P relationship cannot be made until the end of the fiscal year. However, to the extent that contractors can identify B&P projects at the time advance agreement negotiations take place, such determinations shall be made at that time. In any event, determinations shall be completed as soon after the end of each contractor's fiscal year as possible.

8. The costs of IR&D or B&P projects determined not to be potentially related may be included in the ceilings negotiated provided this procedure does not result in the allocation of a level of costs to DoD contracts that exceeds the total costs of all related projects. See ASPR 15-205.3(d)(2)(A)(v) and 15-205.35(d)(1)(E).

ARTHUR I. MENDOLIA,
Assistant Secretary of Defense
(Installations and Logistics).
MALCOLM R. CURRIE,
Director of Defense,
Research and Engineering.

DEPARTMENT OF DEFENSE INSTRUCTION

Subject: Establishment of Policy for, and Administration of, Independent Research and Development Programs (IR&D).

Reference:

(a) Armed Services Procurement Regulation (ASPR).

(b) DoD Instruction 5100.66, subject as above, February 29, 1972 (hereby cancelled).

(c) DoD Manual 7110.1-M, DoD Budget Guidance Manual, June 15, 1973, authorized by DoD Instruction 7110.1, August 23, 1968.

I. REISSUANCE AND PURPOSE

This Instruction reissues reference (b) to state the Department of Defense Policy for the recovery of the costs of contractors' IR&D programs; prescribes the role, mission, and composition of the Independent Research and Development (IR&D) Policy Council; assigns responsibilities; and outlines procedures for the administration of contractor Independent Research and Development (IR&D) programs, as defined and promulgated in reference (a). Reference (b) is hereby superseded and cancelled.

II. APPLICABILITY

The provisions of this Instruction apply to the elements of the Office of the Secretary of Defense and to the Military Departments.

III. DEFINITIONS

A. *The IR&D Policy Council* is an organization charged with developing, securing Secretary of Defense approval, and disseminating DoD policy and guidance essential to the administration of the DoD IR&D program, and related Bid and Proposal (B&P) activities.

B. *Relevant IR&D/B&P projects* are those that are considered to have a potential relationship to a military function or operation. Relevancy determination is part of the evaluation process.

C. *A Lead Department* is the Military Department responsible for arranging and conducting on-site reviews and for coordinating and summarizing technical evaluations of project descriptions in a contractor's IR&D technical plan.

IV. PRINCIPLES

A. IR&D/B&P is recognized by the DoD as a necessary cost of doing business particularly in a high technology environment. Through support, consistent with the cost principles established in reference (a), of contractor's IR&D/B&P programs, DoD seeks to:

1. Assure the creation of an environment which encourages development of innovative concepts for Defense systems and equipment which complement and broaden the spectrum of concepts developed internally to DoD.

2. Develop technical competence in two or more contractors who can then respond competitively to any one requirement DoD seeks from Industry.

3. Contribute as appropriate to the economic stability of its contractors by allowing each contractor the technical latitude to develop a broad base of technical products.

B. The basic purpose of the IR&D technical evaluation, and consequently the contractor technical plan, is to assist in the determination of IR&D projects' potential relationship to a military function or operation (PMR) and to assist in the evaluation of reasonableness and technical quality of the contractor IR&D program.

C. To assist the DoD Components in coordinating the DoD contract R&D and in-house-R&D programs with the IR&D program, a computer-based, IR&D data bank will be established at the Defense Documentation Center and will contain information on each IR&D project described in each contractor's IR&D technical plan. Personnel involved in planning and initiating new in-house or contract IR&D projects are strongly encouraged to query the IR&D Data Bank in order to be aware of similar efforts already underway through contractor IR&D.

D. The IR&D Data Bank is to be a centralized body of information useful in identifying what IR&D is being pursued by whom and for identifying the contacts in the performing organization for obtaining additional information. The Data Bank is not a real time reporting mechanism and it generally contains data only on those projects for which work has started.

E. Tri-Service participation in technical plan evaluation, on-site review and IR&D/B&P advance agreement prenegotiation is strongly encouraged in order to foster technical interchange and uniformity of treatment of contractors by the various DoD Components.

F. The objective of the on-site review is twofold: (1) to permit face-to-face technical dialogue between Government and Industry peers; and (2) to confirm, through on-site evaluation of a sample of the company's IR&D projects, the technical plan evaluation rating.

G. IR&D projects that lead to reduction in acquisition and support costs of defense systems and equipment shall be given the same consideration as is given to projects exploring the solution of critical performance deficiencies in our military capability.

V. RESPONSIBILITIES AND PROCEDURES

A. The Director of Defense Research and Engineering (DDR&E), as Chairman of the IR&D Policy Council, shall be responsible for convening the Council and for taking such actions as may be appropriate in carrying out the mission of the Council in accordance with its Charter (enclosure 1).

B. The Secretaries of the Military Department shall be responsible for the following:

1. Evaluation of Project Descriptions. Evaluate the written descriptions of IR&D projects furnished by companies, and submit to lead Department either a written evaluation report of each company's submitted IR&D programs or a statement of the reason it was not evaluated. The lead Department shall verify that the overall evaluation has been sufficiently comprehensive to permit the formation of a reasonable conclusion concerning the technical quality of the contractor's program. Further, the determination of potential relationship of IR&D projects to a military function or operation must consider enough projects that the dollar value of these projects equals or exceeds the dollar value of IR&D to be recovered in DoD contracts.

2. On-Site Review of Projects. Conduct, when assigned lead Department responsibility, an on-site review at least once every 3 years of those companies with whom the Government negotiates advance agreements for IR&D.

C. Defense Supply Agency shall establish and maintain and operate through the Defense Documentation Center the IR&D Data Bank.

D. IR&D Technical Evaluation Group.

1. Membership:

a. Each Military Department shall designate a Departmental IR&D Manager to carry out the functions set forth in VI.D.2.

b. The DDR&E shall appoint a chairman who, with the three Departmental IR&D Managers, will constitute the IR&D Technical Evaluation Group.

2. Responsibilities. The IR&D Technical Evaluation Group shall:

a. Establish, subject to the approval of the IR&D Policy Council, criteria and methodology that will be used uniformly by the Military Departments for performing the technical evaluations and establishing quality ratings of company IR&D programs.

b. Designate the lead Department for each company.

c. Establish uniform procedures for debriefing companies whose IR&D programs have been reviewed.

d. Provide guidance on the content and format for submitting companies' IR&D technical plans and on the conduct of on-site reviews.

e. Establish a schedule for submission of companies' IR&D technical plans.

f. Establish procedures for providing the Defense Contract Administration Services with technical evaluations of company-submitted IR&D project descriptions to support their negotiation of advance agreements required by law.

g. Establish, prior to the start of each calendar year, the annual schedule for on-site IR&D reviews.

h. Establish procedures for providing the Department-designated negotiator with a technical evaluation of each IR&D program for use in determining the IR&D advance agreement with each company.

i. Provide assistance to the contracting officers on an as needed basis in determining the relevance of B&P effort.

j. Provide assistance to DCAA and contracting officers as requested in resolving costs classification questions involving IR&D and B&P.

k. Establish the content and format of the IR&D Data Bank, subject to Policy Council approval.

E. Departmental IR&D Managers' Responsibilities. Each Departmental IR&D Manager shall:

1. Designate the organizations within his Department that are responsible for evaluating each company's IR&D projects.

2. Ensure an effective evaluation of the Company-submitted IR&D project descriptions.

3. Arrange for, and participate in, on-site IR&D reviews as required.

4. Assure the maintenance of an up-to-date distribution list for IR&D brochures.

F. Funding for Technical Evaluations. Each year the Military Departments shall submit, in their RDT&E budgets, estimates of the expenses required to support the technical evaluations of companies' IR&D programs. Details regarding the format for submittal shall be as prescribed in the DoD Budget Manual 7110.1–M (reference (c)).

VI. EFFECTIVE DATE AND IMPLEMENTATION

A. This Instruction is effective immediately.

B. Names of the Military Departments' IR&D Managers shall be forwarded to the Director, Defense Research and Engineering (DDR&E) within 30 days.

C. Two copies of implementing instructions shall be forwarded to the DDR&E within 60 days.

CHARTER OF THE DOD INDEPENDENT RESEARCH AND DEVELOPMENT POLICY COUNCIL

I. PURPOSE

This charter prescribes the mission, composition, and administration of the DoD Independent Research and Development (IR&D) Policy Council.

II. MISSION

The mission of the DoD IR&D Policy Council is to develop, secure Secretary of Defense approval, and disseminate DoD policy and guidance essential to the efficient administration of the DoD IR&D program, and related Bid and Proposal (B&P) activities. This policy and guidance shall encompass such facets of the program as: the proper level of DoD support required; an outline of the goals of IR&D and B&P; the mechanisms to be employed to increase or decrease the overall level of effort; guidance necessary to assure valid potential relevancy determinations; appropriate negotiation policies; and response to Congressional inquiries.

III. COMPOSITION

The members of the DoD IR&D Policy Council will be the Director of Defense Research and Engineering, who will serve as Chairman; the Assistant Secretaries of Defense (I&L) and (C); the Assistant Secretaries for (R&D) and (I&L) from the Army, the Navy, and the Air Force. A NASA representative and an AEC representative will participate as observers.

IV. OPERATION

A. The Director of Defense Research and Engineering will designate an individual to act as Secretary to the Council.

B. The Secretary to the Council will receive from members any items for discussion; prepare the agenda and minutes of each meeting; obtain the Chairman's approval of the agenda and minutes prior to issuance.

C. The Council will meet before the end of each calendar year for the purpose of establishing the IR&D/B&P objectives and guidelines for the next calendar year. Other meetings of the Council will be held at the call of the Chairman.

D. The Council may establish such ad hoc working groups as may be required for the accomplishment of matters which come before it.

E. The Council decisions will be implemented through official channels including that of the Technical Evaluation Group and its evaluation network.

V. DURATION

The Council will automatically terminate upon completion of its mission or not later than 2 years following its date of reaffirmation in accordance with committee management directives.

VI. DATE OF REAFFIRMATION

January 1, 1975.

TRIBUTE TO RALPH "SHUG" JORDAN ON HIS RETIREMENT AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY, AUBURN, ALA.

Mr. ALLEN. Mr. President, on April 2, during the recent Easter recess, I had the pleasure of attending the Annual Alabama Cable Television Association Awards Banquet in Birmingham. I had the honor of making the "Man of the Year" presentation—only it was actually the "Men of the Year" because the award was made jointly to Ralph "Shug" Jordan, head football coach of Auburn University, and Paul "Bear" Bryant, head football coach of the University of Alabama, based on their great and varied contributions to Alabama.

Late yesterday afternoon I learned that Coach Jordan had announced his retirement from his position, effective at the end of the 1975 football season.

Mr. President, Coach Jordan is a remarkable man, greatly loved and respected by all Alabamians—and by hundreds of thousands of Americans everywhere. He stands tall among his peers as a gentleman, as a teacher, as an image to be emulated by our youth, whether they played on his teams or competed against his teams or whether they engaged in sports at all.

Coach Jordan is the only active coach in the famed Southeastern Conference who was coaching in any sport when the conference was formed in 1933, and he is now the dean of SEC head football coaches. He is the only active coach in the Nation to have a stadium named for him, Jordan-Hare Stadium, on the Auburn campus.

In 1968 Coach Jordan waged a life or death battle against cancer, and he made a miraculous recovery assisted by the prayers of thousands of his fellow Alabamians through Divine Providence and through his own fighting spirit. While, prior to his illness, he had devoted much of his spare time and effort to charity work and benevolent and civic work and to helping foster support for his beloved Auburn University, not only in athletics but in academic fields as well.

Since his illness he has gone harder than ever in his work, going anywhere in Alabama to speak to anyone about causes to help his fellow man.

He has, for the most part, put aside personal hobbies in order to devote more time to his charity and community work.

Over the years an almost mythical aura has come to surround the competition between teams coached by Shug Jordan and Bear Bryant. But the two are close personal friends who share a broad interest in charitable work. They have joined their efforts as cochairmen of statewide appeals probably more than anyone else in the South, or in the Nation.

Not many know that Coach Jordan is a history buff and is a considerable authority on Americana. He is also a student of Greek and Biblical literature, and end-of-the-week team meetings which he holds following Friday afternoon practice sessions are noted for his use of parables, history, and literature in the pep talks he gives to his players and assistants.

Mr. President, although this will mark the final active coaching year for Coach Shug Jordan, he has left an indelible mark for good on Auburn University, on Alabama, and on all Americans who have been touched by his long career. While he may retire from the field of coaching, knowing him as I do I say without hesitation that he will not be inactive in service to God and to his fellow man. Since we know that Coach Jordan will never really fully retire, what would be wrong with the title head football coach emeritus for him?

Now I extend for myself and Mr. Allen our sincerest best wishes to Coach and Mrs. Jordan and the hope that in the years to come they will be able to do many of the things that they have not had time to do. We wish for them many busy and fruitful years of retirement.

Mr. President, the Tuesday, April 8, 1975, edition of the Montgomery Advertiser announced Coach Jordan's retirement in a front page story entitled "Fabled Shug to Retire as Auburn Coach." Because of his widespread reputation, I feel that this story will receive the interest and attention of men and women, old and young, throughout the country, and I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Montgomery Advertiser, Apr. 8, 1975]

Fabled Shug To Retire as Auburn Coach

(By Ron Barefield)

Auburn head football coach Ralph "Shug" Jordan resigned his position effective at the end of the 1975 football season and offensive coordinator Doug Barfield was named to replace him at a meeting of the Auburn Board of Trustees in Montgomery Monday.

* * * * *

Jordan is the only active coach who was around when the SEC was formed in 1933 and is also the only active coach in the nation with a stadium named after him.

The Selma native just finished his 24th season on the Plains with a 172–77–5 record and his War Eagles have made post-season bowls the last eight years in a row.

Following the 1972 season when what was predicted as a weak Auburn team in pre-season polls finished with a 10–1 mark and a 24–3 victory over Colorado in the Gator Bowl, Jordan was named SEC Coach of the Year, District Coach of the Year and was runnerup as NCAA national Coach of the Year. In the summer of 1973 Jordan served as head coach of the East in the College Coaches All-America game at Lubbock, Tex.

Jordan was an assistant at Auburn when the SEC originated. He went into the military and returned for a short stint as Auburn's assistant coach before moving to the Miami Seahawks for half a season. The next four and a half years was spent as an aide at Georgia.

He returned to his alma mater in 1951 and began building Auburn into a national power.

His first team broke even, but two years later the Tigers finished 7–2–1 and earned a Gator Bowl berth. He has produced 13 bowl teams.

Jordan's 13 consecutive seasons as a winner against one of the nation's ruggedest schedules has propelled him into the No. 4 slot in all-time victories among college coaches. He ranks fourth in the nation in winning percentage among active coaches with 20 or more years.

Along the way the 65-year-old Jordan has produced a national and SEC championship team in 1957, a year the Tigers were on NCAA probation.

He has been named national Coach of the Year by the Washington Touchdown Club, selected Coach of the Year in the SEC four times, and inducted into the Alabama Sports Hall of Fame as a charter member. He is also a member of the Alabama Academy of Honor.

Jordan was the first SEC coach to win 100 games at his alma mater, and in the past 24 years, Jordan's tenure at Auburn, Ole Miss is the only SEC team to manage more victories than Auburn.

Jordan was a three-sports star at Auburn from 1929 to 1932. In fact, he was Auburn's most outstanding athlete his senior year in a vote by lettermen.

He graduated from Auburn in 1932 and was an assistant coach on the Plains for 12 years before his Army duty during World War II when he served overseas three years in the Corps of Engineers. He came back to Auburn in 1945, and then went with Jack Meagher to the Miami Seahawks.

At mid-season he joined the Georgia stall where he worked under Wally Butts from 1946 through the 1950 campaign. He was named Auburn's head coach the following winter.

Jordan was born in Selma on Sept. 25, 1910. He is married to the former Evelyn Walker of Columbia, S.C., and they have two daughters and a son—Susan, Darby and Ralph, Jr.

Barfield served as offensive coordinator last season. For the two previous years, he was the head freshman coach.

A 1957 graduate of Southern Mississippi, Barfield was highly praised for Auburn's outstanding offensive showing in the Gator Bowl versus Texas.

The personable Barfield lettered 11 times in three sports at Grove Hill High School in Clarke County. He was a three-year letterman at Southern Mississippi where as a quarterback he captained the 1956 team. Barfield also earned three letters in baseball.

His first coaching job was as an assistant at Grove Hill for one year. He served as a head coach at the high school level for eight years. In two years of service with the U.S. Army, Barfield was a coach and athletic director.

In 1967, he was appointed an assistant at his alma mater before working one year at Clemson in 1971. Barfield was appointed to the Auburn staff on June 15, 1972.

He is married to the former Betty Plummer of Grove Hill and they have a son, Gary, and a daughter, Kathy.

SUMMARY OF THE TAX REDUCTION ACT

Mr. BEALL. Mr. President, because of the interest in the provisions of the recently passed Tax Reduction Act, I ask unanimous consent that a summary of the act, as prepared by the Department of the Treasury, be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of Facts on Tax Cut Bill

1. REBATE OF 1974 TAXES

Rebate generally equals 10% of 1974 tax liability.

Minimum rebate equals lesser of actual tax liability or $100.

Maximum rebate equals $200, phased down to $100 between AGI $20,000 and $30,000.

For married persons filing separately, $50 minimum, $100 maximum and phase down between $10,000 and $15,000.

Rebates disregarded for purposes of other benefit programs.

Cost: $8.1 billion.

2. STANDARD DEDUCTION CHANGES

Minimum standard deduction (low income allowance) increased from $1,300 per return ($650 for married persons filing separately) to $1,900 for a joint return or surviving spouse, $1,600 for single persons, and $950 for married persons filing separately).

Maximum standard deduction increased from 15% of AGI (with a maximum of $2,000, or $1,000 for a married person filing separately) to 16% of AGI (with a maximum of $2,600 for a joint return or surviving spouse, $2,300 for a single person, and $1,300 for married persons filing separately.

Effective for one year (generally 1975 calendar year).

Cost: $2.5 billion.

3. PERSONAL EXEMPTION TAX CREDIT

New $30 per exemption tax credit (except blind and aged exemptions) in addition to present law personal exemptions.

Effective for one year (generally 1975 calendar year).

Cost: $5.3 billion.

4. EARNED INCOME CREDIT

Refundable credit equal to 10% of earned income of an eligible individual with maximum of $400.

To be eligible, must maintain a household within the United States that includes a dependent child.

Maximum credit phased down to zero between AGI $4,000 and AGI $8,000.

Under AFDC provisions, the earned income credit is taken into account in determining AFDC eligibility.

Effective for one year (generally 1975 calendar year).

Cost: $1.5 billion.

5. CHILD CARE DEDUCTION

Increases the income level at which the phase out of the maximum allowable deduction ($4,800) begins. The old phase out began at $18,000, phasing down to zero at $27,600. The new phase out begins at $35,000, phasing down to zero at $44,600—permanent change.

Cost: $0.1 billion annually.

6. SALE OF PRINCIPAL RESIDENCE

Increases from 12 to 18 months the period during which the seller of an old principal residence must purchase a new principal residence, if he wishes to apply section 1034 to avoid recognition of gain. When construction of the new principal residence is begun by the taxpayer himself, the period is increased from 18 to 24 months.

Permanent change.

Cost: Nominal.

7. HOUSE PURCHASE CREDIT

New tax credit for purchases of a principal residence equal to 5% of the taxpayer's tax basis, with maximum credit of $2,000. A taxpayer's tax basis in a new principal residence may be less than cost if, for example, he sold an old principal residence, avoided recognition of gain through the application of section 1034, and was required to reduce his basis in the new principal residence by the amount of gain not recognized.

Applies only to purchases of new houses (including mobile homes and residential units in condominiums or cooperative housing projects). That is, the taxpayer must be the first occupant.

Applies only to new houses, etc., the construction of which was commenced prior to March 26, 1975.

Purchaser must attach to his tax return a certification by the seller that the purchase price is the lowest price at which the residence was ever offered for sale. If the certification is false, the purchase may recover, in a civil action, three times the difference between the purchase price and the lowest offered price (plus a reasonable attorney's fee) and the seller may be prosecuted.

Effective for acquisitions after March 12, 1975, and before January 1, 1977, but applies to 1976 acquisitions only if constructed by the taxpayer or acquired by the taxpayer under a binding contract entered into before January 1, 1976.

Cost: $0.6 billion.

8. WITHHOLDING

New withholding tables reflecting standard deduction changes, personal exemption tax credit, and earned income credit to take effect May 1, 1975. IRS advises that employers may be unable to meet that deadline even if new tables made available by IRS in record time.

9. INVESTMENT CREDIT

Two year increase in investment credit from 7% (4% in the case of public utilities) to 10%. Upon lapse of the temporary increase, public utilities would again be eligible for a 4% credit only.

Additional 1% credit (for total 11% credit) during the two year temporary period for corporate taxpayers only and on condition that stock of the taxpayer (or a parent corporation) having a value equal to the tax savings generated by the additional 1% credit is transferred to an employee stock ownership plan (ESOP). No deduction is allowed to the employer for the transferred stock, and the employees are not taxed until they receive distributions from the plan. The plan may be a qualified or a nonqualified plan.

For public utilities, increase in the portion of tax liability that may be offset by the investment credit from 50% to: 100% in 1975 and 1976, 90% in 1977, 80% in 1978, 70% in 1979, 60% in 1980, and back to 50% in subsequent years.

Increase from $25,000 to $100,000 in amount of used property that may qualify for investment credit.

Provision for credit to be allowed as progress payments are made, a permanent change.

Cost: $3.3 billion.

10. CORPORATE TAX RATE CHANGES

Surtax exemption (which determines amount taxable at rates below 48%) increased from $25,000 to $50,000 of taxable income.

Rate on first $25,000 of taxable income reduced from 22% to 20% (second $25,000 of taxable income will be taxable at 22% rate, balance of income at 48% rate).

Effective for taxable years ending in 1975.

Cost: $1.5 billion.

11. ACCUMULATED EARNINGS TAX

Minimum accumulated earnings tax credit increased from $100,000 to $150,000.

Permanent change.

Cost: Nominal.

12. WORK INCENTIVE (WIN) PROGRAM TAX CREDIT

Win credit of 20% of wages paid to a new employee during first 12 months of employment extended to employment of welfare recipients if employment lasts at least one month. Under present law, the new employee must be a participant in the WIN program administered by the Departments of Labor and Health, Education and Welfare and must be employed for at least 24 months.

As under present law, the new employee may not displace another employee.

Unlike present law, the expanded credit would apply to nonbusiness employees (e.g., domestics), but the maximum credit with respect to each such nonbusiness employee would be $200.

Employment of migrant workers not covered.

Effective with respect to wages paid to employees hired after the date of enactment for services rendered between the date of enactment and July 1, 1976.

Cost: Nominal.

13. CERTAIN PENSION PLAN CONTRIBUTIONS

For H.R. 10 plans, advanced by one year (to 1976 contributions for 1975 plan years) a provision permitting cash basis taxpayers to treat contributions made before April 15 as having been made in the preceding year.

14. UNEMPLOYMENT COMPENSATION

Extends the maximum period of benefits from 52 to 65 weeks, for weeks of unemployment ending before July 1, 1975.

Cost: $0.2 billion.

15. PAYMENT TO SOCIAL SECURITY RECIPIENTS

Provides $50 payment to each individual who for the month of March, 1975, was entitled (without regard to section 202(j)(1) and 223(b) of title II of the Social Security Act and without the application of section 5(a)(ii) of the Railroad Retirement Act of 1974)) to (1) a monthly insurance benefit under title II of the Social Security Act, (2) a monthly annuity or pension payment under one of the Railroad Retirement Acts, or (3) a benefit under SSI.

Payments to be made no later than August 31, 1975.

Any individual entitled to only one such payment.

Only United States residents are eligible.

Payments to be disregarded for purposes of other programs.

Cost: $1.7 billion.

Note respecting permanence of changes

As noted above, virtually all of the tax changes and increased benefits are drafted as temporary changes and benefits effective for only one year or at most two years. The only permanent changes are: (1) the provision for the investment credit to be allowed on progress payments, (2) the raising of the phase-out level for the child care expense deduction, (3) the expansion of the tax-free rollover period for sales of a principal residence, and (4) the increase in the accumulated earnings tax credit.

16. LIMITATION ON PERCENTAGE DEPLETION

Eliminated immediately for majors.

Exception: 22% retained for all producers for regulated natural gas and natural gas sold under fixed contract.

Royalty interest owners and independents (producers with no retail outlets who refine less than 50,000 bbl/day) have small production exemption.

Small production exemption: 22% remains for 2,000 bbl/day and phases down 200 bbl/day each year for 5 years, then holds at 1,000 while rate phases down: 20% for 1981, 18% for 1982, 16% for 1983, so that for 1984 and thereafter the exemption is 1,000 bbl/day at 15% (applies alternatively at taxpayer's election to natural gas on 6,000 cu. ft.: 1 bbl. equivalence).

For secondary and tertiary production at the rate under the small production exemption stays at 22% until 1984 when it drops to 15%.

Except for *new* fields acquired in section 351 transfer or transfer at death, small production exemption applies to production from *new* fields only if discovered by taxpayer.

Aggregation rules prevent multiple exemptions for related entities. Family members treated as one taxpayer.

Depletion allowance under small production exemption limited to 65% of taxpayer's taxable income (computed without regard to any depletion on small production amount, capital loss or NOL carrybacks).

Increased revenue: $1.6 billion.

17. FOREIGN OIL-RELATED INCOME

New limitation on foreign tax credits of oil companies to 110% of the U.S. rate in 1975 (52.8% of income); 105% of the U.S. rate in 1976 (50.4% of U.S. income) and 50% of U.S. income in 1977.

Carryforwards from years prior to 1974 will be computed as though the foregoing rules were in effect during those years.

Excess credit resulting from the application of these rules can only be used to shelter other oil-related income, including income from shipping, refining, marketing, interest, and dividends.

Requires for taxable years beginning after 1975, the use of the overall limitation in the computation of the foreign tax credits of oil companies.

New recapture rule for losses incurred in oil operations; foreign oil income earned after December 31, 1975, will be treated as U.S. source income to the extent of any oil-related losses sustained after that date.

Bars use of tax credits with respect to the purchase of oil where the taxpayer does not have an economic interest in such oil and where such oil is not purchased and sold at its fair market value. This provision is effective for years after December 31, 1974.

28. DEFERRAL—CHANGES IN SUBPART F

Terminates the minimum distributions exception to subpart F (Section 963).

Terminates the exception to subpart F which allows deferral where tax haven income is reinvested in a less developed country corporation.

Revises the present rule permitting deferral of tax on foreign tax haven income where less than 30% of such income is tax haven income to terminate such deferral where the tax haven income exceeds 10% of income.

Terminates the exception to subpart F for shipping income except where such income is reinvested in shipping operations.

Allows deferral of income on sales by a foreign sales corporation of agricultural products which are not grown in commercially marketable quantities in the U.S.

All of the foregoing changes are effective in taxable years beginning after December 31, 1975.

19. DISC

Terminates DISC deferral privileges for sales of energy resources such as coal, oil and uranium.

Effective for sales made after March 18, 1975.

20. OIL RIGS—INVESTMENT TAX CREDIT

Disallows investment tax credit for oil rigs used in international or territorial waters outside the northern portion of the western hemisphere effective for investments after March 18, 1975, unless made pursuant to contracts binding on April 1, 1974.

Additional revenues: (Sections 17, 18, 19 and 20 combined): $0.1 billion first year, $0.6 billion in following years.

COMPARISON OF THE EFFECTS ON FISCAL YEAR RECEIPTS OF THE PRESIDENT'S STIMULUS PACKAGE, THE HOUSE BILL, THE SENATE BILL, AND THE CONFERENCE BILL

[In billions of dollars]

	Fiscal year—	
	1975	1976
President's stimulus program [1]	−7.3	−9.0
House bill	−10.0	−7.3
Senate Finance Committee bill [2]	−13.0	−16.5
Conference bill [3]	−10.7	−10.5

[1] Adjusted from original estimate for different timing on the 1st rebate payment.

[2] Excludes $3,400,000,000 of payments to social security benefits and $200,000,000 of unemployment payments.

[3] Excludes $1,700,000,000 of payments to social security benefits and $200,000,000 of unemployment payments.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

COMPARISON OF HOUSE, SENATE AND CONFERENCE BILLS

[In billions of dollars]

Tax reductions	House	Senate	Conference
I. Individuals:			
Refund of 1974 liability	8.1	9.7	8.1
Standard deduction increase	5.2		2.5
Credit		6.3	5.3
Tax rate reductions		2.3	
Earned income credit	2.9	1.5	1.5
House purchase credit		1.1	.6
Child care		1.7	.1
Home insulation		.7	
Total individuals	16.2	23.3	18.1
Business:			
Investment tax credit	2.4	4.3	3.3
Corporate surtax exemptions	1.2	1.2	1.2
Tax rate reduction		.7	.3
Loss carryback, carry forward		.5	
Repeal truck excise taxes		.7	
Total business	3.6	7.4	4.8
II. Increased expenditures:			
$100 payment to certain program beneficiaries		3.4	1.7
Emergency unemployment benefits		.2	.2
Total increased expenditures		3.6	1.9
III. Tax increases:			
Depletion	(2.2)	(1.7)	(1.6)
Foreign oil taxation		(1.5)	(.1)
Deferral of foreign income		(.5)	
Total tax increases	(2.2)	(3.7)	(1.7)
Total net revenue loss	17.6	30.6	23.1

Office of the Secretary of the Treasury, Office of Tax Analysis, Mar. 29, 1975.

CONSUMER SAFETY

Mr. MOSS. Mr. President, on March 7, I introduced, by request, amendments to the Consumer Product Safety Act which were proposed by the Consumer Product Safety Commission. Those amendments are contained in S. 1000. Since the date of introduction, the Commission has submitted comments in support of its proposals.

The Senate Commerce Committee will be holding 1 day of hearings on S. 1000 within the next 2 weeks. In order to facilitate public discussion and comment on the provisions of S. 1000, I ask unanimous consent that the Commission's comments on S. 1000 be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

CONSUMER PRODUCT SAFETY COMMISSION IMPROVEMENTS ACT OF 1975 (S. 1000; H.R. 5361)

Section 1 provides that the Act may be cited as the "Consumer Product Safety Commission Improvements Act of 1975."

AUTHORIZATION OF APPROPRIATIONS

Section 2 amends Section 32(a) of the Consumer Product Safety Act (CPSA) to authorize appropriations for fiscal years 1976, 1977, 1978 and the interim period between fiscal years 1976 and 1977. Specifically, the Commission is requesting an authorization of $51,000,000 for fiscal year 1976 and such sums as may be necessary for fiscal years 1977, 1978, and the transition period during 1976. In its enacting legislation, the Commission received authorizations of $55,000,000 for FY 1973; $59,000,000 for FY 1974; and $64,000,000 for FY 1975. The Commission received an appropriation of some $37,000,000 for FY 1975. It should be noted that Senators Magnuson and Moss have introduced a bill (S. 644) containing provisions which would authorize $55,000,000 for FY 1976 and $60,000,000 for FY 1977. The Commission in its comments on this bill indicated its agreement with these authorization amounts.

The section also includes specific language authorizing the expenditure of monies for various purposes consistent with the Commission's activities in carrying out its mandate. These include the authority to lease automobiles, to obtain expert and consultant services, to rent space in the District of Columbia and elsewhere, to make advance payments to offerors developing consumer safety standards, to incur official reception and representation expenses, to obtain the services of expert witnesses, to incur expenses for conducting safety education seminars, and to incur expenses for enforcement purposes. The section also provides for the authorization of such additional or supplemental amounts as may be necessary to meet increased salary, pay, retirement, or other employee benefits as may be authorized by law, to meet other nondiscretionary cost increases, and to provide for the funding of programs or activities which are imposed on the Commission subsequent to the date of the Act. The Commission's enacting legislation does not include such specific language.

LIMITATIONS ON JURISDICTION

Section 3 would resolve certain jurisdictional questions. Subsections (a) and (d) would specifically eliminate pesticides from the Commission's jurisdiction under the Poison Prevention Packaging Act of 1970 (PPPA). Enactment of the Federal Environmental Pesticide Control Act of 1972 (P.L. 92-516), in effect, obstructs subsequently enacted Commission authority to enforce any special packaging standards for pesticides under the Poison Prevention Packaging Act, but does not affect the Commission's authority to promulgate such standards. The Environmental Protection Agency's authority under P.L. 92-516 enables that agency to adequately promulgate and enforce pesticide-related packaging standards for the purpose of child protection. Subsection (b) contains a technical amendment reflecting provisions of P.L. 92-516.

Section 3(c) would resolve the existing controversy over jurisdictional questions involving firearms, ammunition, and cigarettes. Specific exclusion of those products from the Commission's jurisdiction under the Federal Hazardous Substances Act (FHSA) would be consistent with their exclusion from authority under the CPSA. Provision is made, however, for retaining jurisdiction over fireworks devices under the FHSA.

The Commission does not wish either to abdicate or usurp jurisdiction contrary to the intent of the Congress. In denying the petition of the Committee for Hand Gun Control, Inc. for a ban on hand gun bullets, the Commission determined hand-gun bullets fall within the literal meaning of the definition of a hazardous substance under the FHSA, and, as such, all FHSA regulatory remedies are available to the Commission. Based upon a careful review of the provisions of the Federal Hazardous Substances Act and its legislative history, the Commission cannot find any indication that Congress intended to confer upon the Commission the authority to ban handgun bullets as requested by and for the reasons cited by the petitioner. However, the legislative history does not clearly demonstrate that no authority over ammunition was intended. Therefore, the Commission is left with the broad words of an omnibus type safety act to determine its jurisdiction. The practical effect of the requested ban on hand-gun bullets, if successful, would be a virtual ban on hand-guns. There is clearly no authority under any act which the Commission administers to regulate hand-guns.

The necessary internal procedures and court actions involving the regulation of ammunition and cigarettes are a tremendous drain on the limited resources of the Commission. In view of this, the far reaching impact of these issues, and the controversy with regard to the intent of the Congress, the Consumer Product Safety Commission is attempting through this provision of its amendments to seek the guidance of the Congress.

BUDGET AND EMPLOYEE PROVISIONS

Section 4(a) amends section 4(f) of the CPSA to add a provision to require Commission approval of budget requests or estimates submitted to OMB and the Congress. At the present time, the Chairman, as Chief Executive Officer, has exclusive authority in the preparation and submission of the Commission's budget, subject only to the general policies of the Commission. Since the budget is the principal instrument through which the Commission's policies are implemented, the other Commissioners feel this authority should be shared with them in order to provide safeguards ensuring that the Commission retains full control over policy and the direction of its regulatory functions. It should be noted that other regulatory commissions, such as the ICC, FTC, FPC, and SEC, contain similar provisions regarding the role of Commissioners in the budget process.

Section 4(b)(i) amends section 4(g) of the CPSA to substitute the term "regular" for the term "full-time" to conform the term to the language of other conflict of interest statutes that distinguished regular employees from "special Government employees" (as defined in 18 U.S.C. 202.). The term "regular" is a term readily defined in personnel manuals and can be interpreted without difficulty, while "full-time" is not commonly used and, thus, is without sufficient historical interpretation.

Sections 4(b)(2), 4(b)(3), 4(b)(4), 4(b)(5), and 4(b)(7) amend Section 4(g) of the CPSA to add paragraphs enabling the Chairman, subject to the approval of the Commission, to establish non-career executive assignment positions pursuant to criteria which is consistent with the role of an independent regulatory commission; to fill non-career executive assignment positions; and to abolish an established non-career executive position. In addition, this section provides that the appointment, employment, or promotion of any individual by the Commission shall not, except for the purpose of evaluating professional qualifications by the Civil Service Commission, be subject to the review of any other officer or agency of the Government.

The basic purpose of these sections is to resolve the issue of political clearance of non-career executive appointments in the agency, while retaining a commitment to the career civil service system.

The Commission's experience, up to this point, prompts this request that the Congress once again consider the matter so that the CPSC may more clearly understand the desire of the Congress. During the Commission's two years of operation, the position of its non-career employee appointments has yet to resolve itself. The CPSC is unable to receive Civil Service Commission approval of these non-career appointments until such time as it seeks and receives the approval of the Administration for proposed appointees. The Commissioners continue to believe that it is inappropriate for this independent regulatory Commission to submit its policy making level employees to poltical considerations. At the same time, the Commissioners feel that the implementation of Commission policy implicit in these positions and the necessity that the individuals be solely accountable to the Commissioners would make it inappropriate that they all be designated as career positions. They would like to urge the Congress again to assist in resolving this important problem. The section would remove these key positions from political consideration and leave to the discretion of the Commission, bipartisan by law, the final choice of individuals for these positions once the Civil Service Commission has approved their professional qualifications. It is, therefore, the Commissioners hope that the Congress will create a special category for those who serve in sensitive positions within regulatory agencies.

Section 4(b)(6) and 4(c) gives the Chairman, subject to the approval of the Commission the authority to establish and fill up to twenty-five positions in GS-16, 17, and 18 for the purposes of carrying out the responsibilities of the Commission. When the CPSA was enacted this authority was not included in the legislation, and consequently, the Commission has been forced to draw from the general pool available to all established agencies. The Commission feels that the lack of positions specifically available to it as a new agency hampers its ability initially to organize itself internally. It should be noted that this proposed amendment is not an uncommon authority and that the Commission is requesting authorization of these positions to be utilized only as the Commission finds them necessary in its development.

INFORMATION DISCLOSURE

Section 5 would specifically authorize the Commission to disclose information concerning substantial product hazard proceedings under Section 15 of the Consumer Product Safety Act, without regard to certain restrictions contained in section 6(b) of the CPSA. These restrictions require that prior to dissemination of information obtained under the CPSA, the Commission must allow any directly affected manufacturer or private labeler thirty days to submit comments with regard to such information. The Commission could allow the manufacturer or private labeler a shorter period of time for comment if the Commissioners find that the public health and safety so require. Section 6(b)(2) of the CPSA exempts from the 30 day notice requirement information about a consumer product which is the subject of an imminent hazard action under Section 12 of the CPSA, or information "in the course of or concerning any administrative or judicial proceeding under this Act."

In order to avoid the time and expense of a formal adjudicative hearing, it is common practice for the government and the party concerned to negotiate a binding agreement that settles the matter. This agreement is referred to as a "consent agreement." Under the Commission's openness policy, negotiations leading to consent agreements are open to the public and listings of notifications under Section 15 are open to the public. Confidential data and trade secret material, however, are not available to the public.

The Commission currently interprets Section 6(b) of the CPSA to allow the Commission to have these meetings and listings open to the public because the Commission is merely making available information supplied by the manufacturer, distributor, or retailer himself, and the manufacturer, distributor or retailer is present at any meetings regarding the possible hazard and need for a consent agreement. The Commission is seeking clarification of Section 6(b) to specifically state that such meetings and disclosure of information need not be preceded by an additional opportunity for comment by the manufacturer or private labeler. There is already specific exception to this 30 day notice for actions filed under Section 12, Section 19 violations, and court and administrative proceedings, but none for informal proceedings leading to a settlement instead of court or administrative proceedings.

STANDARDS DEVELOPMENT

Section 6 would provide the Commission more flexibility in determining realistic standard development period. Subsections (a) and (c) would allow the development period for a consumer product safety standard to be 150 days after the date of acceptance of an offer to develop such standard. At present, the 150-day period begins with the publication in the Federal Register of an invitation for offerors to develop a standard. The notice and selection process can consume a considerable portion of the 150 days, taking valuable time away from that actually allocated to development of a standard.

While the Commission recognized the necessity of proceeding with standard development without undue delay, it is felt that this amendment would provide a more realistic time frame and not present such a delay.

Subsection (b) would specifically authorize the Commission to develop or contract for the development of a standard in cases where a proposed standard submitted by an offeror is, in whole or in part, unacceptable. This amendment is of a clarifying nature. Presently, it is unclear whether, after the standard has been submitted, the Commission may find it unacceptable—either wholly or partially—and then proceed to develop the standard itself. We would like this clarified so that the Commission would be able to adjust, or re-write, a submitted standard until the Commission finds it acceptable.

PROHIBITED ACTS AND ENFORCEMENT

Section 7 would amend the CPSA to expand the Commission's enforcement authority. This section amends Sections 19 and 20 of the CPSA to correct an oversight in providing sanctions for several of the prohibited acts under our enacting legislation. At the present time, we have no means of enforcement for those who fail to meet the requirements of the law with regards to record keeping (Section 16(b)), regulation of new consumer products (Section 13), manufacture and sale of items determined to present a substantial product hazard (Section 15), and the requirement to provide performance and technical data (Section 27(e)). These amendments are necessary to provide the Commission with a means of ensuring that these provisions of the Act are readily enforceable.

Although we could cover some of these points by individual court litigation or issuance of a general order or individual subpoenas under our authority under Section 27(b), this is a time-consuming and awkward process.

Subsection (a) would amend the "Prohibited Acts" section of the CPSA to include: violation of Commission recordkeeping regulations (Section 16(b)); manufacture or marketing of products which have been determined to present substantial product hazards under Section 15; violation of any Commission rules relating to prior notice and description of new consumer products (Section 13); and, failure to comply with any Commission rule relating to provision of performance and technical data (Section 27(e)).

Subsection (b) would provide civil penalties for violations of the proposed additions to the "Prohibited Acts" section.

Subsection (c)(1) and (2) would authorize the Commission to seek appropriate injunctive enforcement in cases involving violations or anticipated violations of the amended "Prohibited Acts" section or of any rules or regulations issued under the CPSA.

Subsection (c)(3) would authorize seizure proceedings against products distributed in commerce which have been determined to present a substantial product hazard under section 15 of the CPSA or which violate any rule or regulation issued under the CPSA. (The amendment contained in section 7(c)(2) is further explained in the summary of section 8 (litigation).

LITIGATION

Section 8 of the proposed bill would amend the CPSA to give the Commission flexibility in its litigation activities. The proposed amendments would not, however, preclude cooperation between the Commission and the Attorney General.

Subsection (a) would provide that copies of petitions for judicial review of consumer product safety rules would not have to be transmitted to the Attorney General and that the Commission, rather than the Attorney General, would be required to file in the court the record of the proceedings on which such rule was based.

Subsection (b) provides that persons seeking enforcement of consumer product safety rules or orders under section 15 of the CPSA would not be required to give notice to the Attorney General.

Subsection (c) would authorize the Commission to proceed, without the concurrence of the Attorney General, in initiating, prosecuting, defending, or appealing any court action in the name of the Commission for the purpose of enforcing the laws subject to its jurisdiction.

Subsection (d) would authorize the Commission to bring court actions, without the concurrence of the Attorney General, to restrain violations of the CPSA's "Prohibited Acts" section.

Subsection (e) would allow the Commission to seek representation by the Solicitor

General in any proceeding before the Supreme Court.

(The amendment contained in section 7(c)(2) would authorize the Commission to seek injunctive enforcement without the concurrence of the Attorney General.)

It has become apparent to the Commission that the requirement to work through the Attorney General can be a cumbersome process which, in some situations, hampers the proper enforcement of the laws administered by the Commission. For example, the rapid response required in matters such as temporary restraining orders is severely hampered when a significant amount of time is needed to brief the Assistant U.S. Attorneys who have not been involved with Commission matters previously or, more specifically, with the matter at hand. Further, the Commission believes that it is inconsistent to charge an independent regulatory agency with enforcement of specific laws and then remove the final decision from that agency as to which cases are tried and upon what grounds to base the case strategy. Other agencies, such as the National Labor Relations Board, have functioned efficiently through their own attorneys without adversely affecting overall Federal litigation activities.

GENERAL RULEMAKING AUTHORITY

Section 9 would grant the Commission general rulemaking authority for the effective administration and enforcement of the CPSA. It is desirable to have general rulemaking authority to supplement the express authority contained in the CPSA for issuing rules and regulations (e.g., 13(a), 14(c), 17(g), 26(c), and 27(e)). General rulemaking authority would give the Commission the flexibility to use its discretion to issue rules it believes are necessary to carry out the purposes of the CPSA in areas where Congress has not expressly provided for rulemaking. Further, the authority would obviate the need to seek individual amendments to the CPSA to authorize particular rulemaking. (Section 7 of these Amendments would provide injunctive authority against violation of such rules and regulations, by amending section 22(a) of the Act.)

It should be noted that other acts administered by the Commission contain general rulemaking authority (e.g., section 5(c) of the Flammable Fabrics Act (FEA) and section 10(a) of the FHSA) and the Commission believes its omission in the CPSA to have been an oversight.

INFORMATION DISCLOSURE TO OTHER GOVERNMENT BODIES

Section 10 would permit the Commission to disclose accident or investigation reports to other federal agencies and state and local bodies engaged in activities relating to health, safety, or consumer protection. Any subsequent disclosure to the public by such agency or body would be conditional on the consent requirements contained in section 25(c) of the CPSA. The Commission believes this revision would clarify whether accident reports may be disclosed to state and local governments, and to other federal agencies without the consent of the injured party or treating physician. Our interpretation of Section 29(e) is that states are subject to the consent restriction. However, this is a hindrance to state cooperation.

Section 29 of the CPSA directs the Commission to cooperate with states and authorizes the Commission to accept, among other things, injury data from the states. Quite often a state or local government will advise our area office of an accident, giving the name of the individual. Our staff will then proceed to do an investigative report on the accident to determine if it is a product-related injury falling within the jurisdiction of this Agency. When the state or local government comes back to the Commission for a copy of the report we must advise them that under Section 25(c) of the Act we cannot give it to them since it contains the name of the injured person.

We do not believe that Congress meant to preclude this cooperation. However, the literal wording of the CPSA would lead to that result, and a resultant reluctance on the part of State and local jurisdiction to cooperate with Commission activities.

JURISDICTION UNDER CONSUMER PRODUCT SAFETY ACT

Section 11 would authorize the Commission to proceed under the broader and more viable provisions of the CPSA, when necessary and in the public interest, in dealing with product hazards that are or would be subject to regulation under the acts transferred under section 30 of the CPSA. Section 30(d) of the CPSA currently requires that a risk of injury which is associated with a product and which could be eliminated or reduced to a sufficient extent by action taken under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act, or the Flammable Fabrics Act may be regulated by the Commission only in accordance with the provisions of those acts.

Initially Congress considered repealing the other safety Acts which were eventually transferred to the Commission under Section 30 of the CPSA. Instead of taking action to repeal the Acts, Congress provided in Section 30(d) that the Commission would use the transferred Acts so long as the risk of injury associated with a consumer product could be eliminated or reduced to a sufficient extent by action taken under those Acts. If the Commission, after consideration of all aspects of a risk together with the remedial powers available to it under both the transferred Act and the CPSA, decided that the CPSA was better, then it could proceed to regulate the consumer product under the CPSA.

The express language of Section 30(d) addresses whether the risk could be eliminated or reduced to a sufficient extent. The legislative history keys this consideration to looking at the remedial powers available. Thus, the Commission cannot decide to proceed under the CPSA unless the risk involved either could not be regulated at all under a transferred Act or could not be reduced or eliminated with the remedies available. This does not permit the Commission to consider factors such as the time involved in obtaining a regulation, the cost of the regulation to consumers and industry involved and other factors which affect the public interest.

For example, in regulating bicycles one of the major problems presented by the industry involved is the lack of a federal preemption provision in the Federal Hazardous Substances Act which would prohibit conflicting state or local regulations. Without such a clause, the industry could be faced with producing many types of bicycles at an increased cost to consumers. However, a preemption clause is not something which prohibits regulation by the federal government. It only prevents conflict by states. A preemption clause is not remedial. Therefore, the Commission may not consider the preemption provisions of the CPSA in determining under which Act an item should be regulated.

Accordingly, the Commission is seeking to expand the bases under which it could use the CPSA in place of one of the transferred Acts. This expansion would base a shift from a transferred Act on a consideration of all factors which affect the public interest, rather than just remedial provisions of the laws involved.

TITLE 18 PROTECTION

Section 12 would provide penalties for any person who assaults, intimidates, or kills a Commission employee assigned to perform investigative inspection, of law enforcement functions while engaged in the performance of his official duties. This is a standard provision considered to have been unintentionally omitted in the enacting legislation.

PROTECTING THE NATION'S ISLANDS

Mr. KENNEDY. Mr. President, on March 17, 1975, the New York Times carried a brief but significant editorial on the Nantucket Sound Islands trust bill, S. 67, which Senator BROOKE and I have introduced with the co-sponsorship of Senator SCHWEIKER. The bill, now pending in the Senate Subcommittee on Parks and Recreation, has been the subject of subcommittee field hearings on the islands themselves, as well as a hearing here in the Senate.

The Times states that policies for the protection of the Nation's islands, such as those policies embodied in the trust bill, are "desperately necessary." Mr. President, that note of urgency could well be understood, for if we do not act this session to save the Nantucket Sound Islands from the pressures of suburbanized tract development, we may have lost the opportunity to act effectively at all.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NANTUCKET SOUND

Rich in history and in physical beauty, Martha's Vineyard and Nantucket are two of America's best-loved islands. Situated in Nantucket Sound within easy traveling distance of densely-populated New York and southern New England, these still-pastoral islands afford a test of the nation's capacity to reconcile intensive use and open space.

After numerous public meetings with interested residents, Massachusetts Senators Kennedy and Brooke, and the islands' representative, Gerry Studds, have reached consensus on a bill that would prevent further reckless exploitation of these islands. The bill would establish a commission, half of whose members would be popularly elected, which would share planning and control with the Secretary of the Interior. On Martha's Vineyard, where the more serious potential problems exist, the island would be zoned into three categories of land, from the most fragile to the most developed.

The detailed arrangements worked out for Nantucket Sound are unique because these islands have their own history and pattern of development. But as with the existing Cape Code National Seashore, this bill if it becomes law would be a major step toward a comprehensive national policy to protect all islands, first put forward some five years ago but still not adopted. It is growing late. With population steadily mounting and developmental pressures intensifying at an even faster rate, the enactment of such a policy becomes increasingly urgent with every day—and desperately necessary for the islands of Nantucket Sound.

PRESERVING THE PRINTED WORD—FUNDS TO CARRY OUT S. 411

Mr. GOLDWATER. Mr. President, I am delighted that hearings are now being held by the House Subcommittee on Treasury, Postal Service, and General Government Appropriations, chaired by the Honorable TOM STEED of Oklahoma, relative to funds requested by the U.S. Postal Service to implement S. 411—Public Law 93-328.

As a coauthor of this law, I am very much interested in seeing that the Government lives up to its responsibility for appropriating the full amounts required to carry out its purposes, and I presented a written statement to the House committee today urging that this be done.

In brief, S. 411 provides that excessive increases in the postage rates of newspapers, magazines, books, and circulars from charitable groups shall be spread over an extended period of years in order to enable these mail users to adjust to the higher costs.

Mr. President, I resent and strongly challenge any connotation that this law is "class legislation." It is not. It benefits the entire American reading public—anyone with an interest in the printed word.

In truth, what is at stake in this appropriation is the opportunity for the American reading public to enjoy the widest possible circulation of news, information, and opinions in the mails, a privilege which has been a part of the fundamental heritage of all citizens since the founding of the Nation.

Mr. President, I would remind my colleagues that the total circulation of newspapers and magazines in the mails is almost 9 billion issues a year. Moreover, half the books purchased by American libraries are being delivered by mail—on top of which many libraries operate a book-by-mail program for their patrons.

If these funds are not appropriated, many veterans, church, farm, and other publications—which are faced with increases in postal rates up to 1,000 percent—will fold.

We must recall that the widespread availability of printed news, ideas, and knowledge has contributed to the success of our self-government since the founding of our Nation.

For example, the printed word, carried by the post, helped to unify the patriots during the American Revolution and to obtain approval of the Constitution later. It has since helped to serve as a guardian of our liberties. Thus, the funds I am requesting will help to preserve the historic role of the public mails as contributing to public enlightenment and to the security of a free Constitution.

Mr. President, I ask unanimous consent that my statement today to the House Subcommittee on Posal Service Appropriations be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Barry Goldwater

PRESERVING THE PRINTED WORD

Mr. Chairman, as one of the authors of S. 411, enacted into law as P.L. 93-328, to phase-in large postal rate increases on mailers of publications and thereby to help preserve a wide choice of educational, informational and literary matter for the public, I strongly urge your favorable consideration of the full appropriations needed to implement this law.

Anyone who is interested in the printed word has a direct interest in the funding request presented to you by the Postal Service for carrying out the phasing provisions of S. 411. In short, what the law does, is to provide for an extension of the number of years during which very high increases in postal rates will take effect in the case of printed publications delivered in the mails.

These publications include both non-profit and profit materials. They include small circulation magazines as well as mass circulation journals.

They include in-county and weekly newspapers as well as metropolitan dailies. They also cover books purchased by small town libraries and classroom publications acquired for use in schools or in religious instruction classes.

What this appropriations request means to the American reading public is the opportunity to enjoy the widest possible circulation of news, information, and opinions in the mails, a privilege which has been a part of the fundamental heritage of all citizens since the founding of the nation.

Mr. Chairman, I would ask you to consider the fact that there are about 10,000 profit and non-profit magazines being published in the United States. In addition, there are nearly 1,800 daily newspapers and more than 7,600 weekly newspapers being printed.

The total circulation of these newspapers and magazines in the mails is almost *nine billion* issues a year! Moreover, I would note that half the books purchased by American libraries are being delivered by mail—on top of which many libraries operate a book-by-mail program for their patrons.

Mr. Chairman, this widespread availability of printed news, ideas and knowledge is a hallmark of America. It has contributed to the success of our self-government throughout our history.

For example, the 40 or so newspapers of the American Revolution were an effective force working towards the unification of the people by awakening a consciousness of common purpose among the separate colonies and a determination to see the war through to its successful conclusion.

By the time of the country-wide debate preceding the adoption of the Constitution, about 100 weekly newspapers were being published in the United States. Nine out of ten supported ratification.

The early magazines of America also helped to build a receptive public audience for the Constitution. These magazines devoted hundreds of pages to current events designed to convince readers of the advantages of a strong federal Constitution.

The printed word, carried by post-riders, deserves much of the credit for the remarkable fact that eleven states approved the Constitution within ten months after the Constitutional Convention had closed. And if the printed word helped to unify the patriots and obtain approval of the Constitution, it has since helped to serve as a guardian of our liberties.

In order to assure our citizens the continued benefits of this system, it is necessary that we reaffirm the national interest in facilitating the circulation of knowledge in the mails by helping printed publications to survive the extraordinary increases in postal rates with which they are faced. The average increase of regular second class postal rates is over 200% since 1971 and will likely exceed 300% by 1977. Some non-profit publications are confronted with increases of almost 1000%.

These costs are so huge, and they would consume such a large share of the revenue dollar, that many publications simply cannot afford them.

There is a very real danger that many magazines and newspapers will be forced to go out of business because of postage rate increases. Those which survive may be drastically changed in format or frequency of publication, to the public disadvantage.

Mr. Chairman, the funds needed to carry out S. 411 will preserve the historic role of the public mails as contributing to public enlightenment and to the security of a free Constitution. I ask that you act favorably on this request.

MARCH UNEMPLOYMENT STATISTICS

Mr. WILLIAMS. Mr. President, with the release of the Department of Labor's latest unemployment figures, our country settles yet deeper into the current severe recession. These figures reflect the cold statistical picture of employment in the United States during the month of March: 500,000 more Americans joined the ranks of the unemployed to bring the total unemployment figure to 8.7 percent. These statistics, while grim enough in themselves, are nevertheless misleading and do not fully reflect what they represent in human terms.

It is now confirmed that there was little comfort to be gained from February's unemployment statistics, which showed no increase in the unemployment rate over the previous month. It is clear that the constancy of those figures, contrary to indicating a leveling off of the economic downturn, was in reality a portent of a grim fact with which we must come to grips—the number of citizens who become discouraged and drop out of the job market entirely is steadily increasing. In my home State of New Jersey, the unemployment figure for March is at 10.9 percent, but the areas and industries which are hardest hit know that it is much, much higher for them.

It has only been since 1967 that the Bureau of Labor Statistics has compiled data on discouraged workers and their impact on the total employment picture. Discouraged workers are those who, even in the best of times, face hurdle after hurdle in their quest for a decent, livable wage. In this category are blacks and other minority groups, inner-city poor, teenagers, and women. When a recession hits, they invariably are the first victims who fall by the wayside and are often forgotten.

These people represent a sizable sector of the Nation's population, and though their employment situation is by far the bleakest of all, it is not even reflected in unemployment statistics. Persons not actively seeking work are not included in unemployment figures, but rather are classified as being outside the labor force. If persons who fall within this category were to be counted as unemployed, the real unemployment rate would be approximately 10 percent.

The statistics released by the Department of Labor last week also graphically illustrate the extent to which certain segments of the population must bear a disproportionate share of the country's economic woes. While blacks accounted for about 30 percent of the total discouraged workers in the first quarter of 1974, they represented only 11 percent of the labor force. On the other hand, males between the ages of 25 to 59 make up 42 percent of the total workforce, yet represent only 10 percent of the discouraged workers.

We have the means by which we can help the hardcore unemployed as well as the thousands of other workers who have lost their jobs because of the current economic difficulties. The Comprehensive Employment and Training Act of 1973 was not enacted in response to a slumping economy, but now that we are ensconced in a recession, it can be the tool by which we pull ourselves out of the slump and regain economic stability. CETA can provide immediate and effective assistance to low-income, underemployed, and laid off employees who otherwise have little hope of becoming productive members of society.

The Congress has already amended and expanded CETA's range and ability to deal realistically with today's problems. But it still falls short of meeting the requirements of a society beset by problems of unemployment, recession and inflation. We need more programs to help the unemployed and severly disadvantaged to find work and restore their personal dignity and rightful place in society.

The administration must come to terms with the realities of our present complex problems. I cannot share President Ford's optimism, even though it is a guarded optimism, that America's economy is "starting to show tentative signs that the worst may be behind us." If indeed such signs are visible, they are indications that the measures which Congress has taken in recent months are beginning to pay off. So far, the only industry which has been showing any signs of growth at all has been State and local government, and even this growth is currently attributable to the injection of public service jobs into the government system.

When the economy began heading toward a serious recession last summer, it was obvious to me and many of my colleagues in the Senate that no progress would be made in reversing the disastrous slump until the Federal Government stepped in with innovative and expansive programs which could stimulate a sluggish economy while maintaining a realistic balance between real wages and price increases.

I am convinced that a part of our current dilemma came about as a direct result of executive foot-dragging in the release of Federal funds impounded by the administration. Once released, those funds could have been put to immediate use creating the kinds of jobs which subsequently became the most scarce—particularly in the construction industry.

The American people are becoming increasingly despondent and discouraged about their Government's ability to cope with an economy which has not been in such critical shape since the beginning of World War II. I recently reviewed a sampling of my mail received during a 1-week period and discovered that nearly 75 percent of it dealt in some way with the state of the economy and the job market. And, as I am sure each of my colleagues can likewise attest, there has been a tremendous increase in the volume of mail received. More and more of our citizens feel compelled to vent their anger and frustration by writing to their elected representatives in Washington to find out what is being done to improve the country's plight.

This influx of mail from our concerned citizens played no small role in influencing recent decisions, such as the reduction of the oil depletion allowance, which had come under increasing fire in recent years. But it was only in the current Congress that decisive steps were taken to cut back drastically on these allowances, thereby creating new sources of Federal revenue.

And the collective voices of our outraged citizens were heard when the administration asked for yet more money to pour into a war which our people do not support—a war which is being lost on the battlefields. America has always been one of the most humanitarian nations in the world, and it is a distinction for which we can all feel justly proud. But if we over-extended ourselves in the past with our commitments, there is certainly no logic in compounding an already tragic situation by prolonging it.

We are approaching another long, hot summer, and if jobs are not provided for the Nation's youth, there is a grave possibility that our major cities will once again erupt in violence. Senator JAVITS and I have asked the Senate Appropriations Committee for $680 million for a summer jobs program for youth. It is imperative that we begin planning now for the weeks and months ahead and not wait for a situation to develop that is beyond all control.

The time for direct action is upon us; we do not want to pay the price of procrastination in wages of civil disruption and violence.

As always, Mr. President, the news release by the Bureau of Labor Statistics is highly instructive. So that my colleagues and all those who utilize the CONGRESSIONAL RECORD may have the benefit of the BLS report, I ask unanimous consent that the news release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

THE EMPLOYMENT SITUATION: MARCH 1975

Unemployment increased further and employment continued to decline in March, it was reported today by the Bureau of Labor Statistics of the U. S. Department of Labor. At 8.7 percent, the Nation's unemployment rate was up 0.5 percentage point from January and February and 4.1 percentage points from the October 1973 low. This was the highest rate since 1941.

Total employment (as measured by the monthly survey of households) declined by nearly 200,000 in March to 83.8 million. Though not as large as in earlier months, this marked the sixth consecutive month of employment reductions, which have totaled 2.6 million since last September. With the unemployment increase of 500,000 exceeding the employment decrease, the labor force rose by over 300,000; this increase partially erased the large labor force drop in February.

Total nonagricultural payroll employment (as measured by the monthly survey of establishments) also continued to decrease in March, but the 325,000 drop—to 76.4 million—was not as sharp as in previous months. Since last October, nonagricultural payroll jobs have receded by 2.5 million, with the manufacturing and construction industries bearing the brunt of the cutbacks. Because there was also a further constriction in the workweek, total man-hours, the most comprehensive measure of labor activity, continued its descent.

UNEMPLOYMENT

Unemployment resumed its steep upward trend in March, after leveling off temporarily between January and February, largely because of withdrawals from the labor force. At 8.0 million, the number of unemployed persons in March was 500,000 above the previous month and 3.1 million above the August 1974 level, when joblessness began its rapid climb. More than two-thirds of the increased unemployment in March can be traced to job loss, as the number of persons who lost their last job rose to 4.4 million. Since last August, the number of job losers has increased by 2.3 million, about 700,000 women and 1.6 million men. This rise accounted for over three-fourths of the overall increase in unemployment.

TABLE A.—HIGHLIGHTS OF THE EMPLOYMENT SITUATION (SEASONALLY ADJUSTED DATA)

Selected categories	Quarterly averages					Monthly data		
	1974							
	I	II	III	IV	1975, I	January 1975	February 1975	March 1975
Millions of persons:								
Civilian labor force	90.5	90.6	91.4	91.8	91.8	92.1	91.5	91.8
Total employment	85.8	86.0	86.4	85.7	84.1	84.6	84.0	83.8
Adult men	48.5	48.5	48.5	48.3	47.3	47.5	47.3	47.0
Adult women	29.8	30.1	30.5	30.1	29.8	29.9	29.7	29.9
Teenagers	7.5	7.4	7.4	7.4	7.0	7.1	7.0	7.0
Unemployment	4.7	4.7	5.0	6.1	7.7	7.5	7.5	8.0
Percent of labor force:								
Unemployment rates:								
All workers	5.1	5.1	5.5	6.6	8.3	8.2	8.2	8.7
Adult men	3.4	3.5	3.7	4.8	6.3	6.0	6.2	6.8
Adult women	5.1	5.1	5.4	6.5	8.2	8.1	8.1	8.5
Teenagers	15.2	15.1	16.1	17.5	20.5	20.8	19.9	20.6
White	4.6	4.6	5.0	5.9	7.6	7.5	7.4	8.0
Negro and other races	9.2	9.1	9.6	11.7	13.7	13.4	13.5	14.2
Household heads	2.9	3.0	3.2	4.1	5.5	5.2	5.4	5.8
Married men	2.4	2.4	2.7	3.3	4.8	4.5	4.7	5.2
Full-time workers	4.6	4.6	5.0	6.2	7.9	7.7	[1]7.8	8.3
State insured	3.2	3.3	3.4	4.3	6.0	5.5	5.9	6.5

TABLE A.—HIGHLIGHTS OF THE EMPLOYMENT SITUATION (SEASONALLY ADJUSTED DATA)

Selected categories	Quarterly averages					Monthly data		
	1974							
	I	II	III	IV	1975, I	January 1975	February 1975	March 1975
Weeks: Average duration of unemployment	9.5	9.7	9.9	9.9	11.3	10.7	11.7	11.4
Millions of persons:								
Nonfarm payroll employment	78.0	78.3	78.7	78.3	[2] 76.8	77.2	[2] 76.7	[2] 76.4
Goods-producing industries	24.9	24.9	24.8	24.1	[2] 22.7	23.2	[2] 22.6	[2] 22.3
Service-producing industries	53.1	53.5	53.9	54.2	[2] 54.0	54.0	[2] 54.1	[2] 54.0
Hours of work:								
Average weekly:								
Total private nonfarm	36.7	36.7	36.7	36.4	[2] 36.1	36.2	[2] 36.1	[2] 35.9
Manufacturing	40.4	39.9	40.1	39.7	[2] 38.9	39.2	[2] 38.8	[2] 38.7
Manufacturing overtime	3.5	3.2	3.4	2.9	[2] 2.2	2.3	[2] 2.2	[2] 2.2
1967 equals 100:								
Hourly Earnings Index, private nonfarm:								
In current dollars	152.7	156.2	160.3	[3] 164.0	[2] 167.2	166.0	[2] 166.9	[2] 168.7
In constant dollars	107.8	107.5	107.1	[3] 106.3	(4)	106.1	[2] 106.1	(4)

[1] Corrected.
[2] Preliminary.
[3] Revised.
[4] Not available.

The March increase in joblessness was shared by virtually all worker groups. Rates were near or above alltime highs for adult women (8.5 percent), teenagers (20.6 percent), whites (8.0 percent), blacks (14.2 percent), household heads (5.8 percent), and full-time workers (8.3 percent). Rates for adult men and married men, at 6.8 and 5.2 percent respectively, were up significantly from the previous month but were still below post-World War II highs.

With the exception of white-collar workers, there were widespread increases in the unemployment rates among the major occupational groups. Blue-collar workers were particularly hard hit, as their jobless rate moved from 10.9 percent in February to a record 12.5 percent in March, double their year-earlier rate. Similarly, all major industries showed increases. The unemployment rate for construction workers was up sharply, to 18.7 percent, and the rate for manufacturing workers rose for the tenth consecutive month to 11.4 percent—like the blue-collar rate, more than double a year ago.

The unemployment rate of workers covered by State unemployment insurance programs, at 6.5 percent in March, was up from 5.9 percent in February and 5.5 percent in January. However, it remained well below postwar record levels. The number of workers claiming State unemployment insurance benefits, 4.3 million, represented 53 percent of the jobless total this March compared with 45 percent a year earlier.

The unemployment rate for Vietnam-era veterans aged 20–34 was essentially unchanged from February and January at a level—9.0 percent—that was below the rate for nonveterans, which rose to 10.5 percent. The rate for the youngest veterans (20–24 years old) was also about the same as in February, at 17.5 percent, but continued to be higher than their nonveteran counterparts (14.7 percent).

The average (mean) duration of unemployment held relatively steady in March at 11.4 weeks, after rising sharply in January and February. However, long-term unemployment—persons unemployed 15 weeks or more—increased 170,000 from the February level to 2.0 million. This increase followed jumps totaling 700,000 in the previous 3 months.

In addition to the increase in joblessness, the number of persons working part time but wanting full-time jobs, at 3.9 million, was up 170,000 in March, after showing little change in February. When combined with unemployment on a man-hours basis, the resulting measure—labor force time lost—reached 9.6 percent in March, up from 8.9 percent in February and 5.6 percent in March 1974.

TOTAL EMPLOYMENT AND CIVILIAN LABOR FORCE

Total employment edged downward in March to 83.8 million (seasonally adjusted), with adult men accounting for all of the decline. Since last September's peak, adult men have comprised two-thirds of the 2.6 million drop in employment.

On an occupational basis, an employment gain for white-collar workers in March was more than offset by declines among craft and kindred workers and operatives in the blue-collar occupations, both of whom have been hard hit by the slump in economic activity. Employment in these two groups has declined by 900,000 and 1.7 million, respectively, from their peaks of last summer.

The civilian labor force rose by 320,000 in March to 91.8 million, seasonally adjusted, after posting a 580,000 decline in February. The March increases occurred entirely among adult women as the adult male and teenage labor force levels were unchanged over the month. The overall labor force was no larger in March than last October despite an increase of 1.1 million in the working-age population.

Participation in the labor force, at 61.0 percent of the civilian noninstitutional population, was essentially unchanged from February but well below the levels prevailing over the October-January period. During recessionary periods, some workers leave the labor force because of discouragement over job prospects. This has happened in the present downturn.

DISCOURAGED WORKERS

During periods of economic distress, some workers become discouraged with job prospects and give up the search for work. Persons who are not actively seeking work are not counted as "unemployed" but are classified as not in the labor force. Data have been collected on the number of persons not looking for jobs because they believe they could not find work—"discouraged workers"—since 1967. Up to this year, the number of discouraged workers has fluctuated cyclically within a range of 550,000 to 850,000. (See table B.) In the first quarter of this year, however, the discouraged count soared to 1.1 million, the highest level since the initiation of the series. As might be expected, the incidence of discouragement lags market conditions, following about one quarter after the unemployment rate during the period these data have been available. Thus, while the recent increases of unemployment began in the third quarter of 1974, the number of discouraged workers did not rise until the fourth quarter. Since the third quarter, the number of discouraged has increased by nearly half a million (73 percent).

A large proportion of the discouraged are younger or older workers, women, and blacks—groups who experience the greatest difficulty in finding jobs. For example, blacks accounted for about 30 percent of the discouraged total in the first quarter, a much larger ratio than their proportion of the labor force (11 percent). By contrast, only a small proportion of the discouraged are males aged 25 to 59. In 1974, this group represented 42 percent of the labor force but less than 10 percent of the discouraged worker total.

This special section has been added to this release to add perspective on recent labor force developments. More detailed data on discouraged workers appear regularly in the quarterly press release, Labor Force Developments. The release covering data for the first quarter of 1975 will be issued on April 14.

TABLE B.—DISCOURAGED WORKERS, 1967–75

[In thousands]

Year	Seasonally adjusted quarterly averages				Annual averages
	I	II	III	IV	
1967	766	674	755	732	728
1968	701	700	652	611	667
1969	609	574	540	580	574
1970	574	618	683	685	638
1971	768	726	823	774	774
1972	803	793	747	719	766
1973	615	775	664	671	679
1974	662	652	626	812	686
1975	1,084				

INDUSTRY PAYROLL EMPLOYMENT

Total nonagricultural payroll employment was 76.4 million (seasonally adjusted) in March, down 325,000 from February and 2.5 million from last October's peak level. Although the March decline was not as sharp as those of intervening months since October, the overall 5-month drop was the largest since the postwar readjustment period in 1945. Cutbacks in employment occurred in about 72 percent of all industries from February to March, compared with a proportion of 85 percent, as revised, from January to February.

In manufacturing, employment decreased by 160,000 in March, following declines ranging from 350,000 to 500,000 in each of the previous 4 months. March reductions were most pronounced in the primary metal, machinery, and electrical equipment industries within the durable goods sector and apparel in nondurable goods. Partially countering these declines was a 50,000 job gain in the transportation equipment industry, as a number of auto workers were recalled from layoff; however, the industry's job total was still 215,000 short of its July 1974 level.

Employment in contract construction dropped 110,000 in March to 3.5 million, following a decline of 190,000 in the previous month. Construction jobs have fallen 640,000 from the alltime high reached in February 1974.

In the service-producing industries, the number of payroll jobs fell slightly, as an increase in State and local government was outweighed by declines elsewhere in the sector. Employment in the services sector has declined by 260,000 since last October. Compared with March 1974, however, employment in these industries has grown by 865,000, in marked contrast to a job decline totaling 2.5 million in the goods-producing industries. The only industry exhibiting strong growth in recent months has been State and local government, with Federally-financed public service jobs making a major contribution.

HOURS OF WORK

The average workweek for all production or nonsupervisory workers on nonfarm payrolls continued to decline in March, dropping 0.2 hour to 35.9 hours, seasonally adjusted. The average workweek has fallen 0.8 hour since last September and 1.3 hours from the April 1973 high.

In most of the manufacturing industries, average hours edged down, resulting in an overall drop of a tenth of an hour to 38.7 hours. This followed a drop of 0.4 hour in February. Since March a year ago, the average manufacturing workweek has been reduced 1.6 hours. Factory overtime was unchanged over the month at 2.2 hours but was 1.3 hours less than a year ago. Both the factory workweek and overtime hours in March were at their lowest levels since the 1960–61 recession.

The aggregate man-hours of private nonfarm production or nonsupervisory workers dropped 1.2 percent in March, the sixth consecutive monthly decline. Since September 1974, the index of total man-hours has fallen 7.0 percent to 105.5 (1967=100). The index of worker hours in manufacturing also declined by 1.2 percent, much less than rate of decrease in the previous 3 months; at 85.9 (1967=100) the index was 15.9 percent lower than March a year ago and 17.9 percent below the alltime high reached in November 1973.

HOURLY AND WEEKLY EARNINGS

Average hourly earnings of production or nonsupervisory workers on nonfarm payrolls increased 0.5 percent in March and 8.0 percent from a year ago (seasonally adjusted). Average weekly earnings, however, edged down 0.1 percent over the month, owing to the decline in the workweek, but were up 5.7 percent from March 1974.

Before seasonal adjustment, hourly earnings rose 2 cents in February to $4.42. Earnings have increased 33 cents from a year ago. Average weekly earnings were up 27 cents from February and $8.50 from March 1974.

THE HOURLY EARNINGS INDEX

The Hourly Earnings Index—earnings adjusted for overtime in manufacturing, seasonality, and the effects of changes in the proportion of workers in high-wage and low-wage industries—was 168.7 (1967=100) in March, 1.0 percent higher than in February. The index was 9.8 percent above March a year ago. During the 12-month period ending in February, the Hourly Earnings Index in dollars of constant purchasing power declined 1.6 percent.

REFUGEE CRISIS IN VIETNAM

Mr. KENNEDY. Mr. President, yesterday the Subcommittee on Refugees, which I serve as chairman, held a hearing to review the refugee crisis and humanitarian problems in South Vietnam and Cambodia.

It was 10 years ago when the subcommittee held its first hearing into the humanitarian problems being created by the second Indochina war. 1965 marked the first major crisis of people. In that year, escalating battle in South Vietnam produced over 1,000,000 refugees, tens of thousands of civilian casualties, and uncounted orphans and war victims of all kinds. But today—after a decade of spreading war and unspeakable human suffering throughout the area—the people of South Vietnam, and Cambodia are taking the most ferocious beating of the conflict.

Tragedy is piled on tragedy. More families are torn apart. More innocent children become orphans. More thousands of frightened and hungry people become refugees—and thousands more are injured or maimed or killed.

Millions of people in South Vietnam and Cambodia are crying out for peace and relief. We share in their crisis. And how we help to resolve it will not only influence the fate of these war victims, but our country's future relations with all the people of Indochina.

The hundreds of calls and letters I've received—from Boston to Saigon—reflect a deep and despairing sense of helplessness among the American people over the human tragedy in South Vietnam and Cambodia. The appeals of our citizens reveal a profound sense of commitment and urgency to help—a commitment and urgency which has yet to find expression in the policy and actions of our national leadership. And so today, the American people want to know—as this subcommittee wants to know—what our Government is doing to meet the growing crisis of people in Indochina.

For too many weeks our Government has stood paralyzed, as events rapidly overtook whatever small decisions our Government was making to assist the millions of orphans and refugees and war victims in South Vietnam and Cambodia.

But this is not a time for paralysis in our Government.

This is a time for bold actions by the President. It is a time for new initiatives to fully meet our obligations to the people of Indochina. It is a time to admit our past mistakes and misplaced priorities—and a time to finally use the immense resources of our country to help bring peace and relief to the people of Indochina.

I call upon the President, as I did in a letter to him on March 21, for urgent action in several areas of concern to the American people.

First, there is still time for the President to dispatch a special envoy to pursue immediate diplomatic initiatives for humanitarian purposes in South Vietnam and Cambodia. The special envoy should also pursue efforts to help end the violence and return to the political goals of the 1973 Paris agreements. If we can send our generals to Saigon for assessing the military situation, the least we can do—and must do—is send a man of peace and human concern, who truly reflects the feelings of all Americans.

Second, I urge the President to finally lend our country's full support to the humanitarian initiatives of the United Nations, and Secretary General Kurt Waldheim's international appeal for relief assistance to war victims in Indochina. Without delay, the President should authorize a contribution, from immediately available funds, to the United Nations High Commissioner for Refugees and UNICEF, whose representatives are present in the field.

Third, I hope the administration will work with the Congress to enact emergency legislation to provide additional funds to support these international relief efforts. A bill I introduced on March 26 (S. 1350) which is cosponsored by several Senators, will help accomplish this end.

Fourth, I urge the President, through his special envoy and other means, to communicate with all parties concerned, and to seek the good offices of the United Nations, to facilitate the reunion of families, the care and protection of orphans and other dependent persons, and the orderly movement of threatened populations in all areas of South Vietnam and Cambodia. Instead of wringing our hands over this issue, we must immediately pursue those diplomatic agreements and understandings that will help secure the free movement and protection of the civilian population. Such agreements and understandings followed the first Indochina war, and similar wars in recent years.

Fifth, I urge the President to take needed administrative steps, under existing authorities in the immigration law, to facilitate the movement of Vietnamese nationals to join their families and friends in the United States.

And, sixth, I urge the President to give full support to the relief efforts of the private voluntary agencies, and to take steps to facilitate their movement under international auspices into all areas of need in South Vietnam and Cambodia.

Mr. President, we have no moral commitment to any army in Indochina. We have no moral commitment to this or that government—to this or that official or political faction. Our only true remaining moral obligations are with the people—to the millions of people in Indochina who cry for help.

I believe the American people are prepared to accept these obligations. And the purpose of today's hearing is to explore the best ways to go about this national effort.

It is still not too late to redeem the hope of the Paris Agreements—and to move, as Secretary Kissinger stated just 2 years ago, "from hostility to normalization to conciliation and cooperation."

Mr. President, I ask unanimous consent that the text of my letter to President Ford be printed in the Record, as well as the prepared testimony of Daniel Parker, Administrator of the Agency for International Development, describing the preliminary steps taken by our Government to meet the refugee crisis.

There being no objection, the material was ordered to be printed in the Record, as follows:

March 21, 1975.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I am writing to express my deep concern over the growing human tragedy in Cambodia and Vietnam, and to urge your personal consideration of new initiatives for the better protection and care of refugees and war victims in all areas of both countries.

Since the earliest stages of the Indochina war, the humanitarian problems of refugees, orphans, civilian casualties, and other war victims have been of special concern to me personally, as well as to the Subcommittee on Refugees which I serve as Chairman. Over the years, we have worked closely with officials in the Executive Branch in a diligent manner to bring stronger humanitarian prisorities in our national policy in Indochina, and to help find reasonable and humane solutions to the undeniably tragic problems which war has brought to the people of the entire area.

In this connection, and especially since the 1973 Agreement on Ending the War and Restoring the Peace in Vietnam, I have strongly advocated greater initiative by our government to internationalize needed humanitarian efforts and programs throughout Indochina, and introduced and supported legislation to accomplish this end.

In light of the clear Congressional mandate in this important area of public policy, and given the spreading human tragedy in Cambodia and Vietnam, I share the view of many Americans that the time is past due for the humanitarian intervention of the international community.

I am extremely hopeful, therefore, that you will favorably consider an urgent appeal for United Nations Secretary General Kurt Waldheim to exercise his good offices for humanitarian purposes in all sectors of Cambodia and Vietnam. This could be done, perhaps, through the United Nations High Commissioner for Refugees or the director of UNICEF, whose offices are actively present in all parts of Indochina.

I strongly feel that, in cooperation with the International Red Cross and the private voluntary agencies, the good offices and more active presence of the United Nations in Indochina will help to save lives, protect the movement of refugees, facilitate the free movement of relief personnel and supplies to areas of need on all sides, and hopefully encourage and strengthen needed efforts for peace.

I appreciate your consideration, Mr. President, and pledge my full support of meaningful efforts to help bring peace and relief to the people of Indochina.

Best Wishes.

Sincerely,

EDWARD M. KENNEDY.

STATEMENT OF DANIEL PARKER

It is a privilege, as well as a responsibility, to be here. You have asked me to testify on the refugee situation in South Vietnam. It is serious.

In a country where there were already many people who had suffered from the war, recent military developments have left hundreds of thousands, perhaps millions, in need of food, shelter and medical care.

Before I address the situation further, I would like to pay tribute to the size and quality of the response that the people of this country—the United States of America—have made and are making to this tragedy.

It is a moving experience, at A.I.D.'s operations room in the State Department, to watch the hundreds of calls come in—asking how they can help, is there an orphan they can adopt, what can they do? One feels that the acrimony that did exist in this country with respect to United States policy in Vietnam has been overcome by compassion.

The real burdens are being borne by the people of the Republic of South Vietnam, in terms of the suffering that the recent attacks have inflicted. The enormous burdens borne by the people of South Vietnam are being shared or lightened, to the extent possible, by the generosity of a great many people; by the voluntary agencies who have done, and are doing so much to help; by the international relief organizations; by the people of my agency and numerous other parts of the government; and by many, many others.

Let me summarize for you briefly what has happened and what has been and is being done. When the North Vietnamese offensive began, less than three weeks ago, South Vietnam already carried with it the difficult burden of feeding and caring for more than 265,000 refugees and war victims at an annual cost of millions. Many, fleeing southward, were located in refugee camps scattered throughout the country; others had been or were being relocated in resettlement sites where it was hoped they could become self-sufficient; yet others were receiving temporary assistance in other forms.

As the North Vietnamese columns moved southward from the northern provinces of I Corps, and South Vietnamese resistance unexpectedly and rapidly collapsed, refugees numbering in the hundred thousands, if not millions, fled to the coastal regions and those other areas still controlled by the Government of South Vietnam.

The difficult burden of caring for the old victims of the Vietnamese conflict was made more enormous and yet more complicated by this new influx of desperate, homeless human beings.

As of April 7, new refugees registered with the GVN Ministry of Social Welfare were 310,000. An additional 93,000 have been lifted by U.S. ships to date. An estimated total of 40,000 have been lifted on foreign flag vessels.

An estimated 750,000 refugees are not within these figures. Many are still moving in coastal and river craft, private vehicles and on foot, into and within areas controlled by the Republic of Vietnam, or have settled with relatives or friends. In sum, the GVN's refugee burden has been more than doubled and may soon by tripled.

The basic needs of the refugees are man's basic needs everywhere: food, shelter, medical care. Some would add to that listing the factor of hope, but these refugees seem to have carried with them the hope that life would be better under the South Vietnamese Government than under the alternative.

It is our immediate objective to assist with these needs. Our prime and almost total concern, necessarily, is with the physical needs. But with respect to the hope factor, I think it should be said that the support of the United States, for those who have fled in hope as well as those who have fled in fear, is terribly important, and the assistance we are giving and will give, and the manner in which we give it, are critical indicators of that support.

To meet these needs, the first step is to help the refugees get to safety. Our involvement, indeed all efforts, have been mostly by sea. The GVN has committed more than 50 vessels to this task; we have deployed (as of April 7) 7 cargo vessels of the U.S. Military Sealift Command, and 5 U.S. Navy ships, together with 8 tugs which have been operating with multiple barges each.

From other countries, as of April 7, one British frigate was standing by; 4 Republic of China LSTs were participating, and 1 Korean and 1 Philippine LST were evacuating.

Once the refugees leave the ships, or arrive in GVN areas by other means, they are assembled in temporary camps. At this point, they are "registered" on a roll and issued ration cards which permit the family to draw food and other relief supplies. It is usually at this time that the family is assigned temporary shelter and given a medical screening so that any sick members can be referred for medical care.

The refugee situation—in terms of their location—is an extremely fluid one. The GVN's first plan was to provide resettlement areas in three coastal provinces in Regions II and III. When this became impossible, the GVN identified seven resettlement sites in the Delta, but this plan, too, was modified because of the fast-shifting scene. According to latest reports, there are about 60,000 refugees in the vicinity of Ham Tan, 20,000 on Phu Quoc Island, and mounting numbers are being assisted in Bien Hoa Province, in an area originally intended for permanent resettlement but where GVN, with USAID assistance, is now preparing temporary homesites for up to 100,000 refugees.

We have only sketchy information from some of these locations, but are informed that the GVN with our help is making every effort to meet supply needs. For example, the ship VEGA arrived at Phu Quoc Sunday with fish, rice, milk, canned meat, blankets, sleeping mats and other relief items, supplementing initial air shipment of rice, bulgar and other foods, plastic sheeting for shelter, water barrels and cooking utensiles. Thirty-seven GVN personnel were also flown in to serve as registration teams.

Our U.S. Mission has experienced officers in the field in the locations where new refugees are being gathered, including Phu Quoc Island. In addition, once the situation stabilizes, representatives of the voluntary agencies now in Saigon available for reassignment, will be redeployed to assure that the supplies consigned to their agencies reach the people who need them.

There are no voluntary agency personnel as yet in Phu Quoc but some are working in mainland refugee assembly sites. One should also mention that the staff of the Ministry of Social Welfare, both in Saigon and in the provinces is quite capable of meeting refugee relief needs in a reliable and orderly manner. The GVN has demonstrated this capability in the past by assisting in the care of and the return-to-village and resettlement of hundreds of thousands of refugees who were forced to take shelter in refugee camps following the offensive of 1972. We have no indication that their capacity to operate in GVN-controlled areas has been impaired by recent events.

Our efforts to help meet the needs of these refugees use, broadly speaking, two channels. I'll mention first the voluntary agencies, together with the international institutions; second, the existing infrastructure of the Government of South Vietnam. Any relief effort needs clearly to recognize that both channels are necessary.

To illustrate the means by which we make relief supplies available, let me mention two emergency feeding actions we have taken under Title II of the PL 480 program. We recently approved 13,500 tons of blended fortified foods, costing $5.6 million (including freight) for use by voluntary agencies in providing nutritional food supplements for the most severely affected children in the Vietnamese refugee population. The voluntary agencies are very well equipped to do this—or at least, they do it very well, well equipped or not.

Also, late in March, we approved an emergency 100,000 tons of rice for Vietnam, to support refugee and other war victim feeding programs in Vietnam. We estimate that one refugee will require 500 grams of rice per day. Thus, if the refugee population totals one million, the rice that we have provided should prove adequate for a little over six months. In this effort, we rely on the GVN to handle the distribution, as it is the only entity there which commands the necessary logistic and storage assets. U.S. and international relief agencies will also be utilized to the fullest possible extent in the feeding programs.

These emergency Title II programs have supplemented an existing 14,300 tons of blended fortified foods, 10,000 tons of which have already been shipped, for U.S. voluntary agency use in South Vietnam this year.

The private voluntary organizations have extensive programs in Vietnam. Fifteen organizations have had long-term grant agreements and contracts with A.I.D. to work in child welfare, rehabilitation of refugees and in public health. I would mention, as among only the largest of the voluntary agency relief programs in Vietnam, those of CARE, Catholic Relief Services, Church World Services, the International Rescue Committee and the World Vision Relief Organization. Private contributions to humanitarian assistance in Vietnam are being channeled by the American Council of Voluntary Agencies for Foreign Service, in New York.

I have been deeply impressed with the work of the voluntary agencies. Their people are as dedicated, as effective in their mission, as any I've known. And they carry the torch of American concern that helps intangibly as well as tangibly. I speak not only, when I praise them, of the performance of the individuals, about which I could not say enough. I also speak of the great capacity of the voluntary agencies to be effective as organizations, which I've witnessed countless times, not only as they work with the Agency for International Development, or with a ministry of the Government of South Vietnam, but even more importantly in the capacity these agencies have exhibited for extremely close cooperation amongst themselves.

We also are supporting the international agencies—the U.N. High Commissioner for Refugees, UNICEF and the International Committee for the Red Cross—which are working in Indochina, including South Vietnam. It is not possible precisely to break out the South Vietnam element of our contributions to these programs, as distinct from amounts going to Laos or to Cambodia, but we estimate the South Vietnam element to be close to $5 million so far for this fiscal year.

Where necessary these international organizations are redirecting their programs for longer-term relief efforts to emergency relief for the new refugees.

Let me also mention briefly that other nations are also contributing to the relief effort. The U.K. has announced that they will provide 750,000 pounds sterling for Indochina relief. Australia has contributed $1 million to the U.N. High Commissioner for Refugees, has deployed 7 C–130 planes for relief assistance to Vietnam and is flying Vietnamese orphans in RAAF planes to Australia for adoption. The West German Red Cross sent out a 707 loaded with supplies and a German medical team has also been dispatched for emergency assistance. The Swedish Government has also announced a substantial contribution.

A small but important part of the relief activities, in which the voluntary agencies have played a critical role, has been in connection with orphans. During the recent attacks, children from orphanages in the upper part of South Vietnam were transferred to orphanages in Saigon, making for badly overcrowded conditions. Among the children there were an estimated 2,000 orphans in process for and thus eligible for intercountry adoptions, under the sponsorship of voluntary agencies, for adoption here. As the President's Special Coordinator, I decided that we should accelerate this process, and we started the airlift, by both military and military charter planes. The first step in our flights is Clark Air Force Base, in the Philippines, where the children receive the necessary medical care to prepare them for the long journey to the United States.

Despite the tragedy of April 4, with the crash of the C5A airplane, the airlift is going on as scheduled. The emotional impact of this tragic loss of life has been indeed deep, but this has not deterred us or the voluntary agencies from continuing our efforts.

We attach great importance to the fine medical care which Clark Air Force Base personnel are providing these children in preparation for their long journey to the United States.

I should turn in more detail to A.I.D.'s financial support for refugees and the present availability of funds. As I've said, besides our programs specifically for refugee relief, we have child care, health care, and other elements in our humanitarian assistance which help others in need, many of whom were earlier refugees.

A.I.D. requested $135 million for these programs together; for FY 1975, $90 million was authorized, $55.7 million allocated from the amounts finally appropriated. We have allotted $56.2 million for humanitarian assistance to date.

Specifically for the refugee relief programs, A.I.D. had requested $86.5 million; $70 million was authorized; $41.1 million was allocated from the amounts finally appropriated. Because of the emergency situation created by the offensive, we have allotted $41.6 million for refugee relief to date. The bulk of these allotments have taken place since the start of the offensive.

Commitments have been for initial aircraft/sealift operations and immediate relief requirements identified by the GVN and our Mission—each of which, regrettably, have had some prior experience in the refugee field. Included in these amounts were $2 million which was made available April 2 for child care relief requirements and from which is being funded the airlift costs for the orphans. Also included in this period was an immediate obligation by our Mission of $1.8 million for medical supplies.

As the number of refugees and their situation became clearer—as I say, not all are yet identified—we may be able to make some more funds available, where we believe they will do the most good in the shortest time. We are doing everything possible to reprogram as many funds as we can for use in the refugee evacuation and relief effort. However, it is three-quarters of the way through a tight fiscal year, and our flexibility is limited.

Because of this desperate situation, it is my expectation that the appropriation of more funds will be needed—such as, for instance, the funds authorized but unappropriated under the Foreign Assistance Act—but I do not wish to anticipate the President, who will be speaking on the subject of South Vietnam later this week. The needs are certainly great—and I have been touched by America's response to them. This same feeling is demonstrated in the bill that Senator Kennedy has introduced, S. 1350, to authorize $100 million for humanitarian assistance in South Vietnam and Cambodia. Although I am not in a position at this time to relate this proposal to what the President may later this week propose, I should be happy to provide any further information I have about the refugee situation in South Vietnam.

"INDIANA DISCOVERY," APRIL 12–18

Mr. HARTKE. Mr. President, as the United States moves toward 1976 and its bicentennial celebration, we in Indiana have become increasingly aware of the contributions Hoosiers have made to our American heritage. L. S. Ayers & Co. stands high on the list of those Hoosiers who have made significant contributions to our country.

They are now leading the parade of people honoring our country's birthday by sponsoring "Indiana Discovery," a weeklong program beginning on April 12 and leading to the official opening of the Bicentennial celebration on April 18.

Mr. President, I ask unanimous consent that a description of the events scheduled for that week be printed in the RECORD.

There being no objection, the description of events was ordered to be printed in the RECORD, as follows:

L. S. AYRES & CO., INC., "INDIANA DISCOVERY" APRIL 12–18, 1975

L. S. Ayres and Company is saluting our country's 200th Birthday with a premiere celebration. Dedication ceremonies are scheduled for Saturday, April 12, with week-long events leading to the official opening of the nation's Bicentennial Celebration on April 18.

In commemoration of this national observance, Ayres' Downtown Indianapolis store is paying tribute to our heritage with a festival of traditional music, arts and crafts, and historical collections of fashions and furniture.

Opening this initial Bicentennial event on April 12 will be Vincennes, Indiana's George Rogers Clark Volunteers. Along with the Clark Drum Corps, also dressed in colonial costume, they will present colours at Clark's monument on Indianapolis' historical Monument Circle. Indiana's Lt. Governor Robert D. Orr will join Ayres' officials for this ceremony, which will be followed by a parade to the Downtown store to officially open the celebration.

Among the highlights of this historical week are a visit by famed author Jessamyn West, whose newest novel, "Massacre at Fall Creek," details a chapter of our country's Hoosier history; an exhibit of fashions by Norman Norell, a native-born Indiana son who rose to world fame as a couturier; concerts of native Bluegrass and traditional music and song; historic furnishings from the homes of President Benjamin Harrison and General Lew Wallace.

L. S. Ayres and Company joins our nation in this premiere salute to an exciting period in our lives . . . a time to review the past two hundred years and to look ahead and rediscover how wonderful it is to be an American!

THE NEW ENGLAND TOWN MEETING

Mr. MUSKIE. Mr. President, each year at this time one of the Nation's oldest democratic traditions—the New England town meeting—is carried out in the majority of communities in my home State of Maine. As we approach America's 200th birthday, the town meetings still flourish, providing every citizen of voting age an opportunity to participate directly in the affairs of their local government. In many ways, the purpose and goals of this form of government are more relevant to the needs of our society today than they were when first established.

Last Sunday, the Washington Post carried two excellent articles by Mr. Haynes Johnson on the recent town meeting in Nobleboro, Maine. I commend them to my colleagues and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1975]

A LAST STRONGHOLD OF DEMOCRACY

(By Haynes Johnson)

NOBLEBORO, MAINE.—Heading down east from Portland along old Route 1, through Brunswick and Bath, Wiscasset and Waldoboro, past the frozen ponds and shuttered summer cottages, the stores and homes with their "for sale" signs, one maddening rock song kept being repeated over the car radio:

America's calling, Harry Truman.
  Harry, you'd know what to do.
The world is turning round,
  and losing lots of ground,
Oh, Harry, is there something we can do
  to save the land we love?

The headlines in the local papers along the Maine coast reinforce the impression of national gloom:

VOTERS ARE TIRED OF HAVING
THINGS CRAMMED DOWN THROAT

STORAGE OF OIL TANKERS
OPPOSED IN CASCO BAY

DANGERS LISTED
FOR DRILLING ON
GEORGES BANK

In Bath, the City Council has been informed by a Boston engineering firm that at least $1.5 million more will be needed to enable a sewage system installed only four years ago to work properly. In Augusta, state mental health and corrections officials are warning that Maine institutions could revert back to a "19th Century level of custodial care" if proposed budget cuts are carried out. And the Central Maine Power Co. is saying the state will need 6 per cent more electrical energy every year in spite of accelerated conservation efforts.

In Nobleboro, they were preparing for their annual town meeting. All of the citizens already had received their annual report from their town officers. The Selectmen, in their current assessment of the town's condition, stated: "Aside from the $7,000 remaining on the school addition . . . and a modest balance on the Ice House lot, the Town of Nobleboro does not owe a cent to anyone. How do your state and federal governments compare with that?"

Nobleboro is not complacent about its situation, however. For days before the town meeting, citizens had been debating an issue that sharply divided the community. It was about their schools. A year ago, in a close vote, Nobleboro joined two other towns, Damariscotta and Newcastle, in forming the Great Salt Bay Community School District.

Within 12 months, petitions were being circulated urging the town to pull out of the consolidation. Emotions ran high. The citizens of Nobleboro, like nearly all of the coastal communities, were angered first by action of their state legislature in Augusta. The legislature enacted a bill providing for all Maine communities to contribute a certain fixed amount to the state to go for education. The state would then distribute the money across the board to towns regardless of their individual wealth or poverty. The idea was to provide equal education facilities for all towns, whatever their local financial situation.

This action went against the grain of the traditionally frugal and independent Maine towns, where the Yankee concept of local control is still deeply embedded. Along the coast, protest meetings were held and groups formed. One, called "Freedom Fighters," was composed of officials opposed to growing state and federal control over small town affairs.

"We want to be good citizens," the chairman of that group told a special legislative meeting in Augusta the other day. "We want to obey the legislature and we want to obey the Constitution. But we do not want any bureaus of the State of Maine putting standards on us."

In Nobleboro the prospect of losing more local control to the state led many residents to question whether they really should involve themselves with the other two nearby towns in a consolidated school district. Nobleboro was in basically good financial situation; its schools were not overcrowded, as they were in Damariscotta and Newcastle; it had always handled its own affairs well enough by itself; it could still go it alone.

Only days before the town meeting a large contingent of Nobleboro citizens gathered to protest the school consolidation. Many wanted to pull out.

"We've always helped ourselves," one citizen remarked. "Why should we help Damariscotta and Newcastle who have let their schools fall apart?"

"I mistrust the state," said another protester.

The issue involved more than state aid or the consolidated school district. It involved local pride and the conflict between outsiders, many of them young, who have moved into Nobleboro in recent years, and the old descendants of the original settlers. In a sense, it was between past and present and over the direction of the future.

"They thought the state was going to build them a million-and-a-half building," said Hudson Vannah, 71, who is the fifth generation of Vannahs to live on the same farmland overlooking Damariscotta Pond from a point of land surrounded by woods. "All going to be done with state money. Well, after all, who's the state? Now they know.

"This school building here, we had the best. The best school facility. We had good lunch facilities there, which some other towns didn't have and they was anxious. We had a superintendent to help those towns at the expense of this town. So that's what happened. Now today I think they're kinds seein' the folly. The people worked hard. We had a civic club in this town. They had beano [it's like bingo, only its different, one resident explained] every week and they equipped this building, and it takes a lot to equip a building the way this one's equipped down to the lunch room. And it didn't cost the taxpayers anything. They kind of thought it would be good to give it away. They were innocent."

Typical of the other side was Judy Griffin, 38, a housewife who moved to Maine nine years ago. She is a college graduate with twin sons, aged 9.

"Emotionally, this is a very strong issue for the people who are aware of what is really important in their children's education," she said. "I think that some people here are very content with what they have and I think that's fine for themselves. But I don't think that all children should be thrust into the category of their little realm of contentment.

"I really feel that a child's education should mostly center around excellent teachers. I think we should pay our teachers more and bring in those with more stimulating minds. I am in favor of trying the consolidation for a few years."

It is said, and the local historians vouch for it, that the first deed in New England was executed not far from Noblesboro in 1625 between an Indian named Samosett and a colonist named John Brown. It is also said, although there is some dispute about this, that the first Englishmen ever to set foot on American soil did so within the confines of Lincoln County, of which Noblesboro is a part. Before that there were Norsemen plying around the jagged coast and deep coves of this part of present-day Maine. So "they say," anyway.

Within this county, stretching from the coastline and back into the hills, lakes and ponds, are still to be found some of the oldest names in the history of New England.

On the small village square of Nobleboro there is a monument to Col. Arthur Noble, who came to America in 1720 and became one of the early heroes of Maine, when Maine still was a part of the Massachusetts Bay Colony. To the west, in the lovely old town of Waldoboro, is another monument that evokes the past. It notes that Waldoboro was settled in 1749 by Germans who "emigrated to this place with the promise and expectation of finding a populous city, instead of which they found nothing but a wilderness. For the first years they suffered to a great extent by Indian wars and starvation. By perseverance and self-denial they succeeded in clearing land and erecting mills. At this time a large proportion of its inhabitants are descendants of the first settlers."

That monument was erected in 1855. Now, 120 years later, many of those same old family names are to be found scattered throughout this formidable and severe countryside. Life was never easy. It is not so today. Maine has known poverty and hardship; it knows them now.

For decades these small towns, villages and cities remained insulated and clinging to their traditions. The cliches about Maine's self-reliance and independence are, like most cliches, essentially true—"with stretchers," as with the seasons—up in the summer, down in the winter. But within the last decade fundamental change has come to Maine, and now to Nobleboro. In the five-year period from 1965 to 1970 some 120,000 permanent residents moved into Maine, bringing with them new ways and new attitudes. They have also come into Nobleboro.

Hudson Vannah, whose first American ancestor came to Waldoboro six generations ago as one of the original German settlers (the name was the spelled "Werner") has seen more changes in Nobleboro in the last 10 years than he experienced in a lifetime here.

"There has been quite an increase in population," he said. "More so in the last five years. I probably wouldn't know 75 per cent of the people who come out for town meetings now, whereas seven, eight years ago when I was chairman, I knew practically everyone in town. Now I don't.

"The influx of these outsiders I would say in this town is predominantly young families, whereas the neighboring town of Damariscotta is more retirement. Today they all start out with new houses and a loan that'll take 'em the rest of their lives to pay off, if they're lucky. If they're real lucky they may not have to pay it off."

But for all the changes, Nobleboro retains a strong sense of place and strong ties of community. It is friendly and open, the kind of place where a stranger is immediately invited to lunch and to dinner; where you can meet old and new all in one day; where you can talk with the Willard Pinkhams and hear about the days of the old country store when butter was 30 cents a pound, eggs a quarter a dozen, and sugar and molasses were dispensed in barrels and hogsheads; where you can sit over coffee with two relatively new residents and get a vivid impression of life in Nobleboro as it is evolving.

"When we moved to Nobleboro in 1965 we were invited to this little communty hall that we have up in North Nobleboro for what they call a 'free supper,'" said Nancy Hartford, whose husband, Leonard, is now Nobleboro's first selectman. "At that time they were giving public suppers every month to raise money for their community associations. We went and we thought nothing more of it. We were made to stand and receive all of these people, probably 50 or 60. At that time an envelope was handed to us. I thought it was a potholder or something, and I went home. It was filled with money. This was their way of welcoming us to the community.

"We were utterly amazed to think that anybody cared enough whether we even moved in. And a year or two later I became ill with a palsy type thing and required hospitalization and complete bed rest for about a month. All our meals were taken care of completely by the people themselves."

Evelyn Cross, who also came here a decade ago and now is the postmaster, had been listening to her friend. She nooded, and said:

"If anybody's in trouble in Nobleboro the community helps. There's *somebody* on your doorstep if you have a problem. They'll call me and say, 'So-and-so is having a problem; pass the word.'"

Yet there are tensions and hostilities in Nobleboro. As one person said, "We have our own little Peyton Places here. We have social problems and drugs and so forth." Older residents recall the days when no one locked his door here. Now they do. Occasional acts of vandalism are a concern.

But the most difficult problem is more

subtle: how to balance the old and the new and yet retain the sense of community that gave the Nobleboros of New England their special flavor.

"You can rub people the wrong way here without being aware of it," one more recent citizen said. "You have to be very careful and not come on too strong. It can be an emotional problem. I think they have a tendency to ignore you. This may be from jealousy or it may be because they feel threatened or because they just really don't care that much about understanding you. You have to make a tremendous effort to understand them.

"A person living here, after a while you find out you have to be completely resourceful within yourself. You have a tendency in Maine to either like it very much or not at all. I don't think there's any middle ground. I like it very much.

"I've found that the basic structure of the town still remains the same. It's still a very tight-knit group. There are more people coming in but these people are more or less forced to stay on the outer fringes and watch the old-timers keep the local control. Newcomers here are accepted at arm's length. People make an effort to be outwardly friendly but they don't really want them running for the school board or trying to take over any of their businesses. Within another 10 years I think we'll have power in numbers at the polls and it's going to be to our advantage. But until there are more newcomers like ourselves we're going to have to sit tight."

Then this citizen said:

"I feel that we have the last stronghold of democracy right here and it's something that New Englanders should be proud of. By the same token, whether we want to be or not, we're very much a part of a large, complex world around us. I think it's very much important that we try not to become alienated among ourselves, and not to keep control just within a small group.

"I think we're going to have to relate to this outside world if our children are going to compete in it. I think if the children growing up here have any one strike against them it's because they're non-aggressive in attitude. They're very complacent. It's important to expose our children to as many outside influences as possible."

On Saturday, the day of the town meeting, some 300 chairs had been set out in rows in the school basement. There were five candidates for the third selectman's post. That kind of opposition hadn't occurred in years. It bothered some of the older people.

Hudson Vannah, who is also Nobleboro's road commissioner, was sitting in a front row, remembering other times:

"Town meetin's not as good as it used to be for this reason: Today they have a budget or advisory committee and they meet with the selectmen and practically all the appropriations that are required have been talked over and, you might say, accepted. They bring 'em out in the open today, you might say, to be rubberstamped.

"But in the old days, when I started going to town meetin's—as a kid I skipped school to go to town meetin's—it was interesting. There was no seats then, of course. Around the old town house they stood up. And when they come to a question that was pretty close they used to divide the house. The moderator would set up and there and say, 'All those in favor of this article take the north side of the house. All opposed, the south.' They divided the house. And I've seen 'em reach across the aisle and try to pull a guy over.

"It was fun to watch it. And then, of course, perhaps it was a little more interesting, but not as fair, in the days before the secret ballot. I've seen 'em vote twice. I've seen 'em vote three times. We had a fellow that was first selectman here for a number of years. He was a good type, but he had his following! He'd say, 'Boys, it might be close today. Go 'round two or three times.' And he'd have somebody there and when those fellows would be making their second trip he'd have someone talking to the moderator. He'd be looking the other way. And sometimes they'd put in a whole handful. In other years, there'd be more votes cast than there was in the hall. That was interesting.

"It's still interesting. But as I say, it isn't like it used to be because so much of it already has been decided."

He was correct. It had been decided in advance. The selectmen, the town clerk, the leaders of the opposing camps—all had agreed that it would be best to table the vote on whether to pull out of the school district. They would defer action until April 30 to give time for the state legislature to clarify, hopefully, possible changes in the state educational funding act.

At least they thought it was all set.

The townspeople had turned out—men, women, children and babies. Others had to stand in rows against the walls. No apathy here.

A moderator banged his gavel four or five times to call the meeting to order. He had an announcement. Anyone who wanted to speak would have to do so loud and clear. They were without loudspeaker equipment, "which done quit."

It began quietly. On the town method of collecting taxes: no opposition. On fixing the compensation for labor on roads: no opposition. On accepting the scale of compensation for elected municipal officers: no opposition.

Article 7 on the agenda brought the first stirrings of town discontent. It was over appropriating the amount of money necessary for basic town expenses: for police, fire, roads, lighting, the library and the Noble Monument grounds.

One man was disturbed over the state of the road repairs. The condition of Duck Puddle Road was terrible.

"I think certain maintenance should be performed that is long overdue," he said. "A lick and a promise every now and then is a help, but i'd like to see more licks and less promises."

Bert Ricker, an older man in the back of the room, had spotted something else. "What is the Ice House lot?" he asked. "I can't find anyone who knows anything about it."

The town had purchased the lot for a future recreation area site, the first selectman, Leonard Hartford, informed him. Until enough money was available for the recreation center, the town needed $360 a year to maintain the premises.

Bert Ricker wasn't satisfied. He asked for—and got—specific answers about the Ice House acreage and how it came to be purchased.

The meeting was already well into its first hour when the moderator interrupted. He had made a mistake. He had forgotten to ask the minister for the invocation.

They bowed their heads and listened as the minister asked thanks for the "privilege of self-government and freedom that we are enjoying today. We don't have to look too far now to see that we haven't done that well on the national level."

The meeting continued.

Adult education came up. The citizens were asked to appropriate $1,500 to support their adult education program.

Bert Ricker again was on his feet.

"We raise quite a lot of money for teaching our children but I don't see why if an adult wants more education he shouldn't pay for it himself. I'm not in favor of raising money for adult education."

Evelyn Cross stood. "Mr. Ricker, if we don't vote for adult education then no one in the town of Nobleboro will be able to participate in this program."

From the back of hall came Ricker's reply: "So what."

More debate, more spirited now. Again, Ricker rose. "I don't see why I should pay taxes to send somebody else to school, 'cept for the children."

Millie Ball was on her feet. She is a housekeeper, with a son who drills wells and a grandson about to become a lobsterman when he graduates from high school this spring. She is from original Yankee stock, her family first coming over on the ship "Fortune," and she was angry.

"There are a lot of people who don't want any further education. Fine. They can stay in their barnyard. But I would like to have a chance to get a litttle more education and there are many other people in this town and that is the only way we can do it."

Again, Ricker replied: "So what."

More debate, and finally a vote. Adult education was approved by more than 2 to 1.

They were warmed up now and ready for the school question. The town officials had not fully gauged the emotions of their fellow citizens. Debate was long and heated. By the time a vote was called no one could have accurately forecast the outcome. The citizens of Nobleboro cast their ballots, one by one, in paper peanut butter cartons.

When the ballots were counted the motion to defer any action on the school issue had carried 119 to 96. "The way it looked, it might have gone the other way," said Bob Palmer, who runs the Nobleboro general store that he and his mother and father before him had operated, and is also the town clerk.

Nothing had been resolved, but the issue clearly had split the town. Nobleboro citizens will meet again on April 30 to decide what course they wish to take. Few in town today will make any predictions about the outcome.

Nobleboro's most distinguished resident did not attend the town meeting. Elizabeth Coatsworth never has. She and her husband, Henry Beston, who died seven years ago, came here in 1932 and settled on Chimney Farm, an old home filled with plants and paintings and surrounded by woods and pond, birds and raccoons and squirrels. Each made a national reputation as writers of books about New England and the Maine character.

Even though she has lived there for 43 years and loves the people and the countryside, she never went to the town meetings for a special reason—"I'm still an outsider," she said with a smile, "and I think they should decide what they want."

Outsiders or not, Elizabeth Coatsworth and Henry Beston each read the particular flavor of this part of America as well as anyone. Let them have the last word.

Henry Beston:

"To use a favorite word of the Maine vocabulary, its prizes were to be for the 'rugged'; from the first it would have no headlong frontier scramble, disorderly and squalid; it demanded courage, character and endurance. To this day, the state grants its people the inestimable boon—inestimable in the 20th Cetnury America—of not having things both passive and easy. It makes demands."

And Elizabeth Coatsworth:

"If Americans are to become really at home in America it must be through the devotion of many people to many small, deeply loved places . . . People on this back road retain the independent, self-respecting Yankee tradition. While here and there the blood has run out and families like plants have gone to seed, the men and women of our township are for the most part people of character and breeding, not cut out of any one pattern as by machinery, but whittled and showing the grain."

[From the Washington Post, Apr. 6, 1975]

EVERYTHING HAS COME AT ONCE

(By Haynes Johnson)

(NOTE.—For the last 43 years Elizabeth Coatsworth has been living at Chimney Farm at the end of a point of land overlooking Damariscotta Pond, surrounded by folds of unspoiled forest sloping down to Deep Cove, in Nobleboro, Maine. She became a distinguished writer of poetry, children's books and sketches of New England. Her husband, Henry Beston, who died in 1968, was the author of the nature classic, "The Outermost House," and other works about New England and Maine. In the following conversation with Haynes Johnson, Elizabeth Coatsworth talks about her life at Chimney Farm, and the changes she has seen. She will be 83 in May.)

When Henry and I came here in 1932 we were among the very first outsiders. We were able to buy this farm very cheaply because the man who had it just cut woodlots and then sold farms and bought another one. What we wanted was the grass around us and the woods. We had two children that we were bringing up and we wanted a place to live that was beautifully located, and we found it.

When we came here every one of the houses on this road had a very small farm attached—four or five cows, a cornfield. They were all subsistence farmers, and they seemed very happy as such. It wasn't a bad life. It wasn't like being tenant farmers or such. Now all those who remain have gone into the towns as clerks or garage attendants or as one thing and another. They have become townspeople. In this immediate district there are only two people who farm any more: Irving Oliver, at the corner where you turned, and the big farm, Hudson Vannah's at the head of the road. By working 18 hours a day Hudson has kept that farm as his father left it to him—as a big, prosperous-looking farm. Otherwise all the farms have turned into the houses of people who go to the Bath Iron Works or more likely to Damariscotta to work.

We are a scattered people, so scattered that we hardly make a town. I think that we have about 2,000 residents, but they're lost in the woods and grasses. You'll find it very hard to locate 2,000 people in Nobleboro. Originally Nobleboro contained Damariscotta, but now Nobleboro is the parent that has shriveled.

People here talk first of all about gossip, but they do talk about important issues, about offshore drilling and contamination and what to do with the town dump. Of course money comes out of a Mine town very unwillingly, and putting in sewers and things of that kind are fought to a down.

You see, everything has come very much at once here. We are only one generation back from the time when many people didn't have bathrooms. In the early days there was a little station where you crossed the railroad track and we were able to put up our hand and stop a train and go to Boston. Trains ran several times a day and there was a very close connection with Boston.

And to me there is something romantic, which is what I always like, about the Hudson Vannah farm. If you take the first curve to the left you will see beside the house a graveyard with four elms around it. It is the grave of a ship's captain. Not many people from Nobleboro went to sea. Anyway, this man went to Waldoboro and went to sea and became a captain, as most of them did, when he was 19 or 20. He was coming back from China and his ship had been sighted. His young financee had been told that he would land the next day in Boston and a storm came up and his vessel was wrecked on, I think, the Peaked Hills Bar, off Cape Cod. My husband knew just where the wreck took place.

I remember one day the old woman, the aunt of the man who now owns the farm, told how as a child she remembered the rain slashing at the windows and a telegram coming for her father. Her brother's body had come ashore on the Cape and her father was to go down and get it. And she remembered the bringing back of the body. It's one of the few graves that I have seen around here that has a ship on it. It has a ship under full sail—of course it should be with all the sails down—but it is under full sail among the graves. Miss Vannah remembered it. She told us about that 20 or 25 years ago and she must have been about 70 then, and this took place in her childhood.

We are in Lincoln County. It was named for Gen. Benjamin Lincoln. A member of the Lincoln family, that would have a great-uncle or a great-great-uncle of Abraham Lincoln's, walked with the Indians from Cohasset, which is in Massachusetts on the south shore, up to the mill on the way to Bunker Hill here. He settled there when he was a boy. He was a carpenter and he built many of the houses in Damariscotta Mills.

The Lincoln family was interested in bog iron and they moved down to Pennsylvania and then followed it on down to Kentucky. Once Henry and I were down there and we saw the Lincoln home, which was open. There were pictures that had belonged to Abraham Lincoln. Let's see—his father was Thomas and his grandfather was killed in the field by an Indian. This was his great-grandfather and mother's house. It was quite a stately mansion. There was nothing poor white about it. Anyway, there were very early daguerreotypes of Mr. and Mrs. Lincoln. If she wasn't an Indian I don't know what she was. It was Daniel Webster whose grandmother was supposed to have been an Indian, and I like to think that Abraham Lincoln and Webster got their power of expression from the Indian side of their family.

I was born in Buffalo. My father's family came to America from England, the county of Durham, a dale among the moors, perfectly beautiful. They had been tenant farmers there for hundreds of years. My mother's father was Adam Reid. When he was 21 he asked his Edinburgh father for a latchkey, and his father said, "Never," and he bought a ticket on the next boat and came over to Canada. Buffalo, of course, is a great pull for Canadians, or used to be, because the business prospects were so much better. He came on into Buffalo from Toronto, and that's how my mother and father met.

My father was always a Republican. I'm down as a Republican here—and I usually vote Democrat. In the old days one of our friends, Jake Day, an artist in Damariscotta, who was the man that my husband was visiting when he saw this place and fell in love with it, used to tell how he went to the Damariscotta Fair as a boy. (It was still running when we first came here; it was a charming thing.) And Jake's father used to point out a man as though he were pointing out a giraffe and he'd say, "That's a Democrat." Of course you know the state is largely Democratic now. That's one of the great changes.

I know more about politics now than I used to. I am primarily a poet and a writer for children. Such people live in a nutshell, in a small painted world. Only by accident do I look out the windows and see.

My daughters—one of them lives in southern California around Los Angeles and the other in Anchorage, Alaska—have four sons each. I think their children are going to have a very different life. They have grown up like amoeba. I think they will take the future changes no harder than I have taken my changes. I, too, have lived through two major wars and a depression and the rest, and I'm sure that they will live through what is coming to them with probably no more shock than I have.

ABORTION RESOLUTIONS

Mr. **PACKWOOD**. Mr. President, on March 11, I inserted in the CONGRESSIONAL RECORD a list of organizations which have endorsed the principle of free choice and individual conscience in the abortion issue. Also included in the RECORD was the full text of all statements and resolutions which have been issued by these groups.

Since March 11, several other thoughtful abortion statements have come to my attention. They include the Presbyterian Church in the United States, the Friends' Committee on National Legislation, the Women's Legal Defense Fund, the Americans United for Separation of Church and State, and Human Rights for Women, Inc.

I ask unanimous consent that these statements be printed in the RECORD, as an addition to the previous list.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ABORTION

(Adopted by the 1970 General Assembly of the Presbyterian Church in the United States)

INTRODUCTION

There is widespread uncertainty among Christians today about the complex moral issues involved in abortion and the laws regulating abortion. Debate concerning proposed revision of existing abortion laws in twenty-five state legislatures has raised serious questions about statutes which forbid qualified physicians from terminating unwanted pregnancies and turn thousands of women into felons because they have had illegal abortions. Publicity about disabilities or deaths resulting from illegal abortions, the increasing number of persons seeking "therapeutic abortions," and the realization that many well-to-do American women receive legal abortions overseas have focused public attention on this problem. Pastors and friends have experienced frustration in their attempts to counsel persons involved in "problem pregnancies." The changing role of women has produced a desire on their part for greater self-determination in accepting their role as mothers and/or wage earners. In these and other ways, the moral questions surrounding abortion have been thrust upon us.

CHANGING PERSPECTIVES THROUGH HISTORY

Throughout the thirty centuries of recorded history—the interruption of pregnancy, whether intentional or accidental, has been widely, though not universally, regarded as a serious offense. Although many of the early Greek philosophers commended abortion when the age of economic circumstances of the parents necessitated it, the Hippocratic Oath quite early affirmed the medical profession's pledge "not to give to a women an abortive remedy."

The early church condemned abortion on the grounds that is constituted murder. This raised for subsequent generations of theologians the question of the stage of development at which the fetus becomes a person.

Augustine's distinction between a "nonanimated" and an "animated" fetus was formalized in Roman Catholic canon law and later carried into English Common Law. Thomas Aquinas further refined this distinction by teaching that life is evidenced by "knowledge and movement," thus providing the test of "quickening" or movement within the womb as the determination of when a fetus should be regarded as a person. Interruption of pregnancy before "quickening" was thus permissible under English Common Law. Yet by maintaining that "the soul is infused immediately at the moment of conception," most Roman Catholics regard willful abortion as a sin, regardless of the stage of fetal development.

The unqualified condemnation of abortion has been questioned in recent decades by many Christians, Protestant and Roman Catholic alike, who are less certain that a clear answer can be given to the question as to when human life begins, and hence are unwilling to assert categorically that the fertilized egg is a human being in the fullest sense. Concerned not only about the morality of requiring women to bear children conceived as the result of criminal acts, but also the potentialities for full personhood for an unwanted or gravely deformed child, these Christians see the problem in the larger context of responsible parenthood and the wholeness of family life. Subsequent medical advances have made it possible to predict physical deformity and mental retardation and to terminate an unwanted pregnancy without endangering the life of the mother. Thus abortion has become a genuine alternative to many unwed mothers and married women desiring to limit the size of their families or to avoid the anguish of bearing seriously defective children.

THE CURRENT SITUATION

Recent efforts at legislation reform have led ten states to reverse their laws in order to permit therapeutic abortions to protect the mental and physical health of women, to prevent the birth of deformed children, and in case of rape or incest. Yet such "reforms" have not substantially reduced the number of illegal abortions. There is growing evidence that such laws discriminate in favor of the rich and are of little help to women who lack the money or power to persuade the required number of doctors that they qualify for a legal abortion.

Another approach to reform can be found in the courts where it has been held recently that antiabortion laws represent an unconstitutional infringement on individual women's rights to medical care. Those responsible for such litigation insist that abortion should be available to all women who desire it, to the poor and single as well as to the affluent and married. Hence they propose that the regulation of abortion should be removed from the criminal code and treated like other standard medical procedures, with the decision solely in the hands of the patient and her licensed doctor.

However reform comes—whether through legislation or litigation—it is clear that attitudes toward abortion laws are shifting, and Christians are being asked to clarify where they stand and what light their Biblical faith sheds upon decision making in this area.

BIBLICAL AND THEOLOGICAL INSIGHTS

Because this is a matter of life and death, and involves questions about the quality of life and the conditions which make life genuinely human, few moral decisions are more difficult and complex than the ones surounding abortion. The following Biblical and theological insights seem particularly helpful as we struggle with these issues:

1) Biblical faith points to a God who is the giver of life and creator of man, and who charged man to "be fruitful and multiply." Faith in this God demands profound respect for human life. All who share this faith are thus called to preserve and protect human life and to show special concern for infants, the weak, the innocent, and the defenseless.

2) At the same time, Biblical faith depicts man as a steward of life, the heir who is responsible for the proper care of his Father's world. A sense of responsibility for the care of God's world leads men of faith not only to an exploration of all of creation but also to endeavors to maintain order, secure justice, and improve the quality of human life. Because human life, in the Biblical sense, is much more than the perpetuation of physical existence, men of faith should commit themselves to improving its quality spiritually, educationally, and culturally as well as medically. This commitment will often necessitate difficult moral choices in the midst of conflicting values.

3) Biblical faith emphasizes the need for personal moral choices, and holds that persons stand ultimately accountable to God for their moral choices. If persons are to exercise their freedom responsibly acceptable alternatives must be available to them. The church has a responsibility to help make acceptable alternatives available. Moreover, the church has a responsibility to aid persons as proclaiming the freedom, which it can fulfill through such means as proclaming the Biblical faith, clarifying alternatives and their probable consequences, and offering support in love to persons struggling with difficult choices. Christians should make their personal decisions in the context of the community of faith.

4) There is no consensus in the Christian community about when human life begins. Because of this uncertainty, and because the fetus, if left to termination of its normal gestation period would become a person capable of life on its own resources, the unborn fetus must be respected for its own worth regardless of the period of gestation. However, the need of the mother may at times take precedence over the needs of an embryonic and unformed child, and the rights of the individual woman, her family, and society, as well as the rights of the fetus should be considered in each individual case.

SUMMARY

1) Induced abortion is the willful destruction of the fetus. Therefore, the decision to terminate a pregnancy should never be made lightly or in haste.

2) The willful termination of pregnancy by medical means on the considered decision of a pregnant woman may on occasion be morally justifiable. Possible justifying circumstances would include medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family. The procedure should be performed only by licensed physicians under optimal conditions, and with appropriate medical consultation and ministerial counseling, preferably with her own minister.

3) Laws concerning abortion should reflect principles set forth in this paper.

4) Medical intervention should be made available to all who desire and qualify for it, not just to those who can afford preferential treatment.

5) The church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they may act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities as parents.

Statement to Congressional Committees in Opposition to Constitutional Amendment Preventing Abortion

(Approved by the General Committee of FCNL at the Annual Meeting, Washington, D.C., January 26, 1975.)

Members of the Religious Society of Friends (Quakers) have a long tradition and witness of opposition to killing of human beings, whether in war or capital punishment or personal violence. On the basis of this tradition, some Friends believe that abortion is always wrong.

Friends also have a tradition of respect for the individual and a belief that all persons should be free to follow their own consciences and the leading of the Spirit. On this basis some Friends believe that the problem of whether or not to have an abortion at least in the early months of pregnancy is one primarily of the pregnant woman herself, and that it is an unwarranted denial of her moral freedom to forbid her to do so.

We do not advocate abortion. We recognize there are those who regard abortion as immoral while others do not. Since these disagreements exist in the country in general as well as within the Society of Friends, neither view should be imposed by law on those who held the other.

Recognizing that differences among Friends exist, nevertheless we find general unity in opposing the effort to amend the United States Constitution to say that abortion shall be illegal.

Women's Legal Defense Fund, August 1974

Women's Legal Defense Fund believes primarily in the freedom of the individual, whether male of female and as a free individual that person has the freedom of choice and control over his or her body. Consequently the right to bear a child should be a matter for the individual female to decide and she should have exclusive control over that decision.

Americans United for Separation of Church and State

MARCH 22, 1974: STATEMENT OF C. STANLEY LOWELL, ASSOCIATE DIRECTOR

. . . The Supreme Court in an excellent 1973 opinion has charted a careful course and rendered an opinion on this matter whose logic is impeccable. What the Court recognized was the right of the woman to control her own body and to have such children as she chooses to have. At this point, the rights of the mature, human personality should take precedence over alleged fetal rights. To be sure, the Court carefully delineated the woman's right in this situation. Her right to an abortion under certain conditions is recognized, but the conditions themselves are carefully spelled out. To deprive the woman of this authority over her own body is to deprive her of basic civil and religious liberty. It is to degrade woman to the level of a common chattel. Why should government step into such a situation and force a woman to bear a child she does not want, may deeply resent, and have no intention of caring for? This is an area of experience where political authority should hold its interference to a minimum.

The rights of the fetus are only a part of a number of rights and values that are involved in each pregnancy situation. Another right is that of the child to proper care and a fair opportunity to make something of himself. It is a low form of cruelty to insist ruthlessly on bringing into the world a child for whom there is no welcome, no proper care and nurture, and no chance for a decent life. It is all very well to argue about the rights of a fetus. But what about the rights of the child? There is no virtue in a legal insistence on bringing into the world unwanted children doomed to poverty, disease and delinquency.

The entire effort of government to ban abortions is futile, in any case. Abortions cannot be banned, no matter what kind of restrictive or prohibitive laws may be passed. What you can do, and what you now propose to do in this legislation, is to transfer the place of abortions from the hospital room or the physician's office with its carefully sterilized equipment to the filthy backroom with its hooks and hangers. It is a proposal to exchange a perfectly safe procedure for a very risky procedure with a high fatality rate. The proposal before you is not humane; it is barbarous and wicked.

We do not need to speculate as to the merit of keeping the abortion reform that has been achieved today. The facts speak for themselves. It is significant to note that dramatic improvement in certain categories has been recorded since abortion reform came to New York State where women who want abortions can now have them safely and economically. In New York City there has been a dramatic drop in out-of-wedlock births. Such births dropped in 1971 to 12% of all births from the previous year's all-time high of 26.4% of all births. In one New York City hospital, nearly 15 infants per thousand deliveries were put up for adoption or abandoned by their mothers. The year following abortion reform this figure fell to 6.6 per thousand births. Perhaps, even more importantly, maternal deaths per 10,000 births in New York City dropped from 5.3 in 1969 to 2.6 in 1972, the lowest figure ever recorded.

What is needed in this whole situation is a proper balance. Human beings should be left with the freedom to judge each situation in the light of its total context and in accordance with their own conscience. Emotional clergymen, who themselves have never had any direct experience with parenthood, come here pleading the cause of just one value that is involved—that of the fetus. A properly-oriented legislative purpose should consider the full composite of values. These values would certainly include the desires of the woman herself, the welfare of the prospective child, and the good of society.

Freedom for Women—The Supreme Court's Abortion Decisions

January 22, 1973.

The Fourteenth Amendment to the Constitution prohibits the States from depriving "any person of life, liberty, or property, without due process of law." On the above date, the Supreme Court held that the right of privacy is "founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action." The Court concluded that a woman's right of personal privacy includes her decision on whether or not to have an abortion.

The right of privacy, like other rights protected by the Due Process Clause of the Fourteenth Amendment, is not absolute. That is, it may be affected by State regulation, but only where the regulation limiting the right is necessary because of an overriding "compelling state interest."

The Court further held that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." That Amendment has no "pre-natal application," and "the fetus, at most, represents only the potentiality of life."

In applying these principles, the Court stated that after approximately the first trimester of pregnancy the State, "in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health," and "[f]or the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where is is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother." *Roe* v. *Wade*, No. 70–18.

The State may not require that an abortion be performed in a hospital during the first trimester. The State may not require that an abortion be approved by a hospital committee at any stage, since no other medical or surgical procedure requires committee approval. Nor can the concurrence of two other licensed physicians be required. Finally, a State may not impose a residency requirement for securing abortions. *Doe* v. *Bolton*, No. 70–40.

Comment: The Court's decision sets a new moral tone for the Nation: Affording the protection of the Constitution of the United States to a woman's right to decide whether she wants to terminate a pregnancy or have a child recognizes the dignity of women as people. This is now constitutional doctrine. It is the law of the land.

No longer may we be subjected to legal restrictions that implicitly regard women as reproductive instruments of the State. No longer need the enjoyment of sex be tainted with guilt and fear of pregnancy, which often results in resentment and hostility to men, embitters our hearts and damages our personalities. No longer are we prisoners of the State and of men.

No longer need we bear unwanted, unloved children. We can choose not to have any children or plan childbirth so that it does not destroy our careers. We need not be condemned to dependency on men.

With our new constitutionally protected right to self-determination, no longer can sex be a tool for the oppression of women. It has lost its power to control our lives. Sex is thereby de-emphasized and placed in proper and healthier perspective. [M.E.]

NEW VITALITY IN STATE GOVERNMENT

Mr. MUSKIE. Mr. President, at a time when public opinion polls demonstrate a devastating loss of public confidence in government at all levels, positive stories about government reform are welcome news. An interesting article published in the Washington Post earlier this week attests to the growing vitality of State governments throughout the Nation.

Reviewing recent reorganizations of State executive departments in Missouri, Georgia, Delaware, and elsewhere, Neal R. Peirce concludes that:

> What the new wave of reorganization does mean is that the governors, in fact as well as theory, are becoming the chief executives of their states . . . The voters can really hold the governors accountable for the success or failure of service delivery by state government. At a time of unparalleled public cynicism about politicians and government, no development could be more important.

I ask unanimous consent that the article entitled "Reorganizing State Government," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Reorganizing State Government

(By Neal R. Peirce)

Missouri's 36-year old governor, Christopher "Kit" Bond (R), glows with excitement when he talks about what seems the deadliest of subjects—state government reorganization.

Indeed, Bond has reason to be pleased. Until recently, Missouri had one of the most disorganized, unresponsive state governments in America. The citizen looking for service had to cope with an almost incomprehensible array of 90 overlapping "underlapping," uncoordinated agencies, boards and commissions.

Then, a few months ago, years of effort culminated in a sweeping reorganization that reduced the number of Missouri government departments to 14, each responsible for a clearly defined area.

The Missouri reform puts the "Show Me" state in a class with 19 others which have completely overhauled their structures in the past 10 years. There are another 20 states that have gone part way with reorganization, establishing several consolidated departments in fields like the environment, transportation and social services.

For broad-gauged reform of state government, there has never been a decade like it in American history.

My key question to "Kit" Bond was whether reorganization really makes any difference for the average citizen. He responded with the example of the Missourian looking for visiting nurse service, either for himself or herself or an aging parent.

Until last year, he said, the citizen might have gone to the state office of aging, the welfare office, the health department, or his county government. Whether he found a visiting nurse service where he looked would have been a matter of pure luck.

Now, Bond points out, visiting nurse service is one of many functions consolidated under the new state department of social services. "Instead of three or four different agencies covering the same tracks, often duplicating efforts, we have one department responsible for seeing that problems like home health care are taken care of."

Polluted waters are another example. Before reorganization, Missouri had 22 government agencies concerned with water problems; now the state's new department of natural resources is responsible for coming up with a single, clear-cut response on any water problem citizens bring to it.

Bond's enthusiasm about reorganization is mirrored again and again when one talks with governors who were able to persuade their newly apportioned legislatures—or the people in statewide referendums—to overhaul state government structures.

Each governor points to new efficiencies and economies reorganization has made possible in his state. In some states, the restructuring has averted or minimized the massive deficits threatened in this year of recession and inflation. But the ultimate payoff of reorganization, the governors insist, is in filing citizen needs where they were not met before.

In fact, the people who form the natural "constituency" for reorganization—businessmen, taxpayer watchdog-groups, and well-informed citizens disgusted with the traditionally horrendous organization of state government—may not be those who benefit the most.

Jimmy Carter (D), who recently stepped down as governor of Georgia after spearheading the reorganization of 300 departments and boards into 22 functioning agencies, argues that the reformers tend to be self-reliant folk in any event.

"The people who benefit the most from a drastic clarification of the government process," he says, "are those the most dependent on government for services in the realm of welfare, public health, prison reform, problems of alcoholism, the aged, the drug addicts the illiterate citizens."

Former Gov. Russell W. Peterson (R), now chairman of the Council on Environmental Quality, accomplished a model restructuring of Delaware government into 11 cabinet departments in 1969–70.

He recalls that in the old days Delaware was ruled by a commission form of government, with some 140 separate entities. The commissioners all had other regular employment, and met only once a month. To get action on a problem, a citizen might have to cultivate all the members of a particular commission. Delays in action were interminable. Log-rolling was prevalent; to get a particular road black-topped, for instance, there might have to be agreement to get a bridge built in the home area of a recalcitrant commissioner.

When the cabinet form took effect, Peterson said, "my seat as governor got a hundred times hotter overnight. Now everyone knew the responsibility was with me and the cabinet secretaries I appointed and controlled."

The precise nature of reorganization has almost as many forms as there are states. In some cases, like Georgia and Delaware, the old agencies are abolished in one fell swoop and state government is reconstituted from the ground up. Others, like Massachusetts and California, set up "umbrella"-type super-cabinet posts, and then, over a period of years, reorganize the old-line agencies below them.

Still others, like Arizona, Kansas, and Ohio, reorganize just one or two areas at a time.

No matter how it is done, reorganization runs into a buzz-saw of resistance from entrenched bureaucracies, jealous state legislators, and special interest groups who see their "special working arrangements" with old agencies in jeopardy.

Such pressures have stymied reorganization in several states. The real governing of Texas, for instance, is still done by more than 200 boards and commissions with overlapping six-year terms. New Hampshire has at least 70 agencies which theoretically report to the governor—which means, in practice, that none is really accountable to him.

Even where reorganization is accomplished, some serious compromises are often necessary. In Missouri, for instance, four of the 14 departments are still commission-run. Bond ruefully admits that the highway commissioner, who decides where roads will be built, has more influence over Missouri's physical development than he, as governor.

Nor can reorganization, in itself, solve all problems of state government. Quality leadership, sound budgeting and good administration are just as important. Moreover, reorganization is never a finished job. Periodic reassessments are vital. For instance, Wisconsin, which reorganized eight years ago, will be at the job again this year.

What the new wave of reorganization does mean is that the governors, in fact as well as theory, are becoming the chief executive officers of their states. With a limited number of cabinet or department secretaries whom they appoint and can fire at will, there is no longer a question about who is ultimately responsible.

The voters can really hold the governors accountable for the success or failure of service delivery by state government. At a time of unparalleled public cynicism about politicians and government, no development could be more important.

Viewing the atrophy of state government in 1965, Sen. Everett McKinley Dirksen warned that the time was not far off when "the only people interest in state boundaries will be Rand-McNally."

But a single decade has brought such a sweeping rejuvenation of state governments that no national politician would dare make that statement now.

OUR RESPONSIBILITY TO THE MIA'S

Mr. BUCKLEY. Mr. President, I am pleased to join the Senator from New Mexico (Mr. Domenici) as a cosponsor of his joint resolution. The tragedy of those Americans still listed as missing in action in Southeast Asia continues. For the families of these men, the fact that the Communists continue their march southward in violation of every provision of the Paris Accords comes as no surprise.

Since the signing of the Accords, the Communists have been totally unwilling to keep their solemn and unconditional promise to help locate the bodies of American war dead, to return the remains to the families, and to release any information about the men who might still be alive as is required by article 8 (b) of the Paris Accords.

I believe that we have a special responsibility to these men and that we must pursue every avenue open to us in an attempt to obtain a complete accounting. The U.N. is an obvious avenue of influencing the Communists, as it has gone to such pains not to embarrass the North Vietnamese. I would be less than candid, however, if I did not state that I am not optimistic about any efforts to elicit cooperation from the United Nations. Time and time again, the United Nations has proven itself impotent to act in major world crises. Even in those areas where humanitarian efforts are concerned, the organization has found itself embroiled in political controversy. Should the United Nations prove unwilling to assist in this most humanitarian of efforts, we should obviously reassess what the organization is worth to the American people.

I have some question as to the size of the cut suggested in the resolution, as there are nonpolitical functions of the U.N. that do serve a clear benefit to us and to the international community. The fact is, however, that it offers a useful avenue to apply pressure on the North Vietnamese to relieve the MIA families of their terrible burden.

BENEFITS FROM THE FORESTRY INCENTIVES PROGRAM

Mr. STENNIS. Mr. President, the figures on the accomplishments of the forestry incentives program for calendar year 1974 are now available, and I wish to summarize them briefly.

I am pleased to report that the forestry incentives program, which I had the honor to cosponsor with Congressman Sikes, and which became law as a part of the Agriculture Act of 1973, is yielding significant immediate benefits while preparing our basic forest resource to meet future demands for wood.

During 1974 the incentives program generated as estimated 363,000 man-days of gainful employment in hard-pressed rural areas. In the process 282,000 acres of rundown forest lands were improved by planting seedlings or applying cultural work, such as removal of diseased or misshapen trees.

The cost of this worthwhile undertaking was shared by nearly 14,000 owners of small tracts in a ratio of $3 million in private funds to $9 million Federal.

The program is of special interest to me because Mississippi is one of the leading States in total accomplishment. Its citizens planted 12,000 acres and improved growing conditions on 4,500 acres more. The Federal share of the cost of this work was $478,465, an average of $29 per acre.

National accomplishments were shared in by all of the contiguous 48 States with 170,000 acres planted and 112,000 acres improved in cultural treatments. About 84 percent of the planting occurred in the pinewoods of 13 Southern States, while more than one-half of the stand-improvement work was applied in the hardwood stands of Northern States.

It will be recalled that the Forestry Incentives Act authorizes the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small nonindustrial private and non-Federal public forest landowners.

It is estimated that in 30 years the United States will need twice the amount of wood and other forest products that we now produce. A very substantial part of the required increase in production must come from privately owned nonindustrial forest lands, which average growth is only one-half the capacity.

The accomplishments under the program in the first year of operation clearly show that it is succeeding, and can attain its purposes.

In addition, Mr. President, under the present circumstances of high unemployment and efforts toward energy conservation, there are additional benefits from this program which should be pointed out.

The forestry incentives program is providing employment now, and in doing so it requires an input of at least $1 in private money for every $3 in Federal money.

The program is carried out in rural areas, where income levels are low and unemployment is a serious problem. It does not require expensive labor training programs.

The forestry incentives program is an investment in a renewable resource which yields products that are used in place of those from energy depleting sources, and it does so at a minimal consumption of energy.

I look forward confidently to greater accomplishments at both the State and national levels under the $15 million forestry incentives program the Congress has approved for 1975.

THE BEGINNINGS OF THE AMERICAN REVOLUTION

Mr. KENNEDY. Mr. President, in less than 2 weeks, on April 19, we will commemorate the opening battle of the American Revolution in Lexington and Concord, Mass. Thousands of visitors from all over the Nation will join in the celebration of America's first steps toward full independence and government by the citizens of this country.

An article in the distinguished magazine, Smithsonian, describes in very human terms what those days were like 200 years ago in Massachusetts. As we recall the struggle to form a new nation, we have the opportunity to renew our commitment to those principles of freedom and responsibility, justice, and compassion for which we paid such a high price in the lives of our first men and women citizens two centuries ago.

I ask unanimous consent that the article, written by Edward Park, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Single Shot on a Spring Day Starts the War

(By Edward Park)

Northwest of Boston, the land lies flat along the Charles and Mystic Rivers until, at the village of Menotomy, it rises suddenly. It remains level, however, until beyond Lexington. Then begin a number of rocky ridges, plowed aside by ancient glaciers, that stretch to the hills of Concord.

General Thomas Gage, Royal Governor of Massachusetts, has Concord on his mind as the winter peters out, surprising everyone with its lack of severity. Gage knows that this spring he must end the growing rebellion in Massachusetts. Spring is the time to move troops, and troops must be used to clamp down on the insurgents. Once that's done, then surely the Ministry will make concessions to salve bruised feelings and restore the Colonists to serene loyalty. Gage is most anxious for this to happen. He likes Americans.

To speed this happy prospect, Gage decides to send a force to Concord to seize military supplies. Concord is the current seat of the Provincial Congress, an illegal body which seems to have more authority over the Colony than Gage does. It is a stronghold of insurgency and also a convenient distance from Boston—21 miles if you march out Boston Neck, 16 miles if you take a shortcut by crossing the mouth of the Charles to Cambridge.

When, on the 16th of this month, Gage gets a four-month-old letter from Lord Dartmouth, Secretary of State, warning him that the King wants the rebel leaders arrested, Gage simply nods in partial agreement. He has already laid plans to send all his grenadiers and light infantry to Concord on the night of the 18th. If they happen to scoop up Sam Adams and John Hancock, the two leading revolutionaries, so much the better.

Adams has been suffering lately from the sick feeling that his revolution is withering on the vine. Boston is being strangled by the British; its anger should be at flash point, but what with the advent of spring and the flow of supplies from other Colonies, no one seems to want to go to war anymore. People are more interested in spring plowing and courting in the moonlight while the peepers sing in every April puddle. The Provincial Congress has been a waste of time. Many of its members have been claiming to have spring colds so they don't need to show up.

With Adams is young John Hancock, rich, spoiled, elegant, shallow and utterly political in all his motives—but vastly useful to the cause. They are staying at the Reverend Jonas Clarke's parsonage in Lexington because Mrs. Clarke is Hancock's cousin. It's crowded but convenient—only a six-mile ride to Concord.

Adams adjourns his congress on the 15th. Next day, Paul Revere rides out from Boston bringing the news that the British troops are doing some suspicious things.

Gage has 11 regiments in Boston; each has a company of grenadiers and each is supposed to have a company of light infantry, though one company hasn't arrived. He calls for these special companies to stand down from regular duties and alerts the transports in the harbor to ready their longboats for a little ferrying. Colonel Francis Smith of the Tenth Regiment is put in command of the Concord expedition—a stout man with a well-earned reputation for being slow to move. Seconding Smith will be Major John Pitcairn of the Marines, also stout, but quick and decisive. He is a decent man, well liked by the Americans as well as his own men.

On the 18th, Gage sends a group of his bored young officers for a ramble in the countryside, out toward Concord. They are to wear side arms, but must conceal them under their cloaks, for off-duty officers must not bear arms by special order. They are to watch for signs of insurgent activity—heavily loaded wagons, groups of men on the move, that sort of thing. Gage stresses the need for secrecy. He is annoyed when his brigadier, Hugh, Lord Percy, a popular young colleague, reports that the news of a march on Concord seems to be the gossip of Boston. Too late now. The fat's in the fire.

At ten p.m. on the 18th, some 700 light infantrymen and grenadiers assemble and march quietly down to the riverfront. They must wait a miserable length of time for Smith. Then they cross the Charles and reassemble in the Cambridge swamps. Again they must wait, two hours up to their knees in a marsh, for rations which they do not want. At about two a.m. they march off very quietly up to Menotomy (which one of their officers insists upon calling "Anatomy"), and on toward Lexington. They are wet, disgusted and cynical about the loss of secrecy, for all about them in the dark, bells are ringing and distant muskets firing. They are also overjoyed at being out of Boston and headed for adventure in the soft countryside, with a bright moon above.

Revere has been responsible for spreading the word (Smithsonian, April 1973), but he's almost too far ahead of the British. He arrives in Lexington at about the time the troops are standing in the mud. Swinging up to the Clarke house, he finds the lights out and a militia guard outside telling him to cut out the noise.

"Noise!" says Revere, "You'll have noise enough before long. The Regulars are coming out!"

Clarke sticks his head out of the window to see what the fuss is about. Revere won't talk to him. His message is for Adams and Hancock, and he is too tired and tense to take any nonsense. And then Hancock's voice comes from inside: "Come in, Revere; we're not afraid of *you*." Half an hour later, up rides Revere's friend Billy Dawes, who took the long route from Boston with the same message. They have a drink inside while couriers rouse the minutemen and Captain John Parker comes in for a briefing.

The minutemen assemble, then are dismissed and kept on call, for there's no sign of the redcoats. Many walk from the green over to Buckman's Tavern, beside it, and toy with a pot of rum to still the quiver in their guts. At about dawn someone gives a shout and they all hurry out to the green again and form a ragged line—60 or 70 men. Townsfolk gather in excited throngs around the green.

Eastward, where the road approaches from Boston, the sky lightens and a fat spring robin shouts from the tree beside the meetinghouse and its adjacent belfry. And then, incredibly, the whole eastern view seems filled by a rippling mass of black caps and shiny, swaying bayonets. The scarlet jackets look dark in the dawn light as the mass comes nearer. There are so many, so very many. The men on the green catch their breaths and swallow dryly.

Officers on horseback ride forward and the minutemen hear confused shouts to lay down arms and disperse. Parker turns and says something; the men near him begin moving off the green, still carrying their guns. There are more shouts—then, with awful clarity, the sound of a shot. No one can tell where it comes from, but it is followed by other scattered shots and then the dawn is ripped by a red gout of fire and the crash of a military volley. And suddenly everything is over for eight Americans—and for all the hopes of peace that Gage has had, that Benjamin Franklin has had, that the Earl of Chatham has had, that Thomas Jefferson has had, that George Washington has had, that King George III has had.

The British officers, appalled, whirl their horses around and make the slashing downward saber stroke that signals "cease fire," but the light infantrymen are out of hand, charging in now with bayonets. When finally they are brought to order, they shout a huzza, giving voice to all the frustrations and insults they have suffered in Boston. They form and swing off on the Concord road as the grenadier companies, coming behind, reach the green.

There, a young man crawls the 50 yards to his own doorstep and as his wife opens the door he looks up at her and dies. And an old man sitting on the wet sod, his musket half reloaded, slumps forward, his insides torn apart by a bayonet. Silent with shock, the villagers move among the bodies. Sam Adams, hastening to safety with John Hancock, savors the distant sound of musketry. "What a glorious morning this is," he exclaims.

THE MILITIA AND THE BRITISH PARADE IN TANDEM

Glorious it is, in a simpler sense than Adams means, for the sun is up on a warm, bright day. The Regulars, stepping out for Concord, can forget silence and secrecy, for the cat is well out of the bag. The fifer and drummer for each company move forward, and sprightly tunes lift tired feet and remind all ranks that they are elite troops of the world's finest army. Fifers and drummers wear regimental colors in reverse—where the Tenth Regiment wears scarlet coats with yellow facings, the Tenth's bandsmen wear yellow with scarlet facings.

Concord's men have been alerted for hours, and the supplies are well hidden. But the persistent rumor of real gunfire in Lexington is worrisome. So down the Lexington road march some 200 Concord men, muskets and fowling pieces aslope, powder horns dancing on hips as the fifer and drummer give them the impudent tune of *Yankee Doodle* to keep them in step. They round a bend—and there ahead is a great waving column coming right at them, white breeches flashing in the sun, metal buttons gleaming. The front ranks are a brilliant array of yellow coats, buff coats, black coats, blue coats, all with scarlet facings, and behind come file after file of scarlet. With enormous sangfroid, the militia executes an about face and heads back to Concord, the fifer still playing, and 200 yards behind them, the British musicians come to life and pick up the American tempo with a sudden shrilling of fifes and deep bellow of regimental drums. "Grand music," a Concord corporal notes wryly to himself.

The Americans keep to the heights around Concord while the British enter town and set about their search for stores. Grenadiers do the work, hulking men being very careful not to cause trouble after the bad business in Lexington. They miss most of the supplies, allowing themselves to be chivied off by vociferous old women brandishing brooms and screeching imprecations. But they find some gun carriages and set them afire. And that causes a lot more trouble.

For the Americans have by now gathered on Buttrick's hill, overlooking the North Bridge over the Concord River. There are about 400 of them—the Concord men and newly arrived minutemen from Acton, Bedford and other neighboring towns. Facing them, guarding the bridge, are three companies of British light infantry. Three other companies have moved on to search out more supplies. When the smoke of the burning gun carriages rises above the bare trees toward town, the Concord men think their homes have been set aflame. Cursing and pointing, they start toward the bridge, half running down Buttrick's hill. They far outnumber the three British companies (there are about 28 men to a company), and the British prudently scurry back across the bridge and take up a formation for street fighting wherein one rank can fire, then move aside and form again in the rear while the next rank fires—and so on. A couple of redcoats dash back to the bridge and begin tearing up the planking. "Stop doing that to our bridge!" shouts Major Buttrick, and the British look up, abashed, and obediently trot back.

By now the Americans are swarming down toward their end of the bridge, tramping through the low ground where the river always floods in April—except in this year of the mild winter. British officers shout at them to halt, and a few pistol bullets strike the water as they fire to the side to deter the Americans. It doesn't work. The militia are almost on the bridge now, and an order rings out clearly from the other side. Then there is that awful rippling blast of dark flame and white smoke as the leveled Brown Bess muskets of the front rank discharge their volley. A couple of the Americans spin back and drop suddenly, and a high-pitched voice shouts "Fire! For God's sake, fire!"

And then, without much order, some 400 muskets and fowling pieces and even a few rifles open up with a rolling roar. Splinters fly from the bridge; twigs bearing April buds spin down, clipped from branches and bushes. Reeking smoke hides the scene and when it clears off the Americans gape at the back of those scarlet coats, bobbing away toward town. The Americans cross over and look down at a few sprawled bodies—their own king's troops. One badly wounded soldier, trying to crawl away, is seen by a dim-witted country lad straggling behind the main body of Americans. The sight so shocks the poor rustic that he smashes at the man's head with his hatchet as though trying to drive away the horror.

Of course, when the three foraging light infantry companies cross back over the bridge some time later, they note the grisly sight and report that Americans are scalping and gouging their victims.

It is apparent to Colonel Smith that April 19 is not his day. He and Pitcairn assemble their forces and start back toward Boston. They are aware that armed men are lining the ridges beside the road, but they have long ago sent back to Boston for reinforcements and they feel they can extricate themselves from this mess without too much trouble.

They can't. The men on the ridges leave the British alone at first, as the red column starts back. The Americans have had a bellyful of violence, this bright spring day, and they don't really want any more. They just want to make sure the redcoats get out of town. But every minute, now, new militiamen are arriving over hills and across fields. They wear scraps of old provincial uniforms—or simply farm smocks and perhaps worsted caps. They carry muskets their fathers used in the French wars, 20 years ago, and pouches where shot mingles with slabs of salt pork and hunks of cornmeal journey cake (johnnycake). They have all heard vastly exaggerated tales of stand-up battles with the redcoats ending in splendid triumphs for the militiamen. They want to get into the action. When they reach the Concord ridges and look down at the weary red column trudging homeward, they find it the most natural thing in the world to snuggle down behind a rock and squeeze off a shot.

Galled by this firing, the grenadiers often halt, face right and left and slam out a volley in return. But they have few targets and, anyway, their technique is not to aim particularly, but to fire forward and so lay down a curtain of lead—most effective in open country where European wars are fought. But this is rough terrain, and Americans know nothing except a smattering of the Indian tactic of hide-and-snipe.

The first road junction east of Concord is called Meriam's Corner. Here the Colonials are lying in wait for the British, and a hail of musketry pours in. Tall grenadier caps fly in the air as men sag and topple on the road. Americans following behind find puddles of blood in the ruts.

Tired though they are, the British light infantry companies spread out to do their job—to sweep the flanks of the main column, flushing ambushers like partridges. And American losses begin to mount, for light infantrymen *do* take aim when they come up on their quarry. When the ridges taper off into the level land west of Lexington, the Americans begin hiding in houses and barns beside the road. And the light infantrymen smash their way in and shoot at everything that moves, then set fire to whatever will burn.

Yet as the day wears on, exhaustion becomes the chief factor. Some British troops now straggle, risking death or capture rather than driving their aching bodies any longer. Colonel Smith is wounded, but cannot sit his horse because he is too tempting a target. He hobbles along in the ranks. Major Pitcairn's horse has bolted toward the Americans, carrying his fine brace of pistols in the saddle holsters. The Americans gratefully liberate them.

By the time the column reaches Lexington, the end is in sight. The flankers have pulled in, too tired to maintain the dogtrot that is required of them. Most men don't even pause to shoot back at the incessant fire from the flanks. Some break ranks and run blindly until they drop. As they hurry past Lexington Green, no one gives it a second look or a thought of the little skirmish at dawn that started the big day.

And then there is, for the beleaguered British, a wonderful sound—the buzzing whirr of a cannonball over their heads and the smash of planking as it rips into the meetinghouse, sending a party of Americans scampering for their lives. Ahead, the road is filled with fresh redcoat ranks. Lord Percy has arrived with the reinforcements.

Smith's men run for safety and drop gasping to the ground. Percy's two cannon bellow irritably to keep the pursuers at bay. Debonair as ever and now very much in charge, he turns Munroe's Tavern into a hospital, fixes his lines so the routed units can get some rest, then gets the whole outfit out on the road to Boston.

The march to Boston becomes more of the same until even Percy's reinforcements are exhausted by the galling fire from hidden farmers. As day fades, the whole contingent darts over Charlestown Neck and sprawls on the grass, under the protection, at last, of the guns of the anchored men o' war in Boston Harbor.

All around the town, myriad campfires spark to life in the twilight as the Americans sizzle their salt pork and warm their johnnycake for supper. Clearly, they don't intend going home just yet.

PROPAGANDA WAR BEGINS

And so the long day of April 19th ends. The British have suffered 73 killed, 174 wounded and 26 missing, which indicates that the Americans outnumbering them about four to one and, shooting at them from concealment all day, scored 247 hits. The Americans have lost 49 killed, 39 wounded and 5 missing.

No sooner is the shooting over than the propaganda war begins, both sides trying frantically to prove that the other side started it. The Americans are quicker with statements and couriers than are the British. The news (properly slanted) is in New York by the 23rd, in Philadelphia a day later. Minutemen keep arriving outside Boston. There are some 20,000 by the 20th, including Israel Putnam, a garrulous old veteran who actually leaves his plow in his Connecticut field in order to make the scene, and a party of New Hampshiremen who march 55 miles in 18 hours. The Provincial Congress meets in Watertown to appoint Artemus Ward commanding general. He is a nice man, but too fat to mount his horse. Putnam is made his second in command.

The news reaches Mount Vernon on the 28th, and George Washington adds it to the more local tidings of what has been happening at Williamsburg. For on the 20th, a group of Marines from a ship in the James River slip into the powder magazine in dead of night and make off with 15 half-barrels before the watch discovers them. Lord Dunmore, of course, is behind the raid, and the villagers are barely dissuaded from storming the governor's palace. Instead, they politely protest, and Dunmore replies that he's going to arm the slaves and burn the town. This stirs up the Virginians so that some 600 men are ready to march from Fredericksburg and get the powder back. Washington and other moderates cool these hotheads, but news of Concord and Lexington sends Patrick Henry off on the kind of glorious crusade he's been looking for. With 150 volunteers—who have to listen to a formidable amount of fiery oratory as part of the terms of their service—he marches on Williamsburg. Once more cooler heads prevail. Henry is persuaded to accept, on behalf of the Williamsburg townsfolk, a government payment for the powder and dismiss his expedition.

Even among people who have heard the news from the north, there is a feeling of unreality, a sense that life will go on despite the bloodshed in Middlesex County, Massachusetts. In Philadelphia, it is easier to read Tom Paine's generalities in *The Pennsylvania Magazine* or *The Pennsylvania Journal* than the specifics from Massachusetts. Last month Paine wrote an article damning slavery. This month, partly as a result, the American Antislavery Society is formed.

Out in Kentucky, Daniel Boone this month founds Boonesborough and some other settlements in the wilds beyond Cumberland Pass. Concord and Lexington are far, far away.

As the month ends, John Burgoyne, the King's general who faced overseas duty with so many moral misgivings, finds himself pacing the deck of H.M.S. *Cerberus,* bound for America with his follow generals, Sir Henry Clinton and William Howe. Burgoyne has left a note to be opened by King George upon news of the general's death. In it, he seeks a royal protection for his beloved invalid wife, Lady Charlotte. He doesn't seem too sad about his posting now, however. He and the other two have got the frigate laden down with boxes of food and cases of wine.

Benjamin Franklin is also on the Atlantic as the month closes. He is headed home at last, his years of service in England, his dreams of having a direct role in building a British Empire to the Pacific all finished, hopeless. With him, aboard *Pennsylvania Packet,* is his grandson, William Temple, the bastard son of William Franklin, Benjamin's firstborn.

In France, this month, the king's Foreign Minister, Charles, Comte de Vergennes, writes a letter to Pierre Caron de Beaumarchais, a strangely powerful court figure who began his career as a watchmaker. Beaumarchais is to get a million livres from France and an equal sum from Spain, and with it he is to start a private commercial firm "at your risk and peril" and begin supplying the Americans with arms.

They need all the help they can get. In Cambridge, where Ward's "army" is encamped, there is a miasma in the spring air. Camp kitchens, slaughter pens for cattle, latrines, graves—all are inextricably mixed. Food is terrible, illness is rife, discipline is almost absent. Men who elect their own officers do not expect to have to obey them against their wishes—and the officers are well aware of the best way to get elected. So there are no great demands put on the soldiers, no punishments. They come and go as they wish. But, oddly enough, there are always enough of them there, ringing the city of Boston, to keep the British inside. As every day passes it becomes more obvious that, just as Sam Adams and Dr. Joseph Warren are saying, a war of sorts has indeed begun.

With the raising of the curtain, the prelude to the Revolution is over. Now at last we can end our pretense at direct involvement with the 18th century and step back to the 20th with its convenience of perspective. We know that the bumbling, awkward start that was made that April resulted finally in victory. We can even understand why, thanks to other events in our more recent history that seem to prove that consistent guerrilla pressure cannot be stamped out. We have seen England learn it, Germany, France—we have learned it ourselves.

We have been concerned, however, with the start of the American Revolution, not the outcome. And there is one point about the start that still titillates us, despite all our sophisticated knowledge and perspective: Who really *did* fire the first shot—the "shot heard round the world"?

Let's recapture the scene: the minutemen on Lexington Green, tense and frightened; the advance detachment of light infantry marching up, halting, forming a broad front to cope with whatever these yokels think they will do about it. Both sides are at the psychological point where they will pull a trigger. But consider yourself one of the minutemen. Would *you* deliberately aim and fire at that great scarlet array with all those gleaming weapons ready to give it right back to you? Now consider yourself an infantryman. Would *you* take it upon yourself to cut loose, all alone in the ranks, your single shot ringing out with nightmarish clarity, the prospect of some savage company punishment firmly in your mind?

Yet what if you were a laggardly militiaman who had dawdled too long over your rum to make it to the green on time? What if you went to an upstairs window of Buckman's Tavern, your musket loaded and primed, and peered out at the scene below—the line of citizens on the green, the ranks of soldiers facing them, the onlookers along the sides, the officers prancing up on their horses, calling our for dispersal? Your shot, you think, might start something very good. Anarchy sometimes seems attractive from afar. It's obvious to you that war is coming, so why not be a hero and kill an officer?

So you aim and fire—and miss. And in a moment you see eight fine men dead on the green, so you decide to shut up about it. Then, later still, Mr. Adams and Dr. Warren make it perfectly clear that the British started the war, so you worry your little escapade to the grave with you.

There is another possibility. The young British officers on that expedition had been cooped up all winter and were desperate for action. Here, in the half-light at Lexington, they saw a chance for it and mounted officers probably drew their pistols. How easy, then, to cock one, to grip it too hard as you yank it from its holster, to loose a harmless shot at the ground. Gunsmiths say that a well-worn flintlock could go off from the presumably safe half-cock position of the hammer. The war could have started by accident.

FIRST SHOT WAS INEVITABLE

It really doesn't matter. If the first shot had not been fired at Lexington, it would almost certainly have rung out at Concord. If it had not been fired on April 19, it surely would have been at the next confrontation. And if that had occurred in May, this column would have continued for another month.

For the spring of 1775 dawned on a mood of deep conviction shared by a considerable number of people—not everyone, but enough to produce an army of sorts along the Battle Road between Boston and Concord. The people whom we call forefathers were not unlike us—perhaps a bit simpler, a bit more ready to accept bad along with good, to relish their pleasures and yet still suffer for their beliefs. They were the sort who would, with quiet assurance, leave the laughter of the tavern and take their places on the village green in the waiting silence.

PRIVILEGE OF THE FLOOR

Mr. GRAVEL. I ask unanimous consent that during the consideration of S. 622, I be allowed an additional staff person, Lynn Finney, to assist me in my deliberations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAVEL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STONE). Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 622, which the clerk will state by title.

The assistant clerk read as follows:

A bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is on the agreeing to amendment No. 314 by the Senator from Alaska (Mr. GRAVEL), with 10 minutes debate on the amendment to be equally divided and controlled by the Senator from Washington (Mr. JACKSON) and the Senator from Alaska (Mr. GRAVEL).

The Senator from Alaska is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAVEL. Mr. President, I ask unanimous consent that the order be changed as to voting, and that we proceed to vote on my amendment No. 315 and, after the disposition of that amendment, then we will proceed to the disposition of my amendment 314.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JACKSON. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The request, the unanimous-consent request, was to take up No. 315 of the Senator from Alaska first and then revert to the Senator's amendment No. 314.

Mr. JACKSON. I have no objection.

Mr. FORD. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. Would the Senator withhold for one moment until we finish with this unanimous-consent request.

Is there objection to that request?

Without objection, it is so ordered.

There are 7 minutes on amendment No. 314 left to the Senator from Washington.

Mr. GRAVEL. How much time does the Senator from Alaska have?

The PRESIDING OFFICER. The Senator from Alaska has utilized his 30 minutes.

Mr. JACKSON. We are taking up No. 315.

The PRESIDING OFFICER. That is correct.

Mr. JACKSON. How much time remains?

The PRESIDING OFFICER. Seven minutes to the Senator from Washington on 315.

Mr. JACKSON. I am prepared to yield back my time on that.

Mr. GRAVEL. On 315—I have no time left on 315, as I understand it.

The PRESIDING OFFICER. That is correct.

Mr. JACKSON. If the Senator needs time, I will give it to him.

Mr. GRAVEL. No, I think we can proceed to vote on that.

The **PRESIDING OFFICER.** The Senator from Kentucky sought recognition for a unanimous-consent request.

Mr. **JACKSON.** I will yield for that purpose.

Mr. **FORD.** I ask unanimous consent that Tommy Preston, a member of my staff, be given the privileges of the floor during consideration of this legislation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **GRAVEL.** Mr. President, a parliamentary inquiry.

The **PRESIDING OFFICER.** The Senator will state it.

Mr. **GRAVEL.** How much time does the Senator from Washington have on amendment No. 315?

Mr. **JACKSON.** Seven minutes.

The **PRESIDING OFFICER.** Six minutes.

Mr. **GRAVEL.** Will the Senator yield to me at least half of it or all of it, if he does not want it, so I can use it on 314? Obviously we are not working under a gag rule, and I could——

The **PRESIDING OFFICER.** The Senator could have 5 minutes on 314.

Mr. **GRAVEL.** That would give me 10 or 11 minutes which are precious.

Mr. **JACKSON.** I will give the Senator all my time in reply to this amendment.

Mr. **GRAVEL.** And we will use it on 314.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 315

The **PRESIDING OFFICER.** The question is on agreeing to Mr. Gravel's amendment, No. 315. [Putting the question.]

Mr. **JACKSON.** Mr. President, are the yeas and nays ordered on this amendment?

The **PRESIDING OFFICER.** They have not been ordered.

Mr. **JACKSON.** I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. **ROBERT C. BYRD.** I announce that the Senator from Hawaii (Mr. Inouye) and the Senator from Washington (Mr. Magnuson), are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) is absent on official business.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "nay."

Mr. **GRIFFIN.** I announce that the Senator from Tennessee (Mr. Baker), the Senator from Hawaii (Mr. Fong), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. Case) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. Case), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Taft) would each vote "nay."

The result was announced—yeas 21, nays 69, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—21

Bartlett
Bellmon
Buckley
Curtis
Dole
Fannin
Garn
Goldwater
Gravel
Hansen
Helms
Hruska
Laxalt
Long
McClure
Montoya
Packwood
Scott, William L.
Stevens
Thurmond
Tower

NAYS—69

Abourezk
Allen
Bayh
Beall
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Domenici
Eagleton
Eastland
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Mansfield
Mathias
McClellan
McGee
McIntyre
Mondale
Morgan
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—9

Baker
Case
Fong
Inouye
Magnuson
McGovern
Metcalf
Percy
Taft

So Mr. Gravel's amendment (No. 315) was rejected.

Mr. **GLENN.** Mr. President——

Mr. **JACKSON.** Mr. President——

The **PRESIDING OFFICER.** The Senator from Ohio.

Mr. **GLENN.** Mr. President, I ask unanimous consent that a member of my staff, Mr. Leonard Bickwit, be allowed the privilege of the floor during the consideration of this bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1975

Mr. **JACKSON.** Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 25.

The **PRESIDING OFFICER** (Mr. Stone) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 25) to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. **JACKSON.** I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Stone) appointed Mr. Jackson, Mr. Metcalf, Mr. Johnston, Mr. Haskell, Mr. Fannin, and Mr. Hansen, conferees on the part of the Senate.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

AMENDMENT NO. 314

The **PRESIDING OFFICER.** Who yields time?

Mr. **JACKSON.** Mr. President, how much time do I have?

The **PRESIDING OFFICER.** Four minutes remain.

Mr. **JACKSON.** I yield 3½ minutes to the Senator from Alaska.

Mr. **BENTSEN.** Will the Senator yield for a unanimous-consent request, and not have it charged to his time?

The **PRESIDING OFFICER.** Does the Senator from Alaska yield?

Mr. **GRAVEL.** I yield, if I do not have the time charged to me.

Mr. **BENTSEN.** Mr. President, I ask unanimous consent that my staff member, Mr. Larry Meyers, and the staff member of Senator Johnston, Mr. Paul Haygood, be allowed the privilege of the floor.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **GRAVEL.** Mr. President, I would like to ask my colleagues, as many as possible, to remain. We will be voting again in 10 minutes.

Mr. **JACKSON.** Will the Senator yield to get the yeas and nays?

Mr. **GRAVEL.** The yeas and nays have been ordered.

The **PRESIDING OFFICER.** The yeas and nays have been ordered.

Mr. **GRAVEL.** I would like to make that request of my Democratic colleagues to remain in the Chamber, because this legislation will do more than anything else to unseat the Democrats and change the majority from this side of the aisle to that side of the aisle. I would hope that my Republican colleagues would not be so partisan as to be persuaded by that argument, but that is what is going to happen. I hope they will vote for my amendment, which is very simple.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRAVEL. Mr. President, I ask unanimous consent that any search for order by the Chair not be charged to my time.

The PRESIDING OFFICER. The Chair observes that this search for order will not be charged to the time of the Senator from Alaska.

The Senate will be in order. There should be sufficient quiet so that Senators can hear the Senator from Alaska.

Mr. GRAVEL. I hope it is not too much to ask, to witness the destruction of the Nation, and it could be done briefly, in 10 minutes.

Let me bring to the attention of the Senate what is really in the proposed legislation. I do not think many Senators are aware of it. I know that many times I vote on matters and I do not know what they contain.

Section 203 of this bill says that "These Federal initiatives shall include"—and this is what Congress is going to direct the FEA to do. They have several things, such as control of lighting, signs, and a group of other things. But there is one that Senators should really get a feel for, and that is item (H), which reads:

> Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

Let me tell Senators what that means. That means that everybody in this country will have his automobile regulated. If Senators think that gun control is an emotional issue, they should hang onto their hats, because this means that John Q. Citizen has to report his daily mileage to somebody in Government. I had an extensive colloquy with the Senator from Ohio, representing the committee, on this subject. He referred me to page 52 of the report. So I read page 52. Let me read it:

> Policies to discourage purely discretionary driving involving reduced hours of operation for service stations—

That means that if you live in Vermont and you depend upon a ski resort, a gas station being open on Sunday is pretty important. Now we are going to have a bureaucrat tell us what to do in that regard.

We move from that to purchase limitations on odd-even days. We have a 38-day supply of oil in this Nation right now. Our refineries are operating at less than 85 percent capacity. We are now going to make the American people line up at the gas stations on odd and even days to buy oil. I cannot understand this, and I submit that when the American people see what has been done to them, they will not understand it, either. They are going to get back at Congress.

When we passed the allocations bill in 1974, we did it to industry. What we did was to say to industry, "You aren't smart enough to let the marketplace make decisions. We're going to hire bureaucrats to make the decisions. We're going to pay somebody, and he's going to tell you what to do."

If I had the time, I would tell Senators the horror stories this has caused.

It was done to industry, but now it is going to be dangerous, because it is going to be done to citizens. And they will find out what has been done to industry. The Senate is going to do that to the citizens with this legislation.

Some Senators may think that they are doing something for the energy crisis in this bill. We developed this at great length yesterday afternoon. There is not one word in this bill that adds one fraction of a barrel of oil or one fraction of a million cubic feet of gas to the marketplace of the United States of America.

We talked a great deal about OPEC. We cannot pass laws in this country about OPEC. We only pass laws doing it to ourselves, and that is what we are doing here. I try to understand why we do these things to ourselves, and it is because of misconceptions.

We have this chart here. The charge is that the oil companies are ripping us off, are making excess profits. In opposition to the Senator from Washington, I put forth two major studies by the Finance Committee. I put forth the Chase Manhattan study. This chart is from the First National City Bank, which says the oil industry made 12.3 percent profit, as opposed to average national manufacturing at 12.6 percent. I put out the entire Forbes article dealing with profits for 850 American companies. How do you get the facts to people? Just look at where the oil industry is placed in that. More than half of the oil companies are below the 425 line.

We talk about profits. Look at Skyline—look at those profits. Four-year average profit of 37.4 percent. What is that? That is a mobile home company.

We Democrats are worried about the poor people, so we do not want to let the price of gasoline go up for the poor people. Who buys mobile homes—the rich people? The poor people do. And the companies that have been selling to the poor people have been ripping them off to the point of 37.4 percent. In my amendment is an excess profits tax that guarantees that you cannot rip it off, that you have to reinvest it in energy.

Are these facts absorbed? All I ask is for somebody to come forward with facts and proof. Destroy my argument if you can, but these facts are there. It is upon an erroneous perception that we are developing policy critical to this Nation. That is very serious.

We do not regulate any other company on this list. It is free in the marketplace—except oil. We compress the price. We limit the price with our bleeding hearts, saying that we want to help the consumer. What we do, in fact, is to cut out the amount of product to the consumer.

Why should a person invest in developing production in oil when the price is regulated, when he can go into mobile homes, when he can go into Xerox?

Look at CBS. CBS is ahead of oil companies in profit. This is not 1 year. This is a 5-year average, including the last year.

What does it mean to deregulate? All that happens is that the present allocations will expire on the 31st of August. In addition, at that time an excess profit tax I have included will be instituted. I have discussed that before the Senate. What will that mean to the economy, to the consumer? How terrible will it be? In the FEA records and the paper that Senator JACKSON signed, together with other Senators, on H.R. 2166, one estimate was that it would cost 5 cents a gallon of gasoline. What does that free market mean to the consumer, who now will be able to get more gasoline and oil and not have to buy it from the Arabs? It will mean 75 cents a week, $3.20 a month, $38 a year. What is it going to cost to establish the bureaucracy to regulate the use of the automobile in this country? I think we would be lucky if we got away with $10 billion. That is the whole cost of deregulation. So all I plead for is that Senators treat the oil industry, the energy industry, the way they treat every other industry. Forget about the oil companies. We are talking about an industry that is critical to the survival of this Nation.

I have charts as to what has happened since 1954, when we regulated energy through gas.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MORGAN). The Senator has 4 minutes remaining.

Mr. GRAVEL. What will happen is what has happened before with gas. This is a chart which shows total exploration development and wells drilled. This is by the American Association of Petroleum Geologists and API. Senators can see what has happened.

This is when we first started. The court case came out as to the deregulation of natural gas. Nobody understood what happened at that time. It took time for the industry to grasp it, and when they did grasp it, see what happened—from 1954 to 1974. How many more times do we have to realize that we are destroying ourselves?

This is the price in constant dollars. This is from the U.S. Bureau of Mines. Look at what has happened to that line.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GRAVEL. I am happy to yield.

Mr. LONG. I say to the Senator that the estimates are that we should be spending about $30 billion a year in this country in developing new sources of energy, as the Senator has suggested. Instead of that, we are spending about $8 billion.

It makes a lot better sense that the price of the product should pay for that additional $24 billion of energy development than it does that we would raise that money by a $24-billion tax on the American people. Those are the options, Senator, when we really get down to it.

We have another option, and I am sure that this bill suggests that: do without. But the American people do not want to do without. We have enough energy, leaving fossil fuels alone, to last us for 1,000 years in this country.

Mr. GRAVEL. In the Committee on Finance study on profitability, and it was confirmed on the tax returns of the oil companies, it was shown that with a profitability of 10.3 percent, we raised $112 billion. With a profitability of 15.4 percent, which has never been reached—not even in 1974, the banner year—we raised $168 billion. This shows right here, from FEA, from other organizations, the amount of money we need to become self-sufficient. The minimum is $200 billion. Even if the oil companies have a 15-percent profit, they can only get $168 billion; so we must stop and put our heads on right and say, how do we get money into the hands of industry to do the job? There are only two ways to do it: Through the price mechanism, and that is pay as you go. It is not inflationary. That is the best way to do it.

If the industry fails, then the Government has to do it and do the Senators know who is going to pay? The taxpayer. The Senators know who the taxpayer is; he is the consumer. It is the same guy.

Why not let industry do it? We at least have a check and balance. When we let the Government do it, there is no check and balance. We are supposed to be the check.

How many of us are familiar with the FEA report that was turned in to us this year? They have to report to us every year. How many have read it? A Senator told me it was 10 inches thick. How many of us are aware of what the FEA is doing?

How many of us know what this equation on this chart means? Is that not interesting? Is there a Senator on the floor who can tell me what that equation is? That is the propane pricing formula that the private sector, small and large, must undergo. One would need a Ph. D. physicist to figure it out.

The FEA put out 2,000 pages of regulations explaining the regulations of January 22, 1974—2,000 pages. It stands this high.

Gentlemen, I just beg of you, what I am saying is, why not treat the energy industry like any other industry? We had a colloquy here about chickens yesterday. The situation on chickens is very simple. Senators remember when they were drowning chickens. Do the Senators know why the were drowning them? Do the Senators know why they were killing the calves? Because it cost more to feed the chickens and it cost more to feed the cows than they could sell them for. So they killed them. They were not going to take a loss.

The industry here is different. What they will do is—there is nothing to kill—they will walk away from it. That is what will happen.

The PRESIDING OFFICER. The time of the Senator from Alaska has expired.

The Senator from Washington has 3 minutes.

Mr. JACKSON. Mr. President, to state it simply, this is precisely the amendment that we just voted down 69 to 21, except the decontrol occurs on August 31 instead of immediately. What we are talking about, so every Senator understands, is a proposal that we raise the price of old oil from $5.25 a barrel to $14.40, effective August 31. Coal and natural gas will all go up with it. We are talking of gasoline, heating oil, propane and all the others going up by billions and billions of dollars annually.

I submit that in this period of inflation and recession, I cannot think of anything that will do more damage to the economy than to terminate the Allocations Act. It would leave the little independent dealer, whether he is a refiner or a gas station operator and the consumer at the mercy of OPEC and the major oil companies.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. CASE) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE) and the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 23, nays 68, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—23

Bartlett
Bellmon
Brock
Buckley
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Gravel
Hansen
Helms
Hruska
Laxalt
Long
McClure
Montoya
Packwood
Scott, William L.
Stevens
Thurmond
Tower

NAYS—68

Abourezk
Allen
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Mansfield
Mathias
McClellan
McGee
McIntyre
Mondale
Morgan
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—8

Baker
Case
Fong
Inouye
Magnuson
McGovern
Metcalf
Taft

So Mr. GRAVEL's amendment (No. 314) was rejected.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, on my own time, I wish to make a short statement.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, I yield for colloquy to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, first I commend the able and distinguished Senator from Washington for his leadership on the legislation that is now before us. It is a very fine piece of legislation.

My purpose in rising now to engage the Senator from Washington in this discussion is to call to his attention once again the legislation that both he and I are sponsoring for an energy conservation program. The legislation that is before us at this time would permit the FEA to establish certain conservation proposals. The bill that we introduced on March 11 would, I think, address the conservation issue much more precisely.

I introduced on Tuesday, March 11, a comprehensive energy conservation package designed to save 460,000 barrels of oil in 1975, and over 10 million barrels by 1985.

The package, entitled the National Energy Conservation Act of 1975, relies on a variety of both mandatory energy efficiency standards and incentives for voluntary energy conservation. These standards and incentives are extensive and, except for the vehicle fuel economy and truth, in energy provisions, they are presented in detail not provided in any other legislation or proposal.

The energy savings estimated to accrue from the package are largely due to technological innovation and voluntary actions, not higher fuel prices.

The package contains the following provisions, which are described in detail, along with estimated energy savings, on pages 6028–29 of the CONGRESSIONAL RECORD for March 11:

Temporary tax credits for insulation of commercial, industrial and residential structures.

Temporary tax credits for installation of residential solar energy devices or for replacement of oil or gas-fired boilers with coal-fired boilers.

Temporary low and moderate income family grants for home insulation purposes.

Truth-in-energy testing, labelling, and advertising provisions for appliances, autos and space conditioning systems.

Research on energy efficient autos, appliances, solar devices, space conditioning systems, solid waste recycling systems and electricity generation by utilities to facilitate compliance with mandatory standards provided in the standby authority bill for energy use.

Voluntary compliance with a 55 miles-per-hour speed limit is encouraged through State and Federal programs.

Temporary cash rebates on economic cars and temporary surcharges on inefficient cars are provided.

These provisions will not generate unemployment or adverse price effects. The tax credits for insulation, coal conversion and residential solar energy devices expire by 1979. Ceilings on the use of these credits will hold the annual revenue loss below $2.6 billion. An additional $250 million is authorized annually through fiscal 1979 for home insulation grants. And $230 million is provided annually for energy conservation research and $40 million for mass transit demonstration projects. An additional $60 million is authorized for fiscal 1976 to fund speed limit compliance programs by State Governors and the Secretary of Transportation. A total of $3.1 billion annually for 4 years.

Based on data from the Federal Energy Administration, Joint Economic Committee, and the General Accounting Office, the provisions of this package will yield energy savings in 1985 double that of the President's program.

My only point in rising is to ask the Senator from Washington if it is his intention, at an appropriate time in the calendar of the Committee on Interior and Insular Affairs, to undertake hearings on the broad bill which he is kind enough to join with me in cosponsoring.

Mr. JACKSON. Mr. President, first I want to compliment the distinguished Senator from Minnesota for having introduced what is indeed a comprehensive conservation measure as it pertains to the use of energy. I think he has done an excellent job in putting together in one package the kind of broad-scale effort that must be made if we are going to have true conservation in this area.

I would say to the Senator that we will try to schedule hearings on his bill the latter part of May or thereabouts.

Mr. HUMPHREY. That would be very satisfactory.

Mr. JACKSON. We will move at the earliest possible moment. We are scheduled up now, as the Senator may know, with other hearings; but we will move expeditiously, and I again compliment the Senator.

Mr. HUMPHREY. I thank the Senator from Washington. The bill we introduced, of course, was because of concern over the administration's conservation package, based on higher prices and excise taxes, which was, of course, inadequate. I believe the energy used by automobiles, appliances, and industrial equipment is the key to conservation. Also, there is a great deal of technological change involved in conservation, including the harnessing of the sun, which is one of the permanent ways to achieve conservation.

Therefore, Mr. President, with the assurances that we have here from the chairman today, I have no intention of offering any portion of my bill or of our bill, I should say, as amendments to this standby authority legislation which is now currently under debate. I have outlined the major features of my proposal, and will submit it now for the record so that we can once again have a review of what is being proposed in the legislation that was introduced by myself and the Senator from Washington on Tuesday, March 11, and the fuller description of the legislation is to be found in the CONGRESSIONAL RECORD in great detail.

I also present a table which describes the administration's energy proposals and the proposals that are sponsored by the Senator from Washington and myself.

Mr. President, I also ask that a statement that I have prepared, entitled "Misleading Oil Industry Data on Proven Oil Reserves" be printed in the RECORD, and I ask unanimous consent that the editorial from the Journal of Commerce of April 2 be printed in the RECORD.

I merely point out that there is a great deal of misinformation coming out of the American Petroleum Institute, regrettably, on what are called proven reserves of crude oil. That figure of speech "proven reserves" relates to what we call bank collateral and does not relate at all to what are the real available supplies or potentially available supplies of oil reserves.

I thank the Senator from Washington.

There being no objection, the table, statement, and article were ordered to be printed in the RECORD, as follows:

TABLE I.—ENERGY CONSERVATION SUMMARY, SENATOR HUMPHREY'S NATIONAL ENERGY CONSERVATION ACT AND THE ADMINISTRATION'S ENERGY INDEPENDENCE ACT

[Million barrels of oil per day equivalent]

Economic sector	Energy savings			
	1975	1977	1980	1985
Industrial-utility:				
Humphrey	0.17	1.61	3.04	5.56
Administration	.16	.92	1.24	1.66
Residential-commercial:				
Humphrey	.16	1.52	2.37	2.94
Administration	.30	1.32	2.01	2.47
Transportation:				
Humphrey	.13	.47	1.06	2.00
Administration	.27	.74	1.28	1.80
Total savings:				
Humphrey	.46	3.60	6.47	10.50
Administration	.73	2.98	4.53	5.93

MISLEADING OIL INDUSTRY DATA ON PROVEN OIL RESERVES

The American Petroleum Institute, on April 1, released its annual count of so-called "proved reserves" of crude oil. Once again this statistic declined slightly. "Proved oil reserves" fell by 3 percent from 35.3 billion barrels at the end of 1973 to 34.3 billion in December 1974. Natural gas reserves, reported simultaneously by the American Gas Association, fell by 5 percent.

So the daily papers informed the public that the United States is even closer to the end of its domestic oil and natural gas reserves. In view of the past year's huge energy price increases, however, this is certainly not the case. Even a normally well-informed trade publication like the Journal of Commerce interpreted the new reserve figures to mean a decline in "the amount of oil recoverable under current economic and technological conditions."

However, "proved reserves" include only that small portion of the total known and potentially discoverable oil and gas resources that the industry has decided to "prove." That is, the portion on which oil companies have decided to complete detailed engineering studies.

Even more absurd, with "proved reserves" equal to about 11 years' output at current rates, some alarmists have argued from these figures that the United States will run out of domestic oil and gas in that length of time. Such statements are utter nonsense, and it is time for the API and the AGA to tell people so and eliminate the current confusion.

As we can see from these examples, the "proved reserve" figures, as now defined, are very misleading and invite erroneous conclusions. They are used regularly to scare the public into expecting energy scarcity and accepting continued high prices as inevitable. In fact, "prove reserves" are a very conservative estimate of only that oil and gas which thorough engineering studies have "proved" can be extracted. And, by "proved," I mean they must be sufficiently documented to serve as collateral at the bank.

But the American public is not really interested in how much collateral the oil industry has at the bank, or in policies governing the amount of "proved reserves" the industry wishes to hold. Instead, the public needs a realistic assessment of the nation's future oil supplies and production rates.

HOW MUCH OIL AND GAS DO WE REALLY HAVE?

At a recent hearing of the Joint Economic Committee, authoritative witnesses indicated that estimates of total recoverable oil and gas under the United States and its continental shelf range from five to ten times the API's and AGA's estimates of "proved reserves." In fact, these estimates are very conservative since they were based on conditions in 1973, when prices were only one-third of today's levels for new oil and gas supplies.

First, witnesses referred to a rule of thumb in the oil industry that actual extraction of oil ultimately averages about 50 percent more than initial estimates of "proved reserves." This shows how conservative the reserve figures are—an expected bankers' bias.

In addition to "proved reserves," other known deposits were estimated to contain nearly 30 billion barrels of recoverable oil. Moreover, an expert panel of the National Academy of Sciences, whose chairman testified before the Committee, estimated the amount of undiscovered but potentially recoverable oil resources in still unexplored areas of American sedimentary basins at 113 billion barrels. This estimate includes expected finds on the continental shelf and in Alaska. The National Petroleum Council—an industry group—estimated this quantity in 1973 at 127 billion barrels. Building on this NPC work, the Project Independence Oil Task Force set total potentiality producible resources at 190 billion barrels. This is a middle-of-the-road estimate. The U.S. Geological Survey estimated the undiscovered but potentially recoverable resources alone at 200 to 400 billion barrels under 1973 conditions. The range of figures for natural gas is comparable.

As noted above, these estimates are based on energy prices prevailing in 1973. The tripling of new oil and gas prices since they were made has brought many deposits not previously economic into the realm of profitable exploitation and has stimulated a new boom in technology development. One important factor emphasized by all experts, for instance, is that technical development may soon make possible the extraction of up to 100 billion more barrels of oil from already existing oil wells.

Whether the API and AGA "proved reserve" data show it or not, the energy price revolution means greater recoverable reserves.

Among other witnesses, Assistant Interior Secretary, Jack Carlsón, emphasized this point before the Committee.

API AND AGA SHOULD ISSUE MORE COMPLETE DATA

I wish today to warn the Congress and the public against regarding the so-called "proved reserve" figures as an indicator of potential U.S. oil and gas production. In fact, I believe that it is time for the API and the AGA either to replace these figures altogether or at least to supplement them with estimates of total recoverable oil and gas from all domestic sources, a much more significant figure for the public. These estimates should take account of changes in prices, technology development and other important influences on the industry. Because of the acknowledged uncertainty of such estimates, a range of possibilities should be indicated. Use of good statistical methods of measurement can indicate the most likely range within which the truth should lie. This approach would inform the public more accurately of the extent of ultimately producible oil and gas in the United States. And, after all, this is what we need to know.

[From the Journal of Commerce, Apr. 2, 1975]

"Proved Reserves" of Oil, Gas Drop

(By Dan Skartvedt)

WASHINGTON.—The nation's so-called "proved reserves" of crude oil and natural gas both declined again this past year, despite significantly increased prices, the American Petroleum Institute (API) and the American Gas Association (AGA) announced Tuesday.

API reported that the country's total proved recoverable crude oil reserves stood at approximately 34.25 billion barrels as of Dec. 31, 1974, compared to around 35.3 billion barrels at the end of 1973.

Proved reserves are defined as the amount recoverable under current economic and technological conditions, and the latest decline was sure to come as a surprise to many observers in view of the large jump in oil prices which has occurred in the past year and a half.

The 1973 statistics, unveiled by API a year ago, were calculated on the basis of a $3.40-per-barrel price, and the newly-released 1974 statistics were based on a price of around $7 a barrel, double the previous figure.

Despite that, proved reserves of crude oil fell by more than a billion barrels, according to API, and officials of the organization said Tuesday this decline can be explained by the considerable time lag factor, since many months, or even years, can go by before higher prices are reflected in increased output.

In a press release, API President Frank Ikard (who was not present at the news conference) was quoted as commenting that the domestic petroleum industry "moved decisively to find more oil in the United States during 1974, but it will take more than one year of stepped-up activity to reverse the long downhill slide in proved reserves."

OIL DISCOVERIES

Mr. Ikard noted, in the release, that sharply increased drilling resulted in the discovery of nearly twice as much oil in new fields in 1974 than in the prior year, with a resultant addition of nearly two billion barrels to previously discovered reserves.

However, he added, oil reserves operate "very much like a checking account," and Americans withdrew roughly three billion barrels from that account during 1974, with the result of a decline of more than a billion barrels from that account during 1974, with that compared to 1973.

He also mentioned, looking ahead, that congressional repeal of the depletion allowance for major oil companies "will discourage exploration and drilling" and aggravate the industry's capital formation difficulties.

API also released new estimates of total crude oil productive capacity Tuesday, and this index also showed a decline. The total was calculated to be 8.9 million barrels per day, a decrease of 800,000 barrels per day from 1973, and the seventh yearly decline in a row since the organization began to make such estimates in 1967.

Actual production also declined in 1974, despite increased drilling activity, and industry spokesmen are quick to point out that it can take years before a field is brought "on line" and starts pumping oil, from the time it is first discovered

The daily production rate in December, 1974, was about 8.2 million barrels, some 700,000 barrels below the estimated capacity.

The decline in natural gas reserves, also announced Tuesday, amounted to a 5 per cent drop compared to 1973, and was the sixth decline in the last seven years.

As of Dec. 31, 1974, proved reserves were estimated at 237.1 trillion cubic feet. AGA reported, compared with 250 trillion on the same date in 1973.

Proved reserves of natural gas, including those in Alaska's Prudhoe Bay, are now at their lowest level since 1956, according to AGA. Taking the "lower 48" states alone, there was a 5 per cent drop in 1974, and the lowest reserves figure since 1952, when natural gas consumption was only 40 per cent of what it is today, AGA said.

U.S. production of natural gas dropped nearly 6 per cent during the past year, a situation AGA President F. Donald Hart claims "can only be halted through a reversal in current policies which have held interstate gas prices at artificially low levels and limited leasing of offshore frontier areas."

The industry has long favored deregulation of new natural gas prices. In the past year, several decisions by the Federal Power Commission have resulted in sizable price hikes for much of the gas sold in interstate markets, but the new statistics do not indicate that this has had any discernible impact toward raising production.

SKEPTICISM VOICED

At least one participant in a panel at the press conference Tuesday, economist Bruce C. Netschert of National Economic Research Associates, Inc., voiced skepticism concerning the figures released by API and AGA.

He termed it "inexplicable" that the proved reserves statistics "do not appear to properly reflect the improved economic conditions."

Other members of the panel replied that it takes time for higher prices to be felt in the marketplace, but this explanation appeared to satisfy neither him nor the reporters present.

Last year, a similar press conference degenerated into a shambles when reporters repeatedly questioned the use of $3.40 per barrel as a base price for calculating oil reserves.

This year, the $7 a barrel figure seemed to be generally acceptable as more realistic, figuring the combination of price-controlled "old oil" and free market "new oil" together.

Mr. JACKSON. Mr. President, on my time I yield 5 minutes to the distinguished senior Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I have not been actively engaged in every phase of the debate on this measure, but I have analyzed the measure in some detail in terms of its effect.

I have just returned from a visit to the Middle East area, having visited specifically Iran, one of the principal suppliers of oil internationally.

It is based on this total experience, Mr. President, that I address myself to title II of this bill—the conservation title—and express my dissatisfaction with it.

I will vote for this bill as that is the only recourse open to us at this point, and I am never one to believe that some part of what we want is not better than nothing at all, but it is a mighty small part, I must say, Mr. President.

It is inconceivable to me that Congress—I am not talking now about general public opinion but Congress—should not show the sophistication which is required in the existing circumstances but should rather be approaching this matter on an interim basis more worthy of the relatively superficial feeling of the motorist who sees all the gas stations open, oil to be bought, storage capacity filled, and generally feels, "Well, what are they all talking about in respect to this oil situation?"

I consider title II of this measure to be really a basic failure to recognize the emergency in which we are placed, and our job as legislators is to look down the road and not to be controlled by the superficial appearances.

One of my primary objections is that the conservation aspects of this measure last for only 1 year, hardly in historical terms more then the blink of an eye. It should be at least 5 years because it is very clear, although I personally think the timetable ought to be materially accelerated, that Project Independence still has a 10-year duration.

Certainly, with conservation being as critical an element of the total energy program, particularly for the first few years, of what we must do to save ourselves, we should not be content with passing the key element of this bill, which is the conservation aspect of it, for only 1 year, hardly enough to turn around or literally no time in which to do anything about it. Five years would be, in my judgment, the absolute minimum.

Second, even during the 1-year period we make it impossible to really effect any true conservation measures because, one, we look to the States with considerable time lags for State plans, and no serious incentives for prompt and effective action; again, it is highly unlikely to result in any truly effective measure to grab hold within the period of time which we have allotted in this bill.

Finally, Mr. President, the sophistication shows itself in the following: The foreign exchange burden which this sudden impact of a fourfold to fivefold increase in the price of oil represents is a tremendous drag on the American as well as upon the world economy. Indeed, if we do not find some way effectively to cope with it through a recycling of this vast pool of capital which has resulted, it could easily bankrupt us and the whole world. We simply cannot stand this hemorrhage, in our case of dollars, which has resulted.

Now, Mr. President, while we develop North Slope oil, gassify coal, work for nuclear fusion, solar energy, and other clean alternative sources, time is running against us, and we are paying through the nose in terms of a depressed economy and a foreign exchange drain which is absolutely intolerable.

The only way we have to assert for ourselves some effort at the coping with the situation is through effective and significant conservation.

We will not freeze to death and our industry will not stop. But, for practical purposes, that of the major industrial nations of the world, including Japan, our major trading partners, will, and that has been demonstrated to be tantamount to the threshold of a serious world depression, and that is where the rub is.

If we are more active in our conservation measures, we can reduce our dollar outflow and do some sharing with other industrialized nations, a sharing which we have undertaken to do in an emergency under the International Energy Agency Agreement. But if we are not abreast of our conservation problem, we will be very seriously hurt, and we allow this threat to hang over us.

It is amazing to me, Mr. President, that we maintain an army, navy, and air force which add somewhere between $80 and $90 billion a year to the national expenditure but that we cannot summon our courage and our patriotism and our resources for a conservation program which will cost us nothing except a little bit of discipline and a little bit of inconvenience.

But we, too, like so many in the general public, are willing to swallow the simplistic explanation that because there is a lot of oil around, we are awash in it, there is no danger. Nothing could be further from the fact, Mr. President. It is very dangerous to our country, and I rise to protest it, and will do my utmost, in company with other colleagues who feel as I do, like Senator HUMPHREY and, I am sure, Senator JACKSON himself, to improve upon the very weak provisions of this bill regarding the seriousness of our conservation efforts.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The bill is open to further amendment.

The Senator from Wyoming is recognized.

AMENDMENT NO. 111

Mr. HANSEN. Mr. President, I call up my amendment No. 111 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

> The Senator from Wyoming (Mr. HANSEN) proposes an amendment numbered 111.

The amendment is as follows:

> On page 101, delete lines 6 through 10 and insert: "night, June 30, 1977, except that such authority may be exercised until midnight November 18, 1978, if required to implement the obligations of the United States under the international agreement. Expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on the date of expiration, nor any action or proceeding based upon any act committed prior to midnight of the date of expiration.".

Mr. HANSEN. Mr. President, this amendment proposes that the expiration of authority insofar as the United States is concerned may be extended from the present cutoff date of June 30, 1977, until midnight November 18, 1978, if required to implement the obligations of the United States under the international agreement, civil and criminal proceedings will not in any way be affected.

I would like to ask the floor manager of the bill if he would be able to accept this amendment.

Mr. GLENN. Yes, we will.

Subsequent to this measure being introduced by the distinguished Senator from Wyoming, the State Department has talked to committee representatives concerning this matter.

Mr. HANSEN. I thank the distinguished floor manager of the bill.

Mr. President, yesterday during the debate on one of Senator BARTLETT's amendments, the distinguished senior Senator from Virginia, Mr. BYRD, made some inquiries of the most able chairman of the Senate Interior Committee, Mr. JACKSON, as to the need and rationale for certain provisions of the act we are now considering.

In justifying the need for a National Energy Production Board which is not part of this bill, my good friend and colleague from Washington, Mr. JACKSON, said, and I quote from the record of his remarks:

> For example, let me just point out that there are only, well maybe at the most, 15 companies that can go out on the Outer Continental Shelf and into Alaska. We do not have a single independent oil company drilling in Alaska and the Outer Continental Shelf.

Mr. President, I ask unanimous consent that my amendment may be considered immediately, or that it be accepted, unless there is objection.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HANSEN. No.

Mr. GLENN. I yield back my time.

Mr. HANSEN. Mr. President, if I may, let me withhold that request until I have finished the statement I am now in the process of making.

The PRESIDING OFFICER. The Senator will proceed.

Mr. HANSEN. Mr. President, that is what the able floor manager of this proposed act said in reply to the Senator from Virginia (Mr. BYRD). Both are concerned, as I am, with the development of our own abundant energy resources as fast as possible to lessen our dependence on unreliable foreign sources.

Mr. President, I had left the Chamber briefly during that part of the colloquy and was surprised when I was informed of the distinguished floor manager's statement that no independents were involved in Alaskan or Outer Continental Shelf exploration and drilling.

I knew of several including Husky Oil Co. of Wyoming, a small and independent company that had been successful in a lease sale last fall in obtaining a tract in the Gulf of Mexico off of Louisiana. They advised me yesterday that they planned to start drilling this spring or summer.

My curiosity was aroused and I inquired of the U.S. Geological Survey as to how many companies are at present operating on the Outer Continental Shelf in the Gulf of Mexico.

Rather than the "at most 15 companies," my good friend the Senator from Washington (Mr. JACKSON) had referred to, I was advised that there were now 57 participants in active operations—exploring, drilling, or producing on leases they now owned in the Gulf of Mexico.

The eight major companies were included in that total of 57 companies but let me read the rest of the list of active participants including Husky Oil Co. of Wyoming whose net earnings in 1974 were $33,700,000 compared with Texaco's $1,586,441,000.

LIST OF OIL COMPANIES

Amerada-Hess, American Petrofina, Ashland Oil, Inc., ARCO, Basin Exploration Corporation, Belco Petroleum Corporation, Cabot Corporation.

Burmah Oil and Gas Company, C & K Petroleum Inc., Chevron, Cities Service Oil Co., Clark Oil and Refining Corp., Coastal States Gas Production Co., Columbia Gas & Development Corp., CNG Production Co., Continental Oil Company, Diamond Shamrock Corp.

Dixilyn Corporation, Belmont Oil Corporation, Forest Oil Corporation, Freeport Minerals Company, General American Oil Company of Texas, Getty Oil Company, Gulf Oil Corporation, Hamilton Brothers Oil Company, Husky Oil Company, Exxon.

Hunt Oil Company, Ker-McGee, Louisiana Land & Exploration Inc., Marathon Oil Company, Mesa Petroleum Company, Mitchell Offshore Corporation, Occidental Petroleum Company, Ocean Production Company, Odds-End Oil Corporation, Oil and Gas Futures, Inc.

Amoco Production Company, Pennzoil United, Inc., Phillips Petroleum Company, Placid Oil Company, Quintana Offshore, Inc., Shell Oil Company, Signal Oil and Gas Company, Skelly Oil Company, Mobil Oil Corporation, Southern Natural Gas Company, Sonat Exploration Company.

Sun Oil Company, Superior Oil Company, Tenneco Oil Company, Texaco, Inc., Texas Gulf Inc., Tipperary Land & Exploration Company, Trends Ocean Oil Inc., Union Oil Company of California, Ocean Oil and Gas Company.

Among that 57 are some smaller integrated companies and some gas companies but it is a considerably larger number, mostly independents, than my good friend, the chairman of the Interior Committee had reported to the Senator from Virginia (Mr. BYRD).

Another thing he failed to mention was the participation of independents and small companies in Alaska. Until the Alaska pipeline is completed, no independent or small company could risk, or raise the capital investment necessary to explore and drill on leases they now have.

The chairman might remember that only a couple of years ago he was asked by an independent, Tipperary Land and Exploration Corp., about the possibilities of extending the expiration dates on Alaska leases they held and could not develop until an outlet for their oil was completed.

I note in a memo from the Director of the Bureau of Land Management about a proposed bill to extend that and other Alaska leases that the bill would have applied to, and I quote: "Something over a thousand leases."

So even in Alaska the independents have been unable to participate and they are only waiting for completion of the Alaska pipeline.

I would like to read a list of those companies as compiled for me by the Bureau of Land Management. They have 63 pages of current Alaskan leaseholders of record, with about 25 names to the page.

They quoted me just a few of these names on the 63 pages, with 25 being about the average number per page.

I cite these examples:

Fleet Oil Company.
Locke Jacobs, Jr.
McColloch Oil Corp.
Carl A. Robinson.
Hugh W. Ford.
Home Oil Co.
W. H. Hunt.
Joseph S. Rose.
W. C. McBride.
Robert J. Cacy.
John J. Sexton.
Grace E. LaRue.
Otto G. Green.
Colorado Oil and Gas Corp.
Neumont Oil Company.
Tom Bolack.
Cities Service Oil Co.
Eugene Duncan.
Roy C. Honland.
Donald D. Yarbo.
Charles W. Miller.
Clearly Petroleum Company.
Beaufort Oil Company.

Those are only some names I have picked at random from the 63 pages, each of which contains about 25 names per page of current Alaskan leaseholders of record.

I might add, Mr. President, that the Department of Interior has recognized the problem of the huge capital requirements necessary to bid on the outright bonus plan and last October held the first royalty sale of Gulf of Mexico acreage.

This was the one that Husky Oil Co. and several other independents were successful in obtaining tracts on which they are now preparing to drill.

I would like to quote from a Department of the Interior news release dated November 15, 1974, about that first offering on the basis of royalty bids.

> The Department of the Interior announced today that it has accepted high royalty bids offered for eight tracts on the Outer Continental Shelf. The eight tracts were among 10 tracts offered in an oil and gas lease sale (OCS #36) held in New Orleans, Louisiana on October 16, 1974. Ten tracts had been offered in the sale, but only eight received bids. No royalty bids were rejected.
>
> This was the first time OCS tracts had been offered for lease on the basis of royalty bids. Interior said that the ten tracts were offered as a means to test the principle of royalty bidding, and that the future of royalty bidding would depend on post sale analysis of the results of this sale.
>
> In royalty bidding, the bidder states what percentage of the total gross value of the oil and gas as it comes out of the ground he is willing to return to the Government for the privilege of developing the lease. Each royalty bidder must pay a fixed cash bonus on each lease.
>
> In bonus bidding, the conventional method, the winner pays in advance for exploration rights. Bonus winners also must pay a fixed production royalty of 16⅔ percent.
>
> The royalty bidding experiment was aimed, among other things, at providing more incentive to smaller companies to bid on oil and gas leases by reducing their initial outlay.
>
> The highest royalty bid offered in sale OCS #36 was for tract 25. Texas Gas Exploration, Inc. offered a 82.165 percent royalty for that lease plus a cash bonus of $125,000. The eight tracts on which royalty bids were submitted covered 40,754 acres off the coast of Louisiana.
>
> In addition to accepting all high royalty bids, the Department also accepted 136 high cash bonus bids on tracts offered in the sale. Thirteen high cash bonus bids were rejected.
>
> The Department had offered 287 tracts for conventional bonus bidding, but received bids on only 149. The total high bonus bids offered amounted to $1,443,137,589. Rejected bids totaled $15,895,135 leaving $1,427,242,454 to be accepted by the Government.
>
> The Department offered a total of 1,421,545 acres and accepted bids on 675,586 acres.

There were at the end of December some 12,715 wells producing in the Gulf of Mexico and off Santa Barbara.

Daily average production was about 1 million barrels of oil and considerable gas that went into the interstate system. This was from BLM lands only and did not include State lands.

This means, of course, that smaller companies can, indeed, bid and compete with the majors because they are not required to put up all the front-end money required under the sealed bonus-bid process.

The Department of the Interior press release explains the procedure very well and I would hope that the distinguished floor manager of this bill would acquaint himself with this latest procedure and note also that the highest bidder was not a major oil company but Texas Gas Exploration, Inc., and another was Husky Oil Co. of Cody, Wyo.

I point this out, Mr. President, because I want the Senator from Virginia (Mr. BYRD) to know what the facts are. I hasten to add that my knowledge and deep respect for the Senator from Washington convinces me that he has been given inaccurate information.

I do not know what the National Energy Production Board has to do with this bill anyway but inasmuch as the Senator from Washington has brought it up, I would like to make a few comments about that proposal.

Going back to the Outer Continental Shelf where this so-called National Energy Production Board would have the right to explore, drill for and produce oil and gas to relieve the energy shortage. I would like to mention a few things the distinguished floor manager may have overlooked as he did some 49 small companies and independent operators who are already operating in the Outer Continental Shelf.

The distinguished chairman may not know that since the first offshore acreage was offered for sale in 1953 that the U.S. Treasury has collected some $10 billion in bonus bids and rentals on these tracts.

I ask the Senator from Washington where and how the Federal Government would benefit from foregoing these bids or royalty bids by companies like Husky Oil of Wyoming of up to 70 percent of the gross value of the oil they produce.

I also ask him how he would justify the risk loss on dry holes drilled by a Government corporation on acreage such as that off the coast of Florida where 10 dry holes have been drilled on leases for which the companies paid $850 million to the Government just for a hunting license.

The Government, of course, is not going to pay the Treasury for a lease and the charge-off for the millions of dollars in dry holes will be to you-guess-who—the taxpayer.

Because of the tremendous costs, offshore drilling, which is going into deeper and deeper water, has not been all that profitable.

Some companies, in fact, are beginning to wonder whether they will ever recover their costs or not. In the case of an integrated company, they have to have a supply of crude oil and are willing to take the risks involved for the oil.

But for the life of me, I cannot understand why the Federal Government should preempt the oil companies—majors and independents alike—the choice of bidding on that acreage at their own risk and at considerable profit to the Federal Government of $10 billion in the Gulf of Mexico on bonus bids alone, about $3 billion in royalties and more than $100 million in rentals.

According to the figures I have seen, the rate of return of this investment is between 4 and 6 percent so rather than helping the Federal deficit, all I can see is putting it further in the hole at the interest rate the Federal Government is paying to borrow money to pay its bills and interest on its deficit spending.

I hope the distinguished chairman of the Committee on Interior and Insular Affairs can further explain the benefits of his National Energy Production Board proposal.

Mr. President, I yield back the remainder of my time, and ask that my amendment No. 111 be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GLENN. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 332

Mr. HASKELL. Mr. President, I call up my amendment No. 332.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. Haskell) proposes an amendment numbered 332.

Mr. **HASKELL**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 108, after line 23, insert the following new sentence: The regulations promulgated under this section shall be designed with the objective of achieving a national energy conservation goal of a reduction in total domestic energy consumption on a twelve-month basis which is the energy equivalent of at least 4 per centum of the projected domestic consumption of refined petroleum products for the twelve-month period following the effective date of this Act.".

Mr. **HASKELL**. Mr. President, I believe that my amendment carries out the basic legislative intent of the act. The act provides that after a 3-month period, the Federal Energy Administrator, in consultation with certain other heads of departments, will promulgate regulations leading to the conservation of energy. My amendment adds a provision at the end of that section, which happens to be section 203 of the bill, which says that the national goal to be achieved by the FEA shall be energy saving in an amount not less than 4 percent of the projected domestic consumption of refined petroleum products for the 12-month period following the effective date of the act.

I have thought of offering an amendment that would speak in terms of an overall 5-percent energy saving. This merely requires an energy saving measured by a saving of 4 percent of projected consumption of refined products, which of course is less.

I should say that the saving contemplated by the goal set forth in my amendment is basically the minimum saving which the Federal Energy Administrator has estimated can take place. It falls far short of the optimum that he estimates and the optimum that I would hope would be included.

I should like to supply for the Record a page from the report on S. 622 which deals with the whole purpose of title II of the act to which we are referring and which sets forth the FEA's basic estimate of energy consumption. I ask unanimous consent to have this page printed in the Record.

There being no objection, the page was ordered to be printed in the Record, as follows:

TITLE II: ENERGY CONSERVATION POLICY

The purpose of title II of S. 622 is to insure the implementation of necessary energy conservation programs, consistent with economic recovery, even though conditions do not warrant the exercise of the standby authorities granted by title I. Title II therefore authorizes the President to establish an interim energy conservation plan, directs the Administrator of the Federal Energy Administration to establish national energy conservation standards, and provides for the development and implementation of approved State Energy Conservation Programs with Federal assistance.

If any State fails to submit a State Energy Conservation Program which is consistent with the Federal guidelines and standards for such programs, the Administrator is authorized and directed to develop and implement an energy conservation program for that State.

The programs provided for by title II will conserve energy without precipitating the further deterioration in the nation's economy which would result if the Administration's program of energy tariff, tax and pricing policies were adopted. The President's proposals, if enacted, would insure continued double digit inflation by adding 3% to the cost of all goods and services. At the same time, his proposals would accelerate the downward spiral of the economy toward depression by reducing consumer purchaser power $20 to $30 billion annually.

The State Energy Conservation Programs provided for in title II, tailored to local economic, geographic and climatological conditions, will assure that necessary energy conservation will proceed without jeopardizing the nation's priority goal; a full employment economy with price stability. The setting of realistic and attainable conservation goals which are consistent with economic recovery and the implementation of orderly programs to achieve these goals will help realize the enormous potential for energy conservation in the United States which exists. The Federal Energy Administration's Comprehensive Energy Plan, which was submitted in response to the congressional mandate of section 22 of the Federal Energy Administration Act of 1974, estimated that U.S. energy consumption could be reduced by the equivalent of over 800 thousand barrels of crude oil per day within a year if several of the conservation measures specified and authorized in title II were adopted on a voluntary basis. By mandating many of these measures through specific programs to mobilize the efforts of the American people, these estimated energy savings can be attained and even exceeded.

Mr. **HASKELL**. Mr. President, it is essential for Congress to go on record as advocating that a specific energy saving take place. We might be very disappointed and we might be criticized should the FEA subsequently come up with what might basically be eyewash regulations and not be what they say can be done easily. I am merely putting into the statute what they say can be done, what I believe is certainly a minimum and is less of a minimum than I might prefer. In addition, the entire thrust of the act is intended to get a certain saving, at least—and hopefully more—and I think this carries out the intent of the act.

Mr. President, I intend to ask for the yeas and nays on this amendment, because I think it is important that the Senate be on record on a specific matter such as this. I do not see sufficient Senators in the Chamber now to ask for the yeas and nays, but I want to announce my intent.

Mr. President, title II of S. 622 which we are considering today authorizes the President to establish an interim energy conservation plan; directs the Administrator of the Federal Energy Administration to establish certain national energy conservation programs and standards; and provides for individual States to develop energy conservation programs with Federal assistance.

As the committee report on S. 622 states:

The setting of realistic and attainable conservation goals which are consistent with economic recovery and the implementation of orderly programs to achieve these goals will help realize the enormous potential for energy conservation in the United States which exists.

The amendment I am proposing to title II of S. 622 would establish a reasonable and attainable overall national energy conservation target for the programs authorized under section 203, "Federal Initiatives in Energy Conservation."

I feel strongly that we ought to set a target—a goal—for the FEA and the other Federal agencies involved in the design of the regulations envisioned under this section.

This target will emphasize what I think every Member of the Senate believes:

That we ought to begin the job of systematic conservation of energy now;

That, based on the administration's own analysis of the potential for energy conservation, significant energy savings are possible; and

These savings can be achieved both in the short run and over the longer term as more efficient patterns of energy use become a part of our way of life.

Those energy conservation programs required under section 203 of title II, if done in accord with my amendment, will be designed with the objective of achieving an annual saving in total energy consumption which is at least the energy equivalent of 4 percent of the projected domestic consumption of refined petroleum products for the 12-month period after the effective date of this act.

This target—a 4-percent savings or approximately 800,000 barrels per day—is a reasonable target. As the committee report points out—

The Federal Energy Administration's Comprehensive Energy Plan, which was submitted in response to the congressional mandate of section 22 of the Federal Energy Administration Act of 1974, estimated that U.S. energy consumption could be reduced by the equivalent of over 800,000 barrels of crude oil per day within a year if several of the conservation measures specified and authorized in title II were adopted on a voluntary basis. By mandating many of these measures through specific programs to mobilize the efforts of the American people, these estimated energy savings can be attained and even exceeded.

The petroleum consumption which was projected in October 1974, for 1975 by the Independent Petroleum Association of America was 17.9 million barrels per day. My amendment would require a 4-percent saving or between 700,000 and 800,000 barrels per day—a target which is well within the administration's estimate of being attainable.

My amendment would make the intent of S. 622 clear. Our goal is an energy policy which is consistent with economic recovery. I believe it is clear that the provisions of this legislation can be implemented with this objective in mind while achieving real and significant energy savings as well.

I yield to the Senator from Ohio.

Mr. **GLENN**. I thank the Senator.

Mr. President, the committee did not express itself on this amendment. It was not brought before the committee.

I share the Senator from Colorado's good intent and the objectives of the proposed amendment. If implemented, the 4 percent he is proposing would indeed come out to some 800,000 barrels a day, I believe.

Mr. HASKELL. That is correct. I point out to the distinguished Senator from Ohio that this is used as a measure. The saving might come, for example, in natural gas; it might come from nuclear; it might come from coal and petroleum. So that the use of petroleum products is just a measure of the total overall saving.

Mr. GLENN. This would, indeed, put a specific objective. A percentage goal would be attached to the other provisions of this section that are entered on page 108, to which the Senator from Colorado has referred.

The only question I would raise as to this would be the overall effect on the economy, at a time when we are trying to keep as much energy available as possible, and what this might mean so far as unemployment is concerned. I would not want to see that stand in the way of consideration of this matter. The Senator from Colorado had already stated his intent to ask for the yeas and nays on this amendment, and I think that would be the proper way to go with something of this magnitude.

Mr. HASKELL. I appreciate the Senator's comments.

If I may just briefly mention the employment situation, I hope the Senator from Ohio will agree with me that most conservation measures actually will increase employment opportunity.

For example, on page 108, one of the specific methods of saving is "low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences," and so forth. It seems to me that most conservation measures actually are going to increase employment.

Mr. GLENN. The Senator from Colorado is absolutely correct. I agree in that regard, and I compliment him for his initiative on this bill in that regard, too. If we can save some of our comparatively frivolous use of energy in many fields and if we can mandate some of that into a real saving and translate it into 800,000 barrels a day, it helps us with industry and business and the other uses of energy. It might well work to the betterment of the economy instead of the detriment, as I indicated earlier. It is an area to be considered.

Mr. HASKELL. I appreciate the distinguished Senator's comments.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HASKELL. I yield.

Mr. FANNIN. Mr. President, I should like to ask a few questions of the distinguished Senator from Colorado. His State has been a leader in recycling, which we hope will continue. It is a great user of energy. In his State is a firm that has made itself famous with respect to the recycling of cans.

I am concerned, because if we are going to have the productivity we want in this country, we must think about the correct use of energy. I ask the Senator this question: When he discusses the objective is he sincere in wanting to accomplish what is stated in this legislation other than just stating the objective? It says we seek a national energy conservation goal. Of course, the objective changes the complete gist of his amendment. Does he mean that it be mandatory?

Mr. HASKELL. I say to the Senator, if I may restate the Senator's question to be sure I am responsive. As I understand the Senator's question, is does my amendment force the FEA to promulgate regulations that achieve this end. Is that the Senator's question?

Mr. FANNIN. That is correct; is it mandatory?

Mr. HASKELL. The answer to that is yes, it does, assuming that the data that they have presented to us after study is accurate, because their data says that they can, indeed, do this. Therefore, if they, in good faith, have developed that data, if it is correct, then I would say that they would have to arrive at this objective. If they find that their data is completely erroneous, then it is only an objective, which, of course, would not be legally enforceable.

That would be my answer to the Senator's question.

Mr. FANNIN. Well, that is very difficult to analyze as far as just what would be done. We are giving certain authority, as I understand your statement, to the FEA and expecting them to carry through with the objective. But it is more than just an objective. We are expecting them to carry through with the requirements in his amendment, which sets forth a conservation goal of a reduction in total domestic energy consumption on a 12-month basis which is the energy equivalent of at least 4 percent of the projected domestic consumption of refined petroleum products, et cetera. We are talking about a 12-month period.

It is confusing to me, to make it mandatory, though it is an administrative matter, as far as I can understand the explanation by the distinguished Senator to me.

Mr. HASKELL. Mr. President, if I may respond to the distinguished Senator from Arizona and try to be as clear as I possibly can, my amendment states that there is a certain objective. That objective is well supported by the FEA's own study. If the FEA should promulgate regulations which do not meet the statutory test if my amendment is adopted, and which does not meet their own analysis after months of work, they have a lot of explaining to do. If they cannot explain why they did not meet the objective, and if their explanation, let us say, is so tenuous that we conclude that they are not acting in good faith, then I would say they have fallen legally short of the mark.

If, on the other hand, Senator, they come up with regulations which do not achieve this goal and they explain that, well, they made a terrible mistake in their study, that would be a legitimate explanation for not achieving the objective.

Mr. FANNIN. I wish, too, Mr. President, to ask the distinguished Senator from Colorado if he feels that the chairman of the committee would fight for this in conference? Is this an amendment which he has discussed with the chairman of the committee and would it be one which he would insist be held in the bill as far as the conference is concerned?

Mr. HASKELL. I certainly hope the distinguished chairman would. I would want the distinguished chairman to speak for himself on the floor of the Senate, but I know that the chairman is dedicated to achieving conservation goals. As the distinguished Senator knows, the chairman has been interested in this whole energy problem for a long time and, I think, concurs with those of us who feel that we have to conserve energy, as well as increase supplies, if the Nation is going to become energy self-sufficient. But I would not dare speak for the chairman on the floor of the Senate.

Mr. FANNIN. Mr. President, I should like to have an expression from the distinguished chairman of the committee. Perhaps we shall have an opportunity to do so before we are through with the discussion. But I also wish to ask how this would affect the tremendous amount of power that we are going to be utilizing in recycling if we achieve the goals we are talking about. Here we are talking about recycling garbage, recycling—I have here a program that is going forward in my State on utilization of methane gas. This is going to require a tremendous amount of energy, especially to get it underway. It may be 2 or 3 years before we really see the results and achieve significant energy conservation. I am concerned about restricting long term efforts to satisfy a present conservation goal. I will comment on it a little bit more later.

I wish to know what the distinguished Senator's thoughts are considering the recycling program that we have set up for ourselves as a goal. Resource recovery programs are going to utilize much, much more energy than we are utilizing today.

Mr. HASKELL. In my judgment, Senator, my amendment would have no effect on a recycling program. My amendment merely says, that promulgating regulations dealing with the subject matters of subparagraph (a) on page 107 to subparagraph (k) on page 108, this will be the effect.

I might further say to the Senator that, as the Senator is well aware, I am very much aware of the Senator's interest in the programs that he mentions. They are very meritorious, but I merely say that my amendment has no effect on that.

I also say that my amendment has no effect on additional methods of conservation. For example, the distinguished Senator from Wisconsin (Mr. NELSON) and I have a bill which mandates an increase in miles per gallon of domestically produced cars after a certain date. My amendment has no effect on that, because that would be an additional supplemental method of conservation.

Mr. FANNIN. I say to the distinguished Senator that my method of conservation, such as the domestically manufactured vehicle would be entirely different from what the Senator is discussing. Today we have recycling programs on many metals.

We realize that we can recover many of those metals in the prices that we pay, whereas even months ago, that was not a program that was considered economically feasible. Today it is.

We utilize a tremendous amount of energy. Now, that energy—if we achieve the goal that is stated here—must be given up by other users if it is going to be made available for the recycling industry.

Mr. HASKELL. If I may comment on that, Senator.

Mr. FANNIN. Surely.

Mr. HASKELL. In my judgment, my amendment has absolutely no effect whatsoever on any such thing as the distinguished Senator from Arizona has discussed, because the goal here to be achieved is through the specific things that the Federal Energy Administration must issue regulations on: the lighting efficiency, the thermal standards, the reasonable restriction on hours of public buildings, et cetera. Nowhere here is there anything but very specific—it is only the specific things to be done that my amendment relates to. Such a program as the distinguished Senator from Arizona is talking about is completely outside of the scope of the bill, in my judgment.

Mr. FANNIN. I cannot understand how it could not have an effect if we are talking about conserving energy, the equivalent of at least 4 percent of the projected domestic consumption of refined petroleum product for the 12-month period following the effective date of this act. Anything we are doing in the way of recycling is going to use energy. That energy has to be generated in one manner or another.

Mr. HASKELL. Senator, if I may again interrupt, if the Senator will permit me, my amendment says, "the regulations promulgated under this section"—and this section is section 203. The regulations promulgated under this section deal with only specific things. They deal with (a) on page 107, lighting efficiency; (b) thermal performance, et cetera. By promulgating regulations on these specific things, we should save a certain amount of energy. But that does not mean that in some other area such as the Senator is talking about, we might not consume more energy. Nor does it mean that in certain other areas like the one I mentioned in Senator NELSON's and my bill, we might consume less. All I can say is my bill would have absolutely no effect whatsoever on the very meritorious program discussed by the Senator from Arizona.

Mr. FANNIN. The Senator from Colorado is discussing a measure that would lower the utilization of energy, which would increase fuel economy. That is entirely different from what the Senator from Arizona is talking about. I am concerned about jobs in this country.

I realize that our productivity has been dropping. The way that we can pick up our productivity is by utilizing better equipment, more efficient equipment. It is true that in many instances we must use more equipment than ever before. So if we are going to cut back 4 percent, and I agree with some instances where the Senator has limitations, but section 203 is quite all-extensive because the Senator is talking about the full economy of the country when he refers to these items that are covered under section 203.

We are talking about the equipment utilized by the Federal Government, standards and programs to increase industrial efficiency in the use of energy—we certainly know that increasing the efficiency is a desired result—but we are getting into the industrial field in this particular part of the bill. Section 203 covers industrial efficiency and programs for better enforcement of energy conservation that I think would be of great importance.

Let us take (h), for instance—

> Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend.

The Senator might, in that instance, attain what he is talking about in his fuel economy bill. But when he gets down to what the Senator from Arizona is talking about, programs for recycling, increased efficiency in plants, and increased sources of energy—for instance, what would be the case with oil shale, if they had to utilize a tremendous amount of energy to move the residue into a different area? Would that be covered by the Senator's amendment?

Mr. HASKELL. No, not unless—I can not see how it would.

Let me just mention, I think the distinguished Senator mentioned subparagraph (h), standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend.

Reading from page 5 of the committee report, it says:

> The Committee expects that a broad range of options will be suggested to influence transportation practices of individuals and businesses to increase the efficient use of energy. The creation of bicycle paths and bicycle and motorcycle lanes for commuters and the designation of automobile-free areas or areas in which reduced parking will be available can shift transportation habits away from the automobile to other more efficient modes.

These, for example, are things—if we make this type of bicycle paths and automobile-free areas, we are going to increase employment. If we talk about increasing the thermal efficiency of houses, we are going to increase employment.

I believe the distinguished Senator from Arizona talked about shale, and the moving and disposal, I presume, of the expanded product after it has been processed. I really do not think that this relates to that particular problem, any more than it relates to the Senator's recycling programs in Arizona.

I just have to repeat that all my amendment does is say, using these 10 or 12 items, they will come up with regulations that do the minimum they said they could do. That is really all I am doing.

Mr. FANNIN. The problem the Senator from Arizona has is that I am concerned about employment. Does the Senator have any idea as to the effect, or has a study been made upon the effect this amendment would have upon unemployment in this country?

Mr. HASKELL. I would think, generally speaking, looking down the list here, it would increase employment. I am speaking of increasing employment efficiency, for example, by thermopaning individual residences.

If the Senator will look at subparagraph (h), on page 52 of the report, subparagraph (h), I would think this, if anything, would increase employment.

But all I am doing is, where the FEA says that at a minimum they could do something, all I am saying is, "Friend, if that is what you said you could do, do it."

Mr. FANNIN. But as far as energy utilization in the home is concerned—which one is it, (e), or which is it?

Mr. HASKELL. That is (j).

Mr. FANNIN. Yes: (e) is "standards and programs to increase industrial efficiency in the use of energy." (j) is "low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements."

We come right back to the manufacturers. I think the Senator realizes that in such a program as in section (j), one could probably include solar energy equipment. Is that not true;

Mr. HASKELL. That is possibly so. I would hate to say that right off the top of my head, but I think it is possible.

Mr. FANNIN. On all of these items, I think, energy is required. For example, insulation requires energy. Storm window installation takes energy. Almost anything that is done takes energy. What I am concerned about is, are we working backward? Are we really achieving the goal and objective the Senator has in this amendment?

I am afraid what we are doing is perhaps—in (j) it might be—impracticable for some of this manufacturing to be done, and I am just really concerned—I do not want to make legislative history that the Senate is advocating this to the point where it will be damaging. The Senator from Arizona feels that it will be, unless we do restrict the amendment to the minimum of what the Senator is talking about today, because I am afraid that the interpretation could be that the 4-percent cutback—now, as I understand it, the Senator is saying that is not his objective.

Mr. HASKELL. Oh, no, I have not been clear. My objective—the FEA has said at a minimum, under certain actions—that is, (a) through (k)—they can achieve, at a minimum, certain goals. All I am saying is, by statute, "OK, friends, achieve it." I personally think they can do better.

Mr. FANNIN. Mr. President, I do feel that there is mischief in the amendment, not intended by the Senator, certainly; I commend the Senator for his goal and for what obviously, as he states, is a desirable objective. I would like to get the record straight in that regard.

But I would remind the Senator of all the other possibilities with regard to many of the programs we are using. For example, I have a statement on methane gas, which will mean more product availability eventually, but it will be several years, perhaps, in coming, and may require a lot of additional equipment. It will employ people, fortunately, but that is one of the fears this Senator has, as expressed with reference to recycling.

I think we should be careful to limit the interpretation of this amendment, because otherwise I think it could be very damaging. I shall not question the Senator further, but I would like the RECORD to include, Mr. President, a statement which I have prepared on the utilization of methane gas, which I think fits into this overall matter. In other words, if we had some more product available, we would not worry about whether it was being utilized. As the Senator has stated the restriction on utilization, we always want to conserve, but at the same time, we would not have this great concern, because we would be more concerned about having jobs and opportunities for our people.

So I ask unanimous consent, Mr. President, that the statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. FANNIN

Though I have indicated my opposition to Federal programs which dictate what actions the individual States should take to accomplish energy conservation, I think the Federal government can serve a very valuable purpose by leading the way in energy research and development and in educating the private sector, and State and local governments on energy efficiency.

In Section 202 of the Standby Energy Authority bill, we provide for the promulgation of standards, however loose, for energy conservation. As I mentioned in the Minority views, I feel we should have been more direct about what we want the President to do—since he has 90 days in which to do it—and will mention one area of my concern.

Conservation possibilities by the industrial sector are listed, including utilization of waste heat and solid wastes, in the Committe report. Certain agricultural chemical companies in Arizona, who use tremendous amounts of natural gas in their production of anhydrous ammonia are attempting to find adequate quantities of wasted methane gas, which would be a satisfactory replacement for their purposes.

Since the City of Phoenix is also interested in new sewage treatment techniques, they too are looking for direction on the use of waste gases for energy production or other uses. Also, Arizona Public Service is studying the possibilities of methane use to free-up as much natural gas as possible. This type of resource recycling, which brings about the conservation of a very precious, high-demand substance like natural gas is absolutely necessary if we are to meet our future demands on our limited natural resources.

And so, Mr. President, if we could encourage and aid the States in bringing together, for instance, the City of Phoenix and the Arizona Agri-chemical Company for their mutual benefit, it would mean the saving of tremendous amounts of natural gas. Currently, the Department of Agriculture has a modest effort going forward in this direction. The Environmental Protection Agency is also exploring many resource recovery possibilities. But can we afford to wait for these programs to filter down to the local level. I submit that our energy conservation needs are too great to ignore these obvious possibilities. It is my sincere hope that we include in the meaning of "energy conservation plan" programs such as I mention that will assist the private sector and local government in establishing resource recovery programs like the above—to bring about both energy conservation and better harmony with the ecology.

Mr. GLENN. Mr. President, I yield to the Senator from Colorado.

Mr. HASKELL. I would like to ask the Senator from Ohio a question. As I said, I intended to ask for the yeas and nays. I do not know what the distinguished Senator's plans are for votes, whether he intends to have them at a time certain, a number of them, but if that is the Senator's intent, that would be fine with me so long as I know what it is, and I do not think there are enough Senators on the floor to get the yeas and nays now, so I do not want to call for them or have a quorum call, but what is the format?

Mr. GLENN. There has been no time certain agreement made as of yet. We have one hour on the amendment, and we could have a vote by 2 o'clock, if that is satisfactory.

Mr. HASKELL. Two o'clock would be fine.

Does the Senator think I might put in a quorum call just so that people could look into the cloakrooms to see if we can get the yeas and nays?

Mr. GLENN. I think that it would be more appropriate if we used up the time rather than go for a live quorum.

Mr. HASKELL. I have no further questions.

Mr. GLENN. The Senator from Ohio has a couple of questions of the Senator from Colorado.

Since there is little historical precedent for this, I would like to ask the distinguished Senator from Colorado if he envisioned this particular amendment, since it was placed in the bill, since the amendment went under the Federal initiatives in energy conservation, and since the next section, section 204, encompasses State initiatives and instructs the Administrator to take into consideration those mentioned in the previous section, with which the Senator from Colorado is familiar on page 108, my question then is whether he envisioned this as being an individual 4-percent State reduction program as an objective for each State or whether he envisioned this as a 4-percent overall national goal that could vary maybe from 1 percent in one State to 8 percent in another State to achieve the national average.

Mr. HASKELL. Mr. President, I am awfully pleased that the distinguished floor manager of the bill brought out that point.

The answer, in my judgment, is this is clearly not a directive to each State to use 4 percent. My State might use more or less energy or might be able to save more or less energy. This would be a national goal.

Mr. GLENN. Then, as I understand it, the Senator from Colorado would mean that the administrator of the bill at the Federal level is the one then who would have to go back and make sure that each State plan then achieved its maximum effectiveness so that we can achieve an overall national average reduction of 4 percent.

Mr. HASKELL. I would think not quite that way. I would think that in promulgating national regulations under section 203 we would know how much—let us take a very simple case—we would know how much energy we could reasonably attain from reasonable restrictions on hours of use in public buildings, and we probably would promulgate a regulation under that which, if implemented in good faith by the State, would result in X saving.

Now, maybe there are more public buildings in Ohio than there are in Colorado and, if so, I suppose Ohio contributes more than Colorado does or vice versa. But I think, and I would also like to mention, that in section 207 on page 111 "the Administrator shall, on a regular periodic basis, establish realistic and attainable energy conservation targets and objectives for State energy programs." So it is entirely possible as time goes by that the Administrator will say to the folks in Colorado:

> You have got more public buildings and you ought to be doing a little better.

But I do not think there would have to be any sort of jigsaw puzzle effect. This is what I was trying to say.

Mr. BUMPERS. Mr. President, will the Senator from Colorado yield for a question?

Mr. HASKELL. I am delighted to yield.

Mr. BUMPERS. Is it anticipated by the Senator that the intent of this amendment would be to say to the Administrator that the goal to be achieved is not less than 4 percent?

Mr. HASKELL. That would be correct.

Mr. BUMPERS. There is no limitation on the top of this.

Mr. HASKELL. The Senator from Arkansas is certainly correct, and I would hope the Administrator could do better than 4 percent.

The PRESIDING OFFICER. Who yields time?

Mr. HASKELL. I will yield the Senator time.

The PRESIDING OFFICER. The Senator from Arizona has 6 minutes.

Mr. FANNIN. Mr. President, in line with what the distinguished Senator from Colorado is doing, and I am not going to further question him, I want to commend him for what he is doing in his State in the way of solar energy, and in line with what we are discussing now and this bill, I think solar energy is very important. I understand there is in Denver, Colo., a junior college now that is being constructed that will be heated with solar energy.

I was also in Colorado Springs last week, and they are going forward with several solar energy programs in that particular city. We are very proud that we in Arizona, too, have some very active programs on solar energy.

Mr. President, in the 93d Congress we produced a considerable amount of legislation concerned with energy. We provided for the allocation of scarce fuels, encouraged energy conservation, and greatly boosted energy research. Today, supplying adequate energy to meet this country's demands continues to be a major problem, and it will not be solved in just a few years. So, Mr. President, yesterday I introduced a solar energy credit bill.

Obviously, we need to adapt ourselves to energy forms that are abundant, and we would like to utilize environmentally clean forms of energy wherever possible. The surprising factor is, Mr. President, that such a source is available to us now. The problem with this answer to our dreams—solar energy—is that the costs of adapting to its use have not come into commercial competition with our conventional sources. Even though the fuel to operate a solar heating and cooling system would be absolutely free, the initial expense discourages homebuilders and homeowners alike.

In debating the tax rebate bill, the Senate indicated its understanding of this situation by adopting an energy conservation amendment which included tax incentives for the use of solar energy. In conference on H.R. 2166, however, this provision was deleted to keep the costs of that extravagant legislation down—and because it was felt the energy provision belonged more properly with other legislation.

I introduced a separate bill to establish solar energy tax incentives. It is my strong feeling that such incentives for a limited period of time could work hand in hand with our solar development and demonstration programs and significantly reduce our oil imports, improve our environment, save homeowners millions of dollars in fuel costs and begin our climb into the era of ecological harmony.

Very simply, this legislation provides a tax credit limited to $2,000 for retrofitting to an old home or utilizing in new construction solar energy equipment. Considering the estimated $4,000 to $8,000 cost of solar heating and cooling systems, I do not feel this amount, 25 percent of the cost, is unreasonable. Owners of commercial buildings would be allowed a choice: Either an investment tax credit of up to 12 percent of the cost of a system, or the rapid amortization of a system's cost over 60 months such as we allow for pollution control facilities.

All equipment would have to meet Federal specifications and be functioning normally to qualify the taxpayer for these privileges. Further the Secretary of the Treasury would be directed to report on the use of this credit, both the extent and geographical use. The Federal Energy Administration would be directed to calculate the energy savings and recommend needed changes in this program, including a study of the potential benefits and costs of a loan guarantee or interest rate subsidy to incentivize homebuilders to utilize solar energy equipment.

After 5 years, the goal we have set for commercial competition by solar energy systems, these incentives would drop to an allowable credit of only 15 percent of the cost of application, with a limit of $1,200. I feel these provisions would bring about the utilization of solar energy at a small cost to the Treasury. If we reach FEA goals for solar utilization of 1 percent of all commercial and housing starts being equipped with solar devices by 1980, the loss to the Treasury would be about $64 million annually. And yet, we would save many more millions of dollars in oil imports and we would have launched a new industry which homeowners and business people have awaited a long time.

I applaud Representative ULLMAN for his attention to solar incentives in his legislation, H.R. 5005, the Energy Conservation and Conversion Act of 1975, but I feel we must go further. We must provide for residential and commercial use, we must have adequate performance standards to protect all consumers, and we must have a high enough credit to truly enhance the high initial costs of solar equipment. I am also hopeful that the FEA will be able to provide the necessary analysis of an incentive program for builders. Since, in most cases, the builder determines what type of heating and cooling system to use, we should not overlook his role in bringing about solar energy use.

I realize many of my colleagues are interested in this same goal and look forward to working with them on a comprehensive program to bring about this very desirable goal.

Mr. President, fortunately, throughout the Nation we do have work going forward on this very important task of trying to lower the peakloads of the utilities. One program that I think is going to be very helpful is having solar energy for the supplemental utilization.

Mr. BELLMON. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Will the Senator yield for a unanimous-consent request?

Mr. FANNIN. I am very pleased to yield to the distinguished Senator from Oklahoma.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Bill Oakley of my staff be permitted privilege of the floor during the remaining consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time of the Senator from Arizona has expired.

Mr. HASKELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HASKELL. Mr. President, I intend to yield back the remainder of my time.

I am informed, after very careful canvass of the environs, that probably not enough Senators are present to get the required yeas and nays.

For that reason, I am going to ask unanimous consent that the yeas and nays be ordered on my amendment without the normal seconds.

Mr. FANNIN. Mr. President, would the Senator repeat that?

Mr. HASKELL. Yes, Senator. As I mentioned, I had the environs of the Chamber canvassed, and there are not enough Senators available to get the necessary seconding yeas and nays, and rather than go into a quorum call, or something like that, I have asked for a unanimous consent that the yeas and nays be ordered on my amendment, but that the normal seconding procedure be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. FANNIN. Mr. President, as I understand it——

Mr. HASKELL. I am now informed that there are sufficient Senators in the vicinity of the Chamber to get a second, and for that reason I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator withdraw his request?

Mr. HASKELL. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Is there a sufficient second?

There is not a sufficient second.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. BUMPERS. On the time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HASKELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. Mr. President, I ask for the yeas and nays on amendment No. 332 to S. 622.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HASKELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PACKWOOD). Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate consider amendment No. 331, the amendment I offered to this bill.

The PRESIDING OFFICER. Is there objection?

Mr. HASKELL. Mr. President, I do not intent to object, but I do want to make one inquiry.

I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows.

Th Senator from Arkansas (Mr. BUMPERS) proposes an amendment numbered 331:

On page 109, line 6, strike the word "four" and insert the word "six".

The PRESIDING OFFICER. Do Senators yield back their time on the amendment?

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Arkansas. I believe this amendment will be very helpful, and it is needed. I think that the Governors of the States should be given at least 6 months to do this, and even that is a short time. I commend the Senator for making that change.

I yield back the remainder of my time.

Mr. BUMPERS. I thank the distinguished Senator.

Mr. President, I yield back the remainder of my time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I yield myself 10 minutes on the bill.

Mr. President, in his recent book "Who Runs Congress?" Ralph Nader singled out the U.S. oil and gas industry as perhaps the single most powerful influence on Congress, indicating that Congress was the pawn of the oil and gas industry. Ralph Nader was partly correct. The oil and gas industry must have a powerful influence on Congress, because the Congress has chosen to punish it more than any other single industry. There are at least three reasons why the oil industry is the current whipping boy of the Congress. Most of the reasons are related to public opinion.

First, members of the American public think that the sizable improvements in profits of the petroleum industry over the past 2 years have gone into management's pockets.

Second, the price increases to consumers associated with the profits were thought by the American public to be unnecessary to produce more oil.

And third, although most U.S. citizens favor a policy of energy conservation, when polled as to their preferences between price or tax increases as an inducement to conserve as contrasted to a Government rationing program, nearly twice as many favored Government rationing. The reason for this is that many Americans believe that the Government is able to devise and operate a rationing program which will guarantee them an adequate supply of petroleum products at lower prices. The public's belief in the promise of the politician that he can deliver the voter something for nothing continues to persist.

Mr. President, the congressional response has been to enact legislation which assumes that public opinion is predicated on factual accuracy.

Furthermore, this legislation, taken as a whole, is doing far more than merely making it harder and more expensive for the U.S. petroleum industry to develop the new sources of energy required to liberate us from the prices set by the OPEC cartel, and the threat of blackmail inherent in an unhealthy 40 percent dependence on foreign petroleum supplies.

About 2 weeks ago during consideration of the emergency tax legislation, two amendments were adopted which will have a substantial effect on the development of energy supplies.

These two amendments, which have now become law, will result in an aggregate annual tax burden to the petroleum industry of $2.1 billion. Put another way, the industry's costs of producing oil instantly shot up at a rate of $2.1 billion per year.

What this means is that either prices must reflect the increased costs or less capital will be expended in looking for oil, because the industry's $2.1 billion tax bill must be paid for out of something.

S. 622 would prohibit the Federal Energy Administration from establishing oil price increases without opportunity for congressional veto, which would allow for passthroughs of increased oil tax costs. If this bill becomes law, then industry expenditures for the search for oil would conceivably decrease by at least $2.1 billion.

Mr. President, let us dwell for a moment on recent industry expenditures in search for oil and its projected capital requirements. Recall that most members of the American public think that oil industry profits are channeled into management's pockets and that the oil industry does not "need" to charge such high prices in order to continue producing enough oil to meet consumer demand.

Regarding the misconception about pocketing profits, in 1969 the domestic oil industry expended $3.1 billion in oil and gas exploration. In 1973, the industry expended $5.9 billion for the same purpose. In 1969 the industry expended $2.8 billion for development and in 1973 expenditures had increased to $3.3 billion. In 1969, industry expenditures for production were $3.4 billion while in 1973 they had increased to $4.3 billion. Adding it all up, total expenditures for exploration, development, and production in 1969 were $9.3 billion. By the close of 1973 they had increased to $13.5 billion.

From this data, one can safely conclude that some profits must have been plowed back into the ground.

But let us proceed another step into our analysis. During the past 5 years U.S. oil industry profits amounted to an aggregate of $18.9 billion, while industry expenditures aggregated $34.1 billion or nearly twice earnings. Put another way, not only did the industry reinvest essentially every dollar of profits but, for every dollar of profit, it went out and borrowed nearly another dollar which it plowed into supplying more oil.

That latter statistic speaks to the second public misconception about the industry not "needing" substantial profits based on higher prices in order to supply America with oil. So does the Federal Energy Administration's estimate that in order to accelerate domestic oil supply in proportion to anticipated increased demand in order to achieve energy self-sufficiency, $561 billion—in 1973 dollars—must be expended between now and 1985. To use an old cliché, that does not grow on trees.

Let us assume for the sake of argument that the oil industry was nationalized tomorrow and that, contrary to law, the Government was not required to pay compensation for the taking of the industry's privately owned assets and that, by some unprecedented miracle, the Government was able to operate as efficiently as the industry does now. It would still take $561 billion to reach energy self-sufficiency. That money would have to come from somewhere. Presumably it would have to be recovered from the price the Government charged consumers or from consumers' tax dollars paid to the Government or from the private money market which the Government would have to repay with interest.

Mr. President, Congress, as you may have concluded, lives in a different world. If the private economy does not produce instant results, the solution that instantly jumps to too many minds is to legislate them. Time and again those who tried to roll back the prices of new oil to $5.25 per barrel challenge those who believe in the stimulus of the marketplace to explain why, after 1½ years, we have not seen a sharp increase in domestic production. They will not let themselves be diverted from their demonstration by the fact that exploratory development and production expenditures have risen $4.2 billion in the 5-year period 1969–73, despite shortages of pipe and rigs that resulted from our ill-conceived venture into wage and price controls.

Let us pause again, this time to look at a sample of recent increased costs to the oil industry. A variety of tubular goods increased in cost between January 1973 and January 1975—55.1 to 65.4 percent.

The cost of a two stage gas compressor cost $50,540 in January, 1973. In January, 1975, its cost had increased to $86,060 or by 70.2 percent.

Two years ago a deep well pumping unit cost $12,300. Now it costs $29,070, a 136.3-percent increase. In the past year alone offshore rig rates in the Gulf of Mexico increased by 31 percent.

Let us get back to the misconception that domestic production has not increased but continued to decrease; therefore, the oil industry must be pocketing its profits. We have already discussed increases in industry expenditures for the search for oil. Somebody must have paid for the increased use of drilling rigs. During 1974 1,471 rigs were operating in the United States, an increase of 23.2 over the 1,194 rigs in operation in 1973.

Somebody must have paid for the 32,756 oil, gas, dry and service wells drilled in the United States in 1974 which amounted to an 18.0-percent increase over the 27,551 wells drilled in 1973.

Somebody must have paid for the proved reserves of crude oil added by the 226,163,000 barrels of new field discoveries in 1974—which was a 94.8-percent increase over the 116,097,000 barrels added in 1973.

What concern has Congress shown for the need to increase domestic oil and gas production in order to avoid international blackmail? Let us summarize the various types of energy legislation related to the development of energy supplies acted upon in the past 2¼ years.

The major emphasis this year will be on reducing demand rather than increasing supply. The means by which the

Congress will seek to reduce demand will be and is mandatory conservation and allocation or rationing.

Have Senators perceived the remarkable similarity between what is happening to oil and what has happened to natural gas? Look at the custom of the Federal Power Commission's policy of setting area rates based on questionable cost data. Production has been seriously on the decline and substantial curtailments, or rationing have been the result when the Government controls prices and therefore profits. The Government also prevents the development of increased supplies. This is just the beginning of what has happened to oil.

So far we have talked privately about legislation already acted upon by the Congress to use a familiar expression, if you think things have been bad recently, consider what is about to happen to you now.

Without intending any particular hierarchy of horror, let us start with the Jackson proposal contained in S. 740 for a National Energy Production Board. The Board would be authorized not only to direct the petroleum industry where and when and how often to drill, but would also itself enter the exploration and production business onshore on Federal lands including the Naval Petroleum Reserves on the Outer Continental Shelf. As an added bonus, the Energy Production Board would also manufacture tubular goods, lease equipment, and other materials associated with oil and gas exploration and production.

The Board also would operate its own coal mines and take over the railroads. I must add that this is a serious proposal. The various congressional Democratic energy policy reports recently issued all contained a recommendation favoring creation of an Energy Production Board.

Next there are various versions of bills which call for the establishment of a Petroleum Import Administration under the chief sponsorship of Senators HART and CHURCH and Congressman UDALL. These bills would make it a crime for any private company to import oil into the United States. Instead, only the Federal Energy Administration would be permitted to purchase U.S. oil imports.

Mr. President, this is the response of the Congress to dealing with the energy crisis. Tell the voter he is going to get something for nothing because the Government is going to take over the energy business, Mr. President, I hope the American public soon wakes up to what the Congress is doing to it.

Mr. MOSS. Mr. President, I ask unanimous consent to submit an amendment at this point, and that further consideration of the amendment of the Senator from Colorado may follow immediately thereafter.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? Without objection, it is so ordered.

Mr. MOSS. I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 67, line 17, after the word "title," insert the following: title II of this Act,".

Mr. MOSS. Mr. President, this is a very simple amendment. I have spoken with the managers of the bill, and also the minority, and I do not think it is controversial at all.

The purpose of the amendment is to extend to title II of this act the prohibitions on unreasonable actions which now applies, by virtue of section 108 of the bill, to title I.

My specific concern in offering my amendment is to insure that interim energy conservation plans promulgated by the President pursuant to section 202 and permanent energy efficiency and conservation standards promulgated pursuant to section 203 are subject to the standards of section 108. In particular, I want to make sure that the "reasonable restrictions on hours for public buildings" and the "standards for reasonable controls and restrictions on discretionary transportation activities" which those two sections—sections 202 and 203—authorize, do not result in unreasonable and disproportionate burdens on the tourism industry.

When the President and the Administrator of the Federal Energy Administration promulgate energy conservation regulations under this act, they must take care to reduce energy waste but not energy usage which creates jobs. Tourism, because it is regarded as leisure activity, might be the target of some energy conservation plans. One man's leisure may be another man's livelihood, however. So I offer this amendment in order to provide guidelines to the energy conservation planners, that in deciding what restrictions are necessary and appropriate they look at the whole economy to find areas where energy is wasted and can be saved without loss of jobs, rather than loading the brunt of energy savings on a useful industry such as tourism which provides jobs for our people and tax revenues for our States and local communities.

I want to clarify one technical point before closing my remarks. It is my understanding that the effect of my amendment is to make both paragraph (a) and paragraph (b) of section 108 applicable to title II. I would like to have the floor manager of the bill confirm if that is also his understanding.

Mr. JACKSON. The Senator is correct, and I compliment the Senator from Utah on a most constructive amendment.

The effect of his amendment, of course, is to apply the provisions of section 108, prohibitions on unreasonable actions, to the conservation provisions of the bill, title II.

I must say that title II, the conservation area, is an area which can be susceptible to arbitrary and capricious judgment and decisions, and I think incorporating the provisions of section 108 in title II—and that is the thrust of it—is a most helpful and useful addition to the bill.

The Senator from Utah has been a pioneer in the conservation area in the energy field. He offered the historic transitional amendment in connection with home insulation which was in the predecessor to this bill that was passed over a year ago and was vetoed. I commend him for his continuing effort in this regard. This amendment is but another example of his astute and thoughtful consideration of the legislation before the Senate, and I commend him.

Mr. MOSS. I thank the Senator from Washington.

Mr. JACKSON. Mr. President, I am prepared to accept the amendment, and yield back the remainder of my time.

Mr. FANNIN. Mr. President, I am pleased to support the amendment. It is a very equitable and, I think, beneficial amendment.

Mr. MOSS. I thank the Senator from Arizona, and I am happy to yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PACKWOOD). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Utah (Mr. Moss).

The amendment was agreed to.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum, and that the time——

Mr. ROBERT C. BYRD. Mr. President, instead of that, will the Senator yield me 3 minutes?

Mr. JACKSON. I yield 3 minutes to the Senator from West Virginia.

Mr. STENNIS. Mr. President, I call for order.

The PRESIDING OFFICER. The Chair did not understand the Senator. Is the Senator from Mississippi raising a point of order?

Mr. STENNIS. I call for order.

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the Senator from South Dakota (Mr. ABOUREZK) for which an order has previously been entered, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR—S. 622

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, if the Chair will indulge me momentarily, on behalf of Mr. DOMENICI that Darla West be granted the privileges of the floor during the further consideration of the pending measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT
S. 66

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 66 is called up and made the pending business before the Senate—and this request has been cleared with the other side of the aisle—there be a time limitation of 1 hour on the bill; that there be a time limitation of 2 hours on an amendment to be offered by Mr. BARTLETT; that there be a time limitation of 30 minutes on any other amendment, 20 minutes on any debatable motion or appeal, and that the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 66 (Order No. 29), the so-called "Nurse Training Act of 1975," debate on any amendment (except an amendment to be offered by the Senator from Oklahoma (Mr. BARTLETT), on which there shall be 2 hours debate) shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Majority and Minority Leaders, or their designees: Provided, That the said Leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

TIME-LIMITATION AGREEMENT—S. 229

Mr. ROBERT C. BYRD. Mr. President, the following request has been taken up with the other side and cleared there: I ask unanimous consent that at such time as S. 229 is called up and made the pending business before the Senate, that there be 1 hour on the bill, 30 minutes on any amendments, and 20 minutes on any debatable motion or appeal, and the agreement be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 229 (Order No. 57), the so-called "Scrimshaw Art Preservation Act of 1975," debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and that debate on any debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Majority and Minority Leaders, or their designees: Provided, That the said Leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

TIME LIMITATION AGREEMENT AND ORDER FOR THE RECOGNITION OF MR. McCLURE—NOMINATION OF NEIL STAEBLER TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that at such time as the nomination of Mr. Neil Staebler, of Michigan, to be appointed as a member of the Federal Election Commission is called up and made the pending business before the Senate, that there be a time limitation on the nomination of 1 hour, to be equally divided between Mr. CANNON and Mr. McCLURE; and that at the expiration of that time or when such time as remains is yielded back, Mr. McCLURE be recognized for the purpose of making the recommittal motion; that the vote then occur without further debate on the recommittal motion, and that if the recommittal motion fails the vote occur immediately on the question of the nomination of Mr. Staebler.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Will the Senator withhold that request.

Mr. ROBERT C. BYRD. I withdraw my request.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

JOINT SESSION OF THE TWO HOUSES TO RECEIVE A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. MANSFIELD. Mr. President, I send to the desk a House concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 203, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, April 10, 1975, at 9 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 203) was agreed to.

AUTHORIZATION FOR APPOINTMENT OF ESCORT COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Vice President be authorized to appoint a committee on the part of the Senate to join a similar committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session at 9 p.m. on Thursday, April 10, 1975.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF MR. BENTSEN ON MONDAY, APRIL 14, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after the two leaders have been recognized under the standing order, Mr. BENTSEN be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum with the understanding that the time be charged to both sides on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

Mr. BUMPERS. Mr. President, I ask that the yeas and nays which have been previously ordered on the amendment by the Senator from Colorado be taken.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. HASKELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of Mr. HASKELL, No. 332.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGOVERN) is absent on official business.

I also announce that the Senator from

Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. CASE) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. CASE) would vote "yea."

The result was announced—yeas 68, nays 21, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—68

Abourezk
Allen
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Domenici
Eagleton
Eastland
Ford
Glenn
Griffin
Hart, Gary W.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Humphrey
Jackson
Javits
Kennedy
Leahy
Long
Mansfield
Mathias
McClellan
McGee
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams
Young

NAYS—21

Bartlett
Beall
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Curtis
Dole
Fannin
Garn
Gravel
Hansen
Hart, Philip A.
Hruska
Johnston
Laxalt
McClure
Scott, William L.
Stevens
Thurmond
Tower

NOT VOTING—10

Baker
Case
Fong
Goldwater
Inouye
Magnuson
McGovern
Metcalf
Morgan
Taft

So Mr. HASKELL's amendment (No. 332) was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HASKELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I send my amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma proposes an amendment on page 97, line 9, to strike out section 123 and insert in lieu thereof new language.

The amendment is as follows:

On page 97, line 9, strike out Sec. 123 and insert in lieu of it the following new section:

"Sec. 123. Phase-out of Petroleum Price controls.—

(a) The price permitted for oil now, or in the future, classified as "old" oil under regulation promulgated pursuant to Section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) and in effect on January 1, 1975, may be increased to the level in effect for "new" or "stripper-well oil" under changes to be promulgated in existing regulations on the basis of ⅓ of the difference in price to be allowed on July 1, 1975, ⅓ the difference on July 1, 1976, and the final ⅓ on July 1, 1977, when this title expires.

(b) The income derived by the producer of the oil from these price increases shall be subject to an excess or tax at a rate of 100 per centum unless it is re-invested within three years for—

"(1) intangible drilling and development costs;

"(2) the following items if paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States or a possession of the United States:

"(a) aerial photography;

"(b) geological mapping;

"(c) airborne magnetometer surveys;

"(d) gravity meter surveys;

"(e) seismograph surveys; or

'(f) similar geological and geophysical methods;

"(3) the construction, reconstruction, erection, or acquisition of the following items;

"(a) depreciable assets used for the exploration for or the development or production of oil or gas (including development or production from oil shale); converting oil shale, coal, or liquid hydrocarbons into oil or gas; or refining oil or gas (but not beyond the primary product stage);

"(b) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines.

"(4) secondary or tertiary recovery of oil or gas, including remedial work necessary to maintain or restore primary production, or

"(5) the acquisition of oil and gas leases but the aggregate amount which may be taken into account under this subparagraph for any taxable period shall not exceed one-third of the aggregate of the amounts which may be taken into account by the taxpayer under subparagraphs (1), (2), (3), and (4) for such period.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, the purpose of this amendment is very simple. We now have a two-oil pricing system for oil in this country. Old oil produced now is selling for about half the price of new oil or stripper oil, and about half of the price of oil on the world market.

As every Member of the Senate knows, it is causing serious problems in its administration. It is an allocation program that is breaking down.

Also, if it is the desire of the Senate and of the Government to become more or less independent and secure from foreign sources of oil, we need to provide incentives to produce more here at home.

We also need to provide a means of conservation.

The programs being considered practically all involve rationing or increases in the cost of energy so that users will conserve more and use less.

There is also a great need for more capital in the industry to drill deeper wells in the Outer Continental Shelf, in the deeper gas zones, and on the North Slope.

This amendment is intended to accomplish all of those objectives by phasing in a decontrol over old oil prices in three phases over the next 3 years.

The amendment states that one-third of the difference of the price between new and old oil would be allowed on July 1, 1975; one-third the difference on July 1, 1976, and the final one-third on July 1, 1977.

At that time there would be no more difference between the price of new oil and old oil.

The amendment also includes an excess profits tax provision requiring that all the income received by producers for the increase in the price of old oil would have to be plowed back or would be taxed at the rate of 100 percent.

Mr. President, I have no further comment to make about the amendment at this time.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment.

Mr. BUMPERS. Mr. President, on behalf of the committee, I state that the amendment is not acceptable to the committee. The committee hopes to hold hearings on this subject within the next 3 weeks.

The amendment of the Senator from Oklahoma is very similar to the Gravel amendment which has already been considered by the Senate. As I say, the substance or the concept of it will be considered in committee hearings later this month.

A point of order could be raised about this amendment because of the tax aspects of it, but I simply want to voice the committee's opposition to it.

I yield back the remainder of my time.

Mr. FANNIN. Mr. President, I should like to take a minute to commend the Senator from Oklahoma. I realize his sincerity in offering this amendment. Yes, a similar amendment has been considered previously, but this amendment would solve one of the primary energy problems which we have been working on. The administration has been trying to increase the supply of energy. The Senator from Oklahoma is giving the incentives for an increase in this amendment. It provides that there will be an incentive for a plowback, and there will be an excess profits tax. Certainly it meets all the requirements that have been advocated to achieve the goals we have in our energy picture.

I commend the Senator for offering this amendment.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. HANSEN. Mr. President, I think we are going to look back with some misgivings in a few months, after we have had the time to see what impact the cut in the depletion allowance has had on the economy, particularly on the oil industry. I wonder if we were not ill-advised in voting as I anticipate we shall

vote on the amendment proposed by the Senator from Oklahoma.

Practically every expert who has testified before the Committee on Interior and Insular Affairs and before the Committee on Finance, on either side, has been on record in pointing out that you cannot have it both ways.

I believe that the Senator's amendment makes great sense. If we want to become more energy self-sufficient in America, if we want to shorten the lever that the OPEC countries have now and which they have applied effectively in expressing their disapproval of our foreign policy or whatever else may be the case to invoke their opposition or ire, we will have to do it in the manner that is proposed by the amendment of the Senator from Oklahoma.

I wish the Senate had more time to consider the sound advice that has been given by any number of experts. If that had been the case—I regret that it has not—I would anticipate that the Senator's amendment would be given rather substantial approval.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, I will take 1 minute to conclude.

The Senate has considered the Gravel amendments, which are different. They have the same objective. This amendment would start the decontrol process as of July 1 of this year and would end it by July 1 of 1977. It is a phased decontrol. It would not produce a sudden jolt on the cost of gasoline or other types of energy, and it would prepare us for the conservation program that the Senate probably will have to adopt very quickly.

I sincerely believe that we should go ahead and do more in the way of conservation. The Senator from Arkansas has said that other hearings need to be held. But here is a step we can take now, without hearings being necessary—we all understand the issues—and get moving now and not have a 7-month delay. I see no need to wait for hearings and the development of new legislation. I urge the approval of this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Kentucky (Mr. Ford), and the Senator from Louisiana (Mr. Long), are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern) is absent on official business.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that if present and voting, the Senator from Washington (Mr. Magnuson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Hawaii (Mr. Fong), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I also announce that the Senator from New Jersey (Mr. Case) is absent on official business.

I further announce that, if present and voting, the Senator from New Jersey, (Mr. Case) would vote "nay."

The result was announced—yeas 28, nays 61, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—28

Bartlett
Bellmon
Bentsen
Brock
Buckley
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Goldwater
Gravel
Hansen
Helms
Hruska
Johnston
Laxalt
McClure
McGee
Montoya
Packwood
Pearson
Scott, William L.
Stevens
Thurmond
Tower
Young

NAYS—61

Abourezk
Allen
Bayh
Beall
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Culver
Eagleton
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mathias
McClellan
McIntyre
Mondale
Morgan
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Hugh
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—10

Baker
Case
Fong
Ford
Inouye
Long
Magnuson
McGovern
Metcalf
Taft

So Mr. Bellmon's amendment was rejected.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Ohio yield to me on a privileged matter?

Mr. GLENN. I yield to the distinguished Senator from Georgia.

AGRICULTURAL PRICE SUPPORT—MESSAGE FROM THE HOUSE

Mr. TALMADGE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4296.

The PRESIDING OFFICER (Mr. Packwood) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. TALMADGE. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Packwood) appointed Mr. Talmadge, Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Dole, Mr. Young, and Mr. Bellmon, conferees on the part of the Senate.

Mr. TALMADGE. I thank my distinguished friend from Ohio for yielding to me.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

SENATOR RANDOLPH STRESSES NEED FOR COAL CONVERSION AUTHORITY

Mr. RANDOLPH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

TITLE VI

EXTENSION OF AUTHORITY TO ISSUE ORDERS

Sec. 601. Section 2(f)(1) of the Energy Supply and Environmental Coordination Act of 1974 is amended by revising the date "June 30, 1975" to read "December 31, 1975."

Mr. RANDOLPH. Mr. President, this amendment which I have offered, and in which my able colleague from West Virginia (Mr. Robert C. Byrd) has joined, has the support of the Senator from Washington (Mr. Jackson) and the Senator from Arizona (Mr. Fannin), the manager of the bill and the ranking minority member with whom I have discussed the purpose of the amendment.

The amendment would provide for extension of the time for the Administrator of the Federal Energy Administration, under the Energy Supply and Environmental Coordination Act of 1974, to issue coal conversion orders for an additional 6 months, until December 31, 1975.

Mr. President, last June, 10 months ago, the Congress passed and the President approved the Energy Supply and Environmental Coordination Act of 1974.

Among its provisions was authority to require electric power plants and major industrial facilities with the capability to utilize coal to convert from oil and natural gas to our Nation's most abundant fossil fuel.

Six months later in his state of the Union message President Ford endorsed coal conversion. On January 14, 1975, I wrote the chief executive supporting his position and stating, and I quote:

> Under the Energy Supply and Environmental Coordination Act of 1974, the Federal Energy Administration now has authority to order the conversion of some oil and gas fired electric power plants and major industrial users to coal with minimum compromise of compliance schedules for clean air requirements. Thus I am disturbed by re-

ports that additional authority will be sought to ease environmental rules, when this Act has yet to be implemented. National policies to protect public health, as contained in the Clean Air Act, must not be compromised although our country is faced with energy supply problems.

And today, Mr. President, the Federal Energy Administration has yet to issue an order although 10 months have passed. Despite a concerted effort since last fall by their Office of Fuel Utilization, the Federal Energy Administration has yet to issue its first order.

Meanwhile as reported by the Washington Post on April 5, 1975, some 13 electric powerplants on the east coast are switching back to more costlier oil, adding as much as $150 million to consumer electric bills in their service areas. Together these conversions also will increase our oil imports by almost 100,000 barrels per day.

Mr. President, I request that the Post article by Thomas O'Toole appear in the Record at this point in my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

THIRTEEN ELECTRIC PLANTS IN EAST SWITCH BACK TO COSTLIER OIL

(By Thomas O'Toole)

At least half the East Coast electric companies that changed from burning oil to coal during the Arab oil embargo have switched back to the higher-priced oil, adding as much as $150 million, to consumer electric.

What's more, the Federal Energy Administration has appeared powerless to prevent any switchback to oil. The electric companies converting their coal burning plants back to oil acted on orders from the states or because they chose to do so themselves for reasons of convenience.

The Nixon administration and then the Ford administration made strong pleas to electric companies, attempting to get them to burn cheaper domestic coal instead of high-priced imported oil. They achieved some success during and after the embargo, getting some 25 East Coast power plants burning more than 150,000 barrels of oil a day to change to coal.

But in the last six months, at least five East Coast electric companies that made the switch from oil to coal during the embargo have gone back to oil at 13 plants. Together, these switches involve the burning of almost 100,000 barrels of oil a day.

One reason these electric companies switched back to oil was that they lost their state-granted exemptions from clean-air standards to burn coal. Massachusetts, New York, Connecticut, New Jersey and Rhode Island revoked many of the temporary variances that allowed electric companies to burn coal instead of low-sulfur oil.

Another reason is that oil is now available, albeit at $12 a barrel. The states that allowed exemptions from clean-air standards did so only because oil was scarce during the six-month embargo period, which began in October, 1973. The electric companies that may have wanted to stay with coal are no longer able to plead oil shortage as a reason to burn coal.

There is some evidence that electric companies welcome the change back to oil, partly because coal is harder to transport, store and burn. Coal suppliers also insist on three-to-five-year contracts, something electric companies don't want to agree to because they don't know if they'll be allowed to burn coal that long.

Moreover, the electric companies have automatic fuel-adjustment charges to pass on their higher oil costs to consumers. Most states don't fuss too much about the fuel charges because they tax the power companies on gross receipts, meaning they bring in more tax revenues on the higher charges.

"There isn't one state on the East Coast willing to go all out and fight the fuel-adjustment charges," said one federal energy official who asked not to be identified. "They're all making more in tax money out of the fuel adjustment business."

The five East Coast companies that switched from oil to coal and back again to oil are Atlantic City Electric, New England Electric, Northeast Utilities, Orange & Rockland Utilities in suburban New York and Public Service Electric & Gas Co. in New Jersey.

Neither Virginia Electric Power Co. (VEPCO) nor Potomac Electric Power Co. (PEPCO) has been involved in any coal-to-oil changeover. PEPCO's Chalk Point plant was planning to switch from coal to oil at one time, but never did because of the shortage scare during the Arab embargo.

New England Electric is typical of the five companies that switched back to oil at three of its power plants, two in downtown Providence, R.I., and the third in Salem Harbor, Mass. Both places are densely populated cities, where the states were not willing to continue exemptions from clean air standards once the oil embargo was ended.

New England Electric burns more than 25,000 barrels of oil every day at these three plants, which at $12 a barrel costs them about $300,000 a day in fuel costs. When the same plants burned coal, fuel costs were a little more than half that.

In New Jersey, Atlantic City Electric was able to burn coal to generate two-thirds of its electricity during the oil embargo. It has been forced to reconvert to oil at two of its biggest plants, meaning that coal now fuels less than half its electric power instead of two thirds.

The fuel-adjustment charge to Atlantic City customers now averages a little over $8 a month. The average electric bill is now more than $25 a month, almost twice what it was five years ago.

"We figure we pay 32 cents a gallon for oil nowadays," an Atlantic City Electric official said yesterday. "The comparable figures for coal are 21 cents and for nuclear energy the equivalent of four cents a gallon."

Under the Energy and Environmental Coordination Act of 1974, FEA Administrator Frank G. Zarb can order power plants to burn coal instead of oil. So far, Zarb has chosen not to exercise this authority though there are signs that he plans to test that authority soon.

The FEA is in the midst of economic and environmental studies of no fewer than 80 electric plants in the United States, including 13 plants that have switched back to oil after going to coal during the embargo. FEA officials say they'll almost surely recommend that Zarb order some of these 80 plants to use coal.

Zarb's authority to do so runs out at the end of June, but the FEA has requested that Congress extend that authority beyond June. Bills to do so are now in the Senate Public Works Committee and the House Interstate and Foreign Commerce Committee.

However, the Environmental Protection Agency can challenge such an order. And the plant itself can fight the order, if it makes a strong case against coal.

Mr. RANDOLPH. Mr. President, while some of these conversions to oil were on the order of States others were because the utilities chose to do so for reasons of convenience.

Were the Energy Supply and Environmental Coordination Act fully implemented as intended by the Congress last year many of these facilities would still be on coal.

Mr. President, this authority may well expire on June 30, before the first order is issued by the Administrator of the Federal Energy Administration.

Repeatedly I have been assured by Administrator Zarb and his predecessor John Sawhill that this legislation would receive the highest priority, yet the first order has yet to be issued. The Congress even went so far as to provide additional time after orders were issued for the preparation of environmental impact statements. This represented a major policy change for the Congress regarding the implementation of the National Environmental Policy Act.

However, when the oil embargo was lifted the Federal Energy Administration chose to implement the statute in a more conservative manner by preparing a programmatic environmental impact statement prior to issuing any coal conversion orders. This is now scheduled for completion around April 25, 1975.

This approach to the implementation of the statute has been at the expense of a considerable extension of schedule for implementation of the Energy Supply and Environmental Coordination Act.

Now the Federal Energy Administration is still faced with public hearings on proposed prohibition orders which are not scheduled to commence until May 15, 1975. In addition, the agency is faced with the possibility of having to prepare site-specific environmental impact statements for each conversion order during the next 2½ months.

We have, of course, had the judgment of the administration in this matter. Again I am not being critical, but I do not believe, I say to the Senator from Arizona (Mr. Fannin), who has discussed this matter with me, that there has been the priority in the implementation of the conversion provision that would have been effective and in keeping with the intent of Congress.

I think, however, that in recent months a concerted effort has been made by the Office of Fuel Utilization to achieve the objectives of the bill relating to coal conversion.

I think it would be unfortunate—in fact it would be unwise—should the authority for this program expire before any actual field experience is obtained This experience is needed before Congress can adequately judge the validity of the additional amendments that would be proposed by the administration.

I wish to cooperate with the committee, and the managers of the bill, and I will not discuss the amendment further except to respond to questions, or hopefully, to have their endorsement of the purpose of the amendment.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from West Virginia for sponsoring this amendment, which is a very vital one.

When we are discussing coal utilization, it is a subject that is very dear to the heart of the Senator from West Virginia, who has been a leader in the program to utilize more coal because of its abundance in this Nation of ours.

If we consider what we are up against, and the time element involved, we can recognize the importance of his amendment which does carry through a need that will afford an opportunity for further activity in regard to this program of coal utilization, and in making the necessary efforts in this respect.

I do feel that we have not carried through as rapidly as we should have. We have delayed many programs, especially when we realize how few utilities, for instance, were converted as a result of the desire that was stated both by Congress and the administration, and which did not result in the activity which was anticipated.

So I think it is vital that this amendment be adopted, and that we carry through with the recommendations that have been made by the distinguished Senator from West Virginia.

The distinguished Senator from West Virginia has brought out many times that we have not followed an upward trend in our utilization of coal. We have followed a downward trend.

Just 10 years ago about 23 percent of the energy that was utilized in this great country of ours was from coal. Today it is down to around 18 percent, and we just cannot allow that downward trend to continue.

We have a tremendous amount of coal available in the Nation, and if we look to the future—and that is what is happening now, the Senator's amendment is pointing to the future and making it possible for the program to go forward, a program that is very badly needed.

Mr. RANDOLPH. Mr. President, will my knowledgeable friend yield?

Mr. FANNIN. I would be very pleased.

Mr. RANDOLPH. This amendment is solely for the purpose of extending for a period of not to exceed 6 months the authority of the Administrator of the Federal Energy Administration to issue conversion orders as provided in the Energy Supply and Environmental Coordination Act. It is not to be construed in any way as a broadening of the authority of the FEA Administrator.

Under the Energy Supply and Environmental Coordination Act the Administrator of FEA is authorized to order plants which actually converted from oil to coal after September 15, 1973 to continue to burn coal. In addition, he is authorized to order plants which are presently burning oil but have the capability to switch to coal to cease burning oil and thus force the use of coal.

Such conversion orders can only be issued in accordance with the provision of the act as relates to compliance with the requirements of the Clean Air Act. No conversion order may be issued by the Administrator to a plant which is presently burning coal and wishes to continue to burn coal except where such plant actually converted from oil to coal after September 15, 1973.

The Energy Supply and Environmental Coordination Act was and is an emergency measure. It was intended to ease problems for oil burning powerplants which were required to convert or voluntarily converted from oil to coal. The Congress specifically reserved the policy decision as to how to deal with plants which might at some future date convert from coal to oil in order to comply with the Clean Air Act. The Committee on Public Works will consider this issue in connection with pending Clean Air Act Amendments.

I know that Senator MUSKIE would be interested, as he has indicated, in the extension, with the understanding that I have stated.

Mr. FANNIN. In commending the distinguished Senator for the 6-month period, I bring out that the long-range benefits that will be involved for only a 6-month period certainly are not the extent of what will come about over the period of years, and the energy that will be generated will be of tremendous benefit to people throughout this Nation. So I do feel this amendment is essential. It will give an opportunity to the FEA to go forward with their programing and planning which we discussed earlier. I feel that it is certainly a good addition to the bill, and I am very pleased to commend the Senator and to support the amendment.

Mr. RANDOLPH. The Senator from West Virginia is appreciative of the comments made by the Senator from Arizona.

The PRESIDING OFFICER. Do the Senators yield their time back?

Mr. RANDOLPH. I have no desire to discuss the matter further. I think the acting manager on the part of the majority has studied this with Senator JACKSON, the chairman of the Interior Committee.

Mr. GLENN. That is correct, and the committee feeling on this was there was certainly no objection to it. There was no objection to this extension of time, and I have no further comment on it at this time.

The PRESIDING OFFICER. Is the time yielded back by the Senator from Ohio?

Mr. GLENN. Yes.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield before he yields back the remainder of his time?

Mr. RANDOLPH. Yes.

Mr. HARRY F. BYRD, JR. May I say I am very much impressed with the proposal—I am not speaking now of the proposal just presented by the Senator from West Virginia, but the proposal by the Senator from West Virginia—which was presented and which was passed by the Senate on February 5, 1975, in regard to voluntary conservation.

That is only 2 months old and has hardly had time to succeed in what its sponsor and cosponsors hoped would be the result. But I still think it has great merit, and I am wondering if the Senator from West Virginia does not feel that we, perhaps, should give this voluntary program an opportunity to develop possibly before going into more far-reaching legislation such as the legislation which is before the Senate today.

I might say that neither the President nor Congress has dramatized the importance of the Randolph resolution. I am convinced that if the purpose of the Randolph resolution and the objective of the Randolph resolution are dramatized to the American people that the American people will respond, and we can save by voluntary measures perhaps as much as can be saved by the pending legislation.

I would like to ask my colleague from West Virginia if he would be inclined to comment on that.

Mr. RANDOLPH. The able Senator from Virginia calls to our attention, of course, the programs of voluntary effort in energy conservation which cannot only be made by all the American people, but in all the segments of our industry, in all of the Federal and State and local entities of government.

There is the opportunity. Yes, there is the responsibility to have this voluntary program in motion. The Senator is correct in saying that the resolution which I offered here, which was cosponsored by some 67 Senators, both Republicans and Democrats, did pass unanimously.

Later, the President—although it was not directing him to do something, it was our request to him, to focus attention on this voluntary effort, in fact, to call for a crusade, in a sense, to set aside a period of time for doing it—did so. He made a statement in which he calls for more voluntary action, and he commends the Members of the Senate for the action which we carried in force.

I ask unanimous consent, Mr. President, to include at this point the statement from the President of the United States commenting on what the Senate had done in reference to the passage of that resolution.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT ON VOLUNTARY ENERGY CONSERVATION—NOTING THE PASSAGE OF SENATE RESOLUTION 59

In my State of the Union Message, I outlined a comprehensive program to address the Nation's energy and economic problems. My energy program includes measures to encourage energy conservation, to increase domestic energy production, and to prepare for any future emergency that might result from an oil embargo. I set goals of reducing oil imports by 1 million barrels per day below expected oil imports by 1 million barrels per day below expected levels by the end of 1975 and 2 million barrels per day by 1977—and achieving energy independence by 1985.

I announced administrative actions and legislative proposals which are necessary to achieve these goals. The Nation is now awaiting action by the Congress on my legislative proposals. I am confident that the Congress will move quickly so that we can minimize the adverse economic impact of the outflow of dollars for imported oil and reduce our vulnerability to disruption by another embargo.

While we wait for the Congress to act, I would like to remind the American people that their voluntary actions *can* make an important contribution toward achieving our economic and energy goals. Recently, the Senate of the United States adopted a resolution sponsored by Senator Jennings Randolph of West Virginia and 67 other Senators which calls upon me to proclaim an Energy Conservation Month, during which voluntary actions to conserve energy might be intensified.

I welcome this action by the Senate and join the sponsors of the resolution in urging all Americans to renew their efforts to use energy wisely and more efficiently in their homes, offices, schools, farms, industries, commercial establishments and travel.

The opportunities for voluntary energy

conservation and the benefits of conservation are clear. Last September, I established a goal for Federal Government agencies to hold energy consumption in fiscal year 1975 to levels 15% below 1973. I am pleased to report that, during the first six months of fiscal 1975, the Federal agencies have held consumption approximately 23% below 1973 levels—a savings equivalent to 46 million barrels of oil and a savings in energy costs to Federal taxpayers of $425 million. In addition, the Energy Resources Council is working closely with industry and others to find ways of conserving energy.

The voluntary actions we have taken have made an important contribution and I call upon the leaders of business and industry, state and local governments, and all the American people to renew and intensify their voluntary energy conservation efforts. The Senate has called for designation of a one month period for intensified energy conservation actions. But I am confident that all the Senators who sponsored Senate Resolution 59 will join me in urging all our citizens to make energy conservation a year-round effort.

We know that voluntary actions alone cannot solve our Nation's energy and economic problems. Action by the Congress is needed on the measures I have proposed to increase domestic production and to reduce demand, all of which are essential to the solution of our problem. I trust that Senate Resolution 59 is but the first of the constructive actions that we can expect from the Congress.

Mr. RANDOLPH. To state further my thinking, I am not certain how far we can expect a voluntary program to carry us. We do know that if motor vehicles are operated on highways and roads of the United States up to 55 miles an hour, which is now a Federal law, we can save us an estimated 125,000 barrels of oil every 24 hours.

This is just one of the opportunities and I think also responsibilities of the American people through voluntary means to bring about, frankly, a situation where the imported oil will not cause the deterioration of our pricing policy and also result in shortages .

Mr. HARRY F. BYRD, JR. The pending legislation, title I of the pending legislation, the Standby Emergency Authorities Act, title I is fairly accurately described and I favor title I.

It is title II that gives me concern as to how to vote on this legislation because title II goes a great deal further, of course, than the resolution offered by the distinguished Senator from West Virginia and which I had the privilege to cosponsor.

Mr. RANDOLPH. And the Senator was very helpful in that effort, in his remarks at the time in the Senate.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. RANDOLPH. Yes, sir.

I can understand the concern of the senior Senator from Virginia and his seeming reluctance to think in terms of the legislature in its two parts. I am sure this is a matter of study by many Senators who will be called on to vote either for or against this measure.

Mr. HARRY F. BYRD, JR. I thank the Senator from West Virginia.

I have a great deal of confidence in the American people. I think that the American people will respond in a voluntary way if their leaders in Washington, namely, the administration in Washington and the Congress in Washington, will dramatize the problem and will make it clear to the people the need for conservation, the need for voluntary conservation, and the results that will be required if voluntary conservation is not achieved.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Well, I thank my colleague and I yield back my time.

The PRESIDING OFFICER. Who yields time?

Are the Senators prepared to yield back their time?

Mr. GLENN. Yes; we are prepared to yield back the time.

Mr. FANNIN. All time is yielded back.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 108

Mr. FANNIN. Mr. President I call up my amendment No. 108.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. FANNIN) proposes an amendment No. 108.

Mr. FANNIN. Mr. President, I would like to amend the amendment and on line 2, in place of "December 31, 1975" insert "March 1, 1976."

The PRESIDING OFFICER. The amendment is so amended.

Mr. FANNIN. I thank the Chair.

The amendment, as amended, is as follows:

On page 97, line 8, delete "June 30, 1976" and insert in lieu thereof "March 1, 1976."

Mr. FANNIN. Mr. President, this is a very simple amendment. It is relating to the mandatory allocation program which would have expired August 31, 1975, and now under my amendment will be extended to March 1, 1976.

Mr. President, it is very evident that this is more than ample time for any consideration to be given to the continuance of this particular program and I understand that the manager of the bill is in agreement and is willing to accept this particular amendment.

Mr. President, I would like for his expression at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. The Senator from Arizona is correct that the committee has agreed, or representatives of the committee, the committee chairman agreed to accept this change of date, thinks it is a good idea, and I think that no further colloquy is necessary on this.

Mr. FANNIN. Mr. President, I would just like to express my appreciation to the distinguished Senator from Ohio for his consideration of the amendment.

I yield back the remainder of my time.

Mr. GLENN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. FANNIN. I thank the Chair.

Mr. President, I ask unanimous consent that the minority views on page 74, section 3 of the committee's report be printed at this point in the RECORD.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

III. Section 122—"Adequate time" another shirking of congressional responsibility

Section 122 extends the life of the Emergency Petroleum Allocation Act until June 30, 1976. It is to be recalled that this Committee extended the Act last year to August 31, 1975, in S. 3717. The Committee then announced in its report on S. 3717 that—

The purpose of the proposed four month extension, therefore, is to provide adequate time for the new Congress and the Executive Branch to review the Act and make a definitive decision as to its extension for a longer period of time, either in its present or a modified form. The Committee is already aware of a number of proposed amendments to the Act. Other changes will undoubtedly be proposed in the months ahead. The Committee believes that it is too soon to make basic changes in the Act and that proposed changes should be considered next year in light of more extensive experience with the Act. Accordingly, it is proposing a short extension without amendments.

Apparently, the Committee feels that the first eight months of 1975 is not enough time to "review the act".

Several members of the majority and minority requested hearings on the Emergency Petroleum Allocation Act before taking any action to extend it beyond August 31, 1975, or to amend it. It was thought by those making the request that eight months was enough time to act on a bill. The Committee, however, apparently felt that eighteen months would be necessary to review the act, but at the same time felt it was urgent that that act be amended anyway without benefit of hearings.

Our feelings regarding the Emergency Petroleum Allocation Act have not changed since last August when we expressed the following views:

At the request of the Administration, we voted to extend the expiration date of the Emergency Petroleum Allocation Act from February 28, 1975, to June 30, 1975. Our sole purpose for voting to support the four month extension was to provide an additional period of time in which to proceed with an orderly and complete phase out of all price and allocation controls. No other amendments than the mere four month extension were contemplated or agreed upon in conversations between Administration officials and members of this Committee on both sides of the aisle. The Administration position as we understood it, is as follows:

1. The expiration date of the Emergency Petroleum Allocation Act would be extended to June 30, 1975.

2. Between now and that date the Administration should proceed with an orderly total phase out of price and allocation controls to be completed by June 30, 1975. In the immediate future the Administration will give priority attention to developing regulations to remove many of the inequities which have resulted from the Act, including the two tier pricing system for crude oil.

The Emergency Petroleum Allocation Act by its very title was intended to be an *emergency* measure to deal with a temporary petroleum fuels shortage which now has ended. That such was what was contemplated is clearly borne out by Section 2 of the Act which reads as follows:

Sec. 2. (a) The Congress hereby determines that—

(1) shortages of crude oil, residual fuel oil and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(2) such shortages have created or will create severe economic dislocations and hardships, including loss of jobs, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods; and

(3) such hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the Executive branch of Government.

(b) The purpose of this Act is to grant the President of the United States and direct him to exercise specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy.

We voted against the bill at the time because we felt that the bill, at best, would only spread shortages around. Additionally, we felt that should the Federal Government intervene in the marketplace by imposing regulations affecting supply and price, no matter how benignly such intervention was intended, unforeseen inequities would result and the shortage would be exacerbated.

The one day of hearings on this bill contained much testimony enumerating and describing the inequities which have resulted from the Act. These remarks plainly show both that the legislation was intended to deal with a petroleum fuels emergency which no longer exists and that the wisdom of federal regulatory intervention in the marketplace even under the then existing fuel shortage was questionable.

To continue to rely upon legislative authority designed to be limited to emergency fuel shortages in times of a reported surplus is unwise and unjust. Accordingly, we support the four months extension of the Act only to insure that the phase out of price and allocation controls will be both complete and orderly.

In retrospect, our primary mistake was in voting for the four months extension in the first place. Had we known that we would be faced with a further extension, without hearings, in the Ninety-Fourth Congress, we would have chosen instead to debate S. 3717 at length on the floor.

The **PRESIDING OFFICER**. Who yields time?

The bill is open to further amendment.

Mr. **GLENN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **JOHNSTON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JOHNSTON**. Mr. President, I have an amendment which I send to the desk.

The assistant legislative clerk proceeded to read the amendment.

Mr. **JOHNSTON**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

Section 4(e) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627), is hereby amended by adding a new paragraph 4(e)3 as follows:

"ENCOURAGEMENT OF ENHANCED OIL RECOVERY

"(3) (A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to 'new oil', as defined in subparagraph (B) of this paragraph, shall be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.

"(B) For the purposes of this paragraph, 'new oil' refers to any crude oil produced from any property in any calendar month, in excess of a percentage, specified in the regulation, of the volume of crude oil produced from that property in the corresponding calendar month of the previous year.

"(C) The percentage specified pursuant to subparagraph (B) of this paragraph shall reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques, such as measures to increase the permeability of the reservoir, including acidizing and fracturing, measures to restore reservoir pressure by injection of water, steam or gas, and measures to reduce oil viscosity or capillarity by the introduction of injected substances or heat."

Mr. **JOHNSTON**. Mr. President, this is an amendment submitted on behalf of myself, Senator Long, and Senator Stone, the object of which is to encourage secondary and tertiary recovery by giving that incremental amount of oil which is produced by secondary and tertiary recovery the higher price presently allowed under the regulations.

The intent is that if a man is producing oil from a given reservoir this year, let us say in April of this year he produces 100 barrels of oil and he is able to increase that take this year through the use of secondary and tertiary recovery by 50 barrels of oil, then the intent of this amendment is that the regulation shall specify that he receive the higher price, the unregulated price, if you will, of that last 50 barrels of oil.

It is not that oil that he would get anyway, but only that produced by secondary or tertiary recovery, or by what we call in the amendment enhanced recovery techniques.

Mr. President, it is estimated that we have some 40 billion barrels of oil in reserve at present.

It is also estimated that, through these enhanced recovery techniques, an additional 59 billion barrels of oil can be produced in this country. Why are the 59 billion barrels of oil not considered reserve and the 40 billion barrels are considered reserves? For two very simple reasons, Mr. President: The first is scientific or technological. We have not developed all the techniques and all of the means and measures by which we can extract this oil. The second reason, and the more important reason, is purely economic. That is that the lower old oil price is $5.25 a barrel makes it simply not worth it to go in and use these enhanced recovery techniques—acidizing, all of these measures designed to enhance the permeability, the pressure, or the recovery from a given known reservoir.

Mr. President, there are literally thousands of reservoirs around this country that are not being produced at present because they are considered to be depleted under the present economic structure. That is to say even though maybe 60 percent of the oil that was originally there is still there, it is just not worth it to go in and get it out at $5.25 a barrel. But at the higher oil price, at, say, $11.80 a barrel, it immediately makes it economically feasible to go in and produce that oil.

As far as the technique followed in this amendment is concerned let me explain that for the record. The amendment creates a new category of oil called new oil. It says for the purpose of this paragraph that new oil shall be that oil produced this month which is in excess of the amount of oil produced from that reservoir in the same month in the previous year. The percentage is to be established by regulation by the FEA Administrator, and the percentage is to reflect the enhanced recovery techniques. I should say it is to reflect that decline in production which you would otherwise have without the enhanced recovery techniques.

A simple example is this: You have a reservoir that, in April of last year, produced 100 barrels of oil. The FEA regulations say that the normal decline in that reservoir would be 12 percent, so that a normal decline would give you only 88 barrels of oil this year. But in the meantime you undertake an enhanced recovery technique—let us say acidizing of the well, or let us say carbonated water flood. That gives you 150 barrels in this month of this year. Then you would be entitled to the difference between the 150 barrels that you produced and the 88 barrels that you would have produced. That difference is deregulated at the new price or at the higher price. The old 88 barrels of oil would still get the old oil price because we do not want to give anyone a windfall; we do not want to give him the higher oil price for oil that he would have gotten anyway. But what we very much want to do, Mr. President, is to encourage him to make that expenditure and to take that chance.

When I say take that chance, I mean that the facts are that secondary and tertiary recovery does not always work. It is not one of those things where you can say, "I will put a water flood in" or "I will put in one of these tertiary recovery techniques" and know you will recover it. It does not always work. In fact, a higher percentage of the time it does not work. It is very expensive and sometimes it does not work. It is almost like drilling a wildcat well. You need to encourage the taking of that chance and the making of that expenditure.

Mr. President, we have talked a lot about energy independence in this country. I have been on the Interior and Insular Affairs Committee which has been right in the eye of the hurricane as far as developing an energy policy in this country. But let us be frank and let us be honest. That is that we have not yet developed an energy policy. We have yet to hear from the White House, or, I have to admit, from the Congress, a coherent policy that is designed to give us energy independence. We have yet to take those steps, those tough steps, which are going to increase the supply of oil or increase the supply of energy.

As a matter of fact, since the Arab oil embargo was put on in 1973 and we became aware of the dimensions of this problem, how really serious it was to this country to be dependent on our sources of energy and we all began discussing this matter, we have actually gone down in oil production by about 1 million barrels a day. From October 1973 to October 1974 we went down 900,000 barrels of oil a day. We have not taken any steps since that are designed to increase that production rather than decrease it.

Yes, we did away with windfall profits by repealing the depletion allowance, and we debated that here at great length. There are two views on that. We have done a lot of other things to prevent windfalls, to prevent ripoffs to the consumer, to prevent other things. But it is time we took rational action, rational action that the consumer can afford, that the country can afford, that will not jolt the economy, but which will produce an incremental barrel of oil.

That is precisely what this amendment is designed to do. I sincerely hope the acting floor manager will accept this amendment.

Mr. STONE. Will the Senator yield to me for a few minutes?

Mr. JOHNSTON. I will yield to my distinguished coauthor from Florida.

Mr. STONE. Mr. President, the Senator from Louisiana, in fact both Senators from Louisiana, and the junior Senator from Florida, are interested in the ultimate consumer price of oil, both at the gas pump and in connection with the payment of people's electric bills.

There is only one way that those prices will ever go down, and that is with an increase in supply. All the conservation in the world will not produce a lower price if we do not at the same time gain some extra supply, particularly in an economy such as that of the United States.

This Senator, the junior Senator from Florida, has consistenly voted against across-the-board deregulation, both today and in the past. This Senator, the junior Senator from Florida, favors this bill and will vote for this bill as a good conservation bill regardless of whether this amendment passes or fails. But this Senator is very concerned at the insufficient attention to that mechanism that we all know works. It is called incentive.

If we provide an incentive to induce the producers of oil and gas in this Nation—the only Nation where we actually can control the supply under our flag—to allow them to cover the known extra costs of producing oil from older pools, then we have every right to expect that we will get that extra barrel of oil that we need to increase the supply and we will have a chance to get the cost of oil and energy down in this country.

If it costs more than $5.25 a barrel to steam flood, to water flood, to detergent flood or to utilize a technique not now out of the laboratories but which can be used, but which costs more than $5.25 a barrel, then you know that under our system of free enterprise nobody is going to put forth $6 a barrel of cost to get $5.25 a barrel when they sell it.

The only way we can get extra oil is to deregulate the extra oil. The Senator from Florida is not willing to deregulate all old oil, but extra oil which may not otherwise be produced is a fit candidate for incentives. This Senator hopes that the Senate will see fit to adopt this good amendment as part of a worthwhile bill that not only will conserve on demand but also will increase supply.

The PRESIDING OFFICER. Who yields time?

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. JACKSON. Mr. President, I will be very brief.

I think there is a great deal of merit in what the Senator is attempting here. As I look down the road, we will have to provide for some kind of standard by which we will in turn provide the inducements and the assurances necessary to go after the higher-priced oil. But I think it would be most unfortunate to proceed to legislate on the floor of the Senate while we are not sure of the impact of the legislation because we do not know what the Federal Energy Administration would in turn be able to do in promulgating price regulations under the legislation.

I point out that we will have to have hearings, and hearings are scheduled for April 28. I am sympathetic with a proper formula that will not have loopholes, and I am not saying that there is a loophole here. I am saying that I really do not know what all the implications might be in connection with the pending amendment. I think it is unwise to proceed at this time to provide for a special pricing in this one area, when we do not have before us all the facts.

In connection with the Mandatory Allocation Act, our committee will be getting into this matter in some detail. I say to the authors that I, for one, will give sympathetic consideration to working out the kind of pricing program that truly will provide a reasonable incentive to go after oil that is far more costly to produce than that which is recoverable at average cost.

This is only commonsense. But in attempting to embark precipitously today on a new program, we run the risk of not knowing what we are doing. I hope that the hearings provide us a more precise and a more reliable basis for dealing with this problem.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. JOHNSTON. I appreciate the Senator's attitude. The distinguished chairman of the Committee on Interior and Insular Affairs has taken the lead in energy matters and has provided many useful measures in this area. However, as I understand the Senator's comments about this amendment, the Senator is saying that, on its face, the amendment appears to be good; that the objective is worthwhile; that there is no apparent deficiency in the amendment other than there has not been sufficient time to study it; that if it turns out to be what it appears to be, he probably would be for it later on.

Is that correct?

Mr. JACKSON. Let me put it this way: I think that, in general, that is true. I am for a recognition of price incentives to encourage the maximum amount of drilling in the most difficult areas particularly as it truly pertains to new technology and actual additional costs. This is not a mandatory allocation amendment; it is not a pricing bill. I want to go into it in some detail, and we will go into this matter in committee.

I did support the stripper well amendment, when we first addressed that particular problem. On reflection, some mistakes were made in connection with it, but it made sense at that time to take care of the stripper well operator who produces 10 barrels per day or less per well.

I say to the Senator that I am sympathetic, and I shall do everything I can to act expeditiously. I think that a clear majority of the committee would feel that way. But I really would like to know what we are doing under his amendment and I am concerned that we are dealing with just one part of the pricing problem.

We need to seek new pricing formula, now that the depletion law has been repealed, except as it pertains to the so-called independents who produce 2,000 barrels a day or less—and eventually down to 1,000 barrels.

I would like to see a complete review of the pricing structure. I would like to see the committee make recommendations to the Committee on Finance as to new tax incentives and other incentives to form the capital we need for energy discovery and production. It has been estimated that between now and 1985, we will need a trillion and a half dollars for new capital investment in the energy area. In the overall capital needs, we are talking of a figure of $5 trillion. Last year, the total amount spent on new plant and equipment investment was about $105 billion to $115 billion. That was for all purposes in the United States. About 45 percent of that was in the overall energy area. But now, in energy alone, we are talking of a trillion and a half dollars in new investment. The energy business was capital-intensive before, but it will become the most capital-intensive industry the world has ever seen. The reason, of course, is the cost of developing alternative sources and producing in the frontier areas.

I want to make clear my views. I hope the Senator will defer this matter. I give him the assurance that we will go into it very carefully in trying to resolve not only this particular problem but also others in the pricing area.

Mr. JOHNSTON. I agree with the distinguished chairman in everything he has said except as to the question of delay.

In effect, what the chairman has said—and I agree with it; he has said it well—is that we need more incentive, we need to encourage new source, we need to get the capital investment it is going to take to bring forth those new sources. We are in agreement. We both agree that the objective of this amendment is good, that the amendment is calculated to bring forth those sources.

The only question is this: Can we be absolutely sure that this amendment would do it? Can we be more sure by waiting, by having hearings? That, I think, is essentially the question.

If this amendment is defective for any reason, it can be changed after these hearings, which I think we should have, anyway. On the other hand, this amendment, I submit, can do no harm; because all it will do is to give incentives, pricewise, to that barrel of oil that we would not otherwise get except for secondary and tertiary recovery.

There can be no harm in getting more oil. It may not bring forth more oil, for whatever reason; and if it does not, it has not cost the taxpayer 1 copper cent, and it has not cost the consumer 1 copper cent. The only way in which this can cost more money is to bring forth more oil, and it is more money that is paid to the American producer, not to the Arabs.

Mr. STONE. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I will yield after I make one comment.

By delaying this, we are making a decision. It is not that we are deferring that decision. We are making a decision, and that decision is that the price of secondary and tertiary recovery oil will be kept at $5.25. That is a decision in itself. Now, given the decision between keeping it at $5.25, when it is expensive, and letting it go to a market price, when we might be likely to get some of that secondary and tertiary recovery, I say let us err on the side of production, let us err on the side of additional sources, and come in and have those hearings we both think we should have.

Mr. JACKSON. Will the Senator yield?

Mr. JOHNSTON. Yes, I yield.

Mr. JACKSON. On the one hand, when we had the price rollback question before us, the argument was that by decontrolling the price of new oil, we would get great additional quantities of new oil. We have not been getting that additional new oil, as the Senator knows.

Mr. JOHNSTON. But if the Senator will yield, the amount of wildcats, the amount of money invested in exploration has dramatically gone up. In my part of the country, it has just about doubled.

Mr. JACKSON. Let me recall that the focal point of the debate a year ago was that if we decontrolled it, in 18 months, we would be producing more oil. Instead, we are producing less. That is why we need to look at this whole price structure.

The arbitrary increase—I do not want to rehash, over and over again, what we have covered so many times, but when we went to $5.25 a barrel, no one in the FEA was able to explain how they arrived at that $5.25 figure. We have the National Petroleum Council, and I think the American Petroleum Institute figures on what price they needed for incentives. We have exceeded those target figures with no added production.

If we are going to talk about pricing, I think some prices should be increased, and some should be held back.

We have the question of decontrolling the old oil, which would be the biggest windfall in history, going from $5.25 a barrel, and if we include the impact of the tariff, it would go to $14.40.

Mr. JOHNSTON. This does not do that. This keeps the old oil at the old oil price.

Mr. JACKSON. I understand that, but I am saying we should look at the whole price structure, that is all.

I have the highest regard for the Senator from Louisiana and I hope that this matter will either be deferred or voted down.

Mr. STONE. Will the Senator yield?

Mr. FANNIN. Will the Senator yield for just a question?

Mr. JACKSON. Yes.

Mr. FANNIN. The Senator says this does not amend the act. In other words, the bill does not? Is that what I understand him to say?

Mr. JACKSON. No, I did not say that.

Mr. FANNIN. What the Senator was talking about does not affect price controls?

Mr. JACKSON. We do extend the mandatory allocations.

Mr. FANNIN. And 1.3 is the limitation on raising or removing petroleum price controls.

Mr. JACKSON. We do extend the Mandatory Allocations Act.

Mr. FANNIN. And the limitation on eliminating price controls, too.

Mr. JACKSON. Well, we do not have a freeze in this bill as yet. There may be an amendment offered to prohibit the President from decontrolling the old oil.

Mr. FANNIN. I am trying to arrive at why the distinguished manager of the bill would oppose the amendment of the Senator from Louisiana when its encouragement would enhance oil recovery, and the whole gist of the bill—if the Senator will give me a chance to say here what the intent of the bill is. It is to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imports, and so on. This amendment is to do just that.

Mr. JACKSON. I would say to the Senator, we have not had hearings on this particular issue. We have announced that there will be hearings April 28 on the Mandatory Allocations Act and the pricing and allocation question in some detail. We have agreed already to limit the date on the act's extention to March 1. I repeat that at the April 28 hearings, we shall go into the whole question of pricing.

Mr. FANNIN. The Senator realizes that our goal is, at the earliest time possible, to increase the production of oil. He has talked about the fact that we have not had the increased production that we anticipated.

Mr. JACKSON. The Senator will remember that when we debated it, we were told over and over again, a year ago last month, that with the overriding of the veto and turning down the price rollback, to decontrol the old oil, we would get significant additional domestic production.

Mr. FANNIN. I do not think that is what the debate was.

Mr. JACKSON. I shall read the record back.

Mr. FANNIN. I should like to read the record back to the distinguished Senator, because I am sure he will remember very well that we said the curve would not continue downward. That is one of the greatest problems we have had. We have leveled off, and we are very hopeful, under amendments such as the one offered by the distinguished Senator from Louisiana, that we will be able to do more in that regard. In fact, it is our greatest potential, I think the Senator will agree.

We have had testimony before our committee many times on tertiary and secondary recovery. I think the Senator will agree on that.

Mr. JACKSON. Mr. President, I wish to put the following paper in the RECORD, just for the record.

Here is a summary on various studies on pricing, which I referred to previously. Here is the Federal Energy Office, January 1974:

Federal Energy Office (January 1974):

". . . The long term supply price of bringing in the alternate sources of energy in this country, as well as drilling the Outer Continental Shelf and the North Slope . . . is $7 a barrel, current 1973 dollars."

Department of the Treasury (December, 1973):

"No one knows exactly what the long-term supply price is, as no one can predict the future that clearly. Our best estimate is that it would be in the neighborhood of $7 per barrel within the next few years."

Mr. President, the price of the old controlled oil is now over $11 a barrel.

The Independent Petroleum Association of America, 1973 projections—this is when we had this up—

Independent Petroleum Association of America (1973 projections):

"In terms of constant 1973 dollars . . . an average price of about $6.65 per barrel for crude oil . . . would be required over the long run to achieve 85% self-sufficiency in oil and gas by 1980."

National Petroleum Council Oil and Gas Availability (Dec. 1973):

"For maximum attainable self-sufficiency by 1980, average revenue required per barrel of crude is shown on the following table for different rates of return."

Oil and Gas Journal (September 17, 1973):

"The price outlook for domestic crude thus has to be rated promising . . . The new prices make investment attractive in the new equipment and services to rejuvenate marginal wells . . . Risks are becoming worth taking."

Petroleum Independent (November 1973):

"There's no doubt that prospects are for increased drilling. Everybody I know is planning on it. With new oil priced from $5.30 to $6.00 per barrel, there's incentive now to go looking for oil."

Mr. President, I think these quotes from the industry itself and the table set out on pricing as a means of providing the necessary incentive, even making adjustments for inflation, speak for themselves.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF RECENT PRICE STUDIES

A number of recent studies have focused on determining the long run supply price of crude oil needed to elicit adequate domestic supplies of oil. A summary of the findings of these studies is given below:

Federal Energy Office (January 1974): ". . . The long term supply price of bringing in the alternate sources of energy in this country, as well as drilling the Outer Continental Shelf and the North Slope . . . is $7 a barrel, current 1973 dollars."

Department of the Treasury (December, 1973): "No one knows exactly what the long-term supply price is, as no one can predict the future that clearly. Our best estimate is that it would be in the neighborhood of $7 per barrel within the next few years."

Independent Petroleum Association of America (1973 projections): "In terms of constant 1973 dollars . . . an average price of about $6.65 per barrel for crude oil . . . would be required over the long run to achieve 85% self-sufficiency in oil and gas by 1980."

National Petroleum Council Oil and Gas Availability (Dec. 1973): For maximum attainable self sufficiency by 1980, average revenue required per barrel of crude is shown on the following table for different rates of return.

TABLE 653.—AVERAGE UNIT REVENUE REQUIRED PER BARREL OF CRUDE OIL[1]

[In dollars per barrel][2]

	Rate of return				
	10 percent	12.5 percent	15 percent	17.5 percent	20 percent[3]
1971	2.739	2.981	3.223	3.465	3.705
1972	2.819	3.066	3.315	3.563	3.812
1973	2.855	3.112	3.370	3.623	3.826
1974	2.941	3.214	3.486	3.759	4.031
1975	3.168	3.359	3.650	3.941	4.232
1976	3.216	3.530	3.844	4.158	4.472
1977	3.398	3.738	4.078	4.413	4.758
1978	3.612	3.978	4.344	4.711	5.077
1979	3.815	4.208	4.601	4.995	5.389
1980	4.056	4.476	4.896	5.317	5.737
1981	4.288	4.738	5.188	5.639	6.087
1982	4.553	5.037	5.520	6.004	6.487
1983	4.864	5.231	5.899	6.417	6.935
1984	5.151	5.707	6.262	6.818	7.374
1985	5.500	6.093	6.687	7.280	7.873

[1] Based on economics for lower 48 States and South Alaska.
[2] Constant 1970 dollars.
[3] All rates of return are annual book return on average net fixed assets.

Oil and Gas Journal (September 17, 1973): "The price outlook for domestic crude thus has to be rated promising . . . The new prices make investment attractive in the new equipment and services to rejuvenate marginal wells . . . Risks are becoming worth taking."

Petroleum Independent (November 1973): "There's no doubt that prospects are for increased drilling. Everybody I know is planning on it. With new oil priced from $5.30 to $6.00 per barrel, there's incentive now to go looking for oil."

Mr. STONE. Mr. President, I think the Senator from Washington, our distinguished chairman, was momentarily off the floor when I made my few remarks in connection with the position of the Senator from Florida against general deregulation and in favor of this particular version. What is the difference in rationale? The difference is that this amendment recognizes the difference in cost in recovering the oil as opposed to investment incentive or price incentive per se, or profit incentive per se. This amendment reflects a simple truth: If we do not let a producer recover what it costs him to produce, he will not produce that extra barrel of oil.

I think it is very much in the interest of the consumers of this country to get the extra barrels of oil we would not otherwise get so that, by extra supply we can get the prices down—not merely this theoretical concept of independence of foreign sources, but simply that grand old, unbeatable, unattackable truth of supply and demand and that we will not have any supply if we cannot recover the cost of producing the supply.

I direct the attention of the managers of the bill—of which I am one; I am a sponsor of this measure—to paragraph (c), which mandates that the regulation to be set shall—that means must—reflect the rate of decline in production, the cost, and the situation which would have taken place in the absence of these enhanced recovery techniques, and then they are listed.

That is the purpose of this regulation. So it could not be just a frec from regulation amendment, to deregulate oil out of existing old oil pools per se.

I again submit that neither by the staff analysis nor by the analysis of the floor managers of the bill do we have any loopholes built into this regulation. And, now that the chairman is back on the floor——

Mr. JACKSON. I am sorry; I had an urgent phone call.

Mr. STONE. No problem. No problem at all. I just direct my chairman's attention to paragraph (c) of this amendment, which requires that the regulation shall reflect both the rate of decline in the old oil pool and the added costs of the secondary and tertiary recovery techniques.

In effect, Mr. President, what I am trying to do by supporting this bill is cover the extra costs of recovering oil from old pools, considering the geology of the old pool, so that by recovering those costs we get the extra barrels of oil that we would not get otherwise, and again, in closing, I repeat that this Senator has voted against deregulation in general and as a concept, but not in this circumstance.

Mr. JACKSON. Mr. President, let me respond by saying that I have great respect for both Senators, and I know specifically that the Senator from Florida has taken a strong stand on deregulation, whether it is the price of gas or the price of oil.

The Senator mentioned paragraph (b). My concern is to what extent we want to delegate this authority, and to what extent we should strengthen the amendment by including statutory safeguards, as distinguished from the promulgation of regulations.

What we are really doing here, and let us be candid about it, is expanding the stripper well concept to all oil production. That is what, in effect, is involved. We are providing some guidelines, but I am——

Mr. STONE. Mr. President, will the Senator yield for a question?

Mr. JACKSON. Yes.

Mr. STONE. Is it not the case that, as to stripper wells or any wells, what this amendment would do is cover the extra cost of recovery, from either the new oil well or the old well? In this case, we are covering the old well. They need the money to cover the cost of producing that extra barrel of oil, when we need that extra barrel so badly.

Mr. JACKSON. I would feel better about this amendment if we were dealing with a total pricing package, rather than continuing to allow a price for uncontrolled oil that is beyond, in my judgment, all conscience. For example, for every new barrel discovered, we deregulate an old barrel. We ought to address ourselves to that question, and that is not addressed in this proposal.

Mr. STONE. Will the Senator yield further?

Mr. JACKSON. I yield.

Mr. STONE. This is not a double dip amendment at all. It reflects strictly the cost. If the distinguished chairman would offer further amendments to this bill with regard to the double dipping, he would probably have the support of the junior Senator from Florida. But the point is that if we are to produce extra oil compared to the previous year, we will be producing oil we would not otherwise get, and most of that is of the type that has to be removed by either water flooding, steam flooding, or other techniques that cost more.

Mr. JACKSON. What I am saying is that it would be wiser to look at the whole picture of oil production and to examine those areas where there ought to be an adjustment in price, and those areas where there ought to be a rollback. That is why I want to go into the whole question in connection with the review I said we would do on mandatory allocations.

Mr. STONE. Mr. President, will the distinguished Senator yield?

Mr. JACKSON. I yield.

Mr. STONE. This junior Senator graduated in a legislature in which the opponents of good legislation were constantly telling us Democrats, "Why don't we do a total picture, a total review?" The word "total" finally began to grate on me, because if we had a decent proposal and enough votes to pass that proposal, why not pass it and go on to the next?

Of course, we ought to do a total review of oil production, and when we get to it, we will all pitch in; but if we have a decent concept, with no loopholes, why not proceed? Two things are better than one, but right now we have one right in front of us; let us do one.

Mr. JACKSON. Would the Senator be willing to accept an amendment to roll back the price of so-called new oil, which is now deregulated, and also eliminate the deregulation of an old barrel for every new barrel, and in addition give consideration to the price being set at $7.09?

Mr. STONE. I have introduced a bill on a similar subject, which would set a ceiling price of $9.50 at the wellhead, both foreign and domestic, and a floor to be set after hearings. That would be a part of the review that the chairman has promised the Senator from Louisiana, this Senator, and others.

In the case of the proffer that the Senator has just made, if it were properly worded I would surely be interested in the debate that would ensue on both sides as to what a consensus would be.

Mr. JACKSON. I think a condition precedent is the rollback on some of these prices, before we talk about pushing prices up. That is what concerns me.

Mr. STONE. I think a ceiling price is valid, a good ceiling price, and I think if we had a ceiling price we might be able to get rid of some of the bureaucracy that costs and does not produce. I agree with that approach.

Mr. JACKSON. I appreciate that.

Mr. STONE. But nevertheless, as long as it seems to this Senator that it costs more to produce by secondary and tertiary methods from an old field—and that is where the secondary and tertiary recovery is done, in the old fields—than they can get for the oil, we are not going to get those extra barrels of oil.

Another thing that concerns me: This Senator really believes that the pressure is on OPEC, that there is a chance to get a reduction in the world gouge of oil prices, and that through recession, this Nation and other developed nations have imposed their own conservation program, which is beginning to really press the foreign oil producers.

If we can add to that pressure of our own economic failures the pressure of some increased supplies, and even a reasonable yardstick that will forecast extra supplies, there is every chance that we can, if not break the cartel as a cartel, at least get the price down to where we can afford to import and pay for oil.

That is another reason why I think that this proposal can help.

Mr. JACKSON. I would feel a lot better, too, if we had taken the steps—and we have not taken them yet; they have been reported from the committee—to make certain that the President will not be able to decontrol the old oil price on May 1. That is hanging over our heads like a Sword of Damocles.

Mr. STONE. This Senator agrees with that completely.

Mr. JACKSON. I know that, and I respect the Senator completely, as he knows, in the statements that he has made.

I think what we have done here is discuss various pricing problems. That is all the more reason why we want to consider the pricing situation as one package. What concerns me is that the big push is on to decontrol rather than to try to provide some pricing arrangements that will give an incentive for production.

I would hope that we would not do it on a piecemeal basis.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I would add only a couple of comments to those of the distinguished Senator from Washington which he has already made.

I think, with regard to statutory standards, those particular remarks strike home with me in that too often we delegate, I think, many things to an agency, and then come back later on commenting about how we do not like what that agency particularly did.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. GLENN. Certainly.

Mr. JOHNSTON. Did not the Senator sponsor legislation on conservation where he delegated the conservation standards to the President in this very bill?

Mr. GLENN. We have very many times certainly, and that was one of them, I think, that we would like to have had a lot more detail on than we did.

Mr. JOHNSTON. Is that not precisely the same point or why is that more appropriate for regulation than this, for statutory regulation?

Mr. GLENN. The Senator from Louisiana makes a very good point. I think all of these things should be subject to congressional review. I think the amendment to which he refers, I believe, was subject to review.

Mr. JOHNSTON. Does the Senator not have an amendment providing also for FEA regulation for the maximum price of domestic crude oil? Is that not the next amendment to come up right after this?

Mr. GLENN. I do not know that that is coming up next. That is a little different. We can get into a discussion of that later on. That one is in a different consideration than this though where there would be regulations proposed under——

Mr. JOHNSTON. But regulations, I mean, without getting into the substance of it, the next amendment or one at the desk, the one following and the one at the desk, provide for a method of regulation.

Mr. GLENN. I believe if the Senator goes into the amendment that I have and will be calling up some time either today or tomorrow, if this bill carries over to tomorrow, he would find this is very clearcut, and will be exactly the type of situation I am talking about, where there would be little regulation necessary under the amendment I propose.

What I am proposing in that amendment would be a situation where the international cartel price, plus the tariff price that, the tariff additive that, the President might put on would not be permitted to become the domestic price in this country, and that is very clearcut and would require practically no regulation. It is a different situation entirely.

Let me say I am very much for what the Senator from Louisiana and the Senator from Florida are trying to do with this bill. I think any efforts that can be made to try to get maximum production out of particularly old fields and fields down to the stripper level of the 10- or 12-barrel-a-day capability, anything we can do to make sure that we get maximum production out of these I am for, and where a lot of effort is required going into secondary and tertiary efforts in existing fields where expenditures are made and a lot of effort is put into that, I can see no reason why that should not be treated as new oil, and that is basically what the Senator is trying to do. So I am for the principle.

However, I do share my committee chairman's views that I would like to see all aspects of this thing looked into.

Mr. JOHNSTON. Mr. President, if the Senator will yield, I think the Senator is demonstrating very well the difficulty of being an assistant floor manager. Having sat in that seat myself before, and having had to defend things I really did not believe in, and voting against amendments that I thought were good amendments, I have great sympathy for the Senator because he does it very well.

Mr. GLENN. If the Senator will yield for a moment, I am not stating things here just in support of my committee chairman that I do not believe in. Do not get me wrong. I would like to see this looked into more.

Mr. JOHNSTON. If the Senator will yield further, actually the wording of this amendment providing for the regulation came from what I consider to be an outstanding staff member of the Interior Committee. I think we have got the best and the brightest staff on Interior, perhaps, well, as good as any committee in the whole Congress, and I had it drawn up not to provide really for the regulation but to just put it in terms of secondary and tertiary recovery.

Mr. GLENN. If the Senator will yield, I wish it was in those terms, because I think those are terms which have become common enough during this whole energy discussion so that secondary and tertiary recovery techniques are understood far better than the language of paragraph (c) where is says:

> This paragraph shall reflect and take into account the rate of decline in production normally expected.

I think these are words that are not as straightforward and as reliably understood these days by most people dealing with energy as are secondary and tertiary recovery techniques.

Mr. STONE. Mr. President, will the Senator yield for one question?

Mr. GLENN. Certainly.

Mr. STONE. Would the Senator recognize the fact that that extra provision that was put in really by our own staff was in order not to reward as new oil that which could have been pumped out of those old fields anyway; but that by building in the safeguard of looking at the geologic age of these pools and the other capabilities normally of the pools, you cannot move out as new oil that which could have otherwise come out as old oil. That is the purpose of it, and that is why only the technicians of an executive branch could impose—and it would have to be mathematical and geophysical, and in other terms, standards in order to safeguard against that.

Mr. GLENN. If the Senator from Florida will yield, I am glad we are having this little colloquy back and forth then because the language of the bill did not exactly reflect what the Senator said they were trying to reflect here. I am glad to read this into the legislative history of the discussion here so that it will be part of the Record, because I think it would have been much more clear to me had that been stated as part of this bill here.

I say once again I am very much for what the Senator is trying to do here, because I think this will go a long way toward helping get new production out of some of the old fields that might otherwise be lost. So I am for that very much.

But I would like to have some of the language clarified. For instance, "reflect and take into account the rate of"—those are very nebulous words here, and I wish the Senator could use secondary and tertiary.

Mr. STONE. Mr. President, will the Senator yield?

The language in paragraph (c) is to allow oil to be treated as new oil that which would not normally be pumped as old oil, and which would not normally be pumped at all, because it costs more to take it out of there than the normal gravity techniques would allow, and these are words of art that our staff proposed as the best way to reflect that.

Furthermore, is it not the case that instead of simply saying to the executive branch:

> Promulgate for us a regulation so that the new techniques that are more costly to get oil out will be treated as new oil.

And instead of that are we not providing ample yardsticks by which the regulation must—it is not may, it is not can, but it must—reflect, because the word is "shall," the normal decline in production from the old pools, and the techniques of secondary and tertiary recovery?

Mr. GLENN. If the Senator from Florida will yield for a moment here, let me add something that will clarify this. This was taken up in private conversation with the Senator from Louisiana, and I think it indicates where most Members of the Senate would probably like to have this clarified just a bit.

For instance, we have an old field, perhaps it was not producing last year, it was capped for whatever reasons; it was under a regulation of the Texas Railroad Commission or for whatever, but it was capped, and a nonproducing field, and during the period, as outlined here for last year, where there would be a time period, taking the comparable months a year ago, I would presume that this would have to be interpreted as meaning that a field like that, under production coming up now, would not all be considered as new oil when it was just an inactive field a year ago.

Mr. JOHNSTON. That is correct.

Mr. GLENN. Let us add to the legislative discussion.

Mr. JOHNSTON. That is correct; that is the intent of the amendment. The regulation would be drawn so as to reflect no new oil price for oil that was simply being capped and kept in the reservoir and not being produced. That would not be eligible for the new oil price, but only that incremental barrel obtained by the enhanced recovery techniques or, to use the more commonly understood phrase, secondary and tertiary recovery.

Mr. GLENN. Those are the types of things I was talking about when I referred to the feeling that we could probably do better on statutory standards here by talking these things out and making a part of it—I repeat I am very much for what the Senator intends to do.

Mr. JOHNSTON. I would say to the distinguished Senator from Ohio I think the amendment is carefully and well-drawn. It is reinforced by this legislative history, and if, indeed, there are any bugs in it—and I do not think there are, because it has been drafted, redrafted by Interior staff—but if there are any bugs in it, this bill has a long matriculation to go through the legislative processes before it becomes law.

It will go to the House and receive committee hearings there and then go to conference. It can receive a great deal of scrutiny.

After all, we wrote a bill here on the floor of the Senate providing for over a $30 billion tax cut and we felt no hesitation in doing so at all. The need of the country demanded it, we acted, and we acted then.

Mr. GLENN. Some of us did feel hesitation.

Mr. JOHNSTON. Some of us did about some parts of it, but the Senate itself did not feel hesitation about moving.

I submit we need to move on this business of additional energy and that the appropriate way to move on this is to vote this amendment in and if there are any bugs—and I do not think there are—let us work them out later on.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. If the Senator will yield for a comment in support of the situation here, I might add that the amendment does incorporate an approach that has been advocated by Mr. Schultz of the Brookings Institution, and some others, and would provide a means of eventually working our way around phasing out the two-tier system which many people agreed is of a most unfair type system, or has problems that are tantamount to making some of it unworkable, almost, and this would provide an opening door to that which might have a more constructive part on this, more than what we have now.

Mr. JOHNSTON. The Senator is persuading me.

The PRESIDING OFFICER. Who yields time?

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Idaho (Mr. Church), and the Senator from Alaska (Mr. Gravel), are necessarily absent.

I further announce that the Senator from South Dakota (Mr. McGovern), is absent on official business.

I also announce that the Senator from Montana (Mr. Metcalf), is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Hawaii (Mr. Fong), the Senator from Ohio (Mr. Taft), and the Senator from Connecticut (Mr. Weicker), are necessarily absent.

The result was announced—yeas 42, nays 47, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—42

Allen
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Laxalt
Long
Mathias
McClellan
McClure
McGee
McIntyre
Montoya
Nunn
Packwood
Pearson
Randolph
Scott,
  William L.
Sparkman
Stennis
Stevens
Stone
Thurmond
Tower
Tunney
Young

NAYS—47

Abourezk
Bayh
Biden
Brooke
Bumpers
Cannon
Case
Chiles
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Mansfield
Mondale
Morgan
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Talmadge
Williams

NOT VOTING—10

Baker
Church
Fong
Gravel
Inouye
Magnuson
McGovern
Metcalf
Taft
Weicker

So Mr. Johnston's amendment was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, the Senator from Louisiana wanted to have the privilege of a motion. I yield for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for that purpose.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The aisles will be cleared, and Senators will be seated. The Chair is not going to proceed until Senators clear the aisles.

Mr. JOHNSTON. Mr. President, I shall shortly move to reconsider and will ask unanimous consent for 5 minutes of debate on each side.

I understand that a motion will be made immediately to table. That motion is nondebatable. It is not my purpose to take the time of the Senate with extended debate.

I submit that if the Members of the

Senate would understand what is in this amendment, there would be virtually no way by which they could vote against it. I do not mean that to sound simplistic. I do not mean it to sound overly boastful.

All this amendment does is to say that if we have a two-tier price system on oil, which we have, you get the higher price for the incremental barrel produced by secondary and tertiary recovery. It has nothing to do with old oil. We keep the price lid on old oil, but you simply give that incentive for the price of new oil.

Mr. President, how can anybody be against that? We have 59 billion barrels of oil in reserve that we can get out by secondary or tertiary recovery but which are not being produced now because it is not economical at $5.25 a barrel. It is a chancy business; it is an expensive business. Why not give that higher price for secondary and tertiary recovery? All the experts say we should do it. Why do we not do it?

All we have been doing in the Senate for new sources of energy is repealing the depletion allowance and keeping the lid on old oil. We debated that, and it was the will of the Senate that we should do it, and I am not going to argue that thesis. But I will say, for the sake of this country, let us get some new sources of energy. Let us get that barrel out of the ground that is there now, which is too expensive to get under present prices. What is wrong with that?

Mr. STONE. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. STONE. Is anybody going to produce a barrel of oil that costs more than $5.25 by secondary or tertiary recovery, if it costs more than $5.25, when they can get only $5.25?

Mr. JOHNSTON. Precisely so.

Mr. President, it is clear cut. The only opposition to this amendment is, "Let us have a little time and study it and have hearings." That is the only opposition. In all deference to my chairman, the distinguished Senator from Washington, with whom I vote on most of these energy matters, that is the only thing in opposition to this amendment—just delay.

All I am saying is that we cannot delay any more. We went down 900,000 barrels in domestic production last year. We have to do something to increase that.

The best source of oil is not the Outer Continental Shelf, it is not Alaska, it is not domestic production, but it is 59 billion barrels of oil in the ground that we know about but which is simply too expensive to produce because it calls for acidizing and fracturing and steam flooding and all kinds of expensive and chancy processes that we will realize by this amendment.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. BUMPERS. This amendment is a little confusing. It reads:

> The percentage specified pursuant to subparagraph (B) of this paragraph shall reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques—

Does that mean that if a well is producing 20 barrels a day in 1974 and it would be anticipated that it would produce, say, only 15 barrels a day in 1975, any amount in excess of 15 barrels for 1975 would carry an increased price if tertiary methods are used?

Mr. JOHNSTON. Secondary or tertiary recovery or, as a matter of fact, any enhanced recovery technique.

The reason for using this kind of language is this: Initially, I had it drawn in terms of secondary and tertiary recovery, well understood techniques. But we turned it over to the counsel for the Interior Committee, who supplied this language and said it was better language, and I agreed. That is the purpose of it—only to cover that incremental barrel produced by secondary and tertiary recovery.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. JOHNSTON. I yield.

Mr. BUMPERS. In the Senator's opinion, is there a policing problem with an amendment such as this?

Mr. JOHNSTON. I do not believe so at all. That is the reason for using this kind of formula, to have regulations by FEA that make it clear that the old oil that would be produced anyway does not get the big price, but that only the additional oil produced by the secondary and tertiary recovery gets the additional price.

Mr. BUMPERS. Who would make the determination? As set out here in paragraph (c), who would make the determination of the rate of decline in production which would normally be expected from a well?

Mr. JOHNSTON. The FEA would.

Mr. BUMPERS. Does that mean they would have to make that determination on every well or would they do it by field?

Mr. JOHNSTON. On every reservoir, keeping in mind—as they do now. They have MERs—maximum efficiency rates—on different reservoirs. This is simply a function of the MER. It is using data techniques already known. Those are techniques on which not only is the technique known, but the information is known. So there is no difficulty in doing that. Geological engineers do it every single day.

Mr. BARTLETT. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. BARTLETT. Is it true on secondary and tertiary recovery, where enhanced recovery methods are used, that the reserves are known to exist and that to extract these reserves it only takes a minimum amount for cost of production?

Mr. JOHNSTON. It costs a tremendous amount, in some cases more on development, in some cases perhaps less on development. But this amendment does not cover any barrel of oil being produced today. It does not cover any reservoir on which we have secondary recovery today. It covers only those existing reservoirs on which something additional will be added from this date.

The PRESIDING OFFICER (Mr. CULVER). The Senator's 5 minutes have expired.

The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, as I stated earlier, I am sympathetic with the objective that the Senator is trying to achieve. But let no one be fooled here about the possibility of real trouble with this amendment.

I point out that sometime ago, we did approve the so-called stripper well amendment, which allowed the operator of wells producing 10 barrels or less per day to have oil from such wells decontrolled. Really, what this does is say that we are going to further decontrol all oil produced by secondary and terriary recovery, and that is involved, in many instances, in a stripper well or in some cases in normal recovers. There would be no limit on it. I point out that while this covers only the incremental increase, the facts are that it would do violence to the whole price structure.

We have not had hearings on this particular amendment.

We will be holding hearings in connection with the mandatory allocations bill, which will cover the whole price structure. But I think a lot of Senators, if they vote for this, might find themselves wondering just why they voted for it, because, in my judgment, we do not have the necessary statutory safeguards in here to prevent the FEA from the kind of deregulation which will play havoc with the price of oil.

We should recall our earlier experience of a year ago, when we had the price rollback up, which was passed by the Congress but the veto of which by President Nixon was sustained—In that situation, we were assured that if we decontrolled the so-called new oil, we would get plenty of oil. What has happened, of course, is that the production of oil has gone down.

Mr. BARTLETT. Will the Senator yield?

Mr. JACKSON. I only have 5 minutes. When I get through, if I have time remaining I will be happy to.

I point out, Mr. President, that we are in agreement that we need some price incentives, and I supported the stripper well amendment. But this is the wrong way to go about it. We should look at something more than just talking about decontrol. We have to deal with the immediate problem, which is, indeed, serious, when, on May 1, the President will have the authority under existing law to decontrol the price of so-called old oil and where we have already decontrolled the new oil by reason of sustaining President Nixon's veto. I think we are marching down the wrong road.

I stated earlier in the debate that I would be glad to review, and I am sure all the other members of the committee will, the whole price structure as it pertains to oil. If the Senate now wants to start adding to the price of oil, and that price will be reflected in all the other costs, let us face up to it, this will help in that effort. It is the first step down the road to a deregulation and, in my judgment, a wrong approach to sound pricing.

Let me emphasize that I am in accord with the general objectives that have been expressed here—to recognize, that is, that there are areas of oil recovery that are extremely expensive. But to say that we are going to find the oil supply that we need here in the United States, 59 million barrels, and not consider the Outer Continental Shelf and Alaska is simply not in accord with the facts.

Mr. BARTLETT. Will the Senator yield?

Mr. JACKSON. He had 5 minutes and I have 5 minutes. I am just trying to complete my statement.

I point out that in Petroleum Reserve No. 4 in Alaska, there are over 30 billion barrels of relatively economical oil. We have huge reserves elsewhere in Alaska. The estimates in Alaska alone are over 100 billion barrels, Mr. President. To try to say that we are going to recover the oil we need here is a lot of nonsense. There is no use misleading the Senate on that. When we had the decontrol provision up, which went through, we were told that production would increase. And when the production did not increase, well, they said, oil drilling is increasing.

Now, oil production has been going down steadily, and bear in mind, all the new oil is decontrolled. But profits have gone right through the roof.

I want to provide for reasonable incentives, but the matter has to be dealt with in its entirety. We have to deal with the subject of how we should provide new incentives. This is one of the areas, no doubt about it. But we also need to deal with the question of preventing effectively the deregulation of the old oil, which will cost billions and billions of dollars, and that decontrol will go into effect on the first of the month.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. I move to table the motion to reconsider.

The PRESIDING OFFICER. The motion to reconsider has not been made yet.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that on the table.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the assistant majority leader, the distinguished Senator from West Virginia, be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the following program for tomorrow has been cleared with Senators who are principals in connection with the various bills and nominations that are included in this request and has been cleared with the leadership on the other side of the aisle. I take the floor now so that all Senators will know the program for tomorrow and, if this request is agreed to, it is my understanding, in talking with the distinguished majority leader, that there will be a fairly good chance that there will be no session on Friday. Am I correct?

Mr. MANSFIELD. The Senator is correct.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(An order was subsequently entered to provide that the Senate convene at 9:15 a.m. tomorrow.)

ORDER FOR CONSIDERATION OF CERTAIN NOMINATIONS AND CERTAIN LEGISLATION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the special orders that have been entered into on tomorrow, the Senate proceed—and I make this request as in executive session—the Senate proceed to the consideration of the nomination of Mr. Staebler; and that upon the disposition of that nomination and the other nominations on the calendar, beginning with the Federal Election Commission, the Senate then return to legislative session; that the Senate then proceed to the consideration of Calendar No. 29, on which there is a time agreement; that upon the disposition of that measure, the Senate then proceed to the consideration of Calendar No. 57, on which there is a time agreement; that upon the disposition of that measure, the Senate resume consideration of the unfinished business, the energy bill (S. 622); and that a vote occur on final passage thereof no later than 5 o'clock p.m. tomorrow, with paragraph 3 of rule XII waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, on the nominations to the Election Commission, it will be my intention to move to recommit the nomination of Mr. Staebler to the committee for further consideration. I ask unanimous consent that it be in order at this time to ask for the yeas and nays on that motion to recommit.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCLURE. I ask for the yeas and nays on that motion to recommit.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. JOHNSTON. Mr. President, I ask for the yeas and nays on the pending amendment.

Mr. ROBERT C. BYRD. There is no pending amendment.

Mr. MANSFIELD. On the motion to lay on the table?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CULVER). The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendment of the Senator from Louisiana (Mr. JOHNSTON) was rejected.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Regular order, Mr. President.

The PRESIDING OFFICER. The regular order has been called for. The clerk will resume the call of the roll.

The rollcall was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Delaware (Mr. BIDEN), and the Senator from New Hampshire (Mr. MCINTYRE), are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

The result was announced—yeas 42, nays 45, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—42

Abourezk
Bayh
Brooke
Bumpers
Cannon
Case
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Talmadge
Williams

NAYS—45

Allen
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Huddleston
Johnston
Laxalt
Long
Mathias
McClellan
McClure
McGee
Montoya
Morgan
Nunn
Packwood
Pearson
Randolph
Scott,
  William L.
Sparkman
Stennis
Stevens
Stone
Thurmond
Tower
Tunney
Young

NOT VOTING—12

Baker
Biden
Fong
Gravel
Inouye
Magnuson
McGovern
McIntyre
Metcalf
Roth
Taft
Weicker

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question recurs on the motion to reconsider.

Mr. JACKSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which Mr. JOHNSTON's amendment was rejected.

The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote nay.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas **45**, nays **41**, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—45

Allen
Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Huddleston
Johnston
Laxalt
Long
Mathias
McClellan
McClure
McGee
Montoya
Morgan
Nunn
Packwood
Pearson
Percy
Randolph
Scott,
  William L.
Stennis
Stevens
Stone
Thurmond
Tower
Tunney
Young

NAYS—41

Abourezk
Bayh
Brooke
Bumpers
Cannon
Case
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mondale
Moss
Muskie
Nelson
Pastore
Pell
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Talmadge
Williams

NOT VOTING—13

Baker
Biden
Fong
Gravel
Inouye
Magnuson
McGovern
McIntyre
Metcalf
Roth
Sparkman
Taft
Weicker

So the motion to reconsider the vote by which Mr. JOHNSON's amendment was rejected was agreed to.

Mr. JACKSON. Mr. President, I offer an amendment to the amendment which is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> In section (3) (A) of the Johnston amendment strike the phrase: "the highest price applicable to the given grade and quality of crude oil produced in the given producing area."
>
> And insert in lieu thereof the phrase: "no more than $7.50 per barrel."

The PRESIDING OFFICER. Under the unanimous-consent agreement previously entered, there will be 15 minutes to the Senator from Washington and 15 minutes to the Senator from Louisiana.

Mr. JACKSON. Mr. President, I ask unanimous consent that time on the amendment—I can agree to 2 minutes a side.

Mr. JOHNSTON. Four minutes a side.

Mr. JACKSON. I ask unanimous consent that the debate be limited to 4 minutes a side, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HANSEN. Mr. President, I object to the 4 minutes on each side.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I thought the Chair ruled before the question of the yeas and nays was propounded.

The PRESIDING OFFICER. The Chair had not ruled. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. HANSEN. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. Is there objection? Without objection, there will be 4 minutes allotted to each side.

The Senator from Washington.

Mr. JACKSON. Mr. President, simply stated, all the Members of the Senate will have an opportunity now to indicate in specific terms where they stand on the subject of petroleum pricing.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JACKSON. This amendment is not a capricious one, but it is an amendment that provides for a ceiling of $7.50 a barrel in connection with the implementation of the Johnston amendment.

I would point out to the Senate that all of the figures that we have had heretofore in connection with target prices for oil, in order to provide the necessary incentives, have all been within the $7 range.

I would point out that the Federal Energy Office in their statement of January 1974 stated:

> The long-term supply price for bringing in alternate sources of energy in this country, as well as drilling the Outer Continental Shelf and the North Slope, is $7 a barrel in current 1973 dollars.

In December 1973, the Department of the Treasury, then handling the administration's energy policy, stated:

> No one knows exactly what the long-term supply price is, as no one can predict the future of that clearly. Our best estimate is that it would be in the neighborhood of $7 a barrel within the next few years.

I emphasize this, Mr. President, "within the next few years."

I am willing to put on a ceiling of $7.50, but the Senate must decide whether they really want to do something about prices that relate to the problem of the American consumer.

If we proceed to pass the Johnson amendment as introduced for deregulation, I do not know how much the cost is going to add up to after the Federal Energy Administration gets through with its regulations, implemented under the provisions of the amendment. The result might well be a great deal of oil in the "uncontrolled" category.

The PRESIDING OFFICER (Mr. STONE). The Senator from Washington's 4 minutes have expired.

Mr. JACKSON. I hope the Senate will accept this amendment as a safeguard, at least, so that we will know what we are doing.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, I oppose the amendment to the amendment, simply because this is what might be called a Chinese water torture amendment—that is, to try to beat back an amendment piece by piece and bit by bit.

I asked my distinguished friend, the Senator from Washington, whose leadership I usually follow in these matters, if he would accept the amendment if I were to agree to his, and he said, "No."

I think the intent of the amendment is really to defeat the amendment, pending hearings. As I said before, I think it is very clear. I do not think we can wait for hearings.

If we make a mistake—and I am satisfied that we are not making a mistake with this language, which has been drawn by the staff of the Committee on Interior and Insular Affairs—let us make that mistake on the side of more energy. Let us make that mistake on the side of getting out of the ground a barrel of oil that we know is there which we are not now getting. There is no mistake in this amendment. It simply will produce part of the 59 billion barrels of oil which are estimated to be in the ground and are simply too expensive to recover at this time.

Mr. HANSEN. Mr. President, will the Senator yield me 30 seconds?

Mr. JOHNSTON. I yield.

Mr. HANSEN. Mr. President, the fact is that we have producible reserves now of 40 billion barrels of oil. The fact is that we could get another 59 billion barrels if we take the Johnston amendment without any amendment to it. The fact is that if we cut it back to $7.50, we will not be worrying about how the economy grows in this country so far as people are concerned but, rather, how we are going to get along without the extra energy we could have had otherwise.

Mr. JOHNSTON. I thank the distinguished Senator.

It is not going to raise the cost of energy. The question is whether we are going to pay for energy to Americans who produce it by secondary and tertiary recovery or whether we import the oil from the Arabs. There is no way to answer that argument. We need the Johnston amendment. We need it in the interest of national security, in the interest of the energy of this Nation.

I ask Senators to reject the pending amendment, and let us adopt the Johnston-Stone amendment in its pure, unadulterated form.

The PRESIDING OFFICER. Is all time yielded back?

Mr. JACKSON. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Washington has no time remaining.

The question is on agreeing to the amendment of the Senator from Washington. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "Yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Delaware (Mr. ROTH), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 46, nays 38, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—46

Abourezk
Allen
Brooke
Bumpers
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Kennedy
Leahy
Mansfield
Mondale
Morgan
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Proxmire
Ribicoff
Schweiker
Scott, Hugh
Stafford
Stevenson
Symington
Talmadge
Tunney
Williams

NAYS—38

Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Curtis
Dole
Domenici
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Helms
Hruska
Johnston
Laxalt
Long
Mathias
McClellan
McClure
McGee
Montoya
Nunn
Packwood
Percy
Randolph
Scott, William L.
Stennis
Stevens
Stone
Thurmond
Tower
Young

NOT VOTING—15

Baker
Bayh
Biden
Cannon
Fong
Gravel
Inouye
Magnuson
McGovern
McIntyre
Metcalf
Roth
Sparkman
Taft
Weicker

So Mr. JACKSON's amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the yeas and nays called for on the Johnston amendment, as amended, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

Mr. JOHNSTON. I move to reconsider the vote.

Mr. RANDOLPH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JOHNSTON. Mr. President, the Senate, by its action, did not approve the amendment in the form that we thought was sufficient to give the kind of incentive we need to produce the additional supplies of oil in this country. However, Mr. President, the price of $7.50, as opposed to a present price of $5.25, is going to go a long way toward producing those incremental supplies of secondary and tertiary oil. We need that in this country. I urge my colleagues who will be on the conference committee, when and if this bill passes, to try to keep this provision which, so far as I know, is the only provision in all of this bill that does anything about getting more supplies of oil. It is not as good as we would like, but it is a good start. I commend my colleagues for having given us this much incentive toward getting that secondary and tertiary oil out.

I commend the Senator from Florida and my senior colleague from Louisiana for having played such an intimate and important part in what I regard as real progress, real and unusual progress, toward getting additional supplies of energy.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes tonight. I ask unanimous consent that the Senator from Arizona (Mr. FANNIN) may call up an amendment and make it the pending question, and that it be the pending question, therefore, when the Senate resumes the consideration of this measure, and that on tomorrow he be assured of not to exceed 1 hour, to be equally divided, on that amendment, even though the time on that amendment, under circumstances which we do not now foresee, might run the vote on final passage of the bill beyond the hour of 5 o'clock p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished assistant majority leader. I think this will help considerably.

I ask the distinguished acting majority leader if he will consent, before I call up this amendment to lay it down, that I yield to the Senator from Ohio for the submission of an amendment which has been agreed upon.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator call up his amendment, and that immediately it then be temporarily laid aside to accommodate the Senator from Ohio.

Mr. FANNIN. Mr. President, I call up my amendment No. 104.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. FANNIN) proposes an amendment numbered 104.

Mr. FANNIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, and that tomorrow when we take up the bill, as I have been advised by the acting majority leader will be the case, I have an opportunity to explain the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I ask unanimous consent that an excerpt from the committee report (No. 94–26) be printed in the RECORD at this point, together with my amendment.

There being no objection, the excerpt and the amendment were ordered to be printed in the RECORD, as follows:

EXCERPT

IV. TITLE II—"A CONSERVATION CHARADE"

Again, without benefit of hearings or even reading what they approved as Title II, the Committee made an eleventh hour decision to improvise a conservation title. Before the ink was dry on a last minute staff draft, the Committee voted to adopt it. The Committee bought a pig in a poke and is now trying to sell it to the administration.

Title II follows the "no standards" pattern of the Emergency Petroleum Allocation Act. It tells the administration to "conserve" as the other act told the administration to "allocate." It does not say how much, where, when, or how. It just says, "Administration, go do a job on conservation. We don't know enough to tell you what to do or how to do it, but we declare that the need to conserve energy is urgent and we want thirty days to veto whatever program you yourself devise".

We invite our colleagues to read carefully Title II in its entirety. For example, Section 201 states that one of the purposes of Title II is "to declare an interim national conservation policy". But nowhere in Title II is there contained such a policy.

Section 202 allows the President to design energy conservation programs and regulations if he wants to, but if he does, the Congress wants thirty days to veto each one.

Section 202(a)(4) confines each Presidential conservation proposal to a metaphysical standard termed "one functionally discrete subject matter or type of action." This is about as useful a guideline as proposing "one functionally indiscrete subject matter or type of action". The clear purpose of the language is to preserve the option of a Congressional veto for each detail of what should properly be a comprehensive integrated national conservation effort.

Note also the inconsistency between the "functionally discrete" restriction in Section 202(a)(4) and the functionally expansive undertaking prescribed in Section 202 (a)(2)(E) suggesting that the President establish "standards and programs to increase industrial efficiency in the use of energy". On the one hand, the Committee is trying to restrict the President's authority to ensure that he is acting "functionally discrete", but on the other hand, the Committee is urging the President to develop functionally indiscrete conservation standards and programs for the entire multibillion dollars United States industrial establishment. Once again, the Committee does not tell the President what he should do or how he should do it. This is a remarkable default of Congressional policymaking responsibility.

The hypocrisy of Section 202 is revealed in Section 203. Section 202 urges the President to do something in the way of conservation by prescribing a shopping list of vague possibilities but prevents the implementation of each for thirty days. Then in Section 203 the Committee would have the FEA Administrator, the Secretaries of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education and Welfare, Treasury and other "appropriate" agency heads to promulgate within three months of enactment the same vague shopping list into regulations. Without discussing the convoluted shopping list item by item, we merely point out that nowhere in Section 203 is there the slightest direction to the assortment of administration decision-makers regarding how much energy is to be saved. Worse yet, they are directed to "promulgate regulations" which "specify standards" and "establish programs". The Congress is now asking the administration to invent programs by regulations. Absent any Congressional guidance as to quantitative goals, the administration is left not only with direction as to what it is to do, but neither is it at all restricted as to the sweeping scope of its regulatory conservation authority.

In short, the committee is asking the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer is too stupid to figure out for himself how he can cut down on his fuel use and that the federal and state governments must force him to save energy in the manner the government thinks best. Thus, with the inclusion of Title II coupled with Sections 122 and 123, the committee is abandoning the price mechanism and forcing what is tantamount to government dictated rationing programs under the guise of "conserving" energy.

S. 622 is no longer a standby energy emergency authorities bill, but a mandatory conservation and allocation proposal which adheres to the same old hypothesis that the federal government should and can increase supply merely by reducing demand.

Amendment proposed by Mr. Fannin:

AMENDMENT No. 104

Beginning at line 16, page 102, delete title II in its entirety.

Mr. GLENN. Mr. President, I ask unanimous consent that an amendment that I shall send to the desk be taken up out of order at this time. It is an amendment proposed by the Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. The amendment has the approval of a number of Senators on both sides of the aisle who have already seen it. The Justice Department, the FEA, and the State Department approve it, and it has been approved by the Subcommittee on Antitrust and Monopoly, chaired by the distinguished Senator from Michigan (Mr. HART).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. Glenn), on behalf of the Senator from Washington (Mr. Jackson), proposes an amendment.

Mr. GLENN's amendment is as follows:

On page 91, line 22, strike out the word "such", and immediately after the word "meetings", insert the words "held to develop a voluntary agreement or plan of action subject to any limitations imposed by the Administrator in accordance with this subsection".

On page 92, line 20, immediately before the word "implementation", insert the words "and when practicable, in the".

On page 95, line 10, strike the words "in good faith", and between lines 13 and 14, insert the words "(provided that such actions were not taken unnecessarily and for the purpose of injuring competition)".

On page 95, after line 24, insert on a new line the following: "Persons interposing the defense provided by this section shall have the burden of proof, except that the burden shall be on the plaintiff with respect to whether the actions were taken unnecessarily and for the purpose of injuring competition."

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. GLENN. I yield back the remainder of my time.

Mr. FANNIN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

GOALS AND PURPOSES OF TITLE II

Mr. JACKSON. Mr. President, title II of the Standby Energy Authorities Act provides both the basis for, and the first steps toward, the implementation of a national energy conservation policy. The options available for the formulation of such a policy are:

First, reliance on voluntary energy conservation in response to generalized encouragement by prominent public figures and educational programs;

Second, steep energy price increases induced by taxes and tariffs and the total removal of energy price controls to reduce energy consumption through the operation of the price elasticities of demand in each sector of the economy;

Third, a comprehensive, uniform, and mandatory Federal energy conservation effort organized, directed, and managed from Washington; and

Fourth, a national energy conservation program administered by State government, and tailored to local needs and economic, geographical, and climatological conditions, supported by Federal funds and responsive to reasonable Federal standards developed with input from affected sectors of the economy.

Mr. President, the first option—voluntary energy conservation—has been our national policy for the past year. This policy has clearly not been successful. In the postembargo period, preembargo patterns of energy use have reasserted themselves. We are more dependent on imported oil, we are as dependent on the Arab petroleum exporting countries, and we are consuming refined petroleum products at rates which are comparable or enhanced with respect to preembargo levels. Indeed, no responsible analyst has been able to separate the effect of the current recession on energy consumption from the effects of voluntary energy conservation or higher energy prices.

The second option is the one the administration proposes. It has been overwhelmingly rejected by the economic, academic, and business communities. In my opinion it will be overwhelmingly rejected by the Congress. To adopt the administration's program with the expectation of conserving energy will, among other things:

Impose on the domestic economy increases in energy costs which, at a minimum, are as large as those imposed by the Arabs during the 1973–74 embargo;

Remove all insulation between OPEC pricing decisions and U.S. domestic energy prices;

Insure continued double-digit inflation; and

Remove any hope of early economic recovery and, in all probability, push unemployment into double digits.

Ironically, a substantial body of opinion doubts that the benefit which is supposed to result from this sacrifice—substantial energy savings over the short run—will actually materialize. The President's program may, in the end, only save energy by closing businesses.

The third option is one which I hope the Nation can avoid. Like many of my colleagues in the Congress I have a great desire to eliminate unwarranted Federal intervention in the lives of Americans. Such intervention is rarely, if ever, productive. Direct Federal programs, involving the exercise of power and money are very hard, if not almost impossible, to terminate even after their usefulness has ended. Yet I fear that, because the options offered by the administration are so clearly unacceptable—ineffective, voluntary conservation for over a year and now an enormously dangerous and inequitable tax, tariff and decontrol program—that a massive mandatory Federal program may be instituted out of frustration.

It is for this reason that the Interior Committee chose the fourth option which stresses flexibility and utilization of State government's experience with local conditions and opportunities. We can conserve energy without the sledge hammer price increases which are the cornerstone of the administration's program. And I believe we can avoid the creation of a new and massive Federal bureaucracy. Title II of S. 622 offers a conceptual foundation which involves State government directly and authorizes a beginning in energy conservation which both the administration's comprehensive energy plan and the Project Independence blueprint have indicated are reasonable and attainable.

Mr. President, the concept, structure, and purpose of title II has been clearly described in the Interior Committee's report on S. 622. The FEA's Comprehensive Energy Plan has outlined the methods through which energy conservation can be achieved for voluntary programs similar to those authorized in title II. The Committee believes that those estimated energy savings can be exceeded if S. 622 is enacted. I ask unanimous consent that selected material from the Interior Committee's report on S. 622 and from the FEA's Comprehensive Energy Plan be inserted in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Purpose

TITLE II: ENERGY CONSERVATION POLICY

The purpose of title II of S. 622 is to insure the implementation of necessary energy conservation programs, consistent with economic recovery, even though conditions do not warrant the exercise of the standby authorities granted by title I. Title II therefore authorizes the President to establish an interim energy conservation plan, directs the Administrator of the Federal Energy Administration to establish national energy conservation standards, and provides for the development and implementation of approved State Energy Conservation Programs with Federal assistance.

If any State fails to submit a State Energy Conservation Program which is consistent with the Federal guidelines and standards for such programs, the Administrator is authorized and directed to develop and implement an energy conservation program for that State.

The programs provided for by title II will conserve energy without precipitating the further deterioration in the nation's economy which would result if the Administration's program of energy tariff, tax and pricing policies were adopted. The President's proposals, if enacted, would insure continued double digit inflation by adding 3% to the costs of all goods and services. At the same time, his proposals would accelerate the downward spiral of the economy toward depression by reducing consumer purchaser power $20 to $30 billion annually.

The State Energy Conservation Programs provided for in title II, tailored to local economic, geographic and climatological conditions, will assure that necessary energy conservation will proceed without jeopardizing the nation's priority goal: a full employment economy with price stability. The setting of realistic and attainable conservation goals which are consistent with economic recovery and the implementation of orderly programs to achieve these goals will help realize the enormous potential for energy conservation in the United States which exists. The Federal Energy Administration's Comprehensive Energy Plan, which was submitted in response to the congressional mandate of section 22 of the Federal Energy Administration Act of 1974, estimated that U.S. energy consumption could be reduced by the equivalent of over 800 thousand barrels of crude oil per day within a year if several of the conservation measures specified and authorized in title II were adopted on a voluntary basis. By mandating many of these measures through specific programs to mobilize the efforts of the American people, these estimated energy savings can be attained and even exceeded.

Section-by-Section Analysis

TITLE II—ENERGY CONSERVATION POLICY

Section 201. Statement of purposes, findings, and policy

This section sets forth congressional findings relating to energy shortages caused by dependence on foreign energy sources, and by a continuation of the past trend in the expansion of demand for energy in all forms. The purposes of this title are threefold: first, to authorize the President to establish interim energy conservation plans; second, to make energy conservation an integral part of all ongoing programs and activities of the Federal Government by directing the Administrator of the Federal Energy Administration to establish national energy conservation standards; and third, to provide for the development and implementation of approved State Energy Conservation Programs with Federal technical and financial assistance. In the absence of such programs, Federal energy conservation standards would apply to the States.

The section includes a congressional declaration that the adoption of laws, policies, programs and procedures at all levels of government to conserve energy and fuels can have an immediate and substantial effect in reducing the rate of growth of energy demand, and in minimizing adverse economic and national security impacts associated with such demand growth and reliance upon imports.

The purpose of this title is to provide the President with the authority to establish and set in place energy conservation programs which will reduce national consumption and thereby reduce growing dependence on imported oil. It is the Committee's intent that title II and the authorities it contains be used to achieve conservation savings as an alternative to the President's proposed program of energy price, tax, and tariff increases.

Section 202. Interim energy conservation plans

Section 202 authorizes the President to institute interim energy conservation plans, pending the promulgation of regulations to establish national energy conservation standards pursuant to sections 203 through 207, and/or the adoption by Congress of specific legislative policies and programs for energy conservation. The term "energy conservation plan" includes, but is not limited to, the following measures:

(a) Lighting efficiency standards for public buildings:

According to the Project Independence Blueprint, energy consumed for lighting amounted to 1.8 quadrillion Btu[1] in 1972, or 10 percent of all the energy consumed in the household and commercial sector that year. Approximately 73 percent of this energy was used for commercial lighting.

The General Services Administration established Government standards for lighting in January, 1974 (Federal Management Circular 74–1). Overhead lighting was to be set at no more than 50 foot-candles at work stations, 30 footcandles in work areas and 10 footcandles in nonworking areas. The Project Independence Blueprint estimates savings of the energy equivalent of 100,000 to 120,000 barrels per day of crude oil before 1980 resulting from mandatory adoption of these standards nationally.

(b) Thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program:

Studies have shown that up to 36 percent of the energy used annually in single-family dwellings could be saved by altering construction techniques without significantly changing the average cost of a new house or the lifestyle of the occupants. For high-rise structures the corresponding figure is 24 percent, while, for construction of commercial buildings, a 32 percent savings is considered possible. New construction measures contemplated include reductions in glass area, insulation for windows and doors, increased wall and roof insulation, improved sealing and caulking, substitution of heat pumps for electrical resistance heating, and recovery of furnace and ventilation system energy.

Existing government policies are not a significant factor in new construction. Current minimum property standards, which affect residential construction under Federal Housing Administration, only prescribe the amount of insulation required. Twenty-six million units or twenty-nine percent of the projected 1985 inventory of residential housing units will be constructed between now and that time. Thirty-five percent of projected 1985 commercial floor space will be constructed during this period.

The Project Independence Blueprint estimates potential savings resulting from national thermal efficiency standards for new residential and commercial buildings to be the equivalent of 240,000 barrels of crude oil per day in 1980 and 490,000 barrels per day in 1985. The Committee considers the adoption of standards which will achieve these conservation targets an especially worthwhile action which could be taken quite soon.

(c) Reasonable restrictions on hours for public buildings:

The Committee expects that Federal agencies will review policies concerning the hours during which Federal buildings are open and during which ventilation and heating or cooling systems are fully operating. In balancing the need for access to the buildings by Federal personnel and the public, the goal of reduction in overall energy consumption and related fuel costs should receive consideration.

(d) Standards to govern decorative and non-essential lighting:

Decorative and other non-essential outdoor lighting accounts for a significant fraction of the energy consumed for commercial lighting. Reduction in decorative and non-essential lighting can be accomplished without placing unfair burdens on individual businesses if the reductions are accomplished across the range of competing businesses. The Committee believes that the equitable way to accomplish this is through the rulemaking procedure. The Committee expects that the implementation of these reductions will také into account the valuable informational content of much of commercial use of lighting.

(e) Standards and programs to increase industrial efficiency in the use of energy:

Industrial end-use energy consumption accounted for 33 percent of total U.S. energy consumption in 1972—the energy equivalent of over 11 million barrels of crude oil per day. About 50 percent of the industrial energy is used in nine industries: plastics, cement, aluminum, steel, glass, paper, rubber, food processing and agriculture. Major conservation opportunities in the industrial sector include:

Redesign of both processes and products to reduce energy input per unit output;

Modification of equipment to improve efficiency;

Adjustment of combustion controls and cleaning heat exchange surfaces in furnaces;

Utilization of waste heat; and

Utilization of solid wastes.

The Committee anticipates that adequate plans for industrial energy conservation will be prepared for all major energy-consuming industries in the United States, including the specification of energy conservation objectives. The implementation of a monitoring system to collect and analyze data describing the performance of these industries will provide important feedback into the planning process. The Committee expects that the results of a vigorous Federal research and development program designed to improve boiler efficiency, manage and utilize waste heat, improve process efficiency and develop new materials processes will be integrated with the Federal conservation program for industry.

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[1] 1 quadrillion Btu per year is the energy equivalent of 490,000 barrels of crude oil per day.

The Project Independence Blueprint estimates that the energy equivalent of 400,000 to 600,000 barrels of crude oil per day can be saved in the 1980's in the industrial sector. Approximately 85 percent of these savings are estimated to be due to the results of research, development and demonstration programs.

(f) Programs to insure better enforcement of the 55 mile per hour speed limit:

The Committee anticipates the prompt development of a vigorous program of public education, including consultation and discussion with State and local police departments and law enforcement officials to underline the benefits associated with enforcement of the 55 mile-per-hour national speed limit enacted into law in January of 1974. The National Petroleum Council estimates that substantial compliance with this limit could result in savings of 170,000 to 190,000 barrels of gasoline per day beginning in 1975.

(g) Programs to maximize the use of carpools and public transportation systems:

Public transit is two to four times more energy efficient than the automobile and offers benefits of improved air quality and reduced congestion in addition to savings in fuel consumption. Programs to improve scheduling, to encourage the staggering of work hours and to provide subsidies for the use of mass transit can decrease automobile use for commuting without raising the cost of operating automobiles absolutely.

Incentives to individuals to form car pools through programs to provide information to employees who are potential car pool members, the assignment of priority parking privileges to car pool drivers, and the adoption of flexible work schedules can increase the response of the public to the car pool option. The National Petroleum Council has estimated that approximately 100,000 barrels of gasoline per day could be saved in the first year of operation of a comprehensive car pool program and over 300,000 barrels per day within a few years provided half the projected auto commuters avail themselves of car pools with an average load of three persons per car.

(h) Standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend:

The Committee expects that broad range of options will be suggested to influence transportation practices of individuals and businesses to increase the efficient use of energy. The creation of bicycle paths and bicycle and motorcycle lanes for commuters and the designation of automobile-free areas or areas in which reduced parking will be available can shift transportation habits away from the automobile to other more efficient modes.

Policies to discourage purely discretionary driving involving reduced hours of operation for service stations, purchase limitations or "odd-even" purchase plans are options for consideration. However, with regard to these options the Committee wishes to point out that the existence of a significant recreational or tourist industry within a group of States may suggest that State policies be coordinated regionally so that the flow of private automobile traffic across State lines to participate in this commerce is not unduly impeded.

(i) Energy efficiency standards to govern Federal procurement policy:

The Committee expects that the Administrator will promptly request from the General Services Administration and other appropriate Federal departments and agencies an analysis of the impact of including energy efficiency as one of the criteria for decision-making in the Federal procurement process. This analysis is to form the basis for the development of standards to increase the energy efficiency of equipment purchased by the Federal Government.

(j) Low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by insulation, storm windows and other improvements:

Standards for improved thermal efficiency in new buildings result in energy savings which only becomes significant after several years. However, support for the improvement of thermal efficiency in existing residential buildings through Federally guaranteed loans or, where necessary for residences owned by low-income persons, by low-interest loans will yield energy savings much sooner. Measures available include installation of storm windows and doors (or double pane glass) improved sealing and caulking, ceiling and roof insulation and improvements in heating, ventilation, and air conditioning systems. The estimated cost averages $600 per dwelling, with storm windows and doors the main items. Depending on the extent of participation in the program, the Federal Energy Administration has estimated energy savings in the range of 140,000 to 220,000 barrels per day for the remainder of the decade from programs to improve the thermal efficiency of existing residences. If 70 percent of the residential units in existence in 1972 can be modified by the 1980's by at least one of the improvements contemplated in this paragraph, energy savings in 1985 will amount to the energy equivalent of over 370,000 barrels of crude oil per day.

(k) Development of public education programs to encourage voluntary energy conservation:

The Committee realizes that a significant improvement in the energy efficiency of existing homes and automobiles can be accomplished by the voluntary actions of individuals who have access to the proper information. Proper maintenance of the automobile—a well-tuned engine, proper inflation of tires, and energy conserving driving habits can reduce energy consumption and cost to the individual. For the home, a consciousness of conservation opportunities can result in energy savings as well as savings on fuel and electricity bills. The Committee expects that a vigorous program to make consumers aware of their options to decrease their energy consumption will be developed and implemented.

Subsection (b) of section 202 provides that any energy conservation plan promulgated by the President pursuant to subsection (a) shall not become effective until transmitted to Congress for review and right of disapproval in accord with section 104(b) through (d) of title I of the Act, except that Congress shall have thirty calendar days in which to approve or disapprove such plans.

Section 203. Federal initiatives in energy conservation

This section directs the Administrator of the Federal Energy Administration, in cooperation with the Secretaries of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education and Welfare, Treasury and other appropriate Federal agencies, to specify standards and establish programs for energy efficiency and conservation as outlined in section 202.

Section 204. State initiatives in energy conservation

Section 204 provides for the development of State Energy Conservation Programs designed to (1) minimize adverse economic or employment impacts within the particular State, and (2) meet unique local economic, climatological, geographic and other conditions and requirements.

Subsection (a) directs the Administrator of the Federal Energy Administration to develop Federal guidelines for the funding and development of such State programs. Subsection (b) directs the Administrator to request the submission from the Governor of each State, within four months of the effective date of the Act, a report describing the proposed State Energy Conservation Program.

Subsection (c) authorizes the Administrator to extend technical assistance to the individual States for developing these programs.

Section 205. Delegation of authority

Subsection (a) of this section directs the Administrator of the Federal Energy Administration to establish criteria for the delegation of responsibility for the implementation and administration of State Energy Conservation Programs to the respective States.

Subsection (b) directs the Administrator to review, and authorizes him to approve, State programs properly submitted pursuant to section 204(a) and subsection (a) of this section. Subsection (b)(3) directs the Administrator to establish procedures to govern the interpretation of State programs, administrative law, judicial review, enforcement and penalties, by incorporating the provisions of title I related thereto.

Section 206. Grants to States

This section authorizes the Administrator of the Federal Energy Administration to provide all financial assistance necessary for the development and implementation of approved State Energy Conservation Programs.

Subsection (b) provides that one-half the sum appropriated for such assistance be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The Administrator is to distribute the remainder of appropriated funds among the States on the basis of respective need and achievement of conservation targets set by the Administrator.

Subsection (d) directs the States to return to the United States any amounts not expended or committed during the fiscal year pursuant to subsection (b). Subsection (e) provides for the keeping and inspection of the financial records of all Federal assistance.

Section 207. Energy conservation targets and objectives

Subsection (a) of this section directs the Administrator of the Federal Energy Administration to establish realistic and attainable targets and objectives for State Energy Conservation Programs. States which meet established targets and objectives are eligible for an incentive grant from appropriated funds determined by the Administrator.

Subsection (b) provides that the Administrator furnish the Governors with a monthly report on the implementation of this Title, on the energy savings achieved, and on any innovative conservation program undertaken by individual States.

Section 208. Non-participation by State government

This section directs the Administrator to develop, implement and enforce a Federal energy conservation program in these States which have failed to propose an acceptable State Energy Conservation Program, or where such program is not implemented or enforced.

Section 209. Reports

Subsection (a) of this section directs the Administrator of the Federal Energy Administration to submit to Congress, within six months of the enactment of this Act, a report on the operation of this title, the energy conservation savings achieved, the degree of State compliance, and any recommendations for amendments.

Subsection (b) directs the Administrator to include in such report an assessment of the need, if any, and his recommendations for additional economic incentives or penalties to insure effective State participation and compliance with the provisions of this title.

Section 210. Authorization of appropriations

This section authorizes an appropriation of such funds as are necessary to the Administrator of the Federal Energy Administration to carry out the purposes of this title.

Section 211. Expiration

This section provides that all authorities granted under this title shall expire at midnight, June 30, 1976, unless further extended by the Congress.

TABLE A1-2.—SUMMARY OF FEA ENERGY CONSERVATION PLAN AND SAVINGS FOR OIL IMPORT REDUCTION PROGRAM

Voluntary measures with major Federal program	Probable petroleum savings rate, thousands of barrels per day for each quarter in 1975				Maximum theoretical potential
	1	2	3	4	
Demand reduction measures:					
1. Reduce energy use in industry: Institute industry conservation plans and energy audits	50	75	105	175	180
2. Reduce energy use in transportation:					
Institute auto fuel economy program	3	6	13	58	74
Enforce a 55-mi an hour speed limit	10	25	50	50	100
Encourage motorists to keep cars tuned	0	1	2	4	60
Encourage motorists to keep tires inflated to specification	1	2	2	3	10
Encourage use of public transportation	1	2	3	5	20
Encourage carpooling	7	10	25	40	400
Encourage activity and route coordination to conserve travel	28	95	127	130	220
Total transportation	50	141	222	290	884
Reduce energy consumption in buildings:					
3. Environmental systems:					
Modify ventilation in commercial buildings	5	30	15	50	100
Induce building owners to thermally insulate and seal buildings	0	2	2	15	40
Encourage adjusting the space heating/cooling thermostat for broader comfort settings	38	15	22	102	410
Encourage economic home furnace/air-conditioning maintenance	0	3	5	5	28
Urge reduction in commercial lighting	7	55	100	100	200
Urge turning off gas yard lights	0	8	8	8	35
Encourage energy conscious design by builders, architects, engineers	0	0	3	5	10
Total environmental systems	50	110	155	285	823
4. Consumer consciousness:					
Reduce hot water heater thermostat setting	0	5	5	5	23
Encourage cold water laundering	1	4	13	20	100
Urge maintenance and reduced use of residential appliances	9	16	27	35	107
Total consumer consciousness	10	25	45	60	230
Total buildings	60	135	200	345	1,053
Total demand rate reduction	160	350	525	810	2,217

TABLE A1-3

VOLUNTARY CONSERVATION PROGRAM DEFINITIONS

ESTIMATE OF PETROLEUM SAVINGS BY END OF 1975

Approximate savings rate 10^3 bbl/day

Conservation action with major federal programs: Industrial sector:

Industry conservation plans and energy audits (probable 175; potential 280).

Major energy consuming industries have been identified which include plastics, petroleum refining, cement, copper. aluminum, steel, glass containers, paper products, styrene butadiene rubber, food processing, and agriculture.

Reducing the use of or avoiding certain materials and processes can conserve energy, for example, oil dependent plastics like polystyrene resins, a wet process for cement, a reverberatory process for copper, open hearth furnaces for steel, waste heat in food processing, multiple tillage, pesticide or herbicide use, and forming fertilizers from petroleum or natural gas by substituting organic wastes.

Recycling of scrap copper, aluminum, iron, glass, newsprint, and rubber hydrocarbons are viable means of conserving natural resources and energy.

Equipment modifications to existing or new systems could be incorporated to recover waste heat, insulate against heat loss, provide more efficient thermal transfer, improve air scrubbers, avoid reheating, use lower power devices or gravity, increase the power factor on inductive systems, etc.

Control and maintenance of systems can conserve energy through improving combustion efficiency, lubrication, cleaning, distributing peak loads, sensing overheating, consistent batching, etc.

Energy used:

Gas direct, 10.6 times 10^{15}

Oil direct, 5.7 times 10^{15}.

Gas and oil for electricity, 4.0 times 10^{15} equals 20.3 times 10^{15} Btu/yr.

A savings of 3% or 280 times 10^3 bbl/day is obtainable with strong government programs involving information transfer, monitoring, discussions and liaison, but with voluntary co-operation 2% or 175 times 10^3 bbl/day might be expected. Fiscal incentives may be needed to induce more energy efficient processing and recycling.

An industry conservation audit program has been initiated where energy goals and usage are to be communicated and monitored through the industrial trade associations to the Department of Commerce. A jointly sponsored Federal Energy Administration and National Bureau of Standards program has developed an "Energy conservation program guide for industry and commerce (EPIC)", NBS Handbook 115, RR Gatts, RG Massey, JC Robertson, September 1974. The Federal Energy Administration has also published a data base for "Potential for energy conservation in nine selected industries" Vol 1, June 1974.

Transportation sector:

Auto fuel economy program (probable 58; potential 74).

The 1975 model automobiles are estimated to obtain a 13.5 percent better fuel economy (miles per gallon) than the 1974 models, without any further government action have savings of 10 percent multiply 13.5 percent multiply 4.34 multiply 10^6 barrels per day equal 58 multiply 10^3 barrels per day.

More improvements are possible through minor changes such as the installation of manifold vacuum gauges, improved headers, better carburetor finish, etc. These might be incorporated in auomobiles being manufactured late in 1975 for about an additional $100. A 4 percent improvement may be possible which would account for 10 percent multiply 4 percent multiply 10^6 barrels per day equal 16 multiply 10^3 barrels per day.

However it is not anticipated that this last measure will be adopted voluntarily.

Fifty five mile an hour speed limit (probable 50; potential 100).

To completely enforce a 55 miles per hour upper speed limit on all highways, would provide an absolute savings of 3.051 multiply 10^9 gallons per year equal 230 multiply 10^3 barrels per day.

This strategy has been partially implemented already by various states leaving perhaps a potential 100 multiply 10^3 barrels per day savings. Enforcement by a limited police force may be expected to accommodate 50 percent of the remaining savings.

The trucking industry would require a period of adjustment as their time schedules and charges are based on existing 65 and 60 miles per hour limits. Some highways already have speed limits below that of the national maximum.

In hilly country straight downhill stretches could be relaxed to 65 miles per hour to conserve energy through gaining kinetic energy for climbing a following hill.

Encourage motorists to keep cars tuned (probable 4; potential 60).

A tune up in many garages involves a replacement of spark plugs, points and condenser, along with an adjustment of the timing, carburetor gas mixture and throttle for satisfactory idling. Few adjust the carburetor using an exhaust gas analyzer. A greater number of garages test the spark sequence on a scope analyzer and the timing by a stroboscopic tachometer.

The cost of a tune up is in the order of $30 depending on the testing equipment, materials used, time taken, the number of cylinders, and on whether an air conditioning compressor has to be removed. Home maintenance can involve spark plug adjustment and replacement, and installing point/condenser kits.

Assuming a 5 percent improvement with a tune up over say 30 percent of the automobiles this might amount to 5 percent times 30 percent times 4.34 times 10^6 barrels per days equals 60 times 10^3 barrels per day.

Greater investment may improve the timing, increase the frequency of service and include more vehicles. 6 percent is probable with a voluntary program.

Encourage motorists to keep tires inflated to specification (probable 3; potential 10).

Maintaining the correct air pressure in tires minimizes the rolling resistance and tire wear.

Assuming a 1 percent improvement with correct inflation over say optimistically 25 percent of the automobiles, this might amount to 1 percent times 25 percent times 4.34 times 10^6 barrels per day equals 10 times 10^3 barrels per day; 33 percent may be probable.

It should be noted that as the tire wears in the center the pressure is reduced to wear the edges.

Encourage use of public transportation (probable 5; potential 20).

People could be encouraged to use public transportation if appropriate services were provided to coincide within the flexibilities of employment and shopping opportunities. Criteria would include an appropriate route, transfer points, and schedule, punctuality, a fare competitive with alternatives, seating for long trips, and potential shelter in adverse weather. The pressure of increased city parking charges, street congestion and suburban commuting is becoming a positive inducement. Unfortunately the investment to maintain, replace or add to the existing public transportation vehicles for establishing a viable system is lacking. Lead times are in the order of two to three years. Removing employer subsidies on car parking for individual motorists, providing bus lanes during commuter hours and appealing to energy conscious groups may save 20 times 10^3 barrels per day, assuming 32.3 percent of 100 times 10^6 vehicles now commuting on an average of 18.8 miles per day at 13.6 miles per gallon with 1.4 occupants and a 2 percent reduction in the number of commuting autos achieved by the measures, 25 percent of this figure may be possible with a simple national appeal.

Urban transit funds are being allocated in many cities to provide public transportation.

Encourage carpooling (probable 40; potential 400).

With 10^6 barrels per day used in commuting and 1.4 occupants per car an increase of 1 occupant per car would reduce the petroleum need to 10^6 times 1.4 per 2.4 equals 580 barrels per day.

This gives a savings of about 400 times 10^3 barrels per day. With the difficulties of matching commuter needs only 10 percent of the potential savings might be realized under a voluntary program.

A few urban areas have developed commuter computer for matching needs while others have circulated questionnaires.

Encourage activity and route coordination to conserve travel (probable 130; potential 220).

Activity schedules can be coordinated in order to conserve vehicle mileage and to avoid congested routes. For example, stock sufficient groceries for a few days supply, plan the shortest shopping route, reduce frequent and range of leisure or vacation driving, use public carriers, avoid downtown travel, telephone ahead to confirm activity, use appropriate car for load, avoid step climb routes, use freeways, and reduce commuting by a 10 hour-4 day work week.

Of the 4.3 times 10^6 barrels per day national gasoline consumption by automobiles perhaps 5 per cent can be saved by encouraging a coordination of activities and routes to eliminate needless travel. Under a voluntary program 60 per cent of the potential savings may be realized, giving a value of 5 per cent times 60 percent times 4.3 times 10^6 barrels per day equals 129 times 10^3 barrels per day.

Building sector: Modify ventilation in commercial buildings (probable 50; potential 100).

Space heating for the commercial sector accounts for 2.35 times 10^6 barrels per day equivalent oil. Conservation in heating air may be accomplished by increasing the proportion of return air to fresh air by 5–10 per cent, reducing the heating or cooling of spaces not occupied by people. Changing to a 10 hour-4 day work week, and ventilating or circulating only fresh outside air when the psychrometric conditions are acceptable also reduces demand. Recirculated air should always have at least a 10 per cent fresh air content in order to control the concentration of odorous materials and pathogens.

Perhaps a 5 per cent saving could be made. Oil and gas represent 67 per cent of space heating or 5 per cent times 67 per cent times 2.35 times 10^6 barrels per day equals 80 times 10^3 barrels per day.

About 50 per cent is probable under a voluntary program.

Space cooling for the commercial sector accounts for about 800 times 10^3 barrels per day equivalent oil. Conservation in cooling air may be through increasing the proportion of return air to fresh air by 5–10 per cent, ventilating unused spaces, installing solar screens over windows, shading by trees or building orientation, avoiding a reheating of over cooled air in zone conditioners, changing to a 10 hour-4 day work week, ventilating or circulating only fresh air when the outside psychrometric conditions are acceptable, ventilating attics in summer, avoiding dark heat radiating surfaces, and thermally insulating powered equipment in spaces.

Perhaps 5 percent savings can be realized. Oil and gas represents 50 percent of space cooling or 5 percent times 50 percent times 800 times 10^3 barrels per day equal 20 times 10^3 barrels per day.

Perhaps 50 percent of this is probable under a voluntary program.

Induce building owners to thermally insulate and seal their buildings (probable 15; potential 40).

Thermal losses through the building envelope can be reduced by adding thermal insulation to the ceiling or roof spaces to a thickness of 4–6 inches, installing storm windows and doors, insulating walls and under floors, carpeting, providing double glazing or an additional glazed frame, cover windows with plastic film in winter as a temporary expedient weatherstrip around openings, and caulking cracks. Double glass with an intervening air space is not only an effective insulation but also reduces condensation on the inner glass.

Vapor barrier problems must be addressed or else water can condense in the building materials which reduces the insulation effectiveness and could decompose the materials. Films of either metal or thermoplastic materials should never be exposed to allow their temperature to become lower than the proximate air temperature or else condensation will occur. For example single sided aluminium foil batts should face downwards for winter conditions. In hot humid climates summer air conditioning reverses the situation so a thin layer of insulation such as a flock should be placed under a single foiled batt.

Ventilation is essential in any building to provide fresh air, remove foul odors, remove moisture, and to reduce the concentration of toxic gases from open fires, burning lamps, kerosene heaters, gas devices, paint fumes, lubricants, and cleaning materials. Carbon monoxide, domestic gas, sulfur dioxide, and solvents are particular problems.

During 1975 the insulation industry could provide materials to upgrade 3 times 10^6 homes with 6 inches of attic insulation or storm windows, either yielding about a 17 percent fuel saving. About 50 percent of the 45–47 times 10^6 single and double family homes are essentially uninsulated. Most electrically heated homes are already sufficiently insulated because of the relatively high cost of electricity. With a home requiring 120 times 10^6 Btu per year one might expect a potential saving of 17 percent times 3 times 10^6 times 120 times 10^6/365 times 5.8 times 10^6 barrels per day equal 29 times 10^3 barrels per day.

A retrofit investment of $100–200 could be expected for 6 inches of attic insulation for an average detached home, typically $150–$400 for storm windows and $50–100 a storm door. Lower costs may be found through a do-it-yourself installation, discount warehouses, and seasonal sales. Care should be exercised in handling insulation by wearing a mask or scarf over the nose and mouth, clothing and gloves.

With varying degrees of insulation, sealing, storm window and door application the potential residential savings may be 29x10^3 barrel per day or more with incentives, but 33 percent of the homes are likely.

In offices where the amount of energy consumption is about 33 percent that of the residential over the year, roof insulation, or double glazing, or adding a glazed frame might potentially have 10x10^3 barrels per day and perhaps realize 50 percent.

Incentives to voluntarily reduce building thermal losses will mainly stem from rising fuel prices, maintenance costs, selling value, discount purchases, and do it yourself manuals. Retroactive federal tax deductions and interest free building improvements loans for energy conservation would encourage the necessary investment.

Operation Buttonup of the Federal Energy Administration, various publications of the Department of Commerce have emphasized this action.

Encourage adjusting the space heating/cooling thermostat for broader comfort settings (probable 102, potential 410).

A furnace or air conditioning system is controlled by a thermostat in the space to be heated/cooled. By adjusting the controls from the traditional 74°F in the direction of the outside air temperature energy can be saved to the extent of the differences in setting. Most people in customary shirtsleeves begin to feel cold below about 68°F and warm or sweaty about 78°F. With cardigans/sweaters discomfort develops below 65°F. An austere comfort for roughly 20 percent of the year may not be immediately socially acceptable unless national emergencies such as a coal strike or oil embargo occur. Temperatures below 60°F can lead to condensation, home dampness and mildew growth in closets, and above 80°F in humid climates to fungus growths.

Energy use:

Space heating, residential, 3.8x10^6 barrels per day; commercial, 2.4x10^6.

Space cooling, residential, 0.43x10^6; commercial, 0.80x10^6.

Assuming a nominal average 2°F thermostat reset for all buildings in winter and in summer from a business as usual case without federal direction, 81 percent oil/gas/LPG and 8 percent electric heat usage in winter, 50 percent with electricity or other energy for air conditioning derived from oil or gas in summer, along with a 3 percent per degree in winter and 6 percent per degree in summer effectiveness, the potential savings are possibly winter: (81 percent plus 3.2 times 8 percent) 2 times 3 percent times 6.2 times 10^6 equals 346 times 10^3; summer: (50 percent) 2 times 6 percent times 1.2 times 10^6 equals 74 times 10^3/410 times 10^3 bbl per day.

About 25 percent may be realized under a voluntary program.

The General Services Administration mandatory federal program following the oil embargo used this measure as a part of their conservation program.

Encourage economic home furnace/air conditioner maintenance: (probable 5., potential 28).

Cleaning and repairing home furnaces and air conditioners can improve the combustion of fuels, the heat transfer efficiency, airflow through filters and ducts, flow of gases through flues, air through outside condenser coils, and the working of control devices. A change of season inspection and adjustment by an engineering service costs about $20–$40.

Gas pilots for starting gas furnaces may be turned off during the summer. Some people would be unable to turn off a pilot and relight it safely. Gas utility crews would need to be trained and ready for a mass fall relighting program. A pilot does avoid water condensation from cool humid air in air conditioning ducts during the summer which permits a longer duct life and overcomes dampness in the surrounding insulation.

Shutting off a gas pilot in summer saves about 1000 Btu/h times 24 h/day times 122 day/summer equals 2.92 times 10^6 Btu/summer.

For 100 percent compliance, for the 20 times 10^6 pilots still remaining on in the summer we have 100 percent times 20 times 10^6 times 2.92 times 10^6 times 470 times $10^3/10^{15}$ equals 28 times 10^3 bbl/day.

Actual savings could be 20 percent effective under a voluntary program.

Urge reduction in commercial lighting (probable 100; potential 200).

Commercial lighting accounts for over 800 times 10^3 bbl/day equivalent oil burned at the power plant. The potential savings are 50 percent with turning off unnecesary lighting, using lower wattage incandescent lamps, and roughly halving fluorescent lighting by disconnecting alternate lamps in luminaires. About half of this saving would be in the form of oil or gas.

Disconnecting fluorescent lamps can leave dark shaded areas in the luminaires which can be visually disconcerting, however, reflectors substituting lamps can reduce the shading and contrasts against a ceiling, as well as regain up to 8 percent of the luminaire illumination on tasks.

Specific task lighting should not be changed but the general spatial lighting could be modified. An electrician would be needed to disconnect fluorescent lamp transformers, but the usual maintenance crews could replace incandescent lamps to a lower wattage.

Lighting principles should be adhered to, a) maintain specific task illumination for effective contrasts in the visual field, b) avoid reflected ceiling light from luminaires or sky over the task which would reduce contrast, c) avoid excessive contrasts like looking into bare lamps or bright sky or having too dark a ceiling, and d) avoid complete diffuse lighting as this reduces shadows and makes a space appear flat. Where possible use daylight.

An aggressive voluntary program is likely to be 50 percent effective.

The Federal Energy Administration has published guidelines and case study reports for "Lighting and thermal operations" for commercial-public-industrial buildings. In commercial buildings the illuminances on work tasks/in work areas/in seldom occupied areas should be reduced to 50/30/less than 10 footcandles respectively. For specific tasks and exceptional individual viewer's requirements nonuniform supplementary lighting may be provided but not exceeding current practice. In industrial buildings the recommendations for maximum illuminances are ANSI A14.1–1973 or OSHA/30/less than 10 footcandles respectively for the work situations.

The National Institute of Occupational Safety and Health and the General Services Administration conducted a symposium on "The effects of reduced levels of illumination on occupational safety and health" in Cincinnati, July 11–12, 1974.

Urge turning off gas yard lights (probable 8; potential 35).

There are about 3.5 times 10^6 gas yard lights burning continuously night and day since they are not controlled by any photosensor switch.

Turning them all off would save 35 times 10^3 bbl per day, but less than 25 percent might be achieved under a voluntary program.

New residential developments without street lights do require yard lights for security reasons, but electric lights are more effective energy wise. Incentives might accelerate the installation of street lights to reduce the 2–4 yr lead time.

Encourage energy conscious design by builders, architects and engineers (probable 5; potential 10).

Architects have been developing a growing awareness for energy conservation recently in the design of commercial and apartment buildings. A number of new commercial buildings incorporate energy saving features such as greater envelope insulation, solar shading, more efficient control systems, using all fresh air when the outside air is at the satisfactory psychrometric condition, computer control in conjunction with a weather station, less window area, etc.

Existing commercial buildings account for energy usage of 2.3 times 10^6 bbl per day. A 10 percent savings on 10 percent of new buildings amounting to 4 percent of the present inventory being designed for 1975 will be 10 percent times 10 percent times 4 percent times 2.3 times 10^6 equal 10 times 10^3 bbl per day.

Of this 50 percent is probable.

Home builders determine the effectiveness of energy conservation in new single and double family detached housing since architects are rarely consulted. Loan and tax incentives may be appropriate here.

Reduce hot water heater thermostat setting (probable 5; potential 23).

Reducing the temperature of hot water from 140 degrees F will reduce the heat necessary to raise the water temperature and the heat loss from the storage tank and piping to the air. People will probably maintain the same water temperature for bathing and showering by using less cold water in the mixing. Dishwasher energy would rise in those fitted with an electrical resistance heater because it would switch on to bring the temperature to its internal thermostat setting. Clothes washer water temperatures will be lower since the ratio of hot to cold water is fixed. This is the major savings.

For a hot water heater assume a cold water supply about 60°F and a hot water delivery temperature of 130°F, a 10°F drop in delivery temperature will reduce the outgoing heat in the water by 14 percent. In many homes a lower thermostat setting is not possible because it reduces the total amount of energy stored in the heater tank. These tanks are often undersized already. It means for multiple baths/showers there is not enough hot water.

If laundering accounts for 33 percent of the hot water used in 50 percent of the possible homes, 75 percent gas and 25 percent electric, the savings are potentially (75 percent plus 1/2 times 25 percent) 33 percent times 14 percent times 50 percent times 1.1 times 10^6 equals 23 times 10^3 barrels per day.

Less than 25 percent is likely to be realized as people who might lower the thermostat settings are those that might cold water launder. Many nontechnically minded people would not attempt to find the hot water heater thermostat let alone make the adjustment.

Encourage cold water laundering (probable 20; potential 100).

Already cold water laundering has received publicity through the development and advertising of cold water detergents. Some items still require hot water for sterilization but this might be done separately with disinfectants, bleach, or hot water soaking. Cold washing is advantageous for cleaning and removing stains like blood. Drying times are slightly longer with cold water.

Potential savings using cold water detergents is over 100 times 10^3 barrels per day but only 20 percent may be realized voluntarily.

The cost of cold water detergents is not significantly higher than the hot water type. Thus the dollar saving for the typical family involving the shift to cold water laundering for electricity at 2 cents per kilowatt hour would be 6.3 times 10^6 Btu/year times 1/0.92 times 3416 kilowatt hour/Btu times 0.02 \$/kilowatt hour equals \$40 per year.

And for gas 6.3 times 10^6 Btu/year times 1/0.64 times $10^3 \text{ft}^3/10^6$ Btu times $1.19/10^6$ \$/ft^3 equals \$11 per year.

Urge maintenance and reduced use of residential appliances (probable 35; potential 107).

Maintenance of devices around the home will increase their thermal efficiency and make them safer to use in most cases. Dirt around heating elements, poorly fitting electrical plugs, dirty filters in pumps or ducts, unlubricated bearings, sparking brushes on motors, dull cutting blades, etc. all contribute to energy waste. The actual amount of waste is difficult to ascertain.

Reduced use of home appliances from can openers, stoves, dryers, dishwashers, television, lighting, refrigerators, vacuum cleaners, tooth brushes, hot shaving cream dispensers, to toasters can offer considerable savings. Most of the devices depend on electricity—an inefficient indirect user of oil.

Small appliances account for about 10.7 percent of all residential electrical use which is about 601 times 10^9 kWh per year. A 3-percent reduction in their use would save 10.7 percent times 601 times 10^9 times 3 percent times 11.6 times 10^3 Btu per year equals 2.24 times 10^{12} Btu per year equals 11 times 10^3 bbl per day.

Probable savings would be about 10 percent.

Residential clothes drying in most of the one and two family homes accounts for an energy usage of 160 times 10^3 bbl per day. Clothes drying associated with these homes could be done outside on a line during warm dry days. A 33 percent savings might be possible. About 33 percent of the dryers are gas 67 percent electric. With the average annual energy consumption the same for each design the savings would be 33 percent (33 percent plus one-half times 67 percent) 160 times 10^3 equals 36 times 10^3 bbl per day. A 10 percent probable savings might be realized.

Refrigerators and freezers use in the order of 490 times 10^3 bbl per day. Energy conservation may be through setting the thermostats to a higher temperature, reducing the frequency the doors are opened, repairing gaskets to avoid air leakage, deicing regularly, and loosely packing items to afford air circulation. A potential 2 percent savings would reflect in 10 times 10^3 bbl per day but only 10 percent of this may be realized.

Incandescent lamps could be replaced with those of the next lower wattage. Luminaires could be switched off when the space in unoccupied. A nominal security lighting is advisable which can be varied to avoid revealing patterns of behavior to potential burglars. Warm fluorescent lighting might be considered to replace incandescent since they emit about twice the light for the same wattage. With savings of 100 times 10^3 bbl per day equivalent oil, 50 percent of the electricity from oil or gas, there is a potential of 50 times 10^3 bbl per day. About 60 percent of this may be realized.

Total petroleum savings rate 10^3 bbl per day (probable 810; potential 2,217).

Mr. PHILIP A. HART. Mr. President, the amendment of the distinguished chairman of the Interior Committee (Mr. JACKSON) would make four changes in the antitrust immunity provisions of S. 622. I support the amendment. The first two changes are essentially technical in nature. The word "such" on page 91, line 22, has a clearly unintended effect. The procedures set out in this provision are obviously only applicable to meetings held to develop a voluntary agreement or plan of action. They are not, contrary to the indication given by the word "such" appropriate to meetings held only to implement or carry out such agreements or plans.

The second change relates to line 20 on page 92. This provision requires the Attorney General and the Federal Trade Commission to "participate from the beginning in the development, implementation, and carrying out of voluntary agreements and plans of action." This requirement is beyond the physical capacity of both agencies. The proposed amendment would bring the language in accord with the intention that—

> The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the implementation, and carrying out of voluntary agreements and plans of action authorized under this section.

The third change is somewhat more substantive. In subsection (h) there is a provision that conditions the grant of antitrust immunity on the companies acting in "good faith." FEA Administrator Frank Zarb objected to this specific language, but agreed with its purpose of "avoiding immunization of unnecessary anticompetitive actions consciously achieved under the guise of carrying out the provisions of a voluntary agreement." The fear expressed by Mr. Zarb and representatives of the petroleum industry, however, was that the good-faith standard was too vague, and second, that it could lead to harassing litigation.

Clearly, no intention existed to allow for unjustified harassment. The intention was to deny immunity to a firm which, while technically complying with the requirements of a voluntary agreement, used it as an occasion to adopt tactics which injured competition. It is quite conceivable that under a voluntary agreement a situation could arise where a firm would have several ways to carry out an agreement, all of which at least technically would be sanctioned by the agreement, yet one or more would have the effect of unnecessarily injuring competition while others would not. In such a case, it makes sense to require the firm to avoid the unnecessary injury and take the least harmful choice.

The revised language would accomplish the same objective as the good-faith language by specifically conditioning the immunity on the provision "that such actions were not taken unnecessarily and for the purpose of injuring competition." Thus, if the action taken was either unnecessary or with the intent to injure competition, antitrust immunity would not attach.

The fourth provision codifies the burden of proof intended by the provision. Defendants have the burden of proof except with respect to whether the actions were taken unnecessarily and for the purpose of injuring competition. On that issue, the plaintiff has the burden.

Mr. PROXMIRE. Because the Committee on Banking, Housing and Urban Affairs has already begun its markup of the Building Energy Conservation Standards Act of 1975, title X of S. 594, the Energy Independence Act of 1975, and expects to report this measure out within the next 2 days, I should like the chairman to clairfy the intent of the language in S. 622 covering the establishment of energy standards in residential and commercial buildings.

It is my understanding that the pending bill, and particularly sections 202 and 203, provide the President authority to establish energy conservation standards for new public structures and new homes and buildings financed under a Federal loan guarantee or mortgage program unless specific legislation covering these subjects is adopted by the Congress.

My question to the manager of the bill is the following: Is it the Senator's understanding that the provisions of S. 622 concerning energy conservation standards for private residential and commercial buildings, and public buildings, will be superseded by any specific legislation enacted into law, such as that contained in the Building Energy Conservation Standards Act now being marked up by the Committee on Banking, Housing and Urban Affairs?

Mr. JACKSON. The chairman of the Committee on Banking, Housing and Urban Affairs is correct in his interpretation.

Mr. RANDOLPH. Mr. President, I rise to the distinguished chairman of the Interior Committee (Mr. Jackson) for a clarification of the provisions of title II—that is subsection 202(d)—governing standards for decorative and nonessential lighting.

It is my understanding that the committee intended to refrain from placing unnecessary or inequitable burdens on any individual business in the formulation of energy conservation standards. Reading from the committee report on page 50, I quote:

> Decorative and other non-essential outdoor lighting accounts for a significant fraction of the energy consumed for commercial lighting. Reduction in decorative and nonessential lighting can be accomplished without placing unfair burdens on individual businesses if the reductions are accomplished across the range of competing businesses. The Committee believes that the equitable way to approach this is through the rulemaking procedure. The Committee expects that the implementation of these reductions will take into account the valuable informational content of much of commercial use of lighting.

In this regard, Mr. President, the Congress should make clear that in the exercise of this rulemaking authority it does not intend that the Administrator of the Federal Energy Administration should be able to arbitrarily prohibit or ban the category of outdoor advertising lighting, including standardized outdoor advertising, and on-premise business advertising.

These activities provide a valuable informational service for many small and medium businesses.

Mr. Persident, to demonstrate the outdoor advertising industry's interest in energy conservation I ask unanimous consent to place in the Record the Outdoor Advertising Association's letter dated March 26, 1975, to former Secretary of Commerce Fred B. Dent.

There being no objection, the material was ordered to be printed in the Record, as follows:

OUTDOOR ADVERTISING
ASSOCIATION OF AMERICA, INC.,
Washington, D.C., March 26, 1975.

Re: Energy Conservation.
Hon. FEDERICK B. DENT,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: After attending your briefing on long and short term energy goals and upon receipt of your correspondence of January 16, 1975, I as Vice Chairman of the Outdoor Advertising Association of America, Inc., have set about advising our Association of the need for an energy program. As you suggested, such a program must have reasonable goals and a definitive reporting system.

In the last few weeks, I have conveyed these thoughts to the OAAA Executive Committee. In turn, this select group, involved directly in the business of advertising outdoors, has agreed to serve in a dual role as the Executive Advisory Committee to our members, as well as the Energy Conservation Committee.

In accordance with your January 16, 1975 communique, our Washington office will be set up to immediately provide our membership with a reporting system on energy use and conservation. This office will also take responsibility of providing quarterly energy survey reports to our Association members.

As to a report on energy conservation to be directed to your attorneys, we can provide this; however, our total national electrical energy consumption varies between .022% and .023% of all the electrical energy consumed. We therefore await word from your office as to whether you want this type of report.

Our Assocation has established several conservation plans. They are:

1. All illuminated standardized outdoor signs will be turned off at midnight.

2. Many of our members have converted their signs from incandescent to fluorescent lighting. This conversion has reduced electrical consumption by nearly 40 percent.

3. All unsold signs will have the electrical current shut off.

4. Careful maintenance and frequent inspections will be conducted by our Association members to make sure that electrical consumption is not abused by poor maintenance.

5. Time clocks will be promptly adjusted as Daylight Savings Time creates time changes.

6. The members will reduce their electrical consumption at their place of business by adopting conservation plans.

7. Drivers of all vehicles are carefully schooled to obey the traffic and speed laws so as to reduce gas consumption.

8. Routing of workers will be reviewed so as to cut down on unnecessary use of vehicles and gas.

In addition to these on-going programs, one of our members has developed a revolutionary ballast. This innovative device is now in the Underwriters Laboratory. When it is approved for field use it will reduce electrical consumption by approximately 30%.

Also, we have been in contact with the producers of fluorescent lamps. We understand that soon there will be available fluorescent tubes called Watt Misers. We understand these new tubes can reduce electrical consumption up to 20%.

In summary, I feel confident that the Outdoor Advertising Association of America and its members have placed energy conservation on a high plane and will continue to do more than their share for energy conservation.

Finally, I want you to know that several members have contributed hundreds of thousands of dollars worth of advertising to Federal Projects, such as the National Ad Council's "Don't Be Fuelish".

Sincerely,

HARRY T. GOSS,
Vice Chairman, OAAA Board of Directors.

Mr. RANDOLPH. Mr. President, I ask the chairman of the Interior Committee (Mr. JACKSON) to clarify the intent of the committee with regard to the standards promulgated under subsection 202 (d) governing decorative and nonessential lighting. In what regard, if any, did the committee intend that the category of advertising lighting be included?

Mr. JACKSON. The Senator from West Virginia has stated the intent of the committee with respect to the question of any reduction in energy consumption for decorative and other nonessential lighting correctly. In no sense does the committee intend the arbitrary prohibition of any category of outdoor advertising lighting. What the committee does contemplate is a program to improve the efficiency of energy use for this purpose which is applied evenly and equitably to all affected businesses. The committee further intends and expects that the businesses which would be affected by proposed regulations will have ample opportunity to comment on, and propose revisions to, those regulations in an effort to increase the effectiveness of the energy conservation effort and to minimize the economic impact of the regulations, especially with respect to small business. The goal of title II is the organization of effective energy conservation programs constructed with a maximum of input by those most directly affected. It is also assumed in title II that energy conservation can be achieved without the ruinous effects on the economy which would result if the administration's program of energy rationing by prohibitive pricing were enacted.

The letter from the Outdoor Advertising Association of America, Inc., which the Senator from West Virginia has introduced into the RECORD indicates the kind of cooperation in devising sensible programs which can be obtained from the commercial sector. The committee expects that input such as this will play a role in the implementation of sections 202, 203, and 204 of title II.

Mr. BELLMON. Mr. President, I urge that S. 622 be defeated. This legislation is fatally flawed beyond any hope of perfecting it through amendment.

This legislation was originally hastily thrown together to meet the exigencies of the Arab oil embargo over a year ago. Subsequent redrafting has not improved it and the original purposes it served no longer even exist. A more prudent course, Mr. President, would be to start over to design legislation specifically directed, and limited, to the contingencies likely to exist in the case of some future embargo.

Specifically, we should not arm the President with broad emergency powers far exceeding any he is likely to need to cope with the short-term situation presented by an embargo and subject those powers only to a 10-day congressional review period. We must stop delegating our job to the President. We can legislate to deal with the specific situation when it presents itself. The President does not need power extending over 2 years in the future to control prices and allocate petroleum products, allocate material and prohibit exports. We have seen much abuse of such powers in agricultural commodities. These powers will likely be similarly abused if extended to energy sources.

We must decontrol the price of "old" crude oil. The present program is working a great injustice and hardship. In addition, the inequity of paying two different prices for the same product is both unfair and irritating to both consumers and producers. There is no justification for holding down the price of "old oil" to one-half the world market price. If it is in the national interest to make this Nation self-sufficient in oil production, then it is absolutely essential that wasteful uses of energy be discouraged and that rapid exploration and production be encouraged. Exploration will require large infusions of capital. Ending price controls over "old oil" will be a major assistance in this effort especially after the heavy new tax burden which was levied against the oil industry in the tax bill recently passed by Congress. No group or bureau, no matter how well intended, can successfully substitute their judgment for the judgment of the marketplace over a long period of time.

Moreover, a continuation of price control and allocation authority will soon have us in the same place with oil that 20 years of regulation of natural gas has put us. Not only will we have insufficient oil, but regulations will continuously spawn new regulations and breed inconsistencies that will create endless delay and paralysis in efforts to increase production. A good example is the way the crude oil equalization program is bankrupting the very people it was trying to help—the small refiner.

One of our best hopes for increasing domestic oil production is to encourage secondary and tertiary oil recovery. The price required to bring in such oil will vary considerably and it will be much higher. Only the market can determine the proper variation and levels.

Mr. President, I urge the defeat of this legislation so that market forces can again be brought into play and so that incentives to produce and means of production can be restored to the energy industry.

Mr. ALLEN. Mr. President, I am referring to the two paragraphs giving consideration to the needs of the handicapped and persons who are required to relocate for health or unemployment purposes which are to be found in the section entitled "End-use Rationing" on page 33 of the committee's report No. 94–26. My question is this: Does this language include the situation where a soldier or an unemployed person needs fuel to move his family's personal possessions for essential and purposeful reasons in a trailer which may be rented or borrowed or which may belong to him?

Mr. JACKSON. Mr. President, yes; my answer would be yes. In response to a similar question by my distinguished colleague from Alabama during floor discussion on this same subject in 1974 he was answered in the affirmative. Our intent has not changed since that time. By incorporating in the committee report the two passages cited by my esteemed colleague, it is the intent of the committee that, insofar as it may be possible, and consistent with the other provisions of this act and of the Emergency Petroleum Allocation Act, end-use rationing or other allocation plans should accommodate the handicapped and the do-it-yourself movement of people with their possessions from one job site to another during times of national stress.

ORDER FOR ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order tomorrow, and prior to the orders previously entered into for the recognition of other Senators, the Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 9:15 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senator from Oregon (Mr. HATFIELD) will be recognized for not to exceed 15 minutes, after which the Senator from South Dakota (Mr. ABOUREZK) will be recognized for not to exceed 15 minutes, after which the Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 10 minutes.

At the conclusion of those orders, the Senate will go into executive session to consider the nominations on the executive calendar, beginning with the Federal Elections Commission.

Under the order previously entered, there will be a 1-hour limitation of debate on the nomination of Mr. Neil Staebler, of Michigan, to be a member of the Federal Elections Commission.

Upon the expiration of that hour, or upon the yielding back of such time as Senators who are in control thereof may wish to yield back, a vote will occur on the motion to recommit the nomination by Mr. McCLURE. If that recommittal motion is not agreed to, the vote will then occur immediately on the nomination of Mr. Staebler.

If the order has not been previously entered, I ask unanimous consent that there be no debate at this time on the other nominations.

As I understand, no Senator has asked to debate the other nominations. All the other nominations were reported out of the Rules Committee unanimously.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Upon the disposition of the vote on the recommittal motion, if it is in the affirmative, the Senate will then proceed to the consideration of the remaining nominations on the executive calendar, and without debate and, in the alternative, if the recommittal motion fails, and following the vote on the nomination of Mr. Staebler, the Senate will proceed to the consideration of the other nominations on the calendar, and I ask unanimous consent that that be done without debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. On the disposition of the nominations on the executive calendar, under the previous agreement the Senate will move to the consideration of Calendar No. 29, S. 66, a bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services.

There is a 1-hour limitation on the bill; there is a limitation of 30 minutes on any amendment, with the exception of an amendment by Mr. BARTLETT on which there is a 2-hour limitation.

Rollcall votes will occur on amendments to that bill and undoubtedly on final passage thereof and, as I have already indicated, there will be a rollcall vote on the recommittal motion by Mr. McCLURE, the yeas and nays having already been ordered.

On the disposition of that bill, S. 66, the Senate will then proceed to the consideration of Calendar Order No. 57, S. 229, a bill to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protective Act of 1972.

There is a time limitation of 1 hour on that bill, with 30 minutes on any amendment. Rollcall votes may occur, undoubtedly they will occur and, upon the disposition of that measure, the Senate will then resume consideration of the unfinished business, S. 622, the energy bill.

The pending question at that time will be on the adoption of the amendment by Mr. FANNIN, and he is to be assured of 1 hour on that amendment, to be equally divided regardless of the time of day.

The Senate will proceed to vote at no later than 5 p.m. on the passage of the bill, with the usual understanding that any amendments that have not been called up prior to that time, and which sponsors may wish to call up, can be voted on, even though the hour of 5 p.m. will have arrived without debate.

So, in summation, there will be several rollcall votes tomorrow and, in accordance with the assurance earlier given by the distinguished majority leader and myself, the Senate will then stand adjourned until the hour of 8:20 p.m. tomorrow evening, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. This will allow Senators to gather for the procession over to the other body to attend a joint session which will be addressed by the President of the United States tomorrow evening at 9 p.m.

ORDER FOR ADJOURNMENT FROM THURSDAY UNTIL 10 A.M. MONDAY, APRIL 14, 1975

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that upon the conclusion of the President's address tomorrow night the Senate stand in adjournment until the hour of—this can be changed tomorrow if necessary—10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, in lieu of the motion to adjourn after the close of business tomorrow afternoon, until the hour of 8:20 p.m., I substitute the motion that the Senate then stand in recess until the hour of 8:20 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 9:15 A.M.

Mr. GRIFFIN. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 9:15 in the morning.

The motion was agreed to; and at 6:39 p.m., the Senate adjourned until tomorrow, Thursday, April 10, 1975, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 9, 1975:

AMBASSADOR

Laurence W. Lane, Jr., of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the U.S. Exhibition at the International Ocean Exposition to be held in Okinawa, Japan in 1975.

ENERGY RESEARCH AND DEVELOPMENT

Alfred D. Starbird, of Virginia, to be an Assistant Administrator of Energy Research and Development (new position).

FEDERAL POWER COMMISSION

James G. Watt, of Wyoming, to be a member of the Federal Power Commission for the term expiring June 22, 1979, vice Albert Bushong Brooke, Jr., resigned.

DEPARTMENT OF STATE

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service Information Officers of class 1:

Edward Alexander, of New York.
Arthur A. Bardos, of Maryland.
A. T. Falkiewicz, of Florida.
Clifton B. Forster, of Maryland.
Donald Y. Gilmore, of Virginia.
William G. Hamilton, Jr., of Maryland.
James A. McGinley III, of Florida.
James C. McIntosh, of Massachusetts.
Isa K. Sabbagh, of Maryland.
Clifford E. Southard, of Illinois.

Foreign Service Information Officers of class 2:

Leonard J. Baldyga, of Virginia.
James E. Bradshaw, of Tennessee.
Stanton H. Burnett, of Washington.
Robert D. Cross, of Maryland.
Alan H. Dodds, of Nevada.
Ann Eckstein, of California.
John E. Graves, of Virginia.
Daniel J. Hafrey, of Minnesota.
Sidney L. Hamolsky, of the District of Columbia.
Roy W. Johnson, of New Jersey.
Roger M. Lydon, of California.
George E. Miller, of Virginia.
Robert L. M. Nevitt, of Virginia.
Edward T. Pinch, of Virginia.
William A. Rugh, of New York.
Edward H. Schulick, of New Jersey.
Norris P. Smith, of California.
Irwin K. Teven, of Illinois.
Walter P. White, Jr., of Alabama.
Stanley A. Zuckerman, of Texas.

Foreign Service Information Officers of class 3:

Sime H. Adelman, of Ohio.
Barry E. Ballow, of California.
Charles L. Bell, of Ohio.
Philip C. Brown, of Pennsylvania.
Dino J. Caterini, of Ohio.
Robert R. Cohoes, of Nebraska.
Allan B. Croghan, of California.
Francis T. Donovan, of Virginia.
Joel Anthony Fischman, of Massachusetts.
Ramon Garces, of Texas.
John D. Garner, of Arkansas.
David D. Grimland, of Texas.
Vincent J. Hovanec, of Florida.
Carl D. Howard, of the District of Columbia.
William L. Jacobsen, Jr., of Washington.
Irwin S. Kern, of New York.
Jerry E. Kyle, of California.
Alfred A. Laun III, of Wisconsin.
Lewis R. Luchs, of Maryland.
John F. McDonald, of Maine.
Robert A. Merian, of Indiana.
Robert S. Meyers, of California.
Gary G. Morley, of Texas.
Jerry Lincoln Prillaman, of Virginia.
Christopher W. S. Ross, of California.
Richard C. Schoonover, of California.

John Watkins Simmonds, Jr., of Pennsylvania.

Leon M. S. Slawecki, of New Jersey.

David Wei-Tsi Wang, of New York.

David M. Wilson, of Massachusetts.

Foreign Service Information Officers of class 4:

Sarah R. Anderson, of West Virginia.

Melvin I. Cariaga, of Hawaii.

Paula J. Causey, of Virginia.

Ronald D. Clifton, of Florida.

R. Don Crider, of Florida.

Bernard Engel, of Maryland.

Gail J. Gulliksen, of Colorado.

L. Michael Haller, of Illinois.

David W. Hess, of Iowa.

Thomas A. Homan, of Illinois.

Hugh James Ivory, of New York.

Thomas F. Johnson, of New York.

David K. Krecke, of Michigan.

Caroline V. Meirs, of New Jersey.

Robert P. Milton, of Georgia.

Gary R. Nank, of Ohio.

Michael J. Nugent, of Pennsylvania.

Michael F. O'Brien, of California.

Robert Petersen, of Ohio.

Joanne A. Rinehart, of Pennsylvania.

Douglas S. Rose, of California.

Richard F. Ross, of Florida.

Janet E. Ruben, of Pennsylvania.

Daniel Scherr, of New York.

Andrew D. Schlessinger, of New York.

E. David Seal, of Missouri.

Cornelia M. Sheahan, of New York.

Jonathan L. Silverman, of New Jersey.

Thomas E. E. Spooner, of Michigan.

John A. Swenson, of Wisconsin.

Thomas W. Switzer, of Colorado.

Lawrence M. Thomas, of Tennessee.

Kenneth A. Yates, of Connecticut.

Foreign Service Information Officers of class 5:

Cesar D. Beltran, of California.

Michael L. Braxton, of the District of Columbia.

Bruce K. Byers, of Virginia.

Susan Ann Clyde, of the District of Columbia.

Margaret M. Converse, of New York.

Albert W. Dalgliesh, Jr., of Michigan.

Howard E. Daniel, of New Jersey.

Janet C. Demiray, of Virginia.

Fredric A. Emmert, of Michigan.

Philip C. Harley, of North Carolina.

Wendell N. Harrison, of Florida.

Robert C. Heath, of California.

Francis William Lowrey, of New Mexico.

Roy M. Payne, of Texas.

William T. Peters, of Michigan.

Edith E. Russo, of Virginia.

M. Kathleen Schloeder, of Virginia.

Van S. Wunder III, of Ohio.

Foreign Service Information Officers of class 6:

George P. Bonjoc, of California.

Stephen Mark Dubrow, of Florida.

Richard D. Gong, of New Jersey.

Arthur E. Green, of New York.

Andre N. Gregory, of California.

Robert B. Hall, of Oregon.

Patricia J. Moser, of Maryland.

Foreign Service Information Officer of class 7:

Sheila West Austrian, of California.

IN THE NAVY

Vice Adm. William P. Mack, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Rear Adm. Parker B. Armstrong, U.S. Navy, having been designated for commands and other duties of great importance and responsibility commensurate with the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

IN THE ARMY

The following-named person for appointment in the Regular Army of the United States, in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captain

Squires, Grace E., [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Rufus Addison
Robert M. Barringer
Michael R. Blehm
Robert D. Bradley
Felix C. Chambers
Christopher Claterecs
George E. Clausen
Robert D. Crawford
Brian F. Delaney
Donald L. Duplessis
Ulysses Fitzpatrick
Alfred G. Kelley III
Larry S. Klapper
Samuel B. Knight
Frank M. Laboureur
Olaf P. Langness
Roc A. Lastinger
Charles W. Madsen
Bert Marsh
Richard J. Meyer
Patrick M. O'Day
Jeffrey M. Schweiger
Randall W. Shafer
Brian H. Solomon
Ralph M. Soto
Donald H. Stewart, Jr.
William B. Stewart
Ralf H. Stinson II
Loren D. Turner
Roger L. Zinn

Paul A. Kandler (ex-USN officer), to be appointed a temporary commander in the medical corps in the reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Eli L. Rantanes and John B. Winterling (civilians) to be appointed permanent captains in the line in the reserve of the Navy, subject to the qualifications therefor as provided by law.

William McManus (ex-USNR officer), to be appointed a permanent captain in the line in the reserve of the Navy, subject to the qualifications therefor as provided by law.

James W. Horn (ex-Army officer), to be appointed a permanent commander in the line in the reserve of the Navy, subject to the qualifications therefor as provided by law.

Robert P. Kay (Naval Reserve officer), to be appointed a permanent commander in the line in the reserve of the Navy, subject to the qualifications therefor as provided by law.

Harold R. Schumacher (ex-USN officer), to be appointed a permanent commander and temporary captain in the medical corps in the reserve of the U.S. Navy, subject to the qualifications therefor as provided by law.

Kenneth C. Castor, Jr. and Edgar B. Johnson (Naval Reserve officers), to be appointed permanent lieutenants in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Peter F. W. Keurs and William R. Hambidge (Naval Reserve officers), to be appointed permanent lieutenants and temporary lieutenant commanders in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

William B. Mahaffey (Naval Reserve officer), to be appointed a permanent lieutenant commander and temporary commander in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Owen G. Blackwell (Naval Reserve officer), to be appointed a permanent commander in the Medical Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Robert W. Antos and Eugene H. Kunitake (Naval Reserve officers), to be appointed permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

The following-named (Naval Reserve officers), to be appointed permanent lieutenants in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law:

Fred E. Sheinbein
David E. Sintek
Michael J. Tabacco
Bruce E. Westover

Stephen L. Nelson and Michael W. Parker (Naval Reserve officers), to be appointed permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law.

Thomas H. Sugg (Naval Reserve officer), to be appointed a permanent lieutenant commander and temporary commander in the Dental Corps in the U.S. Navy, subject to the qualifications therefor as provided by law.

Harry C. Benson (civilian college graduate) to be appointed a permanent commander in the Medical Corps in the Reserve of the Navy, subject to the qualification therefor as provided by law.

IN THE MARINE CORPS

The following-named (Navy enlisted scientific education program) graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Tierney, Michael

The following-named (U.S. Air Force Academy) graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Palmer, Steven M.

IN THE MARINE CORPS

The following-named (chief warrant officers/warrant officers) for temporary appointment to the grade of first lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Aaron, Garland G.
Alger, Duff E.
Allen, Homer L.
Ambrose, Constantine G.
Anderson, Curtis E.
Anderson, James L.
Appl, Ferdinand J., Jr.
Bickel, Raymond R., III
Bostwick, Robert W.
Bowser, Reganold A.
Brisson, James J.
Brogdon, Ronald G.
Brooks, John V., Sr.
Bryant, Murray W.
Bush, Donald N.
Buss, Curt C.
Carter, Nearlin, Jr.
Catlett, Douglas M.
Cauble, John D., Jr.
Christiansen, Richard W.
Conner, James R.
Corley, William B., Jr.
Corpus, Lazaro, Jr.
Cote, Wayne R.
Cothran, James A.
Creech, Oscar E.
Davenport, John W.
Day, Herbert L.
Deckert, George F., III
Delagarza, Oscar, Jr.
Deline, Donald F.
Doggett, Donald L.
Driver, Joe H.
Edgerton, James M.
Eskam, Donald T.
Gaston, Michael W.
Gomes, Joseph F., Jr.
Gregg, Richard L.
Grzanich, Philip A.
Henry, Marvin W.
Jackson, Lowell B.
Jackson, Raymond T.
Jonely, Richard C.
Kathrein, Charles J.
Keith, Harold A.
Kennedy, Michael B.
Krebs, George D.
Kunkle, Raymond L.
Ladnier, Donald R.
Laws, Thomas L.
Lewis, John F.
Lucus, Gary A.
Mackie, Merle E., Sr.
Magallan, Jose
Marsh, Benjamin A.
Martin, Darrell F.
Martin, Larry A.
Mathis, Jack D.
Meierdierks, Marlen B.
Meyer, Leslie A.
Miller, Daniel E.
Molko, John
Moorhead, Robert D.
Morris, Allen R.
Morton, James L.
Ochoco, Sam G.
Pannell, Roland N., Jr.
Parise, Angelo S.
Peters, Jimmie F.
Prevost, Paul J.
Rhoads, Virgil G.
Rice, Gordon A.
Richardson, Carl S.
Schuette, Walter R.
Simpson, Theron, Jr.
Sisson, Wilbert O.
Smith, Charles L.
Stannard, Clinton D.
Stewart, John F.
Stockman, Robert T.
Sunn, Steven E.
Thompson, Gary O.
Troutt, Donald R.
Walker, Francis R.
Waller, Frederick M., Jr.
Weigley, Paul R.
White, Richard H.
Williams, Arthur P.
Wilson, Cecil E.
Wolfe, Richard K.
Wright, Billy E.
Zurface, Robert F.

The following-named (staff noncommissioned officers) for temporary appointment to the grade of second lieutenant in the Marine Corps, for limited duty, subject to the qualifications therefor as provided by law:

Ames, Dennis W.
Baca, Francisco P.
Barnes, James R.
Bone, Acie
Boyd, Christopher
Brittain, Jackie L.
Brush, Roy E.
Bryan, Gary L.
Cerveny, Dennis A.
Coggins, George M., Jr.
Davison, Louis E.
Deshotel, James H.
Donahue, Herbert W., Jr.
Fisher, Jerrold R.
Freund, Maurice H.
Gerende, Joseph J.
Good, James H.
Harris, Peter L.
Hendricks, Lewis B.
Hickman, Morris B., Jr.
Hilbert, Dale A.
Hladik, Donald L.
Hullaby, Lester C.
Isa, Ronald Y.
Keeley, Elton J.
Koehler, Karl E.
Largue, James, III.
Larson, Roger D.
Laughlin, Robert L.
Levan, Richard W.
Marceau, David B.
Markow, Lorin J.
McClure, Jerry C.
McKay, Donald R.
Miller, James, Jr.
Morris, Wilford
Nilson, George D.
Ogg, Robert C., Sr.
Priseler, Robert E.
Relf, Harry, Jr.
Sands, Richard F.
Shaw, Donald R.
Singletary, Arthur
Stokes, Niles E.
Thomas, John E.
Vaillancourt, Allen L.
Wifler, Francis M.
Williams, Wilbur L.
Wimsett, Gary D.
Youmans, Jerry A.

The following-named (Naval Reserve Officer Training Corps) graduate for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Jones, Dwight W.

The following-named temporary disability retired officer for reappointment to the grade of major in the Marine Corps, subject to the qualifications therefor as provided by law:

Harris, William D.

EXTENSIONS OF REMARKS

THE CHILD AND FAMILY SERVICES ACT OF 1975

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BINGHAM. Mr. Speaker, as a sponsor of H.R. 2967, the Child and Family Services Act of 1975, I am deeply interested in speedy action on this legislation. This bill represents the accumulated knowledge of 5 years of congressional investigation of the Nation's child care needs and how they can best be met.

In December of 1971, Congress passed the Child Development Act, only to see it vetoed by former President Nixon. The need for child care legislation has since urgently increased. In the period from 1970 to 1973 alone, the number of children with working mothers increased by 650,000, while average family disposable personal income fell by approximately 5 percent. In other words, there are more working parents, but they are less able to afford day care for their children.

Thirty-two million women in America work, whether out of necessity or desire, yet our present day care facilities are a hodgepodge of uncoordinated private, State and local efforts. Young children are often left to care for themselves, or are subjected to other makeshift arrangements. The disadvantages suffered during these important learning years threaten a child's physical and intellectual development. This problem is particularly acute in New York City where even the simplest facilities are few in number, despite the fact that State and local governments are straining to make improvements. Although the Federal Government does offer some assistance, it is not enough. Congress must initiate convenient, quality day care in the United States by approving this legislation.

The Child and Family Services Act of 1975 is a comprehensive measure designed to meet the educational, medical, and nutritional needs of young children and their families with in-home and center-based day care, educational programs for primary school students, prenatal care for mothers and babies, and special programs for handicapped, minority, ethnic, and migrant children and families. Although priority would be given to the socially and economically disadvantaged, the services set forth in this act would be made available to all who requested them. Funding is also authorized for such purposes as the training of personnel, construction and operation of facilities, and research and evaluation, to be administered by State and local sponsors and private agencies with community participation and parental involvement encouraged. The Child and Family Services Act is a flexible plan which can be adopted to the needs of individual families and communities.

I anticipate that some of my colleagues might oppose action on this bill in light of the economic woes confronting us. Why should we recommend a measure that would free more single parents and women to enter the already tight job market, and why should we appropriate more Federal dollars in light of a huge budget deficit?

In the first instance, this bill addresses itself to the needs of children whose parents, or single parent, are already working or those children whose mothers are at home, but whose families need assistance because of illness in the family, emotional disturbances, physical handicaps, or inferior living conditions. Recent national figures indicate that there are aproximately 33 million children under the age of 18 in need of child care, while licensed child care arrangements exist for less than 1 million. This means that nearly 32 million children are not properly cared for. It is these children, whose parents, or parent are already part of the labor force, whom we must help.

Inflation has driven the cost of day care out of the reach of more and more families, yet the need for quality day care is still present. As male unemployment goes up, more women are taking jobs, both part and full-time, to help out their families financially. It is often the wage earnings of the mother that keep a family from falling below the poverty line and onto the welfare rolls. For single parent families, good day care can free the parent to seek and maintain employment, knowing that his or her children are well cared for.

As for any difficulties my colleagues may have in justifying a vote to authorize more Federal spending at the rate of $1.8 billion over a 3-year period, I ask them to consider the long run benefits of the Child and Family Services Act, not only to children and families, but ultimately to all Americans. Any money spent on day care, medical assistance for mothers, and other family services is a sound investment which will pay off in the future in terms of lower crime rates, and happier, healthier citizens. Moreover, the economy would be bolstered by investment in child care programs because numerous jobs for both professionals and nonprofessionals would be created by this legislation.

AN OVERSIGHT PANEL AT WORK

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ULLMAN. Mr. Speaker, at this time I would like to take a moment to praise our colleague, Congressman L. H. FOUNTAIN, whose hard work and patient skill are receiving a belated but growing acknowledgment. L. H. FOUNTAIN is probably the best detective we have in the House, and he has done his work of overseeing portions of our Federal bureaucracy with perseverance and without fanfare.

As you know, Mr. Speaker, the House recently moved toward creation of several more subcommittees specifically charged with oversight—an acknowledgment that our Federal Government is large and that congressional intent and public interest can be watered down over a period of years. I am very pleased that among the new subcommittees on the Ways and Means Committee is one aimed directly at overseeing how our tax laws and welfare systems are administered. But it seems to me there is no better model than L. H. FOUNTAIN on how to be a watchdog and detective. He has consistently done his homework methodically and painstakingly, and he has produced results. A recent article in Congressional Quarterly focuses on the work of our colleague, L. H. FOUNTAIN, and I submit it for the RECORD:

AN OVERSIGHT PANEL AT WORK

For 11 years, Rep. L. H. Fountain (D N.C.) has kept a quiet but close watch over the Food and Drug Administration (FDA). It seldom has brought him headlines or time on the television evening news. But among Capitol Hill observers Fountain's work is considered an excellent example of thorough, steady congressional oversight—often producing significant benefits for the public.

Since 1973 alone, Fountain has forced the FDA to bar the use of diethylstilbestrol (DES), as a food additive or implant in animals, and to withdraw final approval of Depo-provera as a long-acting, injectable contraceptive for women. Both chemicals were suspected of causing cancer.

As chairman of the House Government Operations Subcommittee on Intergovernmental Relations, Fountain rarely uses hearings to keep tabs on FDA.

Instead, the staff relies on trade publications, medical journals, FDA notifications of all of its advisory committee meetings, complaints from the drug industry and checks of FDA files. Occasionally subcommittee staffers will attend the open portions of meetings where FDA advisory committees discuss new drugs. If they miss a meeting, they will request a verbatim transcript.

"Trade publications keep us informed about dissension within FDA and about imminent FDA actions," said Delphis C. Goldberg, a subcommittee staffer. "We look through the medical journals to find problems with drugs and food additives. If we see a problem, we'll go out and look at FDA files in the problem areas."

The subcommittee did not begin overseeing the FDA until 1964, after the staff found that several drugs the FDA had approved for general use had later been taken off the market as unsafe.

"We asked FDA why that had happened and we found their explanation incomplete," Goldberg said. "We began to concentrate our overview on how FDA operated and how it approved new drugs."

The panel's work in Depo-provera is a good example of how the subcommittee approaches its job. "We found that the FDA advisory committee did not look at the safety data on Depo-provera when they approved it," Goldberg explained.

"On our own, we found that there was a study by the National Cancer Institute which indicated that women exposed to Depo-provera had a much greater incidence of pre-cancerous conditions."

After Fountain first raised questions about Depo-provera in September 1974, FDA in December agreed to withdraw its final approval notice of the drug until its advisory committee looked at the new safety data.

KANKAKEE YOUTH SAVES BOY

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. O'BRIEN. Mr. Speaker, I would like to commend Tye Prisock, a 16-year-old from Kankakee, Ill., whose quick thinking averted a terrible tragedy in my district.

By keeping a cool head, Tye was able to save the life of a small boy, Donnie Bush, who had fallen through the ice on a pond and was pinned beneath the surface. Tye displayed extreme courage and selflessness in swimming across the icy pond to rescue the child and I am extremely proud to have such a fine young man in my district.

The following is an article published in the Kankakee Daily Journal recounting the incident:

KANKAKEE YOUTH AIDS BOY PINNED IN ICY POND

A 16-year-old Kankakee youth prevents a possible drowning Monday when he pulled a small boy from a pond east of Hieland Road after the boy had fallen through the ice.

According to Mrs. Roger Bush of Country Oaks-Oakland Park Subdivision, Tye Prisock went to the aid of her son, Donnie, 7, after he had broken through the ice and became pined beneath it.

Mrs. Bush said Donnie and a friend, Jeff Carstens, 7, wandered off to the nearby pond shortly before 5 p.m. Monday while playing in the subdivision. The pond, 8 to 12 feet deep, is manmade and acts as an inlet for the Kankakee River.

Mrs. Bush said Jeff had told Donnie there was candy on the other side of the pond, but instead of walking around the embankment he went across the ice. Near the middle of the pond, Donnie fell through and disappeared.

Jeff went to the Prisock home and alerted Tye, who ran to the area and saw that although the boy's face was afloat, he was trapped beneath the ice.

Tye swam across the pond and freed Donie from the ice while keeping the boy's head above water, Mrs. Bush said.

Marion Prisock, father of Tye, then arrived on the scene and helped wrap Donnie in blankets and carry him home, according to Mrs. Bush.

Mrs. Bush said Donnie was too weak to walk following the incident, but appears in good condition today.

"We just thank God that Jeff and Tye were there and knew what to do. If they hadn't, Donnie might have died last night," she said.

MORATORIUM ON CLEAN AIR

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. HILLIS. Mr. Speaker, today I have joined in introducing legislation which calls for a 5-year moratorium on the clean air standards. Let me share my reasons for such action.

The economy is in trouble. Both the housing and automotive industries, two of the leading factors in our economy, are at the lowest level in years. This Congress needs to do everything it can to put them back on the move.

Right or wrong, there are claims that are continually changing auto emission and safety standards, have priced cars out of the market, and destroyed consumer confidence. Also, the energy crisis has descended upon us; increased stringency of the emission standards decreases automobile fuel economy through the simple laws of thermodynamics. It is my strong opinion that a 5-year freeze of the 1975 interim standards are in order to better enable the auto industry to meet the President's goals of a 40-percent fuel economy by 1980. It is obviously that in looking at our past experience with the law, it has been most difficult for the auto industry to shoot at a continually moving target and, at the same time, to come up with the necessary new technology, as well as the necessary capital to achieve realistic goals. A longer period is needed so as to achieve product improvements and cost savings.

The continuance of the 1975 standards through 1981 will insure that air quality continues to improve throughout the country, since the 1975 standards require removal of over 90 percent of the exhaust hydrocarbons, 83 percent of exhaust carbon monoxide, and 38 percent of exhaust nitrogen oxides.

If sulfate emissions from catalytic converters do prove to be a problem, the 1975 standards permit use of other technology without catalysts, including stratified charge and lean burn engines. Also, the EPA's evidence that there is a problem of sulfate emissions is certainly far from persuasive at this time. EPA may, indeed, have created another cyclamates panic which the country cannot afford. With the 1975 standards in effect for the next 5 years, by 1985 there should be no region in the country, except for southern California, where auto-related air quality problems remain.

We must face a more realistic approach to our problems in the area of energy and I believe that this action would go in that direction.

NATIONAL BICYCLE MONTH

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. CONTE. Mr. Speaker, next month will be celebrated in this country as National Bicycle Month. I am taking this time to inform my colleagues of that fact and to note that the bicycle industry will share an anniversary with this great country next year.

As we celebrate our Bicentennial, the bicycle industry will observe its 100th birthday. I announce this centennary with particular pride for within my congressional district is located the "hometown" of the bicycle, Westfield, Mass. This lovely community houses the world famous Columbia Manufacturing Co., America's first bicycle manufacturer.

My colleagues may not realize it, but if it was not for our centennial celebration in 1876, the history of our country might have been vastly different. For, it was at the Centennial Exposition in Philadelphia that Col. Albert A. Pope of Boston saw a crudely fashioned high-wheel bicycle imported from Europe. The gentleman, obviously a shrewd businessman, was inspired to produce the vehicles in this country. From that beginning, the addition of a liberal amount of American ingenuity, and our legendary fascination with machinery, the bicycle industry grew and eventually spawned the automobile industry. In fact, with the influence of two bicycle repairmen, Orville and Wilbur Wright, the bicycle also played a mighty role in the birth of the air age.

The bicycle industry goes into its second century on the crest of a boom in bicycle sales and usage. The energy crisis, which put the bicycle back in use as a means of commuter transportation as well as a source of recreation, sent bicycle sales soaring in 1973 to a record high of 15.3 million. Last year, although conditions throughout the economy brought a decline in sales, the domestic industry still realized its second highest market level in history.

At this time, I salute our domestic bicycle industry, which will celebrate its 100th anniversary next year; our first bike manufacturer, Columbia Manufacturing Co. of Westfield, Mass.; and I urge my colleagues to observe May as National Bicycle Month and to promote bicycle safety on the streets and bikeways of this Nation.

U.S. CREDITS FOR SOVIET AGGRESSION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ASHBROOK. Mr. Speaker, some Members of this body are urging the repeal of the $300 million ceiling on U.S. Export-Import Bank credits to the Soviet Union. I oppose any such repeal.

I am somewhat amazed that anyone can be urging to reward the Soviet Union with more Ex-Im credits at a time that country is pursuing an aggressive and intransigent foreign policy throughout the world.

In Portugal the Soviets are increasing their influence. The military dictatorship that appears to be solidifying its hold on Portugal is allowing the Marxist groups to play a larger and larger role. The Portuguese Communist Party follows the directions of Moscow. It is estimated that the Soviets are giving more than $10 million monthly to the Communist Party of Portugal.

The Soviet Union has been refueling some of its merchant fleet at the Portuguese island of Madeira. It is no secret that a number of these "merchant ships" also carry sophisticated electronic gear with important intelligence capabilities.

The ruling regime is also outlawing conservative and moderate political parties. Prof. Gerhart Niemeyer has discussed the methods of Communists in coalition governments in an excellent study. Much of what he has written seems to be taking place now in Portugal.

> Ultimately, the Communists are determined not to share power with anybody. While using the coalition with democratic partners for the purpose of legitimization, they proceed simultaneously with "the elimination and destruction of rival parties," . . . In this process, they exploit to the hilt the possibilities created by the "basic agreements," above all the "common cause," and the "non-toleration of certain parties, ideas, and individuals in the political theater." The "common cause" includes the fight "against reaction." When certain parties, ideas, and individuals are barred from political activities because of their "reactionary" character, it is not difficult to throw suspicion of complicity with "reactionaries" on leaders of bourgeois parties that are members of the coalition. Discrediting leaders on political and personal grounds, the Communists find it possible to undermine the people's support of democratic parties. In an atmosphere of high political pressure, it is always possible to find evidence of "plots" and to pass off such "plots" as attempts to destroy the coalition and to endanger the "unity" that has been declared of supreme value. The very existence of several parties can be made to appear as a threat to "unity."

In Southeast Asia the Soviets are continuing their massive aid to the North Vietnamese. That aid enables the North Vietnamese to continue their aggression in South Vietnam and to maintain troops in Cambodia and Laos.

The aggression of the North Vietnamese has even resulted in cries of dismay from the New York Times. The Times stated:

> It would be unconscionable for the United States, in effect, to cut off the ammunition supply for the weapons with which Washington has armed the South Vietnamese.

It does not seem to me that the United States should reward the Soviets with more credits when they are providing North Vietnam with the ammunition, tanks, rockets, and other instruments of war that are being used in the current offensive. I earnestly hope not, but it may be that because of the present Congress the United States has entered in the words of Crosby Noyes, "an enlightened age of bail-out, bug-out, and sell-out" in the case of our principles and our commitments.

When we talk of Soviet tanks, military vehicles and other products of Soviet technology including the ships that transport Soviet weapons, we must remember what Anthony Sutton, perhaps the world's leading expert on the origins of Soviet technology, has written:

> The Soviet Union has a fundamental problem. In blunt terms, the Soviet economy, centrally planned under the guidance of the Communist Party, does not constitute a viable economic system. The system cannot develop technically across a broad front without outside assistance; internal industrial capacity can be expanded only in those sectors suitable for scaling-up innovation and duplication of foreign techniques.

It seems that some in this Congress once again would attempt to buy the Soviet Union's friendship. But this is an attempt to ignore reality. The Soviets realize that attempts to buy cooperation result from a position of weakness. We would be better served by increasing our defenses rather than attempting to buy an accommodation with the Soviet Union.

VOTE ON NASA AUTHORIZATION

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. JEFFORDS. Mr. Speaker, the National Aeronautics and Space Administration requested budget authorization for fiscal year 1976 to $3,539,000,000 which was an increase over the fiscal year 1975 budget level of $3,231,145,000. However, the fiscal year 1976 level was increased to $3,585,823,000 in the Appropriations Committee.

I have consistently supported this country's space and technology efforts and I continue to do so. But I was compelled to vote against the fiscal year 1976 appropriation because I believe in this time of great budget deficits the Congress must exercise fiscal restraint in every area possible without jeopardizing national security. I would have voted in favor of reduced funding or even level funding for NASA but I could not in good conscience vote for an authorization that was greater than even the agency had asked for. This is one area where the Congress could have kept Federal funding down without jeopardizing an important area of activity but it failed to do so.

DÉTENTE LIES IN RUINS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. CRANE. Mr. Speaker, as the army of North Vietnam, and the Khmer Rouge in Cambodia, push forward in their aggression, they are fully supported by arms, ammunition, fuel, and funds from the Soviet Union and Communist China.

While many Americans continue to speak of détente, and while Members of the Congress themselves visit in Peking, the fact is that for the Soviet Union and Communist China détente has become only a tactic in their continuing policy at world domination.

Why the U.S. Government permitted the North Vietnamese and the Vietcong to violate the Paris peace agreements with impunity is a question which will have to be answered as we carefully consider the reason for the tragedy which is now occurring in Indochina. A policy of détente which permits the Communists to proceed with their aggressive policies while causing us to remain silent and acquiescent is surely a policy which does not serve the cause of either freedom or peace.

In a lead editorial in the newspaper published by the AFL-CIO, the federation's president, George Meany, declares that "détente lies in ruins." No less "sweeping indictment," he maintained, "can be made by sober and reasonable men. The wreckage is global."

Meany argued that—

> The policy of détente has produced disillusionment everywhere and success nowhere. . . In our opinion the Israelis were right not to rest their future on "guarantees" by Henry Kissinger. No doubt they, along with our other allies, were watching the horrible tragedy unfolding in Vietnam—another fruit of détente.

While many in the Congress tell us that the domino theory is dead, Mr. Meany expresses the view that—

> Events are reasserting it with a vengeance. We see before our horrified eyes plain and simple proof that the fate of the Western world rests on a series of interlinking alliances and relationships which cannot be damaged at one point without weakening the whole chain.

What is at stake in Vietnam is the credibility of the United States as an ally and a world power. To much of the world it now appears that we have ceased to be reliable and trustworthy, that a false détente is more important than a realistic commitment to friends and allies. Hopefully, that assessment of the United States is too pessimistic. Unfortunately, there is much evidence to support it.

I wish to share with my colleagues the report of George Meany's assessment of détente which appeared in the April 12, 1975, issue of Human Events, and insert it into the RECORD at this time:

Meany Scores Détente in Wake of U.S. Setbacks

In the wake of the serious deterioration of the U.S. posture around the world, AFL–CIO President George Meany has run a front-page editorial in the labor federation's newspaper charging that "detente lies in ruins." No less "sweeping indictment," he maintained, "can be made by sober and reasonable men. . . . The wreckage is global." The Nixon-Kissinger "policy of detente," argued Meany, "has produced disillusionment everywhere and success nowhere. . . . In our opinion the Israelis were not to rest their future on 'guarantees' by Henry Kissinger. No doubt they, along with our other allies, were watching the horrible tragedy unfolding in Vietnam—another fruit of detente."

In January 1973, Dr. Kissinger arranged a cease-fire in Vietnam and a withdrawal of American troops, said Meany. "This, we were told," he continued, "with great fanfare, would bring an end to the killing. Mr. Nixon took credit for ending the war.

"But the following year, more South Vietnamese soldiers were killed than in any other year of the war, save two. Then we were told, by leading members of Congress, that the way to stop the killing was to cut off military aid to South Vietnam.

"No sooner did it become clear that Congress intended to do just that than the North Vietnamese launched a full-scale invasion of the South. We are now witnesses to one of the most massive migrations of human beings in modern history—roughly a million Vietnamese fleeing south. (They are not, be it noticed, rushing to the workers' paradise in the North but to the 'repressive' and 'corrupt' regime in the South. They are voting with their feet.) And as these men, women and children flee, they are being fired upon by the advancing Communist troops.

"Is this the kind of peace agreement Henry Kissinger has in mind for the Middle East? And what about all those members of Congress who profess support for Israel but would withhold from another small country struggling for survival against Communist aggression the aid she needs to survive?

"The question here is not whether Israel and Vietnam are the same, but whether the dishonorable abandonment of our commitment to one ally will strengthen the credibility of our commitment to another. The AFL–CIO does not think so, and the Middle East debacle, coming in the midst of the Indochina tragedy, is powerful evidence to the contrary.

"The 'domino theory' is supposedly out of fashion, but events are reasserting it with a vengeance. We see before our horrified eyes plain and simple proof that the fate of the Western world rests on a series of interlinking alliances and relationships which cannot be damaged at one point without weakening the whole chain. This—rather than any oversimplified notion of adjacent countries toppling over each other—is what links Israel, Vietnam, and for that matter Portugal.

"There can be no doubt that the bold Communist push for power in Portugal is fed by an awareness of declining American power in the world. That decline has to do with the disarray of the Western economies and resulting political instability. It also has to do with America's deteriorating military position vis-a-vis the Soviet Union. But it also has to do with the belief, widespread in the world, that the rhetoric of detente masks a loss of nerve, a lack of will to bear any longer the burdens of defending freedom in the world.

"Everywhere communism is on the march. Everywhere the West is in retreat. Such are the fruits, the bitter fruits, of detente."

THE COMING OF THE BICENTENNIAL CELEBRATION

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. MICHEL. Mr. Speaker, many of us are searching for ways to find meaning for ourselves from the coming Bicentennial celebration. Recently, the Paris, Ill., Beacon-News, in a long editorial, commented on some very intriguing remarks on this subject by a distinguished citizen of my State, Mr. Joseph Meek, retired head of the Illinois Retail Merchants Association and a former Republican candidate for U.S. Senator.

Mr. Meek, in his remarks, sees a key element of the Bicentennial spirit in the rekindling of citizen participation in government and politics. It is an important point. In the Revolutionary period, patriots like Patrick Henry were prepared to die for liberty. The signers of the Declaration of Independence pledged their lives, fortunes, and sacred honor to the cause.

Yet today, millions of Americans do not even bother to vote. If the Bicentennial can spark anew the commitment to citizenship and participatory patriotism then it will truly be a signal event in American history.

In the hope of furthering that goal, I insert the editorial covering Mr. Meek's remarks at this point in the Record:

Accent on Why We Must Vote, Not on How We Must Vote—

Joseph T. Meek, one of the most popular and stimulating speakers ever heard in Paris in the course of many visits here some years ago, is still going strong as an articulate voice for responsible citizenship. He is known here as the vigorous voice of independent business while chief executive for the Illinois Association of Retail Merchants and later as the Republican nominee for the United States Senate in Illinois. This was followed by distinguished service as a delegate from his suburban Chicago home of Western Springs in the recent Illinois constitutional Convention that drafted a new constitution approved by the voters and now the governing charter for the state.

All this is by way of calling attention to Mr. Meek's most recent and typically challenging pronouncement on the theme "Of What Enduring Value Is The 1976 Bi-Centennial?"

We think those who know Mr. Meek and many who do not will benefit from reading what he had to say this week in urging the Democratic and Republican committeemen of his home township to create a non-partisan political adjunct to a proposed township Bicentennial Commission.

Mr. Meek, outlining the purpose of his quest, asked residents "without regard for Party affiliation, to join in the invitation to substitute patriotism for politics sufficiently to register all eligible voters by July, 1976 and to work hard for a one hundred per cent vote of informed patriots by November of 1976. The accent must be on why we must vote instead of on how we must vote. This should be the major objective of the Bicentennial; the only action which will give meaning to our songs, our pageants, our recitals, our tree planting, our historic drama and our red, white and blue bunting.

Meek expressed the hope that such specific action might cause the National Party Chairmen "to forget legislative squabbles long enough to unite on one specific objective, stressing the essential lesson that patriotism, citizenry responsibility, freedom and independence and fear of being overgovernmented is not a matter of party politics but of our nation's survival." "The one common goal of the two parties, aside from a determined effort to solve our economic and social issues on a workable compromise basis, would be to register every eligible Lyons Township voter by July 4, 1976; to urge each voter, in the coming November to discharge his hard won right to citizenry regardless of for whom he votes and why. Possibly for a few short months we can stress the top qualifications of candidates—honesty, intelligence, dedication, courage and patriotism—real not synthetic."

"Since the Chicago Tribune back in December, kindly printed an article I wrote on the 1975 Bicentennial many citizens and political leaders have been good enough to congratulate me. Perhaps the most pointed comment came in a letter dated January 21 and written by Senator Adlai Stevenson. He wrote "no amount of promotion can substitute for the responsibility of the parties to nominate the best qualified people to serve. My initial suggestion is that the effort focus on the right, the duty and the opportunity of the voter to aid in the selection of candidates and support them diligently. Remember the lines of Ogden Nash:

"They have such refined and delicate palates,
That they can discover no one worthy of their ballots.
And then, when someone terrible gets elected,
They say "there, that's just what I expected' "!

"I suggest that Mr. Nash's little poem could well be a foreword to all official stationery concerning the program and product of the 1976 Bicentennial. Maybe it will serve to stress just where from stems the life of the Republic of the United States. . . . "one nation, under God, indivisible, with liberty and justice for all. The rights to live as

"With the help of your Commissions," Mr. Meek said "we would like to see a nonpartisan political committee take the real meaning of the Bicentennial directly to the disillusioned high school and college students; to the churches, to the service clubs, to the fraternal organizations and social clubs, to all for whom freedom is meaningful—freedom to worship; freedom to read and what to read and what course in life to pursue; what freedoms to decently compete for victory; the independence to dictate our own life style as essential to their being. That's what the Bicentennial is all about. About? The emphasis that these rights can only be insured by the people and never by some paternalistic individual acting 'for' the government.

"We ask for 'one Nation, under God'," Mr. Meek said. "We must earn God's blessing and take the steps to keep it. We ask for liberty and justice for all The rights to live as free men, these are not inalienable. They can be lost and are being lost. To preserve theirs could be a major part of a Bicentennial program.

"We do not need to gloss over our grave mistakes and losses for two centuries. Pageants won't do it; patriotic songs and dramas about our old heroes who have nothing on our present crop of heroes; nothing except that an inquiring, insistent, courageous constituency fought to keep them in office when they earned it! We need to discuss in our schools the hundred Watergates and worse which American patriots have overcome in the past two centuries. Then, cleansed of hypocrisy, we can invite our children into informed voter-partnership to prove the worth of our systems as compared to foreign systems which they have wrongfully been told work better.

"We applaud the colorful Bicentennial programs hitherto announced though we cannot quite see how the planting of trees belongs in a nationwide effort to continue our freedoms and rights and to fasten them down securely.

"Politics is not patriotism. All the presidents I have known—Coolidge, Wilson, Harding, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon and Ford were and are patriots. Their trouble has always been to get the full backing of an American populace and keep the freedom track. If they have strayed, we, the people, have been less than vigilant.

"Politics, citizenry, informed voting regardless of Party, that is what the 1976 Bicentennial is all about. Ritual is not religion. Patriotism is more than creamy pop. One may not like it, but the American dream came out of politics. It will be sustained out of politics or it will die. The National Bicentennial Commission advertising sparkles with the names of authors, musicians, agriculturists, educators, scientists, clergy, labor leader, business and professional greats. None would have a segment of our life to lead, none would have succeeded, could continue under censorship, dictation and worse. Safeguards would only come through political action of citizens. Our freedoms, all of them, are kept free and independent of special-intrest dictatorship by participation in politics—not neglect!

"We would like our Townships, our counties, our State, our National Party leaders to get together to prove it; to show where it all begins, this patriotism and freedom which we take for granted free.

"While we plan for 1976 we must remember that two hundred years ago it was not a 'rabble in arms' which gathered to die, if necessary, for freedom. It was a collection of farmers, hunters, storekeepers, clergy, woodmen, professional men and women and not a 'rabble' of kids with an itch to upset something. The 'rabble' were men and women, staid and God-fearing people, citizens even as us, who put their head on the chopping block, speaking out and marching out to do and die for what we now call a 'useless exercise in a dirty political, unethical world.'

"Two hundred years ago running away from responsibilities; avoiding any position which might hurt our social standing or our profession or our profits would have been called 'cowardice.' Now we call it 'common sense' with 'me first, bugger the rest of you' as the excuse for the dangerous imbalance our selfishness creates.

"Two hundred years ago a citizen who wouldn't declare himself, who wouldn't stick his or her neck out for freedom and independence was called a 'traitor.' Today, such a citizen would be accepted as a 'no-voter'—quite content that God will answer his prayer for God's protection for freedom, for independence, for rights.

"Two hundred years ago leadership, investment of sweat, blood and money was expected—a part of that pioneer life which insisted on freedom from tyranny. Today there are too many who love to criticize but never participate; community leaders who parade their local virtues but take no positive steps into the loneliness and harassment of law-making designed to save that which gives them the power to strut and serve at home.

"There are too many of us either fearful or miserly, who wouldn't give a pittance or a penny to support the system which gave them the rich rewards for a work well done in the climate of free enterprise and marked independence.

"As for service as Party leaders or candidates, how could they just ever lower their status and their dignities to associate with politicians, civic, community and political leadership? It is beneath them as a practicality. It is only inviting as a symbol status or a topic of drawing room conversation. The whole idea, except for a very few, is antisocial. It isn't 'club work.' It isn't 'kosher' around our Association. 'Politics are out.'

"Give them a worker, a candidate, however, who doesn't measure up to their sideline standards and they'll carp and criticize and, with apologies to Ogden Nash, mumble 'There, that's just what I expected'!

"Surely," Mr. Meek concluded, "we can give up a part of our time as political party bosses and members; concentrate on the creation of a great and determined army of patriots without in any way hampering the essential legislative work of members of both Parties. All we need to do, as a bit of part-time patriotism, is to show our leaders of both parties that the people still want to run their country; want to take the determination of our futures away from any Party and special interest specialist, want to take it back to us that we may write our own destinies as free men, independent men, God-like men."

As Paris and Edgar County prepare to participate in the Bi-Centennial celebration, it might be well to reflect on Mr. Meek's message. To be meaningful, the observance ought to place proper emphasis on the responsibilities of citizenship in the future while honoring the gallant citizenship of the past.

THE MANPOWER SKILL CENTER

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. SIMON. Mr. Speaker, I would like to bring to the attention of the House the excellent job being done by the Manpower Skill Center operated by the School of Technical Careers of Southern Illinois University at Carbondale. The center is operated under the Comprehensive Employment Training Act and its programs are designed to teach marketable skills to the unemployed or the underemployed. Last year the center graduated 220 persons and an additional 43 earned high school equivalency certificates. According to the records of the center, more than 86 percent of the persons trained found employment, and in some skill areas, such as welding and auto repair and machine trades, nearly 100 percent placement is achieved.

At present 127 persons are enrolled at the center, with most of them coming from the counties of Jackson, Williamson, Franklin, Saline, Union, and Johnson. These counties have high unemployment rates. It is encouraging to know that some successful steps, however small, are being taken to alleviate unemployment in this area. This program reinforces my belief that what the people seek are jobs, not welfare, and that Federal cooperative programs can be successful. Mr. Speaker, I commend this program and offer my congratulations to the administrative and teaching staff of the center and to the students enrolled in it.

FAIR LABOR STANDARDS FOR MUNICIPAL WORKERS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ARMSTRONG. Mr. Speaker, the 93d Congress passed the Fair Labor Standards Act amendments containing a number of provisions which created undesirable effects and which may, in fact, be unconstitutional.

Right now, the Supreme Court is considering National League of Cities against Brennan, a suit which charges that any regulation of the employment practices of municipalities is not included under the commerce clause of the Constitution.

For this reason, among others, I voted against the Fair Labor Standards Act Amendments of 1974. Regardless of how the Court decision goes, however, we should change the sections of the law which are undesirable.

Today, I am introducing legislation to change one of the more objectionable sections of the 1974 amendments and one which had a particularly unforeseen consequence. The application of the new overtime and work hour provisions to State and local governments created an unfortunate situation for many municipally owned utilities in the United States, especially for those operating 24-hour rotating-shift schedules.

One such case in point was brought to my attention by the mayor of Colorado Springs, Andrew Marshall. Over a period of years, the city and the municipal employees have reached a mutually beneficial, flexible scheduling system—a system which is now against the law.

Mayor Marshall wrote to me, explaining:

> The work scheduling for 24-hour operations on a 40-hour week, 8-hour day basis proves to be extremely cumbersome and is generally unacceptable to the employees involved due to the inconsistency of work periods which are felt to be detrimental to the employees' personal plans and results in a reaction of frustration and discontentment to all concerned. The employees formulated their own work schedule, which not only meets their own personal desires, but also is compatible with operational goals as well. Modifying the 12-hour rotating schedule, previously in effect, to conform to the legal requirements of the Fair Labor Standards has resulted in discord and discontent among the employees affected.

In addition, 100 percent of the affected employees petitioned the Colorado Spring City Director of Utilities to avoid compliance with the new Federal law if at all possible.

The following is the text of their petition:

DEAR MR. PHILLIPS: The undersigned operations personnel presently on shift work wish to go on record as being unanimously and bitterly opposed to the proposed legislative changes in our present work schedule. We do not do this as a challenge to the authority of anyone in the City Administration, but simply to make our feelings known in a frank and straightforward manner.

Most, if not all, Legislators have never worked shift work, and are, therefore, unfamiliar with the unique problems associated with frequent changes of shift. A person accustomed to a 9-to-5 day, five days a week, has no conception of what is entailed in a shift change, and we are not discussing an isolated instance or two. We are referring to the month-to-month and year-to-year schedule that most of us have worked for many years.

We consider the present shift changes as ideal for this plant. Much thought and midnight oil went into its preparation, it covers all shifts fairly and equitably, and is satisfactory to everyone.

The problem of frequent shift changes is one of human body chemistry. It takes several days to adjust your sleeping and eating habits both at the beginning and end of a shift change. After a long run of graveyard for example, it may take three or four days before a man can sleep at night, and to adjust his meal times. If we are to be expected to change to five-day work week with two days off, serious health and fatigue problems will result, without even considering morale problems.

We urge very strongly that every consideration be given to our request that such changes not be made if at all possible, and we solicit your understanding, support and consideration in what we view as a very serious matter.

Very Respectfully,

——— ———.

Because of these developments, the city of Colorado Springs suggested a modification to the Fair Labor Standards Act which would allow overtime to be computed on the basis of a 4-week period of 160 hours, rather than the present 40 hour, 1-week period.

This legislation would amend the Fair Labor Standards Act to allow overtime provisions to be computed on the 160 hour 4-week basis, providing both the State and local authority and the affected employees all agree on such a system of compensation.

Further, it would allow cities such as Colorado Springs the necessary flexibility in public utility work scheduling while still safeguarding the rights of the employees.

The Fair Labor Standards Act should protect employees, but it should not prevent them from creativity and initiative in making their working hours more attractive. So I urge your strong and favorable consideration of this very necessary legislation, and the principles for which it stands.

HISTORY OF AMERICAN INVOLVEMENT IN VIETNAM TRAGEDY TRACED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the St. Petersburg, Fla., Times in its last Sunday's editions carried an excellent article by the Associated Press tracing the history of American involvement in the tragic Vietnam conflict.

Because of the interest of my colleagues and the American people in this most important subject, I place the article from the St. Petersburg Times in the RECORD herewith.

The article follows:

VIETNAM: AMERICA'S LONGEST WAR

(By Dave Goldberg)

As the government of South Vietnam crumbles, a part of the contemporary American experience crumbles with it.

For more than a decade, Vietnam has touched us all, changed the United States in ways many Americans never dreamed possible.

Most every adult knows someone who fought in Vietnam; many have known men who died or were maimed there. And many know the families of war dead.

It set off domestic protest that brought down a president. And it set of counterprotest that divided father and son, mother and daughter; generation and generation and gave birth to the phrase "credibility gap."

And it showed to many Americans an image of the American soldier in sharp contrast to the GIs of World War II.

They watched on their television screens as Marines set fire to peasant huts. They read about a platoon that gunned down women and children; about soldiers who refused officers' orders to go into battle, and about an American officer who said after recapturing the town of Ben Tre: "We had to destroy it in order to save it."

Americans fought in Vietnam longer than they fought anywhere else. A total of 56,565 U.S. servicemen died there between 1960 and 1973 and the U.S. government spent $140.1-billion there.

But after all the carnage, the United States achieved no better than a stalemate, a stalemate that had lasted in some form during nearly 30 years of fighting and sometimes seemed as though it might last forever.

Now, suddenly, the stalemate is gone and South Vietnam may soon be gone with it.

Three weeks ago, Pleiku fell, followed by Hue and Da Nang and Cam Ranh and a bevy of lesser known provinces and cities. All were places where Americans lived and died for eight years.

Most Americans became conscious of Vietnam a decade ago, when large numbers of American troops were sent there. But it was an American concern long before that.

The Japanese occupied Vietnam during World War II. When they were driven out, the French returned and the Viet Minh, organized and led by Ho Chi Minh, took to the mountains and the rice paddies, beginning a guerrilla war that has lasted for more than a quarter of a century.

In 1954, the French garrison at Dienbienphu in North Vietnam fell, signaling the end of French involvement. But the departure of the French only meant the arrival of the Americans, who by some accounts had been paying for 80 per cent of the French military effort.

"By 1954, American officials of both parties had come to regard Vietnam as vital to U.S. security" wrote Frances Fitzgerald in "Fire in The Lake," one of the leading studies of the Vietnamese and the Americans.

"Since the victory of Mao Tse-ung five years earlier, American officials judged that China, in alliance with the Soviet Union, constituted the leading threat to American global interests . . . It had begun to build a wall of anti-Communist American dependencies around China. Vietnam, as the officials saw it, constituted the crucial southern element of that wall: if Vietnam 'fell' under Communist domination, then the whole of Southeast Asia would follow it."

That position popularized in the American vocabulary as "The Domino Theory," was key to American involvement.

The formal agreement between the French and the Viet Minh was signed in Geneva in 1954 and divided Vietnam at the 17th parallel, pending elections that were supposed to have been held by 1956.

Ho Chi Minh set up a Communist government in the north and Ngo Dinh Diem, a Catholic from a prominent family, was elected head of state in the south. A year later, he refused to accede to the national elections called for in the Geneva agreements.

Meanwhile, American advisers began training the South Vietnamese Army to operate against the insurgents who had begun trying to topple the Diem government. They called themselves the National Liberation Front and were popularly known as the Viet Cong.

By 1960, there were 685 American military advisers in South Vietnam. By the end of 1961, the advisory group had been expanded to about 3,200. Many were members of the Special Forces, or "Green Berets," trained in the kind of counterinsurgency that then-President John F. Kennedy believed best able to defeat the Viet Cong guerillas.

In the fall of 1963, Diem was ousted and killed by a group of generals. Support for him had been crumbling and by some accounts, the ouster was accomplished with help from the American CIA.

On Aug. 2, 1964, the American destroyers "Maddox" and "Turner Joy" were cruising in the Gulf of Tonkin when, according to accounts that have since come into question, they were attacked by two North Vietnamese torpedo boats. The destroyers sank the torpedo boats.

The result was congressional approval of the Gulf of Tonkin Resolution, which empowered the president to "repel any armed attack against the forces of the United States and to prevent any future aggression."

What followed is still vivid to millions of Americans.

In February 1965, Viet Cong rockets hit the U.S. air base at Pleiku. President Lyndon B. Johnson ordered retaliatory air strikes on North Vietnam.

By late summer of 1965, there were 160,000 Americans in Vietnam. In September came the first large combat action—the bloody battle of the Ia Drang Valley between the 1st Air Cavalry and three North Vietnamese regiments.

For the next three years, the troop buildup continued, and the U.S. strategy, devised by Gen. William C. Westmoreland and his staff, developed a vocabulary of its own.

The basic idea was "search and destroy," which meant, literally, to find the Viet Cong and the North Vietnamese and kill enough of them to make their casualties unacceptable. The second part was described in terms of favorable "kill ratio" and a high enemy "body count."

The ground troops were supported by massive air bombardment of North Vietnam and of suspected enemy strongholds in the South. The effort to "win the hearts and minds of the people"—a phrase coined by Lyndon Johnson—was based on a changing series of policies designed to provide an alternative to the NLF, which had strong support in the countryside.

Each year, there were American predictions about sighting "the light at the end of the tunnel," but each year there was no light, only stalemate.

American troops went back to the Ia Drang, fought more bloody battles, then left. "I crawled in on my belly for three miles, then crawled out on my belly," a former infantryman remembers. "Anyone who stood up got hit."

There were other such battles. There was "Hamburger Hill," taken by Americans with heavy losses, then abandoned. There was Khe Sanh, an outpost on the Demilitarized Zone between North and South Vietnam, which was held by the Marines for months under withering North Vietnamese mortar and rocket attack before it, too, was abandoned.

"All of these battles," wrote Frances Fitzgerald, "ended with hundreds of Americans and thousands of North Vietnamese dead. Westmoreland counted all of them victories, and they were victories in the sense that with the support of saturation bombing the 'kill ratio' always ran in favor of the United States.

Less glamorous was the slogging by the infantrymen—the "grunts"—on the daily and weekly and monthly search and destroy missions. There were casualties there, too—in ones and twos and threes from booby traps and ambushes.

It was on one of those sweeps in March 1968 that a platoon from the Americal Division led by Lt. William L. Calley Jr. came upon the village of My Lai. How many civilians—old men, women and children—died there will never be known. The estimates ran as high as 500 and Calley was convicted of killing 22, but the disclosures brought home to many Americans the reality of Vietnam.

"We begin '68 in a better position than we have ever been before," Robert Komer, the chief of the U.S. civilian aid operation said at a Saigon news conference on Jan. 24, 1968. A week later, a group of 19 Viet Cong commandos captured the U.S. Embassy in Saigon and held it for four hours.

The attack on the embassy was the first blow in what became known as the Tet Offensive. As the Americans and South Vietnamese watched in disbelief, a force of 84,000 Viet Cong attacked every major provincial capital and American base.

The battles went on for months. The most dramatic was at Hue, the imperial capital of Vietnam, which was occupied by a combination of Viet Cong and North Vietnamese regulars.

The insurgents held on until March and were uprooted only after a house-to-house, alley-to-alley siege in which U.S. Marines took heavy casualties. An estimated 10,000 persons—soldiers and civilians—were killed; whole quarters of what had been one of the world's most beautiful cities were destroyed, and when the city was recaptured, the South Vietnamese found mass graves containing the bodies of residents executed by the insurgent occupiers.

Westmoreland called Tet a victory. The North Vietnamese and Viet Cong, he noted, sustained heavy losses in comparison to the Americans and the South Vietnamese and held little of the territory they gained in the first attacks.

But American public opinion had changed. Word leaked out that despite the victory claims, the American command wanted 200,000 more troops to add to the 565,000 already there. Defense Secretary Clark Clifford, once considered a strong hawk, counseled against it. The momentum that had produced troop increase after troop increase was broken.

On March 31, Johnson went on television to tell the nation that he would henceforth limit the bombing of North Vietnam. The next troop increase, he said, would be around 25,000, not 200,000.

When Johnson, who had fared poorly against Sen. Eugene McCarthy in the New Hampshire primary and who was on the verge of a defeat by the anti-war senator in that Wisconsin primary, said he would not seek re-election.

By May, the preliminary phase of the Paris peace talks had begun. And while most Americans felt the war was ending, it was to continue for four more years and 15,000 more Americans were to die.

In November 1968, Richard M. Nixon was elected president. His strategy for ending the war was "Vietnamization," which was based on turning over the actual fighting to the South Vietnamese. The Paris peace talks continued, and the size of the American force in Vietnam was gradually reduced.

At the end of April 1970, Nixon announced that he was sending American troops into Cambodia, to wipe out what he called North Vietnamese "sanctuaries" there, a move that set off a wave of demonstrations on college campuses. One such demonstration, at Kent State University in Ohio, ended with the deaths of four students from National Guard bullets.

In 1971, there was a similar move into Laos, carried out mainly by South Vietnamese troops who fled rapidly back across the border when they ran into heavy North Vietnamese resistance.

In the spring of 1972, following another Communist offensive, Nixon ordered bombing of Hanoi resumed and the mining of Haiphong harbor, a step that had been resisted by Johnson on the grounds that it might involve Soviet ships and ships of American allies.

By October 1972, Secretary of State Henry A. Kissinger had announced "peace is at hand" in Indochina. But in December, with no agreement reached in Paris, Nixon ordered new bombing raids on Hanoi that were among the heaviest of the war.

Finally, on Jan. 27, 1973 American participation was officially ending with the signing of the Paris peace agreements. During the next three months, a total of 596 POWs, some of whom had spent as many as eight years in captivity, were repatriated to return to a United States that many hardly recognized.

But the war wasn't over yet . . .

SALUTE TO SY BLOCK

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. HANSEN. Mr. Speaker, Sy Block had a chance to be somebody and he has made it—Idaho Businessman of the Year. Through a natural understanding of customer relations and the free enterprise system, Sy has built an empire where the customer is king and the business still thrives.

Sy was named Outstanding Businessman of the Year for 1974 by Alpha Kappa Psi, professional business fraternity at Idaho State University. In Smoke Signals, official publication of the Pocatello Chamber of Commerce, it says:

> In 1958, Sy assumed the presidency of Blocks, Inc., when the operation consisted of five retail stores. Since that time the chain has grown to 13 stores located in northern Utah and eastern Idaho.
>
> As well as being an outstanding businessman, Sy has distinguished himself as an outstanding civic leader through his involvement in United Campaigns, American Red Cross, Boy Scouts of America, and the Chamber of Commerce, where he was until recently a member of the Board of Directors. Also, he serves as a member of the Board of Directors of Idaho Bank & Trust, and is a member of the Board of Directors of the Idaho Association of Commerce and Industry.

Mr. Speaker, Sy Block's magic touch has left its mark on Pocatello and Idaho, and the hearts of thousands of satisfied customers. He is an outstanding man and well deserving of the honor bestowed upon him.

VIETNAM TRAGEDY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BOB WILSON. Mr. Speaker, the airlift of Vietnamese orphans to the United States during the past week and widespread concern over the uncertain fate of those children left behind have focused national attention on one of the very tangible consequences of U.S. involvement in Vietnam. It is touching to see the outpouring of love and concern from thousands of American families who have demonstrated their willingness to open their homes and their hearts to these innocent victims of war.

Unfortunately, the orphans are not the only innocent victims—the number of refugees who have fled in the face of the Communist onslaught is staggering and thousands of other Vietnamese citizens fear for their lives in the event of a full takeover. I would like to share with my House colleagues a letter which recently apeared in the Saigon Post. This item was sent by a San Diegan currently in Saigon, and I include "An Open Letter to U.S. Legislators in Vietnam" as a portion of my remarks:

AN OPEN LETTER TO U.S. LEGISLATORS IN VIETNAM

> Dear Friends: Godspeed as you return to the United States after a visit to Vietnam.
>
> You have heard the pros and cons on the need of additional aid for the Republic of Vietnam and assessments on the current situation prevailing here. Doubtless, in your meetings with a cross section of the community, you were treated to discourses on the prosaic and the ponderous. Undoubtedly, too, you must have been regaled with perorations about what is right and what is wrong in Vietnam.
>
> We do not propose to dwell on this right-or-wrong-course controversy. We are not concerned with politics. We are but ordinary people concerned with a free Vietnam—free of Communism and the totalitarian way of life.
>
> Allow us simple citizens to air a few thoughts.
>
> We shall not be presumptuous by discussing American interests. In truth, we do not know much about it. What we do know is that a little over a decade ago, you committed troops to Vietnam. And from the beginning to the end of that presence, there were not a few mistakes by American as well as Vietnamese. It cannot be denied that the presence of these American troops gave rise to a very special situation replete with problems which it was our lot to inherit.
>
> We do not want to argue about the merits of your desire to end involvement in Vietnam for the sake of your own interest and, may we say, ours too.
>
> The Vietnamese people do realize that to be truly deserving of freedom and independence, they have to struggle for it themselves and not rely on other peoples to do it for them.
>
> What concerns us is the manner and the spirit of how the American role in Vietnam

shall terminate. You want to leave and, we want you to leave too, aware as we are that after little more than a decade you have grown tired and decided you must go.

As a nation rich in the tradition of helping other peoples in safeguarding their patrimony and the right to exist under the sun, you may not find leaving easy or simple.

But the situation spawned by the American commitment requires that you look at the consequences of your decision on involvement regardless of whether it was a mistake or not.

It is said that the Vietnam affair is an open-ended one, a bottomless pit. Please be assured, that past experience has made us realize only too well the pain of humiliation as a people who have to knock on the door of another people to ask for help.

But we are buoyed by the determination not to rely on foreign assistance in the near future. And there are reasonable chances of accomplishing this through food production and the bright prospects of exploiting oil.

You have been told and we have heard your views about ours being an undemocratic regime and that venality and injustices are widespread here. Again, in the capacity of mere and simple citizens, let us state that we have many reasons to be unhappy about our own government and often are frustrated and discouraged by the ills that plague this government.

Despite such unhappiness and frustration, however, we believe there is still room for improvement and that this can be done. The alternative is if the Communists prevail we shall be cast into the abyss of eternal darkness.

Let us reiterate that our concern is not really the amount of additional aid—in the instant case, 300 million U.S. dollars—but the basic attitude of your government vis-a-vis our country. We are realistic and cognizant of the mood prevailing in your country on further assistance to us. If we are repetitious in our concern and preoccupation with the basic U.S. attitude toward us, it is because we look at the great American nation as imbued with the most lofty of ideals and altruism. In this conviction we do not want to be disappointed.

In arguing for a cutoff of American assistance even if it entails the collapse of South Vietnam and a Communist takeover, some may say it couldn't be helped and that we deserve it.

Somehow we conceive that deep in the American psyche, a tortured voice will say this is wrong and will consign South Vietnamese to a fate they do not want nor deserve.

An abrupt, if inglorious, end of the American commitment in Vietnam is a traumatic experience too disturbing to contemplate.

Let us close this letter by citing a simple story on human relations. A gentleman comes to a house where a lady resides. The man decides to stay. Affection blossoms; she becomes *enciente*. Should he suddenly depart, dismissing all by saying he was wrong to have entered the house in the first place? The lady, of course, knew that he could not stay forever, but she is resigned to reality and do her best to cope with the situation.

Best wishes always and love to you from Vietnam.—Your Vietnamese Friends.

PENNSYLVANIA ABOLITION SOCIETY

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 9, 1975

Mr. SCHWEIKER. Mr. President, April 14 marks the 200th anniversary of the founding of the Pennsylvania Abolition Society of Philadelphia, also known as the Pennsylvania Society for Promoting the Abolition of Slavery and for the Relief of Free Negroes Unlawfully Held in Bondage and for Improving the Condition of the African Race.

The phenomena of the society's long existence has not been an accident. As a host of men and women, black and white, rich and poor, under one banner, the society has for 200 consecutive years championed the cause of a minority victimized by racial discrimination and inequality. True reformers, not mere patrons of reform, the Pennsylvania Abolition Society has survived due to its unselfish dedication to purpose and program, and its consistent practice of including the Afro-American in both as person, not cause.

Mr. President, I commend the members of the Pennsylvania Abolition Society on the occasion of the 200th anniversary of its founding, and wish them continued success and best wishes for a memorable anniversary celebration.

NO TIME FOR A SELLOUT OF FREE CHINA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ASHBROOK. Mr. Speaker, the death of President Chiang Kai-shek of the Republic of China already has brought forth faintly disguised calls for diplomatic recognition of Red China at the cost of derecognizing free China. Under the guise of news stories, editorials are being written that are pushing this point of view.

An example of this is an article by Richard Boyce, which appeared in the Columbus, Ohio, Citizen-Journal on April 7, 1975. A number of statements in that article are, at least, open to question.

The first sentence of the article sets the whole tone:

> The death of Chiang Kai-shek raised the possibility Sunday that the Ford Administration, sooner than expected, will break its ties with Nationalist China and establish full diplomatic relations with Mainland China.

This sentence sets the stage for the rest of the article. The beginning of another sentence states:

> Nixon also signed a communique agreeing with Peking's view that there is only one China.

The only problem with the phrase is that it is half true and thereby, as many half-truths do, gives a misleading picture. It is not only "Peking's view that there is only one China * * *" but also the Republic of China's view that there is only one China as Nixon administration spokesmen were quick to point out after the release of the Shanghai communique. The last part of the same sentence reads:

> And Taiwan, the tiny offshore island where Chiang ruled the remnant nationalist Chinese government-in-exile, was part of that one China.

The view that is given is false to the extreme.

To describe Taiwan as tiny is highly misleading. Taiwan has a population larger than approximately 50 percent of the members of the United Nations. The Republic of China on Taiwan is one of the most important trading nations in the world, having as much foreign trade as the entire mainland. The Republic of China has one of the highest standards of living in Asia. It gives foreign aid to other countries. All these facts give a slightly different perspective on Boyce's description of Taiwan as tiny.

Another paragraph makes the case that the death of Chiang Kai-shek, "a firm obstacle to Washington's full diplomatic recognition of Peking," will result in a switch of diplomatic recognition to the Communist Chinese. There are more issues involved in derecognizing Free China than Boyce seems willing to describe. A recent Gallup poll has shown overwhelming rejection of the idea that Communist China should be diplomatically recognized at the expense of derecognizing Free China. Of those polled, 72 percent opposed any such move while only 11 percent approved it.

Two paragraphs later in the article "the issue of rejoining Taiwan to the mainland is raised." What is this issue and why should it be a question of rejoining Taiwan to the mainland, of returning a free society to a totalitarian society? I for one cannot understand why we should urge, push, or even suggest that Taiwan should join with the mainland.

The people of Taiwan under a relatively free market system have been able to prosper and progress. There is freedom to practice your own religion, to attend good schools, to participate in political life. Why should the free Chinese give all this up to rejoin the mainland? While it can be understood what Communist China would have to gain—the extinguishing of one of the last strongholds of traditional Chinese culture, the capture of a strong industrial country, the taking over of a productive agricultural system, it is another matter to figure out what either Taiwan or the United States would gain from such a relationship. Rather, it should be our hope that the enslaved millions on the mainland of China would have the opportunity to live in a free society.

It is time to reorder our foreign policy priorities in this country. We should begin to once again put the interests of free men throughout the world above those who would enslave them.

At this point I include in the Record the full text of the article that I have been discussing.

[From the Columbus (Ohio) Citizen-Journal, Apr. 7, 1975]

Chiang's Death May Prompt U.S. To Break Ties With Taiwan

(By Richard H. Boyce)

Washington.—The death of Chiang Kai-shek raised the possibility Sunday that the Ford Administration, sooner than expected, will break its ties with Nationalist China and establish full diplomatic relations with Mainland China.

Washington has been edging toward this since former President Richard M. Nixon's historic visit to Peking in 1972.

During that visit, Nixon and Communist Chinese leader Mao Tse-tung agreed to open liaison offices in each other's capital.

Nixon also signed a communique agreeing with Peking's view that there is only one China and Taiwan, the tiny offshore island where Chiang ruled the remnant nationalist Chinese government-in-exile, was part of that one China.

Nixon also agreed to remove U.S. troops from Taiwan "eventually," and about half have been removed to date.

While Chiang lived, he remained a firm obstacle to Washington's full diplomatic recognition of Peking. Now that he is gone, the switch is almost certain to come, although not immediately.

Chiang's son, Chiang Ching-kuo, 65, who three years ago took over from his aging father as premier of Taiwan, lacks the clout with Washington that his father had.

Also he is regarded as less inflexible than his father on the issue of rejoining Taiwan to the mainland.

The switch could be announced during President Gerald R. Ford's forthcoming visit to Peking, now slated for some time later this year. Many Asian diplomats have speculated for months the trip would be used as the occasion for announcing full Washington-Peking relations.

Otherwise, they contend, Ford would have no reason to go.

Chiang Kai-shek's star had been fading noticeably since Nixon's 1972 visit to Peking. No U.S. president has set foot on Taiwan since Dwight D. Eisenhower in 1960. Last November, Ford visited Japan, Korea and Vladivostok, Russia, but he avoided Taiwan even though it was on his way.

Secretary of State Henry A. Kissinger has visited Peking seven times since his first secret visit in late 1971. But Kissinger never has visited Taiwan.

For a while, on returning to Washington from Peking, Kissinger regularly briefed the National Chinese ambassador here, James Shen. Kissinger stopped doing that after his Peking trip last November. Shen was briefed on that by a Kissinger aide.

WHAT NEXT FOR THE UNITED STATES IN VIETNAM?

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. RANGEL. Mr. Speaker, I rise at this point to bring to my colleagues' attention a column written by Anthony Lewis which appeared in the New York Times dealing with the issue of Southeast Asia. We have heard much talk about the fact that Congress, by failing to respond quickly to the aid request of South Vietnam, is to blame for the chaotic and tragic situation which exists there presently. Lewis points out that it is the corrupt and unpopular regime in Saigon which is the cause of the unwillingness of the South Vietnamese Army to defend their ground and fight the Communists. For Lewis and many of us here in Congress, these events are proof that irrespective of how much manpower and money we pump into these regimes, they will be unable to maintain themselves in power if the people do not support them.

As we begin to reevaluate the U.S. role in Asia, it is my sincere hope that we will not be misled into believing that if we supply more military aid now, the atrocities which are now being witnessed will be terminated, thus insuring the continuation of the Thieu regime. I think this column will provide an excellent rebuttal to those such as the Secretary of State, who are arguing for more aid. I offer the column in the RECORD at this point:

[From the New York Times, Mar. 31, 1975]

THE SELF-DOMINO

(By Anthony Lewis)

"I have believed ever since I came to Washington that it is overwhelmingly in our national interest to put the debate on Indochina behind us." So said the man whose policy has kept the issue of Indochina before us for six more years.

Henry Kissinger's press conference last week must have troubled his supporters. It was the performance of a man so wounded by failure that in the course of blaming others he would exaggerate the damage to his country. It was a self-destructive performance.

Governments, like rational individuals, ordinarily try to minimize, not maximize, their losses. They do not go around crying: "Look at the terrible defeat we have caused! Look how unreliable we are!" But that is the way that Mr. Kissinger has reacted to the crumbling of South Vietnam's military position.

While in the Middle East, he broadcast his view that events in Indochina showed how allies could not count on the United States. Was that meant to encourage the Israelis to exchange territory for political assurances?

Then, at the press conference after his return, Mr. Kissinger spoke of America "destroying" South Vietnam by withholding aid. That, he said, would have a "cataclysmic" or "very dangerous impact on the United States' position in the world."

The facts belie such talk. The United States has not caused Saigon's soldiers to cut and run. Nguyen Van Thieu, not we, appointed the corrupt officers who man the Saigon army's command structure. President Thieu took the disastrous decision to withdraw without warning, pell-mell, from much of the country. His soldiers, not ours, are deserting and shooting their way on to refugee planes.

What is happening in Vietnam today is the collapse of a myth—the myth of an independent, flourishing, nationalist South Vietnam with the will to fight for itself. It is a case not of America "destroying a country" but of reality destroying an illusion.

Ten years ago Lyndon Johnson took the disastrous decision to make Vietnam a test of American strength. That was a bad enough idea then. To go on with it now, after all that has happened—to invite the world to judge us by Indochina—looks like lunacy.

There was a chance, six years ago, to "put the debate on Indochina behind us." It was to make the settlement then that we eventually did in 1973: the withdrawal of our forces in exchange for American prisoners.

But President Nixon and Mr. Kissinger insisted on more. They wanted to assure the survival of the Thieu government in Saigon—for a "decent interval" that apparently, in their minds, ran at least until Jan. 20, 1977. To achieve that objective they widened the war into Cambodia, lost thousands more Americans and hundreds of thousands of Vietnamese lives and bombed all of Indochina.

That policy failed. All the death and destruction could not make a myth real. Is it possible for anyone to believe that any imaginable amount of American aid, over three years or whatever, will now create a viable anti-Communist country in the southern part of Vietnam?

At this point there is one great American responsibility in South Vietnam. That is to help feed and care for the millions—on both sides of the political line—whose homes and families and lives have been wrecked by this terrible war. That is the cataclysm we should be worrying about. That is the real test of our dignity and decency as a country.

Instead of focusing on the desperate need for food and medicine, Americans still argue about military questions that are being overtaken by events. We have the spectral scene of one more American general visiting Saigon. And Henry Kissinger tells us that the answer is more military aid: voted annually, if he has his preference, with "no terminal date."

"The cumulative effect of nearly a decade of domestic upheaval is beginning to take its toll," on American foreign policy, Mr. Kissinger told the reporters in a grave voice. He referred to Vietnam and Watergate. But in this country people have the right to change things they do not like and they meant to change Vietnam and Watergate. It is not possible to conduct a foreign policy independent of such public views, and it should not be.

What came through at that press conference was Mr. Kissinger's impatience with democracy. He plainly would have been happier as chancellor to an absolute monarch, though even they do not always stick inflexibly to failed policies, King Pyrrhus would have been ideal.

CHILEAN COMMUNISTS TOUR UNITED STATES: VIOLATION OF UNITED STATES CODE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. McDONALD of Georgia. Mr. Speaker, during the past several weeks, the Communist press has reported on the activities of several Chilean Communist officials who have been admitted to the United States. These are Mrs. Hortensia Bussi de Allende, a functionary of the Soviet-controlled Women's International Democratic Federation; Antonio Fernandez, vice president of the Soviet-controlled World Federation of Democratic Youth, and a member of the central committee of the Chilean Young Communists; and the Chilean Communist youth folk music group, Quilapayun.

Mrs. Allende began her U.S. tour on April 5 in New Haven, Conn., where she spoke at a Yale Law School "public inquiry" into alleged CIA activities. Among those participating in this inquiry, as listed in the Daily World, April 5, 1975, were Ernest De Maio, United Nations representatives of the Soviet-controlled World Federation of Trade Unions, an identified member of the Communist Party, U.S.A. and retired vice president of the United Electrical Workers; Rep. MICHAEL HARRINGTON; Victor Marchetti and John Marks, authors of "The CIA and the Cult of Intelligence;" Leonard Boudin of the National Lawyers Guild, "legal bulwark of the Communist Party;" Fred Branfman of the Indochina Resource Center; identified CPUSA member Frank Donner, head of the ACLU privacy project; and Kirkpatrick Sale, author of "SDS."

Mrs. Allende's tour will continue through this week.

The Daily World of March 28, 1975, reported that Antonio Fernandez was present at the first session of the Young Workers Liberation League, YWLL, central committee. YWLL is the youth group of the Communist Party, U.S.A. The Daily World reported:

> Fernandez delivered an inspiring report on the work of the WFDY, and in particular on the work of the Young Communists of Chile.
>
> He stated that the situation in Chile can be summarized in three words, "We will win."
>
> He then proceeded to elaborate on the fighting spirit of the Young Communists of Chile, and the Communist Party of Chile. * * *

On March 26, 1975, Liberation News Service carried a report on the efforts of the seven-member musical group, Quilapayun, to enter the United States for a fundraising tour:

> Members of a group of exiled Chilean folk singers were denied visas to enter the U.S. and forced to cancel four scheduled concerts before finally being allowed to enter. The visas were denied, said the Immigration and Naturalization official, because, "They're commies. They're automatically inadmissable."
>
> * * * * *
>
> When they first requested visas to come to the U.S. for a short tour, scheduling them to play 12 concerts, the American Consulate in Paris delayed sending a cable to Chile.
>
> By the time the U.S. Consulate in Chile claimed that all seven members were ineligible, it was too late to get a waiver of the ruling in time for the beginning of the Quilapayun tour. Responding to public pressure, the State Department finally granted the waiver.
>
> The performers arrived from Paris at 11:15 P.M. on March 21 for a New York concert scheduled to begin three hours earlier. The enthusiastic audience was still waiting for them.
>
> Leonard Walentynowicz, administrator for the Bureau of Security and Consular Affairs for the State Department, explained the government's denial of visas, stating, "Under 212–A–28, aliens who have been members of the Communist Party are denied visas. This is congressional law and we are bound to abide by the law. What makes this country great is that we are a people who live by the laws."

On Thursday, March 27, the Daily World reported on the Quilapayun tour that—

> The Chilean Communist Youth folkloric group * * * came into being in 1965, a part of the powerful social movement that culminated with the electoral victory of the Unidad Popular. * * * Their commitment prompted President Allende to appoint them as "Cultural Ambassadors of the Chilean Government" in August, 1973.

The Daily World continued:

> The U.S. Department of State and the Immigration Department's reluctance to grant the group a visa to tour the U.S. resulted in the cancellation of a Quilapayun concert scheduled at Bronx's Hostos Community College last March 17th.
>
> Edward O'Connor, Associate Commissioner for Immigration and Naturalization Service in Washington, told a New York Post reporter the reason a visa was not going to be granted to Quilapayun: "They're Commies:" he said. "They are automatically inadmissable."
>
> Last Friday, pressure exerted on both departments by the concert tour sponsor, Theatre of Latin America (TOLA), and the National Chile Solidarity Committee, prompted them to grant the visas. The departments, however, delayed the delivery of the visas and Quilapayun arrived three hours late to perform for a faithful audience that awaited them at Hunter College that night.
>
> Despite the harassments, Quilapayun's visit to the U.S. has turned into a victory for the Chile Solidarity Movement here.
>
> Chilean anti-fascist resistance supporters turned out by the hundreds and stayed until Quilapayun arrived at 11:00 p.m. A handful of U.S. cultural workers responded to a last minute call to provide entertainment until the group arrived, among the Suni Paz, Margarita Lejarza, Mike Glick, Enrique Gardano and Barbara Dane.
>
> A Chilean Pena sponsored by the New York Chile Solidarity Committee Saturday night, overflowed Casa de las Americas and many people waiting outside on a long line had to be sent home because there was no space for them.
>
> The Washington, D.C., concert, sponsored by the Common Front for Latin America (COFLA), brought 1,200 people together and Quilapayun was not able to fulfill all the demands for encores.
>
> OTHER CONCERTS
>
> The group had a performance scheduled at Boston's Ringe Auditorium Tuesday night. From there they were scheduled to travel to Durham, N.C., on Wednesday, March 26th, where they were to give another performance at Duke University at 8:00 p.m.
>
> On Friday, March 28th, at 7:45 p.m., Quilapayun will perform at the Embassy Concert Hall in Los Angeles. They will then go on to an 8:00 p.m. performance at the Community Theatre in Berkeley, Calif., on Saturday, March 29th. The Longshoremen's Concert Hall of San Francisco will be the host for another performance on Sunday, March 30th.
>
> April 1st will find Quilapayun performing at 7:30 p.m. at the University of Colorado in Boulder. On April 2nd there will be an evening performance at the University of Texas in Austin and the group will then travel back to the East Coast.
>
> On Thursday, April 3rd, Quilapayun will perform at 8:00 p.m. at Amherst College in Massachusetts.
>
> There is a possibility of two more New York concerts on April 4th, but as of yet, they have not been confirmed. The Daily World will provide continuous coverage of the concert schedules. Further information can be obtained from the National Coordinating Center in Solidarity with Chile, 156 Fifth Avenue, Room 716, New York, N.Y. 10011, telephone 212–989–0085.

It would appear that the issuance of visa waivers to the above persons constitutes a violation of 8 U.S.C. § 1182(a)(28) which includes among the classes of excludable aliens those "who are members of or affiliated with the Communist or any other totalitarian party, of any foreign state" as well as aliens "who advocate the economic, international, and governmental doctrines of world communism—or who are members of or affiliated with any organization that advocates the economic, international, and governmental doctrines of world communism."

It would also appear that the age and current voluntary membership in these Communist organizations makes these people ineligible for a waiver in that their activities are prejudicial to the public interest and security of the United States.

In that the Communist Party, U.S.A. claims the granting of entry papers to these people as a victory due to "pressure from the U.S. Chile solidarity movement" which it controls, I have asked Secretary of State Kissinger to report on who communicated with the Department of State on behalf of the Chilean Communists, the name and status of the Department of State official or officials who recommended that waivers be granted; the reasons why such waivers were granted; and other details.

When I receive his report on this matter of vital interest, I will make it available to my colleagues.

VIEWS ON H.R. 4005

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. DEVINE. Mr. Speaker, Secretary Weinberger of HEW has transmitted a letter to Minority Leader Rhodes regarding the Department's views on H.R. 4005, developmental disabilities amendments. H.R. 4005 is scheduled for consideration tomorrow. In the absence of Minority Leader Rhodes, I am inserting the letter from Secretary Weinberger for the benefit of all Members.

The text of the letter follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 8, 1975.

Hon. JOHN RHODES,
Minority Leader, House of Representatives,
Washington, D.C.

DEAR MR. RHODES: This is to bring to your attention this Department's concern over several provisions in H.R. 4005, a bill ordered reported by the House Committee on Interstate and Foreign Commerce on March 5, 1975. This bill would provide for an extension of, and revisions to, the program administered by this Department under which services are provided to persons with developmental disabilities (i.e., mental retardation, epilepsy, cerebral palsy, and other neurological conditions).

This program, the authority for which expired under the Developmental Disabilities Services and Facilities Construction Act of 1970 (P.L. 91–517) on June 30, 1974, provides grants directly to organizations conducting special demonstration projects as well as to the States on a formula basis. In general, we have been pleased with the operation of this program, which has effectively served to coordinate and integrate the delivery of services to persons with developmental disabilities. The commitment of the Administration to the program has been demonstrated in its bill, which has been introduced during this Congress as H.R. 4720 and S. 1194.

While we are gratified that H.R. 4005 is similar in many respects to the Administration's bill, some of the provisions of the Committee bill cause us very serious concern. I would like to bring these concerns to the attention of the House of Representatives before it acts on the measure. Briefly, the provisions in H.R. 4005 of concern to us are the following:

1. *Authorization Levels.* Sections 2(a) and 3(a) would provide authorizations for demonstration and training grants to university-affiliated facilities at the levels of $9,250,000 for FY 75, $12,000,000 for FY 76, and $15,000,000 for FY 77. Sections 2(a) and 5(a) would provide for authorizations for State formula grants at the levels of $32,500,000, $40,000,000, and $50,000,000 for FY 75, FY 76, and FY 77, respectively. The Administration's bill, on the other hand, contains authorization levels of $4,250,000 for each of these three years for grants to university-affiliated facilities and $30,875,000 for each year for State formula grants. These levels are equivalent to current appropriations and are consistent with the President's Budget for FY 76. Because of the clear need to restrain increases in Federal outlays and in the budget deficit, we object to the higher authorization levels in H.R. 4005 and would recommend instead that the bill include the authorization levels contained in the Administration's bill.

2. *Special Project Grants.* In FY 1974 a total of $18,500,000 was appropriated under the authority of section 304 of the Rehabilitation Act ($12,500,000) and section 303 of the Public Health Service Act ($6,000,000). In FY 1975 $12,500,000 was appropriated under the Rehabilitation Act, while $6,000,000 was available for obligation under the Continuing Resolution. Our bill would create a new project grant authority for the developmentally disabled to replace these two current authorities, with authorizations of $18,500,000 for each of the fiscal years 1975 through 1977. H.R. 4005 would also create a new special project grant authority with authorization levels of $15,000,000 for each of fiscal years 1976 and 1977, but it would replace only Section 303 of the Public Health Service Act as a source of funding for such projects, thereby continuing two separate project grant authorities. We recommend that both the present funding sources for special projects (Section 303 of the Public Health Service Act as well as Section 304 of the Rehabilitation Act) be replaced by the new project grant authority.

3. *Declining Federal Match.* H.R. 4005 would provide for a Federal matching rate of 75 percent for State grants for each of fiscal years 1975, 1976, and 1977. The Administration's bill would provide for a declining Federal matching rate, from 70 percent in FY 75 to 60 percent in FY 76 and 50 percent in FY 77. We believe it is appropriate for State and local governments to assume an increasingly greater degree of responsibility for service programs that affect their citizens, and that they should progressively increase their share of support for these programs.

4. *Earmark for Deinstitutionalization.* H.R. 4005 earmarks 10 percent in 1976 and 30 percent in subsequent years of State grants for the purpose of designing means of eliminating inappropriate institutionalization. We believe this provision unduly restricts the ability of the States to utilize these grants most effectively in administering this program. The Administration's bill contains a set-aside at the discretion of the Secretary of 30 percent of the Special Projects Grant authority for projects of national significance to address problems such as deinstitutionalization. We feel that the Administration's bill adequately deals with this problem while at the same time providing greater flexibility than H.R. 4005.

5. *University-Affiliated Facilities.* The Administration's bill would continue, as would H.R. 4005, the program of grants to university-affiliated facilities (UAFs) to cover the costs of administering interdisciplinary training programs and other demonstration training programs for personnel serving, or preparing to serve, persons with developmental disabilities. Unlike H.R. 4005, however, the Administration's approach would sharpen the focus of these projects on interdisciplinary and other training, which is so important in the case of developmentally disabled persons, by emphasizing the fact that grants made to UAFs are not to be used for purposes not related to such training. H.R. 4005 would allow grants to be made to cover costs of administering and operating demonstration facilities not necessarily related to training programs.

6. *Evaluation of Services.* Unlike H.R. 4005, our bill would require the Secretary to develop a design for a comprehensive system for the evaluation of services and facilities. This design would be implemented by the States in phases and would lead to the establishment, for the first time, of uniform national standards for the evaluation of the effectiveness and quality of the services provided to developmentally disabled persons and of the facilities which provide these services.

In addition to the above concerns, I would like to discuss briefly the inclusion of dyslexia as one of the disabilities covered under this program, a change that would be effected by H.R. 4005. Our bill would continue to limit the program to those disabilities now covered (mental retardation, epilepsy, cerebral palsy, and other neurological conditions) with the addition of autism (which would also be added by H.R. 4005). We would expect that most children with dyslexia are already included in public school programs, assisted by the Bureau of Education for the Handicapped. However, we would not object to the inclusion of dyslexia in the definition since, under H.R. 4005, persons with this disability would still have to meet, in order to be covered under the Developmental Disabilities program, the three requirements listed in the definition: that the disability originate before age 18, that it can be expected to continue indefinitely, and that it constitute a substantial handicap. We understand that under this definition those services which are provided under other programs, such as education, mental health, or vocational rehabilitation services, are not duplicated under this program.

We do object, however, to the elimination in H.R. 4005 of the requirement in present law that the disabilities specifically listed in the definition be neurological conditions. We believe that the scope of the program should be limited to those now being served in order to maintain its sharp focus on its legitimate target group, and to prevent the program's resources from being unduly diffused over a wide range of individuals whose disabilities may not be as severe as those of persons now eligible for services under this program.

In summary, while we agree with much that is in the Committee's bill, we feel that it would be greatly improved if it were amended to conform to the Administration's bill in the above areas. I have attached a summary of the differences between the two bills, in addition to our recommended amendments to H.R. 4005. I respectfully urge the House to amend H.R. 4005 according to our recommendations.

We are advised by the Office of Management and Budget that there is no objection to the presentation of these views from the standpoint of the Administration's program.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

Enclosures:

SUMMARY OF MAJOR DIFFERENCES BETWEEN H.R. 4005 AND H.R. 4720 (ADMINISTRATION BILL)

1. AUTHORIZATION LEVELS

[In millions]

H.R. 4005

University affiliated facilities:	
1975	$9.25
1976	12.0
1977	15.0
State formula grants:	
1975	$32.5
1976	40
1977	50

H.R. 4720

University affiliated facilities:	
1975	$4.25
1976	4.25
1977	4.25
State formula grants:	
1975	30.875
1976	30.875
1977	30.875

2. SPECIAL PROJECT GRANTS

H.R. 4005 would create a new authority with authorizations of $15 million each for FY 76 and 77, but it would replace only one of the existing project grant authorities (Section 303 of Public Health Service Act). H.R. 4720 would create a new authority with authorizations of $18.5 million each for FY 75, 76, and 77. This bill would replace both the existing authorities (Section 303 of the Public Health Service Act and Section 304 of the Rehabilitation Act of 1973).

3. DECLINING FEDERAL MATCH

H.R. 4005 would provide for a Federal matching rate for State formula grants of 75% for fiscal years 75, 76, and 77. H.R. 4720 would provide for Federal matching rates of 70% in FY 75, 60% in FY 76 and 50% in FY 77.

4. EARMARK FOR DEINSTITUTIONALIZATION

H.R. 4005 would require States to utilize 10% of their allocation in 1976 to implement plans designed to eliminate inappropriate institutionalization. In subsequent years, the earmark for this purpose would be 30%. H.R. 4720 would not provide any such earmark but would provide a 30% set-aside from the special project grant authority to be used at the Secretary's discretion for projects of national significance such as deinstitutionalization.

5. UNIVERSITY-AFFILIATED FACILITIES

H.R. 4005 would continue grants to UAFs for interdisciplinary training and would allow grants to cover the costs of administering demonstration facilities. H.R. 4720 would continue the grants to UAFs for interdisciplinary training, but would not allow grants to cover administrative costs of demonstration facilities not related to training projects.

6. EVALUATION OF SERVICES

H.R. 4720 would provide for the development of a comprehensive system for the evaluation of services to the developmentally disabled and of facilities providing such services. H.R. 4005 would include no such provision.

7. INCLUSION OF DYSLEXIA

H.R. 4005 would include dyslexia as one of the disabilities covered under this program, and would not require that the disabilities specified under the Act be neurological conditions. H.R. 4720 would not include dyslexia and would retain the "neurological" requirement.

THE ACADEMY AWARDS—ITALIAN NIGHT IN HOLLYWOOD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BIAGGI. Mr. Speaker, last night millions of Americans viewed the 47th annual Academy Awards presentation from a star studded stage in Hollywood. Yet unquestionably the true stars of the evening were the Italian American members of the film community who walked off with five major awards.

Perhaps the most dramatic award was the Best Picture of the Year Award which was captured by Godfather Part II, the movie which proved that films like love, can be better the second time around. There were many skeptics who saw the Godfather Part II as an attempt to capitalize on the enormous popularity of their award winning predecessor, Godfather Part I. The decision of the Academy last night rendered these critics silent and placed the director of the Godfather series, Francis Ford Coppola as the preeminent figure in the motion picture business today.

The overall excellence of Godfather Part II resulted in it winning three other key awards. Robert De Niro won the Best Supporting Actor award for his role as the young Vito Corleone. Coppola and Mario Puzo, the creator of the novel, won the award for Best Screenplay—Adaption.

Yet perhaps the most poignant moment of the evening came when the award for Best Original Dramatic Score was given. The winner was none other than Carmine Coppola the father of Francis. The millions who viewed the show last night were genuinely touched by the younger Coppola's exhuberant reaction to his father's award. The great Italian family tradition was evident last night when each Coppola paid tribute to one another for the important roles each of them played in the awards process. I do admit that each of them owes a great deal to the other, for in their own way, they each used their talents to help the other reach the pinnacles of success.

Italian night in Hollywood did not end there. "Amarcord" the excellent film by and about the immortal Italian director Fellini captured the Best Foreign Language Film of 1974. The presence of the Italian American entertainment and business community was also noted with Frank Sinatra serving as one of the emcees of the evening, Ernest and Julio Gallo the internationally known vintners who served as one of the sponsors, and Jack Valenti, president of the Motion Picture Association who helped present some of the awards.

Last night was a proud moment for the Italian American community in this Nation. Our representatives in the film community were recognized and given some of the highest honors by their peers in the Motion Picture Academy. The academy had thought that Godfather I had presented them with a film they could not refuse for top honors. They learned last night however never to underestimate the Italian ability to make a better offer. The Corleone family has become an institution in their own right and name Coppola will symbolize excellence in the film industry for years to come.

I should note here that despite all the honors bestowed upon the "Godfather II" and Francis Coppola he never lost sight of the fact that many were responsible for the success of the film. He noted in his acceptance speech "All 126 of the actors in the Godfather should have a share in this Oscar I am accepting." One of these actors I am proud to say is my dear and valued friend Vincent Coppola.

The Italian American film community truly had one of its finest hours last night and deserve the praise of all Americans for in the words of Cicero: "For it is commonly said; accomplished labours are pleasant."

HILLEL SCHOOL HONORS JERALD C. NEWMAN

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. WYDLER. Mr. Speaker, my good friend, Jerry Newman, was recently honored by the Hillel School, Lawrence, N.Y. I would like to make his remarks a part of the RECORD:

> This honor doesn't belong to Joyce and myself, but to all of you attending this dinner whose support makes the functioning of the Hillel School possible. The fundamental sectarian teaching of the Hillel School is based on the "Torah" or old Testament of the Bible which is sacred to both Judaism and Christianity. In a time when the world is in the turmoil it is good and necessary to remember and study these sacred precepts. The miracle of the rebirth of Israel, its growth and almost singular staunch support of our own U.S. is a current day miracle in the tradition of our forefathers. For those who accept the work of the Hillel Yesheva as a matter of fact, I would like to tell you briefly about an Israeli soldier who spent over 8 months as a Syria POW. The name of this 22-year-old is Ben Mazuz. Mazuz says that in perspective his 8 months in a Syrian jail can be considered a tragedy for those who were mutilated or lost their lives when prisoners, Mazuz recalls the Syrians wanted to break our spirit and they wanted to achieve the goal through torture, beating and other forms of cruelty. I was caught in a strange and tense environment and my mind preoccupied itself with problems of Jewish law. I wanted to return to a life of Torah. In captivity what I longed for most was the Yeshiva, not because it is a haven of freedom, or because my close friends were there, but because it is a home of Torah. Let this be a lesson for us all. Christian and Jew, American and Israeli. We must not let the rest of the world shake us from our fundamental religious beliefs, our understanding of right and wrong, and of freedom and peace through strength as we have come to know it.
>
> That is what the Hillel School and we who are all here tonight are about. Joyce, our children and I thank you.

ROCCO A. PETRONE—AMERICAN SPACE PROGRAM LEADER

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. FUQUA. Mr. Speaker, Dr. Rocco A. Petrone, Associate Administrator of the National Aeronautics and Space Administration, has long been a key figure in the achievements of our national space program.

Dr. Petrone has demonstrated outstanding leadership throughout his career starting with his well-known achievements as a football player at the U.S. Military Academy, followed by a distinguished career as an officer in the Corps of Engineers. This career as a Corps of Engineers' officer brought Dr. Petrone to the Kennedy Space Center where he assumed the leadership for the development and construction of the facilities essential to the accomplishment of the Apollo lunar landing program. He then succeeded to the difficult task of being the launch operations director for the Apollo program, itself.

Following his outstanding effort in this exacting and demanding program, Dr. Petrone was appointed director of the Marshall Space Flight Center at Huntsville, Ala. Because of his broad expertise in all areas of our space effort, a short time later Dr. Petrone was brought to Washington as Associate Administrator of NASA. There he has helped build a strong foundation for the development of the Space Shuttle transportation system and other major NASA programs.

Many men would be satisfied to rest on the laurels of Dr. Petrone's achievements. He has been recognized not only by the National Aeronautics and Space Administration, but by many professional organizations for his continued achievements as a manager, as well as technical expert, in broad scientific and engineering fields.

Dr. Petrone very soon will be leaving the National Aeronautics and Space Administration. His loss to that Agency will be substantial. However, as the president and chief executive officer of the National Center for Resource Recovery, Dr. Petrone will again accept the challenge of applying his expertise to a critical national need.

I wish to be among the first to commend Dr. Petrone for his outstanding contributions to our Nation's goals in space in the 1960's and 1970's and to wish this outstanding public servant well in his new role with the national center. I am confident that with his leadership the center will achieve major improvements in our national resource utilization in the years ahead.

PRESIDENT FORD SHOULD VETO FARM BILL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. FINDLEY. Mr. Speaker, I include at this point in the RECORD three recent editorials urging President Ford to veto the farm bill, H.R. 4296.

These editorials are from the Miami Herald, San Francisco Chronicle, and Feedstuffs Magazine.

These editorials reinforce earlier support for Presidential disapproval of this legislation as expressed by the Washington Post, the Washington, Star, and the Chicago Tribune.

This bill is a consumer rip-off.

It will increase dairy price supports every 3 months for a year. Under the Senate bill consumers will pay 20 cents a pound more for butter, 10 cents a pound more for cheese, and 8 cents a gallon more for milk.

Under the House version they will pay 10 cents a pound more for butter, 5 cents a pound more for chese, and 4 cents a gallon more for milk.

Under either version the taxpayers will be stuck for millions of dollars.

The fact is, Mr. Speaker, that there is no grass roots support for this bill. It is a Washington lobby bill, not a nationally supported bill. It really deserves a veto.

The editorials follow:

[From the Miami Herald, Mar. 23, 1975]

FARM BILL'S COST TO CONSUMERS SHOULD EARN PRESIDENTIAL VETO

Despite inflation and high food prices there is an "emergency" down on the farm?

Well, yes, if you would believe a Senate coalition of liberal freshmen Democrats from the corn country and the farm bloc, including Republicans. In the House this group has bumped subsidies for dairy products alone by nearly half a billion dollars.

(We are relieved to read that only four members of Florida's 15-man House delegation, none of them from South Florida, went for heightened subsidies, which cost $4 billion in 1972 for not growing crops.)

The Senate has managed committee-wise to do even better than the House. Its agriculture panel has upped the ante from $495 million to $953 million to consumers in a three-year version of the one-year House price subsidy bill with higher milk and cotton supports.

For good measure the Senate version also included an amendment raising price supports for tobacco. This is a commodity, on the other hand, which the Surgeon General says is not good for your health.

Subsidies of this nature are paid according to a "target" price which is the difference between the market price and the politically-fixed price whenever the first one is lower.

The rationale, as The Chicago Tribune explained and analyzed it recently, is as follows:

"On the one hand, they say high prices are needed to induce farmers to produce more food. On the other, they say high targets are needed to protect farmers' incomes from the depressing effects of the big crops expected to be planted this year. If farmers are in danger of being clobbered by overproduction, it hardly makes sense to argue that they need to be induced to produce yet more."

Of course. But too little farm legislation since the 1930s, when price supports necessarily originated, has made any economic sense. Most of it is a hollow mockery of the private enterprise system which the predominant big industrial farmers (and subsidy gatherers) profess to serve.

We do not often agree with the clumsy antics of Secretary of Agriculture Butz. He has promised, however, to deliver a presidential veto if this "emergency" foolishness down on the farm continues. Let's hear it for common sense.

[From the San Francisco Chronicle, Mar. 28, 1975]

THE SENATE VOTES A FARM HANDOUT

The Senate's version of the farm price support bill is about as unconscionable an authorization to sack the U.S. Treasury as has ever come out of Congress in all its long and inglorious history of giving away money to the man with the hoe and the Cadillac.

Put through with fawning haste and without the least concern for the interests of consumers staggering under very high food prices this measure would cost the Treasury $20 billion or more over thee years, its administration opponents predict. Secretary of Agriculture Butz has said he will urge President Ford to veto it if anything like the Senate's bill comes out of a conference committee.

Last week the House passed a bill installing much less expensive price supports amounting to about $470 million and for one year's duration only. Even that was opposed by Butz as unnecessary and a reversal of existing farm policy which since 1973 has run in the direction of getting the government out of the agricultural marketplace. The American Farm Bureau Federation supports him in his advocacy of less government involvement and has opposed both the House and Senate bills. We are glad to note that both California senators, Alan Cranston and John Tunney, voted against the Senate bill's $20 billion supports and we can't understand why an urban congressman like San Francisco's Phillip Burton would steer the House Democratic caucus toward an enthusiastic embrace of this logrolling, anti-consumer legislation that will inevitably raise the price of milk, cheese and butter and conceivably the price of grains, cotton and tobacco.

It is time somebody in the congressional leadership showed some sense of responsibility toward controlling the size of the coming federal deficit. Knocking off these farm price supports by upholding a presidential veto when and if it comes would be the place to begin.

[From Feedstuffs, Mar. 31, 1975]

THE COST OF GOVERNMENT INTERFERENCE

"In one sector of our economy after another, and on one occasion after another, we seem to be 'hooked' on a philosophy of result by regulation," the president of the Chicago Board of Trade recently observed before a national meeting of grain men who have witnessed over the past two years a marked rise in profits for farmers who operated more freely from government intervention than in the previous 40 years.

In getting hooked on more and more regulation, CBOT's Warren Lebeck explained, "we mistake results for solutions. Lowering the price of soybeans for instance. In reality, the result merely gives the appearance of a solution. Not the fact of a solution. A lower price for soybeans does not encourage farmers to grow more acres of soybeans. Or apply more fertilizer to their fields. Or stimulate plant geneticists to breed higher yielding varieties. Nor does it encourage consumers to use less soybeans. Or scientists to find new and less costly substitutes."

If American agriculture is going to meet the growing food needs both in this country and abroad, it needs, more than ever, an incentive system to encourage expansion. But an incentive from the marketplace, not the government.

The President would do well to veto the emergency Farm Bill now moving through Congress if agriculture is to respond to the future demands of the marketplace. Assuredly, government policy should aim at protecting the farmer from bankruptcy, which the 1973 Farm Act does by setting target and loan prices. Those price levels are low, considering the cost of producing a bushel of corn or wheat today. But Congress seems to be in a giveaway mood these days and, unfortunately, on the road to reversing the marketplace philosophy it adopted only two years ago when it passed the current legislation.

It seems to us that Congress does not have the farmers' best interests at heart when it raises target prices, which in a year or two may encourage over-production and raise food prices to consumers by as much as $4 billion a year, if a recent study done by a Chase Bank subsidiary is accurate.

What Congress should be more concerned about is maintaining open export channels for U.S. grain and food products, in view of the administration's shabby treatment of export contracts between U.S. shippers and foreign buyers over the past two years. By ensuring that there won"t be any more embargoes or "voluntary" export sale cancellations, Congress could do more to benefit the American farmer than any level of target prices.

Secretary of Agriculture Earl Butz, speaking at the grain convention two weeks ago, outlined what 40 years of unwise government farm policies did to the farmer, and perhaps what a return to the old-time policies might do in the future. "When government loans and price supports were established as the incentive level," Butz reminded the grain men, "we paid a price for the government's involvement in the commodity business. Surpluses overflowed, and the taxpayer kicked out a million dollars a day just for storage. Foreign producers undersold us in the world markets just enough to clear their supplies. The American taxpayer also performed the inventory function of the world. The American farmer suffered because the surpluses held by his government constituted a price ceiling which he could not pierce in those years that markets did improve."

If Congress wants to do something right for the agricultural economy of this country, it might bone up on its history.

A TRIBUTE TO JOHN WOODEN AND UCLA

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. REES. Mr. Speaker, John Wooden, recently retired basketball coach at the University of California, Los Angeles, is a legend in an age when few legends remain.

Last week his UCLA Bruin basketball team beat Kentucky, 92–85, to capture the NCAA national basketball championship for the 10th time, extending their own NCAA title record. It was the 8th national title in 9 years for John Wooden, his 885th and last victory in 40 years as a coach. In 27 years at UCLA he compiled a remarkable 620–147 won-lost record. "No man will ever dominate any sport like this man did," said Marquette basketball coach Al McGuire of Wooden.

His strength as a coach, like his strength as a person, stems from his reliance on fundamentals: in basketball; hard practice, endurance, quickness, and team play; in life; integrity, humility, and devotion to family. He is as fine a man as he is an outstanding coach, and he has unprecedented respect from colleagues, players, and fans.

Speaking of Wooden after last week's final victory, the New York Times reported:

> When he entered the press room after the game, he received long applause from more than 200 reporters. That was just one of the things in college basketball that have happened only to John Wooden.

John Wooden is someone to believe in, both on and off the court. His legacy extends far beyond UCLA.

Congratulations are also in order for the UCLA team and staff. The participants in the 1975 NCAA championship victory were: Dave Meyers, Margues Johnson, Richard Washington, Pete Trgovich, Andre McCarter, and Ralph Drollinger.

OLDER AMERICANS AMENDMENTS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. FORD of Tennessee. Mr. Speaker, I regret missing the vote on the older Americans amendments yesterday. Official commitments in my district prevented me from returning to Washington in time to cast my vote. I am delighted, however, that H.R. 3922 passed the House by the overwhelming majority of 377 yeas to 19 nays.

The Older Americans Act extends many programs which have served the needs of senior citizens and brought many benefits to the community at large. In my own city of Memphis, the State and community program grants provided over 26,000 Memphis area senior citizens with free transportation last year. These grants made it possible for the Memphis area for the aging to give information, advice, and referrals to 1,031 callers, escort service to 309 elderly, and enroll over 16,000 older Memphians in Program Outreach. Memphis Senior citizens, Inc., enrolled over 2,500 senior citizens in social recreation programs and provided counseling to an over age 60 callers per month last year.

The older American community service program, also extended by H.R. 3922, provided Memphis Senior Citizens, Inc., with funds to employ 60 older Memphians on a part-time basis and provide them with health insurance, medical care, transportation, and meals in addition to the wages. On a national basis, this program will create an estimated 210,000 part-time jobs for older workers. The program provides part-time jobs to low-income persons over 55 who have few prospects of employment otherwise. This continued funding was absolutely necessary in light of the administration's intention to halt the use of discretionary funds of the Comprehensive Employment and Training Act (CETA) to support older worker programs.

Also extended is the nutrition program for the elderly. Shelby County was one of four counties in Tennessee able to provide 1,100 senior citizens with a hot meal every weekday last year.

One of the most significant programs funded by H.R. 3922 is the newly created special service program which hopes to provide an alternative to institutional care for the elderly. The program will assist State and local agencies in providing homemaker services, home health services, shopping services, and a variety of other services designed to help the elderly lead a more independent life. Especially noteworthy is a GAO report which estimated that if we could cut the average length of stay in hospitals by just 1 day, between $1 billion and $2 billion in senior citizen's health care costs would be saved.

This legislation has provided assistance in key areas of concern to the elderly; nutrition, housing, transportation, and health. The Older American Amendments Act goes a long way toward meeting priority needs in a comprehensive manner. Through my membership on the Select Committee on Aging, I hope to explore and recommend other legislation which will add to the important first step the House took yesterday.

NOBEL PRIZE WINNER URGES HIGHER PAY FOR VETERANS HOSPITAL PHYSICIANS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. MOTTL. Mr. Speaker, I would like to share with my colleagues a thoughtful letter from Dr. Frederick C. Robbins, dean of the Western Reserve University School of Medicine.

Dr. Robbins, besides being an eminent personage in the field of medical education, was the recipient of a Nobel Prize for his research in the field of polio.

His letter reads as follows:

> MARCH 31, 1975.
>
> DEAR CONGRESSMAN MOTTL: As a member of the Committee on Veterans' Affairs, you are aware of the importance of the Veterans' Hospitals in caring for this nation's former servicemen. I am sure that the care provided by the Wade Park Veterans' Administration Hospital to veterans from your district and northern Ohio is a matter of concern to you.
>
> H.R. 1545, a bill to permit adjustment of physicians' salaries in the V.A. hospitals, is of importance to the V.A. system and to our teaching institution. Our School of Medicine became formally involved in the programs of the VA in 1946 with the establishment of a Dean's Committee to advise the hospital for the purposes of "giving the veteran the highest quality of medical care, of affording . . . post graduate study, and of raising generally the standard of medical practice in the United States . . ."
>
> The Wade Park facility is presently a major undergraduate and graduate teaching site of this School. We believe this relationship has been beneficial to the quality of patient care, as well as to the medical school's teaching programs because of the exceptionally able physicians attracted to the V.A. program.
>
> We are concerned, however, that these excellent services and programs are in danger of deterioration because the $36,000 ceiling on physicians' salaries is having a serious impact on the Hospital's ability to recruit and retain qualified doctors. For example, the local V.A. Hospital with which we are affiliated, has been unable to attract radiologists and anesthesiologists. This situation has severely handicapped the medical services as well as the medical education and training programs here. It has compelled the administrator to contract out for certain services. Recruitment of an urgently needed Chief of Pathology has also been seriously hampered by the salary ceiling.
>
> In short, many qualified physicians will not consider positions at the hospital and others will come only on a part time basis which will permit them to earn outside income. In either case, patient care suffers.
>
> To correct this situation, we urge you to give strong support to H.R. 1545 which will give the hospital administrator discretionary authority to increase physician salaries up to 25% over the current $36,000 ceiling. Passage of this measure would strengthen both patient care and our cooperative teaching programs with the V.A.
>
> Sincerely yours,
>
> FREDERICK C. ROBBINS, M.D.,
> *Dean, Western Reserve University*
> *School of Medicine.*

WORLD FAMINE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. OBERSTAR. Mr. Speaker, it is my pleasure to be able to share with other Members of Congress the winning essay from a recent contest at the College of St. Scholastica, Duluth, Minn.

In her outstanding essay Louise Lommen examines the problems of world hunger and calls for the development of a national food policy and program designed to alleviate the widespread hunger and malnutrition throughout the world.

In this essay, Ms. Lommen speaks with amazing intelligence and compassion about one of the most important and complex problems the world faces.

The essay follows:

> WORLD FAMINE
>
> Our nation does not live in isolation. With our advanced network of communications, news of other nations magically comes into our homes many times a day. Thus, these nations and their events have become part of us and our culture and should result in an increase in world closeness and concern. However, this is not the case. Neither does the fact that we are a Christian nation automatically result in love for our neighbors. For love implies not only attitudes but also actions. It is not enough to be concerned or even appalled at international conflicts, if, after the news is over, one merely switches

the channel and erases it from memory. Therefore, let us look closer at what we ourselves can realistically do to help dissolve the greatest of these international problems.

It is said that one of the biggest causes of conflict between nations is hunger resulting from over-population. There are simply too many people for the amount of food. A hungry man will hate and steal; a hungry mob will loot and pillage; a hungry nation will make war. Thus, it is to our advantage to help. Another cause of conflict is economic development. The development gap between rich and poor nations is inseparable from the disparity between production and availability between developed and developing nations. Once again, the problem is man and his food supply.

This is not a new idea, and yet so little has been done. People are inclined to regard themselves as powerless in such a vastly complex and helpless situation. "What can I alone do?" they ask. The Catholic church is advocating meatless Monday, Wednesday and Fridays. Reducing our beef consumption would allow us to make better use of our farm land because crops for livestock comprise half of the United States' farm acreage, with beef being the most inefficient form of protein supplier. The grain to beef ratio is 10–1, while grain to pork is 4–1, and grain to poultry 2½–1. Cutting down on beef consumption would not deprive us nutritionally, since the American diet is so rich that we could eliminate meat and still take in enough protein to fill our entire daily protein allowance. This protein is obtained in the form of dairy products, beans, nuts, grains, and vegetables. However, since most Americans eat nearly twice the amount of protein they can use, and since it cannot be stored in the body, the excess protein is literally wasted. Nevertheless, our beef consumption has doubled within the last twenty years.

If we cut down on beef, our (human) food production could be increased, and every acre of land could be used to its best advantage. Americans seem convinced that any reduction in their food consumption means deprivation. Actually, the opposite is true. Americans would be forced to become more aware of the nutritional quality as well as the quantity of the food they consume. Thus, if the land were used to its best advantage and the resulting food surplus equitably distributed, nutritional improvement, not deprivation would result. Coupled with increased research, reforestation of hillsides, reduction of soil erosion and the more efficient use and reuse of water, effective land management could do much to decrease world famine.

The distribution of the food surplus which could result from a large-scale application of the above-mentioned programs is an invaluable, although temporary, solution. A permanent solution is improved farming techniques not only in our country but in other nations as well. We can promote this by supplying such things as better seeds, simple farm implements and aids, and fertilizer. (How much more logical and humanitarian it is to use fertilizer to help feed starving people, than to use it to grow a deep green lawn.)

In addition, much desperately needs to be done in the area of legislation. As it stands, the United States has no national policy on world food and hunger. As a result, both Food For Peace and AID funds are included in military aid. These famine funds have been cut back 40%, and most of the remaining funds sent to South Vietnam, even though the areas of famine crisis are Asia, Latin America and Africa. South Vietnam is only one example, however it is time that we reexamine our priorities and values concerning guns and people: we do not approve of bombing innocent people and entire towns, yet we are able to calmly watch nations slowly starve to death. If the developed nations would devote only 10% of the resources and energy now going into arms to the war against hunger, there would be little real need within a decade.

Thus, by examining our values and priorities, both individual and national, and committing ourselves to action, we can help eliminate world hunger. We are morally obligated to become actively involved, not only because we are Christians, but because we are human beings. However, this means action—not pity.

AGRICULTURE

HON. ALVIN BALDUS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BALDUS. Mr. Speaker, in the last few years we have seen the administration's agricultural policy or lack thereof, create a market situation which has devastated our agricultural economy to the point that increasing numbers of small farmers have been forced to abandon dairying.

At a time when the costs of products essential to the production of milk were skyrocketing and the prices farmers receive for their milk were falling, the administration compounded the problem by opening import gates to large volumes of cheaper dairy products. Even now the administration speaks of negotiations and compromise instead of following the letter of the law and imposing countervailing duties on subsidized European imports.

At the same time, the administration stands firm in its opposition to increased dairy price supports as a means to enable the small farmer to muddle through our economic crisis. On the one hand the administration controls our agricultural economy by importing masses of foreign dairy products while on the other hand the administration argues against increased support prices by citing the need for a free and uncontrolled agricultural economy.

Because of the instability in agricultural prices, farmers each spring face a critical decision. Should they continue to run feed and grass through a dairy cow and try to sell the milk at a profit? Or should they plant their farms fence-to-fence in corn, cereals, and soybeans and hope prices turn a profit at harvest?

For farmers in Wisconsin, the decision is imminent. Milk prices continue below the cost of production. When prices get that low, farmers question whether they ought not to grow corn and grain outright for cash, instead of running it through a hayburner—a cow. The profitable decision for a Wisconsin farmer at the present time would be to get out of dairying altogether and choose an alternative, which is exactly the decision forced on him, incidentally, by the administration and its chief lieutenant, Secretary of Agriculture Earl Butz. Their pursuit of the Flanigan plan to implement a policy of grain exports and dairy imports has been unofficial, but crystal clear. They have actively sought to drive small dairy farmers out of business as a matter of national policy and force them into grain production or the ranks of the unemployed.

We are the strongest, most productive dairy nation in the world. I am not an economist, but is it reasonable to ship our grain abroad, run it through foreign dairy cows, process it, and then import it back to this country, inspect it before it comes in and store it in warehouses when we could produce it ourselves? I do not think so.

For the Wisconsin dairy farmer there is no good alternative to dairying. Wisconsin is a hilly State, and the Third District which I represent is its hilliest part. Stretching for 300 miles along the Mississippi River, these rolling unglaciated hills have been covered over the ages by a rich topsoil. This topsoil supports a thick carpet of grass. It is because of such rich pastureland, ideally suited to dairying, that Wisconsin produces 45 percent of the Nation's cheese, and the Third District is the Nation's leading milk-producing district by a large margin.

For the same reason that the hills are ideally suited to dairy, they are ill-suited to crops. For a farmer to plant fence-to-fence crops against these hills means turning over the sod and exposing the loose topsoil. Without the roots of the grass to hold it back, the work of the rain in a short time will make for a "muddy Mississippi." Planting those hills fence-to-fence in cereal grain or corn will redistribute the Third District's topsoil from Wisconsin to Louisiana.

Can dairymen turn to beef? Beef means corn; and even if beef prices were at a point which would encourage farmers to enter the business, which they are not, corn-fed beef is not an alternative. Grass-fed beef may someday be an answer, when and if the country decides to tolerate it.

The point is, farmers in the Third District have no alternative to dairying which does not risk substantial environmental damage.

The small farmer knows the problem. In the last 20 months, over 4,000 farmers in Wisconsin have left dairying. These small farmers, the traditional defenders of the topsoil, who for years have practiced contour farming, strip cropping, and careful watershed management, now may be forced to knowingly violate these practices, or get out of farming altogether.

It is our responsibility to stop pursuing agricultural policies which force this result and begin to give the small dairy farmer some agricultural stability.

THE FILM AS PROPAGANDA

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ASHBROOK. Mr. Speaker, the propaganda film seems to be making the circuit again in our country. The subjects this time are mainland China and Vietnam.

Walter Goodman, assistant editor of the arts and leisure section of the New York Times, has written an interesting review of three films that he describes as works of propaganda. At this point I include in the Record the text of the article entitled "The False Art of the Propaganda Film" from the New York Times.

The False Art of the Propaganda Film

(By Walter Goodman)

In most lands around the globe, propaganda is a monopoly of the state. In this country, however, the most notable examples of the craft, such as the three current films discussed below, come from the state's adversaries. When Shirley MacLaine takes a camera crew to China or Jane Fonda takes one to North Vietnam or when Peter Davis, who made the TV documentary, "The Selling of the Pentagon," sets out to do a film about the war in Southeast Asia, nobody expects a testimonial to U.S. foreign policy. Yet works of propaganda—works whose primary design and overriding effect is the promotion of a case or cause, usually without the intention being made explicit—often send forth messages that their creators did not intend and in the process draw attention to the creators' set of mind and guiding impulses.

"The Other Half of the Sky: A China Memoir"—currently at the Whitney and to be shown April 15 on Channel 13—is the account of a three-week visit to China in the spring of 1973 by a group of American women selected by Shirley MacLaine. In addition to the actress herself, they included a 13-year-old from California and an elderly Bostonian, a talkative black activist from Mississippi and a talkative white admirer of George Wallace from Texas, a psychologist from San Francisco, a sociologist from Puerto Rico, a Navaho. Co-directed by Miss MacLaine and Claudia Weill, and made with the cooperation of the Chinese, it is a good-humored, sappy sort of travelogue, agush with handholdings, huggings and kissings.

The most arresting sequence, for those who can bring themselves to watch it, is the delivery of a baby by Caesarian section to a woman who remains conscious from start to finish; it's done with needles. The most instructive scenes are those in which the women from America, inquiring into the state of Chinese women now that they have attained "liberation," learn that the word signifies marrying a man with the correct political attitudes and then taking a job to the specifications of the state. Except for a show of dismay when a resident commissar explains that if a Michelangelo were to appear in the New China, he would have to be re-educated to the service of The People. Miss MacLaine, who wrote as well as produced this film, seems entirely gratified with the way things have been going since China's liberation, a word she employs without irony. Today, she reports, the peasants "are the masters of the country." (Miss MacLaine plays fair; she speaks her own most fatuous lines. Madame Chou En-lai, making a guest appearance, probably had her lines written for her at headquarters.)

In one quite touching scene, a women tells of how her feet were bound under the old regime. For some reason, the concern of these filmmakers over bondage stops at the ankles. Miss MacLaine seems enthralled by a society in which all small boys are taught that their mission in life is to join the People's Liberation Army and fight the American imperialists. Despite her best efforts in behalf of her hosts, this "Memoir" lends chilling support to George Orwell's observation, made in 1939, that "It may be just as possible to produce a breed of men who do not wish for liberty as to produce a breed of hornless cow."

Now, one knows from Miss MacLaine's public record that if she discovered that American children were being "programed"—to use the word that the Boston woman applies to what she is seeing of Chinese education before she is subdued by a layer of cant from the psychologist; that they were subjected to paramilitary training from a very tender age; that their most intimate relationships were being manipulated by the state for the state's interests; that they were being taught to worship a mangod and to repeat, by rote and in unison, tag ends of an ideology which they can scarcely comprehend—she would be among the first to protest. Yet what she would condemn in her own country is counted an achievement when it is done to the Chinese. Can this be anthropological relativism, or the latest thing in radical racism? Is Miss MacLaine mischievous or only simple? We may leave the question open. It is clear enough that her film advances a cause in the guise of a "memoir"—which fits our shorthand definition of propaganda.

Although Jane Fonda never states right out that she is acting as a publicist for North Vietnam, her film allows no doubt on that score. "Introduction to the Enemy" is a refreshing movie in the sense that it makes no pretense to critical judgment. It delivers its political line straight, right from the mouths of party functionaries. Sponsored by the Indochina Peace Campaign, an organization evidently committed to the Vietnamese revolutionary cause, it features Jane Fonda and Tom Hayden smiling their way around the country, along with Haskell Wexler's pictures of beautiful children, bombed-out towns, beautiful children, workers making bicycles out of the remains of an F-104 fighter and beautiful children. (It is a revelation to observe how subdued our native firebrands become once they find themselves in a congenial dictatorship.) To fully appreciate a movie such as this or Miss MacLaine's "China Memoir," one must come to it persuaded that the presence of beautiful children in a country is evidence of a regime's benevolence. The high spot of this show is a Frisbee match between Fonda-Hayden and a host of beautiful children.

America has never been bereft of publicists for the totalitarian mode. There have always been people around ready to exhibit to us the scrubbed faces of youths in Mussolini's Italy, in Hitler's Germany, in Stalin's Russit. Generally, they were motivated by a combination of allegiance to a doctrine and affection of the Fatherland or Motherland. Not so the Misses Fonda and MacLaine. Their celebrations of Oriental police states are prompted less by worship of Mao and Ho, I believe, than by their opposition to American activities in Southeast Asia. They show up the benign face of the enemy in hopes that it may compel us to look into ourselves.

Peter Davis's remarkable film "Hearts and Minds," which opens in New York today, is more directly about America. In Davis's description, his film, which combines interviews, battlefield shots and scenes from civilian life here, "is an attempt to understand what we have done and what we have become. It is more psychological than political, and it is not a chronology of the war so much as a study of people's feelings."

"Hearts and Minds" is rich in powerful images, not easily shaken off: The former pilot making an unbearable connection between the napalm he dropped and his own young daughter. The old Vietnamese woman, trying in her bewilderment to explain the destruction of her life by the bombs; the unbudging camera, whirring in the background, stays focused on her for perhaps 30 long seconds as she tries to grasp her own condition—"I'm so unhappy." Clark Clifford, former Secretary of Defense, recounting his efforts, as a rational man, to come to terms with the insatiable demands of an irrational military machine. Walt Rostow, a planner of our Vietnam adventure, bursting forth in exasperation at being asked why we got involved in Vietnam—"Are you really asking me this goddam silly question . . . pedestrian . . . sophomoric . . .!"

The Rostow sequence, which has drawn attention as a result of his efforts to have it deleted, displays the mentality, sometimes called tough-minded, which managed to escalate Vietnam into a catastrophe. Yet as the film went on, I found myself somewhat uneasy about this scene. We do not see Rostow's interrogator; we can't be certain whether some provocation, a gesture, a facial expression, a turn of phrase, may have prompted his outburst. Perhaps none of this would have occurred to me had it not been for other jarring elements, messages which force the producers' opinions on the viewer in a most clumsy way: A fragment of a remark by President Eisenhower suggesting that the United States was in Vietnam for the tin and tungsten; the camera searching out names of U.S. firms in Saigon—Coca Cola, Esso, Chase Manhattan; the breaks for commercials by a dissident South Vietnamese priest who speaks exclusively in Vietcong slogans; a staged appearance by the late Ho Chi Minh having his beard plucked by small children, reminiscent of pictures of an avuncular Joe Stalin receiving bouquets from tots in Popular Front times.

Whereas the MacLaine and Fonda films are run-of-the-mill sales pitches, "Hearts and Minds" is the product of talented filmmakers caught between clashing impulses—to produce a work of art or to advance a political argument. The most grating instance of the director undermining his own material comes after a long heartbreaking scene of a South Vietnamese boy hugging his father's picture at the father's graveside, sobbing, sobbing. (Here, again, we become conscious of the unrelenting camera; we want it to turn away out of pain or embarrassment but we also need to watch; the camera holds on, creating a high and affecting tension.) Cut to General William Westmoreland, former leader of our forces in Vietnam, saying "The Oriental doesn't put the same high price on life as does the Westerner." All right, the point is made—but at what cost? Westmoreland, a man who has clearly learned during his years in the military bureaucracy to utter inanities in a weighty manner, is an easy mark. In using the boy's tragedy to score off the general, the filmmakers show no faith in either their material or their audience; it's like putting an exquisite painting into a showy frame, the better to peddle it to the philistines.

Now, General Westmoreland, we must understand, is speaking not for himself, but as representative of one side of America, also exemplified by slaughter-the-Japs clips from World War II Hollywood movies and personified by the returned POW who gives talks to Middle American audiences on how to whip the gooks and by the former pilots who describe their bomb-dropping as "a technological expertise thing," or as a happy memory—"I dinged them . . . I felt good." The film makes a causal connection between this manly state of mind and scenes from a college football game: an up-and-at-'em minister telling his parishioners how much God cares about the game; a half-crazed coach attacking his boys with exhortations to win; the empty-faced cheerleaders, the beefy players colliding like tanks, the howling fans. Well, there is something to all of this—the violence of the football field transmitted to the battlefield. But it's much too simple, much too easy, laid on much too heavily; life is cut to the propagandist's measure.

The insistence of the makers of "Hearts and Minds" on dividing America into two camps—Daniel Ellsberg, I. F. Stone, the peace marchers, the draft evaders, the young amputees coming to the bitter realization that they have had their futures shattered for no purpose; versus Westmoreland, Rostow, the jingoist POW and his open-mouthed audiences—works against their more subtle revelations.

In a deeply moving squence, the father of a man who was killed in a helicopter crash explains quietly, as much to himself as to the interviewer, why he still feels his son's death was in a worthwhile cause, why he still trusts President Nixon, as his wife, hardly listening, touches gently a model plane, presumably her son's. How many times he must have told himself his loss cannot have been for nothing; how many times she must have fondled that plane. The humanity of this moment exposes the crudeness of the football field analogy.

The final shot—a confrontation between Loyalty Day marchers and pickets for peace—caps the film's self-betrayal. Its makers ignore their own evidence and resort to a trite image, simplified to the point of distortion. The difficult truth is that the great majority of Americans belong to neither of these parties. When these filmmakers focus on human beings, they give us moments of depth and beauty; when they force a tendentious thesis upon us, they diminish their film. Even if they had resisted the temptation to score elementary points, "Hearts and Minds" would still have been propaganda—but it would have been something much more as well. Peter Davis and his colleagues may have had their hearts in the right place, but they did not trust the minds of their audience.

INTRODUCTION OF CONSTITUTIONAL AMENDMENT TO END BUSING

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BEARD of Tennessee. Mr. Speaker, once again, I am introducing a joint resolution in the form of a constitutional amendment which will end the practice of busing as a means to achieve integration in the Nation's schools.

I do this with the hope that the Members of this body will act in a responsible manner. Though the House has voted several times to limit this practice, we have yet to see the Congress as a whole display the courage to do so. The American people oppose busing, yet their Representatives in Congress have thwarted their will.

Mr. Speaker, busing is a racist concept; it clearly shows that the powers that be feel that children in a school composed of a majority of their race, be it white or black, cannot learn as well as if they were in a "perfectly balanced" institution. As long as we continue to apply this litmus test so far as color composition to our schools, we are failing in what should be our main goal: To provide quality education for all children in the school which is closest to their homes.

Instead of spending millions of dollars on school buses, we could—and should—be spending this money on new schools, teachers' salaries, books, study aids, and athletic equipment. Instead of pouring hundreds of thousands of dollars into fuel for these buses, we could—and should—be spending this money on vocational training and materials and career and drug counseling.

But no, Mr. Speaker, the social engineers have us spend our dollars on buses and gasoline rather than on education. They tell us it is for the good of the children and for the good of our Nation. I do not feel that the high school athlete who is unable to compete in sports, because he has no way home across town except the schoolbus will think that busing is his best interest. Nor do I feel that the young boy or girl who is beaten or knifed, because of the climate of unrest and hostility created by busing will feel that busing is in the national interest. A practice which forces little children to stand in the chill, predawn hours, waiting for a bus to take them 10 or 20 miles from their neighborhoods and their friends, is clearly not in anyone's interest—especially the children's.

Mr. Speaker, I say today, as I have time and time again, in this Chamber and elsewhere: Busing is wrong. I call on my colleagues to show the courage and the conviction to what is right, to be responsive to the wishes of a majority of the American people, and to join with me in what I hope and pray will be the final, the successful effort to end busing once and for all.

FAIRPLAY FOR LIVESTOCK COMMISSION COMPANIES

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ARMSTRONG. Mr. Speaker, today I am introducing legislation to correct a serious injustice in the Farmers Home Administration.

Recently, a livestock commission company in Colorado contacted me with a specific problem. Unbelievable as it sounds, the Farmers Home Administration is attempting to collect $35,000 from this auction company for cattle the commission company had never owned but only sold for another person.

Under current livestock case law, the FHA has the right to collect the full market value of mortgaged livestock from the sales agent if the original owner of the cattle is insolvent.

In addition, the law also states, and has been upheld by five court of appeals cases, that not only can the FHA collect the market value of the mortgaged cattle but also the value of any calves born to mortgaged cattle.

But what makes this case so tragic is not just the responsibility foisted off on the sales agent, but the fact that FHA admits it is impossible to notify all the cattle commission companies in the United States of outstanding liens. So under current law, every cattle auctioneer in the country must theoretically check the liens filed in every county courthouse in America—and what is more—he has to do it in the 3 days between the time he receives the cattle and sells them. And that is normally on a weekend when Government employees do not work.

If he fails to do this, or fails to discover the lien, the commission sales agent is immediately held responsible for the entire lien, should the borrower fail to pay off the FHA mortgage.

In the Colorado case, the auction company found out about the default when the company was served with an FHA notice 14 months after the cattle were sold.

The cattle commission company sold the cattle for about $300 each, and charged a flat fee of $2.25 per head, plus the feed and inspection costs. With absolutely no equity in the beef, under current law, the company is responsible for the total sale price of the cattle—even though the commission received was less than 1 percent of the sale price.

This was a good law, at one time when most cattle loans were made by local lenders and most cattle were sold at local markets. And certainly, I do not wish to absolve the auction companies of all responsibility, but I do feel that their liability under law as agents, should be limited to the total of their commission, rather than being the total market value of the cattle. In addition, I propose that this limited liability only apply to Farmers Home Administration loans. Since local lenders know local borrowers, they are more likely to screen out unreliable borrowers.

But the present system cannot continue, not when the FHA has authorized $2 billion in livestock loans to many financially pressed borrowers. And the livestock commission companies should not have to subsidize those FHA loans. If the Federal Government is going to insure those marginal borrowers, then the Federal Government should be liable—not another sector of the already depressed cattle industry.

WOLF

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. MICHEL. Mr. Speaker, I am not a customer of the Chase Bank, but they have been saying some things of late that desperately need saying—and broadly disseminated.

In a series of newspaper advertisements, the Chase has addressed the problem of capital formation in this country, and demonstrated the crisis we are facing unless we change course. America needs $4.1 trillion in investment capital in the next 10 years, but the Chase figures that only about $2.6 trillion is going to be available under present circumstances. That kind of a shortfall means unemployment, further losses in productivity and inadequate output. In short, it means a reduced standard of living for Americans.

There are some things we can do, and in their statement, the Chase points out some of the most important. They deserve the attention of the Congress, the administration, and the American people.

Because unless we come to grips with this problem, so little understood, we are in trouble, and no amount of Government programs are going to be able to fill the void.

I commend the Chase for this socially responsible use of their advertising resources, and I ask that their three advertisements be printed at this point in the RECORD:

"WOLF!"

The Chase is crying "Wolf!" Again.

And we mean it. Again.

America is faced with a shortage of capital. Capital vital to the healthy growth this nation must have if it is to maintain and improve the living standards of all Americans.

In 1952, we published a study warning against government disincentives to the continuing search for natural gas. We raised more caution flags in 1956, 1957, and 1961 about industry's ability to continue "to deliver low-cost petroleum energy."

We were accused of crying "Wolf!" at that time. And indeed we were. But it was no pretense.

Our warnings were based on hard facts which became even harder with every disappearing drop of cheap imported oil.

Today we face an equally hard set of facts regarding the level of capital formation and mounting capital needs:

Fact 1: The next ten years will require twice as much capital as the past ten.

Fact 2: It will take a tremendous effort of husbanding sources and resources—far more than it took to win World War II or to put a man on the moon.

Fact 3: We will be lucky if there is as much as $2.6 trillion for building and rebuilding our industrial capacity.

Fact 4: Set against the needs of $4.1 trillion, there'll be a shortfall of $1.5 trillion. Which means we will be under-investing $400 million a day every day for the next ten years.

The highest priority of our economy right now should lie in the nurture and stimulation of capital formation. Because everything the American people need want to grows out of that.

How do we deal with the problem?

Chase proposes a six-part action program:

Provide sufficient inducements for an ever-growing base of personal savings.

Establish more realistic guidelines for depreciation allowances.

Give preferential tax treatment for retained corporate earnings used for investment purposes.

Ameliorate our relatively harsh treatment of capital gains compared with that of most other countries.

Stabilize our monetary and fiscal policies to prevent violent swings in the economy.

Eliminate unnecessary controls. And do away with outmoded government regulations and agencies that restrict our free market economy.

Capital formation must be government's business, businesses' business, labor's business, banking's business—everybody's business.

Your business.

"OUCH!"

America's in a capital pinch.

A tabulation by the Organization for Economic Cooperation and Development of real growth of 20 advanced economies for the 1960–70 decade puts the U.S. pretty close to the bottom.

REAL ECONOMIC GROWTH

Percent Change Per Year 1960–70

Japan	11.1
Greece	7.6
Portugal	6.3
Yugoslavia	6 to 7
France	5.8
Italy	5.6
Canada	5.2
Finland	5.2
Australia	5.1
Netherlands	5.1
Norway	5.0
Belgium	4.9
Denmark	4.9
W. Germany	4.8
Austria	4.8
Iceland	4.3
Ireland	4.0
United States	4.0
Luxembourg	3.3
United Kingdom	2.8

Being 17th or 18th in real economic growth hurts. There's a fundamental correlation between modern plant and productivity. And productivity is primarily dependent upon capital investment and utilization of plant capacity.

The Chase is concerned:

Because our industrial plant is deficient. Fully two years older than that of Europe and Japan.

Because we fell behind in financing the search for more energy sources.

Because we haven't met our transportation needs.

Because unemployment is hurting so many. And it takes money to create new jobs. From $20–30,000 in capital to back up every worker in U.S. industry.

We've got to build considerably more America in the next ten years than we've got standing out there right now. And it's going to take almost twice as much capital as in the last ten.

The overall figure could go to $4.1 trillion. Where is it all going to come from?

Chase estimates we'll be lucky if as much as $2.6 trillion will be available for productive investment.

A shortfall of $1.5 trillion. Which means we'll be under-investing $400 million a day, every day for ten years.

How do we deal with the problem? Chase proposes a six-point program:

Provide sufficient inducements for an ever-growing base of personal savings.

Establish more realistic guidelines for depreciation allowances.

Give preferential tax treatment for retained corporate earnings used for investment purposes.

Ameliorate our relatively harsh treatment of capital gains compared with that of most other countries.

Stabilize our fiscal and monetary policies to prevent violent swings in the economy.

Eliminate unnecessary controls. And do away with outmoded government regulations and agencies that restrict our free market economy.

Capital formation must be government's business, businesses' business, labor's business, banking's business—everybody's business.

Your business.

"UNCLE!"

The Chase is troubled. That Americans are saying "Uncle!"

Giving up, bit by bit, what our country really stands for. Even starting to disbelieve in its potential for creating the most humane and prosperous society on earth.

We do face some hard facts:

Fact: A tabulation of growth rates by the Organization for Economic Cooperation and Development of 20 advanced economies for 1960–70 put the U.S. in 18th place.

Fact: We anticipate a capital shortfall of $1.5 trillion over the next ten years. Which means we'll be underinvesting $400 million a day every day of the decade.

A continuation of our present policies will lead us to a situation of far greater peril.

Chase believes the highest priority of our economy should lie in the nurture and stimulation of capital formation.

Because everything the American people want and need grows out of that:

Assume we meet the challenge, and invest sufficient capital to sustain a 4.2% real growth rate, America in 1985 would have:

A 43% decline in the number of people living in poverty. Which means 10.6 million fewer poor people.

17 million more jobs for Americans. The work force would grow from 86 million to 103 million people. Up 20%.

An increase in median family income of 59.2%. From $12,051 in 1974 to $19,191 by 1985. Based on constant 1974 dollars.

31.6 million more housing units. Up 47% from 1970. And only 5% of total housing substandard. A 40% improvement over 1970.

And the figures above are well within the possible.

How do we do what needs to be done?

Chase proposes a six-point program:

Provide sufficient inducements for an ever-growing base of personal savings.

Establish more realistic guidelines for depreciation allowances.

Give preferential tax treatment for retained corporate earnings used for investment purposes.

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Your business.

GUN CONTROLS—FOLLY AND FUTILITY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. HANSEN. Mr. Speaker, I am most concerned about pending Federal gun control legislation and the possible restriction of sales and manufacturing of firearms and ammunition by the Consumer Product Safety Commission (CPSC).

To deal with these threats I have taken two legislative approaches. I have sponsored an outright repealer of the Gun Control Act of 1968 and have also introduced a bill which would prohibit the CPSC from promulgating arbitrary regulations to limit sales of handguns, ammunition, or black powder components used by sportsmen. It is essential these measures receive early and favorable consideration.

I have fought against Federal gun controls for 10 years since first entering

Congress and will continue to strongly oppose attempts at the Federal level to regulate, register, or ban the private ownership and use of firearms and ammunition. The hazards these represent are as follows:

One. Regulation penalizes the innocent owner of a weapon while the criminal by his very nature would freely disobey such regulation.

Two. Registration would provide an accessible shopping list for burglars and be a tip-off on the degree of protection any home might have.

Three. Banning would render every home vulnerable to armed robbery and other crimes of force and violence.

Crimes of passion wait for no particular device—any weapon available will suffice; removing guns doesn't remove the potential act of violence. Firearms are not the problem—people are. Misuse of weapons should warrant serious punishment. We should have the toughest possible laws and strict enforcement to keep criminals off the streets.

I have strong constitutional reservations over the imposition of any gun ownership limitations on law-abiding sportsmen and citizens who wish to own a firearm for basic self-protection of family and property. I have strong constitutional criticism for judicial circumvention of Congress where gun controls can be imposed upon the American people by judicial decree as in the case of the Federal District Court order to the CPSC. I have strong constitutional concern for the effort in Congress to invade traditional areas of law enforcement jurisdiction of State, county, and city governments where crimes of violence are generally handled—an erosion of authority which should also concern officials at those levels and constitutional scholars.

The 1968 Gun Control Act has not seen reduced crime, but increased crime. Again, is it not time to quit side-stepping the issue and deal practically and effectively with the real cause of crime—people and their relationship to one another. And let us remember that concentrations of people and conditions vary greatly across the Nation, causing such diverse complications that no standard Federal prescription can effectively treat the local problems. Umbrella laws covering the entire Nation are too rigid to properly deal with the diversity of our people and their living situations. We must deal with people selectively at State and local levels, not en masse at the Federal level.

Again, Mr. Speaker, I strongly oppose Federal interference with our private ownership and use of firearms and ammunition and urge my colleagues in Congress to keep the citizen free and control the criminal.

A DALLAS FIREMAN HONORED

HON. ALAN STEELMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. STEELMAN. Mr. Speaker, the emphasis in our society has shifted, unfortunately, to where the bad news grabs the headlines and the good is too often relegated to the back page. I would like, at this time, to share some good news concerning Richard Peek—a young paramedic with the Dallas Fire Department who, with disregard for his own safety, saved a man and a young child from drowning when their boat sank in Lake Ray Hubbard. I think this excerpt from the Dallas Morning News of March 21, 1975, best describes what happened:

> Richard was off duty Wednesday, and as his custom when not on duty he grabbed his rod and reel and took off for Lake Ray Hubbard.
>
> He had just started fishing when a modern, well-equipped bass boat came up the river and headed for the huge rock banks on the east side of the spillway pond. But as he watched, the outboard conked out and as the driver tried desperately to restart the motor, the boat was sucked by the formidable current right under one of the open gates.
>
> In that boat were Larry L. Ray his 3-year-old son Cary, and Floyd Beaty. This child had a life preserver on, the men did not . . . and when the tons of water hit the boat, it sank like a rock.
>
> Noticing that both men were unable to swim in the water, Peek sprinted down the east side of the pool to the river, dived in and as several of the fishermen nearby warned him that it was impossible to make it across the raging 65-yard strip swam across. Then he ran to a spot on the rocks above the two floundering men and the boy who was bobbing around in his life jacket, dived into the pool and swam another 40 yards to Beaty, the nearest man.
>
> Peek got the drowning Beaty and brought him to shore, quickly noting that the man was in no serious trouble except having swallowed a lot of water.
>
> At that instant, another boat with three anglers came up river and into the pool. They pulled the hysterical child from the water, but the boy's father had disappeared.
>
> Richard Peek did not even think of his young wife Carol and three small children or his own personal safety, but concentrated on the lost angler after rescuing the first one.
>
> But he could not understand the 25 or 30 anglers who stood on the nearby bank and watched as if they were looking at a movie, none offering to help.
>
> Nor could he understand how those people could go calmly back to their fishing while a drowned man drifted around in the murky water they were casting into.

Mr. Speaker, Richard Peek displayed an extraordinary amount of courage and deserves the commendation of his peers. I know the people of Dallas are proud to have such a man in their community. I wish to add my personal thanks for his brave deed and continued success in his career with the Dallas Fire Department.

DIFFICULT TO COPE WITH CURRENT INFLATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BOB WILSON. Mr. Speaker, I would like to reiterate my concern for the welfare and morale of our Armed Services personnel. This concern extends to those who have devoted their lives to military service, particularly the older military retiree who is experiencing great difficulty in coping with the current inflation on a limited income. I have again introduced legislation designed to achieve partial equalization of pay of these older people, many of whom receive an income based on 1958 pay scales.

One of the major organizations supporting this legislation is The Retired Officers Association (TROA). In one of his first acts since becoming president of TROA, Lt. Gen. John W. Carpenter III, USAF, retired, published an open letter to Secretary of Defense Schlesinger. The letter so well expresses misgivings many of us share with regard to recent efforts to reduce people-oriented programs in the Department of Defense, I feel it warrants publication in the CONGRESSIONAL RECORD and include General Carpenter's letter as a portion of my remarks:

> AN OPEN LETTER TO THE SECRETARY OF DEFENSE
>
> DEAR MISTER SECRETARY: People are as important as weapon systems.
>
> We fully realize the magnitude of the problems you face. . . . We have applauded your forthright stand before the Congress. We, like you, believe that America must remain militarily strong . . . that we must honor our commitments to our allies.
>
> The need for superior weapon systems is understood and fully appreciated by all in the military community, active and retired. Superior weapons provide the edge in combat—the edge, sometimes, between life and death. But a military commander is always aware that weapons require dedicated, trained and experienced personnel with the will to use them . . . mature, career motivated people.
>
> We also believe that the military way of life is a unique one . . . that our nation must recognize this and honor the commitments she has made to the men and women who serve in her armed forces . . . and who served in the past.
>
> I remind you, Sir, that the military way of life is one of total commitment . . . both for the individual and the family. There can be no reservations in the individual's mind. He or she must be prepared to go where ordered when ordered . . . a willingness to serve the country at personal expense and family sacrifice.
>
> These sacrifices, however, represent a symbolic love for country . . . They require reciprocity to make them meaningful.
>
> I quote from the writings of clinical psychologist Dr. Theodore C. Kahn published in *The Retired Officer* Magazine ("Military Careerists: A New Scapegoat Minority," January 1974):
>
> "The greatly misunderstood fringe benefits, commissaries, post exchanges, medical care and space available travel, all have a symbolic significance that overrides their dollar value many times. Their continuation represents a symbolic expression of national appreciation . . . There is no substitute for them. The military culture prescribes symbols and the nation must reciprocate—at least partially—with symbols in order to maintain military morale."
>
> COMPARABILITY—A FALSE BASE
>
> The contention that since military pay has now achieved "comparability" with civilian pay many of the so-called benefits of service life can be dispensed with is not valid . . . Perhaps it is even dangerous.
>
> There is little comparison between military and civilian careers . . . Thus, to place a dollar value—comparability—on military service is to start from a false base, a base

established by money managers . . . Not people managers. Your own Secretaries of the Army, Navy, and Air Force recognize this.

The proposal to make military commissaries self-supporting leaves us befuddled . . . It is total support and the faith of the family, in good times and bad, that allows the soldier, the sailor, the airman and the marine to continue to serve this nation . . . The commissary, like other on-base facilities, is recognition of the value of the individual—and his family. It is a benefit, like so many others now threatened or curtailed, that permits the military man to go where needed when needed . . . secure in the knowledge that his family's needs are being cared for.

Not all of our past armed conflicts have been popular. But the military, a disciplined force, went where ordered by the civilian leadership. They served at low pay, believing that their own military service and the government would look to their entitlements . . . As it has turned out, how naive!

We fear, Sir, that in their eagerness to cut non direct-mission spending, some of your appointed civilian deputies are refusing to recognize what the military community has come to understand . . . that many earned rights and entitlements have been or are now being abrogated. No amount of rationalization issued from the Pentagon will dispel this belief.

"Expediency" rather than "credibility" appears to be the word.

To the military family it is simple . . . If you have something and someone takes it away, you have lost something. This is how we perceive it.

Yes, Mr. Secretary, we are concerned. Commissaries can be self-supporting, we are told, because military pay is now adequate. We have noted, however, that many do not agree, especially older retirees and lower grade enlisted men trying to raise a family. It could not have escaped you, Sir, that some $1.5 million in food stamps are now being spent in commissaries each month.

And your Assistant Secretary (Comptroller) has the effrontery to suggest that an inequity exists simply because all military retirees do not lived near commissaries . . . an inequity that will be erased by the increased costs to those retirees who do shop in commissaries.

That's a bad joke, Mr. Secretary.

RECOMPUTATION AND PAY INVERSION

You tell us that because of inflation and competing demands on the Defense budget, coupled with recent increases in retired pay under the CPI formula, DoD will no longer support recomputation of retired pay even on a one-time basis . . . "Recent retirees are receiving more retired pay under the CPI system than current retirees," you tell us.

Another bad joke, Mr. Secretary.

Older military retirees, those who never enjoyed "comparability," are well aware of the pay those members retiring today are receiving . . . even under the so-called "inversion." We remind you, Sir, that they are at the other end of that inversion, the low end, even though we have struggled for more than a decade to have restored what until 1958—during the time they served this nation—was guaranteed by law.

We realize that today's retirees receive about three percent less than individuals of like service who retired last year. Too few realize their pre-1958 counterparts are drawing up to 35 percent less.

We understand your desire to seek legislative relief from the retired pay inversion for those who retired after September 1974—it is an inequity. What we must question, however, is your refusal to seek at the same time legislative relief for those who are obviously suffering the greatest inequity.

NO APOLOGIES

We are not ungrateful, Mr. Secretary, nor bitter. Neither are we apologetic.

We had full, rewarding careers. We appreciate the entitlements Congress has provided . . . the protection of the Survivor Benefit Plan for our families . . . the health care provisions of the Civilian Health and Medical Program for the Uniformed Services. We know these cost money, but they must be recognized for what they represent . . . an unfunded obligation that we, the retired military, have already paid for. Many of our fellow servicemen paid with their lives.

Those currently on active duty are now paying their dues. They, too, are earning whatever benefits and entitlements accrue to them, now and in the future. And, let me assure you, they are intensely aware of every abrogation.

We fear that many of the actions you are taking and others that are proposed will weaken the will of our career military forces . . . that intangible thing called esprit de corps . . . the will to fight and the determination to prevail.

We therefore respectfully urge you, Mr. Secretary, to examine once more the importance of so-called "fringe benefits." And to call directly upon your senior combat commanders for their undiluted views on the subject.

We in The Retired Officers Association, and I'm sure all military retirees, will continue to support the Departments of Army, Navy and Air Force.

We reserve the right to express our views to the Department of Defense, including the Office of the Secretary of Defense . . . solicited or unsolicited.

We are concerned, knowledgeable citizens, Mr. Secretary, who love our country . . . and who know full well the cost of keeping it free.

FULL FAITH AND DEDICATION

We have full faith in those who are guarding our freedom today. We are thankful that they are now receiving financial compensation more adequate to their needs and those of their families.

But, Mr. Secretary, you must recognize that a military life is a unique one . . . one requiring more than a competitive salary to retain dedicated people. Many can earn as much or more in the civilian sector, without the continual uprooting and separations from families which are an integral part of military life . . . occurrences that are costly both in dollars and family pressures. It is the symbolic recognition of this uniqueness—the importance of things provided by the military services that are uniquely their own—that knits the military family.

How often I have heard the words "The Air Force takes care of its own." The same is true for all the services. Do not destroy this, Mr. Secretary, or I fear it could destroy the morale of our armed forces, at the expense of the freedom of this great nation.

John W. Carpenter III,
Lieutenant General, USAF, Retired,
President.

RADICAL DEMONSTRATIONS TO DISRUPT CONCORD BICENTENNIAL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. McDONALD of Georgia. Mr. Speaker, on April 20, as the citizens of Concord, Mass., are joined by tens of thousands of patriotic Americans in commemorating the 200th anniversary of the Battle of Concord which opened our War of Independence, a slick band of revolutionary Marxists, known as the Peoples Bicentennial Commission—PBC—will mount a counterrally in Concord at which they hope to gather some 40,000 radical supporters for what the PBC terms "the first massive demonstration of the recession era."

The People's Bicentennial Commission, originally the People's American Revolutionary Bicentennial Commission—"revolutionary" having been dropped from the name but retained as a motivating factor—was formed in 1971.

As my distinguished colleague, the Honorable Richard Ichord reported in his Extension of Remarks on December 26, 1973—pages E8216 and E8217—the PBC appears to have originated with the Johnny Appleseed Movement for Peace and Human Rights founded by John A. Rossen. Rossen, a veteran of the Abraham Lincoln Brigade and a former field organizer for the Communist Party, U.S.A., in 1969 was the owner of the building housing SDS national offices in Chicago.

As Mr. Ichord reported:

> Rossen's pamphlet, "Toward a New Patriotism," explains the reasoning behind this Marxist nationalism: "Essentially, the New Patriotism is a political tendency based on the concept . . . that the American Revolution' is a continuing, ongoing liberatory process, an unending drama of ever-present conflict and the forward march of human over property rights . . . a political movement or party based on the New Patriotism would be socialist, humanist and internationalist in substance and content, and nationalist in form and rhetoric. . . ."
>
> This pamphlet cites North Vietnam and Cuba as examples of this sort of desired "continuing revolution that starts with bourgeois-democratic national-liberation and continues through (and beyond?) a socialist revolution," beyond to their goal of Communism. Rossen further notes that the two prime benefits of this New Patriotism approach are an end to the social alienation felt by many New Left radicals, and a contradiction of the statement that "radicalism and revolution are alien or un-American."

After the Mayday demonstrations in 1971, Rossen's ideas, as well as his graphics, revolutionary quotations, rhetoric, and so forth, were taken over by Jeremy Rifkin, now 30, who moved to Washington, D.C., where he opened the PBC offices.

Rifkin is a 1967 graduate of the University of Pennsylvania and at the time of the PBC's formation had been active for several years in the antiwar movement, including the Citizens Committee of Inquiry, later to become the Winter Soldier Investigation of VVAW. At the time of PBC's creation, Rifkin was Northeast field organizer for the New American Movement—NAM; another Johnny Appleseed Movement inspired organization of revolutionary socialists.

A NAM statement in November 1971, conveniently provides the rationale for Rifkin's PBC operation:

> [During Bicentennial observances] it makes no sense for the New Left to allow

> the defenders of the system the advantage of presenting themselves as the true heirs and defenders of the American revolutionary tradition. Instead, the revolutionary heritage must be used as a tactical weapon to isolate the existing institutions and those in power by constantly focusing public attention on their inability to translate our revolutionary dream into reality.

Operating from 1346 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036—202/833-9122, current PBC staff members include Jeremy Rifkin; Ted Howard; Noreen Banks; Marilyn MacDonald; Carolyn Nelson; Shiela Rollins; Randy Barber and Diana Whitley, Northeast; Bob Leonard, Knoxville, Tenn.; Phil Cushway, North Central; Bill Peltz, Midwest; and Page Smith, Santa Cruz, Calif.

According to the Washington Post's Potomac magazine of March 18, 1973:

> The PBC is supported by foundations. Financed through the utilization of tax loopholes by the rich, the PBC attacks the rich and their loopholes.

Among the foundations giving to the PBC—which operates with a budget of some $200,000—are the Stern Fund and its fund for Investigative Journalism. Reportedly, in 1973, the PBC obtained a grant of $7,000 from the National Endowment for the Humanities, a Federal agency, with which to conduct research on "the American Revolution from the workingman's point of view," naturally a topic of special interest to Marxists.

The Peoples Bicentennial Commission, the New American Movement, Arthur Kinoy's National Interim Committee for a Mass Party of the People, and the Communist Party, U.S.A. with its planned creation of an Anti-Monopoly Party this summer are all competing to lead a new American "populist" movement to "smash monopolies."

Presently, the PBC is fundraising with the assistance of the former U.S. Attorney General Ramsey Clark, an inveterate supporter of leftist causes. In a paean of praise, Clark writes:

> I am supporting the Peoples Bicentennial Commission and its efforts to expose how the abuse of power by giant corporations threatens our basic democratic principles. * * *
>
> The Peoples Bicentennial Commission is fighting to protect that [American] dream by challenging the concentrations of economic power that most dangerously threaten freedom, equality, and justice in America.

In another paragraph in his fundraising appeal for the PBC, Mr. Clark states that—

> The PBC believes the Bicentennial period is the critical time to re-commit our nation to its original values—the values of government of, by, and for the people; freedom from political and economic oppression; social justice; the pursuit of happiness for all.

I wish to take strong exception to this subtle twisting of the true aims and goals of our struggle for independence. The Americans who fought to found this country sought freedom from the political and economic oppression of a foreign country which refused to recognize the fact that its colony had achieved nationhood and were now a separate people. They were not identifying "economic oppression" with the very system of free enterprise which rewarded them for seeking their fortunes in the New World. Nor by "social justice" and "the pursuit of happiness for all" did our Founding Fathers mean a welfare state of serfs run by a cabal of closet Leninists.

In its "antimonopoly" campaign, the PBC has from its beginning made the major U.S. corporations its special targets. The PBC's planned April 19 and 20 demonstration in Concord has been developed around the theme, "Send a Message to Wall Street," and brings these targets into sharp focus. The PBC's call to the April 19 demonstration states:

> It's no secret that there's something fundamentally wrong with the State of the Union.
>
> At this very moment, millions of our fellow citizens are walking the streets jobless and hungry.
>
> The rest of us find ourselves on the brink of economic ruin. * * *
>
> Even as our way of life continues to erode, many of us sit idly by in hopes that those in power will decide to show us mercy. Still others pray for a political savior to right the wrongs.
>
> As the cloud of depression hovers over us, we continue to beg for crumbs and scraps from our corporate aristocracy. We still jump at the beck and call of ITT, GM and Exxon.
>
> Meanwhile, Big Business is laughing all the way to the bank. * * *
>
> Times of crisis like these call for bold and extraordinary acts.
>
> Two hundred years ago at Concord Bridge, the patriots met the crisis of their day.
>
> Now our generation is being called forward to make the same kind of commitment.
>
> The challenge is clear, the moment is now.
>
> A thousand voices from our past call us to act for our future and the future of our country.
>
> Nearly 200 years ago, Benjamin Rush, a signer of the Declaration of Independence, a prophecy to our generation:
>
> The American War is over, but this is far from the case with the American Revolution. On the contrary, only the first act of the great drama is at a close.
>
> On April 19, our generation can open the second act of the great drama. On that day we will launch a new patriotic movement for a democratic economy. * * *

Those who are familiar with Marxist-Leninist theory will recognize in this rhetoric a call to begin the second, the socialist, part of the "revolutionary process." The first is the "liberal bourgeois-democratic" revolution for "self-determination." And I find the PBC statement that the present generation is being called to make the "same kind of commitment" on April 19, 1975, as our forefathers made 200 years ago at Concord Bridge when they took arms against the soldiers of what then was the most powerful nation on earth ominous, at the least.

The PBC's Concord actions are being organized by its Boston office at 490 Beacon Street, Boston, Mass., 617/247-1851. The PBC's plans, as announced in its official publication, Common Sense, volume 3, No. 1, undated but distributed in March 1975, include:

> Midnight Ride Caravans leaving for Concord at one minute past midnight on the morning of April 19. From points all over Boston and other cities in the area, people will assemble their own car caravans to make the midnight ride to Concord. Adorn your auto with flags and corporate effigies. Sound your horn against Big Business.
>
> Concord Bridge Celebration and Festivities. Beginning at 2 a.m., thousands of us will assemble in the early morning hours, just as the Minutemen did 200 years ago. From the Bridge, we'll have on-going musical and theatrical entertainment, old fashioned oratory, hot soup and bread kitchens, and a host of surprises.
>
> Concord Bridge Rally for Economic Democracy. The all night festivities will culminate at an 11 a.m. ceremony at Concord Bridge. * * * And all those present will be asked to sign the Declaration of Economic Independence. Plus * * * liberty pole raisings, some old-fashioned patriotic music, and more."

The People's Bicentennial Commission warns its rabble that an estimated 100,000 to 250,000 Americans will be on hand for the commemoration of the Battle "and State police have already indicated that all access roads to Concord will be cut off by 5 a.m." PBC flatly tells its minions "if you're not at the bridge by two in the morning, you're never going to get there at all." And concludes, "Nobody ever said that making history was easy."

The "Declaration of Economic Independence" that the PBC is attempting to sell to the American public is simply a call for the abolition of our free enterprise system, under the guise of breaking up monopolies, and instituting worker/community control of decentralized economic enterprises.

I wish to point out that these are the same goals voiced by the socialist Georgia Power Project in my home State, the New American Movement and many other crypto-socialist "consumer" groups working to co-opt people's sentiments against large corporate conglomerates and utilities into demands for socialism.

Let me point out that Lenin stated Marxists must "take a most energetic part" in the bourgeois-democratic movements and to "fight most resolutely for consistent proletarian democratism, for the revolution to be carried to its conclusion." Lenin further said that Marxists must fight to extend the boundaries of democratic control "and must fight for the interests of the proletariat, for its immediate needs and for conditions that will make it possible to prepare its forces for the future complete victory;" and noted "the proletariat cannot prepare for its victory over the bourgeosie without an all-round, consistent and revolutionary struggle for democracy," but that "Democracy, of course, is also a form of state which must disappear * * *."

In this line, the Peoples Bicentennial Commission has collected various real and imagined grievances into its Declaration of Economic Independence—grievances "which compel us to act in support of decentralized economic enterprises, with control being shared jointly by the workers in the plants and by the local communities in which they operate—with similar patterns of shared representative control being exercised on a regional and National level to insure the smooth and efficient coordination of all economic operations."

In the U.S.S.R., such local workers coordinating committees are called "Soviets."

The Peoples Bicentennial Commission has successfully duped many responsible Americans into believing it is a legitimate patriotic organization, and has become the slickest and most "commercially" successful offshoot of the New Left.

In its own Bicentennial Declaration, the PBC says,

> The new American Revolution must not be a revolution in rhetoric, but rather a revolution in fact.

In 1775 the Battle of Concord signaled the beginning of our great heritage as a free and independent nation. Let us take care that the activities of the PBC are not used to bring about its conclusion.

PRAISE FOR COAST GUARD

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. STUDDS. Mr. Speaker, far too often we in Congress rise on this floor to condemn the technological advances that seem to control our lives more than they ease our living conditions. Therefore, I am very happy and proud that I can bring to the attention of my colleagues a case where complex machinery and Federal and local officials in my district combined successfully to ease the suffering of a 5-year-old boy. I have the greatest respect for the life saving capabilities of the U.S. Coast Guard—a service that my district with its fishing industry and pleasure boaters rely upon. I would like to read into the Record at this point an editorial from the New Bedford Standard Times of March 6, 1975, which echoes my feelings:

Man for Man

"To save a life—New Bedford Airport Manager Isidore Elsner, center, directs Coast Guard Dr. Leonard Kilmer, right, Donald Lynch and his 5-year-old son, Dwayne, to a waiting ambulance to take the boy to St. Luke's Hospital last night. Father and son were evacuated from Cuttyhunk and brought to New Bedford after the boy complained of acute abdominal pains."—Standard-Times photo caption. [Photo not printed in the Record.]

The next morning after the above occurred, we found on our desk a note from the night editor:

"Just a thought that the helicopter evacuation picture we had on Page 3 might warrant a small editorial pointing up the good side of man and his technological capabilities.

While our news pages are full of facts about what we inflict on one another in the name of progress, it's nice to know in time of crisis, or suspected crisis, that:

"1. The U.S. Coast Guard can dispatch men and machines to a small island; 2. Other agencies here, such as city police and medical services can be contacted to go on alert; 3. Somebody with a Pacemaker (Mr. Elsner) is out on a wind-swept runway waiting to assist and guide the airborne arrivals, on the run, to a waiting ambulance.

"It's just nice to know that people do 'give a damn' once in a while."

Yes.

OUTDATED RULES HURT LIVESTOCK PRODUCERS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BEDELL. Mr. Speaker, while many American industries could qualify for the position of most hard pressed, the American livestock farmers are surely stong contenders for the dubious honor.

Family farm livestock producers and feeders are now caught up in a devastating squeeze between low prices, rising production costs and losses from natural disaster such as the severe blizzard which struck Midwestern farmers this past January.

However, the most potentially devastating threat to the $30 billion livestock industry is to be found in the fast growing and ominous trend toward corporate agribusiness.

With its absorption and integration of entire chains of livestock production and all of the accompanying implications of possible corruption, manipulation, and overextension of resources, it is incredible to me that so little thought has been given to investigation and regulation of this industry since the original Packers and Stockyards Act was passed 56 years ago.

Following is the first of a series of seven articles published in the Des Moines Register from March 23 to March 30, 1975. Each of these excellent articles dealt with a number of aspects of livestock production and asked questions about an industry whose health and stability are intimately tied with the American food chain:

Outdated Rules Hurt Livestock Producers—Crisis in $30 Billion Industry; Dramatic Changes Since 1921 Law

(By Clark Mollenhoff, George Anthan, and James Risser)

Washington, D.C.—Dramatic changes have taken place in nearly every aspect of livestock marketing in the 55 years since the Packers and Stockyards Act was passed to assure cattle and hog producers fair play in the big packer-dominated terminal markets.

And many of those changes reveal that some aspects of the 1921 legislation are as outdated as the high adventure of riding the caboose of a cattle or hog train from Iowa to Chicago in the 1920s or 1930s.

STOCKYARD JUNGLE GONE

The jungle of the sprawling Union Stockyards in Chicago is gone, and the Big Four packers have lost the monopolistic control that made reform a necessity—but the new patterns for marketing cattle and calves, hogs, and sheep and lambs have brought new problems to independent farm producers.

Most of those problems center on policing the thousands of markets that have sprung up, or concern the threats of packing companies to gain control of cattle and hog production as well as slaughter.

Livestock marketing in the early 1920s was a $2.5-billion-a-year business locked to rail transportation and the central markets. Today it is a $30-billion-a-year industry passing through the interior markets and through hundreds of huge commercial feedlots with much of the livestock sold directly to the packers.

THE BIG FOUR

Prior to 1919, the Big Four packers exerted an anti-competitive control by dominating the stockyards, the feeding facilities and veterinarian services at the few terminal markets. In 1919, those Big Four packers signed a consent decree that barred the Big Four from operating a wide range of businesses they had been conducting on the fringe of their packing operations.

COURT DECREE

That the economic power of the Big Four meat packers has been considerably diluted over the past several decades is underscored by a little-noticed federal court decree in Chicago in January. That decree modified the historic consent decree of 1919, with a finding that once-powerful Swift, Armour, Wilson and Cudahy no longer dominate meat packing, and should be permitted to acquire interest in 33 previously forbidden lines of business.

In 1920, Swift, Armour, Wilson and Cudahy accounted for 46 per cent of the livestock slaughtered, and the top 10 packers in that era had about 70 per cent of the business.

By 1950, the meat packers that held the top four positions had only 39 per cent of the livestock slaughter, and in the last three years the top four packers have had less than 25 per cent of the livestock slaughter.

The top 10 packers, who had virtually all of the business in 1920, had less than 37 per cent in the last three years.

PICTURE CHANGED

By 1960, the number of packers had increased from 525 to more than 2,000, and in the last 10 years the entire picture of packer concentration has been changed by the swift rise of American Beef Packers, Iowa Beef Processors, Inc., and Missouri Beef Processors, Inc.

Cudahy, which was one of the Big Four for years, was not even in the top 10 packers in recent years. Swift, which for years held the Number One position with overwhelming percentages, dropped to 17 per cent of the nation's total by 1960 and by 1973 accounted for only 7 per cent of the total livestock slaughtered.

In 1973, the 10 major packers purchased more than 75 per cent of their slaghter cattle, hogs and sheep from farmer-producers or feedlots, and only 25 per cent from terminal markets and auctions, according to Agriculture Department figures.

SURVIVAL THREAT

In light of these changes in concentration, the Big Four complained that the 1919 consent decree's restrictions, which did not apply to other packers, were a threat to the Big Four's survival.

But the changed times seem to be an even greater threat to the livestock producers, particularly the cattle feeders.

The crisis in cattle marketing has driven more than 2,000 Iowa feeders out of business between 1973 and 1974, and this is only one manifestation of the trouble in the livestock producing industry.

IOWA FIGURES

Agriculture Department statistics show that Iowa had a peak of 50,000 feedlots in 1963. Although the number of feedlots had dropped to 46,000 in 1968, that was the year Iowa reached a peak of 4.7-million cattle on feed out of 23.3 million in the entire U.S. After 1968, there were sharp drops in the number of feedlots—down to 32,000 in 1974 when Iowa reported only 3.1-million fed cattle slaughtered.

Marvin McLain, administrator of the Packers and Stockyards Administration (P&SA), is one of those deeply concerned over whether the relatively small independent cattle feeders can compete in a field invaded by big grain companies and corporate feedlots (financed by what he calls "Wall Street cowboys" looking for a tax shelter) and influenced by packer-owned feedlots and mass buying by the big supermarkets.

While the changes in the marketing of livestock have affected hogs, sheep and lambs, and all types of cattle, the most startling changes have been in the marketing of steers and heifers, the most important part of the cattle feeding industry.

CONFIDENCE SHAKEN

Cattlemen's already limited confidence in the future of the industry was severely shaken a few weeks ago when American Beef Packers, Inc., of Omaha., the nation's second largest beef packer, was plunged into limited bankruptcy proceedings. Cattle and hog producers were left holding some $25 million in worthless checks and the company is still struggling to get back on its feet amid charges of managerial mistakes and fraud.

There are suggestions in Congress, from farm groups, and within the Agriculture Department that bonding of packers and tighter financial control is essential to avoid another American Beef calamity.

Some attempts to modernize the antiquated meat packing industry have generated unexpected problems. Iowa Beef Processors, Inc., has been highly successful with its "boxed beef" concept of turning beef cattle into cuts of steak and roast at the packing plant, but labor union opposition and other obstacles have blocked distribution in a number of major urban markets.

SHAKEDOWN RACKET

In New York City, the world's largest meat market, Iowa beef officials finally resorted to bribery in order to sell the pre-cut beef. The company and its top officer were convicted, but got off lightly because, the judge said, the firm was a victim of a New York shakedown racket.

While union rackets and packing company bankruptcy are the more sensational types of problems that influence the Iowa farmer's markets, the farmer is also faced with other more subtle pressures that encroach upon his ability to run a financially successful livestock feeding program.

The independent cattle feeder in Iowa, despite all of his advantages of location and tremendous feed grain production, is faced with these major pressures:

Startling increases in the number of big commercial feedlots that are for the most part farm factories. This development has been particularly significant in the last 10 years with Texas, Nebraska, Kansas and Colorado making the greatest changes. Iowa is still relatively unaffected by the swing to enormous feedlots of more than 8,000-head capacity.

The investments by those characterized as "Wall Street cowboys" in cattle operations that serve as tax shelters. This group includes doctors, lawyers and businessmen who are interested in deferring income more than in profit from investment, and this "funny money" creates an unreal competition for feeder cattle that has driven up the prices farmers must pay to obtain their feeder cattle. Some Arab oil money is reported to be involved, according to Agriculture Department sources.

Packer ownership of feedlots to assure a steady supply of livestock for slaughter has interfered with the normal supply and demand and has to some degree depressed the prices that farmers and ranchers receive from the packers.

The concentrated buying power of the big supermarket chains. The Agriculture Department reports that seven food chains are among the major slaughterers of livestock, and the economic leverage of the supermarket chains has been dramatized by recent litigation against the Great Atlantic & Pacific Tea Co. (A&P) by six cattlemen. A federal court jury in San Francisco handed down a $32.7-million verdict against A&P in an alleged conspiracy to set beef prices, in a case that has staggering legal and financial implications for the big supermarkets.

The purchase and operation of feedlots by the big grain companies, which amounts to a type of vertical integration, particularly when coupled with contract arrangements with packers and supermarkets.

What has happened in the total integration of the poultry industry demonstrates the serious problems that could face the Midwest's traditionally independent farmers if there is any large degree of vertical integration of cattle or hog production.

Both government and private experts warn that, if there is substantial integration, farmers may be forced to become contract producers, in effect working for the large agribusiness companies in order to have access to the markets.

Department of Agriculture economists point out that once-independent poultry producers throughout the South were forced to grow chickens under contract to large firms because, one by one, the independent poultry processing plants which once bought the farmer's chickens had been taken over by the large companies.

SOME LOSE MONEY

Studies have indicated that many contract farmers work for pennies an hour, and that some lose money. Southern poultry farmers are commonly referred to by many Agriculture Department officials as "laborers."

Now, there are reports that some large agribusiness companies are currently exploring the possibility of contract farming among the Midwest's independent cattle and hog producers.

Although the number of cattle feedlots in Iowa dropped from 34,000 in 1973 to 32,000 by the end of 1974, it still has by far the largest number of relatively small cattle feedlots in the country—those with under 1,000-head capacity.

The state with the second largest number of cattle feedlots is Nebraska, where there were 14,970 in 1974—460 with a capacity of more than 4,000 head and 14 with a capacity of more than 16,000 head.

While Texas had only 1,200 cattle feedlots in the 1974 figures, it had 199 cattle feedlots with more than 4,000 head capacity, including 38 with capacity of from 16,000 to 31,999 and another 31 with capacity listed at more than 32,000.

Iowa, which had ranked first in cattle feeding since such statistics were first kept in the early 1950s, hit its peak in 1968 and now ranks third behind Texas and Nebraska in total cattle production.

PANHANDLE GROWTH

In 1972, Iowa yielded first rank in cattle feeding to Texas because of a sudden growth in huge corporate feedlots in the Texas Panhandle.

In 1973 and 1974, Iowa dropped into third place behind Nebraska, which also showed a sensational growth in big commercial feedlots.

The Agriculture Department statistics on cattle on feed during 1973 and 1974 show Iowa as the westernmost frontier of the smaller independent cattle feeders, pushed up against the big corporate feedlots of Nebraska, Colorado, Kansas, Oklahoma and Texas. Corporate interests also deminate the cattle feeding in Arizona and California.

The law and regulations dealing with packer ownership and control of large custom feedlots were unclear in 1973 when Dr. Gerald Engelman director of industry analysis staff for the Packers and Stockyards Administration expressed concern over the potential anti-competitive effects of packer-custom feeding.

In custom feeding, which became a common practice in the 1950s, the cattle rancher keeps the calves for only a short time and then delivers them to a commercial feedlot where they are fed and sold directly from that lot. Beginning in the 1960s, many custom feedlots came under the ownership of non-farm investors, many of them people looking for tax breaks. Also, packing companies have become involved in custom feedlot ownership, viewed by some critics as anti-competitive because the packer-custom feeder can sell fed cattle to its slaughtering plant at a lower price than to other competing packers.

"The growth in packer ownership of custom feedlots and selling fed livestock to other packers represents a type of multiple-stage business activity, not unlike that that characterized the meat packing industry in 1920," Engelman said.

Engelman, born and reared on a farm near Alleman, Ia., was concerned over "tendencies toward monopoly" that were developing that had "real potential for further decreasing competition in livestock procurement."

"The conflicts of interest which arise when packers sell cattle owned by clients of their custom feeding operations are also likely to further restrict competition for livestock," Engelman said.

Engelman, educated in agricultural economics at Iowa State University and at the University of Minnesota, had been director of livestock industry analysis since 1962 and had been engaged in marketing research for more than 30 years.

LAST 2 YEARS

"Within the last two years, some packers have acquired or have planned to acquire custom feedlots, and some custom feedlots have acquired packing plants," Engelman said.

"Among the 17 firms that have made or proposed such acquisitions were the top four, the sixth and the eighth largest fed-cattle slaughtering firms in the country in 1972," the agricultural economist explained.

"Most of these 17 firms are major buyers in many states," he went on. "Together, these firms accounted for more than 60 per cent of the fed cattle slaughtered in Iowa, in Arizona, and in New Mexico. The accounted for more than 50 per cent of fed cattle slaughtered in Texas, in Oklahoma, and in Utah."

Engelman stressed the importance of this development, and warned: "It could have widespread effects on the competitive level of marketing fed cattle in most of the important cattle feeding states if packers carry out their custom feeding proposals.

COMPETITION DEPENDS ON BUYERS

"The level of competition depends on the number of buyers who are accessible to the cattle feeder," he said.

Engelman, sympathetic with the problems of the family farm in livestock marketing from his experiences as a youth on a 200-acre Polk County farm, went over the statistics and conclusions with McLain, a former Poweshiek County farmer.

McLain, also an Iowa State graduate, was equally concerned, and was in a position as administrator to take some steps to expand and clarify the packers and stockyards regulations dealing with packer purchases and control of custom feedlots.

A short time after McLain became administrator of the Packers and Stockyards Administration in 1973, it was called to his attention that one of the huge feedlot operations, the Arizona-Colorado Cattle Co., had made application for approval to construct a new packing plant.

VIOLATION APPEARED

McLain was advised that this appeared to be a violation of the Packers and Stockyards Act, but Department of Agriculture officials had been timid in moving against the big operators in the past.

"If it's a violation, we'll take steps to stop it," the outspoken former Iowa farmer declared. He set in motion the notice of new regulations that would flatly declare no packer should have any interest in any commercial feedlot, and that no feedlot should hold or acquire any interest in any packing house.

NEW REGULATION

Following extensive hearings McLain proposed a new regulation to bar packers from owning or financing custom feedlots, and to bar custom feedlots from owning or financing meat packers.

The rule, which met with the approval of the overwhelming number of congressmen, farm organizations, marketing organizations and producer organizations broadly declares:

"No packer, officer, agent, or employe of a packer, or person who owns a substantial interest in a packer, shall independently, or in combination with others, or through corporate or other devices" own, operate, finance or control a custom feedlot. The barrier to custom feedlot owners or operators having an interest in packers was just as broad.

There were 635 groups and organizations and individual farmers, congressmen and businessmen listed as supporting the regulation. A total of 59 groups and two congressmen were opposed, including 27 feedyards and 13 packers and packer organizations.

TOTAL INTEGRATION

The new packers and stockyard rules will permit a packer to own a feedlot for his own supply of livestock for slaughter, and is not intended to bar any farmer or feeder from raising and slaughtering his own livestock.

"Total integration is permitted because to bar it would prohibit a farmer from feeding, slaughtering, and marketing his own livestock," McLain said.

"What we hope we have done is make it clear that the big packers and big feedlots will not have interlocking directorates that can have a depressing influence on the cattle or hog markets," McLain explains. "I think it is about as much as we can do within the framework of existing law."

McLain said that he believes there should be some changes to provide for the bonding of packers, who are now exempt from the bonding provisions of the Packers and Stockyards Act.

McLain said the Packers and Stockyards Administration can use additional enforcement personnel, and that it is time for Congress to study the whole problem of livestock marketing to determine what direction the goverment should move to best preserve the independent livestock producers.

There is no question, in McLain's view or in the view of a majority of the congressmen and senators from the Midwest, that keeping the independent livestock producers in business is in the long-time best interests of the nation's consumers.

PRO AMERICA RESOLUTIONS—PART I

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ROUSSELOT. Mr. Speaker, this week I will be inserting in the CONGRESSIONAL RECORD copies of the resolutions adopted in April 1974 by the National Association of Pro America.

In their resolutions, this fine group of active American women has expressed concerns which are shared by many other Americans on such important issues as the hypocrisy of sanctions against Rhodesia, the importance of continued United States ownership of the Panama Canal and the Canal Zone, the necessity of reducing Federal spending and Federal controls, the dangers of Federal land use control, and the group supports the repeal of PSRO's—Professional Standards Review Organizations.

Twenty resolutions were adopted, and I am today inserting the first five resolutions, and the index to the resolutions—the remaining fifteen will be placed in subsequent RECORD. I urge all my colleagues to read these resolutions carefully in order to be aware of the views being expressed by this group which is dedicated to preserving our constitutional Republic, and is an advocate for protecting the best interests of the citizen-taxpayers of the United States.

The full text of the first five resolutions follows:

APPROVAL OF CONSTITUTIONAL SUPREMACY OVER INTERNATIONAL AGREEMENT—No. 1

Whereas in recent years it has been widely held that, under Article VI, Section 2, of the United States Constitution, treaties are the supreme laws of the land even though they contravene the Constitution itself, and

Whereas the efforts of patriots in the early 1950s to make clear the supremacy of the Constitution over treaties or other international agreements (through the Bricker Amendment) were defeated largely because of the claim that such an amendment would "tie the president's hands"; and

Whereas the near-ratification recently of the Genocide Convention which, in addition to its many dangerous provisions, would have deprived United States citizens even of the protection of the Connally Reservation because it, like many other treaties and conventions presented for ratification today, contains a clause which states that the decision of the World Court shall be final in the event of a dispute; and

Whereas a number of United States senators agreed with the arrogant insistance of Mr. John Scall, United States Ambassador to the United Nations, that, having ratified the United Nations Charter as a treaty, the United States is bound by international law to abide by its provisions, as well as all actions of the Secretary Council even though such actions are contrary to acts of the United States Congress or the Constitution; and

Whereas on December 18, 1973, based on these contentions, the United States Senate voted to repeal the Byrd Amendment to the Military Authorization Act which, if also repealed by the House of Representatives, will result in the reimposition of the full embargo against Rhodesia and will deprive the United States of high grade Rhodesian chrome; and

Whereas this goes beyond the question of trade with a friendly non-communist country or the acquisition of strategic material for national defense and raises the serious issue of whether a treaty, negotiated by the president or the State Department and ratified by a handful of senators, or even an executive agreement made by the president alone can set aside acts of the Congress of the United States and thus override the Constitution itself; and

Whereas the present seems a propitious time for the introduction by Congressmen Archer, Ashbrook, Symms or others, of a proposed Bricker-type constitutional amendment which would protect the sovereignty of the United States and the rights of United States citizens from destruction through treaties or other international agreements, because many who opposed it before are now in the forefront of the drive to limit presidenial authority, now, therefore,

Be it resolved That the National Association of the Pro American support a Bricker-type amendment which would protect the sovereignty of the United States from destruction through treaties or other international agreements, and urge senators and representatives to work for its passage.

DOCUMENTATION

The New "Bricker Amendment", Sara Riddis Jones, *DAR Magazine,* Jan. 1974 "U.S. Constitution Has a Dangerous Loophole", *National Defender* (DAR) Sept. '73 "Rhodesia Debate Illustrates Need for Bricker Amendment", Hon. John Ashbrook.

CONDEMN USE OF TAX-SUPPORTED PROPERTY FOR ANTI-AMERICAN PURPOSES—No. 11

Whereas Jane Fonda and her husband Tom Hayden are a most dangerous lobbying team for North Vietnam; and

Whereas their North Vietnam lobby is furthering its announced goal to have the United States government give five billion dollars in foreign aid reparations to North Vietnam, at the same time the lobby is attempting to discredit the United States and advance the cause of communism; and

Whereas Jane Fonda boasts of having incited American troops to disloyal conduct but, unlike Tokyo Rose and Hanoi Hanna, she is still permitted to operate freely in the country which she is betraying; and

Whereas the activities of these disloyal citizens have been subsidized by the United States taxpayers through the "authorization" of the use of federal office space and equipment in the Rayburn House Office Building to Jane Fonda and Tom Hayden, and of all other persons involved; and

Be it further resolved That the National Association of Pro-America condemn the use of tax-supported property for any anti-American purposes.

DOCUMENTATION

Congressional Record—Feb. 8, 1974—Hon. John R. Rarick, p. E579. L.A. Times—Oct 31, 1972, Activist Hayden Says He Will Go to Hanoi. FI-PO News—July 1973, Broadcasts Made Between July 8–22, 1972.

DEPLORE HYPOCRISY OF SANCTIONS AGAINST RHODESIA—No. III

Whereas because of the January 1, 1967 Executive Order of President Johnson, the United States was forced to comply with United Nations sanctions against Rhodesia even though chrome is a vital national defense material and Rhodesia is the principal source of high grade ore; and

Whereas the resulting United States dependence on communist Russia for low grade ore at much higher prices was remedied in 1971 by Sen. Harry F. Byrd's amendment to the military authorization bill, which effectively repealed the embargo on Rhodesian chrome; and

Whereas on December 18, 1973, at the instigation of Senators Hubert Humphrey and Gale McGee, the United States Senate repealed (54 to 37) the Byrd Amendment; and

Whereas this action, apparently sparked by statements of Mr. John Scali, United States Ambassador to the United Nations, was based on the contention that the United Nations Charter as adopted by Congress and ratified by the Senate, has the same standing as a provision of this country's Constitution and is the supreme law of the land; and

Whereas while certain senators insisted that we must abide by Article 25 of the Charter and comply with sanctions against Rhodesia, they completely ignored Section 2 of Article 7 which states "Nothing contained in this present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter . . ."; and

Whereas the United Nations, violating its own Charter provision, has, since its inception, promulgated conventions, treaties and covenants for the specific purpose of interfering in the domestic affairs of every country in the world in every conceivable area of activity and is, in the present instance, trying to interfere in the internal affairs of Rhodesia; and

Whereas the support by United States Senators of these sanctions on the grounds that Rhodesia discriminates against its black population, which is debatable, contrasts oddly with their eagerness for expanded trade (with Most Favored Nation status and American taxpayer-subsidized loans) with communist Russia, China and even Cuba, whose records of suppression, persecution, enslavement and murder are documented beyond question; and

Whereas in a suit filed by 15 members of Congress known as the Black Caucus, who were attempting to force compliance with the United Nations sanctions against Rhodesia, the question presented to the United States District Court, District of Columbia, was whether the United Nations Charter superseded an Act of Congress and the decision stated plainly that no treaty between the United States and a foreign nation could override an Act of Congress, and this decision has now been upheld by the Court of Appeals and the Supreme Court; and

Whereas boycotting trade with Rhodesia, while expanding it with communist countries is indefensible from a moral standpoint, injurious from an economic one, dangerous to national defense and, if forced because of the United Nations membership, unconstitutional from a treaty law standpoint; now, therefore,

Be it resolved That the National Association of Pro America support the removal of *all* sanctions against Rhodesia, and applaud those congressmen and judges who abide by the spirit as well as the words of the basic law of the United States, the Constitution, and whose highest allegiance is to the well being and safety of the people of this country.

DOCUMENTATION

"EXCLUSIVE", *Special Reports, Inc.*, May 14, 1973 (Fulton Lewis, III) *RHODESIAN VIEWPOINT*, 2–19–74, The Rhodesian Information Office Mary M. Davison Report, December, 1972.

"Double Standard Hokum", James J. Kilpatrick, *Houston Tribune*, 1–3–74.

End Executive Emergency Powers—No. IV

Whereas Congress has granted many dictatorial powers to the president available to him upon his Declaration of Emergency; and

Whereas States of Emergency declared by Presidents Franklin D. Roosevelt, Harry Truman and Richard Nixon have never been terminated and continue to this date; and

Whereas Executive Orders when published in the Federal Register become law without any concurring action by Congress, and the Federal Register has very little circulation, even in Washington, and few people have any knowledge of these Executive Orders; and

Whereas Executive Order 11310, published October 11, 1966, grants authority to the Department of Justice to enforce Executive Orders; now, therefore,

Be it resolved That the National Association of Pro America call upon Congress to declare an end to the continued state of emergency and rescind its grants of emergency powers to the President; and

Be it further resolved That the National Association of Pro America reaffirm its Resolution XII, 1973, entitled "Urge Congress to Reassert Legislative Power" and recommend a constitutional amendment which would provide that Presidential Executive Orders shall have no effect as law within the United States unless implemented by legislation.

DOCUMENTATION

"Power Politics Using the Executive Order" John R. Rarick, U.S. Representative (La.), National Defender, Sept. 1973, p. 4.

"How Little-known Presidential Orders Affect Your Life", Mark Johnson-Herald-Republic, Jan. 27, 1974—Parade.

Expose Energy Crisis—No. V

Whereas the imposition of more and more governmental regulations and restrictions has caused the energy crisis and will continue to reduce production and raise prices; and

Whereas the United States Geological Survey estimates, at current consumption rates, that the United States has a 500 year supply of petroleum, a 300 year supply of natural gas under its coastal continental shelves in addition to reserves in Alaska and in deep mainland fields, a 1500 year coal reserve, and 2 trillion barrels of high grade oil in shale rock located in Colorado and Utah and Wyoming on land owned mostly by the federal government (an amount six times greater than all the proven reserves of crude petroleum on earth); and

Whereas the petroleum companies, on which the United States depends for much of its high standard of living and a large part of its strong military defense, have been wrongfully charged with creating the energy shortage by withholding warnings of diminishing reserves, hoarding existing stores and limiting production in order to create shortages, when in fact representatives of the petroleum industry have for years warned of the effects of multiplying governmental regulations and controls on energy production; and

Whereas reduction or planned elimination of oil depletion allowances (all minerals producing companies are allowed depletion allowances though few, if any, incur comparably heavy exploration risks as do oil producers) will further discourage exploration and production; and

Whereas the Federal Power Commission since 1955 has regulated the price of natural gas at the well head with an artifically low price encouraging profligate consumption and discouraging exploration; and

Whereas Senator Henry Jackson's National Environmental Policy Act of 1969 has been used to halt development of virtually all sources of energy; and

Whereas in 1970 President Nixon by Executive Order created the Environmental Protection Agency, which has assumed all-encompassing and dictatorial powers and uses regulatory and enforcement powers of the federal government for environmental controls in the States over private businesses and the free enterprise system, resulting in more restrictions, increased shortages, higher costs, and decreased production; and

Whereas wage and price controls limit the price of American oil below the cost of production or the world market price and have discouraged production and encouraged exports; and

Whereas the National Energy Emergency Act of 1973, also authored by Senator Jackson, further compounds the crisis by granting to the President sweeping regulatory powers over individual, commercial and public fuel consumption and allocation; now, therefore,

Be it resolved That the National Association of Pro America call on Congress to eliminate governmental restrictions on the production of energy by repeal of the National Environmental Policy Act and the National Emergency Energy Act, by removal of wage and price controls and of Federal Power Commission control over natural gas at the well head, and by the abolition of the Environmental Protection Agency.

DOCUMENTATION

"The Energy Shortage" Rep. Steven D. Symms (Idaho), Congressional Record, Dec. 6, 1973 (39927–39929).

"Pushing The Panic Button" Don Bell Reports—Nov. 16, 1973.

"Nation's Economy Faces A Slow Down" by Clyde L. Motte, Nov. 11, 1973–p. 11B Dallas Morning News.

RUSSIA STILL PRESSING FOR U.S. TECHNOLOGY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ASHBROOK. Mr. Speaker, acquisition of U.S. technology has been a major goal of Soviet trade policy. The Soviet Union has used this technology to build up its industrial and military might.

According to Michael Boretsky, Soviet policy analyst at the U.S. Commerce Department, the Soviet Union is seeking world supremacy in science and technology. Since Russian technology still trails that of the United States, the Soviet Union is continuing its efforts to acquire American technology. Boretsky states that the Soviets are particularly interested in American aerospace know-how, computers, integrated circuits, and numerical control for machine tools.

Unfortunately, American businessmen have been all too willing to sell our valuable technology. The most recent example is that of Gould, Inc., of Chicago. On March 12, Gould signed a $47 million contract with the Soviet Union covering the supply of a complete automotive bearings factory and the training of Soviet engineers.

The Soviet Union needs American technology. The United States, however, does not need a more powerful Soviet Union. It is not in our national interest to build up Soviet industrial and military with American technology.

Following is the text of an article from the March 27 issue of the Machinist, which presents Boretsky's statements in more detail:

Russia Still Pressing for U.S. Technology

The Soviet Union still needs American space and defense technologies despite a twofold increase of funds and manpower for research and the development, according to Michael Boretsky, a Soviet policy analyst at the U.S. Commerce Department.

Boretsky reported at the recent annual conference of the American Institute of Astronautics and Aeronautics that the Russians are moving on many fronts to gain world supremacy in science and technology. He pointed out that recent changes in the Soviet Government's domestic policies nearly doubled the number of scientists and engineers in five years. In 1968, that work force was estimated at 594,000; in 1973, it stood at 1,069,000.

In the United States during the same time, the number of engineers and scientists increased from 454,000 to 531,000. While no figures are available, Boretsky adds that the Russians also increased their financial expenditures proportionately.

Boretsky pointed out, however, that despite the increased emphasis, Russian technology still lags behind Yankee ingenuity. Western technologies, particularly American, aerospace know-how, is high on the list of Soviet international trade goals. Other technologies given a high priority include computers, integrated circuits, and numerical control for machine tools.

Boretsky added that the Russians are excellent negotiators. They get bargain prices for American technologies by playing one U.S. firm off against the other. Instead of royalties, the Russians usually pay a flat price over a long period of time, usually at low or no interest.

ON SHAWNEE NATIONAL FOREST OIL LEASES

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. SIMON. Mr. Speaker, as some of my colleagues know I have been trying to get the Department of the Interior to authorize payment for oil leases of more than 50 cents an acre in the Shawnee National Forest and to put the land out for competitive bidding.

Exxon and Amoco are the two companies who would benefit under the present arrangement and would pay 50 cents an acre, rather than the customary $10 to $15 an acre which is paid for private land in the area.

I am pleased to say that Exxon has joined me in saying that the present leasing system does not make sense. I am placing in the RECORD the letter I have received from Paul H. Dudley, Jr., manager of their Southeastern Exploration Department.

I have been ready to criticize Exxon and the other major oil companies when I think they are wrong and I am pleased to take my hat off to them now and praise their stand in this regard.

Since the congressman from the affected district, one of the major oil companies, and the Public Land Law Review Commission in its 1970 report to the President all recommend competitive sale of leases, I hope the Department of the Interior will hear this mounting voice of support for competitive bidding, a more rational compensation for the land which is leased.

This is important to the counties in my district which are affected, but it is also important to all taxpayers of the Nation.

The letter follows:

EXXON CO.,
New Orleans, La., March 21, 1975.

Hon. PAUL SIMON,
House of Representatives, House Office Building, Washington, D.C.

DEAR MR. SIMON: An article appearing in the February 24, 1975, edition of the Chicago Tribune, attached, has come to my attention in which you mention our Company as being a party to a "threatened give away" of oil rights in Shawnee National Forest. This reference was in connection with simultaneous filings which we had made applying for oil and gas leases on portions of the forest.

I wish to emphasize that Exxon, in making the various applications, is merely following the law regarding oil and gas leases as it presently exists. The Mineral Leasing Act of 1920 and the Acquired Lands Leasing Act of 1947, which govern the leasing of public lands for oil and gas, provide for the simultaneous filing system for "noncompetitive" oil and gas leases and are applicable to the lands involved in the Shawnee National Forest.

For many years, Exxon has been critical of this leasing system. Representatives of our Company, appearing before various committees charged with investigating the Mineral Leasing Act, have strongly recommended a system of competitive bidding for the leasing of public lands. The Public Land Law Review Commission in its 1970 Report to the President recommended that competitive sales of leases should be held whenever competitive interest could reasonably be expected. We concur with that recommendation; however, until Congress deems it appropriate to change the system, we have no alternative but to abide by it.

My purpose in writing is to explain our position on this matter and to assure you that we, too, favor a competitive system for leasing such lands. Further, our interest in these and other lands, private or federal, is a necessary part of our exploration program designed to develop additional domestic sources of oil or gas.

Sincerely,

PAUL H. DUDLEY, Jr.

HOLOCAUST AND RESISTANCE DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. RANGEL. Mr. Speaker, Tuesday, April 8, marks the 30th anniversary of the liberation of concentration camp survivors. I ask that this day be proclaimed a national day of remembrance.

I ask that we set aside April 8 as a day commemorating the annihilation of 6 million Jews and as a day for paying tribute to our brave brethren who fought against fascism during World War II.

We cannot let this memory fade. The horrors and atrocities of World War II demonstrated the potential evil that man can inflict on his fellow man. We cannot afford to let the lessons of that past war be forgotten. We must not forget that the quest for freedom is a long and arduous one, but a necessary one if we are to guarantee that the debacle of World War II will not be repeated.

On the 30th anniversary of the liberation of concentration camp survivors, it is my sincere hope that this chapter of history will be taught in all places of learning, and that its lesson will be made clear for all humanity and for all generations to come.

I, therefore, ask my colleagues to rise in support of my request and pay tribute to those courageous ghetto fighters and noble servicemen who fought the Nazi tyranny and finally to the 6 million Jews who perished in those death camps. Let us not forget their lesson, lest they died in vain.

TAX EQUITY FOR SINGLE TAXPAYERS AND WORKING MARRIED COUPLES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. KOCH. Mr. Speaker, in considering tax cut proposals, we must seek to remove the tax inequities for unmarried persons and married persons where both the husband and wife work, and I have introduced legislation to that end, H.R. 850, with cosponsors.

Last week WMAL radio had two excellent editorials supporting tax reform in this area which I would like to afford for the information of our colleagues. The editorials follow:

THE SINGLE TAXPAYER

If you think your Federal income tax is based on income . . . you're wrong. It's based on marital status.

Every year more than 35 million Americans are overtaxed for one reason: They're single. The tax system in this country is weighted in favor of marriage where the wife doesn't work. Single taxpayers just because they are single, are overtaxed to the tune of $1.6 billion, each year.

The tax rate for a single person is as much as 20% higher than that of his married counterpart filing a joint return. On an income of $10,000 the penalty for being single is $270. On an income of $20,000 the penalty climbs to $850.

Taxing the same income at the same rate is as fundamental as equal pay for equal work . . . and yet since 1943 the Federal tax system has been anything but equitable.

Congress has the right to tax income but it was never given the right to tax marital status. For too long 35 million Americans have been asked or rather forced to pay for more than their share.

Congressman Al Ullman says he hopes the House Ways and Means Committee can produce a tax reform bill this session . . . one that would deal with single taxpayer discrimination. If you're a single taxpayer, take a minute to write Mr. Ullman. Ten cents in postage might save you hundreds of dollars in taxes next year.

DOUBLE INCOME MARRIEDS

Single taxpayers are overtaxed by as much as 20% . . . but there is another group of taxpayers who carry an even greater tax burden. They are the double-*income* marrieds.

"Double-income marrieds" is the tax classification given to married couples where both partners work. Their *individual* tax rate can be as much as 40% higher than that of a husband earning the same income but without a working wife. In dollars and cents it means at the $30,000 income level the penalty for having two bread winners as opposed to one could be $780. *It doesn't* make sense.

Our Federal tax laws are antiquated and unfair to say the least. We tax family units and not individuals. Our tax laws seem to be predicated on the assumption that all taxpayers are married . . . **male, and have wives** who stay at home. If you fit into that category you get a tax break . . . if you don't pay more.

The present tax inequities have been on the books since 1948. It's time to get rid of them. The same tax rate for the same dollar earned . . . **regardless of marital status and** regardless of the number of breadwinners . . . is *not* a matter of debate. It is a matter of justice . . . pure and simple.

Double-income marrieds . . . like single taxpayers are being ripped-off. If you're one of them, write Congressman Al Ullman. He's working on a tax reform.

YOUTH CAMP SAFETY BILL

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. QUIE. Mr. Speaker, the Secretary of the Department of Health, Education, and Welfare has transmitted a letter to the minority leader expressing his concerns over provisions of the youth camp safety bill, H.R. 46. Since the minority leader is not present and because H.R. 46 is currently on this week's legislative schedule and may come up tomorrow, I am inserting the letter from Secretary Weinberger in the RECORD for the benefit of all the Members:

MARCH 31, 1975.

Hon. JOHN J. RHODES,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR JOHN: This letter reports our views on H.R. 46, a bill "to provide for the development and implementation of programs for youth camp safety." This bill contains provisions unacceptable to the Department, and if the Congress were to pass this legislation, I would recommend to the President that he veto it.

There are three main parts of H.R. 46 which are objectionable:

The establishment of an Office of Youth Camp Safety in the Office of the Secretary headed by a Director.

Federal enforcement of youth camp safety standards under certain conditions.

Authorization of new, unnecessary, inappropriate Federal expenditures.

The Office of Youth Camp Safety would be responsible for a permanent national regulatory program for development and implementation of Federal standards to control specified conditions in youth camps and in Federal Recreational Camps; for review and approval of State plans; and for grants to States having approved plans. The Director of this office would also be responsible for enforcement of youth camp safety in States without approved plans. The bill vests in the Director of this office, rather than the Secretary of HEW broad and semi-autonomous operating powers. This arrangement would undermine the administrative prerogatives of the Secretary and make it difficult to draw upon existing technical expertise in the agencies to carry out the program. In our opinion, under this Office the statutory responsibilities could easily become the beginning of a large and costly Federal program should a sizeable number of States fail to develop and carry out programs consistent with the legislation.

Youth camp safety has been and should remain a State responsibility. The two areas in which the Federal government could assume some responsibility are the development of model safety standards and the provision of technical assistance to States requesting such assistance. HEW is already taking action in both of these areas. We are developing model legislation and regulations for States based on existing knowledge with the assistance of camping organizations and other appropriate experts. We are also providing expanded consultative services to Federal and State agencies administering programs concerned with camping and to camping organizations. The only realistic focus for programs to make camping safer is one in which State governments work closely with county governments, camping organizations, and parent and youth groups at the community level. Only State enforcement is feasible to deal with the diversity of youth camps that are transitory in both time and geographic location. No centralized program can ever develop or maintain reasonably accurate information on matters as basic as the existence and location of camps.

The bill would authorize new unnecessary and inappropriate Federal expenditures at a time when budgetary restraint is urgently needed. The bill authorizes $7.5 million for FY 1975 and for each fiscal year thereafter. This new program is inconsistent with the President's strong public commitment to oppose new spending programs. In addition, the lack of any significant mandated cost-sharing under the grant program would add a further incentive toward transforming youth camp safety from a traditionally State role to a primarily Federal responsibility.

In summary, the bill calls for inappropriate Federal controls in an area which has traditionally been and should remain a State and local responsibility. As noted above, the Department is developing model safety standards and providing technical assistance under existing statutory authority.

For all these reasons, the Department strongly urges that H.R. 46 not be enacted.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report and that enactment of H.R. 46 would not be consistent with the Administration's objectives.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

IMPRISONED UKRAINIAN WOMEN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. BINGHAM. Mr. Speaker, the Ukrainian National Women's League of America is a community organization working to keep alive the rich Ukrainian culture in our country. These dedicated women have developed continued interest and support for Ukrainian women who have been imprisoned for speaking out on issues that affect their lives and those of their fellow citizens. Many of these confined women are highly talented—among them are a microbiologist, an artist, a writer, and an historian—yet they are prevented from contributing to the life of their nation.

In light of the current celebration of International Women's Year, at a time when we strive not only for women's rights, but for the rights of all people, I urge the immediate release of these Ukrainian women and all who are imprisoned or otherwise persecuted for seeking to practice basic freedoms—freedom of speech and religion and freedom to emigrate.

"EVERYBODY'S BUSINESS" THE WORK OF CONGRESS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. CARTER. Mr. Speaker, I wish to commend Mr. Joe Bartlett, clerk to the minority, for his recent article, " 'Everybody's Business' the Work of Congress." I submit that it contains recommendations which would benefit the Congress and the people whom we serve.

To begin with, it does not show commonsense, as Mr. Bartlett points out, to open our doors for business at 12 o'clock noon and immediately leave for lunch.

Again, I feel that too much time is used in answering quorum calls. According to Mr. Bartlett's report, during 1974, 41 full work days were consumed in answering rollcalls. The quickie quorum, which Mr. Bartlett mentions, is also a monumental waste of time. I submit that maximum participation in the primary functions, the enactment of laws, is essential.

A December organizational meeting is necessary, and it would be wise for the new Congress to meet on the first Monday in December according to the original constitutional requirement.

Also, I submit it would be wise to use the first few months of the Congress for work by authorizing committees. Too many times, as Mr. Bartlett has so sagaciously stated, controversial measures are held back for consideration until the rush of adjournment begins. Many times over the past several years we have been confronted with bills over 100 pages in length, little of which had been available to the Members for study. Controversial legislation should be considered at an earlier date. I submit that all authorizations should be concluded before the first of April. At that time, appropriations should be taken up.

Of course, Congress should organize its daily work more efficiently, and Mondays and Fridays should be used for committee work, with the enforcement of the 1856 law requiring the Secretary of the Senate and the Sergeant at Arms to withhold the pay of Members not in attendance at any session for any reason other than for illness.

While the House is in session, there should be no committee work. At the present time, almost all committees are at work while the House is proceeding and, as a result, Members are called to the floor from their committees, coming in "cold" and having extreme difficulty in learning the content of amendments being voted upon.

Let me thank the distinguished minority clerk for his excellent suggestions. I include them for the RECORD:

"EVERYBODY'S BUSINESS" THE WORK OF CONGRESS

(By Joe Bartlett)

"That which is everybody's business, is nobody's business," or so Izaak Walton quoted the wisdom of a friend. He probably did not have in mind the people's business as performed by their representatives in Congress assembled, but it bears some comparison.

In our own special, ingenious, brand of democracy—our elected, representative, republican form of government—the responsibility for the fundamental conduct of the people's business is so broadly shared as to lose identity and to escape attention.

To describe our representative system as merely "ingenious" is to vastly understate the tremendous respect and admiration that a third of a century of working within that system has engendered. It is brilliant; it is beautiful; and I am thoroughly convinced that such a visionary plan of self-government could only have been the inspiration of Divine collaboration. Still, I stop short of declaring it sacred. After all, it was devised as an arrangement among fallible and mortal men. And it is to be respected and appreciated not so much as a venerable national institution, but rather for its effectiveness and usefulness as an instrument serving our citizens so very well for such a long time.

However, even the finest instrument is no better than the hands that guide it, and while I can find precious little fault with our basic system of government, I must admit we have not always used that system as wisely nor as well as we might have.

Even some who are not as prejudiced as I, regard the House of Representatives, or at least, the Congress, as the heart of the American body politic. It is to this vital organ of government that I would invite your examination.

Many have a cursory concern for the Congress, and many—so very many—have diagnosed its ills and prescribed its cures, more often with detachment, if not disdain.

We will try to treat it differently. We will regard it not only with acute awareness from years of close association, but with unabashed affection. We want it to survive, but even more, we want it to prosper and perpetuate. We claim uncommon cause: we love this Republic!

If I have persuaded you of my profound admiration for our magnificent framework of government, as well as of my devotion to the collective heartbeat of our democracy in the assembled Congress, perhaps you will grant my deep sincerity and objectivity when I observe that the ordering of the procedures for performing the people's business is, in my opinion, altogether archaic and abysmal.

Before we commence our analysis, permit me to establish one standard, against which we will test every suggestion, every comparison, and every criticism. That standard will be: *Does it serve the ends of democracy?* For those of us who still believe in democracy—and this 200-year-old grand experiment of entrusting free men with the deciding of their civil destinies—we believe that that which truly *"serves the ends of democracy,"* will surely best serve each of us within that democracy.

One ventures into this "nobody's land" of discussion at the certain risk of provoking somebody. We have heard others accused of self-serving and subterfuge behind a gossamer concern for congressional rehabilitation. Some have seen in very prescription for the improvement of Congress a power ploy on the part of the prescribed. It has been charged that maneuverings for advantage and favor have been the passion behind the myriad jurisdictional disputes. The specter of special interest has been sighted. And it has been alleged that most of the "cures" have been little more than cosmetic.

It is not our purpose to dismiss such subjective and temporal considerations as unimportant or unproductive. On the contrary, the exhaustive deliberations on such subjects in recent months have surely served many noteworthy purposes. We simply feel we can add little to these considerations.

Instead, we will try to deal in fundamentals—the basic procedures for the performing of the public business which have been almost totally ignored in spite of the super scrutiny of recent congressional reform movements.

Just for a starter: Can you imagine any business that would open its doors at twelve o'clock noon, and immediately send the bulk of its personnel off to lunch? How long do you thing they could continue to open their doors at all? Yet, that is exactly what we in the Congress do every day! And does anyone really think that *"best serves the ends of democracy?"*

In the minds of some I am sure I am already being challenged for comparing the business of Congress to any other kind of business. I fully recognize the difference. Democracy, by its very nature, is not expected to be highly efficient or economical. There are transcending standards by which it should be judged. But that must not be used as an excuse for ignoring good, sensible practices. In fact, it is incumbent upon public officials to use the most efficient and economical methods they can devise, so long as they do not compromise the ultimate test: *"Does it best serve the ends of democracy?"*

During the Second Session of the 93rd Congress just concluded in December, the House met 159 days, for some 813 hours, or about five hours per day.

With our elaborate new computerized voting system we recorded 727 Roll Calls during 1974, which required over 205 hours—or about 41 full work days!

Most of these Calls, and most of this time, are directly attributable to the fact that a quorum of the House was not in attendance to do business. Pray tell, how could this *serve the ends of democracy?*

(Parenthetically, let me say there are some tremendous advantages to the new electronic voting procedure, but saving time has not, predictably, proven to be one of them.)

The 41 days we cite above does not include a great deal of time spent on a new "quickie quorum" whereby the bells are rung to summon the Members, and as soon as 100 register their presence, they quitclaim the Call, and the Committee continues, even as the attendance again drains away. The same faithful 100 provide the necessary number for the Call almost every time (although there is no record kept to show it) while the other 335 Members need no longer concern themselves at all about interrupting whatever they may be doing. This undoubtedly provides a convenience for some, but does it *serve the ends of democracy?*

Whenever *one* Member is absent, some half a million constituents are without representation in the House, just as surely as if they had been disenfranchised by any other means. How anyone can rationalize a dereliction of this high trust of representation is beyond me. Even if you can find some excuse for congressmen in general, you may be a lot less tolerant when the absentee proves to be *your own* congressman, in particular!

Through the years Congress itself has created and compounded more conflicts with the primary legislative duties of the congressmen than you could imagine. That certainly does not *serve the ends of democracy,* and it ought not be countenanced.

It is to sorting out and rearranging and remedying these conflicts that I would bid you to reason along.

If we accept the premise that a maximum participation in the primary functions of the Congress—the enactment of laws—is desirable—nay, *essential!*—how do we achieve it?

It seems to me it is going to take some pretty courageous and comprehensive departures from a lot of bad work habits we have allowed to develop over the decades.

For a long time I have been advocating a re-ordering of the business of the whole session of Congress, and I was gratified to see the December organizational meeting adopted by the recent House reforms. But these are just Party caucuses, and if this year is any indication, they really do not give Congress the "running start" for which we had hoped. I would like to see Congress resume the original Constitutional requirement to meet the first Monday in December (Article I, Section 4) and formally organize . . . elect officers, adopt rules, select committees, receive the President's budget message (the second Monday in December), and adjourn to the second Tuesday in February.

This would commence a legislative year divided into four parts. This first period would be for overall budget determinations, with a preliminary Congressional budget statement being published one month later, on the second Monday in January, specifying exceptions to the President's budget message (notwithstanding the proposed timetable of the new Congressional budget program). These exceptions would be in terms of general outside limitations, not categorical specifications.

This first period would also be for the intensive and un-interrupted activities of the authorizing committees. So that when Congress came back on the second Tuesday in February, it could launch forth on authorizing legislation exclusively.

One of the most urgent needs of the legislative calendar is to reverse the incentive for the tardy reporting of measures by committees. Everyone is aware that controversial measures are regularly held back to arrive on the House Floor for consideration when the rush for adjournment distracts scrutiny and dissuades controversy. It is no secret that this bad habit has resulted in a lot of inferior legislation, and it certainly does not *serve the ends of democracy.*

The surest incentive for the early reporting of legislation would be a penalty for late reporting: Bills reported after April 1st would require a two-thirds vote for passage; bills reported after April 15th, a three-fourths vote for passage.

And aim to adjourn the authorizing session no later than May 1st.

Then send the Congress home for six weeks to consult their constituents on the programs that have been authorized, before they meet again to fund the programs. During this period the final detailed Congressional budget would be published.

The Congress would reconvene the second Tuesday in June to commence a session devoted to "Appropriations and Budget Implementation." All other subject measures would be out of order unless the Speaker declared them essential, not merely convenient, and even then they would require a two-thirds vote for adoption.

The same incentives we cited above should apply to this session, with the penalty of a two-thirds vote required on bills reported after August 1st, and stepped up to a three-fourths penalty after August 15th. This session should target adjournment by no later than the end of August, and hopefully by mid-August.

If this rearranging of the Congressional session should cause the Country to want to establish a general election day a month earlier, in October, that might prove to be one of the best byproducts of the whole reform.

Now that we have considered revolutionizing the legislative year, let us look at some proposals for improving the legislative week and day.

If Congress organized its daily work more efficiently—and if it is going to obtain the diligent attendance of its Members, this efficiency will be obligatory—I contend that the public business can readily be accomplished in three legislative days a week. This would leave Mondays and Fridays completely free for committee work or other activities.

However, on Tuesdays, Wednesdays, and Thursdays, the House would convene at 9:30 A.M. for a morning session lasting for two hours. Then a mid-day break for two hours. The session would resume at 1:30 P.M., and aim to conclude by 4:30. Such an arrangement makes so much sense it hardly seems worth taking time to enumerate the virtues.

If this were to achieve the ends of democracy we seek, the Congress would have to take the most stringent measures to prohibit *any* other activities during the actual sessions of the House. And the attendance of a full House would be the greatest possible inducement, I assure you, to the expeditious consideration of the legislative business!

To register attendance and avoid a time-consuming quorum call, I would propose that the electronic system be activated at the time the bells are rung 15 minutes before the convening of both the morning and afternoon sessions, and the Members be instructed to record their presence at that time. The system would close when the gavel fell to call the House to order, and the Roll at that time would constitute the official attendance at that session.

A preacher once told me that the surest way to increase the size of your congregation is to estimate it, but I expect the above procedure would cause a substantial improvement in attendance in the House, at least for the Chaplain's inspiring, opening prayers, and if there is one thing we really need above all else it is the continued grace of Him whom we earlier acknowledged as the co-author of our framework of freedom.

Now, if all of these measures have failed to achieve that "essential maximum participation" in the primary responsibilities of representatives, Congress could use the Rolls obtained above to enforce a statute that has been the law of the land since 1856 requiring the Secretary of the Senate and the Sergeant at Arms of the House to withhold the pay of any Member not in attendance at any session (other than for illness). It might be a very effective measure to encourage diligence in the duties of democracy.

Methinks we have ventured about as far abroad as we dare on this first voyage into unchartered waters. I trust the experience has been thought provoking, if not too boggling, and that you will continue to give it your earnest reflection and abiding concern. *Making Congress work the very best we can is our most promising hope of preserving this beloved Republic!*

So, let us now summarize this unusual examination of the congressional conduct of the people's business—everybody's business—*your* business, and mine! First, we established the singular, supreme standard that all our endeavors should *"best serve the ends of democracy."* Secondly, we have adopted certain goals, such as *maximum participation,* as essential to that standard. Third, we have considered reorganizations that might contribute to our goals. We have proposed revolutionary restructuring of the congressional work day, the work week, and the legislative work year. And lastly, but most importantly, we have suggested incentives which might make these high aspirations attainable.

Would it all *serve the better ends of democracy?*

I believe it would.

THE ANTI-DEFENSE LOBBY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. CRANE. Mr. Speaker, there are many individuals and groups in Washington which oppose the necessary level of expenditure upon national defense, arguing that we are already the world's most powerful Nation and the additional spending is, accordingly, superfluous.

The first response to such groups and individuals is that the United States has fallen behind, or is in the process of falling behind, the Soviet Union in almost all major areas of defense preparedness.

In the important book, "Arms and Strategy: The World Power Structure Today," Prof. Laurence Martin of King's College, London, discusses the relative strengths of the United States and the U.S.S.R. in the current, post-SALT-1 period.

Professor Martin notes that—

> The agreements on offensive weapons concede the Soviet Union a numerical superiority in both ICBMS and SLBMS. The number of SLBMS is explicitly set forth in a protocol as a maximum of 710 for the U.S., on 44 submarines, and 950 for the Soviet Union on 62 submarines . . .

The relative strengths of NATO and the Warsaw Pact also show a clear Communist advantage Professor Martin notes that—

> At present strengths, on the day when mobilization began, NATO would have eight armoured and sixteen infantry divisions, compared to twenty eight armoured and thirty seven infantry Warsaw Pact divisions. To NATO's 6,000 main battle tanks, the Pact can muster 16,000 of which 10,000 are Russian. In tactical aircraft, NATO has rather less than 200 to the Pact's 3900.

One of the organizations which is busy spreading misinformation concerning the defense posture of the United States and its relationship with the Soviet military capacity is called the Center for Defense Information.

Recently, the U.S. Industrial Council published a study of the center's activities under the title, "The Anti-Defense Lobby: Gene La Rocque and the Center for Defense Information." This study was prepared by author and columnist Allan C. Brownfeld.

Discussing the findings of the study, Anthony Harrigan writes the following with regard to the Center for Defense Information and its head, former Rear Adm. Gene R. La Rocque:

> Admiral La Rocque is frequently quoted in journals opposed to strengthening of U.S. defenses. He has testified against defense spending before House and Senate committees. It is terribly important, therefore, that Congress and the public recognize that the findings of Admiral La Rocque and the Center for Defense Information are not in accord with the facts developed by defense authorities in the free world. . . . Allan Brownfeld's authoritative report on the center is must-reading for members of Congress during the coming debate on national defense.

I wish to share with my colleagues the column, "The Anti-Defense Lobby," by Anthony Harrigan as it appeared in the Muncie, Ind., Star of March 13, 1975, as well as in newspapers throughout the country, and insert it into the RECORD at this time:

THE ANTI-DEFENSE LOBBY

(By Anthony Harrigan)

The hope the American people were urged to place in detente with the Soviet Union has been largely shattered by the Soviets' deployment of powerful new missiles with giant warheads. Increasingly, thoughtful citizens realize that, in the Soviet view, detente is but the cold war pursued under another name.

Not all Americans will admit to the reality of Soviet power drives, however. Influential elements in Congress and the academic-metropolitan media complex are determined to push for unilateral disarmament by the United States. They oppose development of new weapons or the replacement of ships and aircraft worn out as a result of many years of hard service. Together, these elements form a powerful anti-defense lobby.

In the structure of this influential lobby no organization plays a more significant role than the Center For Defense Information headed by former Read Adm. Gene R. La Rocque known to many as the "Ralph Nader of the Pentagon." The center itself is financed in part by the Fund for Peace, an organization which has been active in promoting anti-defense groups and causes.

The center's role has come under-close scrutiny in a recently published public report by Allan C. Brownfeld, Washington correspondent of To The Point International and a frequent contributor to Human Events Magazine.

Writing in the report issued by the United States Industrial Council, Mr. Brownfeld challenges the anti-defense positions of the center. He observes that "The Center For Defense Information has rejected the findings of most defense authorities in almost every area of its consideration." He states that "it is in opposition to almost all informed opinion on defense matters.

Mr. Brownfeld points out that "While the center calls for dramatic cuts in U.S. defense spending, arguing that it will help ease our current rate of inflation, Adm. La Rocque completely ignores the fact that the Soviet Union devotes more than three times as much money to military research and development as the U.S. does, or over $25 billion annually to $8 billion for the U.S."

Mr. Brownfeld also notes that:

"While La Rocque discusses 'détente' and urges American withdrawal from its world commitments as well as dramatic cuts in defense spending, the Soviet Union pursues only a rhetorical 'détente' while pushing ahead in all major weapons systems and armaments. The U.S. Navy, Admiral La Rocque does not tell his audiences, has been cut almost in half within the past six years."

The public report by Mr. Brownfeld is frank and hard-hitting. Mr. Brownfeld, a veteran observer of the national scene, concludes:

"With its quasi-objective format, the Center for Defense Information has distorted much of the reality of America's military posture vis a vis that of the Soviet Union. This is not a question of philosophy, not even a question of whether or not one views the Soviet Union as an aggressive force in the world. It is, rather, a question of exactly what the relative strengths of the two nations are."

Adm. La Rocque is frequently quoted in journals opposed to strengthening of U.S. defenses. He has testified against defense spending before House and Senate committees. It is terribly important, therefore, that Congress and the public recognize that the findings of Adm. La Rocque and the Center For Defense Information are not in accord with the facts developed by defense authorities in the free world. The built-in bias of the center against a strong defense posture should be clearly comprehended.

Allan Brownfeld's authoritative report on the center is must-reading for members of Congress during the coming debate on national defense.

THE VIETNAM TRAGEDY: "A TIME FOR HUMILITY, SILENCE, PRAYER, AND HEALING ACTIONS"

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. EVINS of Tennessee. Mr. Speaker, the New York Times in a recent editorial took the position that now is not the time to attempt to fix blame on any group in America for the Vietnam tragedy—but rather a time to refrain from recriminations and turn instead to "humility, silence, prayer, and healing actions."

Certainly the point is well taken and because of the interest of my colleagues and the American people in the Vietnam situation, I place in the RECORD herewith the editorial from the Times.

The editorial follows:

[Editorial From the New York Times]

TO SAVE THE FUTURE

As the battle of Britain began in June, 1940, and his nation stood perilously near to defeat, Winston Churchill told the House of Commons: "If we open a quarrel between the past and the present, we shall find that we have lost the future."

Those words are as wise today in the different context of Vietnam as they were when Churchill uttered them. This is Vietnam's agony, not America's; but it is one in which this country has long been intimately involved. That involvement did grave damage to this country, to its domestic tranquility, to its self-confidence in carrying out the responsibilities of a great power, and to its moral prestige. If Americans now engage in recriminations concerning the final fate of Vietnam, the damage can only worsen and multiply.

There are those Americans who believe that the war to preserve a non-Communist, independent South Vietnam could have been waged differently. There are other Americans who believe that a viable, non-Communist South Vietnam was always a myth and that its present military defeats confirm the validity of their political analysis.

A decade of fierce polemics has failed to resolve this ongoing quarrel. It is a complex disagreement involving as it does issue of political power, military strategy, ethical responsibility, and historical scholarship. Does anyone, regardless of his or her viewpoint, sincerely believe that more words and more analysis can possibly resolve this disagreement now when scenes of blood and horror stun the emotions and make imagination a beggar?

At this tragic hour, the President of the United States should set an example to the nation of dignified and constructive comment. Instead, from the surreal setting of a Palm Spring golf course. President Ford through his press spokesman said on Monday that he attributed the rapid deterioration of South Vietnam's military situation to two factors: "North Vietnamese violations of the cease-fire and the failure of Congress to put up the money which he feels affected the morale of the South Vietnamese army." At his press conference Thursday, he said he would not point the finger of blame at anyone; but the clear implication of his replies to various questions was to do just that—once again at Congress.

But it is likewise no suitable time for critics of past and present American policy in Southeast Asia to draw lessons from this debacle or to elicit self-justification from another people's ordeal. Clio, the goddess of history, is cool and slow and elusive in her ways; she cannot be coerced to speak the lines of any participant in this battle when blood still stains the ground and screams are everywhere.

Only later, much later, can history begin to make an assessment of the mixture of good and evil, of wisdom and folly, of ideals and illusions in the long Vietnam story. To try to pre-empt history's role now is only to perpetuate the bitter quarrel of the last decade in a new and uglier form. This nation went through one such hideous political and intellectual debauch—"Who lost China?"—a generation ago. It most certainly does not need to begin another one now.

This is a time for humility and for silence and for prayer. Deep and poisoned wounds have been inflicted upon Vietnam, some of them by Americans. Instead of words, let the healing actions begin.

POSTAL FEATHERBEDDING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1975

Mr. ASHBROOK. Mr. Speaker, a subcommittee of the Post Office and Civil Service Committee is holding hearings on H.R. 55 and H.R. 56. The two bills would grant postal workers the right to strike and mandate compulsory unionism for those workers.

I am strongly opposed to both pieces of legislation. They serve neither the public interest nor the interest of the postal workers.

The public has a right to expect that the mail will be delivered without interruption. In fact, prompt and proper mail delivery is essential in today's society.

Social security checks, veterans pensions, and compensation payments—as well as many other important business and personal materials—all travel through the mail. A postal strike would shut off these vital communications and jeopardize the welfare of the American people.

The interest of the postal workers also would be injured. A worker who refused to join the union would be fired.

A person should not be forced to join or pay dues to a labor union as a precondition of working for the quasipublic postal corporation. This is a violation of individual liberty. Postal workers should be guaranteed freedom of choice in whether to join or not join a union.

Following is a thought-provoking column on H.R. 55 and H.R. 56 by Anthony Harrigan, executive vice president of the United States Industrial Council:

POSTAL FEATHERBEDDING

(By Anthony Harrigan)

When Congress created a new postal corporation in 1970 in an effort to stop deterioration of service and mounting costs in the handling of mail, labor unions exerted tremendous pressure to obtain all the special privileges in the new postal corporation that they enjoy in the private sector. But while Congress did include many privileges for unions in the labor-management provisions of the postal reorganization act, it refused to grant authorization to postal employee unions to call strikes or to compel unwilling postal employees to pay union dues or fees.

In saying "no" to strikes and compulsory unionism in the postal service, Congress recognized that the strike weapon and compulsory unionism have created continuous strife and discord, and have led to declining efficiency and productivity, coupled with uneconomic cost increases. This has been the experience in the private sector and wherever these union practices have been permitted in the public sector.

Congress recognized that the public has a right to expect uninterrupted delivery of the mail, and that union disruption of this essential service was contrary to the public interest. It also recognized that, as a matter of right, no individual should be required to join or pay fees to a labor union or any other private organization in order to be permitted to work for the quasi-public postal corporation.

The public has cause for indignation that the postal employee unions are back once again pressuring Congress for extraordinary privileges that would enable them to increase their power and their income from union dues and fees. Citizens may properly question why the Subcommittee on Postal Facilities, Mail and Labor Management should give officials of these unions a forum for renewing their demands.

The kind of pressure that postal employee unions are able to exert over members of Congress, as evidenced by the holding of these hearings, is all that is needed in the way of proof that union power should be reduced rather than expanded, as would occur under the proposed legislation H.R. 55 and H.R. 56.

H.R. 55 would confer on postal workers the right to strike. And H.R. 56 authorizes compulsory unionism for postal workers.

Additional proof of the misuse of union power was given, however, by threats made by officials of the letter carriers union relative to proposed introduction of new efficiencies in the postal service.

Through experimentation, the postal service determined that after a computerized study of delivery routes, routes could be restructured so as to reduce the number of letter carriers without reducing service. The letter carriers union announced that if the plan for restructuring routes were introduced nationwide, the letter carriers would strike. They brushed aside reminders that such a strike would be in violation of the law.

According to the letter carriers union, the restructuring of routes would eliminate 15,000 jobs and reduce the cost of operating the postal service $225 million a year.

Actually, the saving to the hard-pressed postal corporation, which is running deeply in the red, could be much larger.

If union officials are permitted to get by with this kind of strike threat, or actual strike, and saddle the postal service permanently with such featherbedding, the public can only look forward to spiraling postage rates and declining service. The course of the postal service will parallel the course of bankrupt railroads, where union featherbedding has been the order of the day for many years.

SENATE—*Thursday, April 10, 1975*

The Senate met at 9:15 a.m. and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, our needs are many, but our greatest need is of Thee. Thou hast made us for Thyself and our hearts are restless until they rest in Thee. Breathe on us now a sense of Thy presence and peace and power. Take our trembling hands in Thine and guide our hesitant, uncertain feet in paths of righteousness.

In the agony of these tragic days show us anew that no nation lives to itself, rises or falls alone, that all life is diminished by suffering and anarchy. Spare us from the lament about the past which paralyzes action in the present. In Thy infinite wisdom wilt Thou transform failure and suffering into opportunities to create a better world.

Guide, we beseech Thee, the President and his counselors, all legislators, administrators, jurists, and diplomats that discerning what is Thy will they may have grace to do it.

We ask it in the Name which is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 10, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 9, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider certain nominations on the calendar, beginning with the Department of Commerce.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The first nomination will be stated.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Bernard A. Meany, of Connecticut, to be an Assistant Commissioner of Patents and Trademarks.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Maj. Gen. William Lyon to be Chief of Air Force Reserve.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The second assistant legislative clerk read the nomination of Lt. Gen. Walter James Woolwine, to be placed on the retired list in the grade of lieutenant general.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy for temporary promotion to the grade indicated in the staff corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps for permanent appointment to the grade indicated.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force, in the Army, and in the Navy placed on the Secretary's desk.

Mr. MANSFIELD. I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(All nominations confirmed today are printed at the end of the Senate proceedings.)

DORSEY J. "JOE" BARTLETT AS BRIGADIER GENERAL

Mr. HRUSKA. Mr. President, it was with genuine satisfaction that I note on the Executive Calendar today for appointment as a brigadier general in the U.S. Marine Corps Reserve the name of Dorsey J. Bartlett.

It occurs to me that some of my colleagues may not recognize that as the formal name of the popular Joe Bartlett, the personable and capable chief of the minority staff in the House of Representatives.

The Members of this body, of course, know Joe Bartlett very well because for 17 years he has been the Senate liaison from the House. He has appeared on this floor many, many times.

Joe came to Capitol Hill 34 years ago as a page and has fashioned an exemplary career of service to the Congress.

It has been my pleasure to know and admire Joe Bartlett for some 22 years, beginning with my service as a Member of the other body.

It is with special pleasure, then, that we today are voting to confirm President Ford's nomination of him to serve as a general officer in the Marine Corps Reserve. This is a further recognition of Joe's leadership and dedication to service to his country. His many friends call him Joe. It will not be any effort to address him as "General." He has earned the competence and respect to make it so.

JOE BARTLETT PROMOTED TO BRIGADIER GENERAL

Mr. DOLE. Mr. President, it is certainly a pleasure for me to be able to join in offering congratulations to my good friend, "General Joe," on the occasion of his most recent recognition.

Someone once said that in these troubled times, America needs more uncritical lovers and less unloving critics. Joe Bartlett is an uncritical lover, not only of America, but of the House of Representatives and the U.S. Marine Corps as well. He has dedicated his life to the service of his country, the honor of his corps, and the dignity of the greatest parliamentary body on this Earth—the U.S. Congress.

Since his service began as a House page in 1941, Joe has displayed the integrity and the ability that make him one of the pillars of the House of Representatives and one of the mainsprings of the U.S. Marines.

Yes, "General Joe," we are proud of you today.

Mr. STAFFORD. Mr. President, I want to join in this salute to Joe Bartlett with with a resounding "aye" vote on his confirmation for promotion to brigadier general in the U.S. Marine Corps Reserve. I am grateful to the President of the United States, and the Secretary of the Navy, and the Marine Corps selection board, for giving us this opportunity.

In earlier years it was my privilege to "ship" with Joe Bartlett as members of a Navy-Marine Corps composite reserve unit, and we made inspection tours of many vital military and naval activities together. I have had a chance to observe him on duty. Joe was always a sincere student of the problem, whatever it was presented to be. He had a deep concern for defense considerations, and if it became a question of catching the "liberty gig" or sticking with the problem a little longer, Joe was invariably among the more diligent. If I make him sound too severe, there are many here who know that is not so; Joe is always among the most gregarious in any company.

However, Joe's record in the corps is filled with tributes to his good works from such great leaders as Adm. Jack McCain, Gen. Lew Walt, and Secretary of Defense Mel Laird. In what is probably a unique honor, Joe has earned the commendation of each of the past seven Commandants of the Marine Corps for his Reserve service.

It was the immediate past Commandant, Gen. Leonard Chapman, who sighted a star for Joe when he commented on his promotion to colonel with the assertion:

> I can think of no Reserve Officer who demonstrates more potential based on past performance and continued support of the Marine Corps than Joe Bartlett.

There may be those who do not know Joe, or his service, who will allude to some imagined advantage of his position with the Congress. The truth of the matter is quite the contrary. Joe has won this recognition in spite of his position, because that is the way it is in this environment, and I am not here to say that it is not the way it ought to be.

However, I would like to suggest that if Joe had "gone regular" and made the Marine Corps his primary career, and given to that calling all the energy, and industry, and devotion he has given to the Congress during the past 34 years, that instead of the Reserve brigadier we are confirming here today, Joe Bartlett might be the next candidate for Commandant. And I would like to think he would have been a choice of universal acclaim!

We are glad he did not choose that career, because he would have been sorely mised on the staff of the Congress. It must be gratifying for him to realize the avocation he has served so conscientiously has rewarded him with this distinguished honor.

Mr. SCHWEIKER. Mr. President, I am delighted to join with my colleagues in these felicitations concerning Joe Bartlett and his confirmation as a brigadier general in the U.S. Marine Corps Reserve.

Primarily, I congratulate the Marine Corps on this outstanding selection, because those of us who have been associated with Joe over the years, and who have watched his performance in behalf of the Congress, know that he will bring credit to the Marine Corps and to himself in this new stellar role.

Joe has earned the most enviable reputation for integrity and devotion in the public service. It is a source of real pride to those of us who have shared his valued friendship to see him recognized and honored in this way.

Joe Bartlett's dedication to the Congress is matched only by his devotion to the Marine Corps. A man of discretion, and circumspect in every way, Joe's enthusiasm about the things in which he believes is a highly admirable characteristic, and his cheerful countenance is a Capitol asset.

I take particular satisfaction in being able to cast my vote to confirm Brig. Gen. Dorsey J.—our Joe—Bartlett, and I extend my congratulations to his lovely wife and daughters.

Mr. MATHIAS. Mr. President, an unfamiliar name on the Executive Calendar today belongs to one of the most familiar persons on Capitol Hill. Dorsey J. Bartlett is Joe Bartlett, minority clerk of the House of Representatives and formerly the reading clerk in House. I congratulate him on his confirmation by the Senate as a brigadier general in the Marine Corps Reserve. I had the pleasure of first meeting Joe Bartlett when I was elected to the House in 1960. Although I left the House to come to the Senate in 1968, Joe Bartlett remains firmly fixed in my friendship. More important, his long and distinguished record of public service—in the military and in the legislative branch—is one that deserves recognition and commendation. By confirming his promotion to brigadier general, the Senate has extended to Joe Bartlett an expression of its respect for him. I am pleased to join my colleagues in that expression to a friend and distinguished citizen.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VICTIMS OF CRIME ACT OF 1975—S. 1399

RIGHTS FOR THE VICTIM OF CRIME

Mr. MANSFIELD. Once again I rise on behalf of the countless thousands of innocent victims of crime. At the conclusion of my remarks I shall send to the desk for appropriate reference the "Victims of Crime Act of 1975." I do so out of a deep sense of personal concern for the effects of violence upon society today. Indeed, it is a society where attitudes of concern and compassion have been replaced so often recently by those of apathy and indifference. Were they personally involved, I doubt that any person in or out of this Chamber could forget what happens when they, their families or loved ones are victimized. But what happens when one is not so personally involved was revealed recently in a series of articles published by the Washington Post under the caption: "Victims of Crime."

The story told is of how America has suffered deeply and in many different ways from the ravages of crime. Across this land the daily press documents seemingly endless episodes of violence, of aggravated assault and arson, of burglary and murder, of rape, riot, and robbery. As is so often the case, however, attention is directed to the perpetrator of the act—the criminal and to his pursuer—the law enforcement agency. But what of the victim? What of his treatment by society? What of his plight?

There is the Constitution and there are the laws of this Nation. Together they provide a carefully framed system of law enforcement and criminal justice. Wherein in that system lies concern for the victim?

Recent efforts by the Congress and other institutions of Government have been directed to new approaches designed to stem and even reverse the rate of crime and violence. But what of the victim? Where is the effort in his behalf? Under our code of justice, there are but two parties: the people and the criminal. It is a system that too often finds the Government bogged down in court. It is a system that finds the criminal—if convicted—more hardened and even more expert at his trade locked in a penal institution ill-equipped and unable to perform its basic task of rehabilitation. And what of the criminal victim? What of his injury and suffering, his personal loss and financial impairment? As a practical matter, he is left to pursue a cause of action for damages against a defendant who if apprehended is typically destitute and judgment proof. I do not know the figure today, but not too long ago according to the President's Commission on the Causes and Prevention of Violence, a bare 1.8 percent of the victims ever collected anything from their attackers.

In effect, under our system, the criminal victim is virtually separated from the crime, often left helpless, often destitute, and always unattended.

In the last two Congresses the Senate has passed legislation that would change this pattern. Most recently it was S. 300, approved in the 93d Congress. What the Senate has recognized by acting in this area is a concept that finds its historical base in the very first criminal justice code. But without belaboring its traditional validity, I would just say that the justification for such a program for crime victims stems today from a number of diverse yet totally compelling notions.

There is first the idea that once society undertakes to furnish protection to its members by way of police and safety facilities, it should, if those protection efforts fail, assume a responsibility for the victim and for his loss. Beyond this contractual arrangement there are numerous precedents based on similar social responsibilities. There is a great similarity in rationale and origin, for example, between the idea of compensating workers, assuring them a reasonably safe place in which to work and compensating victims of crime, assuring them a reasonably safe society in which to live.

Social security and medicare; aid to dependent children, assistance for the handicapped, the aged and the blind, notions of no-fault insurance and national health insurance—all reflect a recognition of collective responsibility.

Fulfilling this responsibility with regard to victims of crime is no easy task. The bill I introduced attempts to face the problem. If adopted at the Federal level, however, it would by no means represent the first such step taken in modern times. Indeed, within the last 12 years, New Zealand, England, particular provinces in Canada and Australia—all have enacted Government programs to compensate innocent victims of violence. In addition, the States of California, Hawaii, Nevada, Maryland, Massachusetts, New York, and most recently, New Jersey and Alaska, Rhode Island, and Washington, all have enacted some type of program along these lines.

May I say that I have endeavored to study this problem as deeply as any that has gained my interest and concern in all my years in public life. In my judgment I believe this proposal, as it is drafted, by and large represents the best approach. In substance it reflects the will of the Senate expressed on five past occasions in adopting a crime victim bill.

There have been minor changes in this recent measure, perhaps reflecting the evolution of the concept as it has been developed by the legislative process. One significant change involves the structure of the program—to express it in terms of reimbursement rather than compensation. Reimbursement, in my judgment, Mr. President, exhibits a more accurate characterization of what is here involved. What we are seeking to do is to restore the innocent victim to his financial status immediately before the crime which caused his loss. We therefore are reimbursing him for those losses that are not covered otherwise—either by insurance, by judgments obtained in a court of law or by whatever means. A second change would eliminate the so-called means test. Under prior proposals passed, to qualify for recovery an injured victim of crime would have to suffer what is defined as undue financial stress. That test has been patterned upon standards set forth in the New York State statute.

In practice, it is not a valid test simply because most of those victims of crime to whom it applies are covered by insurance and for that reason would be ineligible to obtain recovery under this act.

In practice, I would say, too, that the New York experience has shown that only a very small fraction of claims are denied for failure to meet the "undue financial stress" standard.

In this respect, also, it should be noted that all citizens of this Nation are equal before the bar of justice. I would hope that the same concept of equality might exist for victims of crime; when seeking to assert his rights and redress his wrongs the victim of crime deserves similar equity.

A third change that I have proposed in this bill involves the matter of the indemnity fund which is designed to provide the centerpiece for the financial base of this program at the Federal level. Under this bill reparations are paid to victims and for that purpose a criminal victim indemnity fund is created. Its primary base would be fines paid into the Federal criminal system by convicted defendants. It is contemplated that supplemental amounts would be provided by other sources, including moneys earned within the U.S. prison industries. This approach would place the bulk of the victim's economic burden directly on the criminal—where it belongs. Part B of the bill—the State grant portion—imposes upon the States a similar undertaking so that in all criminal jurisdictions which recognize the victim's rights, the criminal is compelled to work—in part at least—to pay—truly pay—for his crime. This requirement ultimately would be a condition to the receipt of any Federal moneys under part B of the proposal.

This brings me to another point which I believe is of some concern. In my judgment the core of any Federal program in this area must necessarily be provided by the District of Columbia. I certainly would agree with the sentiment that local people and local personnel ought to be depended upon for their particular expertise and knowledge and awareness of crime and its effects within the District of Columbia when administering this type of program.

Such a notion, however, would not be inconsistent with or preclude the inclusion of the District of Columbia in part A—the Federal part—of this bill. Indeed, I think it is indispensable to the viability of a Federal program that the District be so included.

Mr. President, this whole matter of crime victim's reimbursement or compensation has undergone exhaustive study by the Senate Committee on the Judiciary. Under the able and dedicated leadership of Senator McClellan, this concept was included as part of S. 1 of the 94th Congress—the very first item of business introduced. Of course, S. 1 involves a large-scale restructuring of the criminal laws and in that process it is essential that the victim at long last be included. I therefore commend Senator McClellan for his keen awareness of the victim's plight in our society. That is why I joined wholeheartedly as a cosponsor of S. 1.

Before long, Mr. President, it is my hope that the legislative process will have been completed and that there will be established on the Federal level the principle that violent crime is not just a two-party affair, but that it includes three parties—the victim, the criminal and the State.

In the last 100 years the criminal and the State have dominated the arena of crime and punishment to the injurious exclusion of the victim. To revive at this time the proposition that citizens are entitled to protection, and failing such protection, that citizens are entitled at least to be reimbursed for the losses they suffer from violence, can only serve to strengthen the social fiber of our Nation.

Mr. President, I send the bill to the desk for appropriate reference, and I ask unanimous consent that its text be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1399

A bill to provide for the reimbursement for losses sustained by persons injured by certain acts, to make grants to States for the payment of such reimbursement, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Victims of Crime Act of 1975".

REIMBURSEMENT FOR VICTIMS OF VIOLENT CRIME

Declaration of Purpose

Sec. 101. It is the declared purpose of Congress in this Act to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.

Part A—Federal Reimbursement Program

Sec. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 522, respectively, as sections 550 through 571;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part E of title I, as amended by this Act, the following new part:

"Part F—Federal Reimbursement for Victims of Violent Crime

"DEFINITIONS

"Sec. 450. As used in this part—

"(1) 'Board' means the Violent Crimes Reimbursement Board established by this part;

"(2) 'Chairman' means the Chairman of the Violent Crimes Reimbursement Board established by this part;

"(3) 'child' includes a stepchild, an adopted child, and an illegitimate child;

"(4) 'claim' means a written request to the Board for reimbursement made by or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(5) 'claimant' means an intervenor, victim, or the surviving dependent or dependents of either of them;

"(6) 'reimbursement' means payment by the Board for net losses or pecuniary losses to or on behalf of an intervenor, a victim, or the surviving dependent or dependents of either of them;

"(7) 'dependent' means—

"(A) a surviving spouse;

"(B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or

"(C) a posthumous child of the deceased intervenor or victim;

"(8) 'gross losses' means all damages, including pain and suffering and including property losses, incurred by an intervenor or victim, or surviving dependent or dependents of either of them, for which the proximate cause is an act, omission, possession enumerated in section 456 of this part, or sent forth in paragraph (B) of subsection (18) of this section;

"(9) 'guardian' means a person who is entitled by common law or legal appointment to care for and manage the person or property, or both, of a minor or incompetent intervenor or victim, or surviving dependent or dependents of either of them;

"(10) 'intervenor' means a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part, or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime;

"(11) 'member' means a member of the Violent Crimes Reimbursement Board established by this part;

"(12) 'minor' means an unmarried person who is under eighteen years of age;

"(13) 'net losses' means gross losses, excluding pain and suffering, that are not otherwise recovered or recoverable—

"(A) under insurance programs mandated by law;

"(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

"(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

"(D) by other public or private means;

"(14) 'pecuniary losses' means net losses which cover—

"(A) for personal injury—

"(1) all appropriate and reasonable expenses necessarily incurred for medical, hospital, surgical, professional, nursing, dental, ambulance, and prosthetic services relating to physical or psychiatric care;

"(2) all appropriate and reasonable expenses necessarily incurred for physical and occupational therapy and rehabilitation;

"(3) actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury at a rate not to exceed $150 per week; and

"(4) all appropriate and reasonable expenses necessarily incurred for the care of minor children enabling a victim or his or her spouse, but not both of them, to continue gainful employment at a rate not to exceed $30 per child per week, up to a maximum of $75 per week for any number of children;

"(B) for death—

"(1) all appropriate and reasonable expenses necessarily incurred for funeral and burial expenses;

"(2) loss of support to a dependent or dependents of a victim, not otherwise compensated for as a pecuniary loss for personal injury, for such period of time as the dependency would have existed but for the death of the victim, at a rate not to exceed a total of $150 per week for all dependents; and

"(3) all appropriate and reasonable expenses, not otherwise compensated for as a pecuniary loss for personal injury, which are incurred for the care of minor children, enabling the surviving spouse of a victim to engage in gainful employment, at a rate not to exceed $30 per week per child, up to a maximum of $75 per week for any number of children;

"(15) 'personal injury' means actual bodily harm and includes pregnancy, mental distress, and nervous shock; and

"(16) 'victim' means a person who is killed or who suffers personal injury where the proximate cause of such death or personal injury is—

"(A) a crime enumerated in section 456 of this part; or

"(B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 of this part or in attempting to apprehend a person reasonably suspected of having committed such a crime.

(17) 'designated agent' means any United States Attorney outside the District of Columbia.

"BOARD

"SEC. 415. (a) There is hereby established a Board within the Department of Justice to be known as the Violent Crimes Reimbursement Board. The Board shall be composed of three members, each of whom shall have been members of the bar of the highest court of State for at least eight years, to be appointed by the President, by and with the advice and consent of the Senate. Not more than two members shall be affiliated with the same political party. The President shall designate one of the members of the Board to serve as Chairman.

"(b) No member of the Board shall engage in any other business, vocation, or employment.

"(c) The Board shall have an official seal.

"(d) The term of office of each member of the Board shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of appointment, one at the end of four years, one at the end of six years, and one at the end of eight years and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(e) Each member of the Board shall be eligible for reappointment.

"(f) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(g) The principal office of the Board shall be in or near the District of Columbia, but the Board or any duly authorized representative may exercise any or all of its powers in any place.

"ADMINISTRATION

"SEC. 452. The Board is authorized in carrying out its functions under this part to—

"(1) appoint and fix the compensation of an Executive Director and a General Counsel and such other personnel as the Board deems necessary in accordance with the provisions of title 5 of the United States Code;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at rates not to exceed $100 a day for individuals;

"(3) promulgate such rules and regulations as may be required to carry out the provisions of this part;

"(4) designate representatives to serve or assist on such advisory committees as the Board may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the provisions of this part;

"(5) request and use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

"(6) enter into and perform, without regard to section 529 of title 31 of the United States Code, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

"(7) request and use such information, data, and reports from any Federal agency as the Board may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of other Federal agencies for the performance of any of its functions under this part with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of its powers under this part;

"(9) request each Federal agency to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Board in the performance of its functions;

"(10) pay all expenses of the Board, including all necessary travel and subsistence expenses of the Board outside the District of Columbia incurred by the members or employees of the Board under its orders on the presentation of itemized vouchers therefor approved by the Chairman or his designate; and

"(11) establish a program to assure extensive and continuing publicity for the provisions relating to reimbursement under this part, including information on the right to file a claim, the scope of coverage, and procedures to be utilized incident thereto.

"REIMBURSEMENT

"SEC. 453. (a) The Board shall order the payments—

"(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or

"(2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them.

"(b) The Board shall determine the amount of reimbursement under this part—

"(1) in the case of a claim by an intervenor or his surviving dependent or dependents, by computing the net losses of the claimant; and

"(2) in the case of a claim by a victim or his surviving dependent or dependents, by computing the pecuniary losses of the claimant.

"(c) The Board may order the payment of reimbursement under this part to the extent it is based upon anticipated loss of future earnings or loss of support of the victim for ninety days or more, or child care payments, in the form of periodic payments during the protracted period of such loss of earnings, support of payments, or ten years, whichever is less.

"(d)(1) Whenever the Board determines, prior to taking final action upon a claim, that such claim is one with respect to which an order of reimbursement will probably be made, the Board may order emergency reimbursement not to exceed $1,500 pending final action on the claim.

"(2) The amount of any emergency reimbursement ordered under paragraph (1) of this subsection shall be deducted from the amount of any final order for reimbursement.

"(3) Where the amount of any emergency reimbursement ordered under paragraph (1) of this subsection exceeds the amount of the final order for reimbursement, or if there is no order for reimbursement made, the recipient of any such emergency reimbursement shall be liable for the repayment of such reimbursement. The Board may waive all or part of such repayment.

"(e) No order for reimbursement under this part shall be subject to execution or attachment.

"(f) The availability or payment of reimbursement under this part shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death, subject to the limitations of this part—

"(1) in the event an intervenor, a victim or the surviving dependent or dependents of either of them who has a right to file a claim under this part should first recover damages from any other source based upon an act, omission, or possession giving rise to a claim under this part, such damages shall be first used to offset gross losses that do not qualify as net or pecuniary losses; and

"(2) in the event an intervenor, victim, or the surviving dependent or dependents of either of them receives reimbursement under this part and subsequently recovers damage from any other source based upon an act, omission, or possession that gave rise to reimbursement under this part, the Board shall be reimbursed for reimbursements previously paid to the same extent reimbursement would have been reduced had recovery preceded reimbursement under paragraph (1) of this subsection.

"LIMITATIONS

"Sec. 454. (a) No order for reimbursement under this part shall be made unless the claim has been made within one year after the date of the act, omission, or possession resulting in the injury or death, unless the Board finds that the failure to file was justified by good cause.

"(b) No order for reimbursement under this part shall be made to or on behalf of an intervenor, victim, or the surviving dependent or dependents of either of them unless a minimum pecuniary or net loss of $100 or an amount equal to a week's earnings or support, whichever is less, has been incurred.

"(c) No order for reimbursement under this part shall be made unless the act, omission, or possession giving rise to a claim under this part, was reported to the law enforcement officials within seventy-two hours after its occurrence, unless the Board finds that the failure to report was justified by good cause.

"(d) No order for reimbursement under this part to or on behalf of a victim, his surviving dependent or dependents, as the result of any one act, omission, or possession, or related series of such acts, omissions, or possessions, giving rise to a claim, shall be in excess of $50,000, including lump-sum and periodic payments.

"(e) The Board, upon finding that any claimant has not substantially cooperated with it or with all law enforcement agencies incident to the act, omission, or possession that gave rise to the claim, may proportionately reduce, deny, or withdraw any order for reimbursement under this part.

"(f) The Board, in determining whether to order reimbursement or the amount of the reimbursement shall consider the behavior of the claimant and whether, because of provocation or otherwise, he bears any share of responsibility for the act, omission, or possession that gave rise to the claim for reimbursement and—

"(1) the Board shall reduce the amount of reimbursement to the claimant in accordance with its assessment of the degree of such responsibility attributable to the claimant or

"(2) in the event the claimant's behavior was a substantial contributing factor to the act, omission, or possession giving rise to a claim under this part, he shall be denied reimbursement.

"(g) No order for reimbursement under this part shall be made to or on behalf of a person engaging in the act, omission, or possession giving rise to the claim for reimbursement to or on behalf of his accomplice, a member of the family within the third degree of affinity or consanguinity or household of either of them, or to or on behalf of any person maintaining continuing unlawful sexual relations with either of them.

"PROCEDURES

"Sec. 455. (a) The Board or its designated agent is authorized to receive claims for reimbursement under this part filed by an intervenor, a victim, or the surviving dependent or dependents of either of them, or a guardian acting on behalf of such a person. If received by its designated agent such claims shall be transmitted forthwith to the Board.

"(b) The Board—

"(1) may subpena and require production of documents in the manner of the Securities and Exchange Commission as provided in subsection (c) of section (18) of the Act of August 26, 1935, except that such subpena shall only be issued under the signature of the Chairman, and application to any court for aid in enforcing such subpena shall be made only by the Chairman, but a subpena may be served by any person designated by the Chairman;

"(2) may administer oaths, or affirmations to witnesses appearing before the Board, receive in evidence any statement, document, information, or matter that may, in the opinion of the Chairman, contribute to its functions under this part, whether or not such statement, document, information, or matter would be admissible in a court of law, provided it is relevant and not privileged;

"(3) shall, if hearings are held, conduct such hearings open to the public, unless in a particular case the Chairman determines that the hearing, or a portion thereof, should be held in private, having regard to the fact that a criminal suspect may not yet have been apprehended or convicted, or to the interest of the claimant; and

"(4) may, at the direction of the Chairman, appoint an impartial licensed physician to examine any claimant under this part and order the payment of reasonable fees for such examination.

"(c) The Board shall be an 'agency of the United States' under subsection (1) of section 6001 of title 18 of the United States Code for the purpose of granting immunity to witnesses.

"(d) The provisions of chapter 5 of title 5 of the United States Code shall not apply to adjudicatory procedures to be utilized before the Board.

"(e) (1) A claim for reimbursement under this part may be acted upon by a member or designated agent appointed by the Chairman to act on behalf of the Board.

"(2) In the event the disposition by a member as authorized by paragraph (1) of this subsection is unsatisfactory to the claimant, the claimant upon notification of the Board within 30 days of such disposition shall be entitled to a de novo hearing of record on his claim by the full Board.

"(f) (1) Decisions of the full Board shall be in accord with the will of a majority of the members and shall be based upon a preponderance of the evidence.

"(2) All questions as to the relevancy or privileged nature of evidence at such times as the full Board shall sit shall be decided by the Chairman.

"(3) A claimant at such times as the full Board shall sit shall have the right to produce evidence and to cross-examine such witnesses as may appear.

"(g) (1) The Board shall publish regulations providing that an attorney may, at the conclusion of proceedings under this part, file with the Board an appropriate statement for a fee in connection with services rendered in such proceedings.

"(2) After the fee statement is filed by an attorney under paragraph (1) of this subsection, the Board shall award a fee to such attorney on substantially similar terms and conditions as is provided for the payment of representation under section 3006A of title 18 of the United States Code.

"(3) Any attorney who charges or collects for services rendered in connection with any proceedings under this part any fee in any amount in excess of that allowed under this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(h) The United States Court of Appeals for the District of Columbia shall have jurisdiction to review all final orders of the Board. No finding of fact supported by substantial evidence shall be set aside.

"CRIMES

"Sec. 456. (a) The Board is authorized to order reimbursement payments under this part in any case in which an intervenor, victim, or the surviving dependent or dependents of either of them files a claim when the act, omission, or possession giving rise to the claim for reimbursement occurs—

"(1) within the Federal jurisdiction of the United States;

"(2) within the special jurisdiction of the United States;

"(3) within the extraterritorial jurisdiction of the United States.

"(b) This part applies to the following acts, omissions, or possessions:

"(1) aggravated assault;
"(2) arson;
"(3) assault;
"(4) burglary;
"(5) forcible sodomy;
"(6) kidnaping;
"(7) manslaughter;
"(8) mayhem;
"(9) murder;
"(10) negligent homicide;
"(11) rape;
"(12) robbery;
"(13) riot;
"(14) unlawful sale or exchange of drugs;
"(15) unlawful use of explosives;
"(16) unlawful use of firearms;
"(17) any other crime, including poisoning, which poses a substantial threat of personal injury; or
"(18) attempts to commit any of the foregoing.

"(c) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies.

"(d) For the purposes of this part, a crime may be considered to have been committed notwithstanding that by reason of age, insanity, drunkenness, or otherwise, the person engaging in the act, omission, or possession was legally incapable of committing a crime.

"SUBROGATION

"Sec. 457. (a) Whenever an order for reimbursement under this part has been made for loss resulting from an act, omission, or possession of a person, the Attorney General may, within three years from the date on which the order for reimbursement was made, institute an action against such person for the recovery of the whole or any specified part of such reimbursement in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action. Any amounts recovered under this subsection shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of this part.

"(b) The Board shall provide to the Attorney General such information, data, and reports as the Attorney General may require to prosecute actions in accordance with this section.

"INDEMNITY FUND

"Sec. 458. (a) There is hereby created on the books of the Treasury of the United States a fund known as the Criminal Victim Indemnity Fund (hereinafter referred to as the 'Fund'). Except as otherwise specifically provided, the Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) amounts withheld in accordance with the provisions of section 4129, title 18, of the United States Code, (3) additional amounts that may be appropriated to the Fund as provided by law, and (4) such other sums as may be contributed to the Fund by public or private agencies, organizations, and persons.

"(b) The Fund shall be utilized only for the purposes of this part.

"ADVISORY COUNCIL

"Sec. 459. (a) There is hereby established an Advisory Council on the Victims of Crime (hereinafter referred to as the 'Council') consisting of the members of the Board and one representative from each of the various State crime victims compensation or reimbursement programs referred to in paragraph (10) of subsection (b) of section 301 of this title, each of whom shall serve without additional compensation.

"(b) The Chairman of the Board shall also serve as the Chairman of the Council.

"(c) The Council shall meet not less than once a year, or more frequently at the call of the Chairman, and shall review the administration of this part and programs under paragraph (10) of subsection (b) of section 301 of this title and advise the Administration on matters of policy relating to their activities thereunder.

"(d) The Council is authorized to appoint an advisory committee to carry out the provisions of this section.

"(e) Each member of the advisory committee, other than a member of the Board, appointed pursuant to subsection (d) of this section shall receive $100 a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each member of the Council or advisory committee shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

"REPORTS

"Sec. 460. The Board shall transmit to the Congress an annual report of its activities under this part. In its third annual report, the Board upon investigation and study shall include its findings and recommendations with respect to the operation of the overall limit on reimbursement under section 454(d) of part F of this title and with respect to the adequacy of State programs receiving assistance under section 301(b)(10) of this Act."

COMPENSATION OF BOARD MEMBERS

Sec. 103. (a) Section 5314 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(60) Chairman, Violent Crimes Reimbursement Board."

(b) Section 5315 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(98) Members, Violent Crimes Reimbursement Board (2)."

CRIMINAL VICTIM INDEMNITY FUND FINES

Sec. 104. (a) Chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new section:

"§ 3579. Fine Imposed for Criminal Victim Indemnity Fund

"In any court of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court shall take into consideration the financial condition of such person, and may, in addition to any other penalty, order such person to pay a fine in an amount of not more than $10,000 and such fine be deposited into the Criminal Victim Indemnity Fund of the United States."

(b) The analysis of chapter 227 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"3579. Fine imposed for Criminal Victim Indemnity Fund.".

Sec. 104A. (a) Chapter 307 of title 18, of the United States Code, is amended by adding at the end thereof the following new section:

"§ 4129. Criminal Victim Indemnity Fund, Contributions

"The Federal Prison Industries is authorized to withhold from the wages of any offender employed in such Industries, an amount not to exceed 10 percent of such wages. The amounts withheld under this section shall be deposited in the Criminal Victim Indemnity Fund established by section 458 of the Omnibus Crime Control and Safe Streets Act of 1968.

(b) The table of contents of chapter 307 of title 18, of the United States Code, is amended by adding at the end thereof the following new item:

"4129. Criminal Victim Indemnity Fund, Contributions."

Part B—Federal Grant Program

Sec. 105. Subsection (b) of section 301 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by adding at the end thereof the following new paragraph:

"(10) The cost of administration and that portion of the costs of State programs, other than in the District of Columbia, to reimburse victims of violent crime which are substantially comparable in coverage and limitations to part F of this title."

Sec. 106. Paragraph (a) of section 601 of part G (redesignated part K by this Act) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking "and" the second time it appears, striking "or" the sixth time it appears, striking the period, and inserting the following: ", or programs for the reimbursement of victims of violent crimes."

Sec. 107. Section 501 of part F (redesignated as part I by this Act) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, in amended by inserting "(a)" immediately after "501" and adding at the end thereof the following new subsection:

"(b) In addition to the rules, regulations, and procedures under subsection (a) of this section, the Administration shall, after consultation with the Violent Crimes Reimbursement Board, establish by rule or regulation criteria to be applied under paragraph (10) of subsection (b) of section 301 of this title. In addition to other matters, such criteria shall include standards for—

"(1) the persons who shall be eligble for reimbursement;

"(2) the categories of crimes for which reimbursement may be ordered;

"(3) the losses for which reimbursement may be ordered; and

"(4) such other terms and conditions for the payment of such reimbursement as the Board deems necessary and appropriate."

Sec. 108. Section 301 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new subsection:

"(e) Notwithstanding any other provision of law, no grant may be made under the provisions of subsection (a)(10) of this section after June 30, 1975 to any State, unless the Attorney General has determined that such State has enacted legislation of general applicability within such State establishing a fund similar to the Criminal Victim Indemnity Fund established under section 458 of this Act.".

Part C—Miscellaneous Provisions

Sec. 109. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesigned by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated for the fiscal year ending June 30, 1975, $1,000,000 for the purposes of part F."

Sec. 110. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

Sec. 111. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any persons or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 112. This Act shall become effective upon the date of enactment.

ORDER OF BUSINESS

The **ACTING PRESIDENT** pro tempore. Does the minority leader seek recognition? If not, under the previous order, the Senator from Oregon (Mr. Hatfield) is recognized for not to exceed 15 minutes.

VIETNAM DENOUEMENT

Mr. **HATFIELD**. Mr. President, the ugly agony of Indochina is made all the more tortuous by the delusive refusal of this Nation to accept the culpability for decades of a morally indefensible policy whose final failure is now being revealed.

The urge to believe that we have done what was somehow right and honorable leads us to wash our hands of any sin, and then search to place on others the responsibility for the failure of American policy. So the administration blames the North Vietnamese for violating a treaty that was never initially respected by the South Vietnamese. Other diehard believers in the possibility of America's cause blame the Congress, as if, after spending

$150 billion in Indochina, it came up $300 million short of the price of success. The Congress, indignant over any suggestion of contributing to the collapse of a government it regularly enjoyed castigating, simply condemns that government once again, saying our efforts have been wasted on incompetents.

All this is so pathetic. Have we now no historical memory?

We have refused to admit that we have been wrong. And look at the suffering that has resulted from that price.

Let us recall what we all know. A Vietnamese nationalist, who was also a Communist, led a struggle against French colonialism and Japanese imperialism. He almost succeeded in 1945. But then the French came back. Since Secretary Acheson faced the vindictiveness of those who believed he had "lost China," we quickly forgot our anticolonial rhetoric and looked the other way. The costs domestically and the internationally of "losing Vietnam," as if it ever was ours to lose, propelled us to pay for France's neocolonial war, and then disregard the Geneva agreement. Half of Vietnam could still be kept as proof our policy had not failed.

President Kennedy wanted to show Khrushchev he was tough and keep our pride intact, so he chose to "fight on the frontiers of freedom" in a client state whose leader we had installed and then later removed. When the military and political viability of our policy collapsed, in early 1965, we called the Vietnamese civil war, a "war of aggression" as if fought between two historically sovereign states. That was the rationale for the troops and bombs of President Johnson's policy which wreaked havoc over all the land.

President Nixon and Secretary Kissinger never questioned the intent of that policy, but only changed its tactics; Vietnamese deaths were increasingly substituted for Americans, and we were told that in order to withdraw our troops another peaceful and innocent country—Cambodia—had to be thrust into the onslaught of this war. So hundreds of thousands more of Indochina's innocent ones fled the fury of our devastation dropped from the skies. By Chrismas after the reelection in 1972, we bombed again to convince Hanoi we had no constraints about destroying their cities and those still living in them.

These were the costs of a "peace with honor," which yielded neither peace for the people of Indochina nor any sort of honor for this Nation.

Indochina has been a malignancy in the heart of this Nation. Now, faced with the demise of all our efforts, if we shun from any admission of wrong, our soul will be poisoned by such failure.

So let us hear no talk at this late date about preserving American honor and prestige. Let us not console ourselves with vain assurances that we have "done all we could," sacrificing so generously for a worthy cause which Fate willed to failure.

No, our cause in Indochina has been wrong from the start. It has been a singular moral catastrophe for America, wrong in its initial purpose, and escalated to an outrage as we sacrificed lives in a vain attempt to keep unblemished our national pride.

But then what about our enemy? Is he exempt from any moral culpability for the grief inflicted upon Indochina? Of course not. He has fought brutally for his cause, beliveing like ourselves, that terror and the bloodshed of innocents are acceptable means for achieving his ends. That was an assumption shared by both Vietnamese parties in this war. All must be condemned for resorting to the immorality of violence.

So now, when our failure is unveiled before all the world, let us not delude ourselves further with talk of good motives; and let us hear no rationalizing murmurs about the ineptitude of those we paid to fight for our policy.

If we are to recover from this dark night of our Nation's soul, it will only come through a clear and frank admission of wrong. Then we can endeavor to reconstruct a relationship with the world built not around our power, which has proved unable to secure the ends it sought, but structured instead upon alleviating the overwhelming human needs in a world divided between rich and poor.

And what do we do now, in these next few days, in Indochina? First, we can stop any further flow of blood and expedite a settlement with the insurgents in Cambodia and North Vietnamese and PRG in Vietnam which recognizes in each case the political power they now possess militarily. The sooner the fighting is stopped, and the existing regimes in Phnom Penh and Saigon relinquish the power they have lost, the better the hope that nonalined nationalist, neutralist, and "Third Force" elements will have in playing a moderating role in the regimes which will shortly be ruling those countries.

We have witnessed in America a spontaneous outpouring of compassion for those thousands and even millions of displaced people for whom ideology is irrelevant, for they only know the personal anguish that loss of home or family has inflicted upon them during these past days. The human needs of all these people, who struggle for life's necessities on both sides of the present lines of war, can become the starting point for the hope of a healed relationship between our people and the people of Indochina.

Let us, then, make available through the United Nations, voluntary agencies, and other international channels, those quantities of food and medical assistance which are required to preserve life and restore normalcy to those who have suffered such untold grief and hardship. We should do so simply as a gesture of the humanitarian sentiment which has been expressed so keenly by our people during these past weeks. We can begin by taking the food already committed and being shipped to governments of Cambodia—150,000 tons of rice—and Vietnam—100,000 tons of rice—and make it available through international, political channels, to all who find themselves in need. Then we can cooperate in an international, postwar relief effort, such as that conducted with the involvement of our private citizens and organizations, throughout Europe in the aftermath of World War I and II.

But above all, as a nation and as individuals, we can face in a spirit of repentance the full weight of the suffering which our collective pretensions, pride, and fear have inflicted upon others, and turn to heal these wounds within ourselves as well as those so injured.

I know full well we all would not like to face this darker side of truth. As Carl Jung has written:

> The center of all inequity is invariably found to lie a few miles behind the enemy lines. Because the individual has this same primitive psychology, every attempt to bring these age-old projections to consciousness is felt to be irritating.

So we know how uncomfortable it is to look at our sin. But if we repress it, and refuse to acknowledge our own corporate potential for inflicting destruction on others, then I fear that the agony of Indochina will be repeated, perhaps more subtly but still as tragically, throughout the globe.

To face our collective wrong means also recognizing individually the violence and hatred in each of our inner lives. There is a connection. As Jung said after World War I in words that are prophetic for this day:

> This war has pitilessly revealed to civilized man that he is still a barbarian, and has at the same time shown what an iron scourge lies in store for him if ever again he should be tempted to make his neighbour responsible for his own evil qualities. The psychology of the individual is reflected in the psychology of the nation. What the nation does is done also by each individual, and so long as the individual continues to do it, the nation will do likewise. Only a change in attitude of the individual can initiate a change in the psychology of the nation.

So that, perhaps, is where we each can begin during this hour of history. Let us ask for the courage to face the truth, for only then can we seek our redemption.

I yield back the remainder of my time.

Mr. **ABOUREZK.** Mr. President, will the Senator yield?

Mr. **HATFIELD.** Yes, I yield.

Mr. **ABOUREZK.** Mr. President, I congratulate the Senator from Oregon (Mr. HATFIELD) for the statement he has made on Vietnam. He has been a leader in Congress for many years in an effort to extricate this Nation from what we see now is the greatest mistake in our foreign policy history. I think he is to be greatly commended for his unswerving dedication to the cause of peace all through these many years.

Mr. **HATFIELD.** I appreciate the comments of the Senator from South Dakota, and I consider it always a privilege to associate myself with him in the same causes to which he has referred, not only in the Far East but Middle East and other parts of the world, where peace is sought. I thank the Senator very much.

ORDER OF BUSINESS

Mr. ABOUREZK. Mr. President, on my own time I have, I believe, 15 minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator is correct, and he is recognized for not to exceed 15 minutes.

PROPOSED CHANGE IN REA INSURED LOAN POLICY

Mr. ABOUREZK. Mr. President, the rural electric program has special esteem in South Dakota because that program provided more economic and social progress than any other Government program for the rural people of my State. Rural people of my State were among the last to receive central station service on their farms and in their homes. The combination of sparsely settled rural areas and high cost wholesale power delayed modern electric service for a great proportion of South Dakota rural people until the early 1950's.

Because providing central station rural electric service in South Dakota was especially difficult, the rural electric program in South Dakota produced many of the great leaders of this program in the Nation. Because the cooperatives had to have 2 percent interest loans to even think about building facilities for these sparsely settled areas, and because many could not be served until low-cost power from the Missouri River dams became available, these leaders, farmer-directors and their hired staffs, have for 25 years and more provided leading spokesmen for this program and related resource development for the entire Nation.

On every occasion, no matter what political party was in power, these rural electric leaders tenaciously defended the Government programs that meant so much to their members. During the 1960's, when changes in the basic REA interest rate of 2 percent were advocated by the administration and some of the cooperatives, rural electric leaders of South Dakota insisted that the 2-percent program be maintained for those that still needed this lower interest rate.

Throughout the history of this program, these leaders have played an active part in Missouri River development and in decisions concerning the rates for power from the Missouri River dams. In the late 1950's, and early 1960's these same people led the way in establishing for rural electric people—for the first time—a modern-sized thermal generating plant on a regional basis through the programs of REA and the Department of Interior.

They established, for the first time, a new concept in retail rates that assured that the benefits of this low-cost power would accrue to the members of these cooperatives, rather than be used to accumulate huge financial reserves.

They operated on the philosophy that low-cost power is the result of saving a tiny fraction of a mill here and another tiny bit there—as well as averting greater increases in costs.

And so it was with great reluctance that the rural electric cooperatives of South Dakota accepted and supported a so-called compromise of higher interest rates plan that would provide the greater amounts of capital needed for this program.

They did this only after being assured that the lower interest rate of 2 percent, and in some cases 5 percent, would be available on the same terms and conditions for generation and transmission facilities as for distribution facilities.

Since the enactment of these new methods of financing, this administration has yet to make a 2-percent loan for generating and transmission facilities, despite the clear direction that this is what the law provides. A.G. & T. cooperative of North Dakota is appropriately challenging this interpretation of the legislation in the courts.

Now comes a new blow to providing low-cost power to the rural areas. On March 11, REA Administrator David Hamil announced a supplement to REA Bulletin 20–6 that would increase interest rates for power supply type rural electric cooperatives from 5 percent to the rate under the Federal Financing Bank of about 8 percent.

The first example of the effect of this change on South Dakota is a loan for the East River Electric Cooperative which serves about half of the rural people of South Dakota with transmission lines in the eastern half of the State. East River also serves one cooperative in southwestern Minnesota. An REA staff member recently called East River and told the manager of that cooperative that the application that it was preparing for an $11 million loan would be at this higher rate.

Those higher interest rates will add about $350,000 a year to the bills of the rural electric members served by that cooperative. REA Administrator David Hamil, in answer to my request, estimates that from $150 to $200 million will be affected each year by this new policy. In the first year, that increase would amount to something like $4.5 to $6 million extra for rural electric members. In something like 10 years from now, these same members will be paying about $45 to $60 million annually more than they would if the new policy were not put into effect.

I object to this price gouging.

The National Rural Electric Cooperative Association has provided me a copy of a letter to Mr. Hamil, its formal objection to that new policy, which makes it clear that this new policy is not only inconsistent with the law, it is in contempt of the Congress. I ask unanimous consent that a copy of that letter appear at the conclusion of my remarks.

Similarly, the Midwest Electric Consumers Association, Denver, Colo., has provided me a copy of its formal objections to this new policy, and a letter to Mr. Hamil. I ask unanimous consent that these documents be printed in the Record at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ABOUREZK. Mr. President, I also request that letters from Mr. Hamil, and from Mr. Loren Zingmark, manager of East River Electric Power Cooperative, be inserted in the Record after these comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ABOUREZK. Mr. President, it is not my purpose here today to discuss at length the legality of this new policy. Rather, it is my purpose to alert Members of this body, and Members of the House, by these brief comments and by these and other documents, that once again the administration is refusing to administer laws as they are written. Once again the administration is trying to do in the rural electric program.

That they are doing so at this time is especially ironic, for very nearly at the same time that REA Administrator Hamil was declaring this new policy to increase interest rates for systems serving rural America, Interior Secretary Rogers Morton announced that the administration is seeking new forms of subsidies for investor-owned utilities.

In a speech in March to the Southwestern Electric Exchange in Boca Raton, Fla., Secretary Morton announced that the administration is considering proposing expanded Federal subsidies to these companies, the purpose of which are to reduce the cost of their financing and to reduce their taxes.

Mr. President, who is in charge of the store? Can the administration seriously suggest that Congress should consider new subsidies for the investor-owned utilities at the same time they are trying to put into policy, despite the law, higher interest rates for serving the less economic, sparsely settled rural areas?

Mr. Hamil, or whoever it was that made the decision on this new policy, should reverse that decision immediately.

If that decision is not reversed forthwith, then the Congress, Mr. President, should take whatever action is appropriate and necessary to see that laws it enacts are administered as they are enacted rather than at the whim of some administration official who is acting in virtual contempt of this Congress.

EXHIBIT 1

NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION,
Washington, D.C., March 28, 1975.

Hon. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, South Building, U.S. Department of Agriculture, Washington, D.C.

DEAR ADMINISTRATOR HAMIL: The following comment is respectfully submitted in response to the Administrator's invitation for views and comment on the proposed supplement to REA Bulletin 20–6 published in the Federal Register of March 11, 1975.

This proposed supplement to Bulletin 20–6, as so published, would terminate the availability of the standard 5% REA insured loans to all "power supply type borrowers" except where "the Administrator has determined the need for an insured loan in order to maintain loan security."

This exceedingly restricted basis for consideration of such loans in the future does not coincide with or adhere to the mandate of the RE Act for such loans which has heretofore been followed, and which has served as the basis for substantial 5% insured loans to power supply borrowers since the effective date of Title III of the RE Act (May 11, 1973; P.L. 93–32). The drastic nature of this proposed termination of a vitally important segment of the REA loan program is regretfully reminiscent of the even more sweeping REA loan program termination of December, 1972. The National Rural Electric Cooperative Association expresses in the strongest possible terms its opposition to the change in REA Bulletin 20–6 now proposed.

It is fortunate, and it is appreciated, that the effectiveness of the currently proposed termination of 5% power supply loans is made contingent upon REA's consideration of the views and comments submitted to you during the 60 day period following the Federal Register publication date of March 11, 1975. If the Federal Register publication and the invitation to submit views and comments are to be of any practical significance and contribute to the final resolution of the proposal, such publication must mean that the entire proposal remains in abeyance and without effect until the views and comments submitted during the 60 day period have been adequately considered and evaluated by REA. Otherwise the Statement of Policy by the Secretary of Agriculture, dated July 20, 1971 (Federal Register, Vol. 36, No. 143, July 24, 1971), directing public participation in the formulation of policies relating to loan programs, in accordance with the procedures provided for in 5 U.S. Code 553, would be frustrated and nullified.

The discontinuance by REA of acceptance from power supply borrowers of applications for insured loans is part of the proposed new policy. Under the Department regulation, this would in no event take effect until May 11, 1975 or some time thereafter. It is accordingly difficult to understand or accept the statement, in the introductory notice preceding the text of the proposed bulletin, which purports to establish "an immediate (i.e. March 11, 1975) cut-off date for the acceptance of loan applications under the insured loan program" from power supply borrowers. It is transparently clear that this premature cut-off date violates fundamental concepts of due process, and violates Department of Agriculture regulations which have the force of law. It should be promptly rescinded.

The substance of the proposed new termination policy causes us grave concern. Upon considered review of P.L. 93–32 and its legislative history, including the exchange of views and agreement between the Congress and the Administration which preceded its enactment, it is clear to us that this proposed policy change is contrary to the statute on which it is purportedly grounded and is, therefore, unlawful. Moreover, the proposal would, in our judgment, have very serious adverse effects upon the rural electrification program.

We feel very strongly that our opposition to the proposed change is thoroughly supported by the language and the legislative history of P.L. 93–32.

During the exchange of views between Congress and the Administration which preceded the enactment of P.L. 93–32, a major difference of opinion arose as to interest rates applicable to generation and transmission loans. The majority of the House Agriculture Committee and the bill which they sponsored (HR 5683) would make no distinction between interest rates on distribution loans and interest rates on generation and transmission loans. On the other hand, the Under-secretary of Agriculture, in his March 14, 1973 appearance before the House Agriculture Committee, stated that "from the standpoint of the Administration . . . generally, the rate of interest on insured loans for electric distribution would be 5 percent . . . (and) generally, except for a few hardship cases, the rate of interest for electric generation and transmission would be at the market rate." (H. Rept. 93–91, 93rd Congress, 1st Session, p. 5). The Administration bill (HR 5536), introduced as such by Congressman Ancher Nelsen, incorporated substantially these provisions. In the House debates on the RE Act Amendments, on April 4, 1973, Congressman Nelsen put into the record (Congressional Record April 4, 1973, p. 10927) a letter from him to Congressman Poage in which he stated, ". . . the next item of concern to the Administration was generation policy . . . the wish that all generation loans be set at 'market rates'."

The clean bill introduced by Congressman Denholm on instruction of the committee (HR 5683) provided for the same interest rates (2% and 5%) on all insured loans, making no distinction whatsoever between distribution and generation and transmission. Chairman Poage pointed out this fact to the Committee in his final statement before the motion and affirmative vote to report the bill favorably. He said this:

"I do not want any bill singling out generation and transmission associations or taking any kind of crack at them. They are part of our rural electric systems and they are treated just like all the rest of it in the bill. Of course, they will not get much, if any, 2-percent money, I recognize that. And I recognize that most of the money will be higher priced money because of the criteria, but we will apply the same criteria to everybody."

The Administration held to its position of market rates for generation and transmission loans until May 8, 1973. On that date the Secretary of Agriculture, in his letter to Congressman Poage (Congressional Record, May 9, 1973, p. 14859), made his commitment on minimum program levels for the following three fiscal years "conditioned on but *one* cardinal principle—mandatory language . . . be stricken from the legislation." The Administration thus acquiesced in the other basic principle of the legislation (HR 5683)—the complete absence of any distinction or discrimination, as to interest rates or otherwise, between distribution loans and generation and transmission loans. As Congressman Poage stated in submitting the Conference Report to the House (Congressional Record, May 9, 1973, p. 14990):

"The conferees agreed to drop the mandatory provisions in the bill . . . In return Secretary Butz has given us a letter pledging on behalf of the Administration that 2 percent loans will be made to all associations that meet the criteria of need . . . and that 5 percent money will be available to the bulk of the applicants [clearly meaning those not eligible for 2 percent loans]. . . . *In addition,* guaranteed loans at the going rate of interest to the extent which may be fixed by the Congress . . . will be available."

The legislative resolution of the differences was made crystal clear. Five percent loans would be available to all applicants, distribution and generation and transmission alike, who were not eligible for 2 percent loans. Guaranteed loans were recognized as an addition or supplement to insured loans.

The Administration thus recognized and accepted what Congressman Poage so clearly stated in the House Agriculture Committee Report (H. Rept. 93–91, 93rd Congress, 1st Session, pp. 9–10) on HR 5683:

"The Administrator should continue to have the authority . . . to make loans for generation and transmission on the same terms and conditions and at the same rates of interest as are applicable to loans for other purposes authorized by the Rural Electrification Act, and it is the intent of HR 5683 to provide such authority and discretion."

Your proposed new policy which would terminate insured loans to power supply borrowers constitutes a clear negation of the plain intent of the May 11, 1973, legislation (P.L. 93–32) and the Administration's acquiescence in that intent and legislation. This proposed new policy appears to be a attempt to revive the Administration's former position taken prior to May 8, 1973, i.e. to deny power supply borrowers 5% insured loans and to limit them exclusively to funds borrowed at open market interest rates. This proposal seems to ignore the all important fact that the Administration agreed to give up this position, and that this position was definitely rejected by the Congress in May of 1973.

Only one reason is given in the proposed supplement to REA Bulletin 20–6 for this attempted reversal of Congressional action. It is "to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities." This alleged justification must be faulted on two grounds. First, as we believe we have already shown, it flies in the face of the clear Congressional intent that each application for insured loan funds must be given equal consideration, without distinction as between distribution facilities and generation and transmission facilities. Second, without basis in any facts known to us, it anticipates that insured loan funds made available under P.L. 93–32 will not be adequate to provide all the loan needs of the distribution borrowers plus some substantial amounts for power supply borrowers to lighten the burden imposed on the latter by open market rates of interest already applicable to major portions of their projects. In the alternative, it perhaps anticipates that REA will choose not to utilize all of the insured loan funds made available by the Congress. Such action would be without legal justification and, as will be later pointed out, would seriously jeopardize the entire program of concurrent supplemental financing and guaranteed loans.

Since the enactment of P.L. 93–32 substantial insured loan funds, over and above the needs of the distribution borrowers, have been available and have been loaned for generation and transmission facilities (more than $500 million). We have no reason to doubt that the Congress will continue to make available substantial insured loan funds for generation and transmission. We, of course, recognize that Federally guaranteed loans must be a major source of G&T financing. However, with the increasing burden on G&T systems created by the diminished capability of power companies to supply wholesale energy, the traditional help afforded by REA G&T loans, and contemplated by P.L. 93–32 as being continued by REA insured loans, must not be terminated. In light of current economic conditions, and particularly as they affect power supply, there could hardly be a worse time to propose termination of REA insured loans for generation and transmission purposes. That aid, now more than ever, is desperately needed. And clearly continuing to fill that need will benefit all distribution borrowers, not merely the approximately 60% of them who are members of power supply cooperatives. Moreover, it is totally anomalous that while the Executive Branch, through its Secretary of the Interior, advocates enactment of new legislation which would confer a broad package of benefits on one group of electric utilities to encourage construction of generating plants, its REA Administrator is simultaneously proposing withdrawal of a similar existing benefit from another group of utility systems.

Another disturbing aspect of the proposal is its apparent arrogation to the Executive Branch of authority given by P.L. 93–32 to the Congress to determine the amount of REA insured loan funds that will be available and utilized for fiscal 1976 and thereafter. We trust that in no event would the REA Administrator refuse to consider any lawful application for an insured loan. No group of REA borrowers should be excluded, as the proposed policy does, from exercising their rights under P.L. 93–32 to file insured loan applications and have them considered, each on its own merits.

Furthermore, we respectfully suggest that where pursuant to P.L. 93–32 adequate insured loan funds are made available by the Congress, the Administration may not lawfully refuse to utilize those funds for generation and transmission loans. Such a refusal threatens to be one consequence of the proposed new policy.

Such a refusal, in addition to its unlawfullness, would also place in jeopardy both the present pattern of concurrent supplemental financing and the system of Federally guaranteed loans provided by Section 306 of P.L. 93–32. Under Section 307 of P.L. 93–32, the authority of the Administrator to require that a loan applicant obtain a portion of its loan funds from a non-REA lender is explicitly made "subject, however, to *full use* being made by the Administrator of the funds made available hereunder for such insured loans under this title." (underlining supplied). If this quoted condition were not satisfied, the Administrator's authority to require the applicant to obtain all of its needed loan funds from a non-REA source, even with the support of an REA guarantee under Section 306, would similarly be subject to very considerable doubt.

Under any circumstances, there seems no factual warrant or legal basis for proposing a policy which, by executive fiat, would for all practical purposes repeal and extinguish a vital segment—insured loans to power supply borrowers—of the Administrator's statutory lending authority. The constitutional responsibility of the Administration faithfully to execute Congressionally enacted legislation would, it seems to us, be negated by this proposal. Nullification of part of statutory authority and responsibility is nullification nonetheless.

We also strongly oppose that portion of the proposed supplement to REA Bulletin 20–6 which would limit to $10 million the availability of insured loans for generation and/or transmission to distribution cooperatives. There is no more factual or legal justification for this provision than for the complete denial of such loans to generation and transmission systems. The same arguments are equally applicable against both elements of the proposed revision.

For all the reasons hereinbefore set forth, we most respectfully request and urge that the proposed supplement to REA Bulletin 20–6 be withdrawn.

Sincerely yours,
Robert D. Partridge,
Executive Vice President and General Manager.

Mid-West Electric
Consumers Association, Inc.,
Evergreen, Colo., April 3, 1975.

Hon. David A. Hamil,
Administrator, Rural Electrification Administration, South Building, U.S. Department of Agriculture, Washington, D.C.

Dear Mr. Hamil: It is with poignant heartache that Mid-West Electric Consumers Association is forced to write this letter to you to protest, as vigorously as we know how, the proposed supplement to REA Bulletin 20–6 which was noticed in the Federal Register on March 11, 1975. We feel now as we did a little more than two years ago when we read the news release of the U.S. Department of Agriculture, issued on December 29, 1972, which announced the Administration's "termination" of the program of the Rural Electrification Administration as it had existed up to that time, and its transfer to the Farmers Home Administration. December 29, 1972, has stood out as the darkest day in the history of this great program—a true Pearl Harbor Day. Now, unless you intervene and decide not to follow through with the flagrantly illegal action contemplated by the proposed supplement to Bulletin 20–6, March 11, 1975, will rank as the second darkest day in the life of rural electrification program. We plead with you not to let that happen.

Dave, just as everyone knows that you were not responsible for the attempted murder of REA in 1972, we feel positive that you were not the author of the scheme announced on March 11th for the rape of the program. It would seem abundantly clear that the same forces which were the masterminds in back of the attempted destruction of the program in 1972 are calling these shots for this latest nefarious scheme.

Soon after the issuance of the December 29, 1972, news release, Mid-West Electric Consumers Association, NRECA, hundreds of individual cooperatives and a goodly percentage of the Members of Congress pointed out that the attempt by the Executive to terminate this Congressionally established program without the consent of Congress was palpably illegal. Although the Administration vigorously denied the illegality of its action, the U.S. Court of Appeals for the Fifth Circuit, as you know, in the Sioux Valley case, emphatically found the action announced on December 29, 1972 to be unlawful. It is submitted that it is even more obvious that if you, without the consent of Congress, refuse "to accept loan applications under the insured loan program for the financing of major generation and transmission facilities," with certain almost meaningless exceptions such action will be openly and shamelessly illegal. Our Attorneys have so advised us.

Major generation or transmission facilities are defined in the proposed supplement "as all facilities of power supply type borrowers and projects of distribution borrowers consisting of generation or transmission facilities which in aggregate, cost more than $10,000,000.00".

Before indicating the provision of P.L. 93–32, the statute enacted by Congress in 1973 to undo the killing of the REA and to pump new life blood into that program which is so desperately needed if rural America is to prosper, and the unclouded legislative history relating thereto which indisputably establishes and confirms the complete illegality of the proposal to cripple the generation and transmission program, we should like to point out the enormous and irreparable harm which would be inflicted upon the cooperatives—both G & T and distribution—if the proposal is to be permitted to become operative. It cannot be emphasized too extravagantly that all distribution cooperatives—not only those which are members of G & T cooperatives—will suffer serious detriment if the cost to G & T cooperatives which are producing electric power and energy is sharply and unjustifiably increased by this unwarranted proposal which is strikingly without warrant of law.

Anyone who has ever negotiated a wholesale power contract for a cooperative is fully aware that the level of the rate to which the selling company will ultimately agree after bargaining has been completed will depend upon the cost at which power and energy is available to the cooperative from an alternate source. Thus, the cost to distribution cooperatives, not members of a G & T is determined to a far-reaching extent by the cost at which G & T's in the general area can generate.

We shall burden this protest with only one specific example of the awesome increased cost of electricity to the rural residents of America, by far the larger part of whom are farmers and ranchers, which will result from denying insured loans to all G & T cooperatives and to a distribution cooperative which is forced to construct major generating or transmission facilities on its own.

East River Electric Power Cooperative, Madison, South Dakota is a member of Mid-West. It operates no generating facilities but transmits power purchased from the Bureau of Reclamation or Basin Electric Power Cooperative or power companies to some twenty distribution cooperatives. East River at the present time has definite plans to borrow approximately $11,000,000 in the three year period, 1976–1978 to construct the transmission facilities which will be required to enable it to continue to render adequate service to its members. Its aggregate interest costs, over the 35-year life of the loan at various interest rates, would be as indicated immediately below:

Percentage of interest rate and aggregate cost

5	$12,552,000
7½	20,265,000
8	21,895,000
8½	23,550,000
9	25,228,000

In the following table we show the percentage of the principal amount of the loan ($11,000,000) which would be paid as interest over the life of the loan at various interest rates:

Percentage of interest rate and percent of principal

5	114
7½	184
8	199
8½	214
9	229

Thus, the difference in the aggregate interest East River would be forced to pay at the insured rate of 5% and the lowest conceivable guaranteed rate (7½%) is $7,713,000. In all likelihood, it would be forced to pay substantially more than 7½%.

Now for a brief résumé of the provisions of P.L. 93–32 and its related legislative history. After it became obvious that the Administration would not voluntarily back down from its determination to extinguish the REA program in the form it had previously existed, the House passed H.R. 5683, and the Senate passed S. 394.

S. 394, for the most part, merely directed the REA Administrator to make loans in each fiscal year in the full amount determined to be necessary by the Congress or appropriated by the Congress for direct rural electric and telephone loans under Section 3 of the Rural Electrification Act, as amended.

H.R. 5683 was reported out by the majority of the House Agriculture Committee after long drawn out attempts by the Committee to reach a compromise which would enable the rural electrification program to continue to operate pretty much as it did prior to December 29, 1972, with somewhat higher interest rates and utilizing insured and guaranteed loans. Although the Administration agreed to some compromises, it strongly opposed H.R. 5683 as passed by the House. Its reasons for opposing the bill were explained by Under Secretary of Agriculture J. Phil

Campbell when he appeared before the Committee on March 14, 1973. His statement is set forth in the House Committee Report accompanying H.R. 5683, issued March 27, 1973. Among the provisions in the bill to which the Administration objected was the provision which directed the Administrator to make loans. It also insisted that the rate of interest for generation and transmission loans, except for a few hardship cases, should be at the market rate.

Although H.R. 5683 reflected most of the Administration's insisted upon changes, it retained a mandatory provision for the loan program, and generation and transmission loans were given the same treatment as other types of loans.

After the Committee of Conference of the Senate and the House was designated, it carried on further negotiations with the Administration in an attempt to work out a still further compromise bill which the President would not veto. Its efforts were successful. The agreed upon compromise was entirely different from the Senate bill, but very similar to H.R. 5683 passed by the House, with the exception that the mandatory language of the House bill was removed. Most significantly, it continued to treat generation and transmission loans exactly the same as it did distribution loans.

In a letter from Secretary of Agriculture Butz to Honorable W. R. Poage, the Chairman of the House Committee on Agriculture, the Secretary made a commitment that during each of the next three Fiscal Years an REA program at levels not less than budgeted for Fiscal Year 1974 would be operated through the authority of REA. He also made certain commitments as to the amount of loans which would be made available at the 2% rate. The Secretary made it clear beyond per adventure of doubt, that the only condition to his commitment was that the mandatory language in Section 305 be stricken from the legislation and that there be no legislative direction with respect to hardship cases beyond the criteria set forth in the House passed bill. The letter was most complimentary to the Conferees for achieving constructive legislation which would insure a viable rural electrification and telephone program. The Secretary's letter could not have been clearer than it was that the Administration was *not* objecting to the new law requiring that G & T loans be treated the same as distribution loans.

Moreover, the Secretary raised no objection to the limitation on the Administrator's discretion in certain circumstances, which appears in Section 307. That Section reads as follows:

"Section 307. Other Financing—When it appears to the Administrator that the loan applicant is able to obtain a loan for part of his credit needs from a responsible cooperative or other credit source at reasonable rates and terms consistent with the loan applicant's ability to pay and the achievement of the Act's objectives, he may request the loan applicant to apply for and accept such a loan currently with a loan insured at the standard rate, *subject, however, to full use being made by the Administrator of the funds made available hereunder for such insured loans under this Title*." (Emphasis supplied.)

Beyond question, this language makes unlawful for the Administrator to turn down an insured loan application for a G & T loan unless he makes full use of the funds made available by Congress for insured loans. Thus, the proposed supplement to Bulletin 20-6 is indisputably illegal.

While the Secretary insisted and the Congress went along with him, that the directory language in Section 305 be stricken from the legislation, he indicated no objection to the limitation of the Administrator's discretion contained in Section 307, that limitation being applicable only to the Administrator's right to request an applicant to obtain a portion of its loan from another credit source. In that circumstance, the law could not possibly be more mandatory than it is in requiring the Administrator first to make full use of insured funds. There is, of course, no conflict between giving the Administrator full discretion in respect of making the loans in other circumstances, while at the same time limiting such discretion in a particular circumstance.

Other items appearing in the legislative history also fully corroborates our position that the adoption of the proposed supplement would do reckless violence to the Act and would literally represent the "thumbing of the nose" to the Congress by the Executive Branch.

In the House Report accompanying H.R. 5683, when it was reported out, there appeared these statements:

"Generation and Transmission Loans are given the same treatment as other types of loans and will not, as suggested by the Department be made exclusively at private market interest rates." (p. 6)

* * * * *

"Loans for Generation and Transmission"
Section 305 H.R. 5683 empowers the REA Administrator to make insured loans out of the Rural Electrification and Telephone Revolving Fund for all purposes for which direct loans are authorized by the Rural Electrification Act of 1936.

"During consideration of H.R. 5683 by the Committee, it was suggested that the legislation be amended to exclude generation and transmission facilities for the purposes for which electric loans can be made and insured under Section 305; and to require that all loans for these facilities be of the guaranteed type and carrying open market rates of interest."

"It is the view of a majority of the Committee, however, that the fundamental purpose of the legislation is to reduce the adverse impact of the REA loan program on the federal budget. In accordance with the announced objectives of the President rather than to change the purposes and objectives of the program."

"A majority of the Committee believes, therefore, that the Administrator should continue to have the authority and the discretion to make loans for generation and transmission *on the same terms and conditions and at the same rates of interest* as are applicable to loans for other purposes authorized by the Rural Electrification Act, and it is the intent of H.R. 5683 to provide such authority and discretion." (pp. 9–10) (Emphasis supplied.)

* * * * *

The Committee, therefore, suggests that the REA Administrator exercise restraint and caution in requiring borrowers to accept non-government concurrent financing under the new 5% REA loan program in order to avoid jeopardizing the ability of such borrowers to provide reliable service at rates comparable to those charged for similar service by neighboring electric and telephone systems.

In this connection, the Committee expects the Administrator to substantially continue his concurrent electric loan policy which existed prior to December 29, 1972, with loans insured at the standard rate of 5%, in conjunction with the Cooperative Finance Corporation and other outside leading organizations. It is the understanding of the Committee that the present practice provides for 70% of a generation and transmission loan to be made by the Administrator and 30% of the loan from an outside source.

In his comments, during the discussion of the proposed legislation by the House Agriculture Committee, Chairman Poage made this statement:

"I do not want any bill singling our generation and transmission associations or taking any kind of crack at them. They are a part of our rural electric systems and they are treated just like all the rest of it in the Bill. Of course, they will not get much, if any, 2% money. I recognize that, and I recognize that most of the money will be higher priced money because of the criteria, *but we will apply the same criteria to everybody*." (Emphasis supplied.)

Also, the Appropriations Committees have, on occasion, since the enactment of P.L. 93-32, made it clear that they intend that G & T loans are to be treated the same as other loans.

It is submitted that there could not be a less propitious time than now in which to add this most substantial burden to the beneficiaries of the Rural Electrification Act.

Dave, you are as familiar as anyone with what has happened to the farmers of this country in the last several months. They are really suffering economically. The proposed supplement would create a still additional inflationary factor to add to their woes. Moreover, the increase cost that is being proposed at the very same time that the Administration and Congress are taking direct steps to aid the privately owned utility companies. Not only Secretary Morton, but the President himself, have proposed remedial measures to benefit the utility companies. We are sure that you are familiar with the long list of aid to the private power sector of the utility industry which Secretary Morton proposed in a recent speech. Furthermore, the tax bill recently signed by the President ups investment tax credit from 4% which the utility companies have enjoyed in the past to a whopping 10%.

The Senate-House Joint Committee on Taxation estimates that increasing the investment tax credit to 10% will result in a bonanza for the companies affected thereby of $3.3 billion. Of this amount, it is estimated that the utilities will receive $900 million.

Dave, I believe that if you will check this matter out with the cooperatives around the country, you will find that the opposition to the proposed supplement is overwhelming. Many of the most conservative cooperative leaders are outraged at the proposal. It has been indicated to us that if the Supplement is finally put into effect, we shall have a repetition of the bitter controversy which prevailed following the December 29, 1972, news release. The possibility of law suits challenging the legality of the proposal are certain to follow. The *Sioux Valley* case would indicate to many of the cooperative people that such litigation should be successful.

We close with a plea to you that you heed the comments you receive from cooperative leaders and squelch the proposal which appeared in the March 11, 1975, Federal Register.

Very sincerely,
Fred G. Simonton,
Executive Director.

Exhibit 2

U.S. Department of Agriculture,
Washington, D.C., April 3, 1975.
Hon. James Abourezk,
U.S. Senate.

Dear Senator Abourezk: We are pleased to comment on the letter we received from you March 26, 1975, regarding proposed changes in our generation and transmission loan policy as published in the Federal Register, March 11, 1975.

Under the proposed policy, effective immediately, REA would no longer accept loan applications for the financing of major power supply facilities under the insured loan program. For this purpose, major power supply facilities are defined as projects of distribution borrowers consisting of generation or transmission facilities which in aggregate cost more than $10 million and all facilities of power supply borrowers.

Exception will be made, however, where (a) the borrower qualifies for a loan under the "special rate," or (b) the Administrator has determined an insured loan is needed in order to maintain loan security. Under these exceptions, major power supply facilities of both distribution and power supply borrowers may be financed under the insured loan program.

Loans under the REA guarantee program may be obtained from any legally organized lending agency, subject to REA approval, including the National Rural Utilities Cooperative Finance Corporation. REA has a contract with the Federal Financing Bank (FFB) to provide financing for loans guaranteed by REA, however, and so far all funding for REA loan guarantees has been provided by the FFB. This has provided a very convenient method for borrowers to obtain funds under REA guarantee from the private money market at rates almost as low as U.S. Treasury borrowings for comparable maturities.

Legislation creating the Rural Electrification and Telephone Revolving Fund in the U.S. Treasury, contains the following statement of Congressional policy:

". . . it is hereby declared to be the policy of the Congress that adequate funds should be made available to rural electric and telephone systems through direct, insured and guaranteed loans at interest rates which allow them to achieve the objectives of the Rural Electrification Act of 1936, as amended; and that such rural electric and telephone systems should be encouraged and assisted to develop their resources and ability to achieve the financial strength needed to enable them to satisfy their credit needs from their own financial organizations and other sources at reasonable rates and terms consistent with the loan applicant's ability to pay and achievement of the Act's objectives. . . ."

We feel that the proposed new loan policy is consistent with this stated Congressional policy. In addition, under the proposed policy, REA will be able to make loans to distribution borrowers to meet their two-year loan requirements for amounts at least up to $1 million under the insured loan program instead of the current limit of $750,000.

This, too, is consistent with the following comment by the House Committee on Appropriations: "The Committee reaffirms its statement that the most urgent needs of distribution facilities should be met first since State law and territorial agreements properly prohibit (competing power systems from) servicing REA borrowers. In contrast, wholesale power can be supplied by any source available." (House Report No. 92–1175, June 26, 1972). In the same year, the Senate ". . . Committee commends REA and the rural electric systems for their efforts in developing a plan to provide financing for needed bulk power supply projects under which the major portion of the funds will be furnished by non-government sources." (Senate Report No. 92–283, July 24, 1972.)

Distribution cooperatives' two-year loan requirements for fiscal year 1976 are estimated to be at least $700 million. Secretary Butz, in his May 8, 1973, letter to the Chairman of the House Committee on Agriculture, said that not less than $80 million of insured loan funds will be made available for 2 percent electric loans during fiscal 1976. REA estimates $105 million in 2 percent electric loans during fiscal 1975. At present, 235 REA distribution borrowers, or 25.3 percent of the total are eligible for 2 percent financing as compared to 181, or 19.5 percent in 1973. Operating experience of the past two years shows that the number of borrowers eligible for 2 percent financing continues to increase, despite increasing revenues, under the automatic criteria in the 1973 amendments to the Rural Electrification Act.

At present we have nine applications on hand, totaling approximately $150 million, which are of a type which would be affected by the proposed policy if these applications were not already on hand. We anticipate that $150–200 million per year is a good estimate of the volume of applications to be affected by the proposed policy.

In addition, we estimate that applications totaling approximately $2.6 billion will be received by REA during fiscal year 1976 for power supply borowers for consideration under the loan guarantee program now in effect. There are a number of potential projects under consideration by these borrowers at all times. It is difficult, however, to determine exactly how many of these projects will materialize into actual loan applications to REA during a specific year.

We feel that the proposed changes are appropriate, that they will enable REA to make the best use of the available insured loan authorization and loan guarantee authority during fical year 1976 and thereafter.

Sincerely,

David A. Hamil,
Administrator.

East River Electric Power
Cooperative, Inc.,
Madison, S. Dak., April 4, 1975.
Hon. James Abourezk,
U.S. Senator,
Dirksen Senate Office Building,
Washington, D.C.

Dear Senator Abourezk: Please find attached a copy of a letter of position on behalf of East River Electric Power Cooperative regarding the new proposed policy change in REA Bulletin 20–6.

We sincerely urge your support in changing this deplorable situation.

Sincerely,

Loren A. Zingmark,
General Manager.

East River Electric Power
Cooperative, Inc.,
Madison, S. Dak., April 3, 1975.
Mr. David A. Hamil,
Administrator, Rural Electrification Administration, Washington, D.C.

Dear Mr. Hamil: Comments are hereby respectfully submitted on behalf of the Board of Directors of East River Electric Power Cooperative in response to your invitation for views and comments on the proposed supplement to REA Bulletin 20–6 published in the Federal Register of March 11, 1975.

The proposed supplement to Bulletin 20–6 as published would terminate the availability of 5 percent REA insure loans to all "power supply type borrowers" except where "the Administrator has determined the need for an insured loan in order to maintain loan security."

The nature of the proposed change in REA Bulletin 20–6 appears to be very much like that of the REA loan program termination in December, 1972. The Board of Directors of East River Electric Power Cooperative expresses in the strongest possible terms its opposition to the proposed change in REA Bulletin 20–6.

The substance of the proposed new policy causes us deep concern. Reviewing the legislative history of PL 93–32, including the exchanges of views and various agreements between the Congress of the United States and the Administration which preceded its enactment, it appears clear to us that this proposed policy change is contrary not only to the statutes but to the intent and directives of Congress and therefore is unlawful. The proposal would very seriously have adverse affects upon the rural electrification program and to East River and its member systems in particular.

East River Electric Power Cooperative is a transmission cooperative delivering power and energy to twenty-two rural electric cooperatives in eastern South Dakota and western Minnesota. The average consumer density per mile of its members is 1.7. Because these cooperatives chose to join together and become affiliated with one transmission cooperative, the Administration has disqualified them for 2 percent loans for transmission facilities, and under the proposed change in Policy Bulletin 20–6 the Administration would declare them ineligible for 5 percent loans.

The economic effect on the consumers under the proposed policy change is drastic. During the past twenty-five years, East River Electric Power Cooperative has invested approximately $25-million in transmission facilities. During the next ten years, this figure will be increased to $50-million. East River at the present time has definite plans to borrow approximately $11-million this year for facilities needed in the three-year period 1976–78 to enable us to continue to render adequate service to our members. The interest cost over the 35-year life of this loan will be increased to as high as $25,228,000.

It is inconceivable that the Administration would ask the rural people to go to Wall Street to finance their transmission and distribution cooperatives when farm prices are at a point of nearly bankrupting rural America, and on the other hand search for ways in which the private power companies can receive tax credits, tax benefits so that their stockholders can be "fattened."

We sincerely urge you to rescind the proposed supplement to REA Bulletin 20–6 as published in the Federal Register of March 11, 1975.

Sincerely,

Loren A. Zingmark,
General Manager.

Mr. ABOUREZK. I yield part of my time to the Senator from Missouri.

Mr. EAGLETON. I thank my distinguished colleague from South Dakota and I shall not consume too much of his time.

Mr. President, I associate myself with the remarks made by the distinguished Senator from South Dakota, Mr. Abourezk, and to commend him for his leadership in opposing the administration's proposed changes in the REA program.

This is not the first time, of course, the Department of Agriculture, under Secretary Earl Butz, has attempted to frustrate the purposes of Congress through administrative policy. To cite just one example, the disaster relief and production loan programs have been so circumscribed through Department regulations that they are next to worthless to any farmer in need of help. Congress clearly intended this assistance to be made available whenever the need arose and in amounts that would do some good for farmers. But Secretary Butz apparently did not believe this was a worthwhile expenditure of Federal funds, so has, in effect, amended the law through Department regulation.

Now it is the rural electric cooperatives' turn for the Butz treatment. Congress, last year, passed a bill to provide rural electric coops and rural telephone coops access to insured loans at an interest rate of 5 percent. An effort was made in the House of Representatives to limit loans of this kind to $10 million, but it was defeated. Secretary Butz, however, will not be denied apparently, for on March 11 a Department regulation was published in the Federal Register to achieve the $10 million limitation through administrative means. Under the new policy, any loan in excess of $10 million will be made under the guarantee program at interest rates of about 8 percent or so.

Mr. President, I strongly object to this proposed legislation. I believe it is contrary to the act passed by Congress and contrary to the interest of this country in providing low-cost power and telephone service to its farmers and rural citizens. Again, I want to commend the Senator from South Dakota for his leadership on this matter.

Mr. ABOUREZK. I thank the Senator from Missouri for his remarks.

I am willing to yield part of my time to the Senator from Florida (Mr. STONE).

Mr. STONE. I thank the distinguished Senator from South Dakota, and I ask that the copy of the proposed rule referred to by the distinguished Senator from Missouri be attached and made part of the RECORD immediately succeeding my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

SENATOR STONE CRITICIZES PROPOSED REA-LOAN REDUCTION

Mr. STONE. Mr. President, electric rates in Florida are growing to astronomical proportions, so much so that my constituents are finding it extremely difficult to pay their electric bills which, in many cases, are higher than their mortgage payments. Right now electric bills in Florida are among the highest in the Nation, and Jacksonville is reported to have the highest electric rates.

This situation was brought about by the oil embargo. An article by Duncan J. Thigpen, Jr., general manager of Sumter Electric Cooperative, Inc., Sumterville, Fla., in the current issue of Rural Electrification magazine, vividly details what has happened to the price of electricity in the State of Florida. In December of 1972, oil was selling for $1.68 a barrel; 24 months later, the cost was $11.60 a barrel. Florida is greatly dependent on oil for its electric generators, with nearly 70 percent of its generation oil-fired. As a result, the 50-percent increase in the price of oil has meant a sharp increase in the price of electricity. Sumter Electric, for instance, in 1974 had to pay $4,071,835 more for the wholesale power it purchased than it would have paid based on January 1972 prices. That represents an increase in wholesale power costs of 142 percent for 1974 over 1972.

To say that the soaring cost of fuel and the resulting higher cost for electricity is having an adverse effect on the economic life of Florida citizens is an understatement. The homeowner, the small businessman, and the large business are all feeling the pinch.

It is apparent that rising fuel costs, together with the inflated costs of other goods and materials and high interest rates, are having a profound impact on Florida electric systems and Florida consumers.

Around the Nation there are massive cutbacks in utility construction budgets. In Florida alone these cutbacks amount to $2 billion in generating capacity that will be badly needed within the next 5 years to assure sufficient capacity to meet the needs of Florida consumers.

As if these cost increases were not enough, we now find an agency of the Federal Government unilaterally saying it is going to force further cost increases on electric cooperatives in this country.

On March 11, 1975, the Administrator of the Rural Electrification Administration published proposed changes in the loan policies of that agency. These proposed changes would prohibit a power supply type borrower of REA from receiving a low-interest rate insured loan. Instead, unless the Administrator makes a specific exception for a hardship case, these borrowers would be forced to pay much higher interest rates under REA's guaranteed loan program.

Mr. President, it is not the REA that could be a hardship case, it is the consumers that have to pay these inflated electric bills that are the hardship cases.

Mr. President, this policy change will have a significant impact on the future plans of rural electrics in my State. I am informed that these cooperatives have been negotiating with the private power companies which serve them to determine if they can enter into joint ownership of generating and transmission projects. Such a project has obvious benefits. The private utilities are hard-pressed to raise necessary capital for such projects. And the rural electrics would be able for the first time to own a portion of the facilities from which they get their wholesale power.

In the past, financing for such joint projects has sometimes come in the form of a combination of low interest rate insured loans and cost of money guaranteed loans from REA. Under the proposed changes in REA loan policy, all of the funds would have to come at the high interest rate. Inevitably, the loss of possible low-interest loans for even a portion of these proposed joint projects will mean higher electric rates for consumers of electric cooperatives in Florida and elsewhere.

Less than 2 years ago, the Congress passed Public Law 93-32, which set up the present insured and guaranteed loan programs administered by REA. In so doing, the Congress took great care in spelling out that applications for distribution type loans and power supply loans should be treated exactly the same. The Congress determined that there should not be one type of loan program for distribution cooperatives and another type for power supply cooperatives. What the Congress specifically refused to do the administration is now trying to do by executive fiat.

This Senator believes that the policy being proposed by the Administrator of REA is not only contrary to the public interest in a time of rising electric costs, but it is patently unlawful in view of the statute upon which it is based.

Mr. President, the Senator from Florida joins his colleagues in opposing this proposed policy change and I urge the administration not to put this proposal into effect.

EXHIBIT 1

[From the Federal Register, Mar. 11, 1975]

RURAL ELECTRIFICATION ADMINISTRATION— REA LOAN POLICY

Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 20-6, "Loans for Generation and Transmission." The purpose of this supplement is to set forth REA policy as to which loans for major generation or transmission facilities will be subject to receiving financial assistance from REA in the form of loan guarantees, and which will be subject to receiving financial assistance in the form of insured REA loans.

In order to achieve an orderly transition to the proposed new policy, it is necessary to establish an immediate cutoff date for the acceptance of loan applications under the insured loan program for the financing of certain major generation or transmission facilities. However, this cutoff date, as well as the remainder of the proposed policy, is subject to comment as described below.

It is contemplated that following the adoption of this proposed new policy, REA will, beginning July 1, 1975, be able to make loans to distribution borrowers to meet their 2-year loan requirements for amounts up to $1 million under the insured loan program.

Interested persons may submit written data, views or comments on this proposed policy to the Assistant Administrator-Electric, Rural Electrification Administration, Room 4056, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 60 days from the publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection by the Office of the Assistant Administrator-Electric.

The text of the proposed supplement to REA Bulletin 20-6 is as follows:

RURAL ELECTRIFICATION ADMINISTRATION

STATEMENT OF LOAN POLICY AND PROCEDURES

In order to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities, priority will be given to the financing of these facilities in the administration of REA insured loan funds under the Rural Electrification Act of 1936 (7 U.S.C. 901-950(b)).

Effective immediately, the Rural Electrification Administration will no longer accept loan applications under the insured loan program for the financing of major generation or transmission facilities. Major generation or transmission facilities for this purpose are defined as all facilities of power supply type borrowers and projects of distribution borrowers consisting of generation or transmission facilities which in aggregate cost more than $10 million.

This policy applies in all cases, except where (a) the borrower qualifies for a loan under the "special rate," or (b) the Administrator has determined the need for an insured loan in order to maintain loan security.

All loan applications for insurd loan funds that have already been accepted by the Administrator of the Rural Electrification Administration for major generation or transmission facilities will be considered as in the past.

REA guarantees of loans provided by others will continue to be available for the financing of major generation or transmission facilities.

Dated at Washington, D.C., this 3rd day of March, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

Mr. ABOUREZK. I thank the Senator from Florida for an excellent statement.

I yield to the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from South Dakota for yielding time to me on this most important subject.

On March 11, the Administrator of the Rural Electric Administration published proposed loan policy changes in the Federal Register which are not only disturbing, but could adversely affect our efforts to cope with our Nation's No. 1 domestic and economic problem, the energy crunch.

This proposed policy change would summarily terminate the availability of the standard 5 percent REA insured loans to power supply borrowers of the agency except in special circumstances. Under the proposal, such loans would be made at cost-of-money interest rates under REA's guaranteed loan program.

Mr. President, as a member of the Senate Agriculture Committee, I participated in the deliberations which led up to the enactment of Public Law 93-32 in May of 1973. Because I did participate in these deliberations, I can unequivocally say that the Congress definitely did not intend for power supply loans and distribution loans to be treated differently. On the contrary, it was the intent of Congress that no distinction be made between the way generation and transmission loans and distribution loans are handled by REA.

This proposed change would make a difference in the treatment of these two types of loans.

The administration, in the compromises leading up to the passage of Public Law 93-32, accepted this complete absence of any distinction or discrimination between the two types of loans.

Both types of borrowers are eligible to receive insured REA loans. The provision for a guaranteed loan program was clearly recognized as an addition or supplement to insured loans.

The administration now proposes to accomplish by regulation what the Congress refused to authorize—the creation of two classes of electric borrowers.

I would remind my colleagues that, prior to the passage of Public Law 93-32, the administration specifically sought to create two such classes of borrowers. The then Under Secretary of Agriculture, in an appearance before the House Agriculture Committee on March 14, 1973, stated the administration's position:

> Generally, the rate of interest on insured loans for electric distribution would be 5 percent . . . (and) generally, except for a few hardship cases, the rate of interest for electric generation and transmission would be at the market rate.

A bill incorporating such provisions was introduced and subsequently rejected by the Congress.

In my opinion, Representative POAGE, then chairman of the House Agriculture Committee, accurately stated the position of Congress before his committee:

> I do not want any bill singling out generation and transmission associations or taking any kind of crack at them. They are part of our rural electric systems and they are treated just like all the rest of it in the bill. Of course, they will not get much, if any, 2-percent money, I recognize that. And I recognize that most of the money will be higher priced money because of the criteria, but we will apply the same criteria to everybody.

He indicated very clearly, Mr. President, that there was supposed to be no distinction between the two types of loans.

Mr. President, I have written the Administrator of REA, specifically asking him the legal basis for his proposed policy change. I am firmly convinced that no such basis can be found. I ask unanimous consent to have my letter to Administrator Hamil be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. I join with the distinguished Senator from South Dakota (Mr. ABOUREZK) and the distinguished Senator from Florida (Mr. CHILES) and my other colleagues who have spoken on this subject—the distinguished Senator from Idaho (Mr. MCCLURE) and others—in opposing this proposed policy change.

EXHIBIT 1

APRIL 9, 1975.

Mr. DAVID A. HAMIL,
Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HAMIL: This letter is in reference to your agency's proposed supplement to REA Bulletin 20-6 as published in the Federal Register on March 11, 1975.

In view of Congress' intent in enacting P.L. 93-32 that no distinction be made in the handling of power supply or distribution loans, I would like for you to provide me with your agency's legal justification in proposing these changes.

Further, I urge you withdraw this proposed policy change for the specific reason that it is contrary to law.

Sincerely,

JAMES B. ALLEN.

Mr. ABOUREZK. I thank the Senator from Alabama for his leadership in this matter.

REA LOAN POLICY

Mr. McGOVERN. Mr. President, when the change in REA loan policy, announced by the Administrator on March 11, came to my attention my immediate question was why? Why does the administration propose to prevent the use of insured loans for any but minor or emergency generation and transmission purposes?

The statutes under which REA operates most certainly do not provide the justification. I recall very clearly that we made sure of this when the Congress enacted the new REA legislation—what is now Public Law 93-32—in 1973. Our legislative action at that time was necessitated by the unconstitutional and contemptuous announcement by the administration on December 29, 1972, that it would no longer administer the Rural Electrification Act. That action did not exactly enhance our trust in the administration, so we were doubly careful in enacting the new legislation. We extracted from the administration a promise that it would actually make loans from the revolving fund established by the new act and that it would make such loans at levels of not less than $618 million per year during the remaining life of the administration. We also got the administration to drop its demand that generation and transmission loans be made only at market rates of interest, leaving no distinction between distribution and G. & T. loans.

We took into account very precisely the fact that the administration had demonstrated something less than enthusiasm for the financing of generation and transmission facilities. We, therefore, saw to it that the language of the new act and the intent of Congress as expressed in the legislative history provided for G. & T. funding under the same criteria and rules that applied to distribution co-ops. We were trying to take no chances on that. I would have made a greater point of this myself had I not been satisfied that the law and the intent of Congress were clear and fully adequate with respect to G. & T. loans.

As it was, I recommended to the Senate that it adopt the bill. I stated to this body:

> I think it is the strongest possible rural electrification bill we can pass in the Senate that is veto-proof. It should have the support of the Administration; every indication is that it does. I believe it provides a reasonable level of financing for both our rural electric systems and our rural telephone systems.

We had every reason to expect the administration to carry out the intent of Congress in administering this new act.

The only justification offered by the administration for denying loans from the revolving fund for any major generation and transmission facilities is to make the maximum amount of REA insured loan funds available for the financing of electric distribution facilities. The trouble with that justification is that it has big holes in it. Congress has put a floor under insured loans but not a ceiling other than the size of the revolving fund. The revolving fund amounts to billions of dollars enough that REA is continuing to lend from it without revolving any of the mortgages to replenish the fund. At this time and in the foreseeable future, availability of money in the revolving fund is no problem. If there is any scarcity, it is one that is arbitrarily imposed by the administration like an impoundment of appropriated funds. If this is the case, the administration is again acting in high-handed, capricious fashion and should be stopped from doing so.

If there is some other explanation, the administration will have an opportunity to provide it to us.

As chairman of the Subcommittee on Agricultural Credit and Rural Electrification in the Senate Committee on Agriculture and Forestry, if it appears to be necessary, I shall propose that we hold a hearing on this matter so that all the facts may be placed upon the table and fully considered.

Mr. President, it would divert us needlessly from other pressing tasks if the administration should force the Congress, once more, to pass a new law to tell them to administer an old law. We did that 2 years ago—on REA, rural water and sewer grants and loans, agricultural conservation programs, the water bank, and more.

Nevertheless, if we are unable to resolve this disagreement by negotiation, it may be necessary to do just that.

Let us hope that we do not have to travel that road once again.

Mr. BURDICK. Mr. President, I rise in opposition today to the new USDA policy that cuts off 5-percent REA insured loans for generation and transmission facilities. There are no valid reasons for the policy revision, and the action would seem to reflect the administration's lack of commitment to the continued development of rural America. This attempt to place additional burdens on agricultural producers comes at a time when other costs have skyrocketed for farmer-member-consumers. I find the proposed policy revision unfair and unwise as it would seriously affect energy production for agriculture. This proposal could have a direct and disastrous effect on the economy of rural America and on our future efforts to effect adequate, responsible regional power supply. The many North Dakota people who believe the rural electrification program is in danger are not alone. The message that is coming to Congress from all parts of the country is this: Any proposed cutback in insured loans would increase the cost of power supply throughout the Nation.

Mr. President, this is not a partisan issue. Individuals of all political persuasions recognize the great importance of the program. We cannot take responsibility for what the administration decides, but it is essential that we urge the executive branch to carry out the policies of Public Law 93–32. Many of my colleagues fought hard and long for this insured loan plan 2 years ago. NRECA studies, at that time, showed that there was sufficient funds in this revolving fund to last at least 15 years for both G. & T.'s and distribution cooperatives. The loss of the insured loan provisions would precipitate substantial wholesale rate increases which causes the cooperatives to increase rates to the ultimate consumers. It was the intent of Congress that Public Law 93–32 establish a floor, not a ceiling, on available funds and that the 5-percent insured loan program was to be made available to generation and transmission cooperatives as well as distribution cooperatives. I am totally against the phasing out process of the vital rural electric financing program.

RURAL ELECTRIFICATION ADMINISTRATION PROPOSED LOAN POLICY

Mr. HOLLINGS. Mr. President, it has come to my attention that the Rural Electrification Administration has proposed new rules with regard to their loan policy. Under this new proposal, they will no longer accept loan applications under the insured loan program for the financing of major generation or transmission facilities. Instead, loans will be made from a revolving fund which consists of loans and other assets of the cooperatives. The net effect of this change would be to require these rural loans to be made at an 8-percent interest rate as opposed to the current 5-percent interest rate.

In South Carolina, Central Electric is presently awaiting a decision from REA concerning a pending transmission loan. Their request is for a $14 million loan for 230,000 volts transmission lines. Since an environmental impact statement was required, their application was not submitted to REA until February 28, 1975. REA then printed their proposed rules in the Federal Register on March 11, 1975, and they determined that Central Electric's application was not previously accepted and could not qualify for the insured loan program. This determination will of course create a considerably increased burden upon Central Electric and ultimately their customers.

REA loans to rural electric systems in South Carolina provide for service to an estimated 278,395 rural consumers over 42,828 miles of line. Loans made thus far to the 27 REA electric borrowers in the State, including 25 cooperatives, total $263,609,545. The first REA loan in the State was approved in September 1935, with the first REA-financed line energized July 1937, by the Greenwood County Rural Electric System, Greenwood, S.C.

Consumers served by REA borrowers in the State are using increasing amounts of electricity on their farms, in their rural homes and businesses. In 1973, the average monthly consumption per consumer was 821 kilowatt hours, compared with 384 kilowatt hours in 1963.

As of January 1, 1975, REA had advanced $244,107,256 to borrowers in this State. The funds have been invested by the borrowers in local electric facilities. The borrowers have energized 41,431 miles of line serving 234,052 farm and other rural consumers. Of the 47,000 farms in the State, the vast majority are receiving electric service, compared with only 3,796 farms, or 2.3 percent, when REA was created in 1935.

By January 1, 1975, REA borrowers in South Carolina had made a total of $109,121,263 in payments on their Government loans. The payments included $66,333,569 repaid on principal as due, $1,764,367 of principal paid ahead of schedule, and interest payments of $41,023,327.

Rural electric systems provide effective leadership in rural development and are committed to serving all of the people in these areas. I feel that this new policy would be detrimental to this system. As we all know, electricity is an essential commodity, and I do not favor increasing the cost of this commodity to those farmers and rural people who are already caught in a cost-price squeeze.

Mr. PEARSON. Mr. President, I want to join with my colleagues in expressing my opposition to the Rural Electrification Administration's proposed supplement to Bulletin 20–6, which would have the effect of precluding, except in limited special circumstances, the use of the insured loan program for financing major generation and transmission facilities.

We all recognize that the power supply cooperative borrowers have to look to the guaranteed loan program, with its open market interest rates, as a major source of financing generation and transmission facilities. But it would be most unwise to flatly deny by administrative edict the opportunity for power supply coops to apply for insured 5 percent loans.

Indeed, Mr. President, it would seem to me that such action may very well be illegal. I have had the opportunity to review the legislative history of this particular question and, as I read it, the congressional intent and the letter of the law (Public Law 93–32) are quite clear; power supply borrowers are not to be denied access to the insured loan program.

The costs of generating electricity both by the investor-owned companies and the coops have increased dramatically. And in recognition of this, the administration is seeking to provide various types of special assistance to the electric utilities. Therefore, it is all the more appropriate, it seems to me, for the Rural Electrification Administration to take this step at this time to preclude the use of an insured loan program for the financing of generation and transmission facilities.

In Kansas, our rural electric distribution system are very much concerned about future power supplies and are trying to make sure they have access to all sources that should be available to them.

In 1974, Sunflower Electric Cooperative obtained from REA an insured loan for $1.5 million, and as I understand the proposed change in REA policy, it would preclude such a loan in the future except in some very unusual circumstance.

Mr. President, I urge the administration not to adopt this proposed rule change.

Mr. TALMADGE. Mr. President, as chairman of the Committee on Agriculture and Forestry, I am pleased that so many of our colleagues are taking this opportunity to discuss a policy proposal by the Administrator of the Rural Electrification Administration.

This is a program which has been important to me during many of my years of service in this body. Prior to becoming chairman of the full committee, I served for several years as the chairman of its Subcommittee on Agricultural Credit and Rural Electrification.

I support the REA program. It has been one of the most successful single programs that this Government has undertaken.

Other Members of this body will recall, as I do, the frustrating process which tied us up for so many months at the beginning of the 93d Congress just 2 years ago.

It became necessary for the Congress to enact bills, one by one, mandating that the administration execute the law as the Congress enacted it. One by one, we had to reinstate programs, many of them important rural programs, which had been terminated arbitrarily.

One such program was the REA program.

The legislation enacted by the 93d Congress to get the REA program back on track was compromise legislation. It replaced the previous direct loan program with a system of insured and guaranteed loans, with certain criteria for eligibility for such loans.

We provided a system by which it could be determined what borrowers were least able to pay higher rates, and provided for them a special 2-percent rate. Above that, we provided a 5-percent rate. And for particularly large capital requirements, we authorized a new loan guarantee program.

Nowhere in that law do I find any reference which would empower the Administrator of REA to determine that distribution cooperatives alone should get insured loans and that power supply cooperatives should get only guaranteed loans at commercial interest rates.

Yet that is the effect of the Administrator's announced intention of revising REA Bulletin 20–6, as published in the Federal Register on March 11 last.

Nowhere in that law do I find authority for the Administrator of REA to determine that he will no longer accept applications from power supply borrowers for insured loans.

Yet that is what the Administrator has done.

Nowhere in that law do I find authority for the Administrator of REA to limit to $10 million the availability of insured loans to distribution cooperatives for power supply facilities which they may build incident to their distribution functions.

Yet that is what the Administrator has proposed.

Mr. President, legislative history may tend to become difficult to plumb as time passes and memories fade. But the legislative history of this law, Public Law 93–32, is fresh and clear; it is not yet 2 years old.

The chairman of the House Committee on Agriculture at the time of enactment, Mr. POAGE, still serves in the Congress. The chairman of the Senate Committee on Agriculture and Forestry still serves. The chairman of our Subcommittee on Agricultural Credit and Rural Electrification, Mr. MCGOVERN, still serves.

The language of the law and the words of our respective committees' reports are concise and clear. They state without question that the Congress intends that REA continue to finance borrowers for the purposes spelled out in the act—generation, transmission, and distribution.

I hope that the Administrator will reconsider his proposal in the light of comments which it is receiving from borrowers across the land.

I hope sincerely that it will not be necessary once again to legislate direction to the administration to carry out the intent of the Congress.

Mr. President, I have authorized the Subcommittee on Agricultural Credit to hold hearings on the Administrator's proposed policy. Again, I hope that it will not be necessary to do so.

I do not wish further confrontation between the Congress and the Executive. It is my hope that this matter can be resolved in a cooperative manner, according to the law.

REA PROPOSED LOAN POLICY IS ILLEGAL AND INFLATIONARY

Mr. PROXMIRE. Mr. President, I must voice my strong objections to the loan policy changes proposed by the Administrator of the Rural Electrification Administration in the March 11 Federal Register.

These changes, as proposed, would in effect prevent rural electric cooperatives from getting the standard 5-percent insured loans for generation and transmission facilities. Instead, it would require that such loans be made at the Federal Government's cost-of-borrowing—under REA's guaranteed loan program, where the interest rates now run at 8-percent or higher.

Mr. President, this proposal shows a blatant disregard for the intent and the letter of the law passed by Congress in 1973 (Public Law 93–32), which specifically required that REA not make any distinction between generation and transmission loans and distribution loans in financing rural electric projects. The 1973 Rural Electrification Act amendments stated that 5-percent insured loans would be made available to all applicants, distribution and G. & T. alike, who were not eligible for REA's other 2 percent money. Nowhere did the act authorize REA to require generation and transmission borrowers to pay market rates for their loans; on the contrary, the House of Representatives specifically rejected an administration-supported amendment offered on the House floor which would have provided this authority. The will of Congress could hardly be clearer in this matter—that 5 percent REA insured loans be freely available for all aspects of the vital effort to supply electricity to our rural areas.

Aside from the obvious disregard for the intent of the law, the proposed REA policy change would result in an enormous increase in the cost of electricity to farmers and other rural residents already hard hit by our current economic problems. And I must emphasize that inflationary impact of this policy will not fall on just this one group. The ripple effect of increased electricity costs to the farmer and the rancher will show up in everybody's food bills across the country, and we all know that the rising cost of food is one of the cruelest taxes exacted by inflation and recession.

Lest anyone be inclined to underestimate the cost burden involved in the proposed REA interest rate hike, let me give my colleagues some idea of the impact this policy change would have on the rural electric cooperatives in my State of Wisconsin alone.

The Badger Power Group, located in east-central Wisconsin, which serves 27,000 people, has an application in for a $100 million generation and transmission loan to meet the rising demand for electrical power. If they are forced to take an 8-percent guaranteed REA loan rather than a 5-percent insured loan, it will cost them $350,000 more a year in interest payments. This would represent a 70-percent increase in the interest cost of the loan.

The Dairyland Power Cooperative, located on the Mississippi River near La Crosse, Wis., is the largest cooperatively owned power project in the country, with 132,000 members. It now has a $121 million loan application pending with REA. If Dairyland is required to take an 8-percent guaranteed loan rather than a 5-percent insured loan for its new power supply facilities, then the cooperative's members will have to bear an additional yearly interest cost burden of $363,000. Furthermore, Dairyland plans to make another application within 2 years to build a new powerplant now projected to cost $100 million. A 3-percent rise in the interest rate will impose an additional cost of $300,000 a year for that new plant, not even taking into account the effects of inflation in the next 2 years.

The bottom line price of REA's new policy will be inflation in the cost of electricity to the consumer. According to estimates provided me by the Wisconsin Electric Cooperative Association, an increase in REA generation and transmission loan rates from 5 to 8 percent will push up the electrical bills of Wisconsin farmers and other rural residents by at least 70 percent and possibly as much as 100 percent.

Mr. President, this REA policy change is insupportable and unconscionable. In view of current economic conditions, particularly as they affect power supply systems, there could be no worse time to propose a termination of REA-insured loans for generation and transmission systems.

Furthermore, I find it totally incongruous that the Administrator of REA is proposing to place an enormous additional cost burden on rural electric cooperatives at the same time that the Secretary of the Interior is proposing to confer a number of benefits on privately owned utility companies to encourage construction of electrical generating plants.

Given the enormous inflation in energy costs in the past couple of years, the Federal Government must do everything possible to keep down the cost of necessary additional power supply facilities throughout the country.

In sum, Mr. President, I see absolutely no justification for penalizing rural electric cooperatives through this illegal and inflationary new loan policy proposed by the Rural Electrification Administration, and I urge that the supplement to REA Bulletin 20–6 published in the March 11 Federal Register be rescinded.

Mr. MONDALE. Mr. President, the proposed new USDA policy to cut off insured loans to all REA power-supply-type borrowers would be another blow to the farmers of Minnesota who are already having a difficult time surviving the present economic hardship. We must remember the large responsibility that has been placed upon the rural electric cooperative system to bring service to the sparsely settled areas of our country. To provide this service, they have had to build a vast number of miles of transmission and distribution lines. This results in their having approximately 4 consumers per mile of line, as opposed to something in the order of 35 customers per mile on the average investor-owned utility system. This is a terrific economic penalty for the cooperative system to overcome.

Congress has realized this hardship and for that reason has annually made a certain amount of money available to the Rural Electrification Administration for loans to the cooperatives at a 5-percent interest rate under the insured loan program. This program by no means provides all of the capital required by the cooperatives, but helps in a small way to offset the penalty of serving a sparsely settled area. The power-supply-type borrower particularly will require tremendous amounts of capital in the future as compared to past requirements to provide their member-owners with their power needs.

For example, we presently have two of our largest generation and transmission cooperatives in Minnesota involved in a joint venture to build two 500 megawatt generating units to provide power for their members covering about two-thirds of the rural area of Minnesota. The total cost of the project, including generation, transmission and coal mining facilities, is estimated to be $633 million. Of this amount they have obtained insured loans from REA for nearly $83 million. This represents only about 13 percent of the project's capital requirements. The remaining capital requirements of $550 million will already have to be obtained elsewhere at a considerably higher rate of interest.

Under the proposed new USDA policy no part of a project such as this would be financed under the 5-percent insured loan program. In this case, had the two coöperatives had to also borrow the $83 million at pay 8 percent interest instead of 5 percent, the extra cost to the rural consumers of Minnesota for just the one project would have been $60 million over a 30-year repayment period.

In addition to the generating facilities, these generation and transmission cooperatives will also have capital requirements for other system improvements and expansion needed to keep up with load growth. It was clearly the intent of Congress that a portion of the 5-percent insured loan fund be made available to power-supply-type borrowers. This point was debated by the Congress, and there should be no mistake about it. This change in policy by the administration is a total disregard of the intent of the law approved by the Congress. It would seem to me that continuing to provide a small percentage of the capital requirements of power-supply-type borrowers under the present 5-percent insured loan program is really a small contribution toward their inherent high cost of serving our rural communities with electric energy so vitally needed by our farmers in producing the ever increasing food requirements of our Nation.

Mr. HARTKE. Mr. President, I wish to voice my strong opposition to the new policy of the Rural Electrification Administration published in the Federal Register of March 11, 1975, whereby loans would not be made in excess of $10 million for power supply facilities under the insured loan program. Money for those loans come from a revolving fund made up primarily of loans and other assets of the cooperatives at an interest rate of 5 percent. By this proposal, loans would be guaranteed loans with interest rates currently at about 8 percent with funds from the Federal financing bank which is financed by bond sales on the private money market.

This new policy must be rescinded. It is not only inconsistent with present law, but it is contrary to our national objective of keeping the cost of energy down and will have the effect of knocking out the insured loan program entirely.

The language and legislative history of Public Law 93–32, the Rural Electrification Act, including the exchange of views and agreement between the Congress and the administration which preceded its enactment, is clear that this proposed policy change is contrary to the statute on which it is purportedly grounded and thus unlawful.

The conference report on Public Law 93–32 stated that 5 percent loans would be available to all applicants, distribution and generation and transmission alike, who were not eligible for 2 percent loans. Guaranteed loans were recognized as an addition or supplement to insured loans. In fact, according to Congressman POAGE's statement in submitting the conference report to the House, the administration had pledged that such loans would be approved on the same terms and conditions and rates of interest as were applicable to loans for other purposes.

Mr. President, limiting the availability of insured loans to $10 million has no more factual or legal justification than for the complete denial of these loans to generation and transmission systems.

There could be hardly a worse time to propose the termination of REA insured loans for generation and transmission purposes. That aid, now more than ever, is desperately needed. And clearly continuing that need will benefit all distribution borrowers, not merely the approximately 60 percent of them who are members of power supply cooperatives.

Finally, it is totally inconsistent for the administration, through the Secretary of the Interior, to advocate the enactment of new legislation that would confer a major package of benefits on one group of electric utilities to encourage the construction of generating plants while at the same time, its administrator of the REA is proposing withdrawal of utility systems.

Rural areas contain one-quarter to one-half of our poor people and nearly 10 percent of our substandard housing. Rural electricity demands are doubling every 7 years. The REA cooperatives provide many of these areas with their energy needs at a reasonable cost and with excellent service. In Indiana, the need for the continuation of this service is recognized by the majority of rural residents and by many in the urban areas.

The record of the REA since its inception in 1936 is outstanding. The REA has financed over 1.7 million miles of electric lines, thousands of substations, and almost 200 generating plants in 46 States. Today, over 7 million consumers receive power from REA lines. Since 1936, there has been an increase of over 80 percent in the number of rural homes which have electric service. It is not surprising the public is alarmed when such actions as this proposed policy is published.

This action by the REA Administrator must be reversed. The fate of millions who depend on the REA is at stake.

Mr. McGEE. Mr. President, I commend my colleagues who have taken the initiative in bringing this all-important matter involving rural electrification to the attention of the Senate today. I hope the administration will study the record that is being made on the floor of the Senate today and take appropriate action.

Earlier this week we went into this matter initially when we had Secretary Butz and his associates before the Agriculture Subcommittee of the Senate Appropriations Committee, of which I am chairman. I raised this matter with the Secretary on the assumption that a policy matter and a change of this significance would have been discussed and resolved at the highest level within the Department. That assumption turned out to be erroneous. Neither Secretary Butz nor Under Secretary Campbell was familiar with this proposal.

Notwithstanding their lack of the familiarity with this proposal, Secretary Butz and Under Secretary Campbell were most forcefully advised that members of the subcommittee felt very strongly that this proposal ran completely contrary to the clearly expressed intent of Congress. It was pointed out that a proposal similar to this one had been proposed as a part of the REA legislation 2 years ago and had been firmly rejected by Congress. We impressed upon them that we considered this to be a guise to do administratively what they did not and could not accomplish legislatively 2 years ago.

Yesterday I had a visit from some high officials within the Department who were responsible for initiating this proposal and who were more familiar with it. I was somewhat surprised when they advised me that they were unaware of the legislative history of this proposal when it was considered 2 years ago. When I explained my understanding of the legislative history and advised them that this had been considered and rejected by Congress they were in a much better position to understand the hostility and indignation with which this proposal was received by the Congress.

I presume by now these departmental officials have had the opportunity to review in some detail that legislative record. Likewise, I am certain that this discussion will be most helpful to them in resolving whatever doubt might remain as to congressional intent. As I indicated earlier, I hope they will both read and heed this debate.

Mr. President, I regret this incident that has been the subject of so much controversy and so much emotion. Some have charged that the Department is acting illegally; others have expressed it as their acting in contempt of Congress; others have been content to simply charge them with failure to follow clear congressional policy. But whatever name or description is used it is clear to me that the Department acted most unwisely in this regard. After they have had an opportunity to review the legislative history including the record being made here today, I am confident that they will realize their errors and act accordingly. It would seem to me to be the wisest course open to them.

Mr. HASKELL. Mr. President, I wish to add my voice to those of my distinguished colleagues who speak out today against a policy change proposed by the Rural Electrification Administration which, if implemented, would significantly increase the cost of generating electric power in rural and suburban America, resulting in higher electricity rates for the Nation's farmers and rural residents at the worst imaginable time. As we all know, farmers and ranchers today are struggling with one of the worst cost-price squeezes in the Nation's history caused largely by skyrocketing energy costs. For the Federal Government to deliberately add to this burden by increasing what it costs rural electric members to generate electricity, is simply unconscionable.

Under the new policy, loans of more than $10 million for construction of generating and transmission facilities will not be made under the insured loan program which carries an interest rate of 5 percent, but will have to be financed by guaranteed loans from the Federal Financing Bank bearing a current interest rate of about 8 percent. The Tri-State Generation and Transmission Association, Inc., in Colorado advises me that if this policy had been in effect when they recently concluded arrangements for almost $44 million in insured loan funds for transmission facilities, the annual interest rate increase would have amounted to $1⅓ million. The impact this would have on electricity rates is obvious.

Mr. President, this proposed policy change is another in a continuing series of unwarranted attacks on the rural electric system by the administration, and it must be stopped. The rural electric system has been a model to the world of what can be achieved in the development of rural, inaccessible areas, through the cooperation of Government and private enterprise in a joint program to fulfill a need which could not otherwise be met. It has been one of the key elements in the astounding development and expansion of American agriculture and the populating of rural areas of America which otherwise would have been unable to attract residents.

Furthermore, the administration is trying to achieve by administrative fiat what it could not achieve by law when the REA loan program was revised by Congress in 1973 to create what has proved a very successful loan program at a relatively low cost to the Government. Congress rejected the approach now being advocated by the REA, and chose to make insured loans available to members for the construction of major power transmission facilities. We should reject the administration's proposals again, and insure the continuation of the insured loan program for as long as it is needed.

At this point, Mr. President, I ask unanimous consent to have two letters inserted in the Record from rural electric members in my State, stating their objections to the proposed policy change and urging Congress to prevent it.

In closing, let me thank my distinguished colleague from South Dakota for providing this opportunity for a meaningful discussion of this vital issue, and for giving me the chance to register my opposition to this extremely ill-advised proposal in concert with those of my colleagues who share my view.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Tri-State Generation and Transmission Association, Inc.,
Denver, Colo., April 1, 1975.
Hon. Floyd K. Haskell,
U.S. Senate,
Washington, D.C.

Dear Senator Haskell: Notice has been filed in the Federal Register that changes are being proposed in the financing of certain rural electrification borrowers, and we think you ought to be aware of both the proposed changes and their impact on the cost of electric service to consumers in rural Colorado.

REA proposes to establish new lending policies for funds with which to construct generating and transmission facilities. The net effect of the change will be to increase greatly the cost of money for transmission facilities.

Presently Tri-State is able to utilize REA's insured and guaranteed lending programs in a balanced manner that we think is fair and equitable. Our present backbone transmission system can presently be augmented and strengthened with new facilities which can be financed through the insured program at an interest rate of 5%. This rate was established by the amended Rural Electrification Act in May 1973. Additionally, one-half the cost of power supply transmission facilities (those associated with new generation) can be funded at 5 per cent.

The guaranteed loan program that utilizes the services of the Federal Financing Bank is the source for funds for new generation and for the other one-half of the transmission facilities needed to move that power into the backbone transmission system. The cost of interest for these funds varies with the current market for Federal issues, but recently has been approximately 8 percent.

Tri-State recently consummated arrangements for nearly $44,000,000 in insured loan funds for transmission facilities. If the new policy had been in effect at the time the loan was made, the annual interest cost on those funds would be increased $1⅓ million.

We see no need to burden our consumers with this additional cost when adequate funds can be made available to us under the 5% insured loan program. The consumer is already bearing cost increase burdens that appear to be uncontrollable. This proposed increase in cost *can be controlled*.

You may already be aware that Senator Abourezk of South Dakota has scheduled a colloquy on the floor of the Senate April 10 to discuss this proposed change. We would appreciate any contribution you could make to that colloquy in support of *continuing* REA's present policy of funding backbone transmission facilities for rural people through the *insured* program.

We would be happy to discuss this matter with you by telephone.

Respectfully yours,

Wendell J. Garwood,
Executive Vice-President.

Mountain View
Electric Association, Inc.,
Limon, Colo., March 28, 1975.
Senator Floyd Haskell,
Old Senate Office Building,
Washington, D.C.

Dear Senator Haskell: No doubt you are aware of the proposed rule change (copy attached) by the Rural Electrification Administration which would end insured loans in excess of ten million dollars to generation and transmission cooperatives.

In these days of inflation and energy shortages, it is difficult to understand this action by the Administrator.

Mountain View Electric serves a large area in eastern Colorado and much of the rural and suburban area around Colorado Springs.

If this rule is permitted to go into effect it can only result in increased power costs to us, which we in turn will have to pass on to our consumers.

MVEA is already faced this year with a probable increase in wholesale power cost of 20–25%.

We urge you to support efforts which we understand are underway in the Senate to defeat this change.

Sincerely,

A. C. Payne,
General Manager.

Mr. CULVER. Mr. President, I would like to add my comments to those of the distinguished Senator from South Dakota, Mr. Abourezk, in protest against the new Rural Electrification Administration policy that cuts off insured loans for generation and transmission facilities in excess of $10 million and thus sends rural electrical cooperatives to the private money market for their generation and transmission capital requirements. At a time when energy costs are soaring for other reasons, this REA policy change, which will unquestionably result in higher power costs for the rural electric consumer, is tragically unwise. It is an unnecessary, punitive blow against rural America in this period when rising production costs coupled with weakening farm prices have already created sufficient difficulty.

Moreover, this arbitrary policy change is clearly inconsistent with the law (Public Law 93–32) under which these loans were authorized. In fact, this same proposal which the REA now moves to put into effect administratively was debated and defeated on the floor at the time the legislation was enacted. In the interests of equity, prudent economics, and sound energy policy, I join in calling upon the Rural Electrification Administration to withdraw this proposed policy change that would inevitably complicate utility problems and result in substantially higher consumer power prices in rural America.

Mr. McCLELLAN. Mr. President, I wish to go on record against the proposed change in REA loan policy which is under discussion here today. So far I have not heard a good reason for the proposed change. On the contrary, the objections stated by the National Rural Electric Cooperative Association are persuasive, and I hope the administration will be guided by them.

SCHWEIKER OPPOSES NEW REA LOAN RESTRICTIONS

Mr. SCHWEIKER. Mr. President, I would like to join my distinguished colleagues today in protesting the Rural Electrification Administration's arbitrary decision to terminate the availability of 5-percent REA insured loans to power supply borrowers. As a strong supporter of S. 394, now Public Law 93–32, to assure the full obligation of all REA funds annually, I am very concerned about the impact this decision will have on the Commonwealth of Pennsylvania and the Nation as a whole.

One of my constituents, William F. Matson, in his capacity as executive vice president of the Allegheny Electric Cooperative, Inc., has very clearly detailed how this new, misguided policy will adversely affect his cooperative; the sort of impact Mr. Matson describes would cripple the rural electric cooperative program throughout the United States. I ask unanimous consent that Mr. Matson's April 4, 1975, letter to me be printed in full at this time, and I urge the REA officials to reconsider this new policy proposal.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALLEGHENY ELECTRIC COOPERATIVE, INC.,
Harrisburg, Pa., April 4, 1975.

Re: REA Proposed Termination of Insured Loans to Power Supply Cooperatives REA Bulletin 20–6 Supplement (Federal Register Volume 40, #48, Page 11357).

Hon. RICHARD S. SCHWEIKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHWEIKER: You have probably heard that the Rural Electrification Administration has announced it intends to terminate insured loans to power supply cooperatives for generation and transmission facilities, except in isolated special cases. The 5% (interest) insured loan program is a basic part of the Rural Electrification Act (as amended in 1972). REA has no authority under the Act to terminate this program.

On April 10 there will be an open discussion on this issue on the floor of the Senate. On behalf of all rural electric consumers, we urge you to participate in this colloquy and insist that REA continue the 5% insured loans to power suppliers as Congress intended when you amended the law in 1972.

Allegheny Electric Cooperative, Inc. has projected a half billion dollar investment in generation and transmission facilities over the next ten years in order to provide a reliable supply of electricity to the more than half million ultimate consumers it serves. REA's intended termination of the power supplier insured loan program would cost Pennsylvania rural electric consumers literally millions of dollars in higher interest rates on the loans for these necessary facilities. Allegheny anticipates investment of up to $100 million dollars in the next two years. Rural Pennsylvanians will suffer additional financial hardship in unnecessarily higher electric rates in these economically distressed times if REA is permitted to carry out its intentions. Several of our co-op service areas have unemployment rates as high as 18%! They desperately need relief on high cost of necessities—not additional unwarranted burdens.

Utility commissions all over the country are holding public hearings seeking ways to reduce electric rates and give relief to consumers. REA's action flies in the face of the relief so desperately sought. We are not asking for a new policy or new law, only that the established, existing Congressional mandate be carried out by the Administration. It truly grieves us to see this Administration aggressively trying to add to inflation for already beleaguered consumers.

Another grave consequence of REA's intended action is that vitally needed competition wil be further squelched in the energy industry. REA has announced it will approve insured loans to distribution (retail supply) cooperatives up to ten million dollars for generation and/or transmission facilities. This, in conjunction with its unwillingness to authorize insured loans for power supply cooperatives, means that such loans can only provide for small, partial isolated facilities for each retail supplier. It severely inhibits development of generation and transmission facilities on an integrated or coordinated basis for groups of distribution cooperatives through their single wholesale power supply cooperatives.

The inevitable effect of this is that the cost savings of larger scale facilities cannot be achieved. Small cooperatives, instead of being able to provide their own generation and transmission facilities at cost through their own jointly owned power supply cooperatives, will be forced to purchase their power and purchase the delivery of power at cost *plus profit* to the private power company suppliers. Thus, once again, competition has been squelched, and the consumer pays more.

The Administration has been proposing a variety of measures to provide financial relief to the power companies, such as extra investment credit, etc. We do recognize that the utility industry as a whole is being hit hard from many directions. We suffer the consequences of higher fuel costs, a host of environmental protection costs, and higher capital costs, too. It appears unfair to us that the Administration should endorse measures to provide relief for one segment of the power industry (and thereby its consumers) and at the same time attempt to increase the financial burdens of the consumer-owned segment.

We believe these considerations make it imperative that the Senate and House both insist that REA utilize the rural electrification law as the Congress intended, and continue insured loans to power supply cooperatives as needed. We trust that you will take every action possible, including your vocal support on the Senate floor April 10, to reverse REA's proposed action.

Thank you for your support.

Very truly yours,
WILLIAM F. MATSON,
Executive Vice President.

Mr. BENTSEN. Mr. President, Texas consumers do not need Government actions that increase costs for the generation and transmission of electricity. Swollen rates for electricity are already a burden for many as a result of escalating fuel prices. And fuel prices are still going up. Inflation of all costs continues to spiral. Certainly this is no time for the Federal Government deliberately to raise costs for rural electric systems.

The loan policy change announced by the Rural Electrification Administration on March 11 is that kind of action.

It is unwise because it would solve no problem and would—unnecessarily—add to the costs of many rural electric cooperatives.

It is inconsistent with the Ford administration's announced legislative program to aid electric utilities.

It is reminiscent of the Department of Agriculture announcement on December 29, 1972, that it would stop administering the Rural Electrification Act.

Immediately after the announcement of December 29, 1972, I joined in sponsoring S. 394, aimed at restoring the REA program and requiring the administration to administer it. Eventually S. 394 was broadened to authorize an even better program, and was enacted into law—the law which REA now proposes to change by executive decision rather than administer in the way Congress intended. There is no question that Congress intended to permit use of the insured loans program, which is made possible by the revolving fund, for generation and transmission facilities.

The change announced by REA would apparently have special significance in Texas.

Our two power supply cooperatives, Brazos Electric and South Texas Electric, are planning a joint generation project in the amount of $222 million. In addition, they will require $81 million for transmission facilities.

The loan funds for transmission facilities would normally be provided through the REA insured loans program. The proposed prohibition of G&T eligibility for insured funds will result in additional costs amounting to $71 million to these two Texas cooperatives on these projects alone. These additional costs will be borne by the thousands of ranchers, farmers and other consumers who depend on their cooperatives for service in central and south Texas.

No meaningful justification for this change in program has been offered by the administration. I join in calling for a reversal of the announced change.

THE ADMINISTRATION MOVES TO CRIPPLE RURAL ELECTRIFICATION PROGRAM

Mr. HUMPHREY. Mr. President, I wish to voice my strong objection to the announced plan of the Rural Electrification Administration to eliminate most 5 percent REA insured loans to all "power supply type borrowers."

This step is arbitrary, capricious, and certainly of doubtful legality.

Under the new policy, borrowing for major generation or transmission facilities would have to come under the guaranteed loan program with interest rates currently at more than 8 percent.

This move, if allowed to stand, would not mean 1 additional kilowatt hour, or lead to increased reliability in service. What it would mean is that new electrical facilities, under this program, would increase in cost.

This is an exceedingly restricted basis for the insured loan program which has served as the basis for the 5-percent insured loans to power supply borrowers since the effective date of title III of the REA Act—May 11, 1973; Public Law 93–32.

For the current year, the funding under the insured loan program will run at $700 million. For fiscal 1976 the Administration budget proposes $618 million for this program, while a level of $735 million was recommended by the Senate Committee on Agriculture and Forestry.

I am concerned with the proposal which basically would mean the elimination or phaseout of the insured loan program except in very limited circumstances. I am also appalled at the way in which this proposal has been made.

Again, the Administration has signaled its determination to pursue a policy of high interest rates. Rather than support a program which has benefited rural America and which is almost without opposition, the Administration is offering a proposal which, in the words of my colleague, Senator Milton Young, "does nothing more than stir up trouble."

In addition to announcing this new policy, which I consider to be both unwise and illegal, the Administration has also made it clear that it will no longer be accepting applications for insured loans. This announcement is made in spite of the fact that there is a 60-day hearing period under which comments are solicited regarding the new policy and procedures. I find it almost unbelievable that in the Federal Register announcement of this new policy the REA saw fit to state, and I quote:

> In order to achieve an orderly transition to the proposed new policy, it is necessary to establish an immediate cut-off date for the acceptance of loan applications under the insured loan program for the financing of certain major generation or transmission facilities.

The sentence which follows creates further confusion by stating:

> However, this cut-off date, as well as the remainder of the proposed policy, is subject to comment as described below.

In spite of the confusion which this statement creates, it is clear that generation and transmission applications for insured loans are no longer being accepted by the REA.

While the rationale for this proposed new policy is unclear, it would appear that the Administration is reverting to its position as of May 8, 1973, which would mean denying 5 percent insured loans to power supply borrowers. This position is in clear conflict with the legislation which was passed on May 11, 1973, and acquiesced in by the Administration.

The clear intent of the legislation was that 5 percent insured loans would be available to all applicants whether for distribution, generation, or transmission requirements. Guaranteed loans were recognized as an addition or supplement to the insured loans.

I participated in the conference committee which drew up the legislation in 1973, and it was quite clear that the law would have been less specific had there been more trust in the Administration's willingness to operate this program in accord with congressional intent.

It is clear to me that this proposed new policy flies in the face of the history and intent of the existing law. As one who has been a staunch supporter of this very successful and vital program, I have no intention of standing idly by while the Administration, by administrative fiat, acts illegally and contrary to the best interests of rural America.

I hope the Secretary of Agriculture and the Administrator of the Rural Electrification Administration understand the clear legal implications of this announced policy. We have already seen a growing number of actions being brought against the Secretary of Agriculture. I would hope that the lesson and the implications of this trend would not be lost on the Secretary and others in authority in this Administration.

REA PROPOSED CHANGES; A MATTER OF CONCERN

Mr. HUGH SCOTT. Mr. President, I join with other colleagues in voicing my concern over policy changes proposed by the Rural Electrification Administration under which loans of more than $10 million for power supply facilities would no longer be made available under REA's 5-percent interest insured direct loan program. Rather than making insured loans available for this type of facility, funds would now come from guaranteed loans with interest rates currently at 8 percent through the Federal Financing Bank. While moneys for direct loans come from a revolving fund made up primarily of loans and other assets of REA cooperatives, the Federal Financing Bank depends on bond sales on the private money market.

This proposed change is totally contrary to the 1973 amendments to the Rural Electrification Act. Under that legislation, which I cosponsored, REA has no authority to terminate insured loans to power supply cooperatives for generation and transmission facilities, except in isolated special cases. I had thought that this issue was resolved with the conference report on the 1973 amendments. Now, it appears that the REA is attempting to do by regulation the very thing which Congress intended not be done.

The result will be a most unfortunate increase in costs to the consumer, at the very time when the Administration has proposed a great many other measures to provide financial relief to power companies. It is no secret that the utility industry as a whole is being hard hit from many directions. Higher fuel costs, a host of environmental protection costs and higher capital costs are just some of the factors with which the industry has had to deal.

Pennsylvania rural electric cooperatives have projected over a half billion dollars in investments in generation and transmission facilities over the next 10 years in order to provide a reliable supply of electricity to the more than a half million consumers which they ultimately serve.

REA's proposed termination of the power supplier insured loan program would cost Pennsylvania rural electric consumers literally millions of dollars in higher interest rates on the loans needed to construct these facilities. Rural Pennsylvanians will suffer additional financial hardship in unnecessarily higher electric rates in these economically distressed times if REA is permitted to carry out its intentions.

A number of the Commonwealth's co-op service areas currently have unemployment rates as high as 18 percent. They desperately need relief on high cost necessities—not additional, unwarranted burdens.

Another grave consequence of REA's intended action will be to retard *vitally* needed competition in the energy industry. REA has announced it will approve insured loans to distribution, retail supply cooperatives up to $10 million. This, in conjunction with its unwillingness to authorize insured loans for power supply cooperatives, means that such loans will only provide for small, partial isolated facilities for each retail supplier. Such a result will severely inhibit the development of generation and transmission facilities on an integrated or coordinated basis for groups of distribution cooperatives through single wholesale supply cooperatives.

The inevitable result of this will be that the cost savings of larger scale facilities will simply not be achieved. Small cooperatives, instead of being able to provide their own generation and transmission facilities at cost through their own jointly owned power supply cooperatives, will be forced to purchase their power and purchase the delivery of power at cost plus profit to the private power companies. Thus, once again, competition will be squelched, and the consumer will pay more.

Mr. President, I view this as a very serious situation; one which Congress thought it had resolved with the passage of the 1973 Rural Electrification Act amendments I sincerely hope that the Rural Electrification Administration will reconsider its announced plan and decide not to implement the proposed supplement to REA Bulletin 20-6.

ORDER OF BUSINESS

Mr. MANSFIELD. What is the pending business, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin does not wish to use his time, so that time has been vacated.

EXECUTIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider the nominations on the Executive Calendar starting with those of the Federal Election Commission.

There being no objection, the Senate proceeded to the consideration of executive business.

FEDERAL ELECTION COMMISSION

Mr. MANSFIELD. Mr. President, at this time I ask unanimous consent that the following nominees be considered en bloc: Thomas B. Curtis, Joan D. Aikens, Robert O. Tiernan, Vernon W. Thomson, and Thomas E. Harris.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLEN. Reserving the right to object——

Mr. MANSFIELD. Mr. Staebler will be considered individually.

Mr. McCLURE. Reserving the right to object, and I shall not object, did the distinguished Senator from Montana read the entire list?

Mr. MANSFIELD. No, I excepted Mr. Staebler.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I request the President be notified.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FEDERAL ELECTION COMMISSION NOMINATIONS

Mr. KENNEDY. Mr. President, I am pleased to support the nominations of the six members of the Federal Election Commission and to vote for their confirmation.

As one of the principal sponsors of the Senate version of the legislation that created the Commission, I am hopeful that once the Commission gets underway, it will become the effective agency that has long been needed to monitor and enforce the Federal election laws.

The enactment of the election campaign financing reform bill last fall was the result of a major bipartisan effort in both the Senate and House. Some of the most significant contributions to the bill were made by Senator HUGH SCOTT of Pennsylvania, particularly in developing the concept of the need for the Federal Election Commission as an independent agency to enforce the Federal election laws. Now, these efforts are reaching fruition, and I commend Senator SCOTT and the other Members of this body who have done so much to advance the cause of election reform and to establish the new Commission that is being launched today.

From the day its members take office, the Commission will have its hands full with the pressing responsibilities relating to the implementation of the recent Election Reform Act in connection with the 1976 Presidential and congressional elections. Let me mention six of the most pressing and immediate responsibilities:

First. In light of the repeated statements by President Ford and his aides that the President will be a candidate for reelection in 1976, it is essential that the provisions of the 1974 law, particularly the strict expenditure limits, be clarified in their application to an incumbent President. Obviously, there are difficult lines to be drawn between "Presidential" and "partisan" or "political" activities by a sitting President, and the Federal Election Commission must play a major role in drawing them.

Second. Much the same problem exists for many of us in the Senate and House who are already making preparations for our own reelection campaigns. Substantial fund-raising has already begun in many States and congressional districts. But as yet, we have no guidance at all as to how the complex provisions of the 1974 Election Reform Act are to be applied and interpreted, especially the contribution and expenditure limitations.

Third. Equally pressing for those involved is the need for adequate guidance on the public financing provisions for Presidential primaries. The act allows private contributions of $250 or less, made after January 1, 1975, to be matched by public funds. Potential candidates are already raising private contributions to qualify for the public funds. Even though the public funds will not be paid out until 1976, the candidates are entitled to know today how the matching grant program will be implemented. They are entitled to know what requirements will be imposed for verification of matching contributions. They are entitled to know what other steps they must take to insure that they are in full compliance with the new law.

Fourth. Major litigation is now pending in the Federal courts in Washington, raising a number of constitutional challenges to many different aspects of the 1974 act. The Commission has been named as a defendant in the action, and its members can now begin their own defense of their rights and duties and responsibilities. I would note here that Mr. Thomas E. Harris, one of the nominees to the Commission, has had extensive experience in Supreme Court litigation, and I am confident that his outstanding qualifications in this area will serve the Commsision well as the present legal challenge unfolds.

Fifth. The 1974 act contains a brief but far reaching provision preempting State and local election laws. Myriad problems can arise here in determining the extent to which particular State and local laws are affected by the Federal law. In the first instance, at least, it is the Commission that must provide the answers.

Sixth. The 1974 act allows surplus campaign funds to be used to defray office expenses or for "any other lawful purpose." Clearly, no Member of Congress can feel comfortable about using surplus campaign funds in such ways until the Commission establishes the proper ground rules.

Numerous other examples can be cited of the immediate need for guidance by the Federal Election Commission in the difficult and delicate areas of the Federal election laws.

Now, at last, the Commission is about to be formed and its members are about to embark on their important responsibilities. The nominees before us are well qualified to deal with their new duties. In spite of past delays, the Commission is now well launched, and I look forward to its success.

Mr. President, I ask unanimous consent that a column on Thomas Harris by the distinguished labor commentator John Herling, which appeared recently in the Washington Post, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 2, 1975]

GEORGE MEANY'S MAN GOES PUBLIC

(By John Herling)

George Meany is losing his house counsel, but the nation is gaining a distinguished public servant.

The man is Thomas Everett Harris. A lanky son of Arkansas, Harris has been selected as a member of the newly created Federal Elections Commission, which will oversee the financing of federal campaigns. Harris came to the labor movement in 1948 as an associate general counsel of the Congress of Industrial Organizations and continued in a similar position after the CIO's merger with the American Federation of Labor in 1955.

Harris was chosen for the six-member nonpartisan commission by Senate Majority Leader Mike Mansfield (D-Mont.) on the recommendation of the United Auto Workers as well as the AFL–CIO. His appointment comes at an important time in the life of the new commission when it will be developing new lines of policy and practice. Whether this new agency will have spine, or be a limp banana, like so many other regulatory agencies, will depend on Harris and his colleagues. For his part, Harris will bring to his new job implacable integrity and the qualities of a disciplined, judicial mind.

Now 62, Harris started his legal career after graduating from the University of Arkansas and Columbia Law School in New York City. His scholarly achievements made him a Kent Scholar and editor of the Columbia Law Review. From there he moved to Washington to become the law clerk of Chief Justice Harlan Stone. He later worked in the Justice Department and for a variety of government agencies, including the Office of Price Administration, during World War II. One of his subordinates was Richard M. Nixon. "Not outstanding," Harris once remarked.

For a while, Harris had been a member of one of Washington's most prestigious law firms and could have followed a conventional law career. But he felt impelled to make a choice: whether merely to make money or to put his talents to use for the labor movement and other social endeavors. He chose to follow his convictions.

Aside from his astuteness and his legal armor which he carries lightly into battle, Harris has an Arkansas drawl which he has used with startling effect, especially when confronting less liberal legislators from his home region at congressional hearings. One of his more memorable encounters was at a Senate committee hearing presided over by Sen. John L. McClellan (D-Ark.) who was confounded by Harris' ability to out-Southern him in manner and speech. Harris, an intrepid civil libertarian, did not exactly fill, in McClellan's mind, the pattern of a proper southerner.

Harris orchestrated labor's battle against the confirmations of Clement Haynsworth and G. Harrold Carswell to the Supreme Court. With Meany by his side, Harris testified against Haynsworth for three hours before the Senate Judiciary Committee. He marshaled his arguments with a lean and powerful vocabulary and every word became a rock on which the Haynsworth nomination ultimately floundered.

Without Harris, life in the house of labor on 16th Street will not be the same. He was precise, clear and courageous. He would say things out loud that others at AFL–CIO headquarters would shy away from. To him a king without clothes was a king without clothes. The result was frequently disconcerting but his listeners were usually glad to have this truthspeaking advocate in their midst. Over the years, Meany became used to his astringent humor. But from now on, life at the AFL–CIO will be less prickly. Tom Harris has gone public.

Mr. MANSFIELD. Now, Mr. President, I call up the nomination of Mr. Neil Staebler, of Michigan.

The ACTING PRESIDENT pro tempore. The nomination will be stated.

The legislative clerk read as follows:

Neil Staebler, of Michigan, to be a member of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. The Senate will proceed to consider the nomination of Neil Staebler. The time for debate on this nomination will be limited to 1 hour, to be equally divided and controlled by the Senator from Nevada (Mr. Cannon) and the Senator from Wyoming (Mr. McClure).

Who yields time?

Mr. McCLURE. Mr. President, I yield myself such time as I may require.

Mr. President, at the outset I want to put this matter into the perspective which I think it deserves so far as my own view is concerned about Mr. Staebler. Whatever questions I raise are procedural ones which seem to me to demand the attention of the committee that has had the responsibility to review these nominations. At the conclusion of the debate on this nomination—and I suspect it will take far less than the full hour—I shall make a motion to refer his name to the committee for further proceedings.

Mr. President, anyone who has attended law school knows an emphasis is placed on ethical conduct. But what some may have forgotten is that the student soon learns it is equally important to have the appearance of high ethical standards. Those who are involved in political life not only need to be concerned about the fact, but also the appearance. I think that is material to our present discussion.

I could not help thinking of this as I read through some of the testimony concerning the nomination of Neil Staebler to the Election Commission.

My attention was first drawn to this matter by the minority views of the distinguished Senator from Alabama, a part of the committee report.

Mr. President, I ask unanimous consent that those minority views be printed in the Record at this point.

There being no objection, the minority views were ordered to be printed in the Record, as follows:

Dissenting Views of Mr. Allen

My vote was cast against a favorable en bloc report on all six nominees at this time because I feel that additional consideration should be given to Mr. Staebler's nomination. The Subcommitee has information about the pendency of a damage suit against Mr. Staebler growing out of alleged political activities in a Michigan political campaign. The basis for the allegations contained in this lawsuit needs to be investigated and weighed. This has not been done.

Also, Mr. Staebler is a member, or has been a member, of a number of political organizations and lobbying groups, and I am not entirely satisfied that he has sufficiently severed his connections with such organizations. A statement which he gave the Subcommittee indicated that he was assuming inactive status in one or more of such organizations. I am not convinced of his objectivity, and I fear that he does not recognize the necessity of representing this public interest on this Commission as distinguished from the public interest as seen by the political and lobbying organizations of which he has been so much a part—for, conceivably, they might not coincide in every instance.

My vote is intended to reflect my view that additional consideration should be given to Mr. Staebler's nomination. In fact, I believe the Rules Committee has been put on inquiry as to the advisability of further consideration. I shall keep an open mind on Mr. Staebler's nomination pending receipt of additional information on the points raised herein.

No information putting me on inquiry as to the other nominees has come to my attention.

James B. Allen.

Mr. McCLURE. Having seen the minority views of the distinguished Senator from Alabama, I then sought further information, and I read all of the House debate and the House committee report. I awaited the filing of the Senate committee report and read all of that report to see if the questions which had been raised in dêbate had been resolved in the committee proceedings. I found that they had not been resolved.

Mr. President, the American people have just gone through one of the most traumatic experiences in their history. Much of what has gone on in the Watergate era has divided us. But one thing is certain: we emerged with a certain unity of purpose, a determination that the morality and the appearance of morality in public figures will not again fall into disrepute.

One of the steps we have taken is to establish an Elections Commission to sit in judgment of the conduct of political candidates. I know of no other government entity which, like Caesar's wife, ought more to be above suspicion. Indeed, where do we, as public figures ourselves, owe a greater responsibility to the public good than in weighing the qualifications of those individuals who have been nominated to the Commission?

I do not know Mr. Staebler personally.

I know only three of the six persons who have been selected. I knew nothing about him before his selection for this post. But what I have learned since then troubles me.

Mr. Staebler testified before the House committee that he saw no reason why he should resign from political organizations whose basic purpose is to influence the course of legislation. Agreed, that is not in and of itself sufficient cause for disqualification, but as a slight lapse in judgment, it troubles me.

Mr. Staebler amplified on this before the Senate committee, saying that he did not need to resign from Common Cause, but could become an inactive member. Again, not in and of itself sufficient reason for disqualification, but nevertheless troubling to me.

As to political contributions, Mr. Staebler told the committee that he hoped he might be able to continue making contributions at the level he has contributed in the past. This statement, taken by itself, is perhaps not sufficient cause for questioning the gentleman's judgment, but it disturbs me nonetheless that Mr. Staebler is insensitive to the fact he might one day have to decide the merits of a case involving a candidate to whom he himself has made a contribution.

Mr. Staebler recoils at the thought of being an "antiseptic judge" and longs to continue his political activities as one of the "hangers-on."

That is a quotation from his own testimony. I suppose that if this were the only allegation against the nominee we could pass over it, but I am beginning to think we need more time in order that Mr. Staebler might explain just what he means by these terms.

Finally, Mr. Staebler feels that the only restrictions placed upon him should be those of the Hatch Act. And that brings us back to what I said at the beginning of my speech about the appearance of high standards. I begin to sense that we have here a man whose own words seem to belie the one basic qualification each Commissioner must possess—sound judgment.

I am told that Mr. Staebler is involved in an unresolved political libel suit, the merits of which I cannot judge because I am unfamiliar with that suit. But I do know this: We handicap the credibility of the Elections Commission right from the beginning if one of its Commissioners is involved in the same sort of charges as those lodged against the men and women who come before him.

So far as I know, not one question has been raised against the other five nominees, so I have no objection to the Senate's proceeding to the consideration of their nominations. But Mr. Staebler's nomination is another matter. Important as it may be to move with dispatch in establishing the Elections Commission, I think additional consideration needs to be given by the committee to this one nominee, if for no other reason than to answer the questions which have been raised.

I would think that Mr. Staebler, himself, would welcome a short delay. After all, he would not want to assume this important responsibility with his qualifications under a cloud.

In the confirmation hearings, Mr. Staebler seemed reluctant to abandon the adversary role. Perhaps, as a matter of fact, we will find that all six Commissioners adopt an adversary role and that the only balanced judgment will be the balance of adversaries in that Commission. When Senators of both parties tried to impress him with the need for a fair and impartial board, Mr. Staebler seemed to resist, to concede as little as possible. He said he would continue to make financial contributions to his party. He wished to continue participating in political meetings. He wished to continue membership in various political organizations.

I believe it is appropriate to ask if Mr. Staebler wishes to be an objective, impartial board member or an advocate for his political allies.

The pending lawsuit against Mr. Staebler cannot be ignored. I cannot and I will not comment on the merits of the case, but I hope the Senate will agree with the Senator from Alabama, who concluded:

> The Subcommittee has information about the pendency of a damage suit against Mr. Staebler growing out of alleged political activities in a Michigan political campaign. The basis for the allegations contained in this lawsuit needs to be investigated and weighed. This has not been done.

That, Mr. President, is the reason why I wish to make the motion to resubmit this one name for further proceedings before the Rules Committee. I do not wish to and I do not intend to attempt to prejudge the results of any such deliberations, because I do not know what those deliberations might bring forward. But I think that in the interests of getting the Commission off to the kind of start we all wish it, we should clear up whatever charges may have been raised.

I hesitate to mention one other matter, because it has only been brought to my attention; I have no way of evaluating its merits or lack of merits. It may be an ancient matter that has been well-ventilated in the past. But if the committee is to look at the qualifications of this man once again, I think they should at least look also at the area of charges that have reached my ears since first having suggested that I had some reservations about this nomination. Those charges arise out of the manner in which the Teamsters Union control was wrested through the control of the credentials committee and the way in which they maintained control within the Teamsters Union in Michigan, after having seized control.

Again, I cannot and do not make any charge that Mr. Staebler was in any way wrongful or that I know that those acts were wrongful. I know only that the charge has been made. The committee should look at it, and the committee should take testimony concerning it. The committee should be able then to come before the Senate and say, "We have investigated the charges; we have looked into the allegations that have been made; we find those allegations without merit," before they bring this nomination to the Senate for confirmation.

Mr. President, I ask unanimous consent to have printed in the RECORD articles published in the Detroit Free Press on March 6, July 12, July 17, and July 22, 1974.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Detroit Free Press, Mar. 6, 1974]

STAEBLER REMARK SLANDERED NAME, CAVANAGH SAYS

(By Remer Tyson)

Former Detroit Mayor Jerome P. Cavanagh, a candidate for governor, has accused Democratic National Committeeman Neil Staebler of making "malicious and damaging—if not vicious—statements" about Cavanagh's personal character.

In a letter to State Democratic Chairman Morley Winograd, Cavanagh demanded a showdown with Staebler before Democratic Party leaders to require Staebler "to put up or shut up."

Cavanagh declared that Staebler was engaging in character assassination by "innuendo and purported rumor and gossip" to damage Cavanagh's "position as the leading candidate for the Democratic nomination for governor of Michigan."

The Cavanagh letter, signed by his legal counsel, George E. Bushnell, Jr., of Detroit, stated that Staebler is supporting former state Sen. Sander M. Levin of Berkley for the Democratic nomination.

Staebler, a former State party chairman from Ann Arbor, said he would not respond to Cavanagh's letter until the convening of a meeting of Democratic leaders Tuesday night in Detroit.

But Staebler said he didn't know what provoked the letter. He denied making malicious statements about Cavanagh.

"I learned to confine my statements to matters of fact," Staebler said. "I guess the authors of the letter will have to explain it."

Staebler said he had supported state Rep. Bobby Crim of Davison for governor until Crim withdrew as a candidate this week and that he is still waiting to see if Crim will change his mind and re-enter the race.

Cavanagh's letter is almost certain to create the first big explosion of the Democratic race for the governor in the August primary.

Levin was the Democratic nominee four years ago and lost a close race to Republican Gov. Milliken, who is expected to seek re-election next November.

Cavanagh's letter does not say specifically what statements he is accusing Staebler of making.

In a telephone interview Tuesday afternoon, Cavanagh said the letter was written because he and his family became "indignant and were hurt" by comments Staebler had made to his campaign manager, Mrs. Patti Knox of Detroit.

Cavanagh said Staebler had implied to Mrs. Knox that "my integrity was something less than the best and he wasn't going to support me."

Mrs. Knox said she had asked Staebler at a recent Democratic meeting in Lansing who he was going to support for governor since Crim was withdrawing, and Staebler had told her he was supporting Levin.

"He said, 'we can't afford Cavanagh'," Mrs. Knox recounted. "I said, what do you mean? and he said, 'You know.' He wouldn't say what he was referring to. I think that's what is so insidious—alluding to things. It's sort of a Segretti trick and I told him (Staebler) so."

Mrs. Knox referred to Donald Segretti, a 1972 Nixon campaign worker who pleaded guilty of engaging in "dirty tricks" against Democratic opponents.

Asked what she thought Staebler was referring to, Mrs. Knox said: "It came out in my mind—skeletons in a closet, questioning his (Cavanagh's) integrity. It's what he left hanging . . ."

Cavanagh said that he was demanding that if Staebler fails to "document any of the accusations he has made," the Democratic Party issue a statement "in relation to my character and my integrity" and admonish Staebler to refrain from "baseless allegations."

Though neither Cavanagh, Mrs. Knox nor Bushnell would say outright why they were so angry, the Cavanagh campaign has been disturbed by reports—dating back to when he was mayor—that he was connected with the underworld.

No one has ever produced any evidence that he was.

CAVANAGH BATTLES OLD CHARGES

(By Remer Tyson and Billy Bowles)

Former Detroit Mayor Jerome P. Cavanagh has been pressed into trying to turn to his advantage in Michigan's Democratic race for governor the introduction this week of old reports that had attempted to tie him to the underworld.

The old charges, which have thus far proved unfounded, surfaced at a time when polls showed that Cavanagh had begun to overcome the poltically damaging effects of those reports and close a big gap in his race against the primary's Democratic front-runner, former state Senator Sander M. Levin.

Louis Rome, former state crime commission chief who resigned in 1970 in the wake of charges that he was a slum landlord in Ann Arbor, renewed attention to reports that Cavanagh had been accused of having underworld connections.

Earlier this week, Rome called a press conference in Lansing and issued a five-page statement declaring that Cavanagh shouldn't be elected governor because of his "proximity to Detroit's underworld" when he was mayor from 1962–70.

Cavanagh angrily branded Rome's charges as Watergate-type "dirty tricks . . . a gutter style of approach."

He likened Rome to Donald Segretti, a 1972 Nixon campaign worker who was jailed for slandering Democratic candidates.

Cavanagh declared that he and his family have been plagued by these kinds of tactics for years.

"I don't intend to sit still for it, and we're going to do something forthrightly about it," he said.

The former mayor met with his lawyers in Detroit Thursday and called a press conference for Friday morning to announce the action he plans to take.

Rome's charges against Cavanagh have had the effect of putting the public spotlight on Cavanagh as an aggressive campaigner, something that may be doing the former mayor a major favor.

Cavanagh has been campaigning for governor for a year when he announced in April that he faced surgery for removal of a cancerous kidney.

After the operation, Cavanagh returned to the campaign.

Polling information available to the Free Press showed that Cavanagh's political image had improved substantially since the surgery.

While he still trails Levin, Cavanagh is moving up in voter support, according to the survey, independent of both Cavanagh and Michigan Democrats.

While Cavanagh was confering with his lawyers, officials and supporters in his campaign organization called for investigations to determine if Rome's charges were made at the prompting of Levin or former State Democratic Chairman Neil Staebler of Ann Arbor.

Amos Stewart, president of the Detroit and Wayne County Port Council of the AFL–CIO's Maritime Trades Department, sent a letter to National Democratic Party Chairman Robert Strauss demanding an investigation.

Stewart, whose union had endorsed Cavanagh, said in his letter:

"We have heard that before Jerry Cavanagh went to the hospital several months ago for a cancer operation, that a high-ranking Democratic official and supporter of Sander Levin stated that the Sander Levin supporters were going to release such an allegation if Jerry Cavanagh ran for governor . . ."

Stewart refused to identify the Democratic official.

If an investigation shows Levin was involved in the Rome charges, the state's union membership will ask Levin to withdraw, Stewart said.

Mrs. Patti Knox, Cavanagh's campaign manager, sent a letter to State Democratic Chairman Morley Winograd asking for the party to establish "some basic standard of ethical conduct for this campaign."

Mrs. Knox said she was "utterly amazed" to read a newspaper report that Staebler, now a Democratic national committeeman from Michigan, "had advised" Rome to "carry on in this deplorable fashion."

In response to the Cavanagh campaign's countercharges, Rome said he consulted with Staebler in mid-March.

"I told him I was privy to some matters regarding Jerry Cavanagh and felt they ought to be developed within the confines of the leaders of the Democratic Party and, hopefully, quietly. He told me that this information I was suggesting ought to be developed carefully by me and made available in a public forum."

Staebler said he is not involved in Levin's campaign. Asked if he advised Rome on holding the press conference about Cavanagh, Staebler said:

"In this sense, that he came to me with this information. I said I couldn't use it, but I said if this is supported, if this is factual, you owe it to the public to let people know about it."

Rome conceded that charges he made against Cavanagh had been thoroughly investigated by grand juries and newspapers previously and that he knows of no criminal laws broken by Cavanagh.

Levin issued a statement denying any connection with Rome.

"My entire campaign has been devoted exclusively to the issues," Levin's statement said. "There is no place in politics for personal attacks and I deplore Rome's remarks."

Rome was executive director of the Michigan Commission on Law Enforcement and Criminal Justice from 1966–70.

He resigned just hours before being convicted of building code violations in connection with student housing he owned in Ann Arbor. Rome was fined $70.

Rome is now a private consultant on Law enforcement in East Lansing.

[From the Detroit Free Press, July 17, 1974]

Staebler Admits Role in Cavanagh Dig

(By Remer Tyson and Billy Bowles)

Democratic National Committeeman Neil Staebler said Tuesday that he turned over his files on gubernatorial candidate Jerome P. Cavanagh to a former Republican-appointed state official who later accused Cavanagh of having underworld ties.

Cavanagh has filed a $15 million libel suit against both Staebler and Louis Rome, who was appointed by former GOP Gov. George Romney to head a state crime commission.

Staebler called a press conference in Detroit to explain his role in an escalating controversy that has become the dominant issue in the Aug. 6 Democratic primary.

Staebler said Rome sought him out several months ago to discuss old reports about Cavanagh's alleged underworld ties.

None of the charges against Cavanagh has ever been substantiated.

Staebler said he met with Rome "perhaps a half-dozen times" to discuss Cavanagh's record. The meetings with Rome lasted two to three hours each, Staebler said.

Last week Rome called a press conference in Lansing and accused Cavanagh of having underworld connections which make him "unfit" to be governor.

Candidates in the Democratic Party primary are former Detroit Mayor Cavanagh, former state Sen. Sander M. Levin, and Southfield lawyer James Wells.

Staebler denied that he prompted Rome to hold the press conference, but said he did tell Rome that if he could substantiate charges against Cavanagh, they should be made public.

A longtime Democratic leader and former state party chairman, Staebler said his actions were conducted in the interest of insuring the Democrats would not nominate a candidate for governor "with a blemish that can't be corrected."

Staebler call the press conference on the day before he is scheduled to give testimony under oath to Cavanagh's lawyers in the libel suit.

He read a seven-page statement and at first refused to allow questions by reporters. Instead, Staebler invited reporters to attend his questioning by Cavanagh's lawyers.

When reporters protested and began leaving the press conference, Staebler and his son, Michael, called them back and agreed to answer questions.

Staebler told reporters that his file on Cavanagh consisted mostly of articles in Detroit Scope magazine and newspaper clippings.

The magazine, no longer in publication, was published by television commentator Lou Gordon, who has been highly critical of Cavanagh and who reported in his magazine about Cavanagh allegedly having Mafia connections.

Staebler urged both sides in Cavanagh's suit to move quickly to avoid a drawn-out "political" lawsuit.

"I hope that Cavanagh will be equally forthright and that he will instruct his attorneys not to seek procedural delays in responding to questions that my lawyers will want to ask him," Staebler said.

Staebler said he did not talk to Levin about his discussions with Rome about Cavanagh.

Levin, considered the front-runner in the campaign has also denied any connection with Rome's actions and has "deplored" his attack on Cavanagh.

But the third candidate, Wells, accused Levin on Tuesday of orchestrating the attack on Cavanagh.

Wells declared: "What I'm saying is we've got a yellow-bellied sapsucker running for governor of Michigan by the name of Sander Levin . . . not only will he not debate, he has to put this trash out and he won't do it himself, but he has to get someone to do it for him."

Besides denying any connection with the charges against Cavanagh, Levin declared that he was being accused unfairly of refusing to debate the other two candidates.

Levin said he was the first to offer to debate all candidates. A spokesman for Levin said Tuesday that four debates had been agreed to by the candidates and others are being planned.

The controversy over the attack on Cavanagh overshadowed a call by Levin on Tuesday to establish a citizens grand jury with an independent prosecutor for the sole purpose of investigating the drug traffic in the Detroit area.

[From the Detroit Free Press, July 22, 1974]

Public To Get Cavanagh Case

(By Remer Tyson and Billy Bowles)

Public attention in the Michigan governor's primary race shifted last week from grimy plant gates and bustling shopping centers to a smoke-filled conference room in a law office 25 floors above downtown Detroit.

It will move this week to another cigar-scented room amid the rolling golf greens of a suburban country club.

Candidates are not campaigning in the usual sense at either place, but what happens there could determine who gets the Democratic nomination Aug. 6.

A battery of high-priced lawyers is taking sworn testimony in a $15 million libel suit that has become the dominant issue in the campaign.

The testimony revolves around charges that one of the three Democratic candidates, former Detroit mayor Jerome Cavanagh, had underworld ties.

Cavanagh, 46, the onetime golden boy of Michigan politics, filed the damage suit against Neil Staebler, a once-powerful Michigan Democratic leader, and Louis Rome, a little-known, Republican-appointed state bureaucrat.

Lawyers took testimony last week in the law offices of Miller, Canfield, Paddock and Stone, one of Detroit's most affluent and influential firms.

The proceedings will be moved this week to the Edgewood Country Club in Oakland County to accommodate a golf-playing lawyer involved in the highly politicized lawsuit.

It will be long after election day before the case can reach trial in a courtroom.

Thus, for the time being, both sides look upon the press as the sitting judge. Because of the nature of the lawsuit and its importance in the gubernatorial campaign, reporters were invited to sit in on preliminary testimony, usually a private proceeding.

The lawyers, some of them experienced politicians both in public and behind the scene, frequently demonstrated their skill to perform for the press on behalf of their clients.

Next Tuesday, for the first time, Cavanagh will testify in public about reports of Mafia connections that have plagued his political career since the mid-1960s. It promises to be a spectacular moment: Jerry Cavanagh on the stand saying, in effect, I'm not a crook.

As part of a go-for-broke campaign strategy, Cavanagh has decided to put himself in the witness chair to answer questions under oath by his own attorneys. He also must repond to questions asked by lawyers for Staebler and Rome.

It was a Rome press conference in Lansing on July 9 that led to the lawsuit. Declaring he was acting only as a concerned citizen, Rome said Cavanagh was unfit to be governor because of his past "proximity to Detroit's underworld."

Rome's only previous political notoriety came in March 1970 when he resigned as head of a state planning agency where his job was to attract federal funds for crime prevention.

Former Republican Gov. George Romney had appointed him to the post, as executive director of Michigan Commission on Crime Delinquency and Criminal Administration, in October 1966.

Rome submitted his resignation to Gov. Milliken, also a Republican in March 1970, in the face of charges that he was a slum landlord to University of Michigan students in Ann Arbor, where he had an expanding rental housing business.

The charges led to two fines totaling $70 for housing code violations.

Rome, 43, born in Worcester, Mass., was graduated from Dartmouth University in New Hampshire and Columbia University in New York.

He did social work in New England, New Jersey and New York before coming to Michigan in the late 1950s.

In Michigan, Rome also did social work, and began acquiring rental housing. Eventually he got a law degree from the University of Michigan and worked briefly as an assistant prosecutor in Ingham County before becoming director of the state planning agency.

Now an East Lansing consultant on law enforcement, Rome retains a law office in Ann Arbor, but testified that he handled few legal cases other than those brought by and against his tenants.

Rome, who still has rental properties in Ann Arbor, testified that he has owned as many as 10 or 11 rental houses at times, with 25 or 30 tenants.

Nothing in his background suggested his surprise role in entering the eye of a Democratic campaign storm.

According to sworn testimony last week, Rome had not met Staebler until late January 1974.

Staebler, 69, a wealthy Ann Arbor businessman who deals in real estate and investments, has been a power broker in Michigan Democratic politics since the days of the party's G. Mennen (Soapy) Williams beginning in 1948.

While Williams, now a state Supreme Court justice, was being elected governor six times in what had been a Republican state, Staebler was rising from precinct delegate to party chieftain.

He was state Democratic chairman for 11 years, served one term in the U.S. House of Representaives, and then lost a race for governor as the Democratic nominee.

Staebler is now one of six Michigan members on the Democratic National Committee.

Inside the state Democratic Party, Staebler is viewed either as a pillar of integrity or as a gut-fighter to be feared.

Cavanagh puts Staebler in the latter category. In his law-suit, Cavanagh accuses Staebler of conspiring with Rome to destroy Cavanagh's chance to win the Democratic nomination Aug. 6.

The former Detroit mayor said that the press conference was a vehicle for Staebler to act through Rome to call attention anew to old reports that Cavanagh had underworld associates.

Staebler denies this, and implications from the Cavanagh campaign that he acted to help Cavanagh's main opponent, Sander M. Levin. Staebler did testify that he plans to vote for Levin.

Levin, considered the front-runner in the primary, has had his campaign pushed into the background by the furor over Rome's press conference and Cavanagh's lawsuit.

Both Levin and a third Democratic candidate, Southfield lawyer James E. Wells, have deplored Rome's attack on Cavanagh.

Both sides in the lawsuit have hired talented, colorful and highly paid lawyers to represent them in this campaign drama being played out before newspaper, radio and television reporters.

The band of cigar-smoking lawyers could have been picked by Hollywood script writers.

The cast for Cavanagh:

George E. Bushnell Jr., president of New Detroit, whose appearance of fatherly benevolence can disappear in an explosion of scorn during intensive questioning of a witness; failing with sarcasm, he shifts smoothly to wit and banter.

James Francis Finn, Irish as his name, amicable but capable of the red-faced outrage associated with a prosecutor as he once was in the U.S. attorney's office.

For Staebler:

Eugene Driker, his brooding face a mixture of pained contempt and impatience as he sits, half-slumped in his chair; aggressively protective of his client; unaccustomed to press attention but learning fast; he consults frequently with his client's son, Michael Staebler, a Detroit lawyer.

For Rome:

Ivan Barris, a bullhorn-voiced, cigar-chewing bear of a man, blunt as a blackjack in court and out; keeps a $400 life-sized, hard-rubber troll behind his law office desk; brags of being Detroit's champion 240-pound-class handball champ.

Barris is the retiring president of the Detroit Bar Association. And that is why Cavanagh's testimony will be taken next Tuesday at the Edgewood Country Club, where the Detroit Bar is holding its annual golf outing that day.

Cavanagh said Barris wanted the session held at the country club rather than at the downtown law offices.

It will be a sedate setting for the next round in a gubernatorial campaign lurching along like a wheelbarrow out of control.

Mr. PELL. Mr. President, I appreciate the seriousness of motives and motivation of the junior Senator from Idaho and understand his concern, but I feel that they are not well grounded. In the first place, when we had the hearing and I had the privilege of chairing the hearing, I found that everything that Mr. Staebler said and the manner in which he responded to us was frank and above board. I think the point that the junior Senator from Idaho made, that he would be under obligation to somebody, because he contributed to him, in the future could apply to other members of the Commission as well, and to any of us. I doubt if there is a single politically interested person in the United States who has not contributed to at least a few political campaigns in the course of his life, and probably, one or two of those might end up in the hands of the Election Commission.

I agree with the Senator from Idaho that the responses of Mr. Staebler to the House committee, and perhaps also to us, did not go, perhaps, as far as we on the subcommittee and the full committee would have liked those responses to go with regard to the termination of his connections. I think that the membership of the subcommittee did an excellent job in pushing along the line of termination so that Mr. Staebler's withdrawal from politics would be the equivalent of all the others. Until that time, I think he saw himself made perhaps still more, as he put it, of an observer, if not a participant.

In this regard, I ask unanimous consent to have printed in the Record a telegram and a letter from Mr. Staebler, addressed to me both saying the same thing.

In this connection, I also ask unanimous consent to have printed in the Record a second letter of March 17, 1975, which Mr. Staebler submitted to us.

There being no objection, the material was ordered to be printed in the Record, as follows:

(Telegram)

CAMBRIDGE, MASS.,
March 21, 1975.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Privileges and Elections, Capitol Hill, D.C.

Supplementing my letter of March 17 I will resign from all lobbying organizations in which I hold membership including Common Cause, the American Civil Liberties Union, the National Association for the Advancement of Colored People and any others which I may have overlooked in preparing the list. To the best of my recollection I hold membership in no other organization than those listed in my March 17 letter and the biographical data which I submitted. I shall be happy to supply any additional information that may be desired.

NEIL STAEBLER.

ANN ARBOR, MICH.,
March 21, 1975.

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Privileges and Elections, Senate Office Building, Washington, D.C.

DEAR SENATOR PELL: Supplementing my letter of March 17, I will resign from all lobbying organizations in which I hold membership, including Common Cause, the American Civil Liberties Union, the National Association for the Advancement of Colored People, and any other which I may have overlooked in preparing the list. To the best of my recollection, I hold membership in no other organization than those listed in my March 17 letter and the biographical data which I submitted.

I shall be happy to supply any further information that may be desired.

Sincerely,

NEIL STAEBLER.

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408 WOLVERINE BUILDING,
Ann Arbor, Mich., March 17, 1975.

SUBCOMMITTEE ON PRIVILEGES AND ELECTIONS,
U.S. Senate, Russell Office Building,
Washington, D.C.

MR. RAY NELSON AND GENTLEMEN: In accordance with the request at the March 14 hearings, I am pleased to respond to the request for information on what I will do about continuing or severing offices and connections with business, political, and public-interest organizations:

Business

(1) I am sole owner of Staebler and Son, which engages in land development and owns two tracts of land adjacent to Ann Arbor and one adjacent to Saline, Michigan. The company is being operated by my son, Michael Staebler, and a business associate. My involvement will be negligible.

(2) I am president of Michigan Capital and Service Inc., a federally-licensed small business investment company. I will retire as president but plan to continue as a member of the board of directors, which meets quarterly. Over the past seven years, as president, I have refrained from making any appearances before federal agencies because of my political connections. I would of course follow policy in the future.

(3) I own stock which I carry largely in a brokerage account with Watling, Lerchen and Company, Ann Arbor, Michigan. I will file a copy of the list of stocks with both the Senate Ethics Committee and the House Ethics Committee.

Political Connections

(1) I am a member of the Democratic National Committee and will resign when confirmed.

(2) I am an officer of the Michigan Democratic State Central Committee and will resign when confirmed.

(3) I am a member of the National Democratic Finance Council and will resign when confirmed.

(4) I am co-chairman of the Michigan Democratic 500 Club and will resign when confirmed.

Public-interest Organizations

(1) I am a member of the board of directors of the Citizens' Research Foundation, which has done the major work in collecting information on political contributions and expenditures over the past 20 years. I will retire when confirmed.

(2) I am a board member of Youth for Understanding, an organization which facilitates the exchange of young people between the United States and foreign countries for one year of their high school education. I see no likelihood of conflict and will retain membership.

(3) I am a member of the American Civil Liberties Union and will go on inactive membership.

(4) I am a life member of the National Association for the Advancement of Colored People and will ask that my membership be suspended during my term of service on the Commission.

(5) I am a member of the board of the International Center for Dynamics of Development, an organization which promotes local self government; I see no likelihood of conflict and plan to retain this membership.

(6) I am a member of the executive committee, Friends of the Michigan Historical Collections, and plan to retain this position.

(7) I am a life member of the American Veterans Committee and will ask that this be suspended during my term on the Commission.

(8) I am a member of a number of organizations which do not engage in lobbying, and plan to retain my membership in them, namely: National Municipal League, National Planning Association, American Political Science Association, National Confer-

ence of Christians and Jews, National Bureau of Economic Research, American Economic Association, Center for the Study of Democratic Institutions, Economic Club of Detroit, Ann Arbor Citizens' Council.

I am enclosing the corrected copy of the transcript of my statements to the Committee.

Sincerely,

NEIL STAEBLER.

Mr. PELL. We should bear in mind that of all six nominees, only two were cleared by the Federal Bureau of Investigation, because the congressional nominees could not be so cleared. The Department of Justice informed us that it would require a change of policy for it to give a full clearance to any of the congressional nominees.

Mr. McCLURE. Will the Senator yield?

Mr. PELL. Certainly.

Mr. McCLURE. I hope that is no reflection that had they examined Members of Congress, they would have automatically found it impossible to give clearance.

Mr. PELL. I hope not, but we keep our fingers crossed.

In any case, the two Presidential nominees, Mr. Staebler and former Congressman Curtis, were exposed to the privilege of a full-fledged investigation by the FBI and, presumably, came through with flying colors, because their names were submitted by the White House. Mr. Staebler is one of the two White House Presidential nominees.

In connection with the libel suit in which somebody is suing Mr. Staebler for an astronomical sum and he is countersuing for an equally, I think even more, astronomical sum, I believe that was—I know both suits were in effect at the time of the FBI investigation, and I should imagine that that point was looked into and covered at the time.

With regard to the Teamsters incident or statement, I had not heard that before, but I am not a detective, either, and I am sure that the FBI was exposed, or presumably was, to the same information to which the Senator from Idaho was exposed and gave him clearance.

Finally, I have known Mr. Staebler for over 20 years. We used to serve together, a long time ago, on the Committee on Political Organization and the Committee on Fund Raising, if my recollection is correct, of the Democratic National Committee, and he enjoyed a reputation amongst his colleagues then, and all of us who counted ourselves his associate and friends, as a man of singular integrity and intelligence. Sometimes we found his integrity very high and very unyielding, and we admired him for it. He is the kind of man who does not bend. If he thinks a thing is right, he sticks to his guns, and if he thinks it is wrong, he will not even consider pursuing that path. So it was with particular delight that I saw his name included by President Ford in the list of nominees, and I looked forward very much to supporting his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield the floor.

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

I do not wish to pursue the matter at any great length and I expect that we will get to the predictable vote very soon.

With regard to the FBI investigation, or the check, certainly, they would have no more than noted the presence of a libel or slander suit. They certainly could not have been placed in the position, nor would they have arrogated to themselves the right to attempt to make a determination of the issues involved in such a libel suit. I could not help but know the press accounts reporting upon the charges and countercharges that swirled about that political campaign in Michigan: The reference made by Mr. Cavanagh's campaign manager that this was a Segretti-type slander, a dirty trick; the comment quoted, of the mayor himself, at other times that "This smacks of Watergate kinds of operations." I do not know whether there is truth to those allegations, but reading the record of the investigations and the hearings, these questions were not asked and the committee cannot directly answer them. I certainly understand the feeling of the Senator, who speaks of his long friendship and acquaintance with this man and the personal high regard in which he holds him. But I do not think that answers the question of whether or not there is merit in the lawsuit, unless the Senator is attempting to prejudge that lawsuit, as I am sure that he is not.

Mr. PELL. No, but would the Senator want to prejudge the lawsuit here in the Senate? It is just as wrong for the FBI to prejudge it as for us to prejudge it.

Mr. McCLURE. I think we ought to at least to take a look at that lawsuit before having determined whether or not the man should be recommended for confirmation on the nomination. I recognize that in political campaigns, oftentimes, there are charges and countercharges that are made that, in the heat of battle, somehow looked different at the time they were made, and, as a matter of political tactics, they and a libel suit may be filed simply in order to make a point in a political controversy. I sought to find out whether that was all there was to this. In other words, were those press clipping of July of last year the last word, or was anything else being done? I found that there was a motion to change venue and that when that matter was submitted to the judge, the judge to whom it was submitted became ill, he was absent from the bench for a while, and has only since resumed the bench. So the matter has not yet been ruled upon by the judge in regard to the change of venue.

I mention that only because I wanted to know whether that suit was, in fact, being pursued by the parties, or was it simply a footnote to the political campaign that culminated in the primary election in August 1974. I find that, at least on the part of Mr. Cavanagh, he is pushing the suit. He states that he is serious about the suit, that he intends to push it to a conclusion. I think under those circumstances, it is incumbent upon the committee, before this Senate takes final action, at least to take a look at the merits of the charges and counter charges in order to determine whether or not there are imbedded in those charges sufficient reason to cast doubt upon the wisdom of the nomination.

I am not trying to prejudge that. I want to make very clear that I am not trying to prejudge that suit. I just think the committee ought to take some testimony, ought to look at it, ought to be able to tell the Senate what they have been able to find after an open and impartial investigation of the facts.

If they are able, after having done that, to say they find no reason to disqualify him, then I would look at this matter much differently than I look at it today, when I have asked the committee, "What about this suit," and they can only say, "We don't know; we have heard something about it."

I am certainly in no position to judge, on the basis of what I have heard about it, and it may be that I asked more questions than the committee did about that particular lawsuit.

For those reasons, it seems to me there should be further proceedings before the committee, and that is the reason for my motion.

Mr. PELL. Mr. President, actually there was a discussion by the committee as to the lawsuit, I might say the astronomical lawsuit—I think one side was for $15 million, and the other side upped that.

The committee did discuss that matter. In this connection, I ask unanimous consent to have printed in the RECORD two articles from the Detroit Free Press which I think pretty well describes the political flavor of these lawsuits.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CAVANAGH BATTLES OLD CHARGES

(By Remer Tyson and Billy Bowles)

Jerome Cavanagh: "I don't intend to sit still for it, and we're going to do something forthrightly about it."

Former Detroit Mayor Jerome P. Cavanagh has been pressed into trying to turn to his advantage in Michigan's Democratic race for governor the introduction this week of old reports that had attempted to tie him to the underworld.

The old charges, which have thus far proved unfounded, surfaced at a time when polls showed that Cavanagh had begun to overcome the politically damaging effects of those reports and close a big gap in his race against the primary's Democratic front-runner, former state Senator Sander M. Levin.

Louis Rome, former state crime commission chief who resigned in 1970 in the wake of charges that he was a slum landlord in Ann Arbor, renewed attention to reports that Cavanagh had been accused of having underworld connections.

Earlier this week, Rome called a press conference in Lansing and issued a five-page statement declaring that Cavanagh shouldn't be elected governor because of his "proximity to Detroit's underworld" when he was mayor from 1962–70.

Cavanagh angrily branded Rome's charges as Watergate-type "dirty tricks . . . a gutter style of approach."

He likened Rome to Donald Segretti, a 1972 Nixon campaign worker who was jailed for slandering Democratic candidates.

Cavanagh declared that he and his family have been plagued by these kinds of tactics for years.

"I don't intend to sit still for it, and we're going to do something forthrightly about it," he said.

The former mayor met with his lawyers in Detroit Thursday and called a press conference for Friday morning to announce the action he plans to take.

Rome's charges against Cavanagh have had the effect of putting the public spotlight on Cavanagh as an aggressive campaigner, something that may be doing the former mayor a major favor.

Cavanagh has been campaigning for governod for a year when he announced in April that he faced surgery for removal of a cancerous kidney.

After the operation, Cavanagh returned to the campaign.

Polling information available to the Free Press showed that Cavanagh's political image had improved substantially since the surgery.

While he still trails Levin, Cavanagh is moving up in voter support, according to the survey, independent of both Cavanagh and Michigan Democrats.

While Cavanagh was conferring with his lawyers, officials and supporters in his campaign organization called for investigations to determine if Rome's charges were made at the prompting of Levin or former State Democratic Chairman Neil Staebler of Ann Arbor.

Amos Stewart, president of the Detroit and Wayne County Port Council of the AFL–CIO's Maritime Trade Department, sent a letter to National Democratic Party Chairman Robert Strauss demanding an investigation.

Stewart, whose union had endorsed Cavanagh, said in his letter:

"We have heard that before Jerry Cavanagh went to the hospital several months ago for a cancer operation, that a high-ranking Democratic official and supporter of Sander Levin stated that the Sander Levin supporters were going to release such an allegation if Jerry Cavanagh ran for governor . . ."

Stewart refused to identify the Democratic official.

If an investigation shows Levin was involved in the Rome charges, the state's union membership will ask Levin to withdraw, Stewart said.

Mrs. Patti Knox, Cavanagh's campaign manager, sent a letter to State Democratic Chairman Morley Winograd asking for the party to establish "some basic standard of ethical conduct for this campaign."

Mrs. Knox said she was "utterly amazed" to read a newspaper report that Staebler, now a Democratic national committeeman from Michigan, "had advised" Rome to "carry on in this deplorable fashion."

In response to the Cavanagh campaign's countercharges, Rome said he consulted with Staebler in mid-March.

"I told him I was privy to some matters regarding Jerry Cavanagh and felt they ought to be developed within the confines of the leaders of the Democratic Party and, hopefully, quietly. He told me that this information I was suggesting ought to be developed carefully by me and made available in a public forum."

Staebler said he is not involved in Levin's campaign. Asked if he advised Rome on holding the press conference about Cavanagh, Staebler said:

"In this sense, that he came to me with this information, I said I couldn't use it, but I said if this is supported, if this is factual, you owe it to the public to let the people know about it."

Rome conceded that charges he made against Cavanagh had been thoroughly investigated by grand juries and newspapers previously and that he knows of no criminal laws broken by Cavanagh.

Levin issued a statement denying any connection with Rome.

"My entire campaign has been devoted exclusively to the issues," Levin's statement said. "There is no place in politics for personal attacks and I deplore Rome's remarks."

Rome was executive director of the Michigan Commission on Law Enforcement and Criminal Justice from 1966–70.

He resigned just hours before being convicted of building code violations in connection with student housing he owned in Ann Arbor. Rome was fined $70.

Rome is now a private consultant on law enforcement in East Lansing.

Cavanagh Sues Over Charges of Ties to Crime

(By Remer Tyson)

Democratic gubernatorial candidate Jerome P. Cavanagh responded Friday to charges that he had underworld connections by filing a $15 million damage suit and a series of complaints about unfair tactics in the Aug. 6 primary campaign.

In doing so, the former Detroit mayor embarked on a go-for-broke strategy in quest of the Democratic nomination for governor.

He raised attention to a new high on what has proved politically damaging to him in the past—old, unproven charges that he had ties to organized crime.

Cavanagh clearly hopes to turn resurrection of the old charges to his political advantage, enabling him to defeat former state Sen. Sander M. Levin in the Democratic primary.

At a press conference in Detroit Friday, Cavanagh:

Announced that he was filing a $15 million libel, slander and conspiracy suit against Democratic national committeeman Neil Staebler and East Lansing lawyer Louis Rome in connection with the old charges.

Asked Attorney General Frank J. Kelley to investigate whether Rome. when he called a press conference earlier this week to list old charges against Cavanagh, violated Michigan's election law.

Said he filed a complaint against Rome with Michigan's Fair Campaign Practices Committee.

Issued a statement under the name of Wayne County Prosecutor William Cahalan saying there is not evidence that indicates Cavanagh was guilty of any wrongdoing before, during or after he served as Detroit mayor from 1962–70.

Said he wrote a letter to candidate Levin, demanding that Levin repudiate the attacks on Cavanagh.

Levin issued a statement saying that the attacks on Cavanagh had hurt both candidates because the charges take attention away from the "failure of (Republican Gov.) William Milliken to better the lives of the people of Michigan."

"When this primary is over," Levin said, "we must stand together to help Michigan's people get their government back again. I'm sure that will happen."

Levin is regarded by most Democratic leaders, including Cavanagh, as the frontrunner in the primary.

Cavanagh said his lawyers will attempt to take depositions from Staebler and Rome next Wednesday, and that they will be made public.

Mr. PELL. I wish to read into the Record the telegram that the committee received on March 22 from the attorney for Mr. Staebler, Eugene Driker. He says:

> I am attorney for Neal Staebler re is pending litigation with Jerome Cavanagh. Cavanagh has taken no action on his suit since July 1974 when he took his own deposition. In mid-November 1974 Mr. Staebler sued Cavanagh for defamation. Service could not be obtained on Cavanagh until January 1975. Cavanagh has not yet answered the complaint although his time to do so expired some weeks ago.

I think that in the heat of an election, one finds many extreme statements, overstatements which should not have been made, perhaps, by both sides, and then, with the elections past, the situation seems to cool.

This seems to me to be one of those cases. I repeat my hope that the Senate can approve this nomination. Incidentally, the approval of five of the nominations to the Election Commission still does not mean that the Election Commission can function, because under the law they cannot function, appoint a staff director, and get rolling until all six members are aboard.

Mr. PHILIP A. HART. Mr. President, will the Senator yield me a few minutes?

Mr. PELL. As much time as the Senator desires.

Mr. PHILIP A. HART. Mr. President, before the roll is called, I want to take just a few minutes to state for the Record my own very deep convictions that President Ford has found, in Neil Staebler, one of the extraordinarily gifted and thoroughly decent persons who, over long periods of years, have been identified with political activity in this country.

I express publicly my appreciation to the President for the nomination. I have known Neil Staebler for about 25 years. As the Senator from Rhode Island has indicated, those of us who have had the privilege of association with him in a political setting have indeed found him to be a goad to the conscience of all of us. He is a burr. His is a voice that can be counted upon always to be raised when any question of doubtful propriety is suggested, or any course of action which would have the appearance, if not the reality, of impropriety.

The Democratic Party in Michigan, and I think the whole political process in Michigan, has been enriched and its integrity raised, because of the presence, over long years, of the nominee.

With respect to the lawsuit, I think the telegram that was just read into the Record by the chairman of the subcommittee who presided over the hearings is an effective response.

I know four of the six nominees. I do not know the nominee of the minority leader, and except by reputation I do not know our former colleague in the House of Representatives, Mr. Thomas. But the four whom I do know, Mr. Curtis, the chairman, Mr. Harris, Mr. Tiernan, and Mr. Staebler are persons of decency, sensitivity, and integrity. But, at the risk of offending the other three, I say that in my book Neil Staebler is just about the most decent person that I have had an opportunity to deal with in political life, and I conclude by expressing the hope that my colleagues will not return the name to the committee, but that we will confirm the nomination of Neil Staebler, and I again express my appreciation to the President, who knew Neil Staebler as we did in Michigan, for having sent his name to us.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I am prepared to yield back the remainder of my time, unless there is any wish to proceed further on the part of the other side.

Mr. McCLURE. Mr. President, I yield the Senator from Alabama whatever time he needs.

Mr. ALLEN. I thank the Senator.

Mr. President, I do not know Mr. Staebler. I have never had the pleasure of meeting him. In the Rules Committee, when a motion was made—and this is shown in the report—that the six nominations to the Federal Election Commission be reported with a recommendation that they be confirmed, I cast my vote against that motion. My vote was cast against this favorable en bloc report on all six nominees at that time, because I felt that additional consideration should be given to Mr. Staebler's nomination.

The subcommittee had information—which of course was passed on to the full committee—about the pendency of a damage suit in the amount of $15 million against Mr. Staebler, growing out of alleged—and, I reiterate, alleged—political activities in a Michigan poltical campaign. The basis for the allegations contained in that lawsuit needs to be investigated and weighed, and that has not been done, in the judgment of the Senator from Alabama.

Also, Mr. Staebler is a member or has been a member of a number of political organizations and lobbying groups, and I am not entirely satisfied that he has sufficiently severed his connections with such organizations. The distinguished Senator from Rhode Island (Mr. PELL) has read a telegram into the RECORD in which Mr. Staebler says he resigned from everything. But it seemed to be something that was drawn from him in connection with getting the approval of his nomination.

The statement that he gave the subcommittee indicated—not the wire, the previous statement, indicated—that he was assuming inactive status in one or more of these organizations. I am not convinced even yet of his objectivity, and I fear that he does not recognize the necessity of representing the public interest on this Commission as distinguished from the public interest as seen by the political and lobbying organizations of which he has been so much a part, for conceivably they might not coincide in every instance. My vote in committee was intended to reflect my view that additional consideration should be given to Mr. Staebler's nomination. In fact, I believe, the Rules Committee was put on inquiry as to the advisability of further consideration, and I stated in my dissenting views that I would keep an open mind on Mr. Staebler's nomination pending the receipt of additional information on the points that I raised in my dissenting views.

Now, Mr. President, I have no doubt that by a top-heavy vote Mr. Staebler's nomination will be approved, and that prior to that vote the motion of the Senator from Idaho (Mr. MCCLURE) to send the nomination back to the Rules Committee for further investigation will be defeated. I will support that motion, because I believe that now the Senate has been put on inquiry as to what is involved in this $15 million lawsuit growing out of a political campaign. I think the Senate now has been put on notice as to the possible lack of objectivity on the part of Mr. Staebler who wants to retain his right to make contributions to political parties, who wants to retain his right to attend political conventions, party meetings, and it would seem to me that even though this is the regulation of political campaigns, a member of the Commission ought to withdraw from party politics as a condition precedent to effective and unbiased service on this Commission.

Now, Mr. President, it is well known by many that I have not supported the public financing, that is the Treasury, taxpayer, financing of election. I did support throughout the idea of an independent election commission to regulate the conduct of the financing of Federal elections, because I did not feel that it was right to have the Clerk of the House in House elections, and the Secretary of the Senate in Senate elections, to be the policing authority, so to speak, regarding House and Senate elections. I thought obviously we needed an independent election commission, and I supported that concept. I supported also the idea of reducing the amount of contributions that might be made, individual contributions, reducing the amount of total contributions that could be received or spent by a candidate. I supported every reduction in the cost of campaigning, because I believed that we need to reduce the cost of political campaigns. They are getting entirely out of hand. I supported all of those concepts in order to properly regulate Federal elections, and then the idea of an independent commission, that means a commission that is not controlled by the Members of the House and Senate who may be running for election. It also means freedom from control by outside forces.

Now, Mr. Staebler is a member of a list of political and lobbying organizations as long as your arm, and it is doubtful in my mind if the idea has sufficiently gotten through to Mr. Staebler that he has got to lay these lobbying eforts, these political considerations, aside, and these two aspects of his qualifications, in my judgment, should be checked out further by the Rules Committee.

It is not a long procedure. I daresay it could be done in 2 days' time. It would take about 2 days to have an adequate hearing in this matter. So I do not believe that the motion to send the nomination back to the Rules Committee is an unreasonable request. I think that the Senate will be very much embarrassed if this suit, this $15 million suit, is pushed to conclusion, and a large judgment rendered in that case as a result of what are now only alleged activities by Mr. Staebler.

I certainly want to accord Mr. Staebler every presumption of being a man of the highest integrity, and I have no personal doubt that he is. But still the Senate has been put on inquiry as to what is involved in this suit. Nothing is brought before the Senate that will pinpoint that matter.

So, in choosing people who are to regulate the conduct of Federal elections, we do not need to speedily confirm someone who is a defendant in a $15 million lawsuit growing out of a political campaign nor do we need to be in a hurry to confirm someone who, it would seem, might possibly lack a sense of objectivity in connection with the outside activities with which members of this commission might become involved.

So, Mr. President, I say, in all likelihood, if the investigation is made, further hearings held, and they disclose nothing that would indicate in any way that he should be disqualified from being confirmed, I would certainly vote for his confirmation, and I am not stating that it is my purpose to vote against his confirmation.

It is my purpose to investigate this matter further out of fairness to Mr. Staebler, out of fairness to the obligation of the Senate to set up or to approve as commissioners for this independent commission men and women who are, in fact, independent of outside influences and men and women who are not under any attack by way of damage suits growing out of a political campaign.

So I would certainly want to support the motion to be made by the distinguished Senator from Idaho and I thank him for yielding this time to me.

Mr. McCLURE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. McCLURE. I reserve the remainder of my time.

Mr. PELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. PELL. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, being from the State of Michigan and being also a member of the Rules Committee, I feel something of a special responsibility with respect to this particular nomination.

First of all, I can join my senior colleague from Michigan (Mr. PHILIP A. HART) in some of the observations he has made.

As one who has been active in the political arena in my State, I can say—viewing his performance from the other side of the fence—that Neil Staebler has been a very active and very effective political leader. He has gained a great deal of respect, not only from those who are affiliated with him politically, but also from those who have been opposed to him.

When Mr. Staebler came before the committee, I advised him that—being from Michigan and serving on the committee, as I do, I could not allow to go unnoticed by the committee the pending lawsuit in which he is involved, filed by the former Detroit mayor, Mr. Cavanagh.

As I understand it, the lawsuit had not been mentioned in the course of the House committee hearings. After advising him of my concern, I can say that the nominee did voluntarily bring the matter up in the course of his testimony.

It is true that the public record of the committee deliberations is not adequate or complete concerning the lawsuit. But it is also true, as the Senator from Rhode Island, the chairman of the subcommittee, has indicated, that there was some additional inquiry was made concerning the lawsuit, and there was an executive session held by the committee, at which time a member of the staff of the Rules Committee did make a report of his investigation of the matter.

Although no vote was taken, it seemed to be the consensus that the Rules Committee could not try the lawsuit, and that it would be very difficult to say, without trying it, which of the two parties has the better legal position.

Obviously, there was some disagreement within the committee as to the appropriate course to be taken under such circumstances. The committee voted to report the nomination, but did not recommend, one way or the other, as to confirmation.

I want to say that I have shared the concern of the Senator from Alabama concerning a reluctance expressed by the nominee, during the course of the hearings, to sever connections with some of the political and lobbying organizations with which he has been associated in the past. However, I do think that we must now take notice of a different position indicated by the telegram and letter already referred to.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PELL. I yield as much time to the Senator from Michigan as he desires.

Mr. GRIFFIN. I refer to the letter dated March 21, in which Mr. Staebler did clearly and flatly state that he will resign from all such organizations.

I welcome that expression on his part. His position now is in line with commitments made by the other nominees for the commission.

This is an important development, because we need to recognize, and nominees need to recognize, that this new commission is supposed to be a quasi-judicial body which is expected to conduct itself as an independent body serving the public interest, and not any special interest.

I thank the chairman for yielding.

Mr. PELL. I thank the Senator from Michigan for his remarks. I think that the confirmatory process, itself, which we have seen in the Rules Committee, is sometimes a very intense shortcut to education for the people who undergo it. We saw it in the case of Vice President ROCKEFELLER where, when he started out, he saw nothing wrong with giving large sums of money to those he wished, whether they were in the Government service or not. By the end of the process he realized that that was not such a good idea. He had previously thought there was nothing illegal or wrong about it.

We have a similar example here.

At the beginning of the process on the House side, and at the beginning of the Senate process, Mr. Staebler felt there was nothing wrong in remaining in an inactive status in lobbying groups, inactive. But with the confirmatory process moving along, with this letter and telegram, he came to realize, as the other members of the commission must recognize, they should have no formal connection whatsoever with any political or lobbying organization.

I agree with the Senator from Michigan that this commission should be a semijudicial body. We must also bear in mind that three members of that commission are former Congressmen from a political party. So they, too, I am sure, will be educated by this experience of their colleague, Mr. Staebler, that they must not have political connections with lobbying groups or political parties. Likewise, they must realize that when they go on the bench, which this really is, just like a judge, they should try to be as impartial as they can be, recognizing the fact that we all recognize, as in the New Hampshire election, the subjectivity of being from a political party that you cannot help. But beyond that they should be as objective as they possibly can.

I would hope that this confirmation would proceed rapidly. I share completely the views of the senior Senator from Michigan with regard to Mr. Staebler. I find myself hard to be objective about this, because I would like to admire him. I have such a high regard for his own personal decency and integrity that I personally join in supporting this nomination as well as carrying out this part of my official job.

I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, I cannot help but note that in almost every instance when we seek to select someone for an agency or board in the Federal Government, we have insisted that they sever all connections with the businesses that they are now called upon to regulate. We have come dangerously close to insisting that they know nothing about the businesses which they are going to regulate.

I cannot help but note when the Congress goes about the business of selecting someone to oversee the political process we do not make the insistence that they know nothing about it, but we select six people out of six who have been intensely involved in it. It is a little like selecting the president of Exxon to be head of FEA.

Mr. BENTSEN. Mr. President, the 93d Congress took an important step toward reforming the system by which Federal election campaigns are financed by passage in 1974 of the Federal Elections Campaign Act. I was a strong supporter of that bill which will have the effect of taking Federal elections off the auction block and minimizing the influence of big money in our political system.

A key role in implementing the provisions of the Federal Elections Campaign Act will be played by the Federal Elections Commission as it moves to implement the act and see that the election laws will be applied in an impartial and equitable manner.

Consequently, it is imperative that members of the Commission not only be of the highest integrity, but also have sufficient experience in practical politics to enable the Commission to effectively implement the law. President Ford did well in his nomination of Neil Staebler to be a member of the Federal Elections Commission.

Mr. Staebler has a long and outstanding record of practical political experience. He served on President Kennedy's Commission on Campaign Financing as well as on the Haber Commission and the 20th Century Fund's Task Force on Congressional Campaign Financing. This experience only partially represents his ability to contribute to the Commission's most important goal of carrying out the mandate of the Federal Elections Campaign Act. His long history of outstanding service in State as well as national politics will serve the Commission well.

The PRESIDING OFFICER. All time of the Senator from Idaho has expired.

Mr. PELL. I yield——

Mr. McCLURE. Mr. President, I move that the nomination of Neil Staebler to be a member of the Federal Election Commission be rereferred to the Committee on Rules and Administration.

The PRESIDING OFFICER. The question is on the motion to recommit.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the motion to recommit. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN (after having voted in the negative). Mr. President, the Senator from South Carolina (Mr. THURMOND) is absent today. I have agreed to give him a live pair. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from North Carolina (Mr. MORGAN), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death of family.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. HATHAWAY), and the Senator from Nevada (Mr. CANNON) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Hawaii (Mr. FONG), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The result was announced—yeas 24, nays 58, as follows:

[Rollcall Vote No. 129 Ex.]

YEAS—24

Allen
Bartlett
Beall
Bellmon
Brock
Buckley
Curtis
Dole
Domenici
Fannin
Garn
Goldwater
Hansen
Helms
Hruska
Laxalt
McClure
Packwood
Roth
Scott, William L.
Stafford
Stevens
Tower
Weicker

NAYS—58

Abourezk
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Leahy
Mansfield
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Hugh
Sparkman
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Griffin, against.

NOT VOTING—16

Baker
Cannon
Fong
Gravel
Hartke
Hathaway
Inouye
Long
Magnuson
Mathias
McClellan
Metcalf
Morgan
Taft
Thurmond
Williams

So the motion to recommit the nomination was rejected.

The PRESIDING OFFICER. The question, Will the Senate advise and consent to the nomination of Neil Staebler to be a member of the Federal Election Commission? (Putting the question.)

The nomination was confirmed.

Mr. GRIFFIN. Mr. President, I request that the President of the United States be notified of the confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, on page 10 of the committee report, my name is listed among those Senators who are listed as having voted yea on the question "Shall the six nominations to the Federal Election Commission be reported with the recommendation that they be confirmed?"

I did not vote on that kind of question. I voted, and I think the transcript will show that I voted, to report the nomination. I did not vote to report with the recommendation that the nominations be confirmed. I wish to state that for the record.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. GARY W. HART). Under the previous order, the Senate will now return to legislative session.

Mr. ROBERT C. BYRD. Mr. President, under the order of yesterday, all of the other nominations for the Federal Election Commission were to have been confirmed. Have they been confirmed?

The PRESIDING OFFICER. They have been acted upon already.

Mr. ROBERT C. BYRD. I thank the Chair.

NURSE TRAINING AND HEALTH REVENUE SHARING AND HEALTH SERVICES ACT OF 1975

The PRESIDING OFFICER. Under the previous order the Senate will proceed to the consideration of S. 66 which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 66) to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare to strike out all after the enacting clause and insert the following:

TITLE I—NURSE TRAINING ACT OF 1975

SHORT TITLE; REFERENCE TO ACT

SEC. 101. (a) This title may be cited as the "Nurse Training Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

PART A—CONSTRUCTION ASSISTANCE

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 102. (a) (1) Section 801 is amended by striking out "and' after "1973,"; and by inserting before the period a comma and the following: "$25,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $25,000,000 for the fiscal year ending June 30, 1977".

(2) Section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semicolon ", or (ii) in expanding the capacity of the school to provide graduate training".

(b)(1)(A) Subsections (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B) (i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

(ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (e) of such section is amended by striking out "and"' after "1973," and by inserting after "1974" a comma and the following: "$2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c)(1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 103. (a)(1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance

(2) The heading for part A is amended by striking out "Grants" and inserting in lieu thereof "Assistance".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

PART B—CAPITATION GRANTS

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 111. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive $275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year."

(b)(1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 806(f)(1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977,".

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 112. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

PART C—FINANCIAL DISTRESS GRANTS

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 121. Title VIII is amended by inserting after subpart II of part A (as provided by part B of this title), the following:

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b) (1) No grant may be made under subsection (a) unless an application thereof is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976, and $5,000,000 for the fiscal year ending June 30, 1977.".

TECHNICAL AMENDMENT

Sec. 122. Sections 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

Part D—Special Project Assistance

SPECIAL PROJECT GRANTS AND CONTRACTS

Sec. 131. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 121(a) of this title) the following:

"Subpart IV—Special Projects

"SPECIAL PROJECT GRANTS AND CONTRACTS

"Sec. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) providing continuing education for nurses;

"(5) provide appropriate retaining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care; or

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"ADVANCE NURSE TRAINING PROGRAMS

"Sec. 821. (a) (1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977.

"NURSE PRACTITIONER PROGRAMS

"Sec. 822. (a) (1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2) (A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum require.

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977."

(b) Sections 810 and 868 are repealed.

Part E—Assistance to Nursing Students

EXTENSION OF TRAINEESHIPS

Sec. 141. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(b) Subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a) (2) (B)."

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 142. (a) Section 882(b) (4) (as in effect before the date of the enactment of this Act) is amended by striking out "1975" and inserting in lieu thereof "1977".

(b) Section 823(b) (2) (B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing".

(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $30,000,000 for the fiscal year ending June 30, 1975, $35,000,000 for the fiscal year ending June 30, 1976, and $40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education.".

(d) Section 826 is amended by striking out "1977" each place is occurs and inserting in lieu thereof "1980".

(e) (1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d) (1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 143. Effective July 1, 1974, section 860 is amended—

(1) by striking out "1972" in subsection (b) and in subsection (c) (1) (A) and inserting in lieu thereof "1975";

(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c) (1) and inserting in lieu thereof "1978"; and

(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c) (1) (B) and inserting in lieu thereof "1977".

PART F—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 151. (a) (1) Section 802 is amended—

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b) (2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof "810(a)"; and

(H) by striking out "paragraph (A)" in subsection (c) (1) (B) and inserting in lieu thereof "subparagraph (A)".

(b) (1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment.

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made."

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart"; and

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;".

(g) (1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships"

(2) Section 821 (as amended by section 501) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as in effect before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(2) Sections 82(b), 823(b), 823(c), 825(b) (2), and 826(a) (1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 82(b) (2) (A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4) (A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b) (1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "SEC. 830. (a)" and inserting in lieu thereof "(j)".

(i) (1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j) (1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and sections 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is

amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 869 is repealed.

(k) (1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a) (2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a) (1)" and inserting in lieu thereof "(a)"; (D) by striking out "(12)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (i) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices.".

PART G—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

SEC. 161. (a) (1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis—

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;

(B) the number of nurses who are practicing full within each State, of such nurses so as to determine those areas of the United States which are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the area and the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a) (1) and the data gathered under subsection (a) (2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

TITLE II—HEALTH REVENUE SHARING AND HEALTH SERVICES

SHORT TITLE

SEC. 201. This title may be cited as the "Health Revenue Sharing and Health Services Act of 1975".

PART A—HEALTH REVENUE SHARING

SHORT TITLE

SEC. 202. This part may be cited as the 1975".

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 203. Section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d) (1) From allotments made pursuant to paragraph (4), the Secretary may make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services under State plans approved under paragraph (3).

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary and unless—

"(A) the State has submitted to the Secretary a State plan for the provision of comprehensive public health services and has had the plan initially approved by him under paragraph (3); or

"(B) in the case of a State which has had a State plan initially approved under such paragraph, the Secretary, upon his annual review of the State plan of the State determines that the plan and the activities undertaken under it continue to meet the requirements of such paragraph.

An application for a grant under paragraph (1) shall be submitted in such form and manner and shall contain such information as the Secretary may require.

"(3) A State plan for the provision of comprehensive public health services shall include such information and assurances as the Secretary may find necessary for approval of the plan and shall be comprised of the following three parts:

"(A) An administrative part setting out a program for the performance of the activities prescribed by the public health service and mental health service parts of the State plan, which program shall—

"(i) provide for administration, or supervision of administration, of such activities by the State health authority or, with respect to mental health activities, by the State mental health authority;

"(ii) set forth policies and procedures to be followed in the expenditure of funds received from grants made under paragraph (1);

"(iii) contain or be supported by assurances satisfactory to the Secretary that (I) the funds paid to the State public and mental health authorities under grants made under paragraph (1) will be used to make a significant contribution toward providing and strengthening public health services in the various political subdivisions of the State; (II) such funds will be made available to other public or nonprofit private agencies, institutions, and organizations, in accordance with criteria which the Secretary determines are designed to secure maximum participation of local, regional, or metropolitan agencies and groups in the provision of such services; (III) such funds will be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided and not to supplant such non-Federal funds; and (IV) the plan is compatible with the total health program of the State;

"(iv) provide that the State health authority or, with respect to mental health activities, the State mental health authority, will, from time to time, but not less often than annually, (I) review and evaluate its State plan and submit to the Secretary appropriate modifications thereof, (II) report to the Secretary (by such categories as the Secretary may prescribe) a description of the services provided pursuant to the public health service and mental health service parts of the State plan in the preceding fiscal year and the amount of funds spent by such categories for the provision of such services, and (III) report to the Secretary State plan for persons with developmental disabilities and for the prevention and treatment of alcohol and drug abuse are integrated with services provided under the plan through community mental health centers;

"(v) provide that the State health authority or, with respect to mental health activities, the State mental health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(vi) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid under grants under paragraph (1), and

"(vii) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis;

"(viii) contain such additional provisions as the Secretary may find necessary for the proper and efficient operation of the State plan.

"(B) A public health service part setting out a plan for the provision within the State of public health services (other than mental health services). Such plan shall be prepared by the State health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious public health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of public health problems within the State and upon other appropriate information; and

"(iii) provide for programs relating to environmental health, health education, preventive medicine, health, manpower and facilities licensure, and, commensurate with the extent of the problem, services for the prevention and treatment of hypertension, drug abuse, drug dependence, alcohol abuse, and alcoholism.

"(C) A mental health service part setting out a plan for the provision within the State of mental health services. Such plan shall be prepared by the State mental health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious mental health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of mental health problems within the State and upon other appropriate information;

"(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;

"(iv) prescribe minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) within the State and for the enforcement of such standards; and

"(v) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or, if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

The Secretary shall approve a State plan submitted to him which meets the requirements of subparagraphs (A), (B), and (C) of this paragraph and such other requirements as he is authorized to prescribe under this paragraph. The Secretary shall review annually each State plan which has been initially approved by him and the activities undertaken under the plan to determine if the plan and such activities continue to meet the requirements of such subparagraphs.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services pursuant to its State plan, and not less than 22 per centum of a State's allotment under paragraph (4) shall be available only for establishing and maintaining under the State plan programs for the screening, detection, diagnosis, prevention, and detection of hypertension; and

"(B) not less than—

"(i) 70 percentum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision under the State plan of services in communities of the State.

"(7) For the purpose of making grants under paragraph (1) there are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1975, and $160,000,000 for the fiscal year ending June 30, 1976."

Part B—Family Planning Programs

Sec. 221. This part may be cited as the "Family Planning and Population Research Act of 1975."

Sec. 222. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $150,000,000 for the fiscal year ending June 30, 1975; and $175,000,000 for the fiscal year ending June 30, 1976".

(b) Section 1003(b) of Such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $4,000,000 for the fiscal year ending June 30, 1975; and $5,000,000 for the fiscal year ending June 30, 1976".

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

Sec. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public and private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b)(1) To carry out subsection (a) there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

"(2) No funds appropriated under any provision of this Act (other than this subsection(may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $1,500,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976".

(e) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

Sec. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"Sec. 1009. (a) Not later than four months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in such report;

"(2) indicate steps being taken to achieve the objectives during the remaining fiscal years of the plan contained in such report and any revisions necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

PART C—COMMUNITY MENTAL HEALTH CENTERS

Sec. 231. This part may be cited as the "Community Mental Health Centers Amendments of 1975".

Sec. 232. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources.

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purpose of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

Sec. 233. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"Sec. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsection (c).

"(b) (1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area with respect to the nature of mental health problems and the type of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies in the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c) (1) (A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care services.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1974 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care services.

"(C) For purposes of subparagraphs (A) and (B), the term 'provider of health care services' means an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health care services or from financial interests in entities engaged in the provision of health care services or in producing or supplying drugs or other articles for use in the provision of such services, or from both such compensation and such interests.

"(2) A center shall have established, in accordance with regulations prescribed by the Secretary, (A) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (B) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (C) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (D) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b) (1) (D). The Secretary may waive the requirements of clause (D) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"Sec. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) may be made for not more than one year, and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL OPERATION

"SEC. 203. (a) (1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services,

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b) (1) of such section, and

"(iii) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their costs of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974), such center or other entity shall, for purposes of grants under subsection (a), be considered as being in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it received under this subsection.

"(b) (1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a) (1) (B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1) (B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2) (A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 40 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of any grant under the section for a community mental heatlh center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, the amount of such grant for the center's cost of operation may not exceed 90 per centum of such costs for the first year of its operation, 90 per centum of such costs for the second year of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs of the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d) (1) There are authorized to be appropriated for payments under initial grants under subsection (a) $85,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(2) For the fiscal year ending June 30, 1976, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for the fiscal year ending June 30, 1975, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e) (1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) from appropriations under this title for a fiscal year ending before July 1, 1974, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1974, may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements, which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provision of the repealed section applicable to the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant under this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a) (1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b) (1) (D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1974, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1974) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under subsection (a) or (e) of section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a) (2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b) (1) (D)) during the third or fourth years of its operation without a grant under this subsection.

"(2) The Secretary may also make annual grants to a public or nonprofit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1974),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation services described in section 201(b) (1) (D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center, for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3)(A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1974) or section 203 of this title, as the case may be, was determined on the basis of the center, providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

"(c) There are authorized to be appropriated for payments under grants under this section $4,000,000 for the fiscal year ending June 30, 1975, and $9,000,000 for the fiscal year ending June 30, 1976.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Amendments of 1974. For purposes of this section, the term 'projected operating deficit' with respect to an entity described in the preceding sentence means the excess of its projected costs of operation (including the costs of operation related to the provision of services for which a grant may be made under this subsection) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements to be collected by the entity during that period.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made.

"(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a)(1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless—

"(1) an applicant (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary; and

"(2) the proposed use of grant funds in any area under the jurisdiction of a State or area health planning agency established under the Public Health Service Act has been reviewed to the extent provided by law by such agencies to determine whether such use is consistent with any plans which such agencies have developed for such area, and with respect to—

"(A) the need for a community mental health center in such area;

"(B) the definition of the catchment area to be served, which shall be determined after consideration of any such area previously designated;

"(C) the need for the services to be offered;

"(D) in the case of an applicant described in section 203(a)(1)(B), the applicant's plans for developing comprehensive mental health services;

"(E) the adequacy of the resources of the applicant for the direct provision of mental health services and the adequacy of agreements with the applicant for the indirect provision of such services;

"(F) the adequacy of the applicant's arrangements for the appropriate use of and integration with existing health delivery services and facilities to assure optimum utilization of and nonduplication of such services and facilities and to assure continuity of patient care, including arrangements of the applicant with health maintenance organizations and community health centers serving individuals who reside in or are employed in the area served by the applicant for the provision by the applicant of mental health services for the members and patients of such organizations and centers;

"(G) the adequacy of arrangements of the applicant for the coordination of its services with those of other health and social service agencies including, where appropriate, exchange of staff resources; and

"(H) any other factor which the State or area health planning agency determines to be significant for purposes of planning and coordination of health services for the area within the jurisdiction of such planning agency.

"(c)(1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that its services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs of the center in providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b)(1)(D) and 201(b)(1)(E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services, which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay such increased costs.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, determines that during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204(b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, that the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be utilized by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203 (a) for an entity described in section 203 (a)(1)(B), or

"(B) for the first grant under section 203(e), the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203, 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for a grant which is less than the amount of the grant received by the applicant under such section in the preceding fiscal year,

on the ground that the applicant has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to respond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submitted its comments or on the expiration of such forty-five-day period, which ever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1974.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203(a), 203(e), or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section; or

"(B) received a grant or grants under section 203(a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of section 201(c).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1974), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 213. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, or constructed with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) the Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to such projects; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon the completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of the fifty States and the District of Columbia.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States subject to such Federal percentages and of the fifty States and the District of Columbia for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"SEC. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2).

Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 274 of this title (as in effect before the date of the enactment of the Community Mental Health Center Amendments of 1974) from appropriations for a fiscal year ending before July 1, 1974, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"SEC. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a construction or remodeling project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a construction or remodeling project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"SEC. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"SEC. 225. If any facility of a community mental health center remodeled, constructed, or acquired with funds provided under this part is, at any time within twenty years after the completion of such remodeling or construction or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the construction or modernization of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the construction or modernization of such facility.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the several States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to it for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments *of such* States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b)(1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks,

"(II) motivations of offenders, and

"(III) the impact of the offense on the victim and the family of the victim;

"(v) sexual assaults in correctional institutions;

"(vi) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and

"(vii) the effectiveness of existing private and local and State government education and counseling programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assist community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the control and prevention of rape, including projects (i) to research and demonstrate alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders; and (ii) involving the application of such methods.

"(F) Assist community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes forcible, statutory, and attempted rape, homosexual assaults, and other criminal assaults.

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b) The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For the purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and requiring special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of a partciular community or communities, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor.

The Federal Hospital Council (established by section 641 of the Public Health Act) and the National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services provided by such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital srevices; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to the construction projects for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the size of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure tht the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any comunity mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secetary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'.".

SEC. 234. The amendment made by section 233 shall take effect as of July 1, 1974.

SEC. 235. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

PART D—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

SEC. 241. (a) Section 310 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"SEC. 310. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for paritcular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasoned agricultural workers, and the members of the families of such migratory and seasoned workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental service.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and programs in such areas. The highest priorities for such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsection (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private entities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications of its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations,

(II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available trnsportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d) (1) (C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f) (2).

"(h) (1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c) (1) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for the fiscal year ending June 30, 1975, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c) (1) (B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d) (1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $60,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30 1976. Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1975, there shall be made available for grants and contracts under subsection (d) (1) (C) an amount equal to the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d) (1) (C). Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1976, there shall be made available for grants and contracts under subsection (d) (1) (C) an amount equal to the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d) (1) (C) which received grants under this section for the fiscal year ending June 30, 1974. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d) (1) for the provision of inpatient and outpatient hospital services $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976."

(b) Section 217 of the Public Health Service Act is amended by adding after subsection (f) the following new subsection:

"(g) (1) Within one hundred and twenty days after the date of the enactment of this subsection, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 310.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 310. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers and seasonal agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c) (1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of this first Act making appropriations for such study.

PART E—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 251. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primary health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitation services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition, educational, and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subpargaraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) Not more than two grants may be made under this subsection for the same project.

"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).

(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be made under paragraph (1)(B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e)(1) No grant may be made under subsection (c) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a–276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (a)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insure benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting the requirements of subsection (e)(2).

"(g)(1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $240,000,000 for the fiscal year ending June 30, 1975, and $260,000,000 for the fiscal year ending June 30, 1976."

(b) Section 314(e) of the Public Health Service Act is repealed.

PART F—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 261. (a) Section 317(h)(1) of the Public Health Service Act is amended by striking out "RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents."

(b) Section 317(d)(3) of such Act is amended by striking out "$23,000,000 for the fiscal year ending June 30, 1975" and inserting in lieu thereof "$38,000,000 for the fiscal year ending June 30, 1975".

HOME HEALTH SERVICES

SEC. 262. (a) (1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

(b) (1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 263. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons,

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, or attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 264. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed on nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 265. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State Governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

HEMOPHILIA PROGRAMS

SEC. 266. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such centers but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application thereof has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such a red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976."

TECHNICAL AMENDMENTS

SEC. 267. (a) Section 399c of the Public Health Service Act (added by Public Law 93-222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act (entitled "Peer Review of Grant Applications and Control Projects") is redesignated as section 475.

(c) Section 31(d) of the Public Health Service Act is amended (1) by striking out "communicable disease" in paragraphs (1) and (2), and (2) by striking out "communicable disease" the second time it occurs in paragraph (3).

The PRESIDING OFFICER. The time for debate on this bill is limited to 1 hour, to be equally divided and controlled by the Senator from Montana and the Senator from Pennsylvania, with 30 minutes on any amendments and 20 minutes on any debatable motion or appeal.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, the time not to be charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I yield 5 minutes to the Senator from New York.

Mr. PERCY. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

Mr. PERCY. I ask unanimous consent that Lorna Thompson, of the staff of the Subcommittee on Nutrition and Human Needs, be accorded the privilege of the floor during the discussion and votes on S. 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, I make the same request in behalf of the following staff members: John Hunnicutt, Jay Cutler, Nik Edes, and Don Elisburg.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I ask unanimous consent that two of my staff members, David Russell and Toni Thornbrugh, be accorded the privilege of the floor during the consideration of and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make a similar request in behalf of David Dunn of the staff of the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, I ask unanimous consent that Mr. Allan Fox and Mr. Peter Harris be accorded the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, S. 66 was unanimously reported from the Committee on Labor and Public Welfare on January 28, 1975. It contains the provisions of two bills which the President pocket-vetoed in the waning days of the 93d Congress—nurse training and health revenue sharing.

The Congress and the Executive have had very different views concerning the need for health legislation like that embodied in S. 66 for several years.

I was, therefore, very disappointed when the President held this legislation until after the 93d Congress had adjourned sine die, in order to prevent us from having an opportunity to override his vetoes. I believe his vetoes would have been overridden.

The bill the committee brings to the Senate today is the same as those which passed and were pocket-vetoed several months ago. The Congress deserves the opportunity to attempt to override a veto, and the swift passage of this legislation may lead to that circumstance. I, of course, am hopeful that the President will find it possible to sign this urgently needed bill. The programs it reauthorizes expired last June 30. The need for this legislation is, therefore, critical.

Mr. President, I would like to make special note of one point. The President cited budgetary concerns as his major reason for vetoing this legislation. In his February 10 letter to the Senate minority leader, Secretary Weinberger repeated these concerns with respect to both nurse training and health services.

Mr. President, I do not believe this is valid for S. 66.

S. 66 is authorizing legislation, not an appropriations bill. The size of the authorization level for each of the grant programs in the bill is determined by such considerations as the extent of the Nation's need, the readiness of communities to move ahead in establishing centers and other service programs, the availability of the know-how to get the job done, and the appropriate upper limit of Federal involvement in the program. Authorization levels in bills reported by this committee have never been intended to reflect precisely the amount that should be appropriated in any given fiscal year within the constraints of the overall budget. In fact, since these considerations concerning appropriation levels on a year-to-year basis are not under the jurisdiction of this committee, it would be inappropriate for the committee to attempt to perform this function.

It is, therefore, unwarranted to criticize S. 66 on the grounds that authorization levels exceed requests in the President's fiscal year 1976 budget. To the extent that this is the case, and to the extent that budgetary constraints for fiscal year 1976 must limit how much of the need for health services can be met in that year, the Congress will have ample opportunity to consider this during debate on the Labor-HEW appropriations bill for fiscal year 1976.

The committee believes it is useful to the Congress, to the executive branch, and to the Nation, to include in authorizing legislation, levels of authorization which reflect the extent of need, the limits on Federal involvement and other factors. The committee, in fact, insists that to reduce such authorization levels so that they amount to a rehash of budget proposals is to lose sight of our Nation's need and to remove legitimate pressure to meet them.

In his letter of February 10 to the Senate minority leader, the Secretary of HEW listed five principal objections to the nurse training provisions, title 1 of the bill. He argues that, first, authorizations are excessive; second, capitation and construction authorities are continued; third, enrollment increases are required as a condition for receiving capitation funds; fourth, geographic maldistribution is scarcely addressed; and fifth, nursing is separated from other health manpower training authorities.

I do not share Secretary Weinberger's view on these issues.

Regarding excessive authorizations, S. 66 authorizes $30 million less than was authorized for fiscal year 1974. It provides funds for 1,359 programs and more than 230,000 students.

Regarding the continuation of capitation and construction grants, the Institute of Medicine Cost Study of January 1974 endorsed a capitation grant program as an appropriate Federal undertaking to provide a stable source of financial support for the health professional schools.

It recommended that capitation grants ranging between 25 and 40 percent of net educational expenditures would contribute to the financial support for the stability of public and private health professional schools.

S. 66 includes capitation grants at 12½ percent of the cost study figures which can hardly be called excessive.

Two-thirds of all health professional students are in nursing. In 1972–73 authorized capitation as a percent of average net educational expenditures for nursing schools ranged from 13 percent in associate degree programs to 22 percent in diploma or hospital schools. This compared to 32 percent for veterinary medicine, 41 percent for osteopathy, 38 percent for dentistry, and 29 percent for medicine. The formula in S. 66 for capitation grants will not increase funding in this category for nursing. Capitation grants in S. 66 are for the last year of associate degree schools and the last 2 years of 4-year programs. This is a cut for many schools.

Appropriations and Presidential budgets are always exceeded by authorizations. Why does the administration continue to try to confuse the public? I might say they underestimate the level of the public's sophistication on such issues. We have heard from many nursing students who do know the difference between authorization and appropriations. S. 66 does not require the spending of $187 million this year. It merely sets that as the limit for possible appropriations.

Construction grants are continued at the same level of authorization as in the expired law. This is in fact a real cut as the inflation rate in the construction industry has exceeded the general cost of living increases for several years. With more than 1,300 programs able to apply for renovation funds as well as for new facilities the authorization is really very low. Graduate programs in nursing have to have space to expand. Nursing schools historically have been literally "in the cellar" of hospitals and colleges. Many still are having problems meeting the fire codes.

If schools are to have outreach programs to prepare students for service in the underserved areas they have to have a place to teach. Many schools of nursing have rented trailers to be located near community health agencies so they have a place for faculty and students to work. We do not think the construction program, therefore, is in any way inflationary or unnecessary. Several States are awaiting funding of approved but unfunded construction grants for which they have earmarked the necessary State matching funds. Costs are escalating so fast States should not have to wait for Federal funds while the cost of the buildings go up month by month.

Regarding requirement for enrollment increases, the same base line enrollment data that applied under the expired law holds for S. 66. That is that the enrollment requirements are based on the year selected between 1966–71 first-year class enrollments. Therefore, no additional increases are required. A school eligible for capitation in 1974 would, under S. 66, be eligible in 1975.

These capitation grants will assist those schools that responded to the previous congressional directive to increase their enrollments by giving them some assistance in meeting the additional costs involved. Students admitted in 1972, the first year for which the formula applied, are still in the baccalaureate nursing programs. We do feel that if the true health needs of people are to be met we must have more and better prepared nurses.

Regarding geographic maldistribution, the sections of S. 66 title 1 that deal with maldistribution are: Project grants, practitioner projects, and grants for advanced nurse training. Construction grants also relate to distribution of personnel.

A review of the special grants awarded to date shows that a significant number of those have focused in preparing students to work in rural areas, inner cities, health clinics, and so forth. With the additional focus provided in S. 66 to prepare geriatric nurse practitioners and bilingual nurses for practice in neighborhoods with large numbers of non-English speaking people, the question of maldistribution is even more significantly dealt with.

The nurse practitioner section which is new is totally directed at getting primary health care to underserved areas and to promoting better utilization of physicians and nurses.

The advanced training grants, also a new section, will provide assistance for major expansion at the graduate level for preparation of teachers, nursing service leaders, and nurse clinicians. Again, those categories of nurses must be increased if agencies and schools of nursing are to be available in currently underserved areas.

The 1976 President's budget has funds for practitioner projects and continuation of funded projects only with no dollar amount earmarked for nursing. In what way does the President's budget address maldistribution of nurses?

And regarding the separation of nurse training from health manpower, nursing is unique among the health professions. In the area of preparation it is the only one with three types of initial preparation. As mentioned earlier, we are dealing with more than 1,300 programs and a quarter million students. By far, this exceeds the numbers of all of the other health professions put together.

What rationale is there for treating all health professions exactly the same way when, in fact, it does not benefit the people involved?

We think if funds are to be well administered, they must be supervised by experts that know the field. Experience has demonstrated that at the regional office level health programs are being staffed by very few experts. In fact, staff job descriptions have been designated as generalists titles rather than nurse consultant titles for those supposed to be the expert consultants on nursing education. That is only one example.

The Public Health Service used to have a good reputation for providing leadership in health matters. Lately, that reputation has changed. We have designated the Nurse Training Act as a separate piece of legislation to give to nursing schools and students the specific type of assistance we in the Congress think they need. It assures line items in the budget so that Congress can monitor the actual use of the funds. There is no possibility of lumping all project funds in one line item to be allocated at the will of the administration.

This is another attempt by the Congress to hold the executive branch accountable for carrying out the congressional intent.

In his letter of February 10 to the Senate minority leader, Secretary Weinberger offers the following criticisms of title II of S. 66, which contains the Health Revenue Sharing and Health Services Act of 1975:

> 1. Services grant programs funded under S. 66 would duplicate services financed under Medicare and Medicaid;
>
> 2. Selected communities receive grant funds under these programs resulting in inequities on national basis;
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> 3. Authorizations for grant programs in S. 66 exceed, in many cases, the recommended appropriation levels in the President's FY '76 budget;
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> 4. The Community Mental Health Centers program has "demonstrated the concept of community oriented mental health care delivery", and should be phased out as recommended in the FY '76 budget, rather than extended and strengthened as proposed in S. 66—moreover, CMHC services are similar to services available under Medicaid and other social service programs, and in any case, should be integrated with other forms of health services rather than offered separately; and
>
> 5. S. 66 authorizes new programs, such as studies on mental health and illness of the elderly, epilepsy, and Huntington's Disease, which are inconsistent with the President's commitment to veto new spending programs.

The administration overlooks basic characteristics of the programs proposed or extended by S. 66.

S. 66, in fact, contains broad flexibility for the Secretary of DHEW to implement the programs in ways that are not duplicative, that encourage grantees to strive for independence of Federal grant support, and that make efficient and equitable use of grant funds. S. 66 represents in my judgment a fair compromise between the legitimate prerogative of the Congress to define grant programs, and the concerns of the administration.

First. S. 66 grant programs in no way duplicate services available under medicare and medicaid. Grant programs to support mental health centers, community health centers, migrant centers, and most other programs authorized in the bill are basically aimed at helping communities set up the staff and clinic needed to provide health services to the people in their area. These services may in some cases be reimbursable under medicare or medicaid for some of the people which the centers serve. Whenever this is the case, S. 66 specifically requires that centers collect from medicare or medicaid, and that no funds be awarded under the grant for such services. The bill also requires centers to collect fees for their services from patients, private insurance companies, and other local sources of support. S. 66 only pays for health services which cannot be reimbursed from any of these sources—and which must be offered by the center as a part of a coherent program of health care.

Second. S. 66 grant programs aim at correcting inequities—not causing them as the administration argues. The bill is aimed at assisting communities which otherwise could not obtain the kinds of health services described in the bill. The real inequity in health is the fact that while some communities are rich in health services—others cannot even obtain basic care because decent services are not available. The community health centers and migrant health centers programs, in fact, are aimed at Americans who might otherwise be unable to secure decent health care at all. Unfortunately, in recent years shortages of funds have prevented the startup of enough migrant and community health centers to serve all of the populations in our Nation who urgently need such services.

However, it makes no sense whatever to eliminate the centers we have, or cut them back substantially, just because we are not at this point ready to assist everyone who needs it.

It makes even less sense to insist that the mental health centers program is inequitable and should be phased out. In fact, the Congress has intended that eventually approximately 1,500 CMHCs be funded in order to make CMHC services available to every community in our nation. We are, in fact, one-third of the way to that goal. S. 66 reaffirms that this goal should be reached. It makes no sense to cut back existing CMHCs on the basis of the argument that we are being inequitable to those communities which have not yet been reached.

S. 66 proposes instead to perfect and maintain existing centers of all kinds and to move steadily ahead with the establishment of new services in areas of highest need.

Third. S. 66 does disagree in many instances with the President's fiscal year 1976 budget request. The committee does differ with the policy implications of the President's fiscal year 1976 budget proposals in a number of specific respects. Whereas the administration would cut health services in existing centers programs by over 20 percent, S. 66 would specify a standard package of services which every center must offer in order to prevent centers from cutting back essential services which cannot be readily reimbursed. S. 66 would also require centers to offer their services to anyone in their areas who request them, in order to prevent centers from discriminating against low-income families in order to reduce their bad debts, fed by the high unemployment among the low-income families they serve. It would be unconscionable to cut Federal grant support by 20 percent at a time when centers find the need for their services undiminished, and their sources of income most limited.

At the presummit conference on the economy with respect to health, a strong consensus was expressed that it would be tragic to attempt to solve our economic problems by cutting programs that service low-income Americans, especially in a vital area such as health care. These Americans are hurt most by inflation and unemployment. To ask them to also give up essential health services on top of this is a great social inequity. S. 66, therefore, contains authorization levels high enough to allow these existing centers to continue at their present levels and even to steadily expand if the Congress should choose to appropriate the funds.

S. 66 also differs with the proposed fiscal year 1976 President's budget by authorizing funds for the creation of new mental health centers. As indicated in paragraph 4 below, the committee intends to continue the growth of the CMHC program until every community has access to CMHC services.

Fourth. S. 66 reaffirms the committee's intent that the community mental health center program be continued and expanded until every community in our Nation receives these services. The administration continues to insist that this program is a "demonstration program," which should be phased out now that it has shown that this new form of health services is effective. In fact, since the inception of the program, the Congress has made it clear that the CMHC's should eventually be made accessible, with Federal support, to every community in our Nation. This legislative history is documented later in the report on this bill. The administration's agreement that the CMHC is demonstrated to be a successful approach to providing mental health services is an excellent argument not for stopping the program, but for continuing toward our original goal of a nationwide network of CMHC's.

Nor do CMHC services duplicate the services of medicaid and other social service programs as the administration argues. As with the other centers programs funded under S. 66, great care has been taken to assure that such duplication does not occur. In fact, the CMHC program is basically aimed at helping communities start up centers with the intent that ultimately public and private insurance programs, State and local government, and their patients themselves, will reimburse them for their service and allow them to become independent of grant funds. Indeed, S. 66 maintains a limit of 8 years of steadily decreasing Federal support for the operation of mental health centers and allows grants beyond this phasedown period only in situations of financial distress—and then only for 3 more years.

With respect to the integration of mental health services with other health service activities, the committee feels S. 66 contains numerous assurances that CMHC's will work closely with other health service providers in their area—especially HMO's.

S. 66 does establish new programs such as studies on mental health and illness of the elderly, epilepsy, and Huntington's disease and grant programs for rape prevention and control, hemophilia services, and home health services. All of these new programs together amount to only 3 percent of the total amount of funds authorized by this legislation, or $50 million.

These small but vital new programs aim at investing very limited Federal dollars in areas of high demand more as an expression of intent and future direction than as a full-scale program of support. The studies of Huntington's disease and epilepsy by HEW and of the mental health problems of the elderly will provide future Congresses with an outline of meaningful Federal support in these areas. Frankly, were the budget not so strained, more might have been done in these areas now based on existing knowledge.

The bill also contains a 1-year program of support for demonstration of home health agencies, a 2-year program of support for rape prevention and control programs in the National Institutes of Mental Health, and a 2-year program of support for blood fractionation and diagnostic centers for hemophilia. I believe these programs are so modest that by eliminating them we would do little or nothing to change the cost of the bill, but would set back work in these vital areas of health care several years.

NURSE TRAINING PROVISIONS

The authorizing legislation for the Nurse Training Act expired at the end of June 1974, and a great deal of deliberation has gone into the provisions of this bill by the Health Subcommittee and the Labor and Public Welfare Committee. This is really the only Federal support for nursing education and as such is vital to assuring registered nurse manpower for this country.

Great strides have been made in the supply of registered nurses since the first enactment, in 1964, of comprehensive legislation for support of nursing education.

The total estimated number of employed registered nurses in 1964 was 582,000. The total estimated in January 1973 of 815,000 registered nurses represents 696,500 full-time working registered nurses. We in the Senate can be very proud of the increased supply of nurse manpower as a result of the Nurse Training Act.

The bill before us today would continue Federal support to assure that the gain made in the supply of nurse manpower is not diminished and that progress can continue especially in the face of predictable new demands such as a national health insurance program.

Estimates indicate a need for 1,100,000 R.N.'s by 1980. These estimates are made without the reference to the need that would result from a national health insurance program.

We, in the committee, recognized the concern of the administration for decreased spending and, in tune with this, the authorized funds in this bill have been substantially reduced from previous bills. For example, the authorized funds for fiscal year 1975 are $182 million as compared with $254.5 million authorized in fiscal year 1974. These figures exclude scholarships which are funded on a formula basis. The total authority in the bill before us is $654 million which is $30 million less than the Nurse Training Act of 1971. This represents a deep cut, especially in view of the increased number of students and the inflation in today's economy. It is really very modest funding considering that two-thirds of all health professional students are in nursing. Nursing schools get no significant amount of research funds and, as I mentioned earlier, this is really their only significant Federal support.

The President indicated that this bill does not concentrate on shortages of certain nurse specialists or on geographic maldistribution. However, this bill does create two new sections specifically moving priorities more rapidly in those directions; namely, the nurse practitioner and advanced nurse training sections. These new sections are an expression of the current need in the country and in the profession to provide nurse practitioners prepared to provide primary care and to practice in areas of the country where there is a shortage of health personnel such as in the rural and inner city populations.

This is an exciting expanded role for registered nurses and this assistance in planning new programs, expanding current programs and in continuing practitioner programs now in existence provides this Senate with a real opportunity to help meet the health needs of the people in all our States. We estimate that more than 50 percent of the authorization deals directly with the maldistribution issue.

Registered nurses are moving to meet the needs of our rural and inner-city populations where there is a dearth of available health care. Authority in the Nurse Training Act of 1971 provided for special projects to develop training programs for new roles, types, or levels of nursing personnel. This included programs for pediatric nurse practitioners and other types of nurse practitioners. Projects and contracts are ongoing in many States from my State of Massachusetts to California, Minnesota, Alabama, Mississippi, Alaska, and Puerto Rico.

More than 1,700 nurse practitioners were graduated in 1974. There are 184 nurse practitioner programs now in existence.

As I indicated, this new bill, S. 66, provides a new program especially for the education of nurse practitioners. It is authorized at $20 million, $25 million, and $30 million for the 3 years of this bill—1975, 1976, and 1977. Nurses, educated as a result of such programs, will be prepared to provide primary care in shortage areas of the United States.

In Maine, for example, the 2,500 residents of Deer Isle and Stonington would be virtually without health care execpt for the services of a registered nurse practitioner who, among her many responsibilities, makes house calls, provides health counseling and referral services, conducts clinics for children, and gives emergency first aid.

In New Mexico, three Albuquerque clinics have been started where little or no health care was available. A nurse practitioner is in charge in each clinic. Physicians are available in the clinic or on call but the bulk of care is provided by the nurse practitioners.

One continuing problem that must be kept in mind is that third-party payers usually do not reimburse for nursing services. If we hope to fully utilize the ability of these nurses, we must alter the reimbursement situation.

I am sure we all are interested in doing whatever we can to improve conditions in nursing homes such as those we read and heard about recently as a result of the hearings in New York. This same section provides for funding programs for the education of geriatric nurse practitioners.

Along with this is a second new section in the Nurse Training Act. This section is a very high priority—that of advanced nurse training. It provides for furds for graduate programs to educate nurses for faculty, supervisory and administrative roles, and as clinical nurse specialists, and providers of primary care. Clinical nurse specialists provide the expertise in coronary care units, in surgical intensive care units, in burn units, as nurse-midwives and other specialty areas. Authorizations for advanced nurse training are $20 million for fiscal year 1975, $25 million for fiscal year 1976, and $30 million for fiscal year 1977. Therefore, this bill does provide for meeting present-day health care needs and, again I will point out, it does focus on the problems of maldistribution.

I will briefly describe for you the other major section of this bill:

CONSTRUCTION GRANTS

Priority in construction grants is given to establishing the capacity required if enrollment of nurses for advanced training are to be adequately expanded—$25 million is authorized for each fiscal year, 1975–77, for construction grants.

CAPITATION GRANTS

Different amounts for each of the three types of nursing schools is specified for the first time. This is a result of the Institute of Medicine Cost Study which was requested by the Congress in 1971. Capitation is restricted to undergraduate programs since there is the special section for advanced education.

Baccalaureate degree programs are eligible for $400 per student enrolled in the last 2 years of the program.

Associate degree programs are eligible for $275 per student enrolled in the last year of the program.

Diploma schools are eligible for $250 per full-time student enrolled for each year of the program.

Authorizations for appropriations for capitation are $45 million in fiscal year 1975, $50 million for fiscal year 1976, and $55 million for fiscal year 1977. Provision is made for funds to be appropriated to continue payment for "enrollment bonus students" for students enrolled as first year students in such schools for school years beginning before June 30, 1974.

FINANCIAL DISTRESS GRANTS

The Secretary of the Department of Health, Education and Welfare may make grants to assist schools of nursing which are in serious financial straits to meet operational costs required if quality educational programs are to be maintained or if there is a special need for financial assistance to meet accreditation requirements.

The authorization is $5 million for each of the 3 years.

SPECIAL PROJECTS AND GRANTS AND CONTRACTS

Special projects are of great importance in terms of effectiveness in improving nursing education nationwide. As I mentioned earlier many of the early nurse practitioner programs came about through such special projects. In Massachusetts, for example, a regional clinical experience in public health nursing was developed which offers increased opportunity for nursing students to study and use community resources and become involved in health planning as a result of a special project grants. In South Dakota, a four-county area without health facilities or physicians, nurse practitioners were established and the care provided was evaluated by a Nurse Training Act funded contract. Many innovative curriculum developments have come about through these grants.

This bill provides for special projects grants and contracts:

(1) to assist in—

(A) mergers between hospital training programs or between hospital training programs and academic instiutions, or

(B) other cooperative arrangements among hospitals and academic institutions, leading to the establishment of nurse training programs;

(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve existing programs of nursing education;

(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

(A) identifying, recruiting, and selecting such individuals;

(B) facilitating entry of such individuals into schools of nursing;

(C) providing counselling or other services designed to assist such individuals to complete successfully their nursing education;

(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education;

(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education; and

(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools.

(4) provide continuing education for nurses;

(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing professions; or

(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

The National Advisory Council on Nurse Training must review all applications for these project grants.

ASSISTANCE TO NURSING STUDENTS

The administration has preferred to consider nursing student assistance to be in the form of basic opportunity grants or guaranteed loans. We all know how small the basic opportunity grants are and in the economically difficult times such loans hardly seem realistic; 3,800 R.N.'s are receiving traineeships for advanced education. Only 20,000 students are receiving scholarships since the President's budget eliminates any new awards.

Authorized funds for traineeships are $20 million for 1975, $25 million for 1976, and $30 million for the final year of the bill.

Student loan authorizations are $30 million, $35 million and $40 million for the 3 years.

The scholarship program is an open-ended authorization to provide for the formula based on number of students.

This is, then, a summary of the Nurse Training Act.

As I have said, this is a modest bill with authorized funds below the past levels and a priority piece of legislation if we are to adequately meet the health care needs of our population.

The President's veto message indicated there were persistent reports of registered nurse unemployment. Unpublished Bureau of Labor statistics would indicate that the estimated annual rate of unemployment has not been altered significantly from 1962 to 1973. The sampling done shows a very low rate of unemployment; in fact, less than 2 percent.

HEALTH REVENUE SHARING AND HEALTH SERVICES PROVISIONS

Title II of the proposed legislation contains substantive revisions of five expiring programs for provision of health services which were each extended for 1 year without change by the Health Programs Extension Act of 1973—Publice Law 93-45. The legislation also includes a number of small but important new programs as described below. During the 93d Congress, the committee reviewed these programs carefully and held hearings on April 30, and May 1, 1974. Four days of hearings on S. 1708, the Family Planning Services and Population Research Amendments of 1973, were held in May 1973. S. 1708 was reported from the Special Subcommittee on Human Resources on October 1, 1973. The full committee did not complete action on S. 1708 in the 93d Congress. The original health revenue sharing and health services bill, S. 3280, which revised and extended the other four expiring programs was extensively revised by the Subcommittee on Health and was unanimously approved by the full committee on August 7, 1974. Similar legislation, H.R. 14214, was reported out of the Committee on Interstate and Foreign Commerce on June 27, 1974, and passed by the House on August 12, 1974.

After several conferences, the Senate and House conferees adopted a compromise measure which retained the basic principles of both the Senate and House bills. In that conference, the Senate agreed to accept, with some modification, the provisions extending and revising the authorities for family planning services and population research which were included in the House bill, H.R. 14214. This compromise, as described in the conference report to accompany H.R. 14214 (S. Rept. No. 93-1311), was concurred in by the Senate and House during the closing days of the 93d Congress. The President pocket-vetoed this measure subsequent to the recess of the 93d Congress. The health revenue sharing and health services provisions of S. 66, as filed in the 94th Congress, are identical in every respect to the provisions of the conference report on H.R. 14214 cited above from the 93d Congress.

The Committee on Labor and Public Welfare is ordering these same provisions reported to the Senate for its further consideration. These provisions are as valid in February of 1975 as they were in December of 1974, and I recommend that the Senate again give them favorable consideration. The provisions represent a reasonable compromise with the views of the administration on health revenue sharing and health services, and I am hopeful the President will reconsider his earlier veto and sign these provisions into law.

Mr. President, following is a summary of the major health revenue sharing and health services provisions of S. 66:

1. *Community Health Centers.*—Authorizes for 2 years grants for the planning and development and operation of community health centers and other entities, including existing neighborhood health centers, which would offer a medically underserved population a broad range of ambulatory, medical care referral, and environmental health services.

2. *Migrant Health Centers.*—Authorizes planning and development, and operation grants to migrant health centers and other entities which would offer a broad range of health services—including ambulatory medical, referral, and environmental health—in an area in which not less than 6,000 migrants and their families reside. Would also provide certain assistance to entities which do not meet the minimum migrant population requirement. Includes a separate authorization to cover the reasonable costs of inpatient and outpatient hospital services for migrants.

3. *Community Mental Health Centers.*—Extends the Community Mental Health Centers Act to continue progress toward the goal of establishing a center in each of the approximately 1,500 catchment areas across the Nation, and to assure continued support of the 500 centers already begun. Also revises the Act to consolidate all the existing grant authorities into programs of grants for planning and development, start-up costs including costs of construction and renovation, and initial operating costs. All centers are required to move toward comprehensive services which include the five essential services under the current program plus half-way house services and specialized services to children, the elderly, alcoholics and drug dependent persons. In addition, Centers which have come to the end of their eight year initial operation support may be provided up to three additional years of financial distress grants for the difference between costs and payments from non-Federal resources. A special grant program for consultation and education is established.

4. *Health Revenue Sharing.*—Extends existing section 314(d) of the Public Health Service Act for two years with a total authorization of $160 million per year, of which 22 percent each year would be for allocations

to the States through the 314(d) formula for purposes of screening, detection, diagnosis and treatment of hypertension.

5. *Family Planning Programs.*—Extends the authorizations of appropriations in Title X of the Public Health Service Act and clarifies that population research shall be conducted under the authorities of that title. Also incorporates in Title X the requirement of an annual plan to carry out family planning programs.

6. Section 317 of the PHS Act is also extended for one year with increased authorization level and expanded to provide support for control of diseases borne by rodents as well as communicable diseases.

7. *Home Health Services.*—Establishes a demonstration program of start up grants to home health agencies and grants for training personnel to provide home health services.

8. Establishes a Committee on Mental Health and Illness of the Elderly for a one year period to review the mental health needs of the elderly and recommend policy for the care and treatment of mentally ill aged persons.

9. *Rape Prevention and Control.*—Establishes a new center within the National Institute for Mental Health to study the causes, control and treatment of rape and to establish a clearing-house of information on these subjects. In addition, the bill provides support for demonstration projects in the prevention and control of rape.

10. *Epilepsy.*—Establishes a temporary Commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Epilepsy and its consequences, and the role of State and Federal government in research on Epilepsy and on the identification, treatment, and rehabilitation of persons with Epilepsy.

11. *Huntington's Disease.*—Establishes a temporary Commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Huntington's Disease and its consequences, and the role of State, and Federal government in research on Huntington's Disease and on the identification, treatment and rehabilitation of persons with Huntington's Disease.

12. *Hemophilia.*—Establishes a new hemophilia diagnosis and treatment program under the Public Health Service Act. Provides grants to establish treatment centers for hemophilia and to establish and expand blood separation centers to provide blood products needed for the treatment of hemophilia.

Mr. President, I urge my colleagues to support this legislation.

Mr. KENNEDY. Mr. President, I believe that the level of funding for migrant health programs is essential and the reforms in these programs crucial for improving the quality of health care for these individuals.

When many think of migrants they visualize California and the Southwest. However, throughout the east coast there is a separate and substantial migrant stream that extends from Florida to Maine. In my own State of Massachusetts, there is a continuing migrant use, the majority of whom are Puerto Ricans who travel to the State under a separate arrangement with the Commonwealth of Puerto Rico.

I have followed the development of migrant health services by the New England Farm Workers Council in western Massachusetts and it is clear that the Federal migrant health program is essential to insure the provision of health services.

The bill now before us extends the authorizations for grants to operate migrant health centers and provides separate annual authorizations for hospitalization and planning and development.

I believe the levels of authorization which are within this bill are essential if we are to begin to improve the coverage of this program.

The current migrant health program offers services to barely 10 percent of the population and, until now, the services have been limited by the available funding. Hopefully this bill will mark a major change in that pattern.

At the same time, I want to emphasize that this legislation reflects the growing recognition that having services in an area does not insure the people will take advantage of those services. If the community is comprised largely of limited English-speaking persons, they all too often will not know what services are available. Even then, they may have great difficulty in communicating their needs to the health services personnel.

For that reason, this measure includes amendments to insure that the health services provided by community health centers, migrant health centers, and community mental health centers will reach the limited English-speaking population in their regions.

The bill requires the development of programs to meet their language and cultural needs. Such programs would include bilingual services and the employment of persons sensitive both to the culture and language of the population being served.

Mr. President, I ask unanimous consent that the portion of the committee report on the migrant health program be printed in the Record to further detail the history of the migrant health program and the specific provisions of the legislation we have approved. I also ask unanimous consent to have printed the relevant provisions of the report describing the bilingual-bicultural provisions of the act.

There being no objection, the report was ordered to be printed in the Record, as follows:

PART D. MIGRANT HEALTH CENTERS (MHC)

BACKGROUND

In 1962 Congress amended the Public Health Services Act by enacting P.L. 87–692. This first Migrant Health Act added a new section 310 to the PHS Act and provided for Federal grant support to health clinics which offered health services to domestic migratory farm workers and their families. The original legislation, sponsored by Senator Williams, authorized $3 million in grant support, of which only $750,000 was ultimately appropriated. At this limited level of support, funds were restricted primarily to preventive health service programs—e.g., immunization, health education, and environmental safety—which had already been initiated by State and local health agencies at the time of enactment.

In 1965 a Congressional re-evaluation of section 310 activities indicated that the program had not met the health care objectives of the original act. The Community Health Services Extension Amendments of 1965 (P.L. 89–109) addressed itself to several of the program's inadequacies and to that end included provisions for amending section 310 which would provide broader authority for program activities and would increase authorizations to support migrant health projects. In addition to authorizations during fiscal year 1966 which more than doubled those of the first year of the program and tripled them by fiscal 1968, the legislation also authorized the use of section 310 funds for the costs of the necessary hospitalization of migrants.

In 1968 Congress passed the Heath Services Amendments of 1968 (P.L. 90–574). Among other things, these amendments extended section 310's authority through 1970 and increased the authorization level for project support. Between 1968 and 1970 the program was unable to increase, as the result of this continued commitment, the number of migrants receiving Federally-supported personal health services from 85,000 to 102,000.

At the expiration of section 310's authority in 1970, Congress once again extended the program's authority and increased its authorizations with the enactment of P.L. 91–209. In addition, P.L. 91–209 included provisions which expanded program activities in two significant ways. First, this act authorized support to projects which would provide health services to resident seasoned farm workers and their families living in communities which experienced seasonal influxes of migrant farm workers. This same enactment also required consumer involvement in migrant health projects receiving Federal support; specifically, the act mandated: "Persons broadly representative of all elements of the population to be served must be given an opportunity to participate in the development . . . (and) in the implementation of such programs." This provision was adopted following Migratory Labor Subcommittee hearings which determined that there existed little if any opportunity for migrants to influence the content of policies and programs intended to improve their lot.

With the expiration of the migrant health authority in June 1973, Congress enacted P.L. 93–45, the Health Programs Extension Act of 1973, which provided a one year extension of the authority of the migrant health program, including an authorization of $26.75 million. A budget history of section 310 for recent years appears below:

TABLE 5.—FEDERAL FUNDING OF HEALTH SERVICES FOR DOMESTIC AGRICULTURAL WORKERS AND THEIR FAMILIES, PHS ACT, SEC. 310

[In thousands of dollars]

Fiscal year	Authorization	Request	Budget appropriation	Obligation	Outlays
1970	15,000	12,000	15,000	14,893	11,172
1971	20,000	14,000	14,000	13,997	14,581
1972	25,000	17,000	17,950	17,864	13,709
1973	30,000	23,750	23,750	23,750	19,060
1974	26,750	23,750	23,750	(25,759)	(23,151)
Total	116,759	90,500	94,450	(92,254)	(81,673)

[1] Parentheses indicate estimated amounts.

During fiscal 1974, the 103 migrant health projects receiving assistance under section 310 provided health services to an estimated 355,000 patients; patient visits amounted to approximately 630,000. Projects include both full-time centers offering a wide variety of comprehensive health services and specially scheduled clinics offering categorical services which are supplemented by referrals. Services provided at migrant health projects include diagnostic and therapeutic care, follow-up, certain dental services, health counseling, preventive care and outreach services. In addition, the program has begun experiments to provide more hospital coverage to migrants. One such demonstration project has been designed to provide hospital care to a selected migrant population in order to study patterns of hospital ultilization and cost of hospital services for migrants and to compare the migrant hospitalization experience with that of other low-income groups. Six migrant health projects have initiated programs with hospitals in their areas to provide access for approximately 50,000 migrants to inpatient services at a fixed daily rate. Still other demonstration projects explore the feasibility of the delivery of care through prepaid capitation. An indication of the progress made by the program in the last few years—as measured by several key indicators—has been tabulated below:

TABLE 6.—KEY INDICATORS OF MIGRANT HEALTH SERVICES PROGRAM

Program indicator	1972	1973	1974
Program scope:			
Number of projects	101	102	103
Target population	3,000,000	3,000,000	3,000,000
Patient visits	460,000	600,000	630,000
Costs:			
Appropriation	$17,950,000	$23,750,000	$23,750,000
Average project costs	177,722	208,330	228,365
Cost per person per year (based on visits)	69	70	67

Despite this record of progress and accomplishment, the unmet health care needs of migrants remain profound and critical. The migrant health program reaches barely 10 percent of the population eligible for services. The infant mortality rate for migrants is 25 percent higher than the national average. Mortality rates for tuberculosis and other infectious diseases among migrants are 2½ times the national rate, and for influenza and pneumonia, the rate is 20 percent higher for migrants than it is for the general population. The rate of hospitalization for accidents is 50 percent higher for migrants than it is for the nation as a whole, while migrant births occur outside of hospitals at a rate nine times higher than the national rate. If there are to be real and major improvements in the health of migrants, continued Federal commitment and significantly higher levels of support are required. The Committee recognizes the inadequacy of prior levels of funding for migrant health projects and proposes higher authorizations for program activities.

In addition to inadequate levels of funding, the program has encountered a number of obstacles which complicate efforts to improve and maintain the health of migrants. These include problems in hospitalization for migrants, migrant camp sanitation, and Medicaid coverage. The problem of hospitalization has persisted in part because Federal support available for migrant health projects has been limited primarily to the development of ambulatory programs. Normally less than $500,000 is allocated each year for hospitalization of migrants; and at this level of support, hospitalization must necessarily be limited to emergency cases. The legislation proposes to correct this deficiency by establishing a separate authority for payment of hospitalization costs for migrants and to support this authority at adequate levels of funding.

Inadequacies in migrant camp sanitation—including housing, water supplies, sewage treatment, waste disposal—are well-known and documented. They compound the basic health care needs of the migrant and, in many cases, transcend them. In many communities the migrant health center is the only institution actively providing environmental health services to migrants. With other pressing health problems competing for its resources, these services provided by the centers are frequently limited in scope and inadequate in response. As indicated below, the proposed legislation would require the center to undertake environmental health activities. It is recognized that problems as profound as these cannot be addressed with inadequate levels of funding and the legislation proposes to correct this deficiency. It is not intended, however, that migrant health centers duplicate in their environmental health services the functions of State or local agencies or establish standards relating to the environment where standards already exist. In such cases, the center could better monitor the enforcement of existing standards in their communities.

Finally, mention should be made of those barriers which exclude migrant participation in Medicaid. It should be noted that these same barriers ultimately limit the portion of a center's operating expenses which can be met by third-party reimbursements for services provided. Migrants are frequently excluded from coverage under Medicaid as the result of their failure to meet State residency requirements and their inability to meet definitions of "categorically needy" or "medically needy." In most States, State Medicaid policy requires a Medicaid applicant to demonstrate an intent to reside in the State before he can be certified as eligible. Since migrants are generally unable to demonstrate an intent to reside because they are required to move from State to State with changes in the harvest season, they are repeatedly ruled ineligible. In addition, some States, which serve as major home-base areas for migrants—Florida, for example—fail to recognize the legitimacy of the claim of large numbers of migrants that their home-base State is considered their residence. In such States, it is common practice to consider all migrants as non-residents and to automatically disqualify those potentially Medicaid-eligible migrants from entitlement.

Other problems in eligibility for assistance under Medicaid relate to migrants' failure to meet non-economic definitions of need. Medicaid eligibles must be blind, aged, disabled, or dependent children as defined in SSI and Title IV–A or in certain instances in State regulations for these groups. Because few migrants are aged, blind, or disabled, most of those who could qualify would be eligible only under the Aid to Families with Dependent Children. Because most migrant families are male-headed, however, they are ineligible for Medicaid unless they reside in a State with an Unemployed Fathers program. Of the 23 States with migrant populations over 10,000, only nine provide Medicaid coverage to families headed by unemployed fathers. In none of these States, however, does it appear that more than half of the migrants are home-based. Approximately 470,000 migrants reside in or travel through the nine States with Unemployed Fathers programs. It is estimated that approximately 70,000 migrants would be eligible for Medicaid because they would be unemployed during the off-season and at the same time home-based.

Proposals have been offered which would reduce or eliminate such barriers for migrants. While these are under consideration, the Committee considers it advisable that centers continue to upgrade their facilities and services in order that they meet those standards which would qualify them as institutional providers eligible for reimbursement under Medicare and Medicaid. To this end, the legislation proposes, as conditions for receiving grants, a number of requirements consistent with those required of institutional providers under Title XVIII, of the Social Security Act. If centers demonstrate a capacity to meet these requirements, the Committee might recommend amendment of Title XVIII to permit reimbursement of centers as institutional providers.

With only limited resources at its disposal, the migrant health program has proven that progress can be made in meeting the critical, unmet health care needs of the migrant through the center concept. Despite those barriers and obstacles to care discussed above—not to mention additional factors such as rural isolation—which might have severely limited the scope of services provided and activities undertaken, migrant health projects have been established which offer a comprehensive range of services. They have developed on-site laboratory capabilities, basic diagnostic services, family-oriented primary care centers rather than fragmented categorical clinics, bilingual personnel, on-site medical services, and referral services to specialty practices. As the subsequent summary of the proposed legislation indicates, the Committee has recommended that support be continued and that funding be increased to accommodate both an expansion of services offered at established centers as well as the initiation of new projects which will reach those migrants who presently are not served by a center.

INTENT OF LEGISLATION

S. 66 proposes to amend section 319 (prior to July 23, 1974, section 310) of the Public Health Service Act to extend and modify this authority for the funding of migrant health centers and projects.

REQUIREMENTS FOR MIGRANT HEALTH CENTERS

The legislation defines a migrant health center as a public or private nonprofit entity which provides (1) primary health services; (2) such supplemental health services as may be necessary and as may be appropriate to the particular center for the adequate support of primary health services; (3) referral to providers of supplemental health services and payment therefore, as appropriate and feasible for the center; (4) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health; (5) as may be appropriate for particular centers, infectious and parasitic disease screening and control; (6) as appropriate, accident prevention, including prevention of excessive pesticide exposure; and (7) information on the availability and proper use of health services.

These services are to be provided to migratory agricultural workers, seasonal agricultural workers, and the members of their families within the area the center serves. The center may provide services either directly through its own professional staff and supporting resources or through contracts or cooperative arrangements with other providers in the area, so long as these arrangements assure the patient maximum accessibility to efficient, economical and high quality services.

It is the Committee's intent that services be provided, within the limits of the center's capacity to all individuals in the population served by the center regardless of ability to pay for services, current or past health conditions, or any other factor. A center's services should be of high quality and should be provided to the individuals it serves promptly, as appropriate, and in a manner which preserves human dignity and assures continuity of treatment.

MIGRATORY AGRICULTURAL WORKERS

The bill defines the term "migratory agricultural worker" as an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes a temporary abode for the purposes of this employment. "Seasonal agricultural worker" is defined as an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker. Agriculture is also defined in the bill and indicates farming in all its branches.

PRIMARY HEALTH SERVICES

The legislation specifies a number of primary health services which must be provided by a migrant health center. These include diagnostic, treatment, and consultant referral services provided by physician. Where feasible, these services may be performed by physicians' assistants and nurse clinicians. The Committee intends that services performed by these personnel shall always be under the general supervision of a physician (although this does not mean that the physician need be physically present) and shall not be permitted in contravention of any appropriate State statute. This provision is intended to permit optimum use of nonphysician providers when appropriate in order that the specialized expertise of physicians may be maximized and extended.

Diagnostic laboratory and radiologic services are another category of primary health services specified in the legislation. The Committee does not intend that migrant health centers be required to include as a primary health service those radiologic services which are necessary for the treatment of disease by radiation and which are covered under supplemental services.

Primary health services include as well preventive health services. The legislation specifically includes, among those preventive health services a center should offer, children's eye and ear examinations conducted to determine the need for vision and hearing correction, perinatal services, well child services, and voluntary family planning services. Primary health services also include preventive dental services for persons served by the center. It should be noted that, with respect to preventive dental, vision, and hearing services, the Committee does not intend that a center necessarily retain on its staff a full time dentist, ophthalmologist, optometrist, otolaryngologist, or audiologist. Arrangements could be made for these providers to be available at the center on a regular or periodic basis. In addition, a portion of these services could be performed, as appropriate, by other health professionals. It should be noted that by singling out the abovementioned preventive health services, the Committee does not intend to exclude from primary health services still other preventive health services which may be requird in particular areas.

Also included among primary health services are emergency medical services. Appropriate arrangements should be established so that the center can assure provision of necessary health care in the case of most medical emergencies on a 24 hour a day, 7 day a week basis, and ready access to adequate back-up emergency care for serious emergencies.

Finally, the legislation stipulates that primary health services include transportation services as required for adequate patient care. This is to assure that workers and their families with special difficulties of access to services provided at the center receive the medical care and attention they require.

SUPPLEMENTAL HEALTH SERVICES

Supplemental health services which may be necessary for the adequate support of primary health services and which may be particularly appropriate for the health needs of the population served by the center can include the following:

(1) hospital services;
(2) home health services;
(3) extended care facility services;
(4) rehabilitative services (including physical therapy) and long-term physical medicine;
(5) mental health services;
(6) dental services;
(7) vision services;
(8) allied health services;
(9) pharmaceutical services;
(10) therapeutic radiologic services;
(11) public health services (including education and social services);
(12) health education services; and
(13) services which promote and facilitate the optimal use of primary and supplemental health services. In communities where a substantial number of individuals in the population served by the migrant health center are of limited English-speaking ability, outreach workers, fluent in the language spoken by a predominant number of residents, should be included on the center's staff in order to encourage residents to utilize the center's services.

It is recognized that the health needs and deficiencies of a population served by a migrant health center may be unique to that particular community; it is expected, therefore, that the specific number, combination, and scope of supplemental services offered at any one center will vary from location to location. In addition, the Committee wishes to note its intent that in the case of the provision of pharmaceutical services, centers establish and implement appropriate methods and procedures for dispensing and administering drugs and biologicals.

REFERRAL SERVICES

The migrant health center should provide referral services for those supplemental health services not offered at the center. The health needs of any one migrant community are expected to vary, and, as a result, to account for differences in supplemental health services provided at the center itself or upon referral to other providers. When it is appropriate and within the fiscal capacity of the center to do so, the services provided on referral should be paid for by the program.

ENVIRONMENTAL HEALTH SERVICES

Centers are also required to provide environmental health services. Because of the special needs of migrant communities for these services, the legislation provides specifications as to the range and scope it is considered desirable for these services to assume. They should include the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, field sanitation, housing, and other environmental factors related to health. Migrant centers should not duplicate the functions of other agencies or establish standards relating to the environment where standards already exist but could well monitor the enforcement of existing standards in their areas. The center should, of course, treat any diseases or symptoms arising from unhealthful conditions and should do all in its power to seek correction of unhealthful conditions through notification of pertinent agencies and the public of the existence of such conditions and working with those agencies in attempting to alleviate the conditions.

INFECTIOUS AND PARASITIC DISEASE SCREENING AND CONTROL AND ACCIDENT PREVENTION SERVICES

Related to the requirement to provide environmental health services are requirements for the centers to conduct infections and parasitic disease screening and control and to attempt to prevent accidents and accidental pesticide exposure. These requirements are mandates to inform and educate migrant populations on these matters and to do what is within their capabilities as health providers to achieve alleviation of any problem in this regard.

These services and the environmental health services mentioned above are to be provided "as may be appropriate for particular centers." This is not a grant of blanket discretion for the Secretary in administering the program to waive the requirement for their provision. These services shall be available unless he affirmatively finds they are inappropriate for a particular center.

INFORMATION SERVICES

The final mandatory service for a migrant health center is that it must provide information on the availability and proper use of health services. This provision covers not only outreach services but also instruction with respect to routine good health practices. Dissemination of information on the availability of services through the center and elsewhere should be vigorously pursued so that services will in fact reach those in need of care and attention.

HIGH IMPACT AREAS

When more than 600 migratory agricultural workers, seasonal agricultural workers, and members of their families reside in a health service area or other area for more than two months in any calendar year, the legislation specifies that this area be designated a "high impact area." The legislation also requires the Secretary to establish priorities for assistance among high impact areas and any other areas where appropriate, with highest priorities assigned to areas where there reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time. No application for assistance for migrant health centers or projects can be approved for an area which has no migratory agricultural workers unless assistance has been provided for all projects with approvable applications which propose to serve areas where there are migratory agricultural workers.

PLANNING AND DEVELOPMENT GRANTS

Upon submission and approval of an application meeting the specifications set out by the Secretary, the Secretary may make grants to any public or private nonprofit entity to plan and develop migrant health centers in high impact areas (i.e., areas where 6000 migrant and seasonal agricultural workers and their families reside for more than two months per year). In planning and developing a program, the grantee should—

(1) assess the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center have for primary health services, supplemental health services, and environmental health services;

(2) design a migrant health center program for such workers and the members of their families, based on this assessment;

(3) make efforts to secure, within the proposed catchment area of the center, financial and professional assistance and support for the project; and

(4) initiate and encourage continuing community involvement in the development and operation of the project.

The proposed legislation specifically indicates that planning and development grants in high impact areas may be awarded to applicants in order to assist them in meeting the costs of the acquisition and modernization of existing facilities (including the cost of amortizing the principal of, and paying the interest on loans); and training in program management. It is the intent of the Committee that projects eligible for planning and development grants include as well programs for (1) the development of primary supplemental, environmental health and information services, including additions to services already offered; and (2) the development of the resources and techniques required to achieve compliance with conditions for approval of operating grant applications as described below. No more than two grants may be awarded to the same project for planning and developing a migrant health center and it is the Committee's intent and understanding that DHEW regulations already provide that the period for which such grants are made would not usually exceed one year.

The bill also authorizes the Secretary to award planning and development grants or contracts for programs in areas where no migrant health center exists and where less than 6000 migratory agricultural workers and their families reside for more than two months. The grants and contracts would be awarded for projects to plan and develop programs for—

(1) the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of their families;

(2) the provision of primary care (as defined in regulations of the Secretary) for such workers and their families;

(3) the development of arrangements with existing facilities to provide primary health services (not included in the definition of primary care) to these workers and their families; or

(4) the development of other projects which might otherwise improve the health of such workers and their families.

Grants and contracts for such areas may cover, as in high impact areas, the costs associated with the acquisition and modernization of existing buildings and the costs of training in program management, but are limited to only one grant or contract for each project.

The amount of planning and development grants and contracts would be determined by the Secretary, but it is the Committee's intent that no grant exceed 100 percent of the costs of the project.

OPERATING GRANTS

The legislation authorizes the Secretary to award grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas. The Secretary may, in addition, make grants for the costs of operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas, but which do not meet each of the conditions for approval of operation grant applications as described below. These latter entities are limited to two grants.

The legislation specifies that, in addition to the costs of operation of centers, these grants may be awarded for (1) acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on loans); and (2) providing training related to the provision of primary health services, supplemental health services, and environmental health services, and program management.

The bill also authorizes the Secretary to award operating grants and contracts to public and nonprofit private entities to provide certain limited services for areas which do not have a migrant health center and in which less than 6000 migratory agricultural workers and their families reside for more than two months. These services would include (1) the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of their families; (2) the provision of primary care (as defined in regulations of the Secretary) for such workers and their families; (3) the development of arrangements with existing facilities to provide primary health services (not included in the definition of primary care) to these workers and their families; or (4) other services which might otherwise improve the health of such workers and their families. Grants and contracts for such areas may cover, as in high impact areas, the costs of acquiring and modernizing existing buildings and the costs of training.

The amount of an operating grant would be determined by the Secretary and it is the Committee's intent that no grant exceed 100 percent of the costs of the project. The Committee intends and understands that DHEW regulations already provide that the period for which such grants are made would not normally exceed one year. In determining the amount of an operating grant, the Committee in addition intends that the Secretary consider the applicant's projected reasonable costs of operation and training for that year as well as the revenues which the applicant may reasonably be expected to collect and to apply to its costs of operation from (1) State, local, and other sources, and (2) out-of-pocket payments by consumers, premiums, and third-party reimbursement payments during the year.

CONTRACTS FOR ENVIRONMENTAL HEALTH STANDARDS

The legislation would authorize the Secretary to enter into contracts with public and private entities to—

(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control programs; and

(2) conduct projects and studies to assist the State in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health problems faced by migratory agricultural workers, seasonal agricultural workers, and members of their families.

CONDITIONS FOR APPROVAL OF APPLICATIONS

Planning and development and operating grants and contracts are authorized to be made by the Secretary based on the receipt and approval of an acceptable application as prescribed by the Secretary.

All applications for grants for the modernization of facilities should contain a description of the site; plans and specifications for modernization; and reasonable assurance that workers employed with respect to such work will be paid not less than prevailing wages for the locality as determined by the Secretary of Labor who should also have authority with respect to labor standards.

For approval of operating grants, the Secretary is required by the legislation to determine that the applicant has or intends to comply with the following additional conditions:

(1) The primary health services of the center or project should be available and accessible and be provided to the individuals the applicant serves promptly, as appropriate, and in a manner which assures continuity.

(2) The applicant has established, in accordance with regulations prescribed by the Secretary, an ongoing quality assurance program, including utilization and peer review systems, and a medical records system which preserves and maintains the confidentiality of patient records.

(3) The applicant will demonstrate its financial responsibility by the use of such accounting procedures as the Secretary may by regulation specify.

(4) The applicant has made or will make every reasonable effort to enter into a contractual arrangement with the State agency responsible for administering that State's Medicaid program, in order to assure payment to the migrant health center or project of all or a part of the applicant's costs in providing services to individuals who are eligible for medical assistance under Title XIX.

(5) The applicant has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Medicare, to medical assistance under Medicaid, or to assistance for medical expenses under any other public assistance program or private health insurance program.

(6) The applicant has prepared a schedule of fees or payments for the services it provides; these should be designed to cover a center's reasonable costs of operation. Another schedule should be prepared to allow for discounts in these fees and payments adjusted to the patient's ability to pay for services provided (but not when payments are collected from third parties). The schedules should be approved by the Secretary.

(7) A governing board has been established by the applicant which is composed of individuals a majority of whom are being served by the project and who, as a group, represent the individuals being served by the project. The board should establish general policies for the applicant, including the selection of services to be provided by the center or project and a schedule of hours during which services will be provided. This board should also be charged with the responsibility of approving the applicant's annual budget and its selection of a director.

(8) The applicant has developed an effective procedure for compiling and reporting to the Secretary statistics and other information relating to the costs of its operations, the patterns of utilization of its services, the availability, accessibility, and acceptability of its services. In addition, the applicant should develop, in accordance with regulations of the Secretary, an overall plan and budget that meets the requirements of section 1861 (z) of the Social Security Act.

(9) The boundaries of the area served by the applicant have been reviewed periodically to insure that the services provided by the center (including any satellite) or project are available and accessible promptly and as appropriate and that barriers to services are, to the extent possible, eliminated, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation. Boundaries should be relevant boundaries of political subdivision, school districts, and Federal and State health and social service programs.

(10) When a substantial proportion of the population served by the applicant is of limited English-speaking ability, the applicant has developed a plan and made arrangements for providing services in the language and cultural context most appropriate to such individuals. Under such circumstances, the applicant should have on its staff one or more individuals who are bilingual and whose responsibilities include providing guidance to these individuals served by the project and assisting other members of the staff to bridge linguistic and cultural differences by making them aware of cultural, health-related sensitivities of this segment of the population served by the applicant.

TECHNICAL ASSISTANCE

The Secretary would be authorized by the legislation to provide grantees, either through DHEW or by grant or contract, all technical and other nonfinancial assistance (including fiscal and program management and training in fiscal and program management) necessary for the applicant to plan, develop, and operate a migrant health center in compliance with the conditions for grant approval cited above.

AUTHORIZATION OF APPROPRIATIONS

[In millions of dollars]

	Planning and development grants	Operating grants	Hospitalization	Total
Fiscal year:				
1975	[1] 5	[1] [2] 60	10	75
1976	[1] 5	[1] [2] 65	10	80
Total	10	125	20	155

[1] Not more than 30 percent in 1975 and 25 percent in 1976 of appropriated funds are to be used for projects other than migrant health centers except that if it represents a greater amount, 90 percent of the funding support such projects received in the previous year for operating grants may be used in each year.

[2] Not more than 10 percent of appropriated funds under this section are to be used for environmental control activities.

PRIORITIES IN AWARDING GRANTS

In awarding grants, the Secretary would be required to consult the priorities he establishes for assistance among high impact areas and any other areas where appropriate. The Secretary would also be required to accord priority to applications submitted by community-based organizations which are representative of the populations proposed to be served by the projects.

NATIONAL ADVISORY COUNCIL ON MIGRANT HEALTH

Within one hundred and twenty days after the date of the enactment of this legislation, the Secretary of HEW would be required to appoint and organize a National Advisory Council on Migrant Health to advise, consult with, and make recommendations to the Department on matters concerning the organization, operation, selection, and funding of migrant health centers and other projects proposed by this bill. The Council would consist of 15 members, at least 12 of whom should be members of the governing boards of migrant health centers or other grantees assisted under this part. Of these twelve, at least nine should be chosen from among those members of governing boards who are being served by centers or grantees and who are familiar with the delivery of health care to migratory agricultural and seasonal agricultural workers. The remaining three Council members should be individuals qualified by training and experience in the medical sciences or in the administration of health problems.

STUDY OF MIGRANT HOUSING CONDITIONS

The legislation requires the Security of HEW to conduct or arrange for the conduct of a study of—

(1) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(2) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(3) Federal, State, and local government standards respecting housing conditions for such workers during such periods, and the adequacy of such standards.

In conducting or arranging for the conduct of this study, the Secretary of HEW would be required to consult with the Secretary of the Department of Housing and Urban Development. A report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) should be submitted to the Senate Committee on Labor and Public Welfare and the House Committee on Interstate and Foreign Commerce within eighteen months of the date when appropriations for migrant health centers and projects become available.

PROGRAMS TO MEET SPECIAL NEEDS OF NON-ENGLISH SPEAKING POPULATION GROUPS

The Committee was concerned by the very special problems in securing health care faced by minority population groups whose members have limited English speaking ability. These problems are many times intensified by different cultural heritages which make an individual's perception of health care at variance with that of the providers of health care, who, by and large, are members of the majority population group. The traditional health practices, the dietary practices, and the family traditions and relationships of the members of the minority population group may well create barriers to the ability of the patient to fully comprehend and carry out the treatment regimen recommended by the physician. In addition, the language barrier makes communication very difficult especially in the essential task of describing symptoms with specificity and clarity, or describing the history of an illness. The physician is limited in his ability to describe to the patient the treatment regimen he should follow. Furthermore, in many cases, members of minority population groups are unaware of the availability of health services and of the means of access to such health services.

All these factors mitigate against the provision of quality health care to population groups with different linguistic and cultural traditions.

To ensure that the health services provided by community health centers, migrant health centers, and community mental health centers, are appropriately utilized by members of the population groups they serve and are responsive to their needs, the reported bill requires any center serving a population with a substantial number of individuals of limited English-speaking ability to develop programs which would overcome any linguistic or cultural barriers to the receipt of health care.

The committee observes that existing health centers which have strong consumer participation at the policy making level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. The provisions in the reported bill would reinforce these efforts and would do so in a manner which recognizes the importance of the individual's cultural heritage and would be in consonance with that heritage.

Mr. KENNEDY. This is it, Mr. President. I withhold the remainder of my time so that my good friend and colleague can make a comment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I yield myself such time as I might consume.

I ask unanimous consent that Dr. David Banta be allowed access to the floor during debate on S. 66.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHWEIKER. Mr. President, the provisions of the bill before the Senate today were adopted by the Senate during the 93d Congress. This bill is the combination of two bills approved by the Congress and vetoed by the President, the Nurse Training Act and the Health Revenue Sharing and Health Services Act of 1974. The provisions of those bills, adopted by the Senate, are contained without change in the pending legislation.

In brief, S. 66 extends for fiscal years 1975 through 1977 the nurse training authorities contained in the Public Health Service Act with some additions and modifications. In addition, the bill extends for 2 years, fiscal years 1975 and 1976, programs for community health centers, migrant health centers, community mental health centers, and programs of family planning. The bill extends for 2 years the health revenue sharing authorities contained in section 314(d) of the Public Health Service Act. Under the bill the programs of the Center for Disease Control in Atlanta will now include a program for the control of diseases borne by rodents. Also the bill establishes a demonstration program of startup grants to home health agencies, a Committee on Mental Health and Illness of the Elderly, a center within the National Institute of Mental Health to deal with rape prevention and control, temporary commissions to draw up a national plan for the control of epilepsy and Huntington's disease, and a new hemophilia diagnosis and treatment program.

It should be pointed out, however, that the new programs contained in the bill represent only 3 percent of the total funds authorized by the legislation. Thus, S. 66 essentially represents an extension of existing programs.

Mr. President, as we seek to deal with the problem of appropriate utilization of health personnel, so that the right person is doing the right job, thus avoiding the misuse of skills, the role of the nurse becomes more important and expanded. Therefore, the support of nursing education should not be allowed to shrink. Nevertheless, the pending bill authorizes $30 million less than authorized for fiscal year 1974 in support of nurse training. Although regrettable, the formula in S. 66 for capitation grants to schools of nursing will not increase funding in this category. As pointed out in the committee report, capitation grants in the bill are for the last year of the associate degree nursing schools and the last 2 years of 4-year programs. This is a cut for many schools. Regarding construction grants, the same level of authorizations is contained in the bill as existed in prior law.

There are two areas in title I, nurse training, which should be pointed out. First, the bill continues the program of financial distress grants to provide special assistance to schools of nursing facing serious financial problems which will affect the quality of their education programs or jeopardize their accreditation. Contained in this provision is language requiring the Secretary of HEW to consult with the National Advisory Council on Nurse Training before approving or disapproving any application for a financial distress grant.

Among the special projects for which grants are authorized under the bill, I would like to mention three: Projects designed to increase nursing education opportunities for individuals from disadvantaged backgrounds; programs providing retraining opportunities for nurses who desire to reenter the profession; and efforts to increase the supply or improve the distribution by geographic area or by specialty group of trained nursing personnel. In my judgment, these are vital areas and should be given special attention.

One additional section of title I which should be mentioned is the section dealing with nurse practitioner programs. As the committee points out in its report, the nurse practitioner and nurse clinician activities within the profession hold great potential for improving our ability to provide primary care to the American public. In this regard the bill provides authority for grants to meet the cost of projects to plan, develop, and operate as well as significantly expand or maintain existing programs for the training of nurse practitioners. I believe such programs are essential.

In title II of the pending legislation the community mental health centers program is extended. I trust that the committee's action in this regard and its comments in the report accompanying the bill and the action of the Senate and House on previous occasions can finally establish that the community mental health centers program is not a demonstration program. It has been in the past, and is now, the intent of the Congress that community mental health centers be started with Federal support where necessary throughout the Nation so that we may meet our standard goal of providing mental health services through community mental health centers to every American. By present estimates, this can be accomplished with the establishment of 1,500 centers. Despite the insistence of the Secretary of Health, Education, and Welfare to the contrary, the community mental health centers program is not a demonstration program and the legislative history in this regard is clearly spelled out in the committee's report.

One of the significant provisions in the section of the bill dealing with community mental health centers is the creation of a separate grant program for programs of consultation and education. Such services to the community which are an essential responsibility of a mental health center are not reimbursable from third party payment sources. By establishing a separate funding mechanism we will be able to insure that centers will be able to provide these vital preventive mental health services. I consider this a most important provision in the extension of the community mental health centers program.

The bill extends the migrant health centers program as a separate authority in order to provide this program the emphasis, visibility, and definition that is needed to properly serve the needs of the migrant population of this country. In addition to required primary health services, which include diagnosis and treatment, preventive health services, emergency medical services, as well as transportation services, and supplemental health services, migrant health centers are required to provide environmental health services designed to detect and correct unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent infestation and other factors related to good health.

Also, it should be emphasized that the legislation requires the Secretary to establish priorities for high impact areas which involve large numbers of migratory, agricultural workers and their families who remain in a single area for more than 2 months. A provision of the bill which is particularly noteworthy is the requirement that the migrant health center establish a governing board which is composed of a majority of persons being served by the particular center.

In the area of family planning services and population research the legislation extends the present provisions in the Public Health Service Act with modest increases in the authorizations consistent with the projections provided by the Department of HEW in its 5-year plan. In this connection I wish to emphasize, as the committee has emphasized in its report, that participation in any program under title X of the Public Health Service Act, family planning services, is to be purely voluntary and free of any compulsion or coercion. As stated in the committee's report:

> No person will be required to receive family planning services or information under the act as a prerequisite to eligibility for, or receipt of, any other services assistance or information.

In addition, appropriate, complete and unambiguous informed consent must be obtained from every person participating in the program.

Mr. President, I want to make clear that the pending bill makes no change whatsoever in the present requirement contained in section 1008 of title X of the Public Health Service Act requiring "that none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning."

Mr. President, the legislation repeals section 314(e) of the Public Health Service Act under which neighborhood health centers have previously been funded and replaces it with a new community health center authority which more clearly spells out the type of centers which the Congress wishes to support under the Public Health Service Act. The committee believes that the neighborhood health center model described and required in the bill is fundamentally a good model for health care delivery and that Federal startup support continues to be necessary to assure that the comprehensive health centers are established in the many underserved areas of the country needing these services.

One of the primary thrusts of the pending bill in the provisions regarding migrant health centers, community mental health centers and neighborhood health centers is the strong incentive for "self-sufficiency" so that these centers can get to a point where they can support themselves from non-Federal sources. This will allow limited Federal funds to be invested in bringing centers to additional areas still in need. In each of these programs the centers, in order to be eligible for operating assistance, must make every reasonable effort to collect for services from appropriate third party payers, State and local governments, and clients.

The centers must have a fee schedule with a schedule of discounts for those unable to pay and must make an effort to collect fees for services rendered. The Secretary is required to consider whether the centers have adequately sought to recover the costs from non-Federal sources in considering approval of grant requests.

Mr. President, I urge my colleagues to support the pending bill. This is a good piece of legislation which in my judgment the President should not have vetoed. The bill does not establish excessive authorization levels but seeks to continue essential health programs and makes what only can be termed modest efforts at dealing with some new problem areas. The Senate is already on record in support of this legislation and I hope that today we will reaffirm that support.

Mr. President, the administration has had longstanding policy that community mental health centers should capture as much as possible from third party payments, including Federal programs which reimburse for the cost of services. But the policy has not been consistent. Recently, for example, HEW Secretary Weinberger ruled that community mental health centers could not be reimbursed under the social services programs—titles IVA and VI of the Social Security Act—for services to eligible recipients if the services were delivered by someone whose salary was paid for in whole or part by an NIMH staffing grant. My understanding is that it is a well established congressional intent that community mental health centers should not be discriminated against in this manner, that the staffing grant is a "seed" grant designed to enable the center to build a program and eventually become independent.

Would the chairman of the subcommittee, the Senator from Massachusetts, agree?

Mr. KENNEDY. The Senator is absolutely correct. To deny centers access to Federal reimbursement programs violates not only congressional intent but good sense and programmatic development.

Mr. SCHWEIKER. Mr. President, I also would like to ask the Senator from Massachusetts, is it the purpose of this legislation, following on the foundation built by earlier CMHC legislation, to require the administration to remove the barriers that prevent centers from capturing all types of third-party payments?

Mr. KENNEDY. It certainly is.

Mr. SCHWEIKER. Am I not also correct that sections 206(c) (D) (J) and (K) of title II, part C of the pending bill require centers to make every effort to get all they can from other payment mechanism, including specifically Federal third-party payments, before they are eligible for new or continuation operation grants?

Mr. KENNEDY. Yes, the gentleman is absolutely correct. This is a fundamental principle of the act—designed to insure that all centers become free from the need for support through an operational grant. It leads the center to independence. It is what the administration wanted.

Mr. SCHWEIKER. Finally in the Senator's judgment would the administration be violating a requirement of the law if, after enactment of this legislation, it continued to refuse reimbursement for services delivered by community mental health centers to persons eligible under titles IVA and VI of the Social Security Act, and under the new title XX?

Mr. KENNEDY. The administration most certainly would be in violation of the law, specifically sections 206 and 244, in my judgment.

Mr. SCHWEIKER. I thank the distinguished chairman of the subcommittee, the Senator from Massachusetts, for making the legislative intent absolutely clear about the will of our committee and the intent of this legislation.

Mr. President, I ask unanimous consent that a statement outlining the administration's position on the bill be inserted at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement

Title I of the bill would amend Title VIII of the Public Health Service Act to provide continuation of institutional support to schools of nursing through capitation grants; grants, loan guarantees and interest subsidies for construction; support for advanced nurse training and nurse practitioner training; and student assistance. Title II of the Act would continue an expanded health revenue sharing program, revise and expand the community mental health centers, continue the family planning program, and create several narrow categorical programs.

The Department strongly opposes this bill for the following reasons:

TITLE I—(NURSE TRAINING)

Excessive authorizations.—Exceed 1975 Budget of $46.2 million by over $140 million; exceed 1976 Budget of $32.5 million by over $185 million.

Need for Subsidies.—Capitation and related enrollment subsidies no longer needed. Overall supply of nurses adequate, projected to increase to almost 1.1 million by 1980 under current programs. No need to construct new nurse training facilities.

Nursing is an Undergraduate Field.—For the most part, no need to separate nurse training from other undergraduate fields for continued categorical Federal institutional and student aid activities, in view of other Federal higher education assistance programs.

Geographic Maldistribution.—This should be addressed through general special projects in other health professions educational assistance legislation, to assure nurse training activities are fully integrated with other types of health professions training.

TITLE II—(HEALTH REVENUE SHARING AND HEALTH SERVICES)

Excessive Authorizations.—Authorizations in S. 66 exceed the 1975 Budget of $604 million by almost $500 million and the 1976 Budget of $419 million by over $700 million.

Duplicative Services.—S. 66 would authorize $160 million in 1975 grants to States for health services, even though the health services that would be paid for are already available to individuals, on national and State-wide eligibility standards, through Medicare or Medicaid. Medicare and Medicaid in total will spend over $22 billion in 1975.

Inequitable Distribution.—Funds would be made available to selected communities, but not many others similarly situated.

Community Mental Health Centers.—CMHC concept has already been successfully proved. Eight years of Federal subsidy is more than adequate and Federal responsibility should be phased out. CMHCs duplicate the same mental health and social services available though Medicaid and Social Services programs on which Federal and State and local governments will spend more than $16.4 billion in 1976.

New Narrow Categorical Authorities.—In general, Title II of S. 66 is not consistent with the need to integrate all health services. In addition, the proposal for several small study commissions and narrow categorical health programs are inappropriate as Federal approaches to health services and research financing. No hearings were conducted on a number of these new proposals.

Mr. JAVITS. Mr. President, I shall speak now only briefly on the bill itself, and reserve my remarks about the struggle over the so-called antiabortion amendment of the Senator from Oklahoma (Mr. Bartlett) for the debate on that amendment. I think the Senate is well acquainted with the fact that there will be a motion to table the Bartlett amendment, to be made either by me or another Senator.

Mr. President, I urge my colleagues to support the Nurse Training and Health Revenue Sharing and Health Services Act of 1975 (S. 66) which I joined in introducing with Senators Kennedy, Williams, and Schweiker. The measure is identical to the conference substitute on H.R. 14214, Health Revenue Sharing and Health Service Act of 1974 and on H.R. 17085, Nurse Training Act of 1974, but combines them into a single bill.

Each of the bills combined into this measure expresses more than a year's careful legislative consideration in preparing each measure, and also was passed by the Senate and House in the 93d Congress—but pocket-vetoed by the President. Thus Congress did not have the opportunity to challenge the veto.

The White House memorandum of disapproval for each of the bills provided no new factor not previously considered by the Congress when it passed each bill.

With respect to both the nursing education and health service programs provided by the bill I will focus on why I believe, there is no new rationale in the President's disapproval memo with respect to either health service programs or nursing education which was not previously considered when these respective measures were first introduced; deliberated upon by the Committee on Labor and Public Welfare when ordered favorably reported; reflected upon when each bill was passed by the Senate and House; and carefully considered once again when the conference substitute was agreed to and adopted by the Senate and House.

NURSING EDUCATION

In regard to nursing education the thrust of the disapproval memo is opposition to categorical nursing student assistance and institutional support through capitation grants to nursing schools. This same theme was at the heart of the administration position in 1971 and was rejected by Public Law 92-158. The administration sought to frustrate that law through zero budget requests for capitation support but was overturned regularly by congressional annual appropriations of approximately $38,000,000 to carry out the purpose of the law, to provide nursing schools a stable source of financial support.

I believe the nursing education title of this bill is essential to meet the health needs of the American people. Health systems cannot operate, and quality programs of care cannot be developed, unless an adequate supply of this critical human resource is assured. As we consider national health insurance and pass other measures to improve health care, we must also act to ensure that adequate numbers of nurses will be available to carry out our plans. Without the support of the nurse training provisions in this bill, the number of nursing students will decrease, even in the face of growing health care demands.

Last year, our committee studied in detail the current nursing crisis and heard expert witnesses forecast an even greater shortage in the coming years. At present, the nation requires 150,000 additional nurses; by 1980, it is expected, there will be a need for over one million.

We need these nurses because their services are crucial to all medical care. Their work is focused upon care of patients and upon assessment of patients' individual health needs. Their responsibilities include clinical services and also health counseling, public education, disease detection, and a variety of vital activities in the area of preventive medicine and general health promotion.

In performing these tasks, nurses work in physicians' offices and in patients' homes, in schools and in industry, in emergency rooms and in chronic care centers. In each setting, they bring medical skill and personal attention to the population-at-large.

Nurses, in increasing numbers, are moving to fill our health-care gaps. Already, they are bringing needed health services to people in remote rural communities and underdeveloped urban locations. Our committee has heard of a number of exciting projects throughout the Nation, where nurse practitioners are now caring for persons in desperate need of medical care and health education, and the bill responds to this need.

Our Nation faces a problem of specialty maldistribution, as well. Again, the nursing profession has assumed a leadership role in meeting this critical health need. Today, there are specialists in psychiatric nursing, family nursing, maternal, child and geriatric nursing. These nurses provide continuity of patient care, whether this be a preventive, curative, or rehabilitative service.

Thus, the nursing profession has broadened its traditional role in a way which directly meets our most urgent health programs. But nurses can, and must, do more.

As our population increases and as medical knowledge and technology expand, there develop new strains upon our medical resources. The demand for skilled nurses is increasing, and those nurses who are practicing are assuming new responsibilities. Medical care is becoming increasingly complex, and there is a special need for nurses trained in the management of medical programs. Most important, skilled nurses are needed to provide the personal link between the health care establishment and the people in need of care.

This bill provides basic Federal assistance to nursing health services, by promoting and supporting the growth of quality nursing care. It authorizes construction, startup, capitation and special assistance grants which will encourage the expansion of nurse-training enrollments, and facilitate the development of innovative curricula. These and other grants provide educational assistance to upgrade the skills in the fields of greatest need. In addition, there are provisions in this bill to identify, and then support, students who are financially, culturally, or educationally needy and who show special potential for nursing.

I believe that this title for the bill represents our commitment to nursing education and our recognition that the nursing profession plays a vital role in providing health care to the American people.

The committee response to such administration objections is carefully articulated at pages 3 to 5 of the report.

HEALTH SERVICES PROGRAMS

In regard to the health revenue sharing and health services, the thrust of the disapproval memo is opposition to the carefully articulated categorical programs which Congress has chosen to support, as contrasted to the administration proposal to consolidate funding support for health service programs under broad generic authority, as for example at one time available under section 314(e) of the Public Health Services Act; and the administration insistence that the community mental health center program is a "demonstration" program that has proven itself.

With regard to the community mental health center program, I believe in initiating the CMHC program in 1963, the Federal Government made a firm commitment to all Americans—that a nationwide system of community care, provided through approximately 2,000 community mental health centers which offer fully comprehensive services, would be in place by 1980. This commitment is clearly laid out in the legislative history of the CMHC Act and has encouraged communities in every State to apply for CMHC funding under the Federal program.

The Federal Government cannot and should not withdraw from its commitment, particularly where in the federally funded CMHC program we have a system of health delivery which can provide patients all the mental health services which they need within their own community at a cost they can reasonably afford.

I would remind my colleagues of the position of Congress summarized in National Council of Community Mental Health Centers against Weinberger:

> The Act was never viewed by Congress as a demonstration program to get communities to follow the examples of others and start their own centers, but rather a national effort to redress the present wholly inadequate measures being taken to meet increasing mental health treatment needs.

The disapproval memo fails to recognize that 98 percent of the $1,951,000,000 in authorizations in title II of this bill are involved with the three centers' programs—strengthened and improved neighborhood health centers, migrant health centers and community mental health centers—plus family planning and the health revenue sharing program hereinafter discussed. The administration has proposed that such centers programs—exclusive of its view to terminate any support of new mental health centers, and not to extend support for existing centers beyond the current 8-year limit, be allowed to expire—along with family planning and other programs, be funded out of the very general authority for health services under section 314(e) of the Public Health Service Act.

The Congress has considered these approaches and they do not allow the Congress to specify in sufficient detail the nature of the programs it wishes to be funded.

Neighborhood health centers and migrant health centers have taken a vast variety of forms since the programs were created. The Congress should define what the Congress looks for in such a center in terms of the type of services to be offered and the type of management and operation that is best for providing health care. Section 314(e) of the Public Health Service Act, under which the administration wishes to consolidate funding, does not provide this specificity. Indeed, the Department of Health, Education, and Welfare has used this authority to start programs never authorized by Congress.

I believe the Congress should insist on its prerogatives to define the programs it wishes to see supported. At the same time I believe it is necessary to continue a separate migrant health program lest these already underserved and frequently forgotten Americans will once again be lost in the competition for funds for health services. Moreover, there are requirements associated with providing health services to migrants that require separate and specific definitions in the law.

I believe the centers' programs must be extended and there should be a legitimate representation of the interests of the Congress in defining these programs.

The bill also extends the authority to provide funds to states for public health services. The authority is increased from $90 to $160,000,000 because of the impact of inflation on the state public health budgets, and in order to initiate hypertension screening, diagnosis, treatment and control programs at the state level pursuant to provisions in this bill I authored.

Mr. President, hypertension is a silent killer and it is urgent that, as provided in this bill, we focus our Federal resources and launch the appropriate national attack on this disease which afflicts 23 million Americans.

The bill's provisions which I authored provide that 22 percent of the appropriations is set aside by each State for hypertension screening, treatment and diagnosis programs. Thus, we offer an opportunity to bring to hundreds of thousands of Americans the benefits of advances in our medical technology with respect to heart disease. The program is retained in the bill in exactly the form in which it was sent to the President on December 10.

Also, there are a number of small but vital new programs aimed at investing very limited Federal dollars in areas of high demand as expressions of future direction not as full-scale programs of support. For example, the bill calls for studies of Huntington's disease and epilepsy by HEW in order that future Congresses can provide a meaningful program of support in these areas.

The bill also provides a 1-year program of support for demonstration of home health agencies; and a 2-year program of support for vitally needed rape prevention and control programs, as authored by Senator MATHIAS.

Rape is a problem of increasing significance. FBI statistics indicate that the number of reported rapes are increasing more than 10 percent a year, and the FBI adds that this is a markedly underreported problem. The woman who is a victim of rape may experience both physical and mental trauma, and has problems requiring adequate treatment. I believe that now is the time to begin to develop a nationwide response to this problem.

There is also a 2-year program of support for blood fractionation and diagnostic centers for hemophilia, all these programs involving approximately $50 million over the life of the bill.

The committee response to such administration objections is carefully articulated at pages 5 to 10 of the report.

Mr. President, I believe that the provisions of this bill can make an important contribution to the health of all Americans, and I urge its support.

HUNTINGTON'S DISEASE

Mr. CLARK. Mr. President, today the Senate is considering S. 66—the Nurses Training Act and the Health Services Act of 1975. This legislation was designed to bring better health care to every citizen in this country, but for over 100,000 American families who have members afflicted with Huntington's disease, S. 66 will have a special meaning because it establishes a national commission to help combat this dreaded disease.

Huntington's chorea is a chronic, degenerative disorder of the nervous system. The disease is genetically inherited, and the children of an affected parent have a 50-percent chance of developing the disease.

The manifestations of Huntington's chorea usually do not appear before the age of 30 or 40, and because of this, many people who develop the disease have become parents, unknowingly subjecting their children to the possibility of Huntington's disease as well. If an effective means could be developed to detect the disease earlier, it would then be possible to offer genetic counseling about the risks of Huntington's chorea. More importantly, through an ambitious research effort, the victims of this disease could be treated and perhaps cured.

Presently, the National Institute of Neurological Diseases and Stroke and the Division of Research Resources of the National Institute of Health, the National Institute of Mental Health, the National Institute of Arthritis, Metabolism and Digestive Diseases, and the National Institute of Child Health and Human Development each have some type of program to study Huntington's chorea, However, there is no overall, unified plan to combat this disease.

LEGISLATIVE HISTORY

On September 10, 1974, the Senate accepted an amendment that I offered for myself and Senator BAYH that would have established a special comprehensive program to combat Huntington's disease. The amendment was added to the Health Services Act, and it would have provided Federal assistance for the diagnosis, prevention, treatment and research with this most serious illness. This legislation originally was introduced on April 5, 1974 as S. 3305, and it was cosponsored by 35 Members of the Senate.

The House of Representatives did not pass similar legislation on Huntington's disease when it considered the Health

Services Act. And as a result, the House-Senate conference committee that considered the bill did not support the grant program that Senator BAYH and I originally had proposed. However, it did agree to the establishment of a national commission for the study and control of Huntington's disease. Subsequently, both Houses of Congress approved the legislation, but President Ford vetoed it on December 23, 1974. There was not an opportunity to override the President's action.

NATIONAL COMMISSION ON HUNTINGTON'S DISEASE

The proposal to establish a commission for the control of Huntington's disease was reintroduced in the Senate this year as a part of S. 66—the Nurses Training Act and the Health Services Act of 1975. Similar legislation has been introduced in the House of Representatives and, hopefully, a bill can be approved by the full Congress in the near future.

The Commission for the control of Huntington's disease will be responsible for making a comprehensive study of the disease for a year, and it will suggest the roles the Federal and State governments, national and local public and private agencies should play in the research, prevention, identification, and treatment of people afflicted with Huntington's dissease. Most importantly, the commission is charged with developing a comprehensive national plan to accomplish these goals. Within a year, the commission is to report to the President and the Congress with its findings and conclusions—together with legislation and appropriations to combat Huntington's disease.

The Commission would be funded through the Department of Health, Education, and Welfare. It is to have nine members appointed by the Secretary of HEW, members with experience in treating and researching the disorder as well as people who have been directly affected by it.

Mr. President, there are many people in this country who do not enjoy good health, and we have a special responsibility to do whatever we can to help them regain it. Helping individuals afflicted with Huntington's disease is a responsibility that has been shirked for too long, and I believe that establishing a commission to study the disease would be an important first step in bringing these people better health.

Mr. BENTSEN. Mr. President, S. 66 returns to the Senate floor today after a similar measure was unwisely vetoed by the President last year. It contains vitally needed funds for programs in community mental health, migrant health, family planning, home health care, and it establishes a center for the prevention and control of rape. Many of these programs have had their funds frozen for several years, as Congress and the administration have haggled about procedures and costs. Now it is my hope that the President will reverse himself and decide to sign this measure into law.

I am particularly pleased that the committee has once again decided to fund migrant health as a separate program. Some 355,000 patients were served under this program during fiscal year 1974, but the need for it far outruns the available resources. Statistics on migrant health remain profoundly disturbing: The infant mortality rate among migrants is 25 percent higher than the national average; migrants tend to suffer more acutely from diseases such as influenza and pneumonia; and migrants suffer from tuberculosis and other infectious diseases at 2½ times the national average. The program should be continued as it has been reported in this bill.

I would also like to commend the committee for continuing the community mental health centers program, despite repeated administration attempts to phase it out. When the legislation establishing this program was enacted in 1963, the object was to set up a series of community health centers which would serve as legitimate alternatives to State institutions. Today there are over 440 operational centers in the United States, with a nationwide goal of 591 centers. They relieve the burden on our larger mental hospitals, and provide, largely to lower income groups, counseling services they could not otherwise receive.

The bill also sets up a National Center for the Prevention and Control of Rape in the National Institute of Mental Health. The intent is to coordinate efforts in controlling rape with various local organizations, such as community mental health centers, to assure that we make a truly national effort to decrease the incidence of this brutalizing crime. Crime statistics show that the number of forcible rapes in the Nation have increased an astonishing 62 percent in the last 5 years. In fact, rape is the fastest growing violent crime in the United States. It is time now that we had a national center to coordinate efforts to curb rape and to suggest more humane ways of treating the rape victim.

Mr. President, the bill under consideration contains other important health programs, and it has been worked out with some diligence by the members of the committee. It deserves the support of the Senate.

Mr. HOLLINGS. Mr. President, I would like to express my support for S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975. A major portion of this bill would authorize renewal of Community Health Centers, Migrant Health Centers, Family Planning Services, and Community Mental Health Centers. While all of these programs have been accepted as models for health care delivery and have proven to be very beneficial to the underserved areas of our Nation, the Community Mental Health Centers have been particularly beneficial to South Carolinians. The South Carolina Department of Mental Health has heavily utilized these centers as a vital part of their overall mental health program. There are presently nine centers operational and one which began March 1, 1975. With completion of four more, there will be a network of mental health services locally accessible to every area of the State of South Carolina.

I fully realize that it is imperative to cut back on Federal spending, but I should point out that State and local governments share approximately equal sums in this program, so it is by no means a totally federally funded program. For the record, I ask unanimous consent to have printed in the RECORD some key figures showing the proportionate sums contributed for the South Carolina centers.

The funds provided by this program have helped many distressed South Carolinians regain productive lives, and I, therefore, urge passage of this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH, DIVISION OF COMMUNITY MENTAL HEALTH SERVICES

ANDERSON-OCONEE-PICKENS MENTAL HEALTH CENTER

1. Serves Anderson, Oconee, and Pickens Counties.

2. Recipient of Construction, Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—2391.

4. Employs 56 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$177,635
State	175,222
Federal	90,770

GREENVILLE AREA MENTAL HEALTH CENTER

1. Serves Greenville County.

2. Recipient of Construction (Greenville General Hospital System), Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—3684.

4. Employs 51 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$115,804
State	117,756
Federal	180,516

SPARTANBURG AREA MENTAL HEALTH CENTER

1. Serves Spartanburg, Union, and Cherokee Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—4080.

4. Employs 55 personnel Who Reside in the Area.

5. Budget for fiscal year 1973–74:

Local	$147,807
State	147,788
Federal	258,450

BECKMAN CENTER FOR MENTAL HEALTH SERVICES

1. Serves Greenwood, McCormick, Saluda, Edgefield, Laurens, Abbeville, and Newberry Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973–74—3510.

4. Employs 29 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973–74:

Local	$75,198
State	74,475
Federal	227,326

COLUMBIA AREA MENTAL HEALTH CENTER

1. Serves Richland, Lexington, and Fairfield Counties.

2. Recipient of Construction, Staffing, and

Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—6015.

4. Employs 96 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$347,031
State	344,719
Federal	260,133

SANTEE-WATEREE MENTAL HEALTH CENTER

1. Serves Sumter, Clarendon, Kershaw, and Lee Counties.

2. Recipient of Construction, Staffing, and Specialized Children's Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—2451.

4. Employs 33 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$96,098
State	94,757
Federal	202,234

CHARLESTON AREA MENTAL HEALTH CENTER

1. Serves Charleston, Berkeley, and Dorchester Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—3072.

4. Employs 42 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$211,577
State	215,733
Federal	235,989

YORK-CHESTER-LANCASTER MENTAL HEALTH CENTER

1. Serves York, Chester, and Lancaster Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—1827.

4. Employs 27 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$54,912
State	56,227
Federal	9,131

PEE DEE MENTAL HEALTH CENTER

1. Serves Florence, Darlington, and Marion Counties.

2. Recipient of Staffing grant under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—1141.

4. Employs 33 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$68,346
State	67,256
Federal	9,766

COASTAL EMPIRE MENTAL HEALTH CENTER—To become operational March 1, 1975

1. Serves Allendale, Beaufort, Colleton, Jasper, and Hampton Counties.

2. Recipient of Construction and Staffing grants under Community Mental Health Centers Act.

3. Active Cases During Fiscal Year 1973-74—1869.

4. Employs 29 Personnel Who Reside in the Area.

5. Budget for Fiscal Year 1973-74:

Local	$87,536
State	86,392

AIKEN-BARNWELL MENTAL HEALTH CENTER

1. Serves Aiken and Barnwell Counties.

2. Active Cases During Fiscal Year 1973-74—1695.

3. Employs 17 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973-74:

Local	$81,794
State	80,833

MENTAL HEALTH CENTER FOR HORRY-GEORGETOWN-WILLIAMSBURG COUNTIES

1. Serves Georgetown, Horry, and Williamsburg Counties.

2. Active Cases During Fiscal Year 1973-74—944.

3. Employs 18 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973-74:

Local	$81,296
State	80,773

ORANGEBURG AREA MENTAL HEALTH CENTER

1. Serves Bamberg, Orangeburg, and Calhoun Counties.

2. Active Cases During Fiscal Year 1973-74—754.

3. Employs 18 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973-74:

Local	$50,747
State	50,022

TRI-COUNTY MENTAL HEALTH CENTER

1. Serves Chesterfield, Marlboro, and Dillon Counties.

2. Active Cases During Fiscal Year 1973-74—1041.

3. Employs 14 Personnel Who Reside in the Area.

4. Budget for Fiscal Year 1973-74:

Local	$55,581
State	54,910

AID FOR THE NURSING PROFESSION

Mr. RIBICOFF. Mr. President, I urge my colleagues to approve S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975, which is now before us.

Title I of this bill is extremely important for the nursing profession in Connecticut. It provides needed financial assistance to both nursing schools and students in Connecticut.

The nursing profession is in the front line of our health care system. Over 700,000 nurses provide care for patients throughout the United States. This includes over 17,800 employed nurses in my own State of Connecticut. But there are still not enough nurses. By 1980 we will need at least 1,100,000 nurses in America and this does not even take into account the increased demand which will result from national health insurance.

Congress recognized this fact as early as 1964 when it began to provide assistance to the nursing profession. As a result of this aid the nurses population has increased. And the increases are directly traceable to opportunities in nursing made possible by Nurse Training Act funds. The schools of nursing have done a remarkable job in a relatively short period of time in expanding their enrollments. Total admissions to schools of nursing, for example, showed an increase of about 17 percent of 1972 over 1971. In terms of numbers of employed nurses in Connecticut, the figures increased from 15,438 in 1966 to 17,887 in 1972.

Unfortunately, both the Nixon and now the Ford administration have virtually abandoned the effort to encourage the education of nurses and the development and expansion of schools of nursing. The President's proposed 1976 budget severely slashes funds for nursing. Now the administration opposes the continued existence of the Nurse Training Act.

This is a most shortsighted view of our health manpower needs.

As the cost of health professions education rises we must be able to assure that any man or woman can attend nursing school whether or not he or she is rich or poor. With tuition and expenses skyrocketing only Government assistance can—and has—helped tens of thousands of students get a nurses' education. We are on the brink of passing a national health insurance program. With it we will need increased health manpower. This does not happen overnight. We cannot turn off the spigot of assistance to nurses and expect to produce them overnight to meet the increased demands for health care which will come about through national health insurance.

The legislative situation regarding nurses is uncertain. Both schools and nursing students do not know from week to week whether funds will exist.

The Nurse Training Act of 1971 expired June 30, 1974. Congress passed new authorizing legislation in the waning days of the 93d Congress. It, however, was pocket vetoed, and to this date there is still not a new Nurse Training Act. It is imperative that we pass legislation now.

For Connecticut, this bill will meet an emergency situation. Approximately 10 schools of nursing have closed within the past 1½ years in Connecticut. Certainly, without continued Federal assistance more schools will be forced to close. With a national health insurance bill, we can expect an increased demand for nursing services, particularly for nurse practitioners and nurse clinicians. We certainly cannot afford to cut off assistance to nursing schools and students.

With funding from the Nurse Training Act of 1971, a pediatric nurse specialist training program is underway at Yale University. This prepares R.N.'s at a master's level to become clinical specialists and leaders in pediatric nursing. Under S. 66 such programs would be possible through the advanced training provision. This provision provides assistance for graduate education; a big need exists for more nurse faculty members and for clinical specialists in pediatrics, coronary care, renal units, and other specialty areas.

I urge my colleagues to approve S. 66 to assure that the profession of nursing will receive the aid, which is needed to assure a high quality health care system.

Mr. WILLIAMS. Mr. President, I am pleased to express my enthusiastic support for S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975.

It is indeed tragic that we must once again be considering this important legislation. It contains the provisions of two bills which were already acted upon by the Congress in the waning days of the last session, but which were pocket-vetoed by the President at year's end. Frankly, it is my view that the Congress deserves the opportunity to override a Presidential veto, and swift congressional action at this time may well lead to that circumstance.

On the other hand, I am hopeful that the President will find it possible to sign this urgently needed bill, since the programs it reauthorizes expired last June, and the need for the legislation is, therefore, critical.

Mr. President, this bill is divided into two major titles. Title I would extend through fiscal year 1977 the nurse training authorities of title VIII of the Public Health Service Act. It would—

Extend the authority for construction grants while establishing a priority in funding for those schools expanding their capacity to enroll nurses in advanced training programs.

Continue the capitation grant program, but with revisions, to more accurately reflect the differential in costs between baccalaureate degree, associate degree, and diploma schools of nursing.

Extend the financial distress grant program for nursing schools having financial difficulties in meeting their operational costs for maintaining quality programs or their accreditation requirements.

Extend and modify the special project grants provisions to assist schools of nursing in trying out better methods of teaching, better utilization of faculty, expanded enrollments, and recruiting and retaining students from disadvantaged backgrounds.

Provide funds for graduate and other advanced training programs for professional nurses to teach, serve as administrators or practice in nursing specialties.

Extend the nursing loan, scholarship, and traineeship programs to meet current demands and needs.

These and other provisions of the nurse training title of this bill are vital if we are going to assure a well educated and continuing supply of skilled nurses in the United States. If the true health needs of people are to be met, we must have more and better prepared nurses.

Title II of the bill contains substantive revisions of four expired programs and several new, but small, initiatives for the provision of health services. The bill attempts to respond to the administration's legitimate concerns over administrative efficiency and the need for these programs to grow to self-sufficiency whenever possible while at the same time reaffirming congressional intent to stimulate comprehensive health services in every community where they are needed. This title would—

Extend the community mental health centers program and reaffirm our view that it is not a demonstration program, but rather is designed to assure that such centers be started with Federal support throughout the Nation. Over 500 mental health centers have been funded, leaving us one-third of the way toward our goal of approximately 1,500 such facilities.

Extend the migrant health program, which I authored more than 10 years ago, as a separate authority to give this tragically underserved population clear attention in our Federal health efforts.

Extend the program for family planning services and population research.

Establish a new authority for the old neighborhood health centers, replacing them as community health centers and providing planning, development, startup, and operational assistance, so that they can better offer a broad range of ambulatory, medical referral, and environmental health services.

In addiiton this title extends existing section 314(d) of the Public Health Service Act for grants to States so that they can flexibly target funds and set priorities for solving their individual health care problems. Twenty-two percent of these funds would be for allocations to States for purposes of screening, diagnosis, detection, and treatment of hypertension.

The new initiatives of this part of the bill are also of vital importance. They have been incorporated to meet various health problems which require specific Federal attention. These are:

Section 317 of the Public Health Service Act, which is extended for 1 year with increased authorization level and expanded to provide support for control of diseases borne by rodents, as well as communicable diseases.

Home health services: Establishes a demonstration program of startup grants to home health agencies and grants for training personnel to provide home health services.

A Committee on Mental Health and Illness of the Elderly established for a 1-year period to review the mental health needs of the elderly and recommend policy for the care and treatment of mentally ill aged persons.

Rape prevention and control: Establishes a new center within the National Institute for Mental Health to study the causes, control, and treatment of rape and to establish a clearinghouse of information on these subjects. In addition, the bill provides support for demonstration projects in the prevention and control of rape.

Epilepsy: Establishes a temporary commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of epilepsy and its consequences, and the role of State and Federal Government in research on epilepsy and on the identification, treatment, and rehabilitation of persons with epilepsy.

Huntington's disease: Establishes a temporary commission appointed by the Secretary of the Department of Health, Education, and Welfare to advise Congress and the President on a comprehensive national plan for the control of Huntington's disease and its consequences, and the role of State and Federal Government in research on Huntington's disease and on the identification, treatment, and rehabilitation of persons with Huntington's disease.

Finally, Mr. President, I am particularly gratified that this bill includes my proposal to establish a program for the treatment and diagnosis of hemophilia. This legislation was first introduced as S. 1326 on March 22, 1973. Since that time, 24 of my Senate colleagues joined me as cosponsors of the bill.

I find great hope in the fact that hemophiliacs are unique among chronic disease victims, because they are not born crippled, and they can be treated if they are able to take advantage of newly developed forms of therapy. Without this ongoing care, severe and moderate hemophiliacs must suffer tragic consequences throughout their lifetime and become an unnecessary burden to themselves, their families, and to our whole society. For not only is there a severe physical crisis confronting such an individual, but he is constantly threatened with great uncertainty since a bleeding episode may strike without a warning. As a result, there is a tendency among family members and the hemophiliac himself to curb many otherwise routine day-to-day activities. This kind of toll is impossible to measure—and in many cases it is devastating.

So, I say once again, the hemophiliac has a right to care.

Mr. President, we know that in the last two decades medical research has been successful in developing fractionated concentrates of factor VIII and factor IX. This development, together with new treatment techniques, has made it possible for most hemophiliacs to self-administer the appropriate clotting factor at home.

Unfortunately, despite these remarkable breakthroughs, this replacement therapy is out of reach for the average hemophiliac. And it is unavailable for several reasons; the same reasons which plague the whole of our health care system. It is unavailable, because the minimum costs for replacement therapy for the severe and moderate hemophiliac run upward of $5,000 per year.

It is unavailable, because this Nation has simply been wasting its precious blood resources. We have yet to develop a rational and efficient blood policy and are threatened with a major crisis in medical treatment which requires the use of blood and blood products.

It is unavailable, because at the present time there are only a scattering of medical centers in the United States which provide any major emphasis on the treatment and diagnosis of this disease. Thus there are only a few areas in the country where there are adequate treatment and diagnosis facilities or where there is a decent social and vocational counseling for hemophilia patients.

And, it is unavailable, because we face a short supply of professional and paraprofessional personnel trained in hemophilia diagnosis, treatment, and research.

Nor do we have adequate mechanisms whereby physicians in outlying areas have ongoing contacts with those centers which run hemophilia diagnostic and treatment programs.

It is clear, therefore, that we must begin now to develop a comprehensive approach to treating hemophilia.

As incorporated in S. 66, this is a very modest but vital beginning.

It calls for the establishment of hemophilia diagnostic and treatment centers. These centers would train professionals in diagnosis, treatment, and research; would offer diagnosis and treatment programs together with programs of social and vocational counseling; and would provide individualized written programs for each person treated by or in association with such centers.

In addition, a provision is included authorizing grants and contracts for the establishment of blood separation centers to extract necessary blood components.

This is important for hemophilia replacement therapy and can have a significant impact on the development of a nationwide blood separation policy.

These two provisions are important initiatives since, in my view, reform of the health care delivery system must go hand in hand with universal access to that system through some sort of financing mechanism.

To attack the financing problem without assuring that the services and resources are equally available would only aggravate an already intolerable situation. This new program will, therefore, serve as the foundation for the time when that financing mechanism is put in place.

Since the time this bill was first introduced it has received a great deal of attention and support. We have made enormous progress in finding new therapies, but they are useless unless an individual can find services and facilities to provide them. Let us vigorously pursue that course. We must not delay any longer in that endeavor.

Mr. CRANSTON. Mr. President, the Health Revenue Sharing and Health Services Act of 1975 contains two important pieces of legislation which were passed by the Senate last year, agreed to in conference with the House, overwhelmingly accepted by the Senate again, and sent to the President for signature, only to be pocket-vetoed after the 93d Congress had adjourned.

The two pieces of legislation are the Nurse Training Act and the Health Revenue Sharing and Health Services Act of 1974. Both of these measures extend programs which have been proven by experience to provide the incentives and support necessary to enable nurse training institutions, on the one hand, and centers providing comprehensive health services, including mental health services, to their surrounding areas, on the other hand, to contribute most effectively to the health needs of the Nation. I am confident Congress will once again give both these measures, as embodied in S. 66, overwhelming support.

NURSE TRAINING ACT OF 1975

Mr. President, I am delighted to support the Nurse Training Act of 1975.

Under the nurse training authorities of title VIII of the Public Health Service Act, nursing schools throughout the Nation have been able to increase the number of students trained, to improve the quality of training programs, to establish new roles for nurses in the provision of health care, and to improve curriculum to be more responsive to changing social needs, in addition to the establishment of many other beneficial programs.

The bill as reported continues the Federal role in support of nurse training; it retains the incentive to assist nursing schools in meeting their responsibilities to provide the nurses needed by our continually expanding national needs and to train nursing personnel who can fulfill the new responsibilities required by changing health care patterns.

Mr. President, I am pleased that the bill includes a number of amendments, which I proposed. First is an amendment to emphasize the importance of continuing the program for recruitment of students who, due to socioeconomic factors, are financially or otherwise disadvantaged, by earmarking a minimum of 10 percent of the funds appropriated for special project grants for these programs.

Second, my amendments also clarify the need to recruit students with the ability to speak a language, in addition to English, used by major U.S. population groups with limited English-speaking ability, and add to the list of programs eligible for support under the special project grant authority, programs to provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel.

Other amendments I proposed and the committee has included in the bill would encourage the establishment of programs for training nurse practitioners by making institutions and entities other than collegiate schools of nursing eligible for grants, and amending the limitations in the bill as to duration and size of class to reflect more accurately the diversity of programs which have already proven their excellence. My amendments also clarify that geriatric nurse practitioners and pediatric nurse practitioners are among the types of nurse practitioners who should be trained under the special projects authority for nurse practitioners.

I would like to clarify, Mr. President, that in deleting the special program "full utilization of educational talent" and, in its place, including programs for the recruitment and retention of students from disadvantaged backgrounds among those authorized under the special project grant authority of the new section 820 of the Public Health Service Act, there was no intent to change the intent or scope of the current program which has been administered under the authorities of the current section 868 of the Public Health Service Act. In addition to the categories of individuals who are specified in the current section 868, it is our intention to include the recruitment of individuals with the ability to speak a language—in addition to English—used by major U.S. population groups with limited English-speaking ability. This intent is made clear in the new section 820(a)(6) of the bill as we propose to amend it—which authorizes special project grants for increasing the supply of bilingual nursing personnel.

To insure that the level of support available for programs for the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors is maintained at least at the level of previous years, we have provided that no less than 10 percent of the funds appropriated for special projects under the authority of the new subsection 820(d) is earmarked for this purpose.

I am pleased that the bill authorizes the Secretary to provide assistance to the heads of other Federal Agencies to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

As chairman of the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee, I am very familiar with VA programs in this regard. The Veterans' Administration hospitals currently are operating a great many educational programs for nurses; 145 VA hospitals are affiliated with 407 nurse training schools; 24,995 nurses received a portion of their training in VA hospitals in fiscal year 1974. In addition, Mr. President, the VA has several programs for the advanced training of nurses. To date, about 150 nurse practitioners have received their training in Veterans' Administration-university-based programs.

VA programs for the training of nurses began as long ago as 1943. At first, students from three hospital schools of nursing were accommodated for instruction in psychiatric and tuberculosis nursing in VA hospitals. Thirty years later, the VA is providing educational opportunities in fundamentals of nursing, and in all clinical specialties for students from many schools of professional nursing. More than 50 percent of these programs are in cooperation with university schools of nursing. Other dimensions have been added and the large clinical nursing resources of the VA are being utilized for clinical experience for graduate education in nursing, for nurse intern-residency programs, for practical nurse education, and for preservice nurses' aide training programs.

The VA nursing service's education and training of professional nurses and other nursing personnel shows a substantially increasing number of students in training and the number of VA hospitals participating in these programs. Since fiscal year 1970, the number has increased from 14,191 nursing students receiving training in 123 hospitals to 24,995 in 145 hospitals. The number of schools affiliated with VA hospitals also increased from 254 schools in fiscal year 1970 to 407 schools in fiscal year 1974, representing 28 percent of all the schools in the country.

In order to further the concept of extending the scope of nursing practice in the VA, the VA has been striving to prepare nurses for the nurse practitioner role. This is a concept and practice which I have strongly encouraged. In 1972, 57 nurses were trained to perform expanded roles in 12 test-model sites for VA admission services. Most of the preparation and training has been occurring on the job. Today, there are approximately 150 nurse practitioners who have been trained through VA university-based programs.

Mr. President, I believe close coordination already exists between those who administer these programs in the Veterans' Administration Department of Medicine and Surgery and those who administer nurse training programs in the

Department of Health, Education, and Welfare. The language in the bill as reported would encourage further coordination along these lines, and I thus support that provision.

HEALTH REVENUE SHARING

Mr. President, an important provision of S. 66 would extend the authorities for formula grants to States for support of comprehensive public health services. These grants were first authorized by the Partnership for Health Act in 1966, and have formed a strong base for Federal-State-local sponsorship of needed health programs. The act extends these authorities—commonly referred to as 314(d) grants—for 2 years, and makes certain revisions which will provide for greater accountability as to the purposes for which these funds are expended.

HEALTH SERVICES

Other important provisions of S. 66 will extend the authorities for community health centers, community mental health centers, and migrant health centers. These authorities are of paramount importance in insuring the accessibility and acceptability of health services to all elements of society. Each of the programs which will be strengthened as a result of the legislation which has been reported in the Senate—for community health centers, for community mental health centers, and for migrant farmworker health centers—bring critically needed health services to communities throughout the Nation and in particular to those communities which historically have been underserved.

GENERAL PROVISIONS

These health centers have been subjected to a great deal of uncertainty as to their future because of the administration's efforts to reduce the level of Federal support, or to phase out that support entirely. The Health Services Act of 1975 provides these centers with the statutory base which will assure their continuity and, at the same time, make them as financially self-reliant as possible. In many communities, these health services still are nonexistent, and the resources are not available within the community to support the necessary startup costs of establishing a health center. The bill under consideration today will insure that where it is demonstrated that a new center is necessary, Federal support will be available to help cover the initial expenses. The legislation also requires that all centers establish effective procedures for the collection of third party payments for services they provide. This will insure their optimal self-sufficiency in the long run.

I was pleased that several amendments I offered to this legislation were accepted and are included in the measure before us today. These amendments were directed toward the necessity for these community health services to be highly attuned to the needs of the community served where that community has a substantial number of individuals who have limited English-speaking ability. The amendments were cosponsored when first introduced in the last Congress by the distinguished chairman of the Health Subcommittee (Mr. KENNEDY) and by the distinguished Senator from New Mexico (Mr. MONTOYA). I am grateful for their help and support.

PROVISIONS RELATING TO SPECIAL NEEDS OF INDIVIDUALS WITH LIMITED ENGLISH-SPEAKING ABILITY

My amendments require community health centers, community mental health centers, and migrant health centers, where they serve populations with substantial numbers of individuals of limited English-speaking ability to identify on their staffs an appropriately bilingual individual. This individual would be responsible for developing programs to increase the awareness of the staff—and the staff of contract providers—about the cultural sensitivities related to health of the population served, and for helping staff and patients to bridge cultural and language differences. These centers would also be required, under my amendments, to utilize the services of bilingual outreach workers, who optimally would be recruited from the community to be served, to encourage residents of limited English-speaking ability to utilize community health and related resources in the most appropriate and effective manner.

I believe existing community health centers, community mental health centers, and migrant health centers which have strong consumer participation at the policymaking level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. My amendments would reinforce these centers in such efforts and would expand these efforts to include contract providers as well.

Mr. President, I ask unanimous consent that the portion of the committee report (No. 94–29) dealing with these amendments be printed in the RECORD at this point.

There being no objection, the portion of the report was ordered to be printed in the RECORD, as follows:

PROGRAMS TO MEET SPECIAL NEEDS OF NON-ENGLISH SPEAKING POPULATION GROUPS

The Committee was concerned by the very special problems in securing health care faced by minority population groups whose members have limited English speaking ability. These problems are many times intensified by different cultural heritages which make an individual's perception of health care at variance with that of the providers of health care, who, by and large, are members of the majority population group. The traditional health practices, the dietary practices, and the family traditions and relationships of the members of the minority population group may well create barriers to the ability of the patient to fully comprehend and carry out the treatment regimen recommended by the physician. In addition, the language barrier makes communication very difficult especially in the essential task of describing symptoms with specificity and clarity, or describing the history of an illness. The physician is limited in his ability to describe to the patient the treatment regimen he should follow. Furthermore, in many cases, members of minority population groups are unaware of the availability of health services and of the means of access to such health services.

All these factors mitigate against the provision of quality health care to population groups with different linguistic and cultural traditions.

To ensure that the health services provided by community health centers, migrant health centers, and community mental health centers, are appropriately utilized by members of the population groups they serve and are responsive to their needs, the reported bill requires any center serving a population with a substantial number of individuals of limited English-speaking ability, to develop programs which would overcome any linguistic or cultural barriers to the receipt of health care.

The committee observes that existing health centers which have strong consumer participation at the policy making level have recognized the linguistic and cultural communications gap and have taken steps to bridge that gap. The provisions in the reported bill would reinforce these efforts and would do so in a manner which recognizes the importance of the individual's cultural heritage and would be in consonance with that heritage.

PATIENT DRUG PROFILES

Mr. **CRANSTON**. Another amendment I offered, Mr. President, which has been included in S. 66 as reported, would clarify that the medical records maintained by community mental health centers would specifically include a patient drug-use profile. It is estimated by initial studies that from 3 to 6 percent of hospital admissions are due to adverse drug reactions, and that a minimum of 15 to 18 percent of hospitalized patients suffer an adverse reaction subsequent to their admission. By maintaining a drug-use profile on each patient, the incidence of such adverse drug reactions and interactions can be substantially reduced.

I would like to see this practice followed in the community health centers and in the migrant health centers as well, and will shortly introduce legislation to this effect in order to rectify an oversight in the vetoed conference report on S. 3280, to which S. 66 as reported is identical.

OTHER PROVISIONS OF S. 66

HYPERTENSION

In addition, Mr. President, this legislation includes important new authorities for a program of special support to States in carrying out screening, detection, diagnosis, and treatment programs for individuals who have high blood pressure or hypertension, as it is also called. It is estimated that 23 million Americans suffer from hypertension and that it can be controlled if the patient receives appropriate medical treatment. However, half the people suffering from hypertension do not realize it, and as a result, these people fail to seek the treatment that will prevent the heart attacks, the strokes, and the kidney failures which result from hypertension.

HOME HEALTH SERVICES

The legislation also includes new authorities to encourage the development of home health care agencies and the training of home health care personnel. Mr. President, among various systems of health care services, one of the most promising yet least recognized is the system of home health care. Availability of home health care services in the community can offer an alternative to the more expensive nursing home care or hospitalization when the patient's family is unable to provide all the support necessary to meet fully the patients needs.

HEMOPHILIA

Mr. President, I am pleased the legislation also includes an authorization for support of programs to treat victims of hemophilia and to increase the supply of blood so desperately needed for this treatment. These provisions are based on legislation introduced by the distinguished chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS), which I cosponsored.

Section 66 as reported provides for a program for screening and treatment of hemophilia, and for a better utilization of blood resources, so essential to the treatment of this tragic disease.

Other specific provisions establish a Committee on Mental Health and Illness of the Elderly, a Commission for the Control of Epilepsy, and a National Center for the Control and Prevention of Rape. These new entities will focus the necessary national resources on the means of alleviating these three major social and health problems.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

Mr. President, older people, who are often subject to depression and anxiety resulting from changes in status, as well as in health, still have enormous potential for growth and change. Far too often, however, the confusion and uncertainty that besets older people is considered degenerative and irreversible and results in institutionalization.

The Committee on Mental Health and Illness of the Elderly, which was first recommended by the White House Conference on Aging in 1971, represents a significant step forward in advancing the understanding and mobilization of resources necessary to deal with the issues involved in the mental health care needs of the elderly persons and to formulate a national policy for the proper maintenance of mental health for aged and aging individuals.

RAPE PREVENTION AND CONTROL

I am also pleased with the inclusion of the bulk of the provisions of the proposed Rape Prevention and Control Act, which I cosponsored in the last Congress. I feel very strongly about the need for Federal legislation in this area. The crime of rape is increasing at an alarming rate—up to 10 percent as reported in FBI statistics for this past year—causing untoward suffering by women and creating needless anxiety and uncertainty in their lives.

COMMISSION FOR CONTROL OF EPILEPSY

Mr. President, one of the most misunderstood disorders today is epilepsy. Current estimates are that from 1 to 2 percent of all Americans are affected by epilepsy. The general misunderstanding about this disorder has led to restrictions on drivers licenses, employment bias, and health and automobile insurance limitations, all of which have prevented the victim of epilepsy from living a full life. With proper treatment, this condition can be controlled.

However, the lack of public understanding about the nature of this disease has inhibited the development of adequate treatment and rehabilitation programs. The bill as reported establishes a temporary commission for the control of epilepsy to study existing resources for the prevention, treatment, and rehabilitation of victims of epilepsy, as well as to make recommendations for the proper role of Federal, State, and private agencies, in the development of such resources.

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

The bill also establishes a temporary commission for the control of Huntington's disease and its consequences which is charged with making a comprehensive study of national resources related to the medical and social management of Huntington's disease, and making recommendations concerning the proper role of Federal, State, and private agencies in the development of such resources. The commission is also charged with developing a comprehensive national plan for the control of Huntington's disease based on its findings. Hopefully, through this concerted effort the tragedy of Huntington's disease can be averted.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH

Mr. President, the original passage of the Family Planning Services and Population Research Act of 1970 (Public Law 91–572) was the culmination of years of effort on the part of many groups and individuals to make family planning services available to all those who wanted but could not afford them, as well as to improve our knowledge in the field of human reproduction and population dynamics so that each individual family could determine its size by choice rather than by force of circumstances.

Public Law 91–572 created a new title X in the Public Health Service Act, providing for grants and contracts to assist in the establishment and operation of voluntary family planning projects; to provide training for personnel to carry out such programs; to promote research in the biomedical, contraceptive development, behavorial, and program implementation fields related to family planning and population, and to train researchers for such fields; and to assist in developing and making available family planning and population information to all those individuals desiring such information. The legislation carried clear expressions of congressional intent that—

First, priority would be given in furnishing such services to persons from low-income families, and no charge would be made to such individuals, except to the extent payment would be made by a third party;

Second, acceptance of any services or information must be voluntary and cannot be made a prerequisite to eligibility for or receipt of services; and

Third, no funds appropriated under title X are to be used in programs where abortion is a method of family planning. All of these concepts are continued in the bill as reported.

In addition, Public Law 91–572 provided for the establishment in the Department of Health, Education, and Welfare, of an Office of Population Affairs, directed by a Deputy Assistant Secretary for Population Affairs, whose functions were described in the law as being responsible for creating liaison and coordination among all Federal programs relating to population research and family planning, and being responsible for the administration, coordination, and evaluation of all programs in the Department of Health, Education, and Welfare related to population research and family planning.

The law further required the Secretary of Health, Education, and Welfare, to make a report to Congress setting forth a plan to be implemented over a period of 5 years to carry out the purposes set forth in the act, and to report annually to Congress on its progress in reaching the objectives outlined in the plan.

THE 5-YEAR PLAN

This plan was submitted to Congress in October of 1971 and outlined the goals as follows:

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected as its goal, making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated 90,000 family planning personnel would be needed by fiscal year 1975, and, in addition, 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

ACHIEVING 5-YEAR PLAN GOALS

Mr. President to date, we have not made enough headway in the research field. Today, there is as yet no completely safe and effective means of contraception available to any women, rich or poor. Research is urgently needed to develop a means of voluntary control of reproduction. There is much scientific opinion that the technology is there to make this breakthrough if adequate funding is provided.

In the field of education, some steps have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs to really make a perceptible impact of the expansion of such programs or the development of new ones.

In the field of services, Mr. President, organized programs receiving support under the authorities of title X have developed the capacity to reach only about 45 percent of HEW's announced objective of reaching 6.6 million women who want family planning services, but are unable to afford them. The Department estimates that only 3,000,000 women have been reached through organized family planning programs thus far. This is a level approximately 2 years behind the projection in the 5-year plan.

In the field of training, Mr. President, 16,200 personnel were trained by the end of fiscal year 1974 and an additional 6,200 will be trained in the current fiscal year as a result of funds made available through the National Center for Family Planning Services.

This is a beginning, but nowhere near the objective that has been set in the 5-year plan to train a total of 93,000 individuals by this year.

This program must be given increased attention and emphasis if it is ever to make up this incredible lag in performance.

The Special Subcommittee on Human Resources, which I am privileged to chair and which has jurisdiction over the title X programs, heard compelling testimony on the contributions made by nurse midwives to more responsive and effective family planning services. The committee in its report thus urged the Department to encourage the development of training programs for these highly trained and specialized nurses under all appropriate training authorities.

PROVISIONS OF S. 66

Mr. President, the legislation we are considering today extends and consolidates the provisions of the Family Planning Services and Population Research Act of 1970 and generally improves and tightens up its provisions to reflect more clearly the original congressional intent in the 91st Congress, and to insure that programs can be implemented in accordance with this intent.

The bill as reported extends for 2 years the authorizations of appropriations for project grants and contracts for family planning services. The funding level included in the bill as reported—$150 million for fiscal year 1975 and $175 million for fiscal year 1976—are based on the estimates made in the 5-year plan for family planning services as the amount needed to meet the goals set forth in that plan.

The bill also extends for 2 years the authorizations of appropriations for grants and contracts for training and for information and education programs related to family planning, at very moderate levels.

One important change has been made in the provisions authorizing research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

Mr. President, Congress has long taken the position that, when a specific authority is provided to the Secretary for the conduct of an activity, the Secretary should use that authority rather than his more general standing authorities. Family planning research activities since 1970 have, despite the existence of section 1004(a), been conducted under the authority of section 301 of the PHS Act.

The bill as reported, as did the bill I authored last Congress, S. 1708, as approved by the Special Subcommittee on Human Resources, requires that no funds appropriated under any other provision of the Public Health Service Act—other than title X—are to be used to conduct or support the research authorized by title X. This provision is designed to prevent the use of section 301 for these activities. The research authorization amounts chosen reflect the amounts presently being appropriated under section 1004(a) for the few operational research activities for which it has been used, the amounts presently being appropriated under section 301 for family planning research, and additional amounts needed for appropriate growth.

Another clarification of congressional intent is included in amendments to section 1006(c) which presently provides for definition by the Secretary, in accordance with criteria which he prescribes, of the term "low-income family." The bill as reported adds to the end of the provision the phrase "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title."

The amendment is designed to insure that the definition of "low-income family" prescribed by the Secretary would not have the effect of excluding from services a family which is unable to afford such services. The committee intends by this provision that the Secretary in defining "low income" take into account the decisionmaking required by a marginally low income family in weighing the cost of preventive services, such as family planning services, against the cost of more immediate needs such as food, shelter, and clothing and the probability of a decision being made to budget family income for these latter more immediate needs.

Another change in existing legislation made by the bill as reported, also made by my bill, S. 1708, last Congress, is the deletion from Public Law 91–572 of that section requiring the submission of a 5-year plan for carrying out the goals of the Family Planning Services and Population Research Act of 1970 and its addition to title X of the Public Health Service Act.

This new section has essentially the same provisions as the existing requirements of the Family Planning Services and Population Research Act of 1970 for the preparation and submission to the Congress of a 5-year plan for family planning services. That act, however, directed that 6 months after its enactment the Secretary submit a plan, setting forth a program to carry out the objectives of the act over the subsequent 5 years, and directed that annual progress reports be submitted to Congress on the degree to which the objectives set forth in the plan were met in each succeeding fiscal year.

Congress has found these progress reports useful in determining achievements under the act, but has found them of limited value in projecting future program needs.

Accordingly, the bill as reported requires each annual report to include updated projections of program goals for the succeeding 5 years.

Because the programs authorized by title X are a major resource for implementing the objectives set forth in the plan, the committee believed the plan provisions are more appropriately set forth as part of that title, rather than as a separate statute.

In addition, the bill as reported requires that the 5-year plan must, at a minimum, indicate on a phased basis—

First, the number of individuals to be served by the family planning programs under title X and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

Second, an estimate of the costs and personnel requirements needed to meet the purposes of title X and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

Third, the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department are to be based.

The provision again is essentially identical to one contained in the existing requirement for a 5-year plan. It should be emphasized that the committee intends the requirement for a systematic reporting system to be one which will report on services provided under all authorities for which the Secretary is responsible for family planning, including those provided under title IV–A as well as XX of the Social Security Act. It is further anticipated that the reporting system will function nationwide on at least an annual basis to provide to the Secretary, the public, and the Congress systematic and complete data on the number, costs, and effectiveness of family planning services being provided by the Department, either directly or indirectly.

In addition, the annual report must compare the results achieved each year by Federal programs related to family planning with the objectives established for that year under the plan, and indicate the steps that must be taken in subsequent years to achieve the objectives projected by the plan.

The annual report is also required to indicate any recommendations with respect to additional legislation or administrative action necessary or desirable in carrying out the plan contained in the report.

Mr. President, during the 4 days of hearings held before the Special Subcommittee on Human Resources on the predecessor legislation last Congress, S. 1708, excellent testimony was presented which indicated the need to extend these programs for an additional several years.

The committee has also been watching the administration of these programs very closely. Two areas have merited our close attention.

The first is the issue of informed consent in connection with sterilization procedures.

Considerable controversy surrounds this issue. The title X regulations require that all methods of contraception be offered in family planning clinics, and medical opinion supports vasectomies and tubal ligations as safe, effective contraceptive procedures. New regulations, issued by HEW in response to a recent decision by the U.S. District Court for the District of Columbia in the *Relf* case, require that projects using Federal funds for nontherapeutic sterilizations instruct legally competent candidates for the procedure of the full nature of the operation, its irreversibility, and side effects, and specifically inform them in writing that a decision not to be sterilized will not result in the denial or withdrawal of any other benefits to which the candidate is entitled. The regulations in addition, in response to suggestions made along with other members of the Special Subcommittee on Human Resources, require a 72-hour period to lapse between the time the patient voluntarily gives formal consent to be sterilized and the time the procedure is performed.

Recent reports of violations or lack of knowledge of these regulations have raised very serious questions about the effectiveness of HEW implementation of those regulations and its activities to oversee compliance. I have brought the committee's concerns in this regard to the attention of the Secretary in a letter urging that: First, emergency steps be taken to bring the regulations to the attention of every hospital and obstetrician throughout the Nation; second, all State officials responsible for administering any family planning programs under the Social Security Act or coming into contact with programs supported under title X of the Public Health Service Act be contacted immediately by appropriate HEW officials to insure they are fully aware of the regulations and to secure their assistance and cooperation in insuring compliance within the State; third, the Department immediately institute a nationwide surveillance program through the Center for Communicable Disease to monitor compliance with the regulations; and fourth, the Department move promptly to improve and issue regulations governing sterilization procedures.

Guidelines establishing a moratorium on Federal support for sterilization of persons under 21, or otherwise legally incapable of giving informed consent, remain in effect pending resolution of the court case.

The more complete and protective regulations which we have worked out with HEW, however, remain in abeyance because HEW has appealed portions of the district court decision. I have urged the appropriate officials of HEW to issue so much of the new regulations as are consistent with the lower court opinion, and have also urged the plaintiff's attorneys to join in this effort.

I have specifically urged HEW to add to the regulations a requirement that an adjudicated incompetent person could receive a sterilization procedure which he or she had requested—and which had been unanimously approved by a review committee—only if the court of competent jurisdiction also approves such procedure.

Mr. President, I ask unanimous consent that the text of my correspondence with Secretary Weinberger on the sterilization regulations be printed in the Record at this point.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Committee on
Labor and Public Welfare,
Washington, D.C., February 8, 1974.

Hon. Caspar W. Weinberger,
Secretary of Health, Education, and Welfare,
Washington, D.C.

Dear Cap: I am writing to express some serious concerns I have with the Department's regulations on the subject of voluntary sterilization, published on February 6, 1974, and now held in abeyance for 30 days pending a determination in the Relf/N.W.R.O. case. These regulations are in two parts: (1) for health services projects under Public Health Service Act title X and other authorities and Social Security Act title V (part 50); and (2) for public assistance programs under Social Security Act titles IV, VI, and XIX (part 205).

1. *Approval of Review Committee Membership:* My most serious concern is with the failure of the part 205, the so-called S.R.S., regulations to provide for the same Secretarial certification process, as required in part 50 (§§ 50.205(a) and 50.208(a)) for health services projects, to approve the nature of representation on the local Review Committee ("that the Committee meets the criteria for Committee membership established in this section"). Given the extreme sensitivities and suspicions surrounding this subject area, I deem this Secretarial approval process absolutely essential to ensure that the Review Committee deliberations will in fact be characterized by a diversity of viewpoints, impartiality, and sensitivity to the needs and concerns of the individual patient.

Given the circumstances of the Relf/N.W.R.O. case, the Wyatt case, and other allegations made with respect to the predisposition of some welfare departments and officials to see sterilization as a means of limiting the size of their welfare caseload, I believe that an S.R.S. responsibility "to enforce such membership requirements through existing compliance procedures" (as expressed in your commentary on the regulations on page 9) provides no real assurances against abuse under all the circumstances prevailing in this situation.

I find it absolutely imperative that the same secretarial certification procedure be applied to Review Committee composition in the public assistance programs. Indeed, it may well be even more necessary there.

I say this with appreciation of the principle which I believe underlies the difference between the two sets of regulations on this point: namely, that in true Federal-State programs, such as public assistance and Medicaid, the amount of direct Federal intervention after approval of a State plan and compliance review should generally be kept to a minimum and be clearly justified in terms of the needs in a particular situation or to carry out a Congressional program mandate. In this case, however, I believe that application of this general principle leads inescapably to the conclusions that, in this field so fraught with extreme sensitivities, a further Federal role is essential to achieve the extremely strong Federal policy against permitting any unfair, or even slightly coerced, sterilization.

I, therefore, strongly urge that the guidelines to be issued under part 205 specify that the procedure of prior submission of membership names and Secretarial certification as to the composition of Review Committees, as set forth in §§ 50.205(a) and 50.208(a), will apply to part 205 programs. In addition, it is extremely important that you specify further than the same Regional and Headquarters staff reviewing and submitting recommendations to you on compliance with the regulatory criteria be the same individuals doing so under the part 50 regulations. It would be not only duplicative and, therefore, wasteful for there to be a separate S.R.S. review process, but also potentially causative of differing interpretations of the criteria (which are identical in the two sets of regulations). The whole reason for establishing the Office of the Deputy Assistant Secretary for Population Affairs in Public Law 91–572 (sections 3 and 4) was to avoid any such contradictions and to provide for maximum coordination of policies and procedures in Federally-funded projects and programs.

The procedure I am suggesting could, of course, be amended into the regulations themselves as part of § 205.35(c), or be issued as guidelines pursuant to that subsection.

2. *Initial Recommendation of Review Committee Membership:* For all of the reasons discussed under point 1. above, and particularly because of the perception that many welfare departments and officials are considerably more oriented toward limiting welfare rolls than protecting or respecting human rights and liberties, I believe it is most unwise to leave totally to the discretion of welfare agencies under part 205—or, indeed, to health services or family planning projects under part 50—responsibility for proposing to the Secretary the composition of the Review Committee. This is manifestly the case if there is no Secretarial certification, as at present, for the S.R.S. part 205 regulations—a deficiency discussed at length above.

An acceptable and workable alternative might be to require that the initial Review Committee composition be proposed to the Secretary by the welfare agency—or services project—in question jointly with the local or state human rights agency. This would enhance both the quality and sensitivity of the persons being recommended as well as the appearance of fairness in the selection process.

3. *72-Hour Delay to be Applied to Non-Emergency Therapeutic Sterilization:* I think there is a relatively easy answer to the concerns expressed that the definition of "nontherapeutic sterilization" in the regulations (§§ 50.202(b) and 205.35(a)(2)(iv)) might permit pressure on a patient to accept a sterilization. Such a possibility could be rendered extremely remote by applying the 72-hour delay period to the informed consent regulations for non-emergency therapeutic sterilizations (§§ 50.203(b) and 205.35(a)(1)(iii)). (In this connection, I recognize that the full protections of the written informed consent requirement have been applied under the published regulations to therapeutic sterilizations of a non-emergency nature (§§ 50.203(b) and 205.35(a)(1)(ii)).)

4. *Attempt to Secure Federal Court Review:* I recommend that §§ 50.208(d) and 205.35(a)(5)(iii) be amended to provide, as to the court determination of the Review Committee determination and procedure for a person legally incapable of giving consent:

"The Committee shall seek such a determination from the appropriate U.S. District Court, the determination of which shall be binding. If such a determination is not secured because of a finding of lack of Federal judicial jurisdiction in a particular case, such a determination may be sought from the appropriate State court of competent jurisdiction."

Again because of all the sensitivities involved in these questions, because application of Federally-prescribed standards and procedures is entailed, and because Federal Constitutional questions might well arise, I think that it is extremely important that Federal District Court jurisdiction be sought. In view of the Federal nature of the questions involved, a body of Federal case law and precedent in this area would provide greater uniformity and hence predictability for Review Committee operations around the country.

5. *Appointment of a Guardian Ad Litem:* I also recommend in connection with the court determination that the following sentence be added following the addition recommended in point 3 above:

"The petition filed in court shall seek the appointment of a guardian ad litem, in accordance with appropriate court rules and procedures, to protect the interests of the individual whose reproductive rights are sought to be curtailed."

I think that the appointment of such a guardian would be most helpful to establishing that a "case or controversy" does in fact exist in order to secure Federal judicial jurisdiction, and would provide an additional, necessary check to protect the potential patient's reproductive and other rights. I believe it is a fiction to hold that the Review Committee determination to proceed with a sterilization is in fact not adverse to certain rights and interests of the individual who is, in these instances, legally incapable of choosing to give up these rights.

6. *Sterilization Permitted Without Parental Consent for Minors Only when Legally Married:* Since I believe the principal reason that you have provided for the rare contingency of a sterilization of an individual under age 18 without the consent of the parent (in §§ 50.203(c) and 205.35(a)(5)(ii)) is to permit the sterilization of a young adult married person, I recommend that you specifically so limit the exceptional circumstances, that is, to an individual legally married under applicable state law. This limitation would avoid the difficulty of trying to define in the regulations "emancipated" (the other term which might be applied as a limitation), and make clear the precise circumstances under which it is contemplated that sterilization of a "child" over parental objection—a proposition I find distasteful even to postulate—would be permissible.

Thank you for your prompt attention to these recommendations. I would appreciate a reply at your earliest convenience.

Best regards.
Sincerely,
ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 20, 1974.
Hon. ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources, U.S. Senate, Washington, D.C.

DEAR ALAN: Thank you for your letter of February 8 concerning the sterilization regulations which were published in the Federal Register of February 6, 1974.

As you are aware the regulations have been deferred till March 8 pending resolution of certain legal questions.

During the Department's intensive review of public comments, both following publication of the guidelines on July 19, 1973 and following the issuance of the preliminary regulations on September 21, we gave careful consideration to each of the issues mentioned in your letter. I wish to assure you, however, that the regulations are not "cast in concrete" and they remain open to discussion and review.

I have instructed Dr. Louis M. Hellman, Deputy Assistant Secretary for Population Affairs, to keep in touch with your office regarding the sterilization regulations.

Thank you for your continuing interest in these important issues. Please feel free to call on me at any time.

Sincerely,
CAP,
Secretary.

COMMITTEE ON LABOR
AND PUBLIC WELFARE,
Washington, D.C., January 21, 1975.
Hon. CASPAR W. WEINBERGER,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR CAP: Recent reports of violations of the Department's regulations governing sterilization procedures in cases of Federal reimbursement raise most substantial questions about the effectiveness of H.E.W. implementation of those regulations and its activities to oversee compliance. As you will recall, I have worked closely with your office in the development of these regulations over the last year.

In a matter so closely identified with fundamental individual rights under the Constitution, I believe extraordinary steps are warranted on the part of H.E.W. to ensure the widest possible compliance with existing regulations and those ultimately worked out in connection with the *Relf* case.

First, I urge that emergency steps be taken to bring the regulations to the attention of every hospital and every obstetrician throughout the nation, both directly and through the national organizations representing them. State officials responsible for administering Social Security Act title XIX or title V, or coming into contact with programs supported under title X of the Public Health Service Act, should be contacted immediately by appropriate H.E.W. regional officials to ensure that appropriate State officials are fully aware of the regulations and that their assistance and cooperation is secured in the process of ensuring compliance by practitioners and health facilities within the State.

Second, it is my understanding that the Department had planned, upon final promulgation of the final, stricter regulations, to institute a nationwide surveillance program conducted as part of the Center for Communicable Disease's ongoing surveillance of the status of public health generally. The information reported by the Nader Health Research Group, and the report that Dr. Hellman has generally confirmed much of it, indicates that further delay in implementing this surveillance program may seriously impair the nation's ability to guarantee individual rights of patients, and to ensure that any sterilization procedure is performed only with competent, full, and informed consent and with a clear understanding that eligibility for any Federal or other program cannot be jeopardized by a patient's decision with respect to sterilization.

In addition, I urge that Departmental activities in developing and improving the guidelines governing sterilization procedures be made a first priority.

I note in this regard that I can understand the difficulty in establishing a compliance mechanism occasioned by the fact that medical procedures reimbursed under Medicaid are not presently identified by disease category or by the therapy which was followed—surgical or otherwise. It may well be necessary and feasible to require the States to provide details to the Department regarding certain medical procedures where more data would be beneficial for scientific research or, as in the case of sterilization procedures, to protect individual rights, or for another compelling reason. Of course, every safeguard would have to be followed to ensure full protection of patient confidentiality.

Your comments on the feasibility of requiring the States to provide more detailed information in seeking Medicaid reimbursement from the Federal government would be very helpful.

Cap, I consider this a matter of considerable urgency, and would, therefore, appreciate an expedited response on the points discussed in this letter as well as your keeping the Subcommittee advised on a continuing basis of any actions which are taken to finalize the Department's regulations and to ensure compliance with them.

With every good wish.
Sincerely,
ALAN CRANSTON,
Chairman, Special Subcommittee on Human Resources.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 14, 1975.
Hon. ALAN CRANSTON,
U.S. Senate, Washington, D.C.

DEAR ALAN: Please accept my apology for the delay in responding to your letter of January 21 concerning recent reports of violations of this Department's regulations governing sterilization procedures in federally funded family planning programs. I share your concern that the regulations must be fully complied with and that adequate monitoring procedures must be in place to ensure such compliance. I would like to tell you what steps we have already taken and those we plan to take in this regard.

As you know, the March 15, 1974, order of the United States District Court in *Relf* v. *Weinberger* and *National Welfare Rights Organization* v. *Weinberger* specifically required that the Departmental regulations be amended to provide that any person seeking sterilization be advised at the outset, and prior to the solicitation or receipt of his or her consent, that no benefits provided by programs or projects receiving Federal funds may be withdrawn or withheld by reason of his or her decision not to be sterilized, and that such advice must appear prominently at the top of the consent document. The Departmental regulations were amended on April 18 to carry out the Court's mandate in this regard.

On April 18 interim regulations were published, and Mr. James S. Dwight, Jr., Administrator of the Social and Rehabilitation Service (SRS), sent the interim regulations to each State agency which administers programs that include family planning services under the social services and medical assistance titles of the Social Security Act, notifying them of the requirements of the moratorium and the just-issued regulations. At the same time, the Public Health Service (PHS) advised each of its 10 Regional family planning service directors of the terms of our requirements and instructed that they immediately notify each diretcor of the some 300 family planning projects funded under the PHS program.

Shortly thereafter preprinted plan amendments were sent by SRS to each State so that the States could formally conform the provisions of their State plans under titles IV–A, VI and XIX of the Social Security Act to the requirements in the regulations. Regional Office staff have reviewed the plan amendments which have been submitted by the States, identified those States which report that there are legal barriers which prevent their full compliance with the regulations, those States which have failed to submit the required plan material and those States which do not appear to have notified providers of the requirements of the regulations. Based upon material submitted by Regional Office staff, necessary administrative action is being taken at Headquarters to bring States into compliance with the require ments of the regulations. Additionally, Regional Office staff have contacted the States to make sure that appropriate State officials are aware of the regulations and the importance of complying; through onsite field trips and telephone and written communications, Regional Office staff are working with the States to overcome barriers to the proper implementation of regulations.

With respect to the family planning projects under the PHS program, action has also been initiated to determine the adequacy of compliance wtih the regulations. Spot checks of the projects disclosed that compliance was uneven. The projects were using various, and in some instances quite different written forms for consent, and a significant number of these did not sufficiently reflect this Department's requirements as expressed in the regulations. As a result of the spot checks, the Office of Population Affairs of PHS has developed a prototype consent form with the advice of medical service professionals both inside and outside the government. A draft of such a form has been prepared and is presently under consideration. You are welcome to have a copy of the present draft if you wish to see it. This consent form, when approved, will be sent to each family planning service project so that the consent forms and procedures will be consistent. The Office of Population Affairs will follow up with the projects to determine that the consent form, or an acceptable equivalent which meets the requirements of the regulations, is being used by each project. SRS will make this same form available to the various State agencies administering welfare service programs as an example of a form which can be used to meet the requirements of the regulations.

At the same time, SRS will continue its efforts to impress upon the State agencies their responsibility to assure that the providers comply with the Federal requirements. Where deficiencies are found as a result of these efforts, we will also act to assure that they are corrected and, as necessary, will take appropriate action.

The second concern expressed in your letter is that the Department should have an adequate nationwide surveillance program to further ensure compliance with the regulations. We are presently in the process of developing a data reporting system to fulfill this need. We hope that all or part of it can be implemented prior to the final decision in the pending litigation defining the circumstances in which sterilizations can be federally funded.

Again, let me express my appreciation for your letter and for your concern. I have directed my staff to keep your office advised of the additional steps as they are developed to implement the Departmental regulations.

Sincerely,

Cap,
Secretary.

Committee on Labor and
Public Welfare,
Washington, D.C., March 7, 1975.

Hon. Caspar W. Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Cap: Since my letter to you of January 21, urging immediate steps by H.E.W. to implement the regulations governing sterilization procedures for mentally competent adults, I have had an opportunity to review the Health Research Group report "Sterilization Without Consent: Teaching Hospital Violations of H.E.W. Regulations".

That report lists all the hospitals covered in the study undertaken by the Research Group. I believe the Department is obliged to review immediately the situation at each of the hospitals listed in the report, and I would apprepciate your advising me of the result of your review at your earliest opportunity.

Closely related to the Research Group report is a study by Dr. Bernard Rosenfeld, a physician-researcher in Los Angeles. He surveyed attitudes in major hospital centers throughout the country towards patients on whom sterilization procedures are performed as well as the degree of compliance with the H.E.W. regulations governing sterilization of mentally competent adults.

Enclosed is a list of some twenty hospitals where Dr. Rosenfeld's study was made, as well as a copy of his letter to me for your information.

Also enclosed are copies of a series of articles, based on his findings, published in the *Los Angeles Times* last December, which describe serious violations of the regulations as well as unethical behavior on the part of the staff of the hospitals.

I would appreciate your immediately reviewing the procedures followed at the twenty hospitals in question to ascertain the degree of compliance with the regulations and taking any action which is appropriate as a result of your review.

Please let me know the result of your study on each report as soon as it is completed.

With best wishes and many thanks for your continuing cooperation with the Subcommittee.

Sincerely,

Alan Cranston,
Chairman, Special Subcommittee on Human Resources.

Mr. CRANSTON. Mr. President, the second issue which has merited the committee's close attention is the administration's consistent effort to consolidate family planning projects at the State level. Just 1 month ago, Senator Williams joined me in writing to Secretary Weinberger outlining our objections to the sometimes arbitrary fashion in which efforts have been made to bring about these consolidations. I have recently received what I consider a far from satisfactory reply from the Secretary.

I ask unanimous consent Mr. President, that the full text of those letters be inserted in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Committee on
Labor and Public Welfare,
Washington, D.C., March 7, 1975.

Hon. Caspar W. Weinberger,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

Dear Mr. Secretary: We were very concerned upon reading the statement in your press release dated February 3, 1975, accompanying the Fiscal Year 1976 H.E.W. budget request:

"Beginning in 1975, a number of existing family planning project grants will be consolidated and will be awarded as single project grants made directly to the State governments rather than directly to individual grantees. The consolidation will give States a greater opportunity to decrease administrative overhead costs since some functions can now be conducted centrally rather than by each individual grantee. Such savings also can help to offset the proposed reduction in Federal funds for project grants."

Last year the Department's efforts to consolidate family planning project grants into single grants to state agencies was the subject of a number of meetings between representatives of your office and representatives of the members of the Committee on Labor and Public Welfare.

At those meetings our grave reservations as to the deleterious effect of adding an additional level of government to the grants process was made very clear. In addition, we expressed considerable concern that a substantial portion of the project grant funds would be diverted to state administrative costs rather than being used for the purposes for which they are intended. In some cases, it had been brought to our attention that those states, which the Administration proposed to designate as recipients of single project grants, did not have staff with the experience to administer or provide direction to family planning programs.

As a result of that meeting, an agreement was reached and confirmed in a letter dated May 31, 1974, from Stephen Kurzman, H.E.W. Assistant Secretary for Legislation, which stated:

"3. In the future, prior to the final sign off in the regional office of any grants awarded which would further consolidate family planning projects, the Regional Health Administrator would advise the Deputy Assistant Secretary of his plan to award a consolidated grant, giving the Office of Population Affairs opportunity to review the decision and comment on it; the opportunity to review does not give authority to override the Regional Health Administrator's decision prior to his sign off;

4. The Deputy Assistant Secretary would continue to have the authority to override such a consolidation after the fact if it was determined to be unwarranted."

Congressional doubts as to the benefits to be derived from consolidation of project grants at the state level were stated clearly in the House Committee Report (No. 93-1161) on H.R. 14214, the Health Revenue Sharing and Health Services Act of 1974. That report stated on page 19:

"A systematic attempt by HEW to consolidate local project grants under the control of state agencies and to shift a large part of the administrative responsibilities and of the decisions as to resource allocations to these state agencies would be contrary to the intent of the law."

The Joint Explanatory Statement accompanying the Conference Report (No. 93–1311) on that legislation reaffirmed that position, referred to and quoted from the letter from Assistant Secretary Kurzman, and, in addition, stated:

"The conferees believe the objective enunciated in the third progress report on the five-year plan submitted in April, 1974 ("consolidating projects to encourage State agencies to take responsibility for grants administration and to obtain the benefits of economies of scale . . .") is in direct opposition to the project grant approach authorized by title X.

"The conferees agree that since family planning services projects are established to meet the needs of the residents of the community, consolidation at the State level, and particularly through a State agency, would place an unnecessary barrier between the administration of the program and the individuals it seeks to serve."

The Senate Committee Report accompanying S. 66, which includes provisions identical to those in H.R. 14214, and which was ordered reported from Committee, reemphasizes this position and, in addition, specifically notes with disapproval the statement in the press release accompanying the 1976 H.E.W. budget request.

The legislative history we have summarized clearly shows that, whereas Congress has not ruled out consolidation of individual grants in rational catchment areas where such consolidation would improve program management and operation, arbitrary consolidation into state grants is in direct contravention of Congressional intent.

In view of this history, we urge that your office advise the appropriate Committees of Congress of all proposed consolidation efforts and the appropriate members of both Houses of Congress of proposed consolidation efforts in the geographic area which they represent, prior to taking steps to effect such consolidations. Such notification should include the Department's justification for proposing the consolidation as well as findings that the state has demonstrated a capacity to administer the program in a way superior to the original project sponsors. Since many of these decisions are made at the regional office level under general policy direction from your office, we would appreciate your notifying your regional representatives of this suggestion and requesting their compliance.

Despite the consistent expressions of Congressional reservations about proposals to shift responsibility for administering family planning services programs to the state agencies, the Department has continued to move in this direction unilaterally. Although we believe we must achieve every economy possible in administering title X family planning programs, at the same time we believe that we must ensure that such economies are not achieved on the basis of administrative convenience for the Department rather than on the basis of program improvement.

We look forward to hearing from you on this recommendation.

With best wishes.

Sincerely,

Harrison A. Williams, Jr.,
Chairman, Committee on Labor and Public Welfare.

Alan Cranston,
Chairman, Special Subcommittee on Human Resources.

The Secretary of Health,
Education, and Welfare,
Washington, D.C., April 3, 1975.

Hon. Alan Cranston,
Chairman, Special Subcommittee on Human Resources, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

Dear Senator Cranston: Thank you for letter of March 7 concerning the consolidation of family planning project grants funded under Title X of the Public Health Service Act. As you are aware, this Department has consistently attempted to improve the efficacy and efficiency of all health service programs which it administers either directly or through grants and contracts. Such emphasis to assure maximum utilization of tax resources—especially in these times of fiscal stringency—is, I trust, shared by you and all the members of the Committee on Labor and Public Welfare.

For the family planning program in particular, we take considerable pride in the broad nationwide coverage it has achieved and the large number of individuals served through our family planning service programs. This program is a commendable example of what can be accomplished through Federal, State and local cooperation and with very significant participation by the private sector. Moreover, in this period of financial constraints the services available through the family planning program have continued to increase. Part of this can be attributed to the greater efficiency and coverage achieved through consolidation efforts.

As you know, Title V of the Social Security Act also supports family planning activities in addition to those supported through Title X of the Public Health Service (PHS) Act. Beginning July 1, 1974, the Title V statute required the State to assume responsibility for a program of projects, including family planning. Funds which previously went to various types of individual projects became a part of the Formula Grant to State for Maternal and Child Health activities. In addition, the law required the State to have a plan whereby family planning services are available to mothers in all parts of the State by July 1, 1975.

Title X PHS–supported project activities cannot be and are not operated independently of such other legislative requirements. In the past, many projects have received joint funding from both Titles V and X and this situation continues now, even though Title V funds are awarded solely through State agencies. It is our intention to continue to promote the optimal operation of all projects supported by Federal funds. Where appropriate, this has resulted in smaller projects being consolidated to provide access to other funding sources.

I regret that the statement accompanying this Department's 1976 Fiscal Year budget request was misleading. The statement indicated that consolidation of family planning grants would begin in 1975 and that grants would be in the form of single awards to official State agencies. Actually the bulk of consolidation of family planning services grants took place in prior fiscal years. Also there is no intention that official State agencies be the only vehicle for consolidation. However, it is necessary that State agencies carry out their federally mandated responsibilities and that they be involved in planning for the improvement and expansion of services since they are the only conduit for Social Security Act Title V family planning funds.

Dr. Hellman advises me that the agreement delineated in Mr. Kurzman's letter to you dated May 31, 1974, is being followed. Subsequent to this agreement, all regional offices were notified of the policy and reminded of it on a continuing basis, again, as recently as March 11, 1975, when Dr. Hellman met with all Regional Health Administrators to re-enforce the importance of adhering to this review process during the consolidation of any family planning service projects.

In view of the fact that the family planning program is operating very satisfactorily, we do not believe that your proposal to modify the procedure in effect with respect to grant consolidation is necessary.

Sincerely,

Cap,
Secretary.

Mr. CRANSTON. Mr. President, I ask unanimous consent that appropriate excerpts from the committee report on the family planning provisions be printed in the Record at the close of my remarks.

CONCLUSION

Mr. President, I believe this bill addresses some of the most urgent categorized health services problems facing the Nation today. I would like to express my support for this legislation and my admiration for the leadership and imagination which the chairman of the Subcommittee on Health (Mr. Kennedy) has brought to the development and consideration of this legislation. He has been, as always, very ably supported in these efforts by the chairman (Mr. Williams) and the ranking minority member (Mr. Javits) of the Committee on Labor and Public Welfare, and by the ranking minority member of the Subcommittee on Health (Mr. Schweiker). They have brought their special insights and experience to bear on the important issues covered in the legislation. I would also like specially to thank for their help to me and my staff, Stan Jones, Leroy Goldman, and Jay Cutler of the majority and minority professional staffs, respectively, of the Health Subcommittee, and pay special tribute to Jon Steinberg and Louise Ringwalt for their fine staff work for me on this measure.

There being no objection, the excerpts from the committee report were ordered to be printed in the Record, as follows:

Part B. Family Planning

BACKGROUND

Until the 1960's, public attitudes toward family planning were characterized by ignorance or silence. Medical family planning services were generally available only to those who could afford them through private physicians and clinics. In recognition of this fact and the role that birth spacing played in prevention of birth defects and maternal illness, the broad authority of title V of the Social Security Act, was used to provide Federal support for family planning services for the poor. In addition to the services provided through maternal and child health formula grants and maternal and infant care project grants, low income people received *family* planning services through the Economic Opportunity Act of 1964.

Neither of these legislative authorities, however, gave special emphasis to family planning and there was no national focus on the field until the passage of the Social Security Amendments of 1967 (P.L. 90–284), which included the Child Health Act of 1967, the first Act to establish a special project grant authority for family planning services. That Act, furthermore, required that not less than six per centum of the funds appropriated for Maternal and Child Health under title V be obligated for family planning services. In the same year, the Economic Opportunity Amendments of 1967 established family planning as a special emphasis program of the Office of Economic Opportunity. The amendments to these Acts formed the basis for Federal policy with regard to family planning, a policy which emerged from the earlier recognition of the health benefits associated with family planning services and the desire to provide access to these benefits to those who had been denied such access.

In 1968, President Lyndon Johnson appointed a Committee on Population and Family Planning asking the Committee:

To determine ways of providing meaningful information to the Nation about population change and assuring that its significance will be understood by the rising generation;

To define the Federal Government's direct role in research and training in population matters;

To define the responsibility of the Federal Government, in cooperation with State, community, and private agencies in assuring that all families have access to information and services that will enable them to plan the number and spacing of their children; and

To suggest actions the United States should take in concert with other countries and with international organizations to help the developing countries of the world to understand and to deal effectively with their high rates of population growth.

That committee responded to the President's questions by recommending that:

The Federal Government rapidly expand family planning programs to make information and services available by 1973 on a voluntary basis to all American women who want but cannot afford them;

The Department of Health, Education, and Welfare and the Office of Economic Opportunity develop specific five-year plans for their population and family planning programs;

The Office of Education provide significant assistance to appropriate education agencies in the development of materials on population and family life;

The United States continue to expand its programs of international assistance in population and family planning as rapidly as funds can be properly allocated by the U.S. Government and effectively utilized by recipient countries and agencies;

Experienced specialists from other countries be invited to serve on advisory groups for both our domestic and international programs; and

The newly established Center for Population Research accelerate the Federal Government's research and training programs in both the biological and social sciences and that within two years the Center be expanded into a National Institute for Population Research, established by act of Congress.

The recommendations of that Committee formed the basis for subsequent Federal activities in the area of family planning services and population research and education.

Federal activity in the area of population was focused in the Center for Population Research, established within the National Institute of Child Health and Human Development in 1968. The Center, with funds appropriated under Section 301 of the PHS Act, sponsors research in contraceptive development, medical effects of contraceptives, human reproduction, and the social sciences including demography.

The growing Federal commitment toward direct provision of family planning services was embodied in the establishment, in October, 1969, of the National Center for Family Planning Services in HEW's Health Services and Mental Health Administration. The creation of the NCFPS, to administer the family planning funds appropriated under title V of the SSA, reaffirmed the traditional Federal position that family planning services should be made available to those who desire such services, but because of income or other circumstances, are denied access to such services.

In 1970, a major new Congressional initiative in the fields of both population research and family planning was launched. The result was enactment of S. 2108, the Family Planning Services and Population Research Act of 1970 (P.L. 91–572). The Act's intent was to greatly expand the availability of voluntary family planning services with priority on low-income individuals. The Family Planning Act of 1970 amended the PHS Act by adding to it a new title X. The new title X provided authority to the Secretary of HEW to award project grants and contracts to entities establishing and operating voluntary family planning projects (sec. 1001). It also authorized (sec. 1002) a limited formula grant program to support the planning, establishment, maintenance, coordination and evaluation of family planning services offered by State health authorities. It should be noted that funds have never been requested by HEW or appropriated for this formula grant program. Training related to individual and State projects in family planning was provided for in a specific authorization (sec. 1003). The grant and contract authority and authorizations for appropriations for research in family planning and population was enlarged, and new authority (sec. 1004) was provided for the development and distribution of informational and educational materials pertaining to family planning and population growth. Specific provisions were also included in the new title X to insure that participation in family activities would be completely voluntary (sec. 1007)—a principle consistently adhered to with regard to Federal support of family planning services—and that none of the funds appropriated under the title would support programs using abortion as a method of family planning (sec. 1008).

The ACT (P.L. 91–572) contained two other major provisions. One called for the establishment of an Office of Population Affairs within HEW to be headed by a newly created and appointed Deputy Assistant Secretary for Population Affairs. The other called for the formulation by HEW of a five-year plan for accomplishing the objectives of P.L. 91–572. The Five-Year plan was to include an indication of the number of individuals to be served by family planning programs for which the Secretary of HEW has responsibility, the type of informational and educational material to be developed, plans for its distribution, the focus and objectives of Federally supported population research and training to be supported under title X, and an estimate of the costs and personnel requirements needed to meet the objectives of the Act and title X. A provision was also included calling for the establishment of a reporting system for gathering comprehensive data on family planning services administered or supported by HEW. The data gathered by this system was to serve as the basis for HEW's evaluation of the family planning services being provided.

Each year for the five years following formulation of this plan, the Secretary was required to submit a report to Congress. Each report was to include a comparison of the results achieved in the preceding year with the objectives established for such year by the plan and was to indicate the steps projected for implementing the plan in its remaining years. The Secretary was also to report on revisions in the plan and to make recommendations for additional legislative or administrative action necessary for carrying out the plan.

The first funds to be appropriated under the new title X of the PHS Act became available in fiscal year 1971. Regulations governing project grants were published in September 1971. The appropriation was small, less than one-tenth the amount authorized, and served primarily as developmental money for a limited number of project grants.

In October, 1971, the Five-Year Plan was submitted. It provided the basis for directing programs, authorized by title X and other appropriate laws for which the Secretary has responsibility, toward reaching the goals set forth in that plan.

The plan set forth goals in four basic areas: population research, family planning services, training, and education.

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected at its goal making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated that 90,000 family planning personnel would be needed by fiscal year 1975, and, in addition, 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

With an appropriation ten times that of the preceding year, it was possible in fiscal year 1972 to begin widespread title X support for family planning services. Administrative authority for distributing this funding was vested in the National Center for Family Planning Services (NCFPS) which had been established earlier. Revised regulations governing project grants and new regulations for training grants were also published in 1972. As a result of these developments, by the end of fiscal year 1972, 271 projects were being funded with monies authorized under title X. These increases took place, in part, as family planning services under title V of the Social Security Act decreased.

Since 1972, actual support for family planning programs has been frozen at the same level. The increase in appropriation levels has reflected mainly the administrative transfer to HEW of family planning projects previously funded under the Office of Economic Opportunity's special emphasis program. Each year, since 1972, large numbers of OEO family planning projects came under the administration of HEW and the funds for these projects were appropriated under title X instead of the Economic Opportunity Act. Table A provides a budget history of title X.

TABLE A.—FAMILY PLANNING SERVICES, PHS ACT, TITLE X

[In millions of dollars]

Fiscal year and grant program	Authorization	Budget request	Appropriation	Obligation	Outlays
1971:					
Project grants, sec. 1001	30.000	[1]6.000	6.000	0	0
State formula grants, sec. 1002	10.000	0	0	0	0
Training, sec. 1003	2.000	0	0	0	0
Research, sec. 1004[2]	30.000	0	0	0	0
Information and education, sec. 1005	.750	0	0	0	0
Total	72.750	6.000	6.000	0	0
1972:					
Project grants, sec. 1001	60.000	55.000	55.500	61.467	15.844
State formula grants, sec. 1002	15.000	0	0	0	0
Training, sec. 1003	3.000	3.000	3.000	2.988	.17
Research, sec. 1004[2]	50.000	2.615	2.615	2.586	.287
Information and education, sec. 1005	1.000	.700	.700	.686	.50
Total	129.000	61.815	61.815	67.727	16.198
1973:					
Project grants, sec. 1001	111.500	111.500	111.500	79.500	87.570
State formula grants, sec. 1002	20.000	0	0	0	0
Training, sec. 1003	4.000	3.000	3.000	2.991	2.536
Research, sec. 1004[2]	65.000	2.615	2.615	2.507	2.054
Information and education, sec. 1005	1.250	.909	.909	.600	.347
Total	201.750	118.024	118.024	85.565	93.507

Footnotes at end of table.

TABLE A.—FAMILY PLANNING SERVICES, PHS ACT, TITLE X—Continued

[In millions of dollars]

Fiscal year and grant program	Authorization	Budget request	Appropriation	Obligation	Outlays
1974:					
Project grants, sec. 1001	111.500	[3] 124.909	94.500	[3] (124.909)	(117.674)
State formula grants, sec. 1002	0	0	0	0	0
Training, sec. 1003	3.000	3.000	3.000	(3.000)	(4.230)
Research, sec. 1004 [2]	2.615	2.515	2.515	(2.515)	(2.286)
Information and education, sec. 1005	.909	.600	.600	(6.00)	(.494)
Total	118.024	[3] 131.024	100.651	[3] (131.024)	(124.684)
Total, existing law	521.524	316.863	286.454	(284.316)	(202.183)
1975:					
Project grants, sec. 1001	150.000	94.500			
State formula grants, sec. 1002	0	0			
Training sec. 1003	4,000	3,000			
Research, sec. 1004 [2]	60.000	2.515			
Information and education, sec. 1005	1.500	.600			
Total	215.000	100.615			
1976:					
Project grants, sec. 1001	175.000				
State formula grants, sec. 1002	0				
Training, sec. 1003	5.000				
Research, sec. 1004 [2]	75.000				
Information and education, sec. 1005	2.000				
Total	257.000				
Total, S. 66	472.500				

[1] Supplemental appropriation requested with availability until the end of fiscal year 1972.

[2] Sec. 1004 funds have not been used to support basic research on family planning and population growth. Funds authorized under the broader authority of Public Health Service Act sec. 301 have been used for this purpose and are reflected in related obligations, National Institute of Child Health and Human Development, set forth below.

[3] Includes $30,409,000 of released, impounded 1973 money.

FAMILY PLANNING SERVICES, RELATED OBLIGATIONS

[In millions of dollars]

Fiscal year	Social Security Act title V project grants for services	Office of Economic Opportunity	National Institutes of Child Health and Human Development, PHS Act, sec. 301 Population Research	Total
1971	31,285	23,800	28,400	103,485
1972	27,000	24,000	40,000	91,000
1973	19,000	15,000	38,800	73,800
1974	19,000		51,100	70,100
1975		(1)	45,900	

[1] Transferred to formula grants.

In fiscal year 1973, about 400 family planning services project grants and approximately 3300 clinics were supported by funds appropriated under section 1001 of the PHS Act. These projects provided services to an estimated 1.3 million women, up from 860,000 in fiscal year 1971 and 1.05 million in fiscal year 1972. By the end of fiscal year 1974, there were 282 project grants and over 3500 clinics serving upwards of two million women. The decrease in the number of project grants between fiscal years 1973 and 1974 is due to the HEW policy of consolidating numbers of small clinics under one grant. The grantee is a public or private, State-wide or substate coordinating agency, with which the individual clinics contract to provide services in their localities.

The individual projects receiving support vary considerably in the number of clinics they contract with and in the size and characteristics of the population and geographic areas they serve. Programs offer both social services and medical services. The social services include counseling which is often based on the informational and educational materials prepared by HEW under section 1005 of the PHS Act. The medical services provided include general medical examinations, pelvic and breast examinations, pap smears and other diagnostic laboratory tests, as well as the provision of infertility services and contraceptives. In addition to being of specific utility in dealing with the medical aspects of family planning, the medical services provided are of major value as a source of preventive health care for women of childbearing age.

As family planning centers have developed and become fully operational, the cost per patient visit has been reduced, further optimizing the benefits obtained from funds provided to individual projects. Although family planning services have continued to expand and demonstrate their effectiveness and value, it appears that certain population groups requiring these services are not being reached. These groups include teenagers, especially males, emotionally ill persons, and American Indians. The problem of reaching these individuals is being pursued through various educational programs conducted with funds authorized by section 1005 of title X.

In efforts to expand the accessibility of family planning services to these currently underserved groups, there must be strict adherence to the statute's mandate that all family planning services may be provided only on a voluntary basis and with full and informated consent. In reaching these new groups, which have been underserved in the past, the Committee believes that provision of contraceptive services should be preceded by counseling about the consequences and significance of a decision to use contraceptives.

In the process of such counseling, the Committee believes that unmarried teenagers, where feasible, should be encouraged to involve their family in their decision about use of contraceptives.

It is estimated there are at least 3 million individuals wishing family planning services but unable to obtain them either due to economic reasons or the inaccessibility of the services. Many rural areas still do not have easily accessible family planning services.

The broad authority for family planning services contained in title X is designed to insure that these services are available to persons of all incomes who want them but would not otherwise be able to obtain them. Because family planning services have been particularly inaccessible to low income women, priority attention has been given to serving this particular disadvantaged group by Congressional enactment of specific legislative authorities to supplement title X: amendments to title IV-A, Aid to Families With Dependent Children (AFDC), and title XIX of the Social Security Act. These changes, contained in the Social Security Amendments of 1972 (P.L. 92-603), made it mandatory under title IV-A for States to offer and provide voluntary family planning services to AFDC recipients who are of childbearing age; increased the Federal matching share under title IV-A; made family planning a mandatory benefit under title XIX; and increased the Federal share for family planning services under title XIX.

An almost total revamping of the social services provisions of the Social Security Act was enacted in P.L. 93-647, the Social Services Amendments of 1974, which created a new title XX of that Act reshaping and replacing much of the title IV-A social services provisions. The provisions will take effect October 1, 1975.

The new title XX contains all three key family planning provisions which are part of the current title IV-A legislation; a priority federal matching rate of 90 percent (all other services are matched at 75 percent) established in 1972; the requirement that states must provide family planning services under their social services and welfare programs; and a one percent penalty of state AFDC payments for non-compliance with the statutory requirements established by the 1972 Social Security Amendments.

Section 1003 of PHS title X provides specific authorizations for appropriations for training grants and contracts for training of personnel to carry out family planning services programs. 16,200 personnel have been trained in fiscal years 1972 through 1974, and it is projected that 6200 will be trained in fiscal year 1975. These trainees represent all elements of the family planning clinic staff with special attention being given to regional and local staff priorities in the establishment of training programs.

The Special Subcommittee on Human Resources heard compelling testimony on the contributions made by nurse midwives to more responsive and effective family planning services. The Committee urges the Department to encourage the development of training programs for these highly trained and specialized nurses under all appropriate training authorities.

Section 1004 of title X provides specific authorization for appropriations to promote and support research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population policy. General authority for conducting biomedical research on family planning and population growth was already contained in section 301 of the PHS Act when title X was added to this Act in 1970. HEW chose to use the appropriations made under section 1004 for delivery oriented, or operations, research. This is research of an evaluational nature so that, rather than increasing basic information about population growth and the biomedical aspects of family planning, it focuses on modes of operation and administration of services and on methods of planning service programs. Contrary to Committee intent, the other family planning and population research which could have been carried out under section 1004, has instead been conducted through the National Institutes of

Child Health and Human Development using funds available under section 301 of the PHS Act. The reported bill would amend section 1004 to clarify and reinforce this Congressional intent.

Section 1005 of title X provides specific authorizations for appropriations for grants and contracts to assist in developing and making available family planning and population growth information (including educational materials) to all persons desiring such information or materials. Some efforts have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs until 1973 to make a perceptive impact on the expansion of such programs or the development of new ones. During testimony before the Special Subcommittee on Human Resources in May 1973, the Department advised that a special assistant to the Assistant Secretary for Population Affairs had been named who would have as a primary responsibility the stimulation of population education activities.

The development and dissemination of educational and informational materials under title X have been instrumental in reducing information barriers about the availability of family planning services funded by H.E.W.

Only through the expanded provision of both information and services can all couples be enabled to make and effectuate free decisions on the size and spacing of their families. In addition, the materials have helped family planning professionals to interpret the latest medical, social, and cultural developments in the family planning field, thereby enabling them to improve the quality of services they provide.

One of the factors contributing to the success of the Federal family planning program has undoubtedly been the Five-Year Plan called for by P.L. 91–572. This Plan and the annual reports submitted to Congress outlining progress toward fulfilling its objectives have made possible Congressional evaluation of existing policies and practices in the field, and determination of the need for new ones. However the Committee wishes to note with dissatisfaction that the Plan and reports have lacked the information needed to delineate the actual measures to be taken to fulfill the Plan's objectives, and have always been submitted late. The reports have also failed to specify what new initiatives are planned to provide services to the large number of low and marginal income families currently unable to obtain them.

Another area of difficulty in Federal support for family planning services comes from a new Federal emphasis on seeking third-party payments for services received. While it is certainly reasonable and desirable to obtain all third-party reimbursements appropriate for services provided, there is the danger that financial policies formulated to insure such reimbursements will limit the provision of subsidized family planning services to only those persons receiving public assistance under Medicaid. Should such a fiscal policy emerge, it would restrict services to only certain low-income persons, whereas the legislation requires that priority be given to all low-income persons and does not limit services to only low-income persons.

An issue which has raised considerable controversy is the issue of informed consent in connection with sterilization procedures. The title X regulations require that all methods of contraception be offered in family planning clinics, and medical opinion supports vasectomies and tubal ligations as safe, effective contraceptive procedures. New regulations, issued by HEW in response to a recent decision by the U.S. District Court for the District of Columbia, require that projects using Federal funds for nontherapeutic sterilizations instruct legally competent candidates for the procedure of the full nature of the operation, its irreversibility, and side effects, and specifically inform them in writing that a decision not to be sterilized will not result in the denial or withdrawal of any other benefits to which the candidate is entitled. The regulations in addition, in response to suggestions made by the Chairman and members of the Special Subcommittee on Human Resources, require a 72-hour period to lapse between the time the patient voluntarily gives formal consent to be sterilized and the time the procedure is performed.

Recent reports of violations or lack of knowledge of these regulations have raised questions about the effectiveness of H.E.W. implementation of those regulations and its activities to oversee compliance. The Chairman of the Special Subcommittee on Human Resources has brought the Committee's concerns in this regard to the attention of the Secretary in a letter urging that (1) emergency steps be taken to bring the regulations to the attention of every hospital and obstetrician throughout the nation; (2) all State officials responsible for administering any family planning programs under the Social Security Act or coming into contact with programs supported under title X of the Public Health Service Act be contacted immediately by appropriate HEW officials to ensure they are fully aware of the regulations and to secure their assistance and cooperation in ensuring compliance within the State; (3) the Department immediately institute a nationwide surveillance program through the Center for Communicable Disease to monitor compliance with the regulations; and (4) the Department move promptly to improve and issue regulations governing sterilization procedures.

Guidelines establishing a moratorium on Federal support for sterilization of persons under 21, or otherwise legally incapable of giving informed consent, remain in effect.

Another policy which has given rise to concern in some sectors is that of consolidation of small grants under one "umbrella" grantee, mentioned above. This policy evolved with the transfer of many small OEO clinics to HEW, and was an attempt to streamline the management of the clinics and to reduce costs. In most cases, clinics were consolidated under the existing HEW grantees, which were either health departments or private nonprofit coordinating councils. With the completion of the OEO transfers during fiscal year 1974, only minimal further consolidation should be undertaken by HEW.

On the other hand, the Committee does support HEW's intention to stress greater integration of comprehensive family planning services into other health care settings such as neighborhood health and migrant health centers. This move was initiated—in keeping with the intent of the legislation to make family planning services widely available—because it was felt that other ambulatory health service programs funded by HEW did not provide a sufficient range of family planning medical and social services to their clients. The new policy also highlights the preventive health nature of family planning services and the value of such services as an integral part of ambulatory health care.

PROPOSED LEGISLATION

In considering the family planning program conducted under the 1970 Act the Committee was generally impressed that it has worked very well and on the whole has simply extended the title X authorizations of appropriations through fiscal year 1976 with a modest increase in the amounts authorized to be appropriated. Several sections of the present law were viewed as needing strengthening and clarification, and are therefore amended substantially. The increased authorizations, amendments, and other Committee concerns are discussed below.

Increases in Authorizations of Appropriations

The extension of the family planning services project grant program for two more years indicates the high regard with which the Committee views the accomplishments of this program in providing excellent family planning services to more than a total of 3 million women in the United States. This program must continue to increase its capacity to assist all who want and need such services so they can successfully plan their families and avoid unwanted pregnancies.

Therefore, the Committee has authorized $150 million for fiscal year 1975 and $175 million for fiscal year 1976 for the continuation and expansion of the program under the Act. This is an additional authorization of $25 million and $50 million, respectively, above the funding level of $125 million available this year for obligation after the release of formerly impounded funds. The Committee has provided this additional authority so that approximately 400,000 new patients may be provided with family planning services each year, bringing the total number served by organized programs and other resources, assuming current levels of commitments are maintained, to 5 million individuals by the end of fiscal year 1976.

For other parts of the program the Committee has chosen to authorize appropriation of the amounts which the Five-Year Plan shows as needed and capable of effective expenditure. The unused State formula grant authority has not been reauthorized. The various authorizations of appropriations are shown in the cost estimates table.

The Five-Year Plan for carrying out the mandate of the 1970 Act estimated needed Federal expenditures for population research at $75 million for fiscal year 1973, $100 million for fiscal year 1974, and $125 million for fiscal year 1975. However, due to budget stringencies and executive impoundment of funds, the program has consistently remained at the fiscal year 1972 funding level of about $40 million until this fiscal year. The Committee has thus revised funding authorization levels for the program in order to reflect the present capacity of the field to expand and absorb increased funds over the next two fiscal years.

In view of the $51 million level of H.E.W. expenditures for population research programs in fiscal year 1974, the Committee believes that $60 million can be used wisely and effectively in fiscal year 1975 and proposes to enable the program to return to orderly growth in fiscal year 1976 by increasing the authorization to $75 million.

Amendments to research authority

The present law in section 1004 provides authority for the Secretary to make grants and contracts for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

However, appropriations in the past under this section have provided for support of only operational research activities in the field of family planning. Population research has been conducted, directly and through contracts and grants, by the Center for Population Research in the National Institute of Child Health and Human Development. Research areas with which the Center is concerned are development and medical evaluation of contraceptives, human and animal reproductive biology, behavioral sciences, and social sciences, including demography. Appropriations for these activities have been made under the general authority provided by section 301 of the PHS Act, rather than the specific authority of section 1004. They have been conducted within the facilities of the National Institutes of Health and by grants and contracts to universities, research institutions, and other private or public entities.

The amended section 1004 clarifies earlier Congressional intent to provide specific funding under title X of the PHS Act for the study of biomedical and behavioral aspects of population and population growth; the investigation of new contraceptive drugs and devices; and the conduct of operational research as it relates to the implementation of family planning service programs. Thus, a specific requirement has been added to section 1004 that it, rather than section 301, be used for all family planning research in order to increase program accountability and integration under the Deputy Assistant Secretary for Population Affairs and to encourage program growth. Recognizing that, with the exception of family planning operational research, much of the authorized population research is conducted by scientists in the facilities of the National Institutes of Health, the Committee has provided, through the amended section, authority for the Secretary to conduct research as well as make grants and enter into contracts with public or private entities and individuals for the conduct of such research.

The requirement that research in human reproduction and population dynamics be supported under the specific authority created by title X of the Public Health Service Act is intended to foster the program accountability and visibility of these activities and to increase coordination among all authorities in title X and related programs in H.E.W. and other Federal agencies and departments through the Office of the Deputy Assistant Secretary for Population Affairs. With population research a clearly identifiable item in the budget, Congress will be better able to monitor the progress and growth of the program.

While population research and family planning services research will continue to be, respectively, the responsibilities of the Center for Population Research and the Health Services Administration, the Deputy Assistant Secretary for Population Affairs will continue to coordinate these activities and will report, through the Secretary, to Congress on the results of these activities as provided in the proposed section 1009.

FAMILY PLANNING 5-YEAR PLAN

The Family Planning and Population Research Act of 1970 (P.L. 91-572) called for the development of a plan, which would set forth the objectives of the Federal population research and family planning programs and for the training of the necessary manpower for such programs. That law required the Five-Year Plan to indicate, on a projected annual or other calendar basis, in quantitative terms the specific objectives to be reached in such periods in fulfilling the goals of the Five-Year Plan.

The Act required submission of the Five-Year Plan to Congress six months after enactment of P.L. 91-572 and of annual progress reports each January 1 thereafter setting forth the degree to which objectives were achieved for the preceding fiscal year.

The Committee has repealed this section and inserted the plan provisions into a new section 1009 added to PHS title X. These provisions have been amended to provide that an updated and revised Five-Year Plan be submitted not later than four months after the close of each fiscal year, rather than the simple chronicle of a record of achievement which had been required previously under the annual progress report provision.

The Committee believes planning should be a continuous process and that this holds especially true in the rapidly changing fields of population research and family planning. Thus, a continuous update and revision of the plan is required to reflect the prevailing and anticipated role of family planning within the context of the total health system, and prevailing and anticipated changes resulting from behavioral, biomedical, and social research in the population field. The Committee recognizes that public attitudes towards family planning, for example, have measurably changed since the enactment of the Family Planning and Population Research Act of 1970, due in substantial part to the Federal activities authorized by the Act, and believes that these changes must be reflected in the Plan as it is updated each year.

The Committee intends that the next Five-Year Plan and its subsequent revisions specifically address and assess the availability and adequacy of the provision of family planning services for the general population, and identify the deficiencies in the provision of services to certain groups or subgroups. Within this context, the plan and each annual update should delineate which services needs can and should be met by organized programs generally, and which service needs can be met under this title and under other laws for which the Secretary has responsibility. Both the research and service plans should be designed to provide Congress with projected timetables to meet their stated goals, including the Federal funding projections for title X, and for other laws for which the Secretary has responsibilities, which are necessary for the achievement of the objectives.

The Committee expresses displeasure that H.E.W. has failed to meet its January 1 deadlines for plan submission in the past, and, in conformance with the aims of Congressional budget reform, the reported bill requires that the next plan and its subsequent revisions be submitted to Congress not later than four months after the end of each fiscal year. The importance of the plan being submitted in accordance with this schedule has been intensified by enactment of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) which requires legislation authorizing appropriations in the succeeding fiscal year to be reported to the floor of both Houses of Congress by May 15 prior to the commencement of such fiscal year (under that Act moved to October 1). In order to meet the deadline, the Congressional Committees must have the information contained in the plan before them in ample time to give full consideration to any changes in legislation which may be necessitated by information contained in the plan.

The Committee recognizes that the authorization under the present bill is for two years duration and that the plan called for covers a five year span. Thus, the plan should be specific for the years in which the authorization applies and general for the years beyond. The general portion should present alternatives for consideration by Congress in the formulation of sound policy in the fields of family planning and population research with suggested authorizations of appropriations for the alternatives. It is not the intent of the present bill to set up a planning process in which measurement of success will be simple statistics on numbers of people served. There should be a substantive status report with comparisons of achievements against objectives established for the fiscal year in question. Should objectives change between the time the plan was drafted and the time the report is developed, such changes and the reasons therefor should be explained.

Voluntary Participation and Informed Consent

With the enactment of the Family Planning and Population Research Act of 1970 (Public Law 91-572), Congress provided explicit directions (in the new title X added to the Public Health Service Act) to guarantee that participation in the program be entirely voluntary and free from any form of coercion or pressure. Voluntary participation has remained a basic premise of programs supported by title X funds and by other laws for which the Secretary has responsibility. The Committee continues to require that participation by any individual in the program is to be voluntary and free of compulsion or coercion of any kind, and that no person will be required to receive family planning services or information under the Act as a prerequisite to eligibility for or receipt of any other services, assistance, or information. The Committee believes that appropriate informed consent should be obtained from each person and that the basic elements of informed consent shall include (1) a fair explanation of the procedures to be followed, including an identification of any which are experimental; (2) a description of any attendant discomforts and risks reasonably to be expected; (3) a fair explanation of the likely results should the procedure fail; (4) a description of any benefits reasonably to be expected; (5) a disclosure of any appropriate alternative methods or procedures that might be advantageous; (6) an offer to answer any inquiries concerning the procedures; and (7) an instruction that the subject is free either to decline entrance into a project or to withdraw his or her consent and to discontinue participation in the project or activity at any time without prejudicing future care. The Committee believes that these guidelines must be applied with regard to the provision of any medical procedure or service, and in connection with the participation of a patient in any research program authorized under the provisions of title X of Public Health Service Act.

Grant Consolidation

The original title X legislation authorized two funding mechanisms for the support of family planning programs: a project grant program of direct assistance to local public and private nonprofit agencies and a program of grants to state health agencies, on a formula basis, to enable them to assist local programs in planning for, and delivering family planning services. HEW did not request any funds for the formula grant authority in its first three years and accordingly, the Congress let the authority lapse in the Public Health Services Extension Act of 1973. Few state health agencies have made substantial progress in assuming a stronger role in the provision of effective administrative, planning and technical assistance support to local programs.

The number of full-time state health agency administrative personnel assigned to family planning has remained almost constant for the past three years and is far below what the HEW Five Year Plan itself indicates is appropriate.

In extending the project grant program, the Committee is mindful of these facts and intends that HEW must continue to have direct responsibility for the monitoring of local projects, the provision of technical assistance and training, as needed, and the allocation of resources between projects. There may be circumstances which warrant the consolidation of the applications of local grantees within specific communities, where their programs may be better coordinated as a result, or gain certain cost benefits through sharing of operational costs. When any such consolidation is undertaken, however, it is imperative that it takes place at the community level, that it be undertaken only with the agreement and participation of all affected programs, that no one agency be in a position to determine or unduly influence the allocation of resources to other potential family planning providers, that all potential providers be able to participate in the basic policies governing the implementation of the grant, and that HEW provide adequate resources to foster a meaningful, programmatic consolidation and coordination. A systematic attempt by HEW to consolidate local project grants under the control of state agencies and to shift a large part of the administrative responsibilities and of the decisions as to resource allocations to these State agencies would be contrary to the intent of the law.

The Committee believes the objective enunciated in the third progress report on the Five-Year Plan submitted in April, 1974 ("consolidating projects to encourage State agencies to take responsibility for grants administration and to obtain the benefits of economies of scale . . .") is in direct opposition to the project grant approach authorized by title X.

In addition, the Committee notes with disapproval the statement made in the documents released to the press February 3, 1975, by H.E.W. accompanying the announcement of the fiscal year 1976 budget that:

> Beginning in 1975, a number of existing family planning project grants will be consolidated and will be awarded as single project grants made directly to the State governments rather than directly to individual grantees. The consolidation will give States a greater opportunity to decrease administrative overhead costs since some functions can now be conducted centrally rather than by each individual grantee. Such savings also can help to offset the proposed reduction in Federal funds for project grants.

The Committee believes that since family planning services projects are established to meet the needs of the residents of the community, consolidation at the State level, and particularly through a State agency, would place an unnecessary barrier between the administration of the program and the individuals it seeks to serve.

Although the Committee believes that strict adherence to the directions in this Report would limit the necessity or applicability of such procedures, the Committee does approve the written assurance made in a letter from the Assistant Secretary for Legislation, Stephen Kurzman, of May 31, 1974, to Senator Cranston, the Chairman of the Special Subcommittee on Human Resources, with respect to certain kinds of consolidation activities, as follows:

> 3. In the future, *prior* to the final sign off in the regional office of any grants awarded which would further consolidate family planning projects, the Regional Health *Administrator* would advise the Deputy Assistant Secretary of his plan to award a consolidated grant, giving the Office of Population Affairs opportunity to review the decision and comment on it; *the opportunity to review does not give authority to override the Regional Health Administrator's decision prior to his sign off;*
>
> 4. The Deputy Assistant Secretary would continue to have the authority to override such a consolidation *after* the fact if it was determined to be unwarranted.

Program Staffing

The Committee believes that the clear line of authority, under the Act, between the Deputy Assistant Secretary for Population Affairs and the Office of Population Affairs and family planning services and research programs have become eroded and blurred despite statutory requirements. The massive reorganizations which have occurred within H.E.W., both at the national and regional levels, and the reassignment of specialized staffs to general and often multitudinous responsibilities have resulted in a situation which threatens the accountability that should stem from line authority.

It is imperative that in each region, in the Health Services Administration, and in the Office of Population Affairs, there be sufficient, full-time, specialized staff assigned solely to monitor, evaluate, and assist programs on an ongoing basis. The Committee directs that a minimum of one senior staff be assigned solely to this program in each region and that, when warranted (by size, workload, program and fiscal responsibilities of the individual region), they be supplemented by additional full-time specialized staff.

National Reporting System for Famliy Planning Services

The Committee has added language to the law mandating the continuation and improvement of the National Reporting System for Family Planning Services. The existence of this reporting system has made it possible for the program to develop rapidly in an accountable way. Not only has it facilitated program development and management but it has also made it possible to monitor the types and amounts of services rendered, and the financial and social characteristics of those served. The purpose of the System is twofold: to provide national statistical data, and to provide statistical data for clinic, project, and agency management and evaluation. The System's output could be improved to provide local project administrators more useful and timely information, and HEW is urged to make such modifications and to provide the resources to finance them. It is imperative for the Secretary to mandate that other departmental reporting systems for family planning services (such as for Medicaid and titles IV–A and XX family planning services) be developed and be compatible with the NRSFPS. In spite of the existence of the National Reporting System, HEW has yet to develop an agency-wide system which is capable of providing the Congress with unduplicated counts of services given and accurate expenditure reports. The Committee expects this deficiency to be corrected promptly.

Economic Nondiscrimination

It is the Committee's belief that the health, social, and economic benefits of family planning to both individuals and to our society warrant a program approach which guarantees that a person's economic status shall not be a deterrent to obtaining and utilizing services. It has accordingly added language to express this intent. There is evidence that HEW has occasionally adopted a contrary approach. Although the Committee supports a genuine effort to strengthen the participation of Medicaid and other third-party reimbursement mechanisms in the financing of family planning and other health programs—the current financial policies pursued by the Department—in an attempt to make programs self-sustaining, the Committee is concerned that such an effort could limit the provision of subsidized family planning services only to public assistance and Medicaid recipients. Such a policy would make it impossible for family planning to assist individuals and couples to avoid the dependency that often results from involuntary pregnancy.

An additional by-product of such a policy could, if sufficient safeguards are not instituted, be the application of a means test to determine ability to pay for services should there be no third-party coverage. The Committee directs that guidelines be developed which would state that any collection of personal financial information, while permissible for research purposes, shall not be used to deny access to services. The requirement that low-income individuals be given priority for services can effectively be met by locating projects in areas where significant numbers of persons are in need of title X services by virtue of lack of income or the inaccessibility of services.

The Federal family planning effort must serve not only the poorest of the poor but also persons of marginal low income for whom the cost of preventive services is a particular burden as well as all persons who for economic or other reasons have difficulty in obtaining the services they need and want.

Family planning services are vital preventive health services and, though widely available to the majority of Americans who are not poor, may not be accessible to economically less fortunate individuals. Family planning services, as defined in this amendment, must be made available through a variety of delivery systems designed to serve low-income persons. The Committee encourages the use of funds otherwise authorized by this bill for the provision of family planning services, not only in specialty clinics, but, where such facilities do not exist or are impractical, in entities devoted to comprehensive health care for low-income families.

The Committee believes that comprehensive health care programs, particularly those concerned with maternal health, should include family planning in the services they routinely provide, and stresses that it is essential that there be close coordination and, whenever possible, integration of family planning services into all general health care programs. In addition, the Committee believes that family planning services under title X generally are most effectively provided in a general health setting and thus encourages coordination and integration into all programs offering general health care.

The Committee further believes that it is essential that family planning services programs provide an opportunity for active participation of representatives of the community in the policy-making decisions of each program.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-three minutes.

Mr. KENNEDY. I thank my ranking Republican member (Mr. SCHWEIKER) for illuminating these thoughts on this important provision. We have attempted to work with the administration's concerns. We recognize that there has to be an administrative tightening up of these programs, and I would say this bill accomplishes it.

Mr. President, I send an amendment to the desk for the distinguished Senator from Washington (Mr. MAGNUSON), Mr. JAVITS, and myself.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 291 insert between lines 8 and 9 the following:

NATIONAL HEALTH SERVICE CORPS

SEC. 265A. Section 329 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end thereof the following new subsection:

"(j) notwithstanding the provisions of any other law or any regulation issued thereunder, the Secretary of Health, Education, and Welfare may for the fiscal year ending June 30, 1975, recruit, employ, and assign health professionals as members of the National Health Service Corps: *Provided*, That at no time during such fiscal year may the total number of individuals serving as field assignees in the National Health Service Corps exceed five hundred and fifty one.".

Mr. KENNEDY. Mr. President, I submit this amendment today on behalf of my close friends and colleagues Senators MAGNUSON, JAVITS, and myself. This simple but necessary amendment will permit the orderly and absolutely essential expansion of the National Health Service Corps during this fiscal year. The basic authority for the Corps expired last June along with the rest of the health manpower legislation. Accordingly, the funding for the Corps is contained in the continuing resolution which limits the Corps' field strength to the fiscal year 1974 level of 405 positions. The planned expansion of the Corps for fiscal year 1975 requires that this ceiling be increased by 146 to a total of 551. That is all this amendment does. This amendment is consistent with the Department of Health, Education, and Welfare recruitment program for the Corps. The amendment does not require any additional appropriations for this fiscal year. And the amendment in no way prejudices the consideration in the Congress of the substantive revisions of the health manpower legislation, including the National Health Service Corps, now underway.

The senior Senator from Washington initially authored the National Health Service Corps legislation 5 years ago. As chairman of the Labor HEW Appropriations Subcommittee, he has been instrumental in the growth of the Corps. As chairman of the Health Subcommittee, I have always been a strong supporter of the Corps. Our commitment to its vitality and expansion will continue.

Last year the Congress saw fit to consider revisions to the Corps' basic authority in the context of the comprehensive health manpower legislation. This, of course, made good sense given our interest in attempting to overcome the fundamental problem of geographic maldistribution of health professionals. 1975 will be the year in which the Congress passes legislation which for the first time will significantly attack this problem. And the National Health Service Corps is an essential ingredient in meeting this problem. Consequently I believe that the Congress must consider the changes in the Corps' basic authority in the context of its consideration of the overall manpower program. This is particularly the case, if we reach the decision that student aid must become the principal mechanism for the funding of health professions education instead of institutional support.

The amendment we have offered today is an appropriate stopgap measure which will permit the Corps to continue without interruption or dislocation for this fiscal year.

The executive branch and particularly the Office of Management and Budget should be aware of the fact that there has been, is now, and will continue to be overwhelming bipartisan support in the Congress for the Corps. If this amendment is adopted, the Congress will expect that all of these positions will be made available to the Corps.

Mr. SCHWEIKER. Mr. President, I certainly want to agree with the Senator from Massachusetts and urge the support of this amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator MAGNUSON's statement in support of this amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR MAGNUSON

I offer this amendment for myself and for the Chairman of the Health Subcommittee, Senator Kennedy.

The amendment Senator Kennedy and I offer is identical to S. 915 a bill that we jointly introduced on March 3.

Our amendment is very short and will—I am sure—have the support of the entire Senate.

Its enactment will enable the National Health Service Corps to assign critically needed doctors and other health personnel to more than 100 communities this summer.

If it is *not* enacted then those communities may well *not* get those doctors and other health personnel.

The issue is just that clear.

As the author of the legislation that created the National Health Service Corps and as Chairman of the Health Appropriations Subcommittee, I feel strongly that this problem deserves our quick action.

We just cannot afford to let a technicality stand between those communities and these doctors.

Briefly—let me explain how the problem arose and how our amendment would solve it.

The National Health Service Corps Authorization expired at the end of Fiscal 1974.

Last year a new Authorization was considered by the Congress in conjunction with the much broader and controversial health manpower bill.

The Conference Committee that was convened last year to consider that legislation essentially agreed on a new authorization for the Corps.

However, the conferees were unable to reach agreement on the broader health manpower bill. Consequently—no legislation emerged from the conference and the National Health Service Corps was left without authorization.

Without authorization the Corps is operating under the continuing resolution. It is—therefore—limited to its Fiscal 1974 field strength of 405 positions or assignees.

Because of the constant prodding from the Congress, the Department of HEW has over the past several months carried out an intensive and quite successful recruitment program.

As a result of that effort over 200 physicians and other health professionals have been recruited and are scheduled for assignment this summer. But—and this is the critical point—the Corps will not be able to accept those new recruits this summer unless its current authorized field position strength is increased from the 405 positions allowed under the Continuing Resolution to 551. That is precisely what our amendment would do and all it would do.

It would *not* require any additional appropriations for this Fiscal Year. It would *not* interfere with the legislative committees' proper role in writing new authorizing legislation and it is entirely consistent with the Department's recruitment effort.

But time is of the essence and I urge the Senate to adopt our amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. JAVITS. Will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Louise Ringwalt, of Senator CRANSTON's office, be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SCHWEIKER. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCHWEIKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 180, insert between lines 23 and 24 the following:

"(viii) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, maximum efforts to guarantee employment to employees who may be affected by any plan or program funded in whole or in part under this title, and training and retraining where necessary.".

On page 180, line 24, strike "(viii)" and insert in lieu thereof "(ix)".

On page 182, strike lines 11 through 15 and insert in lieu thereof the following:

(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to insure the availability of appropriate non-institutional services for such persons and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;".

Mr. SCHWEIKER. Mr. President, on behalf of myself, Mr. KENNEDY, Mr. WILLIAMS and Mr. JAVITS, I offer this amendment.

The planning requirements under title II of S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act recognize the need for a balanced system of mental health care. The plan requires both the upgrading of mental institutions and the reduction of inappropriate placement of persons in institutions.

Deinstitutionalization, however, could have harmful consequences for many employees of mental health institutions across the country, which the committee does not intend. Deinstitutionalization has meant and could continue to mean the closure or merger of hospitals, cutbacks in hospital staffs or the transfer of a hospital from one employer to another.

This amendment is designed to improve the state planning process by providing protection for mental health employees, who, as a result of actions taken under authorizations provided under this bill and through no fault of their own, may lose their present jobs or find themselves working for a different employer. It would be particularly ironic if we did not address this problem while at the same time we are considering measures to cope with the current recession.

Legislative precedent for this amendment can be found in the Urban Mass Transportation Act of 1964 and the Juvenile Justice and Delinquency Prevention Act of 1974. The juvenile delinquency bill encouraged a shift in emphasis from institutional to community-based programs similar to that in the legislation before us today. The employee protection language was added to that bill on the Senate floor last year by a substantial margin.

The amendment I am offering today merely specifies certain existing rights, which the Congress intends to guarantee for employees affected by activities authorized by this legislation. It makes it clear that it is not the Congress intent to weaken or undermine the economic well-being of these employees. The cost of the amendment would be minimal.

The amendment would insure that hospital employees do not lose such accumulated rights and benefits as seniority rights, pension rights, vacation benefits, and collective-bargaining rights. It merely preserves what the employees already have. It applies when the employee is transferred to a different job with the same employer or when a whole group of employees are transferred to a different employer—for example, when the administration of a State hospital is transferred to a county or regional board. It does not apply when an employee finds an alternative job independently.

Collective-bargaining rights would be preserved when the administration of a facility is turned over to another employer, when the entire employee group is moved intact to a new facility with no additional employees or when employees move into different jobs which are under the same employer and which are covered by the same collective bargaining agreement.

The amendment protects the employees against a worsening of their positions with respect to their employment. Employees would be protected from a reduction in their pay and benefits and a worsening of their working conditions. The amendment implies a reasonable effort to obtain comparable standards rather than exact equality in wages, status, hours, and working conditions.

The employer would be required to make every possible effort to find employment, within the preceding guidelines, for employees who may be involuntarily displaced as a result of the requirements of this legislation. It should be emphasized that the employer referred to in this amendment is the State government—and in some limited instances the county or local government. Methods of achieving this goal should include first priority for other jobs under the same employer. The amendment also implies a substantial and good faith effort to find employment for displaced employees under a different employer, if necessary.

It would not, however, require employing a person in a job which he or she is not qualified to perform nor would it require hiring a person in the same job capacity or locality. The subsection is not a featherbedding provision nor does it require continued employment in extinct jobs until the employee chooses to leave.

It is impossible to predict how many people would be involved because it is difficult to predict with accuracy how many institutions actually will close. In the last 5 years, 14 State mental health institutions have closed down. However, we would be unwise not to use the talents and knowledge of thousands of mental health employees, when the country has a shortage of such personnel and when a major problem in State mental health institutions has been too high a patient/staff ratio.

Finally, the amendment would require training and retraining to facilitate the transfer of employees to different jobs and to prevent disruptions from threatening career opportunities. Such training would be on a case-by-case basis and should not be costly. In California, for example, State employees working in programs for the mentally ill which closed down were transferred to State programs for the mentally retarded. They were retrained at a minimal cost—primarily per diem and travel expenses. In addition, many State hospitals have some kind of in-service training which, with some good planning, could be converted into retraining programs with not too great an expenditure of funds.

Mr. KENNEDY. Mr. President, this is an excellent amendment and I am pleased to accept it. There is no cost attached to the amendment, it is simply designed to protect the interests of employees who might be displaced from their jobs directly or indirectly as a result of the health services provisions of S. 66.

In many States, the philosophies of inpatient care for the mentally ill are undergoing a revolution partly as the result of the existence of community mental health centers. Many States are curtailing radically the size and staffing of State mental hospitals as they move more and more patients to an out-patient setting.

Many aspects of this revolution hold great promise for the future of mental health care in our Nation, and we should do nothing to discourage it. In fact, we have addressed one of the problems encountered by States in this area by requiring in S. 66 that community mental health centers establish halfway houses in order to ease the transition of patients from in-patient care to an outpatient setting.

During the process of this shift in mental health treatment, however, it would be tragic in these difficult economic times to leave valuable health professional personnel unemployed or underemployed. The amendment which Senator SCHWEIKER has introduced and which I cosponsor would simply require that States submit as a part of their health plan required under section 314(d), plans for retraining or taking whatever steps are necessary to assure that the employees of these institutions are properly utilized in our health care system in the future.

I urge the Senate to accept this amendment.

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I see the Senator from Oklahoma in the Chamber. We have two other brief amendments which I would like to complete. I understand that the Senator from Utah and the Senator from Maryland are on their way to the Chamber.

I suggest the absence of a quorum, with the time to be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of MATHIAS).

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> The Senator from Massachusetts (Mr. KENNEDY, for the Senator from Maryland (Mr. MATHIAS), proposes an amendment: in the appropriate section of the bill, add the following new section:
>
> "The Secretary shall, within 3 months after the date of enactment of this Act, issue regulations in final form to implement section 799A and section 845 of the Public Health Services Act."

Mr. KENNEDY. Mr. President, I offer this amendment on behalf of my colleague and friend, the distinguished Senator from Maryland. He had offered an amendment in 1971 when we considered the Nurse Training Act, to prohibit discrimination on the basis of sex in the admissions policy of the Nation's health professions schools.

However, HEW has refused to implement this provision and issue regulations for it. This amendment would require HEW, within a period of 3 months, to file those regulations. It seems to be to make eminently good sense.

I support the amendment, and I hope it will be agreed to.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Mr. MATHIAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. MATHIAS

This amendment I am proposing to S. 66 is very simple, yet quite important. This amendment, incidentally, was adopted by the Senate in September, 1974, during consideration of S. 3585, the Health Professions Educational Assistance Act of 1974. Unfortunately, however, the 93rd Congress failed to reach an agreement on the different House and Senate versions of the bill prior to adjournment.

In 1971, the distinguished senior Senator from Michigan (Mr. Hart) and I sponsored amendments to the Health Manpower Training Act and the Nurses Training Act of 1971 designed to prohibit discrimination on the basis of sex in admissions to health related training programs receiving funds under Titles VII and VIII of the Public Health Service Act. These amendments became law in November, 1971.

Under the Mathias-Hart amendments, a health professions institution must provide satisfactory assurances to the Secretary of HEW that it is taking positive steps to assure nondiscrimination in its admission policies. The Office of Civil Rights within HEW has been delegated the difficult and often delicate task of obtaining these assurances and verifying compliance with the assurances on a continuing basis.

The legal ban on sex discrimination covers practically all health profession schools as well as schools of nursing in the country Yet, the Department of HEW delayed the publication of proposed regulations for nearly two years after the Mathias-Hart amendments became law. In fact, it was September 30, 1973, almost 1½ years ago this month, that proposed regulations were published. At that time, HEW set a one month period for public comment on the proposed regulations with a closing date of October 23, 1973. Today, we find that HEW has still failed to issue final regulations to implement the ban on sex discrimination despite the fact that my office was promised in September, 1974, when I initially proposed this amendment to S. 3585, that final regulations would be issued within two weeks.

Congress cannot allow this delay to continue any longer. While I am encouraged by the progress of women since the enactment of the 1971 amendments (according to the American Association of Medical Schools, the number of women enrolled in medical schools has more than doubled), there is little question but that much more can be accomplished if the final regulations were issued and strictly enforced. The amendment I am offering will require the Secretary to issue final regulations within three months following the enactment of this legislation. That is a reasonable time, this is a reasonable amendment, and I urge its adoption.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. SCHWEIKER. Mr. President, this amendment is perfectly acceptable to our side. I think it is a good amendment, and I support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I see the Senator from Oklahoma in the Chamber. Since other Senators are not here, he could proceed at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 336

Mr. BARTLETT. Mr. President, I call up my amendment No. 336.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an amendment numbered 336:

At the end of the bill add a new section as follows:

SEC. . No funds authorized under the Social Security Act may be used to pay for or encourage the performance of abortions, except such abortions as are necessary to save the life of a mother.

The PRESIDING OFFICER. Is this an amendment for which there is a 2 hour time limitation agreement?

Mr. BARTLETT. That is correct. This is the amendment upon which the time agreement was reached.

Mr. President, time and time again, the U.S. Congress has gone on record opposing the use of Federal dollars to finance abortions. We have done this in defense bills, foreign aid bills, and HEW bills.

Presently our law prohibits HEW from administering Federal funds as a means of family planning under the Family Planning Act of 1970.

Unfortunately, the Family Planning Act just scratches the surface of eliminating the Federal Government from the abortion business; and evidently the record of Congress' opposition to abortion financing has gone unheeded.

The last records which were made available to me indicate that in 1973 our Department of Health, Education, and Welfare spent some $40 to $50 million to pay for approximately 270,000 abortions.

Reports I have recently received indicate about the same record for 1974. They do fail to provide us accurate figures in either case.

Mr. President, after learning this information, I introduced last fall an amendment to the HEW appropriations bill which would prohibit the use of HEW funds, our tax dollars, from being used for abortions. This amendment passed the Senate on a voice vote after a motion to table failed in a 50 to 34 vote.

However, the amendment was deleted in conference primarily because the conferees ruled it was substantive legislation in an appropriation bill. However, a majority of the conferees indicated their support for the measure. In their report they said:

> A majority of the Conferees strongly support the apparent intent of the Senate amendment to prohibit the use of public funds to pay for or encourage abortions. Nevertheless, they are persuaded that an annual appropriation bill is an improper vehicle for such a controversial and far-reaching legislative provision whose implications and ramifications are not clear, whose constitutionality has been challenged, and on which on hearings have been held. The rules and traditions of both the House and the Senate militate against the inclusion of legislative language in appropriation bills. The Conferees urge the appropriate legislative committees of the Congress to give early consideration to the enactment into basic law of carefully drawn legislation dealing with the subject of abortion.

Consistent with the wishes of the conference, I am offering this amendment to an appropriate authorization bill.

The effect of this amendment is specific and clear. It would be to prohibit the use of Federal funds for abortions. To my knowledge Federal aid currently comes from aid for dependent children and medicaid funds.

I wish to make it clear that this bill has nothing to do with contraceptives or birth control.

As a matter of fact, when I was Governor of Oklahoma in 1967, I initiated the first program to the State welfare department to make counseling and contraceptive devices available to the poor. Later, as Governor, I signed the first bill making these services available to the general public. I still strongly support these programs on a voluntary basis on both the Federal and State levels.

I believe we in Congress must make a moral decision whether we want to participate in the taking of unborn life.

The Supreme Court dodged the issue of when human life begins by saying:

> When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary at this point in the development of man's knowledge is not in a position to speculate as to the answer. We need not resolve the difficult question of when life begins.

Now, although the Supreme Court may find that question difficult to answer, as a matter of fact there is virtually unanimous consent among scientists, biologists, philosophers, and theologians as to when life does begin. Life begins at the moment of conception when the ovum is fertilized by the sperm, forming that unique genetic organism called the zygote or fetus. From that moment forward, life, the product of God and two human beings, is in existence.

Accepting this thesis, we in the Senate must make a decision whether it is appropriate for Federal tax dollars to be used for the purpose of taking human life, no matter how small or insignificant.

Frankly, I shudder that we have come to the point that we must even discuss this issue: That a division of the Government, the Department of Health, Education, and Welfare, has taken on the Orwellian task of encouraging mothers to eliminate their unwanted unborn. Thomas Jefferson expressed my thoughts when he said:

> Indeed I tremble for my country when I reflect that God is just: That His justice cannot sleep forever.

Mr. President, if this amendment is passed into law, we can eliminate those programs whose purpose is the taking of human life. That act will be consistent with our historical inclination to endow government with at least a hint of morality.

From the very beginning of the American adventure on July 4, 1776, the Declaration of Independence proclaimed that certain truths were self evident. "That all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness." Immediately following this, in the same sense our forefathers recognized that government might become "destructive of those ends," and it then recognized an obligation of the governed to alter the government.

Certainly, I am not advocating altering our form of government, but, to the contrary, I am advocating that we return to the guarantees established under the Declaration of Independence; namely, a reverence for human life.

It will be one step, albeit a major one, toward reordering the priorities of a government which has become seemingly uncontrollable by either the Executive or the Legislature.

In a notorious decision attacked by numerous constitutional scholars, the Supreme Court made the performance of abortions legal in America; but it certainly did not, and cannot, mandate the Congress to follow suit by spending taxpayers' dollars to pay for abortions. Hopefully, we have not arrived at the point that a legal right carries with it a concomitant legal duty by the Congress to pay for the exercise of that right. Hopefully we are not to the point that, because we have a right to read our morning newspaper, the Government has an obligation to provide all of us with home delivery.

Mr. President, I have received many letters from constituents asking why the Federal Government is spending good tax dollars for questionable programs. The elimination of federally financed abortions will be a good omen to the American taxpayer. I dare say, if the question were put to a vote of each taxpaying citizen of the United States, it would be overwhelmingly in opposition to federally financed abortions. As a matter of fact, a recent national poll revealed that only 35 percent of the American people support the use of their tax dollars to pay for abortions. It is now up to us to reflect the wishes of our constituents.

Mr. President, I am convinced that our country morally believes strongly in the sanctity and inviolability of human life. Moral conviction however, is not enough. We must declare legislatively that life is not the gift of the state, the Supreme Court, or any other organization or individual. It is given by God and is innate in the nature of man. We must reaffirm what our forefathers said in the Declaration of Independence, when they stated in most powerful terms, that the individual is supreme and above the state, not secondary to it.

Congress has a real opportunity by passing this amendment to guarantee the right to life of thousands of the unborn of the poor who otherwise will lose their lives.

This Congress would be guaranteeing for many the challenge of the Declaration of Independence that governments should guarantee the right to human life.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, at some later time during the course of the debate, a motion will be made to table this amendment, but I do think it is appropriate for those who have views on this issue—and I know there are those who have extremely strong views—to be able to express them during the course of the debate.

I think, quite frankly, as appropriate as it may be as a public policy issue for us to consider the question of the use of taxpayers' funds in support of this particular procedure, this is not the place to resolve the issue. So I am opposed to the amendment on the basis of the procedure that is being followed.

This amendment has not been the subject of any hearings, either in our Health Committee or even in the Committee on Finance. Since this is an amendment to the Social Security Act, the Finance Committee should have hearings on this issue, and I have no knowledge of whether the chairman of the Finance Committee is willing to even consider it.

But it does seem to me appropriate, as we talk about this issue of abortion that we also consider the services that are being provided within the various health programs such as the medicaid programs for maternity care and delivery; because there have been six different court decisions that have said that if the Federal Government is going to make a decision to supply maternity care and pay for deliveries on the one hand, and make that decision as a matter of Federal policy, there are serious constitutional questions whether we can deny the opportunity to someone who wants to use Federal funds for an abortion.

This is a 14th amendment issue. It is an equal rights issue. It is an issue, I think, of very great importance and significance. As I say, there are six different district court decisions at the present time that have held that if we are going to fund maternity care and delivery on the one hand, we cannot deny funds for abortion on the other hand.

So we are moving into an equal rights issue, without the benefit of either the Judiciary Committee's judgment on court decisions, or the Finance Committee making any recommendations on the basis of public policy considerations. At a time when there is at least one case before the Supreme Court of the United States that will be covering a number of the fundamental issues which are being addressed by the Senator from Oklahoma—though not precisely the issue he poses here—because of this care, we will know a good deal more, from a legal point of view, within the next few months based on the Supreme Court's decision, and the courts may very well resolve for us some of the constitutional issues which are being raised by this amendment today.

So, for reasons of procedure, the failure to have any kind of examination or hearings, and the serious constitutional questions which the amendment raises, I shall vote to lay the amendment on the table. But I would like to ask the Senator from Oklahoma a few questions on the amendment.

As I understand the amendment, it prohibits any funds from being used to pay for or to encourage the performance of an abortion. In listening to the Senator's description, it seemed to me that that would mean from the time of fertilization. Is that correct?

Mr. BARTLETT. The Senator is correct.

Mr. KENNEDY. So this amendment would, in effect, as I understand from the medical experts that I have talked to, virtually prohibit payment under the Social Security Act for any woman in this country using an IUD, or from getting any kind of advice or guidance about the use of an IUD, since, as I understand it, from a medical point of view, IUD actually works after the point of conception.

Does this not mean that there would be a prohibition of the use or the counseling of any person on the use of an IUD? Any indigent person or any person who comes in to any center under a social security program, in any neighborhood health center, mental health center, or child and maternity center?

Mr. BARTLETT. If I may respond, the distinguished Senator said that this amendment would not permit anyone to seek advice on IUD's. As he knows, this amendment affects the funds for the poor, and so just on that basis his statement would be incorrect.

Second, this amendment has absolutely nothing to do with IUD's. It has to do with abortions in the normal sense that we know them, where people who are pregnant consult their doctors about abortions.

Further, I would like to say as to the matter of IUD's that it is impossible for doctors to say how they do work, whether by contraception or by the prevention of implantation—in other words, whether they are abortifacients or not. There is no doctor, according to my understanding, who can testify that an IUD has caused an abortion. There are instances where women wearing IUDs have had babies, where obviously the IUD was not an abortifacient.

So, is it an abortifacient?

Mr. KENNEDY. The Senator is quite correct, or at least I would like to redirect the question. With regard to people that are going to be under Medicaid; can they be counseled or not counseled? The Senator says the effect of the IUD is medically uncertain, from a medical point of view. If studies do show that the physiological impact of wearing an IUD is that it does result in an abortion, they would actually be prohibited by this amendment from receiving any kind of funding under the Social Security Act? Is that not right?

Mr. BARTLETT. The answer, of course, is no. This amendment does not cover IUDs. It is very clear that it does not, and I want the Senate to know it does not cover IUD's.

Mr. JAVITS. Mr. President, is the Senator from Massachusetts proceeding on his time? I would like to ask a question.

Mr. KENNEDY. All right.

Mr. JAVITS. What is the ambit, if I may ask the Senator from Oklahoma, of the word "encourage"?

Line 2 of the amendment says "may be used to pay for or encourage the performance of abortions." Does the Senator feel it would be straining that word to adopt the interpretation of the Senator from Massachusetts, or not? You encourage abortions, do you not, if the intrauterine device operates as he says it does medically, and therefore it falls within the ambit of this standard, bearing in mind that these departments are going to construe anything very strongly on the worst case theory, if there is any support for anything the Senator is arguing that would be included in the word "encourage"; does not the Senator agree?

Mr. BARTLETT. Well, by "encourage" we mean proselytizing for abortions in the normal sense, and I would like to reiterate for the distinguished Senator from New York that there is no doctor, in my opinion, who can testify that an IUD has caused an abortion. It is not known how it does work, whether it works by contraception or by the prevention of implantation, so this does not cover IUDs.

Mr. JAVITS. May I say to my colleague that whether he is right or wrong on the medical conclusion, and whatever happens to this amendment, the fact that he is the author of this amendment and is making this statement is very important as to its legislative history and what happens in the days ahead. I think it is all very constructive, and I thank my colleague from Massachusetts for yielding.

Mr. KENNEDY. On the issue of abortion, what about a "morning-after pill" in the cases of rape, where someone has been raped, and they take a "morning-after pill" for a period of time. Does this amendment include prohibition of funding for that?

Mr. BARTLETT. The morning after pill is, as I understand it, today not being prescribed. It is considered to be quite dangerous.

We are talking here about surgical abortions; we are talking about $150, $200 surgical——

Mr. KENNEDY. The Senator knows the "morning-after pill" is being used at the present time, does he not?

Mr. BARTLETT. It is my knowledge that it is quite dangerous, and I am not advised that it is being used.

Mr. KENNEDY. Well, it is; it has been used.

Mr. BARTLETT. It has been used?

Mr. KENNEDY. It is being used. As a matter of fact, I think there are serious questions with regard to the danger, but it is being used, and what is even more interesting is that the pharmaceutical companies are working day and night to try to eliminate what dangers exist.

So now is that going to be prohibited from use?

Mr. BARTLETT. This does not cover that.

Mr. KENNEDY. But if they do not take the pill they are going to be pregnant or they are pregnant already, and the Senator says he is going to prohibit abortion. Tell us what the Senator's amendment does to it. It is this kind of imprecision, I think, that is troublesome as a procedural matter.

Mr. BARTLETT. Well, this amendment, of course—I mean, the morning after pill, as the Senator knows, costs very little.

Mr. KENNEDY. We are not talking about costs, are we?

Mr. BARTLETT. It is also in the experimental stage.

Mr. KENNEDY. Is the issue cost?

Mr. BARTLETT. The issue is cost. We are trying to take away Federal funding, and I think that the issue is cost as well as the moral issue.

Mr. KENNEDY. The Senator does not mind paying a little money for an abortion but he does not like to pay a lot, is that what the issue is?

Mr. BARTLETT. This would cut out all abortions. If the Senator is including the morning after pill as an abortion——

Mr. KENNEDY. I am giving the Senator a situation where many medical doctors believe that is an abortion.

Mr. BARTLETT. All right, then it would cut it out.

Mr. KENNEDY. Then the Senator would prohibit it now. Is this the Senator's decision?

Mr. BARTLETT. This would prohibit abortions.

Mr. KENNEDY. If a medical judgment were made that the physiological impact of an IUD was post-fertilization, would the Senator prohibit the IUD under the language of his amendment?

Mr. BARTLETT. If the IUD's would be determined to be abortions, then this would prohibit it.

Mr. KENNEDY. Under whose interpretation that it would be an abortion?

Mr. BARTLETT. Under the record I am making on this bill, in my interpretation.

Mr. KENNEDY. And, as the Senator knows, at the present time there is a very substantial body of medical opinion that believes that that is exactly the case. Of course it is not a medical certainty, but there is a very substantial body of medical opinion that believes that is the case. Under the Senator's amendment, then, he would prohibit the morning after pill and he would prohibit the use of an IUD.

Mr. BARTLETT. Let me say, in complete answer to the distinguished Senator, that I agree that there is a substantial number of people who agree that the morning after pill, is committing an abortion. There are those who do not.

Mr. KENNEDY. How are we to know? How does the Senator's amendment give us the answer? The Senator just said a minute ago that it would be barred, and now the Senator is kind of qualifying it. What is the HEW person supposed to interpret from this legislative history?

Mr. BARTLETT. No. I am saying if it creates an abortion it would be barred.

Mr. KENNEDY. But how are we going to know? The Senator does not define abortion in his amendment.

Mr. BARTLETT. Well, if there would ever need to be a decision it could, of course, go to court.

Mr. KENNEDY. How is the court going to know? They read the legislative history, and we have two different answers.

Mr. BARTLETT. The court, of course, is going to know. They created, of course, the moral issue that is——

Mr. KENNEDY. How do we know what the Senator's amendment means?

Mr. BARTLETT. So I do not think the Supreme Court would find any difficulty at all in coming to a conclusion on this matter.

Mr. KENNEDY. Well, they read the legislative history, and it has been back and forth just in the time we have had it here.

What happens in the situation of rape? A woman is brutally raped, or incest? What is going to be the answer? A poor person comes on down now to the clinic; what kind of a prohibition exists? How does the Senator's amendment apply to that? It will prohibit the morning after pill, and what else will it prohibit?

Mr. BARTLETT. As I understand, I think the Senator's question was about rape?

Mr. KENNEDY. Take rape and incest.

Mr. BARTLETT. The person who is raped, very fortunately in the first place, very seldom becomes pregnant.

Mr. KENNEDY. Is that the Senator's answer now that the person who is raped very seldom becomes pregnant and, therefore—all right.

Let us continue. [Laughter.] I do not think that is very consoling to the people who have had that tragic experience.

Mr. BARTLETT. Mr. President, I was not accorded the courtesy of completing my answer. But if the Senator would like an answer I will be glad to give it. The answer is, first, that the figures show, the statistics show that i is very rare. In fact, in some statistics that have been assembled there have been no pregnancies resulting from rape, and in others there have been a very minor number. So I think when the Senator laughs about that statement as part of the answer, I think he is laughing at statistical medical evidence that is very important.

Second, as the Senator knows, a raped person can go immediately to a doctor for a D. & C. and in that way presumably would not become pregnant and, presumably, would not have the need for an abortion.

Mr. KENNEDY. Well, I would be interested in any material that the Senator would have that would show that raped victims do not become pregnant.

Mr. BARTLETT. I hope the Senator will state what I said correctly. I said in most cases they do not. There are cases where they do.

Mr. KENNEDY. They do.

Mr. BARTLETT. It is a very small number, and I said that for those, all those, who are raped, they can, as the Senator knows, immediately have a D. & C.

Mr. KENNEDY. All right.

Does the Senator know who pays for that at the present time in the centers?

Mr. BARTLETT. Who pays for the D. & C.?

Mr. KENNEDY. Yes.

Mr. BARTLETT. I do not think there would be any difficulty in that.

Mr. KENNEDY. Well, difficulty in what? They are paid now under the medicaid programs. Does the Senator's amendment apply to those, to the drugs and other kinds of treatment and advice or counseling? Is the Senator going to prohibit that?

Mr. BARTLETT. No; this does not pertain to that.

Mr. KENNEDY. Well, where does it say, because it does not——

Mr. BARTLETT. As the Senator knows, there is nothing in the present law that says that abortions are to be financed. It does not say it at the present time so, obviously, the D. & C. can be financed.

Mr. KENNEDY. But, there is a prohibition against any kind of abortion. The Senator says it is the moment of fertilization. So someone that is a rape victim does become pregnant, goes down to a center and receives either drugs or the other kinds of treatment. I do not see how the Senator can say that is not going to be touched by his amendment, which is a prohibition of an abortion, or at least can be interpreted that way by medical officials.

Mr. BARTLETT. As the Senator knows, there is no provision in the law providing that an abortion should be funded. There have been no hearings on the funding of abortions.

I would like to ask the Senator on my time, does the Senator from Massachusetts favor public funding of abortion?

Mr. KENNEDY. Well, I am interested at this time in talking about the Senator's amendment. That is what we have before us and that is what the Senator is called to defend on and that is the issue, as I see it. We are considering an amendment whose legislative history and interpretation is being altered and refined on the floor of the Senate to reach a basic judicial question in which six courts of this country have found that, if we provide maternity care or delivery services under public programs, and funding to others for the purposes of a medically necessary abortion, that it violates the equal rights amendment, so we have constitutional question here.

And we are considering an amendment that does not even come to our health committee. It is perhaps an amendment for Finance Committee legislation.

So I think on the basis of procedures, on the basis of interpretation, that this amendment is——

Mr. BUCKLEY. Will the Senator yield?

Mr. KENNEDY. I would like to let someone else——

Mr. BUCKLEY. Will the Senator yield?

Mr. BARTLETT. Will the Senator yield?

Mr. KENNEDY. Just briefly.

Mr. BARTLETT. Yes.

I would like to make it very clear that the whole purpose of this amendment raises the question of whether or not the Congress favors the public funding of abortions and I think it is important to interpret the questions that have been asked of the distinguished Senator, for him to answer that question.

Do I take it that the Senator refuses to answer the question of whether he favors or does not favor public funding of abortions?

Mr. KENNEDY. The Senator is quite correct. I am not going to answer that. I do not think I have to. I am debating the Senator's issue here today.

I personally am opposed to abortion, that is my own value, but I think I will make my decision on yea and nay votes when the time comes.

But what we are talking about is the Senator's amendment that is here and being constantly refined and reinterpreted.

Let me just point out, the reason I did not hear the Senator's complete statement is because we do have statistics on rape and rape victims and they show a—well, let me just read this part.

The Uniform Crime Report related that forceful rape is the fastest growing crime of violence in the United States; 51,000 females were victims of forceful rape in 1973, a 10-percent increase over 1972, 62 percent over 1968.

The FBI adds that forceful rape is one of the most underreported crimes in the country, so not only the 51,000 that are actually reported, but we have many more thousands that are not reported, and they estimate 3.5 to 9 times greater than that reported. Four percent of these rapes produce pregnancies—which means as many as 18,000 a year.

Mr. BARTLETT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT and Mr. BUCKLEY addressed the chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. I yield time to the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I would like to have as much time as I may utilize.

What time limitation are we operating under?

Mr. BARTLETT. We have an hour.

Mr. BUCKLEY. Mr. President, I would like to ask a question of the distinguished sponsor of the bill, the Senator from Massachusetts.

Mr. President, may I have the attention of the Senator from Massachusetts?

I would like to ask the Senator, the cosponsor of the amendment, a question. It could be that it is superfluous but I would like to have an answer to this question. Does the present bill permit Federal funding of abortions?

Mr. KENNEDY. What is the Senator talking about the medicaid bill, or what?

Mr. BUCKLEY. The law that is being amended.

Mr. KENNEDY. The Nurse Training Act?

Mr. BUCKLEY. Does existing Federal law permit the Federal funding of abortions?

Mr. KENNEDY. As I understand it, under the various provisions that would apply to, say, a neighborhood health center, it funds services which are medically necessary and appropriate, as the language is used within the Social Security Act.

That is not language which is included in this legislation.

Mr. BUCKLEY. Right.

Mr. KENNEDY. But that is in the Social Security Act.

Mr. BUCKLEY. But it is the understanding of the Senator from Massachusetts that existing law does permit Federal funding of abortions?

Mr. KENNEDY. The Senator from Massachusetts understands that the definition which I have given has been used by doctors as well as patients to include the use of Federal funds for abortions when medically necessary—where medically necessary.

Mr. BUCKLEY. Where medically necessary, and under the interpretation of the Supreme Court, medical necessity involves anything that goes to the sense of well-being of a woman.

In other words, it is abortion on demand. There is no argument about that.

So, therefore, under the interpretation of the Supreme Court and the interpretation of existing law by the Senator from Massachusetts, Federal funding of abortions on demand is, in fact, lawful?

Mr. KENNEDY. Well, no, the Senator is quite incorrect. As I say—if a judgment is made from a medical point of view about the medical necessity, then it is funded.

I do not know, maybe there are some doctors that would feel and interpret as medical necessity an abortion on demand, but that would be the interpretation of the Senator from New York not the Senator from Massachusetts, and would, quite frankly, be an interpretation which is neither justified nor warranted by the language of the Social Security Act.

Mr. BUCKLEY. May I ask this, then. Does existing law authorize the funding of any abortions that the Supreme Court decisions in Wade and the other case declared to be the prerogative of women?

Mr. KENNEDY. Well, it is up to the doctor and the patient. It is up to the doctor and the patient under the definitions of the Social Security Act.

If the Senator has something more specific, but generally, I've attempted to clarify this about medical necessity—that is the language used in the Social Security Act.

Mr. BUCKLEY. The Senator is not addressing my question.

Mr. KENNEDY. Well, what is it?

Mr. BUCKLEY. My question is, are abortions that fall within the definition and the ground rules established by the Supreme Court lawful, fundable by the Federal Government?

Mr. KENNEDY. Not if they are not medically necessary, no, that is my understanding.

Mr. BUCKLEY. Would the Senator from Massachusetts agree that 28 percent of all abortions in 1974 were paid for by the Federal Government?

Mr. KENNEDY. Well, I would be glad to look at whatever material the Senator has. He has asked whether they were being in compliance with the Supreme Court. I said that if the doctor is complying with the law, it is medically necessary, and I would certainly hope every doctor is complying with the law in exercising a judgment in terms of medical necessity.

Now, if the Senator has some other figures that show some doctors are violating that, then they are violating the law, but I do not see the Senator's point.

Mr. BUCKLEY. The argument of the Senator from New York——

Mr. KENNEDY. What is the Senator's point, may I ask that?

Mr. BUCKLEY. The Supreme Court has so defined health as to mean a condition of well-being which, therefore, means any time a woman wants an abortion badly enough, which is on demand, she is entitled, under the Supreme Court decision, to have it.

My question to the Senator from Massachusetts is, does he agree that the Federal Government should fund abortions that are permitted under the Supreme Court decision?

Mr. KENNEDY. Well, as I understand——

Mr. BUCKLEY. May I have a yes or no?

Mr. KENNEDY. Well, I am sorry. I was trying to make a response to the earlier question, since the Senator indicated I had not answered it before. I was trying to get a better understanding.

As I understand the question it is, Are there abortions being funded now under the Supreme Court decision which defines health as well-being that should be funded under the social security rule of medical necessity? Is that correct? Is that what the question was before?

Mr. BUCKLEY. My question is——

Mr. KENNEDY. Let me talk.

Mr. BUCKLEY. It is a very simple question. Does the Senator agree that Federal funds should be used under social security to pay for abortions permitted under the Supreme Court decision?

Mr. KENNEDY. If they meet the guidelines of medically necessary in the Social Security Act, they are legal. If they are medically necessary as defined by the Supreme Court.

Mr. BUCKLEY. As defined by the Supreme Court. So the Senator believes that such abortions should be funded by the Federal Government under the social security laws.

Mr. KENNEDY. I think that is legal. I believe that is the question, whether it is legal.

I am not going to get into a position, as much as I am sure the Senator would like me to, of talking about my own philosophy or religious belief. I would be more than delighted, but I do not think it is appropriate here.

What I am trying to discuss is what the law or a particular amendment is, and I am prepared to make a judgment on that.

I have indicated I am personally opposed to abortions. The Senator has asked me a series of different kinds of questions.

Rather than get into my personal views, and I would like to get into them sometime with the Senator, I will not use up the limited time here.

I am sure the Senator from New York realizes it does not have any direct relevance to the matter we are talking about.

Mr. BUCKLEY. I am not talking here about the merits of the abortion question, but whether Federal funds should be utilized to pay for something which may be a legal right. We have any number of situations, such as those described by the Senator from Oklahoma, where an individual has a right under the law, but where he has no call on Federal funding for the exercise of that right.

This, to me, is what this particular amendment is all about. It is not a matter of whether we approve or disapprove of abortion, but whether we approve of the use of Federal funds for the funding of something which a lot of taxpayers do think is abhorrent to them. It has nothing to do with right. It has to do with funding.

Mr. President, I gather that the Senator from Massachusetts is unwilling to put himself on the record as to whether or not he agrees with the proposition—I take that back. He has. He has clearly put himself on the record as stating that he favors Federal funding for abortions that may be legally permitted in the United States under the Supreme Court decisions.

Mr. KENNEDY. The Senator can put whatever he wants to on the record, say whatever he wants to, but he is not interpreting my position accurately.

When the Senator from New York has asked questions on it, I have attempted to respond to those questions, what I consider to be the legal questions, and the present, current, legal situation. I am not going to get into a question—delighted as the Senator from New York likely would be—about my own personal views on it. The Senator can put up the amendment, and I will vote on it. I will vote yea and nay on any of the different kinds of resolutions that have been put, and I am prepared to do so. But that is not the issue here today.

I think the Senator would be much better off talking about the particular amendment, which has been redefined, redescribed, and which has been conditioned by the proponent of the amendment.

I think, as a matter of very judicial inquiry that they failed to have the chance to examine any of these kinds of issues in the committee. I think that would be useful.

Mr. LEAHY. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. BUCKLEY. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from New York still has the floor.

Mr. BUCKLEY. How much time is left to the proponents?

The PRESIDING OFFICER. The Senator from Oklahoma has 39 minutes remaining on the amendment.

Mr. BUCKLEY. Mr. President, as a cosponsor of the amendment introduced by the Senator from Oklahoma, I would like to say just a few words in support of this amendment.

I do not rise here today to reiterate my position on the subject of abortion on demand. I think it is safe to say, Mr. President, that my colleagues know where I stand on that issue. I have introduced a constitutional amendment to secure the right to life for all Americans. This amendment is now being studied by the Senate Subcommittee on Constitutional Amendments. It is my hope that such an amendment will be reported from the subcommittee soon.

What we have before us today is entirely different. Simply stated, it is this: Should taxpayers' dollars be used to fund abortion on demand?

Those who oppose this amendment suggest that it is discriminatory. They say that it would discriminate against the poor. The well-to-do can afford abortions, they tell us, but the poor need Government funds.

There are two points that should be raised about such a charge. First, it is simply not true that denying tax dollars for practices held to be rights by Supreme Court decisions is discriminatory. The taxpayer is under no obligation to fund with his money any and all rights. Traditional congressional policy prohibits this Federal financing, a policy which was first explicitly stated in the Family Planning Act of 1970 and reiterated in the first session of the 93d Congress by the enactment into law of an amendment proscribing the use of foreign aid funds for abortion. Both Houses of Congress are repeatedly on record as opposing Government funds for abortion.

The issue of Federal funding is wholly distinct from the constitutional question decided by the Supreme Court on January 22, 1973. It by no means follows from the fact that a woman is now legally permitted to seek an abortion, that the Federal Government is constitutionally or otherwise obligated to pay for it. It is apparent that abortion is now being promoted as a new-found panacea to certain social and economic problems. Several years ago, the arguments favoring liberalized abortion were couched almost exclusively in terms of the woman's "right to privacy." In the past few years, especially since the Supreme Court's ruling, the arguments for abortion have acquired a new and ominous focus, one that emphasizes the social, economic, and political utility of abortion. Abortions in general and publically funded abortions in particular, are now being advanced as a socially "progressive" and "enlightened" solution to the problems of poverty and welfare. When abortions are openly defended on the explicit grounds that they help to limit the welfare population and reduce public expenditures. I submit we are traveling rapidly down a road that will subject all human life, born or unborn, to the risks of some social planner's cost/benefit calculus. This reduces itself to the simple argument that the way to eliminate people's problems is to eliminate people.

The second point that should be raised is quite simply that the obvious intent of this amendment is not discriminatory. I point out this abvious fact only because it seems to me that it does not contribute to rational debate to set up strawmen. The amendment is not discriminatory in intent; it will not be discriminatory in practice. It seeks to reaffirm a principle already written into law in two cases and one agreed to in other cases in votes in the Congress.

It is my hope that the debate over this issue will not become bogged down in irrelevant issues. The issue is clear and precise: Should tax dollars be used to fund abortions? The question has been asked here before. The answer has always been the same, and that answer is "No." I believe it is in the interest of elementary justice that the same answer be given today by a vote in favor of the amendment before us.

Mr. President, I would like to comment on one other aspect of the objections raised to this amendment by the Senator from Massachusetts.

He has stated that, because there are lawsuits or legal cases now in progress on the question of whether or not there is a legal right in the Congress to deny funds to people who qualify under the social security for one use or another, that we ought to take no action.

I do recall that he voted in favor of the Campaign Reform Act, even though he had earlier expressed grave constitutional doubts about whether or not that act violated the first amendment.

I do not believe it is the duty of the Congress to stand paralyzed while we await court action that may take years to come to a definitive conclusion.

Mr. KENNEDY. Will the Senator yield on that point? It seems to me it is the Senator from New York who is questioning the constitutionality of the congressional campaign financing.

Mr. BUCKLEY. Unless the Senator from Massachusetts was misquoted, there was a quote back in 1971 or 1972 to the effect that he felt the campaign contributions were unconstitutional.

Mr. KENNEDY. The Senator is misquoting the Senator from Massachusetts a good deal today.

Mr. BUCKLEY. I am glad to have the record straightened out. I will send the Senator the reference. He may want to get to the source of that particular quotation.

Mr. KENNEDY. What was the basis of my reservation about the constitutionality?

Mr. BUCKLEY. I believe it was freedom of expression. I thought it was a brilliant constitutional analysis.

Mr. KENNEDY. It was what?

Mr. BUCKLEY. Limitation on freedom of expression.

Mr. KENNEDY. In what respect?

Mr. BUCKLEY. Limitation on campaign funding.

Mr. KENNEDY. Why should it be? The Corrupt Practices Act clearly indicates that Congress can put limitations on campaign financing.

Mr. BUCKLEY. Mr. President, at some other and more appropriate forum, I would be happy to argue the constitutionality.

Mr. KENNEDY. And I will discuss with the Senator from New York my own personal philosophy, as well.

Mr. BUCKLEY. When we come to this particular matter before us, we come to the simple proposition that the Senator from Massachusetts admits that existing law permits the public funding of abortions performed within the guidelines defined by the Supreme Court. He also opposes any attempt to limit——

Mr. KENNEDY. Will the Senator yield on that point? The Senator has misstated me completely in making that kind of a comment. I have never said that. I have never said that, and the debate will not reflect it.

What I have said is that it is only permitted under the language that is included under the social security for medical necessity. That is the only way that it is legal in this country. If there are going to be violations by other doctors, then the violations are of the regulations or the law.

If the Senator wants to persist in this, that is his prerogative. But I will not take the Senator from New York to interpret my position on a matter which the Senator from New York knows is as important and as significant as this particular issue and let him make ease with the words—because he distorts my position. If he did not understand it before, he ought to understand it now.

Mr. BUCKLEY. I believe the record will show that the Senator stated that abortions within medical necessity as defined by the Supreme Court could be funded under the Social Security Act, funded by the taxpayer.

He also resists any attempt to make it clear that it is the will of the Congress, and this is the will that was expressed in several votes last year, that public funding shall not be made available for such purposes.

This has nothing to do with the right to an abortion, but whether or not the taxpayers will pick up the tab.

Mr. President, I think the arguments are clear enough, and I urge my colleagues to vote as they have in the past and support this amendment.

Mr. KENNEDY. Is my friend from New York suggesting that medically necessary abortions should not be performed?

Mr. BUCKLEY. I am suggesting——

Mr. KENNEDY. Just answer yes or no as the Senator was asking me to.

Mr. BUCKLEY. I am suggesting that they should not be performed at the taxpayers' expense.

Mr. KENNEDY. Medically necessary abortions?

Mr. BUCKLEY. As currently defined and applied in practice. How would the Senator define medical necessity?

Mr. KENNEDY. I have difficulty defining the language of this amendment, let alone "medical necessity." That is why it is entirely inappropriate for us to be acting on it.

Mr. President, I yield to the Senator from Vermont.

Mr. BUCKLEY. I still have the floor.

The PRESIDING OFFICER. The Senator from New York had given up the floor.

Mr. LEAHY. Mr. President, I should state at the outset that there has been some discussion in this colloquy on the question of rape and abortion. While I have no firsthand experience with either situation, I was for 8½ years a prosecutor. I stress to my colleagues that a D. & C. procedure is not in all instances adequate to terminate pregnancies which do, although infrequently, result from rapes. Therefore, the question of abortion does on occasion arise as a result of rape.

Mr. President, it would be very unfortunate for all Americans if enactment of the Nurse Training and Health Revenue Sharing and Health Services bill now before us were to be delayed because of the pending amendment. Authorizing legislation for the Nurse Training Act expired at the end of June 1974. There is still no new authorizing legislation. In the meantime the health needs of the American people have not taken a holiday. They continue to mount daily. We must act promptly to see to it that S. 66 is enacted into law.

The addition of the Bartlett amendment to this legislation would only serve to embroil the bill in a lengthy debate followed by a prolonged conference. The appropriations bill to which a similar amendment was added last year languished in conference for 4 months. It would be tragic were we to allow this much needed legislation to become snarled in such a way.

Mr. President, I am totally opposed to any funding or policies which would require any medical personnel to be involved in abortion procedures against their personal or moral beliefs. I am also totally opposed to Federal funding for research on living fetuses resulting from abortion. Moreover, I would strongly oppose funding any programs which would encourage abortion as a method of birth control. In that regard, I do believe that opportunity should be presented for alternatives to abortion. Adoption agencies, counseling, and medical care should be provided for those seeking help of that nature.

I am personally opposed to abortion. However, I recognize the fact that many people honestly and conscientiously have no moral objections to it. Abortion is an issue on which many people of goodwill on both sides have strong personal beliefs. I have over the years opposed amending the Constitution as a means of overturning Supreme Court decisions, and I am extremely concerned that doing so may create more problems than those solved. However, if the question of abortion is to be debated in Congress, I believe that debate should center on the issue itself. It should not be used to hold hostage other vitally needed legislation.

The continuing resolution providing funds for the Nurse Training Act expires in June 1975. Therefore, passage of the pending bill must be prompt to assure a continuation of this important program which is really the only Federal assistance to nursing schools and nursing students. We simply cannot afford to have the bill stymied for months in conference. Action is needed now so that nursing schools and their students can plan rationally for the coming school year.

I urge my colleagues to approve S. 66 without amendments which can only serve to delay, and perhaps jeopardize, this very necessary legislation.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time does the Senator from Maine desire?

Mr. HATHAWAY. Five minutes.

Mr. KENNEDY. I yield 5 minutes to the distinguished Senator from Maine.

Mr. HATHAWAY. Mr. President, I appreciate the Senator from Massachusetts yielding to me for the purpose of making a few brief remarks in opposition to the amendment of the Senator from Oklahoma.

My opposition is based on procedural, administrative, and substantive problems with the amendment.

Procedurally, I have problems with the

broad, sweeping language which prohibits the use of any funds authorized under the Social Security Act to pay for or encourage the performance of abortion. This health bill is an inappropriate vehicle for such a floor amendment covering all programs under social security. When we acted on S. 66 in the Committee on Labor and Public Welfare, we did not consider anything similar to the Bartlett amendment. No committee of the Senate has, to my knowledge. I understand Senator Bartlett has introduced a bill, S. 318, to prohibit the use of HEW funds to pay for abortion. That bill is pending before the Finance Committee, and I would hope it would be subjected to thorough discussion and close scrutiny in the committee process before coming to the floor for a vote on this controversial and complex approach to a controversial and complex issue.

At the outset, the Senator from Oklahoma stated that this was an appropriate authorization to which to attach this amendment, and I suggest that it is not an appropriate authorization at all. His amendment purports to amend the Social Security Act, and the bill before the Senate has nothing to do with the Social Security Act. Furthermore, since the amendment refers to that act, the proper procedure would be to have this matter originate in the House of Representatives, as is provided in the Constitution for revenue-raising measures such as the Social Security Act.

Administratively, I am bothered by the vagueness in the amendment. Nowhere in the amendment is the term "encourage" defined. Were this amendment to become law, it would be very difficult for those administering the Social Security program to determine what constitutes "encouragement." For example, would referral of a woman to a doctor for pregnancy counseling constitute "encouragement"?

Might not a simple pregnancy test—which would certainly lead some patients to seek abortions—be viewed as an act of indirect encouragement?

As a technical matter, then, I believe the amendment should be tabled on the ground that it would be extremely difficult to administer and enforce. But, of course, I am not going to rest my argument on technical objections to the amendment. There are grave constitutional problems with this amendment, and these problems must be addressed.

Focusing as it does on funds authorized under the Social Security Act, the Bartlett amendment is aimed at one class of people—the poor. This amendment would not stop abortion in the United States. By denying the use of medicaid and other Social Security funds for abortions, the amendment effectively denies the opportunity for an abortion to the poor, and to the poor alone. This amendment would affect no one who could afford to pay a physician for an abortion. Since the Bartlett amendment applies only to low-income people, but not to the population at large, it is blatantly discriminatory on economic grounds, and therefore unconstitutional.

It is important to note that one of the fundamental purposes of Federal support for medicaid is the equalization of access to health care. Its aim is to assure that persons are not deprived of this access—or their rights—on the basis of income.

As every Member of this body knows, the Supreme Court has held that women do have a constitutional right to an abortion under the right of privacy. As Members of Congress, we do not have the right to deny constitutional rights to people because they are poor. That is what we would be doing by enacting this amendment.

The Senator from Oklahoma mentioned at the outset of his remarks that what we are doing here is spending Federal money for abortions. That is exactly what we are doing. But we spend money in many other areas to support people in exercising their constitutional rights. We spend money for public defenders. We spend money for the Legal Services Act, which helps poor people. We spend money to help people avail themselves of their civil rights under the Constitution. We spend money so that people will not be denied equal protection of the law. We spend money for all of these purposes, and I think that the money being spent under the Social Security Act for abortion achieves a similar purpose, because it does allow a poor person to avail herself of her constitutional right.

At the appropriate time, I shall support a motion to table the Bartlett amendment. I am not supporting this tabling motion because I am for or against abortion. I have not come to any definite conclusion with respect to that issue, and I shall await the outcome of committee hearings and floor debate on the various constitutional amendments regarding abortion before making a decision on this very important and complex issue.

I shall support the motion to table because I believe the Bartlett amendment is inappropriate, inequitable, and discriminatory in its effect.

Mr. President, I ask unanimous consent that a Washington Post editorial of April 7 regarding the Bartlett amendment be printed in the Record at this time.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Anti-Abortion Amendment

One of the first things the Senate will have to deal with upon its return next week is the annual effort to bar the use of federal funds to pay for or to encourage abortions. Last year, the Senate passed the measure as a rider on an appropriations bill only to have it killed by a conference committee which said that was not the appropriate vehicle for such far-reaching legislation. This year, an attempt is planned to attach the same rider on the Senate floor to the nurse training and health services act. As a matter of both procedures and substance, the attempt should be defeated.

There are many objections to this proposal. No one really knows how far it reaches because it would bar, in its broadest form, the spending of funds under any federal program to "directly or indirectly" pay for or encourage abortions. The only exception it would make is for an abortion that is necessary to save the life of the mother, thus barring those designed to save the mother's health or to help women victimized by rape or to eliminate grossly deformed fetuses. Beyond this, it would be a major policy move of the U.S. government against abortion, a matter which we think should be left up to a woman and her doctor.

Leaving aside the larger issue, we would rest our objection to this particular proposal on a simple matter of equal justice. The effect of it, if made into law, would be to deny legal abortions to those women so poor they must rely on government help for medical care while permitting legal abortions to women who have money enough to pay for them. On these grounds alone, this would be bad government policy inasmuch as it would bring unwanted children into only those homes least able financially to provide for them. Beyond that, it is offensive to the fundamental principle that the exercise of legal rights should not turn on the size of one's bank account.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

CIVIL RIGHTS COMMISSION VOICES OPPOSITION TO BARTLETT AMENDMENTS

Mr. PERCY. Mr. President, last year when an antiabortion amendment was attached to the Labor-HEW appropriations bill, the U.S. Commission on Civil Rights indicated its intention to report on the constitutional aspects of the right to limit childbearing. Because similar amendments to S. 66 have been offered, I wrote to Dr. Arthur S. Flemming, the Chairman of the Commission, asking about the report which will be released next week.

Dr. Flemming's response is vital to the consideration of antiabortion legislation and I wish to share it with my colleagues. I have placed a copy of Dr. Flemming's letter on the desk of each of my colleagues. I urge their careful reading of it.

I ask unanimous consent that the text of Dr. Flemming's letter be printed at this point in the Record as well.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Commission on Civil Rights,
Washington, D.C., April 9, 1975.

Hon. Charles H. Percy,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Senator Percy: The Commission on Civil Rights appreciates being given the opportunity to comment at this time on Senator Bartlett's proposed amendments to S. 66, "A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services." As we promised last year, we will release on April 14, a report entitled "Constitutional Aspects of the Right to Limit Childbearing." The principal thrust of the report is an analysis of the impact that a constitutional amendment designed to nullify the *Roe v. Wade* and *Doe v. Bolton* decisions of the U.S. Supreme Court would have on the First, Ninth and Fourteenth Amendments to the Constitution.

The Commission has based its conclusions on the results of factfinding studies, within a legal framework. The Commission therefore takes no position on the moral or theological debate which presently surrounds the issue of abortion. Nor does it take a position on whether an individual woman should or should not seek an abortion. The Commission's sole position is its affirmation and support of each woman's constitutional right as delineated by the Supreme Court.

One of the report's three major recommendations is that "Congress should reject antiabortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit child-bearing." The Commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66, for several reasons. First, as indicated, we believe that such an amendment would undermine the constitutional rights of women as set forth by the U.S. Supreme Court. Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on low-income women, among whom racial and ethnic minority women are disproportionately represented.

The Commission's report discusses in some detail the impact on low income women of constitutional amendments prohibiting abortion, addressing the potential violations of the equal protection clause of the Fourteenth Amendment which would result.

Thus, Senator Bartlett's proposed amendments would effectively nullify the *Roe* and *Doe* decisions for poor women, as these are the women who must rely on Medicaid and other Federally funded health care programs for medical services. Our report states that:

"Statistical data demonstrate the suffering experienced by poor women when abortion is illegal. For the poor woman, restrictive abortion statutes have meant either another baby she could not care for, or the chance of death from an attempt to self-abort or at the hands of a backroom abortionist. Almost universally, where abortion is legalized the maternal rate drops and the incidence of septic abortion (abortion complicated by acute infection of the lining of the uterus) and incomplete abortion decreases. This points to the conclusion that legal abortion reduces the incidence of ill effects from criminal abortions and is, therefore, preferable to criminal abortion. For example, at San Francisco General Hospital in 1967, before abortion reform, there were 68 septic abortions per 1,000 live births; by 1969 there were only 22 per 1,000 live births. In New York City's Harlem Hospital there were 1,054 women admitted for aftercare following incomplete abortions in 1965 and only 292 in 1971, after abortion was legalized.

"Poor women face grave risks of endangering life and health by self-abortion or by seeking the services of nonphysician abortionists. If forced to continue an unwanted pregnancy, women, when unmarried, face a whole range of discrimination. If they are employed, their health insurance coverage may be inadequate to cover expenses associated with pregnancy and childbirth. Furthermore, employers are not obligated to transfer a pregnant woman to less arduous work, if this is medically advisable during any stage of pregnancy. Indeed, women have often been forced to leave their employment, either temporarily or permanently when they become pregnant, thus losing potential benefits, including health insurance coverage. If a pregnant woman is unable to find employment and does not qualify for compensation and has no one to support her, she may be forced to accept inadequate public assistance. Additionally, the existence of an out-of-wedlock pregnancy and birth may be used as evidence to deny employment or housing to a woman. The same economic factors which create her inability to gain an abortion in the first place might mean that a woman would not be able to file suit to challenge such patently discriminatory actions."

The recognition of abortion as a constitutional right by the Supreme Court has made it possible for more poor woman to gain access to safe abortions done by physicians, and paid for by Medicaid funds. They need not pay the higher fees demanded by illicit practitioners when the procedure is illegal. Senator Bartlett's proposed amendments to S. 66 would restrict that opportunity. Economic discrimination as such may not always be a violation of the Constitution, but racial discrimination is, and the effect of prohibiting states to pay for legal abortions with Medicaid funds would be to discriminate against those racial and ethnic minority women who are disproportionately represented among low income women.

Further, the Commission's report discusses various State actions which have been taken since the Supreme Court *Roe* and *Doe* decisions, as attempts to indirectly limit the right to abortion. One of the most important of these is the attempt to refuse Medicaid payments for abortion procedures. As is pointed out in the October, 1974, memorandum prepared by the Congressional Research Service of the Library of Congress, entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL F.Y. 1975 Funds for Abortion," the courts have declared that all such State actions represent illegal interference with the reproductive freedom acknowledged in *Roe* and *Doe*. Our report describes these cases as follows:

"In one case, (*Doe* v. *Rose*) the Utah State Department of Social Services ruled that indigent pregnant women, entitled to medical services and care for pregnancy under its Medicaid program, were not entitled to abortions at the expense of Medicaid unless an application was approved by the department as being therapeutic. The department defined a therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. The Federal appeals court decided that this 'broad abortion policy is intended to limit abortion on moral grounds.' Such a policy 'constitutes invidious discrimination and cannot be upheld under constitutional challenge.' "

I hope that this reply is responsive to your concerns. Please feel free to call on me if the Commission can be of further help.

Sincerely,

ARTHUR S. FLEMMING,
Chairman.

Mr. PERCY. Mr. President, I wish to read just two sentences from that letter. Dr. Flemming said:

> One of the report's three major recommendations is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit childbearing." The commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66. * * *

Mr. President, Senator Bartlett's antiabortion amendment must not be attached to S. 66. I fully support the action to table this amendment.

Mr. President, allowing this amendment to remain on this bill could prove most serious for the major health programs whose extension depends on passage of S. 66. As my colleagues will recall, an antiabortion amendment was attached last year to the Labor-HEW appropriations bill. The controversy over that amendment contributed substantially to the 4-month delay of congressional approval of that bill. A similar delay for S. 66 must not be provoked. I need not recount the setbacks this legislation has already suffered. Programs authorized by this bill have not had a funding authorization increase since 1972, and their future should not be linked to a complex and highly controversial amendment that would unnecessarily complicate the House-Senate conference on S. 66 and certainly delay approval of the bill.

The issues raised by the Bartlett amendment are serious and should be discussed thoroughly and independently of the bill now before us. Senator BARTLETT himself has indicated his desire for his proposal to go through the full legislative process, including hearings before the Finance Committee, in his introduction of S. 318, which would prohibit expenditure of funds for abortions except where the woman's life is in danger.

The questions relating to this proposal are intricate and cannot be adequately answered in floor debate. For example, when does pregnancy actually begin? Does it begin at fertilization, as Senator HELMS suggested in his introduction of Senate Joint Resolution 6, a proposed amendment to guarantee constitutional rights to a zygote from the moment of fertilization? Or does pregnancy begin at implantation, 8 to 14 days later, as many scientists and physicians believe? If pregnancy begins at fertilization, are many common contraceptive methods that permit fertilization but prevent implantation to be considered abortifacient and therefore prohibited from use in federally funded family planning programs? Would the proposed amendment outlaw the use under medicaid of drugs commonly used in the treatment of disease because they also have abortifacient effects? Is the Federal Government prepared to pay an additional $500 million next year alone to provide medical care and welfare payments to medicaid mothers who were denied abortion services? Are we willing to enact an obviously discriminatory measure that would deny abortion services to women who rely on medicaid while those same services are readily available privately to women of greater wealth.

I cannot believe that my colleagues are willing to leave these questions unanswered. Nor can I believe that my colleagues wish to take up debate of these complex and sensitive questions without benefit of expert testimony.

In short, Mr. President, Senator BARTLETT's amendment does not belong on S. 66 and I believe the tabling motion to be offered by Senator JAVITS should be supported. I hope this matter will be thoroughly aired, with full hearings, prior to any vote on the floor of the Senate.

Mr. BARTLETT. Will the Senator yield for a short question?

Mr. PERCY. Yes, I yield.

Mr. BARTLETT. He stressed the unknowns existing in the abortion question and stressed the need for hearings and so on. Is it not commonsense that we not federally fund abortions, with all these doubts, without having any hearings, ever, on the funding, without this body ever taking action to fund abortions? In fact, this body voted——

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. BARTLETT. I yield myself a minute.

The Senate voted 50 to 34 against the tabling motion on this same provision in this particular amendment. Therefore, is it not commonsense that we have the hearings, but pass this amendment so that we are not going to be taking actions and continuing those actions without, really, a very careful study of the problem?

Mr. PERCY. I think it does make commonsense. I would only ask, has the distinguished Senator read the letter from the U.S. Commission on Civil Rights that I placed on the Senators' desks? Has the Senator had an opportunity to study that letter and would he care to state whether he feels that makes commonsense? And in the light of that kind of recommendation, should we move right ahead now precipitately and simply enact this amendment? Does that make good commonsense?

Mr. BARTLETT. I have not read the letter, so I cannot comment.

Mr. President, I yield to the Senator from Rhode Island whatever time he desires.

Mr. PASTORE. Mr. President, I think that we are gradually developing in the Senate a talent to divide our people. The question here, I might say to my friend, the question is not anybody's constitutional right. It is nobody's constitutional right to have the taxpayers of this country pay anybody anything. As a matter of fact, the Supreme Court took a very strong position on integration and desegregation, and on our educational bill we went out of our way to say that none of these funds shall be used to create a balance in any district and that busing could not be used for that purpose. This is not the first time we have done that.

Let us be fair and frank about it. This is a highly sensitive and very controversial and very emotional subject. Our country is divided right down the middle. I have received a lot of mail with reference to this amendment and I say, very frankly, I admit that it is pretty evenly divided. Our people are divided on the subject, for good reason, and I question nobody's point of view.

There are those who believe that an abortion is a personal right of an individual. There are those who believe that the fetus has a right. And so it goes, and goes on and on and on.

But that is not the question here today. The question is, Shall we use the taxpayers' money in order to perform an abortion? That is the question.

If I do not believe in an abortion, why should my money be paid for that purpose, any more than I would support an amendment that said Federal funds should be used in order to propagate and advance the idea of the "Right to Life?" I would be opposed to that, because I do not think it is the business of the government to begin to use taxpayers' money for that purpose.

That is the qustion before us now, and that is all we are saying. The question we hear is, "Why should not the poor have the same right as the rich?" This amendment does not stop anyone from setting up a private clinic, if they want to, to perform abortions. That is not the question here. That is not the question here at all. We are not saying the poor cannot have an abortion, that it would be illegal if they did. We do not say that. If anyone here wants to support the right of any poor person to have an abortion privately, that is his or her business.

The question here is, What are the rights of the taxpayers? And this is a very sensitive point. It is a very delicate, very serious, emotional situation, but it has tremendous logic.

I ask Senators, "Why do you not read the amendment?" The amendment says, "No funds authorized under the Social Security Act."

Whose money goes into the Social Security Act? It is the money of the people who believe in abortion and the people who do not believe in abortion, and the question here is, why should one side impose its will upon the other side?

All we are talking about here is, shall the taxpayers' money be used to do this or that? That is the question here. I am not arguing about the Constitution.

Mr. President, that is all I have to say. I had a fine group of Rhode Island citizens come to me during our Easter recess, and they asked me if I would not vote to lay it on the table.

I said, "I hope that some day you will come into my office and talk to me about something we can agree upon." I cannot agree upon the principle that the taxpayers' money should be used to advance either one side or the other side of this very controversial subject. It is a subject that involves the moral beliefs of people, and it does not necessarily mean that those who do believe are more moral or less moral than the other side, that does not believe. That is not the question here today.

The question here today is, Shall we sanctify, now, for any purpose, the use of Federal funds in order to carry out one side or the other side of the issue?

The argument is made that unless we pay for it out of the Public Treasury, the poor cannot have it done. Who have said they cannot have it done? It is being done every day. It is being done now and it will be done in the future. There are a lot of private funding organizations that would undertake it anyway.

But my argument here today is, this is the wrong time and the wrong place to begin to use public money in order to carry out one way or the other. The idea that it is the poor or the rich has nothing at all to do with the very fundamental principle involved, and it is the principle involved that shakes me no end.

I know that possibly the popular idea here today may be unpopular with many people, and I tell you very frankly, no matter how you vote here today, you just cannot win, because people have very strong feelings in this regard, and once you walk out that door, if you are for abortion, you will be damned by those who are for Right-to-Life, and if you are for Right-to-Life, you will be damned by those who are for abortion. That is the part that we all play. That is the way it has always been, and that is the way it always will be.

I am going to vote not to lay the amendment on the table. I do not know what the result will be, but if I had not said this I do not think I could sleep tonight.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Massachusetts yield me one-half minute?

Mr. KENNEDY. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Alice Saginoff of my staff and George Shanks of my staff be granted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BARTLETT. Mr. President, I yield such time as he may require to the Senator from Utah.

FEDERAL FUNDING OF ABORTION

Mr. GARN. Mr. President, I rise at this time to express my support for the amendment of the Senator from Oklahoma. This amendment, which would prohibit the use of Federal funds for the performance or encouragement of abortions, concerns one of the most controversial, complex, and delicate issues being discussed in the country today. And no matter which public opinion poll is cited, the division of opinion in our Nation on this subject is obviously deep, with no side able to claim an absolute consensus. It is for this very reason I support passage of the amendment.

I urge my colleagues to keep in mind that to vote for or against this amendment is not to vote for or against abortion. A vote either way on this amendment will not stamp a Member of the Senate as being either on the side of right-to-life or a partisan of those who believe in abortion. The rightness or wrongness of abortion is not the issue being raised by this amendment. The issue before us is whether we can turn our backs to the intense debate and considerable differences of opinion now prevailing in our Nation and continue to use the taxpayers' moneys to fund a program that is offensive and abhorrent to a substantial portion of the citizens in this country.

The Federal funding of abortion cannot resolve the abortion issue. Indeed, it cannot but intensify and widen the gulf of feeling between the opposing factions. What we have before us is not a question of ethics, morality or even of constitutional rights. What we do have before us is the question of whether the taxpayer's money, under the guise of health treatment, should be spent for the performance of abortions, a practice which is contrary to the adamantly held view of a considerable segment of the American citizenry.

By passing this amendment we are not forbidding abortions. If abortions are allowed under the law of any State, they still may be freely sought under those laws. Further, by referring people back to their own States, we are recognizing both the personal nature of the decision involved and the fact that the ultimate decision on this issue must be made by the people themselves. In other words, the action taken here will decide whether the Federal Government will continue to make funds available for States, funds that come from all the taxpayers to pay for the desires of some 16 States.

I do not happen to believe in abortions, but that is my prerogative. I would like to see restored to our Constitution the fundamental principle that the right to live and the equal protection of laws must be guaranteed to all human beings at every moment of their existence so that there is left no lingering ambiguity for the courts to wrestle with. However, this is not the point. My personal feelings are my business. But the taxpayers' money is everybody's concern. This is the issue before us now.

I am certain that there are those who will attempt to raise constitutional objections to Senator BARTLETT's proposal. While I would leave sophisticated constitutional analysis to those more intimately versed in the art, it appears to me that some fundamental constitutional facts still remain intact: No court, not even the Supreme Court, has held that a person or an unborn child has a constitutional right to welfare or medical benefits. And no court, not even the Supreme Court, has held that it has the power to tell the Congress how it shall spend the taxpayers' money.

Mr. President, the heated controversy over abortion is alive and well and the division over this issue will continue to persist. But while the differences are being discussed, there is no question in my mind that we should not use the money of all the people to finance a practice which in the view of many taxpayers affects the most fundamental rights on which this Nation was founded—the right to life, liberty and the pursuit of happiness.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, I think that the arguments which have been made have been very elucidating, but, as I shall make the motion to table, I think it is very important to specify why tabling, which is sometimes not greeted too happily by my colleagues, is uniquely appropriate in this situation.

First, Mr. President, notwithstanding what my beloved friend Senator PASTORE has said, the fact is that Federal money is being spent for medical treatment which would be defined by Senator PASTORE and his colleagues as abortion right now. It is not something that will happen, it is going on right now. Hence, if we stop it, we are affirmatively acting to perpetrate a discrimination upon the poor women of America. It is as bold as that.

That has been borne out by Senator BUCKLEY's figures. Without arguing the accuracy of the statistics and even if we concede that 28 percent of all money that is spent for abortion is Federal money, the fact remains that 72 percent is not Federal money. So if we abandon it now, that 28 percent of women utilizing Federal money will be discriminated against, because they cannot otherwise afford it.

What does Senator PASTORE say to that? He says, "Let them eat cake or get charity." That is the argument. You cannot defend it on any moral or humanitarian ground. And, Mr. President, we are at least 50 years beyond that time.

Mr. President, this goes to the issue without any regard to the details of the constitutional argument that the Bartlett amendment by denying abortions only to women who are poor is discriminatory. I respectfully submit to the Senate, and I have taken this position right along, that when you face the issue frontally, lower Federal courts have uniformly held under Roe against Wade that the Supreme Court has decided that a woman's right to abort a pregnancy is a fundamental right falling within her constitutionally guaranteed right of privacy and that a State action interfering with that right must be justified by a compelling State interest. Further, no Federal court which has directly addressed the constitutional issue has sustained a State's claim of any compelling interest in this area.

My colleague from New York has faced this issue with great credit. He says, "Let us leave it to a constitutional amendment to decide this issue." That is the fair way. Senator KENNEDY, who has been debating this issue as to his personal view should have a chance to vote on it, as should all Senators. But the reason this amendment should be tabled is that we should not tolerate an ongoing situation where 72 percent of the American people are enjoying a particular benefit, right, and privilege, as they are, and the Supreme Court has said to every State, "You cannot take it away from them," but we are going to change it. We are going to take it away from the 28 percent, even using those figures set forth by Senator BUCKLEY, just because they are poor women.

I do not believe that is fair. That is why I shall make the motion. It is uniquely within my own philosophy. It is the discrimination aspect; it is not the merits aspect. All the right-to-life groups still have the opportunity to come to my office and try to convince me otherwise. I do not know that they can, but there is nothing I shall do today which will inhibit their coming, or tell them the matter of a constitutional amendment is closed.

Mr. President, this is a very different issue, an issue of discrimination. This is borne out by the action of the Senate in respect of other bills. The Senate has been very careful about that. For example, in the measures which deal with this difficult problem, which are found under Public Law 93–45 and Public Law 93–348, we said, respectively:

> The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act by any individual or entity does not authorize any court or any public official or other public authority to require—
>
> (1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or
>
> (2) such entity to—
>
> (A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or
>
> (B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the religious beliefs or moral convictions of such personnel.

And—

> (2) No entity which receives after the date of enactment of this paragraph a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health, Education, and Welfare may—
>
> (A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or
>
> (B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,
>
> because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting any such service or activity.

I added the reverse discrimination amendments to each of said laws, which respectively provide:

> (c) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act after the date of enactment of this Act may—
>
> (1) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or
>
> (2) discriminate in the extension of staff or other privileges to any physician or other health care personnel,
>
> because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his religious beliefs or moral convictions, or because of his religious beliefs or moral convictions respecting sterilization procedures or abortions.

And—

> (d) No individual shall be required to perform or assist in the performance of any part of a health service program or research activity funded in whole or in part under a program administered by the Secretary of Health, Education, and Welfare if his performance or assistance in the performance of such part of such program or activity would be contrary to his religious beliefs or moral convictions.

Such provisions seek to avoid discrimination and to keep the situation neutral, which is what the tabling motion will seek to do in this particular matter.

Then, on the argument, Mr. President, that we are expending Federal funds, I would like to see those opposed the Vietnam war and whose taxes were used for the war—I would like to hear them on that subject, Mr. President. That was their argument, and we voted them down time and again, collectively, and I am not going to say that X Senator or Y Senator acted that way. No matter how you vote on a proposition when you are a U.S. Senator and the body has acted, you are responsible as the fellow who voted the other way.

In short, Mr. President, if you are going to have the doctrine in this country of a selective right to pay taxes or to withhold taxes because you do or do not agree with a particular proposition, it is anarchy and chaos. Also, we have denied the right to fine young men who, in deep conscience, said they could not fight in a war, but we said:

> It is the superior need of the Nation if you do or do not agree, and we must enforce it even if we hold you criminally responsible.

So, Mr. President, the upshot of this whole matter is that we are not dealing as yet, in this matter, with the substantive issue of abortion, but we are dealing with the substantive issue of discrimination against a particular class of the population on strictly economic grounds and, for that reason, and because the Senator from New York and his associates on the amendment have given us an opportunity to face frontally the way in which to undo the Supreme Court's decision respecting the constitutionality or unconstitutionality of State laws, I believe that this amendment should be tabled, and I shall, in due course at the proper time, move to table.

Mr. President, the reason why I had urged the Senate to take a little time to consider this amendment—as opposed to when it was first introduced—is that it is a matter of very great social and political importance in the country, both within the States and within the Nation, as to what we shall do with respect to abortion for a class of women who must look to the Federal and State governments for their health care.

I believe the amendment is an assault on the rights of millions of Americans and a backdoor effort to nullify the Supreme Court decision respecting abortion.

Certainly abortion is a delicate and trying issue, and no one should be compelled to have an abortion. Congress has, as I have previously indicated, consistently reaffirmed that principle—the right of individuals not to engage in medical procedures or receive medical services which are incompatible with their moral or religious beliefs (Public Law 93-45 and 346). I have supported and will continue to support, such individual protections which are fully consistent with the constitutionally protected right for every person to act, in accordance with the dictates of his or her personal conscience, without fear of reprisal or discrimination.

However, that is not the issue before us pursuant to the Bartlett amendment. I have chosen to again point that up so that we may be clear that we are not engaged in a debate respecting the philosophy, religious belief or moral conviction of any person engaged in providing or receiving health care.

Instead, the amendment would eliminate abortion as one of the medical services that may be rendered indigent women under the medicaid program, while at the same time continuing to allow all other medical services for such pregnant women.

Thus, the amendment would create an invidious classification which restricts the fundamental right of women in that class to decide whether to have abortions. It would conflict with the Supreme Court's decisions in Roe and Doe and lower court rulings interpreting those cases, and other Supreme Court rulings in analogous contexts, and would therefore violate the equal protection standards of the fifth amendment.

Congress has developed and expanded the Medicaid program as the primary means of assuring that the poor of this country have access to medical care. It is apparent from the millions of people who participate in the program—in fiscal year 1972, 22 million people were eligible for assistance under the program and over 18 million actually received benefits—that this program is vital to the health and well-being of economically disadvantaged individuals and their families.

I believe there is no benefit to individuals and families in Senator BARTLETT's amendment. Access to medically supervised abortion under the rules laid down by the U.S. Supreme Court is now considered to bring about significant health advantages in many cases to individuals and their families. HEW has estimated that if reimbursement for abortion under medicaid were no longer legal, up to 250 deaths would occur yearly from women who would attempt to abort themselves, and up to 25,000 cases of serious medical complications from self-induced abortions, at a potential cost to the Government for these medicaid recipients of between $375 and $2,000 per patient for hospital costs alone. This is further illustrated by the statistics in New York State, where the maternal death rate has been cut in half and infant mortality rates have declined to a new low since enactment of a liberalized statute.

I ask unanimous consent that an article in the Medical Tribune, entitled "Legalized Abortion Credited With Some Health Advances," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEGALIZED ABORTION CREDITED WITH SOME HEALTH ADVANCES

(By Margery Barnett)

A year ago this month, a Supreme Court decision made abortion on demand United States law. In the first eight months of the law, the neonatal death rate dropped an astonishing 5 per cent below the first eight months of 1972.

In the same period, asphyxia of the newborn dropped 14.3 per cent, the National Center for Health Statistics reported in November.

The United States reduced its infant death rate from 29.2 per 1,000 live births in 1950 to 20 per 1,000 in 1970, 19.4 in 1971, and 18.7 in 1972. But in September, 1973—though the over-all death rate was slightly higher than in September, 1972—the infant death rate was 16.6 per 1,000 live births.

Although steadily improved prenatal and neonatal care largely account for the falling infant mortality in the United States, the dramatic drop immediately after the Supreme Court ruling cannot but suggest that legalized abortion contributes substantially to maternal and infant health.

THE BRITISH EXPERIENCE

Great Britain introduced legal abortion in 1967 and now performs approximately one legal abortion for every seven live births.

"The main features of the abortion situation in Britain today are the striking increase in the safety of legal abortions, and the stabilisation of the illegitimacy rate, which had nearly doubled in the decade before reform," writes Madeleine Simms, Research Fellow at the Eugenics Society, in the *New Scientist*, November 8, 1973.

There is a sharp contrast in mortality between Britain and those countries that lack both legal abortion and legal contraception. In 1972, of Britain's 160,000 legal abortions (50,000 performed on women from other countries) there was a total of 10 deaths, giving a legal abortion mortality of six per 100,000, which can be compared with the maternal mortality rate of 12 per 100,000—the lowest rate ever achieved in England and Wales.

For simple abortions performed at less than 13 weeks' gestation, the maternal death rate was down to three per 100,000 in 1972.

THE U.S. COMPARED

For a look at the long-range effects of the new U.S. law, the New York City experience may be more relevant than the British, though they are strikingly similar in many ways.

In mid-1970 the New York State Legislature liberalized New York's abortion law; because of its proximity to several populous states, its numerous and large facilities, and its population concentration, New York City became the nation's little England.

Between July of 1970 and June of 1973, there were 598,283 legal abortions in New York City. Eight women died in each of the first two years, four in the third. The national death rate—two deaths for every 100,000 legal abortions—is now lower than Britain's, though maternal mortality in the United States in 1972 was 24 per 100,000—double that of England and Wales.

New York City's health administrators tracked legal abortions with a scrupulously careful reporting system. The city was a mecca of safe abortion for women from all over the state, the country, the Western world. It was also the first large U.S. test of legal abortion, a microcosm of the national macrocosm from which benefits and pitfalls could be assessed.

As in Britain, legalized abortion produced a dramatic reduction in maternal and infant death rates. For the three years preceding liberalization, the New York City maternal death ratio was 51 per 100,000 live births; it dropped to 38.2 per 100,000 in each year under the new law.

INFANT DEATHS, RECORD LOW

In 1971 infant mortality hit a record low for the city of 20.8 per 1,000 live births, declining further to 19.8, in 1972. The neonatal mortality dropped from 16.3 in 1970 to 14.9 per 1,000 live births in 1971 and remained at that level in 1972.

The city's Health Services Administration cautiously concludes that the liberalized abortion law provides an important alternative to women who would otherwise risk death in childbirth or whose offspring would risk death in infancy.

But Dr. Jean Pakter, director of maternity services and family planning for New York City's Department of Health, views legalized abortion as neither the best nor the final answer.

Gratified by the city's abortion safety record, she pointed out recently that family-planning counseling remains vitally important, particularly to reduce the number of repeat abortions.

"We would be pleased to see fewer and fewer abortions performed as more and more women avail themselves of adequate contraception," she said.

The relationship between legalized abortion and contraceptive information for those who seek it is a subtle one. In the first two years of New York's liberalized law, 9,000 Connecticut women came to New York City for legal abortions. Less than a year after the Supreme Court ruling, Connecticut lifted its ban on the dissemination of contraceptive information in the state.

Between mid-1970 and mid-1972, fewer than a fourth of the city's legal abortions were performed on city residents; the great majority came from such places as Connecticut, upstate New York, New Jersey, Michigan, Florida, and Canada.

The proportion of teen-agers was very high—close to a third of the nonresidents and a sixth of the residents—and nearly half of these patients were 17 years old or younger. At the opposite end of the age spectrum, the number of abortions for women aged 35 or older declined slightly in the program's second year.

In both years, roughly 45 per cent of patients were white, 45 per cent nonwhite, and 10 per cent specifically listed as Puerto Rican. The majority of nonresidents were primipara; the majority of residents were multipara.

In the first year proprietary hospitals performed the largest number of abortions, but by the second year nearly half were done at free-standing clinics, Dr. Pakter, Dr. Donna O'Hare, Frieda Nelson, and Martin Svigir reported last June in the *American Journal of Public Health*.

Most significant is the drop in total maternal mortality. "During the two years prior to the enactment of the law, the total maternal mortality rate (abortion- and non-abortion-associated) was 5.2 per 10,000 live births [52 per 100,000], with a rate of 1.5 for abortion-associated and 3.7 for non-abortion-associated," Dr. Pakter notes.

"In the subsequent two-year period, July, 1970, to June, 1972, the total rate declined to 3.8 per 10,000 live births [38 per 100,000], the abortion-associated component being 1.1 per 10,000 live births and the nonabortion component 2.7 per 10,000 live births."

OUT-OF-WEDLOCK BIRTH DOWN

Predictably, the liberalized law was associated with a birth rate that declined slightly more than the nation's, the greatest decline being in out-of-wedlock and low-birth-weight babies. For the first time since New York City began collecting data on out-of-wedlock births, there was a reversal of what had been a steady rise.

In 1970 nearly 32,000 out-of-wedlock babies were born in New York City; in 1971 there were just over 28,000, a 12 per cent reduction. Cautious about drawing conclusions, Dr. Pakter and her colleagues report: "The decline in low-birth-weight infants and out-of-wedlock births, which have long been associated with much higher mortality rates, undoubtedly contributes to the decline in

Mr. JAVITS. Mr. President, the Bartlett amendment, without regard to medical need, would completely deny health benefits to women who are poor and most distinctly in need of adequate medical care to improve their health.

This amendment, by denying abortions only to women who are poor, is discriminatory for it deprives women too poor to pay of the rights which the Constitution and the Supreme Court accord to women with means. The amendment would effectively deny millions of low-income women their right to good health care by prohibiting the use of the only funds available to them for this medical service. Also, this amendment eliminates all decisionmaking and exercise of choice on the part of women who are poor, thereby infringing upon their civil rights and personal freedom.

The thrust of this amendment would be to deny indigent women the equal protection of the laws to which they are constitutionally entitled. They alone are subjected to state coercion to bear children which they do not wish to bear and no other woman is so coerced.

The amendment would deny the indigent woman medical assistance unless she resigned her freedom of choice and bears the child. Thus she is discriminated against by reason of her poverty and by reason of her behavioral choice.

I beileve abortion, consistent with responsible medical practice, is a matter of private choice and personal conscience, and we must fight against an amendment which would constitute a legal impediment to equal protection for a class of women who must look to the Federal and State governments for financing of their health care.

Certainly, the impact of the amendment would be contrary to the intent of the medicaid legislation which is "to help such families and individuals (as are eligible) to attain or retain capability for independence or self care." The cost of bearing and raising a child is considerable and the burden created by an unwanted child can be devastating for a low-income family. In many instances, the effect would be to deprive a woman of her independence and ability to care for herself and any children she might already have. Besides forcing poor or near poor women to bear children they do not want, the Congress would be forcing these women into a position of greater poverty and subsequent dependence on public assistance.

The Department of Health, Education, and Welfare estimates that the $40 to $50 million spent yearly by medicaid for abortion reimbursements is offset by a direct saving to the Government of between $450 and $560 million in the next year alone. This was calculated by estimating the number of medicaid recipients who would carry their pregnancies to term and then require additional medical care and welfare payments for their unwanted children.

No less an authority that the U.S. Commission on Civil Rights has recently concluded that the denial of reimbursement for abortion under medicaid is discriminatory and unconstitutional. I ask unanimous consent that its letter to me be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Commission on Civil Rights,
Washington, D.C. April 9, 1975.

Hon. Jacob K. Javits,
U.S. Senate, Russell Senate Office Building,
Washington, D.C.

Dear Senator Javits: The Commission on Civil Rights appreciates being given the opportunity to comment at this time on Senator Bartlett's proposed amendments to S. 66, "A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services." As we promised last year, we will release on April 14, a report entitled "Constitutional Aspects of the Right to Limit Childbearing." The principal thrust of the report is an analysis of the impact that a constitutional amendment designed to nullify the *Roe* v. *Wade* and *Doe* v. *Bolton* decisions of the U.S. Supreme Court would have on the First, Ninth and Fourteenth Amendments to the Constitution.

The Commission has based its conclusions on the results of factfinding studies, within a legal framework. The Commission therefore takes no position on the moral or theological debate which presently surrounds the issue of abortion. Nor does it take a position on whether an individual woman should or should not seek an abortion. The Commission's sole position is its affirmation and support of each woman's constitutional right as delineated by the Supreme Court.

One of the reports' three major recommendations is that "Congress should reject anti-abortion legislation and amendments, and repeal those which have been enacted, which undermine the constitutional right to limit childbearing." The Commission makes this recommendation, and urges the Senate specifically to reject the proposed Bartlett amendments to S. 66, for several reasons. First, as indicated, we believe that such an amendment would undermine the constitutional rights of women as set forth by the U.S. Supreme Court. Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on low-income women, among whom racial and ethnic minority women are disproportionately represented.

The Commission's report discusses in some detail the impact on low income women of constitutional amendments prohibiting abortion, addressing the potential violations of the equal protection clause of the Fourteenth Amendment which would result.

Thus, Senator Bartlett's proposed amendments would effectively nullify the *Roe* and *Doe* decisions for poor women, as these are the women who must rely on Medicaid and other Federally funded health care programs for medical services. Our report states that:

"Statistical data demonstrate the suffering experienced by poor women when abortion is illegal. For the poor woman, restrictive abortion statutes have meant either another baby she could not care for, or the chance of death from an attempt to self-abort or at the hands of a backroom abortionist. Almost universally, where abortion is legalized the maternal mortality rate drops and the incidence of septic abortion (abortion complicated by acute infection of the lining of the uterus) and incomplete abortion decreases. This points to the conclusion that legal abortion reduces the incidence of ill effects from criminal abortions and is, therefore, preferable to criminal abortion. For example, at San Francisco General Hospital in 1967, before abortion reform, there were 68 septic abortions per 1,000 live births; by 1969 there were only 22 per 1,000 live births. In New York City's Harlem Hospital there were 1,-

054 women admitted for after care following incomplete abortions in 1965 and only 292 in 1971, after abortion was legalized.

"Poor women face grave risks of endangering life and health by self-abortion or by seeking the services of nonphysician abortionists. If forced to continue an unwanted pregnancy, women, when unmarried, face a whole range of discrimination. If they are employed, their health insurance coverage may be inadequate to cover expenses associated with pregnancy and childbirth. Furthermore, employers are not obligated to transfer a pregnant woman to less arduous work, if this is medically advisable during any stage of pregnancy. Indeed, women have often been forced to leave their employment, either temporarily or permanently when they become pregnant, thus losing potential benefits, including health insurance coverage. If a pregnant woman is unable to find employment and does not qualify for compensation and has no one to support her, she may be forced to accept inadequate public assistance. Additionally, the existence of an out-of-wedlock pregnancy and birth may be used as evidence to deny employment or housing to a woman. The same economic factors which create her inability to gain an abortion in the first place might mean that a woman would not be able to file suit to challenge such patently discriminatory actions."

The recognition of abortion as a constitutional right by the Supreme Court has made it possible for more poor women to gain access to safe abortions done by physicians, and paid for by Medicaid funds. They need not pay the higher fees demanded by illicit practitioners when the procedure is illegal. Senator Bartlett's proposed amendments to S. 66 would restrict that opportunity. Economic discrimination as such may not always be a violation of the Constitution, but racial discrimination is, and the effect of prohibiting states to pay for legal abortions with Medicaid funds would be to discriminate against those racial and ethnic minority women who are disproportionately represented among low income women.

Further, the Commission's report discusses various State actions which have been taken since the Supreme Court *Roe* and *Doe* decisions, as attempts to indirectly limit the right to abortion. One of the most important of these is the attempt to refuse Medicaid payments for abortion procedures. As is pointed out in the October, 1974, memorandum prepared by the Congressional Research Service of the Library of Congress, entitled "Constitutionality of the Bartlett Amendment Banning Use of DHEW and DOL F.Y. 1975 Funds for Abortion," the courts have declared that all such State actions represent illegal interference with the reproductive freedom acknowledged in *Roe* and *Doe*. Our report describes these cases as follows:

"In one case, (*Doe v. Rose*) the Utah State Department of Social Services ruled that indigent pregnant women, entitled to medical services and care for pregnancy under its Medicaid program, were not entitled to abortions at the expense of Medicaid unless an application was approved by the department as being therapeutic. The department defined a therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. The Federal appeals court decided that this 'broad abortion policy is intended to limit abortion on moral grounds.' Such a policy 'constitutes invidious discrimination and cannot be upheld under constitutional challenge.'"

I hope that this reply is responsive to your concerns. Please feel free to call on me if the Commission can be of further help.

Sincerely,

ARTHUR S. FLEMMING,
Chairman.

Mr. JAVITS. Mr. President, it should be noted that court tests in six States, whose medicaid programs sought to limit reimbursements to those abortions deemed by the State to be "therapeutic" or "medically necessary," have resulted unanimously in orders that medicaid must reimburse for all legal abortions if the program reimburses for other pregnancy-related services. Forty-one States and the District of Columbia, either voluntarily or on court order, now reimburse fully for legal abortions under medicaid. The few remaining States still have restrictions of one sort or another, some of which are being challenged in the courts, but only West Virginia's restrictions are as stringent as those in the Bartlett amendment, only when the woman's life is threatened.

I respect those whose philosophy, experience, religious training, moral standards, and values lead them to conclude that abortion is wrong. However, I do not believe they should seek to impose involuntary requirements for other individuals who may have a difference of opinion. It is a matter of individual conscience.

Oliver Wendell Holmes said that "moral predilections must not be allowed to influence our minds in settling legal distinction." I urge my colleagues to support the motion to table, that I will soon offer, so the coercive powers of the State are not employed in the service of any sectarian view.

Mr. PERCY. Mr. President, before the Senator offers that motion will he yield for a moment?

Mr. JAVITS. Of course.

Mr. PERCY. The question has been raised by the distinguished Senator from Rhode Island about taxpayers' money. If we are really talking about taxpayers' money, what would be the judgment of the distinguished Senator from New York, what would be the net effect, when you consider the cost of abortion as against the probability that a large number of those children would be supported for many, many years by taxpayers' money if the abortion were not permitted?

Mr. JAVITS. The Senator is absolutely right, and the answer, as I previously alluded to, is that this comes under the Social Security Act, and that those who are recipients of medicaid and the recipients of maternal care, and so forth, under the Social Security Act are the very people who are very likely to continue that syndrome of dependence upon the Federal Government, and instead of having a woman who is subjected to this procedure, you will have her as an AFDC mother, which is costing billions and billions of dollars to this country.

So if you are going to tote it up on the basis of the provident use of the taxpayer's money, it is decidedly a losing proposition to pass this kind of an amendment.

Mr. PERCY. I mention that not that I do not look upon it as a moral issue—we have to face it as a moral issue—but the question was raised by the distinguished Senator from Rhode Island on the financial aspect of it, and the use of taxpayers' money.

Coming from an urban area such as Cook County in Chicago, and knowing the situation and the people this is aimed at to assist and help and to put them in a position of equality with others financially, certainly the taxpayer would be well ahead in the long run by the favorable action in tabling this amendment.

Mr. JAVITS. Well, Mr. President, it should certainly be pertinent at this particular point to read one sentence from the U.S. Commission on Civil Rights which wrote me exactly the same letter they wrote to Senator PERCY and I had previously referred to. They say:

> Next, it is clear that restriction of Medicaid funds for legal abortion would negatively impact only on the low-income women among whom racial and ethnic minority women are disproportionately represented.

In short, Mr. President, the issue is one of discrimination, purely discrimination; not yet—we will get to it—the issue of abortion, pro or con. You will have an ongoing great majority of the country which has the opportunity to do what you deny poor women the opportunity to do simply because they have the misfortune to be Federal wards.

For those reasons, Mr. President, it is an appropriate remedy not to pass on the merits, but to table, the amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. JAVITS. Yes, of course.

Mr. PASTORE. I think we are stretching this argument about discrimination. There is nothing in the law which says you can use public money in order to grant permission or to support the abortion of a rich person and not a poor person. That is not in the law.

I do not see where this argument of discrimination comes in at all. The argument that the Senator is making is that the rich, because they use their own money, and the poor, because they have not got the money, that is discrimination and, for that reason, you have got to use the taxpayers' money in order to equalize it.

The Senator argues:

> Well, it is going to cost us a lot more if we have a baby, the chances are, the mother does not want.

Here we are and we are adopting over 2,000 South Vietnamese babies, and there are a lot of people who want to adopt babies. This argument that it is going to cost us a lot more under the aid to dependent children then, by that token, we ought to have capital punishment because it is going to cost a lot of money to keep a murderer in jail all of his life. That is no argument.

Mr. JAVITS. Mr. President, the Senator has asked me a question, and I will answer it.

The fact is that the Senator omits the pertinent point, and that is that this practice is ongoing right now for poor women, and this amendment will take it away from them and, therefore, it is outright, blatant, outrageous discrimination and nothing else.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. JAVITS. I do not have any more time.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT. I will yield myself whatever time is required.

I would like to ask the distinguished Senator from New York if he believes that the Federal Government has an obligation to finance every right guaranteed a citizen of the United States under the Constitution.

Mr. JAVITS. No. I believe the Federal Government has a right to finance what it desires and determines is the right thing for the Federal Government to finance. One of the things it has financed is medical care for the poor under medicaid, and that relates to the medical definition which Senator KENNEDY has already given that anything which comes legitimately within the province of medical care is a proper subject for those poor people to get the benefit of by the way of medicaid funds, and the Social Security Act itself defines this particular abortion procedure in medical terms, that is, where it is medically necessary or where it is medically appropriate.

Now, Senator BUCKLEY argues that the Supreme Court has said that the mere will of the woman in question is what is medically necessary or medically appropriate. But that is not the way I read Roe against Wade, and I would like to just read, if the Senator will allow me—it is very brief, and I will not intrude on his time—this paragraph from that case:

> Although the results have been divided, most of the courts have agreed the right of privacy, however based, is broad enough to cover the abortion decision. But the right nonetheless is not absolute and is subject to some limitation, and that at some point the State interest in the protection of health, medical standards, and prenatal life becomes dominant. We agree with this approach.

I will ask unanimous consent that that excerpt be included in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Although the results are divided, most of these courts have agreed that the right of privacy, however based, is broad enough to cover the abortion decision; that the right, nonetheless, is not absolute and is subject to some limitations; and that at some point the state interests as to protection of health, medical standards, and prenatal life, become dominant. We agree with this approach.
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> Where certain "fundamental rights" are involved, the Court has held that regulation limiting these rights may be justified only by a "compelling state interest," *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969), *Sherbert* v. *Verner*, 374 U.S. 398, 406 (1963), and that legislative enactments must be narrowly drawn to express only the legitimate state interests at stake. *Griswold* v. *Connecticut*, 381 U.S. 479, 485 (1965); *Aptheker* v. *Secretary of State*, 378 U.S. 500, 508 (1964); *Cantwell* v. *Connecticut*, 310 U.S. 296, 307–308 (1940); see *Eisenstadt* v. *Baird*, 405 U.S. 438, 460, 463–464 (1972) (WHITE, J., concurring).
>
> In the recent abortion cases, cited above, courts have recognized these principles. Those striking down state laws have generally scrutinized the State's interest in protecting health and potential life and have concluded that neither interest justified broad limitations on the reasons for which a physician and his pregnant patient might decide that she should have an abortion in the early stages of pregnancy. Courts sustaining state laws have held that the State's determinations to protect health or prenatal life are dominant and constitutionally justifiable.

Mr. JAVITS. A comment sustaining my construction of it I ask to be printed in the RECORD from the Columbia Law Review, Volume 74:237.

There being no objection, the comment was ordered to be printed in the RECORD, as follows:

> The Supreme Court, while recognizing a woman's right to obtain an abortion, rejected the conclusion that a pregnant woman has an absolute right to an abortion on demand.[37] The opinions suggest that limitations may be imposed by the woman's physician [38] or, at appropriate times, by the state.[39] The Court explicitly refused to decide whether a woman's right to an abortion might properly be limited by a requirement of consent by the potential father of the child, or by the parent of a pregnant minor.[40] Some states had statute predating *Roe* and *Doe* requiring such consent [41] others have passed such statutes in reaction to the Supreme Court's decisions.[42]

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. BARTLETT. I yield to the Senator.

Mr. BUCKLEY. Unfortunately, I do not have the capacity for instant recall, but in one or the other of the two decisions, Roe or Wade there is a definition of what health constitutes, and it defines health as a woman's state of well-being, taking into consideration all the factors, including a familial, and so on. In other words, it might be described as the occurrence or lack of occurrence of happiness. It has nothing to do with physical well-being as we normally think, and I think that scholars are agreed that the practical effect of the definition in the Supreme Court decision is to enable any woman to claim that her health is at stake, when what is really at stake is the consideration of her own will.

Mr. JAVITS. Now, the Senator used a number of key words, but that is not the definition in the Social Security Act. The Social Security Act requires a finding that it is medically necessary or appropriate.

I will accept the Senator's recollection on the decision. Indeed, I will ask unanimous consent that the Senator put into the RECORD whatever he feels excerpted from the decision is helpful to his case.

But that is a point, and I do not want to be contentious about it, there is no need for that—but the fact is that we base our view on the medical necessity of the decisionmaking process.

It is interesting, if I am allowed briefly, in reading a case out of the western district of Pennsylvania to see that the court is looking at this very same argument that we are having, and the court says in that particular case, Doe against Wohloemuth, a 1974 Western District of Pennsylvania District Court, which says that under traditional equal protection standards, once the State chooses to pay for medical services rendered in connection with the pregnancies of women, it cannot refuse to pay for the medical services rendered in connection with the pregnancies of other indigent women electing abortion, unless the disparate treatment supports a legitimate State interest.

The court rejected arguments that the fiscal integrity of the State was a legitimate interest and the court in fact found that abortions would cost the State less than full term pregnancies, that the restrictive regulations were approved by doctors, and that denying indigent women abortions would help discourage abortions. The court concluded:

> We hold that the state's decision to limit coverage to "Medically indicated" abortions, as arbitrarily determined by it, is a limitation which promotes no valid state interest. In the PMAP, the state has instituted a program to provide benefits to the poor; the state has excluded certain of the poor from the program; the exclusion denies medical assistance benefits to otherwise eligible applicants solely because they have elected to have an abortion, and the state has been unable to show that the exclusion of such persons promotes a compelling state interest.

This case still has to be appealed, no one understands that better than I, but my argument is that we have an ongoing situation. I think it is rank discrimination to stop it for a particular class of women in the community.

Mr. BUCKLEY. Will the Senator yield?

Mr. BARTLETT. Yes, I yield.

Mr. BUCKLEY. I fully understand and appreciate the sincerity of the arguments presented by my senior colleague, but I would suggest two things in light of recent votes both in the House of Representatives and in the Senate on the express proposition that Federal funds be made available for the abortion process.

One, I believe that the practice that has grown up was never consciously mandated by the Congress.

Two, I believe that the Congress has a right to determine legislatively which definitions of health are to be applicable when one makes funds available for health purposes.

The definition presented in this amendment is one that coincides with what historically has been that line of demarcation, namely, where the life of the mother was in jeopardy an abortion may be performed at public expense, in any other set of circumstances it shall be denied.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the case of Doe against Bolton, to which reference has been made.

There being no objection, the excerpt

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[37] Doe v. Bolton, 410 U.S. at 189.

[38] Roe v. Wade, 410 U.S. at 164.

[39] *See* notes 17–19 *supra* and accompanying text.

[40] Roe v. Wade, 410 U.S. at 165 n. 67.

[41] *E.g.* FLA. STAT. ANN. § 458.22(3) (1972); N.C. GEN. STAT. § 14–45.1 (Supp. 1971).

[42] *E.g.* IDAHO CODE ANN. § 18–609 (Supp. 1973); LA. REV. STAT. ANN. § 40: 1299.33D (Supp. 1974); NEB. REV. STAT. §§ 28–4, 151–52 (Supp. 1973); S.D. CODE § 34–23A–7 (Supp. 1973); UTAH CODE ANN. § 76–7–304 (Supp. 1973).

was ordered to be printed in the RECORD, as follows:

> The vagueness argument is set at rest by the decision in *United States* v. *Vuitch*, 402 U.S. 62, 71–72 (1971), where the issue was raised with respect to a District of Columbia statute making abortions criminal "unless the same were done as necessary for the preservation of the mother's life or health and under the direction of a competent licensed practitioner of medicine." That statute has been construed to bear upon psychological as well as physical well-being. This being so, the Court concluded that the term "health" presented no problem of vagueness. "Indeed, whether a particular operation is necessary for a patient's physical or mental health is a judgment that physicians are obviously called upon to make routinely whenever surgery is considered." 402 U.S., at 72. This conclusion is equally applicable here. Whether, in the words of the Georgia statute, "an abortion is necessary," is a professional judgment that the Georgia physician will be called upon to make routinely.
>
> We agree with the District Court, 319 F. Supp., at 1058, that the medical judgment may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgment. And it is room that operates for the benefit, not the disadvantage, of the pregnant woman.

Mr. BUCKLEY. Now, I think this is a definitional question that lies within the province of the Congress as a whole and does not involve matters of discrimination and I hope this amendment will be given the opportunity to be voted upon on its merits and not on the basis of a tabling motion.

Mr. JAVITS. I thank my colleague, but I think he knows my reluctance to make tabling motions and how unhappy I am when they are made against me.

But I really feel this is uniquely a case, because of my particular position on discrimination and in an ongoing situation, where it should be applied.

Mr. BARTLETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I believe the Senator from New York and other Senators wanted to adopt a position of neutrality, if they wanted to observe this question in all its ramifications and have it answered in a normal way through the legislative process, through the consideration of the findings of the House and Senate, by the executive branch, and placed into law, that would be one thing. To have hearing, to make definitions, to decide this question.

What this amendment offers is the opportunity to take a look at the questions that have been raised. The Senator from New York raised certain questions about IUD's and morning after pills. I would like to bring out to him that those questions have not been answered with the law we are now operating under, which is just a decision of the Supreme Court.

There has not been any input from this body into what is going on that is of real value. The definitions that govern the abortions are definitions in the Supreme Court decision.

I know those have made disclaimers about their personal feelings here and I do not question what is in anybody's conscience, but it is very obvious that if this amendment does not pass and become law, there is going to be a lot of abortions.

So when the Senator from New York says that it is not a substantive issue, it certainly is going to be the result of the action taken here that abortions will be continued in great numbers—about 300,000 per year and that taxpayers' money will be spent in large amounts of $30 to $40 billion without this body ever discussing that question, as such, with hearings and debate prior to coming on the floor.

So I ask that those who have reservations support this amendment, that those who question certain aspects of abortions, that we look at the terms, that we define those terms, that we have hearings, we have inputs from all sides.

But when it gets down to the matter of discrimination, discrimination against the poor, I think it is very obvious that if this amendment is not passed there is going to be discrimination against the unborn of the poor of about 270,000 to 300,000 lives. That is going to be the result.

So if we want to raise the question that it is discrimination of the unborn of the poor versus the mothers of the poor, and of the doctors if they are involved in the discrimination, then perhaps that would be a question that could be debated.

The fetus is discriminated against, in my mind, because it is very, very small, the smallest of human beings. It is because of its size, to a great extent, that this is taking place.

I feel very strongly that this body would like to be neutral on the matter of the moral questions involved which have been thrust onto us by the Supreme Court. I do not think anybody here can say there is not a moral question here because if this amendment fails then there is going to be 270,000 to 300,000 unborn human beings who will have their lives terminated. So there is a moral question.

There is also a question of financing. Certainly, there is no obligation that this body must finance every right that the Supreme Court says exists. But I think this body has a great opportunity, recognizing that many, many people feel that the Supreme Court decision was perhaps the fuzziest decision they have ever made, that this body has a chance to say, "No, we are not going to finance that decision, we are going to study, we are going to look at it, we are going to consider the moral question, we are going to consider the ethical question, we are going to consider the definitions and see what we are doing, we are really going to make law ourselves, we are going to initiate it, not just take what the Supreme Court decides in a very, very fuzzy decision."

So I think it is important that this body stand up and speak and listen, listen to the American people, and listen to the questions and to the experts, and then make a decision based on that, but not just respond without even looking at the questions, without any study, without any hearings, and continue this kind of financing.

I yield to the Senator.

Mr. HATHAWAY. Perhaps the Senator from Oklahoma is correct on the Supreme Court decision, but certainly I do not think we should attack it on a piecemeal basis by just depriving the very poor of the opportunity to exercise what is now their constitutional right.

Mr. BARTLETT. Let me say to the distinguished Senator from Maine that a vote——

The PRESIDING OFFICER. The Senator from Maine has no time.

Who yields time on this colloquy?

Mr. BARTLETT. I will yield the time.

I would like to say to the Senator from Maine that a vote on this amendment is a vote against the Supreme Court decision, against just accepting it and acquiescing to it.

It gives us time, if we pass this amendment and it becomes the law, to look into the matter of the basic questions of the Supreme Court decision and also to look into the matter of financing the decision, both of those matters.

It seems to me that it is very illogical for us to proceed and just acquiesce, to have the one branch, as it so often has done, superimpose its beliefs and its feelings, 5 to 4, 6 to 3, or whatever it is—I think in this case it was more than that—making a decision by a very few people, rather than doing it by the legislative route with representatives of the entire population making that decision.

This is the way we should make law. We should not just acquiesce to the Supreme Court. This is what the Senate will be doing if they vote this down.

Mr. HATHAWAY. I would agree with the Senator 100 percent, that we should not acquiesce 100 percent in every decision made by the Supreme Court. But certainly we should be equitable in our overturning of any such decision. If we did not agree with the capital punishment decision that the Supreme Court handed down, would we say that one segment would be subject to capital punishment and another not, until such time as we would change the decision? That is what the Senator from Oklahoma is proposing. He is saying that one segment, the poor people, should not have the same freedom of choice the rest of the population may have under the Supreme Court decision.

Mr. BARTLETT. What I am saying is that I do not want to see the unborn children of the poor be discriminated against while we are trying to have hearings and have action taken on the resolution to amend the Constitution to change the action of the Supreme Court. But it makes no sense to me to support the Supreme Court decision when it has legislated in a very blatant way in an area that should be left to the decision of this body and the executive branch and then make its judgment on whether or not we were operating properly.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not intend to take much time, but I would like to present some final comments.

First of all, the Senator from Maine is

quite accurate that there are those who want to change the Supreme Court opinion and decision on the issue of abortion. We have means and ways of doing that before the appropriate committees, and we have procedures which have been described in the Constitution of the United States. If that is our desire and will, then those processes should go forward and we ought to act in that particular way and for that consideration and not attempt by a piecemeal manner to reach that particular issue.

Mr. President, we have gotten over what I think is the principal issue before us. That is what has been the decision that has been taken by the Congress and the Senate of the United States in the past under the medicaid program. That is to permit doctors in this country, in consultation with their particular patients, to make judgments about what is medically necessary.

With all due respect to the Senator from New York, it has never been a historical understanding in this country that they would only provide the question of abortion on the saving of the lives of the mothers. That has not been either the history or the background in terms of any kind of medical practice.

There was nothing at any time that the Congress considered the medicaid or the medicare program where we insisted that women be aborted in this country. I deplore that, I absolutely deplore it. Where there is the exercise of influence by companies or corporations or welfare agencies to put pressure on any individuals in this country for an abortion, it is absolutely outrageous—it is absolutely outrageous—just as it is unacceptable that there be an abortion on a woman in this country that is not a medical necessity—that is not a medical necessity. But to the Senator from Oklahoma, the Senator from New York, or the Senator from Massachusetts or any of the other 97 Senators, if that is what we are going to decide, what we can all agree about, what is a medical necessity, then we will be here not only all day and all year but for years to come. If we want to put restrictions on this, then we are entitled to do so, I suppose. But that is what the law is today. It is medical necessity.

I imagine that there are some doctors in some parts of the country who are making decisions on what is medically necessary that are entirely different from standards with doctors in other parts of the country. I have heard, as chairman of the Health Subcommittee, that what we do not want is uniformity in the practice of medicine. But we have described medical necessity—medical necessity—Doctors have interpreted that. If they interpreted it in a way which is not consistent with the medicaid and medicare program, they are in violation of the law. They are in violation of the law. If there are those suggestions that are made by this body that they are using the World Health Organization interpretation about the good mentality of the mother, or other interpretations or other courts, then they are risking violating the law. If they are violating the law, they ought to be prosecuted.

That is not what we are talking about here. That is not what we are talking about.

What we are talking about is an amendment of the Senator from Oklahoma that is going to place what he considers, with his language, to be restrictions on encouraging the performance of abortions, except such abortions as necessary to save the life of the mother.

Women get raped, Mr. President, and 51,000 women in this country got raped last year, the FBI says that that is one-ninth. Eighteen thousand pregnancies resulted in those who were raped last year.

Under the Senator's particular amendment no one of them is going to be able to take advantage of any Federal funds.

He is interpreting. He reinterpreted it. He said, "If you put it that way, the D. & C. procedure could be used. They are OK if they are funded under medicaid." What is the purpose of a D. & C. in such a situation? It is to get aborted—to get aborted. Just as anyone understands that if you are using an IUD, it is either to prevent or to get aborted. Most authoritative medical authorities would say that the effect of an IUD is not to prevent conception, but is to abort it after the conception. So you wear it to get aborted.

What do you take the morning after pill to do? To be aborted. He says we want to prohibit all abortions except for the life of the mother. That is okay. You can do a D. & C., you can take a morning after pill, you can use an IUD.

What is he trying to say, Mr. President? What is he trying to say on this? Under this particular language, what is he trying to say?

It is vague, it is indefinite, it is subject to a variety of interpretations and has no business being before the Senate this afternoon. There are no hearings on this matter. It should be before the Committee on Finance.

On the other issue of whether this provides equal rights or justice for the people of this country, I listened to my good friend from Rhode Island saying, Are we making a unilateral decision that we are favoring one side, and that is the abortion, against the expense of the other side, which is the right to birth?

Mr. President, Federal funds are already being used on maternity care and deliveries. We are doing that today. We are spending millions of dollars for poor people to have their children, and I support it. I support it. So we are providing that today.

We did not make a congressional action saying that we want to provide x billions of dollars to go into maternity care and delivery under medicaid. What six Federal district courts have said is not that you have to fund abortions. They never said that the Federal Government had an obligation and a responsibility to fund abortions. It does not say that. No, it does not say that. It does not even say you have a responsibility to provide maternity care. It does not say that. But six district courts say if you provide one you have to provide the other.

Maybe that is right and maybe that is wrong, but that happens to be what six district courts have stated. They are being appealed before the Supreme Court of the United States at the present time. I do not know what the Supreme Court of the United States is going to do. I do know what it is going to do on those particular measures. But I do think since we have that issue, and it is an equal opportunity amendment under the 14th amendment, that we have some responsibility to try to find out what this Supreme Court is going to do.

So, Mr. President, I hope that the motion of the Senator from New York is going to be favorably acted upon. I think it is the heighth of ridiculousness for us to be out there trying to ask each other what we think about what is medically necessary. I am sure that I have a view different from that of the other 99 Members and that the other 99 Members have a view different from mine.

What we are attempting to do at this time is to say that this particular amendment, for the legal reasons that have been pointed out in this debate and discussion, for the procedural reason that it has not been adequately and fully considered, for the fact of the ambiguity on the face of the language of the amendment itself and the constant interpretation we have heard on the floor of the Senate this afternoon on an issue which involves emotion and morality and ethics, that the motion of the Senator from New York should be acted upon favorably.

The PRESIDING OFFICER (Mr. PEARSON). The time of the Senator has expired.

The Senator from Oklahoma has 9 minutes.

Mr. BARTLETT. Mr. President, the distinguished Senator from Massachusetts talked about the medical necessity, and that has been spelled out very clearly in the Supreme Court decision to mean just what the whim of the mother is, just what the doctor and the mother decide. But it is not based on normal medical, scientific necessities.

In fact, the abortion is an extension of the normal kind of medical care, because it is not a sickness or an illness. It is an elective medical and surgical activity performed by a doctor.

The Senator said that there have been no hearings on this matter; that we are flying blind; that we should let Congress act as it sees fit, rather than just accept what the Supreme Court has decided. This has not been a product of congressional and executive action. This is a product of the unilateral action of the Supreme Court.

The fundamental question is very simple: Do we want the Federal Government to remain in and finance and encourage abortions or do we not? This is the question. If my colleagues favor the Federal Government financing, to the tune of some $30 million, $40 million, or $50 million per year, up to 300,000 abortions, aborting the fetuses of the poor, then they should vote against my amendment. But if they favor a neutral position or favor the Federal Government getting out of the abortion business, then they should support this amendment.

It is a neutral position, because it would permit those who favor abortion to have the hearings and to decide what Congress wants to do by legislative action and what the executive branch wants to do, to be decided by them. But we would have a law in the normal way.

So I call upon those who feel that they are not inclined to see the Federal Government continue in the abortion business to support my amendment.

I do not think that this particular question can be approached or looked at by forgetting about the moral implications and forgetting about the fact that what we are really dealing with here is discriminating against the unborn of the poor. Do we want to continue to finance that encouragement and those abortive actions? I call upon my colleagues to answer this question. They cannot duck the question. It is a question of how the Senate feels on the matter of the Federal Government being involved in the abortive process of aborting the unborn of the poor.

Mr. MUSKIE. Mr. President, the question of abortion is a complex moral issue and one which many of us find troubling. I personally oppose abortion except for medically justifiable reasons, but I do not find it an easy proposition to impose my personal moral views on others.

For this reason, I have been reluctant to support a constitutional amendment which would overturn the Supreme Court's 1973 ruling on abortion. Similarly, however, I have been reluctant to support Federal programs which might encourage the use of abortions as a method of birth control. I have felt that the use of taxpayer dollars for such a purpose amounts to a questionable imposition of public policy on the deeply held moral convictions of millions of Americans.

I have, therefore, supported the general intent of the Bartlett amendment in the past. I will vote to table the amendment today, however, for the following reasons.

The amendment involves a range of complicated administrative questions as well as some basic constitutional issues. These should be fully explored at the committee level before any legislation of this nature is considered on the floor.

I would like to give a few examples to illustrate this point. The amendment would prohibit only those funds authorized under the Social Security Act from being used to pay for or "encourage" the performance of abortions. The bill before us contains no authorization for the Social Security Act. The effect of the amendment, therefore, on the programs funded under this bill is unclear. Would a Community Mental Health Center, for instance, be able to provide pregnancy counseling for a nonmedicaid recipient, but barred from doing the same for a medicaid recipient? Would a private physician be prevented from counseling a medicaid patient on abortion while at the same time being free to provide such counsel to a fee-paying patient?

The language of the amendment is disturbingly vague on two key points: First, "encourage" is nowhere defined. Could it be construed to mean referral by a health center for pregnancy counseling or would it apply only to direct counseling in favor of abortion? Could the teaching in medical or nursing schools of the medical facts about abortion techniques and pathology be construed as "encouragement"? Second, the term "abortion" itself needs definition. Of the principal proposed constitutional amendments presently pending before the Judiciary Committee, one places the commencement of life at fertilization and one at implantation—a distinction which leads to seriously differing interpretations of abortion. The lack of definition on this point in the amendment raises questions about the techniques or birth control devices that might be termed abortifacients and thereby outlawed. Would it mean, for instance, that a Rape Crisis Center would be prohibited from offering an abortifacient-type drug to a rape victim who was a medicaid or AFDC recipient?

Additionally, I am concerned about the constitutional implications of the amendment. Court tests over the past several years of State-level efforts to limit access by some to abortion have led to such efforts being denied by the courts. The court rulings clearly imply that the mandatory elimination of one medical procedure represents a discriminatory denial of the equal protection clause.

I do not think that the floor of the Senate is the appropriate forum in which these complex and controversial issues can be decided. I will, therefore, vote to table the amendment.

Mr. BROOKE. Mr. President, I oppose the Bartlett amendment, because I believe that it is unconstitutional and because I believe that it fosters an unwise national public policy.

Two years, ago, the Supreme Court ruled that a woman has the qualified right to terminate her pregnancy during the first trimester of that pregnancy. Her right to do so is based on the constitutionally protected right of privacy. Since that landmark decision, the lower Federal courts have consistently ruled against States' policies which would curtail that right. In particular, they have ruled that under the 14th amendment once a State makes medical services available to pregnant women, it cannot discriminate against those women who choose to terminate their pregnancy during the first trimester. Public programs by paying for childbirth, but not elective abortions, deprive indigent women of their right of privacy to decide whether or not to bear children and force them to carry their children to term of economic reasons. In judicial decisions no interest of the State has been compelling enough to override a woman's right to privacy in the matter of whether or not to choose an obortion during the first 3 months of pregnancy.

I believe that the same judicial reasoning which the courts have applied to States' actions under the 14th amendment would also be applied to Federal actions under the fifth amendment. I, therefore, believe the Bartlett amendment to be unconstitutional. The Federal Government as well as the States cannot provide funds and services for those women who choose to end their pregnancy through birth while denying funds and services to those who choose to end their pregnancy during the first trimester.

In addition to misgivings because of its dubious constitutionality, I also oppose the Bartlett amendment, because it would have far reaching effects on the whole range of Federal services and programs. I would call to your attention a few of the programs which might be affected.

Hospitals and other health facilities could not perform abortions under any HEW supported programs.

Medical schools receiving HEW funds—and virtually all do—would be severely constrained in instructing students about abortion or in demonstrating proper techniques.

HEW sponsored mental health centers could not counsel clients that one of their options in dealing with pregnancy was abortion.

Women who have had Rubella during the early stages of pregnancy, where the possibilities of an abnormal child are great, could not obtain abortions through HEW-supported programs.

State public welfare programs supported by Federal funds could be in violation if a caseworker responded to a client's request for a referral to an abortion agency.

Rape victims could not be provided abortions by HEW funded programs.

In particular, the Bartlett amendment would have an immediate and pernicious effect upon the medicaid program. Without medicaid many women would probably not be able to afford a legal and safe abortion. Unwanted children would thus be born into those homes least financially able to provide for them. Or poor women would be driven once more to dangerous back alley abortionists.

I would emphasize that the Bartlett amendment does not outlaw abortion; it only denies legal abortions to those women who are too poor to pay for them. Women who are financially able to pay for an abortion themselves would be completely unaffected.

In summary, I oppose the Bartlett amendment, because it is of questionable constitutionality and because it ends the present neutrality of the Government in an area which more than almost any other is one where privacy should be respected and protected.

ANTIABORTION AMENDMENT UNCONSTITUTIONAL

Mr. PACKWOOD. Mr. President, the Senate has under consideration an amendment that would prohibit the use of any Federal funds for abortions "directly or indirectly, except in a case where such abortion is necessary to preserve the life of the mother." I believe that this measure arises from an honest and deep conviction held by some that abortions are immoral. Yet the Supreme Court in its wisdom underscored the right of a diversity of belief in this country, and the right of the individual to decide whether or not to have an abortion.

This, however, is not the question at hand. Many of my colleagues have stated that it would be improper to legislate so sweeping a measure in this manner. Beyond that, I believe that we should examine the serious constitutional questions that arise about this provision. Because the lower-income women who depend upon public assistance for medical care would be denied coverage of abortion-related care under medicaid, Morton Rosenburg, legislative attorney for the Library of Congress, has studied the constitutional questions raised by the Bartlett amendment. He has written an excellent opinion that thoroughly explores the issue of equal protection and abortion rights. Rosenburg points out that statutory restriction of the use of Federal and State funds for abortions has been overturned time and time again in the courts, leaving little doubt about the unconstitutionality of this amendment.

Mr. President, I ask unanimous consent to have the text of Mr. Rosenburg's enlightening work printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CONSTITUTIONALITY OF A STATUTORY PROVISION BANNING THE USE OF ANY FEDERAL FUNDS FOR ABORTIONS

On March 11, 1975, an amendment (No. 86) was offered to S. 66 (a bill to revise and extend certain health programs under title VIII of the Public Health Services Act) which would prohibit the use of any federal funds to pay for or encourage the performance of an abortion except to preserve the life of a mother. The amendment reads as follows:

"No funds authorized under this Act or under any other act may be used in any manner, directly or indirectly, to pay for or encourage the performance of abortions except in a case where such an abortion is necessary to preserve the life of the mother."

In response to inquiries as to the constitutionality of such a provision, we submit the following.

In view of the Supreme Court's decisions in *Roe* v. *Wade*, 410 U.S. 113 (1973) and *Doe* v. *Bolton*, 410 U.S. 179 (1973), and lower federal court decisions which have applied the principles of *Roe* and *Doe* in situations involving state attempts to withhold funds for abortions, and other relevant legal precedents, it would appear that the constitutionality of the above-quoted amendment would be open to serious attack in the courts on the ground that it creates a classification restricting the fundamental right of women in that class to decide whether not to have an abortion, in violation of equal protection standards.

I

Where the constitutionality of a federal statute is called into question on the ground that it invidiously discriminates against a particular class, the constitutional argument must rest upon the Fifth Amendment to the Constitution, rather than the Fourteenth. E.g., *Weinberger* v. *Wisenfeld*, No. 73–1892 (March 19, 1975) (slip opinion at p. 2 and n. 2). Although the Fifth Amendment does not contain any clause explicitly guaranteeing the equal protection of the laws, it nevertheless has long been settled that the amendment "does forbid discrimination that is 'so unjustifiable as to be violative of due process.'" *Frontiero* v. *Richardson*, 411 U.S. 677, 680, n. 5 (1973), quoting *Schneider* v. *Rusk*, 377 U.S. 168, 163 (1964); accord, *United States Department of Agriculture* v. *Moreno*, 413 U.S. 528, 533 n. 5 (1973). The Supreme Court has recognized, moreover, that both the concept of equal protection and the concept of due process stem "from our American ideal of fairness." *Bolling* v. *Sharpe*, 347 U.S. 497, 499 (1954). Accordingly, it is now equally well-settled that "The due process clause of the Fifth Amendment provides the same basic safeguards as the equal protection clause and the general principles of the latter apply to the former." *United States* v. *Craven*, 478 F. 2d 1329, 1338 (6th Cir. 1974), cert. denied 42 U.S.L.W. 3198; *United States* v. *Synnes*, 438 F. 2d 764, 777 (8th Cir. 1971), vacated on other grounds, 404 U.S. 1009 (1972). "Thus, if a classification would be invalid under the Equal Protection Clause of the Fourteenth Amendment, it is also inconsistent with the due process requirement of the Fifth Amendment. See *Richardson* v. *Belcher*, 404 U.S. 78, 81 (1971)." *Johnson* v. *Robison*, 415 U.S. 361, 364–365 n. 4 (1974). "This Court's approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment." *Weinberger* v. *Wisenfeld*, *supra*, p. 2, n. 2 (slip opinion). See also *Schlesinger* v. *Balard*, 42 L. Ed. 2d 610 (1975).

The threshold inquiry in an equal protection case concerns the appropriate standard by which a challenged provision is to be measured. *San Antonio Independent School District* v. *Rodriguez*, 411 U.S. 1 (1973); *Weber* v. *Aetna Casualty & Surety Co.*, 406 U.S. 164, 172–173 (1972). If the legislation operates to the disadvantage of persons in a suspect classification or infringes on a fundamental right explicitly or implicitly protected by the Constitution, strict judicial scrutiny is required. The challenged legislation is not entitled to the usual presumption of validity. In addition, the government must demonstrate that the legislative classification is justified by a substantial and compelling interest, that the statute has been narrowly drawn to serve legitimate interests, and that the legislature has selected the least drastic means for effectuating its objectives. *San Antonio Independent School District* v. *Rodriguez*, *supra*, at 16–17; *Dunn* v. *Blumstein*, 405 U.S. 330, 335, 342–343 (1972).

On the other hand, if the challenged legislation involves neither a suspect classification nor the infringement of a fundamental right, its constitutionality is adjudged under a far less stringent standard. The legislature's action is accorded a presumption of constitutionality. *Lindsey* v. *Normet*, 405 U.S. 56, 71 (1972), and the party attacking the statute bears the burden of showing that it violates the Fifth or Fourteenth Amendments. *Feinerman* v. *Jones*, 356 F. Supp. 252, 256 (N.D. Pa. 1973). The classification made in the statute need only "bear some rational relationship to a legitimate state end and will be set aside as violative of the Equal Protection Clause only if based on reasons totally unrelated to the pursuit of that goal.'" *McClellan* v. *Shapiro*, 315 F. Supp. 484, 490 (D. Conn. 1970), quoting *McDonald* v. *Board of Elections Commissioners*, 394 U.S. 802, 809 (1969). Furthermore, "'a statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it.' *McCowan* v. *Maryland*, 366 U.S. at 420, 526." *Dandridge* v. *Williams*, 397 U.S. 471, 485 (1970). And the rational basis on which the statute is sustained need not in fact have been the primary purpose behind its passage. *McGinnis* v. *Royster*, 410 U.S. 263, 275–276 (1973).

Thus, whether the compelling interest or rational basis standard is utilized to test a particular piece of legislation may be determinative of the outcome of equal protection litigation. The Supreme Court has dealt with the choice of standards problem in the following manner.

When dealing with legislation which falls within the realm of economics and social welfare, the Supreme Court has expressed considerable reluctance to subject legislative action to the strict scrutiny of the compelling state interest test. For example, it has rejected a claim that a statute reducing welfare benefits as family size increases should be measured against that test, stating:

"In the area of economics and social welfare, a state does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect. If the classification has some "reasonable basis," it does not offend the Constitution simply because the classification "is not made with mathematical nicety or because in practice it results in some inequality." *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U.S. 61 78. "The problems of government are practical ones and may justify, if they do not require, rough accommodations—illogical, it may be, and unscientific." *Metropolis Theatre Co.* v. *City of Chicago*, 228 U.S. 61, 69–70. "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it," *McGowan* v. *Maryland*, 366 U.S. 420, 426." (*Dandridge* v. *Williams*, 397 U.S. 471, 485 (1970)).

The court has refused to denominate education. *San Antonio Independent School District* v. *Rodriguez*, *supra*; welfare, *Jefferson* v. *Hackney*, 406 U.S. 535 (1972), *Dandridge* v. *Williams*, *supra*; or housing, *Lindsey* v. *Normet*, *supra*, as "fundamental rights," the denial of which would call into play the compelling state interest test; and it has refused to do so despite its recognition that each may be critical either to survival itself or the acquisition of the means necessary to rise above mere survival. Thus the Court has decribed its role in this area as follows:

"It is not the province of this Court to create substantive constitutional rights in the name of guaranteeing equal protection of the laws. Thus, the key to discovering whether education is "fundamental" is not to be found in comparisons of the relative societal significance of education as opposed to subsistence or housing. Rather, the answer lies in assessing whether there is a right to education explicitly or implicitly guaranteed by the Constitution." [Citations omitted]. (*San Antonio School District* v. *Rodriguez*, supra, at 33–34).

A prohibition against the use of federal funds for abortions is arguably a provision which falls within the category of economics and social welfare legislation. It represents a congressional decision as to which categories of medical assistance will be conferred upon the poor and other eligible groups. Such assistance has never been held to be a right guaranteed by the Constitution, either explicity or implicitly. Under *Rodriguez*, then, it would be difficult to maintain that it is a fundamental right, the denial of which, in and of itself, triggers the operation of the compelling state interest test.

However, equal protection analysis does not end at that point. The Supreme Court has identified situations and acknowledged that even where benefits which have been specifically held not to be fundamental are in issue, a provision excluding a particular class from receiving those benefits may still be subjected to strict judicial scrutiny. That result follows in one of two instances: where the class excluded from the receipt of benefits is a "suspect classification", *Graham* v. *Richardson*, 403 U.S. 365 (1971) (welfare benefits and alienage); see also *New Jersey Welfare Rights Organization* v. *Cahill*, 411 U.S. 619 (1973) (per curiam) (welfare benefits and illegitimacy); or where the basis for the exclusion from benefits involves a fundamental right entirely distinct from the benefits themselves, and it can be shown that the exclusion infringes upon the exercise of that right. *Shapiro* v. *Thompson*, 394 U.S. 618

(1969) (welfare benefits and the right to travel); *Memorial Hospital* v. *Maricopa County*, 415 U.S. 250 (1974) (medical benefits and the right to travel).

It can be argued that the subject amendment falls within the latter class of cases and would be measured against the compelling interest standard. That is, a congressional prohibition of funding for abortions or abortion-related medical assistance arguably involves a fundamental right and infringes upon the exercise of that right. Indeed, the case law considered below appears to establish that classifying eligibilty for assistance in order to curtail access to abortion is one giving rise to "strict scrutiny".

In its abortion decisions, *Roe* v. *Wade*, supra, and *Doe* v. *Bolton*, supra, the Supreme Court ruled that states may not categorically proscribe abortions by making their performance a crime, and that states may not make abortions unnecessarily difficult to obtain by prescribing elaborate procedural guidelines. The constitutional basis for the *Roe* decision rested upon the conclusion that the Fourteenth Amendment right of personal privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." 410 U.S. at 153. The Court left no doubt that since the right of personal privacy is a fundamental right, only compelling state interests can justify its limitation by a state (410 U.S. at 155–156):

"Where certain 'fundamental rights' are involved, the Court has held that regulation limiting these rights may be justified only by a 'compelling state interest,' *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, —— U.S. 618, 634 (1969); *Sherbert* v. *Verner*, 374 U.S. 398, 406 (1963); and that legislative enactments must be narrowly drawn to express only the legitimate state interests at stake. *Griswold* v. *Connecticut*, 381 U.S., at 485; Aptheker 1. *Secretary of State*, 378 U.S. 500, 508 (1969): *Cantwell* v. *Connecticut*, 310 U.S. 296, 307–308 (1940); *see Eisenstadt* v. *Baird*, 405 U.S., at 460, 463–464 (White, J., concurring in the result).

"In the recent abortion cases . . . courts have recognized these principles. Those striking down state laws have generally scrutinized the state's interests in protecting health and potential life, and have concluded that neither interest justified broad limitations on the reasons for which a physician and his patient might decide that she should have an abortion in early stages of her pregnancy. Courts sustaining state laws have held that the state's determinations to protect health or prenatal life are dominant and constitutionally justifiable."

Further, while the Court recognized the legitimacy of the state interest in protecting maternal health and preserving the life of the fetus, it held these interests insufficient to justify an absolute ban on abortions. Instead, the Court emphasized the durational nature of pregnancy and held the state's interest to be sufficiently compelling to permit curtailment or prohibition of abortion only during specified stages of pregnancy. The High Court concluded that until the end of the first trimester an abortion is no more dangerous to maternal health than child birth itself, and found that:

"[W]ith respect to the state's important and legitimate interest in the health of the mother, the 'compelling' point in light of present medical knowledge, is at approximately the end of the first trimester."

Only after the first trimester does the state's interest in protecting maternal health provide a sufficient basis to justify state regulation of abortion, and then only to the extent to protect this interest. 410 U.S. at 163–164.

Doe, which struck down state requirements that abortions be performed in licensed hospitals,[1] reiterates the holding of *Roe* that the basic decision of when an abortion is proper rests with the pregnant woman and her doctor, but extended *Roe* by warning that just as states may not prevent abortion by making their performance a crime, they may not make abortions unreasonably difficult to obtain by prescribing elaborate procedural barriers.

In every case which has involved a state's denial of Medicaid benefits for the performance of an abortion, or a state's denial of the use of public hospital facilities for the performance of an abortion or sterilization procedure, lower federal courts have uniformly held that under *Roe* v. *Wade*, a woman's right to abort a pregnancy is a fundamental right falling within her constitutionally guaranteed right of privacy and that state action interfering with that right must be justified by a compelling state interest. Further, as is more fully detailed below, no federal court which has directly addressed the constitutional issue has sustained a state's claim of any compelling interest in this area.

III

The earliest litigation on the scope of Medicaid coverage arose in New York after that state's liberalized abortion law went into effect in 1970. For nine months the program paid for all abortions. Then, the New York Commissioner of Social Services issued a directive allowing compensation only for those abortions that were medically required. The New York Court of Appeals, reversing the lower courts, sustained the validity of the directive. But in a challenge brought in a federal court, in *Klein* v. *Nassau County Medical Center*, 347 F. Supp. 496 (E.D.N.Y. 1972), a three judge district court found that the directive, and the New York Medicaid statute if interpreted as mandating the directive, deprived indigents of equal protection of the laws. The court reasoned that all pregnant women have the right to decide whether or not to bear children; and the state Medicaid program, by paying for childbirth, but not elective abortions, deprived indigent women of this right and forced them to carry their children to term for economic reasons. The *Klein* case reached the Supreme Court after *Roe* and *Doe* were decided. The Court vacated the district court decision and remanded for further consideration in light of those decisions. *Commissioner of Social Service* v. *Klein*, 412 U.S. 925 (1973).[2]

Court decisions since *Roe* and *Doe* have consistently invalidated a variety of state actions which had the effect of denying Medicaid funds for elective abortions.[3] In *Doe* v. *Rampton*, 366 F. Supp. 189 (D. Utah, 1973), a three judge district court held unconstitutional Utah statutes which imposed "burdensome regulations upon the decision whether or not to have or perform an abortion at any stage of pregnancy" in violation of *Roe* and *Doe*. One of the statutes would have prohibited the use of Medicaid funds for abortions except where necessary to save the life of another or to prevent serious and permanent damage to her physical health. Title 76, Chapter 7, section 314, Utah Code Annotated 1953. Judge Ritter, writing for the court, emphasized that the legislatively imposed Medicaid restrictions were unconstitutional because they limited the "exercise of the right to an abortion by the poor in all trimesters, for reasons having no connection with the health of the mother," 366 F. Supp. at 197.[4]

In another Utah case, the Tenth Circuit Court of Appeals overruled an attempt to limit the use of Medicaid funds for abortions, this time under the guise of requirements issued by the state's welfare agency. *Doe* v. *Rose*, 499 F. 2d 1112 (10th Cir., 1974). Under scrutiny in that case was the policy of the Executive Director of the Utah State Department of Social Services that indigent pregnant women entitled to medical services and care for pregnancy under its Medicaid program were not entitled to an abortion at the expense of Medicaid unless an application for it was approved by him as being a therapeutic abortion. He defined therapeutic abortion as one necessary to save the life of the expectant mother or to prevent serious and permanent impairment to her physical health, and none other. Applying *Roe* and *Doe* the Court stated:

"That in the absence of a compelling state interest a state may not bar all abortions, except those necessary to protect the health of the mother regardless of the trimester. A statute thus limiting abortions violates the constitutional right of privacy of pregnant women, at least those in their first or second trimester, who during the first six months of their pregnancy have a qualified right to terminate their pregnancies." (499 F. 2d at 1116).

In holding the informal policy of the Executive Director unconstitutional under the Fourteenth Amendment, the court rejected as "compelling" the suggestion that the policy served to protect the public fisc from expenditures for unnecessary medical treatment of indigents and concluded that his "broad abortion policy is intended to limit abortion on moral grounds. Under the authorities above cited,[5] such policy constitutes invidious discrimination and cannot be upheld under constitutional challenge." 499 F 2d at 1117.

A similar result obtained in *Doe* v. *Wohlgemuth*, 376 F. Supp. 173 (D.C.W.D. Pa. 1974), an action challenging the state's refusal to provide reimbursement for the cost of abortions under its medical assistance program. At the outset the court recognized that it was "here concerned with 'fundamental right' which must be balanced against '*compelling* state interests' where legislative enactments including State-wide Regulations pursuant thereto must be narrowly drawn to express only state interests." 376 F. Supp. at 179. In holding the state's restrictive regulations violative of the Fourteenth Amendment's Equal Protection Clause, the court stated:

"Under traditional Equal Protection

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[1] The Court also invalidated a requirement that abortions be approved by a hospital committee, 410 U.S. at 196–198, and that two physicians concur in the abortion decision, 410 U.S. at 198–199.

[2] Since its decisions in *Roe* and *Doe*, the Court has summarily disposed of, remanded, or denied certiorari in, all subsequent cases which might have involved reassessing or expanding its rulings in those cases.

[3] The Fourteenth Amendment reaches not only statutes which deny due process or equal protection, but also applies to "state action" or "governmental action" generally. Thus, the action need not be in the form of a statute but may be the acts of a governor, *Cooper* v. *Aaron*, 358 U.S. 1, 16–17 (1958); *Sterling* v. *Constantine*, 287 U.S. 378, 393 (1932), of prosecuting attorneys, *Mooney* v. *Holohan*, 294 U.S. 103, 112, 113 (1935), minor administrative officials, *United States* v. *Classic*, 313 U.S. 299 (1941), or of policemen, *Griffin* v. *Maryland*, 378 U.S. 130 (1964). The action may, of course, be expressed in formal form in a statute or ordinance, but it may as easily be nothing more than a policy expression that is enforced, *Lombard* v. *Louisiana*, 373 U.S. 267 (1963), or custom which is sanctioned through official action. *Peterson* v. *City of Greenville*, 373 U.S. 244 (1963).

[4] Judge Anderson, though dissenting from many of the majority holdings, agreed with the majority that section 314 was unconstitutional.

[5] Among others, the court cited *Klein*, *Rampton*, *Hathaway* v. *Worcester Hospital* and *Doe* v. *Wohlgemuth*, the latter two of which are discussed below.

standards, once the State chooses to pay for medical services rendered in connection with the pregnancies of women, it cannot refuse to pay for the medical services rendered in connection with the pregnancies of other indigent women electing abortion, unless the disparate treatment supports a legitimate State interest. . . ."

The Court rejected arguments that the fiscal integrity of the state was a legitimate interest (the court in fact found that abortions would cost the state less than full term pregnancies), that the restrictive regulations were approved by doctors, and that denying indigent women abortions would help discourage abortions. The court concluded:

"We hold that the state's decision to limit coverage to 'Medically indicated' abortions, as arbitrarily determined by it, is a limitation which promotes no valid state interest. In the PMAP, the state has instituted a program to provide benefits to the poor; the state has excluded certain of the poor from the program; the exclusion denies medical assistance benefits to otherwise eligible applicants solely because they have elected to have an abortion, and the state has been unable to show that the exclusion of such persons promotes a compelling state interest.

"The Regulations and/or Procedure of the Pennsylvania Medical Assistance Program are unconstitutional because they are in violation of the Equal Protection Clause since they create an unlawful distinction between indigent women who choose to carry their pregnancies to birth, and indigent women who choose to terminate their pregnancies by abortion."

Wolgemuth was affirmed by the Third Circuit on December 10, 1974 on the narrower constitutional ground that it was a violation of equal protection for the state to pay for abortions only when litigation is threatened[6] and remanded to the district court for further proceedings. However, both sides petitioned for rehearing which was granted and held in February, 1975.

In *Roe* v. *Westby*, 383 F. Supp. 1143 (D.S.D., 1974), vacated and remanded by the Supreme Court, March 17, 1975, for consideration of the statutory issue, plaintiff challenged as unconstitutional and sought to restrain the enforcement of a rule of the South Dakota Social Services Department under which women otherwise eligible for Medicaid were denied benefits to pay for non-therapeutic abortions. In analyzing the plaintiffs' claims, the court wrote:

"The policy reflects the moral judgment of the State that the pregnancies must terminate only by birth of a child or for therapeutic reasons. This moral judgment is not a compelling state interest which would justify inhibiting a woman in her exercise of a fundamental personal right as defined in *Roe* and *Doe*.

"The Equal Protection Clause does not prohibit disparate treatment *per se*. But where fundamental rights are limited by a State-created classification, the State must exhibit a compelling interest justifying the classification expressed by a narrowly drawn statute reflecting those compelling interests only." *Kramer* v. *Union Free School District*, 395 U.S. 621, 627 (1969); *Shapiro* v. *Thompson*, 394 U.S. 618, 634 (1969); *Aptheker* v. *Secretary of State*, 378 U.S. 500, 508 (1964). 383 F. Supp. at 1146).

The court also rejected the discouragement of abortion as a legitimate state interest and concluded that the state had "created a classification which is in violation of the Equal Protection Clause of the Fourteenth Amendment" to the Constitution. Id. at 1147.

Also, a recent court of appeals ruling has reiterated the constitutional infirmities inherent in restrictive governmental Medicaid policies with regard to non-therapeutic abortions. In *Wolff* v. *Singleton*, 508 F. 2d 1211 (8th Cir. 1975), the court dealt with a Missouri statute providing for medical assistance payments if pregnancy is carried to term or for therapeutic abortions, but not if a non-therapeutic abortion is performed. After disposing of jurisdictional issues the court found the statute unconstitutional on its face:

"This classification is a clear violation of the Equal Protection Clause of the Fourteenth Amendment.

"There is ample case authority for the holding that a welfare payments statute which places special regulation on abortion but not upon other medical procedures cannot stand in light of the Supreme Court decisions [in *Roe* and *Doe*]. [Citation omitted] . . .

"The control meted out by this statute does not give proper consideration to the conflicting constitutional interests involved. . . . It is further invalid since the welfare parent and her physician are discriminated against by reason of the patients poverty." (508 F. 2d at 1215–1216).

See also *Roe* v. *Norton*, 380 F. Supp. 726 (D. Conn 1974) and *Roe* v. *Ferguson*, No. 74–315 (S.D. Ohio, September 16, 1974), 43 U.S.L.W. 2143, which rejected state claims that Title XIX of the Social Security Act either required a prior medical certification that an abortion is necessary before Medicaid payments could be made (*Norton*), or that abortions are not "necessary medical services" within the meaning of the Act (*Ferguson*).

In summary, then, court rulings which have dealt with the constitutionality of governmental action restricting Medicaid payments to indigent women seeking non-therapeutic abortions in the light of *Roe* and *Doe* have established that (1) once a state chooses to pay for medical services rendered in connection with the pregnancies of some indigent women, it cannot refuse to pay for medical services rendered in connection with the pregnancies of other indigent women electing an abortion, unless the disparate treatment supports a legitimate state interest; (2) such action must be measured by the compelling state interest test; and (3) the moral repugnance to abortion, the drain on public treasuries of the cost of abortions, and the desire to discourage abortions, are not legitimate or compelling state interests to uphold such restrictive state action.

IV

There has been a similar application of equal protection principles in a number of cases in closely related areas. In *Friendship Medical Center, Ltd.* v. *Chicago Board of Health*, 505 F. 2d 1141 (8th Cir. 1974), cert. denied March 24, 1975, the court faced the question of the validity of Chicago Board of Health regulations which imposed substantial and detailed health requirements as to the conditions, equipment, and procedures that medical facilities offering abortions had to comply with, without regard to the trimester of pregnancy involved. After finding that plaintiffs had standing to claim that the regulations unduly infringed upon the privacy rights of their patients, the court concluded that "*Roe* and *Doe* compel us to conclude that the fundamental right of privacy includes, at least during the first trimester of pregnancy, the right to be free from governmental regulations that have an effect on the abortion decision," 505 F. 2d at 1151, and that the detailed regulations could have such an effect. The court also invalidated rules which comprehensively regulated physicians performing abortions, while at the same time leaving other medical procedures, often more complex and dangerous in terms of the patient's health, up to the good judgment of the physician. The court held that "where fundamental rights are involved, it is impermissible to treat differently two classes which do not differ on any ground related to the purpose of the challenged statute." 505 F. 2d at 1152.[7]

In *Hathaway* v. *Worcester City Hospital*, 475 F. 2d 701 (1st Cir., 1973), the question was raised whether a municipal hospital could constitutionally refuse to allow the performance of non-therapeutic procedures (in this case sterilization) while allowing others involving similar medical risk. Relying primarily on *Roe* and *Doe*, the Court ruled the refusal an impermissible denial of equal protection under the Fourteenth Amendment:

"But it seems clear, after *Roe* and *Doe*, that a fundamental interest is involved, requiring a compelling rationale to justify permitting some hospital surgical procedures and banning another involving no greater risk or demand on staff and facilities. While *Roe* and *Doe* dealt with a woman's decision whether or not to terminate a particular pregnancy, a decision to terminate the possibility of any future pregnancy would seem to embrace all of the factors deemed important by the Court in *Roe* in finding a fundamental interest, 410 U.S. at 155, 93 S. Ct. 705, but in magnified form, particularly so in this case given the demonstrated danger to appellant's life and the eight existing children.

"The state interests, recognized by *Roe* as legitimate, are far less compelling in this context. Whatever interest the state might assert in preserving the possibility of future fetuses cannot rival its interest in preserving an actual fetus, which was found sufficiently compelling to outweigh the woman's interest only at the point of viability. The state maintains of course a significant interest in protecting the health and life of the mother who, as here, cares for others whom the state might otherwise be compelled to provide for. Yet whatever health regulations might be appropriate to vindicate that interest, and on the present record we need not decide the issue, it is clear under *Roe* and *Doe* that a complete ban on a surgical procedure relating to the fundamental interest in the pregnancy decision is far too broad when other comparable surgical procedures are performed.

"*Doe* is particularly opposite in this regard. The Court there struck down the Georgia requirements of advance approval of an abortion by a hospital committee of three staff members and the additional concurrence of two doctors other than the patient's attending physician, primarily on the ground that "We are not cited to any other surgical procedure made subject to committee approval' and 'no other-voluntary medical or surgical procedure for which Georgia requires confirmation by two other physicians has been cited to us.' 410 U.S. at 199, 93 S. Ct. at 751. Hre we are cited to no other surgical procedure which is prohibited outright and are told that other procedures of equal risk are performed and that non-therapeutic procedures are also permitted. *Doe* therefore requires that we hold the hospital's unique ban on sterilization operations violative of the Equal Protection Clause of the Fourteenth Amendment."

Other cases applying the principles of *Roe* and *Doe* have held that public hospitals may not refuse to permit abortions, *Nyberg* v. *City of Virginia*, 361 F. Supp. 932 (D. Minn. 1973) aff'd 495 F. 2d 1342 (8th Cir. 1974), appeal dismissed and cert. denied 95 S. Ct. 169; *Doe* v. *Hale Hospital*, 369 F. Supp. 970 (D. Mass. 1974), aff'd 500 F. 2d 144 (1st Cir. 1974), cert. denied 43 U.S.L.W. 3411; but *cf.* *Doe* v. *Poelker*, No. 73c–565(A) (E.D. Mo. Jan. 13, 1975) and *Roe* v. *Arizona Board of Re-*

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[6] The state's Attorney General stipulated that it was following a policy of paying for abortions in any county where litigation was "threatened" but not otherwise.

[7] Accord, *Word* v. *Poelker*, 495 F. 2d 1349 (8th Cir. 1974).

gents, No. 149243 (Pima County Superior Ct. Feb. 6, 1975); invalidated procedural and accreditation requirements applying to abortions alone, *Doe* v. *Menghini*, 339 F. Supp. 986 (D. Kansas 1972); and invalidated requirements of spousal and parental consent to an abortion, *Coe* v. *Gerstein*, 376 F. Supp. 695 (S.D. Fla. 1973), cert. denied 42 U.S.L.W. 3666; *Doe* v. *Rampton*, 366 F. Supp. 189, 193 (D. Utah. 1973); *Doe* v. *Bellin Memorial Hospital*, 479 F. 2d 756, 759 (7th Cir. 1973); *Foe* v. *Vanderhoof*, No. 74-F.418 (D. Colo. Feb. 5, 1975).

V

Two cases decided by the Supreme Court since its decisions in *Roe* and *Doe* may be noted for their possible value in assessing how the High Court might treat the provision under question. Neither deals with the abortion issue.

In the first case, *Memorial Hospital* v. *Maricopa Hospital*, 415 U.S. 250 (1974), the Court considered an appeal from a decision upholding an Arizona statute which required a year's residence in a county as a condition to receiving nonemergency hospitalization or medical care at the county's expense. The question presented was whether the durational residency requirement was repugnant to the Equal Protection Clause as applied in *Shapiro* v. *Thompson, supra*. The Court considered first the test to be applied in deciding the case and ruled that the compelling state interest test controlled since the state provision operated to penalize those who exercised their constitutional right to travel. If then assessed the state's asserted purposes in justification of the requirement—fiscal savings, inhibiting migration of indigents generally, deterring indigents from taking up residence in the county solely to utilize the medical facilities, protection of long-time residents who have contributed to the community particularly by paying taxes, maintaining public support of the county hospital, administrative convenience in determining bona fide residence, prevention of fraud, and budget predictability—and found that none satisfied the state's burden of justification. The Court therefore concluded that "the durational residence requirement for eligibility for nonemergency free medical care creates an 'invidious classification' that impinges on the right of interstate travel by denying newcomers 'basic necessities of life.'" 415 U.S. at 269.

The significance of the *Maricopa County* case for present purposes would appear to be three-fold: first, the Court has reaffirmed its doctrine that government may not condition the receipt of statutory benefits upon the forfeiture of a constitutional right and that any apparent attempt to do so will be tested by the strict compelling interest test. Second, the factual context of the case is close to the present situation in that it involved the denial of a medical benefit. Indeed, the Court appeared to go far in establishing a special status for health benefits for indigents when it stated that "it is at least clear that medical care is as much 'a basic necessity of life' to an indigent as welfare assistance. And, governmental privileges or benefits necessary to basic sustenance have often been viewed as being of greater constitutional significance than less essential forms of governmental entitlements." 415 U.S. at 259. Third, the court rejected a number of justifications which have been unsuccessfully used to support denials of Medicaid benefits in the lower courts, i.e., fiscal savings, administrative convenience, and discouragement from utilization of a constitutional right to receive benefits.

The second case which may be considered is *United States Department of Agriculture* v. *Moreno*, 413 U.S. 528 (1973). There the Supreme Court reviewed a challenge to the constitutionality of a section of the Food Stamp Act which excluded from participation in the food stamp program any household containing an individual who was unrelated to any other member of the household. Although it evaluated the provision under the more lenient rational basis test, the Court still held the exclusion unconstitutional, finding the classification without rational basis. In this regard it stated at one point (413 U.S. at 534–535):

"The legislative history that does exist . . . indicates that the amendment was intended to prevent so-called 'hippies' and 'hippie communes' from participating in the food stamp program. [Citation omitted]. The challenged classification clearly cannot be sustained by reference to this congressional purpose. For if the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot constitute a *legitimate* governmental interest. As a result, '[a] purpose to discriminate against hippies cannot, in and of itself and without reference to [some independent] considerations in the public interest, justify the 1971 amendment,' [Citation omitted]."

From the above-quoted language it might be argued that if it is impermissible for legislators to discriminate against "hippies" because of their own or their constituents' distaste for their ways or view of life, it is equally impermissible for the legislature to discriminate, for like reasons, against individuals seeking to exercise their constitutional right to an abortion.

VI

In previous debate on a similar proposal to prohibit federal funding of abortions (see Daily Congressional Record, November 20, 1974, pp. S. 19677–19680), the question was raised whether those cases which have held that a state is not required to commence Aid to Families with Dependent Children assistance on the basis of unborn children are perhaps more relevant to the present issue. Particular reference was had to *Wisdom* v. *Norton*, 507 F. 2d 750 (2d Cir. 1974) where the court held (1) that the AFDC statutory provisions do not permit payments to the unborn and (2) that a state's protection of aid did not violate the equal protection of the laws since the state's action was rationally based and was free from invidious discrimination.

As the previous discussion demonstrates, the AFDC precedents do not directly bear on the present issue. The recapitulate, in the area of welfare assistance the Supreme Court has applied the rational basis test to equal protection challenges to governmental policies, *Richardson* v. *Belcher*, 404 U.S. 78, 81–82 (1971); *Dandridge* v. *Williams*, 397 U.S. 471, 485–487 (1970), with, however, the exception that when the classification in this area trenches upon a "fundamental" interest the classification will be voided unless it serves a compelling governmental interest and especially it will be voided if it is intended to deny that "fundamental" interest. Illustrative is the invalidation of the durational residency requirement in the *Maricopa County* case discussed above at pp. 19–20. If the right to an abortion is a "fundamental" right, like that of interstate travel, as the Supreme Court has indicated in *Roe*, then the AFDC cases not only do not bear on the present issue, they are irrelevant to it since they implicated no recognized fundamental right. It should be noted that on March 18, 1975 the Court in *Burns* v. *Alcala*, No. 73–1708, held that the term "dependent child" in the Social Security Act does not, as a matter of *statutory interpretation*, include unborn children, and hence states receiving federal financial aid under the AFDC Program are not required to offer welfare benefits to pregnant women for their unborn children. The Court did not reach the constitutional issue.

CONCLUSION

The amendment under question would deny federal funds for the performance of abortions in any trimester. The provision would apply to any current law authorizing funds for such a purpose. Perforce, it would apply to the federal Medicaid program and would create a situation where pregnant indigent women who choose to carry their pregnancies to term would receive pre-natal and delivery benefits but indigent pregnant women who elect to terminate their pregnancies by abortion, for a reason other than to preserve their lives, would be denied financial assistance for this purpose. Such women would then have to either seek alternate ways or means to abort or carry to term.

Under such circumstances, and in the light of present decisional law, the federal government, faced with a suit testing the constitutionality of the provision, would be confronted with the following constitutional principles and guidelines:

(1) A woman's decision whether or not to terminate her pregnancy by abortion is a fundamental constitutional right.

(2) The government may not condition the receipt of a statutory benefit upon the forfeiture of a constitutional right.

(3) The constitutionality of a provision infringing upon a constitutional right will be measured by the compelling governmental interest standard under which the government must sustain the burden of showing that a challenged provision is justified by a legitimate governmental interest.

(4) In the past, courts, including the Supreme Court, have rejected moral repugnance, cost, desire to discourage, and administrative convenience, as insufficiently compelling or legitimate to sustain governmental action restrictive of a constitutional right.

In view of the foregoing, it appears that by eliminating abortion as one of the medical services that may be rendered indigent women under the Medicaid program, while at the same time continuing to allow all other medical services for pregnant women, the subject provision would be very likely to be held by the courts to create an invidious classification which restricts the fundamental right of women in that class to decide whether to have abortions. If this is indeed the prospect, the provision would conflict with the Supreme Court's decisions in *Roe* and *Doe* and lower court rulings interpreting those cases, and other Supreme Court rulings in analogous contexts, and would therefore be held to violate the equal protection standards of the Fifth Amendment.

Mr. NELSON. Mr. President, for several reasons I am compelled to oppose the amendment offered by Senator BARTLETT and will therefore support the motion to table.

To begin with, the amendment is, I think, quite clearly unconstitutional. The American Law Division of the Congressional Research Service studied an almost identical amendment offered by Senator BARTLETT last fall. The American Law Division concluded that the amendment was unconstitutional—

> on its face . . . [T]he amendment conflicts with the [U.S. Supreme Court] decisions in *Roe* and *Doe* and the lower court rulings interpreting those cases, and would violate the equal protection and due process protections of the Fifth and Fourteenth Amendments.

From the beginning, I have had grave doubts about the wisdom of the U.S. Supreme Court's 1973 decision on abortion because it usurped the jurisdiction of the States and is too broad in scope. Whatever my personal views on the Court's decisions, however, they are the law of the land. Neither I nor any other citizen has the right to disregard laws with which we disagree. And I cannot in good conscience support an amendment which I am convinced is unconstitutional.

I am also opposed to the amendment on the ground it is too narrow in scope, just as I am critical of the Supreme Court decision on the ground it is too broad in scope.

The only exception from the prohibition in the amendment is to save the life of the mother. I think, however, that other exceptions are also appropriate and necessary. Cases involving rape are one obvious example. Without fully evaluating the impact of the amendment in individual cases, and without considering other relevant exceptions, it does not seem wise for the Congress to enact this amendment into law.

It should be noted, finally, that the Senate Judiciary Committee is considering several proposed constitutional amendments to change the Supreme Court's decisions. Hearings have already been held this year, and additional hearings are being scheduled. This is the proper way to proceed. Before making a decision on this fundamental issue, the Senate should have the benefit of extensive hearing records and carefully drafted legislation which has been exposed to critical evaluation by individuals and groups representing all philosophical, moral, and religious points of view. This amendment has not had that kind of consideration by the authorizing committee.

Mr. BAYH. Mr. President, I am going to vote to table this amendment. I did not reach this decision easily. As most of my colleagues know, for more than a year now, I have been chairing hearings on proposed constitutional amendments which would restrict access to abortion for all women, poor or rich, white or black.

During the 13 days of hearings before my subcommittee, I have become keenly aware of the need for full and complete examination of all aspects of this complicated and emotionally charged issue. By personally sitting through many hours of testimony on the moral, legal, medical, and psychological ramifications of abortion, I have learned that what may seem a simple issue on the surface may, indeed, have many unanticipated consequences.

The amendment offered by my colleague from Oklahoma, Mr. Bartlett, is directed at prohibiting the use of Federal funds under the medicaid program for abortions. Specifically, the amendment states:

> No funds authorized under Subchapter IV or Subchapter XIX of the Social Security Act may be used by the States to pay for or encourage the performance of abortions, except such abortions, as are necessary to save the life of the mother.

The language of this amendment is unfortunately vague and unclear with the use of such terms as "indirectly" or "encourage." Regrettably, we have had no opportunity to examine the implication of these terms because this amendment has not gone through the normal legislative process. We have had no hearings on this amendment. Because the author of the amendment is trying to attach this amendment to the health services bill, a bill under the jurisdiction of the Labor and Public Welfare Committee, the Finance Committee, which would appear to me to have proper jurisdiction over any such amendment, did not have an opportunity to examine the use of medicaid funds for abortions.

I think this is regrettable, Mr. President, for several reasons. First, I think we need to investigate exactly how the medicaid program operates with regard to abortions. One of the aspects which concerns me is the kind of counseling applicants for abortions under medicaid receive. I would like to know if alternatives to abortion are presented to such applicants.

Second, Mr. President, there are a number of issues raised by this amendment which need to be explored. Would the use of the IUD be ruled an abortifacient under this amendment? My colleague, Mr. Bartlett says the amendment is not directed to the use of IUD's since IUD's are not abortifacient. I would like to point out that medical testimony before my subcommittee on the use of IUD's was inconclusive—some doctors maintain that the IUD's were indeed abortifacient.

What effect would the Bartlett amendment have on the rape victim—often times poor and of a minority group—who must rely on medicaid funds if she finds she is pregnant?

What is the validity of the constitutional argument that has been raised as to the denial of due process rights to indigent women? Do we indeed have the right to deny the poor woman access to abortion if we permit abortion for those who can afford it?

I have not determined the answer to all of these questions, but I do know that we must seek the answers to such queries before we legislate. Because we have had no hearings to consider the potentially far-reaching ramifications of the Bartlett amendment, we are being asked to vote on an amendment which would have unanticipated results without the information necessary to make such a decision on a reasoned basis.

During the last Congress, a similar amendment was adopted by the Senate to a Labor-HEW appropriations bill. The conferees on this legislation dropped this provision precisely because the Congress had not had the chance to fully examine the implications of such an amendment. We still have not had that opportunity.

Mr. President, I have been and I continue to be personally opposed to abortion. The issue of abortion is not the question we have before us today. The issue is whether we will amend a law with a clearly nongermane amendment, and enact legislation without the benefit of a full and complete examination of all the implications that might arise. It is on that basis, Mr. President, that I will vote to table the pending amendment.

Mr. JAVITS. Mr. President, I move to lay the amendment on the table, and I demand the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. RANDOLPH (after having voted in the negative). On this vote, I have voted "no." I have a live pair with the Senator from Hawaii (Mr. Inouye). If he were present, he would vote "aye." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), and the Senator from North Carolina (Mr. Morgan) are necessarily absent.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Pennsylvania (Mr. Hugh Scott), and the Senator from Ohio (Mr. Taft) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. Hugh Scott), and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 54, nays 36, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—54

Abourezk
Bayh
Beall
Bentsen
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Chiles
Clark
Cranston
Culver
Fong
Ford
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Kennedy
Laxalt
Leahy
Mansfield
Mathias
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Ribicoff
Scott, William L.
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—36

Allen
Bartlett
Bellmon
Biden
Buckley
Byrd, Harry F., Jr.
Church
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Garn
Goldwater
Griffin
Hansen
Hartke
Hatfield
Helms
Hruska
Johnston
Long
McClellan
McClure
McGee
Montoya
Pastore
Proxmire
Roth
Schweiker
Sparkman
Stennis
Stone
Thurmond
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Randolph, against.

NOT VOTING—8

Baker
Cannon
Inouye
Magnuson
Metcalf
Morgan
Scott, Hugh
Taft

So the motion to table was agreed to.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah is recognized.

Mr. MOSS. First, Mr. President, I ask unanimous consent that Mr. Val Halamanderis be accorded the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 335

Mr. MOSS. I call up my amendment 335, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I shall explain the amendment. I ask unanimous consent that I be permitted to do so, and that the further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Moss' amendment (No. 335) is as follows:

> On page 160, line 18, insert the following: "In making funds available under this section, the Secretary is authorized to provide special attention to geriatrics and the particular needs of nursing home patients.".

Mr. MOSS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Utah may proceed.

Mr. MOSS. Mr. President, this amendment would authorize the Secretary of Health, Education, and Welfare to make grants or enter into contracts with public or nonprofit schools of nursing to develop programs for training nurse practitioners with specific emphasis on geriatrics and the care of nursing home patients.

This amendment is an outgrowth of the recommendations of our 12 volume report in the series "Nursing Home Care in the United States: Failure in Public Policy."

Mr. President, through the years the subcommittee has often heard the suggestion that professional nurses with certain additional training in geriatrics could assume a great portion of responsibility for the care of the elderly in nursing homes. This is based on the premise that the kind of medicine practiced in nursing homes is what is termed chronic maintenance as distinguished from complicated diagnostic or surgical procedures.

Nurse practitioners—that is, registered nurses licensed under State law who have completed a program of study such as presently developed by the American Nurses' Association—are more than qualified to provide primary health care. Among the duties they could perform are the following:

First. Obtaining a health history:

Second. Assessing health-illness status;

Third. Entering an individual into the health care system;

Fourth. Sustaining and supporting individuals who are impaired, infirm, ill, and undergoing programs of diagnosis and therapy;

Fifth. Managing a medical care regimen for acute and chronically ill patients within established standing orders;

Sixth. Assisting individuals in regaining their health;

Seventh. Teaching and counseling individuals about health and illness;

Eighth. Counseling and supporting individuals with respect to the aging and dying processes; and

Ninth. Supervising nursing assistants.

My amendment would authorize the Secretary of the Department of Health, Education, and Welfare to provide grants, or enter into, contracts with schools of nursing practitioners with special emphasis on geriatrics and the needs of nursing home patients. I feel certain that this proposal, when enacted, will result in the immediate improvement in the quality of nursing home care.

Mr. KENNEDY. Mr. President, if the Senator will yield, I think this is an enormously helpful and useful addition to the bill. It is targeted toward the nurse-practitioner, and there is an area for needed service among our elderly people which is well documented and well recorded. It seems to me that this is an extremely sound, useful expression of congressional intention, and it is in an area where there is a very demonstrable need. So I welcome it as an addition to the bill, and I hope it will be accepted.

Mr. SCHWEIKER. Mr. President, I join the Senator from Massachusetts in supporting this amendment. I think it is a valuable addition.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 335) of the Senator from Utah.

The amendment was agreed to.

AMENDMENT NO. 334

Mr. MOSS. Mr. President, I call up my amendment No. 334, which is very similar.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Utah (Mr. Moss) offers an amendment numbered 334.

Mr. Moss' amendment (No. 344) is as follows:

> On page 158, insert between lines 2 and 3 the following new subsection:
>
> "(8) help meet the costs of developing short-term in-service training programs (not to exceed six months) for nurses aides and orderlies for nursing homes. Such training programs shall emphasize the special problems of geriatric patients and include but not be limited to: monitoring the well-being of the patient; emergency procedures; drug properties and interactions; feeding and cleaning of patients; and, fire safety techniques.".

Mr. MOSS. Mr. President, this amendment would authorize the Secretary of Health, Education, and Welfare to provide grants and make contracts with schools of nursing to provide short-term in-service training programs for nursing home personnel.

This amendment is an outgrowth of the recommendations of our 12-volume reports in the series "Nursing Home Care in the United States: Failure in Public Policy." There reports firmly establish that physicians have abdicated their responsibility for the care of the infirm elderly. Doctors are infrequent visitors to nursing homes. The result of the absence of the physician from the nursing home setting inevitably means a heavy reliance on the nursing staff.

But the term "nurse" is used rather casually within the context of U.S. nursing homes; it is applied to almost anyone in white garb. The fact is that there are only some 56,000 registered or professional nurses in America's 23,000 nursing homes. To complicate matters further, these professional nurses are increasingly tied up with administrative duties including filling out medicare and medicaid forms, showing prospective clients around the facility and ordering supplies. The result is that professional nurses spend comparatively little of their time tending to patients.

All of this means that 80 to 90 percent of the care provided in today's nursing homes is given by untrained aides and orderlies, sometimes hired literally off the street with no training or previous experience.

The example provided by the investigator of the Better Government Association, who testified at Senate subcommittee hearings on nursing homes in Chicago, is classic. He applied for a job as a janitor at a Chicago nursing home and within 20 minutes he had the keys to the narcotics cabinet on his belt and was at work passing medications.

I should add that the aides and orderlies that make up the bulk of nursing home personnel are generally paid the minimum wage. The work they perform is difficult, arduous, and unpleasant. It is little wonder to me that the turnover rate for these employees approaches 75 percent a year.

Most of these aides and orderlies have no formal training; they learn by doing, through trial and error or by imitating the work of other aides. While many homes attempt to provide in-service training, they must do so out of their own pockets. They are increasingly reluctant to provide such training not only because of the cost but because of the rapid turnover. One aspect of this turnover is that aides with training and experience gained in the nursing home quickly leave for hospital work where the pay is higher.

With the impact of increasing unionization of nursing home employees, wages are rising. However, there remains no Federal training program of any significance which provides assistance in this vitally needed area of training nursing home personnel. My amendment would provide such assistance. I urge its enactment.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MOSS. I am happy to yield to the Senator from Illinois.

Mr. PERCY. The distinguished Senator from Utah has mentioned testimony we heard together in Chicago, testimony presented by the Better Government Association, a unit that I happen to have set up years ago to investigate all types of matters. They have made a great contribution in the nursing home field, and it is absolutely true that in many of the nursing homes we have investigated the administrator and owners were only interested in having bodies to fill jobs so that they could put names down. They seemingly could not care less about whether they were trained for those jobs or whether they had training in the dispensation of drugs, and certainly the scandalous conditions that were revealed in our Special Committee on the Aging, and the particular subcommittee that Senator Moss heads has brought to light many abuses in that field.

I simply wish to commend the distinguished Senator for every opportunity he is finding now to take advantage of the hearings that we have held, where we have taken testimony in Chicago, Springfield, New York., and other cities, and to do something about it rather than to just hold hearings.

I think we have not only presented legislation which will take a little longer to enact, but also it is very appropriate that the amendment be adopted at this time so that special attention is given to developing short-term in-service training programs.

For instance, we have medics coming back out of the military now. If they were given special training in geriatrics I feel certain we could take a great many people and provide skilled, competent assistants who would really care about taking care of the aged.

The shame we have in our nursing homes must be ended. They cannot and they should not come to be warehouses for the dying. They should be places where people take care of them, people who have skill and ability, and I commend the distinguished Senator and I trust the manager of the bill will accept this amendment.

Mr. MOSS. I thank the Senator from Illinois and, may I say, that as the ranking minority member on the subcommittee, he has done tremendous work in this field. I know that he realizes fully the problems that we have, and recognizes that this is one way we can begin to move on those problems.

Mr. KENNEDY. Mr. President, I hope the Senate will accept this amendment. What we, in effect, have done is in the manpower program we have a series of special projects to try to encourage the schools of nursing to move into areas where Congress has made some decision about the importance of various projects such as primary care and other areas where we think there is a critical need. Quite clearly this falls within that definition, and it is entirely appropriate that it be included. Instead of having seven areas now where we would hope that schools of nursing would fund various programs, this will add another one, an eighth one. This is an extremely urgent area, and I support the amendment.

Mr. SCHWEIKER. Mr. President, I, too, join in supporting this amendment. It is a constructive addition to this bill, and I hope it will be accepted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 334 of Mr. Moss. (Putting the question.)

Amendment No. 334 of Mr. Moss was agreed to.

Mr. BEALL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk proceeded to read the amendment.

Mr. BEALL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the end of the bill add the following new section:
>
> SEC. 268. Section 786 of Subpart III of Part F of title VII of the Public Health Service Act is amended (1) by striking "and $3,500,000 for the fiscal year ending June 30, 1974." and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1974 and $3,500,000 for the fiscal year ending June 30, 1975.", and (2) by striking "July 1, 1974" in the second sentence and inserting in lieu thereof "July 1, 1975".

Mr. BEALL. Mr. President, this amendment would authorize an extension of the physician shortage scholarship program through June 30 of this year. This program was enacted as part of the Comprehensive Health Manpower Training Act of 1972, Public Law 92–157. This program authorizes scholarships of up to $5,000 for young men and women who agree to practice primary care medicine in physician shortage areas under the premise that they are not only more likely to return to their home shortage areas, but also to remain there.

Unfortunately, because of HEW vetoes and the Department's foot dragging the program did not get implemented until last fall. As a matter of fact, it was only after I made a floor speech on April 5, 1974 that HEW finally moved to implement the program. Thereafter, I exchanged letters with Secretary Weinberger and he promised that:

> The funding procedures suggested in your floor statement will be followed, i.e., fiscal year 1974 funds which have no carry-over provision will be awarded during the current fiscal year and fiscal year 1973 funds which do have a carry-over provision will be available for the student class entering in the fall of 1975.

Notwithstanding this promise, there seems to be some hesitancy at HEW again. This amendment would make it clear that Congress intends the $2 million funds appropriated and available will be used to make awards for incoming freshmen.

The response to the program by the students is overwhelming, with over 1,000 applications being received and approximately 400 scholarships awarded.

In addition Mr. President, an HEW evaluation conducted by the Consad Research Corporation of the various student assistance programs made the following recommendation and said the following with respect to the physician shortage scholarship program:

> Fund the physican shortage area scholarship program—Of the existing programs, this one embodies more of the characteristics specified in our conceptualization of a model program. The risk inherent in this program is that unless it is supported by special recruiting, screening and admission procedures, it may attract the wrong people, that is, people who are not predisposed to enter a shortage area but who for want of funds agree to serve only to renege later.

It is imperative Mr. President, that we make ourselves clear in this regard so that HEW will get off the dime and let the schools and students know that this program is available so that in selecting the students, those selected will have a predisposition to practice primary care.

Mr. President, I ask unanimous consent that my floor statement of April 5, 1974 and the letter from Secretary Weinberger, be printed in the Record.

There being no objection, the floor statement and letter were ordered to be printed in the Record, as follows:

[From the Congressional Record, Apr. 5, 1974]

THE PHYSICIAN SCHOLARSHIP PROGRAM

Mr. Beall. Mr. President, along with approximately one-fourth of the Senate, I introduced in early 1971, the physician shortage scholarship program. The present Members of the Senate who were original cosponsors are: Senators Allen, Brock, Chiles, Cotton, Dole, Dominick, Ervin, Fannin, Goldwater, Hatfield, Hruska, Humphrey, Javits, Pell, Stevens Talmadge, Thurmond, Tower, and Young.

This program authorizes scholarships of up to $5,000 for young men and women who agree to practice primary care medicine in physician shortage areas under the premise that they are not more likely to return to their home shortage areas, but also to remain there.

The physician shortage program was included as a part of S. 934, the Health Professions Educational Assistance Amendments of 1971, which was signed into law on November 18, 1971.

Since enactment of the program, I have been working with the other cosponsors, and particularly with Senators Magnuson, Young, Cotton, Stevens, and other members of the Appropriations Committee, to secure the funding of this program. Appropriations were provided for the program in a number of HEW appropriation bills in 1972, but these funds were lost because of vetoes of overall HEW measures.

Finally, in the fiscal year 1973 supplemental appropriations bill, $2 million was provided. This appropriations measure was signed into law on July 1, 1973.

Again, in the regular fiscal year 1974 Labor-HEW appropriations bill, an additional $2 million was provided and this bill was signed into law on December 18, 1973.

Mr. President, if one can believe it, HEW, for reasons known only to the Agency, has not issued the regulations for this program as of this date, notwithstanding the fact that the law has been on the books since 1971 and the program has been funded since December 1973. HEW may believe, as they have suggested, that the physician shortage problem is over, but I do not. HEW may believe that the maldistribution problem has been solved, but I do not.

In all fairness, I would point out that the administration has been interested in some other approaches to solving the maldistribution problem, such as the loan forgiveness program, and the utilization of Public Health Service officers. I support both of these approaches, but I believe that the maldistribution problem is so critical, is so important to so many communities, and that there is so much unknown, that the various approaches should be tried and tested. One problem, for example, with respect to the loan forgiveness program, that deans of various medical schools have pointed out, is that lower income students are reluctant to assume the size of indebtedness that medical school necessitates.

Of course, the physician shortage scholarship program would relieve that fear since the student would receive a scholarship, provided, of course, that he or she carried out the commitment to serve in physician shortage areas. If the student does not carry out the commitment, the "scholarship" is converted into a "loan." Thus, if the program works, we will have helped solve the physician shortage problem; if it does not, the Government will not lose a cent.

When I introduced this proposal, I discussed the results of an American Medical Association survey published in 1970 questioning physicians on the factors that influence their decisions to practice in a certain area which gives support to the bill's priorities. This survey found that over 45 percent of the physicians indicated that they were practicing in or around the town in which they were raised. The survey also revealed that 49 percent of the physicians raised in small towns were practicing in communities of 2,500 or less. An equal percentage of doctors raised in nonmetropolitan communities of 25,000 or more were practicing in cities of that size. The AMA confirmed previous studies, which had indicated that:

"Physicians who practice in small towns are more likely to have a rural than urban background."

The AMA study concluded that:

"Physician recruitment for rural areas would be enhanced if more young men with rural backgrounds were encouraged to enter the medical profession."

Continuing, the report had this to say about the influence of a doctor's origins on his place of practice:

"Physicians who practice in small towns are more likely to have rural rather than urban backgrounds . . . rural physicians have predominantly rural backgrounds and metropolitan physicians generally had urban locations during their youth."

If we can persuade young men and women to practice in physician shortage areas, the evidence indicates that most are likely to remain. The AMA study on this point states that:

"Once a physician establishes a practice, he is not likely to move."

This survey found:

"At least 63 percent of the physicians had not moved from their original practice location. This percentage was consistent regardless of the community size. A more detailed breakdown of the area showed that about one-fourth of the physicians in non-metropolitan areas had practiced twenty years or more in the same place."

I recently came across an article in Medical Care which describes the importance of a dentist's residence in his ultimate decision to locate his practice in a given area. While there are some differences between the dentist and the doctor, I do believe that the article lends further support to the physician shortage scholarship program.

Mr. President, Charles Dickens in his book entitled, "Little Doritt" has a passage that reminds me of the Department of Health, Education, and Welfare, with respect to the physician shortage scholarship program. I quote:

"Whatever was required to be done, the Circumlocaution Office was beforehand with all the public department in the art of perceiving How Not To Do It."

Mr. President, I think my colleagues will agree I am generally a patient man, but I want to say that my patience is running thin. I want to say most clearly that I am fed up with the department's procrastination in the implementation of this program. Judging from the letters I have received, as well as inquiries from offices of other Senators, this program has generated considerable interest throughout the country. The physician shortage scholarship program also has been endorsed by the American Academy of General Practitioners, the deans of various medical schools, and the National Medical Association. I can only say that the HEW, today's Circumlocaution Department, had better learn in the very near future how to do it for I, for one, expect these regulations to be forthcoming forthwith.

Mr. Beall. Mr. President, the $2 million provided in the fiscal year 1974 supplemental appropriations bill will lapse unless expended by June 30, 1974. The $2 million provided in the fiscal year 1973 appropriations bill included a provision allowing the Department to carry over funds until expended and, therefore, these funds are not in immediate danger. Nevertheless, the procrastination has already lessened the chances of the program getting off to a good start since many of the medical schools have already accepting or have accepted their classes which will enter in September of this year.

Of course, offering a young individual a scholarship after he or she has been accepted may mean that the service commitment is an afterthought and not a prior commitment. Furthermore, there will be qualified individuals in physician shortage areas who will not have heard of this program. I am also hopeful that some of our medical schools, particularly State medical schools, which I believe have a special obligation to help solve maldistribution problems in their State, might make available or reserve slots for qualified students under this program. If the regulations are not forthcoming in the very near future, I think the Secretary of Health, Education, and Welfare should understand that I am considering offering an amendment to require HEW to promulgate regulations 30 days after any legislation is signed into law. Also, if the funds are allowed to lapse, I will consider an amendment to delete $2 million from the Office of the Secretary when the regular HEW appropriations bill is before the Senate.

Finally, I want the Secretary to understand that I am aware of the recent court decision involving the Department of Agriculture and its refusal to spend the authorized $20 million appropriated for the women, infants, and children supplemental feeding program—WIC. Like my program, WIC had been funded 2 years in a row, but the funds were not obligated because regulations were not issued and the funds for 1 fiscal year were permitted to lapse. In this case, the court ruled that because the Department had failed to issue the regulations, in compliance with the will of the Congress, the Department had to spend both the appropriated funds that were allowed to lapse and the funds for the current year.

Mr. President, I certainly urge that the Secretary comply with the intent of the Congress and promulgate the regulations immediately. I would recommend, however, that only $2 million, available under the fiscal year 1974 appropriations bill, be obligated this year and that the $2 million provided in the fiscal year 1973 supplemental, be available for the class entering in the fall of 1975.

The Secretary of
Health, Education, and Welfare,
Washington, May 28, 1974.

Hon. J. Glenn Beall, Jr.
U.S. Senate, Washington, D.C.

Dear Senator Beall: Thank you for your letters of April 19 and May 1 about the Physician Shortage Areas Scholarship Program. I have reviewed the copy of your House Floor Statement, enclosed with your April 19 letter, and I understand some of the concerns you express regarding the delays in implementing this Program.

I am pleased to report to you that our current actions within this Department are directed toward implementation of this Program prior to June 30.

Notice of Proposed Rulemaking for the Physician Shortage Areas Scholarship Program was published in the *Federal Register* on May 13. Enclosed for your information is a copy of that Notice. You will note that the public has until May 28 to submit written comments before the regulations will become final.

Other necessary materials for implementation of a new program, such as a program announcement, application forms, and instructions, have also been prepared. These are in the clearance channels and are being expedited.

The funding procedure suggested in your House Floor Statement will be followed, i.e., fiscal year 1973 funds which have no carry-over provision will be awarded during the current fiscal year and fiscal year 1973 funds which do have a carry-over provision will be available for the student class entering in the fall of 1975.

I hope this assures you that we have every intention of making student awards prior to June 30, 1974.

Sincerely,

Caspar W. Weinberger,
Secretary.

Mr. BEALL. Mr. President, I hope the Senate will look favorably upon the adoption of the amendment.

Mr. KENNEDY. We will accept this amendment. We are operating under a continuing resolution, and this extends the funding until June of this year. It leaves only the question of how we will consider this in the context of our total manpower efforts after that period of time.

It does seem to me to be entirely appropriate, and we will be coming back with a total manpower program in which both the committee and the Senate will have an opportunity to consider it. But this does seem to me to make sense. We are continuing the authorization through this year, and I am glad to accept it.

Mr. SCHWEIKER. Mr. President, I commend the Senator from Maryland for this amendment, and strongly urge its adoption. I am glad to see his help in this bill.

The PRESIDING OFFICER. Is all time yielded back? The question is on agreeing to the amendment of Mr. Beall. (Putting the question.)

Mr. Beall's amendment was agreed to.

AMENDMENT NO. 333

Mr. BELLMON. Mr. President, I have an amendment at the desk and I ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bellmon) proposes an amendment No. 333.

The amendment is as follows:

PRESERVATION OF FREEDOM OF CHOICE

Sec. 268. Whoever, being an officer or employee of any department or agency of the United States, or officer or employee of any State, political subdivision or entity which administers a program which is in whole or in part federally assisted, or being a person whose services are reimbursed under such a program, and who intimidates or coerces any person who is receiving or has requested benefits or services under such program to undergo an abortion or a sterilization procedure as a condition of receiving such benefits or services shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. BELLMON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, this amendment would make it a Federal crime for any person who is involved either directly or indirectly in the administration of a welfare program which is in whole or in part federally funded to coerce an individual who is receiving or has appled for benefits and services under such welfare program to undergo an abortion or a sterilization procedure as a condition for receiving benefits for which the person is rightfully entitled.

This amendment is not complicated. It will preserve the freedom of choice regarding abortion or sterilization for those individuals who are rightfully entitled to the various welfare benefits which are made available through Federal funds.

Mr. President, there is great danger, as experience shows, that welfare recipients who are often ill prepared to defend their personal rights will be persuaded against their will to undergo abortion or sterilization as a condition of receiving their welfare payments. It is absolutely essential that no person regardless of his educational, social, or economic background be forced against his or her will into having an abortion or sterilization performed.

Mr. President, I will not unduly delay the Senate by documenting the instances where coercion has occurred in the area of sterilization. We are all aware of the now notorious "sterilization cases" where uninformed individuals, women and children in South Carolina and Alabama, were coerced in 1973 into consenting to sterilizations. Extensive hearings were conducted at that time by the Senate Labor and Public Welfare Committee and legislation enacted pursuant to these hearings establishing a Commission to examine this matter further.

In March 1974, a Federal court ordered the Department of Health, Education, and Welfare to stiffen its then newly promulgated sterilization regulations to prevent coercion of welfare recipients. As a result of this court decision, regulations have been promulgated to regulate this practice. However, it is my understanding there has been much difficulty in their implementation. Therefore, closer regulation is needed particularly when an abortion is involved. That is the objective of this amendment.

Mr. President, in my judgment it makes good sense to enact legislation now making it a Federal crime for any governmental reimbursed person to threaten or coerce a welfare recipient into having either a sterilization procedure or an abortion performed as a condition to receiving further welfare benefits. The Congress has determined to allow use of Federal funds in this manner, and we must also guarantee all our citizens that the right of free choice is not abridged.

Mr. President, I fully realize the abortion issue is a complex, controversial, and highly emotional issue. Resolution of this dispute involves consideration of constitutional, social, and moral questions. However, regardless of one's position on abortion, it is absolutely imperative that prohibitions be established by Federal law to insure that no individual is coerced into exercising something other than a free and independent decision on a matter of this kind. I urge adoption of this amendment.

Mr. KENNEDY. Mr. President, as I understand the purpose of this amendment, it is to assure the complete free choice, primarily of poor people that will fall under medicaid, in making a decision about the issue of abortion.

We have heard instances where poor people have been coerced into having abortions and, quite clearly, I think this is really outrageous.

As I understand it, the amendment would insure that there would be no such coercion and guarantee that, and it seems to me that this is an entirely appropriate amendment.

The wording and the language is clear. It is precise. It really goes to the issue of restriction of coercion, and I think it is a very important and useful contribution to the legislation.

So I am glad to accept the amendment of the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I would like to thank the distinguished Senator from Massachusetts. I believe that the arguments he makes are very closely in association with my own feelings in the matter and I am very pleased to have his acceptance of the amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Oklahoma. The yeas and nays have been ordered.

Is all time yielded back?

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), and the Senator from North Carolina (Mr. Morgan), are necessarily absent.

I also announce that the Senator from Montana (Mr. Metcalf), is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Arizona (Mr. Goldwater), the Senator from Pennsylvania (Mr. Hugh Scott), and the Senator from Ohio (Mr. Taft), are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. Hugh Scott), and the Senator from Ohio (Mr. Taft), would each vote "yea."

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—90

Abourezk
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Buckley
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Curtis
Dole
Domenici
Eagleton
Eastland
Fannin
Fong
Ford
Garn
Glenn
Gravel
Griffin
Hansen
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, William L.
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—9

Baker
Cannon
Goldwater
Inouye
Magnuson
Metcalf
Morgan
Scott, Hugh
Taft

So Mr. Bellmon's amendment (No. 333) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on this rollcall vote be limited to 10 minutes. This has been cleared with the leadership on the other side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield the Senator 1 minute.

Mr. CURTIS. Mr. President, this bill no doubt has great merit. According to the figures on page 11, it will cost $654 million for the 3-year period. The little booklet entitled "The Budget in Brief" shows that in 1966, the Federal outlays for health programs was $3 billion. In the coming fiscal year, they will be almost $30 billion.

It is hard to take away money for programs already in being. What we can do is to stop adding to the programs. I think we must do that, and I shall vote "No."

Mr. BAYH. Mr. President, I rise today to express my full support of S. 66, the Nurse Training and Health Revenue Sharing and Health Services Act of 1975. This is one of the most important and certainly one of the largest pieces of health legislation which will come before us this year.

There are many parts to S. 66, Mr. President, and I would like to begin by addressing a section of that bill which is not widely known, but is very important to about 100,000 Americans who are affected by Huntington's disease. About a year ago, Senator Dick Clark and I introduced the National Huntington's Disease Control Act. That bill was added as an amendment to the Health Revenue Sharing and Health Services Act, and passed by the Senate last fall. Its provisions were modified in conference, but a program to deal with the problems of Huntington's disease was retained in the bill and subsequently enacted by Congress. Unfortunately, those provisions died with the pocket veto of the act.

I was very pleased that the sections dealing with Huntington's disease were retained when S. 66 was reintroduced in January. I am very hopeful that on this occasion we will have the opportunity to override a veto should it be forthcoming.

Mr. President, Huntington's disease, often called Huntington's chorea, is one of the most dreadful diseases facing mankind. Inherited from a parent, it strikes members of both sexes as they reach age 30 or 40. It is a progressive disease, leading over a 15-year period, to the degeneration of the nervous system and eventual death. Because its symptoms first appear when the victims are past child-bearing age, those suffering from Huntington's disease must bear the added agony of knowing that they may have passed the debilitating gene on to their children.

The Huntington's disease section of S. 66 provides for the establishment of a temporary Commission for the Control of Huntington's Disease. The Commission is charged with the following duties:

First. Study the current state of medical management of Huntington's disease.

Second. Make recommendations for the proper roles of the Federal, State, and private agencies in the prevention and research of Huntington's disease and in the treatment of persons stricken by the disease.

Third. Develop a comprehensive national plan for the control of Huntington's disease.

Fourth. Report to the President and the Congress its recommendation within 1 year from the date of enactment of the act.

This legislation is the first meaningful step by the Federal Government to come to grips with this terrible problem of Huntington's disease, and though it is only one step in a very long journey, I know it marks a milestone for the thousands affected by Huntington's chorea. Through the work of the Commission, we will have guidelines on what further action we must take, and how we should concentrate our resources. I am confident, Mr. President, that if we bring our great American scientific and technological abilities to bear on the Huntington's problem, we will eventually come to terms with it.

The Huntington's disease provisions are but a small part of S. 66. Its other sections contain far reaching and immensely important measures for our system of health care. Among the foremost of these, are the provisions extending the community mental health center program and reaffirming our commitment to providing 1,500 centers throughout the country. I have been very disheartened by the Ford administration's continuation of the old Nixon logic, that since CMHC's have proven effective, the purpose of the Federal program has been accomplished and support should be withdrawn. Mr. President, Congress never intended this program to be an experiment. It has always been the intent of Congress that we make the CMHC services available to every community in the Nation, and we must hold to this intention.

S. 66 also provides for migrant health centers, community health centers, home health services and family planning. It provides for an extension of section 314 (d) authority to provide public health services, and for programs regarding hemophillia, epilepsy and mental health and illness of the elderly. It establishes a program for rape prevention and control. Mr. President, I will resist the temptation to make a speech on the great need for every one of these programs. I will say only that it is incomprehensible to me that this administration could classify these programs as unneeded, duplicative, or wasteful. It is as if the President and the Office of Management and Budget sat down and coldly decided to do away with every Federal program related to real human needs of our citizens. Call it what you will, Mr. President, misplaced priorities, ignorance, or lack of compassion, this plan for action is totally unacceptable, and must be pushed aside by Congress.

Finally, title I of this bill would revise and extend the Nurse Training Act. Enactment of this title is crucial.

Mr. President, Congress has long been sensitive to the need for increasing numbers of practicing nurses. Our modern commitment to aid nurse education dates back to 1964. It makes absolutely no sense to terminate that commitment now right at the time nursing schools have expanded their enrollment to meet the increasing demands. To do so would bring disaster to hundreds of educational institutions and deprive the country of badly needed health professionals.

Further, by enacting S. 66, we will extend programs for project grants, practitioner projects, and grants for advanced nurse training. These programs provide nurses for underserved areas and for people who desperately need care. They further provide funds to train nurses for new and expanded responsibilities as nurse practitioners in pediatrics, nurse midwifery, family nursing and other specialty areas.

There is no question, Mr. President, that passage of S. 66 is crucial. I am happy to vote for it today, and I will vote to override its veto should that be necessary.

Mr. DOLE. Mr. President, before we vote on final passage of this measure—which combines the provisions of H.R. 17085, the Nurse Training Act, and H.R. 14214, the Health Revenue Sharing and Health Services Act, both of which we sent to the President late last year—I would like to add my note of support.

While I can certainly appreciate the concerns voiced by the White House in its past disapproval messages on these two bills, which were vetoed after adjournment, I also recognize their importance to our nurse training and community mental health center programs. The authorizations for such contained in S. 66 may indeed be overly generous again in some instances, but over the next 3 years I think we can make that determination in our own budget/appropriations process.

I fully agree with the administration view that we need to take a more comprehensive look at all our health personnel training policies. However, until we are able to develop a cohesive, long-range plan which will address the real problem of geographic maldistribution and nurse underspecialization, an extension of existing legislation—with some timely new initiatives—is certainly in order.

We have some outstanding schools of nursing in my State of Kansas, and I do not believe their activities should be interrupted by our failure to adopt a constructive and meaningful alternative at this time. On the other hand, we do have a definite obligation to examine necessary changes during the period covered by S. 66.

The same feeling of support also applies to the eight federally assisted community mental health centers in Kansas, whose continued progress is almost totally dependent on enactment of this legislation. They are all making remarkable advancement toward becoming self-sustaining—while making a substantial contribution to the goal of reducing the number of resident mental hospital patients—and it would be a real mistake to take away that momentum through inaction on this interim proposal.

I use that term because of the bill's design to establish a bridge between the services now provided by such centers, and any future coverage under a system of national health insurance—should that come about by 1978. Even standing alone, however, it is the basis for implementation of a worthwhile concept which deserves our endorsement.

Although the nurse training and comprehensive community mental health centers programs are the major ones addressed in S. 66, there are authorizations for other noteworthy activities which should be mentioned. Among these are family planning programs; migrant health centers; home health services; rape prevention and control; hemophilia diagnosis and treatment; and special epilepsy and Huntington's disease commissions.

In short, we are talking about programs which can result in an immeasurable contribution to the health needs of all Americans. Unfortunately, they cannot be carried out without considerable cost at a time when spending must be restrained—but I am hopeful that we can use our new budget review mechanism to strike a reasonable balance between the two competing factors.

Mr. President, given that flexibility, I think we have a basically sound bill here which merits our affirmative approval. I, therefore, urge my colleagues to join me in calling for its enactment.

AMERICAN HEALTH CARE ASSOCIATION SUPPORTS NURSING HOME LEGISLATION

Mr. MOSS. Mr. President, I would like to briefly acknowledge the presence in Washington this week of over 400 members of the American Health Care Association. The AHCA, formerly the American Nursing Home Association, is holding its Third Annual Congressional Conference.

As my colleagues are aware, the Subcommittee on Long-Term Care of the Special Committee on Aging is continuing the development and release of its detailed report on nursing home care in this country. The report is highly critical of some nursing home practices and conditions, and is even more critical of the failure of our public policy. On the other hand, the report acknowledges the great progress that has been made in making long-term health care available to those who need it.

It is clear, Mr. President, that the nursing home associations have an important role to play in providing industry leadership toward helping to establish the comprehensive national policy for the infirm elderly which we are all seeking.

I am pleased that the American Health Care Association is showing its concern and commitment toward meeting this responsibility by being here in Washington and sharing the views of its Members with the Congress. I commend the association for this effort, and ask unanimous consent that the AHCA 1975 legislative priorities be inserted at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE 94TH CONGRESS FROM AMERICA'S NURSING HOMES

Ladies and Gentlemen of the Congress:

The third annual Congressional Conference of the American Health Care Association is being held this week in the Nation's Capitol. Representatives of America's nursing homes are gathered in Washington recognizing that we are at a critical crossroads concerning our nation's system of caring for its most infirm citizens.

As a Member of Congress, you will be called upon in coming months to consider a host of complex alternatives as national health insurance legislation is debated. We as long-term health care professionals would like you to know of our concern that a top priority be given to establishing a more comprehensive and rational approach to the delivery of long term health care services to those who require them.

In the absence of this comprehensive system, America's nursing homes have assumed almost by default the responsibility to care for the infirm elderly. With the creation of Medicare and Medicaid, our profession was forced to expand quite rapidly to cope with the new demands for our services. Over the past decade, impressive gains have been made in providing nursing home care to those who need it. Modern facilities have been built across the nation, new methods of treatment have been introduced, and innovative management techniques have been applied to the operation of these facilities. In 1973 the number of nursing home beds in the United States exceeded the number of general and surgical hospital beds for the first time.

Yet despite this great progress, the public perception of nursing home care in the United States has continued to be unfavorable. Recurring exposes by the press and Congressional committees have been a constant reminder that our ranks have been infiltrated by charlatans and profiteers. Although there is no compelling evidence to indicate that nursing home owners are any less virtuous on the whole than other professions—including politics—the mere hint of impropriety by a nursing home operator is sufficient to foster an orgy of hand wringing and breast beating by all sorts of supposedly well-meaning individuals.

While outrage over wrongdoing is justified, mere outrage is not enough. Unfortunately, some government agencies and politicians have been more adept at expressing outrage than dealing with the offenders. Consequently, the episodic "nursing home exposes" continue, and the public is led to believe that little or no progress has been made toward improving nursing home care.

As a growing profession, struggling for true professional status, nursing home owners and administrators are outraged too. The best efforts of the vast majority of us who are decently motivated dedicated, and compassionate towards the people we serve are quickly shadowed by a single example of poor care or financial chicanery. We are likewise apprehensive that a scapegoating atmosphere with regard to nursing homes might result in hastily conceived and ill-considered legislation and regulations at a time when Congress should be working out long-range systematic reforms.

How has government responded to this problem thus far? Unfortunately, the federal government has responded by issuing scores of new regulations to apply to all nursing homes, and has unleashed hordes of dubiously qualified inspectors on the land in search of "paper" compliance. Sadly, the individual needs of patients are obscured in a mountain of paper. Conscientious nursing home administrators and their staffs feel great frustration, while the handful of dishonest operators continue business as usual.

Ladies and gentlemen of the Congress, we share a joint responsibility to our elderly citizens to begin to put in place a national policy with respect to long-term health care. The elderly population is increasing at an accelerated rate. Modern medicine has given our people longevity. But advanced age brings on disabling chronic conditions which impair the ability of many elderly persons to live independently. As many as a half-million persons need nursing home care at the present time but cannot afford it unless they take the pauper's oath for Medicaid. Five times this number are homebound, and will eventually require institutional care unless proper home care and supportive services are provided to them.

Just as our nation faces a long range energy crisis, we may well be facing a long range "elderly crisis." Each of these crises requires new methods of financing as well as alternative resources and new uses of existing resurces. In each case, government has a broad responsibility to work in partnership with the private sector to achieve self-sufficiency.

America's nursing home professionals want to become advocates for the infirm elderly and the chronically ill of all ages. We want to use our expertise and resources to create an assurance of quality health care and personal dignity for the people we serve. We cannot do this job alone, however. The Congress must be willing to make the commitment of funds and initiate the reforms necessary to create a system of health care for the elderly that will serve us well for many decades to come.

The motto of the American Health Care Association is—"You Care, We Care." We call on the Congress to join with us in making this pledge a reality.

A number of specific legislative priorities are outlined in the following pages. We urge your careful consideration of these suggestions and invite you to contact our membership in your state and district and our national staff in Washington if we can assist you in any way.

Sincerely,

WILEY M. CRITTEDEN, Jr.,

President on behalf of the 8,000 member facilities of the American Health Care Association.

1975 AHCA LEGISLATIVE PRIORITIES

IMPROVED LONG-TERM CARE BENEFITS

We urge Congress to adopt comprenhensive long-term health care benefits as part of any National Health Insurance program which is enacted, or through expansion of the present Medicare program. These benefits should include nursing home care, home health care and homemaker/home health aide services, mental health and retardation care, and institutional day care services for the elderly. Long-term health care necessarily costs more than most elderly persons can afford on their own. Private insurance and Medicare do not provide this coverage for long periods. Medicaid's eligibility requirements force the elderly to relinquish the resources they would require to regain independent living. A comprehensive national program is needed to insure that elderly and chronically ill persons have access to long-term health care services which best suit their individual circumstances at a cost to them which they can afford.

We urge Congress to phase in the implementation of National Health Insurance, including expanded long-term care coverage, over a period of several years, so that fiscal and administrative transitions can be made in an orderly fashion. National Health Insurance must not become a broken promise because of breakdowns in financing or administration. The first step should be an expansion of Medicare and the gradual phase-out of Medicaid long-term care programs. At the same time, however, a number of broad scale demonstration projects should be undertaken to assess the feasibility of a consolidated systematic approach to the delivery of health and health-related services to the elderly, chronically ill, and disabled. Sen. Hubert Humphrey's proposal (S. 343), the Community Chronicare Center Demonstration Act, is designed to meet this requirement, and should be enacted by the Congress.

Participation by providers of long-term care should be extended to all who meet a uniform public system of standards. No artificial barriers should be erected against any group of providers. The only test should be the ability of the provider to extend high quality care at costs which are reasonable. Federal or state laws which prohibit nursing homes from providing home health, day care, outpatient services and other "alternatives to institutionalization" should be overridden.

Present inefficient systems of payment to providers for services rendered should be replaced with alternative prospective payment methods which are designed to foster quality care and encourage sound management practices. These methods should be based on predetermined budgets which anticipate the facility's total cost of operations, including a rate of return which is reasonable in relation to other investments of comparable risk.

We urge Congress to enact appropriate legislation to increase the availability of nursing home care for veterans through the Veterans Administration Community Nursing Home Program. Four specific measures are needed:

(a) A provision allowing direct admission of any veteran to a contract nursing home in his community. Present law limits direct admission to veterans with service-connected disabilities.

(b) Extension of present six-month limit on veterans nursing home care.

(c) Exemption of contract nursing home care from wage and fringe benefit requirements of the Service Contract Act of 1965.

(d) An increase in the payment ceiling on nursing home care for veterans. Payment is currently limited to $23 per day or less in most instances.

ENFORCEMENT OF NURSING HOME STANDARDS

We urge the Congress to take action to improve our present system of nursing home standards enforcement. Much has been said about "substandard" nursing homes. Little attention has been given to the confusing maze of regulations, overlapping authority at various levels of government, or the cost implications which affect the willingness of responsible agencies to provide the funding necessary to enable nursing homes to comply with standards.

Enforcement of standards has become a perpetual political football, and the result has been that responsible agencies have alternated between lax and punitive enforcement. The ultimate victim is the patient. A streamlined and predictable system must be implemented which is timely, efficient, and realistic in its treatment of nursing homes. For these reasons we urge that the following actions be taken:

(a) State and federal inspection of nursing homes should be consolidated and unified as Congress mandated in P. L. 92–603.

(b) Nursing home surveyors who are compensated by the federal government must be required to have adequate training and possess the professional qualifications necessary to enable them to carry out their tasks. HEW should be required to issue regulations specifying minimum professional qualifications for nursing home surveyors.

(c) An economic impact statement should accompany all new federal regulations for nursing homes. We can not tolerate a situation where government is not willing to provide funding to meet the costs of compliance with regulations.

(d) Providers must be given the opportunity for fair hearings when accused of noncompliance with standards in the Medicaid programs. However, such an administrative procedure must be timely, and should not allow determinations of the certification status of nursing homes to remain unresolved for long periods of time. Chronic offenders should be closed down, but facilities with correctable deficiencies should be assisted to comply with standards. Legislation is needed to establish clear direction for provider appeals rights.

(e) In order to facilitate resolution of patient complaints and problems with the programs, we urge the Congress to provide funds to the states under the Older Americans Act for the establishment of nursing home ombudsman units in state and local commissions on aging.

MANPOWER TRAINING

The quality of health care available to infirm elderly and chronically ill persons is ultimately dependent upon the availability of well-trained individuals to care for them. For a variety of reasons, long-term health care has always suffered from insufficient health manpower resources. The Senate Special Committee on Aging has isolated several factors behind this problem.

(a) Medical and nursing schools have not adequately emphasized training for the specialized care of the elderly.

(b) In nursing homes, professional nurses are required to spend much of their time on administrative and supervisory duties in order to cope with ever more complex government regulations. As a result, care of individual patients falls on the shoulders of aides who are inadequately trained.

(c) The provision of health care to the infirm elderly is not generally considered rewarding in either a professional or financial sense by physicians. Hence, institutionalized or homebound persons do not receive adequate medical attention.

(d) Nurses and other health professionals understandably prefer to work in hospitals where wages are higher and pressures are lower than in nursing homes.

A much greater effort is needed in order to increase the numbers as well as the status and professionalism of long-term health care workers. Providers must work in partnership with government, educators, and the established health professions to achieve this objective. Congress has before it legislation which would provide greater funding for the training and re-training of physicians, nurses, and para-medical personnel to enable them to deal more effectively with the health and medical needs of elderly and chronically ill persons. We ask the immediate attention of the Congress to this urgent priority.

MEETING THE VITAL HEALTH NEEDS OF OUR NATION

Mr. HUMPHREY. Mr. President, I am pleased to speak in support of S. 66, the Nurses Training and Health Revenue Sharing and Health Services Act of 1975.

It is indeed regrettable that similar legislation was pocket vetoed by the President last year after lengthy and careful deliberation by the 93d Congress. I am hopeful that prompt enactment of this legislation can be achieved so that our Nation's needs in the area of nurse training and health services can continue to be met.

In addition to the provisions of this bill which extend three major existing health service authorities—the migrant health centers program, the community health centers program, and the community mental health centers program—this bill provides much needed support to our nursing profession. Our nurses provide a unique and valuable service in the health delivery system of our Nation and our policies need to reflect this.

This bill is directed toward that end. Not only is a special emphasis placed on funding of the different types of nursing schools, but this legislation encourages the training of nurse practitioners in several fields, including geriatrics.

One additional point I would like to make is related to the continuation of the contracts under the special projects authority in this bill.

The full use of educational talent in the nursing profession, and the recruitment and retention of prospective students who are disadvantaged due to socioeconomic factors, are especially important aspects of the special project grant program. The Division of Nursing of the Health Resources Administration in the Department of Health, Education, and Welfare has conducted this successful program for several years now. Experienced nurses and education specialists there have provided expert consultation which can be very beneficial if the effective recruitment and full use of the talent of disadvantaged students is to be continued. The National Student Nurses' Association, which has a nationwide program to work with disadvantaged students is also funded under the Nurse Training Act.

Mr. President, S. 66 meets many of the pressing health needs our Nation faces today. I strongly support this much needed legislation.

Mr. MUSKIE. Mr. President, I am pleased that the Committee on Labor and Public Welfare has reaffirmed the Senate's support for a Commission on the Mental Health of the Elderly.

The committee has included in S. 66 a provision based on legislation I first introduced in 1971 to establish a commission to formulate Federal policy toward the maintenance and improvement of the mental health of older Americans.

Our public policy toward the psychological needs of our elderly is confused and contradictory. Too many aged people are "warehoused" in institutions, with their physical needs met but their human needs ignored.

Many of these people could return to their homes and communities if proper services were available.

Many others are able to remain in their homes, but their needs are unmet because community facilities are unavailable or inadequate.

The lack of Federal policy to deal with these personal tragedies is inexcusable.

And at a time when geriatric patients occupy almost 20 percent of the beds in the Nation's mental hospitals and when 15 to 25 percent of the elderly living in their own homes have some degree of mental impairment, the lack of coordinated policy lessens the impact of the resources the Nation now commits to the mental health problems of the aged.

Mr. President, S. 66 also responds to a related deficiency in Federal services to the elderly and infirm, by providing startup funds for additional home health agencies, particularly in rural areas. The legislation provides $12 million for startup and expansion of home health agency services, and $3 million for training of home health professionals and paraprofessionals.

This provision carries out the intent of legislation I introduced along with Senator CHURCH, chairman of the Special Committee on Aging, in the last Congress.

In my home State of Maine it is not unusual for people to live 20, 30, or even 50 miles from the nearest physician. For many rural communities, a local home health agency would not be an additional medical service, but the only medical service in the area.

I am delighted to see that the committee has retained this provision, and I hope the Senate will give it full support.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed

for a third reading and was read the third time.

Mr. MANSFIELD. Mr. President, for the information of the Senate, when this bill is disposed of, we will continue with the consideration of the Standby Energy Authorities Act, S. 62. It is my understanding that there will be at least three votes, so I suggest that Members stay fairly close to the Chamber, to be prepared for such an eventuality.

ORDER TO CONSIDER STANDBY ENERGY AUTHORITIES ACT

Mr. President, I ask unanimous consent that when the pending measure is disposed of, the Senate proceed to the consideration of the unfinished business, the Standby Energy Authorities Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays having been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The result was announced—yeas 77, nays 14, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—77

Abourezk
Allen
Bartlett
Bayh
Beall
Bellmon
Bentsen
Biden
Brock
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Dole
Domenici
Eagleton
Eastland
Fong
Ford
Garn
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Laxalt
Leahy
Long
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stennis
Stevens
Stevenson
Stone
Symington
Thurmond
Tunney
Weicker
Williams
Young

NAYS—14

Buckley
Byrd, Harry F., Jr.
Curtis
Fannin
Goldwater
Griffin
Hansen
Helms
Hruska
Nunn
Proxmire
Scott, William L.
Talmadge
Tower

NOT VOTING—8

Baker
Cannon
Inouye
Magnuson
Metcalf
Morgan
Scott, Hugh
Taft

So the bill (S. 66) was passed, as follows:

S. 66

An act to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Title I—Nurse Training Act of 1975

SHORT TITLE; REFERENCE TO ACT

SEC. 101. (a) This title may be cited as the "Nurse Training Act of 1975".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Part A—Construction Assistance

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 102. (a)(1) Section 801 is amended by striking out "and" after "1973,"; and by inserting before the period a comma and the following: "$25,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $25,000,000 for the fiscal year ending June 30, 1977".

(2) Section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semicolon ", or (ii) in expanding the capacity of the school to provide graduate training".

(b)(1)(A) Subsection (a) and (b) of section 809 are each amended by striking out "1974" and inserting in lieu thereof "1977".

(B)(i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

(ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Public Health Service Act after the date of the enactment of this Act.

(2) Subsection (e) of such section is amended by striking out "and" after "1973," and by inserting after "1974" a comma and the following: "$2,000,000 for the fiscal year ending June 30, 1975, $3,000,000 for the fiscal year ending June 30, 1976, and $4,000,000 for the fiscal year ending June 30, 1977", and by inserting a period after "Treasury" the second time it appears in the fourth sentence and by striking out the remainder of that sentence.

(c)(1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal financing bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 103. (a)(1) Title VIII is amended by inserting after the heading for part A the following:

"Subpart I—Construction Assistance

(2) The heading for part A is amended by striking out "Grants" and inserting in lieu thereof "Assistance".

(b) Section 809 is inserted after section 804 and is redesignated as section 805.

Part B—Capitation Grants

EXTENSION AND REVISION OF CAPITATION GRANTS

SEC. 111. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive $275 for each student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year."

(b)(1) Subsections (c), (d), and (f) of section 806 are repealed and subsections (e), (g), (h), and (i) are redesignated as subsections (c), (d), (e), and (f), respectively.

(2) Section 806(f)(1) (as so redesignated by paragraph (1) of this subsection) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977,".

(c) For the fiscal year ending June 30, 1975, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Public Health Service Act (as in effect before the date of the enactment of this Act) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of such Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1974.

TECHNICAL AMENDMENT

SEC. 112. Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

Part C—Financial Distress Grants

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

SEC. 121. Title VIII is amended by inserting after subpart II of part A (as provided by part B of this title), the following:

"Subpart III—Financial Distress Grants

FINANCIAL DISTRESS GRANTS

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b)(1) No grant may be made under subsection (a) unless an application thereof is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976, and $5,000,000 for the fiscal year ending June 30, 1977.".

TECHNICAL AMENDMENT

SEC. 122. Sections 805 and 808 (as in effect on the date before the date of the enactment of this Act) are repealed.

PART D—SPECIAL PROJECT ASSISTANCE

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 131. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 121(a) of this title) the following:

"SPECIAL PROJECT GRANTS AND CONTRACTS

"Subpart IV—Special Projects

"SEC. 820. (a) The Secretary may make grants to public and other nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to—

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions,

leading to the establishment of nurse training programs;

"(2) plan, develop, or establish new nurse training programs or programs of research in nursing education, significantly improve curriculums of schools of nursing, or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating entry of such individuals into schools of nursing,

"(C) providing counseling or other services designated to assist such individuals to complete successfully their nursing education,

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) providing continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

"(8) help meet the costs of developing short-term in-service training programs (not to exceed six months) for nurses aides and orderlies for nursing homes. Such training programs shall emphasize the special problems of geriatric patients and include but not be limited to: monitoring the well-being of the patient; emergency procedures; drug properties and interactions; feeding and cleaning of patients; and, fire safety techniques.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977. Not less than 10 percentum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3).

"ADVANCE NURSE TRAINING PROGRAMS

"SEC. 821. (a)(1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a)(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to—

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners.

"(2)(A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such a program, be qualified to effectively provide primary health care. In making funds available under this section, the Secretary is authorized to provide special attention to geriatrics and the particular needs of nursing home patients.

"(B) On or before March 1, 1975, after consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for nurse practitioners. Such guidelines shall, as a minimum, require—

"(i) a program of classroom instruction and supervised clinical practice directed toward preparing nurses to deliver primary health care;

"(ii) a minimum course of study of one academic year of which at least four months must be classroom instruction; and

"(iii) a minimum level of enrollment in each year of not less than eight students.

"(b) No grant may be made or contract entered into to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

"(d) For the purposes of making payments under grants and contracts under this section there are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977."

(b) Sections 810 and 868 are repealed.

PART E—ASSISTANCE TO NURSING STUDENTS

EXTENSION OF TRAINEESHIPS

SEC. 141. (a) Subsection (a) of section 821 (as in effect on the day before the date of the enactment of this Act) is amended to read as follows:

"(a) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 for the fiscal year ending June 30, 1977, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training."

(b) Subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a)(2)(B)."

EXTENSION OF STUDENT LOAN PROGRAM

SEC. 142. (a) Section 882(b)(4) (as in effect before the date of the enactment of this Act) is amended by *striking* out "1975" and inserting in lieu thereof "1977".

(b) Section 823(b)(2)(B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing".

(c) Effective July 1, 1974, section 824 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $30,000,000 for the fiscal year ending June 30, 1975, $35,000,000 for the fiscal year ending June 30, 1976, and $40,000,000 for the fiscal year ending June 30, 1977. For the fiscal year ending June 30, 1978, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1977, to continue or complete their education.".

(d) Section 826 is amended by striking out "1977" each place it occurs and inserting in lieu thereof "1980".

(e)(1) Section 827 is repealed.

(2) The nurse training fund created within the Treasury by section 827(d)(1) of the Public Health Service Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of such Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the fund exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury.

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered under section 827(b) of the Public Health Service Act before the date of the enactment of this Act.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 143. Effective July 1, 1974, section 860 is amended—

(1) by striking out "1972" in subsection (b) and in subsection (c)(1)(A) and inserting in lieu thereof "1975";

(2) by striking out "1975" in the second sentence of subsection (b) and in subsection (c)(1) and inserting in lieu thereof "1978"; and

(3) by striking out "1974" in the second sentence of subsection (b) and in subsection (c)(1)(B) and inserting in lieu thereof "1977".

PART F—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 151. (a)(1) Section 802 is amended—

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

(B) by striking out "subsection 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out "subsection (e) of section 806" in the second sentence following such paragraph and inserting in lieu thereof "section 810(c)";

(F) by striking out "section 806(e)" in the last sentence following such paragraph and inserting in lieu thereof "section 810 (c)";

(G) by striking out in such last sentence "806(a)" and inserting in lieu thereof 810 (a)"; and

(H) by striking out "paragraph (A)" in subsection (c)(1)(B) and inserting in lieu thereof "subparagraph (A)".

(b)(1) Subsection (a) of section 803 is amended to read as follows:

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment.

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made."

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

(d) Section 805 (as redesignated by section 102(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810.

(f) Section 807 is redesignated as section 811 and is amended—

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting lieu thereof "this subpart"; and

(2) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;".

(g)(1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships".

(2) Section 821 (as amended by section 501) is redesignated as section 830.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as in effect before the date of the enactment of this Act) are amended as follows:

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

(2) Sections 822(b), 823(b), 823(c), 825(b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b)(2)(A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4)(A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827," in subsection (b)(1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans".

(5) Section 830 is—

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "SEC. 830. (a)" and inserting in lieu thereof "(j)".

(i)(1) Sections 822, 823, 824, 825, 826, 828, and 829 (as in effect on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively.

(2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

(3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

(4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

(5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

(j)(1) Part D of title VIII is inserted after subpart II of part B of such title and redesignated as subpart III; and section 860 and 861 are redesignated as sections 845 and 846, respectively.

(2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

(3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

(4) Section 869 is repealed.

(k)(1) Sections 841, 842, 843, 844, and 845 (as in effect on the day before the date of enactment of this Act) are redesignated as sections 851, 852, 853, 854, 855, respectively.

(2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a)(2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a)(1)" and inserting in lieu thereof "(a)"; (D) by striking out "(12)" and inserting in lieu thereof "(b)".

(3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (i) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively;

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority—

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices.".

PART G—MISCELLANEOUS INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF REQUIREMENTS FOR NURSES

SEC. 161. (a)(1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis —

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, vanced training or graduate degrees, and nurse practitioners;

(B) the number of nurses who are practicing full time within each State, of such nurses so as to determine those areas of the United States which, are oversupplied, undersupplied, or which have an adequate supply of such nurses in relation to the population of the area and the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on—

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

(b) Not later than February 1, 1976, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a)(1) and the data gathered under subsection (a)(2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

(c) The Office of Management and Budget may review the Secretary's report under this section before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

ISSUANCE OF REGULATIONS

SEC. 162. The Secretary shall, within three months after the date of enactment of this Act, issue regulations in final form to implement section 799A and section 845 of the Public Health Service Act.

TITLE II—HEALTH REVENUE SHARING AND HEALTH SERVICES

SHORT TITLE

SEC. 201. This title may be cited as the "Health Revenue Sharing and Health Services Act of 1975".

PART A—HEALTH REVENUE SHARING

SHORT TITLE

SEC. 202. This part may be cited as the "Special Health Revenue Sharing Act of 1975".

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 203. Section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary may make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services under State plans approved under paragraph (3).

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary and unless—

"(A) the State has submitted to the Secretary a State plan for the provision of comprehensive public health services and has had the plan initially approved by him under paragraph (3); or

"(B) in the case of a State which has had a State plan initially approved under such paragraph, the Secretary, upon his annual review of the State plan of the State, determines that the plan and the activities undertaken under it continue to meet the requirements of such paragraph.

An application for a grant under paragraph (1) shall be submitted in such form and manner and shall contain such information as the Secretary may require.

"(3) A State plan for the provision of comprehensive public health services shall include such information and assurances as the Secretary may find necessary for approval of the plan and shall be comprised of the following three parts:

"(A) An administrative part setting out a program for the performance of the activities prescribed by the public health service and mental health service parts of the State plan, which program shall—

"(i) provide for administration, or supervision of administration, of such activities by the State health authority or, with respect to mental health activities, by the State mental health authority;

"(ii) set forth policies and procedures to be followed in the expenditure of funds received from grants made under paragraph (1);

"(iii) contain or be supported by assurances satisfactory to the Secretary that (I) the funds paid to the State public and mental health authorities under grants made under paragraph (1) will be used to make a significant contribution toward providing and strengthening public health services in the various political subdivisions of the State; (II) such funds will be made available to other public or nonprofit private agencies, institutions, and organizations, in accordance with criteria which the Secretary determines are designed to secure maximum participation of local, regional, or metropolitan agencies and groups in the provision of such services; (III) such funds will be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided and not to supplant such non-Federal funds; and (IV) the plan is compatible with the total health program of the State;

"(iv) provide that the State health authority or, with respect to mental health activities, the State mental health authority, will, from time to time, but not less often than annually, (I) review and evaluate its State plan and submit to the Secretary appropriate modifications thereof, (II) report to the Secretary (by such categories as the Secretary may prescribe) a description of the services provided pursuant to the public health service and mental health service parts of the State plan in the preceding fiscal year and the amount of funds spent by such categories for the provision of such services, and (III) report to the Secretary the extent to which services provided under the State plan for persons with developmental disabilities and for the prevention and treatment of alcohol and drug abuse are integrated with services provided under the plan through community mental health centers;

"(v) provide that the State health authority or, with respect to mental health activities, the State mental health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(vi) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid under grants under paragaph (1);

"(vii) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis;

"(viii) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by the plan required under this section, including, but not limited to, preservation of employee rights and benefits, maximum efforts to guarantee employment to employees who may be affected by any plan or program funded in whole or in part under this title, and training and retraining where necessary; and

"(ix) contain such additional provisions as the Secretary may find necessary for the proper and efficient operation of the State plan.

"(B) A public health service part setting out a plan for the provision within the State of public health services (other than mental health services). Such plan shall be prepared by the State health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious public health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of public health problems within the State and upon other appropriate information; and

"(iii) provide for programs relating to environmental health, health education, preventive medicine, health, manpower and facilities licensure, and, commensurate with the extent of the problem, services for the prevention and treatment of hypertension, drug abuse, drug dependence, alcohol abuse, and alcoholism.

"(C) A mental health service part setting out a plan for the provision within the State of mental health services. Such plan shall be prepared by the State mental health authority and shall—

"(i) require that such services provided within the State be provided in conformity with the applicable provisions and requirements of the State health plan prepared under section 1524(c)(2);

"(ii) include an assessment of the most serious mental health problems that exist within the State, based upon data pertaining to mortality and morbidity within the State and to the economic impact of mental health problems within the State and upon other appropriate information;

"(iii) include a detailed plan designed to eliminate inappropriate placement of persons with mental health problems in institutions and to insure the availability of appropriate noninstitutional services for such persons and to improve the quality of care for those with mental health problems for whom institutional care is appropriate;

"(iv) prescribe minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) within the State and for the enforcement of such standards; and

"(v) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or, if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

The Secretary shall approve a State plan submitted to him which meets the requirements of subparagraphs (A), (B), and (C) of this paragraph and such other requirements as he is authorized to prescribe under this paragraph. The Secretary shall review annually each State plan which has been initially approved by him and the activities undertaken under the plan to determine if the plan and such activities continue to meet the requirements of such paragraphs.

"(4) In each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services pursuant to its State plan, and not less than 22 per centum of a State's allotment under paragraph (4) shall be available only for establishing and maintaining under the State plan programs for the screening, detection, diagnosis, prevention, and detection of hypertension; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision under the State plan of services in communities of the State.

"(7) For the purpose of making grants under paragraph (1) there are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1975, and $160,000,000 for the fiscal year ending June 30, 1976."

PART B—FAMILY PLANNING PROGRAMS

SEC. 221. This part may be cited as the "Family Planning and Population Research Act of 1975".

SEC. 222. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $150,000,000 for the fiscal year ending June 30, 1975; and $175,000,000 for the fiscal year ending June 30, 1976".

(b) Section 1003(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $4,000,000 for the fiscal year ending June 30, 1975; and $5,000,000 for the fiscal year ending June 30, 1976".

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

"SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

"(b)(1) To carry out subsection (a) there are authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1974" the following: "; $1,500,000 for the fiscal year ending June 30, 1975; and $2,000,000 for the fiscal year ending June 30, 1976".

(e) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section:

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than four months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for—

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and eductional materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in such report;

"(2) indicate steps being taken to achieve the objectives during the remaining fiscal years of the plan contained in such report and any revisions necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed.

PRESERVATION OF FREEDOM OF CHOICE

SEC. 204. Whoever, being an officer or employee of any department or agency of the United States, an officer or employee of any State, political subdivision or entity which administers a program which is in whole or in part federally assisted, or being a person whose services are reimbursed under such a program, and who coerces any person who is receiving or has requested benefits or services under such program to undergo an abortion or a sterilization procedure as a condition for receiving such benefits or services shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Part C—Community Mental Health Centers

Sec. 231. This part may be cited as the "Community Mental Health Centers Amendments of 1975".

Sec. 232. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources.

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community mental health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purposes of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

Sec. 233. The Community Mental Health Centers Act is amended to read as follows:

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"Part A—Planning and Operations Assistance

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"Sec. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided—

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b),

and (2) which is organized in the manner prescribed by subsection (c).

"(b) (1) The comprehensive mental health services which shall be provided through a community mental health center shall include—

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area with respect to the nature of mental health problems and the type of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

"(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies in the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

"(c) (1) (A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care services.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1974 was operated by a governmental agency and received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care services.

"(C) For purposes of subparagraphs (A) and (B), the term 'provider of health care services' means an individual who receives (either directly or through his spouse) more than one-tenth of his gross annual income from fees or other compensation for the provision of health care services or from financial interests in entities engaged in the provision of health care services or in producing or supplying drugs or other articles for use in the provision of such services, or from both such compensation and such interests.

"(2) A center shall have established, in accordance with regulations prescribed by the Secretary, (A) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (B) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (C) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (D) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in subsection (b) (1) (D). The Secretary may waive the requirements of clause (D) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

"Sec. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) may

be made for not more than one year, and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.

"GRANTS FOR INITIAL OPERATION

"SEC. 203. (a) (1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services,

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b) (1) of such section, and

"(3) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their cost of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's cost of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974), such center or other entity shall, for purposes of grants under subsection (a), be considered as being in operation for a number of years equal to the sum of the number of grants in the first series of grants it received under such section and the number of grants it received under this subsection.

"(b) (1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a) (1) (B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1) (B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2) (A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 40 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of any grant under the section for a community mental health center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, the amount of such grant for the center's cost of operation may not exceed 90 per centum of such costs for the first year of its operation, 90 per centum of such costs for the second year of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year.

"(d) (1) There are authorized to be appropriated for payments under initial grants under subsection (a) $85,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

"(2) For the fiscal year ending June 30, 1976, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for the fiscal year ending June 30, 1975, or the next fiscal year and which are eligible for a grant under this section in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e) (1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) from appropriations under this title for a fiscal year ending before July 1, 1974, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendment of 1974, may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements, which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in the year for such services shall be disregarded in applying subparagraph (A) and the provision of the repealed section applicable to the amount of the grant the grantee may receive under this subsection for that year.

"(2) An entity which receives a grant under this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for the fiscal year ending June 30, 1975, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 204. (a) (1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b) (1) (D) if the center—

"(A) received from appropriations for a fiscal year ending before July 1, 1974, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Centers Amendments of 1974) and may not because of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

"(B) has received or is receiving a grant under subsection (a) or (e) of section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a) (2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b) (1) (D)) during the third or fourth years of its operation without a grant under this subsection.

"(2) The Secretary may also make annual grants to a public or nonprofit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1974),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 201(b) (1) (D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center,

for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3) (A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Amendments of 1974) or section 203 of this title, as the case may be, was determined on the basis of the center providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a) (2).

"(c) There are authorized to be appropriated for payments under grants under this section $4,000,000 for the fiscal year ending June 30, 1975, and $9,000,000 for the fiscal year ending June 30, 1976.

"CONVERSION GRANTS

"SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b) (1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Amendments of 1974. For purposes of this section, the term 'projected operating deficit' with respect to an entity described in the preceding sentence means the excess of its projected costs of operation (including the costs of operation related to the provision of services of which a grant may be made under this subsection) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements to be collected by the entity during that period.

"(b) (1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made.

"(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

"SEC. 206. (a) (1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

"(b) No grant may be made under this part unless—

"(1) an application (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary; and

"(2) the proposed use of grant funds in any area under the jurisdiction of a State or area health planning agency established under the Public Health Service Act has been reviewed to the extent provided by law by such agencies to determine whether such use is consistent with any plans which such agencies have developed for such area, and with respect to—

"(A) the need for a community mental health center in such area;

"(B) the definition of the catchment area to be served, which shall be determined after consideration of any such area previously designated;

"(C) the need for the services to be offered;

"(D) in the case of an applicant described in section 203 (a) (1) (B), the applicant's plans for developing comprehensive mental health services;

"(E) the adequacy of the resources of the applicant for the direct provision of mental health services and the adequacy of agreements with the applicant for the indirect provision of such services;

"(F) the adequacy of the applicant's arrangements for the appropriate use of and integration with existing health delivery services and facilities to assure optimum utilization of and nonduplication of such services and facilities and to assure continuity of patient care, including arrangements of the applicant with health maintenance organizations and community health centers serving individuals who reside in or are employed in the area served by the applicant for the provision by the applicant of mental health services for the members and patients of such organizations and centers;

"(G) the adequacy of arrangements of the applicant for the coordination of its services with those of other health and social service agencies including, where appropriate, exchange of staff resources; and

"(H) any other factor which the State or area health planning agency determines to be significant for purposes of planning and coordination of health services for the area within the jurisdiction of such planning agency.

"(c) (1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861 (z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclosure at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of it services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that it services are responsive to the needs of the residents of the catchment area;

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs of the center in providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b) (1) (D) and 201(b) (1) (E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services, which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private insurance program;

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated sources of non-Federal funds to pay such increased costs.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, determines that during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204(b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, that the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be utilized by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203(a) for an entity described in section 203(a)(1)(B), or

"(B) for the first grant under section 203(e),

the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203, 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) An application for a grant under section 203, 204, or 205—

"(A) may not be disapproved, and

"(B) may not be approved for a grant which is less than the amount of the grant received by the applicant under such section in the preceding fiscal year,

on the ground that the applicant has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraphs (I), (J), and (K) of subsection (c)(1) unless the Secretary first informs such applicant of the respects in which he has not made such reasonable efforts and the manner in which his performance can be improved and gives the applicant a reasonable opportunity to respond. Applications disapproved, and applications approved for reduced amounts, on such grounds shall be referred to the National Advisory Mental Health Council for its review and recommendations respecting such approval or disapproval.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submitted its comments or on the expiration of such forty-five period, which ever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1974.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203(a), 203(e), or 204(a)(2).

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which—

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1974) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section; or

"(B) received a grant or grants under section 203 (a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b).

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of section 201(c).

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual amount of funds expended by such applicant for purpose (excluding expenditures of a non-recurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1974), or

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 213. There are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976, for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, or constructed with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part.

"(2) the Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to such projects; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of the fifty States and the District of Columbia.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States subject to such Federal percentages and of the fifty States and the District of Columbia for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"SEC. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth—

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(6) a certification by the State agency of the Federal share for the project; and

"(7) the assurances described in section 206(c)(2). Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan.

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 274 of this title (as in effect before the date of the enactment of the Community Mental Health Center Amendments of 1974) from appropriations for a fiscal year ending before July 1, 1974, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"SEC. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a construction or remodeling project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project.

"(2) In case an amendment to an approved application is approved or the estimated cost of a construction or remodeling project is revised upward any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236;

"(B) any assurance required to be in an application filed under section 222 is not being carried out;

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

"SEC. 224. If—

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the Court, operate as a stay of the Secretary's action.

"RECOVERY

"SEC. 225. If any facility of a community mental health center remodeled, constructed, or acquired with funds provided under this part is, at any time within twenty years after the completion of such remodeling or construction or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the construction or modernization of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the construction or modernization of such faciltiy.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 228 to the several States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to it for such purpose in each of such next two fiscal years.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1975 and $15,000,000 for the fiscal year ending June 30, 1976, for allotments under section 227.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

"(b)(1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks,

"(II) motivations of offenders, and

"(III) the impact of the offense on the victim and the family of the victim;

"(v) sexual assaults in correctional institutions;

"(vi) the actual incidence of forcible rape as compared to the reported cases and the reasons therefor; and "(vii) the effectiveness of existing private and local and State government education and counseling programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assist community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the control and prevention of rape, including projects (i) to research and demonstrate alternative methods of planning, developing, implementing, and evaluating programs used in the prevention and control of rape, the treatment and counseling of victims of rape and their families, and the rehabilitation of offenders; and (ii) involving the application of such methods.

"(F) Assist community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes forcible, statutory, and attempted rape, homosexual assaults, and other criminal assaults.

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b). The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"Sec. 235. For purposes of this title—

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority responsible for the mental health service part of a State's plan under section 314(d) of the Public Health Service Act.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act.

"REGULATIONS

"Sec. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which—

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and requiring special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of a particular community or communities, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therfor.

The Federal Hospital Council (established by section 641 of the Public Health Service Act) and the National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

"Sec. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with planning operation, or utilization of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services provided by such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

"(A) be consistent with the mental health services part of the State's plan under section 314(d) of the Public Health Service Act;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inventory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor;

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital services; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to construction projects for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"Sec. 238. Each agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the size of such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

"Sec. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"Sec. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

"Sec. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

"Sec. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"Sec. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research.

"REIMBURSEMENT

"Sec. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers.

"SHORT TITLE

"Sec. 245. This title may be cited as the 'Community Mental Health Centers Act'.".

Sec. 234. The amendment made by section 233 shall take effect as of July 1, 1974.

Sec. 235. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

Part D—Migrant Health Centers

MIGRANT HEALTH CENTERS

Sec. 241. (a) Section 310 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

"Sec. 310. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasoned agricultural workers, and the members of the families of such migratory and seasoned workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians.

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(b) (1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and progams in such areas. The highest priorities for such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

"(c) (1) (A) The Secretary may, in accordance with the priorities assigned under subsection (b) (1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1) (A) for the same project, and if a grant or contract is made or entered into under paragraph (1) (B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d) (1) (A) The Secretary may, in accordance with priorities assigned under subsection (b) (1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b) (1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f) (2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and the cost of providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1) (A) or (1) (B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal or, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e) The Secretary may enter into contracts with public and private utilities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

"(f) (1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c) (1) (B), (d) (1) (C), or (e) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications of its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) The Secretary may not approve an application for a grant under subsection (d) (1) (A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a) (1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii, insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the areas's physical characteristics, its residential patterns, its economic and social groupings and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(3) In considering applications for grants and contracts under subsection (c) or (d) (1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under this paragraph for the fiscal year ending June 30, 1975, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $60,000,000 for the fiscal year ending June 30, 1975, and $65,000,000 for the fiscal year ending June 30, 1976. Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1975, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceeding fiscal year for programs described in subsection (d)(1)(C). Of the funds appropriated under the first sentence for the fiscal year ending June 30, 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount equal to the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1974. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976."

(b) Section 217 of the Public Health Service Act is amended by adding after subsection (f) the following new subsection:

"(g)(1) Within one hundred and twenty days after the date of the enactment of this subsection, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 310.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 310. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administartion of health programs.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.".

(c)(1) The Secretary of Heatlh, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of—

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

In conducting or arranging for the conduct of such study, the Secretary shall consult with the Secretary of Housing and Urban Development.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of this first Act making appropriations for such study.

PART E—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 251. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

"SEC. 330. (a) For the purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primary health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitation services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition, educational, and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include—

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) Not more than two grants may be made under this subsection for the same project.

"(3) The amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).

"(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing building (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be made under paragraph (1)(B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

"(e)(1) No grant may be made under subsection (e) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (a)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State in which it provides services which agency administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph;

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center;

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective porcedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of utilization of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require;

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals and (ii) identified an individual on its staff who is bilingual and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting the requirements of subsection (e)(2).

"(g) (1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $20,000,000 for the fiscal year ending June 30, 1975, and $20,000,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $240,000,000 for the fiscal year ending June 30, 1975, and $260,000,000 for the fiscal year ending June 30, 1976."

(b) Section 314(e) of the Public Health Service Act is repealed.

PART F—MISCELLANEOUS

DISEASES BORNE BY RODENTS

SEC. 261. (a) Section 317(h)(1) of the Public Health Service Act is amended by striking out "RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents."

(b) Section 317(d)(3) of such Act is amended by striking out "$23,000,000 for the fiscal year ending June 30, 1975" and inserting in lieu thereof "$38,000,000 for the fiscal year ending June 30, 1975".

HOME HEALTH SERVICES

SEC. 262. (a) (1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861 (m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

(b) (1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act).

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations prescribe.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $3,000,000 for the fiscal year ending June 30, 1976, for payments under grants under this subsection.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 263. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting—

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons.

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging, respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, and attainments be exceptionally qualified to assist in carrying out the functions of the Committee.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

SEC. 264. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 265. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission").

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State Governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grades GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

NATIONAL HEALTH SERVICE CORPS

SEC. 265A. Section 329 of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end thereof the following new subsection:

"(j) Notwithstanding the provisions of any other law or any regulation issued thereunder, the Secretary of Health, Education, and Welfare may for the fiscal year ending June 30, 1975, recruit, employ, and assign health professionals as members of the National Health Service Corps: *Provided*, That at no time during such fiscal year may the total number of individuals serving as field assignees in the National Health Service Corps exceed five hundred and fifty-one.".

HEMOPHILIA PROGRAMS

SEC. 266. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such centers but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

"(b) No grant or contract may be made under subsection (a) unless an application thereof has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for the fiscal year ending June 30, 1975, $5,000,000 for the fiscal year ending June 30, 1976.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section—

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such as red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins.

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe.

"(d) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1975, and $5,000,000 for the fiscal year ending June 30, 1976.".

TECHNICAL AMENDMENTS

SEC. 267. (a) Section 399c of the Public Health Service Act (added by Public Law 93–222) is redesignated as section 399A.

(b) The section 472 of the Public Health Service Act (entitled "Peer Review of Grant Applications and Control Projects") is redesignated as section 475.

(c) Section 317(d) of the Public Health Service Act is amended (1) by striking out "communicable disease" in paragraphs (1) and (2), and (2) by striking out "communicable disease" the second time it occurs in paragraph (3).

PHYSICIAN SCHOLARSHIP PROGRAM

SEC. 268. Section 786 of subpart III of part F of title VII of the Public Health Service Act is amended (1) by striking "and $3,500,000 for the fiscal year ending June 30, 1974." and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1974 and $3,500,000 for the fiscal year ending June 30, 1975.", and (2) by striking "July 1, 1974 in the second sentence and inserting in lieu thereof "July 1, 1975".

Mr. SCHWEIKER. Mr. President, I move to reconsider the vote by which that bill was passed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 66.

The PRESIDING OFFICER (Mr. LAXALT). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations at the desk, which were favorably reported earlier in the day from the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMODITY FUTURES TRADING COMMISSION

The second assistant legislative clerk proceeded to read the nominations of William T. Bagley, of California, to be Chairman and Commissioner, and John Vernon Rainbolt II, of Oklahoma, Read Patten Dunn, Jr., of Maryland, and Gary Leonard Seevers, of Virginia, to be Commissioners of the Commodity Futures Trading Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate turns to the consideration of Calendar No. 44, Senate Joint Resolution 23, there be a time limitation of 20 minutes thereon, the time to be equally divided between the distinguished Senator from Virginia (Mr. HARRY F. BYRD, Jr.) and the distinguished Senator from Michigan (Mr. PHILIP A. HART).

The PRESIDING OFFICER. Without objection, it is so ordered.

STANDBY ENERGY AUTHORITIES ACT

The PRESIDING OFFICER (Mr. LAXALT). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 622, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement United States obligations under international agreements to deal with shortage conditions.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 104) of the Senator from Arizona (Mr. FANNIN). Under the previous order, there is a time limitation of 1 hour of debate on this amendment. Who yields time?

Mr. FANNIN. Mr. President, I yield myself 10 minutes.

Mr. President, we are considering the merits of a standby measure, one that will get us through an emergency, should one arise. That is exactly what the title of the bill says, and that was the intent as we carried the bill through the committee.

One of the first things the bill does, though, is to establish a mandatory conservation program.

Mr. President, is that what we mean by standby? And it is not just a mandatory conservation program, but a vast regulatory machine that will reach down into the day-by-day decisions made by every American at home and in business. It goes far beyond what we have discussed as far as the standby emergency needs of this Nation are concerned.

What disturbs me most about title II is the vague, haphazard direction it gives the President. From a parliamentary viewpoint, the Senate is simply retreating from its responsibilities.

A committee of the Senate has simply decided that the Nation needs a mandatory conservation program, and written that desire into a bill that has only the most tenuous connection with energy conservation. And that is all title II is: an expression of congressional desire for an energy conservation program. It does not contain a single standard or any discernible guidance for the President. It simply says do something to save energy.

What this means is that once again Congress—specifically the Senate—is resigning its responsibilities. We want a program, but we are reluctant to spell it out. We want standards, but we want somebody else to take responsibility for formulating them. We want people to save energy, but we do not know how, or when, or even how much.

Just listen to some of these bold initiatives. The President is supposed to establish standards for "decorative or nonessential lighting." Now does that mean that the President should charge Congress just because we choose to keep the Capitol dome lit all night? Or should the President be prepared to impose fines on 2-year-olds for keeping their nightlights on?

Title II calls for "reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend." But exactly where does necessity end and discretion begin? And how do you define what is basic to our economic vitality?

Maybe there are answers to these questions, but if so, it is evident that the Interior Committee did not exert itself very strenuously in trying to find them. Our colleagues on the committee have simply said to the President: Let there be a program and they have said it without even fundamental guidance or firm goals.

Mr. President, either the Standby Energy Authorities Act has undergone transformation or there is a typographical error in my copy of the bill. The bill clearly states that this is the Standby Energy Authorities Act.

My dictionary defines the word "standby" as: "something kept available for use in an emergency." Yet if you look at title II, you will see that it requires the President to immediately establish regulations to conserve energy—regulations that would be formulated now and enforced, not as emergency measures, in the event of an embargo or some other critical situation, but continually, as part of the day-to-day work of the Federal Government.

Now everyone agrees that this country needs solid, sound energy conservation measures. President Ford recognizes that necessity; I recognize it; and most of us here are aware of the need. Calling for energy conservation is about as controversial as protecting widows and orphans; everybody agrees that it should be done.

My objection to doing it with this particular bill is that we are being asked to take a legislative vehicle that is designed to deal with extraordinary conditions, and turn it into a program for ordinary times. Title II is a square peg that somebody insists on pounding into a round hole.

It is totally inconsistent with the purpose of the bill—a purpose which is as plain as the title of the bill itself, the Standby Energy Authorities Act. If title II is left in the final version of this bill, the whole measure becomes nothing more than legislative propaganda.

With the Senate Interior Committee's concept of an emergency and the standby measures needed to cope with it, I am beginning to think that if the committee set out to design a fire engine, they would probably mount a fire hydrant on a Maserati.

Aside from title II being completely out of place in a bill to provide emergency powers for the President, it also has grave—even frightening—implications.

Let us assume the Congress is imprudent enough to pass this bill as it is, and the President accepts it. The country's Chief Executive is then bound, under the law, to promulgate a whole new body of regulatory law.

The difference between this new administrative code and those we are used to is so vast that it could almost be characterized as a revolution in the American system of government. Traditionally, Federal regulations have addressed one industry, such as communications or transportation, or one public interest, such as the purity of food and drugs by Americans.

But title II takes the Federal regulatory concept and spreads it over the whole spectrum of American life, and does it with virtually no statutory guidance for the regulators.

It is all well and good to talk about saving energy by reducing decorative lighting, or perhaps eliminating it—after all, title II is not clear on that score. But aside from defining what decorative lighting is, let us be clear on the kind of enforcement problem we are creating.

How do you regulate individual citizens in a matter like this? Do we send the FBI out with light meters instead of guns? Maybe we should pass a "no knock" law so Federal agents can enter the premises before the lights are dimmed.

And what about industrial efficiency standards? Perhaps we should have the Internal Revenue Service audit every corporation's energy use as well as its books.

Now this may all seem farfetched, though I am sure that, 10 years ago, the idea of having the Federal Government monitor the number of women on a college faculty also seemed outlandish. Nevertheless, we know it happened. It is in effect today. But, Mr. President, this is just as ridiculous, and I think it is even more farfetched.

If title II ever becomes law, only God knows how much we will have to expand the Federal bureaucracy to police it. And I am not so sure I would not rather keep paying for imported oil, rather than pay the taxes to support that bureaucracy.

Mr. President, it is absolutely essential that we delete title II if we are going to have legislation that will be, I think, accepted by the President, and operational if once accepted by the President.

So, Mr. President, I hope the manager of the bill would be willing to accept the deletion of title II. It is something that I think is totally irrelevant to standby authority, and certainly goes far beyond the intent, I think of the legislation as it was originally discussed. It also places a problem that is almost insurmountable as far as the administration is involved.

Mr. President, I reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, the Federal Energy Administration estimates that some 800,000 barrels of oil a day can be saved through a purely voluntary program which contains the essential elements of title II.

Now, through a mandatory program, a program with some teeth in it, as in title II, even more than 800,000 barrels of oil a day ought to be saved.

The key to title II is its flexibility, its States' rights character, in that a State may select from among a number of different programs those that are most suited, most adaptable, to a State by reason of its climate and by reason of its other geographic characteristics.

But, Mr. President, if we are serious about conservation, if we are serious about reducing the dependency of this Nation upon foreign sources, then we have got to take this strong, and these stronger steps even than this. This is a very meager, a very mild, a very small first step toward energy independence of this Nation, and the committee feels that a mandatory program calculated to fit the needs of each region of the country, calculated not to cause unemployment, not be unreasonable in its effect, must be included as part of this legislation.

Mr. HANSEN. Mr. President, will the distinguished minority manager of the bill yield to me a little time?

Mr. FANNIN. I would be pleased to yield to the distinguished Senator from Wyoming from the amount of time that is ours.

Mr. HANSEN. Mr. President, let me begin, first, by reading from the report of the minority on page 78, a position that I think is deserving of the consideration of all Senators, dealing specifically with title II:

> In short, the committee is asking the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer is too stupid to figure out for himself how he can cut down on his fuel use and that the federal and state governments must force him to save energy in the manner the governments think best. Thus, with the inclusion of Title II coupled with Sections 122 and 123, the committee is abandoning the price mechanism and forcing what is tantamount to government dictated rationing programs under the guise of "conserving" energy.
>
> S. 622 is no longer a standby energy emergency authorities bill, but a mandatory conservation and allocation proposal which adheres to the same old hypothesis that the federal government should and can increase supply merely by reducing demand.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. FANNIN. Mr. President, I ask for the yeas and nays on passage of this amendment.

The PRESIDING OFFICER (Mr. LAXALT). Is there a sufficient second? There is a sufficient second.

The yeas and the nays were ordered.

Mr. FANNIN. I thank the Chair.

Mr. HANSEN. Mr. President, it ought to be pointed out that the figure that we can save 800,000 barrels of oil per day through voluntary conservation efforts is true only if the price mechanism is working. Most of the economists who testified before this committee, and who testified before the Finance Committee, were on record that the supply-demand elasticity that has been observed in energy, as it is true in all other things, does reflect price. In other words, as the price rises, demand is discouraged, and unless the Congress of the United States permits that old law of supply and demand to work, it does not follow at all that the voluntary conservation results to which my good friend from Louisiana had alluded will be implemented at all.

The fact is that it is anticipated we can and will save 800,000 barrels of oil per day only if we let the price mechanism work. I think we ought to keep that in mind.

I say that, Mr. President, because we have repeatedly gone on record in this body saying we did not want to let the price rise too much because this country could ill afford to pay more for its fuel. I could not agree more. I wish that it were not necessary, but we cannot have it both ways, and if we do it the wrong way, which is exactly what we now propose to do, if we keep title II in here, that is to keep the price down so that there will be the continuing inducement to overuse or fail to conserve energy, on the one hand, there will be the lack of encouragement, on the other, that could bring about the development of additional supplies.

Yesterday I supported the amendment proposed by the distinguished Senator from Louisiana (Mr. JOHNSTON) which would have permitted the oil that is recovered from secondary and tertiary methods to be sold on the market at an uncontrolled price.

Later, as Senators will recall, that amendment was modified by a further amendment proposed by the distinguished Senator from Washington (Mr. JACKSON) which fixed that level at $7.50 per barrel.

The tragedy of the adoption of the amendment by the distinguished chairman of the committee, Mr. JACKSON, is simply this: We can anticipate producing 40 billion barrels of oil from discoveries already made.

Now, at the present price levels and at the present cost levels we will be able to pump out of the ground on an economic basis 40 billion barrels of oil. The fact is that if we employed the technology we now have, nothing else new but just what we now know about it, if we had the inducement and the encouragement that would result from lifting the price controls on old oil, and use the secondary and tertiary recovery technology efforts that we have in hand now, we could add to that 40 billion barrels of oil another 59 billion barrels, almost one and a half times as much again as we are going to pump out.

It makes sense, and it is amazing to me that Senators would not realize that we are trying to reduce the leverage that the OPEC nations have on the United States of America. It is surprising to me that we would not do everything we can to bring about the production of this one and a half times as much oil as we are not likely to get without the added encouragement that comes from an increased price.

So, I lament the fact, Mr. President, that we are going the wrong way on both scores. We are discouraging conservation by keeping a lid on prices and making it too easy and too cheap to buy oil, so that the efforts we would make to save are not going to be made. That is the first mistake.

The second mistake and a point that was made by my good friend from Louisiana yesterday is that we ought to be going both ways. We ought to be taking those steps which will encourage thrift and frugality in the use of our energy resources, on the one hand, and on the other we ought to be taking those steps which would bring about a greater supply of energy. We could be doing both of these things, and if we keep Title II in the bill we will be doing neither of them.

I hope that Senators will reflect upon what this bill is supposed to do and if we are sincere in taking those actions which would be needed for standby energy authority actions, we would support the amendment by the distinguished Senator from Arizona. If we do strike title II, we can have both an inducement, on the one hand, to all Americans to conserve, to be more frugal, to be thrifty in their use of energy, and we can encourage the private sector of our economy to bring about the production of greater supplies of energy.

I thank my colleague from Arizona.

Mr. JOHNSTON. Mr. President, on behalf of myself, the distinguished Senator from Washington (Mr. JACKSON), the distinguished Senator from Arizona (Mr. FANNIN), I ask unanimous consent that the pending business be temporarily laid aside so that it be in order to call up a clarifying amendment to my secondary and tertiary amendment of yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend the amendment to Section 4(e)(3) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627), to read as follows:

"Encouragement of Enhanced Oil Recovery"

"(3)(A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to "new oil," as defined in subparagraph (B) of this paragraph, shall, except as provided in subparagraph (D) of this paragraph, be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.

"(B) For the purposes of this paragraph, 'new oil' refers to any crude oil produced from any property in any calendar month, in excess of a percentage, specified in the regulation, of the volume of crude oil produced from that property in the corresponding calendar month of the previous year.

"(C) The percentage specified pursuant to subparagraph (B) of this paragraph shall reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques, such as measures to increase the permeability of the reservoir, including acidizing and fracturing, measures to restore reservoir pressure by injection of water, steam or gas, and measures to reduce oil viscosity or capillarity by the introduction of injected substances or heat.

"(D) The price applicable to any crude oil produced from any property in any calendar month, whose price would be increased solely by the operation of this paragraph, and which does not exceed the volume of crude oil produced from that property in the corresponding month of 1973, shall not exceed $7.50 per barrel."

Mr. JOHNSTON. Mr. President, yesterday the Senate adopted my amendment to provide a price incentive for enhanced recovery techniques with respect to crude oil. Immediately prior to its adoption, the Senate adopted a perfecting amendment by Senator JACKSON, intended to limit any crude oil whose price was increased as a result of my amendment, to $7.50 per barrel.

Upon examination of my amendment as actually amended, Senator JACKSON and I discovered that its effect might be construed as rolling back the price of all new oil to a price no higher than $7.50 per barrel. I am aware that some Members favor such a rollback, but Senator JACKSON did not intend this to be the effect of his amendment, nor did I understand it to be the effect. The colloquy on the floor prior to the vote consistently indicates that we wished to apply the $7.50 price limit only to crude oil which is not classified as "new oil" under the present regulations. I believe that this was the understanding of the Members when they voted.

Acordingly, the Senator from Washington (Mr. JACKSON) and I, with the concurrence of the Senator from Arizona (Mr. FANNIN), request the adoption of a corrected version of my amendment, as perfected by Senator JACKSON's amendment, to limit enhanced recovery oil to $7.50 per barrel.

Mr. JACKSON. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. JACKSON. Mr. President, while I favor a rollback of oil prices and may at some appropriate time be offering an amendment for that purpose, the statement of the distinguished Senator from Louisiana is a correct one.

The facts are that my amendment was intended to apply only to the area covered by the amendment offered by the Senator from Louisiana. It was one of those unintentional errors. My staff counsel discovered it about an hour after the Senate adjourned and advised me what had taken place. We immediately got in touch with Senator JOHNSTON so that he would understand the error that was made on my part.

Therefore, I join in the statement of the Senator from Louisiana and ask that the amendment correcting the action taken yesterday reflect what was actually intended by me, the author of the amendment in the second degree.

Mr. FANNIN. Mr. President, I want to join my colleagues that spoke on the floor of this particular change. The language, I think, would have been devastating had it gone through on the basis on which it is now interpreted.

I feel that we must make this change and I certainly commend the distinguished Senator from Louisiana for first offering the amendment. I was sorry to see that his original amendment was not accepted since I think it would have been very much more helpful, but I do support the change that is requested.

Mr. JOHNSTON. I thank the distinguished Senator from Arizona.

Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arizona.

The Senator from Washington.

Mr. JACKSON. No; I move to reconsider the vote by which the perfected amendment of the Senator from Louisiana was adopted.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 104

Mr. FANNIN. Mr. President, I would just like to respond to what the distinguished Senator from Louisiana said on States' rights. One statement he made, I think, is illustrative of what we are up against in this particular bill.

The Senator is one of the strongest supporters of States' rights. I commend him for that. He has been successful, but let us look at this legislation. I am sure he would agree with the Federal Energy Administration establishing standards, but I do not see where we have States' rights.

I am sure he was sincere in his interpretation, but I also feel that if he would further read the amendment and what is involved, he would certainly look differently upon it.

Now, Mr. President, if the supporters of this bill want to see it accomplished, I think they should consider what is going to happen after it leaves the Senate, and if it is passed here, and is passed by the House and goes to the President, then what would take place?

I have a letter before me addressed to the Honorable MIKE MANSFIELD, U.S. Senate, as follows:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., April 10, 1975.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: I am writing to express my deep concern over Title II of the Standby Energy Authorities Act of 1975 (S. 622). This title would mandate that the President establish farreaching, but ill-defined mandatory energy conservation programs which would have unforeseen and harmful economic consequences.

I urge your support for Senator Fannin's amendment No. 104, which would delete Title II from this bill.

With Title II included, S. 622 departs radically from the initial purpose of this legislation, which was to provide the President with standby authorities to deal with possible national emergencies resulting from events such as the 1973–74 oil embargo. Title II, however would mandate an ongoing, massive and pervasive national regulatory program by requiring immediate promulgation of regulations designed to conserve energy.

Activities that would be banned or limited immediately by Federal regulations would include:

Commercial and public lighting;

Transportation, including private and recreational activities; and

Industrial energy use.

Though energy conservation is a vital element of the Administration's program, we believe such potentially farreaching direct regulatory authority with imprecise——

Mr. President, with imprecise——

statutory guidelines in a non-emergency situation would be contrary to the public interest. This indiscriminate regulatory authority by itself would necessarily have significant economic impacts, far greater than other alternatives which could save equivalent or greater amounts of energy. It is also an unwarranted and permanent restriction on many aspects of our citizens' daily lives.

For these reasons I am urgently requesting your support for the deletion of Title II from this bill and I hope that you will urge your colleagues to join with you in opposition to a provision which could have adverse and unforeseen effects on the nation's economy.

Sincerely,

FRANK G. ZARB,
Administrator.

Mr. President, this is a very important consideration. If title II remains in the bill, what is going to take place? If the supporters of the legislation will take into consideration the effects they will have by leaving title II in, I am sure that they will realize the consequences of not having a bill at all.

Mr. President, I just feel that if they are sincere in wanting this legislation, they will support the deletion of title II.

Mr. President, how much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FANNIN. I will reserve the remainder of my time.

Mr. JOHNSTON. Mr. President, I have just a word about the issue of States rights. What I meant by that, Mr. President, is that in sections 204 and 205 of this law, the Federal Energy Administration is directed to set standards. However, the power to choose among those standards is left to the States. The State programs shall be based upon any or all of the energy efficiency and conservation standards which are set forth by the FEA. It is up to the State to fashion their program so as to minimize adverse economic or unemployment impact within the particular State.

Mr. FANNIN. Could I comment on that, if the Senator will permit?

Mr. FORD. Mr. President, will the Senator yield for a question at that point?

Mr. JOHNSTON. I will yield.

Mr. FORD. Will the Senator advise me, if he can, of the additional cost of this legislation to the taxpayers, to the Federal Government?

Mr. JOHNSTON. The authorization is open-ended. It will be left to the administration. It should be a net savings of a tremendous amount if we are able to save 800,000 barrels a day. That will result in a savings in the balance of payments of about $8 billion or $9 billion a year.

Mr. FORD. The Senator from Louisiana is indicating his strong support for States rights, yet this legislation puts all the responsibility back on the States.

Is there anything in this legislation that helps the State organization to share the load or carry the load that the Federal Government puts on each of the States?

Mr. JOHNSTON. Yes, there is a grant program. In other words, we have an openended authorization so that the State can be recompensed for running the program.

Mr. FORD. I wish to ask one other question. These things bother me because of my past experience. We are going to insure better enforcement of the 55-mile-an-hour speed limit. Who is going to do that? The Federal Government is not going to do it. The State will be required to do it. How many more State police will it take to put on the road? How many more local policemen? How much more enforcement will it take by the State government to try to carry out a program that apparently is going to have enough bureaucrats up here to make regulations and interpret regulations that will cost the States more money? That is one reason you have an open ended grant program. That is so when the bureaucrats get through telling the States what to do, it will be costing them so much and they will be carrying most of the burden.

Mr. JOHNSTON. When we like a program we say it is designed to meet the needs of the Nation. When we do not like it, we talk about bureaucrats and cost to the Federal Government. The fact of the matter is that to save energy can never be done painlessly. I frankly do not like to drive 55 miles an hour on a highway. Most people do not. The only way you can bring the speed down to 55 miles an hour is by enforcement.

There are a couple of ways to go. We can make it a Federal law and have the FBI out enforcing the law, I guess. Obviously, we did not want to do that. We are going to leave it up to the States to enforce. We have a grant program so that such additional costs as the States have they will be able to get from the Federal Government.

Mr. FORD. Is there a formula by which they will be reimbursed?

Mr. JOHNSTON. No. That will be set up——

Mr. FORD. Set up by regulations?

Mr. JOHNSTON. Excuse me. It is in section 206, subsection (b), which says:

> One half of the sum appropriated for the physical assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States.

Mr. FORD. How much money do you anticipate being appropriated?

Mr. JOHNSTON. That would be up to the FEA and the Committee on Appropriations. Frankly, it is going to be a difficult matter. It is going to be one in which we will have to experiment. The fashioning of these standards to save energy is something we have never had to do before. We are going to have to do some experimenting. I am sure FEA will pass some rules and standards that may initially not be workable. The question is do we want to save it or do we not want to save it? Are we serious or not serious? I do not know of a single painless way to save energy. If you put on a 40 cent a gallon gasoline tax as some of our colleagues in the other body are urging, people go through the roof. They say, "We cannot afford that."

What we can afford are some reasonable conservation standards adopted by the Federal Government with the power of the State to pick and choose among those standards to meet its geographical conditions, its economic conditions, and its climatological conditions.

For example, there might be a rule that says one cannot have the thermostat in public buildings above a certain amount.

Well, that might be fine for Florida where there is sunshine a good bit of the time, but it might not be so good for Kentucky, where it rains most of the time.

Mr. FORD. There is some real concern here. I am trying to get some answers which I think will be helpful to understand the bill. The Senator just said that the States would have the ability to pick and choose from the various (a) through (i), for instance, what would best fit their State.

Mr. JOHNSTON. That is correct.

Mr. FORD. What if they do not want to pick any of them?

Mr. JOHNSTON. The program would have to be approved by the Administrator. A State cannot just do nothing. It can choose among the various standards which best suits it. It might take two standards and leave out the rest, and that might be approved by the FEA.

Mr. FORD. But we are leaving this subject to the approval of FEA?

Mr. JOHNSTON. It is subject to approval by the FEA.

Mr. FORD. What if they tell the States they have to adopt all of them?

Mr. JOHNSTON. If they refuse to come up with any program, or FEA does not approve the program, FEA has the right to enforce its own program, to fashion its own program for the State.

Frankly, we do not expect that that is going to be the case.

Mr. FORD. What kind of stick would the FEA have if the State refuses to come up with the program?

Mr. JOHNSTON. They have the power of Federal law to enforce its own program.

Mr. FORD. That is the only stick? They would not withdraw any Federal highway funds or anything like that?

Mr. JOHNSTON. No. There is no penalty except that the FEA has the power to directly enforce its own program.

Mr. FORD. There is some concern at the State level as to what this will mean to them. As they understand, it will be mandatory, and they understand there will be some funds. But how much? Some States are going to be enforcing the 55-mile-an-hour speed limit. You are going to cross the line and be able to go 70 in the next State because they did not choose to spend the money in the enforcement of the speed limit. Rather than have a uniform procedure for conservation, I believe we will have a spotty form. This bothers me, when each State can pick and choose rather than have a reasonable operation. I am concerned about this very much. With the burden that is being placed on the States, they will never win.

Mr. JOHNSTON. The distinguished Senator from Kentucky, as a former Governor, speaks with knowledge of the plight of the States under some Federal programs. Frankly, this is a real concern of the committee, and I know a concern of the entire Senate. We discussed it in the Interior and Insular Affairs Committee. One of the prevailing thoughts that we have in this bill is that States not be put to economic disadvantage or economic cost by virtue of having the program. Indeed, section 209(b) requires that we have the Administrator's assessment on the need, if any, and his recommendations for additional economic incentives or economic penalties to assure effective participation and compliance with and by the State government of the provisions and purposes of this title.

In other words, we have a program that we think is going to recompense the States fully; but, in addition, we ask for the FEA Administrator to give us a report, to say what additional we need, in terms of incentives or penalties, to make the program effective.

Again, it is a bullet we have to bite; it is a pill we have to swallow. It is an unpleasant thing to have to cut back on anything.

Mr. FORD. I would hope that they could sugarcoat the pill a little. You catch more with sugar than with vinegar. If we have the ability to explain to the States and the people what we try to do, if they know in advance what is going to happen and what is expected of them, there will be a much easier procedure, and this is what I am trying to get done here this afternoon.

The States should understand what we are trying to do, rather than say, "Here comes another bureaucratic regulation that we have to carry out again and is thrust upon us." We need them to come and say, "We want to try to work with you." The procedure we are using here is not accepted in that vein.

I thank the distinguished Senator.

Mr. STONE. Mr. President, will the Senator yield?

Mr. JOHNSTON. I yield.

Mr. STONE. Is it not the intention of the Interior Committee and of the bill to outline a series of uniform national standards promulgated by FEA, following which the States can pick and choose from among those uniform standards those which most readily apply to their local conditions?

Mr. JOHNSTON. That is correct.

Mr. STONE. Is it not the case that the State leadership is able to fashion, in addition to those uniform standards, its own conservation standards which it feels would enable it, with the least pain and suffering to its citizens and visitors, to meet the yardstick of—as we have already amended this bill—a 4 percent a year conservation figure, or whatever conservation yardsticks are established by national law.

Mr. JOHNSTON. That is correct.

Mr. STONE. Do we not, by doing that, really serve the cause of States' rights by saying to the States' leaderships, "Here is a goal. How best can you reach this goal, either by the use of national standards, or some of the national standards, or by constructing your own yardsticks which you feel would put the least burden on your economy and on your citizens?"

Mr. JOHNSTON. Precisely so. This program preserves as much States' rights as one can have and still save the energy. You cannot go out with exhortations for voluntary conservation where you know your neighbor is not conserving and you are voluntarily doing so.

Mr. STONE. Is it not also the case that this bill provides for compensation for the cost of administering those national standards and other standards within each State, so that the principle applies that where the superior government and jurisdiction imposes a duty, it also affords the wherewithal to carry out that duty?

Mr. JOHNSTON. That is correct. That is the sugar coat that the distinguished Senator from Kentucky was talking about, and we hope that it will be sufficiently sweet.

Mr. STONE. Is it not also the case that the FEA has review sanctions and that thereby we can maintain in this country a certain degree of national uniformity among and between the regions because of the ability of the FEA to approve or disapprove of the standards fashioned for each State?

Mr. JOHNSTON. That is correct. The Senator from Ohio is particularly conversant with this section and will answer further.

Mr. GLENN. Mr. President, if the Senator from Florida will yield for a moment, I should like to make one comment, not particularly with regard to the exact section he is referring to, but to make a point that might help the Senator from Kentucky with his reservations about the bill.

I think we need to remember that what was proposed by the administration was, in effect, a rationing and a conservation bill that was based primarily on price, the pricing out of the market of those who could ill afford it, those people who drive back and forth to work and who heat their homes.

This attempts to accomplish it by another means, by more voluntary cooperation or by State cooperation with the Federal Government, as an alternate to rationing by price, which many of us in the committee found to be more obnoxious the more we found out about it. This provides an alternate way of doing that.

I might add, for the benefit of the Senator from Kentucky, that it was also brought out in committee that most of the States, or many of the States—quite a number of them—have energy programs in effect already, together with committees and groups that already are working actively in this area. This meant that rather than deterring their efforts or inhibiting in any way their efforts, we would be cooperating with them and requiring the Federal Government to coordinate just such plans.

This, I think, should be thought of not as something that is being imposed on the administration unduly. This should be looked at as an alternate means to the price mechanism proposed by the administration and all the matters many of us were concerned about with that program.

Mr. STONE. Is it not also the case that some States would have unemployment problems exaggerated if national standards were uniformally required; whereas, were they able, as this bill allows them to be able, to reach the conservation goal by their own methods, those methods could be adopted industry by industry as well as State by State, which would allow the maintenance of full employment, or at least the restoration of as much employment as possible?

Mr. GLENN. I agree with the Senator from Florida. That was exactly the purpose of this, to create the most flexible program possible.

As the Senator from Kentucky pointed out earlier, subparagraph 2 of section 202 starts the list of the various items that could be included, and that was not meant to be a complete shopping list. They were only meant to be examples of the types of things that could come under a State plan and were meant to be flexible.

New York, for example, might find much more energy savings in a program of electrical conservation than, say, Utah would in restricting automobile use or in carpooling.

In other words, this was meant to be a flexible program that States could implement with Federal help, and it should help most of the States that already have energy saving programs.

Mr. FORD. Mr. President, will the Senator yield for a question or a comment?

Mr. GLENN. I yield.

Mr. FORD. I have administered State government and its functions for the last 7 years, and I have never seen any Federal program come down that did not eventually cost the States a great deal of money. That is 7 years of experience. If the Senator can change that procedure, which I am trying to help him do, I will be very grateful.

Second, we talk about enforcing a 55-mile-an-hour speed limit in this country. You will need more lawyers, police, judges, and jails, and you will really create an employment situation in this country that will be overwhelming.

The great Senator from the State of Florida does not have to worry about heat and that sort of thing. With all the sunshine he has, one can look at him and see how he radiates. We are delighted to have Florida and all its assets for this country.

Mr. STONE. The Senator from Florida will not comment on the bourbon comment made by the Senator from Kentucky, nor with regard to radiation.

Mr. FORD. The Senator wants to accept our product. We will be delighted for him to use it.

Mr. STONE. With pleasure.

I wish to respond briefly to the Senator from Kentucky's observation about the speed limit. That is precisely the point. In some States, the conservation of automobile gasoline is best achieved by the speed limit situation. We are talking about the extra enforcement expenses now. In other States, rather than hiring extra highway patrolmen to enforce that particular standard, the State might better invest its money and the money that we hope to recompense in some other project; for example, closing of gas stations half a day on Tuesday, or some other approach to the saving of the automobile gasoline, or the saving of the total fuels. Some States, for example, could make up their target in the area of bunker C fuel, or in the area of production of electric fuel, whereas other States would do a lot better to attack it from the point of view of turning off building lights and requiring insulation and the like. This is the purpose of the flexibility that is in this bill.

Mr. FANNIN. Mr. President, from what has been said, I think the statement of the Senator from Kentucky, the former Governor of Kentucky, is most relevant. He has established exactly what is involved in this bill. It is open ended as far as money is concerned. How much do we give the States? There is not any figure. I have asked over and over again.

How much is involved in this legislation? We do not know. It is open ended.

Now, how can we legislate and provide all of these particulars and talk about what the States should do—and certainly, from my reading of the amendment, when it says to authorize the Administrator of the Federal Energy Administration to establish standards, the particular estimate which has been made certainly would not apply, because if they are going to do it, they are going to do it. If there are bureaucrats out there working, they are going to be costly. There are going to be just droves of people covering this Nation if they are going to carry through what is required in this legislation. Of course, it is hard to say what is not required, because it goes too far, it is so irresponsibly written that there is not any determination.

Mr. President, Senator JACKSON, manager of the bill, the distinguished chairman of our committee, in response to remarks of Senator BYRD of Virginia about a voluntary program, said:

> We are now consuming more than ever, and I do not think the Senator had in mind the WIN buttons, I mean voluntarism at its worst. WIN became WIND, and I must say that I would like to see a voluntary program. There have been all sorts of pleas for voluntary programs but we get nowhere, and we are now consuming more than we need to consume to run our economy and maintain employment.

I might remind Senator JACKSON that the use of energy in 1974 was down from

1973 by 2.2 percent, the first year since 1952 that energy use had declined. Since 1960, Mr. President, energy use had risen at an annual rate of 4.1 percent until last year.

I ask unanimous consent that the statement that was in an article in the Washington Post, "U.S. Use of Energy Down 2.2 Percent," be printed in the RECORD.

It says:

> Preliminary Bureau of Mines figures show that reduced use in the transportation industry led the way to a 2.2 percent decline in overall energy use from 1973.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. USE OF ENERGY DOWN 2.2%

Energy use in the United States declined last year for the first time since 1952, the government reported yesterday.

Preliminary Bureau of Mines figures show that reduced use in the transportation industry led the way to a 2.2 per cent decline in overall energy use in 1973.

Consumption of oil products dropped 237 million barrels—nearly two-thirds of the million-barrel-a-day saving that President Ford set as a conservation goal.

But only 44 million of those barrels represented a decrease in petroleum imports, which is the principal target area for saving.

Outgoing Interior Secretary Rogers C. B. Morton attributed the bulk of the decline to five reasons: the Arab oil embargo, higher prices, economic slowdown, conservation efforts and relatively mild winter weather.

A Bureau of Mines spokesman said figures aren't yet available to show just how much of the drop is attributable to each cause.

Energy use had risen at an average annual rate of 4.1 per cent since 1960.

Morton said he is "delighted—and frankly gratified—at this drop. I hope we are seeing the start of a new trend. If so, then our efforts to meet energy shortages by increasing domestic energy production could be effectively supplemented by measures aimed at decreasing consumption."

The Bureau of Mines figures show that transportation use of energy slackened by 3.4 per cent from a year earlier. Household and commercial use was off 2.9 per cent; industrial use and electricity generation each dipped 0.9 per cent.

In terms of primary energy sources, consumption fell in six of eight categories. The only increase was in nuclear power, up 32.1 per cent, and hydroelectric power for utilities, up 1.8 per cent.

Even with increasing emphasis on coal resources, use of bituminous coal dropped 2.9 per cent. The much smaller volume of anthracite coal dropped 8.8 per cent from 1973.

Off anywhere from 1 to 2.3 per cent were crude petroleum brought to refineries, natural gas, natural gas liquids and industrial hydropower.

In terms of energy products, use of all oils was down 3.7 per cent, or 237 million barrels. Coke dropped 2.7 per cent, electricity for utility purposes from conventional fuel burning plants fell 1.9 per cent and electricity from such plants for industrial plants dipped 1.0 per cent.

Mr. FANNIN. Mr. President, there are claims made about what is going to be saved in this legislation—800,000 barrels a day—but there is not any justification for determining how much is involved. Certainly, if we look at what is involved here, I would say that it might save a lot by putting many companies out of business. It might save energy by not having jobs for people. But is that the way we want to save energy? When we are talking about saving of energy, they should define what is involved. Certainly, in this bill, they have covered the waterfront. There is no way of determining what the obligations are as far as the States are concerned, as far as the Federal Government is concerned. It is just a mish-mash. There is every kind of statement made that can be thrown in.

Mr. President, I feel that this is a stupid way to handle the legislation, and certainly, I cannot imagine that we would want to pass this legislation with this particular title included.

I again commend the distinguished Senator from Kentucky. He is an administrator, a former Governor. He knows what it is to have to cope with a budget and he certainly is familiar with what is in this bill, because he stated it quite well.

Now, Mr. President, the committee has asked the administration to tell America how much fuel it can use. The committee is abandoning the price and tax mechanisms suggested by the President. It is telling the President that the committee thinks that the American consumer, as I said before, is too stupid to figure out for himself how he can cut down on his fuel use and that the Federal and State governments must force him to save energy in the manner the Government thinks best.

There are other titles in this bill, Mr. President, that I disagree with, but with the inclusion of title II, coupled with sections 122 and 123, the committee is abandoning the price mechanism and forcing the consumer to do its will under the guise of conserving energy.

Mr. President, I am sure that this is not what we want to have happen in this great Nation of ours. Yes, we want proper conservation and we can provide it in a way that it would be accepted by the American people, not forced upon them.

Mr. President, I reserve the remainder of my time.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore of the Senate, pursuant to Public Law 93-443, appoints, both Houses of Congress having confirmed, the following members of the Federal Election Commission: Mrs. Joan D. Aikens, of Pennsylvania, and Mr. Thomas E. Harris, of Virginia.

STANDBY ENERGY AUTHORITIES ACT

The Senate continued with the consideration of the bill (S. 622) to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, and to implement U.S. obligations under international agreements to deal with shortage conditions.

Mr. GLENN. Mr. President, I ask that I be notified when I have 5 minutes of our time remaining.

The PRESIDING OFFICER. That will be in 1 minute.

Mr. GLENN. Then I shall make my point rapidly. I think the question here comes down to two alternatives—*one*, whether we go along with a pricing system, as has been proposed by the administration, which would regulate our consumption by price. The estimate of the best economists we had before the committee were that this could cost this Nation somewhere in the realm of $40 billion-plus, on up to, considering ripple effects, far beyond that. That is one way of saving fuel in this country.

The other alternative, the route that was taken by the committee, of course, is to go the conservation route, giving the President, as in the first part of this bill, the rationing authority, if—and we hope it does not get to that—he needs to ration, but adding to that a conservation program so we do not have to go to rationing or to conservation by the price mechanism alone.

In committee, as I recall, when we discussed what this might mean in costs to the State, I think we talked of sums on the order of somewhere between $50 million and $100 million, and that is our alternative. If we go to this fuel conservation program, which many of the States already have in operation, we would be spending perhaps $50 million to $100 million, as opposed to impacting the American public, the consumer already hard hit by inflation and recession, with a potential $40 billion as a means of accomplishing the same end.

I think that is the question we have here as between the administration proposal and the conservation proposal as put forth by the committee.

Mr. President, I yield the remainder of my time to the Senator from Washington, our distinguished chairman.

Mr. JACKSON. Mr. President, I thank the distinguished Senator from Ohio. He has most effectively summarized what the alternatives are.

It seems to me that this particular title, title II, goes to the heart of a comprehensive energy program.

Now, what are the alternatives if we knock out title II?

First, we can ignore our responsibility to respond to a clear national need, and do nothing. We have been accused by the administration of wanting to do nothing. I reject this charge, and I feel certain that the entire Senate rejects it.

Second, we can rely on voluntary conservation. This has been our only national energy conservation policy for over a year, and it has failed almost entirely. This is what the President has characterized as the WIN program. I put it rather in the character of WISH rather than WIN, but I believe we would all agree the results so far have been mostly in the character of WIND. Public figures have exhorted and urged consumers to conserve, and the Government has printed announcements and posters advising people not to be "fuelish." Yet, it is the steepening decline of our economy into a severe recession which is the most important factor in any reduction in last year's energy consumption.

Third, and this goes to the basic issue:

We can rely on steep energy price increases, imposed across the board, through taxes, tariffs, and the removal of all energy price controls. This is the administration's proposed energy program, and it has been almost universally characterized as grossly inequitable and an economic disaster. It would impose energy costs on the domestic economy which are at least as large as those imposed by the Arabs a year ago. It would insure continued double-digit inflation and, almost certainly, double-digit unemployment. It would doom all hopes of an early recovery from the current recession.

No prominent economist outside the administration, no academic or business energy expert and certainly no representative of consumers supports this program. In my opinion it is clear that this program is also totally unacceptable to the Congress.

Fourth, we can create a massive centralized, uniform and mandatory national energy conservation effort. This would involve intervention from afar in people's lives on an enormous scale and in an inevitably inefficient, ineffective and unacceptable manner. We ought to avoid this option at all costs. I think there is no doubt that there is also virtually unanimous agreement on this point among Members of Congress.

Finally, there is the option which title II of S. 622 offers. The energy conservation policy embodied in that title emphasizes decentralized administration, centered on State government. It emphasizes flexibility, fitting energy conservation programs to the unique local economic, geographical and climatological conditions. Lastly, it emphasizes implementation of specific catagories of programs which are reasonable and attainable according to the administration's own analysis of energy conservation options.

Mr. President, I have considered these options, and the Interior Committee has considered these options. We feel that it is time to begin a concerted program to increase the efficiency with which energy is consumed in this country. We feel that the conceptual framework of title II of S. 622 is the clearly desirable option for beginning this task. I strongly urge the defeat of the amendment to strike title II.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona has 1 minute remaining.

Mr. FANNIN. Mr. President, on the time on the bill, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, from the time on the bill, I yield the distinguished Senator from Virginia 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to direct one question to the manager of the bill, the Senator from Washington.

In the colloquy which the Senator from Washington and the Senator from Virginia had on April 8 is this statement——

Mr. JACKSON. What page is this?

Mr. HARRY F. BYRD, JR. On page 9355. The Senator from Washington mentioned two huge trade towers at the lower edge of Manhattan Island, where the lights are on 24 hours a day, and then he made this statement:

> This bill would make it possible for the owner of that building to take appropriate steps to conserve the lighting.

In reading the record, I am not sure what the Senator from Washington meant in that regard, and it is for that reason that I address this inquiry to him.

Mr. JACKSON. Let me get the exact statement.

Mr. HARRY F. BYRD, JR. The statement is this:

> This bill would make it possible for the owner of that building to take appropriate steps to conserve the lighting.

Mr. JACKSON. The reference to that would be the provision in the bill on page 105, section 202, subsection 2(a), lighting efficiency standards for public buildings.

The point is that the owner, of course, will have an opportunity, and do it pursuant to authority of law——

Mr. HARRY F. BYRD, JR. But the owner already has the authority now to do it, does he not?

Mr. JACKSON. That is right. That is right.

Mr. HARRY F. BYRD, JR. How does this change the situation?

Mr. JACKSON. If the State decides to exercise the option, of implementing lighting efficiency standards, then of course, it can be done on a mandatory basis. They can be required to do it. So that statement should be modified to that extent.

Mr. HARRY F. BYRD, JR. In a case such as that, would there be any Federal funds involved?

Mr. JACKSON. We provide grants in aid to the States to reimburse the States for extra administrative costs in connection with administering a conservation program.

Mr. HARRY F. BYRD, JR. Does it visualize that the owner of buildings would be reimbursed in any way?

Mr. JACKSON. Oh, no, no. No; absolutely not.

Mr. HARRY F. BYRD, JR. That was the point I wanted to make.

Mr. JACKSON. Oh, absolutely not. No, sir. No, sir.

Mr. HARRY F. BYRD, JR. I felt sure that would be the situation, but I felt it should be clarified.

Mr. JACKSON. No, the Senator is entirely correct. This is a proper exercise regulation, here, of a matter relating to the public health and safety.

Mr. HARRY F. BYRD, JR. I thank the Senator, and I thank the Senator from Arizona for yielding.

Mr. JACKSON. I thank the Senator from Arizona.

Mr. FANNIN. Mr. President, how much time does the Senator from Arizona have remaining?

The PRESIDING OFFICER. The Senator has 1 minute on the amendment.

Mr. FANNIN. How much time on the bill?

The PRESIDING OFFICER. The Senator from Arizona has 96 minutes, but because of a previous order agreeing to vote at 5 p.m., he has 30 minutes at most.

Mr. FANNIN. Mr. President, I would like to take 1 minute on the bill to explain the letter that was received by Senator MANSFIELD from Mr. Frank Zarb, Administrator of the FEA, because I think it is very important.

I am not going to read the complete letter, Mr. President, but I do want to read part of it where he expresses his concern over title II, and urges support for the amendment that I have offered because it would certainly change the consideration of the bill by the administration. He states if title II is included, "S. 622 departs radically from the initial purpose of this legislation."

To the Senators who were not here when I read the letter before, this is a title that, I think, is going to be devastating to the bill, and it is one that is opposed by the administration, opposed by Mr. Frank Zarb, the Administrator of FEA, and I do think it is important that we realize that activities would be banned or limited immediately by Federal regulations, and this would include industrial energy use.

The PRESIDING OFFICER. The minute of the Senator from Arizona has expired.

Mr. FANNIN. Mr. President, I yield myself 1 more minute on the bill.

When we talk about industrial energy use, we are talking about jobs, and that is why Mr. Frank Zarb is so vitally concerned.

Mr. President, if we do not think about jobs in this country, we are indeed in deep trouble. It requires energy for increased productivity. If we are going to become competitive with the other countries of the world, we must take that into consideration.

This title is so irresponsible in its coverage that it could cause very serious damage in this regard.

I feel the adoption of by amendment would delete from the bill one of the most unsatisfactory provisions. There are other provisions that I object to, and I have stated my objections, but this is one that is entirely unacceptable.

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. FANNIN. I thank the Chair.

Mr. BUCKLEY. Mr. President, I support the amendment offered by the distinguished Senator from Arizona (Mr. FANNIN). Title II of S. 622 is brimming with vague directives and language that would invite an arbitrary use of Federal power.

In my comments, I shall concentrate on two sections in title II—202 and 203—that I believe are particularly ill conceived and delegate excess authority and power to the Federal Energy Administration.

I recognize that section 202 contains language allowing a congressional veto.

And I recognize that the distinguished floor manager, Mr. Jackson, may still offer an amendment to extend that veto to the provisions of section 203. Nevertheless, I believe that the sections confer upon the Administrator of FEA powers that conjure visions of "1984," while pushing aside many initiatives under existing laws.

Our distinguished colleague, the Senator from Tennessee (Mr. Baker), pointed out some of these problems in a statement to the Senate earlier this week—page S5481. I shall try to focus some of my concern by detailing some of the language in sections 202 and 203. While the two sections are similar, my comments are based on the subsection lettering on section 203.

Subsections (a) and (b) of section 203 appear to require that the Federal Government develop standards dictating lighting and heating performance for all public buildings, as well as heating in federally financed homes. Such guidance may be very useful; the General Services Administration has developed a valuable study it is implementing. But should FEA dictate the level of lighting in all commercial buildings? The report mentions window sizes. Does this mean that FEA could prescribe the amount of glass to be used in any building? Or the spacing of windows? If that is intended, should not the Congress provide some sort of guidance, not just an open door to abuse?

The Senate passed legislation (H.R. 11565) last year that directed the Congress to study energy use in public buildings and to prepare guidelines. I believe that approach is the wise one. I understand that it will soon be reintroduced and be the subject of extensive review by the Public Works Committee. I do not believe we should short-circuit that approach.

Subsections (c) and (d) of section 203 could be read to allow FEA to set national office hours, and to regulate the use of store lights, even to the extent of national regulations on Christmas decorations at stores. Do we really want FEA regulating Santa Claus?

Subsection (e) requires the creation of Federal standards to increase industrial efficiency. I assume industry is already seeking that. How would this bill bolster that approach? Well, the report refers to the "redesign of both processes and products." Does this mean that FEA can, by regulation, decide what products are to be produced, and by what process they are produced? Where is language that tempers that authority? The report also refers to use of solid wastes. I would note that the Environmental Protection Agency has significant work now under way under the Resource Recovery Act.

Subsection (f) mandates programs to "insure" better enforcement of the national 55-mile-an-hour speed limit. Perhaps the bill's sponsors envision a national highway patrol. Perhaps the authors of this bill are unaware that existing law requires each State to certify enforcement of the 55-mile-per-hour limit to qualify for future Federal-aid road funds. The possibility of losing billions of dollars in highway funds should be an adequate "program" for compliance, I believe.

Subsection (g) requires FEA to develop programs to "maximize use of carpools and public transportation systems." I assume that the writers of this provision are unaware of the existing program to encourage carpooling that were incorporated within the 1974 Highway Act (P.L. 93-643). The Department of Transportation has just filed with the Congress a report on "Carpool Incentives and Opportunities," as required by Public Law 93-239.

Existing law, plus the opportunities recognized in this report, provide incentives to encourage carpooling, without creating yet another program in yet another agency. And, of course, we are aware of the strong and effective mass transit construction and operating programs now underway.

Subsection (h) requires standards to control "discretionary transportation activities upon which the basic economic vitality of the country does not depend." I will grant you that the word "reasonable" appears in this subsection. But what is "reasonable"? Would it be reasonable to ban all travel for weekend picnics this summer? Surely the economic vitality of the Nation does not depend on picnics? How about cutting out travel to movies on Mondays, Wednesdays, and Fridays? Or rationing all families to two trips to the supermarket each week?

Clearly, such restrictions are within the scope of this section, which drains away congressional responsibility, whether or not Congress has any eventual veto. These are no standards for guidance. There is only an invitation to the FEA bureaucrats to restrict the freedom of the American population.

And, frankly, I see no assurance that any of these energy conserving authority will be geared to the most effective, least damaging tactics. All it says is: regulate.

Other subsections talk of public education, as if FEA pamphlets can make OPEC vanish, and some sort of vague directive for Federal procurement of energy efficient products.

Mr. President, I am compelled to conclude that these sections may well be the product of someone's mischievous wit. Maybe they were intended to be considered on April Fools Day.

Mr. President, I am hopeful that the Fannin amendment will be adopted. But if it is not, I urge the Senate, or any eventual Conference Committee, to bring some guidance to these sections of title II. These sections might be rewritten to take into account the many initiatives already underway by various standing committees of the Senate.

I am not anxious that the Congress approve a regulatory Gulf-of-Tonkin resolution in the name of even so mandatory a goal as energy conservation. Enactment of these sections may, indeed, be just that.

Mr. JACKSON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GLENN. Mr. President, I would ask unanimous consent at the completion of the vote on the amendment of the distinguished Senator from Arizona that my amendment No. 337 be the next order of business.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the amendment of the Senator from Arizona. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from North Carolina (Mr. Morgan), the Senator from Massachusetts (Mr. Kennedy), and the Senator from New Mexico (Mr. Montoya) are necessarily absent.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), the Senator from Maryland (Mr. Mathias), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Virginia (Mr. William L. Scott), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 25, nays 60, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—25

Bartlett
Beall
Bellmon
Brock
Buckley
Byrd, Harry F., Jr.
Dole
Domenici
Fannin
Fong
Garn
Goldwater
Gravel
Griffin
Hansen
Hatfield
Helms
Hruska
Laxalt
McClellan
McClure
Stevens
Tower
Weicker
Young

NAYS—60

Abourezk
Allen
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Leahy
Long
Mansfield
McGee
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Williams

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott, William L.
Taft
Thurmond

So Mr. Fannin's amendment (No. 104) was rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I have an amendment at the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. Bellmon) proposes an amendment, on page 97, line 9, strike section 123, and insert new section.

The amendment is as follows:

On page 97, line 9, strike out section 123 and insert in lieu of it the following new section:

"Sec. 123. Phase-out of Petroleum Price Controls.—(a) The price permitted for oil now, or in the future, classified as 'old' oil, under regulations promulgated pursuant to section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629), shall become $7.50 immediately. Such 'old' oil and oil from incremental production at $7.50 a barrel may both be increased to the level in effect for 'new' or 'stripper-well oil' under changes to be promulgated in existing regulations on the basis of one-half the difference in price to be allowed on July 1, 1976, and one-half the difference on July 1, 1977.

"(b) Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"'CHAPTER 7—TAX ON INCREASED INCOME FROM CRUDE OIL PRODUCTION

"'Sec. 1601. Imposition of Tax.—(a) There is imposed on the income derived by the producer of oil from price increases as permitted by section 123(a) of the Standby Energy Authorities Act a tax of 100 percent.

"'(b) The provisions of subsection (a) shall not apply to a taxpayer who reinvests within 3 years the income he receives from price increases, as described in section 123(a) of the Standby Energy Authorities Act in—

"'(1) intangible drilling and development costs;

"'(2) the following items if paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of oil or gas within the United States or a possession of the United States:

"'(a) aerial photography;

"'(b) geological mapping;

"'(c) airborne magnetometer surveys;

"'(d) gravity meter surveys;

"'(e) seismograph survery; or

"'(f) similar geological and geophysical methods;

"(3) the construction, reconstruction, erection, or acquisition of the following items:

"(a) depreciable assets used for the exploration for or the development or production of oil or gas (including development or production from oil shale); converting oil, shale, coal, or liquid hydrocarbons into oil or gas; or refining oil or gas (but not beyond the primary product stage);

"(b) pipelines for gathering or transmitting oil or gas, and facilities (such as pumping stations) directly related to the use of such pipelines;

"(4) secondary or tertiary recovery of oil or gas, including remedial work necessary to maintain or restore primary production, or

"(5) the acquisition of oil and gas leases but the aggregate amount which may be taken into account under this subparagraph for any taxable period shall not exceed one-third of the aggregate of the amounts which may be taken into account by the taxpayer under subparagraphs (1), (2), (3), and (4) for such period."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the final vote occur at the hour of 5:30 rather than 5 o'clock, and I do so because the Senator from Ohio (Mr. Glenn) and others have been waiting all afternoon to seek recognition to offer their amendments and the way things are going they are not having that opportunity. I would hope that if this is agreed to that all Members who have amendments would reduce the amount of time which they need to explain them.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. I object. Mr. President, we decided on 5 o'clock. We have geared our day to 5 o'clock and that is where it is going to stay, as far as I am concerned.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, then any amendment at the desk can be called up and voted on without debate at that time.

The PRESIDING OFFICER. The Senator is correct.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I will be very brief. The purpose of this amendment is to do away with what we now have in this bill——

Mr. FORD. Mr. President, may we have order in the Senate Chamber, please?

The PRESIDING OFFICER. The Senator from Oklahoma will suspend until we have order in the Senate.

May we have order?

The Senator may proceed.

Mr. BELLMON. Mr. President, yesterday when we voted to adopt the $7.50 price ceiling on secondary and tertiary oil, we, in effect, set up a three-price ceiling system for crude oil in this country. New oil, so-called, is selling for something over $5; secondary and tertiary oil is now selling for $7.50, and stripper oil is selling for the world market price, which is up closer to $11 or $12. The whole system is terribly complicated. It is working a great hardship on the refiners who do not have access to the cheaper oil. It is causing gasoline price wars in some areas where there is a great deal of gasoline available from the cheaper types of crude. In addition, it is causing wasteful utilization because energy is selling for less in some areas than it is in others.

The purpose of this amendment is to get away from the three-price system and get back to a once-price system over a period of 2 years.

I have no desire to take any more time of the Senate. That explains the amendment. If it is in order, I would ask unanimous consent that the vote on this amendment occur just ahead of the vote on final passage on the bill.

Mr. HELMS. Mr. President——

The PRESIDING OFFICER. Would the Senator repeat that?

Mr. BELLMON. I would like to ask unanimous consent that the vote on my amendment occur at 5 o'clock ahead of the vote on final passage.

Mr. GOLDWATER. Mr. President, reserving the right to object——

Mr. MANSFIELD. Reserving the right to object, Mr. President, there will be no vote at 5 o'clock because all the amendments at the desk will be voted on, if so desired, without debate. Therefore, the request of the Senator is in order and should be given consideration.

Mr. GOLDWATER. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Does not the vote on final passage occur at 5 o'clock?

I am asking a question.

The PRESIDING OFFICER. The vote has been scheduled for 5 o'clock and the vote on any pending amendment will also occur at 5 o'clock.

Mr. MANSFIELD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What it means is that the amendments pending at that time will be voted on in sequence without debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. BELLMON. Mr. President, I yield back the remainder of my time.

Mr. President, I made a unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. GOLDWATER. Reserving the right to object——

Mr. ABOUREZK. Mr. President, I object to that request.

The PRESIDING OFFICER. Objection has been heard.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me. I have an amendment at the desk and I ask that it be called up.

The PRESIDING OFFICER. Until the amendment of the Senator from Oklahoma has been disposed of, we cannot consider another amendment.

Mr. BELLMON. The yeas and nays have been requested, Mr. President. I yield back the remainder of my time.

Mr. JACKSON. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I rise to oppose the amendment. The amendment will take away the authority of the Congress to review any decontrol move by the President. If we knock out this section, Congress has abdicated its authority to deal with any move such as the President's announced intention to decontrol old oil effective May 1, which would increase the price from $5.25 to anywhere from $11.40 to $14.40 a barrel.

Mr. President, I cannot think of anything that would do more harm to the economy at this time than for the Congress to accept this amendment and abdicate its responsibility and the opportunity of either House to veto, if necessary any such move. I think the House and Senate should have that authority. It has been put in as a safeguard. I hope that the Senate will vote down the amendment.

Mr. BELLMON. Mr. President, the amendment decontrols the price of oil over a 2-year period. It does not immediately raise the price of oil to the world market price. It does raise the price of new oil to $7.50 a barrel. But it is a 2-year phaseout of the present unworkable two-price system. It does not in any way interfere with the right of Congress to step in again if the conditions require.

Mr. JACKSON. I yield back the remainder of my time.

Mr. BELLMON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been ordered. The vote is on the amendment of the Senator from Oklahoma. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. ROBERT L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

On this vote, the Senator from Nebraska (Mr. CURTIS) is paired with the Senator from Pennsylvania (Mr. HUGH SCOTT). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 23, nays 62, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—23

Bartlett
Bellmon
Brock
Buckley
Dole
Domenici
Eastland
Fannin
Fong
Garn
Goldwater
Gravel
Hansen
Helms
Hruska
Laxalt
McClure
McGee
Packwood
Sparkman
Stevens
Tower
Young

NAYS—62

Abourezk
Allen
Bayh
Beall
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Griffin
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Leahy
Long
Mansfield
McClellan
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott, William L.
Taft
Thurmond

So Mr. BELLMON's amendment was rejected.

Mr. JACKSON. Mr. President, I call up my amendment No. 102. I yield to the distinguished assistant majority leader.

ORDER FOR 10-MINUTE VOTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on all remaining rollcall votes through final passage of this bill today, there be a time limit of 10 minutes on each rollcall.

The PRESIDING OFFICER (Mr. GARY W. HART). Without objection, it is so ordered.

Mr. FANNIN. I move to table the anticonservation amendment offered by the Senator from Washington.

The PRESIDING OFFICER. The amendment has not been reported yet. The motion is not in order.

The clerk will state the amendment.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Is it appropriate or proper, when making an inquiry, that one put on a descriptive title to an amendment that is not on the amendment?

Mr. FANNIN. Mr. President, if the title is appropriate, is it in order?

The PRESIDING OFFICER. The Chair will not interpret it.

The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON) proposes an amendment No. 102.

The amendment is as follows:

On page 107, line 14, insert the letter "(a)" before the words "The Administrator.".

On pages 107 and 108, redesignate "(a) through (k)" as paragraphs "(1) through (11).".

On page 108, before "SEC. 204. STATE INITIATIVES IN ENERGY CONSERVATION" on line 24, insert the following subsection:

"(b) No set of regulations establishing energy conservation plans or programs pursuant to paragraphs (1) through (11) of subsection (a) of this section shall become effective until it has been transmitted to the Congress for individual review and right of disapproval in accord with the expedited procedures of section 104 (b) through (d) of title I of this Act: *Provided*, That for the purposes of this section the reference to 'ten calendar days' in section 103(b)(3) of title I of this Act shall mean 'thirty calendar days'."

Mr. FANNIN. Mr. President, I move to table the anticonservation amendment.

The PRESIDING OFFICER. The question is on the motion to table.

Mr. HANSEN. Yeas and nays.

Mr. FANNIN. I ask for the yeas and nays.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is it proper at this juncture to have a Senator characterize a particular amendment?

The PRESIDING OFFICER. Debate is not in order.

Mr. JACKSON. Parliamentary inquiry.

Mr. PASTORE. Therefore, the only thing that can be done is to move to lay on the table without comment. Is that correct?

The PRESIDING OFFICER. A motion to table should be made in——

Mr. MANSFIELD. Regular order, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 26, nays 59, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—26

Bartlett
Beall
Bellmon
Brock
Buckley
Dole
Domenici
Fannin
Fong
Garn
Goldwater
Gravel
Griffin
Hansen
Helms
Hruska
Laxalt
Long
McClure
Packwood
Pearson
Stafford
Stevens
Tower
Weicker
Young

NAYS—59

Abourezk
Allen
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Leahy
Mansfield
McClellan
McGee
McGovern
McIntyre
Mondale
Moss
Muskie

Nelson
Nunn
Pastore
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Williams

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott, William L.
Taft
Thurmond

So the motion to lay on the table the amendment of the Senator from Washington was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of Mr. JACKSON. (Putting the question.)

The amendment was agreed to.

AMENDMENT NO. 337, AS MODIFIED

Mr. GLENN. Mr. President, I ask that my amendment be called up, the amendment on behalf of myself, Senator JACKSON, Senator HUMPHREY, and Senator PASTORE.

The PRESIDING OFFICER. The Clerk will report the amendment.

The assistant legislative clerk read as follows:

Mr. GLENN, on behalf of himself, Mr. JACKSON, Mr. HUMPHREY, and Mr. PASTORE, proposes an amendment numbered 337, as modified.

The amendment, No. 337, as modified, is as follows:

On page 97, at the end of line 11 insert "(A)".

On page 97, line 15, after "1975," insert "or (B) any other crude oil subject to the amendment or amendments required by section 8 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627),".

On page 98, after line 13, insert the following new subsection:

"(d) The Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), as amended, is further amended by adding at the end thereof a new section 8, as follows:

"MAXIMUM PRICE FOR DOMESTIC CRUDE OIL

" 'SEC. 8. Not later than thirty days after the date of enactment of this section, the President shall promulgate and implement an amendment or amendments to the regulation established pursuant to section 4(a) of this Act which shall establish a price or prices (or the manner of determining a price or prices) for all domestic crude oil (including that crude oil otherwise subject to section 4(e)(2) of this Act) not classified as "old" oil under regulations in effect on January 1, 1975. The price or prices established by the President pursuant to this section shall be no greater than the price generally prevailing as of January 31, 1975, for the crude oil subject to such amendment or amendments. Such price or prices shall be effective immediately upon their inclusion (or the inclusion of the method for determining such price or prices) in such regulation.'."

Mr. GLENN. Mr. President, I believe this amendment is of extreme importance to individual and industrial consumers of energy. This amendment, which was previously adopted by the Interior Committee as an amendment to S. 621, the Petroleum Price Increase Limitation Act, could, depending on the President's actions with regard to import tariffs, save consumers over $3 billion in annual oil costs.

In the absence of my amendment, it can be expected that prices of presently uncontrolled domestic oil will rise to a level equal to the current cartel price plus the amount of any import tariffs imposed. Producers of such oil can thus be expected to receive a substantial windfall as a result of the tariffs as their prices rise to "cartel plus tariff" heights. My amendment would prevent this windfall by requiring the President to set a ceiling price for such domestic oil which would be no greater than the price generally prevailing for that oil as of January 31, 1975, the day before the President's first oil tariff was imposed. Increases in that price level would then be permitted only in accordance with the procedures for congressional review already required as to controlled oil by S. 622.

This amendment I believe should appropriately be made a part of section 123 of the bill in that the purpose of that section is to prevent adverse impacts on the consumer resulting from Presidential action not reviewed by the Congress. My amendment is designed with the same purpose in mind.

In offering this amendment it is not my intent to endorse the price that would be set for presently uncontrolled oil as the most equitable and appropriate price for such oil. Nor is it my intent that this amendment should influence in any way the outcome of pending litigation involving the setting of price ceilings on presently uncontrolled oil. I believe it important to note that by voting for this amendment we do not necessarily indicate that we regard the price required by this amendment as the price that would be required to comply with the temporary court of appeals decision on new oil prices. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment modified.

Mr. GLENN. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been called for. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend the rollcall until the Senate is in order. The Senators will please take their seats.

The clerk will resume.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 54, nays 31, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—54

Abourezk
Allen
Bayh
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Leahy
Mansfield
McClellan
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Pastore
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—31

Bartlett
Beall
Bellmon
Bentsen
Brock
Buckley
Dole
Domenici
Eastland
Fannin
Fong
Garn
Goldwater
Gravel
Griffin
Hansen
Hatfield
Helms
Hruska
Johnston
Laxalt
Long
McClure
McGee
Packwood
Pearson
Percy
Roth
Stevens
Tower
Young

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott, William L.
Taft
Thurmond

So Mr. GLENN's amendment No. 337, as modified, was agreed to.

Mr. HELMS. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I have an amendment at the desk which I call up and ask it be stated carefully.

The PRESIDING OFFICER. The Clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment on behalf of himself and the Senator from Delaware (Mr. ROTH), as follows:

At the appropriate place, insert the following new section:

SEC. . Notwithstanding any other provisions of law, in order that students may walk to the school nearest their residence, or be transported through public means of conveyance to such school, no state, or local agency of any state, shall use or contract for the use of any gasoline or diesel fuel for the transportation of any public school student to or from any school if such transportation is for the purpose of implementing or continuing any plan or program required, or ordered, by any Court of the United States, or by any Department or agency of the Government of the United States.

Mr. HELMS. Mr. President, this amendment is simple and direct. It states that as part of this Nation's efforts to conserve much needed energy resources, the Congress is putting an end to the forced busing of schoolchildren. As I have stated in this Chamber many times, this unjustifiable waste of gasoline should be ended. Prior to the general realization of our serious energy problems, the human hardships caused by forced busing were unconscionable. Of course, this abusive treatment of our schoolchildren continues as they are forced daily to ride great distances past their neighborhood schools to some remote institution, spending their youthful lives viewing the world for long hours through the windows of a school bus.

But, that is not the business at hand. Today, we are talking about energy conservation. This amendment provides a simple way to conserve millions of gallons of gasoline yearly without any sacrifice or difficulty to anyone. How can public officials seriously talk about additional taxes on gasoline or petroleum generally knowing the economic hardships that these taxes will create, and stand by idly while the wasteful effects of forced busing continue. If the Senate of the United States really wants to practice what it is preaching about energy conservation, it can enact this amendment and thereby eliminate this most outrageous misuse of gasoline.

Mr. President, some time ago, in order to examine more fully the magnitude of the energy waste involved in forced busing, I spot-checked four school districts in my State. I obtained the exact statistics of gasoline consumption by public schoolbuses in these four districts for the 12-month period before compulsory school busing was ordered. Then I compared that total with the gasoline consumption by public schoolbuses—in these very same four districts—for the following year, when additional thousands of children were being hauled against their will across cities and counties.

Now, Mr. President, let me emphasize: The statistics I am about to relate cover only four of the school districts in my State. There are 151 school administrative units in North Carolina.

Prior to the imposition of forced busing, the schoolbuses of these four districts consumed 943,463 gallons of gasoline.

The year after forced busing was imposed, Mr. President, the consumption of gasoline by the public schoolbuses in these four districts had increased by 218 percent.

Let me repeat, Mr. President: The increase was 218 percent—for a nonessential, undesirable and often destructive exercise in futility by Federal bureaucrats, or Federal judges, or a combination of the two.

The 218-percent increase, Mr. President, represents a virtual waste of 1,118,908 gallons in 1 year—and in just four school districts of my State. Projected estimates for my entire State, Mr. President, set the total of this nonessential use of gasoline for that year as high as 30 million gallons.

Senators can project this waste on a national basis to suit themselves. Any projection is bound to disclose an appalling waste of gasoline.

If the Senate is really serious about energy conservation, the simple arithmetic of my amendment demonstrates that my proposal is sound, that it can have almost immediate application, and that there will be wholesome benefits to the children of this country.

I understand that Representative MARJORIE HOLT of Maryland and Representative W. HENSON MOORE of Louisiana and others in the House of Representatives are carefully examining this, or a similar proposal. No doubt the Members of the House of Representatives will also have an opportunity to consider the subject of energy conservation. In my view, it would be very appropriate for the Senate to send the House a bill containing this amendment—a sure, efficient, and effective way to conserve gasoline.

Mr. President, I urge its adoption.

Mr. BROOKE. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROOKE. I raise a point of order on the grounds that this amendment is not germane.

The PRESIDING OFFICER. In holding that this amendment is germane, the Chair cites section 203 of the bill, which reads as follows:

SEC. 203. FEDERAL INITIATIVES IN ENERGY CONSERVATION.—The Administrator of the Federal Energy Administration, in cooperation with the Secretaries of the Departments of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education, and Welfare, Treasury, and the heads of other appropriate Federal agencies shall, within three months of the effective date of this Act, promulgate regulations which specify standards for energy efficiency and conservation and establish—

(h) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

Mr. BROOKE. Mr. President, I move that the amendment be tabled.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, may we have order? May we have order, Mr. President?

The PRESIDING OFFICER. The clerk will suspend until the Senators take their seats.

Mr. MANSFIELD. Mr. President, the hour is getting late, I would suggest that the Senators take their seats.

The PRESIDING OFFICER. The clerk will continue.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Carolina (Mr. MORGAN) are necessarily absent.

I also announce that the Senator from Montana (Mr. METCALF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Nebraska (Mr. CURTIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from Virginia (Mr. SCOTT), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

On this vote, the Senator from Ohio (Mr. TAFT) is paired with the Senator from South Carolina (Mr. THURMOND).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 52, nays 33, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—52

Abourezk
Bayh
Beall
Bellmon
Bentsen
Biden
Brooke
Bumpers
Burdick
Case
Church
Clark
Cranston
Culver
Eagleton
Ford
Glenn
Gravel
Hart, Gary W.
Hart, Philip A.
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Leahy
Mansfield
McGee
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Schweiker
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

NAYS—33

Allen
Bartlett
Brock
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Chiles
Dole
Domenici
Eastland
Fannin
Fong
Garn
Goldwater
Griffin
Hansen
Hartke
Helms
Hruska
Laxalt
Long
McClellan
McClure
Nunn
Proxmire
Roth
Sparkman
Stennis
Stevens
Stone
Talmadge
Tower
Young

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott,
William L.
Taft
Thurmond

So the motion to lay on the table was agreed to.

Mr. BAYH. Mr. President, more than a year ago former President Nixon vetoed legislation that included a number of provisions similar to those in the bill now before us. I remind my colleagues of that veto to emphasize that the issues now facing us are not new, and to stress the need to enact this legislation.

For as belated as this legislation is, it is still quite important to establish the statutory base for an adequate response to an energy emergency, such as a repetition of the 1973 Arab oil embargo. It is also necessary to take all responsible measures that will close the gap between the supply and demand for energy in the United States. The bill before us does this by giving the President authority to take steps to increase energy production, on one hand, and by curbing energy waste, on the other hand.

We are fortunate indeed, Mr. President, that a major energy crisis did not erupt during the past year. For the simple fact is that we have been unprepared for such a crisis; our Government has lacked the necessary authority to respond to an energy emergency in a fashion that would guarantee a minimizing of hardship and an adequate distribution of available supplies in the face of such an emergency.

It is because of my long-standing belief that we must have available tough, standby authority for the President to use in the event of an energy emergency that I cosponsored the bill vetoed by President Nixon more than a year ago and am cosponsoring the bill now before us. President Ford has recognized the need for legislation along these lines, although I cannot help but note the irony in the fact that the President's proposal sought broad standby authority without providing for a partnership with the Congress—something that is fortunately rectified in S. 622.

It might be helpful to review briefly the provisions of this legislation, and I shall do so in a moment. However, it seems appropriate first to take a broader look at where we are in the evolution of a national energy policy.

Many believe that the need for a national energy policy goes back only 18 months, to the imposition of the oil embargo by a number of Arab States in October of 1973. This is totally wrong. Indeed this kind of shortsighted approach is symptomatic of the very innocence—or ignorance—that has permitted our energy situation to so deteriorate.

The fact is that for years our Government encouraged the rapid use of domestic energy reserves through a policy of oil import quotas designed to exclude lower-priced foreign oil from U. S. markets. If this policy ever made sense it had long since outlived its purpose by the early 1970's when domestic production of oil and natural gas began a decline that has continued to this very day.

Years ago many of us here in the Congress sought an end to oil import quotas, to prevent the unnecessary depletion of our own energy reserves and to provide consumers with the economic benefits of what was then less expensive foreign oil. As far back as 1970 a number of us in the Senate, with the able leadership of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Washington (Mr. JACKSON) sponsored legislation to create a national commission on fuels and energy policy. The administration opposed that idea, even though it was apparent even then that we were embarked on a dangerous course of exhausting finite energy resources.

In the absence of administration interest in this emerging national problem the Senate created its own energy and fuels policy study group in 1971. The work of that study led to the introduction, more than 2 years ago, of the first major energy research and development legislation, which I cosponsored and which the administration again sought to dismiss as unnecessary.

In time the wisdom of that congressional initiative was recognized and that bill, S. 1283 in the 93d Congress, eventually became the keystone of our national energy research and development program.

I have reviewed this brief history, Mr. President, not merely to demonstrate the fact that the Senate has repeatedly shown the required leadership and foresight in dealing with energy policy, but, more importantly, to establish a framework for a consideration of where we are today in the development of a national energy policy.

As I said at the outset we still do not have on the statute books the authorizing legislation which would be needed for a coordinated national response to an energy emergency. The legislation now before us offers a solution to that problem, and it should be promptly enacted. In addition, this bill provides the required authority for the imposition of mandatory conservation programs, should they be necessary, as well as for voluntary conservation programs that can be implemented quickly without any adverse economic impact.

This latter part of the pending legislation is important, because it holds the promise of reducing energy demand by several hundred thousand barrels of oil a day within a year. In other words, Mr. President, this legislation can move us well in the direction of the President's avowed goal of reducing energy demand by a million barrels a day—and it can do so without an onerous tax package such as that proposed by the President.

Mention of the President's complex and costly energy tax package serves to remind us that we still have not resolved the problems posed by the President's plan of import duties and excise taxes on crude oil, as well as his desire to decontrol all domestic oil prices.

I opposed that program when it was first put forward by the President, because it was both inflationary—threatening an additional increase of between 2 and 4 percent in the inflation rate—and recessionary—by robbing consumers of billions of dollars in purchasing power.

In this regard, the Congress did pass legislation to prevent the President from going beyond the $1 a barrel import duty he imposed in February. But the President vetoed that bill, agreeing at the same time to delay further imposition of the import duties pending efforts to develop a broad compromise energy plan with the Congress. While I hope a compromise can be effected, I remain strongly opposed to a key provision of the President's plan—the proposed decontrol of domestic oil prices. Such decontrol would cost the consumers and businessmen of this country more than $10 billion a year—more if the compounded effect of the import duties and excise taxes are considered—at a time when the cost of energy is already too high.

There are actually reliable estimates, Mr. President, that adoption of the President's oil pricing policies would increase the total industry and consumer bill for refined petroleum products by more than $50 billion a year when all direct and indirect costs are computed.

That decontrolling oil prices might somehow increase supply is an argument that should have been put to rest by the admission last week by the American Petroleum Institute that, despite the tripling of oil prices in the last 2 years, domestic oil reserves actually declined last year. The fact is, Mr. President, to decontrol the 60 percent of domestic oil production now under price control would be to provide the major oil companies with a windfall of unprecedented proportions, and do so at the expense of the consumers and businessmen of this country.

I am, therefore, pleased, Mr. President, that the bill before us would limit the President's authority to decontrol oil prices. I regard this as one of the most important provisions of this bill, for the development of a sound national energy policy requires that we forestall costly price increases that transfer billions from the pockets of average Americans to the corporate coffers of giant, multinational oil companies.

While responsible national energy policy requires that we reject proposals to increase the price of domestic oil, we are not able to act with the same strength in considering the price of foreign oil. Some months ago the common wisdom in Washington was that immediate action was required to stem the flow of dollars to the oil exporting countries. While it is obvious that we should minimize our oil purchases abroad, it is equally obvious that to constrict our oil purchases abroad too greatly would be to aggravate the serious recession now confronting us.

What is required in approaching the problem created by the fact that we import close to 40 percent of the oil used in this country is a blend of reason and logic, not the hysteria and panic that some have demonstrated. We must reduce our reliance on imported energy, and actually seek to eliminate the need for imported energy in coming years. We must do so to stem the outflow of dollars and we must do so to reduce and to eliminate eventually the potential use of the oil weapon through another oil embargo or similar step.

But the way to reduce our reliance on imported oil is not to simply add a heavy tax to that costly oil, for in the short term we will need that oil and to make it more costly merely worsens the situation here at home. Nor does it make sense to clamp on unduly restrictive import quotas, lest we find ourselves without enough energy to fuel our needed economic recovery.

Rather we must take a logical two-step approach of ending energy waste so we import only what we need and of developing domestic energy reserves so we can meet a higher percentage of our energy requirements here at home.

As we look to reducing energy demand, Mr. President, it is essential that we distinguish between those areas in which we can reduce demand by eliminating waste and those areas where unjustified reductions in demand would have deleterious economic consequences. For example, by revising current State regulations that often provide discounts for large energy users, we could reverse that pattern and create a solid economic incentive for industry to practice constructive energy conservation. A number of companies have found it possible to cut energy consumption by up to 15 percent, and higher in some cases, without any loss in productivity. Eliminating waste in this fashion reduces overall energy use and eases our reliance on imported energy. And it does so without harming the economy.

Similarly, improved automobile efficiency—bearing in mind that approximately 40 percent of the oil used in this country is used in autos—can reduce energy consumption in a constructive fashion. In 1973, I offered an amendment, which I regret to say was defeated, that would have mandated significant improvements in automobile efficiency over the next decade by utilizing existing technology. We can improve auto mileage by up to 50 percent with that technology and breakthroughs in ongoing research could open the door to even more fuel savings.

While that amendment was defeated in 1973, there has developed since that time a recognition of the need for action in this regard. I shall support efforts to mandate improved auto efficiency and note with gratification that the Commerce Committee is moving in this area at the present time.

However, I must also note that the President's approach to this problem leaves something to be desired. He has proposed a major relaxation in auto emission standards in exchange for a promise, only a promise Mr. President, that the major auto manufacturers will try, only try Mr. President, to improve auto efficiency by an average of 40 percent by 1980. This strikes me as a rather causal and unnecessary way to approach a major problem.

We must mandate improved automobile efficiency, in the short term under the limits of existing technology, and in the long term with new technology for even greater breakthroughs. Whether or not some relaxation of auto emission standards should accompany such mandated increases in average auto mileage can be discussed, and if the need is proven appropriate action taken. But in the absence of any evidence that we need relax air quality standards to achieve our efficiency goal, that would be a premature step. It is especially disheartening that the President would seek a significant relaxation in emission standards in the absence of anything by a vague, unenforceable promise from the auto manufacturers.

Quite simply, Mr. President, adhering to the administration's approach could leave us in 1980 with the same unsatisfactory inefficient autos we have today and unacceptably lenient auto emission standards. The administration plan holds open the possibility of the worst of both worlds.

Instead of this surrender to the pressures generated by the auto companies, we must guarantee achievement of one objective by mandating a 40- to 50-percent increase in average auto efficiency by 1980. We must also hesitate and examine carefully the relationship between that goal and auto emissions before we sanction a wholesale retreat from the air pollution progress of the last decade. And, under no circumstances, can we agree to auto emission standards that would threaten the public health and well-being.

As I said earlier, Mr. President, as we seek to reduce unnecessary energy consumption in industry, in our autos and in many other areas where energy waste abounds, we must also seek to increase domestic energy production.

Within the contiguous 48 States there are real limits on the extent to which we can increase oil and gas production at this time. There is room for increased coal production, and that should be encouraged. To do this properly, however, requires that we provide the coal industry with the hardware needed to meet its goal, with the transportation system to move that coal to where it can be used, and to enact the surface mining bill now in conference so the surface mining of coal can proceed with a knowledge of what manner of environmental safeguards will be required.

Obviously, Mr. President, I am, in this context, confining my comments on increased production to relatively short-term options. Beyond the short term I am very much committed to extensive coal liquifaction and gasification programs, and would remind my colleagues that the impetus for commercial development of those technologies rests with the energy R. & D. bill that originated here in the Senate and which is now law.

While short-term increases in energy production within the contiguous 48 States may be limited to coal, there are much brighter prospects for increased production before too long of offshore oil and gas, as well as the oil and gas in Alaska.

Drilling on the Outer Continental Shelf—OCS—has engendered much concern in coastal States that fear a repetition of the Santa Barbara oil spill with resulting serious damage to local beaches and coastlines. Clearly, we have an obligation to do all that can be done to reduce the possibility of any damage from OCS oil drilling. But, as we commit ourselves to maximum safeguards, we must move that drilling forward to bring onstream the abundant reserves off our coast. Hopefully, the success of drilling in the Gulf of Mexico can be repeated in other coastal areas. And, Mr. President, I want to emphasize the need to make certain that as we seek to make maximum use of our offshore energy resources that we must also take every possible precaution to avoid environmental damage.

As regards Alaska, with the decision on the initial oil line well behind us, we must now consider proposals for the delivery of natural gas from Alaska's North Slope to the contiguous 48 States, as well as the best way to deliver the oil reserves in Naval Petroleum Reserve No. 4 southward. In this regard, I have submitted with the able assistant minority leader, Mr. GRIFFIN, a resolution (S. Con. Res. 25) designed to secure from the administration information on these projects. Because of the importance of this issue, I request unanimous consent to include in the RECORD at the conclusion of my remarks an excerpt from the RECORD of March 13, at which time I submitted the aforementioned resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAYH. Mr. President, it should be obvious from the many, major unresolved issues I have dealt with in this brief statement that we have not implemented, nor even fully developed, a national energy policy to cope with current problems. The debate on that policy will continue in the days and weeks ahead. It is important that we move expeditiously toward a resolution of these issues, just as it is important that we fully consider all the options before finally deciding on the correct course of action.

We have some way to go to refine our short-term policy, with consideration not only of the issues I have raised but other questions such as floor prices for domestic and/or foreign fuels, economic incentives for energy conservation such as tax credits for home insulation, as just two examples. But we may actually be in better shape as regards our long-term objectives. This is because we have launched the kind of extensive-energy R. & D. program that will enable us to provide a steadily increasing percentage of our own energy needs in the years ahead, with the real possibility of eventually achieving energy self-sufficiency.

As I said, Mr. President, I have fully supported the authorizing legislation and necessary appropriations for this energy R. & D. I would have prefererd an earlier start on this important program, but rather than simply rue the delay we must press forward with a maximum effort in a variety of areas; coal gasification and liquefaction, which I mentioned; oil shale; solar energy; and geothermal power, to name just a few. In addition we must continue our research on nuclear energy, bearing in mind that to this date nuclear energy has failed to achieve its promised role in our national energy mix. Let us be wary of placing too much emphasis on nuclear energy at the expense of other research programs which might provide more fruitful results sooner; but let us not abandon nuclear research, because of the great potential it holds for the future.

Moreover, one of the most neglected areas of energy R. & D. deserves special emphasis. I refer to research on energy conservation. Reducing demand by 500,000 barrels of oil a day has the same effect of reducing imports and closing the gap between domestic supply and demand as increasing production by an equivalent amount. I discussed earlier this general question of energy conservation. However, in the context of energy R. & D., I want to emphasize the compelling need to undertake significant research on how energy demand can be curbed—in all its uses—in an economically sound fashion. The potential is great; the notion that as much as 40 percent of the energy consumed in this country is wasted suggests the potential here. Indeed, if that figure is correct it means that all our imported energy is going to fuel the waste in this country and that even now we are in equilibrium between domestic supply and truly essential demand.

Mr. President, the development and implementation of national energy policy would not be complete without due attention to the international situation. I support those necessary efforts, the authority for which is contained in the legislation now before us, to coordinate with our allies the policies of the energy-intensive, importing countries. In addition, we must remain sensitive to the special problems facing less developed countries who need adequate energy for their economic growth and which are most susceptible to the high cost of cartel oil. We can no more solve our own energy problems without consideration of the international situation, than we could deal with coal or natural gas or oil without considering the supply and demand for all three of these basic fuels.

Finally, Mr. President, I want to emphasize my deep conviction that the myriad of issues posed in formulating our national energy policy, and those aspects of international policy that require consultation with other nations, require our constant, probing attention. There are few other issues so filled with grave implications in the event of policy failure, or so filled with cause for optimism in the event of policy successes. It is a difficult challenge; but a challenge that can and must be met. I am persuaded we have the capacity and ability to win this battle, but we will only do so with persistence, determination, innovation, and finally, action.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 13, 1975]

SENATE CONCURRENT RESOLUTION 25—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING DELIVERY OF OIL AND NATURAL GAS FROM ALASKA

(Referred to the Committee on Interior and Insular Affairs.)

Mr. BAYH. Mr. President, I am today introducing for myself and the distinguished minority whip, Mr. GRIFFIN, a concurrent resolution regarding the delivery of oil and natural gas from Alaska to the contiguous 48 States.

The purpose of the resolution is to secure for the Congress greatly needed information regarding administration plans for oil and natural gas delivery systems which will have to supplement the oil pipeline now under construction in Alaska if planned development of all oil and natural gas sources in Alaska and Naval Petroleum Reserve No. 4 are to go forward.

We cannot overstate, Mr. President, the importance of oil and natural gas in Alaska and Pet-4 to our national goal of reducing our dependency on foreign energy supplies.

It is estimated that recoverable oil reserves on the North Slope of Alaska amount to at least 10 billion barrels, with projections that that estimate can be revised upward significantly once large-scale production is actually begun. Delivery of 2 million barrels of that oil per day by 1980 means that the North Slope alone should be able to provide at least 10 percent of projected domestic oil consumption at that time.

Estimated reserves in Pet-4 are presumed to be at least as extensive as those on the North Slope. While more precise estimates will also have to wait until production is actually begun, we can readily see that the combination of oil reserves on the North Slope and in Pet-4 constitute a vital step in our progress down the path toward energy independence.

Gas reserves on the North Slope are estimated to be in excess of 26 trillion cubic feet, which means that as much as 10 percent of all our known domestic gas reserves could be on the North Slope.

While this amply demonstrates the importance of these reserves, Mr. President, it does not answer a host of questions which have been and are being raised about the means by which these energy resources will be delivered to American industry and consumers.

Obviously, we do know that the North Slope oil is scheduled to be shipped via the trans-Alaska pipeline now under construction.

But how many people have recognized that meeting the planned delivery schedules for North Slope oil via that pipeline depends on providing a delivery system without extensive delay, for North Slope natural gas?

The fact is that while gas produced with the oil can be reinjected into the ground at the outset of production, this technique cannot be used indefinitely without disrupting efficient production of the oil. In other words, unless a decimit construction of that delivery system for the natural gas in ample time to permit construction of that delivery system so that gas production may be coordinated with oil production, there is a real danger that the capacity of the Alaskan oil line will be underutilized in the early 1980's—at the very point when we will most need North Slope oil.

Thus it is clear that meeting production schedules for North Slope oil depends on a decision and commitment to construct a delivery system for the North Slope natural gas.

The question of how best to deliver North Slope gas to the contiguous 48 States is now before the Federal Power Commission and the Department of the Interior. But it is a question which will likely be brought before the Congress, as was the decision on the delivery system for the oil.

I favor the proposal by a consortium of pipeline companies to bring that gas to the contiguous 48 States via Canada with equitable distribution to all regions of the country at the least cost. That proposed pipeline would also enable Canada to deliver some of its gas in the northern part of its country to its own markets.

I must emphasize, Mr. President, that sharing the gas pipeline capacity is in the best interests of both countries, as it saves on duplicative construction costs and enables Canada and the United States to concurrently develop their own energy resources for their own countries.

While such a pipeline would be mutually beneficial, its construction would require some formalized understanding between our two countries, assuring each country of the unimpeded delivery of its own energy supplies to its own citizens. Such an agreement could also cover existing oil and gas delivery systems by which Canadian energy supplies cross the United States en route to Canadian markets.

While I am convinced a natural gas delivery system through Canada's MacKenzie River Valley is the most economical and most equitable way to bring U.S. gas to U.S. markets, we must recognize that there is a competing proposal. That proposed route would bring the gas to southern Alaska in a pipeline paralleling the oil line already under construction. At that point the gas would be liquified for tanker shipment to the west coast, where it would be converted back into gas for eventual consumption. This plan not only would mean higher prices to American industry and consumers, it would also aggravate the regional imbalance in overall domestic resources created by the earlier decision to build the trans-Alaska oil line with tanker shipment of the oil to the west coast.

Almost as important as making the correct decision on how to deliver the natural gas from Alaska, is the question of when and how that decision will be made. It has been estimated that if the entire regulatory process is followed, and all judicial appeals used, that the decision might not be reached for up to 10 years. I hope that estimate is wrong; a decade of delay is unacceptable. But we must recognize that significant delay is possible and the Congress may have to step in and help make that decision.

An entire new set of questions have been posed recently in a closely related issue, with the President's announced intention of producing up to 2 million barrels of oil a day from Pet-4 within the next decade. The President made no mention of what consideration has been given to delivering that oil to the contiguous 48 States. There are several possibilities:

Since this is offshore production, delivery could be entirely by tanker fleet if technological and cost problems could be solved. But that would mean delivering all of this oil to the west coast, doubling the supply generated by the North Slope and doing nothing for those parts of the country east of the Rockies that were discriminated against in the original decision to build the trans-Alaska pipeline.

In a similar vein, the Pet-4 production could be piped onshore and then transported by pipeline to southern Alaska, paralleling the route of the line under construction with subsequent tanker shipment. This too, aggravates the supply imbalance.

The third posssibility makes the most sense—construction of a trans-Canadian oil pipeline to carry oil from the North Slope and/or Pet-4, with the trans-Alaska pipeline still operating to capacity with its own mix of North Slope and Pet-4 production. This approach, Mr. President, would be in national interest since it would bring U.S. oil to those parts of the country—the Midwest and East—that are most dependent on foreign energy sources.

It is in recognition of the foregoing issues surrounding the delivery of natural gas from the North Slope, and the potential need for a second oil pipeline, that the Senate adopted title III of Public Law 93–153, the act that authorized construction of the trans-Alaska oil pipeline. That title requested the President to begin negotiations with Canada on the possibility of building a natural gas and/or oil pipeline through Canada. It also directed the Secretary of the Interior to study the feasibility of such lines.

In both instances reports were to be provided to the Senate and House Committees on Interior and Insular Affairs. The President was to report on all aspects of the negotiations with Canada and the Secretary of the Interior was to file periodic reports on his study, with a final report due from the Secretary 2 years after the enactment of Public Law 93–153 in November of 1973.

It is now almost 16 months since that law was signed and no reports, from either the President or the Secretary, have been received.

The sad fact, Mr. President, is that despite all the talk about dealing with our domestic energy requirements and reducing our costly and dangerous reliance on foreign oil, the administration has failed to comply with a specific mandate to advise the Congress on the issues regarding delivery systems for Alaskan oil and gas, itself a key to our national energy goals.

In order to focus appropriate attention on the very important questions which must be resolved if we are to make maximum efficient use of domestic energy resources in Alaska and Pet–4, the Senator from Michigan (Mr. Griffin) and I are introducting this concurrent resolution which requests the administration to report to the Congress within 90 days on:

First. The status of negotiations with the Government of Canada pursuant to title III of Public Law 93–153;

Second. The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve No. 4 to the contiguous 48 States;

Third. Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

Fourth. The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

Fifth. Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve No. 4, with due attention to necessary delivery systems of oil and natural gas.

It is only with timely and adequate information that the Congress can properly fulfill its responsibilities in dealing with our national energy requirements. The absence of such information in regards to the situation on natural gas and oil from Alaska and Pet–4 is impeding our effectiveness in guaranteeing that those energy supplies are available to the American people at the proper time on an equitable basis.

This resolution is designed to elicit the necessary information so that we might, in turn, explore those areas in which legislation may be appropriate to facilitate the national goal of reducing our dependency on foreign energy sources. Solving our energy problems requires an effective partnership between the executive and legislative branches. We regard this resolution as a constructive step in that partnership.

Mr. President, I request unanimous consent to include the full text of the resolution in the Record at this point.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 25

Whereas the President and others have advocated early production of as much as two million barrels of oil a day from Naval Petroleum Reserve Number 4, and

Whereas the pipeline under construction for the delivery of oil from the North Slope of Alaska to Valdez could not accommodate the additional production in Naval Petroleum Reserve Number 4, and

Whereas it is consistent with sound national energy policy to equitably distribute domestic energy reserves, and

Whereas such equitable distribution of oil from Alaska can best be achieved by building a new delivery system via Canada to points in the contiguous 48 states which will not be served by the oil shipped from Valdez to the West Coast, and

Whereas alternative proposals have been submitted for the delivery of natural gas from Alaska to the contiguous 48 states, and

Whereas the proposed natural gas delivery system that will serve the greatest number of Americans would be built via Canada, and

Whereas title III of Public Law 93–153 requested the President of the United States to enter negotiations with the Government of Canada on these and related issues, and

Whereas discussions with Canada have been held pursuant to Public Law 93–153, but no official report has been provided to the Congress despite provisions of the law that such reports should be made to the Senate and House Committees on Interior and Insular Affairs, and

Whereas Public Law 93–153 further directed the Secretary of the Interior "to investigate the feasibility of one or more oil or gas pipelines from the North Slope of Alaska to connect with a pipeline through Canada that will deliver oil or gas to United States markets" and to provide periodic reports to the Senate and House Committees on Interior and Insular Affairs with a final report to be submitted by November 16, 1975, and

Whereas no such reports have been submitted, and

Whereas early resolution of these issues is essential to the national goal of reducing our dependency on foreign sources of energy.

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States hereby requests the President of the United States to supply the Congress with a comprehensive report, within 90 days of the enactment of this resolution, to include:

(1) The status of negotiations with the Government of Canada pursuant to title III of Public Law 93–153;

(2) The alternatives under consideration for the delivery of oil from Naval Petroleum Reserve Number 4 to the contiguous 48 States;

(3) Estimates of when a decision must be reached on the system for delivering natural gas from Alaska in order to assure completion of that system in time to prevent any delay in achieving the maximum efficient rate of oil production on Alaska's North Slope;

(4) The nature of agreements which must be reached with the Government of Canada to guarantee the unimpeded shipment of oil and natural gas through our respective countries; and

(5) Any recommendations for legislation to permit the earliest, responsible use of all the Nation's energy reserves in Alaska and in Naval Petroleum Reserve Number 4, with due attention to necessary delivery systems of oil and natural gas.

Mr. GLENN. I have some questions to ask regarding the interpretation of section 208. That section uses the term "acceptable State energy conservation program." Is it your view as chairman of the committee and floor manager of the bill that what is intended by an "acceptable" program is one which substantially complies with the requirements of section 204 of the act and the energy conservation targets and objectives established pursuant to section 207(a) of the act?

Mr. JACKSON. That is my understanding of what the committee intended and what the bill says.

Mr. GLENN. With respect to the timing of submission of State programs, section 204(b) of the act directs the administrator to request the submission of such programs within 4 months of enactment. Is it your understanding that if a State failed to submit a program which was acceptable within the meaning of the act within that 4 month time period, the Administrator would be obligated immediately to prescribe a program for the State?

Mr. JACKSON. Yes, he would be required to develop an acceptable program at the earliest possible time following his determination either that the State had failed to submit the program within the 4 month time period or that the State program was unacceptable. Furthermore, even if the State did submit an acceptable program within the prescribed time period, if it thereafter failed to implement or enforce the program, the administrator would be required to come in at the earliest possible time following his determination of any such failure and to implement and enforce the program himself.

Mr. DOLE. Mr. President, I oppose this legislation for several reasons but the basis for my opposition comes from the fact that I feel it represents a sellout to political expediency. I believe the provisions of the bill and the sweeping grants of discretionary authority represent a major effort on the part of some in Congress to pawn off the unpleasant and politically difficult decisionmaking responsibilities while reserving the unequal privilege of after-the-fact criticism. The legislation in effect means a continued delay on the part of Congress in the development of a comprehensive energy policy. The very fact that we are enacting a 3-year standby program to deal with a problem which has been obviously in existence for more than 5 years illustrates our unwillingness to truly come to grips with the energy problem.

RESPONSIBILITY NOT MET

I do not believe the American public can fail to perceive that the hesitancy on the part of Congress in addressing this issue is due to a realization that some sacrifice by all of us is necessary to solve the energy problem. The Congressional reticence arises from a realization that to legislate a truly comprehensive solution to the problem, we may have to vote for programs which impose hardships on some or all of our constituents.

The general unwillingness of Congress to make potentially unpopular decisions is well illustrated in this legislation. In the pending bill, we grant the President the authority to impose conservation programs, to impose a rationing program, to allocate shortage materials, and to mandate increased energy production. Though Congress retains the right to veto decisions which might infringe on the daily lives of our constituents. To pass this bill would be to say "we do not trust the President to make the right decisions, yet we cannot or do not want to accept the responsiblity of making the decisions ourselves." We delegate to the administration sweeping conservation authorities under title II which are to be exercised even in the absence of a national emergency.

Yet, we reserve the right to criticize with righteous indignation every time one of the administration proposals inconveniences our constituents, overlooking the even greater inconvenience that will inevitably result from our inability to develop a timely program to deal with both the short term and long term energy problem.

What this country needs now is leadership, not political rhetoric. Congress must put its name on the line in support of substantive energy programs and the administration must do likewise. We must work together to develop a comprehensive energy package which represents a commitment to substantive programs on the part of both Congress and the administration. We must develop a package which both the Congress and the administration have a vested political interest in seeing succeed. It is time to stop acting and reacting for purposes of political expediency and get down to the real business at hand.

I firmly believe that until Congress takes a position on energy, we will not have a comprehensive energy policy in this Nation. I also believe that the public expects Congress to take a stand on this issue and will accept the burdens of a national energy policy Congress adopts as long it it offers realistic chances for a solution and assures a fair distribution of the burdens that inevitably must be borne if we are to stabilize our economy and insure ourselves of long term energy independence.

The standby energy measure now before us only delays our efforts to come to grips with the energy problem. We are shirking our responsibility to the American public if we pass this legislation without committing ourselves to a position on the issues addressed in the bill and delegated to the administration for action.

PARTISAN BILL

I object to several specific provisions of this legislation. My major objection is that S. 622 is a repeat of a political tactic that has been used with the two predecessor bills that the Senate considered last year.

Several provisions of this bill have been drafted with the full knowledge that those sections would invite a veto. I have been advised that drafting of this bill was initiated under the auspices of a bipartisan effort. The result, however, shows little or no portion of that bipartisan cooperation.

Instead, the bill has been promoted as "critical, urgent legislation," yet there is little doubt that the President is likely to veto it. That sets the stage for criticizing the President following his veto for killing a vital measure that was put together through a bipartisan effort. The junior Senator from Kansas cannot vote for legislation that promises this kind of avoidable confrontation.

Rather than engage in partisan conflict, I would hope that a suggestion by the distinguished chairman of the Senate Finance Committee could be followed. In the case of legislation that has been vetoed or where a veto is obvious, he has suggested that the Congress and the administration get together on those provisions that can be agreed upon and that they be enacted. That suggestion is extremely relevant to the topic of standby energy authorities where those authorities that can be agreed upon, if enacted, would provide additional security we need.

By sending to the President a bill that invites a veto, the Congress has provided no benefit to American citizens, and, in fact, does a disservice by failing to make any positive progress to the standby authorities that are needed.

INAPPROPRIATE LEGISLATION

A second objectionable provision is the extension of the Emergency Petroleum Allocation Act. That legislation was enacted as an emergency measure to deal with a temporary petroleum shortage. A shortage of petroleum no longer exists. In fact, we are now experiencing a surplus of many petroleum products. So a simple extension of the Emergency Petroleum Allocation Act is inappropriate for the situation we are now in.

Last year, the EPAA was extended to give time for further consideration of needed changes to that law. We are now proposing to again extend this law, as I understand, without any hearings conducted yet on changes that are necessary and appropriate. To support this legislation would be to support a failure to meet our congressional responsibility.

DIRECTION WITHOUT POLICY

The first sentence of title II, "Energy Conservation Policy," states that the purpose of this title is to declare an interim national conservation policy. But after reading title II, I have been unable to find any such policy. Instead, the bill directs the President to design an energy conservation program. Yet, the bill does not provide any guidance or policy on what that program is to accomplish or how it is to be designed. And when the energy conservation program has been created by the President, the Congress is then given 30 days to veto whatever program is created.

In other words, the sponsors of this legislation are directing the President to come forth with energy conservation proposals that will undoubtedly be politically painful and politically sensitive. It has already been made clear many times in testimony before the Senate Finance Committee that meaningful and substantial energy conservation cannot be accomplished without some degree of giving up some of the practices we enjoy. So once the President has taken the step of initiating an energy conservation program, he can be criticized for causing hardships for the American people, and his program can then be vetoed.

Mr. President, I believe the Congress must share the hard decisions of leadership with the President. I do not believe I can meet my responsibility to the people of Kansas nor the Congress their responsibilities to the American people by pushing off our duties onto the administration. For these reasons, I must oppose this legislation.

Mr. WEICKER. Mr. President, today I will vote against final passage of S. 622, the Stand-by Energy Authorities Act.

This bill represents the type of response to our present crisis in energy and the economy that continues to gall me. Here, nearly 4 years after the National Fuels and Energy Study was first commissioned, and over a year and a half after the Arab oil embargo clearly demonstrated this country's position of vulnerability with regard to energy, the U.S. Senate is preoccupying itself with stand-by authority rather than positive energy conservation action.

What is not needed is extended debate over stand-by authority. What is needed is tough, forward looking legislation that specifically endorses a program for mandatory conservation. S. 622 embodies both a dilatory approach to our current crisis and a clear abdication of congressional responsibility and legislative initiative.

While I cannot support major elements of the President's energy program, I must commend the President for having acted and acted decisively. Yet, Congress' response—especially with regard to short term emergency energy measures—has been weak at best. S. 622 represents no exception. The bill contains provisions for stand-by rationing authority and an entire new section devoted to grants of interim stand-by energy conservation authorities. Is there a comprehensive plan requesting specific emergency energy action for the short term? No, rather permissive grants of authority to the President, saying in effect "Here is the authority; you devise all the plans and we can veto them."

Therefore, I cannot support passage of S. 622 and will offer today legislation that I feel proposes effective and equitable mandatory energy conservation action for the short term.

Mr. DOMENICI. Mr. President, proponents of the measure before us have said that this legislation is critically needed to give the President authority to act in an emergency. Yet, the bill is written so that at every turn the President's authority is restricted and congressional approval required. The bill negates action the President has taken in response to our energy situation under authorities previously delegated to him in emergency legislation. The bill seems to say Congress is not yet ready to meet the problems, but give us a bit more time and we will act.

The bill is a poor substitute for the kind of tough, forward-looking legislation we need to address the various problems we call the energy crisis.

Section 122 of this bill extends the life of the Emergency Petroleum Allocation Act until June 30, 1976. It should be recalled that the act was extended last year to August 31, 1975, for the purpose of providing adequate time for the new

Congress and the executive branch to review the act and make a definitive decision on its further extension. The Congress believed then that it was too soon to make basic changes in the act, that proposed changes should be considered in the upcoming year in light of more extensive experience with it. Accordingly, we voted a short extension.

Apparently, this Congress does not believe that the first 8 months of 1975 is enough time "to review the act."

When the Senate voted to extend the act to June 30, 1975, we felt that during the extension the administration should proceed with an orderly total phaseout of price and allocation controls to be completed by June 30, 1975.

The Emergency Petroleum Allocation Act was intended to be an emergency measure to deal with a temporary petroleum shortage, which now has ended. To rely on legislative authority designed to be limited to emergency fuel shortages in times of a reported surplus is unwise and unjust.

Title II follows the no standards pattern of the Emergency Petroleum Allocation Act. It asks for conservation without specifying how much, in what manner, or where. It just tells the administration to conserve. And it implies that whatever the administration comes up with will not be accepted by its authors.

Bluntly, this is just another move toward do without, rationing, and allocation. This bill will not bring about more production for our citizens. This bill will not provide enough oil and gas for consumers. It merely insures shortages and guarantees that Government will continue to reduce incentives to production and the freedom of our energy suppliers to do their job to their utmost.

We have to restore a healthy, competitive marketplace. We do not need to extend Government's presence and the inevitable distortion, and hardships to consumers, that this will bring.

Mr. HANSEN. Mr. President, when the committee was marking up S. 622, I asked the chairman why the Emergency Petroleum Allocation Act had to be extended again without allowing those who have objected to the act to testify in open hearings.

At the time I had telegrams from several oil companies and the president of the American Petroleum Institute requesting a hearing.

I still cannot understand the urgency of another extension of the act past its expiration date of August 31 this year. The act has already been extended from the date it originally would have expired which was February 28.

As an example of the inequities of the act, I pointed out how both an independent and a major refiner in Wyoming were threatened with shutdowns under the allocation and crude entitlement regulations promulgated under the act.

Also, the Emergency Petroleum Allocation Act has designated several large refiners as independents because they obtain less than 30 percent of their crude oil from captive sources. Yet, in the past, many of these companies have placed relatively little emphasis on exploration and production of crude oil, but chose instead to rely on low-cost, high-risk imports and purchases on the open market.

These companies focused their investment on more profitable downstream activities such as refining and marketing. By contrast, most major oil companies have followed a safer balanced program of investment. Two of the largest "independents" who have benefited from this provision are Ashland and Standard of Ohio. Now both companies are supporting crude price equalization, which, penalizes still further those companies that chose to develop domestic sources of crude oil such as Husky Oil Co. of Wyoming.

Allocation has also benefited several refiners in Puerto Rico and the Virgin Islands. Amerada-Hess is a beneficiary of the crude program because it is defined as an independent under the 30 percent rule. During the 1960's, Hess and several other companies obtained special import privileges from the U.S. Government outside the import quota system to process then low-priced imported crude oil and to ship refined products to the U.S. mainland. These special deals were extremely profitable as long as foreign crude prices remained below U.S. crude prices. However, in 1973 foreign prices rose sharply and, during the embargo, supplies dropped. The Emergency Petroleum Allocation Act came to the rescue of the Caribbean refiners, but at the expense of other refiners in the United States who in the past relied, instead, on secure domestic sources of crude oil.

Amerada-Hess operates one of the largest refinery complexes in the world in the Virgin Islands with a daily capacity of 700,000 barrels per day.

Let me quote from a reprint by Brookings Institution of an article in the Journal of Law and Economics of the University of Chicago. The article traced the history of the mandatory oil import program and the various amendments that finally made the program ineffective as far as its original purpose was concerned.

Kenneth W. Dam of the University of Chicago Law School wrote of the special arrangement for Hess Oil—now Amerada Hess—in the Virgin Islands:

> A special arrangement with Hess Oil in the Virgin Islands was particularly controversial and brought to public attention some of the underlying political factors in the administration of the Mandatory Program. Whereas the original Phillips arrangement had been engineered behind the scenes by Abe Fortas (then a confidant of President Johnson) and by Oscar Chapman (a former Secretary of Interior), the Hess agreement was the consequence of open lobbying and pressure by Leon Hess, the founder and principal stockholder of the company and a heavy contributor to the Democratic party. In the Hess case, the agreement was entered into by Secretary of Interior Udall over the opposition of his Oil Import Administration and his Assistant Secretary for Mineral Resources. Perhaps the most interesting demonstration of the arbitrariness of such special arrangements was Secretary Udall's explanation of why he had chosen Hess Oil in preference of Coastal States Gas, whose application for a similar arrangement was turned down at the same time that the Hess arrangement was made: he had made a "firm and final" decision to reject all applications for additional refineries and petrochemical plants in the Virgin Islands in order "to protect and conserve the incomparable reefs and beaches which represent the finest asset of these beautiful but fragile islands." No justification for choosing Hess Oil in preference to other applications was offered.
>
> "The Hess arrangement had many of the features of the Puerto Rican arrangements, including payments to a conservation fund of $.50 per barrel of crude oil allocation, but because of the special customs status of the Virgin Islands, the impact on competing refiners was different. Unlike Puerto Rico, the Virgin Islands are outside the U.S. customs territory and hence the permitted shipments to the United States of 15,000 b/d of products were technically finished product imports under the Mandatory Program. Since finished product imports (other than residual fuel oil) were limited to 76,634 b/d, the Hess allocation of 15,000 b/d was carved out of the finished product allocations of the historical importers.

The January 20, 1975, issue of the Petroleum Intelligence Weekly had the following to say about the crude equalization program:

Cost Equalization Shifting $69 Million Among U.S. Firms

> Refiners in the United States with limited access to cheaper price-controlled "old" domestic crude oil will have an extra $69.1 million to spend this month on costlier foreign and domestic crudes, thanks to Washington's crude oil cost "equalization" program. Their competitors with bigger-than-average shares of the "old" oil will be footing the bill, though some are already filing for relief from the requirement or starting legal steps to challenge it (PIW Dec. 30, p. 1).
>
> The exchange of funds comes through sale and purchase of "entitlements," first of which were issued last week for "old" oil used last November. Of 163 companies that will share the economic benefits of a total 170.4 million barrels, 95 now have $5 a barrel entitlements to sell; about half the rest have to buy them; and the others come out even, with no buy or sell requirements.
>
> The biggest gainer is independent Amerada Hess, which is to get $13.3 million or over 19% of the program's entire benefits for the month. The biggest loser is U.S. Shell, which has to pay out $14.9 million. Following are some of the others that stand to gain or lose significantly (figures in millions of dollars):

"Gainers" from equalization

Amerada Hess	$13.3
Socal	10.1
Mobil	6.1
Arco	4.9
Texaco	3.1
Clark	2.1
Hawaiian Independent	2.0
Ashland	1.9
Getty-Skelly	1.9
Commonwealth	1.6

"Losers" from equalization

Shell (U.S.)	$14.9
Union Oil	9.2
Exxon	7.0
Amoco	6.8
Sun Oil	4.6
Cities Service	3.9
Gulf Oil	3.9
Marathon	3.6
Continental	3.1
Phillips	2.2

Mr. President, now I have not heard one complaint from Amerada Hess about the Emergency Petroleum Allocation Act or the allocation or crude entitlements program under that act.

In fact I am sure they are well pleased with it.

But other major companies, even those

listed as benefitting such as Texaco asked to be heard before another extension was approved by the committee.

The fact that Amerada Hess is the biggest gainer under the crude entitlements program to the extent of almost one-fifth of the entire redistribution benefit total certainly would indicate the need for an oversight hearing before such a program is extended again. Therefore I cannot understand the chairman's reluctance to hear from those who are not so fortunate under the Allocation Act as Amerada Hess.

But that is only one of my reasons for opposing this bill. As I said in the minority views to which I subscribed, I oppose S. 622 for the following reasons: first, instead of engaging in a bipartisan effort to develop national energy emergency legislation, the committee reported out a bill inviting a veto; second, the section 123 revised congressional veto procedures for oil price controls is full of mischief; third, the extension of the Emergency Petroleum Allocation Act is unnecessary, and a shirking of congressional responsibility; fourth, the title II conservation program is wholly inappropriate; fifth, section 106(a)(1) authorizes an unconstitutional seizure of private property; and sixth, the section 121 international voluntary agreement procedures are inadequate and unworkable.

Instead of engaging in a bipartisan effort to develop national energy emergency legislation, the committee reported out a bill inviting a veto.

Most of the amendments added on the Senate floor made the bill even more unworkable.

Senator Haskell's "no growth" amendment could do nothing but worsen the present unemployment problem to an even more intolerable rate.

And Senator Jackson's amendment to Senator Johnston's secondary and tertiary oil price amendment would set up a three-tier oil pricing system that would be impossible to administer.

As it was, Senator Johnston's amendment would have encouraged development of an additional 59 billion barrels of oil in America and would have cost the consumer much less than imported OPEC oil.

Every additional barrel of oil produced in this country displaces a barrel of high-priced foreign oil, helps our balance of trade, and lessens our vulnerability to another embargo.

As in two earlier versions of this legislation, what began as a good faith effort to reach bipartisan agreement on a standby energy emergency bill became a bill to frustrate, rather than expedite, domestic energy self-sufficiency.

EMERGENCY NATURAL GAS ALLOCATION

Mr. ROTH. Mr. President, it was my intention to offer today an amendment to the Standby Energy Authorities Act—S. 622—to provide needed standby emergency authorities for allocating critically short supplies of natural gas to assure relief to large regions threatened by major natural gas shortages.

I have decided not to offer my amendment on S. 622 at this time. My decision is based upon assurances given to me that the Senate Commerce Committee is in the final stages of efforts to report out a comprehensive, natural gas bill containing a major section dealing with standby, emergency allocation authorities. In view of the imminent consideration of a comprehensive natural gas bill by the Senate, I think it most appropriate that emergency allocation provisions be deferred from inclusion in S. 622 and be addressed in the context of other important natural gas issues facing this Nation.

This decision, in no way, reflects a lessening of my intent and purpose to do all that I can to see to it that meaningful legislation on this matter is enacted as soon as possible.

Today, natural gas provides over 40 percent of the energy produced in this Nation. There are some 160 million natural gas consumers in the United States. This fuel regulates the temperature in a great majority of America's homes and either powers or provides essential raw material stock to over one-half of our businesses and industry.

Yet in face of our widespread reliance on natural gas, it is in critically short supply in large sections of our Nation. Many States in the Southeast, the Midwest, and along the Atlantic seaboard are experiencing crippling curtailments of natural gas which threaten an already weakened economy.

In order that my colleagues may understand the critical need for early enactment of meaningful legislation on this matter, I would like to offer pertinent portions of the statement I prepared to submit my natural gas allocation proposal for consideration:

STATEMENT ON AMENDMENT TO S. 622

S. 622 would provide standby emergency authorities for crude oil, residual fuel oil and refined petroleum products to assure that the essential energy needs of the United States are met. My natural gas emergency allocation proposal would add needed emergency allocation authorities for natural gas to meet critical shortages of that fuel which threaten to cause widespread social and economic disruptions in many regions of our Nation. Between these two basic energy resources—oil and natural gas—the great majority of America's energy demands are satisfied, and energy experts tell us this will be the case for many years to come.

The oil embargo imposed on the United States by the OPEC countries in 1973–1974 had crippling effects on our supplies of all forms of petroleum fuels. The disruptive impacts of the embargo on our economy will be felt for the next decade and have resulted in extreme social and economic hardship to many citizens. A stated purpose of S. 622 is to enact statutory authorities to enable the Federal Government to deal as effectively with major petroleum shortages as possible and thereby, to minimize the disruptions such shortages cause. At the present time there is no acute shortage of petroleum products although the prices charged by the OPEC nations is unreasonably high.

But there is a present existing shortage of potentially critical proportions in supplies of natural gas to large sections in the Southeast, the Midwest and the Atlantic seaboard. Efforts by the Federal Power Commission under its existing statutory authorities to deal with these shortages have not been timely or effective. Prompt Federal action is needed to provide more responsive solutions to what is already a critical situation.

Mr. President, my proposal would equip the Federal Power Commission with the necessary statutory authority to ease the crippling economic impact of shortages of natural gas and provide for an equitable distribution of this scarce resource.

It would direct the Commission to promulgate regulations providing for the mandatory allocation of natural gas when it determines that natural gas is in such short supply in any section of the Nation that the public health, safety, or welfare is threatened. It sets forth goals and objectives for the mandatory allocation program to meet including the protection of public health, safety, welfare, and the national defense; maintenance of public services and agricultural operations; minimization of economic distortions or interference; and the protection of jobs.

The proposal clearly stipulates that the mandatory allocation program must be structured so as to provide an equitable distribution of natural gas among all regions, States, and sectors of the economy. The intent is to spread the current impacts of natural gas shortages across all sections of the Nation, thus assuring that no single area is crippled.

The PRESIDING OFFICER. The bill is open to further amendment.

If there are no further amendments, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on final passage of the bill, as amended.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from New Mexico (Mr. Montoya), and the Senator from North Carolina (Mr. Morgan) are necessarily absent.

I also announce that the Senator from Montana (Mr. Metcalf) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), the Senator from Washington (Mr. Magnuson), and the Senator from New Mexico (Mr. Montoya) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Nebraska (Mr. Curtis), the Senator from Maryland (Mr. Mathias), the Senator from Pennsylvania (Mr. Hugh Scott), the Senator from Virginia (Mr. William L. Scott), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

I further announce that, if present and voting, the Senator from Nebraska (Mr. Curtis), and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. Hugh Scott), and the Senator from Ohio (Mr. Taft) would each vote "yea."

The result was announced—yeas 60, nays 25, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—60

Allen
Bayh
Bentsen
Biden
Brooke
Bumpers
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Culver
Eagleton
Eastland
Ford
Glenn
Hart, Gary W.
Hart, Philip A.
Hartke
Haskell
Hathaway
Hollings
Huddleston
Humphrey
Jackson
Javits
Johnston
Leahy
Mansfield
McClellan
McGee
McGovern
McIntyre
Mondale
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Sparkman
Stafford
Stennis
Stevenson
Stone
Symington
Talmadge
Tunney
Williams

NAYS—25

Abourezk
Bartlett
Beall
Bellmon
Brock
Buckley
Dole
Domenici
Fannin
Fong
Garn
Goldwater
Gravel
Griffin
Hansen
Hatfield
Helms
Hruska
Laxalt
Long
McClure
Stevens
Tower
Weicker
Young

NOT VOTING—14

Baker
Cannon
Curtis
Inouye
Kennedy
Magnuson
Mathias
Metcalf
Montoya
Morgan
Scott, Hugh
Scott, William L.
Taft
Thurmond

So the bill (S. 622) was passed, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, including the following table of contents, may be cited as the "Standby Energy Authorities Act".

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TITLE III—EXTENSION OF AUTHORITY TO ISSUE ORDERS

Sec. 301. Extension of authority to issue orders.

TITLE I—STANDBY AUTHORITIES

Sec. 101. Findings and Purposes.—(a) The Congress hereby finds that—

(1) energy shortages cause unemployment, inflation, and other severe economic dislocations and hardships;

(2) such shortages and dislocations jeopardize the normal flow of interstate and foreign commerce;

(3) disruptions in the availability of imported energy supplies, particularly petroleum products, pose a serious risk to national security, economic well-being and the health and welfare of the American people;

(4) because of the diversity of conditions, climate, and available fuel mix in different areas of the Nation, governmental responsibility for developing and enforcing appropriate authorities lies not only with the Federal Government, but with the States and with local government;

(5) the protection and fostering of competition and the prevention of anticompetitive practices and effects are vital during periods of energy shortages;

(6) existing legal authority and reliance upon voluntary programs to deal with shortage conditions on an emergency basis are inadequate to protect the public interest;

(7) new standby legislative authority is needed to deal with conditions that may be created by domestic energy shortages or curtailment of oil imports and thereby to protect the American people and the economy from serious disruption and dislocation; and

(8) development of cooperative international programs to manage energy shortages can combat economic hardships and contribute to national security.

(b) The purpose of this title is to grant specific temporary standby authority to impose end-use rationing and to reduce demand by regulating public and private consumption of energy, subject to congressional review and right of approval or disapproval, and to authorize certain other specific temporary emergency actions to be exercised, to assure that the essential energy needs of the United States will be met in a manner which, to the fullest extent practicable:

(1) is consistent with national commitments to protect and improve the environment;

(2) minimizes any adverse impact on employment;

(3) provides for equitable treatment of all regions of the country and sectors of the economy;

(4) maintains vital services necessary to health, safety, and public welfare;

(5) insures against anticompetitive practices and effects and preserves, enhances, and facilitates competition in the development, production, transportation, distribution, and marketing of energy resources; and

(6) enables the Federal Government, subject to sections 120 and 121, to fulfill its responsibilities under international agreements to which it is a party.

(c) Prior to exercising any of the authorities contained in any of the following provisions of this title:

1. Section 103, End-Use Rationing;
2. Section 104, Energy Conservation Plan;
3. Section 106, Federal Actions To Increase Available Domestic Petroleum Supplies;
4. Section 113, International Oil Allocations; and
5. Section 119, Exchange of Information.

the President is required to make a finding that: (A) acute energy shortage conditions exist or are impending that threaten the domestic economy and the ability of the United States to meet essential civilian or military energy requirements and that such shortage conditions are of such severity or scope as to require the exercise of the standby energy authorities provided for in this title; or (B) that the exercise of the authorities provided for in this title are required to fulfill obligations of the United States under an international agreement to which it is a party. The President's finding shall be transmitted to the Congress together with a report on the manner in which the authority will be used.

(d) Any finding made under subsection (c) of this section shall not remain in effect for a period of more than nine months. The President may make a new finding under subsection (c) if he finds that the exercise of authorities pursuant to his initial finding is required beyond nine months.

Sec. 102. Definitions.—For purposes of this Act:

(1) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(2) The term "petroleum" means crude oil, residual fuel oil, or any refined petroleum product (as defined in the Emergency Petroleum Allocation Act of 1973).

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Administration.

(5) The term "international agreement" means the Agreement On An International Energy Program, signed by the United States on November 18, 1974, and printed as Serial No. 93–53, November, 1974, Committee Print, Committee on Interior and Insular Affairs, United States Senate.

(6) The term "person" means any natural person, government entity, corporation, partnership, association, consortium, or any entity organized for a common business purpose, wherever situated, domiciled, or doing business, that directly or through other persons subject to its control, is engaged in commerce in any part of the United States, its territories and possessions, Puerto Rico, or the District of Columbia, or is a United States citizen engaged in commerce outside of the United States which activity affects United States commerce, or is otherwise subject to the jurisdiction of the United States.

(7) The term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning, or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent, impediment to mobility.

(8) The term "eligible person" means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services.

SEC. 103. END-USE RATIONING.—(a) The President is authorized to promulgate a regulation which shall provide, consistent with the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, for the establishment of a program for the rationing and ordering of priorities among classes of end-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidences of such rights, entitling them to obtain such products in precedence to other classes of end-users not similarly entitled.

(b) The regulation under subsection (a) of this section shall take effect only if the President finds that it is necessary to achieve the objectives of this title and those public purposes enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973.

(c)(1) The President shall, by regulation or order, in furtherance of the regulation authorized under subsection (a) of this section and consistent with the objectives enumerated in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973, cause such allocations or such adjustments of allocations made pursuant to the Emergency Petroleum Allocation Act of 1973 or other authority, as may be necessary to carry out the purposes of this section.

(2) In the event of the expiration of the Emergency Petroleum Allocation Act of 1973 and the absence of any other petroleum allocation authority, the President is hereby authorized, notwithstanding the expiration of that Act, to promulgate consistent with the purposes and standards and according to the procedures set out in section 4, subsection (a) through (d) of the Emergency Petroleum Allocation Act of 1973, such a regulation providing for the allocation of crude oil, residual fuel oil, and refined petroleum products as is necessary to carry out the purposes of this subsection.

(d) The President shall provide for procedures by which any end-user of crude oil, residual fuel oil or refined petroleum products for which priorities and entitlements are established under the rationing program authorized under subsection (a) of this section may petition for review and reclassification or modification of any determination made under such paragraph with respect to his rationing priority or entitlement. The President shall also provide for the making of such adjustments as are practicable to prevent special hardship, inequity, or unfair distribution of burdens, and shall establish procedures which are available to any person for the purpose of seeking an interpretation, modification, rescission of, exception to, or exemption from, such rules, regulations, and orders. Such procedures may include procedures with respect to such local boards as may be authorized to carry out functions under this subsection pursuant to section 116 of this title.

(e) No rule or order under this section may impose any tax or user fee or provide for a credit or deduction in computing any tax.

(f) At such time as the President finds that it is necessary to put a regulation under subsection (a) of this section into effect, the President shall transmit such regulation to each House of Congress and such regulation shall take effect and terminate in the same manner as an energy conservation plan prescribed under section 104 of this Act and shall be deemed an energy conservation plan for purposes of section 104(c), notwithstanding the provisions of section 104(a)(1)(B). Such a regulation may be amended as provided in section 104(b)(1) of this Act.

(g)(1) In promulgating a rule under subsection (a) of this section the President shall give priority consideration to the needs of the handicapped and other eligible persons, including the need for special arrangements for handicapped persons who because of architectural barriers would be unable to obtain evidence of their rights under subsection (a) under standard procedures or arrangements.

(2) In determining the eligibility of "handicapped person" and "eligible person" the President shall consult with the Social Security Administration, the Veterans' Administration, and the Federal Energy Administration: *Provided further*, That the administrative procedures to meet the needs of the handicapped shall be established in advance of and take effect on the effective date of the rule promulgated pursuant to subsection (a) of this section.

SEC. 104. ENERGY CONSERVATION PLANS.—(a)(1)(A) Pursuant to the provisions of this section, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other authority of this or other Acts) to result in a reduction of energy consumption. For purposes of this section, the term "energy conservation plan" means a plan for transportation controls (including but not limited to discretionary transportation activities upon which the basic economic viability of the United States does not depend) and such other reasonable restrictions on the public or private use of energy (including limitations on energy consumption of businesses) which are necessary to reduce energy consumption.

(B) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(C) In promulgating regulations pursuant to this section the President shall give priority consideration to the needs of handicapped persons.

(2) An energy conservation plan shall become effective as provided in subsection (b) of this section. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(3) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(4) Subject to subsection (b)(3), an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the President; but shall terminate in any event no later than nine months after such plan first takes effect unless renewed in accordance with this section.

(b)(1) For purposes of this subsection, the term "energy conservation plan" does not include an amendment to an energy conservation plan that is consistent with the subject matter of the primary conservation plan. The President shall notify the Congress of all amendments.

(2) The President shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3) Each energy conservation plan shall take effect on the date provided in the plan, but if either House of Congress, before the end of the first period of ten calendar days of continuous session of Congress after the date on which such action is transmitted to it passes a resolution stating in substance that Congress does not favor such action, such action shall cease to be effective on the date of passage of such resolution.

(4) For the purpose of paragraph (3) of this subsection—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the ten-day period.

(5) Under provisions contained in an energy conservation plan, a provision of the plan may take effect at a time later than the date on which such plan otherwise takes effect.

(c)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress described in subparagraph (A) or (B) of this paragraph.

(A) A resolution the matter after the resolving clause of which reads as follows: "That the ——— does not object to the implementation of energy conservation plan numbered ——— submitted to the Congress on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank space being appropriately filled; but does not include a resolution which specified more than one energy conservation plan.

(B) A resolution the matter after the resolving clause of which reads as follows: "That the ——— does not favor the energy conservation plan numbered ——— transmitted to Congress on ———, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution one introduced with respect to an energy conservation plan shall immediately be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of five calendar days after its referral, it shall be in order to move, either to discharge or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same plan.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which the resolution was agreed to or disagreed to; except that it shall be in order to substitute a resolution disapproving a plan for a resolution not to object to such plan, or a resolution not to object to a plan for a resolution disapproving such plan.

(6) (A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to an energy conservation plan, then it shall not be in order to consider in that House any other resolution with respect to the same plan.

(d) (1) Any energy conservation plan or rationing rule, which the President submits to the Congress pursuant to subsection (b) of this section shall contain a specific statement explaining the need for, the rationale and the operation of such plan or rule.

(2) Any energy conservation plan or rationing rule which the President submits to the Congress pursuant to this title shall be based upon a consideration of, and to the extent practicable, be accompanied by an evaluation of the potential economic impacts, if any, of the proposed plan or rule, including an analysis of the effect, if any, of such plan or rule on—

(A) the fiscal integrity of State and local government;

(B) vital industrial sectors of the economy;

(C) employment, by industrial and trade sector, as well as on a national, regional, State, and local basis;

(D) the economic vitality of regional, State, and local areas;

(E) the availability and price of consumer goods and services;

(F) the gross national product;

(G) competition in all sectors of industry;

(H) small business; and

(I) the supply and availability of energy resources for use as fuel or as feedstock for industry.

SEC. 105. MATERIAL ALLOCATIONS.—Section 101 of the Defense Production Act of 1950 is amended by adding at the end thereof the following new subsection:

"(c) (1) Notwithstanding any other provision of this Act, the President may, by rule or order, require the allocation of, or the performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment **in order to maximize domestic energy** supplies if he makes the findings required by paragraph (3) of this subsection.

"(2) The President shall report to the Congress within sixty days after the date of enactment of this subsection on the manner in which the authorities contained in paragraph (1) will be administered. This report shall include, but not be limited to, the identification of materials and equipment in short supply, the manner in which allocations will be made, the procedure for requests and appeals, the criteria for determining priorities as between competing requests, and the office or agency which will administer such authorities.

"(3) The authority granted in this subsection may not be used to control the distribution of any supplies of materials and equipment in the marketplace unless the President finds that—

"(A) such supplies are scarce, critical, and essential to maintain or further exploration, production, refining, transportation, and conservation of energy supplies or for the construction and maintenance of energy supplies or for the construction and maintenance of energy facilities; and

"(B) maintenance or furtherance of exploration, production, refining, transportation, and conservation of energy supplies and the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

"(4) During any period when the authority conferred by this subsection is being exercised, the President shall take such action as may be appropriate to assure that such authority is being exercised in a manner which assures the coordinated administration of such authority with any priorities or allocations established under subsection (a) of this section and in effect during the same period.".

SEC. 106. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.—(a) The President may, by rule or order, require the following measures to supplement domestic energy supplies—

(1) The production of designated domestic oil and gas fields, at maximum practicable rates of production if necessary to meet the objectives of this title: *Provided,* That production shall not be in excess of the currently assigned maximum efficient rate of production unless the President determines that the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned maximum efficient rate for periods of no more than ninety days without excessive risk of losses in ultimate recovery, unless renewed. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency. Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) The utilization of production on any oil and gas producing properties on Federal lands; and

(3) The adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4(b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize any additional production not already authorized from any Naval Petroleum Reserve now subject to the provisions of chapter 641 of title 10, United States Code.

SEC. 107. OTHER AMENDMENT TO THE PETROLEUM ALLOCATION ACT OF 1973.—(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is further amended by adding at the end of such section the following new subsection (h):

"(h) If any provision of the regulation under subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied during an historical period, the regulation shall contain provisions designed to assure that the historical period can be adjusted (or other adjustments in allocations can be made) in order to reflect regional disparities in use, population growth or unusual factors influencing use (including unusual changes in climatic conditions), of such oil or product in the historical period. This subsection shall take effect sixty days after the date of enactment of the Standby Emergency Authorities Act. Adjustment for such purposes shall take effect as soon as practicable after the date of enactment of this subsection. Adjustments to reflect population growth shall be based upon the most current figures available from the United States Bureau of the Census.".

(b) Section 4(b) (1) (G) of the Emergency Petroleum Allocation Act of 1973, as amended, is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto,".

(c) Section 3 of the Emergency Petroleum Allocation Act of 1973, as amended, is amended by adding at the end thereof the following new subsections:

"(8) The term 'handicapped person' means any individual who, by reason of disease, injury, age, congenital malfunction or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities and services and who has a substantial, permanent impediment to mobility.

"(9) The term 'eligible person' means any handicapped person (who may or may not have a driver's license) or the parent or guardian of a handicapped person who must transport that person to and from special services."

(d) Section 4(e) of the Emergency Petroleum Allocation Act of 1973, as amended (87 Stat. 627)), is hereby amended by adding a new paragraph 4(e) (3) as follows:

"(3) (A) In the event that the price regulation promulgated under subsection (a) of this section provides for more than one price (or manner of determining a price) for a given grade and quality of crude oil produced in a given producing area, the regulation shall provide that the price applicable to 'new oil,' as defined in subparagraph (B) of this paragraph, shall, except as provided in subparagraph (D) of this paragraph, be the highest price applicable to the given grade and quality of crude oil produced in the given producing area.

"(B) For the purposes of this paragraph, 'new oil' refers to any crude oil produced from any property in any calendar month, in excess of a percentage, specified in the regulation, of the volume of crude oil produced from that property in the corresponding calendar month of the previous year.

"(C) The percentage specified pursuant to subparagraph (B) of this paragraph shall reflect and take into account the rate of decline in production normally expected from individual oil reservoirs in the absence of enhanced recovery techniques, such as measures to increase the permeability of the reservoir, including acidizing and fracturing, measures to restore reservoir pressure by injection of water, steam or gas, and measures to reduce oil viscosity or capillarity by the introduction of injected substances or heat.

"(D) The price applicable to any crude oil produced from any property in any calendar month, whose price would be increased solely by the operation of this paragraph, and which does not exceed the volume of crude oil produced from that property in the corresponding month of 1973, shall not exceed $7.50 per barrel."

SEC. 108. PROHIBITIONS ON UNREASONABLE ACTIONS.—(a) Action taken under authority of this title, title II of this Act, the Emergency Petroleum Allocation Act of 1973, or other Federal law resulting in the allocation of petroleum products and electrical energy among classes of users or resulting in restrictions on use of petroleum products and electrical energy, shall be equitable, and shall discriminate among classes of users only to the extent necessary to accomplish the purposes of such Acts. Allocations shall contain provisions designed to foster reciprocal and nondiscriminatory treatment by foreign countries of United States citizens engaged in commerce.

(b) To the maximum extent practicable, any restriction on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific industry, business, or commercial enterprise, or on any individual segment thereof and shall give due consideration to the needs of commercial, retail, and service establishments whose normal function is to supply goods and service of an essential convenience nature during times of day other than conventional daytime working hours.

SEC. 109. REGULATED CARRIERS.—Within ninety days after the date of enactment of this title, the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission shall report separately to the appropriate committees of the Congress on the need for additional regulatory authority in order to conserve fuel while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

(1) the type of regulatory authority needed;

(2) the reasons why such authority is needed;

(3) the probable impact on fuel consumption of such authority;

(4) the probable effect on the public convenience and necessity of such authority; and

(5) the competitive impact, if any, of such authority.

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 110. (a) ADVISORY COMMITTEES.—(1) Except as provided in section 121, to achieve the purposes of this title the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I) and section 17 of the Federal Energy Administration Act (Public Law 93–274) whether or not such Act or any of its provisions expires or terminates during the term of this title or of such committees, and in all cases such advisory committees shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552 (b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code.

(b) REPEAL OF SECTION 6(c) OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.—Effective on the date of enactment of this title, section 6(c) of the Emergency Petroleum Allocation Act of 1973, as amended, is hereby amended to read as follows:

"(c) There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange petroleum, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under section 4 of this Act.".

(c) REQUIRED REPORTS.—Within thirty days after the filing of the report submitted pursuant to section 109, the Attorney General and the Federal Trade Commission shall each submit a report to the Congress and to the President analyzing the effect upon competition of such proposals and providing alternatives to avoid or overcome, to the greatest extent practicable, any anticompetitive effects of such proposals while achieving the purposes of fuel conservation.

SEC. 111. EXPORTS.—(a) The President is authorized by rule or order, to restrict exports of coal, natural gas, petroleum products, and petrochemical feedstocks, drill pipe, upland and offshore drilling rigs and platforms, and of such other supplies of materials and equipment which he determines to be necessary to maintain or further exploration, production, refining, transportation, and conservation of domestic energy supplies and for the construction and maintenance of energy facilities within the United States, under such terms and conditions as he determines to be appropriate and necessary to carry out the purpose of this Act.

(b) In the administration of the restrictions under subsection (a) of this section, the President may direct and, if so, the Secretary of Commerce shall impose such restrictions pursuant to the procedures and authorities established by the Export Administration Act of 1969, as amended.

(c) Rules or orders of the President under subsection (a) of this section and actions by the Secretary of Commerce pursuant to subsection (b) of this section shall take into account the historical trading relations of the United States with Canada and Mexico.

SEC. 112. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.—(a)(1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply to any rule, or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under this title, except that this subsection shall not apply to any rule, regulation, or order issued under the Emergency Petroleum Allocation Act of 1973 (as amended by this title).

(2) Notice of all proposed substantive rules and orders of general applicability described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where the President finds that strict compliance would seriously impair the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders of general applicability described in paragraph (1) of subsection (a) which are promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), unless the President determines that a rule or order described in paragraph (1) is not likely to have a substantial impact on the Nation's economy or upon large numbers of individuals or businesses, an opportunity for oral presentation of views, data, and argument shall be afforded. To the maximum extent practicable, such opportunity shall be afforded prior to the implementation of such rule or order, but in all cases such opportunity shall be afforded no later than forty-five days after the implementation of any such rule or order. A transcript shall be made of any oral presentation.

(4) Any officer or agency authorized to issue rules or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act or the Emergency Petroleum Allocation Act of 1973 (as the case may be), as may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) or other applicable law when such denial becomes final. The officer or agency shall, in rules prescribed by it, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

(b)(1) The district courts of the United States shall have exclusive original jurisdiction of cases or controversies arising under this title, or under regulations or orders issued thereunder, notwithstanding the amount in controversy; except that nothing in this subsection or in subsection (7) of this section affects the power of any court of competent jurisdiction to consider, hear, and determine any issue by way of defense (other than a defense based on the constitutionality of this title or the validity of action taken by any agency under this title) raised in any proceeding before such court. If in any such proceeding an issue by way of defense is raised based on constitutionality of this title or the validity of agency action under this title, the cases shall be subject to removal by either party to a district court of the United States in accordance with the applicable provisions of chapter 89 of title 28, United States Code.

(2)(i) Except as otherwise provided in this section, exclusive appellate jurisdiction is vested in the Temporary Emergency Court of Appeals, a court which is currently in existence, but which is independently authorized by this section. The court, a court of the United States, shall consist of three or more judges to be designated by the chief judge of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Temporary Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Except as provided in subsection (d) (2) of this section, the court shall not have power to issue any interlocutory decree staying or restraining in whole or in part any provision of this title, or the effectiveness of any regulation or order issued thereunder. In all other respects, the court shall have the powers of a circuit court of appeals with respect to the jurisdiction conferred on it by this title. The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases over which it has jurisdiction under this title. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(ii) Appeals from the district courts of the United States in cases and controversies arising under this title or under regulations or orders issued thereunder shall be taken by the filing of a notice of appeal with the Temporary Emergency Court of Appeals within thirty days of the entry of judgment by the district court.

(3) In any action commenced under this title in any district court of the United States in which the court determines that a substantial constitutional issue exists, the court shall certify such issue to the Temporary Emergency Court of Appeals. Upon such certification, the Temporary Emergency Court of Appeals shall determine the appropriate manner of disposition which may include a determination that the entire action be sent to it for consideration or it may, on the issues certified, give binding instructions and remand the action to the certifying court for further disposition.

(4) (i) Subject to paragraph (ii), no regulation of any agency exercising authority under this title shall be enjoined or set aside, in whole or in part, unless a final judgment determines that the issuance of such regulation was in excess of the agency's authority, was arbitrary or capricious, or was otherwise unlawful under the criteria set forth in section 706(2) of title 5, United States Code, and no order of such agency shall be enjoined or set aside, in whole or in part, unless a final judgment determines that such order is in excess of the agency's authority, or is based upon findings which are not supported by substantial evidence.

(ii) A district court of the United States or the Temporary Emergency Court of Appeals may enjoin temporarily or permanently the application of a particular regulation or order issued under this title to a person who is a party to litigation before it. Appeals from interlocutory decisions by a district court of the United States under this paragraph may be taken in accordance with the provisions of section 1292(b) of title 28, United States Code; except that reference in such section to the courts of appeals shall be deemed to refer to the Temporary Emergency Court of Appeals.

(5) The effectiveness of a final judgment of the Temporary Emergency Court of Appeals enjoining or setting aside in whole or in part any provision of this title, or any regulation or order issued thereunder shall be postponed until the expiration for a writ of certiorari is filed with the Supreme Court under subsection (6) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the action by the Supreme Court.

(6) Within thirty days after entry of any judgment or order by the Temporary Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a United States court of appeals as provided in section 1254 of title 28, United States Code. The Temporary Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Temporary Emergency Court of Appeals, shall have exclusive jurisdiction to determine the constitutional validity of any provision of this title or of any regulation or order issued under this title. Except as provided in this section, no court, Federal or State, shall have jurisdiction or power to consider the constitutional validity of any provision of this title or of any such regulation or order, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this title authorizing the issuance of such regulations or orders, or any provision of any such regulation or order; or to restrain or enjoin the enforcement of any such provision.

(7) The provisions of this section apply to any actions or suits pending in any court, Federal or State, on the date of enactment of this section in which no final order or judgment has been rendered. Any affected party seeking relief shall be required to follow the procedures of this title.

(c) The Administrator may by rule prescribe procedures for State or local boards which carry out functions under this Act or the Emergency Petroleum Allocation Act of 1973. Such procedures shall apply to such boards in lieu of subsection (a), and shall require that prior to taking any action, such boards shall take steps reasonably calculated to provide notice to persons who may be affected by the action, and shall afford an opportunity for presentation of views (including oral presentation of views where practicable) at least ten days before taking the action. Such boards shall be of balanced composition reflecting the makeup of the community as a whole.

(d) In addition to the requirements of section 552 of title 5, United States Code, any agency authorized by this title or the Emergency Petroleum Allocation Act of 1973 to issue the rules, regulations or orders described in paragraph (1) of subsection (a) shall make available to the public all internal rules and guidelines which may form the basis, in whole or in part, for any rule or order with such modifications as are necessary to insure confidentiality protected under such section 552 of title 5, United States Code. Such agency shall, upon written request of a petitioner filed after any grant or denial of a request for exception or exemption from rules or orders, furnish the petitioner with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial. Such opinions shall be made available to the petitioner and the public within thirty days of such request and with such modifications as are necessary to insure confidentiality of information protected under such section 552 of title 5, United States Code.

Sec. 113. International Oil Allocations.—(a) The President is authorized to require by rule, regulation, or order such action as may be necessary for implementation of the obligations of the United States under the international agreement with regard to the international allocation of petroleum to other countries in such amounts and at such prices as are specified in (or determined in a manner prescribed by) such rule, regulation, or order. Such rule, regulation, or order may apply to all petroleum owned or controlled by persons subject to the jurisdiction of the United States including petroleum destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States, and shall remain in effect for no more than six months unless extended pursuant to section 101(c).

(b) Any rule, regulation or order and any other action taken pursuant to subsection (a) of this section which involves the allocation of petroleum within the domestic jurisdiction of the United States shall conform to the objectives and limitations specified in the Emergency Petroleum Allocation Act of 1973 and the Federal Energy Administration Act of 1974 and be subject in its promulgation and operation to the administrative and judicial review procedures established for orders or regulations issued pursuant thereto.

(c) Neither section 4(d) of the Emergency Petroleum Allocation Act nor section 28(u) of the Mineral Leasing Act of 1920, as amended by the Act of November 16, 1973 (30 U.S.C. 185), shall preclude the allocation and export of petroleum produced in the United States to other countries in accordance with obligations of the United States under the international agreement.

Sec. 114. Prohibited Acts.— It shall be unlawful for any person to violate any provision of this title or to violate any rule, regulation (including an energy conservation plan), or order issued pursuant to any such provision.

Sec. 115. Enforcement.—(a) Whoever violates any provision of this title or rules, regulations, or orders promulgated pursuant thereto, shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates any provision of this title or rules, regulations, or orders promulgated pursuant thereto, shall be fined not more than $10,000 for each violation.

(c) It shall be unlawful for any person to offer for sale or distribute in commerce any product or commodity in violation of an applicable order or regulation issued pursuant to this title. Any person who knowingly and willfully violates this subsection after having been subjected to a civil penalty for a prior violation of the same provision of any order or regulation issued pursuant to this title shall be fined not more than $50,000 or imprisoned not more than six months, or both.

(d) Whenever it appears to any person authorized by the President or the Administrator to exercise authority under this title that any individual or organization has engaged, is engaged, or is about to engage in acts or practices constituting a violation of this title, such person may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injuction shall be granted without bond. Any such court may also issue mandatory injuctions commanding any person to comply with any provision of this section.

(e) Any person suffering legal wrong because of any act or practice arising out of any violation of this title may bring an action in a district court of the United States without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ or injunction. Nothing in this subsection shall authorize any person to recover damages.

Sec. 116. Delegation of Authority and Effect on State Law.—(a) Within sixty days following the date of enactment of this Act, the President shall after affording an opportunity for interested persons to make oral presentations, promulgate a regulation—

(1) establishing criteria for delegation of his functions under this Act or the Emergency Petroleum Allocation Act of 1973, to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions thereof; and

(2) establishing procedures for petitioning for the receipt of such delegation.

(b)(1) Offices or local boards of States or political subdivisions thereof, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the President for the receipt of such delegation.

(2) The President may grant any properly submitted petition within thirty days of its receipt.

(c) No State law or State program in effect on the date of enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title or any regulation, order, or energy conservation plan issued pursuant to this title except insofar as such State law or State program is inconsistent with the provisions of this title, or such a regulation, order, or plan.

Sec. 117. Grant to States.—(a) The President shall provide financial assistance in accordance with this section for the purpose of assisting eligible State or local energy conservation programs.

(b) One-half the sum appropriated each fiscal year for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the President among the States on the basis of their respective needs.

(c) A State is eligible to receive financial assistance for energy conservation programs pursuant to subsection (a)(1) of the subsection in any fiscal year if—

(1) the State has established a State plan for energy conservation which provides for equitable distribution of such assistance among State, local, and regional authorities;

(2) the State provides satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this section to the State; and

(3) the State complies with regulations of the President issued under this section.

(d) Within sixty days after the date of enactment of this Act, the President shall issue, and may from time to time amend, regulations with respect to financial assistance for energy conservation programs which include criteria for such programs.

(e) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States Treasury.

(f)(1) Each recipient of financial assistance under this section shall keep such records as the President shall prescribe.

(2) The President and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

(g) There is authorized to be appropriated to carry out the purposes of this section such sums as are necessary, not to exceed $50,000,000 for each of the two fiscal years including and following the effective date of this section.

(h) Any funds authorized to be appropriated under subsection (g) of this section shall be available for the purpose of making grants to States to which the President has delegated authority under section 116 of this title, or for the administration of appropriate State or local energy conservation, rationing or allocation programs which are the basis of an exemption made pursuant to section 104(a)(2) of this title from a Federal energy conservation plan which has taken effect under section 104 of this Act. The President shall make such grants upon such terms and conditions as he may prescribe by rule.

Sec. 118. Energy Information.—(a) The President is authorized to request, acquire, and collect such energy information as he determines to be necessary to achieve the purposes of this title.

(b) For the purposes of implementing and carrying out this Act, including the obligations of the United States under an international agreement, the authority relating to the collection, processing, analysis, and dissemination of energy information data granted by the Energy Supply and Environmental Coordination Act and the Federal Energy Administration Act, respectively, shall continue in full force and effect without regard to the provisions of these Acts relating to their expiration.

Sec. 119. Exchange of Information.—(a) Except as provided in subsections (b) and (c), and notwithstanding any other provision of law relating to prohibitions on disclosure of proprietary and confidential business data or information, the Administrator, after consultation with the Attorney General may provide to the Secretary of State, and the Secretary of State is authorized to transmit to an appropriate international organization or foreign country the information and data related to the energy industry certified by the Secretary of State as required to be submitted under an international agreement to which the United States is a party.

(b) The President shall make the final determination as to whether the transmittal of energy information and data pursuant to the authority of this section would prejudice competition, violate the antitrust laws, or be inconsistent with United States national security interests, he may require that such energy information or data not be transmitted.

(c) Energy information and data the confidentiality of which is protected by statute shall not be provided by the Administrator to the Secretary of State under subsection (a) of this section for transmittal to an international organization or foreign country, unless the Administrator has obtained the specific concurrence of the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data. In making a determination to concur in providing such information and data, the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data, shall consider the purposes for which such information and data was collected, gathered, and obtained, the confidentiality provisions of such statutory authority, and the international obligations of the United States with respect to the transmittal of such information and data to an international organization or foreign country.

(d) As used in this section and section 118 the term "energy information" means information or documents pertaining to any person engaged in any phase of major energy supply or major energy consumtion including information and documents pertaining to:

(1) corporate structure;

(2) financial structure, including balance sheets, profit and loss accounts, and taxes paid;

(3) capital investments realized;

(4) terms of arrangements for access to major sources of crude oil and other energy supplies;

(5) current rates of production and anticipated changes therein;

(6) allocations of available energy to affiliates and other customers (criteria and realization);

(7) stocks and levels of inventories and available emergency reserves;

(8) cost of crude oil, oil products, and other energy supplies;

(9) prices, including transfer prices to affiliates;

(10) energy consumption and supply;

(11) availability and utilization of transportation facilities;

(12) current and projected levels of energy supply and demand;

(13) demand restraint measures; and

(14) other subjects which the Administrator finds necessary in order to achieve the purposes of this title.

Sec. 120. Relationship of This Title to the International Energy Agreement.—The purpose of the Congress in adopting this title is to provide standby energy emergency authority to deal with energy shortage conditions and to minimize economic dislocations and adverse impacts on employment. While the authorities contained in this Act may, to the extent authorized by this title, be used to carry out obligations incurred by the United States in connection with the November 18, 1974, executive agreement, "Agreement On An International Energy Program", this title shall not be construed in any way as advice and consent, ratification, endorsement, or other form of congressional approval of the specific terms of the executive agreement or any related annex, protocol, amendment, modification, or other agreement which has been or may in the future be entered into.

Sec. 121. International Voluntary Agreements—Procedures.—(a) The requirements of this section shall be the sole procedures applicable to the development, implementation, or carrying out of voluntary agreements or plans of action to accomplish the objectives of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, and to the availability of immunity from the antitrust laws respecting the development, implementation, or carrying out of such voluntary agreements or plans of action.

(b) As used in this section, the term "antitrust laws" means—

(1) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1 et seq.), as amended;

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a).

(c)(1) To achieve the purposes of the international agreement with respect to international petroleum allocation and the information system provided in such agreement, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), and section 17 of the Federal Energy Administration Act (Public Law 93-274) whether or not such Acts or any of their provisions expire or terminate during the term of this Act or of such committees, and in all cases such advisory committees shall be chaired by a regular full-time Federal employee and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Except when the Administrator has suspended the application of subsections (b) and (c) of section 17 of the Federal Energy Administration Act pursuant to paragraph (3) of this subsection, such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552(b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code.

(3) The Administrator, in consultation with the Secretary of State and the Federal Trade Commission, and subject to the approval of the Attorney General, may suspend the application of—

(A) sections 9, 10, and 11 of the Federal Advisory Committee Act,

(B) subsections (b) and (c) of section 17 of the Federal Energy Administration Act, and

(C) the requirement under subsection (c)(1) of this subsection that meetings be open to the public:

Provided, That the Administrator determines in each instance that such suspension is essential to the implementation of an international agreement and relates solely to the purpose of international petroleum allocation and the information system provided in such agreement in response to reductions or probable reductions in petroleum supplies, and that the application of such provisions would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States. Such determination by the Administration shall be in writing, and shall set forth his reasons for granting such suspension and shall be published in the Federal Register at a reasonable time prior to the effective date of any such suspension.

(4) For purposes of this title, the provisions of subsection (a) of section 17 of the Federal Energy Administration Act shall apply to any board, task force, commission, committee, or similar group, not composed entirely of full-time Government employees, established or utilized to advise the United States Government with respect to the formulation or carrying out of any agreement or plan of action under the international agreement.

(d) The Administrator, subject to the approval of the Attorney General, both in consultation with the Federal Trade Commission and the Secretary of State, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing petroleum may develop and implement voluntary agreements and plans of action to carry out such agreements which are required to implement the provisions of the international agreement, limited to international petroleum allocation and the information system provided in such agreement, in response to reductions or probable reductions in petroleum supplies.

(e) The standards and procedures under subsection (d) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

(1) meetings held to develop a voluntary agreement or a plan of action under this section shall permit attendance by interested persons, including all interested segments of the petroleum industry, consumers, and the public, shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, and to the public, and shall, except for bodies created by the International Energy Agency established by the international agreement, be initiated and chaired by a regular full-time Federal employee: *Provided*, That the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, may determine that a meeting held to develop a plan of action shall not be public and that attendance may be limited, subject to reasonable representation of affected segments of the petroleum industry as determined by the Administrator with the approval of the Attorney General, if he finds that a wider disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States. At all meetings held to develop, implement, or carry out a voluntary agreement or a plan of action under this subsection, a regular full-time Federal employee shall be present;

(2) interested persons shall be afforded an opportunity to present in writing and orally, data, views, and arguments at meetings held to develop a voluntary agreement or plan of action, subject to any limitations imposed by the Administrator in accordance with this subsection; and

(3) a full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting or conference held, and a full and complete record shall be kept of any communication made, between or among participants or potential participants, to develop, implement, or carry out a voluntary agreement or a plan of action under this section and such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General and the Federal Trade Commission. Such transcripts, records, and agreements shall be available for public inspection and copying, subject to (A) the provisions of sections 552 (b)(1), (b)(3), and so much of (b)(4) as relates to trade secrets, of title 5, United States Code, or (B) a determination by the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, that such disclosure would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States.

(f)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the implementation, and carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this Act. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State and the Administrator, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of any interested person, any plan of action or voluntary agreement at any time, and, if revoked, thereby withdraw prospectively the immunity which may be conferred by subsection (h) of this section.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission twenty days before being implemented, where it shall be made available for public inspection and copying: *Provided*, That any plan of action shall not be made publicly available if the Administrator, in consultation with the Secretary of State, and subject to approval of the Attorney General, determine that such public availability would be detrimental to the public interest, including but not limited to the foreign policy interests of the United States: *And provided further*, That if emergency measures have been activated pursuant to the international agreement, the Administrator, subject to approval of the Attorney General, may reduce the twenty-day period applicable to plans of action. Any action taken pursuant to such voluntary agreement and plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as shall be prescribed under subsection (g)(4).

(g)(1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation, and carrying out of plans of action and voluntary agreements authorized under this section to promote competition and to prevent anticompetitive practice and effects, while achieving substantially the purposes of this title.

(2) In order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Administrator, shall promulgate regulations concerning the maintenance of necessary and appropriate documents, minutes, transcripts, and other records related to the development, implementation, or carrying out of plans of action or voluntary agreements authorized pursuant to this Act.

(3) Persons developing, implementing, or carrying out plans of action or voluntary agreements authorized pursuant to this Act shall maintain those records required by such regulations. The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

(4) The Attorney General and the Federal Trade Commission may each prescribe such rules and regulations as may be necessary or appropriate to carry out their respective responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(h) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) in respect of actions taken to develop, implement or carry out a voluntary agreement or plan of action by persons engaged in the business of producing, refining, marketing, or distributing petroleum products (provided that such actions were not taken unnecessarily and for the purpose of injuring competition) that—

(1) such action was taken—

(A) in the course of developing a voluntary agreement or plan of action pursuant to this section, or

(B) pursuant to a voluntary agreement or plan of action authorized and approved in accordance with this section, and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

Persons interposing the defense provided by this section shall have the burden of proof, except that the burden shall be on the plaintiff with respect to whether the actions were taken unnecessarily and for the purpose of injuring competition.

(i) No provision of this Act shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of this Act and this section, or (3) subsequent to its expiration or repeal.

(j) Effective sixty days after the date of enactment of this Act, the provisions of section 708 of the Defense Production Act of 1950, as amended, shall not apply to any action authorized to be taken under this title or the Emergency Petroleum Allocation Act of 1973. Nothing in this section shall be deemed to authorize the application of section 708 of the Defense Production Act of 1950, as amended, to any voluntary agreement under the international agreement with respect to international petroleum allocation and the information system provided in such agreement.

(k) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, a report on the impact on competition and on small business of actions authorized and taken pursuant to this section.

(l) In any action in any Federal or State court for breach of contract there shall be available as a defense that the alleged breach of contract was caused solely by compliance with the provisions of this section, or any rule, regulation, or order issued pursuant to this section.

(m) No provision of this title is intended to, nor shall it be construed to grant any defense, create any immunity, or affect in any way the rights of any person suffering legal wrong because of any act or practice relating to the subject matter of this section which took place prior to the enactment of this Act.

Sec. 122. Extension of Mandatory Allocation Program.—Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973, as amended, is further amended by striking out "August 31, 1975" wherever it occurs, and inserting in lieu thereof "March 1, 1976".

Sec. 123. Limitations on Raising or Removing Petroleum Price Controls.—(a)(1) After the date of enactment of this title no increase in the price permitted for: (A) oil now classified as "old" oil under regulations promulgated pursuant to section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) and in effect on January 1, 1975, or (B) any other crude oil subject to the amendment or amendments required by section 8 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), may be established except in accordance with subsection (b) of this section.

(2) After the date of enactment of this title no amendment to the petroleum price control regulations promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 (87 Stat. 629) which has as its purpose the exemption, pursuant to section 4(g) of the Emergency Petroleum Allocation Act, of crude oil, residual fuel oil, or a refined petroleum product from price controls may become effective except in accordance with subsection (b) of this section.

(b) No action covered by the provisions of subsection (a)(1) or (2) of this section may be undertaken unless the specific action proposed to be taken is first submitted to both Houses of the Congress pursuant to the procedures provided for in section 104 (b) through (d) of this title. Each House then shall have the opportunity to review and by majority vote disapprove of such action within ten days of the receipt of the proposal pursuant to the procedures provided for in section 104 of this title.

(c) For the purposes of this section, any reference in section 104 to the term "energy conservation plan" shall be deemed to be a reference to the term "petroleum pricing and exemption action".

"(d) The Emergency Petroleum Allocation Act of 1973 (37 Stat. 627), as amended, is further amended by adding at the end thereof a new section 8, as follows:

"MAXIMUM PRICE FOR DOMESTIC CRUDE OIL

"Sec. 8. Not later than thirty days after the date of enactment of this section, the President shall promulgate and implement an amendment or amendments to the regulation established pursuant to section 4(a) of this Act which shall establish a price or prices (or the manner of determining a price or prices) for all domestic crude oil (including that crude oil otherwise subject to section 4(e)(2) of this Act) not classified as 'old' oil under regulations in effect on January 1, 1975. The price or prices established by the President pursuant to this section shall be no greater than the price generally prevailing as of January 31, 1975, for the crude oil subject to such amendment or amendments. Such price or prices shall be effective immediately upon their inclusion (or the inclusion of the method for determining such price or prices) in such regulation.".

Sec. 124. Contingency Plans.—(a) In order to fully inform the Congress and the public with respect to the exercise of authorities under sections 103 and 104 of this title, the President shall, to the maximum extent practical, develop contingency plans in the nature of descriptive analyses of—

(1) the manner of implementation and operation of any such authority;

(2) the anticipated benefits and impacts of the provision of any plan;

(3) the role of State and local governments;

(4) the procedures for appeal and reviews; and

(5) the Federal officers or employees who will administer any plan.

(b)(1) Within one hundred and eighty days following the date of enactment of this title, and at such other times as the President deems appropriate, the President shall submit to the Congress such contingency plans in accordance with subsection (a) of this section as have been formulated.

(c) Notice of all proposed plans shall be given by publication of such proposed plans in the Federal Register. In the case of each such proposed plan, a minimum of ten days following such publication shall be provided for opportunity for comment thereon and for opportunity to request a public hearing thereon, which, if requested by any interested person, shall be held prior to the adoption of such plan.

(d)(1) Within ninety days following the date of enactment of this title, the President shall develop and submit to Congress a contingency plan (or plans) for rationing which shall describe the rationing system he deems most appropriate to respond to—

(A) an embargo of the sort experienced during the winter of 1973–1974, and

(B) any other contingency which may reasonably be projected, for which rationing may reasonably be considered appropriate, and for which a contingency plan for rationing may reasonably be developed and submitted within the prescribed time period.

(2) Any contingency plan for rationing with respect to a contingency referred to in subparagraph (1)(B) of this subsection which cannot reasonably be developed and submitted to Congress within ninety days following the date of enactment of this title shall be developed and submitted as soon thereafter as practicable.

(3) The requirements of this subsection shall not apply with respect to any contingency which the President finds already exists and for which he has promulgated and submitted to Congress a regulation pursuant to section 103 of this title.

Sec. 125. Intrastate Natural Gas.—Nothing contained in this Act shall authorize the President to regulate or allocate natural gas not otherwise subject to the jurisdiction of the Federal Power Commission: Provided, That to the extent authorized by law the President may with respect to all sources of energy establish thermal efficiency standards, lighting standards, appliance standards, and other general standards of national application designed to improve energy conservation in residential, commercial, and industrial uses: *Provided further*, That State regulatory bodies having jurisdiction over natural gas shall cooperate with the President to achieve the conservation objectives of this Act.

Sec. 126. Expiration.—(a) The authority under this title to prescribe any rule or order to take action under this title, or to enforce any such rule or order, shall expire at midnight, June 30, 1977, except that such authority may be exercised until midnight November 18, 1978, if required to implement the obligations of the United States under the international agreement. Expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on the date of expiration, nor any action or proceeding based upon any act committed prior to midnight of the date of expiration.

(b) The Secretary of State shall prepare and transmit to the Congress a report every ninety days on all significant proposals, meetings, and activities undertaken by the United States and other signatory nations to the Agreement On An International Energy Program. The report shall include a summary and copies of any amendments to the agreement, any changes or modifications of related annexes or protocols, any interpretation or construction of the meaning of the agreement, considered in the previous quarter, and any change, modification or interpretation of the agreement to be proposed or supported by the United States in the forthcoming quarter.

Sec. 127. Authorizations of Appropriations.—There are hereby authorized to be appropriated to the President such funds as are necessary for implementation of the provisions of this title.

Sec. 128. Severability.—If any provision of this title or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this title, or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 129. Transfer of Authority.—In accordance with section 15(a) of the Federal Energy Administration Act (88 Stat. 108 and 109) the President shall designate, where applicable and not otherwise provided by law, an appropriate Federal agency to carry out the provisions of this title after the termination of the Federal Energy Administration.

Sec. 130. Entitlements.—(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(i) Insofar as any regulation promulgated and made effective under subsection (a) of this section shall require the purchase of entitlements, or the payment of money through any other similar cash transfer arrangement aimed at equalizing the cost of crude oil to domestic refiners, such regulation shall exempt the first fifty thousand barrels per day of those refiners whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) did not exceed on January 1, 1975, one hundred thousand barrels per day from said requirement: *Provided*, That nothing herein shall be taken to restrict the right of any small refiner as defined in section 3(4) of this Act to receive payments for entitlements or through any other such cash transfer arrangement.".

(b) The amendment made by subsection (a) of this section shall be effective for payments due, pursuant to any regulation referred to in such section, with respect to crude oil receipts and runs to stills occurring on or after February 1, 1975.

TITLE II—ENERGY CONSERVATION POLICY

SEC. 201. STATEMENT OF PURPOSES, FINDINGS, AND POLICY.—(a) The purposes of this title are—

(1) to declare an interim national conservation policy;

(2) to make energy conservation an integral part of all ongoing programs and activities of the Federal Government;

(3) to promote energy conservation efforts through specific directives to agencies of the Federal Government, State government, and sectors of priavte industry;

(4) to encourage greater private energy conservation efforts;

(5) to authorize the Administrator of the Federal Energy Administration to establish national energy conservation standards; and

(6) to provide for the development of energy conservation programs by State government pursuant to the policies set forth in this title.

(b) The Congress finds that—

(1) adequate supplies of energy at reasonable cost are essential to the maintenance of the United States economy and a high standard of living;

(2) increasing dependence on energy supplies imported from foreign sources has created serious economic and national security problems;

(3) a continuation of past trends in the expansion of demand for energy in all forms will have serious adverse social, economic, political, and environmental impacts; and

(4) the adoption at all levels of government of laws, policies, programs, and procedures to conserve energy and fuels could have an immediate and substantial effect in reducing the rate of growth of energy demand and minimizing such adverse impacts.

(c) The Congress hereby declares that it is in the national interest for, and shall be the continuing policy of, the Federal Government to foster and promote comprehensive national fuels and energy conservation programs and practices in order to better assure adequate supplies of energy to consumers, reduce energy waste, conserve natural resources, and protect the environment.

(d) Every agency of the Federal Government shall have the continuing responsibility of implementing the policy and purposes set forth in this title. Each agency shall review its statutory authority, policies, and programs in order to determine what changes may be required to assure conformity with the policy and purposes of this title and shall report annually on the results of its review, together with recommendations for necessary changes, to the President and to the Congress.

SEC. 202. INTERIM ENERGY CONSERVATION PLANS.—(a) (1) Pending the promulgation of regulations to establish national energy conservation standards pursuant to sections 203 through 207, and/or the adoption by the Congress of specific legislative policies, standards, and programs for energy conservation programs, the President may promulgate, by regulation, one or more energy conservation plans in accord with this section which shall be designed (together with actions taken and proposed to be taken under other provisions of this or other Acts) to result in a reduction of national energy consumption.

(2) For purposes of this section, the term "energy conservation plan" includes but is not limited to plans to establish:

(A) lighting efficiency standards for public buildings;

(B) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(C) reasonable restrictions on hours for public buildings;

(D) standards to govern decorative or non-essential lighting;

(E) standards and programs to increase industrial efficiency in the use of energy;

(F) programs to insure better enforcement of the fifty-five mile per hour speed limit;

(G) programs to maximize use of carpools and public transportation systems;

(H) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(I) energy efficiency standards to govern Federal procurement policy;

(J) low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements, or by the application of solar energy heating and cooling equipment which meets the specifications developed under section 8 of the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93–409; 88 Stat. 1073); and

(K) public education programs to encourage voluntary energy conservation.

(3) No energy conservation plan promulgated under this section may impose rationing or any tax or user fee, or provide for a credit or deduction in computing any tax.

(4) An energy conservation plan shall become effective as provided in subsection (b) of section 104 of title I of this Act. Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to such plan in cases where a comparable State or local program is in effect, or where the President finds special circumstances exist.

(5) An energy conservation plan shall deal with only one functionally discrete subject matter or type of action proposed to reduce energy consumption.

(6) Subject to section 104(b) (3) of title I of this Act, an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the President, but shall terminate in any event no later than one year after such plan first takes effect unless renewed in accordance with section 104(b) of title I of this Act.

(b) Any energy conservation plan promulgated by the President pursuant to subsection (a) of this section shall not become effective until it has been transmitted to the Congress for review and right of disapproval in accord with the expedited procedures of section 104(b) through (d) of title I of this Act: *Provided*, That, for the purposes of this section, the reference to "ten calendar days" in section 104(b) (3) of title I of this Act shall mean "thirty calendar days".

SEC. 203. FEDERAL INITIATIVES IN ENERGY CONSERVATION.—(a) The Administrator of the Federal Energy Administration, in cooperation with the Secretaries of the Departments of Housing and Urban Development, Commerce, Interior, Transportation, Health, Education, and Welfare, Treasury, and the heads of other appropriate Federal agencies shall, within three months of the effective date of this Act, promulgate regulations which specify standards for energy efficiency and conservation and establish—

(1) lighting efficiency standards for public buildings;

(2) thermal performance standards for all new Federal construction and all new homes and buildings financed under any Federal loan guarantee or mortgage program;

(3) reasonable restrictions on hours for public buildings;

(4) standards to govern decorative or non-essential lighting;

(5) standards and programs to increase industrial efficiency in the use of energy;

(6) programs to insure better enforcement of the fifty-five mile-per-hour speed limit;

(7) programs to maximize use of carpools and public transportation systems;

(8) standards for reasonable controls and restrictions on discretionary transportation activities upon which the basic economic vitality of the country does not depend;

(9) energy efficiency standards to govern Federal procurement policy;

(10) low interest loans and loan guarantee programs to improve the thermal efficiency of individual residences by installation of insulation, storm windows, or other improvements; and

(11) public education programs to encourage voluntary energy conservation.

(b) No set of regulations establishing energy conservation plans or programs pursuant to paragraphs (1) through (11) of subsection (a) of this section shall become effective until it has been transmitted to the Congress for individual review and right of disapproval in accord with the expedited procedures of section 104 (b) through (d) of title I of this Act: *Provided*, That for the purposes of this section the reference to "ten calendar days" in section 103 (b) (3) of title I of this Act shall mean "thirty calendar days."

(c) The regulations promulgated under this section shall be designed with the objective of achieving a national energy conservation goal of a reduction in total domestic energy consumption on a twelve-month basis which is the energy equivalent of at least 4 per centum of the projected domestic consumption of refined petroleum products for the twelve-month period following the effective date of this Act.

SEC. 204. STATE INITIATIVES IN ENERGY CONSERVATION.—(a) The Administrator is authorized and directed to promulgate within sixty days of the effective date of this title Federal guidelines for the funding and development of State energy conservation programs to be submitted pursuant to section 205.

(b) The Administrator is authorized and directed to request the submission within six months of the effective date of this Act from the Governor of each State a report describing a proposed State energy conservation program to be implemented within the jurisdiction of said State and supported by Federal funds pursuant to section 206 of this title.

(c) The Administrator is authorized, subject to the availability of manpower and funds, to extend such technical assistance as he deems appropriate to individual States for the development of the State energy conservation programs described in subsections (a) and (b) of this section.

(d) The report submitted by the Governor of each State pursuant to subsection (b) which describes the proposed State energy conservation program shall be based upon any or all of the energy efficiency and conservation standards and programs set forth in section 203. The report and the proposed State energy conservation program shall be designed so as to—

(1) minimize adverse economic or employment impact within the particular State; and

(2) meet unique local economic, climatological, geographic, and other conditions and requirements.

SEC. 205. DELEGATION OF AUTHORITY.—(a) Within sixty days following the date of enactment of this title, the Administrator shall—

(1) establish criteria for the delegation of responsibility for the implementation and administration of State energy conservation programs to the responsible State officers and agencies; and

(2) establish procedures for petitioning for the receipt of such delegation.

(b)(1) State offices and agencies, following the establishment of criteria for delegation and procedures for petitioning in accordance with subsection (a) of this section, may petition the Administrator for the receipt of such delegation.

(2) The Administrator shall review and may approve any State energy conservation program submitted pursuant to section 204 (a) and subsection (a) of this section within thirty days of its receipt.

(3) The Administrator shall establish procedures incorporating the provisions set forth in title I of this Act governing interpretation of State programs, administrative law, judicial review, enforcement and penalties.

Sec. 206. Grants to States.—(a) The Administrator shall provide all financial assistance in accordance with this section necessary for the development and implementation of approved State energy conservation programs.

(b) One-half the sum appropriated for fiscal assistance to the States shall be apportioned to each State in the ratio which the population of that State bears to the total population of the United States. The remainder shall be distributed by the Administrator among the States on the basis of their respective needs and their achievement of conservation targets set by the Administrator.

(c) Within sixty days after the date of enactment of this title, the Administrator shall issue, and may from time to time amend, regulations with respect to financial assistance for State energy conservation programs which include criteria for such programs.

(d) Any amounts which are not expended or committed by a State pursuant to subsection (b) during the ensuing fiscal year shall be returned by such State to the United States.

(e)(1) Each recipient of financial assistance under this section shall keep such records as the Administrator shall prescribe.

(2) The Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such receipts.

Sec. 207. Energy Conservation Targets and Objectives.—(a) The Administrator shall, on a regular and periodic basis, establish realistic and attainable energy conservation targets and objectives for State energy conservation programs. States which meet energy conservation targets and objectives shall be eligible for an incentive grant as determined by the Administrator from the funds authorized and appropriated to carry out the purposes of this title.

(b) The Administrator shall furnish the Governors of the respective States with a monthly report on the implementation of this title, on the energy savings achieved, and any innovative conservation program undertaken by individual States.

Sec. 208. Nonparticipation by State Government.—In the event that one or more States fail to propose an acceptable State energy conservation program, or having proposed such a program fails to implement or enforce the program, the Administrator is authorized and directed to develop, implement, and enforce a Federal program for such State or States.

Sec. 209. Reports.—Six months after the date of enactment of this title the Administrator shall prepare and submit to the Congress a report on—

(a) the operation of this title, the energy conservation savings achieved, the degree of State participation and compliance, and any recommendations for amendments; and

(b) the Administrator's assessment of the need, if any, and his recommendations for additional economic incentives or economic penalties to insure effective participation and compliance with and by State government with the provisions and the purposes of this title.

Sec. 210. Limitations on Federal Initiatives and Guidelines.—No regulation or guideline promulgated pursuant to section 203 or section 204(a) of this title may impose rationing or any tax or provide for a credit or deduction in computing any tax.

Sec. 211. Authorization of Appropriations.—There are hereby authorized to be appropriated to the Administrator such funds as are necessary for the fiscal years following the effective date of this title.

Sec. 212. Expiration.—The authority under this title to prescribe any rule or order to take action under this title, or to commit any funds thereunder, shall expire at midnight, June 30, 1976.

TITLE III—EXTENSION OF AUTHORITY TO ISSUE ORDERS

Sec. 301. Extension of Authority to Issue Orders.—Section 2(f)(1) of the Energy Supply and Environmental Coordination Act of 1974 is amended by revising the date "June 30, 1975" to read "December 31, 1975".

The title was amended so as to read:

A bill to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement United States obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 622.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, APRIL 14, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the President's address tonight the Senate stand in adjournment until 12 noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after Mr. Bentsen is recognized under the order previously entered, there be a period for the transaction of routine morning business, of not to exceed 30 minutes, with Senators being permitted to make statements not in excess of 5 minutes during that period .

The PRESIDING OFFICER. Without obejction, it is so ordered.

ORDER FOR CONSIDERATION OF SCRIMSHAW ART PRESERVATION ACT OF 1975 ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on Monday next, the Senate proceed to the consideration of the Scrimshaw Art Preservation Act of 1975, S. 229, Calendar No. 57.

The PRESIDING OFFICER. Without objection, it is so ordered.

CITIZENSHIP POSTHUMOUSLY TO GENERAL R. E. LEE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 44, Senate Joint Resolution 23.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 23) to restore posthumously full rights of citizenship to General R. E. Lee.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. On this measure there is a limitation of 20 minutes, 10 minutes to a side.

Mr. HARRY F. BYRD, JR. I yield myself 5 minutes.

Mr. President, this resolution was introduced by me and the following cosponsors: The Senator from Virginia (Mr. William L. Scott), the Senator from Alaska (Mr. Gravel), the Senator from North Carolina (Mr. Helms), the Senator from Minnesota (Mr. Humphrey), the Senator from Maryland (Mr. Mathias), the Senator from Georgia (Mr. Nunn), the Senator from Texas (Mr. Tower), the Senator from South Carolina (Mr. Thurmond), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senator from Tennessee (Mr. Brock), and the Senator from Arkansas (Mr. Bumpers).

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. Are Senators correct in their understanding that there will be no rollcall vote on this matter?

Mr. HARRY F. BYRD, JR. The Senator is correct, so far as the Senator from Virginia is concerned.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. SPARKMAN. I was under the impression that I had been listed as a cosponsor of the joint resolution.

Mr. HARRY F. BYRD, JR. The name of the Senator from Alabama will be added.

Mr. President, I ask unanimous consent that the name of the Senator from Alabama be added as a cosponsor of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I would like my name to be added.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the joint resolution: The Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Arizona (Mr. FANNIN), and the Senator from Colorado (Mr. HASKELL).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, the reason for this legislation is that General Lee himself sought such action more than 100 years ago. He sought that in writing. The papers were forwarded to Washington, but all of the papers submitted, pursuant to the requirements, were not found, or, to put it another way, became lost, apparently, through the years.

It was only within the last several years that all of the papers submitted by General Lee came to light. As a result of that and because General Lee had sought this action himself in writing, I felt it most appropriate that Congress should act on his request.

Two of the greatest of all Americans, in my judgment, were General Lee and President Abraham Lincoln.

The Senate today is considering a resolution to restore the full rights of citizenship to General Lee.

What the Senate does today in approving this Resolution cannot add to the stature of General Lee.

But what the Senate will do is to comply with a request General Lee made in writing to the U.S. Government on June 13, 1865.

It was then that General Lee formally applied for full restoration of his rights. This application was personally approved by General U. S. Grant and was directed to the President through the Secretary of War.

Learning belatedly of an additional requirement of an oath General Lee sought out a Notary Public in Rockbridge County on October 2, 1865 and signed the following statement:

> I, Robert E. Lee, of Lexington, Virginia, do solemnly swear, in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the Union of the States thereunder, and that I will, in like manner, abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emanicipation of slaves, so help me God.

This oath was discovered in the National Archives in 1970 by Elmer O. Parker, then Director of the Old Military Records Branch.

Thus, it had been lost or ignored for more than 100 years.

It was the finding of this request by General Lee less than 5 years ago that prompted the resolution now under consideration by the Senate today.

The pending resolution which I introduced on January 30, 1975, has created considerable interest throughout the Nation.

One newspaper in particular has taken a special interest in this matter. I refer to the Alexandria Gazette, America's oldest daily newspaper.

Its publisher is William A. Collins and its editor is Terry Wooten.

The Alexandria Gazette solicited from its readers a pledge of support for a resolution to support full rights of citizenship to General Lee.

Mr. Wooten informed me today that he has received more than 10,000 replies.

Responses came from every part of Virginia and in addition widespread support was voiced from residents from 43 of the 50 States. Pledges were even received from Puerto Rico, Japan, Iceland, and Sweden.

In ending, I want to pay tribute again to Dr. Elmer O. Parker, whose diligence brought to light the historic Lee document.

Mr. LONG. If the Senator will add me as a cosponsor, I should like to join in this.

Mr. HARRY F. BYRD, JR. I ask unanimous consent that the senior Senator from Louisiana be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's 5 minutes have expired.

A SOUND PRECEDENT FOR AMNESTY

Mr. PHILIP A. HART. Mr. President, I yield myself 5 minutes.

As the able Senator from Virginia explained, the resolution now before us would return citizenship to General Lee. General Lee, following the dictates of his conscience, led the Army of the Confederacy in a war against this country. He did so in mature life, after education at the hands of the Government and after having taken a couple of oaths of office to defend the country.

Why do we hold him in such respect? Basically, because he was a man of conscience; that is why. What about a lot of young Americans tonight who are underground or semiunderground or uneasy, who may or may not have been educated at government expense, and certainly never took an oath, except as those who did enter the service? They never took up a weapon against their country. They said, out of a central conviction of conscience, that they could not take up a weapon against somebody else.

Why cannot we do for them in their lifetime what we willingly do now? Why cannot we do for them in their lifetime what we did within 3 years after the termination of that terrible civil war for the men of the Confederacy?

I do not know whether, in 1867 or 1868, we, without requiring them to do any alternative service in the slums of Richmond, would grant them freedom. I do not know whether it was out of respect for the deep conviction that persuaded them, troubled in conscience, I am sure, to fight us; or whether it was in an effort to bind up the wounds, to forget, which is what amnesty means. Whatever the motive, they were right. If we were sitting in Congress in 1868, and if the President had not taken that action, I hope we would have moved. I use the occasion of this resolution to express the hope that it will encourage colleagues to think again with respect to what we do for those who did not respond to a national call to take up weapons in Vietnam. I think—I would like to believe that it was out of respect for the individual's conscience, out of our tradition of forgiveness, that persuaded me to introduce Senate bill 1145. That bill would grant immunity to persons charged with draft resistance or desertion during the Vietnam conflict.

Certainly, I have no objection to this resolution. From what I have read of General Lee, he must have believed deeply in his cause or else he would not have broken one oath of allegiance to embrace a second.

In the 3 years following the end of the Civil War in 1865, a series of Presidential proclamations returned citizenship to Confederate soldiers.

For some reason the oath of allegiance signed by General Lee in 1865 was not received and duly recorded. It is for historians to debate whether it was lost or deliberately misplaced, since the document itself was discovered in the National Archives in 1970.

But the intention of the Government at the end of the Civil War was amnesty and a restoration of citizenship. And, in spite of the bitterness that was instilled, amnesty and citizenship was thought to be the proper course for this Government. No strings or conditions were attached.

Would I have supported that policy in 1865? Yes, I am certain I would have. Whether the motivation for accepting soldiers of the Confederacy back as full fledged citizens was born of a desire to forget and to unite or of a respect for the individual's conscience, the decision was in keeping with the best traditions of this Nation.

So I ask that those who support this resolution today, and those who, like me would have supported the amnesty granted at the end of the Civil War, give consideration to extending our tradition of tolerance and forgiveness to those who refused to fight a war in Vietnam.

Was their action, motivated by conscience, any worse than those who fought against the Government of this country?

Merely by asking the question, I have indicated my view. The living to whom we should grant amnesty fired no shot against anyone, let alone against fellow citizens. Most of them took no oath of allegiance to a foreign government waging war against this country.

To the contrary, they decided that their moral objections to the war in Vietnam made it impossible for them to take up arms or to support this military effort in any way.

In doing so they chose, at considerable expense to their futures, to live up to the responsibility our society asks of every individual—to challenge, to question and to reject blind obedience to an improper or immoral order. In short, we ask individuals to judge, to decide.

Our Nation not only understands that respect for the individual's conscience is basic to our concept of freedom, but we also hold that respect for the right to follow one's conscience in matters of religion, speech, and thought, means we are responsible for all our actions.

I believe that the spirit of tolerance bred by that respect, the same respect that leads this body to consider this resolution today, has made forgiveness rather than revenge part of our national heritage.

This is our tradition whether dealing with foreign enemies or with our own citizens who as in Lee's day took up arms against our Government or, as for the day of Vietnam, refused to fight against another country.

It is out of that same respect for the individual's conscience and out of our tradition of forgiveness that I introduced S. 1145 to grant immunity to persons charged with draft resistance or desertion during the Vietnam conflict.

We should do no less for these conscientious objectors than was done for those who fought against our Government in the Civil War.

I join my colleague from Virginia in support of the resolution formally to give citizenship to General Lee. I agree with Senator BYRD that the stature of General Lee probably will not be enhanced one iota. He is a giant. He is a figure we revere. But basically, we revere him because he had the guts to say no when he thought his country was wrong.

Mr. STENNIS. Mr. President, if the Senator will yield to me just briefly, first, I commend and thank the Senator from Virginia for the painstaking work that he has done with reference to this measure and his fine presentation of it. I am most grateful, too, to the membership for the way they have had an understanding and generous feeling about the passage of this resolution. It does mean much to many people of our area of the country, and, I think, elsewhere.

Mr. President, I respectfully submit that the history books that the children have studied in our Nation for the last more than a century now have missed something—and I am not speaking in terms of blame. But the youth have missed something, who did not have a chance to know something of the character of this man, Robert E. Lee.

I had an added privilege in this respect, not only of being familiar with what the book said, but one of my law school professors at the University of Virginia had been a student under Robert E. Lee when Robert E. Lee was president of what is now Washington and Lee University—it was then Washington College—in Lexington, Va.; and this gentleman, whose name was Charles A. Graves, later taught at Washington and Lee while General Lee was still living and still president. We got directly from him many, many fine illustrations of the knowledge, depth, character, and great principles of this man that I could share with the membership of the Senate, but I want to mention, in passing, just one.

General Lee, when a young student who was brought before him on a disciplinary matter had given a reason for his conduct and started to give another reason, stopped him and said, "Young man, one good reason is always enough."

I have carried that in my mind all these years. If you have one solid, sound reason for doing a thing or advocating a principle, I have found it better to stand solely on that one.

I thank the Senator again. If I may say so, the Senator from Virginia represents many of the characteristics of the man we have been talking about.

Mr. HARRY F. BYRD, JR. I thank the Senator from Mississippi very much. That is most interesting history which the Senator from Mississippi has given the Senate this evening. It is tremendously interesting.

In concluding, I will simply say that it has been my view for a long time that the two greatest men of that very tragic era in our Nation's history were General Robert E. Lee and President Abraham Lincoln. I do not think we have had any two greater Americans than those two; yet in that tragic conflict they found themselves on opposite sides.

Mr. President, I am ready to yield back the remainder of my time.

Mr. PHILIP A. HART. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 23

Joint resolution to restore posthumously full rights of citizenship to General R. E. Lee

Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

SETTLEMENT OF FOREIGN DEBT TO THE UNITED STATES

Mr. HARRY F. BYRD, JR. Mr. President, I am today along with Senator RANDOLPH of West Virginia, introducing legislation to require Congressional approval for any settlement of a debt owed the United States by a foreign country for an amount less than face value.

In the past 3 years, agreements have been formulated which effectively wipe out over $5 billion of outstanding foreign debt to the United States.

The net return: about $148 million. Looking at it another way: we netted or will net about 3 cents on the dollar.

The first major debt settlement was the cancellation of $2.6 billion in claims arising from Russian lend-lease indebtedness.

The State Department, in a spirit of generosity, signed an agreement with the Soviets, who pledged to pay $48 million on their debts and an added $674 million, plus interest, if granted most-favored-nation tariff status by the United States.

The second major debt settlement was the cancellation of about $2.2 billion of debt owed to the United States by the Indian Government in rupees. These debts are in addition to the $3 billion owed in dollars by the Government of India.

The most recent settlement is an agreement to settle a $370 million claim against the Government of France arising out of DeGaulle's 1967 ouster of NATO forces. President Ford has agreed to settle this for $100 million.

The total claims: $5,170 million. The total which will be received: $148 million.

All of these settlements were made without congressional approval. It is time that congressional consent is obtained for these deals, and I am introducing a bill today which would require such action.

My proposal states simply that debts owed to the United States by another nation cannot be settled for less than the face value unless Congress gives its permission by concurrent resolution.

The Senate already is on record in favor of the principle embodied in my legislation, as applied to the debt of India to the United States. On September 28, 1973, by a vote of 67 to 18, the Senate approved my amendment to the military procurement authorization bill, which provided that any settlement of India's debt to the United States at less than face value would need congressional approval before it could take effect.

The legislation I am introducing today will not remove the authority of the executive branch to negotiate these debt settlements nor restrict its ability to administer our relations with foreign nations.

The bill will, however, prevent money owed to the people of the United States from being given away without congressional approval. The Constitution delegates to the Congress the power to appropriate funds. Congress, which answers to the people, will have final responsibility for approval of these debt settlements.

The State Department confirmed to my office today that the principal of debts owed the United States as of June 30, 1974 was $32,531,578,517, of which $6 billion was delinquent.

In addition, World War I debts still outstanding was $23.7 billion.

Mr. President, I send the bill to the desk for appropriate reference.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. DOMENICI. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from New Mexico.

Mr. DOMENICI. I commend the Senator for his statement with respect to debts owed by other countries to the United States, and to the fact that they are debts to our people, as the Senator so appropriately said. I ask the Senator from Virginia if he will accept the name of the Senator from New Mexico as a cosponsor of this bill.

Mr. HARRY F. BYRD, JR. I will be very pleased indeed to do that. I ask unanimous consent that the name of the Senator from New Mexico (Mr. DOMENICI) be added as a cosponsor, and that his name be so shown on the original bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

(The following routine morning business was transacted today by unanimous consent:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. LEAHY) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate a message from the President of the United States transmitting the annual report of the health research facilities construction program for activities during fiscal year 1974, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare. The message is as follows:

To the Congress of the United States:

I transmit herewith the Nineteenth Annual Report of the Health Research Facilities Construction Program for activities during fiscal year 1974.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (S. 1310) to continue the special food service program for children through September 30, 1975, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 37. An act to authorize appropriations to carry out the Standard Reference Data Act;

H.R. 4700. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and

H.R. 4723. An act authorizing appropriations to the National Science Foundation for the fiscal year 1976.

At 3:30 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House has passed without amendment the bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate the following letters, which were referred as indicated:

SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF THE TREASURY (S. DOC. 94–33)

A communication from the President of the United States transmitting a proposed supplemental appropriations for the fiscal year 1975 in the amount of $1,766,621,000 for the Department of the Treasury (with accompanying papers): to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION BY THE PRESIDENT

A communication from the President of the United States transmitting a draft of proposed legislation to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes (with accompanying papers); to the Committee on Government Operations.

WHEAT SALE TO EGYPT

A letter from the Acting Assistant Secretary of State transmitting, pursuant to law, a statement of the reasons permitting the sale of wheat and wheat flour to Egypt (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LEGISLATION BY THE DEPARTMENT OF AGRICULTURE

A letter from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to amend section 1114 of title 18, United States Code, to delete "any employee of the Bureau of Animal Industry of the Department of Agriculture" (with accompanying papers); to the Committee on Agriculture and Forestry.

JURISDICTIONAL INTERCHANGE OF CERTAIN MILITARY LANDS

A letter from the Secretary of the Army and the Secretary of Agriculture giving notice, pursuant to law, of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of military lands and Forest Service administered lands at Fort Leonard Wood Military Reservation, Mo. (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED LOAN BY THE REA

A letter from the Administrator of the Rural Electrification Administration reporting, pursuant to law, on the approval of an insured loan to the Central Iowa Power Cooperative of Marion, Iowa; to the Committee on Appropriations.

REPORT OF THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce transmitting, pursuant to law, the second report on implementation of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (with an accompanying report); to the Committee on Commerce.

REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the committees advising him and consulting with him or his designees during the calendar year 1974 (with an accompanying report); to the Committee on Finance.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs of the Department of State transmitting, pursuant to law, copies of international agreements other than treaties entered into during the past 60 days (with accompanying papers); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General of the United States each transmitting, pursuant to law, a report, the first entitled "Bulk Fuels Need To Be Better Managed"; and the second entitled "Progress and Problems in Training and Use of Assistants to Primary Care Physicians" (with accompanying reports); to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to repeal section 411(b)(4) of the Higher Education Act of 1965 (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF THE DEPARTMENT OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, the annual report of the Department of Transportation under the Freedom of Information Act (with an accompanying report); to the Committee on the Judiciary.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

A letter from the Commissioner of Federal Prison Industries, Inc., transmitting, pursuant to law, the annual report of the Board of Directors of the Federal Prison Industries, Inc., for the fiscal year 1974 (with an accompanying report); to the Committee on the Judiciary.

NOTICE OF PROPOSED RULEMAKING BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Executive Secretary of the Department of Health, Education, and Welfare transmitting, pursuant to law, a document entitled "Assistance to States for

State Equalization Plans, Notice of Proposed Rulemaking" (with accompanying papers); to the Committee on Labor and Public Welfare.

Report of the Veterans' Administration

A letter from the Administrator of the Veterans' Administration transmitting, pursuant to law, the annual report of the Veterans' Administration for 1974 (with an accompanying report); to the Committee on Veterans' Affairs.

Appointment Schedule of the Consumer Product Safety Commission

A letter from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, a copy of the Commission's fiscal year 1975 apportionment schedule (with accompanying papers).

Mr. **MANSFIELD**. Mr. President I ask unanimous consent that a communication received from the Chairman of the U.S. Consumer Product Safety Commission, relative to the Commission's fiscal year 1975 apportionment schedule, be jointly referred to the Committees on Commerce and Labor and Public Welfare.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the **ACTING PRESIDENT** pro tempore (Mr. Leahy):

A resolution of the Senate of the State of New York; to the Committee on Foreign Relations:

"Senate Resolution No. 47

"Senate Resolution memorializing the President of the United States to consider the plight of Soviet Jews and calling upon the Governor to proclaim April 13, 1975, as Solidarity Sunday for Soviet Jewry

"Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and indeed by the Soviet Constitution; and

"Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

"Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discrimination against Jews in cultural activities and access to higher education; and

"Whereas, The right freely to emigrate, which is denied Soviet Jews who seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United Nations; and

"Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

"Resolved, That the Senate of the State of New York, in the interest of justice and humanity, express its solidarity in requesting that the President and the Congress of the United States call upon the Soviet government to permit its citizens to emigrate from the Soviet Union to the countries of their choice as affirmed by the United Nations Declaration of Human Rights; and be it further

"Resolved, That the Senate of the State of New York express its solidarity, in urging that the United States government use all appropriate diplomatic means to engender the fullest support possible among other nations for such a request to the Soviet Union; and be it further

"Resolved, That the Senate of the State of New York express its solidarity with the people of Israel on its 27th Independence Day; and be it further

"Resolved, That the Honorable Hugh L. Carey, Governor of the State of New York, be and he hereby is respectfully requested to issue, publish and declare to the people of the State of New York an appropriate proclamation designating April 13, 1975, as Solidarity Day; and be it further

"Resolved, That in order to effectuate the purposes of this resolution, copies of this resolution be transmitted to the President, Vice President and Secretary of State of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States from the State of New York."

A concurrent resolution of the Legislature of the State of South Carolina; ordered to lie on the table:

"A Concurrent Resolution

"Memorializing Congress to Support Recent Legislation Introduced Which Restores to Gen. Robert E. Lee the Status of Full Citizenship in the United States of America

"Whereas, General Robert E. Lee, who was born in Stratford, Virginia, on January 19, 1807, and died in Lexington, Virginia, on October 12, 1870, was deprived of the status of full citizenship in the United States of America following the War between the States; and

"Whereas, General Lee urged, both by his words and personal example, the support of a reunited government by the people of the southern states at the end of the War between the States; and

"Whereas, General Lee distinguished himself in America's history as a military leader of genius, an educator of devotion and a gentleman without peer.

"Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That Congress be memorialized to enact, without delay, the legislation recently introduced by Senator Harry F. Byrd, Jr. of Virginia which restores to General Robert E. Lee the status of full citizenship in the United States of America.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina, each member of the House of Representatives from South Carolina, the Senate of the United States and the House of Representatives of the United States."

Mr. **PASTORE**. Mr. President, I send to the desk for myself and my colleague, Senator Pell, a resolution adopted by the General Assembly of the State of Rhode Island memorializing Congress to construct a dike along Cherry Brook at Union Village in North Smithfield and ask that it be printed in the Record and referred to the proper committee.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The resolution, which was referred to the Committee on Public Works, is as follows:

"Senate Resolution

"Memorializing Congress to Authorize the United States Army Corps of Engineers to Construct a Dike Along Cherry Brook at Union Village in North Smithfield

"Resolved, That this senate of the state of Rhode Island hereby memorializes the congress of the United States to authorize the United States Army Corps of Engineers to construct a dike along Cherry Brook at Union Village in North Smithfield; and be it

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress and to the speaker of the United States House of Representatives and the president of the United States Senate."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. **ROBERT C. BYRD** (for Mr. Cannon), from the Committee on Rules and Administration, without amendment.

S. Con. Res. 16. A concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Income Security for Americans: Recommendations of the Public Welfare Study" (Rept. No. 94–67).

S. Con. Res. 17. A concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Federal Subsidy Programs" (Rept. No. 94–68).

S. Con. Res. 31. An original concurrent resolution authorizing the printing as a Senate document of the prayers offered by the Chaplain of the Senate, the Rev. Edward L. R. Elson, S.T.D., during the 93d Congress (Rept. No. 94–69).

H. Con. Res. 27. A concurrent resolution to provide additional copies of housing compilation (Rept. No. 94–70).

H. Con. Res. 145. A concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws" (Rept. No. 94–71).

S. Res. 88 A resolution authorizing additional expenditures by the Committee on Armed Services for routine purposes (Rept. No. 94–72).

S. Res. 128. An original resolution to pay a gratuity to Edna M. Murray.

S. Res. 129. An original resolution to pay a gratuity to Marilyn Walker and Laura S. Morales.

By Mr. **TALMADGE**, from the Committee on Agriculture and Forestry, with an amendment:

H.J. Res. 335. A joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974 (Rept. No. 94–73).

By Mr. **SPARKMAN**, from the Committee on Foreign Relations, without amendment:

S. 846. A bill to authorize the further suspension of prohibition against military assistance to Turkey, and for other purposes (Rept. 94–74).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

By Mr. **DOLE**, from the Committee on Agriculture and Forestry:

William T. Bagley, of California, to be Chairman and Commissioner of the Commodity Futures Trading Commission;

John Vernon Rainbolt II, of Oklahoma;

Read Patten Dunn, Jr., of Maryland; and

Gary Leonard Seevers, of Virginia, to be Commissioners of the Commodity Futures Trading Commission.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.)

By Mr. STENNIS, from the Committee on Armed Services:

Albert B. Fletcher, Jr., of Kansas, to be a judge of the U.S. Court of Military Appeals.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 37. An act to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Commerce.

H.R. 4700. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Aeronautical and Space Sciences.

H.R. 4723. An act authorizing appropriations to the National Science Foundation for the fiscal year 1976; to the Committee on Labor and Public Welfare.

ORDER FOR STAR PRINT—S. 799

Mr. KENNEDY. Mr. President, on February 22 I introduced S. 799. Through inadvertence, a page was omitted from the printed version of the bill. I ask unanimous consent that a star print of S. 799 be ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 1399. A bill to provide for the reimbursement for losses sustained by persons injured by certain criminal acts, to make grants to States for the payment of such reimbursement, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself and Mr. Goldwater):

S. 1400. A bill to make election day a legal holiday and for other purposes. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 1401. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 1402. A bill for the relief of Elba Luz Davinson. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1403. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator with the consent of the farmer, and for other purposes. Referred to the Committee on Finance.

By Mr. JOHNSTON:

S. 1404. A bill for the relief of Kyong Chu Stout. Referred to the Committee on the Judiciary.

By Mr. WEICKER:

S. 1405. A bill to provide for the rationing of gasoline, to restrict imports of crude oil, to provide for the conservation of energy, and for other purposes. Referred by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

By Mr. MONTOYA:

S. 1406. A bill to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits. Referred to the Committee on Veterans' Affairs.

By Mr. SPARKMAN:

S. 1407. A bill entitled "Housing Cooperative Financing Association." Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. STEVENSON:

S. 1408. A bill to extend the claim period for compensation of home defects. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MATHIAS:

S. 1409. A bill to amend the Voting Rights Act of 1965 to expand its coverage, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1410. A bill to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce; and that if and when one committee reports the bill, the other committee has 45 days in which to report.

By Mr. TOWER:

S. 1411. A bill for the relief of Shirley Doraphone Stevens and her son, James Vance Miller. Referred to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 1412. A bill for the relief of Shalom Arye Eizenshtein. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (by request):

S. 1413. A bill to authorize a United States payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus. Referred to the Committee on Foreign Relations.

By Mr. FONG:

S. 1414. A bill to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes. Referred to the Committee on Commerce.

By Mr. TUNNEY:

S. 1415. A bill to monitor interstate and foreign commerce by establishing identification and reporting procedures on long-term shortages of products, materials, and resources, and for other purposes. Referred to the Committee on Commerce.

By Mr. HARRY F. BYRD, Jr.:

S. 1416. A bill relating to the settlement of debts owed the United States by foreign countries. Referred to the Committee on Foreign Relations.

By Mr. HUMPHREY (for himself, Mr. Johnston, Mr. Domenici, Mr. Kennedy, Mr. Magnuson, Mr. Morgan, Mr. Pell, Mr. Symington, Mr. Talmadge, Mr. Bentsen, Mr. Brooke, Mr. Javits, Mr. Dole, Mr. Mondale, Mr. Stone, and Mr. Nunn):

S.J. Res. 70. A joint resolution to extend support under the joint resolution providing for Allen J. Ellender Fellowships to disadvantaged secondary school students, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S.J. Res. 71. A joint resolution authorizing the President to proclaim the first Sunday of June of each year as "American Youth Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANSFIELD:

S. 1399. A bill to provide for the reimbursement for losses sustained by persons injured by certain criminal acts, to make grants to States for the payment of such reimbursement, and for other purposes. Referred to the Committee on the Judiciary.

VICTIMS OF CRIME ACT OF 1975

(The remarks of Mr. Mansfield on the introduction of the above bill are printed earlier in the Record.)

By Mr. HUMPHREY (for himself and Mr. Goldwater):

S. 1400. A bill to make Election Day a legal holiday and for other purposes. Referred to the Committee on the Judiciary.

FEDERAL GENERAL ELECTIONS—THE NEED FOR A NATIONAL HOLIDAY

Mr. HUMPHREY. Mr. President, I introduce, for myself and my distinguished colleague from Arizona (Mr. Goldwater) a bill to make the day on which Federal general elections are held a legal public holiday.

While I have been successful in each of the last 2 years in winning Senate approval of similar legislation, various reasons unrelated to the substance of this proposal have prevented its enactment. I hope that this time it will be passed by the Congress and become law.

The logic of this bill is just as compelling today as it has been for years. Under our present electoral system, a number of serious obstacles have been erected that lack full democratic participation by all Americans in our Government and politics.

We have made some great strides in the last 25 years however, in reducing and eliminating these barriers. Unconstitutional voting requirements posed by the poll tax, literacy requirements, residency laws, and some of the more subtle racially motivated obstacles, have been removed. We are making some progress in facilitating voter registration—a step of great importance in increasing democratic participation in our Government.

Yet, there is more that we can, should, and must do, in the name of true popular democracy, to bring the mass of the people into the political system of our Nation.

Mr. President, according to a survey conducted by the U.S. Census Bureau, 50.4 million eligible Americans did not vote in the general elections in November 1972. That number represented a full 37 percent of the voting-age population in this country at that time. In the non-Presidential election of 1974, a full 55 percent of the voting-age population did not exercise their franchise compared to 45 percent in 1970.

Many of these people have been denied this basic right of citizenship because of hard-to-find registration offices and a full day's work. As of March 1975, a full one-third of the wives of husband-wife families were employed, most of them full time. As this number increases, fewer of this group will be able to vote during the day, increasing the burden even more on the polling facilities before 8 a.m. and after 4 p.m. Census Bureau statistics show that in 1972, 51 percent of those persons who voted did so at this time. There was no appreciable change in 1974.

The bill I submit today would eliminate one of the major obstacles to fuller voter participation in elections. It would assure that millions of American working families are not deterred from exercising their franchise in Presidential and congressional elections.

My bill makes election day the first Wednesday after the first Monday in November and also creates a legal holiday on that day.

Several other Nations—Denmark, Italy, France, Germany, and Austria—which enjoy 85–95 percent voter turnout in nearly every election—have designated election day a holiday.

These are nations that are industrialized. They find that the workers participate freely, openly, and in much larger numbers when there is an election holiday.

I believe that it would substantially improve participation in our elections, as well.

Workers who commute long distances to work often leave home before the polls open and return after they have closed. People working irregular shifts in a shop or factory are also discouraged from voting. In some areas, rush hours at the polls mean a long wait in line, causing many who must get to work, and many others who are tired from a full day's labor, to give up their franchise in despair.

Mr. President, it is time we put an end to this obstacle to democracy. The bill I am introducing today would achieve this goal and would eliminate the workday as an obstacle to expanding suffrage.

The right to vote should not be hampered by any economic consideration. It is too important to the survival of our system of government. In the 19th century we eliminated property ownership requirements for voting in this country. As we enter the last quarter of the 20th century, it is time for us to act to prevent a job from keeping the nearly 90 million Americans who work in factories, on farms, and in the businesses of this Nation, from the voting booths.

Mr. President, I believe this bill, providing for a legal election holiday every 2 years beginning in 1976—would increase voter participation for the most important office in the land: the Presidency of the United States. It would provide an open day so that every citizen would have all the time in that day available to review for the last time the qualifications of the candidates before exercising his franchise. And the same, of course, would apply to the offices of U.S. Senator, Member of the House of Representatives, and State and local officials—who are concurrently standing for election.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

SEC. 520. Section 6103(a) of title 5, United States Code is amended by inserting between—

"Veterans Day, the fourth Monday in October." and

"Thanksgiving Day, the Fourth Thursday in November." the following new item:

"Election Day, the first Wednesday next after the first Monday in November in 1976, and every second year thereafter.".

By Mr. RIBICOFF:

S. 1401. A bill to amend the Internal Revenue Code of 1954 to provide for licensing of income tax return preparers. Referred to the Committee on Finance.

THE TAXPAYER'S PROTECTION ACT OF 1975

Mr. RIBICOFF. Mr. President, American taxpayers are faced once more with the chore of filling out their tax forms. The whole process of paying taxes is difficult enough, but the complexity of the forms and laws only adds to this situation. The only solution for many Americans is to pay for help in completing these forms. It is sad but true, however, that this problem is then compounded even further by incompetent tax preparers. More than half of all taxpayers consult a so-called expert for assistance with their forms, but a disturbingly large number are actually receiving improper advice in return for their money. I hope that this situation can be corrected, and it is with this intention that I am today introducing the Taxpayers Protection Act of 1975.

When I introduced this bill in 1973, I described in detail the damage done by unqualified tax preparers who had left their unfortunate mark on over half the tax forms filed. At that time, there was already persuasive evidence of laxity on the part of many of the Nation's tax preparers. The problem stemmed from the fact that there were no standards for those who practiced this service. Anyone could rent an office, hang out a shingle, and call himself a tax preparer. Unless he committed actual fraud, there was nothing the Government could do.

I am sorry to report, Mr. President, that there has been no improvement in this situation in the intervening 2 years. In fact, the situation has only grown worse. Since then the industry has expanded and more preparers of questionable ability have entered the marketplace. Spot checks by the IRS continue to illustrate the unacceptable services performed by many self-proclaimed experts.

In the process of filling out their returns, millions of Americans will receive erroneous advice which can cost them dearly by paying more taxes than necessary or by paying less and then being penalized by the IRS. Then taxpayers face such difficult times, they can ill afford waste, especially when they are paying for supposedly expert information.

The chief victims of this incompetence or fraud are the low- and middle-income taxpayers—over a quarter of the men and women who paid for assistance last year had incomes below $5,000. Wealthier individuals can afford to go to attorneys or accountants for expert and expensive advice, but most people cannot. But neither can the average working man and woman afford a long dispute with the IRS that his tax preparer is responsible for.

It is the duty of the Congress—which enacted our complex tax code—to protect these consumers by eliminating incompetent return preparers. Because the taxpayer usually does not know he has filed a faulty return until the IRS challenges him, any legislation we consider must be preventive as well as corrective in nature.

We need to develop a system that will prevent the small taxpayer from being injured and penalize preparers for fraud and incompetence. Instead of waiting for mistakes to happen, our efforts should be directed at allowing only qualified tax preparers to practice.

It is with the hope that this waste and these mistakes can be eliminated that I introduce the Taxpayers Protection Act of 1975. This bill would require every person who prepared 25 or more returns for a fee to obtain a license from the IRS. While these men and women are not expected to have the same high skills as lawyers and accountants, licenses will only be given to those preparers who demonstrate a basic knowledge and understanding of the Internal Revenue Code and an ability to complete an individual's tax return fairly and competently. Because they have already met strict professional and ethical standards, attorneys, certified and licensed public accountants, and enrolled agents would be exempted from the requirements of the act.

To assist the IRS in knowing who is preparing returns, every licensed preparer will have to sign and place his identification number on each client's return, file semiannual reports listing the names of his clients, retain a copy of each client's return for 3 years and give each client a copy of their own return.

Finally, a licensed preparer will be prohibited from advertising his special status. Commercial tax preparers will still be allowed to advertise their services as they do today but will be prohibited from claiming any special imprimatur from the Federal Government. These restrictions will be similar to those already placed on attorneys and accountants.

The more responsible members of the industry believe that regulation is needed. Every new report of fraud or inefficiency erodes the public's confidence, severely damaging the larger and more visible firms who often perform acceptably. If we expect our citizens to have confidence in our tax system, we must act quickly to eliminate those preparers who misuse the code and abuse the taxpayer.

Mr. President, I ask unanimous consent that two articles relating to this issue which have recently appeared in the Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Tax Return Industry Growing

(By Nancy L. Ross)

The annual fiscal countdown has begun. Only 30 more filing days until April 15. As the zero hour approaches, many taxpayers prepare to spend late nights fighting their returns while others rush around seeking last-minute help.

Income tax preparation has become a $700-million-a-year business as nearly half of this country's estimated 80 million individual taxpayers find themselves unwilling or unable to do their own returns. Back in 1962, only one-third sought outside assistance.

The complexity of tax forms is mainly responsible for driving 92 per cent of those with only an elementary education to seek help, according to a 1971 Crossely survey. At the other end of the scale, 43 per cent of the college-educated also do so, frequently in the expectation a "professional" will know about obscure, money-saving deductions.

Although the Internal Revenue Service has almost doubled its regional free assistance staff in the past three years, 2,000 IRS employees could not possibly accommodate 40 million filers—even if they wanted government help. Aside from the fact that IRS employees will not actually fill out returns, there is a widespread suspicion they do not really work in the individual's interest. In 1973, a University of Michigan tax law professor, L. Hart Wright, confirmed in testimony before the Senate Appropriations Committee the last directive to IRS employees he had seen ordered that "questionable" items be resolved in favor of the government.

So millions pay to have their returns done by some of the estimated 300,000 "professionals." These can be loosely divided into: practitioners—attorneys, enrolled agents, certified public accountants, accountants; and preparers—insurance agents, charitable organizations, so-called "commercial preparers" such as H&R Block, and even your father-in-law, if he charges.

In its February issue, Money magazine devised a rate schedule that shows preparation of a 1040 form with itemized deductions can cost anywhere between $7.50 and $150, depending on the number of schedules used, the type of professional help and the region of the country.

The fewest returns are prepared by bank trust departments and attorneys, who often will not do individual returns except as an adjunct to other business or in special cases, such as settling an estate. The services of a tax lawyer loom more important after April 15, when knowledge of "gray areas" of tax law and skill can often get an IRS assessment against a client reduced in U.S. Tax Court or in federal court.

In 1974, the IRS won only 4 per cent overall of its trials against taxpayers in tax court. In the small claims section—under $1,500—the IRS has a 77 per cent success record because the issues tend to be more black and white. Generally speaking, the greater the amount of money involved, the greater the amount the taxpayer may save—and also pay his attorney who often works on a contingency basis.

Enrolled agents, numbering about 13,000 in the country, are accountants, certified public accountants and others who have passed a U.S. Treasury exam on tax law. They prepare returns and can negotiate with the IRS and make settlements on their clients' behalf.

Of the 79,000 practitioners admitted to practice before the tax court, some are CPAs. CPAs can also argue cases at all levels of the IRS administrative procedure like attorneys and enrolled agents. CPAs have passed a state exam in accountancy, but not in tax law.

Finally among the practitioners come public accountants, who have not passed exams in either accounting or taxes and who may or may not be state-licensed. So long as they do not advertise and have not been convicted of a felony, they may represent the persons whose returns they prepare at the conference, or first level of the IRS procedure. Some will even do this without an additional fee.

Preparers, who number more than 200,000, frequently advertise on television and in the yellow pages. The District phone book lists about 150, not including branch offices or countless fly-by-night preparers who vanish like Christmas trees after New Year's. Preparers, as H&R Block advertises, can accompany clients to the IRS to explain without charge how returns were prepared, but they are not allowed to plead client's cases.

But most taxpayers who go to commercial preparers are less concerned about representation during audit procedure than just getting their returns filed and, if possible, getting a substantial and quick refund.

All sorts of flagrant abuses—from charging spouses individually for joint returns to persuading taxpayers to have their refunds sent to the preparer—have been perpetrated on unsuspecting individuals by unscrupulous preparers and well-publicized by the IRS. Where abuses do occur, they tend to be more subtle.

How do the size of refunds on returns done by commercial prepares stack up to those on returns done with the help of IRS employees?

The D.C. Public Interest Research Group (PIRG) last year gave identical data to four IRS offices and five commercial tax preparers. These did hypothetical returns for an outdoor salesman and his secretary-wife with a combined income of $14,500, and their minor child.

A total of $1,728 was withheld from their salaries. Refunds due ranged from a high of $674 at the National Tax Service to a low of $532 at the H&R Block office on M Street. The average refund from the commercial preparers amounted to $598, while the average IRS refund came to $577.

The fees ranged from $28 to $38, with the highest being charged by the preparer figuring the lowest refund.

Yet, after the deductible portion of the commercial fee is subtracted (assuming a similar fee the previous year), the average difference between the paid and IRS refunds is negligible, less than one per cent of the total amount.

In 1974, the IRS audited some 2.2 million individual returns, but the service says no break-down exists to indicate how many of these were done without assistance or with paid or unpaid help. However, a 1968 IRS Taxpayer Compliance Measurement Program document clearly shows that the error rate (which usually means additional tax due) was higher for those taxpayers who had their returns done by commercial preparers than for those who had unpaid help from the IRS, fraternal organizations, relatives, etcetera.

* * * * * *

Forty-Nine Percent of Income Tax Returns Are Wrong

(By Nancy L. Ross)

"For one thing, how can the government possibly put 20 million people in jail?" 1972 IRS internal memo on cheaters.

Nearly half of all income tax returns filed are wrong, according to an Internal Revenue Service report based on 1969 returns.

The report, which was compiled in 1973 by the IRS Taxpayer Compliance Measurement Program (TCMP) division, was released yesterday as the result of a suit brought by Mr. and Mrs. Phil Long of Bellevue, Wash., under the 1966 Freedom of Information Act. The Longs have been battling the IRS for several years to make such audit information public.

Among the revelations in Document 6230, entitled TCMP Phase III, Cycle 3 Summary Results, are these:

The number of returns containing errors increased from 41 per cent in 1965 to 49 per cent in 1969.

Voluntary compliance declined from 93 to 92 per cent among the population at large. The worst offenders were small businesses with a 68 per cent compliance rate.

The number of low-income people claiming questionable dependents is on the decline because of better health care for the elderly and better understanding of what constitutes true dependents. In the under-$10,000 bracket, individuals claiming deductions of more than 35 per cent of their adjusted gross income are likely to be socked with more tax due (an average of $101 in 1969) than those with deductions under 35 per cent ($68).

The IRS is working toward a perfect audit selection system in which the biggest cheaters are processed first. Though it is an unrealizable goal, the IRS calculates such a system would result in a threefold increase over 1974 rates in additional taxes for audited low-income individuals. For medium income it would more than double and for high-income individuals there would be a 50 per cent increase.

The cover of Document 6230, which is marked "For Official Use Only," reads:

"Almost half of all (1969) returns filed are in error, but two out of every three erroneous returns contain less than $100 of tax change."

The percentage is based on 47,500 scientifically selected returns out of an estimated 74 million. Yet because IRS agents go over the sample returns far more meticulously than in actual audits, listing every possible error from simple mistakes to intentional fraud, the service maintains the 49 per cent statistic is not valid for the population as a whole, that it gives too grim an impression. It does, however, consider the statistic valid enough to use it for its own calculations. TCMP data is used to plot audit strategy and to back up requests to Congress for more operating funds.

(A new TCMP study is in progress. The IRS is said to believe it will show a lower error rate as a result of the reintroduction of the 1040A short form in 1973.

Not only did Americans make more mistakes; they were found to owe the government more money. On 1965 returns 33.5 per cent owed more (5 per cent got a decrease), whereas on 1969 returns the errors resulted in more taxes for 36.2 million individuals or 40.8 per cent while 8 per cent got a decrease in taxes.

However, the report notes the IRS did not deem it financially sound to try to collect except in the most lucrative cases. Thus, 35.3 million people got off without paying up what the government computers said they owed in additional taxes. The report admits the dilemma the IRS faces in gettting low-income people to comply without having to expend too much manpower to do it.

One reason the government was reluctant to make this information public was the fear taxpayers might be encouraged to cheat more. This specter is raised in a 1972 internal IRS memo written after publication of an article noting a 19 percent fraud rate in returns prepared by commercial preparers. Donald C. Dawkins, assistant to the deputy commissioner wrote:

"If we were to go around now saying that one out of every five taxpayers is a fraud, this would not only make it look as though we did not know what we were talking about for the past 10 years, but worse, it would be a self-defeating statement. If this notion takes hold. I think it will create an everybody's doing it' atmosphere in which more taxpayers will be encouraged to cheat on their tax returns. (For one thing, how can the government possibly put 20 million people in jail?)"

As a consequence, the summary results noted the IRS's intention to step up audits of low-income business returns, from 2.3 per cent in 1972 to 2.7 for 1974 and 6.5 per cent in 1979. In that way, the IRS hopes to raise the "unacceptably low" compliance rate to 85 per cent. Each percentage of non-compliance represents approximately $3 billion of uncollected revenue.

Finally, TCMP data and other procedural information have been kept confidential for fear the public may somehow be able to "beat the system." TCMP provides the basic "profiles" of each audit class from which Discriminant Function Formulas (DIF) are devised to program IRS computers used to expose faulty returns. DIF, which is only one audit method used by the IRS, scientifically weighs components such as exemptions, charitable contributions, et cetera.

Theoretically a person with access to TCMP data might be able to figure out the formula for simple returns. But, says a tax lawyer who once knew the formulas when he worked for the IRS, the large number of components used in auditing multi-schedule returns would render such an attempt virtually impossible.

Besides, he adds, the formulas are constantly changed to make it tougher to pass audit. IRS officials, according to the document, expected the updated 1974 formulas, based on the 1969 "profiles," would produce $430 million more in revenue.

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By Mr. WEICKER:

S. 1405. A bill to provide for the rationing of gasoline, to restrict imports of crude oil, to provide for the conservation of energy, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

Mr. WEICKER. Mr. President, I am today introducing a bill, the Mandatory Energy Conservation Act of 1975, that specifically addresses this Nation's crisis in energy and the economy in the short term. My bill contains measures that I have long advocated as a means of stemming the present rate of energy consumption in the United States—mainly a program of non-coupon-sticker rationing applied in combination with oil import quotas and allocation.

I have heard much debate in this Chamber in recent months specifically relating to how we should react to our current crisis in energy and the economy. I have heard many sound proposals as to what programs we can embark upon in the long range to assure energy self-sufficiency and security for the future. I fully endorse many of the programs that have been suggested as a means of achieving American energy independence in the 1980's. However, I have witnessed little in the way of a positive and equitable response to the crisis that confronts us now—the situation that we must deal with until the time when the long term programs can yield positive results.

The legislation I offer today is specifically geared toward policy in the short range, during the next 5 or 6 years, while long-term solutions are being put on the track. Clearly, there is substantial agreement on what our approach is to be for the long term. But what should our interim response be?

I am most disturbed by the lack of action in the short term with regard to our crisis in energy and the economy. Recent developments would seem to strengthen the case for decisive action rather than to provide justification for a weak-kneed response. Inflation and high unemployment continues; America is neither curbing its energy consumption nor reducing its reliance upon foreign oil.

At the present OPEC price of oil, $10 to $12 per barrel, increasing reliance upon foreign supplies of petroleum will result in disastrous economic consequences for the United States—both in terms of the balance of trade and in terms of inflation. In 1974, imports of foreign oil cost this country upward of $24 billion and were directly attributable to an overall balance-of-payments deficit—adjusted to account for imports from the Virgin Islands—that approached $6 billion—as compared to a $5 billion surplus in 1973. As we have started in 1975, overall demand for oil products is once again on the rise. The Federal Energy Administration has estimated present demand for oil in the United States to be around 18 million barrels per day—a figure that FEA claims will gradually increase. In the absence of additional domestic supplies this year, or smaller more efficient automobiles this year, or expanded bus, rail, and mass transit this year, or large-scale use of solar energy this year, or any of the long-term solutions this year, there exists the inevitability of an increasing reliance upon foreign sources, mainly OPEC, for our supplies of oil. Thus, the outflow of U.S. dollars will be in direct proportion to the inflow of oil.

The present economic problems are directly attributable to America's position of energy vulnerability. The tremendous outflow of American money has significantly contributed to the depressed domestic economy. Higher energy prices, resultant from large imports of very expensive foreign oil, have led to more inflation, less consumer purchasing power, and increasing job layoffs and unemployment.

Much controversy has centered around how we are to deal with these problems in the short term. President Ford has offered a comprehensive short-term program to induce energy conservation through a series of import fees and excise taxes upon all oil imports and domestically produced oil and natural gas. A number of Senators and Congressmen have proposed the imposition of a gas tax to be gradually increased over the next several years.

In my mind, both of these approaches amount to nothing more than strict rationing by price. Each embodies the price mechanism tactic and endorses higher energy prices as a means to achieve reductions in the consumption of energy. Each program would further aggravate current economic problems by firing additional inflation; each would be particularly discriminatory to that segment of American society that can least afford higher prices—mainly the poor, the elderly, and those on fixed incomes.

I believe that the President's program would have a most adverse impact upon the economy. The administration approach proposes to tax just about all the oil and natural gas that is used in this country. The effect will be very serious as energy price increases spread throughout the entire marketplace. The administration plan would directly threaten the economic viability of thousands of businesses and industries throughout the Nation and would cost the consuming public tens of billions of dollars. It would force conservation in areas—especially home heating and industrial use—where further conservation is not really possible and would not result in any significant degree of conservation in areas where there is room for substantial conservation—mainly consumption of motor gasoline for automobile travel.

A gradually imposed gas tax would have a less dramatic impact upon the economy. However, I seriously doubt that such a program would be effective or equitable. On the basis of our past experience and the experience of other nations in this regard, it is safe to assume that the only gas tax that will be effective, will be a very severe one—in the nature of 40 to 50 cents or more on the gallon. Since late 1973 the base price of gasoline has increased by over 50 percent, yet the corresponding decrease in consumption has amounted to less than 4 percent. To obtain and maintain the type of conservation in the use of gasoline that is needed during the next several years, we will have to raise the price of a gallon of gasoline to nearly $1, if not higher.

The imposition of such a gas tax would have serious consequences for the economy and would greatly discriminate against the poor and against those dependent upon their automobile for a livelihood.

The legislation I am offering today offers what I confidently believe is a reasonable plan for achieving significant energy conservation in the short term. I feel my plan is administratively feasible and equitable. The plan consists of three parts: First, a sticker rationing scheme; second, provisions for an oil import quota system; and third, provisions for mandatory nationwide allocation.

The use of gasoline represents the area of energy consumption that is best suited for restrictive conservation endeavors. Gasoline consumption accounts for fully 39 percent of total oil demand. Current demand for gasoline exceeds 6.5 million barrels of oil a day and by all indications shall continue to grow on an average annual basis. Increases in gasoline consumption will be directly attributable to further imports of foreign crude. Most significantly, the FEA has estimated that fully 33 percent of our gasoline consumption goes toward social and recreational purposes; only about 40 percent is used for earning a living.

The sticker rationing scheme incorporated in my bill is a simple plan designed to significantly reduce the consumption of motor gasoline and yet to afford a certain amount of flexibility in how car travel is to be restricted. The intention of this proposal is to concentrate upon conservation in the area of motor gasoline consumption, but to avoid the extent of Government involvement and the existence of bureaucratic complications that would necessarily be associated with a coupon rationing system.

In accordance with my legislation, the Administrator of the FEA is required to put into effect within 90 days of enactment a plan for the rationing of motor gasoline to restrict the use of individual motor vehicles to a maximum of 6 days during the week. The Administrator is directed to further restrict travel by persons who own more than one car so as not to give these persons special advantage over those who own only one automobile. Every motor vehicle would be required to bear a sticker designating that day of the week during which travel was prohibited, but owners would have the choice of which day not to operate their vevehicles. Vehicles operated for official business, commercial, or agricultural purposes would be exempted from the provisions of this title. However, under IRS definition, this exemption would not include vehicles used for commuting to work.

Sticker rationing would be utilized in tandem with a program for oil import quotas and mandatory allocation. Ongoing conservation in the area of motor gasoline consumption would ease the impact of limitations with regard to the import of foreign oil. Title II of my legislation requires the Secretary of Commerce to issue comprehensive guidelines providing for a definitive oil import quota schedule through the year 1980. In no case, could imports represent an amount in excess of an annual average of 5.5 million barrels per day by the end of calendar year 1976, 5.0 million by the end of 1977, and 3.5 million by the end of 1980. In accordance with title II, the Secretary would initially submit a report to Congress within sixty days of enactment setting forth a schedule of imports of crude oil, residual fuel oil, and petroleum products through the year 1976. This report would include full evaluation of the expected economic effects of proposed import reductions and would account for areas of potential shortage and the expected consequence for regional business and industries and the general consuming public. Subsequent reports would be required, as of November 1 prior to each new calendar year, to relate the proposed import schedule for the following year. I have also included in title II provisions mandating studies relative to the establishment of dollar limitations for oil imports and to the feasibility of creating a single government purchasing agency to transact all business relative to the purchase, importation, and initial distribution of all foreign oil.

If enacted now, title II of this bill would require reductions in imports amounting to an annual average decrease of just under 500,000 barrels per day for each year until the end of 1980. Such reduction goals are well within our reach. They represent a short-term compromise upon President Ford's attempt to reduce oil imports on a daily average by 1 million barrels for 1975 and by 2 million barrels for 1977 but embody an attempt to achieve significant reduction in reliance upon foreign oil by 1980. My quota system would on the average save the United States about $2 billion for each of the next 6 years.

Finally, title III of my proposed legislation would provide for mandatory allocation of all oil to evenly distribute available supplies and to prevent the existence of severe shortfall conditions within any one region of the country. The Administrator of the FEA utilizing current allocation authority would be directed to make necessary adjustments with respect to the mandatory allocation of oil and oil products as a result of the enactment of sticker rationing and oil import quotas. The Administrator would specifically be responsible to submit to Congress and the States annual reports for proposed adjustments in the allocation of oil to account for the changing levels of imported oil.

The purpose of the allocation process is to spread evenly throughout the country available oil supplies while facilitating at the State level the development of local conservation programs to meet expected shortages in an orderly fashion. Individual States would have prior notification of expected shares of oil supplies and would be responsible for the implementation and carrying out of whatever conservation programs might be necessary. Such an approach better accounts for specific considerations of a regional nature—that is, climate, geography, demography, type and location of business and industry, availability of mass transit.

Mr. President, I believe that the simple program of gas rationing, oil import quotas, and allocation that I have outlined compromises a viable alternative in energy conservation policy for the short term. This program, needless-to-say, assumes a broad-ranging commitment in the longer term to our energy crisis involving programs that most of us have been able to support. What do I see in the long range as complementing short-term conservation? For one, a massive effort to promote expanded exploration and development of indigenous sources of energy. This most especially means the accelerated production of our basic energy staples: oil, natural gas, and coal. It involves exploring and producing from new mineral rich land areas, whether that be Prudhoe Bay in Alaska, or the coal-filled lands of the western Rockies, or the regions within the Outer Continental Shelf.

However, I strongly believe that the case for expanded production does not signal the abandonment of current environmental standards. I fully realize that we must achieve a balance between energy and environmental considerations, but under no circumstances should this mean accepting standards that present a direct threat to the health of American citizens.

I envision the commitment for the accelerated development of our oil, natural gas, and coal as primarily that of private enterprise. Such an endeavor on the part of our private industries entails the generation of tremendous amounts of private capital. This means energy prices that reflect the true cost of ongoing production and that facilitates the generation of sufficient amounts of capital. It does not mean: First, the continuing regulation of energy prices at artificially low levels—in particular it means the deregulation of natural gas—and second, politically motivated actions with regard to oil company taxation—in particular, the inclusion of major oil tax reform on an emergency tax relief measure.

The guidelines for long range energy policy will include a broad commitment at the Federal level to foster the development of alternate sources of energy. This means significant Federal funding to encourage and accelerate R. & D. for both Government and private sector programs to tap the potential for the less conventional means of energy delivery—specifically the use of solar, geothermal, and nuclear energy. I am personally dedicated to broad endeavors in these areas. I am convinced that we shall see significant returns on investments made toward future utilization of solar, geothermal, and nuclear energy. It particularly pleased me that the Solar Heating and Cooling Demonstration Act, a measure that I originally sponsored along with Senator Moss, became law during the 93d Congress.

Perhaps the most significant role the Federal Government will play with regard to long-term energy policy is in the development of alternate modes of transportation. Approximately 39 percent of gard to long-term energy policy is in the United States is represented by the use of motor gasoline. Virtually all of the motor gasoline consumed goes toward private automobile and truck travel. Less than 1 percent is being used for purposes of bus transportation. Automobile gasoline consumption has been growing at an annual rate of 5 to 6 percent—between 1963 and 1973. Our Federal transportation budget has clearly reflected a preoccupation with maintaining the predominant position of the automobile in American society. During 1974 over 61 percent of $7 billion in Federal funds expended for transportation development in the United States went to highways while only 8 percent went to mass transit and 3 percent to rails.

There seems to be little doubt that Federal Government will have to make a major commitment to offer alternate modes of fuel efficient transportation to the American people. Future transportation budgets must reflect an intensive program to revitalize bus and rail transit, to fully develop urban mass transit, and to reduce reliance upon the automobile.

I have campaigned and will continue to campaign for a reordering of U.S. transportation priorities. I will fight for a commitment to mass transit above and beyond the $11.8 billion authorized last fall to UMPTA over a 6-year period. I have introduced with Senator HARTKE comprehensive legislation to restructure and revitalize the beleaguered rail industry. In the absence of substantive efforts to revamp our national rail system, we shall continue to participate in the futile gesture of annual Federal bailouts of bankrupt railroads. Senator KENNEDY and I have offered legislation to end the Highway Trust Fund and to return these Federal tax moneys to general revenues in the Treasury Department. This general revenue money would be available for expenditure at the State level for various transportation needs.

Finally, the Federal Government will have a large responsibility for developing a long range conservation ethic and for promoting policy for the judicious and efficient use of all energy sources. Per capita use of energy in the United States has traditionally exceeded that of any other major industrialized nation in the world. The United States continues to lag behind other Western industrialized nations in curbing overall energy consumption. For the January to June period of 1974 only Italy, among seven major European nations, trailed the United States in curbing oil use—by 3.7 percent compared to 4.9 percent; France, 5.7 percent; Britain, 9.5 percent; the Netherlands, 14.2 percent; Germany, 14.3 percent; Denmark, 17.6 percent; and Belgium, 19.4 percent—achieved far more significant savings on oil during that period than did the United States. Present patterns in the consumption of energy, especially of oil, do not indicate that this country has yet embraced the type of conservation ethic that must become part of America's future.

Americans must learn to use less energy and use what they have more judiciously. The Federal Government must lead the way be designing long range policies to encourage conservation in the direct or indirect utilization of all sources of energy. The administration and the Congress have already offered many programs and policy options of considerable merit.

Enactment of any of a number of proposals could achieve major savings in the use of energy. What sort of steps can we take:

First. Adaption of tax incentives or disincentives to prompt production of more fuel efficient automobiles for the future.

Second. Adaptation of tax incentives to encourage installation of insulation in both personal residences and commercial establishments.

Third. Development of construction standards at the Federal level for new buildings, especially to encourage utilization of nature for special heating and cooling.

Fourth. Implementation of policy relative to appliance labeling and efficiency standards.

Fifth. Reasonable restrictions relative to inefficient industrial and commercial use of fuels in short supply.

Sixth. Legislation to rationalize regulatory policy of utilities, to help facilitate conversion to alternate fuel sources, and to change utility price structures and pricing policies.

Seventh. Establishment of programs at the Federal, State, and local level to educate people in the efficient use of energy in every day life.

Mr. President, this country clearly has both the ability and the means to construct a secure energy future for both ourselves and future generations of Americans. I am fully confident that in the years ahead we shall be realizing gratifying returns from this Nation's investments in American energy independence. However, we are currently in a critical transition stage and until the long-term solutions are brought aboard, we must take decisive action to ameliorate our current situation. In my mind, this means mandatory nationwide energy conservation. I would strongly recommend to my colleagues the approach engendered in the legislation I have today introduced—a simple plan of noncoupon gas rationing applied together with oil import quotas and mandatory allocation.

Mr. President, I ask unanimous consent that the copy of the "Mandatory Conservation Act of 1975" be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Mandatory Energy Conservation Act of 1975".

TITLE I—RATIONING

Sec. 101. (a) Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h) (1) Not later than ninety days following the date of the enactment of this subsection, the President shall, notwithstanding any other provision of this Act, promulgate and put into effect a rule which shall be deemed a part of the regulation under subsection (a) of this section and which shall provide, consistent with the objectives of subsection (b) of this section, for the establishment and carrying out of a program for the rationing of gasoline which shall include, but not be limited to, a gasoline rationing program which would prohibit the use of each private motor vehicle covered by such program in the United States for at least one twenty-four hour calendar day period in each and every seven calendar day period following the effective date of such rule. Such program shall prohibit the operation of any private motor vehicle subject to such program on any highway unless such vehicle has attached thereto and displayed in accordance with such rule a conservation sticker. Such program shall further provide means pursuant to which each owner of a motor vehicle subject to such program shall, in accordance with such rule, be able to obtain, upon payment of such charge as the Administrator shall prescribe for purposes of defraying expenses incurred in carrying out such program, his conservation sticker for use on his motor vehicle or motor vehicles. In no case, however, shall such program so established have the effect of giving an advantage to an individual owning more than one private motor vehicle over an individual owning only one such vehicle, or of giving an advantage to an individual leasing a private motor vehicle over an individual owning his vehicle. Each individual subject to such program shall be entitled to select the twenty-four hour period during which his vehicle shall be prohibited from utilizing highways.

"(2) Such program established by the President may provide, subject to their consent, for the use of officers and facilities of a State or political subdivision thereof or of State or local boards to handle hardship waivers and appeals and perform other functions, including enforcement, on a reimbursable basis, relative to the implementation of the rationing program provided for by this subsection.

"(3) (A) Such rule may further require all United States Post Offices and all banks the deposits of which are insured by the Federal Deposit Insurance Corporation to distribute conservation stickers in accordance with such regulations.

"(4) Within sixty days following the date of the enactment of this subsection, the Administrator shall submit to the Congress and the Governor of each of the several States plans for the implementation and administration of such rationing program, including cost analysis.

"(5) The rationing program established pursuant to this subsection shall terminate on December 31, 1980, unless the Congress shall otherwise provide by law.

"(6) As used in this subsection, the term—

"(A) 'conservation sticker' means any sticker, item, or thing issued in accordance with such rule for the purpose of display on a motor vehicle to indicate the time period during which such vehicle is prohibited from using any highway;

"(B) 'private motor vehicle' means any motor vehicle, including a motorcycle, owned by a private individual or a business and which is used for purposes other than business purposes, such as commuting to work, shopping, family business and social trips, but such term shall not include a commercial vehicle, or a vehicle used in the maintenance of agricultural operations for at least 70 per centum of the mileage driven;

"(C) 'commercial vehicle' means a motor vehicle, including a motorcycle, owned by either a private individual or by a business and which is used for business purposes for at least 70 per centum of the mileage driven;

"(D) 'business purpose' means driving which is accepted by the Internal Revenue Service as deductible for income tax purposes;

"(E) 'highway' includes any street, alley, parkway, highway, avenue, or other roadway;

"(F) 'agricultural operations' include farming, ranching, dairy, and fishing activities, and services essential to the operations thereof; and

"(G) 'handicapped individual' means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning, or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent, impediment to mobility."

"(7) Such rationing program established pursuant to this subsection shall take into consideration the needs of handicapped individuals and those individuals who must transport a handicapped individual.".

TITLE II—PETROLEUM IMPORT QUOTAS

Sec. 201. (a) On and after the first day of the first calendar month following the expiration of the ninety-day period following the date of the enactment of this title, no crude oil, residual fuel oil, and refined petroleum products shall be imported into the United States except pursuant to a license issued by the Secretary of Commerce and in accordance with quota limitations established by this title. Such licenses shall be issued with a view to providing a transition for reduced imports of crude oil, residual fuel oil, and refined petroleum products and to reducing the immediate impact on consumers and the economy. The quantity of crude oil, residual fuel oil, and refined petroleum products which may be imported into the United States shall not exceed an average of 5.5 million barrels per day of crude oil and the crude oil equivalency of residual fuel oil and refined petroleum products during calendar year 1976, an average of 5.0 million barrels per day of such oil and products during each of, the calendar years, 1977, 1978, and 1979, and an average of 3.5 million barrels per day of such oil and products during calendar year 1980.

(b) The Secretary of Commerce is authorized to issue such regulations as may be necessary to carry out the provisions of this section. Any license issued under this title for the importation of a quantity of residual fuel oil or refined petroleum products shall also show the crude oil equivalency of such quantity.

Sec. 202. (a) Within the sixty-day period following the date of the enactment of this title, the Secretary of Commerce shall submit to the Congress a report setting forth a schedule of import quota limitations through calendar year 1976 required by section 201 of this title. Such report shall include an economic import statement detailing possible economic effects during the calendar year covered by such report of cutbacks in imports of crude oil, residual fuel oil, and petroleum products required by this title and the expected existence or potential for shortages in the availability of such oil and products, including likely adverse effects upon businesses and industries in the various regions of the United States, and upon the consuming public. Comparable reports for calendar years 1977, 1978, 1979, and 1980 shall be submitted not less than 60 days prior to January 1 of each year.

(b) The Secretary of Commerce shall further submit to the Congress, within sixty days following the date of enactment of this title, a report relative to the importation of crude oil into the United States and its effect upon the United States balance of payments. Such report shall contain specific recommendations as to imposing future ceilings upon the outflow of United States dollars directly attributable to the importation of crude oil, residual fuel oil, and petroleum products into the United States.

(c) The Secretary of Commerce, after consultation with the Secretary of the Treasury, the Administrator of the Federal Energy Administration, and the Attorney General, shall, within ninety days following the date of the enactment of this title, submit to the Congress his views and recommendations with respect to the establishment of a single Federal agency to be charged with the responsibility of purchasing all crude oil, residual fuel oil, and refined petroleum products for importation into the United States.

Sec. 203. The import quota limitations imposed by the foregoing provisions of this title shall not be applicable with respect to any crude oil, residual fuel oil, and refined petroleum products imported into the United States for the purposes of including such oil or products as a part of any national strategic energy reserve system established by law.

TITLE III—ALLOCATION OF CRUDE OIL, RESIDUAL FUEL OIL, AND REFINED PETROLEUM PRODUCTS

Sec. 301. (a) The Administrator of the Federal Energy Administration shall make such adjustments with respect to the mandatory allocations of crude oil, residual fuel oil, and refined petroleum products as may be necessary by reason of the enactment of this Act.

(b) Within sixty days following the date of the enactment of this Act, the Administrator of the Federal Energy Administration shall submit to the Congress and each of the governors of the several States information relative to allocations of crude oil, residual fuel oil, and refined petroleum products, including information specifying individual State shares with respect to gasoline, residual fuel oil, distillate oil, and refined petroleum products through the calendar year 1976. Comparable information for calendar years 1977, 1978, 1979, and 1980 shall be so submitted not less than sixty days prior to January 1 of each such year. In carrying out his functions relating to allocation plans and procedures, the Administrator shall make every effort to consult and coordinate with each of the States in connection with the preparation and implementation of such plans and procedures.

TITLE IV—MISCELLANEOUS

Sec. 401. Notwithstanding the provisions of section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973, or of any other law, the regulation promulgated and made effective under subsection (a) of section 4 of such Act, as amended from time to time in accordance with the provisions thereof, shall not terminate except as the Congress may, by law, hereafter provide.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the bill entitled "The Mandatory Energy Conservation Act of 1975," introduced earlier today by the Senator from Connecticut (Mr. Weicker) be referred jointly to the Committee on Banking, Housing and Urban Affairs, the Committee on Finance, and the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. MONTOYA:

S. 1406. A bill to amend title 38 of the United States Code to provide that veterans' pension and compensation will not be reduced as a result of certain increases in monthly social security benefits. Referred to the Committee on Veterans' Affairs.

PENSION CEILING UNFAIR TO VETERANS

Mr. MONTOYA. Mr. President, today I am introducing legislation to amend title 38 of the United States Code to provide that compensation and pensions for veterans and widows of veterans will not be reduced as a result of certain increases in monthly social security benefits. An identical bill has been introduced in the House of Representatives by Congressman Rogers. Under existing law, veterans pensions were reduced January 1, 1975, as a result of the 11-percent social security benefit increases scheduled during 1974.

As a result of the 20-percent social security increases effective in October 1972, pensions for 1,264,000 retired veterans and widows of veterans decreased to offset the social security increase.

I would like to quote two paragraphs from letters which my constituents wrote at that time reflecting the concerns of veterans throughout the country. I am sure their statements are more convincing than anything further I could say.

> I am a veteran of the Second World War and I was getting $98.00 a month from the VA. The VA cut that to $78 a month when I received a $20 increase in Social Security. You take $20 in one hand and add $20 to your other hand, and then take out the first $20—how will that help?
>
> I am coming to you with a problem that I think is unjust. The enclosed copy of a letter from Veterans' Administration shows them cutting my Veterans pension due to the raise we had in Social Security. If this raise was to offset the rising cost of living, why is the VA taking part of it away? Seems like they should be trying to help the veterans instead of pushing him back.

Pensions paid to a veteran in any calendar year are based on the actual income earned by that veteran in the preceding calendar year. A veteran's 1974 pension payment, for example, is based on the actual income—including social security—he received in 1973, and the payment he receives in 1975 will be based on the income he received last year.

This method of calculation benefits has always been unfair to veterans because it effectively denies them the increase in social security benefits granted to all other social security recipients. While other incomes rise, veterans' incomes remain stationary.

A year from now, the unfairness of this method of calculation will be felt especially keenly by 1,331,800 veterans who will suffer an actual loss in cash benefits over what they will receive in the first three quarters of this year.

The reason for this is simple: It is a result of recent social security legislation, all veterans entitled to social security benefits will receive one increase in social security benefits in April and another in June. These veterans will be allowed to keep the full amount of these increases until December when the annual calculation of their incomes takes place. At that time, these veterans will find their veterans' benefits cut back by an amount equal to the increases they received earlier in the year in social security benefits.

Mr. President, the men and women who are the concern of this legislation are poor elderly, and unable to provide extra income for themselves. In many cases they are disabled. The increases which have been made in social security payments were meant to combat the terrible effects of inflation on our elderly citizens. Certainly if any group is deserving of our consideration these impoverished former servicemen and their widows make up such a group. They should not be penalized because their voice is small and their numbers are few. We must not let them think that we have forgotten them.

Mr. President, I ask unanimous consent to have the bill printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (g) of section 415 title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying paragraph (1)(G) of this subsection, shall disregard any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before applying subsection (a)(6) of this section, shall disregard any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.".

(c) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of any such benefit which results from (and would not be payable but for) the general increase in benefits under such insurance program provided by section 201 of Public Law 93-66 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.

SEC. 2. This Act shall apply with respect to annual income determinations made under the veterans' pension laws and section 415 (g) of title 38, United States Code, for calendar years after 1973.

By Mr. SPARKMAN:

S. 1407. A bill entitled "Housing Cooperative Financing Association." Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am introducing a bill today to create a Housing Cooperative Financing Association within HUD.

The Association would use private financing methods to provide loans at reasonable interest rates to housing cooperatives. This would make it possible for people of modest incomes to achieve homeownership. Within a few years the Association would become wholly privately owned by the borrowing cooperatives. The financing for the Association would ultimately involve no cost to the Federal Government.

The Association would be similar to the successful cooperative associations for agricultural purposes which have been established in the Department of Agriculture. It would have other features patterned after Federal legislation authorizing similar financial institutions for housing.

Initially, the Federal Government would subscribe to $5 million of the preferred stock in the Association, but this stock would shortly be retired from subscriptions by borrowing cooperatives for common stock in the Association. Initially, the Association would also be authorized to borrow funds at a market interest rate from the Treasury up to a maximum of $50 million as needed to make HUD-insured loans to housing cooperatives. Thereafter, the Association would obtain its financing through normal private channels by issuing its bonds against the HUD-insured mortgages in its portfolio securing its loans. Within a few years, the Treasury advances would be fully repaid with interest from the public issues of the Association's bonds.

The Association would be created within HUD and all its powers would be vested in the Secretary. To assure reasonable interest rates, the bonds of the Association would be guaranteed by HUD. This would be similar to HUD's present guarantees of other financial institutions, such as the Government National Mortgage Association on so-called passthrough securities backed by a pool of mortgages. Over 40,000 cooperative dwellings would be developed by cooperatives under this program.

In making loans from its capital and borrowed funds, the Association would limit its operations to HUD-insured loans. The Association would be a one-stop financing vehicle for all types of HUD-insured loans to cooperatives. Through such loans to cooperatives, it will be possible to achieve lower monthly charges for cooperative housing as a result of the lower financing costs, the economies of mutual ownership, with competent professional management and reserves for replacement and contingencies.

The provisions in this bill are the same as those passed by the Senate last year as chapter VII of the housing and urban development bill, S. 3066. That chapter was not offered as an amendment to the House bill or included in the conference report. I am introducing a separate bill containing those provisions so that hearings can be held and action taken on this legislation which is urgently needed to provide financing to unsubsidized housing cooperatives which would serve families of moderate incomes.

There are compelling reasons why a separate financial institution is needed for housing cooperatives. Cooperative housing—like any cooperative endeavor—has the greatest difficulty in securing financing because only a group of consumers is involved. This is in contrast to a profit-making institution with established credit or a non-profit undertaking with an existing affiliated institution. This need for specialized financing institutions for cooperatives has long been recognized in the Federal Government and they have a uniform record of success. In housing, the unsubsidized cooperatives have achieved the best record of all HUD programs, but they are now impeded by lack of adequate construction and long-term financing at reasonable interest rates. The Association would be limited to financing housing cooperatives to assure its financial stability.

By Mr. STEVENSON:

S. 1408. A bill to extend the claim period for compensation of home defects. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, last August, Congress passed legislation to compensate owners of existing unsubsidized homes for the repair of structural or other serious defects which FHA should have, but failed to, discover in the course of its mortgage insurance inspection. I originally introduced such legislation in 1972, and—at my urging—it was included in the Housing and Community Development Act of 1974.

Under the law, those who bought FHA-insured homes in older declining urban areas from August 1, 1968, to January 1, 1973 are eligible for compensation for FHA's failure to do its job properly. But they must apply within 1 year of the law's enactment; namely, before the end of August 1975.

Again, however, the Government failed to do its job. Seven months followed enactment of this law before implementing regulations were issued. They have just now become effective. But applications for reimbursement have still not been distributed, and notices to eligible homeowners did not go out until the end of March. In short, more than half of the 1-year claim period elapsed before eligible homeowners were given an opportunity to make their claims, and now only 5 months remain. The full year which Congress intended for these homeowners has been frustrated by delay in implementation of the law.

I am, therefore, introducing a bill to insure that the intent of the Congress is fulfilled. Under this bill, the claim period would be extended for an additional 7 months to make up for HUD's 7 months' delay in implementing the law. No new benefits would be provided. No new standards would apply. No additional funds would be required. But the full 1-year claim period which Congress originally intended would be preserved.

Mr. President, this legislation is needed in order to do simple justice. Congress made it clear last year that those who have been wronged by their Government should be compensated—and that they should have 12—not 5 months to assert their rights. We cannot and should not permit one branch of the Government to take away what the other has given. Swift passage of this bill would insure that the purpose of the law is fulfilled.

By Mr. NELSON:

S. 1410. A bill to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Banking, Housing and Urban Affairs and the Committee on Commerce; and that if and when one committee reports the bill, the other committee has 45 days in which to report.

NATIONAL RESOURCES AND MATERIALS INFORMATION ACT

Mr. NELSON. Mr. President, I introduce today the National Resources and Materials Information Act.

This measure would establish a National Resources and Materials Information System as a permanent part of the Federal Government. The bill would thereby carry out recommendations that have been made and repeated over the past quarter-century by one high-level resources study group after another.

In June 1952, President Truman received the five-volume final report of the President's Materials Policy Commission, known as the Paley Commission. In chapter 31 of volume 1, the Commission strongly recommended that "a single agency" be "designated to keep all aspects of the materials problem under its eye."

A generation later, in June 1973, Congress received the final report of the National Commission on Materials Policy, created in 1970 by Public Law 91-512. In its summary, the Commission noted that—

> Almost every aspect of policy work in this area is handicapped by inadequate, inaccurate, or inaccessible information.

It recommended, accordingly, that an adequate, accurate, and accessible data base be compiled for materials-energy-environment policy development, with the ultimate objective of creating a computerized resource inventory.

On April 29, 1974, Congress received from the Comptroller General of the United States a report entitled "U.S. Actions Needed to Cope with Commodity Shortages." In chapter 5 we find the conclusion that—

> Commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decisionmakers.

The final words of this long and thorough report from the General Accounting Office are that the Congress should consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning.

MAJOR 93D CONGRESS BILL

At the time the GAO report was received, there were already pending in the 93d Congress several bills which met that description.

The oldest, I believe, was the Energy Information Act, S. 2782, which I had introduced for myself and Senator JACKSON in December 1973. Twenty-eight Senators subsequently cosponsored the bill and a number of House counterparts and near-counterparts were introduced. Hearings on S. 2782 were completed by the Senate Interior Committee in February 1974.

The occasion for delivery of the GAO report to the Congress was a series of joint hearings by the Senate Commerce and Government Operations Committees on four related bills, all concerned with resources monitoring and forecasting. In the order of their introduction, those bills following the introduction of S. 2782, were: First, S. 2966, the Domestic Supply Information Act by Senators TUNNEY and MAGNUSON; Second, S. 3209, the National Resource Information Act by myself and Senator RIBICOFF, with subsequent additional cosponsors; Third, Senate amendment No. 1069, an alternative Domestic Supply Information Act proposed by Senators MAGNUSON and STEVENSON as a substitute for S. 2966; and Fourth, Senate amendment No. 1195, the Shortages Prevention Act of 1974, proposed by Senator HART as an alternative substitute for S. 2966.

Each of those measures was intended and designed, in broadly similar ways, differing in detail, to establish mechanisms for better coordination of materials information, and for collection of missing materials information—in short, to meet the need noted in the 1952, 1973 and 1974 reports on materials policies and problems which I have mentioned.

By mid-May of 1974, the Government Operations and Commerce Committees had completed their hearings on the four proposals. There seemed to be good reason to hope that they would report and the Congress at long last would pass legislation to carry out the recommendations made by the Paley Commission and its successor materials policy study groups.

Encouraging progress was also being made on another front. In the Senate Interior Committee, formal markup work and informal but serious discussions with interested Government agencies and private groups were well underway on S. 2782, the Energy Information Act. By mid-May of 1974, passage of that bill seemed a reasonable prospect—and passage would have established a National Energy Information System as a permanent and powerful analytical apparatus of the Federal Government. That System could easily and sensibly have served as a prototype or pilot program for the across-the-board resources and materials information system which seems, ever more plainly, to be what the country most urgently needs.

ANOTHER STUDY COMMISSION IS BORN

Considering all the momentum that had been built up toward the goal of creating the permanent, powerful, high-level resources monitoring and forecasting mechanism recommended by scientists and experts of the Paley Commission so long ago, and by other experts so often since, there was a surprise—and disappointment—in store for the sponsors of the various pieces of legislation I have mentioned.

On May 22, 1974, a proposal suddenly emerged from the administration to, in effect, arrest the momentum, put all this advanced legislative work on the back burner, and create, instead, yet another short-lived, powerless commission to study the subject of our critical resources and material problems. Protest was heard; but the new bill—S. 3523, the Temporary National Commission on Supplies and Shortages Act of 1974 prevailed. The parliamentary and political details are too complex and lengthy to be worth recounting here. It is enough to say that on September 30, 1974, S. 3523 was officially engrafted onto the Defense Production Act of 1950, as section 720 thereof, by provision of section 5 of Public Law 93-426, the Defense Production Act Amendments of 1974.

Now this study commission plan, while I supported a different approach, does have some advantages. For one thing, the National Commission on Supplies and Shortages, as the group is named, is to be high-level and prestigious. Its membership of 13 is to include two Senators, two Representatives, four officers of high rank from the executive branch, and five public members to be appointed by the President in consultation with the congressional leaders of both parties. The conclusions and recommendations of such a group will carry weight.

For another thing, the Commission was given by the statute a broad mandate to consider, on an urgent basis, our resources and commodities problems in their entirety and to report to the President and the Congress on needed institutional adjustments for examining and predicting shortages and on the existence or possibility of shortages with respect to essential resources and commodities.

But there are also drawbacks to the plan.

The Commission was given the enormous and vital job of studying all our vast and complex resources and materials problems, of reviewing all the thorny areas of conflict, and of making recommendations, including institutional adjustments, to deal with them. But to do that job, it was given a lifespan of only a few months and a severely limited budget. Under Public Law 93-426 as originally passed, the Commission was required to file its first and major report by March 1, 1975, and to file a final report and go out of business by June 30, 1975.

At the time the bill passed the Senate last June, that seemed to me to be a formula guaranteeing that the Commission could not realistically be expected to do the job that needed to be done. It could not be expected to do much more than examine the existing literature, select the portions of the literature that appealed to the pre-existing values and views of its majority, and issue by the statutory deadlines one or two reports reflecting those views.

As things have worked out in practice, even that modest expectation proved too high. On March 1, the date the Commission's first report was due, the five public members had not yet been appointed by the President, and the Commission had not hired a single staff member. In fact, it did not yet have an office, a letterhead or even a telephone number.

Accordingly, the administration requested and the congressional leadership obligingly provided an extension of time. By Senate Joint Resolution 48, which was introduced March 6 and quickly passed both Houses without benefit of referral to or consideration by any committee in either body, the date for the Commission's first report was postponed to June 30 and the date for its final report and expiration was deferred until December 31, 1975. Senate Joint Resolution 48 was signed by President Ford on March 21 to become Public Law 94-9. Now, this week, we are still waiting for and we are told we can except the President to name the five public members.

The members that have already been named, by the way, include: from the Congress, Senators TUNNEY and BROCK and Representatives REES and STANTON of Ohio, and, from the executive branch, Secretary of the Treasury, William E. Simon, Chairman Alan Greenspan of the Council of Economic Advisers, and Assistant to the President for Economic Affairs, William L. Seidman. While he was still in office as Director of the Office of Management and Budget, Roy L. Ash was also designated a member of the Commission; but neither the White House press office nor the OMB was able to inform me this week whether Mr. Ash's successor, James T. Lynn, is a member of the Commission.

The members appointed thus far, by ability and by governmental placement, should be able, even with the low budget and short timespan they have been given, to produce a helpful report, and it will be awaited with interest. We have, of course, only until June 30—less than 3 months—to wait for their first report, barring further extensions.

Obviously, to do the assigned job in the specified time, the Commission will need all the help it can get. The National Resources and Materials Information Act is being introduced today, among other reasons, in the hope that it may be of some help to the Commission and its staff in the framing of their own first and final reports.

But the worst news about the National Supplies and Shortages Commission Act of 1974 has yet to be stated.

The worst news is the phraseology of one of the charges to the Commission.

Under subsection (h) of this one-section act, as it has now been amended by Public Law 94-9:

> The Commission shall report not later than June 30, 1975, to the President and the

> Congress on specific recommendations with respect to institutional adjustments, including the advisability of establishing an independent agency to provide for a comprehensive data collection and storage system, to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.

At the time the National Commission on Supplies and Shortages Act was first debated in the Senate, on June 11 and 12, 1974, I took—and still take—vigorous exception to the phrasing of that charge.

During the debate on June 11, in a statement made for myself and Senator HASKELL jointly, this observation appears:

> Frankly, Mr. President, for the Congress to be referring that question at this hour to a new study commission is astonishing. It is almost dismaying.
>
> Just because a question is troublesome and still politically controversial; just because the answer to such a question is inconvenient or threatening to many persons, is no reason and no excuse to act as though the answer were not yet in, when it is in.
>
> Mr. President, the answer to the question, "Is it advisable to establish an independent agency to provide for a comprehensive data collection and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world?" is in. It has been provided to the Congress and the country after thorough study, not once but several times, by learned, competent and prestigious persons.
>
> The answer is "yes."
>
> It is now incumbent on the Congress not to repeat the question but to act upon the answer, to set up the system. I will have to vote against any bill which, in June 1974, asks a new study commission to address that question.
>
> To support such a bill, unamended, would be to condone a substitute for action, a postponement of action, when action itself is what is desperately needed, and when the needed action is well known and entirely practicable.

As an alternative to repeating the question instead of acting on the answer, Senator HASKELL and I proposed an amendment, substantially similar to the bill that is being introduced today. We did not expect nor wish that any proposal so complex would be passed as a floor amendment. We did wish and hope that the Senate might agree to recommit the bill, with instructions to consider the amendment and report back by a day certain. For myself and Senators HASKELL and TAFT, I so moved, on June 12; but that motion was defeated in a rollcall vote of 34 to 56, recorded on page 18944 of the daily CONGRESSIONAL RECORD for that date.

A REASON FOR DELAY

When three eminent studies had addressed a question and given essentially the same answer, had repeated the answer three times over a span of 22 years, why did the administration want the Congress to ask the same question yet another time of yet another commission, and why did a majority of the 93d Congress go along with that request?

One can, perhaps, only surmise; but it seems probable that the real reason may be found in the deep antagonism that exists in the giant corporations of this country toward any new Government policy or program that might make the myriad details that together comprise their great wealth and power more visible, and make themselves thereby more accountable. And just such increased visibility and accountability would be a consequence of any successful implementation of the long-standing recommendation that we create a materials monitoring and forecasting system.

This thought finds support, in gentler language, in yet another final report of yet another study of our materials situation by yet another eminent panel of experts—a report received some months after enactment of the National Commission on Supplies and Shortages Act of 1974.

The new report is entitled "Mineral Resources and the Environment" and was published just this past February by the Committee on Mineral Resources and the Environment—COMRATE—which is a committee of the Commission on Natural Resources of the National Research Council, National Academy of Sciences.

No reader of the Paley Commission report of 1952, the Klaff—National Commission on Materials Policy—report of 1973, or the GAO report of 1974 will be surprised at the 1975 COMRATE report's finding, on page 3, that—

> Widely divergent methodologies, based largely on individual judgment, are used both in forecasting demand for, and in estimating supplies of, mineral resources. There are currently no standardized techniques for making either long-term demand forecasts or resource estimates nor are means available to assess adequately the accuracy of the existing methods.

Sophisticated readers will also not be surprised by COMRATE's recommendation, on page 4, that—

> Recognizing the interdependence of resources, common scales for units and for quantities should apply to resource estimates. In addition, the gathering of resources data should be refined and systematized so that standard error or confidence level appreciations can be applied as elsewhere in the physical sciences.

However, COMRATE has done a little more, gone a little further than its predecessors in putting the finger on the reason for this persistent problem, noted in all the reports.

Among the "general conclusions," we find this, on page 3:

> 3. Reliable data on mineral resources are difficult to obtain because of their proprietary or international nature. This affects supply estimates. In the U.S. much improvement is still needed in the work of the U.S. Bureau of Mines and the U.S. Geological Survey in the collection, coordination, standardization and dissemination of mineral resource data.

COMRATE's work was done by four panels, each of which reported separately. The summary of the report of the Panel on Estimation of Mineral Reserves and Resources contains, at page 8, this "general conclusion":

> 1. A major problem confronting attempts to improve estimates is the difficulty of bringing into the public domain proprietary information gathered by private organizations. Bringing such information together with that available from government files, without negating proprietary values, would enormously facilitate the maintenance of a running inventory of resources, and greatly increase the accuracy of resource estimates.

In the main body of the report, at pages 77–78, this summary conclusion is elaborated as follows:

> 1. Information on reserves and resources of minerals today is in many different hands. Much information is available in government files, but much is in the hands of private organizations who have acquired it through large expense and years of effort in mineral exploration and development and studies, national or worldwide in scope, of resources of commodities of interest to them. Current resource estimates could be greatly improved if these two categories of information could be brought together in such a way, and in such timing, that a running inventory of resources could be maintained. There are, however, difficult problems involved. Among them is the problem of preserving confidentiality of data that have been acquired at private expense and constitute important assets of organizations that have obtained them.

THE MAJOR ISSUE: ACCESS

The stumbling block, in a word, is access. The issue, in a sentence, is, "To what proprietary information should a National Resources and Materials Information System be given access, and what persons and classes of persons should be given access to such information within the System?"

That is the question without a good answer to which this country will never get the National Resources and Materials Information System it so badly needs.

And by a "good" answer, I mean one that will appeal to the reason of a majority of the reasonable people in a great many different and frequently conflicting communities: big business, and small business, government at all levels, academia, the labor unions, and the public interest and consumer groups, to name the most obvious.

In the big business world, especially, the depth and fervor of the opposition to any kind of reporting of corporate property and profits on any kind of basis that would permit easy comparisons and tabulations among companies, by areas and by lines of business, are very great. If you doubt it, you need only to read the comments the giant corporations have offered in both administrative proceedings and in litigation over two segmental financial reporting programs—rather modest and overdue programs, in my view—of the Federal Trade Commission.

The views of American big business on this subject are reflected in some of the remarks that were made in the Senate by opponents of the National Resources and Materials Information Act last June. At that time today's bill was before the Senate as a possible—not even a pending—amendment to the legislation creating the Supplies and Shortages Commission. It is quite interesting to compare the conclusions and recommendations of COMRATE, which I have just quoted, with the following remarks made in the Senate, with reference to the proposed National Resources and Materials Information System:

> The administrator of this agency would have the authority to require from any company such proprietary information as that company may possess. Mr. President, ask yourself what legitimate purpose in the world is served by such authority?
>
> * * * * *
>
> In addition to the handling of this proprietary information, let me suggest that the purpose of this amendment really is to alter and amend the accounting practices of our free enterprise system. What is sought is to force private enterprise to conform to Federal dictates for accounting. When one looks closely at the requirements applied to the private sector you will note the requirement for standardization of all information. Today, our private sector has no requirement for standardization, in fact, that is what it is all about. Private enterprise can use any form to try to ascertain how they are faring. This bill would attempt to standardize all business and accounting practices so that Uncle Sam could keep tabs on the private sector.

So there you see the biggest, toughest issue, clearly drawn. Four eminent panels say we need a central source of resources information, or at least a standardized system into which the data will all come, or through which it will be accessible, in a reasonably regular form. But big business, and Senate speeches which reflect big business thinking, such as the one just quoted, argue that any attempt to respond to that need is a threat to free enterprise. That argument is quite wrong, in my judgment; but I fully appreciate the earnestness—and the political force—of those who make it.

The Senate Small Business Subcommittee on Monopoly has been struggling with this controversial problem for more than 15 years. The bill introduced today reflects the most recent of many, many attempts to write legislation that meets public information needs and governmental information needs while striking a reasonable balance between the public and the corporate interests on the handling of proprietary data.

Those who care about that issue and about how it is approached in this measure are invited to examine section 828 in both the text of the bill and in the section-by-section analysis.

While we are proud of it, section 828 of this bill almost certainly does not contain the last word, the one that will ultimately find its way into an overdue revision of Federal law and policy on corporate information disclosure issues; but it is a very advanced word. It is the refined and re-refined product not only of years of study and argument in the Small Business Committee but also of several months of further study and argument in the Interior Committee, during the deliberations last year on the proposed Energy Information Act.

The recently issued 25th annual report of the Small Business Committee, Senate report No. 94–13, contains in chapter VI a succinct statement of the guiding philosophy that underlies section 828—the case for somewhat more detailed and standardized disclosure by big business concerns of their operations and properties—including the resources they control. Since that report speaks for all the 17 Senators on the committee—none took exception to it—I believe it should be given considerable weight. And so, too, should the formulation contained in section 828 of the present bill.

ANOTHER HARD ISSUE: PLACEMENT

Another of the thus-far insurmountable obstacles to creation of the resources information system so many experts have for so long told us we need is the issue of placement.

The question is, "Where in the Government should the system be located? Who should do the job?"

The Paley Commission thought the job should be delegated to the National Security Resources Board, an agency now defunct. More recently, the Commerce Department, the Federal Energy Administration, the still-to-be-created Department of Energy and Natural Resources, the Federal Trade Commission, the Federal Power Commission, the General Accounting Office, the Library of Congress, and a new agency created expressly for the purpose have all had their supporters.

I lean myself toward the view that a National Resources and Materials Information System should be the responsibility of a new, independent, permanent agency, outside the mainstream of administration or regulation, devoted solely to finding fact and making analyses and forecasts. The present bill, however, would place the System initially within and under the supervision of the temporary National Commission on Supplies and Shortages. That proposal is made primarily because the Commission is now a statutory reality, an accomplished political fact.

Since we have it and are going to have it for awhile, let us give it a real job to do, to extend its lifespan and strengthen its powers and budget enough so that it can in fact set up a National Resources and Materials Information System under the guidelines laid down in this bill, see how it works, find out where the "bugs" are, and consider and recommend where in the Government this permanent System should be placed when the temporary Commission goes out of business. That, as I said, would certainly seem to make more sense than having the Commission engage in further theorizing on whether such a system is needed.

However, I can see drawbacks to giving this particular, heavy responsibility to this Commission, and it is my hope and expectation that this bill's solution or answer to the question of placement will receive close and critical consideration during the committee hearing and markup process. There should also be careful study of this bill's provision allowing the Commission to appoint the Administrator of the System. It might be deemed more appropriate and desirable to have that important office be filled by Presidential appointment, with Senate confirmation.

Mr. President, this is, as I have indicated, a complex bill that represents long, hard, and sophisticated thinking about the issues; but it is not by any means a bill that I would myself recommend that the Senate pass today, without change. Rather, this bill is a working paper, a draft to be improved and still further refined in the committee process.

REQUEST FOR SIMULTANEOUS REFERRAL

Referral of this bill may deserve some special consideration.

Primary jurisdiction can and surely will be claimed by the Committee on Banking, Housing and Urban Affairs, inasmuch as the bill repeals and reenacts, with amendments and additions, the National Commission on Supplies and Shortages Act of 1974, which, in turn, is a part of the Defense Production Act of 1950, a major statute over which the Banking Committee's jurisdiction is firmly established.

But the Supplies and Shortages Commission Act found its way into the Defense Production Act by a circuitous and unlikely route, the result of parliamentary compromise and political accident more than of reason or design. This was, in my judgment, a fortunate accident, because I know that the Banking Committee and its distinguished chairman (Mr. PROXMIRE) will make important contributions to the work that has been underway on this subject for so long. But the principal spadework on the several bills of this variety that were considered in the 93d Congress was done by the Committee on Interior and Insular Affairs. Both of those committees, I know, will be continuing to work on legislation of this type this year.

The Interior Committee will, of course, be working on similar proposals that are confined to energy, so there would seem to be no great need, or any need, for it to have formal jurisdiction over this measure dealing with resources and materials generally. But the Commerce Committee, as I understand, would be reluctant to see the National Resources and Materials Information Act reach the floor without having considered the measure itself. Accordingly, I should like to make a request for simultaneous referral, which I understand the distinguished chairman of the Commerce Committee, or his representative, will support.

Mr. President, I ask unanimous consent that the bill, S. 1410, to amend the Defense Production Act of 1950, to establish a National Resources and Materials Information System, to repeal and reenact with amendments the National Commission on Supplies and Shortages Act of 1974, and for other purposes, be referred to the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce for consideration of those aspects of the bill which are within their respective jurisdictions, and that should either committee report the bill, the remaining committee will have 45 calendar days within which to file its report, after which time the remaining committee will be deemed discharged and the bill be automatically returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I have several exhibits which I should like to identify, as follows:

Exhibit 1 is a part-by-part and section-

National Resources and Materials Information Act.

Exhibit 2 consists of excerpts from the Paley Commission report, more fully identified in the caption and subcaptions of the exhibit.

Exhibit 3 consists of excerpts from the GAO report of last year, entitled "U.S. Actions Needed to Cope with Commodity Shortages."

Exhibit 4 is made up of excerpts from the 25th annual report of the Senate Small Business Committee, which will be helpful to those interested in both the philosophical and the legislative background of this bill. The full report is, of course, available from the committee.

Mr. President, I ask unanimous consent that the four exhibits referred to may be inserted in the RECORD at this point.

(The exhibits referred to follow:)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

PART-BY-PART AND SECTION-BY-SECTION SUMMARY AND ANALYSIS OF THE "NATIONAL RESOURCES AND MATERIALS INFORMATION ACT," S. 1410

Technical plan and organization of the bill; notes on short titles.

S. 1410 would repeal and re-enact, with amendments and additions, the National Commission on Supplies and Shortages Act of 1974, which was added to the Defense Production Act of 1950, as section 720 thereof, by provision of section 5 of Public Law 93-426.

The present bill has only two sections. Section 1 contains the short title of the bill as a whole, the "National Resources and Materials Information Act."

Section 2 has three subsections, (a), (b) and (c). The last of these, subsection 2(c), would repeal section 720 of the Defense Production Act of 1950, which section is officially cited as the "National Commission on Supplies and Shortages Act of 1974."

Subsection 2(a) would add to the Defense Production Act of 1950 a new title VIII which would replace and significantly augment the repealed section 720. Under new section 801, the new title as a whole would be cited as the "National Resources and Materials Information Act of 1975." By provision of new section 816, part B of that new title—which would have five parts in all—would be cited as the "National Commission on Supplies and Shortages Act of 1975." That act—part B of new title VIII—would incorporate, with conforming amendments, the substance of the National Commission on Supplies and Shortages Act of 1974, as amended by Public Law 94-9 (S.J. Res. 48, 94th Congress).

Subsection 2(b) of the present bill would amend the table of contents of the Defense Production Act of 1950 to include the contents of new title VIII.

The remainder of this analysis describes the provisions of the National Resources and Materials Information Act of 1975, which would become, under this bill, new title VIII of the Defense Production Act of 1950.

PART A—MISCELLANEOUS

Sections 801, 802 and 803 comprise part A of new title VIII, Resources and Materials Information, which would be added to the Defense Production Act of 1950 by section 2(a) of the present bill. The three sections include, respectively, the short title, "National Resources and Materials Information Act of 1975;" the findings and purposes; and the definitions.

Sec. 802. Findings and purposes

The first five of six findings, set forth in subsection 802(a), are taken verbatim from section 720(b) of the National Commission on Supplies and Shortages Act of 1974. These findings, in brief, are that shortages of resources and commodities are posing increasingly frequent and severe problems for the United States and that existing institutions for monitoring and forecasting resources and materials supplies and shortages are inadequate. A sixth finding, new in this bill, would add that management of the nonrenewable resources supplies of the United States "on the basis of adequate, accurate, standardized, coordinated, and credible information concerning all aspects of . . . availability, extraction, production, distribution, and use is of overriding national importance."

The National Commission on Supplies and Shortages Act of 1974 has a single purpose clause, in subsection 720(c), to the effect that the act's purpose is to create the Commission. The Commission is "to report on needed institutional adjustments for examining and predicting shortages."

The present bill would supplant that statement with five clauses, in subsection 802(b), to the effect that the act's purposes are to establish both a National Commission on Supplies and Shortages *and* a National Resources and Materials Information System. The stated principal purpose of the Commission would be to administer the System, at its inception. The purpose of the System would be "to assure the availability of standardized, accurate, and credible resources and materials information to the Congress, the Government agencies responsible for resources and materials policy decisions, and to others." Analysis of resources information would be another key purpose of the System. A final stated purpose would be to provide for public access to the information in the System, subject to the safeguards which the act would provide.

Sec. 803. Definitions

Of the several technical definitions contained in section 803, the most important are the first seven, which would state the meanings for this act of the terms "resources and materials industries," "resources enterprise," "materials enterprise," "resource," "raw material," "semifinished material" and "finished material." The section also contains definitions of the terms "person," "Federal agency," "agency," "Standard Industrial Classification" (or "SIC"), "company," "establishment," "affiliate," "control," "commerce," "corporation" and "public lands." While the definitions are believed to be consistent with the most usual, industrial and commonsense meanings of the terms, the inclusion of the specific definitions was deemed useful to make the substantive portions of the act both briefer and more explicit.

Additional definitions, of great importance, are contained in section 828, which bears the caption, "Acquisition and designation of information by source, type and access category." The reasons for placing those definitions in the body of the act, rather than the definitions section, are explained in the analysis of section 828, below.

PART B—NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

Sections 811 through 816 comprise part B. These sections are, for the most part, taken verbatim from the National Commission on Supplies and Shortages Act of 1974. However, amendments have been made to have part B conform in purpose and spirit with the remainder of the bill.

Sec. 811. Establishment of Commission

Section 811 coincides with and is derived substantially verbatim from subsections (d), (e), and (f) of the National Commission on Supplies and Shortages Act of 1974. It provides for establishment of the Commission as an independent instrumentality of the Federal Government. Thirteen members comprise the Commission. All members serve for three years or such shorter period of time as the Commission continues in being. (Unlike this bill, the existing act omits the three-year reference, since it does not contemplate the possibility of the Commission continuing that long). Five of the 13 members are appointed by the President from among persons in private life, four from among senior officials of the executive branch, and two each from the Senate and the House. The President is to consult the majority and minority leaders of the Senate and the House in connection with appointments of members from their respective bodies and the five public members, as well as the designation of the Commission's chairman and vice chairman. Commission members from the executive branch and the Congress are to serve without additional compensation; the public members are to be compensated at the per diem equivalent of level III of the Executive Schedule.

Sec. 812. Functions

Section 812 coincides with and is derived substantially from subsections (g) and (h) of the National Commission on Supplies and Shortages Act of 1974. In subsection 812(a) the first five or six stated functions of the Commission differ from the corresponding provisions of the existing law only in their use of the terms "resources" and "materials"—raw, semifinished, and finished—to conform with the definitions in section 803. The stated functions include the making of a report and recommendations on all aspects of resources and materials policy. A sixth function has been changed, to emphasize the Commission's responsibility, under this bill, to establish and commence operation of a National Resources and Materials Information System, to report on any needed improvements in the System requiring further legislation, and to advise on the permanent placement of the System in the Federal Government after the termination of the Commission.

When enacted on September 30, 1974, as a part of Public Law 93-426, the National Commission on Supplies and Shortages Act of 1974 called for submission of the Commissions' first report on March 1, 1975, and termination of the Commission on June 30, 1975. However, on March 1, 1975, the President had not yet named the public members of the Commission; the other members (from the executive branch and the Congress) had held only one meeting, in November 1974; and the Commisison did not have an office, a staff, or even a telephone number. By S.J. Res. 48, signed by President Ford on March 21, 1975, to become Public Law 94-9, the date for the filing of the Commission's first report was moved from March 1 to June 30, 1975, and the date for its termination was advanced from June 30, to December 31, 1975. Under this bill, the date for the first report would be advanced to December 31, 1975, with further reports required at least each six months thereafter. No termination date for the Commission would be set; but appropriations would be authorized for three years only, under section 853.

Sec. 813. Advisory committees

Section 813 of the bill is derived from subsection (i) of the National Commission on Supplies and Shortages Act of 1974. Section 813 provides for the appointment of advisory committees by the Commission. Subsection (a) contains general authority to that end; subsection (b) directs the Commission to establish an advisory committee on the integration of governmental resources and materials policy making. The first subsection is identical to existing law. The second subsection follows the existing law—which is the Humphrey amendment to the original Supplies and Shortages Commission bill—and adds a sentence intended to assure that the advisory committee's recommendations will cover the role of the National Resources and Materials Information System in the policy-integration process.

Sec. 814. Powers

Section 814 authorizes the Commission to appoint necessary staff, including an Executive Director. The language follows subsection (j) of the National Commission on Supplies and Shortages Act of 1974, in general, but adds provision for the appointment by the Commission, at the same rank as its own Executive Director, of an Administrator for the National Resources and Materials Information System. The Commission is also authorized to convene meetings and hearings under this section.

Sec. 815. Assistance of Government agencies

Section 815, derived verbatim from subsection (k) of the existing law, directs all Federal departments and agencies, and the Congress, to assist the Commission by providing data.

Sec. 816. Short title

Section 816 provides for citation of part B as the "National Commission on Supplies and Shortages Act of 1975."

PART C—NATIONAL RESOURCES AND MATERIALS INFORMATION SYSTEM

Sections 821 through 832 comprise part C, which would provide for the establishment of a permanent National Resources and Materials Information System (hereinafter referred to as the "System").

Sec. 821. Establishment of System

Section 821 would provide for the initial establishment and operation of the System by and within the Commission. After termination of the Commission, the System would be operated and maintained by such other Federal agency as the Congress might create or designate. The System would be independent of the executive departments and under the control and direction of an Administrator. The Administrator would be appointed by the Commission during its existence and thereafter in such manner or by such authority as the Congress might by law provide. The System would have a General Counsel, initially appointed by the Commission, and a staff appointed by the Administrator.

Sec. 822. Functions and powers of the Administrator and the System

Section 822 would provide that the functions of the System would be the collection, collation, comparison, analysis, tabulation, standardization, and dissemination of resources and materials information. The Administrator would be empowered to acquire resources and materials information from any person in such form and manner as he might deem appropriate to achieve the purposes of this bill. The Administrator would also have power to prescribe forms, in consultation with advisory committees and the General Accounting Office, to contract for or conduct mechanical and electronic development work; to utilize, with their consent, personnel and facilities of other public and private, Federal and non-Federal agencies, and transfer appropriated funds under this act as reimbursement therefor; to accept gifts for the benefit and use of the System; to enter into contracts and leases; and to perform other necessary activities to achieve the purposes of this bill. The Administrator would be required to appear in a United States court in any civil action. He would be empowered to appear on his own behalf, or by an attorney designated by him, after notice to and consultation with the Attorney General. The Attorney General would have ten days to take the action proposed by the Administrator. With consent of the Commission, the Administrator would be empowered to issue rules, regulations and orders. In general, judicial review of rules, regulations and orders of the Administrator would be in the U.S. circuit courts. Amounts in controversy notwithstanding, the U.S. district courts would have jurisdiction over other causes arising under this bill, including controversies involving the withholding of access to information under section 828. The Commission would be empowered to select a seal for the System, of which judicial notice would be taken.

Sec. 823. Coordination and transfer of agency activities

Section 823 would direct the Administrator to coordinate existing resources and materials information collection activities of all Federal agencies. He would be authorized to assume all or part of such activities, by agreement with the collecting agency, unless the agency's duty had been expressly conferred by statute. A proviso would also assure that this section would not be construed to limit the collection of resources and materials information by the responsible agencies in connection with law enforcement and regulatory activities. The Administrator would be directed to make recommendations, one year after enactment of this act, for the further coordination and centralization of resources and materials information activities of all Federal agencies. The President would be empowered to transfer to the System resources and materials information activities of existing agencies, subject to the right of either House of the Congress to disapprove any such transfer plan within a 60-day period, which period would be interrupted by any adjournment of the Congress for more than three days.

Sec. 824. Analytic capability and information scope

Section 824 would direct the Administrator to maintain within the System the capability to perform independent analysis, verification, interpretation and evaluation of the resources and materials information collected and developed by the System, to the extent necessary to serve the purposes of the act. The Administrator would be authorized to employ scientific, professional, engineering and other specialized personnel and equipment as requisite to achieve such a capability. The Administrator would be directed to use this capability in pursuit of any of the act's purposes, including a wide, specified—but not exclusive—list of duties. Among these would be the development and evaluation of models characterizing various sectors of the economy, lines of commerce and segments of business in the resources and materials industries, as deemed significant by the Administrator. The Administrator would also have responsibility for developing, at the earliest practicable date, methods, rules and regulations for the standardization of resources and materials information, accounting and statistics. All aspects of the relationships between resources and materials supplies and consumption would be within the System's analytic purview.

Sec. 825. Advisory and interagency committees

Section 825 would authorize the Administrator to establish advisory and interagency committees. Interagency committees would be formed by the Administrator only with the consent of the Commission, during its existence, and the heads of the affected agencies. Advisory committees—which the Administrator would be permitted to organize in addition to those formed by the Commission under section 813—would be required to have representation from various points of view and interest groups. Except in matters of national security, advisory committee meetings would have to be open to the public and structured to permit presentation of public views. Provisions of the Federal Advisory Committee Act would of course also apply.

Sec. 826. Unauthorized disclosures; theft of information; penalties

Section 826 would provide for a $1,000 fine, imprisonment for not more than a year, and removal from office or employment of any employee of the Commission or the System who made unauthorized disclosures of information in the System. Similar penalties would apply to other Federal officers and employees who make unauthorized disclosure of information obtained from the System, for official use, when the information was designated as not for public dissemination. A like provision for fine and imprisonment, but not for removal from office, would be included for State and local officials making unauthorized disclosure of official-use information obtained from the System. Thefts of information from the System would carry a penalty of $10,000 fine, five years' imprisonment, or both.

Sec. 827. Penalties for providing false information or refusing to furnish information

Section 827 would provide for a penalty of $20,000 fine or five years' imprisonment, or both, for knowingly submitting or causing to be submitted materially false information to the System. Refusal to submit lawfully requested information would subject the individual making the refusal to a civil penalty of up to $10,000 for each incident. Knowing submission of an incomplete or inaccurate answer to any lawful request for information would subject an individual to liability for a civil penalty of up to $5,000 for each incident.

Sec. 828. Acquisition and designation of information by source, type, and access categories

Section 828 of the bill would establish a detailed policy of the Congress to guide the Administrator of the System in writing rules and regulations addressed to that most complex and controversial of all questions surrounding governmental data bases, the question of acquisition and use of and access to information. The policy judgments reflected in section 828 were developed, for the most part, during the course of extensive hearings, post-hearing negotiations and mark-up work in the Senate Committee on Interior and Insular Affairs on one of the several predecessors to this bill, S. 2782, 93d Congress, the "Energy Information Act."

Section 828, which contains more than a third of the language in the entire bill, is divided into 12 subsections, designated by the letters (a) through (l). Many of these subsections are further divided into paragraphs and subparagraphs. The aim of the section is to provide basic statutory answers to the questions: (1) what information can the National Resources and Materials Information System obtain—and not obtain—from other parts of government, Federal, State and local, from international sources, and from the private sector? And (2) who can have access, under what circumstances and for what purposes, to various categories of information in the System?

The section anticipates that the Administrator would find it necessary to set up a formal nomenclature for various categories of information in the System. Accordingly, the bill itself sets forth some of the designations that would be used in that nomenclature. The terms "designation" and "categories" of information are used throughout to distinguish the designation of information by access categories, within this System, from the classification systems that apply, under other statutes and executive orders, to national security information. While provision is made for the inclusion of technically "classified" information in the System, under appropriate circumstances and safeguards, the process of designation of information by access categories, within the System, is not itself to be "classification," in the technical sense of that term. And while this bill's technical system of nomenclature of information by access categories is definitional, it was not deemed appropriate to include these provisions in the definitions section—section 803—because of their length and complexity.

Subsection (a) of section 828 would establish the Administrator's general power to promulgate regulations covering the acquisition of resources and materials information and other information for the System, and the designation of information by use and access categories.

Subsections (b), (c) and (d) would describe, respectively three principal categories of information to be provided for in the Administrator's regulations: "Federal agency information," "official use information," and "public information." Subsections (b) and (c) would also direct the Administrator to provide, in the regulations, for several subcategories and sub-subcategories of Federal agency information and official use information.

"Federal agency information," under subsection (b) of section 828, is a term which the Administrator would be required to use in his regulations to designate all resources and materials information and other information possessed by Federal agencies which could be relevant to the purposes of this act, as set forth in section 802 (b). The Administrator would also be required to provide for two subcategories of Federal agency information. The first would be "excluded Federal agency information;" the second "statistical Federal agency information."

The first term, "excluded Federal agency information," would designate information possessed by other Federal agencies to which the Administrator could not have access and which would, therefore, not be included in the System. The subcategory would include (1) information certified by the head of the possessing agency to be confidential information obtained for law enforcement purposes, the disclosure of which to the System could jeopardize law enforcement; (2) information prohibited by law from being disclosed by the collecting agency to another agency; and (3) certain specified types of proprietary company information obtained by an agency for statistical purposes on a privileged or confidential basis, the disclosure of which to another agency would frustrate the development of accurate statistics.

The second term, "statistical Federal agency information," would designate information which the Administrator could obtain from other Federal agencies for the System, pursuant to specified safeguards. Classified information and Restricted Data, as defined in the Atomic Energy Act of 1954, would be expressly included in this subcategory. Federal agencies would be required to give statistical Federal agency information to the Administrator for inclusion in the System, but only pursuant to a written agreement between the agency head and the Administrator describing use and access. While specified classes of Government officials, including Congressional committee chairmen, could obtain from the System statistical Federal agency information, they would be required to use it in a manner preserving the degree of confidentiality it had in the collecting agency.

"Official use information" is a term which, under subsection (c) of section 828, the Administrator would be required to use in his regulations to designate all information in the System which is neither statistical Federal agency information, as described in subsection (b), nor public information, as described in subsection (d). Paragraphs (1) and (2) would provide for the designation by the Administrator, under his regulations, of two principal subcategories of official use information. The first would be "proprietary company information," the second "restricted governmental information."

Under paragraph (c)(1), the designation "proprietary company information" could be applied only to information meeting all of four tests: first, that it was acquired by the Administrator on a privileged or confidential basis; second, that it pertained to a particular company; third, that the company to which it pertained had a lawful proprietary interest in it; and fourth, that the Administrator found, on the basis of clear and convincing evidence, that its public disclosure would cause substantial harm to the competitive position of the company.

When all four of those tests were met, the Administrator's regulations could provide for the designation as proprietary company information of various specified sub-subcategories: "trade secret," "geological information," "company financial information," and "company commercial information," descriptions of each of which are set forth in sub-subparagraphs of subparagraph (c)(1) (A) of section 828. The Administrator would be authorized to designate other sub-subcategories, if found to be requisite.

Subparagraph (b) of paragraph (c)(1) would authorize the Administrator to obtain proprietary company information from companies on a mandatory basis.

In order that the information so obtained would be of maximum value in the System, to serve the purposes of this act, subparagraph (C) would direct the Administrator, in his regulations, to make provision for the designation of "segments of business" companies, to facilitate comparisons on a standardized basis. The same subparagraph would direct the Administrator to designate "resources enterprises" and "materials enterprises," which would be required to report within one year of the effective date of this act and annually thereafter whatever information the Administrator found to be necessary for the formulation of accurate statistics on the resources and materials controlled, produced and consumed by those enterprises. The basis for selection of resources enterprises, materials enterprises and segments of business to be included in the annual surveys would be the Administrator's determination that the information to be obtained from them would be necessary to provide a statistically accurate profile of each line of commerce or segment of business for the resources industries and the materials industries within the United States and, to the extent practicable, outside the United States.

Subparagraph (D) of paragraph (c)(1) would establish the limitations on access to the proprietary company information obtained by and contained in the System. Those entitled to access to information of that type in its original form would be of two principal classes: (1) officers and employees of the executive, legislative, and judicial branches and the independent establishments of the Federal Government having official use for the information; and (2) any official, body, or commission, lawfully charged with the administration of any energy program of any State, if the information is to be used in furtherance of that program. The Administrator's regulations would be required to provide procedures for obtaining access and for according information officially obtained appropriate degrees of confidentiality.

Paragraph (2) of subsection (c) would direct the Administrator to designate as "restricted governmental information" any information obtained from Federal, State, local or foreign governmental sources on a privileged or confidential basis. The provision is included to give Administrator the flexibility to obtain, on a negotiated basis, information that might otherwise be unavailable to the System or available only at a high cost or with undue delay.

Paragraph (3) of subsection (c) would direct the Administrator to designate or redesignate as public information any information for which no reason for confidentiality exists other than the protection from embarrassment of any public or company official.

"Public information" is a term which, under subsection (d) of section 828, the Administrator would be required to use in his regulations to designate all information in the System to which the public might have access, limited only by rules on office hours and usage fees. (Succeeding subsections of section 828 provide for the designation or redesignation as public information claimed to be or previously designated as official use information of various subcategories.) The Administrator would be directed to establish usage fees which would cover or approach covering the costs of public use of the System, but he would be authorized to waive or reduce fee payments in the case of scholars, nonprofit organizations, and others whose use of the System might enhance its value or serve the purposes of the act. Public information would be indexed and the indices would themselves be public.

Subsection (e) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated proprietary company information under any of three alternative circumstances: first that any of the four tests for designation of proprietary company information—set forth in paragraph (1) of subsection (c)—was not met; or second, the benefit to the public interest in the designation or redesignation would outweigh the demonstrated harm to the company's competitive position; or third, the denial of public access would adversely affect public health or safety.

Subsection (f) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated geological information—one of the subcategories of proprietary company information—under any of four alternative circumstances: first, that any of the four tests for designation of proprietary company information was not met; or second, the information had been in the System for more than two years and continuation of the proprietary company information designation might tend to lessen the value to the public of resources in the public lands or to retard development of new sources of raw materials; or third, the information was more than five years old and had been in the System for more than one year; or fourth, the information was more than ten years old.

Subsection (g) of section 828 would provide for designation or redesignation as public information of any claimed or previously designated company financial information—another of the subcategories of proprietary company information—when both of two tests were met: first, the information pertained to a segment of business involving assets or annual sales of $10 million or more; and, second, the information to be made public would be generally comparable to the information that would be contained in the mandatory annual report to the Securities and Exchange Commission of a hypothetical public company that was identical to the segment in question and that had no other affiliates, property or business. This subsection is patterned on the Hathaway amendment provisions found in section 6 of Public

Law 93-28, the Economic Stabilization Act Amendments of 1973; and in section 14(b) of Public Law 93-275, the Federal Energy Administration Act.

Subsection (h) of section 828 would direct the Administration to review annually all official use information in the System and to redesignate as public information any official use information meeting any one of four tests: first, that all reasons for restricting access had ended; or second, the information was company financial information and was more than five years old; or, third, the information was company commercial information and was more than ten years old; or, fourth, the information had become readily available to the public from sources other than the System and in substantially the same form as in the System.

Subsection (i) of section 828 would establish basic criteria for the resolution by the Administrator of disputes that might arise about the designation or redesignation as public information of information claimed to constitute or previously designated as official use information. The Administrator's regulations would implement and amplify the basic criteria. The subsection would direct the 30 days' notice be given the source of any official use information before any designation or redesignation as public information. If the information in question were proprietary company information and if the source were not the company to which the information pertained, the company would also be entitled to 30 days' notice. The source, the company, and all interested persons would be entitled to present oral and written views and arguments on the issue of designation. Hearings would in general be public; but a private formal hearing could be held solely to prevent disclosure of any information in the System other than public information to persons not entitled to access to that information. In such proceedings, the Administrator would be authorized to designate or continue a designation as proprietary company information of any information described in subsections (f) or (h)—geologic information, company financial information and company commercial information—notwithstanding the age of such information as mentioned in those subsections, if both of two tests were met: first, a company's lawful proprietary interest in the denial of public access to the proprietary company information was more substantial than any public benefit that would be associated with public access; and, second, public disclosure of the information would result in clearly inequitable competitive harm to the company to which the information pertained, in the light of similar information concerning and possessed by other competitor companies which would not be public.

Subsection (j) of section 828 would direct the Administrator to employ attorneys and other requisite personnel to represent the public interest in the designation as public information of a maximum practicable percentage of all the information in the system.

Subsection (k) of section 828 would authorize the Administrator to go to the original source of any excluded Federal agency information or statistical Federal agency information to obtain the excluded Federal agency information for the System or to acquire the statistical Federal agency information for uses other than anonymous statistical aggregates. All the protections of this section would apply to information so obtained by the Administrator which was official use information.

Subsection (1) of section 828 is patterned, both in purpose and in language, on provisions of Public Law 93-502, the 1974 amendments to the Freedom of Information Act, which became effective on February 19, 1975, The aim of this subsection is to provide a mechanism for judicial relief from failure or refusals by the Administrator to designate or redesignate as public information any information in the System which, under this section, should be so designated or redesignated. Under the subsection, any person objecting to such an act or refusal to act by the Administrator could bring an action in specified, convenient U.S. district courts for an injunction against the Administrator's continued withholding of information that should be public. The subsection would authorize any interested person to intervene in such an action. The court would consider the case de novo, with such in camera examination of contested information as it found appropriate. Expedited pleading and consideration would be required in cases under this subsection. The court could award reasonable attorneys' fees and other litigation costs against the United States to a successful complainant under this subsection. The subsection would also provide, in aggravated circumstances, for disciplinary action against any Federal officer or employee found to have been responsible, without reasonable basis in law for the withholding of information that should have been made public under this section.

Sec. 829. Acquisition of information by sampling

Section 829 would authorize the Administrator to use scientific sampling techniques to obtain information for the System, whenever that satistical method would significantly reduce the costs to the Federal Government and the burden on those supplying information, without sacrificing requisite levels of accuracy. A proviso would require that, whenever the sampling method was used to obtain information on any line of commerce, the sample, to the utmost extent practicable should include all resources enterprises and materials enterprises operating in that line of commerce and having total annual sales or total assets in all lines of commerce of $100 million or more. The sample would also be required to include, to the extent practicable, all segments of business—including foreign segments—of those $100-million-and-up enterprises operating in the line of commerce being surveyed and having annual sales or assets of $10 million or more.

Sec. 830. Inspection of records and premises; subpenas; enforcement of subpenas

Subsection (a) of section 830 would require all persons engaged in resources ownership, control, or development, or in materials supply or major materials consumption, to make available to the Administrator such information and periodic reports as the Administrator might by regulation prescribe as necessary to achieve the purposes of this act.

Subsection (b) of section 830 would require the same persons mentioned in subsection (a) to answer questionnaires sent by the Administrator.

Subsection (c) of section 830 would authorize the Administrator to verify the accuracy of information, or to acquire information when necessary, by on-site inspection of the premises and records of resources enterprises, materials enterprises, and of persons that are major materials consumers. The inspections, which would be required to be conducted at reasonable times and in a reasonable manner, could include sampling and inventorying stocks of materials, verification of geological information concerning resources by geological or engineering tests or otherwise, examination of records, and questioning of persons.

Subsection (d) of section 830 would empower the Administrator to subpena the testimony of witnesses and documents, and to invoke the aid of U.S. district courts for the enforcement of those subpenas. Witnesses summoned under the provisions of this section would be entitled to the same fees and mileage as are paid witnesses in U.S. courts.

Sec. 831. Reports

Section 831 would direct the Administrator to make regular periodic reports to the Commission, the Congress and the public. Under subsection (a), the required reports would include (1) monthly reports—and when deemed appropriate by the Administrator, weekly reports—on supply and consumption of materials for which shortages exist or are threatened; (2) an annual report on the activities of the System, including a summary of special reports issued during the year and also including forecasts of supply and consumption trends of critical resources and materials for periods from the next one to twenty years; and (3) annual recommendations to the Congress on needed changes in the System's authority.

Subsection (b) would direct the Administrator to report annually to the Congress on compliance problems that have arisen in the administration of the System.

Subsection (c) would authorize and direct the Administrator to furnish special analytical reports to committees of the Senate and House upon request of their chairmen. To the extent personnel and funds are available, the Administrator could also accept requests for special reports from individual Members of Congress. Reports prepared under this subsection would be required to be public, unless the Administrator determined, under provisions of section 828, that all or parts of some reports should be withheld from the public.

Sec. 832. Acquisition of energy information from institutions outside the Federal Government

Section 832 would direct the Administrator to enter into arrangements for the use by the System of resources and materials information possessed by institutions outside the Federal Government. The section is, deliberately, not specific on the form of the arrangements, to allow the Administrator considerable flexibility. The purposes for which information-purchasing and information-sharing arrangements might be made by the Administrator would include both comparison with and extension of the information base of the System. The section contemplates and would authorize such arrangements being made with foreign governments, United Nations affiliates and other international organizations, State and local governments, universities and foundations, private business concerns, and business and trade associations, among others. This section is intended to encourage and authorize the Administrator to acquire—by purchase, exchange, or other arrangements—information from existing data bases, rather than collecting information from original sources, whenever that would be a sufficiently complete and accurate and a more efficient and economical way to serve the purposes of the act and improve the usefulness of the System. The section is also intended to discourage the System from entering into any unnecessary competition with or duplication of information-collection and analytical activities already being adequately performed by others, including business concerns in the fast-growing information industries.

PART D—RESOURCES SURVEYS AND INSPECTIONS BY THE DEPARTMENT OF THE INTERIOR

Sections 841, 842 and 843 comprise part D of proposed new title VIII, which would authorize and direct the Secretary of the Interior to make resources surveys and inspections.

Sec. 481. Survey of resources in the public lands

Section 841 would direct the Secretary of the Interior to compile, maintain and keep current on an annual basis or more frequently a survey of all resources in the public lands of the United States. The survey program would be required to provide information about the location, extent, value, and characteristics of the resources in the public lands. The stated reasons for the program would be to provide a basis for development and revision of Federal leasing programs, for wider competitive interest in production of raw materials from the resources in the public lands, for making informed decisions on the potential quantities of materials to be derived from the resources, and for better serving the purposes of this act.

The section would authorize the Secretary to contract for or purchase the results of various specified types of physical assessment of resources quantity, quality and location. The section would direct the Secretary to submit to Congress within six months of enactment of this act a plan to carry out the survey program, and, within 20 months of enactment, to submit a report on survey results to date. That report would be required to be updated annually thereafter. Copies of all reports and surveys would be required to be furnished by the Secretary to the Administrator for the System.

Under subsection (g) of this section, the Secretary and the Administrator would be exempted from the obligation to file environmental impact statements for actions taken under the survey program, or for any purpose of the System, if those actions were not physically disruptive. However, drilling of exploratory wells for oil and gas and other physical exploratory activities of a comparable or greater magnitude would expressly be subject to the impact statements provisions of the National Environmental Policy Act of 1969.

Subsection (h) of this section would prohibit the Secretary and the Administrator from conducting physically disruptive exploration for resources on any Federal lands that are within any national park, wilderness, seashore, or wildlife refuge area, or any lands held in trust for any Indian or Indian tribe; but exploration which could be conducted from the air, without intrusion or below the surface, would be permitted with the written consent of those holding authority over such lands.

Sec. 842. Verification of reported resources in private ownership

Section 842 would authorize the Secretary, when requested by the Administrator, to inspect company records for the purpose of verifying the accuracy of information pertaining to resources required, under authority of this title, to be reported to the Administrator for inclusion in the System. This section is intended to authorize the Administrator to delegate to the Secretary some but not all of the Administrator's own powers of verification and inspection; as set forth in sections 824 and 830.

Sec. 843. Contents of Secretary's reports

Section 843 would require the Secretary's reports to the Congress and the Administrator to include organized data on ownership, control, location, extent, value, and characteristics of resources. But any information on ownership and control of reserves and resources by private persons, correlated with location, would be required to be designated as geological information that is proprietary company information and handled by the Administrator in the System in accordance with subsection (f) of section 828. The intent here is to provide for the protection of confidential geological information of companies for the reasonable periods of time contemplated by section 828, while also providing prompt public disclosure of geological information concerning resources over which only governments have any ownership or control.

PART E—MISCELLANEOUS

Sections 851, 852 and 853 comprise part E of new title VIII. These sections include provisions for General Accounting Office oversight of the functioning of the System, for separability, and for authorization of appropriations.

Sec. 851. General Accounting Office oversight of resources and materials information collection and analysis

Section 851 would give the General Accounting Office, an arm of the Congress, a continuing oversight or "watchdog" role under this act. The Comptroller General of the United States, head of the GAO, would be required to continuously monitor and evaluate the operations and activities of the System including its reporting requirements. The section has five subsections, (a) through (e).

Under subsection (a), the Comptroller General would be directed to perform certain specific functions upon his own initiative, or upon the request of a committee of the Congress. To the extent personnel and funds were available, any of the same functions could be performed by the Comptroller General upon the request of an individual Member of Congress. The functions so specified would include: (1) reviewing the System's resources and materials information-gathering procedures to evaluate their adequacy in the light of the purposes of the act; (2) reviewing issues—i.e., conflicts—that might arise in the collection of resources and materials information and the designation of the information by access category; (3) studying existing statutes and regulations governing collection of resources and materials information; (4) reviewing all Federal agency policy and practice in the gathering, analysis and interpretation of resources and materials information; and (5) evaluation of particular projects or programs. To carry out these functions, the Comptroller General would be given access to all information within the possession or control of the Administrator obtained from any public or private source whatever, notwithstanding the provisions of any other act. The Comptroller General would be directed to report to the Congress at such times as he deemed appropriate his findings and recommendations in connection with any of these matters.

Subsection (b) of section 851 would give the Comptroller General the right of direct access to any records and documents of any person, to the extent necessary to carry out his responsibilities under this section. A relevance of the documents sought to the management, development, production, consumption or conservation of resources and materials would be a prerequisite to such access. The Comptroller General could require any person to submit in writing, under oath or otherwise and within a reasonable time, any resources and materials information that he might prescribe.

Subsection (c) would give the Comptroller General a qualified power to enforce his access rights, under subsection (b), by the issuance of subpenas. The qualification would be that each such subpena would have to be approved in advance, in its particulars, by resolution of a committee of the Congress having legislative or investigative jurisdiction over the subject matter.

Subsection (d) would empower the Comptroller General to obtain the aid of the U.S. district courts in the enforcement of subpenas issued pursuant to subsection (c) or in requiring the production of records and documents pursuant to subsection (b).

Subsection (e) would require reports prepared by the Comptroller General under this section to be available to the public at reasonable cost and upon identifiable request. But the Comptroller General could not disclose to the public any information obtained from the System which could not be disclosed to the public by the System under this act.

Sec. 852. Separability

Section 852 would provide that invalidation of any provision or application of this act would not affect the validity of any other provisions or applications.

Sec. 853. Authorization of appropriations

Section 853 would authorize appropriations of $15,000,000 in each of the 1976, 1977 and 1978 fiscal years to fund the activities of the Commission that would be re-established and the System that would be established by this act. One-tenth of the amount appropriated for the 1976 fiscal year would be for the general purposes of the Commission.

EXHIBIT 2

EXCERPTS FROM VOLUME I OF "RESOURCES FOR FREEDOM," A REPORT TO THE PRESIDENT BY THE PRESIDENT'S MATERIALS POLICY COMMISSION, WILLIAM S. PALEY, CHAIRMAN (JUNE 1952)

CHAPTER 31. PREPARING FOR FUTURE POLICY—THE CONTINUING TASK

One thing seems certain about the materials problem: it will persist. Its forms will alter; its severities may be controlled, and partial solutions will brightly present themselves—but the forces that brought the problem into being will increase rather than diminish. The central fact seems unalterable: as industrial civilizations grow in complexity they compound the demands made upon materials. This Commission does not accept the view that the world's increasing population pressures are catastrophic; it believes the reason Malthusian doom is so overdue is that Malthusian calculations have never given sufficient weight to the extraordinary ingenuity of mankind in extricating himself from situations before they become wholly and finally intolerable.

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In this and other volumes of its Report, the Commission has attempted to outline the main features of the materials problem as seen from mid-century, and to find realistic answers to some of the questions it poses. The Commission believes that the policies and programs it has recommended will, if promptly and vigorously administered, do much to alleviate threatened shortages and to stimulate economic growth and promote free world security.

At the same time, the Commission is well aware that no single study by a temporary group can deal adequately with an immensely complicated situation cutting across the entire economy, persisting indefinitely, and changing from year to year. It was for this reason that, earlier in the Report, the Commission stated: "A task of such scope and complexity cannot be completed in one attempt. . . . The most important conclusion this Commission presents is . . . that the job must be carried on, cooperatively by Government and private citizens, not periodically at widely spaced intervals, but day by day and year by year."

Responsibility for surmounting materials difficulties and for carrying out a forward audit of foreseeable problems is shared widely among many industries, the universities and foundations, and many places in Federal, State, and local Governments. Each has its specific role to play. The Federal Government's task has been defined elsewhere (chapter 5, this volume), and will not be reviewed here. This Commission has not undertaken to add to its larger task the responsibility for examining in detail the structure and functions of the Federal Government as they relate to materials policy and programs.

Since the Commission has not undertaken to examine in detail the structure and functions of the Federal Government as they relate to materials policy and programs, it here concentrates on two problem areas of materials policy formation upon which it feels in a position to offer suggestions—collection and analysis of facts, and comprehensive appraisal of the whole materials situation.

The importance of fact-gathering and analysis by Government agencies as the foundation of materials policies and programs has been recognized frequently in the course of this Report. Some of these findings were:

No Nation-wide census of minerals has been taken since 1939 (chapter 7).

Although both the Bureau of Mines and the Geological Survey develop some excellent data, they are not equipped between them to provide a comprehensive, current picture of the minerals situation in the free world or even in the United States (chapter 7).

No one agency of Government can offer a comprehensive picture of the pattern of federally financed technological activity relating to materials, much less to the whole field of technology (chapter 25). Even for one specific energy fuel—coal—the Commission found no adequate machinery for listing and appraising public and private projects of research and technological development (chapter 19).

There is no single source for a comprehensive appraisal of the Nation's long-range outlook for energy (chapter 22).

The Commission was somewhat encouraged to find that some agencies are identifying the materials problem and that industry is beginning to recognize that basic fact-gathering and analysis by Government can help industry determine useful lines of research and development work. But these are only beginnings.

Agencies responsible for fact-gatherings and analysis in the materials field tend to concentrate on immediate problems at the expense of studying long-range situations that may become even more pressing if neglected. Even when agencies recognize the value of research and analysis this undramatic line of work often is the first to feel the axe of budget-cutting by Congress. The Commission can understand these tendencies, but the sober fact is that such neglect will cost the Nation heavily in the long run. A modest investment now in fact-finding and analysis, and in attention to the future, would pay large dividends in helping to spot problems in advance and in stimulating action to avert costly crises.

In the opinion of this Commission no type of activity is more essential to giving the taxpayer the most for his money in the long run. The Commission believes that analytical machinery in Government should be strengthened from top to bottom, wherever materials problems are dealt with. The Commission already has recommended (chapter 7) that the Department of the Interior intensify its fact-gathering and analytical work in connection with minerals, and that sufficient funds be made available for a complete census of minerals industries in 1954 and every 5 years thereafter.

The Commission further recommends:

That each agency of the Government concerned with primary data on materials and energy strengthen its own fact-gathering, analytical, and programming machinery so that the Government's total efforts in this field will be adequate as a basis for estimating the total materials problem and that special attention be paid to the need for more and better economic analysis.

Not only is work in the different areas of the materials field imperfectly correlated, but there is a damaging lack of consistency even within distinct areas, as was developed earlier in this Report.

Domestic Resources. The Commission concluded that there can be no purely domestic materials problems but only domestic aspects of world problems. Policies and programs affecting domestic production of minerals, for example, should be balanced with those concerning foreign development and imports and with others concerning technology in the use and substitution of materials. Programs concerning the various domestic resources should be better related, each with the other.

Foreign Resources. The Commission recommended that a successor agency, or agencies, be created upon expiration of present emergency agencies to administer programs to help expand foreign production of materials needed by the United States. The Commission also recommended legislation to authorize elimination of import duties on needed materials for which the United States is, or might soon become, dependent upon imports. Effectiveness of these recommendations would depend on adequate (and as yet nonexistent) machinery for accurately appraising the entire materials situation—the position of the United States in relation to that of the free world as a whole.

Energy. The Commission recommended that a single Federal agency be designated to keep the entire energy situation and long-range outlook for all energy sources under review and that these activities should be closely coordinated with similar efforts in the formation of policy for all materials.

Technology. The Commission recommended designation of a single agency to keep track of public and private research affecting production and use of materials in the light of current needs and future prospects, and to make sure that urgent research projects which industry could not be expected to undertake were referred to public or private organization capable of carrying them out.

Security. The Commission emphasized the need for relating emergency policies and programs, both short and long range, to the economy as a whole for examining the probable effects of immediate programs upon longer range developments.

A single agency designated to keep all aspects of the materials problem under its eye should not, the Commission believes, be an operating agency. Its energies should be directed to broad, long-range analysis and not diverted into immediate problems of operation.

With access to all facts and analyses developed in various areas of the materials field, it could correlate this information and point out its deficiencies and gaps.

It could assess policies and programs in the light of assembled information and call attention to needs for new projects or for changes. It could keep abreast of significant activities among private agencies, including industry groups, universities, and the foundations, so that duplications by Government could be avoided, or conversely, so that any urgent and uncared for task could be signalled to attention. It could survey the total pattern of activities in the materials and energy field.

It should issue periodic reports to inform industry, the general public and the legislative as well as the executive branches of Government concerning leading developments in all the related material fields.

To perform an assignment of such dimensions, the proposed reviewing agency would have to be high in the structure of the Federal Government, preferably part of the Executive Office of the President. It should be so placed because it would be informing operating agencies of the Government of needs for collecting new data and for analysis to serve new ends, and would have the essential task of indicating programs and tasks to various agencies. As an advisory body, framing recommendations for long-range policy, it would not duplicate the work of either permanent or emergency operating agencies. As a body primarily responsible for projecting the Nation's materials position as much as 25 years ahead, it would not duplicate the immediate and temporary coordinating functions of the Office of Defense Mobilization or the Defense Production Administration.

No existing agency fulfills all the requirements, but the National Security Resources Board appears most nearly qualified by present functions and past experience to undertake the responsibility.

It is an advisory rather than an operating agency, and it is situated within the Executive Office of the President. Under the National Security Act of 1947, its function is to advise the President on the coordination of military, industrial, and civilian mobilization, and many of its activities have therefore been concerned with materials.* Prior to the outbreak in Korea, N. S. R. B. had been organizing to perform many of the duties proposed here. The new emergency agencies created specifically to deal with mobilization drew upon plans already made by N. S. R. B. and early in 1951 absorbed a large part of its staff. At the time, these actions seemed a necessary expedient, but now that the emergency agencies are well established, N. S. R. B. should be in a position to rebuild and enlarge its long-range advisory service. To perform the task effectively, N. S. R. B. would have to recruit additional personnel of experience, judgment, flexibility, and constructive imagination and would need to be strengthened with additional funds.

N.S.R.B. appears to have the necessary statutory powers. Its authority to plan military support through economic mobilization necessarily comprehends the preparation and appraisal of policies to assure a strong resource base in peace or war. As the Commission has pointed out in chapter 27—Military security depends heavily on a vigorous and expanding economy to produce the overwhelming quantities of the equipment, machinery, and supplies necessary for modern military strength. . . . Neither military nor economic strength can be raised to its highest potential without an abundant and varied flow of materials.

N.S.R.B. is already authorized, under the National Security Act of 1947, to utilize to the maximum extent the facilities and resources of the various departments and agencies of Government.

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*Sec. 103(c) of the National Security Act of 1947 (61 Stat. 499) provides:

It shall be the function of the Chairman of the Board to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

(3) policies for unifying, in time of war the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security.

The Commission therefore recommends:

That the National Security Resources Board be directed, and provided with adequate funds, to collect in one place the facts, analyses, and program plans of other agencies on materials and energy problems and related technological and special security problems; to evaluate materials programs and policies in all these fields; to recommend appropriate action for the guidance of the President, the Congress, and the Executive agencies; and to report annually to the President on the long-term outlook for materials with emphasis on significant new problems that emerge, major changes in outlook, and modifications of policy or program that appear necessary. To the fullest extent consistent with national security, such reports should be made public.

EXHIBIT 3

EXCERPTS FROM "U.S. ACTIONS NEEDED TO COPE WITH COMMODITY SHORTAGES," REPORT TO THE CONGRESS BY THE COMPTROLLER GENERAL OF THE UNITED STATES, REPORT NO. B-114824 (APRIL 29, 1974)

CHAPTER 2. EXECUTIVE BRANCH SHORT-SUPPLY DECISIONMAKING PROCESS

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The use of "crisis management" without effective communication, coordination, and planning has resulted in decisions that have been fragmented in terms of decisionmaking responsibility, application of alternative policy actions, sources and flows of policy analysis, and informational input and have led to continuing conflict over policy priorities, options, and short-supply policy alternatives.

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Decisionmaking responsibilities for policy formulation evolve not only from five major departments but also from a series of high-level economic councils with overlapping economic policy functions. Thus, the system is fragmented among the many policy areas affected by short-supply situations, such as export controls, import quotas, export expansion programs, and concessional sales.

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Our review isolated many deficiencies in the Government's short-supply decisionmaking process. Short-supply decisions are the products of complex interactions of many divergent forces, and recommendations to improve the decisionmaking process must necessarily embody many management considerations. Government adoption of a more active and anticipatory short-supply decisionmaking process could resolve many of the problems noted. Identifying or establishing a focal point organization to substantially reduce organizational and information overlap and fragmentation is central to such a role. Such an organization should be able to resolve differing data inputs and policy interests so that more responsive short-supply decisions can be made.

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CHAPTER 5. PROGRAMS FOR GATHERING COMMODITY INFORMATION AND MAKING FORECASTS

An ability to forecast future economic events is a basic requirement if Government is to be aware of impending short-supply or over-supply situations and able to devise policy actions to avoid or moderate their effects.

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This chapter deals with programs, policies, and processes employed by the major agency forecasting groups for gathering commodity information and making forecasts: ERS (Agriculture); OBRA (Commerce); Bureau of Mines (Interior); and the Offices of International Commodities, Food Policy and Programs, and Economic Research and Analysis (State). There is a pressing need to reevaluate these programs. Except for ERS, which has recently been restructured and reoriented, these agency forecasting groups are undeveloped in potential and static in operation as a source of policy inputs.

Organizational structures are inadequate and unresponsive to the requirements of analyses and forecasting.

Administrative procedures and priorities are not defined.

Several agencies are understaffed and their personnel lack necessary research skills.

The data base of relevant information needed for statistically reliable commodity forecasts has been neglected.

Production, consumption, and price information needed to monitor key industrial and mineral products is unavailable to the Government except to the extent that private industry is willing to provide it.

Modern statistical methods and research techniques have not been used to make commodity forecasts.

Agency analysts having relevant information are frequently not consulted by decisionmakers and interagency coordination is lacking.

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Most of the research and analysis in commodity forecasting is a result of informed opinion rather than such scientific methods as partial simulation models embodying judgment and statistical relationships or fully computerized models. Methods used are generally selected in an ad hoc manner from a variety of sources, not programed by type of inquiry or analysis. The research is not based on a steady accumulation of data and analysis. Agencies, therefore, rely on an individual analyst's expertise, developed within the organization on specific commodities, and do not build a general data base that can be used as a permanent record. Relying on such commodity expertise hinders the development of standards of reliability and improved forecasting.

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To be useful, commodity analysis or forecasting information must be communicated to those who need it. Key commodity analysis agencies, however, have had continuing problems of information flow, both up the chain of command and laterally to other agencies.

Only Agriculture's ERS, for instance, has direct communication channels through the Director of Agricultural Economics to high-level Agriculture policymakers. This direct access makes it difficult to ignore ERS analytical inputs, which can be a constructive factor in improving forecasting performance. Agriculture officials' criticism of ERS as being out of step with the Secretary's priorities and not providing timely or pertinent data brought about the recent reevaluation of ERS research procedures to minimize errors and improve forecasting.

Commodity analysis groups at the other agencies are segments of bureaus having other primary program responsibilities. In these agencies, commodity information may be screened several times before passing from commodity analysis groups to policymakers.

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Conclusions

Forecasts involve explicit observations and theory, consistent data series, and opportunities to later verify their accuracy. A variety of deficiencies detracted from major agencies' abilities to monitor and forecast commodity situations.

Commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decisionmakers. With the exception of Agriculture's ERS, they had not reassessed commodity data requirements, administrative procedures, or management information needs.

The agencies had not reexamined past forecasting roles and performances. Thus, there was little awareness of procedural modifications necessary to improve commodity forecasting.

There were no regular interdepartmental exchanges among agencies having commodity monitoring and forecasting responsibilities. Different agencies studied many commodities that were interactive or that responded similarly to the same occurrences. Regularly communicated findings and techniques of analysis could prove helpful to commodity specialists in other areas.

Serial publications were not adequately reviewed for purposes of developing and maintaining reliable and retrievable data bases for commodity forecasting. Often they lacked forecasts of pertinent information, provided only narrative analysis without supportive data series or methodologies, and served limited industry needs.

ERS has attempted to examine its forecast record and to determine its data requirements, administrative procedures, and management information needs. No other agency has undertaken this necessary first step. No agency approached these problems in concert with other agencies as common concerns. Since these problems are not unique to a particular agency, presumably all agencies would benefit from such interaction.

Only ERS possessed research autonomy and lateral access to policymaking levels. Research autonomy and greater organizational stature would limit the intrusion of departmental program constraints into the information and analysis flow before it reached policymaking levels, which would reduce information loss and establish accountability.

The data base of most of the agencies was in a nonretrievable form. Insufficient attention had been given to the use of automatic data processing techniques or to the relatively large number of persons who could not use them. Adopting computerized information retrieval systems would facilitate consideration of aggregate data techniques and promote use of these techniques by a larger number of persons.

The imbalance of specialized skills was apparent in all agencies except ERS. Not enough emphasis had been placed on transferable research skills and too much on nontransferable commodity expertise. Commodity analysis and forecasting agencies should have technically proficient research capacities as well as commodity expertise.

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Recommendations

Because of the insufficient attention given to commodity monitoring and forecasting by responsible agencies of the four departments, we recommend that—

The Secretaries of Agriculture, Commerce, Interior, and State and the Director of the Office of Management and Budget:

Review the commodity monitoring, analysis, and forecasting record of their agencies with a view toward isolating actions needed to upgrade their capabilities for these functions.

Create an interdepartmental commodities committee of representatives from agencies with monitoring, analysis, and forecasting responsibility to regularly exchange information on data requirements and research findings and techniques.

Review and upgrade serial publications emphasizing reporting of forecasting methodologies, findings, and sources of data.

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CHAPTER 7. OVERALL CONCLUSION, AGENCY COMMENTS AND OUR EVALUATION, AND MATTERS FOR CONSIDERATION BY THE CONGRESS

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We believe that the U.S. Government does not now have an adequate planning, policy analysis, and policy formulation system for basic commodity issues. In our opinion, existing executive branch programs do not provide a coordinated process and mechanism for dealing effectively with short-range commodity problems.

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Commodity policy analysis, decisionmaking, and planning cannot be effective if adequate information is not available. Commodity policy decisions can have only limited utility, and may even be counterproductive, if they are not guided by a set of established long-range policies, and extensive data gathering has little value if the data is not effectively used for analysis. Data gathering, analysis, forecasting, decisionmaking, and planning must be considered together for the system to function properly.

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Matters for Consideration by the Congress

We are making this report to the Congress because of the great interest expressed by its Members and Committees in the adequacy of the current Government policy system for dealing with commodity problems and the more than 100 legislative bills that have been introduced on this subject.

The Congress should consider in its deliberations the actions that executive branch agencies are taking and our recommendations for improving these agencies capabilities to cope with commodity problems. It should also consider the need for legislation to establish a centralized mechanism for developing and coordinating long-term policy planning.

EXHIBIT 4

EXCERPTS FROM THE 25TH ANNUAL REPORT OF THE SENATE SELECT COMMITTEE ON SMALL BUSINESS, S. REPT. NO. 94–13 (FEB. 15, 1975)

CHAPTER VI. CORPORATE GIANTISM

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B. Legislation on corporate information disclosure

The need for more and better public accounting by giant corporations of their diverse activities, along standard, comprehensible and comparable industrial and geographic lines, has been noted frequently in the work of the Subcommittee on Monopoly over a period of many years.[3] The first bill in either House of Congress to call for standardized segmental financial information disclosure by big business under certain competitive circumstances, the "Dual Distribution Reporting Act of 1962," [4] was introduced by Senator Russell B. Long while serving as chairman of the subcommittee and was developed by committee staff in pursuit of the subcommittee's conclusions and recommendations.[5]

1. General Considerations Concerning Corporate Financial Disclosure

Discussion of the need for more detailed and standardized segmental financial reporting by giant, diversified corporations, in hearings and reports of your committee and elsewhere, has commonly focused on these points:

Equity for small business

The small concern, simply because it is specialized, is *relatively* exposed to public view—including the view of its giant competitors—on at least such basic questions as whether the firm is making some operating profit (enough to stay in business) in the narrow line of business in which it is engaged. If the specialized concern happens to be registered with the Securities and Exchange Commission or a comparable State agency, the degree of exposure is of course much larger.

The giant conglomerate, in contrast, is able to conceal fundamental details of enormously important economic activities behind the screen of consolidated financial reporting. For example, present SEC requirements permit General Motors to keep *all* sales and profit data from its huge refrigerator and locomotive businesses, not to mention its separate automobile divisions. It is argued, therefore, that smaller and more specialized concerns would be on a more equitable competitive footing if the huge, diversified corporations were *at least* required to report publicly, under the Standard Industrial Classification system, which of their operations accounting for $10 million or more a year in sales are money-making and money-losing.[6]

Efficacy of competition as a check on inflation

Just as the profit motive is the fuel, the propelling force, of a competitive, free-enterprise economy, the braking force of the system is competition. Both are essential. Profit and the hope of profit make things go, but competition keeps profit from going too far or too fast. When functioning properly, competition restrains excessive profit far more effectively, and more fairly than either taxation or bureaucratic regulation.

But, it is increasingly noted and argued, in economic democracy not less than in political democracy, competition fails when secrecy prevails. Existing competitors of giant business, and would-be competitors—prospective new entrants—even more, are severely handicapped, unable to make wise investment decisions, when they cannot ascertain with some precision where the conglomerates are making money and where they are losing money. Administered-price inflation, the product of ineffective competition, thus becomes easier and more likely because of corporate secrecy.[7]

Accountability of power

Because giant corporations exercise powers over suppliers, employees, consumers—and sometimes foreign policy—not unlike the powers of the political governments of states and nations, a view is gaining currency that such corporations should give comprehensible, departmentalized public financial accounts of themselves for precisely the same reason that politicians and political governments are increasingly required to do so. In this view, the idea in the Declaration of Independence—that governments derive their just powers from the consent of the governed and that any true consent requires information on what government is up to—is applied to the "private governments," which global corporations are more and more perceived to be.[8]

Resources monitoring

With energy fuels, food, and a host of minerals in dangerously short supply, the need has become acute for better methods of keeping track of supplies and forecasting future shortages. But information vitally needed for workable resource-monitoring systems is, frequently, a closely-held secret of business concerns. Within the past year, a consensus has emerged that more energy and resource information must be collected and existing information must be more effectively compared and coordinated, although considerable controversy still exists over important details.[9]

In growing awareness of these principles, members of your committee and many other Senators and Representatives have introduced in this Congress a considerable number of bills, discussed below, intended to meet the suggested needs.

2. Specific Legislative Proposals

The following is an update on principal legislative proposals in the 93d Congress, mentioned in our Twenty-fourth Annual Report or subsequently introduced, which would provide for better monitoring of energy and materials resources and improved corporate information disclosure. (Reference is made to our last annual report for additional description and background of the legislation discussed here.)

The "Energy Information Act," S. 2782, progressed to the point of publication of a three-volume hearing record [10] and a fifth revised version of the bill in committee-print form.[11] At that point, however, the Interior Committee discontinued its markup work and laid the bill aside, without an agreement to report it, but also without having taken a vote to reject it.

The "Energy Information Act" would establish a National Energy Information System: a fully computerized mechanism for the efficient coordination, comparison and analysis of existing massive governmental, academic and business files, libraries and electronic data bases of energy information. The head of the System would also have power to obtain from energy producing and consuming companies information about their reserves and operations which he discovered to be needed but unavailable from existing governmental sources. The Department of Interior would be empowered to verify reports of energy resources in private lands and would be directed to report annually on energy resources in public lands.

The latest Interior Committee markup version of the "Energy Information Act" reflected these principal changes from the bill as introduced: (1) The original bill placed the National Energy Information System within a Bureau of Energy Information in the Department of Commerce. The last committee print (like all earlier committee prints after the first) would establish a new independent agency, the National Energy Information Administration,[12] to set up and operate the Energy Information System. (2) The three-tier plan of the original bill, for placement of information in public, confidential and secret libraries, according to access category, was superseded by a somewhat looser plan, but one which might extend confidential treatment to a wider range of information types.[13] (3) The original bill's description of types of information to be collected from major energy producers and users was supplanted by language somewhat less detailed and more flexible.[14] (4) Language in the original bill, intended to give the Energy Information System the widest practicable range of extraterritorial outreach for the collection of energy information outside the United States through jurisdiction over corporate affiliates within the United States, had been eliminated.[15]

Senator Nelson, principal sponsor of S. 2782, has expressed an intention to reintroduce the measure in the 94th Congress in a further-amended version that will adopt the best provisions of both the original bill and the draft that had evolved in the Interior Committee's markup process before the legislation was laid aside. As this report was prepared, S. 2782 had obtained the cosponsorship of 30 Senators.[16]

Despite the failure of S. 2782 to obtain enactment, the Federal Energy Administration has obtained, through other recently enacted statutes, a substantial measure of energy-information-gathering power and responsibility. Among the relevant new laws are the following:

The "Federal Energy Administration Act," Pub. Law 93–275,[17] contains elaborate and extensive provisions for the collection, analysis and reporting of information by the FEA,[18] and for access to that information by the Comptroller General [19] and the public.[20] In October and November of 1974, the FEA sponsored seminars for state and local officials in a number of cities around the country on the operations of its Energy Information Center.[21]

The "Emergency Petroleum Allocation Act of 1973," Pub. Law 93–159,[22] imposes upon the President (and now, by subsequent delega-

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Footnotes at end of article.

tion and transfer of functions, the FEA) the duty to compile information and report to Congress monthly, beginning not later than January 1, 1974, on the aggregate market shares of each of the marketers of each of certain Congressionally-designated refined petroleum products: gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils, and diesel fuel.[23]

The "Energy Supply and Environmental Coordination Act of 1974," Pub. Law 93-319,[24] requires the FEA to promulgate rules for the collection of reports at least every 90 days from specified classes of companies engaged in energy activities. The reports are to contain such information as the FEA Administrator determines to be necessary to carry out the purposes of this act and the Emergency Petroleum Allocation Act of 1973. Among the specified purposes of this act are the development of—

as full and accurate a measure as is reasonably practicable of—

(A) domestic reserves and production;

(B) imports; and

(C) inventories;

of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal.[25]

An expansion of the concept of the "Energy Information Act," S. 2782, was contained in two other measures introduced by Senator Nelson in 1974: the "National Resources Information Act," S. 3209,[26] and an amendment (S. Amdmt. No. 1406) which would have established a National Resources and Materials Information System.[27] The latter was a refinement and amplification of the former and both would, if enacted, establish computerized systems for the collection, comparison and analysis of all relevant data—notably including some types of important data now held in secrecy by giant corporations—on resources and materials, including energy resources. On April 29 and May 8 and 10, 1974, joint hearings[28] were held by the full Senate Commerce and Government Operations Committees on S. 3209 and three other measures similar in purpose.[29] However, the 93d Congress did not establish any kind of permanent, thorough system for monitoring and analyzing either energy or resources and materials information. Instead, a new, temporary National Commission on Supplies and Shortages was created.[30] That commission, with a lifespan well under a year, is directed to report by March 1, 1975, among other things on—

The advisability of establishnig an independent agency to provide for a comprehensive data collection and storage system to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world.[31]

Senator Nelson's Amendment No. 1406 was introduced in negative reaction to that charge to the commission. According to the Senator, the question has already been answered in the affirmative by at least three earlier high-level Federal studies. It is time now, the Senator stated, to act on the answer, not repeat the question. But a motion by Senator Nelson (for himself and Senators Haskell and Taft) to recommit the measure, with instructions to report favorably or unfavorably the amendment to create rather than consider an information system, was defeated 34-56.[32]

* * * * *

E. Conclusion

Equity for small business, and the effective operation of free competitive markets as the best known check on inflationary pressures, would alike be served by more and better public disclosure by giant corporations of their operations and profits on the basis of recognizable industrial, organizational and geographical segments.

The Senate Small Business Committee supports the efforts of the Federal Trade Commission to demonstrate, through its line-of-business program, that such data can be prepared and filed by large, diversified companies. The Commission's regulations (and a recently enacted appropriations bill) providing that such data, when filed, must remain unavailable to small business competitors and customers of the corporate giants, and to law-enforcement agencies, deserve more critical scrutiny than they have thus far received.

Consideration of various information-disclosure bills sponsored by members of this committee and discussed in this chapter has provided, and when the bills are reintroduced in the next Congress will again provide, a useful basis for continuing and serious review of Federal laws and policies that support big-business secrecy. On the basis of the foregoing discussion, the committee feels, these policies and laws may now be outmoded.

FOOTNOTES

[3] Senate Small Business Committee, Twenty-fourth Annual Report, pp. 81-88, contains the most recent discussion. The subcommittee's (and committee's) earliest references to the subject not cited in last year's annual report are: Senate Small Business Committee, "Studies of Dual Distribution: The Flat-Glass Industry," S. Rept. No. 1015, 86th Cong., 1st Sess., recommendations 4 and 8, pp. 8, 10 (1959); and Twelfth Annual Report of the Select Committee on Small Business, U.S. Senate, S. Rept. No. 1491, 87th Cong., 1st Sess. (1962), pp. 31-35.

[4] S. 2640, 87th Cong., 1st Sess. (1961); subsequently reintroduced as S. 1108, 88th Cong., 1st Sess. (1963) and as S. 1843, 89th Cong., 1st Sess. (1965). See also *Cong. Rec.*, vol. 111 pt. 7. pp. 8840-8841, 89th Cong., 1st Sess., April 28, 1965 (remarks of Senator Long); and Hearings before the Subcommittee on Antitrust and Monopoly, Committee on the Judiciary, United States Senate, on S. 1842, S. 1843, and S. 1844, "Dual Distribution Legislation," 89th Cong., 1st Sess. (pt. 1, 1965) and 2d Sess. (pt. 2, 1966).

[5] S. Rept. No. 1015, 86th Cong., 1st Sess.; S. Rept. No. 1491, 87th Cong., 1st Sess. (note 3, supra).

[6] See, generally, testimony of Profs. Walter Adams, Willard F. Mueller, and Donald F. Turner in Hearings before the Subcommittee on Monopoly of the Select Committee on Small Business, U.S. Senate, on the role of giant corporations in the American and world economies, 92d Cong., 1st Sess., pt. 2, corporate secrecy: overviews (Nov. 9 and 12, 1971).

[7] *Ibid.*

[8] See testimony of Prof. John Kenneth Galbraith, *ibid.*, pp. 1087-1093.

[9] William C. Boesman, "Materials Information Systems," Issue Brief No. IB74118, Congressional Research Service, Library of Congress (1974). See also Appendix N.

[10] Hearings before the Committee on Interior and Insular Affairs, U.S. Senate, Pursuant to S. Res. 45. A National Fuels and Energy Policy Study, 93d Cong., 2d Sess., on S. 2782, a bill to establish a National Energy Information System, to authorize the Department of the Interior to undertake an inventory of United States energy resources on public lands and elsewhere, and for other purposes (pt. 1, Feb. 5 and 6, 1974; pt. 2, Feb. 14 and 15, 1974; pt. 3—appendixes); (hereinafter cited "Hearings on S. 2782"). Discussion of the bill and its background will be found in Senate Small Business Committee, Twenty-fourth Annual Report, pp. 83-86.

[11] Senate Committee on Interior and Insular Affairs, Committee Print for Markup Purposes (July 22, 1974), S. 2782, 93d Cong., 2d Sess. Several earlier committee prints of S. 2782 for markup purposes are available from, or in the files of, the Interior Committee.

[12] The hearings and markup sessions produced almost unanimous agreement that a National Energy Information System is needed but no clear consensus on where in the Government the System should be placed. The Administration was insistent that the System should be the responsibility of the Federal Energy Office (later the Federal Energy Administration), pending creation by the Congress of a Department of Energy and Natural Resources. The issue of "placement" was discussed in a memorandum dated Mar. 1, 1974, from Senators Nelson and Jackson to the Members and Ex Officio Members of the National Fuels and Energy Policy Study: Hearings on S. 2782, pt. 1, p. 56.

[13] The issue of access, and restrictions on access, to company information filed in the Energy Information System was probably the single most difficult and controversial of the principal issues which remained unresolved when the bill was laid aside for the year. The Nelson-Jackson memorandum cited in the preceding note discussed the issue. Each successive committee print reflected some change in position on the issue.

[14] The issue of "description of the Energy Information System was the third of three principal issues on which views were perceived to be widely divergent in the Nelson-Jackson memorandum. note 8, above.

[15] Hearings on S. 2782, p. 59: Nelson-Jackson memo's discussion of the subject. Compare sec. 401 of the bill as introduced (at page 37 of the hearings) with sec. 203 of the last markup version (July 22 committee print at page 32).

[16] Senators Nelson, Jackson, Eagleton, Muskie, Cannon, Kennedy, Clark, Nunn, Mondale, Hathaway. Moss, Stevenson, Proximire, Bible, McGovern, Pell, Humphrey, McGee, Hughes, Montoya Tunney, Cranston, Williams, Hatfield, Metzenbaum, Magnuson, Randolph, Gurney.

[17] Act of May 7, 1974, 88 Stat. 96 (H.R. 11793, 93d Cong., 2d sess.). The Senate version (S. 2776, 93d Cong., 2d sess.) was briefly discussed in Senate Small Business Committee, Twenty-fourth Annual Report, p. 87.

[18] Pub. Law 93-275, secs. 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 26.

[19] Pub. Law 93-275, sec. 12. Haskell and Ribicoff.

[20] Pub. Law 93-275, sec. 14. Subsection (b) of sec. 14 contains an amendment by Senator Hathaway, a member of this committee, intended to provide for disclosure of certain corporate information for which claims of proprietary secrecy might otherwise be made. Discussion in Senate Small Business Committee, Twenty-fourth Annual Report, pp. 82-83, 87.

[21] Federal Energy Office, press release dated May 24, 1974, "Sawhill Announces Energy Information Center"; Federal Energy Administration, press release dated Oct. 8, 1974, "FEA Regional Workshops To Tell State, Local Governments of Energy Information Capabilities"; Federal Energy Administration undated brochure, "The National Energy Information Center" (1974). These documents are reproduced in Appendix M.

[22] Act of Nov. 27, 1973, 87 Stat. 627 (S. 1570 93d Cong., 1st Sess.).

[23] *Ibid.*: Pub. Law 93-159, sec. 4 (c) (2) (A). See footnote 55 of this chapter for discussion of and citation to litigation filed by Senator Abourezk, a member of this committee, to enforce compliance.

[24] Act of June 22, 1974, 88 Stat. 246 (H.R. 14368, 93d Cong., 2d Sess.).

[25] *Ibid.*: Pub. Law 93-319, sec. 11(c)(1). See footnote 55 of this chapter for discussion of and citation to litigation filed by Senator Abourezk, a member of this committee, to enforce compliance.

[26] S. 3209. 93d Cong., 2d sess. ("National Resources Information Act"), a bill to establish a National Resource Information System, and for other purposes: *Cong. Rec.*, Mar. 21,

1974, p. 7688 (introduction of bill by Senator Nelson for himself and Senator Ribicoff), pp. 7691–7710 (remarks by Senator Nelson, with insertions). (Senators Bible, Cook, Hathaway, Humphrey, McIntyre, Moss, Pell and Williams subsequently became additional cosponsors.)

[27] S. Amdmt. No. 1406, amendments intended to be proposed by Mr. Nelson (for himself and Mr. Haskell) to S. 3523, a bill to establish a Temporary National Commission on Supplies and Shortages: *Cong. Rec.*, June 7, 1974, p. 18253 introduction of amendment): *ibid.*, June 11, 1974, pp. 18741–18749 (joint statement by Senators Nelson and Haskell describing amendments); *ibid.*, June 12, 1974, p. 18926 (amendment withdrawn by unanimous consent), pp. 18916, 18926–18949 (debate and roll call on motion by Senator Nelson, for himself and Senators Haskell and Taft, to recommit S. 3523 with instructions to consider and report on Amendment No. 1406).

[28] Joint Hearings before the Senate Committee on Commerce and Committee on Government Operations on S. 2966. Amendments 1069 and 1195, to establish identification and reporting procedures, to determine the existence and causes of shortages of products in interstate commerce, and S. 3209, to establish a National Resource Information System, 93d Cong., 2d sess., April 29; May 9, 10; June 17, 1974.

[29] S. 2966, 93d Cong., 2d sess. ("Domestic Supply Information Act"), a bill to establish identification and reporting procedures to determine the existence and causes of shortages of products in interstate commerce: *Cong. Rec.*, Feb. 6, 1974 (introduction of bill by Senator Tunney for himself and Senator Magnuson); S. Amdmt. No. 1069 ("Domestic Supply Information Act"), amendment (in the nature of a substitute) intended to be proposed by Mr. Magnuson (for himself and Mr. Stevenson) to S. 2966, 93d Cong., 2d sess.: *Cong. Rec.*, Mar. 26, 1974 (introduction of amendment); S. Amdt. No. 2966 ("Shortages Prevention Act of 1974"), amendment (in the nature of a substitute) intended to be proposed by Mr. Hart to S. 2966, 93d Cong., 2d sess.: *Cong. Rec.*, Apr. 11, 1974 (introduction of amendment).

[30] By section 5 of Pub. Law 93–426, "Defense Production Act Amendments of 1974" (S. 3270, 93d Cong., 2d sess.), act of Sept. 30, 1974, 88 Stat. 1166, Sec. 5, added to the bill in conference and adopted by the House, contained the text of S. 3523, the "National Commission on Supplies and Shortages Act," as passed by the Senate earlier in the year.

[31] Sec. 720(h) of the Defense Production Act of 1950 (50 U.S.C. app. 2061) as added by section 5 of Pub. Law 93–426.

[32] *Cong. Rec.*, June 12, 1974, p. 18944.

By Mr. SPARKMAN (by request):

S. 1413. A bill to authorize a U.S. payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus. Referred to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request I introduce for appropriate reference a bill to authorize a U.S. payment for fiscal year 1975 to the United Nations for expenses of the United Nations Force in Cyprus.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when it is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill and a justification be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated March 19, 1975.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United Nations Force in Cyprus Authorization Act."

There is authorized to be appropriated for the Fiscal Year 1975 for payment by the United States toward the costs of the United Nations Force in Cyprus, $4,800,000. Such amount shall be in addition to any other contribution from Fiscal Year 1975 funds to such Force by the United States pursuant to any other provision of law.

MARCH 19, 1975.

Hon. NELSON ROCKEFELLER,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation which would authorize a special additional U.S. contribution of $4.8 million to the United Nations Force in Cyprus (UNFICYP) from FY 1975 appropriations.

The Secretary General of the United Nations has appealed to members of the United Nations for additional voluntary contributions to offset the increased costs of the expanded Force in Cyprus since the crisis last July.

A detailed justification is enclosed.

The Department has been informed by the Office of Management and Budget that there is no objection to the presentation of this proposed authorizing legislation to the Congress and that its enactment would be in accord with the program of the President.

Cordially,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

Enclosure: Justification.

JUSTIFICATION—THE UNITED NATIONS FORCE IN CYPRUS (UNFICYP)

In 1964 the United Nations Security Council created UNFICYP to restore and maintain a climate conducive to establishing an equitable and enduring peace. The Force is financed on a purely voluntary basis and its mandate has been extended in six-month periods with the last extension ending June 15, 1975.

As a result of the coup in Cyprus and the subsequent Turkish intervention in July, 1974, Secretary General Waldheim increased the size of the Force in Cyprus from 2,341 to 4,335, reversing, in light of the new circumstances, his previous reduction of UNFICYP from 3,000 in 1973 to 2,341 in May, 1974. To maintain UNFICYP at this July, 1974 troop strength will require $27.4 million annually. Additionally, there is a current cumulative deficit of $27.3 million.

On September 20, 1974 the Secretary General appealed for further voluntary contributions for the UNFICYP fund. The U.S. pledge for $4.8 million for CY 1974 was made prior to the Cyprus crisis last July and the resultant subsequent increase in Force operations and costs. To help meet the needs of the expanded Force, we propose an additional contribution to UNFICYP of $4.8 million providing a total contribution of $9.6 million to UNFICYP for CY 1974 from FY 1975 appropriations. The amount of $4.8 million has already been pledged and paid. It is now requested that the additional $4.8 million contribution be authorized by the "United Nations Force in Cyprus Authorization Act."

The situation in Cyprus will undoubtedly remain unstable and potentially dangerous as long as a settlement of the basic problems is not reached. In these circumstances, the continued presence of UNFICYP is regarded as essential not only to help maintain the ceasefire called for by the Security Council, to promote the security of civilian population and to provide humanitarian relief assistance, but also to foster a climate for peaceful and productive negotiations between the parties concerned.

By Mr. TUNNEY:

S. 1415. A bill to monitor interstate and foreign commerce by establishing identification and reporting procedures on long-term shortages of products, materials, and resources, and for other purposes. Referred to the Committee on Commerce.

Mr. TUNNEY. Mr. President, I am introducing today the Materials Information and Economic Forecasting Act of 1975. It is essential that we develop immediately a mechanism within the Federal Government to monitor our materials situation and to serve as an early warning system against potentially devastating shortages.

The Arab oil embargo alerted this Nation to the fact that we are increasingly dependent on foreign sources of supply for energy and other natural resources. The United States is dependent on imports for its major supply of six of 13 basic raw materials: Chromium, nickel, rubber, aluminum, tin, and zinc. By 1985, if present trends continue, this country will depend on imports for more than half of its iron, lead, and tungsten. By the year 2000, imports will have to supply more than half of our copper, potassium, and sulphur. Also by the year 2000, it is projected that the United States could face a $100 billion balance-of-trade deficit in the mineral area alone.

Competition for the dwindling stocks of nonrenewable resources is intensifying dramatically. Furthermore, many economists predict continuing severe natural resource price fluctuations throughout this century.

We must prepare for these potential crises and attempt to avoid or mitigate their effects. The establishment of a materials information and economic forecasting system is an essential first step toward intelligent management of our resources. One of the key lessons of the energy crisis was that our failure to prepare for it was due not so much to a lack of statistics but rather to the absence of a mechanism for coordinating the statistics, developing a careful analysis, and presenting the issues and alternatives forcefully to key decision makers in the executive branch and Congress.

My legislation would set up an entity in the executive branch to monitor materials information and continuously audit and forecast the supply and demand for materials and resources. The need for such action has long been apparent. In 1908, a Governor's conference on natural resources recommended the formation of such a materials information system. It was called for again by the President's

Materials Policy Commission—Paley Commission—in 1952.

The intensity of demand for reform of our materials monitoring program has increased continually. The second annual report of the Secretary of Interior on Mining and Mineral Policy in 1973, for example, stated:

> The U.S. Government information base for the conduct of its mineral responsibilities is grossly inadequate . . . Information on foreign mineral operations is even more fragmentary.

A 2-year study by the President's National Materials Policy Commission in 1973 also took a strong position in this area:

> Almost every aspect of policy work in this area is handicapped by inadequate, or inaccessible information. Much data that is available is structured in ways that served past needs and policy requirements but do not meet present nor prospective demands. Effective management and rational policy-making require sufficient reliable and usable data concerning both the constituent parts of the materials system and the interactions of the system itself.

The most devastating critique of the present Government resource monitoring programs is contained in a 281-page report by the General Accounting Office released in April of 1974. This study detailed the chaotic state of our Government monitoring programs, calling them "ad hoc and crisis-oriented." The GAO pointed out that—

> There are numerous gaps in the data base. These deficiencies have compromised efforts to achieve coherent, coordinated national policies for confronting probably future economic issues.

The GAO concluded:

> No focal point exists for commodity policy among all these groups, commodity monitoring and forecasting agencies are not equipped to provide prompt and relevant information to decision makers.

To remedy these deficiencies I introduced the first bill in the 93d Congress to establish a monitoring system for the supply of products, materials, and resources. Shortly thereafter, Senator NELSON also introduced legislation in this area. In 1974, Senator MAGNUSON presented a shortages monitoring bill which gave microeconomic analytical functions to an expanded Council of Economic Advisers. The Senate Commerce Committee held hearings on these bills in the spring of 1974. As an outgrowth of these hearings, today I am introducing a strengthened version of my previous legislation. This bill includes useful suggestions received from Senators MAGNUSON, NELSON, and BROCK.

My legislation will give oversight and coordinating authority to a monitoring group within the executive branch. This group will provide the framework for the systematic collection, coordination, analysis, and dissemination of information pertaining to our natural resource and materials supply.

This group will be mandated to analyze the present data collection process, identify information gaps, improve the comparability of data, and see that this data is systematically disseminated within the executive branch to the Congress and the public. This program will also institute modern information filing, storage, search, retrieval, and processing techniques throughout the Government—areas in which the GAO found present Government procedures particularly deficient.

This group will give priority attention to potential shortages of materials and resources in industries that provide essential products which serve the critical needs of the Nation's consumers.

This group will also develop improved methods of data gathering from private industry. Much critical information is presently unavailable to Government; it is essential that Government and industry have access to this critical data so that they can respond in time to potential materials problems. An upgraded materials information gathering system will enable us to critically evaluate our resource position on a continuing basis and assign national priorities and goals to alleviate projected shortages, environmental damage, and international security problems. Further, this system will be capable of developing alternative strategies for resource evaluation to alert the President and Congress to future materials problems.

The National Commission on Supplies and Shortages has been mandated to report to the President and the Congress by June 30 of this year "on specific recommendations with respect to institutional adjustments, including the advisability of establising an independent agency to provide for a comprehensive data collection and shortage system, to aid in examination and analysis of the supplies and shortages in the economy of the United States and in relation to the rest of the world." As a member of the Commission I hope that this legislation will help focus its discussion on a new institutional structure for materials monitoring. It is essential that the Congress act quickly in this area. I believe this legislation can form the basis for development of definitive legislation in this area. The Senate Commerce Committee is planning to hold hearings on this legislation.

Mr. President, I ask unanimous consent that this legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Materials Information and Economic Forecasting Act of 1975".

DECLARATION OF POLICY

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) The United States has recently experienced severe economic troubles, including unemployment, inflation, and shortages of food, energy, and other products, materials, and resources.

(2) Such shortages of products, materials, and resources increase inflation and burden commerce.

(3) Industry and Federal agencies do not have sufficient information on the supply and demand for critical products, materials, and resources and thus are unable to intelligently manage and to optimize the supply of such products, materials, and resources to meet the needs of the Nation.

(4) Existing Federal agencies do not adequately coordinate national policies to long-term future needs for products, materials, and resources; do not adequately identify and anticipate shortages of such products, materials, and resources; do not adequately identify environmental problems of extracting, producing, using, and disposing of such products, materials, and resources; and do not adequately monitor, study, and analyze other market imbalances involving specific industries and specific sectors of the economy.

(5) Economic information and resource data with respect to such needs, shortages, environmental problems, and imbalances are collected in various Federal agencies for various purposes; are often duplicative, incomplete, and obsolete; are often not comparable; and are not systematically coordinated and disseminated to the public, the appropriate Federal agencies, the President, and the Congress for the purpose of timely and effective action.

(6) Such lack of coordination, comparability, and dissemination does not permit the systematic analysis in the long-term future of the major interdependent factors of the materials cycle regarding such needs, shortages, environmental problems and imbalances.

(7) It is likely that, unless the Federal Government systematically analyzes the interdependence of the materials cycle regarding such needs, shortages, environmental problems, and imbalances, the impact of long-term shortages and other market imbalances will become increasingly severe.

(8) A comprehensive materials and resource information system is needed to provide information on—

(A) the availability of critical products, materials, and resources essential to industry and to commerce;

(B) long-term shortages of products, materials, resources, and market dislocations;

(C) serious environmental problems as marginal resources are used to meet such long-term shortages and dislocations; and

(D) alternative policy options which will alleviate such shortages, environmental problems, and dislocations.

(b) PURPOSES.—It is the purpose of this Act to establish the means to—

(1) improve the regular collection, standardization, comparability, coordination, analysis, and dissemination of information on products, materials, resources, and market dislocation, including the long-term availability of critical products, materials, and resources essential to industry and commerce, and the serious environmental problems associated with the alleviation of such shortages and dislocations; and

(2) provide alternative policy options to the President and the Congress for administrative and legislative actions to alleviate such shortages, environmental problems, and dislocations.

DEFINITIONS

SEC. 3. As used in this Act—

(a) "Bureau" means the Bureau of Materials Forecasting established by section 8 of this Act;

(b) "commerce" means trade, traffic, transportation or exchange (a) between a place in a State and any place outside such State or (b) which affects trade, traffic, transportation, or exchange, described in subparagraph (a);

(c) "Federal agency" means any department, agency, office, or other instrumentality within the executive branch of the Federal Government; and any independent agency or establishment of the Federal Government including any Government corporation;

(d) "long-term" refers to predicting and forecasting the availability of products, materials, and resources for one to twenty years into the future;

(e) "market dislocation" means a situation in a specific industry or specific sector of the economy in which market conditions fail to provide goods and services equitably and at reasonable prices to the Nation's consumers; and

(f) "product, material, and resource" means any product; food; mineral; raw material; or any unproduced, undeveloped, or unextracted natural resource that is, or with new technology will become, a source of raw materials, including water supplies, forests, and nonmineral resources which have been identified as sources of energy; and

(g) "shortage" refers to a market condition where any such product, material, or resource (1) is essential to industry and the Nation's consumers, and (2) is not reasonably available to all users or can be acquired only at a price which has increased significantly relative to the general price level as a result of limited availability.

MATERIALS INFORMATION SYSTEM

SEC. 4. (a) RESPONSIBILITIES.—It shall be the responsibility of the President to establish a materials and resource information system pursuant to this section to provide alternative policy options with respect to the long-term availability of critical products, materials, and resources; with respect to market dislocations; and with respect to serious environmental problems associated with such shortages and dislocations.

(b) ESTABLISHMENT OF INFORMATION SYSTEM.—(1) Within six months after enactment of this Act the President shall review the methods of collecting and comparing information gathered by Federal agencies with respect to the availability of products, materials, and resources, and market dislocations, and shall determine the means for assuring the standardization and comparability of such information in order to meet the requirements under this Act.

(2) Upon the completion of such review, the President shall establish a national materials and resource information system (hereinafter referred to in this Act as the "system") within the executive branch to monitor the availability of products, materials, and resources. Such system shall provide for the systematic collection, standardization, comparability, coordination, analysis, and dissemination of economic and resource information with respect to product, material, and resource shortages and other market dislocations involving specific industries and specific sectors in the economy.

(3) Such system shall utilize pertinent data gathered by Federal agencies, including the Bureau of Materials Forecasting and other relevant offices within the Department of Commerce; the Economic Research Service within the Department of Agriculture, Council of Economic Advisers; and offices within the Department of State, Department of Treasury, and Department of Interior. To the extent practicable, the President shall assign the data collection and coordination requirements to such system to the Bureau.

(4) The President is authorized to acquire by purchase or otherwise from States, counties, cities, or other units of local government or from private persons copies of records, reports, and other data as may be required for the efficient and economical collection of information pursuant to this Act.

(c) PRIORITIES.—In carrying out the purposes and responsibilities under this Act, the President shall give priority attention to—

(1) industries which provide products, materials, resources, and services essential to the Nation's economy and industries which serve critical needs of the Nation's consumers, and

(2) product, material, and resource shortages and other market dislocations expected in the long-term future.

(d) DESIGN AND CAPABILITY OF INFORMATION SYSTEM.—(1) The President shall maintain within the system the capability (A) to perform analyses and verification of resource and materials information to the extent necessary to serve the purposes of this Act, and (B) to develop and evaluate models characterizing specific sectors of the economy and lines of commerce deemed critical to the economy and needs of the Nation's consumers.

(2) Such system shall—

(A) utilize appropriate economic models;

(B) utilize modern information filing, storage, search, retrieval, and processing mechanisms;

(C) readily permit quick additions, retrieval, and analyses of data; and

(D) maintain data historically and update data periodically to permit time-series analyses.

(3) Such system shall provide for the collection of data which shall include, but not be limited to, data on current and long-term supply, demand, consumption, capital investment, wages, prices, imports, exports, changes in technology affecting supply and demand, environmental concerns and other relevant matters relating to the availability of products, materials and resources, and market dislocations.

(4) To supplement the information otherwise available, the President is authorized as is necessary to carry out the provisions of this Act—

(A) to conduct public hearings and inquiries;

(B) to require, by subpena or special or general order, that any person or Government agency attend such hearings or submit in writing reports, papers, documents, or answers to questions, as the President deems advisable to carry out the purposes of this Act, including, if appropriate, but not limited to information referred to in section 1905 of title 18, United States Code; and

(C) to petition any United States district court for assistance in requiring the testimony of witnesses or the production of such reports, papers, documents, answers, or information.

(5)(A) In the event of refusal to obey a subpena or order issued pursuant to paragraph (4) of this subsection, the United States district court in which venue is proper shall have jurisdiction to issue an order to require any person to comply therewith. Failure to obey such an order of the court is punishable by such court as a contempt of court.

(B) Any person who neglects or refuses when appropriately requested to answer completely and correctly to the best of such person's knowledge any question or to furnish information requested under the authority of this Act shall be fined not more than $25,000 or imprisoned not more than 1 year, or both; and if such person willfully provides a false answer to any such question, such person shall be fined not more than $50,000 or imprisoned not more than three years, or both.

REPORTS AND ANALYSES

SEC. 5. (a) REPORTS.—Not later than January 20 and July 20 of each year, and at such more frequent times as the President determines are appropriate, the President shall transmit to the Congress a report setting forth—

(1) an enumeration of major, long-term product, material, and resource shortages in this country;

(2) estimates of the available domestic and world supply of such products, materials, and resources and an assessment of the various factors affecting such supply, including when appropriate, but not limited to, the availability of energy; environmental problems; regulatory controls and policies; the structure of control of the markets for such products, materials, and resources; the effects of imports and exports; the current and long-term availability of modern, efficient technology to produce such products and materials and to extract and to develop such resources; the availability of labor and capital for production; wages; prices; and plant capacity;

(3) estimates of domestic and world demand for such products, materials, and resources and an assessment of the various factors affecting such demand, including, when appropriate, but not limited to, an assessment of demand by class of consumer and by geographical region, the reasons for any change in demand, the elasticity of demand, the effect of fiscal and monetary policies of the Federal Government on demand, and the effect of imports and exports on demand;

(4) an enumeration of other major market dislocations and an evaluation of the causes thereof;

(5) an enumeration of environmental problems associated with the alleviation of such shortages and dislocations;

(6) an assessment of the impact on the economy of the United States and other nations of the shortages, dislocations, and problems enumerated;

(7) an analysis of the competitive structure of the industrial markets for such products, materials, and resources, and recommendations to improve competition in such markets;

(8) an assessment of the effects on national security and international relations of such shortages and dislocations;

(9) a review of the extent to which present programs and activities of the Federal Government may contribute to the cause or prevention of such shortages, dislocations, and environmental problems;

(10) a review of the current stockpiles of materials and resources owned by Government and private companies and of the need for increasing or decreasing such stockpiles;

(11) a listing of alternative policy options for legislative and administrative actions including but not limited to programs of conservation, research development, stockpiling and shifts in patterns of economic growth all designed to alleviate or contain such shortages and dislocations; and

(12) an assessment of the economic, social, and environmental strengths and weaknesses of the policy options specified, which may include recommendations as to which of such options are, in the view of the President, most desirable.

(b) ANALYSES.—In addition to reports submitted under subsection (a) of this section, the President shall, as frequently as is necessary and practicable, submit interim reports, recommendations, and analyses to the Congress concerning any of the matters listed under subsection (a).

DISSEMINATION OF INFORMATION

SEC. 6. (a) GENERAL AVAILABILITY.—Copies of any communication, document, report, or information received or sent pursuant to the requirements of this Act shall be made available to the public and to Federal agencies upon identifiable request, and at reasonable cost, unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) LIMITATIONS.—The President or any officer or employee of the President shall not disclose any information obtained under this section which is a trade secret referred to in section 1905 of title 18, United States Code, except that such information may be disclosed in a manner designed to preserve its confidentiality—

(1) to other Federal agencies and officials for official use upon request;

(2) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(3) to a court in any judicial proceeding under court order formulated to preserve the confidentiality of such information without impairing the proceedings.

PERSONNEL

SEC. 7. (a) HIRING OF PERSONNEL.—The President is authorized to appoint and remove such employees as is determined necessary to carry out the responsibilities under this Act and to fix the compensation of such employees in accordance with the civil service and classification laws of the United States.

(b) CONSULTANTS.—The President is authorized to employ consultants as is necessary to carry out the responsibilities under this Act in accordance with section 3109 of title 5, United States Code, and to compensate such persons at rates not in excess of the maximum daily rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day they are so employed (including traveltime) and pay such persons travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) CONTRACTS.—In carrying out the provisions of this Act, the President is authorized to enter into any developmental or operational contracts with educational or research organizations.

ESTABLISHMENT OF BUREAU

SEC. 8. There is established within the Department of Commerce a bureau to be known as the Bureau of Materials Forecasting. The Bureau shall be a main line agency of the Social and Economic Statistics Administration, coequal therein with the Bureau of the Census and the Bureau of Economic Analysis, and shall be under the direction of a Director who shall be appointed and removed by the President and compensated at the rate provided for level III of the Executive Schedule of Pay Rates (5 U.S.C. 4314).

FUNCTIONS OF BUREAU

SEC. 9. The Secretary of Commerce (hereinafter referred to as the "Secretary") shall, through the Bureau, collect and maintain such information as is required by the President to meet the purposes of this Act in order to provide for the collection of and to facilitate analyses on the long-term availability of critical products, materials, and resources essential to industry and commerce. At a minimum, the collection of such information shall permit analyses of—

(1) the long-term consumption of products; raw, semifinished, and finished materials by such classes, and geographical regions as the President and Secretary shall determine are appropriate for the purposes of this Act; and the long-term depletion of resources;

(2) the long-term sensitivity of resource exploration, development, production, transportation, and consumption to economic factors, environmental constraints, technological improvements, and substitutability of products, materials, and resources in various uses;

(3) the long-term capital requirements of the public and private institutions and establishments responsible for the production and distribution of materials and the development of resources; and

(4) the long-term industrial, labor, and regional impacts of changes in patterns of materials and resources supply and demand.

ACQUISITION OF INFORMATION BY THE BUREAU

SEC. 10. (a) HEARINGS AND SUBPENAS.—The Secretary, through the Bureau, may exercise, to the extent necessary, to carry out the provisions of this Act, the same powers authorized to the President under section 4(d)(4) and 4(d)(5) of this Act.

(b) ACQUISITION OF INFORMATION BY SAMPLING.—The Secretary, through the Bureau, may acquire information through the statistical method of sampling whenever the adoption of such a method would significantly reduce the cost to the Federal Government and burden upon those supplying information without sacrificing the accuracy required to achieve the purposes of this Act: *Provided,* That, when such method is employed to obtain required information on any line of commerce, the sample used shall, to the utmost extent practicable, include the universe of materials and resources enterprises operating in such line of commerce.

GENERAL ACCOUNTING OFFICE OVERNIGHT

SEC. 11. (a) RESPONSIBILITIES.—The Comptroller General of the United States (hereinafter referred to as "Comptroller General") shall be responsible for continuously monitoring and evaluating the operations of the President and Bureau pursuant to the requirements of this Act, including reporting requirements. Upon the Comptroller General's own initiative or upon the request of a committee of the Congress, the Comptroller General shall (1) review the system's products, materials and resources information gathering procedures to insure that the system is obtaining all necessary products, materials and resources information from the appropriate sources to carry out the purpose of this Act; (2) review the issues that arise or might arise in the collection of any of the types of products, materials and resources information required to achieve the purposes of this Act, including but not limited to issues attributable to claims of business establishments, individuals, or governments that certain information is proprietary or violative of national security; (3) conduct studies of existing statutes and regulations governing the collection of products, materials, and resources information; and (4) review the policies and practices of Federal agencies in collecting, standardizing, comparing, coordinating, analyzing, and disseminating such products, materials, and resources information. The Comptroller General shall have access to all information within the possession or control of the President or Bureau obtained from any public or private source whatever, notwithstanding the provisions of any other Act, as is necessary to carry out such Comptroller General's responsibilities under this Act.

(b) REPORTS.—The Comptroller General shall report to the Congress at such times as such Comptroller General deems appropriate on the implementation of this Act. Within a resonable time, not to exceed 90 days, following a report by the President to the Congress pursuant to section 5(a) of this Act, the Comptroller General shall issue comprehensive comments to the President and the Congress on such report including, but not limited to, an assessment of each policy option contained in such report. The Comptroller General additionally is authorized and encouraged to comment to the President and the Congress on each interim report, recommendation, and analysis submitted by the President pursuant to section 5(b) of Act.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 12. (a) GENERAL.—There are authorized to be appropriated for the purpose of establishing and maintaining a material information system under section 4 of this Act such sums as are necessary not to exceed $5,000,000 for the fiscal year ending June 30, 1975; $10,000,000 for the fiscal year ending on June 30, 1976; $6,000,000 for the transitional fiscal quarter ending on September 30, 1976; and $12,000,000 for the fiscal year ending on September 30, 1977.

(b) BUREAU.—There are authorized to be appropriated to the Department of Commerce for the purpose of collecting and maintaining the information required under sections 8, 9, and 10 of this Act such sums as are necessary not to exceed $3,000,000 for the fiscal year ending on June 30, 1975; $8,000,000 for the fiscal year ending on June 30, 1976; $4,000,000 for the transitional fiscal quarter ending on September 30, 1976; and $10,000,000 for the fiscal year ending on September 30, 1977.

(c) GENERAL ACCOUNTING OFFICE.—There are authorized to be appropriated to the Comptroller General for the purpose of carrying out the provisions of this Act under section 11, such sums as are necessary not to exceed $1,000,000 for the fiscal year ending on June 30, 1975; $5,000,000 for the fiscal year ending on June 30, 1976; $1,000,000 for the transitional fiscal quarter ending on September 3, 1976; and $5,000,000 for the fiscal year ending on September 30, 1977.

By Mr. HARRY F. BYRD, JR.;

S. 1416. A bill relating to the settlement of debts owed the United States by foreign countries. Referred to the Committee on Foreign Relations.

(The remarks of Mr. HARRY F. BYRD, JR., on the introduction of the above bill are printed earlier in the RECORD.)

By Mr. HUMPHREY (for himself, Mr. JOHNSTON, Mr. DOMENICI, Mr. KENNEDY, Mr. MAGNUSON, Mr. MORGAN, Mr. PELL, Mr. SYMINGTON, Mr. TALMADGE, Mr. BENTSEN, Mr. BROOKE, Mr. JAVITS, Mr. DOLE, Mr. MONDALE, Mr. STONE, and Mr. NUNN):

S.J. Res. 70. A joint resolution to extend support under the joint resolution providing for Allen J. Ellender Fellowships to disadvantaged secondary school students, and for other purposes. Referred to the Committee on Labor and Public Welfare.

ELLENDER FELLOWSHIPS FOR YOUTH

Mr. HUMPHREY. Mr. President, joined by several of my distinguished colleagues, I am today introducing a joint resolution to extend the life of the Allen J. Ellender Fellowship program, which has enabled thousands of disadvantaged high school students and their teachers throughout our great country to learn more about their government and the opportunity to serve as constructive and effective citizens.

Three years ago, when this body lost the leadership of our beloved colleague and friend, Allen Ellender, many of us joined together to honor the memory of this devoted public servant by instituting an Ellender Fellowship program in his name. Since that time, the Allen J. Ellender Fellowship program has taught many young people around this Nation that Government is more than words on a page—that instead, it is a human institution composed of people trying to respond to the many pressures and responsibilities of this great Nation of ours.

In my countless encounters with the young beneficiaries of this program, I am always struck by their freshness, their candor, their excitement in seeing Government on a people-to-people basis. I am always heartened and encouraged to know that they leave Washington with a clearer understanding and better appreciation of the democratic process, and that they carry with them to their communities and home a positive feeling for personal involvement in that process.

In retrospect, I do not believe that there could have been a more fitting tribute to a man who devoted the greater part of his life to public service than to have so many young people and their educators, through a program in his memory, develop into a concerned and participating citizenry.

I know, too, that it would be an equal source of pride for him to see the fine implementation of this program through the Close Up Foundation, an organization which he endorsed with his full support and unyielding enthusiasm. As a member of the original board of advisers, he provided expertise and, through his interest, encouraged others to do the same. His constant support and enthusiasm for the "community concept and approach of Close Up" helped to begin a learning experience which brought entire communities of students—black and white; Mexican/American; city, suburban, and rural; public, private, and parochial—together to share a common learning experience in our Nation's Capital.

As Senator Ellender himself once said:

> Close Up does not necessarily take the top scholars from only a few high schools. Nor do only those who can afford to pay for the trip participate in Close Up. By awarding participation grants to economically disadvantaged youths and combining these students with those who can afford to pay the program tuition themselves, a unique environment for learning has been created. For the first time ever, many of these students work together with students of different ethnic, religious, and economic backgrounds.

By involving entire cities and surrounding communities in this learning experience together, the Close Up Foundation has been able to create a new dimension which has taken the program far beyond the academics of learning about Government and politics. The program has also become a great and meaningful human experience, creating a framework where students and teachers from a variety of backgrounds in a community could share common experience.

The theory behind the community concept is what, I believe, has led to the great successes of the program. Because its academic and followup programs are organized around cities or communities, each session or class includes a cross section of young people and their teachers from the same city and surrounding communities who get to know each other as well as the Government they are studying. When they return home they have an opportunity to establish a network of communication which leads to a greater sense of community and country. As I said when the legislation was first introduced:

> The aspect of the program that is most intensely significant to me and I believe to the whole country, is the fact that this sense of community and feeling of camaraderie do not end on the plane trip home. The Close Up experience moves whole communities. I personally have seen this in the creation and execution of the Minneapolis/St. Paul program which brought more than 200 Minnesotans to Washington. These were not 200 students from a special place or a particular school. They came from virtually every high school—public, private, and parochial—in the community area, and just as important, they came together to take part in the Close Up program in Washington. Upon return home, students and teachers alike formed committees to look into community problems, sent delegates to both state party conventions, and through such actions and others, began to make the Close Up spirit the spirit of the community.

My interest in young people is what originally led me to be enthusiastic about this program, but let me tell you that even my most enthusiastic expectations for the success of the "community concept" as an educational endeavor have been surpassed. Communities grasp the Close Up spirit with enthusiasm, recognizing the vital importance today of enabling young people to build their own sense of community and country. Large and small newspapers are responding with generous words of encouragement. Educational systems have developed courses in which an enrollment requirement is participation in Close Up. Mayors declare Close Up "days," "weeks," and "months," in their cities. Businesses, large and small, have contributed so area or community participation could be increased. It gives me a great deal of satisfaction to have been an integral part of such a unique endeavor. I know of no other program which unites business, education, local and civil government, and a meaningful cross section of young people with such outstanding success.

Mr. President, we can all be proud that the Allen J. Ellender Fellowships provided by the Congress are the catalyst for this type of involvement. Using the Ellender Fellowships to generate broad-based community support, the Close Up Foundation has continued to encourage communities, business, and other private sources to provide assistance to students in need, making the Close Up concept a true community effort. To this end, the Close Up Foundation has taken the Federal mandate and pursued it with the greatest of vigor, involving hundreds of large and small companies and foundations from many communities throughout the Nation. In each community, the overwhelming "multiplier effect" of Federal funds is apparent. Thus, during the 1974 funding period, 1,431 students and teachers were able to participate in this unique learning experience through the Ellender Fellowships. Through efforts of the Close Up Foundation, an additional 3,861 students and teachers participated in the program through additional community funding from large and small businesses, philanthrophic organizations, service organizations, associations, unions, and individual family support. The 1975 Close Up programs show an even greater "multiplier effect". With close to 1,500 Ellender Student and Teacher Fellowships as a base, the Close Up Foundation has been able to generate approximately 6,500 additional student and teacher participants during their 1975 January to June programs. The monumental problems facing this country have not deterred the growing spirit of this program. I believe that my own Minneapolis/St. Paul area provides a good example of the kind of tremendous support and enthusiasm that has been able to be generated for this fine program. Such is the case in community after community. From Boston to Seattle, Minneapolis to New Orleans, city to city, community to community, this tremendous success story has been repeated.

Mr. President, I know we are all interested—particularly in this post-Watergate era, when political cynicism seems to be the order of the day, when faith in many of our fundamental institutions has been so badly shaken—in having our young people rededicate themselves to the noble challenge of public service and better citizen involvement. I believe it important, therefore, that this body continue and increase the life of this most worthwhile fellowship program, which provides for our young people and their educators a meaningful opportunity to spark the flame of positive and constructive involvement—a flame which, once lit, burns brightly from city to city.

Mr. President, I wish to share with my colleagues a sampling of the responses received from some of the participants in the Close Up program. In particular, I would like to call attention to the words of a teenager from Dade County, Fla., whose message of freedom and hope written while at Close Up should read as a declaration of the unalterable importance of this learning experience and should serve as an inspiration to all of us.

Mr. President, I ask unanimous consent that the text of my joint resolution, along with several of these letters, and an article from the April 9, 1975, Washington Post be included at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S.J. Res. 70

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b)(1) of the joint resolution entitled a "Joint Resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program" approved October 19, 1972, is amended by striking out "not more than one thousand five hundred", and by striking out "in any fiscal year".

Sec. 2. Section 5 of such joint resolution is amended by striking out "two succeeding fiscal years" and inserting in lieu thereof the following: "three succeeding fiscal years, $750,000 each for fiscal year 1977 and fiscal year 1978, and $1,000,000 each for fiscal year 1979, and fiscal year 1980,".

Letter From a Student In Miami, Fla.

Awed in silence I looked at it lying there on its pedestal of marble. Although faded and partially wrinkled, its regal beauty outshone the gleam of its bronze casing. The lettering, blurred but still readable, stood out on the parchment, as if in defiance of the punishments of time and change. For the first time in a week of hustle and sights, I felt a slowing down, a wakening of heart and soul. And in a state of wonder, the Declaration of Independence engraved within my mind the boldness and strength of a nation.

The realization that I was actually in Washington city finally sank in. After the race against time in search for sponsors and the planning and waiting for the week to come, my arrival in the nation's capital left me unbelieving. But now, as I gazed up at the display in the National Archives Building, I knew and accepted that fact that I was really here.

My eyes rolled up and down the faded writing and I concentrated on finding the famous John Hancock signature. It stood out among the rest, plain, legible, silently shouting the cries of a determined young country.

And suddenly, I was going back into time . . .

I remembered anxious feelings, being scared, being small and sensitive. Dust-covered memories took life and spun around me like a carousel of time. Recollections of a plane ride, holding my mother's hand, walking and walking, finally being held tight before going to bed in a new place, a new beginning—a new life.

I remembered growing up, knowing that my country had lost its freedom. Learning that chains of hatred imprisoned her, leaving her to drown in a hopeless nightmare. Alone, unfree, forever lost to me.

And then I remembered being loved by my new land. Being accepted, encouraged and educated. Taken in, given hope, and set free to be myself, strong-willed and the pride of my parents.

For, the carefully handwritten document and I shared a common win: we had both won our separate wars, many years apart. But through its victory, I had gained my own. Because of its faded writing, I had grown in liberty, had tasted knowledge, and lived in a richness unknown to my imprisoned native land—the richness of a life with justice, equality, freedom.

I stood there as any other young American, admiring the historic record of human struggle. I ran my hand along the marble pedestal and saw my reflection in the glass case. And without a word, in private joy, I put my head in my hand—and I cried. Lili (Lidia) Fernandez, Hialeah Miami Lakes Senior High, Miami I Program, Close Up 1975.

Lincoln, R.I.,
March 15, 1975.

Dear Sir: I have been interested in government since Grammar School. I admire you as a man of character and integrity. I also believe that you're one of the best speakers the United States Senate has seen in its 94 sessions, but that's not why I wrote.

During the week of Feb. 22–March 1 I was in Washington with the Close Up Program. It was one of the greatest experiences of my life. I became totally involved in Close Up and especially Government. I am now seeking a job at my own State House so I can be closer to government.

The Close Up Program received a five year $500,000 grant from the Federal Government. The five years are up as of Jan. 1, 1976. Please work for more support of Close Up.

There is no better organization that can present government to youth than Close Up. It's also important that Close Up continue because the *youth* of today will be the *leaders* of *tomorrow*. Please keep the door open so people (especially youth) can see inside government.

Thank you very much and please vote for and support Close Up.

Bob Marcotte,
An interested youth.

February 3, 1975.

Hon. Hubert H. Humphrey,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: I have just completed the most intensified learning experience in Washington, D.C. This letter is in regards to the Close Up Program which receives federal funds in the form of Allen J. Ellender Fellowships to teachers and students across the country. I have been a recipient of such a Fellowship and I urge Congress to continue this worthwhile program.

In a time of National crises, I feel that wherever Congress can trim the budget, it is most wise. However, this program bears such merit for further appropriations, Close Up is an intensive look at our Federal Government at all angles.

This is not a tourist program, but one which makes our Federal Government come alive to students and teachers.

The students question not only Senators and Congressmen, but also members of the press, lobbyists, and beaureaucrats. They come away with a new emotion for their Government. The buildings no longer look like stone and mortar, but filled with conscientious, hard-working people.

Sincerely yours,
Mrs. Sally L. Waligura,
Pasadena High School.

Elgin, Minn.,
January 29, 1975.

The Elgin-Millville Community Schools have now participated in the Washington Close Up Program for three consecutive years. The first year three students and one social studies teacher participated. The second year one student and another social studies teacher participated. Just last week ten Elgin-Millville students and a social studies teacher again had the privilege of visiting Washington, D.C. and observing the United States Government in action.

I am not exaggerating when I say that the Close Up Program has added a new dimension to our social studies curriculum, to our school, and to the school community. Close Up is a truly outstanding educational program. We strongly urge you to initiate and support funding for the Close Up Program in future years. Lacking federal money, it is our understanding that Close Up will terminate at the end of the current fiscal year. We do not want that to happen. Just as our students had the opportunity to participate in Close Up this year, we are hopeful that other students in future years will have the same opportunity. We need your assistance.

Thank you for your cooperation.

Sincerely,
Dr. Roger M. Norsted,
Superintendent of Schools.

March 5, 1975.

Hon. Hubert H. Humphrey,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

Dear Sir: As a faculty member in the late Senator Ellender's district, it has been my tremendous fortune to have recently participated in the Close-Up program. I personally found the program to be an extremely rewarding, educational experience. Our students were totally overwhelmed by an actual close-up look at their government in action. They were exposed to many facets of the operation of our system, and enjoyed every minute of their week in Washington.

This Close-Up experience has been a learning process that the participants will never forget. As an adult it was invigorating to see the change and growth of these students in just one week's time. Although most students who attended had rather vague notions about government when they first arrived, by the end of the program they had formed definite opinions about the system under which they live.

It has been my understanding that this is the year that funds must be re-appropriated for the program. As a taxpayer, high school teacher, and mother, I would personally like to see this important asset to our future lawmakers continued. It is in itself a government class that our students can get no where else. Because of its unestimable influence on them, we are anxiously awaiting the congressional decision. We sincerely hope that it is postive in this time of tight money because of its benefit to our future generations. We thank you for your aid in this endeavor, and hope that we may be successful in continuing this Close-Up program.

Sincerely,
Nelwyn D. LaTour.

March 26, 1975.

Hon. Hubert H. Humphrey,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

Dear Mr. Humphrey: I wish to thank you and express my appreciation for your generous support of the Close-Up program. I, along with 19 classmates from Notre Dame Academy, joined 11 other schools in the Miami area on February 16, 1975, for our trip to Washington, D.C.

The experience of getting to know my country's government a little better, and of getting to know the people involved, made this trip one I have prospered from, and will always remember. Your support for this program has been most beneficial and advantageous for all who have had the opportunity, as I have, to attend.

Again, I most gratefully thank you for all your support, and hope that you continue to keep an active interest in the Close-Up program.

Sincerely yours,
Stella St. Pierre,
Close Up participant, Miami 3.

March 14, 1975.

Hon. Hubert H. Humphrey,
U.S. Senate
Old Senate Office Building,
Washington, D.C.

Dear Senator Humphrey: As members of the Bristol High School's Rhode Island II Close Up group, we would like to thank you for your support of the Close Up program. The interaction with government officials, lobbyists, diplomats, and the press was a unique educational experience. In addition to this, we also took the traditional sightseeing tour. Sightseeing, the museums, galleries, and a play were also part of the program. Our week was exceptional and we urge you to continue your support for Close Up through participation and legislation.

Sincerely,
Brenda Marshall,
Paul Silva,
Deborah LePage,
Norman Furib,
Becky Smith,
Michael Ramo,
Close Up Student Participants.
William R. Fasano,
Close Up Teacher Coordinator.

[From the Washington Post, Apr. 9, 1975]

Advice for the Young—Ford Urges Involvement in Government

(By Lou Cannon)

President Ford yesterday urged young Americans to ignore former Nixon aide Gordon S. Strachan's advice to "stay away" from government.

"That was poor advice then, and it is poor advice now," Mr. Ford told 600 high school students in the White House Rose Garden." . . . The right answer is to get close up, be involved at the local, state and the federal level. And if you do, you will be happier."

On his first day back at the White House after nine days of vacationing and speechmaking in California and Nevada, the President took more than an hour with the high school students, who came from his hometown of Grand Rapids, Mich., and from Atlanta.

Mr. Ford did not mention Strachan, a former White House deputy to H. R. Haldeman, by name. But he quoted from the advice that Strachan had given to young Americans during testimony before the Senate Watergate committee on July 23, 1973.

Strachan was indicted as a co-conspirator in the Watergate cover-up, but the charges against him were later dropped.

"It may not be the advice you could look back and want to give," Strachan said before the committee, "but my advice would be to stay away."

Mr. Ford recalled that he had come to Washington for the first time in June, 1931, with a group of other high school graduates and had been photographed with them outside the Capitol.

"As I look back, I must have gotten an inspiration then to want to be involved in our government," Mr. Ford said. "I suspect that was where the seed was planted, of course never expecting to have an opportunity of living in that great historic house."

"But let me say to each and every one of you, if a 17-year-old from Grand Rapids, Mich., could come from that to this, the same opportunity exists for each and every one of you, both male and female," he added.

Speaking to the accompaniment of horn honking from protesting coal miners' trucks on Pennsylvania Avenue, Mr. Ford then cited the Strachan quotation and told the students that the country "needs your involvement, your dedication, your wisdom, your creativity."

The President spoke without notes, but the reference to Strachan's advice had been contained in a suggested text shown to Mr. Ford by a White House speechwriter.

After his speech Mr. Ford invited the high school students into the Oval Office, where he shook hands with each of the 600. They were in Washington as part of the "Close-Up" program, which gives students a first-hand look at government.

While the President was talking in the Rose Garden, the National Security Council was preparing recommendations on the limited options remaining to the United States in its efforts to assist the government of South Vietnam.

White House press secretary Ron Nessen turned aside all questions on Mr. Ford's Vietnam decisions, saying that these will be contained in a nationally televised foreign policy speech the President will make to Congress Thursday night.

The National Security Council is scheduled to meet with Ford today to discuss the Vietnam options, Nessen said.

Nessen also said that Mr. Ford was seeking the opinions of past and present military and diplomatic advisers, whom he declined to name, in preparing his foreign policy report.

The President has been preparing the speech, off and on, for nearly a week. He spent much of the flight home Monday night working on it with Secretary of State Henry A. Kissinger and with White House chief of staff Donald Rumsfeld.

But the President also found time to hold a surprise, airborne double birthday party for his wife, Betty, who became 57 today, and for political counselor Robert T. Hartmann, who turned 58.

Mr. Ford also spoke yesterday at a reception in the East Room for the National Alliance of Businessmen, whom he lauded for their program of finding jobs for "America's disadvantaged adults, Vietnam veterans and needy youngsters."

"We cannot—and must not—forget the veterans of the Vietnam war, nor can we ignore America's youngsters," the President said.

Mr. JOHNSTON. Mr. President, I am pleased to join with Senator HUMPHREY of Minnesota in introducing a bill to extend the life, purpose, and accomplishments of the Allen J. Ellender Fellowship program administered and conducted through the Close Up Foundation.

It has been almost 3 years since this country experienced the loss of leadership, devotion, and wisdom occasioned by the passing of Allen Ellender. At that time many of his colleagues joined in concert to establish the fellowship program that bears his name. I now hold the office to which he devoted almost half of his life and feel privileged as a representative of Louisiana to be able to help continue the Allen J. Ellender Fellowship program.

Many times it seems that when we draft legislation to solve a problem or create or extend a program, we never personally view the results. How different it is in this case. The results and growing effect of the Ellender Fellowship program are known to many of us. The thousands of young people and their teachers who are directly benefiting from the intense people-to-people approach in learning about Government are exciting testimonials to the basic concept of this program. I have met with hundreds of these students and teachers myself and have seen their excitement.

There is no secret to why Allen Ellender was dedicated to the city-community approach of Close Up. Too often today, our young people within the same community or area are strangers, with no practical opportunity for meaningful interaction, or dialog to exchange views and beliefs. The city-community concept of the Close Up Foundation using the unique facilities and resources of Washington, D.C., brings together all elements of a community or area to work toward a better understanding of our democratic system. In theh process, common backgrounds are shared, teaching methods are explored and improved, and a better sense of community and country is realized. This was a principal reason for the dedication of Allen Ellender to the Close Up program. He saw that it was not just a 1-week experience, but an opportunity for whole communities to benefit by working together. He would be even more enthusiastic today for the Close Up Foundation has taken its modest Federal mandate and multiplied it several-fold through participation of large and small businesses, philanthropic organizations, associations, unions, boards of education, and individual families. In fact, an overall picture of the multiplier effect of the Close Up Foundation's city-community concept gives a realistic indication of its success in administering and conducting the Allen J. Ellender Fellowship program.

Since the inception of the Ellender Fellowships program in 1972 and including estimates of the foundation's 1975 academic year slightly more than 440 Ellender Fellowships will have been awarded to low-income students and their teachers. Using the Ellender Fellowship as a base of support, the Close Up Foundation has been able to generate approximately 12,500 additional participants. On every program a complete cross section of ideas and backgrounds is represented from the same community or area. This "multiplier effect" and cross section of ideas is the essence of the Close Up city-community concept.

This program, with its central themes of involvement, awareness, and better understanding of community and country, merits our support. Its vision is our Nation's vision—a concerned, informed, and active citizenry.

Earlier this week the President of the United States expressed this very theme of involvement to hundreds of Close Up students and teachers assembled at the White House. Many were Allen J. Ellender Fellowship recipients and all were given an encouraging and inspirational message. I would like to quote a part of the President's remarks to these young people and their teachers:

> I am convinced as I look in your faces, know of your record, that all of you have the creativity, the imagination, the dedication, and the desire for involvement to make this country an even better place in which to live—your participation in Close Up is your answer. The right answer is to get "close up," be involved at the local, the state, and the Federal level. And if you do, you will be happier. You will fee that you are making a contribution to your government, to your country.
>
> And our country today, as we face the problems both at home and aboard, needs your involvement, your dedication, your wisdom, your creativity.
>
> We have a great country and the problems we have can and will be solved. But as I look at this great group of young people, I am encouraged and I know that your enthusiasm can be infectious.

Those remarks need no embellishment. They express how many of us feel about this concept and this program.

A number of letters from participants in the Close Up program elaborate on this idea. I would ask unanimous consent that some of the letters expressing the reactions of students and teachers who have been a part of Close Up be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NEW ORLEANS, LA.,
January 30, 1975.

CLOSE UP STAFF: Our week in Washington was unbelievable. We reaped countless benefits and came away so motivated that perhaps you should warn Congress that there's a whole new generation of "participants" who are laying plans. I do hope this enthusiasm is not squelched. At school it has been contagious and the student council is planning a "Close Up Day" using your format of seminars and work shops. Mrs. Phylis Landriew, Democratic State Chairman has accepted our invitation to participate and students are lining up a variety of other speakers. One of the "biggies" in the plan is to have Close Up participants be "staff." And that's a tremendous challenge! That is if they are to measure up to the staff members who guided our group in Washington. You're terrific! Thanks for a wonderful program, thanks for sharing your knowledge and thanks for all the personal considerations you showed us.

Violet Walsh and Girls,
St. James Major High.

February 10, 1975.

Miss Susi Baldwin,
Program Administrator, Close Up
Washington, D.C.

Dear Susi: Its been one week, just seven days, since I've returned to Miami and the regular routine. I can truly say, Miami will never be as spectacular as Washington. Close Up has affected a change in my ideas and opinions of what Washington politics are all about.

It is difficult to express how one feels after such an experience. I could list many adjectives and superlatives to describe the Close Up Program and your staff. For me, it was you and your staff that made the noticeable difference . . . the personal interest you showed in the students, always being there when needed and the untiring efforts to make the Miami I experience the best possible.

To say "thank you", doesn't seem enough for everything you all did. Most of all, I am appreciative of your patience with us film makers. Please share this letter with your most remarkable and outstanding staff, and particularly extend my appreciation to Adam Maier for his valuable guidance and assistance throughout the week.

May your enthusiasm continue to be contagious and your blessings many fold.

Very best always,
David G. Denault,
Broadcast Services, Department of Public Information.

March 13, 1974.

Mr. Steve A. Janger,
Close-Up Program,
Washington, D.C.

Dear Mr. Janger: As a principal of a school which has participated in the Close-Up Program for four years, I want you to know how much we appreciate the program. This year's program was especially rewarding. The time spent in Washington was exciting, stimulating, and enjoyable for teachers and students alike.

Your grants to needy students and to teachers from each private and public school in our area (as well as in many other areas of the United States) has made a real difference in the way teachers and students feel about their government and about each other. All had an unforgettable experience, obtaining knowledge and understanding through observing the government in action and discussing problems with governmental leaders and with a capable, dedicated Close-Up staff.

We appreciate your having Nan Dupont on the Board of Close-Up. She has helped promote the program in our school and in this area.

We hope to continue being a part of the Close-Up Program because it has helped provide better teaching in our school and has encouraged student interest in government, changing attitudes of many students from a negative to a positive approach.

Sincerely yours,
David S. McLure.

Mrs. Joan Johnson,
Executive Assistant, the Martha Holden Jennings Foundation, Cleveland, Ohio:

This letter comes with deepest expressions of gratitude to you for helping to make possible the beautiful experience for many of our students who participated in the Close-Up in Government Program in Washington. I do want to thank you for providing the opportunity for students to see government at close range, to talk with senators, representatives and even the President. These experiences they will long remember.

I had a chance to mingle in an informal way with the students. I must tell you how very edified I was with their conduct, their ability to stand up for what they believe, and the way in which they were able to articulate their questions and responses to speakers whose occasionally provocative statements would have deterred a weaker audience. I daresay that the political science classes in some schools will be refreshingly enlivened by students who are permitted to share their experiences with their classmates. Believe me, there is great hope for America in our young people.

In addition to seeing government at work, students were given the opportunity to absorb some of the culture of Washington. Visits to the Smithsonian, the art gallery were new for most of the students. Some were fortunate to be able to view the special archaeological exhibit from the Peoples Republic of China.

The last evening of our week with Close-Up a banquet was held. Students were given the opportunity to publicly express their gratitude of the Close-Up Staff. I jotted down many of the comments which the students made. They are included with this letter. I think if I could sum up one idea which repeated itself it is this: Students have faith in government. Government is run by real people who have real concerns and the good of the country at heart. The process takes time, but the process does work and we have the power to make it work.

My personal thanks to you for making this opportunity available to our students and teachers.

Cordially,
Sister Mary Loyola, S.C.,
Social Science Consultant.

March 18, 1974.

Close Up Foundation,
Washington, D.C.

Dear Sir: I guess there will never be another week spent in my teaching career that I will consider as worthwhile and as enjoyable as my week in Washington, D.C. with the Close Up Program. Thank you for giving me the opportunity to participate in this program. The twelve students who participated have come back to Humble High School and have spread so much good information about Close Up that I wonder if we'll have any students left in school when we go back next year.

Not only did students have an opportunity to see government-in-action, but they were able to make so many friends and meet students of different cultural backgrounds and with different ideas. This is something that many of my students would have never had the opportunity to do.

If there is ever anything that I can do personally or that Humble High School can do for the Close Up Program, please call on us. We all appreciate what Close Up is doing and, we hope, continues to do.

Sincerely,
Anne Fontenot,
Teacher Coordinator, Humble High School, Houston, V.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 200

At the request of Mr. Percy, the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 200, the Consumer Protection Act of 1975.

S. 520

At the request of Mr. Jackson, the Senator from Pennsylvania (Mr. Hugh Scott) was added as a cosponsor of S. 520, the eastern wilderness bill.

S. 667

At the request of Mr. Mondale, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 660, the Home Owners' Loan Act of 1975.

S. 667

At the request of Mr. Beall, the Senator from Alaska (Mr. Gravel) and the Senator from Michigan (Mr. Philip A. Hart) were added as cosponsors of S. 667, a bill to amend the Internal Revenue Code of 1954 to encourage the preservation and rehabilitation of historic buildings and structures and the rehabilitation of other property, and for other purposes.

S. 755

At the request of Mr. Burdick, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 755, the postal supervisors bill.

S. 850

At the request of Mr. McGovern, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 850, a bill to amend the National School Lunch and Child Nutrition Acts in order to extend and revise the special food service program for children, the special supplemental food program, and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs.

S. 952

At the request of Mr. Montoya, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of S. 952, a bill to provide States unable to meet the matching requirements for Federal-aid highway funds with moneys to cover Federal Highway Administration apportionments.

S. 953

At the request of Mr. Stevenson, the Senator from Florida (Mr. Stone) was added as a cosponsor of S. 953, a bill to amend the Export Administration Act of 1969.

S. 969

At the request of Mr. Hartke, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 969, a bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months.

S. 984

At the request of Mr. Jackson, the Senator from Maryland (Mr. Mathias) and the Senator from Ohio (Mr. Taft) were added as cosponsors of S. 984, the Land Resource Planning Assistance Act.

S. 1145

At the request of Mr. Philip A. Hart, the Senator from South Dakota (Mr. Abourezk) was added as a cosponsor of S. 1145, the National Reconciliation Act of 1975.

S. 1188

At the request of Mr. Buckley, the Senator from New Mexico (Mr. Domenici) and the Senator from Texas (Mr.

Tower) were added as cosponsors of S. 1188, a bill to phase out the earning limitation for social security recipients.

S. 1196

At the request of Mr. Humphrey, the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 1196, a bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical involvement with elected officials on local and State levels of government and with Members of Congress.

S. 1216

At the request of Mr. Talmadge, the Senator from Alabama (Mr. Sparkman), the Senator from South Carolina (Mr. Thurmond), and the Senator from Kentucky (Mr. Huddleston) were added as cosponsors of S. 1216, a bill to amend the Federal Water Pollution Control Act.

S. 1254

At the request of Mr. McGovern, the Senator from Minnesota (Mr. Mondale), the Senator from Michigan (Mr. Philip A. Hart), and the Senator from Illinois (Mr. Percy) were added as cosponsors of S. 1254, a bill to amend title 10, United States Code, to establish new, regionalized boards for the review of other than honorable discharges and dismissals granted former members of the armed forces, and to establish new procedures and standards for determining the equitability of these discharges and dismissals.

S. 1326

At the request of Mr. Javits, the Senator from South Dakota (Mr. McGovern) and the Senator from Minnesota (Mr. Humphrey) were added as cosponsors of S. 1326, the Special Public Service Employment and Railroad Improvement Act of 1975.

S. 1336

At the request of Mr. Case, the Senator from New Hampshire (Mr. McIntyre), the Senator from Illinois (Mr. Stevenson), the Senator from Maine (Mr. Hathaway), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 1336, to provide for research on the effect of chlorofluoromethane compounds on the environmental ozone layer.

S. 1343

At the request of Mr. Cranston, the Senator from Louisiana (Mr. Johnston) was added as a cosponsor of S. 1343, a bill to insure the financial privacy of individual citizens.

S. 1344

Mr. BEALL. Mr. President, on March 26, 1975, I introduced S. 1344, which would reverse a 1973 Internal Revenue ruling that the portion of student loans, which were canceled as a result of service in certain professions, such as teaching, or the service in certain areas, such as medically underserved areas, is taxable income.

Joining me in introducing this measure were Senators Bayh, Dole, Domenici, McGee, and Young. I ask unanimous consent that Senator Tower be added as a cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 1350

At the request of Mr. Kennedy, the Senator from Rhode Island (Mr. Pell), the Senator from Maine (Mr. Hathaway), the Senator from Arkansas (Mr. Bumpers), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S. 1350, a bill to provide additional humanitarian assistance authorizations for South Vietnam and Cambodia for fiscal year 1975.

S. 1380

At the request of Mr. Williams, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 1380, a bill to amend the Foreign Assistance Act of 1974 to increase the amount of assistance available to South Vietnamese, Cambodian, and Laotian children.

SENATE JOINT RESOLUTION 23

At the request of Mr. Harry F. Byrd, Jr., the Senator from Alabama (Mr. Sparkman), the Senator from Montana (Mr. Mansfield), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Louisiana (Mr. Johnston), the Senator from Arizona (Mr. Fannin), the Senator from Colorado (Mr. Haskell), and the Senator from Louisiana (Mr. Long) were added as cosponsors of Senate Joint Resolution 23, a joint resolution to confer posthumously full rights of citizenship on Gen. Robert E. Lee.

SENATE JOINT RESOLUTION 32

At the request of Mr. Hollings, the Senator from Georgia (Mr. Nunn) was added as a cosponsor of Senate Joint Resolution 32, to authorize and request the President to issue a proclamation designating the month of October 1975 and each succeeding October as "National Fish and Seafood Month."

SENATE JOINT RESOLUTION 50

At the request of Mr. Javits, the Senator from Ohio (Mr. Taft) was added as a cosponsor of Senate Joint Resolution 50, to provide for the annual proclamation of National Medical Laboratory Week for the period of April 13–19.

SENATE JOINT RESOLUTION 50

At the request of Mr. Kennedy, the Senator from California (Mr. Cranston) was added as a cosponsor of Senate Joint Resolution 50, to authorize and request the President to proclaim the second week in April of each year as "National Medical Laboratory Week."

SENATE JOINT RESOLUTION 51

At the request of Mr. Stevenson, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to disapprove Export-Import Bank financing of a nuclear reactor sale to South Korea.

SENATE RESOLUTION 126

At the request of Mr. Brock, the Senator from Arkansas (Mr. Bumpers) was added as a cosponsor of Senate Resolution 126, endorsing the continued presence of the United Nations peacekeeping forces in the Middle East.

SENATE RESOLUTION 127—SUBMISSION OF A RESOLUTION TO CENSURE VIOLATION OF THE PARIS ACCORDS

(Referred to the Committee on Foreign Relations.)

Mr. BUCKLEY (for himself, Mr. Bartlett, Mr. Curtis, Mr. Laxalt, Mr. Thurmond, Mr. Young, and Mr. Harry F. Byrd, Jr.) submitted the following resolution:

S. Res. 127

Whereas, the current general offensive against South Vietnam by North Vietnam and Viet Cong forces is in flagrant violation of the Paris Peace Agreement,

Whereas, in preparation for this offensive, Hanoi has from the beginning violated the essential term of the ceasefire, (which limited both sides to a one-for-one replacement of manpower and equipment) by augmenting its forces with more than 200,000 men, and bringing it at least 400 additional tanks and 1,000 additional artillery pieces, and building military roads, airfields and antiaircraft systems;

And whereas, the massive buildup in South Vietnam that preceded the current offensive could not have taken place without generous shipments of equipment and ammunition from the Soviet Union and the People's Republic of China, or without their knowledge and approval;

And whereas, the current Communist offensive in Vietnam constitutes a threat not only to the survival of a independent South Vietnam, but a threat as well to the peace and security of all nations of Southeast Asia;

And whereas, the United States during this of detente, to ship large quantities of grain and sophisticated equipment to both the entire period has continued, in the interest Soviet Union and China.

And whereas, the United States, the Soviet Union, and the People's Republic of China share responsibility for assuring the faithful observance of the Paris Agreement by the Vietnamese signatories;

Therefore be it resolved, that the Congress of the United States condemns in the strongest terms the flagrant violation of the Paris Agreement by the Communist side in Vietnam and the massive aggression which now threatens the survival of an independent South Vietnam.

And be it further resolved, that Congress—realizing the unwillingness of the United Nations as currently constituted to intervene actively or even to protest—appeals individually to the governments of all freedom loving nations to join in this condemnation and in this demand on the Hanoi government;

And be it further resolved, that Congress lets it be known to the Governments of the Soviet Union and the People's Republic of China that all thinking Americans are bound to call into question the terms and the benefits of the existing détente if the two communist superpowers provide the guns and ammunition for aggression and expansion by their communist client states, that it looks upon their attitude toward the present aggression in Vietnam as a critical test of good faith, and that it calls upon them to use their very great influence with Hanoi to persuade Hanoi to pull back to the original cease-fire lines and to return to the conference table;

And finally be it resolved, that the tragic flight of millions of refugees from the areas occupied by the Communist forces is properly a matter of international concern and that Congress calls upon the Administration, the governments of all free nations, and the United Nations, to mount a concerted action to assure the right of asylum and resettlement to all those Vietnamese who feel that they have good reason to fear for their lives if the communists win, or who refuse to accept the tyranny of communism.

SENATE RESOLUTION 128 AND SENATE RESOLUTION 129—ORIGINAL RESOLUTIONS REPORTED TO PAY GRATUITIES

(Placed on the calendar.)

Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and Administration, reported the following resolutions:

S. RES. 128

Reolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Edna M. Murray, sister of James B. Murray, an employee of the Senate at the time of his death, a sum equal to one years' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

S. RES. 129

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marilyn Walker and Laura S. Morales, daughters of Laura M. Miller, an employee of the Senate at the time of her death, a sum to each equal to two months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE CONCURRENT RESOLUTION 29—SUBMISSION OF A CONCURRENT RESOLUTION REGARDING THE ANNEXATION OF THE BALTIC NATIONS

(Referred to the Committee on Foreign Relations.)

Mr. CURTIS submitted the following concurrent resolution:

S. CON. RES. 29

Whereas the three Baltic nations of Estonia, Latvia, and Lithuania have been illegally occupied by the Soviet Union since World War II; and

Whereas the Soviet Union was attempt to obtain the recognition by the European Security Conference of its annexation of these nations; and

Whereas the United States delegation to the European Security Conference should not agree to the recognition of the forcible conquestion of these nations by the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concuring), That it is the sense of the Congress that the United States delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union.

Mr. CURTIS. Mr. President, today I am introducing a resolution calling for a reaffirmation of the principle of freedom as an inalienable right of mankind.

It is a sense of the Congress resolution to prohibit this country from recognizing any Soviet claim to the Baltic States.

Mr. President, all of us deplore the inhumane seizure of the Baltic States by the Soviet Union in 1939, at the start of World War II. The Soviet occupation constituted a veritable plunder of the rights and freedoms of a people strongly nationalistic and strongly desirous of maintaining that freedom.

With freedom lost, they face a ceaseless struggle.

The United States has never recognized the Soviet occupation or annexation of these Baltic nations. We have never recognized the right of any dictator to overcome a free but weaker country and rule it as its own.

This is surely no time to reverse that policy.

There are indications that the Soviet Union will be attempting to gain recognition of its annexation of the Baltic States by the European Security Conference at its meeting in Helsinki this summer.

There are indications the United States is considering such a recognition in the interests of détente.

But to do so would act against the interests of millions of Lithuanians, Latvians, and Estonians who long for the freedom we regard as an unquestioned part of our daily lives.

To do so would violate the aspirations of more than 2 million Americans who have migrated here from the once-free countries. These are Americans who cannot help their relatives and friends behind the Iron Curtain and, in many instances, cannot even communicate with them. These are children separated from mothers and fathers, brothers from sisters, husbands from wives.

To recognize, or even to abandon our principle of nonrecognition of this Soviet absorption of free people, would be tacit approval of repressive Soviet policies. It would give the Soviet Union a free hand to continue such policies with no recourse.

It would be, I believe, an admission of failure.

SENATE CONCURRENT RESOLUTION 30—SUBMISSION OF A CONCURRENT RESOLUTION RECOGNIZING THE ROLE OF FRANK WILLS IN THE WATERGATE AFFAIR

(Referred to the Committee on the Judiciary.)

FRANK WILLS—A SYMBOL OF OUR TIMES

Mr. MATHIAS. Mr. President, Frank Wills was the security guard at the Watergate who first discovered signs of the burglary of the Democratic headquarters at the Watergate. Mr. Wills alerted police, who arrested the Watergate burglars.

Subsequent events have made Watergate a phrase which will live for a long time in every American's memory. To some, Watergate means a time of ignominy, for the investigation of that burglary uncovered criminal conduct in the highest offices of our land. To others, however, Watergate will be a term of pride, for the episode as a whole demonstrated the fundamental strengths of our democratic constitutional system and the strong faith of Americans committed to preserving that system.

But to Frank Wills, Watergate may be just a place that he was once employed. Mr. Wills, having begun the Watergate investigation, went on to lead us toward our second major concern, that of the deepening recession and rising unemployment. Mr. Wills has been unemployed for a major part of the period since his discovery of the burglary. Like millions of other Americans, he has been forced to draw unemployment compensation rather than work in gainful employment. Mr. Wills did not ask to play such a personal part in this second American tragedy, any more than he had asked to be involved in the first.

I am introducing today a resolution recognizing Mr. Wills' unique role in our recent events. This resolution has previously been introduced in the House of Representatives by my colleague from Maryland, Congressman PARREN MITCHELL. I believe the resolution merits the attention of all Senators, and I urge its consideration by the appropriate committee and the Senate as a whole.

I ask unanimous consent that the text of this resolution be printed at this point in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

S. CON. RES. 30

Whereas Mr. Frank Wills, a twenty-six-year-old native Georgian, was employed as a security guard at the Watergate Complex on June 17, 1972;

Whereas on that same day, being an alert and competent guard, he discovered evidence of improper tampering with a basement door in said complex and, therefore, immediately reported such findings to the proper police authorities;

Whereas it was subsequently determined that the headquarters of one of the major political parties of the United States had been illegally entered;

Whereas subsequent events, unfolding as a direct result of his initial discovery and report, eventually constructed a scenario to be known in American history as Watergate, involving corruption in the highest levels of the Government of the United States;

Whereas Watergate provided one of the greatest tests of the constitutionality of the Government of the United States, resulting in the purging of persons connected with corrupt and criminal activities;

Whereas the Government of the United States has withstood this test and, again, proven its viability for operating in the best interests of all Americans;

Whereas a national expression of gratitude for his efforts has not been heretofore rendered: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) sincerest thanks and appreciation be expressed to Mr. Frank Wills on behalf of all the people of the United States of America, and

(2) every effort be made to assist him in obtaining gainful employment in a position commensurate with his past experience and training.

SENATE CONCURRENT RESOLUTION 31—ORIGINAL CONCURRENT RESOLUTION REPORTED AUTHORIZING THE PRINTING AS A SENATE DOCUMENT PRAYERS OFFERED DURING THE 93D CONGRESS

(Placed on the calendar.)

(Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and

Administration, reported the following concurrent resolution:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-third Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

HOMEOWNERSHIP OPPORTUNITIES FOR MIDDLE INCOME FAMILIES—H.R. 4485

AMENDMENT NO. 339

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill (H.R. 4485) to provide for greater howeownership opportunities for middle income families and to encourage more efficient use of land and energy resources.

AMENDMENTS SUBMITTED FOR PRINTING

SCRIMSHAW ART PRESERVATION ACT OF 1975—S. 229

AMENDMENT NO. 338

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 229) to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 15

At the request of Mr. MANSFIELD (for Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of amendment No. 15 intended to be proposed to the bill (S. 633) to conserve gasoline by directing the Secretary of Transportation to establish and enforce mandatory fuel economy standards for new automobiles, and for other purposes.

CHANGE IN LOCATION OF HEARINGS ON S. 6, S. 1256, S. 1264, EDUCATION OF THE HANDICAPPED ACT

Mr. RANDOLPH. Mr. President, on Tuesday, April 8, I announced that the Subcommittee on the Handicapped had scheduled hearings on S. 6, S. 1256, and S. 1264, the Education of the Handicapped Act. The hearings will be held on Tuesday, April 15, 1975 at 9:30 a.m.

The room for these hearings has been changed from room 6202 to room 6226, Dirksen Office Building.

Persons wishing to testify should contact Mrs. Patria Forsythe, professional staff member, 10-B Russell Senate Office Building, (202) 224-9076.

NOTICE OF SEMINAR

Mr. BROCK. Mr. President, I would like to draw attention to the evaluation seminar that has been held for over a year on Capitol Hill. This seminar has met on a monthly basis to discuss program evaluation activities.

I would like to invite all interested persons to attend the next evaluation seminar. This seminar will be held on April 16 at 12 noon in room 155 of the Russell Senate Office Building. John Evans, Assistant Commissioner of the Office of Education, will speak on educational evaluation techniques. In addition, comments will be made on his presentation by committee staff from both the House and Senate.

Those interested in attending this seminar may notify Dr. Harrison Fox, of my staff, at 224-9579.

ANNOUNCEMENT OF HEARINGS ON ENERGY CONSERVATION

Mr. RIBICOFF. Mr. President, the Committee on Government Operations will hold 3 days of hearings on energy conservation next Wednesday, April 16, Thursday, April 17, and Friday, April 18. The hearings will be held in the Government Operations hearing room, 3302 Dirksen Senate Office Building, and will begin at 10 a.m.

ANNOUNCEMENT OF PUBLIC HEARINGS BEFORE THE PARKS AND RECREATION SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. JOHNSTON. Mr. President, I wish to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearing is scheduled for May 12, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding five bills which are presently before the subcommittee. The measures are: S. 82, a bill to repeal certain provisions of the act entitled "An act to provide for the establishment of Assateague Island National Seashore in the States of Maryland and Virginia and for other purposes," approved September 21, 1965, and for other purposes; S. 98, a bill to establish the Klondike Gold Rush Park; S. 150, a bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes; S. 313, a bill to authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Tex., and for other purposes; and S. 466, a bill which authorizes the Secretary of the Interior to accept the donation of certain lands for te Franklin D. Roosevelt National Historic Site.

For further information regarding the hearings you may wish to contact Mr. James Beirne of the subcommittee staff on extension 47145. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

NOTICE OF HEARINGS ON SMALL BUSINESS AUTHORIZATIONS

Mr. GARN. Mr. President, as ranking minority member, on behalf of the chairman of the subcommittee (Mr. MORGAN), I make the following announcement:

The Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs will hold hearings at 10 a.m. on April 21 and 22, in room 5302, Dirksen Senate Office Building. The subject of the hearings will be S. 1239, to amend the Small Business Investment Act of 1958 and such other matters as may properly come before the subcommittee.

All persons wishing to testify should contact Ms. Ellen Oberdorf, room 5300, Dirksen Senate Office Building, telephone 224-0891.

ADDITIONAL STATEMENTS

THE MENACE OF REDTAPE

Mr. McGOVERN. Mr. President, as I was reading one of the weekly papers from South Dakota, I came across a statement by Mr. Francis Kelly of Beresford, S. Dak., outlining his reasons for discontinuing his construction business.

I think Mr. Kelly's statement should be read by all of my distinguished colleagues as a reminder of the results of the legislation we will act on during this session of Congress. It is all too easy to pass legislation designed to cure the ills of our Nation and not realize the price of that legislation to the individual citizen.

It is essential that we remember that the Government of these United States is to be a servant of the people; the people are not to be servants of the Government. I ask unanimous consent that Mr. Francis Kelly's statement as it appeared in the Beresford Republic be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

KELLY CONSTRUCTION CO.,
Beresford, S. Dak., March 27, 1975.

At 5 p.m. today, Kelly Construction company will stop. Work contracted and not finished will be completed by Kelly Industrial company and all guarantees will be honored. Since this decision was made in mid-December, no new work has been bid or contracted.

The tractor and backhoe will be kept for those wanting the service, and the operator, Don Heinzman, will be a key man in the factory the rest of the time. The air compressor and some concrete finishing equipment will be available for rent. Other equipment will be sold as time permits.

I started the construction company on March 27, 1948 with a trowel, a hammer, a rented mixer and skills I had learned while working with my father, with the Seabees and on east and west coast construction jobs. During the past 27 years, the company has built many residential, commercial and institutional buildings in the area.

My decision to stop is a matter of priorities. I believe my time can be better spent than completing the ever mounting paper work required such as the forms, surveys, reports and questionnaires sent by state and federal bureaus and agencies, frequently for both companies I operate. I hope by stopping one company I may cut the number of tax paid workers who mail out, receive, tabulate and file this information, much of which appears to be trivia.

I can also use to better advantage the time I spend as a tax collector, deducting social security and withholding taxes from my employees, keeping full records of the transactions, making monthly deposits and completing quarterly and annual reports.

I also hope to save money and considerable expense, both to myself as a businessman and to myself as a taxpayer, by removing one company from OSHA inspections. In the past it has been necessary to attempt to keep track of each change in regulations of that bureau for both construction and manufacturing, and then provide the gadget, gimmick or whatever plus the necessary indoctrination to the crew to use it, regardless of the fact that it frequently made a machine inoperable or a worker disgruntled. Since 1960 I have received certificates of commendation for no disabling injuries from the Associated General Contractors for 13 of the 15 years. In the past year I have had two OSHA fines.

The cost of workmen's compensation insurance, state and federal unemployment insurance, social security, fuel tax, sales tax, and property taxes has spiraled since I started the construction company. The benefits from the increased taxes are an increasing number of local, state and federal employees paid by the taxes and given an increasing amount of power to perpetuate themselves in their jobs and to demand additional public funds for what they deem at the moment to be "absolutely necessary." And when successful, those tax paid officials move on to more powerful jobs and greater demands, leaving taxpayers behind with the cracked monument, the dry lake or the half hollow building and additional public debt.

I firmly believe in the free enterprise system and a fair profit for value received. I have never been out for the fast buck, nor do I believe in passing the buck. Under the growing bureaucratic system that keeps evolving, too many tax paid free loaders are making what I consider too many demands.

And so, while I still have my trowel and my hammer, I am stopping.

Sincerely,

FRANCIS L. KELLY.

A $100 MILLION SAVINGS—NOT PEANUTS

Mr. GRIFFIN. Mr. President, my attention has been focused upon an article which appeared in the April issue of the Virginia Farm Bureau News.

I hope that the article will also be read in the Department of Agriculture. Certainly, any suggestion that might save $100 million is worthy of some attention.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DELANO RAPS USDA ON PEANUT POLICY

Virginia Farm Bureau has offered President Ford a plan to save the government "at least $100 million."

VFBF President Robert B. Delano, in a letter to President Ford, said the USDA is in a position to save that amount by adjusting its resale policy on peanuts currently under Commodity Credit Corporation loan.

"It is no secret that Secretary (Earl) Butz has attempted to cause changes in the peanut program," Delano told the president. "There are some who say that he is determined to run the cost up in order to force legislative changes. I hope this is a false accusation."

Delano said Farm Bureau has been a supporter of Sec. Butz and has normally agreed with his administration of farm programs.

"However, we feel compelled to differ with the secretary in his handling of the current peanut situation," Delano said, "especially during this period when the U.S. Treasury needs to eliminate all unnecessary losses."

The Virginia farm leader said that an estimated 777.8 million pounds of peanuts now under the loan program required a Commodity Credit Corp. outlay of $142,346,000.

He stated that to permit these peanuts to remain in storage will result in a loss of that amount, plus any funds required to transport peanuts for placement in new storage.

"With the present prices for peanut meal and oil, we believe that the 777.8 million pounds held by CCC could be moved into normal channels of trade if the USDA's resale policy were adjusted from the current 100 per cent level to a minimum 75 per cent level," the VFB president stated.

"We believe that all peanuts now held under loan could then move into the market channels and result in a recovery of $105,227,000," Delano said. "Simply put," he added, "it would reduce a $142 million loss to approximately $37 million."

Delano said these peanuts now are stored in Texas, Oklahoma, Alabama, Florida, Georgia, North Carolina, and Virginia.

LEGION OF HONOR

Mr. KENNEDY. Mr. President, on March 21, my sister, Mrs. Eunice Kennedy Shriver, was presented France's highest award, the Legion of Honor, by President Valery Giscard d'Estaing, for her work in helping handicapped children when her husband, Sargent Shriver, was Ambassador to France. She received this award for the founding of the Franco-American Volunteer Association which sponsors programs for the mentally retarded.

Mrs. Shriver is executive vice president of the Joseph P. Kennedy, Jr., Foundation and president of the Special Olympics, and she accepted this award on behalf of the world's handicapped children.

Mr. President, I ask unanimous consent that the text of Mrs. Shriver's acceptance speech be printed in the RECORD.

There being no objection, the acceptance speech was ordered to be printed in the RECORD, as follows:

SPEECH OF MRS. EUNICE KENNEDY SHRIVER

I am touched and greatly honored to receive this award from you, Mr. President, and to be among the distinguished members of la Légion d'Honneur. It is always a delight to return to your proud country which has been so generous to the members of my own family and to my brother, President Kennedy.

I can remember dining here in this beautiful Palace in 1962, with red roses on the table—symbols of France's respect for the two heads of state. Today, Mr. President, the Legion of Honor I am accepting is a symbol of France's devotion to human rights—as it honors the mentally retarded and their families. And I am deeply proud to be a part of this occasion.

The mentally retarded around the world, Mr. President, have lived so long in isolation and loneliness. Yet today, the retarded force us to ask universal questions of the meaning of life itself: the obligation of the strong, to protect and enlarge the rights of the weak.

Such questions have been posed by all peoples. Among certain American Indians, it was considered rude to ask an individual, "Who are you?" or "What is your name?". The reply was both a rebuke and a revelation: The indian would answer, "I'm a person." The nameless retarded of the world give us this same response. And then we are forced to ask ourselves, "What *is* a person?" For the retarded are always the first to have their human rights denied, the first to be experimented upon, to be placed in institutions, to be sterilized, to be allowed to wither and even to be destroyed.

Do we care? A cold wind reminds us that one day we—here in this room—the strong, the privileged, the bright—will inevitably be weakened by illness and aging. Will those who are strong then care about us? Will they secure our human rights? The wheel turns.

Here in France, there are many who care. I think in particular of the generous and inspiring work of the F.A.V.A. volunteers. I remember watching the students from the Université, only a few hours before their examinations; playing with the retarded children—a game of soccer—and then hurrying to the classroom. It is young people like these who will, as my brother, Robert, hoped, "Make gentle the life of this world."

Finally, Mr. President, a gift of the retarded is to show us how similar we are; one of them has a mind that cannot add: one of us has a heart that cannot feel. One of them has legs that stumble: one of us will look away and let him fall. Yet some of them will reach out to some of us: and some of us will grasp those hands. The whispered message of the retarded is that we may be different in our gifts, but equal in our humanity. In my family, my sister, Rosemary, was retarded in mind but rich in spirit. She was loved and accepted as an equal by us in our youth. And she showed that character and courage are just as important as great intellectual gifts.

Although there is much that intellect can do, there is much else that can be done only with love. Your own great philosopher, Teilhard de Chardin, said it best: "Some day after mastering the winds, the waves, the tides and gravity, we shall harness for God the energies of love. And then, for the second time in the history of the world—man will have discovered fire."

NEW YORK WINNERS OF FRENCH LANGUAGE CONTEST

Mr. JAVITS. Mr. President, I am pleased to extend my warmest congratulations to all the New York City schoolchildren who recently participated in French Language Week—February 28 to March 8, 1975 as proclaimed by the Honorable Abraham D. Beame, mayor of the city of New York—and the city-wide contest on French-related themes sponsored by the Board of Education of the city of New York.

I wish to pay special tribute to the pupils—and their teachers—who were awarded French contest prizes for demonstrating extraordinary bilingual talent and interest in French language and culture. I ask unanimous consent to have printed in the RECORD a letter dated March 7, 1975, from the Cultural Affairs

Office of the French Embassy in New York City which includes the winners' names and schools.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FRENCH LANGUAGE WEEK

Distribution of prizes organized in the schools of N.Y. by the "Board of Education"

PHOTOGRAPHY

Shari Zook,* PS 164q.
Susan Wilkins,* PS 164q.
Robert Brownstein, JHS 220k.
Gloria Moy, JHS 65m.
Marina Smith, JHS 281k.
Nancy Rosenberg, JHS 167m.

WORKS OF ART

Amy Waxgiser,* PS 91k.
Tara Notrica, PS 79k.
Lisa Pellicci, PS 79k.
André Bonaccotta, PS 32k.
Lisa Handelman, PS 178q.
Lynne Morales, PS 178q.
Kwok Choi, C. Sumner JHS.
Josephine Wan, C. Sumner JHS.
Peter Dong, C. Sumner JHS.
Priscilla Chang, C. Sumner JHS.
Hilma Yu, C. Sumner JHS.
Stanley Kwong, C. Sumner JHS.
Maggie Drucker,* PS 178q.
Monica Salazar, C.E.S.35b.
Amy Kaplan, PS 173q.
Sumja Ojakli, PS 104k.
Helen Plastrik, IS 74.
Wendy Kantor,* JHS 218q.
Doris Greenbaum, JHS 167m.
Lonelle Foster, IS 246k.
Jane Woo, C. Sumner JHS.
Ning Wong, C. Sumner JHS.
Emily Lanza, C. Sumner JHS.
Lauren Cherry, JHS 167m.
Rosemary Rodriguez, IS 74q.
Anita DePonte,* Tottenville HS (R).
Bjørn Aune, Curtis HS.
Wilner Nau, South Shore HS (K).
Michele Guss, Sheepshead Bay HS (K).
Sharon Fishman, South Shore HS (K).
Jane Weinberger, Bayside HS (q).
Marie-Jeanne Charles, Beach Channel HS (q).
Debbie Lang, Bayside HS (Q).
Betty Ann Hawkins, Ed. Murrow HS.
Pat Praskins, Curtis HS.
Jacques Garnier Cadet,* Jøhn Adams HS.
Denise DuBrino, Canarsie HS.

FRENCH CONTRIBUTIONS

Matthew Schmidt, PS 102k.
Robert Shelton, PS 173q.
Daniel Caron, PS 32q.
Kevin Hughes,* PS 164q.
Spencer Fisher, JHS 218q.
Curtis Newell, JHS 167m.
Eddie Gonzalez,* IS 29m.
Tuley Guadamir, IS 88.
Mercedes Arazoza, IS 88.
Robin Tabachnik,* B. Cardozo HS.
Paul Rung, Flushing HS.
Wendy Lewis, Forest Hills HS.
Joseph Berthine, South Shore HS.

SCIENTIST SAYS NOT EATING MEAT WILL NOT HELP SOLVE FOOD SHORTAGE

Mr. HUMPHREY. Mr. President, I want to call the Senate's attention to an article which appeared in the Austin Daily Herald in Austin, Minn., on Monday, March 31, 1975. The article reports the viewpoint of Robert Touchberry at the University of Minnesota Department of Animal Science.

This country has been engaged in a great dialog concerning the shortage of food in the world and America's role in helping to alleviate the suffering resulting from that shortage.

One of the controversial subjects concerns the amount of red meat that is eaten by Americans. In this connection, I believe that the views of Mr. Touchberry are worth considering along with the many other shades of opinion on this subject.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NOT EATING MEAT WILL NOT HELP SOLVE FOOD SHORTAGE

Forgoing animal products such as meat, eggs and dairy products so that grain now used for livestock can feed hungry people "is not sound reasoning," a University of Minnesota scientist says.

"Beef and dairy animals eat many products that would otherwise be wasted—such as grass and other forages," says Robert W. Touchberry, head of the UM Department of Animal Science.

"We hear that livestock feeding is inefficient protein production because it requires so much grain to produce meat. Figures cited have been ratios ranging from 8:1 to 21:1 pounds of grain to produce a pound of beef.

"These figures are wrong—nearly 78 per cent of a steer's lifetime diet comes from its mother's milk from grasses, forage and other supplements. Only about three pounds of grain per pound of beef is fed.

"Pigs consume mostly grain, but they convert grain to meat at efficient ratios ranging from 3:1 to 5:1. And these ratios are improving through better genetics and management.

"Perhaps most important is that little or none of the grain provides the niacin, thiamine, riboflavin, iron and other essential nutrients that pork and beef put on our tables. Grain certainly doesn't give us the high quality protein that meat does.

"Besides, it's no sound argument to say that we should not eat well because others do not. Livestock products contribute to a well balanced diet and our efforts should be directed towards helping others achieve adequate diets, not at destroying our own good diets," he says.

"It's not widely publicized, but for the last three or four years we have had more food per capita in the world than ever before. We've always had famine in some part of the world. This will probably continue until countries involved bring about a balance between their food supply and populations and develop systems.

"The ultimate solution is for those countries subject to frequent famine to establish and carry out strong programs to produce more of their own food, or get the food on the world market.

"The U.S. is exporting large quantities of grain, but that grain should be exported at world prices. It should not discourage development of a strong agricultural industry to produce food in those countries subject to famine," the UM animal scientist emphasizes. "In any event, grain exports should not be at the expense of the American farmer."

BALTIMORE URBAN LEAGUE CELEBRATES 50TH ANNIVERSARY

Mr. BEALL. Mr. President, during the week of April 6–12, the Baltimore Urban League will celebrate its 50th anniversary. Mayor William Donald Schaffer of Baltimore has designated this period as "Baltimore Urban League Week" when Marylanders will take time to recognize and honor the league on its many accomplishments.

The Baltimore Urban League is a community service organization specializing in the field of race relations. Organized and chartered from the National Urban League in 1924, the Baltimore Urban League is a member agency of the United Fund. Constantly seeking to foster equal opportunity and greater inclusion of blacks and other minorities in American life, the league offers a time-tested program designed to eliminate racial inequities. It combines objective research with constructive social action geared toward the welfare of the entire community. The league's membership elects an interracial executive board of 33 persons which sets policy and works with the staff to carry out its programs.

I join with the community in offering my best wishes to the Baltimore Urban League on its anniversary.

THE TRUTH ABOUT SOCIAL SECURITY

Mr. CHURCH. Mr. President, in recent months scare stories have circulated about the financial condition of the social security trust funds.

In far too many cases, these articles have been based upon misleading, inaccurate, or questionable information.

Unfortunately, these accounts have created needless anxiety and concern for retirees and workers.

It is refreshing to note, however, that several articles have been published recently to set the record straight about the value and worth of social security, as well as the financial status of the program.

One such example is the January 9 issue of the Machinist, which examines several arguments to discredit social security. The article concludes that social security is the best insurance available anywhere for workers and their families.

Another excellent account is Clayton Fritchey's article—entitled "The Truth About Social Security"—which appeared in the March 31 Washington Post.

Both of these articles, it seems to me, merit the attention of the Senate.

Mr. President, I ask unanimous consent that "The Truth About Social Security" and "Social Security Your Best Insurance" be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT SOCIAL SECURITY

(By Clayton Fritchey)

Despite all the scare stories and headlines to the contrary, the U.S. Social Security System is in sound shape, and there is every reason to believe it will remain so.

If, however, millions of Americans are confused and disturbed about the state of this immense national institution, in which nearly everybody has a vital personal stake, it is not surprising, for in the last year it has been the target of concerted criticism.

The headlines and captions on a flood of articles have been strikingly sensational, especially in the ultra-conservative press. A banner line in the weekly Human Events, for instance, warned: "Social Security—A Growing Monster." It was based on a series of articles published in Chicago Today and reprinted in 80 other papers.

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*First prize (Charles Sumner JHS took first prize in group.)

Unfortunately, a number of responsible and respected publications which have generally supported Social Security and been sympathetic to its problems have also taken an alarmist look at the old-age retirement system.

The headline in Harper's magazine was: "Social Security—The Cruelest Tax." The New York Times Magazine caption was "Catch 65—If You're Counting on Social Security for Your Retirement Income One Day, Count Again." The National Observer headline asked: "Is the System Becoming Social Insecurity?" And the American Survey in the London Economist also asked, "Is Social Security Going Broke?"

Dr. Milton Friedman, an economist of national standing, is quoted as describing the last 20 years of Social Security as "a crushing defeat for the average wage earner." Warren Shores, in Chicago Today, flatly declared, "The U.S. Social Security is bankrupt."

All this finally prompted an unprecedented defense of the program by five former secretaries of Health, Education and Welfare and the three surviving commissioners of the Social Security Administration. In a 4,500-word White Paper they joined in saying that the system was sound and healthy.

As a spokesman for the group, Wilbur Cohen, HEW secretary under Lyndon Johnson, denounced what he called a "rash" of reports picturing Social Security as "bankrupt or doomed to collapse or a deception foisted upon the American public." Older citizens, he said, have no reason to fear their checks will stop. As for younger citizens, he added:

"The most vicious of these attacks is the one charging that promised Social Security benefits may not be paid when they fall due 20 or 30 or 40 years hence. To the worker who is compelled to contribute from his earnings every payday, who is counting on these benefits for his security in retirement and for the protection of his family in the meantime, planting seeds of unwarranted doubt is a cruelty."

The payment of benefits, of course, is mandated by law. A claim to Social Security benefits is a legal right enforceable in court. And Congress, as Cohen points out, has made clear beyond question its pledge to the American people that the Social Security commitment will be honored.

It is generally recognized that as time goes on the system will no doubt require some additional financing, but that poses no insuperable hurdle. For extra funds can be raised either through increasing the present payroll tax or by supplementing it from general revenues. It's a question now before Congress.

The current rate of inflation is so high that benefit increases tied to the cost of living are expected to outrun by $2.5 billion the additional income from higher wages this year. Yet both President Ford and the Social Security Advisory Council (composed of 13 prominent private citizens) agree that this is not an urgent problem, for the Social Security Trust Fund is still close to $50 billion, which would cover any shortfall for the rest of this decade at least.

Over the next 25 years, Cohen says, the problem "is easily manageable and certainly does not constitute a financial crisis." He is not disturbed, either, that in the very long run, say from 2010 on, the active labor force in the United States may have to support relatively more retired people than was previously estimated.

In the 21st century, if the birthrate continues to drop, fewer young workers may be supporting more older retired ones, but at the same time, with smaller families, they will be supporting fewer children. So the final burden of providing for nonworkers may be no greater than it is today.

Those who can believe that Social Security is a mammoth swindle must also be prepared to believe that Congress, the President, the Cabinet and the courts are conspiring to cheat the American public. If they are willing to believe that, there is no hope for the country.

Social Security Your "Best" Insurance

(Note.—IAM President Floyd Smith, chairman, AFL–CIO Standing Committee on Social Security:

"The principle of Social Security rests on the assumption that each generation will pay for the retirement of the generation that has gone before and receive its retirement from the generation that comes after. This is in the nature of a social compact and is backed by the full faith and credit of the United States Government.

"As long as this nation remains a democracy and responsive to the will of the people, there is no conceivable way that any future President or Congress could or would break this social compact. You can be assured that the Social Security system is sound and all the articles and reports comparing it to private insurance are hogwash.")

This special section of the Machinist is published to give union members the facts about the Social Security system and how it insures Americans of all ages.

Scare stories have appeared in newspapers and magazines recently claiming that the Social Security system will go broke by the late 1980's, the 1990's or around the turn of the century.

Similar attacks appeared in the late 1940's and 1950's, about the time that the labor movement first began to campaign for national health insurance.

Best evidence is that this new wave of Social Security scare stories is being inspired by opponents of national health insurance—the medical lobby, the insurance industry, big corporations and big-money interests. They fear that labor will win its long-sought national health security plan in the new, forward-looking 94th Congress.

To undermine labor's drive, they seek to discredit Social Security and Medicare since national health security would be financed and administered through Social Security in the same manner that Medicare operates.

The attack centers on the fact that the USA now has a declining birthrate which, if it continues for some decades, could produce a situation in which more Americans would be drawing Social Security benefits than would be paying in. This ignores two probabilities:

If there are fewer children in the future, there will certainly be more working wives paying into the system.

Should the time come when the trust fund begins to shrink, Congress can be expected to act to protect the Social Security system as it always has in the past.

Here are expressions of confidence in Social Security from American leaders, some of whom have been intimately connected with the program for decades. The following three pages describe operations of the various phases of Social Security and Medicare. Save this Special Section to help you answer those who would like to see the system junked.

George Meany, AFL–CIO president—

"In recent months, you have seen the scare stories which infer that Social Security will be broke by 1980, or 1985, or 1990 or the year 2000—the date varies. The recurring theme of the stories is that the trust fund won't have enough money to pay benefits. That's baloney!

"The Social Security Trust Fund is not in danger of collapse unless the Congress and the White House fail to respond to warning signals. And those who pretend otherwise have a political axe to grind. They hope their campaign will hurt the drive for genuine health legislation."

Nelson Cruikshank, president of the National Council of Senior Citizens, former director of the AFL–CIO Department of Social Security:

"Paying out at the rate of $120 million a day—and that's every day of the week including Saturdays and Sundays—America's Social Security system is the world's biggest social welfare program.

"Probably no other public program has been as thoroughly and frequently analyzed as has Social Security. The system was devised in 1934 by distinguished experts drawn from business management, labor, and leading universities. It has been periodically reviewed by similar Advisory Councils since that time, and they have made frequent recommendations to the Congress on the steps to be taken to keep it viable and solvent. Congress has never failed to protect the Social Security system.

"It is a many-sided program. Not many people understand it, and we don't pretend to comprehend all its far-reaching complexities. But having been close to its development from the start, and having been for 21 years Director of the Department of Social Security of the AFL and the AFL–CIO, I do know that many of the people writing about it don't understand the principles on which the system was built. They do a great disservice when their shrill attacks drown out the voices of reason and honest debate which seek to keep this vital program alive and functioning well."

Wilbur J. Cohen, dean of the University of Michigan School of Education, former U.S. Secretary of Health, Education and Welfare:

"There are 30 million people receiving Social Security checks every month. It has not missed a payment since it started. It has never gone bankrupt and ceased to do business as have a number of private insurance plans.

"As long as Social Security payments are guaranteed by the Federal Government, I do not believe there will ever be any default in the commitments made under the Social Security program."

James B. Cardwell, U.S. Commissioner of Social Security:

"Insurance involves the banding together of a number of people in order to share a common risk. Social Security, it seems to me is exactly that—workers banding together to share common risks—the risk of losing one's capacity to earn a living as a result of retirement, disability or death.

"The system has two important financial safeguards designed to protect its integrity:

The existence of a closed trust fund which always carries credits that, when added to any one year's receipts, provide more than is needed to finance one full year's benefits.

Compulsory participation and contributions . . . backed up by the good faith and credit of the U.S. Government. As long as our Government stands, the Social Security trust funds will be protected. As it turns out, if our Government were to fail, so, in all likelihood, would the reserve systems of the private insurance programs."

U.S. Sen. Frank Church (D, Idaho), chairman of the Senate's Special Committee on Aging:

"The Social Security system is not—and I want to underscore this point very forcefully—on the verge of financial collapse. . . . I want to stress that the Social Security system can be improved. And, to my way of thinking, it should be improved in several key areas.

"But commentaries relying upon questionable data can serve no useful purpose in determining the appropriate future direction of Social Security, a program which now affects the lives of almost every American family in one form or another."

U.S. Rep. James C. Corman (D, Calif.), member of the House Ways and Means Committee and author of much Social Security legislation:

"Social Security is solvent. Reports that the system is bankrupt are misleading and cruel. Checks have gone out every month for nearly 40 years and they will continue to do so in the future. According to the last annual report, there was a surplus in the trust fund of approximately $45 billion.

"And what distinguishes Social Security from private insurance or retirement programs is that it is backed up by the financial resources of the Federal Government."

Bert Seidman, director, AFL-CIO Department of Social Security:

"Of course, the Social Security system is not perfect. But scare articles about alleged financial unsoundness have cruelly alarmed older citizens as well as workers looking toward protection in the future.

"Even if the birthrate forecasts are accurate, there will not necessarily be proportionately fewer in the work force to support Social Security beneficiaries. . . . Smaller families will bring more women into the labor force since there will be fewer years when they are caring for small children. Many older people, now forced into retirement, are likely to continue working."

JOINT SPACE FLIGHT

Mr. GARN. Mr. President, this coming July, the first space venture involving more than one country will begin, in separate launches from the United States and the Soviet Union. A few weeks ago I visited the Johnson Space Center in Houston, met the astronauts and cosmonauts who will be involved in this event, and piloted the training device used to teach the space teams the proper technique. I am sure that the astronauts will do a better job docking their craft than I did, and that international cooperation will proceed more smoothly than I was able to manage.

Sunday, the supplement to the Washington Post carried an article outlining the background to this joint venture, and explaining some of the problems which have been encountered and solved along the way. I take this opportunity to enter the article in the Record, and invite my colleagues to observe the unrolling of this historic event.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. and Soviet Crews Eagerly Await Joint Space Flight

(By Don A. Schanche)

Houston, Tex.—Donald K. "Deke" Slayton, last of the original Mercury astronauts and Col. Aleksei Leonov, first man to "walk" in space, admit that an American-Soviet get-together in orbit would have been hard for either to accept when the proposal was first made by Parade in 1966.

"It was the last thing on any of our minds," says Slayton, throwing a comradely arm around the Russian cosmonaut's shoulder. "We were running a race against each other, and no one in our country or theirs was talking about joint space flights. But now the time is right."

On July 15, if all continues to go smoothly in the two-year-old joint Apollo-Soyuz Test Project, the proposal will become reality. In the most spectacular demonstration yet of détente, the U.S. and the U.S.S.R. will, within hours of each other, launch spacecraft from opposite sides of the globe. Two days later astronauts and cosmonauts will hold a handshaking, hospitality-swapping reunion before a worldwide television audience as they float weightlessly to and fro between each other's linked space ships 140 miles above the earth.

Right now, the American space crews are in the Soviet Union for a training mission that includes a trip to the Russian launching site of Baikonur, Kazakhstan. It's part of a series of visits by the spacemen to each other's facilities, which have brought the Soviet pilots for extended periods to the Lyndon B. Johnson Space Center in Houston and also given them a look at the John F. Kennedy Space Center at Cape Canaveral, Fla. Altogether, each group has undergone three training periods in the other's country.

On one of these sessions in Houston, PARADE was present while the five men who'll meet in orbit—three Americans and two Russians—demonstrated the amiability and friendliness, as well as the mutual technological respect and understanding, that are the ingredients of the upcoming space adventure.

STUDY LANGUAGES

Taking a few minutes out of tightly scheduled joint training exercise to pose for our cover photo, Aleksei Leonov, 40, and his flight engineer, Valery Kubasov, 30, clowned like schoolboys.

Space fliers on both sides of the joint venture studied one another's languages four to six hours a day for almost a year and use Russian and English interchangeably in all of their training, as they will during their flights. But each still stumbles occasionally on the other's unfamiliar idiom.

"I had Leonov and some of the others out to my house for dinner and I wanted to deliver a friendly, welcoming toast in my best Russian," says Slayton, who at 51 will be the oldest American ever to fly in space. "Instead I got the wrong phrase. I said, 'See you later,' and tossed back my drink. It broke them up."

During one dry run of a space link-up in Houston, Leonov and Kubasov were perched inside a mock-up of the globular Soyuz orbital module that they will fly, rehearsing the complicated joint procedure that must be accomplished before they can open their hatch and invite the American astronauts aboard.

The American crew commander, Tom Stafford, 44, and rookie astronaut Vance Brand, 43, third member of the U.S. team, were in their docking module, attached to the Soyuz, dryly reading a checklist aloud in Russian through their miniature microphones.

TRAINING HORSEPLAY

As they reached the climactic moment in the rehearsal when the Soviet hatch was ready to burst open in welcome, Stafford dead-panned a final Russian remark into the intrecom set. Inside the Soyuz Kubasov tapped his radio headset and gasped in mock surpise. Then Leonov, whose expressive, freckled face sometimes looks like that of a lean Nikita Khrushchev in a rare good mood, broke into a delighted grin.

"Da," he said, "we got the vodka . . . but we forgot the space suits!"

Later, during a training exercise in which each side had to sample the other's vacuum-packed meals (the Russians lean toward dried fish and currant juice, the Americans toward beef, fowl and citrus drinks), Leonov lightheartedly picked up a collapsible tube from the Apollo spaceship's food chest and squirted its contents into his mouth. Two seconds later he was out of the model spaceship and running for the water fountain while his American and Russian colleagues uproariously read on the tube: "Liquid Black Pepper."

After cooling off in his temporary office on the third floor of the astronaut's building at the Houston space complex, the ebullient Leonov eagerly showed a copy of PARADE's original proposal by Editor Jess Gorkin for the joint flight to the six fellow cosmonauts who form his three backup crews.

"It was good a idea," he exclaimed after reading aloud Gorkin's open letter to the late President Lyndon Johnson. "Now we will meet in space as this man said. Together we have begun an irreversible thing. The machine of Apollo-Soyuz is operating now and no one can stop it!"

SAY THEY'RE READY

The Americans are as confident as Leonov. "We're certainly ready for it," said Tom Stafford, an Air Force brigadier general and veteran of three space flights including one around the moon.

But the path toward an orbital rendezvous has not always been so smooth. After former President Nixon and Premier Kosygin signed the agreement to begin planning the joint flight in May, 1972, technical experts and officials of the U.S. National Aeronautics and Space Administration and the Soviet Academy of Sciences became almost constant international commuters, haggling over the details. Before the work was hardly begun, however, the teacher of the Russian group, Mstislav Keldysh, who is president of the Soviet Academy of Sciences, became gravely ill with crippling cardiovascular complications in both legs. His condition threatened to stall the difficult technical talks. But at Academician Keldysh's request the Department of State rushed the famed Houston heart surgeon, Dr. Michael E. De Bakey, to Moscow to operate. Within a few months Keldysh was back.

SYSTEMS DIFFER

There also were major problems involving differences between the two space systems and the ways our astronauts and their cosmonauts operate.

"The Soyuz is designed strictly for earth orbit pretty much under control from the ground," explained Stafford. "Our Apollo is designed to go to the moon, lose its systems on the way and still permit the crew to bring it home on their own, with no control from the ground."

"The other important thing after technical preparation was human relations between us," added Leonov, who in addition to being a cosmonaut is a popular Russian film-maker and illustrator of science fiction, as well as a member of the Presidium of the Supreme Soviet. "If human relations were bad there could be no flight—nothing."

Fortunately, since their joint training began, the American and Russian spacemen have had what one NASA official calls "the camaraderie of World War I fighter pilots." First they got to know one another by exchanging brief visits, then the Americans returned to the Soviet Union last July for their first lengthy joint training at Star City, just outside Moscow, where the cosmonauts live and work. Leonov, Kubasov and their backup crews spent most of last September in Houston and in February for even more intensive work. This month and next the astronauts are in the Soviet Union, and will visit the supersecret Communist space launching facilities at Baikonur.

In the course of so much work together, the space fliers have become as comfortable with one another as if they had been flight mates for years. They have run, swum, fished and played tennis together, had snowball fights in Moscow, hunted antelope in Wyoming and toasted away countless convivial evenings in one another's homes.

"We must trust each other with our lives, therefore we must be like a family," says Leonov.

While their trust is not likely to be put to the final test during the Apollo-Soyuz flight, the main objective of the historic rendezvous is to make such international space lifesaving possible for future astronauts and cosmonauts.

"You might say that both countries have gotten together to build a better mousetrap," said Stafford in describing the mutual docking system that will be tested during the flight. In perhaps the most significant achievement of Apollo-Soyuz Project, U.S. and Soviet engineers worked together to design a clamshell-like connecting apparatus that will be used on future manned spacecraft by both nations.

PERSONAL DRAMA

Behind the air of suspense that accompanies all space flights, and the comradely adventure of this particular one, there are quiet personal dramas being played out among some of the principals. But none contains so much individual triumph as Slayton's presence on the American crew.

Slayton was hand-picked 12 years ago, after John Glenn's first orbital adventure in the tiny Mercury spacecraft, to make the more demanding second U.S. orbital space flight. Shortly before the mission, however, physicians detected a heart murmur, and he was grounded. Although the source of the murmur was never discovered, it was assumed by most that Slayton was washed up as an astronaut. Yet although out of the spotlight for more than a decade as his old flight mates took increasingly bolder steps into space and eventually to the moon, Slayton never wavered in his determination to rejoin them. While handling a demanding executive job as NASA's director of flight crews operations, he put himself through the same rigorous daily training as the flying astronauts.

BACK ON THE JOB

Slayton's determination paid off in 1972, when medical experts, unable to detect any recurrence of the mysterious heart murmur and impressed by his extraordinary physical condition, restored him to flight status.

"I figure a man can fly into his 60's if he's in physical condition for it," Slayton says.

Neither the American nor the Russian fliers give much thought to age, however. "It is professional ability and physical condition that count," says Leonov. "The American astronauts are ochen-OK."

"All of the crewmembers from both countries are first-rate," agrees the American commander, Tom Stafford. "You might say that we have *nyet* problems."

WOMEN'S RIGHTS

Mr. CLARK. Mr. President, some progress has been made in recognizing the needs, contributions, and rights of women.

The National Conference on Women and the Law in Palo Alto, Calif., last weekend reviewed the changes in the legal status of women and found that the courts and legislatures have advanced equality of treatment for women and men. This year, for instance, the Supreme Court corrected inequities in the areas of jury selection and social security law. A number of State legislatures, including Iowa, removed references to gender in State laws in an effort to apply the law more fairly. And over the last few years, Congress has enacted laws which prohibit discriminatory treatment in credit transactions, federally related mortgage loans, employment, education, and pensions. It also has affirmed the principle of equal rights through its overwhelming approval of the Equal Rights Amendment. Waiting in the wings are proposals for child care and for flexible hours for Federal workers unable to work standard working hours.

As the remaining State legislatures gradually awaken to the moral imperative underlying the ERA and as the Supreme Court moves case-by-case closer to treating discrimination by sex as a suspect category under the 14th amendment, the Congress needs to move ahead.

Two areas in particular deserve the attention of this Congress. The first is that some Federal laws still permit discriminatory treatment. Senate Resolution 92, which I introduced on February 26, 1975, is designed to remove the remnants in the Federal code which discriminate.

A second area is one for which a compelling case can be made for immediate action: enforcement of the law. The most disturbing example of poor enforcement is the backlog of cases before the Equal Employment Opportunity Commission—EEOC. The Equal Pay Act was enacted in 1963. The Civil Rights Act, with its ban against discrimination in employment, was enacted in 1964. A decade has passed. But the evidence suggests that discrimination in hiring, pay, and promotions is still substantial. And we have seen more than a decade pass since the enactment of those laws.

What can Congress do? If we have learned anything over the last 12 years, it should be that we cannot simply pass laws and then expect the problem which precipitated the enactment of those laws to vanish. Legislation must be followed through the entire policy process. It is incumbent upon both legislative and appropriations committees to review the progress of the administration of the law. Oversight hearings are insufficient. We have had oversight hearings, for instance, on the EEOC. We know that that Commission has yet to process 120,000 cases. We know that staff positions authorized by the Congress have gone unfilled, but little has been done to correct those problems.

Women deserve fair treatment. The courts, the State legislatures, the Congress, and the Federal bureaucracy must all work to see that they achieve it.

Mr. President, I ask unanimous consent that the editorial, entitled "EEOC. Picking Up the Pieces," in the March 31, Washington Post and the article, entitled "Law Parlay Finds Women Lagging in Rights," in the March 27, New York Times, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW PARLEY FINDS WOMEN LAGGING IN RIGHTS

(By Lesley Oelsner)

PALO ALTO, CALIF.—Courts and legislatures have dramatically changed the legal status of women in recent years, bringing it far closer to that of men. But a substantial gap remains, with women around the country sometimes denied rights that men have, other times given different rights.

A thousand lawyers and law students, nearly all of them women, review the progress to date and the problems remaining during the National Conference on Women and the Law here this weekend. They found both gains and gaps in areas as diverse as employment and taxation, in situations ranging from that of women as parents and women as victims of crime.

Ruth Bader Ginsburg, the Columbia Law School professor who has argued most of the recent major sex discrimination cases before the Supreme Court, put it this way:

"Realizing the equality principle will require a long and persistent effort, after the artificial barriers are removed, to prevent perpetuation of the effects of past discrimination long into the future."

Among the major areas covered were the following:

THE SOCIAL SECURITY SYSTEM

Last week the Supreme Court handed the women's movement one of its most significant court victories to date; a unanimous ruling that the Social Security law's system of denying child care benefits to the spouse of a deceased female wage earner, while providing those benefits to the spouse of a deceased male wage earner, was unconstitutional.

Most of the Supreme Court Justices, according to Professor Ginsburg, who argued the case, appeared to base their decision largely on the fact that the law denigated the work of women—providing less protection for the families of women wage earners than for the families of men wage earners.

The Social Security law has other features, however, which also treat women workers differently from men workers.

One of those, in the view of women's rights proponents, is the Social Security System's failure to provide any independent coverage for women who work in the home, as housewives, as opposed to in the market place.

Another is the effect of provisions covering two-earner families, with both husband and wife contributing through Social Security payments during their working lives.

A husband and wife "who work through their lives might have less money on retirement than a one earner family with the same income" as a result of those provisions, Margaret Gates, director of the centre for women's policy studies in Washington told participants at the conference.

Still another feature of the Social Security System provides that people who leave the work force for five years are not entitled to receive disability benefits until they have re-entered the work force and worked another five years. Said Professor Ginsburg, this "ignores the fact" that most women have intervals in their working careers when they drop out of full-time work in order to bear and rear children.

The Advisory Council on Social Security, appointed last year and required to report regularly on the system to both Congress and the President, has recommended removing some but not all of the features that critics consider discriminatory.

TAXATION

According to Susan Spivak, a visiting professor at Stanford and a panelist at the conference here, several aspects of the tax system "operate to make it disadvantageous for the secondary wage earner, the one who earns less than the wage earner in the family, is most often the wife.

Among other things, there are strict limitations on deductions for the costs of child care incurred when a mother goes to work outside the home, and the progressive tax rate, when combined with the system of aggregating the incomes of the husband and wife, can also work to create what Professor

Spivak called a "disincentive" to women would-be workers.

THE JURY SYSTEM

Women are now entitled to serve on juries in federal as well as state courts. This is a relatively new right, in that a few states continued to exclude women from their courts' juries even into the nineteen-sixties, and that until 1957, the right to serve on a jury in a Federal District Court depended on the law of the state in which the court sat.

Last January, the Supreme Court, in the case of Taylor v. Louisiana, struck down Louisiana's system of requiring women, but not men, to "affirmatively register" if they wanted to serve as jurors. The Court said that exempting women from jury service solely because of their sex violated a defendant's right under the Sixth Amendment to have a jury drawn from a cross-section of the community.

However, according to one of the panelists at the conference—Liz Schneider of the Center for Constitutional Rights in New York—the Taylor case may not have as broad an effect as women's rights advocates would like.

The facts in the Taylor case were particularly strong, she said, with no women at all in the jury pool used in the case involved in the court's decisions; it is thus possible that the decision will not be applied in cases where at least some women are in the pool.

Even if all affirmative registration systems are struck down, moreover, according to Rhonda Copelon, another lawyer at the center, other discriminatory features of the jury system remain. Among them: laws in four states that grant an absolute exemption to women, which they can claim if they wish; exemptions in many Federal courts and some state courts for women with children, regardless of whether or not the woman actually needs to be at home to take care of the children.

EMPLOYMENT

Title VII of the Civil Rights Act prohibits discrimination based on sex in employment opportunity covered by the act and a number of suits have been brought and either won or successfully settled under the act, often with affirmative action programs. But the recession is threatening some of those gains—particularly through the so-called "LIFO" system, or "last in first out," provided for in some labor contracts.

PREGNANCY

The law relating to pregnancy has likewise seen some changes, but nowhere near as many as women's rights leaders would like.

The Supreme Court's rulings invalidating anti-abortion laws were one major gain. Another was the Court's invalidation of a required maternity leave at four months of pregnancy for public school teachers in Cleveland.

However, the Court in another case refused to strike down a provision of California's disability insurance system that denied payments for disabilities of normal pregnancies.

A similar pattern is seen in other areas as well. Marilyn G. Haft, director of the American Civil Liberties Union's sexual privacy project, noted during the conference that the courts in a few states have found that prostitution laws are unconstitutional to the extent that they provide only for the prosecution of women prostitutes, not of male prostitutes or customers of prostitutes.

Judge Lisa Richette of the Court of Common Pleas in Philadelphia, noted that some jurisdictions are easing the burden of proof required in rape cases, a burden that has traditionally been higher than in other types of cases.

EQUAL RIGHTS AMENDMENT

The rights amendment, if passed, is expected to do much to change this pattern of scattered gains and lingering discrimination. As for the reasons underlying the pattern, lawyers suggest that at least some of the gains to date have come because the various laws involved have been so blatantly discriminatory—"easy cases," in lawyers' terminology.

Professor Ginsburg suggested an additional reason: There is a certain ambivalence in the society, she said, and courts, including the Supreme Court, reflect it:

"Conditions of contemporary life demand recognition that distinct roles for men and women coerced or steered by law are antithetical to the American ideal of freedom of choice for the individual. But action based on that recognition is deterred by fear—fear of unsettling familiar and, for many men and women, comfortable patterns."

EEOC: Picking Up the Pieces

Until several days ago, no federal agency was as wrought with anguish and dissension as the Equal Employment Opportunity Commission. Created by the Civil Rights Act of 1964 to bring about the desegregation of the American job market, the agency had in recent months fallen into disarray. Its commissioners were feuding furiously among themselves, and especially with their chairman, and the staff seemed to be going its own way. Its caseload is years behind and its internal management could hardly be said to exist. Not all the problems stemmed from its leadership, but it was clear that those problems could not be solved with the leadership EEOC had.

Recognizing that inescapable fact, President Ford moved decisively to clear out the contending parties at the top of the agency by accepting the resignations of Chairman John H. Powell and General Counsel Edward Carey. Those resignations gave the President some maneuvering room, further augmented by the existence of several other key vacancies on the commission and within its staff. In all, there will soon be three vacancies on the commission for the President to fill, including that of chairman. Also, the post of executive director of the agency is vacant, along with the position of general counsel. In effect, the President has a clean slate with which to begin putting EEOC back together.

How the President uses that opportunity is one of the critical guides to his own thinking about the importance of removing the blot of job market discrimination against minorities and women from the American scene. This is an important time for White House leadership and direction. As the economy declines, the question of layoffs becomes more and more critical. At some point, EEOC should issue guidelines of its own in this area, even though a series of law suits will soon culminate in a Supreme Court decision on some aspects of the layoff question. Leadership from the Executive Branch is critical if workplace racial strife is to be avoided.

A wisely staffed EEOC, one free of politically motivated appointments, could serve the whole country well in that difficult area. By law, the commission is to be bipartisan, but the President can go beyond the mere letter of the law to its spirit, by finding a team that can work effectively together on this highly complicated problem. Some of Mr. Ford's most recent appointments show that his administration is capable of coming up with high-level talent for key jobs, and the search should be no less diligent for EEOC.

Eventually, several other problems of the agency should be addressed by Congress and the administration. Once it has the personnel it needs, EEOC is going to need a great deal of technical assistance to get its tangled administrative mechanism straightened out. It is 120,000 or so cases behind and it has a number of other administrative hangups. It has a computer that is hardly a helpful instrument as matters now stand. These are the kinds of problems that the Office of Management and Budget and the General Services Administration can assist in solving. They are not policy problems, just problems of technical management, but they are part of the reason EEOC as an agency has been dead in the water for the past several years.

The Congress amended the EEOC act in 1972 to give the agency the power to file suit when it felt that need. At some point, the question of whether EEOC should have the power to issue cease and desist orders should be reviewed again on Capitol Hill. There are many serious students of the agency and of the problem of job discrimination who believe that power would make EEOC a more effective agency, one that could dispose of cases that involve no great precedent-setting issues, but are merely questions of law. If EEOC could decide those cases itself, as the National Labor Relations Board does, it would spare many hours of judicial time. Furthermore, that device would give EEOC commission members more of a task than they now have. It is apparent that many of the problems of the recent past have sprung from the fact that the chairman of the commission has a measure of power, but the members of the commission have very little. Many of EEOC's recent unpleasantries could be avoided in the future if the agency's structure were changed to give all its commissioners meaningful tasks.

EFFECT OF CERTAIN COMPOUNDS ON THE ENVIRONMENTAL OZONE LAYER

Mr. CASE. Mr. President, I ask unanimous consent that Mr. McIntyre, Mr. Stevenson, Mr. Hathaway, and Mr. Leahy be added as cosponsors of S. 1336, the bill I introduced before the Easter recess and which amends the Clean Air Act to provide for research on the effect of chlorofluoromethane compounds, of which freon is one, on the environmental ozone layer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, recent hearings by the House Subcommittee on Public Health and the Environment have brought out the fact that we may be destroying ozone in our atmosphere through the use of freon as a propellant in aerosal spray cans.

Ozone acts as a protective shield to life on this planet. And most scientists agree that life on the surface of the earth did not begin to evolve until the ozone layer had formed.

As the ozone level decreases, the risk of skin cancer increases because there is not enough ozone to filter out the ultraviolet rays. If a 5-percent decrease in the ozone level should occur, there might be a 10-percent increase in the number of cases of skin cancer. It also seems obvious that there may be a relationship between increased ultraviolet radiation and the surface of the Earth. and the crops growing on it, which we consume as food.

To a layman reading the articles on ozone depletion that have appeared in scientific journals, one conclusion is immediately obvious. There is insufficient knowledge now available on the subject to enable us to make sound judgments and decisions as to whether the ozone level is in fact decreasing and, if it is decreasing, whether this decrease is caused, in part, by the release of Freon into the atmosphere.

In our industrialized society, we use great quantities of Freon. Freon is used in closed systems, such as in refrigeration and air-conditioning. We assume, but we do not know whether we are right, that this Freon is never released into the atmosphere. But it is also used as a propellant in aerosol spray cans, where it is released directly into the atmosphere.

The legislation I am sponsoring, and which has been introduced in the House by Representative PAUL ROGERS, requires a report by the National Academy of Sciences on the potential effects of Freon on the public health and the environment; recycling methods; methods of preventing the escape of Freon into the atmosphere; and safe substitutes for Freon. The report is required 1 year after enactment.

A second report is required to be done by the National Aeronautics and Space Administration—NASA—also within a year, on the nature and likelihood of potential effects of Freon on public health and the environment. Recommended standards to be applied on limiting Freon emissions are required to be submitted to Congress by NASA 3 months later.

Unless, after consideration of the reports, consultation with concerned Federal agencies and scientific bodies, and public hearings, the Administrator of the Environmental Protection Agency finds that Freon poses no significant risk to the public health, safety, or the environment, the manufacture and sale of aerosol spray cans discharging Freon into the air will be banned. The ban will go into effect 2 years following enactment of this legislation, or 1 year following completion of the reports.

We have an obligation to ourselves and to the generations to follow to make sure that we are not—deliberately and knowingly—creating an irreversible and potentially dangerous situation through our consumption habits today. That is why it is so important that this research be undertaken.

DEDICATED STAFF

Mr. MOSS. Mr. President, as the Members of this body know, I have been the chairman of a large number of interesting and in-depth hearings about conditions in nursing homes. The degree of success in these hearings is in no small measure due to the loyal and dedicated service of Val Halamandaris, who serves as associate counsel of the Senate Committee on Aging.

In the last issue of Modern Healthcare is an article by Gregg W. Downey which details the excellence of Mr. Halamandaris' staff work. I ask unanimous consent that the article be printed in full for the benefit of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VAL HALAMANDARIS IS NOT A VIKING

During the last decade, people have grown familiar with the activities of the U.S. Senate Subcomittee on Long-Term Care—sometimes to their profound regret.

Sen. Frank E. Moss (D., Utah), the chairman and ranking minority member Sen. Charles H. Percy (R., Ill.) are the names most frequently associated with the Senate panel, but there is a man behind the subcommittee scenes who, if less well-known, is often more important to the health field than his senatorial employers. Val J. Halamandaris, the subcommittee's 32 year old chief counsel, is that man.

When long-term care legislation is developed, such as the bills codifying nursing home patient rights or establishing a loan program to help facilities install fire safety equipment, there's a better than even chance Mr. Halamandaris had a hand in writing it. When one of the subcommittee members delivers a speech, such as the controversial one in which Sen. Moss criticized the $350,000 image improvement campaign of the American Nursing Home Association, attentive listeners can hear the echoes of Mr. Halamandaris' cogitation. Most dramatically, when the Senate comes to town to probe the dealings of castigated nursing home owners, the research and arrangements have been coordinated by Mr. Haldamandaris. Lately, one of his principal assignments has been to oversee the publication of Nursing Home Care in the United States: Failure in Public Policy, a series of in-depth reports examining the problems and potentials of long-term health care.

In spite of his name, Val Halamandaris is not a Viking, although the forays he's helped to launch into the domains of wealthy nursing home barons could make the notion apt. He's of Greek descent, his immigrant grandfather traveling West with the railroad and settling down in Utah to become a coal miner.

"If it hadn't been for Sen. Moss," said Mr. Halamandaris, "I'd still be out there digging coal or planting crops." Instead, the senator gave him a job that helped him work his way through undergraduate school at George Washington University. He received his law degree in 1969 from the Catholic University School of Law and was admitted to the bar of the U.S. District Court for the District of Columbia, U.S. Circuit Court of Appeals, and U.S. Supreme Court.

Working without a private secretary in a supremely unpretentious cubicle on the ground floor of the new Senate office building, Mr Halamandaris often finds himself attacked as vehemently by nursing home officials as by nursing home detractors. The officials seem to forget such things as his ringing defense against the broadside blasts contained in "Tender Loving Greed," while the self-appointed reformers overlook the incisive questioning of industry profiteers that has led to the closing of wretched facilities around the country. "My greatest frustration," he said, "is the inability of people on both sides of the issue to understand my role. It's just not black and white. I'm not all friend and I'm not all critic."

Mr. Halamandaris is, however, one of the few people on Capitol Hill who have a more-than-surface understanding of nursing home affairs. Shortly after the New York hearings (page 43), he was asked these questions:

MH: Do you think a small group of people control large numbers of poorly run nursing homes?

VJH: "Yes. I think that's true in some places—in Illinois, New York, and Florida, for example. We loosely refer to these groups as 'syndicates' and have great problems about their operations. Frankly, I think they give the entire nursing home industry a bad name."

MH: Is organized crime involved?

VJH: "No. On the contrary, I have always maintained that organized crime is not involved, because we've never seen any evidence."

MH: What should nursing home associations do to put an end to these constant scandals?

VJH: "Establish rigid peer review and work to bar substandard facilities and profiteers from the industry. I think ANHA should be that organization. Associations always tell me they can't do it, because they're not at liberty to revoke someone's license. My answer has always been that if they assert such responsibility, the state agencies would be delighted to let them do it. Unfortunately, I think associations are still trying to hang on to every member they can get."

MH: Do you think most people who run nursing homes are well-motivated?

VJH: "Without a doubt."

MH: Then why did one of your recent reports say more than 50 per cent of the nation's nursing homes are seriously substandard?

VJH: "As the system presently operates, you could hardly expect things to be otherwise. Our report shows that the federal government has established virtually no policy for the treatment of the infirm elderly and that state reimbursement formulas are designed, in effect, to guarantee poor care."

MH: So why don't you investigate HEW and the politicians?

VJH: "If you recall, our first report contained a scorching indictment of HEW. As we see it, part of the fault is with the operation of government and some of the fault is right here in Congress. Much of P.L. 92-603, for example, is bad legislation. We predicted the dumping of people from SNFs into ICFs, and that is coming to pass. We try to head these things off, but we're not always successful."

MH: What's the most important thing that can be done to improve long-term care?

VJH: "Follow the buck and you've got the answer. The whole problem in New York is their reimbursement system—this grand cost-plus formula where they pay the operator for everything he spends, plus a profit. It encourages manipulation. In other states, where there's a flat-rate system, operators are encouraged to cut back on staff and services. In most places, the operator of a good nursing home is at a competitive disadvantage. I don't think it would cost much more to have a reimbursement system with stiff penalties for profiteering, which is (1) cost-related and (2) provides incentives in favor of good care."

MH: Can such a system be legislated?

VJH: "I think it can be. We're looking at options right now that suggest just that. We don't have any precise handle on it, but we'll find it. The key is to provide the operator with fair reimbursement based on a set of standards that is reasonable and accepted throughout the industry, then to provide financial incentives for good care, so that when you reach a certain level of service, your reimbursement will be increased. I'm not adverse to anybody making a profit, even a large profit. All I'm adverse to is somebody making a huge profit at patients' expense."—G.W.D.

ALLOTMENT OF SEWAGE TREATMENT FUNDS

Mr. DOLE. Mr. President, as a cosponsor of S. 1216, a bill to amend the Federal Water Pollution Control Act of 1972, I should like to make a few comments in support of the measure and its provisions.

The major purpose of S. 1216 is to alter the allotment system by which the individual States will receive a share of Federal construction grants for waste treatment works, which have recently been made available. Without this alteration, $9 billion in construction grant funds will be improperly allocated according to an outdated "needs" survey that would shortchange a great majority of the States.

Earlier this year, President Ford provided for the allocation of $4 billion for waste treatment construction grants in the fiscal year 1976 budget. These funds were obtained from a total $9 billion previously impounded from fiscal year 1972, 1973, and 1974 appropriations. A few weeks later, the U.S. Supreme Court ordered the Environmental Protection Agency to allocate the remaining $5 billion of the impounded funds. These decisions have made long-awaited Federal funds available to the States for further development of sewage treatment plants.

However, the formula upon which allocation of these funds is to be made to the States was developed 3 years ago according to a "needs" survey among the States which is now extremely outdated. This allotment system threatens to significantly shortchange 35 State governments.

NEW FORMULA MORE EQUITABLE

The revised formula, to be implemented under the provisions of S. 1216, would require EPA to allocate the $9 billion during fiscal year 1976 according to both population and an updated "needs" survey that more accurately reflects current nationwide conditions. By this formula, my own State of Kansas would receive nearly $46 million more in Federal construction funds for waste treatment works than it would receive under the outdated formula. Thirty-four other States would similarly benefit. In addition, S. 1216 provides that future allocations of Federal sewage treatment plant grants be distributed according to the same "50 percent population—50 percent need" formula.

Mr. President, the undue delay in getting these important funds to the States makes it all the more important that they be distributed in an updated and equitable manner. It is particularly important that the grant money go where it will offer the greatest proportionate benefit to our citizens and to the goal of preserving the quality of our Nation's water resources. The measure which I am cosponsoring, S. 1216, will insure that these considerations are recognized by the Environmental Protection Agency as it distributes Federal waste treatment construction grants.

CRIME PREVENTION GUIDELINES FOR CITIZENS

Mr. HARTKE. Mr. President, the continuing growth in the crime rate cannot be ignored and must be faced by every citizen. In fact, everyone can take simple steps to protect himself and his property. Criminal justice agencies can do little to reduce crime without the sympathy and support of the community.

Citizens can make their own residences more secure against criminals through the suggestions offered by Clarence R. Demoret, assistant director of program coordination for the Indiana Criminal Justice Planning Agency, and Herbert A. Robert and George W. Young, law enforcement coordinator and assistant law enforcement coordinator for the planning agency, respectively.

Mr. President, I ask unanimous consent that their ideas be printed in the RECORD.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

CRIME PREVENTION GUIDELINES FOR CITIZENS

RESIDENTS' ASSESSMENT OF SECURITY MEASURES

Will an intruder approachng a residence be observable to a neighbor?

Are the neighbors apt to be present to see an intruder?

Will the intruder's presence be apparent?

Are the accessible doors and windows to a residence locked?

Are the locks adequate to withstand common techniques of forced entry?

Are the doors, the frames, and the hinges resistant to common techniques of forced entry?

If the burglar gets in, will his presence be detected?

If a burglar is detected, what is likely to happen?

Will a burglar desist when he becomes aware of the security measures which are present?

Are there ways to make a burglar more aware of the security measures, without diminishing their effectiveness?

How does the residence compare with others in the area, in terms of the observability of entry points, occupancy patterns, ease of illegal entry through doors and windows, and the possible detection of intruders within the premises?

MEASURES TO REDUCE VULNERABILITY CAUSE BENEFITS IN TERMS OF REDUCED CRIME RISK

The cost-effectiveness of a given security device in a particular residence depends upon a number of factors, among which the most significant are:

The vulnerability of the particular residence compared to others in the area.

The anticipated loss, should a crime occur.

The effectiveness of the device in reducing the vulnerability of the residence on the anticipated basis.

The extent to which the device reduces apprehension or fear about crime.

The purchase, installation, and maintenance costs of the device, as well as the cost of associated devices or services.

The non-monetary costs of the device, including any necessary adjustments in household behavior, interference with privacy or other values, and nuisances caused by malfunctions.

It is impossible to prescribe the relative importance that a resident should assign to security expenditures, as opposed to alternative outlays.

MECHANICAL, ELECTRO-MAGNETIC AND ELECTRONIC SECURITY EQUIPMENT (ALARMS)

Detectors and sensors

Intrusion detection devices are designed to detect presence or motion, or both. One example is ultrasonic motion detectors, which will not detect the presence of a person standing still, but will quickly sense an intruder moving through their range. Passive infra-red detectors, contrariwise, may detect an intruder by reading a person's infra-red radiation, regardless if he be in motion.

Another class of devices requires an intruder to break a circuit—a beam, magnetic door, in entrance ways or other areas—whereby the presence of an intruder is reported by triggering an alarm.

All such devices are designed to function in an environment in which the motion or presence of an intruder needs to be reported or indicated.

A difficulty in using these devices in residence environments is the resultant restrictions it imposes on the normal use of the residence; also the need to observe required procedures.

The devices have to be activated when the residence is going to be unoccupied.

They may be activated when the occupants retire for the evening; however, all occupants must be trained not to activate the alarm by accident.

Alarms

All intrusion detection devices should be connected to some sort of an alarm, siren, bell, horn, or other loud sound-producing device; however, they may also be connected to a *silent* alarm linked to a remote monitoring station, a neighbor's house, or some commercial agency especially utilized for this purpose.

When an alarm or intruder detection system is utilized, the system should be attended properly. One should be attentive to prevent false alarms; i.e., the activating of the alarm by carelessness. For, if an alarm is to be efficient, it must be carefully operated. It follows that if the alarm system is activated frequently by carelessness, it will lose its effectiveness. Those whom you depend upon to aid you or call for assistance will tire of the false alarms, and thus will not act when you need them most.

If the residents elect to utilize a communicated (silent alarm) they are buying a whole range of services related to the monitoring and response to alarm signals.

There are numerous intruder alarms systems on the open market; therefore, one needs to determine which may meet his particular needs. Recently, most mail order houses have advertised security systems, up to and including a security survey.

Though the intent may be good, always give second thoughts to allowing a stranger to survey your residence without proper background information.

SECURITY DEVICES AND SYSTEMS

Door systems

Even the best lock cannot afford the protection claimed for it, unless it is part of a door or window that has a minimum number of construction and material supporting factors.

Whether the door is constructed of wood or metal, is solid or hollow-core, how well it fits to the frame—these, and other considerations, will determine how resistant the door is to forced entry, in addition to how it is secured with locks.

There are many different kinds of doors in residential use. The types and qualities of materials used in door construction vary from neighborhoods, and from different resident builders. The quality and prices of doors vary, and even more so for replacement doors.

The vulnerability of a door, as compared to its frame, hinges, and other accessories, is usually defined in relationship to its penetrability; i.e., how easy it is—or how long it takes one to break through the door itself.

Breaking through a door is not the most common method used for defeating a door system. A hazard exists, if the door fits loosely to the frame, allowing it to be pried or forced open.

USUAL TYPES OF DOORS USED IN RESIDENCE CONSTRUCTION

Flush doors

There are two common types.

Hollow Core: This type of door is nothing more than two sheets of thin substance overlaying hollow cardboard strips.

Despite the obvious ease of penetrating this type of door, they are being used as exterior doors of new residences, because they are less expensive than other types of doors.

Solid Core: This type of door has a substantial security advantage over the hollow-core door. A common type of solid core door construction is composed of wood blocks bonded together, with end joints staggered, and sanded smoothly to a uniform thickness. This type of core provides good strength in width and dimensional stability.

Solid cores add sound insulation, fire resistance and security to flush doors. These doors are often used between a house and such hazardous fire areas as garages and utility areas.

Stile and rail doors

This type of door varies in its security characteristics. Thickness, the type of wood used, and the quality of fit to the frame are important considerations.

Some panel and louver designs provide more resistance to attack than hollow-core flush doors; sash, storm, and screen designs offer little or no security at all.

Metal doors

From a security perspective, a steel-sheathed door comes with a metal frame which usually is reinforced by interior formed sections. Metal doors, however, are less attractive and they offer less insulation than wood doors.

Hinges

The security value of the door hinge is often overlooked. A well-secured hinge protects a residence against two types of forced entry: (1) forcing the door out of the frame; and (2) lifting the door out of its frame after removing the hinge pins.

From a security standpoint, the most important features of a hinge lie in whether it is located on the inside or outside of the door and (if the hinge is on the outside) if its pins are removable. A door opening outward is less vulnerable than one opening inward, because it is much more difficult to pull a door outward from its frame than to push it inward.

If a door opens outward, however, the hinge pins will also be on the outside, thus making it possible to remove the hinge pins and gain entry.

Remedies

There are several easy remedies for the security of a door opening outwardly. One is to weld the pins to the hinge or between the two ends. Although this method is effective, it also is permanent.

Also, there are three additional methods of remedy: One requires drilling a small hole through the hinge and inside pin and inserting a second pin or small nail flush with the hinge surface. The pin or nail can be made removable, as desired. Another method is to insert two large screws in the door or jamb, leaving the heads exposed about one-half inch. A hole is then drilled on the opposite side, so that the exposed screw head fits in it when the door is shut. This prevents removal of the door, even if the hinge pins are removed. The screw head can be removed, if desired, thus preventing removal of the screws.

A third technique is a minor variation of the above, with the difference being that the screw is used in one of the main hinge screw holes in both upper and lower hinges, where it is left extended about one-half inch, so that it slides into a drilled hole on the opposite side when the door is closed. It should be noted that this technique may weaken the door installation to some extent, since it reduces the number of screws holding the hinge to the door.

LOCKS AND LOCKING DEVICES

Here, concern should be directed to the resistance of locks to forced entry by amateurs or relatively unskilled intruders, the types of persons who commit the majority of burglaries.

There are five major categories of locks used in residences.

Cylindrical (key in knob) locks.
Mortise Locks.
Cylinder Deadbolt Locks.
Rim Locks.
Cylindrical Locksets with Deadbolt Functions.

The security aspects of these types of locks and miscellaneous auxiliary locks may be discussed separately.

Cylindrical (key in knob) locks

This type of lock is also known as a key-in-knob lock. It is the most widely used in residential construction, because it is inexpensive. It is used in apartment building also because it is simple to rekey.

The better cylindrical locks have deadlocking latch in addition to the spring latch, but they afford the least amount of security. Since the cylinder is located inside the knob, there is no way of protecting the lock against simple attack. The less expensive cylindrical locks have even more serious security shortcomings. They are made of lightweight metals and poorly machined parts, and they do not have a deadlatch. In most cases, they can be opened with a credit-card-type strip of celluloid or plastic.

Most cylindrical locks have a button on the inside knob, which can either be pushed or turned to lock the unit. The better-quality cylindrical locks have a "panic-proof" design that permits the inside knob to be turned in either direction to open.

Despite the minimum security protection afforded by this type lock, it maintains its popularity because of its basic simplicity, relative low cost, and its ease of installation and replacement.

Mortise locks

This type lock fits into a cavity cut into the outer edge of the door. It has declined in popularity, however, since the introduction of the cylindrical lock.

Mortise locks are more expensive to install, because large sections of the door and jamb have to be especially mortised to fit the lock. A good mortise lock should have a deadbolt with a sufficient throw to fit securely into the door frame. This is defined as at least one inch for doors that fit their frames loosely.

Cylinder deadbolt locks

Single cylinder deadbolt locks are becoming the most popular security auxiliary lock. They are usually installed above the primary lock, and they are available with a one-inch throw deadbolt. The best designs of this type have steel cores and cylinder guards which are designed so that they cannot be twisted, pried, or broken off.

For security purposes, the double-cylinder lock is preferred to a single cylinder lock, since it effectively offers two locks, with the second one being operated from an inside cylinder that is locked separately. Thus, even if an intruder breaks a window and reaches inside, he still cannot unlock the door without a key.

It must be remembered that this type lock causes a potential safety hazard, which might be particularly acute in case of fire or other emergency where rapid entry and/or exit is essential.

Rim locks

These locks differ from other types, in that they generally are not used as the primary lock. Rim locks are installed on the inside of the door, usually above a vulnerable primary lock. They are equipped with either horizontal or vertical sliding deadbolts, with the latter being preferred because it prevents intruders from spreading the door from the jamb to defeat the lock. Rim locks make an excellent auxiliary lock.

Cylindrical locksets with deadbolt functions

This type lock is fairly new to the security hardware market. The better designs incorporate a one-inch-throw deadbolt, a recessed cylinder to discourage forceable removal, concealed armor plate to resist drilling, and a cylinder guard which spins freely when the deadbolt is in position. Also included is a panic feature which assures that the knob will turn freely from inside, to permit rapid exits.

Available auxiliary locks

Deadbolt devices attached to the door and frame can only be secured from the inside.

Padlocks and horizontal bar latches are useful to provide an additional access barrier.

A chain lock which requires a key to unlock should give the suggestion to an intruder that the residence is occupied.

WINDOWS AND SLIDING GLASS DOORS

Windows and sliding glass doors pose more complex security measures than do doors themselves.

The choice of window size or type is based primarily on ventilation and lighting considerations, with a strong secondary emphasis on attractiveness. Only to the extent that a properly placed window makes vulnerable areas observable does a window have security values. In all other respects, windows decrease security of a residence.

The cost of burglar-resistant glass, and the replacement frame and sashes such installation entails, is prohibitive for residential installations. Also, in many glass doors with moveable sashes, the lock or latching devices are susceptible to manipulation from the outside. Such a simple technique as inserting a coat hanger or other form of twisted wire through a crack between sashes is sometimes sufficient to release the latching device.

One simple method to secure windows, either singly or doubly hung, including sliding glass windows, is to drill one or more holes through the sash and frame, and then insert a pin or nail to prevent the windows from being opened. Louvered windows are particularly vulnerable, since there is no practical way to secure them.

The principal alternative available for protecting vulnerable windows is to mask them with steel bars, metal mesh, or grillwork.

LIGHTING

Outdoor lighting can be one of the most effective deterrents against crime. When properly used, it discourages criminal attacks, increases natural observability, and reduces fear.

One critical aspect of protective lighting in outdoor applications is coverage; i.e., the number of lighting sources used to cover any horizontal or vertical surface. This is especially important in open terrain where landscaping or man-made barriers would cast large, deep shadows, if all light were coming from a single direction.

Single-family housing

It is difficult to conceive specific lighting standards which would suit all residential requirements; however, certain suggestions are apropos.

Exterior Lighting: (1) Floodlights to direct lighting to shadowed areas and points of possible entry, including entrance doors and windows; (2) Porch and outside garage lights; (3) An automatic on-and-off procedure or time-oriented switch.

Interior Residence Lighting: (1) Leave lights on in the residence when absent; (2) Change location of lights from time to time; (3) Use automatic timer switches.

OTHER SECURITY CONSIDERATIONS

To secure homes against burglars and other unwanted intruders, residents should:

Arrange a cooperative house watch system, in conjunction with their neighbors.

Advise the neighbors of the location of lights which will be left on.

Whenever possible advise where you may be contacted in case of an emergency.

Leave a radio, television, or record player on when absent from a residence.

Park a vehicle in the driveway, when absent from a residence, if possible.

During the winter season, arrange with neighbors to clear snow from vehicles and other areas, to give the appearance that a residence is occupied.

SECURITY WHEN TRAVELING

When at a motel or hotel, leave light on in bathroom, with the door ajar, giving the inference that someone is about. This will also provide you with sufficient lighting to allow you to find some way around in a strange environment and will also provide lighting which will enable you to see any intruder.

CJ COMMISSION OKAYS $600,000 FOR PROGRAMS

At its December meeting, the Indiana Criminal Justice Commission approved some $660,000 in action grants for law enforcement, crime prevention, and judicial and corrections programs, said James T. Smith, commission chairman.

Among the grants were $62,867 for the East Chicago Police Department to upgrade its communications system and $31,783 for the Marion County Sheriff's Department to buy 35 portable radio transceivers.

Other grants included $2,902 for the South Bend Police Department to purchase a polygraph and $2,912 for the Wabash Police Department to buy two mobile radios and one portable transceiver. Also funded were the Anderson police to purchase five mobile radios for $3,159 and for $6,000 to establish a crime prevention bureau.

ISP ENFORCEMENT AID FUNDED

The Indiana State Police were awarded $42,593 for its enforcement aid fund and Montgomery County was given $13,358 to continue its youth service bureau.

Some $22,000 went to the Terre Haute police to continue a police-school liaison program, while the City of Fort Wayne received $60,827 which represented first year funding for a Street Outreach Worker Program which is to be operated jointly by the city and the Fort Wayne Parks Department.

Also, the Michigan City Schools were awarded $33,000 which represented first year funding for a parent delinquent education program, and $43,137 went to the Bloomington City Court to continue a multi-county alcohol abuse treatment and management project.

PROSECUTOR AND COURT PROGRAMS FUNDED

The Marshall County Prosecutor was given $5,000 to continue a student intership program, while the Hamilton County Prosecutor received $19,577 to be put to the same use.

The Jefferson-Switzerland Circuit Court was awarded $1,350 to enable it to hire a summer student intern, and the St. Joseph County Superior Court was given $17,000 to continue a volunters-in-probation program.

Some $35,000 went to the Gary City Court for expansion of a volunteer-in-probation program to include family counseling and psychological testing.

In the corrections area, the Indiana Boys School was awarded $54,584 to continue its juvenile diagnostic unit, and the Indiana Reception and Diagnostic Center received $48,103 for pre-sentencing diagnostic services.

JUVENILE PROGRAM TARGETS CRIME PREVENTION

One recent move in crime prevention undertaken by the Indiana Criminal Justice Planning Agency lies in the area of juvenile crime prevention, where the ICJPA has begun the implementation of a total youth services concept to provide treatment and services for juvenile offenders and their families.

Currently funded for $140,000 is Regional Youth Services, Inc. in ICJPA's Planning Region VII.

The project is organized and designed to provide crime prevention and rehabilitative services on a regional basis to the counties which comprise Region VII.

17 COUNTIES ARE INCLUDED

Included are Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur and Floyd counties. Other counties receiving services include Harrison, Jackson, Jefferson, Jennings, Ohio, Orange, Ripley, Scott, Switzerland and Washington.

Regional Youth Services, Inc. is organized on a total community concept. That is, once the juveniles are referred to the organization by a court, the Youth Services organization attempts to utilize all resources of a community to effect a solution to what it defines as a community problem.

Judge Harry Poynter of the Clark County Superior Court, who serves as project director, works in conjunction with Robert Durig, Ph.D., who oversees project functioning. The project performs an initial diagnostic function to evaluate a juveniles' situation at the time of referral, then attempts to enlist whatever assistance may be required within a community—probation, welfare, parole, service clubs, religious groups and churches, social agencies, and others—in an effort to mold the situation into a curative atmosphere designed to prevent crime and rehabilitate the youthful offender.

ALTERNATIVE TO COMMITMENT

The program is seen as an alternative to institutional treatment, operating on the theory that community treatment is more effective because it permits the juvenile to lead a normal life while being treated.

Both individual and group counseling are provided under the program. Another technique utilized is that of conjoint family therapy. Over 90 percent of the participating juveniles are placed into foster care. Often, this may involve relocation, though at all times the welfare and good of the juvenile are considered.

The project is one of Indiana's first attempts to use a total community approach to treatment as a means of crime prevention. Its success, says Frank A. Jessup, executive director of the Indiana Criminal Justice Planning Agency, could lead to statewide implementation of similar projects.

THE ACHIEVEMENT OF RALPH MURILLO

Mr. TOWER. Mr. President, I would like to bring to the Senate's attention the accomplishments of a young man of whom we all should be proud.

Ralph Murillo of El Paso, Tex., was honored here last week by Vice President ROCKEFELLER, as one of the 10 outstanding handicapped Federal employees of 1974. This award is only the most recent in a series that have punctuated Mr. Murillo's scholastic and business career; and I expect, from the evidence of his competence, ambition, and vitality, that there will be many more.

Mr. Murillo is community economic industrial planner in the small Business Administration's El Paso branch office. His job emcompasses both the duties of a minority enterprise representative and those of a business development officer. His activities in this area have broadened to include a weekly radio program conducted for the benefit of the small business community. A graduate of the University of Texas at El Paso with a B.A. in political science, Mr. Murillo will also soon receive a second degree in business administration from El Paso Community Office.

His energy and enthusiasm undepleted by professional demands, Mr. Murillo has also been very active in Cub Scouts and other youth programs, civic service, and the El Paso Association of the Physically Handicapped.

Although Mr. Murillo was severely handicapped by polio, which he contracted at the age of 3, a list of his achievements and the numerous ways and means by which his efforts have borne fruit would belie the definition of "handicapped." To the contrary, I would say that he is a young man who has been greatly gifted, and who, fortunately for us all, intends to make the most of his substantial talents.

THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, George F. Wills' April 18 column in the Washington Post, "Remembering Buchenwald," is a reminder to this body of the need to ratify the Genocide Convention.

Mr. President, I ask unanimous consent that Mr. Wills' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REMEMBERING BUCHENWALD

(By George F. Will)

Elie Wiesel, the novelist, was a young boy when he, his parents, baby sister and other relatives were deported from Hungary to Auschwitz. His mother, sister, and other relatives died there, and he and his father were moved to Buchenwald, where his father died shortly before the Americans arrived.

In Wiesel's autobiographical novel, "Night," the protagonist, a boy, remembers Auschwitz:

"Not far from us flames were leaping up from a ditch, gigantic flames. They were burning something. A lorry drew up at the pit and delivered its load—little children. Babies! . . . Never shall I forget the little faces of the children, whose bodies I saw turned into wreaths of smoke beneath a silent blue sky."

It is a time, 30 years later, for remembering the holocaust, and for foreswearing the innocence that should have died with the millions of innocents. It is time to remember Buchenwald, the concentration camp located on a hill above Weimar, home of Schiller, Liszt and Goethe.

Around noon, April 11, 1945, the SS men left. That afternoon U.S. tanks rolled into the camp. As camps went, Buchenwald was not ambitious. Fewer than 60,000 people died there. The principal killing camps were in the east, outside of Germany.

But Buchenwald provided the West with the first shattering sight of what can be done when a modern state is put on the service of radical evil. It is the joining of ancient sins and new forms of tyranny that has made this century a charnel house—the worst century in terms of the quantity of inflicted death, and in terms of gratuitous ideological beastliness.

The counter-intuitive is always fascinating, and the Holocaust refutes those modern intuitions that flatter men.

"What a piece of work is man!" exclaimed Hamlet, who knew better, "How noble in reason! how infinite in faculty! . . . in action how like an angel! in apprehension how like a god! the beauty of the world! the paragon of animals!"

In 1936 a piece of work called Herman Goering arrived late at a reception at the British Embassy in Berlin, explaining that he had been shooting. British Ambassador Eric Phipps, who was leaving Berlin and thus could be incautious, replied, "Animals, I hope your excellency."

One could not be sure about such things in the middle of the 20th century in the middle of Europe.

The Holocaust was not just the central event of the 20th century, it was the hinge of modern history. It is the definitive (albeit redundant) refutation of the grand Renaissance illusion that man becomes better as he becomes more clever. The most educated nation in Europe built modern transportation systems and machines, and transported Jews to machines of mass murder.

The Holocaust, like most modern atrocities, was an act of idealism. It did not make economic sense, and it hindered the German war effort, but it was a categorical imperative for Hitler, and hence worth all the trouble.

Genocide requires bureaucratic organization to bring together men and material, railroad rolling stock and barbed wire, Zyklon-B gas and ovens. As the Israeli court in the Adolf Eichmann trial noted, acidly: "The extermination of the Jews was . . . a complicated operation . . . Not everywhere was convenient for killing. Not everywhere would the local population submit to the slaughter of their neighbors."

The size of the gas chambers defined the issue. Their purpose was not the punishment of individuals for violations of known laws. Rather, their purpose was the liquidation of a people whose crime was existing.

A task of that scale required paper work, record-keeping, tidiness: a loudspeaker in one camp announced the request that anyone planning suicide should, please, put a note in his mouth with his number on it.

Eventually the bureaucracy tattooed victims of what it called the "negative population policy." It is still with me, the chill I felt on a warm summer night in 1964 in a cafe in Brussels, when I saw the blue numbers on the forearm of the matron at the next table.

There was nothing new about cruelty to Jews and other vulnerable people. Remember, for centuries Jews and gypsies (also Nazi victims) were considered "uncanny" and "not belonging" and were hounded through history.

There was a time when some Rhineland nobility hunted not foxes but gypsy women. To force the women to run from the baying hounds even when desperately weary, the huntsmen lashed the women to their babies. This occurred in the 18th century, the age reason and good horsemanship.

What was new about the Nazis' "final solution" was the bureaucratization of cruelty.

WAGES AND INFLATION IN EUROPE

Mr. BROCK. Mr. President, a recent editorial painted an interesting picture of the economic situation today in Europe. It poses some object lessons for us as well, and I ask unanimous consent that those comments be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WAGES AND INFLATION IN EUROPE

Economics is a lot more than charts and tables. The economic life of a nation is, in fact, a continuous referendum in which everyone not only keeps having to express opinions but express them with real money. As an example of the way things work, it is instructive to contrast two recent European wage settlements and their consequences. In Britain last month the miners won a 31 per cent increase in wages. Since coal mining is a nationalized industry, in effect the government itself granted the increase. That makes it difficult for the government to refuse similar raises to the other unions now invoking the miners as a precedent. The inflation rate in Britain over the past year was 20 per cent, and the size of the miners' settlement adds weight to predictions that inflation will be even steeper over the coming year. The inability of the British government to restrain wages is hardly a new phenomenon, but it is cause for increasing dismay.

In West Germany, the crucial wage settlement involved the metalworkers' union. They got a raise of 6.8 per cent, very close to the 6 per cent rise in the German cost of living over the past year. Like the miners' raise in Britain, the metalworkers' negotiations have set a general pattern for the rest of the unions in Germany. The comparison helps explain why Germany's inflation is the mildest among the rich countries, and why Britain's is not only among the highest but also rising rapidly.

Both countries are governed by socialist parties. The difference is that the German government has managed to keep control of economic policy while a succession of British governments have not. The reasons probably have less to do with the current performance of individual politicians than with the whole web of national experience since World War I, as working men and union members felt and understood it. Whether you choose to call it responsibility or docility, the German unions seem to have decided that they profit more substantially when they go along with the national consensus. In Britain there is very little national consensus on economic goals. The idea of the British as a tightly cohesive, homogeneous people evidently needs revision. The last Conservative cabinet was voted out of office a year ago because it could not deal with the unions, and now it appears that the Labor cabinet is not going to have any better luck with them. The present atmosphere is more amicable, but that amicability does not translate itself into lower rates of wage inflation. There was supposed to be a social contract between the unions and the present government to limit wage demands for the common good. While the concept of a social contract is currently enjoying a certain vogue in this country, it has become a term of derision in Britain.

Most of the European countries are, in one degree or another, going through the same recession as this country. It is a painful passage for all of them, but each meets it in a different frame of mind. In Germany there have been funeral salutes to the end of the great boom, and the concern over the present high level of unemployment is very real. But the country possesses the confidence of new wealth and three decades of steadily rising economic success. There is an epidemic of intellectual pessimism in Europe, but in Germany it takes on a rather detached tone.

In this country, there is not much of that pessimism; it is not the national style. Most Americans assume that while this recession is obviously a good deal deeper than the others of the past generation, it will turn around in due course as those others did. But underneath that assurance, a good many Americans are aware that they will emerge into a world rather different from the period before 1973. As a society, Americans will no longer be massively richer than everyone else. We shall continue to live very well, but there is a sense that we shall probably find ourselves living a bit more modestly than in our recent past. As for the British, they have the unhappy knowledge that the recession is only the latest in a chain of misfortunes that have overtaken them over the years and left them with the lowest economic growth rate of any of the major nations. As recently as 1960 they were the richest of the Europeans. Now they have been far overtaken by both Germany and France while the collisions between British unions and employers—especially when the employer is the government—grow steadily more damaging.

SENATOR ROBERT C. BYRD'S ADDRESS TO HUNTINGTON ROTARY CLUB

Mr. HUDDLESTON. Mr. President, on Monday, March 31, Senator ROBERT C. BYRD addressed a luncheon of the Huntington Rotary Club in his home State of West Virginia. He was introduced by Dr. Stewart H. Smith, the distinguished former President of Marshall University and a man who has made significant contributions to his community as well as to the university.

I ask unanimous consent that the introduction by Dr. Smith and the speech by Mr. BYRD be printed in the RECORD.

There being no objection, the introduction and the speech were ordered to be printed in the RECORD, as follows:

INTRODUCTION, SENATOR ROBERT C. BYRD, HUNTINGTON ROTARY CLUB, MARCH 31, 1975

When the city state of Athens fell before the onslaught of the Spartans in 510 B.C., some of its greatest thinkers walked amidst the ruins and dreamed and talked of a perfect government. The philosopher Plato told of the qualifications of those who should govern.

He said that among the youth of the nation only those with the greatest sense of justice, of loyalty to their country, and the greatest powers of intellect and character should be chosen to serve the highest function of humankind, that of governing one's fellows.

24 centuries later a boy was born in the little mountain town of North Wilkesboro, North Carolina, whose life was destined to exemplify Plato's lofty qualifications.

Orphaned as a small child, he surmounted one obstacle after another until he is regarded as one of our most distinguished West Virginians.

He attended Marshall University for a time during the middle forties and I am sure that was a big factor in his later achievements. Last year Marshall awarded him the honorary degree of Doctor of Laws and a number of other colleges and universities have conferred honorary degrees upon him.

He has held more elective offices than has any other individual in the history of W. Va.

He was elected to the House of Delegates in 1946 and re-elected in 1948. In 1950 he was elected to the W. Va. Senate and to the U.S. House of Representatives in 1952–54 and 56.

He was elected to the U.S. Senate in 1958 and re-elected in 1964 by the greatest numerical vote and by the greatest numerical majority vote ever accorded a W. Va. candidate.

He won the 1970 primary with the highest percentage (89%) of votes ever received by a candidate in a W. Va. statewide election.

In the general election that year he carried all 55 counties which was also a first in the State's history.

During his earlier years as a U.S. Senator, he attended night classes at the Law School of American University where he earned the Doctor of Jurisprudence degree, cum laude.

He has served in the Senate for 16 years during which time his percentage of attendance at Roll Calls was 96.4%. Last year his percentage of attendance was 100%.

He is a member of the Appropriations Committee, the Judiciary Committee, and the Committee on Rules and Administration.

In January 1967 he was elected Secretary of the Senate Democratic Conference and was re-elected by a unanimous vote in January 1969.

He was elected Senate Democratic Whip in January 1971 and re-elected to that office by a unanimous vote in January 1973.

We have the honor today to hear from one of our Nation's leading statesmen; a man of reasoned judgment, fearless action, and unwavering devotion to his State and Nation.

The Junior Senator from West Virginia.

The Honorable Robert C. Byrd.

Senator Byrd. Mr. Chairman, ladies and gentlemen:

It is a pleasure for me to be back once again in Huntington and in Cabell County. It is always good to greet old friends.

Just over one year ago, we were given a taste of the inconvenience and frustration that can strike a highly industrialized and highly mobile society when the energy fuel that we must depend on is suddenly denied us in the quantities needed to maintain our industrial production and our style of living.

For the past six months, inflation and recession, high unemployment and high prices have occupied center stage in the American economy, and they certainly are problems that must be solved as rapidly as possible. But lurking in the immediate background is the fact that petroleum imports still constitute one quarter of the total value of our annual imports.

In 1974, according to figures supplied by the Federal energy office, and agreed to by private economic sources, the United States imported $29 billion worth of oil and oil products—an increase of 300% over the $7½ billion we spent for oil imports in 1973.

As you know, of course, this rise in the cost of foreign oil is creating severe disruptions in our international trade posture. This will continue to produce a worsening imbalance in our trade and in our balance of payments picture unless domestic consumption of oil is reduced and domestic supply is increased.

International political intrigue and jealousies and hatreds that exist between nations in the Middle East have played a significant role in the decision by the Persian Gulf leaders to raise their oil prices to such astronomical levels. Up to the beginning of 1974, U.S. oil companies were paying $3 a barrel for foreign oil. In January, 1974 that price jumped to $11.65 a barrel, and it has stayed at, or a few cents a barrel above, that price since.

What is most significant about the price hike is that it bears no relationship to cost. It costs 10¢ to 20¢ a barrel to bring Middle East oil out of the ground. But the producing governments' take out of a barrel of oil, which until a year ago was $1.77 a barrel, is now approximately $7.00 a barrel. This steep rise in price is playing havoc with the economies and with the cash reserves of the industrial nations that depend on imported oil to fuel their industries and sustain their economies.

Saudi Arabia, with a population numbering less than the population of New York City, is now second in the world in cash reserves behind only West Germany. It is ahead of the United States and Japan.

Wishful thinking is not going to change this unsatisfactory situation. The most effective way in which the United States can counteract this trend toward even greater dependence on foreign energy fuel, and toward even greater deterioration in our foreign exchange position, is for the government, and industry and the citizens to cooperate in maximum conservation and maximum domestic production of energy fuels resources.

So far, despite the hardships that we experienced during the oil embargo of a year ago, we have done a poor job of conserving gasoline. Gasoline is taking a larger and larger share of the oil market. For instance, in 1973, gasoline use represented 42% of total oil demand in the United States. After the embargo, and the drop in consumption, it was hoped that the use of gasoline and gasoline's share of the total oil products distribution would fall. On the contrary, the latest figures from a consensus of the Federal Energy Administration, and statistical studies by private oil economists, show that gasoline's share of total oil products distribution in the U.S. rose from 42.1% in 1973 to 43.5% in 1974.

By comparison, oil used for home heating fell from 17.5% of total oil products distribution in 1973 to 17% in 1974. Liquefied gas from crude oil fell from a 9.1% share of total distribution to 8.9%. Distillate fuels from crude oil fell from 19.3% of the total in 1973 to 19% in 1974.

It is true that weather conditions have an effect on the use of home heating oil and liquefied gas, but it is significant that of all the categories into which crude oil is broken down in the refineries, gasoline is the only one that showed an increased in consumption between 1973 and 1974.

Everyone agrees that energy fuels conservation is a first priority toward achieving a U.S. energy independence. Conservation in the use of gasoline is the number one essential. We waste enormous amounts af gasoline, both by carelessness and by non-essential use.

Now, gentlemen, this is a serious problem. The facts have got to be impressed upon the Nation's consciousness.

There are people who do not believe that there is any necessity for saving gasoline or cutting down on its use. They do not believe that there is any shortage, present or impending—and, in fact, there is not a present shortage.

On the contrary, the world's storage facilities are full. There is more gasoline available now than there has been at any time in recent months. The OPEC cartel, indeed, would like to be producing and selling 20 to 25 percent more oil than it is now shipping. As a result production has been cut back some 10% in Iran, 30% in Saudi Arabia, nearly 50% in Kuwait, and more than 50% in Libya.

But the price remains high, and may go higher, despite all the laws of economics. And people—when they are being urged by Government to conserve—can be forgiven for asking, what in the world is going on?

What is going on is that the United States and the industrial nations are in trouble. It can get worse. The people of this country have got to be brought to an understanding of that simple fact.

The problem boils down to two things: (1) we cannot afford to continue to send $29 billion a year out of the U.S. to pay for oil—a fact that contributes both to inflation and to recession; and (2) we cannot afford the threat to our national security that is implicit in this situation. What would we do for fuel for tanks, and planes, and ships, and trucks, and locomotives in an unexpected war?

Gasoline use—petroleum use—in the United States must be viewed and understood in the context of a world situation and a domestic situation that grows worse, not better, in terms of our national interest.

The Middle East peace talks have collapsed. The Geneva meeting is unlikely to move the two sides nearer to a settlement. Portugal totters on the brink of communism and could be lost to NATO along with the Azores. The moderating influence of King Faisal is gone. Another Arab-Israeli war is possible and a renewed oil embargo is by no means out of the question.

What I am attempting to emphasize is that we have serious problems that will take all our ingenuity and skill to overcome. And along with that ingenuity and skill, there will have to be a dedication and a determination on the part of all of us to bear whatever burdens or make whatever sacrifices that are necessary to ensure our national security and restore to America a healthy, viable economy.

National security and a healthy economy are not possible if we lack adequate supplies of the energy fuels needed to keep our economy at full capacity. There is practically no facet of our economic or social life that does not depend on energy. We are an energy-dependent society. Energy is the single most important commodity in America. Until we come as close to energy self-sufficiency as possible, we can never be completely the masters of our own fate.

We have set a goal of doubling our coal production by 1985. If this is to be achieved, many new mines will have to be opened, and they are enormously expensive. Just last week, the Old Ben Coal Company announced its intention to open a new deep mine in Illinois at a cost of $93 million.

And, if the coal production goal is going to be possible, we have a major rehabilitation job to do on our national railroad system. Our present coal freight rail capacity is probably inadequate for a greatly increased tonnage.

Meantime, the experts, in and out of Government, can't agree on how to keep a coal carrier like the Penn Central running—or even where the money is coming from to buy needed hopper cars and maintain roadbeds on many solvent lines.

My purpose in these remarks is not to paint the darkest picture with respect to our country's use of petroleum, but to paint a realistic one—one that I am convinced all too many of our citizens do not yet fully comprehend.

Both the Congress and the executive branch are seriously and diligently seeking the right and prudent answers to the problems that beset us. Many departments and agencies of Government are involved.

The key word is realism. All of us have got to understand the situation we are in. And we have got to be realistic about it.

Strict conservation of energy fuels—particularly gasoline—is essential to our future well-being as a nation. Greatly increased exploration for and production of oil and natural gas within our own land is an inescapable duty. These steps are not just desirable. They are absolutely vital to our future. And everyone can help. For instance, if every automobile owner in America used just five gallons less per week than usual, we could save no less than 25 billion gallons of gasoline a year. And that would be a tremendously significant contribution toward our energy self sufficiency.

The Congress has passed a number of energy-related measures and is working on a number of others; and we, in this country, have licked a lot of tough problems before.

All of us have got our work cut out for us.

ANOTHER TITANIC?

Mr. DOMENICI. Mr. President, one of the main concerns of those of us on the Senate Budget Committee is to guarantee that whatever recommendations we make do not refuel inflation all over again. We know we need temporary stimulation of the economy. But, we also know that we must not begin new, open-ended programs that can burgeon into deficit-increasing systems in just a few years.

The American people, in their unique manner, are very aware of the difficulties caused by unrelieved, huge deficits. They are writing letters to me and many of my colleagues, warning us of the danger of a new round of inflation.

We should all heed the voice of the American people. One excellent expression of this concern is an editorial in the Los Alamos Monitor, a newspaper in my State. The editorial writer sums up the dilemma with an excellent metaphor—is the economic ship of state another *Titanic?* I ask unanimous consent that this editorial be printed in the Record for the consideration of my colleagues.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Another Titanic?

If the predictions made by some fairly prominent forecasters are even partly correct, the American ship of state is in for a rough crossing as it sails across the seas of recession and inflation. Both George Mahon, head of the House Appropriations Committee, and Arthur Burns, who heads the Federal Reserve System, have said that the Congress is overreacting in its efforts to end the recession and that hyper-inflation will be howling about the Nation's head within a matter of a couple of years.

Those two gentlemen agree on few things, but they've both been quoted as saying that the size of the deficit, that the sheer awesome magnitude—somewhere between $50 and $100 billion—of the deficit in the 1975–76 Federal budget is enough to guarantee explosive price increases in this country. This is particularly true, other observers claim, if there is enough money pumped into the economy to keep the construction industry afloat.

It seems that quite a few people believe the United States can't have it both ways, that it won't be able to borrow incredibly huge chunks of money and at the same time keep prices on an even keel. If the treasury borrows $50 billion in the coming fiscal year, then obviously that money won't be available to build houses or buy equipment or pay employes. And that the only way that the government will be able to keep those activities from grinding to a halt as sources of capital dry up is to simply print a lot more money.

If the country isn't terribly careful, its efforts to extricate itself from the recession will cause it to capsize in a sea of red ink.

SENATOR KENNEDY'S ADDRESS ON NUCLEAR NONPROLIFERATION

Mr. HUMPHREY. Mr. President, I sincerely commend Senator Kennedy for his active sponsorship of Wednesday's successful conference of the Arms Control Association.

A formal review of the Nonproliferation Treaty by its signatories is due next month, and this wide-ranging and sophisticated discussion served as an instructive preliminary.

We must face the fact that the Nonproliferation Treaty has not lived up to its promise. On the one hand, several near-nuclear nations are still averse to ratifying it. On the other hand, the nuclear powers which are party to it have not fulfilled their commitment to negotiate "effective measures relating to cessation of the nuclear arms race at an early date."

I believe it behooves the superpowers to take the initiative—not just to "cap" the arms race, but to stop and even reverse it. Our overkill capacity is staggering. Yet, even one nuclear bomb can be devastating, so minor and potential nuclear powers must also assume some share of responsibility to constrain armaments.

It is manifestly in the common interest of all nations, whatever their nuclear status, to recognize that nuclear power cannot be equated with military security or political prestige, to prevent the spread of such power, and to insist on the strictest safeguards in the peaceful application of nuclear technology.

I believe Senator Kennedy's eight-step nonproliferation program deserves our immediate and serious attention. As he says:

> Unless we and others act, today, this will in time become a world of many nuclear powers—a world that will be far more dangerous and uncertain than it is now.

I will work with Senator Kennedy and others in the coming weeks and months as we grapple with the difficult task of halting nuclear proliferation.

Mr. President, I ask unanimous consent that the address by Senator Kennedy at the Conference on the Nonproliferation Treaty be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Senator Edward M. Kennedy at the Conference on the Nonproliferation Treaty

April 9, 1975

It is a great pleasure for me to join with you this morning to talk about the critical subject of limiting the spread of nuclear weapons. I was honored that the Arms Control Association asked me to host this conference, drawing together such a distinguished group of speakers and participants.

In the four years since it was founded, the Arms Control Association has built an admirable record in increasing awareness of the importance of issues like the one we discuss, today. My thanks to its officers and staff for their excellent work, including the preparation of today's meeting.

I hope that, today, we will be able to cast some light on the issues facing the United States—and other nations—at the forthcoming review conference of the Non-Proliferation Treaty. Since it was negotiated seven years ago, the NPT has come to symbolize a significant effort by mankind to put a final end to the tyranny of nuclear weapons. But it would be self-delusion to believe that the NPT has solved the central problems of nuclear weapons, and their possible spread around the globe. The NPT is only one step in the right direction—one part of a major and comprehensive effort to bring sense and sanity into discussions and decisions about nuclear weapons.

It has been nearly thirty years since the atom bomb was used in war—thirty years in which man's memories of the twin holocausts of Hiroshima and Nagasaki have lost the force of immediacy; but the *fact* of these weapons remains.

During the past three decades, the power of the largest bomb has increased 4,500 times. The arsenals of the major powers have increased to staggering size, so that now the United States and the Soviet Union deploy the equivalent of more than a million Hiroshimas—more than 7,000 times the explosive power used by all sides in World War II.

And the secret is out. There are now five declared nuclear powers—and a sixth that has set off a nuclear explosion. But even more important, the technology of these deadly devices is easy to come by. We are now even worried that nuclear weapons will cease to be a state monopoly, but will be in reach of hijackers and others who are able to divert nuclear material from the massive quantities daily shipped about the globe.

During the same decades, we in the United States have focused our attention on relations with other nuclear powers—especially the Soviet Union. And it is a great success that there has been no nuclear war; that there *is* a doctrine of deterrence accepted on both sides; that it *is* possible to talk seriously about *controlling* the nuclear arms race.

The Strategic Arms Limitation Talks must be considered one of mankind's great political triumphs—one of the great testaments to man's ability in crisis to reach out for sense and sanity.

But in a very real way, what has been done at SALT helps to obscure new dangers—dangers which may in time prove just as deadly, just as threatening to our future on this planet.

As the two superpowers have focused on their direct nuclear relations, they have tended to lose sight of the ease with which other nations can build nuclear weapons. For many years, the superpowers acted as though by out-distancing all possible nuclear rivals, they would decrease the risks to the world from a spread of nuclear capabilities. Yet in maximizing their own nuclear power—in building potential rivals out of the nuclear sweepstakes—they have forgotten that it does not take a million Hiroshimas to wreak untold destruction: it takes just one. One bomb in the hands of a nation or group disposed to use it would still raise unacceptable dangers. It would still threaten the lives of tens of thousands of people somewhere in the world.

Today, in both Moscow and Washington, emphasis is on the "fine tuning" of nuclear relations. It is on newer, larger, more accurate, and more powerful weapons. It is on providing insurance against accidents to highly-controlled systems. It is on new devices to increase target-coverage, to introduce greater flexibility, or to seek control of the actual fighting of a nuclear conflict.

But while we focus attention on these third and fourth generation problems, we give little thought to the impact these developments will have on other nations. Yet I believe that both we and the Soviet Union are missing the most important issue of nuclear weapons. We are missing the most important threat to the future of mankind from the unlocking of the atom's deadly secret. Neither of the superpowers gain from continuing their own nuclear arms race, and they will both lose as their own actions call into being other such races, however insignificant they may seem in comparison.

Let us then break the old habit of seeing problems of nuclear weapons solely in terms of U.S.-Soviet relations; let us break the cycle of arms competition that feeds upon itself—to no benefit for either side—while helping to foster an even more deadly danger.

Unless we and others act, today, this will in time become a world of many nuclear powers—a world that will be far more dangerous and uncertain than it is now—a world in which the security provided by superpower deterrence will not suffice: not for many nations, and perhaps not even for the superpowers, themselves. This is the first critical lesson of the new era of nuclear power. Yet it will be of value only if there is a shared view that the dangers of nuclear spread outweigh its value to any individual nation. It is too late to *impose* non-proliferation on the rest of the world.

Of course, it is important for us and others to gain greater control over the technical possibilities for building nuclear weapons. This means we and others must reassess the value of nuclear power for peaceful uses—in particular the generation of electricity. This means recognizing the inherent dangers of spreading nuclear materials—in increasing quantities—to the far corners of the globe. Already, more than 20 countries have the fissionable material that could technically be diverted to arms manufacture; and the number of countries—and quantities of material—will grow inexorably as the demand for nuclear reactors also grows. Yet few countries have controls as strict as our own—and even ours need to be improved.

It is also important to improve safeguard mechanisms, administered through bodies like the international atomic energy agency. We must safeguard shipments of nuclear material to reduce the risks of hijacking or other diversion. We must develop with other nations,the strictest controls on the reprocessing of material from nuclear reactors. And we must attempt to limit agreements on nuclear reactor technology to those nations firmly committed to the NPT.

The NPT itself remains a keystone of any non-proliferation strategy. Too many nations near the threshold of a nuclear capability have not signed the NPT; too many others have not ratified it.

Yet even as we seek to bring more nations under the provisions of the NPT—as we seek technical means to limit the spread of nuclear weapons—let us not delude ourselves into believing that these steps will be enough. Too great a reliance on these functional steps could lead us to ignore the basic reasons impelling nations to acquire nuclear weapons. These reasons are largely political and they cannot be offset merely through technical or legal means. No technical safeguard that is now possible will long thwart a nation from building the bomb; and no signature on the NPT will have a decisive effect, unless the signatory is convinced for other reasons to abstain from becoming a nuclear nation.

I believe that there are eight political and economic steps—beyond those I have mentioned—that we and others must take, if we seriously want to limit the spread of nuclear weapons.

Each of the eight steps must have a common premise: that trying to limit the spread of nuclear weapons is not something that the nuclear powers want to do to the non-nuclear states. Rather it must be something that all nations do together in their common interest. Unless there is a shared concern to prevent a world of many nuclear powers—especially a concern shared by those nations near the threshold of a nuclear capability—this effort will be doomed to failure. This has been a weakness of the NPT—that too often it has seemed in practice to be a device for the nuclear nations to retain some sort of hegemony. Whether that view is right or wrong, the policies we adopt now must, above all, seek to dispel it through the sincerity of our actions. And we must do what is possible to avoid an atmosphere of discrimination at the forthcoming review conference.

First, we in the United States must press for the early conclusion of a treaty banning the testing of all nuclear weapons. For some time, it has been clear to most knowledgeable observers that the United States could accept a comprehensive test ban without a threat to our nuclear deterrent or our security. While we cannot know what precise attitude the Soviet Union will adopt on this issue, there have long been promising signs that negotiations on this subject could bear fruit.

Today, however, attention is focused on a threshold test ban treaty—which would not go into effect until March 1976; which does not cover peaceful nuclear explosions; and which is set at the high level of 150 kilotons. Such a treaty fools no one. It offers no incentive to any other nuclear or nonnuclear power to refrain from its own developments. And it shows almost no superpower restraint—in fact it is a virtual mockery of commitment to restraint.

Second, the superpowers themselves must finally make a serious demonstration of their willingness to halt their own arms race. A real halt has been achieved in the building of defensive nuclear arms. But in offensive arms, we have managed only to *regulate forward progress*. Even the Vladivostok limits—a combination of the programs of the two superpowers for the next several years—does nothing to inhibit the qualitative arms race. This arms race is just as much a matter of "vertical" proliferation as the race upwards in numbers. And only if the superpowers will consent to stop this vertical proliferation, can they begin to hope to limit it "horizontally."

The commitment to restraint is clear, and is contained in article six of the NPT. Yet it is hard to challenge the view that superpower efforts to stop their own arms race during the past seven years have fallen far short of the mark. In strategic missiles alone on both sides, the number of deliverable warheads has increased nearly four-fold, from 2,600 to 8,000, in the seven years since the NPT was signed. And these figures do not include thousands of tactical nuclear weapons and those delivered by bombers. This simply will not do, if we and the Russians wish to demonstrate to the nuclear have-not nations of the world that we both are serious about arms restraint.

Non-proliferation was one of the important factors in my decision to join with Senators Mathias and Mondale in introducing the Vladivostok Resolution. This resolution calls for early negotiations to go beyond the Vladivostok Agreements, and particularly to impose restraints on the qualitative arms race. I am gratified that this resolution has the support of the State Department. But I am deeply concerned that the weapons programs advanced by the Secretary of Defense do not appear to be following the spirit of this resolution, nor provide a realistic basis for developing *mutual* restraint in the qualitative arms race.

Halting the superpower arms race will not in itself be enough to limit the spread of nuclear weapons. But without such a critical step—in everyone's real interest—there is little else that we can hope to do.

Third, the superpowers must also begin to play down the importance of nuclear weapons in assessments and assertions of their own national power. We must try to persuade other nuclear nations to take the same view.

During the uncertain days of the 1950's, before the onset of mutual assured destruction, there was a strong temptation to emphasize the might of nuclear weapons, as *the* critical indicator of national power. Yet today, nuclear weapons are increasingly unusable by the great powers; we are concerned about the *control* of nuclear weapons; *detente* has helped bring other factors—primarily economic might—more to the fore in determining the political power of nations in world politics.

Thus there is little value for either the United States or the Soviet Union in continuing to emphasize the size and power of its nuclear arsenal as a coign of national political might and influence. Certainly, these nuclear arsenals have less effect in political relations with other states than in days gone by.

But in addition, continuing to emphasize the link between nuclear power and political influence merely increases the desire of smaller nations to follow suit. We cannot ask nuclear have-not nations to foreswear these weapons—for whatever reason—if the superpowers continue to overplay the bomb's importance in assessing their place in the world arena. Only if we and the Russians will begin to play down nuclear weapons in political relations, can we expect this lesson to be learned elsewhere—in the world—rather than the lesson that emerging major powers must have the bomb for prestige and political power.

Fourth, we should seek agreement among all the nuclear powers that these weapons will never be used against countries not having them. Following the negotiation of the NPT, the United States, the United Kingdom, and the Soviet Union agreed that they would: "provide or support immediate assistance, in accordance with the UN Charter, to any non-nuclear weapon state party to the NPT that is a victim of an act or threat of aggression in which nuclear weapons are used." Clearly, that vague commitment is not enough, especially when any decision in the Security Council is threatened by the veto. Clearly, there must be a more extensive commitment. If we are concerned to see nuclear weapons limited to deterrence of attack—for our security and that of our Allies—we must be prepared to foreswear the use of these weapons against non-nuclear states. And we should seek a similar pledge from other nuclear powers.

Fifth, we must join with other states—nuclear have and have-not—to encourage the extension of nuclear free zones to new areas of the globe. This concept now applies to Latin America and Antarctica. It could usefully be extended as a measure of mutual self-denial—a form of collective security—to other areas, beginning with the Middle East and Africa. At the same time, we should encourage local states, working together, to seek other means of guaranteeing their mutual security—including the Indian Subcontinent despite India's nuclear test.

It is difficult in advance to assess the possible effect of such efforts, but at least they should be encouraged, not retarded.

Sixth, the United States should join with all major suppliers—and consumers—of conventional arms, to seek restraint on the supply of these arms to volatile areas of the world, such as the Persian Gulf. In some areas, conventional military strength will reduce ambitions for nuclear arms. But in others, it is in new arms races that the seeds of escalation to nuclear power may find most fertile soil. It is rarely in restricting the flow of conventional arms—through mutual agreement—that the nuclear danger lies; but rather in fostering the cast of mind that security is merely a matter of military power, not of political effort and agreement.

Seventh, we must come to terms with the problem of peaceful nuclear explosions. In the United States, we may have concluded that these are not worth the effort, the risks, the costs, and the dangers of proliferation. But, this view is not shared everywhere; "education" by our lights will not suffice; and sovereign nations may make different calculations about the economic value of peaceful nuclear explosions.

We should first seek with the Soviet Union a total ban on peaceful nuclear explosions by the superpowers. This subject should be a prime topic for negotiations in the current talks on the threshold test ban.

Whether or not this effort succeeds, we should also seek an international agreement banning peaceful nuclear explosions—but one that does not discriminate against nuclear have-not nations. And at the very least we should seek to join with other nations—nuclear and non-nuclear—to create an international regime for the firm control of these explosions in all countries. In itself, such a regime could help to remove some of the incentive for peaceful nuclear explosives. It would remove any basis for the charge that this is another area of modern technology which the superpowers seem to want to keep out of the reach of the have-nots. Sharing the benefits of peaceful nuclear technology has already been promised in the NPT. And by creating an international regime on PNE's, there would be added incentive for all nations to rely on an internationally-agreed means of conducting any peaceful nuclear explosion. Efforts could then continue for ending the use of PNE's altogether.

Eighth, we must join with other nations in recognizing and meeting the most fundamental reason of all for building nuclear weapons: the needs of national security. For it will profit us little to adopt the foregoing steps to limit the spread of the bomb, if individual nations see their own security to be threatened without it.

Clearly, we have passed beyond the time when a monopoly of nuclear weapons by a few nations could convince all other countries either of the risks of having a nuclear capability, or the benefits of foreswearing it. And just as clearly some nations will judge it in their national interest to build the bomb for reasons of security, unless that security can be gained in other ways.

Thus the United States must continue to affirm its political, military and economic commitment to critical Allies, especially in Europe and Japan.

And we must also be prepared in particular cases to join with other nations in seeking to damp down conflict—and to help resolve sources of conflict—in parts of the world where the temptation to build nuclear weapones might otherwise be great. Today, this is certainly true in the Middle East; it is also true in the Indian Subcontinent.

No nation, seriously interested in reducing the risks of a nuclear war anywhere in the world, can withdraw from active concern with the reduction of local conflict. No nation will be able to rest easy, once the next nuclear weapon is used in anger.

As a world civilization, all of us share a common interest in avoiding nuclear war—not just because of the terrible destruction it would wreak anywhere—the terrible tragedy—but also because of the awesome precedent this would set for the conduct of relations between states and peoples. In this very real sense, "no man is an island, entire of himself. . . ."

I believe that these eight steps—plus the NPT, technical efforts, and a new look at the side effects of nuclear reactors—can help us build a sound strategy for limiting the spread of nuclear weapons. It can help achieve that goal—but, again, only if we consistently and scrupulously work to remove any hint of discrimination in doing so. Only if limiting the spread of nuclear weapons is seen by all as in the common interest—only if today's nuclear powers will voluntarily give up certain political advantages—can we hope to succeed.

Most important, before we otherwise may have to face a world of many nuclear powers, we must work to increase awareness of the dangers of proliferation. We must take our eyes off the "fine-tuning" of the U.S.-Soviet nuclear arms race and put them squarely and clearly where they belong: on the dangers of a world overgrown with the atom bomb.

A BANKER'S VIEW OF U.S. MONEY WOES

Mr. TOWER. Mr. President, the Nation's economy and its financial system face a variety of challenges in the period ahead. Many of these issues have already been addressed by the Committee on Banking, Housing and Urban Affairs this year, and others will be addressed as we move through the year.

Many of these issues were discussed recently in an interview with Walter Wriston, chairman of the First National City Bank, which appeared in the April 6 issue of the Washington Star. I found Mr. Wriston's comments to be particularly refreshing and extremely informative. I ask unanimous consent that the interview with Mr. Wriston be printed in the Record in full.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Banker's View of U.S. Money Woes

Note.—Walter Wriston is chairman of First National City Bank, the second largest in the nation. It has operations worldwide and is considered one of the most aggressive and successful banks in operation today. Wriston was interviewed by Washington Star Staff Writer John Holusha.

Question. In the last two years, three big banks have failed or been merged in distress situations. Does this indicate that there's something wrong with the banking system?

Wriston. No, I don't think it indicates this. There are 20,000-odd banks in the world and a mere three or four of them failed. The usual reason is just bad management. The Franklin Bank really was not a big bank. It was a Long Island bank that decided to go in the international business. But it never understood the marginal cost of money concept and got in trouble and it was bailed out without any loss to its depositors. U.S. National and Security, the same deal. It had no management. Any business without management will fail. No regulator has ever saved any organization from a railroad under the tender care of the Interstate Commerce Commission to a public utility under the tender care of the state regulatory agency.

Q. But, nonetheless, they're talking again the old concept of a super-agency for banking. How do you view that sort of a trend?

A. Well, one of the things that fascinates me at the moment in the world is image and event. Images which are being projected by some politicians and by the media bear absolutely no relationship to the event. The event is that every industry which has been regulated over a long period of time eventually winds up bankrupt. That's the fact, you can check that on any reading of history. So that the image is that if you regulate them some more things will come right, actually it will go just the other way.

Q. So your view is tighter regulation would be counterproductive?

A. It would be very counterproductive. One of the problems with the thing is that people say let's have regulation. What does that mean? What would you do? Would you pass a law that no one will have a heart attack after noon on Saturday? Prosecute everybody that does? Would you decree that everybody have 20-20 prophecy powers and therefore will never make a bad loan? Everytime you make a loan you make a judgment about the future. I really don't know anyone who's that sure about tomorrow, so all you can do is to train people in all the skills. The percentage of bum loans in this country, is not any worse today than they were many years ago. They just get a lot more attention.

Q. The House Banking Committee is negotiating with the Federal Reserve on a federal credit allocation bill—don't you think there's an argument for ensuring that scarce credit is channelled into areas that society as a whole judges useful?

A. Well, we already have credit allocation in this country and it is a disaster. It's in the housing business. The housing lobby is probably the strongest lobby in the world. And housing is equated with motherhood. But the facts are, there are about 400,000 unsold houses in America today and approximately 300,000 unsold condominiums. Nine percent of all the houses for rent under 10 years old are vacant. And 40 percent of all the direct credit given by the United States government in the last year has gone into housing. There is credit allocation with a vengeance. The only problem is it doesn't work.

Q. Why?

A. For the very simple reason that people don't want to buy houses at that price, which is the oldest argument in the world. The housing business has built a house at a price that nobody wants to buy and they say the problem is credit allocation. Credit is already allocated to them. If you add up the numbers on Fanny Mae and Ginny Mae and all the rest of them, it's the largest single item that the federal government guarantees. The second reason is that the consumer is being ripped off by price control (on bank savings accounts). If you're poor you get 5 percent, and if you're rich you get ten. This is pushed by congressmen who claim that they have the public interest at heart, but the facts are there are 30,000,000 people with savings accounts in America that average out to roughly $1,100 apiece. There are only 17,000,000 people that have fixed rate mortgages. You would think the light would go on in the political parlor some day that in fact the working man is being forced to subsidize the rich person in the suburbs who wants fixed rate mortgage.

Q. Looking 10 years down the road, do you see some form of a national banking?

A. Yes, I think so, I think that it will come the way things always come in America, it will evolve. I would suspect that New York and California will offer each other reciprocity on some limited basis. And then Illinois and Texas or whoever will join in, and through some kind of state rather than federal reciprocity networks will in fact spring up on a de facto basis.

Q. Dr. Arthur Burns of the Fed has said that the petrodollar problem is insoluble in its present condition. What's your opinion?

A. Well, it depends on what you mean by insoluble. If you mean that it can't be managed by government, it's quite accurate. If it means that the free market can in fact handle it, the answer is that it has handled it. The whole problem is going to go away in a very few years. The surpluses which were predicted have not happened, nor will they ever happen and the cartel will decay as it is now decaying and the private market has in fact handled the greatest transfer of financial resources in the history of the world in the shortest time frame with practically zero casualties.

Q. But there is a transfer of wealth going on.

A. Of course, but that's a different thing. The ownership of the dollar has changed. Just as when the Washington Star gives you a paycheck the ownership of those dollars passes from the Washington Star to you. The next question is what are they going to do with the wealth. In the case of the OPEC countries, they're going to spend it, faster than anybody, other than an American Senator, can spend money.

Q. You say the cartel is decaying. Are there specific signs in the case of OPEC?

A. All cartels decay. No cartel in history has ever lasted. Why nobody reads any history escapes me. The world is now producing approximately 20 per cent more oil than it will consume at the current price. That being the case, there is no way that that price can be maintained except by cutting back production. As you cut back production, the question then arises, whose production. When you cut it back far enough so it affects, which it will, the level of spending to which various countries have grown accustomed, then you will see the fraying around the edges. If you go back and study the cartel on coffee, or on any commodities, this has been the history.

Q. The City Bank is known for doing business in the Arab world.

A. We're known for doing business in every country.

Q. Do you do business in Israel?

A. Yes, certainly.

Q. How have you handled the boycott problem?

A. Well, the boycott problem is quite misunderstood in a sense. Every country has a trading with the enemy act. The United States has one. Israel has clauses in all of their letters of credit which say that no goods can be carried on a ship that stops at an Arab port. These are printed on the credits, and the reason is fairly simple. It is explained in the credit they are afraid the goods would be expropriated. We can understand their reasons. The Arabs could say that no things imported to them could be carried on a ship that stops at an Israeli port, for the same reason. The United States, until recently, required a certificate of origin for a piece of jade you'd bought in Hong Kong to prove that it wasn't manufactured in the People's Republic of China. To this day, the boycott against Cuba is complete, then you see credits from Pakistan who wish to have a certificate that the goods were not made in India, and credits from India that goods were not made in Pakistan. And credits from Taiwan that the goods were not made in the People's Republic. Since I've been around this business for 26 years, each national government, including the United States, has had a list of prohibited trade. We have one right now which is as long as your arm on what you cannot sell to the Soviet Union.

Q. But doing business both with Israel and various Arab countries do you get caught in the middle?

A. No, we haven't gotten in any problems on either side, since they clearly recognize that the integrity of the City Bank has gone back to 1812 and we do business with any government which is recognized by the government of the United States of America. That has been our touchstone.

Q. As an American based bank, doing a substantial part of its business overseas, are there times when the objectives of the bank and the objectives of the government's foreign policy conflict?

A. I think the general answer to that question is no, we have not had such problems. There is a problem which is not endemic to banks but is endemic to the American ebullience to export our value systems all over the world on the grounds that it's good for you whether you want it or not. Example: we say that you cannot sell something to the People's Republic of China. The subsidiary of an American company doing business in say, France, gets an order from China and under French law this export is perfectly legal for France. There have been cases where the United States government says to the American company, "Stop that export." In fact there is a case in which the French government seized the American subsidiary until it shipped. So that export of American law to foreign countries is as resented as we resent foreign countries attempting to impose their value system on us. That is because we are somewhat less sophisticated than the world and some people have been at it a little bit longer than us.

Q. The argument is made that multinational corporations are amoral. They don't really belong anywhere, they're not really dedicated to anything except making money . . .

A. The question is very simple. If a corporation takes a political position and supports it with money, its chief officers go to jail, that's the law. If a multinational corporation meddles in the affairs of a foreign country, they get kicked out.

Q. Then it follows that a corporation is fully justified in moving its operations around from country to country, playing the laws of one off against the other?

A. When you say playing the laws of one off against the other, you may make a value judgment as to which law is correct. Let's take it in microcosm. I live in a city here called New York. Corporations are moving out of New York City every day because this has the highest tax environment in the world. Are they immoral to move to Connecticut? Are they playing the laws of New York against Connecticut, and is that bad or is that good? Or, do we live in a tough competitive world, in which if Connecticut doesn't need this enormous tax, why is it that New York does?

Q. The labor people, particularly argue that the industrial base of the country's being eroded by multinationals moving operations offshore. Do you agree?

A. It is being eroded, not by the banks, but by the Congress. The facts are that for 20-odd years the Congress particularly has encouraged consumption and penalized savings, at a very time when we need to encourage savings and this is not being done. It starts with regulation which rips off the consumer, so he doesn't want to save. They tax "corporations" but no one pays taxes but people. Corporations don't pay taxes, only people pay them. You put a 100 percent tax on corporations; it'll be passed through on the price to the consumer. We have depreciation schedules which are based on 1950 dollars. So what we have to do is rethink what it is we want to do.

Q. What do you think of the tax cut bill?

A. Well, the tax bill is a very bad bill; it's basically a Christmas tree and not a tax bill. I argued strongly for the bill that the labor-management committee of the President formulated, one that would put money in the pocket of the working man, would cut the corporate tax rate in order to motivate companies to give jobs, and to get moving again.

INCREASING ESTATE EXEMPTION FOR FAMILY FARMERS

Mr. McGOVERN. Mr. President, the South Dakota Legislature recently approved a resolution calling on the Congress to favorably consider legislation to provide for an increase of the estate exemption accorded family farmers.

The number of family farmers in America is rapidly diminishing and one reason is the unfair rate of estate taxes. Farmland is often assessed on the grounds of potential development rather than the productive capability of that land if left to farming.

I believe it is imperative that we change the estate tax laws during this session of Congress and I call upon my colleagues to join me in support of S. 227, the Family Farm Inheritance Act, a bill designed to meet the demands of the current farm situation.

I ask unanimous consent that the resolution passed by the South Dakota State Legislature be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION No. 518

A concurrent resolution, memorializing Congress to enact legislation presently before Congress for the reform of the federal estate tax

Be it enacted by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, the federal estate tax exemption structure has remained unchanged since 1939 at $60,000; and

Whereas, an estate valued at $60,000 in 1939 would today average $180,000 due to inflation and changes in the nation's economy; and

Whereas, the illiquidity of many farm and ranch estates causes the destruction of those farms and ranches as operating units because of the inadequate federal estate tax exemption structure: Now, therefore, be it

Resolved, by the House of Representatives of the Fiftieth Legislature of the State of South Dakota, the Senate concurring therein, that the United States Congress favorably consider legislation presently before Congress to provide for an increase of the estate exemption from $60,000 to $200,000 to keep pace with inflation, to increase the marital deduction to $100,000, and to provide alternative procedures for the valuation of farm and ranch land; and be it further

Resolved, that the Chief Clerk of the House of Representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the South Dakota Congressional delegation.

LOSING BATTLE

Mr. DOMENICI. Mr. President, with all the crises and alarms raised around us today, we must not lose sight of the real-life, everyday battle too many of our citizens confront—the battle to get home safely and to protect their loved ones.

The crime statistics released last month should sober us all. We are not winning the war against crime. In one of its most basic functions—that of protecting law-abiding citizens against criminals—government at all levels is apparently failing.

The reasons for this failure are topics for much learned discussion. The answers are not easy to come by. But, one thing is certain. Innocent people are becoming more and more often victims of criminals who too many times have already been arrested for some other crime earlier in their lives.

One of the most thoughtful comments on the crime problem, and part of its solution, appeared recently in the Roswell Daily Record, a newspaper in my home State of New Mexico. I believe the editor of this paper has said some things we must all consider. Therefore, I ask unanimous consent that this editorial, "Losing Battle," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Roswell (N. Mex.) Daily Record, Apr. 1, 1975]

LOSING BATTLE

The United States is engaged in a life and death struggle.

It's not in Southeast Asia. Or in the Middle East.

The war is being fought in the streets of our cities—primarily our larger ones.

This conflict is between the criminals and the rest of us.

According to the FBI's uniform crime reports for 1974 this is a war the criminals appear to be winning.

During last year, crime in the United States increased 17 per cent over the year before.

Even to those of us who have become hardened toward statistics after seeing monthly government reports that unemployment and inflation are up, 17 per cent comes as a real shocker.

It means that for every 100 crimes committed in the United States during 1973, there were 117 last year. That's one heck of a large increase.

Obviously, something has to be done.

And it is not something that should be left to the federal government.

The solution lies at the lowest levels of government, in our towns, villages, cities and countries.

It also rests with the individual, law-abiding citizen.

The time has come—actually, it has been here for quite some time—for the citizens of the United States to let their government leaders know in no uncertain terms that they are fed up with being the fall guys for the criminals.

Crime cannot be dealt with by an insulated judicial system that sits high in an ivory tower dealing with the technicalities of the law.

When this occurs, the laws formulated to protect society become little more than puzzles played by defenders and prosecutors.

As these games progress the meaning and the reason for laws soon is lost sight of.

We believe that the rights of society should not suffer to protect the rights of an individual, or vice versa.

There is no reason why they should. That is the reason for law; and it fails miserably if one set of rights is lost while justice goes overboard to protect the other set.

CIA PAPER ON U.S.S.R. TRADE

Mr. STENNIS. Mr. President, there is a tendency in some quarters to sensationalize concerning the CIA and its purported activities. What is forgotten in the process by some is that CIA represents essentially a pool of highly professional individuals whose job it is to objectively analyze and report upon foreign developments of the deepest significance to the well-being of our Nation.

The dissemination of much of CIA's analytical work and reporting is necessarily limited but there are occasions where the public dissemination of its work can be accomplished without undermining the sources and methods which contribute to the final product—so they can be used again.

Some time ago I said that the CIA system affords the President and his advisors valuable information on the economy of foreign countries.

Recently, one such useful CIA work has been released and is available through the Library of Congress. It concerns the long-range prospects for hard currency trade by the Soviets.

In fact, the news story of this activity by the CIA was carried by the New York Times under date of April 8, 1975 and was written by Edwin L. Dale, Jr.

In view of the importance of this subject and the widespread interest throughout the Nation, Mr. President, I ask unanimous consent to have this news story printed in the RECORD.

There being no objection, the news story was ordered to be printed in the RECORD, as follows:

SOVIET HAS TRADE SURPLUS WITH WEST, CIA REPORTS

(By Edwin L. Dale, Jr)

WASHINGTON, April 7.—The Soviet Union's balance of trade with the West swung into surplus last year after years of deficits because of much higher prices for oil, gold and other Soviet exports, a new study by the Central Intelligence Agency has concluded.

The study estimated the 1974 trade surplus at $500-million to $1-billion and said a surplus was expected to continue for the rest of this decade. One major consequence, according to the study, is that the Soviet Union will be able to pay for a much larger volume of imports from the West in the years ahead without having to rely on credit.

The study has been declassified and is available at the Library of Congress.

It does not deal directly with whether the new Soviet balance-of-payments position will make less important, from the point of view of United States exporters, the ban on extension of credit to the Soviet Union by the Export-Import Bank imposed by Congress last year.

But it indicates that if the Russians want something from this country badly enough, they will have no trouble paying for it in the next five or six years. The study concludes:

"Western medium- and long-term credits have been an important factor in the growth of Soviet imports from the West. They almost certainly will be less of a factor over the next five to six years, although the U.S.S.R. will continue to draw on the large volume of Western credit already extended.

"With export earnings rising rapidly, Moscow will have little need to solicit Western credits in order to increase imports substantially during 1975–80. But as long as Western Governments continue to offer long-term credits at interest rates below the expected world long-term inflation rates, Moscow will probably opt for credits, at the same time reducing exports of gold and/or goods whose real worth is expected to increase over time."

What the study terms "hard-currency imports" by the Soviet Union have risen dramatically since 1967. From $1.6-billion in that year they reached $6.6-billion in 1973 and an estimated $6.5-billion in 1974, when agricultural imports declined.

Because of a sharp rise in the Soviet Union's export prices, the study said, "In 1974 the U.S.S.R.'s balance of trade may have been in surplus by $500-million to $1-billion, in vivid contrast with the $1.7-billion deficit in 1973 and the practically uninterrupted string of deficits since 1960."

The outlook for Soviet exports to the West in the year to 1980, the study said, is such that Soviet "import capacity" will rise by as much as 30 per cent a year. It added that "the Soviet economy will not be able to assimilate imports at this rate."

The Soviet Union will adjust, the study estimated, "by keeping gold sales below current production, using Western credits only when terms are particularly favorable and holding back exports of certain raw materials."

The study estimated that Soviet "import capacity" would grow less rapidly after 1980 but that it would still be large. At an annual average of $31-billion a year in the 1980–85 period, the study said, this capacity "may well be adequate to satisfy Soviet needs for Western equipment, technology and other goods."

EXPORTS AT $7.5 BILLION

In 1974 Soviet exports to the West totaled about $7.5-billion, the agency calculated. It forecast that exports this year would rise to $9.3-billion, by 1980, $17.7-billion, by 1985, $24.7 billion. All the figures are adjusted for inflation.

Among the exports, the C.I.A. said, were an estimated $750-million worth of gold sold on the free market last year, compared with $1-billion in 1973.

At an estimated long-run price of $150 an ounce, sales from current gold production alone could increase the average annual import capacity by about $1.7-billion over the short run and by roughly $2.3-billion during 1981–85, the study said.

Moscow also reduced its short-term liabilities on the London Eurodollar market during the first six months of last year by more than $200-million while increasing its assets by about $100-million.

"This pattern, if mirrored in the entire Eurocurrency market, could result in a sizable reduction in the U.S.S.R.'s short-term liabilities," the C.I.A. added.

The C.I.A. said that while price increases were expected to tail off from now on, world demand for many of the U.S.S.R.'s major exports—oil, natural gas, coal, timber and diamonds—should remain strong.

Beyond the nineteen-seventies, export growth should, however, decline sharply as the quantity of oil available for export steadily diminishes and deliveries of natural gas to Western Europe level off. The signing of additional commodity pay-back deals—where Western companies guarantee to buy a portion of the output from plant and equipment sold by them—would offset some of the decline in export growth, it said.

TENTH ANNIVERSARY OF ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. JAVITS. Mr. President, 10 years ago today a landmark piece of education legislation was enacted. April 11, 1975 marks the tenth anniversary of the landmark Elementary and Secondary Education Act. This law, after a decade of accomplishment, is still the basis of Federal aid to virtually every school child in America. ESEA clearly established a broad foundation for the major Federal role in assisting State and local governments deliver education services to every American. The 1965 act built upon earlier limited purpose Federal education legislation, particularly the National Defense Education Act of 1958. However, it is the 1965 act with its several extensions and amendments that stands at the center of the Federal commitment to advance education.

Among Republican Senators, I find that I am the only member of the Labor and Public Welfare Committee who was serving in 1965 and is currently still on this committee.

A number of able legislators in the Senate, and in the House of Representatives, should be praised for their contributions to the Elementary and Secondary Education Act. The fruitful results of their efforts in originating and refining this act should be widely recognized.

ACCOMPLISHMENT OF ESEA

It is traditional when reaching such a milestone to reflect on the accomplishments, and to look to the future. We should remember that one third of our American people are involved full time in education, including several million adults in instructional and administrative careers in schools. Young people now in school, and those in school over the last decade have had the opportunity to benefit from the ESEA. About half of our citizens have been directly affected. Few other Federal efforts have such a potential for assisting this number of Americans in a more vital way. But looking at the number of beneficiaries is not enough. We should look also at the accomplishments.

DISADVANTAGED CHILDREN

Today over 5 million disadvantaged children receive ESEA title I supported services in addition to local and State funded programs. During the last decade possibly double this number have benefited. While we have not yet answered some of the most difficult questions in compensatory education, this largest Federal education program has given local educators new resources to apply to their most serious education problem—basic education of disadvantaged children. Better methods must still be sought, but the over $10 billion under title I in the last decade has been vital to the progress which has been made, and in many cases prevented deterioration of education—caused in part by problems outside the schools.

OTHER ACCOMPLISHMENTS

Other titles of ESEA are better suited to assessment of achievements. School libraries in both public and private schools have been strengthened and updated. Innovative projects run by State and local educators have been supported. State departments of education, the key organization in administration of ESEA, have been strengthened, expanded and modernized. Bilingual and bicultural programs for children of limited English speaking ability have been greatly increased. These are merely a few highlights of the achievements of the Elementary and Secondary Education Act, and, special attention to gifted and talented children is in sight. Probably the best way to summarize the achievements is that the local education officials have had an additional source of financial support, over and above State and local revenues, to focus on their most serious education problems. Thus, the success of ESEA is beyond dispute. Better ways can and will be found for the future. However, as we take note of this first decade of the act, we can be proud of our accomplishments and let this milestone urge us to still further efforts for the decades ahead.

SPRING FESTIVAL OF AMERICAN MUSIC

Mr. STEVENSON. Mr. President, the beginning of the Nation's Bicentennial Year was marked by a series of 35 free concerts at the John F. Kennedy Center during the week of March 30 through April 6. These concerts were made possible by a donation from McDonald's Corp. of Oak Brook, Ill.

The combined efforts of Mr. Fred L. Turner, president of McDonald's Corp., and Mr. Roger L. Stevens, Chairman of the Kennedy Center, provided us with an unforgettable Spring Festival of American Music. From 10:30 in the morning until nightfall throughout Easter week, the festival filled the Kennedy Center with music, allowing all—visitors as well as Washingtonians—to see and hear the center alive with audience and performers any time during the day.

Among the highlights of the festival was the concert presented by the great American composer Aaron Copeland, who conducted his own music before an overflow audience of more than 3,000 people.

The Spring Festival of American Music was a worthy beginning of the American Bicentennial Year.

Mr. President, I ask unanimous consent that the Washington Post articles of March 31 and April 7, and the Washington Star article of April 1 about the concerts be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 31, 1975]

As American as a Hamburger and Fries

(By Joseph McLellan)

The earlybirds got seats on the red-carpeted steps leading into the Opera House in the Kennedy Center's Grand Foyer yesterday afternoon. It was great for the view but acoustically overwhelming, once the United States Marine Band (more than a few good men) launched into a rousing march and started the McDonald's Spring Festival moving.

The coming week will see a whirlwind of admission-free events at the Kennedy Center—half a dozen programs each day—with material as American as a hamburger and french fries, to be climaxed next Saturday night when Aaron Copland conducts a concert of his own music.

For the opening program the Marine Band gave a performance as polished as its own bright brass instruments, and the crowd loved it. The audience was packed solid, sitting on the floor—a fairly comfortable floor—across the whole stretch of foyer from the Hall of Nations to the Hall of States, dwarfed under the long line of bright chandeliers. There were children, infants dazzled by their own reflections in the long mirrors (one little girl clutching an inflated plastic Easter bunny), grandmothers in their pastel Easter finery and plenty of high-schoolers in blue jeans.

Beyond the two main intersections of the foyer the crowd thinned out, but there were clumps of spectators sitting on the steps of the Eisenhower Theater on one end and the Concert Hall at the other. Others sat on top of the bars, which were inoperative during this program, or stood on the bandstand (also inoperative) at the head of the Hall of Nations, getting a birds-eye view of the red-jacketed bandsmen going through their music with the precision of a drill team or a commando unit.

It all sounded about right down at the far end of the foyer at the entrance to the Concert Hall, although there were a few acoustic accidents there with the sound system being tested for the 8:30 concert. At that end was also a small side show, a group of children doing cartwheels, playing tag and running races while the band played on.

Anything as big as a Bicentennial should probably take at least two years if it's going to be done thoroughly. Since this is the beginning of the Kennedy Center's Bicentennial celebration, we may assume that the cultural observance in this city will be thorough.

A total of 35 events, packed into one week and all with admission charges appropriate for the land of the free, looks like a good beginning.

[From the Washington Star, Apr. 1, 1975]

Even Music Comes in a Seasame Seed Roll

(By Boris Weintraub)

Kids were sprawled all over the floor of the Kennedy Center's South Gallery, listening to balladeer Joe Hickerson sing songs of Ireland, England, Scotland and America. Their interests was flagging as he sang a lengthy Scottish ballad, complete with an almost unintelligible Scottish refrain.

Suddenly, their interest perked up. There were a few smiles among the adults present, several giggles from the unrestrained youngsters. Could it be? Yes, Hickerson really was singing a ballad about an English lord named "Sir Ronald McDonald."

Actually, it was very appropriate. After all, the folks out in Hamburgerland were responsible for Hickerson's being there in the first place on the first full day of the spring festival saluting America's musical heritage.

Hickerson was one of several performers to draw amazingly large crowds to the Kennedy Center yesterday. Each of the five events on the day's program, some in the South Gallery and some in the Grand Foyer, drew nearly a thousand, large and small. The "Spring Festival" was, as every ad, flyer and sign announcing it noted, complete with golden arches, "a gift from McDonald's resturants."

But the tribute to Sir Ronald McDonald was only accidental. Gillian Anderson, a musicologist who specializes in the songs of revolutionary war America, and Wayne Shirley, a reference librarian at the Library of Congress, put together the daytime programs: yesterday's five, another five today, another five tomorrow, and five more on Thursday and five on Friday.

The performers are all from the greater Washington area, which Ms. Anderson considers "extraordinary."

"We sat down and thought about all the kinds of American music there were," she said yesterday while waiting for one of the 40-minute-long programs to begin. "The only limit we had was budgetary—it would have been nice to have a Civil War brass band, playing instruments from the period which are in the Smithsonian, but it would have cost $10,000.

"Our main criterion in selecting performers was to have people go away afterwards and say, 'Gee, I never heard that before.'"

Yesterday's performers, on stages draped in red, white and blue bunting, included a program of Indian dance music put on by the American Indian Society; the country blues of Libba Cotton and John Jackson; two ballad programs by Hickerson, and a demonstration of handbell ringing by the green-jacketed troops of the Potomac English Handbell Ringers.

Kids sat in their mothers' laps, a young girl sat on the floor and sketched, and other kids played hopskotch on the ornate rug in the South Gallery. All in all, everyone, old and young, appeared pleased at the opportunity to go to the Kennedy Center for free.

That, in fact, was one of the purposes of the festival, according to a Kennedy Center spokesman.

"We're always hearing about how the center is just for the elite, but shows like this prove that it isn't," she said.

Today's programs will include the old-timey string band music of the Fast-Flying

Vestibule; work songs sung by Poe Lazer and Alan Bennett; a repeat of the Libba Cotton-John Jackson country blues show, and gospal songs sung by the Howard Gospel Choir.

A 5:30 p.m. concert today will feature songs of the revolutionary period, sung by the Colonial Singers and Players, and selected and conducted by Ms. Anderson.

That will be the format for the rest of the week, too: five day-time programs and a 5:30 p.m. concert. The festival will close with a concert of music by Aaron Copland conducted by the composer.

[From the Washington Post, Apr. 7, 1975]

Composer Aaron Copland's America: Taking the Audience Home

Saturday night was one of the great nights in Kennedy Center history, or for that matter, in the history of music in this city. Thanks to the Center and McDonald's restaurants, Aaron Copland was on hand in a program of his own music.

He conducted, played the piano and received some of the most unbridled, roof-raising applause of his career. His comment was: "I'd like to take this audience home in my pocket."

The audience, filling the Concert Hall, included another 1,000 or more who listened to the music over loudspeakers in the lobby. There was an electric tension in the house that erupted like gunshot at Copland's entrance and grew in enthusiasm from then on.

There was ample reason for the demonstration. Copland has literally written himself into the artistic fabric of this country and Saturday's music included some of his most famous works. He conducted 13 players from the National Symphony in the original version of his matchless ballet, "Appalachian Spring," bringing it to Washington in precisely the same form in which it was first heard at the Library of Congress in 1944.

Then he led the Madison Choir, plus some voices from St. Matthew's Cathedral Choir, with D'Anna Fortunato as mezzo soloist in "In the Beginning." This work was written for Harvard University's historic symposium in music criticism in 1947 and stands as one of Copland's singular achievements in a field he rarely entered.

William Masselos played the Piano Variations with his total kind of authority and rich beauty of tone. Copland as pianist then joined Masselos for his Danzon Cubano, a strangely fascinating study in rhythms. "Quiet City," full of haunting evocations, with its choice solos for English horn and trumpet, brought a larger number of the National Symphony to the stage, where they closed the program by playing with the Madison singers in the Old American Songs. The choir was superb in the earlier work, immensely exciting in Copland's settings of the songs.

The audience seemed as unwilling to let Copland go as he was loath to end the unusual evening. So the final song was repeated and then everyone left, carrying away memories of a night of great music and the presence of a wonderful man.—Paul Hume.

INTERNATIONAL TRADE COMMISSION FIELD HEARINGS

Mr. HATFIELD. Mr. President, before the International Trade Commission opened its field hearings around the country, I commented at that time what a worthy idea it was to allow people affected by the upcoming trade negotiations the opportunity to testify without the burden of coming to Washington themselves.

I hope that more Government agencies consider holding such substantive field hearings on issues of direct impact of people. I note the word "substantive," for I would not want various departments and agencies engaged in a series of "road shows" jetting around the country doing little but promoting their own existence and gathering little substantive material.

Newspaper articles have called attention to these hearings, and at the conclusion of these remarks, I ask unanimous consent that articles from the Portland Oregonian, the Washington Post, and the New York Times be printed in the Record.

I also want to call attention to a press statement I received from the Oregon Department of Agriculture, telling of a visit and discussion by ITC Commissioner Dan Minchew following the Portland hearings. Commissioner Minchew's discussions with top agriculture officials in Oregon, I am sure, will pay dividends to our State in the years ahead. I ask unanimous consent that this press statement be printed in the Record following the newspaper articles.

Following that, Mr. President, I ask unanimous consent that an article written by Mr. Jay Glatt in the State of Oregon publication, Agriculture Marketing Activities, be printed in the Record. Mr. Glatt is one of Oregon's leaders in the area of international trade, and his work as Director of Oregon's Agricultural Development Division of the State Department of Agriculture is well known to all of us interested in international trade. Mr. Glatt's article is called "Pacific Northwest Agriculture and International Trade."

There being no objection, the materials were ordered to be printed in the Record, as follows:

[From the Sunday Oregonian, Mar. 23, 1975]

Trade Panel Takes Pulse of Oregon

(By Donald J. Sorensen)

Oregon is a long way from Georgia but for one native of the Southern state it is just like coming home.

"I spend just as much time out here as I can," said Daniel Minchew during a break in the trade hearings in Portland last week.

Minchew is the latest addition to the six-member U.S. International Trade Commission and was in Portland on federal business.

His interest here lies beyond trade, however. His wife is from Oregon and they have a small farm near Estacada and he said he manages to get out here every two months or so.

Minchew is only 35 and has been on the commission since last October when he was appointed by President Ford to fill an unexpired term until 1979.

Although he has been on the commission only a few months, he obviously relishes his work and is interested in getting views from small business, "original sources," he calls it.

"These hearings in the field," he said, speaking of the hearing here and in a dozen other cities outside of Washington, D.C., "are invaluable to us because we can get original source witnesses, the kind we have not been able to attract to Washington.

"The field witnesses, the menon the firing line, know more about what they're doing than the witnesses we hear in Washington. They are largely lobbyists and attorneys and they are not as familiar with the problems as the men in the field."

This philosophy was demonstrated in his questioning of witnesses here. He inquired of a Washington beekeeper about the effect of foreign honey, the price of it and how tariffs would affect U.S. production.

He was equally solicitous of an executive of a Eugene company that makes about 8 percent of the mop and broom handles in the U.S.

The company has about 150 employes. Minchew said, "We welcome your opinions and you have given us some facts about an industry we didn't know much about."

Minchew said it is better to hear witnesses in "their own environment where they feel more at home" than to take them to Washington "where they will feel out of place."

He admitted that a long trip east is out of the question for many in Oregon.

"When the hearings were held in Washington in 1962 before the Kennedy round of tariff negotiations, there were only two witnesses from Oregon," he said. "Now we will hear from about 60 of them."

Mention of the Kennedy round touched another tender point to him. "Do you know," he exclaimed, "that the hearings of the Kennedy round are still secret? Why? That was 13 years ago."

Warming up to his subject, he stated, "There is too much secrecy in government. I am in favor of having the report of these hearings released as soon as possible after negotiations have been held."

The data obtained from the hearings will be used by the commission to make recommendations to President Ford on items that could have tariffs reduced or eliminated in negotiations with other nations.

Minchew said he has been pleased at the turnout at the hearings and he admitted to a couple surprises.

"I had expected more of a protectionist tone from the witnesses," he said. "But I have really been surprised at the awareness in the country about international trade. This has been very noticeable to us."

He said he believed the "big shock of the oil embargo brought home in a way that is very evident the importance trade in one commodity is to us. One of the good side effects of this is to make people more aware of international trade."

Minchew said the turnout at Portland was better than in some other larger cities. He attributed it to more sophistication in trade because it is so important to the state's economy.

"You also have a very progressive state and we have noticed less of an insular feeling than in other parts of the country," he added.

Before joining the commission, Minchew was top staff aide to Sen. Herman Talmadge, D.-Ga. He admits that he was surprised at his appointment and "the senator knew I was being considered before I did."

U.S. Holds Road Show on Its Trade

(By Edward L. Dale, Jr.)

Washington, March 30.—A unique Federal Government traveling road show will be in New York Tuesday.

It is a kind of open forum in which citizens, important and unimportant, can get off their chests whatever is bothering them in the broad area of the nation's foreign trade.

The road show, which has already visited six cities and will visit at least 12 more, is the brain child of the newly named International Trade Commission (formerly the Tariff Commission). It must report to President Ford by July on the probable economic effects of further reductions of United States tariffs in the forthcoming round of international trade negotiations in Geneva.

A BROADER AIM

That sounds rather technical. But in the mind of the chief inspirer of the floating hearings—Will E. Leonard Jr., who will become chairman of the commission in June—the aim is much broader than just more information about tariffs.

"I'm very excited about it," he said in a recent interview. "We are trying to show people that their Government can pay attention to their concerns, that they are not going to be ignored."

A few episodes in the experience to date illustrate how the experiment operates:

As a result of a letter sent to the commission several years ago, a small manufacturer in Massachusetts was contacted by telephone to inform him of the hearings and urging him to testify if his problem was still there. The man replied: "You have the wrong party. I have only 25 employees." But he was assured that no mistake had been made, and he apparently plans to testify at the hearing in Boston late this week.

In New Orleans a young electrician walked in off the street in the second day of the hearings and gave an impassioned speech on how the Government, including the commission, had failed in the past to prevent damage to the economy from imports.

A retired textile executive spoke in Atlanta of the benefits of foreign trade—though his own industry had wanted and had achieved protection.

RULES ARE PLIABLE

The commission decided to scrap the normal bureaucratic rules requiring 20-day advance notice for each witness and 20 copies of each prepared statement. It sent advance men (on one occasion Mr. Leonard himself) to each city to drum up interest and make known that a hearing would take place.

While the commission has welcomed advance notification that a person would like to be heard, and most have given notice, there is no bar to unscheduled witnesses.

"We have tried to eliminate formalities," Mr. Leonard said. "We are not swearing in housewives. We are trying to show people that they need not be in awe of the bureaucracy and their Government."

Normally two or three of the six commanders are present at each hearing. They make no speeches, but they pledge that every word will be recorded and will be examined when the commission's final recommendations to the President are made. They ask questions. The hearings normally begin at 10 A.M. and last into the evening, with about two dozen witnesses each day.

GENERALLY 2 DAYS

The hearings have generally lasted two days in each city. But they can be extended—as is likely to happen in New York—if all who want to testify cannot be heard in two days.

Mr. Leonard said that "the majority" of witnesses so far, both from industry and labor, had asked for some degree of protection from imports—either a demand that tariffs on their products not be further reduced or that they be increased.

However, under the terms of the new Trade Act, the hearings in advance of trade negotiations are open for the first time to consumer groups as well as industry, labor and agricultural interests. And this extends to state and local government officials, from port authorities to "consumer protection" officials.

Thus the "free trade" viewpoint has been heard. Mr. Leonard has been somewhat disappointed that, so far, the retail industry has not been well represented, though the owner of one regional chain of shoe stores did argue against import restraints on low-cost foreign-made shoes.

DATA ON PRODUCTS

As expected, much of the testimony has been of a specific kind—about shrimps or glass products or oranges—but such product information is what the commission needs to complete its formidable task.

In principle, it must report to the President on the economic effect of reduction of any one of the 6,000 tariffs in the United States customs list. In practice, it will lump duties into about 1,900 categories, with a brief analysis of each, which will be difficult enough.

Its recommendations to the President will almost certainly be kept confidential to protect the American negotiating position, though Mr. Leonard would like to find some way of showing the witnesses who have testified that their concerns had, in fact, been taken account of in the commission's final recommendations.

WASHINGTON FINALE

The commission will wind up in Washington with the more traditional type of hearings and the more familiar type of witnesses: trade lawyers, lobbyists and trade association officials.

But meanwhile it will have shown that not all members of the National Association of Manufacturers have the same view on foreign trade. And it hopes that some labor groups will take a position different from the strongly protectionist stance of their parent organization, the American Federation of Labor and Congress of Industrial Organizations.

An associate of Mr. Leonard rhapsodizes that these hearings are a kind of antidote for Watergate and the public's general distrust of government. Whether or not that is a realistic appraisal, the hearings are clearly something different.

Panel Travels To Get Wider Tariff Views

(By Carole Shifrin)

New York.—The last remaining domestic mill producing cotton typewriter ribbon cloth may have to close if tariffs on the comparable imported items are reduced, ending jobs for 400, its official says. "I believe it would wipe us out," says Robert F. Eisen, executive vice president of Greenwood Mills, Inc.

A representative of the firms which import, sell and distribute cheese from abroad assert that reducing duties ranging from 7 to 25 per cent on those already more costly products would not harm the domestic cheese industry and would aid consumers. "How can we in all seriousness and good faith talk about preventing inflation, and at the same time refuse to eliminate artificial and unwarranted barriers to competition which only serve to increase the basic costs of such a vital food as cheese?" asked Robert Fromer for the Cheese Importers Association of America, Inc.

An official of a New York firm in the business of fabricating granite, marble and travertine for construction complains that American firms can't compete with the imports subsidized by the exporting countries. Though his firm has been declared eligible for federal assistance, Arthur Weiss, of Joseph Weiss and Sons, Inc., says he would rather see higher duties on the imports. "Our family goes back 50 years in this business and, frankly, I don't want trade assistance," he complains. "We'd rather be on our own."

These are some of the plaints, pleadings, and exhortations being heard by the International Trade Commission during an unusual trek around the country to solicit views from citizens about how future tariff reductions on imported items may affect them.

Under the Trade Act of 1974, the President is authorized to enter into negotiations aimed at harmonizing, reducing or eliminating tariff and non-tariff barriers and other distortions to international trade. As part of it, he may reduce by 60 per cent import duties which are currently more than 5 per cent, and may eliminate entirely duties currently less than 5 per cent.

Before he can enter those negotiations, however, the act requires that he seek the advice of the Trade Commission, formerly the Tariff Commission, on the "probable economic effects" of tariff changes on industries and on consumers. In addition to conducting studies and investigations, the Trade Commission is required to hold public hearings in preparing its report to the President.

The hearings it is holding differ markedly from those undertaken in anticipation of the last major round of trade negotiations in the early 1960s, when nearly 700 people testified in Washington.

The commission decided to hold hearings in Washington, but also to travel the country and eliminate some of the normal trappings of the government hearing. "When you stay in Washington, you get the input of the Washington trade lobby, but don't hear from those people who don't have trade associations or lobbies . . .," says Will E. Leonard Jr., the commissioner who becomes chairman in June. "There's no question that we get a type of witness we wouldn't have gotten in Washington."

Among the unexpected witnesses were a retired textile executive in Atlanta who spoke up for freer trade, in contrast to the position of his industry, and an electrician in New Orleans who walked in to decry the damage imports had caused the economy. Among those scheduled to testify in the 20 cities the commission will visit—from Augusta, Maine, to Los Angeles—are housewives, consumer groups, labor groups, small businessmen and teachers, as well as the big industries. The only group not represented so far has been retailers, Leonard says.

Witnesses have been solicited in an unusual way, too. Leonard said mail sent to the commission over the last couple of years on trade matters was collected and the senders written or called with an invitation to speak at the hearings if they still had the problem they had written to the commission about.

At Leonard's instigation, the commission also threw out the usual hearing accoutrements: Witnesses are not being sworn in, they don't have to sign up 20 days in advance—they can merely walk in and say they want to speak and they don't have to bring 20 copies of prepared testimony.

"We want to make it as easy as possible for you to let us know what's on your mind," Leonard told a room full of witnesses at the opening of the four-day New York hearings last Tuesday. "We're here to listen to you tell us how you think future changes in tariffs will affect you. We need your advice before we can advise the President . . . what economic results will occur should he modify up or down or continue existing duty or duty-free treatment on imports."

Much of what the commissioners are hearing is predictable—importers hope to have duties reduced and domestic producers of goods with foreign competition hope to have the duties remain or even be raised. But always they are being given an education on various sectors of the economy—information they are passing on to their "commodity analysts" who are drawing up some 1,900 trade agreement digests on more than 6,500 products which may be subject to trade negotiations, and which the commissioners will use to decide what to tell the President about those "probable economic effects" of actions he may take.

In just the first day and a half of the New York hearings, the commission learned about:

Cigars. They are composed of three parts—the filler, or core; the binder, which is wrapped around the filler to hold it in shape; and the wrapper, or outer dressing. Cigar Association of American president Carl J. Carlson told them, passing out samples. He urged them to recommend tariff reductions on filler tobaccos, which he said are in short supply worldwide.

Although the association wants tariffs reduced on the raw materials, it opposes reduced tariffs on imported cigars. "Our pleading with respect to cigars is frankly a protectionist one," Carlson said. But he continued that they wouldn't oppose a reduction if there were a reciprocal reduction of non-tariff barriers so that it was "just as easy for

U.S. cigar manufacturers to export their cigars as foreign countries may export them to the United States."

Artists' brushes. Holding up a sample of his wares, Fred Mink, Jr., vice president of the F. M. Brush Co., urged that tariffs on imported brushes be strengthened, not reduced. The price of the materials is the same, but the price of labor is much higher in the U.S., making American-made brushes more expensive and less competitive, he suggested. As a sidelight, the commission learned that red sable, used to make what Mink called the "best brush," costs $1,400 a pound.

Imported foods. Harold Bruce, executive vice president of the Association of Food Distributors, Inc., a food importers' trade group, suggested that the commission recommend abandoning altogether duties on items having no domestic counterparts and items produced here but not in sufficient quantity to meet domestic demand.

In the first category are such foods as 16 per cent duty; inshell pistachios, with a 1-cent-a-pound duty; anchovies, 6 per cent; and heart of palm, 8.5 per cent.

In the second category, he put such things as jalapeno peppers, fig paste and shelled filberts. Reducing those duties would reduce the prices to consumers, make the foods more plentiful, and would exert a deterrent effect on possible anticompetitive price and supply fixing by the domestic food industry, Bruce contended.

In questioning witnesses, Leonard repeatedly sought specific evidence and data of the impact tariff cuts from the last trade negotiations had on both consumer prices and the work force. Robert Kaleko, of Kaleko Bros. diamond cutters and importers said he couldn't produce evidence to support his claim that his foreign competitors raised prices when the tariff was reduced from 10 to .5 per cent in the last round. "I can't give you facts, but I know the people—when the duty goes down, they add it to their price," he said.

In contrast, Edward Frank, president of the Moreddi Division of Raymor/Richards, Morgenthau, Inc., importers of furniture from Europe, said the price of Scandanavian furniture being imported did show a drop when duties were decreased in the past, and promised he would furnish the commission with the evidence. "All I would have to do would be look up old price lists," he said. "Reduction, even if only 5 or 6 per cent, would make an important contribution to consumers since furniture represents big dollar purchases," he contended.

The complexity of the problems in some of the industry is also apparent in many of the presentations. Leonard S. Halpert, president of Cocoline Chocolate Co., Inc., a candy manufacturer, explained to the commission that his industry has problems with U.S. government agricultural policies which increase the cost of the candy makers' raw materials as well as with their foreign competitors. They not only are getting their raw materials for less but are also being granted special benefits by their governments, he said.

For instance, he told the hearing, statistics indicate that when the world price of raw sugar—a prime candy ingredient—was 45.25 cents a pound, confectioners in England were paying 23 cents a pound and in Mexico were paying 8 cents a pound, thanks to their governments' subsidies. In contrast, until the end of 1974, U.S. confectioners were paying prices for sugar that were even higher than the world price because of provisions of the now-defunct Sugar Act.

The candy makers here also have a problem with milk products because of the government's parity price support system, according to Halpert, who also is president of the Association of Manufacturers of Confectionery and Chocolate, Inc.

Despite his problems and his wish for some form of "help and protection," however, Halpert sounded a theme future chairman Leonard says has been heard repeatedly throughout the hearings: reciprocity.

"I personally have no doubt that true free trade is the solution," Halpert said. "By that I mean no tariff barriers, no quota barriers and, more important, no government intervention which creates artificially high domestic or imported raw material prices, and no artificial low costs, raw materials or otherwise, given to foreign competitors by their governments' intervention in the marketplace."

After the hearings are over—they have been held in nine cities so far, with 11 remaining—the commission faces the monumental task of culling all the material into some coherent form and making its decisions and recommendations—all by July 14. The hearings themselves won't even end until May 10.

Pennsylvania Governor Milton J. Shapp, the lead-off witness last week in New York, wondered whether the enormity of the task—assessing the total impact of future tariff cuts on all sectors of the economy—wasn't beyond the ability of the commission—with its limited time, 375 employees, and $9 million annual budget.

Leonard thinks they can do it, and thinks they will be able to incorporate a good deal of what they're hearing in the process. "It's not enough to just listen to their words; we have to utilize them in our work product.

"Then I'm just hoping the President uses what we give him," he says with two fingers crossed, "so hopefully the guy who testified today or last week will see that the President considered his views, even if they weren't totally accepted."

Oregon Advised to Become Involved in Trade Negotiations

When international trade negotiations get underway in Geneva next fall Oregon and the Pacific Northwest area should become actively involved.

This was the advice of Daniel Minchew, commissioner of the U.S. International Trade Commission during a March 27 visit to Salem.

The commissioner was in Salem for an informal meeting with Ben Allen, acting director of agriculture, and Jay Glatt, head of the department's Agricultural Development Division, and his staff.

Minchew told Glatt, "At some point I would like to see you associate yourself with part of the negotiating team in Geneva."

Noting that many go to Geneva to serve behind the scenes, Minchew suggested this approach to becoming involved and having input on the importance of agriculture in feeding the world and helping balance this country's international trade.

Minchew told the Agricultural Development staff he feels there is need for more agricultural input on the same basis as industry and that agriculture should be as high at the negotiating table as possible.

He pointed out the increasing importance of supplying food for the world and said with this country's corner on food it is becoming as important as the Arab oil supplies.

Explaining the procedures followed in negotiations, Minchew said Frederick B. Dent, former U.S. Secretary of Commerce, who has just been selected as President Ford's Special Representative for Trade Negotiations (STR) will have two deputies. One will be in Geneva and the other the advisor in Washington, D.C. He suggested that agricultural interests make a major effort to have the domestic deputy either be from agriculture or, at least, a person with an understanding of the importance of agriculture and knowledgeable in the problems faced by agriculture.

Minchew's personal philosophy is that in taking testimony for trade negotiations there needs to be input from persons actually involved in production and marketing. He made the Salem visit as a result of testimony given by Glatt at an International Trade Commission hearing in Portland March 20–21.

His purpose was to gather additional in depth information that would give him a greater insight into the diversity of agriculture in the Pacific Northwest area; he apprised of the amount of produce from this area flowing into international markets and learn of problems faced in international marketing.

The marketing problems have involved not only tariff barriers, but other restrictions as sanitation and additive regulations, national production or transportation subsidization, freight rate disparities, variable levies, quantitative restrictions and regulatory standards.

These problems were pointed out by Glatt in his testimony and he suggested that, since agricultural imports by the U.S. play a comparatively minor role to the imports of nonagricultural products, the nonagricultural sector could be used effectively in securing concessions from foreign nations in agricultural trade barriers.

The Oregon Department of Agriculture supplied Minchew with a packet of information on Pacific Northwest agriculture highlighting major items from the area that are involved in international trade. Pointed out were such products as white wheat, grass seed, dry peas and lentils, and spearmint and peppermint oils.

Pacific Northwest Agriculture and the Geneva Trade Negotiations

The considerable experience of the Pacific Northwest agriculture industry in international trading is likely to become an important resource for the U.S. Presidential Negotiating Team at the international trade negotiations in Geneva, Switzerland, in the fall of this year.

A negotiating concept we presented was received enthusiastically recently at a hearing of the U.S. International Trade Commission in Portland, Oregon. Portland was one of 14 cities in which the Commission held hearings to assess the potential impact of the reduction of U.S. tariffs on 1247 agricultural and non-agricultural items.

The Trade Act of 1974 empowered the President to reduce or eliminate tariffs on these items to accommodate agreements in Geneva with parties to the General Agreement on Tariffs and Trade (GATT), a United Nations organization. The 1247 items have a 5 percent ad valorem or less U.S. import duty. Of those items 284 are agricultural products directly competing with or similar to Pacific Northwest agricultural products.

Members of the U.S. International Trade Commission (formerly U.S. Tariff Commission) present at the Portland hearings were Chairman Catherine May Bodell (formerly a member of Congress from Yakima, Washington), Vice Chairman Joseph O. Parker and Commissioner Daniel Minchew.

The hearings drew 42 witnesses, of which 17 spoke for Pacific Northwest agriculture. We told the Commissioners that if any import duty on agricultural commodities is negotiated away, it should be done only after hard bargaining for reciprocal concessions in foreign trade barriers whether tariff or non-tariff.

Historically agreements on agriculture have been negotiated from non-agricultural trade pacts. The basic concept is that the U.S. could develop more favorable agreements by combining the two segments.

The great buying power of the American people can provide significant leverage at Geneva by teaming up agriculture export and non-agriculture import considerations to negotiate meaningful foreign concessions. Therefore it is important to have a person experienced in agricultural trading on the President's negotiating team.

In the next few years the power of U.S. international agricultural marketing could become as influential as oil is today in world trading. This can be achieved only with a strong agricultural industry at home and the strength of our agriculture, particularly in the Pacific Northwest, depends a great deal upon the expansion of foreign markets.

The significance of this industry on the national economy is revealed in the balance of trade picture for 1974. This nation saw a deficit of $3 billion. Without agricultural exports the deficit would have been $14.8 billion.

The concept of using separate sectors of trade to help one another was received enthusiastically by Commissioner Daniel Minchew when he met in Salem with us to gain a keener perspective on the idea and on Pacific Northwest agriculture and its involvement with international trade.

Commissioner Minchew, recognizing the significance of international trading to Pacific Northwest agriculture, strongly urged that the industry in this region send a representative to the GATT negotiations. He explained that Presidential Representative for Trade Negotiations Frederick B. Dent would have two deputies—one in Washington, D.C. to handle domestic ramifications of U.S. tariffs, and one in Geneva negotiating. The domestic deputy would set the policy that the negotiating deputy would carry out. A Geneva monitor could apprise Pacific Northwest agricultural interests to submit timely information to the domestic deputy.

We applauded the Commission for going afield to develop data for the Geneva negotiations. It is important that the Commission hear firsthand of the longstanding efforts by Pacific Northwest organizations to remove access barriers to import channels of international trade. Agricultural commodity groups have been able to mitigate trade restraints in several foreign markets, but many significant barriers remain that might be removed by implementing a comprehensive negotiating strategy through the Presidential team at Geneva.

Our position in market development has always carried a primary concern and effort to gain market access in addition to market promotions.

The office of the President's Special Trade Representative, Foreign Agricultural Service, International Trade Commission, and our Congressional Delegates have been assured that we will cooperate to focus agriculture's needs concerning multilateral trade negotiations.

It is necessary for agri-business to be unified to maximize its position in trade negotiations. With your support we are attempting to project this cohesive voice.

THE WRONG SPIRIT OF COMPROMISE

Mr. KENNEDY. Mr. President, from the hundreds of calls and letters I have received—from Boston to Saigon—there is a deep and despairing sense of helplessness among the American people over the human tragedy in South Vietnam and Cambodia. The appeals of our citizens reveal a profound sense of commitment and urgency to help—a commitment and urgency which has yet to find expression in the policy and actions of our national leadership.

America today seeks ways to help meet the desperate humanitarian needs of the people of Indochina, while our national leadership talks of a spirit of compromise that will allow some more guns and some more bombs for some more war in Vietnam. It is as if we have learned nothing from our decade of war and military involvement in Indochina.

These feelings were eloquently expressed in a letter I received from the president of Simon's Rock College in Great Barrington, Mass., and I would like to share with my colleagues the plea of President Baird Whitlock's letter.

Mr. President, I ask unanimous consent that the text of President Whitlock's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Simon's Rock College,
Great Barrington, Mass., March 6, 1975.

Dear Ted: I'm writing to you today simply as an individual, not as a college president looking for help. I plead with you not to compromise on the continued arms aid to southeast Asia. It is now over ten years since I took part in my first teach-in and nine years since my first visit to Thailand with a group of students. Nothing has changed except that through our own stupidity and moral turpitude we have ruined the most beautiful country in Asia—Cambodia. Every government statement for the ten years of our involvement has been either a direct lie or an incredibly mistaken judgment. To argue that we must save Cambodia from bloodshed by sending more arms is just one more of the same kind of nonsense.

I have given my life to trying to educate young people. I have tried desperately to blend a sense of history and reality with some honest hope for change and improvement. Now I see once again the weekend trips to Washington, trying to argue not only sense but some basic honesty into public servants. At some point it is going to become impossible to argue that positive change can be made. I had tremendous hope for this Congress—the initial stopping of some of the President's sillier acts, the attack on the oil depletion allowance at last!—and the first stage of discussions on additional aid to Viet Nam and Cambodia. And now I see the whole thing falling apart "in the spirit of Compromise"—compromise which keeps up our evil involvement in southeast Asia, compromise which leads to unfair economic pressures on the lower classes in oil tariffs and taxes, and compromise which allows the oil companies to continue to "rip-off" the entire economy.

Please don't give in on your knowledge of what is honestly right for our country at this crucial "compromise time." We are about to compromise away our national soul.

Cordially,

Baird Whitlock.

COACH RALPH "SHUG" JORDAN

Mr. SPARKMAN. Mr. President, I would like to take a moment to pay tribute to a distinguished Alabamian who has become a legend in his own time in the sports field. Effective in January 1976, Coach Ralph "Shug" Jordan of Auburn University in Auburn, Ala., will ended his 25-year reign as head of the Auburn football Tigers.

The statistics on Coach Jordan's career are most impressive. After the 1974 season, his 24th, Coach Jordan's teams had amassed 172 victories, against 72 losses and 5 ties. This record ranks Coach Jordan third in the Nation among active coaches. His teams have appeared in 13 postseason bowl games and were 1957 National and Southeastern Conference champions.

The honors which Coach Jordan has received include: Coach of the Year in the SEC four times, the Washington Touchdown Club Coach of the Year, as well as becoming a charter member in the Alabama Sports Hall of Fame.

Perhaps the most noteworthy things about Coach Jordan cannot be listed in statistics, but rather, are reflected in the image he has built among Alabamians. Mostly, Coach Jordan has confined his efforts to promoting Auburn University in his quiet, mild-mannered way. His name has become synonymous with Auburn.

As one of Coach Jordan's players phrased it:

> Coach Jordan always has a kind of gentleman-of-the-South image. This image is now an Auburn trademark.

Another Auburn player said:

> It is hard to think of Auburn without thinking of Coach Jordan first.

I think that these statements portray the feelings of many Alabamians.

It is ironic that on the night of Coach Jordan's retirement announcement, he was to speak at the Unsung Hero Banquet in Clanton, Ala., on behalf of Mike Flynn, one of his players. Characteristically, Coach Jordan apologized to Mike for timing his announcement so that it might overshadow Mike's moment of honor.

Coach Jordan's philosophy and personality have been transmitted to his football teams. Auburn teams often take the role of underdog, and I might add, relish this role.

In the past several years Auburn has become noted for the number of scholarships earned by try-out players, many of whom have gone to earn SEC and national recognition as well. This would seem only natural under a head coach who started in 1950 with a team that won only one game in the previous season, and built them into a nationally-recognized football power.

I wish to extend on behalf of Mrs. Sparkman and myself the best of wishes for coach and Mrs. Jordan in the years to come.

Mr. President, an article appeared in the April 9, issue of the Birmingham Post Herald entitled "Glory, Glory to Old Auburn," by Mr. Philip Marshall which I feel will help give my colleagues an idea why Coach Jordan is so highly regarded by thousands of Alabamians, and I ask unanimous consent that excerpts from it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record. as follows:

Glory, Glory to Old Auburn

Auburn, Ala.—It isn't often one sees history made, particularly in the world of sports.

But when Ralph Jordan, the greatest coach ever to set foot on Jordan-Hare Stadiums turf and one of the greatest ever to walk the sideline anywhere, said he was planning to retire—that was history.

It's awe-inspiring, really, to glance around the Auburn University campus and see the things for which Ralph Jordan is responsible. A magnificant stadium that seats 65,000 football fans, a glistening new coliseum that houses the Auburn athletic department, pictures of All-Americans and Heisman Trophy winners, trophies filling a case to overflowing. Those things say a lot about Ralph Jordan.

LOOKING BACK

When you look all the way back to 1951 to the time a Georgia line coach took over at Auburn, you see a ramshackled stadium that would seat some 20,000 and an athletic department over $100,000 in debt.

Auburn athletic accomplishments—and there are many—have one common denominator. Ralph Jordan.

Looking back over 24 years of coaching, the greatest thing about Jordan may not be 172 triumphs and a national championship and coach of the year honor and on and on.

What he has done for and meant to people is what stands out.

To cover every Jordan accomplishment would take a book. He, surely, will be remembered as one of the all-time greats in a profession that demands more perfection than practically any other.

There aren't many disappointing things for Auburn people when they look back over Jordan's career.

That's because Jordan put Auburn ahead of everything—including himself.

I didn't originate this phrase, and it was made about another man, but I think it appropriate.

Like everybody else, Ralph Jordan will pass away in the years to come and that's not to say it will be any time soon.

When he does, they'll bury him in a blue coffin with an orange top. The epitaph will read, "Glory, Glory to Old Auburn."

NUCLEAR POWER FOR NORTHEAST MISSISSIPPI

Mr. STENNIS. Mr. President, I was very gratified to receive word on April 3 that a site in northeast Mississippi has been selected as the probable site for one of two new nuclear electric power generating plants to be constructed by the Tennessee Valley Authority. I say "probable site" because it is still subject to the preparation and filing of an environmental impact statement, and certain additional detailed studies, but based on site evaluations by TVA they have selected a location in Tishomingo County, Miss., and are proceeding with their planning on that basis.

Lead times of many years are involved in modern electric generating and transmission systems, so the question of siting these two new nuclear plants has been a subject of discussion and encouragement by me for several years—discussions in which I have participated with interest because of my overall interest in TVA as well as the site in question and, more recently, my concern about the energy shortage.

As chairman of the Public Works Subcommittee of the Senate Appropriations Committee, I conduct the annual hearings on the TVA budget and programs. The board of directors and the staff of TVA appear before the subcommittee, and we review their current activities and their plans for the future. In 1971, with my encouragement, TVA acquired the land for this plant, called the Yellow Creek site, and began extensive core borings and other investigations to insure its suitability for a nuclear plant. I have been encouraged by the progress of these engineering studies, and now I am very pleased that the selection of the site has been confirmed.

This large plant will mean many new jobs for the area, beginning 2 years from now, when actual construction will start. There is an additional significance, however, in the selection of this site in rural northeast Mississippi, and I believe that significance is excellently evaluated in an editorial in the Tupelo, Miss., Journal, under date of April 3, 1975. I ask unanimous consent that this fine editorial be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, the editorial makes the point that the potential of northeast Mississippi has now been recognized, and that this is attested to by the fact that modern technology is in the process of working wonders in the economy of that area.

Mr. President, Yellow Creek is an embayment of Pickwick Lake, which is created by the Pickwick Landing Dam on the Tennessee River, a few miles north in Hardin County, Tenn. The plant site is on the east side of the embayment, just across from the Yellow Creek Port, a modern inland waterway terminal and industrial area. Three miles southwest of the plant site is the northern terminus of the Tennessee-Tombigbee Waterway, which when completed will carry vast amounts of tonnages by barges between that point and the sea at Mobile, Ala., as well as northward to the Ohio River Valley and beyond.

Here, within a few square miles, in what used to be considered a remote rural area with little growth potential, are coming together electric power and water transportation facilities of the most sophisticated modern types. It would be hard to find a place in the United States with a greater potential for industrial and economic growth than this area in northeast Mississippi.

Exhibit 1

[From the Tupelo (Miss.) Journal, Apr. 3, 1975]

Area Need Too Big for Any To Block

Announcement by the Tennessee Valley Authority that it is considering Tishomingo County as the site of a nuclear power plant costing almost two billion dollars is one of the most welcome developments of the decade for our area.

For the location of such a plant at the Yellow Creek site north of Iuka means more than hundreds or thousands of good jobs during the seven-year construction period and readily available power as long as we may need it.

Construction of the plant at this site will mean that Northeast Mississippi has finally arrived both as a participant in some of the world's most sophisticated technology and in providing a market for greatly increased supplies of electrical power in the years ahead.

This latter point may appear insignificant. But when in this column some four or five years ago we first started urging TVA to build a nuclear power plant in Northeast Mississippi, we were told by officials of the agency that our area was so rural and represented such a poor potential for increased power use that they could see no prospect of TVA's building a nuclear plant in this area by the end of the century.

A couple of years ago when we talked with TVA officials during a Tennessee meeting on energy problems, we received a little more encouragement. And now it seems almost certain that unless the Tishomingo project is blocked by some environmental group, Northeast Mississippi will have a nuclear power plant under construction within a couple of years—and a rather big one at that.

To us this means not merely that the Yellow Creek site is a good one geographically and economically but that TVA has at last recognized the development potential of Northeast Mississippi along with West Tennessee.

It is quite possible that TVA may run into efforts by environmentalists to block this project as they sought to halt and did delay construction of the Tennessee-Tombigbee Waterway through Northeast Mississippi.

But there have been numerous major advances in the safety factors built into nuclear power plants since the 1950's when most of the dire predictions of disaster were made.

And if one looks at the national or global problem of disposing of nuclear waste, we should remember that all other regions of America and all industrialized nations of the world are steadily moving ahead in expanding production of electricity with nuclear power. Hence, that problem will be with us whether our area gets a nuclear plant or not.

A year ago, for example, Alabama had five nuclear power plants under construction around the state and reactors bought for four more.

And nuclear power plants are even more numerous in the crowded, highly industrialized states of the East and Midwest than they are in rural states like Mississippi.

The last site map we noticed, for example, showed six nuclear power plants in operation in Illinois and reactors bought for eight more. Similarly, the map showed two in operation in Pennsylvania; five under construction, and nuclear reactors bought for seven more.

Even the crowded area around New York City has four nuclear power plants in various stages of development or in operation. And so does the crowded nearby state of Connecticut. New Jersey has even more, as does Michigan, with a dozen nuclear plants in operation, under construction, or reactors purchased.

In view of the satisfactory safety record of these scores of plants and the speed with which additional ones are being planned here and abroad, we feel that a statement by Dixy Ray, lady head of the Atomic Energy Commission a year or two ago is relevant.

She told a congressional committee studying the safety of nuclear power plants:

"Many scientists have felt that it was beneath their dignity to popularize science; hence, many adults have grown up with the feeling that science was beyond them, a closed book. When this attitude is coupled with something like radioactivity which bursts on the human consciousness in a destructive act of atomic war, the inevitable result is difficult communication.

"This is the easiest possible way to raise the spectre of fear bred by ignorance."

She indicated that it might take a lifetime to erase those fears though achievement of such a goal might be possible earlier with all-out constructive effort to educate the public on nuclear operations.

We feel that the anticipated location of a nuclear power plant in Tishomingo County ranks with construction of the Tennessee-Tombigbee Waterway, already under way, as the biggest factors in Northeast Mississippi's development during this decade.

And we hope that no one listens seriously if some outside group tries to come in and block or delay the construction of this two billion dollar project as they did the Tombigbee Waterway.

For we need as soon as possible the thousands of jobs this project can provide. And though it may be difficult for many people to realize today, our area soon will be needing the power such a major electric power facility will produce.

RURAL HOSPITAL DILEMMA

Mr. DOLE. Mr. President, there appeared in the American Medical News this week a very enlightening article concerning the impact of utilization review regulations on the small hospitals of our country.

While based primarily on interviews with administrators of facilities in my State of Kansas, the message it conveyed is applicable to the dilemma which these new rules will be imposing on similar institutions in rural areas throughout the Nation.

I am requesting that the full page commentary be included in the Record today because I feel that all of us in the Senate must focus our attention on the crisis which may be developing as the compliance deadline for UR standards nears.

Although that date was, on March 25, moved back to July 1 of this year, I think it is apparent that nothing short of substantive changes in the guidelines themselves is going to afford the necessary relief—unless, of course, the AMA is successful in its pending court action for a preliminary injunction.

Mr. President, we are all interested in some form of cost control on Federal health programs, but we must at the same time be wary of any mechanism which may jeopardize the quality—and in some cases even the availability—of health care services.

Both those possibilities are all too evident in the April 7 report on the outlook in Kansas, and I ask unanimous consent that that account printed in the Record for the benefit of all my colleagues.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the American Medical News, Apr. 7, 1975]

Remote-Area Hosptals Wary of Effects of Utilization Review Rules

More than a thousand miles separate the nation's capital from the wheat fields of Western Kansas, but federal regulations manage the distance nicely.

Small hospitals in Kansas and other areas of the country with low population densities and great distances between facilities have been hardest hit by the government's cost-control rules for Medicare and Medicaid, and a note of desperation and bitterness is encountered among hospital administrators attempting to comply with directives from Washington.

Today, many administrators are anxiously awaiting further action by the Health, Education, and Welfare Dept. in the wake of its postponement until July 1 of the compliance date for utilization review regulations. Originally, HEW had said that hospitals would have to comply by April 1 or face financial penalties.

The regulations specify that all Medicare-Medicaid patient admissions must be reviewed within 24 hours to determine their validity. However, HEW Secretary Caspar Weinberger, in announcing the postponement (AMN, March 31, 1975), noted that "some rural hospitals have expressed concern about their ability to conform to the regulations." And Jay Constantine, chief health staffer for the Senate Finance Committee, had told the Federation of American Hospitals on March 21 that modifications on the requirements for rural hospitals are expected.

The problems faced by small hospitals under the original regulations were spelled out to AMN recently by hospital administrators from three small Kansas towns.

"They can make us comply; they can't make us like them," said John McGee, administrator of the 25-bed Kiowa, Kan., District Hospital and Clinic. The medical staff at the hospital at Medicine Lodge, 25 miles away, said they will not do the first day's recertification. We've only got two doctors on our board here so there's no way we can comply.

"Our doctors are willing to go along with it. In case of a difference of opinion, a third physician must be called in to break the tie. This is the reason we are meeting with Medicine Lodge. I can run the chart up there and say 'how do you vote' to somebody and that will do it. Maybe they will come around, but as of March 11 when they had their medical staff and board meeting they turned down the recertification.

"Eighty percent of the United States is rural, there are some 40-odd hospitals in Oklahoma, about 50 in Kansas that have less than three physicians. There is no way they can legally comply unless they can do like us and jump over and have a meeting with a neighboring hospital. Quite often these distances are so great you can't do it. So what you do is comply on paper, do the best you can.

"We have until April 30 to get the utilization review plan approved. You can bet it's increased our paper load. We've had people do extra duties. I don't know what it's going to do in the way of extra paperwork because we arent' in it far enough to see.

"We do the same thing in our 25-bed hospital that you would do in Washington, D.C., in a 200-bed hospital. We take care of the flu, the gallbladders, the appendices, the geriatrics, the broken hips. We do the same thing in our small hospitals out here in Kansas, Oklahoma, Nebraska, and Eastern Colorado, and small towns in Eastern Arkansas, Louisiana, Missouri, and Texas that you all do in your 200-bed hospitals back there in the East.

"We are just covered with small hospitals because towns are so far apart. We have one doctor who practices out of a little black bag who practices between us and the next hospital due west which is 200 miles away.

"We had a utilization review plan that was effective; it was working. I'll put our length of stay up against any of your Eastern hospitals. I'll put our costs up against them for darn sure.

"I don't know what the government is getting so uptight about. The UR is an unnecessary thing. They counter with the idea that you can take a lay person and put him on the committee and he can do the certification. But how can a lay person certify that it is medically necessary? This is what he is doing, he's legally certifying that it is medically necessary for this patient to be hospitalized.

"It is ridiculous. It is just increasing the paperwork. The physician is the one who knows whether or not this patient needs to be hospitalized. When his peers get together once a month in these rural areas, they look these over and if they think he's keeping somebody too long, they ask him why.

"The 24-hour certification is ridiculous. They have the idea that these small hospitals can come up with a non-professional person to sign. There is no problem in the big hospitals. But they will have to hire extra people. These girls are going to have to pull these charts and say 'sign here and sign her,' and they may pull one and say 'here's one there's some doubt about.'

"The physician will have a chance to look at about three in an hour and sign 160. They are going to pay this doctor $60 an hour to do this and what good is it really? Then they are going to pay three girls who will take all day pulling charts.

"They are trying to shoot down the whole system to get one or two people who are cheating. They are penalizing the system rather than the individual. The present system will catch the individual.

"In rest homes, the situation is worse. My parents and an aunt are in rest homes. The requirements are now that these homes be reviewed every two months to see if these patients can be rehabilitated. These people aren't going to be able to go to work in an aircraft company or anything like that. My aunt doesn't even know me. It runs the costs up. Someone has to pay this increased cost. They say they want to save money but they are increasing the costs.

"We have always taken care of people in the same way. We ran 54–58% over age 65 before Medicare. Since Medicare, the percentage is the same. I don't understand their philosophy. It's been a good system in the past, and I just don't see why it has to be compounded by any more paper work.

"I'm about to be covered over with it. It's becoming ridiculous. I know a lot of bureaucrats are sincere about it, but they just don't understand the problem. We have snake bite cases coming in here from 60 miles. If they close us up, they'll take those cases to Wichita, Kan., where they don't know what a snakebite is.

"The greatest snakebite expert in this part of country is from a little town of 1,200–1,500 people in Oklahoma.

"You can call him and describe the snake bite and he can tell you what kind of snake it was and whether it is poisonous. His hospital down there was declared out of conformance by Social Security because they only had three men on the staff. And they had just been surveyed by the Joint Commission and approved."

Russell Horton, administrator of the 72-bed Ellsworth County Memorial Hospital, said, "We had to close down our nine-bed extended care facility, a wing of the hospital, Jan. 1, because of 1974 regulations requiring us to have additional personnel to provide services.

"In a small area such as this, there is no way we can find these specialists such as occupational therapists, patient care coordinators, and so forth. The same regulations apply to a nine-bed facility as to a 150-bed extended care facility.

"We make an effort to put extended care patients in Salina about 35 miles away, but they are generally filled up. The regulations allow us to care for them in acute beds if it is impossible to place them elsewhere.

"So when this happens we have to clear it with the social welfare officials. They have to make the ruling on whether we can keep them or just have to let them out. Actually, we have received patients from Salina who were really too sick to be classified as extended care, but Salina had to discharge them from the hospitals and when their extended care facility was full, send them to us for our acute care beds.

"We are going to run into problems with the 24-hour certification regs. With a small hospital like ours, it is certainly going to be a problem. The regulations state there must be two doctors on the review committee who have no financial interest in the patients.

"To give you a good example, we perform an operation up here (we have four doctors on our staff), one doctor performs the operation, one assists, and a third is an anesthetist. There is no way in the world that two of our four are not going to have a financial interest in the patient.

"We've put two people with our medical records librarian because she knows more than anyone but the doctors and the nurses about the patients, the number of days, the diseases, and so forth. It's kind of funny because here you have laymen telling the doctor whether he can admit a patient.

"In order to carry out this type of program some people are estimating its going to cost us an extra $1,500 just for people to handle the records.

"Some hospitals only have one doctor. There is no way in the world he's not going to have a financial interest in his patients. Social Security's idea was right to start with, but it just didn't apply to everybody. They are thinking about Kansas U. Medical Center with 800 beds, but it doesn't work applying the same standards to small hospitals.

"I've been here for more than 2½ years. we have been in 100% compliance with utilization review up to this point. The idea is good to prevent admission of patients who don't belong. But it can't apply to everybody."

John Meyers, administrator, Cedar Vale, Kan., Regional Hospital, 35 beds, said:

"I'm not sure how we are going to get the utilization review committee formed, quite honestly. We have only two active doctors on the staff. One of them has a financial interest in the hospital. The other doctor will have a financial interest after a year's stay, which would eliminate both of them.

"We've been hustling trying to get doctors from adjoining towns that we would have to pay. I've got one doctor lined up, but we need two and I've been totally unsuccessful in finding another one. We're going to have to pay this one doctor $100 a month. By appointing a lay person as the review coordinator to make the non-controversial decisions, we could get by, but we're going to have a problem on the disputed cases because there's no one to review them.

"I have no faith in the government's ability to even see the problem of rural areas, much less react to them. I am quite frankly as bitter as hell. I used to be bureaucrat. We are trying to give good primary care in this rural area. It seems as if the government just doesn't want good primary care in rural areas; it's that simple.

"Assuming we can get the doctors, to operate the new UR on an annual basis will cost us in the neighborhood of $13,000. This translates for every Medicare and Medicaid patient to something more than $5 per patient day.

"The one doctor who has agreed to serve on our utilization review committee is from Coffeyville, Kan., which is 55 miles from us. That means either he comes to us or we go to him with the UR records, and this means traveltime expense, which I can't estimate, but it would be in addition to the $13,000."

FOREIGN POLICY—VIETNAM AND ISRAEL

Mr. STEVENSON. Mr. President, from the ashes of World War II emerged an America-inspired, America-led, and America-financed world order. It substituted a balance of power between East and West for the arrangements of the 19th century which had long since broken down. It was an alliance deeply rooted in a new Western prosperity and a fear of Communist expansion.

That post-World War II order—the Bretton Woods Agreement, GATT, the Marshall plan, NATO, emerging European unity, and the East-West balance—provided stability for a quarter of a century. It was highly successful.

Now it is broken down.

The Atlantic Alliance is in disarray, a casualty of vest-pocket diplomacy, bilateral maneuverings in Moscow and Peking, and neglect. The personal diplomacy of Secretary Kissinger left little time for U.S. interests in Europe and the remainder of the world. The "Year of Europe" never began. U.S. relations with Japan, the great power of Asia, are strained by neglect, as are relations with our neighbors on the North American continent, Canada and Mexico.

Détente with the Soviet Union, vaguely defined as both a noble end and a noble process, was pursued by ignoble means—by cash. The United States gave more than a billion dollars in concessionary loans to the Soviet Union in 2 years, with nothing as yet gained, and everything from capital to wheat to strategic superiority lost.

One looks in vain for the vaunted triumphs of Secretary Kissinger in Europe, Asia, Latin America, North America, and Africa and finds instead declining U.S. influence.

The administration preached the ideals of the American Revolution while it tilted toward Yahya Kahn in the Indo-Pakistani war, aided Salazar in Portugal, Papadopoulos in Greece, and the military in Chile. And all the while the United States lost credibility because it lacked principle and consistency. Now it has no foreign policy, only habits and impulses. It does not shape; it reacts to onrushing events.

This is a time for statesmanship and a serious debate over U.S. foreign policy, its objectives and its methods. From such a debate could emerge a bipartisan American policy which deserved and, therefore received, the support of the American people. And with American leadership the underpinnings of collective security and prosperity could be created once again in the world.

The misconduct of foreign affairs is nowhere more evident or more tragic than in South Vietnam and Cambodia—though in Europe, the eastern Mediterranean, the Middle East, and throughout the developing nations, the misconduct of foreign affairs is capable of causing even more serious consequences.

But instead of statesmanship we have been offered self-flagellation, recrimination, and more of the old mistakes.

The President has said that partisan politics are threatening to bring "our successful foreign policy to a standstill"—and so he makes a partisan issue of foreign policy. The Secretary of States has accused the Congress of "destroying" an ally in Indochina.

Such statements are not reminiscent of the American statesmanship which followed World War II. They recall Senator Joe McCarthy, the ugly debate over who lost China, and an era which gave birth to Richard Nixon.

It was in that era that the decline of U.S. influence in the world and the decline of the American peoples' confidence in their own government began.

So, let us talk sense about Vietnam and set the record straight. Let us not permit distortions of fact to poison public discourse.

Now is not the time for recrimination or for pointing the finger of blame.

Vietnam was not ours to lose. It belonged to the Vietnamese before the Americans arrived, and it belongs to them now. It is to the Vietnamese people that our hearts reach out—caught again as they are in the crossfire of a war they never wanted. And, yet, the administration still cannot aline itself with their aspirations and their welfare. It proposes continued military assistance for a regime that cannot govern, cannot make peace, and cannot win the war—a war that is self-perpetuating and self-defeating.

The regime of General Thieu could not win a military solution with the support of 500,000 American troops—and the $150 billion already spent for its support. Last year the level of U.S. support exceeded that of the Soviet Union and the People's Republic of China for the North Vietnamese and the Provisional Revolutionary Government—PRG—by almost 2 to 1. The South Vietnamese have not lacked the weapons to fight—they have lacked the will to fight. The regime has lacked, not weapons, but the support of the non-Communist people of South Vietnam.

It did not surrender Hue or Da Nang for lack of weapons. It did not fight. It surrendered its weapons to the North. And now in its perverse logic, the administration is saying, in effect, that because the South Vietnamese regime surrendered about a billion dollars worth of U.S.-supplied equipment to the Communists in 2 weeks—providing them with, among other things, the seventh largest air force in the world—the United States should supply still more.

The administration never lacked the authority to resupply the South Vietnamese. Of the $700 million Congress appropriated for military assistance this fiscal year, $170 million is still unexpended and of that $700 million, less than $175 million worth of equipment has been delivered to the South. The administration has not lacked the authority. It has lacked candor. And it has lacked a force in South Vietnam capable of being supplied and capable of fighting. Now the South Vietnamese Army is virtually destroyed—and in the continuing madness called "policy" in South Vietnam the administration speaks of supplying an army that does not exist. This madness must be ended before the United States can begin anew in the world.

Even at this late date there may be a way out of this infernal machine in South Vietnam.

The way lies through the Paris peace agreement, and in the application of its articles that propose a political compromise to end the war. They provide for the creation of a National Council of Reconciliation and Concord, the establishment of democratic liberties, including the liberty of speech, assembly and the press, and for a national election in which all South Vietnamese parties can participate.

General Thieu refused to carry out the terms of these articles with the PRG. He resisted all demands of the non-Communist South Vietnamese independents for a voice in the Saigon government and in the Council of Reconciliation. He refused to negotiate. He jailed his non-Communist opposition. He challenged the North's will to fight, and he met defeat.

A new broad-based government could challenge the Communists' will to negotiate.

The United States could show its good faith by ending its military aid for the Thieu regime, and by so doing, afford the South Vietnamese an opportunity to compose a broad-based popular government. Thieu's power to repress his non-Communist opposition derives from the United States. It should be cut off.

The objection to such a cutoff has always been that the North Vietnamese and the PRG will forget the peace agreement and seize the opportunity to overwhelm Saigon by military force. That is a greater possibility now than when I first proposed conditioning military assistance on a free electoral process 4 years ago. But it was the North Vietnamese and the PRG who wrote the political articles into the Paris accord over the objection of Thieu. And they still profess a willingness to negotiate with a popular government. Since 1960 their policy has been to gain for the PRG a right to participate in the political life of South Vietnam. That policy may be carried out in Da Nang now, where, according to Communist reports, the flag of the Buddhist National Force of Reconciliation and Concord is flying, flanked by the flags of the PRG and the Saigon government.

The PRG does not have the political infrastructure with which to govern. Besides, a military victory against the corrupt, demoralized government of General Thieu is inevitable if the war continues. But the overthrow of a government committed to peace and to the expression of the interests of the non-Communist Vietnamese that form the majority would be more difficult. The PRG would then have the South Vietnamese people against it. It would shift international opinion away from it and raise anew the possibility of foreign intervention.

The purpose of an aid cutoff is not to abandon the South Vietnamese but to aid them. The way to end the suffering of the South Vietnamese is to end its cause—the war. And if peace were achieved by a political settlement, the United States and other nations would have the means to provide economic and humanitarian assistance to the people of South Vietnam. The PRG appears more interested in a political solution than the Khmer Rouge in Cambodia. It may be too late to save the independence of South Vietnam, but a political process is the only remaining chance to prevent the repetition of a tragedy similar to that already taking place in Cambodia. Even if such a process were to lead to a coalition government or a Communist government, it might still be a neutral government.

It has always been implausible for this administration to subsidize détente with the Soviet Union in Moscow and subsidize war against the Soviet Union in Indochina. The nations of Indochina seek independence—independence from the French, independence from the United States and, yes, independence from the Communist Chinese and the Soviets, too. What matters most to us is not the ideological complexion of the South Vietnamese Government, but its independence and neutrality. The majority of the people of South Vietnam are not Communists, they are nationalists. And though U.S. policy has caused enmity among the people, it is still not too late to aid in the establishment of a neutral government.

Continued war only makes the PRG and North Vietnam more dependent on Moscow and Peking. If the administration persists in its apparent refusal to seek a political settlement, then we should welcome the efforts of other governments, including the French who now openly recognize that General Thieu prevents a political settlement. The Secretary of State says that for lack of sufficient assistance the United States is "destroying" an ally and that our word will no longer be honored in the world. But it was the pursuit of a bloody war for the Saigon regime which cost the United States honor and credibility. The way to restore our authority in the world is by ending that war. The French did not lose authority by ending their pursuit of the same futile war. And if the President and the Secretary of State maintain that our commitment was an undisclosed commitment to the Saigon regime instead of an American commitment to the people of South Vietnam, then let them say that their country fulfilled that commitment and defend the honor of their country.

The Secretary of State has also said that the United States cannot pursue a policy of "selective reliability." He said:

> "We cannot abandon friends in one part of the world without jeopardizing the security of friends everywhere."

Those, too, are disturbing words. They ignore history. They ignore our own best principles. They ignore the lessons to be read from our mistakes. They ignore the critical distinctions between nations worthy of our friendship and support and those unworthy. They are disturbing for those of us who see a distinction between the regime of General Thieu in Indochina and the popular democratic Government of the State of Israel.

I believe that our commitment to Israel conforms to our highest ideals as a nation. And I believe the administration's commitment to the Thieu regime in South Vietnam belies those ideals.

The distinction between Israel and the regimes of Indochina is critical to responsible United States world involvement—and it is obvious. The State of Israel is a free and humane nation. Israel is ruled by her people. Israel has shown herself willing to risk much for political settlement. The citizens and armed forces of Israel are committed to the defense of their country, And, furthermore, Israel lies at the crossroads of the world, a region in which the United States has significant interests.

The circumstances in Israel offer hope and justify United States support. The nature of the Thieu regime condemned it to failure and condemned our support to failure. I regret that the Secretary of State not only fails to perceive that distinction but condemns Israel, even as he exhorts us to support Saigon.

Secretary Kissinger says the United States should honor its commitments. It should. But the crucial question, for the present and the future, is not how faithful we are but how wise we are; not whether we honor our commitments but whether we can make commitments in accordance with our law that conform to our best principles—commitments that justify the sacrifices we must make, commitments that offer hope of success rather than the prospect of failure, commitments that are clearly related to our strategic interests. The first lesson of our recent involvement in Indochina is that there are commitments and commitments—wise and unwise commitments, worthy and unworthy commitments. And the challenge to our diplomacy in the immediate future is to learn how to distinguish between the two.

I believe with Jefferson and his compatriots of 200 years ago that America should be committed to liberty and not to despotism, that we should aline ourselves not with the military dictators and juntas doomed by history, but with peoples and nations whose devotion is to human freedom and whose own energy and zeal and vitality make it clear that they are prepared and able to help themselves. The commitments of the future must recognize the interdependence of the world, bound together, as all its parts are, by trade and investment and the necessities of national security in a nuclear world—a world crying out for common efforts against mankind's age-old scourges of hunger and disease and ignorance and oppression and war. Our national ideals and sound national commitments can pull that world together and bind us with true friends in high and common purposes.

In the Middle East the step-by-step diplomacy of Secretary Kissinger ended with another predictable failure. His "salami tactics" were doomed to failure from the beginning because the parties and the issues are inextricably interwoven. Precious time was wasted. Radical elements gained time and influence. But now there is more hope because the alternative to continued conflict is now seen to be where it always was in a multinational effort involving all parties prepared to renounce terrorism and accept the right of all others to exist. Now the United States could lead an effort at Geneva involving the Soviet Union, the French, and the British to hammer out the conflicting interests and develop an overall settlement, difficult as that will be, that can be guaranteed by great powers. The foreign policy agenda is long.

The Western Alliance, including Japan and Canada, must be reconstructed.

The international institutions for the regulation of free trade and investment must be created. Such restrictive practices as the Arab boycott must be condemned by the United States and stopped by the collective actions of free nations.

The proliferation of nuclear technology must be safeguarded before every nation which wants it, and terrorist groups too, obtain the ultimate power of human destruction—the nuclear bomb.

Some nation must lead these and other great causes. If they are not led by the United States, they may not be led at all. And so, in the failures of administration policy in Indochina and the Middle East I suggest that there is reason to be hopeful. The old ways are so destructive, so expensive, so dangerous they must be changed. We have no other choice. The price has been high, but we have now a chance to begin where we left off, recognizing that morality and self-interest can coincide, that our best interests are served by our best principles, and that the peace and security of the world demand not personalized, vest-pocket diplomacy but the cooperative efforts of free nations joined as equals and led, once again, by America.

THE LIVESTOCK INDUSTRY

Mr. McGOVERN. Mr. President, the South Dakota State Legislature recently approved a concurrent resolution in support of a Federal Livestock Insurance Corporation and Livestock Producers Emergency Protection Fund.

The livestock industry in South Dakota is in deep crisis. Low market prices and an intense blizzard in January has crippled a once healthy industry to the point that recovery is uncertain. On top of this, cattlemen in South Dakota experienced another blizzard just last week, one that caused heavy cattle and calf losses.

I believe it is time for the Congress to take immediate action on behalf of the cattle industry and the idea presented by the South Dakota Legislature should be given serious consideration.

For these reasons, I ask unanimous consent that the resolution passed by the South Dakota Legislature be printed in full in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION NO. 14

A concurrent resolution, memorializing the Congress of the United States To Enact Legislation Establishing a Federal Livestock Insurance Corporation and Livestock Producers Emergency Protection Fund

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, the maintenance of a productive and economically viable livestock industry is essential to the American consumers and to the general economic well-being of South Dakota and the United States; and

Whereas, the livestock industry in South Dakota as well as elsewhere in these United States is currently in a depressed financial state, causing the confidence of the industry to be seriously undermined and the future of the industry to be in a state of uncertainty; and

Whereas, the current depressed financial condition and lack of confidence in South Dakota and the nation's livestock industry can largely be attributed to the absence of any protection for livestock producers from (a) declining market prices for their livestock products and (b) large financial losses incurred subsequent to the failures of buyers of livestock products, causing their checks not to be honored and the burden of such losses to be borne by livestock producers themselves, and;

Whereas, it is recognized that a national livestock insurance program and emergency protection fund are necessary to afford livestock producers the needed protection;

Now, therefore, be it resolved, by the Senate of the Fiftieth Legislature of the state of South Dakota, the House of Representatives concurring therein, that Congress enact legislation establishing a Federal Livestock Insurance Corporation and Livestock Producers Emergency Fund and;

Be it further resolved, the copies of this resolution be forwarded by the Secretary of the Senate of the state of South Dakota, to each member of South Dakota Congressional delegation, to the Secretary of the United States Department of Agriculture and to the President of the United States.

FERTILIZER: THE TRAUMA OF CATCHING UP

Mr. HARTKE. Mr. President, one-third of this Nation's crops depend on the use of fertilizer. However, a major concern for industry producers of fertilizer rests with the problems of natural gas supplies. Large supplies of natural gas are needed as a raw material in manufacturing ammonia, the major ingredient for nitrogen fertilizer, and there is a great danger that adequate supplies of gas will not be available for fertilizer production.

The Commerce Committee, of which I am a member, has held hearings on two bills that I am cosponsoring, which will give fertilizer producers priority for natural gas, next to households. It is my hope that Congress will act swiftly on this matter.

The South magazine has published an informative article on this current problem, and I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FERTILIZER: THE TRAUMA OF CATCHING UP

(by Deanne Dewey)

Despite current optimism on the part of many fertilizer producers who foresee the present gap between supply and demand closing within the next few years, outside forces suggest there are limitations to how fast and how far the industry can grow to meet future world food needs. Many producers welcome the opportunity to expand to meet ever increasing demands for more food, but world market conditions and scarce natural resources may interfere with their hopes.

Fertilizer supplies were hit hard last year by heavy demand which depleted inventories to an all-time low level. The Fertilizer Institute in Washington, D.C., representing about 90 per cent of businesses in the industry, says the U.S. farmer and the fertilizer industry experienced the most difficult period of supply in 30 years. Domestic production reached 43 to 44 million tons, a nine percent increase over '73. But the Institute estimates that supplies fell short of demand by six to 10 per cent. And the conditions which set up the demand-supply imbalance are still at work, resulting in continual difficulty in providing fertilizer to the world's farmers.

Food experts say the primary means of expanding food production are increasing the amount of land under cultivation, and raising crop yields on existing farmed land. Last year, the government terminated price subsidies for land bank acreage and spurred farmers to cultivate nearly nine million acres of unfarmed land. The new land brought under the plow raised the total U.S. area in crop production to 410 million acres.

But there is a limit to available land, especially considering competing uses such as industrial development, recreation, transportation, and residential development. The second means, increasing crop yields, requires intensified use of water, fertilizers and energy—all of which are in limited supply. But the experts speculate that if world population continues to expand at nearly two percent annually, merely maintaining current per capita consumption levels would require a doubling of food produced in little more than a generation. The U.S. Department of Agriculture attributes one-third of this country's crop yields to the use of fertilizers so industry producers realize that they have their work cut out for them.

A major concern of producers rests with the problems of another industry—natural gas suppliers. Nitrogen fertilizer constitutes more than one half of all commercial fertilizers (as opposed to organic fertilizers) used in developing countries. In this country production requires large supplies of natural gas as a raw material in manufacturing its major ingredient, ammonia. The major gas fields in continental U.S., many of which are located in the South, have already reached peak production and the supply began dropping in 1970. The gas industry blames the lack of exploration for new fields on government price ceilings which have crushed incentive for years. Even if price controls were lifted, assuming new gas sources were tapped, it would take three to five years for new ammonia operations to come on stream.

The near-term situation of ammonia production has improved over last year, however. The industry expects a nine per cent increase in nitrogen fertilizer capacity this year compared to '74 due to several additional ammonia plants scheduled to begin operation this year. Most of the potential will be realized in the last half of the year. This puts '75 potential nitrogen used solely for fertilizer in the U.S. at 9.6 million tons. Estimates for '74 are 9.1 million tons, compared to 2.7 million tons used in 1960. Prices are expected to rise this year, possibly 10 to 15 per cent over September '74 levels. That increase is attributed to increased costs of production and a continual high demand for nitrogen fertilizer.

Ammonia producers have illustrated their willingness to expand as the new facilities prove, but the question remains, how long can producers be guaranteed long-term supplies of natural gas? Faced with the U.S. gas shortage, fertilizer producers have begun exploring foreign supplies, but shudder at the thought of building a $75 to $100 million plant and perhaps having to turn the facility over to a foreign government a year or two after production begins.

Not quite so bleak, but certainly unencouraging is the picture of potash, another major nutrient in fertilizer. The outside force in this case is the Canadian government which in mid '74 imposed higher royalties and taxes on American companies mining rich potash deposits within its borders. In the past payments were comparable to those imposed on producers in the U.S., except for a slight jump a year ago. But as a result of the mid '74 increase, potash companies now must pay the Canadian government a typical fee of $12.10 a ton, comparable to $1.95 per ton in the U.S. Canada supplies about 75 per cent of all potash used in U.S. fertilizer; other deposits are available in this country, but require far greater mining costs. But the industry wonders how long it can continue to meet the demands of Canada. Consequently, no new production facilities have been announced for '75 despite price levels substantially above a year ago.

One portion of the industry with great impact on the South's economy is phosphate production. Figures released by the U.S. Bureau of Mines in December of last year place the annual economic impact of the phosphate industry in Florida at $1.5 billion, and the industry, made up of about 20 companies, directly or indirectly employs 61,000 people in the Sunshine State. Florida produces 75 per cent of domestically-used phosphate and one-third of the world's supply. The Florida Phosphate Council (FPC) says more than 95 per cent of that phosphate is used in fertilizer production.

Five new phosphoric acid plants are scheduled to begin operation in Florida this year. They will increase phosphate capacity 1.9 million tons, raising total capacity 28 per cent to 8.7 million tons by the end of the year. But demand may still be stronger than supply, raising the possibility of a 10 per cent price increase during peak months.

The mammoth industry has a fly in the ointment however, the environmental impact. Sulfur oxides, acids and usless piles of gypsum leave their toll on the environment and pockmark the tourists' paradise. In the last few years state laws have forced the industry to clean up most of its mess and reclaim vast amounts of mined lands. On the average it costs about $650 an acre to reclaim land, and doubtless this expense has been one of the factors involved in soaring prices. World market phosphate rock prices have increased about 360 per cent since December of '73.

But beyond the price factor is the limitation environmental concerns have placed on expansion. For example, several companies have expressed the desire to mine rich phosphate deposits in Osceola National Forest in northern Florida. However, negotiations have bottlenecked, leaving the future of the forest in question, and phosphate companies frustrated. Meanwhile, FPC estimates that easily attainable supplies in the state will last 30 years.

A major expansion deterrent for the entire fertilizer industry (approximately a third of which is located in the South) is the rising cost of energy, the ever-present economic bugaboo these days. Fertilizer-producing processes are intensive energy consumers, ensnarling the industry in a web of energy shortages. According to William C. White, vice president of The Fertilizer Institute, fertilizer production draws on all available forms of energy today—natural gas, oil, electricity and coal. He says, "The fact that fertilizers are nutrient bearing materials makes them unique among the variety of energy uses because they are the only end-use of energy that enters directly in the food production chain." White cites the problem of curtailment of energy deliveries from suppliers and public utilities, which have reduced ammonia production, and in severe cases, temporarily closed plants. The South recently witnessed examples of this when USS Agri-Chemicals was forced in mid-December of '74 to cut capacity at its Cherokee, Ala., ammonia plant 70 percent because of natural gas curtailment. The plant continues operating at the reduced capacity. Then Farmers Chemical Association shut down its ammonia plant at Tunis, N.C., at the first of the year and will open sporadically when more supplies of gas become available. The problem is intensified, says White, since conversion to alternate energy sources is limited.

An electrical supply problem hit Florida's phosphate industry last year with a bolt. Tampa Electric Company (TECO), serving four phosphate-producing counties and providing 60 percent of the phosphate electrical needs in the state, was forced to interrupt power supply to mining operations 35 times and to processing plant furnaces 42 times for a six month period last year. The interruptions ranged from 30 minutes to 10 hours. In '73 there were 319 episodes of curtailment or interruptions and the Phosphate Council estimates the market value of phosphate not produced during those interruptions at $7 million. The production loss is estimated to be much smaller for '74 due to new contracts negotiated between TECO and phosphate companies in June of '74 which provide the industry with "peaking power" when supplies are threatened. Instead of interrupting a company's supply, TECO can buy power from other electric companies' peaking units. Phosphate customers pay the additional cost, which is two and a half times more expensive than normal rates.

TECO has added 69,000 to 80,000 kilowatts of generating capacity to meet phosphate needs of '75 and says it should be able to meet future demands of the phosphate industry by the 1980's. Until then, it's safe to assume that availability of electricity will be a big factor in expansion hopes.

FINANCING TIGHT

Another limitation the industry is experiencing is financing new production facilities at a time when interest rates are the highest in post-Depression years. Phosphate spokesman say they've had little trouble but other areas of the industry are hard-hit for expansion money. Don Collins, vice president of the Fertilizer Institute, says many companies plan to finance much of their expansion out of cash flow. Consequently he contends that it will take longer to build the facilities since the industry operated on tight margins in the late 60's and early 70's.

A final consideration is world market activity. Should other countries decide to substantially expand their fertilizer production and capitalize on current world shortages as is currently speculated, U.S. producers may find themselves in an over-supply market, or at best competing against lower-priced fertilizers. They say they will keep a steady eye on foreign production in the next few years.

The gap between fertilizer supply and demand will be less this year than last. But long-term projections are not totally rosy since the industry is steadily losing its autonomy, and may increasingly find itself a victim of forces outside its controls.

Clearly fertilizer producers have a substantial stake in how the world solves its food supply questions. Spokesmen say the industry is confident that it can suppy the future U.S. needs, but they have their doubts about meeting global needs. Population growth will be a big factor as well as developing nation's ability to gain a greater degree of self-sufficiency. In the meantime, the U.S. fertilizer industry will struggle in the web of ever-present outside forces threatening increased capacity levels.

PRICE AND PRODUCTION

If both prices and supplies rise as expected in 1975, farmers will spend an estimated $6.5 billion for fertilizer. This is nearly 18 per cent more than the $5.5 billion estimated for 1974.

Forty-seven million gross tons of fertilizer were used in the U.S. and Puerto Rico during the fertilizer year July 1, 1973, to June 30, 1974. This is a record high and is nine per cent—four million tons—more than the year before.

In the 1973-74 fiscal year, the declared value of U.S. fertilizer exports was $680 million—45 per cent more than a year earlier.

Source.—U.S. Department of Agriculture.

JOHN M. BAILEY

Mr. RIBICOFF. Mr. President, it is with great sorrow that I announce the death of John M. Bailey of Hartford, Conn., the chairman of the Connecticut Democratic State Central Committee.

My wife, Lois, and I extend our deepest sympathy to John's great and loving wife, Barbara, his children, and grandchildren.

There will never be the likes of him again. John Bailey was an original. He was a political genius. So many in our State and Nation owe their political careers to John's help, wisdom, and hard work.

President Kennedy, Governor Ella Grass, myself, and many others achieved our success as a result of his dedication and understanding of people and events.

A great Democrat, yet he always planned and worked for the nomination of high public officials who, when elected, would serve the people of our State and Nation, free from party politics and with the highest distinction.

John was one of my closest personal friends. As young men we started our political careers together. John's good works and memory will always have a unique place in the annals of Connecticut's history. He contributed so much to the success of our State.

All the people of the State of Connecticut join Barbara and his family in mourning his death.

Mr. WEICKER. Mr. President, I rise to pay a heartfelt tribute to John M. Bailey.

Here was a great and good politician. As much as he worked for the success of the Democratic Party he also worked for America and his beloved Connecticut.

He was a fighter. He was a winner. I will miss him.

NATURAL GAS CRITICAL TO AN ESSENTIAL INDUSTRY

Mr. MONTOYA. Mr. President, on March 3, 1975 I introduced S. 922 which would require that the Federal Power Commission—FPC—give a second priority to natural gas used for agricultural purposes. This legislation was prompted by opinion 697-A in which the FPC, sua sponte, changed natural gas used for irrigation pumping from priority group 2 to group 3.

The above opinion has resulted in widespread concern in the agricultural community. As I noted in my floor statement on March 3, 1975, this decision, if not modified either legislatively or administratively, could destroy agriculture in New Mexico and other areas which rely on irrigation powered by natural gas. The situation has not improved and my bill has not yet been acted upon.

Mr. President, I have received correspondence on this very critical issue from various groups representing distributors and users of natural gas. These people closest to the situation are able advocates for their cause, and I ask unanimous consent that several of these letters be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONTOYA. Mr. President, if we are to have full agricultural production we must not place obstacles in the path of any of our farmers. Farmers, if they are to meet the needs of the Nation and the world, must have adequate compensation for their work and proper materials. Over 40 percent of this country's production of grain sorghum, vegetables, and from orchards come from irrigated acres in the eight States of Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas. Irrigated acres in these same eight States provide 25 percent of our cotton production, 13 percent of alfalfa, 10 percent of corn—silage—and 10 percent of barley as well as signigcant amounts of other agricultural products. It is clear that this area is of vital importance to our overall agricultural effort and I urge my colleagues to join in efforts to assure that an adequate supply of natural gas is made available to our irrigation farmers.

EXHIBIT 1

VALENCIA COUNTY FARM
AND LIVESTOCK BUREAU,
Belen, N. Mex., March 24, 1975.

Re: Federal Power Commission Order No. 697A.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONTOYA: The Valencia County Farm & Livestock Bureau is asking your help in the natural gas problem—a real problem to the farmers & ranchers of New Mexico.

This order is urging the changing of "priority use" of irrigation pumping natural gas use from Priority No. 2 to Priority No. 3.

We need not go into detail the serious nature of this act should pumps be closed down in the middle of growing season. This would not only endanger crops but beef grazing as well. Wouldn't this mean more expense as well as fewer groceries on the table for everyone?

The farmers & ranchers of New Mexico beg your assistance in this matter to have this ruling reviewed. Agriculture needs to be back on priority!

Allow our thoughts to sum up this appeal, "Eating is more necessary than heating up a swimming pool."

Respectfully yours,
ELDRIDGE MILLER,
President, Valencia County Farm and Livestock Bureau.

TORRANCE COUNTY,
Treasurer, Estancia, N. Mex.

Hon. JOE MONTOYA,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: It has been brought to my attention, the Federal Power Commission of Washington, D.C. has issued an edict curtailing the use of natural gas for agriculture use, which primarily is issued in Torrance County for irrigation pumping.

There are approximately 320 irrigation wells now using natural gas for fuel. All of the farmers, with the exception of four, are family type farmers. And even these four commercial operations produce a large portion of food and fiber to help feed the needs.

This order allows the farmers 50% of the amount of gas they used last year. Now, no farmer or rancher can afford to purchase seed and fertilizer and start a crop, knowing he can only have 50% of the gas he had last year.

This would not only bankrupt these farmers, but force them into the labor market, which we know is already over flowing. This is not only an unwise move on the administration of this natural product, but a serious one for the economy of the Estancia Valley.

We would appreciate any assistance you can give these farmers in correcting this problem.

Sincerely yours,
MARION A. GATES,
Former Torrance County Treasurer.

GRAIN SORGHUM PRODUCERS
ASSOCIATION,
Lubbock, Tex., April 2, 1975.

Hon. JOSEPH M. MONTOYA,
U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MONTOYA: The ruling by the Federal Power Commission, Opinion 697A, issued December 19, 1974, changing natural gas use for irrigation purposes from Priority No. 2 to No. 3, will have serious repercussion on agriculture's ability to meet: 1) domestic food requirements; 2) food commitments to underdeveloped nations; and 3) exports which are desperately needed to pay for our imported energy needs. The importance of irrigation is the stability it provides in the production of food.

The attached chart is designed to show the importance of this eight-state irrigation belt (Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma and Texas). Production in this region accounts for much of our vegetables and fresh fruit. Also, this region is a primary producer of fresh meat and provides a surplus of grain which is used for exports. This FPC ruling will stop irrigation in this region and, except for canal water, change the majority of our farming to dryland and reduce the productivity of this region to twenty percent of present production.

FPC did state in this ruling that if alternate fuels were not technically feasible, irrigation would be placed back in Priority No. 2. It is technically feasible to convert our present power sources to gasoline or diesel; however, it is not economically feasible. Agriculture does not have the financing or equipment available to convert more than 200,000 engines from one fuel source to another in the short period that FPC is requiring. This change-over will require new engines in many cases, fuel storage tanks at each irrigation well, and new carburetion for each engine.

The Federal Energy Agency could alleviate this problem by indicating that gasoline and diesel are not available alternate fuels. This would then put irrigation back under Priority No. 2, according to FPC.

The FPC has made a ruling which was not supported by data. The people who were responsible for making the ruling evidently did not realize the serious impact it would have on the food, fiber and shelter production capabilities of American agriculture.

We will supply additional information regarding the number of irrigation wells and cost of conversion to other fuel types as soon as it is available. We hope you can use this data to support your efforts in changing the priority rating of natural gas for irrigation use from Priority No. 3 to No. 1.

We appreciate your efforts regarding this unfortunate situation.

Sincerely,
JACK G. KING,
Research Director.

PRELIMINARY ESTIMATES OF PERCENT OF PRODUCTION OF AGRICULTURAL COMMODITIES FROM IRRIGATED ACRES IN 8 STATES[1]

[In thousands]

Commodity and units	Total: 8 States	Total: United States	8 States as a percent of United States
Alfalfa (tons)	10,814	78,343	13.8
Barley (bushels)	44,370	430,181	10.3
Corn (grain) (bushels)	488,421	5,643,256	8.6
Corn (silage) (tons)	11,765	109,848	10.7
Cotton (bales)	3,268	12,958	25.2
Irish potatoes (hundredweight)	19,961	297,352	6.7
Orchards (dollars)	786,802	1,656,130	47.5
Sorghum (grain) (bushels)	377,670	936,587	40.5
Vegetables (dollars)	590,979	1,242,600	47.6
Wheat (bushels)	66,180	1,716,993	3.8

[1] Arizona, California, Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas.

Source: James E. Osborn, professor and chairman of the Department of Agricultural Economics, Texas Tech University

HEROICS IN A TRAGIC WAR

Mr. JACKSON. Mr. President, in the midst of the tragedy that has been unfolding before our eyes in Vietnam, millions of Americans have found a hero in Edward Joseph Daly. In a series of remarkable exploits, the president of World Airways filled a 727 with panicking civilians and soldiers and barely flew out of Da Nang before the city fell to the Communists and then, a few days later, ripped through bureaucratic tape to fly 58 Vietnamese refugees out of Saigon to the United States. At this moment, he is in Saigon attempting to break any bureaucratic logjams that are preventing hundreds of orphaned children from being evacuated from the threatened capital.

In San Francisco, Ed Daly's daughter, Charlotte Behrendt and her husband, Mel, have been working with community leaders like Walter Shorenstein and other concerned, private citizens and military personnel at the Presidio to arrange proper facilities and care on arrival for the innocent victims of a tragic war from a ravaged Indochina and a safe journey to their new families in the United States. We owe them, and hundreds of other Americans like them in many other communities in our country, an expression of our thanks and deep admiration for their efforts. It is encouraging to know there are still among us, strong-willed individuals like Ed Daly who, by the strength of their convictions and confidence in their abilities, are able to persevere.

A competitor of World Airways has described its president as "religious, philanthropic, and boisterous." To that, I would add courageous.

Nineteen years ago, Ed Daly took aircraft from his struggling airlines to Hungary to bring to the United States refugees from another war-torn nation. I am sure that millions of Americans join me in wishing Ed Daly and his crew success in another humanitarian effort.

RULES OF PROCEDURE OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. Mr. President, the Committee on Veterans' Affairs on Tuesday, January 28, 1975, met in executive session and unanimously adopted rules of procedure for the 94th Congress. Through a clerical oversight these rules, which are identical to those in effect during the 92d and 93d Congresses, have not as of this date been published in the RECORD as required by the Legislative Reorganization Act of 1970. Therefore, I ask unanimous consent that this oversight be corrected, and that the rules of procedure of the Committee on Veterans' Affairs be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD as follows:

RULES OF PROCEDURE OF THE COMMITTEE

I. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

II. MEETINGS

The committee shall hold its regular meeting on the first and third Monday of each month when Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

III. QUORUMS

Three members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving testimony.

IV. VOTING

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question which a "yea" or "nay" vote is requested.

V. SUBCOMMITTEES

(a) The committee chairman and the ranking minority member shall be ex-officio members of any subcommittee of the committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.

VI. HEARINGS AND HEARING PROCEDURE

(a) The committee or any subcommittee thereof shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the committee or subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the committee or any subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee or by authorization of the chairman of the committee.

S. 1336—AN ANSWER TO THE OZONE CONTROVERSY

Mr. McINTYRE. Mr. President, a number of warnings have been sounded in recent months about how synthetic gases emitted by millions of aerosol spray cans threaten the Earth's protective ozone layer. The warnings come from some of our Nation's most prestigious scientists and the problem has been recognized as serious by the National Academy of Sciences.

The culprit in the early findings is an inert, colorless, tasteless and odorless gas which is used as the propellant in most aerosol spray cans. Known as chlorofluoromethane molecules or fluorocarbons, these gases are believed to be rising very slowly to the lower stratosphere some 15 miles above the Earth. At that elevation, the scientists say the gases, under the influence of ultraviolet radiation, are broken down into free chlorine atoms that attack the ozone. The evidence available is by no means complete, but if the scientists are correct the result could be a serious depletion of the thin blanket of ozone which shields the Earth from an overdose of ultaviolet radiation. Such an overdose would have enormous implications for life on Earth.

Dr. F. Sherwood Rowland of the Department of Chemistry at the University of California in Irvine has testified before a congressional subcommittee about the impact of fluorocarbons on the ozone layer. He warns the gas emissions have increased very rapidly over the past 25 years to the point where nearly 1 million tons per year are released worldwide. Dr. Rowland believes that the molecules last an average of 50 to 100 years in the atmosphere. Further, he says calculations show that chlorine atoms now in the stratosphere from the breakdown of chlorofluoromethanes are already causing a 1-percent average depletion in the ozone shield. Dr. Rowland says the depletion would increase to 2 percent even if we halted all emissions today and that depletion could climb to 3 to 6 percent in the 1980's, depending on whether usage continues to increase as it has in the past.

What would be the result on Earth of such a decrease in the ozone shield and the resultant increase in ultraviolet radiation? According to Dr. Rowland:

> Calculations indicate that a five percent average depletion in the ozone layer will cause about a ten percent increase in the incidence of skin cancer. As I stated earlier, the other possible biological and climatic effects are beyond calculation at the present time, although being too difficult to calculate is no guarantee that nothing will actually happen.

Writer Ron Chernow recently interviewed many of the scientists and industry spokesmen about the use and impact of fluorocarbons. In an article for Today magazine published by the Philadelphia Inquirer, Mr. Chernow noted:

> Even normally cautious scientists are scripting science-fiction scenarios that could follow ozone depletion late in this century: a startling increase in the rate of skin cancer, vast and possibly devastating shifts in global weather, cataclysmic disruptions of the food chain. In short, they fear that depletion of the fragile ozone layer would so perilously tip the ecological balance that it would take the planet decades—or longer—to recover.

Congress has not been blind to the warnings. Government, scientific and industry representatives have testified at hearings which put a tremendous amount of information before the public and Government agencies. In addition, the White House Council on Environmental Quality is setting up a task force to coordinate Government study. A special panel of the National Academy of Sciences has been formed to report on the problem. And legislation has been drafted which would provide funding for thorough studies and a mechanism for controlling use of fluorocarbons should the evidence mandate immediate restrictions.

It is the "timebomb" quality of this problem that has convinced me we must be ready to move—and move fast—with restrictions on fluorocarbons if the early warnings are further substantiated. The evidence thus far indicates that there is a 10- to 15-year period before fluorocarbon emissions reach the stratosphere to interact with ozone. Most worrisome, the scientists say the process is irreversible. They further warn that there is enough of the gas en route to the ozone layer to cause serious depletion of the shield by 1985 or 1990—even if all discharges were stopped today.

Currently, there is considerable disagreement over the actual amount of potential ozone depletion. However, it is obvious that concrete evidence of an actual, significant reduction in the ozone layer could come at a time when the impact we want to avoid cannot be prevented. The answer is comprehensive, intensive study with thoughtful Federal leadership providing a coordinated investigation. Dr. Michael B. McElroy of Harvard University, one of the first scientists to predict serious ozone destruction, believes a crash study program should last no more than 3 years and no less than 12 months.

In testimony last December before a House subcommittce, Dr. McElroy warned that:

> The impacts we are discussing today are potentially so serious that we cannot afford to take chances. We cannot afford to minimize the potential impact we are discussing here. This is not a matter of a few additional random people dying unfortunately by walking across the street at the wrong time. We are talking about the entire system, the entire environment. We are talking about people, animals, plants, the entire system impacted in a way which we cannot today predict with certainty.

Perhaps it is the uncertainty of the predictions or the seemingly preposterous specter of a world threatened by aerosol spray cans that accounts for the failure of this subject to capture public attention. It strains our imagination to believe—as has been predicted—*that* those innocent appearing spray cans will result in an increase of 30,000 cases of skin cancer by 1990. Yet, even this shocking statistic seems an understatement of the threat compared to the warnings of potential disruption of the food chain and vast changes in global weather conditions.

However, people are becoming more aware of the problem and more concerned. Industry is conducting its own research to assess the ozone depletion theory and to find replacement propellants for aerosol sprays. Some environmentalists are organizing into action groups to seek an immediate ban on the use of fluorocarbons. The scientists who have made the predictions are finding themselves increasingly in the subject of news interviews in newspapers and on television and radio. Moreover, there is a growing consensus that the time is right for Congress to provide a mechanism that could set restrictions on use of fluorocarbon propellants. I believe that such legislation should also include a full scale examination of these chemicals in other uses, as a coolant in refrigeration units and air conditioners, for example.

Fluorocarbons are best known under the name Freon, whose trademark is owned by E. I. DuPont deNemours and Co. However, fluorocarbons are also manufactured by some five other American companies. It is estimated that some two dozen companies manufacture fluorocarbons worldwide for a total annual production of approaching 1 million tons. Although it is not known precisely what percentage of aerosols contain fluorocarbon gasses, an estimated 2.9 billion aerosol and pressurized products were manufactured in the United States in 1973. Up to three-quarters of the aerosols are believed to contain fluorocarbons and the gasses are also utilized as coolants and for such industrial uses as a "blowing agent" for making furniture stuffing and for styrofoam products including disposable coffee cups. Fluorocarbons are also used as fire extinguishing agents and as cleaning fluids and solvents to clean delicate electronic equipment.

In view of the widespread use of fluorocarbons, it is obvious that a halt to utilization of the chemicals would have a widespread impact on industry. The DuPont Management Bulletin says nationwide more than 200,000 workers are employed in industry dependent on Freon-type gasses, an effort which contributes $8 billion to the economy. In this regard, industry spokesmen have, correctly I believe, cautioned that all sources of chlorine atoms in the stratosphere must be assessed. Dr. Raymond L. McCarthy, technical director and laboratory manager, Freon Products Division of the DuPont Co., has testified that industry is now sponsoring considerable research into the kinds and quantities of chlorine-containing compounds which migrate into the stratosphere.

As might be expected, Dr. McCarthy has also testified that:

> The chlorine-ozone hypothesis is at this time purely speculative with no concrete evidence having been developed to support it.

But Dr. McCarthy also stated that:

> Industry will be happy to participate with Government agencies in a comprehensive experimental program to examine the chlorine-ozone theory and if creditable scientific data developed in this experimental program show that any chlorofluorocarbons cannot be used without a threat to health, DuPont will stop production of these compounds.

I welcome this forthright statement from this most important segment of the industry and I note that a comprehensive study will give industry an opportunity to initiate full-scale research into replacement products for fluorocarbons.

As a result, I am cosponsoring with my distinguished colleague from New Jersey, Mr. Case, S. 1336 which provides for a full-scale study by the National Academy of Sciences. I should point out that Senator Case and I have written to each Member of the Senate to ask for additional cosponsors. This is the same bill which was introduced in the House by Representatives Paul G. Rogers, Democrat of Florida, Marvin L. Esch, Republican of Michigan, and a number of cosponsors. It provides that the NAS report would be transmitted to Congress within 1 year of enactment of the bill with the report to include the effects of fluorocarbons discharged into the ambient air as well as information on the availability of safe substitutes. The report shall also provide information on methods to recover and recycle the chemicals from such products as refrigerators and air conditioners already in use.

The bill also provides for a report from the Administrator of the National Aeronautics and Space Administration to the Congress and the Administrator of the Environmental Protection Agency giving the best available estimates of the control level and target level which should be prescribed under the legislation. In addition, the EPA administrator would report to Congress on recommendations for control of chlorofluoromethane discharges other than from aerosol sprays and recommend standards to limit such emissions.

Most important, the bill provides—2 years after enactment—for a ban on sale and manufacture of aerosol spray containers which discharge ozone destroying chlorofluoromethane gasses unless research proves the chemicals harmless to health, safety, or the environment.

Mr. President, there are indeed many uncertainties in understanding the phenomena described thus far. Reasonable men can differ about the outcome. But the world deserves to know whether our efforts to make life more pleasant through widespread use of a convenience product may be the cause of great peril to life on earth. At this stage, we have a unique opportunity to ask ourselves what we want to see happen in our world. As Dr. McElroy testified,

> We do have some time. It is not a matter of doomsday against tomorrow.

But we must use the time wisely, to structure a systematic method of research and analysis so that future generations can say they like what is happening in their world.

Mr. President, I ask unanimous consent that the text of S. 1336 and an article entitled "Why Aerosols are Under Attack," from the February 17 issue of Business Week, be printed in the Record.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

A bill to amend the Clean Air Act so as to assure that aerosol spray containers discharging chlorofluoromethane compounds in the ambient air will not impair the environmental ozone layer, to prevent any increased skin cancer risk, and otherwise to protect the public health and environment

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; TABLE OF CONTENTS

Section 1. This Act may be cited as the "Ozone Protection Act of 1975".

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Clean Air Act.
Sec. 3. Conforming amendment.

AMENDMENT OF CLEAN AIR ACT

Sec. 2. Title 1 of the Clean Air Act (42 U.S.C. 1857 and following) is amended by adding at the end thereof the following new subtitle:

"Subtitle B—Ozone Protection

"FINDINGS

"Sec. 150. (a) The Congress finds, on the basis of presently available information, that—

"(1) discharge of chlorofluoromethane into the indoor or outdoor ambient air threatens to reduce the concentration of ozone in the stratosphere,

"(2) ozone reduction is likely to lead to increased incidence of solar ultraviolet radiation at the surface of the Earth,

"(3) increased incidence of solar ultraviolet radiation may cause increased rates of disease in humans (including increased rates of skin cancer), threaten important food crops, and otherwise damage the natural environment,

"(4) the release of chlorofluoromethane may pose a danger to the public health, safety, and welfare, and

"(5) unless research proves the safety of chlorofluoromethane, continued use of chlorofluoromethane compounds in aerosol spray containers should not be permitted.

"(b) For purposes of this subtitle the term "chlorofluoromethane' means the chemical compounds $CFCl_3$ and CF_2Cl_2 and such other chlorinated fluorocarbon compounds as the Administrator determines by rule may threaten to contribute to reductions in the concentration of ozone in the stratosphere.

"STUDIES AND REPORTS

"Sec. 151. (a) National Academy of Sciences Study.—The Administrator shall undertake to contract with the National Academy of Sciences to study, and prepare a report, concerning the nature and likelihood of potential effects (direct and indirect) on public health and the environment of the discharge of chlorofluoromethane into the ambient air. Such report shall also include information on the availability of (1) methods to recover and recycle chlorofluoromethane from products which have been sold to the ultimate consumer, (2) methods of preventing the escape of chlorofluoromethane into the ambient air in various uses, and (3) safe substitutes for chlorofluoromethane in various uses. Such report shall be transmitted to Congress not later than one year after the date of enactment of this subtitle.

"(b) National Aeronautics and Space Administration Report.—Within twelve months of the date of the enactment of this subtitle, the Administrator of the National Aeronautics and Space Administration shall report to the Congress and to the Administrator on the evidence then available concerning the nature and likelihood of potential effects (direct and indirect) on public health and the environment of the discharge of chlorofluoromethane into the ambient air.

"RECOMMENDED STANDARDS

"Sec. 152. Not later than fifteen months after enactment of this subtitle, the Administrator shall report to the Congress on recommendations for control of chlorofluoromethane discharges into the ambient air from sources other than aerosol spray containers. Such report shall include recommended standards to limit such emissions from major sources (other than aerosol spray containers) to the maximuh extent which the Administrator determines will be feasible (taking into account the cost of achieving such limitation), and recommended effective dates for such standards.

"WAIVER AUTHORITY

"Sec. 153. If the Administrator finds, after—

"(1) consideration of the reports under section 151,

"(2) consultation with appropriate Federal agencies and scientific entities, and

"(3) opportunity for public hearing,

that no significant risk to the public health, safety, or environment is, or may be posed, or contributed to, by the discharge of chlorofluoromethane compounds (or any class thereof) into the ambient air from aerosol spray containers, then he or she may, by rule, waive the prohibition of section 154 in whole or in part.

"ENFORCEMENT

"Sec. 154. (a) Prohibition.—Except as provided in section 153, it shall be unlawful for any person to manufacture, sell, deliver for introduction into commerce, or offer for sale any aerosol spray container which in normal operation discharges chlorofluoromethane into the ambient air, more than two years after the date of enactment of this subtitle.

"(b) Sanctions.—

"(1) The Administrator may apply to any United States district court in the judicial district in which the person alleged to be engaged in conduct prohibited by subsection (a) is located or conducts business to obtain a temporary restraining order, a preliminary or permanent injunction, and other appropriate equitable relief to restrain any act prohibited by subsection (a).

"(2) Any person engaged in conduct prohibited by subsection (a) may be subject to a civil penalty of not more than $10,000 per day of violation in the discretion of the district court.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 155. (a) National Academy of Sciences Study.—For the purpose of section 151 (a) and 152, there are authorized to be appropriated to the Administrator, $500,000 for the fiscal year ending June 30, 1975, $1,500,000 for the fiscal year ending June 30, 1976, $250,000 for the fiscal period ending September 30, 1976, and 500,0000 for the fiscal year ending September 30, 1977.

"(b) National Aeronautics and Space Administration Study.—For the purpose of section 151(b), there are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration, $1,000,000 for the fiscal year ending June 30, 1975, $1,000,000 for the fiscal year ending June 30, 1976, $250,000 for the fiscal period ending September 30, 1976, and $750,000 for the fiscal year ending September 30, 1977.

"(c) For the purpose of carrying out other provisions of this subtitle, there are authorized to be appropriated to the Administrator such sums as may be necessary for the fiscal years ending June 30, 1975, June 30, 1976, September 30, 1977, and for the fiscal period ending September 30, 1976."

CONFORMING AMENDMENT

Sec. 3. Title 1 of the Clean Air Act (42 U.S.C. 1857 and following) is amended by inserting immediately before section 101 the following:

"Subtitle A—Air Quality and Emission Limitations".

[From Business Week magazine, Feb. 17, 1975]

Why Aerosols Are Under Attack

In the stratosphere, some 15 mi. above the earth, a thin blanket of ozone filters the sun's rays, protecting life below from an overdose of ultraviolet radiation. If the ozone is damaged or destroyed, the increase in radiation would almost certainly boost the incidence of skin cancer and could ruin crops and even alter the world's weather. Such fears had figured prominently in the debate over the supersonic transport four years ago. Now, some scientists claim, the ozone so vital to the earth's ecosystem is threatened by one of the most mundane artifacts of Western civilization: the aerosol spray can.

Nearly 3-billion cans of aerosol products are sold annually in the U.S., and 75% of them contain chemical propellants called chlorofluorocarbons. Inert and nonflammable, they have seemed well suited for dispensing hair spray, deodorant, insert repellant, and other products that require a fine spray. In all, the fluorocarbons are the heart of the $2-billion-a-year aerosol industry. But last June, two University of California chemists, F. Sherwood Rowland and Mario Molina, published a paper in *Nature* charging that the fluorocarbons are depleting the ozone layer.

Based on laboratory experiments and mathematical models, Rowland and Molina contend that the fluorocarbons slowly diffuse into the stratosphere, where they are bombarded by high-energy ultraviolet rays that strip off atoms of chlorine from the chlorofluorocarbon molecules. The chlorine, in turn, reacts with the ozone, converting it into ordinary oxygen, which does not filter ultraviolet rays. Worse, the scientists said, the process produces more chlorine, setting up a chain reaction that would destroy more ozone.

Soon afterward, scientists at Harvard, Michigan, and the National Center for Atmospheric Research came to similar theoretical conclusions. The Harvard work predicted that the fluorocarbons could deplete the ozone layer by 16% within 25 years. And that could mean more than 100,000 additional cases of skin cancer a year.

FIGHTING IT OUT

As a result of all this, a complex fight is under way between environmentalists, who want the fluorocarbons banned immediately, and the aerosol industry, which believes the ozone-depletion theory is mostly speculation that lacks experimental verification. Led by Du Pont, which produces the most popular fluorocarbon under the trade name Freon, the industry has contracted with several university researchers to seek more definite experimental evidence. "Until the first results of the industry research are ready, the available facts do not rank as proof that fluorocarbons will lead to ozone depletion," says Dr. Raymond McCarthy, a Yale-trained physicist who is technical director of Du Pont's Freon products division.

But environmentalists, arguing that it is better to be safe than sorry, want faster action. Ozone depletion has begun, they say, and the world cannot afford the tremendous risk in waiting for definitive proof. The Natural Resources Defense Council has already petitioned the Consumer Product Safety Commission to ban fluorocarbon propellants as soon as possible, and the commission must reply by March.

Washington officials are mobilizing, too. The House subcommittee on Public Health & Environment, headed by Representative Paul G. Rogers (D-Fla.), held hearings on fluorocarbons last December, and Rogers will reintroduce a bill giving the Environmental Protection Agency the power to regulate fluorocarbons. The National Academy of Sciences is launching a one-year study, after a panel concluded that the problem was serious. And the White House Council on Environmental Quality is setting up a task force to coordinate further government study.

Despite such high-level concern, any ban is at least two or three years away. "Everyone agrees that more research is needed," says Rogers. "We've got to have pretty substantial proof because taking action against aerosols would mean a major economic dislocation."

STANDARD OF PROOF

Getting that "substantial proof" raises anew the basic questions that occur in environmental and health regulation. What standard of proof is sufficient before the government bans a suspected product, whether DDT, cyclamates, vinyl chloride, or fluorocarbans? Who bears the burden of that proof? And if scientific certainty is impossible, how should the risk-benefit tradeoff be made?

Ideally, suspected carcinogens, like suspected criminals, should be presumed innocent until proven guilty. But applying that standard to environmental hazards entails great public risk. Scientific evidence is rarely conclusive and, since environmental illnesses often do not show up for 10 years or more, awaiting proof often means waiting for the damage to be done. In the tragic case of vinyl chloride, for example, the proof amounted to a body count years after the workers were first exposed.

So when the risks are high, regulators are increasingly resolving scientific uncertainties in favor of caution and increasingly placing the burden of proof on the manufacturer. That is the thrust of pending legislation to control toxic substances, and it was the rationale in government bans on DDT and cyclamates. In making such judgments, the regulators also weigh the suspected risks of a product against its benefits to society. Thus, the EPA might not have banned DDT if malaria had been a problem in the U.S. In short, the presumption of innocence is slowly being replaced with a more cautious better-safe-than-sorry approach, with the regulators balancing an array of scientific, economic, and social factors.

JUDICIAL ATTITUDE

Some courts, however, are having a hard time reconciling this approach with traditional rules of evidence. In a landmark decision last year, for example, a U.S. Court of Appeals overturned a lower court ruling that ordered Reserve Mining Co. to close down a taconite plant that was dumping asbestos-like tailings into Lake Superior. The lower court had decided that the tailings were likely to cause cancer among local residents who relied on Lake Superior for their drinking water. But the appeals court resolved the scinetific doubts in favor of the company—at least temporarily.

"Although we are sympathetic to the uncertainties facing residents of the North Shore," the judges said, "we are a court of law, governed by rulings of proof, and unknowns may not be substituted for proof of demonstrated hazard to public health."

In the case of fluorocarbons, similar issues will be aired before the matter is resolved. But the burden of proof is clearly shifting to the aerosol industry, largely because most scientists believe the risks to the ozone layer are very great compared with the convenience of aerosol containers. "If on the basis of the research, the integrity of the ozone layer cannot be assured, I would favor a limitation or a ban," says Lester Machta of the National Oceanic & Atmospheric Administration.

SIFTING THE EVIDENCE

So far, scientists know that the fluorocarbons have reached the lower stratosphere in measurable quantities. And from lab tests they know that ultraviolet radiation can strip chlorine atoms from the fluorocarbons and that the resulting chlorine can destroy ozone. But they do not know whether these reactions occur in the stratosphere or at what rate. So industry-sponsored researchers at several universities will measure the concentration of chlorine compounds in the stratosphere with high-altitude balloons. Then they will have to determine whether the chlorine came from aerosols or from other chemicals.

"Fluorocarbons represent only 4% of the chlorine-containing compounds manufactured in the U.S.," says McCarthy of Du Pont. "If the ozone depletion theory is right, we have to look at all the sources." In about three years, says McCarthy, "We'll have a lot of evidence. If fluorocarbons are the source, Du Pont will stop production."

That, of course, would create serious problems for the aerosol industry. And because fluorocarbons are also used as coolants in refrigerators and air conditioners, McCarthy believes that other industries are threatened, too. But such refrigerants are not now at issue, primarily because environmentalists and regulators think they can be recovered, if necessary, when these appliances are scrapped. Meanwhile, Du Pont is searching for substitutes for fluorocarbons. "We don't have any candidates in hand," says a Du Pont man. "But we're in the chemistry business, and we have the capability of inventing something new—if we have to."

SUBCOMMITTEE PRINT OF NATURAL GAS PRODUCTION AND CONSERVATION ACT OF 1975

Mr. STEVENSON. Mr. President, because of the demand for copies of the "Natural Gas Production and Conservation Act of 1975," reported by the Subcommittee on Oil and Gas Production and Distribution to the Commerce Committee, I ask unanimous consent that the subcommittee print, including a description and text of the bill, be printed in the Record.

There being no objection, the print was ordered to be printed in the Record, as follows:

Text and Description of the Natural Gas Production and Conservation Act of 1975, as Reported by the Special Subcommittee on Oil and Gas Production and Distribution

[Prepared at the Direction of Honorable Warren G. Magnuson, Chairman, Committee on Commerce and Honorable Adlai E. Stevenson, Chairman, Special Subcommittee on Oil and Natural Gas Production and Distribution for the use of the Committee on Commerce, United States Senate]

INTRODUCTION

The Committee Print is designed to reform and simplify procedures under the Natural Gas Act of 1938. The objectives of the Committee Print are:

To improve natural gas supplies while assuring consumers that inflation in natural gas prices will be kept under control. The Committee Print would establish new gas ceiling prices with automatic price adjustments for inflation and an opportunity for the FPC to adjust the basic rates at five-year intervals on the basis of prospective costs. Also, higher prices can be established by the FPC for high-cost production or for liquefied or synthetic gas. To improve competition in the natural gas industry, small producers could charge up to 50 percent more than the applicable price ceiling for large producers. The statutory ceilings would apply to natural gas sales in both inter and intrastate commerce, but producers would be otherwise freed from federal regulation.

The bill would also protect consumers against unjustified price increases for flowing natural gas and residential and other small users would be assured relatively stable gas prices.

To speed the unusually slow pace of gas development on federal lands and end the opportunity for withholding of natural gas supplies in anticipation of higher prices, the bill would require producers on federal lands to develop and produce natural gas as soon as practicable. Also, FPC procedures relating to certification of pipeline facilities would be streamlined.

The bill would assure that additional natural gas is available to high priority users by prohibiting natural gas from being squandered on large boiler fuel uses that could feasibly be satisfied by alternative fuels. It also provides for emergency allocations among pipelines to protect the public health and safety and avoid extreme economic hardship within the service areas of natural gas pipelines experiencing a supply emergency.

The bill seeks to improve the natural gas information available to the FPC and the public. It would require detailed monitoring of the development efforts of all producers on federal lands and require each producer and small producer to make available to the Commission on a current basis an up-to-date account of the natural gas reserves production, gathering, storage, transportation, distribution and sale of gas.

The bill would implement the Congressional Energy Program recommendations to "reform and simplify gas regulation but continue interstate price controls on old natural gas and establish a statutory formula ceiling that reflects the cost of production. This should assure that the price is high enough to encourage maximum domestic production, but still below the OPEC cartel level."

SECTION-BY-SECTION ANALYSIS

Section 1.—Short title

Section 1 states that the bill may be cited as the "Natural Gas Production and Conservation Act of 1975".

Section 2.—Technical conforming changes

Section 2 of the bill would move the title of the existing Natural Gas Act from the last section to the first section of the Act, and establish the existing Natural Gas Act as Title I.—General Provisions.

Section 3.—Production and conservation incentives

Section 3 would amend the Natural Gas Act of 1938 by adding a second title to reform and simplify the regulation of natural gas. The analysis of Title II, the "Natural Gas Production and Conservation Act" follows.

Section 202.—Definitions

Fourteen terms are defined in Section 202. The most important are "affiliate" as meaning a person directly or indirectly controlling, controlled by or under common control or ownership with any other person. This definition must be read in conjunction with the definition of "small producer" which means a person who together with all affiliates does not produce more than 10 million Mcf of natural gas per year. Thus, the intent of the definition is to preclude large producers from taking advantage of the special small producer pricing provisions by establishing a series of affiliates that are under common control. In addition, the small producer pricing provisions are not available to companies that are affiliated with natural gas pipelines because the additional pricing incentives are not necessary to induce pipeline production of natural gas. Many pipelines are already desperate to acquire natural gas supplies and consumers should not have to pay a price surcharge to such companies when it is unlikely to result in additional supplies.

"Federal Lands" is defined as any land or subsurface area (including the outer continental shelf) which is owned or controlled by the Federal Government. This definition, when read in conjunction with Section 207 (e) makes an important change in existing law: All production of new natural gas from federal lands must be sold or transferred in interstate commerce. This precludes a producer on federal lands from reserving substantial amounts of natural gas for his own use. The purpose of this provision is to increase the supplies of natural gas to the interstate market and preclude its use for generally lower priority uses by the producers themselves.

"New natural gas" means natural gas dedicated under a long-term contract which has not previously been dedicated prior to January 1, 1975. When read in conjunction with Section 203(i) of the bill, this definition requires sales of new natural gas to be for a term of at least twenty years and at a price not in excess of the applicable ceiling rate. Historically, all of the gas production on designated acreage is dedicated for the life of the reservoir, or for a fixed time period such as twenty years. Some contracts also dedicate a fixed level of production each year from identified acreage. Thus, under the definition, whatever gas was previously dedicated, whether it is a fixed quantity or the production from an entire reservoir, would not be new natural gas. Instead, it would be old natural gas as defined by the Act.

Section 203.—New natural gas

This section creates a method for establishing a base price for new natural gas to fully reimburse natural gas producers for their prospective costs and risks as well as providing a reasonable rate of return necessary to attract needed capital. The FPC would be required to establish the initial national base price within 180 days after the date of enactment within a statutory range of 40 to 75 cents per Mcf. Ceiling prices would apply to both intra- and interstate sales by producers. There would be no judicial review of a Commission decision within the statutory range, but the initial national base price would be reviewed and adjusted by the Commission at five-year intervals to account for changes in the real costs of production such as, a general increase in average drilling depths, lower average reserve additions per foot drilled, and higher real costs of equipment and labor. The base price would be adjusted each year under an automatic statutory formula to reflect changes in the general level of inflation. The adjusted price would apply to new natural gas deliveries commenced in that year.

In addition, once a producer has dedicated natural gas to inter- or intrastate commerce, he would be allowed to provide by contract for up to a 2 percent annual price increase to compensate for higher operating and maintenance costs. Although the vast bulk of all capital costs are incurred prior to the time that deliveries are commenced, natural gas contracts have historically provided for a small annual escalation in price because deliveries tend to decline over time and fixed costs are then spread over a declining output of gas. The bill permits the continuation of that practice.

A special price based on the cost of service may be charged for gas produced in designated high-cost production areas or depths or for liquefied or synthetic gas. In addition, the Commission's jurisdiction would be extended to synthetic natural gas plants in an effort to simplify financing and rationalize the construction and operation of such facilities. Most members of the natural gas pipeline industry favor extending FPC jurisdiction to SNG plants because such jurisdiction and inclusion of the plant in the rate base is necessary to secure outside financing for the facility. It would mean that SNG plants would be treated in a way similar to electric utility generating plants. All purchases must file contracts with the FPC and all dedications of new natural gas must be for a period of at least twenty years.

Comment.—Perhaps the most important feature of the bill is the application of the new gas price ceilings to intrastate commerce. A number of major pipelines do not have access to offshore areas and are dependent upon obtaining new natural gas supplies from oneshore production areas. Because of the ever widening differential between the unregulated price and the FPC controlled price, such pipelines have had a great deal of difficulty obtaining new natural gas supplies from onshore sources. To prevent them from running out of gas, it is important that the price ceilings apply to the intrastate market. Application of the ceilings to the intrastate market would reduce the severe distortions in natural gas flows and would be analogous to the nation's system of oil price regulation. The Federal Energy Administration's price controls over old oil apply to both inter- and intrastate commerce, and it permits the treatment of oil as a national resource. Natural gas needs to be similarly treated.

Section 203 establishes a mechanism to eliminate expectations of vastly higher prices in the near future. With this kind of certainty, producers would not expect to increase their long-term profit levels by refraining from producing available natural gas supplies at the earliest possible time. The current natural gas situation would thus be greatly improved by providing such certainty under a simple but fair statutory pricing formula for new gas. Additional certainty is obtained because natural gas committed under the applicable statutory formula would not be subject to future Commission or Court reduction.

Section 204.—Small producer pricing

Section 204 would permit small companies that produced less than 10 million Mcf per year of natural gas to charge as much as 50 percent more than the applicable rate for new gas sold by a large producer. Small producers can continue to charge 50 percent more for their first 10 million Mcf of production even if their total production exceeds that amount. However, gas discovered by major producers could not be sold by producers at prices higher than the applicable statutory ceiling.

Comment.—There are approximately 4,000 natural gas producers, and of that number, approximately 70 would not be small producers under this definition. The bill proposes smaller producers to charge higher rates because they incur greater risks; they do not drill enough wells to statistically anticipate a certain proportion of successes and consequently their risks often vary substantially from that of the larger companies. Yet small producers drill approximately ¾ of the onshore exploratory wells, they explore the marginal areas, and generally invest a substantial part of their revenues in the search for new supplies. It has been suggested that increasing the market share of small producers, which is now approximately 10 percent of total production, can significantly improve competition. This provision is similar to a proposed rulemaking by the Federal Power Commission which would also allow small producers to charge 50 percent more than the national rate.

Section 205.—Old natural gas

Price increases for old natural gas—natural gas which is already flowing and where almost all of the capital expenses have already been sunk—may be permited by the Commission only if a producer demonstrates as increase is necessary to cover higher production costs of such natural gas or is necessary to eliminate undue discrimination where a similarly situated producer has been allowed to charge higher rates for flowing natural gas.

Comment.—This provision is designed to protect the consumer against unjustified price increases for natural gas that is already flowing in interstate commerce. Neither this provision or any other section of the bill would in any way affect existing old natural gas contracts in intrastate commerce. Because most costs are incurred when deliveries are commenced, an increase in the price of flowing natural gas often results in a windfall to the producer without any assurance that such additional revenues would be utilized in the search for new natural gas. Therefore the bill would stabilize flowing natural gas prices and place the incentive for new production in the price for new natural gas. It would also provide consumers with a far greater assurance that to the extent he pays additional prices for natural gas he can have a reasonable assurance that it will be related to costs and the effort to increasing natural gas supplies.

Section 206.—Residential and other small users

To protect small users to the maximum extent possible, the bill requires that the benefits of lower prices for flowing natural gas would be made available to residential and other small users on any given pipeline system.

Comment.—Following the date of enactment of this Act, the nation's interstate pipelines will have delivered to them old natural gas at lower prices than the new natural gas. This provision provides that such lower prices for the old flowing gas would be passed through to small users. Small users are defined as those who use less than 50 Mcf per day of natural gas. This would assure that residential and small business customers, those least able to absorb or pass on the cost of much higher new natural gas supplies would be protected. Over time, old natural gas supplies would be depleted and new natural gas at higher prices would become an increasing share of most pipelines' supplies. Therefore, the increase in new natural gas prices would be delayed to small customers, but ultimately they too would be paying the new gas rate. This provision does not give a supply preference, but only a price advantage to small users to the extent that old natural gas is available in the pipeline system.

The price preference for new natural gas would not be enforced by the Federal Power Commission at the state level, but instead it could be enforced by consumer petition either before the State Utility Commission, the State Courts, or the Federal Courts.

Section 207.—Increasing natural gas supplies

The Federal Power Commission is directed to decide within 120 days all applications by pipelines to construct new facilities for the delivery of natural gas supplies. Only those applications where two or more pipelines file competing mutually exclusive applications are not covered by this deadline because Constitutional due process requirements mandate a trial-type hearing. In addition, to reduce inefficient resource allocation and lower costs to consumers, new natural gas facilities are required to be common carriers available for use by other pipelines. In addition, producers may make sales without obtaining any certification from the FPC.

Comment.—This provision is designed to prevent unnecessary bottlenecks developing in the Commission which could slow delivery of new natural gas supplies.

Section 207 also provides that natural gas producers are required to undertake and complete exploratory and developmental programs to obtain maximum production at leasing of these lands. This proposal seeks to end the withholding of natural gas by producers on federal lands. Should a producer on federal lands fail to commence sales or deliveries of natural gas by pipelines within 2 years of the discovery of natural gas, he would forfeit his lease, unless the Commission found that volumes discovered or developed were not of commercially paying quantities or found other valid reasons for such a delay in production. This section also provides for continuing monitoring and annual reporting by the Department of Interior of oil and gas development progress. It requires all producers to make available to the Commission current estimates of their reserves on a reservoir by reservoir basis and requires the Commission to make an independent evaluation of such reserve data and compile comprehensive information on the natural gas industry. This information will enable the Congress and the public to have greater confidence in estimates of the nation's natural gas supply and demand.

Third, the bill would end the practice that has recently developed: Offshore producers have "reserved" substantial quantities of gas for their own use. The proposed bill would require all production of new natural gas from federal lands to be sold to interstate pipelines.

Comments.—Currently the Federal Power Commission, the Department of the Interior and the General Accounting Office are all conducting investigations in an effort to determine why substantial offshore acreage that has previously been leased is not producing natural gas during a period when the nation is facing acute shortages and interstate curtailments that may reach 16 percent this year. Some have charged that producers are deliberately slowing development efforts in anticipation of the possibility of higher regulated or deregulated prices for natural gas. This section is intended to end the producer reluctance, if there is such reluctance, to develop the nation's natural gas reserves at the most rapid possible rate. If a producer on federal lands does not sell natural gas at the earliest possible time and the FPC does not find any compelling reason that excuses such nonperformance, then he would forfeit his lease and another producer would be found who would do the job. Federal lands belong to the people of the United States and production from these lands should occur in a way that maximizes the national interest.

Section 208.—Natural gas conservation

The bill would prohibit boiler fuel use of natural gas and propane in interstate and in intrastate commerce for new industrial users where alternative fuel use is feasible. Current large boiler fuel users of natural gas would be phased out as soon as practicable. Nothing in the act would impair any federal or state safety or environmental protection law or regulation. In requiring new or existing plants to curtail their use of natural gas, the Commission must determine that alternative domestic fuels can be used and are available. The Commission's activities would be coordinated with other federal agencies to assure that the transition from natural gas usage by industrial users would occur to the maximum practicable extent within 10 years.

Natural gas is already in short supply, and it is very likely that future production will continue to decline in absolute amounts. It is a clean burning, convenient highly versatile fuel and an important raw material for many industries. It should be used efficiently and only where alternative fuels are not feasible. A relatively inefficient use of large supplies of natural gas is as a boiler fuel for steam or electric generation. Thus, the purpose of this provision is to require the conversion of such large industrial boiler fuel uses to alternative fuels at the earliest practicable date to assure that high-priority users such as residential, and other small users and feedstock users will have an improved natural gas supply. The boiler fuel use prohibition of the bill applies to users in both inter- and intrastate commerce.

Section 209.—Natural gas curtailment

Natural gas is an essential feedstock ingredient in the production of fertlizer. Section 209 would require the FPC to assure that adequate supplies of natural gas are available for fertilizer and essential agricultural chemical production for domestic food production in existing and new plants. Such users would have the highest priority except to the extent that natural gas service to existing residential and small users is to be maintained.

Comment.—Current natural gas shortages have not only threatened existing fertilizer production, but have made necessary expansion of fertilizer production difficult. The need to maintain and expand food production is so basic that the proposed Act would require the FPC to assure that natural gas is available for fertilizer feedstock purposes.

This agricultural priority would be engrafted upon the Commission's existing curtailment program which establishes a general policy of end-use curtailment. The Commission's curtailment procedures have as their basic objective the protection of deliveries for residential and small volume consumers who cannot be safely curtailed on a daily basis and requires reduction in deliveries to large volume interruptible sales.

The Commission has established by regulation a priority system of curtailment for use by pipelines if insufficient amounts of gas are available to serve their customers.

These categories are as follows:

(1) Residential and small commercial, less than 50 Mcf per day;

(2) Large commercial requirements and firm industrial requirements for plant protection, feedstocks, and process needs;

(3) All industrial requirements not specified in priorities to 2, 4, 5, 6, 7, or 8;

(4) Firm industrial requirements for boiler fuel use between 1500 and 3,000 Mcf per day where alternative fuel capabilities can meet such requirements;

(5) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternative fuel capabilities can meet such requirements;

(6) Interruptible requirements of less than 1500 Mcf per day;

(7) Interruptible requirements of intermediate volumes between 1,500 and 3,000 Mcf per day; and

(8) Interruptible requirements of more than 3,000 Mcf per day.

S. 692 would further authorize the Commission to require interconnection among pipelines and producers to alleviate natural gas supply emergencies. The Commission is authorized to order a producer or natural gas company to make deliveries of natural gas to pipelines experiencing a natural gas supply emergency, threatening public health or safety, or extreme economic hardship.

Comment.—The provisions relating to interconnection of natural gas facilities and ordering deliveries from one pipeline to another is analogous to the Commission's authority to require interconnections among electric utility systems under the Federal Power Act. It permits the FPC to allocate gas among pipelines when necessary to avoid severe inequities. The difficulty currently is that some pipelines are facing curtailments of up to 40 percent of the requirements of their firm customers whereas other pipelines are not curtailing at all. This Commission authority would be somewhat similar to the goals of equalizing shortages in crude oil and refined petroleum products under the Emergency Petroleum Allocation Act of 1973. A company delivering natural gas to another pipeline in a supply emergency pursuant to Commission Order is protected by being compensated for such gas at a rate equal to the highest-cost natural gas sold to any distributor by such pipeline.

Section 210.—Joint ventures

This section would prohibit the 20 largest natural gas and oil producers from establishing a joint venture for acquiring Federal leases. The Federal Trade Commission is to promulgate rules to govern joint ventures in acquiring Federal leases between the 20 largest producers and other companies to maximize competition in the petroleum industry.

Section 4.—Conforming amendment

Section 4 of the bill conforms the Natural Gas Act to include synthetic natural gas within the jurisdiction of the Federal Power Commission as previously discussed.

Section 5.—Civil action

Section 5 gives U.S. District Court jurisdiction to enforce FPC Rules and Regulations under the Federal Power Act and the Natural Gas Act.

This provision will assist the Commission in the enforcement of its Regulations or Orders. It is required to assure compliance with the ceiling rates since producers would not be required to obtain any Certificate of Public Convenience and Necessity and would be basically deregulated from other FPC regulation.

Section 6.—Conforming amendment

The Bureau of Economic Analysis is required to continue to compile in the Department of Commerce to publish the Implicit Price Deflator for Gross National Product in a way that is consistent with the procedures in effect on the date of enactment of this Act.

Comment.—The bill would index the price of initial new natural gas deliveries under Section 203 of the bill. The Implicit Price deflator was selected because it is widely recognized by economists that this is the best indicator of the general level of price inflation or deflation throughout the economy. It is based on price changes in personal consumption expenditures, private domestic investment, net exports of goods and services and government purchases of goods and services. It is superior to indexes such as the Wholesale Price Index which has fallen into considerable disrepute in recent years. It is broader than the Consumer Price Index because it includes capital investments and government purchases of goods and services. The attached table indicates the changes in the Implicit Price Deflator for Gross National Product since 1939.

Other indexes could be used to adjust natural gas wellhead prices. The difficulty is that as an index becomes more specific and focuses in on components used in natural gas exploration and development, then it becomes an easy target for industry manipulation in order to rapidly increase natural gas prices. Therefore what is needed is a general index that accurately reflects the level of inflation throughout the economy.

IMPLICIT PRICE DEFLATORS AND ALTERNATIVE PRICE MEASURES OF GROSS NATIONAL PRODUCT AND GROSS PRIVATE PRODUCT, 1939-73

	Gross national product price measures, 1958—100				Percent change from preceding period [1]					
	Total		Private		Total			Private		
	Implicit price deflator	Price index 1967 weight	Implicit price deflator	Price index, 1967 weights	Implicit price deflator	Price index, 1967 weights	Chain price index	Implicit price deflator	Price index, 1967 weights	Chain price index
1939	43.23		43.93		—1.5			—1.6		
1940	43.87		44.69		1.5			1.7		
1941	47.22		48.66		7.7			8.9		
1942	53.03		55.51		12.3			14.1		
1943	56.83		60.85		7.2			9.6		
1944	58.16		62.02		2.3			1.9		
1945	59.66		62.59		2.6			.9		
1946	66.70		68.25		11.8			9.0		
1947	74.64		76.27		11.9			11.8		
1948	79.57		81.40		6.6			6.7		
1949	79.12		80.80		—.6			—1.0		
1950	80.16		81.41		1.3			1.0		
1951	85.64		87.35		6.8			7.3		
1952	87.45		88.99		2.1			1.9		
1953	88.33		89.65		1.0			.7		
1954	89.63		90.77		1.5			1.2		
1955	90.86		91.57		1.4			.9		
1956	93.99		94.53		3.4			3.2		
1957	97.49		97.92		3.7			3.6		
1958	100.00		100.00		2.5			2.1		
1959	101.66		101.41		1.7			1.4		
1960	103.29		102.76		1.6			1.3		
1961	104.62		103.73		1.3			.9		
1962	105.78		104.73		1.1			1.0		
1963	107.17		105.80		1.3			1.0		
1964	108.85		107.05		1.6			1.2		
1965	110.86	110.75	108.83	108.65	1.8			1.7		
1966	113.94	114.06	111.56	111.62	2.8	3.0		2.5	2.7	
1967	117.59	117.58	114.79	114.78	3.2	3.1	3.1	2.9	2.8	2.9
1968	122.30	122.51	118 90	119.10	4.0	4.2	4.2	3.6	3.8	3.8
1969	128.20	128.61	124.30	124.67	4.8	5.0	4.9	4.5	4.7	4.6
1970	135.24	135.60	130.32	130.67	5.5	5.4	5.3	4.8	4.8	4.7
1971	141.60	142.55	135.88	136.64	4.7	5.1	5.1	4.3	4.6	4.5
1972	146.10	148.02	139.78	141.05	3.2	3.8	3.6	2.9	3.2	3.1
1973 [1]	153.86	157.07	147.23	149.50	5.3	6.1	5.8	5.3	6.0	5.6

Footnotes at end of table.

IMPLICIT PRICE DEFLATORS AND ALTERNATIVE PRICE MEASURES OF GROSS NATIONAL PRODUCT AND GROSS PRIVATE PRODUCT, 1939-73—Continued

	Gross national product price measures, 1958—100				Percent change from preceding period [1]					
	Total		Private		Total			Private		
	Implicit price deflator	Price index 1967 weight	Implicit price deflator	Price index, 1967 weights	Implicit price deflator	Price index, 1967 weights	Chain price index	Implicit price deflator	Price index, 1967 weights	Chain price index
					Seasonally adjusted annual rates					
1971: I	139.73	140.36	134.15	134.65	5.5	6.9	6.8	4.3	5.4	5.4
II	141.40	142.17	135.73	136.34	4.9	5.3	5.2	4.8	5.1	5.0
III	142.39	143.48	136.66	137.58	2.8	3.7	3.6	2.8	3.7	3.6
IV	142.85	144.31	136.93	138.11	1.3	2.3	1.9	.8	1.5	1.3
1972: I	144.85	146.30	138.59	139.49	5.7	5.6	5.2	4.9	4.1	4.0
II	145.42	147.33	139.12	140.35	1.6	2.8	2.6	1.6	2.5	2.2
III	146.42	148.48	140.07	141.44	2.8	3.2	3.2	2.7	3.1	3.2
IV	147.63	149.95	141.27	142.87	3.3	4.0	3.9	3.5	4.1	3.9
1973: I	149.81	152.79	143.25	145.32	6.1	7.8	7.1	5.7	7.0	6.5
II	152.46	155.59	145.88	148.11	7.3	7.6	7.0	7.6	7.9	7.2
III	155.06	158.37	148.47	150.87	7.0	7.3	7.0	7.3	7.6	7.1
IV [1]	158.04	161.48	151.24	153.66	7.9	8.0	7.7	7.7	7.6	7.4

[1] Changes are based on unrounded data and therefore may differ slightly from those obtained from published indexes.

Source: Department of Commerce, Bureau of Economic Analysis.

S. —

A bill to regulate commerce to assure increased supplies of natural gas at reasonable price for the consumer, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Natural Gas Production and Conservation Act of 1975".

SEC. 2. The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by striking out section 24 thereof (15 U.S.C. 717w) in its entirety and by inserting immediately after the enacting clause thereof and before section 1 thereof (15 U.S.C. 717) the following: "That this Act may be cited as the 'Natural Gas Act'.

"TITLE I—GENERAL PROVISIONS"

SEC. 3. The Natural Gas Act (15 U.S.C. 717 et seq.) is amended by adding at the end thereof the following new title:

"TITLE II—PRODUCTION AND CONSERVATION INCENTIVES

"SHORT TITLE

"SEC. 201. This title may be cited as the 'National Gas Production and Conservation Act'.

"DEFINITIONS

"SEC. 202. As used in this title, the term—

"(1) 'affiliate' means any person directly or indirectly controlling, controlled by, or under common control or ownership with any other person as determined by the Commission under its rulemaking authority. In promulgating such rules to impliment this paragraph, the Commission shall consider direct or indirect legal or beneficial interest or legal power or influence over another person, directly or indirectly, arising through direct, indirect, or interlocking ownership of capital stock, interlocking directorates or officers, contractual relations, agency agreements or leasing arrangements;

"(2) 'boiler fuel use of natural gas' means the use of natural gas, synthetic natural gas, or propane, as the source of fuel for the purpose of generating steam or electricity in amounts in excess of 50 Mcf on a peak day or the use of propane in excess of 565 gallons on a peak day;

"(3) 'Federal lands' means any land or subsurface area within the United States which is owned or controlled by the Federal Government or with respect to which the Federal Government has authority, directly or indirectly, to explore for, develop, and produce natural gas but nothing in this Act shall amend or change in any way any grant of land or right in land created by the Alaska Native Claims Settlement Act (18 U.S.C. 437) or any Act granting statehood to a State. The term includes the Outer Continental Shelf, as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a));

"(4) 'intrastate commerce' means commerce between points within the same State, unless such commerce passes through any place outside such State, *Provided*, That all sales of new natural gas produced from Federal lands within a State and consumed within the same State shall be sales of natural gas in interstate commerce."

"(5) 'Mcf' means one thousand cubic feet of natural gas at 60 degrees Fahrenheit and 14.73 pounds per square inch pressure;

"(6) 'new natural gas' means natural gas which is dedicated to interstate or intrastate commerce for at least 20 years or until earlier depleted which the Commission in its discretion determines was not dedicated to interstate or intrastate commerce prior to January 1, 1975;

"(7) 'old natural gas' is natural gas which, prior to January 1, 1975 was dedicated to interstate commerce on the date of the first delivery of such natural gas as determined by the Commission in its discretion;

"(8) 'pipeline' means a person engaged in the transportation by pipeline of natural gas in interstate commerce except for those persons who are exempt from the Federal Power Commission's jurisdiction under sections 1(b) or 1(c) of the Natural Gas Act (15 U.S.C. 717(b) and (c));

"(9) 'producer' means a person who produces and sells more than 10 million Mcf of natural gas per year or who produces and sells natural gas and does not qualify as a small producer;

"(10) 'purchaser' means a person who purchases or acquires natural gas from a producer or small producer;

"(11) 'residential user' means a person who uses natural gas for personal, family, or household purposes;

"(12) 'small user' means a person or governmental entity using not more than 50 Mcf of natural gas on its peak day of natural gas usage in the preceding calendar year;

"(13) 'small producer' means a person as determined by the Commission (A) who is not an affiliate of a person who produces and sells more than 10 million Mcf of natural gas or an affiliate of a person engaged in, or who is not himself engaged in, the transportation by pipeline of natural gas in interstate or intrastate commerce; and (B) who, together with all affiliates, if any, has not produced and sold more than 10 million Mcf of natural gas in any calendar year (subsequent to 1973) preceding the year in which he wants to qualify for small producer pricing under section 204 of this title as determined by the Commission: *Provided*, That the provisions of section 204 of this Act shall be applicable only to the first 10 million Mcf of natural gas production in any subsequent year; and

"(14) 'user' means a person or governmental entity using any natural gas after it is delivered in interstate or intrastate commerce including a producer consuming natural gas (except for transporting or processing natural gas) in facilities the producer owns or controls.

"NEW NATURAL GAS

"SEC. 203. (a) GENERAL.—Notwithstanding the provisions of sections 4 and 5 of this Act and except as provided in subsection (c) of this section new natural gas may be sold or transferred in interstate or intrastate commerce by a producer, only if its price does not exceed the sum of—

"(1) a base price at the wellhead as determined in accordance with subsection (g) of this section;

"(2) any applicable adjustment in accordance with subsection (b) or (c) of this section; and

"(3) an additional or lesser amount, if any, authorized or required to be charged under subsection (d) or (f) of this section.

"(b) BASE PRICE ADJUSTMENT.—Commencing July 1, 1976, and at annual intervals thereafter, the national base price enumerated in subsection (a)(1) of this section shall be adjusted for any inflation or deflation by multipling it by a number whose numerator is the annual implicit price deflator for gross national product as of the date of computation and whose denominator is the implicit price deflator for gross national product for the base year 1974 as compiled by the Bureau of Economic Analysis as initially purchased by the Department of Commerce. The adjusted base price shall only be applicable to new natural gas first delivered during the year for which such adjusted base price is applicable.

"(c) ANNUAL PRICE INCREASE.—A producer may, at the time of dedication of new natural gas, provide by contract for an annual cumulative increase in the price of such natural gas which is delivered in a particular year. Such increase may not exceed 2 per centum per year of the adjusted base price at the time of such commitment.

"(d) SPECIAL PRICE.—(1) The Commission may authorize a person to charge for new natural gas an amount in excess of the price authorized in subsection (a) of this section, in any high-cost production area or vertical drilling depth designated by the Commission. The cost data for any such high-cost production shall not be considered in subsequent review of the national base price. The Commission may designate one or more high-cost production areas, and pursuant to subsection (g) of this section may establish one or more high-cost production rates if the Commission finds that—

"(A) the current and prospective costs of production in any such high-cost production area of areas or depths designated by the

Commission are substantially above the cost of production upon which the national base price authorized under subsection (a) of this section is based; and

"(B) the production of new natural gas in such designated high-cost production areas promotes the public convenience and necessity.

"(2) The Commission shall authorize a person to charge a special price for new liquefied, regasified, or synthetic natural gas. Such special price may exceed the price authorized in subsection (a) of this section, if such person establishes to the satisfaction of the Commission that (A) such liquefied or synthetic natural gas production or regasification promotes the public convenience and necessity and (B) such special price is just and reasonable: *Provided,* That any natural gas company receiving Commission authorization to produce, or to acquire from a subsidiary, such synthetic naural gas may include in its cost of service reasonable interest expenses on funds expanded in connection therewith during the construction period of such plant. Any plant constructed and operated for the purpose of manufacturing synthetic natural gas for sale in interstate commerce, any sales of such synthetic natural gas, and any person owning and/or operating such plant shall be subject (i) to the jurisdiction and authority of the Commission under title I of this Act to the same extent as if it were a natural gas company; and (ii) to the provisions of this section: *Provided,* That such jurisdiction shall not include the feedstock of such plant.

"(e) EXCEPTION.—(1) The Commission is authorized and directed to prohibit a producer of new natural gas from selling such natural gas at a price authorized in this section if—

"(A) such producer had discovered such natural gas on Federal lands 2 years or more prior to the date of enactment of this title; and

"(B) such producer does not establish to the satisfaction of the Commission that it was reasonable for such producer not to have dedicated such natural gas to interstate commerce prior to the date of enactment of this title.

"(2) A producer of new natural gas who is prohibited by paragraph (1) of this subsection from selling such natural gas at a price authorized under this section shall only be permitted to sell such natural gas in interstate commerce as if it were old natural gas and as if it had been dedicated to interstate commerce as of the date of enactment of this title. Such a producer shall also be subject to the production requirements of subsection (c) of section 207 of this title.

"(f) ADDITIONAL ADJUSTMENTS.—A producer shall increase or reduce the price at which he sells natural gas to a purchaser by the following factors: (1) a gathering allowance as specified by the Commission for any gathering actually performed by the producer; (2) the actual costs of removing carbon dioxide, water, sulfur, or other impurities incurred by the producer to deliver pipeline quality natural gas; (3) any amount actually paid by a producer for State or Federal production, severance, or similar taxes; (4) a proportional adjustment for British thermal unit (Btu) content from a base of 1 thousand British thermal units per cubic foot of natural gas at 60 degrees Fahrenheit and 14.73 pounds per square inch pressure; and (5) an amount equal to the uncompensated value of any advance payments or other form of compensation paid to the producer.

"(g) COMMISSION BASE PRICE DETERMINATION.—(1) Within 180 days after the date of enactment of this title, the Commission shall establish an initial national base price to be retroactive to January 1, 1975, of new natural gas. The Commission shall review and reestablish the national base price and any high-cost production area base price at 5-year intervals after initial establishment pursuant to paragraphs (2), (3), and (4) of this subsection. Any subsequent price so established shall apply only to new gas first delivered during that 5-year period. The initial national base price shall be not less than 40 cents per Mcf and not more than 75 cents per Mcf at a heating value of 1 million British thermal units of energy per Mcf.

"(2) In establishing the initial base price of new natural gas within the range prescribed in paragraph (1) of this subsection, and in establishing subsequent national and high-cost production base prices, the Commission shall consider current and prospective real costs of production over the next 5-year period, of such natural gas in the relevant area plus a reasonable rate of return on investment which is conducive to attracting the capital necessary to discover and produce such natural gas.

"(3) In establishing any base price for new natural gas, the Commission shall proceed in accordance with the provisions of section 553 of title 5, United States Code, and in addition shall afford interested persons an opportunity to present testimony in oral hearings and shall permit limited cross-examination by representative parties on any issue of fact which the Commission, in its discretion, determines is material and if such cross-examination is necessary and appropriate in light of the time constraint set forth in paragraph (1) of this subsection.

"(4) There shall be no review by any court of a decision of the Commission establishing the initial national base price which is within the range prescribed in paragraph (1) of this subsection.

"(h) CONTRACT SANCTITY.—The Commission shall not order a decrease in the price of new natural gas with respect to any sale thereof which is made pursuant to price ceilings or special prices, if any, established under this section or section 204 of this Act and which were in effect at the time such new natural gas first begins to flow to the purchaser.

"(i) COST PASSTHROUGH.—The Commission shall permit the passthrough, on a dollar-for-dollar basis, of the cost of all new natural gas purchased by any person (not exempt by sections 1 (b) and (c) of the Natural Gas Act (15 U.S.C. 717 (b) and (c)) engaged in the transportation by pipeline of natural gas in interstate commerce unless such costs exceed the applicable price ceiling or special prices, if any, established pursuant to this Act in which case the Commission shall not permit such passthrough.

"(j) TREATMENT OF OTHER GAS.—(1) After the date of enactment of this title, all sales of natural gas in interstate commerce which are not of old natural gas must comply with the provisions of this Act concerning new natural gas. (2) After the date of enactment of this title, all dedications of natural gas in intrastate commerce must comply with the provisions of this Act concerning new natural gas.

"(k) FILING REQUIREMENT.—All purchasers shall file with the Commission all new natural gas sales contracts, transfer agreements, or any other transfer arrangements.

"SMALL PRODUCER PRICING

"SEC. 204. Notwithstanding the provisions of sections 4 and 5 of this Act (15 U.S.C. 717c, 717d), a small producer may sell new natural gas in interstate or intrastate commerce at a price which exceeds the price authorized to be charged by a producer pursuant to section 203 of this title, so long as such price does not exceed the applicable authorized price by more than 50 per centum: *Provided,* That a small producer may not sell new natural gas in interstate or intrastate commerce at a price which exceeds the price authorized to be charged by a producer pursuant to such section 203 if such new natural gas was discovered by a producer, as determined by the Commission.

"OLD NATURAL GAS

"SEC. 205. The Commission, notwithstanding any other provision of law, shall not authorize an increase in the price charged by a producer or small producer of old natural gas unless such an increase is necessary—

"(1) to afford such producer a price which is equal to a cost-based price which the Commission has authorized a similarly situated producer of old natural gas or to afford a small producer a piece which is equal to a cost-based price which the Commission has authorized a similarly situated small producer to charge for old natural gas; or

"(2) to cover the cost of production of such old natural gas and to provide a just and reasonable rate to such producer or small producer.

"RESIDENTIAL AND OTHER SMALL USERS

"SEC. 206. (a) GENERAL.—The Commission shall—

"(1) require all pipelines to file separate tariffs with respect to (A) old natural gas and (B) new natural gas in such form and manner as to reflect the price and average annual volumes of each which enter each such pipeline;

"(2) require all pipelines to give first priority for sales or transfers under the applicable tariff for old natural gas to local distribution companies, to the extent such old natural gas is available, to meet the requirements of each such company's residential users and small users; and

"(3) promulgate rules to govern sales, exchanges, or transfers among pipelines and sales, exchanges, or transfers to local distributors served by multiple pipelines, to the extent necessary to achieve the purpose of this section.

"(b) ENFORCEMENT.—It shall be unlawful for local distribution companies to charge residential users and small users rates which do not reflect the lesser cost of old natural gas for such users. It shall be the duty of the State utility commissions to assure that the benefits of the old natural gas tariffs are reflected in the rates to such residential and small users.

"INCREASING NATURAL GAS SUPPLIES

"SEC. 207. (a) PROMPT CERTIFICATION.—All applications, except where two or more natural gas companies file competing, mutually exclusive applications made by natural gas companies under section 7(c) of this Act (15 U.S.C. 717f(c)) for the construction of facilities subject to the jurisdiction of the Commission shall be decided by the Commission in accordance with this subsection. The Commission shall grant (with or without conditions) or deny such applications within 120 days of the filing of an application, or within 120 days after the date of enactment of this title in the case of applications pending before the Commission on such date. The 120-day period shall commence on the date on which such applications contain all of the information required by the Commission. If the Commission fails to grant or deny any such application within the applicable 120-day period, the Commission shall be deemed to have approved such application as last submitted.

"(b) EXEMPTION.—Notwithstanding any other provision of law, sales of new natural gas by producers or by small producers may be made without any application for a certificate of public convenience and necessity under section 7(c) of this Act (15 U.S.C. 717f(c)) and such sale shall be—

"(1) made at a price pursuant to the provisions of section 203 of this title if the sale is by a producer or section 204 of this title if the sale is by a small producer; and

"(2) such producer or small producer dedicates the new natural gas for at least 20 years or until earlier depleted.

"(c) Common Carrier.—In certifying facilities for transporting or gathering new natural gas on Federal lands, the Commission shall require such transportation and gathering facilities to be common carriers available for use by any pipeline to transport natural gas upon payment of a reasonable transportation fee. The Commission shall require existing gathering and transportation systems to operate on such a common carrier basis for use by any pipeline to the extent that surplus capacity is available.

"(d) Production Requirement.—(1) Notwithstanding any other provision of law, any agreement (including a renegotiation) pertaining to oil or gas development on Federal lands which is consummated on or after the date of enactment of this title shall require, as a condition to such agreement, that the person granted the right of development shall design and immediately implement an exploratory and development program to obtain maximum efficient rates of production from such lands as soon as practicable, subject to submission of such program to, and its approval by, the Secretary of the Interior. The person granted any right of development shall immediately inform the Commission in writing upon the discovery of natural gas on any such lands, including within 90 days after such a discovery an estimate of volumes discovered and a timetable for commercial development. Such person shall prepare and submit to the Commission a detailed timetable of the actions necessary for the speedy development and production of such natural gas. Such person shall produce and begin selling such natural gas in interstate commerce within 2 years after the date of discovery unless the Commission finds, upon the petition of the person granted such rights, that the volumes of natural gas discovered or developed are not sufficient to be commercially viable or that other valid reasons exist (such as the possibility in certain frontier areas, such as Alaska, where transportation costs are so high that additional discoveries of natural gas in the area are likely and could materially reduce transportation costs) but not including market demand prorationing which justify delaying the production until a subsequent date certain. If such a petition is granted, the Commission shall require the person granted such rights to submit monthly reports of actions taken to begin production at the earliest possible time. The Commission shall also advise other interested Federal agencies and assure that all possible steps are taken to commence gas production at the earliest possible time.

"(2) Unless such natural gas is produced and sold within 2 years after the date of discovery of natural gas on such Federal lands, or unless such a petition is granted and in effect and its terms complied with, the rights that had been granted the person to develop natural gas or oil on the Federal lands covered by such agreement shall terminate and any sum paid for such rights shall be forfeited.

"(3) With respect to agreements pertaining to natural gas or oil development on Federal lands (other than agreements entered into for the purpose of establishing strategic reserves) consummated prior to the date of enactment of this title, the requirements of paragraphs (1) and (2) of this subsection shall be applicable to the fullest extent legally permissible. To the extent that such requirements cannot legally be made applicable to any such agreements, such agreements shall be terminated at the earliest possible date in order to make such requirements applicable.

"(4) In order to facilitate the enforcement of this subsection, the Secretary of the Interior shall report to the Congress and the Commission, within 90 days after the date of enactment of this title and annually thereafter, on the status of all Federal lands leased or planned to be leased in the subsequent year for oil and gas development. Each such report shall list all parcels planned to be leased in the subsequent year and parcels leased; the name, address, and affiliates of the holder of such lease; the Interior Department's prelease evaluation of probable quantities and values of oil and gas underlying such lease; the number of exploratory and developmental wells drilled to date; whether natural gas and oil have been discovered at the time of the report; the date on which any natural gas or oil not being produced was discovered; estimated reserves of natural gas and oil; and annual production of natural gas and oil therefrom.

"(e) Resource Evaluation.—In estimating the value of natural gas on Federal lands for the purpose of determining the sufficiency of any bid, the Secretary of the Interior shall utilize the appropriate applicable price ceiling established by the Commission as adjusted pursuant to section 203 of this title.

"(f) Dedication Requirement.—After January 1, 1975, all production of new natural gas from Federal lands shall be sold or transferred to a pipeline.

"(g) Reserve Information.—(1) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. It shall, insofar as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution and sale; the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(2) In making studies, investigations, and reports under this section, the Commission shall utilize, insofar as practicable, the services, studies, reports, information, and programs of existing departments, bureaus, offices, agencies, and other entities of the United States, of the several States, and of the natural gas industry. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigative and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government.

"NATURAL GAS CONSERVATION

"Sec. 208. (a) General.—The Commission shall by rule prohibit boiler fuel use of natural gas in interstate and intrastate commerce not contracted for prior to January 1, 1975, by users other than residential or small users unless, upon petition by a user, the Commission determines that—

"(1) alternative fuels, other than crude oil or products refined therefrom, produced in any State are not available to such user; or

"(2) it is not feasible to utilize such alternative fuels at the time of such Commission determination.

"(b) Existing Contracts.—The Commission shall promulgate by rule a national plan to prohibit as soon as practicable boiler fuel use of natural gas contracted for prior to January 1, 1975, by users other than residential or small users. In determining practicability, the Commission shall consider all relevant factors, including but not limited to, the availability of alternative energy supplies produced in any State, the ability to satisfy applicable pollution prevention standards when using such alternative fuels, and the need to avoid imposing unreasonable economic hardships. The Commission shall coordinate its activities with other Federal agencies to assure that boiler fuel use of natural gas by users other than residential or small users is ended to the maximum practicable extent 10 years after the date of enactment of this title. The Commission shall also encourage conservation and more efficient use of natural gas by all other users.

"(c) Procedure.—In implementing the provisions of this section with respect to intrastate commerce, the Commission shall apply the provisions of section 17 of this Act (15 U.S.C. 717p).

"(d) Effect on Other Laws.—Nothing in this title shall impair any requirement in any State or Federal law pertaining to safety or environmental protection. The Commission, in determining feasibility or practicability where required by this section shall not assume that there will be any lessening in any safety or environmental requirement established pursuant to State or Federal law.

"NATURAL GAS CURTAILMENT

"Sec. 209. (a) Essential Agricultural Purposes.—(1) Notwithstanding any other provision of law or of any natural gas allocation or curtailment plan in effect under existing law, the Commission shall, by regulation, prohibit any interruption or curtailment of natural gas and take such other steps as are necessary to assure as soon as practicable the availability in interstate commerce of sufficient quantities of natural gas for use as a raw material feedstock or process fuel, for which there is no substitute except propane, in the production of fertilizer and essential agricultural chemicals in existing plants (for present or expanded capacity) and in new plants. Except to the extent that natural gas supplies are required to maintain natural gas service to residential and small commercial users, as used in this subsection the term 'sufficient quantities' means the amounts of natural gas which the Secretary of Agriculture certifies to the Commission are necessary to provide sufficient fertilizer and essential agricultural chemicals to meet requirements for full domestic food production.

"(2) Notwithstanding any other provision of law, any regulation promulgated by the Commission to implement subsection (a) of this section shall also apply with respect to the availability of natural gas sold in intrastate commerce in any State which the Commission determines has not, within 180 days after the date of enactment of this title, taken action substantially consistent with the purposes of such subsection.

"(b) Facility Interconnections—Notwithstanding the provisions of section 7 of this Act (15 U.S.C. 717f), the Commission may, by order in accordance with this subsection, direct any pipeline to establish a physical interconnection between any specified facility of such pipeline and any specified facility of any other such pipeline. The Commission may issue such an order upon petition of any natural-gas company, producer, small producer, or user, or on its own motion, after (1) publishing a notice thereof in the Federal Register; (2) allowing interested persons an opportunity to submit written data, views, and arguments and providing an opportunity for a hearing; and (3) finding (and publishing such finding together with the reasons therefor) that the establishment of such interconnection is in the public interest for the purpose of facilitating the transportation or sale of natural gas in the event that a natural-gas supply emergency develops within the service area of any pipeline affected by such order.

"(c) Natural-Gas Supply Emergency.—The Commission may declare that a natural-gas supply emergency, as ascertained by the Commission, exists along the transmission routes or within the service area of a pipeline which is unable or may be unable to supply its users with the amounts of natural gas determined by the Commission to be necessary to preserve public health or safety or to avoid extreme economic hardship. Any such declaration shall state the nature and extent of such supply emergency, its likely duration, and the remedial steps proposed or ordered by the Commission to deal with such emergency. Whenever such an emergency is declared, the Commission may, by order, direct any pipeline or pipelines which is not itself experiencing such an emergency to make specified deliveries of natural gas, directly or indirectly, to the pipeline which is experiencing such emergency. The amount of natural gas specified to be delivered pursuant to such order may not exceed the amount which such pipeline can deliver without creating a comparable emergency along its own transmission routes or within its own service area. A pipeline delivering natural gas pursuant to such an order shall be compensated for such gas at a rate equal to the highest rate for resale of natural gas sold by such pipeline.

"JOINT VENTURES

"Sec. 210. (a)(1) Effective immediately upon the date of enactment of this title, it shall be unlawful for any major oil company to engage, directly or indirectly, in any joint venture, established on or subsequent to the date of enactment of this title, for the acquisition of any natural gas or oil development rights on Federal lands with any other major oil company.

"(2) Effective one year after the date of enactment of this title, it shall be unlawful for any major oil company to continue to engage, directly or indirectly, in any joint venture, established prior to the date of enactment of this title, for the acquisition of any natural gas or oil development rights on Federal lands with any other major oil company.

"(b)(1) Except as provided in paragraph (3) of this subsection, effective immediately upon the date of enactment of this title, it shall be unlawful for any major oil company to engage, directly or indirectly in any joint venture established on or subsequent to the date of enactment of this title, for the exploration, development, or production of oil or natural gas with any other person.

"(2) Except as provided in paragraph (3) of this subsection, effective one year after the date of enactment of this title, it shall be unlawful for any major oil company to continue to engage, directly or indirectly, in any joint venture, established prior to the date of enactment of this title, for the exploration, production, or development of oil or natural gas with any other person.

"(3) The Federal Trade Commission is authorized and directed to promulgate rules permitting joint ventures between major oil companies and other persons as it determines to be consistent with the policy of maximizing competition in the petroleum sector of the economy. Such rules may be of general or specific applicability, and shall be promulgated pursuant to the Commission's unfair methods of competition rulemaking authority.

"(c)(1) The Federal Trade Commission is authorized and directed to immediately take such action as may be necessary or appropriate to assure compliance with the provisions of this section, including, but not limited to, obtaining the appointment of a temporary receiver over the assets of any corporation in violation of this section.

"(2) For purposes of carrying out the provisions of this section, the Federal Trade Commission is authorized and directed to utilize any and all authority and power conferred upon it by the Federal Trade Commission Act, as amended, including the right to seek penalties and equitable relief.

"(d) For purposes of this section—

"(1) The term 'major oil company' shall mean any company which produces within the United States 36,500,000 barrels of 42 U.S. gallons of crude petroleum and natural gas liquids, or more, per annum, or which sells 200 billion cubic feet of natural gas, or more, per annum.

"(2) The term 'person' means an individual or a corporation, partnership, joint-stock company, business trust, trustee in bankruptcy, receiver in reorganization, association, or any organized group whether or not incorporated.

"(3) The term 'joint venture' means any undertaking by two or more persons who have a community of interest in the purposes of the undertaking, and who share the right to control or direct the conduct of the undertaking."

Sec. 4. Section 2 of the Natural Gas Act (15 U.S.C. 717a) is amended (1) by inserting in paragraph (7) thereof after "thereof," and before "but only insofar" the following: "or between a point upon Federal lands within a State and any other point,"; (2) by inserting in paragraph (5) thereof (A) after "gas" and before "unmixed" the following: "produced from a gas well or an oil well" and (B) by inserting after "natural" and before "and" the following: "synthetic"; and (3) by inserting the following new paragraph:

"(10) 'synthetic natural gas' means gas entering a pipeline produced from any source other than a gas well or an oil well.".

Sec. 5. Section 20 of the Natural Gas Act (15 U.S.C. 717s) is amended by adding at the end thereof the following new subsection:

"(d) Any district court of the United States in which venue is appropriate under section 1391 of title 28, United States Code, shall have jurisidiction, without regard to the citizenship of the parties or the amount in controversy, with respect to any civil action involving any alleged violation of (1) this title, the Natural Gas Act (15 U.S.C. 717(a) et seq.), the Federal Power Act (16 U.S.C. 791a et seq.), or any other Federal law under which Congress directs the Commission to exercise any independent regulatory function; (2) any duly authorized rule, regulation or license issued under any such law; or (3) any condition of any certificate of public convenience and necessity issued by the Commission under any such law. The court shall have the power to grant such equitable relief as is necessary to prevent, restrain, or remedy the effect of such violation, including declaratory judgment, mandatory or prohibitive injunctive relief, and interim equitable relief, and the court shall further have the power to award (A) compensatory damages to any injured person or class of persons, (B) cost of litigation including reasonable attorney and expert witness fees, and (C) whenever and to the extent deemed necessary or appropriate to deter future violations, punitive damages. Any court of appeals of the United States in which venue is appropriate under section 1391 of title 28, United States Code, shall have jurisdiction, upon petition by the Commission, to grant appropriate mandatory or prohibitive injunctive relief, and, at any time, interim equitable relief.".

Sec. 6. The Bureau of Economic Analysis shall continue to compile, the Department of Commerce shall continue to publish, the implicit price deflator for gross national product, in accordance with procedures consistent with those in effect on January 1, 1975, in order to carry out the purposes of this Act.

Sec. 7. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

S. 1293—ESTABLISHING NATIONAL WILDLIFE REFUGES

Mr. PACKWOOD. Mr. President, I am sure my colleagues are aware of the recently introduced legislation, S. 1293, which establishes the Charles M. Russell National Wildlife Range, the Kofa National Wildlife Range, and the Charles Sheldon National Wildlife Range as part of the national refuge system and has been referred to the Committee on Commerce. In analyzing the Department of the Interior decision to turn these game ranges over to the Bureau of Land Management, and remove the U.S. Fish and Wildlife Service from any role in the management of these precious lands, I had the opportunity of using a study that was done by the National Resources Law Institute, and prepared by Alan S. Larsen, research associate. I have had the opportunity to review other studies published by the Natural Resources Law Institute and believe the extensive research demonstrated in this study would be quite valuable in compiling a complete and detailed public record on S. 1293. Since the following study also comments on the Bureau of Land Management and U.S. Fish and Wildlife Service organic acts now being considered in the Congress, I suggest it be given close examination in consideration of either S. 1293 or S. 507, as well as H.R. 5512 dealing with the management of our country's invaluable national refuge system.

Mr. President, I ask unanimous consent that a copy of the Natural Resources Law Institute research paper, "National Game Ranges: The Orphans of the National Refuge System," be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

National Game Ranges: The Orphans of the National Wildlife Refuge System

(By Alan S. Larsen)

DIGEST

The problem:

1. Secretary Morton has recently directed that management authority for three of our four National Game Ranges be given solely to the Bureau of Land Management.

2. This decision comes following years of dual management between BLM and Fish and Wildlife Service which proved totally unsatisfactory.

Findings:

1. The Executive Orders which established the Game Ranges provided for both conservation of wildlife and public grazing, but gave priority to maintaining balanced wildlife populations on the lands.

2. BLM operates primarily under the authority of the Taylor Grazing Act and Classification and Multiple Use Act of 1964. As such, it must consider wildlife values in its management decisions, but it is primarily involved in helping the cattle industry.

3. BLM has not met its mandate to provide protection and improvement of public grazing lands and natural forage resources. It

has, in fact, allowed serious deterioration of Game Ranges due to overgrazing.

4. Wildlife management is not a high priority program in BLM, and BLM lacks expertise which F&WS has in that area.

5. F&WS also must consider a number of values in managing public lands, but wildlife values have top priority.

6. Heretofore, F&WS has administered all units of the National Refuge System.

7. F&WS has experience and expertise in managing wildlife habitat.

Conclusions:

1. BLM would give higher priority to domestic grazing than wildlife protection, both because of its mandate and because of its management philosophy (i.e. interpretation of that mandate).

2. F&WS has interpreted its primary function regarding Game Ranges to be wildlife protection. Other uses are acceptable only when compatible with this primary purpose.

3. These differences in priorities will result in significantly different land use decisions for Game Ranges by the two agencies.

4. Since grazing is a use granted by government permission, it can be discontinued by the government whenever it is not consistent with the purpose of Game Ranges. But since wildlife is held in public trust, fewer management options are available.

5. As a management tool, Game Ranges are really too small to do much toward stabilizing the cattle industry. But the effect of the destruction of the wildlife habitats on the Game Ranges could literally eliminate wild animals.

6. It would be inefficient to have another agency (BLM) administering part of the National Wildlife Refuge System.

7. Wildlife programs would suffer because the already severely limited funds would be spread even thinner to cover duplicative costs.

8. BLM is not likely to push for Wilderness designation for areas within Game Ranges.

9. BLM may not have statutory authority to administer wilderness areas under the Wilderness Act.

Recommendations:

1. National Game Ranges should be managed by the agency with the authority, expertise, and inclination to carry out the mandate which establishes these areas. The Fish and Wildlife Service is that agency.

2. Secretary Morton's decision is not irrevocable, and should be modified to give F&WS sole jurisdiction over Game Ranges.

3. Congress should pass the "Organic Acts" for BLM and F&WS which have been introduced, in order to more accurately specify the mandates of each agency.

INTRODUCTION

The National Wildlife Refuge System includes several different types of management areas, categorized as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl protection areas.[1] A game range is any area of public land administered jointly by the Fish and Wildlife Service [2] (F&WS) and the Bureau of Land Management (BLM) for the protection and management of wildlife resources and for the grazing of domestic livestock under the terms of the Executive Order or Public Land Order establishing the specific area.[3] A wildlife refuge area means any area of the National Wildlife Refuge System except wildlife management areas.[4]

The Code of Federal Regulations says that all wildlife refuge areas are maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation. These areas are dedicated to the wildlife found on them and for the restoration, preservation, development and management of wildlife habitat.[5]

In theory, then, National Game Ranges are as much a part of the National Wildlife Refuge System (NWRS) as any other unit, and are supposed to be maintained primarily for the purpose of wildlife conservation and rehabilitation. But, in reality, Game Ranges have never been quite like the other units of the NWRS because, instead of being administered solely by the F&WS as the rest of the system is, they are administered jointly by F&WS and BLM.

Recently, a more drastic difference came into being. The Secretary of the Interior directed that management of three of the four National Game Ranges be turned over solely to the BLM, with F&WS obtaining sole administrative authority for the remaining range.[6] According to the directive, BLM will manage these units "under the Game Range concept," and they will continue to be considered components of the National Wildlife Refuge System.[7]

On its face, this seems to be a curious move. Why should jurisdiction over part of the NWRS which is "maintained for the fundamental purpose of developing a national program of wildlife conservation and rehabilitation" [8] be taken from the Federal agency which is responsible for wildlife and given to BLM?

This article will look into possible reasons for this action, problems created, and the probable resource implications of its implementation. It will, in effect, look into whether the "orphan" of the National Wildlife Refuge System has finally found its home or whether it now has an even longer road to travel.

THE PROBLEM

There are four units of the NWRS designated as National Game Ranges. These are Cabeza Prieta and Kofa Ranges in Arizona, Charles Sheldon Antelope Range in Nevada and Oregon, Charles M. Russel (CMR) National Wildlife Range in Montana.

Originally named Fort Peck Game Range,[9] the CMR Range is a 950,000 acre tract of steep forested ridges and gentle grasslands, harboring elk, pronghorn antelope, beaver, burrowing owls, black-footed ferret, peregrine, and prairie falcons, bald eagles, and osprey.[10]

The Sheldon Antelope Refuge consists of 550,000 acres of expansive desert mesas and open rolling hills, cut through by narrow valleys and steep-walled canyons. It provides habitat for pronghorn antelope, California bighorn sheep, and bald eagles.[11]

The Kofa (660,000 acres) and Cabeza Prieta (860,000 acres) Ranges are wide-open, remote highlands, foothills and deserts supporting bighorn sheep, peregrine falcons, prairie falcons, mule deer, bobcat, ringtail cat, and mountain lion.[12]

By their very nature, these areas are adapted to providing wildlife habitat as well as forage for domestic grazing. Apparently this was well recognized at the time the Game Ranges were created. They were withdrawn by Executive Order "for the conservation and development of natural wildlife resources *and* for the protection and improvement of public grazing lands and natural forage resources" (emphasis added).[13] The joint administration was also provided for in the establishing Executive Orders,[14] although the agencies had different names at that time.[15]

From its inception this dual management has never been satisfactory because of the differing philosophies of land management espoused by the two agencies. Cattlemen [16], conservationists [17], and agency personnel [18] have all recognized the severe problems it has caused.

For example, a four year study of the relationships between mule deer, elk, and cattle was conducted on 75,000 acres of range in the Missouri River Breaks area of North Central Montana (including parts of the CMR Refuge) [19]. The study showed that there was direct competition between cattle and elk primarily during spring and fall when similar forage plants and types of range were used by both. They found that winter conflicts of a less direct nature result from intense feeding by cattle during the grazing season in elk wintering areas. Mule deer forage is eaten by cattle, and by elk, when the elk's natural forage is eaten by cattle.[20]

It is obvious that wise management is needed to avoid deterioration of wildlife habitat due to these sorts of conflicts. But the agencies charged with managing these areas admit that proper management is apparently impossible under the dual management scheme, despite memoranda of understanding which were developed to define areas of responsibility and provide for cooperation.[21]

Referring to the C. M. Russel Range, the F&WS noted that "these efforts have failed to completely clarify basic issues inherent in the designated responsibilities of the two agencies. Particularly the matter of priority use of forage by livestock and wildlife has been a continuing source of conflict." [22] They noted that efforts to terminate livestock grazing on the Game Range during the winter season had been unsuccessful and that livestock compete more strongly with big game animals for the available forage during that period. BLM had allowed excessive grazing on the uplands which had depleted native perennial grass cover. The grass was being replaced by low value weeds, prickly pear, and fringed sage. There were also serious erosion problems. A 1965 Evaluation Team Report prepared jointly by BLM and F&WS, resulted in two separate reports for recommendations for future management of the area.[23] The F&WS recommended that it be given sole responsibility for Game Range management, terminating the joint management practice.

The BLM had a similar assessment of the problems, although their recommended solution was different. In 1965, BLM noted that "for about the last fifteen years the relationship between [F&WS] and the BLM as involved in administration of the Range has been characterized by nearly constant disagreement, friction, and conflict." [24] BLM saw the situation as a conflict of philosophies: "preservation type management as opposed to one striving for maximum utilization of renewable resources." The BLM personnel concluded that there was "no hope for establishment of the cooperative attitude and approach necessary for a productive relationship."

It is from this background that the Secretary of the Interior decided to end dual management on our National Game Ranges. But there is more to the issue than simply ending dual management. We must also look at the purposes for which Game Ranges were established and the mandates of both administering agencies. Then we can decide whether this is the proper management decision to achieve the most beneficial use of the resources involved and whether it is in keeping with Congressional intent.

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management was officially established in 1946 when the functions of the General Land Office and the Grazing Service were consolidated to form the new agency.[25] The purposes of this reorganization, as stated in the accompanying Message of the President, was to permit uniform policies for land management and "greater utilization and thus more economic use of expert skills." [26] The President noted that previously, decisions had to clear two sets of bureaucracies.[27]

Unlike the Forest Service,[28] the BLM has never operated under an Organic Act. Such an Act would provide an overall charter for agency operation. The primary operating authority for BLM and its predecessor agencies is the Taylor Grazing Act of 1934 as amended.[29] The Classification and Multiple Use Act of 1964 [30] superimposes the objec-

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Footnotes at end of article.

tive of multiple use upon the Taylor Act authority of BLM.

The Taylor Grazing Act authorizes the Secretary of the Interior to establish grazing districts on vacant, unappropriated, and unreserved public domain.[31] The stated purpose for this authority is to promote the highest use of public lands *pending its final disposition.*[32] This would indicate that designation of land as a grazing district is not an end in itself, but merely an interim measure until some other use is decided upon.

It appears that Congress, in giving the Secretary discretionary authority,[33] intended that he designate land as grazing land only when that would be the "highest use" of that land. Thus, if the land were more valuable as a wildlife habitat, the Taylor Act would not authorize its use as domestic grazing land. This interpretation is supported by the restriction that lands set aside for grazing under this Act be those which are "chiefly valuable for grazing and raising forage crops"[34] (as opposed to other uses). Indeed, the court in *Red Canyon Sheep Co. v. Ickes* noted that, "Conceivably under the Act the Secretary might, in his discretion, conclude that such lands were more valuable for homesteading or other public purposes than for grazing."[35]

But there is no doubt that this law was made for the benefit of the cattle industry. The Federal Courts have held that the purpose of the act is to "stabilize the livestock industry and to permit use of the public range according to needs and qualifications of livestock operators with base holdings."[36] More recent cases have been even more straightforward, stating that the purpose of the Act was "to develop and stabilize the Western cattle business."[37]

That grazing permits granted by BLM are valuable is undisputed. The Taylor Act states that issuance of such a permit does not create any right, title, interest, or estate in the lands.[38] The courts have upheld the literal meaning of the statute saying that "a grazing permittee *as against the United States* may acquire no right, title, interest, or estate in or to the lands, and the government *for its own use* may, without payment of compensation, withdraw the permit privilege" (emphasis added).[39] But they have also recognized that while grazing rights under the Taylor Act do not fall within the conventional category of vested rights in property, "whether they be called rights, privileges or bare licenses or by whatever name, while they exist they are something of real value to their possessors."[40]

The Act itself also provides for substantial participation by cattle growers in the management of the Federal range lands.[41] Input concerning local conditions, including physical and economic conditions, is to come from local advisory boards. These boards are composed of not less than five and not more then twelve stockmen and one wildlife representative.[42]

While the Taylor Act was intended to help the cattle industry, it was not intended to be a circuitous new homesteading scheme or a way to help people get started in the business. Rather it strongly favored those who were already in the business, particularly those in the vicinity of the grazing districts. The Act provides that "preference shall be given in the issuance of grazing permits to those within or near a district who are land owners engaged in the livestock business, bona fide occupants or settlers or owners of water rights."[43] Thus, "stabilizing the cattle industry" has meant helping to strengthen those who were already established.

Given the statutory authority that it operates under, the judicial interpretation of that authority, and the segment of the public with which it must work, it would seem that BLM management decisions would naturally favor the interests of the cattle industry. Historically, this has been the case. This is not necessarily a criticism of the agency, for there is certainly evidence that this was the intent of Congress in writing the Taylor Grazing Act. Whether that intent, and the needs of that earlier day, should govern today's land use decisions is beyond the scope of this article.

Certainly an argument could be made that the public derives benefits from the assistance provided to the cattle industry. But the question here is not whether BLM meets a valid need or whether we need the cattle industry, but rather, whether BLM is capable of or authorized to manage National Game Ranges "under the Game Range concept" and "as components of the National Wildlife Refuge System."[44]

As mentioned above, superimposed on BLM's Taylor Act authority is a multiple-use requirement.[45] In theory at least, this alters the agency's mandate to include consideration of other values and uses on the lands it administers. Among these uses is fish and wildlife development and utilization.[46] In addition, BLM regulations provide for a reasonable amount of forage for wildlife in each grazing district, although there is no statutory provision requiring such allocation. This forage for wildlife is to be used in common with livestock grazing.[47]

Thus, while there is some general authority for BLM's involvement in wildlife management, it certainly is not a high priority function of the agency. At best, wildlife considerations are among many values to be weighed under a multiple-use policy.

FISH AND WILDLIFE SERVICE

There are ten Federal agencies or groups of agencies having jurisdiction or programs affecting fish and wildlife on the Federal lands.[48] But the Fish and Wildlife Service is the only Federal land manging agency which has *as its principal function* the administration of fish and wildlife programs.[49]

Broad power to regulate and manage resident species of wildlife on Federally owned land is derived from the Federal Constitution and the inherent powers of the Federal Government as a landowner.[50] This power has been vested in the Secretary of the Interior with respect to the land and water areas which comprise the National Wildlife Refuge System[51] (of which National Game Ranges are a part).[52]

In 1966, the Secretary delegated authority regarding fish and wildlife to the Director of the Bureau of Sports Fisheries and Wildlife, now Fish and Wildlife Service.[53]

Like BLM, the F&WS is without an Organic Act, although such legislation has been introduced in recent sessions of Congress.[54] The Bureau of Sports Fisheries and Wildlife, predecessor to F&WS, was established by the Fish and Wildlife Act of 1956.[55] A large portion of that Act was devoted to stablizing domestic fisheries. It also authorized the Secretary of the Interior to—

"Take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through research, acquisition of refuge lands, development of existing facilities and other means."[56]

The F&WS has a broad range of responsibilities, including enforcement of hunting and trapping laws on Federal lands,[57] monitoring importation of wild mammals and birds,[58] protection of rare and endangered species,[59] protection of marine mammals,[60] wildlife restoration projects,[61] as well as administering the National Wildlife Refuge System.[62] In carrying out the latter mandate, the Secretary of the Interior, through F&WS may "permit the use of any area within the system for any purpose, including but not limited to hunting, fishing, public recreation, and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established."[63]

Thus, like BLM, the Fish and Wildlife Service must consider a number of values in managing the lands for which it is responsible. But unlike BLM, F&WS must give first priority to wildlife considerations.

GAME RANGES

With respect to game and wildlife generally, the Supreme Court has said that the power to control these animals is to be exercised as a trust for the benefit of the people and not as a prerogative for the advantage of the Government.[64] More specifically, as we have seen, the National Wildlife System Administration Act requires Game Ranges to be put to uses that are compatible with the major purposes for which the areas were established.[65] These "purposes" are found in the Executive Orders which established the ranges: [These lands shall be set aside] "for the conservation and development of *natural wildlife resources* and for the protection and improvement of *public grazing lands* and natural forage resources."[66]

This is not especially helpful, and in fact, only further confuses the issue of which agency should administer the Game Ranges. Certainly wildlife conservation was a major purpose for creating these ranges. But "public grazing lands" seems to provide for domestic livestock also.

Fortunately, the Executive Orders offer further evidence of the purposes for which the areas were established. The Order establishing the C. M. Russel National Wildlife Refuge (then Fort Peck Game Range) provides that—

"Natural forage resources therein *shall be first utilized* for the purpose of sustaining in a healthy condition a maximum of four hundred thousand (400,000) sharptail grouse, and one thousand five hundred (1500) antelope, the *primary species, and* such nonpredatory secondary species in such numbers as may be necessary to maintain a *balanced wildlife population.*"[67] (emphasis added).

The Executive Order that established the Charles Sheldon Antelope Range provides that—

"Natural forage resources therein *shall be first utilized* for the purpose of sustaining in a healthy condition a maximum of three thousand five hundred (3500) antelope, the primary species, *and* such non-predatory secondary species in such numbers as may be necessary to *maintain a balanced wildlife population.*"[68] (emphasis added).

These Executive Orders clearly stipulate that providing wildlife habitat is the first priority or primary purpose for these Game Ranges. And this includes not only maintaining the primary species, but also sustaining a balanced wildlife population. After these needs are satisfied, any excess forage may be made available for domestic livestock grazing. The Executive Orders specifically state that forage made available for domestic livestock is subject to the above provisions for wildlife.[69]

Given these priorities for the use of Game Ranges, it becomes clear which agency is best suited to exercise the power over them "as a trust for the benefit of the people"[70] and make sure the uses are "compatible with the major purposes for which the areas were established."[71]

We have already discussed the strong ties between BLM and the cattle industry, both historically and presently. We noted that this relationship was not a devious plot or covert arrangement, but rather had implied statutory approval. We have also noted the deterioration of Federal range land caused by overgrazing and the deleterious effects on wildlife which cannot compete as strongly for available forage.

The pressure from the cattle industry to make more Federal land available for grazing can only increase in the near future. Grain prices have made grass-feeding much more desirable. Also, as formerly productive

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Footnotes at end of article.

grazing lands are worn out by over-grazing, the industry will push to have new lands opened up.

The widespread evidence of overgrazing allowed by BLM on Federal lands shows that they have been incapable of meeting the mandate set for Game Ranges of providing "protection and improvement of public grazing lands and natural forage resources."[72] It is unrealistic to believe the agency will do better in the face of even greater industry pressure. Even assuming that BLM *did* begin an effective range protection program, it seems likely that domestic livestock rather than wildlife would reap the benefits. As discussed above, BLM apparently has no mandate to give wildlife protection any priority in managing our lands, but rather has broad discretion under the multiple-use concept.[73]

If the fact that F&WS is best suited to manage the National Game Ranges is not clear from the National Wildlife Refuge System Administration Act,[74] the *National Wildlife Refuge Handbook* offers even more convincing evidence.[75] These are the Department of Interior regulations which are used in administering the Refuge System. They note that—

"The Special Mission of the National Wildlife Refuge System is to provide, manage, and safeguard a national network of lands and waters sufficient in size, diversity, and location as to meet people's needs for areas where the entire spectrum of human benefits associated with migratory birds, other wild creatures, and wildlands are enhanced and made available."[76]

The Handbook discusses over twenty objectives for the System in priority ranking. First is "to assure survival in a natural state of each of this Nation's plant and animal species."[77] This seems to be directly in line with the statutory and regulatory authority delegated F&WS.

It is not until Objective Number 18 that anything recognizing domestic livestock grazing is mentioned. This item allows for an increase in "other non-mission oriented economic and social benefits to individuals, communities, regions, and the nation." But even this objective stipulates that such activities must "either enhance or not detract significantly from wildlife nad related environmental benefits." Thus, while the Refuge System does not exist solely for wildlife purposes, the "non-mission oriented" activities have relatively low priority in the Department of Interior's objectives for these areas.

RESOURCE IMPLICATIONS

It seems a fair assessment to say that, given the different mandates and management philosophies of the two agencies, the decision as to which agency shall manage the Game Ranges will have substantial impact on resource use and allocation.

Administrative interpretation

A major reason for this impact is that "Congressional intent" is often stated in broad terms referring to end results. The actual management policy which will be used to carry out this intent is usually developed in agency guidelines or regulations. Depending on which agency develops the regulations, the results of carrying out the Congressional intent can be very different.

For example, in calling for multiple-use management on public lands, Congress declared its intent to be that the lands be "a) retained and managed or b) disposed of, all in a manner to provide the maximum benefit for the general public."[78] On its face, this seems to be an admirable goal. But it does not really give much guidance in developing a management policy. Who is "the general public"? How do we determine "maximum benefit"? Does this mean economic benefit? Aesthetic benefit? Short term or long term benefit? Do we decide based on popular demand for land use allocation or on what scientific evidence indicates is "really" in the best interest of the general public? These and many other questions are at least implicitly answered by the agency which administers the statute.

In theory, the agency's rule-making authority is limited. The Supreme Court has said that "the power of an administrative officer or board to administer a Federal statute and to prescribe rules and regulations to that end is not the power to make law—for no such power could be delegated by Congress—but the power to adopt regulations to carry in to effect the will of Congress as expressed by statute."[79] This is a rather circular mandate, given the vagueness of most statutes. The effect is to permit a broad range of agency interpretations which the courts will find to be within acceptable limits.

Thus, BLM regulations state that, "No overall priority is assigned by the Classification and Multiple Use Act or by the Secretary (of the Interior) to any specific use . . ." The agency will authorize ". . . that use or combination of uses which will best achieve the objective of multiple use."[80] This allows them to authorize grazing nearly any place where there is not a more "valuable" alternative use. Valuable, in effect, means economically or commercially valuable because there is really no basis for citizens to challenge the agency's decision (i.e. show that it will not result in the "maximum benefit") unless the group can show that a different use would yield more revenue for the government. Since it is very difficult to assign economic values to wildlife considerations, *that* potential use does not compete very well with grazing in an agency which favors grazing to begin with.

On the other hand, F&WS regulations say that "uses of Wildlife Refuges that make no contribution to the *primary objective* of the program for an individual area or are in no way related to the objectives of the National Wildlife Refuge System are classified as non-program uses" (emphasis added).[81] Permission for such uses will be granted "only when compatible with the major purposes for which such areas were established."[82] The effect of this is to shift the burden of proof to those who want to establish "nonprogram" uses on Game Ranges to show that such uses are compatible with "maintain[ing] a balanced wildlife population,"[83] rather than forcing those who want the land to be used for wildlife preservation to show that there is no use which would yield greater "benefit for the general public.[84]

This shift in the burden of proof will often affect the use to which the land is put. Apparently, Congress recognized that wildlife could not compete with livestock for forage in the "free market." Otherwise, there would have been no need to set aside public game ranges. But since the marketplace does not assign a value to wildlife (except possibly for hunting), we have made a policy decision that this is a value which we should preserve *outside* the marketplace (just as we have made a policy decision that we should subsidize livestock growers). The F&WS regulations mean that wildlife uses do not have to be economically justified on Game Ranges. They are taken as the norm. Any deviation must be compatible with this *assigned* priority use.

This result makes sense from a managerial point of view. Since grazing is a use granted by governmental permission, it can be discontinued by the Government whenever it is inconsistent with the purpose of the Game Ranges. But since wildlife is held in the public trust,[85] there are fewer management options available.

As a management tool, Game Ranges are really too small to do much toward stabilizing the cattle industry.[86] Whether or not grazing occurs on them will not have much overall effect on cattle production. But the effect of destruction of the wildlife habitat on the Game Ranges could literally eliminate the wild animals. To sacrifice a large percentage of the wildlife habitat in the lower 48 states for a small increment in domestic livestock production does not seem to be a wise allocation of resources. The relative as well as the absolute affects militate against such a decision.

Budgetary implications

Another resource implication of any decision to shift jurisdiction for management of Game Ranges is the effect on the Federal budget. Research done in 1969 for the Public Land Law Review Commission (PLLRC) showed that one of the greatest problems in obtaining adequate appropriations for wildlife lies within the Federal agencies.[87] As discussed above, at least ten Federal agencies have jurisdiction or programs affecting fish and wildlife, but except for F&WS, wildlife management is not the primary management purpose of the agencies.[88]

This has two results on the quality of wildlife programs. First, since many programs are handled by agencies which are not primarily concerned with wildlife, funding emphasis is placed on other programs in the agencies. There is no "champion" for the wildlife programs in any of these agencies and the programs go underfunded. Of course, none of these agencies would want to give up their jurisdiction over the programs.

If BLM takes over responsibility for Game Ranges, it seems likely that wildlife management would not be a priority program. The wildlife programs will receive less attention and funding than the agency's main programs such as grazing and mining. Thus, even if the managers had good intentions for wildlife preservation, they would not have the money to do much about it.

The second result of the diverse jurisdiction over wildlife programs is inefficiency and duplication of effort involved. Several agencies all have to carry on similar programs resulting in the "wheel being rediscovered" many times. At best, it requires substantial inter-agency cooperation which takes time and money. The PLLRC found that Federal agencies with broadly similar programs "maintain their separate postures to compete for financing, program responsibilities, and land administration responsibilities."[89]

In effect, instead of having the same amount of money accomplishing more things, this results in more money accomplishing the same things several times. For instance, every agency will have to employ wildlife experts to look after their own wildlife programs. They will all have to develop regulations (which may well result in different policies for the same kinds of lands). For people dealing with government, it may mean having to work through several agencies instead of one. There will be duplication of administrative functions and facilities. And assuming the agencies know what each other is doing, there will be coordination costs.

Thus, under Secretary Morton's directive, BLM will operate the Game Ranges and "components of the National Wildlife Refuge System" and "under the Game Range concept."[90] This means another agency will have to promulgate regulations interpreting the NWRS Act. There will be two sets of government employees overseeing parts of the same system. Supposedly, BLM would be hiring more wildlife experts to do what F&WS is doing already.

This will not only be duplicative but ineffective as well. At the field level, the BLM wildlife experts could be expected to operate as efficiently and *effectively* as F&WS (assuming they are given the authority, the money, the priority, etc.). But it is doubtful that middle and upper management levels at BLM will have anywhere near the grasp of what wildlife management is all about that F&WS people have. Besides, they will not have time to figure it out, because other programs will have higher priority. Thus, we would be paying to have another agency attempt to do the same thing F&WS is doing with the knowledge that they could not do it as well even if they want to.

With the limited amount of Federal money available for wildlife programs to begin with, the government should be spending that money in the most efficient and effective way possible. This means combining like programs in one agency, not creating similar programs in a number of agencies.

Wilderness

Another resource implication of the change in Game Range management jurisdiction is the affect on the Natural Wilderness Preservation System. Secretary Morton's directive states that in the event Congress should pass legislation creating wilderness areas in the C. M. Russel, Sheldon, or Kofa Ranges, the units will be managed by BLM under the guidelines of the Wilderness Act.[91] The wilderness studies for these ranges which were started by F&WS will go forward, although it is unclear how much input F&WS and BLM will have in the progress.

This in itself could affect the recommendation that the Secretary of Interior will make to the President regarding these areas. In the past, F&WS has enthusiastically reviewed lands within the National Wildlife Refuge System for possible inclusion in the Wilderness System as required by the Act.[92] Presently, the Act does not provide for inclusion of BLM lands within the system, and BLM has fought efforts to give it such authority.[93] It seems likely that BLM will not push as hard for wilderness designation for areas within the Game Ranges as F&WS would have.

The Wilderness Act provides that the Department and the agency that had been administering an area before it was designated as Wilderness will be responsible for administering the area as part of the Wilderness System.[94] Since there is no provision for review or inclusion of BLM lands in the National Wilderness Preservation System, it is doubtful that BLM currently would have statutory authority to manage Wilderness lands. Apparently Secretary Morton has commanded BLM to administer segments of the National Wilderness Preservation System even though the agency has no authority to do so.

CONCLUSION

This article does not attempt to analyze the relative merits of domestic grazing and wildlife protection. Each has a value to our Nation. But the National Game Ranges should be managed by the agency with the authority, expertise, and inclination to carry out the mandates which established these areas. Our conclusion after examining the authority given to both BLM and F&WS, and comparing that with the purpose for which Game Ranges were established, is that the Fish and Wildlife Service is that agency.

Since Secretary Morton's decision is not irrevocable, it seems that the public interest and the law would be best served by modifying the order, to give F&WS sole authority to manage the Game Ranges. This would finally bring the "orphan" home, and put *all* units of the National Wildlife Refuge System under one agency.

In 1970, the Public Land Law Review Commission reported that statutory guidelines were required for minimizing conflicts between fish and wildlife and other public land uses and values.[95] The time has come for Congress to act on this recommendation and provide the long overdue clarifications to the responsibilities of our land-managing agencies.

One promising piece of legislation is the "National Wildlife Refuge System Organic Act of 1975," H.R. 1522, introduced by Rep. Dingell.[96] This bill would clearly state the purpose of the Refuge System, and provide management guidelines specific enough to provide unambiguous direction for the agency administering the system. (Game Ranges are specifically recognized as units of the System.)[97]

The bill states that the mission of the System is "to acquire, restore, preserve, manage, administer, and develop wildlife environments" and to assure survival of wild species.[98] The purpose of the individual units of the system is to "provide habitat requirements for native fish and wildlife."[99]

The bill would leave no doubt as to the priority assigned to different values for management purposes. Management means "the rehabilitation, restoration, protection, and preservation of lands within the system, based on applied research and sound ecological principles, for primary utilization and protection purposes."[100] Multiple values are recognized, but are defined as "the operation and coordinated management of the varied resources and values of any System unit *without impairment to, and in harmony with, the primary wildlife values of that unit*" (emphasis added).[101]

This bill would go far toward eliminating the effects of any differing management philosophies between agencies by limiting the possibility for differing interpretations of the "Congressional intent." It also reaffirms the notion that the National Wildlife Refuge System *is* a single system and should be managed by one agency. It adopts the F&WS policy that the Refuges are primarily for preservation of wildlife habitat and any other uses must be compatible with that use.

Another bill which could provide some relief from the problems identified in this article is the BLM Organic Act or the "National Resources Land Management Act," S. 507, introduced by Senator Haskell.[102] *At the least,* it could end the incongruous, and possibly illegal, situation whereby BLM could be administering Wilderness lands without the authority to do so. This bill would give BLM the mandate to identify[103] and review[104] lands suitable for inclusion in the Wilderness Preservation System, as described in Section 2(c) of the Wilderness Act of 1964.

It would also require that BLM manage public lands "without permanent impairment of the productivity of the land and the quality of the environment."[105] This would seem to require termination of BLM's past practice of allowing severe overgrazing from which ranges never recover.

The solutions to the complex problem of managing our National Game Ranges must come from both the Executive and Legislative Branches of government. We have tried to show in this article that these solutions are readily available and seem eminently logical, given the purposes for which Game Ranges were established.

FOOTNOTES

[1] 16 U.S.C. 668 dd(a).

[2] Note: The Fish and Wildlife Service was formerly named the Bureau of Sports Fisheries and Wildlife. See Note 15, infra.

[3] 50 C.F.R. sec. 25.1 (1974).

[4] Id.

[5] Id, sec. 25.2

[6] Memorandum, 2-5-75 To Directors of BLM and F&WS from Under Secretary of Interior; Transfer of Jurisdiction over Game Ranges.

[7] Id.

[8] 50 C.F.R. sec. 25.2 (1974).

[9] The name was changed to Charles M. Russel National Wildlife Range in Feb., 1963 by Public Land Order No. 2951.

[10] *Charles M. Russel National Wildlife Refuge,* Evaluation Report, Sept., 1965, F&WS/BLM, and Wilderness Hearing Alert, The Wilderness Society, 1973.

[11] *Charles Sheldon Antelope Range,* Evaluation Report, June 1965, F&WS/BLM, and Wilderness Society, *Wilderness Report,* Vol. 11, No. 3.

[12] The Wilderness Society, Wilderness Hearing Alert, 1973.

[13] e.g. Exec. Order No. 7509, Dec. 11, 1936 (Russel), and Exec. Order No. 7522, Dec. 21, 1936 (Sheldon).

[14] Id.

[15] The Bureau of Land Management was created by Reorg. Plan No. 3 of 1946. Sec. 403 consolidated the General Land Office and the Grazing Service in the Department of the Interior to form the new agency known as BLM.

The Fish and Wildlife Service was created in a series of steps. Reorg. Plan No. II of 1939, Part I, Sec. 4(e) transferred the Bureau of Fisheries from the Dept. of Commerce to Interior. Sec. 4(f) transferred the Bureau of Biological Survey from the Dept. of Agriculture to Interior. These two bureaus were later consolidated into one agency named Fish and Wildlife Service by Reorg. Plan No. III of 1940. The Bureau of Sports Fisheries and Wildlife was created as a separate agency of the Dept. of the Interior by the Fish and Wildlife Act of 1956, 16 U.S.C. 742(b) and later renamed the Fish and Wildlife Service.

[16] Quimby, D. "Mule Deer, Elk, and Cattle," *Montana Stockgrower* Aug. 1970, p. 28.

[17] e.g. The Wilderness Society, Wilderness Report, Vol. 11, No. 1.

[18] e.g. Fish and Wildlife Service, *Proposal for Charles M. Russel National Wildlife Range,* 1963.

[19] Quimby, supra, note 16.

[20] For further discussion of detrimental effects of livestock grazing on wildlife habitat see:

Colorado State University, *Fish and Wildlife Resources on the Public Lands,* January 1969, pp. 241–257.

Denny, R. "Fences and Big Game," *Colorado Outdoors,* Mar.–Apr., 1964, pp. 3–6.

Julander, O. and Jeffrey, D. "Deer, Elk, and Cattle Range Relations on Summer Range in Utah," *Transactions of the Twenty-Ninth North American Wildlife and Natural Resources Conference,* pp. 404–413.

Gunderson, D. "Floodplain Use Related to Stream Morphology and Fish Populations," *Journal of Wildlife Management,* Vol. 32, No. 3, 8/68.

Zobell, R. S., "Background of the Wyoming Antelope Fencing Study," *International Antelope Conference Trans.* pp. 61–66.

[21] a. Memorandum of Understanding between the Grazing Service and F&WS, July 20, 1945. b. Memorandum of Understanding between BLM and BSFW Governing the Management of Fort Peck G. R., 4/14/69.

[22] F&WS, supra, note 18.

[23] Evaluation Report, supra, note 10.

[24] Id.

[25] App. Title 5 U.S.C., Reorg. Plan No. 3 of 1946.

[26] Id.

[27] As we shall see, these problems which were noted and supposedly corrected by this reorganization have arisen again with regard to the management of game ranges.

[28] Organic Act of 1897, 16 U.S.C. 473–482, 551.

[29] 43 U.S.C. 315.

[30] 43 U.S.C. 1413.

[31] 43 U.S.C. 315.

[32] Id.

[33] Id.

[34] Id.

[35] *Red Canyon Sheep Co.* v. *Ickes,* 98 F2d 308 (D.C. Cir. 1951).

[36] Chournos v. U.S., 193 F2d 321 (10th Cir. 1951), cert. denied 343 U.S. 977.

[37] U.S. v. Fuller, 442 F2d 504 (9th Cir. 1971), reversed on other grounds 409 U.S. 488.

[38] 43 U.S.C. 315(b).

[39] McNeil v. Seaton, 281 F2d 931 (D.C. Cir. 1960).

[40] Red Canyon Sheep Co. v. Ickes, 93 F2d 308 (D.C. Circ. 1951).

[41] 43 U.S.C. 315 o–1.

[42] Id.

[43] U.S.C. 315(b).

[44] Memorandum, supra, note 6.

[45] 43 U.S.C. 1413.

[46] 43 U.S.C. 1411(a).

[47] 43 C.F.R. 4111.3–1 (1973).

[48] Colorado State Univ., *Fish and Wildlife Resources on the Public Lands,* Jan. 1969, p. s-7.

[49] Id., p. 82.

[50] Id. p. s-7 ff. This report contains a relatively detailed discussion of the question whether the Federal government has authority to regulate wildlife and to what extent it can overrule state decisions.

[51] e.g. 16 U.S.C. 460k. 16 U.S.C. 664 (Fish and Wildlife Coordination Act) 16 U.S.C. 715 (i) (Migratory Bird Conservation Act). 16 U.S.C. 718d.

[52] 16 US.C. 668dd(d).

[53] 31 Fed. Reg. 11685 (1966).

[54] H.R. 1522, 94th Congress., 1st Sess. (1975).

[55] 16 U.S.C. 742b. Note: The reader may find the changes in the names of the Federal bureaucracies hard to keep track of. There have been three organizations named the "Fish and Wildlife Service."

1. The first was established by Reorg. Plan No. III of 1940, as discussed in note 15, supra. That body became the Bureau of Sports Fisheries and Wildlife under 16 U.S.C. 742b.

2. The same Act created a new Fish and Wildlife Service however. That was the name given to the branch of the Department of Interior which included both the BSEW and the Bureau of Commercial Fisheries.

3. The Bureau of Commercial Fisheries has since been transferred to the Department of Commerce. Recently, BSEW was upgraded," and, no longer being a mere "bureau," was renamed the Fish and Wildlife Service.

[56] 16 U.S.C. 742f(a) (5).

[57] 18 U.S.C. 41, 43, 47.

[58] 19 U.S.C. 1527.

[59] 16 U.S.C. 668, 668aa.

[60] 16 U.S.C. 1361.

[61] 16 U.S.C. 669.

[62] 16 U.S.C. 668dd.

[63] 16 U.S.C. 668dd(d).

[64] Geer v. Connecticut, 16 U.S. 519 (1896).

[65] 16 U.S.C. 668dd(d).

[66] e.g. Exec. Order No. 7509 and No. 7522.

[67] Exec. Order No. 7509.

[68] Exec. Order No. 7522.

[69] Exec. Order No. 7509.

[70] Geer v. Connecticut, 16 U.S. 519 (1896).

[71] 16 U.S.C. 668dd(d).

[72] Exec. Order No. 7509.

[73] 43 U.S.C. 1413.

[74] 16 U.S.C. 668dd.

[75] Dept. of Interior, *National Wildlife Refuge Handbook,* Feb. 1970.

[76] Id., Part I, Vol. 4: Objectives.

[77] Id.

[78] 43 U.S.C. 1391.

[79] Manhatten General Equipment Co. v. Commissioner of IRS, 297 U.S. 129 (1936).

[80] 43 C.F.R. 1725.3–1 (1973).

[81] 50 C.F.R. 29.3 (1974).

[82] Id.

[83] Exec. Order No. 7509 and No. 7522.

[84] 43 U.S.C. 1391.

[85] Geer v Connecticut, 16 U.S. 519 (1896).

[86] University of Idaho, *The Forage Resource,* June 1969, p. s–58.

[87] Colorado State University, *Fish and Wildlife Resources on the Public Lands,* Jan. 1969, p. s–34.

[88] Id. s–7, p. 82.

[89] Public Land Law Review Commission, *Organization, Administration, and Budgeting Policy,* Dec. 1969.

[90] Memorandum, supra, note 6.

[91] Id.

[92] 16 U.S.C. 1132(c).

[93] See e.g. The Wilderness Society, *Wilderness Report,* Vol. 12, No. 1.

[94] 16 U.S.C. 1131(b).

[95] *One Third of the National's Land,* Report of the Public Land Law Review Commission, June 1970, Recommendation 63.

[96] H.R. 1522, 94th Congress, 1st Session (1975).

[97] Id. Sec. 102(2).

[98] Id. Sec. 104(1).

[99] Id. Sec. 104(2).

[100] Id. Sec. 102(5).

[101] Id. Sec. 102(6).

[102] S. 507, 94th Congress, 1st Session (1975).

[103] Id. Sec. 102(a).

[104] Id. Sec. 103(e).

[105] Id. Sec. 2(c).

BYELORUSSIA INDEPENDENCE DAY

Mr. HUGH SCOTT. Mr. President, 57 years ago this week, the people of Byelorussia celebrated their independence. Today, their descendants have little to celebrate, for their homeland has lost its freedom.

I share with my many constituents of Byelorussian descent their reflections on this day. I share their hope and determination that one day Byelorussia will regain her independence, and once again experience the freedom which her people fought so hard to obtain and preserve.

TRIBUTE TO HOWARD L. WORTHINGTON

Mr. DOLE. Mr. President, the death Monday of Howard Worthington came as a shock to me and I am sure to many of my colleagues who had come to share the affection and the respect which I had developed for him over the years.

As a Deputy Assistant Secretary of the Treasury since 1972 he had put the mark of his extensive experience and broad understanding in international trade on many important aspects of this country's trade policies. And before, as a foreign service officer, as director of the trade negotiations staff at the Commerce Department and the State Department's International Trade Staff he built a record of service to his country and indeed of service to the international community in which he functioned so effectively and professionally.

It was in his post as Deputy Assistant and later Associate Administrator of the Foreign Agricultural Service that I became most closely associated with Mr. Worthington. In this capacity his ability to balance an appreciation for the needs of other countries with the agricultural capacities of the United States was unmatched.

For 20 years, Howard Worthington labored in the cause he believed in most strongly—the betterment of his country's position in the community of nations.

His work involved him in all aspects of our international trade activities. His attitude insured that his involvement was always positive and productive. His experience and intelligence insured that his involvement was always valuable. And his dedication insured that his involvement was always total.

My sympathies go to his wife, Lillian, and to his children. Their country and their country's Government shares in their sense of loss.

U.S. AMBASSADOR TO PORTUGAL

Mr. BROOKE. Mr. President, today's Washington Post contained an article alleging that Secretary of State Kissinger was extremely disenchanted with Frank Carlucci, our Ambassador to Portugal. The degree of accuracy of the article is as yet unknown. Nevertheless, it is likely to be interpreted by some as a signal that Ambassador Carlucci may be replaced in the near future. Such an action would be extremely ill-advised at a time when the course of United States-Portuguese relations for the foreseeable future may be determined by the wisdom and understanding our officials exhibit regarding the revolutionary changes taking place in Portugal. Ambassador Carlucci has both a unique grasp of the complex issues involved in the situation and an intense awareness of the nature of the opportunities open to the United States to influence events. Therefore, I believe the U.S. Government would be unwise to consider his removal. I have communicated my views to the President and the Secretary of State and ask unanimous consent that a copy of my telegram to the President be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

The President,
The White House,
Washington, D.C.:

I am distressed to read newspaper accounts of alleged statements by Secretary Kissinger questioning the competence of Frank Carlucci, our Ambassador to Portugal. Having recently returned from Lisbon I am aware of the difficult situation Ambassador Carlucci faces there and am impressed with the manner in which he has represented our country. His intensive effort to understand the reality of the situation and the nature of U.S. opportunities to influence events there merit your commendation.

He has established a working relationship with the Portuguese leadership, one that neither sacrifices our interests, nor fails to recognize the legitimate concerns of the Portuguese Government. He has been tough but understanding, a combination that I believe is needed at this time. His removal would likely be interpreted by the Portuguese Government as a "hardening" of U.S. attitudes. If this happens, U.S. efforts to stabilize our relations with Portugal could be seriously impaired.

Therefore I hope it is your intention to continue to place a high degree of confidence in the Ambassador.

Edward W. Brooke,
U.S. Senate.

THE TIME HAS COME

Mr. HARTKE. Mr. President, the time has come for America to accept the verdict of history. U.S. policy toward Indochina has failed. No useful purpose can be served by prolonging the misery of the Vietnamese and Cambodian peoples through continued U.S. military and economic assistance. The United States must make a clean break with the past for our own natural interest, for our sake, and for the sake of the many lives that still hang in the balance. Any future American assistance to the area should be limited narrowly to humanitarian projects administered through international agencies.

Too much of the debate in recent weeks has avoided the central issue and turned, instead, on irrelevant details. The President and Congress have not faced their responsibility squarely. The sight on the evening news of orphans and refugees has made too many fearful that a vote against further assistance would be misinterpreted. I assure my colleagues that the American people understand quite clearly that more aid to the governments of President Thieu of South Vietnam and Premier Long Boret of Cambodia will have only negative effects on those refugees and orphans. Some say the inevitable will be delayed a few weeks or a few months; the price for that will be more death and destruction. The United States has a moral obligation to end all U.S. assistance immediately.

I take no comfort in the vindication of my own opposition for the past decade the tragic waste of human life in Southeast Asia. The national efforts of the United States in Indochina were from the outset misguided, and, in many ways, pernicious. Our leaders deceived our Nation and the corrupt military cliques that we supported into believing that American military power could be utilized in a conflict that was part revolutionary war and part civil war. Because of our massive commitment of men and materiel, we did change the course of that war; but, unfortunately, only to lengthen it.

We blundered into Vietnam without a clear understanding of the reasons for our presence. Never in the history of our Nation has so momentous a decision been undertaken with so little forethought. In truth, there was never a single decision, but a series of small decisions, each committing us more deeply and more irrevocably. I do not believe that there was ever malice of intention, but the result was clearly evil. This incremental decisionmaking in our foreign policy points clearly toward the need to redress the balance between the executive and legislative branches of Government. The former is too involved in the mechanics and details of policy execution to be critical of its goals and assumptions. Congress can and should provide a forum for this essential debate. Instead, there is a regrettable tendency among administration officials to conduct foreign policy in secret, relying upon Congress to "go along" when the time comes. If I sense the mood of my colleagues and the American people correctly, this will no longer be tolerated.

In the "great debate" over Vietnam, successive administrations justified the war by alternately advancing two equally implausible arguments. On the one hand, the conflict in Vietnam was portrayed as a struggle between the ideologies of communism and democracy; and, on the other, it was a matter of American security.

The claim that the narrowly based, corrupt military dictatorship that constitutes the Government of Vietnam is in any sense democracy's first line of defense is outrageous to the point of ludicrousness. The Diem, Ky, and Thieu regimes enjoyed minimal popular support except among the privileged classes. The new reforms and occasional nods in the direction of popular participation have been to appease American public opinion.

The two central tenets of any democracy—rule of law and the dignity of the individual—have been singularly absent in Vietnam. Democracy does not grow in a vacuum; it requires certain economic, social, and cultural prerequisites. It is no condemnation of these societies to point out that they do not have these preconditions; it is, however, a condemnation of those who would use the rhetoric of democracy to justify our position there.

The more serious defense of our Southeast Asian policy has centered on the geopolitical implications of a Communist victory. Purveyors of this argument assume, like good cold warriors, that communism is a monolith. Thus, a victory of local Communists is tantamount to a Russian or Chinese victory and therefore intolerable.

While this line was being touted by past administrations, both prior and subsequent to our military involvement, it had been thoroughly debunked by serious observers of world politics. As early as Stalin, the transnational characteristic of Communist philosophy had been downplayed except for propaganda purposes. Every shred of available evidence indicated indigenous Communist regimes retained a keen sense of their own national interest and strongly resisted dancing to either Moscow or Peking's tune.

A key element in the geopolitical argument was the evocation of our earlier European containment policy which is widely regarded as a major American achievement. Psychologically, this was meant to clothe the Vietnam policy with the prestige of President Truman's postwar efforts. But Southeast Asia is not Europe, and our policy there bore not even the slightest resemblance to the Truman Doctrine.

Containment was directed toward the Soviet Union and its assumed desire to invade Europe. Its author, George Kennan, believed that the Soviets would follow the course of least resistance, and would back off when confronted with American power. The result was NATO and the Marshall plan. Kennan also believed that after a period of frustration the Soviets would undergo a series of internal changes, creating a regime more consonant with American attitudes and interests.

To apply the concept of containment to Vietnam is to change it beyond all recognition. George Orwell taught us that we can use any word we want in "Newspeak," and to say containment was our policy in Vietnam is very much in that tradition. Containment requires existing nations; it requires an expanding military power whose ambition is tempered by caution; it also requires the selective use of military force at specific points to dam up any forward progress. It says nothing whatsoever about dealing with indigenous communism, revolutionary or civil wars.

The "domino theory" was an adjunct to the geopolitical argument designed to frighten and convince the skeptical. Unacceptable policies might become acceptable if the people—and Congress—could be convinced that the repercussions of not fighting in Vietnam would be an inevitable and progressive Communist victory. The domino theory implies an eventual triumph of communism in all of Asia including Japan and the Philippines.

First, the domino theory is an analogy between a physical process—falling dominoes—and a complex socio-political-economic process. It is, on its very face, unacceptably simplistic. Second, it elevates pitiful little Vietnam to a pivotal position in world history, a role that it cannot play by any realistic account of the world.

Successive administrations have led the American people and the Congress to believe that somehow American security was related to the outcome of Vietnam's revolutionary-civil war. But beyond the expression of a series of essentially inapplicable or irrelevant generalizations, there has been no serious or successful attempt to demonstrate how, in reality, American interests and security are tied to the outcomes in Indochina. I am sure that we would all be in agreement that we do not want to see Communist regimes in those countries; however, what price should be paid to try to forestall that eventuality?

I believe that the American people have paid a price in Indochina that bears no relationship whatsoever to the nature of our real interests. We have lost more than 50,000 young American lives. The sacrifice of a single life must be weighed very heavily; the death of a young man is permanent.

In monetary terms, we have expended in excess of $200 billion. The figure itself is too great to have meaning for most of us. It was, and is, an expenditure that has directly contributed to the economic stagnation and the consequent misery being experienced by much of the population. I believe that the American people have been asked to pay a price far out of line with the nature of our interests in Indochina.

In recent weeks, advocates of continued American expenditures in Cambodia and Vietnam have tossed another red herring into the debate. American credibility with its allies, we are now told, will be negatively affected unless we continue to pour money into Vietnam and Cambodia. I reject that view as absurd. In the first place, the United States has never—and let me underscore that—had a formal treaty commitment vis-a-vis South Vietnam or Cambodia. Our interference in Vietnam was not pursuant to SEATO or any formal instrumentality.

Second, however, the United States proffered practically limitless aid in both men and equipment to the Government of South Vietnam for more than a dozen years. I would think that the experience of Vietnam would demonstrate the extent to which the American people will help those it designates as friends even in the absence of any formal commitment to do so. Were I an American ally, I would be impressed, not depressed.

The United States has acted honorably, albeit stupidly in its Indochina policy. Through a long series of nondecisions we progressively embroiled ourselves in a conflict of vast and tragic proportions. We did so without any tangible American interest being at stake. It is now time to end that policy—swiftly and cleanly. We must terminate our support of the regimes that we have artificially sustained. We must stop allowing our present policy to be dictated by mistakes we made in the past. What responsibilities, if any, we had toward Vietnam and Cambodia have been discharged; to continue that course is only to compound error with error. Congress must say to the administration and to the world that the United States has the courage to reevaluate and change its policies. It must make clear to all that we will no longer contribute to the death and the destruction in Indochina.

Let me end by quoting from the last chapter of my 1968 book on Vietnam:

> The gracious bounty of America deserves to be employed in building a better way of life for our people at home and for all the peoples of the world. We will not be able to fulfill the promise of American life while America's precious human and material resources are being wasted in a land war in Vietnam. Other well-meaning American leaders have told us before that winning just this *one* war will make the world safe for freedom and democracy. We know that war and killing cannot help us to realize our constructive goals. We must work toward these ends slowly and painfully. We know that we will be able to achieve the lofty promise of America only in peace.

A TIME FOR UNITY

Mr. HUGH SCOTT. Mr. President, the grave situation in Southeast Asia challenges Americans to respond with their greatest determination, compassion, and strength. The challenge also faces Congress. A recent editorial in the Christian Science Monitor emphasizes the need of the Congress and the President to present a united front and provide leadership to the American people. I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Time for Unity

President Ford's call to Americans not to succumb to self-doubt and paralysis of will in the face of events in Indo-China is greatly welcome. This is a far better means of buoying the nation than his earlier strategy of blaming Congress for the deepening tragedy there.

This is no time for recriminations. A self-analysis of American policy in Southeast Asia is warranted and needful to the future conduct of that policy. But it is foolish and self-destructive to try to assess blame for a policy in which so many presidents participated and which long went unchallenged even by those in Congress and the administration now opposed to further U.S. involvement in the war.

The days and weeks ahead will be heartrending for many. South Vietnam faces further battles that will add to the political uncertainty. The anticipated Communist attack on Saigon could lead to negotiations for a coalition government, or even to a Communist take-over of the capital. In this situation the options and alternatives for American policy must be given the most careful thought. The government and the public must participate.

The great need of the hour is therefore a sense of national unity and purpose. In this spirit we hope Mr. Ford will quickly respond to Senator Mansfield's plea that Congress and the President "work together in the area of foreign as well as domestic policy."

To mitigate the diplomatic disaster that Indo-China represents, the U.S. must now conduct itself with dignity and wisdom. It will do much to allay the growing concern abroad about America's will and determination to face up to dangers if it can be seen that America confronts this greatest challenge in a unified, bipartisan spirit—rather than in a divisive, polemic mood.

President Ford has warned foes of the United States not to take advantage of what many commentators are describing as America's present weakness. While such routine warning is understandable, it is not words that will demonstrate America's power and will—but the actions it takes both to strengthen the economy at home and pursue effective policies abroad.

In this connection another, more extreme, school of thought among American officialdom suggests the need for a show of strength abroad to demonstrate U.S. resolve. Such a move would be irresponsible.

What will impress both America's friends and "potential enemies" now will be the intelligence and maturity with which the U.S. disentangles itself in Indo-China and attacks such crucial problems as energy, the economy, the Middle East. If the U.S. can emerge from this agonizing period with a strengthened sense of bipartisan unity, cooperation, and discipline, it will be the better for it.

UNITED NATIONS PEACE-KEEPING FORCES IN THE MIDDLE EAST

Mr. BROCK. Mr. President, yesterday I submitted Senate Resolution 126. The original cosponsors of this resolution, as printed on the resolution, were inadvertently omitted from the Record. I ask unanimous consent that Senate Resolution 126 be printed in the Record at this point with the following cosponsors: Senators Baker, McGee, Sparkman, Moss, Thurmond, Roth, Fannin. Since yesterday, Senator Bumpers has also cosponsored Senate Resolution 126, and I ask unanimous consent that his name also be added to Senate Resolution 126.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

S. Res. 126

Resolution endorsing the continued presence of the United Nations peacekeeping forces in the Middle East

Whereas peace in the Middle East is essential to world peace and to the peace and well-being of the people of the United States; and

Whereas past history has shown that peace has been most effectively maintained in the Middle East when United Nations peacekeeping forces were in place: Now, therefore, be it

Resolved, That the Senate of the United States endorses the maintenance of the United Nations peacekeeping forces in the Middle East, and specifically urges the continuation and extension of the United Nations Emergency Force, UNEF, on the Israeli-Egyptian border and the United Nations Disengagement Observer Forces, UNDOF, on the Israeli-Syrian borders.

S. 984—LAND RESOURCE PLANNING ASSISTANCE ACT

Mr. PACKWOOD. Mr. President, interest is increasing throughout the Congress over the consideration being given the Land Resource Planning Assistance Act, S. 984, which I have cosponsored with several of my colleagues in the Senate. My statement in support of this bill on March 4, discussed Oregon's statewide planning goals for its individual county land use plans. Since the time at which I made that statement, the Oregon Land Conservation and Development Commission has completed work on a comprehensive set of draft coastal zone regional land use "goals." Oregon has worked since 1971 developing these policies for managing the limited resources of the Oregon coast. I think the "goals" should be considered as the type of program that all of U.S. coastal States could work toward if they were given the financial encouragement which is so necessary to sound land use planning. In light of the pressing need for coastal zone planning. which is now being carried out in many States under the Coastal Zone Management Act of 1972, I would like to again offer my support for the Land Resource Planning Assistance Act of 1975. I hope that in the interest of considering the valuable land and water resource planning which can be accomplished with thorough public input and professional study, Oregon's coastal zone regional land use "goals" will be closely evaluated.

Mr. President, I ask unanimous consent that the planning goals be printed in the Record.

There being no objection, the material was ordered to be printed in the Record. as follows:

Regional Land Use Planning Goals and Guidelines for the Coastal Zone

BACKGROUND

The Land Conservation and Development Commission (LCDC) adopted state-wide planning goals and guidelines on December 27, 1974, to guide comprehensive planning. The goals and related guidelines address 14 subjects:

Citizen Involvement;
Land Use Planning;
Agricultural Lands;
Forest Lands;
Open Spaces, Scenic and Historic Areas and Natural Resources;
Air, Water and Land Resources Quality;
Areas Subject to Natural Disasters and Hazards;
Recreational Needs;
Economy of the State;
Housing;
Public Facilities and Services;
Transportation;
Energy Conservation; and
Urbanization.

During the preparation of these state-wide land use goals and guidelines the LCDC recognized that the unique characteristics and circumstances of various geographic areas of the State need to be addressed. Consequently, the Commission determined that it will develop and adopt regionalized goals for these areas.

The draft goals are based upon the extensive work of the Oregon Coastal Conservation and Development Commission (OCCDC). They are being considered for adoption by the LCDC as regional goals for Oregon's coastal zone.

The coastal zone is considered to be that area lying between the Washington border on the north to the California border on the south, bounded on the west by the extent of the state's territorial jurisdiction, and on the east by the crest of the coastal mountain range, with exception of:

(a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg.

(b) The Rogue River basin, where the coastal zone shall extend to Agness,

(c) The Columbia River basin, where the coastal zone shall extend to the downstream end of Puget Island.

Regional goals adopted by the LCDC will have the same status as the 14 state-wide goals.

The original 14 state-wide goals adopted in December 1974 continue to apply to the coastal area. The coastal goals are intended to speak to special conditions found in the Oregon coastal region. Some amplify an existing state-wide goal as it is to be applied in the coastal area. Others, like estuaries and dunes, address entirely new areas not previously covered in the adopted LCDC goals and guidelines.

The regional goals are being prepared under the provisions of Oregon Revised Statutes (ORS) Chapter 197 (Senate Bill 100), otherwise known as the 1973 Land

* * * * *

A. Estuary and Wetland Resources of the Coastal Zone

Goal: To maintain, and where appropriate, enhance the values of Oregon's estuarine areas.

1. Public and private uses of estuarine areas shall be guided to assure:

(a) a balancing and an equitable allocation of present and future uses of estuarine areas;

(b) a reasonable high level of environmental quality protection for all estuarine areas, based on the impact of human uses on the physical and biological system; and,

(c) consideration of the interests of the diverse groups of people who depend on or use estuarine areas.

2. Management of Estuarine Areas

Estuarine areas for different levels of management shall be designated in the comprehensive plan ranging from intensive development to preservation consistent with sound principles of conservation, particularly:

(a) those estauarine areas which are to be managed in a high state of development;

(b) those estuarine areas which are to be managed in a high level of development;

(c) those estuarine areas which are to be managed for preservation in as close to natural conditions (undeveloped) as possible, while providing for certain appropriate, beneficial uses; and

(d) those estuarine areas which are to be managed for restoration, to provide greater benefits from resources which have been destroyed, and damaged or degraded by some natural or manmade process.

3. Development Within Estuarine Areas

Development proposed for estuarine areas shall conform to the following criteria:

(a) uses shall be water-related, essential to the support of water-related uses, or interim uses which will not substantially interfere with the future development of water-related uses, unless it is demonstrated that the net social benefits generated by applying this criterion exceed the net social benefits of not applying it;

(b) development on piling shall be required unless it is demonstrated that the net social benefits of locating the development on fill exceed the net social benefits of locating the development on piling; and

(c) appropriate agencies shall consider the net social benefits of land storage vs. water storage prior to the approval of water storage of any material; and, that alternative with the highest net social benefits shall be authorized.

4. Disposal of Dredge Materials

Federal, state and local governments shall develop disposal plans which include a designation of necessary and environmentally acceptable sites for the disposal of dredge materials and such plans shall be an integral part of estuarine plans.

5. Specific Regulation of Alterations

State and local government shall prohibit alternations of estuarine areas unless all the following conditions are found to exist:

(a) the proposed alteration satisfied existing statutes, administrative rules and permit criteria of the Oregon Division of State Lands;

(b) the alteration will be the minimum amount required for the proposed use;

(c) the proposed use of the alteration is in conformance with adopted estuary plans, unless such a plan does not exist at the time of application in which case this condition does not apply; and

(d) the net social benefits of the alteration are demonstrated to exceed the net social benefits of not making the alteration.

6. Estuarine Management Centers.

(a) A permanent management center shall be established on or near each major estuarine area or group of estuaries to coordinate information about planning and regulation and to provide for storage, interpretation, research, and education activities and meeting and hearing procedures. (The management center may be established as part of an existing office such as the county planning department.)

B. Beaches and Dune Resources of the Coastal Zone

Goal: To maintain or enhance the values of Oregon's sand areas by assuring that public and private uses do not exceed the carrying capacity of these areas.

1. MAINTAINING VALUES AND USES OF SAND AREAS

(a) Each comprehensive plan shall include an identification of the various types of sand areas, designated in the OCC&DC Beaches and Dunes Inventory, and shall designate for each type of sand area, uses that do not exceed the physical and biological limitations peculiar to each type of sand area.

(b) Planning criteria for sand areas shall be used for all local, state and federal plans and implementation programs. This section will become operative when the criteria are adopted.[2]

2. REGULATION OF USES IN SAND AREAS

(a) In sand areas other than older stabilized dunes and older foredunes as defined in the OCC&DC inventory, approval or disapproval of uses, shall be based in part, on a site investigation report which has been prepared by a qualified sand specialist and provided to the applicable unit of government by the developer. The report shall evaluate the capability of the site to support the proposed development without endangering life, property or environment and shall describe:

(1) the type of development (use) proposed;

(2) the temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; and

(3) the methods for protecting the surrounding area from adverse effects of the development and stabilization.

(b) Any proposed use of a sand area that is likely to cause any of the following conditions shall not be approved unless it is demonstrated that the net social benefits of approving the use in the sand area exceed the net social benefits of disapproving the use:

(1) excessive damage to existing desirable vegetation including moisture loss and plant root damage;

(2) exposure of stable and conditionally stable areas to erosion;

(3) slope instability;

(4) pollution or excessive drawdown of ground water which would lead to loss of vegetation or intrusion of salt water into water supplies; and

(5) interference with significant wildlife habitats.

3. MAINTENANCE OF FOREDUNES

(a) Development on active foredunes and on conditionally stable foredunes which are subject to serious ocean undercutting shall be permitted only when it is demonstrated that the net social benefits of development on these sand areas exceed the net social benefits of prohibiting such development.

(b) Breaching of foredunes shall be allowed only on a temporary basis consistent with established criteria for emergency purposes (e.g., fire control, cleaning up oil spills) and shall require that these foredunes be restored once the emergency passes, unless it is demonstrated that the net social benefits of permanent breaching of the foredunes exceed the net social benefits of prohibiting such breaching, except that the U.S. Forest Service may allow permanent breaching of foredunes located in the Dunes Recreational Area when necessary to maintain a continuing supply of sand to inland recreational areas.

C. Shoreland Resources of the Coastal Zone

Goal: To conserve and protect the shorelands adjacent to the ocean and all lakes, streams and estuaries in the coastal zone.

1. DESIGNATION OF GEOGRAPHIC BOUNDARIES OF SHORELANDS IN COASTAL ZONE

(a) The geographic boundaries of the shorelands of the coastal zone shall be described and designated on maps. Such designation shall be based predominantly upon identification of landforms that limit or control the hydraulic action in the water course or in the periodically wetted fringes of the water course, such as wetlands and floodplains.

(b) State and local agencies shall coordinate their shoreland planning and management activities in cooperation with appropriate federal agencies in order to implement uniform shoreland management policies and to provide more specific and united guidance to local governments.

(c) All uses in shoreland areas permitted in comprehensive plans and implementation measures shall be consistent with adopted shoreland criteria. The criteria shall provide for:

(1) identification and designation of shorelands of regional or statewide concern;

(2) conservation of the natural character and amenities of waterways;

(3) increased public access where needed;

(4) increased public recreational opportunities where needed;

(5) continuance of forestry and agricultural uses without restriction except as otherwise provided by law.

2. MANAGEMENT OF SHORELAND AREAS

(a) Shorelands shall be set forth within the comprehensive plan and the uses shall be designated for these areas based on:

(1) recognition of the critical inter-relationships between shorelands and the freshwater, estuarine and marine resources of the coastal zone;

(2) promotion of the concept of shorelands as "environmental corridors" where there is a coincidence of natural resources and land use concerns in which there is a major public interest;

(3) consideration of the needs and desires of landowners who maintain or propose uses reasonable and appropriate for shoreland locations;

(4) consideration of shoreland uses related to the public interest in navigation and other water dependent activities;

(5) adherence to the objective of maximizing net social benefits according to this and succeeding generations of Oregonians;

(6) retention of shoreland vegetation (including tree species) in as natural a state as possible and restoration of desirable vegetation without delay after disturbance in order to protect water quality, aquatic life and wildlife habitat; and

(7) regulation of building sites, placement of buildings, and location of septic tanks disposal fields to control pollution.

D. Freshwater Resources of the Coastal Zone

Goal: To maintain and enhance the uses and values of the water resources of the coastal zone.

1. WATER RESOURCES OF THE COASTAL ZONE

(a) Water resources shall be promoted, secured, and controlled for multiple purposes and maximum beneficial uses.

(b) Adequate and safe supplies of water shall be conserved and protected for human consumption while conserving supplies for other beneficial uses.

(c) Water quality shall be improved for the propagation of fish and wildlife; for domestic, industrial, municipal, and recreational purposes; and for other legitimate beneficial uses.

(d) Wastes discharged into any state waters shall receive adequate treatment or other corrective action to protect the other legitimate uses of the water resource according to the standards and policies of the Department of Environmental Quality and the Environmental Protection Agency.

2. DEVELOPMENT OF POTENTIAL WATER SUPPLIES

(a) Regional water supplies, as identified and described in the OCCDC inventory, shall be developed to meet present and future demands for water.

(b) Adequate and reliable water storage and groundwater sources of supply shall be established where additional direct diversions of natural stream flows would result in unreliable sources of water supply.

(The unification of water supply districts, while possibly desirable from an economic viewpoint, is not the thrust of this policy. Rather, the development of regional water supply potentials is intended, in part, to organize the wholesale distribution of water to individual districts which may continue the retail distribution of water in their local areas, and thus retain control of their districts.)

(c) The appropriate state agency, in cooperation with local units of government, shall identify, evaluate, and designate suitable water sources for regionl supply development (either groundwater or surface storage).

(d) Those areas in need of service from regional supply systems and the suitable regional water supply sources shall be designated in comprehensive plans.

(e) State and local governments shall coordinate and estimate present and future demands for water taking into account the limitations or needs for water established by application of the carrying capacity concept.

E. Geologic Hazards in the Coastal Zone

Goal: To assure that development in geologic hazard areas is avoided, or that special limitations to protect life and property are established for any development allowed in these areas.

1. IDENTIFICATION OF GEOLOGIC HAZARDS

(a) Comprehensive plans and implementation measures shall contain a geologic hazards elements which includes an identification of the geologic hazards that exist within the unit's jurisdiction, and the limitations on the use of these hazard areas.

(b) Planning criteria for geologic hazards shall be used in preparing the geologic hazard element of local comprehensive plans.

2. USES AND ACTIVITIES IN GEOLOGIC HAZARD AREAS

(a) Approval or disapproval of development in identified geologic hazard areas shall be based on a geologic and soils report, provided by the applicant and prepared by a qualified geologist, engineering geologist, soil scientist or civil engineer. The report shall include an evaluation of the potential geologic problems and the capability of the site to support the proposed development without endangering life, property and the environment.

(b) Development proposals which will exceed the geologic hazard limitations of the site shall be disapproved unless the applicant agrees to safeguards recommended and certified by a qualified engineering geologist or civil engineer, that adequately protects life, property and the environment.

(c) When development involving activities of state-wide significant or other uses characterized by high densities or a major investment of public funds are proposed for areas in which there exist geologic hazards, then in addition to the regulations imposed by local governments, the State Government shall assure public safety by reviewing, approving or disapproving the geologic evaluation of the project.

3. REGULATING FLOOD HAZARD AREAS

(a) Development housing restrained or incapacitated persons (hospitals, rest homes and jails) and emergency service structures (police and fire stations) shall be prohibited in floodplains.

(b) Residential structures shall be prohibited in floodways and other structures and fills shall be permitted in floodways only if measures are taken to insure that there will be no increase in flood level, downstream erosion or flood damage potential due to the development.

(c) Structural developments shall be permitted in flood fringe areas only if designed to provide floor elevations or flood proofing to a height above that of the 100-year flood.

(d) The coastal high hazard area shall be identified and no land below the level of the 100-year flood in this area may be developed unless the new construction or substantial improvement:

(1) is located landward of the beach zone line as defined in ORS Chapter 390;

(2) is elevated on adequately anchored piles or columns to a lowest floor level at or above the 100-year flood level and securely anchored to such piles or columns; and,

(3) has no basement and has the space below the lowest floor free of obstructions so that the impact of abnormally high tides or wind-driven water is minimized.

(e) Transportation facility developments that encroach on floodplains shall be designed to permit conveyance of the basic flood without causing significant change to the highway, the stream, body of water, or other property, in accordance with Federal Highway Administration (FHWA) guidelines in Instructional Memorandum 20-1 67.

F. Visual Values of the Coastal Zone

Goal: To protect, maintain and enhance the visual attractiveness and character of the Oregon coast.

1. The visual attractiveness and character of the Oregon coast shall be protected, maintained and enhanced in such a way as to maximize the net social benefits.

2. Open space, scenic vistas and scenic corridors within areas having an exceptional or strong visual association with coastal processes shall be identified, prioritized and designated in comprehensive plans.

3. Planning criteria for protection of visual values shall be used for local, state and federal plans and implementation programs.

GUIDELINES

1. Consideration should be given to establishment of a design review process for considering development proposals in areas of exceptional or high visual significance. This design review process should be consistent with and incorporated into the system of preferences established for the coastal zone management program.

2. Undeveloped open space areas and scenic vistas should be reviewed and certain ones designated for reservation.

3. Those historical and archaeological resources which contribute to the visual attractiveness and character of the coast should be identified and provided special protection.

4. Programs should be developed to encourage private maintenance and enhancement of the * * *.

G. Scientific and Natural Areas in the Coastal Zone

Goal: To conserve and protect scientific natural areas in the coastal zone.

1. The process of inventorying the coastal zone to identify and describe potential scientific and natural areas commenced by OCCDC shall be continued.

2. Scientific and natural areas shall be acquired, designated or otherwise established not to exceed more than one per cent of the total coastal area for any one major ecosystem type.

3. Scientific and natural areas shall be designated for certain levels of management within comprehensive plans with just compensation for any loss incurred by the private sector.

4. The established scientific and natural areas shall be maintained in a condition suitable for developing the baseline data needed to evaluate the effects of use and management of similar areas.

5. The methods, guidelines and criteria for the preservation and management of scientific and natural areas shall be used in preparing comprehensive plans.

6. A net social benefit cost analysis shall be developed for each proposed scientific and natural area to demonstrate that such a designation is in the public's best interest.

H. Historical and Archaeological Resources of the Coastal Zone

Goal: To protect the historical and archaeological resources of the coastal zone.

1. National Register and other appropriate sites and areas, identified in the OCC&DC historical and archaeological resource inventory, shall be incorporated into comprehensive plans.

2. Development within or near those historical and archaeological sites and areas that are incorporated into comprehensive plans shall be avoided, or where development is allowed, special restrictions (appropriate to the extent, characteristics, and relative importance of the site) shall be established to maintain or enhance the historical and archaeological values of the sites and areas.

I. Significant Habitats of Fish and Wildlife Resources of the Coastal Zone

Goal: To protect the significant aquatic life and wildlife habitats of Oregon's coastal zone.

1. Significant habitats identified and described in the OCC&DC inventory through protected be shall inventory OCC&DC inventory shall be protected through the man-

agement, planning, and regulation of uses that would adversely affect these areas. Furthermore, the state shall develop programs and incentives for improvement and restoration of potentially significant habitat areas.

2. Habitats of threatened and endangered species, and other species of special interest, as identified in the OCC&DC inventory, shall be managed in such a manner to preserve these species in the Oregon coastal zone.

3. Consideration for significant habitat areas, habitats of threatened and endangered species and species of special interest, shall be incorporated into comprehensive water use plans and shall specify use limitations for these habitat areas.

4. State government shall develop planning and management criteria for both the preservation of species and the regulation of adverse impacts in significant habitat areas and shall require that these criteria be included in local comprehensive plans.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene at the hour of 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, Mr. Bentsen will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with Senators permitted to speak for not to exceed 5 minutes during that period for morning business.

Upon the conclusion of routine morning business on Monday, the Senate will take up Calendar Order No. 57, S. 229, the Marine Mammals Protective Act, under a time agreement. Rollcall votes may occur on amendments thereto and on final passage.

I ask unanimous consent that there be no rollcall votes on Monday prior to the hour of 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, also on Monday or Tuesday, whenever the circumstances will permit, the Senate will take up S. 621, a bill to prohibit, for a period of 90 days, the lifting of all price controls on domestic oil and for other purposes. Also, probably on Monday, the Senate will take up the nomination of Mr. Lehman. On Wednesday, the Senate will take up S. 510, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act.

I might also list for action on any day next week the following measures: S. 917, a bill to amend the Interstate Commerce Act to authorize the Interstate Commerce Commission to grant temporary operating authority to a carrier by railroad pending final detemination by the Commission; S. 852, a bill to amend the Rail Passenger Service Act; S. 200, a bill to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes; and any other measures that are reported and placed on the calendar and are cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Virginia.

RECESS TO 8:20 P.M.

Mr. HARRY F. BYRD, JR. Mr. President, I now move, in accordance with the previous order, that the Senate stand in recess until the hour of 8:20 p.m. this evening.

The motion was agreed to; and at 6:29 p.m. the Senate took a recess until 8:20 p.m.

The Senate reassembled at 8:20 p.m., when called to order by the Presiding Officer (Mr. Stone).

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–101)

Mr. ROBERT C. BYRD. Mr. President, I move in accordance with the previous order that the Senate stand in recess so that the Senators may proceed to the Hall of the House of Representatives for the joint session, and that upon the conclusion of the joint session, that the Senate stand in adjournment, under the order previously entered, until 12 o'clock noon on Monday next.

The motion was agreed to; and at 8:39 p.m. the Senate, preceded by the Sergeant at Arms, William H. Wannall; the Secretary of the Senate, Francis R. Valeo; and the President pro tempore (James O. Eastland), proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, Gerald R. Ford.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress, is printed in the proceedings of the House of Representatives in today's Record.)

ADJOURNMENT TO MONDAY, APRIL 14, 1975

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered into, at 10:09 p.m., the Senate adjourned until Monday, April 14, 1975 at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate April 10, 1975:

Department of Justice

Len H. Blaylock, of Arkansas, to be U.S. marshal for the eastern district of Arkansas for the term of 4 years vice Lynn A. Davis, resigned.

Energy Research and Development

Philip C. White, of Illinois, to be an Assistant Administrator of Energy Research and Development (new position).

U.S. Postal Service

D. C. Burnham, of Pennsylvania, to be a Governor of the U.S. Postal Service for the term expiring December 8, 1983, vice Frederick Russell Kappel, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 10, 1975:

Department of Commerce

Bernard A. Meany, of Connecticut, to be an Assistant Commissioner of Patents and Trademarks.

Commodity Futures Trading Commission

William T. Bagley, of California, to be Chairman and Commissioner of the Commodity Futures Trading Commission for a term of 5 years.

The following named persons to be Commissioners of the Commodity Futures Trading Commission for the terms indicated:

John Vernon Rainbolt II, of Oklahoma, for a term of 2 years.

Read Patten Dunn, Jr., of Maryland, for a term of 3 years.

Gary Leonard Seevers, of Virginia, for a term of 4 years.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

In the Air Force

Maj. Gen. William Lyon, [redacted] FV, U.S. Air Force Reserve, for appointment as Chief of Air Force Reserve under the provisions of section 8019, title 10 of the United States Code.

In the Army

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Walter James Woolwine, [redacted] Army of the United States (major general, U.S. Army).

In the Navy

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefore as provided by law:

MEDICAL CORPS

Walter M. Lonergan
Joseph T. Horgan

SUPPLY CORPS

Leroy E. Hopkins
Ralph F. Murphy, Jr.
Edward M. Kocher

CHAPLAIN CORPS

Withers M. Moore

CIVIL ENGINEER CORPS

Charles C. Heid, Jr.

DENTAL CORPS

William L. Darnall, Jr.

Vice Adm. William J. Moran, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Adm. Worth H. Bagley, U.S. Navy, for appointment to the grade of admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

Adm. Harold E. Shear, U.S. Navy, for appointment as Vice Chief of Naval Operations, pursuant to title 10, United States Code, section 5085, in the grade of admiral.

Vice Adm. David H. Bagley, U.S. Navy, having been designated for commands and other duties of great importance and responsibility determined by the President to be commensurate with the grade of admiral within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Adm. Ralph W. Cousins, U.S. Navy, for appointment to the grade of admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

John R. DeBarr
Herbert J. Blaha
Philip D. Shutler
Richard E. Carey
George W. Smith
John H. Miller
Harold A. Hatch
Edward J. Bronars
Warren R. Johnson
Paul X. Kelley

The following-named officer of the Marine Corps Reserve for permanent appointment to the grade of brigadier general:

Hugh W. Hardy

The following-named officers of the U.S. Marine Corps Reserve for temporary appointment to the grade of brigadier general:

Jack M. Frisbie
Dorsey J. Bartlett

IN THE AIR FORCE

Air Force nominations beginning Thomas M. Daye, to be colonel, and ending Jack Edwards, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on March 3, 1975.

Air Force nominations beginning Donald L. Abbott, to be lieutenant colonel, and ending David J. O'Mara, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 1975.

IN THE ARMY

Army nominations beginning Craig D. Butler, to be captain, and ending Rudy L. York, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 1975.

IN THE NAVY

Navy nominations beginning Donald K. Ackerman, Jr., to be ensign, and ending "R" "J" Jones, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 1975.

Navy nominations beginning James G. Abert, to be captain, and ending Henrietta R. Lanier, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on March 17, 1975.

FEDERAL ELECTION COMMISSION

In accordance with the provisions of Public Law 93-443, the following persons to be members of the Federal Election Commission:

Thomas E. Harris, of Arkansas, for a term of 3 years.

Joan D. Aikens, of Pennsylvania, for a term of 1 year.

Robert O. Tiernan, of Rhode Island, for the term ending Apr. 30, 1977.

Vernon W. Thomson, of Wisconsin, for the term ending Apr. 30, 1980.

Neil Staebler, of Michigan, for a term of 2 years.

Thomas B. Curtis, of Missouri, for a term of 5 years.

HOUSE OF REPRESENTATIVES—*Thursday, April 10, 1975*

The House met at 12 o'clock noon.

The Most Reverend Felixberto C. Flores, bishop of Agana, Guam, offered the following prayer:

Eternal God, as Lord of Time You have chosen to dwell with humanity and establish Yourself among its nations

You have fashioned for Yourself peoples and nations of every race.

Abundantly You have blessed this Nation, the United States of America, as a people of hope and a people of responsibility.

From our small beginnings You have already led us to conquer a vast wilderness of ignorance, injustice, slavery, and servitude.

Much labor still rests before us.

Where unconquered frontiers remain, may we dispel from them the darkness which would diminish dignity and inhibit free growth.

Through our institutions under law You have nurtured the principles of hope for all people through liberty and justice.

Through introspection and reflection You have kept alive the spirit of self-sacrifice and self-discipline necessary to sustain these freedoms and privileges in order that the Nation might grow solid in wisdom, courageous in spirit.

Inspire, we beseech You, this Congress so that as a nation under Your guidance and benediction we shall continue to shine with a glorious light.

We shall rejoice in our children because You have gathered this mighty **American Nation into one people destined to share with the world its wisdom** in freedom, its spirit in compassion, its liberty, and its justice for generations to come.

This we ask in the name of Your **Son. Amen.**

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Heiting, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 203. Concurrent resolution providing for a joint session of the two Houses of Congress on Thursday, April 10, 1975.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 25) entitled "An act to provide for the cooperation between the Secretary of the Interior and the States with respect to the regulation of surface coal mining operations, and the acquisition and reclamation of abandoned mines, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. METCALF, Mr. JOHNSTON, Mr. HASKELL, Mr. FANNIN, and Mr. HANSEN to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4296) entitled "An act to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. EASTLAND, Mr. MCGOVERN, Mr. ALLEN, Mr. HUMPHREY, Mr. DOLE, Mr. YOUNG, and Mr. BELLMON to be the conferees on the part of the Senate.

BISHOP FELIXBERTO C. FLORES

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker and distinguished colleagues, it has been our pleasure to have the opening prayer delivered today by the Most Reverend Felixberto C. Flores, bishop of Agana. To have a native-born spiritual leader as our bishop is a distinct tribute to our people.

Bishop Flores was born in Agana, Guam, in 1921. After completing his early education at the Guam Institute, he entered San Jose Seminary in the Philippines in 1940 to begin his studies for the priesthood. He was ordained a priest in 1949 at St. John's Seminary in Brighton, Mass.

Since that time he has served with distinction the church of Guam in varied and responsible capacities, among them as chancellor of the diocese, diocesan consultant, rector of the cathedral, and the superintendent of schools. For many years Bishop Flores served as chaplain of the Guam Legislature and is presently the U.S. military delegate for Guam, Wake, and the Mariannas. He was raised to the rank of papal chamberlain in 1959 by Pope John XXIII and to the rank of domestic prelate in 1963 by Pope Paul VI. In 1970 he was raised to the episcopacy.

An alumnus of the Fordham Graduate School, Bishop Flores is a member of the Canon Law Society of America, the National Catholic Education Association, the American Association of School Administrators, and Phi Delta Kappa. His leadership is truly a composite of professional acumen and deep love and concern for the people of Guam and the trust territory. In recent years his direction and zeal have been the impetus in the establishment of the Catholic Medical Center on Guam.

I am delighted that Bishop Flores can be with us today.

Mr. BIAGGI. Mr. Speaker, we are fortunate to have with us, today, to deliver the opening prayer His Excellency, Most Reverend Felixberto C. Flores, titular bishop of Stonj and apostolic administrator for the Diocese of Agana, the religious leader of Guam.

Bishop Flores is the first native Chamorro to become bishop of Guam. Born on that island, Bishop Flores pursued his higher education in the Philippines and the mainland United States. He received a master's degree in education from New York's own Fordham University which is in the district I am privileged to serve. Bishop Flores serves his apostolic flock in myriad capacities. Among the bishop's other duties, for instance, he is directing the completion of the Medical Center of the Mariannas.

It is with open arms and in the spirit of Christian fellowship that I take this opportunity to welcome Bishop Flores to Washington and to the House of Representatives.

PERMISSION FOR FILING OF COMMITTEE REPORTS BY FRIDAY, APRIL 11, 1975, ON H.R. 3787 AND H.R. 3130

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may file committee reports on H.R. 3787 and H.R. 3130 by Friday, April 11, 1975.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the education division and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Mr. MICHEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a joint resolution making an additional appropriation for the fiscal year ending June 30, 1975, for the Veterans' Administration, and for other purposes.

Mr. CEDERBERG reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON MANPOWER AND CIVIL SERVICE TO SIT DURING 5-MINUTE RULE TODAY

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Manpower and Civil Service of the Committee on Post Office and Civil Service be permitted to meet today while the House is proceeding under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR SUCOMMITTEES ON MANPOWER AND CIVIL SERVICE AND POSTAL SERVICE TO SIT DURING 5-MINUTE RULE TODAY

Mr. CHARLES H. WILSON of California. Mr. Speaker, I ask unanimous consent that the Subcommittees on Manpower and Civil Service and Postal Service of the Post Office and Civil Service Committee be authorized to meet this afternoon during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BASKETBALL GAME BETWEEN DEMOCRATS AND REPUBLICANS WILL NOT BE PLAYED

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, I take this time to announce today with great regret that a basketball game scheduled next week between the Democrats of this House and the Republicans of this House will not be played. Coach Conte has forfeited.

After 12 years of handling the Democrats on the baseball field, Coach Conte, unable to handle cotton uniforms, has decided that he will not be able to come to the court next week. I wish Coach Conte good luck in trying to establish a north-south game or east-west game, but we on our side were planning to win this game just as we did the big game last November.

Mr. FLOWERS. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Speaker, is the problem that the other side could find only five players and no substitutes? Or that they were fearful we might apply the 2 to 1 rule here, also?

Mr. DAVIS. They had five players, and we told them we were not going to play them 2 to 1, and that it would be even, I understand the regular substitutes, Erlenborn and Michel, were ready as usual.

Mr. FLOWERS. I thank the gentleman.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I must have misunderstood, because I know the other side can always find a substitute.

Mr. DAVIS. I thank the gentleman. I know they can find a substitute. My only regret is that undoubtedly Coach Conte also forfeited the right to come and rebut me here today, but they can always find outstanding pitchers such as the gentleman from Illinois (Mr. Michel) and the gentleman from Maine (Mr. Cohen). We will see those gentlemen in June on the diamond.

RESTORE ARMISTICE DAY WITHOUT REPEALING THE MONDAY HOLIDAY ACT

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I know that there are going to be hearings next week on the subject of the repeal of Veterans Day and reassignment of this Monday holiday to November 11 in lieu of it being observed on the fourth Monday of October, as it is at present. I am hopeful that the House Committee on Post Office and Civil Service will not take this action. The great benefits which have come from Veterans Day being a Monday holiday will be amply demonstrated before the committee. I hope we can give thoughtful consideration to this.

Mr. Speaker, I might say that I am introducing today a measure to reinstate Armistice Day as November 11, and to have appropriate observances on Armistice Day as we did traditionally have before we changed Armistice Day to Veterans Day. I hope we can get support for that legislation in lieu of repealing Veterans Day. I am attaching a copy of the bill:

H.R. 5880

A bill to designate November 11 of each year as Armistice Day

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the eleventh day of November of each year is designated as "Armistice Day" in memory of the contributions and sacrifices of the men who fought and died in the First World War.

SEC. 2. The President of the United States is authorized and directed to issue annually a proclamation calling upon the people of the United States to commemorate and recognize Admistic Day with appropriate celebrations and observances.

CALL OF THE HOUSE

Mr. MATHIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 114]

Ambro
Barrett
Beard, Tenn.
Burke, Calif.
Chisholm
Conyers
Corman
Danielson
Dodd
Esch
Eshleman
Fascell
Findley
Flowers
Flynt
Ford, Mich.
Ford, Tenn.
Fraser
Giaimo
Goldwater
Harsha
Jacobs
Jones, Okla.
Kemp
Landrum
Leggett
Lent
McEwen
McKinney
Meeds
Mills
Mink
Mosher
Murphy, N.Y.
Patman
Pressler
Rees
Rose
Rosenthal
Rostenkowski
Scheuer
Sisk
Steiger, Ariz.
Stokes
Teague
Thompson
Tsongas
Udall
Ullman
Wilson, Charles, Tex.

The SPEAKER. On this rollcall 382 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NINETEENTH ANNUAL REPORT OF HEALTH RESEARCH FACILITIES CONSTRUCTION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94–100)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

I transmit herewith the 19th annual report of the health research facilities construction program for activities during fiscal year 1974.

GERALD R. FORD.

THE WHITE HOUSE, *April 9, 1975.*

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

This announcement is meant for all of the Members.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that this evening, when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule—and it is a rule of the House—regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all the Members is earnestly requested.

PROVIDING FOR CONSIDERATION OF H.R. 3786, INCREASING FEDERAL SHARE OF HIGHWAY PROJECTS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the increase of the Federal share of certain projects under title 23, United States Code. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. at the conclusion of such consideration, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 366 provides for an open rule with 1 hour of general debate on H.R. 3786, a bill to authorize the increase of the Federal share of certain projects under title 23, United States Code.

House Resolution 366 provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule.

H.R. 3786 is a temporary measure which permits an increase in the Federal matching share for Federal-aid highways and certain public mass transportation projects approved under title 23, United States Code, during the period from February 12, 1975, to the end of the current fiscal year. During this period, the Federal share of the cost of the qualifying projects can be increased up to a total of 100 percent. In return the State must agree to repay such advanced amount prior to January 1, 1977. The repayment must be made with non-Federal funds. The failure on the part of any State to honor this commitment would result in the withholding of approval of future Federal-aid highway projects in the State. H.R. 3786 does not provide for a funding authorization.

Mr. Speaker, I urge the adoption of House Resolution 366 in order that we may discuss, debate and pass H.R. 3786.

Mr. Speaker, I yield to the gentleman from Tennessee.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the able gentleman from Illinois (Mr. MURPHY) has explained the provisions of the resolution. I see no objection at all to this House debating the bill increasing temporarily the Federal matching share for Federal-aid roads and off-system roads.

Mr. Speaker, concerning the $2 billion of impounded highway funds which have been released, the Department of Transportation has just issued their guidelines stating that some of this money, under the option of the various States, can be used on our off-system roads. Of the $200 million under the 1974 Federal Highway Act, some of these funds under the option of the States can be used up to 100 percent also on the off-system roads.

Mr. Speaker, the Department of Transportation under date of April 3 has issued their guidelines, and I would like to insert in the RECORD at this point the news release from the Department in regard to their guidelines.

The Department of Transportation's Federal Highway Administration today announced the issuance of guidelines for administering the Off-System Roads program authorized by Federal-aid highway legislation enacted in late 1974.

The new guidelines apply to grants to States for the construction, reconstruction and improvements to roads not on any Federal-aid highway system. The 1974 act authorized the appropriation of $200 million for the off-system roads for fiscal year 1976. This sum was apportioned to the States from the Highway Trust Fund on January 10, 1975.

The regulations were made effective April 3, 1974, the day of publication, so that the program could begin promptly, thereby assisting in the reduction of unemployment, stimulation of the economy, and providing needed rural road improvements.

Because the new guidelines are for a Federal grant program, the normal notice of proposed rulemaking and the holding of public hearings were not required. However, because of public interest in this program, individuals and organizations are invited to submit comments on these regulations within 30 days of the effective date to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 75–5, Washington, D.C. 20590. Communications submitted by this date will be evaluated and considered in determining any changes to these regulations.

I should like to say to the membership that this measure temporarily increasing the Federal participation is an excellent thing. It gives the States the chance to go forward to provide jobs and to increase the value of the road systems while we need help in creating employment. This is a great thing that we are doing here today. It does not authorize any additional funds, but it does give the States an opportunity to spend 100 percent of Federal dollars on the systems which the Department of Transportation has approved.

Mr. Speaker, I have no requests for time.

I urge the adoption of the rule and the passage of the bill when it comes up for debate.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4005, DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1975

Mr. YOUNG of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 342

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. YOUNG of Georgia. Mr. Speaker, I yield the usual 30 minutes to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 342 provides for an open rule with 1 hour of general debate on H.R. 4005, a bill to amend the Developmental Disabilities Services and Facilities Construction Act.

H.R. 4005 provides for a 1-year extension, through fiscal year 1975, of authority for programs for the developmentally disabled which expired June 30, 1974, and are presently being carried on the continuing resolution for 1975. The bill also provides a 2-year substantive revision of the existing authority for fiscal years 1976 and 1977 with a total authorization of $147 million—$67 million for fiscal year 1976 and $80 million for fiscal year 1977.

Developmental disabilities are handicaps, such as mental retardation, cerebral palsy, epilepsy, autism, dyslexia, and other neurological conditions, which originate in childhood—prior to the age of 18—and which may continue indefinitely, and which constitute a substantial disability to the affected individual. Over 6 million people in the United States suffer from mental retardation, and several million suffer from other developmental disabilities. Citizens with developmental disabilities need support and assistance with learning and living so that they may function in our society as the citizens they are with maximum effectiveness. Of particular significance in this bill is the emphasis on deinstitutionalization which would discontinue institutional maintenance and develop adequate community programs to serve this population. The right to meaningful health care should be a standard which applies to all of our citizens and I feel that this legislation supports this approach.

Mr. Speaker, I urge the adoption of House Resolution 342 in order that we may discuss, debate, and pass H.R. 4005.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as previously explained, the rule presently before us provides for 1 hour of general debate for consideration of H.R. 4005, Development Disabilities Amendments of 1975. Under the terms of the rule the bill will be open to all germane amendments.

H.R. 4005 would allow for a 1-year simple extension through fiscal 1975 of authority for programs for the developmentally disabled. This authority expired June 30, 1974, and is presently on the continuing resolution for 1975. The bill additionally provides for a 2-year substantive revision of the existing authority for 1976 and 1977.

Specifically, H.R. 4005: First, continues existing authority for grants for operating university-affiliated facilities for the developmentally disabled; second, creates a new special project authority and substitutes for existing 10-percent earmark of State allotments for projects of special national significance a new 30-percent earmark of the new special project authority for such projects; third, requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions; fourth, eliminates requirements for Federal approval of individual construction projects funded with State grant funds; fifth, adds autism and dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services; and sixth, requires studies by the Secretary of HEW to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

This legislation is estimated to cost $147 million for fiscal years 1976 and 1977. I know of some opposition to the price tag of this bill, as it inflates the amount the administration has put into this program over the past 2 years by some $18 million per fiscal year. That is a 36-percent increase.

When we continue to increase the cost of each program, however worthy, and at the same time refuse to accept judgments of the executive branch as to expenditures which can be either deferred or rescinded, we are endangering the very efforts we are seeking to promote.

Therefore, Mr. Speaker, I urge the adoption of this rule which opens the bill to germane amendments so that we may further proceed to consider H.R. 4005.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. YOUNG of Georgia. Mr. Speaker, I urge adoption of House Resolution 366 in order that we may proceed with debate and consideration of the bill H.R. 3786.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4224, AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE NUCLEAR REGULATORY COMMISSION FOR FISCAL YEAR 1975

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 367

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4224) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4224, it shall be in order to take from the Speaker's table the bill S. 994 and to consider the said Senate bill in the House.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 367 provides for an open rule with 1 hour of general debate on H.R. 4224, a bill to authorize supplemental appropriations to the Nuclear Regulatory Commission for the fiscal year 1975.

House Resolution 367 provides that after the passage of H.R. 4224, it shall be in order to take from the Speaker's table the bill S. 994 and to consider S. 994 in the House.

H.R. 4224 authorizes supplemental appropriations of $50,200,000 to the Nuclear Regulatory Commission for the fiscal year 1975. Of this total, $32,800,000 is needed because receipts used by the old Atomic Energy Commission have been assigned to the Nuclear Regulatory Commission. This total involves only a change in accounting and thus the cost of the bill is $17,400,000.

Mr. Speaker, I urge the adoption of House Resolution 367 in order that we may discuss, debate, and pass H.R. 4224.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like the gentleman from Texas, I am a member of the authorizing committee and would, therefore, certainly join in urging the House to support House Resolution 367.

This supplemental authorization, as I believe the gentleman indicated, was necessitated by the fact that with the emergence of ERDA, the Energy Research Development Administration, the old Atomic Energy Commission was dissolved and in its place arose the new Nuclear Regulatory Commission. Most of the supplemental authorization is, therefore, due to the fact that the old AEC used to apply certain funds that it received and certain fees that it received as an offset to their budget authority; but under the new Nuclear Regulatory Commission those funds will be directly deposited in the Treasury under the miscellaneous proceeds of the Treasury. Therefore, most of the authorization is to accommodate that change in procedure, plus a modest amount, $7,900,000, to support the new agency, and $9,500,000 is a refund of fees that were collected.

The Supreme Court has ruled that the procedures did not meet certain constitutional criteria. I think that explains the authorization, the reason for this supplemental request.

I would hope that the House would adopt the rule.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INCREASING THE FEDERAL SHARE OF HIGHWAY PROJECTS

Mr. JONES of Alabama. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) to authorize the increase of the Federal share of certain projects under title 23, United States Code.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. JONES).

The motion was agreed to.

The SPEAKER. The Chair designates the gentleman from Washington (Mr. ADAMS) as chairman of the Committee of the Whole and requests the gentleman from Hawaii (Mr. MATSUNAGA) to assume the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3786) with Mr. MATSUNAGA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore (Mr. MATSUNAGA). Under the rule, the gentleman from Alabama (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, we bring this proposal under very extraordinary circumstances. It was caused by the fact that some of the States were not able to match the Federal funds that would consequentially be available to them.

Since the President has released the $2 billion, we found ourselves in the situation where some of the States could not benefit from the benefits that would be derived, so consequently we have brought this proposal to the House to permit those States to participate and complete their ongoing programs.

The amounts of money that are made available under the bill will be repaid from their own subsequent appropriations and authorizations. So, Mr. Chairman, I think that this measure has met with the approbation of the Committee on Public Works. The subcommittee headed by the gentleman from New Jersey (Mr. HOWARD) and the gentleman from Pennsylvania (Mr. SHUSTER) has been most diligent in its efforts. The Members have examined the proposition most thoroughly, and I cannot imagine that they could have measured up so consequentially to respond to the great needs and great requirements of our ongoing program on highway construction and reconstruction.

Mr. Chairman, the Members of this body should know that the highway legislation they have approved today is largely the product of two of the most able and conscientious young legislators that I have encountered in all my years in the Congress. They have richly earned the gratitude of the House and of the many construction workers throughout America who will soon be returning to their jobs because of this legislation.

I am referring to Mr. JAMES J. HOWARD, of New Jersey, chairman of the Subcommittee on Surface Transportation of the Public Works and Transportation Committee, and Mr. BUD SHUSTER, of Pennsylvania, who is the ranking minority member of that subcommittee.

JIM HOWARD assumed his chairmanship at the beginning of this session and in these first few months of his tenure he has demonstrated qualities of leadership and legislative understanding that, to me, are nothing short of remarkable. In his conduct of the hearings that developed this critically important legislation, and in his presentation of the completed bill, he impressed every member of our committee, Republican and Democrat alike, with his grasp of the issues and the absolute fairness and incisiveness of his decisions.

The spirit of nonpartisan cooperation that Mr. HOWARD engendered in the development of this bill was supported and enhanced by the tireless efforts of Congressman SHUSTER who worked in the closest concert with the subcommittee chairman in resolving the differences and difficulties that are inevitable to the legislative process.

To me, after more than a quarter of a century of congressional service, it is a refreshing and rewarding experience to find leadership of this caliber in two young men who have proved themselves capable of laying aside partisan interest in the interest of their country.

Together, JIM HOWARD and BUD SHUSTER are building a broad bridgehead of legislative cooperation that holds rich promise for their future and ours. I commend them, as I know the men and women whose livelihoods they have restored will commend them.

Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey (Mr. HOWARD), chairman of the subcommittee.

Mr. HOWARD. Mr. Chairman, the Subcommittee on Surface Transportation of the House Committee on Public Works and Transportation is today, for the first time in over 10 years, presenting to the House legislation involving the surface mobility of this Nation without the leadership which we enjoyed for so many, many years by our former subcommittee chairman, the gentleman from Illinois, the Honorable John C. Kluczynski. Under the leadership of John Kluczynski, the mobility of this Nation has been improved, lives have been saved on our highways, and the more deeply our subcommittee gets involved in legislation during this 94th Congress, the more we realize, along with the Nation, the great contributions that were made by our former colleague, Johnny "Klu."

Very briefly, Mr. Chairman, on February 12 the President announced the release of $2 billion of the impounded Federal highway funds. The President stated—and we commend him for this—that he was releasing this money for the remainder of this fiscal year in order that the States may be able to utilize it not only to provide for additional safety and transportation of people in their States, but also to help meet the tremendous unemployment that we find throughout this Nation. We applaud the President for this action.

However, in checking, we did find that unfortunately many of the States in the Nation are unable to make use of this money in the time allocated.

Of course, the provision the President made is that any project approved under this release of $2 billion must be under contract by June 30 and work begun within 45 days, thereby putting people to work within 45 days at most after contract. Of course, many of the States depend upon their matching funds—10 percent on the Interstate System and 30 percent on all other roads. Some of them raise matching funds by a tax on gasoline.

As we know, during the first 6 months of 1974 there was a slowdown in the selling of gasoline and, therefore, the States did not acquire the money that they would need to match this Federal outlay.

Additionally, States, in preparing their budgets for this fiscal year had no idea there would be another $2 billion available, and so they did not budget matching money. To assist the States, the Subcommittee on Surface Transportation held several days of hearings in order to find ways we could help the States use the money and put people to work.

One of the many provisions of this legislation, Mr. Chairman, is that for the remainder of this fiscal year the Secretary of Transportation may allocate to the States up to 100 percent of the cost of the construction for these approved projects. This is with the stipulation, of course, that the States before January 1, 1977, returr with non-Federal funds these moneys to the Highway Trust Fund so that we may have our balanced system as soon as possible.

Another problem we found the States had had to do with the categories in the 30-percent range, where the Federal Government provided 70 percent and the States produced 30 percent. This had to so that we may have our balanced sys-urban and rural highway programs they have. We found that some States are all ready to go on a certain section of a highway but they do not have funds in this particular category, but they do have funds available to them in a different category. Under the terms of this legislation, for the life of this legislation, which is emergency legislation applicable only for the remainder of this fiscal year, the States may transfer funds within these categories, so that they may get more contracts, so that they may be able to put more people to work.

This money transferred from one category to another must be returned to the categories from which they were transferred. In this way when the Committee on Public Works takes up the major highway bill for this year we will have the assurance that the money in the trust fund will be moved back into the proper category, so that we may move forward with balanced programs.

In the committee report, on page 4, there is comment on major and nonmajor Federal action; there are many projects that the States may move forward without an enviromental impact statement; these are in what is known as nonmajor Federal projects. These generally, have to do with projects on existing right-of-way, where the States may refurbish roads where they may widen roads, add additional lanes, perhaps dualize, or add safety features. These may be considered as nonmajor Federal actions by the Department of Transportation and work could begin immediately.

In conclusion, we feel that the adoption of this legislation will make a substantial move toward reduction of unemployment by spurring the hiring of people in the construction industry. As an example of the distress in the construction industry I cite my own State of New Jersey where the unemployment is a full 60 percent.

Mr. Chairman, I wish to thank the members of the subcommittee for their deliberations and cooperation in conducting these hearings, for the time they have spent and the efforts they have spent. We wish also to thank our chairman, the gentleman from Alabama (Mr. JONES) for giving a full rein to go ahead with these hearings so that we may have before this House a bill and, hopefully, we will take action, so that the President may sign this bill and people may be put to work throughout the Nation.

Mr. Chairman, over the past few months, the Nation has been experiencing unemployment to a degree reminiscent of the 1930's. There are now 8 million Americans out of work, and there is every indication that situation will get worse before it gets better; 781,000 construction workers were unable to find work during the month of March.

The Federal-aid highway program contributes greatly to the economic well-being of this country and is an excellent means of putting people to work. In recognition of this fact, the President on February 12, ordered the release of $2 billion in impounded Federal-aid highway funds, thereby raising the overall program level to $6.6 billion for fiscal year 1975. States are now being permitted to obligate Federal-aid highway funds on a first come, first served basis, within existing apportionment limitations, for projects on which work can begin within 45 days after project approval. The President's strategy is intended to have maximum possible impact on the unemployment situation.

As of last Friday, April 4, the States had obligated a total of $3.971 billion for Federal-aid highway projects since the beginning of the fiscal year. Of this total, $1.143 billion was obligated during the 7-week period after the President's release of the additional $2 billion. Although this latest activity represents a significant increase over the previous obligation rate, still the $6.6 billion goal will not be reached unless the States step up the current rate of obligations by at least 30 percent. Without appropriate legislation, there is no assurance that the States will be able to sustain the current pace, much less increase it.

Obviously, there is a limit to what the President can do under present law. Wholesale release of impounded funds is not an exclusive remedy for unemployment in the highway construction industry. The release of the impounded funds came about unexpectedly, and many States are unable at this time to meet the requirements for additional State matching. Passage of the bill before this body will facilitate the obligation of the additional funds and put thousands of unemployed back to work. All of the these facts were borne out in testimony before the committee in recent hearings on the bill.

Our bill, H.R. 3786, relaxes the requirement for State matching for any project approved between February 12 and the end of this fiscal year. States would have the option to increase the Federal share on these projects up to 100 percent, provided that they pay back any such increases to the Federal Government before January 1, 1977, with non-Federal funds. Repayments would be deposited in the Highway Trust Fund, thereby restoring the funds to the Highway program from which originally drawn. No new highway projects would be approved after January 1, 1977, in a State which fails to make the repayments as required.

The hearings also showed that greater flexibility in the use of funds could enhance a State's capability to deal with its own unique unemployment problems. Consequently, the bill was amended in committee to permit a transfer of funds among and within categories within a State—except for the interstate system—including a transfer of funds between urban and rural areas within a State, until the end of this fiscal year. A mandatory annual adjustment in future apportioned funds would be required to replenish the categories from which the funds were originally drawn.

Mr. Chairman, H.R. 3786 is emergency legislation to expedite the highway construction program and to put people back to work. We cannot afford to gamble with the jobs of thousands of unemployed construction workers across the country. An additional $2 billion has been made available by the President and now it is up to this body to make it possible for the various States to make optimum use of these additional funds.

I urge my colleagues to vote for this important piece of legislation.

Mr. HARSHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3786, a practical and workable measure to stimulate the economy and get Americans back to work by accelerating construction of highway projects.

The need is there beyond question, in terms of the high unemployment rate among workers in the construction trades and the backlog of useful work to be done. And the funds are available. It only remains for the Congress to ease the restrictions on the use of those funds so that they can be put to work on quick-start projects.

This bill would do so by lifting, temporarily, the requirements for 30 percent non-Federal match in the case of non-Interstate projects and the 10-percent match in the case of Interstate projects. It also would allow, again temporarily, for the transfer of funds with the exception of Interstate among and within categories of Federal assistance and between urban and rural areas.

It would allow the States to concentrate on those projects for which funds can be obligated on an accelerated basis through the remainder of this fiscal year.

In supporting this legislation, I should like to remind Members that no one has been a stronger supporter of the integrity of the highway trust fund than I have. Nor has anyone taken a more active role in fighting to assure that both urban and rural needs be given adequate attention under Federal-aid highway legislation.

Therefore, I believe I speak with some authority in assuring you that the removal of restrictions is to be temporary, that we are creating no precedent in permitting a Federal match of up to 100 percent. States exercising the option to use 100 percent Federal funds for a given project would be obliged to repay what would amount to an interest-free advance to the highway trust fund. And any amounts advanced from one category to another would have to be restored over a reasonable time in order to preserve balance.

I believe that this balance, reflecting needs, vehicle miles traveled and relative contribution to the trust fund, remains valid as a concept over the years. But I also happen to believe that in the higher interests of getting people to work a temporary infusion of greater flexibility is in order.

And they can be put to work on a number of projects that need not be delayed for environmental impact statements and extended administrative procedures. Either such requirements have already been met or the projects are not individually of sufficient magnitude to become subject to the requirements. Many projects in this category would involve upgrading, widening, resurfacing, elimination of hazards or other measures to improve efficiency and safety.

There is no question but that the bulk of projects will represent improvements to existing highways, rather than new, major undertakings which involve increasingly long leadtime to get under construction.

Introduction of this bill was triggered by the President's release of $2 billion in previously impounded highway funds. This brought to $6.6 billion the funding level for fiscal year 1975. Of this sum, $3.1 billion has been obligated through the end of February, $3.5 billion remains to be obligated by June 30. States which have exausted their apportionment for fiscal year 1975 in any one category can begin obligating their 1976 apportionments.

Thus it cannot be said precisely what amount of funding will be directly affected by the provision of new flexibility in this bill. This will depend upon decisions properly to be made by the States in their role in the Federal-State partnership. One element of decision will be the requirment to pay back the amount of the increase in the Federal share before January 1, 1977.

But one measure of the impact is the estimate by the Department of Transportation that the $2 billion release alone would create approximately 107,000 jobs onsite and in related industry. This could conceivably generate another 150,000 jobs outside the industry.

Under this bill, the benefits of such stimulation would be available to States without requiring them to disrupt their regular programs of 100 percent State-funded projects. They also would be relieved of pressure to defer maintenance in efforts to come up with their non-Federal matching share during the period through June 30 of this year.

In conclusion, I should like to remind Members that the committee has taken note of testimony that further layoffs in the construction industry are reasonably in prospect. So our task is not merely one of moving ahead. We may be in for a worsening situation, and this bill is one way—one vital sector of the economy—to head it off. I urge enactment of the bill.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. HARSHA. Yes, I will be happy to yield to the gentleman from Maryland.

Mr. BAUMAN. The committee report indicates that there was a precedent for this waiver of the matching State funding, at least during the 1957 recession period. At that time was there full repayment by the States, or was there any repayment requirement provision existing in the law?

Mr. Chairman, I wonder if anyone can respond to that.

Mr. HARSHA. Mr. Chairman, I wonder whether I could yield to the gentleman from Pennsylvania (Mr. SHUSTER), who is the ranking minority member of the subcommittee, to respond to that question.

Mr. SHUSTER. Mr. Chairman, to answer the gentleman, it was repaid from future apportionments, not from existing funds. There was a waiver at that time, and we object very strongly to any such waiver. It is for that reason that we have teeth in this bill that require repayment by the end of this Congress; and if there is no repayment, all funds are cut off for the State until repayment is made, so there are teeth in this to provide exactly for that particular point.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman from Ohio (Mr. HARSHA) yield?

Mr. HARSHA. Yes; I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, the gentleman from Maryland (Mr. BAUMAN), I think, is referring to the Gore amendment which was passed in 1958. Those repayments were made under the Gore amendment, and would be almost comparable.

Mr. BAUMAN. If the gentleman will yield further, I am somewhat confused, not being a member of the committee. The gentleman from Pennsylvania (Mr. SHUSTER) said there was a waiver of 1957–58 payments. The distinguished chairman says the funds were repaid. Which is it?

Mr. HARSHA. I yield to the chairman, the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. There was a waiver of time, but the ultimate payments were extracted from the apportionment made to the various States, so there were not any inequities that came about as a result of the Gore amendment.

Mr. HARSHA. If I may respond to the gentleman from Maryland (Mr. BAUMAN), there is a difference between the so-called Gore amendment and this amendment. Under the Gore amendment there was not a specified time limit for repayment out of non-Federal funds. In this bill we have a specified time for repayment by the States out of State funds and non-Federal funds. We have further implemented that provision by saying that no future highway project will be approved by the Secretary of Transportation unless and until that advance money is repaid by the State to the highway trust fund.

Mr. BAUMAN. If the gentleman will yield further, I notice that there is a requirement of repayments by the States before January 1, 1977.

Mr. HARSHA. That is correct.

Mr. BAUMAN. The gentleman's report indicates that there is no additional cost to the Federal Government based on the theoretical eventual repayment of these sums by the States?

Mr. HARSHA. That is correct.

Mr. BAUMAN. But what will it cost the Federal Government in money it would not otherwise have had to spend between now and January of 1977? There must be some additional amount that will be spent.

Mr. HARSHA. No, it will not cost the Federal Government over the $2 billions released.

It is a rather tricky situation, but I will try to explain it to my good friend, the gentleman from Maryland.

The $2 billion is all that is going to be released, that, together with the unobligated already released apportionment, which total about $3.5 billion, which is available to be spent between now and June 30.

What happens is that State, instead of putting up its 10 percent on the Interstate System, or on the primary system, the Federal Government advances that, but it advances that out of the total apportionment, and it is going to spend the $2 billion anyway, or the $3.5 billion. You do not add on 30 percent on top of that. You ultimately will have a little smaller highway construction program because the State did not put up its money because it is Federal money. So you do not have any more money coming out of the Federal Treasury; however, there will be a diminution during this short period of time, but you will have a highway program that otherwise would falter because some of the States lack the matching money.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield further?

Mr. HARSHA. I yield further to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I notice the lack of any departmental comment in the report as to the position of the administration. It is my understanding that the administration is opposed to this legislation because of this formula change we have been discussing.

I see no minority views. Could anyone explain the opposition of the administration to this?

Mr. HARSHA. If the gentleman from Maryland will permit me, I will endeavor to explain the position of the administration, but *frankly it is very* difficult to explain it.

I was called as of 10 o'clock this morning, and informed that the administration was opposed to this legislation. The Highway Administrator has advised me that the administration was certainly opposed to 100 percent Federal contribution, particularly if there was no payback.

While he appeared before the committee and testified officially, his testimony did not reveal, in my judgment, and I believe in the judgment of my good friend, the gentleman from Pennsylvania (Mr. SHUSTER) the ranking minority member on the subcommittee—an absolute position at that time against the bill. And nowhere can we recall, in reflecting upon his testimony, that he came out and said forthwith or forthrightly that the administration opposed the bill.

He did indicate the administration had some reservations.

Frankly, I did not receive any communication until I saw the report or the digest where the administration was pointing out that they were opposed to it. I know of no other communication other than the one I received this morning from the White House itself, and the usual communication that the OMB sends up to the minority leader. Unfortunately, they did not provide us with a copy of the communication from OMB.

So it is difficult to explain the position of the administration in view of the lack of activity or inactivity that transpired.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would also point out to the distinguished gentleman from Maryland that we solicited from the Department of Transportation their views on this bill. On March 18 we received a letter from acting Secretary Barnum in which he expressed no objection whatsoever to the 100 percent provision. He did state that the administration would be opposed to the use of interstate funding in being able to cross categorize. And, of course, that is eliminated in this bill. But in that communication no objection to the 100 percent provision was expressed.

So as of this morning, or late last night, we have suddenly been faced with a communication from the administration. I intend to give it just about as much weight as I think a midnight communication of this type deserves.

Mr. BAUMAN. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, in further response to that issue, I think it is fair to say at this time that the administration has expressed opposition to the bill, but they have told me they were opposed to the 100-percent Federal contribution; that they were also opposed to the payback. If the gentleman is rationalizing that for me, I will be happy to undertake to understand it.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

I followed the discussion with great interest. What has made it possible for the States at this point not to have sufficient funds to match, No. 1?

Mr. HARSHA. There are a number of problems. Of course, the recession was one of them. The diminution of the gasoline tax was another. Some States have already obligated all of their money for either the Interstate or for the ABCD Systems. Therefore, they have no money available to further obligate or to match this $2 billion that was released.

Mr. STEIGER of Wisconsin. If the gentleman will yield further, what assurance do we have that before January 1977 the States will suddenly find themselves in a position where they will have all of the extra money needed to pay this back. Or are we going to be back again playing the Ken Gray role of having the assurance that we are going to get our money back, only to find that the Federal Government has been shortchanged again?

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. I thank the gentleman for yielding.

I would say to the gentleman that many States did not anticipate the release of the $2 billion and are not in a position at this time to meet the requirements for additional State matching. That is why we are considering this bill to lay. However, they will not be relieved of the responsibility to pay back these funds by January 1, 1977.

Mr. HARSHA. Let me respond to the gentleman by saying this. In the first place, this is discretionary with the States. If they want to take advantage of it, they can. Second, they have been forewarned, not only with the report but with the legislative history that we are making here now, that this is not precedent setting, that we do not intend, under any circumstances, to waive the requirement to pay back. It is specifically within the legislation that they shall get no further Federal-aid highway project approved by the Department of Transportation unless and until they do pay it back.

We use the date of January 1, 1977, to assure that control is still held by the Congress, not subsequent Congresses. So we at least think we have endeavored to make this legislation tight so that the States understand fully that if they take advantage of this provision, they must repay, and unless and until they repay, they can expect no future approval of Federal-aid highway projects.

Mr. STEIGER of Wisconsin. I thank the gentleman for his explanation.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I join with him in support of this legislation, but I do have a question that I would like to ask.

Mr. HARSHA. I will try to answer the gentleman.

Mr. YOUNG of Florida. In the precedent discussed by the gentleman from Maryland, the payback was a suspension of additional Federal allocations that would be coming to that State. It is my understanding that this bill provides that the payback will be paid from non-Federal funding; is that correct?

Mr. HARSHA. The gentleman is absolutely correct.

Mr. YOUNG of Florida. So that the precedent that was established where the payback could be made from next year's Federal payment would not be the case under this bill?

Mr. HARSHA. That is correct.

Mr. YOUNG of Florida. I thank the gentleman.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Michigan.

Mr. RUPPE. I thank the gentleman for yielding.

I should like to ask the gentleman if there is any danger that the States who are presently qualified to receive money because they have the matching funds set aside will in any way find their monies reduced or cut back because of this legislation. In other words, will they lose money because of the possibility that other States who would not otherwise be qualified to receive assistance will now, because of this legislation be able to stand in line equally with those States that have the money in reserve and ready to go as a matching share of any highway action.

Mr. HARSHA. In my judgment, no State would benefit by this legislation at the expense of another State. Those States that have the matching money are permitted to go ahead on the basis of the release of obligational authority. The purpose of this legislation is to provide those States who do not have the matching money to raise the money by this method, to put people to work.

It was extremely difficult to find out the number of States that were unable to provide the matching money. We have statements from the Governors that anywhere up to 33 States were unable to provide the matching money and therefore could not take advantage not only of the released $2 billion but also of the 1976 apportionments which have already been made.

What we are trying to do is to make aid available to those States who are suffering high unemployment particularly in the construction industry so they will be able to proceed on an immediate basis to try to relieve that unemployment and construct needed improvements in the highway system which are quick-start projects, which are not major improvements but which are quick-start projects, and the contracts have to be let in 45 days and people have to be on the job working.

But in my judgment there is nothing in this legislation that would permit one State to reap an advantage over the other State by virtue of the fact that a State did or did not have its matching share.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would point out that in a document from the Federal Highway Administration, which is partial in nature, it lists at least some of those States which will be able to benefit as a result of this temporary measure and Michigan is one of those States, so Michigan stands to benefit.

Mr. RUPPE. Mr. Chairman, if the gentleman will yield further, I understand that Michigan has funds set aside, so that funds would be available and Michigan would be ready to move on their share of the $2 billion funding with or without the legislation.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield further, this document shows while Michigan has some funds and would be able to move ahead with their own matching funds on a major part of it, Michigan would be able to take advantage of the temporary matching funds and build an additional $5 million worth of highways within the State of Michigan. The total figure for Michigan is $245 million in highway construction, which certainly would be quite a shot in the arm to the economy of this State.

Mr. RUPPE. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield my remaining 8 minutes to the distinguished gentleman from Pennsylvania the ranking minority member of the subcommittee who has made a great contribution to this legislation.

Mr. SHUSTER. Mr. Chairman. I rise in support of H.R. 3786, the first bill with which I have been involved in my new capacity as ranking minority member of the Surface Transportation Subcommittee.

This legislation is the product of extensive hearings under the chairmanship of my friend and colleague on the subcommittee, Jim Howard, in which ample opportunity was offered all interested parties to comment. It was amended in subcommittee and in full committee and comes before this body as a measure fully meriting passage as reported.

The bill has been developed to avoid controversy or complexity in the interests of getting it enacted swifty and at work out in the States.

Therefore, I should like to devote my time to emphasis of a few key points:

First. This bill offers us an opportunity to pursue not one but two worthwhile objectives: putting people back to work and providing this Nation the benefit of construction projects undertaken. There are vitally needed projects involving improvement in the safety and efficiency of our transportation system, rather than make-work in any conceivable sense.

Second. There are additional multiple economic benefits as well. We can target the flow of funds into a sector of the economy in which the rate of unemployment is almost double that of the nation as a whole. Thus, the stimulus will be in a depressed sector rather than one in which demand aggravates inflationary pressure. And we can obtain more benefit from the dollars expended rather than await future increases in construction costs.

Consider the magnitude of the problems which prompted consideration of this bill. As our report points out, the overall rate of unemployment rose from 5.4 percent in August of last year to 8.2 percent this past January and February—it has risen still further since. In the construction trades, however, the rate rose from 11.3 percent to 15.9 percent. And those are national figures which fail to reflect the fact that in individual States or areas of individual States, the rate among construction workers can well be double that of the construction trades nationally.

According to testimony before our committee, the Nation faces the prospect of even further increases in unemployment in the construction field, with all the attendant spillover effects on related segments of the industry and the economy at large.

Consider also the fiscal plight of the States: the general economic downturn, erosion of highway revenues due to decreased fuel consumption, and overall reduction of general revenues.

In my own State of Pennsylvania, our 9 cent motor fuel tax must maintain 44,400 miles of State roads plus an indeterminable amount of local roads, pay the interest and principal on some $2 billion in outstanding highway bonds, and support the State police. The motor license fund, as our State highway trust fund is called, is now so overtaxed that a proposed 12-year highway plan for Pennsylvania has been slashed from $3.6 billion to $1.4 billion due to a sharp reduction in revenues. The situation is so acute that serious consideration is being given to taking up some of the slack with all-too-scarce general revenues, which would place a severe burden on other vital States programs.

Consider, finally the needs. According to the 1974 needs report, there now exists in this country an accumulated backlog of $226 billlion dollars—measured in 1971 dollars. Costs have increased by more than 60 percent since 1971. These are urban needs and rural needs; needs for more safe and efficient transportation both of goods and people.

So the work is there to be done, the people are there to do it and the money is available. It is up to the Congress to loosen the strings and tell the States to seize the opportunity, to take the projects that are ready to move and go with them.

In conclusion, this is a modest bill, tightly drawn to accomplish the objectives of accelerating completion of needed projects, putting people back to work and stimulating the economy. I do not argue for a moment that it comes near to meeting all our most urgent highway needs. The Committee on Public Works and Transportation will be bringing out major, comprehensive highway legislation this year. Nor would I argue that this bill alone is a cure for all our economic ills. My own committee and doubtless others will be bringing to the floor other measures in that respect.

But this legislation, H.R. 3786, does have one unique virtue. We know it will work—and get people back to work. It will provide the stimulus to reverse precisely those trends which got us where we are today. I urge its enactment.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, following on the heels of the discussion in which the gentleman just participated, is it not reasonable to anticipate all States will ask 100-percent Federal funding whether they have State funds available or not?

Mr. SHUSTER. It would be to their slight economic benefit to do so, yes. However, this brings up a very significant point. This bill is a mechanism which permits those States which under State law must have money in the bank before they can obligate highway construction or a commitment from the Federal Government—which is what this is—it permits those States to move today to obligate. However the money itself does not come out of the Federal Treasury and flow to the State until at least part of the construction is accomplished, which means this becomes a mechanism to permit States to move immediately, but no money flows out of the Federal Treasury until in most cases next year, in 1976.

So this is a paltry sum we are talking about in terms of Federal moneys and indeed it is money which comes out of the trust fund, which has the money and therefore imposes no deficit spending on the general funds.

Mr. BAUMAN. If the gentleman will yield further, that brings me to the question to which I have been trying to get an answer. With this waiver of State matching requirements, at some point in the next 18 months before repayment is due, is the Federal Government going to have to lay out dollars it would not otherwise spend? If so, that is going to add to the Federal deficit. My question is: How much money are we adding to the Federal deficit by this measure?

Mr. SHUSTER. Almost all of the money, comes out of the highway trust fund and the dollars are there.

Secondly, the amount which would come out of the trust fund, and again I point out it would not come out today, while it would permit work to begin today, the money would not come out of the trust fund until some time next year. That money must be repaid by the end of next year. So we are talking about a matter of months.

As to the specific number, the best estimate we have from the Federal Highway Administration, and I believe it is an incomplete estimate, is that it will bring about $317 million in additional highway construction.

The 30-percent temporary loan is about $100 million out of the Federal Treasury. My estimate is that the number will be something higher than that number, because some States are putting together their projects to send in; but the specific answer to the gentleman's question is $317 million and roughly one-third of that would be in Federal matching funds; so that is $100 million which gets paid back by the end of this coming year.

So if we want to say it is a 12-month average loan at 8 percent interest rates, we are talking about a cost to the Federal Treasury of $8 million or $10 million which is peanuts when we think about it, to provide the mechanism to bring about accelerated public works to create real jobs, not make-work, but real jobs which are, indeed, going to be accomplished in the private sector by private enterprises and for which we will have real assets in this Nation, to show for our expenditure.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I want to clear up a misunderstanding that I had. The gentleman states that all the States we are talking about will have money coming from the highway trust fund. Is the gentleman telling us there will be no funds advanced from the general revenue funds?

Mr. SHUSTER. That is essentially correct.

Mr. YOUNG of Florida. From the trust funds only?

Mr. SHUSTER. That is generally true.

Mr. YOUNG of Florida. Can the gentleman say that the funds in the trust fund are available, so that we are not talking about adding to the deficit?

Mr. SHUSTER. That is correct.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, I am sure our government in the State of Wisconsin is delighted with what we are doing on this one.

Can I ask a question on a related subject? As I recall the Highway Act, there is a requirement that as of the 1st of July each State has to have a vehicle inspection program. I wonder whether the subcommittee and the Committee on Public Works are going to take a look at that issue, because I know in the case of Wisconsin we are not going to have it by the 1st of July; so what is given is 10 percent if this bill would pass, by waiving the requirement, but it is taken away by cutting everything off as a result of the State legislature not making an inspection program.

Mr. SHUSTER. Mr. Chairman, I would think the State legislature would be motivated for such a program. On our side I know of no such plans to reconsider this.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, in response to the question raised by the gentleman from Wisconsin, the committee contemplates a careful and thorough review of the highway program this year and enacting legislation will come to the House for the highway program, including highway safety features of that program later this year. That will be appropriately the time the gentleman might want to address himself to that subject.

This present bill could not have a bearing on it one way or another to the actions permitted to be taken under this bill.

As the gentleman from Pennsylvania explained, it must be taken by the 30th day of June this year; so it would have no bearing on this bill and the bill would not affect the gentleman's situation one way or another.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate that and I hope the gentleman will review this matter.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I recognize the problem the gentleman has in trying to make his statement when questions like this arise.

It does seem a little bit like robbing Peter to pay Paul. If it is based on the fact that States are short of money right now, and yet they have to repay, what is going to happen if they do not have the money to repay? Second, like in the State of Ohio, I would assume they just take money out of the secondary highways.

Mr. SHUSTER. It is a very good point, and indeed Ohio happens to be one of the States which has already come forward and will benefit by this provision. The point I would make, however, is that in many instances, in almost all instances, the States did not know and could not anticipate the $2 billion being released by the President last February. Consequently, in many instances the States had not even gone to the legislature for funding, so they were not able to go forward and provide the match.

They can do this if they so choose to, since we are giving them the time to do it now. We are giving them the time. They can go to their State legislatures between now and the end of 1976, so they have the time in which to do it. If they choose not to use this, then of course that is their decision, but they understand very clearly not only from the language of the legislation, but from our comments to the Governors' conference for example, which was testified to before our subcommittee, as well as the legislative history that is being made here today, that money has got to be repaid.

Indeed, I am sure it will be repaid because the States are so highly motivated. No State is going to permit itself to lose millions, if not hundreds of millions of dollars, in Federal highway money in 1977 and beyond. Therefore, they are highly motivated to repay.

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Michigan.

Mr. RUPPE. Mr. Chairman, when I first reviewed H.R. 3786 to increase the Federal share of highway projects, I seriously considered offering an amendment to strike section 3 which provides that funds may be transferred among and within categories of Federal-aid highway systems within a State including between urban and rural areas. Having been assured that such transferred funds must be repaid to the categories from which they are taken, I have decided against taking this course of action, but I would like to stress my very real concern about the direction in which we have moved in the past and in which it appears we are continuing to move.

If this legislation is passed, as I expect it will, and enacted into law, and the funds can be transferred between urban and rural systems, I do not think I have to tell anyone which way it will go—straight out of the rural areas and straight to the cities. This is not expressly mandated in the bill, but if my over 8 years of membership in this House teaches me anything, I can assure you that will happen.

This will be just another example of the Congress saying that the cooperation problems of the urban areas are paramount, or perhaps more severe, than those of rural areas. We hear that the expressways around and through our Nation's cities need work, that mass transportation systems must be improved, that subways must be built. We hear these remarks all the time. But, I would remind my colleagues that good, reliable highways are needed in rural locales as well. They perhaps do not serve as many people, but they are needed, and needed badly.

But more and more, this Congress has looked at the problems of the cities and ignored, or overlooked, the problems of rural America. We have opened up the highway trust fund for mass transportation, thereby providing yet another avenue for taking money away from needed road construction and improvement for non-urban areas. The Federal Highway Act of 1973 provided for a boost of from $200 million to $800 million for urban systems. The rural funds did not even begin to approximate such a sum.

Now, again today, the House will pass a measure, albeit a temporary one, which could lead to further transfer of funds from rural to urban areas. This cannot continue. The people residing in low density regions should not stand for it. They demand equal treatment, and they have every right to it. I challenge the collective membership of this body to travel to my congressional district in northern Michigan and ride over those roads, and then come back to tell me that they do not need upgrading and repair, that those existing roads are adequate to serve the people's needs. I assure you that no such response will be forthcoming.

I do not begrudge the cities one cent for their expressways and for their mass transportation systems, but the rural areas deserve and demand their fair share.

I would like to comment further. As I understand the situation as it now stands, in order for a State to qualify for a portion of the $2 billion in Federal-aid highway funds which the President has released, it must first raise 10 percent in matching funds for interstate projects and 30 percent in matching funds for other Federal-aid highway projects. Once these funds were raised, the States would then apply for the Federal money on a first come, first serve basis.

Now, Michigan and a number of other States, I am told, have raised their portion by dipping into their general revenues or by floating bonds. As a result, they should be on fairly solid ground for having their applications approved. Other States, however, have not taken such affirmative action, for one reason or another. I would not be surprised if some of them, knowing of the prospects of this bill being passed, have just sat back and waited for us to bail them out by handing them the money they rightly should have raised. These States then will be put in a position to compete with Michigan and others who have raised their portions, and this creates a great disservice.

Also, I foresee the States which will benefit from this legislation coming back to the Congress in a year or so and tell us that they cannot raise the money to repay the advance, or loan. There will then, no doubt, be a big push to pass a forgiveness provision. This would penalize Michigan and the others who took the initiative with their 10 percent or 30 percent, and allow the others to get off scot free. If you will, this is highway robbery.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The time of the gentleman from Ohio has expired.

Mr JONES of Alabama. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman advise me how this would affect the State of California?

Mr. SHUSTER. Yes. The State of California has not come forward, to the best of my knowledge, to the Federal Highway Administration yet to specify how many additional millions of dollars can be invested in its State highway program as a result of this bill. However, I can report that California has said that it can use $201 million more than its initial 1975 obligation. The initial obligation was $314 million.

California has stated that it can use another $201 million, and that is money which would come, presumably, from the additional $2 billion released by the President. California has not said whether it needs to take advantage of this temporary match in order to do so.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Chairman, prior to my election to this body, it was my privilege to serve South Carolina as a member of its State Highway Commission. From that experience, perhaps I can give some information to the Members today who, for budgetary concerns, question the necessity or wisdom of this particular bill.

In the course of the administration's impoundment as it has affected States—and I speak about South Carolina, not that it is unique, but because I think it is representative of what is occurring in the other 49 States of this union as victims of impoundment since the previous administration imposed this practice upon the highway trust funds. The cost of road building has increased by between 22 and 25 percent, depending on what part of the Nation one happens to be in.

Today, the highway trust fund is reduced in value, reduced in what it can accomplish in the way of highway construction, by a figure of between 22 and 25 percent of the money it contains.

Each State in this Nation has suffered a loss of effectiveness of its money to that extent. This bill seeks simply to alleviate the condition that is very real, a condition where most States, faced with $2 billion, cannot participate because of the reluctance of the State legislatures to increase tax on gasoline at this time, because most legislatures do not believe the public can bear or will tolerate that increased cost, and because of the reluctance of State legislatures to raise the amount by which a State can increase its bonded indebtedness.

And so the $2 billion released by President Ford to a group of States, which cannot match under Federal statute those funds, is meaningless.

There are those who say we cannot afford to pass this legislation. There are those who fear it will cost the Treasury of this country some money.

To the first, I would say we cannot afford not to do this. And again, speaking about my district, which is not unique, the unemployment in one of my counties is 49.8 percent. In 4 counties, it exceeds 30 percent. The two best economic counties I have are above 10 percent in unemployment. The completion of State highways and primary and secondary roads is something without which we cannot develop in economic diversity. It is something that is necessary today, because the Office of Management and Budget points up that we are going to have more inflation in the future. That means the money each State owns by right and other State highway funds will be losing value and will fall victim to inflation.

If we do not use this money this year, it will buy less next year. It is that simple.

I was, as a member of the highway commission, instrumental in starting litigation against the United States of America to cause the release of these impounded funds. I think for too long we have delayed. I think the President should release all $11.8 billion so that the people of this country, who seek nothing better than an opportunity for employment, both in the construction industry and those industries that will follow the sensible development of highway systems, will have the opportunity to work. The people have waited too long. The cost of delay is too high.

I am privileged to support this legislation. As I say, we cannot afford not to do it. Many times I have heard it asked in this Congress, "What does it cost to create a job?" I would say a more meaningful question is, "What does it cost not to create a job, in the indignity of citizens to have to go to the food stamp office or the unemployment office, the indignity of not being able to educate their children, the indignity of not having a job without having to move to another region?"

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman mentioned that he has been personally involved in the management of highway trust funds in his own State. He has stated that in his judgment, if we fail to act on this legislation today there will be additional, unwarranted increases in the cost of completing this interstate system if we do not accelerate it. Obviously, this legislation will free the effort to do that. How does the gentleman come to that conclusion? On what does the gentleman base that?

Mr. HOLLAND. As I pointed out the amount that is being impounded, $11.8 billion, by reason of inflation we have experienced a 22-percent to 25-percent increase in the cost of asphalt, concrete, labor, and everything else that goes into it.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HOLLAND. I yield to the gentleman.

Mr. JONES of Alabama. Mr. Chairman, the question that the gentleman from California raises is one of great importance to us. Now we have completed over 85 percent of the interstate system. We have under construction an additional 6 percent of the Interstate System mileage.

If the remaining contracts for the Interstate System are to be delayed, as the gentleman from South Carolina (Mr. HOLLAND) has explained, we might face, as we have in the last 5 years, a doubling of prices over the next 5 years. The whole fiscal situation will deteriorate and this will cost the Federal Government more, as the gentleman from South Carolina just explained.

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman's yielding to me.

Mr. JONES of Alabama. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentleman. I rise for a point of clarification. I made the statement in my remarks that the monies came out of the highway trust fund. That is true in almost every case.

We note in reviewing the categories of funds released by the administration in the $2 billion impoundment release that there are a few categories that would come out of the general fund, off-system roads being one and probably assistance for the State of Alaska being another. These are exceptions to the general statement.

Mr. Chairman, I did want to clarify that point, and I thank the gentleman for yielding this time to me for that purpose.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 3786 as a modest measure—too modest in my judgment—to stimulate our economy and combat unemployment by accelerating highway construction.

I support the bill with no great enthusiasm, which is a commentary less on the bill itself than on the Congress.

This bill is fine as far as it goes. By providing greater flexibility in the use of Federal funds, it should enable States to make best use of the funds released from impoundment.

But in impact, it falls far short of what can and should be done to meet the needs of this country for a tremendous volume of public works to address a host of problems.

The same Committee on Public Works and Transportation which produced this bill has also held hearings on other measures to accelerate construction, both of highways and other vitally needed facilities such as municipal wastewater treatment plants.

We have found an incredible array of obstacles stemming from bureaucratic mismanagement and environmental assessment carried to ridiculous extremes far beyond what the Congress ever intended.

In hearings on H.R. 3067, I was disturbed by the disposition of some who claim to speak for the environment to discern a malign purpose in any streamlining of bureaucratic procedures even in the interest of clean water.

The record reflects an uptight hypersensitivity to even the appearance, much less the fact, of any procedural, as distinguished from substantive, changes with respect to environmental safeguards.

Even more disturbing is the reaction of some Members of this body. "Let's not raise the hackles of the environmentalists," we are told. That was the line at a hearing on H.R. 3787, designed to deal with problems created by an absurd court decision involving environmental impact statements.

We have held hearings on both and reported out the latter, only to have it referred to the Merchant Marine Committee because of its implications involving the National Environmental Policy Act.

Now I say sure, let us go ahead and pass this bill. Sometimes I feel there must be a particular virtue in a project in this day and age that is indeed ready to go and not hung up in the bureaucracy. Somebody must be doing something right. They deserve some sort of bonus, at least in terms of Government getting out of the way and letting them get on with the job.

But let us not indulge in any self-congratulation over it. The real test will come when indeed we take up measures to get public works for a whole host of programs going. I am talking about really cutting out redtape and prodding the agencies downtown into motion.

What we do then will be the measure of whether we have the courage and commitment across the board, Government-wide, to insist that the environmental and other programs enacted by the Congress get carried out.

If we do not, this limited measure will make a mockery of congressional ability to respond effectively to economic problems.

Mr. JOHNSON of California. Mr. Chairman, the purpose of this bill is to put people back to work in this country. The latest figures show that 781,000 construction workers—18.1 percent of the construction force—were unable to find work during the month of March; and the situatiton is likely to get worse before it gets better.

This bill deals with this problem by waiving the requirements for State matching for all highway projects approved up until the end of this fiscal year. Any additional sums advanced to the States under this authority would have to be paid back to the Federal Government prior to January 1, 1977.

I should point out, however, that there is no intention in this bill to forgive the additional sums advanced to the States. Basically we feel that it is in the public interest and necessary for the protection of Federal funds to require that the States continue to participate financially in the construction of Federal-aid highway projects. Over the years the Federal Government and the various State governments have shared in this responsibility; and the committee does not intend to permanently alter this partnership arrangement which has produced the best highway system in the world.

Another important feature of this bill permits greater flexibility in the use of funds to enhance a State's capability to deal effectively with its own unique funding situation. The bill permits a transfer of funds between categories—except the Interstate system—and between urban and rural areas within a State. However, any funds transferred under this provision ultimately must be paid back to the category from which originally transferred.

Mr. Chairman, I hope that Members of this body will recognize the urgency of the situation and cast a favorable vote for this important bill.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise today in support of H.R. 3786, increasing the Federal share of highway projects.

As I think most of my colleagues are aware, this legislation temporarily increases the Federal matching share for Federal-aid highway projects between February 12, 1975, through the end of the fiscal year. The Federal share may be increased to as high as 100 percent if requested by a State, with the funding advances coming from the State's existing apportionments of Federal-aid highway funds. However, the bill requires States to repay these advances with non-Federal funds to the Highway Trust Fund by January 1, 1977, with failure to repay resulting in withholding of approval for future Federal-aid highway projects in that State.

In developing this approach, we on the Public Works and Transportation Committee felt this would be a logical follow-on to the administration's earlier release of $2 billion in Federal-aid highway funds. While these funds have the potential for creating literally thousands of new jobs and accelerating high-priority highway projects throughout the Nation, we learned through our hearings and other contacts with State transportation officials that due to the current economic "crunch," many States simply will not be in a position to utilize this funding without further positive action.

As a result of current economic conditions, rising maintenance costs and declining gasoline tax and other revenues, many States are experiencing serious difficulty in meeting the Federal-aid matching-formula requirements.

With this in mind, I strongly believe that this bill, which has received broad, bipartisan support, will provide the necessary financial flexibility to the States through this temporary change in the matching requirements. In so doing, we will be making a meaningful contribution to the overall economic recovery effort through new job-creating opportunities, while minimizing "red tape" and delay to accelerate the construction timetable on urgently-needed highway improvement projects.

As I see it, this approach is a good example of the role that the Federal Government can and should play—serving as the catalyst to bring about economic revitalization and recovery while allowing the States to determine funding priorities and allowing the private sector to "get the job done."

For these reasons, I have strongly supported H.R. 3786 and urge its passage.

Mr. JONES of Alabama. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no furthere requests for time of the gentleman from Alabama (Mr. JONES), and the time of the gentleman from Ohio (Mr. HARSHA) having expired, pursuant to the rule, the Clerk will now report the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Federal share of any project approved by the Secretary of Transportation under section 106(a), and of any project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning February 12, 1975, and ending June 30, 1975 (both dates inclusive), shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

SEC. 2. The total amount of such increases in the Federal share as are made pursuant to the first section of this Act for any State shall be repaid to the United States by such State before January 1, 1977. Such repayments shall be deposited in the Highway Trust Fund. No project shall be approved under section 106 or section 117 of title 23, United States Code, for any project in any State which has failed to make its repayment in accordance with this section until such repayment has been made.

SEC. 3. Notwithstanding any other provision of law, any money apportioned under section 104(b) of title 23, United States Code, for any one Federal-aid highway system in a State (other than the Interstate System) may be used during the period beginning February 12, 1975, and ending June 30, 1975 (both dates inclusive), for any project in that State on any Federal-aid highway system (other than the Interstate System). The Secretary shall deduct from moneys apportioned to a State under section 104(b) of title 23, United States Code, after the date of enactment of this section for a Federal-aid highway system on which money has been used under authority of the preceding sentence, an amount equal to the money so used, and the deducted amount shall be repaid and credited to the last apportionment made for the system for which the money so used was originally apportioned. Each deduction made under the preceding sentence shall be at least 50 per centum of the annual apportionment to which the deduction applies until full repayment has been made.

Mr. JONES of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Weaver: On page 3, line 8, after the word "State", strike out "(other than the Interstate System)".

On page 3, line 11 and line 12, after the word "system", strike out "(other than the Interstate System)".

On page 3, line 21, after the word "least", strike out "50 per centum" and insert in lieu thereof the following: "20 per centum".

Mr. WEAVER. Mr. Chairman, I wish to commend the chairman of the committee and the members of the committee for bringing us a very fine bill, a bill that I heartily endorse and support. This speedy work in bringing this bill to the floor is much to be appreciated. This is a desperately needed bill, and the chairman of the committee has my full support in an effort such as this.

However, speaking for my congressional district, the Fourth Congressional District of Oregon, I have discussed one aspect of the bill with my Governor and with the head of our Department of Transportation. This aspect of the bill is found in section 3, which allows transfer of funds between various highway systems within a State but does not include transfer of funds from interstate to primary or secondary roadbuilding. It also requires payback from one road system or road budget to another at no less than 50 per centum per annum.

My highway department, which has $115 million worth of jobs ready to go out to bid if this bill passes, tells me that they will not be able to fund future highway projects which are badly needed in my State if they have to pay back funds within 2 years. They tell me that they have already suffered loss of revenues of $7 million from decreased travel, and if the gas tax proposed now in the newspapers passes, they will lose further revenues, with less ability to pay back.

I show the Members a picture of Route 42 published in the Coos Bay World newspaper in my congressional district. Route 42 is one of the most heavily used highways and one of our most important commercial highways. The picture shows two trucks that cannot even pass each other on this primary road.

Mr. Chairman, my amendment is a simple amendment. It makes no fundamental change whatsoever in this bill. It stretches it only. Not one penny of extra authorization is granted here. It simply allows transfer of funds from interstate to primary and secondary funding. It allows the States to pay back from their primary and secondary funding into the interstate funding moneys in 5 years, not in a year and a half.

My director of transportation says that if he cannot have a 5-year payback, he cannot use this section of the law, because they will not have the money in the next year and a half.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WEAVER. Yes, I gladly yield to the chairman, the gentleman from Alabama (Mr. Jones).

Mr. JONES of Alabama. Mr. Chairman, may I say to the gentleman that I sat with his highway director for an hour and a half yesterday morning. He never raised that proposition; he never raised that question, so if it was a matter of great importance, I would have thought that he would have brought it to our attention.

We have several Members here who were in attendance there, the gentleman from Pennsylvania (Mr. Shuster) and the gentleman from Ohio (Mr. Harsha), and nobody from the State of Oregon raised that proposition.

The question the gentleman poses might be a legitimate proposition for us to consider when we get to the Highway Act and its continuance, but in considering a stopgap proposition, to bring in such a proposition of this extreme seems untimely.

I am not saying that we are not going to entertain the consideration of what the gentleman offers in his amendment when we get to a general bill, but why bring it up here during a time when we are trying to get distress relief to these States and create a situation out of it, because the gentleman senses something is wrong with this highway program? I could bring in all different kinds of requirements for my local community.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. Weaver) has expired.

(On request of Mr. Jones of Alabama and by unanimous consent, Mr. Weaver was allowed to proceed for 2 additional minutes.)

Mr. WEAVER. Mr. Chairman, I thank the distinguished chairman of the committee. The statement he has made about my Department of Transportation head is absolutely correct. The Director did not know that there might be a chance to transfer interstate funds and, therefore, did not make the point to the Committee on Public Works.

Mr. Chairman, let me just in 1 minute say why this is needed. My State has $50 million now going to primary and secondary roads, under the bill, Mr. Chairman, which is of great help. However, if they use that $50 million now, they are not going to have the moneys in the next 2 years to go on and do much-needed work on the other primary and secondary roads which will be badly needed for the next few years, including the one I have referred to here, Route 42, in my congressional district.

I thank the chairman.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the situation that the gentleman from Oregon described concerning the highway in his State and the difficulties that they are having in having this highway made wide enough, as we all know, is really a decision of the State of Oregon through their use, in the proper categories, of Federal moneys that have been and are and will be made available to them.

I believe the solution to that would lie not necessarily in a change of this legislation, but with the State of Oregon itself.

In the latest figures we have, as to the situation in the State of Oregon, as to how much money they may have for interstate and noninterstate, as of February 28 of this year, Mr. Chairman, the State of Oregon has obligated only 2 percent—this is interstate money—only 2 percent of its 1975 funds, and none of its 1976 fiscal year funds which are available to them at this time.

In the other categories, the categories of apparent need for funds from the Interstate System, the State of Oregon in the ABCD program has used only 78 percent of its 1974 funds, has used none of the fiscal year 1975 funds, and none of the 1976 funds.

So I believe the situation is not desperate in the State of Oregon.

Mr. Chairman, there is one thing we cannot overlook and we should not overlook when we attempt to use Interstate Funds for noninterstate programs, and it has to do with the payback provision. In the amendment before us at this time the States would have to pay back into the Interstate Fund from the categories of either urban or rural on the noninterstate roads, only 20 percent of what would be normally obligated for that category. It would be very, very possible that so much money would be used from the interstate programs in perhaps categories D and C roads, where to pay back on the basis of 20 percent of the annual allocation in that category might take 25 to 35 to 50 years to get the money back where it belongs, so that we can continue with a financially stable program of funding for all the categories under the Highway Act.

So, Mr. Chairman, for that reason alone I would urge the defeat of this amendment. It could cause untold disaster to the attempts of the committee later this year in trying to formulate a large, major, far-reaching highway program.

Mr. Chaiman, I hope the amendment will be defeated.

Mr. WEAVER. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I would like to respond to the statement made by the gentleman from New Jersey (Mr. Howard) about my proposal for the State of Oregon.

We have suffered by impoundment, along with the rest of the Nation, and we are now ready to spend $114 million under the terms of the very fine bill that the chairman of the committee has helped bring forth.

As to the payback, I believe it should be paid back, but how can we pay it back? What good does it do to repay almost the entire amount in a year and a half, because the State will need those funds for the next year. So it may take 10 years to repay it at 20 percent, but we need the time.

Mr. HOWARD. Would the gentleman agree that it might take 50 years?

Mr. WEAVER. It could, if we were to repay the entire sum.

Mr. HOWARD. I thank the gentleman from Oregon.

Mr. Chairman, that is the point I wish to make.

The CHAIRMAN. The time of the gentleman has expired.

Ms. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill comes to us at a very important period of time, as has been pointed out in the debate today, and is for the purpose of releasing impounded funds, which is long overdue. The rest of the impounded funds should also be released.

The object here in this bill is to make sure we can use these funds to provide not only needed work on these roads, but also to make sure we can provide jobs that are so desperately needed.

This bill recognizes the seriousness of our economic condition as it affects localities. It provides for a 100-percent contribution by the Federal Government. It allows localities to repay their share later on.

In the subcommittee, we recognized that the way we could get the most use of these funds was to make their use as flexible as possible. We sought to provide an opportunity to the locality to utilize funds from any highway category, and then to pay back the funds taken from any category within a time certain.

The States need that flexibility to be able to use this $2 billion in the short emergency period that we have. In the subcommittee, this concept was fully accepted by passage of my amendment which allowed this flexibility. In the full committee, the provision was amended to permit transfer between categories except the Interstate System. As of January 31, impounded funds totaled $92 billion. Of this, $5 billion was in Interstate apportionments. Therefore, it would have made sense to be able to tap these funds as well.

The part of the gentleman's amendment which makes sense is the part which says we need the flexibility to be able to use funds in all categories—in primary categories, in the urban categories, and in the interstate category as well.

We want to make sure that the stated objectives of releasing these funds and making them available immediately is achieved. We want to make sure that we can create the maximum number of projects. We want to make sure that we can create the maximum number of jobs. There is no technical reason whatsoever, in my opinion, why the transferability that we extended to other programs should be denied to the use of the Interstate funds with an appropriate payback provision.

The borrowing of Interstate funds to accelerate other construction programs is technically no different from borrowing future Federal funds to pay the State's share of a project.

I think it is regrettable that we exclude the use of the Interstate funds to advance and accelerate our construction program. I think we should accelerate our capacity to do that. I appreciate the fact that the bill has a certain amount of flexibility. I look forward to maximizing this flexibility as this bill advances in the legislature process in the other body, and in conference, as well as in the new highway program that we will be undertaking in the next months.

So, insofar as this gentleman has addressed himself to the need for greater flexibility and greater transferability so that we can use these funds immediately for a maximum number of construction projects to create a maximum number of jobs, I think his amendment is very well taken. I think that it is regrettable that he put the amendment together in the way that he has, but I want to be on record as supporting that part of his amendment.

Also I want to be on record, Mr. Chairman, in urging the committee, as this goes through the process of legislation in the House and in the other body, and in the conference, to consider this portion of the amendment as increasing the viability of the bill itself.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I shall not take the full 5 minutes. I rise to oppose this amendment. At first blush, many of us thought this might be a good idea to permit the cross-utilization of Interstate money. However, upon investigation, we realized, and this is extremely important, that the ABCD funds are not authorized beyond 1976.

That means that we could be taking money out of the interstate category, spending it, and never being assured that we would have the ABCD funds authorized in future years to pay it back.

So this becomes totally unacceptable, and it is for that reason that I vigorously oppose it.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I will be glad to yield to the gentleman from Alabama.

Mr. JONES of Alabama. I support the gentleman's observations and his expressions in opposition to the amendment. There are now 38 categories in the highway program. The administration, I am told, will make a proposal that we reduce those categories to some reasonable and sensible scheme. There will be opportunity for total expression on our issue before further consideration is given to study overall question of categories and transfer of funds between categories.

So I do not see that this is the proper season to consider this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WEAVER).

The amendment was rejected.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 3786 to authorize the increase of the Federal share of certain projects under title 23, United States Code, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3786) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CHARLES H. WILSON of California. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 115]

Ambro
Ashley
Barrett
Biaggi
Biester
Bolling
Breaux
Broomfield
Brown, Calif.
Conyers
Corman
Dellums
Derwinski
Diggs
Drinan
Esch
Flynt
Fountain
Giaimo
Goldwater
Harsha
Hébert
Hefner
Holland
Ichord
Jarman
Karth
Kemp
Koch
Landrum
McCollister
McEwen
McKinney
Madden
Mathis
Meeds
Mills
Mitchell, Md.
Moorhead, Pa.
Murphy, N.Y.
Patman
Pressler
Rees
Rosenthal
Rostenkowski
Rousselot
St Germain
Satterfield
Scheuer
Skubitz
Stanton, James V.
Steed
Teague
Thornton
Udall
Ullman
Van Deerlin

The SPEAKER. On this rollcall 375 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1975

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act.

The SPEAKER. The question is on the motion offered by the gentleman from Florida.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4005, with Mr. Hungate in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. Rogers) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. Carter) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Rogers).

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in calling up the Developmental Disabilities Amendments Act of 1975, I would like to remind the House that this is basically the bill that we passed last year for the extension of this program. It did not go to conference, and for that reason, it is brought up again this year.

Before I make further remarks, I would like to yield to the chairman of the full committee, the gentleman from West Virginia (Mr. Staggers), who has taken special interest, as always, in the legislation that comes out particularly in the health field.

Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I thank the gentleman from Florida (Mr. Rogers) for yielding.

I want to compliment the subcommittee on bringing this bill to the floor. It is a bill which I think is of great importance to all Americans. Some 6,000,000 persons in our land are affected by these disabilities. It certainly is needed.

It was passed last year without really any opposition because the whole House recognized the importance of the legislation. The Senate did, too. However, it was passed so late that we did not have a chance for a conference.

Mr. Chairman, I would certainly urge the House to vote for it. I do not believe that any person can vote against a bill of this kind, which is to help those born with disabilities. Certainly it is needed now. Therefore, I would urge its acceptance by the House.

Mr. Chairman, I thank the gentleman for yielding.

Mr. ROGERS. Mr. Chairman, I thank the gentleman from West Virginia (Mr. Staggers).

Mr. Chairman, I call up today H.R. 4005, the Developmental Disabilities Amendments of 1975.

This legislation provides a simple 1-year extension through 1975 of the authority for programs for the developmentally disabled which expired June 30, 1974, and are presently being carried on the continuing resolution for 1975. It also provides a 2-year substantive revision of the existing authority for 1976 and 1977 with a total authorization of appropriations of $147 million. The bill is identical to one which passed the House late in the last Congress, H.R. 14215, but on which a conference was never completed. Because a year had been lost, the effective date of the substantive revisions has been changed to 1976–77.

Generally the legislation continues existing programs, since our hearings and oversight suggest that they have been in fact quite successful. However, it does make the following changes in the existing law:

First. Continues with minor modifications existing authority for grants for operating university-affiliated facilities for the developmentally disabled;

Second. Creates a new special project authority and substitutes for the existing 10-percent earmark of State allotments for projects of special national significance a new 30-percent earmark of the new special project authority for such projects;

Third. Requires that States spend a specified percentage of their allotments for programs for deinstitutionalization of persons with developmental disabilities inappropriately placed in institutions;

Fourth. Eliminates requirements for Federal approval of individual construction projects funded with State grant funds;

Fifth. Adds autism and dyslexia specifically to the list of diseases for which the special project and State allotment programs are to provide services; and

Sixth. Requires studies by the Secretary of Health, Education, and Welfare to determine the neurological diseases which should and should not be considered as developmental disabilities, and the adequacy of services for persons with diseases not included.

Developmental disabilities include such dread diseases as mental retardation, cerebral palsy, epilepsy, and similar permanent neurological problems. This legislation has provided a variety of forms of valuable assistance to the over 6 million people in this country with developmental disabilities since 1963. Hearings were held on the program in the last Congress and in February, and it received support from every witness, including those of the administration. The legislation was subsequently reported from both our subcommittee and full committee by voice votes.

This is good legislation which is unanimously supported by all who know of it, and I urge your support for it.

Mr. CARTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4005, the Developmental Disabilities Amendments of 1975.

As my colleague from Florida, the distinguished chairman of the subcommittee, has pointed out, this proposal is similar to that which was approved by the House last season. It extends present authority through fiscal year 1975, and proposes a new revised program for the developmentally disabled through fiscal years 1976 and 1977.

I would remind my colleagues assembled here today of the tremendous success and cost-effectiveness of the developmental disabilities legislation now in effect. This program of service has aided countless Americans who suffer developmental disabilities. It has encouraged States to plan constructive programs for these people. It should be noted here that the overwhelming majority of funds spent on this program—nearly three-fourths of the total—went for services as opposed to adding to what could be a burdensome bureacracy.

Even with as effective a program as this, there are revisions which should be made in order to make it more so. This bill encourages the States to adopt programs of deinstitutionalization. We, as a committee, are well aware that treatment of the developmentally disabled should be conducted in that person's community without unnecessarily institutionalizing him. Funds have been earmarked for this purpose.

This legislation also directs that States should devote attention to improving the facilities and surroundings of institutions where people have been appropriately institutionalized.

Another important revision in the bill pertains to approval of construction grants. In the past, the Federal Government has had the responsibility for approving each and every individual application for State projects. This has been eliminated. The Federal Government does retain the right to review the general outlines of construction programs.

There are, as in last year's bill, special studies authorized to more accurately determine the neurological conditions which should or should not be included as developmental disabilities, to determine the appropriateness of the present definition in the law and to what extent a more appropriate definition can be developed. These studies have a definite deadline. The Office of the Secretary has failed to give guidance to the States in the development and implementation of programs for the developmentally disabled, and the definite deadline is meant to encourage that Office to fulfill its responsibility.

An effort was made in the subcommittee to reduce the authorization levels in the bill. A total of $45 million was cut from the authorization, and the final figure for the 2-year program is $147 million. The figures for fiscal year 1975 reflect continuation of spending at the present level by the continuing resolution. If you would read the inflationary impact statement on pages 23 and 24 of the committee report, you will note that the expenditures in question in both 1975 and 1976 and 1977 represent less than 0.015 percent of all Federal expenditures.

This measure is responsible, both fiscally and socially. It is a wise investment of the Federal dollar. I urge the passage of H.R. 4005.

The program we know today as developmental disabilities is over 10 years old and began in 1963 when Congress first considered the concept of treating mental diseases on a community basis. Mental retardation was handled in the same legislation and in very much the same manner. As time went on, it was recognized that the two programs had more dissimilarities than similarities, and they were separated. The things that need to be done to recognize mental disease and take early steps to keep it within control and treatable within the community does have very little to do with the kinds of programs necessary to assist victims of disabilities which occur and show up early in life. Those with developmental disabilities will need more care in many instances and care that may even extend to a lifetime. It is basically a matter of fitting the treatment and the care to the kind and extent of the handicap which would result but for that treatment.

As time went on and more experience with the program gave more and better insight, it was expanded and made more flexible. States were given a great amount of leeway in handling the details of the program to fit the peculiar needs of their individual areas. A wide range of services are necessary. Among these are diagnosis, evaluation, treatment, day care, domiciliary care, special living arrangements, sheltered employment, education, counseling, and transportation. Some individuals need several of these services at one time or another. State councils on developmental disabilities have been instrumental in sorting out the needs and the relative priorities.

In addition to day-to-day ongoing programs created and implemented by the States, the Federal Government has tried to provide experimental and demonstration projects to discover new and better ways to assist those afflicted with developmental disabilities.

Federal funds were used also to create university facilities which have trained many people for service in this area of need.

The bill before the House today envisions the continuation of the programs which have proved effective in the past. In addition, it recognizes two developmental disabilities which henceforth have not been included in its authorities—autism and dyslexia.

The main thrust of the community mental health centers bill was to minimize the necessity for institutionalization. It has come to the attention of the committee that there needs to be particular attention paid to the same basic problem as it applies to the developmentally disabled. There seems to be a tendency in some areas to resort to inpatient treatment when other means of accomplishing the treatment might be possible. Having recognized that this misuse of facilities has taken place, it is now necessary that we take steps to review and correct the mistakes already made. The bill requires that States spend a specified percentage of allotments to tackle the problem and see that those who have been inappropriately institutionalized be handled in some other manner.

The authorizations included in this bill are modest in comparison with the effort needed. We must recognize, however, that the competition for the health dollar is tremendous. The funds authorized for fiscal year 1976 are slightly less than $18 million more than the administration proposes to spend for this purpose. This is a modest amount and enough to give the Appropriations Committee some leeway in evaluating this program in comparison with others as it determines to what purpose each tax dollar will be put.

H.R. 4005 is a good bill extending a necessary and rewarding program for assistance of the members of our society afflicted by developmental disabilities. By helping those, it helps society in general. I recommend the bill to the Members of the House and urge its acceptance and passage.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the gentleman for yielding.

Mr. Chairman, I am grateful for this chance to say a word on behalf of this bill, which I think is one of the finer pieces of legislation that has come out of the subcommittee chaired by the gentleman from Florida (Mr. ROGERS). I think he is to be congratulated for the work he has done on this bill which is going to affect the lives of some 6 million people.

In my district we have a center to assist children effected by autism. It is called the Judevine Center for Autistic Children. It is quite close to my home.

For many years autism was considered to be a condition for which nothing could be done. A child was not considered to be retarded in the normal sense, but to be intelligent and yet unable to communicate. For years such children have merely grown old in that isolated condition.

I have seen in this center how, in a period of months, devoted volunteers working day in and day out can bring out the children. They can get them to say one or two words, and then the first thing we know, whole sentences. Within a period of another couple of months many of these children have returned to their own age groups in school. It is a real miracle. It is made possible by a lot of good volunteer work, but I think people engaged in that kind of work should be strengthened with the knowledge that the country cares, the Federal Government cares, and Congress cares—and I know it does.

I think that care is reflected in this bill.

Mr. Chairman, I wholeheartedly urge that the House support this legislation.

Mr. CARTER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. HASTINGS), a member of the committee.

Mr. HASTINGS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 4005. The gentleman from Florida has well articulated the circumstances under which this legislation was brought up, and the gentleman from Kentucky has also explained it as well.

The only opposition, Mr. Chairman, I have heard to this measure relating to Federal Government assistance to help retarded children is that it perhaps spends too much money. The amount of money in difference between the budget request and the authorized figure here is only $18 million. This House just 3 weeks ago approved a tax reduction measure of over $24 billion, and the President of the United States saw fit to sign it. I cannot understand why there can be any opposition to such a minor increase in such a sensitive area as important as this to the 6 million retarded children in the United States of America—to oppose this measure because it only includes an increase of $18 million in the authorized figure.

Mr. Chairman, I think this measure should receive unanimous support from the House, and I strongly recommend an affirmative vote.

Mr. CARTER. I yield 3 minutes to the distinguished gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding.

I too commend the committee for its work, but I would like to issue a word of warning on this program, which I strongly support and which I certainly intend to vote for. This program started out about 12 years ago with its principal focus on mental retardation, which is the largest single developmental disability in the country. When we hear there are 6 million, this is correct, and we are referring to the mentally retarded in our country with an IQ of 70 or under.

Then we added, quite properly, to the bill cerebral palsied and epileptic children and these are certainly developmental disabilities and they need our attention. Then we added autism and dyslexia and the amount of Federal funds to serve all these categories is $147 million, if I read it correctly.

As I go out into the communities and listen to the parents of the handicapped children and to the medical profession and to the teachers and the various disciplines who contribute so much, I find their fear is this, that if we continue to add so many specific categories without also greatly increasing the money, we are going to water down the program so that really we will not be helping any category to the extent they so desperately need.

In this case I would strongly support adding autism. If lay persons such as we are were to see an autistic child, we would relate it to serious mental illness. The child is totally withdrawn, noncommunicative, and with serious neurological disabilities.

When we move to dyslexia, however, which is very important, in its broadest interpretation we could be helping almost every child in this country with a reading problem—almost, if it were interpreted in its broadest form.

So I would certainly again say that I intend to support the bill I would warn my colleagues and myself against future broadening and listing of categories without also greatly broadening the money involved. But in its present form I support the bill and I would hope those who interpret and diagnose dyslexia will do it in a rather narrow form so that the many millions of mentally retarded and those afflicted with epilepsy and cerebral palsy and autism will continue to receive help. This is in no way to be interpreted as a failure to recognize the child with dyslexia.

With those comments, Mr. Chairman, I ask the Members to support this measure.

Mr. **BIAGGI**. Mr. Chairman, I rise in support of H.R. 4005 the Developmental Disabilities Act Amendments of 1975. I feel passage of this legislation is imperative if we are to continue to provide the finest quality of service to the millions of Americans who suffer from developmental disabilities and mental retardation.

The bill provides for a simple 1-year extension through fiscal year 1975 of those programs which have been funded under continuing resolutions. In addition it will provide for a 2-year substantive revision of the existing authority through fiscal year 1977 with an authorization of $147 million.

The bill continues a number of widely successful and innovative programs to serve the developmentally disabled. Included among these are funds to set up projects of national significance, vehicles which experiment with new and improved methods of serving the developmentally disabled and improve the quality of service and care. The types of projects funded under this section in the past have developed several noteworthy programs acclaimed by professionals in the field.

The bill also recognizes the trend toward deinstitutionalization and proposed increased appropriations to carry out demonstration programs which will affect this goal. The House earlier this week passed the Older Americans Act which contained a similar provision and at that time I noted that the cost of home health care can be as much as three times less expensive than hospital care and up to five times less expensive than care in a specialized facility. Recent exposes about conditions in mental hospitals and nursing homes in many ways precipitated the need for increased funds to encourage deinstitutionalization and I warmly endorse this provision.

I am also pleased to note that the committee has recommended that autism be included among the definition of developmental disabilities. This will allow these individuals suffering from this disease to receive the same benefits as other developmental disabilities covered by the act.

Finally, I am pleased to note that funding will be continued to allow university-affiliated facilities to serve the developmentally disabled. There are currently some 41 of these schools in existence and have provided 50,000 students with specialized training working with some 20,000 developmentally disabled people. Last year during the consideration of this legislation I proposed an amendment which would allow those students in college majoring in sociology, psychology, or social work to work with the developmentally disabled as part of their study. I was advised by the chairman that section 122 as well as section 130 (a)(3) of existing law already provided for this. I hope that schools will be encouraged to participate in this type of demonstration which will provide these students with an invaluable learning experience and will help to alleviate the continuing critical shortage of personnel to serve the mentally retarded and developmentally disabled. I will be looking for full implementation of this provision by the Department of Health, Education, and Welfare.

Mr. Chairman, this legislation is vitally important to millions in this Nation. It was unfortunate that despite the fact that the House overwhelmingly passed similar legislation last year final action was never completed by the Senate. The needs of the mentally retarded and developmentally disabled are more critical today than ever. I am pleased to see that the funds requested represent a prudent figure, one which considers both the needs of the developmentally disabled and the need for fiscal restraint. I salute the distinguished chairman, Mr. ROGERS, and I urge prompt approval of this legislation today.

Mr. **BADILLO**. Mr. Chairman, I rise in support of H.R. 4005. The Interstate and Foreign Commerce Committee has acted wisely in extending the authority for programs for the developmentally disabled. I believe that it is the responsibility of all Members to demonstrate their concern for people who are eligible to receive services under the Developmental Disabilities Services and Facilities Construction Act, people who have suffered severe handicaps as a result of diseases or conditions such as cerebral palsy and epilepsy that originate in childhood and continue for an indefinite length of time. The provision of training, education and particularly this legislation's new emphasis on deinstitutionalization of care, along with all the other services provided under the act, can do much to aid the disabled while helping them fulfill their full potential as effective citizens and preserve their sense of self-worth.

Some members of the committee maintain that fiscal restraint is necessary and that spending should be maintained at 1975 levels in this legislation. I believe that the committee has demonstrated a great deal of restraint in authorizing only such increases in funding as would offset the effects of inflation. Maintenance of the program at 1975 funding levels would represent an actual reduction in the amount of services available under the program, given the current high rate of inflation. I believe it would be shortsighted to maintain funding at this year's level, thus effectively cutting back on certain very effective and worthwhile services desperately needed by many disabled persons.

I am particularly pleased to note the committee's inclusion of autism in the definition of developmental disabilities which can be treated under the Developmental Disabilities Services and Facilities Construction Act. It is truly a shame that the administration chose to interpret the term "developmental disabilities" so narrowly in the past. The failure of the Secretary of Health, Education, and Welfare to use the authority vested in him in 1970 to identify and treat neurological conditions closely related to mental retardation has resulted in the exclusion of individuals from treatment who had severe disabilities but who did not fit the categories of mental retardation, cerebral palsy, or epilepsy which were specifically set forth in the Developmental Disabilities Services and Facilities Construction Act. H.R. 4005 remedies this situation by its addition of autism to the definition of developmental disabilities. The new authority provided in this bill for the Secretary to contract for an independent survey to determine those disorders which should be classified as developmental disabilities will, I hope, be used by HEW to prevent the exclusion of severely disabled and deserving persons from the very worthwhile services provided under this legislation. During the 93d Congress, I cosponsored H.R. 9363, introduced by Congresswoman YVONNE BRAITHWAITE BURKE, the purpose of which was to include autism among the developmental disabilities eligible for services under the act. I am, accordingly, very pleased that the merit of my position in this matter is recognized by the legislation before us, and I urge my colleagues to support H.R. 4005.

Mrs. **SCHROEDER**. Mr. Chairman, I cannot exaggerate the value of developing the resources that our Nation holds in its children and youth. Neither can I ignore this Nation's failure to give children with learning disabilities the tools they need to become members of their own society of nonhandicapped peers.

The support and additional funding proposed in the Developmental Disabilities Amendments of 1975 is essential to the strength of our efforts to deal with the problems of the developmentally disabled. Our support of these amendments is another step toward breaking down the persisting myths and stereotypes—the barriers that have isolated too many individuals with learning disabilities for too long.

H.R. 4005 should be noted for its attention to autism and dyslexia. Autistic children have fallen through every crack. The overwhelming mystery and complexity of their problem has left these children and their parents without help or professional attention. There are no organized programs for autistic children; moreover, none will develop unless research and development of systems of treatment are promoted.

The problem of dyslexia, although it has received a great deal more attention, is a disease that must be carefully diagnosed at the start in order to provide an effective plan of treatment. As such, there is a critical demand for skilled professionals to face and treat the problems of dyslexic children. Facing the problems of mental retardation and perceptual disabilities, H.R. 4005 advocates the extension of research and training resources in the field of special education, particularly early childhood education. It is of utmost importance that we continue to encourage the development of this kind of technology. For if, under the illusion that we are saving money, we fail to thoroughly support the system that is responsible for the care of the handicapped, we take the tragic risk of creating a new "dumping ground" for this problem.

Mr. ROGERS. Mr. Chairman, I have no further requests for time.

Mr. CARTER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Developmental Disabilities Amendments of 1975".

EXTENSION OF EXISTING AUTHORITIES THROUGH FISCAL YEAR 1975

SEC. 2. (a) Sections 122(b) and 131 of the Developmental Disabilities Services and Facilities Construction Act (hereinafter in this Act referred to as the "Act") are each amended by striking out "for fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b) Section 137(b)(1) of the Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof ", June 30, 1974, and June 30, 1975".

EXTENSION OF DEMONSTRATION AND TRAINING GRANTS

SEC. 3. (a) Section 122(b) of the Act (as amended by section 2) is amended by striking out "and" after "1973;" and by inserting after "1975" the following: "; $12,000,000 for fiscal year 1976; and $15,000,000 for fiscal year 1977".

(b) Section 124 of the Act is amended to read as follows:

"PAYMENTS

"SEC. 124. Payments of grants under section 122 shall be made in advance or by way of reimbursement, and on such conditions, as the Secretary may determine.".

SPECIAL PROJECT GRANTS

SEC. 4. Section 130 of the Act is amended to read as follows:

"SPECIAL PROJECT GRANTS

"SEC. 130. (a) The Secretary may make grants to public or nonprofit entities for—

"(1) demonstration projects for the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status or the location of their residences,

"(2) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration respecting such services and facilities,

"(3) training of specialized personnel needed for the provision of services for persons with developmental disabilities or for research directly related to such training,

"(4) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities,

"(5) gathering and disseminating information relating to developmental disabilities,

"(6) coordinating, integrating, and using all available community resources for services to persons with developmental disabilities, and

"(7) improving the administration of, and the quality of services provided in, programs for such persons.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under section 134.

"(c) The amount of any grant under subsection (a) shall be determined by the Secretary; and payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. In determining the amount of any grant under subsection (a) for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $15,000,000 for fiscal year 1976 and $15,000,000 for fiscal year 1977. Of the funds appropriated under this subsection for any such fiscal year, not less than 30 per centum of such funds shall be used for projects of national significance, as determined by the Secretary.

"(e) No funds appropriated under the Public Health Service Act or under this Act (other than under subsection (d) of this section) may be used to make grants under subsection (a)."

STATE ALLOTMENTS

SEC. 5. (a) Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS FOR ALLOCATIONS

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $40,000,000 for fiscal year 1976 and $50,000,000 for fiscal year 1977."

(b) Subsection (a) of section 132 of the Act is amended to read as follows:

"(a)(1)(A) In each fiscal year, the Secretary shall, in accordance with regulations and subparagraph (B) of this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of—

"(i) the population,

"(ii) the extent of need for services and facilities for persons with developmental disabilities, and

"(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities.

"(B) The allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000. The allotment of each other State in any fiscal year shall not be less than $100,000.

"(2) In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under section 134.

"(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction (pursuant to section 134(b(15)) for a year plus any part of the amount so specified pursuant to such section for the preceding fiscal year and remaining unobligated at the end of such fiscal year is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the constrution program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to section 134(b)(15) for such preceding year shall remain available for a second additional year for the purpose of paying the Federal share of the cost of construction of such facility.

"(4) Of the amount allotted to any State under paragraph (1) for fiscal year 1976, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 134(b)(20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities; and of the amount allotted to any State under paragraph (1) for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purpose."

(c) Section 132(e) of the Act is repealed.

(d)(1) Subsection (b) of section 132 of the Act is amended by striking out "this part" each place it occurs and inserting in lieu thereof "the State plan".

(2) Section 134(b)(4) of the Act is amended by striking out "under this part" and inserting in lieu thereof "under section 132".

(3) Section 138 of the Act is amended by striking out "under this part" each place it occurs and inserting in lieu thereof "under section 132".

CONSTRUCTION PROJECTS

SEC. 6. (a) Sections 135 and 136 of the Act are repealed.

(b) Section 134(b) of the Act is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (21), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) ad section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

"(20) contain a plan designed to eliminate inappropriate placement in institutions of persons with developmental disabilities, and to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate; and".

(c) The headings of sections 137 and 138 of the Act are each amended by inserting "CONSTRUCTION," after "PLANNING,".

(d)(1) Section 137 of the Act is amended (A) by striking out in subsection (a)(1) ", other than expenditures for construction,"; and (B) by amending subsection (b) to read as follows:

"(b) For purposes of subsection (a), the Federal share with respect to any State for fiscal year 1976 and for the next fiscal year shall be 75 per centum of the expenditures incurred by the State during such year under its State plan approved under section 134."

(2) Section 401(h) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended—

(A) by striking out "part C of title I or" in paragraph (1);

(B) by striking out "(A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B)" in paragraph (2); and

(C) by striking out "part C of title I or under" in paragraph (3).

(e) Section 140 of the Act is amended to read as follows:

"NONDUPLICATION

"SEC. 140. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 134, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

GENERAL PROVISIONS AND CONFORMING AMENDMENTS

SEC. 7. (a) Section 134 of the Act is amended by adding at the end the following new subsection:

"(d) For purposes of any determination by the Secretary for purposes of subsection (b)(11) as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

(b) Part C of the Act is amended by adding after section 140 the following new section:

"RECOVERY

"SEC. 141. If any facility with respect to which funds have been paid under section 132 shall, at any time within twenty years after the completion of construction—

"(1) be sold or transferred to any person, agency, or organization (A) which is not a public or nonprofit private entity, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 or its successor; or

"(2) cease to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded or persons with other developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment."

(c)(1) Part A of the Act is amended to read as follows:

"PART A—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 101. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title,' when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, dyslexia, or a neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

"(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability; and such term includes diagnosis, evaluation, treatment, personal care, day care domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"STATE CONTROL OF OPERATIONS

"SEC. 102. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

"SEC. 103. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"SHORT TITLE

"SEC. 104. This title may be cited as the Developmental Disabilities Services and Facilities Construction Act."

(2) Section 100 and part D of the Act and paragraphs (b), (l), and (m) of section 401 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 are repealed.

(d) Sections 137, 138, 139, 140, and 141 of part C of the Act are redesignated as sections 135, 136, 137, 138, and 139, respectively.

EFFECTIVE DATE

SEC. 8. The amendments made by sections 3, 4, 5, 6, and 7 shall take effect with respect to appropriations under the Act for fiscal years beginning after June 30, 1975.

REPORT AND STUDY

SEC. 9. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability") (as amended by section 7 of this Act), determine the neurological conditions of individuals which should be included as developmental disabilities for purposes of the programs authorized by parts B and C of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the neurological conditions which he determined should be so included, the neurological conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the neurological conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

(b)(1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities (as amended by section 7 of this Act) with respect to which assistance is authorized under such parts B and C of the Act is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the nature and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of parts B and C of the Act shall be submitted by the organization conducting the study to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of the first Act making an appropriation for such study.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MRS. FENWICK

Mrs. FENWICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK: On page 2, strike out lines 12 through 14 and insert in lieu thereof the following: "and by inserting after '1975' the following: 'and $5,000,000 each for the fiscal years ending June 30, 1976, and September 30, 1977'."

On page 5, strike out lines 8 through 10 and insert in lieu thereof the following:

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $38,000,000 each for the fiscal years ending June 30, 1976, and September 30, 1977."

Mrs. FENWICK. Mr. Chairman, I rise in support of this measure. Some may wonder why I have introduced an amendment such as this. I am deeply concerned about our handicapped children. My work in the legislature at home emphasized the sheltered workshops for the handicapped. My own son has had dyslexia. I know what it means in the life of a child.

The only reason I bring this up, Mr. Chairman—and I address myself to the chairman—is something that is a matter of principle. In this House, time after time, we offer legislation with automatic escalator clauses. I wish so much that we could structure these bills for 3 years, certainly, to show a continuing support for important measures as this. What could be more important? But we should not build in an escalator clause that simply tells everybody to go ahead and spend, "you will not have to justify your programs, the money is going to be there; spend it."

Of all programs, this is one of the best and I am going to vote for it no matter what happens; but somewhere somebody has to speak out.

I do wish that we would remember that the people of this country are carrying a terrible debt. We must somehow keep hold of our future spending. We should be considering next year, perhaps, that the dyslexia program may have insufficient funds. Then we can pass a supplemental authorization, as we have on so many other things. Why not have a continuing practice of doing this?

My amendment would raise from $4,250,000 to $5 million the university grants, and would raise from $32,500,000 to $38 million the grants to States. It would continue special projects at $12 million. If we need other special projects, we ought to vote them next year. That is the point of this amendment. It is not to frustrate a wonderful program.

Mr. HASTINGS. Mr. Chairman, I rise in opposition to the amendment.

I do so, Mr. Chairman, with a great amount of concern for what the gentlewoman from New Jersey (Mrs. FENWICK) is trying to accomplish.

I might say to the gentlewoman that if on other legislation relating to highways, to military and many other matters, I will join with the gentlewoman to try to establish a principle of holding the line on spending; but I find to try to inject that principle into this most sensitive area; that is, aid to handicapped children. The House should not impose that principle upon a measure as important as this one. This principle should be in relation to our entire budgetary problems in this country.

With that, Mr. Chairman, I rise in opposition to this amendment and ask it be defeated.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. I yield to the gentlewoman.

Mrs. FENWICK. Mr. Chairman, with that I ask unanimous consent to withdraw my amendment. I have made the point.

Mr. Chairman, I do not want to delay the business of this House. I ask unanimous consent to withdraw this amendment. I just would hope so much that the point could be made.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. O'NEILL) having assumed the chair. Mr. HUNGATE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act, pursuant to House Resolution 342, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 398, nays 5, answered "present" 1, not voting 28, as follows:

[Roll No. 116]

YEAS—398

Abdnor
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flood
Florio
Flowers
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Gude
Guyer
Hagedorn
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Hicks
Hightower
Hillis
Hinshaw
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McHugh
McKay
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery

Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—5

Burlison, Mo.
Crane
McDonald
Seiberling
Symms

ANSWERED "PRESENT"—1

Vander Jagt

NOT VOTING—28

Abzug
Ambro
Barrett
Breaux
Conyers
Corman
Diggs
Esch
Evins, Tenn.
Flynt
Ford, Tenn.
Giaimo
Goldwater
Hawkins
Henderson
Hyde
Landrum
McEwen
McKinney
Mathis
Mills
Murphy, N.Y.
Patman
Pressler
Risenhoover
Rostenkowski
Sisk
Weaver

So the bill was passed.

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Breaux.
Mr. Rostenkowski with Mr. Corman.
Mr. Henderson with Mr. Landrum.
Ms. Abzug with Mr. Weaver.
Mr. Ambro with Mr. Conyers.
Mr. Ford of Tennessee with Mr. McKinney.
Mr. Evins of Tennessee with Mr. Goldwater.
Mr. Giaimo with Mr. Diggs.
Mr. Sisk with Mr. McEwen.
Mr. Barrett with Mr. Mathis.
Mr. Flynt with Mr. Hyde.
Mr. Hawkins with Mr. Risenhoover.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. O'NEILL). Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 4115, THE NURSE TRAINING ACT EXTENSION

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce have until midnight tonight to file a report on H.R. 4115, the Nurse Training Act Extension.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE NUCLEAR REGULATORY COMMISSION FOR FISCAL YEAR 1975

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the bill (H.R. 4224) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975 be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, $50,200,000 for fiscal year 1975.

Mr. PRICE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill provides for authorization of supplemental appropriations of $50,200,000 for the Nuclear Regulatory Commission for fiscal year 1975. The Nuclear Regulatory Commission came into being on January 19 of this year as a result of the division of the Atomic Energy Commission pursuant to the Energy Reorganization Act of 1974. These additional funds are required for three reasons: First, for carrying out the provisions of that act; second, for license fee refunds required because of two recent U.S. Supreme Court decisions; and third, to replace funds which would otherwise have been available in the NRC budget from revenues.

Specifically, $9.5 million will be used for partial refunds of license fees collected over the past 7 years which were in excess of amounts which would be acceptable under the new Supreme Court standards. An additional $32.8 million is to replace anticipated revenues which under the budget system followed by the Atomic Energy Commission were available for budgetary purposes. The Nuclear Regulatory Commission's budget will consist entirely of appropriated funds, and thus will not be dependent on revenues. NRC revenues will be deposited to the U.S. Treasury as miscellaneous receipts, in the same manner as the revenues received by other Federal regulatory agencies.

The remaining $7.9 million is for establishing certain new functions required for NRC to function as a separate agency, such as a budget group and nonregulatory legal services, and for conducting several special studies required by the Energy Reorganization Act. These studies are primarily in the areas of safety and safeguards.

In summary, this request does not represent an expansion of the operations of the Nuclear Regulatory Commission. It merely allows this new agency to comply with the law which created it. I urge this body to approve the additional authorization so that the Commission can continue unabated the careful and effective regulation of civil atomic energy applications.

Mr. ANDERSON of Illinois. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I join with the gentleman from Illinois in support of this authorization. The committee has carefully reviewed this request. We conducted open hearings at which NRC testified and were questioned on the need for these funds. We are satisfied that NRC must have these funds if they are to proceed as directed by the Energy Reorganization Act. The committee voted without dissent to report favorably on this bill.

The requested funds will permit NRC to carry out studies related to nuclear safety and safeguards which were mandated by the Reorganization Act, and also to maintain its careful regulation of the nuclear industry, while establishing the new functions that are required because of its separation from the much larger research and development organization of the Atomic Energy Commission. Furthermore, the objectivity of that regulation will be enhanced by the decision not to retain revenues received for use by the agency.

I believe this authorization is clearly required in the public interest. I hope that it can be handled expeditiously by the Congress so that these needed supplemental funds will be available at an early date to the Nuclear Regulatory Commission.

Mr. PRICE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. PRICE. Mr. Speaker, pursuant to House Resolution 367 I call up from the Speaker's table the bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

S. 994

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, $50,200,000 for fiscal year 1975.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4224) was laid on the table.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I take this time to request of the distinguished acting majority leader, the gentleman from California (Mr. McFall) if the gentleman is in position to do so, to inform the Members of the House as to the program for the balance of the week, if any, and the program for next week.

Mr. McFALL. Mr. Speaker, if the distinguished minority leader will yield to me for that purpose, I will be happy to respond to the request of the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I yield to the gentleman from California.

Mr. McFALL. Mr. Speaker, there is no further legislation for today, and upon the announcement of the program for next week I will ask that the House go over until Monday.

The program for next week is as follows:

Monday is District day, and there are no bills scheduled on the District Day Calendar. The other bill scheduled on Monday is H.R. 5398, Emergency Home Owners Relief Act, with an open rule and 1 hour of debate.

On Tuesday we will consider the Private Calendar, following which we will take up the second supplemental appropriations bill for fiscal year 1975, which is as yet unnumbered. We will then take up House Joint Resolution 375, additional appropriations for Veterans' Administration, fiscal year 1975.

Then for Wednesday and the balance of the week we will take up the education appropriations bill for fiscal year 1976, which is as yet unnumbered;

H.R. 46, Youth Camp Safety Act, with an open rule and 1 hour of debate;

House Joint Resolution 46, amendments to the Code of Official Conduct;

H.R. 4975, Amtrak Improvement Act, subject to a rule being granted; and

H.R. 4111, Securities Exchange Act amendments, subject to a rule being granted.

Of course, conference reports may be brought up at any time, and any further program, as the gentleman from Arizona knows, will be announced later.

Mr. RHODES. I thank the distinguished acting majority leader.

Mr. Speaker, I would further ask the distinguished acting majority leader, the gentleman from California (Mr. McFall), if he will permit me to ask another question: I presume there will be a joint session this evening of the Congress, to meet at 9 p.m., for the purpose of receiving a message from the President of the United States?

Mr. McFALL. If the gentleman will yield, as I understand it, the President will speak at 9 o'clock, and we would be in recess as soon as the routine business is finished on the floor, until probably 8:30.

The SPEAKER pro tempore. The Chair will state that when the recess is declared the House will be in recess until the hour of 8:40 p.m. this evening.

Mr. McFALL. Mr. Speaker, I thank the gentleman from Arizona for raising his inquiry.

ADJOURNMENT TO MONDAY, APRIL 14, 1975

Mr. McFALL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPRING MEETING OF THE INTERPARLIAMENTARY UNION

(Mr. JARMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JARMAN. Mr. Speaker, Colombo, Sri Lanka, was the scene last week of the annual spring meeting of the Interparliamentary Union. It presented parliamentarians from some 60 countries an opportunity once again to reflect upon several pressing problems before the international community. International economic relations, nuclear nonproliferation, decolonization, women's rights, and education illustrated the diversity and breadth of the parliamentarians' concerns.

Eleven Members of the Congress—two from the Senate and nine from the House of Representatives—participated on the U.S. delegation to these meetings. It was my honor and privilege to lead our delegation and to help coordinate its activities.

Sri Lanka, with its aspirations for economic and social development, but possessing real obstacles to progress, was an appropriate location for the parliamentarians to consider development and international economic cooperation. The Economic and Social Committee sought to develop, in a cooperative atmosphere, balanced and realistic guidelines for improved international economic relations, reflecting the interdependence of our times. Representatives Lee Hamilton and Goodloe Byron represented the United States on this committee.

In its conclusions, the committee:

Reiterated the importance of increased aid from the industrial countries but also stressed the need for the developing countries to provide realistic opportunities for investment;

Called for steps to increase the production of food and fertilizers in the developing countries;

Emphasized that the developing countries also have an obligation to utilize their own resources and bring about necessary internal structural reforms;

Urged greater stability in the prices of raw materials, and establishment of a more equitable relationship between the prices of raw materials and manufactured goods.

The Political Committee, on which Senator Robert Stafford and Congressman Edward Derwinski represented the United States, called on all States to endorse the nonproliferation treaty, a prime goal of the United States. To this end, the committee urged nuclear powers to negotiate further reductions in nuclear arms in order to stimulate the confidence of both nuclear and near-nuclear countries in the concept of nonproliferation. The committee endorsed the wider sharing of nuclear technology for peaceful purposes but warned that strict international safeguards must be maintained against diversion to nuclear weapons production.

The committee also urged further steps to bring about a ban on the use of chemical weapons and to explore ways to overcome the use of environmental modification techniques which could have harmful effects on human welfare.

Representatives J. Herbert Burke and Bob Casey represented the United States on the Committee on Non-Self Governing Territories and Ethnic Questions. The committee reaffirmed its dedication to ending colonialism in Africa and to bringing about improvements in the situation in Southern Rhodesia and South Africa.

Under the chairmanship of Congressman Robert McClory, the Union's Educational, Scientific, and Cultural Committee considered the use of audiovisual aids in strengthening educational systems throughout the world. Films, exhibits, and discussions arranged by Chairman McClory illustrated the potentialities of the media for enhancing the reach of teaching programs. Congressman David Satterfield also represented the United States on this Committee.

In the Parliamentary, Juridical and Human Rights Committee, Senator Thomas McIntyre and Congressman Claude Pepper represented the United States in discussions on the prohibition of torture, forms and methods of voters' participation in the legislative process, and women's rights. The Committee's recommendations reflected Claude Pepper's request for a strong declaration calling for the fullest measure of equality and justice for women. The Committee made several suggestions for additional legislation designed to achieve this goal.

The Interparliamentary Council met April 5 to consider these recommendations and other proposals for the agenda of the 62d Interparliamentary Conference to be held in London September 4 to 12, 1975. Congressman DERWINSKI and Senator STAFFORD serve as U.S. representatives. The Council accepted the recommendations of the study committees, described above, and agreed to add the Middle East question at London. It rejected a North Korean request to use the conference agenda as a sounding board for anti-American propaganda.

En route to the United States, our delegation spent 2 days in Israel under the auspices of the Israel Knesset and its Interparliamentary Union Group. We met with Prime Minister Yitzhak Rabin, Foreign Minister Yigal Allon, and Defense Minister Shimon Peres. Members of our delegation were guests at a dinner hosted by the Prime Minister and at a luncheon at the Knesset hosted by the speaker of the Knesset, Israel Yeshayahu. These meetings in Jerusalem, coupled with a tour of the Golan Heights and a kibbutz in northern Israel, provided the U.S. delegation an excellent insight into the situation in Israel and its outlook on current peace efforts.

The Israeli leaders emphasized that territory was of great strategic significance to Israel's security and could not be given up for verbal assurances from neighboring Arab countries which did not constitute a firm commitment to peace. They expressed regret that the Egyptian Government had refused to consider constructive Israeli suggestions conveyed through Secretary Kissinger just before the termination of his latest peace mission. Israel, they said, fully supports early resumption of peace efforts. It is confident about its participation in a resumed Geneva Conference, but believes no concrete results will emerge without careful preparation. It is important, they stressed, that the Arab leaders do not succeed in driving a wedge between Israel and the United States. A settlement of the Palestinian problem can take place only in the context of a settlement with Jordan over the eastern borders of Israel.

Israeli leaders welcome American military and financial support and hope the United States will continue its unique role in the Arab-Israel negotiating process. However, they underlined that Israel is fully prepared to rely on its own wits and resources to defend its interests, particularly in view of recent events in Southeast Asia.

Members of the U.S. delegation expressed understanding of Israel's views and noted that the American Government and people fully support Israel's security. Speaking candidly, we reminded the Israeli leaders that Israel's position in the aftermath of the latest peace efforts appeared unduly inflexible to many American observers. Some wondered whether America's or Israel's longer term interests were adequately served by present trends and attitudes in the Middle East. However, both sides agreed on the imperative of continuing efforts for an early and lasting peace settlement.

INTRODUCES BILL TO MAKE CIA ACCOUNTABLE TO CONGRESS

The SPEAKER pro tempore. (Mr. MCFALL). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, in past weeks, investigations have indicated extensive activity by the Central Intelligence Agency inside the United States, much of it in express violation of its charter under the law. Indeed, the current Director of the CIA, in a report to the President, has confirmed that over the years the Agency has infiltrated a number of domestic protest and antiwar groups, read the mail of private citizens, and amassed intelligence files on at least 10,000 Americans. These investigations have led to a number of surprise resignations from within the CIA hierarchy.

While all of this was going on, apparently no one in the legislative branch of Government was kept informed. In fact, one of the great weaknesses in our intelligence network is the generally held conviction that the CIA works only for the President, that the Agency has no responsibility whatsoever to the Congress. In fact, prominent CIA officials have recently stated that they would lie to Members of Congress and other Government officials if they felt it necessary.

Several congressional committees are now making their own examinations and further revelations may yet lead to criminal prosecution.

The CIA was formed to serve the foreign policy and national security interests of the United States and not to engage in covert domestic surveillance operations. The restrictions of the 1947 National Security Act barred the CIA from domestic "police, subpena, and law enforcement powers or internal security functions." And yet, we are informed by former Director Richard Helms that the CIA is "involved in irreconcilable conflicts of priority and interest."

Although most domestic surveillance has been triggered by CIA operations overseas, all too often these operations have been in clear violation of domestic laws.

Such abuses are by no means a recent development, but merely a recent discovery. There is evidence to suggest that the CIA has been operating on the domestic front in apparent violation of its charter for at least the last 15 years.

The problem facing our country is twofold: First, to define the proper role of a secret agency in our free society; and second, to make that agency properly responsible to the Government and the people it serves.

While the CIA was originally created to provide the Government as a whole with precise intelligence information, it has functioned as the private agency of the executive branch, virtually ignoring, and ignored by, the Congress. It has been free to function since its inception with few directives and virtually no oversight from Congress. Cloaked in unprecedented secrecy, the CIA has easily withstood scrutiny, insulated from harsh criticism and controvery for the better part of three decades.

Even after the recent disclosures and massive publicity, I feel I am still safe in saying that only a dozen or so Members of Congress have any idea how much the CIA spends each year. Public guesswork indicates that the sum is somewhere in the neighborhood of $2 billion per year. I would hope that no Member of Congress was aware that these funds were financing plainly illegal domestic spy activities. Even those members of the congressional committees under whose jurisdiction oversight of the CIA falls admit they had no idea such activities were taking place.

In the 3 years since former Senator John Sherman Cooper and I introduced a bill to provide Congress with more intelligence information supplied by the CIA, a number of unfortunate incidents have transpired and the resultant controversy has pointed out the need for some changes in the basic law. In addition to making the CIA responsive to the needs of both the Congress and the Executive, it is clear that sanctions must be provided when the Agency oversteps the bounds of legality.

The bill I am introducing today would help to meet the two problems I have set forth. First, the bill would require the CIA to report regularly to the House International Relations and Senate Foreign Relations Committees and the Armed Services Committees of both Houses. The reports would deal with all "intelligence information collected by the Agency concerning relations of the United States to foreign countries and matters of national security."

The bill also requires the CIA to respond fully and completely to any of these four committees and to provide them with any and all information requested, as well as an analysis of such information.

Second, the bill provides stiff criminal penalties for violation by members of the CIA or any other person of the statutory prohibition against engaging in domestic police, law enforcement, or internal security functions. Any person willfully committing such an act can be fined and imprisoned up to 3 years. The bill also reiterates Congress' prerogative to hold in contempt any CIA employee who misleads or fails to respond fully to any one of the four congressional committees charged with oversight responsibilities.

I believe this bill will strengthen and protect those functions essential to our national security and foreign interests and, at the same time, fortify the freedoms and liberties guaranteed to the American people by the Constitution of the United States.

The bill follows:

H.R. 5873

A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof the following new subsections:

"(g) It shall also be the duty of the Agency to inform fully and currently, by means of regular and special reports to, and by means of special reports in response to requests made by, the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate regarding intelligence information collected by the Agency concerning the relations of the United States to foreign countries and matters of national security, including full and current analysis by the Agency of such information.

"(h) Any intelligence information and any analysis thereof made available to any committee of the Congress pursuant to subsection (g) of this section shall be made available by such committee, in accordance with such rules as such committee may establish, to any Member of the Congress who requests such information and analysis. Such information and analysis shall also be made available by any such committee, in accordance with such rules as such committee may establish, to any officer or employee of the House of Representatives or the Senate who has been (1) designated by a Member of Congress to have access to such information and analysis, and (2) determined by the committee concerned to have the necessary security clearance for such access."

"(i) Any person who willfully violates or disregards the first proviso of subsection (d) (3) of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than $5000, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

"(j) Any employee of the Agency who willfully misleads the Congress or a Committee or subcommittee thereof, or who willfully fails to respond fully and completely to a request of the Congress or a duly authorized committee acting under subsection (g) shall be punishable under 2 U.S.C. 192–194 and 18 U.S.C. 1621.

LEGISLATION TO AMEND THE INTERNAL REVENUE CODE OF 1954

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. Young) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I wish to introduce an identical bill introduced by my Alaskan colleague, Senator Stevens. This bill is to amend the Internal Revenue Code of 1954 to permit a deduction for expenses incurred by a taxpayer in making repairs and improvements on his personal residence.

This bill, if it became public law, could help to alleviate many existing problems by facilitating home improvements and repairs, by stimulating new economic activity and the creation of additional jobs, and by the conserving of badly needed energy.

Specifically, my bill would permit the deduction of ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Qualified repairs and improvements would include painting, papering, carpentry work, plumbing, electrical insulation work, roofing and glazing, and similar activities. The deduction allowed a taxpayer under this legislation would be limited to $1,000 in any taxable year. As a further limitation, a deduction would not be permitted for capital expenditures incurred in connection with the taxpayer's personal residence. Also, the deduction would apply only to taxable years ending after the date of enactment of this act.

Mr. Speaker, my bill is designed to accomplish several important purposes. First, it would help to alleviate the tremendous financial burden imposed on residential homeowners, who are subject to ever increasing property taxes, special assessments, and other levies. This tax relief would be somewhat analogous to that already provided to the owners of rental and business property under existing law. As you know, such owners are permitted to deduct specified amounts for the depreciation of their property. In addition, section 167(k) of the Internal Revenue Code permits a 5-year depreciation of rehabilitation expenditures incurred in connection with rental property occuped by low- and moderate-income homeowners.

Second, this bill would make homeownership more attractive by helping to alleviate prohibitive repair costs. As a result, more people would have the opportunity to experience the pride of homeownership and the sense of community associated with owning and being responsible for one's own dwelling.

Moreover, the quality of life in many areas would be significantly improved since more homeowners would have the economic wherewithal to make improvements and repairs which they postponed for lack of sufficient funds.

This legislation should also have a beneficial impact on carpenters, plumbers, roofers, painters, electricians, and similar workers, all of who have been adversely affected by the slump in home construction. The beneficial economic consequences to be derived from increased activity in these trades will extend far beyond the workers involved, to many manufacturing and service-related industries which are heavily dependent upon the consumer dollar. Thus, the "ripple" effect should stimulate new activity in many sectors of the economy.

In my State of Alaska, where residential repair costs are from 25- to 50-percent higher than in the lower 48 States, this bill would have a very salutary effect. All of the factors which I have referred to are present but are magnified by our very high cost, often deplorable housing conditions, rigorous natural environment, and high unemployment. As an example, the unemployment rate in my State is usually more than twice the national average, and is even greater in rural Alaska, where it is not uncommon to find villages with from 30- to 100-percent unemployment during certain seasons of the year. In addition, we have more substandard housing than virtually anywhere else under the American flag. In rural Alaska, almost all of the residential dwellings fall far below acceptable standards. It is my hope that this bill will help alleviate these conditions in my own State.

Objection may be raised in some quarters that there will be a significant cost to the Government because of this bill. That is not true. Any cost in tax revenue loss will be more than compensated by the additional income in the construction industry this bill will generate. Of course, such additional income will be taxable. It will directly benefit segments of the American economy who are among the hardest working and most deserving. These are the small laborer, the small contractor, the carpenter, the plumber, the electrician, and the roofer. They are the very people affected by the current economic conditions. This bill will put needed money back into circulation.

Such a program has already been attempted in Alaska. After the 1960 Fairbanks flood, Alaska faced the problem of how to get our people to commence rebuilding their homes. The State government devised a similar incentive. This provided that the State would make a constribution to those people who would agree to commence rebuilding in the winter.

President Ford, himself, has advocated tax relief for those people wishing to make certain energy conserving home improvements. Needless to say, once these home improvements are begun, many people will desire to make other improvements. This bill, if enacted, provides a means whereby individuals can insulate their homes, thus saving badly needed energy as well as providing financial relief for the homeowners who make these important improvements.

These expenses are no more personal than many other expenses now deductible under Federal tax law. These include interest payments and real property taxes. Homeowners have traditionally been able to transfer their basis when they immediately purchase a new principal residence. Such a bill will specifically assist low-income families to own their own homes. This will put the dream of homeownership closer to many families who could otherwise not afford it. This, itself, is a worthy objective. It will also encourage the repair of rental dwellings used by the owners as their principal place of residence, thereby benefiting both owner and tenant.

In a time when millions of Americans live in substandard housing, this bill will permit thousands of homes to be repaired. Although the only repairs authorized under this bill are those that are truly necessary, many poor Americans are unable to afford even the most necessary repairs to their homes. This legislation will upgrade the health, safety, and comfort of all these people.

This bill will equalize the treatment accorded different taxpayers. Landlords renting property may now deduct the cost of repairs to the rental portion of the property as business expenses. This will permit them to do the same for the entire dwelling if they live in it themselves.

Mr. Speaker, for all of the reasons that I have outlined today, I urge favorable consideration of this legislation in the 94th Congress.

I include my bill at this point in the Record:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 220 and by inserting after section 218 the following new section:

"Sec. 219. Repair or Improvement of Taxpayer's Residence.

"(a) Allowance of Deduction.—There shall be allowed as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement (including painting, papering, carpentry work, plumbing, electrical work, roofing and glazing, and any similar items) of property used by the taxpayer as his principal residence.

"(b) LIMITATIONS.—The deduction allowed a taxpayer under this section shall not exceed $1,000 for any taxable year. No deduction may be allowed under this section with respect to any capital expenditure.".

(b) The table of sections for such part VII is amended by striking out

"Sec. 219. Cross references."

and inserting in lieu thereof

"Sec. 219. Repair or improvement of taxpayer's residence.

"Sec. 220. Cross references.".

(c) Section 62 of such Code (relating to definition of adjusted gross income) is amended by inserting after paragraph (8) the following new paragraph:

"(9) REPAIR OR IMPROVEMENT OF TAXPAYER'S RESIDENCE.—The deduction allowed by section 219.".

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act.

H.R. 5062, MAGNETOHYDRODYNAMICS RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 5 minutes.

Mr. BAUCUS. Mr. Speaker, today I reintroduced H.R. 5062, the Magnetohydrodynamics Research, Development, and Demonstration Act. I want to thank those many colleagues who have expressed their concern over the electrical energy crisis facing this Nation by joining in sponsorship of this bill. I am confident their number will continue to grow.

Our endeavors of several weeks ago in connection with the surface mining bill were more than adequate to focus attention on the importance of coal. There can be no question that coal will play an important role in meeting America's future energy needs. One of the most critical of these needs is in the field of electrical power generation. If we are to burn coal to generate electricity, we should do it with maximum efficiency and minimum damage to the environment. We should get every possible watt of electricity from that coal while employing every practical means of preventing the ruination of our air, our water, and our land.

The word "magnetohydrodynamics" may be hard to spit out for many of us, but it offers the potential of increasing electrical output from burning coal by 50 percent. The process promises a drastic reduction of sulphur and nitrogen dioxides emissions, and allows recovery of these substances for beneficial uses. It promises to reduce dramatically the need for water in cooling electrical generators. If ever there has been a time when such a process was needed, that time is now.

Many of us, I know, are aware that magnetohydrodynamics, or MHD, is being tried in other countries. The most substantial advances are those of the Soviet Union. The Russians are preparing a large MHD plant for integration into the Moscow power system. Today we Americans discuss the need for accelerating development of MHD engineering test facilities and commercial demonstration plants. About 3 weeks ago, the Russians ran an actual test of their MHD pilot plant and generated enough electricity to serve the needs of 100,000 Moscow residents for half an hour. Unless Congress rises to the challenge, Mr. Speaker, it will be a long time before such an advanced test can be conducted in America.

I want to emphasize that this bill actively promotes development of all phases of MHD, wherever they occur. The bill does not preempt or diminish development of other energy resources or technologies. The bill's supporters recognize the urgent need for rapid development of every alternative source of energy, and the need for maximum participation by the private sector.

Congress has supported MHD in the past, but time has intensified the demand for the benefits MHD can provide. The demand is nationwide. Hence the need for a national program, the kind this bill provides. This is not a mere effort to grease the technological machinery with Federal money. In addition to reasonable authorizations, the bill contains carefully constructed provisions for how the money is to be spent, how information and data gained through the program are to be disseminated, and how the Energy Research and Development Administration is to carry out its mission with respect to MHD. For fiscal year 1976, the bill would authorize an amount not to exceed $50 million. For each fiscal year thereafter through 1980, the bill authorizes an amount not to exceed $100 million. These authorizations, together with provisions for the direction of MHD research and development, are aimed at achieving an operational commercial demonstration project by the mid-1980's.

Next year this Nation will celebrate its 200th birthday. I think it would be very fitting, Mr. Speaker, to enter our third century of national life with a sane and viable plan for meeting the energy needs of our people. While our national achievements have been staggering, too often our tendency has been to put off pressing problems until they become actual crises. There are many who argue persuasively that already the energy crisis has become an uncontrollable monster, that massive realinements of policy and practice are needed if it is to be solved. I believe that one of the most sane, sensible things this Congress could do would be to provide a workable means of utilizing an abundant resource with wisdom and effectiveness. Coal is that resource. It is available now. It can provide more time for effecting needed changes for eventual conversion to new energy sources. Let us begin our third century with responsible action, the kind embodied in this bill.

IMMIGRATION ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

Mr. WHITE. Mr. Speaker, since the 16th District of Texas, which I have the honor of representing, enjoys a lengthy international boundary with the Republic of Mexico, it is natural that I entertain an exceptional interest in, and concern for, the burgeoning illegal alien problem this country is suffering. My concern extends beyond the problem itself to focus on the people involved—not only the illegal aliens, but the legal resident aliens and the hundreds of thousands of citizens of Latin American descent who are concentrated in the southwestern and western border States. The illegal alien problem must be solved, and I am as determined to bring solutions about as any Member of the Congress. However, since I believe strongly that proposed solutions must take into account that special conditions exist in border areas that do not necessarily affect the rest of the country, my position on this question has tended to become misunderstood at times.

Therefore, I want to enter in the CONGRESSIONAL RECORD testimony which I presented at recent hearings on H.R. 982 before the House Judiciary Committee on Immigration, Citizenship and International Law:

TESTIMONY OFFERED BY CONGRESSMAN RICHARD C. WHITE

Mr. Chairman and Distinguished Members of the Committee:

First, may I commend this Committee for recognizing through your actions that the illegal alien problem is very significantly contributing to the economic troubles this country is presently attempting to overcome. It is needless to take the Committee's time by describing the gravity and the national dimensions of the problem. This has already been clearly spelled out and validated in a continuing series of reports from the Immigration and Naturalization Service and through research and hearings by this Committee. I would only briefly reiterate the increasingly recognizable consequences of the very telling financial strain this problem is causing to this country—unemployment due to illegal aliens holding jobs, education costs, welfare and public health costs, and even an effect on our international balance of payments posture. My purpose, rather, is to offer sincere and what I feel are well-predicated suggestions for meaningful and workable solutions.

First, I should like to mention to the Committee that I represent the 16th District of Texas, a district which enjoys a 352.2-mile common boundary with the Republic of Mexico. Further, I am a native-born resident of the City of El Paso, the principal city in my District, and a city which joins with Juarez, Mexico, to form the largest metropolitan complex on the U.S.-Mexico border. Prior to coming to Congress I practiced law in El Paso, including some immigration law. I, therefore, have a long-standing familiarity with the problem of illegal aliens, a problem which only in recent years has achieved nationwide recognition.

I want to stress to the Committee that I am not here to oppose any attempt for solution to this growing problem, nor to condemn any particular bill; rather, I want to suggest refinements to HR–982 and possible inclusion of additional features which I feel would strengthen the bill and make it more effective toward rectifying and ultimately solving the illegal alien problem. I address myself to HR–982, since this is the vehicle the Committee has chosen to help solve the present dilemma. I am not going to dwell on the obvious discrimination that will result against any prospective employee who might be suspected to be an alien because of appearance or spoken accent. This is a very real objection voiced by several who know the border.

As a alternative, the Commissioner of the Immigration and Naturalization Service and the Under Secretary of Labor suggested in previous testimony before your Committee that an improved social security card system could be considered. Designation of citizenship or alien status on a social security card was part of a plan I had devised—which I now only briefly mention—to provide that employers check all social security cards, report alien designees to the INS, who could in turn utilize computers to sift through such designees for illegal aliens. Failure to notify the Immigration Service of employees whose social security card designates them as aliens would be a penalty.

As I read HR–982, and as I have discussed it with Federal prosecutors, the penalty provisions as now constructed are unenforceable against a calculating employer. Further, these provisions directly violate some of the basic principles of civil and criminal law and the American jurisprudence system. First, why is the bill as now proposed unenforceable against a willful violator? Because, as the Commissioner of the Immigration and Naturalization Service and the Acting Attorney General inferred in previous testimony before this Committee, a clear loophole is provided by the following language:

"An employer . . . shall not be deemed to have violated this subsection if he has made a *bona fide inquiry . . . a signed statement in writing* in conformity with regulations which shall be prescribed by the Attorney General . . . shall be *deemed prima facie proof* that such employer . . . *has made a bona fide inquiry*." (Emphasis provided)

You can be sure that under this language anyone who desires to hire illegal aliens knowingly and with impunity will secure the proper forms and have the alien sign one. This in effect shifts the burden of proof to the United States, and under the realities of evidence, it would be an impossible and highly expensive burden to meet.

Regarding the violation of the basic American principles of fair hearing, confrontation of witnesses, and the opportunity to present new evidence, I point to the provisions commencing on Page 4 of the bill. Subsection (b)(2) states:

"If, on evidence *or information* he deems persuasive, the Attorney General concludes that an employer, agent or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent or referrer informing him of such *apparent* violation." (Emphasis provided)

The idea of establishing guilt on information for an apparent violation smacks of star chamber proceedings and, if challenged in court, the act could be vulnerable to a Constitutional question. Equally important is the fact that there is no provision here for input on the part of the accused individual. You can say that no fine flows immediately from the citation, but I call your attention to the structure of the sanctions which make the citation a predicate for the civil fine on a second charge and a criminal fine and/or imprisonment on a third charge.

Pyramid structuring of the sanctions demands that the accused be afforded a clear opportunity to present his evidence from the onset, or first step. If you wish to have an administrative step that will allow the accused an opportunity to present his evidence, I suggest that the bill be rewritten to allow the alleged violator the chance of refuting the allegations of the citation by presenting a sworn statement, which would negate the citation. If he submits a false sworn statement, then he is subject to the legal proceedings applicable to such an offense—false swearing is a criminal offense. It is this sworn statement which should be regarded in terms of prima facie evidence.

Subparagraphs (b) (3) and (4) in reference to the second phase of the sanctions provide:

"If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer . . . thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each alien . . . A civil penalty shall be assessed . . . only after the person charged . . . has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur . . . The hearing shall be of record and conducted before an immigration officer . . . in accordance with the requirements of title 5, section 554 of the United States Code."

The bill does not specifically state that a full hearing based on evidence take place for the $500 fine by the Attorney General. In subjecting the employer to a civil penalty, an opportunity for hearing is provided, but it is before an immigration officer and not a court of law. If an accused person is assessed a penalty by the Attorney General and for some reason fails to respond, the finding stands.

Furthermore, the conspicuous absence of an opportunity for the accused to present his evidence before a court of law, under the rules of evidence is extremely material, particularly because these first and second phases are the predicate for a prison sentence in the event there is a third charge. I also point out that "opportunity" for hearing could mean a fine could be levied without an actual hearing. What other fines are levied without the actual presence of the accused?

Subparagraph (b) (5) states:

"In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive."

This means the findings by an immigration officer who may or may not be trained in law. In addition, there is no opportunity to present *new* evidence. Suppose the person was given the opportunity for hearing and for some reason failed to appear. The immigration officer could levy the assessment and develop the administrative record from the information—which could be hearsay—on hand. According to the bill, this administrative record is conclusive and again would be a basis for the fine and criminal sanctions provided for a third violation charge. Assume that a person in fact was not guilty of the first violation nor the second charge, but failed to respond. On the third charge of a violation, though it may have actually been his first, he could be sent to the penitentiary and fined up to $1,000.

The right of appeal to a Federal Court should definitely be given to one upon whom an assessment has been made, with an opportunity to present his evidence de novo.

Subparagraph (c) states:

Any employer or person who has been assessed a civil penalty under subsection (b) (3) which has become final and thereafter violates subsection (b) (1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien . . .

But there is no time limitation. Suppose a man has been cited and fined on two violations, and after twenty years is accused of another violation. Can the previous two findings be used as a basis for a third charge twenty years later and therefore make him subject to a criminal proceeding? Or should there be a time limit written into the bill between the first two violations and the third charge of a violation?

Can we say we have done justice to the American public when in our haste and need to find a solution to a serious problem, we violate some basic precepts of jurisprudence which have taken centuries and the refinements of several civilizations to develop?

Having been raised on the border, I have lived with the realities of border culture and coexistence and I know that Federal laws do not always fit the local situation. That is why we have a federated system of government and we theoretically leave to the States those matters which should not be legislated by a federal government.

My district relies heavily upon farming and ranching. Farming is one of the mainstays of our balance of payments and has helped to sustain a high standard of living for the people of this country. In my area farming is done by irrigation, which requires an additional number of man hours to develop a productive crop. Cotton, alfalfa, livestock and other produce are grown in my district. In order to produce a crop of minimal profit and to help furnish this country with the food and fiber it needs, it is necessary to have a labor source available for what is often referred to as stoop labor.

The realities of the present indicate there is very little unskilled labor available in this country. A higher minimum wage for agricultural workers has been enacted, but other programs such as welfare and food stamps—as important and useful as they are—have helped to create a group of indolent persons who are able, but not willing, to accept certain types of employment. I am not saying there are not people in our communities who could not do this needed unskilled labor, but in developing programs which we in Congress found necessary to help sustain those who are unable to earn a decent living, we are seeing that many of those who were previously employed on ranches and farms can receive as much compensation to sustain themselves by doing no work and drawing food stamps and welfare payments. In certain parts of the country—where the costs of living is lower—we can find even fewer people who will accept agricultural labor. Such is the situation all along the U.S.-Mexico border.

The farmers and ranchers must consequently look elsewhere for the unskilled work force necessary for such a livelihood. The available labor source has been from Mexico from workers who are eager to accept such employment. HR–982 has been stalled in the Senate for several sessions and the reasons, as you well know, were partly because no provision was contained to furnish a source of agricultural and unskilled labor—alien or otherwise—which is absolutely imperative to the southern and southwest regions. I do not propose a reinstitution of the bracero program, although it succeeded in slowing down the number of illegal aliens. I understand and realize that there were abuses of that program. But what I have proposed in the past, and propose to you now—with revisions to meet the objections raised at the times I have tried to amend the Rodino bills—will help solve this very real dilemma.

I suggest an amendment to HR–982 which will merely expand and define an existing program of admission of aliens under the temporary category. I propose to spell out the procedures by which an individual employer can contract with an individual alien for specific terms of employment. I propose that an employer can hire an alien for up to one year at a time, renewable for up to three aggregate years, for a particular job under terms stipulated by the Secretary of Labor, and carefully controlled by the Secretary, particularly to ascertain that there is no domestic labor source of able and willing workers. The terms would also insure no exploitation of the alien. Unlike my previous bill, I propose to allow lateral transfer of employment.

To obviate any charge of involuntary servitude, by amendment would allow the alien to obtain other jobs with other employers in the U.S. without having to return to his native country, as long as the alien goes through the same process of certification by the Labor Department, and still be subject to the ceiling of three aggregate years of contracted employment in the U.S. Unskilled labor is not domestically available and if no such provision of law is made to provide timely access to such labor, there is no way that you are going to succeed, I don't believe, in preventing or dissuading employers from hiring illegal aliens who want to work in jobs that must be done.

U.S. employers do not want to hire illegal aliens. If they could find legal labor in the U.S. labor market—citizens or legal aliens—they would hire them. Employers are under the fiat of the minimum wage law and they are not desirous of violating it. It becomes, then, incumbent upon us to provide that labor because I cannot see how in the near future that we can force unemployed U.S. workers to take jobs they don't want. I ask you as Americans to give the farmers and ranchers the relief they need, to live and let live, because what you do in this bill will also affect your area of the country—in the food and fiber that your constituents enjoy and in our continued high standard of living.

In closing, Mr. Chairman and Honorable Members of the Committee, I would like to stress that I, as much as any legislator in the Congress, would like to see the accomplishment of operative and effective amendments to the Immigration and Nationality laws—probably more than many of the Members of Congress considering the geographical location of my District. In this context, I want to inform you that I have had a series of very productive meetings with the Commissioner of the Immigration and Naturalization Service. General Chapman has stressed to me that he needs the realization of three considerations in order to cope effectively with this monumental problem—namely, a penalty title to discourage the open hiring of illegal aliens, a sizable increase in his manning tables, and the institution of a new, secure alien identification card system.

You are in the process of providing a penalty title, and I strongly urge your attention to and consideration of the suggestions I have made in this area. In addition, I would suggest the advisability of this Committee to statutorily provide for the increase in the INS manning tables and for funding of the proposed new alien identification card system, rather than leaving these integral parts of the overall program to the discretion of the budget and appropriation procedures.

Thank you very much for this opportunity to present this testimony which, I assure you, has been offered constructively and hopefully will receive favorable consideration from this Committee.

NEWSMAN HONORED AS OUTSTANDING "YOUNG LEADER"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Moakley) is recognized for 15 minutes.

Mr. MOAKLEY. Mr. Speaker, it is with great pleasure that I speak in recognition of the personal and professional accomplishments of Mr. Maurice Lewis. Mr. Lewis was recently named by the Boston Jaycees as one of the city's 10 outstanding young leaders of 1975.

Mr. Lewis is a newsman for WNAC–TV, located in Boston, Mass. He currently serves as anchorman for the station's Saturday news broadcasts as well as for WNAC's weekly "Black News" program. Maurice Lewis is a fine journalist. His reporting background includes investigative stories, urban affairs, and political coverage.

I have known Maurice Lewis for many years and have been greatly impressed by the accuracy and high standards consistently displayed in his work.

I have been equally impressed with the concern which Mr. Lewis has shown for the Boston community. In the years that he has lived in Boston, he has made outstanding contributions on behalf of the people of the city. Mr. Lewis has devoted numerous hours of his time in appearing before youth groups, lecturing on image projection and positive roles for young people.

Mr. Lewis has also been named to the board of directors of both the Boston Urban League and the Boston 200 Bicentennial Committee. His record of community involvement has been an inspiration to Bostonians in every walk of life.

Maurice Lewis' commitment to the city of Boston is reflected by the awards that he has received for community action. He has been honored by the Roxbury action program and has received the Jan Matzlinger Award for outstanding community service. He was selected as one of the Boston Jaycee's outstanding young leaders from among thousands of young men and women, all highly respected for their service contributions to our city.

In these often disheartening times, Mr. Speaker, it gives me immense satisfaction that the achievements of so fine an individual as Maurice Lewis have been duly noted and honored.

PENNSYLVANIA ASSOCIATION OF BROADCASTERS HONORS GOV. MILTON SHAPP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes

Mr. FLOOD. Mr. Speaker, at the recent annual congressional dinner of the Pennsylvania Association of Broadcasters, The Honorable Milton Shapp, Governor of the Commonwealth of Pennsylvania was presented the organization's highest award, in recognition of his service to the State and the citizens of Pennsylvania. Mr. Shapp, I might add, was one of the pioneer organizers of cable television systems in the State, and because of his enterprising efforts, hundreds of thousands of persons were able to receive a television signal in the days when the medium was but an infant.

The award was most deserved, and I commend the Pennsylvania broadcasters for their choice.

At the same dinner, an inspiring, original prayer was offered by Roy Morgan, chief of WILK Radio, Wilkes-Barre, a long time member of both the National and Pennsylvania Association of Broadcasters, and one of the original organizers of radio in Northeastern Pennsylvania. Mr. Morgan, who is a member of the national board of directors of the Associated Press Broadcasters, is regarded as one of the leading citizens of Northeastern Pennsylvania. He is a well know patron of the arts and manages to find time to serve as a critic of theatrical and cultural affairs for the Wilkes-Barre Times Leader. He has given generously of his time and capabilities to serve on the board of directors of several key regional hospitals and medical programs. Roy Morgan's inspirational concern for his medium and his fellow broadcasters is evident in the following invocation which he offered at the Broadcasters' dinner at the Washington Hilton Hotel:

Speech by Roy Morgan

Good evening, Lord . . . here we are once again on Your threshold—Your selected leaders in the Halls of Congress and the State offices of Pennsylvania and Your willing servants in the modern world of electronic communications. . . .

Gathered here tonight not in the so-often referred to "adversary" situation, but rather as dedicated workers in Your vineyards of Government and information to do our own thing in the way that You have called upon us to do it. As we bow our heads in prayer, we recognize our dependence on You—in all ways, at all times—in literally everything we do.

We realize that too often as we have tried to help solve the problems of this world, we have in essence only further contributed to them.

Our communication has been something less than perfect both with You and with our fellow man and woman.

We acknowledge that it is You who are both legislator and communicator—all things in one for all times and for all eternity. We are but an extension of Your law and spirit in this so temporal world.

Help us as legislators and Government administrators as we seek to translate Your wishes into law and services for our people. . . .

As broadcasters as we attempt to phrase Your manifest hopes for Your people into desirable ends and goals. May this friendship and fellowship be translated into joint acts of accomplishment that shall reflect honor on us all.

Inspire and support us in the days and weeks that lie ahead. . . .

Grant us the strength to do what is right in Thy name. Amen.

HEW'S WITCHHUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

Mr. AuCOIN. Mr. Speaker, Oregon State Senator Walter F. Brown, a distinguished attorney from my home State and a member of the faculty of Northwestern School of Law, has sent me a very distressing article alleging that McCarthyism still lives in the Public Health Service.

At the request of State Senator Brown, I am submitting the article "HEW's Witchhunt," for entry into the Congressional Record. The article, written by Marjorie Heins, was first published in the December 1974 issue of the Progressive. The article follows:

HEW's Witchhunt

(By Marjorie Heins)

Dr. James Kahn has a large world map over the desk in his study with pins stuck in all the places he has traveled. Many of the pins are in the tropics, a region for which Kahn has a special fondness, perhaps because of the five years he lived in Cuernavaca, Mexico, as a child. While still at Harvard Medical School in 1967, he applied to the U.S. Public Health Service for admission to the Center for Disease Control, which sends doctors overseas to battle with tropical illness. Impressed with Kahn's travel and language experience (he is fluent in Spanish and Portuguese), the Public Health Service accepted him with a commission as major, to begin in July 1969, after completion of his residency. He was promised overseas assignments and advanced training in tropical medicine.

The Public Health Service is part of the Department of Health, Education, and Welfare, a government agency not ostensibly concerned with high-security matters. Yet HEW has its own security system, a relic of the 1950s, which has persisted relatively unchanged to this day. In 1969, *Science* magazine published an article about blacklisting within HEW; it was quickly picked up by other publications, including *Newsweek*, which reported that many scientists thought HEW "more zealous about security clearances than the Department of Defense." HEW Security Director Frederick Schmidt responded by denying the existence of a blacklist, but an attorney who had studied the situation wrote, "Officially, blacklists are condemned but the operation of the system itself encourages bureaucrats in the bowels of the appointing agencies to make them up and use them anyway."

James Kahn was taken by surprise in February 1969, when he received an urgent call from an HEW personnel office asking him to fly to Washington immediately. On arrival, he was interviewed by two HEW security officers, John Gulka and William Sterbinsky. "What impressed me most at the time was the voluminous security file in front of them on one James B. Kahn," he recalls. He had not been active politically.

The interrogators asked Kahn if he had ever been arrested. He strained his memory and came up with a few passport and visa hassles during his travels, and participation in a Harvard band prank which led to a few minutes frivolously spent in a New Haven jail. Having exhausted this route, the security officers turned to the major business of the interview. "It began with a question from Mr. Gulka," Kahn remembers.

" 'Your father is dead now, isn't he?'

"I answered, 'Yes, he has been dead for six years.'

" 'We have information that your father was a member of the Communist Party.' "

Kahn's father Gordon was, in fact, a prominent blacklisted Hollywood screenwriter and a vocal opponent of the House Un-American Activities Committee during its vintage years. In 1947 he had been subpoenaed by HUAC along with the men who eventually became known as the Hollywood Ten, and he had been scheduled to testify next when the uproarious hearings were called off. He participated in the campaign to defend the Ten, and wrote a book, *Hollywood on Trial*, which chronicled this opening battle between heretics and inquisitors—a battle which was decisively won by the inquisitors and which resulted in blacklisting throughout the entertainment industry.

When Gordon Kahn was threatened with another HUAC subpoena in 1950, he joined the expatriate community in Cuernavaca rather than face the likelihood of a jail sentence for contempt of the Committee. His family—James was eight at the time—joined him after nine months. In 1955, the Kahns returned home and settled in New Hampshire, where Gordon successfully defied the state attorney general's loyalty investigations and wrote under a pseudonym until his death in 1962. James Kahn responded to the family dislocations and to the harassment they suffered in the late McCarthy era in New Hampshire by becoming cautious about politics. "I assiduously avoided political engagements," he says of his high school years. "Probably because of some unconscious fear that I would be victimized like my father, I didn't participate in any political groups and certainly didn't sign any petitions."

Such caution did not impress the HEW security officers, Gulka and Sterbinsky, whose purpose in interviewing Dr. Kahn was apparently to augment their records of left-wing activities years ago. Kahn proved no help. He said he didn't know if his father had been a Communist and asked what relevance this had to himself. Gulka replied that Kahn might have been influenced by his father; children often are. At this point Kahn said he did not want to continue the interview without the aid of legal counsel. He saw Gulka write, "Interview terminated at approximately 10:30 a.m. when Dr. Kahn refused to answer questions about the Communist Party."

Kahn was frightened and upset by the interview. "The things that hurt most," he says, "were the digging into my father's grave and the aura of intimidation about the entire proceeding." He wrote at the time, "If I should retain my commission but be denied the privileges that normally accrue to officers in the Center for Disease Control, I will regard this as I would regard my having been refused a commission in the first place. My reason is that we are living in a country where failure to pass this security clearance is tantamount to some kind of leprosy. It is a stigma which stays with a human being like my father all his life. Being a physician, it means loss of potential advancement in academic medicine and virtually no funding from the Government for research."

A few days after his interview, Kahn called HEW to inquire about his status. Gulka would not tell him. Kahn said Gulka did ask "if I had any more information for his office and further suggested that if I did he might be able to get me an answer on when he would be in communication with the Public Health Service. I regarded this as not-too-cleverly disguised blackmail. He wanted some information about my father in return for which he seemed to suggest I might get security clearance."

Dr. Howard Hiatt, Chief of Medicine at Beth Israel Hospital in Boston, where Kahn was then a resident, called Gulka, offering himself and others in the Harvard medical community as character references for Kahn. Gulka told Hiatt no further information was being solicited, but effectively repeated his offer of security clearance in exchange for information about Gordon Kahn. Dr. Hiatt then called the Surgeon General, Dr. William Stewart, who arranged for Kahn's admission to the PHS, but warned him that he had better get used to the idea of security interviews and be prepared to answer questions in the future.

In July 1969, Kahn set off for the Center for Disease Control in Atlanta. He was given charge of the parasitic disease drug service and awaited the overseas assignments which had been promised. As the months went by, he saw other doctors, often less qualified, given these assignments while he was passed over. When he asked questions, he was told not to make waves. When he was overheard discussing the problem with friends, his superiors took him to task for indiscretion.

Eventually, a sympathetic officer told Kahn that his security clearance had been held up. Kahn found himself in a limbo in which there were not formal charges against him, yet he knew he was being discriminated against. His superiors resented it when he sought the help of Atlanta civil liberties lawyer Charles Morgan. Inquiries from the CDC to HEW Security Chief Schmidt were handled by a bureaucrat; Kahn could not communicate with HEW personally.

In February 1970, HEW finally confirmed that Dr. Kahn's security status was clouded because he had refused to answer questions at his interrogation. He was invited to Washington for another interview. He insisted on bringing his lawyer, although HEW forbade it.

By this time, Kahn was as much concerned with his future in public medicine as with his shoddy treatment at the CDC. He was both intrigued and shaken by the existence of a large security file in his name; he wanted to know what was in it so that he could clear himself. Attorney Morgan explained that this would almost certainly be forbidden; according to President Eisenhower's original security order (an expansion of the Truman loyalty program for Federal employes), as well as a later executive order and the 1966 Freedom of Information Act, material in individual security files need not be revealed, presumably because such revelation would destroy the "confidentiality" of sources.

Security Chief Frederick Schmidt conducted the second interview. Kahn recalls, "Schmidt explained that the matter was simple enough—I had allegedly walked out on the interview. Morgan reminded him that there were merely some specific questions I had chosen not to answer, to wit, those re Gordon. Schmidt said he would be glad to resume the interview, as they had wanted to see the last time if I would take advantage of any opportunity to testify, in effect, that Gordon was a Communist. He put it this way: 'Give Dr. Kahn a chance to comment on some information we have concerning certain subjects.' What was more, Mr. Morgan could wait outside while the questioning went on. Mr. Morgan said he was going to remain present. Schmidt said that it was not a tribunal and therefore no lawyer could be present." Kahn interjected that he thought a CDC officer had gotten the opinion of HEW General Counsel Manny Hiller that a lawyer could be there. Finally Schmidt consulted Hiller and relented; both Hiller and Morgan observed the second interview.

"In the first part of the interview," Kahn recalls, "the questions were formal statements of alleged facts by Schmidt, to wit, 'Dr. Kahn, are you aware that in a public hearing before the House Committee on Un-American Activities in the year 1949 such and such a person testified that Gordon Kahn was a member of the Communist Party of the United States from 1930-something to 1940-something?' I answered in virtually every instance that (a) I had never heard the allegation before; (b) I was but seven or so years old when it was made; and (c) I had never heard of the person making the accusation.

"The second part of the questioning centered on Albert Maltz [one of the Hollywood Ten] and his family, none of whom I have seen for umpteen years. Schmidt wanted to know if I had ever carried messages to Albert Maltz or gone to meetings with him. I was able to get across, I trust, that at the time my society was with his kids, he being thirty or more years older than I."

The interview ended ambiguously. Schmidt implied that Kahn was in the clear but added that no security clearance could be granted until the CDC requested that Kahn be given an overseas assignment. Back in Atlanta, the CDC wouldn't request an overseas assignment until Kahn had clearance. Further correspondence created more confusion: Kahn now learned that few of his colleagues had security clearance, nor was it required for trips less than ninety days long. All that was needed was "approval," which Kahn was told he now had. Yet no offers were forthcoming.

When one officer suggested Kahn's name for a Biafra relief assignment, the CDC security chief rejected it because, he said, Kahn had not yet received "clearance." Trips to Peru and Brazil—for which Kahn was ideally qualified—went to other doctors while phone calls went back and forth between Atlanta and Washington in an attempt to get Schmidt to clear up the confusion. When someone was needed to teach epidemiology in El Salvador, Kahn's name was submitted, but withdrawn before the list was sent to Washington. (The doctor who got the assignment had to go to Berlitz first to learn Spanish.)

The career officers at the CDC apparently sensed that assigning Kahn overseas would antagonize their superiors in Washington, even after he had technically obtained "approval." Since there was no rule that everyone went overseas, Kahn could not conclusively prove he was being punished, although he later did conduct a survey which showed that almost every other doctor had been asked to go abroad at least once, including many who had definitely said at the outset they were not interested in overseas assignments. Not sending Kahn, in deference to HEW security, was a form of not-so-subtle pressure on him to volunteer information about his father and, perhaps more important, about his father's friends still alive.

So James Kahn completed his two years of service without an overseas assignment and returned to Cambridge in July 1971. From there he has continued to try to get access to his security file. But with a new Washington lawyer, Hal Witt, who volunteers only some of his time to the American Civil Liberties Union, and with the inevitable bureaucratic delays, Kahn has been frustrated. First Witt had to apply for access to the file; when this was routinely denied, he appealed. The appeal was lost in the HEW labyrinth for several months before it was denied. Witt plans a class action suit in which Kahn would be one of several plaintiffs asking to examine and expunge their security records. Dr. Kahn is now medical director of a unit for the treatment of alcoholism in Cambridge and a fellow in infectious diseases at Massachusetts General Hospital.

But James Kahn's Federal employment is over. He is seeking access to his file as a matter of individual right, because he claims that the existence of such a file retards his professional advancement and that he has a right to know its contents. This contention strikes at the violation of civil liberties which is central to the whole security system: If information in the files were made available to their subjects, the testimony of informers could be refuted, as it usually is in the courts. The files would in many cases to be threats to the careers of their subjects, or enticements to extract testimony, to name names.

The fact that a massive security system still exists is not surprising, and Dr. Kahn is hardly unique for having been hurt by it. During the period of intense U.S. involvement in the Vietnam war, radical or liberal doctors applying to the Public Health Service were sometimes harassed because the security chiefs wanted to punish them for their antiwar views by forcing them into the military. (The PHS was an alternative to the draft.) Kahn's cousin Henry was blacklisted from the PHS because he had committed the dual sins of appearing at an antiwar rally and signing a petition for a memorial to W.E.B. DuBois.

James Kahn is unusual among recent blacklist victims because the entire source of his trouble was his father's activity, a fact which indicates that instead of rejecting the witchhunt's old guilt-by-association doctrine, HEW has extended it to Biblical proportions. The security agents, in their zeal, probably violated the constitutional provision that "no attainder of treason shall work corruption of the blood or forfeiture except during the life of the person attained." This might be relevant if Kahn ever gets to the point of trying to expunge his security file of information about his father.

The tenacity with which the security apparatus continues to refine its ancient files is both remarkable and perverse. Perhaps, in this post-Watergate era, the time is ripe for litigation, backed by vocal protest, to open the whole security program to public scrutiny, or even to dismantle it.

CITIZENS WILDERNESS BILL FOR NATIONAL FORESTS AND WILDLIFE REFUGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. Udall) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I am introducing today an omnibus bill containing the wilderness proposals formulated by citizen conservationists throughout the Nation for 52 units of the national wildlife refuge system and 15 areas in the national forest system.

The administration's wilderness proposals for these areas were previously introduced in H.R. 3507 and H.R. 3508 by my colleague from Arizona (Mr. Steiger).

I am introducing today's omnibus bill by request as a means of placing these 67 proposals before the House. The Public Lands Subcommittee, on which I serve, will undoubtedly be considering many of these proposals during the 94th Congress. It has been my experience that the subcommittee's deliberations are materially assisted by early introduction of the contrasting proposals that will be at issue. Therefore, while I support most of the proposals I reserve judgment on some specific items of this bill. I believe it is important to bring these proposals before the subcommittee.

These wilderness proposals are the result of field studies by citizen groups in the affected States, and they are supported by such national groups as the Wilderness Society, Sierra Club, Friends of the Earth, and Federation of Western Outdoor Clubs. Some of my constituents have carried out such studies on areas in my district, and I can tell my colleagues that the individuals and groups involved have done an excellent job of identifying the wilderness potential and making a well-conceived, factual case for their wilderness proposals. This is an outstanding example of public participation in Federal decisionmaking.

Without this work by citizen conservationists, the only information available to the Congress on wilderness proposals would be that provided by the administration. In my experience, we have a much better basis for enacting sound wilderness legislation as a result of the field studies and wilderness proposals by these citizens.

INTRODUCTION OF LEGISLATION TO AUTHORIZE USRA LOANS TO A RAILROAD IN REORGANIZATION

(Mr. SMITH of Iowa asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, today I have introduced a bill on behalf of myself and Mr. McFall, Mr. Murphy of Illinois, Mr. Steed, Mr. Railsback, Mr. Price, Mr. Metcalfe, Mr. Shriver, Mr. Rostenkowski, Mr. Annunzio, Mr. Alexander, Mr. Bedell, Mr. Blouin, Mrs. Collins of Illinois, Mr. English, Mr. Grassley, Mr. Harkin, Mr. Hightower, Mr. Jones of Oklahoma, Mrs. Keys, Mr. Hall, Mr. Mezvinsky, Mr. O'Brien, Mr. Risenhoover, Mr. Russo, Mr. Simon, Mr. Thornton, Mr. Pickle, and Mr. Yates, to amend the Regional Rail Reorganization Act of 1973 in order to authorize the U.S. Railway Association to make loans to a railroad undergoing reorganization under section 77 of the Bankruptcy Act.

A copy of this bill appears at the end of my remarks.

When Congress was considering the Regional Rail Reorganization Act to assist the bankrupt railroads in the Northeast, it was recognized that the bankruptcy or failure of a railroad which connected with one of these northeast lines would also have severe impact upon the northeast railroads. In order to prevent the insolvency or bankruptcy of such a connecting railroad, Congress amended the legislation to authorize loans to a carrier which connected with a carrier in reorganization and this was done in order to provide a source of financial aid to troubled carriers in the Midwest, such as the Rock Island.

Since the passage of that act, the Rock Island, although it has assets in excess of indebtedness, developed a severe cash flow problem and did not receive sufficient income to continue operations and was forced to file bankruptcy under section 77 which allows a railroad to seek the protection of the Federal court while a plan is being developed so that it can again become a viable carrier. Since it has now filed for court protection under existing law, the Rock Island cannot be granted any loans by the U.S. Railway Association.

My bill will eliminate this statutory bar to assistance being provided. Under sections 1 and 2 a carrier would not be prevented from qualifying merely because it had filed bankruptcy provided it can meet the other requirements set out in the act including that there be an assurance that it can repay the loan. In fact, the Government will have more protection and assurance of repayment if the railroad loan applicant is in reorganization because the Government could be given a first priority or lien upon the railroad's assets as any such loan could be considered an expense of administration in the bankruptcy proceedings.

The present law also requires that the loan applicant show sufficient income to demonstrate an ability to repay the loan. Under section 3 of my bill the USRA would be authorized to consider the total assets of the loan applicant as compared to the indebtedness in order to determine whether there is ample security for the Government to make the loan. For example, in the case of the Rock Island there is ample security as the total assets of this railroad amount to more than $400 million with indebtedness of less than $100 million.

Finally, section 4 of my bill will assure that the granting of any loan will not delay formulation of a final system plan for the Northeast as the bill expressly provides that such a loan applicant cannot participate in the development of such a plan.

BACKGROUND

The importance of this railroad to the Midwest and to the entire Nation cannot be overstated. *The Rock Island's* system consists of some 7,500 miles of track in some 13 States and is particularly unique in that it is the only railroad which provides shipping for four major cash grains and also serves an export point of Chicago on the Great Lakes and Houston and Galveston on the gulf.

Also, I should point out that this granger railroad earns 25 percent of its income from the shipment of grain and grain products and not only would its demise severely affect the flow of agricultural products but it would also disrupt the entire economy by eliminating employment for 11,000 workers; leave almost 800 communities and 1,600 grain elevators without rail service and also would leave thousands of shippers without competitive service; and would result in some $2.5 billion in payrolls being threatened or stopped. The current situation confronting the Rock Island is not new. It merely is another chapter on its problems which might have been avoided if Government agencies had properly performed their functions in timely fashion.

For example, over a decade ago the Union Pacific Railroad and the Rock Island Railroad believed that a solution to the Rock Island's financial woes would be a merger of these two carriers. It was in 1964 that authority to merge was first sought from the Interstate Commerce Commission which must give its blessing to any such proposal. Unfortunately, the ICC did not handle the merger application in an expeditious manner and it was not until late last year, over a decade since relief was requested, that the ICC even entered a provisional order approving it. Had merger authority been granted in timely fashion it might well have be that the book on the Rock Island's problems could have been closed.

We are now confronted, with the stark reality of the situation that unless some type of Federal loan assistance is made available to the Rock Island, there will be no more Rock Island and we will then have to find assistance for all those workers and businesses who will suffer.

It would be misleading to say that this bill can be passed in a few days or even passed at all. However, after discussion with key Members of Congress and with the parties involved, it appears that this bill, which would authorize the USRA to make a loan to the Rock Island if it can meet the other requirements of the law, appears to be the best and perhaps the only opportunity to keep this railroad together as an operating entity.

I met yesterday with the bankruptcy trustee and officials of the Rock Island and I have been assured that with a $100 million Federal loan, which would be used for repairs to facilities and rolling stock, and with certain changes in administration of the railroad, the Rock Island can be made a viable operation and can repay this loan. No one can be 100 percent sure that the granting of this loan will work but the railroad's assets are considerable and assure more security than the Federal Government receives for most loans.

The company serves an area which is rich in business opportunities and which is terribly dependent upon the Rock Island for transportation. I am convinced that it is in the national interest that this railroad be given the opportunity to reorganize and attempt to become a viable business performing a very important function which is in our national interest.

H.R. 5891

A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankrupty Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. Section 211(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(a)), as amended, is further amended by inserting into such subsection after the words "financial assistance" the following: "(1) as part of a reorganization plan being formulated for a railroad in reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205), or (2)".

SEC. 2. Section 211(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(e)), as amended, is further amended by striking paragraph (1) and inserting in lieu thereof the following: "(1) the loan is necessary to achieve the goals of this Act, to prevent insolvency, or to facilitate a plan of reorganization adopted pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205);".

SEC. 3. Section 211(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(f)), as amended, is further amended by inserting after the word "achieved" the following: ", or in the case of a railroad undergoing reorganization under section 77 of the Bankruptcy Act, that there is reasonable assurance that the assets of the railroad are sufficient to repay such loan in the event of insolvency and liquidation".

SEC. 4. Section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) as amended, is further amended by adding thereto the following: "(g) Eligibility for or the granting of financial assistance to a railroad under this section as amended herein shall not qualify such railroad nor require that such railroad be included in a preliminary or final system plan adopted pursuant to this Act."

SECRETARY HENRY KISSINGER: TIME FOR REAPPRAISAL

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON of California. Mr. Speaker, Secretary of State Henry Kissinger has long held the imperial view that he and U.S. foreign policy were inseparable—a conceit which served him well amidst stable world conditions. But now, coming on the heels of his failure in the Middle East, the collapse of South Vietnam has jarred Mr. Kissinger so much that he would blame the Congress—and, by inference, the American people—for "destroying" this government through withholding military aid. He compounds this allegation by irresponsibly claiming that our policy vis-a-vis Vietnam has undercut our position in the world by causing our allies to doubt our reliability.

On the contrary. Our country has sacrificed over 56,000 lives and $150 billion in Southeast Asia, and we need feel no shame. We have not witnessed the destruction of an independent nationalist South Vietnam with a will to fight for its sovereignty. Since we cannot have "abandoned" allies who fled their enemies without a fight, it is arrogant of Kissinger to question our morality when we refuse to channel more money into a hopeless situation.

By Kissinger's statement that he would not have negotiated the Paris settlement if he had known that Congress would place limits on military aid to Saigon, he has shown an inability to face the consequences of his own failures. These failures began when he and President Nixon compounded Johnson's folly in propping up the shaky Thieu government through large-scale bombing and an extension of the war into Cambodia.

After the Paris agreement, Kissinger made no effort to press President Thieu for a political accommodation although he must have known that Hanoi would surely resume its plans for taking over the South. Now, by blaming Congress for the fall of South Vietnam, he is acting with the petulance of a little boy who cannot get what he wants. In this case, as in others, he wants to continue policies that have obviously failed.

But Indochina is just one of the thorns in Secretary Kissinger's side these days. He has obviously been demoralized by the collapse of the Middle East mediation effort which he hoped would "crown" his diplomatic career. His European policies have made enemies of both Greece and Turkey while Portugal has lost faith in the United States after our refusal to support the democratic moderates when its dictatorship fell last year.

The much-touted détente with the Soviet Union and China is also in jeopardy—if, in fact, it ever really existed. Nuclear war was not imminent when Henry Kissinger came to the White House, and the SALT agreements have neither arrested nor controlled the Soviet/American arms race.

Increasingly, our Secretary of State has placed himself on a collision course with the Congress. Last year, in Austria, he publicly threatened to resign unless the Senate cleared him of wiretapping charges. And, when the Russians pulled out of the new trade agreement because of a dispute over Soviet emigration, Kissinger again blamed the Congress for his problems.

Now, in favoring more military aid for Saigon with "no terminal date," Secretary Kissinger has clearly shown an unwillingness to answer to the will of the people. Americans have—rightly—no stomach for a renewal of our abortive efforts in Southeast Asia, especially when we recognize that military considerations are, at this point, moot indeed. Yet Kissinger would have it differently. Obviously frustrated by the limitations of power in a democracy, no doubt he would prefer a monarchy where the Prime Minister need not be accountable to the people.

Were President Ford more sophisticated and secure in the area of foreign affairs, Mr. Kissinger's "reign" as Secretary of State might be over. Certainly his continued dominance of our foreign policy raises some serious questions. For example, is this man who orchestrated last minute efforts to salvage dying regimes qualified to deal directly with Communist-controlled Vietnam? And, how effective will he prove in the next round of Middle Eastern peace talks?

HOME HEALTH CARE—PART VI

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 78 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators Frank Moss and Frank Church, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, Hugh Scott, Senate minority leader, and Senators Williams, Domenci, and Tunney.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the Record several times a week by experts and lay persons commenting on the legislation.

This is the seventh in the series:

[From the Washington Post, Apr. 1, 1975]

Editorial—"Human Warehouse"

Unlike some primitive tribes, we do not kill off our aged and infirm. We bury them alive in institutions. To save our faces, we call the institutions homes—a travesty on the word.—Edith M. Stern, "Buried Alive."

Some months ago, two ailing elderly people, a churchman and his wife, signed a suicide note and then took an overdose of sleeping pills. They said the reason they did it was that they did not wish to end their days in a nursing home. For nearly a million Americans the nursing home is the sad reality of their last days. More and more, we are beginning to realize that the nursing home industry is a big business, grossing some $7.5 billion annually. And it will grow because the elderly are the fastest growing age group in the United States today. As that industry grows, the abuses of the elderly are coming to light in grim reports from study commissions, such as the one investigating Bernard Bergman's $24 million New York operations, or a recent report by the General Accounting Office, showing that many nursing homes fail to meet federal fire safety regulations. A Maryland study reported not long ago by this newspaper turned up instances of filthy and unhealthy homes all over the state.

The picture is not all bleak. There are good nursing homes in the United States. The problem is that as more and more Americans reach old age, the demand for some sort of care increases at a greater rate than the supply of adequate care. That would be reason enough in itself for unconscionable operators to enter such a vacuum, but there is an even greater incentive. Since 1965, when the Social Security Act was amended, the federal government and the states began paying commercial nursing home operators for their costs, plus a fixed percentage of their costs as profit. The result has been that used car dealers, scrap metal salvagers and an assortment of operators with no health home "business" with dollar signs dancing before their eyes. As more and more such operations come into existence, more and more horror stories are heard.

Lest this problem get completely out of hand, it is time for a review of the alternatives to the accretion of nursing homes for the ever-growing elderly population. To be sure, there should be no profiteering from the misfortune of those who have reached an age when they cannot entirely care for themselves. Since all of us are headed toward the point where we too will be frail, it makes sense to think of the problem as one the whole nation shares, and not an isolated misfortune befalling only those so unlucky as to be aged and infirm—and without resources of their own. With that in mind, several medical care professionals have evolved the notion of the "galaxy," a place with many functions, all of them related to the needs of the elderly. They are not hospitals in the sense that they only provide bed care, because many old people need some care, but not all the elderly need total care. What they often need is a place to live that accommodates easily to those of uncertain gait or occasional lapses of memory. The galaxies would provide apartments for those who can take care of themselves most of the time. The ill would have periodic visits from health care professionals, when they needed a specific kind of care. They could choose to cook for themselves or they could eat in a common dining room. Always the emphasis would be on flexibility.

As described by Dr. Robert N. Butler in his book, "Why Survive?: Being Old In America," there would be three parst to each galaxy: "Service, training and research. Research is now almost totally neglected in nursing homes, yet the enormity of the present and future problem of old age and chronic illness demands basic and applied clinical research." The "galaxy" approach is but one of several ideas that focus on the basic principle of multi-service centers that could be operated for a fraction of the present cost of keeping large numbers of the elderly in commercially operated nursing homes. The cost for that approach is going to go ever higher as more and more profiteers enter the field. It already costs billions in federal, state and local money, to say nothing of the cost to the families of the elderly. But the human cost in terms of suffering and neglect is incalculable, and that cost, too, should be on our minds for it is a cost any of us could be called upon to pay.

PRESIDENT FORD, WHAT ABOUT SOUTH KOREA?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, tonight President Ford will address the Congress and that address will relate to our foreign policy, we are told. We must all assume that the major thrust of the address will discuss the deteriorating situation in Cambodia and South Vietnam. My purpose in rising at this moment is not to engage in a discussion of those issues because I have discussed them on many occasions, and succinctly stated I believe we must end all military and economic assistance to South Vietnam and Cambodia and provide only humanitarian assistance. That humanitarian assistance would consist of food, medicine, and provision for refugees who must leave South Vietnam and Cambodia because they participated in the South Vietnamese regime or worked with the United States and their lives are endangered. I believe that the neighboring countries as well as the United States itself should agree to accept a fair proportion of such refugees. While I support those efforts which are now ongoing, to assist Vietnamese orphans, I believe that there is an even greater humanitarian effort to be made which is to assist those who are in physical danger because of their active opposition to the North Vietnamese Communist Government and the Provisional Revolutionary Government. With our misguided foreign policy in that particular situation over the last 15 years, we got those people into this catastrophic situation and we must help to alleviate their plight, not militarily but with humanitarian measures.

However, the principal reason I rise at this moment is to discuss our support of South Korea, another oppressive government. I do not take the position that every government that we support must have as its governmental structure that of a democracy. If we did that, we would be supporting perhaps 25 governments throughout the world since most governments are either single-party regimes or military governments. However, when we do provide economic or military support to a regime, because it is in our national interest to do so, we must evaluate the degree of repression of the government against its own people and there are limits which simply cannot be tolerated.

On March 20 I wrote to President Ford and brought to his attention an article which appeared that day in the New York Times concerning such oppression. I have not yet received a response to that letter; I am inserting it in the Congressional Record with the hope that it will be answered and when it is, I will print that response unless it is simply, as is the case so often these days with the White House, an acknowledgement without a substantive reply.

I am concerned that the President has not taken any action, not with respect to my letter, but with respect to the substance of the matter, because of a new report which appears in today's New York Times, which I am also appending. That report states that eight men who had been convicted by a military tribunal and who were tried in secret by military courts under the emergency decrees enacted last year by President Park, were hanged. According to the New York Times, nine other defendants were sentenced to life imprisonment. These men were part of a group of 21 South Koreans who were arrested last year on charges of plotting to overthrow the Government by force. Mrs. Yun Po Sun, the wife of the former South Korean President, upon hearing the news, said, "I have nothing to say." The Times reports that Mrs. Yun heads a "committee of families of persons imprisoned under the 1974 emergency decrees" and that her husband who was one of those convicted last year was "released from house arrest last month."

Repression occurs throughout the world in Communist countries, in North and South Vietnam, in North and South Korea, to cite just a few. And while in so many of these cases, there is nothing we can do other than to denounce it, when as is the case with South Korea, we provide economic support to a repressive government, then we have an obligation to end that funding as long as that repression continues. I am sending a second letter to President Ford with the article which appeared in today's New York Times with the hope that he will respond to that letter and the earlier one as well.

The article and letters follow:

House of Representatives,
Washington, D.C., March 20, 1975.
Hon. Gerald R. Ford,
President,
The White House,
Washington, D.C.

Dear Mr. President: In today's New York Times there is a report that on March 19, the Assembly of the Republic of Korea adopted an amendment to the present criminal code which would forbid South Koreans to speak to foreigners about domestic political suppression. According to the Times, "the measure could be applicable to remarks made by opposition politicians to foreign journalists or to dispatches filed by South Korean newsmen working for foreign publications." The article also reported that "the well-known dissident poet Kim Chi Ha was turned over to the prosecution office today, for possible indictment on charges of having violated the South Korean stern anti-Communist law. If convicted, he could be sentenced to seven years in prison." Apparently, Mr. Kim, who last week was again arrested by the Korean Central Intelligence Agency, had described to a Seoul newspaper, his life in prison. According to Mr. Kim, the "goverment had tortured persons accused of belonging to the outlawed People's Revolutionary party into making false confessions."

The reason I write to you, Mr. President, is that the United States currently supports the Republic of Korea, in the form of $145 million in military assistance for fiscal year 1975. While I am not one of those who believe that we can only support countries operating in our image, and indeed, there are few countries in the world that could be considered democratic, I do believe that we must not give financial support to countries which are engaged in actions so repressive as to shock the conscience of the world. Mr. President, at this point can we really distinguish between the totalitarian government of the People's Democratic Republic of Korea and the totalitarian government of the Republic of Korea? If we cannot, should we be assisting South Korea?

In my judgment, the actions of South Korea can only be characterized as repressive. I ask you, whom I know to be a decent human being, whether you don't recoil in horror as I do, and therefore would oppose our continued funding of such a regime. Please do give me your thoughts on this matter.

Sincerely,

Edward I. Koch.

House of Representatives,
Washington, D.C., April 10, 1975.
Hon. Gerald R. Ford,
The President,
The White House,
Washington, D.C.

Dear Mr. President: I wrote to you on March 20th concerning repression in the Republic of Korea and enclosed a New York Times article of the same date. I write today with respect to the continuing repression in that country and enclose a new article which appeared in today's New York Times.

I urge your attention to these serious matters for which we continue to have some responsibility because of our economic assistance to the Republic of Korea.

Sincerely,

Edward I. Koch.

Police Ring Jail as Seoul Regime Hangs Eight Convicted of Plotting Against Park

Seoul, South Korea, April 9.—About 150 policemen surrounded the Seoul Penitentiary this morning as eight men convicted by a military tribunal of having been members of an outlawed party were hanged.

The executions took place early this morning at Seoul Penitentiary, barely 24 hours after the Supreme Court rejected the men's appeals in a turbulent session.

The condemned men were among a group of 21 South Koreans who were arrested in April last year on charges of having plotted to overthrow the Government of President Park Chung Hee by force. All were accused of being members of a Communist spy group called the People's Revolutionary party. The Government said that the group, acting under orders from the Communist government in North Korea, had organized student demonstrations against Mr. Park.

The 21 were tried in secret by military courts under the emergency decrees issued by President Park last year. During the trials the defendants insisted they had been tortured into making false confessions. Nine other defendants were sentenced to life imprisonment.

Meanwhile, about 300 students here defied the government's emergency decree closing Korea University and staged a street demonstration demanding the release of jailed students and lifting of the decree. The Police released 18 of the 36 students detained during clashes Monday at Seoul National University and referred the rest to summary court for legal proceedings.

About 3,000 students at three other universities here held rallies on their campuses to protest the closing of Korea University. The students demanded revision of the Constitution, the release of jailed students and the lifting of the emergency decree.

The Korean University for Foreign Studies also suspended classes today. It was the fourth university to close in the wake of week-long anti-government protests on campus.

In another development, the Government announced that seven South Korean soldiers were suffocated Monday while searching tunnel system dug by North Korean troops under the demilitarized zone.

A Defense Ministry spokesman said the soldiers were searching a tunnel system dug two weeks ago that extends about 1,200 yards into South Korean territory from the North. The South Korean government maintains that this and other underground complexes were dug by North Korea to move large numbers of men and weapons into the South for a guerrilla war.

The men who were executed this morning included Toh Ye Jong, who, the Government said, had been the leader of the allegedly subversive group, and Yo Jong Nam, an unemployed university graduate who was charged with having been responsible for party cells on campuses. . . .

The condemned men's wives were waiting outside the prison when news of the execution was read over the radio. The women sprawled on the ground, breaking into wailing. One woman, sobbing, said she had never been permitted to visit her husband during his year of imprisonment.

"I have nothing to say," said Mrs. Yun Po Sun, the wife of the former South Korean President, upon hearing the news. She heads a committee of families of persons imprisoned under the 1974 emergency decrees, Mr. Yun, who was one of those convicted, was released from house arrest last month.

Along with many of the nation's Christian leaders, Mrs. Yun had campaigned for new, open trials in a civilian court for those accused of People's Revolutionary party membership.

The "People's Revolutionary party affair," as it is called here, has been one of the most controversial court cases arising from last year's mass trials of the nation's political dissidents. During the trial the defendants said that they had confessed only because of torture. They strongly denied charges of sedition and of links to the anti-Government student movement.

The Supreme Court session yesterday confirmed the death sentences was marred by shouts of "injustice" and "unfair trial" by members of the defendants' families.

OLDER AMERICANS AMENDMENTS OF 1975

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I join my colleagues in support of H.R. 3922, Older Americans Amendments of 1975, providing for an extension and expansion of services and programs to meet the needs of the rapidly growing number of older citizens. In the 89th Congress, a decade ago, I cosponsored the first Older Americans Act. Since that time, I have actively supported amendments to these Federal initiatives and I was honored to author title VII of the Act, signed into law March 22, 1972, which provides for the nutrition program for the elderly.

This bill is the first in our Nation's history to provide for a comprehensive and coordinated system of services to help meet some of the most pressing social and economic needs of 21 million Americans over 65 and millions more between the ages of 55 and 65. The bill extends the Older Americans Act of 1965 for 4 years, until 1979, to provide the program of grants to States for community services, the nutrition program for the elderly, the Older American Community Service Employment Act, and the National Older American Service programs.

The bill also creates a new special service program for the elderly for which 20 percent of the funds provided to States is earmarked. This program emphasizes home services, counseling assistance, residential repairs and renovations, and transportation for the elderly—all designed to provide alternatives to institutionalization. This is one bill that prohibits discrimination on the basis of age in any program or activity funded, whole or in part, by revenue sharing funds.

H.R. 3922 is an excellent restatement of Federal policy which recognizes that categorical grants are the most effective means to provide the assistance that senior citizens richly deserve. For example, a report of the Comptroller General of the United States dated February 13, 1974, shows that of 218 governments authorized to expand $1.374 billion of general revenue sharing funds, only 28 authorized expenditures specifically and exclusively for the benefit of the elderly. These authorizations totaled about $2.9 million, or about two-tenths of 1 percent of the total funds authorized. There is not one scintilla of evidence to indicate that general revenue sharing will ever be an effective vehicle for the support of programs for older Americans.

The 4-year authorizations are also a great step forward and are essential to any meaningful implementation of those programs to provide real benefits to elderly Americans. The authorization period makes clear in the intent of the Congress that the highly successful nutrition program, the grants for State and community programs, and the others provided for in the amendments, are to be continued and expanded beyond the accomplishments of the past decade. One of the gravest impediments to the initial implementation of the nutrition program revealed to my office by the State directors on aging was the fact that it was only a 2-year program. Since the program might have been abandoned by the Federal Government, State, and local officials had been reluctant to raise the hopes and expectations of the elderly beneficiaries.

Further, the 4-year authorizations are essential to the viability of 20 or more agreements which Commissioner Arthur S. Flemming, Administration on Aging, recently has negotiated with the Department of Transportation, the Department of Housing and Urban Development, the Federal Energy Administration, and other Federal departments and agencies. These agreements are designed to help governmental units respond to the special needs of the elderly and to coordinate their efforts and functions.

Mr. Speaker, critics of the bill express concern regarding the inflationary impact of the $2.5 billion authorization of new moneys over and above current levels for programs authorized under the Older Americans Act and related laws. I concur with the Committee on Education and Labor judgment "that the inflationary impact of this legislation as a component of the total Federal budget is substantially outweighted by its positive impact upon economic recovery and employment."

Furthermore there is general agreement since the Great Depression of the 1930's, that we have been saved from a recurrence by social security benefits, income safeguards, and unemployment compensation built into our economy. These amendments are designed not only to maintain older American dignity, independence, mental and physical health, but are necessary adjuncts to the other bulwarks against depression. Certainly they are justified by the contributions made by older Americans to our Nation's wealth.

The full appropriations as authorized under these amendments should be enacted and the programs implemented at the earliest possible time to the full extent of the appropriations.

FUNERAL SERVICES OF MILDRED K. WALLER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, all of us appreciate what it means to us and to our contribution to the public interest to have competent staff assistance. I feel that too often we do not publicly acknowledge for ourselves and the people we serve the debt we owe to competent, dedicated, loyal staff members who serve us, often sacrificially, in the performance of our duties. We all recognize that the quality of our contribution is often measured by the competence and the diligence of those who work with us.

Recently I had the sad experience of attending the funeral of a great, dedicated, and gracious lady who served me in the Senate, in private life, and in the House for 24 years, Mrs. Mildred Waller. At her funeral service I was permitted to express publicly the debt I owed to this competent and noble lady for all that she had done to help me in the discharge of my public and private responsibilities. I feel that what I said is what every Member of this House would also say under similar circumstances in recognition of his or her gratitude to those who have so valiantly and so selflessly worked with him or her to serve his or her constituents and country. I beg leave, therefore, Mr. Speaker, to insert in the RECORD following my remarks what I said at Lafayette, Ind., in brief but more than deserved tribute to a long-time friend, a cherished colleague in public service, a dedicated and diligent aide, Mrs. Mildred Waller.

FUNERAL SERVICES OF MILDRED K. WALLER, HIPPENSTEEL CHAPEL, LAFAYETTE, IND., MARCH 5, 1975

Rev. Charles V. Bugg: Jesus said, I am the Resurrection and the life. He who believes in me, though he die, yet shall he live and whoever lives and believes in me, shall never die. Let us pray:

Oh, God, Thou who art the Lord of Life, and the Conqueror of death, our help in every time of trouble, who does not willingly grieve or afflict us, comfort us who mourn and give us grace even in the presence of death to worship Thee, that we may have the sure hope of eternal life and be enabled to put our whole trust in Thy goodness and mercy, through Jesus Christ our Lord, Amen.

Now my friends we are here to worship God in this hour and to pay a tribute of respect to the one who has gone from us and prayerfully and hopefully to offer some words of comfort to the family and to the friends, more than ever to honor our God.

I would like to read just a few passages of Scripture, that are age old Scriptures that bring us comfort in times like this—some of the ones that have been suggested to me:

I lift up my eyes to the hills from whence does my help come. My help comes from the Lord who made Heaven and earth. He will not let your foot be moved; He who keeps you will not slumber. Behold, He who keeps Israel will neither slumber nor sleep. The Lord is your keeper; the Lord is your shade on your right hand. The sun shall not smite you by day, nor the moon by night. The Lord will keep you from all evil; He will keep your life; the Lord will keep your going out and your coming in from this time forward and forever more.

Then a passage of Scripture from Paul's letter to the church at Corinth, several select verses:

Christ has been raised from the dead; the first fruits of those who have fallen asleep; for as by a man came death, by a man has come also the resurrection of the dead, or as in Adam all die, so also in Christ shall all be made alive. But someone will ask, how are the dead raised? With what kind of body do they come? You foolish one, what you sow does not come to life unless it dies, but God gives it a body as he has chosen. So is it with the resurrection of the dead. If what is sown is perishable, what is raised is imperishable. Well, this perishable nature must put on the imperishable and this mortal nature must put on immortality. When the perishable puts on the imperishable and the mortal puts on immortality, then shall come to pass the saying that is writen, death is swallowed up in victory. Oh, death, where is thy victory? Oh, death, where is thy sting? The sting of death is sin and the power of sin is the law, but thanks be to God who gives us the victory through our Lord Jesus Christ.

And then in the words of Jesus Himself, in the beautiful Fourteenth Chapter of St. John:

Let not your hearts be troubled, believe in God, believe also in me. In my Father's house are many rooms; if it were not so, would I have told you that I go to prepare a place for you; and when I go to prepare a place for you, I will come again and will take you to myself, that where I am you may be also; and you know the way where I am going. Peace I leave with you; my peace I give to you, not as the world gives do I give to you. Let not your hearts be troubled, neither let them be afraid.

Will you bow your heads again in prayer.

Most gracious and loving Heavenly Father. I ask you to direct your attention at this moment particularly to these who are in sorrow that they may walk through it with a consciousness of your presence with them in such a way their lives will be filled with the hope of life eternally in their minds and hearts; that this experience in their lives may be the means of a greater faith in your goodness and in your love for them and that they may walk in this way day by day. May they be assured that all things do work together for good in the Lord. So bless the friends and the relatives of Mildred Waller, so that they, as they look back on her life in memory, they will be drawn into the love of Christ whom to know a right is life at its best and eternally we ask these blessings in Christ's name, Amen.

Mildred Waller was not known by me, but she must have been known and loved by many people and the way that we can have any claim to know each other is through Christ our Lord. But one who held her in high regard and respect was one with whom she worked for many years and that was in Washington, D.C. with Congressman Claude Pepper. I heard of Senator Pepper back when I lived in Mississippi, and I understand that he was fourteen years a Senator and is in his thirteenth year, I believe, as a Congressman in the House, and they were very, very close to each other. And I am going to give him the privilege of having a word of comment and eulogy at this time.

Senator PEPPER. Thank you very much, Reverend Bugg. On Memorial Day in 1949, a lovely lady named Mildred, whom we fondly called, "Millee" Waller, came to work in my Senate Office. She came highly recommended. She soon exhibited the excellent qualifications which I came to appreciate so much in the ensuing years. Soon she became my personal Assistant and Secretary, and for 24 years she was almost a member of my and my wife's family. We loved her; we cherished her friendship; we treasured our association with her.

After I left the Senate, she became the Office Manager of my Law Office. It was in our State Capitol in Tallahassee in 1949 that she was married and my wife had the privilege of participating, as I did, in that happy event. After I came to the House of Representatives in 1963, she of course was at my side and became my personal assistant and the Manager of my office. She remained in that responsible capacity until she voluntarily retired after so many years of arduous labor and sacrificial toil at the 1st of February 1973. It was like tearing twins apart, separating a family, for my wife and me to see Millee go away from our association. But we wanted her to have some years which she could enjoy; the things that she had not been privileged to do in the busy years of her professional life. It is a source of sadness to us that she only had two of those happy years with her lovely sister, Mrs. Helen Westfall, with whom she lived in Florida and in North Carolina.

I have had a feeling that too often we fail to attribute the proper credit to those who contribute to what men may be able to accomplish in business or public life or some other professional activity, for whatever good of meaningful value I may have been able to do in a quarter of a century, I owe a large part of the obligation to Millee Waller. None was ever more faithful in service; her character was as beautiful as her person; compassion reigned always in her warm heart and it truly could be said of Millee Waller, as Robert Ingersoll said about his brother, "She added to the sum total of human joy, and if every person to whom she did a loving service could bring a blossom to her grave, she would sleep tonight beneath a wilderness of flowers."

Millee Waller made the world brighter and better where she walked and where she worked. My wife and I count it a great privilege to be permitted to come here to join the family and you friends in paying our heartfelt tribute and our honorable adulation to this great and gracious lady, our beloved friend, Millee Waller.

Reverend Buggs. Thank you very much for that. That is a beautiful tribute and I am sure that the family will appreciate it for years and years; and it makes me wish more and more that I had had more time with her.

In keeping with my full philosophy of life, what it means and how God takes hold of it and uses it, and when I was called concerning this Memorial Service, I was thinking along the line of my general and specific philosophy and then when I came up here, Mrs. Westfall gave me a little devotional book and said if I could do it, please read some from it because it was hers, too, and as I read it, I said, Well, this is what I believe and I believe very much in it. And so I am going to read most of my remarks from this passage that she has given me to read. It has to do with life and death as a part of life, not as a finality. And this little part is called, "Another Dawn" and it is written by James Dilette Freeman.

"Faced with the passing of someone we love, our heart cries out in the passion of his loneliness, and is not comforted with easy answers. Our heart tells us that we are meant to live, not to die; we are meant to express life ever more consummately. When someone fails to do this, we wonder why. To understand the meaning of death, we must understand the meaning of life. Looking at life, we see that all things change, but although all things change, nothing perishes, things only change. If this is true in the world of things, how much more true it is in the world of mind. Soul has a substance of its own; no less permanent for being immaterial; no less real for being invisible. We cannot measure it with calipers or weight it in a balance. We cannot feel it with our fingers or see it with our eyes, but it is there, substantial, real. It changes, but it will not perish. Life does not begin with birth, it does not end with death; life is an eternal process and eternal progress. The visible form, this audible voice, this aggregation of organs, this network of ideas, we are more than these. We are the trappings of visibility, we are an expression of the spirit life.

This is a good illustration here.

Stand on the shore at night, you can hear the sound of the waves; you can see them break and whiten on the rocks, but the sea itself, vast and imponderable and strange and deep, you cannot see. The wave breaks on the rocks and then is gone, and all that is left behind is a fading line of foam. Yet the sea is more than the foam that fades on the rock; the sea is more than the wave into which *it* shaped itself for a moment. When wave and foam are gone, the sea abides, to shape itself into another wave and fling itself and foam on rocks again. You are like a sea that shapes itself into a wave. The wave will expend itself, but you will not expend yourself; you will shape yourself into an infinity of waves; you are the ever renewing, ever unfolding expression of infinite life; you are the spirit of the infinite, moving across infinity. Eternity is not an alteration of life and non-life; there is only life. Truth is that we cannot die; we are life; life is energy; life is expression; it cannot cease because it is ceaselessness; we may change form and vanish from view, but we cannot cease to be; we never cease to be, not for a moment, we cannot be separated from life; we cannot be less than life; life is a road that winds among the hills of time. With every turn in the road the old view vanishes, the new view appears. Life is a pilgrimage, a passage through eternity; a journey into the unknown. People are as travelers on a journey; some pass quickly beyond the bend in the road that hides them from view, some walk beside us all the way; some seem to creep along and some pass swiftly as a runner. But life cannot be measured in terms of time, only in terms of living. When people die, they do not cease to be, they only pass beyond human sight. Why are we afraid of death? Is it because we are afraid of the unknown? Yet is not each day an adventure into the unknown? Exactly what is on the other side of death we do not know, but we may be sure that it is life. Life is on the other side of death as it is on this side; death is not evil, neither is it good. Is the turning of a page good or evil? Is a rest between two notes of music good or evil? Is the opening of a door good or evil? Death is an incident, it is a part of life, as sleep is a part of night as night fall is a part of life. Sleep gives way to waking, night turns into day. So death is the passage from life to life; death is a door through which we pass into another room; it is a page we turn to a new chapter in the book of life. It is not the end, it is a new beginning. It is not the fall of night; it is another dawn.

I have a very good friend that lives out from Lafayette a little ways; and several years ago this friend of mine was sick and went to the hospital and everyone thought it was his time to die. I had been visiting him and one day he was in very bad shape, but as he roused up a little bit when the preacher came in, he said, don't look so sad, preacher; he said, everything is fine; everything is good. They tell me I might not get through this one, I might die. And then he looked at me with a smile and he said, death holds no dread for me, I look forward to it as a new experience in life. It is more of a challenge than a dread. I wrote that down, what he said before I had forgotten it and it has just been embedded in my heart. Death has no dread for me, it is more like a challenge, a new experience in life.

Nancy Burke Turner wrote a poem that I like very much, too, and it has something to do about life going on and on.

Death is only an old door, set in a garden wall;
On gentle hinges it gives at dusk when the thrushes call;
There is nothing to trouble any heart, noth- thrushes call;
Death is only a quiet door in an old wall.

And I have always thought of it as a door to a room through which you would go to a room to put off all of the old clothes of this world, the trouble, the pain and sorrow and imperfections and put on the robe of the righteousness of God where you would go and rest for a while and then God would put you to work again in a perfect setting, and in a perfect way.

John tells us about Jesus. Now in the place where he was crucified there was a garden, and in the garden a new sepulcher there they laid Jesus. And the women came to the sepulcher the first day of the week, but did not find Jesus. Then the angel said to them, why do you seek the living among the dead? He is not here, He has arisen.

Auchenham wrote a beautiful thought concerning vegetation and vegetable matter, but then he had in mind the soul of a person as he wrote:

"We drop a seed into the ground, a tiny shapeless thing, shriveled and dry. And in the fullness of its time is seen a form of purest beauty, robed and crowned beyond the pride of any earthy queen instinct with loveliness, and sweet and rare, the perfect emblem of a Master's care."

This from a shriveled seed then may man hope, indeed. And I am sure that this family has that kind of hope. They are going to be sorrowful for a while. There are many adjustments that they will have to make as they adjust their lives with the absence of their loved one. But memories will grow sweeter, they will not be forgotten. Maybe some of the roughness of life that they have had to endure from time to time will be forgotten, also, when the joy and the sweetness of memory comes to them. And in this memory with the hope that Jesus Christ gives of life eternal, I am sure that your lives will be enriched with this experience. And may God so bless you.

Lord we pray again that Thou shall bless this hour. Bless these words and may our lives be enriched in the love of Christ, Life Eternal.

THE UNITED STATES AND ISRAEL—TILT IN THE MIDDLE EAST

(Mr. YATES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. YATES. Mr. Speaker, I would like to call the attention of the Members to a most perceptive article in the April 1975 issue of Commentary magazine by the distinguished author, Theodore Draper.

I believe that this article, entitled "The United States and Israel—Tilt in the Middle East?" is particularly important following the recent announcement by the administration to reassess the U.S. role in the Mideast.

The article follows:

THE UNITED STATES AND ISRAEL: TILT IN THE MIDDLE EAST?

(By Theodore Draper)

(Note.—Theodore Draper is the author of many books on international affairs, including *Israel and World Politics, Abuse of Power,* and *The Dominican Revolt.* Among his recent contributions to Commentary are "Détente" (June 1974), "The Road to Geneva" (February 1974), and "From 1967 to 1973: The Arab-Israeli Wars" (December 1973).)

The United States has become the main front in the Arab-Israeli conflict. This is not to say that the United States has for the past three decades been far from the center of the struggle in the Middle East. What has happened, however, is that the United States itself has become the center of the struggle. The climactic change took place during the October war.

Until October 1973, the Arabs and particularly the Egyptians had counted on the Soviet Union to rescue them if an attack on Israel misfired and landed them in serious trouble. That also seemed to be the case between October 20 and 27. But we now know more about the events of those days about which, it is clear, we were initially misinformed, if not mislead. They have a direct bearing on the new American role, assumed without official announcement and little public awareness.

A bare outline of the main events is necessary to understand what we were led to believe and what actually happened.

On October 15, after ten days of desperate resistance, a small Israeli force crossed the Suez Canal and turned the tide of battle. Soviet Prime Minister Alexei Kosygin arrived in Cairo the next day. Kosygin returned to Moscow on October 19 convinced that the Egyptian forces faced disaster and urgently required a cease-fire. The men in the Kremlin quickly decided to summon Secretary of State Henry Kissinger to Moscow. Kissinger, then preparing to go to Peking, consulted only with former President Richard Nixon, who had other things on his mind—Watergate Special Prosecutor Archibald Cox was dismissed and the resignation of Attorney General Elliot Richardson followed on October 20. The Soviet messages had as yet contained no threats and had merely expressed concern that events might get out of hand. Nevertheless, Kissinger abruptly postponed his trip to China and rushed off with unseemly, if not unnecessary, haste to Moscow at 1 a.m. on the 20th.

The biography of Henry Kissinger by Marvin and Bernard Kalb—for which Dr. Kissinger gave generously of "his time and his knowledge"—states that President Nixon gave Kissinger "power of attorney" during this mission to Moscow.[1] If this was the case, Kissinger alone was responsible for the hasty submission to the Soviet demand for an immediate cease-fire. In return, Kissinger obtained a Soviet concession to get negotiations "between the parties concerned" started immediately after the cease-fire, in line with Security Council Resolution 242 of November 1967. Kissinger then flew to Israel where he extracted an agreement in principle to his deal with General Secretary Leonid Brezhnev.

Meanwhile, Israeli forces were completing the encirclement of the Egyptian Army's III Corps estimated at 20–40,000 men. A cease-fire resolution was rammed through the U.N.'s Security Council on October 22. On the night of October 24–25, however, a worldwide alert of U.S. forces was called, ostensibly to warn off the Soviets from carrying out a unilateral operation to rescue the encircled Egyptian III Corps. The alert was called off on October 26 and the Israeli government agreed to permit a relief convoy to get through to the trapped Egyptians the following day.

At the time, we were led to believe that Soviet threats had saved the Egyptian III Corps and that the American alert had saved the Israeli forces from Soviet intervention. Disconcerting hints that there might be more to the story soon came out of Israel, but they were at first hard to interpret. Former Israeli Chief of Staff General David Elazar said that Israel had been "forced" to let a supply convoy through to the encircled Egyptian troops.[2] But who had done the forcing? Former Defense Minister Moshe Dayan explained that "the provision of food to the Third Army (I have not changed references here and in quotations below to the Egyptian force as an Army rather than a Corps) was not done by us as a humanitarian gesture but because we had no choice in the matter. Or, to be more precise, the alternatives to allowing the food convoy through were, in our judgment, still worse."[3] But what were the alternatives? Former Prime Minister Golda Meir was reported as saying that Israel allowed the food convoy to go through in order to avoid a crisis with the United States.[4] What crisis?

Bit by bit, the fully story began to emerge.

In the spring of 1974, just before his appointment, Prime Minister Yitzhak Rabin told an American interviewer that "on the one hand the U.S. put its forces on the alert, and on the other warned Israel it might be alone if the war did not end." He was asked: "Which was a threat?" Rabin replied: "You can say threat or you can say a reality, it doesn't matter."[5] The Kalbs' biography of Kissinger claimed to know what was in the latter's mind on October 23, 1973, the day he returned to Washington: "Kissinger resolved that he would stop the Israelis and save the III Corps and thus guarantee a military stalemate."[6] Other Americans were also let in on the secret. Professor William E. Griffith of the Massachusetts Institute of Technology and *Reader's Digest* made known that Washington, not Moscow, had "forced Israel to allow relief convoys to pass through its lines to the surrounded Egyptian III Corps."[7] *Foreign Affairs* of October 1974 published an article by Professor Nadav Safran which casually referred to "the United States' forcing of Israel to open a supply line to the beleaguered Egyptian III Corps."[8]

Finally, Dayan decided to clear up the mystery on December 19, 1974. In a lecture at Bar-Ilan University at Ramat Gan, Israel, he disclosed:

"The Americans, in order to smooth the way with the Arabs, confronted us with an ultimatum to the effect that, if we would not enable the [Egyptian] Third Army to receive food and water, we would find ourselves in a political conflict with them [the Americans]."[9]

The State Department decided that it was best not to comment on Dayan's remarks. Whereupon Dayan repeated the story in greater detail in an interview with Terence Smith in the New York *Times* of January 26, 1975. Two of the questions and answers are worth giving in full:

Smith: In a recent lecture, you charged that the United States threatened in October 1973, to fly supplies in to relieve the encircled Egyptian Third Army if Israel refused to allow food and water through the lines. What actually happened there?

Dayan: The U.S. moved in and denied us the fruits of the victory. It was an ultimatum—nothing short of it. Had the United States not pressed us, the Third Army and Suez City would have had to surrender. We would have captured 30,000 to 40,000 soldiers and Sadat would have had to admit it to his people. We might only have held them for a day and let them walk out without their arms, but it would have changed the whole Egyptian attitude about whether they won or lost the war. It would have given us more cards in the practical negotiations.

Smith: Would the Soviets really have intervened as the Americans said they would at the time?

Dayan: I don't think so. Not over the Third Army. If we had tried to take Cairo or Aswan, yes. Do you remember the U.S. alert on October 24? They thought the Soviets were going to land an airborne division near Cairo and link up with the Egyptians to try to drive us from the west bank of the canal. The Soviets were worried about Cairo and Aswan, not saving the Third Army. It could have made a big difference if we had been permitted to force them to surrender. The American move didn't help anything.

Again, no effort was made in Washington to deny Dayan's story.

It was, then, an American "ultimatum" to use American forces to resupply the Egyptians and to face the Israelis with the prospect of fighting Americans, not a Russian ultimatum to use Russian forces and face the Israelis with the prospect of fighting Russians, that compelled the Israeli government to submit. It is entirely credible, as a recent study of the war asserts, that the American alert of October 25 was one of the signals "aimed against Israel as much as they were aimed against the Soviet Union" in order to convince Israel that further developments "would have grave implications for American interests far beyond the confines of immediate hostilities."[10] The trail of events was so carefully concealed that a reconstruction of the October 1973 events in the New York *Times* a month later never so much as hinted at such American pressure on Israel.[11]

The American threat might conceivably have been justified by a Russian threat. But it is no longer clear what the Russian threat was or, whatever it was, how it should have been met. The Russian message on October 24 urged joint U.S.-USSR enforcement of the cease-fire and, if the U.S. refused, raised the possibility of Soviet forces acting alone. Secretary Kissinger's reflex was evidently far more drastic than the reaction in the Pentagon or in Israel. The demand for the worldwide, phase-three American alert came from him. In the Pentagon, the Soviet messages were considered an initial test of American nerves and policy, to be taken seriously but not precipitantly. The Israelis, who had most at stake, were least unnerved. They held out until the 27th and then capitulated to an American, not a Russian, threat. Former Assistant Secretary of State for Near Eastern and South Asian Affairs, Lucius D. Battle, has offered the opinion that "the Brezhnev note of October 24 did not strike me as threatening as earlier flares signaled it to be. Compared to Russian notes I have read in past years, it was relatively mild—at least as reported in the press."[12] We might be able to judge for ourselves how threatening the situation was if Secretary Kissinger had kept his word to "make the record available." Unfortunately, he changed his mind, and only our children or grandchildren may know how embarrassing the record may be.

In effect, the October war made it possible for Secretary Kissinger to pose as the savior of both sides. When the Israelis were in trouble, the American resupply effort made it possible for them to continue the battle on a scale commensurate with their needs. When the Egyptians were in trouble, American pressure on Israel enabled them to avert a defeat which would have fractured the Egyptian army and shaken the Sadat regime. Throughout the Nixon years, the administration had been straining to achieve "evenhandedness." By force of circumstances, that blessed state was reached in practice in October 1973.

The change in the American position during and after the 1973 war can be gauged only by looking back at what American policy had been. Some historical perspective is needed before we can go on to the persent.

II

The ostensible reason for the 1973 war was bound up with the Arab territories occupied by Israel. Before we consider what should be done with these territories, we need to remember why and how they were occupied in the 1967 war.

It was a war which, as I have shown in a previous article, originated in proposals made ten months earlier by the highest Egyptian military officials with the deliberate intention of violating the status quo—which they knew could not be carried out without another war.[13] It was a war for which the Soviet Union had supplied the ostensible provocation by spreading a phony story in May 1967 to the effect that Israeli forces had massed for attack on the Syrian frontier—which the Egyptians knew to be false.[14] It was a war which the Egyptian leader, President Gamal Abdel Nasser, said was being waged because "Israel's existence in itself is an aggression."[15] It was a war touched off by an Egyptian blockade of the Israeli port of Eilat at the tip of the Gulf of Aquaba—a traditional act of war. It was a war which demonstrated that Israel could not rely on an American "commitment" given by President Eisenhower in 1957 dealing precisely with the eventuality of such a blockade.[16]

If ever a war was deliberately provoked, it was provoked by Egypt in 1967. Even Arab commentators have harshly criticized Nasser for having been too vainglorious and overconfident in his challenge to Israel. Yet Arab and Soviet propaganda has unremittingly characterized this war as a pure and simple Israeli "aggression." This charge was so clearly threadbare and self-serving that it was never accepted by, nor even put to a vote at, the United Nations as a basis of its determination on the war. Yet so successful has this Arab-Soviet propaganda been, as memories have dimmed, that James Reston could write in the New York *Times* of January 31, 1975, of friends of Israel who have urged her "to give up territory occupied by aggression"—an expression for which he ex-

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Footnotes at end of article.

pressed regret a week later. Mr. Reston, however, was not the first American who should have known better than to charge Israel with "aggression" in 1967. In his first pronouncement on the Middle East in 1970, Senator J. William Fulbright used exactly the same term on the floor of the Senate.[17] If it was to Mr. Reston's credit that he soon recognized his mistake, one cannot ignore it as a symptom of how much has been forgotten since 1967.

Let us consider the question of the occupied territories in a general way.

The history of the world could be written in terms of the history of territories occupied—and annexed—as a result of wars. The Arab world would never have reached from the Euphrates to the Atlantic if it were not for vast invasions, conquests, occupations, and absorptions. But that was a long time ago. No self-respecting American historian has failed to wince at the way in which a huge chunk of Mexico was occupied and annexed in 1846 and the Philippines in 1898–99. But that was in the 19th century. In the lifetime of the present generation. Soviet Russia has occupied and annexed 272,500 square miles of territory—an area as large as Jordan, Lebanon, Syria, and Iran combined—as a result of World War II, much of which had not even belonged to Czarist Russia. But that was three or four decades ago. At this very moment, as a result of a Greek provocation—which, however, was considerably less than that of Nasser in 1967, inasmuch as Turkey itself was not threatened—Turkey has occupied and taken over almost half of Cyprus, with barely more than a tired groan from the rest of the world.

My point here is not that occupation of foreign territory is something to be encouraged and approved. My point is that the Israeli occupation is being singled out for moralistic abuse as if it were unheard of and did not have more justification than almost any other. Power, not morality, obviously determines whether or not occupation can be gotten away with.

Let us consider another vexing problem—the Palestinian refugees.

A recent study, *The UN and the Palestinian Refugees*, starts with this sentence: "Political refugees, of whom there have been many millions since the end of the Second World War, are the tragic product of an incompatible juxtaposition, whether of faction, class, religion, ideology, or nationality."[18] Here at least we are immediately confronted by a critical fact—the Palestine refugee problem is part of a much larger refugee problem and should be seen in terms of that larger problem. An official U.S. estimate put those who fled or were evicted since 1945 from the Communist countries alone at over 25 million.[19] A British source has estimated that as many as 35 million refugees have been successfully resettled since 1945.[20] The Arab refugees constitute a small fraction of this huge shift in population. The number of Arab refugees was put by the Special Political Committee of the General Assembly in 1956 as somewhere between 705,000 and 725,000. The highest figure, based on registrants for UN relief and obviously inflated by false registrations and other factors, was 1,344,567 in 1967.[21] Terence Prittie, the British writer, has concluded from a survey of the available statistics that the figure should be about 700,000.[22] Inasmuch as about 600,000 Jewish refugees fled from Arab countries, the two tend to offset each other. Even if Arab refugees should be estimated at one million, they would represent a relatively small portion of all post-1945 refugees.

These hordes of refugees should have outraged the conscience of the postwar world. That is not the point here. I want to stress something else—that only one kind of refugee has been made a political weapon to destroy the state from which he fled. The point has been well made by the Rev. Dr. Douglas Young, President of the American Instittue of Holy Land Studies in Jerusalem. He recently drew attention to the fact that the propaganda to get Israel to allow Palestinian refugees to return is "contrary to *all* treatment of *all* refugees throughout the *whole* world in the last 10 or more years. Never are refugees moved. Always are they assimilated in their host countries."[23]

There is something suspicious and ominous about a world which permits one rule for refugees from a Jewish state and another rule for refugees from all other kinds of states.

In his 1970 speech, Senator Fulbright admitted that Israel was being asked to do something no other state had ever done. This is how he put it: "It is natural enough for Israel to resist the honor of being the first modern military victor to be obliged to abide by the principles and specifications of the United Nations Charter, especially when the greater powers who dominate the Security Council have set such a wretched example. Be that as it may, the principle is too important to be cast away because of the hypocrisy or self-interest of its proponents."[24]

In short, all the self-interested hypocrites have a right to ask of Israel what they would not dream of doing themselves.

Let us now consider the problem of the occupied territories more concretely. Again, the starting point must be the 1967 war.

The war was fought because, among other things, Egypt tried to close off the Gulf of Aqaba at Sharm el-Sheikh; Syria used the Golan Heights to shell the Israeli settlements below; and Jordan divided Jerusalem so ruthlessly that Jews could not visit their holy sites and cemeteries, which were in any case demolished or defiled. Nasser was overconfident precisely because the existing borders seemed to make Israel so vulnerable in a three-front war. The waist of Israel just north of Tel Aviv was less than a dozen miles wide—the distance it would take at this point to throw the Israelis into the sea.

Six days later, the Israelis had a defensive frontier on the Suez Canal, all along the Jordan, and atop the Golan Heights. At first, the Israelis expected to cash in their victory for a firm peace. As Dayan put it, in a much derided phrase, he was waiting for a telephone call from Cairo. The meaning was plain: Egypt had always refused to negotiate with what it considered to be a weak Israel; now it might decide to negotiate with a strong Israel. Dayan was disappointed. The Arab answer was given at Khartoum in August 1967: "No peace, no recognition, no negotiations."

Nevertheless, in November 1967, both the Arabs and Israelis accepted Security Council Resolution 242. For our present purposes, it is merely necessary to recall its main provisions. Essentially, it provided for the withdrawal of Israeli armed forces from "territories"—not "*all the* territories"—occupied during the war in return for giving Israel an end to belligerency and "secure and recognized boundaries." It was a "package deal," as Lord Caradon, the British member who sponsored it, has recently reminded us.[25] In effect, the parts of 242 were linked together to make "a balanced whole," to be enforced together or not at all. When the Arabs now demand total Israeli withdrawal and the Israelis demand a state of peace or at least non-belligerency, we are still within the bounds of 242, which has never been revoked or renounced.

Resolution 242 never achieved its purpose mainly because the Arab states and their Soviet patron insisted on breaking up the "package deal." Inasmuch as they were interested solely in Israeli withdrawal from the occupied territories, they cut down the whole problem to a simple case of Israeli "aggression" which made the Arabs the only aggrieved party to the dispute. This line totally ignored the fact that it had been the understanding of the British and Americans that at least "insubstantial" or "minor" modifications should be made in the pre-war boundaries in order to give Israel a greater degree of security.[26]

But 242 was not yet finished. The Brezhnev-Kissinger deal of October 21, 1973, which was adopted in the UN the following day as Resolution 338, resurrected 242 by calling for its implementation "in all its parts." In addition, 338 went somewhat further than 242 by also calling for "negotiations"—that dread term—"between the parties concerned."

Several other things which happened between the 1967 and 1973 wars deserve to be better known and need to be taken into consideration for an understanding of the problem of the occupied territories.

Immediately after the 1967 war, according to Professor Nadav Safran, Egypt was prepared to go along with a formula worked out by Secretary of State Dean Rusk and Foreign Minister Andrei Gromyko to exchange Israeli withdrawal for a termination of belligerence. Algeria, however, sharply protested and the other Arab states rallied behind it. Nasser backed away from the proposal. Professor Safran believes that the same "outbidding" resulted in the "Three No's" at Khartoum. If he is right, Dayan was not so far wrong in thinking that there might have been a telephone call from Cairo.[27]

In February 1968, British Prime Minister Harold Wilson told Israeli Deputy Prime Minister Yigal Allon that Britain was suffering most from the blockage of the Suez Canal. Allon conferred with Prime Minister Levi Eshkol—who had from the first considered the occupied territories a dubious blessing—and they agreed that Britain would secretly approach the Egyptians in Cairo to see whether they would be willing to reach a partial settlement with Israel for the purpose of reopening the Canal. The Egyptian reply was negative. Other efforts were made in the same direction by Pietro Nenni of Italy and Secretary of State William Rogers—all with the same negative result.[28]

In September and October 1968, the United States assured Egypt that, if it would negotiate with Israel, the United States would support the phased but total return to Egypt of the Sinai territory on condition that a peace settlement should be reached and the area demilitarized. This proposal was accepted by Israel and rejected by Egypt.[29]

In February 1971, a disengagement agreement to enable Egypt to reopen the Suez Canal came up once more. According to then Assistant Secretary of State Joseph J. Sisco, Israel informed the United States that it was willing to engage in talks for an interim Suez Canal agreement to be held without any preconditions under the aegis of the United States. The plan fell through, Sisco said, because the Egyptians insisted "on prior commitment to total evacuation from Egyptian territory."[30] In effect, Egypt could have had some form of disengagement along the Suez Canal in 1971—which is all that Egypt has now—without a war.

A dovish plan worked out before the 1973 war by the present Israeli Foreign Minister, Yigal Allon, was designed to grant Israel the greatest possible increment of additional security commensurate with the least possible transfer of Arab territory. There is no need here to go into the details of Allon's plan, which gave away too much for some Israelis and too little for others; it would probably get more support today.

The point is that there has never been, even remotely, an Arab effort to present an analogous plan for even a minimal territorial compromise. Israeli doves have had such a hard time because they have had no one but

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themselves to be dovish with. Recently a well-known Israeli writer, Amos Elon, and a young Egyptian scholar, Sana Hassan, collaborated on a book, *Between Enemies* (Random House, 1974). They also agreed that he would pay his first visit to Egypt and she to Israel, and that the book would be brought out in Hebrew in Israel and in Arabic in Egypt. Sana Hassan went to Israel, where she traveled wherever and spoke to whomever she pleased; Amos Elon was not permitted into Egypt. The book appeared in Hebrew in Israel; it was refused permission to appear in Arabic in Egypt by the highest authorities, despite Sana Hassan's best efforts.

A "compromise" would obviously mean that Israel could not keep all of the occupied territories and that the Arabs could not get all of them back. It is possible to oppose Israel's keeping any of the territories or the Arabs' giving any of them, but then it is impossible to speak of a "compromise." The sponsors of Resolution 242 actually thought of a minimal compromise according to which only "insubstantial" or "minor" territorial changes would be made. No matter how these relative terms might be interpreted, something had to change or the idea of a compromise was meaningless.

Some idea of change was also built into Resolution 242's requirement of "secure and recognized boundaries" for every state in the area. This provision could only mean that Israel did not have such boundaries before the June 1967 war. Whatever "secure" boundaries may mean, they could not mean exactly the same boundaries as had prevailed previously.

A great deal of casuistry has been expended on the subject of secure boundaries. It is frequently and solemnly said that there is no such thing as absolute security, as if anyone would ever do anything at all if life were a matter of absolutes. One advanced thinker has gone so far as to assure Israel that "it would be equally indefensible if it stretched from Tripoli to Beirut."[31] The distance from Tripoli to Beirut is about 1,500 miles; the distance from Qalquilyah in the West Bank across the narrow waist of Israel to the sea is about 10 miles; the distance from the Golan Heights to the valley below in Israel is virtually nonexistent. Would anyone dare to tell the Russians that their vast expanse of territory gives them no more security than if they were compressed into Israel's narrow space? Boundaries can surely give Israel—and any other country—more or less security, though they certainly cannot provide absolute security by themselves. In Israel's case, there is the added factor that an increase of relative security may have an absolute value in the event of a life-or-death battle.

If "unsubstantial" or "minor" territorial changes were all there were to the problem, they would not be beyond the wit of man. A compromise could entail a very small portion of the occupied territories.

After June 1967, Israel occupied about 47,000 square miles of former Arab territory, of which the Sinai represented approximately 95 per cent. The West Bank, the Gaza Strip, and the Golan Heights accounts for about 3,000 square miles, of which the West Bank alone makes up about 75 per cent. Israel has always made known that it was not interested in retaining the Sinai indefinitely. The West Bank is a much more difficult problem, about which I will have more to say later. If we omit the West Best provisionally and concentrate on the neuralgic points which gave rise to the 1967 war, such as Sharm el-Sheikh, the Golan Heights, and Jerusalem, the changes would actually be "insubstantial" or "minor" by any definition. A few territorial changes amounting to a tiny fraction of the 47,000 square miles of occupied territory would make a great deal of difference to Israel and vastly less difference to the Arabs, so long as every inch of ground is not considered sacred.

What really stands in the way is something far deeper and more intractable. Israel insists on holding on to the occupied territories unless it gets something for them. The Arab states insist on getting back the occupied territories without giving anything for them. This is the basic dilemma, not relatively small pieces of land.

One can understand a hard-boiled, cynical approach to the effect that Israel should give up the occupied territories in return for little or nothing because it does not have the power to do otherwise. But the unctuous, sanctimonious attitude that pervades so much of the commentary on this issue smacks—as former Senator Fulbright intimated—of hypocrisy or self-interest.

In his column of January 21, 1975, James Reston asked this question: "And who are the friends of Israel anyway—those who urge her to give up territory occupied by aggression [later changed to "force"] or those who urge her to hold on to everything she has?" It was in every sense the wrong question. For all but an extremist fringe, the real question, as matters stand today, is whether the friends of Israel should urge her to hold on to *anything*. It is the friends of the Arabs who should be asked whether to urge them to hold out for *everything*.

IV

Until October 1973, American policy seemed to be clear and firm in important respects. It was not, as Arab propaganda liked to pretend, unequivocally and unconditionally pro-Israel. On the contrary, the Nixon administration from the first sought to move over to so-called evenhandedness in its policy. The Rogers Plan of December 1969 was explicitly intended to be "a *balanced*" policy (emphasis in original). By that it was meant that there should be an exchange between Israel and Egypt—Israel to withdraw its forces from Egyptian territory and Egypt to make a "binding commitment" with all "the specific obligations of peace spelled out" and "worked out between the parties."[32]

Assistant Secretary Sisco, the main American spokesman, held fast for the next three years to three principles—Israeli withdrawal with insubstantial territorial changes; direct Arab-Israeli negotiations; a binding peace agreement. In November 1972, for example, he spoke of Resolution 242 in the following terms: "It did not call, as you know, for total Israeli withdrawal to the pre-June 5 [1967] lines. The whole assumption of Security Council Resolution 242 was that the final lines would be negotiated between the two sides." In February 1973, he said: "The United States has never seen itself as either a substitute for an agreement between the parties or a substitute for the actual process of negotiation itself." In May 1973, he still maintained: "Finally, there is the myth that peace can be made by proxy; that powers not party to the conflict, acting independently or through the United Nations, can somehow substitute for negotiations between the parties themselves."[33]

One thing seemed clear: from January 1969 to October 1973, the United States stood steadfastly for Arab-Israeli negotiations and some form of *quid pro quo* as the only way to arrive at a lasting peace agreement. Anything else, such as a U.S., Big Four, or UN "guarantee," was considered supplementary to such an agreement and even capable of doing more harm than good if it was intended to act as a substitute for it. An outside guarantee, Mr. Sisco said, could add "as a minimum, an important psychological and political support for the agreement between the parties," but no more.[34]

Now we are in the midst of an influential, persistent campaign to change this policy in favor of some form of "imposed peace" based on some kind of "guarantee." This idea is not a new one, but it was not taken seriously until after October 1973.

A UN-Big Four trial balloon was sent up in 1969 by Charles Yost, former U.S. ambassador to Syria and Morocco and deputy representative at the UN. If the contending parties could not themselves very soon come to a settlement, he proposed that the UN, with the backing of the U.S., USSR, Britain, and France, should take the initiative "to break the logjam." Where guarantees belonged in Mr. Yost's scheme was not clear because he also wrote: "Whatever guarantees can be obtained from the United Nations and/or the Great Powers would no doubt be welcome, but after the impotence of both in May-June last year [1967] either to maintain the United Nation forces in place or to reopen the Straits of Tiran, there is considerable skepticism as to the efficacy and durability of such guarantees." Nevertheless, Mr. Yost clearly wanted the UN and/or the Great Powers to be the *deus ex machina* of the Arab-Israeli conflict.[35]

Senator Fulbright in August 1970 was the first one to make "guarantees" the key to an imposed settlement. In return for Israeli withdrawal from occupied territories, Mr. Fulbright envisaged two kinds of guarantees—a multilateral one by the UN and a bilateral one between the United States and Israel. The relationship of these two guarantees was not altogether clear. At one point, Mr. Fulbright seemed to throw in the U.S. guarantee because Israel did not trust another UN guarantee. Under questioning, however, he agreed that the United States might have to act alone on its guarantee "in accordance with the constitutional process." He put considerable trust in the Soviet Union to back a guarantee and to join in a Middle East "international police force." He gave as one reason for his optimism about such a UN force—Cyprus.[36]

These trial balloons failed to rise. One thing, however, was striking—those who were least sympathetic to Israel were most eager for guarantees. The United States officially rejected them. Israel was most unenthusiastic. The Arabs also refused to take them very seriously, for one reason because they wanted something else from the United States.

Nasser died in September 1970. His successor, Anwar el-Sadat, soon showed that he was going to play a different kind of game. Nasser had been relatively rigid and straightforward in his tactics. Sadat adopted a far more shifty and slippery course. Coming to power after Nasser's two great failures, the 1967 war and the 1970 "war of attrition," Sadat realized that a direct attack was no longer feasible. In 1967, Nasser had worried mainly about U.S. intervention and had counted on Soviet Russia to neutralize the United States. In different circumstances, Sadat arrived at a different tactical answer to the problem. The key to victory for him was the isolation of Israel, especially its isolation from the United States. Nasser had wanted to neutralize the United States; Sadat set out to make the United States neutral.

The new Egyptian line did not take long to make its appearance. In February 1971, in an interview with Arnaud de Borchgrave of *Newsweek*, Sadat made two related statements. One was: "I ask only one thing: can the U.S. be neutral and objective?" The other was: "The U.S. administration is the key to peace."[37] In another interview, with C. L. Sulzberger of the New York *Times* in December 1971, Sadat said that he wanted the United States to be "just neutral."[38]

Until October 1973, however, the circumstances were not right for a drastic shift in American policy. The October war, the Arab oil embargo, and the supposed exigen-

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cles of the U.S.-USSR détente conspired to bring about a far-reaching change.

Previously, the Arabs had counted on the Soviets to neutralize the United States, and Israel had relied on the United States to neutralize the Soviet Union. To neutralize meant, in this context, to prevent direct intervention by either power. But on October 21, the Kissinger-Brezhnev deal implied joint Soviet-American direct intervention. The cease-fire agreement was, in effect, an imposed arrangement—imposed by the Soviets on the Americans, imposed by the Americans on the Israelis. The imposed settlement of October set a precedent which some Americans would now like to make a permanent condition.

The implications of his narrow escape from disaster thanks to American intervention were not lost on Sadat. Cold Egyptian calculation dictated making the United States the new center of gravity of Egyptian policy. The shift was based on the simple pronoitian alliance with Dr. Kissinger in the form Israel what no one else could get. The United States became the center of the struggle in the Middle East when Egypt decided to get what it wanted from Israel through the United States.

Again, the Egyptians made no secret of their new tactics. In December 1974, Foreign Minister Ismail Fahmy defended the Egyptian alliance with Dr. Kissinger in the form of a rhetorical question: "What other country can force Israel to withdraw?"[39] In an interview in *Le Monde* of January 22, 1975, Sadat outdid himself in his flattery of Secretary Kissinger, and then explained: "However, supposing Henry should not be the man I have just described, do you think that we have any other alternative than American mediation? I do not say that the USSR has no role to play, but it must be admitted that the United States holds most of the trump cards, since Israel entirely depends on it."

In the same interview, Sadat also made clear how he intended to play the American card. For the return of the occupied territories, he said, "I have nothing to offer." In any event, he declared peace was not possible "as long as the Palestinian problem is not resolved." On one important point, the report of *Le Monde's* interview in the New York *Times* may have been too brief to be fully intelligible. The *Times* chose to emphasize what Sadat said about Soviet Russia, which need not be repeated here, but it neglected to mention what he said about the United States, such as his reference to the "trump cards" which he expected it to play in Egypt's favor. As for what Sadat was willing to give in return, the *Times* report merely stated that he was "ready to conclude a peace agreement with Israel." Sadat's full statement, however, is necessary to understand what he meant by this:

"I am ready to conclude a peace agreement with Israel and to respect the obligations flowing from such an agreement. However, I think that it is still too soon to speak of diplomatic relations or open frontiers. It would be necessary to reduce the hate accumulated in the course of twenty-six years of bloody conflicts. I leave to the next generation the trouble of deciding if it is possible not only to coexist with the Jewish state but also to cooperate with it. Everything depends, moreover, on the behavior of Israel after the establishment of peace."

Much of this Sadat had said many times before; it thus represents a well thought-out plan of how far the Egyptians are prepared to go. In practice, it means that, if Israel is willing to capitulate on all substantive issues—from the total, unconditional withdrawal from all the occupied territories to recognition of a PLO-ruled Palestinian state—Egypt might sign a piece of paper to be called a "peace agreement." I say "a piece of paper" because it would have none of the concrete attributes of a real peace. Anything of importance to Israel, such as open frontiers, would be ruled out and passed on to the next generation. The interview in *Le Monde* also had a bearing on a point raised by I. F. Stone in the *New York Review of Books* of February 6, 1975. In the interview, Sadat threatened war twice—if Israel was determined to keep the Golan Heights and if Israel refused to negotiate a general settlement on the Egyptian terms. Stone sought to give the impression that "a new war is the line of least resistance in Israel." One might imagine that Rabin, not Sadat, uses interviews to make threats of war. When Otto Nathan protested Stone's defamation of Israel in the March 6 *Review*, Stone disingenuously evaded the issue and tried to hide behind Albert Einstein. One wonders whether I. F. Stone knows better—or does not know better.

In his interview with Philip L. Geyelin in the Washington *Post* of February 17, 1975, Sadat gave a much clearer answer to the question of what he expected to give in exchange for an Israeli pullback. On this occasion he demanded an Israeli withdrawal from the Sinai, Golan Heights, and the West Bank. And in return? "I am not ready to make a settlement agreement with Israel," he said. "I am ready to agree to a gesture of peace from the side of Israel to pull back so that we can create a new atmosphere toward permanent peace." And after the Israeli gesture? "So they must give this gesture," Sadat said, "and then after that we shall be going to discuss the whole problem in Geneva." The interviewer persisted and wanted to know what, meanwhile, was going to be done about "Israel's long-term security—a removal of any further challenge to the territorial integrity and the sovereignty and the right of Israel to exist. What about this?" To which Sadat replied: "The only place to discuss this is Geneva. You must keep this for Geneva, for the whole solution."

In effect, little or nothing had changed. Sadat still demanded that Israel should give up its bargaining power, obtained at great cost from the two Arab-provoked wars, and then . . . and then . . . the Arabs would see. . . . Perhaps a "peace agreement" without substance: more likely endless logorrhea at Geneva over such intractable issues as Jerusalem and a PLO-ruled state, culminating in sheer exhaustion or exasperation, leaving both sides exactly where they had been before Geneva—except that the Israelis would no longer have much to bargain with.

Whatever it may be called, Sadat's offer resembled a cease-fire far more than a peace. In classical Islamic doctrine, the *jihad* signifies "a permanent state of war, not a continuous fighting."[40] In modern terms, a cease-fire is permissible, a peace is not. A cease-fire has ended every Arab-Israeli war, and it is again being offered, if the price is right, slightly masked as a peace. Whatever the name, however, it is essential for the Arabs to appear to have imposed their demands on Israel. It is also essential for any temporary cessation of hostilities to leave the way open for their resumption, through the Palestinians or some other unsatisfied element. The refusal to negotiate with Israel, the setting forth of terms on which Israel's survival would depend, and the oft-made distinction between good Jews and bad Israelis serve a fundamental purpose: to make those Jews who may be permitted to remain in the area a small, at best tolerated religious minority—or, as Sadat put it in April 1972, not so long ago, "whom our Book says that lowliness and submissiveness is their lot."[41] When the PLO leader, Yasir Arafat, says that Jews and Arabs will have equal rights in his mythical "secular, democratic Palestinian state," he also stipulates that the state would be an integral part of the larger Arab nation, every other part of which—except for the special case of Lebanon—is as non-secular and non-democratic as it is possible to get in the modern world.

All of which does not mean that Sadat is invulnerable to attack by Arab extremists. They are not satisfied with anything less than an all-out war to the death with Israel and scorn the "moderation" a la Sadat which believes in using diplomacy as well as force and wavers between Egyptian self-interest and Egyptian leadership of the Arab world.

Two other points in *Le Monde's* interview, which did not appear in the New York *Times* report, are noteworthy. Sadat was strangely confident about where American policy was going. On the PLO, he said: "I can assure you that Washington will not delay recognizing the PLO as being the sole legitimate representative of the Palestinian people." The other point had to do with guarantees: "The U.S. and the USSR are ready to furnish us jointly with such guarantees which would be approved by the other members of the Security Council and, if desired, by the entire United Nations."

Sadat talked as if he knew more about American policy than almost all Americans were permitted to know. In fact, if Sadat should prove to be right, readers of *Le Monde* knew more than readers of the New York *Times*.

V

Why have "guarantees" suddenly become so popular in some American and Arab circles?

It was not so long ago, as we have seen, that official American policy clearly deemphasized guarantees. Almost the only voice that had been raised in their favor was that of Senator Fulbright, and his loneliness was not abated by his advocacy. The Israelis did not want them, the Arabs were not impressed.

Soon after the October war, however, Secretary Kissinger began to talk about guarantees. In November 1973, he discussed them publicly on two occasions, and in December of that year, once again. No one else at that time was paying so much attention to them.

The subject was brought up for the first time on November 12 by an interviewer who apparently thought that guarantees were still officially unwelcome. Dr. Kissinger's answer revealed more than he may have intended:

"We have not yet given any particular guarantees. However, I would assume that if the peace negotiations succeed there will be a very serious problem, especially for Israel, of how its security can be assured under conditions when the final borders will certainly be different from the cease-fire lines and when withdrawals are involved as Security Council Resolution 242 provides.

"At this point the question of guarantees will arise and we have to then ask the question what sort of guarantees—unilateral, several countries, and so forth. Second, moreover, the great powers are already involved to some extent in the Middle East. What we have to do is to try to prevent every crisis from turning into a clash of the superpowers."[42]

The best authority, then, on why guarantees were now to be regarded more favorably was Secretary Kissinger himself. He recognized at this time that anything the Israelis could get from the Arabs in return for withdrawals from the occupied territories would constitute "a very serious problem" of security for Israel. "Guarantees" from outside powers were supposed to compensate Israel for what it could not get from the Arabs. This, in essence, was the rationale which he unguardedly expressed in his first discourse on the subject.

In his second reference to guarantees on November 21, Secretary Kissinger talked about the number of elements necessary in a peace settlement:

"It will have to have an element of withdrawals. It will have to have an element of

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security arrangements between the parties concerned. And it may have to have an element of outside guarantees. In addition, there are such issues as the Palestinians and the future of Jerusalem."[43]

And on December 6, he mentioned guarantees as having reached the stage of active consideration: "We are prepared to consider the question of guarantees in its broadest sense," and "we are prepared to consider—I said to 'consider,' not necessarily to agree—either individual or joint guarantees. As to permanent stationing of United States or Soviet forces in the Middle East, we are somewhat dubious. We do not rule it out totally, but we are reluctant to get it into this."[44]

After planting the seed of guarantees in the public consciousness for the first time since Senator Fulbright's abortive effort, Dr. Kissinger stopped just short of committing himself, as if time were needed for the seed to sprout.

Meanwhile, the Israelis were still protesting that guarantees were not in their interest nor, for that matter, in the American interest. In November 1973, then Defense Minister Dayan stated the Israeli point of view: "We don't need a formal guarantee, and we don't want any other soldiers, American or otherwise, to fight for us."[45]

This protest did not discourge the incipient American campaign for guarantees. Among the first to take up the cause was Professor Zbigniew Brzezinski of Columbia University, who included a U.S. guarantee in his personal peace plan. In making his case, Professor Brzezinski somehow tried to have it both ways. On the one hand, he argued: "In effect, Israel enjoys such a [U.S.] guarantee." On the other hand, he maintained that formalizing it would "enhance the existing U.S.-Israeli relationship and have the added advantage of making the consequences of any aggression against Israel much more serious." He carefully refrained from spelling out the nature of his guarantee and from explaining why an admitted formality should make so much difference.[46]

Another recruit in the burgeoning campaign was Professor William E. Griffith, whose first effort appeared in the Winter 1974 issue of *Orbis*. He went Professor Brzezinski one better by calling for two guarantees in the manner of the old Fulbright plan—a multilateral international and a unilateral U.S. guarantee. Although Professor Griffith took note that a guarantee "might involve the United States in military action," he studiously avoided the hard questions of how, when, and where. Revealingly he recognized that "Israel would no longer be able to rely on its own resources and military forces to guarantee its security. Rather, it would have to depend *in part* on international and U.S. guarantees" (emphasis added).[47] I have emphasized the words "in part" because they betray how easy it is to misuse the term "guarantee." A guarantee "in part" is a contradiction; a guarantee is totally effective or it is no guarantee.

In a repeat performance in his role as a Roving Editor of the *Reader's Digest*, Professor Grffith hit the reader on the head with this opening sentence: "If you think the Arab oil squeeze a year ago was bad, you haven't seen anything yet." He warned of gas rationing, chilly homes and offices, factories shut down, the financial system disrupted, and the first major depression since the 1930's. Next came the real message: "All this will probably happen unless Washington takes prompt and decisive action to settle the long-standing conflict between Israel and the Arabs"—along the lines proposed by the author. No one would ever know from this crude tie-up that the Arab oil threat did not originate with, and could go on for many other reasons than, the Arab-Israeli conflict, or that working up mass hysteria is the worst possible political climate for working out an American policy.

Like Professor Brzezinski, Professor Griffith also admitted that a U.S. guarantee "would only formalize a long-standing commitment—and constitute a clear sign to the Arabs that we mean business, and therefore that they can never destroy or dismantle Israel." Presumably this means that our previous long-standing commitment was not clear and did not convince the Arabs that we meant business. Why a new formality should be trumped-up to be so much more compelling than the old commitment again remained a mystery.[48]

By the end of 1974, the campaign for guarantees had gained real momentum. Senator Fulbright was heard from once more—nothing new, but the title given to his speech in the *Washington Monthly* was revealing: "Getting Tough with Israel."[49]

Former Under Secretary of State George W. Ball came out for a Soviet-American imposed guarantee on terms to be set forth in detail by the Security Council. Just how much of a guarantee it would be, on the American side, appeared to be questionable, since Mr. Ball himself seriously doubted "that President Ford, or any American President, would launch a military venture in the area."[50] Professor Richard H. Ullman of Princeton University urged that the present American "commitment" to Israel was too ambiguous and that "an absolutely unambiguous American commitment—one perhaps including the stationing of contingents of American forces in Israel," was now needed.[51] How difficult it might be for a unilateral American commitment of this kind to get the necessary congressional support was soon indicted by two influential Senators. When Senator Charles H. Percy came back from the Middle East in late January of this year, he foresaw the necessity of Americans troops, if Israel should need them in a new war started by the Arabs, but "I would ask Soviet Russia to join us, together with other countries, to provide an international force," he explained.[52] Senator John Sparkman, the new Chairman of the Foreign Relations Committee, also spoke in favor of "assurances" to Israel by "major powers."[53]

These variations on the theme of guarantees were accompanied by various demands on Israel. Professor Brzezinski's plan called for Israeli surrender of political control of the occupied territories in return for Arab surrender of military control. Professor Griffith, in his 1974 article in *Orbis*, excepted the "Latrun salient" in the West Bank and parts of the Golan Heights, but his 1975 article in the *Reader's Digest* mentioned only the Wailing Wall of East Jerusalem. Senator Fulbright would hear of nothing but total withdrawal on all fronts. Mr. Ball preferred to leave the reader in the dark on this score, but expressed remarkable confidence that it should not be "too difficult" for the United States and the Soviet Union to agree on "secure and recognized boundaries" for Israel, providing only that the Soviet Union jointly guaranteed the settlement. Professor Ullman touched on Israeli "territorial concessions which will be so vitally necessary if a genuine end to hostilities in the Middle East is ever to come," but prudently abstained from mentioning what they might be. Senator Percy came out for "pulling back essentially to the 1967 lines," and Senator Sparkman spoke of Israel as "surrendering some of the land, if not all."

Most of these proposals, for good reason, linked a guarantee with an imposed settlement. Guarantors must, in the last analysis, decide what they are willing to guarantee, even if the parties concerned can agree among themselves and especially if they cannot. If a guarantee becomes critical to a settlement, the next step is to impose those terms which are agreeable to the guarantor. As a result, it become more important for the contending parties to negotiate with the guarantor than among themselves.

Strangely, no one had yet told the President of the United States that the *line* might be changing. On January 23 of this year, Mr. Ford still held faithfully to the old line: "But I think the Israelis with adequate equipment and their determination and sufficent economic aid won't have to have guarantees of any kind."[54] On February 16, however, his Secretary of State spoke of a "possible guarantee of the Soviet Union," presumably not alone.[55] On February 21, James Reston, who seems to have developed the uncanny knack of knowing what Dr. Kissinger has in mind, confided to his readers that "the idea of an American "guarantee" of Israel's security now seems the most relevant, if difficult, compromise." On February 23, however, the old line was dutifully restated by Under Secretary of State Sisco, who said that any guarantee was being studied only as "a supplement and a complement to the actual agreement between the parties," based on Resolution 242. Israeli Ambassador Simcha Dinitz, it was reported, had asked Dr. Kissinger for an explanation and had been told the same thing.[56]

Meanwhile, the Israelis were still resisting. "An American military presence here would be a grave mistake," a high Israeli official insisted. "We are proud that no American soldier has lost his life in the defense of Israel, and it would be a terrible tragedy if it happened."[57] Foreign Minister Allon declared that Israel would not accept any formal guarantees of Israel's existence by the United States or any other third country unless "Israel is capable of defending itself."[58] Prime Minister Rabin said that "those who proposed" an American-Israel defense treaty are seeking it as "a substitute for defensible borders." He maintained: "The moment that Israel's destiny in anything relating to the defense of its very existence is taken out of its hands, then this becomes a different Israel—at the mercy of others." Referring to an American-Soviet guarantee, he held that it would have no practical value and that no arrangement exists "that goes by the term 'guarantees' by the two powers for any kind of settlement between states, or a regional settlement."[59]

Something odd has clearly been going on. What is there about guarantees that is so attractive to some American publicists and politicians? What effect would guarantees have on Resolutions 242 and 338 on which American policy is still supposedly based? Why should the Israelis be so allergic to them?

VI

A clue to the sudden attractiveness of guarantees may be found in some of the things that have been said in favor of them.

When he first broached the subject on November 12, 1973, it may be recalled, Secretary Kissinger indicated why some sort of guarantee might be necessary. It was conceived, he implied, as a means of making up for the "very serious problem" for Israeli security which would arise when final borders were arranged. The guarantee, then, was compensation for what would otherwise be a state of serious Israeli insecurity.

Sadat also alluded to something important when he said in one interview that there "is nothing as good as international guarantees" and in another interview that he had nothing to give the Israeli for a pull-back in the Sinai, the Golan Heights, and the West Bank or, for that matter, anywhere else.[60] In his view, then, guarantees are good because they are something that someone else gives to the Israelis.

James Reston in the New York *Times* of February 21, 1975, saw an American guarantee as part of a "compromise." A guarantee, then, is from this *point of* view essentially a

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"compromise" arranged between Israel and the guarantors, not between Israel and the Arabs.

It should now be sufficiently clear why a guarantee has, in some minds, been promoted from a supplement to a substitute. It has emerged as the most seductive way of getting around the conditions set forth in Resolution 242 and 338. The first held out the expectation of some change in boundaries, and the second promised negotiations between the parties concerned. While everyone continues to pay lip-service to both resolutions, they are in danger of being eviscerated. Neither resolution said anything about guarantees. If the resolutions were lived up to, guarantees would not be so urgent or would at most be regarded as useful reinforcements. The new prominence of guarantees is a sure sign that the balance in the resolutions has in practice tipped drastically against Israel and that something had to be improvised that would appear to right the balance.

Let us be clear about one thing: the issue here is not whether Resolutions 242 and 338 are good or bad. The issue is whether they are being gutted.

Despite all the recent publicity about a guarantee, it is remarkable how little thought has been given to it in present circumstances. Those who have been using the term so glibly of late have not made the slightest effort to spell out how it would work or what its effect would be.

The past record is not encouraging. Apparently only one study, by Professor Alan Dowty, has been made of how international guarantees might apply to the Arab-Israeli conflict. It came to this conclusion: 'Generally it must be stressed that the prognosis for international guarantees as part of an Egyptian-Israeli settlement is poor."[61]

A serious guarantee is not a diplomatic bandaid; it is a solemn undertaking to go to war if the guaranteed nation is endangered. Thus arises the first hard problem—who would decide whether or not the guarantee is operative? The obvious answer is: the guarantor or guarantors. After Vietnam and Cambodia such a decision would not be easy for the United States. If the guarantee were embodied in a formal treaty, as Mr. Fulbright and others have urged, the commitment would be most uncertain and ill-defined unless it specifically detailed "what steps would be taken under what circumstances," as Professor Dowty put it.[62] It would not be easy for such a detailed treaty to be negotiated or to get through Congress in the present circumstances; it would be even more difficult to get Congress to declare war for the sole purpose of making good a guarantee, unless we are going to get into another Presidential war which, if only for constitutional reasons, might tear the country apart again. One need only think of one nagging question that would inevitably arise and hold up an American decision—who was the aggressor? In 1967, Israel was deliberately provoked but was denounced by the Soviet bloc, the Arab bloc, and Senator Fulbright as the "aggressor." On October 6, 1973, the Arab armies admittedly moved first and caught the Israeli forces by surprise, but the Soviet and Arab blocks in the UN launched a concerted campaign against Israeli "aggression" that lasted for some days.

Still, let us make the most favorable assumptions about the treaty in time of crisis. Guarantees, as Professor Hans Morgenthau pointed out almost three decades ago, "must be effective in their execution, and the execution must be automatic."[63] In the case of Israel, the *sine qua non* of automatic—or even effective—execution would be speed. The Israeli emergency plan in 1973 was based on a period of twelve days.[64] The period has probably been extended since then, but an Israeli emergency would still almost certainly be most acute in the first days. A rescue operation mounted too late would do no good for Israel and would hopelessly discredit the United States.

To avoid such a contingency, it has been suggested that an American force should be stationed in Israel prior to any emergency. If it were merely a token, "trip-wire" force, it would not be able to defend itself adequately, let alone Israel. We would be reading about American casualties before we know how far we wanted to commit ourselves to a real war. An adequate American force would have to be a rather large one, perhaps as large as the Israeli force that would have to be mobilized to meet an attack. One shudders at the thought of thousands of American troops, complete with PX's and other appurtenances, stationed permanently in Israel, their logistical bases six thousand miles or more away.

These daunting problems would be compounded by a Soviet-American or "international" guarantee. The Soviet Union has given unswerving, unconditional political—and, to the extent that Soviet interests were served, military—support to the Arab states for a quarter of a century. It conspired with Syria in 1967 to nudge Nasser into foolhardy adventurism. Among the captured documents in the 1973 war were lectures delivered by Soviet generals at the Egyptian Staff College on how to deal with Israel; they advised the Egyptians to wage long drawn-out wars of attrition, aimed at softening up and wearing Israel down, instead of the short, swift wars of movement which they said Israel favored.[65] At present, Soviet Russia is again nudging Egypt by heavily arming the most extreme Arab states, Syria and Iraq. Thanks to Soviet arms, the PLO has a far larger and far better-equipped army in Lebanon than the Lebanese government has.

Détente, one is sure to be told, makes a Soviet-American guarantee feasible. But Secretary Kissinger himself has told us that the Middle East has been most impervious to détente.[66] Even if détente worked better in the Middle East, its relationship to a guarantee would not be reassuring. A guarantee, to be worthy of the name, must be effective and automatic; it should not depend on a Soviet-American rapport which by its very nature is fluctuating and unstable. If a guarantee is based on détente, any threat to détente would become a threat to the guarantee. Any threat to the guarantee would, in turn, threaten and get tangled up in the whole complex of issues and interests that make up détente. Above all, a Soviet-American guarantee would give the Soviet Union a veto power or at least a potentially fatal power of obstruction; the United States would be faced with the alternative of negotiating with the Soviet Union or hurriedly breaking with it on the operation of the guarantee. One can hardly imagine a more fragile and hazardous basis for a guarantee.

Such are some of the problems that a guarantee raises. Amazingly, all the would-be and have-been policy makers and policy planners who have proposed some form of guarantee have not made the slightest effort to deal with any of them. This uncharacteristic reticence is itself a commentary on how well thought-out the proposal is.

VII

Secretary Kissinger's more recent thinking on foreign policy has been marked by a peculiar contradiction. On the one hand, he has repeatedly called for "conceptual" frameworks and breakthroughs. On the other hand, he has pronounced: "The difference between a good and a mediocre policy is the accumulation of nuances."[67]

One cannot have it both ways. Concepts are large and fundamental; nuances are small and subsidiary. A good foreign policy undoubtedly needs both, but no accumulation of nuances can save unsound concepts, while sound concepts can often survive a good many unfortunate nuances. What passes for nuances, moreover, often conceals unrecognized or unacknowledged concepts.

In essence, the Kissinger policy has tended to interpose the United States Israel and the Arabs. The basic formula has been for the United States to do for the Arabs what the latter will not do themselves. If the Arabs cannot force Israel to give up territory, the United States is expected to put subtle and not-so-subtle pressure on Israel to give up territory. If a return to the pre-1967 boundaries decreases Israeli security, the United States considers making up the difference with an American or American-plus guarantee. If Israel surrenders the Abu Rodeis oil field in the Sinai, let the United States arrange to get an equivalent amount of oil from Iran.

The first thing that must be said about this American role is that it represents a tilt of policy that goes far beyond "nuances." It may be good or bad, but it is not more of the same.

The old concept used to be that there could be no peace in the Middle East unless Israelis and Arabs came to terms with each other. The new concept is for both of them to come to terms with the United States. It is only one step from this to the concept that the United States must come to terms with them by, if necessary, imposing its terms on them. This step has already been taken unofficially, as indicated by the articles I have cited, and it remains to be seen how far official policy will go in this direction.

In reality, the United States cannot impose its terms, whatever they are, equally on Israelis and Arabs. An imposed settlement is, in practice, a settlement imposed on Israel. It implies that the Arabs will give as much or as little as they want to give, the United States will in some manner pay off for them, and Israel will get whatever the Arabs and the United States together choose to give.

Is it in the American interest to interpose itself in this way between Israel and the Arabs?

We may accept at face value Secretary Kissinger's assurance: "The United States—and finally in the last analysis Europe—will not negotiate over the survival of Israel. This would be an act of such extraordinary cynicism that the world would be morally mortgaged if it ever happened. But it won't happen."[68]

At one time, I too thought it couldn't happen. Now I am not so sure. It may happen because people make it happen, not necessarily because they want it to happen. The shabby scandal of UNESCO, the obsequious exhibition of Yasir Arafat at the UN, the craven behavior in the face of the Arab blacklist of Western companies and financial institutions, the report that a British minister "recently told a visiting American politician that the government doesn't envision Israel's long-term survival and is basing its Middle East policies around that assumption"[69]—have shaken my confidence. I am sure that Israel will survive, because its will to survive is its veritable guarantee, but I am far from sure that the rest of the world is not already well on its way to morally mortgaging itself.

One way to become morally mortgaged is to deprive Israel of its own power of defense and to substitute the illusion of someone else's power I say "illusion" because no outside power, not even that of the United States, can effectively take the place of Israeli power. It is simply expecting too much of the United States in the present circumstances to make good a guarantee which, if taken seriously, could mean fighting another Vietnam war in Israel. That specter is not good for either the United States or Israel. Yet it hovers over the agitation for imposed

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Footnotes at end of article.

settlements and guarantees without any of the advocates of these proposals daring to bring it out into the open.

It was Sadat's strategy to make the United States the center of the struggle. It serves his strategy for the United States to interpose itself constantly between Israel and the Arabs in a manner never done before. An American guarantee is perfectly acceptable to him because it shifts attention away from anything resembling an Arab guarantee.

If the American aim is an Israel that can defend itself, we cannot afford to forget some of the concepts that have governed Israel's existence from the outset:

1) *Only Israelis can defend Israel.* This is an ineluctable reality with which Israel has lived for a long time. It is a critical difference between Israel and Vietnam. Americanization of Israeli defense would smother Israel as it smothered Vietnam. Even the chimera of Americanization cannot fail to have as baneful an effect on Israel self-reliance as the real thing had on the Vietnamese.

Those who want an imposed settlement and/or guarantee specialize in the most lugubrious assessments of Israel's ability to defend itself. If the Arabs were as strong and the Israelis as weak as Mr. Fulbright and others would like us to believe, the Arabs would have overrun Israel some time ago. We seem to have gone from one extreme to the other; it is all the fashion to exaggerate Israel's difficulties and ignore those of the Arabs. If the Arabs did not have so many troubles of their own, Sadat would not have chosen to ask the United States to get what he wants for him instead of taking it himself. There is no need to minimize how hard pressed Israel is, but there is also no reason to underestimate how hard put the Arabs are. Polite panic-mongering has become a form of psychological warfare to break Israel's will to resist Arab or American pressure.

2) *There is no peace by proxy.* Two years ago, Mr. Sisco derided "the myth that peace can be made by proxy." The myth is still a myth. A statement by Egypt to the United States is not the same as a statement by Egypt to Israel. If it were the same, Sadat would not be so adamant about not giving it to Israel. The use of a proxy is important to Egypt because it leaves the way wide open to an evasion of responsibility. An under-the-table deal of this kind can be denied, obfuscated, or repudiated, especially inside the Arab countries. A deal which is not recognized as such by most Arabs and Israelis is doomed to break down.

What starts as a guarantee to Israel ends in reality as a guarantee for Egypt. In the event of default, Israel has no claim on Egypt; it must come to the United States with its complaint, as it did, fruitlessly, before. This sort of transaction is calculated to envenom future Israeli-American relations far more than it can possibly improve Israeli-Egyptian relations. It is the kind of thing diplomats think of to get over a bad moment, when they cannot think of anything else.

3) *Peace is not a piece of paper.* At present a direct and open pledge of peace or non-belligerence by Egypt to Israel is almost too much to hope for; even a statement of non-belligerence given to a third party is eagerly bid for as if at an auction. The reality of peace will never be achieved in this fashion. Peace in the Middle East will become effective only when it concerns ways of making a start at living together, socially, economically, intellectually. That is why such issues as trade and travel between Israel and the Arab states are what really matter. When they are put off to the next generation, one can be sure that what is being called peace or non-belligerence is no more than another cease-fire. Here is a story by Bernard Gwertzman which tells better than anything else what peace does and does not mean: "One American suggested [to a high Egyptian official] that as a way of reducing mistrust, Egypt should invite some Israeli editors to visit for a month and see the situation for themselves. The Egyptian's manner changed. He looked startled. 'Look,' he said, 'we let Jews from America and other countries visit. We know why they come here and that is all right with us. But to ask us to let Israelis in—that is too much' " (New York *Times*, February 17, 1975).

The test of peace in the Middle East, then, hinges more on Arab-Israeli relations than on Arab-American or Israeli-American relations. There is a delicate balance between these relationships that is dangerously disturbed by putting the United States in the middle, now acting as guarantor for Israel, now for Egypt or some other Arab state. The United States is in no position to make good automatically on some guarantees, and they should not be given if they cannot be made good. The tilt in the India-Pakistan struggle was not one of Dr. Kissinger's more successful operations. A tilt in the Middle East does not promise to come out any better.

It may be said that an imposed settlement and guarantee present an extreme case. Nevertheless, we have heard a great deal about this case lately, and the question arises why anyone should want to push it.

For some, I suspect, it is a little more than a gimmick. When we are told that Israel has, in effect, always had an American guarantee but should get another one, we have a right to wonder whether the proposal can be taken seriously. When we are told that guarantees would guarantee Israel "in part," we have a right to question whether this means that Israel would be guaranteed to be half-alive or half-dead. When we are told that a guarantee is just what Israel needs but that no American President could be expected to use American armed forces in the Middle East, we have a right to surmise that we are being sold a pig in a poke.

Israeli Defense Minister Shimon Peres has made a biting observation on how guarantees operate: "In a way, guarantees are like bank loans. They are given once you convince the bank that you do not need them. If you really need them, everybody is embarrassed to take the risk." [70]

Secretary Kissinger recently told the editors of the *New Republic* that a guarantee would be only "icing on the cake" [71]—which is not how he described it when he brought it up the first time on November 12, 1973. If there was a cake, however, icing would seem to be, in the circumstances, a luxury that could well be spared. The trouble is that guarantees look more like icing without the cake.

Motives undoubtedly differ from proponent to proponent of a guarantee. Some seem to think of it in terms of *faute de mieux*—it is not an ideal solution but it is better than nothing. If the price were not so high and the consequences of making good on it not so serious, such a view might be unobjectionable if not too inspiring. Others seem to think that Israel has no business looking this gift horse in the mouth because it is so dependent on the United States. Israel in this view should be grateful for anything it gets. This crass approach grossly underestimates the determination of Israelis to remain as far as possible masters of their own fate. There is no reason to believe that Israel would accede to any kind of settlement or any kind of guarantee. The consequences of attempting to impose a one-sided settlement on Israel, covered up by a less-than-convincing guarantee, could be traumatic for both Israel and the United States.

Then there are those who would like to believe that America's problems with the Arabs will disappear if only the Israeli problem disappears. This belief, I am convinced, is profoundly in error. The Arab states have thrown their newly-discovered power around in such a way that our future problems with them will depend on how much power they have or think they have, not how much of Israel we throw to them. The more power the Arab states have, with or without our help, the more problems they will make for us. There may be temporary let-ups, based on temporary pay-offs, but Arab power will continue to seek new outlets. This is the real problem we may expect to cope with, perhaps for a decade, perhaps longer.

What then remains?

I have come to believe that a consistent American policy can be based only on Resolutions 242 and 338. There is nothing else on which everyone has agreed, whatever the different motives may have been. To give up these resolutions is to start all over again from the beginning.

What do we have to work with? Let us recall: these resolutions called for Israeli withdrawals from most of the occupied territory in exchange for what were understood to be "insubstantial" or "minor" boundary changes, non-belligerence, and negotiations between the parties concerned. These terms rule out an imposed settlement but would not necessarily rule out some form of guarantee as long as the parties concerned wanted it after reaching an agreement among themselves on the substantive issues. There is no other ground, at present, to stand on.

For Israel, 242 means that the two largest land masses of the occupied territories, Sinai and the West Bank, need to be recognized in a final agreement as Arab land. So long as either of them is retained indefinitely, the boundary changes cannot be "insubstantial" or "minor." For Israel to demand substantial or major changes is, in effect, to rule out a compromise based on 242.

For this and another reason, I cannot accept the position taken by Moshe Dayan on the retention of the West Bank. This is how Dayan expressed it in his interview in the New York *Times* of January 26, 1975:

"I want us to remain in the West Bank, with limited rights, including the right to establish Jewish settlements there, to buy land, and keep a military presence there to protect it. We should be the only military party there. We don't want to replace the people there, but that is our homeland. We have the right to be there."

Is such a state of affairs tenable? If the people are not replaced, what kind of "homeland" is it? Is there such a thing as a "home" in which other people always live? A West Bank in which Israel has only "limited rights" but remains "the only military power" sets up a hopeless contradiction between rights and power. The prime reality in the West Bank and Gaza Strip is the people in them—about 5,000 Jews and about one million Arabs.

In COMMENTARY of February 1974, I touched on this aspect of the problem:

"No diplomacy can do much about a holy war. A strategy of stages based on immemorial claims is a prescription for protracted conflict. The only way out of the dilemma is to start with the present and the living and not with the past and the dead. It is too late for Arabs to say that so many Jews do not belong in Palestine; they are there, and they cannot be removed or dispossessed without another Holocaust. It is too late for Israelis to say that the West Bank does not belong to the Arabs; they are there, and they cannot be removed or disregarded without incalculable suffering. The trouble with history is that it is non-negotiable, and diplomacy is negotiation or it is nothing."

This is still my view. It is one thing to say that Jews should be able to live in the West Bank as Arabs live in Israel; more than 5,000 Jews lived in the West Bank before Jordan expelled them and barred them from return

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in 1948–49. It is another thing to question the Arab character of the land because some Jews may now live there. If the Jewish population in the West Bank increased by 1,000 per cent in the next ten years, it would still be a relatively small minority in a hostile environment.

But there is another and more important reason why I reject the political implications of the "homeland" concept. It is simply this—Jews should not rule over land inhabited so massively by Arabs. It is bad for the Jews and bad for the Arabs. It sets up an unbearable tension between the two peoples. It cannot be reconciled with the understanding behind Resolution 242.

This is not the place to discuss the modalities of political controls of the West Bank to satisfy the Arab need for self-determination and the Israeli requirements of security. I am thinking of the principle only. It may be a long way from principle to practice, but the way should start with a recognition of the principle. A PLO-ruled West Bank would obviously belie the principle of self-determination because it would be imposed from the outside and constitute an intolerable threat to Israel. The true self-determination of the West Bank would require a political climate very different from the present. Nevertheless, it is hard to think of negotiation based on any other principle.

For Israel, owing to its peculiar origin, partly rooted in faith and partly in necessity, renunciation of the West Bank clearly demands an enormous sacrifice. The only thing that could justify it to most Israelis would be the conviction that there is no other road to peace. It would help little for Israel to make such a sacrifice without a corresponding effort on the part of the Arabs to satisfy Israel's minimum needs for greater security. A compromise arrangement would have to treat those neuralgic points—the "Latrun salient," the Golan Heights, Sharm el-Sheikh, Jeursalem, and perhaps one or two other places—which were inflamed by the Arabs themselves. Adjustments in these places would not involve more than "insubstantial" or "minor" portions of the 47,000 square miles of occupied territory. If Resolution 242 did not imply at least this much change, it was either meaningless or a deliberate swindle.

American policy since October 1973 has made such an Arab-Israeli understanding more rather than less difficult. By constantly interposing the United States between Israel and the Arab states, paying off the latter whenever some token of compromise was required of them, Dr. Kissinger's "nuances" have encouraged Arab intransigence and pushed the two sides farther and farther apart. I am inclined to agree with Professor Ullman that American policy has become so "ambiguous" that, in effect, it does more harm than good, even if I cannot go along with his suggestion that U.S. military contingents in Israel may be the remedy. The remedy, to my mind, is political rather than military. What is desperately needed is an unflinching American determination to see the Middle East conflict through on the basis of Resolution 242 and 338. Without a modicum of territorial compromise, non-belligerence, and negotiations between the parties concerned, the resolutions are effectively relegated to the famous dust-bin of history. The Middle East conflict is one Gordian knot that must be united, not cut.

My impression, so far as Israel is concerned, is that a reasonable compromise would be welcomed by a great majority of its people. The Israeli leaders have been talking the language of compromise. I do not hear similar expressions from Arab leaders. If American pressure is designed to extort substantive concessions only from the Israelis, it will not result in a durable and peaceful compromise—it will be that "moral mortgage" of which Secretary Kissinger spoke.

FOOTNOTES

[1] Marvin Kalb and Bernard Kalb, *Kissinger* (Little, Brown, 1974), p. 484.

[2] Jerusalem *Post Weekly*, October 30, 1973, p. 1.

[3] *Divrei HaKnesset* (Parliamentary Report), October 30, 1973, Fourth Session, p. 4585.

[4] *Ha'avetz*, October 31, 1973.

[5] Joan Peters Kaplan, "A Talk with Yitzhak Rabin," *New Leader*, May 13, 1974, p. 7.

[6] Kalb, *op. cit.*, p. 487.

[7] *Orbis*, Winter 1974, p. 1188.

[8] *Foreign Affairs*, October 1974, p. 58.

[9] This passage is taken from the verbatim version of Dayan's lecture in the Israeli newspaper, *Ma'ariv*, December 27, 1974, p. 21. Though the sense of the version in the New York *Times*, December 20, 1974, was similar, the exact wording could not be found in the verbatim text.

[10] Lawrence L. Whetten, *The Canal War: Four-Power Conflict in the Middle East* (MIT Press, 1974), p. 293.

[11] David Binder, New York *Times*, November 21, 1973. As far as I have been able to make out, other efforts to reconstruct the October 1973 story, such as Tad Szulc's behind-the-scenes article in *New York* magazine of July 1, 1974, were equally unenlightening on this point. William E. Griffith and Nadav Safran, as I have noted, pointed in the right direction but gave no details. If it were not for the remarks of Rabin and the revelations of Dayan, we would still know little from U.S. sources what course U.S. policy had actually taken between October 20 and 27, 1973.

[12] *Foreign Policy*, Spring 1974, p. 121.

[13] "From 1967 to 1973: The Arab-Israeli Wars," COMMENTARY, December 1973.

[14] In the above article, I raised a question about the source of Egyptian Minister of Defense Shams Badran's testimony at his trial in February 1968 to the effect that the Egyptian Chief of Staff, General Muhammad Fawzi, had been sent to Syria on May 14, 1967, to check on this Soviet story. A UPI report from Cairo of February 24, 1968, quoted Badran as testifying that Fawzi had found the Soviet reports to be unfounded and had declared that the Soviets "must have been having hallucinations." I have now been able to verify that the reputable Beirut, Lebanon, newspaper, *Al-Hayat*, of February 25, 1968, carried the same report of Badran's testimony. Indeed, the headline on page 1 read: "Shams Badran: The Reports of the [Israeli] Attack upon Syria were Soviet Fantasies [*takhayyulat*]." The main story referred to "Soviet fantasies" of Israeli "concentrations on the Syrian border."

[15] Press Conference of May 28, 1967 (see my *Israel and World Politics* [Viking, 1968] for the text, pp. 224–231, especially p. 230).

[16] One of the main Israeli aims in the 1956 war was precisely to break a previous blockade of Eilat. The circumstances of President Eisenhower's commitment have been set forth in *Israel and World Politics*, pp. 17–23. The mystery of the misplaced commitment that took place in Washington in 1967 was recently related by Lucius D. Battle, then Assistant Secretary in charge of the region: "The United States had a commitment, of sorts, to the Israelis with respect to the Straits of Tiran [leading into the Gulf of Aqaba]. We had assured Israel that we would continue to consider it an international waterway, use it, and encourage others to do so. In 1967, we were, however, unable to find the record of the meetings and the discussions of the 1956 period. Therefore, the obligations that Mr. Dulles undertook at the earlier time were unclear and unknown. The Isralei records of the conversations were readily available, full, and proved accuracy. American records were, for economic reasons, stored in the Middle West—Cleveland, I believe—and were therefore not available when we needed them. . . . Despite their vagueness, U.S. assurances at the time had been accepted by the Israelis as the basis for withdrawal (under intense American pressure) from the conquered territory of the war of 1956. These assurances were weak reeds and meaningless in the face of crisis" (*Foreign Policy*, Spring 1974, pp. 116–117).

[17] "The Israelis, for the moment, occupy Arab territory. The Senator [Ribicoff] knows that we certainly publicly subscribe to the principle of the resolution of 1967, that the acquisition of territory by aggression is no longer acceptable international practice" (*Congressional Record*, Senate, August 24, 1970, p. 29800). Senator Fulbright was wrong both times; Israel was not indicted by the UN or the Security Council for having violated this "principle"; such a charge could not have been sustained at that time.

[18] Edward H. Buehrig, *The UN and the Palestinian Refugees* (Indiana University Press, 1971), p. 3.

[19] *U.S. Apparatus of Assistance to Refugees Throughout the World*, Hearings Before the Subcommittee to Investigate Problems Connected with Refugees and Escapees, U.S. Senate, July–August 1966, p. 5.

[20] "Middle East Refugees, I" from a three-part study in *Britain and Israel*, edited by Terence Prittie and Richard Jones. Among the refugees who were resettled were 15 million from India and Pakistan (1947); 400,000 from Finland (1945); 1.5 million from Czechoslovakia (1945); 2.8 million from Poland (1944–45); 7.5 million from East Germany in 1945; 3.8 million from the German Democratic Republic (1945–75); 1.2 million from Rumania (1945).

[21] Buehrig, op cit., pp. 38–39.

[22] Terence Prittie, "How Many Arab Refugees?" Middle East Information Series, American Academic Association for Peace in the Middle East, Fall 1973, pp. 37–38.

[23] Letter to the Jerusalem Post Weekly, January 21, 1975.

[24] Congressional Record, Senate, August 24, 1970, p. 29805.

[25] New York Times, November 24, 1974.

[26] I went into the full story of 242 in a previous article, "The Road to Geneva," Commentary, February 1974.

[27] Foreign Affairs, October 1974, p. 51.

[28] Yigal Allon "Strategy for Peace," lecture at opening of the Levi Eshkol Institute, Hebrew University, June 3, 1973 (mimeographed).

[29] Eugene V. Rostow, speech at Educational Conference of the League for Industrial Democracy, May 5, 1974, reprinted in Crossroads, September 1974, p. 1. Rostow was then Under Secretatry of State for Political Affairs.

[30] Department of State Bulletin, September 25, 1972, pp. 352–353; November 13, 1972, p. 568; February 25, 1973, p. 326; March 29, 1973, p. 486. In an interview in Newsweek, February 22, 1971, Sadat demanded that Israel should withdraw to a line behind el-Arish, virtually on the Israeli border, as the price of reopening the Canal in six months.

[31] Ronald Steel, New Leader, February 4, 1974, p. 9.

[32] *Department of State Bulletin*, January 5, 1970, pp. 7–11.

[33] *Ibid.*, November 13, 1972, p. 571; also see March 19, 1973, p. 323, June 11, 1973, p. 846.

[34] *Ibid.*, March 8, 1971, p. 293; also see June 11, 1973, p. 846.

[35] *Atlantic*, January 1969, pp. 80–85.

[36] *Congressional Record*, Senate, August 24, 1970, pp. 29796–29813.

[37] *Newsweek*, February 22, 1971, p. 40–41.

[38] New York *Times*, December 13, 1971.

[39] *Ibid.*, December 10, 1974.

[40] Majid Khadduri, *War and Peace in the Law of Islam* (Johns Hopkins Press, 1955), p. 64.

[41] Cited by Elie Kedourie, *Arabic Political Memoirs and Other Studies*, Cass (London), 1974, p. 227.

[42] New York *Times*, November 13, 1973.

[43] *Department of State Bulletin*, December 10, 1973, p. 705

[44] *Ibid.*, December 24, 1973, p. 761.

[45] New York *Times*, November 13, 1973.

[46] *New Leader*, January 7, 1974, p. 9.

[47] *Orbis*, Winter 1974, p. 1187.

[48] *Reader's Digest*, February 1975, p. 75.

[49] *Washington Monthly*, February 1975, p. 23.

[50] *Atlantic*, January 1975, pp. 6–11.

[51] *Foreign Affairs*, January 1975, pp. 294–296.

[52] *Christian Science Monitor*, January 29, 1975. The report in the New York *Times* of the same date did not contain this part of Senator Percy's statement to a group of reporters.

[53] Interview in the English-language *Daily Star* of Beirut, Lebanon, reported in the Jerusalem *Post Weekly*, January 28, 1975.

[54] NBC television interview, New York *Times*, January 24, 1975.

[55] New York *Times*, February 17, 1975.

[56] NBC *Meet the Press*, February 23, 1975 (Sisco); New York *Times*, February 24, 1975 (Dinitz).

[57] New York *Times*, February 21, 1975.

[58] *Ibid.*, February 24, 1975.

[59] Jersusalem *Post Weekly*, February 25, 1975. Rabin made the same point in his interview in the Washington *Post*, March 1, 1975.

[60] *Le Monde*, January 22, 1975, and Washington *Post*, February 17, 1975.

[61] Alan Dowty, "The Application of International Guarantees to the Egypt-Israel Conflict," *Journal of Conflict Resolution*, June 1972, p. 261. Also see his more general study, *The Role of Great Power Guarantees in International Peace Agreements*, Jerusalem Papers on Peace Problems, the Hebrew University, No. 3, February 1974, especially p. 27.

[62] Dowty, *Journal of Conflict Resolution*, June 1972, p. 262.

[63] Hans Morgenthau, *Politics among Nations* (Knopf, 1st ed., 1948), p. 231.

[64] Statement of Mark Mosevics, president of the Manufacturers Association of Israel, New York *Times*, February 2, 1974.

[65] Defense Minister Shimon Peres, Jerusalem *Post*, September 8, 1974.

[66] Interview in *Newsweek*, December 30, 1974, p. 30.

[67] *Ibid.*, p. 32. The infatuation with "nuances" seems to go back to Dr. Kissinger's article, "The Vietnam Negotiations," in *Foreign Affairs*, January 1969 (reprinted in *American Foreign Policy*, Norton, 1969, p. 116).

[68] *Ibid.*, p. 31.

[69] Felix Kessler, "Arab Money Talks to Britain: Knuckling Under," *New Republic*, March 8, 1975, p. 12.

[70] *Christian Science Monitor*, January 27, 1975.

[71] Comment, "Mideast Peace?" *New Republic*, March 8, 1975, p. 6.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted as follows to:)

Mr. PATMAN (at the request of Mr. O'NEILL), for April 8 and 9, on account of necessary absence.

Mr. CORMAN, for today, on account of official business.

Mr. FINDLEY (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. GUDE (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. JOHNSON of Colorado (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. J. WILLIAM STANTON (at the request of Mr. RHODES), for the week of April 14, on account of official business.

Mr. SYMMS (at the request of Mr. RHODES), for the week of April 14, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JOHNSON of Colorado) to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mr. MCHUGH) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. BAUCUS, for 5 minutes, today.

Mr. WHITE, for 5 minutes, today.

Mr. MOAKLEY, for 15 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. MATSUNAGA, for 60 minutes, on April 17, 1975.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, after the prayer, today.

Mr. YATES, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,294.

(The following Members (at the request of Mr. JOHNSON of Colorado) and to include extraneous matter:)

Mr. CARTER in two instances.

Mr. MARTIN in two instances.

Mr. VANDER JAGT.

Mr. DERWINSKI in two instances.

Mr. BROOMFIELD.

Mr. BROWN of Ohio in three instances.

Mr. BUCHANAN in two instances.

Mr. BOB WILSON in two instances.

Mr. KEMP in two instances.

Mr. COLLINS of Texas in four instances.

Mr. SYMMS.

Mr. BELL.

(The following Members (at the request of Mr. MCHUGH) and to include extraneous material:)

Mr. BEDELL.

Mr. SEIBERLING in 10 instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. ZEFERETTI.

Mr. MCCORMACK in 10 instances.

Mr. KASTENMEIER in five instances.

Mr. MINETA.

Mr. PATTEN.

Mr. BEARD of Rhode Island.

Mr. LEGGETT in two instances.

Mr. SOLARZ.

Mr. EARLY in two instances.

Mr. DE LUGO.

Mr. MIKVA.

Mr. HANLEY.

Mr. GAYDOS in three instances.

Mr. EVANS of Indiana in 10 instances.

Mrs. LLOYD of Tennessee.

Mrs. SCHROEDER.

Mr. MOFFETT.

Mr. YOUNG of Georgia in two instances.

Mr. COTTER.

Mr. MCFALL.

Mr. MCDONALD of Georgia in five instances.

RECESS

The SPEAKER pro tempore. Pursuant to a previous order of the House, the Chair is now going to declare a recess until the two Houses meet in joint session for an address by the President of the United States.

The House will stand in recess until approximately 8:40 p.m. today.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 43 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 203 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper (Hon. James T. Molloy) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Massachusetts, Mr. O'NEILL, the gentleman from California, Mr. MCFALL, the gentleman from California, Mr. PHILLIP BURTON, the gentleman from Arizona, Mr. RHODES, and the gentleman from Illinois, Mr. MICHEL.

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the United States into the House Chamber: JAMES O. EASTLAND, of Mississippi; MIKE MANSFIELD, of Montana; ROBERT C. BYRD, of West Virginia; FRANK E. MOSS, of Utah; GARY HART, of Colorado; HUGH SCOTT, of Pennsylvania; ROBERT P. GRIFFIN, of Michigan; JOHN G. TOWER, of Texas; and ROBERT T. STAFFORD, of Vermont.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 1 minute p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE WORLD—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-101)

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and high personal honor of presenting to you the President of the United States.

The PRESIDENT of the United States. Mr. Speaker, Mr. President, distinguished guests, my very good friends in the Congress and fellow Americans:

I stand before you tonight after many agonizing hours in very solemn prayers for guidance by the Almighty.

In my report on the State of the Union in January, I concentrated on two subjects which were uppermost in the minds of the American people—urgent actions for the recovery of our economy and a comprehensive program to make the United States independent of foreign sources of energy.

I thank the Congress for the action that it has taken thus far in response to my economic recommendations. I look forward to early approval of a national energy program to meet our country's long-range and emergency needs in the field of energy.

Tonight it is my purpose to review our relations with the rest of the world, in the spirit of candor and consultation which I have sought to maintain with my former colleagues and with our countrymen from the time that I took office. It is the first priority of my Presidency to sustain and strengthen the mutual trust and respect which must exist among Americans and their government if we are to deal successfully with the challenges confronting us both at home and abroad.

The leadership of the United States of America, since the end of World War II, has sustained and advanced the security, well-being and freedom of millions of human beings besides ourselves. Despite some setbacks, despite some mistakes, the United States has made peace a real prospect for us and for all nations.

I know firsthand that the Congress has been a partner in the development and in the support of American foreign policy which five Presidents before me have carried forward, with changes of course but not of destination.

The course which our country chooses in the world today has never been of greater significance—for ourselves as a nation and for all mankind.

We build from a solid foundation.

Our alliances with great industrial democracies in Europe, North America and Japan remain strong, with a greater degree of consultation and equity than ever before.

With the Soviet Union we have moved across a broad front toward a more stable, if still competitive relationship. We have begun to control the spiral of strategic nuclear armaments.

After two decades of mutual estrangement we have achieved an historic opening with the People's Republic of China.

In the best American tradition we have committed—often with striking success—our influence and good offices to help contain conflicts and settle disputes in many, many regions of the world. We have, for example, helped the parties of the Middle East take the first steps toward living with one another in peace.

We have opened a new dialog with Latin America looking toward a healthier hemispheric partnership. We are developing closer relations with the nations of Africa. We have exercised international leadership on the great new issues of our interdependent world, such as energy, food, environment and the law of the sea.

The American people can be proud of what their nation has achieved and helped others to accomplish. But we have, from time to time, suffered setbacks and disappointments in foreign policy. Some were events over which we had no control; some were difficulties we imposed upon ourselves.

We live in a time of testing and of a time of change. Our world—a world of economic uncertainty, political unrest, and threats to the peace—does not allow us the luxury of abdication or domestic discord. I recall quite vividly the words of President Truman to the Congress when the United States faced a far greater challenge at the end of the Second World War. If I might quote: "If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of this nation."

President Truman's resolution must guide us today. Our purpose is not to point the finger of blame; but to build upon our many successes; to repair damage where we find it; to recover our balance; to move ahead as a united people. Tonight is a time for straight talk among friends about where we stand, and where we are going.

A vast human tragedy has befallen our friends in Vietnam and Cambodia.

Tonight I shall not talk only of obligations arising from legal documents. Who can forget the enormous sacrifices of blood, dedication and treasure that we made in Vietnam? Under five Presidents and twelve Congresses the United States was engaged in Indochina. Millions of Americans served, thousands died, and many more were wounded, imprisoned, or lost.

Over $150 billion have been appropriated for that war by the Congress of the United States. And after years of effort, we negotiated under the most difficult circumstances a settlement which made it possible for us to remove our military forces and bring home with pride our American prisoners. This settlement, if its terms had been adhered to, would have permitted our South Vietnamese ally, with our material and moral support, to maintain its security and rebuild after two decades of war.

The chances for an enduring peace after the last American fighting man left Vietnam in 1973 rested on two publicly stated premises: First, that if necessary the United States would help sustain the terms of the Paris Accords it signed two years ago; and second, that the United States would provide adequate economic and military assistance to South Vietnam. Let us refresh our memories for just a moment. The universal consensus in the United States at that time, late 1972, was that if we could end our own involvement and obtain the release of our prisoners we would provide adequate material support to South Vietnam.

The North Vietnamese, from the moment they signed the Paris Accords, systematically violated the cease-fire and other provisions of that agreement. Flagrantly disregarding the ban on the infiltration of troops, the North Vietnamese illegally introduced over 350,000 men into the South. In direct violation of the agreement, they sent in the most modern equipment in massive amounts. Meanwhile they continued to receive large quantities of supplies and arms from their friends.

In the face of this situation, the United States—torn as it was by the emotion of a decade of war—was unable to respond We deprived ourselves by law of the ability to enforce the agreement—thus giving North Vietnam assurance that it could violate that agreement with impunity. Next we reduced our economic and arms aid to South Vietnam. Finally we signalled our increasing reluctance to give any support to that nation struggling for its survival.

Encouraged by these developments, the North Vietnamese in recent months began sending even their reserve divisions into South Vietnam. Some twenty divisions, virtually their entire army, are now in South Vietnam. The Government of South Vietnam, uncertain of further American assistance, hastily ordered a strategic withdrawal to more defensible positions. This extremely difficult maneuver, decided upon without consultations, was poorly executed, hampered by floods of refugees, and thus led to panic. The results are painfully obvious and profoundly moving.

In my first public comment on this tragic development, I called for a new sense of national unity and purpose. I said I would not engage in recriminations or attempt to assess the blame. I reiterate that tonight.

In the same spirit I welcomed the statement of the distinguished Majority Leader of the United States Senate earlier this week and I quote: "It's time for the Congress and the President to work together in the area of foreign as well as domestic policy."

So let's start afresh.

I am here to work with the Congress. In the conduct of foreign affairs, Presidential initiative and ability to act swiftly in emergencies are essential to our national interest.

With respect to North Vietnam, I call upon Hanoi—and ask the Congress to join with me in this call—to cease military operations immediately and to honor the terms of the Paris agreement. The United States is urgently requesting the signatories of the Paris Conference to meet their obligations to use their influence to halt the fighting and to enforce the 1973 Accords. Diplomatic notes to this effect have been sent to all members of the Paris Conference, including the Soviet Union and the People's Republic of China.

The situation in South Vietnam and Cambodia has reached a critical phase requiring immediate and positive decisions by this government.

The options before us are few and the time is very short.

On the one hand, the United States could do nothing more; let the government of South Vietnam save itself and what is left of its territory if it can; let those South Vietnamese civilians who have worked with us for a decade or more save their lives and their families if they can; in short, shut our eyes and wash our hands of the whole affair—if we can.

Or, on the other hand, I could ask the Congress for authority to enforce the Paris Accords with our troops and our tanks and our aircraft and our artillery, and carry the war to the enemy.

There are two narrower options:

First, stick with my January request that Congress appropriate $300 million for military assistance for South Vietnam and seek additional funds for economic and humanitarian purposes.

Or, increase my requests for both emergency military and humanitarian assistance to levels which by best estimates might enable the South Vietnamese to stem the onrushing aggression, to stabilize the military situation, permit the chance of a negotiated political settlement between the North and South Vietnamese, and, if the very worst were to happen, at least allow the orderly evacuation of Americans and endangered South Vietnamese to places of safety.

Let me now state my considerations and my conclusions:

I have received a full report from General Weyand, whom I sent to Vietnam to assess the situation. He advises that the current military situation is very critical, but that South Vietnam is continuing to defend itself with the resources available. However, he feels that if there is to be any chance of success for their defense plan, South Vietnam needs urgently an additional $722 million in very specific military supplies from the United States. In my judgment, a stabilization of the military situation offers the best opportunity for a political solution.

I must, of course, as I think each of you would, consider the safety of nearly 6,000 Americans who remain in South Vietnam, and tens of thousands of South Vietnamese employees of the United States Government, of news agencies, of contractors and businesses for many years whose lives, with their dependents, are in very grave peril. There are tens of thousands of other South Vietnamese intellectuals, professors, teachers, editors and opinion-leaders who have supported the South Vietnamese cause and the alliance with the United States, to whom we have a profound moral obligation.

I am also mindful of our posture toward the rest of the world, and particularly of our future relations with the free nations of Asia. These nations must not think for a minute that the United States is pulling out on them or intends to abandon them to aggression.

I have therefore concluded that the national interests of the United States and the cause of world stability require that we continue to give both military and humanitarian assistance to the South Vietnamese.

Assistance to South Vietnam at this stage must be swift and adequate. Drift and indecision invite far deeper disaster. The sums I had requested before the major North Vietnamese offensive and the sudden South Vietnamese retreat are obviously inadequate. Half-hearted action would be worse than none. We must act together and act decisively.

I am therefore asking the Congress to appropriate without delay $722 million for emergency military assistance and an initial sum of $250 million for economic and humanitarian aid for South Vietnam.

The situation in South Vietnam is changing very rapidly and the need for emergency food, medicine and refugee relief is growing by the hour. I will work with the Congress in the days ahead to develop humanitarian assistance to meet these very pressing needs.

Fundamental decency requires that we do everything in our power to ease the misery and the pain of the monumental human crisis which has befallen the people of Vietnam. Millions have fled in the face of the communist onslaught, and are now homeless and are now destitute. I hereby pledge in the name of the American people that the United States will make a maximum humanitarian effort to help care for and feed these hopeless victims.

And now I ask the Congress to clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes of protecting American lives by ensuring their evacuation if this should be necessary, and I also ask prompt revision of the law to cover those Vietnamese to whom we have a very special obligation, and whose lives may be in danger, should the worst come to pass.

I hope that this authority will never have to be used, but if it is needed there will be no time for Congressional debate.

Because of the gravity of the situation, I ask the Congress to complete action on all of these measures not later than April 19. In Cambodia the situation is tragic. The United States and the Cambodian Government have each made major efforts, over a long period and through many channels, to end that conflict, but because of their military successes, steady external support, and their awareness of American legal restrictions, the communist side has shown no interest in negotiation, compromise, or a political solution. And yet, for the past three months, the beleaguered people of Phnom Penh have fought on, hoping against hope that the United States would not desert them, but instead provide the arms and ammunition they so badly needed.

I have received a moving letter from the new acting President of Cambodia, Saukham Khoy—and let me quote it for you:

"Dear Mr. President," he wrote, "as the American Congress reconvenes to reconsider your urgent request for supplemental assistance for the Khmer Republic, I appeal to you to convey to the American legislators our plea not to deny these vital resources to us, if a non-military solution is to emerge from this tragic five-year-old conflict.

"To find a peaceful end to the conflict we need time. I do not know how much time, but we all fully realize that the agony of the Khmer people cannot and must not go on much longer. However, for the immediate future, we need the rice to feed the hungry and the ammunition and the weapons to defend ourselves against those who want to impose their will by force. A denial by the American people of the means for us to carry on will leave us no alternative but inevitably abandoning our search for a solution which will give our citizens some freedom of choice as to their future. For a number of years now the Cambodian people have placed their trust in America. I cannot believe that this confidence was misplaced, and that suddenly America will deny us the means which might give us a chance to find an acceptable solution to our conflict."

This letter speaks for itself. In January, I requested food and ammunition for the brave Cambodians and I regret to say that as of this evening, it may be soon too late.

Members of the Congress, my fellow Americans, this moment of tragedy for Indochina is a time of trial for us. It is a time for national resolve.

It has been said that the United States is overextended; that we have too many commitments too far from home; that we must reexamine what our truly vital interests are and shape our strategy to conform to them. I find no fault with this as a theory, but in the real world such a course must be pursued carefully and in close coordination with solid progress toward overall reduction in worldwide tensions.

We cannot in the meantime abandon our friends while our adversaries support and encourage theirs. We cannot dismantle our defenses, our diplomacy or our intelligence capability while others increase and strengthen theirs.

Let us put an end to self-inflicted wounds. Let us remember that our national unity is a most priceless asset.

Let us deny our adversaries the satisfaction of using Vietnam to pit Americans against Americans.

At this moment the United States must present to the world a united front.

Above all, let us keep events in Southeast Asia in their proper perspective. The security and the progress of hundreds of millions of people everywhere depend importantly on us.

Let no potential adversary believe that our difficulties or our debates mean a slackening of our national will.

We will stand by our friends.

We will honor our commitments, and we will uphold our country's principles.

The American people know that our strength, our authority and our leadership have helped prevent a third World War for more than a generation. We will not shrink from this duty in the decades ahead.

And let me now review with you the basic elements of our foreign policy, speaking candidly about our strengths and some of our difficulties.

We must first of all face the fact that what has happened in Indochina has disquieted many of our friends, especially in Asia. We must deal with this situation promptly and firmly. To this end, I have already scheduled meetings with the leaders of Australia, New Zealand, Singapore and Indonesia, and I expect to meet with the leaders of other Asian countries as well.

A key country in this respect is Japan. The warm welcome I received in Japan last November vividly symbolized for both our peoples the friendship and the solidarity of this extraordinary partnership. I look forward, as I am sure all of you do, with very special pleasure to welcoming the Emperor when he visits the United States later this year.

We consider our Security Treaty with Japan the cornerstone of stability in the vast reaches of Asia and the Pacific. Our relations are crucial to our mutual well-being. Together we are working energetically on the international multilateral agenda—in trade, energy and food. We will continue the process of strengthening our friendship, mutual security and prosperity.

Also, of course, of fundamental importance is our mutual security relationship with the Republic of Korea, which I reaffirmed on my recent visit. Our relations with Europe have never been stronger. There are no peoples with whom America's destiny has been more closely linked. There are no peoples whose friendship and cooperation are more needed for the future. For none of the members of the Atlantic community can be secure, none can prosper, none can advance unless we all do so together. More than ever, these times demand our close collaboration in order to maintain the secure anchor or our common security in this time of international riptides; to work together on the promising negotiations with our potential adversaries; to pool our energies on the great new economic challenge that faces us.

In addition to this traditional agenda, there are new problems involving energy, raw materials, and the environment. The Atlantic nations face many and complex negotiations and decisions. It is time to take stock, to consult on our future, to affirm once again our cohesion and our common destiny. I therefore expect to join with the other leaders of the Atlantic Alliance, at a Western Summit in the very near future.

Before this NATO meeting, I earnestly ask the Congress to weigh the broader considerations and consequences of its past actions on the complex Greek-Turkish dispute over Cyprus. Our foreign policy cannot be simply a collection of special economic or ethnic or ideological interests. There must be a deep concern for the overall design of our international actions. To achieve this design for peace and to assure that our individual acts have some coherence, the Executive must have some flexibility in the conduct of foreign policy.

United States military assistance to an old and faithful ally, Turkey, has been cut off by action of the Congress. This has imposed an embargo on military purchases by Turkey, extending even to items already paid for—an unprecedented act against a friend. These moves, I know, were sincerely intended to influence Turkey in the Cyprus negotiations. I deeply share the concern of many citizens for the immense human suffering on Cyprus. I sympathize with the new democratic government in Greece. We are continuing our earnest efforts to find equitable solutions to the problems which exist between Greece and Turkey. But the results of the Congressional action has been:

to block progress toward reconciliation, thereby prolonging the suffering on Cyprus;

to complicate our ability to promote successful negotiations;

to increase the danger of a broader conflict.

Our longstanding relationship with Turkey is not simply a favor to Turkey; it is a clear and essential mutual interest. Turkey lies on the rim of the Soviet Union and at the gates of the Middle East. It is vital to the security of the eastern Mediterranean, the southern flank of Western Europe and the collective security of the Western Alliance. Our U.S. military bases in Turkey are as critical to our own security as they are to the defense of NATO.

I therefore call upon the Congress to lift the American arms embargo against our Turkish ally by passing a bipartisan Mansfield-Scott bill, now before the Senate. Only this will enable us to work with Greece and Turkey to resolve the differences between our allies.

I accept—and indeed welcome—the bill's requirement for monthly reports to the Congress on progress toward a Cyprus settlement. But unless this is done with dispatch, forces may be set in motion within and between the two nations which could not be reversed.

At the same time, in order to strengthen the democratic government of Greece, and to reaffirm our traditional ties with the people of Greece, we are actively discussing a program of economic and military assistance with them. We will shortly be submitting specific requests to the Congress in this regard.

A vital element of our foreign policy is our relationship with the developing countries—in Africa, Asia and Latin America. These countries must know that America is a true, that America is a concerned friend, reliable both in word and deed.

As evidence of this friendship, I urge the Congress to reconsider one provision of the 1974 Trade Act which has had an unfortunate and unintended impact on our relations with Latin America, where we have such a long tie of friendship and cooperation. Under this legislation all members of OPEC were excluded from our generalized system of trade preferences. This unfortunately punished two South American friends, Ecuador and Venezuela, as well as other OPEC nations such as Nigeria and Indonesia, none of which participated in last year's oil embargo. This exclusion has seriously complicated our new dialogue with our friends in this hemisphere.

I therefore endorse the amendments which have been introduced in the Congress to provide Executive authority to waive those restrictions on the Trade Act that are incompatible with our national interest.

The interests of America, as well as our allies, are vitally affected by what happens in the Middle East. So long as the state of tension continues, it threatens military crisis, the weakening of our alliances, the stability of the world economy, and confrontation with the nuclear superpowers. These are intolerable risks.

Because we are in the unique position of being able to deal with all the parties, we have at their request been engaged for the past year and a half in a peacemaking effort unparalleled in the history of the region.

Our policy has brought remarkable successes on the road to peace. Last year two major disengagement agreements were negotiated and implemented with our help. For the first time in 30 years a process of negotiation on the basic political issues was begun—and is continuing.

Unfortunately, the latest efforts to reach a further interim agreement between Israel and Egypt have been suspended. The issues dividing the parties are vital to them and not amenable to easy and to quick solutions. However, the United States will not be discouraged.

The momentum toward peace that has been achieved over the last 18 months must and will be maintained.

The active role of the United States must and will be continued. The drift toward war must and will be prevented.

I pledge the United States to a major effort for peace in the Middle East—an effort which I know has the solid support of the American people and their Congress. We are now examining how best to proceed. We have agreed in principle to reconvene the Geneva conference. We are prepared as well to explore other forums. The United States will move ahead on whatever course looks most promising, either towards an overall settlement or interim agreements, should the parties themselves desire them. We will not accept stagnation or a stalemate, with all its attendant risks to peace and prosperity and to our relations in and outside of the region.

The national interest—and national security—require as well that we reduce the dangers of war. We shall strive to do so by continuing to improve our relations with potential adversaries.

The United States and the Soviet Union share an interest in lessening tensions and building a more stable relationship. During this process we have never had any illusions.

We know that we are dealing with a nation that reflects different principles and is our competitor in many parts of the globe. Through a combination of firmness and flexibility, the United States in recent years laid the basis of a more reliable relationship founded on mutual interest and mutual restraint. But we cannot expect the Soviet Union to show restraint in the face of the United States weakness or irresolution. As long as I am President, America will maintain its strength, its alliances and its principles as a prerequisite to a more peaceful planet. As long as I am President, we will not permit détente to become a license to fish in troubled waters. Détente must be and I trust will be a two-way relationship.

Central to U.S.-Soviet relations today is the critical negotiation to control strategic nuclear weapons. We hope to turn the Vladivostok agreements into a final agreement this year at the time of General Secretary Brezhnev's visit to the United States. Such an agreement would for the first time put a ceiling on the strategic arms race. It would mark a turning point in postwar history and would be a crucial step in lifting from mankind the threat of nuclear war.

Our use of trade and economic sanctions as weapons to alter the internal conduct of other nations must also be seriously re-examined. However well intentioned the goals, the fact is that some of our recent actions in the economic field have been self-defeating. They are not achieving the objectives intended by the Congress. And they have damaged our foreign policy.

The Trade Act of 1974 prohibits most-favored nation treatment, credit and investment guarantees and commercial agreements with the Soviet Union so long as their emigration policies fail to meet our criteria. The Soviet Union has therefore refused to put into effect the important 1972 trade agreement between our two countries.

As a result, Western Europe and Japan have stepped into the breach. Those countries have extended credits to the Soviet Union exceeding $8 billion in the last six months. These are economic opportunities—jobs and business—which could have gone to Americans.

There should be no illusions about the nature of the Soviet system—but there should be no illusions about how to deal with it. Our belief in the right of peoples of the world freely to emigrate has been well demonstrated. This legislation, however, not only harmed our relations with the Soviet Union but seriously complicated the prospects of those seeking to emigrate. The favorable trend aided by quiet diplomacy by which emigration increased from 400 in 1968 to over 33,000 in 1973 has been seriously set back. Remedial legislation is urgently needed in our national interest.

With the People's Republic of China we are firmly fixed on the course set forth in the Shanghai Communique. Stability in Asia and the world require our constructive relations with one-fourth of the human race. After two decades of mutual isolation and hostility, we have in recent years built a promising foundation. Deep differences in our philosophy and social systems will endure. But so should our mutual long-term interests and the goals to which our countries have jointly subscribed in Shanghai.

I will visit China later this year to reaffirm these interests and to accelerate the improvement in our relations. And I was glad to welcome the distinguished Speaker and the distinguished minority leader of the House back today from their constructive visit to the People's Republic of China.

Let me talk about new challenges. The issues I have discussed are the most pressing of the traditional agenda on foreign policy. But ahead of us also is a vast new agenda of issues in an interdependent world.

The United States—with its economic power, its technology, its zest for new horizons—is the acknowledged world leader in dealing with many of these challenges. If this is a moment of uncertainty in the world, it is even more a moment of rare opportunity.

We are summoned to meet one of man's most basic challenges—hunger. At the World Food Conference last November in Rome, the United States outlined a comprehensive program to close the ominous gap between population growth and food production over the long term. Our technological skill and our enormous productive capacity are crucial to accomplishing this task.

The old order—in trade, finance, and raw materials—is changing, and American leadership is needed in the creation of new institutions and practices for worldwide prosperity and progress.

The world's oceans, with their immense resources and strategic importance, must become areas of cooperation rather than conflict. American policy is directed to that end.

Technology must be harnessed to the service of mankind while protecting the environment. This too is an arena for American leadership.

The interests and aspirations of the developed and developing nations must be reconciled in a manner that is both realistic and humane. This is our goal in this new era.

One of the finest success stories in our foreign policy is our cooperative effort with other major energy-consuming nations. In little more than a year, together with our partners, we have created the International Energy Agency; we have negotiated an emergency sharing arrangement which helps to reduce the dangers of an embargo; we have launched major international conservation efforts; we have developed a massive program for the development of alternative sources of energy.

But the fate of all of these programs depends crucially on what we do at home. Every month that passes brings us closer to the day when we will be dependent on imported energy for 50 percent of our requirements. A new embargo under these conditions would have a devastating impact on jobs, industrial expansion, and inflation at home. Our economy cannot be left to the mercy of decisions over which we have no control, and I call upon the Congress to act affirmatively.

In a world where information is power, a vital element of our national security lies in our intelligence services. They are as essential to our Nation's security in peace as in war. Americans can be grateful for the important, but largely unsung, contributions and achievements of the intelligence services of this Nation.

It is entirely proper that this system be subject to Congressional review. But a sensationalized public debate over legitimate intelligence activities is a disservice to this Nation and a threat to our intelligence system. It ties our hands while our potential enemies operate with secrecy, with skill and with vast resources. Any investigation must be conducted with maximum discretion and dispatch, to avoid crippling a vital national institution.

Let us speak quite frankly to some in this Chamber, and perhaps to some not in this Chamber:

The Central Intelligence Agency has been of maximum importance to Presidents before me. The Central Intelligence Agency has been of maximum importance to me. The Central Intelligence Agency and its associated intelligence organizations could be of maximum importance to some of you in this audience who might be President at some later date. I think it would be catastrophic for the Congress or anyone else to destroy the usefulness, by dismantling in effect, our intelligence system upon which we rest so heavily.

Now, as Congress oversees intelligence activities it must of course organize itself to do so in a responsible way. It has been traditional for the Executive to consult with the Congress through specially-protected procedures that safeguard essential secrets. But recently some of those procedures have been altered in a way that makes the protection of vital information very, very difficult. I will say to the leaders of the Congress, the House and the Senate, that I will work with them to devise procedures which will meet the needs of the Congress for review of intelligence agency activities and the needs of the Nation for an effective intelligence service.

Underlying any successful foreign policy is the strength and the credibility of our defense posture.

We are strong and we are ready and we intend to remain so.

Improvement of relations with adversaries does not mean any relaxation of our national vigilance. On the contrary, it is the firm maintenance of both strength and vigilance that makes possible steady progress toward a safer and a more peaceful world.

The national security budget that I have submitted is the minimum the United States needs in this critical hour. The Congress should review it carefully, and I know it will. But it is my considered judgment that any significant reduction revision would endanger our national security and thus jeopardize the peace.

Let no ally doubt our determination to maintain a defense second to none, and let no adversary be tempted to test our readiness or our resolve.

History is testing us today. We cannot afford indecision, disunity or disarray in the conduct of our foreign affairs.

You and I can resolve here and now that this Nation shall move ahead with wisdom, with assurance, and with national unity.

The world looks to us for the vigor and for the vision that we have demonstrated so often in the past in great moments of our national history.

As I look down the road, I see a confident America, secure in its strength, secure in its values and determined to maintain both.

I see a conciliatory America, extending its hand to allies and adversaries alike, forming bonds of cooperation to deal with the vast problems facing us all.

I see a compassionate America, its heart reaching out to orphans, to refugees and to our fellow human beings afflicted by war, by tyranny and by hunger.

As President, entrusted by the Constitution with primary responsibility for the conduct of our foreign affairs, I renew the pledge I made last August: To work cooperatively with the Congress.

I ask that the Congress help to keep America's word good throughout the world. We are one nation, one government, and we must have one foreign policy.

In an hour far darker than this, Abraham Lincoln told his fellow citizens, and I quote:

> We cannot escape history. We of this Congress and this Administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us.

We who are entrusted by the people with the great decisions that fashion their future can escape neither responsibilities nor our consciences.

By what we do now the world will know our courage, our constancy, and our compassion.

The spirit of America is good and the heart of America is strong. Let us be proud of what we have done and confident of what we can do. And may God ever guide us to do what is right.

Thank you.

[Applause, the Members rising.]

At 10 o'clock and 4 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly (at 10 o'clock and 7 minutes p.m.), the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. O'NEILL. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, April 14, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

772. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, and the Military Selective Service Act to permit the assignment of members of the armed forces who have completed basic training and training in a military specialty as is prescribed by the Secretary concerned to overseas areas free from hostile fire, and to permit the release of Reserve component enlistees from their initial active duty for training upon the completion of basic training and training in a military specialty as is prescribed by the Secretary concerned; to the Committee on Armed Services.

773. A letter from the Deputy Secretary of the Treasury, transmitting a proposed agreement establishing a financial support fund of the Organization for Economic Cooperation and Development; to the Committee on Banking, Currency and Housing.

774. A letter from the Acting Assistant Administrator of General Services, transmitting a prospectus recommending the relocation of the Consolidated Federal Law Enforcement Training Center from Beltsville Md., to the Clynco Naval Air Station at Brunswick, Ga.; to the Committee on Public Works and Transportation.

775. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report for calendar year 1974 on social security advisory committees, pursuant to section 1114(f) of the Social Security Act, as amended; to the Committee on Ways and Means.

776. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of lands at Fort Leonard Wood Military Reservation, Mo., pursuant to 70 Stat. 656; jointly to the Committees on Armed Services, and Agriculture.

777. A letter from the Chairman, National Security Council Interagency Task Force on the Law of the Sea, transmitting a report on issues before the Third United Nations Conference on the Law of the Sea; jointly, to the Committees on International Relations, and Merchant Marine and Fisheries.

Received From the Comptroller General

778. A letter from the Comptroller General of the United States, transmitting a report on how to improve the selected acquisition reporting system in the Department of Defense; jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4114. A bill to amend the Public Health Service Act to revise and extend the National Health Service Corps programs; with amendment (Rept. No. 94–137). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 375. Joint resolution making an additional appropriation for the fiscal year ending June 30, 1975, for the Veterans' Administration, and for other purposes (Rept. No. 94–138). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Ohio: Committee on International Relations. H.R. 4510. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 94–139). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAYS of Ohio: Committee on International Relations. H.R. 5810. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (Rept. No. 94–140). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. H.R. 5899. A bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes (Rept. No. 94–141). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 5901. A bill making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other other purposes (Rept. No. 94–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 4115. A bill to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training; with amendment (Rept. No. 94–143). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAUCUS (for himself, Mr. Bedell, Mr. Carney, Mr. Carr, Mr. Cornell, Mr. Coughlin, Mr. Dominick V. Daniels, Mr. Frenzel, Mr. Harrington, Mr. Hawkins, Mr. Ichord, Mr. Krebs, Mr. Neal, Mr. Pepper, Mr. Roybal, Mrs. Spellman, Mr. Studds, Mr. Tsongas, Mr. Weaver, Mr. Charles Wilson of Texas, Mr. Winn, and Mr. Yatron):

H.R. 5833. A bill to authorize a vigorous Federal program of research, development, and demonstration to assure the utilization of MHD (magnetohydrodynamics) to assist in meeting our national energy needs, and for other purposes; to the Committee on Science and Technology.

By Mr. BOWEN:

H.R. 5834. A bill to assure foreign countries that reserve stocks of agricultural commodities stored in the United States under certain conditions shall not be subject to export controls; to the Committee on International Relations.

H.R. 5835. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOWEN (for himself, Mr. Murtha, Mr. Pressler, Mr. Simon, and Mr. Waggonner):

H.R. 5836. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BOWEN (for himself, Mr. Carr, Mr. Goodling, and Mr. Stephens):

H.R. 5837. A bill to amend the Internal Revenue Code to encourage the continuation of family farms, and for other purposes; to the Committee on Ways and Means.

By Mr. CARNEY:

H.R. 5838. A bill to amend Public Law 93-233 to extend for an additional 12 months (until July 1, 1976) the eligibility of supplemental security income recipients for food stamps; to the Committee on Ways and Means.

By Mr. CARTER:

H.R. 5839. A bill to provide for the establishment of the National Center for Health Education and Promotion and the Institution for Health Education and Promotion to advance the national health; to reduce preventive illness, disability, and death; to moderate self-imposed risks; to promote progress and scholarship in consumer health education and preventive medicine; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLAY (for himself, Mr. Aspin, and Mr. Beard of Rhode Island):

H.R. 5840. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CLEVELAND:

H.R. 5841. A bill to amend section 111 of title 23, United States Code, to permit the sale of State lottery tickets on Interstate System rights-of-way; to the Committee on Public Works and Transportation.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Brown of California, Mr. Hicks, Mr. Collins of Texas, Mr. Ryan, Mr. Hannaford, Mr. Riegle, Mr. Stokes, Mr. Sarasin, Mr. Diggs, Mr. Blanchard, Ms. Abzug, Mr. Hawkins, Mrs. Chisholm, Mr. Alexander, Mr. Carr, Mr. Roe, Mr. Howard, Mr. Horton, Mr. Dan Daniel, Mr. Mineta, Mr. Macdonald of Massachusetts, Mr. Hyde, Mr. St Germain, and Mr. Wydler):

H.R. 5842. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for amounts paid or incurred for repairs or improvements of, or additions to, their principal residences; to the Committee on Ways and Means.

By Mr. DOMINICK V. DANIELS (for himself, Mr. Aspin, and Mr. Patterson of California):

H.R. 5843. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for amounts paid or incurred for repairs or improvements of, or additions to, their principal residences; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 5844. A bill to amend the Internal Revenue Code of 1954 to impose a temporary excise tax on passenger motor vehicles based on horsepower, to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the manufacture of passenger motor vehicles which do not comply with certain limitations with respect to weight, fuel economy, and horsepower, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HELSTOSKI (for himself, Mr. Frenzel, Mr. Schneebeli, and Mr. Vanik):

H.R. 5845. A bill relating to the income tax treatment of charitable contributions of inventory and certain other ordinary income property; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 5846. A bill to amend title 38 of the United States Code in order to exclude certain social security payments in determining annual income for purposes of paying non-service-connected disability pension to veterans; to the Committee on Veterans' Affairs.

By Mr. LEGGETT:

H.R. 5847. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

H.R. 5848. A bill to amend chapter 55 of title 10 to provide additional dental care for dependents of active duty members of the uniformed services; to the Committee on Armed Services.

H.R. 5849. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for employers who employ members of the hardcore unemployed; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 5850. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of potential water resources developments in the Mora River Basin, N. Mex., to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN (for himself, Ms. Abzug, Mr. Chappell, Mr. Hastings, Mr. Hinshaw, Mr. Krueger, Mr. St Germain, Mr. Sarasin, and Mr. Tsongas):

H.R. 5851. A bill to amend the Comprehensive Employment and Training Act of 1973 to provide that a unit of general local government having a population of 50,000 or more shall be eligible to be a prime sponsor; to the Committee on Education and Labor.

By Mr. NIX:

H.R. 5852. A bill to enact the Uniform Reciprocal Peace Act; to the Committee on International Relations.

By Mr. NIX (for himself, Mr. Dodd, Mr. Eckhardt, Mr. Ford of Michigan, and Mr. Traxler):

H.R. 5853. A bill to amend title 39, United States Code, to provide for the mailing of correspondence to Members of the Congress free of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. NOLAN:

H.R. 5854. A bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years and to make permanent the ban against certain prerequisites to voting; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 5855. A bill to amend the Internal Revenue Code of 1954 to provide that advertising of alcoholic beverages is not a deductible expense; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 5856. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Ways and Means.

H.R. 5857. A bill to amend title II of the Social Security Act to provide that an insured individual otherwise qualified may retire and receive full old-age benefits, at any time after attaining age 60, if he has been forced to retire at that age by a Federal law, regulation, or order; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 5858. A bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SKUBITZ:

H.R. 5859. A bill to change the name of the Cheney Reservoir, Kansas, to the Schoeppel-Rees Lake; to the Committee on Public Works and Transportation.

By Mr. THONE (for himself, Mr. Burgener, Mr. Collins of Texas, Mr. Downey, Mrs. Fenwick, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Hinshaw, Mr. Ketchum, Mr. Lent, Mr. Montgomery, Mr. Mottl, Mr. Roe, Mr. Solarz, Mr. Spence, and Mr. Walsh):

H.R. 5860. A bill to amend the Internal Revenue Code of 1954 to authorize a tax credit for certain expenses of providing higher education; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 5861. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 5862. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require as a condition of assistance under such act that law enforcement agencies have in effect a binding law enforcement officer's bill of rights; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 5863. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Currency and Housing.

H.R. 5864. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5865. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 5866. A bill to provide that future increases in social security benefits shall be disregarded in determining eligibility for benefits or assistance under the supplemental security income program, the program of aid to families with dependent children, the medicaid program, and certain other Federal programs; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Ms. Abzug, Mr. Kemp, and Mr. Robinson):

H.R. 5867. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 5868. A bill to amend title II of the Social Security Act to provide that the surviving spouse of an insured worker may authorize direct payment of the worker's lump-sum death payment for expenses incidental to the deceased worker's death; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 5869. A bill to make requirements with respect to the disclosure of marital status the same for men and women in matters relating to voting qualifications in Federal elections; to the Committee on House Administration.

By Mr. DRINAN (for himself, Mr. Baucus, Mr. Bedell, Mr. Bingham, Mr. Brown of California, Mr. Cornell, Mr. Cotter, Mr. Downey, Mr. Edwards of California, Mr. Ford of Tennessee, Mr. Gude, Mr. Hawkins, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 5870. A bill to require the President to take all necessary action to strictly enforce the regulation promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. Hicks, Ms. Holtzman, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Ottinger, Mr. Richmond, Mr. Roe, Mr. Roybal, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. Thompson, and Mr. Tsongas):

H.R. 5871. A bill to require the President to take all necessary action to strictly enforce the regulation promulgated under section 4 of the Emergency Petroleum Allocation Act of 1973 and all orders issued under such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. Ford of Tennessee, and Mr. Richmond):

H.R. 5872. A bill to amend the Impoundment Control Act of 1974 to provide that no rescission of budget authority proposed by the President shall take effect unless and until the Congress has passed a bill incorporating such rescission; to the Committee on Rules.

By Mr. FINDLEY:

H.R. 5873. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency; jointly to the Committees on Armed Services, and International Relations.

By Mr. FINDLEY (for himself and Mr. Hinshaw):

H.R. 5874. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 5875. A bill to amend the Public Health Service Act to establish an emergency health protection program for the unemployed; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 5876. A bill to provide humanitarian relief through international agencies to the people of Vietnam and Cambodia; to the Committee on International Relations.

By Mr. KASTENMEIER (for himself, Mr. Steelman, Mr. Corman, Mr. English, Mr. Heinz, Mr. Jacobs, Mr. Krebs, Mr. Maguire, Mr. Nolan, and Mr. Oberstar):

H.R. 5877. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; jointly, to the Committees on the Judiciary, and Standards of Official Conduct.

By Mr. KOCH (for himself, Mr. Ottinger, and Mr. Shriver):

H.R. 5878. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 5879. A bill to direct the Secretary of Health, Education, and Welfare to develop and implement a system for the issuance of social security benefit checks on a staggered or cyclical basis; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 5880. A bill to designate November 11 of each year as Armistice Day; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H.R. 5881. A bill to amend the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. NEAL (for himself, Ms. Abzug, Mr. Blanchard, Mr. Brown of California, Mr. Butler, Mr. Dominick V. Daniels, Mr. Davis, Mr. Derrick, Mr. Duncan of Oregon, Mr. Edgar, Mr. Eshleman, Mr. Fithian, Mr. Goodling, Mr. Harkin, Mr. Lent, Mr. Lujan, Mr. McCloskey, Mr. Mann, Mr. Martin, Mr. Mikva, Mrs. Mink, Mr. Murphy of Illinois, Mr. Myers of Indiana, Mr. Nolan, Mr. Oberstar, and Mr. Patterson of California):

H.R. 5882. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NEAL (for himself, Mr. Dodd, Mr. Ford of Tennessee, Mr. Krebs, Mr. Mazzoli, Mrs. Meyner, Mr. Ottinger, Mr. Seiberling, Mr. Sharp, Mrs. Spellman, Mr. Spence, and Mr. Weaver):

H.R. 5883. A bill to limit the use of limousines; to the Committee on Government Operations.

By Mr. NIX (by request):

H.R. 5884. A bill to authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes; to the Committee on International Relations.

By Mr. RIEGLE:

H.R. 5885. A bill to increase the amount of the weekly benefits payable under the Federal-State extended unemployment compensation program and to remove the limitations on the number of weeks of unemployment compensation under the emergency unemployment compensation program; to the Committe on Ways and Means.

By Mr. ROE:

H.R. 5886. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROE (for himself, Mr. Eilberg, Mr Nedzi, Mr. Litton, and Mr. Heinz):

H.R. 5887. A bill to establish a National Foreign Investment Control Commission to prohibit or restrict foreign ownership control or management control, through direct purchase, in whole or part; from acquiring securities of certain domestic issuers of securities; from acquiring certain domestic issuers of securities, by merger, tender offer, or any other means; control of certain domestic corporations or industries, real estate, or other natural resources deemed to be vital to the economic security and national defense of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE (for himself, Mr. Eilberg, Mr. Nedzi, Mr. Litton, and Mr. Heinz):

H.R. 5888. A bill to create a Joint Congressional Committee on Foreign Investment Control in the United States; to the Committee on Rules.

By Mr. RUSSO:

H.R. 5889. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. SMITH of Iowa (for himself, Mr. McFall, Mr. Murphy of Illinois, Mr. Steed, Mr. Railsback, Mr. Price, Mr. Metcalfe, Mr. Shriver, Mr. Rostenkowski, Mr. Yates, Mr. Mr. Annunzio, Mr. Alexander, Mr. Bedell, Mr. Blouin, Mrs. Collins of Illinois, Mr. English, Mr. Grassley, Mr. Harkin, Mr. Hightower, Mr. Jones of Oklahoma, Mr. Hall, Mr. Mezvinski, Mr. Risenhoover, Mr. Russo, and Mr. Simon):

H.R. 5890. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankruptcy Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Iowa (for himself, Mr. McFall, Mr. Murphy of Illinois, Mr. Pickle, Mrs. Keys, Mr. O'Brien, Mr. Thornton, and Mr. Shipley):

H.R. 5891. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize financial assistance under section 211 to a railroad which is in reorganization under section 77 of the Bankruptcy Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMINGTON:

H.R. 5892. A bill to amend the Controlled Substances Act to make the stealing of a controlled substance from a pharmacy or related establishment a Federal crime; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL:

H.R. 5893. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. WHITEHURST (for himself, Mr. Anderson of California, Mr. Bauman, Mr. Chappell, and Mr. Patterson of California):

H.R. 5894. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

By Mr. FRASER (for himself, Ms. Abzug, Mr. Baldus, Mr. Benitez, Mr. Brown of California, Mr. Conyers, Mr. Corman, Mr. Dellums, Mr. Eilberg, Mr. Fascell, Mr. Ford of Tennessee, Mr. Ford of Michigan, Mr. Gilman, Mr. Harrington, Mrs. Keys, Mr. Ketchum, Mr. Krebs, Mr. Melcher, Mr. Mikva, Mr. Mezvinsky, Mr. Mottl, Mr. O'Hara, Mr. Patterson of California, Mr. Pepper, and Mr. Rangel):

H.R. 5895. A bill to amend section 1661 of title 38 of the United States Code in order to entitle veterans to 2½ months of educational assistance for each month of service on active duty and to extend the maximum entitlement to such assistance to 45 months; to the Committee on Veterans' Affairs.

By Mr. FRASER (for himself, Mr. Richmond, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Santini, Mr. St Germain, Mr. Stark, Mr. Studds, Mr. Van Deerlin, Mr. Weaver, Mr. Won Pat, Mr. Yatron, and Mr. Young of Georgia):

H.R. 5896. A bill to amend section 1661 of title 38 of the United States Code in order to entitle veterans to 2½ months of educational assistance for each month of service on active duty and to extend the maximum entitlement to such assistance to 45 months; to the Committee on Veterans' Affairs.

By Mr. GREEN (for himself, Mr. Ullman, Mr. Schneebeli, and Mr. Conable):

H.R. 5897. A bill to amend the Trade Act of 1974 in order to authorize the President to designate any of certain countries as eligible for the tariff preferences extended to developing countries under title V of such act if the President determines that such designation is in the national economic interest; to the Committee on Ways and Means.

By Mr. THORNTON (for himself, and Mr. Alexander):

H.R. 5898. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promotion to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. MAHON:

H.R. 5899. A bill making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

By Mr. THOMPSON (for himself, Mr. Perkins, Mr. Dent, Mr. Dominick V. Daniels, Mr. Brademas, Mr. Ford of Michigan, Mr. Phillip Burton, Mr. Annunzio, Mr. John L. Burton, Mr. Beard of Rhode Island, Mr. Karth, and Mr. Rooney):

H.R. 5900. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. FLOOD:

H.R. 5901. A bill making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

By Mr. MONTGOMERY:

H.R. 5902. A bill to amend title 38 of the United States Code to provide the automobile assistance allowance and adaptive equipment for veterans of World War I and thereafter; to the Committee on Veterans' Affairs.

By Mr. MONTGOMERY (for himself, Mr. Roberts, Mr. Teague, Mr. Hammerschmidt, and Mr. Wylie):

H.R. 5903. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SYMINGTON:

H.R. 5904. A bill to provide a penalty for the robbery or burglary or attempted robbery or burglary of any narcotic drug from any pharmacy, doctor's office, or warehouse; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. Bedell, Mr. Edwards of California, Mr. Harrington, Mr. Howe, Mrs. Schroeder, Mr. Roe, Mrs. Holt, Mr. Pressler, Mr. Charles Wilson of Texas, Mr. Emery, Mrs. Spellman, Mr. Gilman, Ms. Abzug, Mr. Conte, Ms. Holtzman, Mr. Beard of Rhode Island, Mr. Cleveland, Mr. Evans of Indiana, Mr. Fithian, Mr. Yates, Mr. Blouin, and Mr. Boland):

H.J. Res 386. Joint resolution to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from setting minimum prices for crude oil, residual fuel oil, or any refined petroleum product without congressional authority, to prohibit the President from using section 232(b) of the Trade Expansion Act of 1962 or any other provision of law to establish such minimum prices without congressional authority and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. JEFFORDS (for himself, Mr. Hawkins, Mr. Fascell, Mr. Dodd, Mr. Moffett, Mr. Drinan, Mr. Moakley, and Mr. Krebs):

H.J. Res. 387. Joint resolution to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from setting minimum prices for crude oil, residual fuel oil, or any refined petroleum product without congressional authority, to prohibit the President from using section 232(b) of the Trade Expansion Act of 1962 or any other provision of law to establish such minimum prices without congressional authority and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. WHITEHURST (for himself, Ms. Abzug, Mr. Benitez, Mr. Carr, Mr. Coughlin, Mr. Edwards of California, Mr. Emery, Mr. Frey, Mr. Heinz, Mr. Krueger, Mr. Mazzoli, Mrs. Meyner, Mr. Ottinger, Mr. Pepper, and Mr. Richmond):

H.J. Res. 388. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. Robinson, Mr. Roe, Mr. Sarasin, Mrs. Schroeder, Mr. Solarz, Mr. Steiger of Wisconsin, Mr. Studds, Mr. Tsongas, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wirth, Mr. Young of Florida, and Mr. Zeferetti):

H.J. Res. 389. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. MOTTL:

H. Con. Res. 211. Concurrent resolution expressing the sense of Congress with respect to the complexity of Federal income tax forms; to the Committee on Ways and Means.

By Mr. ROE:

H. Con. Res. 212. Concurrent resolution in support of International Women's Year 1975; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Ms. Abzug, Mr. Benitez, Mr. Carr, Mr. Coughlin, Mr. Edwards of California, Mr. Emery, Mr. Frey, Mr. Heinz, Mr. Krueger, Mr. Mazzoli, Mrs. Meyner, Mr. Ottinger, Mr. Pepper, and Mr. Richmond):

H. Con. Res. 213. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnepeds; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. Robinson, Mr. Roe, Mr. Sarasin, Mrs. Schroeder, Mr. Solarz, Mr. Steiger of Wisconsin, Mr. Studds, Mr. Tsongas, Mr. Bob Wilson, Mr. Charles Wilson of Texas, Mr. Winn, Mr. Wirth, Mr. Young of Florida, and Mr. Zeferetti):

H. Con. Res. 214. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on International Relations.

By Mr. BRADEMAS:

H. Con. Res. 215. Concurrent resolution providing for the printing of a House document of a revised edition of "The Capitol"; to the Committee on House Administration.

By Mr. DERWINSKI (for himself, Mr. Biaggi, Mr. Coughlin, Mr. Fish, Mr. Hagedorn, Mr. Rogers, Mr. Ryan, and Mr. Young of Florida):

H. Con. Res. 216. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. ROBINSON:

H. Con. Res. 217. Concurrent resolution stating the sense of Congress regarding the situation in Southeast Asia; to the Committee on International Relations.

By Mr. DRINAN (for himself, Mr. Baucus, Mr. Bedell, Mr. Bingham, Mr. Brown of California, Mrs. Burke of California, Mr. Cornell, Mr. Cotter, Mr. Downey, Mr. Edwards of California, Mr. Fithian, Mr. Ford of Tennessee, Mr. Gude, Mr. Hannaford, and Mr. Hawkins):

H. Res. 387. Resolution to request that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. Hechler of West Virginia, Ms. Holtzman, Mr. Maguire, Mr. Moakley, Mr. Ottinger, Mr. Richmond, Mr. Roe, Mr. Roybal, Mr. Solarz, Mrs. Spellman, Mr. Stark, Mr. Thompson, and Mr. Tsongas):

H. Res. 388. Resolution to request that the Department of Justice investigate the Federal Energy Administration with respect to any possible conflicts of interest; to the Committee on the Judiciary.

By Mr. LLOYD of California:

H. Res. 389. Resolution congratulating the city of Chino, Calif., and the city of San Juan del Rio, Mexico, on the sixth anniversary of their sister city program; to the Committee on Post Office and Civil Service.

By Mr. PRICE:

H. Res. 390. Resolution to provide for the printing of additional copies of the "Report of the Special Subcommittee on the Middle East of the Committee on Armed Services, House of Representatives, Committee Paper No. 94–3; to the Committee on House Administration.

By Mr. STARK (for himself, Mr. Baucus, Mr. Bell, Mr. Brown of California, Mr. Burgener, Ms. Burke of California, Mr. Carr, Mr. Corman, Mr. Eckhardt, Mr. Eshleman, Mr. Goldwater, Mr. Hannaford, Mr. Hinshaw, Mr. Mineta, Mr. Moss, Mr. Rogers, Mr. Roybal, Mr. Sisk, Mr. Van Deerlin, Mr. Waxman, and Mr. Charles H. Wilson of California):

H. Res. 391. Resolution directing the President to provide to the House of Representatives information which the executive branch possess with respect to the experience of certain citizens of the United States of America while in the Republic of Mexico; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

90. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to reforestation; to the Committee on Agriculture.

91. Also, memorial of the Legislature of the State of Montana, relative to air pollution control; to the Committee on Interstate and Foreign Commerce.

92. Also, memorial of the Legislature of the State of Washington, relative to the observance of Memorial Day and Veterans Day on their traditional dates; to the Committee on Post Office and Civil Service.

93. Also, memorial of the Legislature of the State of Washington, relative to the State matching requirement for obtaining Federal highway funds; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRON:

H.R. 5905. A bill for the relief of Miss Coralia Raposo; to the Committee on the Judiciary.

By Mr EARLY:

H.R. 5906. A bill for the relief of Miriam U., also known as, U, Pui-Ching; to the Committee on the Judiciary.

By Mr. ICHORD:

H.R. 5907. A bill for the relief of Yau Pik Chau; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 5908. A bill for the relief of S. Sgt. Archer C. Ford, Jr.; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 5909. A bill for the relief of Jean Maniger Ridgeway, Phillip Ridgeway, Michael Ridgeway, Amy Jane Robertson, Bruce Robertson, Jr., Susan Robertson, Catherine Robertson, Viola J. Stewart, Dana Stewart, Patrick Stewart, Lois Souby, Ellan Souby, Jr., and Heather Souby; to the Committee on the Judiciary.

By Mr. WINN:

H. Res. 392. Resolution to refer the bill H.R. 5832 for the relief of NEES Corporation to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the Congressional Record of March 26, 1975 (page 8980):

H.R. 4000. February 27, 1975. Interstate and Foreign Commerce. Requires that motor vehicles acquired for use by the Federal Government during and after the 1980 model year achieve a significant percentage increase in fuel consumption efficiency over 1975 models.

Amends the Automobile Information Disclosure Act to require disclosure of fuel efficiency rates on information labels of automobiles offered for sale. Amends the Clean Air Act and the National Traffic and Motor Vehicle Safety Act to extend certain effective dates for standards under such provisions.

Amends the Motor Vehicle Information and Cost Savings Act to require additional information in certain reports and to extend certain effective dates for regulations.

H.R. 4001. February 27, 1975. Education and Labor. Amends the National School Lunch Act to authorize the Secretary of Agriculture to purchase beef and beef products on the open market to be distributed to schools, States and service institutions participating in the food service programs under the Child Nutrition Act and the National School Lunch Act.

H.R. 4002. February 27, 1975. Judiciary. Extends certain provisions of the Voting Rights Act of 1965 for an additional period of time. Makes permanent the ban against certain prerequisites to voting.

H.R. 4003. February 27, 1975. Interstate and Foreign Commerce. Amends the Federal-State unemployment compensation provisions of the Social Security Act by stipulating that an individual's coverage under an employer's health insurance plan shall not terminate when such individual's employment terminates. Directs the Secretary of Labor to pay the insurance premium on behalf of the unemployed individual and his former employer.

H.R. 4004. February 27, 1975. Interstate and Foreign Commerce. Authorizes a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with carriers who will provide such insurance benefits.

H.R. 4005. February 27, 1975. Interstate and Foreign Commerce. Extends the funding of the Developmental Disabilities Services and Facilities Construction Act through fiscal year 1976. Requires all special project grants under such Act to be authorized by the Secretary of Health, Education, and Welfare. Stipulates that the Federal share of all costs incurred by the States for planning, administration, and services for disabled persons, including construction costs, shall be 75 percent of the total.

H.R. 4006. February 27, 1975, Armed Services. Authorizes the Administrator of General Services to dispose of a certain quantity of chemical grade chromite in the national stockpile and the supplemental stockpile.

H.R. 4007. February 27, 1975. Interior and Insular Affairs. Revises provisions of existing law relating to the rights and benefits available to the Lumbee Indians of North Carolina. Requires notification to the Secretary of the Interior by certain persons not wishing to be designated as a Lumbee Indian of North Carolina.

H.R. 4008. February 27, 1975. Banking, Currency and Housing. Amends the Bank Holding Act of 1956 (1) to require faster action by the Federal Reserve Board and the Comptroller of the Currency or State banking supervisory authorities on applications by bank holding companies for the acquisition of banks or bank holding companies under emergency conditions or when such bank or company is failing, than is taken on applications for acquisition of sound banks; and (2) to authorize bank holding companies to acquire out of State banks or bank holding companies in emergency situations to prevent the failure of such banks or companies.

H.R. 4009. February 27, 1975. Veterans' Affairs. Charges veterans with non-service-connected disabilities for the cost of providing them with hospital care to the extent that such veterans are entitled to reimbursement for the expenses of such care under an insurance policy or contract, a medical or hospital service agreement, or a similar agreement.

H.R. 4010. February 27, 1975. Agriculture. Foreign Affairs. Establishes an Office of Food Administration and directs the Administrator of the Administration to ascertain annually the food requirements for domestic and foreign assistance programs, the availability of food to carry out such programs, the availability of funding for such programs, and to study other world hunger and nutrition-related problems.

H.R. 4011. February 27, 1975. Judiciary. Increases the penalties for the commission of a felony with a firearm or while carrying a firearm.

H.R. 4012. February 27, 1975. Judiciary. Amends the Clayton Act by prohibiting any corporation or association from transporting by pipeline any petroleum, petroleum product, or natural gas which it owns, controls, produces, or refines.

H.R. 4013. February 27, 1975. Judiciary. Amends the Clayton Act to prohibit any corporation or association from (1) controlling more than one type of energy-producing mineral and (2) engaging in more than one aspect of the petroleum and natural gas industry. Prohibits any individual from serving as a director of more than one company engaged in energy resource production, refining, transportation or marketing.

H.R. 4014. February 27, 1975. Interstate and Foreign Commerce. Amends the Uniform Time Act by providing that daylight saving time shall be observed from the first Sunday following Memorial Day to the first Sunday following Labor Day.

H.R. 4015. February 27, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 (1) to authorize reduced fares to young and elderly people on a space-available basis; (2) to require the payment of a deposit on all flight reservations; and (3) to prohibit the overbooking of flights by air carriers.

H.R. 4016. February 27, 1975. Interior and Insular Affairs. Prescribes the distribution scheme for funds appropriated to pay certain Indian Claims Commission judgments to the Sac and Fox Tribe of Oklahoma and the Sac and Fox Tribe of the Mississippi in Iowa.

H.R. 4017. February 27, 1975. Judiciary. Authorizes the Secretary of Agriculture to compensate employees for losses sustained in the value of personal housing due to closing the headquarters of the Sitgreaves National Forest in Arizona.

H.R. 4018. February 27, 1975. Armed Services. Directs the Secretary of the Army to convey certain lands in Georgia to the Board of Regents of the University System of Georgia.

H.R. 4019. February 27, 1975. Post Office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4020. February 27, 1975. Ways and Means. Amends the Internal Revenue Code to include certain joint hospital laundry ventures among the cooperative hospital service organizations granted tax exempt status.

H.R. 4021. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4022. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4023. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to prohibit the President from increasing the price of certain crude oil by more than one dollar per barrel per year.

H.R. 4024. February 27, 1975. Public Works and Transportation. Allows the Secretary of Transportation to permit States to prepare the detailed environmental impact statement on Federal aid highway projects proposed by the State which is required by the National Environmental Policy Act.

H.R. 4025. February 27, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4026. February 27, 1975. Post Office and Civil Service. Adds inspectors employed by the Immigration and Naturalization Service, the United States Customs Service, and the Canal Zone Customs Service, and certain firefighting personnel, to the list of those engaged in hazardous occupations who are eligible for certain Civil Service retirement benefits.

H.R. 4027. February 27, 1975. Agriculture. Redefines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4028. February 27, 1975. Agriculture. Redefines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4029. February 27, 1975. Armed Services. Directs the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense.

H.R. 4030. February 27, 1975. Merchant Marine and Fisheries. Establishes a Federal Zoological and Aquarium Board to prescribe standards for the national accreditation of zoos. Requires each regulated zoo to apply to the Board for accreditation. Authorizes Federal grants and loans to nonprofit zoos and aquariums in order to meet accreditation standards.

H.R. 4031. February 27, 1975. Veterans' Affairs. Stipulates that remarriage after age 60 of a widow of a veteran shall not bar payment of dependency and indemnity compensation to such widow

H.R. 4032. February 27, 1975. Armed Services. Revises one of the eligibility requirements for an annuity under the Armed Forces Survivor Benefit Plan

H.R. 4033. February 27, 1975. Armed Services. Prohibits Survivor Benefit Plan deductions for a spouse's annuity from Armed Forces retired pay during those periods when a retiree is not married

H.R. 4034. February 27, 1975. Veterans' Affairs. Designates the Veterans' Administration hospital in Loma Linda, California, as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4035. February 27, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish procedures for Congressional review of certain administrative actions with respect to the pricing of domestic crude oil and petroleum products. Authorizes interim extensions of authority under the Emergency Petroleum Allocation Act of 1973 and the Energy Supply and Environmental Coordination Act of 1974.

H.R. 4036. February 27, 1975. Public Works and Transportation. Directs the heads of Executive branch departments, agencies, and instrumentalities who have jurisdiction for public works programs and projects to reduce or eliminate any procedural requirements, including but not limited to time, hearing, reporting and publication requirements, when such action would appreciably speed up the initiation or completion of such programs and projects.

H.R. 4037. February 27, 1975. Post Office and Civil Service. Directs the Civil Service Commission to establish, and from time to time revise, a Special Cost-of-Living Pay Schedule for civil service employees and positions in certain metropolitan areas

H.R. 4038. February 27, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act

H.R. 4039. February 27, 1975. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 4040. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries received while entertaining troops in Korea.

H.R. 4041. February 27, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4042. February 27, 1975. Judiciary. Directs the United States Court of Claims to receive, consider, and allow any claim filed by a certain individual, notwithstanding specified provisions of law.

H.R. 4043. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claim against the United States Treasury Department, Bureau of Customs.

H.R. 4044. February 27, 1975. Judiciary. Deems a certain individual eligible for a civil service deferred retirement annuity, notwithstanding certain provisions of law.

H.R. 4045. February 27, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4046. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4047. February 27, 1975. Ways and Means. Directs the Secretary of the Treasury to extend the expiration date of the temporary importation bond covering a certain schooner.

H.R. 4048. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in full settlement of such corporation's claims against the United States under a certain contract.

H.R. 4049. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries sustained while working in the prison industries at the United States Public Health Hospital, Lexington, Kentucky.

H.R. 4050. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain company in full settlement of such company's claims against the United States for damages incurred due to the failure of the United States to enforce a specified statute.

H.R. 4051. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States due to a false arrest.

H.R. 4052. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4053. February 27, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4054. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States for injuries incurred as the result of an automobile accident while a member of the Civilian Conservation Corps.

H.R. 4055. February 27, 1975. Judiciary. Directs the Secretary of Agriculture to convey a specified patent to a certain individual.

H.R. 4056. February 27, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain company in full settlement of such company's claims against the Department of the Army for transportation of a certain load of explosives.

H.R. 4057. February 27, 1975. Armed Services. Authorizes the President alone to appoint a certain individual to the grade of colonel on the retired list of the regular Air Force.

H.R. 4058. March 3, 1975. Armed Services. Makes service overseas during World War I performed by any female United States citizen who was a member of the telephone operating units, signal corps, creditable military service for all purposes except the right to promotion.

H.R. 4059. March 3, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish a gasoline entitlement stamp program for drivers of passenger motor vehicles. Directs the President to assign State licensed drivers a minimum gasoline entitlement, and to specify a fixed user fee for purchase of additional entitlement stamps.

Authorizes exemptions for certain petroleum products from allocation or pricing regulations if the President finds such regulation is no longer necessary.

Extends the Emergency Petroleum Allocation Act of 1973 for an additional four years.

H.R. 4060. March 3, 1975. Agriculture. Amends the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 to set forth the national acreage allotment and price supports for rice for 1976 and subsequent years.

H.R. 4061. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to eliminate the percentage depletion allowance and the option to deduct intangible drilling and development costs for any oil or gas well located outside the United States.

Eliminates as a credit against the income tax any income, war profits, or excess profits tax paid during the taxable year to any foreign country with respect to foreign oil related income.

H.R. 4062. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction the home improvement expenses paid or incurred by an individual during the taxable year, and the residential addition amortization allowed for the taxable year on his principal residence.

H.R. 4063. March 3, 1975. Post Office and Civil Service. Abolishes the United States Postal Service. Repeals the Postal Reorganization Act. Re-establishes the Post Office Department as an executive department of the Federal government.

H.R. 4064. March 3, 1975. Agriculture. Amends the Agriculture and Consumer Protection Act of 1973 to prohibit the Secretary of Agriculture from requiring the prior approval of the export sales of feed grains, wheat, soybeans, or other agricultural commodities.

H.R. 4065. March 3, 1975. Post Office and Civil Service. Authorizes reduced second-class postal rates for certain State conservation publications.

H.R. 4066. March 3, 1975. Veterans' Affairs. Extends the maximum period of eligibility for veterans' educational benefits from 36 to 45 months. Entitles veterans to 2½ months of educational benefits for each month of service on active duty.

H.R. 4067. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the expenses for household and dependent care services for the gainful employment of an individual employed on a part-time basis.

H.R. 4068. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer.

H.R. 4069. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I veterans, their widows, and their children.

H.R. 4070. March 3, 1975. Agriculture. Amends the Packers and Stockyards Act to authorize the Secretary of Agriculture to seek an injunction restraining any market agency, packer, or dealer from the purchasing livestock, meat, or poultry products if such person is unable to pay, is insolvent, or is unable to furnish the required bond. Grants priority in an insolvency proceeding to any debts owing for the purchase of livestock or poultry.

H.R. 4071. March 3, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to establish procedures for Congressional review of certain administrative actions with respect to the pricing of domestic crude oil and petroleum products. Authorizes interim extensions of authority under the Emergency Petroleum Allocation Act of 1973 and the Energy Supply and Environmental Coordination Act of 1974.

H.R. 4072. March 3, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to submit, in fulfillment of the requirements of the National Environmental Policy Act, any environmental impact statements prepared in accordance with that Act by the States of Connecticut, New York and Vermont concerning any Federal-aid highway project in such States. Limits the conditions under which the Secretary of Transportation shall require detailed statements under the National Environmental Policy Act concerning the environmental impact of Federal-aid highway projects.

H.R. 4073. March 3, 1975. Public Works and Transportation. Amends the Appalachian Regional Development Act of 1965 (1) to extend the provisions of the Act through fiscal year 1977; and (2) to increase the appropriations for the Appalachian development highway system for fiscal years 1977 and 1978 and to authorize funds for such system through fiscal year 1980.

H.R. 4074. March 3, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 4075. March 3, 1975. Appropriations. Rescinds certain budget authorizations for the Department of Agriculture, Department of Defense, the Consumer Product Safety Commission, and the United States Travel Service as recommended by the President in a message transmiitted pursuant to the Impoundment Control Act of 1974.

H.R. 4076. March 3, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by exempting from such Act any non-manufacturing business, and any business having twenty-five or fewer employees, if the State in which such businesses reside has occupational safety and health standards regulating such businesses.

Requires the Secretary of Labor to notify employers of alleged violations of the Act, and to permit such employers a reasonable period of time to correct such alleged violations, before any penalties shall be assessed.

H.R. 4077. March 3, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to revise the procedures for consideration of applications for renewal of broadcast licenses. Extends the maximum term of license for the operation of broadcasting stations from three to five years.

H.R. 4078. March 3, 1975. Veterans' Affairs. Allows the Administrator of Veterans' Affairs to assist veterans, with a permanent and total service-connected disability due to the loss, or loss of use, of one upper and one lower extremity, in acquiring a suitable housing unit with special fixtures or movable facilities.

H.R. 4079. March 3, 1975. Veterans' Affairs. Creates a presumption of service-connected disability for a case of hypertension, developing a 10 percent or more degree of disability, which occurs within two years after separation from active service during a period of war.

H.R. 4080. March 3, 1975. Veterans' Affairs. Declares that any veteran who within three years of separation from the armed service develops a 10 percent degree of disability or more as a result of amyotrophic lateral sclerosis shall be presumed to have incurred or aggravated such disability as a result of such service.

H.R. 4081. March 3, 1975. Veterans' Affairs. Entitles veterans who are eligible for peacetime disability compensation to receive wartime disability compensation if their disability was incurred in the line of duty as a direct result of armed conflict while engaged in extrahazardous service.

H.R. 4082. March 3, 1975. Veterans' Affairs. Deems veterans who were prisoners of war for six months or longer during World War II or the Korean War to have a service-connected disability rating of 50 percent.

H.R. 4083. March 3, 1975. Veterans' Affairs. Includes World War I veterans in the provisions granting veterans eligibility for assistance for automobiles and adaptive equipment for disabled veterans.

H.R.. 4084. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay a clothing allowance of $300 per year to each veteran who, because of a disability compensable by the Veterans' Administration, wears a prosthetic appliance or appliances which the Administrator determines tends to wear out or tear the clothing of such veteran.

H.R. 4085. March 3, 1975. Veterans' Affairs. Creates a presumption of service connection for any psychoses, causing a 10 percent or more degree of disability, which develop within two years from the date of separation from active service.

H.R. 4086. March 3, 1975. Veterans' Affairs. Authorizes veterans with a 10 percent or more rating of disability to receive additional compensation for their dependents.

H.R. 4087. March 3, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay dependency and indemnity compensation to the widow, children, and parents of any veteran who died after December 31, 1956, from a service-connected or compensable disability, or who was in receipt of or entitled to receive compensation at time of death for a service-connected disability permanently and totally disabling for twenty or more years.

H.R. 4088. March 3, 1975. Veterans' Affairs. Extends the non-reduction protection that arises when veterans benefits have been received for twenty years or more to a child of a veteran who became permanently incapable of self-support before attaining the age of eighteen years.

H.R. 4089. March 3, 1975. Veterans' Affairs. Establishes a new benefit level for qualified veterans requiring regularly scheduled hemodialysis.

H.R. 4090. March 3, 1975. Veterans' Affairs. Creates a presumption of service-connection for chronic diseases becoming manifest to a degree of 10 percent or more, if incurred by a former prisoner of war within 10 years after separation from active service.

H.R. 4091. March 3, 1975. Banking, Currency and Housing. Establishes a presidentially-appointed National Landlord and Tenant Commission.

Directs the Commission to conduct a study of landlord-tenant problems, to review the implementation of the provisions of this Act, to grant funds to the States for the establishment and maintenance of housing courts in accordance with standards established by the Commission, to develop model lease and rental agreements, and to appoint a body to develop and implement a national rent control plan.

Sets forth the rights, obligations, and remedies of tenants and landlords.

H.R. 4092. March 3, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to make grants to States for (1) establishing vision testing programs for public school children in the first six grades; (2) providing necessary followup services; and (3) training personnel to administer such tests.

Directs the Secretary to establish a panel to advise him on the standards which vision tests should meet.

H.R. 4093. March 3, 1975. House Administration. Establishes a Voter Registration Administration within the Bureau of the Census to formulate and administer a voter registration program for all Federal elections.

Requires each State to make provisions for the registration and voting in Federal elections of its eligible citizens who have writing, vision, or limb handicaps or who speak a language other than English as their major tongue.

H.R. 4094. March 3, 1975. Interstate and Foreign Commerce. Authorizes and directs the Secretary of Health, Education, and Welfare to make grants to States and local communities to pay the full cost of eye examinations to detect glaucoma, for residents who are at least 65 years of age.

H.R. 4095. March 3, 1975. Interstate and Foreign Commerce. Amends the Public Health Service Act by directing the Secretary of Health, Education, and Welfare to establish a National Sickle Cell Anemia Institute for the diagnosis, treatment, and prevention of sickle cell anemia.

H.R. 4096. March 3, 1975. Judiciary. Requires proceedings in certain United States courts to be conducted bilingually under certain circumstances. Directs the Director of the Administrative Office of the United States Courts to determine and supply the personnel and facilities necessary to conduct bilingual proceedings as required by this Act.

H.R. 4097. March 3, 1975. Judiciary. Creates the National Prison Standards Administration to promulgate rules to assure that the minimum prisoner treatment standards for prisons established by this Act are maintained. Requires the Administration to hear complaints arising from alleged infractions of such standards.

H.R. 4098. March 3, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation, under the Urban Mass Transportation Act of 1964, to give preference to applicants for grants and loans whose projects are designed to increase or improve public transportation for handicapped or elderly persons, and to prescribe standards for the accommodation of elderly persons in mass transportation buildings constructed with public financial assistance.

Directs common carriers in interstate commerce to provide reduced fare service to elderly persons during nonpeak periods and authorizes them to apply for compensation of losses due to such reduced fares.

Authorizes the Secretary of Health, Education, and Welfare, under the Older Americans Act of 1965, to make grants supporting studies of improved public transportation facilities for the elderly.

H.R. 4099. March 3, 1975. Ways and Means. Amends the Social Security Act by directing the Secretary of Health, Education, and Welfare to issue duplicate checks to supplemental security income recipients whose checks are lost, stolen or undelivered.

H.R. 4100. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to permit the deduction of medical expenses of persons sixty-five years of age and over without reducing the expenses by the percentage exclusion.

H.R. 4101. March 3, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer who has attained the age of sixty-five to take a credit against his income tax for real property taxes paid by him, or for the amount of his rent constituting such taxes.

H.R. 4102. March 3, 1975. Education and Labor. Amends the National School Lunch Act and the Child Nutrition Act of 1966 to extend and increase appropriations for certain programs under the Acts.

H.R. 4103. March 3, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the School Breakfast Program and the Special Supplemental Food Program; (3) authorize the Secretary of Agriculture to make grants for Food Service Programs in institutions providing day care; (4) revise guidelines for the administration of various programs under the Acts; (5) redefine terms used in the Acts; and (6) authorize funding for nonfood assistance for the Summer Food Program and the Special Food Service Program.

H.R. 4104. March 3, 1975. Armed Services. Revises the eligibility requirement for Armed Forces reservists retired pay.

H.R. 4105. March 3, 1975. Armed Services.

Revises the method of computing Armed Forces retired or retainer pay to reflect later active duty.

H.R. 4106. March 3, 1975. Veterans Affairs. Extends the maximum period of eligibility for veterans educational benefits from 36 to 45 months.

H.R. 4107. March 3, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4108. March 3, 1975. Science and Technology. Authorizes appropriations to the National Science Foundation for fiscal year 1976 to cover various programs. Directs the National Science Foundation to conduct a college science improvement program.

H.R. 4109. March 3, 1975. Interior and Insular Affairs. Amends the Grand Canyon National Park Enlargement Act to authorize the Secretary of the Interior to study the feasibility of designation of any area within the national park for preservation as wilderness.

H.R. 4110. March 3, 1975. House Administration. Sets forth regulations for State Presidential primary elections.

H.R. 4111. March 3, 1975. Interstate and Foreign Commerce. Amends the Securities Exchange Act to revise the regulations governing the Securities and Exchange Commission and its operation.

Sets forth regulations with respect to the securities industry's regulatory bodies and the national securities market system.

H.R. 4112. March 3, 1975. Judiciary. Merchant Marine and Fisheries. Interior and Insular Affairs. Science and Technology. Revises the Outer Continental Shelf Lands Act to establish a policy for the development and management of oil and natural gas on the Outer Continental Shelf designed to protect the marine and coastal environment.

Directs the Secretary of the Interior to establish a comprehensive exploratory program to develop potential oil and gas leases. Directs the National Oceanic and Atmospheric Administration to assume lead responsibility in preparation of environmental impact statement.

Revises bidding and lease administration procedures.

Authorizes the Secretary of Transportation to report on pipeline safety and operation on Federal lands and the Outer Continental Shelf.

H.R. 4113. March 3, 1975. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 4114. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare, under the Public Health Service Act, to adjust the monthly pay of each physician and dentist assigned to and directly engaged in the delivery of health services to a medically underserved area to put such monthly income on a competitive level with professionals having equivalent training. Establishes procedures for determining that an area is a medically underserved population, and for determining what personnel the Secretary may assign to such areas. Establishes the National Advisory Council on the National Health Service Corps and extends appropriations for the Corps through 1976.

H.R. 4115. March 4, 1975. Interstate and Foreign Commerce. Revises and extends programs for nurse training assistance under the Public Health Service Act. Grants authority to the Secretary of Health, Education, and Welfare to make grants for advanced nurse training and nurse practitioner programs.

H.R. 4116. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited credit against the income tax the amount of real property taxes or the amount of rent constituting real property taxes paid by an individual during the taxable year on his principal residence.

H.R. 4117. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a limited deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence.

H.R. 4118. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax the amount of the employment placement fees paid or incurred by the taxpayer during the taxable year to an employment agency.

H.R. 4119. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt private foundations operating as long-term care facilities from the excise tax on investment income and the tax on undistributed income.

H.R. 4120. March 4, 1975. Ways and Means. Amends the Social Security Act by revising the eligibility requirements for Child's Insurance benefits in the case of certain adopted children.

H.R. 4121. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to promulgate standards and formulate an inspection program for skilled nursing homes and intermediate and long-term care facilities participating in the Medicaid program. Sets forth guarantees and rights of patients in such facilities.

H.R. 4122. March 4, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to conduct an annual investigation of the cost of travel to beneficiaries traveling to and from a Veterans' Administration facility.

H.R. 4123. March 4, 1975. Agriculture. Transfers all functions of the Secretary of Agriculture under the Food Stamp Act of 1964 to the Secretary of Health, Education, and Welfare.

H.R. 4124. March 4, 1975. Banking, Currency and Housing. Amends the Flood Disaster Protection Act of 1973 by making the prohibition against Federal financial assistance for acquisition or construction purposes in an area having special flood hazards, where the property involved is not covered by flood insurance or the community is not participating in the national flood insurance program, inapplicable if a flood control study or construction program is being carried on in such community.

H.R. 4125. March 4, 1975. Veterans' Affairs. Designates the Veterans' Administration hospital in Loma Linda, California, as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4126. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire certain lands in Mississippi for access to the Natchez Trace Parkway.

H.R. 4127. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow an investment tax credit with respect to property used in centralized livestock operations.

H.R. 4128. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the accumulated earnings credit on corporate income.

H.R. 4129. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards review organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 4130. March 4, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4131. March 4, 1975. Education and Labor. Establishes in the Office of the Secretary of Health, Education, and Welfare an Office of Youth Camp Safety. Requires that Federal youth camp safety standards be developed and enforced.

H.R. 4132. March 4, 1975. Education and Labor. Authorizes the Commissioner of Education to make grants for the construction of public elementary and secondary schools to local educational agencies which serve substantial numbers of children from low-income families.

H.R. 4133. March 4, 1975. Foreign Affairs. Suspends all sales of defense articles and services to Iran, Saudi Arabia, Iraq, Kuwait, Quatar, Bahrain, the United Arab Emirates and the Sultanate of Omar for six months unless Congress approves, by joint resolution, a Presidential statement of policy regarding sales made to such countries under the Foreign Military Sales Act.

H.R. 4134. March 4, 1975. Judiciary. Abolishes the death penalty under all laws of the United States. Requires that each law which authorizes or imposes the death penalty shall hereafter authorize or impose life imprisonment.

H.R. 4135. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes, and to utilize such increase for expanded research of smoking related diseases in the National Heart and Lung Institute.

H.R. 4136. March 4, 1975. Judiciary. Approves and confirms the certificate of incorporation and certificate of amendment thereto of the Southeastern University of the District of Columbia.

H.R. 4137. March 4, 1975. Armed Services. Prohibits any military departments from using dogs in connection with research and development of any chemical or biological warfare agent.

H.R. 4138. March 4, 1975. Education and Labor. Requires educational institutions engaged in interscholastic athletic competition to employ certified athletic trainers.

Requires the Commissioner of Education to make grants to institutions of higher learning to assist them in educating athletic trainers.

H.R. 4139. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to appoint a National Commission to develop a national plan for the control of epilepsy and its consequences.

H.R. 4140. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act to make grants and enter into contracts for projects to provide Huntington's disease screening, and research in the diagnosis, treatment, and prevention of Huntington's disease. Directs the Secretary to disseminate information on Huntington's disease and to provide voluntary screening, counseling, and treatment therefor within the Public Health Service.

H.R. 4141. March 4, 1975. Interstate and Foreign Commerce. Enlarges the authority of the National Institute of Neurological Diseases and Stroke, under the Public Health Service Act, to expand and develop a plan of investigation into all forms and aspects of neurological disorders.

H.R. 4142. March 4, 1975. Post Office and Civil Service. Redesignates Veterans' Day as November 11.

H.R. 4143. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to define the place of residence of a State legislator and to allow a limited deduction from gross income of the living expenses of such legislator.

H.R. 4144. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income any gain resulting from a lottery conducted by an agency of a State acting under authority of State law.

H.R. 4145. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to revise and consolidate the provisions of the

Code with respect to small business. Establishes a Committee on Tax Simplification for Small Business to suggest changes in the Code with respect to small business. Requires the Secretary of the Treasury, with the assistance of the Office of Small Business Tax Analysis, to be created within the Office of the Secretary, to submit to the House Committee on Ways and Means and the Senate Committee on Finance recommendations for structural changes in the Code relating primarily to small business.

H.R. 4146. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to tax married and unmarried individuals at the same rate as married individuals filing jointly.

H.R. 4147. March 4, 1975. Ways and Means. Amends the Social Security Act by entitling certain Child's Insurance beneficiaries to receive benefits until they reach the age of 24.

H.R. 4148. March 4, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4149. March 4, 1975. Interstate and Foreign Commerce. Amends the Fair Packaging and Labeling Act to require that any packaged consumer commodities sold by a retail distributor be plainly marked as to its total selling price, by a stamp, tag, or label, on the principal display panel.

H.R. 4150. March 4, 1975. Interstate and Foreign Commerce. Amends the Fair Packaging and Labeling Act to require that any packaged consumer commodities sold by a retail distributor be plainly marked as to its total selling price, by a stamp, tag, or label, on the principal display panel.

H.R. 4151. March 4, 1975. Judiciary. Revises procedures for proceedings before the Court of Claims in congressional reference cases.

H.R. 4152. March 4, 1975. Judiciary. Retitles commissioners of the United States Court of Claims as "trial judges."

H.R. 4153. March 4, 1975. Post Office and Civil Service. Prohibits the making of appropriations to the Postal Service for any fiscal year commencing on or after July 1, 1975, unless authorized by legislation enacted by Congress.

Requires the Postal Service to keep the House and Senate Committees on Post Office and Civil Service currently informed on Postal Service activities.

H.R. 4154. March 4, 1975. Foreign Affairs. Amends the United Nations Participation Act to permit the President to apply the sanctions contained therein notwithstanding certain provisions of the Strategic and Critical Materials Piling Act.

H.R. 4155. March 4, 1975. Interstate and Foreign Commerce. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with insurance carriers who will provide such insurance benefits.

H.R. 4156. March 4, 1975. Interstate and Foreign Commerce. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to establish a health insurance benefits program for unemployed individuals, if they would have had such benefits from their prior employer, for their dependent spouse, and for their dependent children. Directs the Secretary of Health, Education, and Welfare to enter into contracts with carriers who will provide such insurance benefits.

H.R. 4157. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to any State for the study of drawbridges within the State and for the implementation of such recommendations as may be made as a result of any study made pursuant to this Act.

H.R. 4158. March 4, 1975. Education and Labor. Amends sections of the Occupational Safety and Health Act of 1970 relating to civil penalties for employers in violation of the Act.

H.R. 4159. March 4, 1975. Merchant Marine and Fisheries. Amends the National Environmental Policy Act of 1969 to permit a Federal official to delegate the preparation of an environmental impact statement to an appropriate State agency, official, or qualified consultant.

H.R. 4160. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to permit States to prepare the detailed environmental impact statement on Federal aid highway projects proposed by the State which is required by the National Environmental Policy Act.

H.R. 4161. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act by stipulating the method for allotment of funds to States by the Administrator of the Environmental Protection Agency for construction of treatment facilities.

H.R. 4162. March 4, 1975. Judiciary. Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulation of Lobbying Act.

H.R. 4163. March 4, 1975. Public Works and Transportation. Authorizes the removal of Federal restrictions on the imposition and collection of tolls by the State of Indiana on the east-west toll road (Interstate Route 80/90) in northern Indiana upon the repayment by that State to the Treasurer of the United States of certain Federal-aid highway funds.

H.R. 4164. March 4, 1975. Agriculture. Provides that under the Agricultural Act of 1949 the price of milk shall be supported at not less than 85 percent of the parity therefor. Directs the president to limit the quality of meats and refrain from increasing the level of import quotas on butter, butter oil, cheddar cheese, and nonfat dry milk.

H.R. 4165. March 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4166. March 4, 1975. Ways and Means. Amends the Social Security Act by increasing the amount of outside income which an individual may earn without a reduction in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4167. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction certain expenses paid by the taxpayer during the taxable year for the education of a dependent at any primary, secondary, or higher educational institution.

H.R. 4168. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4169. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency, to approve certain user charge systems on ad valorem taxation.

H.R. 4170. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to extend the effective date for certain toxic and pretreatment effluent standards.

H.R. 4171. March 4, 1975. Public Works and Transportation. Amends the Federal Water Pollution Control Act to delete the requirement for annual State water quality inventory reports and to require biennial State water quality inventory reports.

H.R. 4172. March 4, 1975. Public Works and Transportation. Designates the Federal building in Chicago, Illinois, as the John C. Kluczynski Federal Building.

H.R. 4173. March 4, 1975. Public Works and Transportation. Designates the Federal building in Chicago, Illinois, as the John C. Kluczynski Federal Building.

H.R. 4174. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Exempts, temporarily, certain rural hospitals from the professional standards review, utilization review, and utilization control requirements imposed by the Social Security Act on hospitals participating in the Medicare, Medicaid, and Maternal and Child Health Services programs.

Directs the Secretary of Health, Education, and Welfare to study alternative methods of utilization review and utilization control for rural hospitals.

H.R. 4175. March 4, 1975. Rules. Amends the Congressional Budget Act of 1974 (1) to provide that Federal revenues and outlays shall not exceed Federal revenue and budget outlay limits with specified exceptions, and (2) to require that when they are introduced all bills or joint resolutions contain a "fiscal note" disclosing the fiscal impact of the bill on Government finances.

H.R. 4176. March 4, 1975. Ways and Means. Directs the Bureau of Labor Statistics to prepare a monthly Consumer Price Index for the Aged. Amends the Social Security Act by requiring that the Consumer Price Index for the Aged be utilized in lieu of the Consumer Price Index in computing cost-of-living benefit increases when such use will yield a greater increase.

H.R. 4177. March 4, 1975. Armed Services. Makes any period of time spent in a missing status creditable service for the purpose of computing Armed Forces retired pay.

H.R. 4178. March 4, 1975. Banking, Currency and Housing. Amends the United States Housing Act of 1937 and the National Housing Act to require that future increases in social security benefits be excluded in determining the eligibility of an individual or family for admission to, or occupying of, low-income housing and the amount of rent payable for accomodations in such housing. Requires a similar exclusion under other federally assisted housing programs.

H.R. 4179. March 4, 1975. Education and Labor. Amends the National Labor Relations Act by including agricultural laborers as employees covered by the Act.

H.R. 4180. March 4, 1975. Foreign Affairs. Prohibits foreign assistance to India until India becomes a signitory to the Treaty on the Non-Proliferation of Nuclear Weapons.

H.R. 4181. March 4, 1975. Foreign Affairs. Limits the assessed and voluntary contributions of the United States to the United Nations and its affiliated agencies to an amount not to exceed an amount which bears the same ratio to the total budget of the United Nations as the total population of the United States bears to the total population of all the member states of the United Nations.

H.R. 4182. March 4, 1975. Government Operations. Requires the Administrator of General Services, where a specified amount of land is Federal real property within a State or local governmental unit, to pay to such unit amounts equivalent to the property taxes which would have been collected had the property been privately owned.

H.R. 4183. March 4, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to prohibit railroads from refusing to transport any refrigerator car which is not owned by a railroad and to expressly authorize the Interstate Commerce Commission to issue emergency car service orders with respect to all refrigerator cars whether they are owned by railroads or not.

H.R. 4184. March 4, 1975. Interstate and Foreign Commerce. Prohibits any State from imposing taxes or other regulations on wines produced outside that State which are not imposed on wines produced in that State.

H.R. 4185. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to appoint a National Commission to develop a national plan for the control of epilepsy and its consequences.

H.R. 4186. March 4, 1975. Judiciary. Amends the Immigration and Nationality Act to eliminate the option of voluntary departure in lieu of deportation for certain aliens illegally in the United States. Alters the penalties for bringing in and harboring certain aliens and for entering the United States illegally. Requires the Attorney General to increase the border patrol force and investigate the feasibility of utilizing current technology in patrolling the land borders of the United States and establishing a system of issuing machine-readable cards to aliens entering the United States.

H.R. 4187. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4188. March 4, 1975. Ways and Means. Interstate and Foreign Commerce. Amends the Social Security Act by abolishing the Professional Standards Review Organizations which were established to review services covered under the Medicare and Medicaid programs.

H.R. 4189. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes.

Amends the Public Health Service Act to establish in the Treasury of the United States a trust fund to be known as the National Cancer Research Fund into which amounts equal to the additional excise tax on cigarettes shall be deposited.

H.R. 4190. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the excise tax on cigarettes.

Amends the Public Health Services Act to establish in the Treasury of the United States a trust fund to be known as the National Cancer Research Fund into which amounts equal to the additional excise tax on cigarettes shall be deposited.

H.R. 4191. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to increase the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will be excluded from gross income.

H.R. 4192. March 4, 1975. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

H.R. 4193. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4194. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4195. March 4, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4196. March 4, 1975. Atomic Energy. Directs the Atomic Energy Commission to establish a National Nuclear Museum in New Mexico.

H.R. 4197. March 4, 1975. Interior and Insular Affairs. Designates certain lands in Bandelier National Monument in New Mexico as wilderness, to be administered by the Secretary of the Interior.

H.R. 4198. March 4, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirements of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 4199. March 4, 1975. Interstate and Foreign Commerce. Directs the Interstate Commerce Commission and the Federal Maritime Commission to establish nondiscriminatory rates for the transportation of recycled materials in commerce. Requires that all channels of Federal procurement be utilized to expand use of recycled materials in order to reduce the depletion of natural resources.

Amends the Wool Products Labeling Act and Fair Packaging and Labeling Act of 1966 with respect to the labeling of items containing recycled materials.

H.R. 4200. March 4, 1975. Interstate and Foreign Commerce. Prohibits the United States Consumer Product Safety Commission from making any ruling that restricts the manufacture or sale of firearms or firearm ammunition.

H.R. 4201. March 4, 1975. Interstate and Foreign Commerce. Requires States to provide medical assistance benefits to individuals who are eligible for State supplementary payments under the public assistance and supplementary security income programs of the Social Security Act, or who would be eligible for such payments but for the 1973 and 1974 general and cost-of-living increases in Old-Age, Survivors, and Disability Insurance benefits.

H.R. 4202. March 4, 1975. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to exempt from the antitrust laws certain market allocation agreements made as part of a licensing contract for the manufacture, distribution or sale of trademarked foods.

H.R. 4203. March 4, 1975. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to extend the maximum term of license and license renewal for the operation of broadcasting stations from three to five years.

H.R. 4204. March 4, 1975. Judiciary. Requires Federal district courts to order the United States to pay court costs to defendants in Federal criminal cases, if such defendant is found not guilty, or the action is dismissed with prejudice.

H.R. 4205. March 4, 1975. Public Works and Transportation. Directs the Administrator of the General Services Administration to establish parking facilities for tourists to the Capitol of the United States and bus service from such facilities to Capitol Hill.

H.R. 4206. March 4, 1975. Public Works and Transportation. Designates the Federal building in Albuquerque, New Mexico as the Senator Dennis Chavez Federal Building.

H.R. 4207. March 4, 1975. Veterans' Affairs. Deems any veteran who was a prisoner of war for not less than 26 weeks to have a service-connected disability rated as permanent and total.

H.R. 4208. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from record keeping requirements the licensed ammunition importers, manufacturers, or dealers of .22 caliber ammunition.

H.R. 4209. March 4, 1975. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 4210. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer to elect an alternate allowance for depreciation with respect to certain byproduct and waste energy conversion facilities.

H.R. 4211. March 4, 1975. Interstate and Foreign Commerce. Ways and Means. Authorizes the Secretary of the Interior to make grants to States which have established motor vehicle disposal plans designed for the efficient removal of junked motor vehicles to scrap processing facilities. Requires States to control visibility of automobile graveyards as a grant condition.

Includes provisions for federally guaranteed loans and tax incentives for the acquisition of automobile scrap processing equipment.

H.R. 4212. March 4, 1975. Interior and Insular Affairs. Directs the Secretary of the Interior to acquire certain lands in the State of New Mexico upon which the Zuni Salt Lake is located, and to hold the title to such lands in trust in the name of the United States for the benefit of the Zuni Indian Tribe of New Mexico. Allows any claim of the tribe to be adjudicated in the United States Court of Claims without first exhausting any available administrative remedies.

H.R. 4213. March 4, 1975. Interior and Insular Affairs. Creates an Abandoned Coal Mine Reclamation Fund to be administered by the Secretary of the Interior. Includes provisions for the acquisition and reclamation of abandoned mined lands. Authorizes the Secretary of Agriculture to enter into agreements with owners of lands affected by mining operations to provide for conservation of soil and water resources of such lands.

H.R. 4214. March 4, 1975. Banking, Currency and Housing. Establishes a Presidentially-appointed Price Restraint Board to issue standards and guidelines for noninflationary price adjustments.

Authorizes the Board (1) to require prenotification of price increases; (2) to delay proposed price increases; (3) to disapprove proposed price increases; and (4) to roll back excessive prices with respect to companies in industries designated as concentrated industries in accordance with guidelines established by this Act.

H.R. 4215. March 4, 1975. Armed Services. Authorizes payment of an annuity to the dependents of members of the Armed Forces who qualified for retired pay but died prior to being granted such pay.

H.R. 4216. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama, Florida, and Georgia, as a national scenic trail.

H.R. 4217. March 4, 1975. Public Works and Transportation. Amends the Urban Mass Transportation Act of 1964 to (1) assist projects in nonurbanized areas; (2) extend the availability of study fellowship grants in the urban mass transportation field to private transportation operators; (3) require all new federally assisted mass transportation facilities to be designed to accommodate elderly and handicapped passengers; (4) require that studies in support of local transportation planning include accommodation of the elderly and handicapped; and (5) establish a National Advisory Council on Accessibility of Mass Transportation to advise the Secretary of Transportation on matters relating to the elderly and handicapped.

H.R. 4218. March 4, 1975. Interstate and Foreign Commerce. Prohibits, as unfair methods of competition under the Federal Trade Commission Act, certain gasoline sales promotion games.

H.R. 4219. March 4, 1975. Public Works and Transportation. Terminates the authorization for the Salt Creek Dam and Reservoir project in Ohio.

H.R. 4220. March 4, 1975. Veterans' Affairs. Designates a Veterans' Hospital in California as the Jerry L. Pettis Memorial Veterans' Hospital.

H.R. 4221. March 4, 1975. Education and Labor. Amends the Higher Education Act of 1965 to allow the Commissioner of Education to reallocate work-study funds not expended by the institutions to which they were originally allocated.

H.R. 4222. March 4, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the school breakfast program; (3) revise guidelines for the administration of various programs under the Acts; and (4) redefine terms used in the Acts.

H.R. 4223. March 4, 1975. Education and Labor. Amends the National School Lunch and Child Nutrition Acts to (1) extend appropriations for various programs; (2) extend the school breakfast program; (3) revise guidelines for the administration of various program under the Acts; and (4) redefine terms used in the Acts.

H.R. 4224. March 4, 1975. Atomic Energy. Authorizes appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

H.R. 4225. March 4, 1975. Appropriations. Extends the authorizations for appropriations under the Lead-Based Paint Poisoning Prevention Act.

H.R. 4226. March 4, 1975. Banking, Currency and Housing. Amends the United States Housing Act of 1937 to prohibit the eviction of a tenant from a low-rent housing project without a public hearing.

H.R. 4227. March 4, 1975. Banking, Currency and Housing. Amends the Housing Act of 1949 to increase relocation payments for tenants and business concerns displaced from urban renewal areas.

H.R. 4228. March 4, 1975. Foreign Affairs. Increases United States efforts toward controlling the international traffic in opium by (1) proposing the establishment of an opium control staff within the International Criminal Police Organization; (2) establishing a similar domestic staff composed of Under Secretaries of United States executive departments; and (3) amending the Foreign Assistance Act of 1961 by authorizing the President to (a) assist the efforts of friendly foreign countries in eliminating illegal opium traffic; (b) discontinue foreign aid to noncooperating countries; and (c) by establishing an Executive Committee on International Opium Control to advise the President on international efforts at controlling opium traffic.

H.R. 4229. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants to States and local governments to assist them in meeting the costs of providing health care to individuals whose health problems stem from reduced heating required to conserve energy.

H.R. 4230. March 4, 1975. Ways and Means. Amends the Social Security Act to permit officers and employees of the Federal Government to elect coverage under Old-Age, Survivors and Disability Insurance. Sets forth the procedures by which Federal employees may elect such coverage.

H.R. 4231. March 4, 1975. Judiciary. Sets a time limit for the commencement of the trial of any defendant charged with an offense against the United States. Requires that States, in order to be eligible for funding under the Omnibus Crime Control and Safe Streets Act, must also adhere to the stated time limits for the commencement of trial.

Authorizes the utilization of pretrial services officers to supervise persons released on bail and on probation.

H.R. 4232. March 4, 1975. Post Office and Civil Service. Declares that employees of the Federal Government shall have the right to form, join, and assist a labor organization, or refrain from such activity, without fear of penalty or reprisal.

H.R. 4233. March 4, 1975. Interstate and Foreign Commerce. Requires owners of rail lines which are about to be abandoned pursuant to the authorization of any unit of Federal, State or local government, to give the State in which the rail line is located the opportunity to purchase such line before offering the line for sale to any other person.

Authorizes grants from Federal financial assistance programs for transportation or utility purposes to aid the State in acquiring abandoned rail lines.

H.R. 4234. March 4, 1975. Public Works and Transportation. Directs the Secretary of Transportation to require that all projects receiving Federal financial assistance for mass transportation purposes be adapted to accommodate elderly and handicapped persons.

H.R. 4235. March 4, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare, under the Public Health Services Act, to make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services, to make grants and enter into contracts for research related to family planning and populations, and to make grants for migrant health centers, community health centers, and home health services. Directs the Secretary to appoint various Committees to study certain health related problems and diseases.

H.R. 4236. March 4, 1975. Interstate and Foreign Commerce. Revises the Public Health Services Act to increase the level of appropriations that the Secretary of Health, Education, and Welfare may make for programs to assist in the construction of teaching facilities for the training of health personnel, to contribute to the student loan funds of such schools, to establish traineeships in schools of public health, and to provide assistance to individuals from disadvantaged backgrounds. Increases appropriations for the National Health Service Corps Scholarship Training programs. Establishes the Medical Residency Training Program.

H.R. 4237. March 4, 1975. Interstate and Foreign Commerce. Revises the National Health Service Corps program to provide the Secretary of Health, Education, and Welfare with criteria to be used in processing applications for assistance from medically underserved areas. Extends the appropriations for such program. Increases and extends the level of appropriations under the National Health Service Corps Scholarship Training Program and provides a formula for repayment of loans for those individuals who fail to fulfill their service obligations under such program.

H.R. 4238. March 4, 1975. Interstate and Foreign Commerce. Revises and extends programs of assistance for nurse training under the Public Health Service Act. Authorizes the Secretary of Health, Education, and Welfare to make grants for advanced nurse training and nurse practitioner programs.

H.R. 4239. March 4, 1975. Interstate and Foreign Commerce. Extends the funding of the Developmental Disabilities Services and Facilities Construction Act through fiscal year 1976. Requires all special project grants under such Act to be authorized by the Secretary of Health, Education, and Welfare. Stipulates that the Federal share of all costs incurred by the States for planning, administration, and services for disabled persons, including construction costs, shall be 75 percent of the total.

H.R. 4240. March 4, 1975. Post Office and Civil Service. Directs the Civil Service Commission to establish, and from time to time revise, a special Cost-of-Living Pay Schedule for civil service employees and positions in certain metropolitan areas.

H.R. 4241. March 4, 1975. Public Works and Transportation. Designates a Federal office building in Chicago, Illinois as the John C. Kluczynski Federal Building.

H.R. 4242. March 4, 1975. Armed Services. Requires that each member of the Armed Forces be screened for narcotics addiction near the time of his scheduled release from active duty. Requires that each member who is found to be addicted be treated prior to his release from active duty or agree to undergo private treatment subsequent to his release.

H.R. 4243. March 4, 1975. Education and Labor. Amends the Federal Coal Mine Health and Safety Act of 1969 by requiring the Secretary of Labor to establish a program to extend information and assistance to miners eligible for black lung benefits.

H.R. 4244. March 4, 1975. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to prohibit, by regulation, any compensation by a federally assisted hospital or health service delivery facility to a physician or other person for the referral of patients for treatment at such facility.

H.R. 4245. March 4, 1975. Judiciary. Amends the Immigration and Nationality Act to prohibit the voluntary departure of an alien who is a native of a country contiguous to the United States unless a finding of deportability is made in a proceeding before a special inquiry officer.

H.R. 4246. March 4, 1975. Veterans' Affairs. Directs the Secretary of the Army to establish a national cemetery in Los Angeles County in California.

H.R. 4247. March 4, 1975. Interior and Insular Affairs. Suspends the requirement of annual assessment work on mining claims held by location in the United States.

H.R. 4248. March 4, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4249. March 4, 1975. Post Office and Civil Service. Revises appeal and hearing procedures for certain Federal employees subject to removal from employment or suspension without pay.

H.R. 4250. March 4, 1975. Ways and Means. Amends the Tariff Schedules of the United States to remove the duty on certain forms of zinc.

H.R. 4251. March 4, 1975. Education and Labor. Amends the Older Americans Act of 1965 (1) to establish a program of Federal financial grants to States for projects to repair or renovate the homes of elderly people and to encourage the employment of older workers for such projects, and (2) to authorize Federal grants to States for programs meeting the transportation needs of older persons, especially transportation in connection with nutrition projects operated pursuant to the Older Americans Act of 1965.

H.R. 4252. March 4, 1975. Judiciary. Amends the Civil Rights Act of 1964 by prohibiting any department, agency, officer or employee of the United States from using the withholding of Federal funds to coerce changes in the racial distribution of teachers or students within a school system when a freedom of choice system, as defined by this Act, is used for the assignment of students.

Prohibits Federal courts from requiring school boards to make changes in the racial distribution of teachers or students when students are assigned in conformity with such a system.

H.R. 4253. March 4, 1975. Judiciary. Eliminates the jurisdiction of Federal courts to issue busing orders based on race, color, religion or national origin.

Prohibits any Federal agency from inducing such busing through withholding or threatening to withhold Federal financial assistance.

Postpones the effectiveness of any busing order until all appeals have been exhausted or until the time for such appeals has expired.

Stipulates that District Courts shall have jurisdiction of proceedings involving validity or applicability of this Act.

H.R. 4254. March 4, 1975. Judiciary. Declares that no Federal court having general jurisdiction shall have any jurisdiction to hear or decide cases or controversies involving the public schools. Vests jurisdiction in such cases in the courts of the several States, and appellate jurisdiction in the United States Supreme Court by writ of certiorari from the highest State or territorial court.

H.R. 4255. March 4, 1975. Judiciary. Education and Labor. Prescribes uniform criteria for formulating judicial remedies for the elimination of dual school systems. Stipulates that the failure of an educational agency to obtain a balance, on the basis of race, color, sex, national origin, or socioeconomic status of students among its schools shall not constitute a denial of equal protection of the laws.

H.R. 4256. March 4, 1975. Interstate and Foreign Commerce. Requires every model car manufactured in model year 1977 or later to be capable of averaging at least twenty miles per gallon of gasoline.

Authorizes the Environmental Protection Agency to establish more stringent standards for future model years.

H.R. 4257. March 4, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States for the construction of bikeways.

Directs the Secretary to establish construction standards for bikeways constructed with Federal grants.

H.R. 4258. March 4, 1975. Education and Labor. Amends those provisions of the Federal Coal Mine Health and Safety Act of 1969 relating to presumptions, attorney's fees, workman's compensation benefits, other employment, and appeals.

Directs the Secretary of Health, Education, and Welfare to undertake to locate individuals likely to be eligible for black lung benefits under this Act.

Establishes a Black Lung Disability Insurance Fund. Requires coal mine operators to pay premiums into the fund. Directs the Secretary of Labor to make benefit payments to eligible miners from the fund.

H.R. 4259. March 4, 1975. House Administration. Establishes an American Folklife Center in the Library of Congress.

H.R. 4260. March 4, 1975. Post Office and Civil Service. Declares that certain civil service annuities which have been reduced shall be recomputed and paid as if the annuity had not been so reduced upon the death of the annuitant.

H.R. 4261. March 4, 1975. Interstate and Foreign Commerce. Amends the Interstate Commerce Act to authorize the Interstate Commerce Commission to grant temporary authority to a carrier by railroad to operate the properties of a railroad which such carrier is seeking to acquire by merger or consolidation pending the final determination of the Commission on the carrier's application for merger or consolidation.

H.R. 4262. March 4, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish a national historic park on the island of Guam.

H.R. 4263. March 4, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income amounts received by an individual as a pension, annuity or similar retirement benefit under a public retirement system.

H.R. 4264. March 4, 1975. Banking, Currency and Housing. Authorizes the President to accept participation for the United States in the African Development Fund provided for by the agreement establishing the Fund deposited in the Archives of the United Nations.

Authorizes an appropriation for the United States subscription to the Fund.

H.R. 4265. March 4, 1975. Foreign Affairs. Amends the Arms Control and Disarmament Act to authorize the Director of the United States Arms Control and Disarmament Agency to accept a security clearance granted (to a contractor or subcontractor) by the Department of Defense as a basis for granting access to classified information to such contractor.

Appropriates funds to the Agency for fiscal years 1976 and 1977.

H.R. 4266. March 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4267. March 4, 1975. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4268. March 4, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 4269. March 5, 1975. Interior and Insular Affairs. Amends the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to allow the same reimbursement for certain expenses for Delegates to the United States House of Representatives from Guam and the Virgin Islands as is allowed for Members of the United States House of Representatives.

H.R. 4270. March 5, 1975. Interior and Insular Affairs. Amends the Organic Act of Guam and the Revised Organic Act of the Virgin Islands to allow the same reimbursement for certain expenses for Delegates to the United States House of Representatives from Guam and the Virgin Islands as is allowed for Members of the United States House of Representatives.

H.R. 4271. March 5, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the imposition of penalties upon employees in violation of the health and safety standards established under the Act, and by authorizing the Secretary of Labor to visit the workplaces of employees in the maritime industry, upon their request, for the purpose of affording consultation and advice to such employers.

H.R. 4272. March 5, 1975. Rules. Amends the Congressional Budget and Impoundment Control Act of 1974 by establishing a legislation classification system within the Congressional Budget Office to supply information to Members and committees of Congress concerning Federal programs and expenditures, budget authority and outlays, appropriation Acts, unexpended balances, and committee jurisdiction.

H.R. 4273. March 5, 1975. Judiciary. Prohibits the destruction, burning, or damaging of the property of an employer, or other person near any place where work or business of the employer or owner is carried on. Redefines the term "extortion" to include actual or threatened force or violence used to induce consent in the course of a legitimate labor dispute.

H.R. 4274. March 5, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to establish allocation priorities for certain agricultural uses of natural gas.

Directs the Federal Power Commission to prohibit certain boiler fuel uses of natural gas.

H.R. 4275. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to remove certain limitations on the amount of the deduction allowable for household and dependent care services necessary for gainful employment.

H.R. 4276. March 5, 1975. Banking, Currency and Housing. Authorizes and directs the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of distressed homeowners.

H.R. 4277. March 5, 1975. Government Operations. Prohibits Federal agencies from purchasing, hiring, leasing, operating or maintaining limousines, and from employing chauffeurs to operate such limousines, except for certain designated Federal officers.

H.R. 4278. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income a certain amount received during the taxable year as an annuity, pension or other retirement benefit by an individual or married couple.

H.R. 4279. March 5, 1975. Education and Labor. Repeals provisions of the National Labor Relations Act and the Railway Labor Act which authorizes employers to make agreements with labor organizations to require employee membership in such organization as a condition of employment.

H.R. 4280. March 5, 1975. Interstate and Foreign Commerce. Amends the Controlled Substances Act to increase the penalties for persons convicted of distributing certain controlled substances.

H.R. 4281. March 5, 1975. Judiciary. Increases the penalties for the commission of a felony with or while unlawfully carrying a firearm.

H.R. 4282. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Secretary of the Treasury to determine the dollar amount of petroleum which may be imported annually. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4283. March 5, 1975. Judiciary. Prohibits the manufacture, assembly, importation or sale of certain types of handguns in the United States.

H.R. 4284. March 5, 1975. District of Columbia. Directs the Mayor of the District of Columbia to transfer certain designated real property of the United States to the District of Columbia Redevelopment Land Agency.

H.R. 4285. March 5, 1975. District of Columbia. Grants the consent of Congress to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a Metro Transit Police Force. Defines the jurisdiction and responsibilities of such force. Authorizes the Authority to enter into mutual aid agreements with the various jurisdictions within the Transit Zone of the Authority.

H.R. 4286. March 5, 1975. District of Columbia. Directs the chief judge of the District of Columbia Court of Appeals to convene annually a Judicial Conference of the District of Columbia Court of Appeals for the purpose of devising means of improving the administration of justice within the District of Columbia.

H.R. 4287. March 5, 1975. District of Columbia. Authorizes additional law clerks for the judges of the District of Columbia Court of Appeals.

H.R. 4288. March 5, 1975. District of Columbia. Authorizes the District of Columbia Parole Board to credit "street time" for a prisoner whose parole is revoked.

H.R. 4289. March 5, 1975. District of Columbia. Authorizes any State, territory or possession of the United States to sue in the Superior Court of the District of Columbia to recover any tax lawfully due and owing to it when the reciprocal right is accorded to the District by such State, territory or possession. Authorizes the District of Columbia Corporation Counsel to bring suit in the courts of States, territories or possessions, to collect taxes lawfully due the District.

H.R. 4290. March 5, 1975. District of Columbia. Prohibits the fraudulent use or possession of credit cards in the District of Columbia. Prohibits possession of flash paper or water soluble paper. Prohibits the possession of any knife with an unlawful intent. Grants authority to the District of Columbia to seize motor vehicles used in narcotics violations. Provides for the forfeiture of such vehicles for the District of Columbia. Prohibits the service or execution of process on a Sunday. Makes it unlawful to obtain or attempt to obtain communications services with the intent to avoid lawful payment for such services.

H.R. 4291. March 5, 1975. Post Office and Civil Service. Authorizes the Civil Service Commission to take appropriate action on counterclaims filed by the government as set off against amounts otherwise due and payable from the Civil Service Retirement and Disability Fund to the debtor concerned.

H.R. 4292. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption, and to increase the estate tax marital deduction.

Permits the executor of an estate to elect an alternate valuation of certain lands used for farming, woodland or scenic open space.

H.R. 4293. March 3, 1975. Ways and Means. Amends the Social Security Act by prohibiting any general or cost-of-living increase in Old-Age Survivors, and Disability Insurance benefits from being considered income for the purpose of determining eligibility for veterans' disability or death pensions or dependency and indemnity compensation to parents.

H.R. 4294. March 5, 1975. Post Office and Civil Service. Permits any member of a private nonprofit organization, other than a political committee, to deposit mailable matter relating to the activities or functions of such organization in any letter box without payment of postage, if such member engages in such activity on a voluntary basis without reimbursement from such organization.

H.R. 4295. March 5, 1975. Education and Labor. Amends the Emergency Job Programs section of the Comprehensive Employment and Training Act of 1973 (1) to extend the provisions of that section for two years; (2) to increase the percentage of funds appropriated for that section which may be used for the administrative costs of public service employment programs; (3) to authorize the use of funds for public service employment programs carried out under contract with private employers; and (4) to extend from twenty-six to thirty-nine weeks the period of special unemployment assistance benefits available under this Act.

H.R. 4296. March 5, 1975. Agriculture. Adjusts target prices and loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans. Establishes the support price for milk at not less than 85 percent of the parity price therefor.

H.R. 4297. March 5, 1975. Agriculture. Adjusts target prices and loan and purchase levels on the 1975 crops of upland cotton, corn, wheat and soybeans. Establishes the support price for milk at not less than 85 percent of the parity price therefor.

H.R. 4298. March 5, 1975. Agriculture. Directs the Secretary of Agriculture to issue orders applicable to persons engaged in the production, processing or marketing of cattle, such orders to provide for or regulate (1) advertising, sales promotion, and consumer education with respect to the use of beef; (2) research on the marketing and distribution of beef; (3) the inspection of the books and records of producers, processors, and marketers of beef; and (4) the establishment of a Beef Board to administer such orders.

H.R. 4299. March 5, 1975. Merchant Marine and Fisheries. Amends the National Environmental Policy Act to require preparation of supplemental environmental impact statements with respect to Federal leasing of Outer Continental Shelf lands for the exploration and development of oil and gas.

H.R. 4300. March 5, 1975. Merchant Marine and Fisheries. Interior and Insular Affairs. Amends the Coastal Zone Management Act to authorize assistance to affected coastal states for the development of coastal zone management plans relating to the impact of offshore energy facilities on such States. Prohibits Federal authorization of the development of offshore energy facilities prior to approval of State coastal zone management plans.

Establishes an Affected Coastal States Fund to assist states in designation of suitable or unsuitable on-shore sites for facilities related to coastal zone development.

H.R. 4301. March 5, 1975. Judiciary. Interior and Insular Affairs. Science and Technology. Merchant Marine and Fisheries. Amends the Outer Continental Shelf Lands Act to establish strict liability for damages caused by oil spills. Authorizes the Secretary of the Interior to distribute revenues collected from the leasing of Outer Continental Shelf lands to affected States.

Establishes an Outer Continental Shelf Research Fund to expand and develop data and technology relating to oil and gas resources and the marine environment on the Outer Continental Shelf.

H.R. 4302. March 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants for the establishment and operation of home health services and for the purpose of initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services.

H.R. 4303. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the conditions and limitations applicable to home health services under the Medicare program of the Social Security Act.

H.R. 4304. March 5, 1975. Judiciary. Amends the Immigration and Nationality Act by revising the criteria under which the Attorney General may adjust the status of certain aliens to that of lawfully admitted.

Makes it unlawful to knowingly hire an alien not lawfully admitted into the United States. Requires that employees of the Department of Health, Education, and Welfare disclose the names of illegal aliens who are receiving assistance under the Social Security Act.

H.R. 4305. March 5, 1975. Government Operations. Extends and authorizes appropriations for the State and Local Fiscal Assistance Act of 1972 for five years.

H.R. 4306. March 5, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to authorize appropriations for the emergency jobs programs under Title VI of the Act for fiscal year 1976.

H.R. 4307. March 5, 1975. Science and Technology. Ways and Means. Directs the Director of the National Bureau of Standards to issue regulations with respect to recycled oil. Repeals any previous regulations which required certain labeling of recycled oil.

Amends the Internal Revenue Code of 1954 to establish an excise tax exemption for certain sales of waste lubricating oil.

H.R. 4308. March 5, 1975. Ways and Means. Amends the Supplemental Security Income provisions of the Social Security Act by (1) mandating benefit increases and emergency assistance grants; (2) prohibiting benefit decreases as a consequence of increases in other social security benefits; (3) adding supplementary housing benefits; (4) revising the basis upon which mandatory minimum State supplementation is calculated; (5) revising administrative procedures for paying benefits; and (6) redefining "eligible spouse".

Amends the Food Stamp Act of 1964 by allowing certain Supplemental Security Income recipients to elect to receive food stamps.

H.R. 4309. March 5, 1975. Interior and Insular Affairs. Science and Technology. Establishes a National Energy and Conservation Corporation to undertake programs of exploration, development, and production of public land and tideland oil, natural gas, oil shale, and coal resources. Directs the Corporation to administer programs consistent with objectives of land use planning, conservation, and environmental protection.

H.R. 4310. March 5, 1975. Judiciary. Increases the penalties for the commission of a felony with a firearm or while unlawfully carrying a firearm.

H.R. 4311. March 5, 1975. House Administration. Prohibits Members of Congress who have been defeated, or have resigned or retired, from traveling outside the United States at Government expense.

H.R. 4312. March 5, 1975. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 (1) to extend the authority of the Secretary of Transportation to make grants for airport development through fiscal year 1980; (2) to limit the consideration of the environmental impact of airport development outside of standard metropolitan statistical areas; (3) to require the preparation of environmental impact statements in projects under this Act; (4) to limit the requirement for public hearings on development projects; (5) to provide an alternate method of computing the Federal share of certain project costs; and (6) to change the tax on air fares.

H.R. 4313. March 5, 1975. Post Office and Civil Service. Declares that letters sent to Members of Congress shall be carried in the mails at no cost to the sender.

H.R. 4314. March 5, 1975. Ways and Means. Revises the eligibility requirements for disability benefits and the disability freeze under the Social Security Act by extending eligibility to individuals with 40 quarters of coverage regardless of when they were earned.

H.R. 4315. March 5, 1975. Ways and Means. Revises the eligibility requirements for disability benefits and the disability freeze under the Social Security Act by extending eligibility to individuals with 40 quarters of coverage regardless of when they were earned.

H.R. 4316. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4317. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4318. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4319. March 5, 1975. Banking, Currency and Housing. Directs the Comptroller General to audit annually the Federal Reserve Board, the Federal Advisory Council, the Federal Open Market Committee, and all Federal Reserve banks and their branches.

H.R. 4320. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to impose an excise tax on automobiles based on the rate at which such automobiles consume fuel.

Allows a credit against the income tax for the purchase of every new automobile for use within the United States, based on the rate at which such automobile consumes fuel.

H.R. 4321. March 5, 1975. Interstate and

Foreign Commerce. Directs the Federal Power Commission to review and modify plans submitted by natural gas pipelines for curtailing sales to specific customers and authorizes the Commission to direct transfers of available supplies of natural gas in order to meet regional needs.

H.R. 4322. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to require that interest be paid to individual taxpayers on the calendar year basis who file their returns before March 1, if the refund check is not mailed out within a certain period after the return is filed.

H.R. 4323. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to increase the Federal estate tax exemption.

H.R. 4324. March 5, 1975. Judiciary. Standards of Official Conduct. Requires lobbyists to: (1) register with the Federal Election Commission; (2) make and retain certain records; and (3) file reports with the Commission regarding their activities.

Requires certain officials of the executive branch to record their communications with lobbyists.

Repeals the Federal Regulations of Lobbying Act.

H.R. 4325. March 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish precipitation management projects in order to augment the United States' usable water resources. Authorizes the Secretary to engage in operational demonstration projects for potential use in precipitation management programs in certain states.

H.R. 4326. March 5, 1975. Post Office and Civil Service. Entitles an employee of an executive agency who is also an elected official of a city, town, or municipality to additional annual leave for the discharge of official duties as such elected official if such duties can not be discharged without using such leave.

H.R. 4327. March 5, 1975. Interstate and Foreign Commerce. Science and Technology. Amends the Clean Air Act to require the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effect on public health and the environment of the discharge of cholorfluoromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air.

H.R. 4328. March 5, 1975. Interstate and Foreign Commerce. Science and Technology. Amends the Clean Air Act to require the Administrator of the Environmental Protection Agency, with the assistance of other agencies, to determine the effect on public health and the environment of the discharge of chlorofluromethane into the ambient air.

Prohibits, subject to such determination, the introduction into commerce of any aerosol spray container which discharges chlorofluoromethane into the ambient air.

H.R. 4329. March 5, 1975. Education and Labor. Authorizes the Secretary of Health, Education and Welfare to make grants for the development and implementation of new prevention and treatment techniques in the field of juvenile delinquency and for the planning, operation and evaluation of juvenile delinquency projects by States and local government units.

Establishes in the Executive Office of the President a National Office of Juvenile Delinquency Prevention to establish overall policy for Federal juvenile delinquency programs and to coordinate the Federal involvement in the field of juvenile delinquency prevention.

Establishes a National Advisory Council for Juvenile Delinquency Prevention to advise the Director of the Office of Juvenile Delinquency Prevention.

H.R. 4330. March 5, 1975. Interstate and Foreign Commerce. Prohibits the shipment or sale in interstate commerce of nonreturnable beverage containers for which no reasonable refundable money deposit is required.

Directs the Secretary of Health, Education, and Welfare to define the term "nonreturnable containers".

H.R. 4331. March 5, 1975. Post Office and Civil Service. Revises the method of determining cost-of-living increases payable to civil service annuitants.

H.R. 4332. March 5, 1975. Agriculture. Increases the amount authorized to be appropriated for the forestry incentive program under the Agricultural Act of 1970.

H.R. 4333. March 5, 1975. Agriculture. Increases the size of the tract which may be affected by the forestry incentive program under the Agricultural Act of 1970.

H.R. 4334. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to exempt from record keeping requirements the licensed ammunition importers, manufacturers, or dealers of .22 caliber ammunition.

H.R. 4335. March 5, 1975. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to establish a national adoption information exchange system to facilitate adoptions.

H.R. 4336. March 5, 1975. Judiciary. Amends the Immigration and Nationality Act to permit the adoption of more than two alien children by a United States citizen.

H.R. 4337. March 5, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for expenses incurred in connection with the adoption of a child by the taxpayer.

H.R. 4338. March 5, 1975. Interior and Insular Affairs. Designates certain lands in California as the Monarch Wilderness to be administered by the Secretary of Agriculture. Abolishes the previous classification of the High Sierra Primitive Area. Allows the Secretary to authorize certain uses of the lands within the wilderness area.

H.R. 4339. March 5, 1975. Judiciary. Prohibits any civil officer of the United States or any member of the Armed Forces from using the Armed Forces to exercise surveillance of civilians or to execute civil laws.

H.R. 4340. March 5, 1975. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants for the establishment and operation of home health services and for the purpose of initiating, developing, and maintaining programs for the training of professional and paraprofessional personnel to provide home health services.

H.R. 4341. March 5, 1975. Ways and Means. Interstate and Foreign Commerce. Revises the conditions and limitations applicable to home health services under the Medicare program of the Social Security Act.

H.R. 4342. March 5, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to make grants to assist States in the development and administration of land use programs. Establishes requirements and procedures for State eligibility for such grants and defines necessary elements of State land use programs.

Directs Federal public land management agencies to develop and revise land use plans. Includes provisions for public participation where Federal activities have a significant impact on State and local land use.

H.R. 4343. March 5, 1975. Armed Services. Directs the Secretary of Defense to convey certain lands in the city of Nome, Alaska.

H.R. 4344. March 5, 1975. Interior and Insular Affairs. Establishes, within the Department of the Interior, and Assistant Secretary of the Interior for Indian Affairs.

H.R. 4345. March 5, 1975. Interior and Insular Affairs. Amends existing law relating to the sale of certain public lands in Alaska by deleting certain restrictions on the use of such lands.

H.R. 4346. March 6, 1975. Government Operations. Establishes a Committee to be known as the International Women's Year American Women's Conference Planning Committee for the purpose of planning and reporting on the International Women's Conference.

H.R. 4347. March 6, 1975. Armed Services. Redefines dependent in the case of a dependent of a female member of the Armed Forces for the purposes of calculating allowances and eligibility for medical and dental care.

H.R. 4348. March 6, 1975. Armed Services. Includes family planning services, supplies and counseling among the medical services provided to members of the Armed Forces.

H.R. 4349. March 6, 1975. Education and Labor. Authorizes and directs the Secretary of Health, Education, and Welfare to establish various comprehensive child development programs and services. Establishes an Office of Child Development in the Department of Health, Education, and Welfare to coordinate and administer all comprehensive child development programs established by the Secretary in accordance with the provisions of this Act.

H.R. 4350. March 6, 1975. Foreign Affairs. Applies the same eligibility requirements to widows and wdiowers with respect to death benefits and annuities under the Foreign Service Retirement and Disability System.

H.R. 4351. March 6, 1975. Government Operations. Prohibits any instrumentality of the United States from using any title as a prefix to a person's name which has the effect of indicating the marital status of such person.

H.R. 4352. March 6, 1975. Government Operations. Amends the Federal Property and Administrative Service Act to include child care centers as educational institutions for the purpose of receiving surplus Federal property.

H.R. 4353. March 6, 1975. Government Operations. Amends teh Federal Property and Administrative Services Act to include child care centers as educational institutions for the purpose of receiving surplus Federal property.

H.R. 4354. March 6, 1975. Interstate and Foreign Commerce. Prohibits discrimination solely on the basis of sex by the insurance business with respect to the availability and scope of insurance coverage.

H.R. 4355. March 6, 1975. Judiciary. Amends the Crime Control Act of 1973 by establishing a National Center for the Prevention and Control of Rape to conduct a continuing study, evaluation, and investigation of rape.

H.R. 4356. March 6, 1975. Judiciary. Amends the Crime Control Act of 1973 by establishing a National Center for the Prevention and Control of Rape to conduct a continuing study, evaluation, and investigation of rape.

H.R. 4357. March 6, 1975. Ways and Means. Amends the Social Security Act by increasing benefits to certain Old-Age, Survivors and Disability Insurance benefits; and establishing father's insurance benefits for widowers with minor children.

H.R. 4358. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to deduct from gross income reasonable expenses incurred for the care of one or more dependents. Repeals the allowance of such a deduction as an itemized deduction from adjusted gross income.

H.R. 4359. March 6, 1975. Ways and Means. Amends the Social Security Act by revising the eligibility requirements for divorced women for wife's or widow's Old-Age, Survivors and Disability Insurance benefits.

H.R. 4360. March 6, 1975. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to direct air carriers to provide half fare transportation on a space available basis to Armed Forces veterans who have a service-connected, total and permanent disability.

H.R. 4361. March 6, 1975. Judiciary. Increases the penalties for use of a firearm in the commission of a felony.

H.R. 4362. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Subjects any dog and cat products unlawfully imported into the United States or shipped in interstate commerce to seizure and forfeiture as provided for violation of the customs laws.

H.R. 4363. March 6, 1975. Interstate and Foreign Commerce. Directs the Secretary of Transportation to establish and enforce fuel economy standards for classes of new motor vehicles. Requires automobile manufacturers and dealers to affix labels disclosing fuel economy information. Requires disclosure of such information in advertisements for new motor vehicles.

H.R. 4364. March 6, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to postpone certain automobile emission standards. Amends the National Traffic and Motor Vehicle Safety Act of 1966 to establish a moratorium on new automobile safety standards.

H.R. 4365. March 6, 1975. Interstate and Foreign Commerce. Establishes an Interstate Railroad System composed of existing rail lines designated by the Secretary of Transportation and approved by Congress to provide nationwide freight and passenger rail service. Directs the Secretary to set maintenance standards for System rail lines.

Establishes a nonprofit Interstate Railroad Corporation and sets forth the duties and regulations of the Corporation and of States which acquire rail lines under this Act with regard to the acquisition, rehabilitation, maintenance and modernization of System rail lines.

Authorizes Federal financial assistance for the System.

H.R. 4366. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose an excise tax equal to a percentage of the amount paid for the transportation of property within the United States by rail, motor vehicle, or water.

H.R. 4367. March 6, 1975. Ways and Means. Amends the Social Security Act to allow Federal officers and employees to elect coverage under Old-Age, Survivors and Disability Insurance.

H.R. 4368. March 6, 1975. Ways and Means. Amends the estate tax provisions of the Internal Revenue Code to allow a limited deduction from the gross estate of the value of the decedents interest in a family farming operation which passes to an individual related to him or his spouse.

H.R. 4369. March 6, 1975. Interstate and Foreign Commerce. Amends the Clean Air Act to direct the Administrator of the Environmental Protection Agency to revise certain air pollutant standards based on recent scientific evidence. Authorizes the Administrator to establish emission charges for certain air pollutants where promulgation of national standards is impracticable.

Requires that certain stationary sources of air pollutants install and operate continuous air pollution monitoring instruments.

Authorizes extensions of transportation control deadlines upon application to the Administrator. Authorizes the Secretary of Labor to pay unemployment compensation and temporary mortgage and rental to an individual who is unemployed as a result of enforcement of air pollution standards.

H.R. 4370. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the excise tax on trucks, buses, and tractors and parts and accessories for such vehicles.

H.R. 4371. March 6, 1975. Ways and Means. Revises the Internal Revenue Code by amending and repealing portions of the Code with respect to capital gains and losses, income derived from the extraction of minerals, individual and corporate income, the estate and gift tax and State and local obligations.

H.R. 4372. March 6, 1975. Armed Services. Authorizes special pay for active duty judge advocates of the Army, Navy, Air Force, and Marine Corps, and law specialists of the Coast Guard.

H.R. 4373. March 6, 1975. Merchant Marine and Fisheries. Incorporates the National Zoological and Aquarium Corporation.

H.R. 4374. March 6, 1975. Judiciary. Interior and Insular Affairs. Foreign Affairs. Grants to each coastal State certain mineral rights in Outer Continental Shelf lands extending to a line twelve miles from the coast of such State. Establishes a boundary advisory commission to report to the President on international boundaries between the United States, Canada, and Mexico.

H.R. 4375. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to make individuals performing instructional, research, or administrative services for educational institutions ineligible for unemployment compensation under the Act for periods between academic years or terms.

H.R. 4376. March 6, 1975. Education and Labor. Amends the Bankruptcy Act to limit the dischargeability in bankruptcy of educational debts.

Amends the Higher Education Act of 1965 to eliminate the defense of infancy with respect to federally Insured Student Loans. Revises provisions of the Act relating to the minimum repayment period for loans, the interest subsidy on multiple disbursements and the minimum annual payment for married couples.

Makes students who have defaulted on any student loan ineligible for further federally supported loans or basic educational opportunity grants.

Eliminates proprietary institutions as eligible lenders for Federally Insured Student.

H.R. 4377. March 6, 1975. Agriculture. Prohibits the Secretary of Agriculture, under the Agriculture and Consumer Protection Act of 1973, from requiring or providing for the voluntary or involuntary prior approval of the export sales of agricultural commodities.

H.R. 4378. March 6, 1975. Agriculture. Amends the Federal Meat Inspection Act to prohibit the States from establishing less strict standards with respect to the marketing, labeling, and ingredient requirements of the Act.

H.R. 4379. March 6, 1975. Foreign Affairs. Amends the United Nations Participation Act to permit the President to apply the sanctions contained therein notwithstanding certain provisions of the Strategic and Critical Materials Stock Piling Act.

H.R. 4380. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4381. March 6, 1975. Ways and Means. Interstate and Foreign Commerce. Directs the Administrator of the Federal Energy Administration to regulate petroleum importation and the allocation of imported petroleum among domestic refiners.

H.R. 4382. March 6, 1975. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay service pensions to certain World War I Veterans, their widows, and their children.

H.R. 4383. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to prohibit the filing of a joint return unless each spouse verifies under oath or affirmation that such spouse has equal ownership, management and control of the income, assets, and liabilities of the marriage partnership.

H.R. 4384. March 6, 1975. Interstate and Foreign Commerce. Requires under the Fair Packaging and Labeling Act, that perishable or semiperishable foods must be labeled by the manufacturer or packager to show the pull date for such food and the optimum temperature and humidity conditions for its storage by the ultimate consumer. Prohibits sale after the pull date has expired unless the food is fit for human consumption, is separated from other packaged perishable or semiperishable foods, and is clearly identified as a food whose pull date has expired.

H.R. 4385. March 6, 1975. Interstate and Foreign Commerce. Defines the term "food supplement" as it appears in the Federal Food, Drug, and Cosmetic Act. Disallows the requirement of warning labels for and the limiting of ingredients in "food supplements" by the Secretary of Health, Education, and Welfare unless such article is intrinsically injurious to health in the recommended dosage.

H.R. 4386. March 6, 1975. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require that labels of certain packaged goods contain a disclosure of the manufacturer, packer, and distributor of each such good.

H.R. 4387. March 6, 1975. Interstate and Foreign Commerce. Requires that certain durable products be labeled with the date of manufacture. Directs the Federal Trade Commisssion to prepare a list of products to be so labeled and to administer and enforce this Act.

H.R. 4388. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Federal Food, Drug, and Cosmetic Act, that the labels on all foods disclose each ingredient in order of its predominance, an accurate statement of the percentage amount of such ingredient, and any change made in the ingredients.

H.R. 4389. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Fair Packaging and Labeling Act, the total selling price and the retail unit price for packaged consumer commodities to be plainly marked on the package itself or on a sign in close proximity to the point of display of such package.

H.R. 4390. March 6, 1975. Interstate and Foreign Commerce. Requires manufacturers of durable consumer products to conspicuously label each item sold at retail with respect to the performance life under normal operating conditions of such durable product.

H.R. 4391. March 6, 1975. Interstate and Foreign Commerce. Makes it a violation of the Federal Trade Commission Act for any retailer to increase the price of a consumer commodity after the retailer has marked the price on that item.

Authorizes the Federal Trade Commission to issue a cease and desist order and to order the restitution of moneys received by a retailer in violation of this Act.

H.R. 4392. March 6, 1975. Post Office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4393. March 6, 1975. Veterans' Affairs. Requires that payments to an individual under any Federal retirement, annuity, or similar plan or program be disregarded in computing annual income for the determination of eligibility for veterans' pension or dependency and indemnity compensation.

H.R. 4394. March 6, 1975. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act by abolishing the National Capital Service Area.

H.R. 4395. March 6, 1975. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 4396. March 6, 1975. Agriculture. Amends the Emergency Livestock Credit Act of 1974 to provide additional temporary financial assistance to owners of livestock who have suffered severe financial losses as a result of low market prices for livestock.

H.R. 4397. March 6, 1975. Judiciary. Prohibits the destruction, burning, or damaging of the property of an employer, or other person near any place where work or business of the employer or owner is carried on. Redefines the term "extortion" to include actual or threatened force or violence used to induce consent in the course of a legitimate labor dispute.

H.R. 4398. March 6, 1975. Public Works and Transportation. Authorizes the Secretary of Transportation to delegate to the State which proposes a Federal-aid highway project the responsibility for preparing the environmental impact statement required under the National Environmental Policy Act.

H.R. 4399. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to increase the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will be excluded from gross income.

H.R. 4400. March 6, 1975. Government Operations. Requires the President to include in the budget transmitted to Congress additional information showing regional impact by State and Congressional districts of budget proposals.

Requires the Director of the Office of Management and Budget to file with the Congress certain information relating to Federal expenditures within the States and Congressional districts.

H.R. 4401. March 6, 1975. Interstate and Foreign Commerce. Directs the Secretary of Commerce, under the Fair Packaging and Labeling Act (1) to formulate and prescribe a system of food quality grade designations for all food products; (2) to require a label on all food products containing a statement specifying all the ingredients of such food in their order of predominance; (3) to require a label specifying the nutritional value of a food product; and (4) require, for perishable and semiperishable foods, a label specifying the expiration date of such food, the optimum storage conditions, and any other information necessary to protect the palatability of such food.

H.R. 4402. March 6, 1975. Interstate and Foreign Commerce. Directs the President to cause the design and construction of a minimum of seven full-scale petroleum refining facilities. Establishes a public corporation to manage the design, construction and operation of each such facility.

H.R. 4403. March 6, 1975. Interstate and Foreign Commerce. Requires, under the Fair Packaging and Labeling Act, the total selling price and the retail unit price for packaged consumer commodities to be plainly marked on the package itself or on a sign in close proximity to the point of display of such package.

H.R. 4404. March 6, 1975. Interstate and Foreign Commerce. Amends the Federal Power Act to prohibit public utilities from increasing rates for electric energy which reflect increased fuel costs by means of a fuel adjustment clause in a wholesale rate schedule, where such clause allows more than 50 percent of any increased fuel cost to be reflected in the increased rate.

H.R. 4405. March 6, 1975. Interstate and Foreign Commerce. Prohibits the sale of energy-intensive consumer goods without labeling of average annual energy costs for the operation of such goods.

Directs the Federal Trade Commission to establish minimum standards of efficiency for consumer goods. Requires additional labeling stating that such consumer goods are inefficient.

Regulates advertising of consumer goods to require disclosure of energy efficiency information.

H.R. 4406. March 6, 1975. Judiciary. Prohibits certain corporate management interlocking relationships under the Clayton Act.

H.R. 4407. March 6, 1975. Judiciary. Makes it unlawful under the Clayton Act for a vertically integrated oil company to acquire, own or control any asset of certain energy resources.

H.R. 4408. March 6, 1975. Education and Labor. Amends the National Labor Relations Act by including agricultural laborers as employees covered by the Act.

H.R. 4409. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow to individuals an additional income tax exemption for each dependent under the age of 19 who is disabled.

H.R. 4410. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose an income tax surcharge on every energy corporation for each taxable year ending after December 31, 1972, and beginning before the termination of the energy emergency period.

H.R. 4411. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the amounts paid by a tenant to a lessor during the taxable year equal to the tenant's proportionate share of the real estate taxes and the interest incurred on the indebtedness of the real property such tenant occupies as his principal residence.

H.R. 4412. March 6, 1975. Interstate and Foreign Commerce. Interior and Insular Affairs. Establishes a Bureau of National Resource Information and a National Resource Information System within the Department of Commerce to maintain information and statistics on natural resources.

Requires major natural resource companies engaged in commerce to file reports with the Bureau detailing their worldwide assets and operations.

Authorizes the Secretary of the Interior to compile an inventory of all mineral reserves in the public lands of the United States.

H.R. 4413. March 6, 1975. Merchant Marine and Fisheries. Establishes a Coastal Zone and Energy Production Coordination Fund from Federal revenues collected from leases on the Outer Continental Shelf. Authorizes assistance to States for the development of coastal zone planning and management programs.

H.R. 4414. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to permit a taxpayer an additional personal exemption for each dependent who is mentally retarded.

H.R. 4415. March 6, 1975. Post Office and Civil Service. Amends the Intergovernmental Personnel Act of 1970 by (1) authorizing an increase in the Federal share for funding Government Service Fellowships for State and local government personnel; (2) requiring recipients of such fellowships to agree to certain conditions; and (3) including the Trust Territory of the Pacific Islands as an eligible jurisdiction under the Act.

Revises regulations with respect to Federal employees assigned to work for State or local government agencies, and State or local government employees assigned to work for Federal agencies.

H.R. 4416. March 6, 1975. Veterans' Affairs. Redefines veteran to mean a person who served in the active military, naval, or air service, who was discharged other than by a court-martial. Directs the Administrator of Veterans' Affairs to provide any claimant for Veterans' Administration benefits with a list of such documentary information and other evidence which the claimant will likely need to support his claim. Directs the Administrator to pay the reasonable attorney's fees of such claimant, if such attorney is a recognized practitioner. Authorizes an appeal from the Board of Veterans' Appeals decisions to the appropriate District Court.

H.R. 4417. March 6, 1975. Veterans' Affairs. Declares the decisions of the Administrator of Veterans' Affairs with respect to any claim for benefits final and conclusive. Authorizes review within two years from the date of the mailing of the Administrator's decision in the appropriate United States District Court. Allows the court to award reasonable fees for the attorneys of claimants, unless the court determines that the attorney is guilty of the misdemeanor of champerty.

H.R. 4418. March 6, 1975. Judiciary. Amends the patent laws of the United States to provide for public examination and review of claims relating to applications for patents.

H.R. 4419. March 6, 1975. Veterans' Affairs. Specifics that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits.

H.R. 4420. March 6, 1975. Ways and Means. Excludes general and cost-of-living increases in Old-Age, Survivors and Disability Insurance benefits under the Social Security Act from being considered income for the purpose of determining an individual's eligibility for veterans pensions or dependency and indemnity compensation for parents of deceased veterans.

H.R. 4421. March 6, 1975. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, additional Federal district court judges.

H.R. 4422. March 6, 1975. Judiciary. Directs the President to appoint, by and with the advice and consent of the Senate, additional judgeships for the United States courts of appeals.

H.R. 4423. March 6. 1975. Interstate and Foreign Commerce. Prohibits the introduction of nonreturnable beverage containers in interstate commerce. Authorizes the Administrator of the Environmental Protection Agency to establish such regulations as are necessary for the purpose of this Act.

H.R. 4424. March 6, 1975. Interstate and Foreign Commerce. Establishes a National Commission on Regulatory Reform to study and make recommendations on the activities and effect on the economy of certain Federal regulatory agencies.

H.R. 4425. March 6, 1975. Judiciary. Amends the Voting Rights Act of 1965 by prohibiting voting eligibility tests in jurisdictions covered by the Act for an additional ten years. Extends the prohibitions against such tests to additional jurisdictions.

H.R. 4426. March 6, 1975. Public Works and Transportation. Terminates the Airlines Mutual Aid Agreement.

H.R. 4427. March 6, 1975. Armed Services. Allows certain members of the National Guard to wear civilian clothing when performing their duties in a civilian status.

H.R. 4428. March 6, 1975. Post office and Civil Service. Revises regulations regarding creditable service for civil service retirement purposes with respect to National Guard technicians.

H.R. 4429. March 6, 1975. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half of their income from an individual who is not eligible for food coupons.

H.R. 4430. March 6, 1975. Education and Labor. Amends the Higher Education Act of 1965 to require that institutions of higher education and vocational schools, in order to be eligible for purposes of federally assisted student loans, establish a policy of tuition refunds for students who withdraw. Requires notification of the institution's tuition refund policy to students prior to the payment of tuition or fees.

H.R. 4431. March 6, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by authorizing the Administrator of the Small Business Administration to render onsite consultation and advice to certain small business employers to assist such employers in complying with the health and safety standards of the Act.

H.R. 4432. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to impose an excise tax on every passenger automobile sold by the manufacturer whose fuel consumption falls below a stipulated fuel economy standard.

Directs the Secretary of Transportation to establish test procedures for determining the fuel consumption rate for each new automobile subject to such tax.

H.R. 4433. March 6, 1975. Ways and Means. Declares all income tax returns to be confidential, and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

H.R. 4434. March 6, 1975. Interior and Insular Affairs. Science and Technology. Establishes a National Energy and Conservation Corporation to undertake programs of exploration, development, and production of public land and tideland oil, natural gas, oil shale, and coal resources. Directs the Corporation to administer programs consistent with objectives of land use planning, conservation, and environmental protection.

H.R. 4435. March 6, 1975. Education and Labor. Amends the Comprehensive Employment and Training Act of 1973 to reduce from one hundred thousand to fifty thousand the population required for a unit of general local government to qualify as a prime sponsor for the purpose of receiving Federal financial assistance under the Act.

H.R. 4436. March 6, 1975. Banking, Currency, and Housing. Repeals the provisions of the Flood Disaster Protection Act of 1973 which require communities and individuals in flood prone areas to participate in the national flood insurance program in order to be eligible for Federal financial assistance.

H.R. 4437. March 6, 1975. Banking, Currency, and Housing. Repeals the provisions of the Flood Disaster Protection Act of 1973 which require communities and individuals in flood prone areas to participate in the national flood insurance program in order to be eligible for Federal financial assistance.

H.R. 4438. March 6, 1975. Foreign Affairs. Requires executive agreements to be transmitted by the President to Congress. Stipulates that such agreements shall come into force within a certain time period unless Congress disapproves such executive agreement by passage of a concurrent resolution by both Houses.

H.R. 4439. March 6, 1975. Foreign Affairs. Requires Congressional review of any international executive agreement concerning the establishment, renewal, continuance, or revision of a national commitment.

H.R. 4440. March 6, 1975. Merchant Marine and Fisheries. Amends the Port and Waterways Safety Act of 1972 to require the Secretary of the department in which the Coast Guard is operating to certify certain sites suitable for the location of liquefied natural gas storage terminals. Prohibits the issuance of a certificate of public convenience and necessity by the Federal Power Commission without such certification.

H.R. 4441. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to authorize real property to be valued for estate tax purposes at its value as farmland, woodland, or openland rather than at its fair market value.

H.R. 4442. March 6, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to exempt from mandatory allocation regulations the first sale of the share of a State or local government in crude oil produced from the leasing of State and or locally-owned lands.

H.R. 4443. March 6, 1975. Armed Services. Directs the Secretary of Defense to establish a program for the screening, treatment and rehabilitation of drug-dependent members of the Armed Forces. Forbids disciplinary action against, or issuance of a dishonorable discharge to, any member of the Armed Forces solely on the basis of drug use or dependency.

Directs the President to renegotiate status of forces agreements concerning the host country's jurisdiction to prosecute members of the Armed Forces for drug use or dependency.

H.R. 4444. March 6, 1975. Appropriations. Extends the authorization for appropriations under the Lead-Based Paint Poisoning Prevention Act.

H.R. 4445. March 6, 1975. Foreign Affairs. Prohibits the export from the United States of the substance known as 2,4,5-trichlorophenoxyacetic acid or any of its salts or esters, or any herbicide which contains such substance or any of its salts or esters.

H.R. 4446. March 6, 1975. Government Operations. Amends the Employment Act of 1964 to include price stability as one of the goals of the Act.

H.R. 4447. March 6, 1975. Government Operations. Amend the Employment Act of 1964 to include price stability as one of the goals of the Act.

H.R. 4448. March 6, 1975. Agriculture. Ways and Means. Amends the Social Security Act by authorizing the Secretary of Health, Education, and Welfare to formulate and administer a food allowance program for the elderly.

H.R. 4449. March 6, 1975. Interstate and Foreign Commerce. Authorizes appropriations to the Secretary of Commerce for the promotion of tourist travel in the United States for fiscal years 1976 through 1979.

H.R. 4450. March 6, 1975. Agriculture. Authorizes the Secretary of Agriculture to pay compensation for beef cattle, dairy cattle, swine, poultry, eggs, milk, and dairy products at a fair market value to producers who are advised that their animals or products cannot be marketed because such animals or products contain residues of Polybrominated Biphenyl, unless such producer willfully failed to follow procedures prescribed for the use of such substance.

H.R. 4451. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow tax exempt industrial development bonds to be issued to finance recycling facilities.

H.R. 4452. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the manufacturers excise tax on tires, inner tubes, and tread rubber.

H.R. 4453. March 6, 1975. Education and Labor. Applies the Longshoremen's and Harbor Workers' Compensation Act to agricultural workers for the purposes of compensating such workers for disability or death occurring in the course of employment or arising out of any unsafe condition or inadequate sanitary facility of housing provided incident to employment. Authorizes such workers to sue for damages where injury or death resulted from the employer's gross negligence or from the use of an economic poison. Directs the damages be paid from appropriations to the Environmental Protection Agency in the case of injury or death from an economic poison.

H.R. 4454. March 6, 1975. Ways and Means. Amends the Tariff Schedules of the United States with respect to the rate of duty on olives.

H.R. 4455. March 6, 1975. Armed Services. Authorizes recomputation of retired pay for members and former members of the Armed Forces who are 60 years of age or older or who are retired because of a physical disability.

H.R. 4456. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to exempt cooperative housing corporations, condominium manager associations, and residential real estate maangement associations from taxation on certain types of income.

H.R. 4457. March 6, 1975. Interstate and Foreign Commerce. Authorizes the Securities and Exchange Commission to facilitate the establishment of national system for the clearance and settlement of securities.

Directs the Commission to for a fifteen-member National Market Board, composed of persons knowledgeable of securities market practice; to advise the Commission on the establishment of the system, and on the fairness, honesty, and efficiency of regulations proposed by the Commission.

H.R. 4458. March 6, 1975. Merchant Marine and Fisheries. Amends the Fishermen's Protective Act of 1967 to repeal the authority of the President to disapprove the transfer of foreign assistance funds from the intended recipient country because of an unsatisfied claim against such country arising from its seizure of a United States fishing vessel.

H.R. 4459. March 6, 1975. Interior and Insular Affairs. Extends the boundaries of the Los Padres National Forest in California.

H.R. 4460. March 6, 1975. Public Works and Transportation. Limits the charge which can be made by common carriers in interstate commerce for transporting elderly persons during nonrush hours to half the published tariff.

Establishes procedures for reimbursing carriers which lose money due to the provisions of this Act.

Revises the Urban Mass Transportation Act of 1964 to give preference for assistance under such Act to States and local bodies which adopt specially reduced rates for elderly persons transported in intrastate commerce.

H.R. 4461. March 6, 1975. Science and Technology. Government Operations. Creates in the Executive Office of the President a Council of Advisers on Science and Technology to advise the President and Congress on the continued implementation of the national science policy set forth in this Act.

Establishes in the executive branch a Department of Research and Technology Operations and an independent agency, the Science and Technology Information and Utilization Corporation to further the purposes of this Act. Transfers various governmental agencies to the administrative control of the newly created agencies.

H.R. 4462. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to increase from twenty-six to thirty-nine the maximum number of weeks for which an individual may receive unemployment assistance under the provisions of such Act.

H.R. 4463. March 6, 1975. Education and Labor. Amends the Emergency Jobs and Unemployment Assistance Act of 1974 to increase from twenty-six to thirty nine the maximum number of weeks for which an individual may receive unemployment assistance under the provisions of such Act.

H.R. 4464. March 6, 1975. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to increase from thirteen to twenty-six the maximum number of weeks for which an individual may receive emergency compensation thereunder.

H.R. 4465. March 6, 1976. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to increase from thirteen to twenty-six weeks the maximum number of weeks for which an individual may receive emergency compensation thereunder.

H.R. 4466. March 6, 1975. Ways and Means. Amends the Internal revenue Code to allow as a deduction an amount equal to the stipulated value of services contributed to a qualified charitable organization by an individual who has attained the age of sixty-five.

H.R. 4467. March 6, 1975. Agriculture. Amends those provisions of the Animal Welfare Act of 1970 relating to the care and treatment of animals to include protection for birds in pet stores and zoos. Extends the applicability of such laws to include the terminal facilities used by any common carrier licensed to transport animals.

H.R. 4468. March 6, 1975. Agriculture. Redefines the term "dealer" as used in the Animal Welfare Act of 1970 to include retail pet stores and common carriers.

H.R. 4469. March 6, 1975. Armed Services. Directs the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense.

H.R. 4470. March 6, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to use aircraft and motorized vehicles to provide for the protection, management, and control of wild free-roaming horses and burros. Allows the Secretary to sell or donate, without restriction, excess horses or burros to individuals or organizations.

H.R. 4471. March 6, 1975. Veterans' Affairs. Allows the widow of a veteran to remarry after age 60 without losing her veterans' dependency and indemnity compensation.

H.R. 4472. March 6, 1975. Veterans' Affairs. Allows remarriage of a widow over age 60 without termination of Veterans' dependency and indemnity compensation.

H.R. 4473. March 6, 1975. Interior and Insular Affairs. Designates a unit of the Big Thicket National Preserve in Texas as the Ralph Yarborough Unit.

H.R. 4474. March 6, 1975. Ways and Means. Amends the Internal Revenue Code to allow a deduction from gross income for costs paid by the taxpayer for the custodial care of a dependent as a result of Down's syndrome.

H.R. 4475. March 6, 1975. Public Works and Transportation. Prohibits commercial flights by supersonic aircraft in the navigable airspace of the United States until Congress approves findings of the Administrator of the Environmental Protection Agency that such flights will have no detrimental effect on the persons and environment of the United States, and the Secretary of Transportation certifies that the operation of such aircraft meets all standards prescribed for the operation of aircraft in the United States under the Federal Aviation Act of 1958.

Requires supersonic aircraft to meet noise standards equal to those of subsonic aircraft.

H.R. 4476. March 6, 1975. Judiciary. Requires the establishment of a system for the redress of law enforcement officers' grievances and acceptance of a law enforcement officers' bill of rights by the States and local government units as a condition to receiving grants under the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 4477. March 6, 1975. Judiciary. Authorizes the Attorney General to institute suits to eliminate sex discrimination in public facilites. Prohibits discrimination on the basis of marital status in various Federal programs and statutes. Requires the Secretary of Health, Education, and Welfare to make recommendations to equalize the treatment of the sexes under Federal laws.

H.R. 4478. March 6, 1975. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationalty Act.

H.R. 4479. March 6, 1975. District of Columbia. Provides that all property of American University shall be held in perpetuity for educational purposes and, in the event that the property shall no longer be held for educational purposes, all right, title, and interest shall vest in the Board of Education of the United Methodist Church.

H.R. 4480. March 6, 1975. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals for the period of their imprisonment in Southeast Asia which commenced while employed by International Voluntary Services Incorporated pursuant to a Government contract.

H.R. 4481. March 6, 1975. Authorizes emergency appropriations to various Federal agencies for fiscal year 1975.

H.R. 4482. March 10, 1975. Judiciary. Prohibits discrimination on the basis of sex and marital status in public accommodations, public facilities, public education, federally assisted programs, employment opportunities, and the sale or rental of housing. Authorizes the Secretary of Health, Education, and Welfare to pay up to 60 percent of the cost of commissions, boards, and advisory panels established by the legislatures or Governors of the several States to study discrimination against women.

H.R. 4483. March 10, 1975. Interstate and Foreign Commerce. Amends the Natural Gas Act to establish a priority system for certain agricultural uses of natural gas.

H.R. 4484. March 10, 1975. Post Office and Civil Service. Repeals criminal penalties for the failure of an individual to answer questions submitted in connection with certain censuses or surveys conducted or administered by the Department of Commerce.

H.R. 4485. March 10, 1975. Banking, Currency and Housing. Authorizes the Secretary of Housing and Urban Development to reduce interest rates on home mortgages for middle-income families (1) by making periodic interest reduction payments to reduce payments made by a family to the amount that would be due on its home mortgage at six percent; (2) by making interest rate differential payments equal to the difference between the outstanding principal balance on home mortgage and the market value of the mortgages, with a maximum interest rate of seven percent, priced to provide a yield determined by the Secretary; and (3) by purchasing mortgages through the Government National Mortgage Association.

H.R. 4486. March 10, 1975. Judiciary. Sets forth penalties for the kidnapping of a minor child by a parent who is under a judicial order not to interfere with the custody of such child or not to remove such minor from the jurisdiction of the Court.

H.R. 4487. March 10, 1975. Post Office and Civil Service. Requires that labor disputes within the United States Postal Service by supervisory organizations and the Service be submitted to an arbitration board.

H.R. 4488. March 10, 1975. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act of 1973 to exempt from mandatory allocation regulations the first sale of the share of a State or local government in crude oil produced from the leasing of State or locally-owned lands.

H.R. 4489. March 10, 1975. Interior and Insular Affairs. Authorizes the Secretary of the Interior to study the feasibility of establishing the Bartram Trail in Alabama, Florida, and Georgia, as a national scenic trail.

H.R. 4490. March 10, 1975. Post Office and Civil Service. Directs the Postal Service to issue a special postage stamp in honor of the approximately six million Jews killed by Nazi Germany during World War II.

H.R. 4491. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to permit an employer who is a corporation or other organization exempt from the income tax, and who contributes to a custodial account which is a qualified employee retirement plan, to invest the funds so contributed in savings accounts or debt obligations of banks.

H.R. 4492. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to repeal the December 31, 1975 termination of a provision of the code relating to interest income earned from certain domestic savings, insurance, and other institutions, which is treated as income from sources within the United States except where such interest is paid to nonresident aliens or a foreign corporation.

H.R. 4493. March 10, 1975. Education and Labor. Amends the Fair Labor Standards Act of 1938 by repealing the employers' credit against minimum wage liability which is based on tips received by employees.

H.R. 4494. March 10, 1975. Education and Labor. Amends the Occupational Safety and Health Act of 1970 by stipulating that no civil penalty may be assessed against an employer the first time such employer is issued a citation for a violation of the Act. Requires such employer to abate those violations cited within a specified period of time.

H.R. 4495. March 10, 1975. Public Works and Transportation. Directs that no State shall receive less than 80 percent of the amount paid by that State into the Highway Trust Fund.

H.R. 4496. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to disallow deduction from gross income of the expenses for attending conventions outside the United States and Canada unless certain requirements are met.

H.R. 4497. March 10, 1975. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the membership income of cooperative housing corporations, condominium owners' or homeowners associations.

H.R. 4498. March 10, 1975. Ways and Means. Amends the Social Security Act by extending Medicare benefits to unemployed individuals, and their dependent spouses and children, who are entitled to weekly unemployment compensation benefits.

H.R. 4499. March 10, 1975. Ways and Means. Amends the Social Security Act by removing the limitation on the amount of outside income which a widow with minor children may earn while receiving mother's insurance benefits.

EXTENSIONS OF REMARKS

THE HARTFORD, CONN., TIMES CALLS FOR LOBBYING REFORM

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, the Hartford Times, on March 16, called for quick congressional action on legislation, the Public Disclosure of Lobbying Act, H.R. 15, which reforms lobbying activities with the Federal Government. I recommend this editorial to my colleagues:

ESTABLISH CONTROLS ON FEDERAL LOBBYING

An intensive drive is underway in the Congress to force action this year on a piece of major legislation that would establish basic controls on legislative and executive branch lobbying.

The present law, the 1946 Federal Regulation of Lobbying Act, does not have enforcement powers, does not apply to executive branch lobbying and provides inadequate coverage of those who lobby the Congress.

John W. Gardner, chairman of Common Cause, the national citizens' lobby, recently said, "Lobbying has become one of the most secretive and potentially corrupting ingredients in American politics. The time for legislation bringing it out in the open is long overdue."

He also said, "The citizens of this land have a right to know about any individual or group that is spending money secretly to manipulate the political process. They must know because the price of their food, their heating bills, the safety of the tops their children play with, and a great many other things may be profoundly affected by such activity. Every citizens, every consumer, every taxpayer is directly affected."

That right to know is absolute, but the restrictions on lobbying should not be so onerous that they interfere with the vital function that lobbying serves.

Mr. Gardner, perhaps more than anyone, should be familiar with the positive benefits of lobbying: He founded only five years ago what has since become the single most influential citizens lobby in the country.

He recognizes that "Lobbying is not wrong in itself. In fact, it can serve a useful purpose. But it is wrong to lobby secretly, wrong to deceive the public, wrong to use money in ways that corrupt the public process."

The legislation now under consideration in the House and the Senate recognizes the vital need to control lobbying to insure that what occurs is, in fact, in the public interest while, at the same time, not outlawing lobbying in and of itself.

"Lobbying" is defined in the legislation as communication with a federal officer or employe in order to influence either legislative or executive branch action. It applies to lobbyists as individuals and to organizations which employ lobbyists. Any individual or organization spending or receiving more than $250 in a calendar quarter for lobbying is covered by the legislation.

The bill would require individuals or organizations covered by the definition to register as lobbyists, to keep records of their receipts and expenditures, to file quarterly reports on their lobbying activities and finances, to make public the name of the lobbyist, his employer and the amount paid, reveal any services or gifts given to a federal officer or employe, identify the legislative action the lobbyist attempted to influence, reveal the names of persons the lobbyist contacted, and furnish a copy of any written communication between the lobbyist and the federal official.

The House version would also require certain executive branch officials and employes to log any oral or written communication from lobbyists seeking to influence proceedings or agency policy. The logs would contain the date of the contact, the subject, the written material and a description of the response to the contact.

The Federal Elections Commission, created to administer and enforce the campaign finance reform law, would also be responsible for enforcing the lobbying act. All reports would be filed with the commission. It would have investigatory powers, subpoena powers and could initiate civil proceedings to compel compliance.

The legislation is well-thought out and would in no way interfere with the importance and value of the lobbying function. In fact, it only serves to protect the public interest in an area where past abuses have been legion.

The Congress should act quickly. The legislation should have solid support from the public and from legitimate lobbyists, who all too frequently have been burned by the taint of evil and corruption because of the questionable activities of a small minority who abused their rights and privilege.

SCIENCE FOUNDATION AUTHORIZATION

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. HANLEY. Mr. Speaker, I would like to take this opportunity to comment on an important matter debated on the House floor yesterday. While considering the National Science Foundation Authorization for fiscal 1976, important questions were raised concerning a program developed and marketed by the National Science Foundation entitled "Man, a Course of Study," MACOS. Many objections have been raised concerning the use of textbooks and other learning aids in this program. Terms such as "adultery," "murder," and "bestiality" were used. I received a number of communications claiming that our children were being subjected to such ideas and concepts.

Such claims are quite obviously valid concerns and ones which should not be taken lightly. As discussion continued on the MACOS program, we learned that the National Science Foundation was also quite aware of these objections, and had in fact decided that no further funds would be obligated for MACOS in fiscal 1975, and no funds would be obligated in fiscal 1976 for either MACOS or any other Foundation program until a thorough review had been completed. In view of the strong objections raised, I commend the Foundation for its decision.

As debate continued, however, a much broader issue developed that concerned me deeply. An amendment was offered by Mr. CONLAN which would have required congressional approval of the promotion and marketing of all curriculum programs of the National Science Foundation, including the MACOS program. Fortunately, the amendment was defeated.

The American people will rue the day when the Federal Congress has the power to tell them what can and cannot be taught in their schools. To me, this is the central problem with the Conlan amendment. Providing Congress with the power to censor local educational agencies and school programs is dangerous and will destroy the concept of free public education in America.

My vote against the Conlan amendment was not based on any particular judgment of the MACOS program or any other program developed by the National Science Foundation, or any program developed or marketed with Federal Government funds. My vote against this amendment was based on my firm conviction that we were dealing with a local matter, which should be handled at the local level. It is a matter which should be handled by parents and local school agencies, and not by the U.S. Congress. This body has neither the time nor the expertise to pass judgment on school curriculums. We are not here to be a censorship board over any program. These are the responsibilities of parents and local school boards.

While I fully understand and appreciate the concerns of many parents about the ideas and concepts their children are subjected to in our schools, judgments on such programs must rest in their hands.

I sincerely hope that the review conducted by the National Science Foundation in the weeks and months ahead will resolve the problems surrounding programs of this type to the satisfaction of all.

CONFIDENTIALITY OF TAX RETURNS

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ZEFERETTI. Mr. Speaker, over the last several years, it has become quite obvious that a number of Government agencies and departments have been used and abused in a number of ways harmful to the public interest. We now know that illegal files on innocent American citizens were kept by certain Federal agencies merely because those citizens happened to take positions contrary to those held by certain people in posts of authority. The Nation has been surprised and dismayed to discover that this has been extended to the FBI, the CIA, and Internal Revenue Service. The Post Office has been used to open mail illegally and secret organizations were set up within certain agencies to watch certain of our fellow citizens.

While I certainly appreciate and affirm the need for a meaningful program of national security, these and related actions are odious and unacceptable to me and the overwhelming majority of American citizens. The private lives of our people should remain private. Once Government starts to probe into those lives, it swiftly grows from big Government to big brother. Our liberties are too precious to tolerate such a series of encroachments, and it is the task of the Congress to act as the first line of defense for the liberties of the people we represent. Just because we were lax in the past, we must be more vigilant today and in the future.

One of the most disturbing phenomena of the past few years as revealed in recent news stories is the access to confidential income tax information of citizens by unauthorized individuals and organizations. It seems that the information on our financial status has been abused by IRS over the years, and is continuing. It seems that a special, separate IRS intelligence operation has been gathering personal, nontax related data on the personal habits of individual Americans, and that this information has been used to apply political pressure.

Unauthorized files have been compiled, and despite denials to the contrary, the documents and tapes involved probably still exist. We have all been shaken by the publicity given the special service staff, which engaged in the most inexcusable departures from standard IRS duties. There is a strong possibility that audits of tax returns were not made on the at random basis of the past, but on the basis of political judgments and prejudices.

Another disconcerting revelation is that IRS fed special service staff files regularly to other Federal agencies, and in return, received information from them.

IRS has one job to do, and that is to collect taxes. Congress has given IRS huge powers to do so. Congress also has a duty to make certain that IRS never abuses these powers for political purposes.

Therefore, I feel that corrective legislation is required to guarantee the confidentiality of our tax returns and guarantee that IRS collects taxes rather than information on private citizens to turn over to those in power. We need legislation that would restrict the functions of IRS, prohibiting that agency from straying from its jurisdictional designation, insuring that there will be no repetition of the Watergate years.

Conservatives and liberals, alike, agree that this is one of the most important legislative goals of this Congress. A new, no-nonsense law must be put on the statute books forthwith. Therefore, we must see to it that the bill concerning this matter, now under consideration by the Committee on Ways and Means, moves swiftly through Congress and to the President's desk.

SUPERSONIC JET TRANSPORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MIKVA. Mr. Speaker, I was very disappointed and puzzled to learn that the Environmental Protection Agency has told the Federal Aviation Administration that it does not object to foreign supersonic jet transports landing at U.S. airports.

Anyone remotely familiar with the dangerous effects of the SST and the existing, loophole-ridden FAA regulations—which allow sonic boom-producing flights for such vague and questionable reasons as assisting aircraft development or studying sonic boom effects—should realize that instead of encouraging more SST traffic we should be working toward an all-out ban of it.

The EPA action and the FAA's regulations make me wonder if anyone in either agency lives near a major U.S. airport, or is remotely aware of the impact their recommendations and rules have on those people who do.

If the EPA or FAA bureaucrats did live near a major airport—such as O'Hare in my own district in Illinois—they would have a much clearer, if less comfortable, understanding of what it is like to have their daily lives disrupted, their health impaired and their atmosphere ravaged by noise and air pollution from airplanes.

So far the pollution has come from conventional jets. If we allow supersonic jet transports to rampage across our skies, the discomfort and danger will do more than just break the sound barrier, some eardrum and windows. According to a report last week from the National Academy of Science, SST traffic would spew out nitrogen oxides that will strip the ozone blanket in the stratosphere and allow a dangerous rise in ultraviolet rays from the Sun. The probable result—an increase in skin cancer.

When the SST first threatened to take off in the United States in 1971 when I was in the 92d Congress, we acted decisively and prevented plans for domestic production. The 94th Congress must act just as decisively and pass a bill that would permanently ground the SST in the United States by banning sonic booms from all civil aircraft—domestic and foreign—over the United States, its territories, possessions and territorial waters.

To do anything less is to court disaster for our Nation's health and environment.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EARLY. Mr. Speaker, with yesterday's passage of House Joint Resolution 148, the House voiced its overwhelming support for the designation of April 24, 1975, as a "National Day of Remembrance of Man's Inhumanity to Man." This day marks the 60th anniversary of the brutal destruction of close to 2 million Armenian people in the holocaust perpetrated by the Turks early in the First World War in the Ottoman Empire.

The turbulent history of the Armenian people is marked by long periods of subjugation to foreign rule. The systematic stripping of human dignity and freedom from an entire people—proud people who dared to feel that they were entitled to a measure of freedom and autonomy in their homeland—culminated in the Turks' wholesale massacre of Armenian men, women, and children over a 3-year period. The horror stories that are told today by Armenian-Americans who survived the genocide describe the insane annihilation of half a nation in a brutal and heartless bloodbath too tragic to comprehend. And still there has been no territorial restitution for the Armenian Nation.

In the climate of today's world, when our own Nation is so directly involved in the tragedies of Vietnam and Cambodia, and the ongoing crises in the Middle East and Northern Ireland show no signs of ebbing, it behooves us all, particularly we in the Congress, to put the symbolism intended by a "National Day of Remembrance of Man's Inhumanity to Man," to the test. We have told ourselves for 200 years that we are a Nation dedicated to peace. I want to believe that we are. I want this Congress to prove that we are.

I am proud to have been a cosponsor of House Joint Resolution 148. I believe as do the Armenian-American people, that the great sacrifices and devotion to the cause of freedom made by their nation cannot and must not be forgotten in this year 1975.

WASHINGTON POST SUPPORTS EXTENSION AND EXPANSION OF THE VOTING RIGHTS ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BADILLO. Mr. Speaker, in an editorial that appeared in the Washington Post on April 5, 1975, the newspaper took a position in support of expanding the coverage of the Voting Rights Act to include the Spanish-speaking community. As an advocate of this position I would like to thank the Washington Post for its valuable support. The text of the editorial follows:

EXPANDING THE RIGHT TO VOTE

Across the American Southwest in recent months, a complaint has been made that is striking in its familiarity. The complaint is that American citizens are being systematically denied the right to vote because of their ethnic background. These citizens, Mexican-Americans, have provided Congress and the courts with examples of how their insistence on the right to vote has been challenged by local voting registrars. The evidence includes instances of blatant gerrymandering, cases where the names of aspiring voters were not entered in the voting books after they thought they had registered and instances in which community members have been denied the opportunity to serve as deputy registrars to be in a position to oversee the registration process. The U.S. Civil Rights Commission has confirmed many of the contentions in a study of its own.

The reason all this has a familiar ring is that the complaints of the Mexican-Americans of the Southwest sound remarkably like the complaints of the black people of Alabama and Mississippi only 10 years ago. After much national anguish, the remedy for the Deep South situation was found. Congress passed the Voting Rights Act of 1965. Not all the voting problems of the black people of the South disappeared with the passage of that act. Much remains to be done, but much progress has been made. The Voting Rights Act has proved to be a worthwhile device for correcting historic inequities in the voting patterns of the South.

Now, Americans of Hispanic background have called on the Congress to include them specifically under the act in those jurisdictions in which the systematic denial of the franchise is still a way of life. The Voting Rights Act is up for renewal this year, and Mexican-American groups have asked Congress for its expansion. Reps. Herman Badillo of New York, Barbara Jordan of Texas and Edward Roybal of California have submitted a bill (HR 5552) that encompasses the needs of the Mexican-Americans and others of Hispanic descent for relief. It would amend the Voting Rights Act by making it illegal to conduct English-only elections in jurisdictions with large numbers of Spanish-speaking citizens, and it would bring in federal registrars where large numbers of the Spanish speaking are not registered. It would place those jurisdictions under federal supervision until such time as a majority of the Hispanic people had been registered. And during that time, no changes in the voting procedures could be made without the consent of the attorney general or the U.S. District Court. Moreover, the elections would be supervised in those areas of the country where Mexican-Americans now feel threatened when they attempt to vote.

Texas and California are among the states where the Mexican-American community is feeling the pressure most, but there are problems elsewhere in the country that could, and should, be redressed by the expansion of the act.

There have been expressions of concern that the cause of civil rights could be harmed by this attempt to expand the law, notably because of the question of whether the Supreme Court would sustain a law that forbids English-only election procedures. Since the Supreme Court spoke on that subject last fall (*New York v. United States*) and said English-only elections were a restrictive device against the Spanish-speaking, that concern appears to be of little consequence, in any event, the Badillo-Jordan-Roybal bill contains a clause that is designed to permit a test of the new sections of the act without endangering the whole of it, so there is little reason to fear losing the entire Voting Rights Act in the course of trying to fashion legislative relief for the Mexican-American community.

As matters now stand, the Mexican-American Legal Defense and Educational Fund has been fighting inch-by-inch in the courts for relief from a variety of restrictive devices in several states. Even though their cause has often been upheld, the time and expense involved in court suits have been needlessly burdensome. The Voting Rights Act was intended to make certain that the 14th and 15th Amendments were obeyed in the case of blacks. Its principles should be applied now in the case of Americans of Hispanic descent.

JOHN R. HILL, JR., OF GIFFORD-HILL & CO.

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COLLINS of Texas. Mr. Speaker, I was pleased yesterday to learn that John R. Hill, Jr., president and chief executive officer of Gifford-Hill & Co., has been honored as America's most outstanding corporate executive in the building materials industry. The award, presented by Financial World magazine, was based on Hill's excellent management performance which contributed to the dynamic advancement of Gifford-Hill Co., and the overall betterment of his industry and his community. Having known John for many years and having observed his outstanding work both for Gifford-Hill and for Dallas, I know that Financial World showed deep perception in their excellent selection.

John first went with Gifford-Hill in 1946, and served in a variety of capacities until 1969 when he was named president. Gifford-Hill has, during Hill's presidency, attained a very impressive record as one of the Nation's leading and most forward-moving industries. The company maintains a wide range of activities including construction materials and concrete products; truck transporation; agricultural and industrial products; and real estate investment and development. During 1974, Gifford-Hill achieved record earnings.

John Hill has also been an outstanding neighbor in the community. He has served as president and member of the board of the Timberlawn Foundation, president of the City Club of Dallas, and board member of the Dallas Museum of Fine Arts and the Dallas Society of Crippled Children.

We in Dallas have always valued John's business and community leadership. We are most proud to see him honored nationally among America's top corporate executives as the best corporate official in the building materials industry.

ELECTRIC VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1975

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McCORMACK. Mr. Speaker, on March 25, 1975, I introduced a bill (H.R. 5470) which would establish a program, within ERDA, to demonstrate the practical use of electric cars for short-range use in every area of this country. I have been joined in introducing this bill by Congressman OLIN E. TEAGUE, Congressman CHARLES A. MOSHER, Congressman GEORGE E. BROWN of California, and Congressman BARRY GOLDWATER, JR. The impact of this bill will be of major importance to our country because it would greatly contribute to the conservation of liquid fuels and thus decrease our dependence upon foreign supplies of petroleum. Also, it would significantly reduce urban noise and environmental pollution.

The legislation is primarily intended to demonstrate the commercial feasibility of electric vehicles—particularly as second cars, or as vehicles for short-range errands and commuting—applicable for most metropolitan areas in the United States. The legislation will also provide information leading to the improvement of design and performance characteristics of electric vehicles, so that they will become more competitive with gasoline-driven vehicles for a larger number of uses throughout this country. The bill calls for the Energy Research and Development Administration to undertake a 3-year program in which 10,000 electric vehicles would be purchased and leased in all areas of the country, probably on a lottery basis. After an appropriate period of time for final testing and evaluation, the vehicles would be sold.

The 3-year program, which would cost $40 million annually, consists of two phases. The first is the introduction within 1 year of several thousand electrically-powered vehicles, using existing American automobile chassis. These would obviously be small American cars, and the electric vehicles would retain all of the safety features of these cars except perhaps for rapid acceleration. The second phase of the program would involve the production of several thousand vehicles specifically designed for practical electric propulsion. Data would be collected from the use of all of these vehicles, and used for design improvements for future models. Among the special provision of the bill are means to provide protection and incentives to small businesses in order to encourage their widespread participation.

Research and development would include work on energy storage, as well as control systems and allover design of electric vehicles, with the aim of reaching maximum energy efficiency, durability, ease of repair, and recyclability of parts. Associated research would focus on urban design and traffic management for optimum transportation energy use, and minimum environmental degradation.

The Administrator of ERDA would also conduct studies of tax provisions, regulatory law, and other factors which might tend to bias the transportation system toward a particular type of vehicle. These findings, as well as assessments of the long-range environmental and economic impacts, would be first reported to Congress within 6 months, and subsequent reports on the overall progress of the project would be required every 6 months following, for the 3-year lifetime of the project.

Electric cars have not generally been considered as competitors for vehicles powered with internal combustion engines, because so much more power can be provided by an internal combustion engine, and the resulting performance is obviously higher. The first point that this demonstration program would attempt to make, therefore, is that electric vehicles are completely adequate to meet a substantial portion of the transportation requirements of Americans today. According to the Environmental Protection Agency, more than half of the total automobile miles driven today consists of trips of 5 miles or less. For such short trips, internal combustion engines operate least efficiently. Such trips as going to and from work, to and from school, and to and from the shopping market account for a large fraction of our gasoline consumption. These trips could easily be made in electric vehicles. Even in so spreadout a city as Los Angeles, the EPA estimates that the average driving distance per day is only about 28 miles, and it is expected that 17 percent of such personal transportation needs could be met by electric cars. Electric cars existing today are capable of traveling up to about 60 miles without recharging batteries, and may reach speeds of 60 miles per hour.

In order to further focus on the potential impact of electric vehicles for the commuting public, it is instructive to consider the Washington, D.C., metropolitan area. Within a 20-mile radius of the Capitol—commuting distance with existing electric cars—we find, according to the Bureau of the Census, a population of approximately 2.7 million people.

Of course, one of the major reasons for our legislation is conservation. Gains in energy efficiency would come about by off-peak hour recharging of electric car batteries. This would permit more efficient use of existing electric generating plant capacity. As this Nation runs out of petroleum and natural gas, it will, for the balance of this century, become dependent for most of its energy on coal and nuclear fission. Obviously, electric vehicles can play a major role in conserving petroleum and petroleum products, and reducing our dependence on imports. In addition, of course, there will be a dramatic reduction of air and noise pollution within our metropolitan areas.

The Committee on Science and Technology considers this Electric Vehicle Research, Development, and Demonstration Act of 1975 to be serious legislation, to be initiated and pursued at once. The potential benefits in energy conservation and environmental protection are substantial.

All Members are invited to join in cosponsoring this legislation. The text of H.R. 5470 is as follows:

H.R. 5470

A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Electric Vehicle Research, Development, and Demonstration Act of 1975".

FINDINGS

Sec. 2. The Congress hereby finds that—

(1) travel patterns of commerical and private vehicles in urban areas are weighted heavily toward short and predictable trips well within the capability of electric vehicles of current design;

(2) our balance of payments and our economic stability are threatened by the need to import oil for the production of liquid fuel for gasoline-powered vehicles;

(3) the shortage of fuel for gasoline-powered vehicles will continue indefinitely;

(4) the increased price of petroleum is a major factor in recent inflation trends;

(5) the strain on individuals' budgets inflicted by liquid fuel prices mandates the development of an alternative source of propulsion wherever possible;

(6) environmental pollution control is becoming more and more difficult and expensive with the use of gasoline-powered vehicles, and the steadily increasing numbers of such vehicles threatens the quality of the air even when strict controls are applied to individual vehicles;

(7) stationary sources of pollutants are potentially easier to control than moving vehicles, making it environmentally desirable for transportation systems to be powered from central sources;

(8) liquid-fuel-powered vehicles are a major source of urban noise pollution;

(9) electric-powered vehicles do not emit any significant pollutant and are far less noisy than conventional automobiles and trucks;

(10) new technologies of propulsion and control have made electric vehicles more practicable than in the past, and developments in battery technology indicate that further progress is likely in the next decade;

(11) because electric vehicles use little or no energy when stopped in urban traffic, they permit the conservation of energy currently wasted by conventional automobiles and trucks;

(12) the power demands of electric vehicles would promote energy conservation by loading utilities in offpeak late night hours, permitting more efficient use of plant capacity;

(13) the depressed state of the current automobile industry would be alleviated by the introduction of new technologies more closely matching consumer needs; and

(14) because of the large capital needs of new transportation technology, and the built-in features of current highway and maintnance systems which tend to bias consumers toward conventional vehicles, a Federal role is required in promoting the development of the socially desirable electric vehicle industry.

POLICY AND GOALS

Sec. 3. (a) It is declared to be the policy of the United States and the purpose of this Act to demonstrate the commercial feasibility of electric vehicles for urban individual and business use, and to encourage research and development in new technologies for electric vehicles with wider applications, in order to promote long-range conservation of liquid fuel and reduce environmental pollution.

(b) In carrying out the purpose of this Act it is the goal of the Federal Government—

(1) to promote the substitution of electric vehicles for many gasoline- and diesel-powered vehicles currently used in routine short-haul, low load applications;

(2) to implement this policy by removing institutional barriers to such substitution where otherwise practicable;

(3) to provide incentives for consumers and industry to adopt and utilize electric vehicles whenever the use of such vehicles would be beneficial; and

(4) to provide a research and development background for further applications as rapidly as possible to meet the further tightening of liquid fuel availability.

DEFINITIONS

Sec. 4. For purposes of this Act—

(1) The term "electric vehicle" means a vehicle which is powered primarily by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current. It may include also a non-electrical source of power designed to charge batteries or provide auxiliary power to the wheels.

(2) The term "project" means the Electric Vehicle Research Development and Demonstration Project established within the Energy Research and Development Administration as provided in section 5 of this Act.

(3) The term "Administrator" means the Administrator of the Energy Research and Development Administration.

(4) The term "significant numbers" means numbers sufficient to assure a realistic and effective demonstration in support of the objectives of this Act; except that in any event, for the purposes of subsection (a) of section 7, significant numbers of vehicles shall be considered to have been produced if five thousand or more are produced.

Sec. 5. (a) The Administrator shall promptly establish, as an organizational entity within the Energy Research and Development Administration, the Electric Vehicle Research, Development and Demonstration Project.

(b) The overall management of the project shall be the responsibility of the Administrator, but he may enter into such arrangements and agreements with the National Aeronautics and Space Administration, the Secretary of Transportation, the National Science Foundation, the Environmental Protection Agency, the Secretary of Housing and Urban Development, and such other Federal offices and agencies as he may deem necessary or appropriate for the conduct by them of parts or aspects of the project which are within their particular competence.

(c) In providing for the effective management of the project the Administrator shall have specific responsibility for—

(1) promoting basic research on electric vehicle batteries, controls, and motors;

(2) determining optimum overall electric vehicle design;

(3) conducting demonstrations of the feasibility of commercial electric vehicles by contracting for the practical manufacture of electric vehicles and by developing arrangements with other agencies and nongovernmental entities for the operation of such vehicles;

(4) ascertaining consumer needs and desires so as to match the design of electric vehicles to their potential market; and

(5) ascertaining the long-term changes in road design, urban planning, traffic management, maintenance facilities, utility rate structures, and tax policies which are needed to facilitate the manufacture and use of electric vehicles.

RESEARCH AND DEVELOPMENT

Sec. 6. The Administrator, acting through appropriate agencies and contractors, shall initiate and provide for the conduct of research and development in areas related to electric vehicles, including—

(1) energy storage technology, including batteries and their potential for convenient recharging;

(2) vehicle control systems and overall design for energy conservation, including the use of regenerative braking;

(3) urban design and traffic management for optimum transportation-related energy use and minimum transportation-related degradation of the environment; and

(4) vehicle design for maximum practical lifetime, ease of repair, and interchangeability of parts.

DEMONSTRATION

Sec. 7. (a) The Administrator shall enter into such contracts as may be necessary and appropriate—

(1) for the production, within one year after the date of the enactment of this Act, of significant numbers of urban passenger and commercial vehicles (meeting the standards and criteria developed under subsection (b)) which have electric propulsion systems on conventional chassis; and

(2) for the production, within three years after such date, of significant number of urban passenger and commercial vehicles (meeting such standards) which are specifically designed for electric propulsion as the primary power source.

(b) Within one hundred and eighty days after the date of the enactment of this Act, the Administrator shall develop or arrange for the development of performance standards and criteria which are suitable for the needs of urban private passenger vehicles and urban commercial vehicles (and which shall be applicable to the vehicles produced under subsection (a)). The standards and criteria so developed shall not be designed simply to reflect the characteristics of current internal combustion engine automobiles and trucks, but shall also take into account the factors of energy conservation, urban traffic characteristics, patterns of use for "second" vehicles, consumer preferences, maintenance needs, battery recharging characteristics, materials demand and recyclability, vehicle safety and insurability, and other relevant considerations, as such factors and considerations particularly apply to or affect vehicles with electric propulsion systems. Such standards and criteria are to be developed and determined separately for vehicles designed with electric propulsion systems on conventional chassis and for vehicles specifically designed for electric propulsion as the primary power source. In developing such standards and criteria, the Administrator shall consult with appropriate authorities concerning design needs for electric vehicles compatible with long-range urban planning and traffic management.

(c) The Administrator shall make arrangements as may be necessary or appropriate—

(1) for the introduction of the electric vehicles produced under subsection (a) into the vehicle fleets of State and local governments and Federal agencies;

(2) for the introduction of such vehicles into individual and business use, with the individuals and businesses involved being chosen by an equitable process (such as a lottery in each region or category) and being given the option of purchasing or leasing such vehicles under terms and conditions which will insure their widespread use;

(3) for the evaluation of electric vehicle performance and of consumer reaction to electric vehicles in use;

(4) for demonstration maintenance projects (including maintenance organization and equipment needs), and model training projects on maintenance procedures; and

(5) for the dissemination of data on electric vehicle safety and operating characteristics (including nontechnical descriptive data made available through the Government Printing Office) to State and municipal consumer affairs agencies and groups.

USE OF ELECTRIC VEHICLES BY FEDERAL AGENCIES

SEC. 8. (a) The United States Postal Service, the General Services Administration, the Secretary of Defense, and the heads of other Federal agencies shall arrange for the introduction of electric vehicles into their fleets as soon as possible. For competitive procurement purposes in purchasing such vehicles, life cycle costing and the beneficial emission characteristics of electric vehicles shall be fully taken into account. In any case where (as determined by the head of the agency involved) electric vehicles are practical but are not economically competitive with conventional vehicles, the Administrator may pay the incremental cost of the electric vehicles (as a part of the demonstration program under section 7) to insure that the maximum number of electric vehicles are placed in use by Federal agencies.

INCENTIVES AND ASSESSMENTS

SEC. 9. (a) The Administrator shall conduct a study to determine the existence of any tax, regulatory, traffic, urban design, and other institutional factors which tend or may tend to bias transportation systems toward vehicles of particular characteristics, and shall report the results of such study to the Congress within six months after the date of the enactment of this Act.

(b) The Administrator shall conduct a continuing assessment of the long-range materials demand and pollution effects which may result from or in connection with the electrification of urban traffic, and shall include a statement of his current findings in each report submitted under section 12. Any environmental impact statement which may be filed under a Federal law with respect to research, development, or demonstration activities under this Act shall include reference to the matters which are subject to assessment under this subsection.

(c) In carrying out his functions under this Act, the Administrator shall perform or cause to be performed studies and research on incentives to promote broader utilization and consumer acceptance of electric vehicle technologies.

ENCOURAGEMENT AND PROTECTION OF SMALL BUSINESS

SEC. 10. In carrying out his functions under this Act, the Administrator shall take steps to assure that small business concerns and qualified individuals will have realistic and adequate opportunities to participate in the program under this Act to the maximum extent possible.

REPORTS TO CONGRESS

SEC. 11. The Administrator shall submit to the Congress semiannually a report on all activities being undertaken or carried out pursuant to the provisions of this Act, including such projections and estimates as may be necessary to evaluate the progress of the program under this Act and to indicate the extent to which and pace at which the objectives of this Act are being achieved. Each such report shall also include any recommendations which the Administrator may deem appropriate for legislation or related action which might further the purposes of this Act.

APPROPRIATIONS

SEC. 12. There are authorized to be appropriated to the Administrator not to exceed $40,000,000 for each of the three fiscal years 1976, 1977, and 1978. Any amount appropriated pursuant to this section shall remain available until expended, and any amount authorized for either of the first two such fiscal years but not appropriated may be appropriated for any succeeding fiscal year through the third such year.

PETER DALBEN COMPLETES 26 YEARS OF SERVICE ON THREE BOARDS OF EDUCATION

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McFALL. Mr. Speaker, I want to share with you and my colleagues a letter I have sent today to my good friend, Peter Dalben. Pete is retiring from public service after 26 years of improving education in our community. It is because of men and women like Pete Dalben that as parents we can look forward to our childrens' progress and the progress of our Nation. The letter follows:

APRIL 11, 1975.

DEAR PETE: It is with a sense of profound regret that I cannot be with you and your many friends this evening to join paying tribute and expressing appreciation for your 26 years of service to our community on three boards of education.

Long ago, I know, you lost count of the number of meetings and hours you have spent in working to provide the children and young people of our community with the best educational system possible.

The years of your service have been years of change, challenge, and growth for our educational system. You and your colleagues have met change with vision; challenge with a sense of duty; and growth by providing leadership in the community.

Your career has been capped with the building of the new gymnasium complex at East Union High School. It could have no better name than "Dalben Center."

As you retire from public service, I know you and Elma are looking forward to having more time to yourselves and your family, though your interest in education will not diminish.

May I join the whole community in expressing to you sincerest wishes for a future filled with many years of well deserved joy.

Sincerely yours,

JOHN J. MCFALL,
Member of Congress.

RUTGERS' 30TH ANNIVERSARY AS THE STATE UNIVERSITY OF NEW JERSEY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. PATTEN. Mr. Speaker, as an alumnus of Rutgers University, it will be my pleasure and privilege to participate in the celebration of the 30th anniversary of Rutgers as the State university of New Jersey by attending a banquet on Saturday, April 12, 1975, on the New Brunswick campus.

On that evening 1,000 faculty, administrators, alumni, and just plain friends of the university will gather to honor Rutgers graduates and selected others who have become leaders in government.

U.S. Senator CLIFFORD P. CASE, Rutgers 1925, will be the featured guest speaker and will receive special honors to mark the 50th anniversary of his graduation from Rutgers. Other guest speakers will be the Honorable Brendan T. Byrne, Governor of New Jersey, and Edward J. Bloustein, president of the university.

Those to be honored include three former Governors of New Jersey, nine alumni who are Members of Congress, 21 alumni who are members of the State legislature, and former university presidents, Dr. Mason W. Gross and Dr. Lewis Webster Jones.

The Governors to be honored include Robert B. Meyner, Richard J. Hughes—currently Chief Justice of the New Jersey Supreme Court—William T. Cahill, and the incumbent Governor, Brendan T. Byrne.

Rutgers alumni presently serving in Congress are Senators CLIFFORD P. CASE and HARRISON WILLIAMS, and Representatives DOMINICK V. DANIELS, JAMES J. FLORIO, JAMES J. HOWARD, WILLIAM J. HUGHES, MATTHEW J. RINALDO, PETER W. RODINO, and myself.

Rutgers alumni in the State senate are Herbert J. Buehler, Martin L. Greenberg, Joseph A. Maressa, Carmen A. Orechio, Barry Parker, and Raymond J. Zane.

Rutgers alumni assemblymen are George H. Barbour, William J. Bate, Gertrude Berman, John Paul Doyle, William E. Flynn, John H. Froude, William J. Hamilton, Eldridge Hawkins, Alan Karcher, Herbert C. Klein, Harold Martin, Ronald Owens, Victor A. Rizzolo, Karl Weidel, and Charles D. Worthington.

This occasion is only one special event in a month-long series of concerts, lectures, art exhibits, tours, and sports events—almost all free to the public—to commemorate the action of the New Jersey Legislature in 1945 designating Rutgers to be the source of a comprehensive program of education, research and public service for the citizens of the Garden State. President Edward J. Bloustein has invited all New Jersey citizens to visit their State university during this open-house celebration.

The most dynamic and challenging period in Rutgers' history as an educational institution has been its immediate past 30 years as the State university of New Jersey. During those three decades Rutgers grew from a collection of small colleges in New Brunswick into one of the 20 largest universities in the country, encompassing three major urban centers and numerous teaching and research facilities throughout the State.

Recognition by the State legislature in 1945 as the State university—after having been the land-grant college since 1864—was only an initial step toward the full-fledged State university status which is the current responsibility of Rutgers and its mandate for the future.

A comparison of the university then and now reveals a staggering growth pattern. In October 1944, the number of college credit students totaled 3,166. In October 1974 the university enrolled a total of 44,469 credit students.

Rutgers' vast physical expansion over 30 years is virtually unparalleled among State universities. Since the middle 1950's alone, Rutgers has built or renovated more than 90 major buildings.

Rutgers' physical plant increased in value from a little over $20 million in 1944 to more than $321 million in 1974.

Along with physical expansion went enormous educational strides as Rutgers increased the depth and breadth of its undergraduate, graduate, and professional courses, the intensity of its research activities, and the range of services to the public.

Among new educational units the 30 years since the war era have spawned are graduate schools of education, social work, library service, and business administration, two new undergraduate colleges—Cook and Livingston—in the New Brunswick area, undergraduate colleges and law schools in Newark and Camden, institutes for microbiology, politics, and animal behavior, and centers for the study of alcohol, labor relations, and marine sciences.

Although it is celebrating 30 years as the State university of New Jersey, Rutgers was founded in 1766 as the eighth college in the Colonies. Therefore, we would like to take this opportunity to recognize Rutgers' designation—the only university which can claim a colonial background—as the land-grant college and status as the State university.

PERSONAL EXPLANATION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MIKVA. Mr. Speaker, when the vote was taken on House Joint Resolution 148, rollcall No. 105, I was unavoidably detained off the House floor. Had I been present, I would have voted "yea."

LEE HAMILTON'S MARCH 12 WASHINGTON REPORT: "SOCIAL SECURITY IS SOUND"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include my March 12, 1975, Washington Report, "Social Security Is Sound":

SOCIAL SECURITY IS SOUND

The social security system is not bankrupt, unsound, or doomed to collapse and continues to merit the basic confidence of the millions of Americans it serves.

That is the verdict of five former secretaries of Health, Education and Welfare who recently studied the social security system. They concluded that attacks on its basic durability and health are unfounded and a disservice to the public and that the system will continue to function well if it is adapted to changing times and conditions.

There is no disput that public discussion is both necessary and helpful to improve the social security system and that the debate should include such questions as the level of benefits, the test of retirement, the benefit rights accorded women, and the adequacy and equity of financing. Nevertheless, since 1938 the basic integrity of the system has been reaffirmed with each exhaustive review by social security advisory councils including representatives of the private insurance industry.

These are some of the important questions the former secretaries addressed in their report on the status of social security:

Question. Is it true that promised social security benefits may not be paid in the future?

Answer. The claim to social security benefits is a legal right enforceable in court as the law of the land. Congress has gone far to assure that future legislators will not weaken the legal obligation to pay those benefits and to make clear its pledge to honor the social security commitment.

Question. Is social security the same thing as insurance?

Answer. Strictly speaking social security is social insurance, not private insurance. Yet both embody financial protection against defined hazards through a pooling of contributions and a sharing of risks on the happening of stated events. Workers' social security payments are both taxes and contributions to an insurance system.

Question. Are social security trust funds too small?

Answer. Social security advisory councils and the insurance industry have repeatedly concluded that social security reserves are adequate. A government insurance system which has its future income assured by the taxing power needs a trust fund only as a contingency reserve large enough to meet temporary changes in income and outgo. As long as his benefits are adequately assured by the government's ability to obtain future income, today's young worker need have no concen because his contributions are used to pay today's beneficiaries, or because his future benefits will be paid from future contributions.

Question. Are social security taxes regressive?

Answer. Taking into account both social security benefits and contributions, the social security system as a whole is not regressive. The benefit formula is so designed as to give a larger return for each dollar of contribution to the low wage earner than to the high, and the net effect of the system is to transfer some income from the more affluent as a group to the less affluent.

Question. Does social security give the contributor a poor bargain?

Answer. The individual receives better value from the government than he could obtain elsewhere. Excluding speculative investment, it is not true that the social security contributor could get a better return by investing in the private market. Considering the automatic cost-of-living and benefits level increases, there is no question that the worker receives protection worth more than his total contributions with interest.

Question. Will the social security system require additional financing in the future?

Answer. It is estimated that over the next 25 years that income to support the cash benefit program will need to be increased by about 10% to 15%, particularly toward the year 2000. The problem is easily manageable and does not constitute a financial crisis. One reason for the increase in the long run is that a lower birth rate will result in a higher proportion of retired people, as compared with active workers. The additional income that will be needed could come in part from an increase in the maximum earnings base, rather than entirely from the contribution rate, or it could come from general revenues.

(NOTE.—The above is taken from "Social Security: A Sound and Durable Institution of Great Value," by Wilbur Cohen, Robert Finch, Arthur Fleming, John Gardner, Elliot Richardson, Robert Ball, William Mitchell, and Charles Schottland.)

DISASTER PREPAREDNESS

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of Ohio. Mr. Speaker, the National Oceanic and Atmospheric Administration released today the results of a study of tornadoes and schools. Seven university professors, all architects and engineers, have scientifically determined the safest parts of a school in which to seek shelter in case of a tornado.

I think it is vital that such potentially lifesaving information gets the widest distribution that is possible. We have a responsibility to provide the public with all the disaster preparedness information that is available and to remind citizens that they may have only a moment's notice to prepare for a tornado like the one which devastated Xenia, Ohio, just 1 year ago last week. For these reasons, I am inserting the news release prepared by NOAA to explain the results of the study in the RECORD at this point:

TORNADO SAFETY RULES FOR SCHOOLS

A team of seven university professors has come up with some potentially lifesaving refinements to the National Oceanic and Atmospheric Administration's National Weather Service safety rules for shielding schoolchildren against tornadoes.

Their recommendations to the Commerce Department agency are based on numerous on-site inspections of schools damaged or destroyed by tornadoes during the past few years. Their key finding is that the worst effect of a tornado on a schoolbuilding is a savage blast of wind from the portion of the rotating funnel augmented by the tornado's forward speed. Since most tornadoes come from the southwest, this means the extreme blast usually will come from the southwest, and that schoolrooms on upper floors facing south and west usually will be hardest hit, and most dangerous to occupy. The safest places in a school with no basement usually will be interior corridors on the lowest floor that open to the east and north, where the wind force usually will be least.

If the school has a basement, that of course remains the safest place of all.

Previously, it had been thought that a possibly greater effect than wind was the explosion of air trapped inside a schoolbuilding when the low-pressure "eye" of the tornado passed overhead, causing all of the walls to fall outward and the roof to blow off. Actually, it seldom happens that way, says the team. In their investigations, walls and windows on south and west sides sometimes would fall outward, but rarely.

The wind force of a powerful, fast-moving tornado may be 100 miles per hour stronger on the right side than the left.

Combining this knowledge with the fact that 90 percent of all major U.S. tornadoes come from a direction somewhere between south-southwest and west-southwest, you get a guide by which school administrators and other institutional officials can select, *in advance*, the portions of their buildings that are likely to be safest, and those most dangerous, if a large tornado makes a direct hit on their building.

The professors who did the research for the report are James Abernethy of Lawrence Institute of Technology, Southfield, Michigan, project coordinator; Joseph Minor, James McDonald, and Kishor Mehta of Texas Tech Univ.; Uwe Koehler of Ball State University, Indiana; Billy Manning of Auburn University, Alabama; and Thomas Hanson of the University of Detroit. All are either architects or engineers. The report was prepared for the Community Preparedness staff of the Weather Service.

The researchers said the principal effects of the peak tornado winds are, in order of importance: first, the disintegrating pressure against walls, windows and doors; second, the devastating effect of missiles propelled by the wind; third, the collapse of high portions of buildings, such as chimneys, into lower parts which would otherwise suffer little damage, and last, the explosive pressure differential when air pressure inside a building is momentarily higher than outside. They said school buildings designed to meet usual code requirements seldom fail because of explosive decompression, but usually because of some combination of the other three.

The analysts reported that time and time again they found tornado-devastated schools with south and west walls knocked inward, and that shattered window glass frequently was imbedded in interior walls of south-facing rooms, illustrating the extreme danger of remaining in such areas. Windows on north-facing rooms were often intact.

They cautioned that large rooms with free-span roofs are particularly dangerous because of the likelihood of roof failure, and subsequent showering of debris on people huddled below. They said roofs of rooms such as gymnasiums, cafeterias, and auditoriums fail because of aerodynamic "lifting" by winds passing over the roof plus "ballooning" from within caused by inrushing air through openings in an exterior wall—a dynamic duo of destruction.

Other places to be avoided besides rooms on the windward side and rooms with broad roofs are listed as areas with lots of glass, corridors and spaces likely to become "wind tunnels," and areas with load-bearing walls. "All buildings have one or more of these undesirable features," they wrote. "Pinpointing them is helpful in predicting portions that will be most severely damaged."

The "wind tunnel" effect occurs in corridors and spaces in line with the tornado's travel. Glass, gravel, dirt and all kinds of debris will actually move horizontally through these tunnels. So it's vital for people caught in such locations to sit, crouch, or lie flat and cover their heads. Better still, avoid using corridors with openings that face south or west. Interior corridors facing north are usually safest, followed by those facing east. Also stay away from doorways that open into south- or west-facing rooms. If it's necessary to occupy a corridor with a door facing an approaching tornado, stay well back from the door.

The warning against load-bearing walls applies to rooms where roofs and floors depend on walls for their support. If the wall collapses, the roof or floor also fails—a very dangerous combination.

Reversing the coin, the report also lists "good features" for tornado shelters, in order of importance, as a place on the lowest floor, under a short-span ceiling, in the interior of the building, in a room with framed construction rather than long-bearing walls. It recommends six square feet per person in the shelter area.

THE AMERICAN PEOPLE SUPPORT ISRAEL

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. SOLARZ. Mr. Speaker, in recent weeks there has arisen a popular misconception that the support of the American people for the State of Israel has seriously eroded. This attitude has supposedly been intensified by the attempt of some in the administration to place the blame for the failure of Secretary Kissinger's peace mission at the feet of Israel and by the President's announcement that our Middle East policy will be reassessed. Others believe that the country's preoccupation with the energy crisis and the attempts to lessen our dependence on Arab oil has fostered a decline in sympathy for the plight of Israel.

A recent study by the well-known and highly respected public opinion analyst, Louis Harris, reveals, however, that there has not been any erosion for the support of Israel by the American public. In fact, Mr. Harris declares that "support for Israel is now at a record peak." In a recent New York Times Magazine article it was reported that 52 percent of the American public now sympathizes with Israel, an increase from the 39 percent who held that opinion in 1973 after the Yom Kippur war. The Harris poll also discloses that our fellow citizens came down decisively against abandoning Israel to get enough oil—64 to 18 percent.

Mr. Speaker, I believe it is critical to have a sense of the broad support for the current U.S. policy toward Israel by the American public as we listen to the President's message this evening and consider our overall foreign policy objectives. I submit Mr. Harris' most timely and perceptive article herewith, for inclusion in the RECORD, and urge that our colleagues give it full and careful attention:

OIL OR ISRAEL?

(By Louis Harris)

There is a deep and disturbing counterpoint to Henry Kissinger's flying diplomacy (now grounded) in the Middle East. It is the feeling here at home—and particularly among the Eastern Establishment—that the traditional American support for Israel is crumbling and that anti-Semitism may be on the rise. Put somewhat differently, in the prospective trade-off between the need to get along with the oil-rich Arabs and sympathy for the Jewish state, the Jews are going to be the losers.

The sentiment is expressed in many other ways. A prominent Eastern newspaper publisher, who is Jewish, remarked: "Most Americans are practical and pragmatic. They are not that principled. And when they become convinced that we must get oil from the Arabs, they'll say, 'The Jews be damned.'" A leading doctor, also Jewish, had a more apocalyptic vision: "I'm not even religious, nor have I been that enamored of Israel. But now I think that if Israel goes down the drain, it will be followed by pogroms against the Jews in every Western country, including this one."

This apprehension, this deep distrust of the world about them is characteristic of the way many Jews see the present situation. And it must be said that they can find reasons for their fears. During a recent conversation, a top executive of an oil company in New York City summed up his view of the current scene: "The balance of power in the world has passed into new hands. Israel is going to be lucky to survive. The old voting power of Jews in America is going to give way to a new realization that Arab oil power is a price America must both reckon with and ultimately compromise with, even if Israel has to go."

A highly publicized variant of this view was offered by Gen. George Brown, the chairman of the Joint Chiefs of Staff, during an informal talk at the Duke University Law School. He said that if Americans suffered enough because of the energy shortage "they might get tough minded enough to stop the Jewish influence in this country and break that lobby." And then, rather mindlessly, he went on to say that the "Jews own the banks and the newspapers in this country. Just look where the Jewish money is." General Brown was scolded by President Ford; he apologized, and the matter was dropped. When Jewish organizations threatened to demand his removal, they were persuaded to hold back on the grounds that forcing the general out would be taken as proof of the power of "Jewish influence" at the highest levels.

Others have pointed out the obvious misconceptions behind General Brown's remarks. There also seemed to be a series of linked underlying assumptions: Israel's reputation in the United States was built on its military success. The life-line for Israel was American military assistance. The more the Soviet Union poured arms into Egypt and Syria, the bigger the United States build-up in Israel. As former Senator William Fulbright remarked several times, the pro-Israel Jewish influence in Washington was so great that it could command as many as 71 out of 100 members of the United States Senate. Thus, Jewish voting power, strategically located in pivotal states, such as New York, California, Illinois, Michigan and Pennsylvania, along with Jewish money in political campaigns, provided the political muscle to guarantee unlimited American backing for Israel.

But, now, the argument goes, things are different. The myth of Israeli military invincibility has been shattered. Israel did not win the Yom Kippur War in 1973. With its traditional air-power supremacy blunted by Russian missiles in the hands of the Egyptian and Syrian Armies there was a standoff. At the same time the Arab stereotype has changed. No longer could they be seen as backward sheiks garbed in white sheets and living in desert tents. They control a large part of the world's most precious raw material—oil. And the American people have to come to terms with this new power or find themselves in the deepest trouble for lack of energy. Finally, the relentless Jewish effort to keep in touch with the power centers in Washington is beginning to backfire.

Indeed, the failure of Kissinger's mission was underscored by President Ford's statement, made less than 24 hours after Kissinger's return, that if Israel "had been a bit more flexible . . . it would have been the best insurance for peace." The Administration stressed that the time had come to reassess American policy, though Kissinger was quick to point out that "punishment of a friend cannot be the purpose"; nor would he publicly affix blame on the Israelis or the Arabs for the collapse of the talks. Nevertheless, a sensible inference was that Ford, who needs a conspicuous success in the international field for his own political well-being, did blame the Israelis and was angry at them. It is also possible that he misjudged American public opinion on the matter.

Taken together, the cumulative effect of the events of the last year and a half seem to have produced three main conceptions in many American minds: (1) Jewish power could well be eroding in the United States, accordingly weaking the lifeline to Israel; (2) traditional Israeli intransigence would no longer be tolerated; (3) with the decline of sympathy for Israel and the growth of Arab power, a spate of anti-Semitism could well break out in the Western world.

The trouble with almost all of this is that it simply doesn't square with prevailing public opinion in the United States. And the single group which most underestimates the pro-Israel sentiment in this country and most overestimates the possibility of the anti-Semitism is none other than the American Jewish community. Instead of slipping away, support for Israel is now at record peak. A recent Harris survey indicates that 52 per cent of the public now sympathizes with Israel, up sharply from the 39 per cent who felt that way in 1973, right after the Yom Kippur War. By contrast, 7 per cent of the American people expressed sympathy with the Arab side in the Middle Eastern conflict. A national leadership group drawn from government and politics, business, labor, communications, education, religion, and voluntary organizations was 56 percent in sympathy with Israel, while only 5 per cent supported the Arab cause.

Later this year, Congress must decide whether to give Israel $1.8-billion in military aid, a much higher sum than that country has ever asked for before. American public opinion has not always favored sending military assistance to Israel. Back in 1967, when Israel was rolling up its smashing victory of the Six Day War, a 39 per cent to 35 per cent plurality of the public opposed sending military aid. During the 1973 war, opinion shifted and a relatively narrow 46 to 34 per cent plurality supported aid.

But now, even as the myth of Israel's invincibility has lost its hold on the public, support for sending weapons to Israel has grown enormously. A rather lopsided 66 to 24 per cent majority favors sending Israel what it needs in the way of military hardware. (some have suggested that the very size of this margin might tempt the Israelis to bypass the Administration and take their case, no doubt illadvisedly, to the public and the Congress directly.) This is all the more remarkable in view of the decisive 65 to 22 per cent majority who opposes the country's giving military aid in general and the 74 to 17 per cent who oppose sending any more military assistance to Vietnam.

These findings about the attitudes of Americans towards the Arab-Israeli conflict and toward Jews in the United States came from a survey that was finished by the second week of January. Two major groups were interviewed: First the public, in the form of a representative national cross section of 3,377 adults, including a number of Jews; and second, the leadership community, a total of 491 persons who are opinion leaders in such areas as business, government, religion, education, labor and communications.

The obvious conclusion to be drawn from the survey is that when Israel is seen as a tough, cocky Sparta, the top military power in the Middle East, most Americans feel little sense of urgency to send aid. But when Israel appears to be the underdog, alone and surrounded by hostile Arabs, then a better than 3 to 1 majority wants to send military aid. (In passing, I should point out that only 34 per cent of the public is confident that Israel would win another war.) Thus, Israeli leaders who think the world always wants to ride with a winner may be sorely underestimating the compassion of the American people for the underdog. Of course, there are other reasons for this overwhelming support for military aid for Israel (which rises to an even higher 75 to 13 per cent majority among the leaders). One is a persistent worry about the Russians and their arms. As a mechanic in Youngstown, Ohio, put it: "I hear the Russians have sent the Arabs all their latest planes and missiles. So we better do the same or Israel will be wiped out, and Russia will take over the whole area."

It must be said that only one out of four Americans would approve sending American troops to the Middle East even "if Israel were being defeated by the Arabs," and there are some who will find this a very distressing figure. But this is a very remote scenario and the Israelis have always insisted that they would never ask for troops. The reluctance to send troops should not be taken as a sign of an erosion of American support for more military aid for Israel. To the contrary, there is every sign that such backing is at a peak.

Despite all that has been said about it, neither the public nor the leadership group seems particularly disturbed about Israel's so-called intransigence in the Middle East peace negotiations. A solid majority of the public and 77 percent of the leaders feel that the current Government of Israel is "reasonable in wanting to work for a peace settlement." It should be added that the Egypt regime is also felt to be "reasonable" by a 2 to 1 majority among the public and a 4 to 1 margin among the leadership group. In fact, there is little demand from American public opinion that Israel be persuaded to give back the territories it has occupied since the 1967 war. The heavily prevailing view at all levels is that "Israel has helped develop occupied Arab territories and will work out a fair way for the Arabs to rule themselves in their own territory." A 55 per cent majority of the public is opposed to America's pressuring Israel to hand back the occupied areas, and a wide 65 to 14 per cent majority is against Israel's "giving up occupied Palestinian Arab territory and letting P.L.O. leader Yasir Arafat rule it."

Indeed, neither Arafat nor the P.L.O. is held in high regard by the public. Arafat's appearance before the United Nations met with a negative response of 58 to 30 per cent. Compared to last summer, the majorities that see him as "an extremist who conducts terrorist activities" and "responsible for the slaughter of innocent children" have grown in number. Yet Arafat is gaining ground as the recognized leader of the Palestinians (up from 19 per cent to 35 per cent in 6 months), and there is no strong feeling among either the public or the leaders that he should be barred from the Geneva peace talks if they ever take place.

The reasons people think Arafat ought to have a seat at Geneva are interesting and reflect an underlying cynicism about world politics. It is a cynicism so widespread that it is becoming hard to find majorities of Americans who are ready to condemn aggressors. The head of the P.L.O. is seen as being only a cut below many of the other figures who might be seated in Geneva. Moreover, Americans have become used to seeing Secretary of State Kissinger holding cordial negotiating sessions with all kinds of previously hostile leaders: Brezhnev, Mao, the North Vietnamese and every shade of Arab potentate. Why shouldn't Arafat sit in at Geneva, the reasoning goes, even if the P.L.O.'s acts of terrorism are despicable?

In the complex web of concerns that make up the Middle East problem, there is one that dominates all others in the mind of the American public. It can be summed up in a statement from our recent survey: "Arabs are getting rich on our dollars, and as a result we and the rest of the world are suffering bad inflation and economic hardship, which is wrong."

Since last fall, a massive backlash against foreign oil-producing countries has formed in the United States and it now colors nearly all other American views. When asked to name the leading cause of inflation, 76 per cent of the public singled out foreign oil-producing countries. When asked to account for the recession, 63 per cent pinpointed "Arab oil producers." Fully three out of four Americans blame last year's oil shortage on the Arab embargo, while two out of three blame the Arabs for the rise in the price of oil. With a kind of indiscriminate intensity, the American people attribute their energy troubles, as well as their general economic woes, to oil—and to most, oil means "the Arabs."

But even as they appreciate the spectacular increase in the wealth and power of the Arab world, the American people remain firm in their support of Israel and determined to maintain this position. A 68 to 20 per cent majority rejected the notion that "we need Arab oil for our gasoline shortage here at home, so we had better find ways to get along with the Arabs, even if that means supporting Israel less." The percentage that rejected this argument last summer was only 61 to 23.

The response to the pivotal question in the entire survey was profoundly illuminating. The question was this: "If it came down to it and the only way we could get Arab oil in enough quantity and at lower prices was to stop supporting Israel with military aid, would you favor or oppose such a move by this country?" A 64 to 18 per cent majority of the public, which contains only 3 per cent Jews, came down decisively against abandoning Israel to get enough oil. An even higher, almost unanimous 93 to 5 per cent majority of the leaders expressed the same view. Yet, when a special national cross section of 567 Jews was asked how non-Jews in America would feel, by 45 to 34 per cent, the Jews were quite sure that they would opt for oil, not Israel.

It is clear that most Americans are unwilling to make Israel the victim of what many feel is a "game of Arab oil blackmail," as one United States Senator put it. There is little doubt that the Arabs have badly miscalculated American public opinion in this country. This is not to say that the public favors the use of force to take over the Arab oil fields. A 58 to 25 per cent majority opposes this. But that is beside the point. With the exception of Egypt's President Sadat and Jordan's King Hussein, Arab leaders, including the murdered King Faisal of Saudi Arabia, are now viewed as foes of the United States and are highly unpopular. Sadat is a familiar figure to 55 per cent of the public, more than know most Democratic candidates for President, and 69 per cent have a favorable view of him. He is one of the few bridges the Arab world has to the American public.

Though opinion in this country has deep reservations about the Arab world, it does not accept Israel uncritically. Americans feel that the Israelis have taken American support for granted too easily. A majority of 62 per cent to 24 per cent and only a slightly smaller majority of 56 to 36 per cent of leaders believe that "Israel is friendly to the United States because it wants our military supplies." Even more damaging is the 48 to 33 per cent plurality of the public which holds that "Israel seems to feel the United States will back them up, no matter what they do." The leaders deny this, but the difference is only marginal.

If Israel projects the view that it takes American aid for granted, there is certain to be a serious erosion of votes in the Congress during the military aid debate in the coming months. An Israel which appears to shun all peace efforts and boasts of its military power could well be told to find its backing elsewhere. In sharp contrast, an Israel which appeared eminently reasonable about negotiations can easily make its case for continued military aid. At the moment, Israel is benefitting as much from anti-Arab sentiment over oil as from its pro-Israeli feeling in its own right.

The extent and depth of support for Israel may come as a surprise to many, but the most surprised group of all will be American Jews, who now seem totally possessed of a doomsday vision of what will happen to Israel and what might happen to Jews in this country. A prominent Jewish lawyer in Chicago put it this way, "Senator Percy is known for having his ear to the ground. When he made all those friendly remarks about the Arabs, he could see the handwriting on the wall. Don't kid yourself, the fact that Arabs have oil power is changing everything. Combined with the recession, you'll see Jews not being hired and I wouldn't be surprised to see middle America blame the whole economic mess on the Jews before it is all over."

Let us return to the case of General Brown. By 45 per cent to 42 per cent, most Jews felt that non-Jews thought "it was proper and right" for the general to say what he did. Yet, when non-Jews were asked about the general's statement, by 61 to 19 per cent, a solid majority—and an even higher 78 to 15 per cent of the leadership—said Brown's comments were "improper and wrong."

But this discrepancy is only the beginning. Where American Jews really take off into flights of fantasy is on the subject of anti-Semitism itself.

It can be argued that people say one thing and really believe another when it comes to such delicate matters as racial and religious prejudice, and anyone who looks closely at public opinion must take this into account. In the case of Jews and non-Jews, the Harris survey took steps to deal with the problems. An attempt was made to match Jewish interviewers with Jewish respondents and non-Jewish interviewers with their counterparts to reduce as much as possible any hesitation among non-Jews to express anti-Semitic attitudes or among Jews to express their perceptions of anti-Semitic attitudes. There is evidence that the exercise was useful. Compare these Jewish estimates of non-Jewish attitudes with the facts of the matter: 62 per cent of all Jews hold the view that non-Jews think "Jews are irritating because they are too aggressive." Yet, no more than 31 per cent of the non-Jewish public believes this. Fifty-two per cent of all Jews think non-Jews feel that "when it comes to choosing between people and money, Jews will choose money." Only 32 per cent of the non-Jews actually feel that way. This same pattern could be repeated on a whole list of attitudes. For each, Jews vastly overestimate the hostile feelings of non-Jews.

If we total all the unfavorable stereotypes, it can be estimated that 31 per cent of the non-Jewish public in the United States hold attitudes about Jews which can be described as anti-Semitic. This is not a small number and it certainly confirms the fact that anti-Semitism is very much alive. Indeed, trend measures indicate that there has been a marginal rise in anti-Jewish feeling from 28 per cent last year. However, when Jews were asked to estimate anti-Semitism, a much higher 56 per cent estimated that non-Jews held prejudiced views about them.

The inescapable conclusion is that American Jews have somehow lost touch with the reality of where anti-Semitism really is. The dangers in this major miscalculation by the Jewish community are many. It could mean that American Jews may be consistently ignoring their natural allies in the fight against anti-Semitism. It could also mean that they are serving Israel poorly by automatically assuming hostility to Israel when rather powerful support actually exists. Most importantly, American Jews could well be giving an impression of such insecurity that they are inviting the hostility they fear.

All minorities tend to think things are worse for them than they are. It is part of the survival mechanism and is understandable in human terms. But in today's climate of opinion, American Jews have vastly overestimated their own problems as well as the precariousness of Israel's position. What we have found is that support for Israel is deep and wide among non-Jews, and anti-Semitism is holding at traditional levels. This may be no great consolation to the American-Jewish minority, but it is hardly a prelude to holocaust.

OPEC AND BIG OIL

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BEDELL. Mr. Speaker, the high price of foreign oil is the main cause of our current economic and energy problems. The international price of oil has quadrupled in the last 2 years. Our escalating oil payments have in turn placed a heavy burden on our economy by draining off critical purchasing power and exacerbating inflationary pressures. It is thus imperative that we devise and implement a national energy policy that will deal with our energy problems in an effective and equitable manner.

In the past few months, the administration has proposed an energy program that is based on the maintenance of high oil prices, both at home and abroad. It contends that high oil prices will force Americans to buy less gas and fuel oil thus reducing our dependence on imports of foreign oil and stimulating greater investment in domestic oil supplies and greater research and development on alternative sources of energy. This policy has manifested itself in the form of President Ford's oil tariff proposal last January, the State Department's support for the negotiation on a "floor price" for imported oil, and in administration proposals for abandoning price controls on domestic crude oil and gas.

In my view, this policy of high oil prices holds serious implications for our domestic economy. The primary objective of our national energy policy at this point in time must be to reduce our dependence on imports of extremely expensive foreign oil without damaging an economy now in the throes of a recession. The administration's policy addresses the first half of this equation, but neglects the latter part.

This is a dangerous omission. Instead of concentrating on maintaining artificially high oil prices, we should be seeking ways to lower the price of oil while continuing with intensified conservation and development efforts here at home. This is not a mutually exclusive proposition.

In an article in the February 15 edition of Nation magazine, Prof. Louis Schwartz points out the flaws in the "high price" approach to our energy problems. I commend this article to my colleagues and herewith insert it in the RECORD:

OPEC AND BIG OIL: THE MALIGN COLLABORATION

(By Louis B. Schwartz)

The Ford Administration has come up with an amazing remedy for the "energy crisis." The cure advocated for the Arab-dictated extortionate price of petroleum is to raise prices still higher! It is proposed to tax imported crude at the rate of $3 per barrel, this to be added to the current international price of $11 with a pass-through of the new tax to the consumer. At the same time, it is proposed to drop price controls on domestic crude oil and gas. These steps, according to the President, will have the gratifying result that people will simply be forced to buy less gasoline and fuel oil. Accordingly, demand will decline, or at least "stabilize," and thus we shall have countered the cartel power of OPEC.

This Alice-in-Wonderland solution of the energy crisis is so divorced from economic reality that it must be regarded as disingenuous. The purpose of the proposal is not to restrict the use of oil, but to provide revenue to balance the politically attractive income tax cuts concurrently proposed. An additional purpose is to gratify all the interests in the United States that have for generations used the government to support artificially high prices for domestic oil, gas and competitive fuels. The recent quadrupling of the price of oil with no substantial "voluntary" curtailment of consumption, sufficiently demonstrates that oil consumption is relatively unresponsive to price change. Accordingly, further increases in price cannot be expected to cut demand significantly. They will, however, significantly contribute to inflation, and will cut the demand for other goods.

A real cut in demand for oil, and a real contribution to conservation, can be achieved only by rationing and, preferably for the long run, by tax or other legislation favoring the manufacture of small cars. A graduated tax based on horsepower would change car-buying habits in a manner that would not interfere seriously with travel, would reduce air pollution (in contrast to President Ford's proposal to relax clean-air standards) and would offset higher gas prices with increased miles per gallon. Along with this conservation effort should go a drive to break the OPEC cartel, thus reducing the price of imported, hence all, petroleum.

Real, as distinguished from phony, solutions of the oil crisis must respond to basic facts and rest on moral and economic principle. The central facts are that OPEC is controlling a price for crude oil that is approximately forty times the cost of production, that the multinational oil companies, which have been our "agents" to procure foreign oil and to negotiate with the sheiks, have failed us and that the U.S. Government's recent policy has been aimed at "collaboration" rather than "confrontation" with OPEC. Collaboration is Kissinger's program to bring the consumer states together with OPEC to "stabilize" the situation at current fantastic, cost-disregarding prices. Confrontation would aim at breaking the cartel, especially by concerting the U.S. buying power to make favorable bilateral deals with those suppliers who would reduce prices.

Prices should, in general, reflect costs. That is a principle of morals and economics. To the extent that prices reflect costs (including fair compensation to labor and a capital return sufficient to attract the necessary investment), a given expenditure of human effort will produce a maximum of human satisfaction. Putting it another way, price-cost parity allocates resources most efficiently. If oil that can be produced at 25¢ a barrel in the Middle East is sold at forty times that price, two misallocations follow: (1) The energy users, forced to divert enormous resources to pay this non-cost-justified price, will have less with which to buy meat, clothing, capital goods and services. The world is thus forced to forgo production for which it is ready to pay cost, in order to pay much more than cost for a monopolized resource; (2) the non-cost-justified rise in oil prices leads to an enormous and wasteful diversion of resources into finding alternatives to the monopolized resource. The difficult, expensive and dangerous development of nuclear energy, of oil production from the sea depths, of new means of extraction and transportation, absorb billions that would otherwise be spent for human needs other than fuel.

An even more dangerous misallocation of resources is occurring. The oil billions are being used to buy arms; and the build-up of Arab military power will evoke a countervailing build-up of Israel's military power. Such a perversion of the world's productive resources to weapons of mutual destruction is, at a time when millions of human beings face death by starvation, not only reckless but disgusting. War is being brought closer to the Middle East, not merely war between the Arabs and the Israelis but war between their Big Power sponsors, and even war among the Arab states. In the chaos of expanding armaments each Arab state will will see a deterioration of its relative military position vis-a-vis its neighbors, or much to be gained by putting to hideous use the new instruments being provided by the West (including Russia). The immorality of OPEC's extortion of monopoly prices for petroleum inheres therefore both in the excessive returns and in the use to which those returns are put.

This immoral and dangerous redistribution of wealth is the result of an agreement or conspiracy among the OPEC countries to limit production and to exact an arbitrary monopolistic price from the rest of the world. Cartel agreements of this type are illegal and even criminal under the laws of the Western nations when engaged in by private companies, for the reason, among others, that charging a monopoly price is equivalent to levying a tax on consumers. When interests inside or outside our country levy taxes upon us other than through our own political processes, the issue of "taxation without representation" arises. As in the case of the American Revolution, that issue can lead to violence. To say that the oil "belongs to them" is no answer to the charge of immoral and uneconomic exaction. Ownership, when dispersed among numerous proprietors, does not carry with it the power to exact prices above cost: competition among proprietors would usually divert trade to the low-cost producers. The power of OPEC nations to overcharge results from the agreement among them to consolidate their bargaining position, not from their individual "ownership."

OPEC is, of course, not the only cartel in the international oil market. The giant multinational oil firms functioned as a private cartel long before OPEC appeared on the scene. They collectively maintained the price of oil far above the cost of production, thus denying energy to some who could have paid a reasonable competitive price and misallocating resources toward production of more costly fuels. They maintained their united front not by an overt comprehensive cartel agreement, like OPEC, but by a complex network of interrelationships, including partnerships to develop new fields or markets, multiple contracts for exchange of oil and petroleum products among themselves and, above all, unspoken understandings—typical of oligopolies—not to challenge one another commercially but to "follow the leader" in pricing for particular markets. By this means, for example, Middle East oil was for decades sold in the Mediterranean on the basis of Gulf Coast prices, i.e., as if it had been produced at high cost in the United States and transported thousands instead of hundreds of miles. Moreover, there is little reason to doubt complaints of OPEC members that the private cartel exploited their weak, unorganized suppliers as well as their weak, unorganized customers, exercising monopsony power on one side as well as monopoly power on the other.

There is small comfort for the rest of us in the "countervailing power" seemingly provided by the private oil cartelists confronting OPEC. The great multinational petroleum companies do not represent us. They certainly cannot be identified with any single national interest, e.g., of the United Kingdom, or the United States, or Holland or France. The obvious solution to tensions between superpowers—as Kenneth Galbraith observed in *American Capitalism: The Concept of Countervailing Power*—is a treaty of alliance, i.e., power sharing at the expense of the unorganized. It takes little imagination to envision the course of negotiations between OPEC and the cartelists. OPEC wants the highest price extractable from the industrial consumer nations. The oil companies' position is not inherently antagonistic to that desire, since any increase in the total revenues enlarges the companies' potential income (if the sheiks are not too greedy). Also, the value of the companies' reserves in the United States and elsewhere rises by breath-taking billions with each rise in the current price called for by the Saudis.

What will most preoccupy the companies is that the price increases be so handled as to avoid three undesirable responses: (1) A genuine rapid search for alternative energy sources which would reduce the demand for oil; (2) nationalization, excess profit taxation, or other adverse political responses in the "home" country; (3) any undermining of OPEC control, either through covert violation by a member, or by rapid development of non-OPEC oil fields, since an uncontrolled oil source would lead to price cutting and upset the balance of power among the oil companies in favor of whichever one found the new source. Arabia will be most understanding of the companies' apprehensions on each of these scores.

OPEC member countries have begun to buy or confiscate interests in the oil companies' transportation, refining and marketing operations—activities outside the boundaries of the producing country. The private organization is retained on a profitable basis to carry on the activities for the new owner. This progressive integration of the companies into the OPEC cartel tends to consolidate both the governmental and the private cartels. The main sources of supply become permanently tied to the main outlets to the market. The probability that a new refiner or marketer will come on the scene to serve consumers independently is reduced. The chance that a new oil discovery will find its way to consumers by a route other than through the cartelized marketers is slim. There is talk already that the consumer nations need to engage in a little "counternationalization" of Arab interest in non-Arab petroleum operations.

The grim picture is oversimplified—unavoidably so in a brief analysis. Company policies are not perfectly aligned, if for no other reason than that they are differentially dependent on OPEC oil. They are rivals for sources and markets as well as collaborators. Some of them are responsive to public opinion and to political pressures in the home country. But these moderating influences are inadequate to qualify the companies to represent the national interests of consumer countries. The underlying conflict of interests is too plain, and the history of the companies' commercial policies too dubious.

An American reaction to the situation was recently embodied in a bill, tentatively approved by a Subcommittee on Multinational Corporations of the Senate Committee on Foreign Relations. This "Foreign Oil Contracts Act of 1974" purportedly is intended to increase the political accountability of the intenational oil companies. It would require registration of all contracts for procurement of substantial quantities of crude or refined petroleum; forbid any "United States business entity" to enter into such contract without approval of the Federal Energy Administrator (but a contract is deemed approved if not disapproved within twenty days of registration); authorize the Administrator to inspect records of companies submitting contracts for approval; and make public all registered contracts, except to the extent that publication would "seriously interfere with the national interest in obtaining secure supplies" of petroleum products. In exercising his authority to approve, the Administrator would consider "any threat to the economic well-being of the United States or of other importing nations," the availability of other lower-priced oil, the tendency of the contract to concentrate access to any oil production "in the hands of one or a small number of corporations" and "the degree to which the Administrator was consulted during negotiation of the contract."

The bill is a travesty. It is confined to contracts and ignores structural integration, e.g., mergers and takeovers. It adopts a contract-by-contract approach instead of appraising the entire skein of relationships. It does not apply to contracts made prior to enactment. It does not authorize the Administrator to withdraw approval once given. It does not assure him a continuous flow of information on changing conditions that affect the desirability of the contract. Perhaps the most interesting feature is the hint that the Administrator should involve himself in *negotiating* the contracts. Considering that the Administrator is given only twenty days to pass upon registered contracts, it would be reassuring to believe that his agents would be scurrying about the world to influence contract formation. But that would be an illusion; the manpower would be lacking and the other participants in the negotiations would obstruct intrusions by outsiders. At best, a nominal participation by the Administrator would serve to justify swift formal approval of *faits accomplis*. The most revealing comment on this bill was its characterization by one "insider" as "a more feasible alternative to establishing a direct purchasing agency of the U.S. Government which would deal directly with OPEC nations and then allocate purchased oil among U.S. oil companies."[*] The bill in short is a political gesture masquerading as effective governmental intervention—a triumph for the oil companies, for OPEC and for the highly placed officials in the government of the United States who favor "collaboration, not confrontation" with OPEC.

These forces find a governmental purchasing agency "less feasible" because it would expose and highlight the political confrontation between the importing governments and OPEC. But there is every reason for the industrialized democratic governments to press boldly for solutions grounded on economic justice and morality and to put away pseudo-solutions—including the one so often advanced these days, that we borrow back from the sheiks the billions which they are extorting from us.

The strangest and most frightening element in the whole situation is that the government of the United States seems committed, not merely to pseudo-solutions but actually to maintaining the monopolistic price levels dictated by OPEC, Secretary Kissinger, to the wrath of the French, the Japanese and others, is trying to organize a consumer nation "common front" which will, in negotiations with OPEC, settle for "stability" at or about current high prices. The sop to participating consumer nations would be some kind of insurance against Arab boycotts of individual nations, through an agreed sharing of supplies. The "gain" for the United States would be a putative (and wholly unreliable) enhancement of political influence with the sheiks, plus solidification of the U.S. world financial hegemony through the channeling of Arab billions back into U.S. investments and banks.

Behind these current manifestations of oil's power in Washington is a long, dark history of the betrayal of national interests by successive national governments. The people in government who are providing the current leaden life preserver are the ones who "promoted national security" with a suicidal national oil policy. That policy excluded oil imports in the decades when we could have had all we wanted at minimal cost, while stockpiling our own higher cost reserves for emergencies like the present; maintained a high price for domestic petroleum by encouraging state systems for manipulating production and prices in the interests of the least efficient producers; facilitating oligopolistic pricing in the domestic oil business; subsidizing the oil barons through arbitrary tax credits, without requiring the exploration which those subsidies were supposed to finance; perpetuated a giant leak in the natural gas regulating system by allowing huge quantities of gas to escape federal regulation; and drove us into multibillion expenditures for high cost and dangerous alternate sources of energy, e.g., nuclear power.

The forces that have generated these economic irrationalities were reviewed by Prof. M. A. Adelman in *The World Petroleum Market* (1972). They are the "protectionist," autarchic influences that operate everywhere. In England, the National Coal Board and the Gas Council derive a perverse comfort from artificially high oil prices. In this country, operators of marginal oil wells, numerous and politically influential, enjoy the bonanza of government-sponsored inflation of oil prices. In France, expensive North African exploration and inefficient state-operated refining and marketing bureaucracies are masked by the extortionate OPEC prices. The huge vested interests in nuclear energy everywhere prosper under the umbrella of the cartel.

What, then, is it reasonable to expect of the American Government in the oil crisis? Very little. Its natural and traditional tendency is to make common cause with those who would extract the highest price for oil. But if the question is what should informed citizens demand in the way of a national oil policy, an answer is available:

A genuine attempt should be made to reduce needless petroleum consumption. This implies rationing and a shift to smaller cars.

A National Oil Resources Agency (NORA) should be created, and given exclusive right to import petroleum and allocate imports among domestic refiners and marketers. The bargaining power of this consolidated buying agency, vis-a-vis OPEC and other suppliers, would be enormous. It might well be able to crack the cartel by playing members against one another.

Nora should be empowered to spend sums equivalent to the subsidies of the nuclear energy program or space exploration program to develop alternate energy supplies, e.g., from shale or geothermal sources. Investments like these would pay off in several ways. The threat would be efficacious in moderating the demands of OPEC and other suppliers. Low-cost additions to the energy supply would be fed into our energy system at cost, displacing higher cost oil. This contrasts with existing arrangements under which the oil companies themselves "diversify" into geothermal energy, for example, and market it at prices tied to the rigged international oil price. High-cost energy coming out of NORA's development program would be fed into our energy system at a calculated normalized price. The taxpayers would absorb the excess cost. That is surely preferable to the staggering increase in all petroleum prices which has been allowed to follow from the higher price of OPEC's oil, which is after all only a marginal part of America's total supply.

All oil company "secrets," at least in the international sphere, should by law be made accessible to NORA, which would exercise an inquisitorial power comparable to that of national bank examiners.

The Secretary of State should cease trying to organize a consumer nation cartel to engage in collective bargaining with the producer nation cartel on a basis that legitimates cartelization on both sides and freeze into the international trade system the current fantastic, cost-disregarding prices. A firm entente among the consumer nations is so unlikely, given their different situations and interests (political as well as economic), as to make doubtful the good faith of the attempt, which so far has served only to sidetrack a real solution. That solution lies, rather, in bilateral arrangements between particular suppliers and their customers. Iran or Venezuela may be willing to make concessions to country X that Libya would not consider. In this way, the solidarity of the cartel might begin to be undermined.

The OPEC nations are entitled to fair returns through conventional taxation and to royalties to the extent that each has legitimate property interests in the land. Some of them have, as underdeveloped states, moral claims upon us for constructive aid. They do not, any more than does the private cartel, have a right to dictate prices unrelated to costs, to bully us into supplying arms with which to threaten the peace of the world, to create a new crop of unearning billionaries, or to disrupt our fiscal and industrial order. A failure of nerve on the part of the Western democracies, an evasion of the challenge, can have only catastrophic consequences.

H.R. 4723—AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, there is fat and waste in the budget of every Federal agency.

Such a situation would be bad enough in what might be called normal times. But in a period of simultaneous recession and inflation, it is intolerable.

I am particularly concerned at the moment about the hydra-headed monster known as the National Science Foundation.

I support the fundamental mission of the Foundation in the promotion of scientific research. We must have continuing scientific advance in our highly technological society.

However, Mr. Speaker, I must declare I am adamantly opposed to spewing out billions of dollars of the taxpayers' money to support the pet projects of researchers whose work results in studies which are routinely filed and forgotten.

I am opposed to such exotic projects as studies of West Indian lizards and the mating calls of birds.

Are these really necessary to improve our society?

Also, I am opposed to the use of taxpayers' money for highly erotic, even pornographic, texts on the sex life of eskimos—to be used in "teaching" 10-year-old children.

There is a surfeit of pornography on the newsstands, apparently protected by a loose interpretation of the first amendment, without the Federal Government going into the porno business; worse yet, foisting it off on impressionable children whose entire outlook on life may be warped by it.

I am opposed to spewing out funds for eggheads so they can get their Ph. D.'s—particularly at a time when we have men and women who have Ph. D.'s who are not doing the work for which they were educated.

We have a glut of Ph. D.'s in this country, working at everything from pumping gas to driving cabs and tending bar.

Mr. Speaker, it is bureaucratic madness to pump tax dollars into the production of additional Ph. D.'s—who may turn out to be the most learned bartenders in America. On sober reflection, if you will pardon a pun, perhaps we could use some learned bartenders.

Mr. Speaker, the National Science Foundation admits it has no idea of the value of the thousands of studies it has bankrolled over the years.

Five years ago, the General Accounting Office laid down some guidelines calling for "program result audits." In that 5-year period only one program has been audited, which to me is a bureaucratic scandal in itself.

I agree that the resources of Government must be utilized in certain areas concerning the public welfare, such as sound research programs which can benefit all Americans and even our friends abroad.

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[*] Antitrust and Trade Regulation Reports, No. 679 September 10, 1974, p. A–16, quoting a Subcommittee staff member.

But I do not agree that this country, staggering under an incredible national debt, should operate a squanderbund for the benefit of individual citizens or institutions just because they happen to live in the halls of ivy or function as overpaid consultants.

Mr. Speaker, I voted for the National Science Foundation authorization only because it was amended on the floor to provide Congress the opportunity to review all proposed NSF grants before they are awarded. Properly implemented, this amendment would enable Congress to eliminate the boondoggles and assure that our tax money is spent prudently.

We do need a National Science Foundation. We do not need a hydra-headed monster gobbling up hundreds of millions of dollars for projects of little or no value to our people.

I hope we can bring this elite egghead empire under control.

SUBMITTING AN IDEA TO A MANUFACTURER

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BOB WILSON. Mr. Speaker, an individual who believes he has a saleable idea or invention may feel overwhelmed by the complexities of actually marketing his proposal to a manufacturer or businessman. Some very useful guidelines are offered in a pamphlet published by the American Bar Association, entitled "Submitting an Idea to a Manufacturer," and I include this material as a portion of my remarks:

SUBMITTING AN IDEA TO A MANUFACTURER

The purpose of this brochure is to provide you, a person with an idea that you believe to have commercial value, with some general information as to how to submit that idea to a manufacturer or businessman who is not your employer. This brochure does not try to cover every situation and is not intended to give legal advice. It is intended to give you some understanding as to why most manufacturers ask you to agree to certain ground rules before they will consider your idea. It is also intended to inform you of steps that you can take to protect your idea.

When you first approach a manufacturer with an idea, you are likely to be concerned about whether you are going to be treated fairly. Your intention is to make some money by having the manufacturer pay you for either using your idea in the operation of its business or embodying your idea in a product. However, because you are afraid that the manufacturer may use your idea without paying for it, you are reluctant to disclose your idea unless the manufacturer first agrees to keep the idea secret and to pay for the idea if it is used.

The manufacturer, on the other hand, is concerned about its reputation and its competitive position. The manufacturer does not want to do anything that would appear to take unfair advantage of you. At the same time, the manufacturer does not want to place itself in a position where it (1) has to pay for something that it already knows about or (2) has to pay for something that others can use freely.

Consequently, the manufacturer will rarely agree to review a disclosure on a confidential basis and of course no one can be expected to agree to pay for the use of an idea before knowing what the idea is. Most manufacturers have research and development departments in which new ideas are constantly being developed. Therefore, it is quite possible that the idea you submit and which *you* think is novel is one the manufacturer is familiar with and has perhaps already decided to introduce. If the manufacturer agreed to pay for the use of your idea before it even knew what the idea was, it could end up paying without having obtained any benefit from your submission. Alternatively, the idea may be new to the manufacturer but cannot be protected by means of a patent. The manufacturer's competitors can then copy the idea. Whatever advantage the manufacturer may have because of its opportunity to achieve first commercial benefit from the utilization of the idea, its return will be much less than would be the case if the idea were patentable.

A manufacturer will rarely agree to keep an idea secret. The main reason for this is that such an agreement could establish a confidential relationship between you and the manufacturer. This relationship not only requires the manufacturer to keep the idea secret, but also prohibits the manufacturer from using the idea in a manner that would make it public without your permission. This prohibition may apply even though the idea is known to others or is being used by others. Thus, a confidential relationship can also place the manufacturer at a competitive disadvantage.

The logical result of this need to balance the seemingly conflicting interests of the manufacturer and the submitter is that in most cases you will find it necessary to accept the manufacturer's standard terms in order for you to get the manufacturer to consider your idea. These terms can generally be summarized as follows:

First, no confidential relationship is created between you and the manufacturer by the submission of your idea and its consideration by the manufacturer.

Second, if the idea is *not* patentable but nevertheless is a new and original idea, and the manufacturer wishes to use the idea, the amount of money that you will be paid for the idea is completely up to the manufacturer; it may be only nominal.

Third, if a valid patent has been or can be obtained on the idea, and the manufacturer wishes to use the idea, then the manufacturer will negotiate with you for the right to make, use, and/or sell your idea.

From the above it is seen that the value of your idea depends greatly upon whether it is patentable. It may therefore be desirable and prudent, if your idea appears likely to be commercially attractive, to take steps to protect whatever patent rights there may be in your idea before you submit it to a manufacturer.

This means that as soon as possible after you have thought your idea through to the point where you have a plan as to how to carry out the idea, you should prepare a detailed description of the idea and your plan for accomplishing it. The description should be written in ink or typed. There should be no erasures, blotting out, or blank spaces. Where a correction is necessary, draw a line through the incorrect portion and continue on with the description. Each such lining out should be initialed and dated. If possible, make detailed sketches to help you in your description. At the end of the description and on each sketch, sign your name and date.

Immediately thereafter have at least two people who did not participate in the development of the idea read the description and examine the sketches. After you are sure that they fully understand both your idea and your plan for accomplishing it as disclosed in this material, have each of them initial and date each page of the description. In addition, at the end of the description and on each sketch have them write "Read and Understood" followed by their full name and the date. This material can then be used to help establish the date you conceived your idea.

Since an invention is not considered completed until either (1) a working model or other physical embodiment of the invention has been made and successfully operated, or (2) a patent application has been filed, you should pursue at least one of these two courses of action. However, before you do, you may want to have a search made of the patents that have already issued on the subject of your idea. Such a search, which is obtainable through a patent attorney, will show whether your idea is new and will provide a better basis for determining whether spending money for either the patent application or making the model or other physical embodiment is worthwhile.

If you decide to make a working model or other embodiment of your idea, it is important that you pursue it in a diligent manner. Plan to do some work on it each week and keep a notebook in which you briefly record in consecutive order what you do each time. Be sure to sign and date each entry. If you have to stop working on the model or other embodiment for more than a couple of weeks, you should record the reason. Delays caused in obtaining parts are acceptable. Delays caused by involvement in other projects are not.

Once the model or other physical embodiment has been completed, have its operation or testing witnessed by at least two people who are not coinventors. The witnesses should not only understand how the physical embodiment operates, but they should also be shown each of the individual parts. This means removing covers so that they can look inside any housings. If one of the witnesses helped to construct the model, it is all the better. After the witnesses understand the model and have observed its satisfactory operation, they should each write such a statement in your notebook and of course sign and date the statement.

This procedure establishes a provable date of invention and you can now submit your idea. To do this, first inform the manufacturer of your interest to submit an idea for its consideration. The manufacturer will then provide you with the terms under which it will receive your idea. You may wish to have these reviewed by a patent attorney. Generally, you will be asked to send an acceptance of these terms along with the description and sketches of your idea. It is best that the descriptive materials that you send not include any dates.

In filing a patent application, you will want to contact a patent attorney. He will prepare the patent application along with the other papers that must be filed with the application. If you have not built and successfully operated a working embodiment of your idea, your invention is not considered to be completed until the day that the application is filed in the Patent Office, and it is therefore important to file the application promptly.

Once the application is filed, a copy of the application can be submitted to a manufacturer for its consideration. It is recommended, however, that you omit the claims of the application and that you do not provide the filing date or serial number of the application. If the patent has issued, a copy should be submitted to the manufacturer. At that point, the scope of your invention is clearly defined by the claims, and therefore the manufacturer can more easily determine whether it is of interest.

One note of caution. If you have not filed a patent application, you are running a risk if you or anyone else publishes anything about your idea, offers for sale a product incorporating your idea, or if you allow someone else to use it or use it yourself publicly except on a purely experimental basis. Your idea can become unpatentable and free to everyone one year from any one of these occurrences if a patent application has not been filed in the meantime. Furthermore, public disclosure of your idea even one day before the filing of a U.S. patent application may make it impossible to obtain valid patent rights in a good many foreign countries.

By following the above described procedures, you are more likely to have fully protected any patent rights that you have and you will be in the best possible position to exploit these rights. If a manufacturer should indicate an interest in your idea, it would be advisable for you to obtain the services of a patent attorney if you have not already done so. He can act in your behalf in the negotiations with the manufacturer.

Further information about patents may be obtained by ordering the pamphlets entitled "Patents and Inventions, an Information Aid for Inventors" and "General Information Concerning Patents" from the Superintendent of Documents, Washington, D.C. 20402. These pamphlets are available at a nominal charge.

BEWARE OF BEGINNINGS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. SYMMS. Mr. Speaker, one of the basic laws of a true free market economic system is that it is impossible for a monopoly and/or cartel to exist if it imposes artificially high prices. Without the help of Government to sustain the cartel it will soon crack. There has been much discussion about the international oil cartel, specifically OPEC. The current issue of Barron's the well-known business and financial newspaper, contains an editorial by Robert Bleiberg that discusses the OPEC cartel on the opening day of the Paris oil meetings. I commend Mr. Bleiberg's editorial to my colleagues in the Congress:

Beware of Beginnings—Today's Oil Meeting in Paris Is a Case in Point

As international conferences go—and they seem to come and go these days with mounting frequency—the one scheduled to start today in Paris looks like a relatively modest affair. Though ranging from A (Algeria) to Z (Zaire), the participants number barely a dozen. The U.S.. delegation will be headed not by Secretary of State Henry A. Kissinger, but by Charles W. Robinson, Under Secretary of State for Economic Affairs, who may not be able to stay for the full week. For this is really a pre-conference conference,, "preparatory and procedural" in nature, and boasting no agenda. Sole purpose is to decide who will be invited to the next conference—the great global gathering of petroleum producers and consumers—where it will be held and who will chair it. "Many spokesmen here and in Europe," so The Oil Daily told its readers last Thursday, "agree it may produce on more than a squabble over the shape of the table or the size of the room at the next meeting. But (it) is a beginning. . . ."

Beware, somebody very sensibly once said, of beginnings. While he never heard of the Organization of Petroleum Exporting Countries (OPEC) or of Secretary Kissinger, he might well have had them both in mind. For OPEC, to judge by a Solemn Declaration which it recently publicized, has grandiose ideas for the agenda, viz: "The Sovereigns and Heads of State agree in principle to holding an international conference. . . . They consider that (its) objective should be to make a significant advance in action designed to alleviate the major difficulties existing in the world economy. . . . Therefore, the agenda can in no case be confined to an examination of the question of energy; it evidently includes the questions of raw materials of the developing countries, reform of the international monetary system and international cooperation in favour of development. . . ." As to the U.S. Secretary of State, who once confessed that he neither knew nor cared about economics, he is prepared to urge producers and consumers alike to agree on a high fixed minimum price for oil.

A camel allegedly is a horse designed by a committee; what finally emerges from the forthcoming global confabs may be uglier. Strictly on their own, indeed, several of the western countries concerned already have succeeded in making asses of themselves. Thus, by seeking to impose prohibitive levies on North Sea crude, Her Majesty's Government has gone a long way to discourage its exploitation. Similarly, in Canada the powers-that-be, by decreeing excessive taxes on oil production, have triggered a slowdown in drilling and an exodus of rigs. The U.S.—as somehow seems to be the case in so many realms lately—has made every mistake in the book. Unlike Western Europe, it has curtailed consumption relatively little. It persists in keeping price ceilings on oil and natural gas. And the White House has just signed, albeit reluctantly, the aptly named Mickey Mouse tax bill, which, by liquidating the depletion allowance, effectively increases taxes on oil and gas producers—and decreases both their wherewithal and incentive to expand—by upwards of $1.5 billion per year.

Fortunately for the Western world, Arab potentates are equally subject to Murphy's Law (anything that can go wrong, will). Like nouveaux riches throughout history, they have launched upon a spending (and reckless investing) spree which has spread the wealth far and wide. As a consequence, estimates of OPEC capital accumulation, once mind-boggling, have been drastically scaled-down, while re-cycling of petro-dollars, even in the absence of a so-called oil facility, proceeds apace. (According to last Thursday's New York Times, four OPEC countries are now net borrowers of Western capital.) Meanwhile, despite repeated cutbacks, potential supply is running well ahead of actual demand; in the OPEC price structure, cracks are widening. Even as the statesmen draw up their agenda and debate the shape of the table, in short, buyers and sellers have begun to do their own thing. Like most diplomatic spectaculars—the highly touted World Food Conference in Rome last fall, just when scarcity nearly everywhere was giving way to glut, comes to mind—this one looks both ill-advised and ill-timed. And the corollary to Murphy's Law applies: if government can make things worse, it will.

A glance at the agenda proposed by both sides underscores the point. Besides oil, an issue which is hot enough, OPEC wishes to weigh (and presumably reach accord on) the long list of other commodities, from antimony to zinc, which play a major role in world trade. In addition, though Groups of Ten, Twenty (any number can play) for many months have failed to make progress on a monetary system to replace Bretton Woods, that question, too, has been thrown on the table. While sticking closer to the subject, consumer countries also have taken a far-ranging approach. They want to discuss a floor for crude, which, depending on who is pushing it, appears to run all the way from $8 a barrel to $3. And no such gathering can fail to address re-cycling, ambitious plans for which have yet to take effect.

To such questions, those sitting around the table, whatever its ultimate shape, aren't likely to come up with straight answers. On the contrary, to judge by the wisdom (or lack thereof) with which they have been setting petroleum policy at home, these not-so-innocents abroad will make matters worse. For OPEC—to quote Jay Nagdeman, president of Meridian Research Corp. investment management firm—has not been alone in its sheikhdown. To illustrate, in Canada "restrictive pricing and confiscatory tax policies have discouraged exploration to the point where the number of rigs in use around the Dominion had dropped by 25% as of the turn of the year. The situation has been aggravated by a row between Ottawa and the Provinces over who gets the lion's share of levies on natural resources." As to Great Britain, official proposals to exact 70% of the take, plus a 51% interest in all future offshore discoveries, have slowed development of North Sea oil, the Western world's greatest hope of breaking the OPEC cartel.

Perhaps the best friends the Arabs ever had, however, may be found not in Ottawa or London, but in Washington, D.C. Alone among Western governments, the U.S. persists in keeping ceilings on the price of natural gas, which sells in interstate commerce for one fourth to one eighth what it commands on the intrastate market (a contract calling for nearly $2 per thousand cubic feet was signed last week), as well as on that of so-called old crude, from wells in operation prior to Jan. 1, 1973. As a consequence, domestic petroleum output has been relentlessly on the wane. To make matters worse, the so-called Tax Reduction Act of 1975 (which, by abolishing the depletion allowance, raises taxes on oil companies by more than $1.5 billion) has just become the law of the land. Faced with the prospect of a sharp drop in earnings, one after another last week disclosed cutbacks in capital expenditures. Nor is that apt to be the full extent of the damage. Still pending—this is irrationality run riot—are bills to reimpose price lids on all oil, new or old, as well as to authorize a so-called oil excess profits tax.

If it were strictly up to Congress, then, OPEC's cartel would last forever. Luckily, however, the lawmakers may propose, but market forces dispose. On this score, whatever happens in Paris or elsewhere, the news is good. For openers, consider the OPEC surplus. Since last summer, when Robert McNamara's World Bank put it at a staggering $600 billion by 1980, estimates have been coming down. Current consensus is around $250 billion, and falling fast. Moreover, though the $25 billion oil recycling facility dreamed up by Washington has not yet been ratified, few countries seem to be having much trouble financing their imports of crude. Indeed, despite largesse to such dubious beneficiaries as blood-stained Burundi and Uganda, the International Monetary Fund has yet to exhaust the first $3.5 billion allocated for the purpose. As we have said before, doomsday will be a little late this year.

Indeed, if Congress would take a long recess, and Kissinger would come home to stay, it might be put off for keeps. Despite the Solemn Declaration's bluff and bluster, the OPEC price structure is cracking. One widely used expedient is easier credit terms. British Petroleum Co., so Sir Eric Drake, chairman, told a news conference late last week, is getting two-to-three months to pay. "We suspect," he added, "that terms are lengthening substantially." Discounts in the form of the elimination of premiums for special qualities (like low sulphur content), concessions on transport costs and the like, also are growing apace. With the right tactics (notably, the resignation of the Secretary of State), crude prices, according to irrepressible Eliot Janeway, could be rolled back at least by half. Even with the team of losers which the U.S. continues to field, OPEC's days, in the view of other authorities, are numbered. From the jaws of victory, the State Department time and again has snatched defeat. This time may be harder.

ROBERT M. BLEIBERG.

ELECTIONS

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MARTIN. Mr. Speaker, it is always humbling to be reminded that one is not well known outside one's own district. This is at times the source of interesting correspondence as the following will attest, to the enjoyment of our colleagues.

In November 1974, the candidates of the Democratic Party in North Carolina won stunning victories, reestablishing the near monolithic dominance of bygone years. While the evaluation of that success depends upon one's point of view and registration, it is nevertheless instructive to note how zealously some seek to yield that advantage toward even greater glories. Mr. Gilmore is a member of the North Carolina House of Representatives.

The correspondence follows:

RALEIGH N.C., *April 1, 1975.*

Hon. JAMES G. MARTIN,
House Office Building,
Washington, D.C.

DEAR JIM: As you know, there is considerable sentiment in the General Assembly to move the date of our primary closer to the fall election. There is a school of thought that moving the primary closer to the fall election would greatly benefit the Democratic Party. The voters get turned off and become disinterested in the long campaigns which also become very expensive and many times divides our party.

I have enclosed information on primary elections in all states which was prepared by the State Board of Elections. You will note that we have one of the earliest primaries in the nation. There are at least twenty-seven (27) states which have their primary in either August or September or later.

I am convinced that we would have a Democratic Governor in North Carolina today if our primary had been held closer to the fall election in 1972. The question of when to hold the primary is a very serious one and it must be very carefully studied in order to insure that a wise decision is made. As a current leader in the Democratic Party and a candidate in past elections, I very much would like to know your opinions as to what you think is best for our party and our state. Jim, I would appreciate receiving from you any statement on this important decision as your opinion would be most helpful. I also will appreciate your completing the enclosed questionnaire and returning it to me by return mail. Thank you for your cooperation and your prompt reply.

Sincerely,

TOM GILMORE.

WASHINGTON, D.C., *April 9, 1975.*

Hon. TOM GILMORE,
State Legislative Building,
Raleigh, N.C.

DEAR MR. GILMORE: You were kind to advise me of your view that moving the date of the primary later in the year would have caused the election of a Democratic governor in 1972, and would be better for the Democratic Party in the future. Your suggestion that the long campaigns get voters "turned off . . . and divide" the Democratic Party is certainly an intriguing one. I appreciate your polling me as to what primary date would be best for the Democratic Party.

As a Republican, I feel we have had just about enough political tinkering with the electoral process. "The question of when to hold the primary is a very serious one and it must be very carefully studied in order to insure that a wise decision is made". It apalls me that a responsible elected official would admit that his party's campaigns turn off and divide the electorate. It does not surprise me that, having done so, he would inquire as to just what primary election date would be best on a purely partisan basis. What mystifies me is how he could wind up sending such a confession of Tammany Hall political manipulations to a member of the opposition party.

I fully realize you wrote me in error and assure you I have made no effort to conceal my registration. You may have wanted to retrieve your letter to me. As the next best thing to sending it back to you, I will simply refer you to its text to be published in the *Congressional Record* for April 10, 1975. There you and others will be able to read your letter to me, and htis response to you. It would be helpful if replies from other North Carolina officials would be similarly published.

Sincerely,

JAMES G. MARTIN,
Member of Congress.

WELCOME WDIF—MARION, OHIO

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of Ohio. Mr. Speaker, on February 27 of this year, the citizens of the Marion, Ohio, area began hearing a new radio voice as WDIF–FM, 94.3 Mh, went on the air for the first time to provide an additional voice for news, public affairs, advertising, and entertainment.

WDIF, with studios at 135 South Prospect Street, is licensed to Scantland Broadcasting Co., a partnership of George F. Scantland, III; his wife, Janice M. Scantland; and George F. Scantland, Jr.

Mr. Speaker, I am a strong and longtime advocate of the proliferation of media voices as one of America's best insurances of a strong democracy. This multiplicity of ideas and sources of information is important to our future as a free society. I would like to congratulate WDIF for expanding this vital public service to the citizens of the Marion area. I wish the station the best of success in the future, because of the importance of that success to the citizens of the Marion area as participants in a stronger democracy.

DR. ROBERT H. GODDARD, "THE MAN"

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EARLY. Mr. Speaker, it is a matter of very special pride to me and all the people in my home area that the world famous Dr. Robert H. Goddard, the "Father of the Space Age," was born, studied, taught and conducted his original rocket testing experimentation in the communities of Worcester and Auburn, Mass., that lie within our Third Congressional District.

The universally recognized genius of this immortal scientist was additionally honored by leaders in the U.S. space effort, the academic world and State and National Government last March 16 during the dedication ceremony of the Dr. Robert H. Goddard-Dr. Harrison H. Schmitt, Bicentennial project at the Goddard Rocket and Space Museum of the Roswell Museum and Art Center in Roswell, N. Nex.

Among those present at the dedication ceremony were Dr. Mortimer H. Appley, president of Clark University in Worcester, Mass., where Dr. Goddard served as professor, Mrs. Milton Higgins, of the Clark University Board of Trustees, Mr. Milton Higgins, representing Worcester Polytechnic Institute where Dr. Goddard received his collegiate education and Mrs. Robert H. Goddard, the gracious widow of the eminent scientist.

In her eloquent remarks to the assembly Mrs. Goddard revealed many little known but deeply moving insights into the private life character and personality of Dr. Goddard, "the man" and I would like to include her address at this point because I earnestly believe it will be of immense and lasting interest to every student and adult in this country as well as all Members of this U.S. Congress.

THE HUMAN SIDE OF ROBERT H. GODDARD

There are many memorials, of many kinds, to honor my husband, but the Roswell Museum Memorial ranks high because it covers the exciting closing chapters of his researches.

My husband's work is so well known that today I am venturing to tell you something of him as a human being. Robert Goddard was almost completely a Massachusetts product, descended from early settlers in the Bay State, who took part in the early industrial development of Worcester. He was born in 1882 in the house where I still live. In a shed attached to his home was a tidy workshop, where he early learned to work with his hands. A set of Cassell's "Technical Educator" was on the bookshelves. He attended South High School, Worcester Polytechnic Institute, and Clark University, where he served as Professor of Physics for many years.

As a boy, he enjoyed playing with kites and watching the flight of birds. His father gave him a telescope, which he used for years to observe distant hills, the moon, and the stars. Since he lived in the country, he could carry a sling-shot much of the time, and later he had a rifle, so that he became an excellent marksman, sometimes on the New Mexican prairie.

Like most boys, he played with chemicals, and had the usual mishaps with them. Once, when he was trying to make diamonds by chemical means, he had an explosion that upset and frightened the family; another time, he filled the house with billowing smoke. In the fall of 1899, when he was seventeen years old, he climbed a cherry tree behind the house to trim branches, and fell to dreaming about how wonderful it would be to make some device which had even the possibility of ascending to Mars, and how it would look on a small scale, if sent up from the meadow at his feet. In his diary he wrote that he was a different boy when he descended from the tree, "For existence at last seemed very purposive." All else was, as he said, a "poor second." The poet might have been speaking of him when he wrote:

He whom a dream hath possessed
Knoweth no more of roaming;
. . . For a dream sets surely the ultimate isles.

He read constantly, magazines for boys like the *Youth's Companion* and later the *Scientific American*. He answered advertisements that appeared in these magazines, offering various contraptions. He even had the courage to send in short articles for publication, but only one was accepted, on rapid transit. In the fall of 1907 when he was a senior at Worcester Tech, he sent an article to the magazine *Popular Astronomy*, entitled "On the Possibility of Navigating Interplanetary Space," in which he proposed for propulsion the disintegration of atoms by artificial means. In his rejection the editor wrote:

"The speculation . . . is interesting, but the impossibility of *ever* doing it is *so certain* that it is not practically useful. You have written well and clearly, but not helpfully to science, as I see it."

At high school, he found mathematics difficult, but he knew that if he wanted to invent something that would go higher than anything had gone before, he had to know algebra, geometry and much more. He led his class when he graduated, and continued to do so at the Worcester Tech. In his high-school graduation oration, he closed with the much-quoted line that "It has often proved true that the dream of yesterday is the hope of today and the reality of tomorrow." On his graduation from the Worcester Tech, he was described as follows:

"Bob Goddard was no timid recluse . . . but a sociable and witty person, with a host of friends. At the Institute, he was not only number one man in the class scholastically, but he was successively elected as its Vice-President, Secretary, and President . . . He was also Editor in Chief of the 1908 Aftermath. He was a member of Sigma Alpha Epsilon Fraternity, and one of the first Worcester men elected to Sigma Xi."

As a graduate student at Clark, he came under the spell of a great professor, Dr. Arthur Gordon Webster, who was trained in Berlin under Helmholtz. Dr. Webster gave him a sound basis for advanced theoretical and experimental work in Physics. He thereafter spent a year as a research fellow at Princeton University. It was at this time that he worked on the electrical properties of insulating materials, such as hard rubber. It would appear that at the time he developed an oscillator in order to obtain more definite readings in connection with insulating materials at high frequencies. In April 1912 he obtained a positive result using such an oscillator, and reported it at a meeting of the American Physical Society at Harvard. This tube and the patent covering it became the subject of a court suit in the mid-thirties, between Arthur A. Collins and the Radio Corporation, American Telephone Company and three other large companies, when it appeared that the Goddard patent might antedate De Forest and Armstrong. An out-of-court settlement required the large companies to open all their patents to licensing.

Overwork at Princeton brought on a severe physical breakdown; tuberculosis was a far more formidable enemy then than it is now. The doctors gave him two weeks to live. His nurse told me years later that when she found figures on bits of paper under his pillow, he refused to give them up, saying "I have to live to do this work." *And live he did*, for 32 years of the intellectual and physical discipline that only scientists can know.

After more than a year of recuperation, he returned to Clark for part-time teaching. Flattering offers came, from Princeton and Columbia, but he regretfully refused, feeling that the teaching load in such large places would reduce the time available for his research—for by now, he had found the mathematical solution for his rocket, and needed time for endless experimentation. Thus, the dream of the cherry tree continued to impose choices that cut off, or postponed, material and professional rewards.

In 1919, when he dared publish his calculations and experiments as indicating the possibility of reaching the moon (with Yankee caution, he publicly mentioned only the moon as a goal), an avalanche of skepticism, ridicule, and even abuse descended upon him, especially in the Sunday supplements of newspapers. Had not mathematics, the Queen of Sciences, shown him so clearly the way, he would have been engulfed. As it was, it was not easy.

Eventually, skepticism and ridicule seemed to flow past him, leaving no bitter marks. For him, the vulgar simply ceased to exist. Most of the time, he did not know whether or not he had any money in the bank, or in his pocket. Fifteen minutes after dinner, he could not have told what he had eaten. Clark students told a story about his walking along a corridor in the main building, still holding an open umbrella over his head! He never used his illness as an excuse for idleness, seldom failing to do eight hours or more of conscientious work each day. It was the social and recreational side of his life that was curtailed.

He was profoundly aware of the beauties of nature, and on Sunday afternoon walks liked to photograph in color a lovely cloud, a colorful tree, a bursting milkweed pod. When time permitted, he painted in oils, usually landscapes—some in New Mexico. He played the piano by ear only, but with a physicist's precision in harmony, and could drift along for an hour, improvising. Most of his reading was, of course, of a technical nature, but he enjoyed early science fiction, such as H. G. Wells's "War of the Worlds," and an occasional adventure or detective story. When in his reading he found a kindred spirit, he read *all* of that author's work, if possible in chronological order, so that he might follow the writer's growth in philosophy and writing skill. This procedure I adopted, and can recommend.

It is small wonder that I came under the spell of his wonderful world, so well within a professor's modest salary. I can testify that, as one author has put it, "He taught me to speak the truth and despise lies and sham, and to love pictures and music and cathedrals and books and trees and all beautiful things."

It is well to remember that this kind of life was lived while he taught a full schedule at Clark, and carried his full share of committee work. His precious research was for late afternoons, weekends, academic vacations, and above all the summertime. After fifteen years of working, and waiting, and hoping, came the great adventure in New Mexico, commemorated here.

During the fruitful years of full-time experimentation, financed by the Guggenheim family, he was an extremely happy man, doing what he most wanted to do, with adequate funds in optimum surroundings. As Lessing has said, "The pursuit of truth is more precious than the attainment of it." But this does not mean that all was roses. Sometimes he worked against exasperating odds—tests aborted, materials faulty, fuels impure, weather uncooperative. But he persisted in his dialogue with nature, asking questions, making trials, listening for verdicts, and building upon them. Then one day there would come a perfect flight—that was Happiness indeed!

In 1926, my husband asked me to witness the first outdoor test at Auburn, Mass., using a motion-picture camera. I knew almost nothing about rockets, but did want to help. The flight was so beautiful, the jet so blindingly bright, that I was converted on the spot. But the camera was of French make, called "Sept" denoting that it ran for 7 seconds; the first flight had the same heart-stopping hesitation between ignition and liftoff that most rockets show, and my little camera used up all of its film before the flight began. After the test we took a *still* picture of my husband standing beside the launching frame—and he wrote on the back "The empty frame—after a long time!" This audience can, I am sure, understand the understatement here. Happily, a new camera enabled me to take pictures of all of the subsequent tests.

Some have said to me, "Wasn't the work sometimes discouraging?" Yes, there were trying and discouraging times, such as must come to us all, but I can only echo what a poet has beautifully said:

And shall we say Heaven is not Heaven
Since golden stairs are rugged and uneven?

My husband's dedication to one problem did not prevent his taking a part, as a citizen, in community life. He was brought up in the Episcopal Church, and attended it all his life. Many invitations to speak to church and service groups were accepted, as part of his duties to the community. And he was a happy member of the Rotary Club. Yet he was essentially a "loner," and the plight of those like him still worries the scientific and military world today. Each of the choices imposed by his shining goal brought one thing—unremitting work. As a modern novelist has written:

"I gradually learned that big shots mostly work twice as hard and are twice as thorough about dull detail, as the small fry. That's the big open secret—for every step up the ladder, there's more work and more attention to details and more chances to make a fool of yourself—being a big shot is first of all being a work horse."

Yes, Robert Goddard was a work horse, to the uninitiated observer. But I am sure this audience will understand that it was knowledge hard won, that lifted away the drudgery, and left only glorious fulfillment.

Such was the life that my husband chose to live. Whether or not such a life could be created today, when the pace is much swifter, is being debated. The key to the full life, which is time for quiet thinking, is more difficult to attain, but surely it is not unattainable, even now.

Some writers have tried to portray Robert Goddard as a martyr of sorts. This is far from being the case. His diaries record warm and friendly interest in his work from his peers who understood what he was trying to do. Among these, three men stand out—Dr. Charles G. Abbot, head of the Smithsonian Institution and his closest friend and confidant, Harry F. Guggenheim, who also understood the problems of a pioneer, and Charles A. Lindbergh.

So shed no tears for Robert Goddard. He had chosen the field for his particular search for truth, and devoted his life unremittingly and joyfully to bringing his dream, through hope, into shining reality.

JOINT COMMITTEE ON ATOMIC ENERGY SUBCOMMITTEE TO REVIEW NATIONAL BREEDER REACTOR PROGRAM

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McCORMACK. Mr. Speaker, on March 19, 1975, the Joint Committee on Atomic Energy established an ad hoc subcommittee, which I am privileged to chair, to review the liquid metal fast breeder reactor program—LMFBR—and related programs of the Energy Research and Development Administration.

This is an undertaking of great importance to the Congress and the Nation. The LMFBR program has been singled out by the executive branch as our highest priority energy research and development program. The Congress has authorized and appropriated necessary funding. Substantial Federal funds have been expended for associated research, development, and demonstration. A management project has been established to construct the first LMFBR at the Clinch River site, near Oak Ridge, Tenn.

This review is timely. It comes at a time when a number of concerns have been expressed and questions raised within the Congress and outside by members of the public with respect to several fundamental issues such as the need for such a program, the potential benefits to be realized from it, and the attendant risks associated with ultimate widespread commercial use of this type of electrical generating station.

The subcommittee is enthusiastic in its approach to this review. We do not underestimate the size of the task. Its importance, however, well warrants the time and energy we intend to put into our assignment. We fully intend to conduct an indepth, "no-holds-barred" review, giving representatives of all points of view adequate opportunity to present their positions. We expect to visit breeder plants in other countries. We expect to work through the month of July, and have a report available by Labor Day. We envision the development of a comprehensive record, which—to the best of our ability—will be understandable by the lay public. All subcommittee hearings and briefings will be open to the public, and interested Members of Congress are specifically invited.

I intend to keep my colleagues in Congress apprised of the conduct of the subcommittee's meetings by insertions of summary reports of each briefing and hearing in this RECORD. Announcements of hearing schedules and invited witnesses will be made in a timely manner.

As a first step toward obtaining information and views from all sectors, I am dispatching letters at once seeking comments on the principal issues related to the breeder program and the LMFBR from selected agencies of Government, representatives of industry, public groups, and others. I include in this RECORD at the conclusion of these remarks a copy of the questions posed in this initial round of information gathering. The subcommittee will review the responses received.

Mr. Speaker, I reiterate, the subcommittee is enthusiastic in its pursuit of this important assignment. We will need the help of many. We seek the views of all who have seriously considered the LMFBR program and the related issues.

The material follows:

ISSUES TO BE ADDRESSED JCAE COMMITTEE REVIEW OF LMFBR PROGRAM

ENERGY TRENDS

1. What will be the total U.S. energy demand in 1985, 2000, and 2020? What will be the corresponding percentage growth rates in energy demand? How much do you expect that conservation of energy will reduce the energy growth rates?

2. What are the limits of energy conservation as an alternative to expanding energy facilities, and what would be the economic and other consequences of such conservation measures?

3. Of the total energy growth, what will be the electrical energy component in 1985, 2000, and 2020? What percentage growth rate do you expect for electrical energy? What are the implications for the long-term of the recent significant reduction in electrical energy growth rates?

ENERGY SOURCES FOR MEETING PROJECTED DEMANDS

4. How will the future energy and electrical energy demands for the United States be satisfied, i.e., what will be the mix of energy sources in 1985, 2000, and 2020?

5. What will be the major shifts in energy sources in the future in comparison with our present primary fuel supplies?

6. What are the principal limitations for each of the various potential future fuel supplies for conversion into electricity?

7. How much should the United States rely on energy resources imported from abroad for meeting its domestic needs in the future?

ROLE OF NUCLEAR POWER

8. With respect to nuclear power, what is the most realistic forecast for use of nuclear power in the future, and what are the likely nuclear generating capacities in 1985, 2000, and 2020?

9. What do you anticipate the mix of reactor types will be in 1985, 2000, and 2020 to provide the nuclear component? This should include consideration of the light water reactors (LWR), high temperature gas reactors (HTGR), the liquid metal fast breeder reactor (LMFBR), and other advanced converter and breeder reactors.

ROLE OF BREEDER

10. What is the best estimate of the nation's uranium and thorium resource base? What other major uncertainties are there concerning nuclear fuel supply (e.g., fuel costs, enrichment capacity, etc.)?

11. Considering the electrical energy projections, the status of LWR and HTGR technology, the potential role of non-nuclear energy resources, the uranium resource availability and other factors, is there a need for the breeder reactor, and if so, when?

ROLE OF LMFBR

12. If a breeder reactor is considered to be needed, should this country continue to put its major effort on the LMFBR? What level of effort should be devoted to alternate reactor concepts?

13. Are the overall LMFBR program objectives, content and approach correct? What steps can be taken to minimize the costs of the program, and improve performance with respect to program schedules? What further steps should be taken to increase industrial involvement in the program?

14. Should the U.S. proceed with construction of the Clinch River Demonstration plant at this plant until the Fast Flux Test Facility (FFTF) is completed?

15. What will be the total R&D costs for the LMFBR, and how will they be recovered? What is the predicted capital cost of commercial plants and what methods are available to provide that capital? What are the expected fuel cycle costs? Will the LMFBR be economically viable?

LMFBR SAFETY/ENVIRONMENTAL/SAFEGUARDS ISSUES

16. What are the major safety, environmental, and safeguards problems with respect to the LMFBR? Can these problems be satisfactorily resolved prior to the anticipated large scale commercial use of the LMFBR?

17. What actions are required to assure the safe handling and utilization of plutonium? What are the hazards of plutonium, as compared to other potentially dangerous substances used in our society?

QUARTERLY ADJUSTMENTS MEAN INCREASED MILK PRICES EVERY 3 MONTHS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. FINDLEY. Mr. Speaker, for both the House and Senate versions of the farm bill there is a provision which mandates "quarterly adjustments" of dairy price supports.

What does this mean?

I will tell you what it means.

It means higher prices for butter, cheese, and fluid milk every 3 months.

The word "adjustment" means "increase," because the bill ties dairy supports to parity and parity, being based on a 10-year formula can only go up in the next 12 months. It will be statistically and practically impossible to go down.

The U.S. Department of Agriculture has estimated the quarterly increases in the dairy support from the present level of $7.21 per hundredweight under the House version of the farm bill as follows:

House—80 percent

Apr. 1	7.45
July 1	7.51
Oct. 1	7.65
Jan. 1	7.71

Average $7.58 or 34 cents per cwt increase.

By the last quarter the costs of dairy products would increase 10 cents a pound on butter, 5 cents a pound on cheese, and 4 cents a gallon on milk under the House version.

Under the Senate version, of course, these consumer increases would double to 20 cents a pound on butter, 10 cents a pound on cheese, and 8 cents a gallon on milk.

Either way it goes, it looks like the dairy consumer is in for higher legislated prices.

PASSAGE OF THE OLDER AMERICANS ACT AMENDMENTS OF 1975

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. **EARLY**. Mr. Speaker, I want to congratulate my colleagues in the House on their overwhelming support for yesterday's passage of the Older Americans Act Amendments of 1975. Particularly, I commend the members of the Subcommittee on Select Education for their diligence in drafting this legislation, and the full committee for its bipartisan efforts and unanimous support for the amendments.

In a time when Federal programs and the agencies that administer them are under strict scrutiny by the Congress, the Executive, and the American people, when it is the exception, rather than the rule, to find a Federal program that actually serves the constituency it was intended to serve, and at reasonable and realistic cost, it is extremely encouraging to witness the success of the Older Americans Act of 1965 which has benefited millions of senior citizens and their communities throughout the Nation.

It is my opinion that the amendments now part of H.R. 3922 will enhance the act and provide, at judicial cost levels, necessary advances in the areas of community services, nutrition programs, employment and volunteer programs, and in home health care programs specifically designed to enable and encourage our elderly citizens to continue to lead independent, useful, and productive lives.

The new special service programs, in particular, are long-overdue additions. An emphasis on inhome services designed to assist the elderly to remain self-sufficient and avoid institutionalization, the provision of legal, tax, and other counseling services to those living in nursing homes, the special attention to the housing needs for the physically disabled elderly and to the transportation needs of the elderly, and the creation of a mortgage interest reduction and mortgage insurance program to encourage the conversion and renovation of housing for the elderly, all are wise, proper, and most necessary and needed programs. We are finally beginning to realize that the potential that lies in the nationwide community of the elderly can be best tapped by encouraging senior citizens to remain independent and productive people. For too long we functioned from the premise that the elderly should be filed away—that willing or not, they should be removed from the mainstream, prevented from making a continued contribution to our society. We found that that premise was a faulty one, and a very costly one indeed, in dollars, but more important, in human dignity.

The special service programs, the community service employment program, the extension of the programs for the elderly under the Adult Higher Education Act, together with the other amendments adopted to the Older Americans Act in yesterday's House action promise to continue the positive strides made in 1965 with the enactment of the original act. Again, my congratulations to the members of the select Education Subcommittee for their fine work on this legislation.

DR. HOWARD TANNER, DIRECTOR OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. VANDER JAGT. Mr. Speaker, several weeks ago it was my pleasure to appear on a speaker's platform with many others who had been brought together by the Michigan Natural Resources Commission to honor the new director of the Michigan Department of Natural Resources, Dr. Howard Tanner. I have known Howard Tanner for many years, and he is well known throughout the Nation as the father of the Great Lakes salmon program, probably the most exciting and successful innovation in sports fishing in this century. It has meant hundreds of millions of dollars of economic activity, to say nothing of the recreation thrills for thousands of people who have caught huge Coho and Chinook salmon in waters formerly void of anything but tiny alewives.

Many noted State and national leaders spoke in Dr. Tanner's behalf that evening. The auditorium rang with eloquence and much deserved praise. But there was one person, who more than any other, chose the words that captivated the audience, left them convinced, if there had ever been any doubts that, in fact, the Michigan Department of Natural Resources was now in the best possible hands. That speaker was Howard's mother.

This lovely woman, approaching four score years, made the kind of simple, loving speech the most gifted orator could not hope to emulate. I want to share these heartfelt words with you. These are Mrs. Tanner's words:

> You are taking quite a chance—asking a mother to say a few words about her son! It is my favorite subject!
>
> I thank you for inviting me to be a part of this delightful evening.
>
> I thank you for honoring Howard here tonight. I am pleased that it is taking place in Antrim County where he was raised. Where he and his father fished, hunted, trapped and explored.
>
> His father introduced him to trout fishing when he was five years old. Through his boyhood years he was taught a love of nature and the principles of conservation along with the knack of luring a trout with a muddler.
>
> Howard loved it all. It was a compelling interest. It was his pleasure and it became his career.
>
> Somewhere between the cedar tangle and the stars he caught a vision of the order and the wonder of it all. He still has it. It will guide him in this difficult and demanding job as Director of the Department of Natural Resources. He will give it his best effort.
>
> You, who love Michigan and are concerned with the good management of its natural resources, please give him your cooperation, your encouragement and your blessing.

AMERICA NEEDS BUSINESS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COLLINS of Texas. Mr. Speaker, America today needs business to prosper. What is good for business is good for America.

An excellent editorial was written by our commonsense business editor of the Dallas Morning News. Al Altwegg speaks up for business in an excellent news article. Here are the key sections written by Altwegg in the Dallas Morning News:

> AMERICA NEEDS BUSINESS
>
> (By Al Altwegg)
>
> Just a few weeks ago, one of our senators in Washington, who was talking when he might better have been thinking, raised an objection to what he called "obscene profits"—in that instance the profits of oil companies.
>
> The time may not be far off when everyone in Washington is going to be concerned more about what they might be tempted to call, in their colorful way of expressing themselves, an obscene LACK of profits.
>
> Because, with recession getting constantly worse, the profits of American corporate enterprise must already be getting steadily less.
>
> And the truth, is, as every politician and every bureaucrat should know, a substantial part of the government's money comes from the profits of corporate enterprise. Not from the operations, but from the profits.
>
> And what that means is: No profits, no taxes. It's really as simple as that.
>
> Well, quite aside from the fact that this deriding of profits is essentially a Marxist idea and also aside from the fact that the potential for profit is really the incentive which fuels a system.
>
> For years, I have been preaching that this need for profits in America ought to be pointed out constantly, by every businessman to every politician and every potential politician, so that no officeholder could ever vote a dollar of government spending without having the awareness in the back of his mind of where a great part of those dollars come from.
>
> For as business slows down, the profits of American corporations are apt to slow down—even faster. And when profits go, an important part of government income goes with them.
>
> They are talking about Washington spending us out of the recession. Ignoring for a second the fact that a government which has been piling up deficits from overspending in boom-time is going to have a hard time spending enough money more to turn around the very serious recession we now face, there is a bigger question.
>
> Where are the people in Washington going to get the money?
>
> With corporate profits down, Washington will have only three places to turn—to the individual taxpayer, to the money markets for borrowed money, and to the printing presses. And all of these avenues, right now, look unpromising, at best, and possibly disastrous.
>
> The individual is already saddled with a heavy load, increased by inflation. Now they are going to squeeze him for a last drop?
>
> But remember, many of those taxpayers are out of work. Growing numbers of them. And when they are not earning, they have neither taxes to pay nor dollars to pay with.
>
> The money markets also look sorry. With the government growing increasingly desper-

ate for borrowing, who is going to want to lend it more and more?

And the printing presses have already been used too much. We have already depreciated **the dollar till it's frightening.** That route cannot go on, because that way lies bankruptcy.

NATIONAL HEALTH EDUCATION AND PROMOTION ACT OF 1975

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. CARTER. Mr. Speaker, when we consider the cluster of concerns that we commonly call our national health care crisis, we usually look to megaproposals which demand great expenditures of funds and major systems revisions, or to proposals that are so financially modest and lacking in substance as to be meaningless.

We find ourselves today struggling with various efforts at reorganization, rationalization, and regulation of health services, seeking improvements in financing mechanisms, pondering the problems associated with health manpower, and invariably ending up considering derivative proposals, or proposals which are variations of themes dating to the first decade of this century, as if they were bold, new, and imaginative.

We have sold our society on the wonders of modern medicine and we have created an insatiable demand for services. Only recently, Mr. Speaker, have we recognized that there are limits to the amount and kind of resources that we can allocate to health care.

We find ourselves with only a few possibilities. We can reduce demand by reinstating financial barriers to access, by imposing monetary limits on prices or overall expenditures, or by rationing available resources.

Mr. Speaker, we no longer have the option of unlimited spending for personal health services, and yet I do not believe that the American people will accept the reimposition of financial barriers as a legitimate way of controlling demand. Therefore, I am introducing a proposal that offers the alternative strategy of health education and health promotion.

I am also introducing this health education proposal to prod our collective memories. It seems that somehow we have forgotten, perhaps because we have been unduly and overly impressed by the sophistication and technology of modern medicine, that mechanisms for the delivery of health care are only one of the many ways of maintaining and improving health. Let me recall for you that, although much of our health progress stems from the remarkable advances in scientific medicine of the last and early part of the present century and their applications in the prevention and treatment of disease, our improved health status also reflects in considerable degree the improvement in general living conditions and improved sanitary measures as well. Better housing, nutrition, working conditions, and education enhance the health of our people just as certainly as better health services.

It is reassuring, then, to note the recent rekindling of interest in consumer health education, health promotion and preventive medicine. For example, mention was made in former President Nixon's health message of the need to moderate self-imposed risks and of the realization that each of us bears the major responsibility for our health. There has been a President's Committee on Health Education; Blue Cross and the American Hospital Association have endorsed the concept of patient health education; and, HEW's forward plan presents prevention as its first, major health planning theme. Also, the new National Health Planning and Resources Development Act considers prevention and health education national health priorities, as do the statutes creating health maintenance organizations, while in Canada, the Minister of Health and Welfare has produced a remarkable document which presents a new health promotion perspective which will be embodied in future Canadian health programs.

This interest in health education activities is not without a rationale. Health care costs have risen at an alarming rate. The data indicate that inflation of health care costs has occurred at a rate considerably in excess of the Nation's general inflation. Despite our huge outlays in dollars and resources our health indicators reveal that we are obviously not getting our money's worth. We have more physicians per capita than any other country in Europe or North America and yet, at each age from infancy through middle age and into the seventies, the rate of death of Americans is almost the highest in the developed world.

Why then have we gained so little health benefit from our tremendous investment in health services? Certainly, for a part of America the reason is lack of access to medical care of high quality, but for the majority of Americans the answer lies in the changing nature of disease. It is now the chronic diseases and the diseases of advanced civilization and changing lifestyles that concern us.

The principal causes of death in our country are owing to motor vehicle accidents, ischaemic heart disease, other accidents, respiratory diseases and lung cancer, and suicide. Please note, Mr. Speaker, that self-imposed risks and environmental factors are the principal or important underlying factors in each of the five major causes of death between the age of 1 and age 70. It is a safe conclusion that unless lifestyles and self-imposed risks are modified or the environment changed, the death rates will not be significantly improved.

If we momentarily review morbidity rates as collated from a study of illness requiring hospitalization, we have further proof of changing disease patterns. Diseases of the cardiovascular system are the principal cause of hospitalization. Fractures, head injuries, burns and all other causes arising from accidents or violence follow in scale. For such causes of hospitalizaton, individual behavior and carelessness are the principal or important underlying factors.

From Marc Lalonde's Canadian working document there appears this interesting litany, indicating some of our more destructive lifestyle habits and their consequences. For example, alcohol addiction, he writes, leads to cirrhosis of the liver, encephalopathy and malnutrition; abusing pharmaceuticals leads to drug dependence and drug reactions; addiction to psychotropic drugs leads to suicide, homicide, malnutrition, and accidents; overeating leads to obesity; high-fat intake possibly contributes to atherosclerosis and coronary artery disease; high carbohydrate intake contributes to dental caries; lack of recreation and lack of relief from other pressures are associated with stress diseases such as hypertension, coronary-artery disease and peptic ulcer; promiscuity leads to venereal disease; and careless driving, and failure to wear seatbelts, leads to accidents and resultant deaths and injuries.

If we turn to the social and physical environment, about which individuals can do little, we find that public health and governmental application is both imperfect and uneven. I speak of air, water and noise pollution and the failure of many communities to fluoridate their drinking water. Also, urbanization, crowding, adverse working conditions, and rapid social change all affect mental and physical health in ways we do not yet fully understand.

When you take such factors into consideration, Mr. Speaker, you may agree that health status cannot be equated with the organization, financing and delivery of health services alone. Outstanding though our health services are, there is no doubt that if we are to improve our level of health we must turn to a new strategy, one which will assist us to understand the nature and causes of self-imposed risks, adds to our knowledge of illness, educates patients and consumers about health maintenance and prevention, and improves the physical and social environment.

Let me pursue this point about patient education further. Consider the treatment for diabetes mellitus. What are the respective roles for the doctor and the patient? Ideally the disease should be discovered early. The physician makes a diagnosis and prescribes therapy. The patient must inject himself with the correct dosage of insulin every day, interpret his own urine samples and decide when a change is sufficient to warrant calling his physician. The patient must be motivated to lose weight, recognize and report side effects, learn proper techniques for foot and toenail care to avoid the devastating complication of infection and gangrene, recognize early symptoms of complications, and visit his physician when scheduled. The physician's role is essential to effective treatment; so too is the patient's. No amount of resources devoted to physician or hospital care can substantially reduce the cost of diabetes if the patient has not been adequately trained and motivated to do his part.

When such a patient education program is well thought out it has proved to be very successful. In the Los Angeles

County Medical Center diabetes education program, a telephone "hotline" was introduced for information, medical advice, and for obtaining prescription refills. Patients were educated to use this service through an aggressive campaign of pamphlets, posters, and counseling sessions by physicians and nurses. When the program was evaluated, it was found that the incidence of diabetic coma was reduced from 300 to 100, the number of emergency visits by the diabetic patients were reduced by half, and that 2,300 clinic visits were avoided. Over 2 years, total savings was estimated at more than $1.7 million.

Similar positive results were found with patient education programs for asthma, congestive heart failure, hypertension, hemophilia, and pain following surgery. But such physician and hospital initiatives are limited owing to lack of funds. Furthermore, we do not at this time understand fully the nature of health motivation and how individuals chose between health promoting and illness promoting behavior. We need more research; we need careful evaluation of health education programs to determine which are effective and which are not; and, we need to recognize that Government itself often inadvertently works to promote individual habits and exposures which promote disease.

So, Mr. Speaker, we have had presidential messages, task force and commission reports and the occasional statute and authorization for consumer health education programs. There is even a Bureau of Health Education in the Center for Disease Control in Atlanta, Ga., although very few know of this fact. But despite the study commissions and the activity in both the public and private sectors there is still no national program or adequate central force to stimulate and coordinate a comprehensive health education program. Our efforts are fragmented. The moneys we spend for health education, health promotion, and preventive medicine are miniscule. There is no informational exchange between those public and private agencies and organizations concerned with health education; there has been little evaluation of results among similar or related health education programs sponsored by different organizations; information about health education theory, programs and methods is not easily accessible; there is presently no agency, public or private, which is systematically reviewing the broad range of experience and theoretical experimentation in health education and related fields; and, there is no focal point to facilitate communication and cooperation among the significant health organizations in and out of Government which must work together if substantial improvement in health education is to be achieved.

Mr. Speaker, the needs, problems, and opportunities are so large, urgent, and complex that progress will depend upon a major long-term commitment by both the public and private sectors of society. To meld such efforts, provide a focal point for the Nation's multiple but disparate health education activities, improve the health status of Americans, design a mechanism by which we may establish a national health education, health promotion and preventive medicine strategy, I am now submitting for congressional action the National Health Education and Promotion Act of 1975.

I include a section-by-section analysis of my bill in the Record:

Section-by-Section Analysis of the National Health Education and Promotion Act of 1975

Section 1 states that the title of the Act is the National Health Education and Promotion Act of 1975.

TITLE I. NATIONAL CENTER FOR HEALTH EDUCATION AND PROMOTION

Section 101 establishes the National Center for Health Education and Promotion within the Department of Health, Education, and Welfare and declares that the Center shall be supervised by the Department's principal health officer and shall be organized with no less than the following four divisions:

(a) Research in health education and preventive medicine,

(b) Community health education programs,

(c) Communications in health education, and

(d) Federal programs.

Section 102 provides that the Secretary shall:

(1) formulate a national strategy and national goals with respect to health education, health promotion, and preventive medicine;

(2) develop an integrated and comprehensive perspective on national health education, health promotion, and preventive medicine needs and resources, and recommend appropriate educational and certifying policies for health education and preventive medicine manpower;

(3) incorporate appropriate health education components into every facet of our society, especially into all aspects of health care and educational programming;

(4) increase the application of health knowledge, skills, and practices by the general population in their patterns of daily living;

(5) increase the effectiveness and efficiency of health education and preventive medicine programs through improved planning, implementation of tested models, and evaluation of results;

(6) establish systematic processes for the exploration, development, demonstration, and evaluation of innovative health education concepts; and

(7) foster information exchanges and cooperation among health education providers, consumers, and supporters.

The Section also provides that the Secretary shall carry out this Title consistent with Title XV of the Public Health Service Act, which relates to health planning and development.

Section 103(a) provides that the Secretary, through the division of research in health education and preventive medicine, shall conduct and support research in health education, health promotion, and preventive medicine.

This Section also provides that the National Center for Health Statistics, which is established under Section 306 of the Public Health Service Act, shall make continuing surveys of the needs, interests, attitudes, knowledge, and behavior of the American public regarding health. The Secretary shall use the findings of these surveys together with the findings of surveys conducted by other organizations in formulating policy respecting health education and promotion, and preventive medicine. This section authorizes appropriations of $3,000,000 for fiscal year 1976, $4,000,000 for 1977, and $5,000,000 for 1978 for activities of the National Center for Health Statistics.

Section 103(b)(1) provides that the Secretary, acting through the division of community health education programs, shall support and encourage new and innovative programs in health education and preventive medicine.

Section 103(b)(2) provides that the Secretary may not approve any application of any health care facility for a grant under the Public Health Services Act or the Community Mental Health Centers Act in any fiscal year beginning after the passage of this act unless the facility includes consumer health education programs prescribed through regulations by the Secretary of Health, Education, and Welfare.

Section 103(b)(2) also provides that the consumer health education services must be offered by health care providers as a condition of eligibility for payments under Title XVIII of the Social Security Act and that the Secretary should enter into agreements with the States under which the States would require health care providers within their jurisdictions to provide consumer health education as a condition of payment under Title XIX of the Social Security Act. This provision would take effect in the calendar quarter beginning more than 90 days after the passage of this Act.

Section 103(c) provides that the Secretary, acting through the division of communications in health education shall establish liaison between the Center and providers of health education services and the communications media.

Section 103(d) provides that the Secretary, acting through the division of Federal programs shall:

(1) make recommendations to the Congress for the inclusion in appropriate legislation of provisions respecting health education and promotion;

(2) establish a liaison with other Federal agencies engaged in health education and promotion, including the Office of Education, the Consumer Product Safety Commission, the Department of Agriculture, the Environmental Protection Agency, the National Institute for Occupational Safety and Health, the Department of Transportation, and the Department of Defense; and

(3) identify Federal programs and actions which are not in the interest of public health and determine methods for reviewing and commenting on such programs and actions.

Section 104 establishes an Interdepartmental Committee on Health Education and Promotion to promote and maintain the effectiveness of Federal health education programs. The Secretary will chair the committee and the remainder of the committee shall be appointed by the President from among heads of Federal departments engaged in health education activities.

Section 105(a) establishes the Health Education and Promotion Advisory Council. The Council shall consist of 19 members appointed by the Secretary and the Secretary shall appoint from time to time the chairman of the council. This Section establishes the categories of representation on the council, the tenure of members, procedures for appointing members where a council member vacates his appointment prematurely, member pay entitlements for serving and for certain expenses, and matters related to the calling of meetings.

Section 105(b) provides that the council will advise the Secretary and make recommendations to him on matters of general policy with respect to the functions of the Center. The council shall make an annual report to the Secretary and to Congress relating to the performance of its functions and any recommendations it may have with respect thereto.

Section 105(c) authorizes the council to engage any technical assistance that may be required to carry out its functions and requires the Secretary to make available to the council the necessary clerical, secretarial and administrative support, and to provide pertinent data available to the Department of Health, Education, and Welfare which the council might need to carry out its functions.

Section 106 prescribes the contents of the annual reports that must be submitted by the Secretary to the President and to Congress. The Secretary, acting through the Center, shall submit such reports not later than December 1 of each year.

Section 107 authorizes appropriations of $35,000,000 for fiscal year 1976, $40,000,000 for 1977, and $45,000,000 for 1978.

TITLE II. INSTITUTION FOR HEALTH EDUCATION AND PROMOTION

Section 201 states that the Congress finds and declares that:

(1) it is in the public interest to inform the public about health and about ways to best protect and improve personal health;

(2) the public must develop the ability to examine and weigh consequences of personal decisions respecting health;

(3) the public must be motivated to desire changes supportive of more healthful life-styles;

(4) impediments that inhibit the voluntary adoption and maintenance of more healthful practices by the public must be identified and mitigated or removed;

(5) to achieve these goals it is necessary for the Federal Government to complement, assist, and support a national policy that will advance the national health, reduce preventable illness, disability, and death, moderate self-imposed risks, and promote progress and scholarship in consumer health education and preventive medicine; and

(6) a private corporation should be created to facilitate the development of a health education and promotion strategy for the nation.

Section 202 establishes a not-for-profit corporation to be known as the Institution for Health Education and Promotion. The institution shall not be an agency or establishment of the United States Government.

Section 203(a) provides that the corporation shall have a twenty-five member board of directors appointed by the President with the advice and consent of the Senate.

Section 203(b) provides that the board shall have broad representation of the various regions of the country and of the various skills and experiences appropriate to the functions and responsibilities of the Institution.

Section 203(c) provides that the members of the initial board shall also serve as its incorporators and are charged with taking whatever actions are necessary to establish the Institution under the District of Columbia Nonprofit Corporation Act.

Section 203(d) establishes the terms of office for board members, procedures to be followed when a member leaves the board prematurely, and provisions for staggering the terms of office of the original board members. The Section provides that no board member shall serve for more than two consecutive terms.

Section 203(e) provides that any vacancy in the Board shall not effect its power, and the vacancy shall be filled in the same manner in which the original appointments were made.

Section 203(f) establishes procedures for the appointment of officers by the Board of Directors.

Section 203(g) provides that the members of the Board of Directors shall not be deemed Federal employees by reason of the membership on the Board, and provides for payment for their time and travel expenses related to Board meetings and other activities of the Board.

Section 204(a) provides that the Institution shall have a President and other officers that may be appointed by the Board. The Board will determine the terms and rates of compensation of those appointed. No officer, other than the Chairman, and vice chairman may receive any salary or other compensation from any source other than the Institution during their employment. The officers shall serve at the pleasure of the Board.

Section 204(b) provides that no political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, and employees of the Institution.

Section 205(a) provides that the Institution strategy for the nation, the Institution of stock or to declare or pay dividends.

Section 205(b) provides that no part of the income or assets of the Institution shall insure to the benefit of any director, officer, employee, or any other individual except as salary or other reasonable compensation for services.

Section 205(c) provides that the Institution may not contribute to or otherwise support any political party or candidate for elective office.

Section 206 states that to facilitate the development of a health education and promotion strategy for the nation, the Institution shall carry out the following functions:

(1) Establish communications with, provide a forum for the involvement of, and seek the advice and support of, organizations, agencies, and groups involved in health care, education, labor and business, social and civic organizations, consumer organizations, and communications. The Institution shall review and analyze the need, and resources available, for health education and promotion and the effect of alternative health education methods and procedures on health status to determine which methods and procedures offer the best opportunities for improving the nation's health.

(2) Coordinate and stimulate a variety of projects involving other organizations, agencies, and groups to develop such strategy designs or design components as are required to increase the appropriateness, acceptability, and effectiveness of health education efforts nationwide.

(3) Assist in stimulating, developing, implementing, and assessing a total communications program utilizing a full range of media available to reach diversified groups in order to increase national understanding and support for the value of health education and the role each citizen and every organization, institution, and agency can and should play to improve individual, community, and, ultimately, the national health through educational means.

(4) Assist in accelerating the incorporation of improved technology into health education practice by establishing a system of technical assistance and training and by making available the expertise of other cooperating organizations, as well as its own staff, in response to the needs of national, State, and local groups for assistance in improving the planning, implementation, and evaluation of their health education programs.

(5) Encourage the development and utilization of valid and acceptable research and evaluation methods for a wide variety of health education programs and technologies. It shall develop coalitions and consortium arrangements with other organizations and agencies for cooperative efforts in model design and testing and for joint sponsorship and exchange of information on comparable research and evaluation projects.

Section 207 provides that the Board shall appoint an advisory panel of 200 individuals with appropriate competencies and abilities. Its principal function will be to advise the Board. The panel shall also serve as a resource for appointments to special committees, task forces, and conferences. The advisory panel shall receive all Institution reports.

Section 208 requires the Institution to submit an annual report to the President for transmittal to Congress. The report shall include a detailed account of the activities of the Institution, its operations, financial condition and accomplishments. Additionally, it may include such recommendations as the Institution deems appropriate.

Section 209 authorizes appropriations for expenses of the Institution of $1,000,000 in fiscal year 1976, $3,000,000 in fiscal year 1977, and $5,000,000 in fiscal year 1978.

Section 210(a) provides that the accounts of the Institution shall be audited annually in accordance with generally accepted auditing standards by independent public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The Section also provides that the audit will occur at the place where the accounts of the Institution are normally kept.

Section 210(b) provides that the auditor's report shall be included in the annual report required by Section 208. This Section also describes the contents of the auditors' report as it would be displayed in the Institution's annual report required under Section 208.

MORE NUDITY AND SEX ON TV?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, I was disturbed to read an interview with TV Producer Quinn Martin, published in the Pittsburgh Press, in which he warned that we had better get ready for more nudity and sex on television.

Mr. Martin said:

> I think that, five years from now, we'll have everything on TV that you see in the movies today—including nudity and X-rated movies.

Mr. Martin is no idle commentator. He is one of the top producers in television with several major shows currently on the networks, including "Barnaby Jones," "Streets of San Francisco," and the new "Caribe." He can be accredited with knowing what he talks about.

But I want to caution him and others in the TV field that sex and nudity will not be accepted easily. Neither is TV like the movies. Television is public property in large part—something conveyed into our homes over the public's airwaves—and thus not to be considered as a camp follower of the movies, certain to do in time what they now do.

We have a Federal Communications Commission with a responsibility to make sure that television is not used to unravel the Nation's morals, or to warp the impressionable minds of our youth. TV stations are under public license and subject to periodic review of their service to the people. So are the networks. The movies are in another category entirely.

Nevertheless, I take Mr. Martin's warning seriously and urge that the FCC prepare now to protect us from the flow of nudity, sex, and smut which Hollywood can be expected, on Mr. Martin's word, to push on to television. We can not allow this to happen.

DENVER: THE SOLAR ENERGY LABORATORY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mrs. SCHROEDER. Mr. Speaker, I believe that one of our most important priorities in the field of energy is the development of alternative energy sources. Solar energy is, of course, one of the best of these alternatives. It is about as inexhaustible as the universe and its impact upon the environment is about the same as a day at the beach. We believe that it can soon become commercially practicable on a large scale.

Mr. Speaker, I am happy to bring to the attention of my colleagues an article from the Denver Post for April 6, 1975, which relates to still another achievement in the solar energy field being carried out in my district, Denver, Colo. As you will note, the Solaron Corp. of Denver has developed its own mode of solar energy retrieval to such an extent that it is making installations in office buildings and apartment houses. And this is not all of it, for there are other Denver-based firms with like projects.

Denver may be the solar energy laboratory in which others may find proof that solar energy has a sunny future. The article is as follows:

[From The Denver Post, Apr. 6, 1975]

DENVER A LEADER IN SOLAR ENERGY USE

(By Don Lyle)

Denver has more homes using solar energy as a primary source of heat than all the rest of the nation combined, John Bayless, president of Solaron Corp. of Denver, told members of the Rocky Mountain Association of Geologists at their weekly meeting in the Petroleum Club.

And, he added, this fall there will be easily 100 building projects in Denver alone using solar heat.

Bayless also said that his firm had been visited by a half dozen major oil companies investigating possibilities of solar energy for heating.

"Imagine yourself a large petroleum company and not being able to keep up supplies," he said. "It pays to have an auxiliary source."

Solaron, he added, is the only company in the nation solely devoted to solar heating and cooling. Other firms have other interests with solar energy as sidelines.

He also said that the federal government, under its solar energy plans, will buy only complete solar systems, not components. "Now, we are the sole source for complete systems," Bayless said.

Another advantage of the Denver company, he continued, is that it is an integrated company "with the capability of giving bottom line information to builders."

Solar energy isn't new, he continued. Early research started in home heating in 1943. A house in Denver has been using solar heat since 1957 with no maintenance, he added.

He explained to the geologists that the Solaron system uses a flat plate collector painted black to collect heat and heat air to around 150 degrees.

That heat is ducted to the basement of a home or business when the heat isn't needed in the building and directly through heat ducts to the building when heat is needed.

Unused heat is stored in a box of river rocks. Bayless said that 50 pounds of rocks are needed for every square foot of collector area, normally around 10 tons of rocks for a house.

Cooler air, already used in heating the house, is ducted to the heat collector on the roof to be reheated.

An auxiliary heating unit is needed in almost every area for periods when the sun doesn't shine for a long period of time.

In the Denver area, he said, Solaron units are being installed in single-family homes, businesses, multi-family dwellings and in home clusters. The company hasn't released information on all its projects, he said, because of the owners' desire for privacy and because the company doesn't like to release information until the contracts are signed.

Noting the costs of solar energy, Bayless said that heating bills presently run about $350 a year in Denver, about the same amount that the installation of a solar heating system would add to the yearly mortgage payments. That is assuming that the home uses electrical heating.

But, he added, in a few years, the person with the solar heating plant still will be making the same payments while electrical prices have doubled.

Solar heating plants are maintenance free, he said. There is no need to wash the glass that covers the rooftop collector plates because the rain and snow takes care of the washing.

Even when they are dirty, he said, there is little loss of efficiency.

Most of the materials for the system are commonplace and inexpensive. Black highway paint is used for the collector, river rock for the storage area. Auxiliary heating units are the kind normally installed in homes.

The only special equipment required is the glass, which must be able to withstand variations in temperature as great as 265 degrees.

Solaron now is working out plans for retrofitting solar heating systems to existing homes, to mountain homes and to condominiums.

The firm's largest job to date is the solar heating system for the new Gump Glass Co. headquarters building in Denver. The system is used to heat office and showroom areas and consists of five solar collectors mounted on the roof.

It is the first, large commercial building to be heated with solar energy. Bayless said that the firm turned out the Gump job in 30 days.

Another project, he continued, is a cluster of buildings at 435 St. Paul St.

Scheduled in May is an office building at 115 Madison St. and later in the year, the firm plans the installation of the solar heating system on 20 homes in the Fort Collins area.

Although projects to date have been built with the solar collectors mounted at a 50-degree angle on the roof, one condominium project will have the collectors mounted vertically on the side of the building.

Soon, Bayless continued, his company will begin looking for a nationwide network of dealers to build the collection units and place them in homes, offices, apartments and other buildings across the nation.

Bayless also said that he approved of government controls on solar energy plants by the Department of Housing and Urban Development for any projects funded with federal money, including VA and FHA.

That will make sure that the manufacturers are honest in their claims and impose a set of standards that must be met for the systems.

He said that he thought there would be a lot more business started this year specializing in solar heating and cooling systems and he had heard that a national firm was planning to enter the business during the year.

THE BENEVOLENT BROKER

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. COTTER. Mr. Speaker, I have just learned of the death this afternoon of John M. Bailey, chairman of the Democratic Party in Connecticut for nearly 30 years and National Democratic Party chairman during the administrations of Presidents Kennedy and Johnson.

John Bailey's passing—though anticipated—still comes as a shock to those near and dear to him.

His contributions to Connecticut and the Nation will long be remembered and assure his place in history.

He was a remarkable man—one of a kind, a great political leader and, above all, a compassionate and decent man.

Connecticut has lost a statesman, and I have lost a close personal friend.

My heartfelt sympathies go out to his wife, Barbara, and their children.

I want to share with my colleagues a recent editorial in the Milford (Conn.) Citizen which I thought came very near to capturing the greatness of John Bailey:

THE BENEVOLENT BROKER

The Connecticut General Assembly, now in session, is the same but different in many ways.

One big difference is that John M. Bailey, because of illness, is not as visible as he has been in the past 30 years.

Nonetheless, we are told, his advice is sought, as it should be, because his talents are needed now, as they always will be.

John is unique among political leaders, present and past. He has no peer, no equal.

His career is unmatched in tenure and texture. For nearly 30 years he has been state chairman of the Democratic Party. The quality of his conduct as a gentleman and politician is above reproach. His accomplishments—legion.

He was, in no small degree, responsible for the election of some of our greatest—President John F. Kennedy, Senator Abe Ribicoff, former Governor Jack Dempsey, and now Governor Ella Grasso, to mention a few of the notables.

John has none of their prominent characteristics. He doesn't have the charisma of the 2 Jacks, nor the suave polish of Abe, nor the strong personal appeal of Ella.

But he is distinctive in his own way. He is not a charmer but he is warm, cordial, even with opponents.

He is enormously energetic and his knowledge of his game—politics and legislation—is unsurpassed.

John leads the political process that selected and then elected president, governors, senators, yet he never acted like they were his pawns.

Once in office, particularly in the case of the Governors—Bowles, Dempsey, Ribicoff—he did his best to lead the Legislature in the ways of their wishes. He will, no doubt, do the same for Ella.

For example, in the 1959 session he worked his special brand of wizardry to get the legislature to modernize archaic procedures in the courts, county and state government. These functions had not been materially changed since their origin in mid-17th Century.

How has John managed, all these years, to be out front in the game of politics that is so risky, so fickle, so effervescent?

The answers are that, once he decided politics was his cup of tea, he worked at it relentlessly. He constantly courted the concensus of others, especially the big city bosses.

John dealt with them, and others, not as their master, although he held the title, but as first among equals in selecting the best possible candidates and the best issues.

In persuading his fellow Democrats and legislators he pleaded, argued, coaxed, but he never demanded. His knowledge of the pros and cons of the issues and their impact upon the state—and the voters—is monumental. He makes it his business to know the score.

He—just look at the record—is especially astute and keenly analytical in candidate diagnosis.

His attitude is "go with the bird that can fly—not the pigeon who can't get off the ground."

He spares no time, no energy, no effort, to gauge the pulling power of candidates.

To him, victory at the polls is the payoff.

John made 1 attempt to be elected to public office. Defeated, he thereafter felt that he could not be elected, and never again tried.

He was keenly disappointed when he was not appointed U.S. Senator to fill a vacancy. That he never allowed this deep hurt to color his judgment or his relationship with others illustrates his self discipline.

For the good of the party, he often says, "you gotta do what you gotta do."

He is not a political boss in the image of Tweed or Hague. Rather he is a benevolent broker of men and ideas that has consistently won elections.

Equally important, he has lived in a clean house. He has been above even a rumor that he has had his hand in the public till in more than 30 years of being a practitioner of the art of politics.

That alone is a singular accomplishment.

SHREWSBURY, N.J., REGISTER SUPPORTS H.R. 15, THE PUBLIC DISCLOSURE OF LOBBYING ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, one of the major reform proposals before the 94th Congress is H.R. 15, the Public Disclosure of Lobbying Act which Congressman Tom Railsback and I have introduced and which has been cosponsored by 122 of our colleagues.

This legislation which covers lobbying activities with the Congress and the executive branch requires the strict registration and the disclosure of lobbyists, along with their receipts and expenditures and the logging of outside contacts with executive branch agencies. The Federal Elections Commission is charged with enforcement of these requirements.

The Shrewsbury, N.J., Register, in a March 10 editorial, endorsed H.R. 15, and I commend this editorial to the attention of our colleagues:

Lobbyists' Information

A lobby disclosure bill introduced by Edward Kennedy, Charles Percy and four other senators and the similar bill introduced by Reps. Tom Railsback and Robert Kastenmeier are tough measures worthy of support. They would plug the holes in the 1946 disclosure law.

That act doesn't now apply to executive-branch lobbying. It doesn't cover persons who lobby in their job capacity as, say, corporate or trade association officers who are not hired specifically as lobbyists.

We favor the legislation not because we believe lobbying is wrong. Actually, it represents a perfectly constitutional way for an interest group to make its wishes known to lawmakers. With the ax they bring to grind, lobbyists also present useful, if sometimes skewed, facts and figures.

What's wrong with lobbying now is its secrecy. The public has a right to know who is attempting to influence what legislator and in what way. Hidden special interest money can be—indeed too often is—used to corrupt the public process. The suitcases full of cash revealed during the Watergate inquiries are illustrative but not unique.

The disclosure bills would require lobbyists to report who pays them and how much, to itemize what they spend, to reveal the names of persons in the Congress and the executive branch with whom they've gotten in touch and to identify the issues for which they've lobbied.

Lobbyists, furthermore, would have to reveal the names and activities of anyone lobbying on their behalf and disclose how much they gave or lent to public officials and what favors they extended.

Both bills appear to be on target. They would satisfy the right to know who's spending what. Citizens should know because, as Common Cause's chairman, John W. Gardner has said: "The price of their food, their heating bills, the safety of the toys their children play with and a great many other things may be affected" by what is now often secret lobbying.

A SALUTE TO PAPPY ABRAMSON

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. de LUGO. Mr. Speaker, I would like to bring to the personal attention of my colleagues the recent 105th birthday celebration of Ignatius "Pappy" Abramson, St. Croix's oldest living citizen.

I am pleased to say that the elderly in the Virgin Islands are still treated with dignity and respect. I would like to share with you, as an example of these enlightened attitudes, the following article from the Virgin Island Daily News:

St. Croix Resident Celebrates 105th Year

Christiansted.—An unusual birthday was celebrated Sunday, at the Herbert Grigg Home in Kingshill when St. Croix's oldest citizen was feted by more than 200 well-wishers who payed homage to Ignatius "Pappy" Abramson who was born 105 years ago on March 23, 1870 in Spring Garden, Frederiksted.

Earlier that day, "Pappy" had attended mass at St. Patrick's Church in Frederiksted so after a nap he was able to greet his visitors individually but was not quite up to taking part in the dancing. He has attended church regularly at St. Patrick's for more than half a century.

His wife, Mary Magdalene "Miss Maggie" Williams, who has been ill for the past two months, joined him for his birthday party when she was brought to the Grigg home for the occasion from Ingeborg Nesbitt Clinic in Frederiksted.

Other members of his family who attended the party were his granddaughter Geraldine Abramson Armstrong, and two step-daughters, Clarice Mulgrav and Erla Krieger. Many notables attended the events, including St. Croix Administrator Stanley Farrelly, Senator Jean Romney, Alexander Moorhead Jr., Frits Lawaetz, John Bell, Claude Molloy, and Assistant Commissioner of Welfare, Mrs. Enid Hodge.

Champagne for the birthday toast and other drinks were donated by local merchants and supermarkets in what proved to be a genuine out-pouring of respect and admiration for St. Croix's oldest gentleman.

The Lion's Club gave a donation for the sumptuous birthday cake created by Mrs. Ingerborg Grigg and the American Legion Post Auxiliary 85 gave a donation for meat pates which were served with the delicious home cooked meal prepared by the cooks of the Herbert Grigg Home.

According to Verna Garcia, administrator of the home, it was one of the loveliest parties they have ever had and calls are still coming in to congratulate members of the staff. Members of the Senior Citizens Club, who brought a beautiful floral bouquet, as well as residents of the Whim Gardens Home for the Aged, all joined together to dance to the music of the Whim and Jamsey Scratch Bands.

"It was a fine community party for a very special occasion," she said.

MY RESPONSIBILITIES AS A U.S. CITIZEN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. DERWINSKI. Mr. Speaker, Randy Boone of Westchester, Ill., was the first place winner in the local Veterans of Foreign Wars 13th annual Voice of Democracy scholarship program. Randy, a senior at Proviso West High School in Illinois, expressed his ideas on his "Responsibilities as a Citizen," in an essay that was reprinted in the March 19 edition of the West Proviso Herald.

This program offers the students an opportunity to describe their views on the significance of freedom and democracy in their everyday lives and gives us a chance to ponder and reassess our own responsibilities as American citizens.

I am proud to insert into the Record Randy's outstanding winning essay:

My Responsibilities as a U.S. Citizen

(By Randy Boone)

The Constitution of the United States contains what is known as the Bill of Rights. This Bill of Rights provides for the protection of fundamental individual liberties. Nowhere in this document is there found a corresponding list of responsibilities, so it is each American's duty to clearly define his personal obligations to the liberties granted to him by the Constitution. I consider my own obligations not as burdensome responsibilities, but as opportunities to willingly pay back part of the great debt I owe this country.

One of this country's greatest gifts to us is the right to choose our leaders by a ballot vote. A responsibility I have is to use my vote wisely by electing the official whom I believe will do the best job in office. By shirking this responsibility I so much as say, "I really don't care what happens to this country." I may even rob the future generations of the freedom I now enjoy. I believe every patriotic and self-respecting American should vote.

Elected representatives of the United States make the laws which govern the populace, and as an American, I have the responsibility of obeying both the letter and thought of the law. I believe my responsibility goes farther than that. I can do many things that are legal that I believe are wrong. The laws of America do not provide for a moral standard which each citizen must follow, so it is the individual's right to decide what to base his own personal standards upon.

My responsibility to myself and my country is to act in the manner I feel will be most pleasing toward God. I have the responsibility to obey the precepts of the Bible, as they provide me with a standard for living and a clear outlook on life in general. Parents, teachers, friends and other responsible persons also provide guidance on moral issues and I have the responsibility of obtaining their counsel and advice.

A precious right of all Americans is that of free speech. We have the right to speak as we wish, for or against an issue. As an American, I have an option and in this country it counts for something. If I hold back my convictions, they profit no one. It is my responsibility to present my opinions, whether they will be accepted or ridiculed. If I find myself with the incorrect point of view on an issue, I am benefitted by new knowledge and if I have a correct view, others may benefit from ideas that I present. I cannot lose and I may help others by speaking out.

Freedom of worship is a valuable gift because many different people pursue God in just as many ways. Americans are allowed to do so without government restriction, and though I may not be of the same faith as another American, I will defend his right to worship as he wishes, along with all his other rights, to the fullest extent.

The word "respect" is dying in this country. Authority is not held in the position of honor it once was. I have responsibilites in this area and will not hide from them. The presidential office is the highest office in this land, perhaps the most important in the entire world.

"The President, along with the U.S. Senate, House of Representatives and other branches of government are quite capable of making bad mistakes, yet I have the responsibility of respecting their office and position, and, as a Christian, of praying for them whether or not they request it.

When an official abuses his office, he shows his own irresponsibility and I need not respect him as an individual but the office itself will still retain its respect in my eyes. If the individual holding the office is corrupt, the American people have no one to blame but themselves; they chose him.

A seemingly minor issue has become a controversial one in the past few years, but my stand is firm. The United States flag is the symbol for my country and is not to be burned, spit upon or otherwise defaced! A person who has that little respect for this country should exercise his right to leave.

I regard my freedom as one of the most precious possessions I have and am willing to fight to preserve this freedom. It is hard to believe that there are people who are willing to have the freedom and not pay the price. I would gladly give my life for this country and what it stands for. I love this country and love is giving; not taking. Millions of lives have been given for this freedom I now possess and I would be very selfish not to be willing to lay my own life down if the need ever arose.

I am thankful for all this country has done for me and will do my best to be the citizen I know I ought to be.

PATENTS AND THE ENERGY PROBLEM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BOB WILSON. Mr. Speaker, while much of our attention currently is directed toward the state of the economy and recent foreign policy setbacks, I am sure that many Members would agree that the energy crisis is an area of paramount concern. Our Nation and our way of life depend on the development and application of technology to meet our future energy demands. I commend to my House colleagues a recent speech delivered by Commissioner of Patents and Trademarks C. Marshall Dann before the San Diego Chamber of Commerce and include Commissioner Dann's text as a portion of my remarks:

PATENTS AND THE ENERGY PROBLEM

It is always a pleasure to be in California, but it is a particular pleasure to have this chance to meet with the San Diego Chamber of Commerce. We bureaucrats from the Department of Commerce have a great interest in the future health of America's free enterprise economy, and it is pleasant to be with a group that shares this interest and is our ally in trying to keep the economy healthy.

You Californians are also leaders in promoting the nation's technological advancement. More patents were granted last year to residents of California than to any other state, by a fairly comfortable margin. While certainly we have problems that stem from our advanced technological situation—those related to the ecology and the environment come most readily to mind—it is equally certain that the solutions to many of our most pressing problems lie in further developments in technology.

Today I would like to talk with you about patents and the energy problem. Patents are, of course, my stock in trade. All of us, faced with striking increases in the price of gasoline, natural gas and fuel oil and with dwindling supplies of these materials, are very much concerned about the energy situation. There is more connection between these two parts of my topic than you might suppose.

Everyone knows in a general way about the patent system, but I find that many people who are not directly involved with it don't have a very clear idea of its details, and have a few misconceptions about it. To speak of patents and inventions conjures up the picture of Eli Whitney and his cotton gin, of Thomas Edison tirelessly inventing in his Menlo Park laboratory, or of the solitary attic or basement inventor. But how does the system really work today?

Let me give you a quick picture of our operation. Last year there were filed in our office 104,000 patent applications. We granted more than 70,000 patents. Each of these covered an invention which a patent examiner, after search and examination, concluded was new, useful and unobvious over what was known previously. These inventions cover a wide range of technology and range from extremely simple, gadget-like devices to the most sophisticated electronic apparatus or chemical processes. About one-third are in the chemical field, a somewhat smaller proportion in the electrical field, and the balance in the general or mechanical area.

Last year about one-third of the applications received came from foreign applicants. This percentage has increased steadily and accounts for most, though not all, of the increase in the total number of applications filed. Ten years ago, for example, 88,000 were filed of which only 22% came from foreigners.

In contrast to the era when the independent inventor made nearly all the inventions, slightly more than three-fourths of last year's were assigned to corporations. The independent inventors are still very much alive, however. While their ranks include a great many ordinary citizens with simple, though ingenious ideas, they also include such people as Chester Carlson, of Xerox fame, or Edwin Land who founded Polaroid. These two illustrate that successful inventions by independent inventors often provide the basis for a new company or even a new industry.

Our office is located in Arlington, Virginia, just across the Potomac from Washington. In fact, we still have a Washington mailing address. On January 2 of this year our name was changed by an Act of Congress from the Patent Office to the Patent and Trademark Office, to recognize our dual function. Trademarks have been handled in our office for as long as they have had official recognition—since 1870. Last year we received about 35,000 trademark applications and registered about 25,000 trademarks. Our total staff is about 2800, of whom 1200 either hold technical or law degrees or both.

Now for a moment let us review the fundamentals—what is a patent and why do we have them?

A patent is a grant by the United States Government of the right to exclude all others from practicing the patented invention for a period of seventeen years. In return, the inventor must make a full disclosure of his invention. As noted before, a patent is granted only when the invention is found to be new, useful and unobvious. The grant is made to the inventor but he may assign his rights to others, such as to his employer.

It is sometimes said that the reason we have patents is to reward inventors, but this is not really the case. The real reason is stated in the Constitution: "to promote the progress of the useful arts." Rewards to inventors are only the means to that end. It is conceived to be in the public interest to have a system which provides incentive for people to make inventions, to invest in research and development, to make new or improved products and processes available to the public, and finally to disclose their new inventions to the public instead of keeping them secret.

The system works and accomplishes its purposes so long as inventors and entrepreneurs have confidence in it, believing that it will give them the rewards and the protection that it is designed to give. This it does not always do. While less than 1% of all patents are ever litigated, only about half of these are held valid by the courts. The figure drops to around 30% when only the cases heard in the courts of appeals are considered.

Because of concern that our office is granting more invalid patents than it should—any number above zero is undesirable—and because of concern that applicants do not always make full disclosure in their applications, there have been attempts over the past nine years to pass a revision of our basic patent law. Some procedural change is needed, but there is danger of overreaction. To maintain incentives, the process of obtaining a patent must not be made so burdensome, hazardous and expensive that no one will embark on it. I am hoping that the 94th Congress will find it possible to enact a statute under which the Office can issue reliable patents that will be respected in the courts, but that will not be so hard to get that incentives are destroyed.

With this birds-eye view of the patent system, let us turn to the other part of my topic, the energy situation. This situation, which reached crisis proportions so suddenly, is frightening in two ways, first because of its effect on the entire economy, and second, because of the realization finally brought home to us that the supply of the fuels we have depended on is not limitless.

Many factors have contributed to our current economic troubles, but clearly the most pervasive is the reorganization which the economy is going through because of the quadrupling of world crude oil prices. It is estimated that the increase of oil prices added five to eight per cent to our rate of inflation in 1974. The outflow of U.S. dollars to pay for our growing oil imports was about $25 billion in 1974 compared to about $3 billion in 1970. Secretary of Commerce Frederick Dent has said of the $25 billion outflow:

"The $25 billion that we paid for petroleum imports is a financial hemorrhage that we can ill afford . . . if it cost $25,000 of capital investment to create a job in America, the $25 billion worth of crude petroleum imports in 1974 have exported the capital required to create one million new jobs in America."

President Gerald Ford last month sent to the Congress an interrelated set of proposals for bolstering the economy and alleviating our energy problems. The program as to energy was divided into three parts: the near-term efforts for the next two years; the mid-term program covering the next ten years; and finally, actions whose effects are not expected to appear until 1985 or thereabouts.

For the near term, the program would aim at reducing demand by the imposition of taxes on crude oil, and stimulating domestic supply, by means of price decontrols. For the mid term, the thrust will continue toward increased domestic oil supply and energy conservation measures, and also toward substantial conversions from the use of oil and gas to that of coal and nuclear energy.

If the President's near-term and mid-term programs are implemented, we will have achieved the capacity for energy independence by 1985. This means 1985 imports of no more than three- to five-millions barrels of oil a day, with a strategic storage system adequate to cope with emergency situations. Obviously, this energy self-sufficiency can be attained only with some sacrifice. The next ten years will not see the cheap and abundant energy resources that we have taken for granted. Needless to say, if we do not have prompt action on some kind of energy program, the picture will be much darker.

Based on past experience with American ingenuity the prospects for the long term, beyond 1985, are brighter. If we follow policies conducive to the development of new technology, the United States can again take care of its own needs and help the rest of the world to achieve energy price stability—as the nation did prior to the 1960's when it was a major supplier of world oil.

The President's long-term energy program will largely utilize technology that has not yet been developed or commercialized. The new Energy Research and Development Administration (ERDA) was activated on January 19, 1975. ERDA will bring together in a single agency the major federal energy R. & D. programs. ERDA consolidates functions previously handled by the AEC, the Department of the Interior, the National Science Foundation, and the Environmental Protection Agency.

In the current fiscal year, the government has already greatly increased its funding for energy research and development programs. The President's 1976 budget continues to emphasize these accelerated programs. They include research and the development of technology for energy conservation and on all forms of energy, including the fossil fuels, nuclear fission and fusion, solar and geothermal.

In a nutshell, this is the President's program. There is always the possibility of some great technological breakthrough which can be effective in less than ten years, but the odds are against it.

Now if you had a problem to solve which required inventive technical solutions, you would think that in addition to supplying whatever funds were available and could sensibly be used for research programs, the one thing you would try to do would be to provide all the incentives possible to encourage persons and companies having technical ocmpetence to exert themselves to solve your problems. In spite of this almost self-evident proposition, there are strong voices in the Congress and elsewhere, though fortunately not speaking for the Administration in this regard, who are much more concerned with dividing up rights in whatever technology we have or may create than in providing the best climate for the creation of new technology.

They urge the following policies:

1. All inventions arising out of Governmentally funded research should belong to the Government, to the exclusion of the contractor.

But this tends to discourage participation in Government programs by the most competent organizations.

2. The Government should never grant an exclusive license under a patent which it owns.

But this will sometimes mean that the invention will be practiced by no one.

3. Anyone taking on a Government R. & D. contract must provide so-called background rights, i.e., licenses under his own privately developed patents and technology.

This tends to *insure* that the most competent and experienced firms will not seek the contract, since they have usually invested a great deal of money in acquiring their technology.

4. Patents held by private companies in the energy field must be subject to compulsory licensing to ensure that the benefits are available to all.

This provides a powerful disincentive for any private concern to do any research at all in the energy field.

On this fourth point, it should be mentioned that it has long been the law that the courts will not grant injunctions to prevent the public from using an invention essential to the public safety or welfare. This seems to me and to the Administration as large an exception as is needed to protect the public. To go farther will dilute incenitves and hamper our progress toward energy self-sufficiency.

Actually, if the patent system has any virtue and if it helps to achieve the Constitutional objective of promoting the progress of the useful arts, as has been supposed for 185 years, then it is needed in the energy situation. The more important the technological goal, whether it be energy, the environment, medicine or anything else, the more important become the incentives which patents provide.

To solve our energy problems, prompt national action is needed. The President's program is a comprehensive one, well calculated to meet the situation. What Congress may ultimately do is not yet known, but let us hope that whatever program is adopted will make full use of the incentives of the patent system.

CURRENT U.S. AID TO SAIGON TWICE ENEMY AID, MORE THAN EARLIER YEARS, PENTAGON SAYS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. LEGGETT. Mr. Speaker, a written response I have recently received from the Department of Defense should set to rest a number of myths concerning the level of U.S. military aid to Saigon.

First, it is not true that we are giving less than in previous years as a result of congressional "niggardliness." Total military aid deliveries in fiscal 1974 were $989.5 million. Total planned deliveries in the current fiscal year ending July 1, are planned to be slightly greater: $1 billion even. In addition, there is an additional $140 to $185 million Congress has appropriated but which the Pentagon has no plans to deliver. So let us not blame Congress for a reduction.

Second, the enemy forces have not received more outside support than the Saigon forces. On the contrary, in the past year we have given Saigon 2½ times as much as North Vietnam has received from the Soviet Union and China combined. These are not my figures; they are the Pentagon's.

Specifically: Total Soviet and Chinese military aid delivered to North Vietnam in calendar year 1974—this is 6 months earlier than fiscal 1975, but the difference is not significant, and in any case it is the best comparison the Pentagon can make—was $400 million. Total U.S. military aid delivered to Saigon for fiscal 1975 is, as I have said, $1 billion even.

We have heard how Saigon is running out of ammunition. But here, too, General Thieu is far better supplied than his enemy. According to the Pentagon figures, China and the Soviet Union delivered $170 million worth of ammunition to North Vietnam in 1974. During the comparable period, $268 million was available for ammunition to Saigon: 58 percent above the Communist figure. The Pentagon has not supplied me with a figure for U.S. ammunition deliveries, which would give us a more valid comparison with Communist deliveries.

But we do know that overall U.S. military deliveries to Saigon, which include some appropriations from prior years, have exceeded current appropriations by 30 percent. If ammunition deliveries have followed this pattern, and there is no reason to believe they have not, they have been $348 million: 105 percent above the Communist figure.

Third, military aid we have given has been dropped on the battlefield. Senator JACKSON estimates $1 billion worth of equipment was abandoned within 48 hours, while this estimate is higher than most, it is clear that at least $2 billion has been abandoned within the past 2 weeks. This exceeds our deliveries over the past 2 years. It exceeds the Soviet and Chinese deliveries to North Vietnam over the past 5 years combined. It exceeds the annual gross national product of South Vietnam.

Abandoned military equipment includes more than small arms and ammunition, although a great deal of that was left to the enemy. It includes long-range, 155-millimeter artillery pieces with ammunition. It includes aircraft and helicopters with fuel, fully equipped and ready to fly.

This equipment was not destroyed in combat. It was not spiked by Saigon troops slowly retreating under fire. It simply left in place in a rout, unused, and fully operable for the enemy to use.

It is obvious nonsense to argue that more equipment would have saved the day. It is obvious that, if the Siagon forces had had ten times as much equipment, there would simply have been ten times as much equipment left on the field for the Communists to pick up.

In summary, we have been engaged in a program of military aid to North Vietnam, giving them free major pieces of military equipment that have never been fired and only dropped once. The administration says Congress is at fault for not doubling this program. I say the program may be a good deal for the North Vietnamese, but I cannot see it as a good deal for the American people.

FEDERAL REGULATORY AGENCIES SPUR INFLATION, STRANGLE ECONOMY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ASHBROOK. Mr. Speaker, the Federal regulatory agencies supposedly serve the public interest. In point of fact, however, many of these agencies are injuring the public.

All too often agency decisions have damaged our economic well-being. They have spurred inflation and strangled the economy.

It is estimated, for example, that Interstate Commerce Commission regulations have cost the consumer $5 billion to $10 billion a year in higher prices. Air fares mandated by the Civil Aeronautics Board are 40 percent to 70 percent higher than they would be without CAB interference. Experts say that in 1975 an American family of four will pay $264 in extra costs because of such Federal regulations.

The businessman is especially aware of the high cost of Government regulations. A study conducted by the American Enterprise Institute shows business spends over 130 million man-hours each year filling out forms from the Government.

It is time that the Congress reassessed the impact of the Federal regulatory agencies on our economy. In too many cases these agencies are not forwarding the public interest.

Following is the text of an article on the Federal regulatory agencies from the March 30, 1975, edition of the Mansfield, Ohio, News Journal:

SACRED COWS—PROTECTIVE REGULATIONS HARD TO CHANGE

(By Mike Feinsilber)

WASHINGTON.—This is the story of a herd of cows that will not die. Some people say these cows, unlike ordinary cows, milk people.

These "sacred cows," as economists call them, are the government agencies, rules, codes, standards and laws that have powerful friends and are hard to nudge toward change.

They are said to diminish competition, worsen inflation, reward inefficiency and shelter sloth. President Ford has denounced them but seems unable to do much more.

Those who hate the sacred cows like to cite fresh dressed chickens.

After the Supreme Court ruled that fresh dressed chickens are an agricultural commodity and exempt from regulation by the Interstate Commerce Commission, anyone was free to transport them. In the resulting competitive battle, shipping prices soon fell 33 per cent.

Among the sacred cows are rules that require trucks on certain occasions to travel empty, prohibit airlines from cutting fares, limit how much interest banks can pay depositors and forbid private companies to compete with the Postal Service in delivering first-class mail for a fee.

Prof. Hendrik S. Houthakker of Harvard, former member of the President's Council of Economic Advisers and an expert on the subject, has compiled a list of 45 sacred cows he would like to see sacrificed.

He told Congress late last year the government too often was responsible for lack of competition, which he blamed for the peculiar "stagflation" of 1974—simultaneous inflation and economic stagnation.

If competition were sufficiently widespread, he said, prices would have fallen, combatting inflation. Falling prices would have spurred consumer buying and helped overcome recession.

Yet. he charged, the government frequently either fails to intervene in the market to promote competition through strict enforcement of antitrust laws, or it intervenes to discourage competition through its maze of regulatory procedures.

"The list of industries where the government thwarts the beneficial action of market forces, usually at the behest of trade organizations or labor unions, is long indeed and still growing," he said.

In a speech Oct. 7, Lewis A. Engman, chairman of the Federal Trade Commission, accused his fellow federal regulators of raising costs unnecessarily.

"Most regulated industries have become protectorates, living in a cozy world of cost-plus, safely protected from the ugly specters of competition, efficiency and innovation," he said.

As examples, Engman Cited:

The Civil Aeronautics Board's failure to approve entry of any new trunk carriers in the market since 1938. He said it had rejected a British airline's application to fly regularly scheduled flights between New York and London for a little more than one-third the regular "economy" fare.

—The high costs resulting from the Interstate Commerce Commission's barriers against new entries in a market where rates are fixed by trucking groups with the ICC's blessing. He cited what happened to prices when shipment of fresh dressed poultry was freed of ICC regulation.

—The Jones Act, which bars foreign ships from carrying freight between U.S. ports.

—State laws against advertising the prices of eye-glasses or prescription drugs. In California, where eyeglass price advertising is prohibited, a pair of single-vision glasses with metal frames sells for $60. In Texas, where such ads are permitted, the same glasses sell for about $20.

A week after Engman's speech, President Ford made his "Whip Inflation Now" address before a joint session of Congress. In it, he asked Congress to establish a study commission to help "identify and eliminate existing federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The House did nothing. One Senate committee held hearings. Nothing was enacted.

One reason is that recession quickly bypassed inflation as Congress' chief preoccupation. But even if Congress had paid full attention, reform would not have been easy.

It raises far-reaching questions about the proper role of government in a capitalistic democracy. It also raises suspicions among liberals that conservatives, who favor a minimum of government interference anyway, might see regulatory reform as a chance to dismantle the institutions liberals have erected since the New Deal.

Then there is the coziness between many regulators, who operate independently of the President and Congress, and the industries they are supposed to regulate and from which they often hire their staffs.

"The wining and dining of regulatory 'watchdogs' by the interests they are obliged to control arouse the suspicion that at all times the consumer may not be the paramount subject of concern," said Sen. Robert Taft, Jr. (R-Ohio).

When reform is advocated, the issues tend to become more philosophical—and political.

Should farmers be required to meet federal standards for sheltering migratory strawberry pickers, even if that raises the price of strawberries? Are depositors whose savings earn interest at government-limited rates subsidizing homebuyers, who benefit by borrowing at lower interest rates than they otherwise would have to pay?

To try to establish the true price of regulation, Ford and Sen. Robert Dole (R-Kan.) want Congress to attach "inflation impact statements" to legislation it is considering. But such calculations are difficult to make and often disputed.

Murray Weidenbaum, former assistant treasury secretary in the Nixon administration, says federal safety and anti-pollution standards account for $319.51 of the price of a new car, or an extra $3 billion for the nine million persons who bought cars last year.

The Environmental Protection Agency says "measurable damages" from auto pollution cost $11.2 billion a year, more than double the amount spent to control it.

The government's Council on Environmental Quality says pollution controls "are not having and will not have a significant impact upon the rate of inflation."

Weidenbaum says the taxpayer "does not get a 'free lunch' by imposing public requirements on private industry" but actually pays a "hidden tax" in higher consumer prices to pay for them.

Those who would use regulation to shield themselves from competition seem to have as much clout in Congress as ever.

At the time Ford was advocating reform, Congress approved a bill that would have required 30 per cent of imported oil to be carried in American-owned tankers, and surely would have boosted soaring oil costs even higher. Ford vetoed it.

But there also is evidence of changing attitudes.

Although Ford's proposal for a national commission has died in Congress, two Senate committees plan to conduct their own $750,000 reform study, concentrating on transportation. Legislators are getting mail protesting CAB-fixed air fares, and the 87-year-old Interstate Commerce Commission is getting a lot of the blame for the railroads' demise.

Some regulators are taking notice.

The CAB recently withdrew proposed guidelines for minimum charter flight fares after the Justice Department said they amounted to illegal price fixing. The ICC shocked the rail industry by blocking a proposed seven per cent increase in freight rates, a move almost unheard of.

And Engman's FTC has begun to intervene in the public's behalf in matters governed by other regulatory agencies.

The sacred cows are on the defensive, if not on the run.

CLO HOOVER

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BELL. Mr. Speaker, on Friday, April 18, 1975, in the Miramar Hotel in Santa Monica, the honorable Clo Hoover, retiring mayor of Santa Monica, will be honored at an appreciation testimonial dinner sponsored by the Santa Monica Chamber of Commerce and 32 other community organizations.

A 20-year resident of Santa Monica, Mrs. Hoover has made an astonishing number of specific contributions in the service of her community. She is past president of the Santa Monica Breakfast Club, the Santa Monica Hospital Auxiliary, and the founder president of the Rehabilitation Service Guild. With the Santa Monica Chapter of the American National Red Cross, she has served as chairman of the nurses' aides, chairman of volunteers, and member, secretary, and vice-chairman of the board of directors. She has chaired the Bay Area Drives of the American Cancer Society, the Mothers' March of Dimes, the Community Chest, and the Santa Monica Sister City program. In addition, she serves on the Intergovernmental Committee of the National League of Cities, and this year is chairman of the 1975 Red Cross Fund Campaign.

A businesswoman of long-standing, Mrs. Hoover was cofounder and member of the board of directors of Ocean State Bank, and chairman of the board and treasurer of the 301 Ocean Avenue Corporation. She also serves on the Advisory Board of Directors for the Heritage-Wilshire Bank.

As early in her public career as 1956, Clo Hoover was named "Woman of the Year" of Santa Monica. She has received the achievement award of the Los Angeles County Medical Association, and was awarded an honorary fellowship by the American College of Hospital Administrators. She was appointed chairman of the American Hospital Association Council on Hospital Auxiliaries and Coordinating Council. She served 11 years on the Los Angeles County Hospital Advisory Commission. She was honored with a gold medallion and the "Sebradores of Armistad" certificate—Sowers of Friendship—by Mazatlan, Mexico. And just this year in January, Mrs. Hoover was awarded the DAR Hoover Medal.

First elected to the Santa Monica City Council in 1961, Clo Hoover was reelected three times, served as mayor pro-tempore two terms, and as mayor for the last 2 years. She will continue to serve on the Republican State Central Committee of California.

In addition to all of these achievements, Mrs. Hoover is the proud mother of five and grandmother of 19 grandchildren. She is one of the best liked and most respected members of her community, as her record attests. She has been a major force behind the health and prosperity of the citizens of Santa Monica. I am certain that no person, upon retiring from political office, ever took with her the good wishes of a large group of friends and associates.

For these reasons, Mr. Speaker, it is with special pleasure that I call attention to the dinner honoring Clo Hoover on April 18 when her friends will gather to recall old times and show her something of our profound admiration, gratitude, and respect.

OPEN HOUSE-SENATE CONFERENCES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, during our discussion of the Tax Reduction Act conference report just prior to the recess, the gentleman from Montana (Mr. Baucus), expressed his frustration at being denied access to the conference session in order that he might learn what was in the report. He noted that while he and even Ways and Means Committee members who were not conferees were prohibited from sitting in on the session, numerous bureaucrats were permitted to attend. He went on to raise the question, and I quote:

> I am wondering if, the next time the joint conference committee meets between the Senate and the House, if the gentleman will urge the Senate to agree to open the meetings, because I think people in the country are a little bit concerned about backdoor, backroom politics, and they want full meetings as much as possible. I hope the gentleman will urge the Senate to open the meetings.

The chairman of the Ways and Means Committee, the gentleman from Oregon (Mr. Ullman), responded:

> It has never been done. I am not going to be adverse to doing it. I think one can make an argument for doing it. The Senate has not passed rules that correspond to the House as of yet. If they would have, I am sure this conference would have been open.

Later, during that same debate, the gentleman from Illinois (Mr. Mikva) said:

> Let me say that I do not like closed conferences either. It is my intention as a member of the committee, as soon as we get back into the committee, to see what we can do about forcing the Senate to change its rules, even if that means in fact that we have to be as intransigent as they were during this conference.

Mr. Speaker, I think it's interesting to note that all manner of credit was given to the Democratic Caucus for pushing through a new House rule on "open conferences." That rule was adopted by the House on January 14 as part of our overall action on the rules of the 94th Congress. The new rule, authored by the gentleman from Florida (Mr. Fascell) in caucus, is now clause 6 of House Rule XXVIII, and reads as follows:

> Each conference committee meeting between the House and Senate shall be open to the public except when the managers of either the House or Senate, in open session, determine by a rollcall vote of a majority of those managers present, that all or part of the remainder of the meeting on the day of the vote shall be closed to the public: Provided, That this provision shall not become effective until a similar rule is adopted by the Senate.

Mr. Speaker, despite the fact that both the Democratic Caucus and Republican conference of the Senate have approved an identical rule, it has not yet been incorporated in the rules of the Senate. Thus, even the House rule is not now in effect since it is contingent on action by the Senate. But even if the Senate should incorporate such a provision in its rules, it still permits the other body to dictate whether a conference session shall be open or closed since a majority of conferees of either body may vote to close a conference session.

Mr. Speaker, prior to last year there were practically no open House-Senate conferences. Last year, according to a Congressional Quarterly survey—Congressional Quarterly, February 8, 1975, page 290—there were 12 conference committees which voluntarily opened their meetings to press and public, including one on the all-important strip mine bill. The article goes on to point out that those open conferences tended to disprove the claim that public scrutiny would disrupt the conference process. Nevertheless, only 12 open conferences out of a total of 180 conferences in 1974 is not exactly a sparkling track record—a mere 6.7 percent of the total.

Mr. Speaker, recognizing the continued resistance to open conferences from the other body and the deceptive nature of the open conference rule we adopted here last January 14, I introduced House Resolution 117 on January 29, 1975, a revised House rule XXVIII, clause 6, which would truly have the effect of opening all House-Senate conferences, without exception. My proposed rule reads as follows:

> Each conference meeting between the House and Senate shall be open to the public. The explanatory statement accompanying each report made by a committee of conference shall include a statement affirming full compliance with this clause, and it shall not be in order to consider any report which does not include such a statement.

In other words, Mr. Speaker, our conferees would in effect be prohibited from participating in a closed conference meeting with the other body. If the conferees do not confirm in their conference report's explanatory statement that all sessions were open, a point of order could be raised against the conference report on this ground alone. There is no provision in my proposed rule for a vote by the conferees to close any conference meeting. I think this is the only way we are going to insure that conference meetings shall be open. If the conferees from the other body recognize from the outset that their efforts will be in vain if they are conducted behind closed doors, I am sure that a new spirit of openness will prevail.

Mr. Speaker, since I first introduced House Resolution 117, I have reintroduced it on two occasions with cosponsors which now total 73. I would hope that the Rules Committee will give early consideration to this and the other eight "open house amendments" which I have introduced with a bipartisan group of over 100 cosponsors. On March 19, 1975, I wrote to the chairman of the Rules Committee (Mr. MADDEN) requesting hearings on these proposals. At this point in the RECORD I include the text of that letter. Following that, I include a list of the cosponsors of my open conference resolution, and an article from the Chicago Tribune on the subject of closed House-Senate conferences.

The articles follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1975.

Hon. RAY J. MADDEN,
Chairman, Committee on Rules, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing on behalf of myself and a bipartisan group of over 100 cosponors to request that the Rules Committee hold hearings on nine "Open House Amendments of 1975," first introduced as H. Res. 110–117 and H.R. 2287. Seven of these resolutions would amend various portions of the House rules, another would provide for the broadcasting of House floor proceedings, and the bill would amend the 1970 Legislative Reorganization Act by providing a procedure for considering and amending the House rules at the beginning of a new Congress. All nine of these measures have been referred to the Rules Committee as a matter of original jurisdiction. A summary of each, along with the number of cosponsors and a list of the cosponsors, is included in the RECORD reprint attached to this letter. I think I should also point out that in addition to myself, four other Members of the Rules Committee have cosponsored these reforms.

I think the fact that nearly a quarter of the House membership has cosponsored further House reform through my "Open House" package is a clear indication that there is still substantial interest in and support for additional improvements in our procedures. I would hope the Rules Committee could respond to this strong interest in reform by scheduling hearings on the "Open House" amendments soon after the recess.

I look forward to receiving your response to this request.

Very truly yours,
JOHN B. ANDERSON,
Member of Congress.

COSPONSORS OF OPEN CONFERENCE RESOLUTION

James Abdnor (R-S. Dak.).
Bella S. Abzug (D-N.Y.).
Mark Andrews (R-N. Dak.).
William L. Armstrong (R-Colo.).
L. A. (Skip) Bafalis (R-Fla.).
Robert E. Bauman (R-Md.).
Alphonzo Bell (R-Calif.).
Edward G. Biester, Jr. (R-Pa.).
Clarence J. Brown (R-Ohio).
James T. Broyhill (R-N.C.).
Clair W. Burgener (R-Calif.).
James C. Cleveland (R-N.H.).
Thad Cochran (R-Miss.).
William S. Cohen (R-Maine).
Silvio O. Conte (R-Mass.).
Lawrence Coughlin (R-Pa.).
Samuel L. Devine (R-Ohio).
Pierre S. du Pont (R-Del.).
David F. Emery (R-Maine).
John N. Erlenborn (R-Ill.).
Edwin D. Eshleman (R-Pa.).
Millicent Fenwick (R-N.J.).
Hamilton Fish, Jr. (R-N.Y.).
Bill Frenzel (R-Minn.).
Louis Frey, Jr. (R-Fla.).
Sam Gibbons (D-Fla.).
Benjamin A. Gilman (R-N.Y.).
William F. Goodling (R-Pa.).
Charles E. Grassley (R-Iowa).
Gilbert Gude (R-Md.).
Tom Hagedorn (R-Minn.).
James F. Hastings (R-N.Y.).
Andrew J. Hinshaw (R-Calif.).
Frank Horton (R-N.Y.).
Marjorie S. Holt (R-Md.).
Henry J. Hyde (R-Ill.).
James M. Jeffords (R-Vt.).
James P. Johnson (R-Colo.).
Robert W. Kasten, Jr. (R-Wis.).
Richard Kelly (R-Fla.).
Jack F. Kemp (R-N.Y.).
Thomas N. Kindness (R-Ohio).
Robert J. Lagomarsino (R-Calif.).
Delbert L. Latta (R-Ohio).
Norman F. Lent (R-N.Y.).
Trent Lott (R-Miss.).
Manuel Lujan, Jr. (R-N. Mex.).
Robert McClory (R-Ill.).
Stewart B. McKinney (R-Conn.).
Andrew Maguire (D-N.Y.).
James G. Martin (R-N.Y.).
Spark M. Matsunaga (D-Hawaii).
Clarence E. Miller (R-Ohio).
Carlos J. Moorhead (R-Calif.).
Charles A. Mosher (R-Ohio).
George M. O'Brien (R-Ill.).
Peter A. Peyser (R-N.Y.).
Joel Pritchard (R-Wash.).
Ralph S. Regula (R-Ohio).
John J. Rhodes (R-Ariz.).
Philip E. Ruppe (R-Mich.).
Ronald A. Sarasin (R-Conn.).
Patricia Schroeder (D-Colo.).
Richard T. Schulze (R-Pa.).
Keith G. Sebelius (R-Kans.).
Garner E. Shriver (R-Kans.).
Stephen J. Solarz (D-N.Y.).
J. William Stanton (R-Ohio).
Fortney H. Stark (D-Calif.).
Alan Steelman (R-Tex.).
Charles Thone (R-Nebr.).
Larry Winn, Jr. (R-Kans.).

[From the Chicago Tribune, Mar. 31, 1975]

CONGRESSMAN FINDS WELCOME VETOED BY "PALS"

(By Arthur Siddon)

WASHINGTON.—Max Baucus stormed onto the House floor as mad as a fettered bull back on his family's Montana ranch.

The freshman Democrat had just been ousted from the House-Senate conference where the final touches were being put on what was to become the $22.8 billion tax cut bill.

"I was told to leave," Baucus complained incredulously to the first colleague he saw. "I'm a congressman! I've got to vote on that bill, and they kicked me out. Those guys are playing backdoor politics."

Baucus had just learned one of the facts of life on Capitol Hill—nobody, not even a member of Congress, is allowed to penetrate the secrecy of House-Senate conferences.

Often called the third body of Congress, conferences are where the concessions and compromises are hammered out between House and Senate versions of the same legislation—where the accommodations are made and deals struck.

"It's no wonder that so many people mistrust their government when they insist on secrecy in making such crucial decisions," complained Baucus.

Baucus said in the few minutes he was in the conference room he saw a lot more people than just the 10 senators and seven congressmen assigned to the conference.

There were, he said, "more than 100 congressional staff members" along with Treasury Secretary William Simon and his staff. Simon, it appeared to Baucus, was having more say on the tax cut bill than were most members of Congress.

What troubles Baucus and a growing number of others on Capitol Hill is that it is traditionally in conference that special interest amendments benefiting just a few persons but costing the taxpayers millions are added to bills.

These amendments often go unnoticed when the House and Senate give the bill final approval, but come back to haunt the congressmen at election time.

For example, last year a minor bill having to do with import duties for upholstery needles was decorated lavishly with special tax breaks while in conference.

"When a small handful of men make important decisions in secret, that in itself becomes an issue," said Sen. William Roth Jr. [R., Del.], a leading Senate advocate for opening conference meetings to the public.

Attempts to pierce the conference secrecy to prevent under-the-table deals date to 1789, but many reformers are more hopeful this year—partly as a result of the Baucus incident.

A House rule, pushed thru by the Democratic caucus in January, requires House conferees to ask for open sessions with the Senate. But, if the Senate refuses, they are closed.

Rep. Al Ullman [D., Ore.], chairman of the Ways and Means Committee, apologized to Baucus on the House floor for the treatment he received in the conference, but said there was nothing he could do.

Ullman said he has no objection to opening up conference meetings, but the tax cut conference was closed because the Senate insisted on it. However, Sen. Russell Long, chairman of the Senate Finance Committee, said it was Ullman who requested the closed session.

Two members who claimed to be outraged by the Baucus incident—Reps. Louis Frey [R., Fla.] and Abner Mikva [D., Ill.]—vowed to push for a new House rule preventing House members from even meeting in conference with the Senate if the meetings are closed.

Ullman and Rep. Dan Rostenkowski [D., Ill.], a member of the tax cut conference, both said they are willing to have open conferences. But there seemed to be a general agreement among most conferees privately that the tax cut bill was not the place to start.

The tax cut, considered emergency legislation, was complex and controversial, Rostenkowski said. Opening the meetings would have made it harder for some members to compromise and would have delayed passage of the bill.

"Sure, it's harder to come to an agreement when you have to do it in the full glare of publicity, but that's what a democracy is all about," said Mikva.

Congress had limited experience with open conferences last year when the House and Senate agreed to open the meetings on 12 different bills. In only one incident—the conference on the strip mining bill—was there any controversy.

In that case John McCormick, a lobbyist for the Coalition Against Strip Mining, said he was able to change a congressman's vote by reporting to the folks back home what the congressman said in conference.

There also is a difference of opinion on how much good opening conferences will accomplish.

Rep. Richard Bolling [D., Mo.], one of the strongest voices for reform in Congress, supports open conferences but still has his doubts.

"Sunshine laws kid the public," he claims. "They imply a total openness and there never will be."

Deals still will be made in secret, he fears.

"If we have to meet in our wives' boudoirs—if they still have such things—we will," he said.

"I know that," replied Mikva. "Ullman and Long still will go out to lunch together—as they did last Monday—and trade Park Place for Boardwalk, but that's no excuse for not opening up conference meetings."

PRO AMERICA RESOLUTIONS—PART II

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. ROUSSELOT. Mr. Speaker, yesterday I inserted in the Record the first 5 resolutions—out of 20—that were adopted in April 1974, by the National Association of Pro America. I stated at that time that I would continue inserting these resolutions in subsequent Records in order that my colleagues can be made aware of the views of this dedicated group of American women.

The full text of resolutions 6 through 11 follows:

[No. VI, 1974]

For Continued U.S. Ownership of the Panama Canal Zone

Whereas Secretary of State Henry Kissinger has now completed Notes of Signatory to give away the Panama Canal Zone, in spite of the fact that the Panama Canal is the key strategic point in the Western Hemisphere and the greatest single symbol of United States prestige; and

Whereas surrender of the Canal to the pro-communist dictatorship of the most unstable country in Central America would accomplish the objectives of Marxist control of the Caribbean, leaving the Western Hemisphere and international shipping at the mercy of Russia via Cuba and Marxist allies, and would be of enormous help in communist Russia's relentless drive to dominate the waterways of the world; and

Whereas disgraceful concessions by officials of the State Department over the years have only resulted in increasing demands and threats of violence on the part of the radical, pro-communist Panamanians; and

Whereas consenting to blackmail in this instance, in addition to the irreparable damage to the security of the United States and the rest of the free world, might invite challenges to all other purchased lands such as the territory acquired in the Louisiana Purchase and the territories which became the States of Arizona and Alaska; and

Whereas contrary to the erroneous impressions created by Marxist propagandists and so-called "intellectuals" that the United States is guilty of colonialism and repression of the Panamanians, the United States legally purchased the land, paid every country and person involved, has borne every expense of building and maintaining the Canal since its acquisition through the Hay-Bunau-Varilla Treaty of 1903, has operated the Canal as an interoceanic public utility available to the maritime nations of the world at just and reasonable tolls, and is responsible for the fact that the people of Panama have the highest standard of living in Central America; and

Whereas power to dispose of territory or other property of the United States is vested by Article IV of the Constitution in Congress and not in the Senate alone through the process of treaty ratification, and this fact is well known by members of the House of Representatives; and

Whereas Congressman John Rarick has charged that Mr. Kissinger, in order to circumvent this provision of the Constitution and accomplish the surrender of the Canal Zone, and because he knows he would not have the support of the House, has invented a clever scheme of not actually "giving" away the Canal Zone, but just giving away sovereignty, control of the police force and administration of everything else involved in this multi-billion dollar operation; now, therefore,

Be it resolved That the National Association of Pro America oppose the surrender of any part of the sovereignty, control or administration of the Panama Canal Zone.

DOCUMENTATION

"Giveaway of the Panama Canal", *The Phyllis Schlafly Report,* Feb. 1974.

"Firm Stand in Panama Necessary", Rep. Daniel J. Flood, *DAR Magazine,* Feb. 1974.

"Panama May Fight If Congress Balks at Canal Agreement", *Houston Chronicle,* 2–10–74.

Rep. John Rarick, excerpts from talk at SAR George Washington dinner, Feb. 19, 1974, Houston, Texas.

"The Panama Canal: Stop the Sellout", James J. Kilpatrick, *Human Events,* 3–4–74.

"State Department Sell-out of Panama Canal . . . .", Robert S. Allen, *Inside Washington,* Jan. 28, 1974.

[No. VII, 1974]

Limit Federal Spending

Whereas deficit spending by the federal government has been a plague on this nation for over a third of a century and both the Legislative and Executive branches have repeatedly demonstrated unwillingness to stand against political pressures to spend beyond United States means; and

Whereas a positive and constitutional method of limiting excessive federal spending has been proposed in the Liberty Amendment which would prohibit the federal government from engaging in any business in competition with private enterprise unless specifically authorized by the Constitution; and

Whereas the elimination of all unconstitutional spending, such as foreign aid, credit to foreign countries through the Export-Import Bank to finance trade, and federal dole (known as "welfare"), would drastically reduce federal expenditures, debts, and taxes; now, therefore,

Be it resolved, That the National Association of Pro America call upon Congress to restore fiscal sanity to the United States government through (1) elimination of all unconstitutional spending and reduction of the national debt on an annual basis and (2) support of the Liberty Amendment.

DOCUMENTATION

"Where The Money Went" by Willis Stone.

[No. VIII, 1974]

Misuse of Taxpayer Dollars by the Export-Import Bank

Whereas the Export-Import Bank is a United States Government institution which loans money and guarantees loans at low interest rates to finance exports of United States products; and

Whereas the Export-Import Bank is in the process of lending or guaranteeing loans of millions of tax dollars of United States citizens to Communist Russia and the Arab countries to be used for oil exploration, drilling, pipelines, pumping stations, storage facilities and marine terminals; and

Whereas these loans and guarantees will further aid countries which are unfriendly to the United States, reduce this country's ability to develop its own facilities, increase its deficit spending and inflation, contribute to its balance of payments deficit and increase its dependence on communist controlled oil; and

Whereas the United States has enormous reserves waiting to be tapped but is suffering an extreme shortage of oil due to curtailment of production through government interference and controls; now, therefore,

Be it resolved That the National Association of Pro America demand that Congress prevent misuse of taxpayer money in the extension of low interest loans by the Export-Import Bank to finance Communist Russia and Arab oil production, distribution and storage.

DOCUMENTATION

"Ex-Im Bank to Finance Pipelines for Arabs"—Thos. J. Foley, Times Staff Writer—L. A. Times, Jan. 11, 1974.

[No. IX, 1974]

Oppose Federal Land Control

Whereas federal land use policy and planning legislation would seriously undermine a fundamental concept of the United States Constitution, namely the private ownership of land; and

Whereas under the broad terms of such legislation, the federal government will be able to assume authority over the disposition of land throughout the country, imposing guidelines on States and local communities and overturning local zoning decisions; and

Whereas such legislation proposes, among other things, (1) enormous federal grants for controlling land use and development in "areas of critical environmental concern" (as defined by bureaucrats), (2) requirement that builders in undeveloped areas be forced to buy and preserve open spaces to insulate them from further building, and (3) federal government take-over of private land at the discretion of the Secretary of the Interior (price to be determined by the courts), upon the owner's death; and

Whereas such legislation, by putting all community land planning under federal bureaucratic control, would have a disastrous effect on local property taxes vital for support of public services, and upon residential development and industrial expansion; and

Whereas the Founders of this country believed that God bestowed their rights to life, liberty and property and that governments were instituted among men to protect those rights, and they incorporated these beliefs in the United States Constitution; and

Whereas the Communist Manifesto lists as its first step into a Socialist State "Abolition of property in land and application of all rents to public purposes"; now, therefore,

Be it resolved That the National Association of Pro America alert its members to the inherent dangers of federal land use policy and planning legislation and urge continued opposition to such radical legislation.

DOCUMENTATION

Tax Fax No. 132, from *The Independent American.*

Santa Ana Register, 1–27–74, "How EPA Hopes to Win."

Santa Ana Register, 1–20–74, "All Construction To Be Regulated."

"Beware Government Land Control", reprint from *Review of the News,* 8–22–73.

Network of Patriotic Letter Writers, 6–21–73.

"Big Brother and the Land", *Don Bell Reports,* 1–12–73.

[No. X, 1974]

Oppose Legalization of Marijuana

Whereas reputable physicians and psychiatrists after five years of observation and clinical experience now consider marijuana to be extremely dangerous; and

Whereas most physicians and psychiatrists now agree (1) that the effects of marijuana are cumulative, (2) that the habitual use of marijuana leads to lack of coherence and increased pathological thinking processes, and (3) that prolonged use induces character change similar to that seen in organic brain disease; and

Whereas subversive forces are at work in this land which have as their objective the destruction of American youth, families and the nation (a chief spokesman for the Communist party has said, "We will destroy a generation of your youth and you will have no one to defend you"); and

Whereas marijuana could well be a major tool chosen for the destruction of American youth; now, therefore,

Be it resolved That the National Association of Pro America undertake an extensive campaign to publicize the recent findings of reputable physicians and psychiatrists as to the dire effects upon health, mental processes and personality caused by the use of marijuana; and

Be it further resolved That the National Association of Pro America oppose the legalization of marijuana and make every effort to expose the forces responsible for encouraging the use of marijuana by American youth.

[No. XI, 1974]

Oppose Seabed Treaty

Whereas the proposed Seabed Treaty would give the resources of the seabed beyond the depth of 200 meters to an international regime under the direction of the United Nations, thereby making the United Nations financially completely independent in its drive toward world government; and

Whereas the African States already wield tremendous control in the General Assembly and will have some twenty-five votes alone on the Seabed Committee, and the voting make-up of a ninety-one-nation Seabed Committee will clearly place economic control in the hands of the Communist bloc and the underdeveloped states; and

Whereas the United States would lose vast reserves of oil and natural gas plus a wealth of strategic mineral deposits including manganese, cobalt and nickel, essential in the production of steel, as well as a host of other metals necessary in industrial production; and

Whereas the United States now is purchasing these strategic materials largely from Communist bloc nations; and

Whereas the United States government has adopted and is pursuing with taxpayer's dollars the "new ocean policy" (announced by the President on September 5, 1970) which declares that the "resources of the seabed beyond a depth of 200 meters are the common heritage of mankind"; and

Whereas the United States has the technology to develop the greatest natural resource in the world, which, according to mineral and mining experts, would make possible the harvesting and processing of enough "manganese nodules" to make the United States self sufficient in the production of steel; and

Whereas in the interest of national security the United States must develop independent sources of minerals free of international control, while ratification of this treaty would put the industrialized nations of the world, including the United States, under the complete control of the United Nations; now, therefore,

Be it resolved That the National Association of Pro America strongly oppose the ratification of any Seabed Treaty which would surrender to the United Nations the resources of the seabeds, and urge the Senate to resist all pressure to ratify any such treaty.

DOCUMENTATION

"From Pole to Pole: Nations Race to Grab Sea's Riches"—U.S. News and World Report, Aug. 13, 1973.

Congressman John Rarick in "Review of the News"—8-8-73.

THE MADRID PACT—ANOTHER CASE OF U.S. INTERVENTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BROWN of California. Mr. Speaker, in 1953 the United States committed itself, in the form of an executive agreement, to the joint development of naval and air facilities in territory under Spanish sovereignty. This agreement is known as the Madrid Pact and has been renewed every 5 years since its inception.

In 1970, Senator J. W. Fulbright, realizing that "a commitment which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives" and an executive agreement of this type is a classic example of the ability of the Executive to expand serious U.S. commitments without approval of the Senate, stated publicly that he was going to demand that this pact be rewritten in the form of a treaty that would require Senate confirmation.

To prevent this action, the United States and Spanish Governments quickly signed the 1970 renewal. By doing so, the United States is now committed to a pact that states that—

> Each Government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems, subject to the terms and conditions set forth hereinafter.

Under this agreement, we have poured billions of dollars in cash and military equipment into Spain.

In the light of the internal turmoil that is increasing daily in Spain, as various forces seeking a more democratic form of government, spurred on by recent events in Portugal and Greece, protest more strongly against the dictatorship of the Franco regime, this Madrid pact can only be interpreted as a support for the authoritarian system that General Franco has maintained for 35 years. We could easily find ourselves involved in a civil war on behalf of the far-right—a war that is none of our business. Such an involvement could lead to a catastrophe on the scale of Chile's recent bloody coup or even another Vietnam.

The newly elected president of the California Democratic Council has provided me with a copy of a resolution agreed to by the State convention of that body which addresses this problem and its urgency. Since the Madrid Pact is due to come up for renewal in August 1975, I feel that this is the appropriate time to call attention to this resolution. I ask my colleagues to read its contents and then to acknowledge our moral responsibility to commit the United States to a position of complete nonintervention in the internal affairs of Spain.

Resolution on the Madrid Pact

Whereas, The relations between the U.S. and the Franco dictatorship of Spain are governed by the Madrid Pact (Spanish Base Agreement), which comes up for renewal in August 1975; and

Whereas, The Madrid Pact is very costly:

Since the initiation of the Madrid Pact, the U.S. has poured over $4,000,000 into economic and military aid;

The U.S. has established a huge nuclear complex in Spain;

The U.S. has some 20,000 military personnel and dependents in Spain:

The U.S. has conducted joint military counterinsurgency exercises with the Spanish Army to put down a "threatened Republican attack'; and

Whereas The Madrid Pact is fraught with danger to the U.S.: Article 30 of that agreement commits the U.S. to "support the defense system" of Spain.

The only real threat to that defense system is the Spanish people, whose opposition to the dictatorship is internal in nature and now embraces all sections of the population;

The agreement contains other secret clauses which the State Department has refused to make available to the Senate Foreign Relations Committee:

Sen. J. William Fulbright speaking on the Spanish Bases Agreement to the U.S. Senate on Aug. 3, 1970 said, "We should have learned from the tragic war in Vietnam. . . . A commitment today which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives"; and

Whereas, The Madrid Pact is clearly unconstitutional:

Such a commitment on the basis of an executive agreement, in secret, without the knowledge or approval of the Congress is an abuse of executive power in foreign policy and a negation of the role of the Senate and, through it, of the American people in the making of commitments with foreign countries;

Therefore be it resolved, That the state Convention of the Democratic Party of California go on record calling for a full and open discussion of the Madrid Pact in the U.S. Congress and call for the "advice and consent" of the Senate: and

Be it further resolved, That we call upon the National Committee of the Democratic Party to adopt a similar stand and so advise every Democratic member of the Congress.

LEWISTON, MAINE, JOURNAL ENDORSES H.R. 15, THE PUBLIC DISCLOSURE OF LOBBYING ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. KASTENMEIER. Mr. Speaker, I would like to call to the attention of my colleagues the endorsement given by the Lewiston, Maine, Journal, in a March 11 editorial, to the Public Disclosure of Lobbying Act.

[From the Lewiston (Maine) Journal,
Mar. 11, 1975]

LOBBYING LEGISLATION

The word "lobbyist" like the word "politician" often is used in a derogatory manner. This is unfortunate because the functioning of a democracy such as ours demands political activity, and sound political judgment can be assisted on numerous occasions through lobbying.

Lobbyists who operate within the boundaries of respect for the truth and honest conviction serve a useful purpose. In some instances when they approach state or federal legislators on a particular matter they will represent two sides of the question, thereby giving the lawmakers additional insight into the pros and cons of the proposed legislation.

Unfortunately there is considerable lobbying done which isn't fitting. Some lobbyists are guilty of attempting "influence peddling" through generous gifts to those they believe can help them. The recipients of varying forms of largesse from lobbyists are, of course, as guilty as the would-be persuaders.

It has been evident for many years, but especially apparent in recent years what with disclosures made about certain lobbyists, that the 1946 Federal Regulation of Lobbying Act needs strengthening. This Congress hopefully is going to do something about it. At least more than 100 members are co-sponsoring legislation to close some of the loopholes in the act. It is pleasing to note Maine's two congressmen, William Cohen and David Emery, are among this group.

Common Cause is vehemently behind such legislation, noting that it is lobbying actively to encourage passage of a measure which would provide needed enforcement power and which would impose stringent reporting requirements on all lobbyists. John W. Gardner, chairman of Common Cause, made these observations about lobbying:

"Lobbying is not wrong in itself. In fact, it can serve useful purposes. It is a constitutional right. But it is wrong to lobby secretly, wrong to deceive the public, wrong to use money in ways that corrupt the public process. And that is what is going on today."

He also added the following to the foregoing remarks: "The citizens of this land have a right to know about any individual or group that is spending money secretly to manipulate the political process. They must know because the price of their food, their heating bills, the safety of the toys their children play with, and a great many other things may be profoundly affected by such activity. Every citizen, every consumer, every taxpayer is directly affected." These observations are impressive, because the illustrations given by Gardner as to the kind of impact lobbying can have probably is not and has not been realized by the average citizen.

Lobbying efforts do affect the lives of all of us. It is the duty of the Congress to see to it that all reasonable requirements be imposed upon lobbyists to divulge for whom they are working and for what specific objectives.

CHERRY BLOSSOM FESTIVAL QUEEN

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. BEARD of Rhode Island. Mr. Speaker, last week saw the crowning of a young lady from Rhode Island as Queen of the 1975 Cherry Blossom Festival. I had the privilege of escorting Denise Heroux during her stay in the Nation's Capital and I wish to pay a tribute to this young lady's poise, her charm and her warm and gracious personality.

Miss Heroux is a sophomore at Villanova University in Pennsylvania, where she is majoring in political science. She is no stranger to the political scene: her father, Edward T. Heroux, was for 10 years the administrative assistant for the late Congressman Aime J. Forand of Rhode Island, one of the great legislative innovators in the field of health.

I congratulate Denise and her parents, Ed and Lucille Heroux, on this regal occasion and I convey the warm greetings of all Rhode Islanders to a young lady who will serve as Cherry Blossom Queen with grace and dignity.

FREEDOM VERSUS DEPRESSION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. McDONALD of Georgia. Mr. Speaker, many people still believe that depressions are an inherent result of the operation of a free market economy, and that Government interference in and manipulation of the economy are necessary to prevent periodic depressions.

In fact, the exact opposite is true.

The Great Depression of the 1930's was caused by Government interference into the economy, particularly the expansionary credit policies of the Federal Reserve, and prolonged by the Keynesian policies of Roosevelt's "New Deal."

An excellent review of the Government interventions and manipulations that led to and prolonged the Great Depression is provided by Prof. Hans F. Sennholz in the following article which first appeared in the October 1969 issue of the Freeman and was just reprinted in that publication's April 1975 issue.

It is crucial for us to grasp Dr. Sennholz's message now. For we are faced with the following choice: First, to return to a free economy, allowing the market to adjust and stabilize; or second, to continue the Government interference which has led to our present economic troubles and which will inevitably lead us to the disaster of another great depression.

There is still time to pursue the former and save us from the latter.

The article follows:

THE GREAT DEPRESSION

(By Hans F. Sennholz)

Although the Great Depression engulfed the world economy some 40 years ago, it lives on as a nightmare for individuals old enough to remember and as a frightening specter in the textbooks of our youth. Some 13 million Americans were unemployed, "not wanted" in the production process. One worker out of every four was walking the streets in want and despair. Thousands of banks, hundreds of thousands of businesses, and millions of farmers fell into bankruptcy or ceased operations entirely. Nearly everyone suffered painful losses of wealth and income.

Many Americans are convinced that the Great Depression reflected the breakdown of an old economic order built on unhampered markets, unbridled competition, speculation, property rights, and the profit motive. According to them, the Great Depression proved the inevitability of a new order built on government intervention, political and bureaucratic control, human rights, and government welfare. Such persons, under the influence of Keynes, blame businessmen for precipitating depressions by their selfish refusal to spend enough money to maintain or improve the people's purchasing power. This is why they advocate vast governmental expenditures and deficit spending—resulting in an age of money inflation and credit expansion.

Classical economists learned a different lesson. In their view, the Great Depression consisted of four consecutive depressions rolled into one. The causes of each phase differed, but the consequences were all the same: business stagnation and unemployment.

THE BUSINESS CYCLE

The first phase was a period of boom and bust, like the business cycles that had plagued the American economy in 1819–20, 1839–43, 1857–60, 1873–78, 1893–97, and 1920–21. In each case, government had generated a boom through easy money and credit, which was soon followed by the inevitable bust.

The spectacular crash of 1929 followed five years of reckless credit expansion by the Federal Reserve System under the Coolidge Administration. In 1924, after a sharp decline in business, the Reserve banks suddenly created some $500 million in new credit, which led to a bank credit expansion of over $4 billion in less than one year. While the immediate effects of this new powerful expansion of the nation's money and credit were seemingly beneficial, initiating a new economic boom and effacing the 1924 decline, the ultimate outcome was most disastrous. It was the beginning of a monetary policy that led to the stock market crash in 1929 and the following depression. In fact, the expansion of Federal Reserve credit in 1924 constituted what Benjamin Anderson in his great treatise on recent economic history (*Economics and the Public Welfare*, D. Van Nostrand, 1949) called "the beginning of the New Deal."

The Federal Reserve credit expansion in 1924 also was designed to assist the Bank of England in its professed desire to maintain prewar exchange rates. The strong U.S. dollar and the weak British pound were to be readjusted to prewar conditions through a policy of inflation in the U.S. and deflation in Great Britain.

The Federal Reserve System launched a further burst of inflation in 1927, the result being that total currency outside banks plus demand and time deposits in the United States increased from $44.51 billion at the end of June, 1924, to $55.17 billion in 1929. The volume of farm and urban mortgages expanded from $16.8 billion in 1921 to $27.1 billion in 1929. Similar increases occurred in industrial, financial, and state and local government indebtedness.

This expansion of money and credit was accompanied by rapidly rising real estate and stock prices. Prices for industrial securities, according to Standard & Poor's common stock index, rose from 59.4 in June of 1922 to 195.2 in September of 1929. Railroad stock climbed from 189.2 to 446.0, while public utilities rose from 82.0 to 375.1.

A SERIES OF FALSE SIGNALS

The vast money and credit expansion by the Coolidge Administration made 1929 inevitable. Inflation and credit expansion always precipitate business maladjustments and malinvestments that must later be liquidated. The expansion artificially reduces and thus falsifies interest rates, and thereby misguides businessmen in their investment decisions. In the belief that declining rates indicate growing supplies of capital savings, they embark upon new production projects. The creation of money gives rise to an economic boom. It causes prices to rise, especially prices of capital goods used for business expansion. But these prices constitute business costs. They soar until business is no longer profitable, at which time the decline begins. In order to prolong the boom, the monetary authorities may continue to inject new money until finally frightened by the prospects of a run-away inflation. The boom that was built on the quicksand of inflation then comes to a sudden end.

The ensuing recession is a period of repair and readjustment. Prices and costs adjust anew to consumer choices and preferences.

And above all, interest rates readjust to reflect once more the actual supply of and demand for genuine savings. Poor business investments are abandoned or written down. Business costs, especially labor costs, are reduced through greater labor productivity and managerial efficiency, until business can once more be profitably conducted, capital investments earn interest, and the market economy function smoothly again.

After an abortive attempt at stabilization in the first half of 1928, the Federal Reserve System finally abandoned its easy money policy at the beginning of 1929. It sold government securities and thereby halted the bank credit expansion. It raised its discount rate to 6 per cent in August, 1929. Time-money rates rose to 8 per cent, commercial paper rates to 6 per cent, and call rates to the panic figures of 15 per cent and 20 per cent. The American economy was beginning to readjust. In June, 1929, business activity began to recede. Commodity prices began their retreat in July.

The security market reached its high on September 19 and then, under the pressure of early selling, slowly began to decline. For five more weeks the public nevertheless bought heavily on the way down. More than 100 million shares were traded at the New York Stock Exchange in September. Finally it dawned upon more and more stockholders that the trend had changed. Beginning with October 24, 1929, thousands stampeded to sell their holdings immediately and at any price. Avalanches of selling by the public swamped the ticker tape. Prices broke spectacularly.

LIQUIDATION AND ADJUSTMENT

The stock market break signaled the beginning of a readjustment long overdue. It should have been an orderly liquidation and adjustment followed by a normal revival. After all, the financial structure of business was very strong. Fixed costs were low as business had refunded a good many bond issues and had reduced debts to banks with the proceeds of the sale of stock. In the following months, most business earnings made a reasonable showing. Unemployment in 1930 averaged under 4 million, or 7.8 per cent of labor force.

In modern terminology, the American economy of 1930 had fallen into a mild recession. In the absence of any new causes for depression, the following year should have brought recovery as in previous depressions. In 1921–22 the American economy recovered fully in less than a year. What, then, precipitated the abysmal collapse after 1929? What prevented the price and cost adjustments and thus led to the second phase of the Great Depression?

DISINTEGRATION OF THE WORLD ECONOMY

The Hoover Administration opposed any readjustment. Under the influence of "the new economics" of government planning, the President urged businessmen *not* to cut prices and reduce wages, but rather to increase capital outlay, wages, and other spending in order to maintain purchasing power. He embarked upon deficit spending and called upon municipalities to increase their borrowing for more public works. Through the Farm Board which Hoover had organized in the autumn of 1929, the Federal government tried strenuously to uphold the prices of wheat, cotton, and other farm products. The GOP tradition was further invoked to curtail foreign imports.

The Hawley-Smoot Tariff Act of June, 1930, raised American tariffs to unprecedented levels, which practically closed our borders to foreign goods. According to most economic historians, this was the crowning folly of the whole period from 1920 to 1933 and the beginning of the real depression. "Once we raised our tariffs," wrote Benjamin Anderson, "an irresistible movement all over the world to raise tariffs and to erect other trade barriers, including quotas, began. Protectionism ran wild over the world. Markets were cut off. Trade lines were narrowed. Unemployment in the export industries all over the world grew with great rapidity. Farm prices in the United States dropped sharply through the whole of 1930, but the most rapid rate of decline came following the passage of the tariff bill." When President Hoover announced he would sign the bill into law, industrial stocks broke 20 points in one day. The stock market correctly anticipated the depression.

The protectionists have never learned that curtailment of imports inevitably hampers exports. Even if foreign countries do not immediately retaliate for trade restrictions injuring them, their foreign purchases are circumscribed by their ability to sell abroad. This is why the Hawley-Smoot Tariff Act which closed our borders to foreign products also closed foreign markets to our products. American exports fell from $5.5 billion in 1929 to $1.7 billion in 1932. American agriculture customarily had exported over 20 per cent of its wheat, 55 per cent of its cotton, 40 per cent of its tobacco and lard, and many other products. When international trade and commerce were disrupted, American farming collapsed. In fact, the rapidly growing trade restrictions, including tariffs, quotas, foreign exchange controls, and other devices were generating a world-wide depression.

Agricultural commodity prices, which had been well above the 1926 base before the crisis, dropped to a low of 47 in the summer of 1932. Such prices as $2.50 a hundredweight for hogs, $3.28 for beef cattle, and 32¢ a bushel for wheat, plunged hundreds of thousands of farmers into bankruptcy. Farm mortgages were foreclosed until various states passed moratoria laws, thus shifting the bankruptcy to countless creditors.

RURAL BANKS IN TROUBLE

The main creditors of American farmers were, of course, the rural banks. When agriculture collapsed, the banks closed their doors. Some 2,000 banks, with deposit liabilities of over $1.5 billion, suspended between August, 1931, and February, 1932. Those banks that remained open were forced to curtail their operations sharply. They liquidated customers' loans on securities, contracted real estate loans, pressed for the payment of old loans, and refused to make new ones. Finally, they dumped their most marketable bond holdings on an already depressed market. The panic that had engulfed American agriculture also gripped the banking system and its millions of customers.

The American banking crisis was aggravated by a series of events involving Europe. When the world economy began to disintegrate and economic nationalism ran rampant, European debtor countries were cast in precarious payment situations. Austria and Germany ceased to make foreign payments and froze large English and American credits; when England finally suspended gold payments in September, 1931, the crisis spread to the U.S. The fall in foreign bond values set off a collapse of the general bond market, which hit American banks at their weakest point—their investment portfolios.

DEPRESSION COMPOUNDED

1931 was a tragic year. The whole nation, in fact, the whole world, fell into the cataclysm of despair and depression. American unemployment jumped to more than 8 million and continued to rise. The Hoover Administration, summarily rejecting the thought that it had caused the disaster, labored diligently to place the blame on American businessmen and speculators. President Hoover called together the nation's industrial leaders and pledged them to adopt his program to maintain wage rates and expand construction. He sent a telegram to all the governors, urging cooperative expansion of all public works programs. He expanded Federal public works and granted subsidies to ship construction. And for the benefit of the suffering farmers, a host of Federal agencies embarked upon price stabilization policies that generated ever larger crops and surpluses which in turn depressed product prices even further. Economic conditions went from bad to worse and unemployment in 1932 averaged 12.4 million.

In this dark hour of human want and suffering, the Federal government struck a final blow. The Revenue Act of 1932 doubled the income tax, the sharpest increase in the Federal tax burden in American history. Exemptions were lowered, "earned income credit" was eliminated. Normal tax rates were raised from a range of 1½ to 5 per cent to a range of 4 to 8 per cent, surtax rates from 20 per cent to a maximum of 55 per cent. Corporation tax rates were boosted from 12 per cent to 13¾ and 14½ per cent. Estate taxes were raised. Gift taxes were imposed with rates from ¾ to 33½ per cent. A 1¢ gasoline tax was imposed, a 3 per cent automobile tax, a telegraph and telephone tax, a 2¢ check tax, and many other excise taxes. And finally, postal rates were increased substantially.

When state and local governments faced shrinking revenues, they, too, joined the Federal government in imposing new levies. The rate schedules of existing taxes on income and business were increased and new taxes imposed on business income, property, sales, tobacco, liquor, and other products.

Murray Rothbard, in his authoritative work on *America's Great Depression* (Van Nostrand, 1963), estimates that the fiscal burden of Federal, state, and local governments nearly doubled during the period, rising from 16 per cent of net private product to 29 per cent. This blow, alone, would bring any economy to its knees, and shatters the silly contention that the Great Depression was a consequence of economic freedom.

THE NEW DEAL OF NRA AND AAA

One of the great attributes of the private-property market system is its inherent ability to overcome almost any obstacle. Through price and cost readjustment, managerial efficiency and labor productivity, new savings and investments, the market economy tends to regain its equilibrium and resume its service to consumers. It doubtless would have recovered in short order from the Hoover interventions had there been no further tampering.

However, when President Franklin Delano Roosevelt assumed the Presidency, he, too, fought the economy all the way. In his first 100 days, he swung hard at the profit order. Instead of clearing away the prosperity barriers erected by his predecessor, he built new ones of his own. He struck in every known way at the integrity of the U.S. dollar through quantitative increases and qualitative deterioration. He seized the people's gold holdings and subsequently devalued the dollar by 40 per cent.

With some third of industrial workers unemployed, President Roosevelt embarked upon sweeping industrial reorganization. He persuaded Congress to pass the National Industrial Act (NIRA), which set up the National Recovery Administration (NRA). Its purpose was to get business to regulate itself, ignoring the antitrust laws and developing fair codes of prices, wages, hours, and working conditions. The President's Re-employment Agreement called for a minimum wage of 40¢ an hour ($12 to $15 a week in smaller communities), a 35-hour work week for industrial workers and 40 hours for white collar workers, and a ban on all youth labor.

This was a naive attempt at "increasing purchasing power" by increasing payrolls. But, the immense increase in business costs through shorter hours and higher wage rates worked naturally as an *antirevival* measure. After passage of the Act, unemployment rose to nearly 13 million. The South, especially, suffered severely from the minimum wage provisions. The Act forced 500,000 Negroes out of work.

Nor did President Roosevelt ignore the disaster that had befallen American agriculture. He attacked the problem by passage of the Farm Relief and Inflation Act, popularly known as the First Agricultural Adjustment Act. The objective was to raise farm income by cutting the acreages planted or destroying the crops in the field, paying the farmers *not* to plant anything, and organizing marketing agreements to improve distribution. The program soon covered not only cotton, but also all basic cereal and meat production as well as principal cash crops. The expenses of the program were to be covered by a new "processing tax" levied on an already depressed industry.

NRA codes and AAA processing taxes came in July and August of which had flurried briefly before the deadlines, sharply turned downward. The Federal Reserve index dropped from 100 in July to 72 in November of 1933.

PUMP-PRIMING MEASURES

When the economic planners saw their plans go wrong, they simply prescribed additional doses of Federal pump priming. In his January 1934 Budget Message, Mr. Roosevelt promised expenditures of $10 billion while revenues were at $3 billion. Yet, the economy failed to revive; the business index rose to 86 in May of 1934, and then turned down again to 71 by September. Furthermore, the spending program caused a panic in the bond market which cast new doubts on American money and banking.

Revenue legislation in 1933 sharply raised income tax rates in the higher brackets and imposed a 5 per cent withholding tax on corporate dividends. Tax rates were raised again in 1934. Federal estate taxes were brought to the highest levels in the world. In 1935, Federal estate and income taxes were raised once more, although the additional revenue yield was insignificant. The rates seemed clearly aimed at the redistribution of wealth.

According to Benjamin Anderson, "the impact of all these multitudinous measures—industrial, agricultural, financial, monetary and other—upon a bewildered industrial and financial community was extraordinarily heavy. We must add the effect of continuing disquieting utterances by the President. He had castigated the bankers in his inaugural speech. He had made a slurring comparison of British and American bankers in a speech in the summer of 1934. . . . That private enterprise could survive and rally in the midst of so great a disorder is an amazing demonstration of the vitality of private enterprise."

Then came relief from unexpected quarters. The "nine old men" of the Supreme Court, by unanimous decision, outlawed NRA in 1935 and AAA in 1936. The Court maintained that the Federal legislative power had been unconstitutionally delegated and states' rights violated.

These two decisions removed some fearful handicaps under which the economy was laboring. NRA, in particular, was a nightmare with continuously changing rules and regulations by a host of government bureaus. Above all, voidance of the act immediately reduced labor costs and raised productivity as it permitted labor markets to adjust. The death of AAA reduced the tax burden of agriculture and halted the shocking destruction of crops. Unemployment began to decline. In 1935 it dropped to 9.5 million, or 18.4 per cent of the labor force, and in 1936 to only 7.6 million, or 14.5 per cent.

A NEW DEAL FOR LABOR

The third phase of the Great Depression was thus drawing to a close. But there was little time to rejoice, for the scene was being set for another collapse in 1937 and a lingering depression that lasted until the day of Pearl Harbor. More than 10 million Americans were unemployed in 1938, and more than 9 million in 1939.

The relief granted by the Supreme Court was merely temporary. The Washington planners could not leave the economy alone; they had to earn the support of organized labor, which was vital for re-election.

The Wagner Act of July 5, 1935, earned the lasting gratitude of labor. This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted the law that already afforded legal immunities and privileges to labor unions. The U.S. thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act, or National Labor Relations Act, was passed in reaction to the Supreme Court's voidence of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law not only obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Following the election of 1936, the labor unions began to make ample use of their new powers. Through threats, boycotts, strikes, seizures of plants, and outright violence committed in legal sanctity, they forced millions of workers into membership. Consequently, labor productivity declined and wages were forced upward. Labor strife and disturbance ran wild. Ugly sitdown strikes idled hundreds of plants. In the ensuing months economic activity began to decline and unemployment again rose above the ten million mark.

But the Wagner Act was not the only source of crisis in 1937. President Roosevelt's shocking attempt at packing the Supreme Court, had it been successful, would have subordinated the Judiciary to the Executive. In the U.S. Congress the President's power was unchallenged. Heavy Democratic majorities in both houses, perplexed and frightened by the Great Depression, blindly followed their leader. But when the President strove to assume control over the Judiciary, the American nation rallied against him, and he lost his first political fight in the halls of Congress.

There was also his attempt at controlling the stock market through an ever-increasing number of regulations and investigations by the Securities and Exchange Commission. "Insider" trading was barred, high and inflexible margin requirements imposed and short selling restricted, mainly to prevent repetition of the 1929 stock market crash. Nevertheless the market fell nearly 50 per cent from August of 1937 to March of 1938. The American economy again underwent dreadful punishment.

OTHER TAXES AND CONTROLS

Yet other factors contributed to this new and fastest slump in U.S. history. The Undistributed Profits Tax of 1936 struck a heavy blow at profits retained for use in business. Not content with destroying the wealth of the rich through confiscatory income and estate taxation, the administration meant to force the distribution of corporate savings as dividends subject to the high income tax rates. Though the top rate finally imposed on undistributed profits was "only" 27 per cent, the new tax succeeded in diverting corporate savings from employment and production to dividend income.

Amidst the new stagnation and unemployment, the President and Congress adopted yet another dangerous piece of New Deal legislation: the Wages and Hours Act or Fair Labor Standards Act of 1938. The law raised minimum wages and reduced the work week in stages to 44, 42, and 40 hours. It provided for time-and-a-half pay for all work over 40 hours per week and regulated other labor conditions. Again, the Federal government thus reduced labor productivity and increased labor costs—ample grounds for further depression and unemployment.

Throughout this period, the Federal government, through its monetary arm, the Federal Reserve System, endeavored to reinflate the economy. Monetary expansion from 1934 to 1941 reached astonishing proportions. The monetary gold of Europe sought refuge from the gathering clouds of political upheaval, boosting American bank reserves to unaccustomed levels. Reserve balances rose from $2.9 billion in January, 1934, to $14.4 billion in January of 1941. And with this growth of member bank reserves, interest rates declined to fantastically low levels. Commercial paper often yielded less than 1 per cent, bankers' acceptances from ⅛ per cent to ¼ per cent. Treasury bill rates fell to 1/10 of 1 per cent and Treasury bonds to some 2 per cent. Call loans were pegged at 1 per cent and prime customers' loans at 1½ per cent. The money market was flooded and interest rates could hardly go lower.

DEEP-ROOTED CAUSES

The American economy simply could not recover from these successive onslaughts by first the Republican and then the Democratic Administrations. Individual enterprise, the mainspring of unprecedented income and wealth, didn't have a chance.

The calamity of the Great Depression finally gave way to the holocaust of World War II. When more than 10 million able-bodied men had been drafted into the armed services, unemployment ceased to be an economic problem. And when the purchasing power of the dollar had been cut in half through vast budget deficits and currency inflation, American business managed to adjust to the oppressive costs of the Hoover-Roosevelt Deals. The radical inflation in fact reduced the real costs of labor and thus generated new employment in the postwar period.

Nothing would be more foolish than to single out the men who led us in those baleful years and condemn them for all the evil that befell us. The ultimate roots of the Great Depression were growing in the hearts and minds of the American people. It is true, they abhored the painful symptoms of the great dilemma. But the large majority favored and voted for the very policies that made the disaster inevitable: inflation and credit expansion, protective tariffs, labor laws that raised wages and farm laws that raised prices, ever higher taxes on the rich and distribution of their wealth. The seeds for the Great Depression were sown by scholars and teachers during the 1920's and earlier when social and economic ideologies that were hostile toward our traditional order of private property and individual enterprise conquered our colleges and universities. The professors of earlier years were as guilty as the political leaders of the 1930's.

Social and economic decline is facilitated by moral decay. Surely, the Great Depression would be inconceivable *without* the growth of covetousness and envy of great personal wealth and income, the mounting desire for public assistance and favors. It would be inconceivable without an ominous decline of individual independence and self-reliance, and above all, the burning desire to be free from man's bondage and to be responsible to God alone.

Can it happen again? Inexorable economic law ascertains that it must happen again whenever we repeat the dreadful errors that generated the Great Depression.

THE INCREASE IN IMPORT CAR SALES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. GAYDOS. Mr. Speaker, the "Beetles" are continuing to wing their way into this country in growing numbers. So are the "Rabbits," the Datsuns, the Toyotas, and all the rest of the foreign car line.

This increase in imports, I need not point out, is taking place while U.S.-made car sales remain in serious slump and as Detroit struggles to get smaller, better gas mileage models into production to meet the increasing competition.

Time magazine reports that foreign car sales here are running more than 20 percent above the 1974 rate and, at last count, had taken over 21 percent of the American market, up 5 percentage points from a year ago. For example, Volkswagen sold 32,190 cars in this country in March compared to 31,420 in the same month last year. U.S. car sales, meanwhile, dropped 19 percent.

These figures are of deep concern to me. My district produces a large part of the steel which goes into the manufacture of American cars and also has a body stamping plant and other components of the great U.S. car-making complex. We now are seeing the effects of this deeper foreign penetration in a softening of overall steel demand. Jobs of Americans thus are at stake.

I had hoped the dollar devaluations of 1971 and the import surtax, regretful as they might have been from other standpoints, would contain the import problem by forcing up foreign car prices to a noncompetitive level here. I also believed the good-mileage U.S. compacts already on the market—the Pintos, Vegas, Gremlins, et cetera—would prove popular enough to keep up with our overseas rivals. I was wrong on both counts as the Time statistics show. The imports are rising.

What, then, can be done? The Government, of course, has the responsibility of policing the market to the point where no foreign car can be "dumped" here at a subsidized below-cost price. I am told there is evidence of this happening in some cases. But beyond this governmental duty, the problem rests largely with Detroit itself.

Our automakers must turn out cars of service and quality to match at least the reputation of foreign competitors. I have talked to several foreign car owners and have been impressed by their stated beliefs that the imports outlast the U.S. product. They not only cite mechanical durability but claim the bodies go years longer before rust sets in. Has the charge of planned obsolescence so often made against Detroit been substantiated in this comparison? If so, then corrections certainly are due and we, in government, have a right to demand them in the national interest.

I call special attention to the rust problem—the "cancer" which appears too often in American car bodies. Any parking lot these days shows a high quota of U.S. autos, some not too old in years, with rusting fenders, erosion creeping out from under the chrome, holes eaten through door panels, et cetera. The condition is worse now, I am informed, than back in the pre-World War II days and the conclusion, therefore, must be that a thinner gauge of less-bonded steel now is being used. This may have much to do with the rising import problem and needs to be looked into because the remedy is apparent.

No amount of governmental concern can sustain a subquality product against foreign competition. For this reason, I am calling upon our automakers to bear down not only on the job of turning out smaller and more fuel-efficient cars, but also on cars whose bodies will stand the test of winter-salted streets and of time itself. I am sure a U.S.-produced car of high quality and durability, in head-on competition with imports, would be much preferred by all Americans.

THE EQUAL RIGHTS AMENDMENT

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. FRASER. Mr. Speaker, the equal rights amendment, needs only the approval of four States in order to become part of our Constitution, yet it remains the center of controversy.

An article, written by Ruth Bader Ginsburg, professor of law, Columbia University, which appeared in the April 7 Washington Post calls attention to serious misconceptions people have about this amendment. Because this article points out the true impact of the equal rights amendment, I include it into the Record at this point:

The Fear of the Equal Rights Amendment

(By Ruth Bader Ginsburg)

The idea expressed in the Equal Rights Amendment should be irresistible to a society that values the worth of the individual. ERA prohibits government from steering woman or man into a predetermined role on account of sex. It requires government to respect the right of each man and woman to develop his or her personal talent. Action to add ERA to our fundamental instrument of government has been taken by legislatiors representing the vast majority of the nation's population. But opponents continue a campaign appealing to our insecurity. The campaign theme is fear, fear of unsettling familiar and, for many men and women, comfortable patterns; fear of change, engendering counsel that we should not deviate from current arrangements, because we cannot fully forecast what an equal opportunity society would be like. (Had similar counsel prevailed two centuries ago, we would not be preparing this year for our bicentennial.)

The substantive section of ERA reads: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Like other basic constitutional guarantees, ERA is drafted as general principle, the appropriate form for a text designed to govern through the ages. Similarly, Section 2 of ERA conforms to the constitutional pattern. It tracks the language of the 13th, 14th, 15th, 19th, 23rd, 24th, and 26th amendments.

ERA did not spring on the political scene in the 1970s. It has been with us for over a century. At an 1848 convention in Seneca Falls, N.Y., brave women, denied even the franchise by that day's society, proclaimed their abiding conviction. "We hold these truths to be self evident. That all men and women are created equal." In 1923, three years after the 19th Amendment ended the total political silence imposed on women, the National Woman's Party placed before Congress an Equal Rights Amendment. Reading the debates on ERA in the law journals of the 1920s is an enlightening experience. Objections still voiced in 1975 were solidly answered then. Neither the parade of "horribles," nor the reasoned response to it, has changed significantly over the decades.

First horrible. ERA will destroy woman-protective labor laws. If this herring was ever pink, it is now deep red. Impelled by federal and state equal employment opportunity directives, legislatures and employers are dismantling systems that, in operation, often protected men's jobs against women's competition. In place of disingenuous protection for some women, genuine protection for all workers is becoming the objective of unions and the command of statutory law. As explained in 1926 by Burnita Shelton Matthews, then counsel to the National Woman's Party, now in her 26th year as U.S. district judge for the District of Columbia, law setting safety and health standards "should be enacted for all workers. Legislation that includes women but exempts men limits the woman worker's scope of activity by barring her from economic opportunity. Moreover, restrictive conditions for women but not for men fortify the harmful assumption that labor for pay is primarily the prerogative of the male."

Second horrible. ERA will deny homemakers the right to support. Beyond question, ERA does *not* command loss of any rights homemakers now have. That would occur only if our elected representatives and jurists act capriciously, spitefully, without regard for public welfare, and in flagrant disregard of the design of the Amendment. ERA circumscribes choice for the legislature in only one respect. It requires functional description in lieu of lump gender classification. As reports of the Association of the Bar of the City of New York explain, laws according rights and benefits to homemakers should be preserved, indeed they may be enlarged, but the statutes should refer to the function performed, not to the gender of the performed. Conveniently overlooked by the fearmongers is the fact that in a growing number of states, ERA will occasion no change in current family law, for the alteration from gender pigeonholing to functional description has already occurred.

Maintenance or support under the equality principle would be determined by the couple's circumstances. If one spouse is breadwinner, the other homemaker, the breadwinning spouse would be required to maintain the spouse who works within and for the family unit. Underlying the amendment is the premise that a person who works at home should do so because she, or he, wants to, not out of an unarticulated sense that there is no choice.

Third horrible. ERA will require unisex restrooms in public places, Again, emphatically not so. Separate places to disrobe, sleep, perform personal bodily functions are permitted, in some situations required, by regard for individual privacy. Individual privacy, a right of constitutional dimension, is appropriately harmonized with the equality principle. But the "potty issue" is likely to remain one of those ultimate questions never pressed to final solution. (Who would bring the testing lawsuit—women who seek access to men's WCs, or men who seek access to women's?) What the amendment would proscribe is extension of separation from an area where it protects privacy without implying inferiority to an area where the privacy principle is not in point, but equal opportunity is. For example, ERA would require provision of public sanitary facilities for both sexes when the presence of such facilities is related to the exercise of some other right, such as the right to be free from discrimination in employment.

Some opponents of the amendment suggest pursuit of alternate routes: test case litigation under the equal protection guarantee and particularized legislation in Congress and the states. Only those who have failed to learn the lessons of the past could accept that counsel.

State and federal equal protection guarantees were not drafted with women in mind. This historical reality continues to impede dynamic judicial interpretation. (Yes, the Supreme Court, a century ago, acknowledged that women are persons within the meaning of the 14th Amendment. But it noted in the same opinion, so are children.) Three times during the 1973–74 Supreme Court term, the Department of Justice told the Supreme Court, "'the appropriate method to accomplish [equal rights for men and women under the law] is by constitutional amendment . . . not by abrupt judicial departure from long-applied constitutional principles." Five of our Supreme Court Justices appear to subscribe to this view. Three of them spoke to the point explicitly in 1973. The Supreme Court, they said, should not "assume a decisional responsibility at the very time when state legislatures, functioning within the traditional democratic process, are debating the [Equal Rights] Amendment."

On the legislative side, inertia keeps discriminatory laws on the books despite advice of ERA opponents that removal or revision of these laws is "the way." A Department of Justice computer print-out has turned up over 800 sections of the U.S. Code that contain sex-based references. Given the press of other business, the necessary changes are placed on a back burner. It is not a weakness, but a strength of ERA that it will force prompt consideration of legislative revision long overdue.

Sarah Grimke, noted abolitionist and equal rights advocate, said 150 years ago, "I ask no favor for my sex. All I ask of our brethren is that they take their feet off our necks." What ERA does is make government officials take their feet off women's necks. That development should attract the full support of persons committed to individual liberty and equal justice under law.

GENERAL WESTMORELAND: CAPTAIN QUEEG REVISITED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. LEGGETT. Mr. Speaker, during the recess our former commander of forces in Vietnam, Gen. William C. Westmoreland, commented upon what he saw as the sad state of morality in America today, saying:

> For the life of me, I can't understand why the people of the United States are not incensed about Congress and the mockery Hanoi has made of the Paris peace accords, why we Americans don't see our moral obligations.

Commenting further on the failure of the American people to be worthy of the Vietnam involvement, he delivered himself of the opinion that

> We never have committed enough force in this war—

And—

> The use of several small-yield nuclear weapons at some early point conceivably could put an end to the whole thing and caused less suffering.

His reasoning is that the North Vietnamese are "the Prussians of the Orient" and that:

> Force is the only thing these people understand.

General Westmoreland is also shown, in a current motion picture, telling the world that Asians do not value human life the way normal people do.

For connoisseurs of the bizarre, I insert in the RECORD an account of General Westmoreland's remarks, as reported in the New York Times of March 28, 1975:

WESTMORELAND URGES AID TO VIETNAM

(By B. Drumond Ayres, Jr.)

CHARLESTON, S.C., March 28.—Gen. William C. Westmoreland, the former commander of United States Forces in South Vietnam, said today that the American people had incurred a "moral obligation" to see the Indochina war through to the end, though he called United States involvement the "inevitable" result of an "overextended" policy of containment.

The 61 year old general, who retired here in 1973 and now is recovering from a mild heart attack, said Congress should authorize the shipment of more military material to the hard-pressed Saigon Government so that the Current North Vietnamese assault could be repulsed.

As a military man, he said, he believed the country should finish its fight and honor its commitments. But then, seemingly tempering some of his noted hawkishness, he added:

"Since World War II, we have stuck tenaciously to a strategy of containment of expansionism by others that has caused us to overextend ourselves politically, psychologically and militarily.

"After Korea, we should have reappraised, figured out some priorities. There should have been some wise men who said, 'Stop! We're overextended.' The Kennedy years were the worst."

Was American involvement in Indochina part of the overextension?

THE END OF THE ERA

The general, who is writing a book about his tour in Vietnam during the 1965 to 1968 build-up, answered: "Vietnam was inevitable, given the policy. And Vietnam was the end of the era. It's turned around now."

General Westmoreland added that in implementing the containment policy, the United States fell into a pattern of "small wars, gradualism, creeping escalation and other partial commitments that were militarily unsound." He said that this would be continued and the United States would lose the confidence of its allies if more aid were not sent to Southeast Asia soon.

"Such niggardly refusal marks a low point in the conduct of our affairs," he declared during a lengthy conversation in his home in Charleston's historic old section.

"For the life of me, I can't understand why the people of the United States are not incensed about Congress and the mockery Hanoi has made of the Paris peace accords, why we Americans don't see our moral obligation."

Both the House and the Senate have refused to grant a White House request for more than $500-million in assistance for South Vietnam and Cambodia.

The general said it was "regrettable" that President Ford could not order American planes to resume the bombing of the North Vietnamese, whom he labeled "international outlaws" and "the Prussians of the Orient."

"It's moot to talk about recommitment now that Congress has swung the pendulum back too far and hamstrung White House initiative," he said. "But we never have committed enough force in this war, and that's the only thing those people understand.

END THE WHOLE THING

"I never recommended it when I was involved, but who knows, when the total history is written it might show that the use of several small-yield nuclear weapons at some early point conceivably could have put an end to the whole thing and caused less suffering in the short run than subsequently was caused in the long run."

The general, who served a tour as Army Chief of Staff before retiring, said that the South Vietnamese retreat from the Central Highlands and down the coast of the South China Sea, was a "strategic necessity" because the Saigon high command did not have enough ammunition or equipment to hold those areas.

"Besides," he continued, "those areas contain only about 30 per cent of South Vietnam's people and wealth."

General Westmoreland said he had been "frankly disappointed" at the ragged manner in which the withdrawal was carried out, but he hastened to add:

"A withdrawal maneuver is the most difficult of all military moves. Done correctly, it requires great tactical ability and smooth handling of the psychological affects on the men involved. It becomes even more difficult when the army carrying it out is as young as the South Vietnamese Army."

The general also said that the withdrawal order had not been issued soon enough or with enough advance warning. He called the delay inexcusable because the presence of an overwhelming enemy force had been common knowledge.

As for the long-term outlook, the general said he was optimistic that Congress would eventually authorize more aid and that the South Vietnamese would be able to use it to halt the enemy in an arc above Saigon.

"At that point," he added, "The North Vietnamese supply lines will be greatly extended and vulnerable. The South Vietnamese should start exacting their toll. And if it is high enough, perhaps some new agreement can be reached between the two sides though it probably will involve a smaller South Vietnam."

SOUTHERN EXPOSURE: FOCUS ON THE MEDIA

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, "Southern Exposure" is a quarterly published by the Institute for Southern Studies, which is based in Atlanta.

In its latest issue, the publication focused on media in the South. As usual, this journal contains a number of informative and provocative articles. I submit for the RECORD an editorial introduction to this issue. Those who are interested in this publication may contact its editorial offices at Southern Exposure, P.O. Box 230, Chapel Hill, N.C. 27514.

[From Southern Exposure, Vol. II, No. 4]

EDITORIAL

The South has a remarkable record of producing more than its share of talented writers. Names like Faulkner, O'Connor, Wolfe, Warren, Welty, readily come to mind. Less noticed, however, is the region's equally distinguished contribution in the field of journalism. Among national broadcasters, editors and writers who started in the South are Tom Wicker, Walter Cronkite, David Brinkley, Clifton Daniel, Willie Morris, Robert Sherill, Nelson Benton, Charles Kuralt, Larry King, Marshall Frady, Frank McGee.

Why has the South produced so many creative journalists—and why would so many go North? We can't be sure. But a couple of thoughts come to mind. First, Southerners do seem to have a certain romance with the written and spoken word. There is a relish for sounds, unique expressions, and the embellished story. Reporting—like conversation—has always demanded more than the exchange of a few facts, and many of our brethren have been only too willing to turn their preoccupation with language and penchant for irrelevant detail into successful careers.

The paucity of career options for such clever characters must also be recognized. Which brings us to a second point. For beyond their interests in aesthetics, these writers invariably promoted a message which asserted their guilt for being white in the racist South. Where else could such secular moralists go except into journalism. We lack a tradition of unions, civic associations, socially-active churches, foundations, or universities which give voice to dissidents in the community. Instead, for years, the family-owned (or occasionally, outside-controlled) newspapers has been about the only institution independent enough to offer even a modicum of critical reflection on a town's life. When this generation grew up, editors like Ralph McGill, Virginius Dabney, Jonathan Daniels, Julian Harris and Barry Bingham typified the tradition, so many a young turk entered the newspaper business—and eventually got chased out of it or the region.

Such a view of journalism highlights the positive and negative aspects of southern culture. And that, in case you haven't guessed by now, is one of the purposes of *Southern Exposure*. This region has its share of problems, but rather than moralize about them, we'd like to identify them and help people engineer their removal. On the other hand, there is much in our culture that could be expanded, refined, deepened—and we'd like to illuminate these features, whether historical or current, so they can be celebrated, enjoyed, and used. To put it plainly, we appreciate and boast about our culture insofar as it is based on community, on personal relations, and we despise it insofar as it is defined and manipulated by the power of money.

Our interest in reordering the South and the nation pushes us beyond traditional liberal journalism to a more activist role. In the time not consumed by *Southern Exposure*, we work on two other programs of the Institute of Southern Studies. First, since our beginning in 1970, we have provided what we call "strategic research" to organizations attempting to change the economic institutions that affect their lives. Last year, for example, we spent considerable energies investigating the weaknesses of the Duke Power Company so miners in Harlan County, Kentucky, and rate-payers in the Carolinas could mount an effective campaign for better working conditions and lower light bills. Secondly, through the use of oral history, we are reviving earlier traditions of resistance that may provide guidance and encouragement to today's generation of Southerners. One result of this project was the book-length collection of interviews on progressive struggles during the Depression which was published as an issue of *Southern Exposure* under the title of "No More Moanin'."

Like the journal, these two programs aim to give roots to those who seek more freedom in our region, to strengthen their abilities to formulate strategies for change and understand the larger historical and cultural framework of their frustrations, desires and efforts. The two poles of this work are detailed research and personalized interviews, and that's why you will continue to find both in our journal. We don't expect you to agree with everything in *Southern Exposure*. None of us do either. But we would rather preserve some flexibility, allowing for new insights and interpretations, rather than confine ourselves to narrow perspectives. That's one reason we focus in this issue less on the definitive analysis of media's unique role in society than on the plurality of ways people are talking and listening and entertaining one another, including such non-journalists as Minnie Pearl and Robert Coles.

In the coming months, we plan an issue on the southern black writer and artist, with poetry, fiction, graphics and criticism; next, a photographic review of the region in cooperation with Atlanta's Nexus Gallery (see notice on page 22); and finally, a double issue like the recent "Our Promised Land" devoted to the southern worker.

Needless to say, a great number of people in and out of the Institute help produce each issue of *Southern Exposure*, from contributing articles and photographs, to helping with proof-reading and distribution. What we lack in money, we make up for through reliance on a community of supporters—and that after all is the basis upon which we like to do things. You are invited to be among that group, to give us feedback, to send us reviews and articles, to share the journal with others, to help shape future issues. In fact, *Southern Exposure* is organized to depend on a network of loyal and interested readers who tell others about things they like. You know the people who should be getting *Southern Exposure*. So the first concrete thing you can do to help us is turn to the clipout at the end of this issue and send us the names of six people who we can contact directly. You can also spread the word yourself. If you want to help with placing *Southern Exposure* in book stores in your area, or with writing articles, just drop us a line. We always like to hear what readers are up to and what they like or dislike about the journal. Join us in a new style of southern journalism.

AGREEMENT CONCERNING USES OF THE SEA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. AuCOIN. Mr. Speaker, at a time when the House of Representatives is holding hearings concerning legislation to extend the U.S. fishing zone to 200 miles, and when the Law of the Sea Conference is meeting in Geneva to attempt once again to reach an international agreement concerning the uses of the sea, I believe it is necessary that we pay close attention to the views of those who are closest to the issue—those who make their living from the sea. While Congressmen and diplomats are concerned with the international repercussions of the extension of fishing zones, the men and women who catch the fish and who work in the canneries and who market the fish are concerned only with the continuing depletion of the natural resource which is their livelihood.

These are the men and women who have the most to lose if an agreement is not reached. All they ask is that this vital resource be protected and preserved to the best of our ability. Don Holm of the Portland Oregonian has written an article which I believe reflects the viewpoint of these men and women very well, and I would like to share it with my colleagues by entering the full text of the piece at this point in the RECORD.

USES OF THE SEA

You stand on Oregon's spectacular rock-bound and surf lashed shore and look westward over the wide Pacific stretching to the horizon, and you see space, emptiness, and raw marine beauty.

If you could see just over that horizon (which in most vantage points would be about 10 or 12 miles offshore), you would frequently see a fleet of rust-stained, hulking ships flying the red flag with the hammer and sickle.

It is not an invasion fleet, or the start of World War III (although the fleet usually includes Soviet "spy" vessels bristling with electronic gear).

Moreover, it would not be the only foreign vessel, as you might even see the distant waters fleets of Japan, Poland, East Germany and perhaps by this summer, those of Spain, Korea and who knows what.

They are the sophisticated, government subsidized mother-ship fishing fleets which range the oceans of the world and scoop up in their sonar and television-guided mid-water and bottom trawls, the diminishing resources of the seas.

Until recently, not even U.S. fishery agencies were convinced these fleets were depleting the seas—even after the Soviet fleet wiped out Oregon's ocean perch industry in one season. A former director of the Oregon Fish Commission, in 1971 was quoted in an interview as saying that the Russians "only took enough salmon for the captain's table."

Now, not only U.S. agencies, but even U.S. commercial fishermen are alarmed to the point of panic—especially over the status of salmon stocks.

A couple years ago I had an opportunity to witness the capture of four Japanese high seas gillnet ships, with their 10-mile monofilament nets and their holds full of salmon, steelhead and marine mammals taken indiscriminately. On the same trip, with Coast Guard and NMFS agents, I boarded a Soviet trawler in the Bering Sea.

Last summer one spokesman in the perennial Columbia River sportsman-gillnetter issue, Ross Lindstrom, was chosen to represent the industry on an inspection of a Soviet trawler off the coast here. He was accompanied by commercial fishermen, Nick Marincovich, Joe Tarabaochia, Sr., Les Clark; and Clarence Demase.

According to their report in the Columbia River Gillnetter publication, the men were taken out on the Coast Guard cutter Modoc, to the 270-foot trawler, Uzhnomorsk and transferred by lifeboat. They were treated to an excellent Russian movie, to lunch with authentic dark bread and cheeses (as I was) and allowed to inspect the operation, but not to take pictures.

During one trawl of four minutes, seven tons of hake and two red snappers were netted.

Reported Lindstrom: "The effectiveness of the gear, left little doubt . . . that we (gillnetters) could quickly figure out a way to harvest large numbers of salmon. The Soviets say they are not catching large numbers of salmon and I have no proof they are, but feel if they chose to, they certainly could."

The observers were not allowed to inspect the catch in detail, as the cod end of the trawl was quickly brought in and dropped through a hole in the deck to the processing room where the fish are cleaned and frozen "while still wiggling."

As I also discovered, it is virtually impossible to identify the species as the cod end is hauled aboard and emptied into the hold. Aerial surveillance and photography would have to be singularly timely and lucky to capture such proof. Moreover, along the Northwest's often foggy coast, these foreign ships violate at will the present 12-mile contiguous fisheries zone, in a zone teeming with salmon feeding much of the year.

On the Brigadir, which we boarded up in the Bering, we found even this smaller SMRT class trawler, completely self-sufficient for long periods at sea. The crew told me that a supply ship rendezvoused with them once a month, taking off processed fish and bringing out food, supplies and fresh movies. They stayed on station about ten months a year, from their home base of Vladivostok. The crew, which included some women, received pay comparable to U.S. wages.

We found no salmon aboard either, but the one operation conducted during the three hours we were aboard, was a perfunctory one, bringing up on a few miscellaneous species of bottom life.

U.S. fisheries and Coast Guard surveillance personnel, however, told of watching Soviet trawlers on radar in dense fog, sneaking in almost to the beach, inside the three-mile territorial limit, dropping their trawls and steaming straight out at 10 knots, thereby eluding interception until they reach the high seas.

CESAR CHAVEZ CALLS FOR SECRET BALLOT ELECTION TO RESOLVE DISPUTE

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. YOUNG of Georgia. Mr. Speaker, for almost 2 years the United Farm Workers of America, AFL–CIO, have been on strike against the Gallo Wine Co., California. The UFW has also urged a boycott of Gallo wines.

Cesar Chavez, president of the union, recently stated the UFW position in his dispute and proposed what seems to me a reasonable and just way of settling it: a secret ballot election of the Gallo workers to determine who shall represent them.

There is great nationwide interest and concern about this matter, so I am submitting the statement by Mr. Chavez for the RECORD.

CESAR CHAVEZ CALLS FOR A BOYCOTT OF ALL GALLO WINES UNTIL ELECTIONS ARE HELD

One issue in our struggle with Gallo is more important than all others: What do Gallo's workers want? Our contract with Gallo expired on April 18, 1973. We had represented Gallo farm workers for six years. During negotiations in April-May-June 1973 Gallo assured us that there was no doubt that UFW represented Gallo's farm workers. Now, because of their need to fight the boycott, they have created their own version of history: Gallo claims that on April 18, 1973 the workers were unhappy with UFW and on June 25, 1973, the Teamsters presented signatures from Gallo workers and demanded recognition for collective bargaining purposes. What did Gallo's regular workers really waht on April 18, 1973 and on June 25, 1973? Did they want the Teamsters to represent them or did they want the UFW? Gallo says they wanted the Teamsters. That claim is unbelievable on its face because Gallo workers were our members for six years. The UFW negotiating committee in 1973 was elected by Gallo's workers. These workers were partisans in our movement. But if Gallo doubts what we know then we ask again for a secret ballot election to settle this question once and for all. We asked for such an election in 1973 but Gallo and the Teamsters refused. Will Gallo agree now to such an election?

Ernest Gallo says that elections are impossible until legislation is passed. He is not well informed. Elections have been held in agriculture and can be held today, e.g., in 1966 the American Arbitration Association (Am.AA) held a secret ballot election at DiGiorgio's ranches in California. The "UFW"—the "Teamsters" and "NO Union" were on the ballot. All parties agreed to the supervision and to the rules and procedures for the elections. Ronald Haughton of the Am.AA testified before the U.S. Congress that: "On July 14, 1966, in the absence of applicable law, I recommended, among other matters the scheduling of an election under the auspices of the Am.AA. A copy of my July 14 recommendation is attached . . . The 22 points of this document, upon formal acceptance by the two unions involved, and by the DiGiorgio Corporation, became enforceable in court as a contract, and became the basic charter for all subsequent procedures up to and including negotiations and arbitration of a complete contract. The important point here is that in the absence of law these three parties decided to establish a private law which basically followed the provisions of the NLRA." (Testimony before the Senate Subcommittee on Migratory Labor, July 11, 1967) The United Farm Workers won that August 30, 1966 DiGiorgio election overwhelmingly. The Teamsters have not agreed to an election with us since that date.

I repeat: We want an election at Gallo now! It is possible! It is a way of resolving this long dispute! If Gallo and the Teamsters refuse—as they have, to date—then we ask fairminded people to boycott all Gallo Wines until elections are held (also non-UFW grapes and head lettuce).

Ernest Gallo says that his company "made every attempt to renew its contract with the UFW." Our union was trying to re-negotiate the table grape contracts in the Coachella Valley in the early months of 1973. The UFW negotiating committee—Gallo workers and Dave Burciaga, UFW's chief negotiator—met with Gallo management on March 22, 1973 (a date that Ernest Gallo has apparently forgotten). Dave Burciaga asked the company on that date to extend the contract a day-at-a-time if negotiations continued past April 18, 1973. Bob Deatrick, representing Gallo, refused! On April 18, Burciaga called Deatrick and again requested an extension of the contract while negotiations continued. This time Deatrick refused by phone and in writing. From that date Gallo maintained union wage rates but all other protections of the UFW contract were eliminated. On May 8, in the third session of negotiations, Gallo proposed that the farm workers give up basic protections they had enjoyed for six years, including: job security, hiring hall, health & safety, seniority grievance procedures, discharge, etc.

In other parts of the state the Teamsters were, at that time, publicly proclaiming their willingness to surrender these same clauses to the growers. Teamster organizers began appearing in Gallo fields on April 24. They were seen with Gallo supervisors, Heuer, Berhardi and Cardenas. UFW organizers were not allowed in the fields after the contract expired April 18.

In May and June Gallo fired 5 workers for union activity; one of those fired was a duly elected member of the Gallo Ranch Committee. By these deeds and others Gallo made it very clear to us that they were planning to sign with the Teamsters unless our Union gave up the most fundamental protections of the contract. (In April, May, June 1973 table grape growers throughout the state were signing with the Teamsters without consulting their workers. In all of those situations the Teamsters first appeared in the fields with company assistance, UFW negotiations bogged down on the issues of the hiring hall, pesticides, seniority, job security, etc. In the end all of the grape growers, but two, signed sweetheart contracts with the Teamsters.)

Ernest Gallo says that the Teamsters presented evidence that they represented Gallo's workers and that Gallo verified the evidence: But Gallo has never been willing to let an independent third party examine this Teamster "evidence." In fact, Gallo's regular workers went on strike June 27, 1973 when the company announced its intention to negotiate with the Teamsters. More than 135 Gallo workers with established seniority were on the picket line while Gallo was talking with the Teamsters in late June and early July 1973. Ernest Gallo has admitted to Ron Taylor of the FRESNO BEE, . . . "That the striking workers were notified they would be fired if they did not return to work. He (Gallo) said they were then discharged and new workers recruited. This second group of workers ratified the Teamsters contract. Gallo said those workers who went out on strike had no voice in the matter." (National Catholic Reporter, January 10, 1975)

This Gallo procedure in 1973 contrasts sharply with their actions in 1967. On Aug. 7, 1967, the California State Conciliation came in at the request of Gallo and the UFW and verified the workers' signatures for UFW; this election led to the first UFW-Gallo contract in 1967. In terms of 1973. we have in our possession signed authorization cards from 173 Gallo workers who were employed on the day the contract expired (April 18, 1973). We will present those cards for inspection and verification whenever Ernest Gallo is willing to present his "evidence" of Teamster representation.

Ernest Gallo says that his workers were unhappy with UFW: If this were so, why did the majority of Gallo's regular workers go on strike, June 27, 1973? Gallo now says that there was no such strike on June 27th! But at the time Robert Gallo admitted publicly that the strike was effective (Modesto Bee, June 28, 1973). On July 3, 1973 the company fired their regular workers who were on strike. Several days later Gallo began eviction proceedings against that group of strikers who lived in Gallo's labor camps (many strikers lived in their own housing). These evictions make a lie out of Gallo's claims that the Teamsters represented their workers. On the one hand the company was trying to evict 74 strikers and their families from their homes and at the same time they were announcing to the public that 158 of 159 workers had ratified the Teamster contract (Los Angeles Times, July 11, 1973).

Ernest Gallo is disturbed about the "rights of the workers" under a UFW contract: It is a strange concern coming from an employer who has turned his workers over to a

Teamsters Union in which farm workers have no meetings, elect no representatives, have no say about dues policies, have no contract enforcement committee, no seniority, no job security, no health and safety committee, no rights!

Mr. Gallo may not like the internal workings of the UFW but he should face the fact that it is not his business. It is the business of the workers! Duly elected farm worker delegates adopted the UFW Constitution which establishes guidelines within which farm workers run their own affairs in their own union. Sections XVI–XXI of our Constitution define the rights and responsibilities of members including the procedures for discipline and appeal to the UFW Board and, if necessary, to a Public Review Board. Gallo complains about UFW discipline of members but what he does not understand is that the "Union" does not discipline workers. Gallo workers do the electing and disciplining of their fellow members in their own meetings and under the provisions of their own Constitution.

Ernest Gallo has many specific complaints about the hiring hall: As Mr. Gallo well knows the UFW Constitutional Convention revised the dues structure so that workers pay dues only when they are working. Ernest Gallo also knows that our hiring halls dispatch workers to their job on the basis of ranch seniority, contrary to his complaint. The hiring hall does follow a seniority system so that regular Gallo workers who bring cousins and uncles to the hiring hall may be separated from their relatives because the new workers cannot be dispatched ahead of employees who have more seniority. Mr. Gallo knows, but does not say, that the workers set up these seniority rules for their own protection—to protect them from Gallo's unfair hiring practices, including favoritism, nepotism, and cronyism. Ernest Gallo's real complaint is not visible in his public statements. Like other growers, the Gallos want to maintain the unilateral power to hire and fire workers. The hiring hall takes away that power. The Teamsters have handed that power back to the Gallo family.

Ernest Gallo mentions a federally supervised election on April 1, 1973 that was lost by UFW: There was no such election in April of 1973 supervised by the Federal Conciliation Service or anyone else that we know of. Mr. Gallo may be thinking of the Nov. 27, 1974 election in Arizona at the Cook lettuce ranch supervised by the Arizona Labor Relations Board. UFW was not on the ballot because we are challenging the constitutionality of the Arizona Farm Labor Law. At the request of UFW members, the workers voted 43 against the Teamsters and only 2 for the Teamsters.

Ernest Gallo is apparently impressed with the Teamster medical and pension plans: Unfortunately these plans are designed to serve year-round workers and do not effectively serve the majority of Gallo's workers who are seasonal, migratory and most in need. Teamster pension administrator Michael Thomacello described the Teamster pension plan in the way: "(It) was designed for permanent employees, not seasonal workers. The short term guy pays for the long term guy." (Ramparts, Dec. '74–January 1975) "Perhaps this is why the Teamster Pension Plan is so rich with money and scandals." (Reader's Digest, December '74.)

The Teamster medical plan requires that a worker have 80 hours in January to get benefits in February, 80 hours in February to get benefits in March, etc. The result is that seasonal workers do not get benefits during the non-work season—the time when they have the most sickness and the least money. The UFW's RFK medical plan is specifically designed to protect seasonal workers even when they are not working (e.g., the winter months). Under the UFW plan a worker can build up 150 hours of work during the harvest season that will then provide medical benefits for the next 9 months. As our Union grows in strength the UFW medical plan and pension plan will also grow—but in our case the decisions about benefit levels and eligibility requirements will be made by farm workers elected by their fellow workers.

Ernest Gallo is upset that our Union delayed the negotiations in the early months of 1973: Negotiations were not delayed by the UFW. We could have finished negotiations in late March or mid-April 1973 if the company had not tried to take away the most important protections the workers won in 1967 and 1970. This assertion is proved by the fact that negotiations between Gallo and UFW were concluded in three days in April 1970. (The Teamsters were not available for sweetheart contracts in April 1970.)

Ernest Gallo's view of what happened in the California legislature in 1973 is somewhat muddled: Most of the farm labor bills he supported died in the California Assembly, not the Senate. None of them got out of committee. None of them protected the right of farm workers to have elections during that work season when most farm workers are on the job. None of them were supported by farm workers even though the legislation was supposed "to protect" farm workers. On the other hand AB–3370, authored by Richard Alatorre was supported by our Union, the AFL–CIO and the major Protestant, Catholic and Jewish religious bodies in California. Farm workers actively lobbied for its passage. AB–3370 was a secret ballot election bill that would ensure that seasonal workers have a chance to vote. It was the only election bill to come out of committee and pass the California Assembly; it was defeated in Senate by the Teamsters and the growers, including Gallo.

Ernest Gallo is very vocal about the need for legislation: Thoughtful people should ask why he is suddenly so enthusiastic about legislation. Was he sending mass mailings about the NLRA two years ago? 10 years ago? The boycott has converted Mr. Gallo to the general theme of legislation. He would like people to work on legislation instead of working on the Gallo boycott. But if people are diverted from the boycott by Mr. Gallo's appeal, if the boycott is weakened by his efforts, would Gallo's active, expensive concern for legislation continue? Farm workers have waited 40 years for collective bargaining legislation. They cannot wait for legislative bodies to do what is right and just—especially when farm workers have little direct say about what happens in Sacramento and Washington. Farm workers will use the non-violent tools that are in their hands—the strike and the boycott—to gain the justice they seek. At the same time they will work for legislation that truly protects farm workers' rights and does not take away their only means of non-violent struggle. If fair legislation does not succeed, then in time the strike and boycott will bring about elections and contracts.

Ernest Gallo claims that he is not like the other growers: The Gallo Wine Company is certainly larger than most growers. They own more than 10,000 acres of farm land. According to TIME MAGAZINE, Gallo's before-tax profits in 1971 were approximately $40 million on sales of $250 million. They produce 45% of all California wines and 37% of all U.S. wines. Gallo is also unlike other growers in the sense that the company is spending more money than anyone else to maintain the Teamster-grower alliance and to destroy the UFW.

Gallo may be more paternalistic than some growers and the company may have slicker public relations personnel but Gallo is united with the non-UFW lettuce and grape growers on the issue that matters most to farm workers: Gallo wants to destroy the UFW hiring hall so they can hire and fire who they want, when they want; they want to be able to hire illegals and children if necessary; they want the freedom to fire active union "sympathizers" at will; they want to be able to fire older workers who cannot run through the fields as fast as 20 year-olds—even when the older workers have seniority. They want to continue the practice of giving machine and supervisional jobs to whites—even when blacks and browns have seniority. They want to hold onto these "management rights" and they are willing to make deals with the Teamsters, fire their own workers, evict them from their homes and lie to the American people in order to maintain them.

We are willing to test the will of the Gallo workers in a secret ballot election: If we lose we will call off the Gallo strike and boycott. We will make the agreement in advance; we will execute it in writing in a form that can be enforced in court. We will put up a performance bond to remove any doubts about our intentions. If Gallo refuses to have an election, then we ask our friends and supporters to continue and intensify the boycott of all Gallo Wines! (All wines made in Modesto, Ca. are Gallo Wines.)

HOUSE OF REPRESENTATIVES—*Monday, April 14, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, offered the following prayer:

Therefore, my beloved children, be ye steadfast, unmoveable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.—I Corinthians 15: 58.

Eternal God, amid the shadows of Earth Thou art the one Spirit who canst lead us through the hours of these disturbing and demanding days. In the stillness of our hearts we pray for the guidance of Thy Holy Spirit. Lead, Kindly Light, lead Thou us on and give us wisdom to walk in Thy ways.

Grant unto us the grace to make wise decisions and take sound action for the good of our people, for the good of the nations of the world, and particularly for the good of those who live in Southeast Asia.

Keep us moving in the direction of what is right and true, and with integrity and courage may we take our stand, cast our vote, and live our lives. Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 622. An act to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement United States obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery; and

S.J. Res. 23. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee.

The message also announced that pursuant to the Federal Election Campaign Act Amendments of 1974, Public Law 93-443, the following named individuals were confirmed for appointment to the Federal Election Commission: Robert O. Tiernan, of Rhode Island, for the term ending April 30, 1977; Vernon W. Thomson, of Wisconsin, for the term ending April 30, 1980; Thomas E. Harris, of Arkansas, for a term of 3 years; Joan D. Aikens, of Pennsylvania, for a term expiring April 30, 1976; Thomas B. Curtis, of Missouri, for a term of 5 years; and Neil Staebler, of Michigan, for a term of 2 years.

APPOINTMENT AS MEMBERS OF FEDERAL ELECTIONS COMMISSION

The SPEAKER. Pursuant to the provisions of section 208(a)(B), title 2, Public Law 93-443, the Chair appoints as members of the Federal Elections Commission, their nominations having been confirmed by the House of Representatives and the Senate, the Honorable Robert O. Tiernan, of Rhode Island, and the Honorable Vernon W. Thomson, of Wisconsin.

The Clerk will notify the clerk of the Senate and the President.

PERMISSION FOR SUBCOMMITTEE ON ENERGY AND ENVIRONMENT OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO MEET TODAY DURING PROCEEDINGS UNDER THE 5-MINUTE RULE

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy and Environment of the Committee on Interior and Insular Affairs be permitted to sit on Monday, April 14, while the House considers legislation for amendment under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

SIMPLIFICATION OF FEDERAL INCOME TAX RETURNS

(Mr. MOTTL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOTTL. Mr. Speaker, the subject in the minds of millions of Americans today is their Federal income tax returns.

These forms have the capacity to create raging fury in the most passive people.

More than any other single document, they make a large portion of the public sizzle with anger against the bureaucracy of the Federal Government.

In response to the requests of many of my constituents I have introduced proposed House Concurrent Resolution 211, which reads as follows:

H. CON. RES. 211

Whereas the unnecessary complexity of the Federal income tax forms makes it necessary for many individuals to pay large amounts for assistance in filling out such forms; and

Whereas the unnecessary complexity of the Federal income tax forms has resulted in the development of a large Federal bureaucracy to process such forms: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Internal Revenue Service should simplify the Federal income tax forms so that they would be easily understandable, and

(2) States and local governments which impose income taxes should, to the extent possible, model their income tax forms on the Federal income tax forms.

(3) Congress should take whatever legislative action is necessary to simplify the language of the Internal Revenue Code so that it will be easily understandable to the average citizen.

This resolution, I am convinced, expresses the sentiments of the American people.

I urge my colleagues in this House to adopt it unanimously as soon as possible.

SOVIET JEWRY SOLIDARITY DAY

(Mr. OTTINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, a short time ago, the celebration of Passover by Jews around the world commemorated the liberation of their ancestors from slavery in Egypt. But today, 3 million Jews in the Soviet Union suffer the oppression of a modern-day Pharoah. Jews in Russia were unable once again to celebrate the holiday of Jewish liberation because this year, as in the past, they continue to be denied the freedoms which are so basic to our society—the freedom to express their religious, cultural, and political beliefs without fear of reprisal, intimidation, or harassment by the government. Indeed, the actions of the Soviet secret police forced the Jews of Moscow to end their worship service after only 20 minutes and prevented them from even gathering in the street outside their synagogue, on Passover.

This time of year, then, is an appropriate one to express our solidarity with the courageous Jews of the Soviet Union, as well as the many other dissidents who have been inspired to action by the strength of international efforts to free Soviet Jewry.

But, Mr. Speaker, it is more than people we are trying to liberate. The struggle we are fighting represents the cornerstone of international efforts to free the human mind and human ideas from the domination of a totalitarian system which can permit no such freedom.

Yesterday, Sunday, April 13, thousands of New Yorkers of all religions and races gathered in New York City to celebrate Solidarity Sunday for Soviet Jewry. They gathered there to tell the world that we are speaking for those who are unable to speak for themselves. Our voices must ring loud and clear, so that the Jews of Russia will be sure that we stand firmly behind them. Only that will give them the courage they need to continue their struggle for freedom and human dignity.

PUBLIC SERVICE—ELEVATOR STYLE

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, for the second time in 2 weeks I call to the attention of CONGRESSIONAL RECORD readers the growing anger of people who use elevators in public buildings on Capitol Hill.

In the Longworth Building, where about half of the elevators are out of service for repair, operators of the remaining half will stop at each floor, open the elevator doors, shout "Members Only" and often close the doors in the face of many waiting members of the public to deliver one or two Members at the ground floor in an otherwise empty cab.

Despite cautions in Jefferson's Manual, I feel it appropriate to comment on the fact that things are no better on the side of our brethren in the other body.

Last week I was invited to take part in a session in Dirksen 5110 on nuclear detonations for natural resource recovery. To find Dirksen 5110, I discovered that of five elevators in the southwest corner of the Dirksen Building, two are for the public, two are designated "Staff Only," and one is marked "Senators Only." To wait for the two public elevators is to age before your time.

Mr. Speaker, are we operating public edifices to serve the people of this Nation or do we maintain a Kremlin for its commissars and for those elected to office? The tragedy today is not what your answer might be. The tragedy is that less and less people really care.

PLAYING THE WRONG GAME AT THE WRONG TIME

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I note with pity that a Representative from King Cotton scolded me last Thursday for not fielding a Republican basketball team.

Do not let him pull the wool over your eyes. This is another case where the Democratic athletic supporters are stretching the truth.

First of all, who ever heard of starting a basketball season in late April? Only the Democratic leadership could come up with a schedule like that.

This stunt of wanting to play the wrong game at the wrong time is all too typical of the other side of the aisle.

I can see why the Democrats want to play basketball. Every time King Caucus blows the whistle, the majority jumps through a hoop. While the public sits on the sidelines waiting for action, the Democrats have been content to dribble around and sit on the ball.

They played that way through January, February, and March, but now we are in April, and the season has changed.

Now the majority should be taking the field every time King Caucus yells "play ball." If they are determined to copy their legislative procedures in a sporting event, they should be talking in terms of baseball.

They should no longer be showing the public how they can be dribbling around. They should be demonstrating their ability to be caught off base.

The gentleman's shot against me is not going to score any points or runs. His timing is too far off. His Democratic colleagues might say he has fouled out. On our side of the aisle, where we keep up with the times, we say he has struck out.

We are up with the times. We are looking forward to the annual congressional baseball game.

We will leave it to the Democrats to continue running back and forth, going nowhere, chasing a ball filled with something they already have plenty of—hot air.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO SIT TOMORROW DURING GENERAL DEBATE AND DURING THE 5-MINUTE RULE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct be permitted to sit during general debate and during debate on the 5-minute rule tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REPORT ON EVACUATION OF U.S. NATIONALS FROM CAMBODIA—COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-105)

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Committee on International Relations and ordered to be printed:

THE WHITE HOUSE,
Washington, April 12, 1975.

The Honorable the SPEAKER,
United States House of Representatives, Washington, D.C. 20515

DEAR MR. SPEAKER: As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communists forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (P.L. 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 P.M. EDT on 11 April. Military forces included 350 ground combat troops of the U.S. Marines, 36 helicopters, and supporting tactical air and command and control elements. The Marines were deployed from helicopters to assure the security of helicopter landing zone within the city of Phnom Penh. The first helicopter landed at approximately 10:00 P.M. EDT 11 April 1975, and the last evacuees and ground security force Marines departed the Cambodian landing zone at approximately 12:20 A.M. on 12 April 1975. The last elements of the force to leave received hostile recoilless rifle fire. There was no firing by U.S. forces at any time during the operation. No U.S. Armed Forces personnel were killed, wounded or missing, and there were no casualties among the American evacuees.

Although these forces were equipped for combat within the meaning of Section 4(a)(2) of Public Law 93-148, their mission was to effect the evacuation of U.S. Nationals. Present information indicates that a total of 82 U.S. citizens were evacuated and that the task force was also able to accommodate 35 third country nationals and 159 Cambodians including employees of the U.S. Government.

The operation was ordered and conducted pursuant to the President's Constitutional executive power and authority as Commander-in-Chief of U.S. Armed Forces.

I am sure you share with me my pride in the Armed Forces of the United States and my thankfulness that the operation was conducted without incident.

Sincerely,

GERALD R. FORD.

CALL OF THE HOUSE

Mr. BROWN of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 117]

Anderson, Ill.
Andrews, N.C.
Armstrong
Ashbrook
Badillo
Bafalis
Bell
Boggs
Brademas
Breckinridge
Brinkley
Cederberg
Chappell
Chisholm
Clay
Collins, Ill.
Conlan
Conyers
Cotter
Crane
D'Amours
de la Garza
Dellums
Dent
Derwinski
Diggs
Dingell
Dodd
Drinan
Eckhardt
Erlenborn
Esch
Eshleman
Findley
Fithian
Flood
Ford, Mich.
Ford, Tenn.
Fraser
Giaimo
Gibbons
Goldwater
Gude
Hammerschmidt
Harsha
Hays, Ohio
Hébert
Hightower
Holland
Ichord
Jacobs
Jarman
Johnson, Colo.
Jones, Ala.
Kazen
Leggett
Lent
McClory
McCollister
McDonald
McFall
Mann
Meeds
Metcalfe
Meyner
Mikva
Mills
Murphy, N.Y.
Obey
O'Hara
Patman
Pepper
Pike
Pressler
Quie
Quillen
Rhodes
Risenhoover
Robinson
Roncalio
Rosenthal
Ruppe
Russo
Ryan
Scheuer
Seiberling
Shriver
Shuster
Sikes
Solarz
Staggers
Stanton, J. William
Stanton, James V.
Steiger, Ariz.
Stephens
Symington
Symms
Taylor, N.C.
Teague
Treen
Udall
Vander Jagt
Waxman
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Yatron

The SPEAKER. On this rollcall 326 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY HOMEOWNERS' RELIEF ACT

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 386 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 386

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5398) to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Currency and Housing, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 386 provides for an open rule with 1 hour of general debate on H.R. 5398, the Emergency Homeowners' Relief Act of 1975.

H.R. 5398 is intended to assist homeowners who have suffered a significant decline in income and are financially unable to meet their mortgage payments. It is temporary legislation and no new assistance could be made after July 1, 1976.

H.R. 5398 authorizes the Secretary of Housing and Urban Development to make repayable emergency mortgage relief payments on behalf of such homeowners in order to maintain the payments on their mortgages. The mortgage relief payments cannot exceed $250 a month. The payments can be applied toward all amounts required to be paid under the terms of a mortgage, including principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums. In order to qualify for relief, a homeowner must have incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and must be financially unable to make full mortgage payments. The mortgage payments must be at least 2 months delinquent and the mortgaged property must be the principal residence of the mortgagor.

Mr. Speaker, I urge the adoption of House Resolution 386 in order that we may discuss, debate, and pass H.R. 5398.

Mr. Speaker, I yield to the gentleman from Mississippi (Mr. Lott).

Mr. LOTT. Mr. Speaker, the able gentleman from Illinois (Mr. Murphy) has explained the provisions of House Resolution 386, the rule allowing for 1 hour of general debate on H.R. 5398, the Emergency Homeowners' Relief Act. I would hope that the rule as recommended by the committee would be accepted.

The purpose of the Emergency Homeowners' Relief Act is to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as a result of the current downturn in the Nation's economy. In order to receive the benefits of this act the holder of the mortgage must notify the homeowner of his intent to foreclose, the mortgagor must be at least 2 months delinquent in his mortgage payments as a direct result of his involuntary unemployment or underemployment caused by present economic conditions, and there must be a reasonable prospect that the mortgagor will be able to fully resume his mortgage payments at a later date.

The act authorizes mortgage relief payments up to $250 per month or the amount determined to be reasonably necessary to supplement such amount as the homeowner is capable of contributing toward his mortgage payment. Payments may be made by HUD up to a period of 24 months and are repayable by the homeowner at an interest rate not to exceed 8 percent per anunm. The bill authorizes $500 million to be appropriated for the purposes of the act. It is not a grant program.

While I do not disagree with the objective of H.R. 5398, it is my concern that there may be administrative problems with the passage of this legislation. I would hope that the Members would adopt this rule so that discussion of these potential problems will be facilitated.

Mr. Speaker, I have no requests for time. I urge the passage of House Resolution 386.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BARRETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5398) to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Barrett).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5398), with Mr. Wright in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Barrett) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Johnson) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 5398, the Emergency Homeowners' Relief Act. With the March unemployment rate at 8.7 percent of the labor force, we have the highest unemployment rate since before World War II, and most of our unemployed workers will shortly be faced with an inability to meet their monthly mortgage payments. For most of our working citizens, the monthly mortgage payment is the largest and most essential living expense that they have, and the inability to meet this payment results in many cases the loss of their home.

H.R. 5398 is designed to prevent the widespread loss of homes resulting from this extremely high unemployment rate.

H.R. 5398 would make it possible for homeowners, who lose their jobs because of the current economic situation, to retain their homes by authorizing the Secretary of HUD to make repayable emergency mortgage relief payments on behalf of homeowners in order to maintain their monthly payments on their mortgages. These mortgage relief payments could not exceed $250 a month for a period of 1 year and may be extended for an additional 1 year.

The bill provides a number of general conditions that must be met before assistance may be made.

The conditions are stated in such a manner because we believe that we should give guidance as to the basic policy, while allowing the Secretary of HUD considerable discretion in developing specific regulations.

Finally, Mr. Chairman, I would like to point out that we hope that this bill will be administered in the manner that will tend to limit the number of payments by encouraging mortgage holders, whenever appropriate, to forbear rather than institute foreclosure proceedings. It is our understanding that the lenders who hold the bulk of mortgage loans do have the capacity to exercise forebearance, and as you will note in our committee report, we specifically urge them to exercise restraint in their collection and foreclosure policies.

Mr. Chairman, I urge the prompt adoption by the House of H.R. 5398.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5398, the Emergency Homeowner's Relief Act of 1975 and wish to associate myself with Chairman Barrett's comment's on the bill.

One of the truly unfortunate consequences of our current economic problem is that the loss of income caused by unemployment is compounded by a prior inflationary situation which has driven the cost of essential needs beyond the reach of many families. The increasing cost of utilities is a further special burden which threatens or already bears too heavily on family budgets.

In such adverse circumstances, the estimate of need for this program must acknowledge a complexity of distressing circumstances.

I am mindful of the unemployment rate of 8.7 percent, which means that there are some 8 million persons out of work. As we continue efforts toward our economic recovery we must be prepared to assist those who will not attain their financial balance until some time down the road. It is this condition which argues most persuasively for the standby relief proposed in this bill.

It is not a give-away program. It is a loan program which can be administered with flexibility and the exercise of judgment in each individual case.

I trust that my colleagues will give prompt approval to H.R. 5398 as a matter of potentially great need in the event of a continuing period of high rates of unemployment.

Mr. BARRETT. Mr. Chairman, I yield to the chairman of the full Committee on Banking, Currency and Housing (Mr. Reuss), such time as he may desire.

Mr. REUSS. Mr. Chairman, I thank the distinguished chairman of the Subcommittee on Housing and Community Development.

Mr. Chairman, I rise in support of the bill, H.R. 5398, the Emergency Homeowners' Relief Act. This bill is designed to prevent the widespread loss of homes resulting from high unemployment levels.

Since August of 1974 unemployment

has climbed rapidly. The unemployment ranks have increased by more than 3 million persons since last August, for a total number of unemployed of 8 million persons, or 8.7 percent of the labor force, the highest rate since 1941. The March figures represent an increase of 500,000 persons over February's 8.2 percent unemployment rate. The number of married men unemployed rose from 938,000 1 year ago to over 2,000,000 in March, or from a rate of 2.3 percent to 5.2 percent. The sharp increase in unemployment in this group is particularly relevant to home mortgage defaults. Economic indicators point to a continuation of high unemployment levels for the remainder of this year.

During previous recessionary periods, increases in home mortgage defaults and foreclosures tended to lag about 3 to 6 months after sharp increases in unemployment rates occurred, as many homeowners first exhausted their resources and unemployment benefits before defaulting on their mortgage payments. We can expect that by spring and summer of this year, a significant increase will take place in the number of unemployed homeowers who cannot make their mortgage payments.

The program authorized by H.R. 5398 will enable these unemployed homeowners to retain their homes by authorizing the Secretary of HUD to make repayable emergency mortgage relief payments on their behalf for up to 24 months. These payments could be up to $250 a month and could be repaid at the time the home is sold. The bill provides safeguards to encourage financial institutions holding delinquent mortgages to exercise forbearance as much as possible before assistance under H.R. 5398 is sought.

Homeowners would be eligible for assistance who lost their jobs involuntarily or suffered a reduction in income because of the current recession and who are financially unable to make their full mortgage payments. These would be cases beyond the reasonable capacity of financial institutions to forbear in foreclosing or to accept less than full mortgage payments. The bill authorizes $500 million to be appropriated for emergency mortgage relief payments, or enough to assist approximately 300,000 homeowners. The authority to make payments in H.R. 5398 would be temporary and would expire on June 30, 1976, by which time, hopefully, the economy will have recovered.

In addition to helping many homeowners to retain their homes, H.R. 5398 will prevent the disruption of residential markets and construction activity by keeping down the number of foreclosure and distress sales of homes and will prevent a liquidity squeeze on lending institutions holding delinquent mortgages thus freeing funds for the making of new mortgage loans.

Mr. Chairman, before concluding, I would like to commend the chairman of the Subcommittee on Housing and Community Development, our colleague from Pennsylvania (Mr. BARRETT) for the expeditious and thorough way his subcommittee handled this important piece of legislation. The ranking minority member, Mr. JOHNSON of Pennsylvania, likewise has labored valiantly. I would also like to commend our colleague from Ohio (Mr. ASHLEY) who is the sponsor of the bill and who originally introduced H.R. 34, the bill from which H.R. 5398 has resulted. Mr. ASHLEY's earnest efforts and hard work has resulted in sending this bill to the floor with bipartisan support.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding. I heartily endorse this bill. I think it is a fine, sensible, practical approach to the problems of homeowners, as well as to those who benefit through the building industry. I hope my friends on the other side of the aisle will not find their enthusiasm diminished when I say that this is a typically Republican bill. It is one that brings a practical solution to a human problem. It indicates not only compassion and concern for the individual, but it shows that prudence in the management of other people's money which is one of the finest marks of a legislator.

Mr. Chairman, I commend the distinguished gentleman from Ohio (Mr. ASHLEY), and our distinguished chairman, the gentleman from Wisconsin (Mr. REUSS), and all members of the committee for this fine bill.

Mr. BARRETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. ASHLEY), who is the father of this bill and who has worked inexhaustibly late nights and early mornings in support of it.

Mr. ASHLEY. Mr. Chairman, let me say that I appreciate the very generous comments from my left—which is the right, politically and philosophically speaking—and my dear colleagues from the party that I represent.

Mr. Chairman, I am pleased that there is such unanimity with respect to this bill. I am not surprised that there is, because H.R. 5398 is before us today in response, as I note, to a very aggravated economic situation. Today we find between 8½ percent and 9 percent of our work force unemployed, more than that underemployed. We have the prospect of continuing unemployment at this level, resulting in mounting delinquency among our citizenry.

It is to prevent widespread mortgage foreclosures and the distress sale of perhaps tens upon tens of thousands of homes, all because of temporary unemployment that we are addressing ourselves to today in this bill.

I would like, Mr. Chairman, to stress that this is not permanent legislation. This is not an effort to add to the statutory body of law that has indeed piled one program upon another. This is emergency legislation; it is not permanent. For those Members who may have any question about this, I invite them to read the bill, which is quite short. They will find that there is in the bill a specific provision saying that there shall be no new assistance under the terms of the bill after July 1, 1976.

Let me also say that the bill, because of the attention that has been paid to this matter by the members of the subcommittee and the full Committee on Banking, Currency, and Housing, is very tightly drawn. On pages 3, 4, and 5 of the bill we find a series of requirements which must be met as a condition for receiving assistance. We find on page 3 of the bill, first of all, that there is a requirement that the holder of the mortgage first notify the mortgagor of intention to foreclose; and then there is a further notice required that the mortgagor and the holder of the mortgage indicate in writing to the Secretary of HUD that there will probably be a foreclosure. There must also be a need for emergency assistance, and that this is requested to be forthcoming from the Secretary.

There is the further requirement that the mortgage must have been delinquent for at least 2 months and, further, that the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to the current adverse economic circumstances and conditions, and that for this reason he or she is unable to make the full mortgage payments.

I stress the word, "full," because the bill makes it clear that the purpose is not for the Secretary to pay the full $250 per month in assistance that can be provided for under the bill but, rather, that that amount which is necessary should be paid in assistance payments, depending upon the circumstances of the mortgagor and his or her ability to meet the full payment of the obligation.

Mr. Chairman, there is the further requirement that the property in question be the property of the mortgagor who is in default, and that he or she be living in that property.

Finally, as I have indicated, there is a requirement that the payment be the lesser of $250 per month or the amount determined to be reasonably necessary to supplement such amount as the homeowner is capable of contributing toward the mortgage payment. Also, as I indicated in passing, this mortgage assistance is limited to a 12-month period, although it may be extended for only one period of 12 months thereafter.

There is a further requirement that the recipients of the assistance under this program be required, if there is any change in their income situation, to report this immediately; and there is a penalty for failing to do so.

Finally, Mr. Chairman, let me stress that the mortgage relief payments made under this act are not a gift. They are, in fact, a repayable loan to the homeowner, and that homeowner is going to be required to make repayment sooner or later at an interest rate of up to 8 percent. The amount I might say, reflects the costs of borrowing by the Treasury plus a slight addition thereto. In this regard, it should be noted that the Secretary is required to make sure that there is security for repayment. We do not specify that this shall be in the nature of a lien, although we specify that it may be. The reason that we do not say that it must be in the nature of a lien is that the circumstances in each default situation may be quite, quite different.

Therefore, Mr. Chairman, these are the principal provisions of H.R. 5398, the so-called Emergency Homeowners Relief Act. I am proud of the fact, Mr. Chairman, that the legislation before us today was reported by the full Committee on Banking, Currency and Housing without a dissenting vote. That is a monumental accomplishment, if I may say so, but this is legislation, I think, Mr. Chairman, in which we can all take some measure of pride. I would urge its prompt adoption.

Mr. HINSHAW. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I am pleased to yield to the gentleman from California (Mr. HINSHAW).

Mr. HINSHAW. In order that the record will be clear as to what is meant by a home, I wonder whether the gentleman could answer a series of questions for me.

Mr. ASHLEY. Right.

Mr. HINSHAW. Would this legislation be restricted only to those mortgages which are obtained with federally assisted money?

Mr. ASHLEY. No. I am pleased to have this opportunity to engage in a colloquy with the gentleman because the answer to that and, I am sure, to other questions are important for the record.

No, the mortgage involved need not be FHA or VA but, indeed, they may be conventional mortgages as well.

Mr. HINSHAW. Would the definition and the intent of the term "home" include cooperative apartment units?

Mr. ASHLEY. No; it does not.

Mr. HINSHAW. Would the term "home" include condominium units?

Mr. ASHLEY. Yes, it would.

Mr. HINSHAW. Would the term "home" include mobile homes?

Mr. ASHLEY. It would not include mobile homes.

Mr. HINSHAW. Would the term "home" include a boat?

Mr. ASHLEY. I had never given it any thought, to tell the truth; but I am certain, for the same reasons that apply with respect to mobile homes, that it would not include a boat.

Mr. HINSHAW. I might point out to the gentleman that in my area there are some 20,000 boats. Many of them are very substantial boats. They range from $200,000, at the upper-price bracket, to $1 million; and they are used as principal residences. They were bought as their principal residences, so I would ask the gentleman if that was just merely an oversight in the discussion of the committee, or was it deliberate that principal residences would not include co-ops as well as boats.

Mr. ASHLEY. I would say to the gentleman that we did not deliberately overlook that point or any other provision. The fact is that we wanted to draw this bill quickly, and for that reason, we insisted that it be in the nature of ownership in fee simple and that there be a mortgage in the conventional sense that would be involved, as much as anything else to assure that there would be in most instances the opportunity for security of the loan.

Mr. HINSHAW. Mr. Chairman, could the gentleman enlighten me as to whether or not a "home" would also include a multiple unit, perhaps three or four units, where the property was purchased for and it is continuing to be a principal residence of the owner, and he does in fact occupy one of the units of the multiple building?

Mr. ASHLEY. Yes, it would, where those conditions apply. I believe what we have provided for was for up to four units. I believe that that is what the bill covers.

Mr. HINSHAW. I did not see anything in the bill with specific regard to that.

Mr. ASHLEY. My impression was that this matter was in the committee report, but to simply respond to the inquiry of the gentleman from California, let me say that where the owner is an occupant of such a unit, a multifamily unit, that unit would be covered.

Mr. HINSHAW. If I vote for this legislation how am I going to respond to some of my constituents who live in cooperative apartments that are in buildings right next to condominium apartments? In some of the communities in my district there are something like 5,000 to 10,000 cooperative units, so what rationale can the gentleman give me when I go back to my people in this regard?

Mr. ASHLEY. The bill goes mainly to the security that is involved.

As the gentleman knows, in a cooperative project there is a blanket mortgage on the entire structure as distinct from a condominium in which there can be ownership supported by a mortgage for each unit. That is the basic difference, of course. In other words, when you live in a co-op, as I do, what you do is own shares in the corporation. It is the corporation which has secured the mortgage. What I am saying, of course, is that the security is very different as between the occupant of a cooperative unit and the occupant of a condominium unit.

Mr. HINSHAW. So, I take it what the gentleman is saying is that one of the principal concerns of the committee was that the Federal Government have ample security for the loans which it might put forth?

Mr. ASHLEY. Indeed.

Mr. HINSHAW. I thank the gentleman.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, in an attempt to deal with the increasing unemployment levels and the subsequent effect which these rates will have on our already suffering economy, the Banking Currency Committee has reported H.R. 5398 to the full House. This legislation which received unanimous bipartisan support in committee will enable the appropriate Government agencies to prevent the possible foreclosure of a great many homes which have become shelter for hundreds of thousands of America's low- and middle-income citizens.

As a member of the Housing Subcommittee and the ranking minority member of the Economic Stabilization Subcommittee of the Banking and Currency Committee, I have been most concerned about the continued high levels of unemployment compensation. It is these factors, in addition to statistics which indicate that delinquencies on home mortgage payments tend to increase during periods of recession, which have caused experts to fear that a rash of foreclosures could result in the spring and summer of 1975.

While we have not yet reached this critical stage, I feel that the need for H.R. 5398 is unquestionable. I am aware that the agencies which control the banks and thrift institutions have stated a policy of leniency, thereby enabling the institutions to forebear from foreclosures on delinquent loans. However, if our economic position should become worse, it is questionable as to whether this policy will be enough to prevent wholesale foreclosure actions. It is precisely for this reason that I support H.R. 5398, which does not preempt the regulatory agency efforts to avoid these difficulties but instead provides standby means of assisting homeowners should our economic condition not improve.

This legislation entitled "The Emergency Homeowners' Relief Act" would enable homeowners who are unable to pay the cost of maintaining a home because there has been a substantial reduction of income due to our current economic climate to maintain their equity, through Government assisted payments. The Secretary of HUD would be authorized to make assistance payments of up to $250 a month for all or part of the individuals principal, interest, taxes, ground rents, hazard or mortgage insurance premiums. As a control on these payments it is required that HUD may provide assistance only beyond the homeowners ability to make their own payments out of funds available to them. These payments may be made for a maximum 24-month period and only after the homeowner has been delinquent in his mortgage payments for at least 2 months. In addition, the homeowner must demonstrate that there is a reasonable prospect that he will be able to make the adjustments necessary to resume his own payments after the assistance is terminated.

While I am pleased that the committee reported this legislation which will provide assistance to thousands of hardworking Americans, I am also pleased that the cost of the program will be minimal, thereby maintaining Congress pledge of fiscal responsibility. The bill provides for an appropriation of $500 million for the program, all of which is expected to be returned to Federal coffers with interest. The legislation provides that repayments of the loans be made in accordance with the terms and conditions prescribed by the Secretary of HUD. Thus, the Secretary may defer repayment of the loan until the disposition of the property or the completion of the amortization of the mortgage. The maximum interest which will be charged the recipient is 8 percent.

While I am hopeful that the actual implementation of this legislation will not be necessary, due to the actions of the regulatory agencies and the future growth of our economy, I am pleased to support this measure which, giving great weight to the financial interest of the United States, and takes into full consideration the urgent needs of many low- and moderate-income families who face the loss of their homes due to a situation over which they have little control.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of this legislation. I think any examination of it will disclose that there are no doubt some serious administrative headaches involved in it. However, the potential disastrous problem that could result if our economy continues to decline, prompts this kind of standby authority.

I think the chairman of the subcommittee would agree that this is emergency legislation. It is not intended to be an ongoing program. It is not mandated to commence at any particular point in time, but rather it is standby authority that the Secretary can use when economic conditions demand such as a serious increase in the number of foreclosures, which are not great at the present time, but when the number of foreclosures intensify or increase.

The bill is silent in one area which I think deserves some clarification. I would direct my question to the chairman or the author of the bill, the gentleman from Ohio (Mr. ASHLEY), and that is, when does the gentleman contemplate that interest would commence to accrue with respect to payments made pursuant to the legislation by the Secretary?

Mr. ASHLEY. Will the gentleman yield?

Mr. BROWN of Michigan. Certainly, I yield to the gentleman from Ohio.

Mr. ASHLEY. My response would be after the last assistance payment is made in behalf of the mortgagor by the Secretary, at that point the interest would begin to accrue.

Mr. BROWN of Michigan. Would the gentleman from Ohio repeat that?

Mr. ASHLEY. Yes; I would. If the gentleman will yield further, I respond to the gentleman by saying that interest under the bill would begin to accrue after the last payment has been made by the Secretary in behalf of a particular mortgagor.

Mr. BROWN of Michigan. That is somewhat similar to the student loan program where the accrual of interest is deferred; is that not correct?

Mr. ASHLEY. Yes; that is true.

Mr. BROWN of Michigan. If I may ask a further question of the gentleman, all of the terms and conditions for repayment, except that interest may not exceed 8 percent, are left to the discretion of the Secretary?

Mr. ASHLEY. That is a fact.

Mr. BROWN of Michigan. I thank the gentleman for his answers.

I do not wish to belabor my colleagues any further regarding the legislation. However, I should like to say that no one, even he who supports this legislation, views this as a panacea. Certainly, the one thing that is best for the mortgagor today, the fellow who has to make mortgage payments, is to have a sound economy where he has a job, where he is not suffering the kind of economic distress that would trigger this special device for the payment of home mortgages.

I certainly hope that we, in passing this legislation, do not think that we in some way have dealt with the basic problem. What we are doing with this legislation is attempting to alleviate somewhat the pain of very adverse economic conditions.

I appreciate the work that has gone into this bill by the author, the gentleman from Ohio (Mr. ASHLEY) and I urge my colleagues to support it.

Mr. BARRETT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Mr. Chairman, I rise in support of this legislation. I strongly believe that there is a tremendous public interest that must be served. With the current sharp decline in economic activity coupled with a continuing high rate of inflation, extremely high interest rates have been generated that combine with other economic factors and produce severe, complex impacts for our Nation's homeowners.

It makes little sense and offers the weakest sort of argument to initiate new Federal assistance programs that will enable some families to purchase a home while turning away from the difficult plight of thousands of others who are about to lose the homes they already occupy.

In the city of Inglewood alone, there were 89 active properties on the foreclosure inventory at the beginning of January, 1975. Since that time the number has increased in an alarming manner causing serious concerns for HUD and VA officials as well as those intimately involved in the community.

We have a clear public interest in making sure that we do not spread the blight and increase the suffering that results from unmaintained, unoccupied units in foreclosure. These units are readily subject to vandalization and often harbor criminal activities. They also detract from the appearance and beauty of basically stable, functioning neighborhoods and induce germs of decay that are not warranted.

It is also in the public interest to insure that homeowners be allowed to continue to own property rather than find themselves in the position of having to relocate during a period of high unemployment, or while new housing is available only at greatly increased costs, or while the amount of mortgage funds is extremely low. All of these factors cry out for some type of homeowner relief that brings with it some measure of stability for existing communities.

The Emergency Homeowners' Relief Act is a step in the right direction. In fact, this concept should be expanded beyond the individual homeowners to include such multifamily projects as the 236 program. Especially in those areas where there has been high unemployment or decreased economic activity complicating the normal schedules to satisfy the debt on residential property.

Let me emphasize, Mr. Chairman, no one really gains by home foreclosures or repossessions. Not the resident, not the financial institution and certainly not the Department of Housing and Urban Development.

Mr. BARRETT. Mr. Chairman, we have no further requests for time.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise in support of H.R. 5398. I sympathize with its concept and objectives. Moerover, there is some evidence suggesting the need for such a program. Additionally, it is in keeping with our national policy of encouraging home ownership and the associated virtues of family stability.

Initially, I would note that a ceiling has been placed on funding the program. Expenditures have been limited to $500 million over a 3-year period. The open-ended provisions contained in the earlier version of the bill which ran counter to the mandate of the Congressional Budget Act has been removed.

Clarification of certain ambiguities contained in section 3 of the bill now provides HUD with sufficient guide lines to bridge the law into satisfactory administrative implementation.

The potential for abuses has been removed, in that the program is designed to assist those who are hardest hit by the economic downturn, the low- and middle-income groups. Eligibility has been tied to "a substantial reduction in income as a result of involuntary unemployment" with the added requirement that the mortgagor be financially unable to make mortgage payments. The bill, provides for full reimbursement to the Government, and it contains an optional recapture security lien provision which makes the program fiscally sound.

Necessarily, mortgage lenders are encouraged to forbear forclosure until it is no longer feasible to do so. Before petitioning the Government for mortgage relief assistance, lenders would be bound to exhaust alternative means to satisfy the mortgage commitment. The Government would be a lender only in the last resort. Precaution has been taken to avoid the possibility of the program turning into a windfall for mortgage lenders.

Finally, Congress has provided for 60-day monitoring authority over HUD through comprehensive reporting requirements to insure that the program is working effectively. In essence, the program constitutes a balanced response to the needs of distressed homeowners in the middle- and low-income brackets. On a cost-benefit basis, the socially desirable aspects of the program outweigh any possible limited inflationary impact.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, H.R. 5398, the Emergency Homeowners' Relief Act, is intended to promote a worthy objective, the assistance of homeowners who have difficulty meeting their mortgage payments as a result of adverse economic conditions. Although the bill does not explicitly recognize this fact, the "severe recession" and "sharp downturn in economic activity" to which the findings refer are largely the result of inflation and high interest rates caused by Federal mismanagement of the economy, so that it is entirely proper that the Federal Government provide temporary assistance to homeowners in a manner which does not further aggravate the economic problems themselves.

The bill is clearly not a giveaway. Rather, it would authorize a $500 million appropriation in order to establish a "stand-by" program to provide loans of up to $250 per month to eligible homeowners. Additional assurance that the program will not be abused is provided by the Hyde amendment, which requires the Secretary of Housing and Urban Development to obtain "appropriate" security, such as a lien on the mortgaged property, for the loans which are made to homeowners.

Nevertheless, it appears that the committee, in its haste to assist the beleaguered homeowner, has left many of the hard questions which are necessarily involved in legislation of this type unanswered and much of the hard legislative work undone. Rather than take the time which would be required to make these hard policy judgments, the committee has chosen to report a bill which is so vague that it effectively leaves to the Secretary of Housing and Urban Development the task of determining if, when, and how the bill is to be implemented. Members of Congress will then feel free to criticize the Secretary if the legislation fails to live up to their expectations.

For example, the committee report states that—

> The provisions of H.R. 5398 are designed to spread available federal funds as widely as possible and to concentrate their use on homeowners most in need of them.

In other words, the committee will spread the funds out and concentrate them at the same time.

As the committee report further explains:

> The bill states a number of general conditions for relief. . . . These conditions are stated in a manner which the committee believes give (sic) guidance as to basic policy while allowing the Secretary considerable discretion in developing specific regulations.

Despite the fact that it has been unable to resolve many of the really difficult administrative problems, the report goes on to say that—

> The committee expects . . . that the "*Secretary* will not only move promptly in developing the necessary specific regulations but will include statements of progress made and problems encountered in the reports under section 5 of the bill." (Emphasis mine.)

In my judgment the guidance provided by the committee is insufficient. The discretion allowed the Secretary is indeed so "considerable" as to give rise to several potentially serious administrative problems, which, if they are not corrected, may result in excessive expense and delay, or in failure of the legislation to achieve its purpose without imposing an unwarranted burden on taxpayers. Among the most troublesome of these potential problems are the following:

One. Section 3(b)(2) of the bill, as amended in full committee mark-up, requires the holder of the mortgage to indicate to the Secretary in writing,

> That circumstances (such as the volume of delinquent loans in its portfolio) make it probable that there will be a foreclosure and that the mortgagor is in need of emergency mortgage relief . . . except that such statement by the holder of the mortgage may be waived by the Secretary if in his judgment such waiver would further the purposes of this Act.

The purpose of the amendment was to prevent mortgagors in similar circumstances from being discriminated against on the basis of the relative soundness of the financial institutions with which they have dealt. However, the provision is now so vague that it is difficult to determine whether, or under what conditions, such a report by the holder is required. More serious is the possibility that the Secretary may have to make a determination in each case of the adequacy of the statement or of the advisability of a waiver.

The committee report states that—

> Payments would not be made in *any cases* unless the mortgage holder has specified in writing the circumstances which make it probable that he cannot forbear. . . . (Emphasis mine.) At the same time the report assures us that, . . . (the statements) need not be reviewed on a case-by-case basis and it is not intended that Federal concurrence in the statements be a condition of relief to individual homeowners.

It is obvious from a reading of this language that there is no way to effectively prevent unjustified payments without a case-by-case review. The committee cannot have it both ways.

The report goes on to say that it "recognizes that there may be isolated instances where the holder of a mortgage has threatened foreclosure but refuses to submit a statement as to the circumstances—Accordingly, it has given the Secretary specific authority to waive the statement requirement—where the Secretary determines such a waiver would further the purposes of the bill." If, as the report states, a waiver is only required in "isolated instances," it does not follow "accordingly" that the Secretary should be given "specific" blanket authority to waive the requirement whenever she determines such a waiver would further the purposes of the bill. Again, the committee cannot have it both ways.

Second. Section 3(b)(3) establishes a delinquency period of "at least 2 months" as a prerequisite for payment of benefits. Since most mortgage holders usually forbear for 3 to 6 months, this provision may have the perverse effect of reducing the actual period of forbearance and of increasing the number of foreclosures. Such a result, though unintended, would be extremely unfortunate and would create great hardship for the very homeowners whom this bill is designed to assist.

Third. Section 3(b)(4) requires as a condition of assistance that—

> The mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments.

Even if Congress ultimately provides a clear definition of what constitutes first, "substantial reduction in income;" second, "involuntary unemployment or underemployment;" third, "adverse economic conditions;" and fourth, "financially unable to make full mortgage payments;" determination of eligibility on a case-by-case basis may be extremely costly and burdensome. Without such definitions, the administrative problems are likely to be staggering. While it is true that under section 3(e) HUD may delegate the performance of this processing function to lenders, this does not necessarily resolve the problem and may even compound it.

Fourth. Section 3(c) establishes the level of monthly payments as "the lesser of $250 per month or the amount determined to be reasonably necessary to supplement such amounts as the homeowner is capable of contributing toward such mortgage payment." If such a calculation must be made by HUD on a case-by-case, month-by-month basis, a new and terribly costly bureaucracy may be required to perform this function.

It may be said that Congress should not be greatly concerned with the issues which I have raised because the definitions and standards may be established by HUD regulations in due course. However, experience should have taught us not to take this for granted. I have described in my supplemental views an example of just such a problem which developed in the administration of the 1974 amendments to the National Housing Act.

Mr. Chairman, the Department of Housing and Urban Development has provided me with an unofficial estimate that the administration of this bill would require 500 temporary employees—for 1-year duration of the bill—at a cost of $12.5 million.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. Does the gentleman from Ohio care to make a comment?

Mr. ASHLEY. Mr. Chairman, I share the concern of my friend, the gentleman from California. Certainly in the deliberations before the subcommittee and the full committee it appeared that we shared the objective the gentleman has just indicated. As a matter of fact we do not simply share those objectives, we have written in some language in order to accommodate these objectives.

What I am saying now is we do not pass on to the Secretary of Housing and Urban Development exclusive responsibility, and certainly he is responsible for the administration of the program. But what we say is rather than have the Secretary go to the market for additional work force, the Secretary should be permitted the flexibility of entering into agreements with other agencies such as the Federal Home Loan Bank Board which share a common responsibility with respect to the lending institutions which support a great number of the mortgages.

So of course the gentleman is correct

and I simply want the record to be clear that this is the rather unanimous view of the reporting committee.

Mr. ROUSSELOT. I appreciate the gentleman's comment. It means something coming from the gentleman because I know as the author of this bill he has struggled to make sure it is tighter than many of the normal bills we pass out of our own committee and I appreciate his thought that this is strictly a temporary and emergency piece of legislation.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, some concern has been expressed that this legislation might be a license for a mortgagor to engage in irresponsible purchasing practices, the incurring of additional indebtedness, and that he would be able to get out from under that indebtedness somewhat by getting the relief provided in this bill.

I think it is well that we clarify this matter. First of all, is it not true, and I would direct my questions to the gentleman from Ohio (Mr. ASHLEY), the author of the bill; is it not true that one of the key requirements for relief under this legislation is that the mortgagor has suffered a substantial reduction in income since the origination of the loan?

Mr. ASHLEY. Yes; that is exactly right.

Mr. BROWN of Michigan. And that the economic circumstance which makes it difficult or impossible for him to make a full mortgage payment has been involuntary unemployment or underemployment.

Mr. ASHLEY. Yes; that is correct. That is spelled out in the language of the act.

Mr. BROWN of Michigan. And then as the gentleman has already mentioned, there must be the good potential, the probability of the ability to repay the sums advanced by the Secretary; is that not correct?

Mr. ASHLEY. That is entirely correct.

Mr. BROWN of Michigan. So, therefore, under the conditions recited in the bill, this is not a license for someone to engage in the incurring of indebtedness and then make those payments while getting his mortgage payments forgiven or deferred by the Secretary's payments?

Mr. ASHLEY. The gentleman is absolutely right. I would say to the gentleman that if assistance is provided after a period of 12 months, that specific situation is reviewed very carefully by the Secretary to make sure there has been no change in the circumstances of the mortgagor and to look at other relevant facts, including the ability to repay.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for his answers.

Mr. Chairman, I will only say in closing that I trust that we will not be too tough on the Secretary with respect to reporting requirements. In the first report, I notice that we require in the bill a report within 60 days. I think all of us recognize the problem of rules and regulations with respect to certain occasions, and all that. Therefore, this might be an area we ought to look at when we are in conference.

Mr. GAYDOS. Mr. Chairman, I rise in support of this bill, which if enacted into law, would provide assistance to many unemployed and underemployed who face foreclosure of the mortgage on their home due to delinquent mortgage payments. Such homeowners would receive assistance only beyond their capacity to make mortgage payments out of other funds available to them, up to a maximum of $250 per month.

To be eligible for such assistance, the holder of the mortgage must have notified the mortgagor in writing of its intention to foreclose, and the mortgagor and holder of the mortgage must indicate in writing that the circumstances of the mortgage holder make it probable there will be a foreclosure and that the mortgagor is in need of emergency mortgage relief.

Additionally, the mortgage payments must be at least 2 months delinquent and the mortgaged property must be the principal residence of the mortgagor, and there must be a reasonable prospect that the homeowner will be able to make the adjustments necessary for a full resumption of payments.

The bill provides for such payments to be made for a period of up to 12 months, with an extension for another 12 months, and the mortgagor is required to report any increase in income which would permit a reduction or termination of assistance during this period.

Finally, the bill requires repayment by the homeowner of such relief payments he may receive under this bill on terms and conditions prescribed by the Secretary of Housing and Urban Development, except that interest on such payments shall not exceed 8 percent per year.

Already, this body, on March 21, passed the Emergency Middle-Income Housing Act of 1975 whose purpose is to stimulate housing construction by expanding the homebuying market and by counteracting recessionary "no buy" attitudes with the incentive of lower interest rates. This could increase the number of families eligible to purchase a home by 5 or 6 million.

Also on March 26, this body agreed to the conference report on the Tax Reduction Act of 1975 which was enacted into law on March 29, 1975. Section 208 of that law provides for a tax credit of 5 percent of the purchase price of a new principal residence purchased or constructed by the taxpayer, up to a maximum credit of $2,000. The purpose of this provision is to assist potential homeowners in purchasing homes from the existing inventory of new housing which would have the additional benefit of "triggering" a recovery in the home construction industry.

Both of these bills are vitally necessary to the economic recovery of the Nation. But, we should not overlook the possible problem that substantial foreclosures of existing home mortgages could bring about, which would well counteract the benefits to be attained in these bills.

Accordingly, it is most important that Congress take steps to protect the current homeowner from experiencing foreclosure of the mortgage on his home.

The bill before us seeks to prevent such a calamity from befalling those American homeowners who are temporarily suffering a substantial reduction in their income because of unemployment or underemployment. It would prevent distress sales of homes from disrupting the market for residences and dampening the activity of the construction industry which Congress has attempted to stimulate in the prior two bills it has passed.

Additionally, not only would it assist homeowners in retaining their homes, but it would maintain normal mortgage lending activity of financial institutions.

I strongly urge my colleagues to fully support this bill.

Mr. DAN DANIEL. Mr. Chairman, I intend to vote for this bill today, even though in my judgment it is not good legislation.

The basic intent is good, but much of our troubles arise from leaving too much discretion in the hands of agencies in developing regulations. This is my major criticism of this bill.

I am not altogether convinced, either, that the estimate of 100,000 homeowners who would avail themselves of the program is accurate. Nor am I much encouraged by a projection of need for such legislation through 1978. Are we to assume that the Committee on Banking, Currency and Housing is projecting high unemployment that far in the future? The question is rhetorical, but at some point we will need an answer as we pile up deficits for the future.

Mr. FRENZEL. Mr. Chairman, the Banking and Currency Committee has brought forth, in H.R. 5398, a legislative rarity—a bill that not only is well intentioned, but one which has a reasonable prospect of achieving those noble intentions.

After two disastrous experiences with unworthy and fatally flawed pieces of housing legislation, this House should now applaud, and I do so, the fine work of the committee and especially of the author, the distinguished gentleman from Ohio (Mr. ASHLEY), the distinguished chairman of the committee and the subcommittee, and the equally distinguished ranking members.

Most of us here still have nightmares about the Long amendment to the Tax Reduction Act, a proposal now unhappily on our statute books which rewards the relatively affluent at the expense of the less affluent. The Emergency Middle Income Housing Act, H.R. 4485, whose intent is to help middle-income home buyers, but whose effect will likely retard the recovery of the housing industry, is also an unhappy memory. That backdoor spending proposal will, hopefully, not become law.

These two experiences, and the opposition of the administration, may cause suspicions that H.R. 5398 is just another random and ineffective shot by one of our committees, trying to pin an antirecession award on itself at the expense of the taxpayers. I think it is not. I think H.R. 5398 is a thoughtful piece of work which we are passing—for once—

in advance of the predictable emergency need.

H.R. 5398 is aimed directly at people who are victims of recession. There is no indirect stimulus or "trickle down" action here. It is calculated to carry unemployed persons through a year—with 1 additional year at the discretion of the Secretary of HUD—of unemployment, or underemployment. Mortgage payments of up to $250 per month will be paid by HUD. Advances, secured by a junior lien, will have to be repaid.

The bill aims at working people who own their own homes. While all Americans are supposed to be equal, this is a highly productive class of our citizenry which ought to be protected from having its homes repossessed in a time of recession. It is especially appropriate that the bill covers underemployment, too. This is a class of people who will want to be working. We want no "vertical notch" to discourage their temporary employment, or part-time employment, in other than their usual trades.

Critics have indicated that since delinquency rates are low, the bill is not needed. On the contrary, it is about time this Congress got out in front of a potential emergency. If the funds are not needed, they do not have to be spent.

The investment of the Federal Government would seem to be pretty well protected under this bill. First, it is a loan program. The Government's security will come after other prior lienholders, but in most cases, the market prices of the homes have increased so that values are sufficient to cover the loans. There is also a provision allowing the Government to recapture its loan from capital gains when the home is sold.

H.R. 5398 authorizes $500 million which is expected to be expended over the next 3 fiscal years. Estimated cost for fiscal 1976 is $100 million.

Since it is a loan program, the actual cost to the taxpayers would be much less—only the cost of the administration of the program plus whatever loan losses are incurred.

Only one aspect gives concern. HUD is not famous for brilliant administration. For this program to work well, the Department will have to show better than average performance. It will be a stern test of the new Secretary.

To repeat, this bill is designed to help regularly productive people who are being temporarily hurt by the recession. They need and deserve help, and there is a reasonable prospect that they will repay their loans. The bill is specific. It is a loan program rather than a giveaway. It is timely in that it comes to us in advance of the problem. It does not subvert the appropriations and budget processes.

The Emergency Homeowner's Relief Act has one more unique distinction. It borrows heavily from the depression-fighting ideas of the mid 1930's. Congress often reinvents obsolete New Deal programs which do not work. Here is one reinvention that seems well founded and probably will work well. Despite the presence of the overworked word "emergency" in the title, I urge that the bill be promptly passed.

Again, Mr. Chairman, I want to state that the Banking and Currency Committee has renewed my faith in the legislative process and in the Congress. We have done so many frivolous, unwise things in the name, or guise, of recession fighting, that I was beginning to despair. The committee has proved that we can do good things, that we can pass laws designed to cope with major national problems. My congratulations to the committee, and my personal thanks for restoring my optimism.

Mr. DRINAN. Mr. Chairman, I am pleased to rise in support of the Emergency Homeowners Relief Act, H.R. 5398. I am one of the original cosponsors of the Homeowners Relief Act, as there is little question in my mind that the current recession is endangering the well-being and the homes of many Americans today. In many cases, workers who are now unemployed have invested much of their life savings in their homes which may be taken from them through foreclosure proceedings. This would indeed be an unconscionable situation, and it is for this reason that I so strongly support H.R. 5398.

The Homeowners Relief Act basically authorizes temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed. The legislation would make available repayment emergency mortgage relief payments of up to $250 per month for homeowners who are simply unable to meet their mortgage payments due to current economic conditions. The assistance which is provided in the bill is intended for those homeowners who have already had foreclosure action initiated against them.

Before continuing with a more detailed explanation of the Relief Act's provisions, Mr. Speaker, I would like to indicate why this act is necessary. From a general economic perspective, many may think that my explanation is not needed, as the suffering which the recession has imposed is quite evident. It is very easy, however, for those of us in the Congress to become insulated from the harsh realities of coping with the average worker's budget and cost of living. The first quarter of 1975 brought the most severe recession since the great depression in the 1930's, and the difficulties which have resulted are substantial.

Mr. Chairman, the national unemployment rate for March was 8.7 percent, which meant that about 8 million persons were out of work. Unfortunately, the short-range predictions for the future do not seem to hold a great deal of promising news, as economists are projecting a near-10-percent peak in unemployment in the latter half of 1975. Reflecting the overall economic decline, there has been a severe drop in the gross national product, with the GNP dropping 6 percent below its early 1974 levels.

Commonsense tells us that when the economy is faltering, serious problems must result for those Americans who are directly affected by the recession. This is why the Emergency Homeowners Relief Act is clearly needed at this time. Statistics show us that serious delinquencies on home mortgage payments tend to rise in periods of recession, but that they lag behind increases in unemployment rates by 3 to 6 months. In the early months of 1975, unemployment has risen sharply, and we can expect the number of nationwide home delinquencies to rise significantly in the spring and summer of 1975. Already, delinquencies have risen rapidly, but through the passage of this legislation we may be able to provide relief before the worst of the problem becomes evident.

The Homeowners Relief Act is intended to assist homeowners who have suffered a significant decline in income, and are financially unable to meet their mortgage payments. I would like to emphasize, Mr. Speaker, that it is temporary legislation, and no new assistance could be made under its provisions after July 1, 1976. In addition to helping the homeowner, the bill would have the added benefit of preventing a rash of distress sales of houses, a situation which would only serve to worsen further the economic picture in many areas. Assistance under this program would also allow financial institutions with large holdings of delinquent mortgages to continue their mortgage lending activity to new home buyers, a factor which is important to our overall economic recovery.

As I have stated previously, H.R. 5398 can provide emergency mortgage relief payments of up to $250 per month. In order to be eligible for these relief payments, however, a number of general conditions must be met.

First, the homeowner must have suffered a severe reduction in income due to involuntary unemployment or underemployment as a result of the current economic situation.

Second, the mortgage payments must have been delinquent for at least 2 months, and the mortgage holder must have notified the homeowner of its intent to foreclose.

Third, the mortgage holder must notify the Department of Housing and Urban Development that the circumstances involved do not allow the financial institution to permit forebearance.

Fourth, the property must be the principal residence of the homeowner, and there would have to be a reasonable expectation that mortgage payments would be resumed.

The Homeowners Relief Act can permit payments of up to $250, but this assistance is given to homeowners only to supplement their capacity to make their mortgage payments out of funds which are normally available to them. Although the relief payments can be extended for as long as 24 months, they will not normally continue beyond a 1-year period. The bill authorizes a total of $500 million for fiscal year 1976 through fiscal year 1979, an amount which would assist approximately 300,000 homeowners. The relief payments, Mr. Speaker, would be paid back on terms and conditions set by HUD, but at an interest rate no greater than 8 percent. Provisions within the bill allow HUD to defer repayment until the mortgage property is sold, or the mortgage is retired. HUD is also required to secure adequate security for the relief payments, and must report to the Congress periodically with regard to the rate of delinquencies and foreclosures in the housing market.

Mr. Chairman, the passage of this act is mandatory in order to protect the many Americans who have diligently saved over the years to buy their own homes. Now, having been beset with unforeseen and adverse economic conditions, these same individuals are being threatened with foreclosure actions. I submit that in a society like our own we should help such individuals cope with the unfortunate state of the economy, and therefore, I heartily support the provisions of this bill.

Mr. MAGUIRE. Mr. Chairman, the House has taken under consideration a vital piece of emergency legislation, the Emergency Homeowners' Relief Act (H.R. 5398). This legislation will enable homeowners who lose their jobs or suffer income reductions to retain their homes. I cosponsored the original version of this bill when it was introduced in the House Banking and Currency Committee I strongly support its passage today.

Our unemployment rate soared to 8.7 percent in March. In my own State of New Jersey, over 11 percent of the work force is unemployed, and fully 8 million persons across our Nation are unable to find work. The overall decline in the economy is reflected in a severe drop in the gross national product—a full 6 percent drop from first quarter levels in 1974.

Delinquencies in home-mortgage payments tend to rise in periods of recession. Yet, history indicates that rising mortgage delinquency rates tend to trail unemployment rate increase by 3 to 6 months. Because the unemployment rate began to skyrocket in September 1974, we are likely to face sharp increases in the frequency of mortgage-delinquencies in the spring and summer of 1975. The Federal Home Loan Bank Board shows an increase in seriously delinquent mortgage loans of insured savings and loans as a percentage of mortgage portfolios in dollar terms from 1 percent in January 1974 to 1.31 percent in January 1975.

Unemployment rates for household heads rose from 3 percent to 5.8 percent between March 1974 and March 1975. For married men, the comparable rise was from 2.3 to 5.2 percent. Those unemployed over 15 weeks numbered nearly 2 million in March 1975, double the figure of 1 year ago. If this last group contains a substantial number of homeowners, delinquencies on home mortgages are very likely to rise.

Looming recession and rising unemployment, combined with exorbitant mortgage rates, are virtually evicting the average homeowner from his home. Young workers who purchased their homes in recent years at high prices with mortgages at high interest rates are really feeling the crunch. Generally, their savings are small and provide no cushion against a faltering economy or loss of their jobs. As a result, they are suddenly, through no fault of their own, faced with foreclosure.

Throughout my campaign, I knocked on door after door where people told me: "With the economy the way it is, I can't even meet my bills—my mortgage payments are unbearable and inflation takes everything else." For each of them, the equity in their homes is their greatest asset—and aside from being their biggest investment—they all would have to pay more for housing at today's inflated prices if they were forced to live elsewhere.

Thirty-five million homeowners have outstanding mortgage loans. The foreclosure rate is nearing a record high. If massive foreclosures occur, with attempts to liquidate hundreds of thousands of mortgages in this depressed housing market, we face losses to lenders and the entire economy as well as to homeowners.

H.R. 5398 will assist homeowners—on a temporary basis—to meet their mortgage payments despite a significant decline in income. No new assistance could be provided after July 1, 1976. The measure will prevent a rash of distress sales of houses with a consequent destabilization of residential markets in certain areas. Assistance under the program would also permit financial institutions with large holdings of delinquent mortgages to maintain much-needed new mortgage lending activity.

This legislation will enable the financially distressed homeowner to retain his greatest asset—his own home. At the same time, it will stabilize and lend vitality to an economy mired in recession, encouraging mortgage holders to forebear—not foreclose. Importantly, it will spread available Federal funds as widely as possible, and concentrate their use on homeowners most in need of them.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, I have no further requests for time.

Mr. BARRETT. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Homeowners' Relief Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the Nation is in a severe recession and that the sharp downturn in economic activity has driven large numbers of workers into unemployment and has reduced the incomes of many others;

(2) as a result of these adverse economic conditions the capacity of many homeowners to continue to make mortgage payments has deteriorated and may further deteriorate in the months ahead;

(3) many of these homeowners can retain their homes with temporary financial assistance until economic conditions improve.

(b) It is the purpose of this Act to prevent widespread mortgage foreclosures and the distress sale of homes resulting from the temporary loss of employment and income by authorizing emergency advances to homeowners to defray mortgage expenses.

EMERGENCY MORTGAGE RELIEF PAYMENTS

SEC. 3. (a) The Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") is authorized to make repayable emergency mortgage relief payments on behalf of homeowners who are delinquent in their mortgage payments.

(b) Emergency mortgage relief payments shall not be approved with respect to any mortgage unless—

(1) the holder of the mortgage has notified the mortgagor in writing of its intention to foreclose;

(2) the holder of the mortgage has indicated in writing to the Secretary and to any agency or department of the Federal Government responsible for the regulation of the holder that the volume of delinquent loans in its portfolio is such that it can no longer forebear or modify the repayment terms of additional delinquent mortgages and maintain normal mortgage lending or purchasing activity;

(3) payments under the mortgage have been delinquent for at least two months;

(4) the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make the mortgage payments;

(5) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments; and

(6) the mortgaged property is the principal residence of the mortgagor.

(c) Mortgage relief payments on behalf of a homeowner may be in an amount up to the amount of the principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due under the mortgage, but such payments shall not exceed $250 per month.

(d) Mortgage relief payments may be made by the Secretary for up to twelve months, and may be extended once for up to twelve additional months. The Secretary shall require the mortgagor to report any increase in income which will permit a reduction or termination of mortgage relief payments during this period.

(e) Mortgage relief payments made under this Act shall be repayable by the homeowner upon such terms and conditions as the Secretary shall prescribe, except that interest in such payments shall not exceed 8 per centum per annum. The Secretary may defer repayment of the mortgage relief payments until the disposition of the property or the completion of the period of amortization for the mortgage. The Secretary may require such security for the repayment of mortgage relief payments as he deems appropriate and may secure such repayment by a lien on the mortgaged property. The Secretary may make such certifications with respect to the processing of mortgage relief payments as he deems appropriate to facilitate the prompt and efficient implementation of the assistance program authorized by this Act.

AUTHORIZATION AND EXPIRATION DATE

SEC. 4. (a) There are authorized to be appropriated for purposes of this Act not to exceed $500,000,000. Any amounts so appropriated shall remain available until expended.

(b) Mortgage relief payments shall not be made after July 1, 1976, except with respect to mortgagors receiving the benefit of payments on such date.

REPORTS

SEC. 5. Within sixty days after enactment of this Act and within each sixty-day period thereafter prior to July 1, 1976, the Secretary shall make a report to the Congress on (1) the current rate of delinquencies and foreclosures in the housing market areas of the country which should be of immediate concern if the purpose of this Act is to be achieved; (2) the extent of, and prospect for continuance of, voluntary forebearance by mortgagees in such housing market areas; (3) actions being taken by governmental agencies to encourage forebearance my mortgagees in such housing market areas; (4) actions taken and actions likely to be taken with respect to making assistance under this Act available to alleviate hardships resulting from any serious rates of delinquencies and foreclosures; (5) the current default status and projected default trends with respect to mortgages covering multifamily properties with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how such defaults and prospective defaults may be cured or avoided in a manner which, while giving weight to the financial interests of the United States, takes into full consideration the urgent needs of the many low- and moderate-income families that currently occupy such multifamily properties.

Mr. BARRETT (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out line 25 and all that follows down through line 7 on page 3, and insert in lieu thereof the following:

"(2) the mortgagor and holder of the mortgage have indicated in writing to the Secretary and to any agency or department of the Federal Government responsible for the regulation of the holder that circumstances (such as the volume of delinquent loans in its portfolio) make is probable that there will be a foreclosure and that the mortgagor is in need of emergency mortgage relief authorized by this Act, except that such statement by the holder of the mortgage may be waived by the Secretary if in his judgment such waiver would further the purposes of this Act;"

Mr. BROWN of Michigan (during the reading). Mr. Chairman, in view of the fact that this committee amendment has been explained, I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 24, prior to the word "mortgage" insert the word "full".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 10, strike out "$250 per month" and insert in lieu thereof the following: "the lesser of $250 per month or the amount determined to be reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment".

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wish to urge support of this committee amendment. It clearly is intended to clarify the original language that the Secretary need not make the full $250 payment, but only that amount which he feels is necessary in view of the conditions of the mortgagor.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 2, strike out "may" and insert "shall".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the final committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 4, strike out "alien" and insert "a lien".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5398) to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions, pursuant to House Resolution 386, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted in the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

Mr. BARRETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 21, not voting 90, as follows:

[Roll No. 118]

YEAS—321

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Baldus
Barrett
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bergland
Bevill
Biaggi
Biester
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Conable
Conte
Corman
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
Delaney
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Esch
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Flood
Florio
Flowers
Foley
Forsythe
Frenzel
Frey
Fulton
Fuqua
Gaydos
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Holtzman
Horton
Howard
Howe
Hubbard
Hungate
Hutchinson
Hyde
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McDade
McEwen
McHugh
McKay
McKinney
Macdonald
Madigan
Maguire
Mahon
Mathis
Matsunaga
Mazzoli
Melcher
Mezvinsky
Michel
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten
Patterson, Calif.
Pattison, N.Y.
Perkins
Peyser
Pickle
Poage
Pressler
Preyer
Price
Pritchard
Railsback
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Roybal
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—21

Archer
Bauman
Burleson, Tex.
Collins, Tex.
Crane
Flynt
Fountain
Hansen
Holt
Landrum
Milford
Miller, Ohio
Montgomery
Pike
Roberts
Rousselot
Runnels
Satterfield
Schneebeli
Shuster
Waggonner

NOT VOTING—90

Ambro
Anderson, Ill.
Andrews, N.C.
Armstrong
Ashbrook
Badillo
Bafalis
Bell
Bingham
Brademas
Cederberg
Chappell
Chisholm
Clay
Collins, Ill.
Conlan
Conyers
Cornell
Cotter
D'Amours
de la Garza
Dellums
Dent
Dodd
Erlenborn
Eshleman
Findley
Fithian
Ford, Mich.
Ford, Tenn.
Fraser
Giaimo
Gibbons
Gilman
Goldwater
Gude
Hammerschmidt
Hays, Ohio
Hicks
Hightower
Holland
Hughes
Ichord
Johnson, Colo.
Jones, Ala.
Kazen
Leggett
Lent
McClory
McCormack
McDonald
McFall
Madden
Mann
Martin
Meeds
Metcalfe
Meyner
Mikva
Mills
Moffett
Murphy, N.Y.
O'Hara
Patman
Pepper
Quie
Quillen
Rhodes
Richmond
Risenhoover
Robinson
Rosenthal
Ruppe
Russo
Ryan
Shriver
Sikes
Solarz
Stanton, J. William
Steiger, Ariz.
Stephens
Symington
Symms
Taylor, N.C.
Teague
Treen
Vander Jagt
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Andrews of North Carolina.

Mr. Hays of Ohio with Mr. Chappell.

Mr. Rosenthal with Mr. Conyers.

Mr. Ford of Michigan with Mr. Dellums.

Mr. Brademas with Mr. Jones of Alabama.

Mr. Murphy of New York with Mr. Madden.

Mr. McCormack with Mr. Metcalfe.

Mr. Dodd with Mr. Meeds.

Mrs. Collins of Illinois with Mr. Mills.

Mr. Fithian with Mr. Mikva.

Mr. Ryan with Mr. Bafalis.

Mr. Solarz with Mr. Pepper.

Mr. Richmond with Mr. Martin.

Mr. Ambro with Mr. Symms.

Mr. Bingham with Mr. Bell.

Mr. Giaimo with Mr. Clay.

Mr. Ford of Tennessee with Mr. Patman.

Mr. McFall with Mr. Holland.

Mr. Teague with Mr. Cederberg.

Mr. Charles H. Wilson of California with Mr. Erlenborn.

Mr. Yatron with Mr. Treen.

Mr. Risenhoover with Mr. Kazen.

Mr. Moffett with Mr. Robinson.

Mr. Sikes with Mr. de la Garza.

Mr. Symington with Mr. Eshleman.

Mr. Taylor of North Carolina with Mr. Gibbons.

Mr. Hughes with Mr. Steiger of Arizona.

Mr. Ichord with Mr. Findley.

Mrs. Chisholm with Mr. Hicks.

Mr. Badillo with Mr. Stephens.

Mr. Cotter with Mr. Quillen.

Mr. D'Amours with Mr. Shriver.

Mr. Fraser with Mr. Ashbrook.

Mr. Hightower with Mr. Conlan.

Mr. Leggett with Mr. McDonald of Georgia.

Mr. Mann with Mr. O'Hara.

Mr. Cornell with Mr. Charles Wilson of Texas.

Mrs. Meyner with Mr. Quie.

Mr. Gude with Mr. Ruppe.

Mr. Anderson of Illinois with Mr. Vander Jagt.

Mr. J. William Stanton with Mr. McClory.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to insert their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL STATEMENT

Mr. RICHMOND. Mr. Speaker, with reference to the bill H.R. 5398, the Emergency Homeowners Relief Act, I was unavoidably detained on emergency constituent business, arriving 20 seconds too late to vote. Had I been here, I would have voted "aye."

PERSONAL STATEMENT

Ms. ABZUG. Mr. Speaker, I was unavoidably detained on constitutent business when the passage of H.R. 4005 took place in the House. Had I been here, I would have voted "aye."

PERSONAL STATEMENT

Mr. AMBRO. Mr. Speaker, I was unavoidably detained on official business. I was not here to vote on H.R. 5398. Had I been here, I would have voted "aye."

PERSONAL STATEMENT

Mr. HUGHES. Mr. Speaker, I was unavoidably detained on official business and was not able to be present at the time of the vote on H.R. 5398. Had I been present, I would have voted for the legislation.

INTRODUCTION OF THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT OF 1975 (H.R. 5247)

(Mr. ROE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROE. Mr. Speaker, tomorrow the Subcommittee on Economic Development of the Committee on Public Works and Transportation will begin hearings on the Local Public Works Capital Development and Investment Act of 1975 (H.R. 5247).

This is a vitally needed measure, and one in which all Members of the House must have a great personal interest. With the official national unemployment rate at 8.7 percent of the labor force—and true unemployment substantially higher than this—there is not a Member in this body who does not feel his share of the responsibility for putting the unemployed workers of this Nation back on the job.

Before I explain some of the details of this bill, I would like to review some of the developments which have given rise to the great need for this legislation.

Like many other Members of the House I recently spent a week and a half in my home State. Unemployment there is currently running at 10.6 percent, and it is the single greatest concern of my constituents. Now it is true that New Jersey is one of the States hit hardest by the "great recession" we are experiencing. But, judging by the broad interest and support for this local public works bill shown by Members from all parts of the Nation, I am sure that my constituents are not alone in their concern.

Indeed, nowhere in the Nation is there a local economy that is truly healthy—and how can there be when, nationally, we are producing goods and services at a rate fully $230 billion below our economic capacity, when more than 8 million workers are walking the streets in search of employment, when 25 percent of our industrial capacity lies idle, and fully 1 out of every 4 workers in the giant construction industry is without a job?

Clearly, in this situation, there is urgent need for a great effort to respond to the needs of our citizens, to take action to get the economy rolling again. If ever there were a time when dynamic national leadership would make a difference, this is it. But where is that leadership?

Mr. Speaker, I was shocked and appalled at the end of last week when a top administration official, justifying the administration's do-nothing position, told reporters that the very sharp drop in the economy in the first quarter of this year "assured" an upturn soon and that therefore no action need be taken to counter the recession.

I was shocked at the statistics being confirmed—that total output of goods and services fell 10 percent or more in the first 3 months of this year, on top of a 9-percent decline in the last quarter of 1974. And I was appalled that administration officials would still be attempting to paint a rosy picture for the American public in the face of the biggest drop in production since 1946.

The bad news is actually "favorable for the outlook," administration officials say. This is the same kind of economic doubletalk we have been hearing for the last 6 years, and I think that we in this House have all heard enough comfortable assurances, followed by disastrous events, to know that this latest assurance deserves our confidence no more than those which preceded it.

Why have we Members of the House lost faith in the administration's assurances? Why are we—both Democratic and Republican Members of Congress—finding it necessary to fashion a congressional economic policy? A brief look at the record makes this clear.

Last October 28, the Chairman of the Council of Economic Advisers told us that unemployment might actually reach 6.5 percent by mid-1975, 9 months later. In fact, 6.5 percent unemployment was reached in the second week of November, 10 days later. In December, the Council of Economic Advisers revised its forecast upward, saying that unemployment might rise to "something over 7 percent" by mid-1975. In fact, unemployment rose to 7.2 percent in that very month of December. And in January, the same administration official who is now telling us that a 20 percent drop in our national production assures a bright economic future told us that unemployment would be between 7.5 and 8 percent through 1975. Well, we all know that unemployment is now 8.7 percent heading toward 10 percent and perhaps higher in the next several months.

Is it any wonder that both Democrats and Republicans have lost faith in the administration's economic leadership ability? Can there be any question why both parties are now working to fashion a congressional economic recovery program, such as the recently passed Emergency Employment Appropriations Act, which was a Democratic initiative, but which attracted strong support from both sides of the aisle?

Our Nation must have—and can have—an economic recovery soon. But, clearly, we will not obtain this recovery by following the course charted by the administration's economic theoreticians. For 6 years, they have taken the economy intentionally into dangerous waters and, rather than skirting the dangerous rocks of unemployment and inflation, they have crashed into them repeatedly.

As I mentioned earlier, last week a top administration spokesman assured us that, because production is dropping and unemployment is getting worse, things are bound to get better. This same spokesman blames the downturn in part on "the 'lifeboat' mentality which gripped the consumer so strongly late last year." I think that that is an accurate assessment—the American consumer does have a "lifeboat mentality." And I think it is because he has seen the performance of the captain and his crew.

If this Nation is to return to economic vitality, to strong production and low unemployment without inflation, there is only one way this will occur—through the actions taken by this Congress to get our Nation's economy moving again.

No Member of this body has a vested interest in recession. No one here, be he Republican or Democrat, profits from unemployment, low levels of national production, and the inflation in prices that this deliberately created scarcity of goods has engendered.

For 6 years we have been told that cutting back on production and employment will curb inflation. The results of this awful experiment are obvious. The wreckage of large segments of our economy lies strewn about us; the social and human consequences will be visible in a few years.

And what happened to inflation? Anyone who has recently tried to buy a new house and has seen—for example here in the Washington area—the 60 percent increase in the cost of a new house over the last 5 years because no new housing is being built, soon concludes that the proponents of unemployment in the administration have committed a terribly costly error.

What we have experienced is, very simply described, bad economic management. And bad management is not a partisan issue. Bad economic management is not good for business or for labor. Bad management cuts into business' profits, labor's wages, reduces the return on capital and, in a humane society, necessarily increases Government expenditures to provide for those who would otherwise go hungry because of the reduced level of employment and production.

What the Nation needs now is not a Democratic-Republican tug of war. What we need is to replace misguided economic policies with a carefully fashioned and effective economic program which has strong support from all elements of the Congress.

There are some who will say that this local public works bill is a partisan will. It is not. It is a measure designed to stimulate the overall national economy, to construct badly needed and long-overdue local public facilities which have been deferred because of high financing costs, and to bring down unemployment in two of the economy's largest and most seriously depressed industries, construction and materials production. This bill represents not partisanship, but good management. As its title says, it is an investment.

This program will pay for itself within several years through increased taxes paid by construction firms and laborers, and it will help give other areas of the economy the stimulation they need to head back toward full production. It will put hundreds of thousands of people to work, and it will help cut welfare and unemployment compensation costs. And it will give us thousands of badly needed new public facilities.

It is certainly true that, in the short run, this measure will cost money—but nowhere near the amount of money we will lose if we fail to pass this and similar measures to get the economy running again, so that Federal, State, and local governments will once again have the tax receipts needed to prevent a continuation of the huge budget deficits we are now experiencing.

A word or two about deficits is probably in order.

No one likes deficits, I do not like them, and I know that my Democratic and Republican colleagues in this House do not like them. But deficits can be avoided, and the way to avoid them is not to rein in the expansionary impetus this Government can provide, but rather to give the economy the stimulation it needs so that we can bring an end as rapidly as possible to the huge deficits which are being visited upon us by the policies of the very economic theoreticians who say they are most concerned about the size of the Federal deficit and who, by their policies, have forced us into our current position of curtailed production, high unemployment, diminishing business profits, and falling tax receipts.

America is a strong and wealthy country. But it will not remain so if we continue to pursue the economics of scarcity. We have abundant productive capacity, and we must use it. There is no excuse for failure to do so.

The President has led the way in recommending a tax cut, despite the short term deficit thereby created. He has shown that he will not be held captive by his advisers, who have led us into our current economic morass. Let us in the Congress, then, Democrats and Republicans alike, not fail to follow where the President has led. We will hear tired, bankrupt arguments that we will create increased inflationary pressures. Let us not be dissuaded by them.

First, let us consider the source of these arguments—the very people whose policies took inflation 4.2 to 12 percent annually, who took unemployment from 3.6 percent to near 9 percent. And second, let us consider logic: under what conceivable economic formulation would stimulation of an industry in which 25 percent of the workers are unemployed and in which more than 20 percent of the productive capacity lies idle produce inflation?

Idle capacity in the construction industry is tens of billions of dollars. We are proposing in this local public facilities construction measure to spend $5 billion. This is not going to cause inflation. This money will be spent quickly, relatively on modest, rapid start-up projects. And even if it were not fully expended for 18 months, by the administration's own projections in the report of the Council of Economic Advisers, we will still have national unemployment at 8 percent 3 years from now.

A $5 billion construction program is simply not going to create inflation in an economy with 8 percent unemployment, and in an industry with 25 percent unemployment. Finally, this proposal has been tested in several economic models which have proved to be remarkably accurate in predicting the consequences of Federal fiscal and monetary policies. In not one of those models is the inflationary impact of this bill measurable. It is in fact, negligible.

Why then should we delay? Well, I can assure you that we on the Economic Development Subcommittee and on the Public Works and Transportation Committee will not delay. We will hold hearings this week and next week and we will bring before this House as soon as possible—as so many Members have asked us to do—a bill to get this economy moving again, to put people to work, to build needed public facilities, and to counter the general recession in a noninflationary manner, in fact, in a manner which will literally pay for itself through increased tax receipts at all levels of government.

It is time that this Congress, Republicans and Democrats united, turned away from the economic policies of scarcity which have put millions of our people out of their jobs, brought bankruptcy to a steadily growing number of businesses, and brought huge deficits upon the Federal, States, and local governments. With the local public facilities bill on which we begin hearings tomorrow (H.R. 5247), the Congress has an opportunity to make a major step in this vitally important direction. It is an opportunity that I am confident we shall not fail to seize.

THE KISS OF DEATH

(Mr. HANSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **HANSEN.** Mr. Speaker, the Kiss, or is it Kissinger, of death has now been applied to Southeast Asia. Thirty years of the same sick wheeling-and-dealing American foreign policy of the post World War II era is just now conceding another victory to the Communists, completing the sellout and scuttling of two more nations and further isolating the United States in a sea of world hostility.

Five years ago we induced the small nation of Cambodia with its naive and helpless people to abandon its neutrality and take our side against a massive enemy, Hanoi and its backing from Communist China and the Soviet Union.

In the early 1960's we upset the stability of South Vietnam by assisting the overthrow of her government and creating chaos which was then stabilized by introduction of American troops. We encouraged the population to fight against the massive strength of North Vietnam with their Russian and Chinese backup. We forced the Paris Agreement on South Vietnam with assurance that violation by North Vietnam would not be condoned.

Aggression has escalated for months with no real protest by American authorities while South Vietnamese supplies dwindled without replacement. Congressional inaction to further assist South Vietnam caused frustration and finally panic.

Cambodia and South Vietnam are now in the process of fading into history—a monument, not to Communist strength and invincibility, but to untypical American conduct in foreign policy. World War II was won and the world relieved of Fascism and Nazism by "unconditional surrender." Since then, we have adopted a fatal "no win" policy where the only thing certain was the eventual abandonment of our friends and commitments and our own embarrassment, frustration and bankruptcy.

In Asia we could have saved our friends, saved face, saved lives, saved time and saved a fortune—and been a whole lot more secure at home if we had carried the war to the enemy: first, so that it was his homeland, not that of our allies which was torn and desecrated by military action; second, so that it was his population who suffered; third, so that it was his territory which was negotiable; and fourth, so that it was to his interest to stop aggression and stop fighting to allow peace to prevail.

As has been said, "the road to hell is paved with good intentions," and we are certainly going through hell now because our words of friendship and support to other nations have not been backed with a firm and consistent policy of action and the will to win.

CLARIFICATION FOR THE RIGHT TO USE COMBAT FORCES IN EVACUATION OF AMERICAN NATIONALS FROM SOUTH VIETNAM

(Mr. **JOHN L. BURTON** asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. **JOHN L. BURTON.** Mr. Speaker, the President in his message the other night suggested that he was going to ask for clarification for the right to use combat forces in the evacuation of American nationals from South Vietnam. Today I am offering a resolution, along with my colleague, the gentleman from Michigan (Mr. CARR) and others, to request that the President evacuate all American personnel within 7 days from South Vietnam, utilizing civilian transport and civilian personnel. I am very concerned that the reintroduction of any combat forces into South Vietnam would start the entire American involvement again.

It has been stated that commercial airlines are leaving South Vietnam, some of them with only 50 percent of their capacity being filled. With less than 5,000 American nationals in South Vietnam, I feel that 10 747 flights could remove the last vestige of American nationals in that country, and get them safely home to their families within 7 days.

Mr. **CARR.** Mr. Speaker, will the gentleman yield?

Mr. **JOHN L. BURTON.** I yield to the gentleman from Michigan.

Mr. **CARR.** Mr. Speaker, I would like to associate myself with the remarks of the gentleman from California (Mr. JOHN L. BURTON).

Mr. Speaker, I wish to speak to the question of our involvement in Vietnam and to support the resolution offered by my distinguished colleague Mr. JOHN BURTON and myself.

The most pressing problem in our current situation in Indochina is the safe evacuation of the 6,000 American citizens remaining in Vietnam. This must be accomplished soon and without the possibility of involving American troops in more fighting and further escalation.

The Burton-Carr resolution calls for the evacuation of these Americans within 7 days. We are forced to assert this kind of congressional leadership in foreign affairs because the President of the United States has concerned himself with the continued well-being of General Thieu rather than our own people.

The President knows full well that the Congress is not going to allocate the $722 million in military aid that he has requested. In addition, the administration is admitting privately that they just want to "buy time" to extricate those Americans left in Vietnam. There is no justification for such games. The time to act is now. We must make it clear to the American people, both here and in Vietnam, that we are leaving; that our involvement in this horrid war is ended.

Further, we must do so with civilian personnel and transport equipment. We cannot allow the introduction of U.S. troops to be the excuse for further armed action, as has been the case all too often in the past. Why the President insists on pursuing policies which have failed time and time again; cost billions of dollars and thousands of lives escapes reason. The Congress was duped once into agreeing to the Gulf of Tonkin Resolution. We cannot afford to give another President another loophole to commit American forces.

It appears as if the President is simply not in touch with the thinking and feelings of the overwhelming majority of Americans. The Burton-Carr resolution seeks to instruct the President as to the will of the people and their elected representatives in Congress.

We, in the Congress, cannot change the mind of the President. What has not been accomplished in the past will not happen now. But this Congress can, for the final chapter of this bloody war, tell the administration that the lives of American citizens are not to be bartered with; are not to be caught in a crossfire and will not be the stake in a futile game to keep President Thieu in power.

ENGINEERS PRAISE YF-16 FIGHTER

(Mr. **WRIGHT** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **WRIGHT.** Mr. Speaker, today I would like to call attention to the recent announcement that the National Society of Professional Engineers—probably the most prestigious group of its kind the world—has selected the YF-16, the Nation's new lightweight fighter prototype, as one of the top 10 Outstanding Engineering Achievements of 1974. Significantly, it was the only military aircraft so honored.

The YF–16 was developed for the U.S. Air Force by the Fort Worth division of General Dynamics. It is the prototype of an advanced air superiority fighter, and the National Society of Professional Engineers calls it a major achievement in aeronautical engineering.

In announcing the selection, the engineering society said:

> The YF–16 has demonstrated maneuver capabilities double those of previous fighters with outstanding flying qualities that allow accurate, precise weapon delivery under high acceleration conditions.
>
> The YF–16 has the potential of fuel savings of 100,000 gallons per year and a 66 percent direct manpower savings over the aircraft it could replace. It has the potential of saving more than $5 billion in the cost of maintaining the nation's tactical air forces.

On January 13, 1975, the Air Force announced that, based on results of a rigorous competitive test program, it was placing an order with General Dynamics for the first 15 of these magnificent aircraft for engineering development. The Air Force also said it plans to put a total of 650 F–16's into its inventory by the early 1980's. Additionally, the Air Force is negotiating coproduction contracts for the F–16 with a NATO consortium of Belgium, Denmark, Norway, and The Netherlands.

It is a source of special pride to those of us in the Fort Worth area that in these days of repeated cost overruns, production schedule slips, and inadequate weapons system performance, the two YF–16 prototypes came out of the factory at less than anticipated cost, ahead of schedule, and meeting or exceeding Air Force performance criteria.

Today these are achievements not to be taken lightly, and I am proud that the National Society of Professional Engineers has paid this honor to the great design, engineering, and production team that built the YF-16 prototype and will manufacture its successors.

THE 35TH ANNIVERSARY OF THE KATYN FOREST MASSACRE

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, on yesterday afternoon the Chicago division of the Polish American Congress met in commemoration of the 35th anniversary of the Katyn Forest Massacre. Thousands of Americans of Polish descent met in Trinity Hall and the following resolution was adopted. I submit this resolution for the consideration of the Members of Congress:

RESOLUTION

Adopted at the meeting in Chicago on April 13, 1975, on the 35th Anniversary of the massacre of Polish Officers at Katyn and other parts of Russia in 1940.

It is well known that in the fall of 1939, when Germany attacked Poland, the Polish army, outnumbered and not properly equipped was forced to withdraw to the eastern part of its country.

In the third week of the bloody war, when the Polish Army was trying to regroup, it was stabbed in the back by the Soviet army.

The advancing Russians in the eastern part of Poland took many thousands of civilians and military men into Russian concentrations camps. Among them were about 15,000 Polish leaders, who were placed as prisoners of war into three camps in Kozielsk, Starobielsk and Ostashkow in western Russia.

These Polish Officers, many of them scientists, businessmen, doctors, lawyers, professors, professionals of all intellectual levels, were taken from these camps after 8 months of captivity and disappeared in April and May of 1940.

Three years later, bodies of the 4,500 Polish Officers from the camp at Kozielsk were found in mass graves in Katyn near Smolensk in western Russia. Bodies of Officers from the other two camps were never found and because not one of them ever reappeared it is believed they were also murdered.

The International Committee organized during the war by Germany, after thorough investigation of the bodies, of the documents found with the victims and on the statements from the Russian villagers decided that the murder was committed by the Russians right after the prisoners were taken from the camps.

In 1952 the American Congress Katyn Committee under the chairmanship of Hon. Ray J. Madden, after a long investigation conducted in the United States and in Europe, decided that the massacre of Polish Officers in Katyn was made by the Russians.

On the basis of these facts, we Americans of Polish ethnic group, commemorating this 35th Anniversary of massacre in Katyn and in other places in Russia, strongly condemn this act of genocide and demand that the present Russian Government should admit all the responsibility for the crime committed in Russia in 1940.

FULL PARTICIPATION IN THE ELECTION PROCESSES

The SPEAKER pro tempore (Mr. EDGAR). Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 15 minutes.

Mr. FRENZEL. Mr. Speaker, this morning I received from the president of the National Association of Secretaries of State, Clyde I. Miller of Utah, the attached letter and resolution opposing the adoption of the post card registration system included in S. 1177 and H.R. 1686.

This resolution, unanimously adopted by the executive committee of the National Association of Secretaries of State, is similar to the resolution the same group passed last year prior to the House's defeat of the same bill.

The secretaries of the several States have, in my judgment, worked diligently toward full participation in the elective process by all Americans. They have correctly pointed out that these well-intentioned post card bills have been drawn, and are being promoted by people who have not been familiar with registration and election processes. They hold, and I agree, that the bills will create "nationwide confusion," interfere with the operation of States' election machinery and impose "a substantial cost on American taxpayers."

That is bad enough, but the secretaries' resolution goes on to indicate that the bills do not offer any promise of substantially increasing the number of registered voters. The secretaries are most anxious to participate in formulation of Federal program and policy to improve voter registration. Their association is not a negative group. However, their opposition to post card registration is strong, vigorous, and correct. The Congress should let the people who know the process have some direct input into our considerations. Instead we are simply renewing our push for a Federal program we do not even understand. It is time we listened to the secretaries.

The resolution and a letter of transmittal follow:

Hon. BILL FRENZEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRENZEL: On behalf of the Executive Committee of the National Association of Secretaries of State, and working through their election section, we transmit herewith copy of a resolution adopted unanimously by the members of this Committee at their Executive Committee meeting on April 8, 1975.

The National Association of Secretaries of State is the oldest organization of state officials and it has traditionally sponsored legislation designed to improve registration and voting laws in our nation. It has also concerned itself with analysis of pending federal legislation and expressing the views of the members regarding the feasibility and ultimate affect of such legislation the resolution strongly opposes the adoption of the so called post card registration system included in S. 1177 and H.R. 1686.

Respectfully yours,

CLYDE I. MILLER,
President, National Association of Secretaries of State.

RESOLUTION

Whereas, the Congress of the United States is now considering two bills designed to create a national system of post card voter registration, S. 1177 and H.R. 1686, and

Whereas, these two bills are virtually the same as proposals considered by the Congress last year, which were defeated by the Congress after considerable concern was raised by the election administrators throughout the country, and

Whereas, the Executive Committee of the National Association of Secretaries of State, an organization concerned with the orderly administration of elections and the full participation in the elective process by all Americans, is meeting this day in regular session in Lexington, Kentucky, and

Whereas, the National Association of Secretaries of State has heretofore opposed bills substantially identical with these bills, and

Whereas, the Executive Committee now reaffirms its position and recognizing that these bills will, if adopted, create nation-wide confusion among the electorate, interfere with the state's traditional operation of their election machinery, and impose a substantial cost on the American taxpayers at a time when their tax dollars are already stretched to the limit, and

Whereas, neither of these bills offers the promise of substantially increasing the number of registered voters in this country, which is the only conceivable purpose for such legislation, and

Whereas, any "post card" that may be required by both bills would be so complex and confusing that the average voter will not even attempt to complete it, and, since for that reason the states will not adopt the system in lieu of their present registration systems, nearly every state will be required to operate dual registration systems, and

Whereas, the experience in other countries demonstrates that there are alternative methods of registration which are more effective and less costly. Now, therefore, be it

Resolved that the National Association of Secretaries of State communicate through its officers and its Election Committee to the appropriate committees of the Congress its serious concern that the passage of a national post card voter registration bill will not achieve what its sponsors claim; will create an undue burden on the American taxpayer, who will pay the costs of dual registration systems; is an unconstitutional infringement on the rights of the various states to conduct elections; and will seriously confuse voters and may result in disinfranchising them for certain elections. And be it further

Resolved that NASS reaffirm its position against any such system, that it work closely with other groups interested in the conduct of elections to defeat these proposals, and that it conduct a comprehensive public awareness program designed to alert the voters, public officials, and the press of the dangers of this proposed legislation. And be it further

Resolved that NASS offer to work closely with others interested in improving the administration of elections to develop methods and programs not only to increase the registration of voters, but also to increase voter participation in elections throughout our country, to the end that full and knowledgeable participation may be made by all Americans.

THE SITHOLE HEARING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to submit, for the thoughtful consideration of my colleagues, the substance of Dean Clinton Bamberger's April 2 statement to the press regarding the March arrest of the Reverend Ndabaningi Sithole, a leader of the African National Council, ANC, and the former president of the Zimbabwe African National Union, ZANU, in Rhodesia. The statement also includes observations on the so-called protected villages in which approximately 60,000 Africans are detained.

Mr. Bamberger is Dean of Catholic University's Law School and attended the "hearing" in Rhodesia on Reverend Sithole's detention as an observer.

Dean Bamberger gained the impression from this experience that this so-called hearing on Reverend Sithole's detention was "conducted for the particular purpose of portraying ZANU as a guerilla movement preying on African people, not representatives of the political concerns of African people, and an organization unworthy of being a party to negotiations for a political settlement."

The "hearing" itself was a facade as it consisted of no rules of evidence or procedure, of evidence being received in camera and without the accused or his counsel being informed of that evidence. Provisions were also made for the "executive," through the "Minister of Justice," to veto any judgments made by the tribunal.

The text of the substance of Dean Bamberger's press statement is as follows:

Sithole Hearing

This is the substance of what I said at the beginning of the press conference:

I am Clinton Bamberger, the Dean of the Law School of the Catholic University of America. At the request of the Lawyers' Committee for Civil Rights Under Law and Amnesty International, I attended the hearing on the detention of Rev. Sithole in Rhodesia from Monday, March 24 and was in Rhodesia until the Friday of that week. My statement is as follows:

The Government's attempt to construct a facade of judicial review must be seen for just that, a facade—a shameful degradation of judicial office and function.

Limited administrative review is executive action and not judicial review, even if two of the three reviewers occupy high judicial office. A hearing without rules of evidence or procedure, a hearing with the right of the reviewers to receive evidence from the state in private and without the "accused", the detainee, or his counsel ever being informed of that evidence received in camera and exparte is not a judicial proceeding. It could hardly be expected to lead to any result except affirmation of the arrest and imprisonment. Further evidence of this degradation of the judicial process is the willingness of the acting Chief Justice of the High Court of Rhodesia to chair this tribunal when the regulations provided that the judgment of the tribunal would not be final but could be vetoed or negated by the Minister of Justice.

The order of detention delivered to Rev. Sithole when he was arrested on March 4, 1975 was apparently hastily drawn. The authority for the detention was laid in a section of the Emergency Power Regulations which had nothing to do with arrest or detention.

On the next day, March 5, the Government announced that Rev. Sithole would not be tried in a criminal proceeding "(B)ecause of fear of victimization of witnesses, and the fact that their safety will be imperiled". The Government announced that it would "set up a special court . . . presided over by the acting Chief Justice, Mr. Justice MacDonald" (whose name was misspelled in the Government's statement). The Government announced that the proceedings of the "court" would follow the procedure of the High Court, unless security considerations and the protection of witnesses required another course of action.

There was *no* law or regulation which permitted the convening of such a "court" or review tribunal.

Nine days later, on March 14, 1975, the Government issued "Special Court Regulations" establishing a "Special Court . . . to review . . . any detention order which was issued on the 3rd March, 1975" and any other order which the Minister of Justice brings to the "court" within one month after the issuance of the order. The "Special Regulations" were issued for the case of Rev. Sithole and no other detainee and were issued after the arrest and the Government's announcement of an unauthorized procedure.

A provision of the "special regulations" which allowed the President of Rhodesia to disregard the findings and recommendations of the "Special Court" and detain or release the detainee as the President wished aroused criticism within and without Rhodesia. On March 21, 1975, three days before the hearing relating to the detention of Rev. Sithole, the "special regulations" were amended to oblige the Minister of Justice to give effect "to the recommendations of the Court."

On the same day as the announcement of the procedure, March 5, the day after the arrest, the Government announced and repeatedly publicized that Rev. Sithole would be charged with plotting to assassinate other African nationalist leaders. That serious charge was never brought before the panel of reviewers.

(At this point or at some point, perhaps at the beginning, I noted that we had just been informed that the Court had upheld the detention and had stated that the grounds for the decision are both the continuation of guerilla activities after the cease-fire and the plot to assassinate other African nationalist leaders. I pointed out the importance of the finding that Rev. Sithole had plotted to assassinate other nationalist leaders in view of the fact that no evidence was produced in public on that point. Subsequent accounts state that the alleged plot to asassinate is not a ground for the decision.)

On March 14 Rev. Sithole was informed that he was not only charged with plotting the assassination "of certain influential African politicians" but also that as President of the Zimbabwe African National Union (ZANU) and as commander-in-chief of Zimbabwe African National Liberation Army (ZANLA), described by the Government as "the military wing of ZANU", he bore responsibility for violence and destruction attributed to those organizations and had breached the terms of the "cease-fire agreement" announced on December 11, 1974, the day before Rev. Sithole was released from the prior detention of ten years.

The attorneys for Rev. Sithole requested the particulars which they considered essential to defend the charges against their client. When the Government refused to give them that information they sought an order of court to obtain the information. The Court denied their request on March 25, the second day of the proceeding.

By that day it appeared that the government would not produce evidence of the original charge, the plot to assassinate. The "President Judge" advised the Government's advocate to consider producing evidence only on the second prong of the accusation, the involvement in continuing "terrorism", which, the "President" said, would if proven, justify the detention without proof of the plot to assassinate.

The Rev. Sithole exercised his right to withdraw from the proceedings. His advocate, Israel Maisels, a renowned member of the bar of South Africa and a former judge of Rhodesia, announced that the Rev. Sithole had concluded that he would not have an opportunity to reply to the charge of plotting to assassinate other African nationalist leaders. That charges had been unduly publicized. Rev. Sithole stated, by Mr. Maisels, that it was "a base and wicked allegation devoid of truth" to which he was anxious to reply in a public forum. The failure of the tribunal to grant the request for particulars had convinced Rev. Sithole that it was impossible to defend the charge and "that no useful purpose was served by his presence".

Mr. Maisels stated that the attorneys and advocates for Rev. Sithole did not disagree with his conclusion and his decision to withdraw.

After the departure of Rev. Sithole the Government presented for the half of that day and half of the next day, a full day, the testimony of Mr. Robinson, the head of the Rhodesian Special Branch, the leading security organization of the state. Mr. Robinson read from documents the details of plunder, beatings and murders attributed to the forces of ZANU and ZANLA. Some of the events occurred before the release of Rev. Sithole from the prior detention on December 11, 1974. Others occurred since his release and before the re-arrest on March 5, 1975; the documents were placed in evidence and read, almost all entirely by the witness. At the conclusion of the hearing the "President" of the panel advised the advocate for the state to make the original documents available for review by representatives of the press.

I had the impression that the "hearing" was conducted for the particular purpose of portraying ZANU as a guerrilla movement preying on African people, not representative of the political concerns of African people, and an organization unworthy of being a party to negotiations for a political settlement.

* * * * *

(I then turned to the subject of the "protected villages".)

About 70 kilometers north of Salisbury there are according to the Government figures, 49,000 people, and according to other figures, 60,000 to 68,000 people, confined in areas euphemistically called "protected villages". There are 21 "protected villages" in the Chiweshe Tribal Trust Land. Each head of a family is given only fifteen square meters of land on which to live. The African people normally live in a family unit of several houses. They are a very private people with a high sense of sexual morality. Normally there is a house for the mother and father, a separate house for the male members of the family, a separate house for the female members of the family, a toilet house, a granary and a cooking house. In the "protected villages" the people are required all to live in a single house on the small area of fifteen square meters.

The so-called "protected villages", which may be more aptly described as concentration camps, are surrounded by a double fence. They are chain link fences about six feet high with four strands of barbed wire on a slant at the top. About every 40 or 50 feet along the outer perimeter there is a twenty-foot high light standard with a four-foot long light at the top. Those lights are on every night.

Loud speakers have been installed in the camps for broadcast of the Government's radio, something called taped local programs, and music to keep the people happy.

The sanitation is terrible. The people in some camps are given a three-foot concrete pipe for defecation. In other camps they only are able to dig a pit and cover it with sticks with a narrow opening. One person described this situation to me by saying that we live and eat in the sight of our defecation.

When the people moved to the camps they were allowed to take with them only the food they could gather. Many of them did not have bags in which to carry their food. Relatives in Salisbury brought bags to them. Because they have not had protection for the food much of it has been spoiled and rotted by the rain.

In some camps there has been an effort to drill boreholes to obtain well water. In other camps the water is not sufficient and people must drink from the river which is dirty and polluted.

In some of the camps the land is low. During the rainy season water percolated up inside their houses. I was told that this required some mothers to get up two or three hours in the night and hold their babies on their back because of the wet floor.

The presence of the water on the ground has brought mosquitoes. The open toilets bring flies.

(I'm not sure I said as I had in my notes that there have been instances of outbreaks of typhoid, diarrhea and malaria.)

The main roads, which are dirt roads, pass through these camps. I was told that the roads pass through the camps so they may serve a checkpoints for people passing on the road. When the weather is dry the trucks and busses passing on the road raise great clouds of dust. The people who live near the road are constantly covered by dust. Their food and their clothes are always covered by dust.

The fields from which the people obtain their food are some distance from the camp. The people are not allowed to leave the camps from 6 p.m. to 6 a.m. They cannot tend their fields. Africans normally work in their fields from 4:30 to 5 a.m. until about 10. During the heat of the day they withdraw. They return to the fields at 3 p.m. and work until night. Because the fields are some distance and they cannot leave until 6 a.m. and must return by 6 p.m., they are unable to tend their fields.

The camps are administered by a young European known as a cadet. He is 18 or 19 years old and has no knowledge of the ways of African people. He is assisted by 6 or 10 Africans from another tribe, the Ndebele tribe. Most of the people in the camps are Shona. The Africans guards are brought from other parts of Rhodesia so there will not be easy means of communications between them and the people who live in the villages. These men are brought from some distance and their wives are not with them. As I said before, there is a high standard of sexual morality among the people. The guards are seducing the young women in the camp. I was told that when a young woman attempts to leave the camp and presents her pass to the guard the pass is retained and she is told to come back and get it in the evening. When she returns the price she must pay to receive her pass is sleeping with the guard. I was told this by some older parents who are considerably disturbed about the breakdown of their traditional morality.

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I concluded by saying I believe that the sanctions should be enforced more stringently. I said that I was told by almost everyone that only outside pressure will influence the government to a peaceful resolution of the political difficulties. I expressed concern about continuing tourist business. I said I had been told by several people that tourism was a major industry in Rhodesia. I saw some evidence that American tourists continue to come to Rhodesia.

I said at the end that I would speak on any platform I could in favor of repeal of the Byrd Amendment.

We then proceeded with questions from the representatives of the press.

THE PRESIDENT'S THREE REQUESTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, the President of the United States following his speech to Congress of last Thursday night has sent to the Congress three requests. The first is for $250 million for humanitarian aid to South Vietnam; the second is for an additional $722 million in military assistance for the South Vietnamese Armed Forces; and the third is for limited authority to use U.S. troops for "humanitarian evacuation."

I believe that the only debatable matter before the Congress is the third request. It seems pretty clear from conversations with my colleagues that Congress will vote the humanitarian aid and will not vote the military aid. So the real question before Congress is what to do with the President's request that Congress pass the following resolution:

> Nothing in Section 839 (Public Law 93-437), Section 741 (P.L. 93-238), Sec. 30 (P.L. 93-189), Sec. 806 (P.L. 93-155), Sec. 13 (P.L. 93-126), Sec. 108 (P.L. 93-52), Sec. 307 (P.L. 93-50) or any other comparable provision of law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States for the sole purpose of carrying out a humanitarian evacuation if ordered by the President of the United States.

The reason why the President needs this authority has nothing to do with the War Powers Act passed in the last Congress over the President's veto and everything to do with the cutoff of military activities in South Vietnam after August 15, 1973.

If the War Powers Act was the only legislation in question there would be no doubt that the President has the authority to use U.S. troops for evacuation. The only requirement is that he report to Congress within 48 hours his reasons for his actions; and Congress has 60 days to approve what he has done and can terminate the involvement by concurrent resolution.

The real reason for the President's resolution is that in 1973 Congress passed and President Nixon signed into law a measure terminating all U.S. "combat activities" in Indochina after August 15, 1972. That measure, or measures similar to it, have been attached to seven different pieces of legislation—all seven and the text of each are listed at the end of this statement. But it is important to note that the language of these measures varies somewhat in several instances.

What the President's resolution does is to repeal the restricting provisions of all seven of these pieces of legislation and allows the President to recommit U.S. troops to South Vietnam "solely for the purpose of humanitarian evacuation." The question facing Congress is what to do with that Presidential request.

The first possibility is for Congress to pass the President's resolution as requested and without any changes. But this is not likely to happen mainly because like in the infamous Gulf of Tonkin resolution Congress would be buying "a pig in a poke." No one in Congress knows what action would be authorized by the phrase "solely for the purpose of humantarian evacuation." Probably the administration does not know either. The unhappy prospect is that a large contingent of U.S. forces would move into South Vietnam followed by fighting, casualties, and maybe, worst of all, American POW's. We would be back in the quagmire.

The second possibility is for Congress to amend the President's resolution to add some constraints and to try to prevent indiscriminate use. Whether this can be done or not I am not sure. But I am sure that it cannot be done in the timetable that the President has set. If we try to write a resolution with the proper constraints in 1 week, we will end up with legislation that is either too restrictive or too loose.

The third possibility already actively being pursued by some Members is for Congress to ignore the President's resolution, and pass its own resolution. This resolution would order U.S. citizens and selected Vietnamese to evacuate South Vietnam now, before it would be necessary to use U.S. troops to protect them. I think a number of resolutions are circulating in Congress that would do just that.

But what proponents of this idea fail to take into account is that if U.S. citizens start leaving now they may need protection not from the north but from the South Vietnamese. Frustrations and pent-up hostility may cause South Vietnamese soldiers individually or in groups to turn on U.S. civilians. So the protection of U.S. troops may be needed in any case.

A fourth possibility for Congress faced with the President's resolution is to limit its application. The resolution could say that U.S. troops are authorized for the evacuation of U.S. civilians only. The advantage of this is that presumably fewer U.S. troops would be needed to evacuate 6,000 U.S. citizens than 200,000 Vietnamese.

It is hard to see how in all moral consciousness we could do this. What we are talking about are families of Vietnamese who are now U.S. citizens and who under their rights can bring their blood relatives into the U.S. with them, and those Vietnamese and their families who have worked for the U.S. Government in Vietnam. No one knows how many want to come to this country—maybe not many. But how can we turn our backs on those who do? If there is anyone to which we have a moral commitment in this whole sorry affair it is to these people who have helped us.

This brings us to a further consideration. If the President's desire is only to evacuate Americans, his resolution is perhaps not necessary. Many would argue that the President has the constitutional authority to protect the lives of U.S. citizens and that he could evacuate Americans without any additional legislation. It is clear the President acted in such a manner just recently in evacuating Americans from Cambodia. If the President can take Americans out of Cambodia without additional authority why cannot he do it in the case of Vietnam?

What we are left with is the notion that the President's resolution is needed only to evacuate South Vietnamese. But even that is not entirely clear. On April 3 the President ordered the U.S. Navy to assist in the evacuation of Vietnamese refugees from Danang. The Navy—amphibious task group 76-8 with 12 helicopters and approximately 700 marines—entered South Vietnamese territorial waters and helped transport Vietnamese from Danang to safer areas further south in Vietnam. The President, following the procedures of the War Powers Act, announced this decision to Congress in a letter dated April 4. But apparently the President felt no constraints on his ability to act from the seven August 15 cutoff measures written into the law. And he felt he had no constraint even though many of these measures specifically prohibited the use of U.S. military forces "in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

What we are left with is the conclusion that either the President broke the law when he evacuated Americans from Cambodia and Vietnamese from Danang, or he does not need his resolution to evacuate Americans and Vietnamese from Saigon.

This leads to an important possibility for congressional action. There are several variations of what I am proposing. Any would be acceptable but the principle is the same.

What I am proposing is that Congress pass no resolution or some variation of no resolution. If Congress passes no resolution what Congress is saying is that the President's actions in Cambodia—evacuation of Americans—and the President's actions in Danang—evacuation of Vietnamese—were legal, and therefore he has no need for additional authority to evacuate Americans and Vietnamese from Saigon.

If no resolution is passed the President is free to use U.S. troops to evacuate Americans and Vietnamese but he would still be constrained by the War Powers Act. Under the War Powers Act the President has to report regularly to Congress and Congress can terminate U.S. involvement by a concurrent resolution—which cannot be vetoed.

As far as legality is concerned the Cambodia evacuation probably was legal but the Danang evacuation is pretty uncertain. In any case if it turns out that the evacuations in either or both instances were illegal then some variation on the theme of no resolution could be tried.

One variation would be to just repeal the provision of the law which the President had violated and would violate if he undertook an evacuation from Saigon. As has already been noted not all of the seven measures prohibiting U.S. military involvement in Vietnam after August 15, 1973 are worded exactly the same. Perhaps the President violated some and not the others. Repealing those he violated would not increase the likelihood of the United States getting reinvolved in the war because the other provisions would still apply and the President would still be subject to the War Powers Act concurrent resolution provision.

The other variation of the no resolution theme is to pass the President's resolution just as it is with no debate but stating explicitly that the procedures of the War Powers Act must still apply. The War Powers Act does apply, but by stating so explicitly and passing the President's resolution with little consideration, Congress would be saying that the resolution is not what Congress will use to constrain the President but the War Powers Act is.

What I am suggesting is that Congress not give its approval to what the President wants to do, but that it not give its disapproval either. There is no doubt that we must insure the safe evacuation of all Americans and that we have a moral obligation to insure the safe evacuation of some Vietnamese. Doing so, however, is fraught with dangers and the possibilities of getting restuck in the quagmire are very real. It is natural and politically prudent for the President to want to involve Congress in the take off of this policy because the probabilities of a crash landing are so great.

But Congress is caught in a terrible dilemma. With a 1 week timetable Congress is unable to write a properly restricted resolution authorizing use of U.S. troops. And to approve what the President wants would be signing up for a voyage of uncertain length and uncertain destination. We went that route once before with the Gulf of Tonkin resolution. We had better not do it again.

It may run counter to the instincts of this activist 94th Congress but I sincerely believe we should opt out of this decision. We should not fall into the double trap of either approving what the President wants or hurriedly trying to write something of our own.

Above all we must keep the War Powers Act applicable in this evacuation. We probably cannot pin down the administration as to what they are going to do before the evacuation. They probably do not know themselves. But with the War Powers Act we can stop what they are doing by concurrent resolution if it goes badly. And if it goes badly it will be easier to stop it if our branch of the Government has not been involved from the beginning.

I include the following:

Sections of the Law Terminating U.S. Military Involvement in Vietnam War

(1) Section 839 (P.L. 93-437) Supplemental Appropriation Act of 1974: "Section 839. None of the funds herein appropriated may be obligated or expended to finance directly or indirectly combat activities by U.S. military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(2) Section 741 (P.L. 93-238) Defense Appropriations Act of 1974: "None of the funds herein appropriated may be obligated or expended after August 15, 1973, to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(3) Section 30 (P.L. 93-189) Foreign Assistance Authorization Act of 1973: "No funds authorized or appropriated under this or any other law may be expended to finance military or paramilitary operations by the United States in or over Vietnam, Laos, or Cambodia."

(4) Section 806. (P.L. 93-155) Defense Authorization Act of 1973: "Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress."

(5) Section 13. (P.L. 93-126) State Dept. Appropriation Act of 1973: "Notwithstanding any other provision of law, on or after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress."

(6) Section 108. (P.L. 93-52) Jt. Resolution Continuing Appropriation: "Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia."

(7) Section 307. (P.L. 93-50) Supplement Appropriations of 1973: "None of the funds herein appropriated under this Act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam and South Vietnam or off the shores of Cambodia, Laos, North Vietnam and South Vietnam by United States forces, and after August 15, 1973, no other funds heretofore appropriated under any other Act may be expended for such purpose.

THE EASTERN MEDITERRANEAN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 20 minutes.

Mr. HAMILTON. Mr. Speaker, the United States is in a real bind in the eastern Mediterranean. Behind the tragedies of war, death, destruction, and occupation that have been unfolding on the small island of Cyprus since the middle of July 1974 lies an American policy in need of urgent attention and new direction.

THREATENED U.S. POSITION

The Greek-engineered coup on Cyprus in July 1974, the Turkish invasion of Cyprus, the refugee status of some 200,000 Creek Cypriots, the failure to start negotiations on Cyprus, the cutoff of U.S. military assistance to Turkey and the resulting hardening of the Turkish position—all these factors seriously threaten the U.S. position and interests in the eastern Mediterranean. Four specific impacts of recent events on U.S. interests are noteworthy:

First, United States-Greek relations have suffered a great deal over the last several months since the overthrow of the military junta that ruled Greece from 1967 until 1974. The United States needs to give a far higher priority to repairing our ties with Greece if we are to maintain close understandings with Greece, keep Greece in a viable NATO, retain use of facilities there and be able to work with Greece on an equitable Cyprus settlement.

Second, the suspension of military assistance to Turkey on February 5, 1974 has the potential of eroding our strategic position throughout Southern Europe and the Near East. This position is dependent on the maintenance of a system of security relationships which we have succeeded in building over the past 3 decades.

Third, United States-Turkish relations, like United States-Greek ties, have been put in jeopardy by recent events and the Turks are beginning to have serious doubts about America's reliability as an ally. Without the resumption of aid, we can expect a further deterioration in United States-Turkish relations and in our ability to have any useful or lasting influence on an old ally and its policies on matters relating to East-West relations, Middle East issues, opium trafficking and control problems, and Cyprus. Turkish-Israeli ties, while perhaps fragile, are important for both states and they could become a casualty of a broader Turkish alinement of its foreign policy priorities.

Fourth, recent developments have stymied all efforts to start negotiations. Such negotiations are in our interest and concerted efforts need to be undertaken to try to start talks. Without them, our position in the eastern Mediterranean can only continue to erode.

It is apparent that the United States must act soon to improve the situation in the eastern Mediterranean. Our immediate goal should be to get negotiations started for a Cyprus settlement.

RESTORING AID TO TURKEY

To that end, Congress should act soon to restore aid to Turkey. A resolution of the aid issue, based on our NATO obligations and our continued need for base facilities throughout Turkey, would not be inconsistent with Congress maintaining the right to cut military aid to states that use American arms for aggressive purposes beyond their borders or with Congress deep concern that negotiations on Cyprus must start soon and foreign troops must be withdrawn from the independent Republic of Cyprus.

Without some move by Congress on the aid issue, negotiations on Cyprus are not possible. Even with the restoration of some of our aid commitments to Turkey, negotiations may be difficult to promote, but at least restoring some credibility to United States-Turkey relations without impairing United States-Greek relations wil help provide a climate within which talks are possible. Creating that climate should be our principal concern today in Cyprus.

I am therefore introducing today a House bill to accompany S. 846 which seeks to restore aid to Turkey. The Senate Foreign Relations Committee recently voted out S. 846 and Senate action is expected soon.

DEEPER PROBLEM FOR UNITED STATES

The real tragedy for the United States in the events on Cyprus and in our relations with Greece and Turkey is not so much what we did or did not do during the summer of 1974, but what we have been doing over the last several years. The U.S. inability to influence or help lessen the level of hostilities and promote the cause of peace in the Cyprus crisis is related directly to past policies toward Turkey and Greece.

Since the mid-1960's, close and warm United States-Turkish and United States-Greek ties have eroded to the point where we enjoy little influence leverage with these two NATO allies. The trust and confidence that was traditionally there throughout the postwar period has been shaken, though not necessarily beyond repair.

UNITED STATES-TURKISH RELATIONS

In Turkey, we have seen our special relationships erode over the last decade. It was in 1964, in the context of another Cyprus crisis, that a letter from President Johnson to Turkish Prime Minister Inonu deeply offended Turkish sensibilities, disturbed friends because of what they considered to be its bluntness and inaccuracies and, from the Turkish viewpoint, let down an ally of 20 years standing.

Slowly since the mid-1960s, United States-Turkish ties have been losing their warmness: relations, while remaining good and sometimes close, took on a businesslike character and correctness and formality not characteristic of dealings between trusted friends. Anti-Americanism became a viable national platform for many political parties.

But Turkey still values its ties to the West and the United States. When Turkey decided to resume growing opium poppies in June 1974, we were not consulted initially, but we were able to work with Turkey and devise methods for trying to control areas of poppy growing. When Turkish forces entered Cyprus, we could not influence what had happened, but we were able, until the cutoff of aid, to avoid a public hardening of the Turkish position. Today, with the total cut in aid, there is little we can do to influence Turkish politics.

UNITED STATES-GREEK RELATIONS

In Greece, the story of U.S. support for a Greek military junta after the April 1967 coup is well known. That support never waivered and indeed, while the rhetoric of wanting a return to parliamentary government was always present in staid U.S. Government documents, we did little or nothing to give substance to our desire for elections or to maintain some official distance from the dictators of Greece. We seemed to leave the impression with many Greek citizens that we did not care what happened in Greece as long as narrow U.S. interests—U.S. bases and homeporting facilities—were safe.

That we were unable to influence Greek policies in the days immediately after the July 15, 1974, coup on Cyprus engineered by the Greek-officered national guard was a direct result of our Greek policy of the last 7 years and not due, in any large measure, to the quickly changing political scene in Athens in late July.

In the first instance, our close ties with the Greek leaders led those leaders to conclude, rightly or wrongly, that a coup engineered on Cyprus which removed a Soviet-leaning president would not be actively opposed by a United States dedicated to lessening Soviet influence throughout the Eastern Mediterranean region. The Greek generals may have been correct in that impression, but they were unable to know what to do when Turkey moved to oppose with force a change in the government on the island.

Whether the Greek generals' impression of what the United States wanted was correct or not does not change the fact that the United States was unable to alter the course of events set in motion by the coup on Cyprus. The junta had trapped the United States.

In the second instance, the United States has been unable to influence this new Greek Government led by Prime Minister Karamanlis precisely because of the systematic way we alienated Greek parliamentarians of all persuasions with our 1967–73 policy of supporting the junta. U.S. credibility in Greece is today precariously low.

Coupled with the United States diminished credibility with both these NATO allies is the fact that the governments of both Greece and Turkey, while perhaps popular, are not strong. Their majorities are thin and their opponents poised to act if the governments slip. Their maneuverability is thus small and they cannot take certain actions. In this respect, Turkey appears worse off than Greece until Turkish elections are hold, perhaps sometime later this year.

THE SITUATION TODAY: WHAT CAN WE DO

This is where we are today. The key questions now are: How do we try to rebuild a viable and frank relationship with both Greece and Turkey, how do we induce flexibility on both sides, and how do we start negotiations on a lasting settlement of the Cyprus issue which will lead to an exist of all Turkish forces on the island?

There are several things we can do immediately to try to get negotiations between Turkey and Greece started and to restore some credibility and trust to our dealings with the new Greek Government.

First, we must restore some confidence to United States-Turkish relations by removing U.S. aid to Turkey as a factor in whether Turkey will negotiate on Cyprus or not. Without aid, a hardening Turkish stand will continue. With resumption of our aid, we have some leverage and some ability to influence the course of Turkish policies on Cyprus. A resumption of aid to Turkey may meet strong opposition in Greece, but the corrective needed in United States-Greek relations will not come from what we do with Turkey, another ally, but what we do directly with Greece and what we do to start Cyprus negotiations.

Second, we should publicly state our opposition to the use of armed force, directly or indirectly, in the affairs of Cyprus by either Greece or Turkey. We should not, under the guise of trying to maintain some ability to help mediate the dispute, avoid addressing the issues that matter to the states involved.

We will have little ability to aid in the process of peace building on Cyprus unless we are trusted by all sides. The Greek Government lacks confidence today in the U.S. policy approach to Eastern

Mediterranean problems. Restoring confidence that cannot be done by words alone, but clear and unequivocal public statements are a good starting point.

Third, we should be working with the Turkish Government to persuade that government that a strong, democratic government in Greece is in Turkey's best interest and that the Greek Government wants to find an equitable Cyprus solution in order to be able to devote itself more fully to pressing domestic, economic and political concerns.

Turkey is in the position of taking a first step of withdrawing a substantial proportion of its troops on Cyprus without prejudicing either its position on the ground or its negotiating strength. With nearly 10 percent of its armed forces in Cyprus, some 40,000 troops, Turkey could make a dramatic, unilateral gesture which hopefully might be interpreted in Athens as a willingness to move the stalemate on the island to the conference table and a compromise. In the short run, Greece has little bargaining power, and we must therefore work for a Turkish compomise move.

Fourth, we need to have serious and frank discussions with the Karamanlis government at the highest levels. A dialogue on NATO issues, U.S. presence in Greece and the future of homeporting, and the United States-Greek military relationship is needed urgently. Attention to United States-Greek relations should be a high foreign policy priority. One immediate move should be considered. It appears that a strong case can be made for increased military credit sales to Greece.

Finally, U.S. aid to both Turkey and Greece is one bit of leverage we may have and we should use it judiciously. Just to cut aid to Turkey has served no useful purpose. It removed one trump card we had in a very messy situation, and it had the effect of perpetuating the stalemate.

A review of military aid to these two allies might be based on the principles that Greece may well need to purchase more naval and air defense equipment and that the United States-Turkish military relationship cannot proceed at normal levels if Turkish military presence on Cyprus is not substantially reduced and negotiations are not started.

The United States should also consider possible economic, technical assistance and refugee relief aid incentives to improve the situation on Cyprus. The economy of Cyprus has suffered tremendously since July 1974 and the United States has some responsibility to work with its allies to improve the situation.

Mr. Speaker, the foreign policy agenda of our Government today is replete with policy problems in Europe and the Middle East. But I trust that our relations with Greece and Turkey and a viable solution for Cyprus remain near the top of our prorities.

As has been said so often in recent years, what happens in the Eastern Mediterranean and our ties with Greece and Turkey have a direct bearing on our ability to protect and preserve our important interests throughout Europe to the north and the Middle East—to the east and south. The Eastern Mediterrean is a key link in building any structure of peace in these vast regions. Our policies should show that fact.

EXPLANATION OF H.R. 5900

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON. Mr. Speaker, the purpose of H.R. 5900 is to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers. The bill would restore to unions in the building and construction industry the right to engage in peaceful picketing at common construction sites where both the means used and the objectives sought are lawful. It is designed to correct a literal and inequitable interpretation of section 8(b)(4)(B) of the National Labor Relations Act made in the Denver Building Trades case.

Section 8(b)(4)(B) prohibits strikes and attempts to induce and encourage employees to strike or refuse to work by picketing and otherwise if the object of the action is to force one employer to cease doing business with the other. The purpose of this section is to prevent the so-called "secondary boycott", but it should have been clear from the subsequent proviso permitting primary picketing that the Congress did not intend the literal application of section 8(b)(4)(B) to situations on construction sites where there was not rue "secondary boycott" involving neutral parties.

The amendment recognizes that all contractors working together on a building and construction site are engaged in a common economic enterprise. The allowable primary picketing in such a case would be the same as in the case of a manufacturing plant. The fact that there are different trades on the same job under the supervision of different contractors is no reason to consider primary picketing a "secondary boycott."

The bill is designed to insure equal treatment of the building trades and craft unions working at a common construction site. Jobbers, manufacturers, contractors and subcontractors engaged in the production of goods in the apparel and clothing industry have been recognized as performing parts of an integrated production process and are therefore not considered "neutral parties" by the NLRB under section 8(b)(4)(B), notwithstanding the fact that they are also separate legal entities. Thus, the amendment would do no more than apply to the construction industry, where the economic relationships between employers jointly engaged in construction are comparable to those of the garment industry, the same principle of law.

The bill is limited to labor disputes in the building and construction industry at the site of the construction. It will not extend beyond the construction site and will have no effect outside the construction industry. It is not applicable if there is an employer at the site who is not engaged primarily in the construction industry, whose employees are represented by a labor organization and the issues in the dispute involve such labor organization.

The bill makes special provisions for construction projects at military and defense facilities. In addition to all other notice requirements of the National Labor Relations Act, an additional 10-day notice must be given by the union to the appropriate mediation and conciliation service—State and Federal—and also to the national or international labor organization involved.

The bill does not permit strikes or picketing in breach of any existing collective-bargaining contract.

The bill does not authorize strikes otherwise unlawful under the National Labor Relations Act, nor does it legalize any activity otherwise unlawful, such as, the "closed shop" or anything else otherwise illegal or unlawful. It will not legalize jurisdictional disputes where a rival union is doing the work. It will not legalize otherwise unlawful strikes for "recognition or organization," nor does it authorize "product picketing." Finally, it does not authorize picketing an employer at the construction site where the object of the picketing is the removal from the construction site of any employee on the grounds of race, creed, color, or national origin.

Section 8(b)(4) of the National Labor Relations Act may be found at 29 United States Code section 158(B)(4) in the Code and FCA 29 United States section 158(B)(4) in the Code Annotated.

DEPARTMENT OF STATE: CONSOLIDATION OF WESTERN HEMISPHERIC AFFAIRS FROM ARCTIC TO ANTARCTIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, as stated in an address to this House of the Congress in the CONGRESSIONAL RECORD of February 27, 1973, page 5512, my major interests have included the fostering of better relations between the United States and other countries of the Western Hemisphere through policies derived from reasoned lines of thought.

In the Department of State, as shown in the Congressional Directory of 1974, there are, in addition to the Secretary of State, a Deputy Secretary of State; 3 Under Secretaries of State, one for Political Affairs, a second for Economic Affairs, and a third for Security Assistance; a Deputy Under Secretary of State for Management; and 11 Assistant Secretaries of State.

Of the Assistant Secretaries of State all have regional or other administrative responsibilities. The jurisdiction of the Assistant Secretary for Inter-American Affairs covers all of South America and a large part of North America south of the United States. It does not include Canadian relations, which are under the Assistant Secretary for European Affairs, even though Canada is not a part of Europe and since the 1931 statute of Westminster has been independent.

In view of the ending of major U.S. participation in the Vietnam war, worldwide operations of the Soviet Empire's naval forces, the pending loss of Southeast to Communist power, U.S.S.R. penetration of the strategic Caribbean and other parts of the Americas coupled with growing demands in the United States for withdrawal from Europe, the time is opportune for a long overdue demonstration of greater interest by the United States in the countries of the Western Hemisphere from the Arctic to the Antarctic. This will include the countries of the Caribbean and the Central American Isthmus.

As the first major step in such policy reorganization, I would urge the statutary increase by the Congress of the rank of the Assistant Secretary of State for Inter-American Affairs to that of Deputy Secretary of State for the Americas, who would report directly to the Secretary of State.

To implement this proposal I have introduced the following measure:

H.R. 5431

A bill to provide authorizations for the Department of State, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Foreign Affairs Western Hemispheric Act".

It is the policy of Congress that, to foster and develop a consistent and comprehensive foreign policy, the foreign affairs agencies should recognize the uniqueness of relations which bind the United States of America to other countries and territories located geographically with it in the Western Hemisphere of the world. Known collectively as the Americas, these countries and territories extend from the Arctic to the Antarctic and are bound uniquely to one another.

Taking into account this situation, it is the sense of Congress that there should be located in the Department of State a Deputy Secretary for the Americas, responsible directly only to the Secretary of State.

SEC. 2. (a) For the reasons given in section 1 of this Act, the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended to read as follows: "That there shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretary of State, a Deputy Secretary of State for the Americas, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Security Assistance, a Deputy Under Secretary of State for Management, and eleven Assistant Secretaries of State.

(b) The Deputy Secretary of State for the Americas shall answer directly to the Secretary of State, and to the Deputy Secretary of State only when the latter is acting as Acting Secretary of State; in the absence of the Secretary of State and the Deputy Secretary of State, the Deputy Secretary of State for the Americas shall act at Acting Secretary of State."

(c) This Act shall come into force immediately upon enactment.

UKRAINIAN WOMEN: POLITICAL PRISONERS IN THE U.S.S.R.

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, since 1975 has been designated International Women's Year, it would be particularly appropriate to show our support for those Ukrainian women who are political prisoners held in Soviet Union prisons.

Ukrainian Americans, many of whom live in my district, are particularly proud of the large number of Ukrainian women who have stood up to oppression under the Soviets in the Ukraine, shoulder to shoulder with their husbands, fathers, and sons, and have been imprisoned because of their activities in support of the Ukrainian national liberation movement.

The more recent arrests and imprisonment of Ukrainian women were the result of their participation in the cultural and national rebirth of the Ukraine in the 1960's and early 1970's. These women wrote appeals in defense of Ukrainian intellectuals who were arrested, and, in two cases, because they refused to denounce their arrested husbands. Many of these women had led active lives with numerous intellectual achievements and accomplishments as artists or academicians. I urge my colleagues to write to Anatoly F. Dobrynin, Ambassador of the U.S.S.R., asking for amnesty for these women and their release from prison.

Descriptions of some of these Ukrainian women imprisoned in the Soviet Union as of March 1975 whose names are known, are appended:

ALLA HORSKA (1929–70)

Under conditions of forced Russification in Ukraine, many Ukrainian families exist in a totally Russified environment. It was into such a family that Alla Oleksandrivna Horska was born in Kiev on September 18, 1929. After her graduation from the Kiev Institute of Art, however, she experienced a personal awakening of her national consciousness, and became active in organizing the Club of Creative Youth (1962–1964), as well as evenings dedicated to art and literature, plays, and the dissemination of "samvy day" (clandestine) literature. On the 150th anniversary of the birth of the Ukrainian national poet Taras Shevchenko, she joined with three other artists in creating a stained-glass panel for the foyer of the Kiev State University. This panel was destroyed by Soviet authorities prior to its unveiling and resulted in Alla's expulsion from the Artists Union of Ukraine. The remainder of her life was spent in dedicated work in the field of Ukrainian culture and in the persistant defense of arrested Ukrainian intellectuals, on whose behalf she wrote many letters of protest to Soviet authorities. She herself was interrogated by the KGB and expelled a second time after reinstatement into the Artists Union. After 1968 she became active in defense of imprisoned Ukrainian historian Valentyn Moroz. On November 28, 1970, Alla Horska was murdered under circumstances which led to the widespread conviction that the crime was politically sanctioned. Her funeral became a mass gathering of Ukrainian intellectuals, many of whom were arrested for political reasons within the next two years. The underground journal *The Ukrainian Herald* dedicated its entire fourth issue to her memory.

IRYNA STASIV-KALYNETS

Sentenced to 6 years' imprisonment, 3 years' exile.

Born in Lviv in 1940, Iryna Stasiv attended and graduated from the University of Lviv, after which she became a teacher and subsequently a lecturer on Ukrainian literature and language at the Lviv Polytechnical Institute. During this period, she wrote numerous poems and stories for children. She met and married Ihor Kalynets, a young and talented poet, and together they became involved in the movement for cultural and human rights in Ukraine. As a result, Ihor was arrested during the 1965–66 wave of arrests against Ukrainian intellectuals, and although he was released without trial, he was prevented from publishing his works. Iryna was also unable to publish, though she had not been arrested. Furthermore, in 1970 she lost her job as lecturer at the institute. While working as a weaver in a textile factory, she continued to speak out with her husband in defense of Ukrainian political prisoners, especially in the case of Valentyn Moroz. Throughout 1971, Iryna Stasiv-Kalynets was unable to hold a job and in early 1972 she was arrested. In July she was tried on a charge of "anti-Soviet agitation and propaganda" and received a sentence of 6 years in labor camps and 3 years of exile. Though in poor health, she has participated in hunger strikes by women protesting conditions in the labor camp. She suspects she might have breast cancer, yet proper medical attention has been denied her. A few days after her trial, Iryn's husband was also arrested and their daughter Dzvinka is being cared for by relatives.

STEFANIA SHABATURA

Sentenced to 5 years' imprisonment, 3 years' exile.

Stefania Shabatura was born in 1938. Her tapestries have been acclaimed throughout Ukraine and especially in the Kiev press. Her exceptional artistic talent has been acknowledged in an entry in the *History of Ukrainian Art*. However, a December 1971 exhibition in Kiev was the last occasion where Shabatura's works were publicly shown. She fell into official disfavor because she had allegedly introduced political motifs into her tapestry art and because she became vocal in defense of Valentyn Moroz, arrested for the seocnd time in June 1970. Stefania Shabatura petitioned to be allowed admittance to his trial, then wrote appeals in his behalf to Soviet authorities, including the Soviet Supreme Court. This activity led to her arrest in January 1972. She is presently in the Dubrovlag labor camp complex in Mordovia, where she has participated in hunger strikes, written appeals to the UN, and protested the prohibition to paint. She has been repeatedly punished by solitary confinement in the camp prison.

NADIA SVITLYCHNA-SHUMUK

Sentenced to 4 years' imprisonment.

Nadia Svitlychna was born in the Donbas region of Ukraine. A member of the Komsomol during her youth, she studied philology at the Kiev State University, then worked at a Kiev radio station and later as a librarian (1968). After the 1965 arrest of her brother, literary critic Ivan Svitlychny, Nadia became active in voicing protest on his behalf and on behalf of other arrested Ukrainian intellectuals. After the murder of her good friend Alla Horska, Nadia Svitlychna vigorously demanded a thorough investigation. In 1969 she married Danylo Shumuk, a former political prisoner and member of the Ukrainian national resistance during World War II. After Shumuk was again arrested in 1971 and sentenced to 10 years' imprisonment and 5 years of exile, Nadia resisted pressure to denounce him. She herself was arrested in April 1972, a few months after the second arrest of her brother. On March 23, 1973, she was tried in a closed court in Kiev on a charge of "anti-Soviet agitation and propaganda" and received a 4-year sentence. She is serving her term in a hard-labor camp near Barashevo, the Mordovian ASSR. Nadia Svitlychna-Shumuk is seriously ill; reportedly, she has breast cancer. Her son Yarema was at first placed in a state orphanage but is now being cared for by Nadia's mother.

Iryna Senyk

Sentenced to 6 years' imprisonment, 5 years' exile.

Iryna Senyk was 21 years old when in 1944 she was first arrested for her participation in the Ukrainian resistance movement. She spent the next ten years in the hard-labor camps of Siberia and the Mordovian ASSR; it was during this period that she contracted tuberculosis of the spine. In the early 1960's, she was politically rehabilitated and allowed to return to Ukraine. She was heard from again in 1965, when she signed a collective letter to Soviet officials, protesting against the arbitrary re-imprisonment of Svyatoslav Karavansky. In 1970, she was interrogated and her apartment was searched by the KGB in connection with the case against Valentyn Moroz. Iryna Senyk was herself arrested again in October 1972. Though accounts of her trial are sketchy, it is known that the prosecution's "case" was built around the poems she had written during her first imprisonment, and her association with Moroz, Karavansky, and journalist Vyacheslav Chornovil. She is serving her 6-year term in a hard-labor camp for political prisoners near Barashevo, the Mordovian ASSR.

Nina Strokata-Karavanska

Sentenced to 4 years' imprisonment.

Born on January 31, 1925, in Odessa, Nina Strokata graduated with honors from the Medical Institute there, became a physician, and worked in micro-biological research. In 1961 she married Svyatoslav Karavansky, a political prisoner who had served 16 years for nationalist activity before he was amnestied in 1960. He became a very productive writer and translator, but was arrested again in 1965 because he had written essays critical of the Communist Party and letters to communist officials in Poland and Czechoslovakia, protesting against the violations of human rights in the USSR. Nina Strokata-Karavanska actively went to the defense of her husband and, in spite of intense pressure to renounce him, continued to stand by him. A vicious campaign against her—harassment at work, interrogations by the KGB, attacks in the press—was temporarily suspended in 1969 while she used her scientific talents in combating a cholera epidemic in the South of Ukraine. In early 1971, the campaign began again—in May 1971, Strokata lost her job at the Medical Institute. On December 9, 1971, she was arrested by the KGB and in May 1972 went on trial in Odessa for "anti-Soviet agitation and propaganda." Though her health has badly deteriorated—she is reportedly suffering from a breast malignancy—Nina Strokata-Karavanska has been a leader of the hunger strikes by women in the labor camp where she is serving her 4-year term. Her colleagues, microbiologists from around the world, have rallied in her defense. In May 1974 she was made a full member of the American Society for Microbiology.

Odarka Husyak

Sentenced to 25 years' imprisonment.

Odarka Husyak was an active participant in the Ukranian struggle for independence as a courier for the central underground leadership until her arrest on March 5, 1950. She was sentenced to a 25-year term and has served it in the prisons of Verkhne-Uralsk and Vladimir and since 1968 in the concentration camps of the Mordovian ASSR of Soviet Russia. She was 26 years old at the time of her arrest; when her term is completed sometime this year, she will have spent half of her life in labor camps and prisons.

Maria Palchak

Sentenced to death, commuted to 15 years' imprisonment.

Maria Palchak was among those participants of the Ukrainian national liberation movement who refused to lay their arms down. She was hiding out with an armed partisan group in Ternopil Region when it was discovered by the KGB in 1961. The surrounded members of the group made a desperate attempt to fight their way out, then, with this situation hopeless, shot themselves in order to avoid capture. Maria Palchak, 34 years old at the time, was found critically wounded but alive. A complex operation saved her life and she was made to stand trial. The court's sentence—death by firing squad. An appeals court commuted Maria Palchak's death sentence to fifteen years' imprisonment. At present, she is in a concentration camp in Mordovia.

RALLY IN SUPPORT OF SOVIET JEWRY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday 100,000 New Yorkers marched down Fifth Avenue in a 4-hour demonstration in support of Soviet Jews. The men, women, and children in the parade included rabbis, priests, ministers, and Catholic nuns. Chairman of the parade conducted under the auspices of the Greater New York Conference on Soviet Jewry was Eugene Gold who is district attorney for Kings County. And leading the parade were Senators Henry M. Jackson, Hubert H. Humphrey, and William Brock along with Members of the Congress including Bella Abzug, Herman Badillo, Mario Biaggi, Hamilton Fish, Liz Holtzman, Ed Koch, Peter Peyser, Lester Wolff, and Leo Zeferetti; and for the State of New York, Gov. Hugh Carey, Lt. Gov. Mary Anne Krupsak and Speaker of the Assembly Stanley Steingut as was Deputy Mayor Stanley Friedman, representing Mayor Abraham Beame and the city of New York.

The rally which ended at Dag Hammarskjold Plaza on East 47th Street and First Avenue, in front of the United Nations building was addressed by the Senators, by Gov. Hugh L. Carey and Deputy Mayor Stanley Friedman who read a message from Mayor Abraham D. Beame who was unable to attend because of a death in the family.

I am appending the statements made by the Governor of New York Hugh Carey and the mayor of New York City Abraham Beame:

Remarks by Gov. Hugh L. Carey

A year has passed since the people of New York last gathered on Solidarity Sunday.

During that year, the spirit of this day has grown and become stronger.

As we meet again on this day of determination, our numbers have increased and our dedication and support for the freedom of Soviet Jewry has become more resolute than ever.

We cannot let the tragic situation in Southeast Asia divert this Nation's attention from the threat to peace which hovers over the Middle East.

We cannot ignore the deplorable terrorism which still claims the lives of the innocent.

We cannot turn our attention from the remnant Jewish community in Syria.

From Washington, we hear the word "detente" to describe our relationship with the Soviet Union. We must not be confused by that word.

It means many things to many people.

But it can never mean a retreat from this Nation's commitment to the security of Israel.

Israel must remain free. Israel must remain independent.

We cannot waiver in keeping our pledge to help our sister State of Israel retain its great tradition of democracy.

I met with Golda Meir on a previous visit to Israel. I met with President Katzir twice during his recent visit to New York.

Today I want to tell the mothers of Mark Nashpitz and of Boris Tsitlionok and today I want to tell the State of New York what I told the leaders of Israel.

The people of the State of New York stand with the State of Israel in her commitment of freedom, justice and solidarity.

"Detente" to us means an end to phony trials. It means an end to the harassment of religious services. And it means a beginning of truly free emigration.

We must let Washington know that we cannot permit the sacrifice of peace for petroleum.

We cannot tolerate holding Israel hostage for the possibility of better trade.

We cannot stand for a lesser degree of independence; we cannot stand for a lesser degree of freedom for the people of Israel than for the people of New York State and the people of America.

The people of Israel have already laid too great a sacrifice on the altar of freedom. Today we renew our pledge that that freedom shall never be endangered.

Remarks by Mayor Abraham D. Beame

District Attorney Gold, Governor Carey, Senator Jackson, Senator Humphrey, Senator Brock, distinguished elected officials, friends of the Jewish people everywhere, freedom lovers, fellow Jews:

As Mayor of this great City of New York, I join my voice with yours to protest the Soviet oppression of the Jewish people.

For so many years now, the Soviet government has engaged in a systematic and wholesale denial of the rights of Soviet Jews.

We are here today to call world attention once again to that awful oppression. And, when some people say that by our solidarity today we are jeopardizing good trade relations with Russia, I tell them that, by not speaking out against such selective tyranny, they are putting their own freedom on the line.

We have a Statue of Liberty in our great harbor, which, for almost 90 years, has individually welcomed millions of immigrants who found their way here by the light of Liberty's torch.

Because all freedom is linked, our Statue of Liberty stands threatened whenever and wherever people who have committed no crimes are forbidden to leave another country.

The Soviets cannot say to us that our solidarity and unity on this matter of freedom is an interference in their internal affairs.

We say that human rights are not internal affairs and the denial of human rights anywhere is an international matter which affects all humanity.

Basic human rights should be no different in Moscow than they are in New York City.

This is our message today. This is what the great outpouring here in the shadow of the United Nations is all about. This is what all countries, especially the Soviet government, must recognize.

As we lend our support to the Soviet Jews, all of us will be reaffirming our faith in our own freedom and in freedom for all.

The world has been silent long enough.

MORE ON ATTICA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am pleased to report that Governor Carey has announced that with the cooperation of Attorney General Louis Lefkowitz, he is appointing a special attorney general to examine all of the facts concerning the alleged Attica coverup which was charged by Malcolm Bell. Mr. Bell had been first assistant to the chief prosecutor, Anthony G. Simonetti until he resigned. Mr. Bell summed up his feelings concerning the activities of the Attica Special Prosecutor's Office when he said, "one Watergate in this decade is enough."

I set forth the allegations made by Mr. Bell in the Congressional Record of April 8. I would like at this time to set forth correspondence that I have had with Assistant Attorney General J. Stanley Pottinger and Governor Carey. I am also setting forth a letter sent today by members of the New York delegation to Governor Carey supporting his action in investigating the alleged coverup:

Washington, D.C.,
April 8, 1975.

Hon. Hugh L. Carey,
Governor of New York,
Executive Chambers,
Albany, N.Y.

Dear Governor: I am distressed as I am sure you are about the Attica prison riot and that those responsible for criminal actions including prisoners, prison officials and National Guardsmen have not been brought to justice. Surely, today's New York Times report concerning Malcolm H. Bell's charges against Chief Prosecutor Anthony G. Simonetti adds another dimension to the issue.

I want simply at this time to mention only one case which is so egregious that it requires your immediate intercession. I am enclosing the correspondence which sets forth the details. It concerns a prison guard, Alton Tolbert, who brought false charges against an inmate in his custody and then subsequently admitted that his testimony was intentionally false. And, yet he continues as a prison guard not at Attica but at Elmira. Incredibly, Commissioner Benjamin Ward says that he did not know about Mr. Tolbert's false testimony until he read it in the paper.

It would seem to me that those officials who are part of the Attica Special Prosecutor's Office who failed to relay that information concerning Mr. Tolbert to the Department of Correctional Services are themselves guilty of a coverup at the very least and possibly a violation of the law itself. Mr. Tolbert surely has violated civil rights statutes governing the abuse of power by a public official under color of law and the obstruction of justice by making false statements either under oath, or otherwise, to law enforcement officials.

The Attica riot, the state responsibility and the ultimate investigation of that situation by officials designated to ascertain who committed crimes remains a continuing blot on the reputation of the State of New York. There are many, myself included, who believe that those State officials charged with the responsibility of ascertaining the facts and responsibility never had any intention of bringing to justice any person other than the prisoners involved in the riot. And this long held skepticism is further supported by Mr. Bell's charges. Fortunately, your Administration never had any involvement in Attica and you are free to see to it that justice wins out. Those who violated the law in the Attica riot and its ultimate control and those charged with the investigation of that riot who failed in their responsibility must be held accountable. Whether one agrees with all of Mr. Bell's charges, one must agree with his statement that "one Watergate in this decade is enough."

I regret to say that I have no confidence in justice winning out so long as this matter is pursued by those who, because of party affiliation and allegiance to former Governor Rockefeller, have no desire to bring to justice any person who may have committed a crime but who was part of the prior Administration. Therefore, I am urging that you appoint a person responsible to you for the purpose of ascertaining and rooting out malfeasance and misfeasance in office and with the power of subpoena and to bring individuals before grand juries. If this is not done, then the radicals who are quick to say that justice is not even handed and that the courts are used only against the poor, will have further support for that position.

Sincerely,

Edward I. Koch.

Washington, D.C.,
April 9, 1975.

Hon. J. Stanley Pottinger,
Assistant Attorney General,
Department of Justice,
Washington, D.C.

Dear Mr. Pottinger: I am sure that you have kept abreast of the Attica investigation and are aware of the latest charges of a cover-up which appear in today's *New York Times.* I am particularly concerned about an incident which was described in an earlier article appearing in the *New York Times* of March 19, a copy of which I am enclosing.

In the above mentioned article it was reported that an Attica guard, Alton Tolbert, had falsely accused a prisoner of striking an officer who later died. Mr. Tolbert subsequently stated that his testimony was a complete fabrication. What I found most disturbing was that 3½ years later he is still a guard in the prison system, now at Elmira, and that no charges were ever brought against him. I wrote to Commissioner Benjamin Ward and my correspondence with the New York State Corrections is enclosed for your information. You will note that the Commissioner's office was never advised of Mr. Tolbert's false testimony, but learned of it the same day and the same way that I did—by reading of the incident in the *New York Times.*

With respect to whether Mr. Tolbert committed a crime which would permit the Department of Corrections to initiate an action against him, I am of the opinion that several crimes would be involved in the providing of false testimony by law enforcement officers whether under oath or otherwise. Furthermore, I believe the situation is generally analogous to the incident involving the Schwerner, Chaney & Goodman case of 1965 in Mississippi. There the federal government initiated an action under a provision of law which prohibited an illegal action taken by a state public official or officer under color of law.

In any event, it is my understanding that the Department of Justice has conducted some kind of inquiry into the Attica prison riot and the events attendant thereto. I would like to have copies of those reports. Most important, I ask you now to initiate whatever proceedings are required to hold Officer Alton Tolbert accountable for his actions as well as those other law enforcement officials who may have violated federal laws in dealing with the Attica situation.

I believe everyone concerned whether they be prisoners, former prisoners, or law enforcement officials should be treated equally under the law. It is clear that prisoners and former prisoners are being prosecuted by the state law enforcement officers. While I have no quarrel with that prosecution, it is equally clear from the statements of the former Chief Assistant to the Attica Prosecution Team, Malcolm H. Bell, who has charged that his chief, Anthony G. Simonetti, had covered up possible crimes by law enforcement officers at Attica, that this matter is not being administered in a just, impartial way.

I ask that your Department intervene at this time and make certain that law enforcement officers who have sworn to uphold the law and have failed to do so, be held accountable. I would appreciate your advising me as to what your Department has and will do in this matter.

Sincerely,

Edward I. Koch.

Washington, D.C.
April 14, 1975.

Hon. Hugh L. Carey,
Governor, State Capitol, Albany, N.Y.

Dear Governor: We want to express our support of your statement that you will be appointing a Special Attorney General for the purpose of examining into the alleged Attica coverup and the charges made by Malcolm H. Bell against Chief Prosecutor Anthony G. Simonetti.

Those who violated the law in the Attica riot and its ultimate control, and those charged with the investigation of the riot, if they failed in their responsibility, must all be held accountable. Whether one agrees with all of Mr. Bell's charges or not, we must agree with his statement that "one Watergate in this decade is enough."

We support you in your desire to appoint the very best attorney available who will be responsible to you for ascertaining and rooting out malfeasance and misfeasance in office with the power of subpoena to bring individuals before grand juries. Your Administration never had any involvement in Attica and you are free to see to it that justice prevails, and we know you will.

Sincerely,

Edward I. Koch, Jonathan Bingham, Matthew McHugh, Benjamin Rosenthal, Richard Ottinger, Herman Badillo, Edward Pattison, Benjamin Gilman, Mario Biaggi, Leo C. Zeferetti, Bella Abzug, Charles Rangel, and Liz Holtzman.

HOME HEALTH CARE: PART VIII

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, together with 78 House cosponsors I have introduced H.R. 4772 and H.R. 4774, the National Home Health Care Act of 1975. The bill has been given equally strong support in the Senate where it has been introduced as S. 1163 by Senators Frank Moss and Frank Church, respective chairmen of the Senate Subcommittee on Long Term Care and Committee on Aging, Hugh Scott, Senate minority leader, and Senators Williams, Domenici, and Tunney.

To discuss the need for home health care and the public support this proposal is receiving, it is my intention to place statements in the Record several times a week by experts and lay persons commenting on issues related to the legislation.

The enclosed excerpts from a study contracted and recently released by the Department of HEW are the eighth in this series:

Evaluation of Personal Care Organizations and Other In-Home Alternatives to Nursing Home Care for the Elderly and Long-Term Disabled, Interim Report No. 3: Assessment of the Feasibility of Conducting a Prospective Study of Clients Served by Alternatives to Institutional Care; Volume I, January 3, 1975

(Prepared by Applied Management Sciences, Silver Spring, Maryland, for Dr. John Noble, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, pursuant to Contract No. HEW-OS-74-294).

[EXCERPTS]

A large number of individuals currently receiving care in long-term facilities are thought to be inappropriately institutionalized. Various studies have employed diverse criteria to confirm this observation. One such study,* based upon the ability to perform activities of daily living, produced estimates suggesting that approximately 144,000 to 260,000 patients in Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) may be unnecessarily maintained in an institutional environment. Numerous anecdotal incidents which are consistent with this conclusion are commonplace in the lives of many American families. What emerges from the studies is a conviction that various type of alternatives to institutionalization are needed and that these alternatives, properly conceived and financed, will offer a socially satisfactory solution to the dilemma of public funds being applied in support of inappropriate (and expensive) long-term institutional care.

A broad spectrum of service delivery systems can be identified as candidates for large-scale experimentation. Specifically, the technically feasible experimental categories identified by the project staff include the following:

(1) Congregate Care Residents with onsite, integrated health, social, and personal services made available to the inhabitants. Generally, this experiment would require the identification or construction of housing which is suitable for use as living quarters for the infirm, elderly and the disabled. As a minimum this implies conformance with building codes related to life safety and facilities for the handicapped (e.g., wheelchair ramps, hall railings). Further, the facility should be equipped for preparation of congregate meals and/or facilities to permit individuals to prepare their own meals. Staffing necessary to provide health, social, and personal services must be available on site. This experiment attempts to provide an alternative at a level equal to or just below that of ICF care. Also, it could serve as a transition facility for post-acute and SNF patients. Payment for services would be derived from personal sources, SSI, plus supplemental allowance per resident paid directly to the operator of the residence.

(2) Foster Family Care. In this experiment the recipient would be placed in the home of an unrelated individual. Direct cash payments to the foster caretaker would be made as an incentive to provide the necessary care and services. Such services could be purchased from outside vendors as necessary or desired. The objective, of course, is to place persons with marginal health care needs and/or debility into such environments as opposed to institutionalization. The foster family would be responsible for all routine personal, social, and health care needs of the individual.

(3) Personal Family Care. This system would operate in an identical fashion to that for Foster Care, except that the patient would be placed in the home of a relative. The feeling is that the added financial burden of caring for an elderly, infirm relative provides an undesirable incentive to institutionalize such individuals.

(4) Live-In Companion/Caretakers. This approach assumes that the individual is capable of maintaining himself in an independent manner to a large extent, but requires assistance in a sporadic way on a continuous basis. The objective is to provide a financial incentive for qualified individuals to move into the household and provide assistance as and when needed. The companion/caretaker would be given basic training in the home health aide area.

(5) Residential Custodian (Part-Time Caretaker). The rationale for this experiment is that a financial incentive can be created such that the patient's intermittent, short-term needs will be satisfied by a part-time caretaker. This could include services like housekeeping, chores, errands, transportation, and casual unskilled health maintenance functions (e.g., monitoring drug consumption). This concept appeals to the "friendly neighbor" approach indigenous to many areas of the country, especially rural and semi-rural, where other formal approaches would be too costly to administer (e.g., day care, home care).

(6) Comprehensive Day Care Program with short-term, acute inpatient care facilities. This experiment would build upon existing day care programs which exist in a number of locations. The objective is to support relatively independent persons who are in need of limited services. Typically, this would consist of social services, psychological counseling, therapy, and nutrition. The availability of a short-term inpatient facility (i.e., an infirmary) would accommodate the need for interim medical care which is not serious enough to warrant institutionalization (e.g., influenza). This experiment would be appropriate as an extension of services currently offered by some nursing home institutions.

(7) Comprehensive Home Care Program. These experiments would greatly enhance the normal functions undertaken by existing home care programs. Specifically, equal emphasis would be placed on the development of social services and personal services relative to the traditional health care services. The basic approach is to provide any and all services necessary to maintain an individual in his own household. Particular attention would be paid to individuals declared to be in need of institutional care and to those patients discharged from acute-care hospitals.

In general, all of the above experimental alternatives could be operated on either a project or area specific basis. Further, in many instances, the existing health and social services infrastructure is probably adequate to permit rapid startup of such experiments (e.g., church, fraternal, social welfare groups). Categories (2)-(4) could be replicated on a state-wide basis. Combinations across the suggested alternatives are also possible including, for example, a venture fulfilling both Options (6) and (7), or Categories (2)-(4) in combination with (6) and (7). Specific eligibility criteria can be adopted. For example, criteria for admission into Categories (1) through (5) could be established as follows: (i) all single or widowed adults living alone over the age of 70; (ii) any person who has experienced the death or institutionalization of a spouse or caretaker relative; or (iii) any person experiencing an episode of acute illness which is associated with chronic debility (e.g., stroke, myocardial infarction). Finally, relative to the amount of financial resources, it is possible to structure each of the above so that expenditure rates could achieve that required in the local area for ICF care at a maximum.

AUDIT HEARINGS ON THE FEDERAL RESERVE SCHEDULED

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, hearings will open Tuesday, April 22, before the Domestic Monetary Policy Subcommittee of the Banking, Currency and Housing Committee on legislation to require a full-scale audit of the Federal Reserve System by the General Accounting Office.

Some 108 Members of the House are cosponsoring this legislation and I am convinced that this will be one of the most important issues before the Congress this session.

Among the witnesses presently scheduled to testify on this legislation are: Elmer Staats, Comptroller General of the United States; Peter Schuck of the Consumers Union; Kathleen O'Reilly of the Consumer Federation of America; Richard T. Selden, Department of Economics, University of Virginia; Federal Reserve Board; Ralph Nader; and Robert J. Freeman of the University of Alabama.

Other witnesses will be announced later.

Mr. Speaker, the need for a top-to-bottom audit of the Federal Reserve System is clear.

One. The Federal Reserve System is probably the single most important Government entity in the development and course of economic policy, yet it refuses to agree to a GAO audit. Actions by the Federal Reserve have a substantial and direct bearing on employment, inflation, and general economic growth. The Federal Reserve remains free from effective criticism largely because the Congress does not require, through an audit, the kind of information which will enable it to make proper legislative recommendations.

The country is suffering from the greatest economic chaos since the Great Depression. The number of unemployed is well over 8 million, another record since the depression. And prices for food, clothing, housing, continue to climb. In short the people are facing economic disaster and expect the Congress to turn the situation around. The Congress will not fulfill its responsibility until the people can be assured of proper economic policy from the Federal Reserve. For the Congress part, it is necessary to have regular, dispassionate and objective information on Federal Reserve operations in order to judge the System's proper role in the economy. A GAO audit will provide the Congress with such information.

Second. In spite of the Federal Reserve's importance as an agency of the Government it is not audited as are other agencies and departments whose decisions have important consequences to the pub-

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*Skinner and Yett, "Debility Index for Long-Term Care Patients" *Health Status Indexes*, R. Berg (ed.), Hospital Research and Educational Trust, Chicago, 1973.

lic welfare. Other departments and agencies—Defense; Health, Education, and Welfare; Housing and Urban Development; Treasury; State; Federal Trade Commission; Securities and Exchange Commission; Federal Home Loan Bank Board, for example—are subject to audits by GAO without undue interference with these agencies' and departments' policymaking.

At a minimum, it would seem that the Federal Reserve should be held to the same standard of accountability as applied to other agencies.

Third. The Congress requires audit of other agencies to keep itself informed and to insure against financial mistakes, mismanagement and the effectiveness of legislative programs. For an agency as important to the country as the Federal Reserve, the benefits of such an independent review are obvious. The question of policy interference seems irrelevant since audits do not determine policy. The purpose of an audit is to report and examine policy for the benefit of the agency and the Congress. Furthermore, the possibility that the GAO might interfere with Federal Reserve operations is made even more remote since agencies and departments which have been subject to GAO audits for years have yet to complain that their policies or their programs were sabotaged by the GAO audit.

Fourth. The Federal Reserve characteristically conducts its operations in secrecy. Aside from the very serious question such a practice raises in terms of good government, there are specific areas which need close public examination.

It was learned recently that the Federal Reserve Board refused to make available information to consumers on rates charged by banks on consumer loans. This information is crucial in bringing about a competitive environment in which all borrowers can shop for the lowest possible interest rates. But the Federal Reserve, its arrogance bolstered by its shroud of secrecy, withheld this information in spite of the Freedom of Information Act.

The Federal Reserve through the Federal Open Market Committee conducts monetary policy which, in turn, affects credit, employment, prices, and general economic growth. The decisions made are not known to the Congress or the public until long after these decisions have been implemented. This places the Board in a very powerful position. Its policies are effectively insulated from any influence, because it is able to lock its policies in before anyone can know and thereby analyse and criticize those policies.

It is startling that the Federal Open Market Committee has amassed nearly $87 billion worth of Government securities which have already been paid for by the credit of the U.S. Government. These bonds represent almost 20 percent of the national debt and the Federal Reserve draws about $6 billion in interest on these bonds annually. Out of this $6 billion on paid-up bonds, the Federal Reserve finances its farflung operations and none of this money is audited.

The Congress through its investigative arm, the GAO, needs to breech this secrecy so that Fed policies can be examined and so steps could be taken when those policies are clearly not in the public interest.

Five. Although a large part of Federal Reserve operations concern monetary and credit policies and relationships to economic performance, the Fed through the years has been assigned other duties which have also escaped independent examination by the GAO. An illustration of other Fed activities which are not now audited and which could be audited by GAO are the following:

Acting as fiscal agents of Government departments and agencies in guaranteeing loans made by banks and other private financing institutions to finance procurements of materials and services for national defense.

Supervision of member banks.

Reserve bank advances to individuals, partnerships, and corporations.

Issuance of Federal Reserve notes.

Clearinghouse operations.

Acting as depositaries and fiscal agents of the United States.

Involvement in issue and redemption of U.S. Government securities.

Regulating and supervising the foreign operations of U.S. commercial banks and U.S. activities of foreign banks (12 U.S.C. 601–631).

Administration of the Bank Holding Act which is designed to control bank holding company expansion and prevent the expansion of bank holding companies into businesses not related to banking (12 U.S.C. 1841–1850).

Approval of bank mergers. The Board shares this responsibility with the FDIC and the Comptroller of the Currency. The Board is required to approve mergers in which the acquiring, assuming, or resulting bank is a State member bank (12 U.S.C. 1828c).

Establishing rules and regulations for carrying out the provisions of the Truth in Lending Act whose purpose is to assure meaningful disclosure of credit terms to consumers. Enforcement is shared with other bank regulatory agencies and the Federal Trade Commission (15 U.S.C. 1601).

Establishing rates of interest which may be paid by member banks on time and savings deposits (12 U.S.C. 371b).

THE LAW OF DIMINISHING RETURNS

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the world food crisis continues to haunt us as each passing day increases the tally of deaths by starvation. I realize that many of my colleagues, and scientists around the world, are searching for viable solutions to ease this rapid spread of hunger and malnutrition, but my concern grows as I only hear of suggestions that address this year's problems, or next year's, without reaching the issues required for a permanent solution to the problem.

I am concerned, because I strongly believe that the answer to the food crisis is not solely in a program of massive increases in our own food production, utilizing all chemical fertilzers, and fossil fuels at hand, or in the promotion of our energy-intensive agricultural system for use in the less-developed countries. By taking such a course, we will demand more of the Earths' nonreplenishable energy resources, thereby exhausting that limited supply at a much earlier time. In addition, there is growing evidence, as expressed by John Todd in the New Alchemy Institute Bulletin, No. 2, 1971, that—

> The use of biocides has triggered a vicious cycle; soils decline in quality, which in turn makes crops more vulernable to attack by pests or disease organisms. This creates a need for increasingly large amounts of pesticides and fungicides for agricultural production to be sustained. . . . A modern agriculture, racing one step ahead of the apocalypse, is not ecologically sane, no matter how productive, efficient or economically sound it may seem.

Instead of stepping up production under the current system, we should be searching for ways to farm that would maintain our fragile ecosystem here on this Earth.

Perhaps Mainland China is a demonstration to us all in the field of agriculture. She has been able to achieve a rapid increase in food production over the last 20 years without using energy-intensive systems of farming; instead, she has employed a combination of programs, including the utilization of waste materials and a system of intercropping that demands an intelligent use of agricultural labor. The results have been remarkable.

I would like to insert two articles that direct themselves to the points I have mentioned. The first was written by Richard Merrill, published in a collection of articles entitled the "Energy Primer," and is a concise explanation of the energy demands of our agricultural system. I have omitted the numerous charts, tables, and references from the text. The second, by Robert A. Jones—Los Angeles Times, December 19, 1974—provides a short summary of the conclusions of a 12-man team of scientists that recently visited China with the express purpose of gathering data on its methods of farming.

I seriously urge my colleagues to read these articles. They challenge us to new approaches to farming and new modes of living which would stabilize our ecosystem and possibly provide a better life for many:

Energy and Agriculture

(By Richard Merrill)

Agriculture is the means by which solar energy becomes our food energy. For thousands of years before farm machinery, pesticides, chemical fertilizers, etc., a great deal of human labor was required to grow food. But even in these "primitive" times more energy was available from the food than was required to grow it. Today, the tools of agriculture depend almost entirely on the high-energy inputs of fossil fuels (natural gas, petroleum, diesel, gasoline, LP gas, aviation fuel, etc.), and, the need for fossil fuels in agriculture is increasing every year. This is due not only to the demands of a rising population, but also to the demands of more sophisticated applications of power and chemicals to food production. In fact we are rapidly approaching a time (some argue that we are already there) when more energy will be required to produce our food than is obtained from it.

What is not often appreciated is that an agriculture nurtured by a single non-renewable resource is not only extremely vulnerable, but also, eventually, non-renewable itself: "What happens to food costs as fossil fuels become scarcer?" and, indeed: "What happens to agriculture when the oil wells and gas fields run dry?" These are important questions for our times.

Looking back we can now see that for the last few generations we have simply been exchanging finite reserves of fossil fuels for our supplies of food and fibre. Obviously this trade-off can't continue indefinitely. Soon we will have little choice but to adopt farm technologies that use a diverse base of alternative energy supplies. These include organic wastes to supplement chemical fertilizers, renewable forms of energy (solar, wind, and organic fuels) to help supply rural power needs, and integrated pest control programs to reduce the use of pesticides. Without the use of solar/wind/biological energies as back-up systems in the production of our food, modern agriculture could very well become self-defeating rather than self sustaining.

AGRICULTURE AND OUR CHANGING DIETS

During the last two generations, the yields of most major U.S. crops have increased from 200–400%. The reason for this abundance is simple: intensive oil energy has replaced human labor as the principle input of crop production. Today virtually every phase of agriculture depends on fossil fuels in one form or another. In fact agriculture consumes more petroleum than any other industry.

Some recent studies have examined the energy budget of various U.S. crops in an attempt to show patterns of energy consumption in agriculture. One way to do this is to add up the energy inputs involved in crop production, and then to compare this total with the amount of energy provided by the yield of the crop. The ratio of yield energy to input energy (call it the "energy efficiency") is then used to reveal trends in the way energy is consumed in agriculture or to compare the energy efficiencies of different crops.

Pimentel measured the energy budget of the U.S. principal crop . . . corn. He showed that the energy efficiency has started to decline in recent years. This alone has a profound effect on other food industries since corn supplies most of the livestock feed in this country. As the efficiency continues to decline, the price of meat will continue to rise.

Another study examined the energy budget of all major field crops, vegetables, fruits and livestock produced in California. Because California is by far the largest producer of farm products in the country, the study has broader significance.

There were two major results. First, there was an accounting of the energy consumed by the different fossil fuels and agricultural inputs. Natural gas accounted for 53% of all the energy consumed, followed by diesel fuel (18%). The production, distribution and application of fertilizer accounted for nearly 15% of the total energy inputs.

Fertilizer production is so heavily geared to fossil fuel inputs that prices can only rise with increasing prices to petroleum products. It takes 8 million kilocalories of energy to make one ton of ammonia fertilizer. The cost of natural gas as a raw material (source of hydrogen) and fuel (to fix atmospheric nitrogen) accounts for 60% of the manufacturing costs of ammonia, and ammonia now supplies 90% of all fertilizer nitrogen.

A second result was a list of the energy efficiencies of different crops. In terms of energy, grains are among the most efficient of crops to produce, processed raw foods are the least efficient and raw fruits and vegetables are intermediate. In general, raw fruits and vegetables seem to require about as much energy to grow as they provide. Similar results have been obtained for crops grown in England.

So despite the high yields of modern farm technology, there does not always appear to be an obvious net return of energy to society. The benefits of solar energy fixed in our foods are increasingly being offset by the subsidy of fossil fuel energy needed to produce them. In fact, as far as energy is concerned, our agriculture is far less efficient than other forms of agriculture using more labor and less technology.

There are strong implications in the fact that the principal raw material of agriculture is a dwindling resource. As oil prices go up, food prices go up. This applies especially to farm products that require heavy energy inputs, like processed foods and animal protein. In fact meat may become so expensive in the future that it will be replaced by vegetable protein in the diets of many people; for many it already has. From 80–90% of the food-energy eaten by animals is lost as metabolic heat. This is why it takes so much more energy to produce animal protein than it does plant protein.

It should not be inferred that because of the "energy crisis" we are all likely to become vegetarians. One of the hardest things for people to change is their diet. Furthermore, sources of good vegetable protein like soybeans and hard grains are also becoming hard to get as the United States implements its basic 1970's foreign policy of using domestic crops to reduce the balance of payments deficit and to barter for oil and natural gas on the foreign market. Inevitably, scarcities of fossil fuels (whether real or political) will lower the quality of food for most people, especially the poor . . . unless, of course, we begin producing some of our own food at the local level and with local resources.

THE FOOD SYSTEM AND OUR CHANGING LIVING HABITS

Agriculture is just the starting point of a complex food industry that involves production, transportation, marketing, plus domestic storage and cooking. In 1963, food-related activities consumed about 12% of the total U.S. energy budget, or the equivalent of about 240 gallons of gasoline per person. Assuming that a well fed person eats about 1 million kilocalories of food energy per year (29 gallons of gasoline), we can see that the energy needed to put food on our table is nearly 8 times more than the energy we get from our food. Or put another way, one actually eats 8 times more energy per day than is contained in the food eaten. If we considered all the energy lost in converting plants to animals, the figure would become even higher. The further removed we are from our food sources, the more energy we consume when we eat.

About ⅓ of the energy that goes into providing us with food is consumed domestically. This suggests that a great deal can be done to change our habits and activities in order to deal with the increasing costs and declining quality of our food. A few suggestions:

1. Start a food garden; your own in your backyard, or a community project. In many U.S. cities, municipal and industrial land is being loaned for community gardens. When you grow your own food, use methods that don't require large inputs of fossil fuel energy (e.g., pesticides, chemical fertilizers, elaborate tools etc.) Over half of the pesticides used in the U.S. each year are used in and around cities, and each year people use more chemical fertilizers on their urban lawns than are used in the entire country of India.

2. Change your diet to more natural and raw foods, and less meat. This would reverse a trend in our diets that has been interrupted only a few times in the last 50 years.

3. Organize food cooperatives and local food economies; develop urban/rural food alliances. Help to get food directly from near-by producer to consumer with as few intermediate steps as possible.

4. Support small independent and neighborhood food stores near to home. Support small farmers in their attempt to grow for markets in your area.

More and more pressure is being put on farmers to produce food for the demands of both a rising population and expanding global markets. The existence of energy-consuming factory farms will probably be a part of our food system for some time to come whether they are fueled by oil or nuclear power. But it needn't be an either/or situation. Everywhere people want more control over their lives, institutions and resources. An agriculture using the resources and wastes of the surrounding region and producing for local markets is one of the most important ways that a society can provide for itself.

CHINESE FARMS: GARDENS EVEN IN FRONT YARDS—U.S. EXPERTS CITE FIGHT ON WASTE, DWARF STRAINS OF RICE, MULTIPLE HARVESTS

(By Robert A. Jones)

WASHINGTON.—Twenty years ago, when the storehouses of this country were fat with the grains and butter of overproduction, the People's Republic of China threw a challenge to the Western world with a plan for a cornucopia of its own. The "Great Leap Forward" would, the Chinese hoped, erase the threat of starvation that had hung over its masses for generations.

The plan was met with a general round of tongue-clucking in this country, since, as one agricultural scientist remembers it, "Everyone knew that China didn't have what it took. No tractors, no fertilizer plants to speak of. They were primitives."

But now that judgment is being rapidly reversed here by a broad spectrum of food specialists who have visited China in recent months and returned to describe remarkable gains in production achieved without intensive use of mechanical aids or artificial fertilizers.

For most grain crops, the Chinese have developed complex systems of planting two or more crops on a single field, allowing multiple harvest and increasing total yields as much as 50%.

In China's rice-producing regions, American visitors have been surprised to find sophisticated, dwarf varieties of rice similar to the high-yield "green revolution" types developed at the International Rice Research Institute in the Philippines. The Chinese varieties predate those developed by Western scientists.

And throughout the rural regions, a near-fanatical drive to prevent waste of any sort apparently has led the Chinese to conserve by-products that most agricultural societies throw away. Everything from field stubble to the excess heat flowing from household chimneys is turned to useful purposes.

In all, the returning American scientists say the Chinese have taken advantage of their huge rural population with technological innovations geared to hand labor. Thus, the small farmer, though still dominant, is far more productive than in the past.

In all the regions visited by the Americans—some were free to choose their own itineraries—the crops appeared to be thriving. However, the overall impression that China is making important strides toward self-sufficiency rests on what one visitor called "eye-balling," since Chinese officials were reluctant to give precise production figures.

Robert Rodale, editor of Organic Gardening and Farming magazine who toured China for a month, remarked that "the Chinese are not farming so much as they are gardening. Every person is out tending their own section of earth with their own hands, and it has paid off."

China's per capita food consumption is still far below that of most Western countries—the average Chinese consumes 400 pounds of grain per year compared to about 1,200 pounds for each person in this country. But when measured against that of other Asian countries, such as India and Pakistan, American scientists say, China's situation represents a sharp turn-around from past decades.

Formerly lagging far behind India, China's per capita grain consumption now exceeds India's by more than 20%. While China's consumption has increased slowly but steadily in recent years. India's has begun to fall, declining by 7 pounds per person in the last year alone.

"I have not seen another country succeed in the particular way China has, and certainly not on its massive scale," said Dr. Sterling Wortman, vice president of the Rockefeller Foundation and director of its agricultural research programs.

Wortman headed a 12-man team of agricultural and social scientists who recently returned from a four-week tour of the Chinese commune system. A 250-page report of the tour is expected to be published by the National Academy of Sciences within a month.

The conclusions of the report, which have been released, characterize the commune system as "remarkably successful," and give much of the credit to a wholesale reshuffling of China's agricultural research program that took place in the 1960s.

During the reorganization, research institutions were pulled from the cities and the scientists sent to the fields, where each is now required to spend a third of his time working with peasants to increase farm yield.

Although the dislocation of the research centers has hampered sophisticated research, the involvement of scientists at the farm level has produced strong gains in the output of basic grains. "It's what every developing country must do eventually, if it is to survive," said Wortman.

In rice production, for example, the new, dwarf varieties were altered to allow for shorter growing periods, which appear to be more suited to the Chinese climate and allow more frequent harvest.

The system of planting several crops in one field, called "intercropping," was designed to take advantage of China's massive labor force. Such system, which cannot be used where fields are harvested by machine, allow the land to remain in almost constant cultivation.

Generally two crops, such as wheat and corn, are planted in alternate rows. Since they mature at staggered intervals, one grain is harvested while the other continues to grow. As the second comes to harvest the first is replanted and the cycle repeats.

Intercropping and the use of grain varieties with short growing seasons allow Chinese farmers to harvest fields four or more times a year. The U.S. Department of Agriculture has calculated that such methods have, in effect, doubled the acreage of cultivated land in China.

But what seems to have left the strongest impression on American agricultural experts is China's commitment to prevent waste. "It's the nearest thing to a closed system I've seen. Nothing is thrown away; it's recycled," said Dr. Henry M. Munger, a specialist in plant breeding.

Field stubble, normally burned or discarded in this country, is collected for compost, as are animal and human waste, and all of it eventually returns to the fields as organic fertilizer.

In many rural homes, several American scientists noticed that exhaust pipes from kitchen stoves were directed through large blocks of subsoil. The heat presumably speeds the bacterial breakdown of the soil, making it more fertile.

Many towns visited by Americans also employed small artificial fertilizer plants which produced ammonium bicarbonate—a fertilizer considered marginally useful here—from coal and water. About 800 such plants have been built across the country, each supplying modest amounts of fertilizer for their region.

"The goal of each commune is self-sufficiency. They grow or make most of what they need to live, and that alone cuts way down on distribution cost since regions aren't trading food back and forth," said Dr. George F. Sprague, a grain specialist and a member of the National Academy of Sciences group.

Roadsides and dooryards are regularly cultivated—"front lawns don't exist," one visitor remarked—and a rigid control of water has provided extensive irrigation and eliminated much of the disastrous flooding that once plagued China.

Rodale, who visited China in a separate group, told of seeing farmers digging nutrient-rich soil from the bottom of ponds and irrigation ditches and spreading it over the fields. In some areas, farmers use the ponds to grow carp and other fish that feed off plant waste and leftovers from the farmers' tables.

Even China's standing army appears to have been pressed, at least partly, into the food effort.

Rodale also told of being taken to visit an infantry division north of Canton. "When we got to the army base we found that it was really a large farm that happened to be run by 10,000 soldiers. Each company had its own garden and small herd of pigs, housed with great style in individual pens."

One member of the National Academy of Sciences group was surprised to find that many communes grow not only their own food but also their own medicines. Dr. John L. Creech, a plant geneticist and director of the National Arboretum here, noticed large herb gardens that were used by local doctors in treating various diseases.

One American who caught a cold during the visit was treated by the Chinese with a dose of herbal tea and Western medicines. "We're not sure just what cured the cold, but they gave us a herb chart and we're going to see what we can learn from it," said Creech.

In the last several years, China has imported large quantities of wheat and corn from the United States and other countries, leading some analysts to speculate that the Chinese are far from self-sufficiency. In 1973, imports of the two grains amounted to 12 million metric tons.

At the recent World Food Conference in Rome, the Chinese attempted to dispel this notion, claiming that their $2 billion in imports of wheat and corn over the last three years have been matched by an equal value of rice exports.

Figures assembled by the U.S. Department of Agriculture tend to bear this out. Although the tonnages of Chinese imports exceed that of their rice exports, the value of rice is almost double that of wheat and corn on the international market.

Nonetheless, some American scientists have cautioned that the other side of the food question—population control—remains an unknown in China.

For the Chinese, the annual rate of population growth of an estimated 2% a year means there are 250,000 additional people to feed every week.

However, the same communal system that has helped food production may also help the Chinese slow down the birthrate.

Originally fashioned in the 1950s, the commune system was designed to bring order out of agrarian chaos. Villages were transformed into production teams. About 30 teams were grouped into production brigades and the same number of brigades, in turn, made a commune. A large commune today may contain upwards of 30,000 people.

Unlike the Soviet systems found in the Soviet Union and Eastern Europe, the Chinese commune has preserved a variety of individual incentives, a feature that may account for much of its success and which could be used by Chinese authorities to encourage smaller families.

Each year, after the commune has sold its crop to the central government for the standard price—prices have not changed significantly in 20 years—the money is divided among commune members, but not equally. Each is paid according to his accumulated "work points," which are awarded according to skill and effort. Some American social scientists have speculated that the credit system could also be used to reward families practicing birth control.

If the commune produces a harvest in excess of its quota, the surplus is also divided among commune members according to merit.

And a vestige of private enterprise remains in the form of private plots which each family is allowed to use for growing next to its home. On weekends, the produce can be sold in public markets.

In general, a hard-working family on a prosperous commune may earn $300 a year, a figure that may be misleading since no one outside China has determined the cost of living there.

We do know that it is "very low according to our standards," said Dr. Philip A. Kuhn, professor of Chinese history at the University of Chicago. A simple, prepared meal may cost about 7 to 8 cents, and in the public markets, vegetables sell for 1 to 2 cents a pound.

Whatever the psychic cost of having their lives regimented through the commune system, the Chinese have benefited in other ways. The universal order has allowed technological advances to move easily down to the lowest level, a characteristic that alone sets China apart from many developing countries where sometimes it takes years or even generations for rural farmers to adapt.

It has also resulted in what some plant scientists believe is a surprisingly efficient means of producing food. Figures supplied by the Chinese show that for every BTU (British thermal unit) of human energy expended in their rice production, they reap a harvest of 53.5 BTUs in rice.

In the United States, where human labor has been largely supplanted by gasoline-fired machines, recent studies have shown that one BTU of expended energy, on the average, yields only one-sixth BTU of food value.

Such figures have led some agricultural scientists to believe that the Chinese model may have much more to offer developing countries than the highly mechanized, petroleum-consumptive American model.

In one recent study, for example, Dr. John S. Steinhart, professor of geophysics at the University of Wisconsin, estimated that if the rest of the world adopted this country's agricultural system, almost 80% of the world's annual energy expenditure would be required for food alone.

"Not many developing countries can afford our kind of system," said Steinhart.

Others believe there may also be the lessons for the United States in the Chinese experiment. Noting that China's success has been the result of many persons each producing small amounts of food, Rodale said, "I don't think it would hurt Americans to do a little of that. In the end, the food problem may not be solved in this country on the giant farms but in everyone's backyard."

ELECTRICITY—NATIONAL POWER GRID BILL REINTRODUCED

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, on March 17, 1975, I introduced the National Electrical Energy Conservation Act of 1975, along with five of my colleagues—see RECORD, pages 6857, 6858. Senator METCALF introduced a companion bill in the Senate on the same day.

I am pleased to reintroduce the bill today, along with 25 additional colleagues who would like to see a more efficient use of our present generating capacity through the formation of a national power grid. A grid would reduce the need for new powerplants, result in significant energy savings, and give relief from ever rising electric bills. The additional cosponsors are:

ADDITIONAL COSPONSORS

Mr. Rosenthal, Mr. Brodhead, Mr. Edwards of California, Mr. Hicks, Mr. Harrington, Mr. Krebs, Mr. Edgar, Mr. Bedell, Mr. Riegle, Mr. Thompson, Mr. Fithian, Mr. Moorhead of Pennsylvania, Mr. Richmond, Mr. Brown of California, Mr. Hawkins, Mr. Corman, Mr. Neal, Mr. Hechler, Mr. Baucus, Ms. Abzug, Mr. Downey, Mr. Studds, Mrs. Spellman, Mr. Ford of Tennessee, and Mr. Drinan.

The utility industry is a highly capital intensive industry—it requires $4 of investment to produce $1 of annual revenue. Rate increases for electricity are to increase profits now to attract capital for future plants. The utility industry says that it needs $650 billion over the next 15 years to finance necessary new plants to keep up with a predicted growth rate of 6.5 percent per year. This is more than four times the existing investment, and compares with $145 billion spent over the past 15 years.

While the industry is demanding such enormous amounts of money for new plants to produce new capacity, electric powerplants across the country are sitting idle. Utility plants now produce only 48 percent of their potential annual output. This means that a plant is idle half of the time, with ratepayers paying for this idle capacity.

We should not be building new plants until we make use of our present capacity—moving power wherever it is needed when it is needed. A national power grid would make use of some of this excess capacity. It could mean a saving of 25 percent in necessary additional plant capacity. That is a capital savings of $162.5 billion, which would relieve pressure on capital markets. A reduction in new plant capacity would mean significant savings of oil, gas, and coal.

In addition, I seriously question that because we have an historical growth rate of 7 percent, that we must continue to grow at that rate, as the industry says. The fact is that our growth rate was less than 1 percent this past year because customers cannot afford to use electricity carelessly any longer.

According to an FPC study, just a slightly lower growth rate in peak and total demand, 5 percent per year instead of a 7 percent growth path, can lower utility capital needs by 25 percent and rates by 5.6 percent over the 1975–79 time frame.

The United States is the only one of the industrialized nations which does not have a national power grid. Both Canada and the Soviet Union have grid connections running from 1,000 to 1,500 miles, compared with the 700 miles accepted by the U.S. utilities.

The industry is pleading for new capital for survival, and consumers are screaming over bills they can no longer afford to pay. A national power grid could provide relief to both the industry and the consumer.

Because so many of my colleagues have expressed an interest in the bill, I will be reintroducing it again, and invite other Members to join me.

HOW $50 BECOMES $1¾ BILLION

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, this afternoon the Appropriations Subcommittee on Treasury, Postal Service, and General Government was presented the bill for section 702 of the Tax Reduction Act, more commonly known as the $50 payment. As you may recall, this portion of a very large tax bill provided that virtually everyone receiving a social security, supplemental security income, or railroad retirement check would be entitled to a small one-time $50 payment. But when the Department of the Treasury added all these $50 payments together plus expenses necessary to distribute them, our subcommittee faced the stunning total of $1,754,000,000.

Regrettably, that staggering sum is just one aspect. As fair as the flat payment may seem, it is rifled with inequities. No distinction is made between the means of any social security, SSI, or railroad retirement recipient. A millionaire is eligible just as is the most "down and out" individual. Thus we face the incredible situation where a middle- or lower-income taxpayer is directly subsidizing a millionaire.

But that is not all. The $50 payment is granted to each check recipient. That means families with identical income, identical age, identical health, identical number of dependents, and so forth, can receive different payments. The sole criterion is the number of checks received.

For example, the son of disabled Mr. X is attending school and has requested his social security benefit mailed to his school address; the family receives a $50 payment and the son receives a $50 payment. Mr. Y has the identical situation except his son has not requested a social security check be mailed to his school address. Since the entire family's entitlement is lumped into one check, they receive a $50 payment. In hearings, a social security official indicated that it would not be rare to have some families receiving $150 or more. Of course, SSI recipients are paid separately thereby insuring that a husband and wife on SSI would receive at least two checks when a similar couple on social security would only receive one.

It was rightfully determined that this single payment should not be construed as an additional social security, SSI, or railroad retirement benefit, despite the fact the payments are to be made to these categories of individuals exclusively. To emphasize the difference, if it can be done, the $50 payment check is to be sent in a different envelope from the one containing the regular social security, SSI, or railroad retirement check. That small item is scheduled to cost over $3 million in postage plus administrative expenses.

So that all Members will have the same opportunity to be subjected to what I was forced to hear today, I would like to present the testimony of Mr. Warren F. Brecht, Assistant Secretary of the Treasury requesting the $1¾ billion supplemental. Remember, however, this scheme was not devised by the Treasury; it was mandated by Congress.

I would also like to present the testimony of Mr. Gerald Murphy, Acting Commissioner of Government Financial Operations, requesting supplemental funds to administer the Tax Reduction Act.

INTRODUCTORY STATEMENT OF WARREN F. BRECHT FOR PRESENTATION TO THE SUBCOMMITTEE ON APPROPRIATIONS

Mr. Chairman and members of the Committee, I am pleased to be here today to present the supplemental appropriation request for the special payment to recipients of certain retirement and survivor benefits as authorized by the recent Tax Reduction Act. We are requesting $1,750,000,000 for these special payments. That does not include funds for expenses of making the payments. Administrative expenses of $4,081,000 are being requested in a separate supplemental.

As you know, Section 702 of the Tax Reduction Act of 1975, Public Law 94–12, provides that the Secretary of the Treasury shall make a special one-time payment of $50 to each individual who, for March 1975, was entitled to monthly insurance benefits under title II of the Social Security Act, to monthly pension or annuity benefits under the Railroad Retirement Act, or to supplemental security income benefits. The $50 payments will be made to approximately 35 million individuals who were paid a regular benefit for the month of March 1975, in a check issued by August 31, 1975. An individual will receive only one $50 payment even though that individual may have been entitled to benefits under two or more of the programs for the month of March. The payment is restricted to residents of the United States including Puerto Rico, Guam, the Virgin Islands and American Samoa.

It was the intent of Congress that these payments not be considered as social security benefits; rather, they are intended to provide to the aged, blind, disabled and survivors a payment comparable in nature to the tax rebates which title I of the law provides for those who are working. In no way are they to be regarded as income to the recipients for purpose of the tax laws or for determining eligibility under Federal assistance programs.

The Social Security Administration and the Railroad Retirement Board are cooperating with the Treasury by providing the information needed to ascertain which individuals are entitled to the special payments. Subject to approval of this $1,750,-

000,000 appropriation, Treasury disbursing offices will begin issuing the special payments in early May 1975 and will complete the major portion of the program on or about June 20. This is a little longer period than would ordinarily be needed because of the heavy workload involved in issuing, during the same period, the tax rebates to individual taxpayers as authorized by the Act, regular tax refunds which are heavy during this period, as well as other normal payments. Some special payments will be issued after June 20 to those individuals whose entitlement to benefits is now being adjudicated and who will receive a March benefit payment as late as August 31, 1975.

Mr. Chairman, that concludes my statement on the appropriation for special payment to recipients of certain retirement and survivor benefits. We will be glad to answer any questions you may have.

Introductory Statement of Gerald Murphy for Presentation to the Subcommittee of Appropriations

Mr. Chairman and members of the Committee, I am pleased to be here today to present the 1975 supplemental request for the Bureau of Accounts. Our supplemental request of $13,621,000, after searching out all possible areas for absorption, is the very minimum needed to issue and mail an unbudgeted workload of 115 million checks, to process 34,000 check claims and to pay and reconcile 69 million checks.

The major workload increases are the direct result of the Tax Reduction Act of 1975, Public Law 94–12. This Act requires the issuance of 80 million tax rebate checks and 31.2 million special payments to recipients of benefits under certain retirement and survivor programs. These two payments alone account for 97% of our total unbudgeted check issuance workload of 115 million items. The remaining 3% is regular tax refunds, National Service Life Insurance dividends and a partial refund of purchase price of a bicentennial medal. To issue and mail these unbudgeted items, we will need $13,462,000—of which $11,500,000 (85%) is for postage.

We expect to process 65,000 unbudgeted check clams. Since the 111.2 million checks will be issued in a very compressed time frame at the end of the fiscal year, we will have a carry-over of 31,000 of these claims into 1976. This supplemental request, however, includes the funding of $71,000 to process only the 34,000 items in Fiscal Year 1975.

The remaining area to be impacted by P.L. 94–12 is our check payment and reconciliation function. Of the 115 million unbudgeted increase, some 69 million will be received for payment and reconciliation by June 30. The funding requirement for the 69 million checks amounts to $88,000.

Mr. Chairman, that concludes my prepared statement and we will be glad to answer any questions you may have.

SETTING THE RECORD STRAIGHT

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, my colleague from Ohio, Representative Wayne Hays, is well known for his candor and for setting the record straight.

Recently he made an intriguing statement regarding violation of the law by Common Cause.

Anyone knowing of the running dispute that has been going on, could not possibly miss the irony of such a situation, so I discussed the matter with the vice chairman of operations for Common Cause, Mr. Fred Wertheimer.

I know my colleague from Ohio would be the first man to provide the opportunity to set the record straight, so I requested a statement on the matter from Mr. Wertheimer which I am sure all my colleagues will be interested in:

Statement of Fred Wertheimer, Vice President, Operations, Common Cause

On April 8, Representative Wayne Hays on the House floor incorrectly charged Common Cause with failing to file timely financial disclosure reports. Representative Hays inaccurately stated that Common Cause was required to file these reports on March 10, 1975, under the newly enacted federal campaign finance law. Representative Hays is wrong now, as he was last year when he incorrectly accused Common Cause of violating the Federal Election Campaign Act of 1971.

Representative Hays charged last year that Common Cause was in violation of the 1971 law by not filing as a political committee under the Act. Attempting to substantiate his charge, Hays directed the Government Accounting Office to do an audit of Common Cause.

The GAO findings following a comprehensive audit repudiated the Hays charges and gave Common Cause a clean bill of health. They said in their report, dated October 23, 1974, "we conclude that Common Cause is not a 'political committee' under Title III of the Federal Election Campaign Act of 1971 and consequently is not subject to its registration and reporting requirements.

The GAO report also stated that "in no case did we find that Common Cause supported or opposed the nomination or election of any candidate."

On January 1, 1975, a new campaign finance law became effective. The first date under this new law for groups which were never covered by the previous law was April 10, 1975, not March 10.

On Thursday, April 10, Common Cause filed a financial disclosure report with the appropriate supervisory officers. The filing was made in response to Section 308 of the 1974 law, a new provision designed to try to extend coverage of the campaign finance law for the first time to groups which are not supporting or opposing candidates, such as Common Cause or the League of Women Voters.

H.R. 1725, EXEMPTING PUBLIC RETIREMENT SYSTEM PENSION PAYMENTS FROM THE INCOME TAX

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have reintroduced legislation in the 94th Congress which will provide an economic benefit for the several thousands of our elderly citizens who are recipients of retirement benefits from public service retirement systems. The burden of inflation falls most heavily on our retired workers whose source of income is a small pension or annuity, the result of service during their productive years and their payments into these retirement systems while working in the public interest. Yet under our Federal income tax system we continue to take away a portion of this meager income of retired Government workers.

This inequity should be redressed. We currently exempt social security retirement income from tax, and I believe we should do as much for civil service workers at the Federal, State and municipal levels. I do not see why employees who have devoted their careers to public service should have to pay taxes on their retirement income while those who worked for the private sector do not.

I heard last year from a retired State civil servant in my district who told me that he paid $571 in Federal taxes from his State pension of $4,400. Obviously, the remaining $3,829 is not a sufficient amount to provide an adequate living. In spite of various retirement income credits and other benefits to the elderly which have the result of lowering the tax assessment on retirement income, I believe strongly that a retired civil servant should be able to retain the full amount of his pension income.

The average Federal civil service retirement annuity last year was only $425 a month for the 938,564 retirees. This is already an inadequate income, and even more so if the Federal tax bite takes away a sizable additional portion. Similar situations exist with respect to State and local employee pensions.

To correct this situation, I have reintroduced legislation—H.R. 6259 in the 93d Congress—to exempt from Federal income tax any pension or annuity received under a public retirement system. My legislation provides for a complete exemption regardless of the amount of the annuity, or whether it is received from a State, Federal, or local civil service or similar pension system. It seems to me that our retired Government employees have faced hardship as a result of the rapidly escalating cost of living increases, and the escalator clauses we have enacted to keep pension payments up with the increasing prices have assisted somewhat in keeping our retirees in the race with inflation.

But it is also true, Mr. Speaker, that the basic income for retirees is often still below the poverty level. Because of age or the threat of loss of other retirement benefits they cannot work to adequately supplement their pensions. Many can no longer afford adequate diets, housing or other necessities. And I need not remind you of the incredible upward spiral of utility costs in the last 15 to 18 months which add even further to these burdens. By ending the Government's unfair taxation, we can enable our former Government employees to better meet the high costs of living.

I hope this bill will receive the prompt attention of my colleagues.

THE CIA AND THE FBI

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, last month on March 10, I brought to the attention of this House a matter which I consider of grave importance. I indicated at that time that the CIA and the FBI had, in response to my inquiries, furnished me with lists of certain materials which are contained in their files which relate to me.

The CIA listing included nine dates of newspapers in which stories about me were published. They include such things as a New York Post article of February 22, 1966, which reported that I had read Washington's Farewell Address before the House on February 22, 1966, the CIA significance of which escapes me. I do not know why the CIA would wish to save such a clipping or for that matter all the other clippings. Seven were from a small Japanese-English language newspaper published in New York, the New York Nichibei. That paper has been kind enough to supply me with some of the clippings which the CIA listed. None of them have anything of major importance, but for the information of my colleagues, I ask that they be included in the RECORD at the conclusion of my remarks, so that you might see the "work" of the CIA.

The New York Herald Tribune article of March 16, 1966, is also submitted and was obtained from the New York City library.

Of interest regarding the entire list is that the first article listed dated October 22, 1964, obviously related to my being elected to the Congress for the first time. It was from the Nichibei paper. My question is why only clips from the Nichibei paper? When I was first elected to Congress nearly every paper in America ran articles on my election. It was covered in Life magazine, Parade, and many, many other publications. Why was the CIA only concerned with what the Nichibei wrote about me? Clearly it must be because I was of Japanese origin, and Nichibei was a Japanese paper. Of the 10 articles listed, 7 were from the Nichibei. At this point in time, I do not know what to think of my Government that would "folder" an elected Member of Congress solely on account of ethnic origin.

I ask you all to judge the evidence for yourself.

I include the following:

CIA FOLDER ON CONGRESSWOMAN PATSY T. MINK CONTAINS THE FOLLOWING NEWSPAPER CLIPPINGS AND OTHER PUBLICATIONS

a. New York Nichibei, February 5, 1970.
b. New York Nichibei, April 17, 1970.
c. New York Nichibei, November 14, 1968.
d. New York Nichibei, April 18, 1968.
e. New York Nichibei, July 27, 1967.
f. New York Herald Tribune, March 16, 1966.
g. American Legion Magazine, July 1965.
h. New York Post, February 22, 1966.
j. New York Nichibei, October 22, 1964.
k. New York Nichibei, Volume XIX, No. 972.

JAPANESE AMERICAN NEWS CORP.,
New York, N.Y., March 21, 1975.

Rep. PATSY T. MINK,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MRS. MINK, In response to your request dated March 7 for copies of our newspaper which contained references to you or your activities, we are herewith sending those issues of which we have available copies.

The issue dated October 22, 1964, is no longer available. The issue of April 16 (17 on your list), 1970, contained no reference to you.

We are also sending copies of five issues of 1974 which contain references to you.

Yours very truly,
ISAKU KIDA,
Editor.

[From the New York Nichibei, July 27, 1967]

REPRESENTATIVE MINK CALLS FOR AN END TO BOMBING OF NORTH VIETNAM AS FIRST STEP TO PEACE

HONOLULU.—In a first strong statement on the conduct of the Vietnam War, Rep. Patsy T. Mink (Dem.-Hawaii) earlier this month said in an interview here that "a great deal depends on the cessation of the bombing."

While she sees the prospects for peace in Vietnam as "not good," she declared, "The ending of the bombing of North Vietnam can pave the way for a negotiated peace."

"Although we support our nation's role in South Vietnam," she said, "I still maintain the initiative for peace must be taken by our country. Every possible means must be explored to end the terrible war.

"We must show North Vietnam we are willing to talk peace under the Geneva agreements on Indo-China. The talks must be undertaken without any kind of ban ultimatum."

Calling for an American initiative, the Nisei Congresswoman said, "President Johnson—can start things going by declaring an end to the bombing. This (declaration) is the first real step for peace.

"In the United States, the people are getting frustrated. It's taking so long to end the hostilities in Vietnam. Some 'experts' say the war is going to last another 10 years . . . 20 years. Well, I don't go along with this kind of thinking. I sincerely feel we can stop the war if we ended the bombing.

"When we end the bombing—and only then—can we tell the rest of the world, 'Look, we stopped the bombing. Let's get the Communists to come to the peace table.'

"IT'S WOTRH A TRY

"Stop the bombing, not for a week, a month, but longer. . . . It's worth a try."

She went on, "People are getting tired of the war. When tempers are up, there's a good chance for an all-out war in Vietnam. And this is what I'm afraid of. This is why I keep on pressing for an end to the bombing."

Citing the cost of the war—$4 billion a month—Rep. Mink asked, "How long can our nation endure with this kind of high spending? How long can our economy take it?"

[April 18, 1968]

REPRESENTATIVE MINK IS HONORARY HEAD ISLE'S RFK GROUP

HONOLULU.—Rep. Patsy Takemoto Mink has been named honorary chairman of a group in Hawaii which supports the candidacy of Senator Robert Kennedy for the Democratic Presidential nomination.

A Students for McCarthy organization, headed by Karen Lum, has been created by students at the University of Hawaii.

[November 14, 1968]

HAWAIIANS RE-ELECT PATSY, DAN, SPARK—MOONRAY KOJIMA LOSES STATE ASSEMBLY BID

Senator Daniel Inouye and Representatives Patsy Takemoto Mink and Spark M. Matsunaga were returned to their Congressional posts by overwhelming vote majorities in last Tuesday's elections. All three were Democratic candidates in Hawaii.

Senator Inouye defeated Republican Wayne Thiessen by taking 83.4 per cent of the votes cast—187,964—to Mr. Thiessen's 15 per cent—33,751.

As of Sunday, the unofficial vote count for Hawaii's representatives gave Patsy Mink 148,268 votes (79.2 percent) to her Republican opponent George DuBois's 38,857 (20.8 per cent); while Spark Matsunaga garnered 160,950 votes (67.3 per cent), and his opponent, Republican Neal S. Blaisdell, got 78,048 (32.7 per cent).

[February 5, 1970]

OPPOSES COURT BID—PATSY CALLS CARSWELL ANTI-BLACK ANTI-WOMAN

WASHINGTON, D.C.—Rep. Patsy Takemoto Mink, this country's first and so far only Oriental Congresswoman, joined with Betty Freidan, author of "The Feminine Mystique," in opposing the nomination to the Supreme Court of Judge G. Harrold Carswell on the basis of what they called his insensitivity to the aspirations of blacks and of women.

Testifying against the Carswell nomination during a Judiciary Committee hearing last Thursday, both women cited his vote as a member of the U.S. Court of Appeals for the Fifth Circuit which denied a rehearing last October of a decision which held that the Martin Marietta Corporation did not violate the Civil Rights Act of 1964 when it denied consideration for a job as an assembly trainee to a woman because she was the mother of pre-school children.

They charged that this action, coupled with the recently-publicized segregationist speech made by Judge Carswell in 1948, indicated a lack of sensitivity to "oppressed" groups.

Said Mrs. Mink, "Male supremacy, like white supremacy, is equally repugnant to those who really believe in equality." Refusing to overlook his 1948 remarks in which Judge Carswell said that he was second to no one in espousing white supremacy (remarks at which he said last week he was now "aghast"), Mrs. Mink said that it "must be weighed along with his lack of sensitivity for women's struggle for equality."

Miss Freidan pointed out that the rising new feminist crusade would bring to Supreme Court attention a number of cases concerning the constitutional rights of women. She charged that the "sexually backward" Judge Carswell would doubtless deny high court review of such cases.

[From the New York Herald Tribune, Mar. 16, 1966]

TWO CONGRESSMEN ASSAIL PROFITEER'S EXECUTION

(By Tom Lambert)

WASHINGTON.—Two indignant members of Congress yesterday denounced the South Vietnamese government's public execution of a Saigon Chinese millionaire convicted of war profiteering.

A photograph of the slaying of Ta Vinh, together with one of his wife and several of their children crying in protest, has aroused some revulsion in this country.

The United States has declined to comment publicly on the shooting on grounds any remarks would constitute intervention in South Vietnam's internal affairs and juridical processes.

But it is understood that American officials in Saigon pointed out to Vietnamese government leaders before the execution that the shooting of Mr. Vinh would draw criticism abroad.

The reported reply was that profiteering must be halted and that the determination of the Saigon regime to prevent further black marketing and other economic crimes had to be demonstrated dramatically.

Rep. Patsy T. Mink, D., Hawaii, said in an angry House speech yesterday the execution of Mr. Vinh was "barbaric."

"For all the influence that we have on this regime, we did nothing to stop this senseless public execution which makes a mockery of our whole system of justice." Mrs. Mink declared.

She urged President Johnson and Vice-President Humphrey to intercede with South Vietnamese Premier Nguyen Cao Ky to prevent any repetition of the "barbaric" shootings adding:

"A thousand executed profiteers will not buy a stable economy for a new social order."

Another sentence of death was imposed Monday on Dant Cao Sach, a provincial official for embezzling.

In another denunciation of the Vinh shooting, Sen. Stephen M. Young, D., Ohio, criticized Premier Ky for permitting "drum-head court martials, mock trials and firing squads."

The elderly Senator suggested the trial and execution of a profiteer was prearranged by Premier Ky.

SURFACE MINING ACT

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, many arguments have been presented here, both pro and con, concerning the Surface Mining Control and Reclamation Act of 1975, H.R. 25. Undoubtedly many more will be presented when this august body considers the report of the conference committee.

I feel, Mr. Speaker, that many of my colleagues still do not understand the ramifications of this legislation, nor do they perceive the serious nature of its impact, not only on the coal mining industry, but on the consumer, and the national economy. It is difficult for many to understand the strong opposition that brought thousands of miners to Washington last week. It is hoped that some were convinced by the knowledge and logic of the miners that this bill is not in the best interests of the country at this time.

The board of supervisors of Buchanan County, Va., my State's major coal producing county, passed a resolution in opposition to H.R. 25. Their resolution sets forth once more in clear, concise terms the devastating effects the bill will have on the economy of Buchanan County, situated high in the mountainous terrain of Appalachia. They also recognize, in the resolution, their responsibility to control and reclaim surface-mined land in accordance with State laws already in existence, and enumerate some of the fine work that is being done in that regard.

Mr. Speaker, I respectfully request that the Resolution in Opposition to the Surface Mining Control and Reclamation Act of 1975, be included as part of my remarks and insert it in the Record at this time:

Resolution in Opposition to Surface Mining Control and Reclamation Act of 1975

Whereas, the economy of Buchanan County, Virginia, is based primarily on the coal industry and related industry associated with both surface mining and deep mining; and,

Whereas, the extremely mountainous terrain in Buchanan County prohibits major industrial construction and other industrial development of consequence; and,

Whereas, the general isolation of the State of Virginia's major coal producing County has extremely hindered its economic growth and development; and,

Whereas, the United States House of Representatives during the first session of the 94th Congress has approved House of Representatives Bill No. 25, entitled "Surface Mining Control and Reclamation Act of 1975", which places stringent standards and limitations for the surface mining industry in the Appalachian area of Virginia which would in effect eliminate surface mining on about 51% of the coal industry in Buchanan County, Virginia; and,

Whereas, the State of Virginia has recognized its responsibility to the citizens of Virginia by effectively controlling the orderly development, reclamation and restoration of its environmental resources by enacting the "Virginia Surface Reclamation Act of 1966" with amendments in 1970 and 1972; and,

Whereas, surface mined lands have produced areas for housing, industry, recreation, agriculture and wildlife habitat from previously unproductive lands; and,

Whereas, present utility rates are on the rise, becoming exorbitant to many citizens of this State and Nation, the limitations as stated in the proposed legislation would cause approximately 51% of the minerals to be inexcessible, therefore causing fuel rates for public utilities and related industries to become even higher:

Now, therefore, be it *resolved* that the Buchanan County, Virginia, Board of Supervisors at it's continued meeting of March 25, 1975, establishes its opposition to House of Representatives Bill No. 25 and Senate Bill No. 7 which will in their opinion place undue hardship upon the mining industry in this jurisdiction and the citizens of this State and Nation, and respectfully requests the members of Congress to vote against this proposed legislation.

CONCERNS ABOUT THE SURFACE MINING ACT

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, many of my constituents from Southwestern Virginia have written to me, and to President Ford, expressing their grave concerns about the passage of the Surface Mining Control and Reclamation Act of 1975.

Expressing ably and typically the consensus in my congressional district are letters from Mr. Darrell Freddie Dean, Jr., of Coeburn, Va., Mr. Preston T. Buchanan, Cedar Bluff, Va., and Mr. Michael H. Brooks, Norton, Va. These gentlemen clearly are concerned, not only for the economy of the coal-mining region of Appalachia, but also for the energy needs of the Nation.

Mr. Speaker, I insert the letters to me and to the President, from Mr. Dean, Mr. Buchanan, and Mr. Brooks, in the Record as part of my remarks:

Coeburn, Va., *April 7, 1975.*

Hon. William C. Wampler,
U.S. House of Representatives,
Washington, D.C.

Dear Bill: Enclosed is a copy of a letter to the President of the United States.

I appreciate your interest in the past on this mining legislation and your current efforts toward defeating these bills.

In my opinion, myself and the people of this area have not been vocal enough in the past and have let the wishes of special interest groups be pushed through Congress without expressing our opposition thereto and have not passed on to you our appreciation of your efforts to look out for us.

Please continue your every effort to oppose the current mining legislation and to try to inform your colleagues so that they will understand the effects that the proposed bills would have on our area.

Very truly yours,
Darrell Freddie Dean, Jr.,
Certified Public Accountant.

Darrell Freddie Dean, Jr.,
Coeburn, Va., April 7, 1975.

President Gerald Ford,
The White House,
Washington, D.C.

Dear Mr. President: I would like to take this opportunity to express to you my views on current strip mining legislation being considered by the Congress at the present time.

I am a Certified Public Accountant and have been practicing in the heart of the Southwest Virginia coalfields for 12 years and my clients include mining operators, coal miners, merchants and business men from all over Southwest Virginia and Eastern Kentucky.

I have read excerpts from the bills that are presently being considered and based on my knowledge of mining practices and the geography of our area, I do not think that under these bills any kind of practicable strip mining industry can be sustained in Southwest Virginia. In my opinion, the closing down of viable industry in our area will severely affect the entire population. Strip mining and related industries directly support better than 55 percent of our local economy and our area which has held its own in the current recession will far surpass the rest of the country in a very deep and drastic recession.

I prepare books and records, Financial Statements, and tax returns for businesses and individuals from all parts of our local economic community and am familiar with current mining practices in this area, therefore, I feel I am completely qualified to judge the effects of this bill on the areas of Southwest Virginia and Eastern Kentucky.

In my opinion, if this bill passes in its present proposed form 90 percent or more of our local strip mining operations will become uneconomical and will probably go out of business. This in turn will directly and immediately affect equipment manufacturers and suppliers in all supply areas of mining materials. The accompanying lay-offs of surface mining employees and mining service employees will then affect all parts of our economy such as grocery stores, clothing stores, banks, auto dealers, professional people, and almost every person who works for a living. Within a short period of time when these effects have had time to accumulate and when people's life savings are wiped out at least 55% of the people in our area are going to have to be supported by the Government or leave here for employment elsewhere. Of course at the present time employment elsewhere is extremely difficult to find because the people that live in other areas can't even get jobs for themselves.

I would think that a great deal of consideration would also need to be given to the loss of coal production and the increased prices on coal from other areas and other types of mining which will create additional energy problems and costs.

A great deal of emphasis has been placed on the environment within the past few years with drastic consequences such as the additional gasoline demand due to poorer performance because of environmental controls, I feel that this mining legislation is another example of the attempt to satisfy a few very vocal and well funded environmental groups to the detriment of this nation's needs as a whole.

It is time for this nation with the leadership of the President and the Congress to stand firm for the benefit of the country over the outlandish views of a minority of persons who seem to be well represented in the news media.

At the present, much reclamation work is being done. New or abandoned strip mines are being reclaimed through additional mining operations known as second cuts with no costs to anyone other than the operator. The mining industry is to a large extent correcting past errors and we do not feel that it is right or proper for Congresspersons from the far West or even non-continental State areas to set rules for their idea of beauty in the event they might even desire to visit here. The desires and needs of people who live here do not seem to be relevant. Our interests and desires have been expressed by our representatives such as Congressman William C. Wampler and we feel that this should carry great weight in any consideration of these bills.

In consideration of the above I request that you make a move for the future energy needs of our country and the future of our area and lead an attack against this bill and all like legislation to balance our needs for jobs and industry against the desires of ecologists for their idea of beauty.

If this legislation is passed, I urge you to veto it.

Thank you very much for your consideration.

Very truly yours,

DARREL FREDDIE DEAN, JR.,
Certified Public Accountant.

CEDAR BLUFF, VA.,
April 8, 1975.

THE PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: Our Ninth District Congressman, William C. Wampler, of Virginia has encouraged all interested persons to respond to the present bill concerning strip mining of coal.

As a concerned citizen of Russell County, I feel that strip mining and coal mining is a must for the economy of this area. Thousands of tons of coal are stored beneath the mountains of Southwest Virginia and the Cumberland region. Each time new legislation is introduced, it seems that more and more coal is restricted. Therefore, the abundance of this resource is denied toward meeting the energy needs of this locality, the state of Virginia, the nation, and the world. While some legislation must be passed to help control the environment, it is unnecessary to extend the type of legislation to literally wipe out an industry so important to us all.

In the Appalachian region, a great deal of poverty prevails. Should the strip mines shut down, the unemployment rate would be tremendous as well as adding more than what presently exists to the welfare lines. The morale of people in our area is not good in view of the present state of the economy. To put it plainly, the coal industry is the lifeline and the umbilical cord which sustains the existence of citizens of this area.

Many dollars are exchanged as a result of the coal industry. It is the livelihood of merchants as well as local and state government. Virginia does not have an abundance of state revenue to operate governmental facilities of the state. The coal revenue supports the local, state and federal governments and would be badly missed should the industry, particularly the strip mining industry, cease to operate.

I am in support of Congressman Wampler's position concerning the bill. He has done a fine job in representing the Ninth District and his concerns regarding this bill are multiplied many times by the thoughts, expressions, and concerns of his constituents.

Hopefully, our government and those in charge will have enough foresight to continue the coal industry in every respect. From the energy that coal can provide, rather than becoming an impoverished economy in the Southwest Virginia area, it can, in turn, be the Middle East oil empire of our nation.

Thank you for your attention and concerns.

Respectfully,

PRESTON T. BUCHANAN.

BROOKS ELECTRIC CORP.,
Norton, Va., April 3, 1975.

HON. WILLIAM C. WAMPLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WAMPLER: It hasn't been so long ago that our area was depicted, in at least one national publication, as one huge, dirty, gouged-out strip mine. The people were portrayed in picture after picture, as very indigent and uneducated persons groveling over barren wasteland, struggling for survival. I am sure that some good came from this type of publicity for our area. Certainly the federally subsidized community-action programs have been beneficial to us. We certainly had our share of this country's poverty to contend with.

But, unfortunately, this pictorial review no more accurately described the Appalachians, than do the burned out ruins of earlier riots describe the beauty and life of the city of Washington.

We have some of the most beautiful scenery in the world, and we are proud of it. We produce some of the most productive people in the country—and we are proud of that.

Perhaps excavation is ugly—but in order to build and grow it is necessary. And reclamation is important—we need to do all we can to preserve our environment and beautiful mountains.

But, H.R.-25? I cannot believe this bill to be in our best interest. I certainly don't believe it capable of achieving its stated purposes.

It hasn't been so long ago when our young people migrated away from this area, upon graduation, to seek their futures. Now, more and more, they seem to stay here. This makes the future of Southwest Virginia seem brighter.

Stand tall, speak loud, and keep the faith.

Very sincerely yours,

MICHAEL H. BROOKS,
President.

BROOKS ELECTRIC CORP.,
Norton, Va., April 3, 1975.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Please be advised that the 14 employees of this corporation are unanimously opposed to the Surface Mining Control and Reclamation Act—Bill S. 7 and H.R. 25—which is awaiting your action.

The economy of the people of Southwest Virginia and the Appalachian region is very dependent upon the coal industry.

We, thereby, respectfully request that you veto this bill.

Respectfuly yours,

MICHAEL H. BROOKS,
President.

OPPOSITION TO THE SURFACE MINING ACT

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, the Greater Bristol Area Chamber of Commerce at its board of directors meeting on April 8, 1975, unanimously adopted a resolution in opposition to H.R. 25 and S. 7.

The resolution expresses the belief that passage of the Surface Mining Control and Reclamation Act of 1975 would severely damage the economy of Southwestern Virginia and adjacent States, resulting in widespread unemployment, business losses, and personal hardships.

I include the resolution as part of my remarks and entered in the RECORD:

RESOLUTION

Whereas, the Congress of the United States is now considering legislation which would impose new and stringent regulations on strip mining, and

Whereas, the legislation, Senate Bill 7 and House Bill 25, if implemented, would severely damage the economy of Southwest Virginia and adjacent States, resulting in widespread unemployment, business losses and personal hardships, and

Whereas, the legislation also would further impair the Nation's coal supplies in a time of continuing and growing energy shortages, and

Whereas, the impact would be felt most severly in the region generally known as Appalachia, which has long been a target area for federal assistance designed to improve the economy and the quality of life,

Now, therefore, be it resolved that the Greater Bristol Area Chamber of Commerce does express its opposition to Senate Bill 7 and House Bill 25 and, further, that the Greater Bristol Area Chamber of Commerce petitions the Congress of the United States to modify the legislation to avoid those adverse results set forth above.

Be it further resolved that, the Congress failing to so modify the legislation, the Greater Bristol Area Chamber of Commerce petitions the President of the United States to veto said legislation.

CHILHOWIE CHAMBER OF COMMERCE OPPOSES THE SURFACE MINING ACT

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, as further indication of the opposition in my district to H.R. 25 and S. 7, I would like to include in the RECORD a resolution passed unanimously by the membership of the Chilhowie Chamber of Commerce, Chilhowie, Va.

The resolution expresses the very real concern of all the people of Southwestern Virginia that the passage of the Surface Mining Control and Reclamation Act would result in widespread unemployment, business losses, and personal hardship.

The resolution follows:

CHAMBER OF COMMERCE,
Chilhowie, Va., April 9, 1975.

HON. WILLIAM C. WAMPLER,
House of Representatives,
Washington, D.C.

DEAR MR. WAMPLER: Whereas the Joint Conference Committee of the Senate and House of Representatives is now considering Senate Bill 7 and House Bill 25 which legislation would impose new regulations on strip mining of Coal, and

Whereas the legislation, Senate Bill 7 and House Bill 25, if allowed to become law with the present stringent regulations, would severely damage the economy not only of the Southwest Virginia and neighboring states area but, to some extent, the entire United States, resulting in widespread unemployment, business losses and personal hardship, and

Whereas the loss caused by this proposed legislation would make it impossible to recover a large percentage of the Coal in the Appalachian Region where the economy and quality of life is dependent upon this mining of Coal, and

Whereas the industrial and domestic life of our entire Nation will suffer, if not collapse, if the provisions of House Bill 25 and Senate Bill 7, which relate to the High-Wall method of strip mining and the restoration of the surface to its original contours are allowed to become law,

Now, therefore, be it recorded that the Chilhowie Chamber of Commerce, Chilhowie, Smyth County, Virginia, at a regular meeting of its membership in Chilhowie, Virginia, on April 8, 1975, by unanimous vote, does express its opposition to Senate Bill 7 and House Bill 25, and further, that the Chilhowie Chamber of Commerce petition and urges the Congress of the United States to modify the proposed legislation to avoid those detrimental results outlined above.

Be it further resolved that, the Congress failing to modify the proposed legislation, the Chilhowie Chamber petitions the President of the United States to veto said legislation.

Respectfully,

Katherine Thomas,
Secretary-Treasurer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Murphy of New York (at the request of Mr. O'Neill), for today and Tuesday, April 15, 1975, on account of official business (Law of the Sea Conference).

Mr. Ashbrook (at the request of Mr. Michel), for April 14 and 15, 1975, on account of official business.

Mr. Ford of Michigan (at the request of Mr. O'Neill), for today, on account of illness in family.

Mr. Holland (at his own request), for 2 or more days on account of medical examination at Bethesda Naval Hospital.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kelly) to revise and extend their remarks and include extraneous material:)

Mr. Frenzel, for 15 minutes, today.

(The following Members (at the request of Mr. Levitas) and to revise and extend their remarks and include extraneous matter:)

Mr. O'Neill, for 5 minutes, today.
Mr. Gonzalez, for 5 minutes, today.
Mr. Diggs, for 5 minutes, today.
Mr. Aspin, for 5 minutes, today.
Mr. Hamilton, for 20 minutes, today.
Mr. Thompson, for 5 minutes, today.
Mr. Flood, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden, and to revise and extend his remarks.

(The following Members (at the request of Mr. Kelly) and to include extraneous matter:)

Mr. Jeffords in three instances.
Mr. Broomfield.
Mr. Young of Alaska.
Mr. Miller of Ohio in six instances.
Mr. Del Clawson.
Mr. Anderson of Illinois in two instances.
Mr. Gilman.
Mr. Conte.
Mr. Rousselot in two instances.

(The following Members (at the request of Mr. Levitas) and to include extraneous matter:)

Mr. Annunzio in six instances.
Mr. Gonzalez in three instances.
Mr. Anderson of California in three instances.
Mr. Montgomery in two instances.
Mr. Sarbanes in five instances.
Mr. Rangel in 10 instances.
Mr. Mollohan.
Mr. Gaydos in 10 instances.
Mr. Studds.
Mr. Kastenmeier.
Mr. Stokes in three instances.
Mr. Eilberg.
Mr. Dominick V. Daniels.
Mr. Patten.
Mr. Rogers in five instances.
Mr. Weaver.
Mr. Mineta.
Mr. Zeferetti.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 23. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 994. An act to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

ADJOURNMENT

Mr. LEVITAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 15, 1975, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1974, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Congressional Record pursuant to section 4(b) of Public Law 85–804:

March 27, 1975.

Hon. Carl Albert,
Speaker of the House of Representatives.

Dear Mr. Speaker: The following information is submitted pursuant to the provisions of Public Law 85–804 and implementing instructions contained in Federal Procurement Regulation 1–17.000.

For the calendar year ending December 31, 1974, the following actions under the subject Act are reported for the Atomic Energy Commission:

1. ACTIONS APPROVED

a. *Residual Powers:* Determinations were issued on February 13, March 22, and August 9, 1974, to contractually require contractors and subcontractors subject to the Davis-Bacon Act at the Nevada Test Site (including the Nuclear Rocket Development Station and Tonopah Test Range) to pay not less and no more than the money provisions and certain other conditions of the labor agreements between Reynolds Electrical and Engineering Company, Inc., and various construction crafts in the Nevada area. These Determinations were deemed necessary to promote labor stability, efficiency, and economy in the performance of contracts and subcontracts at the sites which directly affect the national defense and security.

b. *Contractual Adjustment—Correction of Mistake:* (1) Amount requested, $4,600; amount approved, $4,600.

(2) Amount requested, $5,600; amount approved, $5,600.

c. *Amendments Without Consideration:*

(1) Amount requested, $798,959.76; amount approved, $366,739.17.

a. Contractor—S&E Contractors, Inc.

b. Services involved—construction of a testing facility at the Navy Reactors Test Site at Idaho National Engineering Laboratory (formerly National Reactor Testing Station).

c. Circumstances justifying the action—AEC had withheld payment because of review by the Comptroller General who, the Supreme Court held, had "no authority to function as another tier of administrative review [and] there was no valid reason for the AEC not to settle with petitioner according to its earlier decision". [*S&E Contractors, Inc.* v. *United States,* 406 U.S. 1, 10 (1972).] The $366,739.17 amount was awarded by the AEC Board of Contract Appeals acting in its capacity as a Contract Adjustment Board. This amount included general and administrative expenses of $105,210.00, legal fees of $39,058.17, and interest of $222,471.00.

(2) Amount requested, $69,865; amount approved, $45,753.46.

2. ACTIONS DENIED

None.

Sincerely,

Robert C. Seamans, Jr.,
Administrator.

Assistant Secretary of Defense,
Washington, D.C., March 25, 1975.

Hon. Carl Albert,
Speaker of the House.

Dear Mr. Speaker: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1974 report on Extraordinary Contractual Actions to Facilitate the National Defense is transmitted herewith.

Table I shows that 261 contractual actions were approved and that 111 actions were disapproved. Included in the number of actions approved are 128 actions for which a potential Government liability cannot be estimated.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Also included in this list are the 128 actions above for which a potential cost cannot be estimated.

Sincerely,

Arthur I. Mendolia,
(*Installations and Logistics*).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

779. A letter from the President of the United States, transmitting requests for sup-

plemental appropriations for fiscal year 1975, budget amendments for fiscal year 1976, and a budget amendment for the period July 1, 1976, through September 30, 1976, for the legislative branch (H. Doc. No. 94–102); to the Committee on Appropriations and ordered to be printed.

780. A letter from the President of the United States, transmitting drafts of proposed legislation to authorize additional military and economic assistance to South Vietnam, and to clarify restrictions on the availability of funds for the use of U.S. Armed Forces in Indochina, and for other purposes (H. Doc. No. 94–103); jointly to the Committees on Armed Services, and International Relations and ordered to be printed.

781. A letter from the President of the United States, transmitting a proposed supplemental appropriation for fiscal year 1975 for Indochina Postwar Reconstruction Assistance and an amendment to the request for supplemental appropriations transmitted to the Congress on January 28, 1975, for Military Assistance, South Vietnamese Forces (H. Doc. No. 94–104); to the Committee on Appropriations and ordered to be printed.

782. A letter from the President of the United States, transmitting a report on participation of U.S. military forces in the evacuation of U.S. citizens and others from Cambodia, pursuant to section 4 of the War Powers Resolution (Public Law 93–148) (H. Doc. No. 94–105); to the Committee on International Relations and ordered to be printed.

783. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority for fiscal year 1975 as of April 1, 1975, pursuant to section 1014(e) of Public Law 93–344 (H. Doc. No. 94–106); to the Committee on Appropriations and ordered to be printed.

784. A letter from the Acting Assistant Administrator of General Services, transmitting the statistical supplement to the stockpile report for the 6 months ended December 31, 1974, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act [50 U.S.C. 98c]; to the Committee on Armed Services.

785. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by Eximbank from November 1, 1974, through February 28, 1975, to Communist countries; to the Committee on Banking, Currency and Housing.

786. A letter from the Secretary of the Interior, transmitting a report on the feasibility of reducing salinity in the Salton Sea; to the Committee on Interior and Insular Affairs.

787. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Solar Division of International Harvester Co., San Diego, Calif., for a research project entitled "Development of Low-Cost, High-Strength Hot-Corrosion-Resistant Iron Aluminum-Base Alloys," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

788. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Pittsburg and Midway Coal Mining Co., Kansas City, Mo., for a research project entitled "Specialized Reclamation Field Test," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

789. A letter from the Attorney General, transmitting a draft of proposed legislation to make possible the use of Spanish in the U.S. District Court for the District of Puerto Rico; to the Committee on the Judiciary.

790. A letter from the Secretary-Treasurer, Congressional Medal of Honor Society of the United States of America transmitting, the annual financial report of the Society for calendar year 1974, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

791. A letter from the Acting Administrator of General Services, transmitting an amendment to the approved prospectus for the Richard B. Russell Federal Building, Atlanta, Ga., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

792. A letter from the Administrator, Energy Research and Development Administration, transmitting a report on the study of the potential energy appplications of helium, pursuant to section 104(e)(3) of the Energy Reorganization Act of 1974; jointly, to the Committees on Interior and Insular Affairs, and Science and Technology.

Received From the Comptroller General

793. A letter from the Comptroller General of the United States, transmitting a report on progress and problems in training and use of assistants to primary care physicians; jointly, to the Committees on Government Operations, Interstate and Foreign Commerce, and Ways and Means.

794. A letter from the Comptroller General of the United States, transmitting a report on the Federal crime insurance program administered by the Department of Housing and Urban Development; jointly, to the Committees on Government Operations, and Banking, Currency and Housing.

795. A letter from the Comptroller General of the United States, transmitting a report on the agricultural attache role overseas; jointly, to the Committees on Government Operations, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Apr. 10, 1975, the following reports were filed on Apr. 11, 1975*]

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. Reported adversely.

H.R. 3787. A bill to amend section 109 of title 23, United States Code, relating to the preparation of certain statements on highway projects in the States of New York, Vermont, and Connecticut (Rept. No. 94–111, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries.

H.R. 3130. A bill to amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements; with amendment (Rept. No. 94–144). Referred to the Committee of the Whole House on the State of the Union.

Mr. ADAMS: Committee on the Budget. House Concurrent Resolution 218. Concurrent resolution setting forth, on an aggregate basis only, the congressional budget for the U.S. Government for the fiscal year 1976 (Rept. No. 94–145). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 5910. A bill to enable cattle producers to establish, finance, and carry out a coordinated program of research, producer and consumer education, and promation to improve, maintain, and develop markets for cattle, beef, and beef products; to the Committee on Agriculture.

By Mr. ARCHER:

H.R. 5911. A bill to require that estimates of the average cost for each taxpaying family be included in all bills and resolutions of a public character introduced and reported in the Senate and the House of Representatives; to the Committee on Rules.

By Mr. BROOMFIELD:

H.R. 5912. A bill to amend the Immigration and Nationality Act to make it a deportable offense for an alien to obtain and collect unemployment, welfare, or other federally-provided benefits; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 5913. A bill to prohibit actions by U.S. exporters which have the purpose or effect of supporting restrictive trade practices or boycotts imposed against countries friendly to the United States by other foreign countries; to the Committee on International Relations.

By Mr. FASCELL:

H.R. 5914. A bill to make certain technical and conforming amendments to section 5008 of the Internal Revenue Code of 1954 relating to distilled spirits from Puerto Rico or the Virgin Islands; to the Committee on Ways and Means.

By Mr. FORSYTHE (for himself, Mr. Lent, and Mr. McCloskey):

H.R. 5915. A bill to amend the National Environmental Policy Act to provide for the filing of certain supplemental information statements; to the Committee on Merchant Marine and Fisheries.

H.R. 5916. A bill to amend the Coastal Zone Management Act of 1972 in order to authorize financial assistance to coastal States to enable them to study, assess, and plan effectively with respect to the impact within their coastal zones of offshore energy-related facilities and activities and to assure the maximum effectiveness of the coastal zone management plans of such States; and for other purposes; jointly to the Committees on Merchant Marine and Fisheries, and Interior and Insular Affairs.

H.R. 5917. A bill to amend the Outer Continental Shelf Lands Act to provide for strict liability in the case of damage caused by oil spills, and for other purposes; jointly to the Committees on the Judiciary, Merchant Marine and Fisheries, Interior and Insular Affairs, and Science and Technology.

By Mr. HAMILTON (for himself and Mr. Buchanan):

H.R. 5918. A bill to authorize the further suspension of prohibitions against military assistance to Turkey, and for other purposes; to the Committee on International Relations.

By Mr. HÉBERT:

H.R. 5919. A bill to fully explore, fully develop, and produce the naval petroleum reserves with the revenue derived therefrom to be placed in a special fund for such exploration, development, and production, for production to be applied to the petroleum needs of the Department of Defense and for the establishment of a study group to investigate the feasibility of creating a National Strategic Petroleum Reserve (military) and for other purposes; to the Committee on Armed Services.

By Mr. JONES of Alabama (for himself, Mr. Roe, Mr. Evins of Tennessee, Mr. Vander Veen, Mr. Badillo, Mr. Richmond, Mr. Riegle, Mr. Solarz, Mr. Hicks, Mr. Fish, Mr. Hughes, Mr. McHugh, Mr. Perkins, Mr. Diggs, and Ms. Jordan):

H.R. 5920. A bill to authorize a local public works capital development and investment program; to the Committee on Public Works and Transportation.

By Mr. KARTH (for himself and Mr. Steiger of Wisconsin):

H.R. 5921. A bill to amend section 5051 of the Internal Revenue Code of 1954 (relating to the Federal excise tax on beer); to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 5922. A bill to amend the Internal Revenue Code of 1954 to exempt buses used predominantly in public passenger transportation service from the manufacturer's excise tax; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 5923. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable only to blind individuals at that age; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Ms. Abzug, Mrs. Burke of California, Mr. Phillip Burton, Ms. Chisholm, Mr. Dodd, Mr. Downey, Mr. Hannaford, Mr. Harrington, Mr. Hawkins, Ms. Holtzman, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. Pepper, Mr. Richmond, Mr. Risenhoover, Mr. Rodino, Mr. Roe, and Mr. Charles Wilson of Texas):

H.R. 5924. A bill to provide that time spent by American civilians in enemy prisoner-of-war camps and similar places shall be creditable (as though it were military service) toward pensions, annuities, or similar benefits under various Federal retirement programs; to the Committee on the Judiciary.

By Mr. MOLLOHAN (for himself and Mr. Carr):

H.R. 5925. A bill to amend the Comprehensive Employment and Training Act of 1973 to provide that a unit of general local government having a population of 50,000 or more shall be eligible to be a prime sponsor; to the Committee on Education and Labor.

By Mr. MONTGOMERY (by request):

H.R. 5926. A bill to amend title 38 of the United States Code to modify and improve the pension program for veterans of the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and their widows and children; to the Committee on Veterans' Affairs.

By Mr. MURTHA:

H.R. 5927. A bill to amend section 127 of title 23 of the United States Code relating to vehicle weights; to the Committee on Public Works and Transportation.

By Mr. OTTINGER (for himself, Mr. Rosenthal, Mr. Brodhead, Mr. Edwards of California, Mr. Hicks, Mr. Harrington, Mr. Krebs, Mr. Edgar, Mr. Bedell, Mr. Riegle, Mr. Thompson, Mr. Fithian, Mr. Moorhead of Pennsylvania, Mr. Richmond, Mr. Brown of California, Mr. Hawkins, Mr. Corman, Mr. Neal, Mr. Hechler of West Virginia, Mr. Baucus, Ms. Abzug, Mr. Downey, Mr. Studds, Mrs. Spellman, Mr. Ford of Tennessee, and Mr. Drinan):

H.R. 5928. A bill to improve the Nation's energy resources; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. Bob Wilson) (by request):

H.R. 5929. A bill to authorize additional military assistance for South Vietnam, and for other purposes; to the Committee on Armed Services.

By Mr. ROSTENKOWSKI:

H.R. 5930. A bill to provide, through tax incentives in the Internal Revenue Code of 1954, for the continuation or restoration of health insurance coverage for unemployed workers receiving unemployment compensation, with such coverage being financed through a trust fund and an excise tax on group health insurance premiums, and for other purposes; to the Committee on Ways and Means.

By Mr. RAILSBACK (for himself, Mr. Kastenmeier, Mr. Blouin, Mr. English, Mr. Goodling, Mr. Jacobs, Mr. Long of Maryland, and Mr. Nolan):

H.R. 5931. A bill to regulate lobbying and related activities; jointly to the Committee on the Judiciary, and Standards of Official Conduct.

By Mr. ST GERMAIN (for himself, Mr. Beard of Rhode Island, Mr. Dodd, Mr. Moss, Mrs. Schroeder, and Mr. Stark):

H.R. 5932. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national park or national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. SIMON:

H.R. 5933. A bill to amend title XVIII of the Social Security Act to include hearing aids and eyeglass lenses (and related examinations), and dentures, among the items and services for which payment may be made under the supplementary medical insurance program; to the Committee on Ways and Means.

By Mr. STEELMAN (for himself, Mr. Fraser, Mr. Roe, and Mrs. Boggs):

H.R. 5934. A bill to amend the Public Health Service Act to provide for the making of grants to assist in the establishment and initial operation of agencies and expanding the services available in existing agencies which will provide home health services, and to provide grants to public and private agencies to train professional and paraprofessional personnel to provide home health services; to the Committee on Interstate and Foreign Commerce.

H.R. 5935. A bill to amend title XVIII of the Social Security Act to liberalize the conditions under which posthospital home health services may be provided under part A thereof, and home health services may be provided under part B thereof; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HOWARD:

H.R. 5936. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. HAWKINS (for himself, Ms. Abzug, Mr. Badillo, Mr. Benitez, Mr. John L. Burton, Mr. Brown of California, Mrs. Burke of California, Mr. Carr, Mr. Corman, Mr. Diggs, Mr. Edwards of California, Mr. Eilberg, Mr. Madden, Mr. Metcalfe, Mr. Mitchell of Maryland, Mr. Murphy of New York, Mr. Ottinger, Mr. Rose, Mr. Roybal, Mr. Solarz, Mr. Stark, Mr. Traxler, Mr. Van Deerlin, Mr. Waxman, and Mr. Charles H. Wilson of California):

H.R. 5937. A bill to amend the Economic Opportunity Act of 1964, to provide for demonstration projects to combat rural poverty, to restore community land grants, to promote rural community bilingualism, to revive rural Mexican-American culture, and for other purposes; to the Committee on Education and Labor.

By Mr. ADAMS:

H. Con. Res. 218. Concurrent resolution setting forth, on an aggregate basis only, the congressional budget for the U.S. Government for the fiscal year 1976.

By Mr. JOHN L. BURTON (for himself, Mr. Carr, Mr. Moffett, Mr. Weaver, Mr. Patterson of California, Mr. Jones of North Carolina, Mr. Stark, Mr. Mitchell of Maryland, Mr. Badillo, Ms. Abzug, Mr. Nix, and Mr. Harrington):

H. Con. Res. 219. Concurrent resolution expressing the sense of the Congress that the President should take immediate steps to evacuate all American nationals from Vietnam and Cambodia within 7 days, solely utilizing civilian personnel and transport for these evacuations; to the Committee on International Relations.

By Mr. MURTHA:

H. Res. 393. Resolution directing the Committee on Public Works and Transportation to study the long-range needs of the trucking industry in the United States; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

94. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to the cattle loan security program; to the Committee on Agriculture.

95. Also, memorial of the Legislature of the State of Minnesota, relative to prisoners of war and missing in action in Indochina; to the Committee on Armed Services.

96. Also, memorial of the Legislature of the State of Idaho, relative to the food for peace program; to the Committee on International Relations.

97. Also, memorial of the Legislature of the State of Idaho, relative to extending U.S. citizenship to Beatrice Serrano Toledo; to the Committee on the Judiciary.

98. Also, memorial of the Legislature of the State of Idaho, relative to extending U.S. coastal waters to 200 miles; to the Committee on Merchant Marine and Fisheries.

99. Also, memorial of the Legislature of the State of Idaho, relative to the use of toxic materials to control predatory animals; to the Committee on Merchant Marine and Fisheries.

100. Also, memorial of the Senate of the State of Oklahoma, relative to the transfer of boat dock ownership on Oklahoma lakes under the jurisdiction of the U. S. Army Corps of Engineers; to the Committee on Public Works and Transportation.

101. Also, memorial of the Legislature of the State of Arkansas, relative to the depletion allowance on natural gas and oil; to the Committee on Ways and Means.

102. Memorial of the Legislature of the State of Idaho, relative to Federal estate taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PHILLIP BURTON introduced a bill (H.R. 5938). A bill for the relief of Linda Navarro Smith, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

82. The SPEAKER presented a petition of the board of directors, Council of Jewish Federations & Welfare Funds, New York, N.Y., relative to health and welfare services; to the Committee on Appropriations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 46

By Mr. ANDERSON of Illinois:

An amendment in the nature of a substitute offered to the committee amendment in the nature of a substitute for H.R. 46, by Mr. Anderson of Illinois: Strike out all after the enacting clause of H.R. 46 and insert the following:

"That this Act may be cited as the "Youth Camp Safety Act."

"STATEMENT OF PURPOSE

"SEC. 2. It is the purpose of this Act to protect and safeguard the health and well-being of young persons in day camps and resident camps, by providing for the development of standards for safe operation of such camps, and to provide Federal financial and technical assistance to the States in order to encourage them to develop and implement youth camp safety plans and programs, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

"BUREAU OF YOUTH CAMP SAFETY

"SEC. 3. (a) The Secretary of Health, Education and Welfare (hereinafter referred to as "the Secretary) is authorized to establish within the Department of Health, Education, and Welfare (hereinafter referred to as "the Department") a Bureau of Youth Camp Safety to assist him in the administration of this Act. The Secretary is further authorized to make personnel from the Department, who have the necessary expertise, available to States to assist in developing State plans, and in training State inspectors and other personnel associated with youth camps. The Secretary shall call upon the expertise of national organized camping groups for such assistance to Federal and State personnel.

"(b) The Secretary is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

"PROMULGATION OF MODEL YOUTH CAMP SAFETY STANDARDS

"SEC. 4. (a) The Secretary shall develop model youth camp safety standards. In developing such standards, the Secretary shall consult with State officials, and with representatives of appropriate public and private organizations, and shall consider existing State regulations and standards and standards developed by private organizations which are applicable to youth camp safety. The Secretary shall promulgate the standards required by this section within six months after the effective date of this Act.

"(b) The standards developed by the Secretary shall be directed toward safe operation of youth camps and related to such matters as—but not limited to—personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety, including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment and condition and density of use.

"FEDERAL GRANT ASSISTANCE TO STATES

"SEC. 5. (a) PLAN DEVELOPMENT ASSISTANCE GRANTS.—The Secretary may make grants to States for the development of State Youth Camp Safety Plans in accordance with section 6 of this Act. The amount of any grant under this subsection shall not exceed the amount determined by the Secretary to be the reasonable and necessary costs of carrying out such plan development activities. For the purpose of making payments pursuant to grants under this subsection, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1976.

"(b) PLAN INITIATION AND TRAINING GRANTS.—The Secretary shall make grants to States which have in effect plans approved under section 6 to assist such States with plan initiation and training costs. The amount of any grant under this subsection shall not exceed 50 per centum of the costs (as determined by the Secretary) for establishing and operating a youth camp safety program for the year for which the grant is made. No State shall be eligible to receive a grant under this subsection in more than two fiscal years. For the purpose of making payments pursuant to grants under this subsection, there are authorized to be appropriated $4,000,000 for the fiscal year ending June 30, 1976, and $5,000,000 for the succeeding fiscal year.

"(c) EARLY OPERATION AND IMPROVEMENT GRANTS.—The Secretary shall make grants to States for the early operation and improvement of youth camp safety programs, provided he makes a determination on the basis of a review of each approved plan, that it is being administered in compliance with its provisions. The amount of any grant under this subsection shall not exceed 50 per centum of the costs related to the early operation and improvement (as determined by the Secretary) of the youth camp safety program for the year for which the grant is made. For the purposes of making payments pursuant to grants under this subsection, there are authorized to be appropriated $2,500,000 for the fiscal year ending June 30, 1976, and $5,000,000 for each of the two succeeding fiscal years.

"STATE YOUTH CAMP SAFETY PLANS

"SEC. 6. (a) Any State which desires to implement a State Youth Camp Safety Program and to qualify for Federal grant assistance as provided by section 5 (b) and (c) of this Act shall submit to the Secretary a State plan for the operation of such program.

"(b) The Secretary shall approve a plan submitted by a State under subsection (a), or any modification thereof, if such plan in his judgment—

"(1) designates a State agency as the agency responsible for administering the plan throughout the State,

"(2) provides for the development and enforcement of comprehensive youth camp safety standards, which standards (and the enforcement of such standards) are or will be at least as effective in providing safe operation of youth camps in the State as the Federal standards promulgated under section 4, and provides that where penalties are not employed as a method of enforcement of such standards, a system of certification and loss of certification is in effect which is at least as effective as penalties.

"(3) provides for consultative services to youth camps in the State with respect to comprehensive youth camp safety standards under such State plan,

"(4) provides for an inspection of each such youth camp at least once a year during a period the camp is in operation,

"(5) provides for a right of entry and inspection of all such youth camps,

"(6) contains satisfactory assurances that such State agency has or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

"(7) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

"(8) provides that such State shall coordinate the inspection efforts of such State agency so that undue burdens are not placed on camp operators with multiple inspections,

"(9) provides that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require,

"(10) provides assurances that State funds will be available to meet the portions of the cost of carrying out the plan which are not met by Federal funds, and

"(11) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

"(c) The Secretary shall approve any State plan which meets the requirements of this section, but shall not finally disapprove any such plan, or any modification thereof, without affording the State agency reasonable notice and an opportunity for a hearing.

"(d) In order to determine whether to make available additional grant assistance as provided by section 5(c), the Secretary shall review each approved plan, and the enforcement thereof, and make a finding as to whether each such plan is administered so as to comply with the provisions of such plan and any assurances contained therein. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of a State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and inform such State agency that no further payments will be made to the State under this Act.

"REPORTS

"SEC. 7. (a) Any State which has in effect a State plan approved under section 6 shall file an annual report with the Secretary detailing all accidents resulting in death, injury and serious illness, other than minor injuries which require only first aid treatment, occurring in youth camps under the jurisdiction of the State plan. The Secretary shall compile these statistics and include summaries thereof in his annual report required under subsection (b) of this section.

"(b) The Secretary shall report to the President and to the Congress, on or before January 1 of each year, on the activities carried out under this Act, including the statistics submitted to and compiled by the Director under subsection (a) of this section.

"MISCELLANEOUS

"SEC. 8. (a) Nothing in this Act or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this Act to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

"(b) Nothing in this Act shall be deemed to authorize or require medical treatment for those who object thereto on religious grounds, nor shall examination or immunization of such persons be authorized or required except during an epidemic or threat of an epidemic of a contagious disease.

"(c) Nothing in this Act shall be construed to supersede or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of youth camp operators and campers under any law with respect to injuries, diseases, or death of campers arising out of, or in the course of, participation in youth camp activities covered by this Act.

"DEFINITIONS

"SEC. 9. For the purposes of this Act—

"(1) The term 'youth camp' means any camp which is advertised or promoted as a youth camp; operates on a permanent campsite as the term is generally understood; operates under the auspices of a profit or nonprofit entity; is conducted for ten or more children under the age of eighteen at any one time; and operates for a period of, or portions of, five consecutive days or more during one or more seasons of the year.

"(2) The term 'State' includes each of the several States and the District of Columbia, Puerto Rico and the Virgin Islands.

"EFFECTIVE DATE

"SEC. 10. This Act shall take effect on the date of enactment."

"TERMINATION DATE

"SEC. 11. (a) The grant assistance program established by this Act shall terminate on June 30, 1978. It is the intent of the Congress that such program shall not be renewed and that States desiring to develop and implement youth camp safety programs eligible for such assistance shall take appropriate action within the three-year period set forth in this Act.

"(b) The Secretary shall include in his annual report of January 1, 1979, required by section 7(b), a separate section containing a summary of the three-year operation of the Federal program. Such summary shall include—but shall not be limited to—a listing of those States operating youth camp safety programs under approved State plans, statistics collected on the incidence of serious injuries, illnesses and deaths as required by section 7(a), and any conclusions and recommendations which he may deem appropriate based on his summary and findings.

"(c) The termination date in subsection (a) notwithstanding, the Secretary shall continue to provide States with such technical assistance as they may request and as may be within the capability of the Department to provide."

H.R. 5899

By Mr. BAUCUS:

On page 10, line 18, strike $446,000,000" and insert "$510,000,000."

SENATE—*Monday, April 14, 1975*

The Senate met at 12 noon and was called to order by Hon. JOHN GLENN, a Senator from the State of Ohio.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Spirit, amid the tensions, frustrations and disappointments of our times, we seek in Thy presence a healing grace, a guiding light and renewed purpose. Here may we open the windows of faith that we may have courage for the day and hope for the morrow. Sustain us when work is heavy. Sharpen our insights when the way is unclear. As servants of the people lead us through the present perplexities by the confident hope that the kingdoms of this world shall yet become the kingdom of Thy radiant love.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 14, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN GLENN, a Senator from the State of Ohio, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. GLENN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 10, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the calendar for unobjected-to measures, under rule VIII, be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN VACATED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order allocating 15 minutes to the distinguished Senator from Texas (Mr. BENTSEN) be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 60 through 67.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, I ask the distinguished majority leader whether all these measures have been cleared on this side of the aisle. It is my understanding that they have been.

Mr. MANSFIELD. Yes. That is why I endeavored to signal to the Senator that they had. Otherwise, they would not have been called up.

Mr. WILLIAM L. SCOTT. I thank the Senator.

I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INCOME SECURITY FOR AMERICANS: RECOMMENDATIONS OF THE PUBLIC WELFARE STUDY

The concurrent resolution (S. Con. Res. 16) authorizing the printing of additional copies of the joint committee print entitled "Income Security for Americans: Recommendations of the Public Welfare Study," was considered, and agreed to as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee three thousand additional copies of its joint committee print of the Ninety-third Congress, second session, entitled "Income Security for Americans: Recommendations of the Public Welfare Study".

FEDERAL SUBSIDY PROGRAMS

The concurrent resolution (S. Con. Res. 17) authorizing the printing of additional copies of the joint committee print entitled "Federal Subsidy Programs," was considered, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee three thousand additional copies of its joint committee print of the Ninety-third Congress, second session, entitled "Federal Subsidy Programs".

PRAYERS OF THE CHAPLAIN OF THE SENATE DURING 93D CONGRESS

The concurrent resolution (S. Con. Res. 31) authorizing the printing as a Senate document of the prayers offered by the Chaplain of the Senate, the Reverend Edward L. R. Elson, S.T.D., during the 93d Congress, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-third Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 88) authorizing additional expenditures by the Committee on Armed Services for routine purposes, was considered and agreed to, as follows:

Resolved, That the Committee on Armed Services is authorized to expend from the contingent fund of the Senate, during the Ninety-fourth Congress, $75,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

HOUSING COMPILATION

The concurrent resolution (H. Con. Res. 27) to provide additional copies of housing compilation, was considered and agreed to.

A COMPILATION OF FEDERAL EDUCATION LAWS

The concurrent resolution (H. Con. Res. 145) authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws," was considered and agreed to.

EDNA M. MURRAY

The resolution (S. Res. 128) to pay a gratuity to Edna M. Murray, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Edna M. Murray, sister of James B. Murray, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARILYN WALKER AND LAURA S. MORALES

The resolution (S. Res. 129) to pay a gratuity to Marilyn Walker and Laura S. Morales, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marilyn Walker and Laura S. Morales, daughters of Laura M. Miller, an employee of the Senate at the time of her death, a sum to each equal to two months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Does the Senator from Virginia desire recognition?

Mr. WILLIAM L. SCOTT. I yield back my time, Mr. President.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 30 minutes, with statements therein limited to 5 minutes each.

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leaders have been recognized on tomorrow, the distinguished Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. MANSFIELD. Will the Senator yield?

Mr. PERCY. Yes.

Mr. MANSFIELD. If I am not on the floor, I ask that I be recognized so that if the Senator needs additional time, he may have my 5 minutes.

Mr. PERCY. I thank my distinguished colleague, the majority leader, very much indeed.

VIETNAM: A PERSONAL PERSPECTIVE

Mr. PERCY. Mr. President, in recent days we have heard a great deal about the obligation of the American Government and people to the Government and people of the Republic of Vietnam. We have heard that we have a responsibility to those Vietnamese who have helped us over the years, that we cannot walk away from them after all they have done for us, and that we should continue to provide military support for them in an obviously hopeless situation.

These are generous thoughts, but I believe their premise is mistaken. In fact, I believe that such thoughts are based on a complete distortion of the reality of the Vietnamese war.

It is my own understanding of the situation that the United States sent troops and treasure to the Republic of Vietnam to help the Saigon regime, that those in Vietnam who worked with us were receiving our help, and that our help enabled them to hold back the Vietcong and the North Vietnamese forces for many years. It seems obvious that they have failed in their struggle because of their own errors, because of their own failure to provide respected leadership for their people, and ultimately because of the disintegration of their army which was well supplied by the United States.

Moreover, I deeply regret the comments of American officials that the forces of the Republic of Vietnam might fire on our civilians and our military escort when we withdraw from that country. I hope that this prediction does not come true, not only for the danger to our own people, but also because the suggestion itself is derogatory and demeaning to the South Vietnamese.

If this actually came to pass, it would demonstrate that the forces of the Republic of Vietnam—clothed, trained, equipped, and paid by the American taxpayer—also had a distorted understanding of the reality of that tragic war. For it was their war that was fought, for their country, for their freedom from insurgent control. It was never intended by the American people to be considered our war, for our country, or for our freedom.

If in our judgment the Saigon government cannot or will not insure the safety of foreign nationals and their dependents residing in South Vietnam, then I feel they should be evacuated without any further delay. The American presence would remain, but should be reduced to a minimum.

The United States contributed the precious lives of 55,000 of our young men, a reported $150 billion of our tax funds, and the stability of our economy to try to rescue the Republic of Vietnam from the insurgency. Apparently nothing we could give them would be enough to stem the enemy tide. The enemy breakthrough of the last month, sponsored and managed by North Vietnam in contravention to the Paris agreements, was achieved with very little combat. It was successful because the best units of the army of the Republic of Vietnam, without adequate leadership, fled in panic, leaving a reported billion dollars' worth of American weaponry behind. They could have stood and fought, using that equipment, but they did not.

The other side has indicated the possibility of a negotiated settlement if President Thieu would step aside. No doubt they believe that they could negotiate either a coalition government with some elements in Saigon or a takeover by common consent. Since it is clear that Saigon will lose the war, there should be in Saigon now a new government with which the other side would negotiate. The primary goals of such a new government should be to end the war, to reach an arrangement with the enemy that would allow an orderly and safe evacuation of those who wish to leave the country, and an agreement not to engage in reprisals against those who have served the Saigon government.

If President Thieu continues to hang on to his position, it seems clear that further tragedy will engulf those in Saigon and in the diminishing areas of Saigon control. If he leaves office, there may still be a tragic unfolding of events. Nevertheless, the only chance for a coalition government or a peaceful transfer of authority is contingent on the quick exit of President Thieu.

Since the middle of 1966, I have advised that the best interest of the people of the United States required an end to the war in Vietnam by political settlement. Three U.S. administrations, working with the regime in Saigon, rejected such counsel from myself and others on the basis that a political settlement would result ultimately in Communist control of South Vietnam. So the war continued, both with and later without, U.S. combat forces. And now the Communists are advancing on Saigon, and we are told once again that a little more American military aid might stem the tide.

In this circumstance, we know that the tide could possibly be delayed, but it will not be stopped. Perhaps at last, we should all recognize that we have done all we could possibly do to save South Vietnam from Communist control, and that finally we should be more concerned with ending the daily casualties of the men of both sides and of the desperate civilians caught in the middle.

The American people have done all they can. The leaders of South Vietnam have failed to rally their countrymen. President Thieu retains his office when only by relinquishing it is there any chance of ending the casualties of war.

At long last, President Thieu should resign and a successor government should seek to negotiate either a coalition government or a peaceful transfer of authority, with safeguards for a reasonable evacuation and an agreement to inhibit reprisals.

If President Thieu will not resign in the interest of his own people, I see no further reason for the American people to provide sustenance for the Government of South Vietnam.

Mr. WILLIAM L. SCOTT. Mr. President, I have listened to the comments by the distinguished Senator from Illinois. I agree with his conclusion that we should not furnish further military aid to South Vietnam, but I disagree with his reasoning. He appeared to place the blame on South Vietnam, indicating the Government of South Vietnam had failed, not us.

I would agree that we are not to blame, but I think the failure of peace is due to a large extent to the North Vietnamese failure to abide by the peace agreemnt that was worked out some time ago by the Communist aggressors, by the furnishing of war materiel from Red China and the Soviet Union.

It just seems to me that détente, if it is going to work at all, should be worldwide. It should be a two-way street. The actions by North Vietnam, by Red China, and by Russia that have taken place in Vietnam do not indicate they share this feeling of making détente worldwide.

So, while I would agree with the conclusion of the distinguished Senator, I am not in agreement with where he places the blame.

I am glad to yield to the Senator from Illinois.

Mr. PERCY. I appreciate the comments of my distinguished colleague.

During the course of my comments, I made the following statement, which may have escaped the notice of my distinguished colleague from Virginia. I said:

> The enemy breakthrough of the last month, sponsored and managed by North Vietnam in contravention to the Paris agreements, was achieved with very little combat.

The Senator from Illinois has for years attempted to point out that the atrocities committed by the government of Hanoi upon the South Vietnamese people have been horrendous.

The Senator from Illinois in December 1967 visited the village of Dak Son where, only a few days earlier, the Vietcong had come in with flamethrowers and murdered, in the middle of the night, 500 women and children.

My visit to that village was an attempt to emphasize the significance of that kind of atrocity.

There is no question that the present situation has resulted from the flagrant violation by North Vietnam and the Vietcong of the agreement of Paris.

But the fact remains, and I think the distinguished Senator will agree, that they met very little resistance then when they broke through. The debacle in the north was a tragic occurrence which has disproved many of the theories of Vietnamization: That if we adequately equip, train, and prepare the South Vietnamese, they will be able to carry on the fight by themselves.

Some of the best South Vietnamese troops were in the north, and they actually trampled civilians as they fled, leaving behind, as I said, a reported $1 billion worth of equipment, including almost 400 American aircraft that we had provided and scores of helicopters.

Certainly this breakdown of the program cannot just be attributed, then, to the other side, bad as their actions have been. There has been great disillusionment with the ability of the South Vietnamese Army and its leadership when put to the test, supplied with all this materiel, equipment, and training, to stand up against the enemy.

Mr. WILLIAM L. SCOTT. Mr. President, I do not disagree with the distinguished Senator about the resistance of the south in recent days, but as I understand, the defense forces are regrouping. From a television account last night it appears the South Vietnamese at the moment are accounting for themselves quite well.

It is difficult for us being as far away as we are, even difficult when we make a visit to Vietnam and spend a couple of days, as the distinguished Senator from Illinois and I have both done, to judge the worth and effectiveness of the South Vietnamese Government.

I have no brief for President Thieu, but I am not going to condemn him either, because I am not familiar enough to pass judgment upon him or his government. It is a government of the choosing of the people of South Vietnam.

I think we can have a better world by having self-determination by all of the countries of the world, and I think the Senator would agree with this thought.

Mr. PERCY. From the best intelligence the Senator from Illinois can get, it is felt almost universally now in Saigon and among the military that the best effort will be made made if they are fighting for a negotiated settlement, and that that cannot be accomplished unless President Thieu leaves the scene.

The very fact that he has chosen for the Saigon command within recent weeks certain generals whose faults are well known indicates that there may really be an attempt to surround himself with people who would prevent a coup against him rather than provide the most competent defense for that city.

I certainly appreciate very much the comments of my distinguished colleague. He has been in Vietnam more recently than the Senator from Illinois. I have been there on a number of occasions, but from my attempts to stay abreast of the situation, I can say that the prospects are not encouraging.

I reiterate my strong feeling that we should evacuate most of the Americans there who are not absolutely essential to our function, and reduce the American presence to a minimum at this particular point, and that, I think, should be done for all foreign nationals when the government of a host country may not be able to provide for their security and safety.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. GLENN) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; and

H.R. 4005. An act to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act.

The message also announced that the Speaker has affixed his signature to the bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. GLENN).

At 2:25 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that, pursuant to the provisions of section 208(a) (B), title 2, Public Law 93-443, the Speaker has appointed as members of the Federal Elections Commission the Honorable Robert O. Tiernan, of Rhode Island, and the Honorable Vernon W. Thomson, of Wisconsin, their nominations having been confirmed by the House of Representatives and the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GLENN) laid before the Senate the following letters, which were referred as indicated:

Supplemental Estimate of Appropriation for the Food Stamp Program

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting that the appropriation of the Department of Agriculture for the food stamp program, Food and Nutrition Service, has been reapportioned on a basis which indicates a necessity for a supplemental estimate of appropriation for fiscal year 1975; to the Committee on Appropriations.

Salton Sea Federal-State Feasibility Report

A letter from the Secretary of the Interior, transmitting, pursuant to law, the Salton Sea Federal-State Feasibility Report (California) (with an accompanying report); to the Committee on Appropriations.

Construction Projects for the Army Reserve

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, 12 construction projects proposed to be undertaken for the Army Reserve (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation by the Department of the Army

A letter from the Secretary of the Army transmitting a draft of proposed legislation to permit the assignment of members of the Armed Forces who have completed basic training and training in a military specialty as is prescribed by the Secretary concerned to oversea areas free from hostile fire, and to permit the release of Reserve component enlistees from their initial active duty for training upon completion of basic training and training in a military specialty as is prescribed by the Secretary concerned (with accompanying papers); to the Committee on Armed Services.

A letter from the Secretary of the Army transmitting a draft of proposed legislation to remove the limitation on the number of cadets or midshipmen who may be appointed from the 2-year Senior Reserve Officers' Training Corps course (with accompanying papers); to the Committee on Armed Services.

Proposed Legislation To Authorize Additional Military Assistance for South Vietnam

A communication from the President of the United States, transmitting a draft of proposed legislation, to authorize additional military assistance for South Vietnam, and for other purposes (with accompanying papers); to the Committee on Armed Services.

Contingency Plans To Assure Safe Evacuation of U.S. Nationals From Cambodia

A communication from the President of the United States relating to certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. nationals from Cambodia; to the Committee on Foreign Relations.

Cumulative Report on Rescissions and Deferrals

A letter from the Director, Office of Management and Budget, transmitting, pursuant to law, a cumulative report on rescissions and deferrals (with an accompanying report); to the Committee on Appropriations, the Committee on the Budget, the Committee on Aeronautical and Space Sciences, the Committee on Agriculture and Forestry, the Committee on Armed Services, the Committee on Banking, Housing and Urban Affairs, the Committee on Commerce, the Committee on Finance, the Committee on Foreign Relations, the Committee on Government Operations, the Committee on Interior and Insular Affairs, the Committee on the Judiciary, the Committee on Labor and Public Welfare, the Committee on Public Works, the Committee on the District of Columbia, and the Joint Committee on Atomic Energy, jointly, pursuant to the order of January 30, 1975.

Report by the Office of Management and Budget

A letter from the Deputy Director of the Office of Management and Budget transmitting, pursuant to law, a report of the President's Advisory Panel on Timber and the Environment (with an accompanying report); referred to the Committee on Government Operations.

Reports of the Comptroller General

Two letters from the Comptroller General of the the United States each transmitting, pursuant to law, a report, the first entitled "The Federal Crime Insurance Program: How It Can Be Made More Effective," and the second entitled "The Agricultural Attaché Role Overseas: What He Does and How He Can Be More Effective for the United States" (with accompanying reports); to the Committee on Government Operations.

Report of the Energy Research and Development Administration

A letter from the Administrator of the Energy Research and Development Administration transmitting, pursuant to law, a report entitled "The Energy Related Applications of Helium" (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Legislation by the Attorney General

A letter from the Attorney General of the United States transmitting a draft of proposed legislation to make possible the use of Spanish in the U.S. District Court for the District of Puerto Rico (with accompanying papers); to the Committee on the Judiciary.

Proposed Legislation by the Administrative Office of the U.S. Courts

A letter from the Director of the Administrative Office of the U.S. Courts transmitting a corrected draft of proposed legislation to provide that the district judgeship for the Eastern and Western Districts of Kentucky be a judgeship for the eastern district only (with accompanying papers); to the Committee on the Judiciary.

Orders of the Immigration and Naturalization Service

A letter from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, copies of orders entered by the Service in the case of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Richard B. Russell Federal Building, Atlanta, Ga.

A letter from the Acting Administrator of the General Services Administration transmitting, pursuant to law, an amendment to the prospectus for the Richard B. Russell Federal Building in Atlanta, Ga. (with accompanying papers); to the Committee on Public Works.

Report by the General Services Administration

A letter from the Acting Assistant Administrator of the General Services Administration transmitting, pursuant to law, a report recommending proposed Consolidated Federal Law Enforcement Training Center be relocated from Beltsville, Md., to the Glynco Naval Air Station at Brunswick, Ga. (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GLENN):

A petition from the Statewide Committees Opposing Regional Plan Areas, California, relative to redress of grievances under section 5 of rule VII, U.S. Senate, from the country at large. Referred to the Committee on Government Operations.

A petition from the Statewide Committees Opposing Regional Plan Areas, Baton Rouge, La., relative to redress of grievances under section 5 of rule VII, U.S. Senate, from the country at large. Referred to the Committee on Government Operations.

A petition from Statewide Committees Opposing Regional Plan Areas, California, relative to redress of grievances under section 5 of rule VII, U.S. Senate, from the country at large. Referred to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 249. A bill to amend the Securities Exchange Act of 1934, and for other purposes (Rept. No. 94-75).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, April 14, 1975, he presented to the President of the United States the enrolled bill (S. 994) to authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 3786. An act to authorize the increase of the Federal share of certain projects under title 23, United States Code; to the Committee on Public Works.

H.R. 4005. An act to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that act; to the Committee on Labor and Public Welfare.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. INOUYE:

S. 1417. A bill for the relief of Leighton Andrew HoSang. Referred to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 1418. A bill to authorize the position of crier-clerk within the judicial branch of the Government of the United States, and for other purposes. Referred to the Committee on the Judiciary.

S. 1419. A bill to provide greater security for the U.S. passport. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 1420. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SCHWEIKER:

S. 1421. A bill to amend the Federal Energy Administration Act of 1974 in order to provide for the prohibition of certain discriminatory practices in the pricing of fuels and other forms of energy, including electricity. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (for himself, Mr. Abourezk, Mr. Church, Mr. Clark, Mr. Hartke, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Mathias, and Mr. Mondale):

S. 1422. A bill to amend the Older Americans Act of 1965 to establish a legal counseling assistance program for older Americans and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 1423. A bill to create an additional judicial district in the State of Alabama, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1424. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps. Referred to the Committee on Post Office and Civil Service.

By Mr. EAGLETON:

S. 1425. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHURCH (for himself, Mr. Williams, Mr. Tunney, Mr. Chiles, Mr. Stone, Mr. Clark, Mr. Pell, Mr. Hartke, and Mr. Randolph):

S. 1426. A bill to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY:

S. 1427. A bill to protect the constitutional rights and privacy of individuals upon whom criminal justice information, criminal justice investigative information, and criminal justice intelligence information have been collected and to control the collection and dissemination of criminal justice information, criminal justice investigative information, and criminal justice intelligence information, and for other purposes. Referred to the Committee on the Judiciary.

S. 1428. A bill to provide for the security, accuracy, and confidentiality of criminal justice information and to protect the privacy of individuals to whom such information relates and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 1429. A bill for the relief of Bevilen Fernandez Knutson. Referred to the Committee on the Judiciary.

By Mr. CHURCH (for himself, Mr. Abourezk, Mr. Bumpers, Mr. Case, Mr. Clark, Mr. Philip A. Hart, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Leahy, Mr. Mathias, Mr. McGovern, Mr. Pell, Mr. Stevenson, and Mr. Talmadge):

S. 1430. A bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. WILLIAMS:

S. 1431. A bill to amend the Comprehensive Employment and Training Act of 1913 to establish an emergency conservation job program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. ROBERT C. BYRD (for himself and Mr. William L. Scott):

S.J. Res. 72. A joint resolution to authorize the President to use the Armed Forces of the United States to protect citizens of the United States being evacuated from South Vietnam and to require that a report thereon be submitted in accordance with the provisions of the War Powers Resolution. Referred to the Committee on Foreign Relations.

(The remarks of Mr. Robert C. Byrd on the introduction of the above joint resolution are printed later in the Record.)

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EASTLAND:

S. 1419. A bill to provide greater security for the United States passport. Referred to the Committee on the Judiciary.

GREATER SECURITY FOR THE UNITED STATES PASSPORT

Mr. EASTLAND. Mr. President, I send to the desk a bill to provide greater security for the U.S. passport, and ask that it be appropriately referred. I am reintroducing this bill in line with the recommendations of the American Legion and others.

This measure is closely similar to S. 2933, which I introduced in the last Congress. I have made a few changes to clarify the fact that this bill, if enacted, could never be used to prevent establishment of derivatory U.S. citizenship despite birth outside the United States, by reasonable proof of citizen parentage.

I want to serve notice on my colleagues that it is my hope to be able to hold hearings on this bill in the very near future.

By Mr. BENTSEN:

S. 1420. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such Act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS AMENDMENTS OF 1975

Mr. BENTSEN. Mr. President, I am today introducing the Older Americans Act Amendments of 1975, which passed the House less than a week ago.

When Congress passed the Older Americans Act in 1965, it set a goal of "retirement in health, honor, and dignity after years of contribution to the economy."

Through this act and subsequent amendments we have made progress toward the goal.

Over the past decade there have been significant achievements:

State and local area agencies have been set up to provide a focal point for community service to older adults.

Some 4,600 students have participated in career training programs.

An estimated 221,000 senior citizens a day are being reached by the nutrition program for the elderly.

The community service employment program has enrolled 3,700 people over the age of 55.

Some 130,000 senior citizens a year volunteer their time and skills to their communities through the retired senior citizens volunteer program and the Foster Grandparents program.

Despite this, we still have a long way to go to bring new purposes and dignity to the retirement years.

The Older Americans Amendments of 1975 include provisions to continue through 1979 the State and community grant program, the Domestic Volunteer Act, including the Retired Senior Volunteer program, the Foster Grandparents program and the Nutrition Program for the Elderly. It substantially expands the Older Americans Community Services Employment Act.

Older Americans have been doubly victimized by inflation and recession. Inflation has steadily eroded the value of their dollars while the deepening recession reduces employment opportunities for older adults who tend to be the last hired and the first to be fired.

In the last year, despite increases in social security, thousands of older Americans have slipped below the poverty line because of inflation. At the same time more and more older workers are being thrown onto the unemployment lines. Between July 1974 and January 1975 unemployment among workers over the age of 40 increased by 75 percent.

Our senior citizens deserve the chance to better their financial situation while improving their communities through meaningful public service employment. Programs in this bill will aid them in doing so.

There are two new and innovative provisions in the Older Americans Act Amendments of 1975 which I would like to describe briefly.

The first, Mr. President, is the special service program for the elderly. The bill requires that at least 20 percent of funds received by the States be used for this worthwhile program.

In the last few months the excellent investigative work by the staff of the Senate Select Committee on Aging has pointed up the lamentable deficiencies in many of the existing long-term care facilities.

Clearly these deficiencies need to be corrected so the institutionalized elderly can live out their lives in dignity and comfort.

It is equally clear that many of the institutionalized elderly do not need the kind of care offered by long-term facilities.

What they need, Mr. President, is help in remaining in their own homes. It is the intention of the special service program to offer our older adults that help. It offers alternatives to premature institutionalization.

Through this program our senior citizens will be provided with homemaker services, home health services, shopping assistance and transportation.

It sets up programs of mortgage interest, reduction payments and mortgage insurance which will encourage the conversion and renovation of housing for the elderly.

This program should reassure senior citizens that they will not be forced into institutions when it is better for them and their communities that they remain in their own homes.

The second, Mr. President, is a new Age Discrimination Act of 1975. In the last few years we have enacted important legislation which prohibits discrimination in employment on the basis of age. I introduced the legislation which expanded this legislation to cover Federal, State, and local employees.

The new act prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance and authorize the Attorney General to bring civil action against persons in violation of it.

Gerontologists believe that ageism or discrimination against the elderly is as great a program as racism or sexism.

The Age Discrimination Act of 1975 will go a long way toward eliminating ageism and giving the elderly an equal chance in employment opportunities.

Mr. President, the Older Americans Act of 1975 passed the House last week by an overwhelming margin.

I urge my colleagues in the Senate to join me in giving this legislation the support it deserves.

By Mr. SCHWEIKER:

S. 1421. A bill to amend the Federal Energy Administration Act of 1974 in order to provide for the prohibition of certain discriminatory practices in the pricing of fuels and other forms of energy, including electricity. Referred to the Committee on Interior and Insular Affairs.

Mr. SCHWEIKER. Mr. President, incredible though it seems during this energy crisis, consumers who have followed the requests of the President and Congress to cut back and conserve energy are being charged higher rates by utility companies solely because they are using less energy.

People who did what was asked of them, turned down their thermostats thereby cutting their monthly fuel usage, are now being told by utilities that because they reduced their usage they have to pay more for each unit of fuel than they paid per unit when they used more.

Clearly the utility companies have not gotten the message. Consumers got the message, cut consumption, and got socked by the utility companies for doing what their Government asked them to do.

Mr. President, I introduce legislation today to prohibit utilities from imposing higher per unit charges on customers who use less energy.

For many months now the Federal Government has been advocating individual energy conservation efforts—and then looking the other way while utilities clobber those who conserve with higher per unit charges. The most outrageous example of this which has come to my attention is a response from a Federal Energy Administration bureaucrat to one of my constituents who successfully cut energy consumption and was rewarded by bigger fuel bills solely because she had used less. When this situation was called to FEA's attention, their unbelievable response was to tell the poor woman that she was not the only one being penalized for conserving fuel and that "there will be some inequities which some people, such as you, must live with." No wonder people are disgusted with Government.

Bring an obvious inequity to Government's attention and you get back a letter that says "tough luck." I ask unanimous consent that this letter be printed at this point in the Record. It is a good example of what is wrong with Government.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federal Energy Administration,
Philadelphia, Pa., February 14, 1975.

Dear Mrs. ——: Thank you for your letter of February 6, 1975. Your confusion with the Federal Energy Regulations is understandable. One of the primary functions of the FEA is to assure an adequate supply of petroleum products for home and business use. Our petroleum reserves are not limitless. Those supplies that are saved today will be available for use tomorrow. Stringent conservation measures are necessary to guarantee future petroleum supplies. While the "big energy crisis" to which you refer may be over, there is no guarantee that another embargo or unforseen complications may take place.

Your letter states that by conserving fuel, in your case, propane, you are paying seven cents more per gallon than your neighbor. Historically most propane dealers have set up a pricing structure whereby the more gallons you purchase, the cheaper the cost per gallon. Unfortunately, in your case, by conserving fuel you put yourself in a lower gallonage and, therefore, your costs went up.

I'm sure that, to you, it does seem as if you are being penalized for conserving fuel. But by no means are you the only one in this situation.

There is no simple solution to the energy problem. Until a solution is achieved, there will be some inequities which some people, such as you, must live with. But please keep in mind that while you, and people like you, are paying more for your fuel, your conservation efforts are helping to provide adequate fuel supply for the future.

I hope that this has answered your questions. Again, thank you for your letter and your concern.

Sincerely,

Herbert Heitzer,
Director, Compliance and Enforcement Division.

Mr. SCHWEIKER. Now, Mr. President, if Project Independence means anything, it means we should have Federal incentives for individual energy conservation efforts—or at the very least the Federal Government must insure that economic penalties do not accompany energy conservation. My bill will give this assurance, by requiring the Federal Energy Administration to prohibit, by regulation, any higher per unit utility charge for users with lower total consumption.

This measure does not assert Federal control over the basic utility ratemaking process. Ratemaking is an extremely complicated subject, and local factors must not be ignored in the rush to achieve uniformity. But where we do have an established national policy, as we do in the area of energy conservation, it does not make sense to permit that national policy to be undermined by utilities and State ratemaking practices. For that reason, a Federal standard is immediately required in this area.

I recognize that many utilities desperately need capital, in order to insure sufficient capacity for future needs. I think the Congress should consider whether Federal initiatives are appropriate in this area.

But even while this question is being debated, I believe Congress should take prompt action to insure that citizens who conserve energy in furtherance of our national policy are not economically penalized. My bill will accomplish that. I ask unanimous consent that this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Federal Energy Administration Act of 1974 is amended by inserting at the end thereof the following:

"(c) In order to more effectively carry out the purposes of subsection (b)(6) of this section the Administrator shall, not later than 90 days after the effective date of this subsection, prescribe such regulations as are necessary to prohibit any pricing practices in the furnishing of any fuel or other form of energy (including electricity) to the ultimate consumer which are regulated by a Federal or State agency and which allow per unit rates to vary inversely with total consumption."

By Mr. TUNNEY (for himself, Mr. Abourezk, Mr. Church, Mr. Clark, Mr. Hartke, Mr. Humphrey, Mr. Kennedy, Mr. McGovern, Mr. Mathias, and Mr. Mondale):

S. 1422. A bill to amend the Older Americans Act of 1965 to establish a legal counseling assistance program for older Americans and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS LEGAL COUNSELING ASSISTANCE ACT OF 1975

Mr. TUNNEY. Mr. President, I am joined by Senators Abourezk, Church, Clark, Hartke, Humphrey, Kennedy, McGovern, Mathias, and Mondale in introducing today the Older Americans Legal Counseling Assistance Act of 1975. This legislation to amend the Older

Americans Act of 1965 will begin to insure adequate legal services for this Nation's senior citizens.

Every day, approximately 4,000 Americans turn 65. Almost 10 percent of our population—and 2 million Californians alone—are 65 or older. Many of these people are able to lead productive lives. Many others are burdened with health problems, small retirement incomes against which expenditures for food and shelter are disproportionately large, and the enormous red tape involved in securing needed Federal benefits—social security, pensions, medicare, SSI, and so forth—to which they are now entitled and which are the economic mainstay of their lives.

Too often, our elderly are deprived of their rights, including their just Federal benefits, because no one is available to explain the technical language of Federal regulations, or the requirements for witnessing a will, or the qualifications to be met in a pension plan, or the tax implications of retirement income.

Many of these "legal" problems require lawyers' help, but others require only that competent paralegal or lay advocate advice be available. But even nonlegal help is many times inaccessible to our elderly—some of whom are physically unable to leave their homes; without transportation; without information about where to find help when help is needed; without economic resources; and often without sufficient knowledge of the English language.

In the course of a joint hearing of the Senate Special Committee on Aging and the Judiciary Subcommittee on Representation of Citizen Interests which I chaired last June, several key areas were explored: what further procedural safeguards are needed for involuntary commitment proceedings, how can law schools better prepare attorneys to have a more thorough understanding of the special legal problems affecting the elderly, and how can lay advocates be used more effectively on behalf of older Americans.

As a result of those hearings, it became clear there are three major factors contributing to the unresolved legal problems of the elderly. The No. 1 problem is, of course, income. The second is lack of knowledge about just when a lawyer is needed and what services are available. Last, many older Americans fear reprisals if they should initiate a proceeding.

It seemed clear to me then, and it does now, that a new, special emphasis approach is urgently needed if we are to come to grips with this problem. The most beneficial way to proceed is to amend the Older Americans Act of 1965, which has as its goal the providing of comprehensive programs which include a full range of health, education, and social services to senior citizens. Legal services are a badly needed social service.

The amendment I propose will not tie legal assistance to a means test. Thus, we avoid the situation where persons slightly above the poverty thresholds fall "between the cracks" because they are too rich for legal services, but too poor to retain a lawyer at $50 to $60 per hour.

In brief, the bill will amend title IV of the act to allow the Commissioner of the Administration on Aging to designate funds authorized under this section to encourage State and local agencies to provide older Americans with low-cost legal and other counseling assistance. Such programs include:

First. Training lawyers, lay advocates, and paralegals to the special problems of senior citizens;

Second. Developing law school curricula and clinical education programs which address the needs of the older American; and

Third. Establishing legal and other counseling programs for senior citizens geared to the areas of urgent need in the aged community, including: tax law, fraud, legal rights of nursing home residents, pension law, and other specialized areas which impact the elderly.

Commissioner Flemming has recently stated that $1 million under the Older Americans Act would be designated for legal services. We have no guarantees that the money will continue beyond this fiscal year, particularly in light of the administration's penchant for cutting senior citizen programs. This legislation will spell out the mandate of Congress that legal services are indeed a priority item for senior citizens and shall be provided under the act.

By affording adequate help to assure that senior citizens secure the rights and benefits to which they are entitled, we go a long way toward recognizing a very fundamental truth: that there is, indeed, value in every life, particularly those who have served the Nation in their youth and now in older age must call on others to serve them.

Mr. President, I believe that we owe to our older Americans the modicum of dignity this program will help provide, and I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Legal Counseling Assistance Act of 1975".

SEC. 2. Title IV of the Older Americans Act of 1965 is amended by—

(1) adding at the end of section 404 of the Act the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older Americans; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State designed to provide assistance or services to older Americans, including nursing home programs and other similar programs."

(2) redesignating part D, and all references thereto, as part E;

(3) redesignating sections 431 and 432 as sections 441 and 442 respectively; and

(4) inserting after part C the following new part:

"PART D—OLDER AMERICANS LEGAL COUNSELING ASSISTANCE

"STATEMENT OF PURPOSE

"SEC. 431. It is the purpose of this part to encourage and assist state and local agencies to provide older Americans, including those in intermediate and long-term care facilities, with necessary or appropriate legal or other counseling assistance, through the establishment of programs designed to train lawyers, lay advocates, and paraprofessional persons, and to direct the attention of the legal profession to the problems and needs of the older American, including, but not limited to, tax counseling and problems and needs arising from the manner in which nursing homes are administered.

"PROGRAM AUTHORIZATION

"SEC. 432. The Commissioner may make grants to public and private nonprofit agencies, organizations and institutions for the purpose of establishing or supporting legal counseling assistance programs for older Americans. A grant may be made under this section only if the application therefor—

"(1) furthers the just treatment of older Americans through the provision of necessary or appropriate legal and other counseling services and assistance, including counseling to assist older Americans living in nursing homes to meet problems and needs arising from the manner in which such homes are administered, and tax counseling,

"(2) trains lawyers, lay advocates, and paraprofessional persons about the special legal problems confronting older Americans,

"(3) develops law school curricula and clinical education programs which address the problems and needs of older Americans, and

"(4) provides such other information, training, or assistance as may be necessary to meet such problems and needs."

By Mr. INOUYE:

S. 1424. A bill to amend title 5 United States Code, to allow credit for civil service retirement purposes for time spent by Japanese Americans in World War II internment camps. Referred to the Committee on Post Office and Civil Service.

Mr. INOUYE. Mr. President, I am introducing a bill designed to give Japanese Americans interned during World War II credit toward civil service retirement for the time spent in the internment or relocation camps from 1932 to 1945.

Japanese Americans interned during those years were deprived of their liberty and the normal economic pursuit. Many lost valuable property in addition to their loss of the opportunity to practice their professions and continue working at their jobs.

A previous amendment to the Social Security Act allows them credit toward social security for the years spent in the camps if they were 18 years or older.

However, many have invested their time and service in the Government rather than private concerns, thus were not able to take advantage of that provision of that law. This bill simply complements the previous social security amendment. It extends to Federal employees the right to claim those years for civil service retirement credit.

I urge prompt action to enact this bill so that justice may be done.

By Mr. EAGLETON:

S. 1425. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations contained in such act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, the bill I am introducing would extend a number of programs authorized by the Older Americans Act of 1965 for an additional two fiscal years beyond June 30, 1975, the date on which these programs would otherwise expire. The Subcommittee on Aging of the Committee on Labor and Public Welfare will hold a series of hearings on this subject, beginning on April 16 as previously announced in the RECORD of April 9. The purpose of the simple extension bill I am offering is so that the subcommittee will have before it legislation in addition to that passed earlier this week by the House, H.R. 3922, and that introduced on behalf of the administration by Senator BEALL, S. 599. It is my understanding that Senators CHURCH and WILLIAMS are also preparing a bill on this subject for introduction prior to our hearings.

My bill would extend existing programs under titles II, III, IV, and IX of the act, at the same authorization levels except where the House bill establishes new authorization levels except where the House bill establishes new authorization amounts, in which case the House amounts are used. The 2-year extension period in my bill—as opposed to the 4-year extension in the House bill—is intended, as are all of its provisions, as a starting point.

Br. Mr. CHURCH (for himself, Mr. WILLIAMS, Mr. TUNNEY, Mr. CHILES, Mr. STONE, Mr. CLARK, Mr. PELL, Mr. HARTKE, and Mr. RANDOLPH):

S. 1426. A bill to amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such act, to prohibit discrimination on the basis of age, and for other purposes. Referred to the Committee on Labor and Public Welfare.

OLDER AMERICANS AMENDMENTS OF 1975

Mr. CHURCH. Mr. President, on behalf of myself and Senators WILLIAMS, TUNNEY, CHILES, STONE, CLARK, PELL, HARTKE, and RANDOLPH, I introduce for appropriate reference the Older Americans Amendments of 1975.

One of the first orders of business for the 94th Congress is to extend the Older Americans Act.

Authority for most of its programs expires on June 30.

Consequently, the need for early action is urgent. In 1965 the Congress enacted the Older Americans Act, after a struggle spanning several years. It also created an Administration on Aging to serve as a focal point for all Federal activities relating to aging.

Over the years the Older Americans Act has provided—largely through its title III programs—a wide range of services for elderly persons, including home health, employment referral, friendly visitor, meals-on-wheels, and many others.

Today 412 area agencies on aging have been established in areas where 70 percent of the elderly live. These units serve as planners, advocates, and catalysts in developing comprehensive and coordinated service systems which link all public and private service agencies to meet the needs of older people. When area agencies are fully developed, they will coordinate all services for the aged.

The Older Americans Act has also helped to alleviate one of the most critical problems in the entire field of aging: the lack of adequately trained personnel to deliver services for the elderly.

Nearly 625 students in 34 institutions received Federal assistance in the past year under the title IV–A training program for careers in gerontology. Overall, 4,000 students enrolled in gerontology courses at colleges and universities throughout our Nation.

In addition, 6,363 persons received short-term training in fiscal year 1974.

Many of these individuals are now working in the title VII nutrition projects, which serve wholesome meals for about 220,000 elderly persons at 4,000 sites.

This program was the outgrowth of 31 demonstration projects conducted over a 3-year period under title IV research. Those prototype projects supplied essential information concerning the need and demand for meal services, alternative approaches for providing nutritional services, the costs of different methods, and the benefits to be derived from reducing social isolation.

Ten years of experience under the Older Americans Act have amply demonstrated its value and worth for the Nation's elderly.

The legislation that we introduce today is designed to build upon these solid achievements.

OLDER AMERICANS ACT AMENDMENTS

It would continue the title III State and community programs on aging for 2 years with increased funding authority.

The bill would give priority attention under the model projects program to improving the delivery of services for older Americans in rural areas.

Such emphasis is long overdue. And it can help to develop new and better approaches for making services more readily available for the rural aged.

Another innovation is the establishment of a title VIII special services program for the elderly to provide greater emphasis for homemaker and in-home services, legal counseling, home repair assistance, and transportation for the aged.

In many cases these services can enable persons to live independently in their homes, instead of being institutionalized at a much higher public cost.

Our bill would continue the title IV training, research, and multidisciplinary centers of gerontology programs, as well as the title V multipurpose senior centers program.

It would also authorize training of lawyers, lay advocates, and paraprofessionals to provide legal counseling assistance.

Unfortunately, today, there is a serious shortage of adequately trained persons to assist older Americans who encounter a legal problem—whether it involves litigation, planning personal affairs, or understanding Federal benefit programs.

The net impact is that far too many aged are forced to fend for themselves when a legal question arises.

This legislation would further strengthen title VII by authorizing Federal funds to assist the States in paying part of the costs of administering the State nutrition programs.

Now, title III State operations funds are used for the title III area planning and social services program and the title VII nutrition program.

Many rural States have experienced difficulty with this arrangement because they typically have a very limited allotment under the title III formula.

Yet, they oftentimes must cover vast areas—as is the case in my own State of Idaho—in coordinating services under both title III and title VII.

Our amendment would not only ease the administrative cost squeeze for the States, it would also help to improve the delivery of services for the aged, and especially the rural elderly.

Moreover, it would not result in any decrease in meals served to older Americans because there would be a 10-percent increase in the title VII authorization to provide for State administrative costs.

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT ACT

Equally important, the Older Americans amendments would extend and improve other legislation of direct benefit to the elderly.

The title IX National Senior Service Corps would be continued for 2 years. With unemployment at its highest level in 34 years, this amendment becomes all the more compelling.

During the past 8 months unemployment for persons 55 and above has jumped from 395,000 to 672,000, for a 70-percent increase.

But these figures—depressing as they are—do not begin to tell the whole story because there is a substantial amount of hidden unemployment among older workers.

However, community service employment can be an effective means to reduce joblessness for the aged and to provide essential services at the same time.

The experience under the title IX program makes it abundantly clear that there are many older Americans who are ready, willing, and able to serve in their localities.

For large numbers of senior service corps participants, work has enabled an escape from poverty. But it has meant much more, a new and rewarding second career in helping others while satisfying themselves at the same time.

OTHER AMENDMENTS

Our bill would make important changes in other legislation as well.

It would, for example, establish a new Age Discrimination Act to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance. This measure, though, would not apply to special emphasis programs—such as mainstream—to meet the needs of a particular age group.

Finally, the bill would extend foster grandparents and the retired senior volunteer program through fiscal 1977.

THE COMPELLING NEED

All Americans—whether they be young or old—have a vital stake in assuring that our commitment in aging is built upon a sound and effective strategy.

Our Nation cannot afford half-hearted policies for meeting the problems and challenges of aged and aging Americans.

We must also recognize that we are in the midst of a social revolution relating to aging and retirement patterns. And, most people are fully unaware of the far-reaching implications for present and future retirees.

Enactment of the Older Americans Act was in response to these emerging changes.

But quite clearly, the Older Americans Act and other legislation for the elderly must be updated and perfected to meet changing conditions and new developments.

This new measure, it seems to me, provides an effective vehicle for achieving these goals.

It is also a proposal which has strong bipartisan support. A similar bill—sponsored by Representative BRADEMAS—passed the House overwhelmingly by a vote of 377 to 19 on April 8.

In this regard, I think that Representative BRADEMAS deserves special commendation for his skill and leadership in guiding that proposal through the House.

Mr. President, I urge the early adoption of the older Americans amendments.

In addition, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1975".

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

SEC. 101. (a) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) (hereinafter in this title referred to as the "Act") is amended by adding at the end thereof the following new title:

"TITLE VIII—SPECIAL SERVICE PROGRAMS FOR THE ELDERLY

"PART A—GENERAL PROVISIONS

"STATEMENT OF PURPOSE

"SEC. 801. It is the purpose of this title to stimulate actions to meet the critical needs of elderly persons and to provide assistance to such persons designed to enable them to lead more meaningfully and independent lives. Such assistance, which shall include homemaker and other home services, legal counseling assistance, residential repair and renovation, transportation and home mortgage interest reduction and insurance payments is intended to alleviate the problems and needs of elderly persons.

"DEFINITIONS

"SEC. 802. For purposes of this title—

"(1) the term 'elderly person' means any person who, as determined by the Commissioner under criteria which he shall prescribe by regulation and which give preference to persons aged sixty or older, is in need of any service provided under this title;

"(2) the term 'State agency' means a State agency designated under section 304(a)(1) which administers or supervises the administration of any State plan approved under section 305; and

"(3) the term 'area agency' means an area agency on aging designated under section 304(b) which administers an area plan approved under section 304(c).

"ADMINISTRATION

"SEC. 803. (a) The Commissioner shall administer the provisions of this part, and parts B, C, D, and E, through the Administration on Aging.

"(b) In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of the Department of Labor, the Community Services Administration, the Department of Housing and Urban Development, the Department of Justice, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Commissioner may (1) use with their consent, the services, equipment, personnel, and facilities of Federal agencies and other agencies with or without reimbursement; and (2) on a similar basis, cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the provisions of this title, the Commissioner may (1) provide consultative services and technical assistance to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State; (2) provide short-term training and technical instruction; and (3) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this part.

"PAYMENT OF GRANTS

"SEC. 804. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"GENERAL PROGRAM REQUIREMENTS

"SEC. 805. (a) Any public or private institution, organization, or agency, or any political subdivision of a State, which receives disbursements under part B, C, D, or E shall agree—

"(1) to utilize methods of administration, including outreach, which will ensure that the maximum number of elderly persons may have an opportunity to participate in the programs involved;

"(2) to include such training as may be necessary to enable personnel participating in any such program to carry out the provisions of part B, C, D, or E, as the case may be;

"(3) to establish and administer any such program with the advice of persons competent in the field of service involved, of elderly persons who will participate in any such program, and of persons who are knowledgeable with respect to the needs of persons aged sixty or older;

"(4) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of any such program;

"(5) to give preference to persons aged sixty or older for full-time or part-time staff positions for which such persons qualify, and to encourage the voluntary participation of other groups, to the extent practicable; and

"(6) to comply with such other standards as the Commissioner may by regulation prescribe in order to ensure the high yield of any such program and the general effectiveness of any such program in attaining the objectives of this title.

"(b) The Commissioner and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records which are pertinent to a grant or contract received under part B, C, D, or E.

"EXPENDITURE OF ALLOTMENTS

"SEC. 806. Any State which has a State plan approved under section 305 shall use at least 20 per centum of the funds allotted to such State under section 303–(b) (2), from amounts appropriated under section 303(a), to carry out programs described in part B, C, D, or E, in any fiscal year in which such State receives any such funds.

"PART B—HOMEMAKER AND OTHER SERVICES

"STATEMENT OF PURPOSE

"SEC. 811. It is the purpose of this part to encourage and assist State and local agencies to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

"PROGRAM REQUIREMENTS

"SEC. 812. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which agrees to establish a program to provide elderly persons with homemaker services, home health services, shopping services, escort services, reader services, letter writing services, or other services designed to assist such persons in leading a more independent life and to enable such persons to continue living independently in a home environment without the need for institutionalization.

"(b) For purposes of this part—

"(1) the term 'homemaker services' includes (A) services performed in the home of an elderly person who is unable to perform such services for himself (whether or not such person requires home health services) to assist such person in remaining in such home, to maintain or strengthen his capacity for self-care and to raise his level of functioning with respect to personal care and household management; and (B) services which are reasonably necessary to assist an elderly person in living outside a hospital, skilled nursing facility, or other institutional facility; and

"(2) the term 'home health services' includes items and services described in section 1861(m) of the Social Security Act.

"PART C—LEGAL COUNSELING ASSISTANCE

"STATEMENT OF PURPOSE

"SEC. 821. It is the purpose of this part to encourage and assist state and local agencies to provide older Americans, including those in intermediate and long-term care facilities, with necessary or appropriate legal or other counseling assistance, through the establishment of programs designed to train lawyers, lay advocates, and paraprofessional persons and to direct the attention of the legal profession to the problems and needs of the older Americans, including but not limited to tax counseling and problems and needs arising from the manner in which nursing homes are administered.

"PROGRAM AUTHORIZATION

"SEC. 822. The Commissioner may make grants to public and private nonprofit agencies, organizations and institutions for the purpose of establishing or supporting legal counseling assistance programs for older Americans. A grant may be made under this section only if the application therefor—

"(1) furthers the just treatment of older Americans through the provision of necessary or appropriate legal and other counseling services and assistance, including counseling to assist older Americans living in nursing homes to meet problems and needs arising from the manner in which such homes are administered, and tax counseling.

"(2) trains lawyers, lay advocates, and

paraprofessional persons about the special legal problems confronting older Americans,

"(3) develops law school curricula and clinical education programs which address the problems and needs of older Americans, and

"(4) provides such other information, training, or assistance as may be necessary to meet such problems and needs."

"PART D—RESIDENTIAL REPAIRS AND RENOVATIONS

"STATEMENT OF PURPOSE

"SEC. 831. It is the purpose of this part to encourage and assist State and local agencies to meet the special housing needs of elderly persons in a manner designed to ensure adequate housing for such persons and to enable such persons to lead a more independent life in a home environment without the need for institutionalization.

"PROGRAM REQUIREMENTS

"SEC. 832. Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State which agrees to establish programs—

"(1) to enable elderly persons, through financial assistance or otherwise, to make such repairs and renovations with respect to their homes as may be necessary for such homes to meet minimum housing standards; or

"(2) to adapt existing housing, or construction of new housing, to meet the needs of elderly persons suffering from physical disabilities.

"PART E—TRANSPORTATION

"STATEMENT OF PURPOSE

"SEC. 841. It is the purpose of this part to encourage and assist State and local agencies to undertake programs to meet the transportation needs of elderly persons in order to enable such persons to participate in, and take advantage of, the benefits of their surrounding community.

"PROGRAM REQUIREMENTS

"SEC. 842. (a) Funds allotted to any State during any fiscal year under section 303(b)(2) may be disbursed by the State agency to any public or private nonprofit institution, organization, or agency, or any political subdivision of the State, which agrees to establish programs to meet the transportation needs of elderly persons, with special emphasis on (1) providing supportive transportation in connection with nutrition projects under title VII; (2) providing supportive transportation in connection with obtaining medical services necessary to enable elderly persons to continue living independently in a home environment without the need for institutionalization; and (3) providing additional low-cost transportation, by bus or otherwise, to enable elderly persons to achieve better access to existing urban rapid transit systems or other similar systems.

"(b) Any public or private nonprofit institution, organization, or agency, or any political subdivision of a State, which receives funds to establish or operate any program under this part shall consult with persons providing transportation on a local basis in the area involved (such as taxi service, charter and private school bus service, public school bus service, and established transit systems) and, to the extent feasible, utilize such transportation on a contract basis to the extent such utilization will result in a more economical provision of services under this part.

"(c) In making grants and contracts under this part, every State agency shall give priority to applicants proposing to serve areas in which there is no public transportation or in which existing public transportation is inadequate to meet the special needs of elderly persons.

"PART F—MORTGAGE INTEREST REDUCTION AND INSURANCE PAYMENTS

"STATEMENT OF PURPOSE

"SEC. 851. It is the purpose of this part to encourage the conversion and renovation of housing for elderly persons and the reduction of rentals paid by elderly persons by establishing a program of mortgage interest reduction payments and mortgage insurance.

"DEFINITIONS

"SEC. 852. For purposes of this part—

"(1) the term 'sponsor' means a nonprofit organization or public agency which agrees to carry out a project which meets the requirements of this part, including any such organization or agency which is financed under a State or local program providing assistance through loans, loan insurance, or tax abatements, and which is approved for the receipt of benefits under this part;

"(2) the term 'convertible housing' means single or double family housing units which may be converted into multifamily efficiency units through the addition of kitchen and bathroom facilities;

"(3) the term 'supportive services' means any service which enables an elderly person to continue to reside in a noninstitutional setting, as determined by the Commissioner, including transportation, mobile facilities for the provision of meals, homemaker services, legal counseling assistance, and home health services;

"(4) the term 'mortgage insurance premiums' means, with respect to a project financed by a loan under a State or local program, such fees and charges, approved by the Commissioner, as are payable by the mortgagor to the State or local agency mortgage to meet reserve requirements and administrative expenses of such agency;

"(5) the term 'mortgage' means a first mortgage on real estate, in fee simple, or on a leasehold (A) under a lease for not less than ninety-nine years which is renewable; or (B) under a lease having a period of not less than fifty years to run from the date the mortgage is executed;

"(6) the term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby;

"(7) the term 'mortgage' includes the original lender under a mortgage, and his successors and assigns approved by the Commissioner; and

"(8) the term 'mortgagor' includes the original borrower under a mortgage and his successors and assigns.

"ADMINISTRATION

"SEC. 853. The Commissioner shall administer the provisions of this part through the Administration on Aging and in consultation with the Secretary of Housing and Urban Development.

"INTEREST REDUCTION PAYMENTS

"SEC. 854. (a) For the purpose of assisting sponsors in purchasing convertible housing, converting such housing into dwelling units suitable for occupancy by elderly persons, reducing rentals for elderly persons of low and moderate income, and renovating convertible housing and other existing housing, the Commission may make and contract to make periodic interest-reduction payments on behalf of the sponsor, which shall be accomplished through payments to mortgagees holding mortgages meeting requirements established by this part.

"(b)(1) Interest reduction payments with respect to a project shall only be made during such time as the project is operated as a rental project and is subject to a mortgage which meets the requirements of, and is insured under, section 856.

"(2) The interest reduction payments to a mortgagee by the Commissioner on behalf of a sponsor shall be in an amount not exceeding the difference between the monthly payment for principal, interest, and mortgage insurance premiums which the sponsor as a mortgagor is obliged to pay under the mortgage and the monthly payment for principal and interest such sponsor would be obligated to pay if the mortgage were to bear interest at the rate of 1 per centum per annum.

"(3) The Commissioner may include in the payment to the mortgagee such amount, in addition to the amount computed under paragraph (2), as he deems appropriate to reimburse the mortgagee for its expenses in handling the mortgage.

"CONDITION FOR RECEIPT OF PAYMENTS

"SEC. 855. (a) As a condition for receiving interest reduction payments, the sponsor (1) shall demonstrate that it is providing through its own program, and through working arrangements with other community programs, a fully comprehensive system of supportive services for elderly persons; and (2) shall operate the project for which such payments are sought in accordance with such requirements with respect to tenant eligibility and rents as the Commissioner may prescribe. Procedures shall be adopted by the Commissioner for review of tenant incomes at intervals of two years (or at shorter intervals where the Commissioner deems it desirable).

"(b) For each dwelling unit there shall be established with the approval of the Commissioner (1) a basic rental charge determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 per centum per annum; and (2) a fair market rental charge determined on the basis of operating the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project. The rental for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge, as represents 25 per centum of the income of the tenant.

"(c) The sponsor shall, as required by the Commissioner, accumulate, safeguard, and periodically pay to the Commissioner, all rental charges collected in excess of the basic rental charges. Such excess charges shall be deposited by the Commissioner in a fund which may be used by him as a revolving fund for the purpose of making interest reduction payments with respect to any rental housing project receiving assistance under this part, subject to limits approved in appropriation Acts pursuant to section 859. Moneys in such fund not needed for current operations may be invested in bonds or other obligations of the United States or in bonds or other obligations guaranteed as to principal and interest by the United States or any agency of the United States, except that such moneys shall to the maximum extent feasible be invested in such bonds or other obligations the proceeds of which will be used to directly support the residential mortgage market.

"INSURANCE

"SEC. 856. (a) The Commissioner may, upon application by the mortgagee insure a mortgage (including advances on such mortgage during construction) which meets the requirements of this part. Commitments for the insurance of such mortgages may be issued by the Commissioner before the date of their execution or disbursement thereon, upon such terms and conditions as he may prescribe.

"(b) To be eligible for insurance under this section, a mortgage shall meet the requirements specified in subsection (d)(1) and subsection (d)(3) of section 221 of the

National Housing Act, except as such requirements are modified by this part.

"(c) A mortgage to be insured under this section shall—

"(1) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the amount of the principal obligation outstanding at any time, as the Commissioner, in consultation with the Secretary of Housing and Urban Development, finds necessary to meet the mortgage market; and

"(2) provide for complete amortization by periodic payments within such term as the Commissioner may prescribe.

"(d) The property or project shall—

"(1) comply with such standards and conditions as the Commissioner may prescribe to establish the acceptability of the property for mortgage insurance and may include such nondwelling facilities as the Commissioner deems adequate and appropriate to serve the occupants and the surrounding neighborhood.

"(2) include three or more dwelling units; and

"(3) be designed primarily for use as a rental project to be occupied by low-income or moderate-income elderly persons.

"AGREEMENTS WITH STATES

"SEC. 857. The Commissioner may enter into agreements with any State or agency thereof under which such State or agency thereof contracts to make interest reduction payments subject to all the terms and conditions specified in this part and in regulations and procedures prescribed by the Commissioner under this part, with respect to all or a part of a project covered by a mortgage insured under this part. Any funds provided by a State or agency thereof for the purpose of making interest reduction payments shall be administered, disbursed, and accounted for by the Commissioner in accordance with agreements entered into by the Commissioner with the State or agency thereof and for such fees as shall be specified therein. Before entering into any agreements pursuant to this section the Commissioner shall require assurances satisfactory to him that the State or agency thereof is able to provide sufficient funds for the making of interest reduction payments for the full period specified in the interest reduction contract.

"REGULATIONS, AGREEMENTS, AND PROCEDURES

"SEC. 858. The Commissioner may prescribe such regulations, enter into such agreements, and prescribe such procedures, as he considers necessary or desirable to carry out the provisions of this part.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 859. (a) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this part, including such sums as may be necessary to make interest reduction payments under contracts entered into by the Commissioner under this part.

"(b)(1) Not more than 20 per centum of the total amount of interest reduction payments authorized to be contracted to be made pursuant to appropriation Acts shall be contracted to be made with respect to elderly persons, occupying rental housing projects assisted under this part, whose incomes at the time of the initial renting of the projects exceed 135 per centum of the maximum income limits which can be established in the area, pursuant to the limitations prescribed in sections 2(2) and 15(7)(b)(ii) of the United States Housing Act of 1937 (or sections 3(2) and 5(e)(1)(ii) of such Act, on and after the effective date of the amendment made by section 201(a) of the Housing and Community Development Act of 1974), for initial occupancy in public housing dwellings, but the income of such persons at the time of the initial renting of the projects shall in no case exceed 90 per centum of the limits prescribed by the Secretary for occupants of projects financed with mortgages insured under section 221(d)(3) of the National Housing Act which bear interest at the below-market interest rate prescribed in the proviso of section 221(d)(5) of such Act.

"(2) The limitations prescribed in this subsection shall be administered by the Commissioner so as to accord a preference to those elderly persons whose incomes are within the lowest practicable limits for obtaining rental accommodations in projects assisted under this part. The Commissioner shall report semiannually to the Committee on Education and Labor of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate with respect to the income levels of elderly persons living in projects assisted under this part.".

(b) Title III of the Act (42 U.S.C. 3021 et seq.) is amended by striking out section 309.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 102. (a) The Act, as amended by section 101, is amended by adding at the end thereof the following new title.

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

"SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (relating to list of organizations exempt from tax on corporations, certain trusts, etc.), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

"(G) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary;

"(L) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

"(M) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

"SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

"(1) the localities in which community service projects of the type authorized by this title are most needed;

"(2) consideration of the employment situations and the types of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number and percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"SEC. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title.

"(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for contracts with national organizations currently funded under this title to enable such organizations to maintain the level of activities at least at the level of such activities supported under this title and under any other Federal authority in the fiscal year ending June 30, 1975. Each such contract shall contain provisions to assure that, to the extent practicable, funds received under such contract will be allotted in the same manner as is provided under paragraph (2).

"(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that equal proportions are distributed on the basis of an amount which bears the same ratio to such sums as the number of persons aged fifty-five or over with low incomes in the State involved bears to the number of such persons in all States, except that (A) no State shall be alloted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged fifty-five or over with low incomes, in any State and for all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount alloted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly realloted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of allotment under subsection (a) for such year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to such total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

"DEFINITIONS

"SEC. 907. As used in this title—

"(1) the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

"(2) the term 'eligible individual' means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this Act;

"(3) the term 'community service' means social, health, welfare, legal, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and enviromental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

"(4) the term 'program means the Older American Community Service Employment Program established under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 908. There are authorized to be appropriated $100,000,000 for the fiscal years ending June 30, 1975, and June 30, 1976, and $150,000,000 for the fiscal year ending September 30, 1977.".

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. et seq.) is hereby repealed.

EXTENSION FOR FILING CERTAIN COUNCIL ON THE AGING REPORTS

SEC. 103. Section 205 (g) and (h) are each amended by striking out "eligible months after enactment of this Act" and inserting in lieu thereof "January 1, 1976".

APPLICATION OF OTHER LAWS

SEC. 104. Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION OF OTHER LAWS

"SEC. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93–510; 88 Statt. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.".

DEFINITION OF SOCIAL SERVICES

SEC. 105. Section 302(1) of the Act (42 U.S.C. 3022 (1)) is amended—

(1) in subparagraph (E) thereof, by striking out "or" at the end thereof; and

(2) by redesignating subparagraph (F) as subparagraph (G) and by inserting immediately after subparagraph (E) the following new subparagraph:

"(F) services designed to provide legal counseling assistance to older persons; or".

ALLOTMENTS TO INDIAN TRIBES

SEC. 106. (a) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

"(3) (A) The Commissioner shall reserve from sums appropriated for any fiscal year under paragraph (2) not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such sums for the fiscal year involved as the population of all Indians aged sixty or over on all Federal and State reservations bears to the population of all persons aged sixty or over in all States.

"(B) From sums reserved by the Commissioner under subparagraph (A) with respect to any fiscal year, each Indian tribe on a Federal or State reservation shall be allotted not less than 100 per centum nor more than 105 per centum of an amount which bears the same ratio to such reserved sums for the fiscal year involved as the population of Indians aged sixty or over on such reservation bears to the population of all Indians aged sixty or over on all Federal and State reservations.

"(C) In order for an Indian tribe to be eligible for grants for a fiscal year from its allotments under subparagraph (B), it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets criteria established by section 305(a), to the extent the Commissioner determines such criteria established by section 305(a) to be appropriate.

"(D)(i) Whenever the Commissioner determines that any amount allotted to an Indian tribe for a fiscal year under this paragraph will not be used by such Indian tribe for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other Indian tribes on Federal or State reservations to the extent he determines such other Indian tribes will be able to use such additional amount for carrying out such purpose.

"(ii) Any amount made available to an Indian tribe from an appropriation for a fiscal year pursuant to clause (i) shall, for purposes of this title, be regarded as part of such Indian tribe's allotment (as determined under the provisions of this paragraph) for such year.".

(b) The first sentence of section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "From" and inserting in lieu thereof "Subject to the provisions of paragraph (3), from".

(c) Section 303(b)(4) of the Act (42 U.S.C. 3023(b)(4)), as so redesignated by subsection (a), is amended by inserting immediately after "States" the following: ", and the number of Indians aged sixty or over on any Federal or State reservation and on all Federal or State reservations,"

AREA PLAN REQUIREMENTS

SEC. 107. (a) Section 304(c) of the Act (42 U.S.C. 3024(c)) is amended—

(1) in paragraph (3) thereof, by striking out "and" at the end thereof;

(2) in paragraph (4)(F) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(5) provide for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.".

(b) Section 304(c)(4) of the Act (42 U.S.C. 3024(c)(4)) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) through subparagraph (F) as subparagraph (C) through subparagraph (E), respectively.

STATE PLAN REQUIREMENTS

SEC. 108. Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (8) thereof, by striking out "and" at the end thereof;

(2) in paragraph (9) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(10) provides for the establishment of programs to provide assistance to older persons as described in parts B, C, D, and E of title VIII.".

MODEL PROJECT REQUIREMENTS

SEC. 109. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended—

(1) in the first sentence thereof, by inserting immediately before the period at the end thereof the following: ", including projects to provide continuing education to older persons (including free tuition arrangements with colleges and universities), projects to provide preretirement education, information, and relevant services and projects to improve the delivery of services and to meet the special needs of older Americans residing in rural areas"; and

(2) by striking out the second sentence thereof.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 110. Section 403 of the Act (42 U.S.C. 3033) is amended by inserting "two or four year" before "institutions" the first time it appears in such section.

TRAINING COUNSELING AND MONITORING PROGRAMS

SEC. 111. (a) Section 404(a)(1) of the Act (42 U.S.C. 3034(a)(1)) is amended to read as follows:

"(1) to assist in covering the cost of training or study for university-based programs including but not limited to the coverage of such costs as faculty support, student support (in classroom and field learning exercises, including attendance of workshops, seminars and professional meetings), courses within the appropriate curricula, and such costs as technical assistance and program development in working with older persons."

(b) Section 404(a)(3) of the Act (42 U.S.C. 3034(a)(3)) is amended to read as follows:

"(3) for short-term or inservice training to support program operational activities, strengthen program management, improve the capacity of public and private agencies entrusted with administrative responsibilities under this Act, and to clarify the roles and relationships between and among public and private agencies which administer programs essential to fulfill the purposes of this Act, including but not limited to such short-term training activities as workshops, technical assistance and organizational development support,".

(c) Section 404 of the Act (42 U.S.C. 3034) is amended by adding at the end thereof the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in the training of lawyers, lay advocates, and paraprofessional persons who will (1) provide legal counseling assistance to older persons; or (2) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs.".

STAFFING OF MULTIPURPOSE SENIOR CENTERS

SEC. 112. Part B of title V of the Act (42 U.S.C. 3042) is amended—

(1) by striking out "INITIAL" in the title of such part; and

(2) by inserting after "centers" each time it appears in section 511(a) a comma and the following: "and the continued staffing of such centers where necessary,".

STATE PLANS AND ADMINISTRATIVE COSTS

SEC. 113. (a) Section 705(a)(1) of the Act (42 U.S.C. 3045d.(a)(1)) is amended by striking out ", unless the Governor of such State shall, with the approval of the Commissioner, designate another agency".

(b) Section 705(a)(2)(B) (42 U.S.C. 3045d.(a)(2)(B)) is amended by striking out

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, for the fiscal year ending June 30, 1973, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in such fiscal year is approved by the Commissioner. For the fiscal years ending after June 30, 1973,"

and inserting in lieu thereof:

"(B) to provide up to 75 per centum of costs of proper and efficient administration of this title at the least possible administrative cost in an amount not to exceed in total 10 per centum of the amount allotted to the State. In addition,".

PURCHASE OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

SEC. 114. (a) Section 707 of the Act (42 U.S.C. 3045f) is amended by inserting "(1)" immediately before the first sentence of subsection (a), by striking out "this section" in subsection (d) each place it appears therein and inserting in lieu thereof "this subsection", by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively, by redesignating subsection (e) as subsection (b), and by adding at the end thereof the following new subsection:

"(c)(1) During each of the fiscal years ending June 30, 1975, and June 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or out of funds appropriated under this section, as determined under paragraph (3), to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

"(2) High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) that an annually programmed level of assistance under subsection (a) of not less than 10 cents per meal shall be maintained.

"(3) In order to carry out the program established under paragraph (1) during the fiscal year ending June 30, 1975, the Secretary of Agriculture shall use $8,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). In order to carry out such program during the fiscal year ending June 30, 1976, there is authorized to be appropriated $10,000,000, except that in the event that such sum has not been appropriated for such purpose by August 1, 1975, the Secretary of Agriculture shall use $10,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $10,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), and any funds expended from such section 32 for the fiscal year ending June 30, 1976, to carry out the program established under paragraph (1) shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such paragraph, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.".

(b) The first sentence of section 708 of the Act (42 U.S.C. 3045g) is amended by inserting after "this title" the following: "(other than section 707(c))".

(c) Section 707(a)(4) of the Act (42 U.S.C. 3045f(a)(4)), as so redesignated by subsection (a), is amended by striking out "subsection (d)" and inserting in lieu thereof "paragraph".

AUTHORIZATION OF APPROPRIATIONS

SEC. 115. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, and the fiscal year ending September 30, 1977,".

(b)(1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "$190,000,000 for the fiscal year ending June 30, 1976, and $245,000,000 for the fiscal year ending September 30, 1977.

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "for the fiscal year ending June 30, 1976, and for the fiscal year ending September 30, 1977,".

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, and the fiscal year ending September 30, 1977".

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, and the fiscal year ending September 30, 1977".

(e)(1) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, and the fiscal year ending September 30, 1977".

(2) Section 511(d) of the Act (42 U.S.C. 3042(d)) is amended by striking out "and" immediately after "1973," by striking out "two" and inserting in lieu thereof "three", and by inserting before the period a comma and the following: "and for the fiscal year ending September 30, 1977".

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended by striking out "200,000,000 for the fiscal year ending June 30, 1976, and $250,000,000 for the fiscal year ending June 30, 1977" and inserting in lieu thereof "220,000,000 for the fiscal year ending June 30, 1976, and $275,000,000 for the fiscal year ending September 30, 1977".

TECHNICAL AMENDMENTS

Sec. 116. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out "OFFICE" and inserting in lieu thereof "ADMINISTRATION".

(c) Section 202(a)(8) of the Act (42 U.S.C. 3012(a)(8)) is amended by striking out "and" at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out "authorized to be".

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out "Commissioners'" and inserting in lieu thereof "Commissioner's".

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out "part" and inserting in lieu thereof "title".

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out "or" the second place it appears therein and inserting in lieu thereof "of".

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out "ALLOTTMENT" and inserting in lieu thereof "ALLOTMENT".

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045(c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045(d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof, "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045(c)) is amended by inserting a comma immediately after "failure" the first place it appears therein.

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

Sec. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1979".

ADULT EDUCATION ACT

Sec. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out 'July 1, 1975" and inserting in lieu thereof "October 1, 1979".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Sec. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof 'six fiscal years"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

AMENDMENT TO TITLE XX OF THE SOCIAL SECURITY ACT

Sec. 204. Section 2004(2) of the Social Security Act is amended—

(a) in clause (H), by inserting immediately after "title XIX," the following: "the State and area plans for services under title III, V, VII, VIII, and IX of the Older Americans Act (including reference to coordination of information and referral development), the Developmental Disabilities Act, the Vocational Rehabilitation Act, the comprehensive health planning provisions of the Public Health Service Act, the Comprehensive Employment and Training Act,";

(b) in clause (J), by inserting immediately after "plan" the following: "(including steps taken to make use of relevant information such as demographic and economic analyses, needs assessments, and resources assessments produced by agencies working in related areas, such as the State and Area Agencies on Aging, Developmental Disabilities Agencies, Comprehensive Health Planning Agencies, and Manpower Agencies)";

(c) by striking out "and" at the end of clause (I); and

(d) by adding after clause (J) the following new clause:

"(K) a description of how the development of the plan is coordinated with the development of State and area plans under title III of the Older Americans Act, the Developmental Disabilities Act, the Vocational Rehabilitation Act, the comprehensive health planning provisions of the Public Health Service Act, the Comprehensive Employment and Training Act, and other programs within the State concerned with the provision of social services; and".

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 205. (a)(1) Section 201(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001(a)) (hereinafter in this section referred to as the "Act") is amended by striking out "is authorized to" and inserting in lieu thereof "shall".

(2) Section 201 of the Act (42 U.S.C. 5001) is amended by adding at the end thereof the following new subsection:

"(c) Any State which has established or designated a State agency under section 304(a)(1) of the Older Americans Act of 1965, shall designate a person to coordinate and serve as a resource person with respect to the carrying out of programs under title III of such Act and programs under this title. Such State agency shall compensate such person from funds made available to such State agency under this title.".

(b)(1) The first sentence of section 211(a) of the Act (42 U.S.C. 5011(a)) is amended—

(A) by striking out "volunteers" the first and third places it appears therein and inserting in lieu thereof "individuals"; and

(B) by striking out "serve as volunteers to".

(2) Section 211(b) of the Act (42 U.S.C. 5011(b)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(3) Section 212(a)(1) of the Act (42 U.S.C. 5012(a)(1)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals."

(c)(1) The heading for title II of the Act (42 U.S.C. 5001 et seq.) is amended to read as follows:

"TITLE II—NATIONAL OLDER AMERICAN SERVICE PROGRAMS".

(2) The heading for section 201 of the Act (42 U.S.C. 5001) and the heading for section 211 of the Act (42 U.S.C. 5011) both are amended to read as follows:

"GRANTS AND CONTRACTS".

(d)(1) Section 502(a) of the Act (42 U.S.C. 5082(a)) is amended—

(A) by striking out "and" immediately after "1974,"; and

(B) by inserting immediately after "respectively," the following: "$24,000,000 for the fiscal year ending September 30, 1977, $28,800,000 for the fiscal year ending September 30, 1978, and $34,560,000 for the fiscal year ending September 30, 1979,".

(2) Section 502(b)(1) of the Act (42 U.S.C. 5082(b)(1)) is amended—

(A) by striking out "and" immediately after "1974," each place it appears therein;

(B) by inserting immediately after "respectively," the first place it appears therein the following: "and $48,000,000 for the fiscal year ending September 30, 1977,";

(C) by inserting immediately after "respectively," the second place it appears therein the following: "end $38,400,000 for the fiscal year ending September 30, 1977,"; and

(D) by inserting immediately after "respectively," the third place it appears therein the following: "and $9,600,000 for the fiscal year ending September 30, 1977,"

(3) The heading for section 502 of the Act (42 U.S.C. 5082) is amended to read as follows:

"NATIONAL OLDER AMERICANS PROBLEMS"

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

SHORT TITLE

Sec. 301. The provisions of this title may be cited as the "Age Discrimination Act of 1975".

STATEMENT OF PURPOSE

Sec. 302. It is the purpose of this title to prohibit discrimination on the basis of age in any program or activity receiving Federal financial assistance.

PROHIBITION OF DISCRIMINATION

Sec. 303. (a) Except as provided by subsection (b). no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receving Federal financial assistance.

(b)(1) It shall not be a violation of subsection (a) for any person to take any action otherwise prohibited by subsection (a) if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity, established under authority of any law, which provides any benefits or assistance to persons based on the age of such persons.

REGULATIONS

SEC. 304. (a) The head of any Federal department or agency which extends Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, shall prescribe regulations to carry out the prohibition established by section 303(a) with respect to such program or activity.

(b) No regulation prescribed under subsection (a) shall take effect until such regulation is approved by the Secretary of Health, Education, and Welfare.

ENFORCEMENT

SEC. 305. (a) The head of any Federal department or agency who prescribes regulations under section 304(a) may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Any termination of, or refusal to grant or to continue, assistance under subsection (a) (1) shall be limited to the particular political entity or other recipient with respect to whom a finding is made under subsection (a) (1). Any such termination or refusal shall be limited in its effect to the particular program or activity, or part of such program or activity, with respect to which such finding is made.

(c) No action may be taken under subsection (a) until the head of the Federal department or agency involved has advised the appropriate person of the failure to comply with the regulation involved and has determined that compliance cannot be secured by voluntary means.

(d) In the case of any action taken under subsection (a), the head of the Federal department or agency involved shall transmit a written report of the circumstances and grounds of such action to the committees of the House of Representatives and the Senate having legislative jurisdiction over the program or activity involved. No such action shall take effect until thirty days after the transmission of any such report.

CIVIL ACTIONS BY ATTORNEY GENERAL

SEC. 306. Whenever the Attorney General of the United States has reason to believe that any person is engaged in a pattern or practice in violation of the provisions of this title, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

JUDICIAL REVIEW

SEC. 307 (a) Any action by the head of any Federal department or agency under section 305(a) shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any such department or agency head on other grounds.

(b) In the case of any action by the head of any Federal department or agency under section 305(a) which is not otherwise subject to judicial review, any person aggrieved may obtain judicial reveiw of such action in accordance with the provisions of chapter 7 of title 5, United States Code. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a) (2) of such title.

EMPLOYMENT PRACTICES

SEC. 308. Nothing in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization, except where a primary objective of the Federal financial assistance involved is to provide employment.

DEFINITION

SEC. 309. For purposes of this title, the term "Federal financial assistance" includes any payment made to any State or local government under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.).

Mr. WILLIAMS. Mr. President, I am pleased to join Senator CHURCH, the distinguished chairman of the Special Senate Committee on Aging, in sponsoring the 1975 amendments to the Older Americans Act.

Ten years ago, the Congress took a giant step forward in meeting the problems of the elderly with the passage of the Older Americans Act. Historically, the Federal Government had provided fragmented programs and services to meet the needs of the country as a whole.

The act established the Administration on Aging as the statutory agency to serve as the focal point within the Federal Government for national action and concern. The expansion of this structure to include 10 regional offices, 50 State offices, and in the past 2 years, the addition of some 412 area offices on aging, means renewed hope for getting services to the elderly in the community.

As the former chairman and now ranking member of the Special Senate Committee on Aging, I have a longstanding commitment to the community services programs conducted under title III of the act designed to provide a variety of essential services to older Americans.

Over the years, the title III programs provided a wide range of services including home health, employment referral, meals-on-wheels and many others. In 1972, Congress amended the act to authorize a nutrition program for older Americans. This program is designed to provide Americans, aged 60 and older, with one hot nutritious meal a day. The Older American Community Service Employment Amendments were added in 1973 to foster and promote useful part-time work opportunities for persons 55 years and older.

Respect and concern for the elderly should be one of the basic values of any civilized society. This measure will provide a national forum to fully explore the particular needs of the elderly.

It would continue the title III State and community programs on aging for 2 years with increased funding.

And, in addition, it would propose several new special emphasis programs to provide homemaker, legal counseling, home repair assistance and transportation for the aged.

Legal counseling and assistance is a program of special importance to me. Most older persons receive a majority of their income from a combination of private and public benefit programs.

All of these benefit programs because of their complexity generate disagreements with respect to eligibility, denial of benefits and the amount of entitlement and rights under the program. Legal counsel is an absolute necessity in allowing the senior citizen to cope with the complexities of a modern society.

This measure would authorize the training of lawyers, lay advocates and paraprofessionals to provide legal counseling assistance.

The elderly need many services some of them costing little money, but unless the elderly have a way to get these services, their benefits are lost. Lack of transportation can be a barrier to obtaining the necessities, to socializing and to participation in activities.

Transportation represents the third largest expenditure in the retired couple's budget.

We must inquire into the alternatives and improvements needed in existing systems to develop an adequate transportation system for the elderly.

Many older Americans now living in poverty or on the borderline of poverty are capable of working part time, particularly in the community service field.

Unemployment among persons 55 and older has jumped by nearly 70 percent in the last 8 months.

Until community service employment programs were initiated under the Older Americans Act, very little attention had been paid to the income needs of those who were at or close to the so-called retirement age.

The title IX National Senior Service Corps would be continued for 2 years. Experience under this program has demonstrated that there are many community tasks on which older persons can be employed.

For large numbers of participants, work has enabled an escape from poverty and for many more, it has allowed a useful existence which gives meaning to their lives.

Community work can recapture and preserve human abilities, utilize manpower, provide satisfying occupation and forestall additions to the mounting welfare case load.

Ten years of experience under the Older Americans Act has amply demonstrated its value for the Nation's elderly.

An opportunity for the development of a national policy on social services is specifically provided in the act. It is a stimulus to planning and action. This stimulus when coordinated with adequate earmarked funding for provider agencies is essential if the Nation is to achieve the recommendations of the 1971 White House Conference on Aging which states:

> Older Americans should be served by an integrated system, sharing equitably with other age groups those facilities, programs and services suitable and appropriate to the needs of the general population, but they should also have the benefit of specialized facilities, programs, and services based on their distinctive needs.

The amendments build on the solid achievement of the past and I urge their early adoption.

The same sentiments were expressed in a recent New York Post article commenting on this House-passed measure which passed by the overwhelming vote of 377 to 19 on April 8, which I ask unanimous consent to have printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hope for the Aging

On the average today, an American's life expectancy is 70 years. But what else is there for the aging to look forward to?

There are at least some answers in the legislation just passed by the House and sent on to the Senate. It embodies $2.6 billion worth of special aid to the aged, including feeding programs, transportation, some assurance of better housing and a greater measure of sympathetic care and dignity.

Specifically, the bill particularly aids homemaker and residential repair services and is intended, in the words of Chairman Perkins (D-Ky.) of the Education and Labor Committee, to "provide significant alternatives to institutionalization and, in some cases, possibly prevent institutionalization entirely."

The legislation is scarcely an alternative to remedial bills directed at nursing home abuse. It is, however, animated by the same decent feelings of concern for the aging that are helping impel nursing home reforms. It should not take long for the Senate to act; it would be cruel and inhuman if the White House were to classify the bill as "inflationary" and brandish a veto.

By Mr. TUNNEY:

S. 1427. A bill to protect the constitutional rights and privacy of individuals upon whom criminal justice information, criminal justice investigative information, and criminal justice intelligence information have been collected and to control the collection and dissemination of criminal justice information, criminal justice investigative information, and criminal justice intelligence information, and for other purposes. Referred to the Committee on the Judiciary.

S. 1428. A bill to provide for the security, accuracy, and confidentiality of criminal justice information and to protect the privacy of individuals to whom such information relates, and for other purposes. Referred to the Committee on the Judiciary.

CRIMINAL JUSTICE DATA BANKS LEGISLATION

Mr. TUNNEY. Mr. President, upon ascending to the chairmanship of the Subcommittee on Constitutional Rights I recognized that one of the highest priorities of the subcommittee would be the consideration of criminal justice databanks legislation. Since February of last year the subcommittee has had before it two major bills designed to regulate the maintenance and dissemination of criminal justice records. S. 2963 had been prepared by the former Chairman Sam Ervin and S. 2964 had been introduced by the senior Senator from Nebraska on behalf of the Department of Justice.

The two bills would regulate the collection and dissemination of rap sheets, law enforcement investigative and intelligence files. They apply to all such files which travel in interstate commerce and in particular those records which are maintained by the Federal Bureau of Investigattion. The legislation also would assure that State and local officials have a direct impact on the development of policy with respect to State and local records which fall into the hands of the Federal Government.

During the intervening year, the subcommittee and the Justice Department have been refining the two pieces of legislation. The bills I introduce today reflect that refinement. I had hoped that the subcommittee and the Department of Justice could have reached a consensus on this matter last fall. Although we failed to do so we are optimistic for the coming Congress.

The District of Columbia Superior Court Chief Judge Harold Greene recently ruled in a case which illustrates the urgent need for legislation to provide for the expungement of arrest records after a period of years. Warren Hudson III was charged with murder based on the statement of one witness. The witness later admitted he was lying when he falsely accused Hudson and Hudson was released 4 days after he had been charged. Judge Greene, acting on a motion by Hudson, ordered the destruction of Hudson's arrest record. However, Judge Greene's ruling is being contested by the prosecutors in both the U.S. Attorneys Office and the corporation counsel's office who declare that there is no legislative provision for the expungement of arrest records. In a recent newspaper article relating the facts of Hudson's case, Judge Greene's argument for the expungement of records of those who are clearly innocent is presented. I ask unanimous consent to insert this article in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TUNNEY. Mr. President, although I am not wedded to every provision of either bill I do endorse the basic conceptual framework of both. I intend to proceed with the same spirit of nonpartisanship that characterized the work of Senator Hruska and Senator Ervin in the last Congress. I have every reason to believe that we will have the cooperation of the Department of Justice in this matter.

The subcommittee held extensive hearings on this subject and on the two bills in March of last year. Although comprehensive hearings are not necessary, I do intend to schedule several days of hearings in this session to hear comments by Federal agencies, State and local law enforcement officials, and other interested parties on both bills. Then it is my hope that we can move promptly to a markup of the two bills. I am confident that between these two bills the subcommittee and ultimately the Congress can find the language necessary for a consensus which protects the rights and reputations of innocent individuals whose names appear on law enforcement records and at the same time insures the efficient administration of justice.

Mr. President, I ask unanimous consent to have printed in the Record section-by-section analyses of the bills.

There being no objection, the analyses were ordered to be printed in the Record, as follows:

S. 1427—Section-by-Section Analysis

TITLE I. FINDINGS AND DECLARATION OF POLICY; DEFINITIONS

Section 101 summarizes the constitutional, legal and practical reasons Congress is taking action to regulate the exchange of criminal justice information. It also states the constitutional authority to legislate the Commerce clause and the Federal participation in state and interstate information systems.

Section 102 lists definitions of terms used in the proposed legislation, and Section 103 sets out the types of information systems covered by the Act. The definitions are important because they along with section 103 establish the scope of coverage of the legislation. For example "criminal justice agency" is defined so that the restrictions on data collection and dissemination contained in the bill cover any state, local or Federal governmental agency maintaining such data. Also any interstate information system or any information system receiving Federal funds is covered by the Act as well as any agency which exchanges records with the above systems.

"Criminal justice information" is defined so that limited exchange of routine information reflecting the status of a criminal case and its history, or reports compiled for bail or probation between governmental agencies is not impaired. The definition of "criminal history" and "arrest record information" is drafted so that they only cover filing systems indexed by name but not public records indexed by date, such as police blotters, incident reports or court records. The public, for example members of the press, would still have access to such records.

The bill also defines "criminal justice investigative" and "criminal justice intelligence information." The former encompasses confidential reports compiled by an arresting officer or by a detective on a particular investigation into a particular crime. Intelligence information may be collected in an individual only in anticipation of his involvement in criminal activity.

TITLE II. COLLECTION AND DISSEMINATION OF CRIMINAL JUSTICE INFORMATION, CRIMINAL JUSTICE INVESTIGATIVE INFORMATION AND CRIMINAL JUSTICE INTELLIGENCE INFORMATION

Section 201 and 202 set the general restrictions on the use of criminal justice information within the criminal justice community. The general rule is that criminal justice information is to be used for the most part within the criminal justice community. Subsection 201(b) deals with the exchange of criminal justice information among criminal justice agencies. It is written in terms of minimum operating procedures. Therefore the restrictions set out in the provisions are what each criminal justice agency must adopt at a minimum. The provision is drawn in general language so that the Criminal Justice Information System Board, created pursuant to Title III and heavily weighted with persons representing criminal justice would have latitude in interpreting these provisions. Furthermore it is assumed that these provisions will be enforced, not so much by the civil remedies provision of section 309 but by the audit and fund of information cut off sanctions embodied in sections 306 and 308. A civil remedy would lie only when the agency fails to adopt and publish procedures pursuant to this section or where it refuses to comply with its own procedures.

Generally, conviction records may be exchanged freely within the criminal justice community: corrections and release information can only be disseminated to other criminal justice agencies and to the subject if permitted by statute or court rule; fingerprint and other identifying information may be freely disseminated so long as no stigma is attached: wanted persons information, that is, identifying information on a fugitive, may be disseminated liberally for the purpose of apprehending the fugitive.

Raw arrest records and criminal history records which terminated in the defendant's favor may be routinely disseminated to another criminal justice agency only where the individual has applied for a job at that agency, a case has been referred to that agency for adjudication or the individual for supervision. Such records could also be made available on a relatively routine basis to law enforcement agencies once the agency had already arrested the individual in question.

These records should be made available only on a very limited basis to law enforcement agencies prior to arrest when the information will be used to develop investigative leads and the officer can point to "specific and articulate facts which taken together with rational inferences from those facts warrant that conclusion that the individual has committed or is about to commit a criminal act and that the information should be relevant to that act." The information should only be available on a "need-to-know", "right-to-know" basis. This means that the agency receiving the information has established procedures designed to assure that the person receiving the information has demonstrated that he is a detective or patrolman performing detective functions and that he needs the information for a particular case.

The 'specific and articulable facts" standard derives from the Supreme Court opinion in the case of *Terry* v. *Ohio* 392 U.S. 1 (1968) in which the court permitted stop and frisk on such grounds. Based on the *Terry* language in evaluating the reasonableness of a request for records for investigative purposes ". . . due weight must be given, not to (the officer's) inchoate and unparticularized suspicion or 'hunch' but to the specific reasonable inference which he is entitled to draw from the facts in light of his experience." 392 U.S. 27. Although this standard is obviously less than probable cause, the court still requires in stop and frisk that the officer "be able to point to specific and articulable facts which taken together with rational inferences from those facts, reasonably warrant that intrusion (into fourth amendment protected rights)," 392 U.S. 21. In using the identical language it is intended that an officer should be able to justify requests for information with similar specificity.

The section also permits criminal justice agencies to allow information to be used for other "essential purposes" and to permit information of any kind to be made available to an officer where the information might alert him of a danger to his life. It is intended that where information is used for these last two functions that its utility clearly outweighs any risk to the rights of the subject of the informations. Such circumstances will be set out in regulations issued by the Board.

Section 203 sets the general policy on the collection and dissemination of criminal justice information outside the criminal justice community. Criminal justice information can only be used for criminal justice purposes unless a state or Federal statute specifically authorizes dissemination of conviction records to non-criminal justice agencies. Arrest record information on an individual, that is the record of an arrest without a disposition, may also be available to the public, if specifically authorized by a state or Federal statute, the arrest is less than a year old and the charge arising from that arrest is still actively pending.

The information can only be released where its use is relevant to the purpose for which it is sought and the statute sets out in detail precisely how the information may be used by the non-criminal justice user. The subject of information must be informed of each instance in which it is used for a noncriminal justice purpose. The section permits qualified researchers access to the information only if the privacy of the subjects of the information is protected. A limited amount of discretion is provided the criminal justice agency in determining whether the individual seeking access does so with the good faith intent of using the information for research purposes. It is intended that the types of individuals permitted access be rather liberally construed as long as the applicant intends to seek statistical rather than individually identifiable information. As long as the individual has a research plan which relies upon such statistical information it is not the responsibility of the criminal justice agency to pass upon the qualifications of the individual to do the research or validity of the research design. It is assumed that this provision will be invoked mostly by scholars and students of the criminal justice system including investigative reporters from both the print and electronic media. It is not the intent of this provision that the criminal justice agency use the privacy safeguards set out in this act to shroud its activities in secrecy and indeed this very section and section 309 provide that an individual who has expressed a willingness to comply with the privacy safeguards and sign nondisclosure agreements but is denied access might seek injunctive relief in the Federal courts.

This section and the definition of "criminal justice agency" provide that any governmental or private reorganization which performs a criminal justice function via contract with a governmental agency will be treated as a criminal justice agency in the performance of that function. Also any subunit of a non-criminal justice agency which performs a criminal justice function is treated as a criminal justice agency to the extent that it performs that function. The organization or subunit must sign special non-disclosure agreements and be subject to the specialized regulation applying to research organizations.

Section 203 also makes explicit the intent of the drafters of the bill that the act not be used to deny members of the press confirmation via police officers of the fact that an individual was arrested on a particular date at a particular precinct where that practice is permitted under existing law. The legislation also permits reporters direct access to police blotters or court records where such access is permitted by existing law. The legislation is only designed to prohibit private citizens, whether members of the press or private employers, from asking police officials for a general search of their records or reference to a criminal history file for the criminal background of a person.

Therefore members of the press will be able to check a police blotter or to ask a police officer—"Was John Smith arrested and booked on June 18, 1974 at the second precinct office, Washington, D.C.?" An officer at that precinct or the reporter himself could answer that question by reference to the police blotter at that precinct station. However, the police officer could not respond to a request phrased as follows—"What's John Smith's criminal record?"

The bill would also not affect access to an index to court records which lists parties to litigation, e.g., United States v. Jones plus a docket number or citation. Such an index could be used by members of the press and the general public as an index to the docket number and ultimately to the actual court records, but it could not contain criminal history information itself.

Finally, the section provides that the act applies to information obtained from foreign governments or organizations. Information contained in systems covered by this act can only be disseminated to foreign governments or organizations if assurances have been made that the information will be treated in a manner consistent with this Act when it leaves this country.

Section 204 permits the disclosure of some criminal justice information intelligence and investigative information to non-criminal justice agencies for the purpose of screening individuals for appointment to criminal justice agencies and for access to top secret information. As a general matter access to such information for appointments or security clearances is only permitted after the individual to whom the information applies has given his written consent. Where access is permitted by this section to conviction record information, any such information which has become sealed is automatically unsealed.

One exception to the consent requirement involves background investigations by the federal government. Subsection 204(c). Federal investigators who are conducting the most comprehensive "background investigations" for high level federal appointments can use raw arrest records for the development of investigative leads. Since this section permits access to raw arrests for "background investigation" without the subject's consent, it is intended that it be narrowly construed so that such information would be available only for "full field background investigations" similar to those conducted pursuant to section 3(b) of Executive Order 10450 on "Security Requirements for Government Employment" and described in greater detail in Chapter 736. Subchapter 2, Section 2-5 of the Federal Personnel Manual.

Section 205 prohibits agencies or persons who lawfully gain access to information from using the information for a purpose or from disseminating the information in a manner not permitted by the legislation.

Section 206 is based on a provision contained in Project SEARCH's model state statute and the Massachusetts arrest records statute. It places limitations on access to criminal justice information via categories other than name. It would require investigators to get a court order before gaining access to a criminal justice data bank by offense—i.e., a print-out on all persons charged with first degree burglary with certain physical descriptions or with a certain *modus operandi* and from a certain geograprical area. Although few criminal justice data banks have this capability, grave risks are seen to the rights of data subjects if the computer were used routinely as a substitute for the experienced and cautious detective. Obviously, permitting unbridled access to computer printouts of names of individuals based on racial characteristics, geographical area or crime (e.g., persons arrested for engaging in unlawful demonstrations) would present grave policy and constitutional questions.

Section 206 provides for unlimited class access to a data bank containing cases which resulted in convictions or where charges are still pending but where the charges result in a disposition in the defendant's favor, a special judicial access warrant must be obtained. According to the commentary on the SEARCH model statute: "(the provision) is modeled on the provisions which now govern wiretapping and electronic eavesdropping. It is intended to interpose the judgment of an impartial magistrate to control the usage of an investigative method that may, if misused, create important hazards for individual privacy."

Section 207 requires every agency or information ssytems covered by the act to promulgate regulations on security, accuracy and updating and sets out in general terms what those regulations must provide. The regulations must provide a method for informing users of changes in disseminated information, including an audit trail of individuals using information.

A new subsection (e) has been added to this section authorizing the Board to suspend application of the provisions of this section or any other section of the Act with regard to information collected on or before the effective date of this Act. The Board is authorized to suspend provisions only after it finds that "the cost of implementation of this section outweighs the interests of privacy which would be served by the implementation". It is intended that the Board explore all other alternatives before actually suspending a provision for old records. Therefore, it is intended that the provisions of this section might be more loosely construed with regard to old records rather than actually suspending application. For example, subsection (c) requires an audit trail of records including the name of every requestor of a record and the "nature and purpose" of the request. It might be argued to the Board that it would be too burdensome to require the Identification Division of the FBI to go back and actually add the "nature and purpose" to audit trails of old records where the identity of the requestor might be sufficient to tell the agency by implication the "nature and purpose" of the request. Obviously some state licensing agencies could only request a rap sheet for one purpose and if the agency's name appears on the audit trail the FBI could assume the request for that purpose. Rather than actually suspend the application of this subsection to old rap sheets it would be preferable for the Board to permit such flexibility in its application to old files.

Section 208 requires every agency or information system covered by the act to promulgate regulations on sealing or purging of information. Such regulations or procedures must provide for sealing or purging of information where required by a federal or a state statute other than this Act or by federal or state court order. Furthermore, the section requires that each agency promptly seal certain old conviction records unless a class of offenses are exempted by state or federal law. It is intended that sealing a record might be accomplished by moving a record from a routinely available status to a status requiring a special procedure to gain access. In manual systems this might mean moving a record from open filing drawers to microfilm while in automated systems a record might be considered sealed by moving the information from on-line to off-line. An index of sealed records may be maintained but access to the index would be limited to law enforcement employees. Records can be unsealed by court order or automatically in certain circumstances, such as where the individual requests review pursuant to section 209 or where special access is permitted pursuant to section 204 in screening security clearances.

Section 209 requires every agency or information system covered by the act to establish a process for access and challenge of incorrect or inaccurate information. The section sets out what those regulations must provide. This section should be read along with Section 309 which provides court review procedures where the agency fails to comply with Section 209 or any other provision of the Act.

Sections 210 and 211 place limitations on the dissemination of criminal justice intelligence information (Section 210) and criminal justice investigative informational (Section 211). As a general rule such information would be exchanged between criminal justice agencies only where a "need to know" and "right to know" had been demonstrated by the requesting agency and by officers and employees within the agency. (See subsection 210(b) and 211(b)) "Need to know" and "right to know" means that the agency making the request must establish that it is conducting an investigation as part of its responsibilities in the adminstration of criminal justice and that it has good reason for needing the information for the investigation. Within the agency only those employees conducting the investigation or their superiors would have access to the incoming intelligence or investigative information.

Section 210 also provides that intelligence information should be collected on individuals only if there are grounds existing connecting that person with known or suspected criminal activity. It also provides for routine review of files to determine whether such "grounds" continue to exist (Subsection 210(c)). The same section also provides that intelligence information on an individual may be disseminated to a second agency only if that agency is able to "point to specific and articulable facts which, taken together with rational inferences from those facts, warrant the conclusion that the individual has committed or is about to commit a criminal act and that the information may be relevant to that act." (Subsection 210(d)). This language, similar to that contained in section 201, is based on the *Terry* case and it is intended that it be interpreted in the same manner.

The section prohibits the entry of criminal justice investigative or intelligence information in an information system which maintains criminal history information. Although investigative and intelligence information may be automated, remote access to such automated systems is generally prohibit.

However the bill would permit the maintenance of an index to intelligence files which could be accessed by remote terminal from outside the agency. The index might maintain the name, identification record information, criminal history record information and other public record information on individuals upon whom more complete intelligence files exist. The requesting agency's request could be referred automatically via the index to another criminal justice agency possessing more complete information on the individual in question. It is intended that this index be operated in such a manner that it not undermine subsections (b), (c) and (d) of section 210 which provide the maintaining agency with a right to review all requests for access to its intelligence files. Therefore, such an index must be designed so that a requesting agency is not automatically informed of the existence of a file or the name of the maintaining agency but that the maintaining agency might be immediately and automatically informed of the request so that it can in its discretion respond to the requesting agency if it determines that the requirements of subsections (b), (c) and (d) have been met.

Section 211 also contains a provision permitting an individual to see his own investigative file where such disclosure is permitted under the Freedom of Information Act and other statutes or court rules. This provision would continue the practice of discovery in criminal cases in both the federal and state courts. For example section 3500 of title 18 of the United States Code, the so-called "Jencks Act" permits disclosure to a defendant of prior statements by witnesses to the police. Section 209 would not affect that type of disclosure.

Although intelligence and investigative information is generally restricted to criminal justice agencies, a limited exception is permitted for intelligence assessments. It is understood that an intelligence assessment is an assessment provided to a government official about the impact which certain intelligence information will have upon the operations of the official's agency or as an aid to making official decisions within his authority. Intelligence files are not made available in the course of such an assessment but only a summary of the contents of such file. The exceptions to the general prohibitions embodied in the "assessment" role are to be narrowly construed. Information should be made available to private persons only where there is imminent danger to their life or property. Also intelligence and investigative information would be available to noncriminal justice agencies pursuant to Section 204.

TITLE III. ADMINISTRATION PROVISIONS: REGULATIONS; CIVIL REMEDIES; CRIMINAL PENALTIES

Title III creates a cooperative Federal-State administrative structure for enforcement of the Act. *Section 301* establishes a Criminal Justice Information Systems Board, an independent agency with general responsibility for administration and enforcement of the Act. The Board would be composed of representatives of the Department of Justice and two other Federal agencies with law enforcement responsibilities, plus nine other members nominated by the President, with the advice and consent of the Senate. Of the latter nine members, seven must be representatives of state or local criminal justice agencies, and two private citizens well versed in constitutional law and computer technology. The President would also designate a chairman from the latter nine members. The latter nine would serve staggered six-year terms. The first three, the Attorney General plus the members designated by the President, would serve at the pleasure of the President.

A thirteenth member is allocated to the judiciary since these criminal justice information systems are also of great importance to the judicial function. However, because of the traditional reluctance of members of the Judiciary to participate in such arrangements, perhaps because of separation of powers concerns, the appointment of the thirteenth member is made discretionary with the Judicial Conference. The representative of the United States Judicial Conference would serve at the pleasure of the Conference.

The Board would have the authority to issue general regulations applying the Act's policies. It could bring actions pursuant to Section 309 and issue cease and desist orders and impose administrative penalties as provided in Section 308. It would supervise the operation of the interstate information system authorized by Section 307. It would conduct audits pursuant to Section 306, and would have other necessary enumerated powers, as well as authority to conduct general studies of information systems and make recommendations to the Congress for additional legislation.

Section 302 authorizes the Board to conduct hearings and compel the attendance of witnesses. The Board would have the power to enforce its subpena in Federal Court.

Section 303 requires the Federal Information Systems Board to issue regulations which implement this Act. At least 60 days prior to their promulgation, the Board must refer proposed regulations to the Department of Justice and to other Federal criminal justice agencies for comment.

It is intended that the notification provisions of this section be followed religiously and that dissemination of proposed rules be widespread. The provision requires advance notification to the governor of each state, any individual or agency in each state designated by the governor and by any organization or individual requesting the Board to be so notified. It is felt that there is a special obligation upon the Board to notify and consult with organizations which are representative of state and local criminal justice agencies and information systems such as the Project SEARCH group, the National Law Enforcement Telecommunications system, and the National Conference of State Criminal Justice Administrators.

The Board's authority to issue regulations is limited to State-created records. In the care of federal offender records and federally created intelligence and investigative records, regulations would be issued by the President upon recommendation of the federal members of the Board (the Attorney General, the two Presidential designees and the representative of the Judicial Conference).

Section 304 requires each state to establish a central administrative agency, or designate an existing agency, with broad authority to oversee and regulate the operation of criminal justice data banks in that state. This section is based upon the concept embodied in the Project SEARCH model statute and the Massachusetts statute. Beginning two year after enactment no information system or agency could exchange information with a system or agency in a state which has not created such an agency. The system or agency must by that time have adopted all the regulations required by the title II or elsewhere in the Act.

Section 305 is based upon a suggestion contained in the Report of the Secretary's Advisory Committee on Automated Personal Data Systems of the Department of Health, Education, and Welfare. It requires every automated information system covered by the Act to give public notice, once annually, of the type of information it collects and disseminates, its sources, purpose, function, administrative director or other pertinent information. It also requires every new system or expanded system to give public notice before it becomes operational so that interested parties will have an opportunity to comment. Section 305 also contains a provision, based on a suggestion made by then Vice President Ford, that a privacy impact statement be filed with each new expansion. The privacy impact statement would require the agency proposing creation or expansion of its data bank to anticipate the impact of that expansion on privacy and security considerations.

Section 306 requires audits of systems and agencies which collect and disseminate information. The audits are to be conducted by the Criminal Justice Information Systems Board, by a state agency created or designated pursuant to Section 304 and by each criminal justice agency. The GAO would have overall responsibility for auditing, as well, under Section 311.

Section 307 is a general grant of authority permitting the Federal Government to operate an interstate criminal justice information system under the policy control of the Federal-state board. However, the Federal role is carefully circumscribed. Information contained in such a Federal system is limited to a simple index containing the subject's name and the name of the state or local agency which possesses a more complete file. The Criminal Justice Information Systems Board could maintain more complete files on violations of a criminal law of the United States, of two or more States or violations of the laws of another nation. Only persons charged with felonies could be listed in the data banks. If a given State lacks the facilities to operate an automated information system, the Criminal Justice Information Systems Board could provide the facilities for a period of five years.

The Board would have the authority to designate an existing federal criminal justice agency such as the FBI to perform these functions or it could recommend to the Congress the chartering of a special corporation or organization similar to the Tennessee Valley Authority to operate the national criminal justice information system. This latter course has been suggested by a number of state criminal justice officials as the best means to accommodate the state interests. Such a corporation could be composed of members from each of the 50 states. Of course whichever course is followed, either the existing federal agency or the corporation would have to be under the policy control of the Board.

The Board would also have authority to determine the extent to which the national criminal justice information system could operate its own telecommunications system or rely upon existing systems such as the National Law Enforcement Telecommunications System (NLETS). There has been concern about recent suggestions that the Justice Department has authorized the Federal Bureau of Investigation to establish its own telecommunications system within the National Crime Information System. It would be preferred that existing state-based organizations such as NLETS be relied upon in the operation of a national criminal justice information system because an overconcentration of powers and responsibility in the federal government for telecommunications would be unhealthy and might be an inappropriate encroachment upon state and local law enforcement. In repect to the concept of a federally chartered corporation and Board control of the telecommunications system the Committee shares the view of Richard Velde of LEAA:

"... with respect to NLETS and any future developments that might occur, as far as an expanded telecommunications network for State and local criminal justice, as I indicated in my prepared testimony, we believe that the Project SEARCH model, of a policy board with an executive committee, much the same as is suggested in the chairman's bill, would be a very appropriate vehicle for policy determination and regulation of this kind of system.

"There is a danger, when any single agency, be it Federal, State, or local, has policy control over a network of this kind. We think the responsibility should be shared."

All of Title III, in particular the creation of the Board and its authority over a national criminal justice information system and the telecommunications question is viewed as a mechanism for sharing decisionmaking on these issues among local, state and federal agencies.

This provision would supply the missing but necessary statutory foundation for the Identification Division's Rap Sheet Files and the National Crime Information Center or their successors. Section 307 would not apply to these two information systems or any information system until the Act becomes fully effective 2 years after enactment.

Section 308 lists certain administrative actions that may be taken by the Criminal Justice Information Systems Board in the event that a criminal justice information system is found to have violated any provision of the Act.

Section 309 provides the judicial machinery for the exercise of the rights granted in Section 208 and elsewhere in the Act. The aggrieved individual may obtain both injunctive relief and damages, $100 recovery for each violation, actual and general damages, attorney's fees, and other litigation costs whether violations were willful or negligent. An "aggrieved individual" covers an individual upon whom information is maintained, or used in violation of this Act or who is denied access to information to which he is entitled pursuant to subsection 203(d) or 203(g) or any other section of this Act. An "aggrieved individual" might also be a person requested information in violation of subsection 209(c). It does not require that the individual have suffered some further harm from the violation, such as loss of job or benefit, in order to have a cause of action. It is intended that the Board may in its discretion intervene in any case in which it is not already a party and use in such litigation the results of any audit it might have conducted pursuant to Section 306.

New provisions have been added to the civil remedies section which would limit unnecessary interference by litigants with legitimate law enforcement activities. First, the section now provides an employee of a criminal justice agency or information system or the agency or information system with a complete defense to a damage action when he relies in good faith upon the representation of another agency or employee that information it disseminates is being handled in compliance with the Act. This provision would avoid the imposition of liability in circumstances where it would be impossible for an agency to recognize that information it receives or maintains is not in conformity with the Act. For example, it would exculpate a telecommunications systems such as the National Law Enforcement Telecommunications System from liability for information it transmits in violation of the Act. Liability in that circumstance should fall on the agency which enters the information in the telecommunications system.

Second, the section would provide that a mere violation of this section could not be the basis for motion to suppress evidence in a criminal proceeding. Of course, the provision does not limit the court's general supervisory authority to suppress evidence in circumstances of gross violation or in circumstances where the violation is of constitutional dimensions.

Section 310 provides criminal penalties for willful violations of the Act.

Section 311 provides authority for the Comptroller General to conduct certain audits and studies of the operations of the Board on behalf of the Congress. In a letter to the Subcommittee requesting inclusion of this provision the Comptroller General stated that although he thought the General Accounting Office's general statutory authority should be included in this legislation "because of the sensitive nature of the data involved." The Comptroller General also stated:

"While we fully support the intention of both bills that the administering executive agencies should be primarily responsible for properly managing the provisions of the bills, we also believe it is important that a specific provision be included in the bill providing the means for an independent congressional assessment of executive agencies' actions. In this way the Congress can have better assurance that the detailed audit by the executive agencies are adequate."

A provision almost identical to that proposed by the Comptroller General has been included.

Section 312 provides that any state statute, state regulation or Federal regulation which imposes stricter privacy requirements on the operation of criminal justice data banks or upon the exchange of information covered by this Act takes precedence over this Act or any regulations issued pursuant to Section 303. The Board would make the administrative decision as to which statute or regulation governs, and whether a regulation comports with this Act.

A new subsection has been added to this section authorizing the Board to suspend the application of this provision with regard to state records maintained at a federal agency pursuant to section 307. However, the Board could not authorize such suspension beyond the 5-year period during which the federal agency may maintain state files pursuant to section 307(c). Furthermore, this provision like any provision can be suspended with regard to records collected on or before the effective date, pursuant to subsection 207(e).

Section 313 authorizes the appropriation of such funds as the Congress deems necessary for the purposes of the Act.

Section 314 is a standard severability provision.

Section 315 repeals a temporary authority for the Federal Bureau of Investigation to disseminate Rap sheets to non-criminal justice agencies.

Section 316 makes this Act effective two years after its enactment, except that the Board can suspend the application of any provisions of the Act for up to one additional year.

S. 1428—Section-by-Section Analysis

The Criminal Justice Information Control and Protection of Privacy Act of 1974 is designed to provide minimum standards for the exchange of criminal justice information in order to ensure the accuracy and completeness of the information and to protect the rights of privacy of individuals who are the subjects of that information.

Section 101 contains the findings and states the basis for congressional action. It recognizes the necessity of exchanges of information among criminal justice agencies, but notes the potential for infringement of individual rights if the information itself is inaccurate or incomplete, or it is exchanged in an irresponsible manner. Acknowledging the primary role of the States, it nevertheless emphasizes the interconnected role of federal and State criminal justice information systems. It relies on the power of Congress to regulate interstate commerce in information and to impose restrictions on State and local criminal justice agencies receiving federal funds or other benefits.

Section 102 defines some of the key terms used in the bill, although not all terms are specifically defined.

"Arrest record information" is defined to include only that data on a typical "rap sheet" which indicates an arrest or initiation of charges but does not show the disposition of those charges.

"Automated" is defined as the utilization of computers or data processing equipment. No precise lines are drawn between fully manual, semi-automated and fully automated systems. This is left to individual agency regulations and procedures based on the particular characteristics of the system covered.

"Correctional and release information" is defined to include reports prepared on an individual at various stages of the criminal justice process from bail to parole. It includes medical and psychiatric reports as well as the more typical correctional data.

"Criminal record information" is defined as that "rap sheet" data which shows a disposition of charges. Thus, "arrest record information" and "criminal record information" are mutually exclusive terms distinguished by the presence or absence of dispositional information.

"Criminal justice" is defined to include the whole range of functions concerned with crime, from protective measures to prevent the commission of crimes through the rehabilitation of convicted persons.

"Criminal justice agency" includes police, prosecutors, courts and corrections as well as a number of auxiliary services performed by governmental agencies. It includes not only those governmental units, such as police departments or district attorneys' offices, whose major function is criminal justice but also subunits of agencies which perform criminal justice functions. Thus, the Criminal Section of the Civil Rights Division of the U.S. Department of Justice would be a "criminal justice agency." Similarly, the Antitrust Division of the Department of Justice or an Inspector General's Office which is conducting a criminal investigation in a particular case would be a "criminal justice agency" for purposes of that case even if its primary function is civil in nature. Agency is not used in any rigid sense. An "organized crime strike force" composed of members of various agencies would nevertheless be a "criminal justice agency" within the meaning of the bill.

"Criminal justice information" is the all-encompassing term for the various types of information defined separately—arrest record information, criminal record information, criminal intelligence and investigative information and correction and release information.

"Criminal justice intelligence information" includes information collected to anticipate or monitor possible criminal activity as distinguished from the investigation of specific criminal acts which have already occurred.

"Criminal justice investigative information" is that data compiled in determining who committed a specific crime and compiling evidence to prove guilt.

"Disposition" is defined to include all actions which might terminate a criminal proceeding at any stage beginning from the time of arrest. It also includes indefinite postponements of charges based on pretrial diversion or incompetence to stand trial. The terms used are intended to be descriptive of various actions which might, in different states, be listed in different terms; they are not words of art.

"Executive Order" is limited to those actions of a Chief Executive which, under existing authorities, have the force of law. It does not confer any power to issue executive orders where that power does not already exist. Such orders must be in some permanent, published form; a memorandum from a Governor to a Chief of Police which is not publicly available would not be encompassed in the definition.

"Law enforcement agency" is defined with reference to agencies on whom the arrest power has been conferred by law. While in some states that may include prosecutors or others, the term is to be normally understood as referring to those performing police functions.

"State" is defined broadly to include the District of Columbia, Puerto Rico and the territories as well as the fifty States.

Section 103 sets forth the coverage of the bill. Subsection (a) specifies that all federal criminal justice agencies are covered and those State or local agencies which are funded in whole or in part by the federal government. In addition, criminal justice agencies exchanging interstate information are covered as well as all agencies which exchange information with federal agencies, federally-funded State or local agencies, or interstate. In the latter case, the bill applies only to the extent of the exchange. Thus, a police department which maintains numerous records of its own and also exchanges some information with the FBI must comply with the bill in the handling of information sent to the FBI or received from it, but is not obligated to comply with the bill with respect to information which it collects and uses solely within the department.

Subsection (b) excludes certain types of information from the application of the bill. Public information such as court opinions, court proceedings and police blotters remain public and are not subject to the restrictions in the bill. Motor vehicle or pilot license registries which are maintained for licensing purposes by departments of transportation, motor vehicles or similar licensing agencies are not subject to the restrictions in the bill. However, records of traffic offenses, such as manslaughter or drunk driving which are maintained by criminal justice agencies remain subject to the bill.

Military justice records remaining in the Department of Defense are exempt from the bill if "absent without leave" or other military justice information is transferred to a federal or State agency other than the Defense Department it becomes subject to the bill. Similarly, criminal justice information exchanged with the Department of Defense is subject to the bill.

Statistical and analytical reports, such as the Uniform Crime Statistics, are not subject to the bill since individual offenders are not identified.

Announcements of executive clemency are exempted from the bill and may, therefore, disclose the names of persons pardoned and the underlying offense for which they were pardoned.

Intelligence or investigative information which the President has determined must be kept secret to protect the national defense or to advance foreign policy, such as matters classified pursuant to an Executive Order, is exempt from the bill. Compare 5 U.S.C. 552(b)(1).

Title II of the bill specifies the basic restrictions on the exchange, dissemination and use of criminal justice information and imposes certain obligations on criminal justice agencies.

Section 201(a) imposes the basic obligation on all criminal justice agencies covered by the bill to comply with its provisions. It requires that each agency issue published regulations, after compliance with formal rule-making procedures. In the case of federal agencies this would, of course, require formal rulemaking under the Administrative Procedure Act, 5 U.S.C. 551 et seq. The regulations must identify the information systems maintained, impose an affirmative obligation to comply with the provisions of the bill and with the regulations and procedures which implement it, specify the limits on dissemination, exchange and use of information under the provisions of the bill, other applicable laws, and regulations, and provide administrative sanctions for noncompliance.

In addition to the public regulations, subsection (b) requires each agency to adopt more detailed internal operating procedures to achieve certain goals. Since these procedures may specify security precautions in some detail, they would not be available to the public. The procedures must indicate the mechanism to be used within the agency to prevent unauthorized access to information or the dissemination to unauthorized agencies or individuals. Where appropriate, the procedures must also restrict the dissemination of correctional and release information, limiting it to criminal justice agencies, agencies entitled to receive it for employment purposes pursuant to section 205, individuals assisting in the rehabilitation of individuals as permitted in section 206, and the individual himself. In the case of the individual, he is authorized to receive correctional and release information only to the extent permitted by other statutes or by court rule or court order. Thus, a federal prisoner would not have automatic access to a pre-sentence report in his correctional file unless the court authorized access under the Federal Rules of Criminal Procedure.

Subsection (c) addresses the specific problem of pre-arrest use of arrest records which show no disposition of the earlier charges. It requires agencies to adopt procedures to prevent improper use of the arrest information in these circumstances. The subsection merely underscores existing law, namely, that a prior arrest, standing alone, does not provide probable cause for a subsequent arrest. It is not intended to add or detract from the present authority of law enforcement officers to detain or arrest suspected persons. Where arrest record information is obtained from another criminal justice agency in this pre-arrest situation, records of that exchange (either written or on computer tape) must be maintained for three years by the agency receiving the arrest record. Periodic audit of these records is required to ensure that the arrest record information is not being used improperly. While it was not considered feasible to require a similar audit trail for arrent records used within the agency maintaining them, the agency is under an obligation to adopt some affirmative measures, such as training programs, directives, or other appropriate procdures which are designed to prevent abuse.

Subsection (d) requires that information originally obtained from a foreign government but included in a criminal justice information system subject to the bill be handled in the same manner as information generated within the United States. The bill does not prohibit exchanges of criminal justice information with foreign governments or international organizations either pursuant to treaties or agreements or on an *ad hoc* basis. It requires, however, that the agency in the United States undertake to see that the foreign agency receiving the information uses it in a manner consistent with the principles of the bill.

Section 202 permits the use of wanted person information for any criminal justice purpose and the use of identification information for any legitimate purpose. Thus, wanted posters may be published and posted, mug shots may be shown to potential witnesses, and fingerprints may be used to identify crash victims. However, a fingerprint card which contains arrest record information may be exchanged or disseminated only under the same procedures as other arrest record information. The section also explains that the use of automated fugitive or stolen property files, such as those maintained by the NCIC, is not restricted by the limitations on direct access to automated systems.

Section 203 of the bill deals only with automated systems. It requires that exchanges between agencies by means of data processing equipment be governed by a formal written agreement specifying security arrangements and similar matters necessary to protect the information. Within an agency procedures must be adopted to ensure that arrest record information and criminal record information in a computer is normally accessed only by a specific identifier. However, it is recognized that there may be instances in which this is not always possible. The agency should specify in its procedures those circumstances in which a specific identifier is not feasible. Special precautions are required in connection with remote terminals in patrol cars or carried by patrol officers. Accordingly, a specific audit trail is required to prevent abuse of automated information by patrol units.

Section 204(a) permits the dissemination of criminal record information to noncriminal justice agencies in the circumstances authorized by the bill, such as employment in certain agencies, and where authorized by some other federal or state statute or executive order. For example, a criminal justice agency could make criminal record information available to a school board if there is an appropriate statute or the Governor issues an Executive Order to this effect. The bill does not authorize this directly, however; the action of the politically responsible officials at the State level is required.

Section 204(b) permits a noncriminal justice agency, authorized by statute or executive order, to obtain arrest record information if the individual arrested has been formally charged and the charge was filed within twelve months of the date the information was requested or there is affirmative evidence indicating that the charge is still pending after that time. Older arrest information that does not show a disposition would not be available unless the statute authorizing access states specifically that access is permitted regardless of the age of the record. Any arrest record information obtained by a noncriminal justice agency must be used only for the purpose for which it was originally obtained. Thus, an arrest record of an individual obtained for employment screening could not be used to deny the individual a license, or revoke a license. An arrest record obtained by a noncriminal justice agency may be retained in its files only so long as is necessary to accomplish the original purpose, e.g., the making of an employment decision. Thereafter it must be returned to the agency from which it was obtained or destroyed. Should the same record be required at a later time, it can be obtained by a new request to the criminal justice agency.

A noncriminal justice agency entitled to obtain arrest record or criminal record information has a duty to put the individual on notice that this type of information about him may be requested. Individual notice in each instance is not required so long as the employment application form or license application form itself indicates that this type of information may be requested concerning the individual. Agencies which have authority to make continuing checks on the records of their employees or others must find some mechanism, such as an employee bulletin, to ensure that all those whose records may be obtained are aware of that fact.

Section 204(d) contains a specific statutory authorization for the Immigration and Naturalization Service and the Department of State to obtain the criminal justice information about individuals that is necessary to enforce the immigration laws. However, they must adopt specific procedures to ensure that arrest record information is used as an investigative lead, and that any adverse decision based on arrest record information is reviewed at a supervisory level before a final decision is made. The agency's own procedures would specify the appropriate level of review.

A similar statutory authorization is provided for the Treasury Department's Bureau of Alcohol, Tobacco and Firearms, Customs Service, Internal Revenue Service, and Office of Foreign Assets Control which have mixed civil and criminal functions and have specialized needs for criminal justice information in order to carry out their statutory duties. Again, the Treasury Department is required to adopt procedures to prevent the abuse of arrest record information.

The Drug Enforcement Administration of the U.S. Department of Justice would be authorized to disseminate criminal record information (but not arrest record information) to registered drug manufacturers. The manufacturers themselves are not authorized to obtain the information from any other source except public records.

Section 204 (g) requires agencies to adopt procedures relating to research access to arrest record information, criminal record information and correctional and release information. Agencies are not required to permit research by outside sources, but if they do not, this must be specified. If research is permitted, specific agreements must be entered into between the agency and the researcher insuring the confidentiality and security of the information and providing sanctions for the violation of the agreement.

Subsection (h) recognizes that there are some private organizations which, by agreement with criminal justice agencies, perform criminal justice functions. For example, the VERA Institute performs the bail agency functions for the City of New York by agreement with the city. It permits these organizations to obtain criminal justice information through the criminal justice agency with which they have an agreement. The agreement must restrict the use of the information and insure its security and confidentiality, provide for adequate record keeping, and require termination of the agreement for failure to comply with these requirements.

Announcement of arrest, convictions and similar stages of the criminal justice process to the press is allowed under subsection (i) as are announcements of the correctional status of an individual, *e.g.* on furlough, on parole, etc., and new developments in the course of an investigation. These announcements must be related, however, to events that are on-going, rather than to past history. Thus, the announcement of an arrest should be made within a few days of its occurrence, not five years later. While past criminal history is not to be volunteered to the public, it is permissible for a criminal justice agency to confirm certain matters of public record information upon specific inquiry. If the press, or any member of the public should inquire directly, "Was Joe Smith arrested by your Department on July 15, 1941," and that fact can be ascertained from a police blotter or similar record of entry, a criminal justice agency may confirm it.

Section 205 authorizes the dissemination of criminal justice information for certain employment purposes. Such information may be exchanged among criminal justice agencies in connection with the employment of individuals by those agencies. Similarly, information may be provided to the nominating, confirming or appointing authority of Federal, State or local governments in connection with the appointment of criminal justice agency executives, judges, or members of the Commission on Criminal Justice Information which would be established by the bill. With respect to general employment in criminal justice agencies, there is a requirement that the individuals be put on notice, that such information will be sought, either in the application form itself or by general notice. In the case of nominees or appointees, however, a written consent to be considered for the position and have criminal justice information obtained in connection therewith is required.

Section 205(b) is the specific statutory authorization for access to criminal justice information in connection with federal employment and security clearances. It requires that any adverse information obtained be considered as disqualifying only where it is reasonably related to employment and that decisions unfavorable to the individual because of such information be considered at the supervisory level. The agency receiving the information must adopt regulations to implement these requirements. In addition, a general notice to the individual that such information may be sought is also required.

Subsection (c) retains the existing statutory authority to provide information to federally chartered or insured financial institutions for employment review purposes but restricts this to criminal record information. Mere arrests may not be disclosed to these institutions.

Section 206 prohibits anyone who obtains criminal justice information from further disseminating it to unauthorized persons. Thus, the pharmacists licensing board which has statutory authority to obtain criminal justice information may not pass that information on to a barber's licensing board that does not have a similar statute. An exception is made to permit rehabilitation officials to summarize criminal record information or correctional and release information for a prospective employer or others if this will assist the subject of the record and he consents. For example, a parole official assisting a convict about to be released in securing employment may summarize the convict's prison record to a prospective employer in order to help obtain employment. The record itself may not be disseminated, however.

Under section 207, each criminal justice agency is required to adopt procedures to provide security for criminal justice information, assure the continued accuracy of arrest record and criminal record information, pass on additions or corrections information to other agencies that have received the original record, provide audit trials and periodic review of compliance with the requirements of the bill. Where necessary, however, records accumulated prior to the effective date of the bill may be exempted because of the impracticability of compliance with these requirements.

Section 207(c) requires that arrest record and criminal record information be sealed on purged in accordance with otherwise applicable statutes or in compliance with court orders. This provision is a recognition of existing law and practice and does not in itself create any new authority to seal or purge records. It does, however, require that the agency charged with the responsibility of implementing the statute or complying with the court order provide notice to other agencies having the record of the sealing or purging requirement.

Subsection (d) is an affirmative purging requirement. It obligates the central repositories of records, such as the FBI or the state identification bureau, to expunge those arrest records which are five years old if there is no disposition and no subsequent arrest. Where the individual is a fugitive, however, expungement is not required.

Section 208 establishes the right of an individual to examine his own arrest record or criminal record for the purpose of correction. Criminal justice agencies maintaining such records are required to adopt and publish regulations which specify how the individual can inspect his record. These regulations must provide for mutually convenient access. The individual does not have a right to inspect his record at any hour of the night or to insist that it be brought to a location of his choice. On the other hand, he cannot be made to travel great distances to inspect his record, it must be available at a reasonably convenient location, and he cannot be forced to come to inspect his record only during a specific hour, once a month. Copies need not be provided so long as adequate inspection by the individual or his counsel is afforded.

Any criminal justice agency is required to correct any record which is clearly erroneous. If there is dispute over the correctness of the record, the criminal justice agency receiving the challenge must refer the matter to the agency which originated the record. For example, if there is a challenge to a record held by a state identification bureau but the record was originally entered by the local police, the challenge should be referred to the local police. The agency originating the record must either correct it, if it finds it clearly erroneous, or conduct a hearing at which the dispute over its accuracy can be settled. The subject of the record may appear at such a hearing with counsel, present evidence, and cross-examine any witnesses. Records found to be inaccurate, incomplete, or improperly maintained (e.g. subject to the expungement requirement described above) must be corrected or deleted. This section deals only with the accuracy and completeness of a given record. It does not create a remedy or procedure by which an individual can challenge the legality of an arrest or charge.

Records must be kept by a criminal justice agency showing all noncriminal justice agencies to which they have been disseminated. These records are available to the subject of the information. Moreover, if a record is corrected, the correction must be passed on to all noncriminal justice agencies which have formerly received it.

The individual's right to access to his own record is for his own benefit. He may not be required to show copies of that record to prospective employers, licensing boards or others.

Section 209 contains special provisions relating to criminal justice intelligence and investigative information. It specifies that such information may be collected only for official purposes and that it must be kept in a physically secure environment. It may not be included in arrest record or criminal record information files, which, under the terms of the bill, are more readily accessible. On the other hand, there is no prohibition against including arrest record or criminal record information in intelligence or investigative files.

Each criminal justice agency must adopt internal operating procedures to ensure that only those persons who have a need to know or have access to criminal justice investigative or intelligence information, either within the agency of in other agencies, are able to obtain it. When such information is disseminated to persons in another agency, records must be kept of the agency *and* individuals having access, the date of the access, and (unless obvious) the purpose of the access. For example, if the Secret Service should request access to intelligence files concerning persons who have threatened the President, the purpose would be evident from the request itself. On the other hand, a request from another criminal justice agency for intelligence information for employment screening purposes should be noted as such.

Subsection (c) prohibits direct terminal access to automated criminal justice intelligence or investigative information by other agencies unless this is directly authorized by statute or executive order. An exception is made, however, for the sharing of automated intelligence or investigative information by various components of a single executive department. It should be noted that where control of a remote access terminal is in an employee of the agency which maintains the information he may disseminate it manually to those who are otherwise authorized to receive it. The restriction in the bill is on automated transfers of information, it does not prevent an index or pointer system which merely refers an inquiry to another agency so long as the information itself is not transmitted by computer.

Where a statute or rule or order of a court mandates dissemination of criminal justice intelligence or investigative information it is, of course, permitted.

Subsection (e) permits a criminal justice agency to provide an assessment of criminal justice intelligence or investigative information to anyone when necessary to avoid possible danger to persons or property. Thus, it would always be permissible to indicate to a bank president that information concerning the bombing of the building has been received. Such assessments are merely necessary summaries, however, and actual transfer of intelligence or investigative files would not be authorized.

Disclosure of intelligence or investigative information by one who has obtained it in his official capacity contrary to a duty imposed by this or other statutes or by agency regulations would be a criminal offense. For example, an officer or employee, having knowledge of this duty, who disseminates information to an authorized person for the purpose of discrediting a candidate for public office, or for personal or monetary reward, is guilty of a misdemeanor.

Title III establishes the enforcement mechanisms for the bill.

Section 301 establishes a Commission on Criminal Justice Information composed of nine members. Three members will be representative of Federal criminal justice agencies and will be designated by the President. The President will appoint with the advice and consent of the Senate four members who are representative of state and local criminal justice agencies. The other two members, appointed by the President with the advice and consent of the Senate, will represent the public at large. Members will serve for staggered three year terms except that the federal representatives serve at the will of the President. A Chairman and Vice Chairman would be designated by the President from among the members of the Commission. Five members constitute a quorum.

The Commission is empowered to study and collect information concerning agency compliance with the provisions of the bill, with particular emphasis on the security, confidentality and accuracy of arrest and criminal record information. It would appraise the various laws, policies and practices in the criminal justice information area and would investigate specific complaints, under oath, of violations of the provisions of the bill. The Commission would publish annually a compendium of criminal justice information systems regulated by the bill, obtaining the necessary information from the criminal justice agencies.

Annual reports on compliance with the provisions of the bill and containing any further legislative recommendations would be made by the Commission to Congress and the President. In addition, the Commission has the authority to submit interim reports and recommendations to the President or the Chief Executive of any state calling attention to problems it has identified or suggesting changes in law or procedures.

The Commission has the authority to conduct hearings anywhere in the country on matters within its jurisdiction, and may act through subcommittees if it wishes. It has the necessary powers to subpoena witnesses and administer oaths, and witness fees are provided. Subpoenas of the Commission would be enforceable through the courts. Necessary criminal justice information could, of course, always be disseminated to the Commission despite other restrictions on dissemination.

Commission members, other than the federal members, would be compensated at level IV of the Federal Executive Salary Scale when actually employed in Commission work, and would be entitled to the necessary travel expenses.

Section 305 provides for a full-time staff director, appointed by the President with the advice and consent of the Senate, after consultation with the Commission. He would be compensated at Level V. Other personnel would be appointed subject to the Civil Service laws.

The Commission has authority to constitute advisory committees and fix their duration. It is also free to consult with any others it wishes. Members of the Commission and its advisory committees would be "special government employees" within the meaning of the conflict of interest laws.

Section 306 requires each criminal justice agency to advise its personnel of the provisions of the bill and of any disciplinary sanctions available for violation of the bill or agency procedures. It must also adopt procedures to ensure that other agencies or persons receiving access to information are aware of whatever administrative sanctions may be available by law for noncompliance with the provisions of the bill.

Section 307 provides judicial remedies for violations of the bill. A civil action against an agency is authorized if an individual is denied his right of inspection of records or an agency improperly refuses to correct a record. Similarly, an individual has a civil action against an agency or individual who injures him by violating the act, and may sue either or both. Suits naming both individuals and agencies must be brought in a single action. Suits against federal officials must be brought in federal court but suits against state or local officials may be brought in either state or federal court. Equitable relief is authorized as are damages. In egregious cases, punitive or exemplary damages may be awarded. Costs and attorneys fees may also be awarded.

Section 307(f) makes good faith a defense to damage actions but not to equitable relief.

Section 307(g) makes it clear that the bill creates no new exclusionary rules. Evidence otherwise admissible in court may not be excluded in a civil or criminal proceedings merely because it is connected with some violation of the exchange, dissemination or use restrictions in the bill.

Section 308 provides state consent to suit.

Section 309 recognizes the state laws which may provide greater restrictions on information exchange or greater protections of privacy. These laws continue in effect and are not supplanted by the bill. Within its boundaries, a state may insist upon the more restrictive provisions of state law and neither federal agencies nor agencies of other states may demand access to information on the basis of their statutes or executive orders. If a state transmits its information to a federal agency or through interstate channels, however, that information is governed solely by federal law. State laws do not follow the information beyond state boundaries.

Section 310 authorizes the necessary appropriations.

Section 311 repeals the so-called "Bible rider" which presently governs exchanges of information between the FBI and noncriminal justice agencies on the state or local level.

Section 312 delays the effective date of the bill for two years in order to permit time for the development of state law and agency regulations. The appropriations authorization and provisions creating the Commission would be effective immediately, however.

Exhibit 1

Arrest Record Headed for Test

(By Leon Dash)

Warren Hudson III was arrested shortly after midnight on July 15, 1974, in the 1200 block of New York Avenue NW and charged with the murder earlier that night of a Detroit truck driver.

But later, a witness who had identified Hudson as the assailant in the shooting death of James D. Roden admitted he had lied.

In addition, another witness who had read accounts of Hudson's arrest told police she had seen Roden shoot himself. The D.C. medical examiner confirmed Roden's death was a suicide.

Four days after the arrest of Hudson, the U.S. attorney's office dropped the charges against him, and he was a free man. Or was he?

On Feb. 19, D.C. Superior Court Chief Judge Harold H. Greene, acting on a motion by Hudson and citing among other things the "principles of fundamental justice," ordered the destruction of Hudson's arrest record.

But sources in the U.S. attorney's office, who acknowledge that expungement of the record is the only fair thing to do, indicate that Greene's order will be appealed to the D.C. Court of Appeals.

The U.S. attorney's and corporation counsel's office opposed Hudson's original appeal on the grounds that a Superior Court judge does not have the legislative or judicial authority to destroy police records, no matter how inaccurate. They also view Greene's order as a judicial encroachment on governmental authority.

Prosecutors in both offices cite a 1971 decision by the District's appeals court rejecting the argument that destruction of police records is a legal alternative for persons acquitted of criminal charges.

The court's decision declared that Congress had provided no legislation to allow for such a circumstance and that the destruction of arrest records would perpetuate a fiction after a fact had passed into history—the actual arrest. The appeals court decision involved 75 persons arrested on misdemeanor charges during demonstrations in May, 1970.

In his order, Greene called the higher court's ruling "unrealistic" when applied to a person mistakenly arrested—and never even tried—on murder charges.

"I believe," Greene wrote in his decision, "that . . . a decision by (me) to permit the perpetuation of an arrest record for murder of a man totally innocent of that crime would be erroneous as a matter of law, would be wrong on principles of fundamental justice and would, in a sense, constitute an impairment of the implied social contract between government and the citizen that the former will deal fairly with the latter."

Amid this tangle of legal contentions, maneuvers and counter maneuvers stands Hudson, a thin, disabled 23-year-old Army veteran.

Since his honorable discharge in 1972, Hudson has received a $170 monthly disability check from the Veterans Administration. He was granted a 50 per cent medical disability status, recently increased to 100 per cent, because of a serious head wound he received while manning a machine gun on a gunboat in South Vietnam's Mekong Delta.

By his own account, he has worked "off and on," twice as a porter and once as a dishwasher.

He lost each of the jobs he said, because he had to return to the VA hospital for an "aggravated nervous condition." The third time, Hudson said, the hospital "decided to hold me for three or four months."

In appealing for expungement of Hudson's murder arrest record his attorney Robert Clem, argued that Hudson's head wound has caused him "serious psychological problems, including loss of memory."

"It is conceivable that Mr. Hudson might be unable to explain the circumstances of his arrest for homicide were he called upon to do so by a potential employer, attorney or court," Clem added.

Hudson's case raised two questions about the criminal justice system as it affects Hudson and others arrested under similar circumstances:

Does a person mistakenly arrested for a felony have the right to have the record destroyed, thereby altering a historical fact?

Is the legal system so entwined in the adversary posture taken by prosecutors, defense attorneys and judges that the abstract goal of justice and the rights of defendants are overlooked?

In his order, Greene cited some problems the unemployed Hudson faces if his arrest record is not destroyed.

"In large areas of (Washington), the so-called high-crime areas, a considerable proportion of the residents has an arrest record—not because many are guilty of crime but because arrests are made much more promiscuously there than elsewhere," Greene wrote .

"The high ghetto arrest rate may be due to some lingering prejudice by individual (police) officers. It may be caused more often simply by the fact that more crimes are committed in such areas and that for this reason officers feel an obligation to be somewhat less selective in making arrests, or it may be the result of court decisions which hold that presence on the street in such neighborhoods provides in itself some justification for a police arrest," Greene wrote.

Greene also noted the following:

Federal agencies, local government and private employers discriminate against individuals with police records.

Contrary to the prosecutors' arguments, arrest records of persons found innocent of crime "have no law enforcement or other value."

Historical facts are routinely altered, such as in juvenile cases where the law stipulated that court proceedings "shall be treated as if they never occurred."

Failure to destroy the arrest records of an innocent person "violates important constitutional protections. Included among these are the right to privacy and the right to due process of law."

Thomas H. Queen, chief of the misdemeanor section of the U.S. Attorney's office, said the only reason his office originally opposed Hudson's motion is that Superior Court is "without the authority to order the relief sought by the defendant."

Assistant Corporation Counsel John M. Clifford said his office also opposed the expungement request because "we believe it is in the interest of government law enforcement agencies to have (Hudson's arrest record) available to them."

Prosecutors interviewed recently acknowledged privately they routinely review a defendant's arrest record when that person has been arrested on a new charge. They use a defendant's record to determine, among other things, whether they will accept a guilty plea to a lesser charge or ask a judge to impose the maximum sentence for the new charge, they said.

Judges also said they note charges in determining the gravity of previous length of sentences.

Asking that their identities be withheld, several supervisory prosecutors in both offices said they would not have opposed the expungement request if it had been brought to their attention during the original appeal. But once "having gone on the record as opposed to it, the judicial process must steam on," one prosecutor said.

"I think Greene's reasoning is very sound," another prosecutor conceded. "We just probably opposed it because we don't want judicial encroachment on our prerogatives."

Prosecutors acknowledged privately their opposition to doing an injustice to Hudson, but they contest the expungement order because of their "governmental obligations," they said.

Greene focused on that issue in his order. "I have never been able to understand," he wrote, "why even the most committed advocate of what has become known as the law-and-order philosophy would want to oppose the expungement of the arrest record of one who is clearly innocent of the charges for which he was arrested."

By Mr. CHURCH (for himself, Mr. Abourezk, Mr. Bumpers, Mr. Case, Mr. Clark, Mr. Philip A. Hart, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Leahy, Mr. Mathias, Mr. McGovern, Mr. Pell, Mr. Stevenson, and Mr. Talmadge);

S. 1430. A bill to amend the Emergency Petroleum Allocation Act of 1972, and for

other purposes. Referred to the Committee on Interior and Insular Affairs.

GOVERNMENT PURCHASE OF OIL

Mr. CHURCH. Mr. President, along with the senior Senator from Michigan (Mr. Hart) and 14 other Senators (Mr. Abourezk, Mr. Bumpers, Mr. Case, Mr. Clark, Mr. Hartke, Mr. Haskell, Mr. Hathaway, Mr. Humphrey, Mr. Javits, Mr. Leahy, Mr. Mathias, Mr. McGovern, Mr. Pell, Mr. Stevenson, and Mr. Talmadge), I am today introducing a bill which would empower the Federal Energy Administration to act as the exclusive importer into this country of all foreign oil. I ask unanimous consent that a joint statement on this subject by Senator Hart and myself, together with the text of the proposed bill, be printed in the Record as this point.

There being no objection, the statement and bill were ordered to be printed in the Record, as follows:

Joint Statement of Senator Philip A. Hart and Senator Frank Church on Introducing the Proposal on Government Purchasing of Imported Oil

Basic energy problem of the United States inoles both the price and security of supply of foreign petroleum. As one petroleum analyst has pointed out, these are really two sides of the same coin. "Monopoly means control of supply, hence the ability to stop it."

A monopoly over the world's petroleum supply has been achieved by the OPEC cartel. And it has proceeded to raise the price of crude oil to almost ruinous levels.

Stripped to its essentials, a cartel is a group of producers who agree to restrict their output in order to realize higher prices. Certain conditions are necessary in order for them to do this.

Obviously, they must control a very large share of the supply of the material they want to monopolize. Second, the number of producers must be fairly small. If there are too many, the difficulties of keeping an agreement together become overwhelming. Fewer producers make for a stronger cartel. Third, each producer must be absolutely confident that he knows what all the other members of the cartel are doing both with regard to output and price.

The last point is of enormous importance in understanding the OPEC cartel. Once the cartel has pushed its prices well up above costs, the temptation for the individual members to share their price becomes very strong. At a very high price level, a very small discount can enable the individual member to dramatically expand his share of the market and realize even greater profits. Such an expansion of market share, of course, would come at the expense of the other cartel members.

The OPEC cartel is potentially vulnerable for several reasons. First, it has a large enough membership to cause serious coordination problems. But, more importantly, the members have widely varying interests. There is even a great divergence of interests on purely economic grounds. Some members have small populations and their per capita income has risen to the point where their interest in the longrun success of the cartel may perhaps exceed their desire for additional profits in the immediate future. But there are other countries who have quite different economic incentives.

For example, several of the poorer and more populous nations have had to suffer far greater cutbacks in their production to support the cartel price than have some of the wealthier members. Should these poorer nations begin to harbor even the slightest suspicion about their fellow members, they are quite likely to open their shut-in capacity to the market.

Moreover, there is ample evidence that the OPEC cartel depends upon the major international petroleum companies to provide a degree of coordination in controlling price and output which the OPEC nations could not provide on their own. The system of interlocking joint ventures between these companies provides an almost flawless system of intelligence enabling each producer to know exactly what the others are doing and intend to do.

The proposed oil purchasing bill is directed at this essential aspect of the cartel, the confidence the members must have about what each other is doing. By requiring that all petroleum imported into the United States be sold to the government on the basis of sealed bids, it makes cooperation among the producing countries far more difficult than at present, and increases the likelihood that one or more countries will reduce its price in order to expand its market share.

This proposal is not without precedent. Many countries of Latin America, for example, have for years purchased their oil import requirements through a government purchasing agency by sealed competitive bids. Most commentators on the recent history of the industry agree that these "sweepstakes" played an important role in reducing the world price of oil in the late 1960's. Faced now with an international cartel of producing countries, there is every reason to hope that the "plum" of the United States market would have a similar impact on world oil prices today.

Mr. President, this bill which we introduce today is a combination and refinement of three which have been introduced in the Senate previously. This bill, we think, is a more direct response to the problem of world oil prices than the more elaborate bill which preceded it. It also is quite similar to H.R. 3944, introduced in the House by Congressman Fraser and 66 cosponsors.

Over the past few weeks, we have discussed this bill with a number of persons. Typically, certain questions are raised. In the interest of fielding those now, we ask unanimous consent that representative questions and the answers be printed—along with the text of the bill—at the conclusion of these remarks.

Q. Since under this plan all foreign crude oil would be imported under sealed bids, what would happen if no one bid?

A. This kind of total boycott is no more probable under this plan than it is now. In fact, it is less probable. Under our plan, the bids for imports could come from anyone who has oil, international companies, independents, brokers or national oil companies. A decision not to bid would have to involve all of these, and, of course, if American companies participated, they would risk antitrust prosecution. Moreover, American firms would be unlikely to willingly participate in a cut off that would affect their domestic refining and marketing operations.

A group of producing nations could still attempt a boycott and deny oil to companies who would resell it to the United States, but this is a threat we face anyhow.

Q. Is not an anti-OPEC measure like this likely to produce a hostile reaction from the oil producing countries and do nothing except solidify the cartel?

A. This bill is not an anti-OPEC measure. The OPEC countries are sovereign nations and we must respect their right to control their own natural resources. On the other hand, the United States Government has the right to try and meet the needs of its people at fair and competitive prices. The American people, however, have a right as a matter of domestic policy to try and meet their energy needs at the lowest possible prices. We have no obligation to cooperate with the maintenance of monopoly prices by an international cartel. We would hope that the OPEC countries would view this bill as a friendly offer to do business with them as equals.

Q. How does this bill relate to a measure which would limit domestic consumption and restrict imports?

A. This bill is not inconsistent with either domestic conservation measures or with limiting imports. It simply provides a means of getting what we do import at the lowest possible price. We do, however, believe that efforts to procure imported oil at the lowest possible price are essential to the recovery of our economy.

Q. Is this bill consistent with the idea of a floor price on international sales of oil agreed upon by consuming and producing nations?

A. No. Such a floor price is simply a reinforcement of the cartel agreement. There is no good reason why the consuming nations should agree not to let the cartel price fall.

Q. Does this bill get the government into the oil business?

A. No. The purpose of this bill is quite the opposite, it is to make a free competitive market where none now exists because of a foreign government-sponsored cartel. Under this bill, the government would provide only the mechanism under which a market could develop.

Q. Who would be permitted to import oil under this bill?

A. Only the government, but anyone could sell oil to the government, provided they submitted a sealed bid which was low enough to be accepted. International oil companies, independent oil companies, brokers, shipping companies, and national oil companies, all might be expected to make offers to the government.

Q. What would the government do with the oil once it had purchased it?

A. The oil would be resold to domestic refiners and marketers. In reselling the oil, the FEA must take into account the encouragement of competition and the special needs of particular geographic areas.

Q. At what price will the government resell the oil it purchases?

A. Essentially, the resale price will be the same as the purchase price, except that the bill does allow some flexibility, and all parties who purchase at the same time will purchase at the same price.

Q. Will this bill disrupt the relationship between American petroleum companies and the producing nations?

A. No. The companies will remain free to continue their relations with the producing countries. The only change will be that in order for the companies to bring oil into the United States, they must first sell it to the government.

Q. Would not this bill result in the United States becoming involved in government-to-government negotiations for purchasing oil?

A. No. While national oil companies in the producing states would be most welcome to make offers, there is no necessity that they become the sole suppliers of foreign oil.

Q. Why is there a provision in the bill that limits purchase contracts to a term of two years?

A. The purpose of this provision is to ensure that sellers must compete frequently. Then, as one economist has said, "all of the output becomes marginal output, on which the seller is subject to pressure to shade prices in order to maintain sales."

Q. Should not this idea of the government purchasing foreign oil be tried out on a more limited scale, such as for the purchase of requirements for defense purposes or for a strategic reserve?

A. The amount of petroleum the United States needs for a strategic reserve or for defense purposes is probably not large enough to make it worthwhile to induce cheating on the cartel price. The amount of price chiseling we can expect from any plan is directly proportional to the size of the temptation offered.

Q. Since there are substantial differences among various types of crude oil, would it be possible for the government to match particular crude oils to the needs of particular refineries through an allocation program?

A. Under our plan individual refiners would request the type of oil which they need to run their refineries, and the government would purchase this type of oil for them. To the extent that refinery needs change over the course of time, these changes could be handled by swaps among the recipient companies.

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Emergency Petroleum Allocation Act of 1973, as amended, is amended (1) by designating the existing text thereof as title I, and (2) by adding at the end thereof the following new title:

"TITLE II—PETROLEUM IMPORTS

"FINDINGS AND DECLARATIONS

"SEC. 201. The Congress hereby finds and declares that—

"(1) the United States needs adequate and available supplies of petroleum products at the lowest possible cost to meet the present and future needs of commerce and national security and the requirements for petroleum products of businessmen, communities, and consumers in activities in interstate commerce and affecting interstate commerce;

"(2) a major factor in the high rate of inflation, unemployment, and other economic dislocations is the quintupling of the cost of foreign petroleum;

"(3) the present and projected harmful effects to the economy, the businessman, and the consumer are caused in part by a lack of competition among suppliers of petroleum to the United States and among petroleum companies within the United States; and

"(4) the political and economic importance of imported petroleum from foreign nations is of such significance to the United States that it should be purchased by the Government rather than private companies.

"PURPOSE

"SEC. 202. It is the purpose of this title to insure the free flow of oil in foreign and interstate commerce at the lowest possible price.

"DEFINITIONS

"SEC. 203. For purposes of this title the term—

"(1) 'Administration' means the Federal Energy Administration, and 'Administrator' means the Administrator of the Federal Energy Administration;

"(2) 'Crude oil' includes crude oil and liquefied natural gas.

"(3) 'Qualified buyer' means a citizen of the United States, a domestic corporation, a domestic agricultural cooperative, a domestic partnership or other unincorporated business organization, or any department, United States or of any State.

"(4) 'Person' includes any individual, corporation, governmental agency, department, or instrumentality, or other entity.

"(5) 'Responsible offeror' means any company, sovereign state or person acting on its own or on behalf of others who has been found by the Administrator, in accordance with such regulations as he may promulgate, to be capable of performing in accordance with the terms of its offer.

"PROHIBITION ON IMPORTATION

"SEC. 204. (a) On and after October 15, 1975, no person shall import into the United States any crude oil or refined petroleum product unless it has been purchased from the Administration, or manufactured from crude oil purchased from the Administration.

"(b) Any person who imports petroleum into the United States except in accordance with this title shall be punished for each offense by a fine not exceeding $1,000,000 or by imprisonment not exceeding 1 year, or both.

"FUNCTIONS OF THE ADMINISTRATION

"SEC. 205 (a) The Administration shall act as the exclusive agent of the United States in—

"(1) purchasing crude oil produced outside the United States for importation into the United States,

"(2) purchasing crude oil produced outside the United States for sale to refiners outside the United States pursuant to subsection (h) of this section, and

"(3) purchasing refined petroleum products outside the United States for importation into the United States.

"(b) All crude oil and refined petroleum products purchased by the Administration pursuant to subsection (a) of this section shall be sold to qualified buyers free on board the point of purchase. The Administration shall not engage in the business of producing, transporting, or refining crude oil or refined petroleum products on its own account or on the account of others.

"(c) The Administration shall endeavor to buy and sell without profit or loss. In the furtherance of this policy the Administration

"(1) may, in the case of any individual transaction, sell crude oil or refined petroleum products at a price above or below the cost of same if, in the judgment of the Administrator, such sales may result in progress toward a lower price for oil sold in international commerce; and

"(2) shall periodically establish posted prices that will apply to all sales and outstanding contracts for sale of crude oil and refined petroleum products according to their particular gravities, qualities, grades, varieties, and locations.

"(d) Persons qualifying as responsible offerors wishing to sell crude oil or refined petroleum products to the United States shall submit sealed offers of sale to the Administrator in accordance with such regulations as the Administration shall promulgate.

"(e) All such sealed offers submitted to the Administrator shall be in United States dollar amounts and shall show price, specifications, volume, terms of delivery and schedule of delivery. The Administrator shall accept those offers whose terms are most favorable to the United States, and shall have the power to negotiate with the offerors of most favorable terms for terms more favorable to the United States, except that no contract accepted will be for a duration of more than two years.

"(f) The terms of any offer, or of any contract or agreement entered into by the Administration to purchase crude oil or refined petroleum products shall be kept secret by the Administration, its officers, and employees. The Administrator shall insure that such terms are known to no more than six persons within the Administration. Such terms may, however, be made public no sooner than five years after the termination of the transaction to which they apply, provided that the identities of particular offerors and contracting parties are not thereby disclosed.

"(g) (1) The Administrator shall, by the issuance of regulations, determine the system by which sales of crude oil and refined petroleum products purchased by the Administration pursuant to this section shall be made to qualified buyers.

"(2) Any regulation promulgated under authority of this subsection shall be promulgated pursuant to section 533 of Title 5, United States Code.

"(3) Any regulation promulgated under authority of this subsection shall, to the maximum practicable—

"(A) preserve and encourage an economically sound and competitive domestic petroleum industry; including the priority needs of independent and small refiners;

"(B) provide for the allocation of suitable types, grades and quality of crude oil to refineries to insure the maximum utilization of existing petroleum refining facilities located within the United States;

"(C) provide for the equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent and small refineries;

"(D) minimize economic distortion, inflexibility, and unnecessary interference with market mechanisms; and

"(E) make provision to assure supplies of crude oil to new and expanded domestic refinery capacity may be constructed or expanded by small or independent refiners.

"(4) The provisions of subsection (i) of Section 7 of the Federal Energy Administration Act of 1974 shall apply to any rule or regulation, or any order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued pursuant to this title.

"(h) The Administration shall sell crude oil and refined petroleum products exclusively for importation into the United States, except that the Administration may sell crude oil to qualified buyers intending to refine it outside the United States for future importation into the United States in the form of refined petroleum products, if the following conditions are met:

"(1) the refinery in which the crude oil in question is to be run is owned by a qualified buyer,

"(2) the qualified buyer has contracted with the Administration to import into the United States all refined petroleum products manufactured by it from crude oil sold to it by the Administration; and

"(3) the Administration has taken care, pursuant to subsection (g)(3) of this section, to insure the maximum utilization of petroleum refining facilities located within the United States.

"(i) In the performance of its functions under this title the Administration shall not set or establish tariffs or quotas on the importation of crude oil or refined petroleum products.

"AUTHORITY OF ADMINISTRATION

"SEC. 206. (a) In the performance of its functions the Administration is authorized—

"(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of its operation and the exercise of powers vested in it by this act;

"(2) to appoint and fix compensation of such officers and employees as may be necessary to carry out such functions; and

"(3) to contract for the purchase of crude oil and refined petroleum products of crude oil and refined petroleum products from any private individual, foreign state, or foreign or domestic corporation.

"(b) All contracts and other obligations entered into by the Administration shall be guaranteed by the full faith and credit of the United States.

"SEC. 207. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"SEC. 208. (a) The Administrator shall submit to the President for transmittal to the Congress in January of each year a report which shall include a financial accounting of purchases and sales by the Administration under this title during the prior calendar year. Such report shall not, however, disclose any information required to be kept secret under the provisions of Section 205(f) of this Act.

"(b) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable to accomplish the purposes of this Act.

"SEC. 209. The General Accounting Office shall audit the functions of the Administration under this Act semi-annually and report to the President and the Congress. Such report shall not, however, disclose any information required to be kept secret under the provisions of section 205(f) of this Act.

"SEC. 210. In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused solely by compliance with the provisions of this title, or any rule, regulation or order issued pursuant to this title."

SEC. 2. Chapter 93 of title 18, United States Code, is amended by adding at the end the following new section:

"1924. Disclosure of information concerning crude oil or refined petroleum products and speculation thereon.

"Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment, or position, become possessed of information required to be kept secret by Title II of the Emergency Petroleum Allocation Act of 1973, as amended or by regulations promulgated pursuant to that title, willfully imparts directly or indirectly, such information, or any part thereof, to any person not entitled under said law or regulations to receive the same; or, before such information is made public through regular official channels, directly or indirectly speculates in any such product by buying or selling the same in any quantity; shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"No person shall be deemed guilty of a violation of any regulations promulgated pursuant to Title II of the Emergency Petroleum Allocation Act of 1973, as amended, unless prior to such alleged violation he shall have had actual knowledge thereof."

By Mr. WILLIAMS:

S. 1431. A bill to amend the Comprehensive Employment and Training Act of 1973 to establish an emergency conservation job program, and for other purposes. Referred to the Committee on Labor and Public Welfare.

EMERGENCY CONSERVATION JOBS ACT

Mr. WILLIAMS. Mr. President, I am introducing today a bill to establish an emergency conservation jobs assistance program that will, in a modest way, help to alleviate joblessness among those who have the greatest difficulty in finding gainful employment and, at the same time, will provide the States with additional resources to develop, maintain, and improve the public lands and waters of the States.

I view this legislation as just one more tool for the Federal Government to use in combating the human deprivation that derives from the current economic recession. Other proposals have been developed by other Senators, and still others are in development in my office. It is my intention, as chairman of the Committee on Labor and Public Welfare, that each of the various proposals that have been and will be referred to our committee for action will be fully considered at the earliest possible time.

The members of the committee recognize the urgent need for additional, emergency programs to provide jobs where there is work that can and should be done and workers to do it. It is our earnest hope that such programs, and the recession that has made them necessary, can be short-term in the extreme.

During the time that these programs are needed, however, I have become convinced that they should be directed, in part, to making some permanent improvements in the forests, parks, lakes and ponds, rivers and streams of the Nation.

The model for such efforts, of course, derives from the proven successes of the recovery programs that President Franklin D. Roosevelt utilized in helping lift this country out of the great depression—the Civilian Conservation Corps and the Works Progress Administration, among others.

Americans who bore the stress of living through those years have vivid memories of the tireless and high-spirited work crews building forest roads and firebreaks, constructing parkways and park facilities, and erecting new and needed public buildings.

Mr. President, the proposal I introduce today is not on the scale of the recovery enterprise undertaken by the Federal Government in the 1930's. It is, however, a modest plan of assistance to the States so that they can, within the framework of existing public service jobs programs, devote resources to conservation works that would otherwise go undone for lack of revenues in these times of sharply reduced activity.

The primary purpose of this legislation is to provide job opportunities for economically disadvantaged youth and for other Americans who are unemployed and have little other hope of finding work.

Special consideration is to be given to unemployed persons who have been jobless for long periods of time. This requirement derives from my deepening concern for the fact that so many of the 8 million persons counted as unemployed have not been able to find work for months. The average duration of unemployment is now more than 11 weeks. The number of long-term unemployed persons increased dramatically in February—by nearly 20 percent, in fact, to a total of 1.8 million. Of this number, 700,000 had been unemployed 27 weeks or more.

The legislation is also designed to permit concentration of its job opportunities on inner-city youth, whose unemployment rate is officially recorded at 41 percent but estimated by experts to be as much as 65 percent when the count includes all of those who have stopped looking for work. Frankly, Mr. President, I am haunted by the somber observations of an editorial in the New York Times of February 24:

> Are (young Americans) now to be told that they have a rendezvous with uselessness? Disenchantment that springs from a growing feeling of uselessness, particularly among the young, is the most serious threat to the nation's security. The best shield against such disenchantment is an effective mobilization of human resources to build a better and more equitable society.

In an attempt to respond to this warning, this legislation seeks to target its benefits on youth, first by emphasizing economically disadvantaged young people as prime eligibles for employment under the program and, second, by authorizing the States to detail employees to work projects on city and county public lands and waters. The thrust of these provisions will encourage the States to give young participants a choice between living at home, and working in or near their neighborhoods, on the one hand, and working on conservation projects in parks and woodlands outside the cities on the other.

In a real sense, this is a program for those who have lost hope, those who are "out of the labor force" by official Federal standards—that is, not counted as unemployed simply because they have stopped asking for work at the State employment offices.

The program authorized in this bill would provide financial assistance to the States at their own level, filling a partial void in existing Federal financial assistance programs under the Comprehensive Employment and Training Act of 1972. Under existing law, State governments qualify for funding of public service jobs in two situations—when they are the sole prime sponsor for CETA programs in their State, which is the case in five States, or when they have assumed prime sponsorship in areas where no local governing body has taken the responsibility.

This legislation would offer such financial assistance to State government without respect to whether they qualify as a prime sponsor under CETA. I would emphasize, however, that the approach contained in this bill should not be regarded as a precedent for Federal manpower programs.

The Congress may well decide that it would be appropriate to make such a modification of existing policy, but this bill is not intended as a means to that end. It is intended simply as an emergency measure that matches the needs of the moment, for many of the most severely disadvantaged persons and for the improvement of the natural resources of the States.

Mr. President, it is my belief that this program can be implemented with relative ease and speed. It is designed as a supplement to the established CETA structure in the Department of Labor and in the States. The requirements of this proposed act are identical in most respects to the basic CETA requirements, and the procedures for administering such a program have, for the most part, become customary and familiar.

The bill does not require the States to provide those employed under this program with full range of CETA training and counseling services, but the States would be encouraged to provide these services which, along with the work experience and job association, can lead to permanent employment when this program lapses 1 year after implementation.

Briefly, the provisions of the bill authorize a fund of $200 million to be distributed among the States by a formula based on the proportion of unemployed persons in each State, modified by a factor based on the concentration of unemployed persons in areas of substantial unemployment.

Federal funds would be allocated to cover 90 percent of the total cost of a project or activity. It is anticipated that the States share of 10 percent would include the cost of supervision, transportation, such training as may be required, and other expenses that would be regarded as inkind contributions.

No more than 20 percent of the Federal funds could be expended for equipment and materials. This limitation is intended as one means of insuring that the projects and activities will be highly labor-intensive, employing a maximum number of persons in each case.

Should States desire to do so, they would be authorized to enter into joint agreements for projects that are either interstate or intrastate in nature, and they would be authorized to detail workers to local subdivisions for necessary work on public lands and waters.

The States would be prohibited from replacing regular employees with workers subsidized under this act and from using Federal funds under this program to replace State funds that would otherwise have been expended for the same projects.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Conservation Job Act"

SEC. 2. The Comprehensive Employment and Training Act of 1973 is amended by redesignating title VII, and all references thereto, as title VIII and by redesignating sections 701 through 715, and all references thereto, as sections 801 through 815, respectively, and by inserting after title VI the following new title:

"TITLE VII—EMERGENCY CONSERVATION JOB PROGRAM

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 701. There are authorized to be appropriated $200,000,000 for the fiscal year 1975 for carrying out the provisions of this title. Any amounts so appropriated for such fiscal year which are not obligated prior to the end of such fiscal year shall remain available for obligation until December 31, 1975.

"FINANCIAL ASSISTANCE

"SEC. 702. (a) The Secretary shall enter into arrangements with States in accordance with the provisions of this title in order to make financial assistance available to the States for the purpose of providing transitional employment for eligible participants in jobs needed to conserve, develop, and improve public parks, forests, lakes, waterways and other public lands and waters within the State, training and manpower services related to such employment which are otherwise unavailable, and, subject to the provisions of subsection (b), such material and equipment as may be necessary.

"(b) Not to exceed 20 per centum of the funds appropriated pursuant to this title which are used by States for a conservation job program assisted under this title may be expended for material and equipment.

"ELIGIBLE PARTICIPANTS

"SEC. 703. A State may use financial assistance made available under this title to provide jobs only to eligible participants who are—

"(1) economically disadvantaged youth who have attained age 18 but not age 25 and are unemployed;

"(2) unemployed adults who have exhausted unemployment insurance benefits, or who are not eligible for unemployment insurance benefits, and who are not otherwise receiving assistance under this Act.

"ALLOTMENT OF FUNDS

"SEC. 704. (a)(1) From 50 percent of the amounts appropriated pursuant to section 701, for any fiscal year the Secretary shall allot to each State an amount which bears the same ratio to such 50 percent as the number of unemployed persons who reside in that State bears to the number of such persons in all States.

"(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of unemployed persons who reside in areas of substantial unemployment (as defined in section 204(c)) in that State bears to the number of such persons in all States.

"(b) The Secretary is authorized to make such reallotments as he deems appropriate of any amount of any allotment made under this title whenever the Secretary determines that a State will not be able to use that amount within a reasonable period of time. Any such amount may be reallotted only if the Secretary has provided 30 day's advance notice to the State during which period of time the Governor of the State may submit comments to the Secretary. After considering any comments submitted during such period of time, the Secretary shall notify the Governor of any decision to reallot funds, and shall publish that decision in the Federal Register.

"APPLICATIONS

"SEC. 705. (a) Any State desiring to receive financial assistance under this title shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each such application shall set forth—

"(1) a description of the emergency conservation job program for which assistance is sought including a detailed description of the projects to develop, maintain and improve public lands and waters within the State, including local public lands and waters, and criteria used for the equitable distribution of projects throughout the State, except that no projects may be selected for the purposes of this title unless that project requires at least 60 days to complete;

"(2) assurances that the program for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such a project under such supervision;

"(3) a description of the area to be served by such program, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

"(4) assurances that special consideration in providing transitional employment will be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under this title, but such special consideration shall not authorize the hiring of any person when any other person is on layoff from the same or any substantially equivalent job;

"(5) assurances that no funds received under this title will be used to hire any person to fill a job opening created by the action of an employer (A) in laying off or terminating the employment of any regular employee not supported under this title.

"(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for ther job responsibilities;

"(7) a description of unmet needs for the development, maintenance or improvement of public lands and waters and a statement of priorities among such needs;

"(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired and the approximate duration for which participants would be assigned to such jobs;

"(9) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purposes of (A) providing those persons employed in public service jobs under this title who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

"(10) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among eligible participants;

"(11) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

"(12) assurances that the jobs in each job category in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under this title, and assurances that no job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with;

"(13) assurances that (A) jobs funded under this title are in addition to those that would be funded by the State in the absence of assistance under this Act and that (B) no funds received under this title will be used to perform work on any project for which the State or any of its subdivisions intended to, or would except for the assistance provided by this title, enter into a contract for the performance of such work by a private contractor; and

"(14) such other assurances, arrangements, and conditions, consistent with the provisions of this title, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

"(b) An application, or a modification or amendment thereof, for financial assistance under this title may be approved only if the Secretary determines that—

"(1) the application meets the requirements set forth in this title; and

"(2) an opportunity has been provided to officials of appropriate units of general local governments to submit comments, with respect to projects described in the application under the jurisdiction of such governments, to the States and to the Secretary.

"(c) Under such regulations as he may prescribe, the Secretary may provide for a joint application by two or more States in which interstate projects as well as intrastate projects are selected for assistance under this title.

"SPECIAL CONDITIONS

"SEC. 706. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines in accordance with such regulations as he shall prescribe, that—

"(1) persons employed in public service jobs under this title shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such title applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

"(2) persons employed in public service jobs under this title will be provided such transportation, lodging, subsistence, and other services and equipment as may be necessary to successfully complete projects for which asisstance is sought;

"(3) all persons employed in public service jobs under this title will be, at a minimum, assured of workers' compensation health insurance, and unemployment insurance, as applicable under the laws of any particular State;

"(4) the provisions of section 2(a)(3) of Public Law 89–286 (relating to health and safety conditions) shall apply to such program or activity; and

"(5) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

"(b) The Secretary shall not provide financial assistance for any program under this title unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any application for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(c) The Secretary shall not provide financial assistance for any program under this title which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

"(d) The Secretary shall not provide financial assistance for any program under this title unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

"DEFINITIONS

"SEC 707. As used in this title—

"(1) 'economically disadvantaged' means any youth who is a low income individual or is a member of a low income family;

"(2) 'Governor' includes the Mayor of the District of Columbia;

"(3) 'low income' means an income below the poverty line established by the Office of Management and Budget;

"(4) 'unemployed adults' means any individual who has attained 21 years of age and who is an unemployed person;

"(5) 'State' means each of the several States and the District of Columbia;

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 123

At the request of Mr. INOUYE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act.

S. 615

At the request of Mr. PROXMIRE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 615, the limousine limitation bill.

S. 1219

At the request of Mr. INOUYE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 1219, the child care deduction legislation.

SENATE JOINT RESOLUTION 39

At the request of Mr. DOLE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 39, to designate the week of March 17 to 23, 1975, as National Lead Poisoning Prevention Week.

SENATE JOINT RESOLUTION 65

At the request of Mr. INOUYE, the Senator from Arkansas (Mr. BUMPERS), the Senator from New Jersey (Mr. CASE), the Senator from Indiana (Mr. HARTKE), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Pennsylvania (Mr. HUGH SCOTT), and the Senator from Missouri (Mr. SYMINGTON) were added as cosponsors of Senate Joint Resolution 65, to authorize and request the President to call a White House Conference on Women in 1976.

AMENDMENTS SUBMITTED FOR PRINTING

CONSUMER PROTECTION ACT OF 1975—S. 200

AMENDMENTS NO. 340, NO. 341, AND NO. 342

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted three amendments intended to be proposed by him to the bill (S. 200) to establish an independent consumer agency to protect and serve the interest of consumers, and for other purposes.

EXTENSION OF THE VOTING RIGHTS ACT—S. 1279

AMENDMENTS NO. 343, NO. 344 AND NO. 345

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. TUNNEY. Mr. President, today I submit three amendments to the Voting Rights Act. These will offer a range of alternatives on how best and most effectively to protect the voting rights of non-English speaking citizens.

Coming from a State with a large Chinese, Japanese, and Spanish-speaking population, I am particularly aware of the problems these citizens face in our society. I have spent a great deal of my legislative efforts addressing these problems, and only last term I sponsored the Bilingual Courts Act, which provides for simultaneous translation to non-English speaking in Federal courts.

The problems with voting rights are especially serious, because they affect these citizens' basic opportunities to participate in our society. At a minimum, I believe that all citizens, regardless of language or national origin, should be able to exercise the franchise freely and fully.

Accordingly, one amendment would require bilingual election materials and assistance for all non-English speaking groups which constitute more than 5 percent of the population in a State or county.

A second amendment is adapted from a draft submitted to the House by Assistant Attorney General J. Stanley Pottinger, and recommended to us by the Civil Rights Commission. In a separate title based on the 15th amendment, it would amend the definition of "test or device" to cover English-only election materials for non-English speaking groups that constitute at least 5 percent of the voting age population. In other words, a requirement that minority language groups understand English-only voting materials would be considered a literacy test, and thus trigger the present protections of the Voting Rights Act.

My third amendment would gear its triggering formula to "language minorities" which would be defined as American Indian, Asian American, Alaska Natives, and Spanish origin groups. Thus, if any jurisdiction contains a substantial portion—10 percent—of "language minorities," holds English-only elections, and had a voter turn-out or registration of 50 percent or less for the 1972 Presidential election, then the provisions of the act would be triggered. Unlike my second amendment, this amendment would be based upon the 14th and 15th amendments, and would also permit private parties to bring actions under the act.

My purpose in introducing these varied amendments is to have before us the range of action that may be appropriate to assure Spanish-speaking and other minorities their rightful place at the polls. As I have mentioned earlier, I also welcome the amendment introduced several days ago by Senators BAYH and HART. It will be the task of the subcommittee to seek out all evidence of problems confronting minority-language groups and to take necessary action to assure their right to vote is untrammeled. This will be the primary concern of the second phase of our hearings, beginning April 22.

The evidence I have seen so far, including that elicited before the House Judiciary Subcommittee on Civil and Constitutional Rights, indicates that the problems facing some of these groups, particularly Spanish-speaking citizens, in certain areas are not due solely to language obstacles in the voting process. Much more serious forms of discrimination appear to be taking place, and we will address these in greater detail at our later hearings.

It is also the responsibility of this subcommittee to fashion effective legislation that will stand as a constitutional bastion for the voting rights of all Americans. The experience in the House these past 2 months shows how difficult the problems of legislative drafting can be in this area. The latest bills to be introduced in the House, for example, would not cover discrimination against Chicanos that is unrelated to their language, such as hostile location of a polling booth or gerrymandering districts, even though the intent of the legislation seems to be to the contrary.

I am confident that we will have a complete record before us at the conclusion of these hearings and will be in a position to recommend responsive, sound legislation that will not jeopardize the accomplishments of the past 10 years.

I ask unanimous consent to have the amendments printed in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendment No. 343

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—EXTENSION OF THE VOTING RIGHTS ACT OF 1965

Sec. 101. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b (a)), as amended by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is further amended by striking the words "ten years" wherever they appear in the first and third paragraphs and by substituting the words "twenty years".

Sec. 102. Section 201(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa(a)), as added by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is amended by striking "August 6, 1975" and substituting "August 6, 1985".

TITLE II—BILINGUAL ELECTIONS

Sec. 201. The Voting Rights Act of 1965 is amended by adding at the end of section 205 the following new section:

"Sec. 206. (a) Prior to August 6, 1985, no political subdivision shall provide ballots, voting or registration notices, registration forms, voting or registration instructions, or voting or registration assistance to voters in English only, if more than 5 per centum of the persons of voting age of such political subdivision are of any single mother tongue other than English, as determined by the Director of the Census, based on the 1970 decennial census, and if the illiteracy rate in the English language of the members of the group of persons protected by this section residing in such political subdivision is more than the nationwide illiteracy rate in the English language. For purposes of this subsection, illiteracy is defined as failure to complete five grades of schooling. The determination of the Director of the Census under this subsection shall not be subject to review in any court, and shall be effective upon publication in the Federal Register.

"(b) Any political subdivision subject to the provisions of subsection (a) of this section, shall provide to voters written ballots (or sample ballots), registration forms, voting or registration notices, voting or registration instructions, and voting or registration assistance in the mother tongue of the applicable group of persons, as defined in subsection (a) of this section.

"(c) With respect to any political subdivision subject to the provisions of this section as a result of determinations made under subsection (a) of this section, such political subdivision shall be exempted from the provisions of this section if the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such political subdivision against the United States has determined that the illiteracy rate in the English language of the members of the class of persons protected by this section by operation of subsection (a) of this section residing in such political subdivision and citizens of the United States is equal to or less than the nationwide illiteracy rate for all persons of voting age. For purposes of this subsection, illiteracy is defined as failure to complete five grades of schooling."

Sec. 202. Section 203 of the Voting Rights Act of 1965 (84 Stat. 317; 42 U.S.C. 1973aa-2) is amended by adding after the words "in violation of section 202." the following: "or (c) undertakes to deny the rights protected by section 206."

Amendment No. 344

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—EXTENSION OF THE VOTING RIGHTS ACT OF 1965

Sec. 101. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b (a)), as amended by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is further amended by striking the words "ten years" wherever they appear in the first and third paragraphs and by substituting the words "twenty years".

Sec. 102. Section 201(a) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa(a)), as added by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is amended by striking "August 6, 1975" and substituting "August 6, 1985".

TITLE II—PROTECTION FOR LANGUAGE MINORITIES

Sec. 201. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b (a)), as amended by the Voting Rights Act Amendments of 1970 (84 Stat. 315), is further amended by—

(1) adding after "determinations have been made under": "the first two sentences of";

(2) by adding at the end of the first paragraph thereof the following: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgements of the right to vote on account of race or color through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";

(3) by striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of subsection 4(a)"; and

(4) by adding following the third paragraph thereof the following paragraph:

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of subsection 4(a) for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.".

Sec. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On or after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the persons of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.".

Sec. 203. Section 4(d) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973(b) (d)), is amended by striking out the period at the end thereof and by inserting in lieu thereof a comma and the following: "or if such State or political subdivision is subject to section 4 by operation of section 4(f), if (4) the illiteracy rate in the English language of the members of the class of persons protected by this section by operation of subsection 4(f) residing in such State or political subdivision and citizens of the United States is equal to or less than the nationwide illiteracy rate in the English language for all persons of voting age. For purposes of this subsection, illiteracy is defined as failure to complete 5 grades of schooling."

Sec. 204. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection:

"(f)(1) For purposes of this title, the term 'test or device' shall also mean, in addition to the provisions of section 4(c), any practice or requirement with respect to the Presidential election occurring in November 1972, or any election occurring after such Presidential election by which any State or political subdivision provided any ballots, voting or registration notices, registration forms, or voting or registration instructions to voters only in the English language without providing printed translations of such ballots, voting or registration notices, registration forms, or voting or registration instructions in the native language of the persons defined in this subsection, where the Director of the Census determines that more than 5 per centum of the persons of voting age residing in such State or political subdivision are members of any single minority race or color the native language of which is other than English: *Provided*, That a State or political subdivision shall be deemed to have provided printed translations of ballots if such State or political subdivision provided translated printed sample ballots to voters and allowed voters to retain such sample ballots as they cast their votes.

(2) The determination of the Director of the Census that more than 5 per centum of the persons of voting age residing in a State or political subdivision are of a minority race or color and native language of which is other than English, and that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972, as provided in subsection (b), shall be made as soon as is practicable, but within sixty days from the date of enactment of this Act, shall not be reviewable in any court, and shall be effective upon publication in the Federal Register.

(3) Upon publication in the Federal Register of such list of all States and political subdivisions in which reside more than 5 per centum of persons of voting age who are members of a minority race or color the native language of which is other than English, and in which less than 50 per centum of the

persons of voting age residing therein were registered on November 1, 1972, or in which less than 50 per centum of such persons voted in the Presidential election of November 1972, the Attorney General shall notify such State or political subdivision that it may be subject to the provisions of section 4. The Attorney General shall inform the chief legal officer of such State or political subdivision that in order to establish that it is not subject to section 4, such State or political subdivision must provide the Attorney General within sixty days of receipt of the Attorney General's notice sufficient evidence to establish that in the Presidential election of November 1972 such State or political subdivision did not provide any ballots, voting or registration notices, registration forms, or voting or registration instructions printed only in the English language without providing printed translations of such materials in the native language of the applicable group of persons, as defined in subsection (f)(1). As soon as is practicable after the expiration of sixty days from the date of notification, the Attorney General shall determine whether the State or political subdivision has submitted sufficient evidence to establish that such State or political subdivision conducted bilingual elections as defined in this subsection. If the Attorney General determines that such State or political subdivision has not established that it conducted bilingual elections as defined by this subsection, he shall certify that such jurisdiction used a test or device as defined by this subsection. The certification of the Attorney General that a State or political subdivision has used a test or device shall be effective upon publication in the Federal Register, and shall be reviewable in the United States District Court for the District of Columbia. An action pursuant to this provision shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 and any appeal shall be to the Supreme Court."

Sec. 205. Section 5 of the Voting Rights Act of 1965 is amended by adding after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or on November 1, 1972,".

Sec. 206. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, as amended or the application of such provision to other persons or circumstances shall not be affected by such determination.

TITLE III—BILINGUAL ELECTIONS

Sec. 301. The Voting Rights Act of 1965 is amended by adding at the end of section 205 the following new section:

"Sec. 206. (a) Prior to August 6, 1985, no political subdivision shall provide ballots, voting or registration notices, registration forms, voting or registration instructions, or voting registration assistance to voters in English only, if more than 5 per centum of the persons of voting age of such political subdivision are of any single mother tongue other than English, as determined by the Director of the Census, based on the 1970 decennial census, and if the illiteracy rate in the English language of the members of the group of persons protected by this section residing in such political subdivision is more than the nationwide illiteracy rate in the English language. For purposes of this subsection, illiteracy is defined as failure to complete 5 grades of schooling in the English language. The determination of the Director of the Census under this subsection shall not be subject to review in any court, and shall be effective upon publication in the Federal Register.

"(b) Any political subdivision subject to the provisions of subsection (a) of this section, shall provide to voters written ballots (or sample ballots), registration forms, voting or registration notices, voting or registration instructions, and voting or registration assistance in the mother tongue of the applicable group of persons, as defined in subsection (a) of this section.

"(c) With respect to any political subdivision subject to the provisions of this section as a result of determinations made under subsection (a) of this section, such political subdivision shall be exempted from the provisions of this section if the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such political subdivision against the United States has determined that the illiteracy rate in the English language of the members of the class of persons protected by this section by operation of subsection (a) of this section residing in such political subdivision and citizens of the United States is equal to or less than the nationwide illiteracy rate for all persons of voting age. For purposes of this subsection, illiteracy is defined is failure to complete five grades of schooling."

Sec. 302. Section 203 of the Voting Rights Act of 1965 (84 Stat. 317; 42 U.S.C. 1973aa-2) is amended by adding after the words "in violation of section 202," the following: "or (c) undertakes to deny the rights protected by section 206."

Amendment No. 345

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I—EXTENSION OF THE VOTING RIGHTS ACT OF 1965

Sec. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "twenty".

Sec. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act" and inserting in lieu thereof a period.

TITLE II—PROTECTION FOR LANGUAGE MINORITIES

Sec. 201. The Voting Rights Act of 1965 is amended by inserting the following new subsections after subsection 4(e)(2):

"(f)(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which a dominant language is other than English and the unequal educational opportunities which they have been afforded have resulted in severe and continuing illiteracy in the English language. The Congress further finds that the conduct of English-only elections has served to exclude such minority citizens from participation in the electoral process. In those areas of the country where language minority citizens reside in greatest concentrations, in addition to language difficulties, they are also subject to numerous instances of intimidation and harassment designed to abridge or deny their exercise of the franchise. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting the conduct of English-only elections, and by prescribing other remedial devices.

"(2) Prior to August 6, 1985, no State or political subdivision shall provide any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language: (1) if the Attorney General determines that such State or political subdivision provided or used English-only materials or information in the Presidential election of November 1972; and (ii) if the Director of the Census determines that more than 10 per centum of the citizens of voting age residing in such State or political subdivision are members of a single language minority, and that less than 50 per centum of the citizens of voting age residing therein were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.

"(3) Any State or political subdivision subject to the provisions of subsection (f)(3) of this section, which seeks to provide or use English-only registration or voting materials or information, may file an action against the United States in the United States District Court for the District of Columbia for a declaratory judgment permitting such provision or use. The court shall grant the requested relief if it determines (i) that the illiteracy rate of the language minority within the State or political subdivision is equal to or less than the national illiteracy rate and (ii) no practice or procedure has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color.".

Sec. 202. Section 5 of the Voting Rights Act of 1965 is amended by inserting after the phrase "on November 1, 1968," the following phrase: "or whenever a State or political subdivision with respect to which the prohibitions set forth in subsection (f)(3) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972.".

Sec. 203. Section 6 of the Voting Rights Act of 1965 is amended by inserting after the phrase "under section 4(a)" the following phrase: "or section 4(f)(5)," and (2) by inserting after the phrase "under section 4(b)" the following phrase: "or section 4(f)(3)".

Sec. 204. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and substituting the phrase "fourteenth or fifteenth amendment".

Sec. 205. Section 14(c) of the Voting Rights Act of 1965 is amended by adding the following new subsections:

"(3) The classes of persons to be protected by the phrase 'on account of race or color' shall include, but not be limited to, Negroes and language minorities.

"(4) The term 'language minorities' shall refer to persons who are American Indian, Asian America, Alaskan Natives, and of Spanish origin. Persons of Spanish origin include persons of Mexican, Puerto Rican, Cuban, Central and South American, or other Spanish origin.".

TITLE III—BILINGUAL ELECTIONS

Sec. 301. The Voting Rights Act of 1965 is amended by inserting the following new section after section 201:

"Sec. 202. (a) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Through the use of various practices and procedures, such persons have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is directly related to the unequal educational opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices.

"(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 per centum of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate in the English language of such persons as a group is higher than the national illiteracy rate in the English language. For purposes of this subsection, illiteracy shall be defined as the failure to complete five grades of schooling.

"(c) Whenever any State or political subdivsion subject to the provisions of subsection (a) of this section provides any registration or voting notices, forms, instruction, assistance, or other materials or information relating to the electoral process, including ballots, it shall, subject to the approval of the Attorney General, provide them in the language of the minority group as well as in the English language.

"(d) The affected State or political subdivision or any aggrieved person may seek review of the determination of the Attorney General under this section in an action filed in the United States District Court for the District of Columbia. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall be to the Supreme Court."

Sec. 302. Sections 202, 203, 204, and 205 of such title are redesignated as section 203, 204, 205, and 206, respectively.

Sec. 303. Section 204, as designated by section 302 of this Act, is amended by inserting after the phrase "in violation of section 203" the following phrase: "or (c) engages in any act or practice prohibited by section 202".

Sec. 304. Section 205, as designated by section 302 of this Act, is amended by striking out the words "section 201 or 202" and substituting the words "section 201, 202, or 203".

TITLE IV—ACTIONS BY AGGRIEVED PARTIES

Sec. 401. (a) Section 3 of the Voting Rights Act of 1965 is amended by striking in subsection (a) the words "whenever the Attorney General institutes a" and substituting in lieu thereof the words "In any"; by striking in subsection (b) the words "If in a proceeding instituted by the Attorney General" and substituting the words "If in any proceeding".

(b) Section 3 of the Voting Rights Act of 1965 is amended by inserting in subsection (c) after the words "unless and until" the following words: "in an action in the United States District Court for the District of Columbia brought by such State or political subdivision for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until".

(c) Section 3 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following:

"(d) any party requesting remedies under this section in a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision shall notify the Attorney General of this request. The Attorney General shall have the right to intervene in the proceeding.".

Sec. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following:

"(e) Upon the entry of a final order by a court of the United States against a State or political subdivision of a State under any statute to enforce the guarantees of the fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Ramon M. Child, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years, vice C. Nelson Day, deceased.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, April 17, 1975, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS

Mr. JACKSON. Mr. President, in accordance with the rules of the Senate Interior and Insular Affairs Committee, I wish to advise my colleagues and the public that the following hearings have been scheduled before the committee for the next 2 weeks:

April 15: Full committee and national fuels and energy policy study, 10 a.m., room 3110, hearing, S. 740, National Energy Production Board bill.

April 16: Full committee, 9:30 a.m., room 3110, hearing, John A. Hill to be Deputy Administrator of Federal Energy Administration, and Gorman C. Smith to be Assistant Administrator.

April 16: Full committee, 10 a.m., room 3110, business meeting, agenda of pending calendar business.

April 16: House-Senate conference, 3 p.m., room S–407, Capitol, conference, S. 7, surface mining bill.

April 17: Energy Research and Water Resources Subcommittee, 10 a.m., room 3110, hearing, S. 151, Polecat Bench reclamation project.

April 18: Indian Affairs subcommittee, 9:30 a.m., room 3110, hearing, S. 876, Indian Claims Commission authorization for 1976 appropriations.

April 18: House-Senate conference, 2 p.m., room EF–100, conference, S. 7, surface mining bill.

April 21: Full committee, 10 a.m., room 3110, hearing, nomination of Stanley K. Hathaway of Wyoming to be Secretary of the Interior.

April 22: Full committee, 10 a.m., room 3110, hearing, nomination of Stanley K. Hathaway of Wyoming to be Secretary of the Interior.

April 23: Environment and Land Resources Subcommittee, 10 a.m., room 3110, hearing, S. 984, Land Resources Planning Assistance Act, and S. 619, Energy Facilities Planning and Development Act.

April 24: Environment and Land Resources Subcommittee, 10 a.m., room 3110, hearing, S. 984, Land Resources Planning and Assistance Act, S. 619, Energy Facilities Planning and Development Act.

April 24: Energy Research and Water Resources Subcommittee, 2:30 p.m., room 3302, hearing, S. 1152, American Falls Dam bill.

April 25: Indian Affairs Subcommittee, 9:30 a.m., room 3110, hearing, S. 217, relating to the condemnation of certain lands in New Mexico; S. 209, for relief of Willard and Nicole Allen; and S. 557, land transfer bill.

April 25: Energy Research and Water Resources Subcommittee, 10 a.m., room 3302, hearing, information hearing on secondary and tertiary recovery of oil.

April 28: Full committee and national fuels and energy policy study, 10 a.m., room 3110, hearing, oversight hearing on FEA programs.

ANNOUNCEMENT OF PUBLIC HEARINGS BEFORE THE ENERGY RESEARCH AND WATER RESOURCES SUBCOMMITTEE OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. CHURCH. Mr. President, I would like to announce for the information of the Senate and the public, the scheduling of public hearings before the Energy Research and Water Resources Subcommittee of the Senate Interior and Insular Affairs Committee.

The hearings are scheduled for July 10 and 11, 1975, beginning at 10 a.m., in room 3110 of the Dirksen Senate Office Building. Testimony is invited regarding S. 506, a bill which I introduced on January 30, 1975, to provide for the authority to continue funding of the grant program under title III of Public Law 89–80, the Water Resources Planning Act.

For further information regarding the hearings, you may wish to contact Mr. Russ Brown or Mr. Ben Yamagata of the subcommittee staff on extension 41076 and 49894, respectively. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Energy Research and Water Resources Subcommittee, room 3206, Dirksen Senate Office Building, Washington, D.C. 20510.

ANNOUNCEMENT OF WITNESSES ON ENERGY CONSERVATION

Mr. RIBICOFF. Mr. President, the Committee on Government Operations will hold 3 days of hearings this week on energy conservation. The hearings will be held on April 16, 17, and 18 beginning at 10 a.m. in room 3302 Dirksen.

The witnesses are as follows:

April 16, morning session: Philip S. Hughes, Assistant Comptroller General, General Accounting Office; Monte Canfield, Director, Office of Special Programs, General Accounting Office; Richard Gutmann, Director, Procurement and Systems Acquisition Division, General Accounting Office; Henry Conner, Associate Director Logistics and Communications Division, General Accounting Office; Frank Zarb, Administrator, Federal Energy Administration.

Afternoon session: Dwight Ink, Deputy Administrator, General Services Administration; Michael J. Timbers, Commissioner, Federal Supply Service; Walter A. Meisen, Acting Commissioner, Public Building Service.

April 17, morning session: Tilton Dobbin, Assistant Secretary of Commerce; Charles Minors, assistant vice president and manager of Consumer Affairs, Georgia Power Co.; W. L. Lee, president, Atlanta Gas Light Co.

Afternoon session: Rear Adm. C. Monroe Hart, USN, Director of Energy, Office of the Assistant Secretary of Defense (Installations and Logistics), Department of Defense; William F. Heffelfinger, Assistant Secretary for Administration, Department of Transportation; Jon Mills, executive director, Center for Governmental Responsibility, University of Florida.

April 18, morning session: Dr. James S. Kane, Acting Deputy Assistant Administrator for Conservation, Energy Research and Development Administration; Alvin M. Ferst, executive vice president, Rich's Department Stores, Atlanta, Ga.; Emil J. Docekal, chief facilities engineer, Lockheed-Georgia; J. Mac Barber, commissioner, Georgia Public Service Commission; James J. Crudup, director, Utilities Engineering, Georgia Public Service Commission; Bernard Goss, economist, Georgia Public Service Commission; C. H. Bonham, Georgia State Energy Office.

Afternoon session: Hokard G. Dean, Jr., Dr. Jack Spurlock, Dr. John W. Tatum, Engineering Experiment Station, Georgia Institute of Technology; Dr. Samuel V. Shelton, School of Mechanical Engineering, Georgia Institute of Technology; and Dr. Ronald Ratajczak, director, Department of Economic Forecasting, Georgia State University.

NOTICE OF HEARING

Mr. MUSKIE. Mr. President, the Subcommittee on Intergovernmental Relations will hold a hearing on S. 957, the Intergovernmental Personnel Act Amendments of 1975, on Wednesday, April 16, 1975, at 8 p.m., in room 4232, Dirksen Senate Office Building.

Persons wishing to submit statements for the record should contact Mrs. Lucinda Dennis, chief clerk of the subcommittee.

ADDITIONAL STATEMENTS

THE VIETNAMESE PEOPLE DESERVE A CHANCE

Mr. HRUSKA. Mr. President, on Thursday, April 10, 1975, President Ford addressed a joint session of the Congress and made a courageous proposal to help our South Vietnamese friends.

In the best tradition of great American leaders, he did not advocate running out on our allies. He did not advocate, as some would have us, withdrawing into an isolationist shell. He did not ask the Congress to ignore the realities of world affairs.

Quite to the contrary, he said America should live up to its promises. He said America should maintain its rightful place in the world. He told our allies all over the globe that America is a friend who can be trusted.

But was the Congress listening? Mr. President, I sincerely hope it was.

I believe that the U.S. Congress must act to give the people of South Vietnam a chance to survive. Without military and humanitarian aid they will have no chance.

My conscience does not allow the thought of a bloodbath spectacle to occur there without some immediate and substantial help on our part. America has repeatedly responded to humanitarian appeals in cases of catastrophic disaster—earthquakes, fires, famine, and the like. Here we have a chance to help prevent a disaster certain to occur without our help.

The South Vietnamese are engaged in a life and death struggle. They are fighting valiantly in an effort to survive, as a nation and as individuals. The requested help extended at this time would be in reality as humanitarian as any funds forwarded for food, medicines and clothing after their downfall, if it occurs.

We should—as the President proposed—start afresh in our consideration of assistance to the people of South Vietnam. This consideration should not be in context of assessing blame for the situation in Southeast Asia. Neither should any allegations of "secret agreements"—as one Presidential aspirant has tried to raise—have any effect on our considerations.

What are the prospects for the people of South Vietnam without assistance from the United States? Millions of innocent people will be thrown to the mercy of a brutal and barbarous enemy bent on further massive executions of South Vietnamese military and civilians alike. The truth that this will happen should not be doubted. It has happened before. Do we have such a short memory that we doubt this will not or has not happened? Do we not remember the Tet offensive in 1968 and the mass executions in Hue? During the past 12 months as the Communists have moved southward they have left death and destruction in their wake. This is a proven fact.

Mr. President, should these things occur again because the United States failed to respond to help a friend and ally, will not the world be horrified? My own conscience will not permit me to fail to remember the past horrors of the Communists.

I favor the allowance and delivery of arms and supplies to the South Vietnamese in sufficient degree to help them make a substantial effort to prevent such a human catastrophe. To fail to do so would virtually assure the success of the Communists and seal the fate of the South Vietnamese people, our allies.

There is no magic figure for the exact sum of money to be put into this effort. I believe the amount will be determined by circumstances. If the situation improves there, certainly we may not need to expend so much. Of course, if South Vietnam falls we will no longer need military funds to help the South Vietnamese, it will be too late.

The key to this whole effort is timeliness. We cannot afford to delay to help the South Vietnamese. The situation is critical right now. The Congress must act with haste to provide these people with assistance so they can help themselves and prevent a horrendous bloodbath.

Mr. President, an excellent and incisive historical analysis of the President's request for congressional support for assistance to South Vietnam—which I support—is contained in an editorial that appeared Friday, April 11, 1975, in the Washington Star.

A very notable portion of that editorial describes the importance of the President's address and the need for the Congress to heed his words. It says:

> It is ironic, so many Americans apparently having forgotten it, that the United States in the eyes of many millions of people around the globe remains the last, best hope of the world. Now is the time for Congress to demonstrate that the promise of America is not illusory, that despite our mistakes and false starts, there is a future for us and for those who call us their friend. A failure to make this clear now would have a profound effect upon the fate of generations of Americans yet unborn.

Mr. President, it is my hope that the Congress does not neglect its duty. It is up to the Congress to insure that America's promises are kept.

Mr. President, I ask unanimous consent that the editorial entitled "The President's Address" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Apr. 11, 1975]

THE PRESIDENT'S ADDRESS

In a television post-mortem of President Ford's wide-ranging, hour-long foreign policy speech last night, William Bundy, no stranger to the issue, described the address to the joint session of Congress as "the last speech of the Vietnam War."

In a sense, Bundy was right. But how could it have been otherwise? This cup has not yet passed, the agony of South Vietnam is not over and we cannot, as Ford asserted, "shut our eyes and wash our hands." There are, after all, nearly 6,000 Americans still in South Vietnam and literally scores of thousands of Vietnamese who, having allied themselves in a very personal way with the United States, are at this moment in extremely grave peril.

The President obviously has written off Cambodia: He did not reiterate his earlier request for $222 million in military aid for that beleaguered little country. All that remains now it seems, is to evacuate the Americans there as speedily as possible, along with the few Cambodians it may be possible to extricate.

As for Vietnam, it is highly unlikely that Ford will get anywhere near the $772 million in military aid he asked Congress to provide, although it is possible that the $250 million humanitarian aid he requested will be forthcoming.

Indeed, one sensed even as Ford was asking for the emergency military aid appropriation—on which he requested action by April 19—that the President was merely attempting to stave off for a while the inevitable, to obtain a breathing spell to make possible the evacuation of the Americans, to temporarily stabilize the situation to make it possible to bring out as many Vietnamese as possible, to make the end of the affair as orderly as it can be.

In this respect, the President seemed to be speaking as much to Moscow, Peking and Hanoi as to the Congress and it is possible that his plea may not go unheard. For if the Soviet Union and Communist China refused to use their considerable leverage with North Vietnam to prevent the ultimate humiliation of the United States in Southeast Asia, they should understand that this cannot help but damage the process of detente.

With this in mind, the Congress ought to act speedily to redefine the terms under which American military forces may be used in South Vietnam to secure the safe passage out of that country of the Americans serving there and of the Vietnamese and their dependents most directly associated with the United States. This is a debt of honor we owe not only to those who have cast their lot with us but to our own reputation as an honorable people, which presumably we still are.

Congress has complained in the past, and rightly so, of a lack of consultation in the conduct of foreign policy. Ford now is laying it on the line. He has said what he wants; it is up to Congress now to say what it is willing to do and when it is willing to do it. Many lives are at stake, and action, if it is to be effective, must be both quick and decisive.

In this respect, it is well both that the President plans to visit Communist China later this year and that he will meet soon with the chiefs of state of Australia, New Zealand, Singapore and Indonesia. With American power now virtually excluded from the mainland of Asia with the exception of South Korea, it is absolutely essential that the groundwork for an insular system of defense be laid.

While he touched on many subjects in what had been billed as the most important speech in his political career, Ford demonstrated a particular concern in two areas; the Greek-Turkish squabble over Cyprus and the ongoing investigations of the CIA and other intelligence agencies.

In respect to the former, Ford asked Congress—and it should comply—to lift the arms embargo against Turkey, "an old and faithful ally." The sort of ethnic foreign policy that some elements in Congress are trying to practice does indeed deprive the administration of all flexibility in attempting to deal with this explosive question, and feeling is running high against the United States in Turkey.

The President paid high tribute to the CIA and made what should be the obvious point that the United States simply cannot function effectively in the international arena with an eviscerated intelligence community. And while it is clear that controls have to be tightened over organizations such as the CIA, it is equally clear, as the President suggested, that this must be done "with discretion and dispatch."

Ford's statement that he will seek a Western European summit "in the very near future" also is to be welcomed. In this respect it was curious that he did not make at least an oblique reference to Portugal, where democratic elements are under heavy pressure from the Communists and their allies. Events in Portugal are not taking place in a vacuum and what happens there is bound to have a ripple effect in Spain, Italy, and other Mediterranean nations.

As the President stated, we live "in a time of testing and in a time of change." In a very large measure, the course of events for years to come may be dictated by what the Congress does and how it does it within the coming week. Before we can start afresh, recover our national balance and move ahead as a united people, there remain debts to be paid, pledges to be redeemed and promises to be kept in Southeast Asia.

It is ironic, so many Americans apparently having forgotten it, that the United States in the eyes of many million of people around the globe remains the last, best hope of the world. Now is the time for Congress to demonstrate that the promise of America is not illusory, that despite our mistakes and false starts, there is a future for us and for those who call us their friend. A failure to make this clear now would have a profound effect upon the fate of generations of Americans yet unborn.

We must learn from our mistakes, we must recognize the limits of our power. But we cannot turn our backs on the struggle for freedom, we cannot abdicate our global responsibilities. To do so would be to be false both to ourselves and to the trust that others repose in us. For there is, to put it quite simply, no one else capable of paying the price, bearing the burden, doing what has to be done.

WHY ARE WE LOOKING FOR PROBLEMS?

Mr. CHURCH. Mr. President, in this morning's edition of the Washington Post, Mr. Tom Braden shows uncommon insight. I, for one, have been deeply troubled by the unsteady behavior of our national leaders toward the debacle in Cambodia and Vietnam. I know that countless others have had the same misgivings.

Tom Braden identifies the problem when he writes:

> In the world of small fry, a special distrust is reserved for the boy who walks around the playground telling the others to watch out because he is ready to fight.

Tom Braden's article is must reading for all who recognize the importance of balanced leadership during trying times.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY ARE WE LOOKING FOR PROBLEMS?

(By Tom Braden)

In the world of small fry, a special distrust is reserved for the boy who walks around the playground telling the others to watch out because he is ready to fight.

The distrust is well-founded. People who put chips on their shoulders are unstable people. They are looking for trouble. Often, they find it.

Which is why President Ford sounded like the small boy in the playground when he told an audience in Las Vegas, Nev., the other day that "No enemy of the United States should now determine . . . that the time has come to challenge us."

What enemy was the President talking about? Who said anything about challenging us? And why would they challenge us? Has the United States Army been defeated in Vietnam? Or the United States Navy? Has the United States been weakened in any way?

Maybe President Ford and Secretary Kissinger are entitled like the rest of us to a brief period of shock and even of embarrassment at the rapid collapse of the Army we trained and supplied. But in a period of shock or embarrassment it is usually better to keep quiet and not lash out trying to compensate by shocking or embarrassing others.

Overblown language is much more distasteful in the mouth of a President than it is in the mouth of a small boy. An overblown conduct on the part of a President is vastly more dangerous.

Which is why the whole country may be a little worried about news reports that Secretary Kissinger has determined that from now on United States foreign policy must be more "abrasive," and that "the United States must carry out some act somewhere in the world which shows its determination to continue to be a world power."

Why is this necessary? Who said we weren't a world power? Do we have to look around the world to see where we can explode a bomb or make a challenge in order to prove that we still have bombs and can still make challanges?

There is something a little manic about all this, as though our Secretary of State had come out of a deep depression determined to go on a binge and throw a lot of bottles around the room. What happened in Vietnam does not justify a tantrum.

Granted it makes the Secretary's Vietnamization policy look like the failure which it obviously was. But nothing happended to the United States in Vietnam except the failure of the Secretary's policy.

The defeat of the ARVN doesn't make us any weaker or any stronger. Nor does it reveal that we will not honor a commitment. After Dr. Kissinger had arranged the truce in Paris, he asked for "a decent interval" of U.S. support for the Thieu government. He got that decent interval.

We are still a strong country. We still have the world's mightiest fleet. We still have a first-rate Army and the world's best Air Force. We are still a democratic people who embrace the idea of tolerance for other people and other forms of government. We are formally at least, still trying to reduce the cost and the danger of the nuclear arms race and still trying to build relationships with other countries which will lead to peace.

So we don't have to throw our weight around or make demonstrations somewhere and our leaders don't have to talk like bullies in order to make us believable. Before the Bay of Pigs and Vietnam and other attempts to look for trouble we thought of ourselves as strong, self-reliant, reserved, unwilling to mix in other people's quarrels, fearful of "entangling alliances"; yet ready to defend our rights and our safety when they were endangered.

We were believable enough back in those days, and these days look pretty good right now.

THE ENERGY MESSAGE IS FADING

Mr. WEICKER. Mr. President, last Thursday I introduced the Mandatory Conservation Act of 1975, a bill to provide for a nationwide mandatory conservation program in the short term, through 1980. I did this with the frank realization that—

First. Energy conservation is as imperative now as ever, and we still have no nationwide energy conservation program;

Second. The problems with regard to energy and the economy are delicately interwoven;

Third. A continuation or increase in the reliance upon high-priced imports because of heavier consumption will further aggravate our current economic problems;

Fourth. In the absence of positive returns from long-term programs for at least the next several years, the alternative is more oil imports or a strong interim conservation program; and

Fifth. The conservation message seems to be fading.

This morning I was pleased to read an editorial in the Washington Post that specifically addresses the concerns I have outlined. As the Post editorial clearly explains, the energy message is fading. Americans are prepared to make the necessary sacrifice, but the Government is failing to make the case. Unless we can make a compelling case for conservation, unless we come to the people with a conservation program, we will not have conservation.

Mr. President, I ask unanimous consent that a copy of the Washington Post editorial, entitled "The Energy Message Is Fading," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, Apr. 14, 1975]

The Energy Message Is Fading

The Ford administration's attempts to cut oil imports are being badly confused and diluted as time passes. The administration is having increasing trouble telling the country why the level of oil imports needs to be taken seriously. Toward the end of his foreign policy address Thursday evening, President Ford touched on the possibility of a renewed embargo by the Arab producers. But the subject does not lend itself to mere passing references.

Early last year, Americans understood clearly why we had to save gasoline. The embargo was on, and there were lines of cars at the filling stations. But today there is plenty of gasoline around, as your friendly neighborhood service station will be glad to tell you. Some of the consumers' groups are recklessly propagating the idea that even the high prices are owed to nothing but the machinations of the American oil companies and the foreign producers' cartel. Why bother to save fuel at all?

The reasons are as valid and as urgent as ever. But the Ford Administration is having difficulty talking about them in public. The White House still believes, quite correctly, that our steadily rising dependence on oil from the Persian Gulf is a threat to this country's economic security and stability. But it is embarrassing to talk about that threat openly when the administration is busily negotiating long-term trade and investment agreements with Iran and Saudi Arabia. The Middle East's political fragility and its tendency to violence is the best possible reason for learning to live without a steady flow of its oil. But how can the administration say that out loud, when it is selling more than $5 billion a year worth of the most advanced arms, including jet fighters and missiles, to the Persian Gulf countries?

The dangers are not limited to future embargoes, or the possibility that one of our arms customers might suddenly disrupt the oil trade by using his new purchases against a neighbor. Although less dramatic, the economic effects of importing expensive oil are severe and continuous. Many of the Americans dollars spent for oil are piling up in European banks. This fiscal drain on the American economy helped tip us into the present recession and is now interfering with the recovery. But the Ford administration has not yet found a way to make this connection clear to the 212 million people who are in charge of actually cutting down fuel consumption. One official suggests that the economic arguments are too controversial to be useful. Another simply says that when you start talking about fiscal drains and the Gross National Product, the eyes of the audience glaze over.

The United States' balance of trade has not been hurt nearly so badly by the rising price of foreign oil as the government had originally feared. The reason is that this country has successfully raised the prices of the goods that it exports—most notably, the prices of foodstuffs. Unfortunately for us, consumers at home have to pay the same inflated prices for food as buyers abroad. The pressure to pay for oil induces the administration to push food exports, which in turn contributes to inflation at the grocery store here at home. This point has not occurred to those senators who oppose gasoline conservation one day and decry rising food prices the next, without realizing that the two subjects are connected. The administration is not going to tell them, because it does not want to make an issue of the agricultural export program.

Although the upswing in oil prices has made the recession worse, the recession itself has made the administration reluctant to consider any serious structural changes in the economy. It is awkward to talk about saving gasoline when you are mainly concerned with encouraging auto sales and getting the production workers back on the payroll. One ingenious businessman, Donald C. Weeden the securities broker, suggests a tax on gasoline, rebated to people who buy new cars that get more than 20 miles to the gallon. But that kind of idea gets the government more deeply into the automobile business than either Mr. Ford or, for that matter, the congressional Democrats want to go.

At the moment there is a terrible temptation merely to push the whole oil issue off until next year when, presumably, an economic recovery will be under way. But one effect of a recovery, under present rules, would be an enormous increase in oil imports, and the Senate in general favors doing as little as possible about oil imports. In the House, curiously, the atmosphere is quite different. The Ways and Means Committee is at work on a serious energy bill. But it is not in the nature of a congressional committee to be able to make a public case for a policy that must involve inconvenience and sacrifice for nearly everyone in the country. Only the President and his administration can do that.

Most Americans sense that the oil crisis is still far from from over, despite the free flow of gasoline and the slight drop recently in its price. The trend to smaller cars continues. And yet the reasons for being careful and taking substantial precautions have become foggy and dim. Most of us remember that we are supposed to do something about saving fuel, but don't entirely understand why. In a democracy, that's dangerous. If the President still thinks cutting energy consumption is a matter of compelling necessity, he is going to have to find a way to explain it to the country.

CARL E. BAGGE URGES JOINT PRODUCER AND USER SUPPORT FOR COAL SUBSTITUTION AS A MEANS TO ACHIEVE ENERGY SELF-SUFFICIENCY

Mr. RANDOLPH. Mr. President, the congressional energy and economic program recognizes that enormous capital investments and incentives will be necessary to achieve national energy sufficiency. This is particularly true if we are to concurrently meet national goals for energy production and national security.

In recent times, there has emerged a consensus that our country must return to coal as a cornerstone for our future energy supplies. National policies, therefore, must stimulate the substitution of coal for oil and natural gas under electric utility boilers.

Such a policy was first enunciated by the Congress last June in the Energy Supply and Environmental Coordination Act. This statute authorizes the Federal Energy Administration to require electric utilities and major industrial users of oil and natural gas who have the capability to do so to convert to coal consistent with national air pollution control requirements. Last week the Senate unanimously accepted my amendment to the Standby Energy Authorities Act to provide for an extension of time of 6 months for the Administrator of the Federal Energy Administration to issue coal conversion orders under the Energy Supply and Environmental Coordination Act. This extension of coal conversion authority will run until December 31, 1975.

Last month the Federal Energy Administration held hearings on proposed regulations to implement this coal conversion program. Carl E. Bagge, president of the National Coal Association, presented testimony describing the tasks facing the coal industry if such a national substitution program is to be successful. His statement sets forth six major issues which, unless resolved, can be expected to act as constraints on such a program:

First, there must be a national consensus to use coal in place of oil and natural gas under utility boilers. Deviation from that consensus represents to us an inconceivable and unconscionable retreat from a program clearly in the national interest;

Second, all of the potential conversions will not take place overnight, but we must start the job now and we must not stop it until it is completed;

Third, until now there has been an unfortunate reluctance on the part of the utilities to convert. Too often the position of the utility industry has been to underline what cannot be done while ignoring what must be done;

Fourth, Government policy conducive to growth must be forthcoming. Such policy must make possible long-term commitments between producers and consumers, as well as long-term assurances to segments of the coal delivery system;

Fifth, consumers of coal must be prepared to recognize a decided shift in market place realities in coal and the need for a long-term and profitable coal mining industry; and

Sixth, coal producers for their part must be prepared to move ahead to build a coal base on which America's energy independence can be forged.

Mr. Bagge stresses that substantially increased coal production will be achieved only when consumers and producers work together "to develop needed long-term capacity, as well as to establish relationships which will remain over relatively long periods of time." This will require that when utilities and other consumers of coal enter the marketplace they make a good faith effort to secure coal supplies.

Mr. Bagge expressed his disappointment in the utility industry's reaction to coal substitution as mandated in the Energy Supply and Environmental Coordination Act.

He also noted that data available from the Edison Electric Institute shows that between 1974 and 1979 the use of oil by electric utilities will grow by 49.9 percent. In 4 years electric utilities will be consuming some 838 million barrels of oil per year; as Mr. Bagge observed:

> This amounts to more than double the 1 million barrels per day savings which President Ford wants to accomplish as a vital first step in achieving energy self-sufficiency.

This he submits "borders on a criminal disregard for the national welfare."

Serious questions must be raised on the advisability of such a 50 percent increase by 1979 in oil use by the utility industry and whether it is counterproductive, and thus unacceptable, to national policies to promote energy self-sufficiency.

Mr. President, the congressional energy program supports major incentives designed "to implement a national policy which requires new base load fossil fuel fired electric powerplants and in heavy industrial boilers to burn coal rather than oil and natural gas, and the conversion of existing plants over the next 10 years where feasible."

Our country can achieve energy self-sufficiency if major energy consumers are prepared to commit themselves to the long-term use of coal, rather than oil and natural gas, as their primary energy resource.

The beneficial implication of such a policy and the tasks necessary to assure its success were cogently described by Carl Bagge. I request unanimous consent that his statement before the Federal Energy Administration be printed in the Record following my remarks.

The challenge ahead is enormous. It would require an annual growth rate for the coal industry in excess of 9 percent per year. Over 70 percent of our coal production in 1985 would be derived from mines not now in existence.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Carl E. Bagge, President National Coal Association

My name is Carl E. Bagge. I am the president of the National Coal Association, a national trade association representing the major producers and sellers of coal in the United States.

In my testimony today, I wish to make three major points.

First, there is an expansion capacity in coal mining, although we cannot look to present surge capacity to persist for the long-term.

Second, additional capacity is now coming on line or being planned, and even more capacity will come into the industry if the conditions for its entry are right.

Third, there must be a commitment by consumers, producers and government alike to the expansion of the coal industry.

PRESENT SURGE CAPACITY

In the first ten months of 1974, coal production increased by approximately 6 per cent over the same period in 1973. For the full year, coal production was approximately the same as 1973 even with the four-week striking (resulting in an approximate 32 million ton loss), a one-week memorial period and a rash of wildcat strikes throughout the year.

A large part of the increase (45.7 per cent) came from traditional mining areas, particularly central Pennsylvania and eastern Kentucky, areas which have served as a reservoir of surge capacity in the industry historically. That increase in tonnage constitutes the traditional surge capacity of the industry, capacity which responds quickly to changes in market conditions, and which moves into and out of the industry in response to short-term market factors, particularly price.

1974 was, however, an unusual year. The Arab embargo, pre-strike inventory buildup, and generally unsettled conditions worldwide served to cause a sudden sharp increase in coal demand. The industry reaction was traditional with substantial marginal tonnage coming into the market in a fairly short time span.

Late in 1973, the National Coal Association suggested a surge capacity between 40 and 50 million tons based upon certain assumptions. Coal production in 1974, absent labor unrest, would have risen above 630 million tons, the highest production level on record. In fact, 1974 coal consumption of 620 million tons was a record.

However, while 1974 saw a typical coal industry response to supply/demand disequalibrium, it was also a year of discrete change for coal. Surge capacity, while still large, had a clearly defined limit and the need for new long-term productive capability became increasingly obvious. The industry had lived with excess capacity for years if not decades, but now that excess had dwindled to the point where replacement was necessary. Moreover, much of the new tonnage which did come on line was usually committed tonnage and not available to the spot market. This was especially true in the West, which is now the scene of a rapid buildup of coal production capability.

This new turn of events indicated two things.

First, the consumers of coal will increasingly have to turn away from spot purchases and more toward commitments over the long-term.

Second, governmental policy must be strongly expansionary if coal is to survive and grow. This is in strong contrast to historic governmental policy which, at best, has been neutral and, at worst, has been hostile to a coal development program.

In short, the era of easy and readily available coal abundance is over. Coal can no longer be an ambulance industry, constantly on call. Rather, new long-term capacity must come on line and for that to happen, the proper climate must be present.

NEW COAL PRODUCTION CAPABILITY

New coal production capability is in fact now coming on line or under development. A recent study by McGraw Hill identifies more than 236 million tons of such capability which will be in operation by 1883.

This total, large as it is, is not sufficient if projected production totals are to be met by 1985. But, the increase is heartening in view of the alarming atrophy of the recent past and indicates a renewed confidence on the part of the coal producer in the future of his industry.

However, the task ahead is enormous. We have made some rough calculations which indicate the magnitude of the job. If a coal production level of 1.2 billion tons per year by 1985 is to be reached, we must have an annual growth rate of 9 per cent per year between now and then. Put another way, by 1985, nearly 70 per cent of the production by that year will come from mines not now in existence.

A logical question which must be asked is whether or not such output levels are achievable. This is true not only when we consider the potential production required for conversions, but also as we look to the broader question of a renewed national dependence on coal as an energy resource.

The answer to either question is yes *if* the climate is conducive to growth and *if* clear signals are given to the coal industry that its future is secure so that it can turn its attention from a constant battle for survival to an equally intense struggle for growth.

Certainly we have ample coal reserves. Total recoverable coal reserves in the United States are estimated to be more than 200 billion tons or approximately 80 per cent of our total fossil fuel reserves. This coal is located across a wide sector of the United States, it is minable with present technology, and can be transported in many ways including rail, barge, truck and slurry pipelines.

We also know how to consume coal. In fact, coal-fired plants are, for the most part, some of the most efficient. Moreover, they are not as constrained as the nuclear plant by the need to build for economies of scale.

The changing character of the coal industry lends itself to long-term expansion. Major industrial corporations are now heavily involved with coal mining and are making or are prepared to make huge capital investments in the industry. These organizations bring to coal new and large capital resources, a management structure geared to a long-range development, and the ability to provide the large front-end investments now typical of mining operations. This emerging structure when coupled with the acknowledged traditional ability of coal to expand to meet short-range demands insures coal's ability to take care of our immediate energy needs during our period of crisis and at the same time bring on line the long-term capacity we will need to eventually solve the energy dilemma.

There is renewed and heartening interest in mining technology. Major research programs are now under way in both the government and the private sector aimed at improving both productivity and safety in underground and surface mining.

From such programs will evolve the new technology needed for the industry of tomorrow. Since our present technology is relatively obsolete we should be able to see a significant impact on productivity as new mining methods are introduced and take hold in the coal mining industry.

Finally, America at long last seems to be awakening to the importance of coal. Both the executive branch and the administration are urging renewed interest in coal and in its development. From such an awakening must come national polities for growth, policies which were unthinkable only a few short years ago. The very existence of this renewed interest is encouraging to the coal industry and indicates to it that its future is one with prospects for growth rather than the historic struggle for survival.

All signs, therefore, point to a growth potential equal to the task. We can produce 1.2 billion tons in 1985. We can, given time, meet not only new tonnage requirements, but also provide replacement tonnage needed for conversions.

Therefore, in answer to the question can the industry produce enough coal to meet projected demand, we must reply yes. A more fundamental importance however, is what must be done to insure that the potential is in fact actualized.

THE INGREDIENTS OF GROWTH

Quite frankly, we are disappointed by the utility reaction to the conversion mandate contained in federal law. We recognize the problems and the inconveniences created by the requirement to convert, especially since federal initiatives for many years encouraged the utilities to switch from coal to other fuels. We also recognize the utility obligation with regard to reliability and cost of service. Because of this, the National Coal Association has never suggested instantaneous conversions or even a total shift from oil and natural gas to coal. We know that there is both a phasing-in process and compromises in both the timing and the extent of the shift.

By the same token, however, we strongly believe that the use of foreign oil and domestic natural gas under utility boilers is no longer acceptable or, indeed, in the national interest. Both fuels have unique uses and should not be squandered in applications where more abundant coal can do an acceptable job. To ignore current resource realities and to continue patently untenable end use fuel patterns reflects a total disregard for the national welfare.

Having said this, we would like to suggest that there must be a sincere cooperative effort on the part of both the utilities and the coal industry to shift utility consumption patterns back to coal. In this regard, a fact which must be recognized is that the future market structure will be totally unlike that of the past No longer can utility buyers come to coal, choose sources of supply from among thousands of small producers, and assume a continued market structure characterized by excess supply.

Rather, both utility and coal producers must work together to bring new capacity on line. That can be done if two criteria are met.

First there must be a long-term commitment to coal, specifically a commitment by an individual utility to long-term contracts.

Second, an inherent part of the commitment must be a recognition that an adequate rate of return is an essential ingredient to the development of new mining capacity. We do not profess to know what a proper rate of return is, but we must strongly suggest that past experience in this area is no indicator of future needs.

Since the passage of legislation requiring coal conversions, we have heard many arguments as to the difficulty and even the impossibility of the task. We think that the time for such debate is over and that we must now consider not why we cannot do the job but rather how we can get on with it, with the full recognition that there are obstacles which must and can be overcome.

Because of our strong belief that there must be a movement away from oil toward coal, we were greatly disturbed by a recent publication of the Edison Electric Institute. This publication, entitled "56th Semi-Annual Electric Power Survey," showed that between 1974 and 1979 oil use by the electric utilities will grow by 49.9 per cent. By 1979, according to the EEI study, utilities will be using 838 million barrels of oil per year, more than double the one million barrels per day savings which President Ford wants to accomplish as a vital first step in achieving energy self-sufficiency.

This, I submit, borders on a criminal disregard for the national welfare. Our economy as well as our energy supply has contracted. Both have lost the elasticity which will continue to permit the old extravagance of using precious oil and natural gas as environmental cosmetics under utility boilers. Indeed, American consumers can ill afford to pay for oil even when rationally employed for prime specialty uses, and their simply isn't enough natural gas to keep American industry afloat. An increase of 50 per cent in oil use by the utility industry by 1979 is, therefore, simply unacceptable. Even with the cooperation of the utilities, however, the problem of achieving substantial coal conversions will not be solved. Our utility customers have quite rightly pointed to governmental impediments to coal use. Chief among these are air pollution standards, potential surface mining regulations, and the condition of the railroads and transportation complex in some of the areas involved.

The first is perhaps the most critical. Unless there is a major modification of present pollution abatement regulations, utilities will in many instances, not be able to burn coal and coal companies will not be able to make necessary investments in new mining capacity. As coal production capacity atrophies, so too will the complex structure supplying coal with machinery and supplies, as well as the transportation system required to move the product to market. Given this sad state of affairs, utilities will increasingly turn away from coal to the only alternative, i.e., foreign oil.

We cannot stress this point too strongly. The shift to coal now has momentum, and initiative brought about by our recent experience in energy crisis. But decisions must flow from that initiative, decisions which will continue the inertia toward coal use, decisions which will encourage the accelerating development of coal production capacity.

The National Coal Association does not believe that the current hiatus on coal conversions should continue. We have suggested modifications of the Clean Air Act which we believe will permit progress in our national struggle to be self-sufficient and in the effort to improve air quality. The Administration itself has proposed substantial changes in the Clean Air Act which we hope will be accepted by the Congress in its deliberations later this year.

At this point, the question of the application of pollution control technology becomes important. NCA recognizes that the development and use of technology is vital to our future. We also believe that prompt action must be taken to finally demonstrate the validity of the scrubber system, low-Btu gasification, solvent refined coal, and other methods to make coal environmentally acceptable. On the other hand, we also recognize that many of the plants scheduled for conversion do not need such technology and in most cases do not even require low-sulfur fuels. The initial plants chosen for conversion have been picked with a full awareness of environmental impact and can be converted with no adverse effects on the surrounding environment.

Nor should the supposed unavailability of low-sulfur fuels be a deterrent. Fuels with a sulfur content in excess of two per cent have been burned in several of these plants during the crisis last winter with no discernable impact on the environment. Even if an adverse impact does occur during brief periods of the year, such impacts can be controlled by noncontinuous control methods such as stockpiling low-sulfur fuels, load shedding, etc.

Therefore, the long and often acrimonious debate on scrubber systems has no place here. Instead, we must get on with the job of using more coal and less oil and natural gas under utility boilers.

Surface mining is a current topic of major concern. At issue is the potential loss, according to the Federal Energy Administration, of between 48 and 141 million tons of current production. This translates into an oil equivalent between 192 and 564 million barrels.

Also of concern, is the future inability of the coal industry to expand. Both conversion and new utility capacity is involved. For if surface mining expansion is precluded, there is no readily available alternative, other than foreign oil. Once our nation chooses to go that route, i.e., heavy dependence on foreign oil, the inertia toward foreign fuel will gain momentum and any opportunity we now have for even the option of independence will be irrevocably lost.

We commend President Ford for recognizing the impact of surface mining legislation last year. We urgently request that the Administration continue to pursue this position in the current session of the Congress.

In 1974, surface mines increased their output by 16.2 million tons or 5.5 per cent. At the same time, deep production actually decreased by 6 per cent. The surge areas of Pennsylvania and Kentucky saw an increase of 4.8 million in 1974, much of which was surface tonnage. This increase in production was critical in helping America to overcome impacts of the Arab embargo.

The McGraw Hill study referred to earlier shows 142.1 million tons, or 60 per cent of total new capacity to be mined by the surface method. Clearly we cannot anticipate substantial growth over the next decade if a significant portion of that growth potential is place in jeopardy.

Finally, the question of the railroads, particularly those of the northeast, must be addressed.

Here the problem is one of neglect, coupled with mismanagement. All too often, however, the obvious past mismanagement clouds the impact of a sterile energy policy which seriously affected the financial solvency of the roads involved.

That, however, is history. What must be done is to restructure the system into a viable entity. Much attention is being given to this question by both the federal government and the railroad industry itself.

The National Coal Association has strongly supported efforts to successfully conclude the rehabilitation task. It can be done. As traffic begins to pick up and as the nation turns once again to coal, there is the definite likelihood that the economic viability of the railroads involved will be assured.

In thinking through the tasks at hand for conversions and also for coal growth, several facts clearly emerge.

(1) There must be a national consensus to use coal in place of oil and natural gas under utility boilers. Deviation from that consensus represents to us an inconceivable and unconscionable retreat from a program clearly in the national interest.

(2) All of the potential conversions will not take place overnight, but we must start the job now and we must not stop it until it is completed.

(3) Up until now there has been an unfortunate reluctance on the part of the utilities to convert. All too often the position of the utility industry has been to underline what cannot be done while ignoring what must be done.

(4) Government policy conducive to growth must be forthcoming. Such policy must make possible long-term commitments between producers and consumers, as well as long-term assurances to segments of the coal delivery system.

(5) Consumers of coal must be prepared to recognize a decided shift in market place realities in coal and the need for a long-term and profitable coal mining industry.

(6) Coal producers for their part must be prepared to move ahead to build a coal base upon which America's energy independence can be forged.

Speaking on behalf of the National Coal Association, I can assure both this body as well as the American people that, given the incentives that we must have, the coal industry is prepared to do exactly that.

Before closing, there is one other point which we wish to make.

In the proposed regulations, some attention is given to FEA responsibility to estimate coal capacity as well as to make some determination as to availability in terms of sulfur content, Btu content, etc.

We recognize that there must be a continuing assessment as to the availability of coal and we stand ready to assist in any way possible to see that such an assessment is done in a timely and as accurate manner as possible.

But, we would like to point out that such assessments should be done with great care to ensure that a temporary condition not be used to frustrate the intent of the legislation and to retard conversion. Coal capacity is not an instantaneous thing. Coal mining can no longer be compared to an energy supermarket. Consumers cannot simply go into the market and issue bids and anticipate a deluge of orders. Rather, consumers and producers must work together to develop needed long-term capacity, as well as to establish relationships which will remain over relatively long periods of time.

Therefore, we suggest that the utilities and other consumers of coal who are required to convert be directed to begin to make such commitments and go into the market and make a good faith effort to secure proper coal supplies. We believe that in this way utility consumers and coal producers will be able to arrive at supply arrangements necessary to assure conversions and that the coal industry will have the incentives required to produce whatever is required to meet the goals of energy self-sufficiency.

Unfortunately, coal supply is often considered in terms of the past position of the industry. That position was characterized by long periods of excess capacity and extreme competitive pressure upon each of the individual segments of the industry. The competitive pressure remains, but the excess supply has largely dried up. What is needed is an effort to rebuild the capability of the coal industry to produce increasing amounts of fuel over a period measured in decades, not in months or years.

In conclusion, we would like to thank the FEA for the opportunity to appear here and to offer any help which we can in order to ensure that conversions to coal are in fact made.

ATTORNEY GENERAL LEVI'S PROPOSAL OF GUN CONTROL

Mr. PERCY. Mr. President, last week I entered into the Record Attorney General Levi's address in which he offered some new ideas as to how this Nation might approach the controversial issue of gun control.

As I mentioned at that time, and as Attorney General Levi has said, these proposals were tentative, subject to modification, and were intended to create a climate in which these matters could be openly discussed.

In that spirit, I ask unanimous consent that an editorial from the Chicago Tribune of April 8 be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Mr. Levi's Gun Compromise

Atty. Gen. Edward H. Levi has offered an imaginative plan for a compromise gun-control law. It would forbid possession of handguns except those kept inside homes and businesses, and would ban outright the sale or transport of guns in areas where violent crime reaches a rate 20 percent above the national average. In areas where crime is already 5 per cent above the average, a further 10 per cent rise would activate the ban.

If this were a reasonable problem, Mr. Levi's proposal might be a reasonable answer. One might think it would satisfy the gun buffs by allowing them to keep their treasures close by, meanwhile concentrating the force of law on urban areas where the handgun traffic is demonstrably a danger to life.

Both sides moreover, might see this compromise as a smart tactical move. Those [including us] who think the manufacture and sale of handguns for and to the general public needs to be stopped might look at Mr. Levi's plan as a promising step toward that goal. Gun lovers, on the other hand, might well hope that this relatively weak measure would permanently take the steam out of efforts toward real gun control.

Unhappily, normal lawmaking logic does not apply here. Gun lobbyists seem to react with impartial fury against any proposal for gun-control legislation. A bill like this would merely give them a highly vulnerable target.

If enacted, moreover, it would leave untouched one of the great contributors to the United States' horrifying homicide rate: the easy availability of weapons in the home that makes many domestic quarrels lethal.

Whatever gun control bill is advanced in Congress is practically certain to be watered down before passage. If a reasonably effective law is to be passed, therefore, it should start out strong enough to survive compromises.

It is unfortunate that this country must compromise between some people's right to live and other people's right to a hobby. Since that evidently is the case, however, we'd better start the law-writing process with a less toothless proposal than Atty. Gen. Levi's compromise suggestion.

JOHN CORLETT—A DISTINGUISHED IDAHO JOURNALIST

Mr. CHURCH. Mr. President, John Corlett, the acknowledged dean of Idaho political reporters, has retired as political editor of the Idaho Statesman after 40 years in his profession. Idaho is a relatively young State, but it is nonetheless remarkable that Mr. Corlett has been covering it for nearly half of Idaho's existence as a State.

However, remarkable as that span is, what is truly extraordinary about John Corlett is the quality rather than the length of his imprint on Idaho.

I goes without saying that this most respected of all Idaho journalists is gifted in his craft, both in the thoroughness of his reporting and in the quality of his writing. But John Corlett is more than a good journalist. He is also a good man, a civilized man who has graced his writing with humane and decent attitudes for as long as I can remember. It is the mark of this man that, upon his retirement, the Idaho Senate, which he has covered for so many years, granted him the title of "Senator Emeritus." The title is not given lightly and it is especially significant, because it is granted to a journalist who spent much of his career in an adversary relationship with the same Senators who now salute his stature.

John Corlett's colleagues hold him in equally high regard. Their respect was conveyed in numerous articles and editorials on his retirement. Mr. President, I offer three representative tributes and ask unanimous consent that they be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Idaho Falls Post-Register]

Ode to Corlett

The Idaho State Senate rose in its last days and unanimously issued this tribute to John Corlett, the retiring Idaho Stateman's political editor:

"It is appropriate to recognize the accomplishments and writings of a reporter and editor who, in the years since 1935, has consistently and critically examined the issues facing the decision-makers of the state of Idaho, and in the finest adversary relationship, placed these observations before the citizenry and in so doing chronicled and became part of the history of this great state."

It was an extraordinary salute by the Idaho Legislature to an extraordinary newspaperman. Corlett's columns often went against the grain of the state's political leaders, of whatever persuasion, and verbal arrows often showered this courtly, reasoned and imperturbable assayer of the political truth. But after the showers, sobering time would more often prove that Corlett had done his homework well.

A political writer more than anything else, is one who has assigned degrees of credulity to his many layers of information sources. He defines them according to their persuasions, prejudices and objectives. It is the art of assigning believability. Corlett knew his news sources better than they knew themselves.

And when he was wrong, he hung it all out on the wash for everyone to see. It is difficult to determine wrongness on a point of philosophy sometimes, but never on fact. "Honest John," as one newspaper tabbed him, earned the moniker.

Idaho will miss this incisive profiler of the political scene, this writer who looked for the missing parts of the political puzzle so long and so well.

[From the Idaho State Journal]

Honest John

John Corlett's retiring after this session of the Legislature. Idaho journalism will miss him, of course, but the newspaper readers of this state will miss him even more.

Corlett is political editor of the Idaho Statesman, an incisive observer of Idaho politics for better than three decades and a man who knows more about Idaho politics than any of us can ever hope to. He's a man with lots of political enemies; a man who steps on political toes and who has the intelligence and integrity to get away with it.

He is a curiously Idaho phenomenon, a man who was transformed from a Taft conservative to a Stevenson liberal by the experience of the Joe McCaarthy era. His columns are suffused with a LaFollete populism and delivered in a reserved, almost courtly style. He expects much, maybe too much of politicians and is often disappointed, but Corlett's idealism is irrepressible—a man in a cynical profession who has not lost the art of cautious optimism.

Corlett's retirement and the departure of Bill Hall, formerly of the Lewiston Morning Tribune to the staff of Sen. Frank Church leave a real void in Idaho political journalism, and Idaho politics will reflect the change. Hall served as the great deflator of pretentious political egos, Corlett as the interpretor of political doubletalk. Their stimulating styles fit Idaho journalism as neatly as two gadflies on the rump of every large political animal in the state. In a very real sense, Corlett made it possible for the advent of a Bill Hall by pioneering the art of political candor in a state whose newspapers up until 1950 were largely divided between silver Republicanism and raw populism.

Corlett's legacy to Idaho journalism will be that of honest synthesis, a process that is also going on perceptibly in the state's politics. He was accurate when it sacrificed impact, dull when it avoided pendantry, and candid when he was wrong. He is also not afraid to think. These things have made him the most influential journalist in Idaho political history.

We wish John well, and look forward to his promised periodic columns in the Statesman. Idaho's newspaper readers will miss a whole dimension of Idaho politics without him.

[From the Idaho Statesman, Mar. 30, 1975]

McCarthy Era to Sunshine Law—"By John Corlett" Covered It All

(By Gordon Peterson)

Some call him the expert on Idaho politics. Some call him things less printable. Many call him friend. His friends call him John or Johnny. But John Corlett calls himself just a guy doing a job.

That job, though, has put him in contact with senators and presidents, campaign managers and lobbyists, conservatives and liberals. For 40 years, John Corlett has been known, admired, loved, hated, praised and cursed in politics—mostly in Idaho politics, but not infrequently in things on a national level.

As sports editor for the old Capital News in 1935, Corlett found himself covering the Statehouse, the city-county beat and the calamities, as well as the baseball, basketball and football one would expect in that capacity.

"The depression," Corlett says in explanation. The Capital News, like everyone in those days, was economizing. But they soon found that economy paid off. Their sports editor was a political writer—and, within about a year, Corlett says, his myriad assignments "settled down to the Statehouse and courts, as well as sports editor."

But the sports gradually faded out of his life, and "By John Corlett" became known around the state as a byline indicating a political story, usually one right from the horse's mouth.

Corlett, not one to settle for getting his information from press conferences and news releases, made a habit of "being there." When a politician came to town, it wasn't unusual for Corlett to meet him at the train depot, or later the airport—or anyplace else the politician happened to be.

Thinking back on his experiences, Corlett remembers when U.S. Sen. Joe McCarthy (later known as the Communist-hunter) came to Boise to talk to a Republican event. The senator arrived earlier than expected, so no one was there to meet him. He went to the Hotel Boise, and apparently asked what to do. A bellhop phoned Corlett.

"I got ahold of a high-ranking member of the Republican party (I won't mention his name), and we took Joe to the Royal. I remember he drank martinis. Anyway, we talked, and I interviewed him later in Washington, D.C. This was in the early part of his career.

"Later, when he wrote a book, he sent me a copy. He wrote on the fly-leaf, 'To John Corlett, one of the greatest newspaper men I know,' and signed it."

But, while McCarthy liked Corlett, the feeling was not mutual. By then, McCarthy had become known for his persecution of anyone he considered un-American—and many felt that included anyone who did not agree with the senator to the smallest detail.

Corlett didn't care much for that attitude and, when he received the book, "I was so upset I cut the flyleaf out and destroyed it."

McCarthy also was a primary cause of Corlett's switch, in his personal political philosophy, from "rather conservative to a bit farther left of center than I really ever wanted to go."

The extremist tactics of the far right, Corlett explained, were sometimes more than he could stomach.

"At first," Corlett said, "I was willing to give him (McCarthy) the benefit of the doubt.

"But something I learned about the (extreme) right wing: you had to be with them 1,000 per cent. If you veered one per cent, you were a Communist.

"For some of my writings, I got a stack of correspondence calling me Pinko, Commie . . . all unsigned . . . vicious. I started changing . . . although in some ways I am still conservative."

But it wasn't always a true difference in philosophy that got Corlett in trouble with the politicians. Sometimes, it was more personal.

"One governor didn't speak to me for two years," Corlett said, "I had scribed after he (Gov. C. Bottolfson) was defeated for reelection that he called a secret meeting of Republican party leaders, and wanted a leadership position in the party.

"He was turned down, and I wrote it in a column. He wanted to get me fired, tried to; . . . and didn't talk to me for two years.

"Finally, though, we resolved our differences."

In another instance, the one-sided feud lasted even longer—10 years. It even included hard feelings by another politician's wife.

That one included a number of complications—and anecdotes:

C. Ben Ross was governor from 1931 to 1937. He and Corlett became friends. Ross ran for the U.S. Senate against Sen. William Borah—and lost.

Then, when Sen. John Thomas died "in about 1945, I went to cover his funeral at Gooding.

"Gov. Ross came to the funeral by train. He didn't tell anyone he was coming, and he missed the funeral. So he went to the cemetery. I saw him coming across the cemetery, and walked with him to the grave. (Everyone else had left by that time.)

"He rode back with me, and on the way, he told me about his 'religion' (spiritualism). A medium had told him he was going to be a U.S. senator—even President. About two years later, he died, and then I told about his spiritualism. People had known about it, talked about it, but this was the first time it had been made public, in print. He was buried as a Methodist and his wife was upset with me (for the printed story). Finally, though, we talked, and I told her I was sure this was what Ben had wanted me to do—to bring his beliefs out, from something people just talked about, rumors, out into the open. She agreed, and we resolved our disagreement."

But not only Gov. Ross was looking for Sen. Thomas' seat.

His replacement, Charles C. Gossett, and Weiser attorney George Donart both wanted the seat. So, both set out to achieve as many endorsements as they could for the appointment.

Corlett and others finally were called upon to count the endorsements—and Gossett "got a few more. Donart was very upset.

"Later I wrote a review of the year, without a byline. And I told about this. I said Donart 'sulked.' And the editor put a byline on it.

"Then, in 1946, when it looked like Donart would run for the Democratic nomination, I called to ask what he was going to do. He said 'I'm sulking.' It took me a while to figure out what he meant. He didn't speak to me again for 10 years.

"But at the 1956 national convention, he came to my room. We settled it and became good friends."

Corlett was that way. Even the politicians who were ready to lynch him admired him, and eventually—usually soon—became friendly again. Perhaps Idaho Senate Majority Leader Phil Batt, R-Wilder, summed it up best when the Senate honored Corlett upon his retirement from The Statesman recently.

Corlett "sometimes takes the hide off" legislators, Batt said, "but they always forgive him when he turns on his smile."

Despite his interest in politics ("I've covered every session of the legislature since 1937 . . . every national convention since 1948 except the Progressive party in '48, and I covered them in 1952, innumerable national governors' conventions, regional party conventions . . ."), Corlett's reply was unequivocal when asked if he had ever considered putting his own name on the ballot:

"Never."

Why not?

"You have to become part of a process, give up some of your own individuality, become part of a party, a political system.

"Oh, there are times—times when I think, if I could only be in there for a moment . . . but I wouldn't want to go through the election and all that. You have to appeal to this group, that group . . . compromise your principles . . ."

Still, it wouldn't be as bad now as it was years ago, Corlett says. The legislature has changed, improved.

"I have seen the legislature change from one in which legislators accepted 'gifts' from special interests . . . to now, when they do not . . . although the special interests still have ways of influencing legislators. But the legislators (now) don't have their hands out for dinners and so forth."

Part of the improvement, Corlett says, has stemmed from improved pay. "In 1937 through the mid-40s, they got $5 a day. That's all, for 60 days. Now they get $45 ($10 pay and $35 expenses). That's still not enough. And there's greater dignity (now) in the whole affair."

Corlett also sees the Sunshine Law, requiring registration of lobbyists, as a good thing. He hopes it will be given a chance to work, which he says it didn't really have in the recently ended session.

"There's nothing inherently bad about lobbying, but the public should know who's lobbying, what they want. We also should work out full disclosure of campaign donations and funding," he said.

RECOGNITION OF EXCELLENCE

Mr. GRIFFIN. Mr. President, an exhibit of modern furniture called "A Modern Consciousness: D. J. DePree and Florence Knoll," opened at the Renwick Gallery on April 11. I am particularly interested in this exhibit, because Mr. DePree formerly headed Herman Miller, Inc., which is located in Zeeland, Mich.

Michigan has good reason to be proud of the worldwide reputation of Herman Miller which has become something of a symbol of quality in design and excellence in the modern furniture field. Accordingly, I am glad to call attention to this new exhibit now featured at the Renwick Gallery.

Mr. President, I ask unanimous consent that an article which appeared in the April 6 edition of the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Recognition of Excellence

(By Sarah Booth Conroy)

Mid-century modern as a style may be said to have arrived. It may soon be as copied, curated, codified and collected as art nouveau or art moderne, the other well-defined styles of the 20th century.

It fulfills the major requirements to be considered a style:

It is easily recognizable.

Its designers differ from each other but share a family resemblance because their furniture was designed for life at mid-20th century and was built of the materials of the time.

The designs have been widely used, photographed and accepted.

The basic forms have been reproduced (or ripped off) by others.

It has been exhibited by major museums whose concerns include design: the Louvre Musee des Arts Decoratifs in Paris, the Museum of Modern Art in New York, and starting on Friday, the Smithsonian's Renwick Gallery, in a show called "A Modern Consciousness: D. J. De Pree and Florence Knoll."

De Pree and Knoll headed the furniture manufacturing firms of, respectively, Herman Miller and Knoll International during the mid-century period when the two companies pioneered modern interiors in the United States.

The Renwick exhibit begins with the art moderne designs of Gilbert Rohde, who introduced modern furniture to De Pree in 1931 (his work is represented only by models, a catalog and a 1940 desk).

The show omits the early Bauhaus designs and the late Italian designs that have been marketed (and sometimes manufactured) in the United States by Knoll International, limiting the exhibit to the American designers of both firms.

The exhibit is also too small, regrettably, to include the splendid graphic designs of Herbert Matter for Knoll and George Nelson for Herman Miller, which went far to attract sympathetic clients.

Most of the 47 items in the show (26 from Miller and 21 from Knoll) are from the time when the companies bloomed, 1946 to 1965. Eight of the designs were introduced after 1970 but three of these are actually variations of earlier Charles Eames designs (and could well have been omitted from the show because they represent only the designer borrowing from himself).

The designs are not only familiar, but ubiquitous. You've seen them a thousand times in glass-walled office buildings, expensive condominium lobbies and multimedia assembly rooms.

Probably the Eames plastic and plywood chairs—to our generation what the Thonet cafe chair was to our great-grandparents'—are the most familiar.

But others are quickly recognizable: the Eero Saarinen pedestal chair and table, womb chair and ottoman; the George Nelson platform bench, steel framed chest, and pole (comprehensive) storage system; the oval table/desk and chest of Florence Knoll; the Isamu Noguchi coffee table for Miller and his bicycle-spoke table for Knoll; and the Don Albinson stacking chairs with dolly.

Many of the designs are familiar because they have gone on to be simplified into folk furniture. They have been copied cheaply with poor detailing but are still recognized as offsprings (albeit illegitimate) of the mid-century masters. Eames chairs have inspired endless rip-offs. Saarinen's pedestals and Knoll's sliding door cabinet and oval desk/table have been repeated by the thousands.

Both Knoll and Herman Miller furniture is expensive. The furniture has always been manufactured in rather small lots, of expensive materials, and marketed largely through showrooms open only to professional designers. In Washington the furniture also is sold by The Design Store, Ursell's, Modern Design, a few other stores that specialize in modern interiors and at Stern and Stott's, office supply firm.

The show reminds one, with a start, of what an extraordinary—and vastly underrated—designer George Nelson was, and is. His pole system of support for shelves and other storage units and his steel framed chest have become, in the cheap mass copies, the basic beginner furniture of today. One of his most important designs, unaccountably missing from the Renwick show, is his daybed (foam mattress and two triangular-shaped bolsters done in 1950), the cheap bed-sofa for so many people when they first leave home. Though the Renwick shows his comprenhsive storage system, it doesn't show his 1944 storage wall, a basic today in manifold variations.

Also nowhere to be seen at the Renwick, which should have allotted space for it, is the butterfly chair designed in 1938 by Bonet, Kurchan and Ferrari-Hardoy and an early staple in the Knoll catalog.

The steel frame with its canvas or leather sling was the chair people bought in the 1950s to show they were modern. It is seen today most often as an outdoor lounge chair, but the more expensive leather version is still popular and is manufactured in many a small garage workshop (locally by Georgetown Leather Co.).

The show also has the Action Office II designed by Robert Propst and his staff and introduced in 1968 by Herman Miller.

The action office was actually an outgrowth of Florence Knoll's "open landscape" system of office organization, in which ceiling-high walls are abolished in favor of screens or perhaps (as in many newspaper city rooms) no screens at all between desks. Florence Knoll may well have been inspired by Mies van der Rohe, her one-time professor, who was famous for walls that stopped short of the ceiling. (One irate client, a rather tall woman, sued him over such a design.)

The Propst system can be organized in numerous arrangements. The current Knoll International system, also in the show, looks considerably more elegant and substantial (and probably costs more). It was designed by William Stephens in 1970.

Most of the significant designs were made in the two decades from 1940 to 1960.

The furniture is characterized by its use of postwar materials, in many cases the result of research spin-offs from the World War II effort—plastics, primarily. The Eames plywood chair was a result of a Navy commission for splints. Nelson's favorite design of his own is the plastic bubble lamp made possible by the Navy technique of mothballing ships with a plastic spray.

All of the furniture, without exception, is notable for its mobility, a direct breakaway from Frank Lloyd Wright's furniture, which was often actually built in and always integral to his houses. Mid-century modern designs are built for people who plan to pack up tomorrow and leave for California.

The furniture not only is light, it looks light. Some of the designs, much as Harry Bertoia's beautiful, sculpture-like diamond chair, are made with open grids to allow space to flow through them. These chairs save space, especially in a large room, because the eye is not stopped by a solid mass.

Many of the legs are minimal, the antithesis of the bulbous piano legs of the last century (although the hairpin leg of the '50s, such a cliche that it was often cartooned, is not represented in the show). The sled leg, another early favorite, is represented on the Nelson slat bench.

Undoubtedly the most handsome of all the bases is the classic Saarinen pedestal, the appearance of which coincided with George Nelson's amusing diatribe against the substrata forest of legs, "Problems of Design", published in 1957.

All of the classic Herman Miller and Knoll International Designs were done by architects. Don Albinson, Harry Bertoia, Florence Shust Knoll (now Mrs. Harry Hood Bassett), Eero Saarinen, Charles and Ray Eames all studied with Eliel Saarinen at Cranbrook Academy in the late 1930s.

Florence Knoll's taste, such a decisive factor in the period, also was strongly influenced by her studies with Mies van der Rohe and her lifelong friendship with Eero Saarinen, the son of her Cranbrook mentor.

And of course, tribute must be allotted to De Pree and Hans Knoll (Florence's first husbands), who established businesses to manufacture modern design at a time (1931 for Miller, 1939 for Knoll) when not very many people knew they wanted modern furniture, or indeed knew what it was.

It is a measure of how established mid-century modern is as a style that there are people already collecting rare early Charles Eames chairs (plywood legs), George Nelson steel frame chests and other out-of-production designs.

Dezso Sekely, a Hungarian-American professor who is an early-Miller collector, lent four or five pieces to the show and documented much of the exhibit. Charles Niedringhaus of G. Buehler and Co. lent several early Knoll designs. And across the country there are many more people—mostly architects in their 50s—who treasure their "early marriage" furniture and look for more at garage sales.

All of these people will look upon the Renwick show as vindication of their taste and thank Lloyd Herman, the Renwick director, and Mike Monroe, the show designer, for codifying it all.

There are, however, some other furniture manufacturers who resent such honors being paid to Miller and Knoll, their strong competitors. Two or three have written their congressional representatives to protest.

It is, of course, true that there were other modern furniture manufacturers as far back as 1941–1946, notably Dunbar (with Edward Wormley), Widdicomb (with T. H. Robsjohn-Gibbings) and then Drexel and Paul McCobb in the '50s. But Miller and Knoll were the Volkswagens of modern design, and Herman rightly points out that their furniture is the classic mid-century modern.

NATIONAL COMMISSION ON ECONOMIC GROWTH AND STABILITY

Mr. JOHNSTON. Mr. President, on March 21, Senator Cranston and I introduced the Economic Growth Act of 1975. The purpose of this legislation is to create a National Commission on Economic Growth and Stability to identify the major changes that have occurred in the national and international economic environment, and to make long-range public policy recommendations based on these conclusions.

The March 29 New Republic includes an article that articulates at least in part the rationale for this legislation. I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Planning Ahead

Maybe what this country needs is another Paley report. President Truman named a commission in the early '50s to plan what the country should do about scarce resources in 1975. Now it is 1975 and the scarcities that the commission predicted have punctually arrived, and the five big volumes of the report gather dust. There is no country on earth so fond of preparing splendid reports and of then ignoring them as the USA.

One thing the commission foresaw for 1975 was a global energy shortage and it pleaded for international preparations to meet it. Ho-hum, said America.

Truman set up his five-man Materials Policy Commission, January 22, 1951, under CBS executive William S. Paley, and hopefully asked for a report in "six to nine months." He got it on June 23, 1952. "I do not believe there has ever been attempted before such a broad and farsighted appraisal of the material needs and resources of the U.S. in relation to the needs and resources of the free world," he told Congress.

I thought about the Paley report last week because Leonard Woodcock, president of the United Auto Workers, Wassily Leontief, Nobel laureate economist, and others formed a new group that urged more government planning, with an Office of National Economic Planning (ONEP) right in the White House and a comparable committee in Congress. They made an unassailable case for planning, I thought. "Every individual and business plans for years ahead," they said; so why not the government? The answer is that governmental planning, five-year plans and things like that are regarded with suspicion. Are they a little un-American?

The US launched Mariner 10 on November 3, 1973, and it flew to Venus and then to Mercury, where it circled last weekend, for a total of a billion miles. It performed magnificently and sent back photographs. That took years of planning. But planning for a thing like that is one thing. Social planning and foreseeing energy shortages before they happen, that is different, and to some, slightly sinister.

The Paley report had three handicaps: it surfaced smack in the middle of the Eisenhower-Stevenson presidential race; it was couched in Cold War terms of fear of Russia, which gave it a transient, war-document tone; and it came at a time when "planning" was a dirty word even more so than now, although Truman stressed that all members were respectable private citizens. It never got much attention.

CBS commentator Edward R. Murrow interviewed members of the Paley commission and caught the spirit of the thing: "There never was a nation that consumed so much coal and steel and oil and copper and lumber and water and strange materials and everything that comes out of the earth," he said, "and at the same time gave so little thought to where it comes from." Does that sound familiar? Murrow added, "You may get a jolt this evening to realize that although America is the land of plenty, the plenty is giving out."

The commission took 1950 as its base statistical year and looked ahead 25 years to 1975. If President Ford were to set up a new commission this year it would set a pattern of quarter-century surveys. More important than that, perhaps, would be the Woodcock-Leontief idea of an ONEP to do continuous projections and planning (50 federal offices currently collect economic data but no single agency is responsible for setting appropriate standards and collating the material for coherent national objectives).

Anybody can make forecasts; the fun is to compare them with reality when the time is up. The Paley commission repeatedly underestimated the extent of change in America in the next 25 years. "We will have to increase the output of our total energy 100 percent in the next 25 years," one commissioner told Murrow. Actually US demand for oil has tripled, not doubled, and for electric power it has increased five times, not three times, as projected.

"There's no consumption like it anywhere in the world!" exclaimed Murrow in awe. "The US has only 10 percent of the world's population and we chew up half of the free world's raw materials."

Actually in 1975, instead of 10 percent of the world population, the Zero Population Growth organization calculated last week that US population now amounts to only five percent of the world population (213 million Americans out of four billion on earth).

"Petroleum is the great enigma of future energy supplies," said the report. Even then, in 1950, the US was consuming two-thirds of free world annual production, it said, and in the past five years "for the first time the Nation has become a heavy net importer." It was imperative, the report said, to safeguard outside oil sources, for global interdependence had come to stay. That sounds familiar, too. It guessed that the 1975 working force would be 82 million (actually it's 93 million—8.2 percent currently idle); gross national product "double" the $355 billion of 1950 (in fact: $821 billion, in constant dollars); and it preached conservation—"this generation's responsibility to help provide for the next."

The Woodcock-Leontief group revives the call for advance planning; yes, for as much as "15 to 25 years." Soothingly it says that this won't replace the private economy nor "the millions of private decisions that are made in the market every day."

The trends that the forgotten Paley report forecast in 1950 continue today, and will strengthen by the year 2000. More planning seems inevitable. We can't continue to launch economic Mariner 10s and then forget them in space. We need a chart and tracking system.

That seemed obvious last week as Congress galloped to beat a spring vacation deadline hoping to pass a staggering tax cut, loopholes and all. The voices of caution weren't all conservative: George McGovern urged Congress to include public investment expenditures in the program, for housing, transportation, schools and needed services, rather than to "shovel out nearly $30 billion" in tax cuts alone. Economist Leon Keyserling agreed with this approach: he wanted a $16 billion tax cut (not $40 billion as incorrectly quoted here) plus $32 billion in increased federal spending for priority programs. Such a mix might be desirabe but would take time and, of course, planning.

EASTER SEAL SOCIETY

Mr. PERCY. Mr. President, on March 17 I inserted in the CONGRESSIONAL RECORD a report, issued by the National Easter Seal Society from its offices in Chicago, on the leadership the society is undertaking in the area of housing for the handicapped.

I also have received a letter from the society's president, Mr. Edward J. Drake, enclosing a very interesting and informative single-sheet brochure with a chart showing how Easter Seal dollars are spent. This chart shows that an impressive 76 percent of those dollars are spent for program services for the disabled and their families.

I would like to share the information contained in the brochure with my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW EASTER SEAL DOLLARS ARE SPENT*

70 percent—direct services to the disabled and their families.

2 percent—Professional education, or—76 percent program.

3 percent—Public health education.

1 percent—Research.

12 percent—Management and general or—24 percent Management and fund raising.

12 percent—Fund raising.

A MATTER OF CONFIDENCE

Mr. RIBICOFF. Mr. President, during these days when gloom and pessimism seem to have taken hold of the executive branch, the Congress, and the people of our Nation, it is time for serious reflection. The United States must know the real world situation and place the events of Southeast Asia in historical perspective.

Two articles appearing in the New York Times of April 13, 1975, are of significance and should be read: "The Fading of America?" by James Reston, and "The Sources of U.S. Power Are Intact, Despite Indochina" by Henry Brandon.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

A MATTER OF CONFIDENCE: THE SOURCES OF U.S. POWER ARE INTACT, DESPITE INDOCHINA

(By Henry Brandon)

WASHINGTON.—A high American official when asked last week if he had been busy reassuring foreign ambassadors about the reliability of the United States as an ally replied: "Not really, it was they who tried to reassure me about their governments' continued confidence in the United States and suggested that we should have more confidence in ourselves."

To some extent this attitude, which applies particularly to European diplomats, is selfserving. But to another it reflects a feeling that too many Americans, high and low, have lost perspective because of the Indochina disaster. What reinforced this feeling was that the breakdown of the Middle Eastern negotiations and the prospects of the imminent collapse of South Vietnam, had so profoundly shaken Secretary of State Kissinger that his sense of tragedy seemed to have obscured his sense of history.

Americans have a tendency, and Mr. Kissinger is no exception, to exaggerate their successes and their failures. For a while it looked as if the Administration, the press and Congres, all had succumbed to an "auto-domino complex" and that, as historian Arthur M. Schlesinger, Jr., once wrote, "error had made a reality of its own." The tumbling of the Indochina domino was suddenly seen as having led to the fall of the Middle Eastern domino, to Portugal's takeover by a left-wing dictatorship and to the alienation of Greece and Turkey. All this, especially in Congress, was blamed on the ineffectiveness of détente with the Soviet Union.

It was this self-induced defeatism which began to worry the allies far more than the prospective fall of South Vietnam (which they never considered a litmus test of American power). The world is aghast at the human suffering in these final phases of the war, but South Vietnam's collapse is not being seen as the result of America's failure to stand by an ally. As Japanese Foreign Minister Kiichi Miyazawa put it to Mr. Kissinger, "it was not a defeat for the United States itself but for its cause." The allies believe the Indochina misadventure has not only seriously damaged the American political system, but has also distorted American priorities, soured the American outlook on the world and sapped Americans of confidence.

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*Based on combined expenditures of $56,105,126 for the fiscal year ended August 31, 1973, reported by the nationwide network of Easter Seal affiliates throughout the 50 States, Washington, D.C. and Puerto Rico. 237,889 disabled persons received services including physical, occupational, vocational, speech and hearing therapy, physical and vocational evaluation, home and sheltered employment, camping and recreation, transportation, referral and follow-up programs. An additional 131,084 non-disabled persons were served in preventive and other special programs.

This confidence is based on the continued unrivalled overall power of the United States. That power has remained unaffected by events in the Middle East and Indochina. The United States remains the only military superpower in the non-Communist world. The 200,000-strong armed forces in Europe continue to represent the critical numerical and psychological factor in the East-West power equilibrium. The American nuclear arsenal still provides the ultimate protection of the allies.

The recent setbacks have not even seriously affected American base rights, except in Portugal whose Government has said publicly that it would not allow American supply planes on their way to Israel to refuel on the Azores in case of another Middle Eastern war.

American economic power with its staggering amount of foreign assets amounting to $150-billion also remains unaffected. The Soviet Union, although rebuffed by Congress, continues to hanker for American credits, American industrial machinery and know-how. The dollar may be weak these days on the international monetary markets but that has nothing to do with the latest diplomatic setbacks. It is still the only world currency left that can sustain international trade. The great multinational companies, most of them American, still continue to exert an extraordinary economic and financial power across boundaries in the world.

American cultural power, once relying mainly on foreign imports, has not only become a net exporter, but has established an influence on the arts, the theater and on publishing that should be underrated in the over-all balance of American influence in the world today.

All four, American military, economic, financial and cultural power, add up to a vast amount of political influence.

There is little likelihood that the fall of South Vietnam will affect the assessment of American power in Moscow or Peking, even though both are bound to indulge in a certain amount of glee. Both have shown a steadier view of American deterrent and staying powers than have many Americans. They will also continue to maintain their respect for American economic power. What has generally surprised them, due to their own prejudices, is that the economic crisis has not caused greater social tensions.

The Kremlin, is showing an extraordinary restraint. There have been no indications that it has tried to undercut the Secretary of State's negotiating efforts in the Middle East. It is too early to write off Mr. Kissinger's mission to the area as having failed. He has extended American influence in an area where it was virtually nonexistent. With the help of Egypt he has reduced Soviet influence and he has created a new shaky relationship with part of the Arab world. This has been welcomed in Western Europe and Japan because of their dependence on Arab oil.

American influence, however, is not only based on being the strongest military and economic power in the world but also on the policies that govern the use of this power and these in turn depend on the relationship between the executive and Congress. It is the deep difference in outlook on the United States' role in the world that now exists between the two branches that is undermining American credibility. There is now a good deal of questioning abroad whether after the trauma of Indochina, the basic premises of United States foreign policy will continue.

More likely than not, the basic premises will remain solid except that the era of American omnipresence, the willingness to exercise power alone and the idea that the United States can control events are passing into history. President Ford's solemn State of the World address sounded like an epilogue to that era. In the absence of a prologue to the next phase, the question as to where Washington will see the future limits of its foreign interests remained unanswered.

"THE FADING OF AMERICA?"

(By James Reston)

WASHINGTON, April 12.—The headline on the front cover of this week's Economist of London, which may be the most sensible periodical in the English language, is: "The Fading of America"—with appropriate pictures of the troubles in Indochina, Europe and the Middle East.

This may be the most serious aspect of the present difficulties in Indochina, Portugal, and the Sinai: the tendency to see the future in terms of the gloomy present, to confuse Saigon with Washington, Lisbon with Europe, the Middle East with Henery Kissinger, and to indulge in nightmare predictions. It makes spectacular gee-whiz! headlines, but it is bad history.

The military situation in Cambodia and South Vietnam could scarcely be more bleak. The South Vietnamese may have only one battle left in them, and it could be against us, so the United States may have to face the ultimate irony of having to fight its way out of that tragic peninsula against its own ally. But even against this lurid local disaster, it is a little melodramatic to make sweeping prophecies about the future of America and world politics.

This has been the trouble with Washington's policy in Southeast Asia from the start. Having overestimated Saigon's importance at the beginning, it now makes things worse to exaggerate the losses at the end.

What is "fading" is not "America," but the illusions of America—the illusions that we could control events on the continent of Asia, 10,000 miles from home, and close to the interior military supply lines of China and the Soviet Union; that the concept of collective security would work in the peasant societies of Southeast Asia as it had worked in the advanced industrial societies of Europe; and that the American people, with all their neglected problems at home, would continue indefinitely to support a war they could see on television with all its consequences of inflation, unemployment, and social turmoil.

This was the imperial Pentagon view of the world, supported from President Truman to President Ford; that we would oppose any Communist advance in the world (the Truman Doctrine); "Bear any burden" (the Kennedy dream); "Hang the coonskin on the wall . . . We're No. 1" (the Johnson impulse); never mind the Constitution, anything in the name of national security (the true Nixon doctrine). But the greatest American illusion of all, that money and machines can solve any problem, simply didn't work in Southeast Asia and the Congress won't buy it from President Ford now.

There is scarcely a single person in this town, including Henry Kissinger, who didn't know that, once the American P.O.W.'s, troops, and air power were withdrawn, geography and Communist duplicity would one day conquer the peninsula.

The irony of all this is almost painful. Moscow had a ruined and helpless Europe at its feet at the end of the last war, but it didn't achieve its political objectives in the West. It made a spectacular alliance with Communist China, but the comrades fell apart. It was defied and even humiliated by Kennedy when it tried to put nuclear missiles in Cuba, and it was the arsenal of the Arab states in the wars against Israel, only to have its military advisers expelled from Egypt.

Yet nobody said then that the Soviet Union was "fading," and it is interesting that Moscow, which has the most elaborate and controlled propaganda apparatus in the world, has been comparatively quiet about the struggle for Saigon, and the economic crisis of capitalism in the West. On the morning that Washington was giving up on Cambodia, and the American banks and newspapers were arranging the evaluation of their correspondents and Vietnamese employes and their families out of Saigon, the main story out of Moscow was that the Soviets were arranging a big loan in Western Europe to get more advanced technology and trade from the West.

This is not to minimize the struggle in Indochina. Since Washington is partly responsible for the tragedy, it has to make amends for its blunders, no matter what the cost, and put its troops around the ports, even if they have to fight to get our people and our supporters out. But this is not a world strategic event.

It is merely one of the important twists and turns of history. At the turn of this century, the greatest menace to world peace seemed to be the conflict between England and France, but through the wisdom of a few men, and in a comparatively short time, they created the Entente Cordiale.

In 1914, because we were in such a rush, and felt there could never be such a terrible menace to the world as the Germany of the Kaiser, we insisted on fighting the First World War to the point of "total surrender," and in the process helped create two far greater menaces in Nazi Germany and Communist Russia.

Accordingly, the problem now is to put things in order in the economies of the Western countries, and recreate the alliance in defense of the main priorities of Western civilization. This is what America did in 1945, and what it has to do now.

A BANKER'S VIEW OF U.S. MONEY WOES

Mr. HARRY F. BYRD, JR. Mr. President, there is much sound commonsense in the interview Walter Wriston gave the Washington Star on Sunday, April 6, 1975.

Mr. Wriston is chairman of the First National City Bank, the second largest in the Nation.

I ask unanimous consent that this interview be published in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

Q AND A: A BANKER'S VIEW OF U.S. MONEY WOES

Question. In the last two years, three big banks have failed or been merged in distress situations. Does this indicate that there's something wrong with the banking system?

Wriston. No. I don't think it indicates this? There are 20,000-odd banks in the world and a mere three or four of them failed. The usual reason is just bad management. The Franklin Bank really was not a big bank. It was a Long Island bank that decided to go in the international business. But it never understood the marginal cost of money concept and got in trouble and it was bailed out without any loss to its depositors. U.S. National and Security, the same deal. It had no management. Any business without management will fail. No regulator has ever saved any organization from a railroad under the tender care of the Interstate Commerce Commisison to a public utility under the tender care of the state regulatory agency.

Q. But, nonetheless, they're talking again the old concept of a superagency for banking. How do you view that sort of a trend?

A. Well, one of things that fascinates me at the moment in the world is image and event. Images which are being projected by some politicians and by the media bear absolutely no relationship to the event. The event is that every industry which has been regulated over a long period of time eventually winds up bankrupt. That's the fact, you can check that on any reading of history. So that the image is that if you regulate them some more things will come rights, actually it will go just the other way.

Q. So your view is tighter regulation would be counterproductive?

A. It would be very counterproductive. One of the problems with the thing is that people say let's have regulation. What does that mean? What would you do? Would you pass a law that no one will have a heart attack after noon on Saturday? Prosecute everybody that does? Would you decree that everybody have 20-20 prophecy powers and therefore will never make a bad loan. Everytime you make a loan you make a judgment about the future. I really don't know anyone who's that sure about tomorrow, so all you can do is to train people in all the skills. The percentage of bum loans in this country, is not any worse today than they were many years ago. They just get a lot more attention.

Q. The House Banking Committee is negotiating with the Federal Reserve on a federal credit allocation bill—don't you think there's an argument for ensuring that scarce credit is channeled into areas that society as a whole judges useful?

A. Well, we already have credit allocation in this country and it is a disaster. Its in the housing business. The housing lobby is probably the strongest lobby in the world. And housing is equated with motherhood. But the facts are, there are about 400,000 unsold houses in America today and approximately 300,000 unsold condominiums. Nine percent of all the houses for rent under 10 years old are vacant. And 40 percent of all the direct credit given by the United States government in the last year has gone into housing. There is credit allocation with a vengeance. The only problem is it doesn't work.

Q. Why?

A. For the very simple reason that people don't want to buy houses at that price, which is the oldest argument in the world. The housing business has built a house at a price that nobody wants to buy and they say the problem is credit allocation. Credit is already allocated to them. If you add up the numbers on Fanny Mae and Ginny Mae and all the rest of them, it's the largest single item that the federal government guarantees. The second reason is that the consumer is being ripped off by price control (on Bank Savings Accounts). If you're poor you get 5 percent, and if you're rich you get ten. This is pushed by congressmen who claim that they have the public interest at heart, but the facts are there are 30,000,000 people with savings accounts in America that average out to roughly $1,100 a piece. There are only 17,000,000 people that have fixed rate mortgages. You would think the light would go on in the political parlor some day that in fact the working man is being forced to subsidize the rich person in the suburbs who wants fixed rate mortgage.

Q. Looking 10 years down the road, do you see some form of a national banking?

A. Yes, I think so, I think that it will come the way things always come in America, it will evolve. I would suspect that New York and California will offer each other reciprocity on some limited basis. And then Illinois and Texas or whoever will join in, and through some kind of state rather than federal reciprocity networks will in fact spring upon a de facto basis.

Q. Dr. Arthur Burns of the Fed has said that the petrodollar problem is insoluble in its present condition. What's your opinion?

A. Well, it depends on what you mean by insoluble. If you mean that it can't be managed by government, it's quite accurate. If it means that the free market can in fact handle it, the answer is that it has handled it. The whole problem is going to go away in a very few years. The surpluses which were predicted have not happened, nor will they ever happen and the cartel will decay as it is now decaying and the private market has in fact handled the greatest transfer of financial resources in the history of the world in the shortest time frame with practically zero casualities.

Q. But there is a transfer of wealth going on.

A. Of course, but that's a very different thing. The ownership of the dollar has changed. Just as when the Washington Star gives you a paycheck the ownership of those dollars passes from the Washington Star to you. The next question is what are they going to do with the wealth. In the case of the OPEC countries, they're going to spend it, faster than anybody other than an American Senator, can spend money.

Q. You say the cartel is decaying. Are there specific signs in the case of OPEC?

A. All cartels decay. No cartels in history has ever lasted. Why nobody reads any history escapes me. The world is now producing approximately 20 percent more oil than it will consume at the current price. That being the case, there is no way that that price can be maintained except by cutting back production. As you cut back production, the question then arises, whose production. When you cut it back far enough so it effects, which it will, the level of spending to which various countries have grown accustomed, then you will see the fraying around the edges. If you go back and study the cartel on coffee, or on any commodities, this has been the history.

Question. The City Bank is known for doing business in the Arab world.

A. We're known for doing business in every country.

Question. Do you do business in Israel?

A. Yes, certainly.

Question. How have you handled the boycott problem?

A. Well, the boycott problem is quite misunderstood in a sense. Every country has a trading with the enemy act. The United States has one. Israel has clauses in all of their letters of credit which say that no goods can be carried on a ship that stops at an Arab port. These are printed on the credits, and the reason is fairly simple. It is explained in the credit they are afraid the goods would be expropriated. We can understand their reasons. The Arabs could say that no things imported to them could be carried on a ship that stops at an Israeli port, for the same reason. The United States, until recently, required a certificate of origin for a piece of jade you'd bought in Hong Kong to prove that it wasn't manufactured in the People's Republic of China. To this day, the boycott against Cuba is complete, then you see credits from Pakistan who wish to have a certificate that the goods were not made in India, and credits from India that goods were not made in Pakistan. And credits from Taiwan that goods were not made in the Peoples' Republic. Since I've been around this business for 26 years, each national government including the United States, has had a list of prohibited trade. We have one right now which is as long as your arm on what you cannot sell to the Soviet Union.

Question. But doing business both with Israel and various Arab countries do you get caught in the middle?

A. No, we haven't gotton in any problems on either side, since they clearly recognize that the integrity of the City Bank has gone back to 1812 and we do business with any government which is recognized by the government of the United States of America. That has been our touchstone.

Question. As an American based bank, doing a substantial part of its business overseas, are there times when the objectives of the bank and the objectives of the government's foreign policy conflict?

A. I think the general answer to that question is no, we have not had such problems. There is a problem which is not endemic to banks but is endemic to the American ebullience to export our value systems all over the world on the grounds that it's good for you whether you want it or not. Example: we say that you cannot sell something to the People's Repubilc of China. The subsidiary of an American company doing business in say, France, gets an order from China and under French law this export is perfectly legal from France. There have been cases where the United States government says to the American company, "Stop that export." In fact there is a case in which the French government seized the American subsidiary until it shipped. So that export of American law to foreign countries is as resented as we resent foreign countries attempting to impose their value sytsem on us. That is because we are somewhat less sophisticated than the world and some people have been at it a little bit longer than us.

Q. The argument is made that multinational corporations are amoral. They don't really belong anywhere, they're not really dedicated to anything except making money . . .

A. The question is very simple. If a corporation takes a political position and supports it with money, its chief officers go to jail, that's the law. If a multinational corporation meddles in the affairs of a foreign country, they get kicked out.

Q. Then it follows that a corporation is fully justified in moving its operations, around from country to country, playing the laws of one off against the others?

A. When you say playing the laws of one off against the other, you may make a value judgment as to which law is correct. Let's take it in microcosm. I live in a city here called New York. Corporations are moving out of New York City every day because this has the highest tax environment in the world. Are they immoral to move to Connecticut. Are they playing the laws of New York against Connecticut, and is that bad or is that good. Or, do we live in a tough competitive world, in which if Connecticut doesn't need this enormous tax, why is it that New York does.

Q. The labor people, particularly argue that the industrial base of the country's being eroded by multinationals moving operations offshore. Do you agree?

A. It is being eroded, not by the banks, but by the Congress. The facts are that for 20-odd years the Congress particularly has encouraged consumption and penalized savings, at a very time when we need to encourage savings and this is not being done. It starts with regulation which rips-off the consumer, so he doesn't want to save. They tax "corporations" but no one pays taxes but people. Corporations don't pay taxes, only people pay them. You put a 100 percent tax on corporations it'll be passed through on the price to the consumer. We have depreciation schedules which are based on 1950 dollars. So what we have to do is rethink what it is we want to do.

Q. What do you think of the tax cut bill?

A. Well, the tax bill is a very bad bill, it's basically a Christmas tree and not a tax bill. I argued strongly for the bill that the labor-management committee of the

President formulated, one that would put money in the pocket of the working man, would cut the corporate tax rate in order to motivate companies to give jobs, and to get moving again.

HUGUENOT DAY—APRIL 13

Mr. WILLIAMS. Mr. President, yesterday French Protestants throughout the world commemorated the issuance of the Edict of Nantes by Henry IV in 1598. This document granted religious freedom to the Huguenots, and has come to be recognized as an important milestone in the growth of human rights in the Western World. It is only fitting that we take time to pay tribute to the contributions of the Huguenots to the development of a free and strong America.

The story of these courageous men and women who came to the New World after years of persecution in their homeland forms a fascinating and inspiring chapter in American history. Their belief in the teachings of John Calvin led to the loss of their political freedom under Louis XIII. Their cities were destroyed by Cardinal Richelieu, and when Louis XIV revoked the Edict of Nantes in 1685, they lost their religious freedom as well. Thousands fled France, and many found new homes along the East Coast of America. They brought with them a deep feeling for political, spiritual, and intellectual freedom which has added significantly to the development of our Nation.

The Huguenots were an important segment of the American people from their earliest days in this country. From the Huguenots who gathered along the coastline of America seeking a new life in a strange land, have come some of our most significant figures. Presidents George Washington, John Adams, and James Garfield, were descended from Huguenot settlers, as were John Jay, Alexander Hamilton, Paul Revere, Matthew Fontaine Maury, and Henry Wadsworth Longfellow.

Standing alongside the achievements of the many national and ethnic groups who found new homes in America, the Huguenots represent an admirable inspiration to all Americans. As we approach our Bicentennial, we should not forget their examples of thrift, economy, and industry which hold a distinguished place in America's rich cultural heritage.

COMMENDATION OF SENATOR LONG

Mr. RIBICOFF. Mr. President, I hope that the tax cut bill which Congress enacted will provide the stimulus the economy needs to restore it to health.

I commend the chairman of the Finance Committee, RUSSELL LONG, for his leadership on this measure. On the Senate floor literally hundreds of amendments were introduced. While only a fraction of them were actually brought up for consideration, Senator LONG did an excellent job of analyzing them and making recommendations on them for the full Senate. This task can be time-consuming and tedious but is most important if the Senate is to act wisely.

His leadership in the Senate-House conference should also be noted. Senator LONG fought long and hard to uphold the Senate position.

John Fialka of the Washington Star wrote a new column recently which describes some of the issues which stirred up so much of the controversy surrounding this legislation.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 30, 1975]

OIL DEPLETION ALLOWANCE NOW SLOWLY FADES AWAY

(By John Fialka)

Washington may have seen the last of one of the staples of its political arena: the annual fight over the oil depletion allowance appears to be headed in the direction of the passenger pigeon.

It's not that the fight is over. Sen. Russell Long, D-La., deviled by a massive pack of liberals on the House side and besieged by a near majority of senators who want to repeal depletion, still managed to work out a deal in a House-Senate conference committee last week that will phase the tax benefits derived from depletion down, but not altogether out of the tax code.

The complicated arrangement that Long finally bargained for will work something like the Cheshire Cat in Lewis Carroll's "Alice in Wonderland": "This time it vanished quite slowly, beginning with the end of the tail, and ending with the grin, which remained some time after the rest of it had gone."

Now that President Ford has signed the tax bill, the practice of depletion (which allows an oil producer to shelter 22 percent of his income from federal taxes) will end for major oil companies. For those who produce between 2,000 and 1,000 barrels of oil a day, depletion will fade away between now and 1984, diminishing by 200 barrels each year until 1984.

For producers under 1,000 barrels a day, however, Long improved on Lewis Carroll. They will continue to use the depletion allowance, although after 1984 its rate will sink to 15 percent. They are the "grin" that will still be smiling at reformers from the pages of the tax code, taunting them into new rhetoric against the evils of oil companies.

For the small phalanx of lawyers and lobbyists who fought along with Long this year, it was a harrowing experience. Usually, since the fight began in the 1950s, there was always some Jovian figure around like former Speaker of the House Sam Rayburn, or Lyndon Johnson in the Senate. They could just decree that legislation repealing depletion would be bottled up in committee, and it always was.

After they left, there was still Rep. Wilbur Mills, a cool manipulator when it comes to tax matters. Last year the liberals forced the bill out of Mills' Ways and Means committee, but Mills was still chairman and he simply put in his desk drawer, where it stayed until it was too late in the session to pass it.

But this year there was no Rayburn or Johnson or Mills around, and the issue made it for the first time to an up-or-down vote on the Senate and House floors. It was a terrible time for lobbyists trying to stem the tide of liberals attracted to the issue of repeal.

"One of the things that dogged us through the whole thing was that word depletion. It's something like discussing abortion in a monastery," said Harry McPherson, a former Johnson aide, who lobbied on behalf of a group of small Texas, Kansas and Louisiana oil producers.

McPherson says that many experts on depletion are now thinking of a new measure that would deliver a tax benefit to small oil producers, who do the great bulk of the nation's oil exploration, in a new form, perhaps through a favorable change in capital gains tax treatment.

"A lot of liberals don't want to vote for anything called depletion," said McPherson, who believes that they might not object to a change in capital gains, if it helps small producers.

According to sources close to Long, he, too, is thinking about a new capital gains incentive. He is said to have become "fascinated" with the idea shortly before taking the Senate's version of the tax bill, which carried a permanent exemption for producers of 2,000 barrels a day and less. The House was pushing for total repeal.

He later rejected this idea that after several industry representatives suggested that it was "too novel" and that there was not enough time to sell the idea.

That decision left Long, the last of the breed of major powers in Congress who have defended depletion, exposed to the full force of the liberal fury over depletion.

Long does not wield raw power in the manner of a Rayburn, a Johnson or a Mills. Rather, he trades on his intimate knowledge of tax law, an appreciation of arcane revenue sections that, at times, seems to border on love. (After a witness before his Finance Committee recently delivered a dissertation on possible changes in foreign tax credit that left other senators glassy-eyed, Long closed his eyes for a moment, smiled, and said: "Man, you could write that one in any shade of the rainbow."

Liberals fear Long's abilities, which is one reason why House strategists voted for total repeal. "You go in there with 3,000 barrels a day," said one, "and Russell will change it into 3,000 an hour."

So the stage was set last Monday for three days of conference that turned out, in the eyes of one of the conference members, as Long's "best performance."

His first tactic was to psyche out Al Ullman, the new chairman of the Ways and Means Committee who was sitting in Wilbur Mills' old bargaining position on tax matters for the first time.

Ullman had done something the day before that Mills would have never done, he tipped his hand on national television, saying that many of the amendments in Long's Senate bill bordered on being "irresponsible" and would have to be removed.

All day Monday, according to one participant, Long and his fellow senators, unanimously rejected every compromise Ullman offered. "Frequently they used the word "irresponsible."

Ullman appeared shaken. Not one senator had stepped out of line while Ullman's House conferees split on almost every issue.

Tuesday was a different story. Long suddenly capitulated on a host of Senate amendments, over $6 billion worth. He could afford to, one House conferee pointed out, because the Senate version of the bill was loaded with $30.6 billion worth of amendments, while the House bill was closer to $19 billion.

"They came to the bargaining table with a goose that was full of goodies. Ours was much skinnier. Long kept talking about how much they had given up and what were we going to give up?"

Pressure mounted on Ullman to cave in on depletion. On Wednesday, the final day of the conference, there were still major unresolved issues, including a tax credit for home buyers, a payment to the elderly and tax credits for dependants. Ullman was in a hurry to get finished.

Long appeared to have all the time in the world. "He would come into that room like he was on vacation, totally relaxed, like, you know, let's go out for lunch and all that."

Finally the talk came down to a complex four-way compromise that would lower the payment to the elderly, the home buyers credit and the dependent credits and retain depletion for small producers. There are believed to be 10,000 small producers, many of them come from Long's home state, and he was going all out for them.

Options were flying all over the room. Long was launching several combinations at once. "He'd get his pencil moving and that cigar in his hand was twirling around like a baton. It was fascinating to watch," said one observer. "I think we all learned something."

Platoons of lobbyists waited anxiously in the hallway, standing with the press, wondering whether Long could pull it off. The seeming "evil" connotation about the word depletion bothered them, too. At one point, when an NBC camera crew began to film them, the oil lobbyists would always walk away or hide their face with their hands. One even pulled his coat over his head.

"I think Congress has had its fill of depletion for a while," said McPherson. "I know I don't want to have to run that gauntlet again."

FORCED BUSING AND A BAD "ENERGY BILL" APPROVED BY SENATE

Mr. HELMS. Mr. President, this past Thursday the Senate tabled an amendment that I submitted to S. 622, the so-called Standby Energy Authorities Act. I was not surprised, Mr. President, because I have been accustomed to some people talking out of both sides of their mouths on the subject of energy—and forced busing of schoolchildren.

In comments which appeared in the CONGRESSIONAL RECORD of April 10, I spelled out the astonishing statistics related to how much gasoline could be saved—immediately—if the foolish, cruel practice of forced busing were suspended. I will not repeat those statistics now. But I do suggest, Mr. President, that the people of America can get an instant reading on how their Senators stand—both on conserving energy, and on forced busing—by taking a look at the rollcall vote on my amendment of last Thursday.

Mr. President, some of my colleagues jestingly refer to me as "the antibusing Senator." I appreciate the compliment. And one of my constituents, a proponent of forced busing—a man who favors hauling little children across cities and countries to satisfy the whim of some Federal bureaucrat or judge—wrote to me and derisively described me as 'the George Wallace of the Republican Party."

Well, Mr. President, I do share Governor Wallace's concern about forced busing. Obviously, Governor Wallace speaks for millions of Americans—the polls show, in fact, that he represents the vast majority of Americans, of all races—when he condemns the insane, indefensible practice of depriving little children and their parents of their right to make personal decisions about school enrollment. Yes, Mr. President, I do feel that children ought to be allowed to walk to their neighborhood schools, instead of being hauled, against their will, to some distant school. So I am complimented to be associated with Governor Wallace in that regard. He is a friend of mine, and a man of demonstrable courage.

Now, Mr. President, let us examine the concerns of the American people in the matter of forced busing. Obviously, the majority of Senators are not impressed with the results of the repeated polls showing that the vast majority of citizens are opposed to forced busing. Very well, perhaps they will be interested in the views of a fine, bright teenaged youngster in Charlotte, N.C. This young man's name is Kenneth F. Wood. Sometime back, Kenneth, as an 11th-grade student in the Charlotte-Mecklenburg school system, decided to write a letter to the editor of the Boston Globe. A copy of Kenneth's letter was sent to me by Mr. R. L. Prince of Tyron, N.C.

Mr. President, I ask unanimous consent that the text of Kenneth Wood's letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EDITOR,
The Boston Globe,
Boston, Mass.

DEAR SIR: In recent days, national publicity has been given to a group of students in the Charlotte-Mecklenburg School System (West Charlotte High School). These students have presented an unrealistic view of integration and the effects of mass busing upon a school system, as well as the community. I have been a student in the Charlotte-Mecklenburg System for over ten years (I am presently in the eleventh grade) and I can honestly say that the disadvantages of mass busing, and integration far outweigh *any* positive aspects. The millions of dollars that our school system has spent on busing since 1970 have been funded through cuts in the budgets of areas such as equipment, buildings, resources of various kinds, and salary increases for teachers. Racial integration in Charlotte-Mecklenburg has caused "white flight," a lowering of educational standards, a breeching of democratic practices (such as mandatory representation of non-whites in student government, student affairs, committees, etc.), divisions within schools by race, flare-ups of racial tensions and unrest, the need for some students to spend an hour each way to school on a bus, destruction of school morale and spirit, and total lack of stability.

Anyone who states that mass busing for racial integration is justified is placing education at the bottom of the list. The sole purpose of the public school system is to educate the youth within the respcetive area and to prepare them for life as an adult. Mass transit is the up-and-coming thing but the school systems in America are *not* the place to experiment with this technique! Equality in education can be achieved without integration; the money required to integrate a large system for one year could easily rectify any inconsistent practices in application of funds or services for educational purposes.

I do not advocate violence to change any situation unless all other methods have been exhausted; this should apply to the Bostonians. If the people in this country rally to this cause against busing and forced integration, the Congress will have no choice except to make this asinine practice illegal. Our system of democracy will respond to the wishes of its people when severely prompted. All possibilities should be investigated, though, before violence is used.

I don't think we, as Americans, can state that we have earnestly tried to find a peaceful and legal solution. I urge the Bostonians, as well as all Americans, to write their congressional representatives and denounce this unfair practice and urge them to support legislation that would abolish mass busing and forced integration.

It is interesting to note that in most situations, neither the black students nor the white students are for integration; this is illustrated by the fact that most integrated schools house a "black" school and a "white" school. No judge or court can force two groups to have a positive encounter that is highlighted by social gains for both sides.

The plaintiffs in both the Charlotte-Mecklenburg suit and the Boston suit were either civil rights groups or individuals strongly pushed by civil rights leaders. I strongly question that many of the civil rights groups in America today truly represent the minorities that they claim to. No doubt, some civil rights groups have done great service to this country, but I believe that every member of any minority group should stand back and see if their respective organizations have their best interests in mind.

The troubles in Boston are tragic, but the fact that such problems are occuring demonstrates the disenchantment among the people over court ordered integration. A literate society is necessary to our form of government; anything that harms the educational process in America serves only to damage our future. By 1980, over fifty percent of the population in the United States will be under the age of twenty-five. The leaders in the 1980's will come from the youth of today. I challenge anyone to justify forced integration when it results in significantly harming the education of America's youth!

Sincerely,

KENNETH F. WOOD.

Mr. HELMS. Mr. President, I sincerely feel that Senators who, this past Thursday, voted to table my amendment should accept the challenge stated by young Kenneth Wood in the last sentence of his letter to the Boston newspaper. He said—

> I challenge anyone to justify forced integration when it results in significantly harming the education of America's youth!

And, Mr. President, he might have added—

> And when it results in foolishly wasting millions upon millions of gallons of gasoline, and untold millions of the taxpayers' dollars.

Mr. President, it is of no personal consequence to me when legislation which I have offered is rejected by the Senate. That is part of the give and take of the legislative process. You win some, you lose some, and some are rained out, as the saying goes. But this matter of forced busing is of such great concern to me that I intend to continue to submit legislation, month after month, year after year, to bring a halt to forced busing. I may never be successful, but I want to be able to say that I tried.

Of course, Mr. President, it is my intent to put the Senate on record repeatedly, in the hope that, sooner or later, our constituents back home may be made aware of what is going on in Washington, and perhaps make their views known to their Senators and Congressmen. If enough people speak up, we could have an end to the folly of forced busing.

Now, Mr. President, I would like to turn to S. 622, which was passed overwhelmingly on April 10 by the Senate. This is a very bad piece of legislation—and of course, it was given great praise by the "liberal" news media. I voted against it, and I very much hope that the President will veto it. If he does, he can count on the Senator from North Carolina to vote to sustain his veto.

Mr. President, everyone is properly concerned about the energy situation in the United States. Indeed, we have allowed the situation to become serious. Only a few short months ago, thousands of jobs were threatened in my State by natural gas curtailments. The high price of petroleum and coal has contributed substantially to dramatic increases in electric utility rates—increases as high as 130 percent in some instances. This coupled with the current rate of spiraling inflation resulting from deficit Federal spending has placed a grave burden upon those with a modest income.

Elderly persons attempting to live on social security and retirement pensions find themselves making great sacrifices simply to pay their bills for electricity and home heating fuels. We have all heard the desperate cries of these citizens who are striving to survive in the midst of forces beyond their control.

And what does Congress say to them: "Conserve Energy." I submit that these citizens are already faced with the greatest of economic pressures to conserve. To provide incentives—or requirements—for them to make home improvements, such as insulation, in order to further conserve ignores an obvious fact—many of them cannot afford to make such home improvements. Certainly, more insulation may be economically justifiable in the long run, but these citizens are hard pressed to pay bills this month.

An end-use rationing program is suggested by some as a desirable means for forcing conservation. The very dictatorial nature of the concept itself is sufficient to cause any citizen who values his freedoms to question such a plan. But, there are more plain and documentable objections to end use rationing.

We tried gasoline rationing during World War II when our national consciousness was exceptionally high, and it did not work well. Corruption was so widespread that many people went to the black market for gasoline. This governmentally induced racketeering created an environment conducive to crime and many inequities.

But, let us look at the simple facts of the matter. It is estimated that there were approximately 23 million motor vehicles on our streets and highways during World War II. Today, estimates of the number of motor vehicles reach nearly 100 million. It is obvious, by the arithmetic of it, what would happen if end-use rationing were imposed for motor vehicles alone—not to mention other energy uses.

Undoubtedly, a vast bureaucracy would have to be created to implement the program. It would be necessary to hire thousands of bureaucrats to administer such a system. It would cost the taxpayers millions of dollars a year. Yet, the bill approved by the Senate this past Thursday was not addressed simply to gasoline. Its language speaks in terms of rationing for "any end-user of crude oil, residual fuel oil or refined petroleum products."

Additionally, the bill provides that under prescribed circumstances, the President could allocate supplies and materials associated with the production of energy to the extent deemed necessary to maintain or increase the production and transportation of fuels. The bill language speaks in terms of "control(ling) the distribution of supplies of materials and equipment in the marketplace."

In other words, the mechanism is to be created whereby the Federal Government could allocate materials and equipment necessary for production. Such allocation authority would be an effective Government control over the very means of production. The Government then could say which producers are to be allowed to expand their business or even obtain the equipment to replace wornout machines in order to maintain their present position.

Mr. President, this comes at a time when excessive Government controls have ended in dismal failure. We experimented with wage-and-price controls to fight inflation. Yet, we find the problem remains. The controls only inhibited production, fostered unemployment, and created economic hardship. Despite this and many similar experiences, the Senate has approved legislation, which by its very own title is said to be the "Standby Energy Authorities Act."

Mr. President, it might well be titled the "Standby Federal Controls Act." Then, at least, Americans would appreciate more fully by a descriptive name the vast network of Federal intervention that this legislation will create and leave standing in the wings ready for hasty activation.

Moreover, this bill would extend the Emergency Petroleum Allocation Act of 1973, which is scheduled to expire August 31 of this year, to June 30, 1976. While this allocation authority may have served some useful purpose during an earlier period of severe shortages, it is not needed now. The long lines at service stations have long since disappeared. But, what is more important, I fear that if this allocation authority is not allowed to expire this coming August 31, we may never be rid of it. Like so many Federal programs, it will continue to survive in the form of a parasitic existence on the public dole.

The bill had other provisions, many of which deal with various forms of forced conservation, but I will not dwell on them. The bill was an unfortunate proposal largely for two reasons: It is not needed; and more importantly, it does not address the real causes of our energy problems. It addresses only the symptoms.

The truth is that for many years now, our Federal Government, in the name of environmental protection, has been limiting the exploration and development of new domestic sources of energy.

Therefore, production has been limited. To compensate for the limited domestic production, we turned to foreign countries and began importing larger and larger amounts of oil. Of course, with the oil embargo, the folly of such policies should have become obvious. We should have realized the need for domestic independence consistent with traditional American free enterprise economics. We should have realized that excessive environmental legislation, which attempted to do too much too quickly, had greatly contributed to our problems.

Unfortunately, however, much has been said about domestic independence, but little action has been taken to effectuate that goal. Instead of admitting that the excessive environmental controls were in themselves a major problem, we have heard a great deal of discussion about conservation.

Mr. President, the Senate approved a bill designed to provide the mechanisms for forced conservation programs—programs that Americans have not accepted voluntarily and do not want forced on them. Americans do not want these programs because they have no wish to simply divide a shortage—that is not the American way. The people of this Nation want to use energy. They need it for the preservation of their jobs, and they need it for the maintenance of the quality of life that we as Americans have come to expect.

Most environmentalists today are intellectually honest enough to admit that the government controls they favor have had a serious, adverse impact upon our energy production. Yet what do they do? They advocate forced conservation as the solution, rather than a relaxation of environmental regulations. This simple-minded theory of use less, need less, produce less may appear all very well on its face. However, it cannot survive close examination. It fails because it does not take into account the extent to which our economic activity is dependent upon energy consumption. An implicit element of such energy conservation is a reduction in the level of the economic activity that is associated with energy consumption, and a related reduction in the level of economic activity that is associated with energy production, energy exploration, and so on.

Obviously, if less gasoline is used, service stations will sell less of their product. Unless they raise per unit prices, which we certainly do not need during this period of high inflation, their income will drop as sales decline. Faced with a lower profit level, they will be forced to lay off employees who are no longer needed to handle the lower volume of business. As service stations sell less, they will buy less product from the wholesaler, thereby starting the cycle over again all the way back to the exploration and production stage. Thus, any significant level of forced conservation will foster additional unemployment.

While I have cited gasoline as an example, the analogy is equally applicable to other industries, especially such energy intense industries as petrochemicals, fertilizer and many more. Tourism alone is a multi-billion dollar industry in the

United States. Such a conservation program by its very definition must exclude tourism from "acceptable" economic activity.

The inevitable conclusion of forced energy conservation is a less efficient economy, reduced gross national product, further inflation resulting from increased per unit prices made necessary because of reduced sales volume, and increased unemployment. We can literally conserve ourselves into an even more seriously depressed economic state than we are now experiencing. Of course, the real irony of it is that the same public figures who are advocating forced conservation are often the ones who pretend to be the most worried about the high unemployment rate.

In my view, it is time that Congress faced some plain facts. We cannot continue to discourage economic activity and expect the economy to improve. We cannot inhibit production, and expect the gross national product to increase. We cannot destroy jobs and expect the unemployment rate to decline. On balance, our traditional American free enterprise system has created more jobs, distributed more wealth equitably, and eradicated more poverty than any other system yet devised, and it accomplished this without governmental control over the means of production. In America, we enjoy the highest standard of living in the world. We have more of everything than the citizens of any other country, and there is no reason why our prosperity cannot continue if Congress will simply have the wisdom to allow free enterprise to work, if Congress will simply admit that it is not wise enough to control our economic activity from an ivory tower in Washington.

I voted against the so-called "Standby Energy Authorities Act," and I hope the President will veto it.

SUPPORTING OUR MISSING IN ACTION

Mr. CHURCH. Mr. President, the war in Southeast Asia, which may be drawing to a close, is a tragedy beyond the comprehension of even the most sensitive among us. Only those who suffer its consequences know its full toll.

In the United States, there are those who suffer each day from this war. I refer to the wives and families of the 913 men still considered prisoners of war or missing in action in Vietnam. No full accounting of the whereabouts or fate of these men has ever been given by the North Vietnamese as required by the Paris Agreements. No account has been given of men who were known to have survived air crashes, for example, or to have been alive in prison. The North Vietnamese have now conditioned further cooperation on their part on removal of the Thieu government, again contrary to the Paris Agreements and—more important—without concern for the families of these men. Additional servicemen are also missing in Cambodia and Laos.

The Governor of the State of Idaho, the Honorable Cecil Andrus, has issued a proclamation of support for these families and for the efforts to assist them. I commend this resolution to the attention of the Senate and extend my support to those trying to discover the fate of these men. I therefore ask unanimous consent that Governor Andrus' proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, in January, 1973, the Vietnam Cesse-Fire Agreement was signed in Paris; and

Whereas, the provisions of that agreement called for the return of American Prisoners of War and accounting of the Men Missing in Action; and

Whereas, today, almost two years later, the fate of 1,300 of our prisoners or missing men in Vietnam, Laos, Cambodia, or China is unknown; and

Whereas, there is no evidence that the Communists intend to comply with the provisions of a return of all prisoners, an accounting of the men missing in action, and return of the remains of those who died on foreign soil; and

Whereas, VIVA (Voices in Vital America) and the National League of Families has undertaken the task of bringing to focus attention on the plight of our Prisoners of War and Missing in Action; and

Whereas, the focus is in the form of a rededication for freedom;

Now, therefore, I, Cecil D. Andrus, Governor of the State of Idaho, do hereby proclaim support for the efforts of the families and friends of the American Prisoners of War and Missing in Action in Southeast Asia, and I call upon all citizens to support this cause and help bring to the attention of America and the world, the plight of these Prisoners of War and Missing in Action citizens who have given so much for us and our country.

In witness whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-second day of November in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth, and of the State the eighty-fifth.

CECIL D. ANDRUS,
Governor of the State of Idaho.

NEEDS OF THE HANDICAPPED IN 1975

Mr. DOLE. Mr. President, today is April 14 and every year on this date I have customarily addressed my colleagues on conditions for handicapped people.

This year when the situation is particularly difficult for all Americans, I am even more concerned for handicapped people. I am concerned because the high rate of inflation that has hurt all American citizens has made life especially difficult for handicapped persons. Those handicapped Americans who receive some small level of assistance from the Federal, State, or local government have found the buying power of their meager income sharply decreased. At the same time, inflation means that getting assistance to help overcome a handicap is much more expensive.

Federal efforts to hold down Federal spending and reduce the rate of inflation mean that the handicapped must face a continuous threat to the funding of programs that benefit them. While I am greatly concerned about the $70 to $80 billion deficits that are being considered this year, I strongly believe we should not forget the needs of the handicapped in putting together the Federal budget.

Transportation is another topic that is of especially great concern to handicapped people this year. Various proposals have been and are being discussed to reduce our dependence on foreign oil to include rationing, allocation, and higher prices. All of these proposals potentially mean more difficulties for handicapped people. That is why I reintroduced this year a bill to provide for the reimbursement of extraordinary transportation expenses that are incurred by disabled people as they attempt to pursue gainful employment to support themselves and their families. In addition, I strongly believe that those of us in the Finance Committee and the Interior Committee and other committees that may have jurisdiction in this area as well as all Senators should be particularly attentive to the transportation needs of the handicapped.

Another bill I introduced this year may be of benefit to handicapped children. This bill, S. 19, would provide for the referral of handicapped children when they or their parents or guardians apply for supplemental security income benefits. My bill would amend the Social Security Act to provide for the referral of handicapped children to the appropriate State agencies for the assistance and services they so greatly need.

Early intervention for handicapped children has long been established by the medical profession and experts in the field of child development as the best, if not the only, way to preclude the possibility of a childhood disability from developing into a lifelong and irreversible handicap.

In 1972, the Congress established that handicapped people would be referred to vocational rehabilitation agencies under the SSI program. It was apparently an oversight in the drafting of this legislation that no consideration was given for the referral of children who are not eligible for vocational rehabilitation.

My bill would resolve the problem created by this oversight. It is my hope that we can include this legislation as a provision in some other legislation considered in the Finance Committee this year.

Another topic I have had a particularly strong interest in is a national clearinghouse of information for the handicapped.

The current inability of handicapped individuals to easily obtain full and complete information about the range of services and benefits available to them is a situation that needs improvement. There are many good programs designed to assist the handicapped and there are many individuals who could benefit from them. The problem remains—how best to get program and potential beneficiaries together. The vast number of programs—governmental and private—is at once a blessing and a problem.

To remedy this problem, I introduced legislation several years ago to establish a National Center for Information for the Handicapped. A modified version of this proposal was included in the most recent Vocational Rehabilitation Act. And progress is being made on this project although I feel that the progress made by the Department of Health, Education, and Welfare has been unacceptably slow.

Proposals for the establishment of an information clearinghouse for the handicapped were recently solicited by HEW and some 21 were received by the Office for Handicapped Individuals by April 4. It is my understanding that an initial review of these proposals—submitted by various information systems contractors—will be completed within the OHI by the end of this week, and that after further processing, a final decision should be made and contract awarded by June.

The clearinghouse, by putting all available information together in one spot and making it available to the handicapped individual, will go a long way toward reducing confusion and maximizing the efficiency of handicapped services.

In conclusion, it is my strong feeling that those of us concerned with the well-being of the handicapped must be particularly attentive this year to represent the needs of the handicapped. I am hopeful my own efforts in this regard will be productive.

JOHN A. BURNS, SR., HAWAII'S GREATEST POLITICAL LEADER

Mr. INOUYE. Mr. President, on Wednesday, April 9, Hawaii buried her greatest political leader, John A. Burns, Sr. As a delegate to Congress from the Territory of Hawaii, he skillfully led the successful fight for statehood. As Governor for 12 years, he directed the growth of our State from economic and political puberty to modern maturity.

John A. Burns articulated his dream for Hawaii most fully on the night before the gravest test in his long political career, the 1970 campaign for the Democratic gubernatorial nomination. He told the huge Hilo crowd in eloquent words that—

> Hawaii is really an impossible dream, a dream of all people—regardless of race, color, and creed—working together, living together, and causing for themselves a life in the future and a destiny among people in the Pacific. This is Hawaii. This is the place I believe in. And these are the people I believe in.

The Hawaii he believed in is the Hawaii he helped to build. He came to Honolulu from his native Montana in 1913, when he was 4 years old. In later years, when he attended school or served in the Congress on the mainland, his heart resided in Hawaii.

Governor Burns' own journey through life was a uniquely Hawaiian-American odyssey. For it is a long leap from the Kalihi slum where his mother took in washing to feed and clothe her brood of four to the Iolani Palace, home of Hawaiian kings, where he served his first time as Governor of the 50th State of the Union.

When he met and married his beloved and loving Beatrice Majors Van Fleet in 1931, his eyes were not set on a political career. He joined the Honolulu police in 1934 to serve the people of his community directly on a person-to-person basis. His success in this endeavor was met with advancements in the ranks.

As a captain in the Honolulu Police Department, John Burns had to deal with the hysteria, the distrust, and the rumors of those terrible post-Pearl Harbor days. Because he believed in the loyalty and patriotism of the Hawaiian-Japanese, he formed his own police contact group, made up of trusted young Nisei, and he guided the emergency service committee, also made up of Japanese devoted to the American cause. As a result of his faith and efforts, the AJAs of Hawaii were given the opportunity to write a proud chapter in our country's annals of wartime service as President Roosevelt authorized the creation of the 442d Infantry Regimental Combat Team.

Hawaii and the 442's involvement in that global conflict was statistically dramatic. Per capita, we donated more blood and suffered more casualties—dead and wounded—than any State. Per capita, Hawaii provided more volunteers to serve in our Nation's Armed Forces. Hawaii demonstrated that in the severe test of citizenship loyalty, we ranked second to none. Without John Burns, it could have been a different, and ugly, story.

At the end of World War II, to the amazement of many of his friends, Captain Burns resigned from the Honolulu Police Department. He was a brilliant officer and obviously scheduled for promotion. So, when he decided to leave the force to become a politician, and he announced his membership in the then-defunct Democratic Party, some of his colleagues suggested that poor Jack had "lost his marbles." But history shows his marbles were well in place.

The desire to enter politics—to work within government for the good of all Hawaiians—was born of experience, of observation, and of dawning realization that he had the right to enter the ring. He came to feel a duty to enter the political arena, based on his background and experiences which gave him a special insight into Hawaii's sensitive problems.

While working in the police department, Captain Burns came to know both Hawaii's powerful and powerless. He began to sense that our islands were ready for a revolution—a massive political upheaval. Only a very few others were able to share his understanding that all of the necessary elements for such an upheaval were present.

John Burns felt that if he could bring together in a common cause the proud young World War II veterans of Japanese ancestry, organized labor and the poor of Hawaii—especially the poor native Hawaiians—the dominant and formidable Republican oligarchy could be toppled. He believed this despite that fact that the Republican Party had assumed almost total control of the political and governmental affairs of Hawaii ever since it had become a territory of the United States.

All the sensible and knowledgeable people were Republicans. The executives of the major business firms were active in the Republican Party. It was the only vehicle for political advancement in existence. Small wonder that ambitious John Burns' enrollment as a Democrat was scoffed at.

While still a student at the University of Hawaii on the GI bill, I learned that former Captain Burns had decided to take the plunge and run for delegate from the Territory of Hawaii. Although I had no prior political experience and was not even a Democrat, I was one of the first to call and volunteer my services. I have never regretted that move, although that effort and two subsequent ones were unsuccessful.

John Burns was what other Irish-American politicians call "street smart," meaning he had an uncanny skill at reading people. Moreover, to those who knew him well, he was an intellectual, a wise philosopher and an astute political theorist. He was well versed in the writings of the world's great leaders. He would have made an excellent history professor. Unlike most political actors, Jack Burns found excitement in the works of the three Thomases—Aquinas, Paine, and Jefferson.

Although he was not an inspiring orator, he was an extraordinary leader of small discussion groups. His arguments were logical, well-reasoned, eloquent, and convincing. With the zeal of a missionary and the skill of an evangelist, John Burns met with hundreds of small groups, converting skeptics into believers, and believers into disciples.

These were exciting times. Men and women who had studiously avoided politics as a fruitless enterprise, even to the point of refusing to register to vote, suddenly found themselves political thinkers and activists. They would argue with each other long into the night over political philosophy and the best methods of political organization.

Burns had begun a very American conspiracy in democracy.

He knew that organized labor, the Nisei, and Hawaii's poor had a common cause—to better life for themselves and their children and to gain a greater voice in the affairs of their government.

Accordingly, the political program that John Burns proposed was simple and easily understood. It called for self-government for the people of Hawaii, better working conditions, a higher minimum wage, relief for disabled workers, the best available public education for all, higher education for those with the ability and desire to undertake advanced studies, and an equitable tax structure based on the ability to pay.

When he first proposed these ideas they were labeled "radical," "subversive," "communistic." He faced strong opposition from Hawaii's business community as his ideas were "pro-labor" and hence thought to be "anti-business," a proposition he did not accept. Today, each of the ideas John Burns advocated has been incorporated in the laws of Hawaii and has been adopted by many other States.

Ironically, the statistics show that business flourished as never before during the Burns administration and all the people of Hawaii shared in the benefits of a growing economy.

John Burns was one of the first politicians in Hawaii to understand and applaud when we Nisei who came back from the war with new feelings of self-worth and confidence suggested—then demanded—that we become full and unrestricted citizens in our communities. He had the genius to expand upon our desire for full citizenship to the demand by all the people of Hawaii for statehood.

Few, if any, questioned that Hawaii eventually would become a State, but to be accorded this privilege so early in 1959 required, in addition to the consensual assent of the people, the talents and the dedication of an extraordinary leader.

Hundreds, if not thousands, of persons participated in Hawaii's drive for statehood, but I am certain that most will agree that the most significant role was played by Hawaii's last delegate to the U.S. Congress, John Anthony Burns.

It is sadly ironic that the newly enfranchised voters of Hawaii in their first post-statehood election did not honor the man who had delivered them from political bondage. John Burns was not chosen the first Governor of Hawaii. Still, despite his disheartening defeat at the polls, he did not give up on his "impossible dream." He began to look toward the next election. He was successful as a gubernatorial candidate in 1962 and served as Governor for the most dynamic 12 years in Hawaii's economic history.

We have seen the phenomenal growth which Hawaii experienced in the 1960's as tourism became dominant and the pineapple-sugar plantation economy played a lesser role. Such growth and change caused pain for some and dislocation for many. John Burns recognized this as inevitable and necessary. He bore the criticism of his policy of progress with surprising patience, considering his Irish ancestry. He could be patient with his critics, because his dream of Hawaii as a bit of heaven on Earth was unswerving, and he had faith and confidence that his stewardship will stand the test of time.

Jack Burns was always a man of tomorrow, despite his love and respect for our old traditions. The uniqueness of Hawaii's cultural history was one of his favorite subjects but at the same time he knew that Hawaii must grow, economically and educationally. He wanted Hawaii to progress without losing her natural beauty or her unique spirit.

A cornerstone of his impossible dream was the improvement and extension of Hawaii's public educational opportunities. His wish for Hawaiian youth was to nurture their unique heritage in the home; to study Hawaii's characteristics in our schools; and to train our young people to assume their rightful place in a modern competitive world. He sought to train our young and to strengthen their economic opportunities so that they might find fulfilling lives in Hawaii.

In his opening address as Governor to the Hawaiian State Legislature, he decried the fact that thousands of Hawaii's youth left each year for employment on the mainland. He said fiercely:

> I cannot accept the view that what may well be the cream of our greatest resource is an exportable commodity.

Those were not empty words nicely put together for the next day's headlines. He meant business. Today our public education system boasts seven community colleges, where our children may continue their education and a strong diversified economy where skills can be rewarded and meaningful employment can be found.

When Governor Burns first became chief executive in 1962, the University of Hawaii offered 16 doctoral programs and had an enrollment of 11,734 students. Today, the university offers 35 doctoral programs and has a student body of 46,662 persons. We now have college campuses located on the Islands of Hawaii, Kauai, Maui and Oahu.

The University of Hawaii now offers our youth not only the full range of professions and vocations important to operating and managing our economy and government—such as law, the arts and sciences, medicine and related health fields, business administration, education and engineering, but also the opportunity to specialize in professional studies of unique importance in Hawaii. Thanks to Jack Burns' emphasis on education, our university has a school of travel industry management; a school of tropical agriculture; a site where students may delve into Pacific biomedical research or into all aspects of the ocean's secrets.

Many analysts claim that the islands' dynamic economic growth is one of Governor Burns' most notable accomplishments, for a community and its economy can flourish only if given proper governmental support and leadership. When Governor Burns assumed office, personal income in the State stood at $1,676 million and employment at about 256,000 persons. Today, personal income in Hawaii totals $4,391 million—1974—and employment numbers about 342,000 persons.

When Governor Burns took office in 1962, the world still looked on us as the land of the pineapple and the grass skirt. The east-west center was small and just getting underway; there was no foreign trade zone, on international services agency. Jack's travels in the Far East and Europe strengthened his belief that Hawaii, in his words, "has the potential and is destined for a role of increasing influence on the shifting, restless currents of world affairs, particularly in the Pacific area." He spoke of the opportunity for the talents and attitudes of our multiracial people to have a constructive effect in countries "seeking the stability and harmony which we have developed in this mid-Pacific State."

With justifiable pride, he, and we, have watched the east-west center grow. With his powerful blessing now fully felt, it draws faculty from across the entire Pacific intellectual community; delving into areas of research hitherto ignored in non-Pacific educational facilities.

John Burns dreamed of a Hawaii in which the social and physical environments were in harmony. He was untiring in exploring every avenue which he believed would lead to that balanced society.

I believe Governor Burns' greatest contribution was his leadership in making all of us—brown, yellow, white, and black—recognize the full worth of our fellow humans.

It was Jack Burns' "impossible dream" to put into practice those eloquent words of our Founding Fathers: "that all men are created equal." Throughout the ages, many have given much lip service to those wonderful words. Jack Burns, however, wanted very much to demonstrate that those words were real and meaningful.

In Hawaii, I believe he has succeeded ing making this "impossible dream" a near reality. So long as we, who are privileged to live in these islands, can continue to look at our neighbors and associates and not be concerned and become "up tight" because of their color, religion, or ancestry, then Jack Burns' work on this earth will not have been in vain.

They called John Burns "Stone Face." He seldom smiled. His physical bearing made him ramrod and inflexible. And he had many enemies. Those of us who knew him well, however, knew that "the old man," as we affectoinately called him, had a soft and loving heart, a marvelous and enchanting sense of humor, twinkling eyes, and a warm smile that would often melt that "Stone Face." This other John Burns deserves equal tribute: The devout Catholic, devoted husband, proud father, delighted grandfather, delightful companion, and loyal friend.

His inspiration was drawn from our two great Hawaiian heroes, King Kamehameha III and Father Demien, and he quoted them often. Given his great accomplishments and his visionary legacy in word and deed, there can be no doubt that future statesmen will add the name of John Burns to complete a heroic trinity.

His convictions were sustained and strengthened by a remarkable woman—patient, gracious, courageous, and saintly—his lovely and loving wife, Beatrice.

Bea was a source of encouragement even in the darkest moments. Without Bea, Hawaii might not have had John A. Burns, Sr., to lead us to Statehood and to serve as our Governor for 12 years. With Bea, John Burns found a tower of strength to travel together with from political obscurity to greatness.

Hawaii is forever in their debt.

Jack Burns now lies in a quiet grave in the Punchbowl Cemetery alongside 13,000 other Hawaii veterans who died in the service of their State and country. John Burns lived for 40 years in the service of the people of Hawaii and our Nation. Without him, social progress will continue, our economy will grow, politics will go on, but it will not be quite the same. We miss you already, Dear Jack.

JOINT TAX RETURN OF SENATOR AND MRS. WEICKER

Mr. WEICKER. Mr. President, in the interest of full financial disclosure, I, once again, ask unanimous consent that the joint tax return of my wife and myself for 1974 be printed in the Record.

There being no objection, the tax return was ordered to be printed in the Record, as follows:

U.S. Individual Income Tax Return, 1974

Name: Lowell P. and Marie L. Weicker, Jr., Round Hill Rd., Greenwich Ct., Fairfield.

Occupation: U.S. Senator and homemaker.
Exemptions: Yourself and Spouse, 2.

First names of your dependent children who lived with you: Scott, Gray, and Brian Bianchi, 3.

Total exemptions claimed, 5.

9 Wages, salaries, tips, and other employee compensation, $42,500.

10a. Dividends $7,432, less exclusion $200, balance $7,232.

11 Interest income, $2,578.

12 Income other than wages, dividends, and interest, $18,543.

13 Total, $70,853.
14 Adjustments to income, $3,213.
15 Subtract line 14 from line 13, $67,640.
16 Tax, $9,244.
18 Income tax, $9,244.
19 Other taxes, $1,043.
20 Total, $10,287.

21a Total Federal income tax withheld, $10,793.

22 Total, $10,793.

24 If line 22 is larger than line 20, enter amount overpaid, $506.

25 Amount of line 24 to be refunded to you, $506.

LOWELL P. WEICKER, Jr., 4/13/75.
MARIE L. WEICKER, 4/13/75.

Preparer's signature: Weindieck & Co., C.P.A.'s, Greenwich, Conn.

INCOME OTHER THAN WAGES, DIVIDENDS, AND INTEREST

29 Net gain or (loss) from sale or exchange of capital assets (attach Schedule D), ($1,000).

31 Pensions, annuities, rents, royalties, partnerships, estates or trusts, etc., $2,593.

37 Other, honoraries, $16,950.
38 Total, $18,543.

ADJUSTMENTS TO INCOME

41 Employee business expense, $3,213.
43 Total adjustments, $3,213.

TAX COMPUTATION

44 Adjusted gross income, $67,640.
45(a) If you itemize deductions, $30,500.
46 Subtract line 45 from line 44, $37,140.

47 Multiply total number of exemptions claimed on line 7, by $750, $3,750.

48 Taxable income, $33,390.

OTHER TAXES

55 Self-employment tax, $1,043.

MEDICAL AND DENTAL EXPENSES

1 One half $150.
10 Total $150.

TAXES

12 Real estate, $5,163.
13 State and local gasoline, $110.
14 General sales, $444.
15 Personal property, $68.
16 Other Sales tax, auto, $97.
17 Total, $5,882.

INTEREST EXPENSE

18 Home mortgage, $7,389.

19 Other. Putnam Trust Co., $3,941; other mtges and loans, $6,616; finance charges, $21; Union Tr. Co., $125.

20 Total $18,092.

CONTRIBUTIONS

21a Cash contributions for which you have receipts, canceled checks, etc., $220.

Round Hill Community Church, $200.
22 Other cash, $149.
24 Total contributions, $569.

MISCELLANEOUS DEDUCTIONS

30 Tax preparation, $300.
31 Safe deposit box, $12.
33 Other, investment fee, $224.

T/U/A Lowell P. Weicker 8-3-50, F/B/O Lowell P. Weicker, Jr., 13-6067993—deduction, $2,470.

Safe deposit box, $12.
Unreimbursed senatorial expenses, $2,789.
34 Total, $5,807.

SUMMARY OF ITEMIZED DEDUCTIONS

35 Total medical and dental, $150.
36 Total taxes, $5,882.
37 Total interest, $18,092.
38 Total contributions, $569.
40 Total miscellaneous, $5,807.
41 Total deductions, $30,500.

DEDUCTION

The Clothing Exchange, Greenwich Country Day School, gratefully acknowledges your tax-deductible donations during 1974 valued at $149.

JESSLE P. SNYDER, *Treasurer*.

December 18, 1974.

SCHEDULE OF CONGRESSIONAL REIMBURSEMENTS AND EXPENSES

1974 reimbursement for expenses paid in 1973, $678.

Reimbursement for first 1974 round trip to Washington and return, $102.

Expenses paid and reimbured in 1974: Travel, $2,596; office expense, $1,398; total, $3,994.

Less cost of living, Washington, D.C., $3,000.

Expenses paid in 1974 to be reimbursed in 1975, travel ($166) and office expense ($827), $993.

Expenses in excess of reimbursement, $3,213.

Miscellaneous: Entertainment of constituents, $2,274, other business expenses, $515; total, $2,789.

CERTIFICATE

I hereby certify that I was in a travel status in the Washington area, away from home, in the performance of my official duties as a Member of Congress for 235 days during the taxable year of 1974, and my deductible living expenses while in such travel status amounted to $3,000.00.

LOWELL P. WEICKER, Jr.,
U.S. Senator.

DIVIDEND INCOME

(Write (H), (W), (J), for stock held by husband, wife, or jointly.)

W, Zapata Corp., $71.
W, Southland Corp., $5.
H, Ehrenreich Photo Opt., $9.
H, I.B.M., $15.
J, Dividends from trusts, $6,027.
H, W. Ventures, $62.
W, Block Drug, $101.
W, Garfinckel, Brooks Bros., Miller & Rhoads, $120.
W, Heublein, Inc., $160.
H, Friendly Ice Cream, $17.
W, Friendly Ice Cream, $12.
H, Maryland Cup, $98.
H, National Air Lines, $66.
H, Scudder common stk., $25.
H, Block Drug, $177.
H. Pac. Pwr. & Light, $112.
H, Colonial Penn. Group, $23.
W, Amer. Express, $55.
W, General Signal, $58.
H, Merck & Co., $53.
W, Amer. Brands, $256.
H, Hewlett Packard, $10.
H, Mesa Petroleum, $1.
2 Total, $7,533.
4 Nontaxable distributions, $101.
5 Total, $101.
6 Dividends before exclusion, $7,432.

INTEREST INCOME

Ara Services, 4⅝%, 6/15/96, $93.
Interest from trusts, $1,756.
Putnam Trust Co., $29.
Putnam Trust Co., $26.
Heublein, Inc., 4½, $180.
Heublein, Inc., 4½, $135.
Maryland Cup, 5⅛, 1994, $359.
8 Total interest income, $2,578.

Short-term Capital Gains and Losses—Assets Held Not More Than 6 Months

a. Kind of property and description.
b. Date acquired (Mo., day, yr.).
c. Date sold (Mo., day, yr.).
d. Gross sales price.
e. Cost or other basis, as adjusted and expense of sale.
f. Gain or (loss) (d less e).

a. 15 SH, Mesa Petroleum.
b. 1–16–74.
c. 7–9–74.
d. $177.
e. $532.
f. ($355).
a. 10 SH Mesa Petroleum.
b. 2–8–74.
c. 7–9–74.
d. $118.
e. $315.
f. ($197).
a. 35 SH, Ehrenreich.
b. 3–20–74.
c. 9–12–74.
d. $160.
e. $380.
f. ($220).
a. 40 SH, Ehrenreich.
b. 4–17–74.
c. 9–12–74.
d. $184.
e. $442.
f. ($258).
a. 25 SH, Ehrenreich.
b. 7–18–74.
c. 9–12–74.
d. $115.
e. $206.
f. ($91).

2 Enter your share of net short-term gain or (loss) from partnerships and fiduciaries, ($62).

3 Enter net gain or (loss), ($1,183).
5 Net short-term gain or (loss), ($1,183).

Long-term Capital Gains and Losses—Assets Held More Than 6 Months

a. 25 SH, Mesa Petroleum.
b. 12–13–73.
c. 7–9–74.
d. $294.
c. $930.
f. ($636).
a. 200 SH, Block Drug.
b. 1–26–73.
c. 9–12–74.
d. $1,376.
e. $4,900.
f. ($3,524).
a. 100 SH, Block Drug.
b. 3–9–73.
c. 9–12–74.
d. $688.
e. $2,700.
f. ($2,012).
a. 50 SH, Block Drug.
b. 8–24–73.
c. 9–12–74.
d. $342.
e. $755.
f. ($413).
a. 200 SH, Block Drug.
b. 1–26–73.
c. 9–16–74.
d. $1,400.
e. $4,900.
f. ($3,500).

9 Enter your share of net long-term gain or (loss) from partnerships and fiduciaries ($1,230).

11 Net gain or (loss) (11,315).

12(b) Long-term capital loss carryover attributable to years beginning after 1969 ($2,373).

13 Net Long-term gain or (loss) ($13,688).

SUMMARY

14 Combine the amounts shown on lines 5 and 13, and enter the net gain or loss here ($14,871).

16(a)) (iii) 50% of amount on line 13 ($8,027).

16(b) (iii) Taxable income, as adjusted ($1,000).

CAPITAL LOSS CARRYOVER

Section A.—Short-term capital loss carryover

1 Enter loss shown on your 1973 Schedule D ($517).

3 Reduce any loss on line 1 ($517).

4 Enter amount shown on your 1973 Form 1040, line 29 ($1,000).

5 Enter smaller of line 3 or 4 ($517).

Section B.—Long-term capital loss carryover

7 Line 4 less line 5 ($483).

8. Enter loss from your 1973 Schedule D ($3,339).

10 Reduce any loss on line 8 ($3,339).

11 Multiply amount on line 7 by 2 ($966).

12 Excess of line 10 over amount on line 11 ($2,373).

INCOME OR LOSSES FROM PARTNERSHIPS, ESTATES OR TRUSTS, SMALL BUSINESS CORPORATIONS

Colony Beach—tennis, partnership, loss, $2,367.

Schedule attached, estate or trust, income, $2,819.

W. Ventures, partnership, income, $100.

2 Income or (loss), $2,593.

SCHEDULE B AND SCHEDULE E

F/B/O Mary H. Paulsen et al., No. 13-6083706, Part II, $14.

F/B/O Lowell P. Weicker, Jr., No. 13-6083709, Part I, $2,108; Part II, $1,742.

F/B/O Mary H. Paulsen et al., No. 13-6083727, Part I, $2,000.

F/B/O Mary H. Paulsen et al., No. 13-602950, Part I, $1,338; Part III, $2,461.

F/B/O Marie Weicker, No. 04-6007191, Part I, $581; Part III, $358.

Total of Part I, $6,027.

Total of Part II, $1,756.

Total of Part III, $2,819.

COMPUTATION OF NET EARNINGS FROM NONFARM SELF-EMPLOYMENT

5(e) Other, Honoraria, $16,950.

6 Total, $16,950.

8 Adjusted net earnings or (loss) from nonfarm self-employment, $16,950.

9(a) Maximum amount reportable, under both optional methods combined (farm and nonfarm), $1,600.

12(b) From nonfarm, $16,950.

13 Total net earnings, $16,950.

14 The largest amount of combined wages and self-employment earnings subject to social security tax for 1974 is $13,200.

16 Balance, $13,200.

17 Self-employment income, $13,200.

18 If line 17 is $13,200, enter $1,042.80; if less, multiply the amount on line 17 by .079, $1,043.

20 Self-employment tax, $1,043.

MORTGAGING OUR FUTURE WITH WAR

Mr. CHURCH. Mr. President, every American alive in 1969 will spend 1 year of his life working to pay with his or her taxes for the cost of the Vietnam war.

This is but one of the conclusions reached by David Nyhan of the Boston Globe in a March 30 article entitled, "Indochina Cost Still Rising." Nyhan discusses the work of private economists who have sought to discover the true burden of the war—a figure well beyond the $150 billion figure frequently quoted as the extent of our financial loss.

In fact, the real cost goes much higher. Prof. James Clayton of the University of Utah 4 years ago estimated the cost at $352 billion, but an economist at Bucknell, Tom Riddell, 2 years ago set the figure at $676 billion. Prof. Dennis Mueller at Cornell 5 years ago estimated the eventual cost at $900 billion, including veterans' benefits, servicing of the war debt, and derivative social expenses at home. And this takes into account only the financial burden to ourselves, not the human cost.

I commend this article to the Senate, not that we might look back and lament but that we might learn for the future. At the very minimum, let us recognize that the cost of war far exceeds its immediate burden. More important, let us resolve to establish and maintain a foreign policy in the future, which avoids warfare in distant places unrelated to our real national interest.

I ask unanimous consent that David Nyhan's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Mar. 30, 1975]

INDOCHINA COST STILL RISING

(By David Nyhan)

WASHINGTON.—The government has never really wanted to figure out how much the war in Indochina ultimately will cost—but it certainly will be more than the average taxpayer ever expected.

Roughly $150 billion has been spent already in the US effort to shore up South Vietnam, Laos, Cambodia and Thailand. But that is only a down payment.

Wars are heavily mortgaged. Veterans benefits can double or triple original costs, and interest on the debt piles up.

The most conservative estimate on the ultimate tax dollar cost of our involvement in Indochina is more than $350 billion—almost exactly the size of the Federal budget this year.

There is little doubt that if you could figure accurately all the tangible costs of the war to US citizens, it would surpass the current Federal debt of approximately $500 billion. Estimates, all made by private economists, range up to $900 billion.

To give you an idea of what this maximum means to individuals, every American alive in 1969 will spend one year of his life working to pay the cost of the Vietnam war.

To give you an idea what it means to us collectively, it has been further calculated using comparative figures, that had the US chosen not to fight the war it could have paid off the mortgage on every home in America and had money left over.

Prof. James L. Clayton of the University of Utah four years ago pegged the ultimate cost at $352 billion, a figure adopted by the US government's Statistical Abstract.

Tom Riddell, an economics instructor at Bucknell, estimated two years ago the ultimate cost would be $676 billion (The Progressive magazine, Oct. 1973).

Prof. Dennis Mueller of Cornell five years ago figured the eventual cost could be as much as $900 billion.

The main reason for such a wide disparity is deciding what kinds of costs to include. Both Clayton and Riddell said in telephone interviews that they still stand by their estimates.

The government can't tell who is right. But the ultimate cost of the war is going to be so great that most knowledgeable people in Washington assume the public would balk at paying any more.

No President has even gone before the public to estimate what the war would eventually cost the taxpayers. If any of the five Presidents who have presideded over the nation's Indochina involvement ever ordered a study of the war's cost, he kept it secret.

It seems incredible, but neither has any congressional committee ever tried to officially estimate the ultimate cost of the war, whose massive outlays will be paid off by citizens yet unborn.

Congress routinely funds studies of the mating habits of exotic birds and thousands of other obscure topics, but the most controversial national policy since the Civil War was entered into without an ultimate cost estimate. The Congress has never chosen to order an "Indochina Impact Statement," though it requires environmental impact statements and inflation impact statements with regularity.

Uncle Same will be paying out veterans benefits to the 2.5 million Americans who served in Indochina and, their descendants, for more than 100 years. And these benefits may well double or triple the original cost of the war.

Furthermore, interest on the debt, in these inflationary decades, will pile on another 20 to 40 percent, maybe more. The Pentagon has literally millions of statistics, but no one in the Pentagon says, for public consumption, that he knows what the war has cost.

"To date, there has been no official study of the long-range costs of the Vietname conflict," the Library of Congress reported last year.

At least one President deliberately deceived his own budget advisers so as not to jeopardize his programs. Lyndon Johnson told the military in 1966 to go ahead with their escalation plans, yet held back those costs from his economic advisors. Johnson did not want a tax hike at that time, feeling it would endanger his great Society programs. He tried to have both guns and butter.

Each House and Senate committee charged with overseeing particular aspects of the cost—military, foreign relations, veterans affairs—keeps a different set of books.

The State Dept.'s Southeast Asia desk took The Globe's questions over the phone, but never called back with any kind of answers.

The Pentagon's public affairs office is polite and helpful, and provides a sheet of expenses for 1965–1974 that totals $140 billion, but notes that $29 billion of that would have been spent for training and practice ammunition even if there were no war.

The House military appropriations subcommittee says it just can't tell how much the war has cost.

A visit to that panel's basement office in the Capitol, which has safes to protect secret documents and copies of documents labelled "SECRET," turned up a staff member who plucked a bulging folder from a filing cabinet.

But the folder held no total for what's been spent so far.

"When you get it all figured out, let me know," said the staffer, "I don't know why we don't have that figure. It's hard to get a handle on. I guess when they first got into this thing, there was some sloppy bookkeeping."

There seems little question of that; President Ford angrily referred to it as "very sloppy bookkeeping," at a news conference after the Pentagon explained that a "clerical error" had been discovered to provide Cambodia with $21 million more military aid at the very time Congress was refusing to vote the $222 million the Administration was seeking.

Prof. Clayton warned six years ago that war debts pile up like an avalanche. "Unless we drastically reverse this trend and significantly reduce our current military expenditures, war will soon be simply too expensive to contemplate and governments too cumbersome to endure," he wrote then.

The average man simply cannot comprehend the magnitude of the figures involved in citing war costs, he said. Taking just the decade of the '60s, he said:

"The war in Vietnam has cost 10 times more than Medicare and medical assistance, 14 times more than support for all levels of education, and 50 times more than was spent for housing and community development. We have spent several times more money on

Vietnam in 10 years than we have spent in our entire history for public higher education or for police protection.

"Put another way, the war has cost us more than one-fourth of the value of current personal financial assets of all living Americans, a third again as much as all outstanding home mortgages, and seven times the total US money now in circulation."

Or another guess:

"The impact of Vietnam is so gigantic and diffuse that no adequate calculation of all the political, sociological and economic costs can be made," concluded Prof. Dennis Mueller of Cornell, writing in 1970.

Using an estimated total of $900 billion, he found that "Every American alive in 1969 will spend approximately one year of his life working to pay the cost of the Vietnam war."

Riddell's 1973 Estimate of $676 billion was at the time one-half the output of the American economy. He figured many more costs than did Clayton, estimating, for instance, that the US would pour some $40 billion in aid into Indochina through the 1990s.

The VA estimates it will have paid $33 billion in benefits to Vietnam veterans by the end of 1980, and that does not include the cost of administering the hundreds of programs. The biggest items through 1980 will be education grants, at $15 billion, and direct payments, at $9.5 billion.

Payments to veterans don't peak until 40 or 50 years after the war in which they served, in some cases. It's estimated in government charts that veterans benefits stemming from the Vietnam war will eventually surpass the cost of the war itself, and possibly be three times as much. World War II, for instance, will cost slightly more in benefits payments than it cost to wage the war.

The Veterans Administration, in response to a query from Rep. Margaret Heckler (R-Mass.), a member of the Veterans Affairs Committee, concluded that in the next quarter-century, ending in the year 2000, it will have spent $375 billion on all veterans programs—not just those for Vietnam veterans. The VA claims it cannot separate out how much will be spent in that time for Vietnam era veterans alone. The agency can't tell just how many will get sick, how many will actually buy homes with VA mortgages, or how many will take advantage of educational grants, it says.

Regardless, veterans benefits will be enormously expensive. Not even the bitterest war critics question the fairness of paying those who bore the burden.

Veterans' benefits from the World War I period cost nearly three times as much as that war itself cost the government. And for the Spanish-American war, Uncle Sam spent 15 times the war's original cost on veterans' benefits.

Wars have an economic dynamic all their own. Inflation over the decades distorts the statistics.

For instance, the American Revolution was a relative bargain. It cost the 13 colonies about $100 million—just half the amount Congress has set aside for the celebration of the nation's 200th birthday next year..

The ultimate statistic of any war is not in dollar cost, but the toll in human life. The government estimates that in the last 12 years in South Vietnam alone, one million of the "enemy" were killed, and nearly a quarter-million South Vietnamese soldiers.

Dr. Barry Blechman, a senior fellow in foreign policy at the Brookings Institution, assessed the cost of the war this way:

"The real cost, the most damaging costs, are not quantifiable—they are the effects on attitudes here in this country, on our conceptions, and the effect these will have on our policies. We have a whole generation of (young) people who mistrust the government, who won't have anything to do with the government.

"We might have just seen one effect in the breakdown in the Middle East peace negotiations, where neither side, particularly the Israelis was willing to make necessary concessions. I think the Israelis might have been affected by seeing what happened to Indochina, and feel they can't really rely on our guarantees.

"That is not to say that I believe in the domino theory. The problem there (Indochina) is that we made absurd commitments to the losing side in a region of very little real interest to us."

But Riddell figured in estimates of the lost production of GIs who died there, and some 70,000 draft evaders or deserters he believed went into exile; he figured $27 billion, for instance, would be the ultimate cost to the taxpayers of 100,000 drug-addicted Vietnam veterans who would commit crimes and require rehabilitation as a result of addictions they acquired in Southeast Asia.

Outlays that may have looked reasonable to some at the time sometimes loom larger in retrospect. Between 1966 and 1972, US forces based in Indochina used up 327 million barrels of fuel, not even counting jet fuel for the B52 bombers based on Guam, or the fuel used to ship supplies and ammunition across the Pacific. Those 327 million barrels would be enough to heat and provide electricity to every home, office and factory in New England this year.

Individual congressmen tried, without much success, to call their colleagues to account on the war's cost. Former Sen. J. William Fulbright (D-Ark.) used to grill Administration spokesmen called before his Senate Foreign Relations Committee, Sen. George McGovern (D-S.D.) won the last Democratic presidential nomination by leading opposition to the war and Senate Majority Leader Mike Mansfield (D-Mont.) still keeps in his desk on the Senate floor a copy of Clayton's projections, whipping it out for use in debate as the occasion arises.

It cost about $25,000 a year in 1967 to support just one GI in Vietnam, the Defense Dept. estimated at that time.

Figuring that the 55,000 GIs who died there would have earned an average of $10,000 a year apiece in 1970 dollars over their normal lifetimes, the nation lost more than $10 billion in future productive capacity.

For the year 1969, when $27 billion was spent on Vietnam, if that money had been put to Social Security benefits every Social Security check in the country could have been increased by 60 percent.

A book titled "Pentagon Capitalism" estimated in 1970 that the cost at that time of waging the war for just one month could have paid for the complete training of 100,000 scientists, ended hunger for 10 million underfed Americans, paid the full year's cost of state and local police for the whole country, and so on.

Writing in 1970, Prof. Gary Bickel of Cornell estimated the total war cost at $140 billion up to that point.

"That's about $3,800 worth of destruction for every man, woman and child in Vietnam—north and south; each Vietnamese killed by US action has cost us about $400,000; our total of bombs and other ordnance expended has now amounted to 12 tons per acre, surpassing all the explosives used by Allied forces in World War II."

What U.S. administrations spent on South Vietnam

[In billions of dollars]

Truman	1.3
Eisenhower	1.5
Kennedy	1.5
Johnson	87.0
Nixon	55.0
Ford	1.2

Source: Statistical Abstract of the United States.

FAILURE TO RATIFY GENOCIDE CONVENTION—IMPEDIMENT TO INTERNATIONAL COOPERATION

Mr. **PROXMIRE.** Mr. President, the Genocide Convention was submitted to the Senate for ratification over 25 years ago. It has been endorsed by numerous religious, civic, and legal organizations, supported by succeeding administrations, and ratified by 87 nations—our allies and neighbors in an increasingly interdependent world community. Yet the Senate has repeatedly failed to take action on the matter.

Our failure to act is not only embarrassing to us and puzzling to our neighbors; it is a continuing impediment to extending harmonious cooperation through the rule of law to the global community. Any measures we hope to promote in any world forum are open to question by other nations, since those nations have no way of knowing if we will ultimately subscribe to those measures. Until the Senate ratifies the Genocide Convention, nations will have reason to doubt our true intentions.

Ratification of this treaty will affirm our position against genocide among other nations and show then that the United States unequivocally embraces the principles embodied in the Genocide Convention.

THE IMPORTANCE OF FORESIGHT

Mr. **GARY W. HART.** Mr. President, one vital attribute of leadership is foresight. It is a product of appreciation for history, understanding of human nature, and a sense of our national purpose.

Foresight is a precious attribute in the best of times. But, in recent years, it seems almost to have disappeared.

Thankfully, there have been those in the past with sufficient courage to warn us of impending folly. As an example, in this time of national turmoil over "commitments," I commend the following remarks to my colleagues and my fellow citizens:

> A week ago I spoke emphatically, but briefly, against the United States sending American GI's into the mud and muck of Indochina. I suggested then that in a few days I would present further arguments to support my position. My reason then and my reason for speaking now was and is to alert the American people with respect to the dangers faced by their sons and their economy.
>
> This present crusade to send troops to Indochina with its uncalculated cost for an uncalculated result, is the most foolhardy venture in all American history. It is my guess that it would mean, at the very minimum, 500,000 American casualties and a very minimum of $100 billion of borrowed money.
>
> Five hundred thousand American casualties is a staggering contribution to ask American mothers to make for an uncalculated risk. That fact alone should sober our responsible leaders. But $100 billion of additional borrowed money means for America a 25-cent dollar instead of our present 50-cent dollar and an economy so weak that it can no longer give leadership to a distraught world or resist communism at home and abroad.
>
> Such a war could last 10 years, or it could touch off and spawn a world war which would have to be fought for 100 years without victory. It could drive the brown and Malay

races into the arms of the Communists in a solid front against the white race in a death struggle, which eventually would destroy all civilization. These are some of the uncalculated risks of the proposal to fight in Indochina. Let them be calculated before we move civilization one small step closer to the yawning abyss of world disaster. To drift, drift, drift, drift closer and ever closer to this flaming candle, like some silly, enchanted moth, is almost too fantastic for human minds to comtemplate.

If the American people realized the nearness of war in Indochina, they would rise up as one man and stop it.

America is practically unanimous against sending soldiers or sailors or bombers to this war in the jungles.

In November of 1952, I heard E. P. Hoyt, publisher of the Denver Post, in an eloquent address to the Denver Rotary Club, say that five words decided the election. According to Mr. Hoyt, when Candidate Eisenhower said in the campaign, "I will go to Korea," the Democrats' goose was cooked. The political house built by five words could be destroyed, in the twinkling of an eye, by these five words: "Troops will go to Indochina."

The other day a Senator whose sound judgment I respect greatly questioned whether military intervention by the United States in Indochina would not give Red China the excuse it wants also to intervene. There are no reasons to doubt that very result. When we began sending billions of dollars of war supplies to the French, China began sending millions of dollars in war supplies to the native rebels, not as gifts but in exchange for the raw materials which China needs so desperately. Of course, our troops will be more than matched in numbers by their troops. Such an American-Chinese war would be fought not in a place of our own choosing, but in China's backyard, and 7,000 miles from the shores of America. Most certainly the advantages are with the Communists; the disadvantages with us. I can almost hear the chess-playing experts in the Kremlin snickering over our act of desperation as a wonderful strategic victory should be commit American soldiers to this jungle war in support of white man's colonialism.

A few hours ago the President said in Kentucky that regardless of how this war started, it was now the free world versus communism. I wish it were that simple, and that there were no other fundamental contingencies. It seems to me we must be realistic, however, and take into account the original causes of the rebellion in Indochina, as well as the full impact and results which would follow our intervention in this uprising of the native population against French rule.

Edward R. Murrow says that Senator McCarthy thinks every critic is a Communist. In world affairs, our diplomats seem also to be making that basic McCarthy error.

During the past year I have sought to arrive at some positive conclusion about the Indochina issues, and, in all honesty, I am unable to support the belief that the present conflict between the French-supported Vietnam and the rebel Viet Minh is, in truth, a war of the forces of freedom, on the one hand, and the forces of communism on the other hand.

Soviet communism, with its contempt for the rights of the individual, is a despicable tyranny. But it is not the only tyranny. Unbridled imperialism, the law of the jungle that says the strong shall devour the weak, the "haves" shall exploit the "have nots," is no less despotic, no less contemptible, is no less the uncompromising enemy of our American principles of life, liberty, and the pursuit of happiness, than is Soviet communism.

So often causes are confused by labels, and labels with dogmas, and dogmas with principles, until it becomes difficult to find, much less to evaluate, the fundamental issues. These elements are distorted even more, by careless thinking until an uninformed people become a confused people, and, in the end, a dismayed people whose own ignorance has allowed it to be shabbily used.

Forces are at work to get this Nation committed to war in Asia. Some of those forces we know to be our enemies, some of them we recognize as our real friends. Unfortunately, there seems to be no articulate force in America determined to keep us out of war. But because it is not articulate, do not think for a moment that this force is not present. Congress must give it a voice that will be heard, and that will be heard in time to prevent American principles from being abandoned and the United States from being committed to the support of an imperialistic colonial war.

At this point there followed a lengthy, learned, and accurate assessment of the forces at work in Southeast Asia.

Whether every one of the 24 million people of Viet Nam is a Communist or whether not one of them is, is not the question. If all of them are Communists, what is to be accomplished by sending 10 American divisions there, to make them live as we want them to? The only way to combat an idea is with a better idea. What better idea is being advanced by our sending tanks and bombers to slaughter the people of Indochina?

What is to be gained by having thousands of our young men take their places beside the young men in France and Viet Nam in graves along the jungle trails? Have we so completely lost our perspective, have we so completely abandoned the principles of freedom, have we so willingly denied the legitimacy of our own birthright, that we demand this war? What kind of people have we become?

If we want to make Communists of all the people of Asia, if we want to recruit Communists wholesale throughout the world, if we want to bleed ourselves of all vigor and principle, and if we are ready to send the Statue of Liberty, with Freedom's Torch, to a new home on Red Square in Moscow, then, by all means, let us join the jungle war against the revolutionists fighting colonialism in Indochina.

But if we mean to recover what this stupid course of action has lost, if we mean to restore America to the place it has held for nearly 180 years in the minds and hearts of men, let us demand peace with honor, now, for France in Indochina before it is too late. The negotiations beginning today in Geneva give us one last chance. May we have the wisdom to make the most of it.

Mr. President, the insight contained in the preceding speech is uncanny. The foresight, had it been observed by our leaders, could have averted a decade of tragedy.

The speech was delivered on the floor of the Senate 21 years ago almost to this day by a predecessor of mine, a distinguished Coloradan, former U.S. Senator Edwin C. Johnson.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business, before we proceed? If not, morning business is closed.

SCRIMSHAW ART PRESERVATION ACT OF 1975

Mr. MOSS. Mr. President, I ask unanimous consent that we turn to Calendar No. 57, and proceed with that matter now, on which there is a unanimous-consent agreement.

Mr. WILLIAM L. SCOTT. Mr. President, reserving the right to object, has the distinguished Senator's request been cleared with this side of the aisle?

Mr. MOSS. It has been cleared with both sides of the aisle. The Senator from Alaska——

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate had already agreed to proceed to the consideration of S. 229.

Mr. MOSS. That is correct.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 229) to amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protective Act of 1972.

The ACTING PRESIDENT pro tempore. Time for debate on this bill is limited to 1 hour to be equally divided and controlled by the majority and minority leaders or their designeees, with 30 minutes on any amendment, and 20 minutes on any debatable motions or appeals.

The Senate proceeded to consider the bill which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Scrimshaw Art Preservation Act of 1975".

SEC. 2. (a) The Congress finds and declares that—

(1) All forms of art and culture which reflect this Nation's heritage should be preserved, as the United States prepares for its bicentennial year.

(2) Scrimshaw is an art form which was developed during the Nation's early years by New England whalers and others; it has been practiced by skilled American craftsmen and artisans ever since.

(3) The perpetuation of this part of the culture and heritage of the United States is threatened by the prohibition enacted in 1973 against the marketing of whale bone and teeth.

(b) It is the purpose of the Congress in this Act to exempt scrimshaw and scrimshaw products from the prohibitions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 3. Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended by (1) redesignating paragraphs "(10)" through "(16)" thereof as paragraphs "(11)" through "(17)" thereof; and (2) by inserting therein the following new paragraph:

"(10) The term 'scrimshaw' means an art form which involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, the bones and teeth of marine mammals of the order Cetacea.".

SEC. 4. Section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) is amended by adding at the end thereof the following two new paragraphs:

"(4)(A) The Secretary of Commerce may exempt persons from the prohibitions contained in subparagraphs (E) and (F) of section 9(a)(1) of this Act—

"(i) with respect to the wholesale movement or sale of finished scrimshaw products, if such products or the raw materials for such products were lawfully within the United States on December 21, 1972, except that no such exemption shall be granted or remain in effect more than two years after the date of enactment of this provision; and "(ii) with respect to the retail sale of finished scrimshaw products for personal use by the purchasers thereof, except that no such exemption shall be granted or remain in effect more than seven years after the date of enactment of this provision.

Any such exemption may be granted by such Secretary upon such terms and conditions as he shall prescribe, including, but not limited to, requiring such persons to register inventories; to maintain complete sales records; to permit duly authorized agents of such Secretary to inspect any such inventories and records; and to prepare and submit to such Secretary any reports requested by him.

"(B) Any person who wants an exemption pursuant to any provision of subparagraph (A) of this paragraph shall—

"(i) submit to such Secretary, within one hundred and twenty days after the date of enactment of this paragraph, a complete and detailed inventory, in such form and manner as such Secretary shall prescribe, of the quantity of bone and teeth of marine mammals of the order Cetacea and of parts of and products from such bone and teeth, which are held or otherwise controlled by such person. The Secretary of Commerce shall grant an exemption pursuant to such subparagraph only for the holdings reported in such inventories;

"(ii) apply to such Secretary for such exemption, in such form and manner and with such submissions as such Secretary shall prescribe; and

"(iii) submit to such Secretary sales records, reports, and other documents and materials, to the extent necessary to establish that the holdings with respect to which an exemption is sought were acquired in accordance with the subparagraph (A).

"(C) There shall be a rebuttal presumption, in any action brought under this Act for a violation of a provision of section 9(a) of this Act, that no exemption authorized by this paragraph is applicable. Any person who claims the benefit of any exemption granted pursuant to this paragraph shall have the burden of rebutting such presumption in such an action. Regulations promulgated by the Secretary of Commerce with respect to exemptions pursuant to this paragraph shall be effective on the date of final publication, notwithstanding any other provision of this Act.

"(5) Within one hundred and twenty days after the date of enactment of this paragraph, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of the Treasury shall establish an interagency task force to enforce the provisions of this Act applicable to the bone and teeth of marine mammals of the order Cetacea and parts of and products from such bone and teeth. This task force shall act in addition to, and not in lieu of, existing enforcement activities, and shall concentrate its activities in those regions and areas which are most susceptible to unlawful activity as a result of exemptions granted under paragraph (4) of this subsection. The Secretaries of the Interior, Commerce, and the Treasury shall report jointly to the Congress and the President, within twelve months after the date of enactment of this paragraph, on the extent to which the provisions of this Act have been violated with respect to the bone and teeth of such mammals and with respect to the effectiveness of this task force in preventing such violations.".

Mr. MOSS. Mr. President, I ask unanimous consent that the amendment to S. 229 of the Committee on Commerce be considered as original text for the purpose of further amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Scrimshaw is a unique American artform which was developed during the Nation's early years by New England whalers, who during the long months at sea took up carving designs on whale bone and teeth. As the Nation grew, so did the popularity of scrimshaw, and today the art is practiced by scrimshanders throughout the country. Perhaps the country's most famous collection of scrimshaw pieces was owned by President John F. Kennedy.

In recent years, however, the whale has been placed on the endangered species list, and scrimshaw itself has become endangered. Due to the prohibitions of the Endangered Species Act of 1973, scrimshanders and small businessmen are prevented from sustaining themselves and their art through the marketing of their products in interstate commerce. Unlike the Marine Mammal Protection Act of 1972, which extends protection only to whales taken after its date of enactment, the Endangered Species Act of 1973 prohibits the sale or movement in interstate commerce of products made from whale bone and teeth, even if they were legally acquired prior to December 21, 1972, the effective date of the Marine Mammal Act. S. 229 would conform the Endangered Species Act to the Marine Mammal Protection Act to alleviate the hardship that has been placed on artisans and small businessmen. By permitting the Secretary of Commerce to grant limited exemptions for a period of 7 years for the sale and movement in interstate commerce of legally acquired scrimshaw products made from legally acquired whale bone and teeth, the inequities should be avoided.

In order to guard against increased smuggling or other violations of the act which may result from the granting of these exemptions, any person seeking an exemption must supply the Secretary with any documents needed to prove that the holdings in question were legally acquired. In addition, the Secretaries of Interior, Commerce, and the Treasury are instructed to create a special task force to guard against smuggling that may occur as a result of these exemptions. The efforts of the task force are to be supplemental to existing enforcement activities.

Mr. President, in my view S. 229 will help to ensure the survival of the art of scrimshaw by giving artisans sufficient time to dispose of their inventories of whale ivory while adapting their art to other media, such as beef bone, which is legal for trade. This goal will be achieved without encouraging an endless trade in the products of an endangered species or threatening the live whale population. For that reason, I support the act.

Mr. KENNEDY. Mr. President, I thank the Committee on Commerce and its distinguished chairman, the Senator from Washington (Mr. MAGNUSON) and the Subcommittee on Environment and its distinguished chairman, the Senator from Michigan (Mr. PHILIP A. HART) for all the time and effort they gave to this legislation which I introduced with the Senator from Massachusetts (Mr. BROOKE) to preserve the art of scrimshaw. I am particularly grateful to the staff members of the committee for the enormous amount of work which they put into this bill in refining it to insure that our absolute commitment to end the slaughter of whales was not in any way weakened.

S. 229 which Senator BROOKE and I introduced on January 17 permits the sale and shipment in interstate commerce of finished scrimshaw products. An exemption period of 2 years is granted for interstate sale and shipment at the wholesale level and for a period of 7 years for retail sale and shipment interstate.

This legislation preserves the art of scrimshaw developed by American whalemen during the period when this Nation was struggling to become independent and self-sufficient. It is particularly appropriate as we move toward the celebration of the Bicentennial that we preserve those art forms which reflect our heritage and our culture.

The distinguished author E. Norman Flayderman points out how scrimshaw art products reflect the spirit of an important time in our history:

> American whaling days are gone forever. Although the era can never be relived, the intriguing artifacts that remain are highly significant reminders of a wonderful era of our past that succeed in catching the spirit of a magnificent and departed period.

President Kennedy reflected that scrimshaw "tells us a very important part of our lives—our lives at sea." And it was President Kennedy's own collection of scrimshaw that reminded so many Americans of a courageous period in our history.

The legislation we act on today will allow our hundreds of scrimshaw artists sufficient time to learn their art on new materials. These artists are etching on beef bone and synthetic materials now in an effort to find a readily available material to continue their work. It will allow museums and collectors a chance to obtain scrimshaw products that are available in States other than their own prior to returning to the time when only sales within State borders will be allowed.

Two very important sections of this bill assure that this Nation's commitment to stop the killing of whales is in no way jeopardized or weakened. Any person seeking an exception must establish the whale's teeth or bone were taken legally. And the legislation sets up a special task force to insure compliance with these restrictions and end the smuggling of whale's teeth that continues even today.

We owe a special debt of gratitude to the environmental and animal protection groups, particularly representatives of the Fund for Animals who gave us so much of their time and their valuable suggestions to insure that this legislation did not weaken the Endangered Species Act of 1973 and who helped us strengthen the provisions to enforce compliance with the law to end activity in illegally taken teeth and whale bone. Without their help we would have been unable to develop the legislation we act on today reflecting both our commitment to end the killing of whales and our commitment to preserve scrimshaw as an American art form.

Any legislation which amends the Endangered Species Act, a law universally recognized as the strongest and most effective legislation in protecting animals threatened with extinction, must be very carefully and thoughtfully drawn to assure that the Congress' commitment to protecting endangered animals is not weakened. The amendment we consider today has been under consideration for 10 months, has been the subject of public hearings in the House, and has had the valuable input of the environmental and animal protection groups. And after all of that study and the enormous amount of work by the Commerce Committee and its staff, we were able to achieve an amendment which reaffirmed and strengthened the resolve of the Congress to protect the whales. For these reasons, I will oppose any amendment to this legislation to provide for other exceptions which have neither been studied nor considered and on which those most expert in protecting our endangered animals have had no opportunity to comment.

Again, I want to thank Senator PHILIP A. HART, the Environment Subcommittee and the Commerce Committee for their report on this bill which means so much to the scrimshawers along our coasts.

Mr. MOSS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

On page 4, strike line 18 and insert in lieu thereof "shaw products for personal use by the purchasers thereof, if such products were held lawfully within the United States on December 21, 1972."

On page 4, between lines 21 and 22, insert "As used in this paragraph, the term "lawfully" refers to the laws of the United States and to laws of the several states and political subdivisions thereof."

On page 5, line 20, immediately following "extent", insert "reasonably".

Mr. MOSS. Mr. President, I ask unanimous consent that the amendments be considered en bloc. They occur in three places and, basically, in the same package.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the amendment is a minor conforming amendment which I have discussed with the Senator from Alaska and which I understand presents him with no problems.

The amendment insures that with respect to exemptions granted for the sale and movement in commerce of finished scrimshaw products for personal use, that the person wishing to sell those products must also demonstrate that they have been legally taken. This is an inadvertent omission from the bill and conforms it with the criteria for the exemption for wholesale movement or sale of finished scrimshaw products.

The insertions are simply to show that the scrimshaw was legally taken, legally acquired, and that the person, therefore, had a right to carry it in interstate commerce or dispose of it.

Does the Senator from Alaska understand that is the purpose of the amendment?

Mr. STEVENS. I am happy to state to my friend, the Senator from Utah, that this amendment is a clarifying amendment that we have examined, Mr. President, and it is acceptable.

I think it does clarify the intent and purpose of the bill as it was originally introduced and reported from our committee.

Mr. MOSS. I am happy to yield back the remainder of my time. Does the Senator yield back any time on this amendment?

Mr. STEVENS. On this amendment, yes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STEVENS. Mr. President, yielding myself whatever time I need, this bill is a needed bill, and I do believe that it does clarify a problem with regard to the scrimshaw-type products

I have introduced, and there is before the Senate, my amendment No. 338, which deals with a similar type problem. In all candor, we did not hold hearings on S. 229 because we felt that there was really no necessity to do so in view of the fact it was very limited, and an exemption with a purpose that no one had any objection to accomplishing.

My amendment deals with a similar type of situation with regard to any person who holds any fish or wildlife as a trophy if that trophy was taken before the effective date of the Endangered Species Act, and the Marine Mammal Protective Act of 1972 amendment.

I find I do not believe there is any opposition to clarifying this problem for these people, because they have taken their trophies at a time when it was lawful to take them, and they were sort of caught in midstream, so to speak, with items that were either taken abroad or taken within this country, and they were not presented to the taxidermist, which is also a form of art, I am sure the Senator from Utah will agree, and yet they have not been able to preserve their trophies on a permanent basis.

As one who supported both of these acts, the Marine Mammal Act and the Endangered Species Act, I felt it was not our intention to make it retroactive, but to protect the mammals and endangered species that were still alive, and that we recognized prior to it that under the act a person could have lawfully taken some of the species that are now protected.

I had intended to offer this amendment at this time and, Mr. President, I ask that the amendment be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. I do not intend to offer the amendment at this time because we have now ascertained that there are two dates that are operable as far as this amendment is concerned, one being the lawful acquisition of such a trophy prior to the date of the Endangered Species Act. Under the regulation that was then in force, there still could have been some of these species brought into this country under certain circumstances.

After the date of the amendment, the importation of some of those animals that were lawfully taken was still made unlawful by the new act.

It really, Mr. President, does not cover many people and it is a difficult thing to even hold hearings on this type of thing. Primarily, it applies to those people who are able to take a safari, able to go into our neighboring country of Mexico and participate in a hunt. After the lawful and successful conclusion of that hunt, they found they could not bring their trophies back into the United States, because of passage of the act and its retroactive interpretation.

However, I have discussed this matter with my good friend from Utah. Even though at the time this bill was reported from our full committee, on my motion I might add, I thought that we had an understanding that this amendment to protect these few people would be in order, because of the technicalities involved, and in discussing an amendment to make certain we are not reopening a door that we all intended to close, and at the same time in order that we might frame an amendment to these two laws to make certain this limited number of people is not discriminated against in terms of intent of the Congress at the time those two acts were passed, I have asked the Senator from Utah and understand our committee is prepared to hold a hearing on the subject and determine exactly what language would be appropriate in order to grant this very limited exemption to these people.

As I said, I feel they were caught in midstream, as we did pass the two very significant acts, as far as the future is concerned.

So if my colleague agrees, and I understand he does, that we will hold hearings on the amendment which I shall introduce in the form of a bill, and I do not intend to offer it today at this point——

Mr. MOSS. Will the Senator yield?

Mr. STEVENS. I am happy to.

Mr. MOSS. I would like to confirm what the Senator has said, that this matter has not been subject to hearings. This bill simply went through a 30-day comment period and no formal hearings were held. But I assure the Senator from Alaska that our committee will hold hearings early this year on the matter that he now has suggested in his amendment needs clarification.

I agree that it does need some clarification and we are anxious to hold a hearing so that we can frame the language properly to accomplish the purpose the Senator has indicated. I am happy to give him that assurance from the committee, that the hearings will be scheduled on this subject matter that he intends to introduce a bill shortly and we will dispose of this matter because it is of importance, even though it is limited in application to a relatively small number of people.

It is of considerable importance to them, and since we have passed these two acts that impinge on those people, we should clarify fully that we intended it to be prospective and not retroactive to a period of time that would be unfair to them.

Mr. STEVENS. I thank the Senator from Utah.

Mr. President, in the case of species that were legally taken before the enactment of the Marine Mammal Act or the Endangered Species Act—and it has been interpreted that those acts now prohibit the lawful use of the animal which was taken prior to the prohibition set down by those acts—I feel that it is only right and just that we make certain that it is not a retroactive application to prevent the utilization of those animals that were, as I said, lawfully taken.

We had no intention—at least I had no intention—of placing a burden on those who had lawfully conducted themselves before the date of the act, either act, and it seems to me only the sensible course—as we are in the case of the scrimshaw amendment—to recognize that prior lawful conduct should not be penalized through an interpretation of the law that actually imposes a penalty for having possession and trying to utilize an animal that was lawfully taken.

I think that the amendment I have proposed is a reasonable one. It would give 120 days for these people to come forward and to establish on a reasonable basis that they had complied with the law at the time and give the Secretary discretion to administer this limited exemption.

It would also give him a balance of a year after the passage of the amendment I suggest to take care of any people who may not have heard of this new exemption. Sort of an extraordinary discretionary period—which is not unlike the bill before us, it has a 7-year period, as a matter of fact—since there are people, it does take time for them to understand that Congress has changed the interpretation that makes it retroactive.

I feel that it is sort of a technical failure of our original intent.

I understand that this bill does have clearance of the major conservation organizations and I am hopeful that they will realize that what I am trying to do is to also clarify the retroactive application of these two laws and not open the door, so to speak, to any taking of animals that are now on the endangered species list or covered by the Marine Mammal Protection Act.

As I said, on that basis, I do not intend to offer this amendment.

I do support the original bill. As a matter of fact, I believe I cosponsored it, because scrimshaw is an art that is well known.

We have similar forms of art coming out of my State now even under the provisions of the Marine Mammal Act and I think it is something that we should recognize as being a legitimate object of clarifying legislation to pass S. 229.

I might say to my friend from Utah who is managing the bill, to my knowledge, there is no Member of the Senate on my side of the aisle who has objected to the bill. I have no intention to ask for a rollcall vote even if the manager of the bill does not desire one.

So I am happy to endorse this bill and I am very pleased to have the assurance of our Commerce Committee that we will proceed with some dispatch to take care of this limited number of people. I understand less than 100 people would be covered by my amendment. On the other hand, I believe they are entitled to justice, also.

EXHIBIT 1

On page 3, line 14, immediately after "products" insert "and certain fish or wildlife trophies".

On page 4, line 6, strike out "two".

On page 6, line 2, immediately after "paragraph" insert "or paragraph (5)".

On page 6, line 3, strike out "this" and insert "any such".

On page 6, line 6, strike out "this" and insert "any such".

On page 6, between lines 8 and 9, insert the following:

"(5) (A) The Secretary may grant, under such terms and conditions as he may prescribe, exemptions to the prohibition in clause (A) of section 9(a) (1) of this Act to any person holding any fish or wildlife as a trophy, if such fish or wildlife was lawfully held by such person on the date immediately preceding December 28, 1973.

"(B) Any person seeking an exemption under subparagraph (A) of this paragraph shall—

"(i) submit to the Secretary within one hundred and twenty days after the effective date of this paragraph a complete and detailed inventory of all such fish or wildlife held as trophies by such person;

"(ii) apply to the Secretary in writing, in such form or manner as the Secretary may designate, for such exemption; and

(iii) supply the Secretary with such records, reports, and other documents to show that such holdings for which the exemption is being sought were legally acquired in accordance with the requirements of subparagraph (A) of this paragraph.

"(C) The Secretary shall grant an exemption pursuant to this paragraph only for the holdings reported in such inventory required under subparagraph (B) (i) of this paragraph, except that notwithstanding subparagraph (B) (i) of this paragraph, the Secretary may, for good cause shown, extend, on a case-by-case basis, the time for filing such inventory for such period as he may determine to be reasonable, but in no event for a period in excess of the twelve-month period following the date of the enactment of this subparagraph."

On page 6, line 9, strike out "(5)" and insert "(6)".

On page 6, line 15, immediately before the period insert a comma and the following: "and any trophy referred to in paragraph (5)".

On page 6, line 19, immediately after "(4)" insert "or (5)".

On page 6, line 24, immediately after "mammals" insert "and trophies under paragraph (5),".

Mr. BENTSEN. Mr. President, the Scrimshaw Art Preservation Act of 1975 is an important measure that will correct a serious oversight and injustice in the Endangered Species Act of 1973. S. 229 is designed to allow the many individuals who have large quantities of lawfully acquired carved whale bone and teeth to take their products to market. The Congress took a significant step toward meeting its responsibilities to preserve and protect the valuable and irreplaceable resource of marine life when it passed the Marine Mammal Protection Act of 1972. The act prohibited the importation and sale of parts and products of marine mammals in interstate and foreign commerce and clearly established legal protections to prevent the slaughter of such mammals as the whale and the dolphin. Significant in the Marine Mammal Protection Act is a provision that its prohibitions do not apply to marine mammals that were taken before the December 21, 1972, effective date of the act. The Endangered Species Act of 1973 added further protections by preventing the importation and sale of the parts and products of any animals placed on the endangered species list, but without respect to the time at which the animals were taken. The result has been that while products of marine mammals taken before December 21, 1972, were legally transported and sold under the 1972 protection act, dealers in products made from animals subsequetly placed on the endangered species list, are now prevented from selling their products made from legally obtained materials. The whale is one of those animals that now appears on the endangered species list.

The art of scrimshaw, carving in whalebone and teeth, is an ancient and respected art that is threatened by the oversight in the passage of the 1973 Endangered Species Act. The artisans and dealers of scrimshaw possess substantial inventories of legally acquired whalebone and teeth used in their craft, but they are prohibited from marketing the finished products. The Scrimshaw Art Preservation Act of 1975, S. 229, will allow the Secretary of Commerce to grant exemptions for the sale and shipment of scrimshaw and scrimshaw products. This amendment to the Endangered Species Act will alleviate the substantial and unintended financial hardship currently experienced by scrimshaw artisans and dealers. The exemptions would not encourage continued slaughter of the whale, because they would apply only to finished products. S. 229 creates an elaborate reporting procedure that requires the Secretary of Commerce to determine positively that the raw materials were acquired legally before the effective date of the Marine Mammal Protection Act. S. 229 also places a firm time limitation on the extension of the allowed exemptions. Under the bill, the Secretary of Commerce may allow wholesale shipment and sale of finished scrimshaw products for a period of 2 years following passage of the act. The period for retail sale for the personal use of finished scrimshaw is 7 years. These time limitations make it clear that the purpose of this legislation is to allow scrimshaw dealers to move their presently held inventories of these products.

The art of scrimshaw was developed in the early days of our Nation's history by New England whalers who carved figures from and designs in whalebone and teeth to pass the long months at sea away from home. The popularity of scrimshaw grew from a pastime on whaling expeditions as the Nation expanded to the West. Today the art is practiced in the Pacific Northwest, the Southwest, Alaska, and Hawaii. The traditional skills have been adapted to new methods and reflections of the culture and heritage of other regions beyond the original New England nautical motifs.

While other raw materials may be used for the scrimshaw art, most artisans have not had enough time to adapt their skills and methods to other media such as beef bone. As an important craft in the culture of many areas in our country, the art of scrimshaw should be given the opportunity to survive. The bill, S. 229, grants this opportunity.

In view of the cultural importance of this art and the financial hardship created through legislative oversight, I urge my colleagues to vote in favor of the Scrimshaw Art Preservation Act.

Mr. BROOKE. Mr. President, this legislation is designed to allow trade in antique scrimshaw work to continue while assuring that no living whales will face any danger. When the 93d Congress enacted the Endangered Species Act a technical error prohibited interstate commerce in scrimshaw art. Many of our antique dealers were left with old and valuable pieces of scrimshaw art of which they could not dispose. These antiquarians are themselves firm environmentalists who would not for an instant tolerate any contemporary killing of the world's remaining whales; they deserve to be able to carry on their trade in examples of this art form which, under our new laws, is a thing of history.

Both Senator Kennedy and I worked hard for the passage of both the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973. Our commitment to the preservation of the whale is total and unswerving. This legislation admits no possibility of changing or violating the moratorium on whale killing which is in effect, I hope, indefinitely. Neither the Marine Mammal Protection Act nor the Endangered Species Act is in any way weakened or threatened by this proposal. In fact, it simply makes the 1973 act technically consistent with the Marine Mammal Protection Act by permitting the trade of antique scrimshaw pieces. There is no way in which this objective is in conflict with protection of living whales, nor would I tolerate any move which did in fact endanger this, or any other, species.

I trust my colleagues will enact this relief for our antique dealers without delay.

Mr. MOSS. Mr. President, I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

Mr. MOSS. Mr. President, if there are no further amendments, I ask for third reading of the bill.

The **ACTING PRESIDENT** pro tempore. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The **ACTING PRESIDENT** pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 229

An act to amend the Endangered Species Act of 1973 to assure the perpetuation of the art of scrimshaw, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Scrimshaw Art Preservation Act of 1975".

Sec. 2. (a) The Congress finds and declares that—

(1) All forms of art and culture which reflect this Nation's heritage should be preserved, as the United States prepares for its bicentennial year.

(2) Scrimshaw is an art form which was developed during the Nation's early years by New England whalers and others; it has been practiced by skilled American craftsmen and artisans ever since.

(3) The perpetuation of this part of the culture and heritage of the United States is threatened by the prohibition enacted in 1973 against the marketing of whale bone and teeth.

(b) It is the purpose of the Congress in this Act to exempt scrimshaw and scrimshaw products from the prohibitions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

Sec. 3. Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended by (1) redesignating paragraphs "(10)" through "(16)" thereof as paragraphs "(11)" through "(17)" thereof; and (2) by inserting therein the following new paragraph:

"(10) The term 'scrimshaw' means an art from which involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, the bones and teeth of marine mammals of the order Cetacea."

Sec. 4. Section 10(b) of the Endangered Species Act of 1973 (16 U.S.C. 1539(b)) is amended by adding at the end thereof the following two new paragraphs:

"(4)(A) The Secretary of Commerce may exempt persons from the prohibitions contained in subparagraphs (E) and (F) of section 9(a)(1) of this Act—

"(i) with respect to the wholesale movement or sale of finished scrimshaw products, if such products or the raw materials for such products were held lawfully within the United States on December 21, 1972, except that no such exemption shall be granted or remain in effect more than two years after the date of enactment of this provision; and

"(ii) with respect to the retail sale of finished scrimshaw products for personal use by the purchasers thereof, if such products were held lawfully within the United States on December 21, 1972, except that no such exemption shall be granted or remain in effect more than seven years after the date of enactment of this provision. As used in this paragraph, the term 'lawfully' refers to the laws of the united States and to laws of the several States and political subdivisions thereof.

Any such exemption may be granted by such Secretary upon such terms and conditions as he shall prescribe, including, but not limited to, requiring such persons to register inventories; to maintain complete sales records; to permit duly authorized agents of such Secretary to inspect any such inventories and records; and to prepare and submit to such Secretary any reports requested by him.

"(B) Any person who seeks an exemption pursuant to any provision of subparagraph (A) of this paragraph shall—

"(i) submit to such Secretary, within one hundred and twenty days after the date of enactment of this paragraph, a complete and detailed inventory, in such form and manner as such Secretary shall prescribe, of the quantity of bone and teeth of marine mammals of the order Cetacea and of parts of and products from such bone and teeth, which are held or otherwise controlled by such person. The Secretary of Commerce shall grant an exemption pursuant to such subparagraph only for the holdings reported in such inventories;

"(ii) apply to such Secretary for such exemption, in such form and manner and with such submissions as such Secretary shall prescribe; and

"(iii) submit to such Secretary sales records, reports, and other documents and materials, to the extent reasonably necessary to establish that the holdings with respect to which an exemption is sought were acquired in accordance with the subparagraph (A).

"(C) There shall be a rebuttable presumption, in any action brought under this Act for a violation of a provision of section 9(a) of this Act, that no exemption authorized by this paragraph is applicable. Any person who claims the benefit of any exemption granted pursuant to this paragraph shall have the burden of rebutting such presumption in such an action. Regulations promulgated by the Secretary of Commerce with respect to exemptions pursuant to this paragraph shall be effective on the date of final publication, notwithstanding any other provisions of this Act.

"(5) Within one hundred and twenty days after the date of enactment of this paragraph, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of the Treasury shall establish an interagency task force to enforce the provisions of this Act applicable to the bone and teeth of marine mammals of the order Cetacea and parts of and products from such bone and teeth. This task force shall act in addition to, and not in lieu of, existing enforcement activities, and shall concentrate its activities in those regions and areas which are most susceptible to unlawful activity as a result of exemptions granted under paragraph (4) of this subsection. The Secretaries of the Interior, Commerce, and the Treasury shall report jointly to the Congress and the President, within twelve months after the date of enactment of this paragraph, on the extent to which the provisions of this Act have been violated with respect to the bone and teeth of such mammals and with respect to the effectiveness of this task force in preventing such violations.".

The title was amended so as to read:

A bill to amend the Endangered Species Act of 1973 to assure the perpetuation of the art of scrimshaw, and for other purposes.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The **PRESIDING OFFICER**. The first nomination will be stated.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The assistant legislative clerk read the name of John F. Lehman, Jr., of Pennsylvania, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

U.S. COURT OF MILITARY APPEALS

The assistant legislative clerk read the nomination of Albert B. Fletcher, Jr., of Kansas, to be a judge of the U.S. Court of Military Appeals.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the President be immediately notified.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. **MANSFIELD**. Mr.. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. **MANSFIELD**. I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 1:20 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SCHWEIKER).

ORDER OF BUSINESS

Mr. **ROBERT C. BYRD**. Mr. President, what is the pending business before the Senate?

The **PRESIDING OFFICER**. There is no pending business before the Senate.

Mr. **ROBERT C. BYRD**. I thank the Chair.

PETROLEUM PRICE INCREASE LIMITATION ACT OF 1975

Mr. **ROBERT C. BYRD**. Mr. President, for the purpose of making it the pending business only, and with the understanding that no action will be taken thereon today, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 32, S. 621.

The **PRESIDING OFFICER**. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 621) to prohibit for a period of ninety days the lifting of all price controls on domestic oil, and to thereafter require the submission to, and the right of review and disapproval of the Congress of such action within thirty days.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Petroleum Price Increase Limitation Act of 1975".

SEC. 101. FINDINGS AND PURPOSE.—(a) The Congress hereby finds that—

(1) the President's state of the Union message announced his intention to lift all price controls on domestic oil under the authority of exsiting law;

(2) the removal of petroleum price controls would increase the price of crude oil and all petroleum products, including gasoline, home heating oil, and residual fuel oils, substantially, thereby creating major inflationary pressures throughout the economy.

(b) The purpose of this Act is to permit the Congress an opportunity to review and the right to disapprove and, if desirable, the time to develop fair and equitable alternatives to any proposal to remove existing price ceilings or to raise the price of domestic oil.

SEC. 102. LIMITATIONS ON PETROLEUM PRICE INCREASES.—The Emergency Petroleum Allocation Act of 1973 (87 Stat. 627), as amended, is further amended by adding a new section 8, as follows:

"SEC. 8. MAXIMUM PRICE FOR DOMESTIC CRUDE OIL.—(a) Not later than thirty days after the date of enactment of this section, the President shall promulgate and implement an amendment or amendments to the regulation established pursuant to section 4(a) of this Act which shall establish a price or prices (or the manner of determining a price or prices) for all crude oil (including that crude oil otherwise subject to section 4 (e)(2) of this Act) not classified as 'old' oil under regulations in effect on January 31, 1975. The price or prices established by the President pursuant to this section shall be no greater than the price generally prevailing as of January 31, 1975, for the crude oil subject to such amendment or amendments. Such price or prices shall be effective immediately upon their inclusion (or the inclusion of the method for determining such price or prices) in such regulation.

"(b) No exemption of any classification of petroleum, or increase in the price permitted for (1) oil classified as 'old' oil under regulations promulgated pursuant to section 4 of this Act and in effect on January 1, 1975, or (2) any other crude oil subject to the amendment or amendments required by subsection (a) of this section may be established except in accordance with the procedures established in section 104 of the Petroleum Price Increase Limitation Act of 1975.".

SEC. 103. PRICE FLOORS FOR DOMESTIC FUELS.—No tariff, import fee, quota, or other measure that restricts or controls imports of petroleum shall be established or employed for the purpose, or with the effect, of establishing or maintaining a minimum price for any domestically produced fuel or form of energy, except as provided in section 104 of this Act.

SEC. 104. REVIEW BY CONGRESS.—(a) No action covered by the provisions of section 8(b) of the Emergency Petroleum Allocation Act of 1973, as amended by this Act, or section 103 of this Act may be undertaken unless—

(1) such action is specifically authorized by law enacted after the date of enactment of this Act, or

(2) the specific action proposed to be taken is submitted to both Houses of the Congress. Each House then shall have the opportunity to disapprove of such action within thirty days of the receipt of the proposal pursuant to the procedures provided for in sections 906 (a), (b), and (c), 908, 909, 910, 911, 912, and 913 of title 5, United States Code, except that for the purposes of this Act:

(A) the period of congressional review and opportunity for disapproval shall be thirty calendar days rather than sixty calendar days;

(B) any reference in such sections to "reorganization plan" shall be deemed to be a reference to (i) "petroleum pricing action," which for the purposes of this Act shall mean all actions referred to in section 8(b) of the Emergency Petroleum Allocation Act of 1973, as amended by this Act; or (ii) "action to establish a petroleum price floor," which for the purposes of this Act shall mean any action referred to in section 103 of this Act; and

(C) such thirty-day review period shall begin when such action is submitted to the Congress.

(b) If any action covered by the provisions of section 8(b) of the Emergency Petroleum Allocation Act of 1973, as amended by this Act, or of section 103 of this Act is disapproved by either House within the thirty-day review period, no officer or agency of the Federal Government shall have the authority to take any action inconsistent with the provisions of subsection (a) of this section.

(c) Any action required to be submitted to both Houses of the Congress pursuant to this section shall be accompanied by a finding and report, which shall contain the following:

(1) the need for the proposed action;

(2) the prices of imported and domestic petroleum and other fuels and forms of energy that are in fact anticipated to result from the proposed action;

(3) the impact of the proposed action upon domestic production and consumption of petroleum and other fuels and forms of energy;

(4) the impact of the proposed action and of the resulting prices of petroleum and other fuels and forms of energy upon living costs, employment and unemployment, and real incomes; and differential economic impacts among regions, socioeconomic groups, and industrial sectors of the United States; and

(5) the anticipated effects, with respect to the considerations in (3) and (4) of this subsection, of reasonable alternatives to the proposed action.

SEC. 105. EFFECT ON PRESIDENTIAL AUTHORITY.—Nothing in this Act shall be deemed to establish any new authority or to enlarge any existing authority of the President to impose or amend any tariff, fee, or quota on imported petroleum.

Mr. **FANNIN**. Mr. President, I rise in opposition to S. 621. There is absolutely no need for this legislation. If the objective of S. 621 is to prevent the decontrol of old oil, section 123 of S. 622 which was passed by the Senate last Thursday would achieve that precise objective. That same section furthermore rolled back the price of new, released and possibly stripper oil. Thus to argue that the Senate need work its will again is to admit that the Senate needs to pass every bill at least twice. Mr. President, that is precisely what we are being asked to do today.

To further compound the hypocrisy, section 102(b) of S. 621 provides for a 30-day review of proposed administration actions relating to oil price increases. Such review is to follow the pattern of the Reorganization Act procedures. This is in direct contrast to section 123(b) of

S. 622 which provides for a 10-day congressional review, utilizing expedited procedures for review of proposed administration actions to increase oil prices. I ask why, Mr. President, would the distinguished floor manager of the bill feel that it was not necessary to amend S. 622 if he thought a different review procedure was necessary? Mr. President, has he changed his mind since last Thursday?

Mr. President, I believe that S. 621 is not only without merit but it is an imposition on the time of our busy colleagues and therefore totally unnecessary.

Mr. President, I ask unanimous consent that the minority views appearing on pages 26 and 27 of the committee's report on S. 621 appear in the Record at this point.

I hope that my distinguished colleagues will read these brief remarks and reach the conclusion that the most sensible response to S. 621 is to vote against its final passage.

There being no objection, the minority views were ordered to be printed in the Record, as follows:

X. Minority Views of Senators Fannin, Hansen, McClure, and Bartlett

We oppose S. 621 for a multitude of reasons including the following:

1. Contrary to the misleading implications of Section 101(b), the Congress already has an opportunity to review and disapprove proposed Executive Branch decisions regarding oil prices. That opportunity is clearly defined in Section 4(g) (2) of the Emergency Petroleum Allocation Act.

2. We have opposed oil price controls and the inequitable system which now governs price controls.

3. We feel that the continuation of patchwork amendments to the Emergency Petroleum Allocation Act without proper hearings including a comprehensive review of that Act and its administration is irresponsible.

4. There is not even an arguable need for such legislation in light of the President deferring his oil price decontrol decision for sixty days.

Paul J. Fannin.
Clifford P. Hansen.
James A. McClure.
Dewey F. Bartlett.

EXTENSION OF THE COMMODITY FUTURES TRADING ACT

Mr. ROBERT C. BYRD. Mr. President, I understand that Calendar No. 68, House Joint Resolution 335, has been cleared on both sides of the aisle. Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 68.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 335) to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 20, strike the word "and" and insert the words "and 407" in lieu thereof, so to make the joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of law or of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), the Commodity Futures Trading Commission established in section 2(a) of the Commodity Exchange Act, as amended, in its discretion, and without prior notice or hearings:

(a) may grant provisional designation as a contract market to any boards of trade for any commodities traded thereon for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 and under such terms and conditions as the Commission may prescribe: *Provided,* That upon the expiration of any provisional designation of a board of trade as a contract market, such board of trade shall not be designated as a contract market except as provided in section 6 of the Commodity Exchange Act, as amended;

(b) may grant provisional registration as a futures commission merchant, floor broker, associated person, commodity trading adviser, and commodity pool operator to any person for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 (Public Law 93–463) and under such terms and conditions as the Commission may prescribe; and

(c) may defer for such period not in excess of ninety days from the effective date of the Act, the effective dates of sections 204, 205, 210, and 407 of the Commodity Futures Trading Commission Act of 1974 (Public Law 93–463).

Sec. 2. Section 203 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "six months" wherever it appears therein and substituting therefor the phrase "nine months".

Sec. 3. Section 106 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "one year" wherever it appears in the last paragraph thereof (subsection (i) of new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "fifteen months" and by striking the phrase "nine months" in the last paragraph thereof (subsection (i) of the new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "one year".

Sec. 4. Section 404 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "ninety days" wherever it appears therein and substituting therefor the phrase "one hundred and eighty days".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

EVACUATION OF U.S. CITIZENS IN VIETNAM—SENATE JOINT RESOLUTION 72

Mr. ROBERT C. BYRD. Mr. President, I am today introducing a joint resolution authorizing the President to use the Armed Forces of the United States to protect citizens of the United States being evacuated from South Vietnam.

Since the President has requested congressional clarification of his authority to use U.S. Armed Forces in an evacuation of South Vietnam and inasmuch as the President has stated his desire to evacuate South Vietnamese citizens as well as Americans from South Vietnam, I believe that Congress should respond specifically to this issue.

The resolution I am offering would authorize the President to employ U.S. Armed Forces to protect an evacuation of U.S. citizens from South Vietnam and would waive the prohibitions contained in section 30 of the Foreign Assistance Act of 1973 and section 839 of the Department of Defense Appropriations Act of 1975 only to the extent required to effectuate the evacuation of the U.S. citizens from South Vietnam.

The resolution I am introducing would not give the President authority to use U.S. Armed Forces to protect an evacuation of South Vietnamese citizens from South Vietnam and would not allow the expenditure of funds to finance military or paramilitary operations by U.S. Armed Forces for the purpose of evacuating South Vietnamese citizens.

The inherent dangers of attempting to evacuate up to 200,000 South Vietnamese citizens—I have heard various estimates of the numbers involved, from 100,000 up to 1.5 million South Vietnamese citizens—from their country, with the protection of U.S. troops, are too great to risk the possibility of a renewed American military presence in South Vietnam which both the American people and the Congress have spoken clearly to in the past.

There is no doubt in my mind that U.S. citizens in South Vietnam must be evacuated safely. I do not think any American would question the necessity of evacuating U.S. citizens in South Vietnam. That should be done with dispatch and in a manner which would preclude reprisals toward the Americans involved. Such an evacuation should begin immediately—if not already in process. I feel that such evacuation should have been underway already, especially with respect to dependents of U.S. citizens in Vietnam—women and children. But if it is not already under way, it should begin immediately, with only essential American personnel remaining in South Vietnam for the time being. This would assure that a major military effort would not be needed to evacuate women and children who are dependents, if the circumstances should require such an evacuation in the future.

It has generally been assumed by most scholars that among his powers derived from the Constitution and independent of congressional authorization the President has authority to use the armed forces to evacuate U.S. citizens, and to protect them in the course of evacuation, from areas abroad when hostilities put them in peril. E.g., Corwin, "The President—Office and Powers, 1787–1957" (4th ed. 1957), pages 194–204; Berdahl, "War Powers of the Executive in the United

States" (1921), pages 45–53. Numerous incidents have been recited to demonstrate both the fact and the concept. Clark, "Memorandum of the Solicitor of the Department of State, Right to Protect Citizens in Foreign Countries by Landing Forces" (1934). Presidential utterances on the subject are collected in Putney, "Executive Assumption of the War Making Power,'" Nat'l. Univ. L. Rev. 1 (1927). The Supreme Court in dictum has implied that the President's obligation to see to the faithful execution of the laws extends to the use of force abroad to carry out not only the terms of congressional enactments but as well "include(s) the rights, duties and obligations growing out of the Constitution itself, our international relations, and all the protection implied by the nature of the Government under the Constitution." *In re Neagle*, 135 U.S. 1, 64 (1890). And see id., 84–85—dissenting opinion. Similar thoughts inform the opinion and judgment of Justice Nelson on circuit in *Durand* v. *Hollins*, 8 Fed. Cas. 111 (No. 4186) (N.Y. 1860).

While an unconstitutional assumption of power does not with the passage of time become immune from attack, such a settled course of action and assertion of the theory over the years raise a presumption at least that such power exists. An argument could be made that the power to protect U.S. citizens abroad is one derived from the nature of the Government and the responsibilities of sovereignty and that it therefore inheres in the Federal Government, not alone in the executive branch thereof. According to this argument, therefore, the President may be the primary organ of foreign affairs and the office responsible for representation of the voice of the Nation abroad. But the President does not possess sole responsibility for formulation of policy relating to foreign relations. The Constitution gives Congress a role that includes both participation in the determination of what our policy is to be—as in the Senate voice in the choice of ambassadors and the ratification of treaties and Congress power to declare war, to raise and maintain military forces, and to regulate foreign commerce—and oversight responsibilities with regard to the effectuation of that policy. Moreover, no moneys can be expended from the Treasury without authorization by Congress and from the beginning Congress has used its power of the purse to shape policy. Central to this power was Congress determination in connection with the Jay Treaty which called for the payment of funds that ratification of the treaty in accordance with constitutional process did not dispense with the requirement that Congress separately appropriate the funds and that Congress in its discretion might not in fact appropriate funds. In short, the power to protect U.S. citizens abroad is inherent in the national government but not necessarily in the President alone.

Promulgation of the theory requires the disregarding of much expansive dicta in *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304 (1936), but that case has not been well treated by the scholarly community. See Constitution of the United States—Analysis and Interpretation, Senate Document No. 92–82 (1972), pages 434–436.

It could be contended, therefore, that in the absence of congressional enactment the President would have independent constitutional power to use troops to protect U.S. citizens abroad. This power derives from his duties and responsibilities as Chief Executive, as Commander in Chief, as chief law enforcer of the Nation, and as primary organ for acting in international relations. Continuing, it could be noted that Congress in article I, section 8, is authorized to declare war, but this power includes as well the authority to place the Nation on a footing of hostilities of less than total war, of limited war, for example, *Bas* v. *Tingy*, 4 Dall. (4 U.S.) 37 (1800); *Talbot* v. *Seeman*, 1 Cr. (5 U.S.) 1 (1801), as exemplified in the power to grant letter of "marque and reprisal" which is accorded coequal status with the power to declare war. Thus, both Congress and the President have power, it is seen, to cause the Nation to engage in hostilities short of all-out, total war. In such a situation, where are we to look for the mediating power to resolve conflicts in the possible dual exercises of these powers. In article I, section 8, clause 18, Congress is authorized to make all laws that are "necessary and proper" not only to carry into execution the powers previously granted to Congress but as well "all other powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof." This grant is of an affirmative not a negative power. That is, clearly the congressional enactment must forward the power conferred on the other department or officer, it must lend assistance to its effectuation, it must guide it in its execution, it must be positive. The necessary and proper power may not be used to take away power, to forbid the Executive of a responsibility, to impede the fulfillment of an obligation. But just as clearly the power to enact all necessary and proper legislation carries with it authority to shape the execution of the other power, to prescribe rules for its effectuation.

In the context of the present discussion, a congressional enactment probably could not deny the President any power at all to intervene abroad to protect U.S. citizens. The word "probably" is used inasmuch as Congress appropriates the entire funding of the military and its power to tie restrictions to the expenditure of those funds seems settled. Nevertheless, a congressional enactment negativing the President's power would raise serious constitutional questions. On the other hand, an enactment designed to mesh both Presidential and congressional power in line with the formulation of one policy, and that policy set by Congress—the body with the power to raise and maintain armed forces, the power to declare war on lesser hostilities, the power to appropriate or withhold funds —would appear to be consistent with the constitutional scheme, would appear to be a necessary and proper law to carry into execution both the power possessed by Congress and the power possessed by the President. Limitations therefore could be placed upon the manner in which the evacuation of U.S. citizens is to be carried out, the limitations designed not to interfere with a successful evacuation, but rather to forestall the exposure of U.S. forces to unnecessary hostilities and to prevent the development of situations leading to excessive involvement in Indochina in the nature of those from which Congress caused the extrication in 1973. (It should be noted that the President recognized the validity of this exercise of congressional power.) Similarly, bringing this Presidential use of troops in purview of the war powers resolution procedures would seem to be justified.

In short, promulgation of this theory, and legislation which is in accordance with its philosophy, could thus be defended upon a principled constitutional basis.

Hence, it is true that the President does not need statutory authority to use U.S. Armed Forces to protect an evacuation of U.S. citizens from South Vietnam, but has an inherent constitutional power to do so. In view of the fact that section 2(c) of the war powers resolution, under which the President may use his constitutional powers as Commander in Chief, does not deal with the situation we are talking about here, and in view of the fact that section 2(c) of that resolution is in the form of a preamble and does not have the force of law—although it sets out the purpose of the policy of Congress regarding the War Powers Act—I feel it necessary to introduce legislation that will closely delineate the powers of the President under the War Powers Act, to act in a situation such as we may be confronted with in the near future in South Vietnam.

Rather than be dilatory and vague in debating whether the President has the power to use U.S. Armed Forces for the purpose of evacuating U.S. citizens from South Vietnam, Congress should act to assure the President that he may use U.S. troops to evacuate U.S. citizens from South Vietnam.

By doing so, Congress would make it clear that the use of U.S. Armed Forces was not authorized beyond that purpose of evacuating, and protecting during the evacuation, American citizens from South Vietnam, and that the extent of the use of U.S. Armed Forces would be only to effectuate that safe evacuation of U.S. citizens from that country.

The passage of this joint resolution would respond to the President's request for congressional clarification of his authority, and it would assure that the spirit as well as the letter of the war powers resolution was being followed. By prompt action, Congress can set the parameters of the involvement of U.S. Armed Forces, but I believe that a lack of action would leave vague the possible use of U.S. troops in the evacuation of South Vietnamese.

So I send the joint resolution to the desk, and ask that it be printed.

The PRESIDING OFFICER. The joint resolution will be received and printed, and will be appropriately referred.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, I commend the distinguished majority whip, the Senator from West Virginia, on the joint resolution that he has just introduced in the Senate.

It does seem unusual for us to obtain our information from the newspapers or through the media as to the extent of the operation that is contemplated. I would assume that the joint resolution will be referred to the appropriate committee, and that there will be hearings on it. Possibly amendments can be considered, and it would result in a policy decision made by Congress.

Frankly, if the distinguished Senator will permit, I would like to be a cosponsor of the joint resolution that he has just submitted. I think this entire matter of the children—we all have compassion for children, but the number and who they are, whether orphans or children of officials of the South Vietnamese Government—should be thoroughly considered. There appears to be consideration to evacuating—I have the same figure the distinguished Senator mentioned—200,000 South Vietnamese.

Where would they go? Would we put them here in the States or would they be sent to another Southeast Asian country or to some other place? We need to know.

I believe this entire question needs to be given thoughtful consideration, and then Congress should exercise its will.

Again I commend the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the statement by the distinguished Senator from Virginia (Mr. SCOTT), and I appreciate his support of the joint resolution.

Mr. President, I ask unanimous consent that the name of the Senator from Virginia be added as a cosponsor of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF ALBERT B. FLETCHER TO BE CHIEF JUDGE OF THE COURT OF MILITARY APPEALS

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent, on behalf of the Senator from Indiana (Mr. BAYH), that a statement by him in support of the nomination of Albert B. Fletcher be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. BAYH

I support the Senate's action today in confirming the nomination of Mr. Albert B. Fletcher, Jr. of Kansas to be the Chief Judge of the Court of Military Appeals. For some years I have had a special interest in the area of military justice and have in past Congresses introduced legislation to provide for certain reforms in the Uniform Code of Military Justice. The position of Chief Judge of our highest military court is obviously one of great importance to the operations of the entire system. I beileve that it is essential that we appoint lawyers to this bench of the highest qualifications. Because of my interest and concern, I have made inquiries of those who are familiar with Judge Fletcher's work as a state court judge in Kansas for the past 14 years. I am pleased to report to the Senate that his colleagues in the legal community in his state give him uniformly high ratings. By confirming this appointment, I believe that the Senate has greatly strengthened the Court of Military Appeals.

RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 2:45 p.m. today.

The motion was agreed to; and at 2:12 p.m. the Senate took a recess until 2:45 p.m.

The Senate reassembled at 2:45 p.m., when called to order by the Presiding Officer (Mr. FANNIN).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 621.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the remarks by Mr. HATFIELD there be a period for the transaction of routine morning business of not to exceed 30 minutes, Senators being permited to speak not in excess of 5 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF PETROLEUM PRICE INCREASE LIMITATION ACT OF 1975 (S. 621) TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the transaction of routine morning business, the Senate resume consideration of the then unfinished business, S. 621.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 noon tomorrow.

The motion was agreed to; and at 2:46 p.m., the Senate adjourned until tomorrow, Tuesday, April 15, 1975, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 14, 1975:

DEPARTMENT OF STATE

John L. Loughran, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

DEPARTMENT OF JUSTICE

John T. San Agustin, of Guam, to be U.S. marshal for the district of Guam for the term of 4 years vice Juan C. San Agustin, resigned.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

John L. Petersen, of Illinois, to be Administrator of the National Fire Prevention and Control Administration. (New position.)

David A. Lucht, of Ohio, to be Deputy Administrator of the National Fire Prevention and Control Administration. (New position.)

IN THE NAVY

The following-named Naval Reserve officers for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefore as provided by law:

MEDICAL CORPS

Adeeb, Allan J.
Baker, James P.
Brock, Charles L.
Cunningham, John E., Jr.
Dodson, Albertus F.
Finney, Louis A.
Flynn, James M.
Furuya, Clinton M.
Gilson, Benjamin J.
Gonzalez, Francisco M.
Gullatt, Victor R.
Hardeman, Frank, Jr.
Jones, Jimmy E.
Katz, Robert I.
Lapp, Milton C.
Lesko, Clarence
Mapp, Esmund M.
Marinelli, Lawrence, Jr.
McGaughey, James D., III
McManamon, Thomas V.
Medrek, John J.
Ogburn, Benjamin R.
Pyeatte, Jesse E.
Ramsay, Reginald C., Jr.
Snyder, Harry D.
Steuer, Rudolph R., Jr.
Tolchin, Sidney
Youngs, Luther A., III

SUPPLY CORPS

Coughlin, Richard J.
Cutright, Carl R.
Davis, Herbert E., Jr.
Felker, John J.
Fitzpatrick, Julius W.
Fox, Daniel W.
Hudson, Clyde E.
Keyes, Warren R.
Liggett, Hiram S., Jr.
McHugh, William J.
McPherson, Burtis E.
Meilert, John J.
Pogue, Joe H.
Prather, Charles M.
Riddick, Eugene M.
Shahadi, Frederick F.
Stack, Daniel
Vawter, Wallace R., Jr.

CHAPLAIN CORPS

Doyle, Lawrence H.
Goss, Hubert S., Jr.
Landes, Aaron
Martin, James B.
Pearson, Samuel C., Jr.
Rogers, Edwin W.
Sullivan, Edward H.
Thomson, Bruce R.

CIVIL ENGINEER CORPS

Beattie, Robert T.
Bloom, Elias
Curran, Robert A.
Frega, John V.
Melcher, Albert G.
Stoutamore, James B.
Warnick, Robert L.
Witte, David A.

JUDGE ADVOCATE GENERAL'S CORPS

Abel, George G., III
Brewster, Rudi M.
Copeland, Ralph C.
Howard, Jackson B.
Klawitter, George A.
Oddo, Salvatore E.

DENTAL CORPS

Barley, Martin A.
Barnett, Charles B.
Bednar, Edward G.
Bidgood, Omer K.

Boyle, Orville T., Jr.
Brown, John B.
Bryant, Robert E.
Carlson, Harry W., Jr.
Clary, Irl C.
Fischbach, Reynolds J., II
Greenlee, William H.
Hickman, Warren J.
McKay, James R.
Meyer, Gene P.
Molle, William H.
O'Connell, Christopher J., Jr.
O'Shea, Edward J., Jr.
Porter, William J.
Reynolds, John A. S.
Stewart, Billy A.
Stucker, William E.
Tanner, Thomas P.
Thomas, Robert J.
VanZandt, William R.
Wallace, Donald C.

MEDICAL SERVICE CORPS

Pred, Gordon D.

NURSE CORPS

Anderson, Kathryn I.
Best, Mildred E.
Brice, Karolla
Crouch, Madge L.
Dunne, Ellen T.
Foltz, Frances C.
Grushinski, Jeanne E.
Hall, May B.
Santeiu, Betty M.

The following named Naval Reserve officers for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefore as provided by law:

MEDICAL CORPS

Alvarez, Reinaldo G.
Ammons, John C., Jr.
Armstrong, James R.
Bass, George L., Jr.
Borgman, Theodore J. Jr.,
Boring, James H.
Browning, Robert W.
Cavenar, Jesse O., Jr.
Chapman, James H.
Chun, Clyde W.
Cobb, James R.
Creson, Daniel L.
Dinan, John T., Jr.
Earnest, David L., III
Edwards, John P.
Fontanelli, Enio
Frary, Lynn R.
Gleason, Terrence H.
Greer, Mack V.
Grimes, Cecil D., Jr.
Grimes, James A.
Hamilton, William R.
Hinz, William M.
Jackson, William B.
Jones, Wendell E.
Jordan, Robert E.
Kelly, Thaddeus E.
Kerstein, Morris D.
Knowles, Robert C.
Knudson, Robert D.
Leverett, Cary L.
Love, James, T., Jr.
Lutz, Robert D.
Mabie, James E., Jr.
Marlowe, Frank I.
Miner, James M.
Moore, Laurie W.
Oliver, Richard T.
O'Malley, Edward P.
O'Neill, Edward J.
Parisi, Frank
Rabcevich, Anatole
Rankin, Robert A. M.
Reeves, Charles S.
Renfro, Carl E.
Robinson, Gary L.
Rosene, Philip G.
Ryter, Stephen R.
Scaring, William A.
Sutton, Phon D., Jr.
Uznanski, Kenneth M.
VonDoepp, Christian E.
Walker, Robert D., III
Wellish, Carl S.
Zel, Gerald
Zelko, James J.

SUPPLY CORPS

Allan, Ronald C.
Arensmeyer, Haldo J., Jr.
Bender, John H.
Boye, Robert C.
Brustares, James S.
Connell, James J.
Daquin, Frank J., Jr.
Deckert, Warren P.
Denney, Jay R.
Eickhoff, Roger C.
Fischetti, John A.
Garbarini, Anthony P., Jr.
Hammerstrom, Erland D.
Jackson, Robert M.
Krupinski, Stephen R., Jr.
Lamphear, Steven C.
Lieblein, Robert V.
McCann, Charles J., Jr.
McCarty, Richard L.
McCay, Wilton T., Jr.
Moore, Robin H. S.
Moss, Thomas A.
Norby, Karl G.
O'Brien, Joseph E., Jr.
Pagel, Barton L.
Peck, Leo J.
Pinsker, Clive D.
Pizzano, William C.
Price, Jacob M.
Reuscher, Edward J.
Rice, Robert C., Jr.
Russell, Scott C.
Serafini, Attilio, Jr.
Shaw, Robert R.
Sheill, Gordon W.
Stevens, Louis A.
Villella, Conrad L.
Walrod, Donald
Wanko, John
Wilmoth, James P., III

CHAPLAIN CORPS

Canniff, James B.
Hansen, Roger K.
Hunt, John R.
Loesch, Nathan O.
Longnecker, Nelson C.
McConnell, William J.
Moe, Ralph H.
Nycklemoe, Glenn W.
Phillips, Harry H.
Sorenson, Harry C.
Sorrill, Harold W., Jr.
Stough, Richard H.

CIVIL ENGINEER CORPS

Belson, Harold B.
Block, Neil
Bogan, William F.
Collins, Robert W.
Daniels, Joe D.
Davis, John M.
Doctor, Richard P.
Doughty, Edward E.
Gaul, William M.
Gray, Robert W., Jr.
Gutierrez, Rosendo, Jr.
Haley, Charles E.
Helton, Ronald L.
Holm, William D.
Hoskins, Walter S.
Karps, John
Knox, Kenneth B.
MacLaren, Frank H.
Mann, Spencer I.
Mumford, Gerald W.
Ogden, Buckley L.
Powell, David J.
Remular, William F.
Rhodes, Raymond
Rohde, Francis E.
Rude, Arthur H.
Saucier, Raymond B.
Sears, George F.
Smelser, Dale E.
Smith, Jerrold M.
Smith, Theodore A.
Strain, Boyd P., Jr.
Tomlinson, Dempsey M.

JUDGE ADVOCATE GENERAL'S CORPS

Abel, Robert M.
Adams, Jared H.
Adams, Joseph A., Jr.
Allen, John F., III
Belser, Townsend M., Jr.
Birkmeyer, Roy J.
Brant, Kirby E.
Frank, "M" Allan
Frederick, Robert B.
Harris, Vernon A.
Hooper, Ellis C.
Huber, Fred D., Jr.
Jobin, Robert E.
Koletsky, Joseph O.
Lathrop, Mitchell L.
Nobles, Eric A.
O'Connor, Otis L.
Rieder, Richard E.
Spaeth, Karl H.
Whitlock, Robert B.

DENTAL CORPS

Adams, James T.
Anderson, Stanley N., Jr.
Balmforth, John B.
Bjorndahl, Robert W.
Bogert, John A.
Brown, Allen K.
Bush, Richard D.
Dittmer, John C.
Eischen, James J.
Emery, Lee E., Sr.
Ferry, Edward T.
Finagin, William B.
Grage, Walter A.
Graupner, John G.
Harrison, William S.
Herman, Harry A., Jr.
Hill, David H.
Hoover, William G.
Joy, Edwin D., Jr.
Levine, Lowell J.
Martin, Donald W.
Menke, Henry J.
Mitchem, John C.
Sherard, Harold T.
Simpson, Oscar V., Jr.
Sweeney, James M.
Szakaly, John S.

MEDICAL SERVICE CENTER

Brown, Burdeen F.
Carrera, Richard N.
Emerson, George S. G.
Holland, Francis J.
Lindberg, David S.

NURSE CORPS

Bauer, Catherine M.
Buttner, Virginia H.
Hart, Sarah E.
Murphy, Anna T.
Purdy, Claire H.
Quinn, Frances M.

The following-named women Naval Reserve officers for permanent promotion to the grade of captain in the Supply Corps, subject to qualification therefore as provided by law:

Mariam, Ethel
Wirtschafter, Irene N.

Comdr. Neal F. Current, Civil Engineer Corps, U.S. Naval Reserve, for transfer to and appointment in the line of the Naval Reserve in the permanent grade of commander, subject to qualification therefore as provided by law.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 14, 1975:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

John F. Lehman, Jr., of Pennsylvania, to be Deputy Director of the United States Arms Control and Disarmament Agency.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

U.S. COURT OF MILITARY APPEALS

Albert B. Fletcher, Jr., of Kansas, to be a judge of the U.S. Court of Military Appeals for the remainder of the term expiring May 1, 1986.

EXTENSIONS OF REMARKS

IT IS FINISHED

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. MOFFETT. Mr. Speaker, for weeks now we have witnessed the rapid deterioration of the political situation for the governments in South Vietnam and Cambodia. Simultaneously, we see an analogous development here at home: The President and his spokesmen hasten the deterioration of cooperation between the executive and legislative branches, as the administration's foreign policy drifts dangerously apart from American public opinion.

Lately President Ford has been telling the American people and the Congress that he is "drawing the line" against additional wasteful Federal spending. Yet simultaneously, he asks us to provide more assistance to a military aid program that has resulted in about a billion dollars in military equipment paid for by American taxpayers—left in the Vietnamese dust. The Khmer Rouge in Cambodia too have gained strength as they secure abandoned American guns and military hardware.

The President's credibility on the issue of wasteful Federal spending has worn thin indeed when he proposes such ridiculous and wasteful expenditures.

The administration's insistence on following an obviously disastrous course is based largely on the stubbornness of policymakers such as Secretary of State Kissinger, an architect of increased American involvement in Cambodia in 1970.

What we see today is the culmination of years of misguided and unrealistic policies and strategies. An April 3 column by Anthony Lewis in the New York Times provides a vivid description of the roots of our involvement in Cambodia and the results, in terms of human suffering and misery, of the incalcitrance of recent U.S. foreign policymakers. For those of us who have protested against this war and who now vote against any further arms to fuel it, Mr. Lewis' writings have been a great inspiration:

IT IS FINISHED

(By Anthony Lewis)

"I can only tell you my emotional reaction, getting into that county. If I could have found the military or State Department leader who has been the architect of this policy, my instinct would be to string him up. . . . What they have done to the country is greater evil than we have done to any country in the world"—Representative PAUL MCCLOSKEY, testifying after his recent visit to Cambodia.

BOSTON, April 2.—The images from Indochina assail us with their misery and horror. The ones from Phnom Penh are in a way the hardest to bear: Those children are starving because of an American blunder—recent, utterly avoidable and prolonged in the teeth of reason.

The American intervention in Vietnam may be explained in terms of the assumptions of another era. For Cambodia there is no excuse. It was wanton cruelty, reckless and useless.

Unlike Vietnam, it is relatively easy to trace the American involvement in Cambodia. The crucial decisions were made in 1970 by Richard Nixon, with the advice and support of Henry Kissinger. They led inexorably, predictably, to tragedy—death and destruction for Cambodia, moral and political disaster for the United States.

Until 1970 Prince Sihanouk had kept Cambodia relatively peaceful by an intricate neutralist game. He turned a blind eye to Vietnamese Communist use of his eastern provinces, then to American bombing of those areas. His policy was untidy, but it worked.

The idea of invading Cambodia had occasionally come up in the Pentagon, but it was never taken seriously. At one meeting in the 1960's the chairman of the Joint Chiefs, Gen. Earle Wheeler, said: "Why the hell does Westy [Gen. William Westmoreland, U.S. Commander in Vietnam] need more battlefields to fight on?"

Then, in March 1970, Lon Nol took over in a coup. He abandoned neutralism, announcing that he would attack the Vietnamese Communist forces, and there was a slaughter of Vietnamese civilian residents around Phnom Penh. Not surprisingly, the North Vietnamese began moving on Lon Nol's weak army.

In this situation Mr. Nixon and Mr. Kissinger revived the old idea of an American invasion. They overrode doubts within the Administration, from, among others, Secretary of Defense Laird and Secretary of State Rogers. Mr. Kissinger accused one doubter of showing the cowardice of the Eastern Establishment."

Five members of Mr. Kissinger's own staff warned that a Cambodian operation would enlarge the war without benefit to the U.S. Three resigned: Anthony Lake, Roger Morris, William Watts. They went quietly because, as Mr. Lake explained recently, "We were very concerned about damaging Kissinger. Then they put a tap on my telephone, which shows how much they were impressed by our scruples."

Mr. Nixon told the world it would be only a brief and limited "incursion," to clean out the Communist areas. Mr. Kissinger said the same thing to the White House staff. William Safire's book, "Before the Fall," describes a meeting at which the staff was given a National Security paper saying, "This is not a long-term 'quicksand' operation that would lead to a new 'Vietnam situation' in Cambodia."

But it did. Mr. Nixon and Mr. Kissinger, having said they would not intervene on Lon Nol's behalf in the Cambodian dispute, soon did just that. Before long B-52's were bombing all of Cambodia. In five years, the United States sent $2 billion in aid to Lon Nol.

The results were exactly as the dissenters on the Kissinger staff had predicted: a wider war, increasing Cambodian opposition to Lon Nol, destruction of the countryside, finally a Communist instead of a neutralist Cambodia.

The end has been inevitable for a long time, but the Administration preferred to have the Cambodians go on starving and dying rather than admit the bankruptcy of its policy. It kept the war going with the tattered argument that more military aid would somehow lead to peace.

Now that Lon Nol has left, the United States could still help toward a humane transition. Most important, we should offer to continue our flights of food and medicine whoever rules in Phnom Penh, and ask Sihanouk's cooperation. We should do that for our sake as well as the desperate Cambodians. But there can be no easy expiation for one of the most terrible episodes in the history of American foreign policy.

What Richard Nixon and Henry Kissinger did cannot be undone or forgotten. All we can do is try to make certain that American leaders are never again able to make such decisions on their own, in secret, against advice—and then persist for years in a futile and destructive policy.

Mr. Speaker, I would like to take this opportunity to remind my colleagues that this month marks the 60th anniversary of the height of the genocide against the Armenian people. In 1915, as a "final solution" to the "Armenian problem," the Ottoman Empire uprooted and then exterminated millions of Armenians. This precedent was used by Adolph Hitler to justify his own extermination programs.

I believe all Americans should take note of and remember these tragic events. I sincerely hope that the memory of this terrible genocide will serve to prevent the reoccurrence of other future brutalities.

IRS GUIDELINES ON NEW TAX CREDIT FOR HOME PURCHASE

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 10, 1975

Mr. EVANS of Indiana. Mr. Speaker, in the last week, my office has been deluged with telephone calls and letters from constituents who are interested in that portion of the Tax Reduction Act of 1975 dealing with the tax credit for the purchase of a new home.

I am inserting below for the information of my constituents and colleagues the guidelines which were released today by the Internal Revenue Service on the tax credit provisions of the new law:

IRS GUIDELINES ON NEW TAX CREDIT FOR HOME PURCHASE

Guidelines for claiming the credit for purchase of a new principal residence under the Tax Reduction Act of 1975 were announced today by the Internal Revenue Service. Taxpayers may rely upon the guidelines pending issuance of regulations.

Section 208 of the Act, new Internal Revenue Code section 44, provides a Federal income tax credit of 5 percent of the taxpayer's adjusted basis with respect to a new principal residence purchased or constructed by the taxpayer, if it is constructed, acquired, and occupied within specified periods. The maximum credit is $2,000 ($1,000 in the case of a married taxpayer filing a separate return, and the credit may not exceed the amount of the taxpayer's tax liability.

To qualify for the credit the following conditions must be met:

(1) The residence must be a new principal residence,

(2) The construction must have begun before March 26, 1975,

(3) The residence must be acquired and occupied as a principal residence after March 12, 1975 and before January 1, 1977,

(4) Except in the case of self-construction, a binding contract for the purchase of the residence must be entered into before January 1, 1976, and

(5) Except in the case of self-construction, the buyer must attach to his return a certification by the seller that the purchase price is the lowest price at which the residence was ever offered for sale.

The property purchased must be a new principal residence of the taxpayer, the original use of which commences with the taxpayer. The term "principal residence" refers to the place where the taxpayer lives most of the year and has the same meaning as under section 1034 of the Code. The term "residence" includes a single family structure, a residential unit in a condominium or cooperative housing project, the taxpayer's portion of a duplex or a row house, and a mobile home. The residence must be new. A renovated building does not qualify as new for this purpose, regardless of the extent of the renovation. The "original use" of the new principal residence by the taxpayer means that such residence has never been lived in prior to acquisition by the taxpayer. For these purposes, a residence will be treated as never having been lived in prior to acquisition if the first occupancy was by the taxpayer pursuant to a lease arrangement pending settlement under a binding contract to purchase or pursuant to a lease arrangement where a written option to purchase was contained in the original lease agreement.

The credit applies only to a new principal residence the construction of which began before March 26, 1975. For this purpose, construction is considered to commence when actual physical work of a significant amount has occurred at the building site. A significant amount of construction requires more than drilling to determine soil conditions, preparation of an architect's sketches, securing of a building permit, or grading the land. However, digging of the footings, excavation of the building site, or similar work constitute a significant amount of construction.

Construction of a mobile home or a factory-built house is considered to commence when construction of important parts of the mobile home or factory-built house commenced. Construction or assembly of a minor portion of the components of the mobile home or factory-built house does not constitute commencement of construction.

The credit applies only to property acquired and occupied as a principal residence by the taxpayer after March 12, 1975, and before January 1, 1977. However, where the residence is acquired by purchase rather than self-construction, it must also have been acquired by the taxpayer under a binding contract entered into before January 1, 1976. For these purposes, a taxpayer has "acquired" a residence when legal title to it is conveyed to him at settlement, or he has possession of it pursuant to a binding purchase contract under which he makes periodic payments until he becomes entitled under the contract to demand conveyance of title. The credit may not be claimed until both the acquisition and occupancy tests have been satisfied. Thus, where a taxpayer meets the acquisition test set forth above after March 2, 1975, and occupies the property as a new principal residence before January 1, 1976, the credit is allowed on the taxpayer's 1975 tax return. Thus, a taxpayer may be entitled to the credit with respect to a residence where a purchase contract was entered into prior to March 13, 1975, so long as settlement and occupancy occur after March 12, 1975.

Taxpayers claiming the credit should attach new IRS Form 5405 to their tax returns on which the credit is claimed. An announcement will be made when the form is available. Except in the case of self-construction, taxpayers must also attach a certification by the seller that the purchase price is the lowest price at which the residence was ever offered for sale.

The following form of the certification statement will be accepted:

I certify that the construction of the residence at [specify address] was begun before March 26, 1975, and that this residence has never been offered for sale in a listing, a written private offer, or an offer by means of advertisement at a lower purchase price than [state price], the price at which I sold the residence to [state name, present address, and social security number of purchaser] by contract dated [give date].

[Date, seller's signature and taxpayer identification number.]

An offer to sell is limited to a listing, a written private offer or an offer by means of advertisement to sell a specified residence at a specified purchase price.

In determining whether a residence was sold at the lowest purchase price ever offered, appropriate adjustment shall be made for differences in financing terms and closing costs which increase the sellers actual net proceeds and the purchasers actual cost. Where the sale to the taxpayer includes property which was not the subject of the prior offer or excludes property which was included in the prior offer, the amount of the prior offer shall be adjusted to reflect the fair market value of such property, provided that the taxpayer had the option to require inclusion or exclusion of such property included in the sale. The fair market value of any excluded property is to be determined at the time of the prior offer, while all additions are to be valued at their fair market value on the date of execution of the contract of sale.

The adjusted basis of the new principal residence on which the credit is computed includes all amounts which are attributable to the acquisition or construction of the taxpayer's new principal residence, but only to the extent that such amounts constitute capital expenditures and are not allowable as deductions in computing taxable income. The adjusted basis is reduced by any gain from the sale of an old principal residence, which is not recognized due to the application of section 1033 or section 1034. Thus, if a taxpayer sells an old principal residence for $30,000 which has an adjusted basis of $20,000 and reinvests the proceeds by purchasing a new principal residence for $40,000 (including settlement costs which are capital in nature) and this purchase satisfies the statutory criteria under section 1034 for nonrecognition of gain, then the credit would apply with respect to $30,000 of the cost of the new principal residence. The credit allowable under this section does not in any way affect the taxpayer's basis in his new principal residence.

The Tax Reduction Act also increased the replacement periods provided in section 1034 from 1 year to 18 months in the case of purchase and from 18 months to 2 years in the case of self-construction. This provision applies to old residences sold or exchanged after December 31, 1974.

Where self-construction of a principal residence was begun before March 13, 1975, only that portion of the basis of the property allocable to construction after March 12, 1975, and before January 1, 1977, shall be taken into consideration in determining the amount of the credit allowable. Thus, if prior to March 13, 1975, a taxpayer who qualifies for the credit has constructed a portion of a residence at a cost of $10,000 and the total cost of the residence is $40,000, $30,000 will be subject to the credit.

Where a new principal residence is purchased by more than one taxpayer other than a husband and wife, the amount of the credit allowed will be allocated among the taxpayers in proportion to their respective ownership interests in such residence, with the limitation that the sum of the credits allowed to all such taxpayers shall not exceed $2,000. For this purpose, joint tenants with right of survivorship are treated as equal owners.

The credit is allowed with respect to only one residence of the taxpayer. In addition, the credit is not available for purchases from certain persons related to the taxpayer. Such related persons include the taxpayer's spouse, ancestors and lineal descendants and certain related corporations, partnerships and trusts described in section 267 and 707(b) of the Code.

The Act also provides for recapture in the event of a sale or other disposition of the residence within a 36-month period with exceptions for reinvestment in a new principal residence and for certain involuntary dispositions.

Civil penalties and criminal fines and imprisonment could result from false certification by a seller. If it is found that the price for which the residence was sold is not in fact the lowest price for which the residence was ever offered for sale, then the statute provides that a seller who certified that it was, is liable to the purchaser for damages in an amount equal to three times the excess over the lowest purchase price plus reasonable attorney's fees. No income tax deduction is allowed to the seller for two-thirds of any damages paid or incurred pursuant to a judgment entered against him in a suit brought by a purchaser on this issue. An individual who falsely certifies is liable for criminal penalties such as those under section 1001 of Title 18 of the United States Code.

In the absence of the taxpayer's participation in, or knowledge of, a false certification by the seller, the credit is not denied to a taxpayer who otherwise qualifies for the credit solely because the seller has falsely certified that the new principal residence was sold at the lowest price at which the residence was ever offered for sale.

THE ELECTRIC SCANDALS OF '75

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, April 14, 1975

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the Extension of Remarks an excellent article regarding electric utilities, which appeared in the March 1975 issue of the Progressive. Entitled "The Electric Scandals of '75," it is written by Ed Meyers, staff director of the District of Columbia City Council's Committee on Finance and Revenue, and John Musial, director of special studies at the Wayne State University Center for Energy Studies.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ELECTRIC SCANDALS OF '75

(By Ed Meyers and John Musial)

Americas private electric power companies have long been getting away with some enormously profitable and discriminatory abuses of the average ratepayers. These abuses have escaped public attention because most of the people trust the so-called regulated utilities that supply them with their heat, light, and power, and few understand the economic and technical mazes of the electrical world. Those who do understand usually lack the money or influence needed to put up a good fight.

Since millions of citizens have become accustomed to corruption as part of the American fabric, it is hard to shock anyone with new scandals, but try these:

Scandal One: If you live in a major American city, chances are you either are now, or soon will be, paying close to double what you should be paying for your electric current.

In recent years, particularly since the mid-1960s, electricity rates have been skyrocketing. The end is nowhere in sight, as electric companies across the land have filed requests for even higher rates with the state public utility commissions charged with watching over these firms. Some of the rate applications involve increases of 20 per cent, 30 per cent, or more. As soon as they win approval of these increases, the companies file applications for more.

These increases are triggered, in large measure, by huge increases in the demand for electricity—most of which come from the insatiable suburbs. The heavy suburban demand requires the construction of new generating plants, which are more complex and costly than ever before.

The populations of our big cities have remained stable or have been declining. For example, Cleveland lost 125,000 people in the 1960s, Pittsburgh 84,000, and Detroit 159,000, while their suburbs gained several hundred thousand. Now, the average city resident consumes much less electric power than the average suburban resident; for example, 274 units a month for the average San Francisco customer, compared to 531 for the average customer in the metropolitan Bay Area.

Residents of big cities do not need most of the new generating plants. The existing plants, plus a few minor additions in some cases, would be sufficient to supply electricity to city residents and businesses for decades to come. But city residents are in "service areas" which are drawn by the utilities to include the fast growing suburbs, so that city people and firms must pay for the costs of new plants, which they do not need, through ever larger monthly electric bills.

This is, at least, a billion dollar annual subsidy from city people to those fun-loving suburbanites.

Scandal Two: Have you ever noticed that the new nuclear power plants take much longer to construct and cost much more than anticipated, and that once they are built, they seldom reach their promised level of efficiency? A $110 million nuclear plant in the Detroit Edison empire was actually abandoned for a while because it could not produce electricity efficiently enough to justify its operating costs. The new nuclear plants have been producing electricity at per-unit costs which are 50 to 100 per cent higher than those of conventional fossil fuel and hydro plants already in operation. Such economic disasters surely must cut into corporate profits. Right?

Wrong. Nuclear plants are the electrical industry's biggest bonanza. Under the industry's cost-plus system, the costs to construct nuclear plants are baked in to the company's "rate base," or the assets of the company upon which a "fair rate-of-return" (usually from 7 to 10 per cent) is computed. The more costly the nuclear plants the industry builds, the greater will be corporate profits, in absolute dollar amounts.

Scandal Three: Most consumers have the impression that they are protected from rate inequities because electric companies must argue their cases, in a quasi-judicial process, before a public utilities commission. The sad fact is that the deck is hopelessly stacked against the ratepaying public. The electric companies pour a quarter-million dollars or more into a rate case, and these expenditures are charged off as legitimate operating expenses. In other words, the ratepayers must pay, in their monthly bills, for the utilities' costs of shoving rate increases down the ratepayers' throats. Consumers also pay for power company advertising aimed at convincing ratepayers that rate increases are good for them.

So on the one side at the rate hearing is the company, with several hundred pages of testimony, exhibits and computer printouts, along with the best attorneys, rate engineers, and consultants money can buy. On the other side, representing the beleaguered ratepayer is—usually—no one at all.

The lowly ratepayers simply cannot compete in such a situation. Though the ratepayers must pay for the electric company's attorneys and consultants in their monthly electric bills, they must also spend several thousand dollars out of their own pockets to hire an attorney and an expert witness to fight the rate increase. And for every expert witness the consumer can find, the electric company can find a half-dozen $500-a-day graduates of prestigious universities, who have been qualified and respected rate engineers for decades longer than the consumer's witness. Hence it is no wonder that most rate increase requests go virtually uncontested.

Scandal Four: If you are unfortunate enough to be just a human being, and not a huge manufacturing firm with windows instead of eyes and bricks instead of bones, you must pay the price for your inferior eugenics. In 1972, the average price per kilowatt-hour paid by residential customers, nationwide, was 2.42 cents. However, the average price paid by industrial customers was just 1.16 cents per kwh.

Industrial users buy about 35 per cent of the electricity produced, yet they pay only 23 per cent of the total bill. The boards of directors of America's private utilities are composed of leaders from all the major industrial sectors. One result of the interlocking directorates is a pro-business electricity rate.

In New Hampshire, the Granite State Electric Company charges residents an average of 2.92 cents per kwh and charges industry an average of 2.30, a relatively tolerable difference. Another exception, Kingsport Power in Tennessee, charges residents an average of 1.30 cents per kwh and charges industry 1.01. However, Potomac Edison of Maryland charges residents an average of 2.08 cents kwh, but asks only 0.82 cents from industry; several others are equally discriminatory. Perhaps promotional rates for industry were justified in the days of excess electrical generating capacity, but we will never see those days again.

Scandal Five: If you are in a low or moderate income bracket, the chances are that you are paying about 50 per cent more than the affluent pay for every unit of electricity.

Electricity rates are structured so that the more electricity he uses a month, the less the consumer pays per unit. For example, below are the electricity rates (including adjustments for fuel cost increases (paid by San Francisco Bay Area residents to the Pacific Gas and Electric Co. (PG&E):

Customer Charge—$0.50.
First 50 kwh—0.0438 per kwh.
Next 50 kwh—0.0338 per kwh.
Next 100 kwh—0.0218 per kwh.
Next 100 kwh—0.0198 per kwh.
Next 700 kwh—0.0188 per kwh.
Over 1,000 kwh—0.0168 per kwh.

The customer charge of fifty cents helps pay for costs of meter-reading and billing; it purchases no electricity. Apply the power company's rate structure to another field, the retail sale of gasoline. A driver might face the following "price schedule" when he pulls into a gas station:

First 5 gallons—70.9 cents ea.
Next 5 gallons—55.9 cents ea.
Next 5 gallons—40.9 cents ea.
All subsequent gallons—30.9 cents ea.

Under such a schedule, the "high volume user" is rewarded through quantity discounts, and he benefits from a lower per-unit charge, on the average, than does the driver of a compact car with a smaller gas tank. Just as this declining price schedule for gasoline clearly discriminates against the small car owner, who may not have the financial ability or the desire to buy a luxury car, the electricity rate structure discriminates against the low-volume electricity consumer.

Our studies indicate that the average inner-city family uses about 200 to 250 kwh per month. The average family (all locations) uses on the order of 500 kwh a month, while many of the more affluent use 1200 kwh or more. We have made some correlation analyses (covering both West Coast and East Coast electricity consumers) and they disclose an extremely close relationship between a family's income and its consumption of electricity.

This stands to reason. If you have a lot of money, you probably keep your air conditioner going much of the time, you probably have a large home to heat and light, and you probably buy the latest energy-guzzling appliances: frost-free refrigerators, deep freezes, self-cleaning ovens, color television, and so on. If you are poor, you may have to do without them.

Under the PG&E rate schedule, a rather typical schedule for electric utilities around the nation, a family using 200 kwh a month pays an average of 3.3 cents for each kwh. But a family using 1200 kwh a month pays, on the average, just 2.1 cents for each kwh.

There is no difference at all between the kwh used by the rich person and the one used by the poor person. Each kwh looks, acts, tastes, smells, and feels just like any other kwh. But the rich person pays less than two-thirds, on the average, of what the poor person pays for each kwh. This amounts to a multi-billion dollar subsidy to the affluent from the low-income group, a huge bonus to the large homeowner from the apartment dweller, and a bonanza to the bond coupon-clippers from the Social Security recipients. It is also a major subsidy to the white race from blacks and other minorities.

Scandal Six: The lower prices for heavy use of electricity are termed "quantity discounts" or "promotional rates" in the electric industry—at least they used to be called that when promoting the use of electricity was socially permissible, before the energy crisis made the headlines.

The public has become conscious of the air pollution caused by power companies. Detroit Edison contributes 75.3 per cent of the total of highly toxic sulfur dioxides which pollute the Wayne County atmosphere each year and 26.4 per cent of the total particulates. Some of this pollution would be curtailed through rate reform which discouraged, rather than encouraged, greater use of electricity.

Some concerned citizens have learned that promotional rates, by artificially stimulating demand for electricity, cause more new generating plants to be constructed than would otherwise be the case. In southeastern Michigan, Detroit Edison is in the midst of a $7.5 billion plant expansion program, on top of a base of "only" $2.7 billion. Thus, Edison expects almost to quadruple its plant investment in just one decade to more than $10 billion, a growth rate which should turn General Motors green with envy. In the Portland, Oregon, area, residential customers will have to pay a large share—about 54 per cent—of the Portland General Electric Co.'s $752 million new construction program through ever-increasing electricity bills. Over the years it amounts to $1,167 per residential customer, on the average. If demand were dampened instead of encouraged, fewer new generating plants would be needed, and all ratepayers would gain some rate relief.

So it has not been fashionable, in recent years, openly to promote the use of electricity. In fact, many electric companies have been forced to abandon their huge advertising campaigns, and they now publicly urge their customers to curtail energy consumption.

While the public posture has changed, the use of electricity is promoted as much as ever through the companies' rate schedules. If you stopped a hundred people on the street and asked them what their electricity rate structures looked like, probably not one would know. But people *do* know that electricity is still cheap enough so that their consumption habits need not be altered in any basic way.

In this sense, the entire energy crisis is a scandal of global proportions. Not only have electric power companies continually promoted wasteful depletion of the resources on which they and we depend, but so have the natural gas companies, the oil and auto companies, plastic firms, steel firms, and all corporations which use up irreplaceable natural resources in their production processes. For the sake of capturing a few extra billion dollars, the corporate giants have elicited the aid of Madison Avenue to steal shiploads of resources from other nations and future generations so that these few generations of affluent Americans can grow content, secure, selfish, and lazy in their disposable society.

It is "economic imperialism," but it is also just plain dumb.

Growth is fundamental to the electricity business. The health of the industry depends on getting and keeping more people hooked on the wonders of electricity. A change in American consumption habits would devastate the electricity pushers. Moreover, the more an electric company is able to increase public demand for electricity, the greater is the need for more generating plants. The new plants swell the rate base, and therefore swell the amount of profits granted to the company by the utility commission, based on the magnitude of the rate base.

The solutions to these six scandals pose monstrous political difficulties, given the status of democracy in this country:

Solution to Scandal One: To keep city people from paying for those new power plants required by the growth in suburban demand, the "service areas" should be reduced. In present service areas, which include cities, suburbs, and fringe areas, everyone shares in paying for the new plant construction costs. Each major city should comprise its own service area, and not have to pay for suburban-generated costs. Better yet, cities should form public utilities, and sell power themselves at relatively inexpensive rates to their residents.

In an October 1974 complaint filed with the local utilities commission, the Washington, D.C., city government noted that D.C. residents required 57 per cent of the Potomac Electric Power Co.'s system generation capability in 1960, but only 42 per cent now. The D.C.. government alleges an overcharge of $12.9 million in the past year alone to D.C. ratepayers who have had to pay, unfairly, for capacity expansion required to accommodate suburban demand. Almost all big cities could take similar action.

Solution to Scandal Two: If the cost-plus system of computing industry profits were junked, companies would lose their incentive to construct nuclear plants. Investment risks should be shifted to the corporation owners: as the nuclear Edsels roll off the line, let the dividends drop.

Solution to Scandal Three: Rate cases, where hearings are held relative to company rate increase requests, can be fairer if the taxpayers are given funds to defend themselves. First, a ceiling should be placed on total expenditures by all parties in rate cases. Then consumer groups, environmental groups, city, county, and state governments could be allocated funds, at a level that approximates the anticipated power company expenditures in an upcoming rate case, to analyze company rates and growth plans.

Solution to Scandal Four: Let's have no more promotional discount rates for the industrialists. While it is economically justified for residential customers to pay 10 per cent or so more per kwh than do industrial customers, under no circumstances should residents pay two-and-a-half times as much per kwh.

Solutions to Scandals Five and Six: The rational response to the power companies' abuses is an "inverted" rate structure—the *more* electricity you use, the *more* you should have to pay per unit. Prices would be reduced for the small user, and increased for the glutton.

As a minimum reform, rates could be made *uniform:* for example, 2.5 cents for each unit of electricity purchased, regardless of volume. Preferably, the unit price of electricity could increase (instead of decrease) with increased usage, more truly reflecting actual cost conditions.

In attempting to achieve a rate structure reform in Michigan, we took several steps: First, we filed a $90 million lawsuit against Detroit Edison, alleging price discrimination. The lawsuit was thrown out of court on jurisdictional grounds some months later, but it proved a good attention-getter.

We then prepared about 300 pages of testimony against the rate structures for the local public utilities commission, on behalf of Detroit Model City residents. We were supported in this effort by the Consumers Alliance of Michigan, the United Auto Workers, the City of Detroit, and a number of environmental groups. We were also joined by a few carloads of Model City residents at the Michigan utilities commission rate case hearings in Lansing, this probably was the first time in the commission's history that substantial numbers of minorities and women invaded their country club.

Initially, our testimony was stricken by the commission's hearing examiner, who did not consider it to be the work of "qualified rate engineers." We went back into court on the issue of being heard, and the judge advised, but did not order, the Michigan Public Service Commission to hear us. The commissioners later overruled the examiner, stating that "new kinds of experts" were needed.

We later requested, and were granted, a special session on rate design alone. At that session several professors, consumer advocates, and union people joined us in speaking for rate restructuring.

Led by reform-minded Commissioner William Ralls, the Michigan commission reformed Detroit Edison's rate structure somewhat in April 1972. The high-volume consumers received the total burden of the rate increase, and several millions of dollars were, in essence, transferred from affluent to low-income families.

In the next Detroit Edison rate case, Charles Olson, a University of Maryland economist, submitted testimony for Model City residents and the UAW. Olson is a respected name in the field, among utility people and consumers alike. He spoke the commissioners' language, and he was more acceptable than we could ever be. (He even owned some Edison stock.) Because of his testimony, additional data on some base year costs and electric consumption by income group were ordered by the commission.

In January 1974, as a result of Olson's testimony and the additional data which confirmed all our arguments, Ralls and the other commissioners adopted a totally uniform rate structure for residential consumers. Quantity discounts were eliminated for the first time in any major electric power company's rate schedules, though a monthly service charge of $2.10, which purchases no electricity, still retains some of the promotional and discriminatory features of the old rates.

In August 1974, in response to environmentalists' argument, the Wisconsin Public Service Commission ordered a nearly uniform residential electricity rate structure during the summer months for Madison Gas and Electric Co. customers.

We are convinced that any sound testimony encompassing these arguments, and a reference to the precedent set by the Michigan Public Service Commission (case numbers U-3910 and U-4257), submitted by informed consumer groups to a public utility commission, can produce a substantial reform of a local power company's rate structure. The companies' rationalizations for their pollution-generating, growth-inducing, blackout-causing, resource-depleting, price-gouging, poverty-abetting promotional electricity rates cannot withstand a serious and determined attack.

TAX EQUALITY FOR AMATEUR VINTNERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. MINETA. Mr. Speaker, today I have introduced a bill to amend section 5042 of the Internal Revenue Code in order to bring tax equality to the unmarried, widowed, and divorced amateur vintners of our country. This bill simply adds a paragraph to section 5042 to allow persons not the heads of families to produce 100 gallons of wine per year, for personal use and not for sale, without the payment of tax. The law currently allows only the heads of families to produce tax-free wine, an obvious hangover from the era of the prohibition mentality. Justice and equity demand that we end this blatant discrimination against the widows, widowers, divorcees, and single persons who choose to "do-it-themselves" and practice the ageless art of winemaking.

Similar bills have been introduced for years, the last having been incorporated in the ill-fated Tax Reform Act of 1974, after favorable treatment in the Ways and Means Committee. It is time we turned our egalitarian energies toward this matter. This discriminatory provision of the Internal Revenue Code should no longer be a bar to anyone's pursuit of happiness since, as the Bible states: "God made wine to gladden the hearts of men." And who are we mere mortals to try and limit God's beneficence? I respectfully request that my colleagues in the Ways and Means Committee give due consideration to this bill.

The bill follows:

H.R. —

A bill to amend section 5042 of the Internal Revenue Code of 1954 to provide an exemption from tax certain wine produced for personal use

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5042 of the Internal Revenue Code of 1954 (relating to exemption from tax for certain wines) is amended by adding at the end thereof the following:

"(4) WINE FOR PERSONAL USE.—Subject to regulations prescribed by the Secretary or his delegate, any duly registered person 18 years of age or older, who is not the head of a family or is not a member of a family the head of which is duly registered for an exemption under paragraph (2) of this subsection, may, without the payment of tax, produce for personal use and not for sale an amount of wine not exceeding 100 gallons per annum."

SEC. 2. The amendment made by this Act shall apply to taxable years beginning after December 31, 1974.

ENERGY AND THE ENVIRONMENT

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Monday, April 14, 1975

Mr. METCALF. Mr. President, Montana Gov. Thomas L. Judge delivered an address on energy to the Western Governor's Conference in Billings on April 2 which merits the attention of every Member of Congress.

While acknowledging that Montana is part of this Nation, and as such has a responsibility to contribute to solution of our energy problems, the Governor makes a forceful case for protection of the State's precious water, clean air, agricultural land base and life style. He rightfully insists that there is much the Nation can do to conserve energy before it rushes to despoil a large fragile area of the West.

The speech gives a flavor of the passionate commitment of Westerners to their land. I hope my colleagues read and heed the plea for fair treatment.

Mr. President, I ask unanimous consent that this address by Governor Judge be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GOVERNOR THOMAS L. JUDGE TO THE WESTERN GOVERNORS' CONFERENCE ON AGRICULTURE AT THE NORTHERN HOTEL IN BILLINGS, MONTANA, APRIL 1, 1975

When people first crossed into the West, Walter Prescott Webb wrote, they did not immediately realize the imperceptible change that had taken place in their environment, nor, more is the tragedy, did they foresee the full consequences which that change was to bring in their own characters and in their modes of life. . . .

Their plight has been stated in this way: east of the Mississippi civilization stood on three legs—land, water and timber; west of the Mississippi not one but two of these legs were withdrawn—water and timber—and a civilization was left on one leg—land.

Land. We westerners cherish our land. It is the source of our people's livelihoods. It supports the agricultural economies on which so many of our states depend. It grants us seemingly endless space and the freedom to move about as we wish.

Our land has not always and will not always be kind to us. But we can rely upon our land to demand from us our finest intelligence, our most strenuous efforts, our deepest respect.

We in the American West have survived and flourished here. We have made our deserts bloom because we have, at various times in our history, invented new ways of utilizing our resources—new ways of tilling the earth, mining, or employing our limited water supply.

Our people have sought out new ways of doing things because they loved this land and they would not relinquish it.

Today the world is facing two problems—two problems which, while separate in their definitions, are related in their solutions.

Those two problems are of course the energy crisis and the world food shortage. If this nation and the world fail to meet these dual challenges, it could not be considered rhetorical bombast to predict that the four dread horsemen of the Apocalypse would once again visit famine, pestilence, war and death upon the earth. If we fail to meet these challenges, western civilization as we know it may be profoundly altered, and the democratic form of government we have come to revere as man's best hope for self-fulfillment may indeed perish from our midst.

The nation and the world are looking to the western states, to our land, for immediate and longer range solutions to these problems—and not without reason.

Coal is America's most abundant fossil fuel, with recoverable reserves estimated at 1.5 trillion tons representing nearly one third of the known coal in the world. We have enough coal in this country to last us for the next century—even at current growth rates.

Most of the nation's coal, 57 per cent of it or 850 billion tons, is located in the west. Western coal contains lower amounts of sulphur than the coal found on the other side of the Mississippi, and much of it is more cheaply accessible to current mining technologies.

The sixteen western states also account for a significant proportion of the nation's food production. Together we supply nearly four-fifths of the national production of sugar beets and barley; more than half the country's vegetables, fruits and nuts, and sheep; almost half of the wheat and nearly a third of all the cattle.

Well over a third of our total land area is devoted to farms and ranches, which yield $27 billion a year in cash receipts.

Particularly relevant to our discussion of the relationship between energy development and food production in the west is the fact that we have within our borders two-thirds of all the irrigated land in the United States—twice as much as the rest of the country.

Before addressing the question of what role the western states can realistically play in being part of the solution to these two problems, however, I think we would do well to examine for a moment their beginning. In doing so we may find more answers to the dilemmas facing the world—particularly with respect to the energy shortage—than we will on and under the Great Plains of the Western United States.

With only six per cent of the world's population, we in America have been consuming one third of the world's total energy output—and until recently at a cost of a mere 4 per cent of the Gross National Product.

Other industrialized nations have managed to attain standards of living comparable to ours with far lower per capita energy consumption than ours. Switzerland uses one third and West Germany less than one half what the United States does.

Why do we use so much? Quite simply, we waste it.

Fifty years ago, oil supplied only 14 per cent of America's energy needs, and substantially less than that in other parts of the world. Even as late as 1950, solid fuels accounted for two thirds of our energy consumption.

But by 1970, petroleum and natural gas were feeding 60 per cent of our total consumption.

Utilities, which in 1960 had used oil for 22 per cent of their needs, were by 1970 using it to produce 80 per cent of their entire electrical output—even though 70 per cent of the original fuel is lost in the production of electricity.

We in this country have wasted fuel because we thought that there was no reason to conserve it. While it remained relatively cheap, we gave no heed to the inevitable and unavoidable fact that its supply is limited, and more severely so by our insatiable and uncontrolled appetite for it. At this moment, we are consuming our fossil fuel reserves at roughly 10 million times their natural rate of creation.

The Congressional Joint Committee on Atomic Energy warned in 1973 that if the growth of energy consumption continued at its then present rate—even if Alaskan oil is developed, if our nation's shale oil reserves are tapped, if our coal reserves are stripped from the earth, if domestic natural gas exploration is promoted, if geothermal plants are developed, if hydroelectric power sources are expanded and if nuclear power plants are built as fast as technology allows—if all these plans become reality—by 1985 we still will have only two thirds the energy supply that this nation will require.

During the Arab Oil Embargo the American people were scarred and they responded by starting to conserve energy. After the embargo was lifted we were lulled back to our old ways of wasting energy again. I don't believe the people of this country are aware of the seriousness of this situation—25 billion American dollars are going out of this country to buy Arab Oil, an increase over last year—dollars that are badly needed in the economy of this country. Domestic production of oil and gas is declining. If we matched the performance of the American made gas guzzling automobile to Europe's or Japanese performance 40% of American oil consumption would be eliminated and the need for imports would be wiped out.

Professor Robert Stobaugh, of the Harvard Business School, appropriately calls U.S. gasoline consumption the hemorrhage of the world oil systems.

Instead of an Administration program of massive coal development in the west and increasing the price of gasoline and diesel fuel, which will work a hardship on agriculture and would cost the average Montana household $285 per year, increasing the galloping cost of living. I believe that the American public would reduce their use of energy if they realized that the economic security of this country is at stake.

We in this nation became wasteful in our habits because after the post war economic boom got rolling, many of us paid homage to one god and one god only. His name was Growth.

Growth was good; Growth was all encompassing; Growth was all consuming. Substitute Progress for the name Growth and still you were honoring the same diety. Growth meant Progress, and Progress meant Growth.

The beginning of Growth were forgotten and so were assumed not to have been. And certainly Growth would live forever, everyone knew that, providing more individual fulfillment, greater personal satisfaction and infinite peace of mind for all Americans.

Our state of Montana, remote as it is from the nation's population center, was bypassed by the economic expansion of the 1950s and the 1960s. Many of my fellow Montanans developed a kind of inferiority complex about that. They cited personal income statistics which showed our people lagging behind the national average, and they noted that new and expanding industries were not beating down our doors to locate themselves in our state.

While I share some of that concern, and therefore have been working to locate industries in our state which will add value to the products and raw materials we already have, I think Montana did not altogether lose by being left somewhat behind.

We look around us and see great cities brought to their knees by the flight to the suburbs, by rising crime, by decaying housing, by polluted air and water, and by a depression of the spirit which afflicts those who live and work around them.

We in Montana only have to look elsewhere to see the results of unplanned growth. We know what it can do, and we are determined that it not happen to us and to the land for which we are today's caretakers.

The world food problem is due to the vagaries of the weather and to the fact that the rate of increase in global population overtook the rate of increase in food output. In parts of Africa and on the Indian subcontinent, famines of major proportions are endangering the lives of literally hundreds of millions of people.

One out of every three people in the world—a total of 1.3 billion people—lives in a country that does not grow enough food or cannot afford to buy enough from other nations to provide adequate diets for its citizens.

Only seven nations in the world, containing a mere eight per cent of the world's population, grow more than enough food to feed their people. Of these, the United States is by far the largest exporter of food, shipping abroad as much as the other six combined.

But crops in even the most productive areas of the world, which might have aided famine stricken and other developing areas, have been a disappointment. In the United States, for example, drought conditions in the mid-west and in certain western areas, followed by early frost, curtailed production sharply.

Famine has been a scourge on the back of man since the beginning of recorded history. In Europe between the tenth century and the Renaissance, there were 400 widespread famines. In France between 1700 and 1715, a third of the population died. Great Britain, between the tenth and mid-19th Centuries, had 200 famines. And in the last 2000 years the Chinese have faced no less than 1,800 such episodes.

In his State of the Union Address, President Ford this year called for an additional 250 major coal mines, another 150 major coal-fired power plants, and 20 major, new synthetic fuel plants by 1985.

If the President's proposals are found to be necessary and feasible, Montana, like many of your states, will be expected to participate heavily in a national coal-energy development program.

Strip mining would be but one aspect of this program. And we are already experiencing its expanding presence in the life of our state. Between 1968 and 1973 Montana's annual coal production increased over 22 times, to nearly 11 million tons. The Northern Great Plains Resources Program projects the production of as much as 153 million tons by 1985, with most of the coal being shipped out of the state.

Electrical generation would be another part of the coal energy development program. Coal fired power plant capacity in Montana has gone from almost zero several years ago to 1100 Megawatts, applications now pending would more than double that figure. The Western States Water Council has forecast an increase of 8260 Megawatts in our coal generating capacity by 1990, with most of the electricity being transmitted to consumers outside the state.

A third aspect of the administration's program would be the conversion of coal to synthetic fuels. The National Petroleum Council has suggested that, under conditions of maximum development, Montana by 1985 may be the site of 14 gasification plants and two liquefaction plants—with most of the products being used out of the state.

The impact of such development on Montana's agriculture, our chief industry, would be resounding.

First, extensive coal development would make significant demands on our land base. The surface that covers 63% of the strippable coal in the West is privately owned by farmers and ranchers who make their living from it. In Montana, 93% of the publicly owned strippable coal lies under privately owned surface; in North Dakota the figure is 100%.

Strippable coal in the Montana portion of the Fort Union Basin underlies 1,131,615 acres, or a land area more than 25 times greater than that occupied by the District of Columbia. Over one-half million acres have been leased for coal mining purposes.

Strippable coal underlies three-quarter million acres of land south of the Yellowstone River. Four per cent of the dry cropland and three per cent of the irrigated land are underlain by strippable coal. Most of the rest of the coal underlies rangeland, the area's most significant agricultural resource. This region of the state supports 28 per cent of our sheep and 20 per cent of our cattle.

These figures, however, concern only the coal which is now considered economically strippable—something less than a tenth of our total coal reserve.

Land that is stripped represents only one portion of the land lost to agriculture through coal energy development. Vast amounts of land may also be needed for generation and conversion plants, transmission lines, railroad spurs, highways, haul roads, aqueducts, and reservoirs. And the population attracted by such development would need additional land for housing, commercial establishments and recreation.

A second, and perhaps more serious, conflict between agriculture and energy development arises over the use of the West's limited and very precious water supply.

In 1972, the Bureau of Reclamation projected that 2.6 million acre feet of the Yellowstone Basin waters might be needed annually for coal development in Montana and Wyoming by the year 2002. By early 1974, less than two years later, filings, options, applications and requests in only the Montana portion of the Basin already totalled half that figure; approaching or exceeding critical low flows, precluding other water use options; and prompting enactment by the 1974 Montana Legislature of the three year moratorium on processing large water applications.

Since passage of the moratorium, some startling figures have been compiled. Wyoming has estimated its share of the Yellowstone's interstate tributaries under the Yellowstone Compact to be 2.4 million acre feet. The Montana Department of Fish and Game, meanwhile, has requested a seven million acre feet reservation at Sidney for instream flow protection.

Taken together, state and private requests total 10.7 million acre feet each year, although the average annual flow of the Yellowstone is only 8.8 million acre feet, with its low flow at 3.7 million acre feet. And none of this considers the projected 631,000 acres in the area to be put under irrigation by the year 2000, requiring an additional 1.6 million acre feet annually. And, other applications continue to be submitted for substantial withdrawals.

The Bureau of Reclamation, now preferring industrial applicants to agricultural users, has already given to corporations the right to more than Yellowtail Reservoir's firm yield of 614,000 acre feet. Recently the Montana Department of Natural Resources and Conservation has joined in a law suit against the Bureau of Reclamation over this matter.

If a coal liquefaction plant were built in the area, the strain on the water supply would become even more ridiculous. For each barrel of oil produced, coal liquefaction requires 5.3 barrels of water. As the National Academy of Sciences has prudently warned: "Not enough water for large scale conversion of coal to other energy forms. The potential environmental and social impacts of the use of this water for large scale energy conversion projects would exceed by far the anticipated impact of mining alone." At another time the Academy also said that ". . . any large scale commitment of water to on-the-spot consumption of coal would lock such states as Montana, Wyoming, and the Dakotas into a coal-based economy they hadn't bargained for."

It is obvious that not all demands for the Yellowstone's water can be satisfied. Competition for this resource will be intense—and could be fatal to the prospect of increasing land under irrigation.

Other problems arising from strip mining the land include disruption of aquifers, saline or alkaline run-off from spoil banks, and trace elements and other emissions from coal-fired plants. And of course land and labor in coal producing areas is being priced out of the range of the agricultural market.

Montana is not alone in witnessing the contest between energy and agriculture. The trade-offs that can be involved throughout the West are illustrated in a carrying capacity analysis of the Colorado River Basin developed at Utah State University. Little or no growth in agricultural production was found in the three alternative future policy orientations projected, since capital and water generally would be allocated to urban and energy development. Under the all-out energy development alternative, the agriculture sector diminished to close to zero by the end of a 30-year period.

Clearly, this bread basket of the nation is in danger of becoming its boiler room. And throughout the nation each year 350,000 acres of farmland—roughly half the size of Rhode Island—is lost to urban development, and another 1.9 million acres—that's about the size of Delaware—is removed from the food production category for highways, airports, flood control, recreation and wilderness.

With the conversion of unused land to farming, our total cropland has remained unchanged at about 470 million acres. The problem is that land lost to urbanization is often of high quality, but one-third of the land available as its replacement is poor or marginal, necessitating higher investments in irrigating and fertilizing. Anhydrous ammonia cost around $92 per ton before the energy crisis, $229 a ton now, and, with a 12% shortage predicted by the fertilizer industry, can be expected to become still more expensive.

Agricultural exports have vastly improved America's balance of trade position. But such complications have now led the National Academy of Sciences to question the ability of the nation's farmers to sustain even the American people by the end of the century.

On a larger scale, the world's inability to feed itself is already apparent. Because of malnutrition, over 300 million children now suffer grossly retarded physical growth and development, and many of these have an additional burden of impaired mental development.

Because of its dependence on pesticides, fertilizers, energy, and capital to crop even less appropriate land, the hopes of the Green Revolution have largely been erased. In 1971, John Todd wrote: ". . . there is the disquieting feeling [among some biologists and agricultural authorities] that we are witnessing the agricultural equivalent of the launching of the Titanic, only this time there are several billion passengers."

The choice that faces our states and our nation is clear; it must be made; but it is a painful one.

Will we choose to curb our wasteful habits so that we may guarantee our ability to feed ourselves and our children a mere quarter century from now?

Will we make the tough decisions that need to be made to insure the future of our agricultural base?

I am afraid that our fellow citizens across the country take for granted the durability of the agricultural industry. After all, we have not faced a food supply shortage in this country since the Civil War.

"City people have forgotten agriculture," a former chancellor of the University of California at Davis is reported to have said, "and they had better realize that no civilization has survived without it. They need to understand it, to be benevolent toward it, because they need it. No country becomes strong without it or remains strong without it. Apparently when you are too successful in a society, you turn around and destroy it."

We must insure that we will not once again be made victim of the boom and bust cycles that have plagued our extractive economies since we all were territories over a century ago.

The average coal mine is productive for about 35 years. Power and gasification plants have approximately the same life span. When the coal is depleted in a certain area, the mine is closed, related industries move to a new location, and in one brief stroke the economic life and tax base of a community that has schools to support and roads to repair is destroyed.

Will we have at the end a series of dying and ghostly towns spread across the prairie, an Indian community submerged in a white mining culture, and a marginally productive agricultural community?

Will our entire region become as the National Academy of Sciences predicted for parts of our area, a "national sacrifice area"?

No, we will not. We simply will not tolerate such treatment by the federal government and by energy producers.

We must insist that the national government share with us the burden and the responsibility of protecting our communities from the boom and bust spectre, if our people are to be asked once again to make sacrifices for the sake of a national necessity.

An unnamed Gulf Oil Company official was quoted in the December 2, 1973 issue of the Minneapolis Tribune as having said: "The disposition of these deposits of coal will be determined by the economic and social implication of some 150 milion megalopoliticians located to the east . . . providing we still have a representative form of government, then the West's minimal population, with their opinions, hopes, desires about certain tracts of real estate, will be of little or, more probably, of no consequence to the voting majority."

Regardless of the sentiments of this oil company official, the people of the western states will not be treated as second class citizens. This government was established to secure their rights of life, liberty and the pursuit of happiness as such as anyone else's.

While agriculture and energy development compete for some of the basic resources—and and water—there is no question that the future of agriculture depends heavily on energy.

For farm productivity in the United States is capital intensive and energy consumptive. Agriculture is directly dependent on fuel and on fertilizer, the availability of which is governed by the supply of natural gas.

The challenge that we face is the establishment and enforcement of criteria to insure minimum impact of energy development on our existing and potential agricultural base.

By combining strong state and federal laws and regulations, we must:

1. Assure rapid restoration of damaged rural lands to productivity after resource exploration. Toward that end I urge prompt enactment and approval of the federal strip mine reclamation act.
2. Prohibit exploration if restoration of productivity is not possible. To determine that, adequate studies must be conducted by the state and federal government.
3. Insure that energy development does not preempt water needed for agricultural and human use. The federal government must recognize the state authority to determine water allocations.
4. Assure that existing water supplies are not degraded.
5. Oppose federal preemption of the states authority in water, land use, utility siting and clear air and water standards.
6. Provide federal funds for front end money to communities impacted by resource development—for planning, housing, education, roads, social services, and law enforcement.

To address these and other problems on a regional basis the governors of ten western states have formed the Western Governors' Regional Energy Policy Office located in Denver, Colorado. With funds from the Old West and Four Corners Regional Commission we intend to develop a Regional Energy Policy. Instead of reacting to federal mandates we intend to formulate policies and recommendations to the Administration and the Congress on all energy issues affecting the Western States.

It is vital that the governors of the western states develop policy affecting our number one industry agriculture. It is obvious that there is little understanding or concern in Washington about the problems facing farmers and ranchers.

The beef cattle industry is suffering the worst depression since the 30's and yet the country continues to import tremendous quantities of foreign beef.

The target price of wheat is unrealistically low, during a time when production costs are at an all time high and yet the USDA opposes increasing support prices.

There is little or no recognition in Washington about the serious losses incurred by the sheep industry because of predators.

Rural people are suffering from inadequate health care, a drastic shortage of housing and primary and secondary roads are in shameful condition. Programs to assist rural areas such as the Rural Development Act, Farmers Home Administration and the Emergency Loan Act have been greatly underfunded and even more cuts are proposed.

The rural areas of the west have been and are being shortchanged by the federal government yet it is the rural western states that this country and the world look to for food and energy.

The time has come when the governors of the west must exert the leadership to take our rightful place among the states.

The Western Governors' Conference on Agriculture, which has attracted the best minds in government and the private sector, and the Western Governor's Regional Energy Policy Office are both steps in that direction.

For the past 35 years the people of this country have looked to Washington for the solutions to their problems. In recent years we have seen the solutions coming out of Washington are too little, too late.

As we enter the 3rd century of our nation's history, I predict that the people will be looking, not east, but west. Not to the Federal government but to the States, for the leadership this country so badly needs. In adopting stringent reclamation and environmental protection laws, in enacting sweeping tax reform and other measures, the states have shown themselves to be far more knowledgeable about and responsive to their peoples' problems.

The Governors of the west, by working closely with our congressional delegations, can represent the most significant political block since the southern states taught us how such things are done.

The people of Montana and the west will do all in their power to supply the real energy needs of this nation, and the food needs of the world. But we will not do so at the cost of the permanent destruction of our states and the way of life that is our heritage and our future.

Bob Bailey, a Northern Cheyenne from Montana, posed to fellow tribesmen faced with the decision of whether to develop the coal under their land, the dilemma that all Americans must confront:

"The question is," he said, "do we perpetuate ourselves or do we extinguish ourselves? The very land we stand on, sleep on, eat on, will be torn up. This is our last piece of land, and if we lose it, we'll be Indians without lands in the future . . ."

The time is long past due when we, the descendants of those who came to this country over the course of the last few centuries, recognize the wisdom of the people who were here before us. They revered and respected nature. They realized that they could not live apart from nature, but only within it.

As Joseph Kinsey Howard wrote in 1943, "The Indian hates waste. He will show you no more than he must. For a generation he has watched you and your kind plundering the northern plains; he has learned that the more a white man sees, the more he seizes—and that what the white man takes he uses briefly and wantonly casts aside. . . .

"The Indian didn't expect any coddling. Nature did her part by offering her products to him freely; it was up to him to find the uses to which they might be put—without waste, and with respectful regard for her whims."

If for the sake of feeding an inflated national appetite for energy, we decide to destroy our land, to consume and pollute our limited supply of water, to ravage our communities, we will have sealed the doom, not only of our own people, but also of all people who look to us for increased production of food. As Chief Seattle said so many decades ago, "The earth does not belong to man, man belongs to the earth."

I am confident that the actions we decide jointly to take as a result of this conference will reflect a new understanding by modern man of this timeless truth, which until recently, has been ignored for so long.

Thank you.

THE 100TH BIRTHDAY FOR MRS. MALISSIA HAMNER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. STOKES. Mr. Speaker, I call on my colleagues to join me in wishing the happiest of birthdays to a remarkable woman in Cleveland's black community who has attained the age of 100 years. Mrs. Malissia Hamner celebrated a century of life on March 7, 1875.

Mrs. Hamner is well-known in the community, having enjoyed a long and satisfying career as a teacher in the Cleveland Public Schools. Her late husband, William H. Hamner died in 1937. The Hamners were blessed with a family of four sons, George, John, William, and Felton, and two grandchildren, Mamie and Arthur.

I ask my colleagues to join me in sending sincere congratulations and many happy returns to Mrs. Malissia Hamner on this wonderful occasion.

DISTINGUISHED SERVICE OF SENATOR LEE METCALF TO THE MIGRATORY BIRD CONSERVATION COMMISSION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. CONTE. Mr. Speaker, from my service on the Migratory Bird Conservation Commission, I have derived my pleasures, but few have equaled the satisfaction I have enjoyed in working with the distinguished Senator from Montana, Lee Metcalf.

Senator Metcalf's service with the Commission is truly remarkable. He leaves the Commission with the deep gratitude and thanks of conservationists throughout the Nation.

On the occasion of Senator Metcalf's departure, the Migratory Bird Conservation Commission released this statement of appreciation concerning Senator Metcalf's contributions, which I submit for the Record.

The Migratory Bird Conservation Commission Loses a Distinguished Member, Senator Lee Metcalf, of Montana

A truly remarkable display of devotion to the natural resource preservation cause is Senator Lee Metcalf's membership on the Migratory Bird Conservation Commission over the past fourteen years.

This Commission operates under authority of the 1929 Migratory Bird Conservation Act to rule on land acquisition proposals of the Secretary of the Interior on behalf of migratory birds. The Commission is composed of two Senators, two Congressmen, and the Secretaries of Agriculture, Transportation and Interior, the latter acting as its chairman.

Except for about a year's interruption in 1969–70, Senator Metcalf has served continuously on the Commission from 1961 to several months ago, when he found it necessary to relinquish membership. During his service, he compiled the astounding record of never having missed a single one of its 50 meetings while bestowing his counsel and wisdom on deliberations of the Commission.

His membership spanned a crucial period in the Commission's history. Except for his short time of absence, these years nearly coincide with an accelerated land acquisition program designed to grasp still existing opportunities to preserve fast disappearing habitat crucial to the welfare of the nation's waterfowl. During this time the Commission has decided on the purchase of 525,000 acres of land and has overseen creation of 43 new waterfowl refuges as well as additions to many others.

Always tenacious in his beliefs in the work of the Commission, he has been the friend of all who are troubled about the future of waterfowl, whether for hunting or just plain enjoyment. He has set the standard for purposefulness toward achieving a system of federal land holdings which would mesh with State and private habitats to maintain traditional waterfowl populations across the land.

Senator Metcalf deserves the gratitude of not only sportsmen, but anyone interested in the world of wildlife and the natural environment. His efforts should not go unnoticed.

TRIBUTE TO LT. COMDR. PAUL WORRELL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. EILBERG. Mr. Speaker, on April 18, Lt. Comdr. Paul Worrell will be 33 years old. Unfortunately, Paul will not be celebrating his birthday with loved ones because, he, along with 1,325 other men, are still listed as missing in action in Vietnam.

I am deeply disturbed about the President's delay and inaction in exerting a greater effort to locate MIAs and POWs in Southeast Asia. For this reason, I, and several of my colleagues, have cosponsored House Resolution 356, which would establish a select committee composed of 10 Members of the House to study the problem of U.S. servicemen missing in action.

At this time, Mr. Speaker, I would like to pay tribute to Lieutenant Commander Worrell on his birthday by inserting into the RECORD the following:

TRIBUTE TO LT. CMDR. PAUL WORRELL BY HIS MOTHER

Paul was born April 18, 1942. He lived all of his life in Philadelphia. He attended Temple University and graduated with an Associates Degree in Technology. He was on the Dean's list.

Paul is still listed as Missing in Action along with 1325 other men whose names did not appear on any list at the time the Peace Agreement was signed. Paul flew off the carrier Franklin D. Roosevelt. He was on a night mission over North Vietnam flying a single seater A-4 Skyhawk. On December 2, 1964 he soloed and on December 2, 1966, exactly two years later, his plane was shot down.

Paul loved life and people. Everyone liked him from age 6 to 60. Everyone was his friend. Paul started delivering a Philadelphia paper at the age of 12 and when he was 16 he started working in a supermarket and through this, he earned enough money to pay his way through college. He also bought a car, which is every boys dream—it was a junker, but he loved it—it was all his, and he had paid for it.

Paul's big thrill was to bring home little treats for the family on pay day. His biggest worry when he went into the service was, now his father would have to shovel snow and cut the grass. He wanted to buy his father a riding mower, but we would not hear of it. How happy he would be if he only knew that we now have a riding mower.

We have a married daughter, and three grandchildren, all in their teens. Our daughter Judy misses her brother very much. They had their battles while growing up, all children do, but when they grew older, they became very close.

Please keep Paul and all our missing men in your prayers.

YOUTH CAMP SAFETY ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, I am today circulating a "Dear Colleague" letter announcing my intention to offer a substitute to H.R. 46, the Youth Camp Safety Act, which is scheduled for floor action on Wednesday of this week. I have today filed the text of my amendment in the nature of a substitute with the CONGRESSIONAL RECORD, and it will appear in the "amendments" section in the back of the House portion of today's RECORD.

At this point in the RECORD, Mr. Speaker, I include the text of the "Dear Colleague" letter, a summary of my substitute, and a comparative summary of the committee bill and my substitute. I commend these items to the careful reading of my colleagues and solicit their support for my substitute. The materials follow:

FLOOR ACTION WEDNESDAY: YOUTH CAMP SAFETY

DEAR COLLEAGUE: At the appropriate time during House consideration of the "Youth Camp Safety Act," I intend to offer a substitute aimed at meeting most, though not all, of the Administration's objections to H.R. 46. Specifically, my substitute would limit Federal involvement to the promulgation of model youth camp safety standards and a three-year grant program to encourage States to develop, implement and enforce a youth camp safety program at least as effective as the model Federal standards. A summary of my substitute is on the back of this letter; the text of the substitute is contained in the amendments section of the Monday, April 14th *Congressional Record*.

I have very serious reservations about the constitutionality and advisability of H.R. 46 which provides for the direct Federal regulation of practically all manner of organized youth activities apart from the home or school, in those States which do not adopt a Federally approved youth camp safety program. It is my strong feeling that youth camp safety should remain primarily the responsibility of the States which can most effectively develop and enforce youth camp safety standards suited to the unique and diverse conditions within their jurisdictions. H.R. 46, on the other hand, would create a form of junior-OSHA manned by a Federal Kiddie Camp Cop Corps to police those camps in States which do not have Federally approved plans. Not only would the new Office of Youth Camp Safety have authority to freely inspect, fine and even close-down traditional summer camps, but it would also, under the bill's broad definition of youth camps, have jurisdiction over organized hiking, cycling, sailing and ski activities for young people; motorized transportation outings; vacation Bible schools; community summer recreation programs; athletic clinics; and so-called "stay at home camps." As the committee report makes clear (p. 3): "It is the Committee's intent, under the definition of day camps, that the Committee means to include those organized activities which take place apart from the home, and are scheduled on an organized and regular basis." The only exception to this under the bill is day care centers.

My substitute, on the other hand, would limit the defiinition of youth camp to those camps advertised or promoted as such, operating on a permanent camp site as the term is generally understood, under the auspices of a profit or non-profit entity, conducted for ten or more children under 18, for a period of, or portions of, five or more consecutive days in one or more seasons of the year. My substitute authorizes the same amount of grant assistance to States over a three-year period as would the committee bill, $22.5 million, but whereas the committee bill contains authorizations for an indefinite period, my bill clearly terminates the grant program after three-years—thus providing States sufficient time and funding to initiate their own program, without promising to subsidize them forever. Whereas my bill provides States an incentive through plan development assistance grants, the committee bill provides no assistance until after a plan is approved. Thus the committee bill is a disincentive for States to even develop a plan, thereby insuring Federal preemption. Finally, my bill eliminates the costly and unnecessary advisory councils and authorizes the Secretary of HEW to establish a Bureau of Youth Camp Safety within HEW, rather than imposing a semi-autonomous Office of Youth Camp Safety on the Office of the Secretary. I urge you to support my substitute.

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

SUMMARY OF ANDERSON YOUTH CAMP SAFETY ACT SUSTITUTE

Section 1. Title: "Youth Camp Safety Act."

Section 2. Purpose: To safeguard and protect the well-being of young persons in youth camps by developing Federal model youth camp safety standards and by providing technical and financial assistance to States to encourage them to develop and implement their own youth camp safety programs.

Section 3. Bureau of Youth Camp Safety: The Secretary of HEW is authorized to establish within the Department a Bureau of Youth Camp Safety to assist him in administering the Act and to make other expert HEW personnel available to States to assist them with the development of their programs.

Section 4. Promulgation of Model Youth Camp Safety Standards: Within six months after the date of enactment, the Secretary shall promulgate model youth camp safety standards after consultation with appropriate State officials and public and private organizations.

Section 5. Federal Grant Assistance to States: There are authorized to be appropriated $7.5 million in fiscal 1976, $10-million in fiscal 1977, and $5-million in fiscal 1978, to be made available under the following grant categories: State Plan Development Assistance Grants—$1-million in fiscal 1976; Plan Initiation and Training Grants—$4-million in fiscal 1976, and $5-million in fiscal 1977; and Early Operation and Improvement Grants—$2.5-million in fiscal 1976, $5-million in fiscal 1977, and $5-million in fiscal 1978. Of the latter two categories of grants, the Federal share could not exceed 50% of the costs related to those purposes in the year in which the grant is made.

Section 6. State Youth Camp Safety Plans: For States to qualify for the latter two categories of grants, State plans would have to be approved by the Secretary. The State plans would have to be as effective as the Federal standards and contain certain additional assurances as to adequate personnel, funding and enforcement.

Section 7. Reports: States having approved plans would be required to file an annual report with the Secretary on the incidence of serious injuries, illnesses and deaths in camps under their jurisdiction. The Secretary would be required to file an annual report with the President and Congress on activities being carried out under the Act and including a summary of injury, illness and death statistics collected.

Section 8. Miscellaneous: Contains curriculum non-interference clause, medical exemptions on religious grounds, and non-interference clause on existing rights, laws, duties and liabilities of camp operators and campers with respect to injuries, diseases or death of campers in connection with camp activities.

Section 9. Definitions: "Youth camp" means any camp advertised or promoted as such, operating on a permanent camp site as the term is generally understood, under the auspices of a profit or non-profit entity, conducted for ten or more children under the age of 18, for a period, or portions of, five or more consecutive days in one or more seasons of the year

Sectin 10. Effective Date: Date of enactment.

Section 11. Termination Date: The grant assistance program shall terminate on June 30, 1978. It is the intent of the Congress that the program shall not be extended or renewed and that States desiring to participate shall take appropriate action within the three-year time period set for in the Act. The Secretary's annual report on January 1, 1979, shall include a separate section summarizing the three-year operation of the program, including a list of participating States operating under approved plans, and a compilation of the injury, illness and death statistics compiled for the period. The Secretary shall include in this section such conclusions and recommendations as he deems appropriate based on his findings. Notwithstanding the termination date above, the Secretary shall continue to provide technical assistance to states which request it, as may be within the capability of the Department.

COMPARATIVE SUMMARY OF COMMITTEE YOUTH CAMP SAFETY BILL (H.R. 46) AND THE ANDERSON SUBSTITUTE

COMMITTEE BILL (H.R. 46)	ANDERSON SUBSTITUTE
1. Title	
"Youth Camp Safety Act."	Same.
2. Purpose	
To protect and safeguard health and well-being of young persons at camps through Federal safety standards, technical and financial assistance to States to develop safety programs, and Federal enforcement in States without approved plans.	Same except no Federal enforcement in States without approved plans.
3. Administration	
Creates an Office of Youth Camp Safety in office of Secretary of HEW; director appointed by Secretary.	Authorizes creation of Bureau of Youth Camp Safety within HEW to assist Secretary in administration of Act, and makes other expert HEW personnel available to assist States with safety programs.
4. Safety Standards	
Director, with approval of Secretary, promulgates safety standards within six months of enactment. Standards take effect one year after enactment.	Secretary promulgates model safety standards within six months.
5. General Duty	
Requires camp operators to provide campers with safe and healthful conditions, facilities and equipment free from recognized hazards which cause or are likely to cause death, serious illness, or serious physical harm, and adequate and qualified instruction and supervision of camp activities.	No general duty section.
6. State Plans	
Sets criteria for States to operate their own approved plans. Director would approve plans. Opportunity for hearing on disapproval decision.	Sets similar criteria. Secretary would approve plans. Hearing afforded on disapproval decision.
7. Grants to States & Authorizations	
Director shall make grants to States having approved plans. No annual grant levels set. Bill authorizes $7.5-million per year indefinitely.	Establishes three-year grant program: $7.5-million in fiscal 1976, $10-million in fiscal 1977, and $5-million in fiscal 1978. Secretary makes grants under three categories: State Plan Development Assistance Grants—$1-million in fiscal 1976; Plan Initiation and Training Grants—$4-million in fiscal 1976, $5-million in fiscal 1977; and Early Operation and Improvement Grants— $2.5-million in fiscal 1976, $5-million in fiscal 1977, and $5-million in fiscal 1978.
8. Consultative Services & Enforcement	
Director shall provide consultative services upon request of any camp operator, director or staff, or during any inspection. Director may issue notice of apparent serious violation of duty or standards while on consultative or inspection visit, setting reasonable period of time for abatement. Upon return, Director may issue citation setting additional time for abatement or may assess civil penalty. Opportunity for hearing on citation or penalty is afforded as are appeals through courts of appeals. Director's authority to issue citations and penalties only applicable in States without approved plans.	No comparable provision.
9. Inspections, Investigations & Records	
"In order to carry out duties under this Act, the Director may enter and inspect any youth camp, its records, may question employees, and may investigate facts, conditions, practices, or matters to the extent he deems necessary or appropriate." Director given authority to require attendance and testimony of witnesses and production of evidence under oath. The above authority seems to apply to all States, including those with approved plans. States with approved plans would file camp injury, illness and death statistics with Director. Camps in States without approved plans would file reports directly with Director.	No comparable provision.
10. Penalties	
Camp operators failing to correct violation for which notice or citation is issued may be assessed civil penalty of up to $500 a day for each day violation continues; willful or repeated violations subject to maximum penalty of $1,000 a day, paid to the Director for deposit into U.S. Treasury. States with approved plans may either assess penalties or take away State certification. Director may take civil action in U.S. district court to recover civil penalties.	No Federal enforcement or penalty authority. States with approved plans must either provide penalties or certification and loss of certification system.

COMPARATIVE SUMMARY OF COMMITTEE YOUTH CAMP SAFETY BILL (H.R. 46) AND THE ANDERSON SUBSTITUTE—Continued

COMMITTEE BILL (H.R. 46)—Continued	ANDERSON SUBSTITUTE—Continued
11. Procedures to Counteract Imminent Dangers	
U.S. district courts given jurisdiction, upon petition of Director, to restrain any camp conditions or practices which pose danger of death or serious physical harm before regular enforcement procedures are employed. Language not clear here as to whether Director's authority applies to all States or only to those without approved plans.	No comparable provision.
12. Variations	
Director, upon application of camp owner, may approve variation in standards if alternative is as effective.	No comparable provision.
13. Advisory council on youth camp safety	
The Director shall establish in HEW an Advisory Council on Youth Camp Safety to advise and consult on policy matters, particularly the promulgation of standards. Council shall consist of Director, to serve as chairman, and 15 members appointed by him, including representatives of Depts. of HEW, Ag and Labor, and 8 persons from appropriate associations representing organized camping. Director may appoint special advisory and technical experts and consultants. Members of Advisory Council, while serving on business shall receive compensation up to $100 per day.	No comparable provision. Secretary would be required to consult with appropriate State officials and public and private organizations in promulgating standards.
14. Miscellaneous	
Director may request directly from any Federal department or agency information, suggestions, estimates and statistics needed to carry out his functions under this Act, and such departments and agencies are authorized to furnish the materials requested.	Secretary may request same.
No one acting under this Act may restrict, determine or influence camp curriculum, program or ministry.	Same.
Nothing in this Act shall authorize required medical treatment for those who object on religious grounds.	Same.
Nothing under this Act shall be construed to supersede, enlarge or diminish existing rights, duties or liabilities of camp operators or campers with respect to injuries, diseases or death of campers in connection with camp activities.	Same.
Director is required to file an annual report to Congress and President on January 1 of each year on activities carried out under this Act, including statistics collected on camp injuries, illnesses and deaths.	Secretary is required to file same report. In addition, at the end of the three-year grant program, the Secretary's annual report shall include a separate section on the operation of the program over the three-year period, including a compilation of statistics collected and any conclusions and recommendations Secretary may deem appropriate on the basis of his findings.
15. Definitions	
"Youth camp" means any residential camp, day camp, troop camp, travel camp, trip camp, primitive or outpost camp, or Federal recreational youth camp on public or private land, and activities promoted or advertised as a youth camp regardless of programs advocated, and shall also include any site or facility primarily designed for other purposes, such as, but not limited to, any school, playground, resort, wilderness area, or Government land, which is conducted for ten or more campers under 18 years of age. Special definitions for each of the above types of camps are included.	"Youth camp" means any camp advertised or promoted as such, operating on a permanent camp site as the term is generally understood, under the auspices of a profit or non-profit entity, conducted for ten or more children under the age of 18, for a period, or portions of, five or more consecutive days in one or more seasons of the year.
16. Termination of date	
None.	The grant assistance program shall terminate on June 30, 1978. It is the intent of Congress that the program shall not be extended or renewed and that States wishing to participate shall do so within the three-year time period set forth in the Act.

WARREN BRYANT—BLACK STAR ON THE RISE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. STOKES. Mr. Speaker, I would like to introduce my colleagues to a very talented young entertainer who has become the pride of Cleveland's black community. Warren Bryant is a rising singing star who, like many now famous black singers, began his career with his church choir. Bryant toured the Southern and Eastern States with the choir of the Lane Metropolitan C.M.E. Church of Cleveland, and continued to sing in the Lane Ensemble after his successful nightclub debut. He has since appeared as a soloist in many local nightclubs, but despite the rugged demands on a young performer breaking into show business, Warren has always found time to sing with the ensemble and to donate his considerable talents to numerous civic and social organizations in Cleveland's black community. Among his many guest appearances have been the Forest City Hospital Building Fund Benefit and the West African Relief Fund Benefit at Cleveland's East Technical High School. He has also been one of the most active young members of the 21st District Congressional Caucus.

His highly trained voice is not Mr. Bryant's only great accomplishment. He recently graduated from Cleveland State University with a degree in sociology. He was also voted one of Cleveland's best-dressed young men.

I am proud to acquaint my colleagues with this multitalented and civic minded young Clevelander, for whom we all expect a great future in the entertainment world.

MILTON S. KRONHEIM, SR.—HUMANITARIAN, COMPASSIONATE MAN, AND NOBLE FRIEND

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. PATTEN. Mr. Speaker, Milton S. Kronheim, Sr., of Washington, D.C., was honored recently for his philanthropic efforts by some of his many friends, who range from a distinguished professional football coach, to an Associate Justice of the U.S. Supreme Court.

Some persons are so outstanding, it is almost impossible to find the right adjectives to describe them. Milton S. Kronheim, Sr. is one of those rare persons. The closest I came to finding the words that could come close to describing him was something written by Edwin Markham in his poem, "Brotherhood." In that fine poem, Markham wrote:

> The crest and crowing of all good,
> Life's final star, is brotherhood.

Mr. Speaker, all his life, Milton S. Kronheim, Sr. has not only advocated brotherhood—he has lived it, because he believes in brotherly love. He cares about people. In fact, he loves them, not only as individuals, but as part of mankind.

At the reception recently held in Milton Kronheim's honor, there were some expressions made that came a little closer to describing that remarkable and beloved man:

Washington, D.C. Mayor Walter Washington said:

> He has contributed to every cause that has been meaningful in this city. In the dark days of racial trouble, Milt didn't ask me to write him a memorandum, or ask for a justification, or send me a proposal. He just asked, what do you want me to do? He's a humanitarian, and that's the measure of the man.

And at the end, Associate Supreme Court Justice William J. Brennan, Jr., called Mr. Kronheim:

> My noble friend, a wholly compassionate man, a truly delightful, inspiring, and stimulating companion.

Mr. Speaker, these tributes were only two of the many spoken at the reception and although they are most appropriate, the great philanthropic work done by Milton S. Kronheim, Sr. is the best tribute of all.

I remember reading something written by Edmund Gosse that also reminds me of Milton Kronheim:

> I only wish to live my life and find,
> My heart in unison with all mankind.

Mr. Speaker, Milton Kronheim's heart is definitely "in unison with all mankind." I am proud and honored to call him a great and cherished friend.

The Washington Post published a story on Monday, April 14, 1975, covering the reception held in Milton Kronheim's honor, and it is inserted in the Record with the hope that those who read the Record will know about this great humanitarian:

Cheers: Kronheim Goes to Bat

(By Jacqueline Trescott)

Milton S. Kronheim Sr. was standing in a corner of the Woodmont Country Club sheepishly absorbing all the fuss about him. Once again the 86-year-old business tycoon was being honored for his philanthropic efforts, but once again everyone was talking about his athletic prowess.

You see, Milton plays handball six times a week at the Central Y, just Saturday had won two games and is avidly looking for spring to settle in and baseball to begin. He's a pitcher with "a hell of a right arm," according to a friend who teasingly calls him the Jewish Satchel Paige. Because of his stamina and his prime rod-straight physique, men are frankly envious of his energies.

Even men who have their own power realm go out of their way to spend time with Kronheim.

William Brennan, associate justice of the Supreme Court, sat next to Kronheim at Saturday night's dinner, and commented, "David Bazelon, Thurgood Marshall and I con our way onto his guest list at least twice a week. Milton's cuisine excels."

Invitations to lunch, either at his liquor distribution company's warehouse on V Street NE or at his famous Saturday afternoon roundtable, are coveted. Judge John Sirica, who sat on Kronheim's other side, is a frequent guest. "We met in February, 1927," Sirica said. "In the old days everything at police court finished at noon. Milt had a haberdashery near the court and we would go to the Jewish Community Center at 16th and Q. We would put on boxing gloves. Once I gave him a black eye and his wife said, 'Milt, why don't you stop playing with that little Italian.' "

As his friends reminisced, Kronheim pulled back his head and laughed heartily, his firm, parchment-lined hands tucked into the black eyelet lace vest of his tuxedo. Once or twice, he asked that the endless shower of praise be cut short, but the telegrams from President Gerald Ford, Sen. Jacob Javits and Gov. Marvin Mandel were all dutifully read.

The evening, also a fund-raising event for the Jewish Social Service Agency, included a musical treat. Making its international debut was the Milton S. Kronheim Quartet—its talent drawn from the National Symphony, with solo violinist and concert master Miran Kojian and Jacqueline Anderson of the NSO on viola, and from an outfit dubbed the "3210 R St. NW Strictly No Refund String Combo," with violinist and former Supreme Court Justice Abe Fortas and attorney Albert Feigen.

Clutching the violin that Isaac Stern had given him, Fortas said, "only my love for Milton could bring me to this moment." The quartet played Haydn and Mozart.

Before the evening was over, Kronheim had received a football from Redskins coach George Allen, and a plaque from Eddie Rosenblaum of the Potomac Valley Amateur Athletic Association, had heard attorney Milton King paraphrase "Kronheim At the Bat" and had endorsed, in his name, a scholarship loan fund for the "outstanding high school pitcher in the District."

Mayor Walter Washington, who officially declared the day in Kronheim's name, related the tributes to Kronheim's generosity. "He has contributed to every cause that has been meaningful in this city," Washington said. "In the dark days of racial trouble, Milt didn't ask me to write him a memorandum or ask for a justification or send me a proposal. He just asked what do you want me to do. He's a humanitarian and that's the measure of the man."

At the end, Justice Brennan expressed many of the thoughts of the 350 people honoring Kronheim by calling him, "my noble friend, a wholly compassionate man, a truly delightful, inspiring and stimulating companion."

IMPACT FUNDS NEEDED FOR OUTER CONTINENTAL SHELF DEVELOPMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. YOUNG of Alaska. Mr. Speaker, through the discussion of legislation concerning the Interior Department's proposal to develop America's Outer Continental Shelf, the interest in the Congress has heightened and more Members are becoming aware of impact which will inevitably fall upon the States adjacent to this development.

I am introducing a bill intended to assist both the coastal States and the Nation in dealing with the impact arising from OCS development. The bill addreses three areas designed to: First. Provide a fund to distribute grants to coastal States in compensation for immediate impact; Second. Provide revenue shares to coastal States as compensation for production impact; and Third. Provide revenue shares to all States for use in dealing with the nationwide energy problem on a State-by-State basis.

While a recent Supreme Court decision settled the question of coastal State ownership of the OCS, it did not relieve the Federal Government from its responsibility for impact compensation to these States resulting from OCS development.

Such impact is inevitable. Historic evidence of this fact can be found in the impact occurring from construction of the Alaska pipeline which has been particularly felt in the Alaska cities of Fairbanks and Valdez. The study conducted by the Council on Environmental Quality additionally cites the severe risks of development in the Gulf of Alaska due to unique environmental conditions.

Small communities which dot the coastline of Alaska will experience impact greater than anything they have witnessed in the past. The city of Yakatat has felt initial impact as several oil companies have acquired land for use as onshore sites and as research is conducted to ascertain OCS reserves.

Interior is forging ahead with its lease schedule. It, therefore, behooves the Congress to act now to protect coastal State interests and clear the way for timely development of our OCS oil and gas reserves. If we fail to act now, these States will have no alternative but to impede development through endless litigation.

The same arguments which rationalize revenues to States from development of public lands under the Mineral Leasing Act of 1920 can be applied to the OCS development program.

Coastal States will undertake a significant burden through the contribution of services to manpower required in the program, the acceptance of onshore facilities, and bearing the risks of oil spills inherent with the program.

These risks are particularly keen in frontier areas such as Alaska. The risks may be outweighed by the need for additional energy supplies, but we can and must be prepared to contend with all forms of impact through the course of OCS development.

The legislation which I propose would insure equity in the development of our OCS resources. Coastal States would have the funds necessary to ameliorate the impact arising from such development and would be in a position to assist the Nation in the exploitation of this additional supply of domestic petroleum.

Recognizing that the energy situation confronting the United States impacts the citizens of all States, I have also provided revenue shares from OCS development to each State on the basis of population. These funds could be used to deal with energy problems unique to each State.

"SPIRIT OF '76"

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. GILMAN. Mr. Speaker, I recently solicited entries for my annual high school essay contest for senior students in the 26th Congressional District of New York. I thought it appropriate that the contest have as its theme for this year, Spirit of '76.

The essays which won honorable mention in the contest were written by Frederick Probst, a senior at Nyack High School, Nyack, N.Y., and Ms. Nancy Davidson of the senior class of the Monroe-Woodbury High School in Central Valley, N.Y.

Mr. Speaker, these essays reveal feelings of deep pride and hope for the future of our Nation. Because the essays were so thoughtful and articulated the feelings of these young people so well, I would like to share them with my colleagues and ask that they be printed in full in this portion of the RECORD:

THE IMPORTANCE OF THE BICENTENNIAL

(By Nancy Davidson)

Within the year, great emphasis will be placed on celebrating the bicentennial in an 'appropriate' manner. In an era of widespread poverty and world wide hunger, literally millions of dollars will be spent to honor the occasion. Thousands of citizens will devote their money, time, and effort for this celebration.

The bicentennial's festivities will not be the center of attention for everyone. Some believe it will merely be a political and social extravaganza. Others believe that it will feebly attempt to bolster American confidence, by showing the world that we still have great wealth and splendor. For some people, it will be an escape from daily problems and frustrations.

I think that the bicentennial ought to be an important occasion, for a very fundamental reason. It will be a time that the entire nation can be united; for each one of us plays an integral part in the machinery of our nation. In an extremely simplistic sense, it ought to be a pep rally for ourselves as individuals; ourselves as a nation, and most importantly, it ought to be a pep rally for all of mankind. I can't think of any other country that cradles so many differing life styles, beliefs and values. Our nation is truly a melting pot.

The bicentennial also ought to be a time for reflection. Despite the fact that we are a young nation, America is rich in its heritage. As we glorify our heroes, we ought to remember our mistakes as well. We have made errors; we have suffered; we have learned from these experiences.

Today, our future is uncertain. We draw from our heritage for many of the answers. Like our forefathers, we, the people hold the strings of power, the strings of our future.

SPIRIT OF '76

(By Frederick J. Probst, Jr.)

"We are the sons of freedom," decreed the townspeople of Farmington, Connecticut, on May 19, 1774. This moment was to be typical of the spirit and unity shown in the United States of America for the next two hundred years.

The English colonies revealed a sort of new nationality sometime after the Seven Years War. They themselves did not realize their potential until the first act of colonial unison in 1765 with the Stamp Act Congress denouncing the British tax. Before this time, individual colonies had asserted themselves in an effort to express their discontent. The Sons of Liberty in Boston in 1765 were such a group. The Virginia Resolves were an assemblage of claims to the "inalienable rights of Englishmen" to be transferred to immigrants, thereby making all those in the colonies able to exercise the rights of those in the mother country.

Prophetic were the words of George III when he said, "The die is now cast; the colonies must either submit or triumph." That they did and I feel that this is what has kept our country together for the last two hundred years, the power through unity, the dedication to the "American way," the willingness to find solutions to our problems, the American spirit. This is what will hold our country together for the next two hundred years, the Spirt of '76.' This is what we will remember on the nations two hundredth anniversary, and this is what we will continue to believe in.

NATIONAL SOLIDARITY DAY

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. ZEFERETTI. Mr. Speaker, for 20 centuries the Jewish people have known a persecution that poisoned the collective heritage of the entire Western World. A noted Jewish scholar has recently referred to it as "the great hatred." Antisemitism knows no boundary of time or distance. Like an endless pestilence, it survives generations and afflicts people who are removed from one another in time and place.

From the Dark Ages and the Crusades to the Inquisition and the Dreyfus case—from Hitler's gas chambers to Stalin's prison camps—from Henry Ford's publication of the Protocol of the Elders of Zion and Father Caughlin to the Ku Klux Klan and the American Nazi Party; everywhere the Jewish people turn, they find this living horror confronting them.

In the days of the Romanoff czars, the Jewish people knew pogroms in Russia. Today, there is another kind of persecution. Yet, the strain that ran through Russian history yesterday is omnipresent in Russian policy; hatred and persecution of those who are devoted to their Jewish faith and culture.

Such an outrage is as unacceptable as it is reprehensible, and to those who offer the feeble excuse that America should not interfere in Russia's internal affairs, I respond that liberty, free ideals, and religious faith know no boundaries and accept no hindrance. If America represents anything, she stands for the ideal that all men are equal before the eyes of God, and are entitled to lead personal lives of their own chosing.

It is the responsibility of non-Jews to stand up as men and women of conscience, to protest what is being done to the Jewish people today in the Soviet Union. It is incumbent upon all of us, whatever belief, to call attention to the outrageous persecution being practiced by the Soviet Union upon its Jewish citizens. We must not turn our backs upon the overwhelming evidence of the renewed calculated outrages being perpetrated upon Russia's 3½ million Jews. If we do not raise our voices, then they will not be heard. We must not grow weary of the struggle. We must prove that our integrity of conscience is more enduring than the willingness of the Soviets to oppress. And, we must not cease our endeavors until the last Jew who wants to leave shakes the last grain of Russian earth from his feet.

To those who seek to deprive the Jewish people of their right to be Jews, I can only offer the examples of history. The Pharaohs are gone. So are the oppressors of the Middle Ages. The Inquisition interests only scholars of the period. The persecutors of Dreyfus lie in unnamed graves. Hitler is dead, and he and his works remain a curse in the minds of men. The same is true of Stalin. Nasser is already a fading memory in the minds of those who were once familiar with his goals of Jewish annihilation. Yet the Jewish people are not only with us and thriving, but continue to make their unique contributions in every field of human endeavor.

Can anyone doubt the end result of the present conflict between Jewish faith and Communist persecution? I, for one, harbor no doubts as to the ultimate outcome. For when the present rulers of the Soviet Union are dust, and their names but a faint memory in the minds of mankind, the Jewish people will live; Am Yisroel Chai.

CURRENT COMMENT

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. DEL CLAWSON. Mr. Speaker, it is encouraging to find that the new Governor of California is recognizing the need for heroic measures to trim the budget on the State level. While we may be in less than perfect agreement on many issues, I applaud the trend which is cited in a recent column by my longtime friend Warren Butler. The column appeared in the March 27 Herald-American and Call Enterprise newspapers serving the cities of Norwalk, Downey, Paramount, and Bellflower, Calif. At this point in the RECORD I would like to call to the attention of my colleagues in the House the commentary entitled "Brown and Money." The column follows:

CURRENT COMMENT

(By Warren Butler)

BROWN AND MONEY

Some of the people who hoped that the election of Governor Brown would lead to a wild orgy of spending at Sacramento are being sadly disappointed. While these same people jumped all over his predecessor, Ronald Reagan, for being a penny pincher and a budget cutter despite continuing budget increases during his administration they are being strangely silent while his predecessor is demonstrating that when he said he was going to keep the state budget in balance he meant exactly what he said. And he is making some very remarkable statements which strangely are not being featured on newspaper front pages and are repeated only briefly in mild form on television.

But we think that some of these statements are worth much further repetition. They are much more articulate and candid than ever came from Reagan. Particularly in point were his comments about school financing.

HAS DOUBTS

"Do you really think that another $100,000,000 would make it possible for children to read and write better?" Brown asked, "I have some doubts."

Brown said that the schools should not expect an economic windfall from the state. He declared it was a "fair guess" that the schools will not get what they think they need.

"In a time of economic hardship, in a time of uncertainty when men and women are being put out of work," declared the governor, "I think we all have to be ready to sacrifice, to be ready to re-examine our assumptions. I'm not prepared to endorse just any solution to some very serious difficulties we're having in educating the young people of the state."

He said he would like "to talk about performance at the same time we talk about money."

"There may be some misapprehension that I can create money by making a speech or by somehow acquiescing to a proposal. There's only so much money generated. If people are thrown out of work, if people are put on welfare then we have less money for other things."

NO MAGIC SOLUTION

He said he expected "teachers, state workers, reporters, politicians, and everybody else" to understand that.

"I think it's time that people faced that and didn't look for a magic solution, or obscure the fact that we are in a declining economic situation."

He said his responsibility as governor is to "take the total picture and not to accept the totality of any one special interest group's request."

"Expectations are inflated. People are not facing economic reality in this state or in this country. I certainly think it would ill serve anyone if I kidded people into thinking there are more cookies in the jar than I actually see."

The governor declared that he is dedicated to improving the quality of education in California but "mindless pouring of money down the multiplicity of pipelines does not add up to a solution."

EASY DECISION

Reiterating his campaign pledge not to raise taxes, Brown declared that "Once you've said that, a tremendous number of decisions make themselves."

Brown's remarks followed the failure of 63 tax override elections throughout the state and the failure in the Senate Finance Committee of a bill opposed by Brown to give $75,000,000 additional to the state's schools each year.

To hear a politician talk this way about spending money after more than 40 years of watching politicians compete for public favor by promising greater spending is most refreshing. The governor will, of course, be under enormous pressure to let up in his attitude toward spending. Already he has been denounced in intemperate language by Bryan Stevens, president of the California Teachers Association.

But we think if Brown is consistent in following his philosophy that the way to solve a public problem is not necessarily just to throw a lot of money at it he will find that he has a tremendous amount of support from sober and thinking citizens. The big question is whether he can resist the tremendous pressure for spending from the special interest groups that want more spending.

Many people will differ with the governor about his stand on so-called tax loopholes as there are many differing opinions of what loopholes really are and what their merits really are. But few thoughtful people can disagree that public money ought to be spent frugally, especially in these times.

IMPORTANCE OF REDUCING FEDERAL SPENDING

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. MONTGOMERY. Mr. Speaker, in the April issue of the Reader's Digest, Secretary of the Treasury William Simon had a very thought-provoking article entitled "Big Government and Our Economic Woes." His major thesis is exactly what I have been advocating in the 8 years I have been a Member of Congress. More importantly, he points out the very state of affairs in which we will find ourselves if we do not soon gain control over Federal spending and strive for a balanced budget. I commend the following article to my colleagues:

Big Government and Our Economic Woes

(By William E. Simon, Secretary of the Treasury)

For more than 40 years, we in the United States have turned increasingly to the federal government to solve our problems. Yet, as the government has enlarged its dominion over our affairs, it has become increasingly apparent that concentrating power in Washington can be inefficient, wasteful, and ultimately destructive of our freedoms. Indeed, the forces of Big Government—however well-intentioned—bear significant responsibility for creating the woes we have in the economy today.

Before we turn still further toward centralization, it is urgent that we take a hard look at ourselves:

Item: Just before the New Deal, government spending took 12 percent of our gross national product. Today it takes a third. If present trends continue, it will take 60 percent by the year 2000.

Item: It required 186 years for the federal budget to reach the $100-bililon figure, a line crossed in 1962. Only nine more were needed to reach the $200-billion mark, and then only four more years to reach $300 billion. The sums are almost beyond comprehension. If $400,000 had been spent every day since Christ was born the total would still not come to $300 billion.

Item: Excluding the war years, the federal budget ran a surplus about four out of every five years until the 1930s. When we close the books on this fiscal year, we will have had 14 deficits in the last 15 years.

Item: One out of every six working Americans is employed by federal, state or local governments. The government has become the nation's biggest boss, with more employees than the auto industry, the steel industry and all other durable-goods manufacturers combined.

It is clear to me that we have more government than we need, more government than most people want, and certainly more government than we are willing to pay for.

Big Government is not undesirable *per se* any more than bigness in any organization is undesirable *per se*. But Big Government has become Bad Government because of what it has done to our economy and to our personal freedoms.

INFLATION CAUSE

Much of today's inflation can be directly traced to excessive government spending. A widely accepted theory of economics is that when the economy is weak, deficit spending by the government helps to pump it up. Conversely, however, when the economy is strong, the government should discipline itself to achieve budgetary surpluses and stabilize prices.

Instead, in our incessant desire to buy more than we can afford, we have slipped into deficit spending almost *every* year, good and bad. And because the economy was booming during much of the past decade, federal budget deficits have become a major source of economic instability.

Moreover, heavy government borrowing to cover these deficits has helped drive up interest rates and deny industry the private capital it has traditionally borrowed to expand and to employ new workers. During the coming fiscal year, government borrowing will total 80 percent of the capital market, leaving only 20 for private industry.

Another inflationary element in this witches' brew has been our monetary policy. Between 1955 and 1965, the money supply grew at a rate of about 2½ percent a year, and we enjoyed a period of reasonable price stability. Since 1965, however, the annual rate of increase in the money supply has more than doubled, to nearly six percent. This has been far beyond the level needed for stable economic growth, and the only way that extra money could be absorbed was through higher prices.

Fueled by the government's excessive fiscal and monetary policies as well as exploding food and oil prices, inflation hit record peacetime levels in 1975 and, as it did, it had a secondary effect: it tipped the economy downward toward recession. Rising prices caused the biggest drop in consumer spending since World War II. Similarly, as inflation drove up interest rates, housing—one of the nation's largest industries—fell into a horrible slump. In short, inflation has been a major cause of the recession and *remains* our most fundamental, long-term problem.

IMPACT ON PRODUCTION

Closely related to government-created inflationary pressures are the impediments that restrictive government policies place on production. Federal regulation of natural gas is a classic example. For more than two decades, despite repeated warnings by experts, the Federal Power Commission has kept the wellhead price of natural gas at an abnormally low level, in order to hold down prices for consumers. But this has reduced the incentive to develop new domestic supplies, and today there is much less natural gas available than we need. Government regulation has, in effect, created a national shortage.

We might also benefit strikingly if greater competition were introduced in the Postal Service. For almost two centuries government has enjoyed a monopoly over first-class mail, but with irritating frequency we have had to endure second-class service. By contrast, we have permitted private competition in parcel-post delivery, and in the past decade, because of better service, private delivery services have attracted away almost half of all packages delivered. If we were willing to cut the government umbilical cord, we might have much the same result in first-class mail.

Another particularly vexing problem arises from the federal regulatory agencies, which now exercise control over air, rail and truck transportation, power generation, television, radio and the securities market—industries that account for ten percent of everything made and sold. While initially set up for sound reasons, the regulatory process has become enormously complex, cumbersome, inefficient and overly protective of the industries it regulates—all at the expense of the consumer. The Interstate Commerce Commission, for instance, now has on its books some 40 trillion rates, and 400,000 new tariff schedules are proposed each year to tell the transportation industry what it can charge.

Economic wastage from government regulatory processes ranges into the tens of billions of dollars. For example, the government allows some trucks to carry cargo in only one direction, and others to carry only a small range of commodities on the return trip.[1] Regulated truckers travel some 30 percent of their routes with empty "backhauls," costing consumers $5 to $10 billion. Another example: It is 200 miles farther from San Franciso to Los Angeles than from New York to Washington, yet the air fare from San Francisco to Los Angeles is almost a third lower. Why? Airlines operating within California are intrastate and thus compete in an unregulated free market; prices on the East Coast flights are regulated by the government. Or look at the railroads. In deep financial trouble, they are required by the government to maintain upward of 50,000 route mile sno longer needed—excess trackage that drives up costs. There are but three of hundreds of government impositions on our system that raise the cost of living for all of us.

SMALL PROFITS, SMALL GROWTH

To pay for the rising costs of public programs, we have transferred mounting sums of our wealth from the most productive part of our economy, the private sector, to the least productive, the government. To put people back to work, we must not only provide public-service jobs, but, more important, we must return to economic fundamentals.

When adjusted for the effects of inflation on inventory and depreciation, after-tax corporate profits have actually declined by 50 percent since 1965. It is not unfair to say that the country has entered a "profits depression." Moreover, for more than a decade, capital investments have been at the lowest level of any major industrialized country in the Free World, and the growth in productivity of American workers has been just over half as large as in France and Germany, and less than one third as large as in Japan.

It is imperative that we make better provisions for the future. We must begin to shift the long-run balance of domestic priorities away from consumption and government spending and toward investment and increased productivity. History will ultimately judge us not just on our immediate success in coping with recession—and we will succeed in that endeavor—but on our ability to deal with the more fundamental problems of resource allocation and capital formation. If we fail to address these challenges, we will fail to attain the rising standard of living that should be our goal.

Some people argue that the answer to the current economic crisis lies in more governmental control. Looking at what Big Government has done to our economy, I believe it is time to say "No." Two approaches in particular are objectionable:

One: Greater federal spending. The drumbeat for still bigger spending programs can be heard regularly along the corridors of the Capitol. Because of the continuing threat of inflation, however, this recession must be treated quite differently from those of the past. Unbridled spending could set off a new cycle of inflation and recession that would be far more severe. Thus, the President proposed a tax cut to strengthen the forces of recovery, but to ward off further inflation he is also seeking to curb the momentous growth of federal spending.

Two: Wage and price controls. Public-opinion polls show that a majority of Americans now favor controls. That's discouraging. Controls have been tried over and over again, and not once have they worked. They may yield short-term gains, but within a matter of months they begin to create significant distortions and inequities within the economy. Our 1971–74 experience with them should have taught us that, instead of eliminating inflation, wage-price controls only conceal it—eventually it returns in much more virulent form. Advocates of a planned economy argue that prices remained fairly stable under controls in World War II, but they fail to point out that when controls were phased out after the war, wholesale prices shot up nearly 30 percent in one year.

If we are seduced once again by the siren song of controls, within two years we will face a cruel dilemma: whether to lift the controls and uncork horrendous problems of inflation and unemployment, or stick with controls for good and gradually stifle the free-enterprise system. That is a choice we can avoid if we avoid the controls themselves.

THE BETTER WAY

There are other ways to attack our long-range problems—ways that will work without concentrating still greater power and influence in Washington. For once, let us attack the causes of our problems and not the results.

With revenues falling off sharply and expenditures rising inexorably, large federal deficits are inescapable in the immediate future. Thereafter, however the economy regains its health, we must restore much greater fiscal and monetary discipline so that we do not have deficits during years of boom.

We must overhaul the government's regulatory system. This will be extremely difficult because the special interests benefiting from regulation are much more powerful and united than their opponents. But we can no longer afford the waste and inefficiencies that excessive regulation creates.

We continue to need tax reforms. For both individuals and businesses, inflation increases the effective tax rate even though they are no better off. In addition, most of our major trading partners have largely eliminated the traditional two-tier tax system in which income is taxed once at the corporate level and again on the dividends received by stockholders. For our own economic health, we should ask whether it is good for us that the burden of business taxation here is heavier than in almost any other major industrialized nation.

OUR BASIC DECISION

Overall, the most critical economic decision we face is whether we want to leave our basic freedoms in the hands of private citizens. The nation has now reached a crossroads. In a very basic sense, we must choose either to restore a more competitive, more open society or to commit ourselves—perhaps irrevocably—to a society in which the large decisions about our economic and personal welfare are made by a central government.

History surely teaches us that the system of free enterprise, despite its many flaws, is the system most compatible with the protection of rights and liberties as well as the one that is most productive of material goods. Equally so, recent history shows that government, despite its splendid intentions, is incapable of matching the vitality, the wisdom and the ingenuity of free men.

AMERICAN MILITARY DISENGAGEMENT IN INDOCHINA

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, two thoughtful articles have appeared in the New York Times last week concerning American military disengagement in Indochina, which I hope will be read and understood by all those who are trying to bludgeon the American collective conscience with charges that we are guilty of abandoning innocent people and that the suffering and bloodshed in South Vietnam is somehow our fault.

I reject these charges summarily. They insult the intelligence and denigrate the compassion of the American people. This Nation has expended billions of dollars in this futile conflict. Over 50,000 young American lives have already been lost in this sacrificial rite. Why was this sacrifice made, and what has it achieved? To whose distorted vision of "U.S. responsibility have we committed dollars, lives and our national pride?"

I do not believe the public sentiment that overwhelmingly favors a military disengagement in Indochina represents a retreat from responsibility. On the contrary, I believe it represents the culmination of a protracted and often painful maturation process—a growth in the understanding of the American people that the United States cannot impose its political values on another culture through the establishment and support of inherently corrupt regimes that purport to oppose communism. Our responsibility as a world leader does not mean refashioning the entire world in our own image. This is a perception that wrongfully implies that our values and philosophies are superior to those of everyone else.

The American people have slowly but surely come to the understanding that massive military aid cannot solve the problems of a foreign government that has failed to inspire the confidence and support of its own people.

Our national coffers are not limitless; indeed, we find ourselves pinching pennies and stretching dollars to meet compelling needs here at home. U.S. foreign aid, be it economic, technical, nutritional or military should be expended very judiciously, and such expenditures should be reviewed regularly to determine their effectiveness. The American people are entitled to the assurance that this money is being wisely spent. The people we are trying to help with this aid are entitled to the same assurance.

Our foreign aid program, viewed within the parameters of goal achievement, has been a resounding failure. We have failed repeatedly to assess the social and political implications of the interface of American technology, hardware, and values on a foreign culture.

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[1] See "Highway Robbery—Via the ICC," The Reader's Digest, January '75.

This assessment must be an integral part of our foreign policy formation process. We must examine needs very carefully to determine how we can get the best results most economically.

The recent policy shift in the World Bank is a case in point. That institution will now be making far more money available to small farmers in the underdeveloped world, instead of pouring massive amounts of money into the establishment of large agribusiness operations that work well in this country but which have been less than spectacular successes abroad.

This is precisely the policy shift that is needed in many other areas of U.S. involvement, including Indochina. We could have done far more to influence the growth of democracy in South Vietnam by meeting the economic needs of the small farmers in that country than by infusing massive military aid to support a regime that enriched itself at the expense of its own people and the American public. Opportunities for this kind of assistance still abound, even in Indochina, and I believe the American people will be supportive of this policy shift.

The American people are generous to a fault. They have consistently opened their hearts and their pocketbooks to those in need, both at home and abroad. The American people have come to the realization that the Vietnam war has been a bad investment.

There is a dignified and far more effective way to achieve social and economic goals for developing countries. Let us dedicate ourselves to humanitarian and sound economic aid programs that hold out the promise of peace and prosperity, instead of devotion to a futile quest for domination. The American people have realized the value of the former, and reject the hyprocrisy of the latter.

As James Thomson's thoughtful article points out, this Nation simply needs to say that—

> We did our best, but that events went otherwise, that the Vietnamese chose otherwise. And that we will now allocate all we can to the relieving of immediate suffering, to the providing of safe haven for those whose lives are endangered through close allegiance to us, and to the rehabilitation of shattered lands and peoples—in the North and South and also in Cambodia. This is the way that we can show the world "the magnanimity of a strong and compassionate people."

Mr. Speaker, I am sure my colleagues will benefit from the thoughtful views in these two well-written articles, and I include them at this point in my remarks:

[From the New York Times, Apr. 9, 1975]

Learning From the Past

American disengagement in Indochina and the military debacle in South Vietnam and Cambodia have aroused fears that the United States may be entering a new era of isolationism or at least impotence in the world arena. President Ford has even hinted darkly that those who sought the end of this country's military involvement with Saigon were advocating a retreat behind Fortress America.

The Army Chief of Staff says that only another half-billion dollars, if sent quickly enough, will enable Saigon to fight off enemy attack. General Weyand's request, reported yesterday, recalls the last-ditch conviction of Gen. William C. Westmoreland in 1968, that another 206,000 American troops would do the job in South Vietnam that twice that number had been unable to accomplish. Such requests for help are second-nature from worried strategists whose defenses are crumbling; they bear no relation to the national interests of the United States, or to its role in the world.

History cannot be undone; but errors committed in the past need not jeopardize a nation's future—provided its political leaders have the wisdom to recognize and the strength to admit those errors. No purpose is served by pinning familiar old labels on new and greatly different situations.

It is not the mark of isolationism for the United States to re-examine the validity of its role as automatic protector of any regime that calls itself the enemy of Communism. If the United States is to be unselective in its reliability, as Secretary of State Kissinger would have it, then this country must exercise extreme selectivity in its military commitments.

Great powers have often tended to confuse their international obligations with an innate desire to fashion other nations in their own image. Thus the United States has deluded itself into believing that the symbols of American democracy could automatically turn allied forces into freedom fighters. Such illusions tend to corrupt clients, as well as patrons. The risk is compounded when the American flag is allowed to be identified with the power of privilege and the defense of the status quo. It is in this way that the United States has so often unwittingly forfeited its own advocacy of social reform to Communist propagandists.

To recognize such failures and to come to a realistic understanding of the limitations of American power is not to condemn ourselves to passivity or isolationism. There is much this country can do in honoring commitments legitimately entered into to protect its vital interests and in making common cause with those who truly speak for their people's aspirations. The success of the Marshall Plan offers ample illustration of America's potential to use its resources and its diplomacy as an effective bulwark against want and war.

Except for the remaining humanitarian task of alleviating the suffering left in the war's aftermath, the book will soon have to be closed on the tragic misreading of the United States' role in Indochina. This has nothing to do with isolationism nor the abrogation of a commitment. It is simply the honorable recognition, at long last, of the failure of a policy on which much blood and treasure have been tragically expended.

[From the New York Times, Apr. 10, 1975]

As Asia Goes, So Goes New York

(By James Thomson)

Cambridge, Mass.—At last it begins to end, suddenly very quickly. A re-run of Nationalist China's collapse, but delayed by 25 years of great-power interventions.

The horror of present Indochina suffering should be intensified for Americans by a sense of history; how it happened, and how it could have been avoided.

One beginning came thirty years ago this autumn when the United States permitted France to reoccupy her Indochina colonies after Japan's surrender.

A bigger beginning was the Truman-Acheson decision in early 1950 to recognize the French puppet Bao Dai as ruler of Vietnam, to spurn Ho Chi Minh's independent revolutionary government, and to commit American arms and dollars to the pro-French side in the Vietnamese civil war.

"With [this act] the United States embarked upon another ill-conceived adventure doomed to end in another self-inflicted defeat." So wrote veteran journalist Harold Isaacs back in the April 11, 1950 issue of The Reporter magazine. "The real problem," he added, "is not how to implement this policy but how to extricate ourselves from it."

This week, precisely a quarter-century later, Mr. Isaacs' prophecy is fulfilled as that ill-conceived adventure finally careens to a halt. Not tidily, arranged under chandeliers by men in morning coats around the green table. Not even gradually, allowing for the protection of the innocents. But suddenly, with breakneck speed and with suffering beyond belief.

The swiftness of the collapse is a surprise. But not the human tragedy. For how else do civil wars end? They are always an all-or-nothing contest; anything less than an ending is merely a suspension.

Three times now, in 1946, 1954 and 1973, Vietnam's revolutionary leaders—that potent early fusion of Communists and nationalists who threw out the French—were persuaded to accept a suspension. But only a suspension each time, an imposed intermission in an unfinished civil war.

For the overriding question, from 1945 onward, has been: Who shall rule a united Vietnam? And the mission of Vietnam's would-be liberators—Ho Chi Minh, General Giap, the party and the army—has been successively, for thirty years, to oust the French, to oust the Americans, and to displace those Vietnamese élites that collaborated with the foreigners.

True, of course, that those élites—officers, bureaucrats, politicians, businessmen, landowner, professionals, intellectuals, clergymen—included some who appealed to our best instincts, whose Westernized liberal values had little in common with the rampant venality, corruption, and barbarism of Saigon's changing cast of warlords.

True, too, that our Vietnam intervention had been in early times an explicable product of American ignorance and panic. Ill-informed about the indigenous nationalist roots of Vietnamese Communism, fearful of Moscow-run "monolithic Communism" after Mao's China triumph and blackmailed by the French (the price Paris demanded for joining any European defense arrangement) we took the wrong road in early 1950. And kept to it—even after the French went home—because of our enduring fear of Communism.

True, as well, that once anti-Communism receded as an overriding rationale, South Vietnam still seemed to some Americans a beguilingly special place: a congery of ethnic, cultural, religious, and geographic complexities worth preserving under our tutelage, separate from the North. Hence the South's strong attraction not only to our military "counterinsurgency" specialists, C.I.A. operatives and A.I.D. advisers, but also to a wide variety of our academic social scientists, church groups and journalists. Couldn't South Vietnam somehow prove a point or two, at least be a useful laboratory for "Free World" development? So was born the resilient canard that it was not, after all, a civil war.

Finally, of course, there was that wondrous Eisenhower invention of 1954, the "domino theory"—the proposition that all Asian states act alike (perhaps because they all look alike, to those who don't look closely); and that if one were to fall over, so too would all the others. Vietnam today, Thailand tomorrow, then Japan, and not far ahead, the beaches of Waikiki.

Even sophisticates, not alarmed about Hawaii, did worry about Laos and Cambodia. And well they should have, for reasons having nothing to do with Communism, but rather with one of the peninsula's traditionally potent forces, "Annamite imperialism."

At best the domino theory described a mere commonplace: a "ripple effect," meaning that what happens in Holland does in fact hit

Belgium and Luxembourg quite heavily, France and Germany less so, Spain and Rumania hardly at all.

And for some time now that ripple effect has been belatedly at work. Laos, a traditional buffer between Vietnamese and Thais, has arranged a coalition of Communists and others that reflects the political realities of that backward kingdom. Thailand, after two decades of un-Thai behavior—putting all its security eggs in one American basket—is returning to the politics of multiple baskets (call it neutralism or a balancing act) that have guaranteed Thai independence from foreign conquest for centuries.

But Cambodia, most cruelly, is a victim of whiplash: preserved as an island of relative peace under the quick-footed Prince Norodom Sihanouk, it was betrayed by the Lon Nol coup of 1970 and then destroyed by the American "incursion," an invasion that created the successful Cambodian insurrection.

Of all the high crimes for which Richard Nixon must be held to account by history, none can be higher than the senseless destruction of Khmer civilization. What's left of Cambodia, after American aerial destruction, will be ruled by what's left of Cambodia's Communist.

There was, of course, a further reason for the continued durability of the domino theory. And that is—as Daniel Ellsberg and others have noted—the compelling feeling among Democrats and Republicans alike that the most important domino of all (perhaps the only one all along) was the Administration in power in Washington: the conviction that if an Administration were to "lose" any Asian country to "Communism," that Administration would proceed to lose the next national election. The alleged lesson had been learned when the Democrats were turned out of office in 1952 after President Truman and Secretary of State Dean Acheson had "lost China."

The question now is still that same old Isaacs question of 25 years ago: Having chosen the path to a self-inflicted defeat," how do we "extricate ourselves" from the policy that brought it about?

There are two ways. One is to replay the "loss of China" script. That would involve (quite soon) an open season in the search for scapegoats. President Ford and Henry Kissinger have already tilted in that direction: had not the Congress reduced Vietnam aid and "frustrated" Presidential freedom to "deter," etc., there would still be hope.

And who runs the Congress? The same party that "lost China"—the Democrats. (Actually, it was the Chinese Nationalist Party that lost China; but that is a different and too long story.) A dicey Presidential election is coming up. Can many Republicans and even some Democrats resist the temptation to return us now to the McCarthy-McCarran era?

But there is another way—short of the admission of error, the mea culpa of which governments seem all together incapable. A way to face not Vietnam's "loss," but the misery-ridden end to our tragic intervention in the Vietnamese civil war. That would be simply to say we did our best, but that events went otherwise, that the Vietnamese chose otherwise. And that we will now allocate all we can to the relieving of immediate suffering, to the providing of safe haven for those whose lives are endangered through close allegiance to us, and to the rehabilitation of shattered lands and peoples—in the North and the South, and also in Cambodia. Even Lyndon Johnson offered as much in his famous Johns Hopkins speech on April 7, 1965, while our bombs were widening the bloodbath.

Who knows how we will choose, at a time of shaken economy at home and possible war in the Middle East. One way lies further folly, the wrath of spoiled children whose will has been thwarted.

The other way lies maturity: the willingness to learn from error, to accept our chastening, to cast off our grandiosity, to forgive and ask forgiveness, and to show the magnanimity of a strong and compassionate people.

PRO AMERICA RESOLUTIONS—PART III

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. ROUSSELOT. Mr. Speaker, as you will recall, last week on Wednesday, April 9, and Thursday, April 10, I placed in the RECORD copies of the first 11 resolutions adopted by the National Association of Pro America in April 1974.

I am today bringing to the attention of the Members of this House the remaining resolutions 13 through 20. The Pro America Women are to be commended for their dedication to the principles of our Constitution, and their efforts to preserve our Republic are recognized and appreciated by all of us in Congress who share their same concerns.

The full text of resolutions 13 through 20 follows:

OPPOSITION TO ABORTION ON DEMAND

Whereas in recent Supreme Court decisions on abortion the Supreme Court violated the separation of powers doctrine by deliberately drafting model legislation, and usurped powers reserved to the states by the Tenth Amendment; and

Whereas the court majority used the 14th Amendment as the basis for their decision that a woman's right to "privacy and freedom" justified abortion within the first three months of pregnancy, with conditional rights for the next three months; and

Whereas the court did not merely legalize abortion but prohibited laws intended to prevent abortion except in the last three months of pregnancy; and

Whereas the 14th Amendment contained no provision even remotely related to abortion and at the time it was "more or less" ratified 36 of the 37 states in the union contained statutes limiting or prohibiting abortion; and

Whereas the court admitted that the crux of the decision is whether an unborn child is a person within the meaning of the law whose right to life is protected by the 5th and 14th Amendments; and

Whereas two of Webster's standard dictionaries define "child" as "*human being* unborn or recently born, fetus, infant, baby, *person* unborn or recently born" (emphasis added); and

Whereas although the court was unable to "resolve the difficult question" as to when life begins, it has been ably answered by Dr. Henry E. Garrett, former head of the psychology department at Columbia University who wrote in his book "Psychology and Life" "When the egg of the female parent has been fertilized by the sperm of the male parent the life of the new individual begins"; and

Whereas if the fetus has life (as is admitted by the medical term "Fetal death") and if it is human as it must be if the mother is human, it has an unalienable right to life, and to cause the death of a human fetus is homicide; and

Whereas it is axiomatic that one person's freedom ends where it infringes on another's, so does a woman's "freedom and privacy" (however *un*limited it may have been before conception) end where their exercise deprives another human being of life; and

Whereas Judeo-Christianity has always taught that man is precious because he is made in the image of God and that the killing of a man is only excusable if done accidentally, in defense of the life of oneself or another, or as atonement for crime; and

Whereas if the killing of the most innocent and helpless of human beings—the unborn—because of the "convenience" of the mother, is legalized, the gradual acceptance of the elimination of other segments of the population because of age, infirmity, unproductiveness or even political heresy could follow; now, therefore,

Be it *resolved* That the National Association of Pro America oppose abortion except under extreme circumstances; and

Be it further *resolved* That the National Association of Pro America urge Congress to remove the appellate jurisdiction of the federal courts in all cases involving abortion.

Documentation:

"Handbook on Abortion" by Dr. and Mrs. J. C. Willke

"About Killing the Unborn" by Dr. Medford Evans, Feb. 14, 1973 *Review of the News*

Article by James J. Kilpatrick, *Houston Chronicle*, Jan. 27, 1974

Article by Dr. Robert Morris, *Houston Tribune*, Feb. 23, 1973

OPPOSITION TO THE FEDERAL RESERVE TOTAL BANK CONTROL

Whereas "Congress shall have power . . . To coin Money, regulate the Value thereof . . ." (Article I, Section 8, United States Constitution), therefore the Federal Reserve Act of 1913 in usurping this authority is clearly unconstitutional; and

Whereas if the concepts expressed by Meyer Amschel Rothschild who reputedly declared "Give me control over a nation's economy, and I care not who makes its laws" are valid, it seems apparent that constitutional protections and individual freedom of United States citizens are gravely endangered, to the benefit of the international banking world monopoly; and

Whereas contrary to public opinion, the Federal Reserve Banking system is, for all practical purposes, not an agency of the government, but a privately owned organization for profit; and

Whereas the Federal Reserve Board has proposed legislation that would extend its power to set reserves for some 5,000 nonmember banks as well as some Savings and Loan Associations; and

Whereas under federal law, nationally chartered banks must be members of the Federal Reserve System, while State chartered banks have the *option* of coming under the Federal Reserve Board's jurisdiction or subjecting themselves to state regulation only; and

Whereas state bank reserves often can be held in the form of interest-bearing securities or deposits in other banks, but the Federal Reserve Board pays no interest; and

Whereas since 1960, seven hundred and fifty banks have left the Federal Reserve system while seventeen hundred others receiving new State charters have chosen not to join; and

Whereas the reserve requirements are the lever by which the Federal Reserve controls the growth of the money supply and thus the growth, control and management of this country's economy; and

Whereas the Federal Reserve System which unlawfully regulate currency and credit and, to a startling degree can cause inflation or depression, has never been audited in the sixty-one year period since its founding; now, therefore, Be it *resolved* That the National Association of Pro America urge Congress to require an immediate public audit and investigation of the Federal Reserve System aimed at restoring congressional authority over the United States monetary system; and

Be it further *resolved* That the National Association of Pro America strongly oppose any legislation which would (1) foster Federal Reserve Board's authority to further manage the economy through total control of the money supplies, (2) restrict the State Banks' freedom to choose between State or Federal regulation and (3) destroy the dual banking system.

Documentation:

Patman Calls Fed Plan to Expand Control of Banks a "Power Grab"—L.A. Times (AP) Jan. 29, 1974.

Wall Street Journal, Jan. 28, 1974—"Fed to Extend Its Power."

Los Angeles Times—Part II, Jan. 28, 1974—"Fed Seeks Regulation State Banks, S & Ls."

Wall Street Journal—Nov. 2, 1973 "Speaking of Business" by Lindley H. Clark, Jr.

REPEAL PROFESSIONAL STANDARDS REVIEW ORGANIZATION

Whereas in 1972 Congress created the Professional Standards Review Organization (PSRO) as an amendment to the Social Security Act; and

Whereas PSRO introduces and requires a new and foreign philosophy of medical care in the United States, namely, that henceforth the "care, diagnosis and treatment" for private citizens by private doctors shall comply with government-dictated concepts of medical care as approved by a Professional Standards Review Organization and the Secretary of the Department of Health Education and Welfare for beneficiaries of Social Security programs; and

Whereas this government intervention immediately intrudes upon the confidentiality of the doctor-patient relationship and brings the doctor's judgment and the patient's assured; and

Whereas PSRO guidelines not only create a vast new bureaucracy, but impose the obligation on doctors to meet government approved "norms" of "health care" implemented through the use of computers which will result in standardization and mediocrity in medical practice at incalculable cost to the taxpayers; and

Whereas PSRO is the result of ill conceived legislation, passed at the eleventh hour in Congress over opposition from practically all sectors of the organized medical profession and of the hospital associations, and can only result in the rationing of medical care for Social Security beneficiaries; now, therefore,

Be it resolved That the National Association of Pro America vigorously oppose any government intervention in the practice of medicine or intrusion into the confidentality of the doctor-patient relationship, and call for immediate repeal of the Professional Standards Review Organization Amendment to the Social Security Act.

Documentation:

"P.S.R.O." by American Association Council of Medical Staffs of Private Hospitals, Inc.-New Orleans-3rd Edition Revised May 1973.

RETAIN CONSTITUTIONAL REQUIREMENTS FOR THE PRESIDENCY

Whereas Article II, Section I of the Constitution of the United States says "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution shall be eligible to the Office of President; neither shall any person be eligible to that who shall not have attained to the age of thirty five years and been fourteen years a resident within the United States"; now, therefore.

Be it resolved That the National Association of Pro America urge the Congress of the United States to adhere faithfully to those stipulations, and resist all efforts to amend that portion of the Constitution.

STATE LEGISLATORS CALLED UPON TO OPPOSE FEDERAL BUREAUCRACY

Whereas by the Tenth Amendment to the Constitution of the United States all powers not specifically delegated to the federal government, nor prohibited by it to the states are reserved to the people of the states; and

Whereas the legislators of the several states are required to take an oath of office to support and defend the United States Constitution and the Constitutions of their States; and

Whereas state legislators of the several states are relinquishing their authority to federally appointed bureaus, such as the Environmental Protection Agency (EPA), the Occupational Safety and Health Act (OSHA), the Federal Communications Commission (FCC), Federal Food and Drug Administration (FDA), Office of Economic Opportunity (OEO), Professional Standards Review Organization (PSRO) and the Land Use and Planning Assistant Act—to mention a few—in exchange for federal grants which in turn bring federal control in violation of Amendment X of the United States Constitution; now, therefore,

Be it resolved That the National Association of Pro America request the legislators of the several States to assume their stated responsibility and demand that the federal government return to constitutional principles and leave the administration of state governments to the duly elected State representatives; and

Be it further resolved That the National Association of Pro America urge the State Chapters to send copies of this resolution to their State Legislators.

Documentation:

"Inside Washington" by Robert S. Allen, Jan. 20, 1974—*A Nauseous Revival* of Scandal-Ridden Bureaus—Santa Ana Register

A.M.A. Will Seek Repeal of O.S.H.A. by Harry Nelson—L. A. Times, Dec. 6, 1973

"Was Barry Goldwatergated"—Santa Ana Register—Jan. 27, 1974

"Rule by Non-Laws" by Jo Hindman, Nov. 3, 1973—Metro News

SUPPORT LOYALTY OATH

Whereas the Supreme Court has ruled that States may not bar political parties from the ballot for refusing to renounce the violent overthrow of the United States government; and

Whereas the Communist Party, whose members have no loyalty to the United States, is not a legitimate political party in the sense that term is used in this country but is in fact a criminal conspiracy by a foreign power; and

Whereas Article II of the United States Constitution provides that Congress has the right to limit or remove appellate jurisdiction of the Supreme Court; now, therefore,

Be it resolved That the National Association of Pro America request its Congressmen to exercise their constitutional authority and take appropriate action to correct the effects of this dangerous decision.

Documentation:

"Loyalty Oath Banned for Political Parties", Los Angeles Times, Jan. 10, 1974, U.S. Constitution—Article III

URGE RESTORATION OF NATIONAL ORIGINS QUOTA SYSTEM IMMIGRATION

Whereas it is estimated that there are up to five million illegal aliens in the United States and that there will be seventeen million in ten years, who accept wefare checks, affect the nation's unempoyment situation, and yet pay no taxes; and

Whereas in 1965 Congress made a radical change in United States immigration policy, abolishing the McCarren-Walter Immigration Act containing the National Origins Quota System of numerical and ethnic restrictions on aliens, resulting thereby in a flood of immigrants from such utterly different cultural, religious, governmental and legal backgrounds that it threatens the destruction of this country's traditional culture, freedoms and form of government; and

Whereas the myth of "over population" is being used to coerce middle class Americans into limiting families yet it has been stated that four out of every five new Americans are aliens, who also drastically affect the unemployment situation, many accept welfare checks, and some pay no taxes; and

Whereas most countries of the world base their immigration policy on their own best interests, while the United States pursues a policy based on sentimentality and pity to the point of its own destruction; now, therefore,

Be it resolved That the National Association of Pro America proclaim that there is a population explosion of *immigrants*, not native born Americans, urge Congress to restore the National Origins Quota System, and reaffirm all previous resolutions on immigration.

Documentation:

"While America Sleeps, Foundations Crumble" by Mary Barclay Erb

"Our Mounting Wave of Illegal Immigrants" by Nathan M. Adams, reprinted in Reader's Digest, December 1973

REAFFIRMATIONS 1974

The National Association of Pro America reaffirms the following:

Genocide Convention

All past resolutions opposing the Genocide Convention and urges continued opposition to it.

Inflationary policies of Federal Government

Resolution No. 11, 1973, *Disapproval of the* ous inflationary practices and policies of the federal government.

American Civil Liberties Union

Resolution No. 11, 1973, *Disapproval of the American Civil Liberties Union*, and urges congressional investigation.

National defense

Resolution No. XII, 1972, *National Defense*, alerting Congress and the President to inherent dangers unless military strength in every area is upgraded.

National voter registration

Resolution No. XIV, 1972, *Oppose National Voter Registration*, and urge continued opposition.

Equal rights amendment

Resolution No. X, 1973, *Dangers of the Equal Rights Amendment*, and urges continued opposition to this amendment and continued efforts to rescind it where ratified.

OSHA

Resolution No. V, 1973, calling for repeal of OSHA.

Federal Food and Drug Administration

Resolution No. XIII, 1973, calling for rescission of FDA controls regulating sale of vitamins, minerals and health foods, and urges support for legislation protecting the right of the consumer to buy the potency and combination of vitamins and minerals desired.

PPBS

Resolution No. XVI, 1972, *Oppose Planning, Programming, Budgeting System for Public Schools Across the Nation*, expressing opposition to the financing of any goal-setting process.

GROWING SUPPORT FOR EXTENSION AND EXPANSION OF VOTING RIGHTS ACT TO COVER SPANISH-SPEAKING AMERICANS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. BADILLO. Mr. Speaker, there has been growing support for extension and expansion of the Voting Rights Act to provide protection for the Spanish-speaking citizens of our country. I would like to make the following cover letter, resolution, and telegrams part of the public record. The resolution has been unanimously adopted by the National Board of Trustees of the National Congress of Hispanic American Citizens, its membership, and the 95 participating national, State, and local Spanish-speaking organizations. The telegrams were sent to the national organization's office in Washington, D.C. and copies were forwarded to all the members of the Judiciary's Subcommittee on Civil and Constitutional Rights.

The articles follow:

NATIONAL CONGRESS OF HISPANIC AMERICAN CITIZENS.

Hon. HERMAN BADILLO,
Member, House Committee on Civil and Constitutional Rights, U.S. House of Representatives, Washington D.C.

DEAR MR. BADILLO: I would like to submit to you and the other Members of the House Judiciary Subcommittee a Resolution that was unanimously adopted by the National Board of Trustees of the National Congress of Hispanic American Citizens, its membership, and the 95 participating national, state and local Spanish speaking organizations.

This Resolution supports the extension and expansion of the Voting Rights Act as proposed in H.R. 5552, the bill introduced by yourself and Representatives Edward Roybal and Ms. Barbara Jordan.

Additionally, I have included in this communication the numerous telegrams that have been received in our office that demonstrate the overwhelming support this measure (H.R. 5552) has received in our community.

For this Congress to ignore the unanimous consent of our community would be a gross denial of justice. I sincerely hope that the Subcommittee will assert itself to the end of creating some real fundamental and institutional change for the benefit of our nation's Spanish speaking.

Sinceramente,

MANUEL D. FIERRO,
President.

RESOLUTION SUPPORTING THE EXTENSION AND EXPANSION OF THE VOTING RIGHTS ACT (H.R. 5552)

Whereas, after thirteen days of hearings which were held by the House Judiciary Subcommittee on Civil and Constitutional Rights, the need for expanded coverage to include Mexican Americans, Puerto Ricans, and other Spanish origin Americans under the Voting Rights Act was clearly established.

Whereas, documentation presented before the House Subcommittee on Civil and Constitutional Rights shows irrefutable evidence of a systematic effort to deny Mexican Americans, Puerto Ricans, and other Spanish origin Americans the right to vote.

Whereas, legislation, to overcome this pervasive pattern of voting discrimination and abuse against Mexican Americans, Puerto Ricans, and other Spanish origin Americans, has been jointly introduced by Congressmen Herman Badillo, Edward Roybal and Ms. Barbara Jordan (H.R. 5552) in the House of Representatives.

Let it then be *resolved*, that the National Congress of Hispanic American Citizens (El Congreso), a national nonpartisan citizen's lobby for and of the Spanish speaking, hereby endorses and fully supports the extension and expansion of the Voting Rights Act to include coverage to Mexican Americans, Puerto Ricans, and other Spanish origin Americans as proposed in H.R. 5552, a bill introduced by Congressmen Herman Badillo, Edward Roybal and Ms. Barbara Jordan.

Let it be further *resolved*, that the 95 participating national, state, and local Spanish speaking organizations, have equally endorsed and are fully supportive of H.R. 5552.

TELEGRAMS

SAGINAW, MICH.

Tri-city SER Board of Directors and the G.I. Forum of Saginaw support expanded coverage of the Voting Rights Act to include the Spanish speaking of the Midwest and other Spanish speaking people throughout the Nation as introduced by Congresspersons Badillo, Roybal and Jordan.

JOAQUIN DIAZ,

NATIONAL AND STATE PRESIDENT OF THE MEXICAN AMERICAN POLITICAL ASSOCIATION.

We want to express our full support for the passage of the Badillo, Roybal and Jordan (H.R. 5552) Voting Rights expansion bill. It is imperative that the Spanish speaking persons residing in predominately Spanish speaking populated states such as California, Texas and the entire Southwest be afforded this long overdue right to vote. Our organization urges that this vital piece of legislation be enacted upon immediately to benefit all the Spanish speaking persons in this country.

MARGARET CRUZ.

HOUSTON, TEX.

This is to assure you of my full support for H.R. 5552 by U.S. Representatives Badillo, Roybal and Jordan. The Voting Rights Act needs to be expanded in the Southwest and throughout the country.

BEN T. REYES,
State Representative.

POLITICAL ACTION COMMITTEE,
AUSTIN, TEX.

This is to inform my full support of H.R. 5552 as introduced by Congressmen Badillo, Roybal and Jordan, a measure that will expand the coverage of the VRA in the Southwest and throughout the entire country.

MARC CAMPOS DEJANO.

MERCED, CALIF.

The National Mexican American Chamber of Commerce 36 cities 7500 members all independent small businessmen express full support for the expanded coverage of Voting Rights Act to include the Spanish speaking in the entire country additionally we reaffirm our full support for bill H.R. 5552 introduced by Badillo, Roybal and Jordan.

JOSEPH FLORES,
Exec. Director.

I support H.R. 5552 by Badillo, Roybal and Jordan, which expands coverage of the 1965 Voting Rights Act in the Southwest and throughout the country.

CRAIG A. WASHINGTON,
Texas State Representative.

SAN DIEGO, CALIF.

As president of the Association of Mexican American Educators, Inc., California, I want to express our full support for the expanded coverage of the Voting Rights Act to include the Spanish Speaking in the Southwest and to other Spanish speaking groups throughout the country. Additionally, I want to reffirm our full support of the Bill H.R. 5552 introduced by Badillo, Roybal and Jordan.

HELEN DIAZ.

LOS ANGELES, CALIF.

As Executive Director of the American Association of Spanish speaking CPA's I want to express our full support for expanding coverage of the Voting Rights Act to include the Spanish speaking in the Southwest and other Spanish speaking groups throughout the country. Additionally, I want to reaffirm our full support of bill H.R. 5552 introduced by Congressmen Badillo, Roybal and Congresswoman Jordan.

DANIEL ARCHULETA.

FORT WORTH, TEX.

In behalf of the national membership of the American G I Forum I wish to express full support of HR 5552 a bill that will expand coverage of the Voting Rights Act to the Spanish speaking populus of the United States in particular the Southwest block.

ANTONIO GIL MORALES,
National Chairman.

AMERICAN GI FORUM ROTC PROGRAM,
Austin, Tex.

On behalf of the national membership of the American G I Forum I wish to express full support of HR 5552 a bill that will expand coverage of Voter Rights Act to the entire Spanish speaking populus of the U.S. in particular the Southwetsern block.

ALBERT SABATER,
Regional Coordinator.
YOLAND ACOSTA,
Administrative Assistant.

NATIONAL COUNCIL OF LA RAZA.

Please accept tihs communication as a personal expression of full support for the expanded coverage of the Voting Rights Act of 1965 amended to include the Spanish speaking in the Southwest and other Spanish speaking groups throughout the country. We also reaffirm our full support of HR 5552 introduced by Badillo, Jordan, and Roybal.

RAUL YZAGUIRRE,
National Director.
LULAC,
El Paso, Tex.

We strongly urge the expansion of the coverage of the Voting Rights Acts to include the Southwest and other Spanish origin groups as stated in HR 5552. We recommend highly not to enter any compromise that will weaken the effect to this important legislation.

E. J. MORENO,
President.

NATIONAL ISSUES CONFERENCE,
Lomita, Calif.

The National Issues Conference representing the 5 major Mexican American Organizations in California, MAPA, LULAX, GI Forum, IMAGE, and Comision Femenil. By resolution at the November 1974 Conference at Sacramento is on record supporting the concept of extending Voting Rights to the Spanish Speaking. We urge you convey our support to Ed Roybal and other sponsors, on the new Voting Rights bill.

MANUEL BANDA, Jr.,
Executive Secretary.

NATIONAL IMAGE,
Phoenix, Ariz.

As national president of IMAGE I want to express our full support for the expanded coverage of the Voting Rights Act to include the Spanish speaking in the Southwest and other Spanish speaking groups throughout the country, additionally, I want to reaffirm our full support of the bill HR 5552 introduced by Badillo, Roybal, and Jordan.

EDWARD VALENZUELA,
President.

SER-JOBS FOR PROGRESS,
Joliet, Ill.

I want to express my full support for the extended coverage of the Voting Rights Act to include the Spanish speaking of the Midwest and other Spanish speaking people throughout the nation. I want to reaffirm my complete support for HR 5552 introduced by Congress persons Badillo, Roybal, and Jordan.

GUS GUTIERREZ,
Executive Director.

HOUSTON, TEX.

This is to confirm my full support of HR 5552 as introduced by Congress persons Badillo, Roybal and Jordan, a measure that will expand the coverage of the VRA to the Spanish in the Southwest and throughout the entire country.

LEONEL CASTILLO,
City Controller.

LOS ANGELES, CALIF.

As the National Director of SER, I want to express our full support for the expanded coverage of the Voting Rights Act to include the Spanish speaking in the Southwest and other Spanish speaking throughout the country.

Additionally, I want to reaffirm our full support of the bill H.R. 5552 introduced by Badillo, Roybal, and Jordan.

Sinceramente,

RICARDO ZAZUETA.

DENVER SER-JOBS FOR PROGRESS.

We express full support for expanded coverage of Voting Rights Act to include Spanish speaking in the Southwest and throughout the country. We also reaffirm full support of bill H.R. 5552 introduced by Badillo, Roybal, and Jordan.

SAM SANDOS,
Executive Director.

MEXICAN AMERICAN COUNCIL FOR ECONOMIC PROGRESS,
Austin, Tex.

As President of Mexican American Council for Economic Progress, I want to express our support of H.R. 5552, the bill that will expand coverage of the Voting Rights Act to Texas and to other states in the Southwest. Please work for favorable passage of this vitally needed bill to include Spanish speaking in the Voting Rights Act throughout the country.

ARTURO CASILLA,
President.

AUSTIN, TEX.

This is to assure you of my full support for H.R. 5552 by U.S. Representatives Badillo, Roybal, and Jordan. There is a vital need for the Voting Rights to be expanded in the Southwest and throughout the country.

GONZALO BARRIENTOS,
State Representative.

HOUSTON, TEX.

This is to affirm my full support of H.R. 5552 by U.S. Representatives Badillo, Roybal, and Jordan. The Voting Rights Act needs to be extended in the Southwest and throughout the country.

MICKEY LELAND,
State Representative.

CONGRESSMAN STUDDS' FINANCIAL STATEMENT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. STUDDS. Mr. Speaker, I wish to insert in the RECORD a copy of my 1974 financial statement:

CONGRESSMAN GERRY E. STUDDS' 1974 FINANCIAL STATEMENT

PART I—INCOME 1974

Salary, $42,500.

Honorarium: National Education Association (money given to Constituent Services Committee), $500.

Dividends: See Part II for detailed explanation, $1,152.31.

Interest: See Part III for detailed explanation, $213.12.

Total income, $44,365.43.

EXPENSES 1974

Actual Official Expenses: (travel, stationery, district offices, telephones, printing, etc.), $21,355.68.

Congressional Allowances for Official Expenses: (travel, stationery, district offices, telephones, etc.), $11,579.68.

Difference: That is, official expenses paid from my pocket, $9,776.

PART II—DIVIDEND INCOME 1974

Security	Number of shares	Income derived 1974
Burlington Industries	40	$62.00
Exxon	87	433.33
Gulf Oil	80	126.00
Crown Zellerbach	40	32.00
Lincoln National Corp	75	60.00
Union Pacific (sold 1973)	33	20.00
Trans Union Corp. (sold 1974, 1975)	93	121.32
Kennecott Copper (sold 1975)	33	76.66
Union Carbide (sold 1975)	67	145.00
Zenith Radio (sold 1975)	67	76.00
		$1,152.31

PART III—INTEREST INCOME 1974

Security	Bonds	Income derived 1974
Loew's Theater 6⅞ debenture	$3,100	$213.12

PART IV—ASSESTS

1. Beatrice Studds Irrevocable Trust: My brother, Colin A. Studds, my sister, Mrs. Howard Babcock, and I have placed the following securities—owned jointly by the three of us—in an irrevocable trust for our mother, Beatrice Studds, with my brother as trustee. All income from these securities goes to our mother for as long as she shall live. My brother, my sister, and I each own one-third of the securities—and they will revert to us upon the dissolution of the trust at our mother's death. The following represents my one-third interest in the trust.

COLIN A. STUDDS, III, TRUSTEE, BEATRICE STUDDS, IRREVOCABLE TRUST, UNDER AGREEMENT DATED AUGUST 1, 1973

Security	Bonds	Market value as of Apr. 8, 1975
Seaboard World Airlines cvt 5's, due Apr. 1, 1986	$3,666	$1,943
B. F. Goodrich 9¾ percent notes, due 1982	3,333	3,383
Federal Land Bank 7.45, due Jan. 20, 1977	1,666	1,654

Security	Number of shares of common stocks	Market value as of Apr. 8, 1975
West Point Pepperell	153	$4,437
Chessie System	33	1,093
Liggett & Myers	92	2,553
Marine Midland	80	1,430

2. I OWN THE FOLLOWING SECURITIES

Security	Bonds	Market value as of Apr. 8, 1975
Loew's Theater, 6⅞ debenture	$3,100	$1,829
A.T. & T. 7[illegible], 1982	3,300	3,225
U.S. Treasury 5⅞, August 1976	3,300	3,244

Security	Number of shares of common stocks	Market value as of Apr. 8, 1975
Burlington Industries	40	$905
Exxon	87	6,232
Gulf Oil	80	1,550
Crown Zellerbach	40	1,295
Lincoln National Corp	75	2,063

3. Our family home in Cohasset, Massachusetts, with an estimated market value of approximately $65,000, is owned jointly by my brother, my sister and me. My interest in the house, therefore, is roughly $21,500.

4. One bedroom cooperative apartment, Wash., D.C., estimated market value, $60,000.

5. 1973 Chevelle Station Wagon.

6. 1966 Chevelle Sedan.

PART V—LIABILITIES 1974

1. Secured loan, Rockland Trust Company, Rockland, Mass., approximately, $38,000.

2. Mortgage, cooperative apartment, Wash., D. C., approximately $21,000.

3. Contingent liability—as guarantor of campaign debt, $13,000.

PART VI—1974 TAXES PAID

Federal Income Tax (income averaging method), $6,203.41.

Massachusetts Income Tax, $1,481.98.

Local Property Tax (one-third of taxes on family home), $829.09.

Automobile Excise Tax, $168.12.

Total taxes, $8,682.60.

GOVERNMENT REGULATIONS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. BROOMFIELD. Mr. Speaker, while thousands remain jobless in Michigan and across the country because of the slump in the auto industry, the bureaucrats at the National Highway Traffic Safety Administration continue to come up with ill-conceived proposals that threaten to aggravate conditions in the future.

The latest in a seemingly endless line of excessive Government regulations is a proposal for increased bumper standards for 1977 model cars that will push the cost up nearly $30 a vehicle with no proven benefit.

At a time when negative buyer reaction to 1975 price increases, much of which can be attributed to Government regulations, has seriously hurt the industry and the overall economy, it is hard to believe NHTSA would propose another costly regulation without even giving it thorough consideration. It is this kind of fuzzy thinking that is partly to blame for the current economic situation.

Inadequate research by NHTSA has left virtually unanswered the question "What benefits does this new standard offer?" In fact, the only proven effect this proposal would have is to substantially increase the price of a new car.

After NHTSA's proposal earlier this year to lower bumper standards from the current 5 to 2½ miles per hour, this latest proposal makes no sense at all. In a matter of months NHTSA has backed off a policy of reducing these standards and announced a policy of increasing them, with no rational explanation of the change of mind. This indecisive policy alone points out the need for NHSTA to withdraw its latest proposal and go back to the drawing board.

It is unfortunate that NHSTA did not stick with its original plan for reducing these bumper standards. Such a move would have made good sense for our country's economy and our efforts to conserve fuel, by reducing the weight of a new car by 100 pounds and the cost by $107.

The new proposal is disastrous economic and energy policy. Increased vehicle weight will make fuel economy that much harder to achieve, and increased costs will unnecessarily drive up the price of a new car at a time when the economy can ill afford such artificial increases.

Mr. Speaker, I am not opposed to adequate bumper standards for our Nation's automobiles. But we should be realistic in working in this area. Boosting new car prices by imposing a Government standard that will produce minimal benefits at best, is not my idea of being realistic.

It seems to me that the current bumper standards are more than adequate. Even some officials at NHSTA must believe this, in view of the earlier proposal to reduce standards. If NHSTA policymakers are truly concerned with what is best for the country, they will stick with these current standards and back off of their latest hastily conceived proposal.

COMMEMORATING THE 35TH ANNIVERSARY OF THE KATYN FOREST MASSACRE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. MADDEN. Mr. Speaker, I commend and highly endorse the Chicago division of the Polish American Congress Katyn Memorial Fund Committee on commemorating the 35th anniversary of the Katyn Forest Massacre—one of the greatest international crimes in world history. Your organization again reminds the world of the ruthlessness of the Soviet Communist criminal mind in exterminating all living opposition who might fight Communist aggression in its mad race to enslave the nations of the world.

On September 18, 1951, the U.S. Congress adopted a House resolution that I and several other Members of Congress filed authorizing a select committee to conduct a full and complete investigation of the crime committed against the leaders and citizens of Poland immediately previous to the beginning of World War II.

One of the persons contributing greatly to the success of the Katyn Forest Massacre Committee was former Congressman Roman C. Pucinski who acted as chief investigator and interpreter on the staff. Roman is to be commended for his diligence, ability, and industry during those complicated and intricate hearings, both in this country and in Europe.

The Katyn massacre was, no doubt, one of the most barbarous international crimes in world history. Of the Polish leaders who were executed from three widely separated Soviet prison camps, the bodies of 4,253 were discovered in the mass graves of the Katyn Forest located near Smolensk, U.S.S.R., by the Nazi troops in April 1943. This was approximately 3 years after the Katyn massacre. The Soviets immediately blamed Hitler for the crime. They charged that the Polish prisoners fell into the Nazi hands when Germany invaded Russia in the summer of 1941. The medical commission investigation consisting of leading doctors from various European nations, including neutral Switzerland, met at Katyn in April of 1943, and unanimously determined that the Polish victims were massacred in the spring of 1940. At that time the Katyn area was under the complete domination of the Soviets.

KATYN DUPLICITY

For almost 10 years after the discovery of the Katyn bodies, the Soviets poured out misleading propaganda declaring their innocence of any connection with the Katyn massacre or the murder of 14 Polish leaders who disappeared from three Soviet prison camps in the spring of 1940.

POLISH-AMERICAN CONGRESS

It was by reason of the concentrated efforts and insistence by the members and leaders of the Polish-American Congress of the United States that public opinion not only in America but throughout the globe, desired an official determination and investigation of the true facts concerning guilt of the Katyn murderers.

In 1951, I filed a resolution asking Congress to approve a special investigating committee to determine for posterity and future generations the guilt of the Katyn international crime. On September 18, 1951, House Resolution 390 was enacted by the Congress. This resolution called for a complete congressional investigation in order to determine officially the guilt for this atrocity against humanity.

HEARINGS AND TESTIMONY

Our congressional committee held hearings not only in the United States but also in England and Europe. During the progress of these hearings, over 250 witnesses testified. This number included government officials of various nations, military leaders, physicians, international lawyers, and persons from various nations, including Russia, who had direct and personal information on the international crime. Special invitations were sent to Stalin and other leaders of the Soviet Republic to appear at our hearings in London or Frankfurt, Germany. The Soviet leaders ignored and failed to respond to our invitations to testify and clear up the misinformation concerning the Katyn murders. During our hearings in Europe, the Soviet leaders through radio, television, Pravda, and other propaganda sources, continued a barrage of lies and false charges against the work of our congressional committee. A group of European newspaper experts stated at the time of our Frankfurt, Germany, hearings that the Katyn Congressional Committee for the first time placed the Soviet propaganda machine on the defensive. They had no answer to the testimony and the factual revelation of the evidence that the Soviet Communists were guilty of the Katyn Forest massacres.

Our committee publicly announced that the hearings should not take the spotlight away from the barbarous mass murders and pogroms committed by the Hitler Nazis during and before the period of World War II. Our committee found that the Communist atrocities were committed on other captive nations such as Lithuania, Hungary, Rumania, the Balkan States, and Korea, all had a striking similarity to the crimes committed against the Poles at Katyn.

COMMUNIST BARBARITY NEVER CHANGES

Although the Katyn massacre occurred 35 years ago, the evidence obtained by our committee revealed that the methods followed by the Communists we now know have not changed in violence or barbarity whether it is Southeast Asia or any locality on the globe where Communist aggression exists.

There is no doubt, in my mind, that the worldwide publicity given the testimony secured by our committee concerning the methods, strategy, and barbarity of the Communist tyrants alarmed millions of people of all nations as to the true facts of Communist enslavement. Our testimony, exhibits, and the facts and knowledge it gave the world contributed greatly to building up resistance by many nations and races against Communist aggression.

Since the Congressional Katyn Committee filed its final report in December 1952, hundreds of thousands of copies of this factual verdict and our official Katyn report of Communist methods and criminal acts have been requested by all non-Communist nations on the face of the globe. Thousands of organizations and individuals all over the world have, during the last 23 years, written to Congress and my office for the facts on the Katyn massacre. Hardly a week passes but requests come to my office in Washington, up to the present time, from folks living in different parts of the world asking for information and copies of the final report of the Congressional Katyn Forest Massacre Committee.

Oftentimes I think that it would be, indeed, a worthwhile and valuable project if our Government or the United Nations would foster the expense or reprinting the Katyn congressional report exposing the Communists' brutality, barbarity, and methods of enslaving peoples under its domination. These reports could be printed in various languages and placed in the homes of all peoples in nations threatened with Communist domination and subjection.

SOVIETS COULD NOT HIDE GUILT

Throughout all our entire hearings proceedings there was not one scintilla of proof or even any substantial evidence presented that could remotely indict any other nation, but Soviet Russia for this deplorable international Katyn crime. The Soviets, in order to clear themselves in world opinion, refused to allow the International Committee of the Red Cross to make a neutral investigation of the Katyn massacre.

The overwhelming testimony of prisoners, formerly interned at the slave camp near the Katyn Forest, and of medical experts who performed autopsies on the massacred bodies and also of observers taken at the scene of the crime, conclusively confirmed our committee findings.

SOVIET PROPAGANDA ON DEFENSIVE

I know of no organization on either side of the Atlantic that has done more to keep the fight against aggression and expose Communist barbarity and enslavement that the Polish-American Congress. Your great national organization was responsible for the Katyn congressional investigations in the 92d Congress.

VIETNAM, KOREA, CAPTIVE NATIONS

If the free nations of the world would only join in concentrating the fight to expose the true facts against communism and educate the so-called backward nations concerning the criminality of Communist enslavement methods, and the true living conditions under their domination, there is no doubt but what the collapse of the Communist goal of world enslavement would take place in a short time. Too many of the new and backward nations have been victims of Communist misrepresentation and also of the false propaganda circulated concerning the government of the so-called free world.

Communism has been one of the greatest, most powerful, well-organized international threats to human freedom in world history. Our Government has spent billions of dollars fighting this international menace.

Stalin's government was an economic failure and at his death great discontent was rampant in not only the Soviet realm but the satellite nations. He was succeeded by Khrushchev, and his economic government was a total failure as was evidenced by his overthrow and collapse from forces within his own government. If the present opposition to Communist aggression continues by the free nations, the rulers of today's Soviet tyranny will be overthrown and that will end the Communist myth of world domination. Communist China's economy has always been a failure and millions of its population are existing in starvation conditions at the present time. The free nations have the ability, the education, the defense machinery, and the assets to curtail the further spread of the Communist menace and we must continue our fight.

History has revealed over the centuries that dictators cannot stay in power long when they must rule their people by the sword, guns, slave-labor camps, and mass murders. The Communist dictators will meet the same end as Hitler, Mussolini, and Tojo, and their predecessors since time began.

Our Government was negligent in overlooking the great potential possibilities in concentrating on educating the people of the world on the true facts of communism. I do not advocate in any way, curtailing the expansion and increasing of our military power so that we can cope with the Communists. A true Communist is a sworn enemy of America and freedom and everything that America stands for and we might as well face it. A true Communist believes that every nation and every person on Earth must be brought under the Communist dictatorship and that he has the duty to bring it about. This can be exemplified by the words of Lenin when he said:

> We are living not merely in one state but in a system of states and existence of the Soviet Republic side by side with the imperialist states for a long time is unthinkable. One or the other must triumph in the end.

Education and presentation of facts on Communist enslavement to the world's uniformed are the greatest weapons democracy possesses to accomplish the destruction of the Communist menace.

BROADCASTING THE HOUSE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. ANDERSON of Illinois. Mr. Speaker, on Wednesday afternoon of this week the House Rules Committee, of which I am a member, will begin hearings on House Resolution 269 as introduced by the chairman of the Joint Committee on Congressional Operations, the gentleman from Texas (Mr. Brooks). This resolution would direct the House Commission on Information and Facilities to provide for radio and television coverage of proceedings in the House Chamber. Following a 6-month trial run of the system, the audio and video coverage would be made available to public and commercial broadcast stations. This resolution is cosponsored by 104 House Members.

Mr. Speaker, on January 29, 1975, I introduced a similar resolution, House Resolution 110, which now has 60 cosponsors, directing the Speaker to take immediate action to implement a plan for audio and video broadcasting of House floor sessions, and making these broadcasts available to broadcast stations after a 6-month trial run. The resolution introduced by Chairman Brooks is much more detailed than mine, being based on the recommendations of his Joint Committee after extensive hearings in the last Congress. I therefore intend to support the Brooks resolution in the Rules Committee and on the floor. I wish to take this opportunity to commend Chairman Brooks and his committee for the thorough work they have done on this matter, and also to commend our Rules Committee Chairman, the gentleman from Indiana (Mr. Madden) on convening hearings on this important subject. At this point in the Record I include a list of the cosponsors of my resolution and the testimony I presented to the Joint Committee in February of last year.

Cosponsors of House Broadcast Resolution

James Abdnor (R-S. Dak.).
Bella S. Abzug (D-N.Y.).
Mark Andrews (R-N. Dak.).
William L. Armstrong (R-Colo.).
L. A. (Skip) Bafalis (R-Fla.).
Alphonzo Bell (R-Calif.).
Edward G. Biester, Jr. (R-Pa.).
William S. Broomfield (R-Mich.).
Clarence J. Brown (R-Ohio).
James T. Broyhill (R-N.C.).
Clair W. Burgener (R-Calif.).
James C. Cleveland (R–N.H.).
Silvio O. Conte (R-Mass.).
Lawrence Coughlin (R-Pa.).
Thomas J. Downey (D-N.Y.).
Pierre S. du Pont (R-Del.).
Robert W. Edgar (D-Pa.).
David F. Emery (R-Me.).
John N. Erlenborn (R-Ill.).
Marvin L. Esch (R-Mich.).
Edwin D. Eshleman (R-Pa.).
Millicent Fenwick (R-N.J.).
Paul Findley (R-Ill.).
Bill Frenzel (R-Minn.).
Louis Frey, Jr. (R-Fla.).
Sam Gibbons (D-Fla.).
Benjamin A. Gilman (R-N.Y.).
William F. Goodling (R-Pa.).
Gilbert Gude (R-Md.).
Tennyson Guyer (R-Ohio).
Tom Hagedorn (R-Minn.).
James F. Hastings (R-N.Y.).
Frank Horton (R-N.Y.).
Henry J. Hyde (R-Ill.).
James M. Jeffords (R-Vt.).
James P. Johnson (R-Colo.).
Jack F. Kemp (R-N.Y.).
Robert J. Lagomarsino (R–Calif.).
Manuel Lujan, Jr. (R-N. Mex.).
Robert McClory (R-Ill.).
Stewart B. McKinney (R-Conn.).
Andrew Maguire (D-N.J.).
Donald J. Mitchell (R-N.Y.).
Carlos J. Moorhead (R-Calif.).
George M. O'Brien (R-Ill.).
Peter A. Peyser (R-N.Y.).
Joel Pritchard (R-Wash.).
John J. Rhodes (R-Ariz.).
Ronald A. Sarasin (R-Conn.).
Patricia Schroeder (D-Colo.).
Keith G. Sebelius (R-Kans.).
Garner E. Shriver (R-Kans.).
Stephen J. Solarz (D-N.Y.).
J. William Stanton (R-Ohio).
Fortney H. Stark (D-Calif.).
Alan Steelman (R-Tex.).
William A. Steiger (R-Wis.).
Charles Thone (R-Nebr.).

Congress and Mass Communications

(Testimony of Hon. John B. Anderson)

Mr. Chairman and Members of the Committee: I am grateful for this opportunity to testify on the subject of Congress and mass communications. I especially wish to commend the Joint Committee on opening this most useful and informative dialogue on the role and image of Congress as perceived by the public through the mass media, and what might be done to improve public perception of our role and activities.

I must confess that when I originally received notice of your hearings in late January, I gave the matter very little thought. But when the Harris Survey published on February 12 revealed that only 21% of the American people gave Congress a positive performance approval rating, I entertained second thoughts on the subject and decided to accept your invitation to testify. It's little consolation that Congress has only dropped 17 percentage points over the last year while the President has dropped 40. On the contrary, this is all the more distressing when you realize that the American people have practically lost all faith in all levels and branches of government.

On a more personal level, we should be particularly pained by the fact that the public apparently holds garbage collectors and used car salesmen in higher esteem than Members of Congress; and that 41% of the American people cannot name one U.S. Senator from their State and 54% cannot name the House Member from their district. All of this gives us ample cause for reflection and introspection.

The central questions posed by this inquiry, as I understand them, are: How can the role of Congress be more fully and accurately covered by the news media? How can spokesmen for Congress gain direct access more readily to the broadcast media to present congressional viewpoints on major questions? And what additional facilities, staff and other supporting services, if any, are required to provide Congress with a more adequate institutional capability in the area of mass communications?

The central premises advanced in the study prepared for these hearings are that there is a direct correlation between power and media coverage, that the Executive Branch controls a disproportionate share of both vis-a-vis Congress, and therefore, if Congress is to truly function as a coequal branch of government, as intended by the Constitution, it has a right to coequal coverage by the media. Based on these premises, the study proceeds to explore ways in which the Congress, as an institution, can increase its coverage by the media.

In my testimony today, I would like to take some qualified exceptions to these premises. Let me qualify my remarks by stating that, in my opinion, media coverage of Congress has been inadequate and superficial and must be improved; and that Congress can and should pave the way for greater media access to the entire legislative process. To this extent, the various alternatives explored by the Joint Committee study are most useful.

Having thus qualified my testimony, allow me to proceed to elaborate on the exceptions I take to these basic premises. It seems to me that we are engaged here in something of a chicken-egg-type debate. The central question seems to be, does the Executive Branch enjoy more power than the Legislative Branch because it is more adept at commandeering media coverage; or, does it command greater media attention because it is more powerful than the Congress?

I would like to suggest that this question is not so difficult to resolve as the chicken-egg controversy since in the present instance we can turn to the historical record of the past forty years or so. And that record documents the growth of executive powers and the relative decline of legislative powers, and attributes this mainly to the new economic and world roles of our government in the New Deal and World War II era, and the new realities of our complex urban, scientific and technological age in the post-War period. And it shall be noted that this trend has resulted as much from congressional aquiescence as from executive usurpation.

To the extent that the mass communications media have chronicled this trend, I suppose they could stand accused of being accomplices after the fact—even of aiding and abetting the growth of presidential power. But I would submit that the role of the media in actually contributing to the increased growth of presidential powers has been minimal at best. That is not to say that the media, in reporting presidential activities, have not reinforced and legitimatized the exercise of these powers in the public mind. It must be conceded that the media have played a role in this respect. But we must be careful not to attribute disproportionate weight to the media factor in the present imbalance—of crediting the messenger for the imbalance, as it were. It is my contention that the indirect role of the media in reinforcing and legitimatizing presidential powers has been a very limited factor in the actual enlargement of those powers over the years, epsecially when considered alongside all the other factors which have contributed to the present imbalance.

I think it is most important to keep this perspective in approaching the subject under discussion in these hearings, for if we do not, it seems to me there is a real danger of expecting too much of any reforms we might undertake. If we attribute too much power and potential to the media in the power struggle between the branches, we will be falling prey to mistaking the media for the message. And, if we fall prey to that mistake, the inevitable result will be a tendency to shape the message, in this case the legislative process, to fit the media. I would suggest that we very carefully consider the full implications this might have on the responsible fulfillment of our legislative role.

Lest I be misunderstood, at this point, let me explain that I am not building a case for barring the electronic media coverage from either committee hearings on floor sessions. I happen to favor both. In the Legislative Reorganization Act to 1970, the House for the first time recognized the right of its committees to permit television coverage; and the Senate has allowed this for some 20 years now. In this Congress, the House passed a new "open committee" rule which insures greater public and media access to committee deliberations. I think it's healthy for our democracy to let the sunshine in; and I don't think it would hurt us one bit to let the kleig lights in. I can understand the concern of some that this would only encourage grandstanding, but I think the experience of numerous State legislatures and that of national legislatures in other countries, demonstrates that the novelty soon wears off and the legislators and the people benefit from the coverage. I think more committees of Congress should promote televised hearings and that the House and Senate should proceed to established a system to televise important floor sessions on an experimental basis, with all due regard to maintaining the dignity and decorum of the respective chambers.

But, to return to my note of caution, we must be careful to distinguish between permitting full media access to the legislative process and reforming the legislative process in order to gain access to the media.

Journalist Douglass Cater, in his book, *The Fourth Branch of Government*, published way back in 1959, perhaps best explains the problems and dangers which I am attempting to convey. Cater addresses himself specifically to the celebrated congressional investigations of the fifties, but I think his words are just as timely today. In his words, "Amid the publicity drives of Congress, the investigative committee exerts the most powerful thrust." He goes on to say that its net effect has been to divert the public's attention from the underlying ills in government which need legislative attention. Amid the aimless airing of charges, the quest reduces itself to a confused chase after individual villains rather than a purposeful inquiry to get at the root causes and to devise lasting solutions."

To quote Cater further: "The proliferation of publicity-inspired investigations has taken us in the direction of what might be called the mass media mandate. Decisions tend to be taken not in an orderly, procedural way but on the basis of what is instantly explainable through the mass media to the public. The trouble is that a great many complex issues of our time are not susceptible to this kind of explanation. To attempt to do so only serves to distract government from its more important tasks and to burden the public with choices it is not equipped to make. It opens the way for the demagogue who is prepared to oversimplify the grave issues of our time and to regard publicity as an end rather than a means in the drive for power."

Mr. Chairman, my warning is quite simple. In our frustration over inadequate and inaccurate coverage, in our distress over low public recognition and understanding, in our quest for a better image through improved communication with the public, let us avoid the "media mandate" trap and its potential for disfiguring and destroying the legitimate and responsible legislative process. Let us recognize that the legislative process in our democracy is, by its very nature, plodding and ponderous, and not necessarily susceptible to easy explanation by the electronic media. Marshall McLuhan might describe us as a linear process or "hot medium", not particularly suited for the "cool medium" of television.

To illustrate this, think for a moment, if you will, about what segments of televized hearings the networks choose to air on their nightly newscasts. I think you will agree that more often than not these consist of either short, senational statements or heated exchanges. This is good television. But does it really convey to the public what the legislative process or the constitutional role of Congress is all about? I make these observations to underscore what I consider the very limited potential for either explaining the legislative process or redressing the balance, just as it was my contention that the media have played a very limited role in tipping the balance in favor of the Executive Branch.

I do not want to leave this committee on that note of pessimism and despair. I am not of the opinion that the Congress cannot recapture its rightful role as a coequal branch. While permitting greater media access to the Congress can reinforce and legitimatize this restoration of congressional powers, the media is not the message nor the answer.

When Professor Alexander Bickel of Yale testified on war powers some years back, he quoted Sen. John Sherman of Ohio who said, shortly after the Civil War, that the way to resume specie payments was to resume. Paraphrasing Sherman, Bickel said, "The way for Congress to resume control over the foreign and war policy of the United States is to resume. The way to redress the balance is to redress it—by action."

If I might further paraphrase Bickel, the way for the Congress to make the news is to make news. The way to redress the balance is to redress it—by action.

I think this Congress has done more and is doing more than any previous Congress in which I have served in redressing the balance by action. And I think there has been a corresponding increase in media attention to the Congress be cause of this.

I further think it would be a grave mistake on our part to legislate a "media mandate" because we are frustrated, impatient and "Harassed" by the polls. I see no need to emulate the massive public relations apparati of the Executive Branch; if anything we should be trimming some of that bureaucratic fat and insuring that neither branch becomes actively engaged in the "news management" business.

While the proposals contained in your study for more effectively communicating the institutional role of Congress are well-intentioned, I do not think Congress as an institution should be engaged in news dissemination or the production of educational materials. Such proposals as a congressional news service, federal information network, and congressional information and film services smack a little too much of news management and government propaganda for my comfort. I think news dissemination is best left to the news media and the production of instructional materials is best left to educators. The best news service the Congress can perform is to make news by newsworthy actions, not to manufacture news by slick devices. The best educational service the Congress can perform is to demonstrate that our constitutional system can function in the real world, not to fabricate instructional materials on how it is supposed to work.

Finally, I would like to say a few words about the "loyal opposition" in the Congress and its access to the mass media. I have detected in recent months a new willingness on the part of the electronic media to afford the "loyal opposition" in Congress greater access to the radio and TV networks for responding to presidential appearances. I think this is a most salutary development, and I hope it will be continued and grow. I can only add that I am sorry the "loyal opposition" under previous administrations was not afforded similar opportunities. I would caution, however, that Congress will continue to be viewed by the public as an obstructionist and negative force vis-a-vis the President so long as these opportunities are used only to react and criticize a president. It seems to me that whoever is in the opposition has a special responsibility to develop constructive alternatives to presidential initiatives if Congress is ever again to assume a positive and leading legislative role under our system. This is especially true when the Congress and White House are controlled by different political parties, but I think this opposition role can be just as important when the two branches are controlled by the same parties. If Congress as an institution is only as strong as its weakest link, then it follows that a constructive and visible minority opposition party is a vital link in a strong institutional role for the Congress.

I would hope that arrangements between the "loyal opposition" and the media can be negotiated on a voluntary basis so that it does not become necessary to enter the sticky thicket of attempting to mandate media access for the congressional opposition or for the Congress as an institution.

Walter Lippmann once wrote that, "Nothing affects more the balance of power between Congress and the President than whether the one or the other is the principal source of news and explanation and opinion." Some would interpret this to mean that, he who rules the tube rules the roost. I have attempted in my testimony today to lend a different interpretation: he who makes news makes the news. Let us resume.

HANK AARON TO BE HONORED IN CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 14, 1975

Mr. STOKES. Mr. Speaker, on Saturday April 19, 1975, the Cleveland Indians Baseball Club and the Prince Hall Masons of Cleveland will present a special tribute to the unchallenged "King of the Home Run," Hank Aaron. My colleagues will appreciate the choice of this legendary sports figure as Cleveland's guest of honor on that occasion. Just last summer many of you were present in this Chamber when Hank Aaron was the guest of honor of the Flag Day Committee. Every year on June 14 a prominent American whose talents have contributed significantly to the American way of life is invited to speak from the podium of the House Chamber. Henry Aaron was the first active pro athlete to win that honor.

Hank Aaron has won many well-deserved tributes since his first game in Eau Claire in the Northern League in 1952. Since those humble beginnings he has compiled a lifetime total of 724 home runs, and, in addition to breaking Babe Ruth's 39-year-old home run record, Aaron has 19 other major league marks to his credit. Hank Aaron is one of the century's greatest athletes, and an inspiration to us all.

My colleagues are familiar with Hank Aaron's extraordinary skills and accomplishments on the baseball diamond, but let me also point out that in addition to being the Nation's No. 1 athlete, Hank Aaron has also set an example as a caring, giving human being. Part of the proceeds from Cleveland's Community Tribute to Hank Aaron will go to the Hank Aaron Scholarship Fund, which includes a college scholarship and another which helps keep high school students in the classroom. His work for retarded children is well known.

In 1972 he sponsored the Hank Aaron Bowling Tournament which raised over $25,000 for sickle cell anemia research. Hank Aaron has served as the national sports chairman for the Easter Seal Fund, and is the president of No Greater Love, an organization which helps the children of Americans missing in action in Southeast Asia. His humanitarian efforts show that here is not only a great competitor and sportsman in the American tradition, but one who has kept loving his fellow man despite all the hard obstacles on the road to success.

Mr. Speaker, as you know the Cleveland Indians are privileged to have Frank Robinson as their new player-manager, and the first black manager in major league baseball. Cleveland has always been a great sports town, and I am proud to say, a town where many of the great sports heroes have been blacks. But right beside Jimmy Brown, Harrison Dillard, Larry Doby, Jesse Owen, and other native son greats, Clevelanders have a special place in their hearts for Hank Aaron. The Special Community Tribute to Hank Aaron will be one way the people of our town can express their admiration for this fine gentleman, and we hope to have many more occasions to welcome him to Cleveland.

SENATE—*Tuesday, April 15, 1975*

The Senate met at 12 noon and was called to order by Hon. Richard Stone, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, in these hallowed moments dedicated to acknowledging Thy sovereignty, preserve us from mere postures of piety, from superficial symbols of reverence, from praying with our lips only and not from our hearts and minds. As at creation Thou didst make man a living soul, destined for prayer, make us vividly aware of Thy presence, Thy power, and Thy grace. Make our hearts homes of love and purity and honesty, that we may be acceptable servants of the Nation and worthy instruments for fashioning a world more nearly akin to Thy kingdom. In times of tension and stress keep us calm in temper, clear in mind, warm in heart, and sound in judgment. In dark days as in bright times help us to say, "The Lord is my light and my salvation; the Lord is the strength of my life, of whom shall I be afraid." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., April 15, 1975.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Richard Stone, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 14, 1975, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SITUATION IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I made before the Senate Democratic conference on yesterday; article 12 of the Paris Accords of 2 years ago; remarks by Senator JOHN L. MCCLELLAN, chairman of Committee on Appropriations; letters from the President addressed to the chairman of the Senate Committee on the Judiciary and to the Speaker of the House, and various administration proposals which are in line with the President's suggestions of Thursday last, when he delivered his state of the world address before a joint session of Congress.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

This Conference of the majority has been called pursuant to the President's recent address to the Joint Session of Congress. The President's comments, last Thursday, on the State of the World, covered the globe. Much of what he said dealt with situations which are stable or are unfolding in an orderly manner. Much of it, therefore, was noncontroversial. There are, for example, no differences between the parties or the Branches on the objective of international peace. All of us want a peaceful world. All of us want to see an improvement in the conditions of life in this nation and elsewhere. We are prepared to move together with other peoples to that end. There is no place to hide in isolation; there is no other way. All of us want, moreover, an international environment in which, hopefully, freedom and human decency will have a chance to survive and grow.

I ask this Conference, therefore, to accept in good faith the generalities of our foreign policy as expressed by the President last Thursday and by many Presidents before him. He speaks them for all of us, for both parties and for both branches. I ask the nations of the world to do the same. President Ford is a good man, a decent man. His intentions are of the best. He speaks the nation's finest sentiments when he talks of international cooperation in the search for progress and peace. Indeed, he owes no apology—this nation owes no apology—to any other on that score.

When that has been said, however, we are back to where we started. We confront the inescapable. We are face to face once again with the agony of Indochina. On that situation there are differences. There are deep differences within this government, differences which cannot be glossed over with the words of inspiration or aspiration. They are not so much between the parties as they are differences between the branches. At long last, however, it is apparent that even these are being overtaken by events and are disappearing. Thanks to the Paris agreements of 1973, the guns are silent in Laos and what transpires inside that small nation has ceased to stir controversy or calls to war in this nation. Voices are no longer raised in advocacy of the reintroduction of U.S. military forces, directly or indirectly, into Laos. There are no longer significant differences on that score.

What transpired over this past weekend, moreover, has brought us to much the same point in regard to Cambodia. There, thanks to the past insistence of the Congress that our involvement be terminated, there have been no Americans directly engaged in the war for several years. And thanks to the refusal of this Congress to vote one cent more of so-called emergency military aid in the past few weeks, we have brought to an end, at last, what was from the outset an aimless and costly involvement. In so doing, I hope that there will now come to the Cambodian people, with a minimum of further bloodshed and with the return of the legitimate head of that state, Prince Sihanouk, a restoration of orderly government and inner peace. In retrospect, the engulfment of what was once the most peaceful and unified people in Indochina, of this small but culturally distinct and independent nation, in the spreading flames of the Vietnamese war, was one of the most deplorable episodes of the great tragedy of Indochina.

It is a relief to know that the removal of the personnel from the U.S. Embassy in Phnom Penh over the weekend took place without untoward incident. I hope that that event will be seen not as an ending but as the first step in a new beginning of what should have been from the onset and can still be a constructive relationship in peace between the people of Cambodia and the people of the United States.

With Laos and Cambodia now essentially out of the arena of disagreement in this nation's foreign policy, there remains the question of Vietnam. It is, as it has always been, the core of the issue of Indochina. During the past few weeks, however, the structure of the question has been altered in a most drastic fashion. It has reached a point, to speak candidly, where there is grave doubt that anything at all of our past policies is salvageable. We have already witnessed a massive military collapse in South Vietnam. An immense and exhausting effort of many years has disappeared in the dust and smoke of crumbling strongpoints. In the wreckage billions of dollars in man-hours and materials have disappeared, not to speak of the lives and suffering of tens of thousands of Americans and the agony of millions of Vietnamese civilians and soldiers on both sides.

To be sure, there is no profit at this time in hashing over the might-have-beens of the past. Nor is there value in finger-pointing. That is not to say, however, that we should not, at a time of greater detachment, seek to understand and to learn from this phenomenon and our part in it. Let me say for now, however, that at this late date to see the cyclonic change in the military situation in South Vietnam as something that could have been withstood if only Congress had put up a few hundred million dollars more in military aid during the past few weeks, is a distortion so immense that it borders on—I choose the word carefully—it borders on the irrational.

That brings me to the immediate issue which confronts the members of this Conference and the Senate. I refer to the Administration's request for more aid for Vietnam. In his address last Thursday, the President asked for $722 million in military aid and an "initial sum" of $250 million in economic and humanitarian aid for Vietnam for a total of $972 million. In addition, Congress was urged to act on this request by April 19, that is, by Friday of this week. Finally, a clarification was also sought of the President's authority to use U.S. force, if necessary, to evacuate U.S. personnel and certain Vietnamese from South Vietnam.

The Leadership expects the Armed Services Committee and the Foreign Relations Committee to inquire into the latter question without delay to the end that the Senate and the President may be provided with guidance as to the Congressional intent. I would hope, too, that the appropriate subcommittees of the Judiciary would look into the matter of immigration policy as it may be involved. As for the Leadership's view, it would seem desirable only to enter certain caveats in regard to this point at this time. It is one thing to use U.S. force, briefly, to safeguard and to remove Americans from a dangerous area as was done in Phnom Penh over the weekend. It would be quite another matter if the presence of such forces in a danger zone for the removal of non-Americans should produce new U.S. combat casualties and become the basis for a reinvolvement in the military conflict in Vietnam in any way, shape or form. Let me say as clearly as I can that the Majority Leader, speaking personally, regards that war in the sense of U.S. military involvement as over for this nation. Congress has spoken in no uncertain terms on that point. Legally, the war cannot and must not be resumed without the express consent of the American people speaking through the Congress and the President jointly. The sooner everyone in this government, in every branch and service recognizes that Constitutional reality, the better for all concerned. To find any pretext to the contrary is to raise once again the specter of Watergate—the specter of gross illegal behavior on the part of officials of the United States, sworn to uphold the Constitution and the law. I do not expect any such pretext.

As for the President's request for emergency military aid, the Leadership expects that it will receive expeditious consideration. Any President is entitled to that consideration when he presents a matter on the basis of urgency. In good conscience, I must say, however, that, in my opinion, the Senate will find it extremely difficult to dispose of this request for aid under a deadline of April 19. After all, what is sought is about $1 billion in additional funds which belong to the American people. That is no mean sum to take out of their livelihood, especially at this time. One must consider, too, that substantial as it is, the request amounts to but a fraction of the cost of what has been abandoned and lost by the Vietnamese forces in the last few weeks of retreat. In my judgment, therefore, there are many questions to be asked, lest funds be provided with which to rush pell-mell into another costly exercise in futility.

Speaking as one Senator, I must say that my votes for many years have consistently reflected a belief that the blanket supply of military aid in Southeast Asia has represented the wrong policy in the wrong place. I am very doubtful that, emergency notwithstanding, the present request for military aid represents anything other than a continuance of that policy. Nevertheless, the question has been opened anew by the President and I trust that it will be examined anew by the Senate.

As for immediate humanitarian assistance, it would seem to me that once the violence is curbed, this nation should do what it can to ease the massive suffering which has been visited on all three Indochinese countries by this prolonged and agonizing struggle. We owe that much to the people there—not to a chosen few but to all who have suffered—we owe it to them as a part of the human family and we owe it to ourselves, to our own national sense of decency.

In my judgment, however, we can do what needs to be done and what can effectively be done only through an instrumentality or group of instrumentalities which are apolitical in structure and so recognized throughout the world. Several such instrumentalities come immediately to mind as, for example, the International Red Cross and the Salvation Army.

It would seem to me, furthermore, that a prerequisite of any kind of aid-program, if it is to have a constructive impact in this critical situation, would be a good faith effort by the Saigon government to open urgent negotiations seeking to establish a tripartite National Council of National Reconciliation under Article 12 of the Paris Peace Accords of 1973. On that basis, perhaps, the achievement of the cease-fire for which the President is seeking to enlist the cooperation of other nations may be attainable. At this point, there is no room for adamancy on the part of any individual in the Saigon government. It would be well to remember that what is at stake is not the reassertion of Saigon's control over the thousands of square miles of territory which its forces have abandoned. What is at stake is the prevention of a final Gotterdammerung at Saigon.

We are coming to the end of a long, long road in Indochina. There is light at the end of the tunnel. The light is that of our final disengagement from Indochina. It is the light of the separation of this nation from a devastating war in which no vital interest of this nation was ever at stake—a war for which we have paid and will continue to pay into the next century.

As we move towards the end of that involvement, we reopen the possibility of restoring a national unity more deeply shattered than at any time since the Civil War. If that possibility is to be brought to fruition, in the end, it is the President and the Congress, jointly, and no others, who must make the decisions of policy to guide this government. The President has offered to work with the Congress in this connection. He has the reciprocal assurances of the Democratic Conference. There is too much at stake to proceed in any other fashion. Differences there are and will be but adherence to the Constitution and laws of the nation shows the way to their reconciliation. The Leadership of the Senate Majority will strive to follow that course in the difficult weeks which are unfolding before the nation.

Article 12

"(*a*) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments.

"The council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels.

"The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within 90 days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

"(*b*) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this agreement, achievement of national reconciliation and concord and ensurance of democratic liberties.

"The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (*b*) and decide the procedures and modalities of these general elections.

"The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

Remarks of U.S. Senator John L. McClellan

The Committee is meeting today in response to an urgent request from the President to provide $722 million for "Emergency Military Assistance" and for "an initial sum of $250 million for economic and humanitarian aid" to South Vietnam.

In his message to the joint session of Congress last Thursday, the President said "because of the gravity of the situation, I ask the Congress to complete action on all of these measures not later than April 19."

In an effort to accommodate the President and to give the Senate an opportunity to expeditiously work its will on his request, I have scheduled hearings today and tomorrow to receive testimony from Administration officials in support of these proposals.

Today's witness will be the Secretary of State, Honorable Henry A. Kissinger. Tomorrow we expect to have as our witness, the Chief of Staff of the United States Army, Gen. Fred C. Weyand.

We are all painfully aware of the high cost we have already paid in Vietnam in men, money and material. I am sure that not only each Member of this Committee, but every Member of Congress and the American people, will want to know what we can expect to achieve by spending still more money to support South Vietnamese military forces.

In order to give each Member an opportunity to question the Secretary after he has finished his prepared statement, I will yield 10 minutes to each Member, in turn by seniority, alternating between the Democratic and Republican Members of the Committee.

Senator Young, do you have any comments?

Secretary Kissinger, we are pleased to have you appear before the Committee at this time. You may proceed in your own manner.

THE WHITE HOUSE,
Washington, D.C., April 12, 1975.

Hon. JAMES O. EASTLAND,
President Pro Tempore of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communists forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (P.L. 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 P.M. EDT on 11 April. Military forces included 350 ground combat troops of the U.S. Marines, 36 helicopters, and supporting tactical air and command and control elements. The Marines were deployed from helicopters to assure the security of helicopter landing zone within the city of Phnom Penh. The first helicopter landed at approximately 10:00 P.M. EDT 11 April 1975, and the last evacuees and ground security force Marines departed the Cambodian landing zone at approximately 12:20 A.M. on 12 April 1975. The last elements of the force to leave received hostile recoilless rifle fire. There was no firing by U.S. forces at any time during the operation. No U.S. Armed Forces personnel were killed, wounded or missing, and there were no casualties among the American evacuees.

Although these forces were equipped for combat within the meaning of Section 4 (a) (2) of Public Law 93-148, their mission was to effect the evacuation of U.S. Nationals. Present information indicates that a total of 82 U.S. citizens were evacuated and that the task force was also able to accommodate 35 third country nationals and 159 Cambodians including employees of the U.S. Government.

The operation was ordered and conducted pursuant to the President's Constitutional executive power and authority as Commander-in-Chief of U.S. Armed Forces.

I am sure you share with me my pride in the Armed Forces of the United States and my thankfulness that the operation was conducted without incident.

Sincerely,

GERALD R. FORD.

Text of Letters From the President to the Speaker of the House of Representatives and the President of the Senate

APRIL 11, 1975.

DEAR MR. SPEAKER:
DEAR MR. PRESIDENT:

I hereby transmit draft legislation to carry out the recommendations made in my April 10, 1975 address to the Congress with respect to Indochina.

The enclosed draft bills authorize additional military, economic, and humanitarian assistance for South Vietnam, and also clarify the availability of funds for the use of the Armed Forces of the United States for humanitarian evacuation in Indochina, should this become necessary.

I urge the immediate consideration and enactment of these measures.

Sincerely,

GERALD R. FORD.

A bill to authorize additional military assistance for South Vietnam, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 401(a) and subsection (b) of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, are amended by striking out "$1,000,000,000" each place it appears and inserting in lieu thereof "$1,422,000,000".

A bill to clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That nothing contained in section 839 of Public Law 93-437, section 741 of Public Law 93-238, section 30 of Public Law 93-189, section 806 of Public Law 93-155, section 13 of Public Law 93-126, section 108 of Public Law 93-52, section 307 of Public Law 93-50, or any other comparable provision of law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation, if ordered by the President.

A bill to authorize additional economic assistance for South Vietnam, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, in addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed $73,000,000 to carry out the purposes of part V of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic and humanitarian assistance for Indochina shall be available after the date of enactment of this Act for obligation without regard to the limitations contained in sections 36 and 38 of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974 (88 Stat. 1795).

SENATE ACTION ON THE PRESIDENT'S REQUESTS REGARDING SOUTHEAST ASIA; ORDER FOR ADJOURNMENT TO THURSDAY

Mr. MANSFIELD. Mr. President, the distinguished Republican leader and I have been in conference yesterday afternoon and today; and we have reached agreement and have notified the chairman and ranking members of the following committees that we would appreciate their keeping their committees in session today and tomorrow—and, if need be, on Friday—to comply with the requests made by the President of the United States.

The committees are the Committee on the Judiciary, with Senator EASTLAND as chairman, having to do with the legal aspects of the refugee question raised by the President; the Committee on Armed Services, under Senator STENNIS, having to do with the increase in military appropriations for Vietnam requested by the President; the Committee on Appropriations, under Senator MCCLELLAN, having to do with increased requests and pending requests for both economic and military assistance; and the Committee on Foreign Relations, under Senator SPARKMAN, which has to do with a number of questions relative to the requests made by the President.

There will be no business of substance conducted today.

ORDER FOR ADJOURNMENT UNTIL THURSDAY

I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Thursday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. There will be no business of any kind tomorrow; and if these committees are still involved in attending to the requests of the President, there likewise will be no business of substance on Thursday, either.

The Senate should be prepared for a possible—very possible—Saturday session, because, as the Senate is aware, the President, in submitting his requests to the joint session, set a deadline of April 19, which happens to fall on Saturday. In an endeavor to comply with the requests of the President, which I think is only proper, the Senate should be on notice that there may well be a Saturday session.

Mr. HUGH SCOTT. Mr. President, as the distinguished majority leader has noted, he and I have been in consultation on this matter. It involves the security of American ctizens. It involves our foreign policy in a major area.

We are agreed, as he has said, on the pro forma sessions of the Senate and on the committees being notified to meet and continue in session in order to comply with the President's requests for action by this Saturday. Therefore, I have accordingly notified the ranking minority members of each committee: Senator HRUSKA of the Committee on the Judiciary, Senator CASE of the Committee on Foreign Relations, Senator THURMOND of the Committee on Armed Services, and Senator YOUNG of the Committee on Appropriations.

In addition, a great deal of other work necessarily will be going on at the same time, including the continuing and arduous recount of the ballots in the New Hampshire contest by the Committee on Rules and Administration.

The Committee on Foreign Relations has been in session all morning and resumes this afternoon, for the purpose of considering the President's requests for economic and military assistance, much of it now tied to the importance of the protection of the security and the lives of American citizens and their dependents and of the Vietnamese whose activities have been intimately associated with the American presence in Southeast Asia.

This presents a very difficult problem. As the Washington Post said last Friday in its lead editorial, entitled "The Evacuation From Vietnam":

> There will be time, all too much time, to continue the debate over the issues of Vietnam. But the Congress must realize that a calamity is impending and that, regardless of its own proclivities in the matter, it is necessarily a partner with the President in the precarious ending of a tragic enterprise.

The Washington Post invites each of us in Congress to look into our conscience as we consider the tragedy of Vietnam. In the interest of the 50,000 Americans who have been killed in this dreadful war, in the interest of the 6,000 Americans who remain in Vietnam in danger of their lives, in the interest of the countless thousands who have served their country in battle in Vietnam, I urge my colleagues to read this fine editorial, "The Evacuation From Vietnam."

The President is praised for having met his responsibility, and Congress is urged to meet its responsibility, and I am sure we will.

Mr. President, I ask unanimous consent to have the editorial printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGH SCOTT. Mr. President, I urged the ranking minority member of the Committee on Foreign Relations, Senator CASE, to request of the President an immediate, urgent meeting with the entire membership of that committee. The President courteously agreed, rearranging his schedule to do so. This was a precedent-shattering occasion. There has been no such meeting since the Committee on Foreign Relations met with President Woodrow Wilson some 56 or 57 years ago, having to do, I believe, with the Treaty of Versailles.

The President met with us in a spirit of cooperation. He mentioned that we must walk on both sides of the street in this difficult matter and that if he is to act as we suggested he act, we, in turn, must give him such flexibility so as not to endanger the necessary parameters of his responsibility in that part of the world. It would seem to me that while Congress will want to prescribe and raise certain restrictions on any variation in the War Powers Act or other legislation, nevertheless, he will need to be given, within that framework, such flexibility as he needs to protect our people in that part of the world, and Congress should act in that spirit and should act promptly. I hope and believe they will.

EXHIBIT 1

THE EVACUATION FROM VIETNAM

The situation of the 6,000 American citizens in South Vietnam has become extremely delicate, almost too much so to talk about out loud. Any effort to withdraw the Americans would be seen as the final American abandonment of the Saigon government and might provoke hostile action either by government elements or by uncontrolled soldiers or citizens. An attempt to protect them or to escort them out with American troops could all too easily lead to armed confrontation, either with North Vietnamese or with South Vietnamese. Yet to leave the Americans there could expose them to hostile fire, to capture, to mob action or to all three. In short, these American citizens are already hostages to the will and whim of several different categories of Vietnamese and so are tens of thousands of South Vietnamese themselves who have been closely associated in one way or another with either American government activities, news organizations or businesses, and who would be in particular danger, having been compromised in this fashion, in the event of the North Vietnamese takeover of the South.

In his address to Congress last night, the President showed a full and careful understanding of this dilemma. Indeed, it is reasonable to suppose that his request for a substantial increase in military aid, to $722 million was framed with the plight of the 6,000 Americans, and the much greater number of endangered Vietnamese, very much in mind. To have asked for anything much less might have been read as a clear signal of his intent to abandon Saigon. Such a reading could have a material effect on the prospects and mechanics of withdrawal. It is true, furthermore, that the President gave the Congress precious little time, barely a week, to weigh an aid request that it is obviously reluctant to accept. In its response to the President, however, the Congress must take into account that the specific problem with which he is trying to deal may be even closer to crisis than he was prepared to acknowledge publicly. In saying this, we realize that Mr. Ford made other substantial comments on Indochina, and on other foreign policy issues, but we set those aside for later comment ourselves.

At the moment, it is unclear whether the U.S. government is thinking more in terms of a genuine effort to salvage what is left in South Vietnam or of the tactics and mechanics of withdrawal. The two are intimately related, to be sure, but the moment may just about have arrived when the United States will have to focus entirely on the latter purpose. The bitter irony is that the more the United States centers it policy on the safety of its own citizens, the less opportunity it may have to gain the necessary cooperation of Saigon in carrying out that policy. The answer, if there is one, may lie in combining any effort to care for endangered Americans with a parallel and simultaneous effort to care for endangered Vietnamese. Mr. Ford, it seems to us, understands this precisely.

The actual mechanics of a withdrawal are almost infinitely complex, when one considers what might be involved in collecting the members of the scattered American community, protecting them (and possibly their military protectors), and removing them all to safety. The weight of tactical authority must necessarily rest, furthermore, with an American embassy—and in particular an American ambassador—deeply concerned with carrying out the longtime primary mission of supporting the government of South Vietnam. An additional complication is that the President must conduct and oversee a withdrawal operation with a careful eye to the certain negative reaction of the U.S. Congress and public against any use of American forces that might lead from the rescue of American citizens to an American military reinvolvement, accidental or otherwise, in the Vietnam war. This is why we think President Ford was wise to ask the Congress to clarify immediately the law to allow U.S. forces to assist the evacuation of Americans and "those Vietnamese to whom we have a special obligation and whose lives may be endangered, should the worst come to pass." Surely the Congress will do its part.

Mr. Ford took one other new step last night. He called upon Hanoi to halt military operations and respect the Paris agreement and he reported that he had asked the 11 other signatories to that agreement, including Moscow and Peking, to use their influence to that end. This diplomatic initiative, needless to say, raises the question of what Hanoi and its allies would regard as a suitable quid pro quo. The President did not hint what his own thoughts are on that matter. But it is impossible to imagine that Hanoi would contemplate any kind of deal that allowed the government of President Thieu to stay in power. That Mr. Ford would make such an appeal to Hanoi is at once the measure of the desperateness of the situation in South Vietnam and of his own courage and resolution in trying to meet it.

His appeal to Hanoi and his emphasis on the real and growing threat to American citizens reinforces our own conviction that the Congress must respond to him with the greatest responsibility and care. Reports from Saigon suggest that events there, on the surface and under the surface, are moving in a mercurial and ominous way. It it conceivable that the problem of evacuation could be upon us even before the President's April 19 deadline is reached. There will be time, all too much time, to continue the debate over the issues of Vietnam. But the Congress must realize that a calamity is impending and that, regardless of its own proclivities in the matter, it is necessarily a partner with the President in the precarious ending of a tragic enterprise.

Mr. MANSFIELD. Mr. President, I wish to extend my appreciation to the distinguished Senator from Connecticut (Mr. Ribicoff) who advanced the idea to the joint leadership as to the procedure we are following at the present time and which I think speaks well for the responsibility of the Senate in facing up to its obligations, direct and indirect, in adopting the procedure which has been agreed to by all concerned.

ORDER FOR RECOGNITION OF SENATOR STONE ON THURSDAY, APRIL 17

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leaders have been recognized on Thursday next, the distinguished Senator from Florida (Mr. Stone), now presiding, be recognized for not to exceed 15 minutes at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGH SCOTT. Mr. President, if I may be recognized briefly, I have no objection to the request as long as the distinguished Senator from Florida will talk about something other than the climate of Florida during his address.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon (Mr. Hatfield) is recognized for not to exceed 15 minutes.

APRIL 15—TAX DAY

Mr. HATFIELD. Mr. President, it is appropriate that the deadline for filing tax returns today falls on the same week of our observance of the 200th anniversary of the Battles of Lexington and Concord. These battles were significant in the outbreak of open hostilities between the colonists and the British Government. Not the least of the issues touching off the revolt was the manner and substance of levying taxes against the colonists. As millions of Americans unhappily file their income tax returns today, there is once again a spirit of tax revolt apparent in the country.

Is it any wonder this spirit is growing across the country? I submit that people today are almost as upset about tax inequities as they were when the spirit of revolution moved them 200 years ago. Then, the enemy was the King; today the villain is the IRS and the Congress. A tax code that began years ago in a rather simple fashion now covers shelves and shelves of statutes, regulations, rules and forms. Of course, the IRS code does not cover the shelves of the average taxpayer—he or she cannot understand it, or even afford it.

This monstrous tax code touches the lives of virtually every American. Tax laws probably are the only contact some people have directly with their government. What do taxpayers see? In many cases, they see what some people call incentives and others call loopholes, all helping someone else.

Few would question the right of the Federal Government to levy and collect taxes, and few would deny that the income tax is one of the most equitable tools for collecting taxes. The protest today is against the profound complexity and inequity in our present income tax laws. The tax code has almost surpassed anyone's capacity to understand it, even with the advice and help of top-rate legal and accounting firms. The ordinary taxpayer, without such help, must struggle through the complex instructions and forms, or settle for the standard deduction.

Even more disturbing than the complexity of the tax laws is the inequity created by the deductions and loopholes. It is obvious to the average taxpayer that these tax breaks primarily benefit the wealthy. It has been gratifying to note the response from across the country to my simpliform tax bill, S. 802, introduced on February 24. Some people have written saying they support the bill even though they might pay slightly higher taxes as a result. They feel the simplicity and equity are worth it. While some journalists have not been inclined to take the bill seriously, individual taxpayers see no reason the idea should not be considered by Congress. If there is a reason for a lack of enthusiasm here in Washington for the bill, perhaps it was identified all too accurately by the editor of the Bend, Oreg., Bulletin, when he wrote last month:

> The Hatfield plan is too simple. It looks fine for most individual taxpayers. But the individual taxpayers are not the ones who pay the lawyers and lobbyists to walk the Halls of Congress when tax legislation is being written. The tax laws are full of special gimmicks—often erroneously called loopholes—and those entitled to such gimmicks protect them with the enthusiasm of a mother bear protecting her cubs.

The inequity of present law is seen in recent calculations by the tax reform research group revealing that wealthy taxpayers save an average of $481 from mortgage interest deductions, while middle-income families save only $45 from the same deductions. Similarly, capital gains exemptions save the average family less than $20, while a wealthy taxpayer in an upper bracket could save an average of more than $39,000 from the same laws. Similar disparities can be found in the effect of other deductions. As desirable as the activities may be which are subsidized by other taxpayers, we must face up to the unfairness to the ordinary person.

The Joint Economic Committee, in summarizing the economic problems of 1974, pointed out that due to inflation's impact, personal income taxes rose more than 26 percent during the year, a more rapid increase than any other component of the cost of living. Similarly, the Advisory Commission on Intergovernmental Relations has found that above-average income families have seen their tax bill increase about 30 percent during the last 20 years, while the tax bite for the average family of $13,000 income has almost doubled.

Mr. President, I trust that these distressing statistics will compel us to give a high priority to tax reform and simplification during the coming months. I know that the House Ways and Means Committee and Senate Finance Committee will be working on tax revision in the near future. I trust that the product will not be simply minor adjustments in our present system, but major steps toward simplification and reform. Reform must be geared toward simplifying the code, not just adding to its complexities.

Mr. President, I ask unanimous consent that two articles from the Washington Post be printed in the Congres-

SIONAL RECORD at this point. The first is a column by Jack Anderson on April 3, 1975. Anderson notes that the tax cut bill adds to the complexities and inconsistencies "that have made the tax code our greatest single source of inequity, waste and corruption." He proposes that the basic tax rate be cut in half, while closing all loopholes and eliminating all exemptions. That is precisely what S. 802, my simpliform bill, would do.

The second article summarizes an Internal Revenue Service study which concludes that nearly half of all income tax returns filed in 1969 were in error. I cannot believe that one-half of the American taxpayers wish to cheat the Government. Rather, it seems apparent that they have understandably failed to master the complex tax forms and instructions. Today's instruction booklet is probably longer than our first income-tax law.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 3, 1975]

TAX BILL DOESN'T REMEDY INEQUITIES

(By Jack Anderson and Les Whitten)

With tax collectors extracting one-third of all America produces, any tax cut is good news. But there's bad news, too, in the $23.1 billion tax cut that cleared Congress and was signed into law last week.

The new law opens loopholes for some, closes them for others, gives handouts to yet others, thus adding to the complexities and inconsistencies that have made the tax code our greatest single source of inequity, waste and corruption.

Unless something is done to introduce simplicity and fairness, the tax code will become so inscrutable and suspect that a virtual police state will be required to enforce it. Already, the Internal Revenue Service has assumed police-state powers.

From beginning to end, the tax structure is shot through with unfairness. The man who rents his home from a landlord gets no tax relief for the interest and taxes his rent money pays. But the man who rents his home from a bank, through a mortgage, can get thousands of dollars in deductions each year.

Incomes from wages are taxed down to the last farthing, but incomes from municipal bonds are not taxed at all. The taxpayer who works at home in his slippers can write off the operating cost of part of his house, complete with depreciation. But the laborer who toils in the steel mill gets no comparable break.

Yet these are the innocuous loopholes; the higher the income level, the larger the loopholes. Indeed, the tax code has produced a breed of millionaire who pays no income taxes at all.

By filling the code with exceptions and exclusions, favors and incentives, Congress has also made it so complicated that no one fully understands it. An army of tax agents, lawyers and judges has grown up to interpret the law and adjudicate the legal dispute over it.

Honest citizens live in fear of the code, hating to lose exemptions but afraid to take them. Many wind up hiring "experts" to prepare their forms. A whole new industry now exists for the sole purpose of counseling taxpayers.

Even more wasteful, investment decisions are made, not on the cold merits, but to channel money where it will escape taxation. Sick businesses are bought every day by healthy businesses, not so they can be rebuilt but so their losses can be used to offset taxes.

For years, the lure of tax loopholes stimulated a vast overbuilding of office and apartment complexes. Now that the write-offs have been pocketed, we have a glut of empty buildings and of jobless hardhats drawing unemployment compensation.

Fatcats who don't know a cow from a steer have become absentee ranchers pumping tax-sheltered money into cattle-feeding ventures. As a result, thousands of legitimate cattlemen are going broke, their market busted by an overload of beef for which there are not enough buyers.

Tax loopholes have also encouraged money moguls to develop oil overseas rather than here at home, and to invest in ball clubs rather than productive businesses. This sort of thing, repeated on a hundred fronts, leads not only to a mixedup economy but to a public that neither understands nor respects the laws.

Every loophole, every inconsistency, every example of a non-taxpaying millionaire, encourages the once-dutiful American to become a tax cheat. The tax law, with its high rates and its countless subterfuges for avoiding them, has become the greatest corruptor of the citizenry, encouraging the spreading sentiment that it's better to lie, trim and pad than to be a sucker and a pauper.

Is there a solution? We think so.

Cut the basic tax rates in half, close all loopholes and eliminate all exemptions. If all income were taxed at the simple, straight, flat rate of 12 per cent, Treasury Department experts tell us, the government could raise all the revenue it now takes in.

This way, you could figure your tax in one minute. There would be no frustrating forms to sweat over, no complicated calculations, no fear that you might have made an incriminating mistake, no feeling that others are getting away with murder. And there will be no bills afterwards from accountants and attorneys.

But, it will be argued, what about all those worthy enterprises which genuinely need tax relief to survive? We say they should get direct, open subsidies, rather than indirect, hidden subsidies tucked away in the fine print of the tax laws.

If the oil industry needs a subsidy to survive, for example, let the oilmen make their cash out in the open before Congress, the press and the public.

Any proposal to simplify the tax muddle, of course, will run into opposition from many sides—all those interests whose real aim is not equity but the manipulation of special favors; the growing host who make their living from preparing other people's returns; and those who are employed by tax-exempt organizations.

A continuation of the present mess, however, will continue to bleed the Treasury, distort the economy, erode what was once the majesty of the law and demoralize the citizenry by encouraging every taxpayer to be a cheat on the assumption that it is the only way he can keep even with everyone else.

[From the Washington Post, Apr. 5, 1975]

FORTY-NINE PERCENT OF INCOME TAX RETURNS ARE WRONG

(By Nancy L. Ross)

1972 IRS internal memo on cheaters

Nearly half of all income tax returns filed are wrong, according to an Internal Revenue Service report based on 1969 returns.

The report, which was compiled in 1973 by the IRS Taxpayer Compliance Measurement Program (TCMP) division, was released yesterday as the result of a suit brought by Mr. and Mrs. Phil Long of Bellevue, Wash., under the 1966 Freedom of Information Act. The Longs have been battling the IRS for several years to make such audit information public.

Among the revelations in Document 6230, entitled TCMP Phase III, Cycle 3 Summary Results, are these:

The number of returns containing errors increased from 41 per cent in 1965 to 49 per cent in 1969.

Voluntary compliance declined from 93 to 92 per cent among the population at large. The worst offenders were small businesses with a 68 per cent compliance rate.

The number of low-income people claiming questionable dependents is on the decline because of better health care for the elderly and better understanding of what constitutes true dependents. In the under-$10,000 bracket, individuals claiming deductions of more than 35 per cent of their adjusted gross income are likely to be socked with more tax due (an average of $101 in 1969) than those with deductions under 35 per cent ($68).

The IRS is working toward a perfect audit selection system in which the biggest cheaters are processed first. Though it is an unrealizable goal, the IRS calculates such a system would result in a threefold increase over 1974 rates in additional taxes for audited low-income individuals. For medium income it would more than double and for high-income individuals there would be a 50 per cent increase.

The cover of Document 6230, which is marked "For Official Use Only," reads:

"Almost half of all (1969) returns filed are in error, but two out of every three erroneous returns contain less than $100 of tax change."

The percentage is based on 47,500 scientifically selected returns out of an estimated 74 million. Yet because IRS agents go over the sample returns far more meticulously than in actual audits, listing every possible error from simple mistakes to intentional fraud, the service maintains the 49 per cent statistic is not valid for the population as a whole, that it gives too grim an impression. It does, however, consider the statistic valid enough to use it for its own calculations. TCMP data is used to plot audit strategy and to back up requests to Congress for more operating funds.

(A new TCMP study is in progress. The IRS is said to believe it will show a lower error rate as a result of the reintroduction of the 1040A short form in 1973.)

Not only did Americans make more mistakes; they were found to owe the government more money. On 1965 returns 33.5 per cent owed more (5 per cent got a decrease), whereas on 1969 returns the errors resulted in more taxes for 36.2 million individuals or 40.8 per cent while 8 per cent got a decrease in taxes.

However, the report notes the IRS did not deem it financially sound to try to collect except in the most lucrative cases. Thus, 35.3 million people got off without paying up what the government computers said they owed in additional taxes. The report admits the dilemma the IRS faces in getting low-income people to comply without having to expend too much manpower to do it.

One reason the government was reluctant to make this information public was the fear taxpayers might be encouraged to cheat more. This specter is raised in a 1972 internal IRS memo written after publication of an article noting a 19 per cent fraud rate in returns prepared by commercial preparers. Donald C. Dawkins, assistant to the deputy commissioner wrote:

"If we were to go around now saying that one of every five taxpayers is a fraud, this would not only make it look as though we did not know what we were talking about for the past 10 years, but worse, it would be a self-defeating statement. If this notion takes hold, I think it will create an 'everybody's doing it' atmosphere in which more taxpayers will be encouraged to cheat on their tax returns. (For one thing, how can the government possibly put 20 million people in jail?)".

More recently fear was expressed that former President Nixon's tax errors would encourage others to claim major refunds. Yet IRS officials said they had no evidence of abnormally high refunds on 1973 tax returns.

Another reason the IRS is reluctant to make internal material public is that the service believes it could be doing a better job with better systems and more manpower.

The 1969 summary results state that voluntary compliance levels declined in almost every audit class—small-medium and high-medium busines and nonbusiness returns. The compliance level is determined by comparing the amount of taxes the public pays of its own accord with the amount of money IRS computers project it should receive.

The over-all compliance rate for all audit categories was 93.8 per cent on 1965 returns; 92.7 per cent on 1969 returns. Individuals filing the 1040A (short) form voluntarily paid up 96 per cent of what the government estimates they owed. Small businessmen (under $10,000 income) had a 68.7 compliance rate in 1969.

As a consequence, the summary results noted the IRS's intention to step up audits of low-income business returns, from 2.3 per cent in 1972 to 2.7 for 1974 and 6.5 per cent in 1979. In that way, the IRS hopes to raise the "unacceptably low" compliance rate to 85 per cent. Each percentage of non-compliance represents approximately $3 billion of uncollected revenue.

Finally, TCMP data and other procedural information have been kept confidential for fear the public may somehow be able to "beat the system." TCMP provides the basic "profiles" of each audit class from which Discriminant Function Formulas (DIF) are devised to program IRS computers used to expose faulty returns. DIF, which is only one audit method used by the IRS, scientifically weights components such as exemptions, charitable contribtuions, et cetera.

Theoretically a person with access to TCMP data might be able to figure out the formula for simple returns. But, says a tax lawyer who once knew the formulas when he worked for the IRS, the large number of components used in auditing multi-schedule returns would render such an attempt virtually impossible.

Besides, he adds, the formulas are constantly changed to make it tougher to pass audit. IRS officials, according to the document, expected the updated 1974 formulas, based on the 1969 "profiles," would produce $430 million more in revenue.

IRS also announced its goal of reducing the no-charge system by 11 per cent from 51.2 per cent in 1969. No-change means that an audited return is correct, with no additional tax due the government or none returned. As might be expected, the overwhelming number of changes result in more tax due.

The average no-change rate now stands at 26 per cent; conversely, the change rate is 74 per cent. In other words, the 2.2 million audits conducted last year showed that nearly three quarters of the filers had made mistakes. The IRS' ultimate goal is a zero per cent no-change rate which translates into a 100 per cent change rate.

Because these 2.2 million returns represent only 2.4 per cent of all returns and because they were selected for audit after the computer sensed something wrong, it is not possible to extrapolate the results to the totality of returns. Hence the significance of the TCMP error rate on an across-the-board sample.

Mr. HATFIELD. One wonders what is the most appropriate way to observe April 15. Perhaps a moment of silent mourning would be in order. Whatever our personal sentiments, let us not let the day pass without reaffirming our determination to achieve genuine tax reform and simplification during this session of Congress.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER TO HOLD H.R. 5398 AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 5398, referring to home mortgage payments, be held at the desk. A companion Senate bill will be reported this week.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICAL DEVICES AMENDMENTS OF 1975

Mr. MANSFIELD. Mr. President, I ask unanimous consent—and I make this request subject to the approval of the ranking minority member of the Committee on Labor and Public Welfare, the distinguished Senator from New York (Mr. JAVITS)—that S. 510, a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices, be made the pending business after the conclusion of routine morning business on Thursday next.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. And that there be a time limitation on the bill as follows: 1 hour on the Nelson amendment, 20 hours on any amendment to the Nelson amendment——

Mr. HATFIELD. Twenty minutes.

Mr. MANSFIELD. Twenty minutes, rather, or on any other amendment, and 1 hour on the bill itself.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the agreement be in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is understood that there will be 20 minutes on any amendment to the Nelson amendment or any other amendment.

The text of the unanimous-consent agreement is as follows:

Ordered, That on Thursday, April 17, 1975, following the morning business, the Senate proceed to the consideration of S. 510 (Order No. 33), a bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices, and that debate on any amendment (except an amendment to be offered by the Senator from Wisconsin (Mr. Nelson), on which there shall be 1 hour debate) shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided,* That in the event the manager of the bill is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Majority and Minority Leaders, or their designees: *Provided,* That the said Leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment. (April 15, 1975.)

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS MOSS AND ROBERT C. BYRD ON THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the recognition of the distinguished Senator from Florida (Mr. STONE) on Thursday next, the distinguished Senator from Utah (Mr. MOSS) be recognized for not to exceed 15 minutes, and that thereafter the distinguished Senator from West Virginia, the assistant majority leader (Mr. ROBERT C. BYRD), be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest a absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Stone) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (H.R. 5398) to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as a result of adverse economic conditions, in which it requests the concurrence of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 625. A bill to establish an emergency health benefits program for the unemployed (together with supplemental and minority views) (Rept. No. 94–76).

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Con. Res. 32. An original resolution relating to a determination of the congressional budget for the U.S. Government for the fiscal year beginning July 1, 1975 (Rept. No. 94–77).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUGH SCOTT:

S. 1432. A bill to amend title 38 of the United States Code to provide that certain veterans who were prisoners of war shall be deemed to have service-connected disability of 50 percent; to deem certain prisoners of war to be permanently and totally disabled for the purposes of receiving wartime disability compensation; to provide hospital care and medical treatment for certain non-service-connected disabilities of former prisoners of war; to provide a 10-year presumptive period of service connection for chronic diseases of certain prisoners of war, and for other purposes. Referred to the Committee on Veterans' Affairs.

By Mr. HATFIELD:

S. 1433. A bill to amend title XVI of the Social Security Act to provide that, in the case of married couples who are in certain residential facilities, determinations of entitlement to and amount of supplemental security income benefits of the individuals involved shall be made as if such individuals were unmarried. Referred to the Committee on Finance.

By Mr. HUGH SCOTT (for himself and Mr. Kennedy):

S. 1434. A bill to extend the authorization for the Federal Election Commission, and for other purposes. Referred to the Committee on Rules and Administration.

By Mr. JAVITS:

S. 1435. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property. Referred to the Committee on Finance.

By Mr. RANDOLPH (for himself, Mr. Hartke, Mr. Bayh, and Mr. McClellan):

S. 1436. A bill to improve the reliability, safety, and energy efficiency of transportation by providing funds for repairing, rehabilitating and improving railroad roadbeds and facilities. Referred to the Committee on Commerce and the Committee on Labor and Public Welfare, jointly, by unanimous consent.

By Mr. CHILES (for himself, Mr. Weicker, Mr. Nunn, Mr. Brock, Mr. Roth, Mr. Muskie, Mr. Moss, Mr. Glenn, and Mr. Percy):

S. 1437. A bill to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships, and for other purposes. Referred to the Committee on Government Operations.

By Mr. McINTYRE:

S. 1438. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes. Referred to the Committee on Finance.

By Mr. PERCY (for himself, Mr. Ribicoff, and Mr. Glenn):

S. 1439. A bill to reorganize certain export functions of the Federal Government to promote more efficient administration of such functions. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUGH SCOTT:

S. 1432. A bill to amend title 38 of the United States Code to provide that certain veterans who were prisoners of war shall be deemed to have a service-connected disability of 50 percent; to deem certain prisoners of war to be permanently and totally disabled for the purposes of receiving wartime disability compensation; to provide hospital care and medical treatment for certain non-service-connected disabilities of former prisoners of war; to provide a 10-year presumptive period of service connection for chronic diseases of certain prisoners of war, and for other purposes. Referred to the Committee on Veterans Affairs.

Mr. HUGH SCOTT. Mr. President, I am pleased to be introducing today a bill which is long overdue: it provides that men held as prisoners of war for 6 months or more be granted a 50-percent service-connected disability. My bill further provides that certain prisoners of war be deemed permanently and totally disabled for the purpose of receiving wartime disability compensation; that hospital care and medical treatment be provided for certain non-service-connected disabilities of former prisoners of war; and a 10-year presumptive period of service connection for chronic diseases be established for certain prisoners of war.

It is high time that we show these proud and courageous men that their service was not in vain. Passage of this legislation will represent our understanding of the suffering they endured and will show we stand ready to compensate them, if only in a small way, for the time they spent as prisoners of war.

By Mr. HATFIELD:

S. 1433. A bill to amend title XVI of the Social Security Act to provide that, in the case of married couples who are in certain residential facilities, determinations of entitlement to and amount of supplemental security income benefits of the individuals involved shall be made as if such individuals were unmarried. Referred to the Committee on Finance.

Mr. HATFIELD. Mr. President, today I am introducing a bill which would prevent reductions of supplemental security income payments when residents of certain residential homes or facilities get married. The adage, "two can live more cheaply than one" certainly does not apply to SSI recipients who marry. Their SSI payments are reduced, even though their living costs remain the same as their total costs while still living separately.

Last year a couple in their eighties got married in Portland, Oreg., and found that their combined SSI and social security payments were reduced $90 a month. The social security officials correctly applied the law, which prescribes a smaller combined payment for a couple than for two single people. This occurs even though their living costs in a retirement home or nursing home are not decreased as a result of marriage. The headline carried the response of the couple, "We Won't Live in Sin!"

Social Security Administration officials have assured me that this change would cost a negligible amount, since it would apply to a relatively small number of cases. But for those involved, it would restore equity and rationality to their treatment. The bill would not provide a new bonus for elderly newlyweds, but it would remove the penalty from SSI recipients who, for their own reasons, seek the companionship of marriage.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1433

A bill to amend title XVI of the Social Security Act to provide that, in the case of married couples who are in certain residential facilities, determinations of entitlement to and amount of supplemental security income benefits of the individuals involved shall be made as if such individuals were unmarried

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1614 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Married Couples in Residential Facilities

"(g) For any calendar month in which a married couple resides in a particular residential home or similar facility which—

"(1) imposes a charge for the room and board and other services provided by it to the residents thereof, and

"(2) the aggregate amount of such charge, in the case of two such residents who are married to each other, is no less than the aggregate amount of the charges which would be imposed on such two residents if they were not married to each other,

determinations under this title, as to entitlement for and amount of benefits to be provided under this title, with respect to each of the two individuals comprising such married couple shall be made in like manner as if such individuals were unmarried."

Sec. 2. The amendment made by the first section of this Act shall be effective only with respect to benefits payable under title XVI of the Social Security Act for months after the month in which this Act is enacted.

By Mr. HUGH SCOTT (for himself and Mr. Kennedy):

S. 1434. A bill to extend the authorization for the Federal Election Commission, and for other purposes. Referred to the Committee on Rules and Administration.

EXTENSION OF THE FEDERAL ELECTION COMMISSION

Mr. HUGH SCOTT. Mr. President, Senator Kennedy and I are today introducing a bill to extend the life of the Federal Election Commission for an additional year, through June 30, 1976, with an authorization of $10 million for that year.

The Commission's current authorization, which was enacted as part of the Federal Election Reform Act signed into law by President Ford in October 1974, expires on June 30 of this year, and the authorization for the current year is $5 million.

When the Election Reform Act was originally enacted it was expected that the June 30 expiration date would give Congress the opportunity to hold initial oversight hearings this year on the early operations of the new Federal Election Commission.

Unfortunately, that expectation has been largely disappointed, because of the long delay in appointing the members of the Commission and in enacting the initial appropriation.

In spite of this delay, we believe the Commission's key role in the Election Reform Act is undiminished. The establishment of the Commission as a new independent agency was one of the most important and far-reaching reforms in the 1974 act. Only through the successful implementation of the act can these basic reforms be achieved in fact as well as law, especially the major provisions limiting contributions and expenditures in Federal election campaigns, requiring full reporting and disclosure of all financial activities of such campaigns and providing the historic breakthrough for public financing of Presidential elections and primaries.

The Commission now has the central responsibility for developing guidelines and regulations on the many difficult and complex questions that will inevitably arise as the act is applied to specific elections and campaign practices. In addition, the Commission will play a major role in guaranteeing the effective enforcement of the 1974 act. For the first time in the history of the Federal election laws, the Nation's election laws will have real teeth, and it is up to the Commission to give them bite.

We hope, therefore, that the Senate will act promptly on the bill we are introducing today, so that the Commission will not have to miss any more strides in its important early activities. We believe that continued statutory authorization with amply initial funding should be guaranteed by Congress through the end of the Commission's first full year of operation. In this way, the Commission can at least carry out its formative role of preparing for the 1976 national and congressional elections, without distraction or concern over the extension of its existence.

There may yet be time, of course, for Congress to hear directly from the members of the Commission themselves, and to assess their plans for beginning the implementation of the 1974 act. But certainly it is our obligation in Congress to give the Commission ample assurance that its mandate will be extended beyond June 30, 1976. We believe that goal is well served by the legislation we are introducing today.

By Mr. JAVITS:

S. 1435. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property. Referred to the Committee on Finance.

TAX REFORM FOR ARTISTS

Mr. JAVITS. Mr. President, I send to the desk for appropriate reference a bill to correct certain inequities created by the Tax Reform Act of 1969 which disallowed tax deductions for the market value of charitable contributions of art works by the original artist. The 1969 reform law was aimed at cutting off excessive tax deductions to art collectors who gave away art works for tax purposes only, the politicians who donated their public papers to nonprofit institutions, and to donations of inventory property by companies. Artists, however, were caught in the broad sweep of this reform act and lost the previously held opportunity to deduct from their income tax the market value of works contributed to such nonprofit organizations as museums, universities, and libraries.

It turns out, Mr. President, that this has become a very big means for denying to museums and libraries valuable properties that they should have if artists were willing to contribute. For example, Igor Stravinsky decided against giving his manuscripts to the Library of Congress because he could not get any tax benefit and, hence, put them up for public sale and denied this great gift to the library.

The anomaly is that patrons of the arts still can give their art works away. They can still give their art works to museums and deduct the amount from their income taxes, that is, the valuation as part of their income for tax purposes. But the original artist donor cannot. All he can get is the value of the canvas and the paint, to use a particular reference to painting.

I believe that artist-donors should have a similar privilege. My bill, which incorporates safeguards to insure against abuse of the provision by nonartists, and is limited to the artist alone and to his art income, would allow artists to deduct 75 percent of the market value of their works, and would require that these deductions be taken only to the extent the artist had art-related income. That last provision will insure that full-time artists are encouraged to donate their works and that others will not be able to impose upon the provision.

I believe that the value of important contributions of major works of art to our museums, libraries, universities, and other cultural institutions will far outweigh the modest revenue lost—estimated at under $10 million per year—to the Federal Government.

Congressman Brademas is today introducing a companion bill in the House and I ask unanimous consent that the full text of the bill be printed in the Record at the conclusion of my remarks, together with the memorandum prepared by the Library of Congress.

I hope very much, Mr. President, that as a great encouragement to collections in our museums and libraries this bill may have very early attention by the Senate.

Mr. President, I ask unanimous consent that a study made as to what has been lost in important manuscripts by the Library of Congress, because of this law or at least in part attributable to the law, may be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

Literary, Musical and Artistic Donations to the Library of Congress

(Statistics Before and After the Tax Reform Act of 1969)

Research libraries throughout the United States have relied heavily on gifts of important manuscript collections and other such types of library materials and have, in effect, actively solicited such gifts in order that this material be available for research purposes. The Library of Congress in its 175-year history has been no exception to this practice. Its position as one of the world's leading repositories of cultural, historical, and scientific materials is due in large measure to the generosity of its donors.

The following is a statistical breakdown of gifts to the Library of Congress prior to and after the Tax Reform Act of 1969. Manuscript Division (the Division of the Library containing 31 million items of importance to scholars including the papers of 23 Presidents of the United States):

Prior to the enactment of the Tax Reform Act of 1969, the Manuscript Division received an average of 15 to 20 manuscript gifts each calendar year from authors and literary artists. The following analysis indicates the change this division has experienced:

Calendar year:	*Gifts*
1968	20
1969	17
1970	8
1971	0
1972	0
1973	0
1974	1

(Since each gift could include anywhere from a few to hundreds of thousands of manuscript pages, it is considered more accurate to identify such gifts by counting the donors and not the contents of the gifts.)

It is interesting to note that Archibald MacLeish, poet, writer, and former Librarian of Congress has been donating his correspondence and manuscripts to the Library of Congress prior to 1969 and new additions to this collection are "on deposit." Vladimir Nabokov, novelist and playwright, began in 1958 to donate his manuscripts, playscripts, and correspondence, but has ceased doing so since 1969. Eric Sevareid, journalist, broadcaster, and author, at the request of the Library of Congress made his first gift of his papers, including television scripts, lectures, etc., in 1958. Additions since 1969 have been "on deposit."

PRINTS AND PHOTOGRAPHS DIVISION

New Yorker magazine artists Lee Lorenz, Whitney Darrow, Jr., Barney Tobey, and Edward Koren have ceased donating their original works to the Library of Congress since 1969.

MUSIC DIVISION

The Music Division had been receiving original compositions, librettos, etc., for many years from outstanding American musicians. Since the enactment of the Tax Reform Act, these materials are no longer outright gifts. Some of the previous donors are placing the materials on deposit, for a specified period of time, usually 10 years. It is estimated that some 35 well-known composers have ceased making gifts to the Library of Congress including Samuel Barber, Aaron Copeland, and Walter Piston.

Similar reports are available from research libraries throughout the country. To be specific:

DARTMOUTH

A leading living author, Erskine Caldwell, who had been making constant gifts of his manuscripts has ceased entirely to make these donations. He indicates that these manuscripts may later come to Dartmouth by bequest, but it is not possible to be certain that this will in fact occur. If it does not, the remaining manuscripts may be sold and widely dispersed.

A Pulitzer-Prize-winning dramatist has stopped giving his manuscripts and since he has not become wealthy through his writing, he is sorely tempted to begin selling his manuscripts.

HARVARD UNIVERSITY

Papers expected but either deferred or not received include those of John Updike, Neil Simon, and Denise Levertov. The papers of E. E. Cummings and Robert Lowell have had to be purchased.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Prior to 1969 the University of California, Los Angeles, was receiving the manuscripts and original drawings of Theodore Geisel (Dr. Seuss), the famous author of children's books. These gifts have now stopped.

The consequences of this decrease in gifts have had a serious effect on the archival holdings of the major libraries of this country and the far-reaching effects upon scholarship could be even more devastating.

The alternatives available to the creators of this material are undesirable. One is for them to sell their manuscripts outright. The usual result of this, of course, is the dispersal of historically important materials among many private collectors, thereby making this material unavailable for future scholarship or making it very difficult for scholars to locate. Another alternative is to deposit such material in a library or similar institution in the hope that this provision of the Tax Reform Act will be repealed. A third is to leave their papers as part of their estate, thus allowing their heirs to make a gift of the material after the creator of the manuscripts has died, or, as is often the case, to sell and disperse them.

The deposit provision is not satisfactory to libraries and other archival institutions. First of all, they must make a commitment to store the material without any assurance that it will ultimately become a permanent acquisition. Even if the institutions are willing to make this commitment, they cannot in all instances, quite obviously, commit their limited resources to organize and catalog the material in order to make it available to researchers. The Library of Congress, for instance, accepts deposits of such materials but in most cases gives priority attention to cataloging, organizing, and preparing guides to those manuscripts to which they have full title or firm assurance that they will receive title to the material. The rationale for accepting deposits of materials is not only the hope that the material will ultimately be acquired but also the frank realization that important cultural and historical manuscripts may be lost forever because of improper storage that would result in loss or would cause the material to disintegrate.

By Mr. RANDOLPH (for himself, Mr. Hartke, Mr. Bayh, and Mr. McClellan):

S. 1436. A bill to improve the reliability, safety, and energy efficiency of transportation by providing funds for repairing, rehabilitating and improving railroad roadbeds and facilities. Referred to the Committee on Commerce and the Committee on Labor and Public Welfare, jointly, by unanimous consent.

RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT ACT OF 1975

Mr. RANDOLPH. Mr. President, today I am introducing the Rail Transportation Improvement and Employment Act of 1975. Senators Hartke, Bayh, and McClellan join with me in introducing this measure.

It is our intention in this bill to provide jobs in an accelerated program of rail rehabilitation and improvement. The fusion of these two national priorities into the program envisioned in this legislation is necessary if we are to shake off the devastating effects of the current recession.

The money that this bill makes available will place thousands of people back to work in jobs that will last long after the current recession is over. Maintenance-of-way workers are needed to overcome the devastating effects of neglect and to help maintain and expand the national rail network.

The labor of these people will have direct and immediate benefits for the Nation. An improved rail system will facilitate economic recovery by providing better, energy-efficient transportation for the increasing flow of goods.

The proposed program makes funds available for direct employment of people in two ways. First, the Secretary of Transportation is required to make available to the railroads funds sufficient to allow them to employ enough maintenance-of-way workers to return the size of repair crews to the maximum size between January 1, 1974, and mid-April 1975 thus reversing a general decline in the number of maintenance crews. At an average annual wage of $15,000 a worker, it will take approximately $150 million to restore the maintenance-of-way crews to the level they were on June 1, 1974.

Under the proposed program, the railroads will be required to give priority consideration to furloughed maintenance-of-way employees, second priority to other furloughed railroad employees and third priority to other unemployed persons and people who have sought work without success for more than 3 months. At the same time, the railroads must give the Secretary of Transportation adequate assurances that the increased maintenance-of-way staff will be used primarily on projects which improve key parts of the national railway network. Eligible railroad facilities include those which carry at least 5 million gross ton miles per year, those which are utilized by the National Railroad Passenger Corporation, those which are particularly dangerous because of deterioration or design defects, or those which otherwise have particular importance for national or regional transportation needs.

In addition to providing funds to the railroads for rebuilding maintenance-of-way crews, the proposed bill authorizes the Secretary of Transportation to provide grants to States, political subdivisions, and regional commissions for the funding of specific railroad maintenance and rehabilitation programs. As with the utilization of employees hired under the grants to railroads provision of the bill, specific projects eligible for funding must be performed on important parts of the national railroad networks.

In both grant provisions, the Secretary is required to make sure the programs will provide for continuing employment, that the railroads will not divert funds that would have otherwise been used for rail rehabilitation to other purposes, that no railroads' competitive position will be undercut by any Federal grants, and that the project is capable of early funding and completion.

Beyond providing money for jobs, this bill authorizes an appropriation of $100 million to enable the Secretary to make loans, loan guarantees, or grants for the purchase of materials necessary to carry out the proposed projects. In most cases, it is anticipated that the affected railroads will be able to secure sufficient materials with their own resources. However, to make sure that the rehabilitation program is not affected by certain railroads inability to secure such materials, this limited amount of money is being made available. In the case that any of the money is given in grants, the Secretary is instructed to make sufficient arrangements to assure that the Government will be compensated for any value added to the rail property by the materials purchased with Federal funds.

There is the need for an accelerated employment program to ameliorate the hardships of unemployment. The need is now for emergency rehabilitation work to insure the preservation and improvement of the Nation's railroads. We must move forward with this program to provide meaningful employment opportunities and to repair our deteriorated railroads for continuation of vital rail services in our country. I urge my colleagues to give this measure their careful consideration. I commend Senator HARTKE, who has worked with me on the formulation of this legislation, and Senators MCCLELLAN and BAYH for their effective efforts in the Appropriations Committee.

Mr. President, I ask unanimous consent that the bill that I am introducing be referred to the Committee on Commerce and also to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the remarks of Senator HARTKE upon the introduction of this bill be printed in the RECORD at the conclusion of my statement.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HARTKE

Today I join with my distinguished colleagues in introducing the "Rail Transportation Improvement and Employment Act of 1975," a bill designed to help meet two of the nation's greatest present needs—the serious increase in the unemployment rate and an acceleration of the efforts to begin railroad rehabilitation.

At the outset, I would like to commend Senator Randolph for the leadership he has taken in this area and for the work he has put into shaping this concept into a bill. I would also like to thank Senator McClellan and Senator Bayh for their significant contribution to this bill through their work with the Appropriations Committee.

Lately it has become common—and proper—for people to predict that as energy becomes more expensive and scarce, the flow of freight and passengers away from the nation's railroads will be—and should be—reversed. For instance, we look to the rail system to unclog the Northeast corridor and we view the implementation of the Regional Rail Reorganization Act as finally bringing about this long needed project, which was first proposed in 1971. The United States will need a healthy rail system to enable us to exploit the nation's vast coal reserves in an economical manner and help free us from overdependence on uncertain foreign sources of oil. We look to a closer coordination between truck and rail transportation with intermodal technologies that can combine the flexibility of trucks with the efficiency of trains, in order to gain the advantages of both modes of transportation.

However, between now and the time when we can realize the full potential of rail transportation, we must overcome the chaos left by years of deferred maintenance, outright neglect, and improper public policy. Today's reality is not high-speed trains, but go-slow orders. Today's reality is not advanced technology, but rotting ties and broken rails.

The cost of this deterioraton is staggering. Between the years 1963 and 1972, according to a recent National Transportation Safety Board report, broken rails—a direct result of deterioration—caused 5,756 accidents, one-sixth of all the train accidents during the period. These accidents damaged in excess of one-half of a billion dollars of property. The truly tragic fact is that the number of rail failures and accidents increased dramatically during the entire ten-year period and has probably increased more since then.

Even when the rails don't actually break and the cars manage to stay on the tracks, the costs exacted by deterioration are tremendous. Miles of track have simply become so dangerous they have to be shut down entirely. Even more stretches of railroad are hit with go-slow orders forcing trains to crawl along at no more than 5 and 10 miles an hour, making a full-days trip out of 100 miles and doubling and tripling the attendant costs of shipping freight.

The deterioration has accelerated in the past months because of the impact of the current recession. Business and income are down and in order to keep solvent, the railroads have been forced to lay off more and more maintenance-of-way employees. The insolvent railroads have sunk deeper into financial trouble and are often barely able to keep key sections of track in sufficient repair to allow operation at 10 miles an hour.

At the same time, the nation is suffering its highest unemployment rate since World War II as millions of willing workers are forced off the job and onto the streets. Day by day, the situation seems to be getting worse rather than better and it demands that decisive action be taken now.

It is the purpose of this bill to help ease the effects of both of these vast problems. Thousands of people can be employed and trained into lasting and necessary jobs as we rebuild our railroad system.

Right now, there is a need for up to 50,000 additional maintenance-of-way employees to help reverse the deterioration and begin moving the country in the right direction. Right now, these employees can begin replacing the millions of rotting ties and begin rebuilding the thousands of miles of substandard track. In the Northeast and Midwest alone, the United States Railway Association estimates that over 8,000 miles of essential track require immediate attention, some 20 million railroad ties must be replaced and some 1600 miles of new track must be laid down. Other parts of the country can generate similar figures, and together they add up to a deferred maintenance bill in excess of $5 billion.

The bill I am introducing today does not solve these problems but it does move us in the right direction and it gives us a very good start.

The bill authorizes an appropriation of $600 million for jobs in railroad maintenance programs. This sum is supplemented by an authorization of $100 million for loans, loan guarantees, and grants to help the insolvent railroads acquire the materials needed to make the rehabilitation programs a reality.

The bill works in two ways. First it directs the Secretary of Transportation to make money available to the railroads to rehire the substantial number of recently furloughed maintenance-of-way employees so that the number of such workers returns to the level of June 1, 1974. Second, the bill authorizes the Secretary to fund the hiring of workers for specific rehabilitation programs on key rail segments. Where necessary the Secretary can also give grants, loans, or make loan guarantees for the purchase of materials used in repair projects in both categories.

In both instances, the repair is to be done on tracks that are heavily used, used by Amtrak, included in Conrail, involve special safety defects, or are otherwise necessary for a modern, safe rail system. The projects that are funded are to be structured to assure permanent alleviation of unemployment, continued application of private funds for repair, and compensation to the government for the value added to rail properties by materials purchased at Federal expense.

As mentioned before, the current recession has forced the railraods to severely curtail their maintenance programs and has caused the lay-off of about 10,000 workers. To bring the maintenance crews back up to their maximum level will take about $150 million of the $600 million authorized. The remaining money will be available to the Secretary for specific grants to enhance vitally needed rehabilitative efforts and to reduce unemployment in hard hit areas. Proper utilization of this money will ensure that the repair programs help rebuild a well-balanced, national rail network and help us realize the great that the railroads offer.

Mr. JAVITS. Will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. JAVITS. I would like to express to the Senator my pleasure that he is doing this. I have introduced a bill, Senator BUCKLEY has introduced a bill, and there are other measures. But nothing would come as authoritatively as from the chairman of the committee which the Senator heads. I think it presages action upon an extremely constructive way in which public service employment can be used for a permanent improvement of a highly constructive character because it will produce income, et cetera, which we could not otherwise get.

I would like to pay a tribute to the unions concerned in this matter who are seeing the constructive nature of getting the job done as it helps them. Even though superficially it would seem that it is giving jobs to others, they understand that this is the only way in which the total project which they will have a big part in can be formed.

I thank my colleague.

Mr. RANDOLPH. Mr. President, I am grateful for the kind remarks of the Senator from New York (Mr. JAVITS). The Senator from New York and his colleague from that State, Senator BUCKLEY, have given careful attention to this pressing problem. I commend them for their interest and efforts. Their knowledge will be valuable as the Senate moves forward on this issue.

By Mr. CHILES (for himself, Mr. WEICKER, Mr. NUNN, Mr. BROCK, Mr. ROTH, Mr. MUSKIE, Mr. MOSS, Mr. GLENN, and Mr. PERCY):

S. 1437. A bill to distinguish Federal grant and cooperative agreement relationships from Federal procurement relationships, and for other purposes. Referred to the Committee on Government Operations.

Mr. CHILES. Mr. President, on behalf of the Senator from Connecticut (Mr. Weicker), the Senator from Georgia (Mr. Nunn), the Senator from Tennessee (Mr. Brock), the Senator from Delaware, (Mr. Roth), the Senator from Maine (Mr. Muskie), the Senator from Ohio (Mr. Glenn), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. Percy), and myself, I am introducing a bill to bring some long needed discipline to the way the Federal Government spends over $100 billion each year on contracts and grants, spending mechanisms which have become confused, misused and abused.

As a first basic step, the bill would distinguish Federal grant and cooperative agreement relationships from Federal procurements relationships and would provide a basis for additional steps to control Federal spending programs.

This bill is virtually identical to last session's S. 3514, the Federal Grants and Cooperative Agreement Act of 1974, a bill which passed the Senate without dissent on October 9 of last year. Due to the late hour in which the bill was referred to the House, the House felt that further action should await the first session of the 94th Congress. The House subcommittee to which the bill was referred did hold one 1 day of hearings to help facilitate action on the bill this year.

BILL PROVISIONS

This legislation would implement two key recommendations made by the Commission on Government Procurement that resulted from its 2½-year study.

First, the bill would establish Government-wide criteria for selection of appropriate legal instruments to achieve uniformity in the use by the executive agencies of such instruments, a clearer definition of the basic relationships they reflect, and a better understanding of the responsibilities of the parties involved; and second, require a study of Federal/non-Federal relationships in the Federal assistance programs that should lead to the development of a comprehensive system of guidance for the use of grants, cooperative agreements, and other forms of Federal assistance.

NEED FOR THE LEGISLATION

A brief look at the historical development of Federal grant programs in the last 15 years demonstrates the need for this legislation. Federal grants to States and localities alone rose from $2.2 billion in 1950, to $6.8 billion in 1960, to over $55 billion in this fiscal year. Within the past 5 years, grant-type disbursements have expanded at an annual rate of 17 percent. When grants to nongovernmental institutions such as nonprofit organizations, universities, and individuals are added to these figures, the growth is even more apparent.

The increase in the number of grant program corresponds to the growth in dollar amounts. There are now over 500 different program authorizations that Congress has promulgated and the Federal Domestic Catalog of Federal Assistance lists over a thousand separate programs that have evolved from these authorizations.

As the Commission on Government Procurement concluded, Federal grant-type activities have become a vast and complex collection of assistance programs, functioning with little central guidance in a variety of ways that are often characterized as being consistent only in their inconsistency. Similar programs or projects have often been left to "do their own thing," in their own way, in a manner which, when viewed from an overall perspective of Federal spending, leads to undue complexity, confusion, and uncertainty for recipients who must work with these programs; for parts of the executive branch that must coordinate these programs; and significantly, for the Congress that must exercise effective oversight of Federal spending.

HEARINGS AND FINDINGS

The Commission on Government Procurement focused upon several major causes for this disarray. They were:

Confusion of grant-type assistance relationships and transactions with procurement relationships and transactions; and

Failure to recognize that there is more than one kind of grant-type relationship of transaction; and

Lack of Government-wide guidance for Federal grant-type relationships and transactions.

Four days of joint hearings by the Government Operations Subcommittees on Intergovernmental Relations and Federal Procurement were held last session on the forerunner to this bill. Those hearings reinforced the findings of the Commission on this subject and several changes were made to improve the legislation.

Some agencies admit that they use grants instead of procurement contracts to avoid certain requirements, such as advance payment justifications. Some program officials who have responsibility for negotiating and administering grants, but not contracts, tend to shift to contracts when they are busy in order to place the workload elsewhere.

Some agencies use more grants in June to obligate funds before the end of the fiscal year because grants are quicker to process than contracts. Figures show that last year, the Department of Health, Education, and Welfare issued about three grants for each contract over the course of the fiscal year. But, in June, that ratio jumped to 7 to 1 while total outlays in grants and contracts exploded 800 percent—from an average of $300 million per month to over $2.4 billion in June alone. With the lack of congressional guidance and under circumstances such as these, the potential for the misuse of grants is enhanced.

Moreover, as was revealed in subcommittee hearings, the lack of congressional guidance as to when grants or contracts should be used has allowed grants to be used to avoid the competition required in Federal procurement or, more generally, to avoid other controls of the Federal procurement system.

For example, HEW has acknowledged that many agencies use grants to obtain goods and services in direct support of agency operations. Specifically, grants instead of procurement contracts are being used to obtain consulting studies, technical assistance, collect data, perform surveys, studies, and training programs for agencies.

On the other side of the coin, we have found instances where procurement contracts are being used simply to avoid cost-sharing requirements of grants. Failure to distinguish between procurement and assistance relationships has also led to the adding of unnecessary "red tape" to grants. The Department of Labor, for example, has ceased managing some of its manpower programs to State and local governments as procurement contracts and now manages them as grants.

This bill should discipline Federal agencies to consciously decide what the principle purpose of a transaction will be and what requirements are or are not needed. In the absence of congressional guidance, agencies today are able to employ practices which give them administrative discretion not intended by Congress.

This bill will both eliminate the use of grants in procurement situations and will contribute to the lessening of "red tape" in some grant programs.

Part of the confusion that exists is the result of both enabling and appropriation statutes for grant programs. As a group they lack consistency in requirements, terminology, level of detail, and emphasis. No uniform statutory guidance exists in specifying the circumstances under which procurement contracts, grant, or cooperative agreement instruments should be used.

Consequently, grants and contracts are often used interchangeably within agencies and among agencies for similar types of projects—not because of different demands on controlling spending but for reasons of administrative expediency.

This bill would establish broad congressional guidance by defining the circumstances under which agencies should employ procurement contracts or grant and cooperative agreements and by empowering them to do so. It represents a beginning step in bringing about some overdue discipline. When one considers that one-third of the Federal budget is spent through outlays on procurement contracts—$60 billion—and grants—$55 billion, the importance of this measure is highlighted.

The need for a Government-wide system of guidance for Federal assistance programs is analogous to the need for the Office of Federal Procurement Policy for procurement. The primary concern is to get a "handle" on the entire process for Federal assistance and to promote better understanding and guidance. Compared to the Federal procurement system, the so-called grant system is primitive, underdeveloped. The bill's required study should lead to additional improvements in the overall management of assistance programs.

Witnesses who appeared before the subcommittees strongly supported the need to make the Federal assistance system more rational and more understandable. The study mandated by this bill should not only serve as a follow-up to the basic definitions set forth but should also provide an additional ray of sunshine in an area which is presently clouded with complexity and confusion.

ARGUMENTS

Certain reservations to the bill were presented in the hearings. I want to mention them because the subcommittees gave all concerns due consideration and made several changes. Indeed, the subcommittee's staff worked very closely with the staff of the General Services Administration's Office of Federal Management Policy in order to insure a constructive piece of legislation. However, there were some points raised that were not persuasive.

One argument presented was that the broad definitions of the circumstances under which types of procurement contracts and types of grants and cooperative agreements should be used contained respectively in sections 4, 5 and 6 of the bill should await completion of the study mandated in section 8. The feeling was that the definitions contained in the bill were too broad to accomplish the purposes of the Commission's recommendations, that more study was needed to insure that the criteria set forth in these sections were adequate.

The question raised was whether the bill was not putting the cart before the horse. The committee did not find this view tenable. The following facts led the committee to conclude that additional study does not need to precede enactment of the bill.

The 2-year examination of these questions by the Commission on Government Procurement;

The General Accounting Office's assessment that enough examination of the issues had been accomplished to undertake the initial step of setting forth criteria for the use of legal instruments that would reflect basic relationships;

The efforts of two executive branch task force groups who reported favorably on the respective Commission recommendations; and

The realization by the committee that without the authorizing provision of section 7(a), many agencies would be restricted by law to the use of inappropriate instruments until the study is completed and resulting legislation, at the minimum, 2 years away, is enacted.

A related concern expressed was that not enough was known about what effect this bill would have on operating programs, Again, this reservation arose after the lengthy examination undertaken by the Commission, the work of executive branch task forces, and the work that was directed toward developing a formal executive branch position on the relevant Commission recommendations. Despite the previous work done addressing this question, the subcommittee staff working closely with GSA staff undertook to independently assess this issue. It was not felt to be a problem. Instead, the independent committee staff assessment reinforced the findings and recommendations of the Commission that legislation be enacted.

Another point raised was the effect this bill would have on certain research activities of the Department of Defense—DOD—and the National Aeronautics and Space Administration—NASA—where grants are presently being used instead of contracts under the authority of the Grants Act of 1958.

This bill would repeal that act and replace it with the broader authorization contained in section 7(a) of the bill. The effect of section 7(a) is to require the agencies to openly state the principle purpose of a transaction. The DOD and NASA interpretation was that they would not be able to employ grants under the provisions of this bill. In the hearings, however, both agencies conceded that they could live with the bill. In fact, the Office of Naval Research is now doing by contract what the Air Force and Army do by grant. Given the benefits that would accrue from enactment of the bill and after closely examining the DOD, NASA objection, the subcommittee did not feel the bill would unduly burden them.

SUMMARY

In summary, I cannot help but feel that what opposition there was to this bill was a natural resistance to discipline and change on the part of the executive agencies. As the Comptroller General commented in the House hearing on this bill, the executive agencies have resisted any kind of guidance from Congress along these lines. They like to have it both ways.

This bill attacks some of the abuses and inappropriate practices, both intended and unintended, of the agencies. It is hardly surprising that a few of them might not feel comfortable with the bill. In contrast to these reservations, State government representatives and representatives of the private sector generally supported the bill as an important first step in dealing with this problem area.

I would urge my colleagues to join in supporting and cosponsoring this legislation. I think the cosponsors of this measure illustrate the nonpartisan nature of this bill. The rapid growth of Federal assistance programs in the 1960's and early 1970's, in terms of both number of programs and volume of dollars, has contributed to administrative stresses at all levels of government and within the private nongovernment sector.

If the 1960's can be seen as a period when the Congress placed emphasis on setting national goals, then I hope that the 1970's will be focused on the administrative machinery of government needed to achieve them.

The demands of today's times demand more accountability for Federal expenditures. This bill will improve the Congress' and the public's capacity to understand what is happening with Federal expenditures and will prevent some wasteful and abusive practices that have developed.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Federal Grant and Cooperative Agreement Act of 1975".

FINDINGS AND PURPOSE

Sec. 2. (a) The Congress finds that—

(1) there is a need to distinguish Federal assistance relationships from Federal procurement relationships and thereby to standardize usage and clarify the meaning of the legal instruments which reflect such relationships;

(2) uncertainty as to the meaning of such terms as "contract", "grant", and "cooperative agreement" and the relationships they reflect causes operational inconsistencies, confusion, inefficiency, and waste for recipients of awards as well as for executive agencies; and

(3) the Commission on Government Procurement has documented these findings and concluded that a reduction of the existing confusions, inconsistencies, and inefficiencies is feasible and necessary through legislative action.

(b) The purposes of this Act are—

(1) to characterize the relationships between the Federal Government and contractors, State and local governments, and other recipients in the acquisition of property and services and in the furnishing of assistance by the Federal Government so as to promote a better understanding of Federal spending and help eliminate unnecessary administrative requirements on recipients of Federal awards.

(2) to establish government-wide criteria for selection of appropriate legal instruments to achieve uniformity in the use by the executive agencies of such instruments, a clear definition of the relationships they reflect, and a better understanding of the responsibilities of the parties;

(3) to promote increased discipline in the selection and use of types of contract, grant agreement, and cooperative agreements and to maximize competition in the award of contracts and encourage competition, where deemed appropriate, in the award of grants and cooperative agreements; and

(4) to require a study of the relationship between the Federal Government and grantees and other recipients in Federal assistance programs and the feasibility of developing a comprehensive system of guidance for the use of grant and cooperative agreements, and other forms of Federal assistance in carrying out such programs.

DEFINITIONS

Sec. 3. As used in this Act, the term—

(1) "State government" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any agency or instrumentality of a State, and any multi-State, regional, or interstate entity which has governmental functions;

(2) "local government" means any unit of government within a State, a county, municipality, city, town, township, local public authority, special district, intrastate district. council of governments, sponsor group representative organization, other intrastate

government entity, or any other instrumentality of a local government;

(3) "other recipient" means any person or recipient other than a State or local government who is authorized to receive Federal assistance or procurement contracts and includes any charitable or educational institution;

(4) "executive agency" means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, an independent establishment as defined in section 104 of title 5, United States Code (except that it shall not include the General Accounting Office), a wholly-owned government corporation; and

(5) "grant or cooperative agreement" does not include any agreement under which only direct Federal cash assistance to individuals, a subsidy, a loan, a loan guarantee, or insurance is provided.

USE OF CONTRACTS

Sec. 4. Each executive agency shall use a type of procurement contract as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient—

(1) whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Fedeal Government; or

(2) whenever an executive agency determines in a specific instance that the use of a type of procurement contract is appropriate.

USE OF GRANT AGREEMENTS

Sec. 5. Each executive agency shall use a type of grant agreement as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient whenever—

(1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease or barter, of property or services for the direct benefit or use of the Federal Government; and

(2) no substantial involvement is anticipated between the executive agency, acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.

USE OF COOPERATIVE AGREEMENTS

Sec. 6. Each executive agency shall use a type of cooperative agreement as the legal instrument reflecting a relationship between the Federal Government and a State or local government or other recipient whenever—

(1) the principal purpose of the relationship is the transfer of money, property, services, or anything of value to the State of local government or other recipient to accomplish a public purpose of support of stimulation authorized by Federal statute, rather than acquisition, by purchase, lease or barter, of property or services for the direct benefit or use of the Federal Government; and

(2) substantial involvement is anticipated between the executive agency, acting for the Federal Government, and the State or local government or other recipient during performance of the contemplated activity.

AUTHORIZATIONS

Sec. 7. (a) Notwithstanding any other provision of law, each executive agency authorized by law to enter into contracts, grant or cooperative agreements, or similar arrangements is authorized and directed to enter into and use types of contracts, grant agreements, or cooperative agreements as required by this Act.

(b) The authority to enter into grant or cooperative agreements shall include the discretionary authority, when it is deemed by the head of an executive agency to be in furtherance of the objectives of such agency, to vest in State or local governments or other recipients, without further obligation to the Federal Government or on such other terms and conditions as deemed appropriate, title to equipment or other tangible personal property purchased with such grant or cooperative agreement funds.

STUDY OF FEDERAL ASSISTANCE PROGRAMS

Sec. 8. The Director of the Office of Management and Budget, in cooperation with the executive agencies, shall undertake a study to develop a better understanding of alternative means of implementing Federal assistance programs, and to determine the feasibility of developing a comprehensive system of guidance for Federal assistance programs. Such study shall include a thorough consideration of the findings and recommendations of the Commission on Government Procurement relating to the feasibility of developing such a system. The Director shall consult with representatives of the executive agencies, the Congress, the General Accounting Office, and State and local governments, other recipients and other interested members of the public. The results of the study shall be reported to the Committee on Government Operations of the Senate and the House of Representatives at the earliest practicable date, but in no event later than two years after the date of enactment of this Act. The report on the study shall include (1) detailed descriptions of the alternative means of implementing Federal assistance programs and of the circumstances in which the use of each appears to be most desirable, (2) detailed descriptions of the basic characteristics and an outline of such comprehensive system of guidance for Federal assistance programs, the development of which may be determined feasible, and (3) recommendations concerning arrangements to proceed with the full development of such comprehensive system of guidance and for such administrative or statutory changes, including changes in the provisions of sections 3 through 7 of this Act, as may be deemed appropriate on the basis of the findings of the study.

REPEALS AND SAVINGS PROVISIONS

Sec. 9. (a) The Act entitled "An Act to authorize the expenditure of funds through grants for support of scientific research, and for other purposes", approved September 6, 1958 (72 Stat. 1793; 42 U.S.C. 1891, 1892, and 1893), is repealed, effective one year after the date of enactment of this Act.

(b) Nothing in this Act shall be construed to render void or voidable any existing contract, grant, cooperative agreement, or other contract, grant, or cooperative agreement entered into up to one year after the date of enactment of this Act.

(c) Nothing in this Act shall require the establishment of a single relationship between the Federal Government and a State or local government or other recipient on a jointly funded project, involving funds from more than one program or appropriation, where different relationships would otherwise be appropriate for different components of the project.

(d) The Director of the Office of Management and Budget may except individual transactions or programs of any executive agency from the application of the provisions of this Act. This authority shall expire one hundred and eighty days after receipt by the Congress of the study provided for in section 8 of this Act.

Mr. WEICKER. Mr. President, I take this opportunity to join with Senator Chiles in sponsoring this legislation that will overhaul the $115 billion a year contracts and grants program.

The Federal Grants and Cooperative Agreement Act will, for the first time, set government-wide criteria for the use of legal instruments to carry out Federal/non-Federal transactions for acquisition of property, services, and furnishing assistance. Past experiences regarding these practices illustrates a long history of waste and ineffectual spending of tax dollars for procurement and assistance programs.

This measure disciplines executive agencies in their selection of contracts, grants, and cooperative agreements and will clear the air of uncertainty so rampant in this area. The need for discipline is apparent when one looks at the enormous growth of expenditures for Federal assistance programs since 1950. Federal grants to State and local governments have increased from a little over $2 billion in fiscal year 1950 to over $55 billion for fiscal year 1975. Comparable expenditures for procurement of property and services point to a need for this legislation now.

The intent of this legislation is clear in that it takes steps to control the mechanisms behind the huge, annual expenditures of Federal budget funds. It is time the Congress put an end to the fragmentation, confusion, and complexity that abound in Federal assistance and procurement programs. This will not only save costs, but it provides a new direction towards the elimination of needless redtape.

Hopefully, the Senate will see fit to take expeditious action on this bill as it did last session. With economic woes plaguing the entire Nation, the Congress must act now to eliminate inefficiency and mismanagement from these programs that total one-third of the entire Federal budget.

By Mr. McINTYRE:

S. 1438. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance—including coverage for medical catastrophes—available to all Americans, and for other purposes. Referred to the Committee on Finance.

NATIONAL HEALTH CARE ACT OF 1975

Mr. McINTYRE. Mr. President, today I am introducing the National Health Care Act of 1975.

Mr. President, this Nation desperately needs a comprehensive health insurance plan. I believed that when I first introduced health care insurance legislation in 1971, and that conviction is even firmer today. Regardless of what some may say, the need for such a plan does not diminish in hard economic times—it grows. So I would hope that we do not postpone action on national health insurance legislation in a time and situation that cries out for its enactment.

But recognizing the gravity of the economic situation, I am more convinced than ever that the proper solution to the health care problem must place maximum demand on the private sector and minimum demand on our hard-pressed Federal Treasury.

Mr. President, I do not need to repeat what has so eloquently and convincingly been said in recent Congresses. Through the efforts of many, especially the Health Subcommittee, its members, and its chairman, I believe there are very few in this body who honestly feel that our system of health care does not need reform, including reform of the financing system.

The debate which has taken place on this floor on issues of professional standards review, health planning, health manpower, health maintenance organizations, has pointed clearly to the need for reform and refinement of health care in America.

The Congress has shown that it can agree on some of these major elements of a comprehensive national health insurance program. Now it is time to move on—to complete the job.

Implementation of new health legislation, especially the new health planning law, will lay the groundwork for the establishment of a workable, efficient, long overdue system of health financing. The bill which I introduce today, Mr. President, takes into account the measures passed by the 92d and 93d Congresses, and it would build upon a foundation laid by those measures.

I have supported these past efforts not only with my votes, but also by including my health care bill sections dealing with planning, manpower, and construction of ambulatory care units. The first four titles of my bill outline a program of assistance in these areas totaling $400 million.

Mr. President, more than ever before I feel that the health insurance section of my bill makes the most sense for our country. Confronted with a record budget deficit, we all recognize the need for the Congress to make certain that the programs we enact maximize frugality, without sacrificing effectivness or sensitivity to those most in need.

Under our present system of insuring health care and costs, the poor, the near-poor, and those with disabiliites that make them uninsurable clearly have too little, and must pay too much. Therefore my plan calls for a benefit package which for the poor and near-poor is paid for in whole or in part by the States and the Federal Government. That portion that a person must pay is based on income, with the most needy totally underwritten, and the payments of those with limited assets adjusted proportionately.

Many years ago—when our Nation was in even more dire economic straits—Franklin Roosevelt offered a maxim that should guide us yet. He said:

> The test of our Progress is not whether we add more to the abundance of those who have much. It is whether we provide enough for those who have too little.

Now, Mr. President, I do not think the Government has any obligation to pay for the insurance policies of those who can afford them, but it is clearly the Government's obligation to establish quality and performance, criteria and standards that apply to the health insurance industry.

For those who can afford to pay for health insurance, my plan provides, for the first time, standards which must be met in order for a plan to qualify as a 100-percent tax deduction, for both the employer and the employee.

Nothing points up this need for standards more than a recent series of articles that appeared in the Washington Star. The series describes the mystifying range of policies now available to serve, and, in far too many cases, to confuse the public.

Mr. President, let me speak for a moment about the private insurance industry. I believe that a national health care program should utilize the industry, because it is already in place, rather than establish a new governmental bureaucracy to do the job. Why?

Is it because I am impressed with every bit of the industry's history in insuring care? It is not.

Is it because I feel that the abuses visited upon the consumer by ambiguous policies are justified? It is not.

Rather, Mr. President, it is for this reason: Whatever its faults and shortcomings, the industry is still the major repository of heatlh insurance experience, expertise, and actuarial information. Why waste that considerable resource? We should build upon it by setting Federal standards that will stimulate the insurance industry to function as the people want it to function.

Moreover, Mr. President, in a time of rising unemployment, it makes little sense for the Federal Government to tear apart an industry in which nearly half a million people across the country earn their living.

That basic article of economic faith expressed, let me turn now to some details of my health care bill.

Briefly, Mr. President, my plan calls for the establishment of three types of insuring plans. One for the employer employee group, one for individuals, and one for administration at the State level for the poor and the near-poor.

For those purchasing health insurance through the first two, there would be standards set for the basic benefits which must be provided, and appropriate amendments made to the IRS laws to encourage purchase of these plans by making them wholly tax deductible.

The employer would be required to offer a plan that met the Government standards or forfeit in total current tax deductions related to this expense.

To those qualified for inclusion in the State plan, the plan would provide the same standard benefits at a partial or a totally underwritten cost.

This approach, I believe structures a system which would create a sufficient rationale for all to become involved in this program voluntarily.

If in the judgment of my colleagues it appears that these inducements would not be sufficient, then I would certainly consider making that program mandatory.

A mandatory program with necessary sanctions for enforcement, and a voluntary one with strong incentives for involvement, are simply differing approaches to the very same end.

I have mentioned benefits, Mr. President, and now I would like to discuss them in more detail. Under my plan benefits are phased in two stages. The first stage would provide the following:

Phase I—1977

1. For both physical and psychiatric care, unlimited hospital in and out-patient services.
2. All professional services for the diagnosis or treatment of injuries, illnesses or conditions other than dental and mental, by or at the direction of a physician.
3. The first 20 out-patient mental health visits.
4. Drugs and contraceptive devices that require a prescription.
5. 180 days of skilled nursing care.
6. 270 days of home health care.
7. Use of radium or radioactive materials, oxygen, anesthetics, prostheses, and rental of medical equipment.
8. Oral surgery on impacted teeth, and for a tooth root.
9. Diagnostic X-rays and laboratory tests performed other than while an inpatient in a hospital or skilled nursing facility.
10. Well child care, including immunizations for children under age five.
11. One oral examination per year, including prophylaxis, dental X-rays, topical application of fluoride and insertion of spare maintainers, by a dentist at his direction, a dental hygienist, for children under age thirteen.
12. One eye refraction per year for children under age 13.
13. Counselling on family planning and fitting of contraceptive device.
14. One PAP smear every 2 years for women 19 and over.

PHASE II—1985

15. Dental care for fillings and extractions.
16. Other dental services and prostheses, except orthodontia.
17. Services of a Physical Therapist.
18. Services of a Speech Therapist.
19. One eye refraction every three years.
20. Eye glasses, one per year for under 19, once every three years for over 19.
21. One hearing exam every three years.
22. Hearing aids, one per three years under 19, one per lifetime for over 19.
23. One physical every 5 years for individuals 5 years old or older.

The plan does include copayments and a deductible in order to maintain reasonable costs for a policy that concentrates on preventive care.

However, in no case could a qualified plan have a deductible of more than $100 nor could the sum of copayments plus deductibles for a family go over $1,000 per year. For the less fortunate, this maximum cost requirement is reduced on the basis of income. Once the family limit of maximum copayment and deductible obligation is met, the full benefits of the plan continue with no further out-of-pocket payment that year.

Both the costs and the income determinants are linked to the Consumer Price Index, so that there will be a degree of economic consistency brought to bear on premium costs. I ask that a fact sheet on this bill be included in the

Record following the conclusion of my remarks, along with the full text of the bill.

I hope my colleagues agree with me that the clear obligation of the Congress to our people is to pass a national health insurance program that is both generous in its benefits and rational in its costs and administration.

If there are differences as to benefits required, eligibility standards and income definition of the needy, let us work together on these differences.

I welcome your comments and suggestions, as I welcome your support.

But let us move and move quickly, let us reconcile differences and agree to compromise where we must, and let us thus bring forth from this Congress a plan to insure the health care and health costs of every American in every part of the country.

It is my sincere hope, Mr. President, that a strong coalition of all of those who agree that we must have national health insurance will seek quick consensus on the vehicle itself. The argument on need has been made and made well. The debate now must focus on precisely how we achieve our goal.

There is a job to be done, Mr. President. I urge my colleagues to join with me to do it.

There being no objection, the fact sheet and bill were ordered to be printed in the Record, as follows:

NATIONAL HEALTHCARE ACT OF 1975—FACT SHEET

The National Healthcare Act has five Titles.

Title I contains Findings and Declaration of Purpose.

Title II contains provisions to increase the supply and improve the distribution of health care personnel, by continuing grant and loan programs, and increasing the forgiveness of those loans over their present level, especially for service in areas designated as health scarcity areas including rural areas. The grants and loans are for physicians and allied health professionals, and include new training money for ambulatory care team training.

Title III contains provisions to encourage comprehensive ambulatory health care centers. This encouragement comes through the awarding of grants and loans for the construction on and modernization of ambulatory health care centers, which concentrate on ambulatory services and which meet certain other criteria.

Title IV establishes a Health Policy Board in the executive branch. The board will be made up of three members, appointed by the President with the advice and consent of the Senate. The board will be authorized to employ such staff as necessary to carry out its functions. Among those functions is the preparation for an annual health report of the President. The Title outlines the additional functions of the board as well as the issues to be examined in the President's report.

Title V. Provisions to make comprehensive health care insurance available to all. This title outlines a plan for the delivery of comprehensive health care insurance.

The bill sets minimum standards to be met by health insurance policies, and provides incentives for compliance with these standards. There are three types of plans: those purchased by Employers and Employees, those purchased by individuals, and those offered through a State plan. Minimum standards for all these plans are the same and are phased in in two stage as follows:

PHASE I—1977

1. For both physical and psychiatric care, unlimited hospital in and out-patient services.
2. All professional services for the diagnosis or treatment of injuries, illnesses or conditions other than dental and mental, by or at the direction of a physician.
3. The first 20 out-patient mental health visits.
4. Drugs and contraceptive devices that require a prescription.
5. 180 days of skilled nursing care.
6. 270 days of home health care.
7. Use of radium or radioactive materials, oxygen, anesthetics, prostheses, and rental of medical equipment.
8. Oral surgery on impacted teeth, and for a tooth root.
9. Diagnostic X-rays and laboratory tests performed other than while an inpatient in a hospital or skilled nursing facility.
10. Well child care, including immunizations for children under age five.
11. One oral examination per year, including prophylaxis, dental X-rays, topical application of fluoride and insertion of spare maintainers, by a dentist or, at his direction, a dental hygienist, for children under age thirteen.
12. One eye refraction per year for children under age 13.
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PHASE II—1985

15. Dental care for fillings and extractions.
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20. Eye glasses, one per year for under 19, one every three years for over 19.
21. One hearing exam every three years.
22. Hearing aids, one per three years under 19, one per lifetime for over 19.
23. One physical every 5 years for individuals 5 years old or older.

LIMITATION ON DEDUCTIBLES AND COPAYMENTS

The maximum allowable deductible is $100, and the maximum co-payment is 20 percent with the exception of items 3 and 16 in which the maximum is 50 percent.

There is a limit of $1,000 on total co-payment and deductible charges per family in any 12 month period. All these payments (deductible, co-payment, and total) are adjusted according to ability to pay under the state plan.

In addition, no co-payments are allowed on its 9–14 after Phase II has begun.

QUALIFIED EMPLOYEE HEALTH CARE PLANS

This plan would be purchased by the employer and the employee with the percentage of participation of each party dependent on collective bargaining.

Provided that the plan at least met minimum standards, it would be deemed a Qualified Employee Plan (QEP), and the employee's share, if any, would be an allowable tax deduction.

Any employer whose health benefit plan does not meet the minimum standards in 1977 would lose 50 percent of his allowable income tax deduction attributable to his plan. After 1978 his deduction would be totally eliminated unless the minimum standards were met.

Further the plan must include the following:

Provisions to continue coverage of an employee who is laid off or terminated to the end of the second calendar month following the calendar month in which employment terminated. At the end of that period, the individual could be enrolled in the State plan, thus providing continuing health care coverage while unemployed.

Provisions to continue coverage of the dependents of an employee who dies to the end of the second calendar month following the calendar month in which death occurred.

Provisions to continue coverage a minimum of 30 months for an employee absent due to illness or injury.

Provisions to allow dependent children to be covered beyond the child's 19th birthday.

Provisions must be allowed for continuity of coverage during employment changes.

QUALIFIED INDIVIDUAL HEALTH CARE PLANS

A 100 percent income tax deduction would be allowed on any plan purchased by an individual from a third party carrier or health maintenance organization which meets the minimum standards. This would take effect upon passage of the Act which changes the current IRS deduction provision.

STATE HEALTH CARE PLANS FOR POOR AND NEAR POOR

Benefits: In order to be a qualified plan, the Qualified State Health Care Plan would have to provide exactly the same benefits as the Qualified Employee Health Care Plan and the Qualified Individual Health Care Plan. Deductibles and co-payments would be restricted and scaled to income.

Eligibility: Any individual or family (1) on welfare or (2) who has income of less than $5,000 as an individual, $7,500 as a family of two, or $10,000 as a family of three or more and is not eligible to join a qualified employee plan is eligible to join the State plan on a subsidized basis. The poor would pay no premium; others would pay a partial premium scaled to income. Laid-off employees who meet the income test for two consecutive months would also be eligible.

Administration: The plan would be administered by an administering carrier designated by the State and approved by the Secretary of HEW. The premium rates for the plan would be set by the carrier and reviewed by the State Insurance Commissioner and the Chief Actuary of the Social Security Administration.

Funding: The plan would be financed by the State, less the partial premiums paid by the insureds. The State, in return for having a qualified plan, would be reimbursed by the Federal government for from 70 to 90 percent of its cost, depending on the income level of the state. After July 1, 1977, no state would be reimbursed under Medicaid for any service included in Health care benefits.

Cost Control: All payments for health care under Federally-supported programs would be tied to prevailing fees and to peer review of those professional services that fall outside of professionally established guidelines, assuring appropriateness of treatment, quality of care, and reasonableness of physician fees. Review and approval would come from an appropriate health services review organization or, in its absence, by the organizations administering Federal programs.

Payment to hospitals or other health care institutions under Federal programs would be subject to approval by a State Healthcare Institutions Cost Commission appointed by the Governor. All such institutions would be required to:

(a) Have an active review committee to check appropriateness and quality of services.

(b) Utilize a standard system of accounts and cost finding.

(c) Use "protective approved charges" for all patients. Such a system would involve review and approval in advance by the State Commission of the proposed charges, assuring charges reasonably related to the cost of effectively providing necessary services.

BENEFITS FOR THE PREVIOUSLY UNINSURABLE

The risk for those previously uninsurable for health reasons would be borne entirely by the health insurance industry.

HEALTH CARE PROGRAM COST

The additional taxes required for the first full year of operation are estimated at $10.3 billion, as follows:

(a) Added cost for improving health care delivery system—$0.4 billion.

(b) Net additional tax burden due to establishment of state pools with a low income population and unemployment—$6.1 billion.

(c) Net loss in tax revenue due to plan upgrading and change in premium rate deduction rules—$3.8 billion.

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "National Health Care Act of 1975".

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TITLE I—FINDINGS AND DECLARATION OF PURPOSE

SEC. 101. FINDINGS

The Congress hereby finds that—

(a) America confronts a critical testing of its capacity to meet for all of its citizens one of the most basic of human needs, that of protecting and maintaining personal health;

(b) Every citizen of the United States of America should have access to quality health care, but too many Americans find it difficult to secure quality health care when they need it, where they need it, at prices they can afford;

(c) The Nation needs systems of health care organizations, delivery, and financing which combined the high scientific and technical competence of the medical and allied health professions; the flexibility, innovativeness, efficiency, and managerial skills of private enterprise; the legislative and fiscal capacities of government at all levels; and the potentialities of consumer and community participation in developing and maintaining such systems of health care.

SEC. 102. DECLARATION OF PURPOSE

The Congress declares the purpose of the Act to be to improve the organization, delivery, and financing of health care for all citizens of the United States of America by increasing health personnel, promoting ambulatory care, strengthening health planning, establishing national standards of health care benefits including coverage for medical catastrophe, encouraging provision of such benefits through comprehensive health care insurance, and by assisting persons of low income or in poor health to secure that insurance.

TITLE II—PROVISIONS TO INCREASE THE SUPPLY AND IMPROVE THE DISTRIBUTION OF HEALTH CARE PERSONNEL

SEC. 201. STUDENT LOANS FOR TRAINING IN THE HEALTH PROFESSIONS AND NURSING.

(a) STUDENT LOANS FOR TRAINING IN THE HEALTH PROFESSIONS.—Subsection (a) of section 741 of the Public Health Service Act is amended to read as follows:

"(a) In the case of any student, the total of the loans from a loan fund established under this subpart for any academic year (or its equivalent, as determined under regulations of the Secretary) may not exceed the lesser of $5,000 or the sum of

"(1) the actual cost of tuition and fees, and

"(2) the reasonable expenditures (as determined in accordance with regulations) for supplies, books, room and board, and other related costs.

In the granting of such loans, a school shall give preference to persons who enter as first-year students after June 30, 1975."

(b) AUTHORIZATION OF APPROPRIATIONS.—Effective with respect to fiscal years beginning after June 30, 1975, subsection (a) of section 742 of such Act is amended—

(1) by inserting the following before the period at the end of the first sentence: ", $62,500,000 for the fiscal year ending September 30, 1976, and $50,000,000 for the fiscal year ending September 30, 1977";

(2) by striking out "June 30, 1975" in the second sentence and inserting in lieu thereof "September 30, 1978"; and

(3) by striking out "July 1, 1974" in the second sentence and inserting in lieu thereof "October 1, 1977".

(c) CONFORMING AMENDMENT.—Section 743 of such Act is amended by striking out "1977" wherever it appears therein and inserting in lieu thereof "1980".

(d) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 824 of such Act is amended by striking all of "1974" the first time it appears and by inserting in lieu thereof the following: "$40,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending September 30, 1976, and $40,000,000 for the fiscal year ending September 30, 1977, and such sums for the fiscal year ending September 30, 1978, and each of the 2 succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before October 1, 1977, to continue or complete their education."

(e) CONFORMING AMENDMENT.—Section 826 of such Act is amended by striking out "1977" wherever it appears therein and inserting in lieu thereof "1980".

SEC. 202. SCHOLARSHIP GRANTS AND STUDENT LOANS FOR TRAINING IN THE ALLIED HEALTH PROFESSIONS.

(a) RECOMMENDATIONS OF HEALTH POLICY BOARD.—Subsection (a) of section 794B of the Public Health Service Act is amended by adding the following after the word "prescribe": ", with due regard to any relevant recommendations of the Health Policy Board established pursuant to title IV of the National Health Care Act of 1975".

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended to read as follows:

"(f) For the purpose of carrying out the provisions of this section there are authorized to be appropriated $12,500,000 for the fiscal year ending September 30, 1976, and $12,000,000 for the fiscal year ending September 30, 1977."

(c) CANCELLATION OF STUDENT LOANS.—Subsection (b)(2)(C) of section 794D of such Act is amended to read as follows:

"(C) not to exceed 50 percent of any such loan (plus interest) shall be canceled for full-time employment as an allied health professional in any public or nonprofit private institution or agency (including comprehensive ambulatory health care centers), at the rate of 20 percent of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 33⅓ percent for each complete year of service as an allied health professional in any area in a State which is determined by the Secretary, upon recommendation by the appropriate State health planning and development agency (designated or established pursuant to section 1521 of Title XV of the Public Health Service Act), in accordance with regulations of the Secretary, to be an area which has a shortage of and need for such allied health professionals, and for cancellation at such higher rate, an amount equal to an additional 50 percent of the total amount of such loans plus interest may be canceled;".

(d) AUTHORIZATION OF APPROPRIATIONS FOR LOANS.—Subsection (c) of section 794D of such Act is amended to read as follows:

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to the student loan funds pursuant to subsection (a) (2) (B) (i) $18,750,000 for the fiscal year ending September 30, 1976, and $15,000,000 for the fiscal year ending September 30, 1977, and such sums for the fiscal year ending September 30, 1978, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending October 1, 1977, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the fund established by subsections (f) (4) and (2) in accordance with agreements under this section for Federal capital contributions to schools with which such agreements have been made, to be used, together with deposits in such funds pursuant to subsection (a) (2) (B) (ii), for establishment and maintenance of student loan funds."

(e) DISTRIBUTION OF ASSETS FROM LOAN FUNDS.—

(1) Subsection (e) of section 794D of such Act is amended by striking out "1977" wherever it appears therein and inserting in lieu thereof "1980".

(2) Subsection (f) (1) (A) of section 794 D of such Act is amended by striking out the word "two" and inserting in lieu thereof "six".

(3) Subsection (f) (3) of section 794 D of such Act is amended by striking out "$35,000,000" and inserting in lieu thereof "$60,000,000".

SEC. 203. TRAINING FOR PERSONNEL NEEDED IN COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS.

(a) Section 795(1) (A) of the Public Health Service Act is amended—

(1) by inserting "health care center administration," immediately after the first reference to "dental hygiene"; and

(2) by inserting "which shall include the curriculums for various types of allied health professions which the Secretary finds to be necessary for the effective operation of comprehensive ambulatory health care centers (defined in section 645)," immediately after "regulation,".

(b) Section 795(1) (C) of the Public Service Act is amended to read as follows:

"(C) which, if in a college or university which does not include a teaching hospital or a comprehensive ambulatory health care center (defined in section 645) or in a junior college, is affiliated (to the extent and in the manner determined in accordance with regulations) with such a hospital or a comprehensive ambulatory health care center,".

(c) Title VII of the Public Health Service Act is amended by adding the following new part I after section 799A as follows:

"PART I—GRANTS FOR PLANNING AND ESTABLISHMENT OF CURRICULUMS FOR TRAINING COMPREHENSIVE AMBULATORY HEALTH CARE TEAMS

"SEC. 799B. (a) There are authorized to be appropriated $12,500,000 for the fiscal year ending September 30, 1976, and $25,000,000 for the fiscal year ending September 30, 1977, for special project grants under subsection (b) of this section. The portion of the sums so appropriated for each fiscal year which shall be available for grants under such section shall be determined by the Secretary unless otherwise provided in the Act or Acts appropriating such sum for such year.

"Special Project Grants

"(b) Grants may be made, from sums available therefor from appropriations under subsection (a), to assist schools of medicine, training centers for allied health professions (defined in section 795), and other educational institutions—

"(1) to meet the cost of special projects to plan, develop, demonstrate, evaluate curriculums or establish new programs or modifications of existing programs of education, to train physicians to coordinate teams of health care personnel engaged in providing comprehensive health care on an ambulatory basis; or

"(2) to meet the cost of developing curriculums and training programs for new levels or types of health professions, nurses and allied health professions needed to staff comprehensive ambulatory health care centers (defined in section 645); or

"(3) to meet the cost of planning experimental teaching facilities or other facilities necessary to initiate, strengthen, improve, or expand programs to train persons to administer and staff such comprehensive ambulatory health care centers.

"Applications for Grants

"(c) (1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) by which applications for grants under subsection (b) for any fiscal year must be filed.

"(2) To be eligible for a grant under this part, the applicant must (A) be a public or other nonprofit school of medicine, training center for allied health professions, or other educational institution which includes or is affiliated with a comprehensive ambulatory health care center (defined in section 645), and (B) be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirement of this clause (B) shall be deemed to be satisfied if in the case of a school which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(3) The Secretary may approve any application for a grant under this part if he determines, after giving due consideration to any relevant findings or recommendations of the Health Policy Board, that the proposed grant will serve to alleviate the shortage of health care personnel.

"(4) A grant under this part may be made only if the application therefor—

"(A) is approved by the Secretary upon his determination that the applicant meets the eligibility conditions set forth in subsection (c) (2) of this section;

"(B) contains such additional information as the Secretary may require to make the determinations required of him under this part and such assurances as he may find necessary to carry out the purposes of this part; and

"(C) provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part.

"(5) In determining priority of projects, applications for which are filed under subsection (c) (1) of this section, the Secretary shall give consideration to—

"(A) the extent to which the project will increase enrollment of full-time students receiving the training for which grants are authorized under this part;

"(B) the relative need of the applicant for financial assistance;

"(C) the extent to which the project may result in development of curriculum, curriculum improvement, or improved methods of training or will help to reduce the period of required training without adversely affecting the quality thereof; and

"(D) the health care needs of the Nation and the extent to which the proposed project will assist in the alleviation of shortages in health care personnel."

SEC. 204. GRANTS TO PERSONNEL IN THE HEALTH PROFESSIONS, ALLIED HEALTH PROFESSIONS, AND NURSING FOR SERVICE IN AREAS OF CRITICAL NEED.

(a) AUTHORITY TO MAKE GRANTS.—Title VII of the Public Health Service Act is amended by adding after section 799B (as added by this Act) the following new part J as follows:

"PART J—GRANTS TO PERSONNEL IN THE HEALTH PROFESSIONS, ALLIED HEALTH PROFESSIONS, AND NURSING FOR SERVICE IN AREAS OF CRITICAL NEED

"SEC. 799C. (a) There are authorized to be appropriated $37,500,000 for the fiscal year ending September 30, 1976, and $50,000,000 for the fiscal year ending September 30, 1977, for the establishment and operation of a special fund from which the Secretary shall make grants to personnel in the health professions, allied health professions, and nursing for the purpose of alleviating the maldistribution of such health care personnel and improving health care services in areas having a critical need for such personnel.

"Applications for Grants

"(b) (1) The Secretary may from time to time set dates (not earlier than in the fiscal year preceding the year for which a grant is sought) before which applications for grants under this part for any fiscal year must be filed.

"(2) To be eligible for a grant under this part, the applicant must be (A) a health professional, allied health professional, or nurse, or (B) a person engaged in a course of training who will, at the time the grant is to commence, be a health professional, allied health professional, or nurse.

"(3) Applications for grants from the special fund established by this part may be approved by the Secretary only if—

"(A) the applicant is qualified by education and training to provide a type of health care service determined by the Secretary, upon recommendation of the appropriate State health planning and development agencies, to be needed in areas which have critical health manpower shortages;

"(B) the applicant agrees to perform health care services in an area of a State which has been designated by the Secretary, upon recommendation of the appropriate State health planning and development agency, as having a critical need for such health professional, allied health professional, or nurse; and

"(C) the application contains reasonable assurance that the applicant will provide health care services in an area of critical need for a period of not less than 2 years.

"(4) Any application for a grant filed by a person mentioned in subsection (b) (2) (B) may be approved by the Secretary only on the condition that such applicant shall have met the qualifications of subsection (b) (2) (A) and subsection (b) (3) at or before the time the grant is to commence.

"Grants for Service in Areas of Critical Manpower Shortages

"(c) The Secretary or his designee is authorized to enter into individual contracts with applicants approved pursuant to subsection (b) of this section. Such contracts shall provide for the payment of grants from the special fund established under this part and shall provide for payment to be made quarterly on an annualized basis. Such contracts shall also specify that at the end of each contract year an additional payment shall be made, if necessary, in an amount sufficient to guarantee that the applicant receives, from all payments made under this part with respect to the contract year and all other income derived during the contract year from providing health care services in the area of critical need, a total amount equal to at least 110 percent of the national annual median income for persons of comparable education and training or 110 percent of the applicant's earnings from providing health care services in the previous year, whichever is greater.

"In determining the actual amount of a grant under this part the Secretary or his designee shall take the following factors into account:

"(1) the national median annual income for the applicant's profession, determined in accordance with regulations;

"(2) the cost of living in the area in which the applicant is to serve;

"(3) the background, training, and education of the applicant;

"(4) the amount of income the applicant can reasonably expect to receive from service in the area of critical need;

"(5) the number of persons of the applicant's profession needed in the area of critical need;

"(6) where appropriate, all or part of the reasonable cost of equipment, supplies, and facilities; and

"(7) such other factors as the Secretary deems reasonable."

(b) CONFORMING AMENDMENT.—Section 329(b)(1) of the Public Health Service Act is amended by inserting after "(A) designate" the phrase ", upon recommendation of the appropriate State health planning and development agency,".

TITLE III—PROVISIONS TO ENCOURAGE COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS

SEC. 301. AMENDMENT OF PURPOSE.

Section 600(a) of the Public Health Service Act is amended by inserting ", including comprehensive ambulatory health care centers" immediately after "other medical facilities".

SEC. 302. AUTHORIZATIONS FOR CONSTRUCTION AND MODERNIZATION GRANTS.

Section 601 of the Public Health Service Act is amended by adding after subsection (c) the following new subsection:

"(d) $200,000,000 for the fiscal year ending June 30, 1976 and for each of the next succeeding 4 fiscal years for grants for the construction and modernization of comprehensive ambulatory health care centers, and for those administrative, operating, and maintenance costs during the first 3 years of operation of such centers as may be approved by the Secretary."

SEC. 303. STATE ALLOTMENTS.

Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1975, section 602(a)(1) of such Act is amended to read as follows:

"(a)(1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(d), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage, bears to the sum of corresponding products for all of the States."

SEC. 304. PRIORITY OF PRODUCTS.

Section 603(a) of the Public Health Service Act is amended by striking "and" after subparagraph (6), by adding "and" after subparagraph (7), and by inserting after subparagraph (7) thereof the following new subparagraph:

"(8) in the case of projects for the construction of comprehensive ambulatory health care centers, to facilities located in densely populated areas where such facilities do not now exist, as determined by the Secretary."

SEC. 305. STATE PLANS.

(a) Section 604(a)(4) of the Public Health Service Act is amended by redesignating subparagraphs (D) and (E) thereof as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) thereof the following new subparagraph:

"(D) the comprehensive ambulatory health care centers needed to provide adequate ambulatory health care services for patients residing in the State, including many services which traditionally have been rendered in hospitals, and a plan for distribution of such centers throughout the State."

(b) Section 604(a)(5) of the Public Health Service Act is amended by inserting "comprehensive ambulatory health care centers" immediately after "outpatient facilities."

SEC. 306. RECOVERY OF FUNDS.

Section 609(b) of the Public Health Service Act is amended by inserting "comprehensive ambulatory health care center," immediately after "outpatient facility,".

SEC. 307. LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF COMPREHENSIVE AMBULATORY HEALTH CARE CENTERS.

Section 621 of the Public Health Service Act is amended by inserting "comprehensive ambulatory health care centers," immediately after "outpatient facilities," in paragraphs (1) and (2) of subsection (a) thereof.

SEC. 308. DEFINITION OF COMPREHENSIVE AMBULATORY HEALTH CARE CENTER.

Section 645 of the Public Heauth Service Act is amended by adding after paragraph (l) the following new paragraph:

"(m) The term 'comprehensive ambulatory health care center' means a facility (located in or apart from a hospital and whether or not part of a health maintenance organization) which is organized, equipped, and staffed so as to provide to individuals and families, on a coordinated and continuing basis, a broad range of ambulatory health services, and which—

"(1) has a staff of physicians licensed to practice medicine who provide medical and surgical care for patients not requiring hospitalization;

"(2) possesses or has reasonable access to one or more operating rooms and appropriate recovery rooms, adequately equipped and staffed, in accordance with standards promulgated by the Secretary, to perform those surgical procedures which can be safely performed on a nonconfinement basis;

"(3) is equipped to provide a broad range of diagnostic tests, including X-rays and electrocardiograms, and either has its own laboratory facilities or has reasonable access to such facilities;

"(4) maintains a unified medical record, stored in a central file, for each patient treated in such facility;

"(5) has arrangements with a general hospital and to the extent possible, with convalescent institutions, home health agencies, and custodial care institutions to assure that services of such institutions will be available to patients of such facility when they can no longer be treated on an ambulatory basis;

"(6) provides preventive care services, including a health education program;

"(7) has a program of peer review to assure quality care and efficient utilization of services; and

"(8) has a program to utilize allied health personnel to assist its professional staff to the maximum extent practicable."

TITLE IV—PROVISIONS TO STRENGTHEN HEALTH PLANNING

SUBTITLE A—Health Report of the President; Health Policy Board

SEC. 401. HEALTH REPORT OF THE PRESIDENT.

The President shall transmit to the Congress not later than July 1 of each year, beginning in 1976, a health report (hereinafter referred to as the "health report") which shall set forth (1) the status and condition of the health care system of the Nation; (2) current and foreseeable trends in the health care needs of the Nation, the organization, financing, delivery, and quality of health care services, and the effects of those trends on the health of Americans and the social, economic, and other requirements of the Nation; (3) the adequacy of available manpower and physical resources for fulfilling the health care needs of the Nation in the light of expected population pressures; (4) a review of the health programs and activities of the Federal Government, the State and local governments, and nongovernmental entities, with particular reference to their contribution to the achievement of the policy set forth in title I of this Act; and (5) a program for carrying out the policy set forth in title I of this Act, together with recommendations for legislation.

SEC. 402. HEALTH POLICY BOARD.

There is created in the Executive Office of the President a Health Policy Board (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Board to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments is exceptionally well qualified to analyze and interpret trends in the health care field; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; and to formulate and recommend national policies to promote the improvement of health care.

SEC. 403. EMPLOYMENT OF OFFICERS, EMPLOYEES, EXPERTS AND CONSULTANTS.

The Board is authorized to employ and fix the compensation of such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary to carry out its functions under this Act in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 404. RESPONSIBILITIES OF BOARD.

(a) GENERAL FUNCTIONS AND DUTIES.—It shall be the duty and function of the Board—

(1) to assist and advise the President in the preparation of the health report;

(2) to review and appraise the health pro-

grams and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations with respect thereto;

(3) to develop and recommend procedures for the interagency coordination of Federal health programs, to propose interagency consolidations of programs and eliminations of programs to assure efficient, effective, and economic operation of all Federal health programs and to avoid waste and duplication;

(4) to develop and recommend goals for a national policy to foster and promote the improvement of the organization, financing, delivery and quality of the Nation's health care;

(5) to conduct studies, survey, research, and analyses relating to health care in the Nation;

(6) to conduct a continuous evaluation of policies and programs related to the Nation's health care and make recommendations for the revision, expansion, and improvement of such policies and programs, including the assignment of priorities to the implementation of such recommendations in accordance with their relative urgency or desirability;

(7) to develop and recommend measures designed to assure the provision of adequate manpower, services, and facilities for the Nation's health care, including the mobilization, allocation, utilization, and retention of such manpower, services, and facilities;

(8) to develop and recommend guidelines for the allocation of funds for health care designed to furnish all citizens equal access to quality health care; and

(9) to make and furnish such studies, reports thereon, and recommendations with respect to matters of health care policy and legislation as the President may request.

(b) ANNUAL HEALTH REPORT TO THE PRESIDENT.—The Board shall submit to the President a first report not later than April 1, 1976, and an annual report not later than April 1 of each year thereafter. Each such report shall also be transmitted to the Congress supplementary to the next health report of the President.

(c) CONTENTS OF INITIAL ANNUAL HEALTH REPORTS.—In its first report and in the first of its annual reports to the President as required by subsection (b) of this section, the Board shall (1) specially report on all Federal programs which provide grants, loans, or other financial aids for the training and development of health manpower of any type; (2) appraise the adequacy of such programs to meet the health care needs of the Nation; (3) develop and recommend procedures for the consolidation, coordination, expansion, and improved efficiency of administration of such existing programs; and (4) develop and recommend measures designed to assure the wider dissemination of public information regarding the existence and purpose of such programs, the aids available thereunder, and the advantages and benefits of training for career opportunities in the health nursing, and allied professions.

SEC. 405. CONSULTATION WITH OTHER ADVISORY BODIES AND REPRESENTATIVE GROUPS; COOPERATIVE UTILIZATION OF SERVICES, FACILITIES, AND INFORMATION.

In exercising its powers, functions, and duties under this Act, the Board shall—

(1) consult with the National Council on Health Planning and Development established by section 1503 of Title XV of the Public Health Service Act, with any other advisory council or committee required by Federal Law, and with such representatives of consumer groups, providers of health care, health researchers and educators, insurer, health service organizations, public agencies concerned with health care, voluntary health and welfare organizations, and other groups, as it deems advisable;

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Board's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

SEC. 406. COMPENSATION OF MEMBERS.

Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, not to exceed $1,000,000 in any fiscal year, as may be necessary to enable the Board to carry out its functions under this Act.

SUBTITLE B—DEPARTMENTAL RECOMMENDATIONS AND REPORTS

SEC. 411. STATEMENTS REGARDING EFFECT OF DEPARTMENTAL PROPOSAL ON NATION'S HEALTH CARE.

(a) The Congress authorizes and directs that, to the fullest extent possible, all agencies of the Federal Government shall include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting human health and the organization, financing, delivery, and quality of the Nation's health care, whether with regard to all citizens generally or only to classes or segments of the public, a detailed statement by the responsible official on—

(1) the impact of the proposed action on human health and the Nation's health care system;

(2) any adverse effects which cannot be avoided should the proposal be implemented;

(3) alternatives to the proposed action;

(4) the relative priority, if any, assigned to the proposed action (or to any similar or alternative proposal designed to fulfill the same immediate purpose or need) by the Health Policy Board established by subtitle A of this title in its most recent report to the President submitted pursuant to section 404(b) thereof; and

(5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(b) Prior to making any detailed statement required by subsection (a), the responsible Federal officials shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any impact on human health and the Nation's health care system. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which have responsibilities in such areas shall be made available to the President, the Health Policy Board and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes.

SEC. 412. AGENCY OBLIGATIONS UNDER OTHER FEDERAL STATUTES

Nothing in section 411 shall in any way affect the specific statutory obligations of any Federal agency (1) to accord priorities or preferences to applications for Federal financial aids in public health and health care programs and activities, based on factors required to be considered by law or regulations pursuant thereto, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting, contingent upon the recommendations or certification of any other Federal or State agency.

TITLE V—PROVISIONS TO MAKE COMPREHENSIVE HEALTH CARE INSURANCE AVAILABLE TO ALL

Subtitle A—Establishment of Minimum Standard Health Care Benefits

SEC. 501. DEFINITION OF MINIMUM STANDARD HEALTH CARE BENEFITS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by redesignating section 220 as section 221, and by inserting after section 219 the following new section:

"SEC. 220. MINIMUM STANDARD HEALTH CARE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, the Minimum Standard Health Care Benefits for a covered individual for any given year shall, subject to the other provisions of this section, be equal to the sum of—

"(1) 80% (50% in the case of items (b) (2) (C) and (b) (2) (N)) of the excess, if any, of the Category I expenses incurred by the individual in that year over the deductible, provided that in no event shall the aggregate of the deductibles and copayments assessed in any given benefit year against the Category I expenses incurred in that year by all covered members of a given family exceed an amount equal to ten times the deductible applicable to that year, and

"(2) 100% of the Category II expenses incurred by the individual in that year.

"(b) CATEGORY I EXPENSES.—

"(1) Prior to January 1, 1985, Category I expenses shall be the charges for the services and articles described in items (A) through (L) of subsection (b) (2) and the items described in subsection (c) (2).

"(2) On and after January 1, 1985, Category I expenses shall be the charges for the following services and articles:

"(A) Hospital inpatient services and hospital outpatient services not then included in Category II,

"(B) Professional services for the diagnosis or treatment of injuries, illnesses, or conditions, other than mental or dental, which are rendered by a physician or, at his direction, by his staff of registered graduate nurses (RN) and allied health professionals, and which are not included in Category II,

"(C) The first twenty professional services for the diagnosis or treatment of one or more mental conditions rendered during the year by a community mental health center or by one or more physicians, or, at their direction, by their staff of registered graduate nurses (RN) and allied health professionals,

"(D) Drugs and contraceptive devices requiring a physician's prescription,

"(E) Services of a skilled nursing facility for not more than 180 days in a year, provided use of these services commences within 14 days of the termination of a hospital confinement which lasted at least three days and which was for the same or a related condition,

"(F) Services of a home health agency up to a maximum of 270 services in a year, provided use of these services commences within 14 days of the termination of a hospital confinement which lasted at least three days and which was for the same or a related condition,

"(G) Use of radium or other radioactive materials,

"(H) Oxygen,

"(I) Anesthetics,

"(J) Prostheses, other than dental,

"(K) Rental of durable medical equipment which has no personal use in the absence of the condition for which prescribed,

"(L) Oral surgery for excision of:

"(i) partially or completely unerupted impacted teeth, or

"(ii) a tooth root without extraction of the entire tooth,

"(M) Amalgam, acrylic, synthetic porcelain and composite fillings and extractions including general anesthetic in connection therewith; injection of antibiotic drugs which are rendered by a dentist or, at his direction, by his staff of allied health professionals,

"(N) Other dental services and prostheses, exclusive of orthodontia, which are rendered by a dentist or, at his direction, by his staff of allied health professionals, and which are not then included in Category II,

"(O) Services of a physical therapist,

"(P) Services of a speech therapist,

"(Q) One eye refaction every three years by a physician for individuals age thirteen or older,

"(R) One pair of eyeglasses per prescription, with a limit of one prescription per year for an individual under age nineteen and one prescription every three years for an individual age nineteen or older; with contact lenses considered as a pair of eyeglasses only when required as an integral part of intraocular surgery,

"(S) One hearing examination every three years by a physician or audiologist,

"(T) One hearing aid every three years for individuals under age 19 and one per lifetime for individuals age 19 or older.

"(U) One physicial examination every five years for individuals age five years or older.

"(c) Category II Expenses.—

"(1) prior to January 1, 1985, there shall be no Category II expenses.

"(2) On and after January 1, 1985, Category I expenses shall be the charges for the following services and articles:

"(A) Diagnostic X-rays and laboratory tests, performed other than while an inpatient in a hospital or skilled nursing facility,

"(B) Well child care, including immunizations, for children under age five,

"(C) One oral examination per year, including prophylaxis, dental x-rays, topical application of fluoride and insertion of space maintainers, by a dentist or, at his direction, a dental hygienist, for children under age thirteen,

"(D) One eye refraction per year by a physician for children under age thirteen,

"(E) Counseling on family planning and fitting of contraceptive device by a physician or an authorized member of his staff.

"(F) One Papanicola Smear Test every two years for women age 19 or over.

"(d) Deductibles.—The deductible for each benefit year commencing prior to January 1, 1978 shall be $100. The deductible for each benefit year commencing on or after January 1, 1978 shall be $100 times the ratio of the Consumer Price Index for July of the calendar year next preceding the calendar year in which the benefit year commences to the Consumer Price Index for July, 1976, which product, if not an even multiple of $10, shall be taken to the next lower multiple of $10. Covered expenses incurred and actually applied toward an individual's deductible during the last three months of one benefit year shall be carried over and applied toward the deductible of that person for the following benefit year.

"(e) Exclusions.—Charges for the services and articles specified in subsections (b) and (c) do not include any of the following:

"(1) Any charge for any care for any injury or disease either

"(A) arising out of and in the course of an employment subject to a workmen's compensation or similar law, or

"(B) for which benefits are payable without regard to fault under a coverage statutorily required to be contained in any liability insurance policy or equivalent self-insurance,

"(2) Any charge for treatment for cosmetic purposes other than surgery for the prompt repair of a nonoccupational injury,

"(3) Any charge for travel, other than travel by local professional ambulance to the nearest health care institution qualified to treat the illness or injury,

"(4) Any charge for confinement in a private room to the extent the charge is in excess of the institution's charge for its most common semiprivate room,

"(5) Any charge by health care institutions to the extent that it is determined under section 2008 of title XX of the Social Security Act that the charge exceeds the rates approved thereunder,

"(6) Any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel to the extent that it is determined under the procedures established in section 2002(d)(1) of title XX of the Social Security Act that the charge is unreasonable or that the services or articles for which the charge is made are not necessary,

"(7) Any charge for services or articles, the provision of which is not within the scope of the license or certificate of the institution or individual rendering such services or articles,

"(8) Any charge for the treatment of flat foot conditions or the prescription of supportive devices therefor, the treatment of subluxations of the foot, or routine foot care (including the cutting or removal of corns or calluses, the trimming of nails, and other routine hygienic care) except when the patient is being treated for a peripheral-vascular disease that is so severe that routine foot care not under the direct supervision of a physician would be hazardous to the patient, or

"(9) Any charge for orthoptics (eye exercises).

"(f) Definitions.—In applying this section—

"(1) The term 'physician' means an individual who is licensed or certified by the State as a doctor of medicine; doctor of osteopathy; doctor of podiatry; doctor of optometry; for purposes of oral surgery, doctor of dental surgery or doctor of medical dentistry; and, or purposes of mental conditions, a psychologist who meets the conditions set forth in (2).

"(2) The term 'psychologist' means a person who is duly licensed or certified as a psychologist and has a doctoral degree in clinical psychology and at least two years of supervised experience in clinical psychology at a licensed hospital or community mental health center.

"(3) The terms 'skilled nursing facility,' 'home health agency' and 'hospital' (herein referred to as 'health care institutions'), and 'home health services' shall have the meanings assigned to them in section 1861 of the Social Security Act.

"(4) The term 'copayment' means the portion of Category I charges that is not payable by a qualified health care plan and which is thus the obligation of the covered individual concerned to pay.

"(5) The term 'covered individual' means an individual who is covered under a qualified health care plan, except that an individual covered under a qualified employee health care plan who is not required to be so covered pursuant to section 280(c)(5) shall not be treated as a covered individual unless he is eligible under such plan for at least the minimum standard health care benefits.

"(6) The term 'qualified health care plan' means a qualified employee health care plan (as defined in section 280(c) of the Internal Revenue Code of 1954), a qualified individual health care plan (as defined in section 213(g) of the Internal Revenue Code of 1954) and a qualified State health care plan (as defined in section 2002 of the Social Security Act).

"(7) The term 'confinement' means confinement on an inpatient basis in a health care institution.

"(8) The term 'community mental health center' means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill persons, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community or communities in or near which the facility is situated.

"(9) The term 'benefit year' means a period of 12 consecutive months during which the deductible must be met."

"(g) Limitations on Malpractice Judgments.—In any litigation in any court of the United States of any state seeking damages for injury caused by negligence or other fault in the furnishing of any service or article covered under a qualified health care plan or under any title of the Social Security Act, no damages shall be awarded for the cost of remedial services for which the injured party was or is entitled to have payment made under this Act (or for which he would have been, or would be, entitled to have payment made upon obtaining the services from a physician or health care institution)."

(b) Conforming Clerical Amendment.—The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof:

"Sec. 220. Minimum standard health care benefits.

"Sec. 221. Cross references."

Subtitle B—Qualified Employee Health Care Plans

Sec. 511. Employer's Deduction for Employee Health Care Expenditures.

(a) In General.—Part IX (relating to items not deductible) of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new section:

"Sec. 280. Employer's Deduction for Expenditures for Employee Health Care.

"(a) Limitation on Deduction.—Except as provided in subsection (b), no deduction shall be allowed for the disallowed percentage of any amount otherwise allowable as a deduction for the taxable year under section 162, 212, or 404 for any amount paid or incurred by the taxpayer for medical care of any employee of the taxpayer, the employee's spouse, or any dependent of the employee. The disallowed percentage of the amount referred to in the preceding sentence is—

"(1) 50 percent if the amount is paid or incurred in 1977,

"(2) 75 percent if the amount is paid or incurred in 1978, and

"(3) 100 percent if the amount is paid or incurred after 1978.

"(b) Exceptions and Limitations.—Subsection (a) shall not apply to any amount paid or incurred by the taxpayer—

"(1) Where employer maintains qualified employee health care plan.—For any portion of the taxable year during which the taxpayer has in force a qualified employee health care plan which satisfies all the requirements of subsection (c).

"(2) Taxes.—As a tax imposed by the United States, a possession of the United States, a State, or a political subdivision of the foregoing, or by the District of Columbia.

"(3) Medical care provided directly by employer.—To directly provide medical care, through health care personnel who are employees of the taxpayer, principally for employees of the taxpayer, or to acquire or maintain equipment or supplies to be used by such personnel for such purpose.

"(c) Qualified Employee Health Care Plan Defined.—For the purposes of this title, the term 'qualified employee health care plan' means a plan of employee health care benefits (as defined in subsection (d) (4)) which satisfies all of the following requirements:

"(1) In writing.—The plan must be in writing.

"(2) Adopted by employer.—The plan must be adopted by the taxpayer employer except that trustee plans established pursuant to the Labor Management Relations Act of 1947 shall be deemed to be adopted by the employer.

(3) Communication to employees.—The terms of the plan must be communicated by the taxpayer to his employees.

"(4) Minimum standard health care benefits.—The plan must provide at least the minimum standard health care benefits described in section 220.

"(5) Eligibility.—The plan must be one under which the individuals eligible to be covered include at least—

"(A) each qualified employee of the taxpayer,

"(B) any such employee's spouse, and

"(C) any such employee's dependent unmarried child who is either under age 19 or under age 25 and a full time student at an accredited institution of learning.

"(6) Coverage continuation.—The plan must provide for continuation of coverage under each of the following circumstances:

"(A) Upon lay off or termination of employment, other than as a result of death of the employee, the employee must be permitted to have coverage under the plan continued for himself and for his covered dependents to the end of the second calendar month following the calendar month in which employment terminated.

"(B) Upon the death of an employee, his covered dependents must be permitted to have coverage under the plan continued to the end of the second calendar month following the calendar month in which death occurred.

"(C) During an employee's absence due to illness or injury, coverage for the employee and his covered dependents must be permitted to continue for up to 30 months from the beginning of such absence.

"(D) Coverage for an employee's dependent unmarried child must be permitted to continue beyond the child's 19th birthday, if the child was covered under the plan prior to attaining age 19, became totally disabled prior to that age, and remains so disabled. The employee must not be required to contribute more for such coverage than would have been required were the child a dependent under age 19.

"(E) Any employee or dependent entitled to continuation of coverage under any of the above subparagraphs at a time when the employer changes his plan and who would thereby lose his continuation of coverage, must be eligible under any successor plan for not less than the continuation of the coverage that would have been required to be continued had the prior plan remained unchanged.

"(F) For purposes of this paragraph, a 'covered dependent' is any individual, other than the employee, who by reason of his relationship to the employee was covered as a dependent under the plan just prior to the event described in subparagraph (A), (B), or (C). A child born after the event described in subparagraph (A), (B), or (C) but before the end of the continuation period so specified, shall be deemed a covered dependent. Coverage for a covered dependent shall not be required to be continued beyond the date the dependent would have ceased to be eligible for coverage as a dependent if the event described in subparagraph (A), (B), or (C) had not occurred.

"(H) Notwithstanding subparagraphs (A), (B), and (C), coverage need not be continued for a covered individual beyond the date such individual first becomes eligible for benefits under title XVIII of the Social Security Act.

"(7) Coordination of benefits provision.—The plan must include a provision identical with or substantially similar to the suggested model group antiduplication provision as modified and interpreted in the report of the industry task force on coordination of benefits attached to the report of the C–1 Accident and Health Protection Subcommittee as set forth in Volume I of the 1971 proceedings of the National Association of Insurance Commissioners.

"(8) Optional provisions.—The plan shall not be treated as failing to meet the requirements of this subsection by reason of the inclusion therein of any one or more of the following optional provisions:

"(A) Deductible.—The plan may require lesser deductible or waive it entirely with respect to one or more items of covered expense.

"(B) Copayments.—The plan may require lesser copayments or none at all with respect to one or more items of covered expense.

"(C) Additional benefits and coverage.—The plan may provide any benefits for medical care in addition to the minimum standard health care benefits described in section 220 and may also cover any individual in addition to the individuals required under paragraph (5) to be made eligible for coverage.

"(D) Employee contributions.—The plan may require employee contributions toward its cost; except that the maximum employee contribution shall not exceed the lesser of—

"(i) 100 percent of the premium rate currently charged under the plan for the employee's coverage for himself and his then covered dependents, if any; or

"(ii) 10 percent of the excess, if any, of the employee's wages paid by the employer during the preceding calendar month over one-twelfth of the amount specified in section 2006(g) of title XX of the Social Security Act.

When a plan requires employee contributions, the plan must provide each eligible employee who is not then enrolled a period of at least 30 days each year in which to decide whether to enroll in the plan. An employee who elects not to enroll during any such period will not again be eligible to enroll until the next such period.

"(d) Definitions.—For purposes of this section—

"(1) Employee.—The term 'employee' shall have the meaning prescribed by section 3121 (d).

"(2) Medical care.—The term 'medical care' shall have the meaning prescribed by paragraph (1) without regard to paragraphs (2) and (3) of section 213(e).

"(3) Dependent.—The term 'dependent' as used in this section in reference to a dependent of an employee means an individual over half of whose support, for the calendar year in which the taxable year of such employee begins, was received from such employee.

"(4) Plan of employee health care benefits.—The phrase 'plan of employee health care benefits' as used in subsection (c) includes—

"(A) a contract or contracts of insurance (whether one or more group contracts or a group of individual contracts) covering medical care for employees;

"(B) any uninsured arrangement established by an employer to provide medical care for employees;

"(C) an arrangement to secure medical care for employees from any approved health maintenance organization;

"(D) Any insured or uninsured trustee arrangement set up pursuant to the Labor Management Relations Act of 1974; and

"(E) any combination of contracts or arrangements described in subparagraphs (A), (B), (C) or (D).

"(5) Approved health maintenance organization.—The term 'approved health maintenance organization' shall have the meaning prescribed by section 2015(m) of title XX of the Social Security Act.

"(6) Qualified employee.—The term 'qualified employee' means, with respect to any employer, any employee who—

"(A) either—

"(i) has been such an employee for more than 2 calendar months; or

"(ii) furnishes the employer proof that on the day before he became an employee of that employer he was covered and had been continuously covered for at least 2 calendar months under either another Qualified Employee Health Care Plan or a Qualified State Health Care Plan and is now no longer eligible for coverage or continuation of coverage under such Qualified Health Care Plan; and

"(B) either—

"(i) is considered to be a full-time employee; or

"(ii) is not considered to be a full-time employee, but who is expected to work at least 20 hours a week for at least 26 weeks during the next 12 months; or

"(iii) is not considered to be a full-time employee, but who has actually worked at least 20 hours a week for at least 26 weeks during the previous 12 months;

Provided, however, That, as to trustee plans established pursuant to the Labor Management Relations Act of 1947, the term 'qualified employee' means a person eligible to be covered under such trustee plan."

"(7) Child.—The term 'child' means a son or daughter of the employee including a legally adopted son or daughter."

(b) Conforming Clerical Amendments.—

(1) Section 162(h) of the Internal Revenue Code of 1954 (relating to cross references) is amended by adding at the end thereof the following new paragraph:

"(3) For limitation on employer's deduction for employee health care, see section 280."

(2) Section 404 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Cross Reference.—

"For limitation on employer's deduction for employee health care, see section 280."

(3) Section 212 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following cross reference:

"Cross Reference.—

"For limitation on employer's deduction for employee health care, see section 280."

(4) The table of sections for part IX of subchapter B of chapter I of subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"Sec. 280. Employer's Deduction for Expenditures for Employee Health Care."

(c) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after December 31, 1976.

(2) Certain Collectively Bargained Plans.—In the case of any plan providing benefits for medical care of employees which was established by an employer taxpayer pursuant to an agreement which resulted from collective bargaining between the employer and representatives of his employees and which has not expired at the time specified in paragraph (1), the amendments made by this section shall not apply to such employer taxpayer until the first taxable year

beginning after the last date such agreement is in effect or the date two years after the time specified in paragraph (1), whichever such date occurs first.

Subtitle C—Qualified Individual Health Care Plans

Sec. 521. Qualified Individual Health Care Plans.

(a) Unlimited Deductions for Medical Insurance Expenses of Individual Covered by Qualified Health Care Plan.—Section 213(a)(2) (relating to individual's deduction for medical insurance expense) of the Internal Revenue Code of 1954 is amended to read as follows:

"(2) the sum of—

"(A) an amount (not in excess of $150) equal to one-half of the expenses (other than those deductible under subparagraph (B)) paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents (as defined in section 152); and

"(B) in the case of a taxpayer who at any time during the taxable year is covered under a qualified health care plan (as defined in section 220), an amount equal to all the expenses paid during the taxable year for any insurance (whether provided under such qualified health care plan or otherwise) which constitutes medical care for the taxpayer, his spouse, or dependents (as defined in section 152), and which constitutes coverage during such portion of the taxable year as the taxpayer is covered by such qualified health care plan.

(b) Definition of Qualified Individual Health Care Plan.—Section 213 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection:

"(g) Qualified Individual Health Care Plan Defined.—For purposes of this title, the term 'qualified individual health care plan' means insurance which covers medical care referred to in subparagraphs (A) and (B) of subsection (e)(1), as modified by paragraphs (2) and (3) of subsection (e), and which satisfies all of the following requirements:

"(1) Minimum Standard Health Care Benefits.—The plan must provide at least the minimum standard health care benefits described in section 220.

"(2) Contract Requirements.—Each contract of insurance forming a part of the plan must contain provisions—

"(A) which obligate the insurer to renew the contract until the earlier of—

"(i) the date on which the individual in whose name the contract was issued first becomes eligible for coverage under title XVIII of the Social Securtiy Act, or

"(ii) July 1 of the year in which the insurer shall have given at least 120 days prior notice that it is nonrenewing all contracts issued in that State that either then qualify under subsection (g) or previously have so qualified and that it will no longer issue such contracts, and which also reserve to the insurer the right to adjust premium rates by classes in accordance with its experience under the type of contract involved;

"(B) which, if issued prior to January 1, 1985, enable the individual in whose name the contract was issued to secure on January 1, 1985, without evidence of insurability, the minimum standard health care benefits then effective; and

"(C) which, upon the death of the individual in whose name the contract was issued, permit every other individual then covered under the contract to elect (within such period as shall be specified in the contract, to continue his coverage (under the same or a different contract) until such time as he would have ceased to be entitled to coverage had the individual in whose name the contract was issued lived.

"(3) Optional provisions.—An insurance contract shall not be treated as failing to meet the requirements of this subsection by reason of the inclusion therein of any one or more of the following optional features:

"(A) Insurance with other insurers.—The contract may contain a provision coordinating its benefits with any other contract if such provision is approved by the appropriate regulatory authority of the State of issue.

"(B) Deductibles.—The contract may require a lesser deductible or waive it entirely with respect to one or more items of covered expense.

"(C) Copayments.—The contract may require lesser copayments or none at all with respect to one or more items of covered expense.

"(D) Additional benefits.—The contract may provide any benefits for medical care in addition to the minimum standard health care benefits.

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 1976.

Sec. 522. Procedure for Rulings on Qualification of Employee and Individual Health Care Plans

In exercise of the power to issue rulings which is vested in him under section 7805 of the Internal Revenue Code of 1954, the Secretary of the Treasury (or his delegate) may accept the determination of the state insurance regulatory authority that a plan of health care benefits filed with and approved by such authority is a plan satisfying all requirements for qualification either as a qualified employee health care plan (as defined in section 280(c) of the Internal Revenue Code of 1954) or as a qualified individual health care plan (as defined in section 213(g) of the Internal Revenue Code of 1954).

Sec. 523. Regulations.

Any regulations promulgated by the Secretary of the Treasury (or his delegate) with regard to amendments of the Internal Revenue Code of 1954 made by substitle A, B, or C of this title shall be promulgated in final form not less than 120 days prior to the first day of the calendar year during which they will apply. Such regulations shall be effective only if (a) promulgated in final form within the time prescribed in the preceding sentence, and (b) notice of such regulation in proposed form and of opportunity for public hearing thereon shall have been published not less than 60 days prior to the date of promulgation thereof in final form.

Subtitle D—Grants to States for Qualified State Health Care Plans for the Needy

Sec. 531. Grants to States for Qualified State Health Care Plans

The Social Security Act is amended by adding after title XIX the following new title:

"TITLE XX—GRANTS TO STATES FOR QUALIFIED STATE HEALTH CARE PLANS

"Sec. 2001. Appropriations.
"Sec. 2002. Qualified State Health Care Plan definition.
"Sec. 2003. Eligibility for enrollment.
"Sec. 2004. Determination and review of premium rates.
"Sec. 2005. Procedure for enrollment.
"Sec. 2006. Individual and family contributions and State premium payments.
"Sec. 2007. Extension and termination of coverage.
"Sec. 2008. Approval of institutional rates of reimbursement by State Health Care Institutions Cost Commissions.
"Sec. 2009. Review of levels of institutional rates of reimbursement by Secretary of Health, Education, and Welfare.
"Sec. 2010. Operation of the Qualified State Health Care Benefits Pool.
"Sec. 2011. Furnishing of information by other agencies.
"Sec. 2012. Payments to States.
"Sec. 2013. Eligibility of those now covered under certain State or Federal programs.
"Sec. 2014. Premium taxes.
"Sec. 2015. Definitions.
"Sec. 2016. Protection against insolvency.
"Sec. 2017. Regulations.
"Sec. 2018. Underwriting and Reinsurance Facilities.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 2001. For the purpose of providing comprehensive health care insurance to needy individuals and families in a manner which will enhance personal dignity, there is authorized to be appropriated for each fiscal year a sum sufficient to carry out this title. The sums appropriated pursuant to this section shall be used for making payments to qualified State health care plans which have been approved by the Secretary of Health, Education, and Welfare.

"QUALIFIED STATE HEALTH CARE PLAN DEFINITION

"General Rule

Sec. 2002. (a) A Qualified State Health Care Plan shall be a contract or other agreement between a State and an administering carrier designated by the State with the approval of the Secretary, which provides for payment to practitioners, health care institutions, and other providers, on behalf of the individuals and families required under section 2003 to be made eligible therefor, the minimum standard health care benefits described in section 220 of the Internal Revenue Code of 1954, subject to the modifications specified in (c).

"Option To Elect Coverage Under an Approved Health Maintenance Organization

"(b) An individual or family eligible for enrollment in the qualified State health care plan under section 2003 may, upon written request, submitted to the administering carrier with his enrollment application, elect coverage, if available, under an arrangement between the administering carrier and an approved health maintenance organization (as defined in section 2015(m)), in lieu of coverage under the qualified State health care plan: *Provided, however,* That the charges made to the State through the administering carrier for such alternative coverage shall not exceed the average charge that would have been made to the State had the individual or family not made such election and had enrolled instead in the qualified State health care plan.

"Reinsurance Condition

"(c) The contract risk under a qualified State health care plan shall be reinsured, through the qualified State health care benetfis pool described in section 2010, by all carriers (profit and nonprofit) licensed in or otherwise authorized by the State to issue coverage for one or more items of health care, by all approved health maintenance organizations doing business in the State, and by all other persons in the State who provide uninsured plans that are qualified employee health care plans (as defined in section 280 of the Internal Revenue Code of 1954).

"Deductible

"(d)(1) The amount of the deductible for any given policy year shall be the figure shown in the first column of Table A corresponding to the applicable adjusted gross income shown in Table A for the size of family concerned.

TABLE A

[Bit means but less than]

Deductible	Adjusted gross income		
	Single individual	Family of 2	Family of 3 or more
$10	Less than $1,000	Less than $1,500	Less than $2,000.
$20	$1,000 blt $1,500	$1,500 blt $2,250	$2,000 blt $3,000.
$30	$1,500 blt $2,000	$2,250 blt $3,000	$3,000 blt $4,000.
$40	$2,000 blt $2,500	$3,000 blt $3,750	$4,000 blt $5,000.
$50	$2,500 blt $3,000	$3,750 blt $4,500	$5,000 blt $6,000.
$60	$3,000 blt $3,500	$4,500 blt $5,250	$6,000 blt $7,000.
$70	$3,500 blt $4,000	$5,250 blt $6,000	$7,000 blt $8,000.
$80	$4,000 blt $4,500	$6,000 blt $6,750	$8,000 blt $9,000.
$90	$4,500 blt $5,000	$6,750 blt $7,500	$9,000 blt $10,000.

"(2) At such times as the operation of section 2003(a)(4) may cause individuals or families with adjusted gross incomes in excess of those shown in Table A to become eligible for the qualified State health care plan, the deductible applicable to such individuals or families shall be determined by adding to $90

"(A) $10 for each $500 or fraction thereof by which the adjusted gross income of a single individual exceeds $5,000,

"(B) $10 for each $750 or fraction thereof by which the adjusted gross income of a family of two exceeds $7,500, or

"(C) $10 for each $1,000 or fraction thereof by which the adjusted gross income of a family of three or more exceeds $10,000.

"(3) For the purpose of this subsection, the adjusted gross income to be used shall be that for the last taxable year preceding April first of the calendar year in which the policy year commences.

"(4) Covered expenses incurred and actually applied toward an individual's deductible during the last three months of one policy year shall be carried over and applied toward the deductible of that person for the following policy year.

"(5) The limit on the aggregate of deductibles and copayments assessed in any one policy year shall be ten times the amount of the deductible determined for that policy year.

"Limitations

"(e)(1)(A) No charge for a benefit otherwise described by this section, other than charges by a health care institution, shall be reimbursed to the extent that it exceeds a reasonable charge. In determining the reasonable charge for a given health care service or article there shall be taken into consideration the charge for the service or article when rendered under comparable conditions, which is customarily made by the physician, or other person furnishing such service or article, but in no event shall the payment be in excess of the prevailing charge in the locality for the service or article. The prevailing charge in a locality for the period from July 1 of a given calendar year through June 30 of the following calendar year shall be the amount which the administering carrier determines to be the 75th percentile of a low to high distribution of the actual charges made for similar services or articles by all physicians in the same locality during the calendar year immediately preceding the given year. However, if the percentage increase in the prevailing charge (so determined) from one period to the next would be greater than the percentage increase in the Consumer Price Index during the preceding calendar year, then the prevailing charge for such next period shall be that used for the prior period increased by the same percentage increase as had occurred in the Consumer Price Index. When for any reason in any given period this method of calculation shall produce a prevailing charge for any service or article which in the opinion of the administering carrier is unreasonable or inequitable, the prevailing charge for that service or article in that period shall be determined by the administering carrier in accordance with regulations specified by the Secretary for this purpose.

"(B) No charge by a physician (as defined in section 220(f)(1) of the Internal Revenue Code of 1954) for a benefit otherwise described by this section shall be reimbursed to the extent that it is for health care services or articles rendered by the physician or at his direction and determined not to be necessary according to utilization guidelines that have been established by physicians deemed competent by their peers. Payment for health care services or articles beyond such guidelines may be made only if approved by the health professional staff of the administering carrier of the qualified State health care plan, after review by a professional standards review organization established by the physicians of the locality, if such exists, pursuant to part B of title XI of the Social Security Act.

"(C) No charges for care rendered in any health care institution shall be reimbursed if it is determined, in accordance with and subject to the provisions of section 2008, that the health care institution is not complying with the prospective rate approval conditions established by section 2008.

"(2) No charge for a benefit otherwise described by this section shall be reimbursed to the extent it is a proper reimbursement or would be in the absence of this title under any other insurance plan providing health care benefits, including, but not limited to, benefits provided under title XVIII of the Social Security Act.

"Optional Election of Services of Christian Science Practitioner

"(f) An individual or family eligible for enrollment in a qualified State health care plan under section 2003 may elect, in writing, at the time the individual or family makes application for enrollment, to have the term 'physician' mean 'a Christian Science practitioner listed as such in the Christian Science Journal current at the time the practitioner provides the service' in lieu of the meaning set forth in section 220(f)(1) of the Internal Revenue Code of 1954. Such election shall not apply to any service or article furnished in connection with a pregnancy or any complication thereof.

"ELIGIBILITY FOR ENROLLMENT

"Needy Individuals and Families

"SEC. 2003. (a) Every individual or family (as defined in section 2015(1))—

"(1) who is a resident of the State;

"(2) who is not eligible to enroll (through either spouse in the case of a family) in a qualified employee health care plan (as described by section 280(c) of the Internal Revenue Code of 1954);

"(3) who, if eligible to enroll in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act, is, in fact, enrolled in said insurance program; and

"(4) who meets one of the three following conditions—

"(A) whose adjusted gross income for his or its last taxable year preceding April first of the calendar year in which the policy year, for which eligibility is being determined, commences was less than—

"(i) $5,000 times the ratio specified in item (5) for a single individual,

"(ii) $7,500 times the ratio specified in item (5) for a family of two, or

"(iii) $10,000 times the ratio specified in item (5) for a family of three or more; or

"(B) who does not meet condition (A) but who furnishes the administering carrier satisfactory evidence that his or its adjusted gross income was less than one-twelfth of the dollar limit applicable to the policy year concerned—

"(i) under item (a)(4)(A)(i) for a single individual,

"(ii) under item (a)(4)(A)(ii) for a family of two, or

"(iii) under item (a)(4)(A)(iii) for a family of three or more;

for each of the last 2 calendar months, who agrees that his or its continued eligibility during that policy year will be contingent upon furnishing satisfactory proof that his or its adjusted gross income for each succeeding calendar month is below the applicable amount specified above and who furnishes such proof prior to the last day of the calendar month next following the month with respect to which proof is furnished; or

"(C) does not meet either condition (A) or (B) above but is a Federal cash recipient as defined in section 2015(i),

shall, in accordance with, and subject to the other provisions of this title, be eligible to enroll in the Qualified State Health Care Plan.

"(5) The ratio referred to in item (4)(A) is the ratio of the Consumer Price Index for July of the calendar year next preceding the calendar year in which the policy year concerned commences to the Consumer Price Index for July, 1976, which ratio, if not an even multiple of 10 percent shall be taken to the next lower multiple of 10 percent.

"Time for Determining Eligibility

"(b) For the purpose of applying the conditions of eligibility under this section, all determinations shall be made on the day application for enrollment for the policy year is made.

"DETERMINATION AND REVIEW OF PREMIUM RATES

"General rule

"SEC. 2004. (a) The premium rate to be charged under a qualified State health care plan for each policy year shall be actuarially established in each State for each of the risk categories—

"(1) single individual,

"(2) family of two, and

"(3) family of three or more.

"Composition of Premium

"(b)(1) The premium rate for a given risk category to be charged for the initial policy year shall be determined by the administering carrier on the basis of the sum of only the following factors:

"(A) the arithmetic average of the separate estimates of incurred claim costs for that risk category for the first policy year filed with the insurance regulatory authority of the State pursuant to requests by such authority to two nondomestic insurance companies licensed to issue health care insurance in the 50 States and the District of Columbia, two domestic insurance companies licensed to issue health care insurance in the State, one domestic nonprofit hospital expense indemnity organization, and one domestic nonprofit medical expense indemnity organization;

“(B) the charge for administration as set for the policy year by the administering carrier; and

“(C) a risk charge in an amount mutually agreed upon from time to time by the Insurance Commissioner, the administering carrier, and three members of the American Academy of Actuaries with experience in health care insurance, two of whom are appointed by the Governor of the State and one by the administering carrier.

“(2) The premium rate for a given risk category to be charged for each subsequent policy year shall be determined by the administering carrier on the basis of the sum of only the following factors:

“(A) the incurred claim costs for that risk category for the prior policy year;

“(B) an amount equal to any projected increase or decrease in incurred claim costs for that risk category for the policy year;

“(C) an amount, if needed, to repay in full any pool losses (described in subsection 2010 (c)) of prior years borne by the reinsurers of the pool and not yet recovered by them;

“(D) the charge for administration as set for the policy year by the administering carrier; and

“(E) the risk charge established pursuant to subsection (b)(1)(C).

“Review of the Premium Rates

“(c)(1) The premium rates determined for each State for each policy year pursuant to subsection (b) and the utilization and other assumptions underlying the rates are to be filed by the State with the chief actuary for the Social Security Administration, and if, within ninety days after such filing, the chief actuary determines that the rates are unjustifiably high for the State, he shall recommend to the Secretary a commensurate reduction in the Federal health care percentage described in section 2012(d). The Secretary, to the extent he concurs in and adopts such recommendation, shall advise the State of the reduction he proposes to promulgate.

“(2) The State may request a hearing within 30 days after receipt of notice of the proposed reduction pursuant to paragraph (1). In such event, the Secretary shall, upon request by the State for a hearing and within 30 days thereof, appoint a hearing board of three actuaries, each of whom shall be a member in good standing of the American Academy of Actuaries, including one actuary who shall be appointed with the concurrence of the Governor of the State, and one actuary who shall be appointed with the concurrence of the administering carrier.

“(3) If a State does not request a hearing, or if the hearing board appointed pursuant to paragraph (2) concurs in the finding that the rates are unjustifiably high, the Secretary shall promulgate the proposed reduction in the Federal health care percentage, which shall apply throughout the period that the rates on which the hearing was based remain in effect.

“(4) If the hearing board appointed pursuant to paragraph (2) determines that the rates are not unjustifiably high for the State, the Federal health care percentage shall not be reduced.

“PROCEDURE FOR ENROLLMENT

“General Rule

“SEC. 2005. (a)(1) The appropriate State agency shall enroll each Federal cash recipient, required under section 2003 to be made eligible therefor, in the qualified State health care plan, and shall file his application with the administering carrier on forms to be provided by the administering carrier.

“(2) All other individuals, or the member of a family who provides the family's chief support, otherwise required under section 2003 to be made eligible therefor, may enroll in a qualified State health care plan upon filing an application with the administering carrier on a form to be provided by the administering carrier.

“Information Required of Each Applicant

“(b) Each eligible applicant described in section 2003 shall provide the administering carrier all information and evidence required to make an eligibility determination, and provide or certify any other essential information required under regulations prescribed by the Secretary, including but not limited to—

“(1) certification of his eligibility as a Federal cash recipient;

“(2) certification of his, or his family's adjusted gross income;

“(3) certification that he and his applicable family members, if eligible for the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act, are enrolled thereunder; or, if not then eligible, certify that he and his applicable family members who may become eligible during the policy year for the insurance program described in part B of title XVIII will enroll in such program; and

“(4) permission for the administering carrier to confirm his, or his family's, adjusted gross income with the Internal Revenue Service.

“ENROLLMENT PERIODS

“(c) Applications for enrollment in a qualified State health care plan shall only be made and filed during an open enrollment period which shall be the calendar month of April of each year for coverage commencing for the policy year beginning the following July 1, except applications for enrollment—

“(1) shall be made by the appropriate State agency on behalf of an individual or family who establishes (other than during an open enrollment period) that he is a Federal cash recipient eligible for enrollment pursuant to section 2003(a), but not then enrolled; and shall be filed with the administering carrier by the appropriate State agency within thirty days following the day on which the State receives satisfactory evidence that such individual or family has established eligibility as a Federal cash recipient; or

“(2) may be made by an individual or family who is not a Federal cash recipient and who is currently eligible for enrollment pursuant to section 2003(a) but was not so eligible at the time of the last open enrollment period and, if so made, shall be filed with the administering carrier by the individual or family within 30 days following the first day, after the last open enrollment period, on which such individual or family so became eligible.

“EFFECTIVE DATE OF COVERAGE

“(d) Qualified State health care plan coverage for an individual or family eligible to enroll shall commence on the first day of the third calendar month following the calendar month in which application for enrollment was filed with the administering carrier, except that—

“(1) coverage shall not commence unless and until—

“(A) any contribution required of the individual or family pursuant to section 2006 has been paid, and

“(B) the applicable premium has been paid by the State;

“(2) as to an individual or family eligible pursuant to subsection 2003(a)(4)(B), coverage shall commence on the first day of the calendar month following the 2 calendar months whose wages are used as the basis of such eligibility provided application for enrollment is filed and contributions and premiums paid within 30 days of such date; and

“(3) as to an individual or family who is a Federal cash recipient, coverage shall be retroactive to the first of the month in which the individual or family became eligible as a Federal cash recipient, and the State shall pay the appropriate premiums for the period of retroactive coverage, as well as the premium for the next month, at the time application for enrollment is submitted to the administering carrier.

“INDIVIDUAL AND FAMILY CONTRIBUTIONS AND STATE PREMIUM PAYMENTS

“Individual and Family Contributions

“SEC. 2006. (a) Individuals and families enrolled in a qualified State health care plan shall be required to contribute toward the cost of the plan for any given policy year, by paying to the administering carrier, for each month for which coverage is provided, an amount limited as follows:

(1) In the case of an individual or family whose eligibility is based on having met the conditions set forth in section 2003(a)(4)(A), the contribution for each month is one-twelfth of 10 percent of the excess of the adjusted gross income of such individual or family for the taxable year on which eligibility is based over the applicable amount specified in (g):

Provided, however, That the amount so determined shall be reduced (but not below zero) by the total premium, if any, paid for such month by the individual or family to the Social Security Administration for enrollment in the supplementary medical insurance program for the aged described in part B of title XVIII of the Social Security Act.

(2) In the case of an individual or family whose eligibility is based on having met the conditions set forth in section 2003(a)(4)(B) the contribution for each month is one half of one percent of the dollar limit applicable to the policy year concerned—

“(A) under 2003(a)(4)(A)(i) for a single individual

“(B) under 2003(a)(4)(A)(ii) for a family of two, or

“(C) under 2003(a)(4)(A)(iii) for a family of three or more.

(3) No contribution shall be required of an individual or family whose eligibility is based on having met the conditions set forth in section 2003(a)(4)(C).

“State Payment of Contributions on Behalf of Certain Individuals and Families

“(b) As to any month of a policy year that an individual or family has established that he or it is a Federal cash recipient, any contribution required for that month pursuant to subsection (a) shall be paid by the State on behalf of that individual or family.

“State's Share of the Premium

“(c) Each State which has a qualified State health care plan shall pay the administering carrier an amount equal to—the excess of the sum of items (1) and (3) over item (2)—

“(1) the total premium cost for the policy year,

“(2) the total amount of contributions actually paid to the administering carrier by the individuals and families as provided for in this section,

“(3) the total amount refunded pursuant to subsection (e)(5).

“Nonvariability of Contributions and Premiums

“(d) The amount of contribution and the amount of premium shall be established by family size category on the day application for enrollment was made, and shall not change as a result of a change in family size thereafter.

"Due Date of Contributions and State Premium Payments

"(e)(1) Except as otherwise provided in this subsection (e), any contribution required of an individual or family, or of the State on behalf of a Federal cash recipient, for a given month of a policy year shall be due and payable—

"(A) in advance of the first day of that month, or

"(B) in the case of the initial contribution by an individual or family whose coverage may commence retroactively to the first of the month pursuant to the exception permitted by subsection 2005(d)(2), on the date application for enrollment is made.

"(2) As to any individual or family whose monthly contribution would, in the absence of this paragraph, be less than the administering carrier's cost of billing and collecting such contributions, the administering carrier shall require contributions to be paid quarterly, semiannually or annually in advance, whichever is necessary in order to first bring such cost below the amount of the less frequent contribution.

"(3) Any individual or family member who is required to make contributions for his coverage other than in accordance with (2) above and who is an employee (as defined in section 3121(d) of the Internal Revenue Code of 1954) may require his employer to make periodic deductions from his wages, and remit each contribution to the administering carrier on or before the due date specified in subsection (1).

"(4)(A) At least 15 days prior to the first day of a given calendar month, the administering carrier shall estimate the excess of the total premiums due that month over the total contributions that will be paid by enrolled individuals and families that month and shall bill the State for such estimated excess. If payment by the State of any such billing is not received by the first day of the month it is due, the administering carrier shall not be liable for benefit payments thereafter.

(B) After the end of any given policy year, the carrier shall determine the amount required to be paid by the State in accordance with subsection (c), and shall—

(I) charge the State with any excess of the amount so determined over the total of the estimated monthly payments made by the State with respect to that policy year; or

(II) credit the State with any excess of the total of the estimated monthly payments made by the State with respect to that policy year over the amount so determined.

Any such charge shall be paid by the State within 30 days of receipt of written notice from the administering carrier.

"(5) If at the end of any given policy year an individual or family covered for all or part of that policy year furnishes the administering carrier satisfactory evidence that his or its adjusted gross income for his or its last taxable year preceding April 1 of the calendar year in which that policy year ended was less than the applicable amount specified in (g), then the administering carrier shall refund to that individual or family the total amount of contributions he or it paid with respect to that policy year, and such refund shall be a valid charge to the State by the administering carrier.

"STATE PAYMENT OF PREMIUM FOR PART B MEDICARE BENEFITS

"(f) Each State which has a qualified State health care plan shall make available, and pay premiums for, supplementary medical insurance benefits under part B of title XVIII of the Social Security Act to any individual or family member who is enrolled in that State's qualified State health care plan, who is eligible for such supplementary medical insurance benefits and who either:

"(1) has established eligibility as a Federal cash recipient at the time his application for enrollment in the qualified State health care plan is made; or

"(2) had adjusted gross income for the taxable year on which eligibility is based less than the applicable amount specified in (g).

Such benefits shall be made available pursuant to an agreement entered into under section 1843 of the Social Security Act, or by reason of the payment of premiums under such title by the appropriate State agency on behalf of the individual.

"(g) For purposes of (a)(1), (e)(5) and (f)(2) of this section and for purposes of section 280(c)(8)(D)(ii) of the Internal Revenue Code of 1954, the applicable amount shall be 40 per cent of the dollar limit applicable to the policy year concerned—

"(A) under section 2003(a)(4)(A)(i) for a single individual

"(B) under section 2003(a)(4)(A)(ii) for a family of two, or

"(C) under section 2003(a)(4)(A)(iii) for a family of three or more.

"EXTENSION AND TERMINATION OF COVERAGE

"General Rule

"SEC. 2007. (a) Except as provided in subsection (d), subject to timely payment as specified in section 2006(e) of any contribution required under section 2006 by the individual or family and subject to timely payment of the State's share of the premium as specified in section 2006(e), qualified State health care plan coverage shall remain in force—

"(1) with regard to an individual or family made eligible under section 2003(a)(4)(A), for the balance of the policy year;

"(2) with regard to an individual or family made eligible under section 2003(a)(4)(B), until the end of the calendar month following the first calendar month with respect to which the individual or family fails to furnish satisfactory evidence that his or its adjusted gross income was below the applicable amount specified in section 2003(a)(4)(B) or the end of the policy year if earlier; and

"(3) with regard to an individual or family made eligible under section 2003(a)(4)(C), until the end of the third calendar month following the calendar month in which eligibility for public cash assistance ceased or the end of the policy year if earlier.

"Extended Coverage

"(b) Qualified State health care plan coverage shall immediately extend to any child born to, or adopted by, any eligible family member subsequent to the day the application for enrollment was made, and shall continue in force until the date the family's coverage would otherwise terminate in accordance with this section.

"Continued Coverage

"(c) Qualified State health care plan coverage during the policy year shall not be terminated because an individual who was an eligible family member on the day the application for enrollment was made ceases to be an eligible family member subsequent to the date of application.

"Termination of Coverage

"(d)(1) Qualified State health care plan coverage shall terminate as of the first day of any calendar month if any contribution due with respect to that month has not been paid by the applicable due date specified in section 2006(e).

"(2) If qualified State health care plan coverage is terminated in accordance with paragraph (1) and a request for reinstatement is made within 30 days following the day coverage terminated, the individual or family will be extended continuous coverage upon payment of the overdue contribution and all remaining contributions due during the balance of that portion of the policy year that coverage would have remained in force pursuant to subsection (a) had timely payments been made plus a service charge of $10.

"(3) If qualified State health care plan coverage is terminated in accordance with paragraph (1) and the individual or family fails to request reinstatement as provided for in paragraph (2), the individual or family shall not be eligible for any coverage under the qualified State health care plan for the balance of the policy year concerned, and if such individual or family is eligible and desires to enroll for the next policy year, he or it must first pay a service charge of $10.

"APPROVAL OF INSTITUTIONAL RATES OF REIMBURSEMENT BY STATE HEALTH CARE INSTITUTIONS COST COMMISSIONS

"State Commission

"SEC. 2008. (a) In the operation of a qualified State health care plan no charge for services rendered or supplies furnished by hospitals, skilled nursing facilities, or home health agencies (herein collectively referred to as 'health care institutions') shall be reimbursed to the extent that such charges exceed the rates approved by a State health care institutions cost commission. Such commission shall be a State agency designated by the Governor of each State for the purpose of performing the functions described in this section. Such commission shall operate with the advice of a council appointed by the Governor. The council shall include at least two consumer representatives, one hospital representative, one skilled nursing facility representative, one home health agency representative, one hospital service organization representative, one insurance company representative and one representative of the State health planning and development agency established pursuant to section 1521 of Title XV of the Public Health Service Act. One of the representatives shall be designated as chairman of the advisory council.

"Review of Budgets and Charges

"(b) The commission shall review budgets and proposed charges for the health care institutions in the State in order to establish prospectively approved charges which shall be applicable without discrimination to all purchasers of services and supplies from health care institutions, irrespective of whether the purchasers are insured pursuant to any provisions of this title and irrespective of type of underwriter which may provide insurance to a purchaser. Once each year, each health care institution shall file its budget and proposed charges with the commission. The commission may approve the use of a single charge for all of a group of services commonly rendered a class of patients or a single all-inclusive daily charge for all inpatient services of the health care institution. Filed charges shall be deemed approved unless disapproved by the commission within 60 days after filing.

"Standards for Health Care Institutions

"(c) In reviewing the proposed charges of health care institutions in the State, the commission shall require at least the following standards of each such institution—

"(1)(A) an active review committee of qualified physicians and other personnel that effectively determines whether the services rendered are—

"(i) of good quality,

"(ii) needed for the proper treatment of the patient, and

"(iii) provided only as long as necessary within the health care institution; and

"(B) management that takes effective and prompt action with respect to adverse findings;

"(2) utilization of a standard system of accounting and cost finding established by the commission;

"(3) utilization of the approved charges for all patients; and

"(4) a budget of its expenses for each fiscal year, using the approved standard system of accounting and cost finding, and charges for its services, both reasonably related to the cost of efficient production of such services.

The commission shall also take into consideration economic factors in the health care institution's geographical area, costs of comparable institutions providing comparable services, capital requirements, and the need for incentives to improve service and institute economies which might be secured from the sharing of joint services with other health care institutions.

"Amortization of Capital Costs

"(d) In reviewing that portion of a health care institution's charges which results from financing costs and depreciation relating to prior capital expenditures, the commission shall accept the determination, if any, of the appropriate health systems agency (as defined in section 1512 of the Public Health Service Act) that the construction of such facility was consistent with the health needs of the area.

"Appeal by Health Care Institution Following Disapproval by Commission

"(e) If the budget submitted by a health care institution reveals significant operating inefficiencies or if the proposed charges otherwise appear to be unjustifiably high, the commission shall disapprove the proposed charges. If the proposed charges are disapproved, the affected health care institution may request consideration of the advisory council constituted by virtue of subsection (a). Upon receipt of such request, the council shall hold a hearing at which the interested parties may appear to present the facts which support the commission's decision and the facts which support the affected health care institution's position. Following such hearing the council shall advise the commission of its recommendation, and the commission shall thereupon render a final decision.

"Federal Payment for Cost Commission's Expenses

"(f) The Secretary shall pay to any State which has a qualified State health care plan an amount equal to 75 percent of the reasonable amounts expended by the State each quarter as found necessary by the Secretary for the proper and efficient administration of the State's health care institutions cost commission and its advisory council except that there shall be no reimbursement by the Secretary for the cost of any institutional audits that may be conducted by the commission.

"REVIEW OF LEVELS OF INSTITUTIONAL RATES OF REIMBURSEMENT BY SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Filing With the Secretary

"SEC. 2009. (a) Annually on a date specified by the Secretary, each State health care institutions cost commission shall file with the Secretary, on a form prescribed by him, a report of the level of rates of institutional reimbursement approved by the commission for such categories of health care institutions as shall be established by the Secretary. The categories shall take into consideration the type and size of the institutions and differing economic characteristics by geographic areas within each State so that each category will include institutions with similar conditions of operatng cost.

"Review by the Secretary

"(b) In the event the Secretary determines that the level of rates approved for a given category of health care institution in a State is unjustifiably high in relation to those of other States, he shall order a reduction for that State in the Federal medical assistance percentage (as defined in section 1905(b) of title XIX of the Social Security Act), and a reduction in the Federal health care percentage (as defined in section 2012(d)) to compensate for the excess cost resulting from the unjustifiably high level of rates for that category of health care institutions in the State. The State may appeal the Secretary's decision, and upon receipt of an appeal, the Secretary shall appoint a hearing board of three members which shall hold a hearing at which the interested parties may appear to present the facts which support the Secretary's decision and the facts which support the appellant State's position. The members of the hearing board shall each be knowledgeable with respect to the costs of operating health care institutions of the category concerned and may not be an employee or an owner of any of the health care institutions concerned. Following such hearing the hearing board shall advise the Secretary of its recommendation, and the Secretary shall thereupon render a final decision. There shall be no further right of appeal or review by the State. If the State, whose Federal percentages have been reduced, takes action to correct the situation which produced the unjustifiably high level of rates for the category of health care institutions, it may so notify the Secretary and request restoration of the full amount of the Federal medical assistance percentage and the full amount of the Federal health care percentage. If the Secretary is satisfied that corrective action has been taken, he shall restore the Federal percentages to their full amount for that State as of the date he deems the corrective action to have eliminated the unjustifiably high level of rates.

"OPERATION OF THE QUALIFIED STATE HEALTH CARE BENEFITS POOL

"General rule

"SEC. 2010. (a) The qualified State health care benefits pool (hereinafter in this section referred to as the 'pool') shall be administered by the administering carrier.

"Fiscal operation

"(b)(1) The premiums collected pursuant to this title, the service charges described in section 2007(d) and the reimbursement for pool losses described in subsection (c)(2) shall be paid into the pool.

"The pool shall be available—

"(A) without fiscal year limitation to lay all qualified State health care plan benefit claims certified by the administering carrier;

"(B) without fiscal year limitation to pay premiums to approved health maintenance organizations (as defined in section 2015 (m));

"(C) to pay the risk charges specified in section 2004(b);

"(D) to repay to pool reinsurers the losses, if any, specified in section 2004(b)(2)(C);

"(E) to pay the administrative charges of the administering carrier described in section 2004(b); and

"(F) to pay any other charges for which the pool has a liability.

"(2) The moneys in the pool shall be invested and reinvested in interest-bearing obligations, which may be sold for the purpose of the pool. The interest on, and the proceeds from the sale of, such obligations become a part of the pool.

"Experience Accounting

"(c)(1) At the close of each policy year, an experience accounting for the pool for the policy year shall be prepared by the administering carrier and submitted to the Secretary, to the State, and to all reinsurers specified in section 2002(c).

"(2)(A) All reinsurers shall participate in any pool losses in accordance with a formula, designed by the administering carrier and approved by the Insurance Commissioner, that equitably allocates pool losses to carriers and approved health maintenance organizations in proportion to their total health care business and to uninsured plans in proportion to their benefit payments under qualified employee health care plans. The aggregate pool losses for any policy year to be apportioned among the pool participants shall be limited to such percent of the qualified State health care plan premiums collected by the pool for the year as shall be mutually agreed upon from time to time by the insurance commissioner, the administering carrier and three members of the American Academy of Actuaries with experience in health care insurance, two of whom are appointed by the governor of the State and one by the administering carrier. Losses in excess of this limitation shall be borne by the State.

"(B) The State shall collect the uninsured plans' share of the pool losses, and remit such amount together with the State's payment for its share of the losses to the administering carrier within 45 days after the experience accounting has been submitted. The other reinsurers shall remit their share of the loss to administering carrier within 31 days after the experience accounting has been submitted.

"(3) If the experience accounting reflects a gain (computed after deduction of the reinsurers' risk charge described in section 2004(b)) for the policy year, the gain shall be retained in the pool and used to minimize future premiums to be paid by the State.

"FURNISHING OF INFORMATION BY OTHER AGENCIES

"General Rule

"SEC. 2011. (a) The head of any Federal or State agency shall furnish such information as the administering carrier needs for purposes of spot auditing eligibility for the qualified State health care plan, or verifying other information with respect thereto.

"Carrier's Liability

"(b) A reliance by the administering carrier on information furnished by any Federal or State agency shall relieve the carrier from liability for failure to charge sufficient contributions, overpayment of benefits, or any other erroneous act resulting from the carrier's reliance on such information.

"PAYMENTS TO STATES

"Premiums

"SEC. 2012. (a) From the sums appropriated therefor, the Secretary shall pay to each State which has a qualified State health care plan an amount equal to the product obtained by multiplying the total premiums for the qualified State health care plan paid by a State to the administering carrier by the Federal health care percentage defined in subsection (d). In applying the preceding sentence, the amount used as total premiums paid by a State for a qualified State health care plan shall not include any portion thereof that is determined by the Secretary to be attributable to benefits provided under the plan which are in excess of the minimum standard health care benefits then required by section 2002(a) to be provided.

"Pool Losses

"(b) From the sums appropriated therefor, the Secretary shall pay to each State which has a qualified State health care plan an amount equal to the product obtained by multiplying the excess pool losses paid by the State to the administering carrier (as provided by section 2010(c)(2)(A)) by the Federal health care percentage defined in subsection (d). For the purpose of this subsection, the Federal health care percentage shall be as determined before any reduction thereof provided for under sction 2004(c) (3), or section 2009.

"Condition for Payment and Compliance

"(c) The amounts authorized to be paid a State under this title shall not be paid by the Secretary unless the State annually certifies to the Secretary, on a date or dates set by the Secretary, that—

"(1) it has established a qualified State health care plan the administering carrier of which has been approved by the Secretary;

"(2) it has authorized the insurance commissioner of that State (as defined in section 2015(a)) to review the premium rates of the qualified State health care plan pursuant to section 2004(c) (1);

"(3) It has authorized a State agency to enroll Federal cash recipients in the qualified State health care plan pursuant to section 2005(c) (1);

"(4) it has authorized the State Treasurer or other appropriate official to make the payments required of the States under sections 2006, 2008, and 2010;

"(5) it has authorized a State agency to perform the functions of the State health care institution cost commission described in section 2008;

"(6) the insurance commissioner of that State is carrying out the duties with regard to protection against insolvency as prescribed by section 2016;

"(7) it has caused to be established and has implemented regulations governing the operation of a facility to make available minimum standard health care benefits to all eligible individuals, families, and groups of less than 50 employees or members to whom such benefits would not otherwise be available, such facility to be established and operated in accordance with Section 2018 below;

"(8) it has not reduced the scope of its State laws concerning Workmen's Compensation as to types of employment covered, types of accidents or diseases covered, or types of medical expenses covered; and

"(9) it is carrying out the remaining administrative and other duties specified in title XX.

Such certification shall, after 60 days from the date of receipt by the Secretary, be deemed acceptable unless prior thereto the Secretary notifies the State, in writing, that the certification has not been accepted.

"Federal Health Care Percentage

"(d) The term 'Federal health care percentage' for any State shall be 100 percent less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 45 percent as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska and Hawaii); except that (1) the Federal health care percentage shall in no case be less than 70 percent or more than 90 percent, and (2) the Federal health care percentage for Puerto Rico, the Virgin Islands, and Guam shall be 70 percent. The Secretary shall promulgate the Federal health care percentage for each State as soon as possible after enactment of this title, which promulgation shall be conclusive for each of the 4 quarters in the period beginning July 1, 1977, and ending with the close of June 30, 1978. Thereafter, the Federal health care percentage of any State shall be promulgated in accordance with the provisions of section 1101(a) (8) (B) of title XI of the Social Security Act.

"ELIGIBILITY OF THOSE NOW COVERED UNDER CERTAIN STATE OR FEDERAL PROGRAMS

"Federal Programs

"SEC. 2013. (a) Any class of individuals or families other than employees of the Federal Government and their families, whose members at the time of enactment of this Act, are receiving all, or substantially all, of their medical care under a Federal program, other than a program pursuant to the Social Security Act, shall not be eligible for coverage under a qualified State health care plan unless—

"(1) all members of the class who are resident in the State are enrolled in the plan;

"(2) the Federal Government pays the premium for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act for all such members of the class as are eligible therefor;

"(3) the Federal Government arranges for the enrollment of such individuals and families in the qualified State health care plan and pays the full premium therefor on behalf of such persons without requiring any sharing by the State; and

"(4) the Federal Government agrees to pay the State that proportion of any excess pool losses, charged to the State pursuant to section 2010(c) (2) (A), which the average number of such persons enrolled in such plan during the policy year bears to the average number of all persons enrolled in such plan during that year. In applying section 2012 (b), the amount of such payment shall reduce the excess pool losses to which the Federal health care percentage would otherwise be applied.

"State Programs

"(b) Any class of individuals or families, other than employees of a State or local government and their families, whose members, at the time of enactment of this Act, are receiving all, or substantially all, of their medical care under a State program of medical care, other than a program pursuant to the Social Security Act, and who are not otherwise eligible for enrollment in the qualified State health care plan, shall be eligible for coverage in a qualified State health care plan provided—

"(1) all members of the class who are resident in the State are enrolled in the plan;

"(2) the State pays the premium for supplementary medical insurance under part B of title XVIII of the Social Security Act for all such members of the class as are eligible therefor;

"(3) the State arranges for the enrollment of such individuals and families in the qualified health care plan and pays the full premium therefor on behalf of all such persons; and

"(4) the State agrees to absorb, without any sharing by the Federal Government, that proportion of the excess pool losses, charged to it pursuant to section 2010(c) (2) (A), which the average number of such persons enrolled in such plan during the policy year bears to the average number of all persons enrolled in such plan during that year. In applying section 2012(b), such amount shall reduce the excess pool losses to which the Federal health care percentage would otherwise be applied.

"Premium Taxes

"SEC. 2014. In order to be eligible for Federal appropriations pursuant to this title, a State (or any political subdivision thereof)—

"(1) may not impose any tax of any kind on or with respect to any premium, benefit, income, or other transaction or occurrence connected with any qualified State health care plan, qualified State health care benefits pool, or underwriting and reinsurance facility provided for under this title, and

"(2) may not impose any tax or fee on any domestic carrier which provides health care insurance in the State with respect to any premium or other income received or any benefit provided, or on any other transaction or occurrence, in connection with any health care insurance contract, unless any such tax or fee is applied equally to all domestic carriers which provide health care insurance in the State.

"DEFINITIONS

"SEC. 2015. As used in this title the term—

"(a) 'Insurance commissioner' means the public official charged with the regulation of insurance in each State.

"(b) 'Secretary' means the Secretary of Health, Education, and Welfare.

"(c) 'State' shall include each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

"(d) 'Administering carrier' means either—

"(1) a carrier licensed to issue health care insurance in each of the 50 States and the District of Columbia,

"(2) a carrier licensed to issue health care insurance in at least one of the 50 States or the District of Columbia which has one or more affiliates or wholly owned subsidiaries licensed to issue health care insurance, if in each of the 50 States and the District of Columbia the carrier or at least one of its affiliates or wholly owned subsidiaries is licensed to issue health care insurance, or

"(3) a domestic carrier, or an assemblage of domestic carriers operating as one administering unit, which the insurance commissioner of the State finds will perform its obligations as administering carrier efficiently and effectively and will meet such requirements as to financial responsibility, legal authority, and other matters as he finds pertinent.

"(e) 'Underwriter' means a carrier, an approved health maintenance organization, or the person who provides an uninsured plan.

"(f) 'Policy year' means a period beginning any July 1 and ending the close of the following June 30.

"(g) 'Carrier' means an insurance company, hospital service or hospital expense indemnity organization, a medical service or medical expense indemnity organization, dental service or dental expense indemnity organization, fraternal benefit society or other similar organization or society which provides coverage for one or more types of health care.

"(h) 'Uninsured plan' means a plan provided by a person (other than a carrier or an approved health maintenance organization) having an arrangement which has been communicated or described in writing to covered individuals, and which covers at least 26 individuals for at least 26 weeks of the calendar year, and which provides, pays for, or reimburses the whole or any part of the cost of the health care of such individuals, but shall not include the Federal Government with respect to programs established by it.

"(i) 'Federal cash recipient' means an individual or family who has established eligibility for public assistance under a program financed in whole or in part by Federal funds.

"(j) 'Adjusted gross income' shall have the meaning set forth by section 62 of the Internal Revenue Code of 1954.

"(k) 'State of domicile' means the State in which an underwriter, other than an insurance company, maintains its principal place of business. For an insurance company which is an underwriter, 'State of domicile' means the State in which it is incorporated.

"(l) 'Family' means an individual and his spouse if not legally separated under a decree of divorce or of separate maintenance and each of their dependent (as defined in the introductory clause of section 152(a) of the Internal Revenue Code of 1954) unmarried children who have not attained the age of 19.

"(m) 'Approved health maintenance organization' means an organization which meets the definition of a qualified health maintenance organization contained in section 1310 (d) of the Public Health Service Act or which has been licensed or certified as a health maintenance organization pursuant to the applicable statute of the State in which such organization is located.

"PROTECTION AGAINST INSOLVENCY

"Definitions

"Sec. 2016. (a) As used in this section, the term—

"(1) 'NHI' means pertaining to one or more qualified health care plans (as defined in section 220(f)(6) of the Internal Revenue Code of 1954).

"(2) 'Premium' means the premium, enrollment fee, or such other comparable fee or periodic charge of an underwriter NHI coverage.

"Capital and Surplus Requirements

"(b) An NHI underwriter shall have a combined capital and surplus of not less than the greater of: (i) $1,500,000, or (ii) 2 percent of the gross premium income of the underwriter for its immediately preceding fiscal year of operation. In lieu of holding such capital and surplus, an underwriter may, subject to the approval of the insurance commissioner of the State of domicile, either secure a performance bond issued by a company licensed to issue such bonds in the underwriter's State of domicile in an amount that is the greater of: (i) $1,500,000 or (ii) 2 percent of the gross premium income of the underwriter for its immediately preceding fiscal year of operation; or, secure a written contract, from one or more carriers authorized to write NHI contracts in such State and having at least $15,000,000 of unassigned surplus, which provides that the contracting party will, in the event that, and as of the date that, such underwriter ceases to be authorized to provide NHI coverage, provide without qualification NHI coverage for all individuals or families so affected.

"Reserve Requirements

"(c) Each NHI underwriter shall—

"(1) Maintain NHI reserves in an amount not less on any day than—

"(A) the total amount of its liability for unearned premiums, future contingent benefits, and amounts not yet, due on claims,

"(B) the total amount of its liability for due and unpaid claims, claims in course of settlement, and incurred but unreported claims, and

"(C) 12½ percent of the total amount of its NHI claims paid during the preceding calendar year but not more than $25,000,000, which amount shall be called the NHI Contingency Reserve (hereinafter 'NHICR') and may be maintained either directly or as a portion of the underwriter's surplus: *Provided, however,* That such 12½ percent requirement shall be applied to the total amount of an approved health maintenance organization's premium during the preceding calendar year. The underwriter may, subject to the approval of the insurance commissioner of its State of domicile, credit against its NHICR the value of those of its contracts with providers of health services as guarantee the delivery of the contracted services even in the event of insolvency of the underwriter.

"(2) Maintain NHI reserves, including the NHICR, in assets qualified as legal investments for life insurance companies of the same size by the laws of the State of domicile.

"(3) Submit an affidavit, executed by its chief executive officer or by a member of the American Academy of Actuaries or another actuary approved by the insurance commissioner of the State of domicile, to such insurance commissioner within 90 days after the end of each calendar year that its NHI reserves comply with the requirements of this section. Such affidavit shall be accompanied by a financial report for the prior calendar year on a form prescribed by the insurance commissioner describing its NHI business including but not limited to—

"(A) information substantiating the adequacy of its NHI reserves;

"(B) disclosure of the manner in which its NHICR was computed;

"(C) balance sheet; and

"(D) income statement.

"Procedure To Prevent Impairment

"(e)(1) Any NHI underwriter whose NHICR fails to meet the requirements of this section shall be impaired for purposes of this title and promptly shall—

"(A) cease issuance of any new group or individual NHI policies: *Provided, however,* That such NHI underwriter may continue to issue coverage under an existing group plan; and

"(B) provide the insurance commissioner of the underwriter's State of domicile with:

"(i) an appraisal by a member of the American Academy of Actuaries or an actuary provided by the insurance commissioner of the capacity of the underwriter to pay claims on its outstanding NHI coverage; and

"(ii) either a plan for reinsurance of its NHI obligations with an NHI carrier, or a plan for reconstituting its NHICR.

"(C) advise the obligor under the performance bond, if such bond was purchased pursuant to subsection (b), of the NHI underwriter's possible financial inability to meet its obligations under this Act.

"(2) An insurance commissioner, upon receipt of such information, shall—

"(A) determine whether the proposed reinsurance carrier has NHI reserves adequate to comply with this section after accepting the proposed reinsurance and, if he approves the proposed plan for reinsurance, notify the impaired underwriter to execute such plan within 60 days. If the plan for reinsurance is not approved, the insurance commissioner shall notify the impaired underwriter that the plan for reinsurance has not been approved and that a plan for reconstituting its NHICR must be submitted within 30 days; and

"(B) if an impaired underwriter submits a plan for reconstituting its NHICR, appoint a committee to supervise the reconstitution of the NHICR. The committee shall be chaired by the insurance commissioner of the impaired underwriter's State of domicile. The members of the committee shall include the insurance commissioner of the impaired underwriter's State of domicile, a representative of the insurance commissioner of one of the States in each National Association of Insurance Commissioners zone in which the impaired underwriter issued NHI coverage and at least one officer from five NHI carriers other than the impaired underwriter.

"(3) The committee's responsibility shall include—

"(A) approval or disapproval of the impaired underwriter's plan for reconstituting its NHICR;

"(B) if such plan is approved, the committee shall provide the insurance commissioner with periodic reports concerning the execution of such plan and the need for any additional potection for NHI policyholders, members, or participants of the impaired underwriter; and

"(C) if the plan for reconstituting the impaired underwriter's NHICR is disapproved, the committee shall determine whether an assessment is necessary to meet the impaired underwriter's NHI obligations.

"(4) If the committee determines that an assessment is necessary, it shall be made according to the following formula where NHI premiums are net after reinsurance:

"(A) the total assessment shall be allocated among the States in which the impaired underwriter issued NHI coverage in proportion to the ratio of the impaired underwriter's NHI premiums paid in the State to the total of its NHI premium paid in all States for the last completed calendar year; and

"(B) a State's share of the assessment, as determined in subsection (A), shall be allocated among NHI underwriters in that State in proportion to the ratio of each underwriter's NHI premiums paid in that State for the last completed calendar year to the total NHI premiums paid in that State for that year by all NHI underwriters other than the impaired underwriter: *Provided,* That if the impaired underwriter is an insurance company, then the portion of a State's assessment that would be so charged to Blue Cross plans and Blue Shield plans shall instead be assessed on the remaining insurance companies which are NHI underwriters in proportion to their shares of that State's assessment, and if the impaired underwriter is a Blue Cross plan or a Blue Shield plan, then the portion of a State's assessment that would be so charged to insurance companies shall instead be assessed on the remaining Blue Cross plans and Blue Shield plans which are NHI underwriters in proportion to their shares of such assessment.

"(5) The insurance commissioner of each State in which the impaired underwriter did NHI business shall furnish NHI underwriters in the State with—

"(A) a copy of the committee's report;

"(B) the total amount of the assessment upon all NHI underwriters;

"(C) the underwriter's share of the assessment produced under the formula; and

"(D) a demand that payment of the assessment be made within 3 months, or such longer period of time as the insurance commissioner may authorize if such payment would, in the opinion of the committee, endanger the ability of the assessed underwriter to fulfill its contractual obligations.

"(6) Failure to make timely payment of the assessment shall be cause for withdrawal of the underwriter's privilege to conduct NHI business.

"(7) Any assessment made upon and paid by an NHI underwriter under this section shall be deductible from any other assessment made under a State insolvency law or other requirement which relates to the NHI underwriter which was deemed impaired pursuant to this section.

"REGULATIONS

"Sec. 2017. Any regulations promulgated by the Secretary with regard to this title shall be promulgated in final form not less than 9 months prior to the first day of the policy year during which they will apply. Such regulations shall be effective only if (i) promulgated in final form within the time prescribed in the preceding sentence, and (ii) notice of such regulation in proposed form and of opportunity for public hearing thereon shall have been published not less than 60 days prior to the date of promulgation thereof in final form."

"UNDERWRITING AND REINSURANCE FACILITIES

"Sec. 2018. Principles of Operation of the Underwriting and Reinsurance Facilities To Assure Availability of Minimum Standard Health Care Benefits to the Uninsurable.

"(a) The State Insurance Commissioner shall be responsible for assuring the establishment and regulation of a facility to underwrite or reinsure minimum standard health care benefits for individuals, families and groups of less than 50 employees or members to whom such benefits would not otherwise be available. He shall name an administering carrier as defined in section 2015 to operate the facility.

"(b)(1) If the State has established by law a duty upon carriers to offer a qualified health care plan to all individuals and groups, than the facility shall reinsure contracts for a qualified health care plan issued by carriers and may, at the option of the State, also issue its own contracts providing a qualified health care plan upon request by a carrier.

"(2) If the State has established no such duty upon carriers, then the facility shall issue its own contracts to provide a qualified health care plan and may, at the option of the State, also reinsure contracts providing a qualified health care plan issued by carriers.

"(3) The facility shall design only one form of qualified individual health care plan and one form of qualified employee health care plan, each providing no more and no less than the minimum standard health care benefits specified in section 220 of the Internal Revenue Code of 1954. No plan other than the one individual and one employee health care plan designed by the facility shall be issued or reinsured by the facility.

"(c) The effective date of any coverage issued or reinsured by the facility shall be the first day of the month following the month in which application was made except that when application is made within 31 days of cessation of prior qualified health care coverage the effective date shall be the day following the date of such cessation of coverage.

"(d) Any coverage issued or reinsured by the facility shall provide that during the first six months of coverage, benefits will not be paid on account of any condition that had been diagnosed or treated within the six months preceding the date of application for coverage. However, time covered under a qualified health care plan immediately preceding application shall be counted in determining whether six months of coverage have elapsed.

"(e) If State law provides or if subsection (b) above requires that the facility issue its own contracts for qualified health care benefits, then

"(1) Every individual—

"(A) who is a resident of the State;

"(B) who is not eligible to enroll (through either spouse in the case of a family) in a qualified employee health care plan (as described in section 280(b) of the Internal Revenue Code of 1954);

"(C) who is not eligible to enroll in the insurance program described in part B of title XVIII of the Social Security Act; and

"(D) who is not eligible to enroll in a qualified State health care plan because he fails to meet any of the conditions specified in section 2003(a)(4); and

"(2) Every group—

"(A) which is a valid group for the purposes of obtaining group health care insurance under the laws of the State, and

"(B) which contains fewer than fifty employees or members, and

"(C)(1) all of whose members reside in the State, or

"(2) in the case of an employee group, has its principal place of employment located within the State

shall, in accordance with and subject to the other provisions of this title, be eligible to apply for a qualified health care plan from the facility.

"(f) If State law provides or if subsection (b) above requires that the facility reinsure contracts for qualified health care plans issued by carriers, then only such contracts as have been issued to eligible individuals and groups as defined in subsection (c) above shall be eligible for reinsurance in the facility.

"(g) The State Insurance Commissioner shall appoint a committee of five actuaries who are members of the American Academy of Actuaries and who have experience in the field of health care insurance. The duties of this committee shall include the determination of expense allowances to carriers for reinsured risks, claim reserve formulas, and other actuarial functions, as well as the recommendation of premium rates for the facility. In recommending premium rates, the committee shall take into consideration the additional morbidity expected on contracts issued or reinsured by the facility, anticipated administrative expenses of the facility, reasonable expense allowances to coding carriers, and the level of rates charged by carriers to standard risks for coverage similar to that embodied in the health care plan designed by the facility.

"(h) Following the close of each fiscal year of the facility, the administering carrier shall determine:

"(i) With respect to contracts issued by the facility,

"(A) Earned premiums less allowable expenses of the facility and,

"(B) Incurred losses for the year.

"(ii) With respect to contracts reinsured by the facility,

"(A) Earned premiums less administrative expense allowance to carriers,

"(B) The expenses of the administering carrier pertaining to the reinsurance operations of the facility and,

"(C) Incurred losses for the year. Any excess of items (i)(B), (ii)(B), and (ii)(C) over (i)(A) and (ii)(A) shall be assessed against all underwriters in proportion to their share of the total NHI premium paid in the calendar year during which the fiscal year of the facility began. Any excess of items (i)(A) and (ii)(A) over (i)(B), (ii)(B) and (ii)(C) shall be held at interest by the administering carrier to offset future losses or to refuse future premiums. For uninsured plans, the term "NHI premiums" shall have the meaning specified in section 2016(c)(4).

Sec. 532. Carrier Compliance.

Nothing contained in antitrust legislation enacted by the Congress of the United States or by the legislatures of one or more of the several States shall be construed as limiting or in any other way applying to carriers in any activity undertaken in compliance with or in any effort to comply with any provision of this Act.

Sec. 533. Conforming Amendments to Title XVIII of the Social Security Act.

Title XVIII of the Social Security Act is amended—

(1) by adding after section 1837(g) the following new subsection:

"(h) Notwithstanding the provisions or limitations of subsections (a), (b), (c), (d), (e), and (f), there shall be a general enrollment period during the month of April in each year for individuals who are enrolling for the first time in a qualified State health care plan described in title XX of the Social Security Act."; and

(2) by adding after section 1843(h) the following new subsection:

"(i) The Secretary shall, at the request of a State, enter into a modification of an agreement entered into with such State pursuant to subsection (a) under which the covered group described in subsection (b) and specified in such agreement is broadened to include individuals who are described in section 2006(f) of title XX of the Social Security Act."

Sec. 534. Conforming Amendments to Title XIX of the Social Security Act.

Title XIX of the Social Security Act is amended by adding at the end thereof the following new section:

"EXCLUSION FROM COVERAGE

"Sec. 1908. Notwithstanding any other provision of this title, no payment under this title may be made (a) for any expenses incurred for services or articles (1) which are covered under a qualified State health care plan (as defined in title XX), (2) which are incurred after July 1, 1977, and would have been covered under a qualified State health care plan had the State adopted such a plan, or (b) for any copayment required under a qualified State health care plan."

Sec. 535. Conforming Amendments Regarding "Reasonable Costs".

Wherever reference is made in titles V, XVIII, and XIX of the Social Security Act to making payments to a provider on the basis of "reasonable costs" or "reasonable charges", with regard to any amount paid after June 30, 1977, that payment shall not be considered reasonable to the extent that it exceeds the amount which would be determined to be reasonable under section 2002 (e)(1) of title XX of the Social Security Act.

Sec. 536. Conforming Amendments to the Internal Revenue Code.

(a) Section 115(a) of the Internal Revenue Code of 1954 is amended by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or" and by adding after paragraph (2) the following paragraph:

"(3) interest, or any other item of income, derived from any investment by a qualified State health care benefits pool (as defined in section 2010 of title XX of the Social Security Act) or by an underwriting and reinsurance facility (as defined in section 2018 of title XX of the Social Security Act)."

(b) Section 501(c)(8) of the Internal Revenue Code of 1954 is amended by the addition of the following item:

"(C) For purposes of this section, payments made directly or indirectly to a qualified State health care benefits pool (as defined in section 2010 of title XX of the Social Security Act) or to an underwriting and reinsurance facility (as defined in section 2018 of title XX of the Social Security Act) by a fraternal beneficiary society, order, or association under provisions of the National Health Care Act shall not in any way disqualify such group from its tax-exempt status under this section.

Sec. 537. Effective Date.

The amendments made by this subtitle shall become effective on the date of enactment of this Act, except that a Qualified State Health Care Plan *provided for* under new title XX of the Social Security Act shall not provide benefits before July 1, 1977.

By Mr. PERCY (for himself, Mr. Ribicoff, and Mr. Glenn):

S. 1439. A bill to reorganize certain export functions of the Federal Government to promote more efficient administration of such functions. Referred to the Committee on Government Operations.

THE CENTRALIZATION AND REORGANIZATION OF THE LICENSING FOR EXPORT OF PRODUCTS AND MATERIALS OF A STRATEGICALLY SIGNIFICANT NATURE

Mr. PERCY. Mr. President, the Government Operations Committee during the past Congress gave major emphasis to the reorganization of the executive branch of the Government in the fields of natural resources, energy research and development and nuclear licensing regulation. In addition to hearings on the creation of a Department of Energy and Natural Resources and the enactment of the Federal Energy Administration, the committee dealt with the creation of the Nuclear Regulatory Commission, with authority over the licensing of nuclear reactors and nuclear exports of certain kinds, and the Energy Research and Development Agency, to be a comprehensive agency to promote research in all forms of energy.

During this Congress the committee has been studying the question of the organization of the Government for the export of strategically significant materials. We found that the Commerce Department Office of Export Administration performs the vast bulk of the licensing for export of most strategically important products and commodities. Yet we found that the State Department licenses export of arms, ammunition, and the implements of war under the Mutual Security Act, and that the Treasury Department licenses certain exports under the Trading With the Enemy Act. And, we found that, when we enacted the NCR/ERDA legislation, we had inadvertently permitted the licensing for export of nuclear facilities and materials to rest in the Nuclear Regulatory Commission, whereas the authority for approval of nuclear technology exports rests in the Energy Research and Development Administration.

This illogical, inefficient separation of similar functions among at least five agencies is being corrected by the bill I am introducing today with the cosponsorship of the distinguished chairman of the Government Operations Committee, Senator RIBICOFF, and the distinguished Senator from Ohio, Senator GLENN, a new and highly valued member of our committee.

This bill, the Export Reorganization Act of 1975, rests on the essential logic that like functions should be grouped in one agency. There is ample precedent for centralizing these sensitive export licensing functions, which might appear to require administration by other agencies, in the Commerce Department. The Commerce Department already licenses exports of the components of nuclear reactors. Such exports have increased in number, reflecting the fact that the emphasis of U.S. nuclear exports has shifted from complete reactors toward reactor parts and related assemblies.

Because it is the agency that has been, since World War II, responsible for licensing strategic exports, including exports to the Soviet Union and other Communist countries under the COCOM process, the Commerce Department has had a great deal of experience in coordinating its sensitive licensing decisions with other departments and agencies. For example, at the present time the Secretary of Defense must sign off on exports of potentially strategic goods to the Communist countries before Commerce issues the actual license. And, the Attorney General must approve decisions to export eavesdropping equipment before Commerce issues a license.

Similarly, the Export Reorganization Act of 1975 requires that, before the Commerce Department may issue a license for the export of nuclear facilities, materials, and technology, it must have the certification of the Nuclear Regulatory Commission that the country to which any such technology, facility or material is to be exported has safeguards at least substantially comparable to the safeguards that the NRC requires be applied to nuclear facilities in the United States.

This is an extremely important provision. By removing from the Nuclear Regulatory Commission the responsibility for issuing licenses, and by requiring that it concentrate on the critical, judgmental question whether or not that export is in the public interest in that it is made under adequate safeguards, we will hopefully upgrade application of safeguards worldwide. By safeguards, we refer to the physical security systems that are used to protect nuclear facilities and materials shipments, and the materials accountability systems that are employed to insure that nuclear materials are not diverted by theft or other means to possibly military uses.

The importance of this aspect of the Export Reorganization Act of 1975 has been underscored by the Secretary of State and the Director of the Arms Control and Disarmament Agency.

Expressing a new emphasis in American policy in a major address to the United Nations in October 1974, the Secretary indicated that American policy must change. He said:

> The United States and a number of other countries have widely supplied nuclear fuels and other nuclear materials in order to promote the use of nuclear energy for peaceful purposes. This policy cannot continue if it leads to the proliferation of nuclear explosives.

ACDA Director Iklé has said that the export of peaceful nuclear technology directly threatens the proliferation of military nuclear weapons capability, and that such exports must be given new scrutiny.

Just as the bill requires that the Nuclear Regulatory Commission give prior approval before the Commerce Department issues export licenses for nuclear facilities, materials, and technology, so the bill requires that the State Department give prior approval before the Commerce Department may issue licenses for exporting munitions. And, before the Commerce Department issues licenses for the export of products to "blocked" countries under the Trading With the Enemy Act, Treasury must give its approval.

Thus, our bill establishes a uniform system for the export licensing of a number of strategic materials and products.

Mr. President, in addition to the benefits that I hope will result from the centralizing of this important governmental function in one agency, I would hope that the bill will also have the critically important result of upgrading this Nation's concern for the safeguarding of nuclear facilities and materials. This objective is a critically important one, important in the most direct ways to the health and safety of the people of this country, and to our common defense and security.

Mr. President, I ask unanimous consent that a statement on the bill by Senator GLENN be included in the RECORD, as if read, immediately following the statement of Senator RIBICOFF.

Mr. President, I also ask unanimous consent that the text of the bill be printed in the RECORD following the statement of Senator GLENN.

Mr. RIBICOFF. Mr. President, as chairman of the Committee on Government Operations, I am pleased to join the distinguished ranking minority member, Mr. PERCY, in introducing a bill that provides major interagency reform of the present system for exporting strategically sensitive commodities from the United States.

The bill, the Export Reorganization Act of 1975, transfers to the Department of Commerce the licensing and approval authorities for certain exports which now reside in the Department of State, the Department of the Treasury, the Energy Research and Development Administration and the Nuclear Regulatory Commission. At the same time, the bill requires the Secretary of Commerce to obtain approval from the heads of agencies whose expertise is vital for insuring that the decisions on whether to export strategically significant commodities are made in full consideration of our vital national interests.

By centralizing the export licensing and approval function in the Commerce Department, the bill recognizes the lead agency role already played by Commerce in export licensing—and thereby promotes economy and efficiency with respect to a vital function in the executive branch. By requiring the Secretary of Commerce to coordinate with the agencies having the lead technical and policy roles in evaluating the impact of significant exports, the bill recognizes a procedure for consultation that dates back to 1949 and thereby promotes interagency coordination and cooperation.

Mr. President, there is great wisdom in singling out a Federal agency to which nearly all persons and commercial interests seeking to engage in foreign commerce can apply for the necessary export license. The Commerce Department has served as that agency since export controls were first applied at the start of World War II. It has developed the expertise that now makes it possible for the Department's Office of Export Administration to process and take action within 1 week on 90 percent of the nearly 300 applications it receives daily. At least 95 percent are acted on in less than 2 weeks.

The remaining 5 percent are the most difficult cases requiring interagency review of technical and policy questions. Under present law, for example, the Secretary of Defense must sign off on virtually all applications to export to Communist countries; the Secretary of Agriculture must approve exports of agricultural commodities, and the Attorney General must approve the export of eavesdropping equipment.

The licensing functions being transferred to the Commerce Department by this act involve exports of a no less sensitive nature.

The function of licensing the export of arms, ammunition and the implements of war under the Mutual Security Act is transferred from the State Department, but no such license can be issued by the Secretary of Commerce without the written approval of the Secretary of State.

The function of licensing exports under the Trading With the Enemy Act is transferred from the Treasury Department, but no such license can be issued by the Secretary of Commerce without the written approval of the Secretary of the Treasury.

The function of approving the export of nonmilitary nuclear technology is transferred from the Energy Research and Development Administration, and the function of licensing exports of civilian nuclear facilities and materials is transferred from the Nuclear Regulatory Commission. No such approval or license for civilian nuclear exports can be issued by the Secretary of Commerce unless the Nuclear Regulatory Commission makes a determination that the safeguards against nuclear theft, diversion and sabotage are comparable to safeguards required by the Commission to obtain a commercial nuclear license in the United States.

The Commerce Department already issues export licenses for component parts of nuclear reactors on the advice of ERDA, not NRC. Ironically, nuclear components now comprise the major share of our nuclear exports, reflecting a shift away from the sale of complete reactors and toward the sale of technology, such as blueprints, and the complex subassemblies that other nations cannot produce themselves.

The NRC now has no voice in either the export of U.S. nuclear technology or the export of component parts that other nations need to convert that technology into operating reactors. Therefore, NRC has been excluded from playing any role in the lion's share of the Nation's nuclear exports, despite the fact that it is designated by the Atomic Energy Act to regulate such exports in the interest of public health and safety and common defense and security. This problem is compounded by the fact that NRC has little more than rubberstamp authority over the exports of facilities and materials which it now licenses, based on international agreements and safeguards findings provided by ERDA.

The act transfers from the Energy Research and Development Administration to the Department of State the function of negotiating with other nations agreements for cooperation on developing nonmilitary nuclear technology, facilities and materials for research and electrical power generating purposes. The act requires the Nuclear Regulatory Commission to establish safeguards criteria to be used by the State Department in negotiating these agreements. The agreements for cooperation provide the basic groundrules for making nuclear exports to particular nations.

The act also transfers from the Energy Research and Development Administration to the Nuclear Regulatory Commission functions relating to safeguards for commercial nuclear technology, facilities and materials which are exported by the United States. In addition, the Commission has transferred to it from the Department of Transportation all functions involved in establishing regulations for the transportation of radioactive materials in interstate and foreign commerce.

In order to promote adequate safeguards against the conversion of peaceful nuclear exports to weapons purposes, the act makes several important requirements of the Nuclear Regulatory Commission:

The Commission must file a nuclear proliferation assessment statement with the Arms Control and Disarmament Agency with respect to each strategically significant nuclear-export application and offer the agency an opportunity to comment on the advisability of the export.

The Commission must establish and operate a special training program for technicians from nations which purchase commercial nuclear exports from the United States. The training will involve the most advanced safeguards techniques for detecting diversion of nuclear materials and preventing theft and sabotage.

The Commission must conduct a comparative study of physical-security and materials-accounting safeguards regulations and guidelines of the United States and of the International Atomic Energy Agency, and make recommendations to the President and to Congress for the upgrading of these safeguards.

The Commision must study and make recommendations on the feasibility of internationalizing all strategically significant aspects of the commercial nuclear fuel cycle in all parts of the world to minimize the danger of nations or subnational groups converting peaceful plutonium or uranium for use in atomic bombs or deadly dispersal devices.

Mr. President, I consider the Export Reorganization Act an extremely important piece of legislation because it applies a uniform system of interagency coordination, with appropriate checks and balances, to the process of licensing strategically significant commodities for export by the United States.

The proposed reorganization of Federal controls over peaceful nuclear exports is especially crucial because it seeks to reverse the present dangerous proliferation of commercial reactors and materials throughout the world without adequate safeguards to prevent the spread of nuclear weapons.

The nuclear export policies and practices of this Nation are not only dangerous; they are scandalous. For years we have been exporting our commercial nuclear technology both in the form of blueprints and actual reactors without insisting on safeguards that are strict enough to prevent their conversion to weapons purposes.

For years we have been the sole exporter of the enriched uranium needed to fuel the free world's commercial reactors, but we never used this monopoly to insist on safeguards that would prevent the plutonium byproduct of these reactors from being made into atomic bombs.

We have ratified the Nuclear Non-Proliferation Treaty, but we continue to sell our nuclear exports to non-NPT countries like India which refuse to place all of their nuclear facilities under even the limited safeguards of the International Atomic Energy Agency.

IAEA safeguards are designed only to detect diversion of nuclear materials by nations, not to prevent theft and sabotage by terrorist groups. It is questionable whether present IAEA safeguards are adequate to foil a nation that seeks to secretly stockpile plutonium.

The excuse that our Government and our nuclear industry give for continuing to export nuclear reactors under presently inadequate safeguards is that if we do not sell our reactors to nations that want to buy them, other nuclear exporting nations will make the sales—and under safeguards conditions that are less strict than our own.

The terrible irony of all this is that the reactors now being sold by such exporters as France and West Germany in competition with our own reactors are based on designs that American manufacturers originally sold to French and West German manufacturers. The exports of this American nuclear technology had been approved by the old Atomic Energy Commission without requiring, as a condition of the sale, that foreign manufacturers impose strict safeguards on their own reactor exports. The result is that we now find ourselves in an increasingly nuclear-powered world that is governed by old-fashioned nationism and crass commercialism.

Unless something is done—and done quickly—to reverse this trend, the spread of nuclear weapons and the threat of nuclear blackmail may be irreversible.

There are hopeful signs that our Government may, at last, have awakened to the problem. Last fall, Secretary of State Kissinger told the United Nations General Assembly:

> We must take into account that plutonium is an essential ingredient of nuclear explosives and that in the immediate future the amount of plutonium generated by peaceful nuclear reactors will be multiplied many times. Heretofore, the United States and a number of other countries have widely supplied nuclear fuels and other nuclear materials in order to promote the use of nuclear energy for peaceful purposes. This policy cannot continue if it leads to the proliferation of nuclear explosives. Sales of these materials can no longer be treated by anyone as a purely commercial competitive enterprise.

More recently, Fred Ikle, Director of the Arms Control and Disarmament Agency, stated the problem succinctly: The export of peaceful nuclear technology, he said, "provides not only the means, but also the cover," for a spread of nuclear weapons. He also noted:

> Now we suspect that the intent to make nuclear weapons exists in several places even though the capability is not yet there.

Mr. President, the time has come for the nuclear debate to rise above simple name calling. One side calling the other "pronuclear" or "antinuclear" proves nothing and solves nothing. It only causes confusion and anger at a time when we must be clearheaded and calm. The time has come to stop arguing whether nuclear exports are a problem and start taking meaningful action to prevent the problem from getting out of hand.

Mr. President, last year the Government Operations Committee took the first step in that direction by managing the Energy Reorganization Act, which abolished the Atomic Energy Commission and replaced it with two new agencies to separate regulation from promotion of nuclear powers in the United States.

This year, the nuclear provisions of the Export Reorganization Act seek to extend this separation of Federal regulatory and promotional activities to the export of nuclear technology abroad, as well. The transfers contained in the act would place clear authority and vitally needed resources in the Nuclear Regulatory Commission to establish as rigorous safeguards for nuclear exports as we require for the nuclear technology we use here at home.

Plutonium stolen abroad poses as great a danger to our defense and security, to our health and safety, as plutonium stolen at home. The same holds true for every nation in the world. Therefore, I do not accept the argument that we cannot condition our nuclear sales on strict safeguards because other nuclear exporting nations will not follow our example.

I believe that if the United States exerts world leadership on this momentous issue, other nations will follow. We are still the world leader in nuclear technology; we are still the major supplier of enriched nuclear fuel. Other nations cannot ignore us—yet. But time is running out. Unless we are prepared to live in peril in a world of nuclear disorganization, we must begin to act wisely now.

Next month, more than 100 nations will meet in Geneva, 5 years after the Nuclear Nonproliferation Treaty took effect. I plan to hold a series of hearings beginning April 24 on the nuclear provisions of this act to explore the relationship between nuclear exports and weapons proliferation, and to establish a public record that will be useful to the conference. I have asked Senator GLENN, in recognition of his scientific and technical achievements, to serve as ad hoc chairman of these hearings.

The Government Operations Committee also will soon issue a compendium of reading materials on the issue of nuclear exports and proliferation to provide as complete a record as possible on the legal, technical and policy aspects of the problem.

Mr. President, the world's 185 commercial reactors, now located in 35 nations, have produced a total of 135,000 pounds of plutonium. Most of this plutonium remains inaccessible in highly radioactive spent reactor fuel. By the year 2000, some 100 or more nations will have 2,000 nuclear power reactors, and these reactors will be generating an estimated 2 million pounds of plutonium a year, every year. If every nation by then is permitted to reprocess its own plutonium under safeguards that are no stricter than they are today, then there is little hope that any nation—or any well-armed terrorist group—can be prevented from getting plutonium if it wants it.

Mr. President, the technology can be found in public print today for making a crude nuclear device, capable of killing 100,000 people in a densely populated area, using only about 20 pounds of plutonium. Safeguards will have to be very strict indeed to prevent 20 pounds of plutonium from being diverted from the 2 million pounds that the world's reactors will generate each year.

I urge that we start reorganizing the executive branch to deal with the problem now.

Mr. GLENN. Mr. President, I am pleased to cosponsor the Export Reorganization Act of 1975. In an era of economic plight, it is imperative that we carefully consider our export capabilities and opportunities. The proposed bill will centralize export licensing in the Department of Commerce, thereby reducing time-consuming bureaucratic delays and allowing American businessmen to speedily react to business opportunities abroad.

In addition to enhancing our trade potential, the bill is designed to improve the future peace and safety of all citizens. The dual nature of nuclear power offers mankind new capabilities for both assistance and destruction. It is precisely this unique dual capacity which demands constant vigilance. There is not one difference between the innards of a nuclear weapon and a "peaceful explosive."

The apparent diversion of plutonium by India from a Canadian reactor for a "peaceful" explosion demonstrates exactly the dangers we face. Estimates are that by the year 2000, there may be 2 million pounds of plutonium produced annually. We must do everything in our power to avert the use of this material by terrorists and to protect against the prospect of a world of nuclear armed states turning to violence to resolve differences. With that objective, the bill would restrict the export of nuclear power facilities, materials or information unless the U.S. Nuclear Regulatory Commission determined that safeguards "substantially comparable" to our own domestic procedures exist in the recipient country. Further, the Commission would be directed to examine the safeguards which are currently in force domestically and internationally and to make recommendations for the means to upgrade those found to be deficient.

Mr. President, it is clear to me that the bill we introduce will not remedy all difficulties with respect to exports or avert all risks arising from the technologies involved. Yet if we define our objective in terms of minimizing those risks and difficulties, I believe the bill points the way toward achieving that objective. I congratulate Senators PERCY and RIBICOFF on their work to this end and am grateful and proud to be a part of their effort.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Export Reorganization Act of 1975".

STATEMENT OF PURPOSE

SEC. 2. (a) The Congress hereby finds and declares—

(1) that it is in the interest of the economy and effectiveness of the Executive Branch, and in the interest of the effectiveness of Congressional oversight, to reorganize and centralize certain export licensing functions of the Government in a single agency to which all persons and commercial interests seeking to engage in foreign commerce can apply;

(2) that the Department of Commerce now has the responsibility for providing such a centralized function by issuing most export licenses required by the laws of the United States;

(3) that the Department of State, the Department of the Treasury, the Energy Research and Development Administration and the Nuclear Regulatory Commission now exercise export licensing and approval authorities that are substantially similar to the authorities now exercised by the Department of Commerce;

(4) that these licensing and approval authorities should be transferred to the Department of Commerce, with appropriate coordination with other agencies to ensure that the national interest is protected in the licensing and approval of exports;

(5) that the exporting of non-military nuclear facilities, material and technology involves special problems related to common defense and security and public health and safety posed by the international proliferation of plutonium and other special nuclear materials, and by their potential conversion by nations and subnational groups into explosive weapons or dispersal devices;

(6) that the licensing of such exports should be made contingent upon a determination that safeguards against theft, diversion and sabotage in recipient nations are at least substantially comparable to the safeguards that are required in order to obtain a commercial nuclear license in the United States;

(7) that determinations of safeguards comparability should be made by the Nuclear Regulatory Commission, the agency responsible for protecting common defense and security and public health and safety through the issuance of commercial nuclear licenses in the United States, and

(8) that commercial nuclear exports by the United States should be made in the context of meaningful international controls, and that consideration should be given to the internationalization of all strategically significant aspects of the non-military nuclear fuel cycle.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "atomic energy facility or material for use for nonmilitary purposes" means any production or utilization facility, any special nuclear material, any source material or any by-product material as defined in section 11 of the Atomic Energy Act of 1954, to be used for non-military purposes;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "Department" means the Department of Commerce;

(4) "function" includes power and duty;

(5) "non-military atomic energy technology" means any technology which the Commission determines to relate to atomic energy facilities or materials for use for non-military purposes;

(6) "safeguards" means materials accountability and physical security; and

(7) "Secretary" means the Secretary of Commerce.

TRANSFERS TO THE SECRETARY OF COMMERCE

SEC. 4. (a) (1) There are transferred to the Secretary of Commerce and the Secretary shall perform such functions of the Secretary of State under section 414 of the Mutual Security Act of 1954 as relate to the approval for export (including the issuance of export licenses) of arms, ammunition and the implements of war.

(2) No export license for arms, ammunition and the implements of war which prior to the effective date of this Act would have been issued by the Secretary of State for arms, ammunition and the implements of war may be issued by the Secretary unless the Secretary of State has given written approval for the issuance of such a license.

(b) (1) There are transferred to the Secretary, and the Secretary shall perform, such functions of the Secretary of the Treasury under the Trading with the Enemy Act as relate to the issuance of export licenses.

(2) No export license which prior to the effective date of this Act was issued by the Secretary of the Treasury under the Trading with the Enemy Act may be issued by the Secretary unless the Secretary of the Treasury has given written approval for the issuance of such a license.

(c)(1) There are transferred to the Secretary, and the Secretary shall perform, such functions of the Nuclear Regulatory Commission under sections 53(a), 62, 82(c), 103 and 104 of the Atomic Energy Act as relate to the issuance of export licenses for atomic energy facilities or materials for use for non-military purposes.

(2) No export license for atomic energy facilities or materials for use for non-military purposes may be issued after the effective date of this Act unless the provisions of section 7(a) of this Act are met.

(d)(1) There are transferred to the Secretary, and the Secretary shall perform, such functions of the Administrator of the Energy Research and Development Administration as relate to the approval for export of non-military atomic energy technology.

(2) No approval for export may be given for non-military atomic energy technology after the effective date of this Act, unless the provisions of section 7(a) of this Act are met.

TRANSFER TO THE SECRETARY OF STATE

SEC. 5. There are transferred to the Secretary of State, and the Secretary shall perform, all functions of the Administrator of the Energy Research and Development Administration relating to the development of international agreements for cooperation on atomic energy facilities or materials for use for non-military purposes and non-military atomic energy technology.

TRANSFERS TO THE NUCLEAR REGULATORY COMMISSION

SEC. 6. (a) There are transferred to the Commission, and the Commission shall perform, such functions of the Administrator of the Energy Research and Development Administration as relate to safeguards for atomic energy facilities or materials for use for non-military purposes and non-military atomic energy technology which are to be exported.

(b) There are transferred to the Commission, and the Commission shall perform, such functions of the Secretary of Transportation under sections 832 and 833 of title 18, United States Code, that relate to the transportation of radioactive materials.

SAFEGUARDS COMPARABILITY

SEC. 7. (a) No export license for the exportation of atomic energy facilities or materials for use for non-military purposes may be issued by the Secretary, and no approval for the export of non-military atomic energy technology may be given by the Secretary, unless the Commission determines that the recipient country to which any such technology, facility or material is to be exported has safeguards substantially at least comparable to safeguards required by the Commission in the United States.

(b) The Commission shall establish criteria for use in the development of international agreements for cooperation with foreign countries relating to safeguards with respect to atomic energy facilities or materials for use for non-military purposes and non-military atomic energy technology.

(c)(1) The Commission shall establish and operate a training program to be made available to persons from countries which purchase licensed atomic energy facilities or materials for use for non-military purposes from any person in the United States. Any such program shall include the most advanced techniques and technology for materials accounting and physical security, consistent with national security interests of the United States.

(2) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

NUCLEAR PROLIFERATION ASSESSMENT STATEMENT

SEC. 8. (a) The Commission shall, with respect to each determination pursuant to section 7(a) involving strategically significant atomic energy facilities or materials for use for non-military purposes and non-military atomic energy technology, prepare and furnish a nuclear proliferation assessment statement to the Arms Control and Disarmament Agency.

(b) In any case of a determination under section 7(a) to which subsection (a) applies, the Commission shall notify the Arms Control and Disarmament Agency of the proposed approval or license and, offer that Agency an opportunity to comment on such approval or license.

SAFEGUARDS STUDY

SEC. 9. (a)(1) The Commission shall conduct a thorough study of the safeguards guidelines and regulations for atomic energy facilities or materials for use for non-military purposes established by the United States and by the International Atomic Energy Agency, with special consideration of the differences in such safeguards.

(2) Not later than 9 months from the date of enactment of this Act, the Commission shall prepare and transmit to the President and the Congress a report on the study required by this subsection, together with such recommendations, including recommendations for the upgrading of such safeguards, as the Commission deems advisable.

(b)(1) The Commission shall conduct a thorough study of the feasibility of internationalization of all strategically significant aspects of the non-military atomic energy fuel cycle.

(2) Not later than 9 months from the date of enactment of this Act, the Commission shall prepare and transmit to the President and the Congress a report on the study required by this subsection, together with such recommendations as the Commission deems advisable.

(c) Such sums as may be necessary are hereby authorized to carry out the provisions of this section.

TRANSFER OF PERSONNEL AND PROPERTY

SEC. 10. (a) All personnel, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Secretary, to the Secretary of State, or to the Commission, as the case may be.

(b)(1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this Act shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(2) The transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

SAVINGS PROVISIONS

SEC. 11. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by the Secretary of State, or by the Commission, as the case may be, or by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department, the Department of State, the Energy Research and Development Administration, or the Commission, as the case may be. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary, by the Secretary of State, or by the Commission, as the case may be, or by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department, the Department of State, or the Commission, as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary, the Secretary of State, or the Commission, as the case may be, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary, the Secretary of State, or the Commission, as the case may be,

then such suit shall be continued by the Secretary, the Secretary of State, or the Commission, as the case may be (except in the case of a suit not involving functions transferred to the Secretary, the Secretary of State, or the Commission, as the case may be, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Department, the

Department of State, or the Commission, or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary, the Secretary of State, or the Commission, as the case may be, in the exercise of functions transferred under this Act shall be subject to judicial review in the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary, the Secretary of State, or the Commission, as the case may be.

(f) In the exercise of the functions transferred under this Act, the Secretary, the Secretary of State, or the Commission, as the case may be, shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercized by such agency or office, or part thereof.

EFFECTIVE DATE

Sec. 12. This Act, other than this section, shall take effect ninety days after the date of enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 681

At the request of Mr. Moss, the Senator from Wyoming (Mr. McGee), the Senator from Rhode Island (Mr. Pell), the Senator from Utah (Mr. Garn), and the Senator from Kentucky (Mr. Ford) were added as cosponsors of the bill (S. 681) to allow the use of certain funds authorized to be appropriated for expenditure from the highway trust fund and apportioned to the States pursuant to title 23, United States Code, without matching State or local funds.

S. 977

At the request of Mr. Mathias, the Senator from Michigan (Mr. Philip A. Hart), the Senator from Rhode Island (Mr. Pell), the Senator from Illinois (Mr. Stevenson), the Senator from New Jersey (Mr. Case), the Senator from Kansas (Mr. Pearson), and the Senator from Wyoming (Mr. Hansen) were added as cosponsors of the bill (S. 997) to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.

S. 998

At the request of Mr. Moss, the Senator from Florida (Mr. Chiles) and the Senator from Vermont (Mr. Leahy) were added as cosponsors of the bill (S. 998) to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services and National Archives and Records Service with respect to records management by Federal agencies, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. Helms, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of the joint resolution (S.J. Res. 30) authorizing the President to proclaim September 8 of each year as "National Cancer Day."

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. Dole, the Senator from Maryland (Mr. Beall) was added as a cosponsor of the concurrent resolution (S. Con. Res. 5) to urge the President to establish a Council on the Missing in Action.

SENATE RESOLUTION 130—SUBMISSION OF A RESOLUTION AUTHORIZING PRINTING OF REPORT ENTITLED "REPORT TO CONGRESS ON CONTROL OF SULFUR OXIDES"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. Res. 130

Resolved, That the report from the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 119(k) of Public Law 93-319, Energy Supply and Environmental Coordination Act of 1974), entitled, "Report to Congress on Control of Sulfur Oxides," be printed, with illustrations, as a Senate Document.

Sec. 2. There shall be printed one thousand (1,000) additional copies of such report for the use of the Committee on Public Works.

SENATE CONCURRENT RESOLUTION 32—ORIGINAL CONCURRENT RESOLUTION REPORTED RELATING TO A DETERMINATION OF THE CONGRESSIONAL BUDGET

(Placed on the calendar.)

Mr. MUSKIE, from the Committee on the Budget, reported the following concurrent resolution:

S. Con. Res. 32

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby determines, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

(1) the appropriate level of total budget outlays is $365 billion;

(2) the appropriate level of total new budget authority is $388.6 billion;

(3) the amount of deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $67.2 billion under existing law, and $69.6 billion if the revenue measures referred to in paragraph (4) are extended and enacted;

(4) the recommended level of Federal revenues under existing law is $297.8 billion and, if certain provisions of the Federal Tax Reduction Act of 1975 are extended to 1976 and additional taxes on energy are enacted, the level of Federal revenues will be $295.4 billion; and

(5) the appropriate level of the public debt is $617.6 billion under existing law and $620 billion if the revenue measures referred to in paragraph (4) are extended and enacted.

Sec. 2. The Congress, in setting forth the amounts contained in the first section of this resolution, estimates that Federal receipts from the leasing of the Outer Continental Shelf for oil exploration purposes will be $4 billion, rather than the $8 billion estimated in the Budget submitted by the President. If the $8 billion estimated is realized, the deficit set forth in paragraph (3) of the first section is $63.2 billion under existing law and $65.6 billion if the revenue measures referred to in paragraph (4) of such section are extended and enacted.

Mr. BELLMON. Mr. President, I would be remiss if I did not call the attention of the Senate to the historical significance of this event. The concurrent resolution of the Senate Committee on the Budget represents the first and long overdue step toward the development of a congressional policy of total budget formulation and review. Further, this resolution represents the Senate's initial effort toward the evaluation of the macroeconomic effects of the budget and the declaration of budget priorities.

Congress has frequently been criticized for its piecemeal approach to dealing with the budget and its economic implications. The creation of the Committee on the Budget was the necessary response to this valid criticism. With this first resolution we have evaluated the various functional categories in terms of need and in terms of their respective effects on overall fiscal policy. We have made an effort to avoid dealing with the merits or lack of merit of particular programs. Rather, we concentrated our energies on our difficult task of establishing priorities among these various categories given the present economic condition of our Nation.

This establishment of priorities was done within the framework of our broader assignment of setting an overall spending limit for fiscal 1976 and recommending an amount of budget deficit which we believe is designed to minimize the risk of reigniting inflation while maximizing our efforts to pull the economy out of the current recession.

This is, of course, not to say that there is total agreement among the committee members on all points. The various recommendations represent compromises. Some members are concerned that we did not recommend sufficient spending to cure our economic ills. Others, myself included, are concerned with the inflationary potential of a historically large budget deficit. Nevertheless, I can state that at least the process of meaningful budget review and control has been initiated and that this marks a great step forward and toward wiser management of our fiscal affairs.

Mr. President, at the appropriate time I will have much to say about the excellent work done by the distinguished Senator from Maine, our chairman (Mr. Muskie). For the moment let me only congratulate him for the wise and fair manner he has carried on his important task which makes possible the introduction of this concurrent resolution today.

AMENDMENTS SUBMITTED FOR PRINTING

PETROLEUM PRICE INCREASE LIMITATION ACT—S. 621

AMENDMENTS NOS. 346 AND 347

(Ordered to be printed and to lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the bill (S. 621) to prohibit for a period of 90 days the lifting of all price controls on domestic oil, and to thereafter require the submission to and the right of review and disaproval of the Congress of such action within 30 days.

MEDICAL DEVICE ACT—S. 510

AMENDMENT NO. 348

(Ordered to be printed and to lie on the table.)

Mr. NELSON (for himself and Mr. Philip A. Hart) submitted an amendment intended to be proposed by them jointly to the bill (S. 510) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to assure the safety and effectiveness of medical devices.

Mr. NELSON. Mr. President, an amendment that I am offering to S. 510, the Medical Device Safety Act, would require that all implanted medical devices be subject to scientific review prior to their being approved for marketing, unless the Secretary determines that the use of such an implanted device does not pose a health hazard.

The bill as it passed the Senate last year contains language that I offered, which requires that all devices that are life sustaining or life supporting be subject to premarket scientific review. This is found on page 4 of the bill, in section 511 (c)(1)(B)—lines 21 through 25, "preliminary classification of devices."

In addition, language in the bill allows the Secretary of HEW to declare that a device—or type or class of device—shall be subject to scientific review with respect to any particular use or intended use thereof if he determines that scientific review for any device is appropriate to protect the public health and safety, and he finds that other means may not be appropriate to reduce or eliminate such risk of illness or injury. This language is on page 30 of the bill—lines 2 through 9, in section 514(a)(1), "When scientific review is required."

In the past year, considerable scrutiny has been given to the safety of intrauterine contraceptive devices—IUDs, because of reports of deaths and serious injury occurring from their use.

The House Subcommittee on Intergovernmental Relations, chaired by Representative L. H. Fountain, and the Senate Health Subcommittee, chaired by Senator Kennedy, have held hearings on the problems reported with IUDs and one in particular, the Dalkon Shield. Industry and FDA records show that five women may have died from complications arising out of the Dalkon Shield's insertion when a pregnancy occurred, and 32 to 40 cases of septicemia (blood poisoning) may have been caused by the Dalkon Shield.

Testimony before these committees clearly demonstrates that such implanted devices should have been more thoroughly tested under careful scientific scrutiny before they were implanted in some 2 million American women—not afterwards, and after women had died or suffered severe health hazards.

The IUD is a perfect example of the need not only for this legislation, to expand the Government's regulatory authority over medical devices, but particularly of the need for careful premarket testing of certain devices.

The bill before you does not require implantable devices to undergo premarket scientific review. The bill does allow the Secretary discretion to require such testing for "those devices for which insufficient information exists to assure effectiveness, or assure that exposure to such devices will not cause unreasonable risk of illness or injury, and for which standards or other means may not be appropriate to reduce or eliminate such risk of illness or injury, and which therefore should be subject to premarket scientific review pursuant to section 514." This language is contained in the first section, 511, "preliminary classification of devices," page 4, line 13 through 21.

I believe this discretionary authority is not adequate to protect the public health and safety from the very kind of problems that have arisen because implanted IUD's were not adequately scientifically studied. Problems are known about other implantable devices, which are not necessarily life sustaining or life supporting.

Dr. Richard P. Dickey, associate professor of obstetrics and gynecology at Louisiana State University School of Medicine, a member of an ad hoc committee of scientific experts called on by the FDA to examine the Dalkon Shield problem, testified January 28, 1975 before the Senate Health Subcommittee that scientific review would be appropriate to the Dalkon Shield. He stated that other members of the committee may also consider it appropriate. He said, in reference to data about the comparative risk of the Dalkon Shield:

> These are all tentative because we do not have the hard data of scientific review that is required in the case of new drugs. It is the lack of scientific review that is at the very basis of our problem with devices, and this device in particular.

Dr. Charles McDowell, Lynn, Mass., another witness at the Senate hearing and another member of the same ad hoc committee, wrote FDA Commissioner Dr. Alexander Schmidt on January 20, 1975, quoting from the recommendations of the ad hoc committee which noted that,

> Existing data are insufficient to permit a thorough scientific review of the safety and adequacy of IUD contraceptive devices.

Mr. Joseph Mamana testified before the Senate subcommittee that:

> None of the (IUD's) have gone through a pre-clearing procedure.

If they had, he added, the hearing might not have been necessary.

The report on this bill makes it clear that the Labor and Public Welfare Committee intends that IUD's be subject to premarket clearance. However, this amendment makes it mandatory that all implantable devices undergo scientific review, unless the Secretary determines that the use of such an implanted device dose not pose a health hazard.

Examples of implanted devices that have posed problems because they were not adequately scientifically reviewed prior to marketing:

IUD's—Hearings conducted by Senator Kennedy and by Representative L. H. Fountain before the House Intergovernmental Relations Subcommittee showed that IUD's have caused numerous problems—in some instances, health hazards—which would have shown up with more thorough premarket testing. Physician witnesses questioned by Representative Fountain stated that IUD's should be premarket tested.

Supercoil abortion device.—Caused numerous complications and permanent damage when used to induce abortions. Was never properly tested, according to experts in the abortion field, and there are no published reports documenting its safety in the medical literature.

Defective inhalation equipment.—Problems with three types of devices, including one child's death, are reported by a Los Angeles hospital which requested, but did not receive from at least one company, evidence of previous animal and human studies.

Non-Radioopaque Intravenous Catheter.—A 1971 article in the American Journal of Roentgenology documents 100 cases in which a plastic catheter broke off and caused serious harm or death to a patient, illustrating inadequate premarket testing. They are still available "'for selected customers, including Defense Personnel Support Center," according to the manufacturer.

Heart Valves.—Changes in materials or components that were inadequately tested resulted in serious failures of parts of certain heart valves, including one model that had a failed strut. Four deaths have been attributed to this failure. More thorough premarket testing would have shown up such problems.

Orthopedic implants.—There are some 30–40 cases in literature describing failures of such devices, including problems with metal fatigue that resulted in breaks, which premarket testing would have demonstrated—particularly hip prosthetics, and possible leaching of toxic substances such as polyvinyl chloride from plastic-covered bone pins into the bloodstream.

Evolution of Ventriclo-jugular shunt.—This device drains hydrocephalic fluid from the brain to the circulatory system. Jamming and infection have been major problems, which would have shown up with more adequate testing experimentally.

Dental fillings.—They are made of highly toxic substances, such as mercury, and beryllium, and are constantly changing, thus warrant premarket review.

Vitallium Discs.—Vitallium is a material used in many orthopedic prostheses, previously thought to be inert but never tested thoroughly. In a report to the N.Y. Academy of Sciences, Conference on Occupational Carcinogenesis, March 24, 1975, an Italian scientist reported that vitallium discs implanted in subcutaneous tissues of rats induced cancer, and that vitallium is not an inert substance.

Pacemaker.—Although, under the Senate-passed medical device bill of last year, heart pacemakers would be required to undergo scientific review because they are "life-sustaining" or "life-supporting", they are an example of the lack of such scientific premarket review. The FDA has concluded that problems with many pacemakers, now showing up, are due to "improper design, material or part selection, or processing"; proper premarket testing would have brought out many of these problems.

Silicone Breast and other implants.—Problems identified with these implants include severe chemical reactions, infections, and gangrene.

Example of what scientific review might be required: For bone pins, about which much is known, but for which problems also are known, tests might be developed and required that address only the problems, with a re-review required in future years. Substances might be required to be placed in a solution for a short period of time, to determine whether they leach.

TEST PROTOCOLS COULD BE CHANGED TO ACCOMMODATE NEW DATA

At issue in this legislation is the difference between scientific review and standards:

Meeting standards means that differently constructed devices—like automobiles—are required to perform the same way.

Scientific review means that types of devices must be clinically tested according to protocols recommended by scientific experts, to determine whether the devices are safe and effective in their performance.

Scientific review protocols would not be prescribed in law. They would be determined by scientific experts in the regulatory agency or advising the agency.

Such protocols can be changed more quickly and readily than can standards.

Standards take a long time to be established, based on lengthy discussions and public comment.

Scientific review protocols may be short-term or long-term, depending on what problems need to be studied. They can be established quickly. They can be adapted to studies needed. Nothing in the amendment tells the agency what the protocols or scientific tests should be. That is up to scientific experts and the regulatory agency. Test requirements obviously would vary in degree dependent on type and use of the device.

There is an important difference between device scientific review and drug premarket clearance as required by law: Much already is known about devices. Test protocols could be adapted to what is not known or what is determined to be inadequate scientific evidence on which to adjudge a device's safety and efficacy. Lengthy clinical trials for scientific review are not needed for many devices. Much scientific information can be obtained by short-term testing, such as leaching tests for bone pins.

Every device or implantable item would not have to be individually tested: Each type would have to be certified as meeting scientific review test protocols.

SUPPORT FOR SCIENTIFIC REVIEW

An independent testing laboratory in Philadelphia, the Emergency Care Research Institute, recommends that scientific review be mandatory for devices that are implanted or contact mucous membranes for prolonged periods of time; and those that emit energy that contacts the human body.

Dr. Joseph Davis, Director, Scientific Review of the HEW Office of Medical Devices, submitted testimony on his personal behalf to both the Senate and House Subcommittees on Health last session, stating that, in his more than 25 years experience with standard-setting, the process is lengthy and cumbersome. He further stated:

The concept of evaluating products on the basis of a "scientific review" by the Agency would provide a moro flexible basis on which to operate, one not tied in or geared to "drug thinking" nor dependent upon committee decisions.

Mr. President, I ask unanimous consent that the statement of Dr. Davis be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOSEPH B. DAVIS, M.D.

I cannot stress too strongly the important differences between drugs and devices. Drugs, which are basically chemical entities, are consumed on a short-term individual dosage basis and are changed or destroyed in the body. Devices, on the other hand, which involve all the physical sciences plus all the divisions of the biological sciences, are used on an individual product basis for a short time or for the life time of the patient, and are usually intended to be as inert as possible. The involvement with medical devices may be more clearly understood if it is compared to our Nation's efforts to put man into space. There the problem dealt with the interdisciplinary efforts to put a biological system (man) with a capsule (a mechanical device) into space. In the field of medical devices, we are putting the capsule (a mechanical device) into man, a concept far removed from the use of a drug. . . .

It is apparent that to make an adequate and proper classification of medical devices based on "safety and efficacy" that a "scientific review" is required. Obviously, all devices will have to be reviewed, scientifically, in any aspect of consideration. . . .

3) In the case of new device products or changes in old devices on the market, when the safety and efficacy is unproven or not demonstrated, scientific review would be the method of choice to protect the consumer even though "experts" may find that scientific review does not seem to be indicated. . . .

In effect, it is proposed that all devices be subjected to a certain amount of scientific review, the depth and amount of scientific review to be dependent upon the importance of the device (based on the priorities and where or how it was used). . . .

Once a device had been evaluated as to its safety and efficacy relative to its use on the patient and found acceptable, it would be approved for such use. If, at a later date, problems developed, improvements were made, etc., the product would be subject to review again from the aspect of the change, problem, etc. Further, I can see nothing objectionable in allowing the manufacturer of such a Government approved article to so state on that article. This could well tie in with an annual registration of the device to be discussed later. . . .

STANDARDS

Standards for medical devices have, unfortunately and impractically, been seen as the beginning and end point for the solution of the many problems related to medical devices. Such concept is highly impracical. Those standards which are in existence would be useful in the scientific evaluation of a device for which the standards were applicable. Unfortunately, no single standard for a medical device will cover all those aspects related to safety and efficacy that should be considered in such a scientific evaluation. Further, it is economically and scientifically not possible to write all the necessary standards that would be required. I have repeatedly made the statement (and no one knowledgeable in standard making has disagreed) that if all the scientists in the United States who are knowledgeable and informed as to what is involved in writing a standard were to work 24 hours a day for the next 10 years, they still would not have written the required standards for the some 20,000 or more medical devices presently existing. Since such standards will require a re-review and up-dating every 3 to 5 years because of technological changes, the problems are further complicated as to the time and effort required.

Mr. NELSON. Mr. President, this amendment presumes the need for scientific review unless the Secretary determines that certain implantable devices do not need to undergo such scrutiny because they do not pose a hazard..

Mr. President, I ask unanimous consent that the text of the amendment be printed in the RECORD following these remarks.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 348

On page 4, line 25, insert before the period the following: ", or is intended to be implanted in human beings, unless the Secretary determines that the use of such an implanted device does not pose a health hazard."

CORRECTION ON SMALL BUSINESS HEARINGS ANNOUNCEMENT

Mr. GARN. Mr. President, I would like to insert a correction of the bill number given as the subject of Small Business Subcommittee hearings, which were announced in the RECORD on April 10.

The Subcommittee on Small Business of the Committee on Banking, Housing and Urban Affairs will hold hearings at 10 a.m. on April 21 and 22, in room 5302, Dirksen Senate Office Building. The subject of the hearings will be S. 1337, a bill to amend the Small Business Act, and such other matters as may properly come before the subcommittee.

All persons wishing to testify should contact Ms. Ellen Oberdorf, room 5300, Dirksen Senate Office Building, telephone 224–0891.

NOTICE OF HEARING

Mr. MUSKIE. Mr. President, the Subcommittee on Intergovernmental Relations will hold a hearing on S. 957, the Intergovernmental Personnel Act Amendments of 1975, on Wednesday, April 16, 1975, at 2 p.m., in room 4232, Dirksen Senate Office Building.

Persons wishing to submit statements for the record should contact Mrs. Lucinda Dennis, chief clerk of the subcommittee.

ADDITIONAL STATEMENTS

THE TRAGIC FATE OF SIKKIM

Mr. PELL. Mr. President, world history is far too full of days of infamy—days when nations have behaved treacherously and imfamously toward one another. Added to this imfamous list is India's gobbling up of the tiny Himalayan country of Sikkim.

From all reports India has grown weary of the pretense of absorbing Sikkim by what it has called "legal" means and has now resorted to brute force. Indian forces have disarmed Sikkimese guardsmen, faithful to their sovereign, Chogyal Palden Thondup Namgyal, have occupied his palace and have put the Chogyal and his heir in "protective detention." In the process of this violence, one Sikkimese was reported killed and four wounded. I pray that India, whose behavior toward Sikkim has been treacherous and barbarous, will at the very least be sure that the Chogyal and the Crown Prince are adequately protected.

So many little countries on the border of huge nations suffer. And God help the little nations that have the misfortune to live on India's periphery.

We have seen that India, a nation which is always talking about peace and coexistence and asking for material help, is the only nation that has—three times since World War II—used or sought to use force to enlarge its borders at the mercy of its neighbors.

First it was the Portuguese enclave of Goa, then Pakistan, and now tiny Sikkim. The Indian Government talks peace, then proceeds to explode a nuclear weapon. She inveighs against the United States, yet always has a hand extended for our help.

I certainly hope that we as a nation will recognize the real character of India as we watch in dismay little Sikkim being devoured by the colossus to its south.

Is it coincidental that this use of Indian force should occur at the same time that the Indian-puppet Chief Minister of Sikkim is reportedly petitioning New Delhi for a complete absorption of Sikkim into India? Is it coincidental that this same Indian puppet has engineered a resolution through the Indian-dominated Sikkim Assembly to terminate the monarchy—which is the last remaining symbol of Sikkimese national identity?

No. It is clear, I am afraid, that all of these events are part of the well-orchestrated Indian plot to finish the bit-by-bit absorption of Sikkim it began 2 years ago.

Today the last act of this farce is to take place when the Sikkimese people will be asked to vote on a "referendum" calling for the complete integration of Sikkim into India and the abolition of the monarchy based on the resolution railroaded through the so-called Sikkim Assembly on April 10 following India's resort to force in its final solution to Sikkimese resistance to a full Indian takeover.

How in a country where elections or referendums need weeks or months for preparation can one expect a true and free expression of the people's will from this referendum arranged on a few days notice and involving such basic issues?

The Communists have an apt name for this process—they call it the salami process. You cut off a little slice, and then another and another and another until finally there is no salami left. This is what the Indians have been doing to Sikkim and the end, alas, is in sight.

Let us remember, too, that India's appetite for Sikkim is of relatively recent origin. It was only 15 years ago that Prime Minister Nehru said that he "cannot imagine any foreign authority doing anything which is an infringement" of the sovereignty of Sikkim and Bhutan.

I do pray that, even at this late date, India will stay the arm that is poised to deliver the final blow. The bell that tolls for Sikkim tolls for small states everywhere that finds themselves by geographic cricumstances neighbors of large and covetous powers. That same bell also tolls for the whole principle of nonintervention in the affairs of other states regardless of their size and power.

Let some of the indignation of which the American people are capable be directed at India; let her receive the moral opprobrium that is her just due for mocking the principle of sovereignty by gobbling up her little neighbor.

FIXING A FLOOR PRICE FOR OIL

Mr. CASE. Mr. President, the agreement the administration has made with other Western industrial countries to fix a floor price for oil will not insure the development of alternative sources of oil and other forms of energy. Even if such a floor price should be established, it will be a fragile thing. If energy prices should fall a floor price agreement would be neither observed nor enforced. I suggest that no investor in his right mind would be willing to invest his funds in the search for other energy sources in reliance upon such an agreement for a floor price for oil.

If we need to stimulate the development of other sources of oil and of new fuels and new technologies—and surely we must do this—there are a number of ways in which this can be done. Price guaranties, direct subsidies, Government purchase contracts, these and many other ways are available to stimulate the search for alternative sources of energy. Reliance upon such a will-of-the-wisp as an agreement among oil consuming countries for a minimum floor price must not be allowed to divert us from pursuing the kind of solid incentive that I have just mentioned.

If it is intended that the proposed floor price should serve some other purpose, such as in negotiations with the oil producers cartel, we have not been told of it. Indeed, administration spokesmen have told me directly that no such purpose exists. I believe them because I can imagine no such purpose which would justify this attempt to fix a price below which no one in the Western World will be permitted to buy oil. Certainly, no oil producing country would be stupid enough to put reliance on an agreement so lacking in substance.

NAVAL AVIATION MEMORIAL SERVICE

Mr. STENNIS. Mr. President, it was my privilege to attend a Naval Aviation Memorial Service at the Naval Air Station in Pensacola on April 13, where I heard an excellent sermon delivered by Rear Adm. Francis L. Garrett, Chief of Chaplains, U.S. Navy.

This impressive message impressed everyone who heard it in a very fine and elevating manner. It was filled with thoughts of spiritual value, logic, and wisdom.

Admiral Garrett is a natural leader of men, a man of great spiritual strength. His worthy message should be placed in the Congressional Record, where it will thus reach an extensive audience and be preserved for generations to come.

I ask unanimous consent that a copy of the sermon be printed in the body of the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

Naval Aviation Memorial Service, Pensacola, April 13, 1975

The human community is sustained by that small minority of men—in every age and of many callings, who create and sacrifice for the common good. Human society reserves singular honor for those who give for the common good of their families, their country or mankind the ultimate gift of life itself.

We are meeting in Pensacola today to preserve in some visible form the history and achievements of Naval Aviation. In this service we are calling to mind—and therefore to solemn memory—those men who created and sacrificed so that this Nation of free people might have the protection not only of an Army—a Navy—an Air Force and a Marine Corps—but within the Navy the finest Naval Aviation Force ever developed. They originated both the science and the art of air operations at sea. They developed the technology and they tested both the concepts and the equipment which have stood this Nation in such good stead in times of National crisis. Both in war and peace Naval Aviators have created and nurtured a tradition—which not only honors them but which is of lasting importance to us all.

There are some words from the monologue which opened the play, "Fiddler on the Roof" which are relevant to this Memorial Service.

"You might say that everyone of us is a fiddler on the roof—trying to scratch out a pleasant simple tune without breaking his neck. It isn't easy. And, how do we keep our balance? That I can tell you in one word—tradition. Because of our traditions we have kept our balance over many many years. And because of our traditions, everyone of us knows who he is and what God expects him to do."

Now we are gathered in this Memorial Sanctuary to honor in worship those who went before us in establishing the great traditions of Naval Aviation. These men who have won and worn the golden wings of Naval Aviators, whether in Navy blue and gold or Marine green, have established traditions which stir our admiration and cause us to ponder with thanksgiving their courage, their skill and their devotion. They were innovative—they created a whole new concept of Naval Warfare. They were daring—even today one cannot view flight operations at sea without becoming aware that a steady hand and a stout heart are as essential to such precision flying as are wings and ailerons. These men we honor in this service very often sailed and flew in harm's way and in the crucible of battle, their skill and aggressive combat courage wrote whole chapters in their history—moulding that tradition which has now become a part of the proud legacy of every American.

Many of them perished along the way. The early development of the concept was costly in human life. The very nature of the sea and the nature of flight have always combined to make flying at sea a precarious and dangerous business and yet we never lacked for those men who were willing to pay the price—whatever that might be—and who always kept searching for a better way and a safer way.

One has only to mention Torpedo Squadron 8 at Midway to be instantly reminded of the awesome cost in life which has been extracted from the dedicated body of men we call Naval Aviators. In this service we call them to hallowed memory and seek to honor them in song and prayer.

The tradition they have established lives on after them. You know—that fiddler on the roof is right about the importance of our tradition. They do help us keep our balance—they do give us perspective—they do give encouragement and inspiration and—in the end—because of our tradition everyone of us knows who he is. We find identity within whatever tradition we accept.

This is true because traditions express the collective memory of a people. It is a word that is rooted in the past. Nothing becomes a tradition until it is honored by time. And it is this collective memory that gives substance to what we do here this day. The Naval Aviation Museum which is to be dedicated this afternoon is in essence a collection of these memories of yesteryear.

However, if our traditions represent our collective memory—they reflect equally our collective hope. The fiddler seems strongly secure in the knowledge that those same traditions which "helped us keep our balance for many many years" will somehow keep him safely perched on his roof top in time to come—and the whole of that remarkable play sustains that theme. So—as we memorialize those who established the Naval Aviation tradition—we need to be conscious of its implications for our future—to think of those who fly today and those who will in later years report to VT-1 and take their places within this proud tradition. There is considerable serenity just in the tradition. There is considerable serenity just in the thought.

A Memorial Service is an occasion for honoring the dead. This always makes it a solemn occasion. In the context of a religious service it is most of all a service of thanksgiving. Let us make it that in this hour—offering unto Almighty God our gratitude for the lives and the contributions of all those whom we seek to honor. There is a sense in which we can represent their families and indeed all of our countrymen in giving this public recognition of our sense of gratitude and thanksgiving.

Perhaps the best text for the service is to be found—not in Holy Scripture—but in a speech given by Pericles: "Their glory survives . . . there dwells an unwritten memorial of them, graven not on stone but in the hearts of men." That comes close to expressing our sentiments.

These men we memorialize in this service have contributed mightily to that end—that good they have done still lives on after them—and we have cause to be thankful. "Greater love hath no man than this—that he lays down his life for his friends."

Let us devoutly thank God for men like these men. Their faces and forms we see no more—but their sacrifice we will not cease to remember and to cherish. Because of men like these men everyone of us—in a profound way—knows who he is and what God expects him to do.

Rear Adm. Francis L.
Garrett, CHC, USN,
Chief of Chaplains, U.S. Navy.

FULL VOTING RIGHTS

Mr. HUGH SCOTT. Mr. President, as a long time supporter and recent cosponsor of the Voting Rights Act, I am pleased to refer to the April 10, New York Times editorial entitled "Full Voting Rights."

This excellent commentary on the proposed extension of the act reiterates what I recently stated in the committee hearings which are dealing with the legislation. As the Times points out, "The advances under the law have been remarkable," and indeed they have. The number of elected black officials in the South has increased tenfold since the enactment of the bill a decade ago.

The Times wisely cautions, however, that "despite the progress, much remains to be accomplished." I heartily underline the New York Times qualifier and urge my colleagues to take a few minutes to read this editorial which accurately puts into perspective the need for continuation of the Voting Rights Act.

Mr. President, I ask unanimous consent that this editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Full Voting Rights

Despite the demonstrated effectiveness of the Voting Rights Act over the past decade, there is little question that the proposed extension of that legislation, now pending in Congress, is urgently needed.

The advances under the law have been remarkable. The Joint Center for Political Studies reports that while there were only some 72 black elected officials serving in all of the eleven southern states in 1965, by 1974 there were 964 such officials in just the seven Southern states covered by the act. Progress is also evidenced by the more civilized tone in which politics is now being debated in the South and by the increasing number of successful white moderate politicians there.

Despite the progress, much remains to be accomplished. The elective positions held by blacks represents only 2 per cent of the total public offices in the South. In the seven states now covered by the legislation, there are still 45 counties where blacks comprise more than 50 per cent of the population yet hold no county-level positions whatsoever.

Problems of disenfranchisement remain particularly severe among Spanish-speaking citizens. In the 1972 election, for example, only 46 per cent of eligible Mexican-Americans were registered to vote. Economic and physical intimidation of potential voters in parts of Texas and California is reported to be widespread.

Because the present law has proved inadequate to check such discrimination, Congressional Democrats plan to include stronger protection in a pending measure to extend the basic act for ten years. Some proponents of the law have worried that such liberalization might jeopardize rights already gained, by rejection of the bill when it reaches the floor of Congress or when it is tested subsequently in the courts.

Much uncertainty could be drained from the debate if the Administration would commit itself to support a strengthened bill in Congress and to defend its constitutionality against any subsequent challenges. There can, after all, be little more appropriate burden for the Federal Government than enriching democracy by fully expanding the franchise.

THE FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Mr. PERCY. Mr. President, an advisory committee to the Department of Justice, established by former Attorney General Saxbe, is working to understand and to develop public policy alternatives on a very important matter. The group is the Federal Advisory Committee on False Identification and the problem is the use of illegitimate identification in a wide variety of ways by persons endeavoring to commit criminal acts or to escape capture and prosecution.

The problem is extremely important from the standpoint of the hundred of millions of dollars of Federal, State, and local government funds and private resources that are lost through fraud and other means with the aid of false identification. And the problem is also terribly important from the standpoint of the costs of lost individual privacy that could result from the possible adoption of measures that facilitate the collection, use, and dissemination of identifiable personal information, such as creation of a national identity numbering system, unless privacy safeguards are adopted.

I am quite pleased that this advisory committee is actively studying this problem, and that its members represent a broad crosssection of individuals from Government and the private sector who have an interest both in reducing the extent of abuse of identification documents and in safeguarding our basic right of privacy.

I am pleased to note that this committee is acting in accord with the spirit of the Federal Advisory Committees Act in that all of its meetings are open to the public and participation is invited from groups as diverse as ACLU and INTERPOL. I hope that interested members of the public will participate to the fullest extent in discerning this problem and identifying reasonable remedies. It is also my hope that any recommendation to create a uniform national identity system be approached with utmost caution and be given the closest critical scrutiny.

It is my understanding that the committee hopes by midsummer to have a report on the scope of the false identification problem and that by early next year a full report on alternative policies and solutions will be completed. I hope that the Department of Justice and other cooperating agencies will pursue this activity very seriously, with adequate staff and staff support, so that the Senate and House can have a first-rate basis for action at the earliest possible opportunity. In any case, I would hope that the appropriate committees of Congress will give attention to the results of this advisory committee's work.

Mr. President, I ask unanimous consent to have printed in the Record a copy of former Attorney General Saxbe's speech of October 14, 1974, announcing the creation of the committee, a copy of the Federal Register announcements relating to the committee's scope and purposes, and a list of the members of the committee.

There being no objection, the material was ordered to be printed in the Record, as follows:

Address by the Honorable William B. Saxbe, Attorney General of the United States

I appreciate this opportunity to be with you here tonight.

The observation of Columbus Day is always a proud and happy time—and it can also provide a moment for somber reflection on where we are as a Nation.

Perhaps there is no better way to begin than by sharing these thoughts with you:

"Most men felt exceedingly gloomy about the future. . . . Institutions were decaying, well-meaning people were growing cynical or desperate, and many intelligent men . . . were endeavoring to escape the present. . . ."

As contemporary as they sound, those words were not meant to describe our time. They open Samuel Eliot Morison's biography of Christopher Columbus, Admiral of the Ocean Sea, and describe Europe in 1492.

From that dark environment, Columbus set sail on his voyage into the awful unknown, and calmly wrote in his journal:

"I have the intention to . . . place the whole sea and lands of the Ocean Sea in the proper positions . . . and above all it is very important that I forget sleep and labor much . . . because it is necessary. . . ."

Those words—"labor much . . . because it is necessary"—constitute an important legacy as we struggle to resolve monumental problems facing the Nation.

The voyage of Columbus not only discovered a new world—it generated a new hope. For as Morison says, men no longer yearned for the imaginary golden age of the past but began thinking a real golden age might be carved out of the future.

What the future holds for us depends on no one but ourselves. And whether we are willing—like Columbus—to labor much.

Pessimism grips many today. Inflation picks our pockets. Unemployment rises. Dire predictions erupt on the fate of Western civilization. We seem at the mercy of oil barons—both at home and abroad. The economy is manipulated in ways that go against the American grain. And on top of everything else, we face the worst level of reported serious crime in our history.

I have no solutions to offer tonight. But I do offer one piece of advice to any who would attempt to sap the strength of our democracy. As a people we are generous and forgiving to a fault—but our patience is not endless.

In describing the great migrations that filled America, Winston Churchill once said: "We have not journeyed all this way across the centuries, across the oceans, across the mountains, across the prairies, because we are made of sugar candy."

It is an admonition that also might be taken to heart by all who break our laws—or who are thinking about it.

In the first half of 1974, serious reported crime rose 16 per cent. This represents a shocking setback in the struggle to deal with one of the most grim, agonizing facts of life in the Nation today.

As a people, as a Nation, we shouldn't have to stand for it. And it is time that something was done about it—once and for all.

Crime is incredibly complex, and springs from many causes. I have maintained for 30 years economic and social conditions do contribute to some crime. And let me stress that I still believe this, because some people seem to think that I'm taking off on some repressive hard line. I also want to point out that an enormous amount of crime is committed by people who want to break the law—who find it rewarding and exciting.

They even find that they have unwitting accomplices—a society that often is strangely apathetic, a criminal justice system often ineffective.

And one thing now seen more and more is that criminal justice often deals ineffectively with the dangerous offender, the repeated offender. While many are arrested by police, not all are tried by prosecutors; of those convicted, even less are sent to prison by judges; and of those who do go to jail, many are released by prison officials while they are still dangerous to society. And then more victims are claimed.

The crimes of Jack the Ripper—who killed seven women in Victorian England—have become a bench-mark of horror known to all. Yet crimes of comparable or greater magnitude occur in the United States all the time. And one of the awful things is that somehow the Nation seems to have gotten used to it, to take those things in stride—to accept crime as almost a routine fact of life.

As I noted before, I have been recently asked if I was taking a hard line on crime control. I think that such phrases as hard-line or soft-line are essentially meaningless. What I want to see developed is the effective line. What I want to see is the reduction of crime—and in ways that are fully consistent with our system of justice and concepts of fairness.

At present, government at all levels is derelict because it simply is not protecting its citizens against crime. And the criminal justice system is not being fair. It may pride itself on making certain that the accused has all of his rights—and that is proper. But the system is grossly unfair because it is failing to protect the decent and law-abiding citizens. And no amount of excuses will wash away that fact.

The bulk of law enforcement responsibilities rests with state and local governments, and one of the Federal government's priority tasks is to aid them in every reasonable way.

Programs of many facets must be devised to attack all aspects of crime—violent crime, street crime, organized crime, white collar crime. And in that context, I wish to announce tonight the formation of a new effort to attack a problem which contributes to a wide range of crime.

I am establishing for the first time a Federal Advisory Committee on False Identification—a joint Federal, state, local effort to bring greater resources to bear on offenders, ranging from terrorists to narcotics dealers who scheme to phony up their names and backgrounds to swindle you, to terrorize you, to victimize you in many, many ways.

No one knows today the exact extent of the use of false identification by criminals but initial studies indicate it is a substantial and growing problem.

The Advisory Committee's first task will be to pinpoint the extent of the problem, the types of offenders using false identification, and the types of crimes carried out with false credentials.

A coordinated plan will then be developed for Federal agencies—possibly including new statutes and enforcement efforts.

Finally, the Committee's work will be of substantial assistance to state and local governments—whose record-keeping agencies are most often victimized by offenders seeking false identification.

All of this work will be carried out in the next year, and the committee's first meeting—to be open to the public—will be held in Washington on November 14.

Faced with the over-all severity of crime, the false identification problem may seem like a low priority to some. But state and Federal agencies know the problem has become serious.

Last May, the FBI held a conference for 14 Federal agencies as well as State and local organizations—and their consensus was that a high-level study be started at once. And it is the beginning of that effort I am announcing tonight.

False identification is a common denominator in a wide range of serious crimes. Let me cite a few examples.

The Weatherman organization has taken credit for a number of terrorist bombings. False identification has been found on some of its members taken into custody. It appears that false identification may be a factor in the success of 23 others who have succesfully eluded capture thus far.

But false credentials can touch virtually every aspect of crime. They are frequently used by narcotics peddlers. And by persons passing counterfeit checks and securities. By those who take part in bank swindles. And in Social Security and welfare frauds.

Car thieves often use false identification—not only to thwart police but to rent or lease cars which are then driven off and sold.

The list of offenses could go on and on. They include widespread and costly frauds through use of credit cards. And another growing problem is the use of false identification by illegal aliens who insulate themselves from authorities as they settle into new jobs and new lives.

One of the most formidable obstacles the new Committee faces is the ease with which false identification can be obtained. At present, for instance, there are about 10,000 bureaus of vital statistics at the state and local levels.

It normally is very easy to obtain from them a copy of a birth certificate—with few or no questions asked. And birth certificates are the foundation upon which the bulk of the false identification empire is built.

Bureaus of vital statistics require minimal identification from those seeking copies of documents—and some permit doing business by mail. They seldom correlate death records with birth certificates. And exchange of information with other states is handicapped by staff and fund shortages.

Here is one way that the false identification scheme is often carried out: A man of 25 checks old newspaper obituaries of about the time of his birth to learn of a child's death. What the man is seeking is to have a birth certificate whose age will about match his own and—ideally—also match such physical characteristics as race and color of hair and eyes. He then requests a copy of the child's birth certificate—either in person or in writing. For a tiny fee, he can obtain it—and often it is even mailed to him.

Let's assume the birth certificate is for a John J. Smith. The offender then uses it to obtain a driver's license in that name. And then uses both to get credit cards and other gold-plated credentials. He may use this approach to acquire several new identities, and may even obtain Social Security and Selective Service cards.

This may sound like a lot of trouble—but it is a small investment if it results in criminal successes. And once armed with all of those credentials, the offender may be able to obtain a passport—which he can use in his illicit enterprises or to flee the country.

One individual I know of is alleged to have followed the scheme I have outlined—from birth certificate to credit cards—and obtained an expensive sports car. And then a house. And then, yes, an airplane of his very own.

As I indicated earlier, no one knows the precise scope of the problem. But it is serious. It does contribute greatly to crime. And we must do something about it. One of the things the Committee members already are thinking about is to have vital statistics bureaus keep death records along with birth certificates. That way, if John Smith applies for his birth certificate, a quick check of the files will show something is wrong because he died 25 years ago. Another possible area of exploration will be new methods of interstate cooperation—and there have been suggestions of computerizing records of all vital statistics bureaus.

No single program will enable us to solve crime. But every step is important. And we must take this one at the same time we are taking many others.

It will take time to reduce crime—time as well as funding and determination. But when we look at the options, we see that we have no recourse but to reduce crime substantially and rapidly.

We cannot continue to be a nation whose citizens are guaranteed freedom but who are terrorized by crime. We cannot be half free.

Solutions can be fashioned only if we have the dedication. Perhaps as a people we have forgotten that we have to roll up our sleeves and work like we have never worked before.

And we should constantly recall the words of Columbus in his Journal: "labor much . . . because it is necessary."

And in so doing, we can do what he did: in a sense, embark on a journey to discover America anew; to rediscover our roots; to find out what they really mean; and where they can lead us.

Thank you.

[From the Federal Register, Oct. 23, 1974]

DEPARTMENT OF JUSTICE

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Establishment

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub: L. No. 92-463), 5 U.S.C. App. D of the creation of the Federal Advisory Committee on False Identification.

The nature and purpose of this Committee are as follows:

1. To identify, with the assistance of Federal, State and local agencies, as well as representatives from the private sector and the public: (a) the various criminal techniques used to obtain false identification; (b) the types of persons committing such crimes; and (c) the nature and extent of such crimes including the impact upon the criminal justice system and commercial transactions such as check passing, credit card fraud, and the obtaining of fraudulent loans, securities and other commercial paper.

2. To develop a coordinated Federal plan for meeting the threat which Executive Branch Agencies face from false identification. Such plan will include a discussion of closing any loopholes in existing Federal laws, regulations or procedures, and strengthening of such laws, regulations and procedures.

3. To assist state and local law enforcement agencies and bureaus of vital statistics in developing effective measures to prevent the obtaining of false identification and its criminal use.

4. To provide Federal, state and local agencies a forum and mechanism for the exchange of information on false identification.

5. To document the problem of false identification; develop written proposals for dealing with it at all levels of government; and educate the public regarding steps which may be taken to reduce the criminal use of false identification.

Membership on the Committee will consist of representatives from Executive Branch Agencies, state and local government, and the public. Comments of interested persons concerning the establishment of this Committee may be submitted to the General Crimes Section, Criminal Division, Department of Justice, Room 504, Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530, on or before October 20, 1974.

The Attorney General has determined that the establishment of this Committee is necessary and in the public interest. Copies of documents relating to the establishment of this Committee and written submissions received pursuant to this notice will be available for public inspection at Room 402, Federal Triangle Building during regular business hours.

HENRY E. PETERSEN,
Assistant Attorney General.

[FR Doc.74-24567 Filed 10-21-74;8:45 am]

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix I) that the first meeting of the Federal Advisory Committee on False Identification will be held at 9:30 a.m., e.d.t., Thursday, November 14, 1974, at the Department of Justice Briefing and Conference Center, Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

This meeting is open to the public. The meeting room will accommodate approximately 50 persons in addition to committee members. Interested persons may file written statements with the persons listed below prior to the meeting.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402, Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530, telephone, area code 202-730-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

HENRY E. PETERSEN,
Assistant Attorney General.

[FR Doc.74-24568 Filed 10-21-74;8:45 am]

MEMBERSHIP LIST: FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

TASK FORCE I—GOVERNMENT PAYMENTS

Mr. Carl B. Williams, Chairman, Assistant Commissioner of Welfare, Department of Health, Education, and Welfare, 330 Independence Avenue, Washington, D.C. 20201 (202) 245-6233.

Mr. Larry Love, Attorney, Department of Health, Education and Welfare, 330 Independence Avenue, Washington, D.C. 20201 (202) 245-6233.

Mr. Robert E. Magee, Assistant Director, Performance and Controls, Office of Investigations, Department of Agriculture, Room 24E, Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250 (202) 447-3923.

Mr. Paul D. Lamberth, Supervisory Criminal Investigator, Office of Investigations, Department of Agriculture, Room 27E, Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250 (202) 447-3923.

Mr. Leon Walters, Chief, Confidentiality and Compliance, Bureau of Retirement and Survivors Insurance, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235 (301) 594-7318.

Mr. Daniel Goldenberg, Technical Staff, Strategic and Information Systems Division, Mitre Corporation, Corporate Headquarters, Bedford, Massachusetts (617) 271-3286.

Mr. Peter Kimball, Director of Security Sales, American Bank Note Company, 70 Broad Street, New York, New York 10004 (212) 944-6200.

Mr. George Berlinger, Commissioner of Port Authority of NY and NJ, 595 Madison Avenue, New York, New York 10022 (212) TE 8-1345.

TASK FORCE II—COMMERCIAL TRANSACTIONS

Mr. Hollis Bowers, Director, Insurance and Protection Division, American Bankers Association, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036 (202) 467-4046.

Mr. Robert Brecheisen, District Sales Manager, Polaroid Corporation, 3720 Browns Mill Road, Atlanta, Georgia 30315 (404) 762-1711.

Mr. Paul B. Chapman, National Security Manager, Sears, Roebuck & Company, Department 731, B.S.C. No. 42-27, Sears Tower, Chicago, Illinois 60684 (312) 875-8431.

Mr. Edward J. Deadrick, Vice President, American Bank Note Company, 70 Broad Street, New York, New York 10004 (212) 944-6200.

Mr. Donald Foster, Counsel, National District Attorneys Association, Economic Crime Project, 1900 L Street, N.W., No. 601 Washington, D.C. 20036 (202) 785-1225.

Mr. Roy W. Jacobus, Department Head, Special Systems and Secure Communications, The Mitre Corporation, P.O. Box 73, Bedford, Massachusetts 01730 (617) 271-4662.

Mr. James C. Kingsbury, Trade Specialist, Bureau of Domestic Commerce, U.S. Department of Commerce, Washington, D.C. 20230, (202) 967-3818.

Mr. Thomas F. Kirk, Area Manager, Intelligence Division, Internal Revenue Service, IRS Building, Room 7239, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (202) 964-6113.

Mr. Thomas Knighten, General Credit Manager, Giant Food, Inc., P.O. Box 1804, Washington, D.C. 20013 (301) 341-4143.

Mr. Michael R. Koblenz, Trial Attorney, U.S. Department of Justice, Securities Unit, Federal Triangle Building, Room 508, 315 Ninth Street, N.W., Washington, D.C. 20530 (202) 739-2723.

Mr. Leonard Kolodny, Manager, Retail Bureau, Metropolitan Board of Trade, 1129 20th Street, N.W., Washington, D.C. 20036 (202) 659-6400.

Lt. Kenneth V. Moreland, Criminal Investigation Division, Metropolitan Police Department, 300 Indiana Avenue, N.W., Room 4071, Washington, D.C. 20001, (202) 626-2211.

Mr. David P. Parina, Research Analyst, Department of Regulatory Policy and Procedure, National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006, (202) 833-7247.

Mr. Allen O. Peffer, Postal Inspector, Projects Coordinator, External Crimes Branch, U.S. Postal Service, Inspection Service, L'Enfant Plaza, Washington, D.C. 20260, (202) 245-5464.

Mr. Andrew F. Phelan, Vice President, Corporate Security Inspector's Office, American Express Company, 67 Broad Street, New York, New York 10004, (212) 797-5080.

Mr. Fred Rayne, Director, Burns International Investigation Bureau, 1681 John F. Kennedy Causeway, Miami, Florida 33141, (305) 865-6753.

Mr. Robert J. Scully, Assistant Vice President, Security Interbank Card Association, 110 East 59th Street, New York, New York 10022, (212) 486-1100.

Mr. David Spears, Representative, Polaroid Corporation, Industrial Division, Cambridge, Massachusetts, (703) 524-2806.

Mr. Stephen M. Weglian, Trial Attorney, Securities Unit, General Crimes Section, Criminal Division, U.S. Department of Justice, Washington, D.C. 20530, (202) 739-2670.

Mr. Frank J. Wilson, Senior Vice President, Regulation, The National Association of Securities Dealers, Inc., 1735 K Street, N.W., Washington, D.C. 20006, (202) 833-4830.

TASK FORCE III—FUGITIVES

Mr. Emil L. Schroeder, Chairman, Federal Bureau of Investigation, Room 4427, J. Edgar Hoover Building, Washington, D.C. (202) 324-4587.

Mr. Thompson Crockett, Director, Research Division, International Association of Chiefs of Police, Eleven Firstfield Road, Gaithersburg, Maryland 20760 (301) 948-0922.

Mr. Elmer C. Cone, Director of Corporate Security, American Bank Note Company, Garrison Avenue & Tiffany Street, Bronx, New York 10474 (212) 933-6200.

Mr. William D. Wharton, Acting Chief, Legal Division, Passport Office, Room 320, 1425 K Street, Washington, D.C. (202) 382-1531.

Mr. Albert H. Solomon, Jr., Investigator, Committee on Internal Security, Congress of the United States, House of Representatives, Washington, D.C. 20515.

Mr. Truman H. L. Walrou, Director of Public Affairs, National Sheriff's Associations, Suite 320, 1250 Connecticut Avenue, Washington, D.C. 20036 (202) 872–0422.

Lt. Glenn W. Ramey, Major Violations Section, Criminal Investigative Division, Metropolitan Police Department, Washington, D.C. (202) 626–2910.

Mr. Lou Sims, Chief, Interpol, Room 1116, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220 (202) 964–5658.

TASK FORCE IV—FEDERAL IDENTIFICATION DOCUMENTS

Mr. William E. Duggan, Chairman, Deputy Director for Legal & Security Affairs, Passport Office, Room 600, United States Department of State, 1425 K Street, N.W., Washington, D.C. 20524 (202) 382–8174.

Mr. William B. Wharton (Alternate), Acting Chief, Legal Division, Passport Office, Room 320, United States Department of State, 1425 K Street, N.W., Washington, D.C. 20524 (202) 382–1761.

Mr. John E. Matson, Chief, General Investigator, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536 (202) 376–8375.

Mr. Ronald J. Grill, Chief, ADP Policy Staff, Office of Planning and Evaluation, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536 (202) 376–8430.

Mr. Peter T. Straub, General Counsel, Selective Service System, 1724 F Street, N.W., Washington, D.C., 20435 (202) 343–7174.

Mr. Coradino E. Gatti, Counselor Officer, Visa Office, Room 315, United States Department of State, 515 22nd Street, N.W., Washington, D.C. 20520 (202) 632–7988.

Mr. Ernest B. Dane (Alternate), Management Analyst Officer, Visa Office, Room 800, United States Department of State, 515 22nd Street, N.W., Washington, D.C. 20520 (202) 632–1991.

Mrs. Dena Cunningham (Alternate), Management Analyst Officer, Visa Office, Room 800, United States Department of State, 515 22nd Street, N.W., Washington, D.C. 20520 (202) 632–2940.

Mr. William T. Deeter, Deputy Director, Office of Investigations and Security, Department of Transportation, Room 10323—Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–4677.

Mr. William H. Perry, Special Agent, Office of Investigations and Security, Federal Aviation Administration, ASE–100, Room 701, 800 Independence Avenue, S.W., Washington, D.C. 20591, (202) 426–3560.

Mr. William J. Ward, Chief, Technical Security Division (GOIS/74), U.S. Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. 20590 (202) 426–1983.

Mr. Donald M. Thayer, Director, Office of Policy Control, Department of Health, Education and Welfare, Social and Rehabilitation Service, Room 5225, 330 C Street, S.W., Washington, D.C. 20201 (202) 245–0531.

Mr. Albert Seeley, Chief, Special Investigations, Office of Investigations, Room 900, United States Customs Service, 2100 K Street, N.W., Washington, D.C. 20229 (202) 964–5871.

Mr. Roy Tesler, Government Integrity Unit, General Crimes Section, Criminal Division, Room 507, United States Department of Justice, 315 9th Street, N.W., Washington, D.C. 20535 (202) 739–2346.

Mr. Ramon Alan, Mitre Corporation, P.O. Box 208, Bedford, Massachusetts 01730 (617) 271–2663.

Mr. Edwin L. Key (Alternate), Mitre Corporation, P.O. Box 208, Bedford, Massachusetts 01730 (617) 271–4777.

Mr. Edgar J. Bethart, Defense Investigation Program Office, Office of Secretary of Defense, Room 5/a/ 670, Pentagon, Washington, D.C. 20301 (202) OX7–9586.

Mr. Charles R. Holmgren, Assistant to Chief, Office of Research and Technical Services, Bureau of Engraving and Printing, 14th and C Street, S.W., Washington, D.C. 20228 (202) WO4–7211.

Mr. Kenneth L. Crosson, Deputy General Counsel, Selective Service System, 1724 F Street, N.W., Washington, D.C. 20435 (202) 343–7174.

Mr. Donald N. Sennott, Associate Administrator, 3M Company, 1750 Pennsylvania Avenue, N.W., Washington, D.C. 20006 (202) 298–9200.

Mr. James K. Moore, Office of Security, SY/I/PVB—Room 2418, Department of State, Washington, D.C. 20520 (202) 632–3184.

Mr. James Dandridge (Alternate), Office of Security SY/I/PVB—Room 2418, Department of State, Washington, D.C. 20520 (202) 632–3184.

TASK FORCE IV—OBSERVERS

Mr. James D. Clawson, Deputy Assistant Secretary, Enforcement and Operations, Department of Treasury, Room 3448, Washington, D.C. 20220 (202) 184–5115.

Mr. Steve Hirsch, Electronic Data Processing, News Service, 7620 Little River Turnpike, Annandale, Virginia (703) 354–9400.

Mr. Theo Manos, Manager, Federal Operations, Polaroid Corporation, 125 South Reynolds, Alexandria, Virginia 22305 (703) 524–2806.

Mr. Charles Sharkey, American Bank Note Company, Land Title Building, Room 735, Philadelphia, Pennsylvania 19110 (215) 563–7366.

Mr. Patrick E. Rudd, Communications Consultants, Inc., 1600 Ednor Road, Colesville, Maryland 20904 (301) 421–1004.

TASK FORCE V—STATE AND LOCAL IDENTIFICATION DOCUMENTS

Mr. Loren E. Chancellor, Chairman, Registration Methods Branch Chief, Division of Vital Statistics, Department of Health, Education and Welfare, Room 9A—45 Parklawn Building, 5600 Fisher Lane, Rockville, Maryland 20852 (301) 443–1820.

Mr. George Gay, Division of Vital Statistics, Department of Health, Education and Welfare, Room 9A—45 Parklawn Building, 5600 Fisher Lane, Rockville, Maryland 20852.

Mr. Irvin G. Franzen, President, American Association for Vital Records and Public Statistics, Forbes Air Force Base, Building 740, Topeka, Kansas 66620 (913) 296–3523.

Mr. Charles Whitemire, Special Assistant, Council of State Governments, 1150 17th Street NW., Washington, D.C.

Mr. Frank Altobelli, Chief, Licensing and Adjudication Division, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C.

Mr. James Lockard, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. (202) 426–9692, x4800.

Mr. John Crandall, Chief, Vital Records Section, D.C. Department of Human Resources, 300 Indiana Avenue, N.W., Room 1025, Washington, D.C. 20001 (202) 629–4376.

Mr. Dean L. Huxtable, State Registrar Vital Statistics, State Department of Health, James Madison Building, Richmond, Virginia 23208 (804) 770–6202.

Mr. C. R. Newhouser, International Association of Chiefs of Police, 11 First Field Road, Gaithersburg, Maryland (301) 948–0922.

Mr. Arlie Schardt, American Civil Liberties Union, 410 1st Street, S.E., Washington, D.C. 20003.

Mr. John O'Doud, U.S. Passport Office, 1425 K Street, N.W., Washington, D.C. (202) 382–1814.

Mr. Douglas Lea, Privacy Clearing House, 4720 Montgomery Lane, Bethesda, Maryland 20014 (301) 395–3122, (301) 395–3254.

Mr. Joseph T. Kochanski, Law Enforcement Assistance Administration, U.S. Justice Department, Room 811, Indiana Building, 633 Indiana Avenue, N.W., Washington, D.C. (202) 386–4425.

Mr. Michael Tim Harkan, Immigration and Naturalization Service, Department of Justice, 425 I Street, N.W., Washington, D.C. (202) 376–8561.

Mr. Arthur A. Tritsch, Director, Driver's Services Division, American Association of Motor Vehicle, 1721 Connecticut Avenue, Washington, D.C. (202) 296–1955.

Mr. Roger Smith, Acting Chief, Vital Statistics Section, California Department of Health, 410 N Street, Sacramento, California (916) 445–2684.

REASSESSING THE MIDDLE EAST

Mr. JACKSON. Mr. President, the administration's announcement of a reassessment of U.S. policy in the Middle East at this critical time has aroused proper concern in the Congress, and I would like to call to the attention of my colleagues my statement on this subject.

I ask unanimous consent to have printed in the RECORD the text of my April 14 speech to the American Israel Public Affairs Committee.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REASSESSING THE MIDDLE EAST

In recent days the newspapers have been filled with commentary about the relationship between the tragedy in Indochina and the failure of the Kissinger mission to the Middle East. But somehow the most profound connection between these two distant situations has been overlooked. It is this: negotiated settlements that do not include movement toward a genuine peace are certain to fail. Without starting the process of political accommodation, cease-fires and disengagements that alter only the military situation cannot lead to lasting peace. In the search for peace, a change of line is no substitute for a change of heart.

This is the bitter lesson of the Paris accords. And if the Israelis have learned from it, if they have concluded that they would rather understand history than repeat it, who can hold them at fault?

ASSESSING THE SHUTTLE DIPLOMACY

Unhappily and unwisely, the end of shuttle diplomacy has been followed by a campaign of background briefings, meetings and leaks to the press calculated to imply that Israel alone was responsible for the failure to reach an accord. Partly as a result of this campaign and because the Secretary of State returned to Washington from Jerusalem, some people concluded that the talks had failed when Israel rejected an Egyptian compromise proposal. The truth is otherwise; and the record should be clear on this point. Dr. Kissinger departed Jerusalem when President Sadat of Egypt refused even to consider an Israeli compromise proposal that sought to provide a basis for continuing negotiations.

The American people must judge for themselves whether Egypt was justified in breaking off the talks. Unfortunately, their task in fairly considering the issue is complicated by the Administration's one-sided characterization of the course of the negotiations. So perhaps it would be useful to review for a moment the two proposals that proved, in the end, to be irreconcilable.

In exchange for an Egyptian statement of non-belligerency and some concrete political and economic steps along the road to peace, Israel offered to give up the strategic Sinai passes and to return the oil fields at Abu Rudeis to Egyptian control. Egypt, for its part, refused to make a pledge of non-belligerency or to take concrete steps that would begin the process of peace and reconciliation. Instead, Egypt insisted on a deep Israeli withdrawal, well beyond the passes—a withdrawal that would seriously and immediately worsen Israel's physical security. It is hard to resist the conclusion that Israel was searching for the road to peace while Egypt sought the road to Tel Aviv.

To break the impasse, Israel then proposed to withdraw from the Western half of the passes and to permit land and sea access to the oil fields which were to be returned to Egyptian control. In return she asked only that Egypt agree to refrain from the use of force, a very partial—some would say marginal—step toward peace. Egypt declined the Israeli compromise, refused to receive Dr. Kissinger in Aswan, and the negotiations came to an end.

ARGUING FROM DIFFERENT PREMISES

Samuel Pepys once observed two women arguing across a back fence. "They will never agree," he remarked. "They are arguing from different premises." So it was in the Middle East. Israel's premise in the negotiations was that withdrawals from strategic positions in the Sinai should be matched by commensurate progress toward a genuine peace.

The Egyptian premise was quite different. Sadat regarded a second disengagement agreement as an essentially military arrangement. Thus he sought a deeper Israeli withdrawal, a more advantageous disengagement line, unaccompanied by real political concessions.

My own view is expressed in remarks I made on December 17, 1973. It is this:

"Peace must be more than a word, more than a mere document that can be torn up when it suits the convenience of aggressive governments to go to war again. It must be something concrete. It must exist in the daily lives of men, for only then can it eventually come to exist in men's minds as well; and only then—finally—can it be secure. It is naive to imagine that the enmities of decades will vanish with the stroke of a pen. But for a peace treaty to be more than just a scrap of paper, it must do more than simply move the walls that separate Arabs from Israelis to a new location. It must permit Arabs and Israelis to work together, to trade with one another, to talk with one another, to see for themselves the truth about their neighbors."

THE NEGOTIATIONS AND THE ADMINISTRATION

Surely the inflexibility of the Egyptian position reflected President Sadat's belief that Israel would yield to Administration pressure and settle on Egyptian terms. An anxious Washington, Sadat believed, and a dependent Israel, would lead to irresistible pressure. In such circumstances there was little incentive for Egypt to compromise, and a predictable ultimatum resulted. In any case, Sadat must have reasoned, a failure of the talks would drive a wedge between Israel and America.

Well, Sadat was wrong. He was wrong about Israel and he was wrong about America. Israel resisted the temptation to make unrequited concessions, and it did so with remarkable unity. And America will not allow a wedge to be driven between our people and the people of Israel. The Administration knows that the American people will not permit it to pressure Israel into withdrawals that prejudice her security and increase the risks of war. That is why we find the Administration saying one thing in public and quite another in private. Thus in public the Administration urges the view that no useful purpose is served by assessing blame for the failure of the negotiations; while in private Israel is held to have been responsible. Well, the time to end that unwise charade is long past. The American people have a right to an Administration that says what it means and means what it says. They have a right to read in the morning papers that remarks attributed to "a senior official traveling with Kissinger" are in fact the words of the Secretary of State. They have a right to know who it is that is speaking in their name. For without candor and openness in our foreign policy, in the Middle East and elsewhere, the American people are deprived of the right to make their judgments felt.

THE ADMINISTRATION'S REASSESSMENT

There has been much talk by the Administration of a reassessment of its Middle East policy. I hope and trust that it will be thoughtful and deliberate. Above all it must be fair. It must not be marked by the petulance that marked its inception.

In my judgment the first conclusion to which any sober reassessment should come is this: the idea that a stable peace can be achieved by pressuring Israel to diminish her physical security without a political reconciliation with her neighbors is dangerous and unwise.

Second, the reappraisal should return to U.N. resolutions 242 and 338 by recognizing that a real peace must involve direct negotiations among the parties in which Israeli withdrawal to secure and recognized borders is matched by an end to the state of belligerency. The last round of shuttle diplomacy, by departing from the hopeful formula of these resolutions, did much to subvert what I believe to be the most promising prospects for peace.

Third, a fair reassessment will reaffirm the soundness of the longstanding American policy of helping to maintain the military balance in the Middle East. Some of you may recall that we wrote that policy into law in the 91st Congress. We said then that it was the policy of the United States to maintain the military balance in the Middle East by furnishing Israel with the arms she requires for her own defense. And I mean to see that we continue to adhere to it because it is essential to any realistic hope for peace.

Finally, any clear-sighted reassessment will include a reappraisal of the role of the Administration's detente in promoting peace in the Middle East. Detente didn't inhibit the Soviets from sending the arms that started and then sustained the Yom Kippur war. It didn't restrain the Soviets who first incited other Arab governments to join forces with Egypt and Syria, and then urged OPEC to use the oil weapon against the West.

A reassessment of the Administration's detente will reject the dangerous illusion that underlay the ill-fated Paris accords on Indochina. I am referring, of course, to the idea that we can *count* on Soviet cooperation—or even restraint. Detente didn't save Cambodia and it won't save Vietnam, despite the fact that we and the Soviets are co-guarantors of the Paris accords. And that, by the way, is something to keep in mind when one hears that we and the Soviets should replay the international guarantee game in the Middle East.

A genuine and reciprocal improvement in East-West relations is to the advantage of all peoples in the world. But we must not ask our friends to pay the price of the Administration's illusions about detente.

Finally, let me conclude with this thought. In their frustration at the seemingly intractable conflict in the Middle East there are those who are tempted to fashion a piece of paper into a paper peace. To yield to such temptation would be a mistake of historic proportions. I am confident that we will not so yield; that in the end we will summon those resources of courage and vision that are the best hope for a lasting peace.

And let me just say to our friends overseas that America is not about to withdraw from the world. In adversity we have always found strength. And the conviction of the American people that America must remain strong is undiminished in these difficult times.

WILLIAM McGAFFIN—BUREAU CHIEF OF CHICAGO DAILY NEWS

Mr. HUGH SCOTT. Mr. President, I note with much regret the passing of William McGaffin, deputy chief of the Washington bureau of the Chicago Daily News. Bill McGaffin was an excellent journalist who always held the ideals of his profession in the highest esteem. He was a gentleman and a friend, and many of us in the Congress who knew him well will miss him. I extend my sympathy to his family, his colleagues and his many friends, and I ask unanimous consent that the report of his passing in today's Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

William McGaffin: Bureau Chief of Chicago Daily News

William McGaffin, 64, deputy chief of the Washington bureau of the Chicago Daily News, died of cancer yesterday at Doctors Hospital here. He resided at 6208 Beachway Dr., Falls Church.

Although seriously ill for the last two years, Mr. McGaffin continued to work. His last story, recounting military criticism of the conduct of the Vietnam war, was published Saturday.

A member of the Daily News staff since 1944, he served as London bureau chief, European correspondent and United Nations correspondent before coming here in 1965. In Washington he specialized in Defense Department affairs.

Mr. McGaffin was born in David City, Neb., graduated from the University of Nebraska and studied at Columbia University's graduate school of journalism.

Among the honors and awards he received was election to Columbia's journalism "Hall of Fame."

Before joining the Daily News, he worked for the Associated Press, covering World War II in Europe, and Africa and Asia. He later covered the fighting in the Pacific for the Daily News.

Survivors include his wife, Jean, and two sons, Christopher of Alexandria and Nicholas of the home.

FREDRIC MARCH

Mr. RIBICOFF. Fredric March is dead. He was a whole man. His remarkable career on the stage and in motion pictures covered 50 years. During these 50 years, he thrilled audience after audience in a series of remarkable performances. A great actor, Fredric March was also a great human being.

For many years, he was a resident of New Milford, Conn. He was a close friend, and I knew him well. When you visited Fred and his gracious and able wife, Florence Eldridge, you were surrounded by warmth, intelligence, and humor. To be with the Marches was indeed a special event. It was also my privilege to have them visit with me at the Governor's residence in Hartford during my term as Governor.

Mrs. Ribicoff joins me in extending our greatest sympathy to Florence, his children, and grandchildren.

I ask unanimous consent that an article from the New York Times of April 15 be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREDRIC MARCH DIES OF CANCER; STAGE AND SCREEN ACTOR WAS 77

(By Albin Krebs)

Fredric March, the actor who appeared on the stage and in motion pictures over a span of 50 years, died of cancer yesterday at Mount Sinai Hospital in Los Angeles. Mr. March, who was 77 years old, had been hospitalized since April 5.

Mr. March was an actor of sometimes astonishing versatility who played juvenile leads in the Broadway era of David Belasco and crusty old characters in the movies of the nineteen-seventies. His career peaked in 1956 when he created the role of the brooding James Tyrone in "Long Day's Journey Into Night," but previously he had won two Academy Awards, in 1932 for "Dr. Jekyll and Mr. Hyde" and in 1946 for "The Best Years of Our Lives."

Mr. March, a tall, broad-shouldered man with a voice capable of booming with sonorous timbre, was rarely idle during most of his professional life. His most popular stage roles included appearances in "The Skin of Our Teeth," "The Autumn Garden" and "A Bell for Adano," and his film roles included "A Star Is Born," "The Adventures of Mark Twain" and "Anthony Adverse."

Mr. March's last professional appearance was in the four-hour movie version of O'Neill's "The Iceman Cometh," in 1973. It was his 69th film, and it won him praise for his portrayal of tough old Harry Hope.

Mr. March, who amassed a sum estimated at more than $2-million, was listed in 1937 as the fifth-highest-paid American, earning nearly half a million dollars a year. Although he could have retired 25 years ago, he detested idleness, and pushed himself to work at his craft.

When asked some years ago what he would do when he was no longer a star and could not get work, he replied: "I'd keep acting even if I had to get on the back of a truck. I'd act wherever there was a group of people."

PLANNED TO BE A BANKER

Born on Aug. 31, 1897, in Racine, Wis., and originally named Frederick McIntyre Bickel, Mr. March was the son of a small-time manufacturer, John F. Bickel, and the former Cora Brown Marcher. He worked as a bank teller during high school vacations and studied economics at the University of Wisconsin, and when he came to New York in 1919 after a year in the Army, it was not to be an actor but a banker.

This was in spite of the fact that he had always been interested in theatricals and had played leads on the university stage, had been a champion college debater and had had modest success as a part-time newspaper and magazine model. He had even quietly sent out résumés and photographs to agents and producers.

Fortunately for the theater, Mr. March had appendicitis shortly after his arrival here, and after an appendectomy, he applied for a recuperation leave of absence from his trainees' job at the National City Bank. His thoughts had turned increasingly to acting as a career. His professional debut, in 1920, came in Baltimore in Belasco's production of "Deburau," in which he was also seen on Broadway for the first time soon afterward.

By that time the young actor with the square-cut, all-American good looks had decided that Bickel was not a good name for a marquee. He dropped a couple of letters from his first name and adopted the first syllable of his mother's maiden name to come up with the stage name of Fredric March. Versatile, cooperative, eager, he was seldom without work.

In Denver in the summer of 1926, Mr. March joined a stock company whose leading lady was Florence Eldridge. While appearing together in Molnar's "The Swan," they fell in love and were married in 1927 in Mexico. Their union, both personally and professionally, was to last for the rest of Mr. March's life.

In the late nineteen-twenties, the moguls of Hollywood were struck by a crisis with the advent of sound in movies—many of the dashingly handsome stars of the silent movie era possessed voices of startling squeakiness, nasalness or raspiness. Mr. March struck Hollywood as the answer to a prayer, for not only was he the possessor of a virile and handsome profile that could meet the most rigorous demands of the camera close-up, but also he had a rich, well-trained stage actor's voice.

INSTANT FILM SUCCESS

His movie career began in 1929 with a featured role in "The Dummy." He was an instant success, and soon some of the top female stars were clamoring to have him in their pictures. In the nineteen-thirties Mr. March appeared opposite Clara Bow, Ruth Chatterton, Claudette Colbert, Miriam Hopkins and finally Greta Garbo in "Anna Karenina." Usually he was seen in romantic comedy or adventure roles, but in 1932 he switched to the serious dual role in "Dr. Jekyll and Mr. Hyde" and won his first Oscar.

At a peak in his movie popularity, Mr. March, much to the consternation of his film employers, returned to New York to appear opposite his wife in "Mr. Obedient Husband," a 1938 vehicle based on Samuel Pepsy's diary.

The play failed so resoundingly that Mr. March, seldom without a sense of humor, felt constrained to make a public apology. He and Miss Eldridge bought advertising space in trade publications that showed a sketch depicting them as two trapeze artists missing each other's grip in midair. "Oops, sorry!" read the caption.

The Marches tried again in "The American Way" the following year, with better results, and from then on Mr. March was to deftly balance his work between movies and plays. "It has been my experience," he said years later, "that work on the screen clarifies stage portrayals and vice versa. You learn to make your face express more in making movies, and in working for the theater you have a sense of greater freedom."

In 1960, when the Marches appeared as William Jennings Bryan and his wife in the movie version of "Inherit the Wind," about the Scopes "monkey trial," Mr. March learned the whole script, theater-style, in advance, before rehearsals. And although he was still a man of imposing good looks, he quite willingly submitted to make-up that gave him a bald pate. He believed in immersing himself in a role.

Some of Mr. March's most memorable screen performances were in Noël Coward's "Design for Living," in which he played a flip sophisticate; as the poet Robert Browning in "The Barretts of Wimpole Street"; as the alcoholic and suicidal actor opposite Janet Gaynor in "A Star Is Born"; as the zany reporter in "Nothing Sacred"; as the widower in love with a much younger woman in "Middle of the Night" and, of course, as the war-weary veteran in "The Best Years of Our Lives."

Films in which he also appeared with Miss Eldridge, were "Another Part of the Forest," "Christopher Columbus," and "An Act of Mercy." On stage the Marches appeared together in "The Skin of Our Teeth," Thornton Wilder's frolic, and O'Neill's "Long Day's Journey Into Night," which Mr. March considered the high point of his career.

A SERIOUS APPROACH

A story concerning that major triumph illustrates how seriously Mr. March took acting, and the extent to which he would go to perfect his playing in an individual scene.

In the now famous card scene, Mr. March, in the role modeled after O'Neill's own actor father, was called upon to play solitaire while delivering highly charged, emotional lines intended to prepare the character Tyrone's two sons for some grave news.

A friend of Mr. March who was involved with the show recalled that during rehearsals the actor insisted on devoting an hour a day to that one scene, so that he could practice it alone. "He wanted to perfect his technique with the cards so he could concentrate on the timing of the lines," the friend recalled. "Even when we'd take a break he'd be working on the scene—that's the way we'd find him when we returned."

The actor's preparation for the role was well rewarded. There were universal critical accolades, with Brooks Atkinson of The New York Times writing: "As the aging actor who stands at the head of the family, Frederic March gives a masterly performance that will stand as a milestone in the acting of an O'Neill play . . . This is a character portrait of grandeur."

In his Hollywood heyday, Mr. March felt he was becoming type-cast as a "costume actor" and vowed that once his long-term contracts had run out, he would never sign another multiple-picture deal. That was in the nineteen-forties. He was also intensely, sometimes foolishly, selective about the Broadway roles he would consider.

For example, one script he was offered in the late nineteen-forties was about a traveling salesman who was a loser, and Mr. March rejected it because he found it, on a cursory reading, "too grim." The play was Arthur Miller's "Death of a Salesman," and the role of Willy Loman went to Lee J. Cobb, who became the season's toast of Broadway. The play won both a New York Drama Critics Circle award and a Pulitzer Prize in 1949.

Mr. March later explained that he was making a film in Rome when he received the play script and "I didn't have the time to read it properly. Boy, I sure blew that one." The producers of the movie version of the play gave Mr. March his second chance, and he won an Oscar nomination in 1951 for his film portrayal of Willy Loman.

As gifted and versatile an actor as he was—he could move with facility from light comedy to melodrama to tragedy, and was as believable as a hero as he was in a character role—Mr. March somehow never got around to playing the classics. He never undertook a Shakesperean role. "I don't know why I haven't, I really don't," he told an interviewer in 1973. "I should have done Romeo, and then Hamlet . . . I should have done Macbeth."

HUNT FOR COMMUNISTS

In 1940 Mr. March was one of many Hollywood personalities who ran afoul of Representative Martin Dies, then chairman of the House Committee on Un-American Activities, who had started a widely publicized hunt for Communists in the film-making community.

Mr. Dies denounced Hollywood as a hotbed of radicalism, which struck Mr. March as "scattershot, unfair and ill-advised." He openly defended the film community and his having lent his name to pre-World War II liberal causes, and so incurred the wrath of Mr. Dies, who promised to take a searching look at Mr. March's own politics. The Congressman later apologized to Mr. March and placed him on a list of "politically clean" figures that included James Cagney, Humphrey Bogart and the writer Philip Dunne.

The Marches lived quietly, maintaining an apartment in New York and a 40-acre farm near New Milford, Conn. Mr. March loved the farm and liked to swing an ax to clear his land, but after illness beset him five years ago, he had to omit such activity. The couple sold the farm and moved into a Los Angeles condominium more than a year ago.

Mr. March underwent prostate surgery for the second time while filming "The Iceman Cometh" in 1973. By then, the debilities of age had forced him to walk with the aid of a cane.

The Marches adopted a son, Anthony, and a daughter, Penelope, now Mrs. Bert Fantucci of Florence, Italy. Mr. March is also survived by his widow and four grandchildren. The funeral will be private.

ALLENTOWN, PA., ALL-AMERICAN CITY

Mr. HUGH SCOTT. Mr. President, I am very proud to take this opportunity to congratulate the city of Allentown, Pa., on its selection as a 1974–75 All-American City in national competition.

Allentown was selected for this prestigious award by the National Municipal League, an organization which assesses the impact of citizenry at work in communities throughout our country.

More than 300 cities were entered in this year's competition, and it is indeed a great honor to all of the people of Allentown that their community was chosen to receive this citizenship award.

The success of our system of government—both at the national and local level—depends upon the active participation of our citizens. Certainly, the citizens of Allentown deserve highest commendation for their interest in city government and their contribution to it.

I ask unanimous consent that an article from the April issue of National Civic Review describing the award program be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The All-America Cities Awards: Demonstration of Interdependence

(By William G. Anderson, Jr., and Steven M. Engel*)

During the dramatic national political events of 1974, news commentator Harry Reasoner characterized the state of affairs in part by saying, "When you have a country in which only 27 percent of the people think that the President is doing a good job and 51 percent believe in the existence of Unidentified Flying Objects, you may need a new President but you almost certainly need a new citizenry."

Reasoner's assessment does not stand up in light of available evidence. Perhaps a new consciousness about national issues is called for, but there has been no decline in the level of citizen activity focused on local concerns. The large number of local government study groups at work, the activity created by general revenue sharing and community development block grants, and issues of low growth, environmental protection and consumer affairs clearly demonstrate that there are more citizens, and a greater diversity of them, involved in community action.

The National Municipal League's All-America Cities program provides one forum through which to assess the impact of the citizenry at work. Last year over 500 communities made application to take part in the competition, and interest grows annually. More than 300 delegates from the 21 finalist communities attended the National Conference on Government in San Diego.

The All-America Cities program provides a "sidewalk and shirtsleeve" view of how the people involved see their community problems and act on them. The awards process is not a trivial exercise. There are no population restrictions or requirements for special institutional characteristics. Above all, it is not a "beauty contest." For the last 26 years the competition has honored the achievements of citizens who demonstrated special initiatives in perceiving challenges to their communities and taking informed, purposeful and successful action. All the efforts have in common concerted citizen action and governmental activity to accomplish specific objectives.

Significantly, the award competitors were nominated by local citizens who had a "success" story to tell and the winners were determined by panels of civic affairs specialists.

What makes an award community unique? It has successfully achieved significant programs for community improvement. Equally, if not more importantly, it has identified a process facilitating an awareness of the importance of "interdependence" as one of its key elements. Also evolving from the process is the development of problem-solving techniques which preserve the vitality of differing points of view without diminishing the sense of mutuality necessary to attaining a common goal.

The slogans and shorthand descriptions used by communities to promote citizen accomplishments provide a clue to what "All-America City" seeks to represent:

Wilmington, Delaware—"Wilmington, A Place to Be Somebody" (on a poster symbolizing the city).

Hampton, Virginia—"The Hampton Spirit of People. . . ." (All-America City slogan).

Wooster, Ohio—"To be aware of our advantages requires our being aware of our needs. And in our attempts to find processes by which we may fulfill them, we have learned how truly interdependent we all are" (presentation to the jury).

ALLENTOWN, PA.

Allentown is a thriving community characterized by leaders as "progressive" and "prosperous." Located in east central Pennsylvania, 50 miles from Philadelphia, it is a cultural, educational and economic center for the Lehigh valley. Elton Samuels, president of the Lehigh County Chamber of Commerce, remembers how it used to be: "The greatest problem facing Allentown in the '70s was one of negative community attitude and resignation to a troubled future. Community interest had been blunted by inaction. . . . Obvious deterioration of the once vibrant mid-city was reflected in successful court appeals for lower assessments."

That was just part of the story. Allentown was also shackled with a 60-year-old commission form of government increasingly incapable of dealing with the complex problems and needs of a growing community. Citizens felt that a change in government would open the way for needed improvements. Starting in the late 1960s, the Jaycees, Chamber of Commerce, and League of Women Voters initiated plans for a home rule study under the Pennsylvania charter law. The Citizens for Efficient City Government Committee was formed and, after a tough struggle with an uncooperative city council, succeeded in gaining approval for a charter study. The charter commission, after eight months of study, recommended a change to the mayor-council government. The citizen groups promptly endorsed the proposal and thousands of supporters campaigned, held public meetings and ran education programs to insure a victory.

In one term, gains were made in public housing, housing for the elderly, traffic control, public safety, urban renewal and minority problems assuring public support for the continuance of the new form of government.

Work on revitalizing the downtown core also began in the late 1960s. Business leaders, seeing the continued drain from the CBD, began to investigate similar situations elsewhere. Realizing the importance of revitalizing the area, business and government teamed up to bring about change. Committees began drawing up plans, holding meetings on needs, plans and financing, seeking assistance and enlisting support. The collaborative effort resulted in a complete rehabilitation of the four-block core known as "center city." Highways were converted into cartways, walkways and sidewalks, plazas were built and utility improvements were made. The revived center, Hamilton Mall, is unique in its proximity to mid-city residential areas and has created a new environment for all of the downtown. Over $38 million in new investment has been placed in businesses around the mall, making it a successful hub for business and redevelopment efforts.

As positive results began to appear, citizen attention focused on health care. Studies had pointed toward the deficiencies in institutional facilities and the quality of care. Aiming for comprehensive community health care, leaders created an organization called AHEAD (Area Hospitals Expansion and Development) to draw up plans to finance construction and oversee hospital reorganization.

AHEAD efforts led to creation of a $24-million acute care joint hospital center as well as a 40-bed addition to another facility. Duplication of services, financial burdens and overcrowded facilities have been eliminated through the work of more than 2,000 volunteers. Their fund-raising goals were exceeded, grants were received and massive support is forthcoming. AHEAD was an unqualified success in involvement.

Encouraged by these successes, citizens continue to work at problems of housing, crime, environmental pollution and human relations.

FEDERAL SUPPORT FOR ENVIRONMENTAL HEALTH ACTIVITIES

Mr. NELSON. Mr. President, Congressman David R. Obey, of Wisconsin, has been a leader in pushing legislation and appropriations to improve the level of Federal support for environmental health activities.

In recognizing that possibly 90 percent of all cancer is environmentally and chemically caused, Mr. Obey has urged greater emphasis on preventive research and programs, and on protective actions that are mandated by the occupational Safety and Health Act.

In a recent speech to the New York Academy of Sciences Conference on Occupational Carcinogenesis—March 25, 1975, New York City—he provided much useful information and analyses of the problems incurred at the Federal level by low budgets and low priority given preventive and environmental health research. Federal agencies such as the National Institute for Occupational Safety and Health—NIOSH; the National Institute of Environmental Health Sciences—NIEAS; the National Cancer Institute—NCI; and the Environmental Protection Agency—EPA—are all plagued by budgetary cuts or restraints, personnel hiring problems, or antiquated facilities.

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* William G. Andersen, Jr., is senior associate and Steven M. Engel is a special intern, National Municipal League. Mr. Andersen is the coordinator of the All-America Cities program. He and Mr. Engel are working on a project involving citizen participation through the program.

Congressman Obey's remarks should be an encouragement to the Congress to change the present pattern, as we reassess the Federal "war on cancer" program and budget priorities in general.

I ask unanimous consent that Mr. Obey's remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address of Congressman David R. Obey

I very much appreciate the opportunity to appear here today and want to talk about the direction of this country's attack upon cancer as it appears to one person in the legislative and political arena.

Cancer, by any standard, is an enormous problem in this society. In 1975 cancer will claim the lives of 365,000 Americans—far more than all U.S. battle deaths in World War II, more than five times the number of deaths caused by auto accidents in this country in any given year, and nearly ten times the number of deaths suffered from polio in the worst years of that dread disease. And the number of deaths per year caused by cancer is increasing steadily.

At least one-fourth of the people in this country will suffer from cancer during their lifetime even if the rate at which the disease strikes is held steady—a prospect for which there is little hope. In fact, study after study shows that our chances with cancer are getting worse with every passing year. And the cost can be weighed in strict economic terms as well as in pain and suffering. The medical costs to the more than one million Americans now being treated for cancer will probably approach one billion dollars in 1975. Other costs, including loss of wages and lifetime earnings was estimated in 1971 to be in excess of $15 billion a year.

That leaves little cause to wonder why the public, the Congress and the White House have shown such concern for finding a way to put an end to the ravages of this disease. We have not been stingy in our devotion of resources to cancer research even before the "War on Cancer", but in 1971 the Federal Government decided to greatly accelerate expenditures in that area. The National Cancer Institute (NCI) is now being budgeted at well over half a billion dollars a year and a cure would be cheap at twice the price.

But many scientists are concerned that the generally optimistic tone of the National Cancer Institute is inconsistent with some rather unhappy facts: that while survival rates for cancer have improved from one in five in the 1930's to one in three today, the portion of that increase which occurred since 1955 is small; the five-year survival rate for cancer of the stomach has remained at 12% since 1950; for esophageal cancer—virtual stability—a 4% survival rate for the last 25 years.

You know the rest. NCI Director Dr. Rauscher argues, with some justification, that these figures cannot fairly be used to judge the value of the new Cancer Control Act because there has not yet been enough time since its passage to judge it.

If the widely-held judgment that 80 to 90% of all cancer is *environmentally* related or triggered is true, then logic would seem to require that we make a much greater effort in the area of prevention. And nowhere is that more necessary than in the field of occupational cancer.

For workers and their families, that is a potential tragedy. For them, a defensive strategy of *prevention* against cancer is critical. You know that. But I frankly don't think we're going to get it, unless they begin to know it too.

The problem is that you know, but most of them don't:

1. That the post World War II chemical explosion, led by petrochemical production which has increased by more than 2000% since 1945, has given us 1.8 million chemical compounds listed in the chemical laboratory registry, with 250,000 more being added each year, and no one really knows how many of those chemicals are in our homes or workplaces or anything about the long-term health risks posed by the vast majority of them.

2. That the 20–30 year latency period that can occur between exposure to a dangerous chemical and the onset of irreversible disease means that it may be several decades before we have a true understanding of what impact those chemicals may have had on the nation's health.

3. That a steadily increasing portion of Americans of all ages, of both sexes—those who don't smoke as well as those who do, are dying of cancer of the lung, liver and bladder—human organs most directly affected by environmental impurities.

4. That many of the chemicals associated with cancer are generally also linked to other diseases.

As enormous as the cancer problem is, many people believe—and evidence seems to indicate—that much cancer may be only part of a greater problem of chemically-induced diseases. I know that many Americans are vaguely aware that smog causes health problems. They may know there is some health problem connected with asbestos. They may have heard of vinyl chloride. They may have seen front page headlines tentatively linking hazard X or chemical Y with cancer, but they—for the most part—see them as isolated incidences, not part of a whole.

Once Americans—especially working Americans—begin to understand the pattern of it all, it will be easier to eliminate some of the structural roadblocks, some of the indifference and narrowness which plagues the government's war on cancer; roadblocks such as the allocation of adequate resources to testing of harmful chemicals.

The National Institute for Occupational Safety and Health (NIOSH), is charged with the responsibility of determining the potential danger posed by the most suspect of the 500 new chemicals put into use in the workplace each year, and the tens of thousands of chemicals already in use. Initially, a staff of over 1100 people and a budget in the neighborhood of $70 million was planned for NIOSH. By January of 1973, a total staff of 660 had been built. After the terrifying revelations of the last two years concerning vinyl chloride, operating room anesthetics, inorganic arsenic and chloroprene, the NIOSH staff stands today at 597—down 10% in only two years.

In 1972 the Secretary of Health, Education and Welfare, Elliot Richardson, suggested that NIOSH should be equipped to prepare 40 to 60 criteria packages on occupationally dangerous chemicals each year. The budget for NIOSH submitted by the Administration this year called for the preparation of *14*. The Congress appropriated additional funds to increase the output of criteria documents to 26, only to have the Administration try to impound most of that money and cut back the output to 20.

In 1973, 736 people in the Environmental Protection Agency (EPA), with a budget of $40 million, were researching chemical contaminants in our water supply. Since then, concern over the danger posed by asbestos in drinking water has mounted. Preliminary studies suggest the possibility that in some communities, the chlorine used to purify drinking water may be reacting with pollutants in the water to form carcinogens which may explain excess cancer rates as high as 20% in some of those same communities.

But today funding for that research at EPA is $2 million less. Instead of 736 people working on the problem, there are 636.

The National Institute for Environmental Health Sciences (NIEHS) had a budget of $31 million in FY '73 with an authorized staff of 248. NIEHS researchers working in a wide range of areas have found serious potential hazards in such industrial chemicals as halo ethers and in chemicals found in everyday consumer products such as the hundreds of toxic substances being poured into common plastics.

But, despite the increasingly clear warning which such discoveries present to concerned scientists, the response at the Office of Management and Budget—which has learned to determine price much more easily than value—has been to cut NIEHS funding by $2 million and to reduce the authorized staff by 15.

Most recently, as part of its inflation-fighting package, the President's budget analysts urged a $7 million cut for NIEHS—$1 million below even what the Administration had initially requested. Included among the casualties was a $1 million addition I had obtained to start a 3-year study on oral ingestion of asbestos.

The problems are not only monetary. NIOSH, for instance, has been placed so far down on the bureaucratic totem pole that routine administrative problems have often become greater roadblocks to productive research than inadequate funds and is constantly harassed and squeezed by CDC.

The agency is not permitted to operate its own personnel operation, so the already difficult chore of recruiting qualified scientists is complicated by unnecessary red tape and many good applicants are lost after months of bureaucratic hassels.

The heart of the NIOSH research effort is located in Cincinnati in a building so antiquated and inadequate that the whole operation might well be shut down if federal employees were protected by the Occupational Safety and Health Act. And although Congress has repeatedly stressed the importance of increasing the agency's in-house research capacity, it is clear that little can be done until that agency has a house. And that too, is another problem stalled in the higher echelons of the Department of Health, Education and Welfare.

HEW has also imposed upon NIOSH a senselessly tight restriction on the average civil service grade point which in plain English, means that no matter how much money Congress appropriated, NIOSH may not be able to pay sufficient salaries to attract qualified personnel.

Even with the National Cancer Institute (NCI), chemical research has been downplayed to a shocking and irrational degree. The carcinogenesis area, three tiers down from the Director, receives only 6% of the total funds spent by NCI, while the virology program continues to eat up twice that amount despite very serious charges coming even from NCI's own evaluations, that the program is using an inordinate portion of the agency's resources in its contracting procedures, and is riddled with conflicts of interest.

If you and the press can increase the public's awareness on the stakes, we can get enough help from the politicians in government to pay enough attention to that dismal litany of indifference I have just recited to make some changes. You know, nothing generates a politician's awareness of a question quite so quickly as an indication that the public is interested in it.

And, if we can generate that interest, we can persuade NCI to give more than token recognition to the importance of occupational cancer research and the importance of research on the exploding chemical field.

We can get a decent budget for NIOSH and NIEHS—the two government agencies which have shown some responsiveness to the problem. That means we can move the war against cancer out of the Office of Management and Budget and out of the contract laboratories of Bethesda, and into the workplace.

We will see government acceptance of the obligation it has to do more for the thousands of workers who in years past were exposed to what we now know are hazardous levels of carcinogens, such as vinyl chloride, asbestos, arsenic, uranium, beta napthylamene, and do more than simply sitting on the sidelines as Dr. Irving Selikoff has said "acting as biological bookkeepers keeping score on how many are dying."

We can gain greater government interest in tracing the large numbers of workers whose past exposure to unstudied chemicals and agents have not been studied. Those large numbers of unstudied workers, if imaginatively traced and studied can help to fill in extraordinary gaps in data. They can help us to begin to point fingers at other agents which present serious hazards to us all.

We can assure there will be no hesitation to enforce the health provisions of the OSHA act.

We can prevent industry lobbyists and differences between the House and Senate from killing a desperately needed Toxic Substances Act because the public will understand that pretesting is not just a nice idea, but a practical necessity.

Let me emphasize again. We need your help. Scientists and politicians have the same problem. Politicians spend most of their time talking to other politicians. Scientists spend most of their time talking to other scientists. That's understandable. That's normal. But we need a break with normalcy if what you know or worry about today is to become what the public knows about tomorrow and what the government acts upon the day after that.

And those of us in the legislative branch of government especially need your help to understand all that we should. To be sure, we can obtain great amount of information from the proper government agencies. But if that is all we get, something will still be missing. The most valuable contribution legislators can make is to question, to challenge, to play devil's advocate; to question the procedures, practice, and emphasis of government's response to any issue.

And health and cancer is no different. To do that we need your help. Let me give you an example of what I mean. Right now a number of us in Congress are receiving briefings, memos and suggestions for legislation and critiques of various energy plans emerging from the Administration and Congress. Those briefings come from experts in the field of energy.

That is the kind of help we need from you in the scientific community. My committee, which determines budget levels for health research needs that assistance as much as any other. As I said, not just information supplied by the administrators of government health programs—but information from experts like yourselves so that the conflict between outside opinion and government practice can produce a better environment in which to attack the most feared disease in the human experience.

SOUTH VIETNAM

Mr. PELL. Mr. President, with the sickening roar of a collapsing building, the two northern military regions of South Vietnam have disintegrated and the war has moved to the thresholds of Saigon.

For even those most vehemently opposed to the Thieu regime and U.S. involvement in Indochina, South Vietnam's potential death throes are not pleasant. Regardless of how much reason there is to be appalled by the Saigon government's ineptitude and disarray before the enemy, it is the long-suffering South Vietnamese people who are the real victims of this terrible new ordeal.

It is a tragic consequence of President Thieu's suppression of all opposition to his dictatorial rule that there is apparently now no responsible leadership in South Vietnam to save the country from a complete military defeat by rallying forces to defend what is left of South Vietnam long enough to seek a negotiated peace settlement. A paramount provision of such an agreement would be to bar massive bloody retaliation by permitting Vietnamese in need of asylum and Americans to leave the country in an orderly fashion.

I wish we could count on such a possibility, but the recent dismaying turn of events amply demonstrates that we cannot prudently do so. We must be at least in position, therefore, to make every effort to rescue both American citizens and such deserving Vietnamese as would be most endangered, because of close American association, in what looks like the inevitable eventual takeover of South Vietnam.

Our first reaction has understandably been to think of helping children, always the most pitiable victims of active warfare. But in a vanquished situation, the people in Vietnam to whom we have the greatest obligation are not so much the children as those older citizens who would suffer, because of their identification with the United States.

I am not thinking of very rich Vietnamese, many of whom have adequate funds outside the country to look after themselves. But I am thinking of the Vietnamese employees of the American Government, of Vietnamese oriented toward us because of training or education in the United States, of the shopkeepers and service people with whom we dealt, the sergeants and the middle-income people who are identified with our activities in the past.

These are the people who would certainly suffer under the inevitable Communist rule, and who should be given some sort of asylum. Whether this asylum is in the United States or in some other country willing to take in these Vietnamese is a matter to be pursued by our Government.

I remember 9 years ago on this floor making the suggestion that Borneo, a sparsely settled country of a similar climate and latitude and only some hundreds of miles from South Vietnam, might well provide such a safe haven. But if Borneo or a similar nation does not wish to receive them, then I believe we have an obligation to give asylum in this country.

The obligation is far more valid in this regard than bringing in the little children. In fact, except for those children fathered by American servicemen, I would concentrate on the adult Vietnamese and their families most vulnerable to the whiplash of revenge.

The children would suffer less under the change of regime and in the end might well be better off in a country of which they are part, rather than being the object of immense emotional attention for the time being and then in future years finding themselves of an alien stock with shallow roots in the United States.

In urging this sort of humanitarian assistance, I speak as one who has opposed the war for a good many years, one who was once referred to as New England's leading dove, one who has done all that he possibly could to end the conflict in Indochina, recognizing that hostilities there are more a series of civil wars than a war between nations.

Yet as we learned from sad experience in our own country, civil wars often generate more impassioned hate and thirst for revenge than other kinds of conflict. Because the United States did intervene and take sides in this kind of war, I believe we are beholden to help with asylum those Vietnamese who in good faith identified the closest with us.

But the number we can help directly is limited. We can best aid the vast majority of others by immediately relinquishing reliance upon hopeless military salvage and supporting multilateral solutions that give scope to compassion and reconciliation.

CONGRESSMAN UDALL'S ADDRESS TO THE AMERICAN ASSOCIATION OF HOMES FOR THE AGING

Mr. MOSS. Mr. President, Congressman Morris K. Udall has a long record of courageous leadership in the House of Representatives. His efforts to make the legislative process open and democratic, to clean up campaign financing, to require coal companies to repair the land they strip, to give the country comprehensive and sensible energy R. & D. and conservation polices, are just a few of the areas where he has distinguished himself. Mo Udall is a man of vision, committed to the common welfare of Americans.

Last month Congressman Udall spoke to the American Association of Homes for the Aging on the problems of older Americans. His address is an eloquent statement of the plight of our elderly, with many thoughtful recommendations for solving the problems they face and relieving the suffering they endure. I ask unanimous consent that the text of Congressman Udall's address be printed in the Record, and I commend it to my colleagues and everyone who is interested in making ours a more humane and just society.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Congressman Udall

Old age is the last and most devastating segregation in our country. We are a society obsessed with youth and staying young, whose citizens and government have turned their backs on the lives and needs of the elderly.

The problems of older Americans have received much publicity in recent years. Those problems have been the focus of reform efforts by senior citizens' groups and others, including your members. Nonetheless, the problems of aging have yet to become a popular cause, like the consumer movement or the environmental movement, attracting widespread support among diverse groups of citizens and politicians.

Perhaps the reason is fear—fear of the wasteland we have made of old age. The truth is that old age is an empty legacy for millions of Americans: it is losing your eyesight, being deprived of your mobility, and finally robbed of your human dignity.

In certain ancient tribal societies, where the chief pursuits were hunting and warfare, when a person became too old for these activities he was placed ceremonially on a raft and allowed to float down a river.

The tribal leaders assured everyone that the hapless elder was floating to a better place and a better life. No doubt many of the younger members of the tribe had secret misgivings, and some thought with apprehension about their inevitable turn on the raft.

In modern society we repeat in many symbolic ways the ritual on the river bank. We who participate in it also doubt its validity, fear its implications for ourselves, yet yield to what appears to be its necessity in the pursuit of our immediate preoccupations.

There must always be a justifying mythology when a dominant group systematically and for its self-interest disadvantages a less powerful minority. In this case, we have developed two stereotypes of the aged to justify our neglect—serenity and senility.

On the one hand our images of old age are idealized images of the beloved and tranquil grandparents, the wise elders, the serene and gracious white-haired matriarch dispensing wisdom from the kitchen or the patriarch from the front porch rocker. On the other hand, the opposite image disparages the aged. Old age is viewed as irreversible decay, decreptitude and loss of mental powers.

A survey by the Louis Harris organization recently commissioned by the National Council on Aging found that younger people regarded the aged as an "inept, ineffectual, physically depleted group waiting for death." We see them as rigid, guerulous and resistant to change; narrow and superficial in intellectual activity; and almost universally senile.

This dual set of images and attitudes is mirrored in our public policies and programs. Our public statements speak reverentially of "senior citizens" and their needs while our public programs carry out the assumption that there is not much we can do. So, we talk of the need to meet the health and medical care needs of the aged and we design a program which leaves them to take pot luck in a medical care system designed for the young. We talk of the desirability of providing housing and living arrangements which will enable the aged to live comfortably and self-sufficiently, and we design housing programs for the elderly which will not work, so that we do not interfere with more lucrative uses of land and capital.

Let us take a more detailed look at what we have been doing and what we need to change.

THE ELDERLY AND POVERTY

The economic situation of the elderly is a desperate picture of struggle and suffering. Almost a quarter of the aged live below the official poverty line. The median income of an elderly couple is about $5,500 per year—half that of their younger counterparts. Half of older couples cannot afford the Bureau of Labor Statistics' budget for a "modest but adequate" standard of living.

Older Americans, strapped down with fixed incomes, have been running a losing race with inflation. 80% of the income of older people goes to food, shelter, health care and transportation—areas where price rises have in many instances exceeded the overall cost of living increase. Thus, social security and other retirement payment formulas that are adjusted annually for changes in the cost of living are only partially helpful. Their helpfulness is further diminished by the fact that they provide income increases *after* prices have gone up, and older people have little savings to carry them over the hump. And their helpfulness would be practically destroyed if the President's proposal to limit to 5% the adjustment for a 12.5% inflationary year were implemented.

To relieve the greatest degradations of poverty, the government must improve the Supplemental Security Income program to bring all other Americans above the poverty line. We must not plunge the elderly deeper into poverty by abandoning the automatic annual cost of living adjustment in the Social Security program. We must find and establish ways to implement a goal of *adequacy* for retirement income. That means drawing on a mix of Social Security, private pensions, and other sources of income, and not penalizing SSI and food stamp recipients for other earnings in ways that lock these people into permanent sub-poverty status.

NEGLECT OF THE AGING IN OUR HEALTH CARE SYSTEM

Turning to our health care system and how it accommodates the elderly. I am reminded of the story of the 94-year old gentleman who was experiencing pain in his left leg. When he went to see his physician and complained, the doctor said to him, "Well, what do you expect when you're 94 years old?" To that, the old man replied, "But doctor, my right leg is 94 years old too, and it doesn't hurt."

This story illustrates our tendency—and this is true not only of doctors but of many of us—to attribute to "old age" the variety of problems facing an older person without looking further.

American medicine is not attuned to the special needs of the elderly generally, and least of all to the problems of the so-called "old elderly"—those 75 and over, with whom this organization is directly concerned.

American medicine is young people's medicine. It is oriented to diagnosing and curing acute illness. Few medical schools in this country offer even rudimentary training in geriatrics and only one has a chair of geriatric medicine.

Our health manpower legislation typically offers nothing in the way of training for health professionals in geriatrics, despite the fact that in 1973 the per capita health care costs for older Americans came to $1,052, or more than three times the amount spent for those under 65.

The national Professional Standards Review Council—the new mechanism we have set up to rule on whether services paid for by Medicare and Medicaid are "medically necessary" and, therefore, reimbursable—has no one on it with a background in or special knowledge of geriatrics, despite the fact that the elderly are among the neediest and greatest users of these health care programs. (It is worth noting that the Council has two obstetricians.)

Given the inattention within our health and medical establishment to the problems of aging, it is little wonder that, Medicare, a health program billed in 1965 as The Answer to the health problems of the aging was discovered recently to cover only 40 percent of the total health costs of older people.

Given our failure to examine carefully what the special needs of the elderly are, and how they can best be met, it is little wonder that we have discovered only belatedly that in many respects Medicare is remarkably unsuited to the elderly.

The widespread expressions of discontent that we hear with respect to the care of the institutionalized elderly, should tell us that it is time we asked ourselves whether the health needs of the elderly differ in such substantial ways from those of the younger population as to warrant our developing an entirely different kind of system for them.

The average hospital patient suffers from only one disease or medical problem. On the other hand the average resident of a long term care institution suffers from four chronic illnesses, and is considerably less vigorous and more frail than the hospital patient. The average hospital patient spends about seven days in the hospital—while the resident of a long term care institution spends an average of 2.5 years in the institution.

The health care needs of the elderly are less intensive but more chronic and more continuous than those of the general population. At the same time their social needs are more intensive and acute. More often than not, the elderly are undergoing severe and acute social and emotional traumas, traumas associated with the loss of their spouse and friends, and of their physical vigor. With these losses goes the loss of their self-confidence, of their sense of importance to those around them. Since these emotional and social problems often bear upon the aged person's eating and physical habits, they may seriously affect his health and, in turn, his need for professional medical attention.

I know that the members of the American Association of Homes for the Aging have been saying for many years that Federal health programs for the aging ignore what are called the "social components of care"—not recognizing that the aged person is a "patient" only a part of the day, and the rest of the time he is a "person" facing a raft of social and emotional problems which bear upon his health condition.

We should not delay any longer facing up to these realities and thinking through their implications, because, despite President Ford's opposition to enacting National Health Insurance in 1975, the Nation is moving inexorably toward a national health program.

If there were mistakes made with Medicare programs over how best to meet the health care needs of the elderly, then we had better think carefully about whether the direction in which we are now headed is the right one as we embark upon a program double or triple current costs.

The national health insurance proposals we have before us continue to ignore the need for a specially designed program for health and medical care of the aged. The one exception is a bill introduced by my colleague, Rep. Barber Conable, which is the first serious effort to design a health delivery system specifically for services to the aged. The bill deserves serious consideration. If National Health Insurance is not to be just a giant re-run of Medicare with all its attendant disappointments and frustrations, it must include such provisions carefully designed to meet the special needs of the aged.

One more question requires our attention: whether it is appropriate to run nursing homes on a for-profit basis. The answer, I believe, is no. The operator of a proprietary nursing home has a constant incentive to effect "efficiencies", in order to protect his profit margin, which in the end mean reductions in services to the institution's residents. It is intolerable for the government to continue to subsidize that kind of trading in the economics of misery. And as the recent investigations in New York show, the corrupting web of money flowing into the political process to keep the operators of proprietary homes plugged into State and Federal Treasuries leaves no room for half-way solutions, like tinkering with reimbursement formulas or beefing up enforcement practices. The transition from our current industry, in which 85% of nursing homes are proprietary, to a nonprofit system will require time and careful planning, but it is a goal which we must set and begin moving to implement.

NEGLECT OF THE AGED IN HOUSING PROGRAMS

For more than twenty years planners, builders, bankers and businessmen have been undertaking urban renewal and redevelopment projects in our cities. Old and deteriorated urban areas have been acquired with governmental powers of eminent domain to make way for commercial buildings, luxury apartment houses and so forth.

But who had been living in these areas? Many elderly were there along with other low-income and disadvantaged residents. They were there because they had come a generation before, when they built or bought homes in what were then modest, working class residential neighborhoods. The elderly, along with others, were offered relocation payments and an opportunity to register with the relocation agency for referral to other living units in other parts of the city.

Then the redevelopment bulldozer moved in and swept the neighborhoods away. My point is not to criticize Federal housing-projects or their sponsors. But to emphasize that the programs we supported were not directed to *people* and to enhancing the city as a place for people to live. Least of all were they directed to the potential of the city as a living environment for the elderly.

We have had some programs authorizing support for housing for the elderly. Section 202, the old program of ten years ago, was instrumental in creating many good apartment developments for the elderly. This program and others like it have done some good, but they have amounted to little more than tokenism. Housing and a convenient, supportive living environment for the elderly have never been an integral part of our housing and urban development strategy, and efforts by nonprofit sponsors to obtain sites and become a part of an urban development plan have rarely been successful.

Now we have the Housing and Community Development Act of 1974. This Act relates all the housing programs to a community development plan, spelling out the content of the plan and how it should be developed. As in times past, there is nothing in the Community Development title of this Act which recognizes the stake of the elderly in urban living.

After a community development plan is filed, sponsors of housing for the elderly may submit proposals to use the sites planned for redevelopment. If a sponsor of housing for the elderly is a successful competitor for a place in the redevelopment scheme and if he can obtain permanent financing, he can get temporary financing under the revised section 202 program. Now I don't need to tell this group that that is not a dramatic breakthrough.

My criticism of existing housing programs is much the same as my criticism of our health programs. The elderly take pot luck in a system designed for other purposes.

Instead, we should mandate that community development plans recognize that urban neighborhoods have special utility for accommodating the elderly. The elderly and their advocates must get actively involved in the planning process. We should subsidize the use of land and capital in the execution of community development plans, so that the social desirability of rehabilitation and construction of housing for the elderly, in neighborhoods providing convenient shopping, services, and recreational and cultural opportunities can compete with the economic advantages of commercial and luxury uses.

NEGLECT OF THE AGING IN OUR TRANSPORTATION SYSTEM

Although it might be argued that we ignore people in general in our transportation system, it certainly is true that we have totally and cruelly ignored the needs of the elderly when it comes to transportation.

Our entire transportation system—if we can call it a "system"—accommodates and provides for the needs of automobiles—highways and parking lots—but not for the needs of people—convenience, thrift and shorter distances to walk. It offers little, very little, to the aged person who simply needs transportation assistance in getting from his home to the grocery store to downtown to visit friends.

Many elderly, particularly the old elderly, cannot drive or cannot afford automobiles on their severely limited incomes, nor do they need the great personal mobility a car provides. They must rely upon some form of public transportation.

But public transportation is still a joke in this country. While the proliferation of highways and parking lots continues to displace many elderly from their homes and destroy neighborhoods of long standing, we stand by and do nothing. Even despite the energy crisis, we have yet to begin to think seriously about the need to move away from our near—total reliance upon the private car and to begin to develop a convenient, comfortable and efficient mass transportation system.

We *must* begin to build the subways the railroads and the public transportation networks that are necessary to accommodate our general needs as well as those of the elderly. This is essential if we are going to reduce the serious isolation problem of older Americans, and to give them a measure of independence; rather than having to rely always upon someone else—to ask a special favor of others—to get where they want to go.

For whatever reasons—our own fear of aging, or just a lack of understanding—we have failed to embrace and include the elderly in our daily living. We ignore them. We shunt them aside. We makes jokes about them on television.

We need to reach out and bring them back into the system, into society's mainstream.

We need to nourish the belief that an individual in American society can have a social role which is not necessarily linked to economic status.

We need to develop the concept of a non-economic work force. In every community there is useful work needing to be done operations of the economic system. Work which is not compensated through the operations of the economic system. Work with voluntary organizations such as day care centers, the inspiration and guidance of children and youth, the monitoring of actions of public agencies and business, the support and development of the arts and the cultural life of the community, are all examples of important work which someone must do.

We must focus our inventiveness on the problem of designing a system which will give older citizens access to such community roles, encourage them to take them on, and reward their efforts with well-deserved recognition of their value to society.

We must also expand educational opportunities, to enable people who have left the work force to pursue new intellectual interests and to develop the talents which many have in these areas.

We must also recognize the great contribution older people can make to all of us as the living embodiment of our past. If we can share the experiences they have lived through, and the perspective which these experiences have given them on contemporary times, it will enrich our lives and our appreciation for our heritage and enhance the wisdom with which we confront the future.

There is no better time, and no more appropriate context, for the development of this idea, than in the forthcoming Bicentennial activities.

We should include the elderly *in a major way* in the Bicentennial in every community throughout the Nation.

And most important of all, we should include those in institutions, in homes for the aging and other institutional settings, in the national celebration.

If we are to stop treating old people like another class of disposable objects, which go the way of all things in our throwaway society, then our public policies and social attitudes must change. They must reflect the knowledge that aging is a normal part of the life cycle not necessarily to be dreaded; that those who have reached advanced age need and merit special attention from the society, and that given this attention, the contribution of the aged to society can enhance the quality and civility of life for us all. Those changes will come when we realize that older Americans are not just 10% of our population, but that old age is a fate which awaits us all.

INFLATION

Mr. GARN. Mr. President, a short time ago, a young nephew of mine sent me a clipping from the Wall Street Journal. The clipping quoted F. A. Hayek, 1974 Nobel Prize Winner in Economics, on the subject of inflation. I ask unanimous consent that the quotation be printed at this point in the RECORD.

There being no objection, the quotation was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 5, 1975]

NOTABLE & QUOTABLE

Friedrich A. von Hayek, 1974 Nobel Prize winner in Economics, discussing the prospects of liberty in a recent interview with Reason magazine:

What I expect is that inflation will drive all the Western countries into a planned economy via price controls. Nobody will dare to stop inflation in an ordinary manner because as things are at present, to discontinue inflation will inevitably cause extensive unemployment. So assuming inflation stops it will quickly be resumed. People will find they can't live with constantly rising prices and will try to control it by price controls and that of course is the end of the market system and the end of the free political order. . . . It may still take 10 years, but that doesn't matter much for me because in 10 years I hope I shall be dead.

Mr. GARN. Mr. President, Dr. Hayek's warnings on this subject are not only recent. In his classic work "The Road to Serfdom," originally published in 1944, he warned about the dangers of the managed economy, and in 1950, in an essay published in the Institute of Public Affairs Review, he wrote with tremendous foresight of the economic history of the last 25 years. In fact, reading this essay, one is tempted to believe in crystal balls, so accurately has he forecast the dilemma we now face. I would like to quote a bit from that essay, which was reprinted in 1966, in a collection entitled "Studies in Philosophy, Politics, and Economics." Says Professor Hayek:

> Inflation is part of the price we pay for having committed ourselves to a policy of full employment and central planning.

The Full Employment Act of 1946, of course, makes that commitment explicit, and could be considered the root of our present woes. Professor Hayek goes on to explain that—

> Full employment has come to mean that maximum of employment that can be

> brought about in the short run by monetary pressure.

That, too, we have seen.

> Yet while in practice full employment policies merely mean that in the short run employment is kept somewhat higher than it would otherwise be, it is at least doubtful whether over longer periods they will not in fact lower the level of employment which can be permanently maintained without progressive monetary expansion.

Now I submit, Mr. President, that that is exactly what we have seen happen. We now face levels of unemployment unprecedented since the days of the Great Depression, and we face these levels despite record budget deficits. I know it is popular to say these days that there are no compelling reasons to balance the budget, and that the load of our national debt is not intolerable given the size of the total economic output. But, Mr. President, the people of this country know better, and the mail that we are all receiving should convince all of us that they do know better. We have run deficits in 20 of the last 25 years. That is the stark fact. In the face of that fact, how can anyone seriously propose that we can spend ourselves into full employment? You can disguise the truth by talk of "full employment budgets" or any other form of verbal trickery, but you cannot cloud the issue. We have been spending, spending at an unprecedented rate, and we do not have full employment. Far from it. The truth makes a mockery of the sophisticated arguments that are trotted out by economists, and I believe that the people of this Nation will hold us accountable for our failure to heed our own common sense, and for our failure to call the economists to account.

Now it comes as no surprise to Professor Hayek that we are facing record unemployment. We are not facing unemployment in spite of inflationary spending, but, as Professor Hayek warned, because of inflationary spending. Let me read that quotation from Hayek's 1950 essay again:

> Yet while in practice full employment policies merely mean that in the short run employment is kept somewhat higher than it would otherwise be, it is at least doubtful whether over longer periods they will not in fact lower the level of employment which can be permanently maintained without progressive monetary expansion.

I suggest that that statement characterizes perfectly the situation we now face.

At this point, Mr. President, I would like to quote a somewhat longer passage from the same essay, outlining the connection between inflation and economic controls:

> The connection between inflation and controls and central planning is, however, not only a one-way connection. That inflation leads to controls is nowadays widely seen. But that once an economic system has become cluttered up and encumbered with all sorts of controls and restrictions, continued inflationary pressure is required to keep it going is not yet generally understood but no less important. It is indeed a fact of crucial importance for the understanding of the self-perpetuating and self-accentuating character of the modern tendencies in economic policy.
>
> Since the measures intended to counteract inflation are designed to damp the uplift which the inflationary stimulus would cause, it is inevitable that they should also act as a damper to the spontaneous forces of recovery as soon as the inflationary pressure is relaxed. If most of the post-war economies do not show a greater resilience and spontaneous strength, this is largely due to the fact that they are smothered by controls and that, whenever improvement flags, instead of a removal of all those hindrances an even stronger dose of inflation is demanded which sooner or later leads to further controls.
>
> This tendency of the existing controls to produce a further demand for inflationary pressure is especially important in view of the widely held opinion that, if only the inflationary tendencies can be brought under control, the restrictive measures will subsequently prove unnecessary and be readily removed. If the connection between inflation and controls is a mutual one as here suggested, this view would prove to be erroneous, and to act on it would necessarily lead to failure. Unless the controls are removed at the same time that expansion is discontinued, the pressure for its resumption will probably be irresistible as soon as the deadening effect of the controls make itself felt.

Again, I believe it should be apparent that Professor Hayek has foreseen our situation in advance. In the face of inflationary pressures—not caused, I hasten to add, by the Arab oil embargo—we resorted to that most discredited of economic tools, wage and price controls. That the controls did not halt inflation but, in fact, increased it while at the same time distorting its effects, has not been widely noted, but is plainly true. Hayek is widely discounted in some circles as not being a "true economist," by which is meant, I suppose, that he disagrees with whoever is making the charge, and that he does not sit around playing with computers and calculators, "building econometric models" and doing the other things economists find thrilling these days. It is true that Hayek is more what used to be called a "political" economist, but if the test of a model is its accuracy in predicting outcomes, then I submit that Professor Hayek has done better than most of the forecasters we are used to hearing from more regularly.

Now what is happening, Mr. President?

For one thing, inflation is rapidly coming under control. The Consumer Price Index rose only one-half of 1 percent in January and only three-fifths of 1 percent in February. This indicates inflation in the neighborhood of 6 to 7 percent, as compared with the 13 percent or so for all of 1974. The wholesale price index actually declined in February for the third straight month, on a seasonally adjusted basis, indicating future declines in the consumer index. These figures, while they do not tell the whole story, do indicate that the fight against inflation, which has been fought with traditional tight money policies at the Federal Reserve Bank, has been largely won. I would personally reject the thesis that this policy has been the basic cause of the unemployment we are now experiencing. We had burgeoning unemployment well before the onset of the "tight money" policies now decried.

There are also indications that the recession, with its attendant unemployment, may be about at its end. Inventories have been largely liquidated; orders for durable goods and capital equipment are rising; the unemployment figures, while still high, are not continuing the steep climb of earlier months, and may not reach the heights predicted for them. Chrysler is already calling back to work 2,400 workers who have been on indefinite layoff.

By U.S. standards, we have had only a very few months of unemployment that could really be considered "high." We had unemployment at the 7.2 percent level in December 1974, and in January and February the level was 8.2 percent. The March level of 8.7 percent does not show the continued skyrocketing which appears so often in political rhetoric, and it must be admitted that unemployment is not the disaster it may have been during the depression.

In any event, editorial opinion begins to recognize that the inflationary crisis may be over. An editorial in the Washington Star for April 7 began with these words:

> Just when there are a few indications that the economy might soon turn the corner away from recession. . . .

Well, just when there are such indications, what happens, Mr. President? What happens is that the Congress, in its wisdom, cranks a massive tax cut and budget deficit into the economy. As the Star editorial continues—

> There is the prospect that the nation may experience another wave of serious inflation. It's enough to make strong men weep, economists tear their hair, politicians begin pointing another finger at the nearest adversary and consumers throw up their hands in disgust.

The editorial goes on to warn that deficits could even reach $120 billion. I ask unanimous consent that the Star editorial be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Star, Apr. 7, 1975]

Stemming the Red Ink

Just when there are a few indications that the economy might soon turn the corner away from recession there is the prospect that the nation may experience another wave of serious inflation. It's enough to make strong men weep, economists tear their hair, politicians begin pointing another finger at the nearest adversary and consumers throw up their hands in disgust.

Nearly everyone agreed that a substantial tax cut was in order to stimulate the economy and thereby hasten economic recovery. That has been accomplished through the $22.8 billion tax-reduction legislation passed by Congress and signed by President Ford. The need now is to restrain impulses to further stimulate the economy through other huge spending measures that could turn recovery into runaway inflation.

The $100-billion federal deficit that President Ford has warned about for fiscal 1976 is not idle talk at all. There is speculation that it could even go as high as $120 billion. Such figures are beyond the comprehension of most people but it may be useful to point out that a deficit of $100 billion comes out to $1,333 for each taxpayer. That $1,333 (which borrowing charges would escalate far higher over the years) would be on top of the nearly $4,000 per taxpayer for merely a balanced fiscal 1976 budget.

President Ford has "drawn the line" at a deficit of $60 billion. The clear implication is that he intends to veto any congressional measure that would push the deficit beyond that figure. Few observers believe, however, that he will be able to hold it that low. New budget committees of the House and Senate have projected deficits several billions beyond that, and pressures are strong in Congress for piling on new spending programs that would push it even higher.

Every member of Congress seems to have his own pet project for getting the country out of the recession and is pushing it regardless of whether it is needed or what it might mean in the way of increasing inflationary pressures.

The House and Senate have passed separate versions of a huge farm subsidy that could cost the taxpayers up to $19 billion by the end of 1977, not counting what it might additionally cost in increased prices. When the final version reaches his desk, President Ford would be fully justified in vetoing it, even though it might cost him some support in the farm belt.

The House has passed a $6-billion bill to create nearly 1 million public-service jobs and the Senate is expected to approve a similar measure shortly. This, too, seems excessive and the White House has threatened to veto it.

Bills have been introduced to extend unemployment benefits, to require the government to pay health insurance premiums for the jobless and their families, to subsidize mortgage interest costs for hundreds of thousands of home owners, to make mortgage payments for jobless people facing foreclosure, to greatly expand school free-lunch programs, to give loans to livestock producers, to provide tax credits for college tuition payments—not to mention proposals for national health insurance coverage for all Americans that would cost so many billions that no one is quite sure of the exact number.

Few dispute the need for government intervention to stimulate the economy, but there is a limit to what the government can or ought to do. One thing is sure: If the government spends the nation out of recession only to find that it has caused the dollar to become worthless in the process, there are going to be a lot of unhappy voters along about November 1976.

Mr. GARN. Mr. President, a point similar to that of the editorial was made in a recent speech by columnist Robert Novak, in Salt Lake City. Mr. Novak also pointed out the connection between bad fiscal policies and the economic controls that are continually urged upon us. Mr. Novak, an experienced observer of Congress, fears that the deficit could go as high as $200 billion, and asks, "where is that money going to come from?" Monetization of the deficit may bring about inflation back in the double digits of a year or so ago. I ask unanimous consent that a news account of Mr. Novak's speech be printed at this point in the RECORD.

There being no objections, the article was ordered to be printed in the RECORD, as follows:

[From the Salt Lake City Deseret News, Mar. 26. 1975]

A FORECAST OF FISCAL STORMS

(By Nick Snow)

Unless the United States reverts to a sound fiscal policy, the American people will find themselves saddled "with more controls than ever before."

That was the grim warning sounded by Deseret News syndicated columnist Robert Novak Tuesday night in Salt Lake City. Novak, who has been writing "Washington Inside Report" with Roland Evans since 1963, addressed the Bonneville Knife and Fork Club.

"What Washington plans for American business is blood, sweat, toil and tears," the nationally syndicated columnist said. "In more specific terms, that means deficit spending, followed by record inflation and, finally, more government controls than ever before."

"When Gerald R. Ford entered the White House, he was faced with problems that would have confounded even the greatest leaders: a sagging national economy, runaway inflation and low national morale," Novak said.

Ford committed two blunders shortly after taking office, according to the columnist.

The first, a minor mistake, was in retaining Nixon's economic advisers and embarking on the WIN program while imposing a surtax.

But his major blunder was the pardon of Nixon.

"By pardoning him even before any formal charges had been made, let alone before he had gone to trial, President Ford showed such blatant favoritism that he exploded what confidence he'd generated," Novak said.

The voting public reacted by electing "the most radical, Democratic Congress of this century," Novak said.

"Right now, we're seeing a Congress that is dismantling government by committee chairman in favor of government by caucus. And the youngest, most radical members dominate these caucuses," he explained.

Faced with a radical Congress, Ford could have cut the national budget to a $35 billion deficit as an economic measure. Instead, his economic advisers said he must operate with a record $50 billion deficit, Novak said.

The columnist believes that, with all the major programs proposed, America's national budget could reach as high as a $200 billion deficit.

"Where's that money going to come from?" he asked. "There's not that much money in the world money markets."

Novak forecast that Arthur L. Burns of the Federal Reserve Board will be called on to "monetize" the situation by printing "short-term notes, making double-digit inflation a certainty by the end of the year."

The inevitable outcome would be controls, "not only on prices, but on wages, salaries and profits," Novak said.

"Democracy is a fragile flower in the history of the world," the columnist continued. "We are in our 200th year, and we are imperiled—nowhere more than in our inflation."

Despite his bleak forecast the columnist said that there is hope.

"I think the problem is not a failure in the heart of the American people, but a failure of heart in their leaders," he told the audience of more than 300. "I think the American people are willing to give service and make sacrifices if they can be led in that direction by leadership that is decent, honest, insightful and touched with a little genius."

In other business, Knife and Fork Club members elected Henry N. Aloia and W. Eugene Hansen president and vice president for the coming year. Robert E. Doidge, Marion D. Hanks and Sam J. Siciliano were elected directors.

These officers join five hold-over directors: James L. Neville, T. J. Speros, David P. Gardner, Ralph S. Roberts and Wallace A. Wright, Jr.

Mr. GARN. Mr. President, beyond this impressionistic evidence, there are some hard statistical indications that inflation is the real problem, and not recession. In the State of Utah, for example, there are 23,000 more jobs than there were when the recession began. That is quite a performance for a recessionary economy. The general conclusion, drawn by an economic report published by the Walker Bank & Trust Co. of Salt Lake City, is that inflation has hit the State of Utah far harder than recession has.

And what is the congressional reaction to these warnings which come to us from the wisdom of years and from the experience of recent exposure to political processes?

Well, for one thing, we have just passed a massive tax rebate bill, doled out with a loophole for everybody, and a deficit calculated to please the most Keynesian among us. The personal rebate itself added over $8 billion to the size of the deficit, with a negligible impact on the unemployment rate: only a three-twentieth of 1 percent reduction. For another, we see a large number of spending bills working their way through the legislative committees. The new Senate and House Budget Committees provide the best overview at this point of what those proposals are likely to amount to.

In that connection, I received a copy of a letter from the chairman of the Senate Committee on the Budget, Senator MUSKIE, during the Easter recess. The chairman recognizes the problem; in fact, he adds his own warning against excessive spending. He outlines the almost certain congressional adjustments in the President's budget proposals, which will lead to a deficit of just about $70 billion, as compared to the White House proposal of a deficit of $52 billion. Senator MUSKIE advises us to "stop, look and listen," in order to avoid the greater deficits which he feels would be dangerous to the economy.

Well, Mr. President, I am one who happens to feel that deficits of $70 billion are far too high, under the circumstances, and I was more than a little interested in another table included in the Senator's statement. That was a table of politically attractive spending programs which were not included in the deficit of $70 billion. I ask unanimous consent that this table we printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Fiscal year 1976 outlays

	(Billions)
Reject President's 5 percent "cap" on Federal pay	+$1.6
Reject President's proposals to increase medicare/medicaid beneficiary cost sharing with States and eliminate adult dental care	+2.0
Reject President's proposals to reduce Federal matching in grants to States for social services	+0.5
Overturn rescissions in health research and training	+0.3
The House passed public works bill	+3.0
The House passed housing assistance bill	+1.3–2.5
National health insurance, first-year cost	+0.1–0.3
Emergency aid to railroads	+1.6
Countercyclical revenue sharing	+5.0
Continue title I of ESEA and other education programs at present levels by making up for inflation	+1.1
More public service employment	+2.5
Total	+19.0–20.4

Mr. GARN. Mr. President, I suggest that the Congress will enact a good part of this list. The appeal of these items will be irresistible, and what will be the result? The Senator from Maine, the chairman of the Budget Committee, has told us in his statement. It will be a budget deficit of just about $90 billion, and then the Senator goes on to tell us that he knows of still other attractive spending proposals which would bring the deficit to $110 billion.

And so we have come full circle, Mr. President. We have persuaded ourselves, as Professor Hayek predicted we would, that "whenever improvement flags, an even stronger dose of inflation is demanded." And so it goes. I do not foresee any end to this problem. In the face of a demonstrable recovery, we hear on every side the cry for more medicine, and of precisely the kind of medicine which made the patient so sick in the first place. Once again we seem determined to snatch defeat from the jaws of victory. Mr. President, I hope that it is not so. I hope that cooler heads will prevail, that we will exercise the restraint called for by Senator MUSKIE, and a lot more restraint besides.

This is not the time to hype the economy with another needleful of inflationary heroin. It is time for us to begin to settle our accounts, time for us to allow our economy to begin the long process of capital investment needed for the expansion which leads to full employment and rising living standards. Only in that way are we going to be able to set the example for the rest of the world, and to assist the rest of the world in getting on its own feet. I urge my colleagues to consider our course and to join me in defeating the massive spending programs which will be coming before us.

As my final word on this subject, for today at least, I ask unanimous consent that an analysis of the impact of the tax cut bill, by the political editor of the Deseret News, be printed in the RECORD. I believe Mr. Ellis has captured the reaction that many of our constituents are going to have to this unwise measure, and to the course of action now being followed on Capitol Hill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

[From the Salt Lake City Deseret News, Mar. 26, 1975]

WILL HUGE TAX CUTS DO THE TRICK?

(By Dexter Ellis)

Americans will get a tax cut or rebate.

That much seems certain, although the size and for whom is still in doubt.

Everybody will welcome it, for when the government is forcibly extracting up to $2,000 and more from many middle-income earners there are few qualms about getting a little of it back.

There is much uneasiness, however, about the value of the old patent medicine of pump-priming—first prescribed over 50 years ago—as a cure for the sick economy.

A sizeable number of congressmen including Utah Sen. Jake Garn, fear the cure will be worse than the disease. Garn sees a monstrous increase in the public debt of up to $100 billion in one year, accompanied by double-digit inflation—and without any real gain in employment.

A review of the nation's experience with pump priming in the depression of the 1930s is not overly encouraging.

F. D. Roosevelt restored the nation's hope and spirit with his electrical inaugural words in 1933. A nation sick with fear had found a leader.

However, unemployment stubbornly resisted all efforts to wipe it out.

The first few months of Roosevelt's administration were a whirlwind of action. Hope zoomed in the spring of 1933 and along with it, the Federal Reserve Board's Adjusted Index of Industrial Production. By July, the index was up to 100 points, 42 above rock bottom and within 25 of the 1929 high.

But unemployment, variously estimated at from 8.5 million to 17 million, showed no great improvement.

There was much slack to be taken up. Business was leaner and more efficient. Workers, fearful of losing their jobs, produced more in a given shift. Much more business stimulation was needed to significantly cut the number of jobless.

In August of 1933, business suffered the first of several relapses.

By November, two-thirds of the ground painstakingly gained by massive pump-priming had been lost. This pattern was to be repeated periodically until the nation began arming for World War II and the nation's vast productive machinery was finally put into use.

There was gradual improvement in overall prosperity and bright spots here and there of high employment. But generally the job situation remained disappointing, requiring massive pump-priming injections of federal spending and public service employing up to four million Americans.

At the urging of his treasury secretary, Roosevelt made a real effort to balance the budget in the summer of 1937. The result was mildly disastrous. Goods piled up on shelves, alarmed businessmen cut inventory purchases and two million were thrown out of work.

Through all its trials, including some failures, the federal government must be credited with maintaining a friendly and humane attitude toward the common citizen who had suffered so much from the depression. But the main weapons of currency deflation and federal spending couldn't seem to do the job of putting the country back to work.

During this tragic period, the American people demonstrated their resiliency and strength by surviving not only the depression, but also disastrous floods and the dust storms which created hordes of hapless migrants desperately searching for a livelihood.

The two periods are, of course, not necessarily comparable.

In 1932 there was virtually no public debt. Today the debt is reaching towards $400 billion. Roosevelt enjoyed a great reservoir of good will and support from the public and, initially at least, from the business community. Judging from public opinion polls, there is little confidence in government to solve today's problems.

On the other hand, the recession is cushioned today by many income-sustaining programs which were absent in the 1930s.

If a tax rebate pulls the nation out of the doldrums, fine. Perhaps the debt increase will do no harm. If it doesn't what then? Another round of deficit spending and another? How long can this go on without destroying the nation's fiscal viability?

As for me, if and when I get a tax rebate I'll be happy to spend it hoping it will help to put someone to work. My fingers are crossed, however.

PROBLEMS OF INDEPENDENT REFINERS AND GASOLINE RETAILERS

Mr. RIBICOFF. Mr. President, on April 4, 1975, the General Accounting Office issued an important report entitled "Problems of Independent Refiners and Gasoline Retailers." The report indicates that the Federal Energy Administration has inadequately carried out the Emergency Petroleum Allocation Act of 1973 with regard to insuring the survival of the independent sector of the oil industry—the best hedge we have today in Connecticut and the Nation against spiraling gasoline prices. Independent refiners and gasoline retailers have not, on the whole, gotten the supplies or prices which the major companies have enjoyed.

The GAO report cites several independent surveys which tend to show that, while the number of gasoline stations owned by the major oil companies has increased, the number of branded and nonbranded independent retailers has decreased during 1973 and 1974. And the GAO's own survey of independent retailers in six different States—California, Connecticut, Illinois, Louisiana, South Carolina, and Washington—who went out of business from January 1973 to June 1974 indicates that 55 percent closed down because of inadequate supply, terminated supply, or terminated leases. In Connecticut, 46 percent of the former independent dealers surveyed by the GAO closed their stations for the same reasons.

Some 11.4 percent of all the surveyed stations that closed in the six representative States were subsequently opened as major company-owned stations. In Connecticut, only 96 out of the 150 independent stations that closed were subsequently reopened by other dealers, including 15 takeovers—16 percent—by major oil companies.

The GAO report also deals with allocation and pricing at the refining stage of production. The report shows that the FEA's allocation program from February to August of 1974 did not enable large and small independent refiners to operate at the same percent of refining capacity as the major refiners—although small independent refiners alone did operate above the 1972 base period from June through August 1974. Further, large and small independent refiners paid, on the average in 1974, more for the crude oil they processed than the major oil companies.

Finally, the GAO report charges the FEA with failure to meet its legislatively mandated duty to assess how its regulations have impacted on the retail segment of the industry. Historical and present market share data must be developed to determine the effectiveness of efforts to protect the independent sector of the retail market.

Mr. President, in order to give this important study the wider audience it deserves and increase awareness of the problems of the independent sector of the oil industry, I ask unanimous consent that the April 4 General Accounting Office report entitled "Problems of Independent Refiners and Gasoline Retailers" be printed in the RECORD

There being no objection, the report was ordered to be printed in the RECORD, as follows:

ASSISTANT COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

B-178205.
Hon. ABRAHAM A. RIBICOFF,
Chairman, Committee on Government Operations, Washington, D.C.

DEAR MR. CHAIRMAN: This report summarizes our review of the Federal Energy Administration's efforts to protect independent refiners and retail gasoline dealers. In our July 23, 1974, report to you on "Problems in the Federal Energy Office's Implementation of Emergency Petroleum Allocation Programs at Regtional and State levels" (B-178205), we pointed out that a number of independent retail gasoline operators had been forced to close and stated that we would examine in more depth the problems of the independent sector of the petroleum industry.

In developing this report, we examined documents and interviewed officials of the Federal Energy Administration, the Department of the Treasury, the Council of Economic Advisors, and the President's Committee on Energy.[1] We also met with retail gasoline dealers, dealer association represenatives, and petroleum company officials and obtained data by questionnaire from retail gasoline dealers in California, Connecticut, Illinois, Lousiana, South Carolina, and Washington.

Any discussion of the problems of the independent sector of the petroleum industry should be tempered by the recognition of the complexities and diversities of the industry. There are about—

19,000 producers of crude oil,
140 refining companies,
25,000 wholesalers, and
200,000 retail gasoline stations.

At the refiner level, 4 large independent refiners and about 120 small refiners compete with the major oil companies. There are large numbers of independent jobbers involved in the wholesale distribution of petroleum products and independent marketers of refined products other than gasoline. At the retail gasoline station level, independent dealers have historically dominated the market. The types of independent dealers involved in the retail gasoline business include those who (1) feature high volume, low costs, and limited service capabilities, (2) provide full service capabilities, and (3) sell gasoline only as a sideline to another type of business, such as a grocery store. Some sell under major brand names; others purchase their product from independent refiners or make spot purchases of surplus fuel. Since each of the types of independents faces unique problem and has sometimes conflicting interests, providing independents adequate protection is a complicated matter.

This report is concerned with the problems of small and large independent refiners of crude oil and of independent gasoline retailers.

In summary, under the Federal Energy Administration's revised crude oil allocation regulations, small refiners, on the average, operated above 1972 levels, but the four large independent refiners, which refine a substantial portion of the crude oil not marketed by the major refiners, operated below 1972 levels. Under the "two tier" pricing system used for crude oil, small refiners and large independent refiners generally paid higher prices for crude oil than the major oil companies. This situation occurred because small and independent refiners did not have access to that part of domestically produced crude oil under price controls. The Administration recognized this problem and adopted new regulations aimed at equalizing crude oil costs of small refiners and large independent refiners with those of the major oil companies.

At the retail level, the Administration was not prompt in developing and reporting data on the market share of independents although required to do so by the Emergency Petroleum Allocation Act. However, studies made by an independent surveying firm, the American Petroleum Institute, and the Administration and responses to a General Accounting Office questionnaire indicate that the number of independent retail dealers appears to have decreased, although the proportion of refiner owned and operated stations has increased. Details of our work follow.

BACKGROUND

Major oil companies[2] are fully integrated in that they are involved in all facets of industry operations—exploration, production, transportation, refining, and marketing. Fifteen major oil companies control the production of 60 to 65 percent of domestic crude oil and refine about 75 percent of the petroleum products sold in the Nation.

For years, crude oil prices remained relatively low and supply was plentiful. In 1972, domestic crude oil sold for about $3.39 a barrel and imported crude oil sold for about $3.32 a barrel. Small and independent companies had access to lower priced imported crude oil and could also purchase crude oil or petroleum products from the major companies who had excess supplies.

Gasoline is the major product of the petroleum industry and accounts for about 40 percent of the petroleum used in the Nation. Both major oil companies and independent refiners operate retail gasoline stations. From 1970 to 1973 the number of retail gasoline stations remained relatively constant at about 220,000 stations. About 6 percent of the retail gasoline stations in the Nation were operated by refining companies. The remaining retail stations were operated by branded and nonbranded independent dealers.[3]

Because of declining domestic crude oil production and an abundant supply of imported crude oil, the oil industry became more dependent on imports. In October 1973, when imports accounted for more than 35 percent of domestic consumption, the Arabian nations cut off oil to the United States and other countries.

The Emergency Petroleum Allocation Act was enacted on November 27, 1973. The act was designed to minimize adverse impacts of short-term petroleum shortages. The act directed the preservation of a sound and competitive petroleum industry with emphasis on protecting the competitive viability of the independent sector of the industry while avoiding unnecessary interference in the market place. The act also specified that mandatory allocation regulations provide that small and independent refiners receive at least the same amount of crude oil they received in 1972 or their prorated share if total crude oil supply was less than that available in 1972. The goals were to be achieved through equitable restrictions on supply and price.

The act was originally scheduled to expire on February 28, 1975, but has been extended through August 31, 1975.

On May 7, 1974, the Federal Energy Administration Act of 1974 (15 U.S.C. 761) was enacted and created the Administration to, among other things, deal with energy shortages. Specifically, the Administration was given the tasks of:

Inventorying energy resources.

Developing a comprehensive national energy policy.

Assuring that energy programs are designed and implemented in a fair and efficient manner.

The act stated that the Administration was to:

Promote stability in energy prices to the consumer.

Promote free and open competition.

Prevent unreasonable profits.

To bring about the legislated energy goals, the Administration and its predecessor, the Federal Energy Office, established a series of regulations governing the allocation and price of crude oil and refined petroleum products.

Administration allocation regulations were aimed at insuring an equitable supply of crude oil to all refiners. At the retail level, Administration allocation regulations provided that dealers receive the amount of petroleum products they received in 1972 after certain adjustments for growth in business or their prorated share if supplies were below 1972 levels. The regulations also required that suppliers of retail dealers not impose more stringent credit terms and prohibited suppliers from discriminating customers within the same class or charging prices higher than allowed by pricing regulations.

Adminisration price regulations provide three basic price rules for crude oil. First, monthly production up to the level of 1972 is controlled at an average cost of about $5.25 a barrel. Crude oil priced under this provision is termed "old oil." Second, on a lease-by-lease basis, current production in excess of the correspondent month in 1972, termed "new oil" and production from leases yielding an average of 10 barrels or less a day per well, termed "stripper well oil," are not price controlled and can be sold at the existing market price. Third, for each barrel of new oil that is produced in a given month a like amount of old oil production for the month is not subject to price controls. In September 1974 about 67 percent of domestically produced crude oil was price controlled under this so-called two-tier pricing system.

Refiners of petroleum products are subject to the general rule that they may not exceed a base period profit margin. The base period profit margin is determined by averaging the annual profits for any 2 years ending after August 15, 1968. Within the general rule, refiners may generally charge the prices in effect on May 15, 1973, increased dollar for dollar for any additional product costs incurred subsequent to that date. Further, when refiners can substantiate increases in nonproduct costs, such as labor or overhead, they are allowed additional price increases.

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[1] This Committee was established by the President on June 14, 1974, to coordinate energy policy. It was chaired by the Secretary of the Treasury and consisted of 11 top level executive branch officials. It was abolished on October 11, 1974, when the Energy Resources Council was established by Executive Order No. 11814. The Council is chaired by the Secretary of the Interior and consists of 17 top level executive branch officials.

[2] According to the Emergency Petroleum Allocation Act of 1973 (87 Stat. 627) an independent refiner is defined as one who produces 30 percent or less of the crude oil it refines and a small refiner (who may also be an independent refiner) is defined as one whose refining capacity does not exceed 175,000 barrels a day. There are four independent refiners who have refining capacity of more than 175,000 barrels a day and who refine a large part of the crude oil not refined by the major companies. Those refiners who do not meet the above definitions of small or independent refiners are the 15 major oil companies.

[3] According to the Emergency Petroleum Allocation Act, a branded independent retailer distributes refined products pursuant to an agreement with a refiner to use the refiner's identifying symbol or name or pursuant to an agreement under which the retailer occupies premises owned, leased, or controlled by the refiner but is not otherwise affiliated with the refiner. A nonbranded independent retailer distributes refined petroleum products but is not affiliated with a refiner other than by means of a supply contract.

The retailer's maximum lawful price is its May 15, 1973, price, increased dollar for dollar for any additional product costs incurred subsequent to that date and, in certain circumstances, may be increased for nonproduct costs.

REFINER OPERATIONS

Crude oil supplies

In January 1974 the Administration established the crude oil allocation program to provide for equitable sharing of crude oil supplies among refiners. Under the program, refiners with crude oil supplies in excess of the national average, as a percent of their refining capacity, were required to sell crude oil to refiners who had less than the national average. However, the program did not result in large independent and small refiners operating at the same percent of refining capacity as the major refiners.

According to an Administration official, the initial program was not successful in equalizing crude oil supplies primarily because of certain exemptions to the regulations which were applied on a company-by-company basis. Specifically, companies which had more crude supplies in 1974 than in 1973 and companies which imported more crude oil than they estimated to the Administration were not required to allocate the additional quantities of crude oil.

The Administration revised the crude oil allocation program for the quarter June through August 1974 to encourage refinery expansion and crude oil imports and to assist small refiners and large independent refiners in operating at the same percentage of capacity as they did in 1972. Under the revised program, small refiners and large independent refiners were eligible to purchase crude oil from the 15 major oil companies. Generally, the amount which could be purchased by a company was the difference between 25 percent of the crude oil which the company had in 1972 and crude oil which the company had during February through April 1974. Also, this amount was adjusted to show additions to the companies' 1972 refinery capacity. If requested, major oil companies were required to sell crude to eligible purchasers.

The following table compares crude supplies as a percent of refinery capacity of small refiners, the four large independent refiners, and the major oil companies for 1972 which is the base year for allocation regulations, February through April 1974 and June through August 1974.

	Major oil companies	Large independent refiners	Small refiners
1972	87	90	86
February through April 1974	82	78	76
June through August 1974	91	85	89

According to Administration records, if the small refiners and the four large independent refiners had not been allowed to purchase crude oil under the allocation program, they would have had only enough crude oil to operate at an average of 73 and 67 percent of capacity, respectively, during June through August 1974.

Thus, under the revised crude oil allocation program, small refiners, on the average, operated above their 1972 levels; however, the four large independent refiners operated below 1972 levels. According to an Administration official, major refiners operated at a higher percent of refining capacity than did the small and large independent refiners primarily because the major refiners possessed more of the low-price domestic crude oil and the small refiners and large independent refiners could not afford to pay the higher prices for uncontrolled and foreign oil.

Differences in crude oil costs for major oil companies and small refiners and large independent refiners

Under Administration price regulations, small refiners and large independent refiners on the average have paid more for the crude oil they process than the major oil companies. The following table shows the approximate selling prices of old oil, uncontrolled oil, and imported oil as of June 1974.

[Selling price per barrel]

Type of oil:	
Old	$5.25
Uncontrolled	10.00
Imported	13.00

Because of the price structure for crude oil and since major oil companies control most of the production of domestic oil, the average per barrel cost of the crude oil they refine has been lower than the average cost of crude oil purchased by small refiners and large independent refiners.

The graph on the following page [not printed in RECORD] compares the average cost of crude oil purchased by major oil companies with the average cost of crude oil purchased by large independent and small refiners for November 1973 through September 1974. Major oil companies' crude oil costs averaged $1.72 less than crude oil costs for the large independent refiners and 30 cents less than crude oil costs for small refiners. According to an Administration official, many small refiners are asphalt or residual fuels producers who pay low crude oil prices because they require a very low grade of crude oil, compared to refiners producing other products (i.e., gasoline) which require a higher grade of crude oil. The Administration did not have data to show the extent to which the lower prices paid by small refiners producing asphalt and residual fuels affected the average crude oil prices for all small refiners.

The Administration recognized the adverse impact of its pricing regulations on the small refiners and large independent refiners as early as July 1974; however, regulations for pricing equalization were not issued until December 1974. Between July and December 1974, officials of the Administration and other Government agencies studied alternatives for equalizing refiners' crude oil prices. Generally, the officials believed that decontrol of crude oil prices, coupled with an excess profits tax on refiners unless such profits were invested in the exploration for or production of crude oil, was the preferred course of action. According to Administration officials, if crude oil prices were decontrolled, the price of old oil would initially increase to between $10 and $11 a barrel and the increase would be shown in the retail price of all petroleum products and would result in excess profits for major oil companies.

Officials of the Administration and other Government agencies estimated that the price of gasoline would increase by various amounts ranging from 2 cents to 9 cents a gallon. They maintained, however, that an excess profits tax which would exempt oil company profits used for exploration or production of crude oil should result in increased domestic crude oil production and consequent reduced demand for importing foreign crude oil. Because the tax would require congressional action and because preliminary discussions with various Members of Congress indicated that many Members of Congress were opposed to decontrol, a decision was made not to propose the preferred alternative of decontrol in 1974.

On December 4, 1974, the Administration adopted regulations aimed at substantially equalizing average crude oil costs at the refinery level through the use of entitlements which permit refiners to share the benefits associated with access to price controlled old crude oil. An entitlement permits a refiner to include one barrel of old oil in its adjusted crude oil receipts for a particular month. Under the regulations, all refiners report to the Administration on a monthly basis their volume of crude oil processed and the volume of old oil included in the refiner's crude oil receipts.

The Administration then computes the old oil receipts as a percent of adjusted total volume of crude oil processed for all refiners and issues each refiner enough entitlements to permit it to process the national average ratio of old oil to crude oil processed. Generally, refiners with a higher level of old oil supplies than the national old oil supply ratio must buy entitlements to cover the excess, whereas refiners with a lower ratio must sell entitlements for the amount they are under the national ratio.

Therefore, the average costs to refiners with less than the average amount of old oil are reduced and costs to those who process more than the average old oil ratio are increased. The regulations also contain an entitlement adjustment for small refiners to insure their competitive viability.

The sales price of entitlements is fixed by the Administration each month. The price is fixed based on the difference between the weighted average prices for old oil and the weighted average prices of new and released oil, imported crude oil, and crude oil produced from stripper wells. Subject to the general provisions of the Administration's price regulations, funds expended or received for the purchase or sale of entitlements are passed through as a cost increase or decrease to customers; however, there should be no change in the net costs to ultimate consumers.

Entitlements for the month of November 1974 were issued by the Administration on January 13, 1975, at which time the Administration published a notice specifying the national old oil supply ratio (approximately 41 percent), the name of each refiner to which entitlements have been issued, the number of entitlements issued to each refiner, the number of barrels of old oil included in each refiner's adjusted crude oil receipts, and a $5 sales price for entitlements.

According to Administration officials, two disadvantages of the entitlements program are (1) it involves an additional complex regulatory system and (2) it requires increased enforcement efforts to insure that the various types of oil are, or have been, accurately classified.

RETAIL GASOLINE DEALERS

Monitoring of industry market shares

Although one of the major intents of Federal energy legislation is to preserve the competitive position of the independent sector of the petroleum industry, the Administration has not developed adequate information to assess how its regulations have impacted on the retail segment of the industry. The Emergency Petroleum Allocation Act specifically required that the Administration make a monthly report to the Congress beginning January 1, 1974, on changes in the market shares of the various segments of the industry.

The Administration did not make its first report until August 1974. The report focused on the retailing of motor gasoline and presented data from the American Petroleum

Institute; Lumberg Survey, Inc.; Independent Gasoline Marketers Council; Society of Independent Gasoline Marketers of America; and Lewin and Associates, Inc. The data from each group showed considerably different proportions and trends in market shares for the classes of gasoline retailers. For example, the data developed by Lumberg Survey, Inc., suggested that nonbranded independent retailers gained in their share of the market, whereas the data based on a sample of Independent Gasoline Marketers Council and the Society of Independent Gasoline Marketers of America members indicated that nonbranded independent retailers lost in their share of the market. The report concluded that questions raised by the data could not be resolved until such time as the Administration developed its own information on market shares.

According to Administration officials, the statutory requirement for market share reports as set forth in the Emergency Petroleum Allocation Act is, in many respects, unworkable. Also, the categories specified in the act (i.e., branded independent marketers, nonbranded independent marketers, small refiners and independent refiners) do not conform to traditionaal reporting classifications, and the information necessary to prepare historical market share reports for certain fuels has never been compiled by either the Government or industry.

Nonetheless, the Administration has initiated three surveys which it believes will provide a system for monitoring the changes in market shares of gasoline. The system should provide monthly information on refiners, and branded and nonbranded retail outlets. The Administration made its initial report to the Congress on the results of the retail portion of this system on March 4, 1975. The March report was based on a sample of 10,000 retail gasoline stations and compared market share information for company-operated retailers and branded and nonbranded independent retailers for October and November 1974. The report concluded that there were no statistically major changes in market shares during the 2 months.

The report, however, contained no comparison in market shares in terms of the 1972 base year but stated that the Administration was currently conducting several historical surveys to help monitor such changes. Administration officials told us that they expected to obtain the historical data in the next few months.

ADDITIONAL INFORMATION ON MARKET SHARE TRENDS

Audit and Surveys, Inc., an independent surveying firm, reported a 20,000 drop in the total number of service stations operating nationwide between 1973 and 1974. Also, the Administration's March 1975 report to the Congress on retail gasoline station market shares stated that its November 1974 estimate of the number of stations was about 26,000 or more than 10 percent less than the number of stations in 1972.

Information furnished to us by the American Petroleum Institute,[4] showed a slight increase in the number of company-owned stations as of June 30, 1974, compared to December 31, 1973. Since the number of company-owned stations has increased, the overall decrease in gasoline stations obviously had to come from the ranks of the independent dealers.

Moreover, a limited survey-type investigation of two major oil companies conducted by the Administration's Compliance and Enforcement group in response to complaints of franchise terminations confirmed that the total number of branded service stations for the two companies had significantly declined from January 1972 to July 1974. The investigation also showed that the decline was in the branded independent sector, whereas the number of company-operated stations increased. According to Administration officials, the Administration does not have the legal authority to take effective measures to control lease terminations.

General Accounting Office survey on effect of the 1973–74 gasoline shortage on the position of independent dealers

As previously described in this report, at the time of our review we found little information available at the Administration on the market position of branded and nonbranded independent retail dealers during 1974. Therefore, we developed a questionnaire which we sent to independent retailers in six States who went out of business from January 1973 to June 1974. The six States consume over 20 percent of the gasoline in the Nation and have under registration 22 percent of all motor vehicles. Our questionnaire was sent to over 9,000 former retail operators. Due to the lack of forwarding addresses for some of the former operators and deficiencies in the records of State taxation agencies from whom we obtained listings of former operators, only 6,326 dealers were properly included in the universe of the potential respondents to our questionnaire.

We received 1,682 responses to our questionnaire. The following table shows the number and percent of reasons cited by former dealers for going out of business.

Reason specified [1]	Number of dealers	Percent of dealers
Other business or personal reasons	587	34.9
Inadequate supply of gasoline	448	26.6
Termination of lease	408	24.3
Declining retail sales	167	9.9
Termination of supply agreement	72	4.3
Total	1,682	100.0

[1] These choices were developed during the pretest of our questionnaire in which we interviewed former retail operators to determine the most commonly cited reasons for their going out of business.

We recognize that some of these stations went out of business before the enactment of the Emergency Petroleum Allocation Act. We recognize also that noncompliance with Administration regulations by suppliers may have been a reason for these dealers going out of business, but the information submitted by the dealers was not sufficient in many instances to determine whether noncompliance with, or loopholes in, Administration regulations resulted in station closings.

Almost 35 percent of the respondents cited that other business and personal reasons caused them to go out of business, and this may relate to the traditional high turnover rate of such retail operators. The other four reasons, however, can be related to the gasoline shortage.

Almost 27 percent of the responding dealers cited inadequate supply of gasoline as the principal reason they went out of business. Dealers in this category who offered additional comments often mentioned unilateral cuts by suppliers, reduced supplies under allocation regulations, and general uncertainty over future supplies.

We noted some instances in which oil companies may not have conformed to the allocation regulations by favoring company stations over their branded independent stations. For example, during the early months of 1974, a major petroleum company in its western region showed favoritism in gasoline sales to company-operated service stations, compared with its sales to branded independent stations. The following table shows, based on records obtained from this company, the amount of gasoline supplied to company-operated stations and to branded independent stations as a percentage of the amount of gasoline that these types of stations received in the corresponding months of their 1972 base year.

Class of station	Percent of 1972 base year allocation supplied in— February 1974	March 1974	April 1974
Branded independent	58	58	64
Company-operated	113	92	100

Over 24 percent of the former dealers cited lease termination as the principal reason they went out of business. Although leases may be terminated by either the lessee or the lessor, our analysis of these responses indicated that most of the lease terminations were by actions of the lessor. The Administration believes that it cannot control leases between third parties and suppliers or dealers per se because of limited statutory authority.

Although many of the lease terminations appeared to accord with normal business practices, others appeared to involve actions by oil companies which may have departed from normal practices and which, in combination with altered market conditions brought on by the 1973–74 gasoline shortage, adversely affected independent dealers. For instance, in Louisiana, a dealer who had been in business on the same corner for 12 years reported to us that he was told that the company was not going to renew his lease. The company's sales representatives advised the dealer that, if he would sign a mutual lease cancellation, the company would buy back his inventory, otherwise the company would cancel and not buy back anything. The dealer signed the mutual cancellation, and the company opened a new company-owned self-service station just one quarter mile from the former dealer's closed station.

About 10 percent of the former dealers indicated declining retail sales as the principal reason they went out of business. Although some of the cases were attributable to business circumstances that might have occurred at any time, many cases were related to the gasoline shortage. Additional comments by dealers who selected this reason were often related to less gas at higher prices which increased the price at the pump, reduced sales, and deteriorated the competitive position of the station.

Of the 4-plus percent of dealers citing termination of supply as their reason for going out of business, two major explanations provided were that the supplier abandoned the geographical market or the supplier quit supplying other than its own stations.

Of the 1,682 independent retailers who responded to our questionnaire, 1,047 indicated that their stations had been reopened by other dealers. Of these, 119, or 11.4 percent, said their stations were now operated as company-owned stations.

AGENCY COMMENTS

In commenting on the matters discussed in our report, Administration officials told us that in December 1974 small refiners had lower crude costs on the average than the major oil companies. They stated that in December 1974 the average crude oil costs for the large independent refiners, the major oil companies, and the small refiners were $10.35, $9.27 and $9.02, respectively. They said that from the outset the intent of the entitlements program was to prepare the market for a return to competitive practices and pointed out that several weeks after the entitlements program initiation, the President proposed decontrol of oil prices effective April 1, 1975.

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[4] This data covered stations operated on a salaried or commission basis by 22 leading oil companies.

Administration officials said that independent retailers were having problems well before the Arab embargo. In particular, the nonbranded independent retailers in 1972 were heavily dependent on surplus fuel that the major oil companies found cheaper to sell on the spot market than to hold in inventory. By 1973 the demand for fuel rose and in the consequent tight supply situation, no surplus supply was available. Prices rose dramatically, and marginal operations which had been built on low margin, high volume, and price underselling became uncompetitive.

Administration officials said also that, subsequent to January 1974, the Administration had attempted to adjust regulations to cope with many of the problems of the independent retailers.

We recognize that the Administration has made good faith efforts to deal with problems affecting the independent retail dealers. However, we believe that the Administration cannot validly assess the effectiveness of its efforts to protect the independent sector of the retail market until it develops adequate market share data. As previously stated in this report, the Administration has not developed historical market share data on the retail sector, and several recent studies indicate that the number of independent retail dealers has decreased since 1972, whereas the proportion of refiner owned and operated stations has increased.

Although the Administration has stated that it does not have sufficient legal authority to control lease terminations, the Congressional Conference Report on the Emergency Petroleum Allocation Act states that the Administration should watch closely for possible efforts by major oil companies to force independent dealers out of the retail market and convert station operators to salary employees. The Conference Report further states that:

"Should it be shown to be progressing in a manner which can not be dealt with under the allocation authority contained in this bill, it may be in order for the Congress to consider remedies such as proposed in the Senate bill or as may be appropriate in the formulation of tax, import and antitrust policy."

We believe our review and the Administration's limited study point to deterioration in the market position of independent retail operators and clearly indicate the need for the Administration to expedite its efforts to obtain more thorough and sophisticated data on changes in market shares.

We hope that the foregoing information will be helpful to you.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Comptroller General.

USE OF VOTER REGISTRATION LISTS FOR JURY SELECTION

Mr. KENNEDY. Mr. President, I am today releasing a nationwide survey indicating that the use of voter registration lists for jury selection may be a significant factor in discouraging potential voters from registering.

According to the study, over one-third of the larger election boards in the Nation, and nearly two-thirds of the largest boards, felt that the nonelection use of registration lists discouraged voter registration. Of those discussing the reasons for this result, the overwhelming majority of the boards—75 percent—said that registration was discouraged because of the use of registration lists for jury duty.

The survey, which I carried out with the assistance of the Office of Federal Elections in the General Accounting Office, was conducted by a mail questionnaire sent to the more than 6,700 election boards responsible for administering voter registration laws in the United States. Among the detailed findings of the study were the following:

Overall, 23 percent of the responding boards said they had evidence that potential voters failed to register because of nonelection uses of such lists. The larger the jurisdiction, the greater the inhibition. Of boards with 500 or fewer voting age residents, only 14 percent said nonelection uses of voting lists discouraged registration. But of boards with over 15,000 residents, 37 percent reported an adverse effect. And, of 51 of the 60 largest boards in the country which responded, 61 percent reported an adverse effect. Included in this group were boards in New York, Chicago, Los Angeles, Cleveland, San Diego, Phoenix, and Kansas City.

Twenty percent of the boards said that voters had actually requested the removal of their names from registration lists, and 64 percent of this group said there was evidence that the removal was requested because of the non-election use of the lists.

Of the boards reporting a reluctance to register because of nonelection use of registration lists, 75 percent said the reason for the reluctance was the possibility of jury duty. Three percent cited other nonelection uses of registration lists, such as by bill collectors or for commercial solicitations.

Although the magnitude of the inhibition of registration was difficult to assess, 25 percent of the responding boards estimated that 1 to 2 percent or more of the potential voters in their jurisdictions were discouraged from voting because of the nonelection use of registration lists. Some jurisdictions reported figures as high as 5 to 10 percent or more. The survey also found that the larger the board, the larger the estimated percentage of discouraged registrants. I would point out here that even a rate of nonregistration as low as 1 to 2 percent on a national basis would mean that large numbers of potential voters were dropouts from the political system. On the basis of the national voting age population of 140 million voters, a 2 percent dropout rate would mean that nearly 3 million potential voters had refused to register because of the nonelection use of registration lists. In particular jurisdictions, as the study indicates, as many as 5 to 10 percent of the eligible voters might decline to register because of the side effects of registration.

Finally, the study also revealed the groups to whom registration lists are made available, ranging from 73 percent of the boards who said lists were available to political candidates to 8 percent who said they were available to commercial organizations.

In spite of the problem, only about 10 percent of the boards felt the issue was a subject for Federal concern. However, that such a reaction was not unexpected from the boards, which are composed of State and local election officials.

Mr. President, this new survey provides the most important evidence so far of what is emerging as a significant problem in voter registration.

Until now, the focus of attention has been almost solely on the so-called physical barriers to registration—the obstacles to registration presented by such practices as inaccessible registration offices, early closing hours and other inadequate opportunities for registration, and the lack of easy alternatives such as post card registration.

Too little attention has been paid to what may be the extremely serious side effects of registration in discouraging potential voters.

In recent years, there have been increasing suggestions, first made by a few perceptive election officials around the country, that significant numbers of potential voters are discouraged from registering because of their reluctance to serve on juries. For years, election boards have traditionally made available their registration lists for jury selection, as the most convenient source of names for jury duty; such use is clearly favored by the Federal Jury Selection Act of 1968.

In response to the concern voiced about the deleterious effect of this use of registration lists, I asked the Office of Federal Elections to assist me in studying the issue. The new survey is the result, and it confirms the serious nature of the problem. It demonstrates that use of registration lists for jury duty actively discourages potential voters from registering, and that relatively large numbers of voters are affected, with the actual number possibly running into the millions nationwide.

In the past Congress, I introduced legislation banning the commercial use of registration lists and specifically requiring a study of the use of such lists for jury selection. In the near future, I shall reintroduce such legislation, and I am hopeful that Congress will act promptly on it.

The obvious solution is to preserve the intergrity of voting lists by prohibiting their use for non-election purposes, including jury selection. Clearly, however, Congress must go slow in this area, to avoid any serious impairment of the jury process or the constitutional right to a jury trial.

The most likely solution to the dilemma is to develop alternative methods of jury selection, such as by using motor vehicle registration lists or other available lists.

Aside from the desired improvement of voter registration, jury selection from a combination of other sources might well offer a more nearly comprehensive roll of individuals for jury duty. In fact, elimination of voter registration lists as a source of jury selection may well serve the long run interests of both the jury system and voter registration, not only by expanding the jury rolls, but also by encouraging voters to register.

To the extent, of course, that potential voters now fail to register in order to avoid jury duty, both goals suffer. The potential voter never registers, and he never participates in jury service.

My hope is that the current study will mark the beginning of a serious new effort by Congress to solve this problem. I commend GAO and its Office of Federal Elections for their important contribution to the debate.

Mr. President, I ask unanimous consent that the full text of the survey may be printed in the RECORD.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

FINAL REPORT

SURVEY OF THE NON-ELECTION USES OF VOTER REGISTRATION LISTS AND THE EFFECTS OF THESE USES ON VOTER REGISTRATION LEVELS

(Prepared by Senator EDWARD M. KENNEDY with the assistance of the Office of Federal Elections, U.S. General Accounting Office, April 14, 1975)

INTRODUCTION AND METHODOLOGY

In order to determine how extensively voter registration lists are used and the consequent effects of these uses on voter registration levels, on September 1, 1974, we began a mail questionnaire survey of every state and local board responsible for administering voter registration in the United States. By January 2, 1974, 3,798 of the boards surveyed had returned questionnaires to us.

On January 2, 1975, we began a second mailing to those boards who had not responded to our first mailing. By February 14, 1975, a total of 4,986 boards or 74.4 percent of the 6,737 boards surveyed had responded to our questionnaire.

The survey included questions on the number of potential voters, the distribution of voter registration lists, whether the non-election uses of voter registration lists discouraged people from registering, the estimated percentages of those discouraged from registering, whether people asked to have their names removed from registration lists and if their actions were based on the non-election uses of these lists, if those discouraged from registering were more affected by the possibility of jury duty or other uses and, finally, whether the responding election and voter registration officials felt the non-election uses of voter registration lists were a subject for federal concern. The responses to these questions were then coded, key-punched and printed out in various formats.

CONCLUSIONS AND FINDINGS

I. A significant number of election administrators felt that the non-election uses of voter registration lists had some effect on voter registration levels in the United States

Question number three asked respondents to indicate whether they had any evidence of potential voters not registering to vote because of the non-election uses of their registration or voter lists. Of the 4,986 boards who returned questionnaires to us, a total of 1,168 or 23.4 percent answered that they did have such evidence, while 3,691 or 74.1 percent said they had no such evidence; and 127 or 2.5 percent did not respond to this particular question.

II. The larger the election board in terms of potential voters, the greater the tendency to indicate that people were reluctant to register to vote because of the non-election uses of their registration or voter lists

Question number one asked the boards surveyed to list the number of potential voters (those over 18) currently residing in their jurisdictions. Apparently, this was a difficult question to answer because 1,700 or 34.1 percent of the boards surveyed did not respond to this question, and some of those who did respond supplied us with total population figures or total numbers of registered voters instead of potential electorate data.

But of those boards who did supply us with population figures, we found a greater percentage of the larger boards indicated that people were reluctant to register to vote due to the non-election uses of their registration or voters lists. Of those boards with 1–500 persons over 18 residing within their jurisdiction, a total of 78 or 13.6 percent said they had evidence to indicate that people were discouraged from registering to vote. For those boards with 501–2,000 potential voters, 142 or 19.0 percent responded positively, while 110 or 22.4 percent of those boards with 2,000–15,000 potential voters responded yes, 212 or 27.4 percent of the registration boards with 5,001–15,000 potential voters with their jurisdictions responded affirmatively, while of the largest boards, those with a potential electorate in excess of 15,001, 247 or 36.8 percent reported they had evidence to indicate that people in their jurisdictions were reluctant to register because of the non-election uses of their voter registration lists.

Additional evidence of potential electors being reluctant to register in the larger jurisdictions can be provided by a manual search and count of the sixty largest election boards in the United States. Of these sixty boards, 51 answered our questionnaire and 31 or 60.7 percent of these responding boards claimed they had such evidence. Among these 31 election and voter registration boards who responded positively to question three were: New York, Chicago, Los Angeles, Cleveland, San Diego, Phoenix, Kansas City, Cincinnati, Nashville, San Jose, Minneapolis, Fort Worth, Toledo, Portland, Denver, Miami and Pittsburgh.

III. A significant number of election boards have had potential voters request their names be removed from registration lists and there is evidence to indicate that over 60 percent of these potential voters requested their names be removed because of the non-election uses of registration lists

Question number five inquired of the election boards whether potential voters in their jurisdictions had requested deletion of their names from registration lists, and question six asked those election officials who responded "yes" to question number five whether they had evidence to indicate these requests for removal were based on the uses of their registration lists for non-election purposes.

Of the 4986 boards who returned questionnaires to us, 970 or 19.5 percent responded "yes" to question five, 3816 or 76.5 percent said "no" while 200 or 4.0 percent did not respond to this particular question. Of the total of 970 boards who answered "yes" to question five, 622 or 64.5 percent indicated they had evidence that requests for removal from registration lists were based on the non-election uses of registration lists, while 348 or 35.5 percent said they had no such evidence.

IV. Of those election boards who indicated they had evidence that people in their jurisdictions were reluctant to register to vote because of the non-election uses of their registration lists, most of these boards felt non-registrants appeared to be affected more by the possibility of jury duty than by other non-election uses of these lists

Question number seven stated that of those boards who responded "yes" to question number three, which of the following responses most nearly represented the situation in their communities:

A. Non-registrants appeared to be affected more by the possibility of jury duty than by other non-election uses of the registration list such as by collection agents or solicitors;

B. Non-registrants appeared to be affected more by other non-election uses of the registration list such as use by collection agencies or by commercial solicitors;

C. Was impossible to separate the reasons for non-registration;

D. Non-registrants were opposed to being put on any list regardless of the reason; or

E. Other

794 or 75.0 percent of the 1059 boards who responded to this question felt non-registrants appeared to be affected more by the possibility of jury duty; 30 or 2.8 percent cited other non-election uses of voter registration lists; 130 or 12.3 percent said it was impossible to separate these reasons; 80 or 7.6 percent noted that non-registrants were opposed to being put on any list; while 25 or 2.4 percent of the boards responding to this question cited "other."

However, there is some question as to the reliability of the responses to this question. The beginning of question seven was phrased "if you responded 'yes' to question three . . ." then requested these boards to respond accordingly. Since 1168 boards responded "yes" to question three, it would be expected that 1168 boards would respond in some fashion to question number seven. However, only 1059 boards responded to question number seven or 109 less than expected. This indicates either that question number seven was unclear or these 109 boards chose to make no response at all to question seven. But despite this possible confusion, question seven does seem to indicate that in those jurisdictions where election boards had evidence that people were discouraged from registering based on the non-election uses of registration lists, most of these boards were of the opinion that people who did not register to vote were affected more by the possibility of jury duty than by other non-election uses of their lists.

V. Most election boards felt that the non-election uses of voter registration lists and their consequent effects on voter registration levels were a subject for State and/or local concern only

365 or 7.3 percent of the election boards responding to the questionnaire cited the non-election uses of voter registration lists as a subject for federal concern; 4061 or 81.4 percent said this was a subject for state and/or local concern; 558 or 11.2 percent did not respond to this question; while 2 or 0.0 percent of the responses could not be coded.

Cross-tabulation analysis reveals that the percentages of those election boards who cited the non-election uses of voter registration lists as a subject for federal concern did not increase substantially as the boards increased in size (only 9.8 percent of the boards with a potential electorate in excess of 15,000, for example, felt federal concern was warranted). In addition, of the 1168 election boards who had found evidence that people were discouraged from registering based on the non-election uses of registration lists, only 174 or 14.8 percent noted the need for federal concern.

VI. In general, it may be concluded that the non-election uses of voter registration lists, especially for jury selection, has in fact had significant effects on voter registration levels in the United States

Despite the fact that less than one-quarter of all the election boards responding to our questionnaire said they had evidence to indicate that people were reluctant to register to vote because of the non-election uses of registration or voters lists, over one-third of the larger boards and 60 percent of the 60 largest responding boards felt that the non-election uses of voter registration lists had effects on voter registration. The positive responses on behalf of these larger boards are significant because they administer registration activities and elections for the greatest number of people. Finally, of those election boards who cited the non-election uses of voter registration lists as affecting voter registration levels, nearly three quarters noted that non-registrants appeared to be affected more by the possibility of jury duty than by other non-election uses of voter registration lists.

VII. Additional findings

Question two asked the election boards to indicate which of the following groups were sold or otherwise provided copies of registration lists:

	Number responding yes	Percent	Number responding no	Percent
Political parties	3, 241	68. 6	1, 485	31. 4
Candidates for political office	3, 457	73. 2	1, 269	26. 8
Local, State and/or Federal courts for jury selection	3, 302	69. 9	1, 424	30. 1
Other governmental offices	719	15. 2	4, 007	84. 8
Nonprofit election oriented organizations	1, 048	22. 2	3, 678	77. 8
Other nonprofit organizations	533	11. 3	4, 193	88. 7
Private individuals	738	15. 6	3, 988	84. 4
Commercial organizations	392	8. 3	4, 334	91. 7
Other	318	6. 7	4, 408	93. 3
None	329	7. 0	4, 397	93. 0
No response	260	5. 3	4, 466	94. 7

There was an overall decrease in the percentages of those boards which sell or otherwise provide copies of voter registration lists to various groups compared to our Survey of Election Boards study compiled in late 1973 and published in May of 1974. (See pages 11–159, *Survey of Elections Boards—Data Base*, Office of Federal Elections, United States General Accounting Office, May, 1974). For example, our earlier survey revealed that 95 percent or 2684 of the boards responding to the question on the distribution of voter registration lists provided copies of voter registration lists to political parties, compared to 68.6 percent or 3241 of the boards who responded to this question in the present survey. Perhaps the greatest drop-off occurred in those boards who distributed registration lists to private individuals and to commercial organizations. 1880 or 67 percent of the boards responding to the question in our 1974 survey distributed voter registration lists to private citizens (compared to 738 or 15.6 percent in our current study), while 962 or 34 percent of the boards responding to the question in our earlier survey claimed they distributed registration lists to commercial organizations compared to 392 or 8.3 percent in our present survey.

However, the percentage of those election boards supplying lists of registered voters for jury selection did not change very much between the two surveys. In the earlier report, 1880 or 67 percent of the 2824 boards responding to the question said they distributed voter registration lists to government offices for jury selection while 3302 or 69.9 percent of the boards responding to the present survey noted they provided voter registration lists for jury selection. As a result, it may be concluded that while there was an apparent decrease in the availability of voter registration lists to political organizations, private citizens and commercial firms between these two surveys, there has been very little change in the extensive use of registration lists for jury selection.

Question four requested the election boards to estimate the percentage of those potential voters that were discouraged from registering based on the non-election uses of their registration lists. Of those boards who responded to the questionnaire, 3079 or 61.8 percent said no people were discouraged; 982 or 19.7 percent stated 1–2 percent were discouraged; 134 or 2.7 percent noted 3–4 percent; 90 or 1.8 percent listed 5–6 percent; 5 or 0.1 percent said 6–7 percent; 27 or 0.5 percent noted 7–10 percent; 16 or 0.3 percent claimed 10–15 percent; 13 or 0.2 percent cited 15–25 percent; 8 or 0.2 percent said 25–50 percent; 9 or 0.2 percent listed "other"; 417 or 8.4 percent claimed they did not know; while 206 or 4.1 percent did not respond to this question.

Cross-tabulating question four with question one (number of potential voters in surveyed jurisdictions) produced some interesting results. In general, the larger the election board, the greater the tendency to indicate that higher percentages of people were discouraged from registering. For example, while 80.1 percent of the boards with potential voting age populations of 1–500 said no people were discouraged from registering by the non-election uses of their registration lists, only 57.1 percent of the boards with a potential electorate in excess of 15,000 estimated no people were discouraged. By the same token, while only 14.2 percent of the small boards said that 1–2 percent of their potential electors were discouraged from registering, 28.4 percent of the largest boards listed this choice. Similarly, 1.5 percent of the smallest boards said 3–4 percent were discouraged while 4.7 percent of the largest boards listed this alternative; 1.3 percent of the smallest boards said 5–6 percent of their potential electorate was discouraged from registering while 3.9 percent of the larger boards checked this option. Thus it may be concluded that the larger the election board, the greater the tendency to indicate that larger percentages of voters were discouraged from registering based on the non-election uses of registration lists.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has an order been entered for a convening date following adjournment today?

The ACTING PRESIDENT pro tempore. Thursday at 12 noon.

Mr. ROBERT C. BYRD. I thank the Chair.

What special orders for the recognition of Senators have been entered?

The ACTING PRESIDENT pro tempore. After the majority leaders, the Senator from Florida for 15 minutes, the Senator from Utah for 15 minutes, the Senator from West Virginia for 15 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY, APRIL 17, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the orders for the recognition of Senators on Thursday, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 5 minutes each; and that at the conclusion of that period for routine morning business the Senate proceed to the consideration of calendar No. 33, S. 510.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR GRIFFIN ON THURSDAY, APRIL 17, 1975

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Michigan (Mr. GRIFFIN) also be recognized for not to exceed 15 minutes on Thursday, following the other three Senators whose orders have already been entered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over to Thursday, committees may be authorized to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Remarks made by Mr. RANDOLPH at this point in today's proceedings are printed under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR INTRODUCTION OF BILLS AND STATEMENTS UNTIL 4 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Senators may have until 4 p.m. today to file statements for the RECORD and to introduce bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over to Thursday, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over to Thursday the Vice President of the United States, the President of the Senate pro tempore and the Acting President of the Senate pro tempore, be authorized to sign duly enrolled bills and joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Remarks made by Mr. Javits at this point in today's proceedings are printed under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Thursday, the Senate will convene at the hour of 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. Stone, Mr. Moss, Mr. Robert C. Byrd, and Mr. Griffin.

There will then be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 5 minutes each.

At the conclusion of routine morning business, the Senate will proceed to the consideration of S. 510 under a time agreement. Rollcall votes on amendments thereto and passage thereof may occur. In the meantime, the Committees on Foreign Relations, Appropriations, Armed Services, and the Judiciary will be meeting to consider matters related to the situation in South Vietnam. They will have had an opportunity to conduct such meetings without interruptions by rollcalls and quorum calls. They may, therefore, be in a better position to report matters to the Chamber by Thursday, on which action will conceivably begin on Thursday.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT TO THURSDAY

Mr. ROBERT C. BYRD. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock noon on Thursday.

The motion was agreed to; and at 12:59 p.m. the Senate adjourned until Thursday, April 17, 1975, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate April 15, 1975:

DEPARTMENT OF STATE

Lawrence S. Eagleburger, of Wisconsin, a Foreign Service officer of class 1, to be Deputy Under Secretary of State.

DEPARTMENT OF JUSTICE

Rex E. Lee, of Utah, to be an Assistant Attorney General vice Carla A. Hills, resigned.

BOARD FOR INTERNATIONAL BROADCASTING

John T. Murphy, of Ohio, to be a member of the Board for International Broadcasting for the remainder of the term expiring April 28, 1976, vice Abbott M. Washburn, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, April 15, 1975*

The House met at 12 o'clock noon.

Rev. Floyd H. Gayles, pastor of the St. James Baptist Church, Washington, D.C., offered the following prayer:

Do not neglect to do good and to share what you have, for such sacrifices are pleasing to God.—Hebrews 13: 16.

Most Gracious and Eternal Father, in midst of these difficult and disturbing days, we turn to Thee for the light that shines and the love that lives at the heart of our faith. With Thee we are made equal to every experience, ready for the task each day. Though our days may be tedious, help us to remember that every person fights a lonely fight and walks a lonely way. Teach us to be more understanding, more gentle, and more forgiving.

Lord, we thank Thee for the dawn of a new day. Bless the President, our Speaker, and Members of this body. In all our dealings, help us to keep our motives clean, our vision clear, and our faith creative. Lord, may this Congress continue to work for the time when peace shall come and justice shall run like a mighty stream. We ask this in Jesus' name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 27. Concurrent resolution to provide additional copies of housing compilation; and

H. Con. Res. 145. Concurrent resolution authorizing the printing of additional copies of the joint committee print of the Committee on Education and Labor and the Committee on Labor and Public Welfare entitled "A Compilation of Federal Education Laws."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 335. Joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 66. An act to amend title VIII of the Public Health Service Act to revise and extend the programs of assistance under that title for nurse training and to revise and extend programs of health revenue sharing and health services;

S. 229. An act to amend the Endangered Species Act of 1973 to assure the perpetuation of the art of scrimshaw, and for other purposes;

S. Con. Res. 16. Concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Income Security for Americans: Recommendations of the Public Welfare Study";

S. Con. Res. 17. Concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Federal Subsidy Programs"; and

S. Con. Res. 31. Concurrent resolution authorizing the printing as a Senate document of the prayers offered by the Chaplain of the Senate, the Reverend Edward L. R. Elson, S.T.D., during the 93d Congress.

The message also announced that the President pro tempore, pursuant to Public Law 93–443, appointed Mrs. Joan D. Aikens, of Pennsylvania, and Mr. Thomas E. Harris, of Virginia, as members, on the part of the Senate, of the Federal Election Commission, their nominations having been confirmed by the House of Representatives and the Senate.

EVACUATION OF AMERICAN NATIONALS FROM SOUTH VIETNAM

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. JOHN L. BURTON. Mr. Speaker, today I have circulated to the Members a letter to be sent to our President concerning the evacuation of American nationals and their families from South Vietnam. I will read the letter into the RECORD at this point:

WASHINGTON, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We share your concerns about the safety of American nationals in South Vietnam.

We urge you to expedite the evacuation of all American nationals and their families.

We feel it is critical to act now while the Saigon Government controls the evacuation area and Tan Son Nhut Airport.

To delay could well endanger the lives of those we want to save.

Sincerely,

——— ———.

I am very concerned about the evacuation of these people. I am very concerned about tying the evacuation of American nationals to 176,000 South Vietnamese and I would hope the President would expedite all action to remove our nationals and their families from South Vietnam.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO SIT THIS AFTERNOON AND TOMORROW AFTERNOON DURING THE 5-MINUTE RULE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may sit this afternoon and tomorrow afternoon during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

CHARLES P. BAILEY

The Clerk called the bill (H.R. 2562) for the relief of Charles P. Bailey.

There being no objection, the Clerk read the bill as follows:

H.R. 2562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby directed to redetermine the liability for tax (including interest, penalties, and other amounts) of Charles P. Bailey, of North Palm Beach, Florida, for the taxable year 1962. In such redetermination, the determination of whether or not the said Charles P. Bailey is relieved of liability under section 6013(e) of the Internal Revenue Code of 1954 shall be made without regard to any period of limitations and without regard to res judicata, or any similar rule of law. Any overpayment to tax by the said Charles P. Bailey for his taxable year 1962 resulting from the redetermination made under this Act shall be refunded to him.

Mr. ROGERS. Mr. Speaker, I rise in support of H.R. 2562, a bill for the relief of C. P. Bailey, for a redetermination of his tax liability for taxable year 1962, and for refund of taxes which he was required to pay the Federal Government as a result of the embezzlement of substantial sums of money by his wife and her brother, Mr. Melton.

During the final days of the last congressional session, an identical bill, H.R. 2770, was favorably reported by the House Judiciary Committee and passed the House. Unfortunately, however, there was not sufficient time for the Senate to act on the measure before adjournment.

I wish to thank the distinguished chairman of the committee, Mr. Rodino, the subcommittee chairman, Mr. Flowers, the distinguished gentleman from California (Mr. Danielson), and the other members of the Judiciary Committee who have been helpful in bringing this legislation to the floor of the House.

During 1962 Mr. Bailey's wife, Barbara Bailey, embezzled $41,165 from a Florida bank which employed her. All of the embezzled funds were used directly by Mrs. Bailey's brother, Ray Melton, or were used to reimburse Mrs. Bailey for payments she made to cover checks written by her brother. Mrs. Bailey and her brother were convicted of conspiring to commit offenses in violation of Federal laws relating to embezzlement by bank employees and false bank entries.

During subsequent judicial and administrative proceedings, the courts, the Internal Revenue Service, and all parties concerned agreed that Mr. Bailey had no knowledge of the acts of his wife or her brother in the embezzlement of the funds. Nor did Mr. Bailey in any way benefit from the fruits of the crime for which his wife was convicted, as Mr. Melton, her brother, absconded with the funds.

Since Mr. Bailey filed a joint income tax return with his wife for the 1962 tax year, the Internal Revenue Service determined that the Baileys owed an additional tax of $17,271.50 plus $865 in interest on the $41,165 embezzled by Mrs. Bailey in 1962, and the Tax Court and the U.S. Court of Appeals for the Fifth Circuit affirmed the IRS ruling. The IRS has been collecting the assessed taxes on the embezzled funds from Mr. Bailey, since Mrs. Bailey, after serving her prison term, had disappeared periodically and was insolvent, unemployed, and under psychiatric and medical care over the years.

Subsequent to Mr. Bailey's struggle in the courts, he came to Washington where we arranged a meeting between Mr. Bailey, Chairman Wilbur Mills, and members of the House Ways and Means Committee staff. As a result of the inequities and harsh results of the income tax laws upon Mr. Bailey and other people similarly situated, the Ways and Means Committee reported out and Congress passed Public Law 91-679, popularly known as the "Innocent Spouse Act." Under the law prior to that time individuals filing a joint income tax return were jointly and severally liable for any tax liability. Therefore the courts held that the money embezzled by Mrs. Bailey was income attributable to both spouses, and that Mr. Bailey was liable even though he had no knowledge of the embezzlement nor benefited from it. Furthermore, even Mrs. Bailey did not receive any financial gain from her embezzlement, since Mr. Melton spent the funds. Members should refer to *C. P. Bailey and Barbara M. Bailey,* 52 T. C. 115 (1969) and *Bailey* v. *Commissioner,* 420 F. 2d, 777 (5th Cir. 1969) (affirmed) for additional information about this case.

The Innocent Spouse Act modified prior law to provide an exception in embezzlement cases such as this, where one spouse is unaware that a substantial amount of money was omitted from a joint return and that spouse establishes by a preponderance of the evidence that he or she had no knowledge of the embezzlement nor benefited from the embezzled income. This new amendment was drafted to apply retroactively to the tax years to which the 1939 and 1954 Internal Revenue Codes apply. Although the statutory provisions were clearly retroactive to include Mr. Bailey's taxable year—1962—the Treasury Department argues that the amendment would not apply retroactively to a case which is res judicata or to one where the statute of limitations has run. The Treasury Department's argument rests upon some committee report language which is in direct contradiction to the explicit retroactive provisions of the statute. Therefore, the Treasury Department has determined that Mr. Bailey is ineligible for relief under the statute, because he previously proceeded in the Federal courts, even though he otherwise would have qualified for relief under the statute.

The only relief available to Mr. Bailey is private legislation as he has exhausted other remedies. His case should be evaluated on its own facts and circumstances. The Congress passed the Innocent Spouse Act to give taxpayers in Mr. Bailey's situation relief from the hardship of paying income tax for an illegal act by their spouse about which they have no knowledge and from which they receive no benefit. Congress expressly provided that this relief is retroactive. I do not believe that it is fair to deny Mr. Bailey application of the statute merely because he contested the matter in court prior to the date of its enactment.

If the IRS today discovered that another crooked spouse had embezzled money in 1962 unknown to the innocent spouse nor benefiting the innocent spouse, this innocent spouse would not be liable for the embezzled funds for taxable year 1962. Since the Innocent Spouse Act passed before the hypothetical innocent spouse's case would be litigated in the courts, he would have the benefit of this statutory relief. However, according to the IRS, Mr. Bailey is not eligible for the relief that would be available to the hypothetical innocent spouse, even though their tax years and other circumtsances are identical in all respects except one. Relief is denied to Mr. Bailey but available to the hypothetical innocent spouse, merely because Mrs. Bailey's embezzlement was discovered before the embezzlement of the hypothetical crooked spouse.

Mr. Speaker, as a matter of equity in this case I urge the members to support H.R. 2562, private legislation which would simply direct the Internal Revenue Service to redetermine whether C. P. Bailey is eligible for the relief available under the statutory criteria set forth in the Innocent Spouse Act, but without regard to the statute of limitations, res judicata, or other similar procedural doctrines or rules of law. On behalf of Mr. Bailey and myself, I would again like to thank all of the Members who have assisted in bringing this legislation to the floor of the House.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAYMOND MONROE

The Clerk called the bill (H.R. 3382) for the relief of Raymond Monroe.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as it deems just, the United Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of Raymond Monroe of Overland Park, Kansas, to the United States in the amount of $5,445, representing the loss resulting from his erroneous setting of a postage meter on January 3, 1964, as a clerk for the Post Office Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRI-STATE MOTOR TRANSIT CO.

The Clerk called the bill (H.R. 4056) for the relief of Tri-State Motor Transit Co.

There being no objection, the Clerk read the bill, as follows:

H.R. 4056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Tri-State Motor Transit Company of Joplin, Missouri, the sum of $1,725.60 in full satisfaction of its claims against the Department of the Army for transportation of a load of explosives to Fort Walters, Texas, in May 1968. Such claim was presented too late for payment due to administrative delays by the Department of the Army in processing a Certificate in Lieu of Lost Government Bill of Lading despite diligent efforts to obtain such certificate by the Tri-State Motor Transit Company.

SEC. 2. Not more than 10 per centum of an amount equal to the sum appropriated by this Act shall be, directly or indirectly, paid to or received by any attorney in connection with the claim referred to in the first section of this Act. Any person violating this section shall be fined not more than $1,000.

With the following committee amendment:

Page 1, line 8: Strike "Walters" and insert "Wolters".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT M. JOHNSTON

The Clerk called the bill (H.R. 1401) for the relief of Robert M. Johnston.

There being no objection, the Clerk read the bill, as follows:

H.R. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That service performed by Robert M. Johnston, of Annapolis, Maryland, from July 1, 1946, through September 30, 1956, as a member of the civilian faculty of the United States Naval Academy, shall be included as creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement annuities), if, within one year after the date of enactment of this Act, Robert M. Johnston deposits a sum equal to so much of the repurchase price of his annuity policy carried as required by the Act of January 16, 1936 (49 State. 1092), as amended, as is based on the monthly allotments which were registered with the Navy Allotment Office toward the purchase of that annuity. Such deposit shall be in lieu of the deposit, provided under section 8334(c) of such title 5.

SEC. 2. The Secretary of the Navy shall certify to the Civil Service Commission the amount of the repurchase price of the annuity referred to in the first section of this Act. The Civil Service Commission shall provide Robert M. Johnston such information as may be necessary to carry out the purposes of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STEPHANIE KAHN AND BARBARA HEYMAN

The Clerk called the bill (H.R. 1421) for the relief of Stephanie Kahn and Barbara Heyman.

There being no objection, the Clerk read the bill, as follows:

H.R. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Barbara Heyman, on behalf of Stephanie Kahn, her daughter, both of Beverly Hills, California, the sum which the Administrator of the Veterans' Administration determines is payable pursuant to law as monthly payments, from the first day of the month of the death of Mr. Martin Kahn until June 16, 1970. Such sum, which shall not exceed $1,202.38, is allegedly due to Stephanie Kahn as Veterans' Administration pension benefits because of the death of Mr. Kahn, who was the divorced husband of Barbara Heyman and the father of Stephanie Kahn. Barbara Heyman did not apply to the Administration for such benefits within one year from the date of Mr. Kahn's death, pursuant to section 3010(d) of title 38 of the United States Code, because she was not aware of his death until June 1970. The payment of such sum shall be in full satisfaction of all their claims against the United States for such payments.

(b) Not more than 10 per centum of the amount appropriated in this Act shall be transferred, directly or indirectly, to any attorney or other agent as consideration for services rendered at any stage of this claim, any contract or other agreement to the contrary notwithstanding. Any person violating the provision of this subsection shall be fined not more than $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOWARD D. HARDEN

The Clerk called the bill (H.R. 1649) for the relief of Howard D. Harden.

There being no objection, the Clerk read the bill as follows:

H.R. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Howard D. Arden, of Roseville, Illinois, is relieved of liability to the United States in the amount of $3,746.80 representing disability payments from September 1967 to November 1969 paid to him following a diagnosis of a malignant lymphoma, which benefits were retroactively denied him because he had advised the Social Security Administration that he was attempting to perform some of his farmwork despite his disabilities. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Howard D. Harden an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 10: Strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. GEORGE MOORE, JR. U.S. AIR FORCE

The Clerk called the bill (H.R. 2109) for the relief of Capt. George Moore, Jr., of the U.S. Air Force.

There being no objection, the Clerk read the bill as follows:

H.R. 2109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain George Moore, Junior, United States Air Force, of San Antonio, Texas, compensation, in accordance with subsection (b), for ninety days of leave which he was unable to take because of his extensive hospitalization and convalescent leave following injuries sustained in a plane crash in Vietnam on March 9, 1970, and credit for which was lost under section 701 of title 10 of the United States Code because he accumulated leave in excess of sixty days. The compensation to be paid under this subsection shall be in addition to payments for accrued leave to which he may be entitled under section 501 of title 37 of the United States Code upon his discharge.

(b) The compensation to be paid under subsection (a) shall be paid when Captain Moore, Junior, is discharged from the Air Force, and the amount of the compensation shall be determined in the manner prescribed in section 501 of title 37, of the United States Code for payments for accrued leave authorized by that section.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 10: Strike "March 9, 1970" and insert "March 8, 1970".

Page 2, line 5: Strike "discharge" and insert "retirement".

Page 2, lines 7, 8 & 9: Strike "shall be paid when Captain George Moore, Junior, is discharged from the Air Force, and the amount of the compensation".

Page 2, line 13: Strike "in excess of 10 per centum thereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. DOROTHY HINCK

The Clerk called the bill (H.R. 2946) for the relief of Mrs. Dorothy Hinck.

There being no objection, the Clerk read the bill as follows:

H.R. 2946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 3010 of title 38, United States Code, or any statute of limitations, Mrs. Dorothy Hinck, widow of John Henry Hinck (XC–3,009,409) is to be held and considered to have filed a timely application for death compensation for herself and minor children within one year of the death of the said John Henry Hinck on November 24, 1941, and is to be paid the amounts due as otherwise provided in the laws administered by the Administrator of Veterans' Affairs.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RANDALL L. TALBOT

The Clerk called the bill (H.R. 3526) for the relief of Randall L. Talbot.

There being no objection, the Clerk read the bill as follows:

H.R. 3526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Randall L. Talbot, of Upper Marlboro, Maryland, the sum of $564.80 in reimbursement for the costs incurred by him in connection with the purchase of a new home incident to a change of official stations required by his employment with the United States Department of Labor.

With the following committee amendment:

Page 1, after line 9, insert:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAMUEL T. ANSLEY

The Clerk called the bill (H.R. 1410) for the relief of Samuel T. Ansley.

There being no objection, the Clerk read the bill as follows:

H.R. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Samuel T. Ansley of Lubbock, Texas, the sum of $2,229.59. The said Samuel T. Ansley is relieved of all liability to the United States for the sum of $374.40. Such appropriation and relief of liability are in full settlement of all the claims of the said Samuel T. Ansley against the United States for moving expenses sustained as the result of the purchase of his real property in Mora County, New Mexico, on April 19, 1966, by the Secretary of the Interior, for which the said Samuel T. Ansley failed to obtain full reimbursement due to administrative error.

SEC. 2. No amount in excess of 10 per centum of the sum appropriated in the first section of this Act shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Any person violating the provisions of this section shall be fined not more than $1,000.

With the following committee amendments:

Page 1, line 11: Strike "Mora" and insert "San Miguel".

Page 2, line 4: Strike "in excess of 10 per centum".

The committee amendments were agreed to.

The bill was ordered to be engrossed and real a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

UNITED STATES MUST KEEP ISRAEL STRONG

(Mr. PEPPER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I had the privilege recently of being a member of a congressional group visiting Israel. Our group had a long interview with Prime Minister Rabin and Foreign Minister Allon. In the course of the interview with the Price Minister I stated a belief that I strongly entertain that Israel was right in not giving up the critical Mt. Sinai passes and oil fields in return for the vague generalizations offered by the Egyptians. In our conference with Allon he emphasized in the absence of nuclear weapons never were defensible positions more essential in war than they are today, particularly in the Middle East. So it is obvious that Israel must be able to maintain defensible lines as long as there is a possibility of war and that she can only safely retreat from those lines when there has been an effective, binding, dependable, overall settlement of the dispute and a firm acceptance on the part of the Arab States of the right of Israel to exist as a free, independent, and viable State with fairly defensible boundaries and as a part of such overall settlement, I am sure Israel will do the right and fair thing.

Meanwhile, to avoid the temptation of the Arabs to start an aggressive war against Israel because of a predominance of armed power that may be given to them by the Russians, the United States must make it clear to the Arabs, the Russians, and everybody that we will see to it that Israel is at all times effectively able to defend herself against any attack from her neighbors. Let there be no equivocation about our attitude and our determination to do that. If we will do that and continue to cooperate in a Geneva-type conference I think in time this long conflict will be brought to an end and a new Israel can feel confident, as Prime Minister Rabin said it was determined to do, to live on that old land for another 2,000 years.

HOUSE JOINT RESOLUTION 375, ADDITIONAL APPROPRIATIONS FOR THE VETERANS' ADMINISTRATION

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it shall be immediately in order to consider in the House as in the Committee of the Whole the House joint resolution (H.J. Res. 375) making an additional appropriation for the fiscal year ending June 30, .975, for the Veterans' Administration, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H. J. Res. 375

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, namely:

VETERANS' ADMINISTRATION

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $638,038,000, to remain available until expended.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is a resolution which was originally approved by the Subcommittee on HUD-Independent Agencies, which is headed by the gentleman from Massachusetts (Mr. BOLAND). It was then approved by the full committee and it is now before the House. It is required by existing law.

I strongly support this measure and feel that it will contribute to improving the situation of those who have served our country in the armed services. Veterans all over the Nation will receive funds from this bill and will be able to continue their education. Additionally, disabled veterans will also receive increased benefits from this bill.

I urge the adoption of the resolution.

I will now yield to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) for a further discussion and explanation of the resolution.

Mr. BOLAND. Mr. Speaker, as the distinguished chairman of the full committee has indicated, this joint resolution is another one of those urgent supplemental bills for the Veterans' Administration that we must approve. It provides for $638,000,000 for readjustment benefits in the current fiscal year. I should caution you now that this amount will probably not meet all fiscal year 1975 requirements—and we will be back again when better cost data is available. However, unless this appropriation is passed quickly, students across the country will not get their GI benefits checks for April. Because of the urgency of this item, we lifted it from the pending second supplemental which is also before us today.

These supplemental funds are required to cover the additional costs of extending GI bill eligibility for 2 years. It also covers the cost of increasing the maximum specially equipped automobile grant for disabled veterans from $2,800 to $3,300, and it extends and liberalizes the eligibility for training and adaptive equipment.

So I do not think we have much choice except to pass this joint resolution. But before I close, for the record, I thought I might point out that when the Veterans' Administration appeared before our committee 1 year ago, they requested $13,994,000,000. The committee provided virtually the full request. Subsequent legislation approved by the Congress has required additional appropriations of $1,665,000,000 to date. Before we finish the year it is expected that another $425,000,000 or more will be needed for benefits payments.

For comparison purposes, these supplemental appropriations ugrading veterans benefits are about two-thirds of the cost of running all of our NASA programs.

Mr. Speaker, as I said at the outset, this appropriation is needed before the end of the month and I urge that we pass it.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert appropriate tables on the joint resolution presently under consideration.

Mr. TALCOTT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would like to concur in the remarks made by the gentleman from Massachusetts. These are obligatory requirements. The Congress has passed the bills. These are absolutely essential for us to meet the payments to comply with the law.

We fully support this resolution. The funds are urgently needed by the VA to meet additional readjustment benefits authorized by the Congress.

These funds are required to make payments which fall due this month.

The Congress overwhelmingly enacted the law, the obligation is coming due so our action is obligatory.

Mr. MICHEL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I would simply concur in everything that the chairman of the committee and the chairman of the subcommittee have said with respect to the urgency of meeting our obligations at this particular time. I applaud the efforts of the chairman of the committee and the chairman of the subcommittee for making those efforts.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to my friend from Massachusetts.

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I rise in support of this bill to provide additional appropriations for the Veterans' Administration.

Several pieces of legislation were enacted during the 93d Congress which increased the financial obligations of the Veterans' Administration. I was a strong advocate of most of these provisions, including the extension of the GI bill for 2 years, and the 4.5-percent hike in the rate of increase in educational benefits.

I believe that we owe it to our veterans, who sacrificed so much in the defense of our country, to appropriate the full amount needed to meet these increased obligations for the remainder of 1975.

I urge my colleagues to adopt this bill.

Mr. GILMAN. Mr. Speaker, I rise today in support of House Joint Resolution 375, providing additional appropriations for the Veterans' Administration for fiscal year 1975. I commend the Appropriations Committee for appropriating the full supplemental request of $628 million to meet the increased obligations of the VA, specifically, the extension of the GI bill for 2 years, a 4.5-percent increase in GI educational benefits, an increase in the maximum grant for specially equipped automobiles for the handicapped veteran from $2,800 to $3,300, and an increase in the maximum housing grant for certain disabled veterans from $17,500 to $25,000.

Mr. Speaker, I have long sought increased benefits for veterans. Most recently, I have urged this body to provide for increased educational benefits for veterans in the form of removing the time limitation in which a veteran might avail himself of educational benefits as provided under the GI bill and increased tuition assistance to Vietnam-era veterans.

Fortunately, this body saw fit last session to enact several important pieces of legislation which did provide for increased GI benefits. House Joint Resolution 375 provides the funding for these additional benefits whose initial payments, as I understand, are due this month.

In considering adoption of this measure, let us be mindful of the reasons for offering assistance to our veterans. The congressional decision in offering this assistance is an expression of our Nation's gratitude for the service they rendered to our country. Accordingly, let us demonstrate our support of this measure—a small but worthy response to their great sacrifice.

Mrs. HECKLER of Massachusetts. Mr. Speaker, as a member of the Committee on Veterans' Affairs, and as ranking minority member of the Subcommittee on Education and Training, I support House Joint Resolution 375, to provide a supplemental appropriation of $638,038,000 with which the Veterans' Administration may continue to pay veterans' readjustment benefits in this current fiscal year.

The urgency of need for immediate favorable action on this recommendation is nowhere better documented than in VA's advice to me that, for lack of these funds, VA this week will run out of money with which to fulfill this congressional mandate.

The report by the Committee on Appropriations—94–138—makes it quite clear: This money is needed to permit VA to meet the increased commitment to a major segment of our younger, more recent, veterans to make the payments in a timely manner, sans interruption and resultant hardship to the veteran, his dependents or survivors.

Specifically, this supplemental appropriation is required in VA's effort to comply with the following four laws enacted by the 93d Congress:

Public Law 93–602, which provides equity to the disabled veteran student by giving him the same increase to 22.7 percent the benefits rate previously provided the nondisabled veteran student,

Public Law 93–538, which increased the maximum specially equipped automobile grant for disabled veterans,

Public Law 93–569 which increased the maximum housing grant for disabled veterans,

Public Law 93–337 which extended GI bill eligibility to 10 years from the original 8 years for veterans of the post-Korean conflict period and the Vietnam era, and servicemen.

Mr. Speaker, with our Nation engaged in debate and reassessment regarding the Vietnam policy of five Presidents, I find it noteworthy that the Veterans' Administration is devoting an extensive effort to acquaint Vietnam-era veterans with the benefits and services with which an appreciative Congress has provided them.

This effort includes such VA programs as Outreach and Vet Rep.

Under the vet rep program, VA representatives, most of them Vietnam-era veterans, are assigned to college and university campuses to protect the rights of students in such matters as full and timely payments of educational allowances due.

The Outreach program features such innovative instruments as toll-free telephone service to 25 States and 172 metropolitan areas to afford veterans more ready access to VA, its information, services, and benefits.

Also featured in Outreach are mobile office vans which move through dense population hearts of major metropolitan areas in which reside many disadvantaged Vietnam-era veterans, dependents, and survivors. These vans are operated by specialists dedicated to the concept of carrying to these people who need it the most, the VA's desire to be of assistance.

In short, VA's need for this supplemental appropriation is not the result of bureaucratic inefficiency, nor lethargy, nor indifference to the needs of its clients. Quite the contrary. It is due to VA's dedication to the cause of the veteran and to serving him as Congress has decreed.

America's veterans need our continued support.

Mr. MOFFETT. Mr. Speaker, I am pleased that the Congress is today considering a bill which would provide funding for the extension and expansion of several important veteran benefit programs. These improvements in our veteran services, passed by Congress last session but as yet not funded, represent worthy efforts to rectify the disgraceful status of Vietnam veterans in this country. This is especially true of the services for disabled veterans and the extension of education benefits under the GI bill.

Nonetheless, it is clear that much more is needed. Never in our history have war veterans been treated as shabbily as those of the Vietnam era. Many of them were unfairly issued discharges of a less-than-honorable nature. They returned home to find unemployment rates for veteráns to be more than twice the national rate—in some areas, higher than 20 percent. Those who were disabled often had great trouble finding support. Those applying for education assistance frequently suffered extensive delays, after having received acceptance in the program, and after having committed themselves financially and otherwise to an educational institution.

It had been my hope that the Veterans' Administration, under Richard L. Roudebush, its new Chief Administrator, would help to remedy this situation. And there is, in fact, some indication of improvement. But more work is urgently needed, particularly in the areas of employment, discharge review, and education assistance. I urge my colleagues to support today's supplemental appropriation as a necessary first step, but I warn them that it is not sufficient to simply add a few hundred million dollars to the program and hope that the problem will disappear. The plight of the Vietnam veteran must be addressed more fully, and that task must begin now.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 0, not voting 46, as follows:

[Roll No. 119]

YEAS—386

Abdnor
Abzug
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
AuCoin
Badillo
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gilman
Ginn
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hastings
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Quie
Quillen
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—46

Andrews, N.C.
Ashbrook
Barrett
Cederberg
Conyers
Corman
Dent
Diggs
Early
Edwards, Ala.
Findley
Fithian
Fraser
Giaimo
Gibbons
Goldwater
Gude
Hammerschmidt
Heckler, Mass.
Hightower
Holland
Johnson, Colo.
Kazen
Leggett
McClory
Mezvinsky
Mills
Murphy, N.Y.
O'Hara
Pritchard
Railsback
Riegle
Rosenthal
Ruppe
Ryan
Shriver
Shuster
Solarz
Stanton, J. William
Stephens
Symms
Taylor, N.C.
Teague
Treen
Wiggins
Yatron

So the joint resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dent with Mr. Kazen.

Mr. Leggett with Mr. Andrews of North Carolina.
Mr. Rosenthal with Mr. O'Hara.
Mr. Hammerschmidt with Mr. Mezvinsky.
Mrs. Heckler of Massachusetts with Mr. Ruppe.
Mr. Yatron with Mr. Taylor of North Carolina.
Mr. Fithian with Mr. Railsback.
Mr. Giaimo with Mr. Ashbrook.
Mr. Gude with Mr. Gibbons.
Mr. Diggs with Mr. Riegle.
Mr. Hightower with Mr. Findley.
Mr. Teague with Mr. Holland.
Mr. Ryan with Mr. Edwards of Alabama.
Mr. Conyers with Mr. Mills.
Mr. Early with Mr. McClory.
Mr. Corman with Mr. Cederberg.
Mr. Barrett with Mr. Pritchard.
Mr. Fraser with Mr. Goldwater.
Mr. Murphy of New York with Mr. Shriver.
Mr. Solarz with Mr. Shuster.
Mr. Stephens with Mr. Symms.
Mr. Treen with Mr. William J. Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RE-REFERENCE OF H.R. 87 TO COMMITTEE ON EDUCATION AND LABOR

Mr. HALEY. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill H.R. 87, and that it be re-referred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL STATEMENT

Mr. RIEGLE. Mr. Speaker, I was detained in getting here in time for the vote on the joint resolution, House Joint Resolution 375. Had I been present, I would have voted "aye."

PERMISSION FOR THREE SUBCOMMITTEES OF COMMITTEE ON ARMED SERVICES TO SIT DURING THE 5-MINUTE RULE TODAY

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the three subcommittees of the Committee on Armed Services be permitted to proceed this afternoon with their markup of H.R. 3689, the fiscal year 1976 Department of Defense appropriation authorization request, during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SECOND SUPPPLEMENTAL APPROPRIATIONS BILL, 1975

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5899) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. Michel) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5899, with Mr. Brooks in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. Mahon) will be recognized for 1 hour and the gentleman from Illinois (Mr. Michel) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today touches almost every Federal department and agency. Of the 13 subcommittees of the Appropriations Committee, 10 have had a part in the drafting of this legislation and the entire Appropriations Committee of course has concurred in reporting this bill to the House for favorable action.

This is the last general supplemental appropriation bill for the fiscal year 1975. We have had extensive hearings and the hearings are available. The bill provides for $11.3 billion, which represents a net decrease of $221 million below the various budget estimates which were considered by the Appropriations Committee in drafting the bill which is now before the House.

Further, the bill contains transfers of some $190 million between appropriations. It is customary for the Congress to provide transfer authority, particularly for pay act costs, in order to minimize the granting of new obligational authority and to facilitate to the maximum extent the absorption of increased pay costs within current appropriations.

BILL HIGHLIGHTS

Of the total in the bill, $9.8 billion or 86.8 percent is for mandatory items such as pay costs, advances to unemployment trust fund, and public assistance payments. In addition, there is some $1.1 billion for programs not authorized at the time the regular appropriations bill was considered by the House. These include activities of the Community Services Administration, Head Start, and the emergency school aid program.

Major items include: $1,755,453,070 for increased pay costs for military and civilian personnel; $5,000,000,000 for advances to the unemployment trust fund; $1,729,748,000 for public assistance payments.

The sum of $583,970,000 for retired pay costs for Federal, Foreign Service, and military personnel; $462,000,000 for the Head Start preschool education program and the Native Americans program; $446,000,000 for the Community Services Administration, the successor agency to the Office of Economic Opportunity.

The sum of $279,000,000 for education programs, including $4,000,000 for drug abuse education; $125,000,000 for aid to schools with special needs related to school desegregation; $67,400,000 for interest payments on student loans; and $82,600,000 for payments in connection with defaults on guaranteed student loans.

The amount of $182,639,000 for the Veterans' Administration for compensation and pensions and medical care; $108,950,000 for firefighting costs on Federal lands; $83,102,000 to pay increased supplemental security income benefits.

The sum of $80,844,000 for "black lung" benefit payments to disabled coal miners; $44,085,000 for payment to the Postal Service fund; $24,623,000 for the National School Lunch and Child Nutrition Act of 1966; $59,699,187 for claims and judgments rendered against the United States; and $118,909,000 for various transportation programs, including Amtrak and the Deepwater Port Act.

REDUCTIONS IN APPROPRIATIONS

The decrease of $221,970,000 is a net figure. There are increases in a few items in the bill approximating $175 million. These include a payment to the Postal Service, emergency school aid, health resources, the Head Start program and the Community Services Administration.

Reductions in the bill include: $294,752,060 in pay costs; $25,000,000 in retired pay, defense, which was excess to requirements; $20,242,000 in payments to social security trust funds that were to be transferred to GSA for space charges; $12,000,000 for the Nuclear Regulatory Commission because of increased revenues and a desire that the Commission staff-up more slowly with better people; and $46,179,000 for International peacekeeping activities which lack funding authorization.

Mr. Chairman, the report treats extensively of the content of the bill. I do not believe it is necessary to further discuss the bill here in this period of general debate.

As pointed out earlier, of course, 86 percent of it is more or less arithmetic, mandated payments, which must be made under existing law.

TABULAR SUMMARY

So, Mr. Chairman, as I indicated, the great majority of appropriations in the bill represent items for which there is little or no discretion available to the Congress at this time in the fiscal year. At this point in the Record, I offer a summary table by chapters reflecting the budget requests and amounts recommended by the Committee in the bill:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

SUMMARY

Department or activity	Budget estimates	Recommended in the bill	Bill compared with estimates
TITLE I—GENERAL SUPPLEMENTALS			
Agriculture: New budget (obligational) authority	$24,623,000	$24,623,000	
Defense: New budget (obligational) authority	281,374,000	256,374,000	—$25,000,000
Housing and Urban Development—Independent agencies: New budget (obligational) authority	219,547,000	219,547,000	
Interior and related agencies: New budget (obligational) authority	125,930,000	113,280,000	—12,650,000
Labor, and Health, Education, and Welfare:			
New budget (obligational) authority	8,104,569,000	8,236,067,000	+131,498,000
By transfer	(8,500,000)	(8,500,000)	
Increase in limitation	(80,868,000)	(78,868,000)	(—2,000,000)
Legislative branch: New budget (obligational) authority	11,584,329	9,584,329	—2,000,000
Public Works: New budget (obligational) authority	63,125,000	51,125,000	—12,000,000
State, Justice, Commerce, and Judiciary:			
New budget (obligational) authority:			
1974	800,000	800,000	
1975	67,003,000	19,372,000	—47,631,000
Total	67,803,000	20,172,000	—47,631,000
By transfer	(6,679,000)	(7,811,000)	(+1,132,000)
Transportation:			
New budget (obligational) authority:			
1975	$114,384,000	$110,914,000	—$3,470,000
1976	17,145,000	17,145,000	
Total	131,529,000	128,059,000	—3,470,000
By transfer	(13,200,000)	(700,000)	(—12,500,000)
Liquidation of contract authorization	(150,000,000)	(50,000,000)	(—100,000,000)
Treasury, Postal Service, and general government:			
New budget (obligational) authority	$379,399,000	$423,434,000	$+44,035,000
Increase in limitation	(28,000,000)	(28,000,000)	( )
Claims and judgments: New budget (obligational) authority	59,699,187	59,699,187	
Total, title I—General supplementals:			
New budget (obligational) authority:			
1974	800,000	800,000	
1975	9,451,237,516	9,524,019,516	+72,782,000
1976	17,145,000	17,145,000	
Total	9,469,182,516	9,541,964,516	+72,782,000
By transfer	(28,379,000)	(17,011,000)	(—11,368,000)
Increase in limitation	(108,868,000)	(106,868,000)	(—2,000,000)
Liquidation of contract authority	(150,000,000)	(50,000,000)	(—100,000,000)
TITLE II—INCREASED PAY COSTS			
New budget (obligational) authority	2,050,205,130	1,755,453,070	—294,752,060
By transfer	(2,029,375)	(173,016,375)	(+170,987,000)
Increase in limitation	(78,556,400)	(70,815,000)	(—7,741,400)
Liquidation of contract authority	(3,714,000)	(3,714,000)	
GRANT TOTAL TITLES I AND II			
New budget (obligational) authority:			
1974	800,000	800,000	
1975	11,501,442,646	11,279,472,586	—221,970,006
1976	17,145,000	17,145,000	
Total	11,519,387,646	11,297,417,586	—221,970,060
By transfer	(30,408,375)	(190,027,375)	(+159,619,000)
Increase in limitation	(187,424,400)	(177,683,000)	(—9,741,400)
Liquidation of contract authority	(153,714,000)	(53,714,000)	(—100,000,000)

Mr. MAHON. Mr. Chairman, I shall not take additional time at the moment, and I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this second supplemental bill for $11.5 billion is one of the largest that I can recall coming before this House. While it would appear on its face that it is below the budget by $226 million, the reduction stems mainly from a decrease of $299 million in pay supplementals. This is offset by a net increase of $72,782,000 in program supplementals. This increase involves increases in education, human development and Postal Service programs, offset by reductions from Defense and international peacekeeping activities.

I include the following:

2D SUPPLEMENTAL APPROPRIATIONS BILL, 1975 (H.R. 5899)

Chapter and department or activity	Budget estimate	House bill	Bill compared with estimates
PROGRAMS OVER THE BUDGET, TITLE I			
IV—U.S. Fish and Wildlife System Construction and anadromous fish		$350,000	+$350,000
IV—Office of Territorial Affairs		900,000	+900,000
V—Health Resources Administration: Health Resources	$66,500,000	127,600,000	+60,100,000
V—Office of Education: elementary and secondary education		4,000,000	+4,000,00
V—Emergency School Aid	75,000,000	125,000,000	+50,000,000
V—SRS: Rehabilitation Systems		500,000	+500,000
V—Human Development	446,300,000	462,000,000	+15,700,000
V—Community service program	420,800,000	446,000,000	+25,200,000
IX—Federal Highway Administration: Railroad-highway crossing demonstration project		360,000	+360,000
X—Payment to Postal Service Fund	46,692,000	44,085,000	+44,085,000
Programs over budget by $200,000 or less			+100,000
Total programs over budget, Title I			+202,295,000
PROGRAMS UNDER THE BUDGET, TITLE I			
II—Retired pay, Defense	[1] $232,300,000	$210,300,000	—$25,000,000
IV—FEA: salaries and expenses	15,000,000	1,000,000	—14,000,000
V—Department of Labor: Departmental management, salaries and expenses	550,000	150,000	—400,000
V—SSI: Payments to social security trust and other funds	20,242,000		20,242,000
V—Office of Secretary: Departmental management	20,897,000	16,587,000	—4,310,000
VI—House of Representatives: Committee employees	5,148,000	3,148,000	—2,000,000
VII—Nuclear Regulatory Agency: Salaries and expenses	56,400,000	44,400,000	—12,000,000
VIII—Contributions for international peacekeeping activities	288,000		—288,000
VIII—Courts of Appeals, district courts and other judicial service, Administrative Office of U.S. Courts	288,000		—288,000
VIII—Federal Judicial Center: Salaries and expenses	1,020,000		—1,020,000
IX—Coast Guard: Retired pay	9,605,000	9,150,000	—455,000
IX—Grants to National Railroad Passenger Corps	77,900,000	74,725,000	—3,175,000
Programs under budget by $200,000 or less			—444,000
Total programs under budget, Title I			129,513,000

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[1] Amount requested by Postal Service, but not included in President's budget.

Summary of increases and decreases

Programs under budget, title I	$129,513,000
Increase pay cost under budget, title II	299,293,000
Total items under budget	428,806,000
Programs over budget, title I	202,295,000
Decrease from budget	226,511,000

In the Labor-HEW section of the bill, which is the largest, we have a budget request totaling $8.1 billion and recommended in the bill $8,236 million, or an increase over the budget of $131 million.

The increases over the budget are accounted for largely by increases of $61,100,000 for the Health Resources Administration; $50 million for emergency school aid; $15,700,000 for human development and $25,200,000 for the Community Services Administration.

These increases are offset by a reduction of $20,242,000 for the Social Security Administration's standard level user charges for the GSA building fund and $4,310,000 for Labor-HEW management policy research.

In the Department of Labor there is the $5,000,150,000 that the chairman cited. Actually, we are right on target on the budget request, with a round figure of $5 billion for the unemployment trust fund and other funds.

When added to the $750 million previously appropriated for this program in the fiscal year 1975, this supplemental will result in a total now of $5,750,000,000 available for all these unemployment compensation programs in the fiscal year 1975.

Now, the breakdown of that $5 billion in this bill is as follows:

Extended unemployment compensation account, $1.4 billion.

Federal Unemployment Act, the Loan Act, $1.5 billion.

Federal unemployment benefits and allowances, $2 billion.

The Extended Unemployment Compensation Account Act, Members will recall, was established pursuant to the Employment Security Amendments in 1970—Public Law 91-373—for the purpose of making payments to the States for the Federal portion of Federal-State extended benefits.

Within this account is the Federal-State extended benefit program which provides 13 weeks of unemployment compensation to individuals who exhaust their regular State unemployment benefits, and which is generally 50 percent federally financed. Also in this account is the emergency unemployment compensation program, which provides an additional 13 weeks of unemployment compensation, and which is 100 percent federally financed.

The Federal unemployment account, loan account, was established for the purpose of making noninterest bearing loans to the States when the amount in a State's account is inadequate to meet the payment of unemployment compensation. As of March of this year, eight States had outstanding loans from this account. They are Connecticut, Washington, Vermont, New Jersey, Rhode Island, Michigan, Massachusetts, and the Commonwealth of Puerto Rico.

The final item in this category has to do with Federal unemployment benefits and allowances. This account provides payments to the States for compensation to former Federal personnel, for grade adjustment assistance allowances to individuals adversely affected by foreign trade agreements, and for others who qualify but are not otherwise eligible for unemployment benefits. These funds are primarily for the special unemployment assistance program for previously uncovered workers, which was created by the Emergency Jobs and Unemployment Assistance Act of 1974.

All this money is needed because of the current high rate of unemployment to assure the States that sufficient funds will be available when needed to pay unemployment benefits. To the extent that the funds are not advanced to one of these accounts, they will be available for use in another. We moved the date back on which these funds are available from September 30, 1977, as requested in the budget, to September 30, 1976.

Some Members have been receiving some mail and have heard in the press comments with respect to the possibility of unemployment benefits being paid to teachers who are not teaching during the summer months, but have a valid contract for the current year, plus the upcoming year. It has recently come to our attention that a number of States—some 17 or 18—are planning to pay unemployment compensation to teachers over the summer months due to the absence of any language in the Special Unemployment Assistance Act of 1974 specifically prohibiting such payment. Since such payment would clearly be inequitable and could result in total costs in the neighborhood of $2 billion, our committee added language to the bill, an amendment of mine, specifically limiting funds from being used for the payment of such benefits. Additionally, some school administrators are concerned that with the availability of unemployment benefits, they may have problems recruiting teachers to teach summer school.

In a law passed in 1970, Congress included language preventing college and university teachers under contract from receiving unemployment payments during the summer, and I do not think Congress intended that the situation be different with respect to elementary and secondary school teachers.

This language in the bill will affect only those teachers with current year and upcoming year contracts. Those teachers legitimately unemployed would be continuing to be eligible for benefits.

The budget request included $550,000 for salaries and related costs of carrying out the Labor Department's responsibilities under the Trade Act of 1974. The committee cut $400,000 from this request. The decrease results from the allocation of 60 new positions for 1 month in this fiscal year instead of the requested 80 for 3 months.

In the health, education, welfare area, the budget was for $2,682,019,000. We recommend in the bill $2,789,617,000, which is an increase over the budget of $106 million. I do not support all those increases.

Several of them are right on target, such as St. Elizabeths Hospital at $134,000.

But, in the area of Health Resources Administration, we are $61.1 million over the budget. This appropriation is in addition to the $159 million already appropriated for 1975 for health resources. It is designed mainly to support the implementation of the National Health Planning and Resources Development Act of 1974.

In the comprehensive health planning area, for transition funds we are right at the budget figure of $29.4 million.

In the regional medical programs, the budget request was for $12 million, and we recommended—not with my vote, but the majority of the committee—$50 million, or an increase over the budget of $38 million. This increase is theoretically designed, as we say in our report, "To enable ongoing projects to complete their work," but this could amount to over 1,400 projects as of June 30, 1975.

However, the projects whose funding is ending were advised last year by HEW that their funding would expire this year and that they should find other sources of support.

This was the intention of the program, in the first place, to provide seed money to start various projects and with the projects then finding other sources of funding to enable their continuing, if such continuing was in fact felt desirable.

Some of the projects, of course, think that Federal funding should be a continuing thing and that their work is never complete. Consequently, for the committee to claim that this additional funding will "enable the ongoing projects to complete their work" is, I think, a bit misleading. Additionally, it should be noted that even without the increase provided by our committee, some 533 of the projects will not expire until sometime after June 30, and extending, in a number of cases, until June 30, 1976. Some $35.7 million is being used to fund these projects through the completion dates and, thus, this money, combined with the $12 million requested in the budget, ought to be sufficient transition funds.

For health planning and resources development we have recommended in the bill $18.7 million. These funds will be used to support the initiation and development of the new State and local planning agencies. The availability of these funds is extended until December 31, 1975.

For experimental health services delivery system transition funds, the committee has recommended $800,000.

For program management we reduced the budget request of $5,600,000 to $5,500,000. The decrease reflects approval of only 100 of the 150 new positions requested to implement the new program.

For District of Columbia facilities we have recommended an increase over budget of $22,000,000.

These funds would be used to complete construction of Children's Hospital and a concentrated care center at Georgetown University Medical Center.

In the Office of Education there is recommended in the bill $4 million for drug abuse education. This was unbudgeted. The funds are designed to continue existing projects.

The CHAIRMAN. The gentleman has consumed 10 minutes.

Mr. MICHEL. Mr. Chairman, I yield myself 5 additional minutes.

This program, I should say, however, could just as easily be terminated in its entirety because there is a similar program in the National Institute for Drug Abuse in the Public Health Service.

In the emergency school aid area, the budget request was for $75 million, and the committee recommended $125 million. Actually, I think our chairman would have preferred a figure of something like $200 milliion, but there were some of us who felt that a $50 million increase was more than adequate in this area. Tomorrow the House is going to be We have made an appropriate adjustment in the 1976 appropriations for this item to accommodate the reduction we have made.

The reason for this reduction is that schools, under new court orders, in the 1970–71 school year totaled 310 districts, getting the education appropriation bill.

and in each succeeding year the figures dropped to 186, 125, 86, and 10, respectively. Under new HEW orders, the figures are 500 in 1969 and 1970, and in the current year they are down to 30 or 40. I think that suggests to us that we have made considerable progress in this area, and the amount of money we have here for emergency school assistance is more than adequate.

For the guaranteed student loan program the committee recommended $67.4 million. This amount is for interest on the insured loans and is, in effect, a mandatory appropriation. The amount is in addition to the $350 million appropriated for this purpose in the regular bill.

For the student loan insurance fund the committee is recommended $82.6 million as requested in the budget request, which brings this item to a total figure of $197.6 million in fiscal 1975. The reason I mention that is because the default rate on these loans is now running upwards of 11 percent, which is substantially above the 5 percent rate of 2 years ago. Federal costs are now running about 20 percent per loan, if one includes the default collection expenses, administrative expenses, et cetera. Clearly, these costs are too high and they have to be reversed. The new regulations recently issued by the Office of Education will, hopefully, be of some help in this regard.

I will include in my remarks a breakdown of how this 20 percent calculation has been arrived at, because there were several questions asked in our full committee as to how it came about.

Computation of "20 Percent Federal Cost" Under the Guaranteed Student Loan Program

Total Federal costs, $1,313,341,816, represents 20%; total dollar value of GSLP loans disbursed, $6,425,000,000.

(Note.—Federal program costs (Interest subsidies, default payments, dealth and disability payments, bankruptcies) $1,288,330,816, represents 19.6%. Federal administrative costs, $25,011,000, represents 0.4%; for a total of $1,313,341,816, represents 20%.)

Mr. Chairman, I should next make reference here to the Social and Rehabilitation Service, which is one of the rather large and significant items in here, amounting to $1,729,748,000 in the bill. The supplemental appropriation is necessary in large part because the committee last year decided that the administration's estimate was $878 million too high, and so it reduced the appropriation by that amount, perhaps in order to make the claim that the overall bill represented a reduction in the budget request.

But in the floor debate on the bill last year I stated as follows: "Members should assume that there is a due bill waiting in the wings in the form of a supplemental for public assistance which will almost certainly wipe out the margin shown in our committee report as being below the President's budget."

That bill has, of course, now come due, and then some, and it is noteworthy that the committee has this time decided to accept the Administration's estimate. This now brings the total for public assistance activities in fiscal year 1975 to $14,217,000,000. I will include in my remarks a breakdown of that figure.

Public assistance obligations by activity

[1975 revised estimate]

Item	
Maintenance assistance	$4,861,000,000
Medical assistance	6,966,375,000
Social services	1,891,905,000
State and local training	53,172,000
Child welfare services	46,000,000
Research and evaluation	9,200,000
Subtotal, obligations against fiscal year 1975 Budget Authority	13,828,579,000
Available in prior year	3,283,535,000
Available from subsequent year	3,672,000,000
Total obligations during fiscal year 1975	14,217,044,000

Mr. Chairman, I think it is significant to note that medical assistance now rounds out at $7 billion, maintenance at $4.8 billion, and social services at $1.8 billion.

This bill includes $80,844,000 for special benefits for disabled coal miners. This brings that total expenditure in fiscal year 1975 to $956,933,000 for that one program. It just about boggles the mind.

In the supplemental security income program, I think it should be noted that the $83 million the committee recommends brings that total expenditure for fiscal year 1975 to $4,587,000,000. We now have some 4 million recipients of supplemental security income benefits.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the supplemental security income benefits. the chairman of the Subcommittee on Public Works.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman from Tennessee for yielding.

I rise for the purpose of asking a question of the distinguished gentleman from Tennessee, the chairman of the Subcommittee on Public Works.

Mr. Chairman, I understand that certain funds heretofore appropriated for the fiscal year 1975 obligation have not yet been allocated, and I am particularly interested in the funds appropriated for the initiation of construction facilities to replace the Lock and Dam 26 on the Mississippi River between Illinois and Mississippi, which funds I understand are held in abeyance pending the outcome of litigation in the U.S. District Court in the District of Columbia.

One of the issues in the litigation is whether or not Congress by appropriating such funds consented to the construction of this project within the meaning of title XXXIII U.S.C.A. section 401. It seems clear to me, Mr. Chairman, that Congress did so consent, and I would be grateful for an expression by the chairman of the subcommittee on this matter.

Mr. EVINS of Tennessee. Mr. Chairman, I will say in answer to my friend, the gentlewoman from Missouri, that the Subcommittee on Public Works, the full Committee on Appropriations, and the Congress have, in fact, consented by their several acts in the providing of appropriations for the replacement of lock and dam No. 26 on the Mississippi River.

There has been a number of replacements of locks and dams on the Mississippi River, and on the Ohio River.

Mr. Chairman, I would say that our actions have indicated that we certainly have consented to this replacement.

Mrs. SULLIVAN. Mr. Chairman, I thank the gentleman for his explanation.

Mr. MYERS of Indiana. My colleague from Illinois (Mr. FINDLEY) cannot be present for this discussion today. He is cochairman of a congressional delegation which is meeting with the European Parliament in Munich, Germany this week. Since he cannot be here in person, he has asked me to submit the following statement for the consideration of the House.

Text of statement by Representative PAUL FINDLEY of Illinois:

I am delighted that at long last Congress' intention to authorize construction of Alton Lock and Dam 26 is being clearly stated. This important navigation project is located just below the confluence of the Illinois and Mississippi Rivers. Without this dam, navigation on the Mississippi River above St. Louis would come to a standstill.

The fact is that a new dam is desperately needed because the present structure is unsafe. Already more than $31 million has been authorized by Congress for this project in the belief that it was authorized by Congress, and $8 million has been spent. To conclude at this late date that no authorization existed, as a Federal judge in Washington has done, seems absurd.

It would seem to be a matter of fundamental legislative construction, not to mention logic, that when Congress appropriates money for a purpose year after year, it can be said that Congress has granted its consent, approval, and authorization.

To eliminate any question, on October 9 of last year I introduced a bill to make it abundantly clear that Congress wants this project to go forward. Because of the lateness in the session and because the corps needed time to remedy certain problems with the environmental impact statement, this bill was not reported from committee. This year, a new bill has been introduced with the cosponsorship of Congressman PRICE, Congresswoman SULLIVAN, and Congressman HAGEDORN.

The action by the House today should make it unnecessary for our bill to be brought up for consideration. That is important because each day's delay in beginning construction boosts the price of this project to the U.S. Treasury. Because of the importance of this project, it is not a question of whether it will be constructed, only of when. Under those circumstances, it only makes sense to begin at once.

Timing is also important to the people of Alton, Madison, and St. Clair Counties. The unemployment rate in this area is just about double the national average. Construction of this new lock and dam will create thousands of new jobs, jobs which are desperately needed.

The time for action is now—for everyone concerned. I wish to thank the chairman of the subcommittee for his assistance as well as the ranking Republican. With their cooperation, the new lock and dam at Alton will be under construction within a very short time.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FLOOD), the chairman of the Subcommittee on Health, Education, and Welfare. A large portion of this bill deals with the chapter which he and his subcommittee have handled, and some of the items are of great interest to the Members.

Mr. FLOOD. Mr. Chairman, chapter V of this bill deals with Labor-HEW. Labor-HEW, it is called that, and it is called a lot of other things, too, by the way, but it is Labor, Health, Education, and Welfare. Imagine that: Labor is what this chapter covers. Labor—just think about this—Health—what about that? Health and Education—there you are—Welfare.

This chapter affects the lives of every man, woman, and child in this Nation, every one. Labor, Health, Education, and Welfare. Imagine it. It contains $8.2 billion—not $8 million—$8.2 billion.

The importance of what I am saying or will say in the next minute about this bill today is that this is an increase of $131.5 million over the budget in chapter V. Do you have that?

After weeks of hearings by this committee, up comes this bill.

Now, for the people who are concerned about these problems of labor, health, education, and welfare, you know this subcommittee and you know me. The Members know what we have done in the last 10 years with Labor-HEW appropriations. They are five times what they were 10 years ago. Therefore, there is nobody, but nobody, on either side of the aisle of this House who can say that this subcommittee is not concerned with the problems of Labor, Health, Education, and Welfare, but nobody.

Mr. Chairman, I repeat, for the purpose of emphasis: We have gone $131.5 million over the budget request.

Now let me tell the Members this: I have told you about $8.2 billion—that will scare you to death, will it not? The fact of the matter is that of that $8.2 billion that is in this bill, of that amount, $7 billion is accounted for by what are known as uncontrollable or mandatory funds. Therefore, we are not as good as we sound. It is $8.2 billion, but $7 billion out of that $8.2 billion we have no control over. It is uncontrolled, it is mandatory. You passed those laws. You made it mandatory. That is why it is there. Actually, that is the fact. Most people do not realize that.

The largest of these uncontrollables or mandatory items is $5 billion, and that is asked for in the budget and is included in the bill. That provides general revenue advances to several funds to pay unemployment compensation. That is unemployment compensation, of course, to eligible individuals. For public assistance, $1.7 billion is requested and included in the bill. That is for the increases required for aid to families with dependent children, medicaid—we all know about that; think about it, and social services.

Those are mandatory items today, $1.7 billion. That is what you gave the people, you, the Congress.

The other major items in these mandatory categories: There is $67.4 million here for interest payments for guaranteed student loan program.

The sum of $82.6 million is for payment of increases in default claims on these federally insured student loans.

The sum of $80.8 million is for payment of the black lung benefits for the disabled coal miners throughout the country.

The sum of $83.1 million is for the SSI, as we call it, the supplemental security income program.

Mr. Chairman, the subcommittee has included several items that were deferred earlier. By "earlier," I mean earlier in this fiscal year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, as I started to say, these items were deferred simply because there was no authorization. We had no law providing for them. As you know, as the Committee on Appropriations, we cannot act until there is an authorization. Chief among these was emergency school aid.

There is $125 million—and I repeat—$125 million in this bill for emergency school aid.

That is $50 million more than was in the budget. We are $50 million above the budget on emergency school aid.

So, if you hear later on about the problems, do not think we do not know them, and do not think we did not try to meet them, and did meet them as far as we were concerned, we believe, for the duration of this bill.

We put in $4 million. I think you want us to do that.

The Head Start program—good heavens, you all know about the Head Start program. You all are for the Head Start program. The bill has in it $430 million, an increase of almost $16 million over the budget.

For the Native American program in HEW; the bill includes the budget request of $32 million.

Then in the Office of the Secretary, there is $16.5 million in the bill for policy research. We reduced that $4.31 million because we want to look into the way the program is being operated. We have provided sufficient funds to meet the continuation costs.

The Community Services Administration, you know about that. That used to be the OEO. You are all acquainted with that. The bill includes $446 million, which is an increase over the budget of $25 million.

We have also provided $127.6 million for Health Resources activities. This is an increase of $61.1 million over the budget request. There are several items of significance here. This is for the big health planning bill you acted on last year.

First of all, we provide $18.7 million for initial funding of the new Health Planning and Resources Development Act, which became law, on January 4, 1975.

These funds will be made available until the end of the calendar year, until December 31.

The reason for that is this is a very complicated thing. We did that to permit the State and local planning agencies to have time to gear up to administer this very difficult and very complicated law. There is transition funding of $80.2 million here because this act authorizes it for three existing programs, the comprehensive health planning agencies, the regional medical programs, and the experimental health services delivery systems. That is an increase of $38 million over the budget, all of it to be used to establish the funding level for the regional medical programs in fiscal year 1975 at $50 million.

Third, the bill includes $1,200,000—and this is not in the budget—for nursing research projects. The budget took out the money for new nursing research projects. One thing I learned a long time ago—and the hard way—never turn your back on a nurse. Do not turn your back on a nurse. This is a bad thing to do. So we did not do that, and we put the money back in—$1,200,000. I am sure the Members will agree with that.

Then we have the funds here to finish the Georgetown Concentrated Care Center, and we have the money here also to finish the Children's Hospital here in Washington, an extraordinary institution. This appropriation now will complete the funding for the Children's Hospital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEED. I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. FLOOD. We have also in chapter V several small items. The most significant probably is the matter of 60 new positions, 60 new jobs for the Labor Department. They came up here and asked us for 80 new jobs—you know how they are—in the budget request—just 80 jobs.

The reason for that request was to carry out the provisions of the new law, which is the Trade Act of 1974. There are problems that we gave to them when we passed the Trade Act of 1974, and they asked for 80 new jobs, so out of the bigness of our hearts we gave them 60. We are satisfied that they can well execute the programs that we passed, and the additional duties, with these 60 new jobs; there is no doubt about it in our minds whatsoever.

Finally, there is the final stage of construction for the dormitories at Gallaudet College out here, the Model Secondary School for the Deaf. We all know about Gallaudet. This completes the construction.

Mr. BENITEZ. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the Delegate from Puerto Rico.

Mr. BENITEZ. I think the gentleman for yielding.

Mr. Chairman, on behalf of the Commonwealth of Puerto Rico, permit me to express my gratitude to the committee for recommending that $10 million be appropriated in fiscal year 1975 for the Community Services Administration's senior opportunities and services program.

In accordance with my statement of additional views of the Committee on Education and Labor's report on the Community Services Act of 1974, this $10 million appropriation will permit refunding of the Commonwealth's SOS programs at historical fiscal year 1973 funding levels, without adversely affecting the current funding of any other jurisdiction's programs.

At the same time, I was also pleased to note that for fiscal year 1975 the committee proposes to continue local initiative programs at their full fiscal year 1974 annualized funding levels. Accordingly, as required by the "hold harmless" provisions of the Community Services Act of 1974, am I correct in understanding that Puerto Rico and every other jurisdiction can expect to receive during fiscal year 1975 the same annualized level of funding for local initiative programs as they received out of funds appropriated during fiscal year 1974?

Mr. FLOOD. I can see how my friend, the gentleman from Puerto Rico, would have a problem there and how there could be some misunderstanding. I hate to be so brief, but the answer is "yes."

Mr. BENITEZ. I thank the gentleman for yielding and for the yes answer.

Mr. MAHON. Mr. Chairman, I yield the gentleman from Pennsylvania (Mr. Flood) 3 additional minutes for the purpose of responding to questions.

Mr. PICKLE. Mr. Chairman, I would like to ask the chairman for some information relative to the funding of the bilingual education programs. On page 29 of the report in the third paragraph there is a provision that relates to the funding of the bilingual educational programs, and the committee has language there that leaves the indication that only one program is to be funded. Last year there were some 14 different programs competing for funding under the bilingual educational programs. The language in this particular report says the money will be used for funding the continuing production of "Villa Alegre." I would assume that the committee is not attempting through this legislation to specify one particular program, in effect a line item, but rather to approve the general funding of the bilingual educational programs.

Mr. FLOOD. I understand. What happened there was this. The committee, as the gentleman knows, is strongly in favor of the bilingual programs. That he knows from the appropriations and from the bilingual television programs and instruction programs and we have proven that down through the years. The program to which the gentleman refers, and we have it in the report, is one that one of our Members brought to our attention and we said yes, we wanted to be sure that "Villa Alegre" continues to be funded, but in no circumstances are we by that eliminating or discriminating against other programs.

Mr. PICKLE. The gentleman may know that the program "Carrascolendas" won a special award for bilingual programs in 1974. That program, and I am sure others in the country, may be competing for funds similarly in 1975 and 1976. I am glad the gentleman is not trying to exclude those programs and that they would be on an equal footing. "Carrascolendas" produced by KLRN (Austin and San Antonio) has received national mention and approval by various nation groups.

Mr. FLOOD. That is so.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. Evins), the chairman of the Subcommittee on Public Works of the Appropriations Committee.

Mr. EVINS of Tennessee. Mr. Chairman, chapter VII of H.R. 5899, the second supplemental appropriations bill of 1975, provides $51,125,000 for the vital and important programs of the Nuclear Regulatory Commission and the Bureau of Reclamation as recommended by the Subcommittee on Public Works Appropriations.

Of the total, $44,400,000 is provided for salaries and expenses of the Nuclear Regulatory Commission, and $6,725,000 for the operation and maintenance of projects of the Bureau of Reclamation. The supplemental request was for $56,400,000. We have provided a cut of $12 million for the NRC.

The total of $51,125,000 is $12,000,000 less than requested by the administration, which clearly demonstrates the subcommittee's desire and effort to eliminate inflationary Government spending while providing adequate and necessary appropriations to carry forward the vital programs of these agencies.

Chapter VII of the report accompanying H.R. 5899 fully and clearly explains the subcommittee's recommendations, and I hereby direct my colleagues to the report for further details.

I would, therefore, like to direct my further remarks to the broader issue of nuclear power development and the safety of nuclear powerplants.

NUCLEAR REGULATORY COMMISSION

Public Law 93–438, the Energy Reorganization Act of 1974, established the Energy Research and Development Administration and the Nuclear Regulatory Commission, both of which became operational on January 19, 1975.

The Nuclear Regulatory Commission is charged with regulating the nuclear industry, conducting reactor safety research, and carrying forth new programs and studies as directed by the act.

The regulatory duties of the Nuclear Regulatory Commission include the review and licensing of the construction and operation of nuclear powerplants.

NUCLEAR SAFETY

These regulatory duties also include maximizing the safety of nuclear powerplants. In fact, assuring safety is an overriding factor in the agency's licensing function.

At my request William Anders, Chairman of the Nuclear Regulatory Commission, provided his views on nuclear safety. He said:

> When nuclear power plants are built and operated in accordance with the rigid regulatory requirements of the Federal Government—and it is the job of the Nuclear Regulatory Commission to assure this—the public can be confident the plants are safe.
>
> We consider that the excellent safety record of the industry has been fostered by the substantial safety margins which have been required and provided in the design and operation of the plants.
>
> At this relatively early stage in commercial experience with nuclear power, it is our view that these margins should be preserved, and we are determined to do just that.

NUCLEAR INDUSTRY GROWING

Testimony before the Subcommittee on Public Works Appropriations indicates that today some 53 nuclear powerplants are in operation and providing 7 percent of the Nation's total installed electrical generating capacity.

There are an additional 73 nuclear powerplants under construction and 107 other such plants on order or in the planning stage.

Testimony before our subcommittee has shown that there have been no radiation accidents involving the public as a result of the operation of nuclear powerplants over three decades and during the more than 200 commercial reactor-years of operation in this country.

The Nuclear Regulatory Commission has the sole responsibility of regulating this growing and vital industry.

SCIENTIFIC SUPPORT

The substantial majority of the Nation's scientific community supports nuclear power as the only current practical alternative power source, other than fossil fuels.

A recent statement signed by 32 prominent scientists—including 10 Nobel Prize winners—concluded that there is no reasonable alternative to increased use of nuclear power to satisfy the Nation's energy needs.

This statement also included these comments:

> The U.S. choice is not coal or uranium: we need both . . . However, we see the primary use of solid fuels, especially of uranium, as a source of electricity . . . There are many interesting proposals for alternative energy sources which deserve vigorous research effort, but none of them is likely to contribute significantly to our energy supply in this century . . .
>
> The safety of civilian nuclear power has been under public surveillance without parallel in the history of technology. As in any new technology, there is a learning period. Contrary to the scare publicity given to some mistakes that have occurred, no appreciable amount of radioactive material has escaped from any commercial U.S. reactor . . .
>
> The separation of the Atomic Eneregy Commission into the Energy Research and Development Administration (ERDA) and the Nuclear Regulatory Commission (NRC) provides added reassurance for realistic management of potential risks and benefits. On any scale the benefits of clean, inexpensive and inexhaustible domestic fuel far outweigh the possible risks.

Six other nuclear scientists in a position paper issued last year stated:

> Rigorous examination of the present risks, cost and impact of all electric power sources leads us to conclude that nuclear power is more than acceptable, it is preferable.

These scientists, who included Dr. Ian A. Forbes, Chairman of the Department of Nuclear Engineering, Lowell Technological Institute, Lowell Mass., reached these conclusions:

> 1. During normal operation, nuclear plants pose less risk to public health than coal- or oil-fired electric plants.
>
> 2. The risk to the public, for the worst hypothetical accidents for both nuclear and fossil plants, is less than most of the risks society has historically accepted.
>
> 3. The overall impact of nuclear plants on land, air and water is far less than that of coal-fired plants and comparable to that of the oil-fired plants.
>
> 4. Nuclear plants are much more economical . . . than contemporary large fossil plants.

RASMUSSEN REPORT

In 1974 the Atomic Energy Commission commissioned an exhaustive study on nuclear plant safety. The director of the study was Prof. Norman C. Rasmussen of the Department of Nuclear Engineering of the Massachusetts Institute of Technology.

This study concluded that "the risks to the public from potential accidents in nuclear power plants are very small."

The report put at 300 million to 1 the chances of a resident living near a nuclear powerplant being killed from a reactor accident in any 1 year—and estimated the odds on an injury from a nuclear plant in any 1 year are 1 chance in 150 million.

The possibility of an accident involving one or more fatalities was estimated at 1 in 1 million—the same probability that a meteor would strike a population center and cause 1,000 fatalities.

There are a number of such comparisons, but they all add up to the conclusion that the chances of a nuclear accident are exceedingly remote and the probability of disasters from conventional sources—airplanes, fire, explosions, and toxic gas—incomparably higher. As a matter of fact, the probability of 1,000 casualties from an earthquake are 1 in 50 years, while the probability of a nuclear plant accident causing such fatalities is 1 in 1 million years, the Rasmussen report concludes.

This report further points out that there have been no nuclear accidents to date, and that as the technology progresses and more experience gained in safety,the probability of accidents decreases even further.

NUCLEAR POWER IS ECONOMICAL

As I stated previously, nuclear power generation is the only current reasonable alternative—and nuclear power is the most economical alternative.

A point strongly emphasized by the 32 eminent scientists in their statement on energy was that the production of electric energy by the nuclear power technology is urgently needed to accommodate the increasing demands for electric power which double every 10 years.

The further development of this power potential is required by your overall energy demands and the need for fuel conservation.

These scientists say that the urgency of the need for expedited development of nuclear plants boils down to this:

The Nation must have a rapidly increasing supply of electricity and nuclear plants provide the only feasible alternative at this time to fossil fuel plants—and they are cheaper to operate.

Intensive research is continuing in many fields—but at this time the nuclear technology is the only economic power-producing alternative to fossil fuel and hydro powerplants that has proved practical. Billions of dollars have been spent on research and development of nuclear technology, and to abandon nuclear power after its successful development and safe operation over three decades would be wasteful in the extreme and tragic.

In addition, the 32 scientists said in their manifesto of January 16 last:

> Nuclear power has its critics, but we believe they lack perspective as to the feasibility of non-nuclear power sources and the gravity of the fuel crisis.

The gravity of the fuel crisis is the overriding and compeling factor—energy must be provided and nuclear power is assisting in providing this energy and will assume a greater and greater share of this burden and responsibility as the technology is refined and further developed.

THE IMPOSSIBLE ACCOMPLISHED

The harnessing of the atom for the production of power is a major scientific breakthrough—indeed, there were those who predicted that this practical application of nuclear energy could never be accomplished.

Now that the major breakthrough has been achieved, there are those who insist that nuclear production of power should be abandoned as impractical and unsafe.

It was brought to my attention recently that the Library of Congress has compiled a research paper on examples of dire predictions and negative comments on such scientific achievements as the electric light, the telephone, the telegraph, the harnessing of electricity, the gasoline engine, the steam engine locomotive, the airplane, rockets and ballistics missiles, the technique of inoculation in the field of medicine, and many others.

The gist of these negative comments is that these things could never happen—or if they were developed would have no practical application or would be destructive and of no benefit to the public. Today they are all necessities.

Henry Ford, for example, was told by his superiors to devote himself to some useful pursuit and stop tinkering around with his useless gasoline engine.

It was charged that locomotive engines could never be practical because the "boilers would burst and blow passengers to atoms."

It was charged that airplanes could never work because a propeller could never be developed to pull a plane and if one were developed, there would be no way to stop the aircraft.

Even after the invention of the airplane, an astronomer said the idea of big planes flying across oceans with hundreds of people was "visionary."

Thomas A. Edison's work on the electric light bulb was ridiculed as "unworthy of practical or scientific men"—and this by a committee of the British parliament.

It was charged that the use of smallpox vaccine derived from cows would cause the recipient to develop a "cow-like face."

It was argued, even after the invention of firearms, that the bow and arrow were still superior weapons.

More recently there were long technical explanations by some few scientists on why the intercontinental ballistics missile could never be developed—and the rocketry was called "too far-fetched to be considered."

The inventor of the radio tube was actually tried in court on a charge of fraud for intimating in his stock prospectus that a voice could be transmitted across the Atlantic Ocean.

It was argued that the poisoned air from locomotives would kill birds, burn up houses along the track, make horses extinct, eliminate highway travel, and drive hotels and inns out of business—and a locomotive was too heavy to move, anyway.

And a leading official of the British Navy once said that it would be "absolutely impossible" to steer a ship driven by a propeller.

The development of worthwhile scientific research projects requires time—and more time is required to develop the practical application of a scientific discovery.

However, nuclear powerplants are on line and working successfully. Evidence supports their safety—safety in research and development, safety in construction, and safety in operation. Nuclear power is the needed and demonstrated alternative for power during the energy crisis and for the future, in the public interest.

I recommend approval of chapter VII and passage of this supplemental appropriations bill.

Mr. MICHEL. I yield 3 minutes to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Chairman, I rise hesitatingly in support of this supplemental appropriations bill. I hesitate due to the increased spending, but I recognize the need. I would like to point out that the bill has one weakness, however, in that title III of the bill, general provisions, has no provision to prevent any of the $125 million in chapter V, for emergency school aid, from being used for busing. Therefore, I will offer an amendment to title III at the appropriate time of this bill to prevent any of the $125 million provided from being used for busing.

Mr. MICHEL. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Chairman, I would like to indicate at this time, I believe the gentleman from Oregon will be addressing the House relative to an amendment that he will offer dealing with a request to increase the supplemental appropriation by $5,260,000 for control of three major forest insect outbreaks and $16 million for forest firefighting.

I cannot commend the gentleman enough for offering this amendment. It is of vital concern in my area, where we have more than 5 million acres in northern Maine affected by the spruce budworm, as well as the problem of controlling the southern pine beetle throughout the Southern States and control of the mountain pine beetle in parts of Wyoming, Colorado, and South Dakota.

The magnitude of the problem extends beyond our borders. It is an international problem. Canada is faced with an infestation of 120 million acres of land and will undertake to spray 20 million or 30 million acres this spring.

I commend the gentleman from Oregon and I am happy to join him in the amendment when he offers it later.

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

I want to address myself to an item that I wanted to make special reference to in my earlier remarks, which has to do with the $2,050,000 for Howard University. This amount is for salary increases for nonfaculty employees, reflecting recent Federal pay increases.

Now, it has been the traditional practice for both Howard and Gallaudet College to grant pay increases to nonfaculty employees whenever Federal employees have received a pay increase. This has resulted in a situation where the salaries for nonfaculty employees at Howard University average substantially higher than those, for instance, at Georgetown and George Washington and a number of other universities in which we have made a study to the staff salaries. We are talking about salaries $2,000 to $3,000 higher. In fact, Howard University's nonfaculty salaries rank the highest in all the cost studies undertaken by our committee. This occurs at a time when most other schools, including those in my district and others, are trying to hold the line on nonfaculty fields to make ends meet.

Incidentally, we will place in the RECORD a table that will show very accurately and clearly that within 2 years the nonfaculty position increases for Howard University have increased 50 percent in the area of custodial, secretarial, supervisors and technicians.

COMPARISON OF SELECTED NONPROFESSIONAL POSITIONS AT HOWARD UNIVERSITY

The following table compares selected nonprofessional positions at Howard University for fiscal year 1973 and fiscal year 1975. Also included for comparative purposes is Howard's fiscal year 1975 salary range for the positions which increased in number during fiscal year 1974 and fiscal year 1975.

The table follows:

Nonprofessional position	Fiscal years—		Increase (decrease)	Salary range fiscal year 1975		
	1973	1975		Midpoint	Maximum	Minimum
Custodian	122	172	50	$9,226	$11,297	$7,155
Secretary	258	322	64	10,698	14,197	7,198
Supervisor	22	75	53	14,186	20,677	7,696
Technician	40	91	51	11,273	16,138	6,408
Total	442	660	218			

I think it is unconscionable when compared with what other universities have to contend with. In the light of this situation, our committee has stated in the bill that the present pay system "has outlived its usefulness."

We have directed HEW in conjunction with the two institutions to devise a better method of setting pay scales. I believe this is an appropriate course of action which will result in a more equitable situation and at the same time bring about some savings to the taxpayer.

Mr. Chairman, I yield to my colleague, the gentleman from California (Mr. TALCOTT).

Mr. TALCOTT. Mr. Chairman, I would like to speak to chapter 3 of this bill regarding the Veterans' Administration.

Our committee unanimously supports this portion of the bill. There is $146,400,000 for "Compensation and Pensions," which results directly from recently passed legislation.

Under medical care the amounts are also the result of congressionally approved increases.

Construction projects are urgently needed and are identified by the Chase report, which is highly regarded by the Veterans' Administration medical service.

Finally, there is a $2 million item on the water quality system necessary for the Commission to complete and make a final report to Congress. So we support this chapter of the bill.

Mr. MAHON. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DUNCAN).

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the chairman of the committee for yielding me this time. As the gentleman from Maine just explained, at the appropriate time I will offer an amendment to this bill to add some $21 million to the budget for the Forest Service which appears on page 4, line 24, an item of $84 million, which will be stricken and $105 million substituted therefor.

The gentleman from Maine and I both wanted an additional $21,260,000, but out of deference to the chairman of the Subcommittee on Interior and Related Agencies, we have cut it to an even $21 million. The gentleman from Illinois is anxious to retain his well-deserved reputation as a budget cutter and watchdog of the Treasury, and for that reason we are happy to yield on that amendment.

As the gentleman from Maine explained, a little under $14 million of this will be spent to cover the Forest Service estimates of costs which will be incurred in fighting fires in the forests and range lands of this country. The balance is to be devoted to fighting infestations of bugs, the spruce bud worm in the Maine area, the mountain fir beetle, and southern fir beetle in other sections. We sincerely hope that in our State of Oregon none of these additional funds will be spent in our area. We want no forest fires, and we have just gotten through a tussock moth infestation which destroyed some 700,000 to 800,000 acres of prime timber.

Mr. Chairman, I do not ordinarily rise to increase budgets. I do in this instance, because I consider this to be an investment in the natural resources of this country, an investment which we cannot afford not to make; an investment which both the administrative branch and the congressional branch has not made in times past, to the detriment of the wealth of and employment in this country.

We are faced constantly with shortages of logs and the high price of lumber. We have arguments about the exportation of a renewable resource, and we sit and do not put the capital investment into our forests that we should, investments that are estimated now to return some $8 or $9 for each dollar we invest.

Mr. Chairman, I commend this amendment to the attention of my colleagues, and I hope it may enjoy their support.

Mr. BADILLO. Mr. Chairman, I have reviewed the Committee on Appropriations report on the second supplemental appropriations bill. I would like to stand up in support of the committee's contention that bilingual television programing is one of the most effective learning tools and means available to combat racial isolation for both non-English speaking as well as the English-speaking child. I would urge the Office of Education to provide sufficient funds to support as many of the applicant programs in this area as possible. Each has unique program objectives and approaches that appeal to a great variety of audiences and different children. I am familiar with the program called "Carrascolendas," which is named after an imaginary town. The program has been funded by the Office of Education and is now shown on 150 public and commercial stations throughout the country, and including the Virgin Islands. Seventy-eight productions have been funded and the program is applying for additional funds to produce more television programs. I hope that sufficient funds are made available to encourage and continue funding this type of valuable audiovisual educational television. The programs have a wide audience and a great deal of public support.

Mr. HECHLER of West Virginia. Mr. Chairman, I note that H.R. 5899 includes $900,000 for the Office of Territorial Affairs for emergency expenses of the Government of American Samoa. It is my understanding that this is the same sum that was requested by the Mining Enforcement and Safety Administration to help pay the costs of recent pay increases for MESA personnel.

The request represented the unabsorbed portion of October 13, 1974, pay increases which were to be distributed as follows:

Coal mine inspectors	$208,000
Metal and nonmetal mine inspectors	307,000
Education and training	127,000
Technical support	212,000
Program administration	46,000
Total	900,000

However, on March 21, 1975, MESA and the Department of Interior advised the Office of Management and Budget that due to "additional employment delays and high turnover rates occasioned by economic opportunity in the coal mining portion of the private sector" MESA was able to absorb these pay increases without this $900,000 request and that it was proper to provide this money to American Samoa.

Mr. Chairman, I do not object to this change in the Interior Department's request, because I am assured that it will in no way weaken or delay the health and safety functions of MESA. I also note that the Interior Department promises that it will by the end of this fiscal year hire all the inspectors it is presently authorized to hire. Indeed the Administrator of MESA, James Day, testified on April 3, 1975, before a Senate

Subcommittee on Appropriations that, in fact, it will be "right on target" in filling existing positions by the close of this fiscal year.

The following letter and table relate to the points made above:

WASHINGTON, D.C.,
March 21, 1975.

Hon. James T. Lynn,
Director, Office of Management and Budget, Washington, D.C.

Dear Mr. Lynn: A critical situation has arisen in American Samoa that we believe requires immediate attention. Basically, the problem is two-fold. First, an urgent need exists for emergency improvements for the electrical power system. At the present time power failures occur several times a day thereby making it virtually impossible for the government, local businesses and the people to conduct normal daily activities. A second, and longer-range problem, is that of an overall deterioration in the general financial condition of American Samoa brought on primarily by a record drought in early fiscal year 1975. Because of the drought, operations of both canneries were completely curtailed from early September to the middle of November. Even before the actual shutdown, the canneries were operating at less than full capacity due to water rationing. Frequent power outages have further limited operations of the canneries throughout the current fiscal year. These conditions have had a devastating effect on local revenues, particularly in the corporate income tax area. It is now estimated that local revenues collected during the current fiscal year will be some $9 million less than the $18.7 million previously estimated and budgeted.

In an attempt to solve the related cash flow problems, a team comprised of Departmental personnel, was sent to Samoa in early February and upon completing a comprehensive review recommended certain economy measures that would in the short-term alleviate the immediate concerns. As a result of this review, Governor Ruth initiated substantial cutbacks in both operating and capital improvement programs. To date, fiscal year 1975 operating programs have been reduced by approximately $3.6 million, or 15 percent, from budgeted levels. Capital improvement programs totalling over $7 million have been deferred. In addition, approximately 500 government employees have been either furloughed or terminated within the last few weeks, with the workweek for many other government personnel being reduced to 32 hours. These actions will, obviously, seriously impair the quality of many government services for the remainder of this fiscal year.

In view of the crisis situation described above, we request an immediate increase to the fiscal year 1975 budget for American Samoa of $900,000. Of this amount, $600,000 would be used to pay direct salary costs of government personnel to continue the already crippled government operations for the remainder of this fiscal year. The remaining $300,000 is required to finance the cost of shipment and installation of two 4,500 kilowatt diesel power plants to be loaned to American Samoa by the U.S. Army Corps of Engineers Although installation of these power plants and the addition of $600,000 for direct salary costs represent only a temporary solution to the current predicament in American Samoa, we believe these actions are essential until a detailed long-range assessment of the Samoan situation can be conducted and a concrete program prepared, taking into account all aspects of the problem and potential measures for its resolution. The solution will, no doubt, result in submission of a fiscal year 1976 budget amendment which we hope to have available in the near future.

To finance the fiscal year 1975 increase of $900,000 we propose a redirection of the requested pay cost supplemental for the Mining Enforcement and Safety Administration to the Administration of Territories Account for American Samoa. At the time the pay cost supplemental was developed, MESA had incurred, or planned to incur, sufficient savings to absorb $1.0 million of its $1.9 million pay cost increase for fiscal year 1975. Since that time, additional employment delays and high turnover rates occasioned by economic opportunities in the private sector have permitted full absorption of these costs. Concerted recruitment efforts should result in full employment by the end of the fiscal year.

In light of the emergency nature of this situation, I ask that the Department be granted authority to deal directly with the appropriate committees of the Congress concerning the redirection of the 1975 pay cost supplemental.

After close questioning by the House Interior and Related Agencies Appropriation Subcommittee on Wednesday, March 19, the Subcommittee requested that the Department prepare and submit a position statement on the need for supplemental funds for Samoa by Monday, March 24 in time for consideration during the full Appropriations Committee mark-up session (Tuesday, March 25) on the pending supplemental. A similar request was made by the Senate Subcommittee Attached are draft copies of the letters we would like to send to the Appropriations Subcommittees on Monday.

With regard to additional funding for fiscal year 1976, a budget amendment will be prepared and forwarded at the earliest possible date.

Attached in further support of the request are copies of statements of the Honorable Earl B. Ruth, Governor of American Samoa, describing the current economic and power crises and a copy of the report prepared by the Departmental Task Force upon its return from American Samoa.

Your cooperation in this matter will be greatly appreciated.

Sincerely yours,
Stanley D. Doremus,
Deputy Assistant Secretary of the Interior.

March 28, 1975.

Mr. Wes Sasaki: In accordance with Assistant Secretary Doremus' letter to Mr. Lynn dated March 21, we have enclosed three copies of Administration of Territories—American Samoa supplemental request, together with Mining Enforcement and Safety Administration's budget amendment.

As noted in our earlier letter, $600,000 of the supplemental request would be used to pay direct salary costs of Government personnel on American Samoa and $300,000 to finance the cost of shipment and installation of two diesel power plants loaned from the Army Corps of Engineers. This would be financed by a redirection of the $900,000 proposed pay cost supplemental for Mining Enforcement and Safety Administration.

Frank Wiles.

Department of the Interior—Territorial Affairs

ADMINISTRATION OF TERRITORIES

Appropriation: Administration of Territories.

Fiscal year 1975 presently available: $14,450,000.

Fiscal year 1975 revised estimate: $15,350,000.

Fiscal year 1975 proposed supplemental: $900,000.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Budget appendix page: 1041.
Heading: Salaries & Expenses.
Request pending: $900,000.
Proposed amendment: $900,000.

SALARIES AND EXPENSES

Justification

Amendment to 1975 budget: $900,000.

* * * * *

At the time the pay cost supplemental was developed, MESA had incurred or planned to incur sufficient savings to absorb $1.0 million of its $1.9 million pay cost increase for Fiscal Year 1975. Since that time, additional employment delays and high turnover rates occasioned by economic opportunities in the coal mining portion of the private sector have permitted full absorption of these costs.

Concerted recruitment efforts should result in full employment by the end of the fiscal year as originally budgeted. The absorption of these additional costs during the current year will have no effect on MESA's Fiscal Year 1976 budget request totaling $79,500,000.

Mr. BOLAND. Mr. Chairman, chapter III of this bill contains the budget requests of $217,547,000 for the Veterans' Administration and $2 million for the National Commission on Water Quality. In addition, title II includes $137,417,000 for increased pay costs for HUD, EPA, NASA, VA, and the American Battle Monuments Commission.

The largest item is $146,400,000 to finance increases in the costs of the VA compensation and pensions program resulting from recently enacted legislation. I should mention that this amount will not meet all the fiscal year 1975 requirements, and an additional supplemental request is anticipated when better cost data are available.

The other items included in the bill for the Veterans' Administration are $36,239,000 for medical care, $27,202,000 for major construction projects, and $7,706,000 for minor construction projects.

The National Commission on Water Quality was established to assess the ramifications of the Federal Water Pollution Control Act. Public Law 92-500 authorized $15 million to make the investigation, and the law was amended last year to authorize an additional $2 million. The $2 million is necessary to enable the Commission to complete its work and submit a report to Congress by March 1 of next year as required by law.

Those are the highlights of chapter III. The individual items are explained in greater detail in the hearings and the report on the bill.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Retired Military Personnel

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", $210,300,000.

CHAPTER III

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Boland: On page 3, after line 5, insert the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development Grants

For grants to States and units of general local government, to be used only for expenses necessary for carrying out a community development grant program authorized by Section 106(d)(2) of Title I of the Housing and Community Development Act of 1974, $54,625,000, to remain available until September 30, 1977.

Mr. BOLAND. Mr. Chairman, I offer this amendment to help solve a problem—a problem that affect many hundreds of small towns and cities across this country.

On January 1 of this year, the new community development block grant program got underway. The Congress provided $2.5 billion in 1975 to implement this new legislation. Eighty percent of those funds are channeled to metropolitan areas. The large cities—both under formula and hold harmless provisions—get their money first. Next in line are other "hold harmless" communities in standard metropolitan areas. Then come "urban counties"—and finally, last in line—are the hundreds of small communities who pick up the crumbs in the what is called "SMSA balance."

Now last fall, when Secretary Lynn testified before our subcommittee, it was expected that of the $1,950,000,000 going to metropolitan areas about $71,000,000 would trickle down to the small towns within these standard metropolitan areas. Secretary Lynn pleaded that the Congress not cut the $2.5 billion request, because any cut would come largely from the $71,000,000 SMSA balance. He said that $71,000,000 was an "absolute minimum" and he was afraid that there would be many, many disappointed expectations in the smaller communities.

Well, if they were going to be disappointed with $71,000,000—these communities must be very, very disappointed with nothing—because that is exactly what remains in the SMSA balance—nothing. What has happened is, that for the first time, under the new law, urban counties are eligible for assistance—and they stand in line ahead of the smaller communities. It was originally expected that only a half dozen urban counties would apply for formula grants. But instead of 6 or 10 applying—75 counties have already qualified. And because they stand in line first, the $71,000,000 we had hoped would trickle down to the SMSA balance has evaporated.

HUD recognizes this problem. In fact, they testified yesterday before our subcommittee, that they were requesting an additional $200 million in fiscal year 1976 attempting to help solve the problem. But we need to do something now, in fiscal year 1975, if these smaller communities are going to get any funds this fiscal year.

My amendment does that. It provides some relief by appropriating $54 million—the balance of the authorization—directly to the SMSA balance where the money is needed. This is the least expensive, most direct, efficient and effective way to get the job done.

It is very unfair to let these small towns—that had such high hopes—to walk away empty handed without a nickel of the $2½ billion appropriated for community development.

I urge your support of this amendment.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am pleased to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, the gentleman from Massachusetts has addressed a very real and difficult problem existing in a large part of my district. I commend him on this amendment, and I urge the Members to support it.

Mr. BOLAND. Mr. Chairman, I appreciate the gentleman's remarks.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to my colleague from Connecticut.

Mr. SARASIN. Mr. Chairman, I rise in full support of the gentleman's amendment. I think it is absolutely needed, as the gentleman has demonstrated. It is particularly important to those of us in New England who no longer have a county form of government, so we are particularly disadvantaged.

Mr. BOLAND. Mr. Chairman, I appreciate the gentleman's remarks. As the gentleman indicated, we do not have urban counties in New England. In fact, among the States which have urban counties, all of them are now able to stand first in line ahead of the thousands of small communities that are to be included in the standard metropolitan statistical area balance fund.

In my own district, within the Springfield-Holyoke-Chicopee SMSA, there are five towns—East Longmeadow, Longmeadow, Ludlow, Wilbraham, and Hampden—which would, except for this amendment, receive no community development funds at all. Combined applications for a total of $357,000 submitted by these jurisdictions cannot otherwise be funded—at any level. Similiar situations exist in the Orange-Athol-Winchendon and Southbridge-Webster areas. These and other neighboring communities will simply be left out in the cold without the help which this amendment offers.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Louisiana.

Mr. MOORE. Mr. Chairman, I rise in support of the gentleman's amendment. This problem exists in Louisiana in my district. We have numerous mayors who for years have been trying to get money, and they have come up with absolutely nothing because of this weakness in the existing law.

Mr. Chairman, I plan to support the gentleman's amendment, and I thank the gentleman from Massachusetts (Mr. BOLAND) for bringing it forward.

Mr. BOLAND. Mr. Chairman, I thank the gentleman.

Mr. MICHEL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, if I might have the attention of my good friend, the gentleman from Massachusetts (Mr. BOLAND), who is the author of the amendment, may I first commend him for offering it. This relates to one of those areas where I personally had a problem, while I was home in my district during the last Easter recess, with the smaller communities surrounding the major Peoria metropolitan area.

The Federal Housing and Community Development Act legislation was to have a significant impact for large and small communities in Illinois. The "community development block grant" segment of the legislation is of particular importance to small towns and rural counties. A number of previously separate grant programs of HUD have been replaced with a "block grant" approach. For example, rather than preparing a separate application for a HUD water grant, sewer grant, open space funds, recreation center, and so forth, as had been done in the past, communities could apply for a single "community development block grant" that could be used for a number of locally determined purposes. This eliminated bureaucratic redtape.

From 1975–77 HUD is authorized to fund $8,400,000,000. Eighty percent of the community development funds are to be allocated to metropolitan or SMSA areas. Twenty percent of the community development funds are to be allocated to nonmetropolitan areas outside SMSA's.

The communities outside of Peoria City had applied for discretionary funds that had allegedly been set aside for the nonmetro areas of SMSA's. The HUD regional office in Chicago had informed the tricounty area that $325,000 was available for funding this year.

The communities of Pekin, Washington, East Peoria, and Woodford County thereby proceeded to establish citizen's committees, hold public hearings, A-95 reviews, and submitted their preapplications to the HUD regional office by February 28, 1975.

On March 20, 1975 the HUD regional office informed the aforementioned communities that due to the demand of urban counties there would not be any discretionary funds for the towns and counties outside the urban counties within SMSA's.

Six million—$6,000,000—was set aside for towns and counties outside SMSA's in Illinois. These smaller communities in good faith filed their applications and spent considerable sums of money to qualify for these discretionary funds, only to find that because of the mechanism by which the funds are available, the funds have already been obligated.

Mr. Chairman, I will simply ask this question of the gentleman: Does the gentleman's amendment have the effect of limiting these funds to cities not given priority, as called for in the existing law? In other words, are we correcting the situation by this mechanism, or are we exacerbating it by leaving them in the situation where they will still be left out in the cold? I wish the gentleman would clarify that for us.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I am delighted to respond to the gentleman.

This amendment applies only to those areas that have been left out of the community development grant funds. It only applies to the standard metropolitan statistical area balance.

The only way to provide for SMSAs in metropolitan areas that are not urban counties is to target the amendment specifically to those particular areas. If we did not do it that way and if we put it in as a general amendment, they would have taken the $54 million and they would have allocated it to those areas which would be eligible under the general provisions of the act, and the balance of the funds available to the smaller cities would have been zero again.

We have particularly targeted it to those areas which the gentleman mentions, and I am sure, with that targeting in the amendment, many of the smaller cities and smaller areas that have been deprived of all funding will benefit in the community development program, which they cannot now do.

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman's clarification on that point, specifically, because that would be my understanding of what his intent is by offering the amendment.

I will simply corroborate what the gentleman from Massachusetts said in that regard, and I support the amendment wholeheartedly.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the chairman of the committee.

Mr. MAHON. Mr. Chairman, I believe that the amendment offered by the gentleman from Massachusetts will be strongly supported by members of the Committee on Appropriations generally, and in fact I know of no opposition to it.

Mr. TALCOTT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. TALCOTT. Mr. Chairman, I thank the gentleman for yielding.

I wish to concur with the position of the gentleman from Massachusetts, who has very ably told us about the situation and who has given us an explanation of his amendment.

I think every Member here ought to be in favor of this amendment, whether we live in large cities or small cities, because if this program does not work in small cities, it is not going to work anywhere. The money is appropriated; the money is authorized. If it is not appropriated now, it will have to be appropriated a few months from now.

However, it would be more helpful to the small cities if the money were appropriated now so they could get started on these programs. As the gentleman from Illinois has said, many of the smaller cities have spent a good deal of time and resources and have submitted applications in order to get prepared to participate in the program, only to find there is no money. This is a frustration, and it is a waste of resources.

Mr. Chairman, if we do not do this, I think the small cities throughout America, and not limited to just areas where there are no urban communities but small cities everywhere in America, are going to be disappointed and frustrated.

Therefore, Mr. Chairman, I strongly urge the adoption of the Boland amendment.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for his contribution.

I think we will see it is true that smaller cities and smaller districts do not mind the competition. They do not mind competing for the funds, if only the money is available. If they find that they simply cannot meet the competition or make the grade, they will gladly accept that. But if they are qualified, they are going to be accepted as such by the regional office of HUD. In the past they have been denied simply because the funds are not there.

Mr. Chairman, I think every Member ought to support the amendment.

Mr. TALCOTT. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I yield to the gentleman from California.

Mr. TALCOTT. Mr. Chairman, I think it should be pointed out that this whole problem is due to a change in the interpretation of the law. I think if we all had known what we know now, we would have approved this amendment a long time ago.

Mr. MICHEL. Particularly with respect to the designation of counties.

Mr. TALCOTT. The gentleman is correct.

Mr. HUGHES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I, too, wish to commend the distinguished gentleman from Massachusetts (Mr. Boland) for bringing this gross inequity to the attention of the House.

My district, the Second District in New Jersey, comprises rural counties which experience the same problem as related by the previous speakers.

Mr. Chairman, I urge my colleagues to join with us in support of this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. Boland).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Forest Service

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", $84,000,000.

AMENDMENT OFFERED BY MR. DUNCAN OF OREGON

Mr. DUNCAN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Duncan of Oregon: Page 4, line 24, strike out $84,000,000" and insert in lieu thereof $105,260,000".

Mr. DUNCAN of Oregon. Mr. Chairman, this is the amendment that I discussed with the House a few moments ago in the general debate.

I am indebted to the gentleman from Maine (Mr. Cohen) for his diligence and alertness in calling this matter to the attention of the members of the committee.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. YATES. Mr. Chairman, I think the Clerk made an error in reading the amount in the amendment, did he not?

The CHAIRMAN. Would the Clerk report the amendment again.

The Clerk read as follows:

Amendment offered by Mr. Duncan of Oregon:

Page 4, line 24, strike out "$84,000,000" and insert in lieu thereof "$105,260,000".

Mr. DUNCAN of Oregon. Mr. Chairman, the gentleman is correct. The amendment should read: "insert in lieu thereof $105,000,000".

Mr. YATES. Mr. Chairman, I ask unanimous consent that the amendment may be appropriately corrected.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. Duncan of Oregon:

Page 4, line 24, strike out "$84,000,000" and insert in lieu thereof "$105,000,000".

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the gentleman from Illinois (Mr. Yates).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the gentleman from Illinois (Mr. Yates) again for his alertness and for once again adding to his luster as a watchdog of the Treasury.

Once again, I would commend the gentleman from Maine (Mr. Cohen). I am pleased to support this amendment, even though, as I said a few moments ago, I hope that no part of it is ever spent in Oregon.

A little under $14 million of it is more or less routine. It is to cover the cost of the Forest Service incurred in fighting fires and is an estimate of the amount that will be required until the end of the fiscal year.

I might say that it is a little bit under the average of the last few years in the fire-fighting season.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN of Oregon. Mr. Chairman, I am pleased to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the majority has had an opportunity to examine this amendment. The gentleman's explanation is correct. With respect to that portion of the funding which relates to fighting forest fires, this will be a replacement of funds the Forest Service has taken from other appropriations in order to make funds available for fighting fires.

With respect to the $5 million portion of the amendment relating to control of pests in the forests of Maine, in the forests of the South, the Midwest, and certain areas in the Northwest, the committee has been advised that there is a very critical situation, particularly in Maine, where about 80 percent of Maine's spruce forests are being depleted by the spruce bud worm, particularly this year, when there is an enormous invasion of the spruce bud worm from Canada. Canada, incidentally, had a bud worm infestation of over 115 million acres.

Those insects or those pests are flying into the Maine forests from Canada.

There is also a portion of the appropriation which is applicable to mountain pine and southern pine beetle suppression. Those pests are devastating the forests in the South, the pine forests in the South, and in the Midwest as well.

Mr. Chairman, speaking on behalf of the majority, we are pleased to accept the gentleman's amendment.

Mr. DUNCAN of Oregon. Mr. Chairman, I thank the gentleman from Illinois (Mr. YATES), and I thank him for his interest in the forest industry.

There are some 6 billion board feet of logs that go to waste every year in the forests because of natural disasters and/or inability to remove them from the forests and to use them commercially. This appropriation, if the House approves it, is going to go a long way to cutting down that unconscionable waste.

We in the forest areas thank you in the urban areas for your understanding and help in solving this national problem.

Mr. YATES. If the gentleman will yield further, this subcommittee, of which the gentleman is a proud member, is determined to protect the Nation's natural resources, including the forests. This amendment supports that purpose.

Mr. Chairman, I thank the gentleman.

Mr. DUNCAN of Oregon. Mr. Chairman, I appreciate the remarks of the gentleman from Illinois.

Mr. Chairman, I would like to say that in my judgment if we are going to protect our forests and have them enhanced it will have to be the function of the Congress to do it, because the administrations—and I say that this is true with respect to the administration of both political parties—have been remiss in fulfilling their obligation to properly finance the national resource agencies and to make the capital investments necessary for maximum utilization of our great renewable forest resources.

Mr. COHEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my distinguished colleague from Oregon. As the gentleman has stated, the proposed amendment to the pending request for supplemental appropriations includes approximately $5 million for control of three major forest insect outbreaks and $16 million for forest fire fighting. The proposed funds for control of insect outbreaks includes $3,975,000 for spruce budworm on 2 million acres in northern Maine, $885,000 to control the southern pine beetle through the Southern States, and $400,000 for control of the mountain pine beetle in parts of Wyoming, Colorado, and South Dakota. Insect control projects would be carried out on Federal and non-Federal lands with 50 percent Federal cost-sharing. The increase in the estimate for forest fire fighting is due to greater obligations in the June 30, 1974, to December 31, 1974, period than previously anticipated.

This request for an increase in the fiscal 1975 supplemental for the U.S. Forest Service has the support of the White House. It does not appear in the pending request solely because it was not forwarded to the Hill until April 8, after the Committee on Appropriations had concluded work on H.R. 5899. I understand, however, that the general problem of funding emergency insect and disease control programs was discussed on March 7 and 10 during the subcommittee hearings on general appropriations for the Forest Service for fiscal 1976.

While I am not as well acquainted as my southern and western colleagues with the dimensions and severity of the mountain pine and southern pine beetle infestations, I am painfully familiar with the ramifications of the spruce budworm infestation now ravaging Maine's invaluable forest lands. Of the 7.8 million acres of spruce-fir forest in the State, over 5.3 million acres are heavily infested, and a minimum of 2 million acres require spraying before mid-1975 in order to prevent widespread mortality and topkill.

The need for protecting the forest environment in Maine is compelling. In economic terms, the lumber, paper, and recreational industries represent 90 percent of Maine's total economy. The forest products industry alone provides one-third of the jobs in the State, and contributes 40 percent of Maine's annual manufacturing output. If the infestation is left unchecked, this will necessarily have long-lasting effects on the spruce-fir forests in Maine by reducing timber inventory, upsetting sustained yield management plans, reducing the amount of allowable cut, and eventually causing further mill closings and unemployment.

In a State where the unemployment rate has already risen to 11.7 percent—fifth highest in the Nation—the further loss of jobs and income through the depredation of Maine's spruce-fir forests would only lead to unprecedented economic hardship. Dollars will also be lost to the Nation's economy because of reduced processing of wood products, reduced exports, and impaired recreational, wildlife, and associated values.

The environmental impact resulting from further defoliation by the spruce budworm would be equally tragic. Forestry experts have indicated that it may be necessary to close millions of acres of Maine woodlands to the public because of the very serious fire hazard that would exist as tree mortality increases. Moreover, further destruction of the spruce-fir forests would jeopardize fish and wildlife populations, the recreational potential of affected areas, and the environmental quality of adjacent streams and rivers. Other associated species, such as paper birch and white pine often die also, because budworm defoliation disrupts their natural habitat.

While I recognize that approval of the pending amendment will not mitigate the overriding need for an extensive research program on the spruce budworm, at the same time it is clear that the best hope for protecting and preserving Maine's invaluable forest environment in the immediate future lies in the proposed program of spraying and testing. The magnitude and severity of the current spruce budworm infestation and its potential for causing long-lasting devastation to the spruce-fir forests in my State should be a matter of national concern. Federal assistance is urgently needed to assure that the suppression effort can be conducted and fully financed throughout the intermingled land ownerships involved, thereby protecting the timber, recreational, wildlife, and related values that are associated with this resource by which the livelihoods of so many across the Nation are directly and indirectly affected.

In sum, we can ill-afford to stand by and allow insects, disease, and fire to continue to permanently destroy millions of acres annually of our precious forest environment. Nature blessed this Nation with a bountiful renewable resource in timber, and each of us has an overriding obligation to support whatever measures are necessary to protect and preserve this priceless resource. The importance of this goal cannot be overstated, and I ask my colleagues on both sides of the aisle to join with me in support of the critically needed funds provided for in this amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I might say that the gentleman from Maine is correct in his statement because at the time that the subcommittee marked up, we had not received this budget item. The Office of Management and Budget approved it a few days later. That is one of the reasons the majority are willing to accept the amendment.

Mr. MICHEL. Mr. Chairman, if the gentleman will yield further, do I understand that at this particular time there will be an appeal to the Senate to include this money by way of a formal budget request so that for all practical purposes we are not putting the Committee on Appropriations in the position of having budgeted a figure here without a formal budget request?

Mr. YATES. If the gentleman will yield still further, my reply to the inquiry of the gentleman from Illinois is that he is correct. Our committee now has a formal budget request. It is just a question of whether we approve it, or the Senate does. In my judgment, the appropriation that is sought for in this amendment is clearly needed.

Mr. McDADE. Mr. Chairman, if the gentleman will yield, I want to commend my colleagues on the committee, the gentleman from Oregon (Mr. DUNCAN) and the gentleman from Maine (Mr. COHEN) for offering this amendment.

As our distinguished chairman has stated, because of the timing of this budget request we really did not get an opportunity to consider it. But we all know that we want to take vigorous action to protect our forests, whether in the nature of expenditures for the forest fighting service or, as my colleague, the gentleman from Maine (Mr. COHEN) pointed out, to take care of the insect infestation that is occurring in Maine, so that they may be protected from such forest pests.

In order to do this we must act in a very timely way. Therefore we on the minority side, having had an opportunity to look at the proposed amendment, and the budget justifications that have been submitted, and having had the privilege of discussing it with the chairman, we are in favor of the amendment.

Again I commend my colleagues for offering the amendment.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. It was only on April 8 when a budget amendment was submitted for this project, and thus we did not have time to review it prior to reporting the bill. We are not exceeding the budget in this amendment. I think we will be taking an action which will accrue toward increasing our resources and a strengthening of the United States.

I know of no opposition to the amendment, and I propose that we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DUNCAN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Funds appropriated by this Act for the payments of special unemployment assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 shall not be used for making such payments of assistance or waiting period credit, beginning after the date of enactment of this Act, to any individual who performs services in an instructional, research, or principal administrative capacity for an educational institution or agency with respect to any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such similar period) if—
>
> (1) such individual performed services in any such capacity for any educational institution or agency for the first of such academic years or terms; and
>
> (2) such individual has a contract to perform services in any such capacity for any educational institution or agency for the latter of such academic years or terms.

POINT OF ORDER

Mr. CORMAN. Mr. Chairman, I want to raise a point of order as to the $5 billion advance in the unemployment trust fund.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CORMAN. Mr. Chairman, I make the point of order that the prohibition against the payment of funds for teachers is legislation on an appropriation bill, in that it not only limits payment to teachers during the summer, but it could effect other rights of teachers under the unemployment compensation program.

The CHAIRMAN. Would the gentleman from California specify the page and line number to which he addresses his point of order?

Mr. CORMAN. Yes. Page 6, beginning at line 9, through line 20. I make the point of order not only that this is legislation on an appropriation bill but, as I understand the effort, it is to bind that decision until September of 1976, which I believe goes beyond the period of time for which this supplemental appropriation is applicable.

Mr. MICHEL. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from California is referring specifically to lines 9 through 20 on page 6?

Mr. CORMAN. Yes, sir.

The CHAIRMAN. Not to line 8, where the year "1976" is?

Mr. CORMAN. No, starting with "Funds appropriated by this Act for the payments" and so forth, which has to do with teachers drawing unemployment compensation.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MICHEL. Yes. Mr. Chairman, I submit that the language which we have in the bill, line 9 and the balance of that section is in the form of a limitation, for it requires no additional duties. When a person desires unemployment compensation, questions are automatically asked the applicant. From the answers to these questions it would be readily apparent that the teacher has a contract for the school terms before and after the summer and, therefore, would be ineligible for unemployment compensation during the summer under this limitation. The language is, I submit, a limitation in the strictest sense of the word as allowed under rule 21, section 843. It would be based on a clearly discernible standard. The fact that it would require no additional duties has been stated in a letter to me from the Department of Labor.

The Assistant Secretary for Manpower in his letter in the final paragraph states:

> We believe the proposed amendment would not result in additional duties because it would be readily apparent that certain categories of teachers would be clearly ineligible for unemployment insurance payments.

I will submit for the RECORD, of course, the entire text of that letter which has an introductory paragraph, the complete recitation of the language appearing on page 6 as it is in the bill, and I submit, Mr. Chairman, that a point of order does not lie against the language in the bill:

> U.S. DEPARTMENT OF LABOR,
> *Washington, D.C., April 15, 1975.*
>
> Hon. ROBERT H. MICHEL,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN MICHEL: This is in response to your inquiry as to whether the following proposed amendment to the pending unemployment insurance supplemental appropriations bill would create administrative efforts beyond those normally expended pursuant to unemployment insurance claims:
>
> "Funds appropriated by this Act for the payments of special unemployment assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 shall not be used for making such payments of assistance or waiting period credit, beginning after the date of enactment of this Act, to any individual who performs services in instructional, research, or principal administrative capacity for an educational institution or agency with respect to any week commencing during the period between two successive academic weeks (or, when the contract provides instead for a similar period between two regular but not successive terms, during such similar period) if—
>
> (1) such individual performed services in any such capacity for any educational institution or agency for the first of such academic years or terms; and
>
> (2) such individual has a contract to perform services in any such capacity for any educational institution or agency for the latter of such academic years or terms."
>
> If our understanding of the proposed amendment is correct, the provision would provide a condition for the receipt of special unemployment assistance similar to a corresponding condition for receipt of unemployment insurance, now applicable (by reason of section 3309(a)(6)(A), Internal Revenue Code) to teachers, researchers, and administrators in State institutions of higher education.
>
> We believe the proposed amendment would not result in additional duties because it would be readily apparent that certain categories of teachers would be clearly ineligible for unemployment insurance payments.
>
> Sincerely,
>
> WILLIAM H. KOLBERG,
> *Assistant Secretary for Manpower.*

Mr. CORMAN. Would the gentleman yield for a point of information?

Mr. MICHEL. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, does the gentleman concede that the limitation goes only as to funds in this supplemental and would not necessarily extend until September 1976?

Mr. MICHEL. I would have to agree with the gentleman.

Mr. CORMAN. If the gentleman will permit me, one of my concerns was we were informed by the committee staff that the effort was made to bind this restriction until September 1976. It was not my understanding that it is for the funds in this appropriation bill.

Mr. MICHEL. No, because we say in this the funds appropriated by this act, and it was not our intention whatsoever to preempt the obligation responsibility of the distinguished Committee on Ways and Means that has legislative authority in this area. It just seemed to us that this was the only mechanism by which we might get the signal across clearly, at this time, before any of the 17 or 18 States get involved beyond what we have clearly expressed, that we did not intend to include teachers who were not otherwise qualified for unemployment benefits during those summer months for SVA benefits.

The CHAIRMAN. Does the gentleman desire to comment further on the point of order?

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, I would ask the gentleman what the general language implies here, and I start with the language between lines 21 on page 6 and line 2 on page 7. As I understand it, the purpose of this limitation is to automatically disqualify any teacher who has a contract for teaching the following year but that would be the only automatic disqualification.

Mr. MICHEL. Mr. Chairman, I made it very clear earlier during the general debate we did not in any way intend to affect those teachers who would normally qualify as a result of being strictly unemployed during the summer months with no valid contract for the following year.

Mr. MIKVA. I thank the gentleman for yielding.

Mr. CORMAN. Mr. Chairman, I withdraw my point of order and I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. CORMAN. Mr. Chairman, now that the RECORD is clear that the limitation applies only to funds being appropriated in this bill, we withdraw the point of order.

I do want to clarify for the RECORD that, with the exception of teachers in higher education, educators are not presently covered by Federal law under the permanent Unemployment Compensation program. Eight States, however, have covered them by State legislative action.

At the end of last year the Education and Labor Committee provided unemployment compensation benefits for three categories of otherwise uncovered workers. This included local public employees, the bulk of whom are schoolteachers.

It is the intention of the Unemployment Compensation Subcommittee of the Committee on Ways and Means to legislate in this field before the end of this year. It is not the sentiment of the committee to pay unemployment compensation to teachers who are on contract. The issue, however, is more complex than it might appear. For example, a teacher might be terminated in May but be ineligibel for unemployment compensation that summer because he or she is being paid on a 12-months basis and will therefore receive checks throughout the summer. If the teacher is ineligible for unemployment compensation benefits that summer, even though the contract has been terminated, should not that 3-month period be considered as weeks of employment with respect to qualification for future unemployment compensation benefits? There are several other problems that must be resolved by the committee in making sure that teachers are treated equitably under the unemployment compensation system. The Unemployment Compensation Subcommittee will address these issues and we anticipate bringing a bill before the House well before the end of the year.

I hope the House realizes that we have not had sufficient time this year to consider thoroughly legislation that would bring teachers and other uncovered workers into the permanent unemployment compensation program. We are now in the middle of some background hearings that are preliminary to hearings that will be called on specific proposals to expand coverage under the permanent program.

Also, it should be pointed out that when Congress extended unemployment compensation coverage to teachers in higher education, in 1970, those teachers were prohibited from receiving benefits during the summer if they had a contract to teach the following fall.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education" for carrying out the Alcohol and Drug Abuse Education Act, $4,000,000.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this bill making supplemental appropriations for the 1975 fiscal year.

This bill appropriates a total of $11.3 billion in new obligational authority, which represents a net decrease of almost 2 percent from the administration's supplemental budget requests.

By far the largest portion of the funds provided in this bill are for advances to various funds under the Manpower Administration for Unemployment Compensation. This amounts to over $5 billion, and I am sure that no one would question the need for such assistance during our current economic downturn. Of this $5 billion, $1.5 billion will be advanced to the Federal unemployment account for loans to States with insufficient funds to meet unemployment compensation payments. I know that my colleagues share my concern for the fiscal situation in which many of our States now find themselves, in which it is necessary for them to borrow from the Federal Government in order to meet their obligations to those who are unemployed.

This bill also contains new appropriations regarding the Federal unemployment benefits and allowances account. Of great importance are funds which permit the Labor Department to pay trade readjustment assistance allowances to displaced workers under the new 1974 Trade Act. This provision is of special importance to New England, which is suffering from higher than the national average unemployment because of its dependence on over-priced imported oil. New England is also particularly hard hit by foreign competition to its basic industries, which further aggravate the unemployment problem. For that reason, New England in particular will be served by the provision of trade readjustment assistance funds as provided in this bill.

This bill provides for $1.7 billion in public assistance funding. This was made necessary by what I called a "phony cut" in the appropriation for this activity in the regular appropriations bill. I said at the time that it was deceptive to appropriate less than the budget request for public assistance, in light of the worsening economic situation, but here we are finally accepting the administration's request.

In the Office of Human Development, $430 million is provided for the Head Start program, including additional funding to provide for the expanded enrollment of handicapped children. The Congress mandated that Head Start provide services to handicapped children, and in light of that mandate and the fact that education of the handicapped requires greater resources than the education of nonhandicapped children, we must appropriate additional funds to provide for that education. I believe that we have a responsibility for the education of these handicapped children, and this bill helps us to meet that responsibility.

Among the salary increases provided in title II of this bill is the provision of $687,000 for the Peace Corps. I was one of those who was concerned about the level of funding for the Peace Corps when we considered the foreign assistance appropriations bill. I was informed, however, that the passage of their requested salary increase will enable this Agency to operate through the fiscal year, although at a somewhat reduced level.

This bill also provides $500,000 for the Rail Services Planning Office. This money will permit the continuation of their evaluation of the preliminary ConRail recommendations. Part of this evaluation involves a series of public hearings which are now in progress, and which offer our constituents and communities an opportunity to have an input into the formation of ConRail.

In short, Mr. Chairman, I believe that the various committees have done excellent work in bringing a supplemental bill to the floor which is below the administration's request.

I think that it is a sign of fiscal responsibility and restraint, and I hope that it will provide an example for the appropriations bills which we will be considering in the coming months.

I urge the adoption of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY SCHOOL AID

For carrying out the Emergency School Aid Act, $125,000,000.

AMENDMENT OFFERED BY MR. ROSE

Mr. ROSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSE: Page 8, line 14, strike out "$125,000,000" and insert in lieu thereof "$200,000,000".

Mr. ROSE. Mr. Chairman, in general debate on this supplemental appropriations bill the distinguished and always eloquent subcommittee chairman, the gentleman from Pennsylvania, told about the fact that Labor and Health, Education, and Welfare had $8.2 billion in this supplemental appropriations bill. He very properly explained to us that $7 billion of that $8.2 billion were uncontrollable funds.

I submit that there was a great deal of pressure on the Appropriations Committee to do something to control the controllable funds.

I submit to my colleagues that they have shaved a little too close in an area that is vitally important to all of us, especially those of us who are faced with the problems of desegregating school districts.

I submit to my colleagues that the reason for the Emergency School Aid Act is not over, as has been suggested. The Federal courts have ordered the school districts of this Nation to desegregate. Out of the South many years ago people came to us in Congress saying, "Give us assistance in reaching the desegregation patterns and plans that the Federal Courts are calling upon us to reach."

Congress was responsive with the Emergency School Aid Act.

In 1974 this body extended the authorization legislation for that act through 1976. In 1974 the appropriation level for this act, ESA, was $236 million. The administration would have cut it back this year to $75 million.

Our distinguished chairman from Pennsylvania and his colleagues very properly increased that amount to $125 million; but I contend that by adding $75 million, by going to the $200 million figure this year, we will come to a much more gradual phasing out of this fund.

On the 25th of February, 1975, the South Carolina General Assembly passed a resolution admonishing us in the Congress to continue this Emergency School Aid Act.

That resolution says:

> This Act has had a significant impact in South Carolina in overcoming educational problems faced by desegregated school systems.

They conclude by asking the Congress:

> Please do not cut in 1975 the funding level for this important Act.

We are faced right now, today, with a funding cut from 1974 of $236 million to 1975 of $125 million, almost a 50-percent cut. Let me point out some ball scores to the Members: North Carolina 19, Oklahoma 10, South Carolina 13, Tennessee 7, Texas 42, Virginia 2. They are not really ball scores, my friends. They are the numbers of school districts in those States which Federal Judge Pratt says contain "substantial racial disproportion."

There were 85 such districts in 1973, and this year, in 1975, Judge Pratt has found 125 more. I submit to the Members that the problems caused by racial desegregation in our schools have not been solved in the South. Boston, Buffalo, Dade County, Denver, Minneapolis, Pittsburgh share the same problems—this job of desegregating the public schools of America in compliance with the Federal court order is not over and the schools that are faced with these problems need our help.

Let us not take the forms away from the concrete until it is dry and set. I respect and greatly admire the magnificent job that our Appropriations Committee does to provide for our educators the needed tools to do their jobs. I submit to you that we need this extra help.

Mr. MICHEL. Mr. Chairman, I want to rise in opposition to the amendment. I will repeat what I said during the course of general debate, that I personally was pleased with our having a figure of $125 million in the bill here rather than some higher figure. This request for emergency school aid, came to us at a level of $75 million, and this committee added the $50 million.

That is not small potatoes in anybody's league. I made the point during the course of general debate, and would repeat it here again, that school districts under new court orders in the 1970–71 school year totaled 310 districts. In each succeeding year the figures dropped, to 186, to 125, to 86 and to 10 respectively.

I recall the days during the Nixon administration when there was nearly a billion dollars at one time which was requested for emergency school assistance, I remember the hue and cry about what we were doing in this whole area, and some of us were critical of it. It was a more intense problem in those years, but now we are meeting the problem. We still have it, yes, but not to such a degree as we had a few years back. That is the reason we can come down in dollars.

Back in 1969 to 1970, there were 500 HEW orders, but in the current year there are only 30 to 40. We do not need that same amount of money which we had 4 and 5 years ago to spread around among the school districts having a problem today when they are only 10 percent of the problem of a few years back.

I believe initially 250 districts were undertaking new voluntary desegregation efforts in 1969 to 1970 compared to 65 now. When the need for a program declines, it seems to me the responsible course of action is to launch a phaseout of the program. That, I think, is what we have begun to do here. But as I said, it is already $50 million over the budget request.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentleman from North Carolina premises his request for increased funding on the basis of Judge Pratt's ruling. Four or five counties of the 13 that I have the honor to represent in the State of Maryland were involved in this ruling. I might say that we are not out of the legal woods yet. Some of this information given by the parties in the suit was totally erroneous.

One county has been excluded according to figures I see, that is just by checking the figures submitted, and the others feel reasonably sure that they can solve this problem. Certainly, if my district is any indication, we do not need $50 million or $75 million more to answer Judge Pratt if he has overstepped his bounds.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for a very valuable contribution.

Mr. Chairman, I just simply say again that there is not any purpose on the part of the committee here to give any kind of a signal that we do not think there is still some problem. There is. But it is considerably less than it was 3 or 4 weeks ago. Therefore, the funding level can naturally subside. But there is a significant amount of money here in the amount of $125 million provided in the supplemental. Tomorrow the Members are going to have a shot at the 1976 education appropriation bill. There is a significant amount of money in that measure.

I would submit that we have done well here, and the Members ought to reject this amendment because there is really no need for it.

Mr. ROYBAL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this amendment which would increase funding for the Emergency School Aid Act to the level of $200,000,000. I believe this increase to be justified and necessary if we are to fulfill our constitutional and moral obligation to provide equal educational opportunity for all children.

I am vigorously opposed to any effort that would weaken that just and lofty commitment. It is deeply disturbing to witness the administration's attempt to dismantle this program by requesting insufficient funding in the amount of $75,000,000. This move is especially surprising in light of the financial strain many States and school districts are facing in providing adequate educational support.

According to a recent tax survey, it is reported that 38 States are considering a $3.7 billion net rise in taxes because of budget deficits, rising out of our current economic recession and unemployment. Adding to this burden is a reassessment by many States over the equity of current school financing, particularly those based on the local property tax. As a result of the Serrano decision, California is in the process of establishing a new method of school financing which may cost State taxpayers as much as $3.5 billion over a 5-year period.

We can readily see that cutbacks in the ESAA program will place an enormous financial strain on local school districts which are developing or implementing desegregation plans and establishing equal educational programs for all of their students. While I am pleased that the committee has rejected the administration's proposed cutback of ESAA, I am dismayed that full funding at the 1974 level was not provided. The committee recommendation of $125,000,000 will create a $109,000,000 funding gap for this program and drastically affect current funding support for equal educational programs, especially the development of reading and math skills, not only in the South but in the North and in the Southwest.

The committee has justified its lower appropriation recommendation on grounds that we no longer face "a situation of crisis proportions." I cannot agree with that assessment.

The fact is that millions of minority children are still suffering under the burden of segregated and discriminatory schooling in violation of civil rights and constitutional protections.

Just last month, a Federal district court under Judge Pratt found that there existed some 170 districts which had at least one school with a racially disproportionate population. The court spelled out a 7-month timetable for HEW to take enforcement actions against school districts failing to comply with desegregation requirements. The Pratt ruling involves 42 school districts in Texas, 19 in North Carolina, 13 in South Carolina, 10 in Oklahoma, and covers districts in 12 other States.

Desegregation is not just a Southern problem; it now involves a large number of Midwestern, Northern, and Southwestern districts. New desegregation suits are expected in the Ohio cities of Cleveland, Cincinnati, Dayton, and Toledo, as well as other cities in the Midwest. Several California cities, including Los Angeles, are currently facing desegregation problems.

Further, in a March 1975 report, the U.S. Commission on Civil Rights concludes that:

> Without positive action, segregation in urban areas, both North and South, appears likely to increase, and urban-suburban racial divisions will be intensified.

The Commission study shows that half of all black students are enrolled in the largest and most segregated school districts. It also points out that of the 467 Southern school districts monitored, 35 percent of the high schools and 60 percent of the elementary schools had classroom segregation.

A similar discriminatory pattern exists for students of Spanish speaking background. The Commission data shows that Spanish speaking students have, in fact, experienced an increase in segregation both nationally and in the Southwest.

Further, the Commission documents a pattern of other discriminatory practices which educationally and psychologically harm both black and Spanish speaking students and program them for educational failure. It reports on persistent discriminatory discipline meted out to minority children, rejection of their culture and language, exclusion from school activities, and racially biased instruction and curricula which emphasize majority racial and cultural superiority. Compounding this problem has been a shortage of minority educators.

All of these educational abuses have resulted in perpetuating the totally discredited doctrine of "separate but equal."

It is the purpose of ESAA to assist local school districts in ending discriminatory practices and preventing the recurrence of minority group isolation. The amendment which has been offered today will help restore our Federal commitment to educational equality. We cannot afford to return to a policy which accepts a segregated and unequal school system. I urge my colleagues to support this important amendment strengthening ESAA funding.

Mr. YOUNG of Georgia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in looking at the present state of school desegregation across the Nation, I think we make a serious mistake if we think that the problem is almost on the way of being solved. In truth, we have only just begun.

We have made remarkable strides in the South, because we seem to measure those strides only by the fact that people are no longer out in the streets making a big fuss of things. But what we are experiencing in the South, in almost every southern school district, is what we might call the second generation problems of desegregation, the kind of internal problems that are facing teachers who are being called upon to overcome 100 years of separation and cultural differences, with little or no training and preparation. These emergency school assistance funds have been the funds that have been available to aid those districts in the South. I assure the Members that if there is a request from the South Carolina State Legislature, it is not that they are anxious to spend money to promote integration. It is that they have really seen that there is still a need to be met here, and that these funds are being well used to continue the kind of moderate climate that we now experience in the South.

I think if we look at what has happened in our northern cities, and if we consider the fact that the city of Boston, which was under a court order, but was in some relation with HEW which has given them easy access to large amounts of emergency school assistance aid, and we compare that with what happened in Denver, Colo., where emergency school aid was available, we saw a total community mobilized to bring about school desegregation in Denver, Colo. That school desegregation plan was not very much different than the plan that was offered or ordered by the court in Boston.

I contend that the difference between Boston and Denver is not that Boston is any more racist than Denver, but that there was much better preparation, there was much better utilization of resources, there was much better planning, and there was total community education and responsibility for the desegregation process. Desegregation can occur when there is leadership and planning and funds to promote that leadership and planning available.

We are looking at new school desegregation suits which have spread into the moderate size cities of the North, in Ohio cities, such as Cleveland, Cincinnati, Dayton, and Toledo, and in many smaller cities of Michigan, like Benton Harbor, as well as continued reevaluation and desegregation process in a city like my own city, where emergency school assistance funds are used, in Atlanta, Ga., for citizens to negotiate and develop their own plan of desegregation, a part of which was then submitted to the courts.

And then we achieved the voluntary busing of some 30,000 students by being able to educate the community; and by moving in that direction and not doing so under forced court order, I think thereby we have solved many of the problems and tensions that come about as a result of the court-ordered situations which are not accompanied with the kind of planning that emergency school assistance funds provide for.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Georgia. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, I thank the gentleman for yielding.

I am told that if the $125 million figure is the one that holds for this year, there will be enough money for only 200 school districts in this country to have ESA programs. If we go to the $200 million level that we are requesting in this amendment, we can pick up other school districts, up to 500 such school districts. There are 570 such programs in existence right now in the country, and, therefore, even under this amendment we would not cover them all.

Mr. Chairman, I thank the gentleman for yielding.

Mr. YOUNG of Georgia. Mr. Chairman, I thank the gentleman for offering this amendment, and I urge its adoption.

Mr. LEHMAN. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment. In 1968 I was out there on the firing line as a member of the Dade County School Board in Miami, Fla., when we desegregated, and I was chairman of the board in 1970–71 when we continued to pursue the desegregation process.

I have kept in close touch with our school system in Dade County in southern Florida, and I would just like to let our colleagues here know that the battle is not over. We are going to continue to need these ESA funds. We are going to continue to have the problems, and if we do not have the backup facilities and if we do not have the assistance and if we do not have the processes to deal with these continuing problems, we are going to go backward; we are not even going to be able to hold where we are.

We vitally need these funds to go forward with the kind of programs that have been begun and with which we have continued to work with in Dade County. It is working, but it cannot continue to work without the resources which this amendment would make available.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, nobody coming from the neck of the woods I come from—and some of the Members know where that is—could say there is not a problem. I was raised in St. Augustine. I am not a damn Yankee; I am just a Yankee. I am only half bad.

I know this problem, and I know that many of my friends know I understand something about it. Under no circumstances would I be standing here if I thought for a minute anybody would suggest that I think the desegregation problem is over. Of course not. That is not the idea. Of course it is not over.

The bill provides $125 million for this program. The title is this: Emergency School Aid.

The word is "emergency." This is Emergency School Aid.

This has been going on for some time. The program started in 1971; it was started to help these school districts with these special problems we know about, and we gave them the money for that purpose. Then up came the budget request in 1975 for $75 million. It had special language in it which was designed in some way to fund only selected provisions of the existing law.

We added $50 million to it after careful deliberation and came up to the figure of $125 million. We put the funds in the bill under the existing law and turned down the special language proposed in the budget.

Mr. Chairman, let us not forget this: This has not been mentioned, but I am sure my friends know this. Certainly any of the Members identified with the problems in the school districts back home, in the troubled areas, know that under title I of the Elementary and Secondary Education Act—that is the big act—there is about $2 billion—and that is 2 billion, not 2 million—in title I of the Elementary and Secondary Education Act this year which is applied to just this very kind of thing by these very school districts we are talking about.

They have access to the title I program.

This Emergency School Aid was never meant to be a permanent thing.

This was named an emergency act. The proponents said, "Please give it to us. We have an emergency." So we gave it to them in 1971. They had been using elementary and secondary funds from title I since 1966, and we gave it to them from year to year.

We know this thing. We are closer to it. We held the hearings. I told the Members what we told these people when they came to us with this kind of proposal. We said, "You cannot do that. We want no part of it. We do not agree with you."

And we did not. We put the $50 million in. That is our position, and certainly in a supplemental appropriation bill that, we hope, will be the position of the House.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Pennsylvania (Mr. FLOOD) has very ably explained the opposition to this amendment. The gentleman from Illinois (Mr. MICHEL), who has also lived with this problem for a decade or more, has presented the opposition to this amendment, in my opinion, in its proper context.

I think it would be a mistake to increase this budget by the $75 million which this amendment proposes. We are already over the budget in emergency school aid by $50 million. The program has been going on, in one form or another, for almost a decade; and the emergency assistance program has been going on for about 5 years, and some progress is being made.

The point here is that it was felt by the administration that $75 million would be adequate. The Committee on Appropriations was not of the opinion that it was adequate and added $50 million, feeling that $125 million would adequately provide for the program.

In the education bill, which we will have on the floor tomorrow, we are $660 million above the President's budget. I do not know whether that invites a veto or not. I do not know whether the increase over the budget will be increased even more by the House or when it is before the other body, but certainly, if we are going to avoid vetoes, if we are going to stay within the bounds of reason, it seems to me that we have to stop voting for each and every amendment that arises for appealing-sounding programs.

According to the press, the budget committee for the House of Representatives is suggesting that for the next year we will be confronted with a deficit of $73 billion. We are in fiscal straits, and it seems to me that here is a bill where we can effect somewhat of an economy by voting against increasing the deficit further and voting against the proposed increase above the budget of an additional large sum of money.

Therefore, Mr. Chairman, I urge the defeat of the amendment which has been offered. I recognize that the sponsor has acted in complete good faith, but I believe that the job he wants done can be done reasonably well, through good administration, with the funds which are provided in the supplemental bill, and I ask for a vote against the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. ROSE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROSE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

Mr. ROSE. Mr. Chairman, Mr. Chairman, on that I demand a division.

The question was taken; and on a division (demanded by Mr. ROSE) there were—ayes 17, noes 25.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For the operations of the Community Services Administration for the fiscal year 1975, pursuant to the provisions of Public Law 93-644, $446,000,000: *Provided*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

AMENDMENT OFFERED BY MR. BAUCUS

Mr. BAUCUS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUCUS: On page 10, line 18, strike "$446,000,000" and insert "$455,000,000."

Mr. BAUCUS. Mr. Chairman and members of the committe, this amendment would increase the Community Services Administration appropriations by $9 million. This money is designed to help the CSA in the Outreach Program for the utilization and installation of winterization programs for poor families. The request of the administration is for the same amount, $9 million, for the FEA, but the FEA does not have the necessary authorization. So this is essentially a transfer of this amount to CSA.

The funds would be used for such things as insulating homes, placing plastic over storm doors and windows, and weatherstripping. The program is patterned after a highly successful pilot program conducted by CSA in Maine during 1974. That project resulted in winterizing more than 3,000 homes at a cost of less than $100 per home. Winterization of homes for low-income families will not only result in a significant savings in fuel, but in lower heating bills for the poor.

While I am encouraged that the administration is supporting winterization for the homes of the poor, I believe there are two problems with placing the program under the jurisdiction of FEA as proposed by the President. First, FEA does not have the authority under existing law to carry out such a program. CSA already has broad authority under section 222(a)(12) of the Economic Opportunities Act of 1964, as amended, to meet the urgent energy needs of low-income individuals and families. Second, FEA does not have any ongoing program or outreach capability in this area while CSA does. Over the past 2 years, more than 700 community action agencies have diverted $22 million from other programs to carry out winterization programs for the poor.

I think this winterization program would be a highly effective use of funds. Most of the money would go for insulation materials and to enable CSA to put together the technology needed to insure the most effective energy conservation in the homes affected. States will be encouraged to use those employed under the Comprehensive Employment and Training Act of 1973 (CETA) to do the labor.

I understand the chairman of the subcommittee agrees with the amendment, and I hope that the amendment will be adopted.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, we have no objection to the proposed amendment.

Mr. MICHEL. Mr. Chairman, may I ask what was the statement made by the gentleman from Pennsylvania?

The CHAIRMAN. The Chair will state that it is the Chair's understanding that the gentleman from Pennsylvania has indicated support for the amendment offered by the gentleman from Montana (Mr. BAUCUS).

Dose the gentleman from Illinois desire to rise in opposition to the amendment?

Mr. MICHEL. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois is recognized for 5 minutes.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, we understood that the figure was $9 million. That was our understanding of the budget figure that came up, that it was at $9 million. That was why we took the budget request.

Mr. MICHEL. What was the budget request for this particular item?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield further, for the FEA I understand the budget request was $9 million. That was what we agreed on.

Mr. MICHEL. Mr. Chairman, I would like to know what the request was. Just because it is set at the budget request of the administration does not make it all that magic.

Mr. FLOOD. Actually, I agree with the gentleman in that respect, generally.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I would yield to the gentleman from Wisconsin.

Mr. MICHEL. Mr. Chairman, I believe that I have control of the time, but I am most happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I do not know who has the time, but I would like to help if I can to clear up the confusion that seems to be floating around the floor.

This is the item which was discussed very briefly in full committee. The administration asked for, I believe, $9 million in this fiscal year, and I believe the figure was $54 or $55 million in the next fiscal year.

Mr. MICHEL. To do what?

Mr. OBEY. For energy conservation programs to be run by the FEA whereby they would go out and help provide some minimal insulation, the sheeting of windows for the wintertime for housing.

Mr. MICHEL. How are we going to spend $9 million around the country for insulation? Will the gentleman tell me what good that is going to do?

Mr. OBEY. Let me just explain what the administration did so we are clear on what we are doing here. The administration asked for $9 million for this program under FEA, and they asked for—I believe the figure was $54 million in the next fiscal year.

What the gentleman from Montana has suggested—and it has already been done, if I can violate a rule and mention what has been done—on the other side of the Capitol. It has already been done. Since it is not going to be funded under LEAA—and that is what the administration wanted—it was felt it would be better handled by an agency already on board who would have some administrative experience in spending the money. It has been suggested by the gentleman from Montana (Senator Mansfield) and the gentleman from Montana (Mr. Baucus) here, that we simply take the $9 million and put it under FEA instead of CSA; then we will have the money.

Mr. MICHEL. Does it not make any difference who is administering that $9 million?

Mr. OBEY. The reason I think it is a wise thing to do is I can give the gentleman an example of how it works in my district. In my district the CSA people work with the CETA people. They utilize people under the CETA program to do things as simple as putting plastic sheeting over the windows on the homes of low-income people so that they can eliminate heat loss. I think the purpose of the program is acceptable to everybody. The question is simply whether it is going to get funded since the Senate already took it out of the Energy Bill over there.

Mr. MICHEL. May I ask what the $9 million would do? Is it a pilot project?

Mr. OBEY. This is already being done by CSA people using a portion of the money which they get right now. What this would do would expand the program slightly so that we can conserve more energy and, especially in the Northern-tier States, save more on power and save on welfare costs, and everything else.

Mr. MICHEL. I just have to say again, I frankly have not been satisfied in my own mind that what the money is going for is a good, valid proposal. Is it for a study? Is it for research? If this is the money we are going to appropriate to insulate homes around the country to save energy, then it is just ridiculous to appropriate $9 million. What is it specifically that the $9 million is going to go for? How many homes? Where? In what controlled area? Under what kind of circumstances?

Mr. OBEY. The problem is this: If we do not put money in the supplemental, which the administration wanted to do but under another agency, we do not have the money available to do the work when it comes. If we wait until September, October, or November to do the work, such as putting sheeting over windows, showing people how to insulate doorways——

Mr. MICHEL. It really is a demonstration type of program, is it not? What good is it going to do to show people how to insulate their windows $9 million worth nationwide? That is what I want to nail down.

Mr. OBEY. It does not do a lot. That is why the administration is asking for $55 million—do not hold me to the figure; it is either $45 or $50 million.

Mr. MICHEL. How do people qualify for this assistance? Do I get it? I have an old home 60 or 70 years old. Do I qualify?

Mr. OBEY. No. One has to be a low-income family to qualify.

Mr. MICHEL. That is specifically written into whatever we are appropriating for here?

Mr. OBEY. That is what I understand.

The CHAIRMAN pro tempore (Mr. Hungate). The time of the gentleman has expired.

(By unanimous consent, Mr. Michel was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. I have no objection if we are doing something really good and valid, but I like to subscribe to the hearing process where we are able to inquire. It is no magic thing to have a budget request come from any administration, including my own.

I would ask the same kinds of questions of my own people as I would of the gentleman's.

Mr. OBEY. Absolutely.

Mr. MICHEL. I want to be satisfied that someone, just because he did not get it in one way, is not trying to get it in another way. $9 million nationwide does not mean much.

Mr. OBEY. I agree with the gentleman that we should follow the hearing process. That is why I suggested to the gentleman from Montana when he wanted to offer an amendment that our committee should have an opportunity to review the program before we make a commitment for a large expenditure of money in the next fiscal year.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, could the gentleman from Montana, who offered this amendment, tell us what this is going to do?

Mr. BAUCUS. If the gentleman will yield, right now the CSA has authorization to conduct this program. As a matter of fact, approximately $22 million has been spent by the CSA throughout the country and particularly in the Northern States not only to provide for the demonstrations but also to go out and put up the kinds of insulating equipment the gentleman from Wisconsin (Mr. Obey) has spoken about, that is the window panes and storm windows and weather proofing and stripping and things of that kind. The point is this. The CSA already has the outreach capability to go to the low-income homes for this.

Mr. ROUSSELOT. Has it done this kind of work in the past?

Mr. BAUCUS. Yes.

Mr. ROUSSELOT. Has the gentleman seen proof of it?

Mr. BAUCUS. The CSA has conducted a project in Maine called "Project Fuel." In that, 3,000 homes received an amount up to $100 per house in terms of materials to help cut down the utility bills. The importance of this is that the fuel bills are going to go way up in the future years and the purpose of this is to cut down the utility bills before the people will have to pay them.

Mr. ROUSSELOT. Has the gentleman seen direct examples as to how this has worked in performance? Has anyone?

Mr. MICHEL. Mr. Chairman, I have the floor.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, as the gentleman from Montana has pointed out, in the State of Maine under Project Fuel we winterized nearly 3,000 of the homes in the State.

Mr. ROUSSELOT. Has the gentleman seen it; has anyone seen it?

Mr. COHEN. Yes, and it was on a national television program showing what can be done by winterizing the homes and by preventing loss of heat. With the help of nearly 3,000 volunteers from the communities they installed fiberglass insulation and polyethylene insulation and so on, and as the gentleman has pointed out, they went on to calking windows and doing other types of repairs to prevent loss of heat. That was done at an average cost of $100 for 9,000 homes. The temperatures in some of the Northern States go below 40 degrees and 50 degrees below zero. We have the low-income families who have been helped in that model project which served as a basis for a national program.

Mr. ROUSSELOT. What is the limitation imposed by this amendment on the low-income families? Where does it begin, at what limit?

Mr. COHEN. I can tell the gentleman the families who benefited by this program were those in the very low income levels and certainly in my district it was not in excess of the low-income standards.

Mr. ROUSSELOT. Why could this not be done in the energy bill we have heard so much about?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, there is no authorization for it in the energy bill and that is the reason our subcommittee could not consider it.

Mr. ROUSSELOT. I understand there is a great energy bill. Why is this not in that?

Mr. YATES. It is not in the authorization and there could be no appropriation for it.

Mr. HAWKINS. Mr. Chairman, if the gentleman will yield, the subcommittee which I chair, the Subcommittee on Equal Opportunities of the Committee on Education and Labor has responsibility for this. We did consider this and this body approved it almost a year ago. The problem arises out of the fact that although this was authorized and hearings were conducted, what has been said about the vitality of this program was certainly proven I think in those hearings.

The Administration made no request for a budget amount. Although the community services, the community action agencies around the country involved in the program have spent some $25 million of their own local initiative money to carry the program ahead.

There has been a pilot program, as has been said, which was very successful; so all this is doing today, as I see it, is adding $9 million to what is already being expended on this program to conserve energy and help poor people. It seems to me we should be for both of those purposes.

I certainly think that the findings of the subcommittee support the amendment of the gentleman from Montana (Mr. BAUCUS).

Mr. MICHEL. Mr. Chairman, I appreciate the gentleman's explanation, and if the gentleman will understand, this is the kind of thing we would hope to develop in a regular, orderly hearing process. If the gentleman is inclined to expand on the record, so that we might have a more comprehensive explanation, I think we would all benefit.

Mr. COHEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Montana (Mr. BAUCUS).

Mr. Chairman, last year, the State of Maine, through Project Fuel, winterized nearly 3,000 of the State's poorest homes. This program, which provided the model for the national program anticipated in the gentleman's amendment, was funded through OEO, now the Community Services Administration and local community action agencies. These organizations proved very effective in implementing the project since they had been working with the poor in their communities for the past 10 years. They had ready knowledge of the families whose homes most needed winterization and of the assistance which the communities could provide in such a project.

Maine is one of our most northern States, and during the winter months it frequently experiences some of the Nation's coldest temperatures. It is also plagued by high unemployment and a low per capita income. Last year, when the price of fuel oil and kerosene doubled in cost from 20 cents to over 40 cents a gallon, and a cord of wood went from $25 in September to $50 in December, many of our families were faced with a problem of crisis proportions. Not only was the amount of fuel available very limited, but there was no way to meet the increased costs on their meager incomes.

Project Fuel was approved by OEO as a demonstration program in December 1973, when the winter was already heavily upon Maine. Working on an emergency basis, however, the CAA's during the next 4 months, with the generous help of 31,500 volunteers from the various communities, installed 262 miles of fiberglass roll insulation, 54,000 cubic feet of poured insulation, 893,000 square feet of polyethylene plastic storm windows and foundation banking. They also caulked and weatherstripped thousands of draft-causing cracks in windows, doors, and walls and repaired countless stoves, chimney flues, and broken windowpanes.

The success of this program was dramatic. For an average cost of $95 per house, 10,000 of Maine's residents were able to experience for the first time some warmth and comfort during the State's frigid winters. Families could use rooms in their houses which were formerly only available to them during the summer months. Children could take off their snowsuits indoors. Health problems, particularly among the elderly, were reduced. Most importantly, the $280,000 spent for winterization materials resulted in a savings of two to three times that amount in the families' yearly fuel bills. Also, engineers have estimated that up to a million gallons of fuel oil and kerosene were conserved.

The success of Project Fuel in Maine is, I believe, the best testimony in support of the amendment now before us. While the amount of funds proposed may seem substantial, I understand it actually provides less than half the amount needed for already identified projects throughout the country. While 3,000 homes have been winterized in Maine, Project Fuel also uncovered ten times that many more in need of similar work.

We must also realize that 90 percent of the existing homes in this country today are deficient with regard to insulation and 50 percent of the single-family homes of the poor have no insulation at all. The result of these conditions is a heat loss which wastes up to 20 percent of the fuel used in this country today for heating residences. Such space heating accounts for 12 percent of the total energy consumed by this Nation. As the Maine project has so clearly demonstrated, the funds used to winterize homes—particularly of the poor, whose homes are frequently most in need of such improvements but who are less able to make the necessary outlays—are really an investment in energy conservation which will repay itself many times over not only in reduced fuel costs for individuals but in inceased energy independence for the Nation.

Mrs. SPELLMAN. Mr. Chairman, I rise in support of the Baucus amendment to add $9 million for emergency energy conservation services in the Community Services Administration. I would like to read a letter from several members of the Housing Subcommittee that was sent to members of the Appropriations Committee outlining our experience with testimony we have heard concerning the various proposals to insulate the homes of low-income families.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 9, 1975.

To Members of the Appropriations Committee.

DEAR COLLEAGUE: As members of the Housing Subcommittee we have recently received much testimony on the severe hardships endured as a result of the energy crisis by the poor and the near poor, including the elderly. During hearings on Title XI of the Administration's energy package, the proposed Winterization Assistance Act, it has become clear not only that the houses of the poor and near poor are, in woeful measure, thermally inefficient and in need of insulating, but also that we need new technology which can be helpful to the poor both in conservation and the development of inexpensive energy sources. Furthermore, as the price of energy continues to rise, the poor, who spend the greatest percentage of income on energy, and who have the least flexibility in their family budgets, face economic calamity.

In our review of Title XI we have concluded that this proposed legislation is not only duplicative of existing authority in the Community Services Act, but too narrow in scope to deal effectively with the energy needs of the poor.

Furthermore, the legislation assigns administration of the program to the Federal Energy Administration, although that agency is not nearly as well equipped to handle the assignment as is the Community Services Administration, formerly OEO, which has the outreach capability through its community action agencies, as well as the experience to carry out such a program quickly and effectively. For each of the past two winters more than 700 community action agencies across the country have diverted some $22 million from other programs to assist the poor with their energy problems with everything from home insulation to experimental fuel vouchers to emergency fuel depots.

Consequently, we believe that the Congress should not enact the Administration's proposed Title XI, which would provide funds for winterization to the Federal Energy Administration, which has neither the capability nor the experience to administer such a program, but should instead appropriate funds now to CSA under its existing broad authority in Section 222(a)(12) of the Community Services Act. However, the President's budget requests for Fiscal Year '75 and Fiscal Year '76 contained no provision for funding of the CSA program.

As you may know, Senator Jacob Javits of New York has urged the Senate Appropriations Subcommittee to provide a supplemental appropriation of $64 million to CSA for this purpose. The Administration had asked for authorizations of $9 and $55 million, respectively, for FY '75 and FY '76 for its proposed Title XI, the Winterization Assistance Act. Senator Javits combined these two amounts in his supplemental request for CSA, in the belief that only by including the Administration's request for FY '76 in the FY '75 supplemental, so that programs could be undertaken now and carried on throughout the summer, could that money bring relief to the poor before the winter of Fiscal Year 1976.

We share that belief, and we ask that you include $64 million—which is in actuality the Administration's own figure—for Emergency Energy Conservation Programs for CSA in its FY '75 supplemental appropriation.

We realize that at the time the Subcommittee on Appropriations was considering the CSA supplemental appropriation they could not have known of our sentiments with regard to this matter, since the Housing Subcommittee was only then in the initial stages of its hearings on Title XI; and we know that the Appropriations Subcommittee may not have included funds for energy for CSA in its bill. We therefore believe that it is most important that the full Appropriations Committee be aware of our position so that they may consider adding energy funds to the CSA supplemental appropriation. We fear that unless this is done, there is no way that the poor can receive desperately needed help in time to avert serious hardship next winter.

Sincerely,

GLADYS SPELLMAN.
THOMAS M. REES.
PARREN J. MITCHELL.

Mr. Chairman, I urge adoption of the Baucus amendment.

Mrs. **BURKE** of California. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Montana, to amend the second supplemental appropriations for fiscal 1975 to include much needed funding for the Community Services Administration's winterization program.

The fuel shortage has left many poor families unable to meet the rapidly rising costs of residential energy. The Congress must move to enact this energy program which ranges from the provision of emergency services to insulation of homes.

According to Federal Energy Administration figures there are at least 5 million homes occupied by the poor that need insulation. On the basis of age and value the actual number is probably twice that figure.

The amendment now pending before the House would appropriate $9 million toward this much needed effort. Last winter more than 700 community action agencies diverted some $22 million in local initiative funds to energy programs.

It is estimated that more than 400,000 homes in California alone are badly in need of climatization. This does not even begin to include the numbers of families whose fuels and energy have been curtailed or terminated due to inability to pay rising utility bills.

The funds requested today though representing only a fraction of the total need must be appropriated now if the poor are to be helped with their energy related problems—if resources are to be mobilized with a minimum waste of time, effort, materials, and dollars.

Funds must be made available now, if winterization activities are to be initiated and completed during the summer and fall, if the poor are to avoid the freezing cold of the coming winter.

The **CHAIRMAN** pro tempore (Mr. HUNGATE). The question is on the amendment offered by the gentleman from Montana (Mr. BAUCUS).

The amendment was agreed to.

The **CHAIRMAN** pro tempore. The Clerk will read.

The Clerk read as follows:

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,570,000, to be derived by transfer from the appropriation "Salaries and expenses", Law Enforcement Assistance Administration, fiscal year 1975.

AMENDMENT OFFERED BY MR. HAWKINS

Mr. **HAWKINS**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAWKINS: Page 16, immediately after line 25, insert the following:

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

For an additional amount for "salaries and expenses", $15,000,000 to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974.

Mr. **HAWKINS**. Mr. Chairman, this body of Congress a year ago passed the Juvenile Justice and Delinquency Prevention Act of 1974. This act authorized $75 million to be expended in the fiscal year 1975.

Despite this mandate, the administration has not sought the implementation of this act. Although the Law Enforcement Assistance Administration requested a diversion of $20 million in LEAA funds under the Safe Streets Act for the juvenile delinquency program, this request was rejected by the Office of Management and Budget.

The fact is that this administration has not even appointed an Assistant Administrator to head the Office of Juvenile Justice and Delinquency Prevention in LEAA. The members of the Advisory Committee for Juvenile Justice and Delinquency Prevention were only appointed March 19, and the Coordinating on Juvenile Justice has not yet met.

Mr. Chairman, let me simply review for the Members the reasons why we passed the act in the first instance. One of the primary purposes of this act was to provide community-based alternatives to the traditional juvenile detention and correctional facilities. This new emphasis was placed on the entire Juvenile Justice System. Testimony before the Subcommittee on Equal Opportunities indicated that if we could divert in this manner only 25 percent of the youth who get into trouble, in the next 2 years we could save more than $1½ billion.

It is thought that the minimum that could be expended between now and the end of this fiscal year would be based on the statutory minimum allocation of $200,000 per State. This amount would enable the States to begin planning.

The problem of juvenile delinquency prevention is a very serious one; almost half of the serious crimes are committed by young people under 18, and three-fourths of the arrests are of young people under 25. The number of juvenile arrests for all offenses has increased 144 percent since 1960. So that when we talk of crime in America, we are talking about juvenile crime in a very substantial way. That is why this body, in its wisdom, felt that the time had come to divert youth into a different system in order not to just merely save youth, but to save the financial resources of this country.

So, we consider that the expenditure of $15 million called for in this amendment—$5 million less than the agency itself requested in reprogramed funds—that this amount can reasonably be spent between now and the end of this fiscal year. In my opinion, it is not only an economical amount, but to me it is a reasonable amount.

I, for one, and I think others of us, believe that even this amount is inadequate and should be much larger, but we are faced with the proposition that the agency itself must employ additional personnel even to allocate this money. We intend that the agency will seek—this amendment is successful—to obtain the necessary positions to begin to implement the act which we passed almost a year ago and which certainly should have been implemented a long time ago.

Mr. **SLACK**. Mr. Chairman, will the gentleman yield?

Mr. **HAWKINS**. I yield to the gentleman from West Virginia.

Mr. **SLACK**. I thank the gentleman for yielding. I have discussed this amendment with the distinguished gentleman from California (Mr. HAWKINS) and also with the members of the subcommittee which I chair. We are of the opinion that this money can be spent responsibly and that money can be allocated to the States immediately. The Law Enforcement Assistance Administration is geared up to carry out the program, so we are inclined to go along with the amendment.

I wish to compliment the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I thank the gentleman.

Mr. PEPPER. Mr. Chairman, I rise in support of the Hawkins amendment to provide $15 million for salaries and expenses for the Law Enforcement Assistance Administration in furtherance of the Juvenile Delinquency Prevention Act of 1974. It is generally accepted that 50 percent of those arrested for the commission of serious crimes are under 18 years of age. Recently a Senate subcommittee investigation revealed widespread violence in the schools of the country. Thoughtful people, who consider the crime problem, have become convinced, I believe, that effective programs to prevent crime in the long run, curb crime more efficiently than punishment for the commission of crime. At least knowledgeable people in the crime field will agree that vastly more emphasis upon the prevention of crime should appear in our anticrime programs than is found today. The juvenile delinquency prevention program was aimed at just that—the prevention of crime by trying to arrest the criminal careers of young people before they become prolonged—before their crimes become habitual and more serious. It is regrettable that there so far has been no funding of the Juvenile Delinquency Prevention Act of 1974. Today, many victims of juvenile crime in this country, no doubt, are paying the price of our failure to fund this program promptly after its enactment. It is difficult for me to understand the President's reluctance to provide any new money for this program so vitally related to curbing crime, ever rising in menace in the country. This $15 million appropriation will not stop crime but it will help. It will save some victims and it will save some young people from becoming habitual criminals and it will demonstrate that prevention programs are effective and should have a larger place in our fight against crime. I commend the distinguished gentleman from California (Mr. HAWKINS), who was primarily responsible for the adoption of the Juvenile Delinquency Prevention Act of 1974.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. HAWKINS).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

Mr. MAHON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. Are there further points of order against the remainder of the bill?

If not, are there further amendments?

AMENDMENT OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE: On Page 51, after line 7, add the following new sections:

"SEC. 304. No part of the funds contained in this Act may be used to force any school or school district to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school; or to force the transfer or assignment of any student attending any elementary or secondary school to or from a particular school over the protest of his or her parents or parent.

"SEC. 305. No part of the funds contained in this Act shall be used to force any school or school district to take any action to force the busing of students; to require the abolishment of any school; or to force on account of race, creed, or color the transfer of students to or from a particular school as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

"SEC. 306. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system."

Mr. MOORE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, since copies have already been made available to the Members.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. YATES. Mr. Chairman, reserving the right to object, may I ask where the amendment appears?

Mr. MOORE. Mr. Chairman, if the gentleman will yield, there are copies on the desk.

Mr. YATES. Mr. Chairman, I have not read the amendment.

Therefore, Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

(The Clerk concluded the reading of the amendment.)

Mr. MOORE. Mr. Chairman, this amendment presents language which is identical to the language passed by the House of Representatives last year in its consideration of the fiscal year 1975 Labor-HEW appropriations bill. This in essence comprises the same amendments that were accepted last year as the Green and Ashbrook amendments to that bill.

The first two sections of my amendment, in slightly different form, have been in the HEW appropriations law for a long time. Last year, former Member Edith Green of Oregon, one of the most distinguished and knowledgeable legislators to ever serve in this body, offered amendments to delete certain restrictive language. Her amendments were accepted by my good neighbor, the gentleman from Mississippi (Mr. WHITTEN), who had authored the original text, and by the respected chairman of the Subcommittee on Labor-HEW Appropriations, the gentleman from Pennsylvania (Mr. FLOOD). The House accepted the Green amendments by voice vote. Although the language stricken by the Green amendments was restored in conference, my amendment holds to the text as it originally passed the House.

Mr. Chairman, the first of the three sections added by my amendment prohibits HEW from using supplemental funds to force busing, school closings, and transfers or assignments on racial grounds over the protests of the parents of the students involved.

The second section of the amendment prohibits HEW from forcing the same actions as a condition of obtaining Federal funds which would otherwise be available.

The third section became part of the law for the first time last year as a result of the amendment offered by my good friend from Ohio (Mr. ASHBROOK), which passed the House by a vote of 231 to 137 and was accepted by the conference committee essentially intact.

This section of my amendment forbids the use of Federal funds in the supplemental for the transportation of students or teachers to overcome racial balance or to carry out a plan of racial desegregation.

The Committee on Appropriations has seen the continued wisdom of continuing the ban for another fiscal year by including essentially my entire amendment in the fiscal year 1976 education appropriations bill which we will consider on the floor tomorrow. The only difference between tomorrow's committee text and my amendment is that I return to the language of last year's bill, which I find superior to that which has been reported by the committee.

If antibusing is going to apply to regular appropriations for both fiscal year 1975 and fiscal year 1976, it should certainly apply to the supplemental appropriations bill before me today.

It is especially important because the supplemental includes $125 million in chapter 5 for emergency school aid which assists schools in the desegregation activities.

Mr. Chairman, Congress should make it clear to HEW and local school agencies that these funds are not to be used for busing. This amendment would do that. Busing does not serve any educational purpose. Instead of trying to achieve better education, forced busing simply assigns students based merely on the color of their skin. This is a ridiculous and superficial consideration and results in just as much discrimination as the old segregation system which we have tried to eliminate.

It has not worked. If anything, it has increased polarization of ethnic groups. Most students, parents, civic leaders, and educators are against it. It does a disservice to the students who have to travel long hours on the bus and can no longer participate in athletics and other extracurricular activities, whose parents can no longer get to PTA meetings or teacher conferences clear across town, and who are thrown into a strange environment where it is all too natural to develop a "them versus us" attitude. Busing simply destroys needed parent participation.

In addition, busing is a waste of energy at a time when we need to be energy-conscious.

I have always been a strong supporter of the public schools, Mr. Chairman. I have taught in public colleges. My wife still holds her teaching certificate for public institutions. I have attended public schools, and my children attend public schools.

The public schools are going to be a thing of the past if we do not take steps to halt and reverse the flight of whites and affluent blacks to private institutions. I shudder every time a school bond issue is defeated. Can anyone really believe that blacks will get better schools due to busing? The opposite fact is true. When all that is left in the public schools are poor blacks and even poorer whites, who is going to vote for school bond issues and taxes to finance our schools? Local school finance measures are currently failing because of busing fears. In fact, just 1 week ago today, voters in my own hometown of Baton Rouge, rejected a tax for capital improvements for the public schools.

One way to keep students in the public schools is to let them continue to attend the appropriate school nearest their home. Do not make the schoolchildren the guinea pigs to try to solve the complex social problems of our society.

Mr. Chairman, I urge the passage of this amendment.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to argue for or against the gentleman's amendment. I know better than to debate the issue of busing on this floor. I have been around here a while. It is such an emotional and complicated kind of issue that it only serves to turn attention all the time away from the basic purposes of the bill.

We are talking about appropriating educational funds for the local schools. That is what we are trying to do.

I will say that the gentleman's amendment is identical to the language that was adopted last year by the House in the Labor-HEW appropriations bill. I am sure that the Members will recall the so-called Whitten provisions which have been in Labor-HEW bills for years and years and years, and everybody appeared to understand exactly what they meant.

Last year we tried to change them, just as the gentleman is trying to do now; and after months of haggling and debate, they were restored to their traditional form. The Senate was strongly opposed to any change in the Whitten provisions.

What I am saying, Mr. Chairman, is that I have no problem with the gentleman's amendment. The language is the same as that adopted in last year's Labor-HEW appropriations bill, the 1975 bill. We know what the attitude of the Senate is. There is no doubt in my mind as to what the Senate's position will be. Under the circumstances I am sure that we will have to resolve this issue again in conference.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask for a favorable vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. Moore).

The amendment was agreed to.

Mr. YATES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this bill was in committee, I asked the distinguished gentleman from Tennessee (Mr. Evins), the chairman of the Subcommittee on Public Works, about the language in the report as it appears on pages 46 and 47. One gains the impression from that statement that energy plants which are used for the purpose of generating electricity, have reached an uncriticized acceptance. I asked the chairman why there were not also included the opinions of those who were opposed.

I was told at that time that this represented the majority views, and the views of responsible—I think the word that was used was "responsible"—scientists, including the views of 32 prominent scientists, including 11 Nobel Prize winners.

I have had occasion to check into this matter since that time, and have found that there is a responsible body of opinion that is opposed.

For example, one of the groups was actively opposed to the creation of the Bailey powerplant which abutted on the Indiana Dunes National Lakeshore. The court in a case that was brought to restrain construction of the plant. I asked one of the parties in that suit to let me have its views after reading the committee report so that the record may be complete. Their reply stated that there are four major unresolved problems:

No. 1: Insuring nuclear power plant safety;

No. 2: Making nuclear power plants a reliable and economical source of electricity;

No. 3: Safeguarding plants against sabotage and preventing plutonium and other weapons-grade nuclear material from falling into the hands of terrorists; and

No. 4: Storing high-level radioactive wastes.

Mr. Chairman, I propose to include those remarks as part of my statement, and at the appropriate time I shall ask permission to include them when we go back into the House. There are still four major unresolved problems regarding the Nation's nuclear power program.

The material referred to follows:

Business and Professional
People for the Public Interest,
Chicago, Ill., April 12, 1975.

From: David Dinsmore Comey, Director of Environmental Research, BPI.
Subject: Nuclear Power Program.
Hon. Sidney R. Yates,
U.S. House of Representatives.

1. I have looked over the Subcommittee on Public Works print that your office sent over after our meeting yesterday and find it to be a rather onesided presentation of the facts. The AEC Reactor Safety Study was not an independent analysis of nuclear safety, but an in-house production whose titular head was Norman Rasmussen from MIT. The probability figures in the report have been attacked not only by a group of non-industry experts, but by the U.S. EPA. Even the Nuclear Regulatory Commission's regulatory staff indicated the casualty estimates were likely to be 10 times higher than were calculated.

2. As far as the 32 prominent scientists who issued a declaration is concerned, 3 retracted their support when they found out what Ralph Lapp had actually written. I am told that Lapp approached almost 300 scientists who refused to sign. If I had the time and inclination, I could produce a much more impressive list of scientists who believe that the nuclear power program ought to be scrapped. I have to assume that Congress is sophisticated enough not to be impressed with number games of that sort, however.

3. In response to your challenge of yesterday to put something down on paper, I have prepared a five-page summary of what I see to be the answer to some of the questions you asked. I hope you will find it useful.

Why is BPI against nuclear power plants?

BPI is not opposed to nuclear power plants, but feels it is unwise for the United States to become dependent on the electricity from nuclear plants until solutions are found to their major unresolved problems.

What are the major unresolved problems?

The nation's nuclear power program still has problems with (1) ensuring nuclear power plant safety; (2) making nuclear power plants a reliable and economical source of electricity; (3) safeguarding plants against sabotage and preventing plutonium and other weapons-grade nuclear material from falling into the hands of terrorists; and (4) storing high-level radioactive wastes.

What is the safety problem with nuclear power plants? Can they explode like an atomic bomb?

There is no way that the water-cooled nuclear reactors used in the U.S. to produce electricity can explode like an atomic bomb. Bombs use highly enriched uranium-235, whereas the fuel in a nuclear power reactor contains only 3% enriched uranium-235.

But a nuclear power plant does share at least one basic characteristic with an atomic bomb: each splits the uranium atom, producing a certain amount of heat and radioactive fission products. The bomb is designed to fission as quickly as possible—in less than one second. A nuclear power reactor, however, is designed to fission very slowly, gradually consuming the uranium in its fuel core over a period of three to five years. The heat from the splitting of the uranium into radioactive fission products is used to boil water, making steam and driving the turbine generator just as in a conventional coal-fired power plant.

Unlike a conventional coal-fired plant, however, a nuclear power reactor produces radioactive fission products. A large plant of the type now being built produces as much long-lived radioactivity in one year as 1,000 Hiroshima-sized atomic bombs, and in its 30-year lifetime it will produce as much long-term radioactivity as would be released in a full-scale nuclear war—about 600,000 kilo-tons of nuclear explosives; all of this from just one plant the size of Zion Station, Commonwealth Edison's plant 45 miles north of Chicago.

Thus it is imperative that these radioactive fission products not reach the environment where they can cause immediate radiation injury, as well as long-term cancer and genetic defects. This means that not only must the nuclear power plant itself be designed to contain these radioactive materials, but after its uranium fuel has turned into fission products and has to be removed from the reactor core, its "spent" fuel must be carefully reprocessed and converted into compact, high-level radioactive wastes that can be safely stored for 250,000 years until they decay down to a nonhazardous level.

If a nuclear power plant cannot explode *like an atomic bomb, how can the radioactivity get out of the plant?*

The fissioning of uranium fuel in the core of a nuclear power reactor produces heat. At its center, the uranium fuel is above 4,000° Fahrenheit, and its metal surface is kept at 550° F. by cooling water flowing through it. Should one of the cooling pipes accidentally rupture, the water in the reactor's fuel core will be lost, and the metal rods containing the uranium will heat up rapidly and begin to melt in about a minute, unless emergency cooling water is injected immediately to prevent a meltdown.

Recently built nuclear plants all have emergency core cooling systems (ECCS for short) designed to prevent a core meltdown, and older plants like Dresden Unit 1 at Morris, Illinois are being equipped with an ECCS.

If, however, the ECCS fails to operate as designed, and the reactor core melts down, a serious accident results. Radioactivity released from the melting core can escape from the containment building housing the reactor in several different ways. The most likely route is what the nuclear industry calls a "China accident," where the core melts down through the bottom of the containment building and keeps slowly melting down through the earth (theoretically toward China, but in fact reacting with water and giving off geysers of radioactive steam through the surface of the earth). A less likely route is one BPI has dubbed the "Apollo event", in which a steam explosion resulting from a reaction between the molten reactor core and water in the bottom of the reactor vessel blows the core out the top of the containment building like a moon rocket. Other containment ruptures can occur from detonation of the hydrogen gas produced by metal-water reactions between the molten core and water from the ruptured pipe, or/from a slow build-up of gas inside the containment building causing its eventual rupture or leakage due to overpressurization Radioactivity can also escape from the containment building if isolation valves that are supposed to close during an accident remain open, or because of a failure of the emergency system designed to remove radioactive gas after an accident.

How serious would such a reactor meltdown be?

The estimates of the consequences from such an accident vary widely. A 1957 study by the Atomic Energy Commission for a small reactor estimated the maximum casualties as 3,400 dead, 43,000 acute radiation injuries, and a property loss of $7 billion. A 1965 update of that report for presently-sized reactors predicted up to 45,000 fatalities and an area of effect the size of the State of Pennsylvania. A 1974 draft AEC study sets the upper limits at 6,900 fatalities and 16,800 acute radiation injuries. In its review of that study, the U.S. Environmental Protection Agency concluded that the fatalities and injuries could be up to 10 times greater than the AEC estimated. And in a critique prepared by 10 persons from BPI, MIT and the RAND Corporation, it was estimated that such an accident was 100 times more probable than the AEC estimated it to be. Based on the number of reactors expected to be in operation by 1990 if nuclear industry projections are fulfilled, we could be having one such accident every 6 years.

Isn't the emergency core cooling system reliable enough to prevent a meltdown?

No full-scale test of an emergency core cooling system has ever been conducted. In a series of six tests on a small mock reactor in 1971, the ECCS failed in all six attempts. Semi-scale tests are not scheduled to be run until next year, and no full-scale tests are planned at all. Nevertheless, more than 50 large nuclear reactors are currently in operation with more than 100 additional reactors being built or awaiting construction permits.

Moreover, the reliability of the ECCS at operating nuclear plants has turned out to be much lower than expected. Monthly tests of pumps, valves and other ECCS components reveal serious deficiencies. For example, at Commonwealth Edison's Dresden Units 2 and 3, a series of 36 tests on components of the high-pressure ECCS revealed a 25% failure rate, compared with the 0.8% predicted by the AEC. At Zion Station, north of Chicago, the emergency diesel generators which supply power to the ECCS are reported to have a failure rate of 47%, and the plant had been operating for more than a year before it was discovered that the ECCS had been wired backwards.

At the Quad-Cities Plant near Cordova, Illinois, the ECCS on the Unit 1 reactor was rendered inoperative by jumper cables put on the control panel by an electrician who thought he was installing them on Unit 2, which was not operating at the time. The error was not discovered until a test on Unit 2 went awry; meanwhile, Unit 1 had been running with its ECCS inoperative.

Aren't you accusing the highly trained experts who run these plants of not knowing what they are doing?

There is no doubt but that human error is an important factor in nuclear plant safety. An AEC report concluded "in the recent past, there has been a number of occurrences at reactors where human error resulted in undesirable situations. None of these situations represented a threat to the health and safety of the public. The absence of more serious effects is largely a result of good luck." At the Dresden plant, an operator error led to the release of radioactive water into the Illinois River, an error for which Commonwealth Edison was later fined by the AEC. At the Zion plant, a reactor operator over-pressurized the reactor because he was talking on the telephone from the control room when he should not have been. Another operator at Zion pumped high-level radioactive waste from one tank to another without ascertaining beforehand that the second tank was already full, thus causing a radioactive spill.

Commonwealth Edison states that it has spent $102,000 training each of its nuclear plant operators, a sum equivalent to the cost of attending Harvard for 14 years. Yet the results of the training seem disappointingly meager: after Zion Station had been operating for approximately 6 months, the AEC gave the plant operators requalification examinations; 72% of the operators failed the exam, and even after two months of intensive further training, 46% failed it a second time.

What difference does it really make whether the emergency systems are reliable or not if no pipe ruptures ever occur that would require their use?

Although the piping in nuclear plants is designed to last for thirty years without rupture, incidents involving ruptures and cracks in piping have occurred. One steam piping rupture killed two nuclear plant operators, and two others injured a large number of workers. BPI pointed out in 1972 that because of the way the steam pipes were located in the Kewaunee Nuclear Plant in Wisconsin, the control room operators could be killed if one of the steam pipes ruptured. The resulting design change cost more than $5 million in labor and materials and $18 million in additional costs. Similar defects at the Donald C. Cook plant in Michigan, including a containment design defect pointed out by BPI in 1971, cost more than $150 million to remedy, and even after the changes the plant will be limited to 81% of its originally designed power level.

Cracks have been recently found in the reactor piping at the Dresden and Quad-Cities plants, and at five other General Electric reactors in the United States and Japan.

During the 1972–73 hearing on ECCS design deficiencies, the AEC maintained that because piping inside steam generators at nuclear plants had never ruptured, it could discount the fact that such a rupture during the course of the reactor accident would render the ECCS inoperative. But on February 26, 1975, the piping in the steam generator at Wisconsin Electric Power Company's Point Beach Nuclear Plant did rupture, and the plant had to be shut.

Quality control during construction of many plants has not been adequate to ensure that ruptures will not occur. Defective welding has been discovered on a number of nuclear power plants. At Zion, a welder who testified as a BPI witness at the AEC safety hearing told how uncertified welders had worked on the plant, and the subsequent AEC inspection revealed 289 defective welds. Because of poor quality control during construction of the Palisades Plant in Michigan, its owner, Consumers Power Company, is now suing the reactor manufacturer for $300 million. The AEC's former regulatory director recently said "the American public should assume there will be a nuclear incident which will have an impact on the public."

Why do you dispute nuclear industry claims that nuclear power is more economical than other alternative sources of electricity?

It was originally thought that electricity from nuclear power plants might be so cheap that it would not have to be metered. The cost of electricity from nuclear power plants, however, has turned out to be far more expensive than anyone predicted.

The capital cost of nuclear power plants has escalated far faster than inflation. A nuclear power plant that seven years ago would have cost $200 million now costs $1,100,000,000. The price of uranium has recently gone from $6 a pound to more than $32 a pound and is expected to go higher. These cost increases are not yet reflected in the price that consumers pay for electricity from nuclear plants, but will be reflected in electrical rates in the early 1980's.

Even at the present time, however, the electricity from nuclear plants is seldom as cheap as electricity from coal-fired plants. For example, in 1974, the electricity generated by Commonwealth Edison's large nuclear plants was at least 10% more expensive than the electricity generated by their newest coal-fired plants. Because coal-fired plants have had a higher degree of reliability than nuclear power plants, the average cost of electricity from them is cheaper than nuclear plants. This is expected to continue into the future: a projection of electrical costs in 1982, based on present reliability rates of nuclear and coal plants, indicates that electricity from nuclear plants will continue to be 10% more expensive.

In addition, nuclear plants have not turned out to be as reliable as predicted. They were originally billed as performing at 80% of design capacity; in fact, their average deliverability has been approximately 55%. One reason for this is that because of the radioactivity of reactor systems, repairs take more time and more workers than similar repairs on coal-fired plants. In order to avoid exceeding each worker's maximum permissible radiation exposure, a large number of men must work sequentially within a confined space to make repairs on nuclear reactor systems.

For example, at the Dresden plant, a recent prolonged outage took 350 men to repair what 12 men could have done quickly on a coal-fired plant. Since the radioactivity of a nuclear plant's systems increases with age, repairs are likely to become even more time consuming as the plant gets older, leading to longer out-ages and decreased capacity performance. An analysis of the 1973–74 performance of the nation's nuclear power plants indicates that their performance peaks out, after the plants are approximately six years old, at 67% of design capacity, and falls thereafter to only 39%. Since this is less than half of the original target of 80%, it means that twice as many nuclear plants would have to be built to produce the same amount of electricity originally predicted. The additional cost to American ratepayers could run into the hundreds of billions of dollars.

Why do you list sabotage as one unresolved problem of nuclear power plants?

A nuclear power plant is highly vulnerable to sabotage. It is estimated that half a dozen trained saboteurs could take over a nuclear power plant and rig it in a few minutes with high explosives sufficient to cause a reactor core meltdown accident. Using the threat of this accident as a hostage, they would be able to blackmail the government for an enormous sum of money. Zion Station alone has already received three bomb threats, and in the last year there have been eleven incidents in which safety equipment inside the plant has been disabled; it is believed that this may be the work of an employee who has not yet been identified.

The plutonium which is produced by nuclear power reactors is vulnerable to diversion and use in the fabrication of a nuclear weapon. A recent television program on the Public Broadcasting System showed how a 20-year old chemistry student was able within six weeks to design a functional nuclear weapon. Moreover, because of plutonium's extreme toxicity when inhaled, it is not even necessary to fabricate an atomic bomb in order to do immense damage. Plutonium will burn quite readily, and if ignited from the top of a high building using a highway flare, the smoke could eventually be fatal to many thousands of people. Although the Nuclear Regulatory Commission is now improving the safeguards to control access to plutonium and other "special nuclear materials", if the nation goes to a plutonium economy, it is estimated that as much as 600,000 pounds of plutonium will be in use and shipped around the country each year. It seems unreasonable to assume that none of these materials will fall into the hands of organized crime or terrorist groups. A report prepared for the AEC a year ago recommended that "the first and one of the most important lines of defense against groups which might attempt to illegally acquire special nuclear material to make a weapon, is timely and in-depth intelligence. Such intelligence may involve electronic or other means of surveillance, but its most important aspect is infiltration of the groups themselves."

We may want to examine carefully whether a plutonium economy could eventually result in a garrison state with a loss of civil liberties and free democratic institutions as we have know them during the last two hundred years.

Do they know what to do with the radioactive wastes being produced by the nuclear power plants?

The high-level wastes from nuclear reactors must be safeguarded from the environment for more than 250,000 years. At present, the government has no definite plans on how to handle these wastes for such a long period of time. It had planned to dispose of them in an abandoned salt mine near Lyons, Kansas, but the mine turned out to have serious leak problems.

Once the wastes are put into a salt mine, they are no longer retrievable in case something goes wrong and they begin leaking out into ground water aquifers.

The alternative now receiving most active consideration is to store the wastes in retrievable form on or close to the surface of the earth, where engineered cooling systems will keep the wastes from melting through their containers. Because wastes in this form must be actively safeguarded, it imposes requirements for governmental stability and immunity from sabotage, warfare or earthquakes for the next 250,000 years that many people consider unrealistic.

Why don't you leave these questions to the experts to resolve?

It may be that these are not technological questions, but ethical ones. Do we have the right to use nuclear fission reactors to produce electricity for the next 50 years and leave a lethal legacy that future generations must watch over for 250,000 years?

But don't we have to have nuclear power plants to meet the energy crisis?

Not really. At the present time, the nuclear power program is consuming more energy than it is producing. The nation's energy needs can be met through a combination of energy conservation and use of less hazardous alternate sources of power.

A nuclear power plant produces as much long-term radioactivity in one year as 1,000 Hiroshima-sized atomic bombs.

No full scale test of a reactor emergency core cooling system has ever been conducted.

"The absence of more serious effects is largely the result of good luck."—AEC report.

Because of poor quality control during construction, one utility is suing the reactor manufacturer for $300 million damages.

A nuclear power plant that seven years ago would have cost $200 million now costs $1,100,000,000 to build.

Twice as many nuclear plants might have to be built to produce the same amount of electricity originally predicted by the A.E.C.

If we continue to produce radioactive wastes that take 250,000 years to decay, no social instability or earthquakes can be permitted.

A plutonium economy could ensure that 1984 arrives right on schedule.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I agree with the gentleman from Illinois that there are responsible opposition views, and different views. All that I said was that they were not brought to our attention in the hearings. The overwhelming view was contrary to the position presented by the gentleman from Illinois. There are those few who are fearful.

I would say to the gentleman that much is being done in the field of nuclear safety. When the Congress established the Nuclear Regulatory Commission it was primarily for the purpose of nuclear safety.

Substantial sums are being appropriated to provide for the safe transportation of nuclear materials. During our hearings on the 1976 budget request, we heard testimony from the Energy Research Development Administration about the specially built trucks that have been constructed as a step toward insuring such safety, so that there can be the safe transportation of nuclear materials.

There are a number of unresolved problems, but the testimony before the committee was that nuclear powerplants are safe. We have some 55 nuclear powerplants now operating, and many have been operating safely for years.

Mr. YATES. I thank the gentleman for his interpretation. I do want the gentleman from Tennessee to know that I am not opposing the appropriation for the Nuclear Regulatory Commission. My only purpose was to bring out both sides in view of the fact that the opposition was not presented before the gentleman's committee. Certainly the remarks that I am including with my statement indicate that there are contrary views.

I would like to say to the gentleman that I have read through the hearings by the gentleman's subcommittee, and it was brought out that there are cracks and there are leakages taking place in nuclear powerplants in various places throughout the country. So that this is a source of concern to the Nuclear Regulatory Commission. They, wisely, propose to look into it.

Mr. EVINS of Tennessee. I will say to my friend, the gentleman from Illinois, if he will yield further, that there has been no leakage in nuclear powerplants; there have been no core meltdowns; there have been no fatalities; there have been no disasters. There are just cries of alarm. Of course, it would be impossible, to include all of the reports that have been issued on the subject.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Yates was allowed to proceed for 5 additional minutes.)

Mr. YATES. Mr. Chairman, may I refer the gentleman's attention to page 268 of part of the hearing on this bill. There we have the statement by Mr. Anders:

> We are confident that NRC's inspection procedures are satisfactory. While one can always find room for improvement in any program or procedure, we believe the public interest is well served by the existing system of NRC inspection. * * * Of course, any regulatory program must continually be reviewed and evaluated, and we are doing that. In addition to in-house efforts, we also have underway a study by SANDIA regarding inspection methods at operating reactors.

Admiral Rickover a few months ago indicated he was appalled by some of the inspection procedures at some of the civilian plants. The point I am making is that this is not a cut-and-dried subject. The only reason I am intervening at this time is to try and correct the impression that I had had when I read the report of the committee that indicates that, at least to my mind, everything is "cut-and-dried," and that these reactors are safe.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. RONCALIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is appropriate to put at rest the fears and apprehension of my good friend, the gentleman from Illinois. The Joint Committee on Atomic Energy has held countless hours of hearings regarding the split-hairline leaks and other problems in the emergency core cooling systems having to do with the electric generation of nuclear power in about three different types of plants. In no instance was there anything approximating what might be called a critical situation. The entire plant was shut down as a precautionary measure by the examining authorities, and it remained closed. Bill Anders, the new Commissioner of NRC, testified as to the accuracy of the work done and as to the fact that it meets with the emergency core cooling systems. There is a problem that the official has to deal with, and that is the quality assurance of the manufacturing plant.

We know that nuclear power generation is as safe as any power generation. Admiral Rickover expressed concern about many matters involving standards on his own record of better than 130 moving nuclear powerplants, in every submarine we have, and on most carriers, and we have not found a sailor yet who has burned his finger.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RONCALIO. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I think what the admiral said was that he was appalled that the safeguards at the civilian plants were not as complete and as great as those operated by the Navy.

Mr. RONCALIO. Right, and he made some meaningful, worthwhile suggestions as to inspection, and the cost of inspection and inspection procedures. Most manufacturers have one out of every five employees devoted to nothing but quality assurance.

Most of the critics of nuclear powerplants, such as Ralph Nader, want a moratorium. There is no justification for a moratorium now on nuclear power.

Mr. YATES. If the gentleman will yield further, can the gentleman tell us whether the cost of producing electric nuclear powerplants is cheaper than the cost of producing it by coal?

Mr. RONCALIO. No, and we could take 30 minutes each on the production costs and find escalation on all fronts. My point is now, safety. If we want a moratorium attacking costs, we can tell them about the costs of obtaining coal or a barrel of oil.

Mr. YATES. If the gentleman will yield further, the reason I raise that question is that it is my understanding—and the gentleman may correct me if I am wrong—that one of the reasons for insuring safety is that they do not operate to full capacity and that, as a result, the cost of producing electricity from nuclear plants is higher than the cost of producing electricity from coal power.

Mr. RONCALIO. I must say we are covering a myriad of subjects all too intricate and too complex to be dealt with in these few minutes of discussion. I am happy my friend, the gentleman from Illinois, has made the point of safety in the plants. That will merit the consideration of the committee and we give the gentleman our firm assurance that we will give the subject our consideration.

Mr. YATES. The gentleman made a point about safety and a point about economics of operation and a point about the disposition of waste and a point about possible sabotage because the present plants are not completely protected from those possibilities.

Mr. RONCALIO. The gentleman from Illinois could not have covered a wider gambit. It reminds me of the story about the cowboy who got on his horse and rode off in all directions, in all 360 directions at the same time.

Mr. YATES. All directions have to be covered in this.

Mr. RONCALIO. Let us refer to the record tomorrow and to the remarks of the chairman and the gentleman from Illinois and we will take those matters into consideration especially with respect to those plants that have been approved overseas, and I am sure if I may have the attention of my friend, the gentleman from Illinois, if he will bear with us in the Joint Committee on Atomic Energy I believe we can prove the safety of nuclear power generation. I really believe it.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we started consideration of this supplemental it was pointed out the overall bill was $221.9 million under the budget request in total. That was made up principally because of the $294.7 million reduction in pay supplementals. There were some increases in some items, some offsets and some transfers, and so forth.

A quick summary I believe is in order. We added $15 million to LEAA in the Hawkins' amendment, unbudgeted. The Boland amendment was for $54 million, unbudgeted. Then there were two items that could be considered to be budgeted items, $9 million for home insulation, and $21 million from the Duncan amendment in Forestry Service. These total $99 million added to the bill, $30 million of which would have been budgeted, so there is a net increase of $69 million, which would bring, according to my figures, this total bill to $152.9 million under the total budget request.

While I have some reservations with respect to specific items here, I think on balance I would surely have to support the bill as we complete action on this bill, Mr. Chairman.

Mr. MAHON. Mr. Speaker, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HUNGATE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5899) making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered on the bill.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 14, not voting 38, as follows:

[Roll No. 120]

YEAS—380

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Badillo
Bafalis
Baldus
Baucus
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John L.
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Casey
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey
Downing
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Hefner
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier

Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Mathis
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Meyner
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Motti
Murphy, Ill.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Riegle
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, James V.
Stark
Steed
Steelman
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Symington
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—14

Alexander
Archer
Bauman
Beard, Tenn.
Collins, Tex.
Conlan
Crane
Hutchinson
McDonald
Martin
Rousselot
Shuster
Steiger, Ariz.
Traxler

NOT VOTING—38

Ashbrook
AuCoin
Barrett
Cederberg
Conyers
Dent
Diggs
Edwards, Ala.
Findley
Fithian
Fraser
Giaimo
Gibbons
Gude
Hammerschmidt
Hastings
Hightower
Holland
Johnson, Colo.
Leggett
McClory
Mezvinsky
Mills
Murphy, N.Y.
Neal
Rosenthal
Ruppe
Ryan
Shriver
Solarz
Stanton, J. William
Stephens
Sullivan
Symms
Taylor, N.C.
Teague
Wiggins
Yatron

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Diggs.
Mr. Murphy of New York with Mr. Mills.
Mr. Teague with Mr. Stephens.
Mr. Giaimo with Mr. Conyers.
Mrs. Sullivan with Mr. Taylor of North Carolina.
Mr. Rosenthal with Mr. Holland.
Mr. Ryan with Mr. Neal.
Mr. Leggett with Mr. McClory.
Mr. Yatron with Mr. Ashbrook.
Mr. Fithian with Mr. Gude.
Mr. Fraser with Mr. Hammerschmidt.
Mr. Solarz with Mr. Findley.
Mr. Barrett with Mr. Cederberg.
Mr. AuCoin with Mr. Edwards of Alabama.
Mr. Mezvinsky with Mr. Ruppe.
Mr. Gibbons with Mr. Shriver.
Mr. Hightower with Mr. Symms.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SLACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PERSONAL EXPLANATION

Mr. GOLDWATER. Mr. Speaker, on the previous vote today on House Joint Resolution 375, additional appropriations for the Veterans' Administration for fiscal year 1975, I was unavoidably detained on official business. If I had been present, I would have voted "aye."

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 49 AND H.R. 5919, UNTIL MIDNIGHT FRIDAY, APRIL 18, 1975

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Friday, April 18, 1975, to file reports on H.R. 49 and H.R. 5919, bills which are concerned with the President's Energy Act proposals and with the development, exploration, and production of the naval petroleum reserves.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. MIKVA. Mr. Speaker, yesterday, April 14, 1975, at the request of the Judiciary Committee's Subcommittee on Crime, I sat with the subcommittee and participated in its field hearings, held in Chicago, Ill., on pending firearms legislation. Because of my participation in these important hearings, I was unable to be present during the record vote on H.R. 5398, rollcall No. 118, the Emergency Homeowners Relief Act. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on rollcall No. 118, the vote on the Emergency Homeowners Relief Act, on yesterday, April 14, 1975, I was present and voted. I inserted by card, and my vote was apparently not recorded. I wish the RECORD to show that I favored the legislation and voted for it.

EXTENDING THE EFFECTIVE DATE OF CERTAIN PROVISIONS OF THE COMMODITY FUTURES TRADING COMMISSION ACT OF 1974

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 335) to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the joint resolution.

The Clerk read the Senate amendments, as follows:

Page 2, line 18, strike out "and".

Page 2, line 18, after "210" insert: ", and 407".

The Speaker. Is there objection to the request of the gentleman from Washington?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking the gentleman from Washington (Mr. FOLEY) to explain this legislation and to explain the amendments.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, in the absence of new legislation, the Commodity Futures Trading Commission is scheduled to become fully operational on April 21, 1975. House Joint Resolution 335 would permit the orderly implementation of the 1974 act by the new Commission by altering the effective date of certain major provisions of the new act.

The Senate bill is the same as the bill adopted by the House last week with one exception—a technical change recommended by the U.S. Department of Agriculture after the House committee had voted to report the bill.

The change would postpone for 90 days the effective date of section 407 of the Commodity Futures Trading Commission Act of 1974 in addition to the other sections previously named in the House bill. Under section 407 each contract market would be required to enforce all bylaws and rules approved by the Commission and revoke and not enforce all disapproved bylaws and rules. This provision requires prior approval by the Commission of bylaws and rules of contract markets before they can be enforced. It applies to currently designated contract markets as well as those which may be designated in the future.

It will not be possible for the Commission to approve all bylaws and rules of existing markets before April 21, 1975. Thus, there is a need to delay the effective date of the provision. During the period of delay, it is not intended to prohibit or impair contract markets from enforcing all bylaws, rules and regulations which have not been specifically disapproved by the Commission and which are consistent with the Commodity Exchange Act, as amended.

Mr. **BAUMAN**. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

GRAND PRAIRIE SELECTED AS ALL AMERICA CITY

(Mr. **MILFORD** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **MILFORD**. Mr. Speaker, we have had an exciting turn of events in my hometown, Grand Prairie, Tex.

After a yearlong wait of application, testimonies, and investigations, Grand Prairie was selected as an All America City.

Yesterday morning, as I flew back here, the city fathers were raising the flag which had been won by 60,000 people who cared enough about their city to become involved.

As many of you know, local citizen involvement is the primary criterion in the completion for which a town wins the All America City Award from the National Municipal League.

My town has gotten involved in community needs, individual needs, and Bicentennial celebrations.

Let me take this opportunity to introduce you to some of the endeavors begun and accomplished by the voluntary effort of Grand Prairie citizens.

First off, it was decided that a community hospital was needed. So the townspeople passed $7 million in revenue bonds, then raised another million dollars in pledges from the people for the construction of the hospital.

They undertook a $1 million project to refurbish four blocks of our downtown area. And I want to say that the main street of Grand Prairie has certainly improved in looks with the additions of trees and widened walkways.

When the Daughters of the American Revolution wanted to bring a replica of the Liberty Bell to Grand Prairie, the city council agreed it was a worthwhile project to help celebrate our Nation's Bicentennial. And to that end, the council voted $10,000 for the housing of the bell if the citizens could raise matching money for the actual purchase.

Dozens of parades and carnivals later, the people had funds for the bell. It is now in Grand Prairie after being shipped from the French foundry complete with simulated crack and mellow tone.

Grand Prairie was judged all-American for its involvement with people in need.

Prior to 1969, our community had no Mexican-Americans living there. At that time, a push was begun to relocate migratory workers from the Texas valley to north Texas where more jobs were available.

As these new residents came into town, the school system responded by adding bilingual programs for the education of the Spanish-speaking children.

Several churches made special efforts to bring these children and their parents into local congregations by hiring bilingual ministers, providing buses to church on Sunday morning, and by starting a conversational Spanish course so that church members could help bridge the communication gap themselves.

The ministers' association in Grand Prairie jumped in to sponsor a nutrition program for the aged which is partially funded by the U.S. Government.

And the 20th Century Study Club of Grand Prairie volunteered to be continuing sponsors of a group foster home for young boys who are wards of Dallas County.

The Grand Prairie home is one of three such foster homes in the country. The effort was begun by a number of wives of Dallas lawyers and judges to provide homes for young boys and girls in trouble. They named their organization the Society for Abandoned Children, Inc. As they sought community sponsors, Grand Prairie was quick to respond.

When the Retarded Children's Training Center was threatened with lack of funds and a rundown house, a community push was on to raise money and repair the building.

Grand Prairie people contributed through radio appeals and door to door and telephone contacts enough money to keep the center open.

And a major business in our area, LTV—a defense plant—through its "management club" contributed paint, concrete, and labor to spruce up and fix up the center.

These accomplishments are continuing testimony to the quality of life and the caliber of citizen of Grand Prairie. They also point up to the harmony of leadership and the readiness to respond to civic and humanitarian needs.

These are obvious reasons why I choose to live in Grand Prairie, and why I am proud to be the Congressman from that town.

THE NATIONAL HEALTHCARE ACT OF 1975

(Mr. **BURLESON** of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **BURLESON** of Texas. Mr. Speaker, we do indeed live in an uncertain and unsettled economic period. With unemployment still rising, with the business outlook still dismal, with estimated Federal budget deficits rising with each new analysis, and with inflation still a major problem, it is most difficult for the Congress to balance the need for new or existing programs with the resources available to support them.

This is a time to be extremely circumspect in creating new programs. We must be careful not to add to the already overwhelming burden on our Federal Treasury. We must use our tax dollars with great skill and wisdom as we face the pressing needs of our country and our people.

Mr. Speaker, it is with a keen awareness of this great and crushing responsibility on the Congress that I reintroduce my comprehensive national health insurance bill, the National Healthcare Act of 1975. And it is with renewed conviction that my approach to the solution of this Nation's health care problems is best for America that I strongly recommend its enactment by this 94th Congress.

Mr. Speaker, in my view there is no need to postpone consideration of national health insurance even though troublesome budget issues confront us. The issue of national health insurance will not go away, largely because problems still persist within our present health care system. This is not a time to sit on our hands while our health care problems fester. Neither is it a time to enact a sweeping, all-Government program impelled by cries of crisis in today's system. It is a time to come up with the right program—a program that melds the system's proven capacities with the resources available.

Mr. Speaker, I believe the National Healthcare Act meets these requirements.

The National Healthcare Act addresses the most complex problems—rising medical costs, manpower shortages, lack of ambulatory health facilities, inadequate cost and quality controls, diffused leadership patterns, fear of catastrophic illness, and uneven benefit levels. It does so by the most efficient, least expensive methods, while blending the expertise and strengths of the major elements of the private sector with the unique capacities of Federal and State governments.

The National Healthcare Act has important advantages over any Government-administered and financed program. For one thing, it would cost far less in Federal taxes and divert far fewer tax dollars from other high-priority social needs. In this respect the National Healthcare Act is superior because of what it would not do. It would not create a centralized Federal bureaucracy and it would not lead to the development of an inflexible health care system. My bill would preserve freedom of choice for the consumer and encourage experimentation and innovation in the delivery of health care by avoiding any tampering with the workable procedures in the present system.

In addition Mr. Speaker, if applied and administered as intended, the approach in this proposal can reduce the costs of present health care under medicare, medicaid, and other programs. In the long run it promises better health care for all people at lesser costs.

The National Healthcare Act promises only what it can deliver. It is realistic. It does not squander tax dollars but puts them only where they have to be spent. It phases in comprehensive benefits so that medical costs will not be pressured to new and higher levels. It balances a need for greater benefits for the poor and for those who are uninsurable with a realistic use of public funds.

The National Healthcare Act uses the present tax system to encourage compliance with Federal health benefit standards. It uses private insurers for what they can do best—provide the marketing, actuarial, claims, and service know-how.

The private insurance system is not perfect. But is any system devised by the mind of man, including government, perfect? Can we be sure that Government can do the job better? If not, Congress had better not sweep too far. If we do, we cannot turn back.

Mr. Speaker, no health bill is more at the mid-point of desirable political compromise than my bill. No bill is more responsive to the essentiality of balancing fiscal restraint and social need.

The National Healthcare Act contains several major provisions. First, it establishes cost and quality controls. All payments for health care under federally supported programs would be tied to prevailing fees and to peer review of those professional services that fall outside of professionally established guidelines, assuring appropriateness of treatment, quality of care, and reasonableness of physician fees.

The act would also help contain costs by encouraging comprehensive ambulatory health care centers, which are less costly than in-hospital care. This encouragement comes through the awarding of grants and loans for the construction and modernization of these centers.

The act would increase the supply and improve the distribution of health care personnel by continuing grant and loan programs and increasing the forgiveness of those loans over their present level. Encouragement would be given to increased service in areas designated as health scarcity areas including rural regions. The grants and loans are for physicians and allied health professionals, and include new training money for ambulatory care team training.

This legislation sets minimum standards for health insurance policies. There are three types of plans: Those purchased by employers and employees, those purchased by individuals, and those offered through a State plan. Minimum standards for all these plans are the same and they would be phased in over a period of time. There would be a broad range of benefits for everyone regardless of income or physical condition.

Medical costs for the expenses of a catastrophic illness are fully covered. There is a limit of $1,000 on total copayment and deductible charges per family in any benefit year. This is adjusted downward according to ability to pay under the State plans.

The unemployed, the focus of so much congressional attention in recent weeks, would be covered. These individuals would be covered for at least 2 months after they have been laid off. If they are still without income after that period, they would be enrolled in a State plan with the same minimum benefits that are established for employer-employee plans.

The poor and the near poor would be enrolled in a State healthcare plan, which would be subsidized by State and Federal Government and managed by private insurance carriers. The risk for solvent individuals who are uninsurable solely for health reasons would be borne entirely by the health insurance industry.

The National Healthcare Act is the one approach that provides for orderly, yet determined change with minimum dislocation and distortion and a maximum redirection of the system's proven vitality and talent. I invite my colleagues in the House to join me in sponsoring this bill and working for its enactment.

MYERS TAX REFORM PROPOSAL

(Mr. MYERS of Indiana asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MYERS of Indiana. Mr. Speaker, today, April 15, serves as an annual reminder of the need for more than the one-shot tax cut Congress recently enacted. The inequities in the basic law remain. For that reason, I am today introducing legislation establishing the Federal Commission on Tax Revision to undertake a complete nonpartisan review of the Nation's tax laws.

The average taxpayer has been used in a game of political football for far too long. We must lift the issue of tax reform above politics. The leadership of Congress has talked about meaningful tax reform for the last 4 years and continues to promise that this will be the year of reform.

There is a lot of finger pointing between the executive and legislative branches. The only result has been a wealth of talk and a very poor record of achievement.

Under my plan, the Commission on Tax Revision would be made up of 24 members, equally divided between Republicans and Democrats, with the President, the Senate, and the House of Representatives each appointing eight persons to the panel. The Commission would be oriented to investigate all aspects of current tax laws and report its recommendations for reform at the beginning of next year.

The time has come for a bipartisan effort to seek out answers for the very real and urgent problems facing us today. That is the purpose of my proposal—namely to expand and embrace a more comprehensive and far-reaching tax reform package—a substantive, but fair revision of our tax system to insure the equitable treatment of all taxpayers.

I believe the Federal Commission on Tax Revision, made up of representatives of business, labor, and most importantly, the average taxpayers of the Nation, will be able to see through the political cloud that hangs over Washington these days and come forth with recommendations for simplifying the tax code and eliminating preferences.

The legislation charges the Commission with investigating: First, the extent to which taxation affects incentives to work and invest; second, the burden of the different types of taxes on various levels of income; third, erosion of the tax base, and the so-called loopholes in the tax laws; fourth, the extent to which taxes should be earmarked; and, fifth, the desirability of using a flexible tax policy—including delegation of discretionary tax authority to the President—to promote economic stability and economic growth.

Most Americans will benefit more from this kind of meaningful tax reform than they will from the kind of patchwork bill recently passed which will achieve only limited and short-term success in solving our problems. The aim of the Commission study is to produce proposals to make our tax burden more fair and just.

One final word, the Commission would not be just another one of those committees whose purpose fades but budget continues on forever. One provision of my legislation is that the Commission must report back to Congress within 10 days after the opening of the second session of the 94th Congress and 90 days after that the Commission will cease to exist.

RESULT OF DOING AWAY WITH DEPLETION ALLOWANCE

(Mr. YOUNG of Texas asked and was granted permission to address the House for 1 minute and include extraneous matter.)

Mr. YOUNG of Texas. Mr. Speaker, in the belief, I hope validly, that the Members of this House are not only interested in the passage of legislation but equally interested in the results and consequences of the legislation we have passed, I desire to report from time to time on the effects of our legislation on the economy of our country.

I have here a letter from Mr. Gene Woodfin of Houston, Tex., which I wish to include in the RECORD of the House. Mr. Woodfin is concerned about the legislation Congress passed recently relative to the oil depletion allowance. Mr. Woodfin's company is not directly involved in oil production or depletion, but in the manufacture of petroleum drilling equipment. In his letter Mr. Woodfin points out that since the repeal of the depletion allowance his company has had $100,000,000 in orders cancelled for oil drilling equipment with no inquiries as to any new orders.

Mr. Woodfin's letter describes but one of hundreds of similiar results directly caused by the action taken by this Congress. I want to point out to the House that while the effect of this legislation upon the production of energy has been horrifying, its impact goes far beyond the oil industry. The rigs Mr. Woodfin refers to are not made of air or paper they are made of steel, lots of steel, manufactured in places like Gary, Ind., and elsewhere. This means the action we have taken is going to be felt badly in the steel and other related industries.

There is a serious question whether the petroleum industry in this country can survive the action taken by this Congress, but, in addition to this, there are going to be many people viciously hurt in other industries, but, even beyond this, the real loser will be the American petroleum consuming public which has been a real and direct beneficiary of the tax subsidy known as the oil depletion allowance.

What we have done to the oil industry along with the EPA legislation has just about killed the automotive industry, and there seems to be no end to the further senseless actions contemplated by the administration and Congress. Someone said, "The power to tax is the power to destroy," and we are now reaping the sad results of this truism.

It will be my purpose, Mr. Speaker, from time to time to bring to the attention of this House letters like Mr. Woodfin's that demonstrate graphically the results of our not "letting well enough alone," and persisting in passing legislation which is misunderstood and ill considered. Maybe someday we will learn to let "well enough alone." I hope the Members will read Mr. Woodfin's letter which follows:

MARATHON MANUFACTURING CO.,
Houston, Tex., April 8, 1975.

Hon. JOHN YOUNG,
2204 Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN YOUNG: I wanted you to have a copy of the attached letter which I have sent to Congressman Al Ullman, Chairman of the Committee on Ways and Means.

Whatever your personal feeling might have been about the oil depletion allowance, and the political requirements for its abolition, prudence requires Congress to stop emotional action and consider our energy situation. Taking $1.7 billion out of the exploration cash flow will reduce drilling from 20% to 40% per year. Most of this reduction will occur offshore where we can ill afford it.

Our domestic reserves are declining daily. More *not* less exploration is required. It is generally conceded that our *only* chances for large new reserves are offshore and Alaska. These plays require huge sums of money and a high degree of risk.

The oil industry is in a state of shock, not only because of the repeal of depletion but because of the obvious "whipping boy" position it has been placed in by Congress. To *illustrate:* Since the repeal of the depletion allowance we have had cancellations for over $100 million in contracts for the construction of offshore drilling rigs—and no new inquiries. Congress must give the industry the means and confidence to do the job. We own no oil and gas production, but we serve the industry.

Sincerely,

GENE M WOODFIN.

RULES OF PROCEDURE FOR SELECT COMMITTEE ON THE AGING

The SPEAKER pro tempore (Mr. MCFALL). Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL), is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, in accordance with House rule XI, paragraph 2(a), the rules of procedure for the Select Committee on the Aging, must be recorded in the CONGRESSIONAL RECORD prior to the holding of any hearings by the committee. The full committee with a quorum present has adopted the rules which I shall read into the RECORD in a few minutes. In the rules we have set a meeting day and time. We provided for what shall constitute a quorum and also for a majority vote on reports and to allow proxy voting.

The rules also cover the duties of the Chairman in directing the activities of the staff, both professional and clerical.

The rules provide for the announcing of committee meetings. They also have a provision for the closing of meetings and the fact that the committee will operate under the 5-minute rule. A roll call may be requested by any Member. We made provision for the records of the committee to be preserved and kept on file and available for inspection by any person in the committee office.

We provided for the number of subcommittees and the membership of such subcommittees.

We allowed latitude for television and broadcasting, and put in a provision as to the duties of the chairman and the ranking members of both the full committee and the subcommittee.

Mr. Speaker, a copy of the rules of the Select Committee on Aging is filed pursuant to rule XI, section 2, subparagraph (a) and is included at this point in the RECORD:

RULES OF THE SELECT COMMITTEE ON AGING

(Per House Rule XI, 2(a) of the House of Representatives.)

SELECT COMMITTEE ON AGING: RULES OF PROCEDURE

RULE 1—COMMITTEE NAME

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the *Select Committee on Aging* and its subcommittees as well as to the respective chairmen. (See House Rule XI, 1)

RULE 2—MEETING DATE AND TIME

The regular meetings of the full committee shall be held on the *First Thursday of each month at 10:00 A.M.* except when the Congress has adjourned. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule, XI, 2c (2). Subcommittees shall meet at the call of the subcommittee chairmen.

Every member of the committee or the appropriate subcommittees, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for the appearance of any witnesses. The minority staff shall be responsible for providing the same information on witnesses whom the minority staff may request. (See House Rule Xi,2(b).)

RULE 3—QUORUM

A majority of the members of the committee shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence.

Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting. (See House Rule XI, 2(h).)

RULE 4—MAJORITY VOTE ON REPORTS

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI,2(1)(5). The time allowed for filing such views shall be three calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

RULE 5—PROXY VOTING

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter.

RULE 6—ROLLCALL

A rollcall of the members may be had upon the request of any member. (See House Rule XI, 2(e).)

RULE 7—RECORDS

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement. (See House Rule XI, 1(a)(2).)

RULE 8—NUMBER OF SUBCOMMITTEES

There shall be Four (4) subcommittees with appropriate party ratios which shall have assigned or fixed jurisdictions. (See House Rule XI, 1(a)(2).)

RULE 9—EX OFFICIO MEMBERS

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 10—CHAIRMAN HIRES AND DISCHARGES

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

RULE 11—CHAIRMAN DIRECTS EMPLOYEES

Except as otherwise provided the House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

RULE 21—CHAIRMAN ANNOUNCES HEARINGS

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at an earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, as far as practicable, submit written statements at least 24 hours in advance of their appearance. (See House Rule XI,2(j) and (k) and XI,3(f)(2).)

RULE 13—OPEN OR CLOSED MEETINGS

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with House Rule XI of the House of Representatives. (See House Rule XI,2(g).)

RULE 14—5 MINUTE RULE

A committee member may qeustion a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI,2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity.

Until all such requests have been satisfied, the chairman shall, insofar as practicable, and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman. (See Clause 27(f)(4).)

RULE 15—HEARING CONDUCT

Investigative hearings shall be conducted according to the procedures in House Rule XI,2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

RULE 16—STENOGRAPHIC RECORD

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE 17—TV AND BROADCASTING

When approved by a majority vote an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI,3. In order to enforce the provisions of said Rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary. (House Rule XI,3.)

RULE 18—OTHER DUTIES OF CHAIRMAN

The chairman of the full committee shall:

(a) make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X,4(c)(2);

(b) arrange such meetings, designate participants and submit such reports to the House as may be necessary to carry out the coordination of oversight activities and reporting requirements under House Rule X,2(c);

(c) direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X,2(d);

(d) submit to the Committee on the Budget views and estimates required by House Rule X,4(g), and;

(e) prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

GRANTS AUDIT BUILDS CASE FOR CLEAN WATER BILL

The SPEAKER pro tempore (Mr. McFall). Under a previous order of the House, the gentleman from New Hampshire (Mr. Cleveland) is recognized for 10 minutes.

Mr. CLEVELAND. Mr. Speaker, last week's disclosure of problems in construction of waste water treatment facilities under the Clean Water Act—ranging from mismanagement to possible fraud—underscores the urgency of enacting H.R. 2175.

The Environmental Protection Agency issued audit findings revealing weaknesses in project administration, accounting deficiencies, improper costs charged to projects, excessive profits and other design and construction problems. The audits were done by EPA as part of the same overall review of the municipal grants program that underlies agency support for my bill to strengthen capabilities of State-level agencies to administer the clean water program.

At a briefing of public works staff members last week, Assistant EPA Administrator Alvin L. Alm was asked about the audit findings' implications in terms of H.R. 2175; he said they strengthen the case for the bill as follows:

The bill would improve State capabilities to offset widespread weaknesses at the municipal level, free EPA personnel for more selective and effective use, and subject projects to more informed scrutiny in the critical initial stages.

As a general proposition, he added, improved management and economics would result from better use of both Federal and State personnel, with the latter augmented by the funding provisions of the bill.

MULTIPLE BENEFITS

Thus, we in the Congress can expect this legislation to yield benefits in addition to its basic objective of accelerating achievement of the clean water goals of title II of Public Law 92-500 by stepping up construction of waste water treatment facilities.

We can expect additional benefits, moreover, in terms of getting projects underway before the construction dollar is further eroded by inflation, putting the unemployed back to work in the severely depressed construction industry, stimulating the economy in that and related industries, and building a healthier partnership between the States and the Federal Government.

Roughly 60 Members of the House, reflecting widely varying political persuasions, now support this bill, whose principal cosponsor is my friend from Texas, Jim Wright, chairman of the Public Works Subcommittee on Investigations.

Since I last communicated with Members on this subject, a number of developments have occurred which merit the consideration of my colleagues.

PROBLEMS PERSIST

First. The staff of the Investigations Subcommittee has reported that the same redtape and delays which surfaced well over a year ago in our hearings—and gave rise to this bill—persist today and continue to hamper the program.

Second. Representatives of the State water pollution control administrators' national organization, appearing at Economic Development Subcommittee hearings on delays hampering job-creating projects, reaffirmed support for H.R. 2175.

Third. EPA Administrator Russell E. Train, in a tough, "I-expect-results" memo to his regional administrators to get the construction grants moving, restated the need to "delegate important responsibilities for part of this program to the States."

Fourth. Senior members of the National Commission on Water Quality, to which I was recently appointed, share my sense of frustration that ambitious communities raise funds to support construction projects—despite fiscal constraints—then find themselves stymied by endless "communications" back and forth with EPA.

Fifth. The latest draft of EPA's Water Quality Strategy Paper gives the rationale for the agency's support for the Cleveland-Wright bill:

> ACCELERATING GRANTS
>
> To facilitate the obligation of the approximately $14 billion in unobligated funds, EPA expects to delegate more construction grant responsibility to the States during 1975.
>
> EPA supports an amendment to the Act which would encourage delegation of grant functions and authority to capable States. Under the suggested legislation, a State could reserve two (2) per cent of its annual construction grant allotment to finance administration of its grant program, including certification of grant eligibility, approval of plans and specs, and certification of plans for user charges.
>
> If the proposed legislation passes, EPA will play a minimal role in the construction grants program of capable States. EPA would only carry out the provisions of the National Environmental Policy Act (NEPA) and other mandatory Federal requirements, monitor and audit grants, provide overall management, make formal approvals of grants, and distribute funds. The States would assume all other grant-related functions.

IMPORTANCE OF INTENT

The reference to audit and related functions is significant in view of the report last week and EPA's intention to expand on-site examination of work in progress in keeping with ultimate Federal responsibility for the program. Thus the decentralization of administration and delegation of authority embodied in the Cleveland-Wright bill would strengthen rather than weaken exercise of EPA's legitimate role.

In a discussion of alternative strategies for administration of the program, EPA's publication, "Review of the Municipal Waste Water Treatment Works Program," adds as follows:

> The Cleveland bill, or something similar, would authorize EPA to permit the States to directly use a part of their annual Title II allotments to cover the costs of carrying out delegated functions. It is an administratively efficient mechanism for financially supporting delegations, and it possesses the same dependability in future funding as the program itself.
>
> This bill also has the added advantage of explicitly expressing the intent of Congress to encourage delegation of functions. In our opinion, this is the preferred alternative, and we believe that it would enable the maximum degree of delegation permitted by State capabilities.

ACTION PENDING

This legislation has been in the process of evolution for more than a year, with revisions based on comments of State water pollution control administrators. The time has been well spent.

Now I am encouraged to believe that it will receive prompt attention by the Committee on Public Works and Transportation early next month when it takes up a package of amendments to be enacted during this session.

To afford Members a final opportunity to join as cosponsors, the bill will be reintroduced in the near future.

ELK HILLS AND FUTURE OIL EMBARGOES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 15 minutes.

Mr. JEFFORDS. Mr. Speaker, I would like to express my concern over pending legislation which would transfer control over our national petroleum reserves from the Navy to the Department of the Interior and which would eliminate any congressional oversight function in the disposition of the oil in those reserves. I am particularly concerned over the national security aspects of it or any legislation which would eliminate ready availability of an oil reserve to the U.S. military in time of emergency.

The proponents of legislation, such as H.R. 49—as reported out of the House Interior Committee—argue that during a military emergency, first priority or claim on oil from the commercial sector would be reserved to the military. It is argued that the commercial sector's supplies would be without question, available for military use in sufficient quantities so that a national reserve is not necessary. They maintain that the present reserve should be exploited to offset importation of Arab crude into the United States and help our balance-of-payments situation.

Unfortunately, recent history does not provide evidence to support this line of reasoning. In fact, we find the opposite case to be closer to the truth. During the 1973 Arab embargo, the American multinational oil companies which are partners in Aramco accepted directives from the Saudi Arabian Government to cut off product supplies to the U.S. military. This cutoff has been documented by the findings of at least three major investigations during the last Congress, that is, that of the House Armed Services DOD Energy Resources Subcommittee, the Church Subcommittee on Multinational Corporations, and the Jackson permanent Subcommittee on Investigations.

The public record shows that cooperation between the Saudi Government and the companies during the embargo was very close, to the detriment of American military preparedness during a time of a U.S. worldwide military alert. The companies provided data to the Saudi Government regarding quantities of petroleum products supplied by them to the U.S. military from their various refineries around the world. The Saudis then cut back production of crude equal to this amount and the companies policed a freezeout of the military of this quantity of product.

There is a question as to the sensitivity of the data which was passed. Although contracts between the companies and the Department of Defense are not classified, monthly deliveries from refineries are not public data. I am presently asking DOD for further information as to the exact sensitivity of the data which was passed.

Furthermore, the way in which the companies checked with DOD over the propriety of handing this information over to the Saudis is highly questionable. This has been documented by the Jackson subcommittee in its April 1974 hearings. It appears that DOD was consulted only in the most perfunctory way, and that only 15 minutes was allowed for a DOD reaction to the situation. This time constraint was imposed by Exxon on DOD, effectively shutting out the possibility of any reasonable review at the level of the Secretary of Defense.

The fact is that the data which was furnished enabled the Arabs to implement the secondary oil embargo which cut off refined products to U.S. military installations around the world at a time of worldwide strategic alert. The companies acted, then, as a willing agent of the Saudi Government. According to counsel of the Church subcommittee, the "Saudis were so pleased by this cooperation that they promised to reward the companies. The companies were indispensable to the Saudi ability to implement the embargo and Yamani so informed the companies." Frankly, I find this posture on the part of the companies to be deeply disturbing.

I would point out that the Aramco consortium includes Exxon, Mobil, Standard of California, and Texaco. In the Jackson hearings there is conflicting testimony among these companies as to whether cooperation with Saudi desires was premature, that there was perhaps an over-eagerness to please the Saudis. We were on a military alert, and it seems to me that if a foreign government tells you to interrupt sales to the military you ought to lean over backwards to go the other way. Exxon, in particular, seemed anxious to read into the cable traffic with the Saudi Government that a cut-off of supplies to the military was desired. Texaco disputes this interpretation, arguing that they did not interpret the Saudi request for data as "requiring a gallon-for-gallon cutback in Texaco product sales to the military."

There seems to be little question that the cut-off adversely affected military preparedness. We were forced to dip into our war reserves, although it is still classified how much longer we could have gone on in this manner before we hit bottom. DOD petroleum requirements are met by about 50 percent from continental U.S. sources and 50 percent from overseas sources. Most of the latter are from insecure Arab sources. For example, 90 percent of the fuel used at Hikam Field in Hawaii is the refined product of Arab crude. And, according to Secretary Schlesinger, we would be incapable of sustained steaming of the 7th Fleet after about 30 days if we were not able to divert additional resources into the region.

I was alarmed by the conclusions of the report of the Special Subcommittee on DOD Energy Resources and Requirements of the House Armed Services Committee of June 1974. As a result of those hearings it is clear that the embargo resulted in reductions of DOD foreign procurement form 315,000 to 50,000 barrels per day, that DOD stocks were "reduced to dangerously low levels by the last quarter of 1973." In fact, peacetime operating stocks were exhausted and "prepositioned war reserve stocks were used to continue operations in the absence of current deliveries." A total of 8.9 million barrels were drawn from these reserve stocks. As a result, "minimum readiness levels" of our military forces were "severely strained." The cutback of our military readiness was "critical for the operations of the 6th and 7th Fleets in Europe and the Pacific Ocean areas." Though much of the figures and specific instances of shortfalls are classified, the Secretary of Defense indicated such a situation could not be withstood for very long.

The very fact that we had to dip deeply into our prepositioned war reserves and that we had to invoke the Defense Production Act of 1950 to meet some of our requirements, and still the Armed Forces were critically short of fuel indicates that either the companies did not act responsibly to military needs or that they simply did not have the supplies on hand to meet the requirement. Either way, the case for retention of such a national reserve seems strong to me. There is a critical difference between a readily available supply of fuel, such as a reserve, and a readily available source of supply, such as the oil companies. Any arrangement, such as H.R. 49, which just envisions triggering the source of the supply in time of national or military emergency is simply not satisfactory.

I would also point out that the findings of the very competent investigations of the Church multinationals subcommittee indicate that investment by the multinational oil companies has increased in the Middle East since the embargo—this leads me to suspect the relationship between these companies and the Middle East governments. It also leads me to suspect that the companies have more leverage than one might think on those governments and that they could have done more than they did to mitigate the effects of the embargo on the U.S. military.—

There were other, costly, side effects of the product embargo. For example, the cutoff of product from the Exxon Gorco Refinery in Guam to the U.S. military required a diversion of a tanker with 500,000 barrels of crude which was headed for the city of Los Angeles. Subsequently, Los Angeles had to pay as high as $25 per barrel for substitute crude. This is, of course, outrageous price gouging.

This satisfies me that the commercial market was not available for critical military needs when the time came. Thus the arguments supporting legislation such as H.R. 49 in this regard ignore recent history. Certainly we should further develop Elk Hills so that the reserve has a ready availability at its maximum efficiency rate within a short period of time and we should provide the funds for the Navy to develop the reserve in this way. The reserve should be used to develop our national strategic storage program, which would help us fulfill our obligations under the International Energy Agency agreement of November 1974.

But I would oppose production of Elk Hills oil until we had the storage facilities in place to accept the crude—or its equivalent, barrel for barrel, on the Gulf Coast or other area which had storage facilities.

Regarding funding, possibly we could help defray storage expenses through MER production and sale of Reserves No. 2 and No. 3 Buena Vista and Teapot Dome, and supplement these funds with adequate appropriations. But would sell such oil at old oil prices. Why should we join OPEC and the companies in a triple rip-off of the American consumer by selling it at over $10 per barrel?

Last, I strongly support that portion of the present statute which calls for approval of both Houses of Congress before the reserve can be either used or sold. H.R. 49 takes this authority away from congressional review and I am not clear as to what the reason is for this.

Mr. Speaker, there have been many charges by proponents of H.R. 49 that the Navy has mismanaged the Navy Petroleum Reserves. In examining the budgetary requests the Navy has made over the years, I find that DOD and OMB have cut those requests to very low levels—levels at which it would be impossible to develop a really extensive development program. However it seems to me that the Navy has done well with the money it has gotten, and that the officers managing the program have done a creditable job to the Nation in this endeavor. It also appears to me that the Navy is ready to go ahead with much expanded plans if the money is to be forthcoming. I am inserting an article on the subject published in the respected Oil and Gas Journal of February 24, 1975, for the interest of those of my colleagues who have expressed a desire to further inform themselves on this vital subject.

Navy Readies Elk Hills for Production

(By Howard M. Wilson)

The Federal Government is furiously juggling the hot potato of whether to open up giant Naval Petroleum Reserve No. 1 to production.

But whatever it finally decides, the Navy is putting the huge Central California field in a state of readiness to start producing 100,000 b/d almost immediately and to increase this to 400,000 b/d within 4 years.

It plans to add more than 800 wells to the 1,100 already drilled in the 7-by-14 mile field, which holds an estimated 1.2 billion bbl of known reserves.

Further, it has an exploratory program which, if successful, should add significantly to these reserves.

However, the Navy's geologist at Elk Hills, Maurice Fishburn, says the field, even with the discovery of new pay zones, cannot realistically expect to exceed the prospective top production of 400,000 b/d. As new pays are brought on stream, they would be replacing older ones which would be diminishing in output.

The Navy also is developing its facilities in the field to handle the production and is working with pipeline owners in the area to bring the oil to market.

Development. Of the 1,100 completed (mostly shut-in) wells in the 56-year-old field, 800 tap what is known as the Shallow Oil (Pliocene) zone at 2,500 ft to 3,000 ft, and 275 tap the Stevens zone (Miocene) at 5,000 ft to 8,000 ft.

Another 29 wells have been completed by the Navy in the Stevens zone in the newly developed Tule Elk area on the north edge of the field.

The development program consists of another 800 wells—400 each to Shallow Oil and Stevens zones. Development also is planned for other smaller-producing zones.

The Navy presently is taking bids from drilling contractors for the first 25 infill wells in the eastern half of the field, where the bulk of the Shallow Oil zone reserves are located.

When the drilling program moves into full swing, the Navy hopes to have three rigs drilling a total of nine wells each month—a rate of about one well per rig each 10 days. At this rate the 400 wells should be completed in about 45 months.

Although well production varies widely, from 15 b/d to 1,500 b/d, the average is about 200 b/d. Thus, the present 800 Shallow Oil wells, together with the 400 to be drilled, should produce an estimated 240,000 b/d when placed on full production.

Current production in the Elk Hills unit is something under 2,000 b/d. Production is rotated among the Shallow Oil wells for purposes of well maintenance.

The Stevens development program will move at a slower pace. Because of the deeper holes required, a rig will require 30 days per completion. Drilling will began on the west side of the field on the 24-Z structure, where six locations have been staked. Drilling progress depends on delivery of casing.

While no specific timetable has been set for completing the 400 Stevens zone wells, the Navy contemplates that a sufficient number will be drilled to bring the field to 400,000-b/d capability. With the Shallow zone's 240,000 b/d, this would mean taking 160,000 b/d from the Stevens and other field zones.

Exploratory. The Navy is 2 years into a 5-year exploratory program which hopefully will add 500 million bbl to the reserves (map).

Six areas have been pinpointed for testing.

Two wells are planned this year or in 1976 to the Carneros-Point of Rocks sands (Lower Miocene to Eocene) in the northwest portion of the field. The wells will go to 14,000 ft. The Carneros is a gas sand.

Two wells in the next 2 years are planned (if money is available) to the deeper Stevens zone in the north-central portion. These will test the massive channel sands which are more than 1,500 ft thick.

One or two wells will be drilled in the next 2 or 3 years to test the stratigraphic potential of the Stevens in the northeast part of the Elk Hills Unit. This area extends beyond the Naval Reserve boundaries to properties held by a number of owners. The area presently is unproductive.

Four basement tests to 20,000 ft are planned. Many potential sites are available, and the first is set for the east-central portion in 35S. Drilling will start this year if casing and a rig are available. Target will be the Point of Rocks sand (Eocene) at 18,000-20,000 ft. The deepest well ever drilled at Elk Hills went to the Carneros (Lower Miocene) at 12,856 ft on the west side of the field. It was a 1951 new-pool discovery in the Carneros and Olig zones.

Two tests are planned during the 5-year program to the deeper Stevens in the southeast portion in 10G. These will drill through the oil-water contacts of the presently known Stevens to determine whether the Stevens has additional producing zones at greater depth. They will go to perhaps 12,000 feet.

One well has been approved for the next fiscal year to test the Stevens channel sand potential in the south-central portion. This will be looking for the narrow but thick sand at around 8,000 ft.

Several exploratory wells (by Elk Hills definition) have been drilled already in the 5-year program with varied success.

A dry hole was drilled to about 10,000 ft in the southwest portion, in 4B, in search of the Stevens channel sand. The sand was encountered—but no oil.

A new pool channel sand discovery was made in the deeper Stevens (in 16R). It tested at 2,500 b/d at 7,500 ft. It may eventually link up with other production. Two step-out wells about 1 mile distant were drilled as followups. One was a producer, one was dry.

An oil producer was found in a Shallow Oil zone step-out in 33R in the west-central portion. The sand was found at 2,000-2,500 ft.

The Dry Gas zone, shallowest of Elk Hills producers, yielded a gas producer in 20R on the west side of the field. It tested at 750 Mcfd from 5 8-ft sands at 1,600 ft.

The Navy presently is testing a heavy-oil zone, the Tulare, at a depth of 1,000 ft on the west side of the field. The well, in 30R, has found oil, but its commercial potential has not been determined. A pumping unit has been placed on it. Steaming eventually would be required.

Tule Elk. The discovery of production by Standard Oil Co. of California just outside the Elk Hills unit area to the northwest has stirred controversy while, at the same time, adding possibly 200 million bbl of reserves to the unit.

Socal contends the field is separate from Elk Hills and has given it the Tule Elk name. The Navy contends it is all the same Stevens sand reservoir and refers to it as Elk Hills, not Tule Elk.

The issue is complicated by the involved contractual arrangements between the Navy and Socal, operator for itself and the Navy of the Elk Hills Unit. Socal presently is under a temporary injunction by the federal district court at Fresno, Calif., not to produce its nonunit portion of Tule Elk. The Navy and Socal are attempting to negotiate a settlement.

The dispute stems from the 1944 unit agreement, under which Socal and the Navy said that if oil is found outside the reserve but on the same geologic structure, the two parties would seek to reach a "mutual" agreement on its production. The issue turns on the meaning of the word "mutual."

The Navy contends that if agreement can't be reached, the oil must remain in the ground until the Navy wants it produced. By this reasoning Socal would be unable to produce any oil from the largest new onshore oil field found in California in many years. That would hold until Elk Hills was opened up.

Socal counters that if mutual agreement can't be reached, the Navy cannot unilaterally prevent production. Socal contends there is no drainage problem as regards the Elk Hills reservoir. The Navy contends the Tule Elk reserves are part of Elk Hills.

Socal found the new oil in its own Section 7R in 1973 (OGJ, Sept. 24, 1973, p. 98) and has drilled 13 wells to tap the Miocene sand. All are shut in.

The Navy, quick to realize that Socal production might drain the Elk Hills unit (80% Navy, 20% Socal), began its own development program, with Socal still the operator. So far it has 29 completed wells within the unit. They are located east, southeast, and south of the nonunit Socal wells and have still to find the outer limits in these directions. The northern boundary, outside the unit, also is undefined.

On the west a well drilled in the unit's 12Z failed to produce and probably means the western limit is defined.

The producing sands range down to 9,500 ft, and some of the wells are being completed as duals.

The Navy's 29 wells could produce at least 40,000 b/d, according to a Navy estimate.

Production. The Navy's Elk Hills staff is moving as rapidly as funds permit to raise the production facilities to a level equal to the field's potential output.

The field has four lease automatic custody transfer (LACT) units completed. They are capable of handling more than 100,000 b/d of crude.

Another two units are under construction, and these will increase the capacity to 150,000 b/d. If called on, each of the six units could exceed its 25,000-b/d rated capacity.

The four which have been completed are tied into Shallow Oil zone production, while the two under construction will tap the Stevens zone. The Stevens units should be completed before yearend, although delays in equipment delivery have slowed construction.

The Navy has rented from Socal four storage tanks located just outside the south boundary of the unit. These will have a total 140,000 bbl of capacity for use when production begins.

The gas. Associated gas presently is being produced at a rate of 3–5 MMcfd from the Shallow Oil zone, where the gas-oil ratio is 200–250:1.

It goes to a 16-MMcfd compressor plant in 3G and then to Atlantic Richfield Co.'s nearby Coles Levee processing plant, which strips out the liquids and returns the dry gas for injection into the Shallow zone.

The gasoline is sold under competitive contract to the Toscopertro refinery in Bakersfield, while the Navy's installation at Channel Lake takes the propane.

The Navy is preparing to reactivate and expand a second and much larger gas plant in the field to serve both for processing and compression.

The plant, in 35R, is mothballed right now but could be made operative in 3–4 months. Its 50-MMcfd capacity will be expanded to 94 MMcfd. Equipment for the expansion has beeen ordered.

When Stevens zone oil is produced, the plant will strip the associated gas, compress the dry gas to 3,500 psi, and reinject it into the Stevens for pressure maintenance. The plant also could handle gas from the Dry Gas zone.

As production increases further at Elk Hills, the Navy expects to acquire unused capacity of processing plants owned by private companies in the area rather than build more capacity in the field.

In addition to ARCO's Coles Levee plant, Socal, Marathon, Getty, and others have plants which the Navy could either buy outright or use by paying a fee.

Pipelines. The Navy is struggling with the logistics problem of moving large amounts of Elk Hills crude to market.

Welton H. Burch, the Navy's Elk Hills petroleum engineer and unit committee representative, has obtained data on pipeline capacity of the several crude lines linking the Central California oil province with the refining centers of San Francisco, Los Angeles, and Bakersfield.

The logistics problem has no simple solution because the pipelines have varying amounts of spare capacity, and the refineries which are potential customers have varying requirements as to the amount and the gravity of crude needed.

Burch believes that arrangements can be made to move 130,000 b/d through three lines within 18 months. The throughput would come on gradually, but as much as 80,000 b/d could move with 1 month's notice if the pipelines could install shipping pumps quickly. The difficulty, Burch points out, is that the pipeline owners are reluctant to install the shipping pumps on a standby basis without assurance that Elk Hills will go on production anytime soon.

If the field goes to its full potential of 300,000–400,000 b/d, Burch says new pipelines or looping will be required.

Among those with pipelines out of the area are Mobil Oil Corp. with one to Los Angeles, ARCO with two to Los Angeles, Union Oil Co. of California with one to San Francisco (and west to the Avila marine (terminal), Socal with one to San Francisco (and west to Estero Bay marine terminal), and Shell-Getty with one from Coalinga to San Francisco.

The operator. One of the Navy's more immediate problems is finding a new operator for Elk Hills.

Fed up with charges of profiteering by some members of Congress and the public, Socal last week gave formal notice to the Navy it plans to terminate its role as the long-time contract operator. Under the contract agreement, the termination will come automatically 9 months after the notice is given or earlier by mutual consent.

The original agreement would, by its own terms, expire in July 1976, but Socal would rather speed the day when it can concentrate its manpower on its own drilling and development programs and escape the abuse of critics (OGJ, Jan. 27, p. 203, and Feb. 3, p. 53).

Burch is preparing specifications which will be used in advertising for a new operator.

HEARINGS SET ON NEWS SOURCE AND INFORMATION PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 5 minutes.

MR. KASTENMEIER. Mr. Speaker, the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of which I am chairman, has scheduled 2 days of public hearings on H.R. 215, a bill to protect news sources and information from compulsory disclosure by newsmen.

The hearings will be held on Wednesday and Thursday, April 23 and 24, at 10 a.m., in room 2226, Rayburn House Office Building. This measure was introduced by me and cosponsored by Representatives Railsback and Cohen at the opening of the 94th Congress. It would provide a slightly qualified testimonial privilege of newsmen on both the Federal and State levels against compulsory disclosure of information and the source of information received by them in confidence.

H.R. 215 is a successor to H.R. 5928 of the 93d Congress which, in amended form, was reported and discussed by, but not acted on by the full committee. The present hearings will supplement 5 days of hearings on the shield law issue in the 92d Congress—serial No. 37—and 10 days of hearings in the 93d Congress—serial No. 5.

The legislation involves delicate adaptation of constitutional principles. From time to time the views of some organizations have been subject to change. The present hearings do not contemplate immediate legislative efforts. Rather, they are designed to update the subcommittee's perceptions of the issues involved and of experience under the guidelines of the Department of Justice.

On April 23, the subcommittee will hear a representative of the Department of Justice and a representative of the Reporters Committee for Freedom of the Press. On April 24, the witnesses will represent the American Newspaper Publishers Association and Columbia Broadcasting System.

Persons wishing to submit written statements for subcommittee consideration and inclusion in the hearing record may file 15 copies of such statements with Herbert Fuchs, subcommittee counsel, room 2137, Rayburn House Office Building, telephone 225–3926.

EMERGENCY ASSISTANCE FOR VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Morgan) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, I am today introducing, by request, two bills which were sent to the Congress by the President.

The executive communication containing the texts of the bills was referred by the Speaker to the Committee on International Relations.

The bills deal with humanitarian assistance for South Vietnam and with the removal of certain restrictions on the use of funds for the use of U.S. Armed Forces to aid in the evacuation of personnel from Vietnam.

I want to make it perfectly clear that by introducing these bills I am in no way committing myself to vote for them. The bills have to be introduced in order for our committee and the House to consider them. I will form my position on this legislation after our committee holds hearings and has a chance to study the President's request in detail.

The texts of the two bills follow:

H.R. 5961

A bill to authorize additional economic assistance for South Vietnam, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to amounts otherwise authorized for such purposes, there is authorized to be appropriated to the President not to exceed $73,000,000 to carry out the purposes of part V of the Foreign Assistance Act of 1961, as amended, for South Vietnam for the fiscal year 1975. Funds made available for economic and humanitarian assistance for Indochina shall be available after the date of enactment of this Act for obligation without regard to the limitations contained in sections 36 and 38 of the Foreign Assistance Act of 1974, Public Law 93-559, approved December 30, 1974 (88 Stat. 1795).

H.R. 5960

A bill to clarify restrictions on the availability of funds for the use of United States Armed Forces in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in section 839 of Public Law 93-437, section 741 of Public Law 93-238, section 30 of Public Law 93-189, section 806 of Public Law 93-155, section 13 of Public Law 93-126, section 108 of Public Law 93-52, section 307 of Public Law 93-50, or any other comparable provision of law shall be construed as limiting the availability of funds for the use of the Armed Forces of the United States to aid, assist, and carry out humanitarian evacuation, if ordered by the President.

TO PROVIDE AN ORDERLY WITHDRAWAL OF AMERICAN CITIZENS IN SOUTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, we are all aware of the rapidly deteriorating situation in Vietnam and we are all concerned about the implications of recent Indochina developments for the American nationals who still remain in that country.

In his state of the world address last Thursday evening, President Ford expressed his concern about the welfare of the Americans remaining in Vietnam and asked the Congress "to clarify immediately its restrictions on the use of U.S. military forces in Southeast Asia for the limited purposes of protecting American lives by insuring their evacuation, if this should become necessary." He has subsequently sent a request to the Congress to waive all limitations on American Armed Forces "to aid, assist, and carry out humanitarian evacuations, if ordered by the President." I share President Ford's concern in this matter, but I do question his approach to this very serious problem.

I feel very strongly that the risks inherent in the reintroduction of American combat forces in Vietnam, for whatever purpose, cannot be minimized. In my view, we must do everything in our power to protect the lives and safety of the remaining Americans in Vietnam and secure their prompt evacuation without involving American combat forces. Should the use of troops become necessary, we would at least be able to say that we tried all other avenues.

At this point, it does not appear that either the administration or the State Department is implementing a policy consistent with this view. It is my understanding that the administration has taken no action to step up the evacuation process in Vietnam. Its response has been to proceed cautiously and hold American troops in readiness.

For this reason, I am today introducing a House concurrent resolution that would express the sense of the Congress that the President take such steps, consistent with existing legal prohibitions against the use of American combat forces, as he deems appropriate to provide for the prompt and orderly evacuation from Vietnam of all American citizens willing to leave that country. It also expresses the sense of the Congress that all Americans in Vietnam be informed that combat troops will not be used to rescue American citizens who have refused opportunity for orderly evacuation.

My intent in offering this resolution is not to dictate the method of evacuation in Vietnam. An effective and orderly evacuation effort will undoubtedly involve the use of military personnel and military equipment, for example pilots and military transport facilities. It is, however, to insure that such evacuation not be used as a pretext, unintentional or otherwise, for any reinvolvement of American combat forces in Vietnam.

The situation in Vietnam is perilous, and I believe that all American citizens still in that country should be offered an opportunity to leave. My resolution does not preclude the possibility of a further evacuation at some future date for essential U.S. Government personnel or for individuals who refused earlier opportunities for evacuation. It does prohibit, however, the possibility of American combat forces being used to get such individuals out of Vietnam after the initial evacuation process has been completed in an orderly and timely fashion.

It is clear that our tragic Indochina experience is finally drawing to a close. Our task now is to make the termination of this long and painful adventure as swift and painless as possible. Although the end of our direct Vietnam involvement is near, our responsibilities have not yet been abrogated. We must still get the remaining Americans out of Vietnam swiftly and safely and end the American presence in that country once and for all. And, we must still face up to the issue of humanitarian assistance to the human casualties of the war.

I believe that it is important that the Congress go on record in support of a policy that will get the remaining Americans out of Vietnam safely without the use of American combat forces. The use of such forces can only increase the chances of American involvement in military hostilities in that country. We have all seen enough of that.

In the background of the evacuation scenario looms the ominous specter of an evacuation leading to something broader. It is all too possible to imagine the tragic circumstances in which American troops land to protect an evacuation, and more forces are called in to protect them, and finally still more force and strategic air support are needed to rescue them. We must do everything in our power to prevent such an eventuality.

I believe that the best way to avoid this possibility, and to prevent a disastrous panic in South Vietnam, is to take immediate action to implement a prompt and orderly evacuation of all Americans remaining in Vietnam. My resolution is a congressional statement to that effect. A copy of the resolution follows for your consideration:

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should take such steps, consistent with existing legal prohibitions against the use of American combat forces, as he deems appropriate to provide for the prompt and orderly evacuation from Vietnam of all American civilians willing to leave such country; and

(2) all Americans in Vietnam be informed that combat forces will not be used to rescue American civilians who have refused opportunity for orderly evacuation.

INDUSTRIAL ENERGY CONSERVATION ACT OF 1975

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 15 minutes.

Mr. DRINAN. Mr. Speaker, I would like to bring to my colleagues' attention a bill which I recently introduced, the Industrial Energy Conservation Act of 1975, H.R. 5456. In view of the fact that industry is by far and away the largest consumer of energy, this legislation is aimed at implementing available technology to bring about significant energy savings.

H.R. 5456 directs the Administrator of the Energy Research and Development Administration to establish a system of research and development in energy conserving industrial technology. Grants are provided to energy conservation demonstration projects while low interest loans are directed toward the installation of energy saving machinery in industry. In order to stimulate the economy in depressed regions, the bill targets 60 percent of the grants and loans to businesses in areas where unemployment is greater than 6.5 percent.

THE NEED FOR INDUSTRIAL ENERGY CONSERVATION

Mr. Speaker, the development of a broad energy program is a paramount issue facing the Congress at this time. In the past, the United States has been committed almost exclusively to a policy of development of natural resources for fossil fuels, development of a massive nuclear power program, and incidental research into new sources of energy such as geothermal and solar. Much money has also been dedicated recently to an attempt to minimize harmful environmental effects of the exploitation of energy sources, However, the development of a program of conservation of our energy resources has been given little emphasis beyond urging small-scale efforts by individuals in their homes and automobiles.

Energy use by industry accounts for about 40 percent of the total energy consumed in the United States today. The Ford Foundation Energy Policy Project has determined that, if historical trends continue, energy use for homes, commerce, and transportation will double by the year 2000, while industrial energy use will triple. By that time, industry will use more than half of all energy consumed in the United States.

The energy policy project, the Federal Energy Administration and the Energy Task Force have all recommended that a larger share of research and development should be directed toward the demonstration of conservation technology. Indeed, many scientists and engineers have concluded that conservation should be given as high priority as the development of resources and new power sources.

It is imperative, Mr. Speaker, that conservation be a primary goal in any national energy policy. Increased Federal support for research and development of conservation technologies must be provided if we are to attain that goal, but it is very clear that we have a long way to go. Although hundreds of bills concerning our energy resources have recently been introduced, few of these deal in any comprehensive fashion with energy conservation, and fewer still concern themselves with industrial energy utilization. Consequently, it is in this area, largely ignored up until now, that substantial energy savings can be realized to improve this country's overall energy situation.

In a recently completed study entitled "Potential for Effective Use of Fuel in Industry," the Thermo Electron Corp. concluded that it is possible to reduce specific fuel consumption of a major segment of industry by as much as one-third. Thermo Electron, a company which has done extensive work in the research and development of industrial energy conservation technology, has also concluded that considerably greater savings of fuel may be realized from processes just beyond the present horizons of existing know-how. It is significant to note that many of the possible conservation improvements can be made at a relatively modest cost, further recommending the feasibility and practicality of taking action in this area.

Mr. Speaker, one of the most attractive features of pursuing a program of industrial energy conservation is that the reduction in fuel consumption by the industrial sector could offset the fuel needs for business growth projected for the remainder of the decade. In fact, the energy policy project estimates that improvement of present industrial fuel efficiency and management, requiring very little capital investment, can achieve savings of from 10 to 15 percent in the short term.

Since energy consumed by industry is about 45 percent of today's total energy use in the United States, any significant conservation program in industry will result in a considerable overall savings of energy, a savings which cannot be ignored. Even beyond this, however, the implications may be broader. In his testimony to the Task Force on Energy, Prof. David C. White of MIT stated:

> Conservation to slow down growth while satisfying the needs of society has a greater societal payoff than any other single factor today, including new energy supply developments and new resource discoveries.

The case for Federal leadership in industrial energy conservation is compelling, Mr. Speaker. It is expected that industrial manufacturers will be conservative in viewing new or unproven processes where major investments are required.

Therefore, unless these demonstrations are supported in part by the Federal Government, the rate of introduction of new technology will be slow. Government can influence the level and the pace of energy conservation efforts by industry through its ability to sponsor and support research and demonstration activities. In addition, a Federal agency like ERDA is in a unique position to administer the data base necessary for the quick and thorough dissemination of information to the private industrial sector and provide necessary loans and grants for capital investment.

The beneficial effects of conservation in general cannot be dismissed; a reduction of our vulnerability to disruptions of imports, abatement of pollution and environmental damage, and lower costs to the consumer would be the indirect and highly important effects of a successful conservation program.

Energy-intensive industries in economically depressed areas especially require speedy introduction of energy-efficient techniques. Certain areas of this Nation have been most severely affected by the energy problems of today. As a result, unemployment has risen astoundingly, and only swift, strong measures can provide relief and give those industries the basis from which to recover.

Mr. Speaker, the energy policy project's major finding was that it is desirable, technically feasible, and economical to reduce the rate of energy growth in the years ahead, without any of the hardships that have been misleadingly predicted. In fact, the project has determined that the GNP can continue to grow at historic rates, without a necessary parallel growth in energy use. The project seriously urges that specific Government programs be put into effect immediately to avoid continuous and otherwise unavoidable energy-related crises in the future. That is why I feel legislation like that embodied in the Industrial Energy Conservation Act is so important. It enables us to retain a certain degree of economic growth while we hold energy consumption to the same levels.

Our unnecessary and unconscionable waste of energy must be remedied. The significant energy savings predicted by the Thermo Electron Corp. and others, based on their extensive investigations, point clearly in the direction of pursuing this industrial energy conservation program.

INDUSTRIAL ENERGY CONSERVATION ACT

Mr. Speaker, the Industrial Energy Conservation Act is designed to meet the need for a conservation program as I have outlined above. The bill provides for the development and dissemination of new information concerning industrial energy-conserving technology and the demonstration of that new technology.

H.R. 5456 amends the Energy Reorganization Act of 1974. The bill requires the Administrator of ERDA to establish and maintain, under the supervision of the Assistant Administrator for conservation, a comprehensive program for the sponsorship and promotion of research, development, and demonstration of industrial energy-conserving technologies. Research is to be directed toward utilization of existing energy-efficient technology, implementation of existing equipment and processes, and the development and demonstration of technology not yet commercially feasible which will bring about more efficient operating procedures. The expected energy savings give reason for great optimism.

The Federal Government will contract with private individuals or organizations through ERDA to develop prototype or demonstration models or facilities. It will make grants to private businesses which incorporate energy-conserving processes or facilities into their industrial enterprise, provided they allow its use as a demonstration facility. It will make long-term, low-interest loans to private individuals and organizations for the purpose of incorporating the new technology into ongoing commercial enterprises, An important aspect of the program is effective and prompt dissemination of the information gathered under the aegis of the act.

The emphasis will be on those industries that are so-called energy-intensive industries—that is, those that require the highest amount of energy per unit of output. A partial list of such industries includes iron, steel, aluminum, copper, paper and paperboard, and cement. Research is to be directed toward reducing the energy need of those industries primarily. Within a short time, the energy savings should prove significant.

It is the policy of the act to promote competition in the development of such technologies, while contributing to the economic vitality of currently depressed sectors of the economy. Industrial areas with continuing high unemployment due to the presence of industries that have been forced to reduce their labor supply because of adverse economic circumstances will be singled out to receive 60 percent of the funds allocated for the implementation of the act. Thus will many of the areas most affected by the difficult energy situation be aided by this bill.

The program is not meant to be, nor is it, a giveaway of any sort. Eligibility for grants will depend on the owner of the facility making the facility available as a demonstration or prototype to display the energy-conserving technology, be it a steam-topping generator, a new cement making process or simply a more efficiently-run traditional manufacturing procedure. The recipients will be instrumental in advertising the availability and effectiveness of fuel efficiency in various industries. This will encourage owners of similar facilities and corporations in general to convert or modernize their production process.

Low-interest loans will be provided to private individuals or organizations to enable marginally profitable companies to make the capital investment in technology that will ultimately lower their operating costs.

In the event that a company becomes insolvent as a result of the failure of the new technology to be commercially viable, the Administrator may provide for the cancellation of all or part of the loan.

As a penalty for violation of the conditions of the grant or loan, the Administrator is authorized to immediately suspend all funding to the violator and to recover all or part of the funds expended. Criminal sanctions are also provided for violations of the regulations governing use of the funds.

Mr. Speaker, America cannot wait any longer to solve its energy problem. Conservation, beginning with industrial energy conservation, is a solution that is practicable now, and it is a solution that will not contribute to the pressing environmental concerns as will intensive development of fossil fuels.

For the benefit of my colleagues, I would now like to include the text of H.R. 5456:

H.R. 5456

A bill to direct the Administrator of Energy Research and Development to establish a system of research and development of energy-conserving industrial technologies with due regard for the need to operate such a system in a manner which will stimulate depressed sectors of the American economy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Industrial Energy Conservation Act of 1975".

FINDINGS

SEC. 2. The Congress hereby finds and declares—

(1) that the energy producing facilities and resources available to American industry are and will remain essentially finite and limited in nature;

(2) that even intensive exploration for and development of new or alternative energy producing facilities and resources will not meet the demand for energy should such demand continue to increase at rates comparable to those of the recent past;

(3) that as a consequence the conservation of energy is absolutely necessary;

(4) that industry is the largest single consumer of energy of all the sectors of the American economy and society, accounting for an estimated 40 per centum of present energy use;

(5) that a limited number of energy savings can be achieved merely by implementing more efficient and effective operating procedures and practices with existing and currently used equipment and technologies;

(6) that utilization of existing and known technologies could reduce fuel consumption by major sectors of industry by as much as one-third;

(7) that other important energy conserving industrial technologies appear to be readily and imminently attainable with further research and development efforts, such technologies holding the promise of even greater energy savings;

(8) that given the natural aversion to risk, industry will resist major capital investment in unproven processes and technologies, and, as a consquence, commercial application of energy efficient technologies could be greatly expedited by Federal risk-bearing during the demonstration of the cost-effectiveness of such technologies and of their applicability to a variety of industrial uses; and

(9) that, in addition to the direct gains to be derived from such a technological endeavor in conserving ever more precious energy resources, numerous indirect gains may be anticipated, including the promotion of higher employment, a reduction in the rate and extent of deterioration of the natural environment, and easing of the dependence of American industry on the natural resources of other nations and a concomitant reduction in the tensions of international relations.

SEC. 3. It is the policy and purpose of this Act, therefore—

(1) to foster and promote innovation and experimentation in the development of energy-efficient industrial technologies;

(2) to encourage and facilitate the interaction of government technicians, engineers, researchers, and theorists with individuals in private industry, research organizations, and other institutions for the purpose of promoting research into viable energy conserving industrial technologies through combined and coordinated efforts, through the extensive exchange and communication of information and material, and through the promotion of new institutions and organizations;

(3) to simultaneously promote competition in the pursuit of such technologies by the competitive and careful selection of demonstration facilities, programs, and activities, but without further impairing the economic viability of currently depressed sectors of the economy;

(4) to significantly and immediately reduce industrial energy demand without reduction or impairment of the rate of economic and industrial growth;

(5) to enlist the best efforts and complete cooperation of American industry in the pursuit of energy conservation at all stages and levels of activity, and in furtherance of the goals and purposes of this Act.

SEC. 4. Title I of the Energy Reorganization Act of 1974 is amended by inserting immediately after section 110 the following new section:

"INDUSTRIAL ENERGY CONSERVATION PROGRAM

"SEC. 111. (a) In the performance of his responsibilities under section 103, the Administrator shall establish and maintain a comprehensive program for the conduct, sponsorship, and promotion of research, development, and demonstration of industrial energy conserving technologies. Such program shall include—

"(1) basic research into generally and narrowly applicable energy conserving industrial technologies conducted by or under the direction and control of the Administration;

"(2) the construction, fabrication, or other development by the Administration, or by private persons or organizations under contract with the Administration, of prototypes or demonstration models or facilities of such generally applicable energy conserving technologies;

"(3) the making of grants to private organizations and businesses to facilitate the incorporation of such narrowly applicable energy conserving technologies with ongoing commercially conducted industrial enterprises and processes, on the express condition that grant recipients allow such incorporation to serve as a model or demonstration facility for other persons in the same or related industrial fields; and

"(4) the making of long-term, low-interest loans to private persons and organizations for the incorporation of generally or narrowly applicable energy conserving technologies with ongoing commercially conducted industrial enterprises and processes.

In the promotion and development of such program the Administrator shall endeavor to establish and maintain extensive and intensive channels of interaction, cooperation, and coordination with appropriate Federal, State, and local agencies and institutions, and with other public and private organizations and institutions, in order to avoid redundancy, omission, or other error in the conduct of the program, and in order to make the results of all stages of the program fully and freely available.

"(b) In reaching decisions regarding the directions, priorities, activities, and operations of the industrial energy conservation program, and in selecting contract, grant, and loan recipients thereunder, the Administrator shall give due regard, wherever possible, to the following factors and criteria:

"(1) the extent to which a given contract, grant, or loan recipient is located within a depressed industrial area as defined in subsection (d), and the extent to which the making of such contract, grant, or loan will contribute to the achievement of the target specified in subsection (c)(1), and will alleviate unemployment and contribute to general or local economic development or recovery;

"(2) the relationship of probable total costs to probable total benefits of alternative experimental or technical theories, approaches, designs, methods, applications, and direct and indirect consequences;

"(3) the extent to which a given project, program, or expenditure is directed toward energy conservation in those industries which are the most energy intensive per unit of product output, including but not limited to—

"(A) the extraction and production of iron, steel, copper, and aluminum;

"(B) petroleum and petrochemical refining;

"(C) the manufacture of paper, paperboard, cement, plastics, glass, styrene butadiene rubber; and

"(D) food processing;

"(4) the extent to which a given activity, contract, grant, loan, or other expenditure is directed at the development of generally applicable technologies and processes, or the extent to which it is directed at development of narrowly applicable technologies and processes which are temporally close to commercialization, with special emphasis on the following areas:

"(A) heat transfer technology and waste heat recovery;

"(B) low temperature heat applications;

"(C) industrial steam production technology;

"(D) new manufacturing processes;

"(E) increased operational and procedural efficiency; and

"(F) decentralization of electrical generation;

"(5) the extent to which increased energy efficiency may be attained by the modernization of existing plants and equipment, rather than by replacement, with a focus on fuel management and the introduction of fuel conservation-oriented equipment; by the further dissemination of information regarding new but easily adapted processes; and by improvement of general commercial facilities or modes of commercial exchange;

"(6) the extent to which a given program or activity will promote the earliest possible utilization of energy conserving technology by the private sector;

"(7) the extent to which a given expenditure will be recoverable by the Federal Government, either by the direct repayment of loans, or by the indirect increase in Federal revenues resulting from the economic or industrial growth induced by such expenditure;

"(8) the extent to which a given program, activity, contract, grant, or loan will afford small businesses every reasonable and adequate opportunity to participate in the economic and technological benefits of the overall program; and

"(9) the extent to which a given program, activity, contract, grant, loan, or other expenditure will result in adverse health, safety, or environmental consequences.

"(c) In furtherance of the above cited objectives and goals, the Administrator shall—

"(1) to the extent reasonable and practicable, allocate at least 60 per centum of the funds available to him for contracts, grants, and loans, to recipients located within depressed industrial areas;

"(2) promulgate such rules and regulations as may be necessary to avoid unjust enrichment, fiscal irresponsibility, and economically irrational allocations of resources, governing the allocation of, qualifications for, obligations to be incurred, and conditions to be imposed with respect to, contracts, grants, and loans, including but not limited to rules and regulations specifying—

"(A) conditions governing the eligibility and selection of, and performance standards for, each type or category of contract recipient;

"(B) requirements for partial or complete matching contributions of funds, facilities, or resources for receipt of such forms or types of grants as the Administrator may specify;

"(C) rates of interest, time and method of repayment, and other terms and conditions of loan obligations;

"(D) methods and criteria for the cancellation or compromising of such loan obligations, such cancellation or compromising to be limited to those situations where and to the extent that, in the judgment of the Administrator, a loan recipient requires such cancellation or compromise because of insolvency resulting from the failure of the energy conserving technology implemented by such recipient to be or to prove economically viable, or to produce a reasonable return on the recipient's investment in such technology;

"(E) reporting, demonstration, and monitoring requirements for contract, grant, and loan recipients; and

"(F) penalties for violation of any rule or regulation, or of any contract, grant, or loan condition, which penalties may include—

"(i) immediate cancellation of such contract, grant, or loan, with recovery of part or all of any funds advanced to a recipient thereof; and

"(ii) a civil penalty not to exceed $5,000 per violation.

"(d) As used in this section the term 'depressed industrial area' means an area, as designated by the Secretary of Labor, with a population of not less than five thousand persons, in which—

"(1) the rate of employment, as determined by the Secretary of Labor,

"(A) is greater than 6.5 per centum; or

"(B) has been at least

"(i) 50 per centum above the national average for two of the preceding three calendar years; or

"(ii) 60 per centum above the national average for three of the preceding four calendar years; and

"(2) there exist industrial sources of employment which have reduced the number of persons employed due to adverse economic or commercial circumstances, and which sources may be expected to increase labor employment upon receipt of such assistance as may be available under this Act.

The Adminstrator shall compile a list of such areas and shall periodically add to such list, but no area, once listed, shall be removed therefrom unless and until the rate of unemployment in such area has fallen below 5 per centum."

Sec. 5. There are authorized to be appropriated for the fiscal year ending June 30, 1976, and for each fiscal year thereafter, such funds as may be necessary to carry out the purposes of this Act.

"WEAPONS-GRADE" URANIUM TO AFRICA FOR ATOMIC BOMBS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Dodd) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, yesterday's disclosure that the United States has shipped to South Africa enough "weapons-grade" uranium to construct seven atomic bombs is yet another example of the diplomatic lunacy which pervades the executive branch of Government.

This sale of uranium, performed with the approval of the Nuclear Regulatory Commission, ranks right near the top of a long list of administrative errors of judgment which include the sale of arms to aggressor nations and the support of tin horn dictatorships across the globe.

South Africa possesses both the know-how and the reasons for building nuclear weapons. In addition, that nation has never signed the Nuclear Non-Proliferation Treaty which prohibits the spread of such weapons. This combination of factors results in a very chilling situation.

Although the uranium was sold to South Africa only after the Nuclear Regulatory Commission received assurances that safeguards would be instituted, to prevent its diversion to uses other than research, there is no practical way we have of making certain these safeguards are enforced.

I am calling upon the Nuclear Regulatory Commission to prevent the remaining shipment of uranium from being sent to South Africa. The United States must learn that all economic gain does not necessarily benefit the national interest.

HEARINGS ON CIVIL INVESTIGATIVE POWERS OF ANTITRUST DIVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Rodino) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold 2 days of public hearings on May 8 and 9, 1975, on H.R. 39, to amend the Antitrust Civil Process Act to increase the effectiveness of discovery in civil antitrust investigations, and for other purposes. The hearings will be held in room 2141, Rayburn House Office Building, and will begin at 10 a.m.

TO CORRECT INEQUITY IN SOCIAL SECURITY ACT ON SURVIVOR'S BENEFITS FOR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKay) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, today I am introducing legislation to correct an inequity in the section of the Social Security Act dealing with survivor's benefits for children. It is my observation that some students, due to special circumstances beyond their control, are denied access to the full measure of student benefits to which they are entitled, because they are unable to complete their education in the prescribed 4 years between the ages of 18 and 22. My bill would extend to age 24 the time limit during which students in these special circumstances may enjoy entitlement to social security benefits.

The purpose of dependents benefits under the Social Security Act is to provide insurance protection against the loss of support which occurs when the breadwinner in a family dies, becomes disabled, or retires. When the Social Security Act was amended in 1965 to extend the period during which children could continue to receive benefits, it was in recognition of the fact that children under age 22 and attending school are usually dependent upon their parents for financial support.

There are some circumstances under which the intent of the act is not carried out because of the age 22 limitation. If a child becomes ill and loses his student status some time between his 18th and 22nd birthdays, he will forfeit the benefits for the education he was unable to complete during that time. The same holds true for the young man who fulfills military service during those years.

Of special concern to me is the effect which the rigid age limit of this portion of the Social Security Act has on young men who leave school to do missionary work. As you know, I represent a State with a large Mormon population. You may also know that most male members of the Mormon Church are called upon at some time in their lives to serve for 2 years as missionaries. Normally this mission service is given sometime between the ages of 18 and 22. It is usual for a young man to go to college for 1 or 2 years, leave to serve a 2-year mission, and then return to college to complete his education. The support of the young missionary during his term of service is almost always borne by his family or church group. The returned Mormon missionary is no less dependent on his family for support while he is in school, than other students. But he loses his benefits because his religious heritage requires 2 years of service at that particular time in his life.

My legislation will restore benefits forfeited by students who, because of health, religious service, or military service, lose their full-time student status for one or more months before age 22. The bill provides that no student may receive more than 48 months of benefits after he turns 18.

My bill will affect a relatively small number of people. But these people have a just claim to the benefits it will provide. I urge my colleagues to lend their support.

THE MISGUIDED POLICIES OF THE FEDERAL RESERVE REACH THE CRITICAL STAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, the problems at the Federal Reserve are increasing under the one-man rule of Dr. Arthur Burns and the need for the Congress to take action has never been more clear.

In the April 21 edition of Business Week—a prestigious business publication not given to sensational stories—the dissension within the Federal Reserve is spelled out. The article, "Dissension at the Fed: A staff revolt," is one more piece of evidence of Dr. Burns' and the Federal Reserve's role in the current recession.

For many years, I have warned the Congress and the American people of the need to open up this giant agency, to end the secrecy and to make it accountable to the people and to national policies. Unfortunately, the Congress has moved slowly—with weak measures—afraid to really step on the toes of the Federal Reserve and its pipe-puffing prophets. The result: a major recession with more than 8 million people out of work.

Describing the chaos of the Burns' policies, the Business Week article says:

> The current battle appears unlike anything that has gone before. Emotions are running high, and staff morale is sagging. Staff members complain that Burns, who generally dominates policy decisions, cannot be swayed by economic arguments. "Never," says a veteran staffer "has there been such a disparity between the staff's views and the policies that have been pursued."

As the article points out, Dr. Burns is still tilting at windmills, attempting to slay the dragon of inflation while the country slips deeper into a recession and more and more people enter the unemployment ranks.

Mr. Speaker, the arrogant and misguided policies of the Federal Reserve and its chairman are possible only because the Congress has taken such a weak stance in relation to this agency, often fawning over Dr. Burns in hearings rather than moving in with the really hard questions. In fact, I have often been criticized for taking strong public stands against Dr. Burns' policies, but I intend to continue and I am happy that publications such as Business Week are now digging out the facts about what goes on inside the Federal Reserve.

Mr. Speaker, one of the problems with the effort to change the Federal Reserve policies is hinted at in the final paragraph of the Business Week article. The simple truth is that many people do not realize just how powerful this agency really is—just how much it has to do with the day-to-day life of American citizens. Few realize that the Federal Reserve has the power to negate—to veto—congressional actions on the economy through monetary policy. Let me quote the final paragraph of the Business Week article:

> "People don't understand how powerful monetary policy is," says a Fed staffer. "The Fed has power to offset the entire tax increase." And to hear the dissidents tell it, Burns may well use his power in exactly that way.

Mr. Speaker, the Congress will just be kidding the American public about the economy unless it is willing to diminish some of this fantastic power at the Federal Reserve and provide oversight and review and direction for the agency. That is why I have introduced legislation to audit the Federal Reserve and that is why 107 Members of the House have joined me in sponsoring this vital legislation. We have scheduled hearings in the Domestic Monetary Policy Subcommittee beginning next Tuesday, April 22, and I am hopeful of early congressional action on a strong bill. We do not need any more halfway measures or taps on the wrist with a velvet hammer.

We need action and I think anyone reading the Business Week article will clearly understand why the Congress needs to get tough on the Federal Reserve.

Mr. Speaker, I place in the RECORD, the Business Week article:

DISSENSION AT THE FED: A STAFF REVOLT

Businessmen and economists who have the feeling that money is staying too tight for too long can count on allies in an unexpected place—among members of the Federal Reserve's own research staff. Some key people in that prestigious staff are outraged over board policies they think will thwart a strong economic recovery this year. The conflict is so critical that several top staffers may resign over a policy dispute—a rare occurrence in Fed history.

The board and its staff are divided over what shape the economic recovery should take. Both expect real gross national product to begin to grow during the second half of this year, and neither wants a return to double-digit inflation. The point at issue is whether the Fed can risk a genuinely easy money policy in 1975 to get fast relief on unemployment. Staff experts say "yes." Chairman Arthur F. Burns says "no."

Often in the past, staff members have fought with Burns and the board, and have lost. But the current battle appears unlike anything that has gone before. Emotions are running high, and staff morale is sagging. Staff members complain that Burns, who generally dominates policy decisions, cannot be swayed by economic arguments. "Never," says a veteran staffer, "has there been such a disparity between the staff's views and the policies that have been pursued."

BREAKING SILENCE

These are strong words to come out of any staff, and they gain significance when they come out of the Fed. That staff is traditionally zipper-lipped. It works closely with the board in an almost collegial atmosphere. In return for the privilege of participating in the highest policy decisions, the staff keeps a low profile.

Now the Fed's wall of silence is beginning to crumble, though no staff member interviewed by Business Week would permit his name to be used. Most other experts who maintain close liaison with the board and staff provided information but likewise declined to have their names appear in print.

The policy that several staff members believe is appropriate now, and which they do not expect the Fed will follow, is to accelerate growth of the money supply rapidly to an annual rate of 8% to 10% for six months or so to get the economy moving quickly. Then the growth of money—demand deposits and currency—would be throttled back to about a 6% annual rate for long-term economic growth.

FED CAUTION

In contrast, every indication is that Burns and the board will be extremely cautious in feeding money into the recovery. True, the growth rate of the money supply has picked up in the past month. But Burns and the staff agree that so far all it amounts to is squiggles in the charts—just "static." Burns, the staff believes, will hold fast to his belief that inflation is the enemy that must be beaten, even at the cost of high unemployment for a while.

Generally, it appears that the governors are in basic agreement with Burns' policy. However, staffers say that Governors John E. Sheehan and Jeffrey M. Bucher have both voiced strong concern about rising unemployment. And in the Dec. 16–17 meeting, Vice-Chairman George W. Mitchell and Governor Henry C. Wallich voted against the majority.

CONFLICTING ASSUMPTIONS

Burns and the staff are far apart on three key assumptions. Burns believes that too rapid a growth rate in money will rekindle inflationary fears and cause interest rates to rise. "Lenders and borrowers alike would realize that a new and more virulent round of inflation might soon follow," he has said. Such an upturn in rates is occurring now. But key staff people say there is no precedent for such an expectationary "spike" in rates to persist, and they expect the current spike to vanish.

The chairman has also frequently said that he fears that an "explosion of money" may occur, once the upturn begins, if the banks are bulging with reserves. "How can this possibly happen," a staffer asks, "if the economy is starting its recovery from an extremely low base? There simply is not the demand to make this 'explosion.' "

Finally, Burns argues that a slow recovery is required because it will be led by housing and autos, which are heavy fuel users. A surge in demand for fuel could set off a new round of rapid inflation. But Fed forecasting models on which the staff relies show an inflation on rate down to much less than double-digit a year to 18 months from now—possibly as low as 5% to 6% annually—regardless of whether a slow or a fast recovery is undertaken.

MATTER OF JUDGMENT

Positions on these issues are partly matters of judgment. They cannot be decided on the basis of economic theory alone. What bothers them is what they regard as Burns' lack of candor in denying the judgmental basis of his position. As they see it, he defends his actions with references to unsupportable theory. "It makes me feel like a whore," says a staffer who is thinking of resigning.

Doubts about some of Burns' theories are raised by his assertions that (1) the country is "awash with liquidity," despite the meager growth of money in the past six months, and (2) the policy's "real target" is the "velocity of money," as opposed to the money supply's growth rate.

Last month, Burns admitted to the Senate Budget Committee that the Fed had undershot its money growth targets in the last half of 1974. But he said it was "not a serious matter," largely because the Fed was meeting its velocity, or money turnover, targets. Some Fed staffers who helped prepare documents for Burns's Capitol Hill appearances say they know of no such "velocity targets." Says one staffer: "Velocity numbers are used in forecasting, but not in policy-making in the way Burns talked of velocity."

In other testimony, notably before the Joint Economic Committee, Burns has used his "awash with liquidity" claim even though demand deposits and currency did not grow at all from last June to early March. Burns's argument, in which Mitchell has joined at board meetings, is that corporate executives and consumers have grown sophisticated and keep less cash lying around. Instead, they invest in savings accounts, and the like, which can be quickly converted to cash when the need arises. The staff does not agree.

"There just is no evidence that public behavior has changed fundamentally in terms of the demand for any of these broader measures of money relative to income or interest rates," says a veteran Fed staffer. "As far as people's being more sophisticated about conserving cash, these things have been going on for years—it just didn't all begin a few months ago when Arthur Burns started talking about it."

ROOTS OF POLICY

Staff members and some outside economists also question Burn's oft-voiced concern about the effect of easy monetary policy on the value of the dollar abroad. "Some of his arguments are close to specious," says former CEA chairman Walter W. Heller, "especially when you take into account the fact that interest rates are generally falling abroad, as here. Why should we be concerned if some people are dumb enough to beat it [the dollar] down and make our exports cheaper?" One international export at the Fed says that what really bothers Burns about a dollar decline is that "when he sits in conference with other central bankers, some of whom hold big dollar reserves, they give him looks that say, 'Who are you? You don't even know how to manage your currency.'"

Some economists who are well acquainted with both Burns and the staff believe that the dissidence within the Fed is temporary and a byproduct of the extraordinary difficult choices that the policy chiefs must make. And in the months ahead, the policy decisions will get tougher, not easier. The $23-billion tax cut, for example, will swell government deficits. Bucher calls the cut "irresponsible fiscal policy" that he fears will overstimulate the economy. Still, he says, "The Fed will not let the economy fall off the edge for lack of funds."

"People don't understand how powerful monetary policy is," says a Fed staffer. "The Fed has power to offset the entire tax increase." And to hear the dissidents tell it, Burns may well use his power in exactly that way.

BURNS: ARCHITECT OF THE WORST RECESSION?

(By Seymour Zucker)

Five years ago, economists cheered Richard M. Nixon's appointment of Arthur F. Burns as chairman of the Federal Reserve. And for good reason. At long last the Fed was to be headed by an economist. And monetary policy, they knew, was too important to be left to bankers or financial men.

More important, Burns was no run-of-the-mill economist. He was an acknowledged expert on the business cycle and a former president of the American Economic Assn. He saw the big picture and the importance of coordinating fiscal and monetary policy. Although Burns was an economic conservative, liberal economists recalled how in early 1953 he had taken over the chairmanship of the almost nonfunctioning Council of Economic Advisers and in less than four years had molded it into a powerful influence on Presidential economic policy.

In those days of the early 1950s, Keynesians were eager to apply the newly learned razzle-dazzle fiscal and monetary management of the economy. But they could get few in Washington to listen. An economist testifying before a Congressional committee was treated much like sand in a wet bathing suit—barely tolerated until you could get home to shower. Burns, with his conservative dress, professional demeanor, and high level of competence, helped change all that. No less a figure than America's leading Keynesian, Harvard's Alvin H. Hansen, applauded Burns for pushing the council into the forefront of economic policy and making the professional economist's voice heard not only in the ways of academia but also in the power centers of Washington.

REVERSAL

But few are cheering Burns these days, least of all his fellow economists. He has come full circle. In the mid-1950s, to the delight of private economists, he singlehandedly did battle with Treasury Secretary George M. Humphrey and especially with Fed Chairman William McChesney Martin, Jr., over the Fed's tight money policy. He believed that Martin's policy to fight inflation would kill off housing and might plunge the economy into recession. He resigned at the end of 1956, and by mid-1957, the economy was in a recession. Almost two decades later, as Fed chairman he has single-handedly fought inflation with a ferocity that makes Martin look tame. The housing industry is dead, the economy has plunged into full-blown recession, and while government fiscal policy has turned expansive, Burns shows signs of continuing his one-man crusade to save the nation from rampant inflation.

Almost all economists, stark liberal and arch conservative, are calling for an 8% to 10% sustained growth in the money supply for at least the remainder of 1975.

Says Franco Madigliani of MIT, who is president-elect of the American Economic Assn.: "If we don't get double-digit monetary growth, any economic recovery will abort."

To be sure, the money supply has shown substantial growth during the past two months. But this growth followed sharp declines in the previous two months. Those economic forecasters who expect rapid growth to continue are likely to be in for a rude shock. The almost open dissension of the highly competent Fed staff from Burns's policy is the best guide to what Burns intends to do in the months ahead: He will try to keep a tight grip on the money tap.

WHICH BIG PICTURE?

It is ironic that severe staff dissension is surfacing at a time when the Fed chairman is a top economist. To his credit, Burns is partially responsible. His appointment made the Fed attractive to bright, strong-willed economists.

Many of the new people on the staff are singularly free of the parochial view of the world that was typical of Fed economists in the old days. Like Burns, these restive staffers see the big picture, but the picture they see is that of a free-falling economy with no bottom in sight.

Why is Burns swimming against the tide? He is a private man, and it is difficult to know what he thinks. But he is as long on ego as he is on professional credentials. He is also a loner and a man who has always gotten a big kick out of criticizing majority opinion in the economic profession.

Arthur Burns is now in the sunset of his career. Clearly, when the history of the 1970s is written, he wishes to be recognized as the man who slew the dragon of inflation. Many of his fellow economists, however, have already marked him as the architect of the worst recession in 40 years.

THE EMERGENCY HOMEOWNERS RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Russo) is recognized for 5 minutes.

Mr. RUSSO. Mr. Speaker, I am pleased to note the passage by the House yesterday of H.R. 5398, the Emergency Homeowners Relief Act. I was not able to be present for this vote because I was testifying in Chicago on gun control before the Subcommittee on Crime. Had I been able to cast my vote yesterday on this essential legislation, it most assuredly would have been "aye."

The unemployed homeowner, the innocent victim of recession, should not have to contend with the very real threat of loss of his home because he cannot meet his mortgage payments. This standby loan program by the Department of Housing and Urban Affairs is a realistic acknowledgement of the plight of the unemployed.

One would like to hope that implementation of the loan program will not be necessary, but economic indicators do not support such optimism. Therefore, I favor practical, fiscally responsible, and compassionate legislation such as H.R. 5398, that helps ease the substantial economic burdens on the unemployed.

SOUTH EL MONTE RECEIVES ALL-AMERICA CITY AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 10 minutes.

Mr. DANIELSON. Mr. Speaker, I am pleased to announce the city of South El Monte, in the 30th District of California, has been named an All-America City for 1974–75. On Sunday, April 20, the All-America City flag will be raised over the South El Monte Civic Center as the city receives its award from the National Municipal League for outstanding community achievement and civic betterment.

This honor extended to South El Monte is most appropriate, for the city has demonstrated fine citizen participation and leadership in its many human resource and social service programs. Competing with more than 500 other American cities of all sizes and categories, South El Monte, along with 11 other municipalities, received the All-America City Award based on its high-quality community programs and citizen action. A presentation of these programs was made to the National Municipal League last fall.

Four citizens of South El Monte deserve special recognition on this occasion. They designed and submitted the winning presentation at the All-America City Finalists Conference. City Administrator Allen Parker coordinated the overall presentation, which focused on citizen and city evaluation of community projects.

Dr. Pete Nunez, a local dentist and a member of the city's Human Resources Commission presented an overview of South El Monte's social service programs. Mrs. Eleanor Martinez, an active citizen and young mother, reviewed the role of citizens in developing and conducting the city's very successful preschool day-care program. Yvonne Ruiz, a young woman and student who involved members of local gangs in youth clubs and civic programs, explained how gang antagonisms have been quieted as a result of South El Monte youth involvement in productive community activity.

These outstanding people developed the programs which represented a strong element in South El Monte's bid for All-America City. More than 70 South El Monte youth attended the presentation and gave their support, and the city's presentation received one of the most enthusiastic rounds of applause in the entire conference.

It is with great pride that I congratulate the people of South El Monte. The All-America City award is a most highly honored and respected prize among all the municipal awards given for community achievement by various national organizations concerned with local government administration. The city's gala community reception on Sunday for citizens and friends of South El Monte will celebrate the honor. More importantly, it will proudly acknowledge the citizen effort which was the key to winning the award.

The city's positive involvement and leadership has been shown in superlative civic programs which I am confident will become even more responsive to South El Monte's needs. As a recipient of the All-American City award, it holds a future which insures support and success. I salute the fine citizens of South El Monte.

PROPOSED AMENDMENT TO TITLE II OF REVENUE SHARING ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Vanik) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, primarily, the State and Local Fiscal Assistance Act of 1972, better known as general revenue sharing (Public Law 92–512), distributes over $5 billion per year in Federal moneys to State and local governments with "no strings" attached.

Much less well known is title II of the act which provides for IRS collection and rebate of State individual income taxes. Although I originally supported this title and believed that it could result in enormous administrative savings, I now have serious doubts about the feasibility of the provision. After careful study of this title, I doubt that any significant number of States will ever request the IRS to take over their tax collections. For all practical purposes, the title is a dead letter—just more complex verbiage cluttering up the Internal Revenue Code. The title should either be amended to be made useful or repealed as worthless.

The stated purpose of title II is to provide the States with additional revenue due to increased administrative efficiency in tax collection. The anticipated advantages of this program were:

One. The elimination of duplication of effort by State and Federal tax administrators;

Two. The elimination of unnecessary recordkeeping by taxpayers;

Three. The establishment of uniform treatment for individuals at the State and Federal levels;

Four. Faster collection of withheld taxes; and

Five. The freeing of State courts from individual tax controversies.

Despite these supposed benefits, after 2 full years, not a single State has applied to participate in the program—and the Treasury Department has not even issued the final regulations under the program.

In an effort to evaluate and determine why there has been no State interest, I conducted a survey of the 50 State Governors and the Commissioner of the District of Columbia requesting their views and comments concerning title II. Forty States responded. Only one Governor seemed, in any way, to favor title II, although several promised to give it further consideration when the final regulations are published by the Treasury. There were a multitude of objections. Some I find minor or unworthy—but they are clear evidence that title II will not be used.

Seventeen of the 40 were concerned about the issue of State autonomy. Participating States would be inexorably and detrimentally tied to Federal tax laws—including the many loopholes in the Federal laws. Section 6362(f)(2)(B) states that—

> Any change made by the State in the tax imposed by the State will not apply to taxable years beginning in any calendar year for which the State agreement is in effect unless such change is enacted before November 1 of such calendar year.

Any changes made by the Congress after this time would effect the State income tax without the consent of the State legislature. In particular, the just-enacted tax relief bill would have sharply reduced State revenues. States are prohibited from using a tax base other than the Federal tax base, which is an administratively necessary restriction. A reduction of revenue due to a change in the Federal tax structure would have particularly serious consequences for some States, such as Alabama and Indiana, which are constitutionally prohibited from operating with a deficit budget.

Another problem with title II is that seven States reported that they were constitutionally prohibited from levying a progressive income tax.

INFORMATION NEEDS OF STATES

In other areas, the Governors expressed the concern that important data for revenue projection and economic and demographic information may not be available to the State. As Wendell Ford, then Governor of Kentucky, pointed out:

> States have a vital interest in the data contained on tax returns. The information is used in the administration of other state taxes (e.g., sales tax, property tax and inheritance tax); it provides an important informational source for state universities and others (particularly planning bodies) interested in accumulating economic and demographic information; it plays an important part in the revenue estimating process and is vital in determining an equitable spread of the tax burden among the citizens and ultimately the mix of the state revenue system.

STATE AUDIT POWER

Several Governors expressed concern with problems related to Federal audit and enforcement of the State income taxes. Gov. William A. Egan of Alaska states:

> The Act does not provide for any auditing by the States to assure that the taxes attributed to it have been arrived at correctly. It is our belief that this would be a serious dereliction of our responsibility to enforce our tax laws and a violation of sound management control principles.

Nicolas L. Mextaxas, commissioner of corporations and taxation for the Commonwealth of Massachusetts wrote that—

> Massachusetts has provided a substantial increase in its appropriation for the administration of its tax department with particular emphasis being placed on increasing audit and compliance activities. Since a concerted effort is made to avoid duplication of audit efforts of IRS in this state, if Massachusetts were to lose the revenue produced by the efforts of its own tax auditors—not only in the current years but also in the more productive years ahead when the new auditors acquire additional skills—the full tax resources of this state would not be utilized.

Thomas L. Judge, Governor of Montana, pointed out that—

> The State of Montana has a reciprocal agreement with the Internal Revenue Service to provide audit results to one another. It is our opinion that this system is mutually beneficial and results in more extensive and effective audit coverage than the I.R.S., acting alone, could be expected to provide within the foreseeable future.

In short, there may be some advantage to having some duplication and cross-checking.

IRS OVERLOAD

Gov. Wendell Ford was specifically concerned with the decline of IRS efficiency as reported in the September 1, 1973, issue of Business Week. As the magazine reported, the percentage of returns audited by IRS declined from 5.7 percent—1 in every 18—in 1963 to slightly under 2 percent—1 in every 55—in 1973. This raises serious questions about the claim of Federal superiority in tax collection procedures.

STATE EFFICIENCIES

A study prepared by the Ohio Department of Taxation's Tax Planning Unit—April 23, 1973—on the Federal collection of the Ohio personal income tax, states that IRS estimates administrative costs of between $1.30 to $2.50 per return. Even the lower figure is more than Ohio currently spent per return in 1973 and at least as much as they plan to spend in fiscal year 1974 or 1975.

Cecil D. Andrus, Governor of Idaho, noted that—

> The cost records of the Idaho State Tax Commission indicate that the cost of collection of all state taxes is 1.12%, the cost of collecting individual income taxes is 1.07% and of corporation income taxes is 0.67%.

Gov. Otis Bowen, of Indiana, reported:

> Indiana currently enjoys a low collection costs ratio, expending 61 cents for each $100.00 of tax collection.

INADEQUACIES IN TITLE II

Although the duplication of effort in the collection of individual income taxes would be eliminated under title II the States would have to maintain an agency for the collection of corporate income taxes and other State taxes. As Governor Andrus of Idaho pointed out:

> We have an efficient collection organization which covers the State, collecting overdue income taxes, withholding taxes, sales taxes and inheritance taxes. The same people collect all four types of taxes. If income taxes and withholding taxes were eliminated, we would still have to have a collection organization to collect sales taxes and inheritance taxes and we have found that businesses that are delinquent on withholding taxes are usually also delinquent on sales taxes. There would therefore be little if any saving if the Internal Revenue Service took over.

If a State wishes to include in its tax structure credits for persons on fixed incomes, such as retired or disabled persons, those with low incomes, sales tax credits or property tax relief, these programs must be administered by the State in the form of tax refunds. Gov. Thomas P. Salmon, of Vermont, stated:

> We have a number of unique provisions in the Vermont tax structure which are not applied in other jurisdictions. We have a system of sales tax rebates for lower income groups which are deductible from state income tax liability, as well as a complete property tax circuit breaker system for homeowners. The details of audit and collection procedures on these taxes are unique enough so that special handling would be required by the Federal government if it were to collect and/or remit these special provisions. The State would be required to maintain a complete duplicate set of records of the federal tax system in order to provide the direct service necessary, thereby nullifying any potential savings of the federal government providing the collection services.

Thus in most States, the use of title II probably would not eliminate the duplication of effort on the State and Federal levels. The States would need to promulgate regulations, devise forms for reimbursement, and so forth. Also, the taxpayer would need to keep records other than those required for the jointly collected State and Federal income tax.

Marvin Mandel, Governor of Maryland, raised an additional problem for Maryland. The State administers the collection of local income taxes. In this case—

> Federal collection of the State's tax, but not the local tax, is not likely to generate any saving to the State government that is not offset by an additional added expense to local governments.

Uniform treatment of individuals at the State and Federal levels cannot be accomplished unless all the States agree to participate in this program. Specifically, the treatment of nonresidents by State tax systems would vary greatly between participating and nonparticipating States. For example, quoting from the April 14, 1972, report of the special committee of the National Association of Tax Administrators—pages 9-10:

> If state A did not elect federal collection, it could tax income from property and unincorporated business activities of a nonresident individual, if he resided in a nonagreeing state. It could not, however, tax similar income received by a taxpayer residing in a federal collection state. Obvious questions of equity between taxpayers arise from such uneven results; administrative problems for tax authorities under such a system also are apparent.

Weekly Federal collection of withheld taxes would be quicker. However, receipt of these taxes by the States would, in many cases, be delayed. The act states that—

> In the case of amounts collected pursuant to a return, a declaration of estimated tax, an amendment of such declaration, or otherwise, the estimated amount due the State shall be transferred to the State not later than the close of the 30th day after the amount is received by the Secretary or his delegate. (Sec. 6361c2)

Hawaii and New Mexico, for example, have a once-a-month collection of withheld taxes. New Mexico's Gov. Bruce King commented:

> As compared to many states, who are on a quarterly reporting system for withholding, New Mexico has a monthly reporting system for reporting withholding. Also in the regular filing season, amounts paid with returns are deposited within twenty-four hours as required by New Mexico statutes. I fail to see how the Federal government could provide for faster processing of funds for New Mexico than we are presently experiencing.

Gov. Otis R. Bowen, of Indiana, noted:

> I question that the Federal collection of State taxes could in all cases result in a quicker collection and crediting to the State's account. This is based on the flexibility which exists when collection is strictly within the control and discretion of State Administration. That is to say should the need arise the Indiana Department of Revenue could rapidly switch priorities and personnel should it become necessary to quickly process remittances into the State Treasury.

In short, many States have once-a-month collection which most certainly deposits much of the withheld money in the State treasuries as quickly as it would be deposited under Federal collection.

Of the 39 Governors responding, only one, Ronald Reagan, of California, favored title II. California, however, was not able to participate in this program as the voters of that State have already twice defeated a State income tax that is a designated portion of the Federal tax. Some States—Colorado, Louisiana, North Carolina, North Dakota—are reserving final judgement until the final Treasury regulations are published. All, however, with the exception of California, are pessimistic. Gov. Thomas L. Judge, of Montana, ended his reply with—

> It is our opinion that to be administratively workable, the Title II provisions cannot be significantly changed. Accordingly, we have no recommendations for changes in the Title II provisions.

In response to these criticisms, Mr. Speaker, it should be noted that the widespread adoption of title II would probably result in a notable reduction in State revenue officer employment. Some of the arguments against title II may be the response of a frightened bureaucracy that fears unemployment. But many of the arguments do have validity. I might add that title II runs counter to the federalist philosophy of title I of the Revenue Sharing Act. Further, in this post-Watergate era, I believe we have learned of the dangers of concentrating too much power in the National Government. Recent revelations of the political use of the IRS, in particular the activities of the special services staff, reminded us of the dangers of concentrating too much control in a national revenue system used for purposes unrelated to revenue collection.

Title II is going nowhere fast. The program as it now stands is administratively feasible but unacceptable to the States. If it were made acceptable to the States it would not be administratively feasible.

Nevertheless, it is a fact that many of the State tax agencies are woefully understaffed, are unable to attract and retain expert personnel, and in many cases have been unable to undertake audits of major corporations doing business in their States. It has been estimated by North Dakota's tax commissioner that America's biggest corporations are avoiding "hundreds of millions and perhaps billions of dollars" in State taxes, because most States cannot enforce their tax laws against giant corporations.

It is also a fact that the failure to coordinate State tax forms with the Federal system creates enormous confusion and places another staggering burden on the individual and small business taxpayer.

Therefore, I believe that title II should be completely overhauled. It should be amended so as to provide an incentive to the States—perhaps in the form of additional percentage points of revenue sharing funds—to improve the quality of their tax systems. Specifically, title II could provide for IRS assistance to the States in improving the quality of State personnel, simplifying State tax forms, developing methods of combining State and local tax forms, and providing assistance in the audit of giant multi-State corporations. In addition, the title could be amended to provide some system of "one-stop" tax centers, where Federal, State, and local tax forms and taxpayer assistance would be available to the taxpayer.

Mr. Speaker, I would like to enter in the Record at this point a copy of a letter from Gov. Patrick J. Lucey, of Wisconsin. The Governor's letter combined all the points raised by the other letters and suggested a possible new use for title II:

> Federal cost sharing of state individual income tax audit and compliance programs be offered those states meeting qualifications as to performance and staffing standards. The costs of such a proposal would be small while the potential for shared gains—for the states

and the federal government—will exceed suggested expenditures and provide the means to improve upon revenue administration throughout the country.

I hope that as the 94th Congress considers the extension of the revenue sharing program, consideration can be given to making title II a more workable proposal for tax efficiency and taxpayer assistance.

During the coming weeks, the Oversight Subcommittee of Ways and Means, which I chair, will attempt to develop information and legislative language to fulfill the original goals of the Congress in enacting title II.

The letter referred to follows:

MADISON, WIS.,
December 3, 1974.

Hon. CHARLES A. VANIK,
Member of Congress,
Rayburn Building,
Washington, D.C.

DEAR MR. VANIK: Thank you for your letter of August 16, 1974, regarding Title II of the Revenue Sharing Act of 1972. I apologize for the delay in responding.

I have consulted on this matter with Mr. Daniel G. Smith of the State of Wisconsin's Department of Revenue. Mr. Smith chaired a committee of the National Association of Tax Administrators which made a detailed study of Title II. A copy of their report, which includes a recommendation I will discuss later, is enclosed.

The provision in Title II for federal collection of state individual income taxes grew out of an earlier bill (HR 11950, 92nd Cong.), under which revenue sharing payments would have been made to a state to the extent of 15 percent of a state's individual income tax collections or, if the state did not levy such a tax, the payments would have been 1 percent of federal collections within the state for the first two years following enactment. A state without a personal income tax and which desired to enact one to qualify for the higher payments could not be expected to have the administrative machinery readily at hand to implement such a law. For such a state the immediate solution, even though temporary, was found in the federal collection provisions of HR 11950. Without this offered help from the Internal Revenue Service, it would have been difficult for the Congress to have overcome the objections of representatives from states which did not have a personal income tax in considering the merits of the earlier revenue sharing bill. Thus, the main thrust of the federal tax collection proposal was to provide a workable substitute for some states which would have permitted them to maximize their revenue sharing potential under that first draft proposal.

The presently used revenue sharing formulae de-emphasize a state's commitment to individual income taxation. Still, the provisions for federal collection of state individual income tax were included as a separate title in the new bill (HR 14370), which became PL 92-512. Congress undoubtedly considered that Title II would be of benefit to some states—permitting them an election to have the Internal Revenue Service administer their individual income tax programs and thus save costs and increase collections.

As you have indicated, the states have not shown a willingness to accept this offer of help. It is my belief that there are a number of reasons why states have not come forward to request federal collection of personal income taxes.

The act requires that a state must conform substantially its law to that of the Internal Revenue Code. Under the proposed federal collection system, this then would mean that all changes in the federal individual income tax structure—be they modifications in rates, deductions, exemptions, exclusions or other definitions of taxable income—would be reflected automatically and immediately upon an agreeing state's tax structure and revenue. Many states are unwilling to forego their legislative and executive prerogatives in establishing a tax system which best suits their own needs, which often are not compatible with the provisions of the federal code.

Although not an impediment to Wisconsin's participation, in a number of states there are constitutional restrictions which must be taken into account. In these, the right to base state tax liability on provisions of a federal law which may be enacted after adoption of a state statute is open to doubt.

A very serious consideration for Wisconsin and, I believe, for those other states which have adopted our circuit breaker property tax relief measure, is the restriction under PL 92-512 that such programs cannot be made a part of a federal collection system. This is an integral part of our individual income tax system and works to provide either a refundable credit or an offset against personal income tax liability. During the past fiscal year, 200,000 Wisconsin citizens derived benefits from this program; more than half of them had an income tax filing responsibility. Under the federal collection system, Wisconsin would have to request a re-filing of income tax information with a state agency which would have to separately manage that system apart from the Internal Revenue Service.

Your letter suggests—as did the House and Senate Reports—that substantial revenue benefits would accrue to the states if they adopted federal collection of state income tax. The basis for this fiscal note is that the Internal Revenue Code requires a weekly deposit of withheld taxes, rather than the monthly or quarterly system followed by most states. Weekly transfers of withheld state income taxes collected by the federal government undoubtedly would result in a speeding-up in the current collection process for all states. However, it should be noted that an almost equal speed-up in state tax collections could be achieved in most states by changes in their own withholding laws.

It has been recommended that federal collection would minimize total federal-state administrative costs. Admittedly, federal collection would eliminate duplication of routine processing operations. However, this would not be true for compliance and enforcement activities. All states presently imposing individual income taxes have entered into agreement with the Internal Revenue Service which provides for the exchange of information by the Internal Revenue Service and the respective states thereby eliminating duplicative audit and compliance activities and costs.

In the last fiscal year, Wisconsin's revenue department collected almost $12 million additional personal income taxes in excess of enforcement costs. Of this amount, about $1 million was attributable to information received from the Internal Revenue Service, under the exchange agreement. For the same year, overall program costs per $100 of individual income tax revenue were a modest 77c. This amount, I believe, compares very favorably with the record of cost efficiency compiled by the Internal Revenue Service. This is especially so, when you consider that the tax on individuals under the Internal Revenue Code is more than 3 times that under Wisconsin law.

The schedule attached indicates what results can be obtained by a state that commits its resources to the support of an active tax enforcement program. If Wisconsin elected to rely solely upon the Internal Revenue Service for the administration of its individual income tax law, a decrease in the effectiveness of the self-assessment system of taxation and a reduction in revenue would surely occur.

On pages 47 to 49 of the enclosed report is a suggestion that the Congress consider an alternative to Title II. After demonstrating that the Internal Revenue Service profits from present state enforcement activities and following a review of the ever declining number of tax returns examined by the federal service over the past decade, the committee report suggests an amendment to the act which would "help support the effective programs now present in some states, to help others to improve on existing capabilities and to give all states not wishing to participate in federal collection under PL 92-512 an alternative benefit." Under the committee's proposal is the recommendation that federal cost sharing of state individual income tax audit and compliance programs be offered those states meeting qualifications as to performance and staffing standards. The costs of such a proposal would be small while the potential for shared gains—for the states and the federal government—will exceed suggested expenditures and provide the means to improve upon revenue administration throughout the country.

I recommend that you and other members of the Committee on Ways and Means similarly interested in this feature of the Revenue Sharing Act of 1972 consider the state tax administrators' suggested alternatives to the Title II system outlined in PL 92-512.

Sincerely,

PATRICK J. LUCEY,
Governor.

WISCONSIN DEPARTMENT OF REVENUE, INCOME, SALES, INHERITANCE, AND EXCISE TAX DIVISION—INDIVIDUAL INCOME TAX ENFORCEMENT COLLECTIONS AND ADMINISTRATIVE COSTS, 1968-74

	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	7-year average
Individual income tax:								
Audit collections	$5,772,600	$6,699,000	$6,968,400	$6,435,600	$8,336,500	$9,179,900	$10,396,200	
Delinquent account collections	3,307,000	3,415,500	3,750,300	3,510,400	3,963,500	4,610,800	4,679,900	
Total compliance collection	8,079,600	10,114,500	10,718,700	9,946,000	12,300,000	13,790,700	15,076,100	$11,432,200
Compliance costs	2,757,800	3,038,200	3,227,100	2,942,800	3,300,500	3,402,900	3,142,800	
Compliance collections in excess of costs	5,321,800	7,076,300	7,491,600	7,003,200	8,999,500	10,387,800	11,933,300	8,316,200
Compliance collections per $1 compliance costs	2.93	3.33	3.32	3.38	3.73	4.05	4.80	3.65
Total individual income tax collections	408,054,000	461,876,000	489,944,000	507,146,000	594,698,000	727,885,000	802,995,000	
Overall program costs	4,564,600	4,853,900	5,732,200	5,358,800	5,860,500	6,317,900	6,162,400	5,550,000
Overall program costs per $100 revenue	1.12	1.05	1.17	1.06	0.99	0.87	0.77	1.00
Compliance collections in excess of overall program costs (line 3 minus line 8)	3,515,000	5,260,600	4,986,500	4,587,200	6,439,500	7,472,800	8,913,700	5,882,200

A BILL TO EXTEND THE NATIONAL INSTITUTE OF EDUCATION

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am today, by request of the administration, introducing a bill to extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes.

Joining me in sponsoring this legislation, Mr. Speaker, are the gentleman from Kentucky, chairman of the Education and Labor Committee, Mr. Perkins, the gentleman from Minnesota, the ranking minority member of the Committee on Education and Labor, Mr. Quie, and the gentleman from California, Mr. Bell, the ranking minority member of the Subcommittee on Select Education, which I am privileged to chair.

Other members of the Committee on Education and Labor joining me in sponsorship of this legislation are Mr. Thompson, Mr. Esch, Mr. Daniels of New Jersey, Mr. Eshleman, Mr. O'Hara, Mr. Peyser, Mr. William Ford of Michigan, Mr. Sarasin, Mr. Meeds, Mr. Buchanan, Mr. Biaggi, Mr. Pressler, Mr. Lehman, Mr. Goodling, Mr. Benitez, Mr. Blouin, Mr. Cornell, Mr. Simon, Mr. Edward Beard of Rhode Island, Mr. Zeferetti, and Mr. Hall.

HISTORY OF THE NATIONAL INSTITUTE OF EDUCATION

Mr. Speaker, before I discuss the provisions of the bill which the administration has developed, I want to take just a moment to review the history of the National Institute of Education—NIE.

The NIE was created by the Education Amendments of 1972 (Public Law 92-318) and was authorized to spend up to $550 million, over 3 years, for the purpose of conducting basic and applied research and development into the teaching and learning processes.

Mr. Speaker, unlike the Office of Education, which provides basic support for educational activities, the Institute is the principal Federal agency responsible for research and development in education.

Mr. Speaker, among the reasons which prompted the 92d Congress to create the National Institute of Education were these:

Research in education, like research in other areas such as health and agriculture, is more appropriately supported by the Federal Government than by State and local governments;

In 1972 only one-third of 1 percent of total expenditures on education in the United States was for research, innovation, and planned experimentation while 10 percent of our total spending on defense and 8 percent of our total expenditures on health were earmarked for research;

Our knowledge of the learning and teaching processes is in many respects primitive and, in others, almost nonexistent.

In brief, Mr. Speaker, although we now spend in the United States approximately $100 billion annually on education, we have not been really serious about research to strengthen and improve education.

FUNDING FOR THE INSTITUTE

Unhappily, Mr. Speaker, the situation has not improved markedly in the 3 years since NIE was created.

In fiscal 1973, Congress appropriated $110 million for the Institute, including $18 million in program funds transferred from the Office of Education.

In addition, Mr. Speaker, on July 1, 1973, the beginning of fiscal 1974, several additional programs from the Office of Education and the Office of Economic Opportunity were transferred to NIE. Had these programs been a part of NIE in fiscal 1973, the 1973 budget of the Institute would have been $142.671 million.

But in fiscal 1974 Congress gave NIE a budget of $75 million to implement programs which had cost $142.671 million the previous year.

And only $70 million was appropriated for the Institute in fiscal 1975.

Educational research, therefore, Mr. Speaker, has, on the one hand, been left with less money than before the creation of the Institute, while on the other hand the NIE, forced to cut back on its programs, has been criticized by several elements in the educational community who feel that their interests are not adequately being addressed.

Hopefully, Mr. Speaker, Congress will this year provide NIE the funds it requires in order to conduct an effective and stable program of research in education.

POOR ADMINISTRATION

Mr. Speaker, I must here add that the principal responsibility for this sorry state of affairs can be laid at the door of the White House, which has consistently hampered the operations of the National Institute of Education during its first years.

Here, Mr. Speaker, is the record of the White House in implementing the legislation authorizing NIE:

First. For almost a year former President Richard Nixon failed to appoint the National Council on Educational Research which the law required to help set policies for the NIE;

Second. Almost 6 months passed between enactment of the legislation and the appointment of the first Director of the Institute;

Third. Last November the first Director of the NIE resigned, but the White House has only just announced formally his replacement and thereby begun the process of congressional confirmation; and

Fourth. For almost 6 months now the National Council has not been complete simply because the White House has failed to nominate successors to Council members whose terms have expired.

It is little wonder, then, that the staff of the Institute have been hampered in their work, because they had to serve for long periods of time without a complete National Council or a Director.

Nor is it a surprise, Mr. Speaker, that Congress, seeing uneven commitment on the part of the administration properly to implement the legislation authorizing NIE, would react by cutting its budget sharply.

Happily, Mr. Speaker, there are several indications that the administration's attitude is changing.

First, there is, of course, the bill the administration has drafted to extend the authorization of the NIE, the bill which my colleagues and I are today introducing.

Second, the President has, finally, formally nominated a new Director of the NIE as well several members to fill vacancies on the National Council on Educational Research.

PROVISIONS OF THE BILL

Mr. Speaker, let me now turn to the provisions of the legislation which the administration is proposing.

The first section of the bill would amend section 405(b)(2) of the authorizing legislation more clearly to define the educational problems upon which the Institute is to concentrate its resources.

Among the purposes enumerated in the bill are:

The improvement of student achievement in basic educational skills, including reading and mathematics;

Overcoming problems related to the financing, productivity, and management of educational institutions;

Improving the ability of schools to meet their responsibilities to provide equal educational opportunities for the disadvantaged and for women;

Career education; and

Improved dissemination to help make more effective the application of the results of educational research and development.

Other parts of the administration bill, Mr. Speaker, include a number of perfecting amendments with respect to the National Council on Educational Research, and authority to establish a research fellowship program.

Section 4 of the bill provides authorizations of $80 million annually in fiscal 1976, 1977, and 1978.

Mr. Speaker, as I have indicated, this bill is being introduced by request of the administration.

With the bill before the Committee on Education and Labor, we can begin discussions on it and an inquiry into the operations and future plans of NIE.

Mr. Speaker, the gentleman from Minnesota (Mr. Quie) and I last year advised the House Committee on Appropriations that the authorizing committee would this year conduct a study of NIE during our consideration of legislation to extend it.

The introduction of this bill, Mr. Speaker, marks the beginning of that process. I am confident that later this year we can report a bill which will receive wide support from Members on both sides of the aisle.

Mr. Speaker, I include at this point in the Record a letter to the Speaker from the Secretary of the Department of Health, Education, and Welfare, describing the administration's proposal:

Hon. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes."

The first section of the enclosed draft bill would amend section 405(b)(2) of the authorizing legislation for the National Institute of Education to more clearly define the educational problems upon which the Institute is to concentrate its resources. These problem areas would include—

(a) improvement in student achievement in basic educational skills, including reading and mathematics;

(b) overcoming problems related to the financing, productivity, and management of educational institutions;

(c) improving the ability of schools to meet their responsibilities to provide equal educational opportunities for individuals from disadvantaged backgrounds and women;

(d) preparation for persons to enter and progress in careers; and

(e) improved dissemination and application of the results of educational research and development.

Section 2 of the draft bill would make a number of perfecting amendments with respect to the National Council on Educational Research. These amendments would provide that a majority of the members of the Council would constitute a quorum, and that the terms of members would expire on September 30 of the final year of their appointment, except that members would continue to serve until their successors have been appointed and confirmed.

Section 3 would provide authority for the Director to establish and maintain research fellowships in the Institute, similar to the authority provided to the National Institutes of Health under section 301(c) of the Public Health Service Act.

Section 4 of the bill would extend the authorization of appropriations for the Institute for three years through fiscal year 1978. The amount of that authorization would be $80,000,000 for the fiscal year 1976 and for each of the two succeeding fiscal years.

This proposal to extend the authorization for the Institute reflects our judgment that it can make a very significant contribution to the solution of many of the problems facing education today. We believe that these amendments, particularly those relating to the priorities of the Institute, will more clearly define the areas of concern to which the Institute should address its activities. We do not believe, however, that any detailed earmarking of NIE funds for certain activities is appropriate. Rather, we believe that the Institute should retain the flexibility to work within a set of priorities established by legislation which reflect general areas of concern that we now foresee as being most important for at least the next three years.

We urge prompt and favorable consideration of this proposal.

We are advised by the Office of Management and Budget that enactment of this proposal would be in accord with the program of the President.

Sincerely,

CASPAR WEINBERGER,
Secretary.

TAX EQUITY FOR SINGLE TAXPAYERS AND WORKING MARRIED COUPLES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, millions of Americans are now submitting their 1974 tax returns. Approximately 54 million of them will be discriminated against when they pay their taxes today solely on the basis of their marital status.

Whether widowed, divorced, or unmarried, a single person who works pays up to 20 percent more in taxes than a taxpayer with a nonworking spouse filing a joint return. By filing a joint return married couples effectively are splitting their income and thus are able to pay taxes at a lower rate. A man earning $30,000 a year can file a joint return with his wife and pay two taxes on $15,000 which is cheaper than one tax on $30,000.

Requiring as we do today that single persons pay at a higher rate is simply arbitrary. Penalized in the same way as singles is the working married couple filing separately or jointly on two incomes who—in some cases—are more highly taxed than two single persons earning the same income and living together. This is because the tax schedule used by married couples filing separately has higher rates than the single schedule, even though the single schedule is more costly than the joint return schedule.

The actual cost to the single taxpayer and working married couple can best be illustrated by a few examples. A single taxpayer whose taxable income in $12,000 pays $2,630 in taxes; if he were married and the sole wage earner in the family and files a joint return, he would pay $2,260—a difference of $370. And, of course, the rate on any income in excess of $12,000 and before the $14,000 level is higher: 29 percent for the single return as opposed to only 25 percent for the joint return. The tax penalty for being single at $8,000 is $210; at $14,000 is $450; at $16,000 is $570; at $20,000, $850; at $50,000, an incredible $3,130!

Unfairly penalized too are singles filing as heads of household. A widowed, divorced, or single parent earning $8,000 pays $1,480—$100 more a year in taxes than the married couple with one income. At a $16,000 income, the penalty is $280; at $44,000 the penalty is $1,280.

If a woman goes to work to supplement her husband's $5,000 income, and if, for example, her income is also $5,000, the couple will pay $200 in taxes more than if they were two single people filing their individual returns. This is a 10-percent surtax on the amount they would be paying if single. Take another example: Should the husband earn $20,000 and the wife $10,000, the couple will pay $780 extra in tax than if they were two single individuals filing separately.

If a couple where each has a taxable income of $20,000 files according to the single taxpayers rate, they would pay $5,230 for each income, a total of $10,460. But because they are married taxpayers filing separate returns, the rate is $6,070 on a taxable income of $20,000 or $12,140 for the two of them. The rate if they combined their income on a joint return is the same—$12,140.

It is my view that these higher rates for married working persons filing separately or jointly are a result of the mistaken belief by many that salaried work by a wife is a luxury. While it may be true that some family incomes are substantially increased because of a wife's work, the greater majority of working women come from lower and middle income families and they are working, often at personal sacrifices to their families, to meet today's high cost of living. Women are already victimized by a labor market that underpays them; they should not be further penalized by a tax structure that extracts higher taxes from them.

The 16th amendment to the Constitution gives Congress the right to levy income taxes. But Congress has never passed a law saying that single people shall be taxed just because they are single. Nor has Congress passed legislation saying that married people, both of whom work, shall be penalized by higher taxes. But this is precisely what is happening today. Only six other countries tax their unmarried people more heavily than their married couples—the Soviet Union, three of her satellites, Spain, and the Netherlands.

I do not believe that taxes should reflect differences in a taxpayers' responsibilities for dependent support. But, the way to do this is through exemptions for dependents, not through different tax schedules. The joint tax return rate for married taxpayers does not reflect the different financial responsibilities in supporting six dependents as opposed to say, one dependent. Furthermore, under the present rate structure, a divorcee or widow with three dependents, using the head of household schedule, pays taxes at a higher rate than a married couple with no children. Family responsibilities can most effectively be reflected through an adequate dependent exemption. I have introduced legislation to increase the personal exemption and exemptions for dependents to $1,500.

In an attempt to remove these discriminatory tax inequities Senator BOB PACKWOOD, Republican, Oregon, and I have introduced legislation, H.R. 850 and S. 149 which would establish a uniform tax rate structure for all taxpayers. This means that after the allowable deductions and exemptions are taken, the same graduated tax rate would be applied to an individual's taxable income, regardless of one's marital status. This would allow persons to figure their taxes by using the same tax table currently reserved for use by married couples filing jointly on one income. Our tax code contains a number of tax preferences. What we are asking for here is not another preference, but simple equity for the unmarried taxpayer and the working couple.

At the time the Nation's first income tax law was passed in 1913, only married persons who lived in "community-property" States where each spouse owned half the couple's total property could split their tax bill and pay two taxes at a lower rate. Married persons in other States complained and in 1948 Congress passed a law permitting couples in any State to use the income-splitting device of dividing their income in two, applying the lower tax rate and then doubling the amount. Before another change in the tax law in 1969, single persons paid up to 42 percent more than a married person.

An American revolution that started in 1773 in Boston harbor began over the tax on tea. A revolution in current tax policies will probably be predicated upon the dictates of our economy. Currently, the administration and the Congress are considering tax cut proposals. In so doing we must seek to remove the tax inequities for unmarried persons and married persons where both the husband and wife work. Single persons who work and married couples who are both employed are the main groups of persons who would spend their money, putting it back into the economy. The purpose of a tax cut is to add purchasing power and therefore this is one certain area in which the inequity would be removed and the goal of assisting a recessionary economy accomplished.

THE FOREIGN DEVELOPMENT ACT OF 1975

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, foreign investment in the United States has been beneficial to the U.S. economy in the past as it will be in the future. But we must ask ourselves whether permitting foreign investment without any Government oversight is consistent with our national interest. This is particularly true in light of the unpredictable political and economic implications of oil diplomacy.

Two of my colleagues in the House of Representatives, Representatives Fish and Minish, have recognized this problem and have introduced legislation of their own to rectify the situation.

I am today introducing legislation that has been introduced in the other House by Senator Williams, that will rationalize and coordinate this country's approach to foreign investors.

This legislation would do three things. First, by requiring the disclosure of the beneficial ownership of all foreign investment in American business. Second, by amending the tender offer provisions of the Federal securities laws—the so-called Williams Act—the bill would require that the SEC and the President be notified before any foreign investor—whether an individual, a corporation, or a foreign government—could acquire 5 percent or more of a U.S. company. And third, the bill would establish a straightforward and usable procedure by which the President, as he deems appropriate for the national security, to further the foreign policy, or to protect the domestic economy of the United States, may prohibit an acquisition of such a 5-percent interest in a U.S. company by a foreign investor.

More specifically, the bill would amend the Securities Exchange Act of 1934 to require that the statements which beneficial owners of more than 5 percent of a corporation's securities now file with the SEC—so-called 13(d) statements—must include information with respect to the owner's residence and nationality. Also, these statements would be required to include information as to the identity, residence, and nationality of any person—other than the beneficial owner—who possesses sole or share voting authority over the securities. These provisions would facilitate the identification of major foreign investors.

The basic disclosure provisions of the Federal securities laws would be extended to require foreign investors to file a 13(d) statement with the SEC 30 days in advance of any transaction which would result in the foreign investor owning more than 5 percent of the class of any equity security of a U.S. company. A U.S. company would include any domestic corporation with more than $1,000,000 of assets. The foreign investor's 1e(d) statement would be confidential.

Promptly upon receipt of a 13(d) statement from a foreign investor, the SEC would transmit the statement to the President. During the 30-day waiting period, the President could conduct whatever review he considered necessary. If the impact of the investment was sufficiently adverse to the domestic economy, foreign policy, or national security, the President could prohibit the consummation of the transaction. This exercise of Presidential authority would be subject to judicial review.

The bill would authorize the SEC, the Attorney General, and the U.S. corporation in which a foreign investor has acquired an interest, or any shareholder of such a corporation to sue in Federal court to unwind any acquisition made in violation of the 30 days prenotification requirement of the bill. The court would have the authority to grant temporary or permanent orders to prevent violation of or to enforce compliance with this requirement, including the specific powers to freeze voting rights of shares unlawfully acquired and to compel their disposition. In the event of disobedience of any judicial order, the court could vest ownership of the securities in a trustee who could then sell them. In addition, failure to file a 13(d) statement could result in a penalty of $1,000 a day.

Finally, the bill would require issuers of registered securities to maintain and file with the Commission a list of the names and nationalities of the beneficial owners of their equity securities. This provision of the bill is directed at the difficulties which Government agencies, corporate management, and investors have all encountered in identifying not only foreign investors in American business but all beneficial owners.

Mr. Speaker, there is an urgent and manifest need for this legislation. The world is today in a precarious, if not perilous, point. Difficult and complex negotiations are underway to resolve global economic and political problems which threaten to endanger world order and peace. The United States must be in a position of financial independence if we are to play an instrumental role in arriving at permanent and peaceful solutions. This bill will aid us in achieving that result.

The text of the bill is set forth below for the benefit of the Members:

H.R. 5964

A bill to amend the Securities Exchange Act of 1934 to require notification by foreign investors of proposed acquisitions of equity securities of United States companies, to authorize the President to prohibit any such acquisition as appropriate for the national security, to further the foreign policy or to protect the domestic economy of the United States, to require issuers of registered securities to maintain and file with the Securities and Exchange Commission a list of the names and nationalities of the beneficial owners of their equity securities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Investment Act of 1975".

Sec. 2. Subsection (a) of section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended as follows:

(a) Paragraph (9) thereof is amended to read as follows:

"(9) The term 'person' means a natural person, company, government, or political subdivision, agency, or instrumentality of a government.".

(b) Paragraph (19) thereof is amended to read as follows:

"(19) The terms 'investment company', 'affiliated person', 'insurance company', 'separate account', and 'company' have the same meanings as in the Investment Company Act of 1940.".

(c) The subsection is further amended by adding at the end thereof the following new paragraphs:

"(22) The term 'United States company' means any corporation, limited partnership, or business trust organized in one of the United States, the Canal Zone, the District of Columba, Guam, Puerto Rico, the Virgin Islands, or any other possession of the United States (hereinafter in this title collectively referred to as the 'United States') or any other company with its principal place of business in the United States.

"(23) The term 'foreign investor' means—

"(1) a natural person resident outside the United States;

"(2) a company other than a United States company;

"(3) a government of a country other than the United States or a subdivision, agency, or instrumentality of such a government (hereinafter in this title collectively referred to as a 'foreign government');

"(4) a United States company controlled by a person described in paragraph (1), (2), or (3) of this subsection; or

"(5) two or more persons acting in concert for the purpose of acquiring, holding, voting, or disposing of securities, at least one of whom is a person described in paragraph (1), (2), (3), or (4) of this subsection.".

Sec. 3. Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended as follows:

(a) Paragraph (1) of subsection (d) thereof is amended to read as follows:

"(d)(1) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, is directly or indirectly the beneficial owner of more than 5 per centum of such class shall, within ten days after such acquisition, send to the issuer of the security at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Commission, a statement containing such of the following information, and such additional information, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors—

"(A) the background, identity, residence, and nationality of such person and all other persons by whom or on whose behalf the purchases have been or are to be effected;

"(B) financial statements (which must be certified if required by the Commission) of such person;

"(C) the source and amount of the funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading such security, a description of the transaction and the names of the parties thereto, except that where a source of funds is a loan made in the ordinary course of business by a bank, as defined in section 3(a)(6) of this title, if the person filing such statement so requests, the name of the bank shall not be made available to the public;

"(D) if the purpose of the purchases or prospective purchaser is to acquire control of the business of the issuer of the securities, any plans or proposals which such persons may have to liquidate such issuer, to sell its asset to or merge it with any other persons, or to make any other major change in its business or corporate structure;

"(E) the number of shares of such security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) by each associate of such person, giving the background, identity, residence, and nationality of each such associate;

"(F) the number of shares of such security with respect to which any person (other than the beneficial owner) possesses sole or shared authority to exercise the voting rights evidenced by such securities and the background, identity, residence, and nationality of any such person; and

(G) information as to any contracts, arrangements, or understandings with any person with respect to any securities of the issuer, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.".

(b) The section is further amended by adding at the end thereof the following new subsection:

"(f)(1)(A) It shall be unlawful for any investor, directly or indirectly, to acquire the beneficial ownership of any equity security of a United States company which had total assets exceeding $1,000,000 on the last day of its most recent whole fiscal year, if after such acquisition such foreign investor would, directly or indirectly, be the beneficial owner of more than five percent of the class thereof, unless at least thirty days prior to such acquisition such foreign investor has filed with the Commission a statement containing the name of the United States company, the address of its principal executive officers, and such of the information specified in subsection (d) of this section and such additional information as the Commission, by rule, may specify as necessary or appropriate in the public interest or for the protection of Investors. Securities held by or for the account of the United States company (or a subsidiary that may not vote the securities) shall be disregarded in determining the percentage of beneficial ownership.

"(B) Promptly after the filing of a statement pursuant to this paragraph, the Commission shall transmit a copy of the statement to the President. Notwithstanding the provisions of section 24 of this title or any other provision of law, such statement shall not be disclosed to the public.

"(C) In exercising its authority under this paragraph, the Commission shall consult and cooperate with the President to assure that its actions are in accordance with the President's powers and responsibilities with respect to the activities of foreign investors in the United States.

"(2) At any time within thirty days of the date of the filing of a statement pursuant to paragraph (1) of this subsection, the President is authorized, by order, as he deems appropriate for the national security of the United States, to further the foreign policy of the United States, or to protect the domestic economy of the United States, to prohibit the acquisition to which the statement relates. The President, by rule or regulation, shall prescribe the procedure applicable to any exercise of the authority vested in him by the preceding sentence. Such rules or regulations shall, as a minimum, provide that prompt notice shall be given of any exercise of such authority and that such notice shall be accompanied by written reasons. The functions exercised by the President under this subsection are excluded from the operation of subchapter II of chapter 5 of title 5, United States Code."

SEC. 4. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A) Every holder of record of any security of a class described in section 13(d)(1) of this title holding such security for the account of another person shall file reports with the issuer of such securities in such form, at such times, and containing such information with respect to the identity, residence, and nationality of the beneficial owner of such securities and any person (other than the beneficial owner) possessing sole or shared authority to exercise the voting rights evidenced by such securities, as the Commission, by rule, may prescribe.

"(B) Every person for whom a second person is holding any security of a class described in section 13(d)(1) of this title who, in turn, is holding such securities for the account of a third person shall file reports with such second person in such form, at such times, and containing such information with respect to the identity, residence, and nationality of the beneficial owner of such securities and any person (other than the beneficial owner) possessing sole or shared authority to exercise the voting rights evidenced by such securities, as the Commission, by rule, may prescribe.

"(2) Every issuer of a security of a class described in section 13(d)(1) of this title shall maintain in such form as the Commission, by rule, may prescribe a reasonably current list of the identity, residence, and nationality of the beneficial owners of the securities of each such class and the persons (other than the beneficial owners) possessing sole or shared authority to exercise the voting rights evidence by such securities. Every such issuer shall file such list, or any specified part thereof, with the Commission at such times as the Commission, by rule, may prescribe, but in no event shall such list or specified part thereof be filed less frequently than annually or more frequently than quarterly.

"(3) In exercising its authority under this subsection, the Commission shall determine (and so state) that its action is necessary or appropriate in the public interest or for the protection of investors.".

SEC. 5. Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end thereof the following new subsections:

"(g)(1) The Commission, the Attorney General, a United States company in which a foreign investor has acquired or proposes to acquire any equity security, or a holder of record of any equity security of such a United States company, may bring an action in a district court of the United States (or a court of general jurisdiction, however designated, in any place, other than a State, under the jurisdiction of the United States) to enjoin such foreign investor from violating, or to enforce compliance by such foreign investor with, the provisions of section 13(f) of this title and the rules and regulations thereunder. On a showing that the foreign investor has engaged, is engaged, or is about to engage in acts or practices constituting such a violation the court shall grant appropriate relief in the form of temporary or permanent restraining orders and injunctions and orders enforcing compliance. Without limiting the generality of the foregoing, the court, on such terms and subject to such conditions as it considers proper, may order (A) the revocation or suspension, or any period specified in the order, of the voting rights evidence by securities of the United States company acquired by the foreign investor in violation of such provisions, and (B) the sale of any securities so acquired.

"(2) If any foreign investor against whom an order or injunction entered pursuant to paragraph (1) of this subsection fails, within such reasonable time as is fixed by the court, to comply with the order or injunction, the court may, by order, vest any securities acquired by such foreign investor in violation of the provisions of section 13(f) of this title in a trustee named by it who may thereupon, notwithstanding any other provision of law, do all such things and execute all such documents as are necessary to give effect to the order or injunction of the court, and any proceeds of any sale of such securities received by him shall first be applied to payment of his fees and expenses in acting as trustee and thereafter any balance remaining shall be paid by him to such person as would, but for the order vesting such securities in him, have been entitled to receive the same.

"(h) For purposes of subsection (e), (f), and (g) of this section, it is unlawful for any person to cause, command, induce, procure, or give substantial assistance to the commission of an act or practice constituting a violation of any provision of this title or the rules or regulations thereunder.".

SEC. 6. Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(b)) is amended by inserting immediately following the first sentence thereof the following new sentence: "Any foreign investor which fails to file a statement required to be filed under subsection (f) of section 13 of this title or any rule or regulation thereunder, shall forfeit to the United States the sum of $1,000 for each and every day such failure to file shall continue.".

U.S. POLICY FOR EXPORT OF NUCLEAR EQUIPMENT AND MATERIAL

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, there appeared in yesterday's Washington Post an article by Thomas O'Toole regarding shipments of enriched uranium from a U.S. supplier to the Republic of South Africa for use in a research reactor located there. While the article appears to be generally factual—as far as it goes—I am concerned that many readers may not be familiar with the background and context of exports of nuclear equipment and materials for peaceful purposes. I would like to put this matter into perspective. Otherwise, a reader of the article could reasonably infer that the policy of the United States is to encourage the proliferation of nuclear weapons. Nothing could be farther from the truth.

From the very inception of the U.S. policy for the export of nuclear equipment and material—when President Eisenhower announced the atoms for peace program to the United Nations—one of its major objectives was to reduce the likelihood of the proliferation of production facilities which could be used to produce nuclear weapons.

Under the atoms for peace program, the United States now has international agreements for cooperation in the peaceful uses of atomic energy directly with 29 nations, as well as indirectly with more than a hundred nations through two international organizations, Euratom and the International Atomic Energy Agency. These programs have brought the benefits of the peaceful atom, in such forms as research facilities, radioisotopes for medical, agricultural, and industrial applications, and nuclear-generated electric power to much of the world's population. During this period, other nations have developed indigenous nuclear industries, and there is a burgeoning international competition in the sale of power reactors and other civil nuclear applications. U.S. manufacturers compete with Russia, France, Canada, West Germany, Great Britain, and other nations for this expanding market.

All of these international transfers are carefully regulated under the safeguards provisions of the agreements for cooperation to detect any diversion for weapons purposes. The IAEA safeguards include protective devices on the related facilities, frequent inspections, and onsite observers during each operation which might present an opportunity for diversion. There is no known evidence of any diversion of material in contravention of the safeguards system. No system is ever foolproof, but the safeguards system is so complex and thorough that any nation which might have the technical ability and desire to circumvent it without detection—and this would be a very difficult and expensive technical operation—could more easily produce weapons material by more straight-forward means.

The export of U.S. nuclear technology, materials, and facilities is a major factor in our constant battle to develop a favorable balance of payments. The nuclear industry is expected to surpass aircraft sales as the largest U.S. balance-of-payments asset in the next few years. Last year, for example, U.S. sales of uranium enrichment services abroad totaled $421 million, and expected sales over the next 10 years would amount to about $5 billion at today's prices. This is in addition to between $1.5 and $2 billion annually in sales of services, equipment, and facilities by U.S. industry.

The shipments to South Africa referred to in the article are a small part of this overall international trade. The Energy Research and Development Administration is presently under contract to supply enriched uranium for 177 reactors overseas. Many of these are research reactors which use highly enriched uranium. The South African research reactor became operational in 1965. We have since supplied a total of 90.7 kilograms of enriched uranium in about a dozen shipments over a period of 10 years. About half of this amount has been consumed or reprocessed and returned to the U.S. The remainder is in use in the reactor or in irradiated fuel storage.

All of this material is under stringent safeguards under a trilateral agreement between the United States, South Africa, and the IAEA. The safeguards for the South African agreement are administered by IAEA, with the United States retaining the right to reassert bilateral safeguards at any time. The material, by the way, is delivered in the form of fuel elements and thus it would require complex and expensive reconverting or reprocessing facilities to transform it into usable weapons material. The agreement includes a provision prohibiting the alteration of any special nuclear material of U.S. origin in facilities not acceptable to the United States. South Africa has no facilities for reprocessing irradiated fuel.

We are not the only international supplier of enriched uranium. The U.S.S.R., France, and a British-German-Dutch consortium now compete for this market. Furthermore, the South Africans recently announced the partial operation of a pilot enrichment facility of their own. The details and size of this plant are not known, but it is not unreasonable to assume that weapons grade material could be produced in quantities comparable to the U.S. shipments in a reasonable time if South Africa has any intentions along that line.

The implication in the article that these shipments provide significant weapons capability not otherwise possessed by South Africa is obviously not borne out by the facts. If South Africa does have plans for nuclear weapons, it seems to me much more likely that they would produce them using their own self-developed facilities, just as India did, rather than violate an international agreement for the acquisition of minimal amounts of nuclear material, particularly since any diversion would almost certainly be immediately detected.

I do not wish in any way to minimize the importance of doing everything reasonably possible to prevent further proliferation of nuclear weapons, which is one of the most critical problems facing mankind today. But the rational treatment of this problem is not furthered by exaggerated and unrealistic assessments of the purported impacts of actions such as these shipments. Nuclear technology is now a part of the world's economy. If the United States were to withdraw from these markets, we would not help the cause of nonproliferation—we would hinder it by abdicating our established position of world leadership in the development of international safeguards. Policy decisions in this field must be made with a full and realistic perspective. It is for this reason that I have taken the time of this body to put the relevant facts on the record.

I include in the Record at this point a collection of relevant data regarding international trade in atomic energy:

The Members of the International Atomic Energy Agency

LIST OF JANUARY 1, 1975

On January 1, 1975, the Members of the Agency were the 106 States listed below:

Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Bulgaria.

Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark.

Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece.

Guatemala, Haiti, Holy See, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy.

Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Republic of Korea, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Liechtenstein.

Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway.

Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore.

South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic.

Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Viet-Nam, Yugoslavia, Zaire, Zambia.

STATEMENT BY MR. RONCALIO

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, the gentleman from Illinois (Mr. Price) has described quite well the context and implications of the enriched uranium shipments that were the subject of the article in yesterday's Washington Post. As chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I am keenly aware of the importance of adequate safeguards in the transfer of nuclear materials and facilities to other nations. I am also aware of the present world market in nuclear power. The United States by no means has a monopoly, but we do enjoy the advantages of an excellent competitive position derived from technical superiority.

If I believed that the international safeguards were not adequate to prevent any reasonably foreseeable consequences in terms of proliferation of nuclear weapons, I would say that as of this moment and henceforth, we should forego these substantial benefits. But there is no indication that the safeguards are not sufficient. Moreover, the curtailing of U.S. nuclear exports would not serve to reduce the unfortunate risk of the further spreading of nuclear weapons. It would have the opposite effect since it would mean that the U.S. longstanding leadership role in the promotion, the development, and implementation of international safeguards would be placed in jeopardy. Quite aside from the important economic losses which would result from the curtailment of nuclear exports, withdrawal of the United States could well weaken the progressive development of strong international safeguards. International terrorism is not confined to geographic boundaries. Strength and leadership in the further development of strong and effective international nuclear safeguards—not withdrawal from international nuclear trade—should be our marching orders.

I join with the vice chairman of the Joint Committee in urging each Member in formulating policy judgments on the export of nuclear technology to be certain that he fully understands what is involved. The shipments to South Africa are not new, are not unique, and are of negligible significance in terms of nuclear weapons proliferation, when viewed in the context of this major worldwide industry.

MINERAL RESOURCES AND THE ENVIRONMENT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, a report issued on February 11 by the National Academy of Sciences on "Mineral Resources and the Environment" should be required reading for every Member of Congress, every public official, and every citizen interested in the future of this country.

The Academy report, made after an intensive, 2-year study, suggests that we have been deluding ourselves for many years about our energy resources.

Instead of a 40- to 60-year supply of oil and natural gas, the report concludes, we really have no more than a 25-year supply, based on present rates of use.

There is no comfort to be found in the conclusion that the enormous reserves of the Middle East will be gone in 30 years at the present and prospective rates of use.

For more than 20 years, Mr. Speaker, I have been urging upon this Government the necessity of developing a cohesive, unified energy policy—looking toward the day when conventional sources will no longer be available.

I have contended that coal can and should play a major role in our energy planning for the future. We have abundant, proven reserves of coal in the United States, many thousands of times our present annual production.

We know we do not have to destroy the Earth to produce this coal, and we know we can develop the technology to convert coal into environmentally acceptable liquid and gaseous fuels.

More than once in recent months I have tried to jog the House's memory about the unsuccessful fight some of us made in 1953 to prevent the Eisenhower administration from dismantling efficient, ongoing plants that were producing liquid fuels from coal at a cost only pennies a gallon more than the cost of gasoline from petroleum.

We talk boldly, Mr. Speaker, of curing ourselves of dependence upon foreign energy sources. But we are doing very little.

It also appears we have learned very little for we seem determined to relive the experiences of history.

The budget for coal research and development for fiscal year 1976 is higher than it has been, but it is painfully inadequate for the needs of the time. In fact, if we do not get moving, our 25-year supply of gas and oil will be exhausted and we shall have no dependable energy source for replacement.

In the budget for the Energy Research and Development Administration, under the heading of "Fossil Energy Development—Coal," we have listed for liquefaction, $97.5 million, against $94.7 for the current fiscal year. For high Btu gasification, $63.3 million, as against $59.8 million for fiscal year 1975. For low Btu gasification, we have $45.3 million, as against $56.4 for the current year. For direct combustion, we have $38 million, as against $35.8 for the current year. And for advanced research and supporting technology, $35.7 million, as against $23.3 for fiscal 1975. And there is proposed $37 million for demonstration plants in fiscal 1976.

Not only do these sums fail to produce the key that will make us self-sufficient in energy, they do not get us within sight of the door.

I hope the Congress will take a more realistic view of our energy situation than the administration has taken, and direct us along a course that will end the energy crisis.

Mr. Speaker, I include newspaper articles from the Washington Post and the New York Times concerning the report of the National Academy of Science at this point in the Record:

[From the New York Times, Feb. 12, 1975]

Study Forecasts Major Shortages

(By Harold Schmeck)

Washington, February 12.—The world faces a future plagued by shortages in those resources vital to modern industrial civilization, according to a major study made public today by the National Academy of Sciences.

"Many face the prospect of a series of shocks of varying severity as shortages occur in one material after another, with the first real shortages perhaps only a matter of a few years away," said the report, titled "Mineral Resources and the Environment."

The report concluded that it was "essentially impossible" for United States oil production to rise enough in the next decade to make the nation independent of foreign supplies.

There will probably never again be large annual increases in United States production of gasoline and natural gas, the report said. Conventional onshore production will inevitably decline and the development of other sources, such as oil on the continental shelf, will be slow and difficult, it said.

In fact, Government estimates of total American oil and gas resources have been over optimistic, Dr. Brian J. Skinner, chairman of the academy's study panel, said at a news conference today. He is a professor of geology and geophysics at Yale.

The new report estimated total United States petroleum resources, discovered and undiscovered, at roughly 150 billion barrels; most of it undiscovered but presumed to exist in Alaska and on the continental shelf. Some Government estimates have been more than twice that high.

The report predicted that most of the world's oil supplies would be used up within 50 years and that the "enormous" reserves in the Middle East would be gone in 30 years at the present and prospective rates of use.

WHAT KIND OF CULTURE?

"The Arab countries are entitled to ask themselves, and us, what kind of economy and culture they will have achieved by the time this transient bounty runs out," the report said.

The study that led to the 348-page analysis of resources and their use was by a committee of experts assembled by the National Research Council, operating arm of the academy, which is the nation's most prestigous organization of scientists. The study took two years. Dr. Skinner said there would be further reports on various aspects of the materials-energy situation.

The central conclusion of the report, which was released today, he said, was that the United States must emphasize conservation of energy and other resources to a degree hitherto unparalleled. Indeed, he said it should become almost a religion. In answer to questions at the news conference he said there was little evidence that the Government was pursuing the conservation goal as vigorously as would be necessary.

ENERGY AND RESOURCES

"Because of the limits to natural resources as well as to means for alleviating these limits," the report said, "it is recommended that the Federal Government proclaim and deliberately pursue a national policy of conservation of material, energy and environmental resources, informing the public and the private sectors fully about the needs and techniques for reducing energy consumption, the development of substitute materials, increasing the durability and maintainability of products, and reclamation and recycling."

The committee recommended a national policy of stockpiling critical materials to sustain both civilian and military needs in cases of emergencies. It also said better ways of making long-range demand forecasts should be developed.

'THREATENED LIST'

Although the report did not predict which material resources would be in short supply first, it did list several on a "threatened list." Among those it cited asbestos, helium and mercury because they have vital industrial uses and special properties that are not duplicated by any other substances. Tin was on the list because of a "potential general worldwide shortage."

Although the study noted that the United States had abundant copper reserves it predicted that the nation would not be able to depend entirely on domestic supplies much longer. It recommended developing means of obtaining copper from metallic nodules that occur naturally on the ocean bottom.

The report also said it was no longer safe to assume that technology could solve every problem of material shortage.

The committee said the report should not be viewed as a counsel of despair. It said the United States had abundant resources that should insure it a continued strong position in the world.

But the report said efforts to increase supplies should be made concurrently with policy aimed at decreasing demand, that progress in substitution and recycling should be stimulated along with, not independently of, encouragement of the conservation ethic.

The committee said United States and world dependence on coal would increase in the years ahead and that the United States had huge reserves of this valuable resource. The report continued, however, that the mining and burning of huge amounts of coal could have serious environmental and health consequences that must be taken into account.

[From the Washington Post, Feb. 12, 1975]

ESTIMATE OF U.S. OIL, GAS CUT

(By Thomas O'Toole)

The United States will run out of oil and natural gas in 25 years, not the 40 to 60 years forecast by the Federal Energy Administration, the Interior Department and the White House.

That was the gloomy judgment made yesterday by the National Academy of Sciences, whose National Research Council has just completed a two-to-three-year study of the nation's reserves of oil, natural gas and other chronically scarce minerals. The study was financed by the Interior Department, the National Science Foundation and the Population Council, a private foundation.

"We think the estimates made in the past by the U.S. government were unrealistically high," said Yale University's Dr. Brian Skinner, chairman of the research council's Committee on Mineral Resources and the Environment, which made the report public. "We think these (the council's estimates) are much more realistic than the numbers currently in use in the government."

The study cast serious doubt on the White House program to achieve energy independence, which assumes almost a doubling of oil and natural gas output in the next 10 years. The study concludes that the United States does not have enough oil and gas onshore and offshore to increase oil and gas production sufficiently.

"Project Independence has built into it some very high estimates of oil and gas reserves," Skinner told a press conference at the National Academy of Sciences. "If Project Independence depends on increasing oil production in the U.S. then it's on very shaky ground."

The National Research Council settled on an estimate of 113 billion barrels of undiscovered oil for U.S. reserves. It settled on an additional 37 billion barrels of oil flowing from already discovered wells, for a total of 150 billion. Fully 70 per cent of this oil, the council said, is in Alaska and offshore U.S. wells.

The council also figured natural gas reserves at no more than 600 trillion cubic feet, most of it offshore and much of it in Alaska.

Both oil and natural gas reserves are enough for the next 25 years, assuming consumption remains the same. The United States currently uses about 6 billion barrels of oil a year and between 22 trillion and 23 trillion cubic feet of gas.

The Academy's downbeat conclusion, in direct opposition to what the federal government has long been saying, comes as something of a surprise for the quasi-governmental body. The Academy, made up of the country's top scientists, has been known to rock the boat on occasion, but rarely as boldly as it has this time.

The council estimates for oil and natural gas are dramatic reductions from the U.S. Geological Survey's estimates, which have guided the government. The Geological Survey has estimated oil reserves at between 250 billion and 400 billion barrels and natural gas reserves at almost 2,000 trillion cubic feet.

These estimates were used by the Eisenhower, Kennedy and Johnson administrations in keeping quotas on oil imports. They were also used publicly by the Interior Department, the Federal Energy Administration and the White House in the past five years to formulate energy policy.

Behind the dramatically different estimates lie two schools of thought on how to reckon mineral reserves. The Geological Survey estimate is based on what might be called assessment by "volumetrics," while the council figures reflect a growing belief in assessment by mathematics.

Roughly, the Geological Survey estimates say the United States has explored about one-fifth of the sediments below ground (onshore and offshore) that bear oil and natural gas. The estimates therefore assume that we have produced one-fifth of the oil and gas in those sediments and can produce five times that in the long run.

The mathematical assessments take what more and more oilmen believe is a more realistic view. They say that we've dug down into one-fifth of the oil and gas-bearing sediment and on the basis of various mathematical projections, estimate we have found at least half of what we're going to find, in effect the easy half. The fact that onshore oil fields have been dwindling for the last five years tends to support this approach.

"We don't think it was any conscious deception," Skinner said of the optimistic estimates. "I think you could say they used misleading arithmetic."

Skinner said the panel exhaustively examined five different estimates of oil and gas reserves, four of which differed from the Geological Survey estimate. The other four gave similar numbers, all of them lower than the Survey's.

"The panel suspected the Survey estimates to be unrealistically high," Skinner said, "and in looking at the other estimates decided the USGS estimate used faulty conversion mathematics. Had the correct ones been used, their estimates would be greatly scaled down."

The lower oil and gas estimates would crimp any plans the United States might have to increase dramatically its production of oil and gas.

Project Independence has long assumed that the United States has enough oil and gas to raise output of oil and natural gas liquids from 10.5 million to 18 million barrels a day by 1985. It also assumed natural gas production might be increased from 20 trillion cubic feet to 29 trillion cubic feet.

"This would have been true if the U.S. possessed the offshore equivalent to the Persian Gulf," said one energy expert who asked not to be identified. "We don't and this panel (the council panel) report confirms it."

The fact that 70 per cent of U.S. oil lies offshore and in Alaska will also act to curb any quick increase in domestic oil and gas production, the panel noted, the lead times, the problems of producing offshore and the long pipelines needed to move the oil back to the shore make rapid increases in future production unlikely.

In a pessimistic footnote to its oil and natural gas estimates, the panel said the United States faces a critical shortage of copper by the turn of the century. The panel said that the United States might ultimately produce about 1 billion tons of copper, but that it had already produced 16 per cent of that.

"Man faces the prospect of a series of shocks of varying severity as shortages occur in one material after another," the panel report said, "with the first real shortages perhaps only a matter of a few years away."

BOOKMOBILES USED IN OBSERVANCE OF NATIONAL LIBRARY WEEK

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record).

Mr. PERKINS. Mr. Speaker, in observance of National Library Week, which is April 13–16, the District of Columbia Public Library today has parked one of its red, white, and blue bookmobiles between the Rayburn and Longworth Buildings so that Members and their staffs may inspect and ask questions of the librarians as to how these portable libraries are working.

The D.C. Public Library's vehicle is similar to hundreds of other bookmobiles all over this country which have been purchased with Federal, State, and local matching money provided under the Library Services and Construction Act. Federally funded bookmobiles have brought the services of complete public libraries to poor and remote communities both in rural States like my own and big cities like Washington.

That bookmobile outside the Rayburn Building has regular schedules and regular stops and carries some 2,500 books all over this city. Similar vehicles carry reading materials to the Lorton correctional complex for the use of prison inmates. These are the kinds of services that bookmobiles are providing in many places across America.

Mr. Chairman, it has been my experience that bookmobiles like this one have provided valuable library services to people who for any number of reasons cannot reach a branch library and would otherwise be completely cut off from any library service. I would hope that Members take a look at this remarkable vehicle and see for themselves the kinds of services LSCA money is providing our constitutents.

A TRIBUTE TO THE LATE HONORABLE JOHN ANTHONY BURNS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record.)

Mr. PERKINS. Mr. Speaker, I feel a deep sense of loss and sorrow with the passing of John Anthony Burns. This country, and especially Hawaii, has lost a truly loyal and dedicated public servant. His efforts as a Member of Congress, as I remember in serving with him, were strong and sincere. He showed true dedication to the people he served with their best interests in mind and I consider that a noble trait of Jack Burns. I am honored to have known and worked with him, and I share the grief of his family, those who knew him, and those he devoted his life to serving.

It is said that Jack Burns is the "Father of Modern Hawaii." That is a noble description, and one he cherished.

He made Hawaiians proud of him—and in that pride we all share.

COMMEMORATIVE STAMP HONORING MARTYRED JEWS

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, today I have introduced a bill to provide for the issuance of a commemorative stamp in honor of the approximately 6 million

Jews killed by Nazi Germany during World War II.

This spring marks the 30th anniversary of both the end of the Second World War and the revelation to the world of the terrible atrocities committed by the Nazis. As tragic and unpleasant as the memory of the concentration camps is, it must be kept alive. By allowing the memory to die, we increase the chances of its happening again. With the issuance of this reminder to ourselves and to the world of these events of the recent past, we not only pay our respects to the millions who died at the hands of Adolf Hitler, but also reaffirm our committment that mankind will never again allow a tragedy such as this to occur.

LEAVE OF ABSENCE

By unanimous request, leave of absence was granted to:

Mr. Solarz (at the request of Mr. O'Neill), for Monday, April 14 through Wednesday, April 16, on account of official business (Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable to Armed Conflicts).

Mr. Dent (at the request of Mr. O'Neill), for today through Thursday, April 17, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 15 minutes, today.

(The following Members (at the request of Mr. Kelly) to revise and extend their remarks and include extraneous material:)

Mr. Cleveland, for 10 minutes, today.

Mrs. Heckler of Massachusetts, for 10 minutes, today.

Mr. Jeffords, for 15 minutes, today.

(The following Members (at the request of Mr. Baldus) to revise and extend their remarks and include extraneous material:)

Mr. Kastenmeier, for 5 minutes, today.

Mr. Morgan, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Bedell, for 5 minutes, today.

Mr. Drinan, for 15 minutes, today.

Mr. Dodd, for 5 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. McKay, for 5 minutes, today.

Mr. Patman, for 30 minutes, today.

Mr. Russo, for 5 minutes, today.

Mr. Danielson, for 10 minutes, today.

Mr Vanik, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel, to revise and extend his remarks, and to include tables and extraneous matter, on H.R. 5899.

Mr. Pepper, and to revise and extend his remarks preceding the vote on the Hawkins amendment.

Mr. Myers of Indiana, following remarks of Mr. Evins of Tennessee.

Mr. Yates, and to revise and extend his remarks, and include extraneous matter, during general debate on H.R. 5899.

(The following Members (at the request of Mr. Kelly) to revise and extend their remarks and include extraneous matter:)

Mr. Frenzel.

Mr. Winn.

Mr. Kemp in two instances.

Mr. Sarasin in four instances.

Mr. Gradison in two instances.

Mr. Gilman.

Mr. Derwinski in two instances.

Mr. Collins of Texas in three instances.

Mr. Pressler.

Mr. Hansen.

Mr. Crane in two instances.

Mrs. Heckler of Massachusetts.

Mr. Ketchum.

Mr. Emery.

Mr. McCloskey.

Mr. Spence.

Mr. Ruppe.

(The following Members (at the request of Mr. Baldus) and to include extraneous matter:)

Mr. Dodd.

Mr. Weaver in two instances.

Mr. Drinan in 10 instances.

Mr. Bingham in 10 instances.

Mr. Stokes in two instances.

Mr. Dan Daniel in two instances.

Mrs. Chisholm.

Mr. Carney in two instances.

Mr. Maguire in 10 instances.

Mr. Gonzalez in three instances.

Mr. Anderson of California in three instances.

Mr. McDonald of Georgia in five instances.

Mr. Roush.

Mr. Rosenthal.

Mr. McHugh.

Mr. Sisk.

Mr. Obey.

Mr. Kastenmeier in two instances.

Mr. Vanik in two instances.

Mr. Danielson.

Mr. Dominick V. Daniels in two instances.

Mr. Madden.

Mr. Rangel.

Mr. Gaydos in two instances.

Mr. Charles H. Wilson of California.

Mr. Santini in two instances.

Mr. Patten.

Mr. Russo in two instances.

Mr. Brademas.

Mr. Moffett.

Mr. Risenhoover.

Mr. Roncalio.

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 229. An act to amend the Endangered Species Act of 1973 to assure the perpetuation of the art of scrimshaw, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 622. An act to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement United States obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of Federal and State conservation programs consistent with economic recovery; to the Committee on Interstate and Foreign Commerce.

S. Con. Res. 16. Concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Income Security for Americans: Recommendations of the Public Welfare Study"; to the Committee on House Administration.

S. Con. Res. 17. Concurrent resolution authorizing the printing of additional copies of the joint committee print entitled "Federal Subsidy Programs"; to the Committee on House Administration.

S. Con. Res. 31, concurrent resolution authorizing the printing as a Senate document of the prayers offered by the Chaplain of the Senate, the Reverend Edward L. R. Elson, S.T.D., during the Ninety-third Congress; to the Committee on House Administration.

ADJOURNMENT

Mr. BALDUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 16, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

796. A letter from the Secretary of Defense, transmitting a report on the study of strategic airlift crew ratio increases, pursuant to section 403(b) of Public Law 93–365; to the Committee on Armed Services.

797. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Clean Air Act for 2 years; to the Committee on Interstate and Foreign Commerce.

798. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act, as amended, for 2 years; to the Committee on Interstate and Foreign Commerce.

799. A letter from the Chairman and members, U.S. Commission on Civil Rights, transmitting a report on constitutional aspects of the right to limit childbearing, pursuant to section 104(b) of Public Law 85-315, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLLING: Committee on Rules. House Resolution 395. Resolution providing for the consideration of H.R. 4111. A bill to amend the Securities Exchange Act of 1934 to remove barriers to competition, to foster the development of a national securities market system and a national clearance and settlement system, to make uniform the Securities and Exchange Commission's authority over securities industry regulatory organizations, and for other purposes (Rept. No. 94–146). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 396. Resolution providing for the consideration of H. Res. 46. Resolution to amend the Code of Official Conduct of the Rules of the House of Representatives (Rept. No. 94–147). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRINKLEY:

H.R. 5939. A bill to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHN L. BURTON:

H.R. 5940. A bill to revise and extend the Renegotiation Act of 1951; to the Committee on Banking, Currency and Housing.

By Mr. CHAPPELL:

H.R. 5941. A bill to amend the Occupational Safety and Health Act of 1970, and for other purposes; to the Committee on Education and Labor.

By Mr. CHAPPELL (for himself, Mr. Lehman, Mrs. Schroeder, Mr. AuCoin, Mr. Badillo, Mr. Bennett, Mr. Carr, Mr. Edwards of California, Mr. Fascell, Mr. Ford of Tennessee, Mr. Fuqua, Mr. Harrington, Mr. Hawkins, Mr. Hicks, Mr. Long of Maryland, Mr. Mikva, Mr. Mineta, Mr. Pepper, Mr. Rees, Mr. Roybal, Mr. Sarasin, Mr. Solarz, Mr. Stark, and Mr. Studds):

H.R. 5942. A bill to amend title 13 of the United States Code to require the compilation of current data on total population between censuses and to require the use of such current data in the administration of Federal laws in which population is a factor; to the Committee on Post Office and Civil Service.

By Mr. DON H. CLAUSEN:

H.R. 5943. A bill to amend title 10, United States Code, to equalize the retirement pay of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

H.R. 5944. A bill to direct the Secretary of Defense to continue to operate and maintain the commissary stores of the agencies of the Department of Defense; to the Committee on Armed Services.

Mr. DERRICK (for himself, Mr. Holland, Mr. Jenrette, and Mr. Spence):

H.R. 5945. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on the last Sunday in May and end on the first Sunday after Labor Day during each calendar year; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Leggett, Mr. Reuss, Mr. Stark, Mr. Solarz, Mr. Udall, Mr. Carr, Mr. Pritchard, Mr. Maguire, Mrs. Collins of Illinois, and Mrs. Boggs):

H.R. 5946. A bill to amend the National Wildlife Refuge System Administartion Act of 1966, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Leggett, Mr. Reuss, Mr. Brown of California, Mr. Rodino, Mr. Edwards of California, Mr. Hechler of West Virginia, Mr. Charles H. Wilson of California, Mr. Roe, Mr. Harrington, Mr. Nedzi, Mr. Edgar, Mr. Studds, Mr. Coughlin, Mr. Drinan, Mr. Fuqua, Mr. Moss, Mr. Gude, Mr. McCloskey, Mr. Fascell, Mr. Blanchard, Mr. Cohen, Mr. Forsythe, Mr. Riegle, and Mrs. Schroeder):

H.R. 5947. A bill to amend the National Wildlife Refuge System Administration Act of 1966, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL (for himself, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Rosenthal, Mrs. Schroeder, and Mr. Drinan):

H.R. 5948. A bill to provide for the review of petroleum import supply contracts and to provide for authority for the Government to enter into foreign supply contracts for petroleum; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. GINN (for himself, Mr. Bonker, Mr. Breckinridge, Mr. Duncan of Tennessee, Mr. Duncan of Oregon, Mr. Edwards of Alabama, Mr. Ford of Tennessee, Mr. Hicks, Mr. Ichord, Mrs. Keys, Mrs. Lloyd of Tennessee, Mr. McCormack, Mr. Mahon, Mr. Meeds, Mr. Montgomery, Mr. Neal, Mr. Pritchard, Mr. Rose, Mr. Thornton, Mr. Waggonner, and Mr. Young of Florida):

H.R. 5949. A bill to amend the Federal Water Pollution Control Act; to the Committee on Public Works and Transportation.

By Mr. HANLEY:

H.R. 5950. A bill to amend titles II, VII, XI, XVI, XVIII, and XIX of the Social Security Act to provide for the administration of the old-age, survivors, and disability insurance program, the supplemental security income program, and the medicare program by a newly established independent Social Security Administration, to separate social security trust fund items from the general Federal budget, to prohibit the mailing of certain notices with social security and supplemental security income benefit checks, and for other purposes; to the Committee on Ways and Means.

By Mr. HENDERSON (by request):

H.R. 5951. A bill to amend the civil service retirement law to increase the retirement benefits of referees in bankruptcy, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of California (for himself, Mr. Skubitz, and Mr. Lujan):

H.R. 5952. A bill to amend the Water Resources Planning Act to revise the membership of the Water Resources Council; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 5953. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

By Mr. KETCHUM:

H.R. 5954. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps; to the Committee on Post Office and Civil Service.

By Mr. McKAY:

H.R. 5955. A bill to amend title II of the Social Security Act to extend beyond age 22 the period during which an individual may be entitled to child's insurance benefits on the basis of full-time student status where such individual was prevented by reason of health, religious service, or service in the Armed Forces (after attaining age 18) from attending school during 1 or more months prior to attaining age 22; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Yates, Mr. Won Pat, Mr. Winn, Mr. Walsh, Ms. Spellman, Mr. Solarz, Ms. Schroeder, Mr. Sarbanes, Mr. Ryan, Mr. Roybal, Mr. Roe, Mr. Rodino, Mr. Pritchard, Mr. Pressler, Mr. Pepper, Mr. O'Brien, Mr. Nix, Mr. Murphy of Illinois, Mr. Mollohan, and Mr. Moakley):

H.R. 5956. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself, Mr. Mikva, Mr. Meeds, Mr. McCormack, Mr. Jenrette, Mr. Hicks, Mr. Hawkins, Mr. Hastings, Mr. Harrington, Mr. Fulton, Mr. Duncan of Tennessee, Mr. Dodd, Mr. Corman, Mr. Conyers, Mr. Carr, Ms. Burke of California, Mr. Brown of California, Mr. Baucus, Mr. Badillo, and Ms. Abzug):

H.R. 5957. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; to the Committee on Ways and Means.

By Mr. MOFFETT (for himself, Mr. Cotter, Mr. Dodd, Mr. McKinney, and Mr. Sarasin):

H.R. 5958. A bill to amend section 5(a) of the Wild and Scenic Rivers Act; to the Committe on Interior and Insular Affairs.

By Mr. WYLIE:

H.R. 5959. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for expenditures by a taxpayer for solar heating and cooling equipment installed in new or existing buildings, and a tax credit for expenditures by an individual for insulation in such individual's principal residence; to the Committee on Ways and Means.

By Mr. MORGAN (by request):

H.R. 5960. A bill to clarify restrictions on the availability of funds for the use of U.S. Armed Forces in Indochina, and for other purposes; to the Committee on International Relations.

H.R. 5961. A bill to authorize additional economic assistance for South Vietnam, and for other purposes; to the Committee on International Relations.

By Mr. MYERS of Indiana:

H.R. 5962. A bill to provide for the establishment of a commission to study revision of the Federal tax laws; to the Committee on Ways and Means.

By Mr. NATCHER:

H.R. 5963. A bill to amend title 38, United States Code, to authorize a program of assistance to States for the establishment, expansion, improvement, and maintenance of veterans cemeteries, and to provide for transportation of bodies to a national cemetery; to the Committee on Veterans' Affairs.

By Mr. OTTINGER:

H.R. 5964. A bill to amend the Securities Exchange Act of 1934 to require notification by foreign investors of proposed acquisitions of equity securities of U.S. companies; to authorize the President to prohibit any such acquisition as appropriate for the national security, to further the foreign policy, or to protect the domestic economy of the United States; to require issuers of registered securities to maintain and file with the Securities and Exchange Commission a list of the names and nationalities of the beneficial owners of their equity securities; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER (for himself, Mr. Hannaford, Mr. Pepper, and Mr. Dodd):

H.R. 5965. A bill to amend title II of the Social Security Act to provide that any fully insured individual may qualify for disability insurance benefits and the disability freeze if he has 40 quarters of coverage, regardless of when such quarters were earned, even if he does not have 20 quarters of coverage during the 40-quarter period immediately preceding his disability; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 5966. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. PEPPER:

H.R. 5967. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. PRESSLER:

H.R. 5968. A bill to revise retirement benefits for certain employees of the Bureau of Indian Affairs and the Indian Health Service not entitled to Indian preference, provide greater opportunity for advancement and employment of Indians, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5969. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. Ullman, Mr. Cotter, Mr. Mikva, and Mrs. Keys):

H.R. 5970. A bill to provide, through tax incentives in the Internal Code of 1954, that all future employment-based group health insurance plans extend coverage to workers who become unemployed and receive unemployment compensation benefits, with a temporary program financed through a trust fund and a temporary assessment on group health insurance arrangements to cover workers who are currently unemployed and receiving unemployment compensation (or who become unemployed before the applicable health insurance plans are modified to cover them), and for other purposes; to the Committee on Ways and Means.

By Mr. ROE (for himself, Mrs. Boggs, Mrs. Collins of Illinois, Mr. Hammerschmidt, Mr. Hannaford, Mr. Jacobs, Mr. Sarasin, Mr. Scheuer, and Mr. Wolff):

H.R. 5971. A bill to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Huntington's disease; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 5972. A bill to amend the Federal Environmental Pesticide Control Act of 1972, and for other purposes; to the Committee on Agriculture.

By Mr. ROUSH (for himself, Mrs. Fenwick, Mr. Mikva, and Mr. Waggonner):

H.R. 5973. A bill to amend the Federal Water Pollution Control Act to provide that Federal reimbursement may be made with respect to certain treatment works, construction of which was initiated before October 18, 1972; to the Committee on Public Works and Transportation.

Mr. ROUSH (for himself, Mrs. Boggs, Mr. Brown of California, Mr. Forsythe, Mr. Frenzel, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hicks, Mr. Ketchum, Mr. Krebs, Mr. LaFalce, Mr. Mazzoli, Mr. Moakley, Mr. Ottinger, Mr. Ruppe, Mr. Rodino, Mr. Roe, Mr. Stark, Mr. St Germain, Mr. Waxman, Mr. Charles H. Wilson of California, and Mr. Winn):

H.R. 5974. A bill to amend part A of title XVIII of the Social Security Act to authorize payment for emergency inpatient hospital services furnished outside the United States, to a qualified individual whose principal residence is within the United States, without regard to where the emergency occurred; to the Committee on Ways and Means.

By Mr. ROUSH (for himself, Mr. Ford of Tennessee, Mr. Martin, Mr. Roe, and Mr. Sarasin):

H.R. 5975. A bill to amend title II of the Social Security Act and chapters 2 and 21 of the Internal Revenue Code of 1954 to provide for voluntary agreements between ministers and their employers to treat ministers as employed persons; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 5976. A bill to amend title II of the Social Security Act to provide that increases in monthly insurance benefits thereunder (whether occurring by reason of increases in the cost of living or enacted by law) shall not be considered as annual income for purposes of certain other benefit programs; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 5977. A bill to amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, to raise the contribution base, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 5978. A bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SISK:

H.R. 5979. A bill to amend title 38, United States Code, to establish the per annum fullpay scale for certain personnel of the Department of Medicine and Surgery of the Veterans' Administration; to make a career in the Department of Medicine and Surgery more attractive, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SISK (for himself and Mr. McFall):

H.R. 5980. A bill making appropriations for section 107(a)(6) of the Housing and Community Development Act of 1974 for the fiscal year ending June 30, 1975; to the Committee on Appropriations.

H.R. 5981. A bill to amend the Housing and Community Development Act of 1974 for the purpose of authorizing additional appropriations for fiscal year 1975; to the Committee on Banking, Currency and Housing.

By Mr. SMITH of Iowa:

H.R. 5982. A bill to clarify the eligibility of certain small businesses for loans under the Small Business Act, to aid, protect and preserve small businesses in meat production and marketing, and for other purposes; jointly to the committees on Agriculture, and Small Business.

By Mr. STAGGERS:

H.R. 5983. A bill to amend the Railroad Retirement Act of 1974 to put the financial interchange with the social security system on a current basis; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of Florida:

H.R. 5984. A bill to amend the Internal Revenue Code of 1954 to increase the exemption for purposes of the Federal estate tax, to increase the estate tax marital deduction, and to provide an alternate method of valuing certain real property for estate tax purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Florida (for himself, Mr. Richmond, Mr. Solarz, and Mr. Moakley):

H.R. 5985. A bill to amend the Emergency Petroleum Allocation Act of 1973 to provide for the equalization of residual fuel oil prices charged to public, private, and invested-owned utilities and other persons using such oil; to the Committee on Interstate and Foreign Commerce.

By Mr. BEVILL:

H.R. 5986. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 5987. A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, aliens who are in the United States illegally, and for other purposes; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Quie, Mr. Perkins, Mr. Bell, Mr. Thompson, Mr. Esch, Mr. Dominick V. Daniels, Mr. Eshleman, Mr. O'Hara, Mr. Peyser, Mr. Ford of Michigan, Mr. Sarasin, Mr. Meeds, Mr. Buchanan, Mr. Biaggi, Mr. Pressler, Mr. Lehman, Mr. Goodling, Mr. Benitez, Mr. Blouin, Mr. Cornell, Mr. Simon, Mr. Beard of Rhode Island, Mr. Zeferetti, and Mr. Hall):

H.R. 5988. A bill to extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes; to the Committee on Education and Labor.

By Mr. BURGENER (for himself, Mr. Hinshaw, Mr. Goldwater, Mr. Ford of Michigan, Mr. Van Deerlin, Mr. John L. Burton, and Mr. Bolling):

H.R. 5989. A bill to amend the program of assistance for local educational agencies in areas affected by Federal activity to provide for the payment of 100 percent of entitlements arising out of the acquisition by the United States of certain real property; to the Committee on Education and Labor.

By Mr. BURLESON of Texas (for himself, Mr. Duncan of Tennessee, Mr. Nix, Mr. Quillen, Mr. Thone, Mr. Roberts, and Mr. Won Pat):

H.R. 5990. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Ms. COLLINS of Illinois (for herself, Ms. Abzug, Mr. Badillo, Mr. Brown of California, Ms. Burke of California, Mr. Carr, Ms. Chisholm, Mr. Conyers, Mr. Corman, Mr. D'Amours, Mr. Diggs, Mr. Downey, Mr. Edgar, Mr. Eilberg, Mr. Fascell, Mr. Fithian, Mr. Hannaford, Mr. Harris, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Hawkins, Mr. Hicks, Ms. Holtzman, and Mr. Harrington):

H.R. 5991. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Currency and Housing.

By Ms. COLLINS of Illinois (for herself, Mr. Jenrette, Mrs. Lloyd of Tennessee, Mr. Lent, Mr. McCormack, Mr. McHugh, Mr. Melcher, Mr. Metcalfe, Mrs. Meyner, Ms. Mink, Mr. Mitchell of Maryland, Mr. Montgomery, Mr. Nix, Mr. O'Brien, Mr. Ottinger, Mr. Pepper, Mr. Pressler, and Mr. Rangel):

H.R. 5992. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Currency and Housing.

By Ms. COLLINS of Illinois (for herself, Mr. Regula, Mrs. Boggs, Mr. Roe, Mr. Rosenthal, Mr. Ryan, Mr. Richmond, Mr. Sarasin, Mr. Solarz, Mrs. Spellman, Mr. Studds, Mr. Symington, Mr. Tsongas, Mr. Waxman, Mr. Whitehurst, Mr. Charles Wilson of Texas, Mr. Wirth, and Mr. Zeferetti):

H.R. 5993. A bill to amend the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions; to the Committee on Banking, Currency and Housing.

By Ms. COLLINS of Illinois (for herself, Ms. Abzug, Ms. Burke of California, Mr. Clay, Mr. Conyers, Mr. Fish, Mr. Ford of Tennessee, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia, Mr. Hicks, Ms. Holtzman, Mr. Mazzoli, and Mr. Metcalfe):

H.R. 5994. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Interstate and Foreign Commerce.

By Ms. COLLINS of Illinois (for herself, Mr. Mitchell of Maryland, Mr. Maguire, Mr. Murphy of Illinois, Mr. Rangel, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. St Germain, Mr. Solarz, Mrs. Spellman, Mr. Tsongas, Mr. Charles H. Wilson of California, and Mr. Yates):

H.R. 5995. A bill to make it an unfair practice for any retailer to increase the price of certain consumer commodities once he marks the price on any such consumer commodity, and to permit the Federal Trade Commission to order any such retailer to refund any amounts of money obtained by so increasing the price of such consumer commodity; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN:

H.R. 5996. A bill to amend title XVIII of the Social Security Act to provide that payment may be made thereunder for emergency hospital services (and related services) furnished outside the United States to a qualified individual whose principal residence is within the United States, without regard to where the emergency occurred, subject to certain limitation in cases where the hospital involved does not agree to comply with specified requirements; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 5997. A bill to amend the Export Administration Act of 1969, and for other purposes; to the Committee on International Relations.

H.R. 5998. A bill to amend title 5, United States Code, and the Subversive Activities Control Act of 1950, with respect to certain conditions on Federal employment relating to loyalty oaths, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DRINAN (for himself, Mr. Ford of Michigan, and Ms. Collins of Illinois):

H.R. 5999. A bill to amend the Impoundment Control Act of 1974 to provide that no rescission of budget authority proposed by the President shall take effect unless and until the Congress has passed a bill incorporating such rescission; to the Committee on Rules.

By Mr. FREY:

H.R. 6000. A bill to amend title 10 of the United States Code to afford the Secretary of the appropriate military department greater flexibility in programing space for inpatient and outpatient care in facilities of the uniformed services for areas having a large concentration of retired members of the uniformed services and their dependents; to the Committee on Armed Services.

By Mr. GILMAN (for himself, Mr. Hechler of West Virginia, Mr. Conyers, Mr. Crane, Mr. Carr, Mr. Yatron, Mr. Ford of Tennessee, Mr. Lagomarsino, Mr. Flood, Mr. Hubbard, Mr. Duncan of Tennessee, Mr. Wright, Mr. Hicks, Mr. Burgener, Mr. Kindness, Mr. Richmond, Mr. Charles Wilson of Texas, Mr. Walsh, Mr. Santini, Mr. Solarz, Mr. Mitchell of Maryland, Mr. Anderson, of California, Mrs. Collins of Illinois, Mrs. Meyner, and Mr. Waxman):

H.R. 6001. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Cohen, Mr. Brown of California, Mr. Vigorito, Mr. Charles Wilson of Texas, Mr. Johnson of California, Mr. Zeferetti, Mr. Esch, Mr. Helstoski, Mr. Eilberg, Mr. Hamilton, Mr. Walsh, Mr. Preyer, Mr. Yatron, Mr. Rosenthal, Mr. Thompson, Mr. Bonker, Mr. Goodling, Mr. Solarz, Mr. Conyers, Ms. Heckler of Massachusetts, Mr. Davis, Mr. Jacobs, Mr. Carney, and Mr. McCloskey):

H.R. 6002. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. Metcalfe, Ms. Abzug, Mr. Tsongas, Mr. Fithian, Mr. Lloyd of California, Mr. Mazzoli, Mr. Seiberling, Mr. Badillo, Mr. Horton, Mr. Bell, Mr. McCormack, Mr. Rangel, Ms. Burke of California, Mr. Ryan, Ms. Fenwick, Mr. Riegle, Mr. Won Pat, Mr. Rinaldo, Mr. Richmond, Mr. Mitchell of Maryland, Mr. Young of Georgia, Mr. Sarbanes, Mr. Diggs, and Mr. Drinan):

H.R. 6003. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. Mosher, Mr. LaFalce, Mr. Ford of Michigan, Mr. Ashley, Mr. Baldus, Mr. Santini, Mr. Hannaford, Mr. Murphy of New York, Mr. Rooney, Mr. Hawkins, and Mr. Ottinger):

H.R. 6004. A bill to insure that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. JONES of Alabama (for himself and Mr. Bevill):

H.R. 6005. A bill to create an additional judicial district in the State of Alabama, and for other purposes; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself and Mr. Railsback):

H.R. 6006. A bill to establish certain rules with respect to the appearance of witnesses before Federal grand juries in order better to protect the rights and liberties of such witnesses, to provide for independent inquiries by grand juries, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 6007. A bill to provide for the issuance of a commemorative stamp in honor of the approximately 6 million Jews killed by Nazi Germany during World War II; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of Pennsylvania:

H.R. 6008. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. SANTINI:

H.R. 6009. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mrs. SPELLMAN (for herself, Ms. Abzug, Mr. Brown of California, Mr. Long of Maryland, Mr. Melcher, Ms. Burke of California, Mr. Waxman, Mr. Conyers, Mr. Ottinger, Mr. Richmond, Mr. Hawkins, Mr. Carr, Mr. Badillo, Mr. Harrington, Mr. Hicks, Mr. Solarz, Mrs. Meyner, Mr. Bedell, Mr. Traxler, Mr. Stark, Mr. Cornell, and Mr. Bingham):

H.R. 6010. A bill to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, to secure to employees of the Government the right to disclose information which is required by law to be disclosed by agencies; to the Committee on Government Operations.

By Mr. VANIK (for himself, Ms. Abzug, Mr. Anderson of California, Mr. Andrews of North Dakota, Mr. Ashley, Mr. AuCoin, Mr. Beard of Rhode Island, Mr. Brown of California, Mr. Carney, Mr. Corman, Mr. Davis, Mr. Dingell, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Edwards of California, Mr. Hanley, Mr. Hawkins, Mr. Helstoski, Mr. Hicks, Mrs. Keys, Mr. LaFalce, Mr. Leggett, Mrs. Meyner, and Mr. Mitchell of New York):

H.R. 6011. A bill to provide for the recycling of used oil and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, Ways and Means, Government Operations, and Science and Technology.

By Mr. VANIK (for himself, Mr. Moakley, Mr. O'Hara, Mr. Ottinger, Mr. Pepper, Mr. Pritchard, Mr. Rees, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Ms. Schroeder, Mr. Stark, Mr. Studds, Mr. Udall, Mr. Vander Veen, Mr. Vigorito, and Mr. Won Pat):

H.R. 6012. A bill to provide for the recycling of used oil and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, Ways and Means, Government Operations, and Science and Technology.

By Mr. WHALEN:

H.R. 6013. A bill to amend the Internal Revenue Code of 1954 to restrict the authority for inspection of tax returns and the disclosure of information contained therein, and for other purposes; to the Committee on Ways and Means.

By Mr. BRINKLEY:

H.J. Res. 390. Joint resolution proposing an amendment to the Constitution of the United States relating to the tenure in office of Supreme Court Judges; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 391. Joint resolution to authorize the return of the remains of Pocahontas to the United States and the establishment of an appropriate memorial commemorating her place in American history; to the Committee on Interior and Insular Affairs.

By Mr. LEHMAN:

H.J. Res. 392. Joint resolution to provide for the designation of the month of May 1975 as Older Americans Month; to the Committee on Post Office and Civil Service.

By Mr. McFALL (for himself and Mr. Sisk):

H.J. Res. 393. Joint resolution to prohibit the Secretary of Housing and Urban Development from making any grant to any urban county, except grants for hold harmless amounts, under title I of the Housing and Community Development Act of 1974 until July 1, 1975, so that Congress may have time to reexamine the method for allocating funds for grants under such title; to the Committee on Banking, Currency and Housing.

By Mr. SANTINI:

H.J. Res. 394. Joint resolution authorizing the President to proclaim September 28, 1975, as National Indian Day; to the Committee on Post Office and Civil Service.

By Mr. BAUMAN (for himself, Mr. Regula, Mr. Stratton, Mr. Long of Maryland, Mr. Duncan of Tennessee, Mr. Winn, Mr. Flood, and Mr. Myers of Indiana):

H. Con. Res. 220. Concurrent resolution stating the sense of Congress regarding the situation in Southeast Asia; to the Committee on International Relations.

By Mr. DELANEY (for himself and Mr. NIX):

H. Con. Res. 221. Concurrent resolution requesting release of two Ukrainian intellectuals; to the Committee on International Relations.

By Mr. BROOKS (for himself and Mr. ROE):

H. Res. 394. Resolution directing the House Commission on Information and Facilities to provide for radio and television coverage of proceedings in the House Chamber during the first session of the 94th Congress; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

103. The SPEAKER presented a memorial of the Legislature of the State of Nevada, relative to wild horses and burros; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 6014. A bill for the relief of Cayetana Remigia Cuellar; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 6015. A bill for the relief of Mrs. Zenaida Sarmenta Segura; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 6016. A bill for the relief of Matrouk Dukum; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

83. The SPEAKER presented a petition of Charles Macmurdo, Baton Rouge, La., and others, relative to the Advisory Commission on Intergovernmental Relations; to the Commission on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5901

By Mr. ROYBAL:

On page 2, strike out the paragraph beginning on line 3 extending down through line 6 on page 3 and substitute in lieu thereof:

TITLE I—EDUCATION DIVISION

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

"For carrying out, to the extent not otherwise provided, title I, part A ($2,032,212,000), title I, part B ($16,538,000), title IV, part C ($172,888,000), and title VII of the Elementary and Secondary Education Act ($95,270,000); title VII of the Education Amendments of 1974; the Environmental Education Act ($2,000,000); section 417(a)(2) of the General Education provisions Act; part J of the Vocational Education Act; part IV of title III of the Communications Act of 1934; the Alcohol and Drug Abuse Education Act; and part B of the Headstart-Follow Through Act ($59,000,000), $2,403,158,000, of which $10,000,000 shall be for educational broadcasting facilities and shall remain available until expended: *Provided*, That of the amounts appropriated above the following amounts shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977: title I, part A ($2,032,212,000), title I, part B ($16,538,000), title IV, part C ($172,888,000) of the Elementary and Secondary Education Act and section 417(a)(2) of the General Education Provisions Act ($1,250,000): *Provided further*, That amounts appropriated for carrying out title I of the Elementary and Secondary Education Act in the fiscal year 1976, shall be available for carrying out section 822 of Public Law 93–380.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $649,000,000 of which $46,000,000 shall be for payments under section 6 and $603,000,000 shall be for payments under sections 2, 3, and 4 in accordance with subsection 5(c) of said Act. For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $10,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That with the exception of up to $1,000,000 for repairs for facilities constructed under Section 10, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b): *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 47.5 per centum may be used to fund section 5 of said Act. For "School assistance in federally affected areas" for the period July 1, 1976, through September 30, 1976, $70,000,000.

EMERGENCY SCHOOL AID

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, $226,700,000. For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, for the period July 1, 1976, through September 30, 1976, $325,000.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $235,000,000: *Provided*, That of this amount, $110,000,000 for part B shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For 'Education for the handicapped' for the period July 1, 1976, through September 30, 1976, $10,500,000.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($438,978,000), D, F ($35,994,000), G ($19,500,000), H ($9,849,000) and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and parts B–1, D, and F of the Education Professions Development Act, and the Adult Education Act of 1966, $668,849,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1976: *Provided*, That of this amount $71,500,000 for the Adult Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For 'Occupational, vocational, and adult education' for the period July 1, 1976, through September 30, 1976, $151,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, and parts A, B, C, and D of title IX and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969, as amended, section 207 and title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, title IX of the Elementary and Secondary Education Act, and Public Law 92–506, $2,346,184,000, of which $240,093,000 for supplemental educational opportunity grants and amounts available for reallocation among eligible institutions for work-study grants and for incentive grants shall remain available through September 30, 1977, $23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, $660,000,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses) of which $648,500,000 shall remain available through September 30, 1977, and $452,000,000 for subsidies on guaranteed student loans shall remain available until expended: *Provided*, That none of the funds in this Act shall be used to pay any amount for basic opportunity grants for students who were enrolled at institutions of higher education prior to April 1, 1973. For 'Higher education' for the period July 1, 1976, through September 30, 1976, $124,000,000, to remain available until expended.

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($49,155,000) and III ($2,594,000) of the Library Services and Construction Act (20 U.S.C., ch. 16); title II, part A of the Higher Education Act; and title IV, part B ($147,330,000) of the Elementary and Secondary Education Act, $209,054,000: *Provided*, That the amount appropriated above for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977."

EXTENSIONS OF REMARKS

ADDING HOUSATONIC RIVER OF CONNECTICUT TO WILD AND SCENIC RIVERS SYSTEM

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. MOFFETT. Mr. Speaker, I am introducing a bill today which would add the Housatonic River of Connecticut to the list of rivers to be surveyed and possibly added to the Wild and Scenic Rivers System. This bill, the "Housatonic River Act of 1975," is identical to one introduced in the Senate by Senator RIBICOFF.

The Housatonic flows from Massachusetts to the Long Island Sound through the only remaining rural area of western Connecticut. Today the river exists in a relatively natural condition, but the inexorable urbanization of Connecticut threatens it with pollution and uncontrolled development. My bill is aimed at preserving the river in its free-flowing and unpolluted condition, and insuring that the adjacent lands be developed sensibly, in keeping with the public interest.

If Congress approves this bill, the Department of Interior or the Department of Agriculture would conduct a study of the river, and submit to Congress and the President a report concerning the river's eligibility under the act, the estimated cost of inclusion in the system, and the effect of inclusion upon current uses and practices. It would then be up to Congress to make the ultimate determination as to the degree of public control desirable and the designation of administrative authority among Federal, State, and local governments.

It should be noted that many local communities along the Housatonic have done an admirable job of protecting the river against encroachments. Unfortunately, given the economic and political realities of modern industrial society, local zoning is not always sufficient. Special interests often have the money and legal resources to exert considerable influence on local planners and lawmakers. This influence invariably outweighs the countervailing influence of public opinion, as such opinion is usually unorganized and widely dispersed. Frequently, environmental trade offs take place in closed or unpublicized meetings between would-be developers and local officials, with the average citizen left unaware that a priceless natural resource hangs in the balance.

All too often, it is the Government itself which would despoil the river and the land around it. Congress, in creating the Wild and Scenic Rivers System, declared that:

> The national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition.

The Wild and Scenic Rivers Act of 1968 was an attempt by Congress to equalize the balance in the decisionmaking process, a balance that has often been weighted in favor of development interests and growth-happy Government bureaucrats, as against the public good. When the public good can be fairly and democratically determined at the local planning level, this is clearly preferable, but it is equally clear that equitability in the process must be reinforced and insured by a Federal protection system.

Under the act, there are three possible methods of protection: First, complete public ownership; second, partial public control through the acquisition of easements; or third, local zoning ordinances. The final determination as to which form of protection to employ depends primarily upon whether or not local authority has been providing sufficient protection in keeping with the aims of the act. While the Departments of Interior and Agriculture do have condemnation powers under the act, these powers need not be used in all cases, and considerable safeguards have been written into the land-acquisition powers to insure against the removal of citizens from their residences or the unwarranted confiscation of public or private property. In short, there is no reason why the addition of the Housatonic River to the Wild and Scenic Rivers System would have to undermine local authority or individual rights. Indeed, the right of all individuals, present and future, to a clean and unspoiled environment would be furthered by such legislation.

The Housatonic is certainly a priceless natural resource. Unfortunately, it is also quite manifestly an endangered resource. I suggest that the rapid growth rate in the Northeast and the strong support of individuals and citizen groups for adding the Housatonic to the list of potential wild and scenic rivers call for swift and favorable action on this bill.

AID TO INDO-CHINA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. McDONALD of Georgia. Mr. Speaker, there has been much public comment recently to the effect that the Communist victories in South Vietnam were not due to cuts in American military aid, but rather an ineptness and lack of will on the part of the South Vietnamese.

To set the record straight on this, I call the attention of my colleagues to the following interview of Maj. Gen. John Murray, U.S. Army (retired), which appeared in a recent issued of U.S. News & World Report.

General Murray was our top military officer in South Vietnam after the last American combat forces were withdrawn in March 1973, and he later supervised U.S. arms aid to Saigon.

WHAT A MILITARY EXPERT SEES AHEAD FOR INDO-CHINA

Q. General Murray, is the Indo-China war about to end, with Cambodia and South Vietnam soon to be taken over by the Communists?

A. The end is inevitable. The two countries can last only as long as they continue to get military supplies from the U.S., because they are faced with invading armies that are well supplied. It is not a question of manpower, or will power, but of firepower.

Q. Will the end of fighting in Cambodia make it easier for Hanoi to turn its attention to South Vietnam?

A. Unquestionably. Hanoi will not gain any large number of troops when the fighting in Cambodia is over. But the ammunition and other military supplies that now must be sent to Cambodia can be concentrated on the war in South Vietnam. And they will be able to use Cambodia's jet airfield to send MIG's and bombers to strike in South Vietnam.

Q. What do you expect to happen next?

A. I believe that General [Vo Nguyen] Giap is still in charge of North Vietnamese strategy. He is an artillery expert with a good sense of mobility. So I think we can expect him to get long-range artillery pieces within shooting distance of Saigon as soon as he is able. His 130-mm guns are much more accurate than rockets, so when they begin shelling Saigon and other large cities, you can look for the Communists to methodically take out the ammunition dumps and oil depots, then proceed to the airfields and any other target that helps the South Vietnamese resist.

I don't know how long Saigon will be able to last under such pounding. I do know the South Vietnamese are a tough people and they hate the Communists, so they won't cave in immediately.

Q. How long would you expect Saigon to keep fighting if U.S. aid is cut off completely?

A. Not very long. South Vietnam does not have a big stockpile of ammunition. From the moment U.S. aid stops arriving in South Vietnam to the moment the country shoots all of its ammunition up may be a space of no more than 60 days.

Q. After all the help Saigon has received from the U.S., how did South Vietnam get into this fix?

A. The general public sees that South Vietnam has 1.1 million in uniform while North Vietnam's invasion force is only about 350,000, and it reasons that North Vietnam fights better. But part of the South Vietnamese force is 100,000 men engaged in training. Another 100,000 are tied down with transportation and supply and maintenance duties. A large part of the uniformed force are Popular Forces and Regional Forces guarding bridges and over 5,000 small Alamo-type outposts.

North Vietnamese troops do those same duties in the North. But they are not counted as part of the invasion force that Hanoi is using in the South. So when you begin to count maneuver battalions and fighting divisions in the war area, there are more combat troops in the North Vietnamese invasion force than in the South Vietnamese Army.

Q. Are the North Vietnamese superior in fighting ability?

A. Not at all. The South Vietnamese have repeatedly fought and beaten the North Vietnamese. South Vietnamese have rooted out Communist troops in areas that successfully fought back American troops. I believe South Vietnam's generals are better than Hanoi's and their troops fight better.

But right now North Vietnam's military forces are better equipped than the South Vietnamese Army. The best generals in the world are not going to be able to overcome superior firepower—certainly not for any long period of time.

Q. Is it a question of which side has a greater will to win?

A. Yes, but the question of will is not simply Saigon's will versus Hanoi's will. Saigon has shown repeatedly, and continues to show, it is willing to fight. The question is whether the U.S. is willing to continue providing enough ammunition and equipment. There certainly is no sign that the Soviet Union or Communist China are losing their will.

We need more bone in our back and less bone in our head.

Q. Do you see any hope of a political settlement in South Vietnam, or even in Cambodia, or is this a conflict that has to be settled on the battlefield?

A. As part of the cease-fire agreement of Jan. 27, 1973, President Thieu set up the program of a one-for-one replacement of military supplies, and opened it for international inspection. He established the ports of entry for the military supplies, as specified in the Paris agreement, and opened them up for international inspection. And he returned 28,000 prisoners of war to the Communists. But the Communists refused to reciprocate. Taking all this into account, what kind of political settlement can South Vietnam look forward to?

The picture in Cambodia is less clear. It might be open to political settlement, given the different personality of the Cambodians. But I find it hard to believe the Khmer Rouge would make any major concessions when the battle seems to be going their way.

Q. If Hanoi wins, will it become a major power in Southeast Asia and a threat to other countries?

A. I think it very unlikely that Hanoi would not become heady with power. I think Hanoi's leaders would be a continued threat to neighboring nations.

Also, I really fear for the South Vietnamese and Cambodian people. Massive purges are almost inevitable.

All the leaders, from schoolteachers on up, will be endangered to the degree that they co-operated with the U.S. or the South Vietnamese or Cambodian Governments.

A COMPARISON OF UNEMPLOYMENT RATES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. GAYDOS. Mr. Speaker, things are looking up economically in West Germany where the government labor office reports unemployment on the decline for the first time in 8 months, having fallen to 4.9 percent in March from 5.2 percent the month before.

This news comes at a particularly bad time for us in Pennsylvania where joblessness, according to Labor and Industry Secretary Paul J. Smith, is on the rise, having soared one full percentage point to 9.3 in March.

Mr. Smith's report translates into 481,000 Pennsylvanians of a 4.8 million work force now idle, or 22,000 more than in February this year and 276,000 above the figure for March 1974, when unemployment, coincidentally, stood at about the 5.2 percent rate of West Germany before the current decline began there.

Other American States are worse off than Pennsylvania which has had the advantage of high steel production. Some have doubled and even tripled the jobless percentage of West Germany.

I ask, Mr. Speaker, if this is fair. Our economic troubles are due to inflation, high production costs and high taxes, all in large part the result of our country's overcommitments abroad. We have 300,000 troops stationed in Western Europe, a major segment of them in West Germany where the flow of U.S. dollars for their maintenance continues to fuel the German economy and create thousands upon thousands of German jobs. These jobs, I am sure, account for the German unemployment rate being a little more than half that of my State.

I have joined others here over many months in calling for sizable cutbacks in our military deployments overseas and especially in Western Europe where the German, Swiss, Dutch, and other currencies are stronger than our own and where the people, in numbers and capability, should be well able to defend themselves without our costly help. And against whom? Our new "détente" partner, the Russians. What irony.

We no longer can afford this ridiculous military adventure with its heavy drain upon our weakened economy. The disparity of unemployment rates here and in West Germany proves that.

MIAMIANS JOIN VLADIMIR SLEPAK IN HUNGER STRIKE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. LEHMAN. Mr. Speaker, Vladimir Slepak, a Soviet Jew who has been trying to leave Russia for 5 years, began a hunger strike on April 13 in an effort to win his freedom.

Last May, a number of south Florida dentists and their wives met with Vladimir Slepak, learned of his ceaseless struggle to emigrate, and vowed to do everything possible to support his fight for freedom.

Today, I have learned that friends of Vladimir Slepak in Miami have joined in his hunger strike. They include Dr. Michael Krop, Dr. Robert Blank, Dr. Clifford Marks, and Dr. Lawrence and Shirley Brant.

My thoughts and prayers are with Vladimir Slepak and his steadfast friends in Miami. I have telegramed Soviet Communist Party Secretary Brezhnev to tell him of their action and to urgently request the immediate release of Vladimir Slepak.

I would like to insert in the Congressional Record at this point the story of Vladimir Slepak's struggle. It takes the form of a petition signed by 150 Jews from Moscow and other cities in the U.S.S.R. in behalf of Vladimir Slepak.

I would also like to leave my colleagues with a question: How far should détente go with a nation that continues to persecute and harass those individuals who wish only to leave?

Petition

On the 13th of April, 1975, International Solidarity Day, we are observing a fifth anniversary. It is exactly 5 years to the day since Vladimir Slepak submitted his application for permission to emigrate to Israel. During these years he and his family have experienced the full extent of persecution and humiliation which befalls those Jews who strive to resettle in their historic homeland, Israel.

Until the beginning of 1969, Slepak worked in the Moscow Television Institute. Although the standard of technology in his place of work and at his own level were significantly behind those of the advanced countries, Slepak appreciated that he could be considered as a person performing so-called "secret work" and that therefore there could be a delay in the issue to him of an exit permit. He therefore left his place of work one year before he actually submitted his application to emigrate. At his next place of employment he was dimissed as soon as they learned that he was intending to emigrate to Israel. At his third place of work he was offered such intolerable working conditions that he was again compelled to leave of his own accord. As very frequently occurs with Jews in the USSR who are trying to emigrate to Israel, shortly after he was deprived of the possibility of work, Slepak, a highly qualified engineer, was declared a parasite and compelled to work as a workshop handyman, requiring no qualification except the ability to sharpen drawing instruments. Since the end of 1972, he has not worked at all.

Slepak's older son, Alexander, 22, applied to a number of institutes of higher education when he left school, but in each one he was refused on the grounds that he intended to emigrate to Israel and that it was not in the Soviet Union's interest to prepare specialists for Israel. However, when he suggested that he alone be given permission to leave without his parents, that was also refused.

Slepak has suffered arrest and detention dozens of times and his home was searched in connection with the first Leningrad Trial and also the Ilya Glezer and Lazar Lubarsky trials. In May 1972, his was one of the first telephones to be disconnected in Moscow. He was thrown into prison in May, 1971 for 15 days; in May, 1972 for 11 days during Nixon's visit to Moscow, in September, 1972 for 15 days for going on hunger strike outside the Central Telephone Office; in October, 1973 for 2 days at the time of the Congress of Peace-Loving Countries; in June, 1974 for 15 days at the time of Nixon's second visit to Moscow. His son, Alexander, was also thrown into prison at the time of Nixon's first visit to Moscow.

Vladimir Slepak and his family are people outside the protection of the law. For them there exist no rights, whereas those who break the law in their persecution of the Slepaks go unpunished. Slepak and other refuseniks are held as hostages in the USSR deliberately to frighten and discourage others. In spite of this, Slepak's spirit has not been broken. His numerous friends know of his wholehearted devotion to his people, his selfless determination and his kindness and generosity to others. The very name of Slepak has become a symbol of the determination not to compromise and the determination of the Jews of the USSR to continue to struggle for the right to reach their homeland, Israel.

We call upon all those who are aware of the sufferings and hardships endured by those Jews struggling to emigrate to Israel to unite their efforts toward the liberation of the Slepak family from the bondage of the modern pharoahs.

PITTSBURGH POST-GAZETTE SUPPORTS LOBBYING REFORM LEGISLATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. KASTENMEIER. Mr. Speaker, the Pittsburgh Post-Gazette, in a March 3 editorial gave its support to the public disclosure of lobbying legislation that has been introduced in both the House and the Senate. I recommend that my colleagues take the time to read the Post-Gazette editorial:

Who Is in the Lobby? What Lobby?

A lobby disclosure bill introduced this week by Edward Kennedy, Charles Percy and four other senators, like the bill earlier introduced by Reps. Tom Railsback and Robert Kastenmeier, are tough measures worthy of support. The similar bills before both houses would plug the holes in the 1946 disclosure law.

That act doesn't now apply to executive-branch lobbying. Nor does it cover persons who lobby in their job capacity as, say, corporate or trade-association officers but who are not hired specifically as lobbyists.

We favor the legislation not because we believe lobbying is wrong. Actually, it represents a perfectly constitutional way for an interest group to make its wishes and the rationales behind them known to lawmakers. With the ax that they bring to grind, lobbyists also present useful, if sometimes skewed, facts and figures.

What's wrong with lobbying now is secrecy. The public has a right to know who is attempting to influence what legislators and in what way. Hidden special-interest money can be—indeed, too often is—used to corrupt the public process. The suitcases full of cash revealed during the Watergate inquiries are illustrative but not unique.

The disclosure bills would require lobbyists to report who pays them and how much, to itemize what they spend, to reveal the names of persons in the Congress and the executive branch with whom they've gotten in touch and to identify the issues for which they've lobbied.

Lobbyists, furthermore, would have to reveal the names and activities of anyone lobbying on their behalf and disclose how much they gave or lent to public officials and what favors they extended.

Both bills appear, then, to be on target. They would satisfy the right to know who's spending what. Citizens should know because, as Common Cause Chairman John Gardner has said, "The price of their food, their heating bills, the safety of the toys their children play with and a great many other things may be affected" by what is now often secret lobbying.

INTERNATIONAL HUMANITARIAN AID FOR INDOCHINA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. BINGHAM. Mr. Speaker, while the Indochina war is finally lurching to an end, millions of South Vietnamese and Cambodian civilians will continue to suffer in the months ahead. Made homeless by the war, driven off the land they cultivated to feed their families, these refugees are dependent on humanitarian aid for survival. The United States must bear much of this burden, and I have joined with Representatives Helen Meyner and Bella Abzug in proposing legislation to provide $200 million in immediate humanitarian assistance under the auspices of the U.N. and other international and private voluntary agencies.

In an editorial on April 12, the New York Times endorsed this approach to meeting our future responsibilities in Indochina. That editorial follows:

Indochina's Children

Well-meaning governments and individuals seeking ways to channel their funds, supplies and sympathies to the orphans and refugees caught in the Indochina maelstrom must, first of all, come to terms with reality. The purpose of the relief should be to alleviate human suffering, not to salve consciences.

Token airlifts of young children to this country—some not orphans and some removed from foster parents and relatives in ancestral communities—are not the answer to the large-scale human tragedy. There are nearly a million orphans and half-orphans—one-twentieth of the population—in the area once controlled by the Republic of South Vietnam. Three million refugees are in camps or on the roads of South Vietnam.

The most useful immediate help can come via the good offices of the United Nations High Commissioner for Refugees and the U.N. Children's Fund. UNICEF has been working with all the belligerents in Vietnam—Saigon, Hanoi and the Vietcong. For the past two years it has been allowed to provide food, medicine and shelter materials on both sides of embattled Cambodia and to both administrations in Laos. Suffering caused by past bombings and present ground attacks cuts across all geographic boundaries.

The U.N. agencies can be the most important channel for humanitarian generosity and need. This is the way to rebuild America's moral commitment in Indochina.

UNCLE SAM: NO MORE MR. NICE GUY

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DAN DANIEL. Mr. Speaker, last Friday, April 11, Admiral Elmo R. Zumwalt, Jr., former Chief of Naval Operations, employed the pages of the New York Times to comment on our Nation's position—I am tempted to say perilous position—in the area of international relations.

Because of his profession, Admiral Zumwalt has had the opportunity and the need to study the recent history of the military strength of our country as compared with the U.S.S.R. There is no comfort to be taken from his findings or from the conclusions he has drawn.

Since this Congress has determined it will take a more activist role in foreign affairs, I would strongly urge that a hard look be taken at the present situation as outlined by Admiral Zumwalt. As you take unto yourselves this added responsibility, your decisions will be hard ones and should be made on the best available information.

Uncle Sam: No More Mr. Nice Guy

(By Elmo R. Zumwalt Jr.)

Washington.—Wherever one looks the rate of change on the international scene has achieved dizzying proportions, often with ominous overtones for United States interests. What is frequently overlooked, however, is that American behavior may be one of the greatest precipitators of this growing instability.

Debate over the fiscal 1976 defense budget has highlighted the fact that we are at a point where fundamental changes may occur which could undercut the assumptions underlying the foreign and national security policies we have followed since World War II.

The combination of increasing Soviet military power and declining U.S. force levels has put us at the crossover point where Soviet superiority in military capabilities may become reality.

This affects the Soviet view of opportunities and of relative risks in pursuing them. It equally affects the will of our national leadership and the American public in facing down Soviet irresponsibility (as in October, 1973). And it clearly affects the Third World's sense of the way things are going, hence their political alignments and willingness to cooperate with us.

Whatever we may think about the political value of military power, it is clear that the Soviets value it highly for its utility in advancing their goal of expanding power and influence. For this reason the Soviet Union can be expected to continue increasing its military investment at the annual three to five per cent rate of recent years.

While détente, with adequate American strength, can be a positive phenomenon, we cannot overlook the fact that the euphoric representations of détente which have characterized the rhetoric of some senior U.S. officials in recent years have allowed the Soviet Union to continue shifting the military balance without unduly alarming the West.

It is sobering to recall that we have no experience in dealing with the Russians under conditions of clear-cut Soviet military superiority.

There is a real possibility that the Soviet's growing margin of military capability will lead them to believe they have politico-military options formerly denied. Their aggressive promotion of the opportunity to change the strategic face of Europe by bringing Portugal into the Soviet orbit suggests a boldness that would have been unthinkable in the day when the United States was more stalwart in defending its essential interests.

Quantities of Soviet money, advice and K.G.B. subversion suffuse Portuguese politics while the U.S. looks on, its own ability to act paralyzed by confusing debates about the proper role of intelligence agencies in safeguarding its vital interests.

At the same time, the Soviet Union must be delighted with events in Vietnam, where its own aid and advice have helped carry the day, while statutory restrictions on U.S. ability to enforce the Paris accords encouraged their massive violation by the North. Congress's signal that further aid could not be relied on contributed to a collapse of morale in the South, while casting a shadow on U.S. dependability as an ally.

What we must avoid is a situation where changes adverse to U.S. interests become irreversible. We are fast approaching such a point. Our demonstrated lack of national will, our mindless acts to destroy the cohesion of carefully built alliances, and the steady erosion of American credibility have given impetus to an unraveling of the sinews of that world order which we had come to take for granted.

The U.S. is now perceived as a declining power and, more importantly, as a state unwilling to use that power which it disposes to protect its key interests. In the eyes of the Third World, this U.S. behavior is seen as eroding one of the fundamental props of a stable international environment, and changing the basic assumptions on which their own behavior has been predicated.

The result is a trend toward a situation in which predatory drives may receive new emphasis, international agreements lose their efficacy, and irresponsibility can become the norm. The risks are high in such a world. Conflict having the potential to draw in the superpowers becomes more common; access to resources and markets on which our economy depends is less certain; and miscalculation can rapidly lead to the sort of calamity which we have avoided since World War II.

The financial burdens of maintaining a foreign policy of intelligent international involvement, supported by an adequate defense capability, are relatively small. Six per cent of G.N.P., properly allocated, can cover the essentials. The political, economic and—potentially—human costs of failing to do so are large.

Interdependence remains an inexorable fact of international life; and U.S. interests require that it act responsibly to employ its political, economic, and military power in ways which foster stability in relations among nations. We must develop a new national consensus in support of such policy.

The starting point must be a return to frankness in dealing with the American public. Overblown characterizations of détente must give way to honest representations of the risks entailed in Soviet military superiority. It is time for the President and his Secretary of State to speak candidly on the limitations on policy that flow from our deteriorating power.

It is time for members of Congress to demonstrate the political courage to vote for the President's defense and foreign aid budgets, and to face their constituencies with an explanation of why they must so vote. The American people have never failed to respond in times of emergency when they have understood the issues.

NATIONAL HONORS FOR LINDA S. RICHARDSON

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. SARASIN. Mr. Speaker, I have this week the great personal pleasure of having as a vistor to Washington a young constituent who has been selected as the recipient of the Lucille M. Wright Citizenship Award, the highest national honor bestowed by the Girls' Clubs of America.

Miss Linda S. Richardson of the Waterbury Girls' Club of Waterbury, Conn., representing Region VI of this national organization, clinched this prestigious award with an eloquent and succinct essay entitled, "The Kind of Citizen I Hope to Be." It is the kind of realistic, yet positive, statement which lends credence to the optimism in America I believe most of us share.

Miss Richardson's honor is doubly significant in that the Waterbury chapter she represents is the oldest Girls' Club in the United States and has a long and continuous history of service dating back to the end of the Civil War. Founded as the Waterbury Industrial School in 1864, it was the first organized social agency in that New England city. It pioneered the first "free" kindergarten and "open school" concept and operated Waterbury's first playground during the summer months. In later years, the organization instituted the "visiting teacher service" and financed it in its early years.

In 1945, the Waterbury organization got together with a number of similar organizations which had sprung up in the East to form the Girls' Clubs of America, the proud and valuable organization we know today. In the words of Mrs. Mae B. Harty, executive director of the Waterbury Girls' Club:

> Our purpose is clear . . . to offer girls and adult women an opportunity to develop their potentials, creative abilities, sence of responsibility to themselves and their country; to develop leadership and good citizenship.

I have had the pleasure of presenting Miss Richardson, Mrs. Lucille Wright, the sponsor of this national award and a leading figure in the Girls' Club movement, and Mrs. Mae B. Harty to President Ford this week and I would like to take this opportunity to bring to my colleagues' attention the award winning essay:

THE KIND OF CITIZEN I HOPE TO BE

(By Linda Richardson)

> I hope to be the kind of citizen who can face reality in all I do, see and hear. In two years I will be 18. With my new found majority I will diligently seek truth in politics before choosing a candidate. I will also look for ways to guarantee the equal rights of the minorities, of the middle class, and in fact, of all Americans.
>
> I am living in an age that has brought more turmoil to our peace of mind than in any other time in our nation's history. In the memories of my generation will be embedded forever the agony of a Presidential assassination, and the resignation in disgrace of another. What other generation has had such heavy responsibility of "good citizenship" thrust upon them? I take it as a personal challenge. It is definitely a part of a citizen's responsibility to see to it that we have one set of rules for all; one standard education for all and the possibility of growth for all.
>
> The degradation that has befallen my country leaves me wondering just where honesty, truth and sincerity can be found. It's out there somewhere and with the help of God I'll find it. Living with the creed, "God grant me the serenity to accept the things I cannot change; the courage to change the things I can, and the wisdom to know the difference," I hope and I know that I will be a true citizen of the United States of America.

WHAT WILL HAPPEN IF COMMUNISTS TAKE OVER SOUTH VIETNAM?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. CRANE. Mr. Speaker, while many Members of Congress, often the same men who voted to commit more than 500,000 American troops to fight in Vietnam, now refuse to assist the South Vietnamese to repel the current aggression from the North, they should not be permitted to do so without an awareness of the almost certain consequences.

The world will quite properly hold the United States responsible if, because of inadequate arms, fuel, and other means of defending their country, the South Vietnamese become victims of a Communist reign of terror. How will those who today refuse aid to Saigon react to the murder of men and women who worked with the United States and counted upon our commitment tomorrow?

There is little doubt about what would happen in South Vietnam after a Communist takeover. In South Vietnam, Communist terrorism alone has killed over 125,000 people since 1957 through assassinations, torture, indiscriminate bombings, and so forth, and these activities were aimed solely at the civilian populations. In Cambodia, as reported in the Quinn Report, issued by the Department of State February 20, 1974, it is shown how the Communists have conducted a systematic program of extermination of certain segments of the civilian population which came under Communist control. Chicago Tribune correspondent Donald Kirk wrote in July 1974, that—

> You can hardly believe the depth of the cruelty of the Khmer Rouge—Cambodian Communists—until you talk to those who escaped from Khmer Rouge control.

Discussing the notorious massacre conducted by the North Vietnamese and the Vietcong in Hue, Douglas Pike, in his book, "The Vietcong Strategy of Terror," notes that—

> The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam . . . all foreigners would be cleared out . . . A curtain of ignorance would descend. Then would begin a night of the long knives . . . All political opposition, actual or potential, would be systematically eliminated.

No American can escape moral responsibility for abandoning those who have depended upon us to such a fate. Those who are now prepared to abandon them in this manner should be compelled to do so with a full realization of the almost certain results.

I wish to share with my colleagues the following excerpts from Douglas Pike's volume, "The Vietcong Strategy of Terror," and insert them into the RECORD at this time:

WHAT WILL HAPPEN WHEN THE LAST NEWS REPORTER LEAVES SOUTH VIETNAM IF THE COMMUNISTS TAKE OVER

(Douglas Pike, "The Vietcong Strategy of Terror," 1970)

> The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam (and the key word is decisively), what is the prospect?
>
> First, all foreigners would be cleared out of the South, especially the hundreds of newsmen who are in and out of Saigon.
>
> A curtain of ignorance would descend.
>
> Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled.
>
> All political opposition, actual or potential, would be systematically eliminated. Stalin versus Kulak, Mao versus landlord, Hanoi communist versus Southern Catholic, the pattern would be the same; eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of the blocs, the symbol of the force, that might someday, even inside the regime, dilute the system.
>
> Beyond this would come communist justice metered out to the "tyrants and lackeys". Personal revenge would be a small wheel turning within the larger wheel of Party retribution.
>
> But little of this would be known abroad. The Communists in Vietnam would create a silence.
>
> The world would call it peace.

DEBT OWED UNITED STATES

HON. LARRY PRESSLER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. PRESSLER. Mr. Speaker, I include in the RECORD an editorial from the Sioux Valley News, a Canton, S. Dak., newspaper. This editorial was written by Bruce Farus, editor. The Sioux Valley News has a circulation of approximately 28,000 in eastern South Dakota.

Mr. Farus points out that foreign governments owe the United States approximately $30 billion. Our balance of payments is running into the red and the Treasury Department must borrow to finance the deficit.

The editorial suggests that the Government might seek to accept payment for the debt in needed goods and commodities. For example Iran owes the United States $1.1 billion, the United States could seek payment in badly needed oil. If the United States could collect part of this debt, it would take some of the pressure off of the U.S. Treasury.

I agree that recovery of even part of the debt could help the United States. I believe we should also curtail lending to foreign governments at interest rates that are lower than those offered to our own citizens.

The editorial follows:

[From the Canton (S. Dak.) Sioux Valley News, April 3, 1975]

DEBT OWED UNITED STATES

Congressman Bill Alexander (D-Ark) successfully pushed a resolution through Congress recently urging a major effort on the part of the executive branch to collect as much as possible of more than thirty billion dollars owed the United States by foreign governments.

While some of this may not be collectable, at a time when the dollar is under increasing pressure abroad, the U.S. balance of international payments is running heavily in the red, and the Treasury borrowing heavily to finance a deficit budget, its a uniquely appropriate time to seek collection.

In some instances, it might be possible to substitute cancellation of debt for foreign aid this or the next fiscal year. In some it might be possible to accept payment or part payment in goods and commodities, perhaps oil (most of the oil-producing nations owe Washington very little but Iran, for example, owes over $1.1 billion).

The total debt currently owed the United States by foreign countries is estimated at $32,500,000,000. Thus collection of even a small portion would provide substantial relief to the U.S. Treasury.

METRIC CONVERSION ACT OF 1975

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. FRENZEL. Mr. Speaker, I introduce H.R. 5722, the Metric Conversion Act of 1975. This legislation is identical to that already introduced by the distinguished chairman and ranking member of the House Science and Astronautics Committee.

There is no doubt in my mind that conversion to a metric system should be one of America's highest priorities right now. There are some who argue that such a conversion will be highly inflationary. That may be partly true. But, the United States is the only remaining industrial nation which has not yet initiated a conversion program. And without it, the cost to our economy in terms of lost international markets could be devastating. Congress' delay in approving conversion legislation may already have cost us lost jobs and sales. If the independent conversion actions of many American firms are any indication of the concern over this problem, then I suggest my colleagues get busy and pass this legislation so that the process can take place in an orderly fashion.

There has also been some debate about whether the Federal Government should underwrite the cost of conversion to certain segments of our economy. Even if we had the money to do it, the problems of equity are worrisome. I take the view that the costs should be born where they fall. Only if extreme hardship develops later no should assistance be contemplated. This bill contains no provisions for conversion assistance.

I hope that this legislation will receive early attention by the appropriate committees, and that it will meet with more success than last year's bill when it comes up for a vote by the full House. The future of our economy depends upon it.

UNITED STATES-JAPAN ECONOMIC RELATIONS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. BINGHAM. Mr. Speaker, I would like to bring to the Members' attention a speech that was given on March 19, 1975, by William L. Givens, president of Twain Associates, on "United States-Japan Economic Relations, 1975–1985."

Mr. Givens' speech highlights various characteristics of the Japanese economy that have led to its phenomenal growth. In 1950 the Japanese economy lagged approximately 100 years behind that of the United States; in 1960 the Japanese economy was where the United States had been during World War I; in 1970 the Japanese economy had reached 1950 U.S. levels; and today the Japanese economy is where the United States stood only 4 or 5 years ago.

At various times during this process slowed economic growth has been accompanied by predictions that the period of high growth rates was over and the Japanese economy would cease its trend toward overtaking the economies of the United States and Western Europe. Each time these predictions proved wrong. We are now hearing that the Japanese economic decline of 3.7 percent during 1974 spells the end of 10–15 percent a year growth for Japan. Mr. Givens' rejects this idea and indicates that the Japanese economy may in the near future reach and even surpass the U.S. economy.

Mr. Givens' thoughts lead one to ask what the United States can learn from the Japanese experience. The two countries have different cultures and economic structures. Nevertheless, there must be some aspects of the Japanese success that could be beneficially used to guide U.S. Government and industry policymaking.

It is with the hope of stimulating such discussion that I urge all Members to read carefully Mr. Givens' thoughts and consider what might be the implications for the U.S. economy and policy.

U.S.-JAPAN ECONOMIC RELATIONS, 1975–1985

(Remarks by William L. Givens)

I was originally asked to speak to you this morning on the prospect for U.S.-Japan economic relations between 1973 and 1980. I accepted the assignment, but with proviso that the time frame be extended to 1985. This was for two reasons. First, surely by 1985 no one here will have the faintest recollection of what I have said today, so that I can proceed with the utmost confidence and certitude. Second, and a bit more seriously, it is beginning to appear that within that extended time frame, that is sometime in the early 1980's, Japan may well overtake the United States as the world's most productive economy on a per capita basis, and be moving toward world industrial leadership in absolute terms.

The implications of such an evolution, particularly for us here in the United States, would, of course, be rather profound, and so it seems to me that, whether or not one wishes to accept it as proable, it should at least be examined critically as a possibility.

As a point of departure, I would like to read a few paragraphs from a recent article in the London Economist, by the Economist's Deputy Editor, Norman Macrae:

"Anybody who visits Japan as I have done at about seven yearly intervals . . . is told each time by exactly the same cohorts of intelligent and persuasive people that Japan's rate of economic growth is about to slow permanently. So far it has accelerated slightly instead. In 1975 the cries about permanent slowdown are more insistent than ever, but the technical reasons for expecting further modest acceleration are a bit bigger than before. To say this is at present wild heresy, but it is also important because the next surge would presumably alter the industrial leadership of the world."

The writer then notes that since the late 1940's, Japan's annual real growth has averaged 10%, or a doubling every 7–8 years, making Japan's per capita GNP 40% higher than that of the United Kingdom by the end of 1974. He then continues:

"Growth has slowed shudderingly on five other occasions during the 25-year boom. Each time the wailing of the brakes and the wailing about permanent slowdown have been quickly followed by re-acceleration back to over 10 per cent growth. Although blind straight-line extrapolation is the worst sort of economics, it is still worth looking wide-eyed at where just a few years' resumption of past Japanese growth would bring us.

"Before the completion of even one more doubling, i.e. in the early 1980's at recent rates, Japan would pass the United States in income per head. Before the completion of the next doubling after that, which means by about the beginning of the 1990's if 1948–73 trends were continued for another brief 15 years, the by then 110m Japanese would be more than twice as rich as the by then 220m Americans, so that Japan would have the largest industrial production in the world.

"Most westerners resent these sorts of projections, and many Japanese feel insecure about how Japan might then comport itself. The slump of 1974–76 will delay matters a year or two, so everybody is pretending politely that the era of Japanese industrial leadership will not come. But it is rather likely that it will."

Now, admittedly, this is only one point of view, a rather bullish one which, to say the least, has enjoyed something less than universal acceptance over the years. Other observers, equally qualified and looking at the same set of facts, still find the Japanese economy to be vulnerable and fragile and still tell us that, in light of the current world recession and all that it reflects, the so-called Japanese "miracle" is at an end. We laymen must listen to both arguments and choose for ourselves. For my part, I must say that I am finding the bullish view increasingly persuasive with the passage of time, not only because the "bears" have consistently underestimated Japan over the years, but also because there is a good deal more to the expectation of continued growth than mere straight-line extrapolation.

It is useful in this context to look back over the past twenty-five years of Japanese economic growth to review again what the "miracle" has consisted of. First, as to the underlying motive, we hear a great deal about "growth for growth's sake" and economic expansion as a surrogate for frustrated military aspirations.

However, I would suggest a somewhat more straightforward motivation for Japan's sustained economic effort: it is simply that the Japanese want for themselves and their families the same high standards that we enjoy here and in Western Europe. For some reason, this ambition seems to strike many Americans as unrealistic and even presumptuous, particularly on the part of an Asian society whose per capita GNP as late as 1950 was $132 per year, versus just under $2,000 in the United States. I assure you, however, that it seems perfectly plausible and fair to both Japan's economic planners and the Japanese public.

Let us note, also, that, beginning from that tiny 1950 productivity base, barely 1/15 that of the United States, and assuming even moderate continued growth on our part, catching up to our standard of productivity would require of Japan a literally unprecedented rate of economic growth, sustained over a full half century. And before we dismiss that as farfetched, let us note further that it has already been maintained for the first quarter century of that period, and that Japan's per capita output is now more than 60% of ours and still gaining.

It is revealing, I think, to look at the rate of that gain. That is, in 1950 Japan's per capita output of $132 was, I should imagine, equivalent to U.S. levels somewhere in the mid-19th century—a lag of perhaps a hundred years. By 1960, Japan's GNP had increased some 3½ times to around $460 per head, or about equivalent to World War I levels in the United States. By 1970 it had quadrupled again to about $1,900, which was about at the U.S. level in 1950. In 1974, with currency revaluation and inflation, it had more than doubled again in dollar value, to about $4,200. This means that in current dollars Japan's per capita output now stands approximately where ours did four or five years ago.

Various explanations have been advanced for Japan's economic success. I would like to list here a few which strike me as particularly relevant. First, and overwhelmingly the most important, has been a coherent and consistent economic policy, with three principal features:

Concentration of Japan's resources into those major industries in which Japan has the best prospect for achieving international comparative advantage;

Systematic and continuous re-allocation of those resources into increasingly sophisticated, productive, and higher growth industries, making for a steady upgrading of Japan's industry and labor force in productivity and income. Thus, Japan, which in the late 1940's was producing raw silk and cheap toys, has advanced successively into basic textiles, synthetic fibres, and advanced fashion designs; into low carbon steels, specialty steels, and shipbuilding; into radios, television receivers, and computers; into bicycles, motorcycles, and automobiles; and

An impressively far-sighted balance between consumption and re-investment of the growing national and personal incomes, allowing not only a steadily rising standard of living, but a remarkably rapid expansion of industrial capacity, as well. To be specific, Japan's gross investment rate has averaged around 38–39% of GNP, versus about 18% for the United States; Japan's personal savings rate has been just under 20% of disposable income, versus around 7% in this country.

In addition, there are a number of other factors which tend to facilitate and reinforce this fundamental policy. Let me note some of these:

A high degree of political and social stability. Japan is geographically compact and ethnically homogeneous. The same political party, though declining in popular support at the polls, has remained in power since the early 1950's. Crime rates are low, education and literacy levels are high; life expectancy for both men and women is among the highest, and the infant mortality rate is the lowest, in the world. This favorable environment is both cause and effect of economic success, and offers both a basis and an incentive for continued rapid growth.

An essentially cooperative labor-management relationship. As many of you know, organized labor in Japan takes the form of company, or enterprise, unions rather than craft unions, and the general pattern is one of lifetime employment with a single firm. Loyalties are to companies, and are quite strong. One key advantage of this pattern is that the Japanese worker feels considerably less threatened by change or by new technology than does his counterpart in the West.

He tends, rather, to welcome new products, new technologies, and other innovations which increase his productivity, since these will enhance the competitiveness and profitability of his firm and, hence, his own future income and security. This single, small, and often overlooked aspect of the Japanese system has enabled Japanese industry to absorb new technology and methods, to modernize, and to advance into a succession of new products and activities with remarkable speed.

A sophisticated global perspective. Of necessity, Japanese industry has had to develop both markets and sources of supply in virtually every part of the world. Over time, a truly international outlook in which competitive dynamics are seen in global terms has permeated deeply into the thinking and reactions of both the Government and the private sector. Thus, in such products as steel, automobiles, machinery, and consumer electronics, Japanese strategic planning tends to be global in scale, with sourcing, production, assembly, and marketing considered in that perspective. By contrast, in our economy, one finds this outlook only in a relative handful of multinational firms. We are still essentially domestically-focused in an era of global competition.

"High-growth" reflexes. Average real growth of 10% for 25 years means that the leading firms and industries have grown much faster, often at twice that rate or more. Sustained growth at these rates soon produces an entirely different set of dynamics and instincts, which tend to be self-perpetuating. Much more effort and attention must be channeled into planning for and stimulating future growth, into probing for new products, technologies, and market opportunities, and into the systematic expansion of capacity in increasingly larger increments. As a consequence of this, the Japanese have internalized the concept of a dynamic, evolving economy in which mature, low-productivity products and activities are phased out in favor of more sophisticated, productive ones, and the entire economy is constantly being upgraded.

On closer examination, then the Japanese "miracle" is neither very miraculous nor, indeed, even inscrutable. It is a straightforward combination of perceptive, competent planning, internal coordination, discipline, and diligence, and therein lies its ultimate strength. It seems to me that in some rather fundamental aspects of their economic activity—notably, concentration of resources, reinvestment practices, and systematic productivity gains—the Japanese have simply achieved a somewhat greater degree of effectiveness, more consistently, than other advanced economies, and the cumulative effects of those incremental differences, compounded over time, are now assuming some rather formidable proportions.

Japan now has a solidly established base of sophisticated, capital intensive industries, competitive on an international basis. Export success has generated a favorable trade position, and together with currency revaluations has opened up to Japan a much wider range of international economic activities than have been available in the past. I believe that Japan may now be entering a wholly new stage of its economic development, in which the Japanese homeland will serve less exclusively as an industrial center and increasingly as the headquarters of a global economic system. The vehicle for this transition will be Japanese direct investment abroad, through which Japanese industry will begin shifting a significant proportion of its new manufacturing capacity into other economies, (particularly in labor and energy intensive and high pollutant industries), will move to secure stable long-term sources of food and raw materials, will seek to establish a position in the R&D sectors of other advanced economies, and will begin to diversify and expand their external business and financial activities beyond the bounds of their traditional import-export trade.

Against this background, let me now outline what I feel are some of the likely developments in the Japanese economy over the coming decade, and then speculate briefly on what these might imply for the relationship between Japan and the United States.

First, I believe we can expect the so-called Japanese "system" to remain essentially intact and strong. That is, unlike some other observers, I see little sign of significant deterioration in, for example, government-business relationships, the employment pattern, savings and investment rates, or any of the various factors which have contributed to Japanese economic development heretofore.

Second, I therefore believe we can anticipate a general continuation of the established pattern: continued advancement into new growth industries, continued gains in Japanese GNP, productivity, and living standards relative to the United States and other leading industrial economies. Here, I find particularly misleading the frequently-encountered argument that the Japanese are tiring of "growth for growth's sake". GNP growth rates simply measure productivity gains and the rate at which living standards are improving, and in Japan these have been dramatic. The idea that the Japanese family, after now having a taste of private automobiles, better food and clothing, vacation homes, leisure time, travel abroad, and the like, should now be satisfied at some 60% of our living standards strikes me as somewhat more likely to appeal to outsiders than to the Japanese themselves, particularly when full parity appears so close.

Third, increasing productivity will translate itself into increasing Japanese competitiveness in higher technology and large-scale enterprises in a broadening spectrum of industries and activities. Increasing productivity will presumably also be reflected in the continued appreciation of the yen against the dollar and other currencies. For this and other reasons, Japanese industry will be particularly aggressive in adding large-scale capacity increments in heavy commodity production and processing in all parts of the world.

Fourth, the continued expansion of Japanese economic activity outside of Japan. As in the past, Japanese domestic resources will continue to be reallocated into more efficient and productive channels, and less productive activities will be transferred abroad, often under continued Japanese management. Thus, as the Japanese domestic industrial base becomes more sophisticated, the proportion of Japanese economic activity which is carried on outside of Japan—and, from the other point of view, the Japanese presence in other economies—will continue to grow.

Fifth, increasingly complex patterns of trade, investment, and competitive dynamics, requiring increasingly sophisticated corporate strategies and government policies.

Sixth, and finally, I would expect to see rising levels of business frictions and adverse political reaction as the Japanese competitive presence in other countries continues to expand. Indeed, if there is a likely contraining factor on future Japanese growth overall, I believe it may well be the degree of acceptance in other countries of steadily rising levels of that Japanese competitive presence. Here, much will depend on the skill and perceptivity with which Japanese industry—and particularly the major Japanese industrial and trading firms—plan and implement their long-range strategies in the rest of the world.

The effect of these developments on the U.S.-Japan economic relationship will depend, of course, in large part on the U.S. economic performance and the American response to the challenge of continuing Japanese economic growth. I don't find that response easy to predict. I am not sure, frankly, to what extend the prospect of Japan's supplanting the United States as the industrial leader of the world will stimulate this country to a more vigorous and competitive effort, will be accepted philosophically, will be met with antipathy and resentment, or, indeed, to what extent it may simply go unnoticed. What does seem clear, though, is that the next decade will be a period of competitive ferment and transition in which Japan will be making further economic advances relative to the United States.

For the U.S. side, this suggests a need for a pragmatic and sophisticated awareness of what Japan actually represents, both as an opportunity and as a competitive challenge. At the corporate and industry levels, American firms should learn at least as much about the Japanese markets for their products, and about their Japanese competitors, as their Japanese counterparts know about our activities. In many cases, U.S. corporations should evaluate Japan systematically as an explicit part of their overall strategies. Particularly in the critical areas of partner and distributor selection, they should have enough independent knowledge of the Japanese competitive environment and the range of prospective Japanese associates to maintain the initiative and make intelligent choices. They should not, as many still do, establish a relationship with the first Japanese firm they come in contact with, and thereafter accept its advice on all matters relating to Japan.

Likewise, at the state and local levels, any community seriously interested in attracting Japanese investment should acquire sufficient knowledge of the Japanese economic and competitive environment to maintain the initiative in identifying and attracting the appropriate kinds, levels, and "mix" of Japanese investments. They should identify specific industries and activities in which they offer relative advantages to the prospective Japanese investor over other communities and locations. They should identify and evaluate specific prospective investors and present them with concrete proposals, tailored to the needs and interests of both the investor and the U.S. community. Not very many communities, in my experience, have made this effort, and the result has been that Japanese corporate investors have tended to cluster in a few familiar areas, or find other locations on their own.

As a closing thought, I would point out that the U.S.-Japan economic relationship is not an abstraction. It is a tangible, living, breathing composite of many thousands of business transactions and competitive corporate relationships. Its future growth, its quality, and its contribution to our respective economies will be determined by the skill and sophistication with which these are planned and managed at the corporate and local levels. It will, in short, be pretty much what we choose to make it.

PROPOSED NEW HOUSE OFFICE BUILDING

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. WEAVER. Mr. Speaker, I believe that Federal budget conditions today override the need for additional congressional office space. I am a resident of the area proposed for construction of the new office building, and I oppose it on both budget and site selection grounds.

I would like to bring your attention to an editorial in the Washington Post which I found relevant:

HOUSING THE HOUSE

The leaders of the House of Representatives could hardly have chosen a worse time or place for a fourth House office building. Given the state of the federal budget, the idea of sinking $100 million to $200 million into more marble halls for Congress is bound to provoke talk about boondoggles and edifice complexes. Moreover, the scheme newly unveiled involves clearing out a few attractive, well-restored residential blocks along New Jersey Avenue SE—and some of the 99 homes there belong to lobbyists, journalists and other feisty folk who are not about to go quietly. They have, in fact, already shown a flair for stirring up publicity about their plight.

Nevertheless, if this affair follows the usual script, the protests will not have too much effect. The congressmen who count will deliver heart-rending speeches about how crowded and undignified working conditions are, and how much self-restraint the House has shown—by, for instance, dropping the plan to preempt part of the new Madison Library. With very few dissents, the House will vote itself the $22.5 million to buy up the chosen blocks. The Senate will go along, in accord with the mutual back-scratching principle that legislators prefer to call "comity." That is the same spirit in which the House endorsed the Senate's plans to build an $80-million office "addition" and to take over another whole block of apartments and hotels for temporary offices and a future parking garage.

Two things are worth noting as the battle of New Jersey Avenue warms up. The first is that Congress could really use more space. While some senior members and staffs operate out of spacious quarters, the less favored must labor in noisy rooms jammed with people, desks, partitions, files and machines. It is illogical to plead for more efficiency and competence in Congress, and then argue on the other hand against improving working conditions on Capitol Hill.

That leads, however, to the second point: that Congress tends to deal with its space problems in the most arbitrary and unsystematic ways. The current land grab is typical. House leaders want to tear up a neighborhood, and *then* decide how the acreage should be used. There has been no detailed assessment of what kinds of facilities are needed. There has been little effort to use existing space more effectively. There has been no serious study of the potential of properties closer to the Capitol and already owned by Congress, such as the old Congressional Hotel and parking lot, and the tops of existing underground garages. There have been no environmental impact studies. There is no master plan. There are, in short, none of the details and justifications that the average member of Congress would demand—if the issue were tearing down his constituents' homes, rather than building offices to house his staff.

Before they gobble up any more chunks of Capitol Hill, the House and Senate should pause to assess their immediate and long-term needs for facilities and develop a master plan. This idea has been tossed around for years but nothing has ever come of it; the temptation to expand today and plan tomorrow is too great. But, after years of haphazard growth and sprawl, Congress ought to take time to work out systematically not only future office needs but also the need for service facilities such as restaurants—and the tangled problem of transportation and parking on the Hill. Properly and openly done, a planning effort would have great benefits for Congress, the taxpayers and the Capitol Hill community. Many legislators are quick to demand this kind of foresight and self-discipline from other public agencies. They should be no less willing to impose it on themselves.

MEDICARE FOR TRAVELERS

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. ROUSH. Mr. Speaker, today I am introducing a bill with a number of cosponsors that would change that portion of the medicare law which specifically exludes from coverage services of a medical nature performed outside the United States.

Under the present law there are few exceptions to this provision and they are as follows: First, services rendered in a foreign hospital which is closer to the beneficiary's residence in the United States than the nearest adequately equipped U.S. hospital and second, emergency services where the emergency occurred within the United States and the individual was taken to the nearest foreign hospital which was adequately equipped to treat the emergency—or where the emergency occurred in Canada while the beneficiary was traveling between Alaska and another State.

Recently a constituent of mine wrote and told me that while he and his wife were traveling through Canada he became suddenly ill and was treated on an emergency basis in a hospital in Ontario. He later found out from the Social Security Administration that they could not pay his medicare costs because he does not fit into the above limited exceptions.

Thus it seems to me that the law needs to be changed. Accordingly, this bill I introduce today would amend the Social

Security Act to authorize payment for emergency inpatient hospital services furnished outside the United States to an individual otherwise qualified for medicare and whose principal residence is within the United States. Where the emergency occurred is immaterial as far as my bill is concerned.

It seems to me that this bill protects traveling Americans who cannot predict or control where medical emergencies will arise and who are qualified for medicare assistance. Are they to be frightened out of traveling for fear a medical emergency will arise outside the country and they will not be able to pay for it? I think they should not be so burdened.

INTRODUCTION OF THE NATIONAL OIL RECYCLING ACT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. VANIK. Mr. Speaker, today, with the cosponsorship of 41 of my colleagues, I am introducing the National Oil Recycling Act. This legislation is designed to improve the Nation's capacity to recover and recycle the vast quantities of used lubricating oil that our economy generates each year.

Legislation to encourage waste oil recycling is not a new idea. In 1968, former Senator Caleb Boggs introduced the first bill designed to encourage oil recycling. In 1971, I introduced similar legislation designed to remove some of the Federal tax and labeling disincentives to recycling used oil. In 1972, I first proposed the National Oil Recycling Act. This comprehensive bill was designed to encourage State governments with Federal assistance to establish waste oil management plans. Last Congress, I reintroduced this bill with over 40 cosponsors. Both Senator THURMOND and my colleagues Representative VIGORITO and Representative HELSTOSKI have recently introduced oil recycling legislation as well. In addition, this Congress Senator DOMENICI has introduced a similar version of the National Oil Recycling Act in the other body.

WASTING A VALUABLE NATIONAL ASSET

How big is the waste oil problem? Our economy is currently consuming lubricating oil at a rate of about 2.2 billion gallons a year. This demand is increasing at roughly a 2 percent annual rate. As the following tables compiled by the Environmental Protection Agency demonstrate, lube oils are purchased for a variety of applications, but most sales can be classified in terms of two broad categories: automobiles and industry:

TABLE 1.—*Lubricating oil sales* (4)

(In millions of gallons)

Automotive lubricating oils	
Commercial engine oils fleet sales	200
Commercial engine oils retail sales	90
Factory fills (automotive & farm equipment)	60
Private automobiles	600
Auto fleets, other	136
Total automotive lubricating oils	1,086
Industrial and aviation lubricating oils	
Aviation lubricating oils	8
Hydraulic and circulating system oils	325
Metal working oils	150
Railroad engine oils	60
Gas engine oils	62
Other	129
Total industrial and aviation lubricating oils	734
Other lubricating oils	
Process oils	310
Electrical oils	57
Refrigeration oils	10
Total other lubricating oils	377
Lubricating oils purchased by U.S. Government	37
Grand total lubricating oil sales	2,234

TABLE 2.—TRENDS IN DOMESTIC LUBE DEMAND (5) OILS (ADD THOUSAND GALLONS)

Year	Total	Automotive	Aviation	Industrials	
				Lubricating	Other
1972	2,234,000				
1971	2,193,755	1,071,065	8,434	726,000	388,256
1969	2,184,031	1,050,935	9,894	781,206	341,996
1967	2,058,953	1,031,784	13,064	699,120	314,985
1965	2,028,963	1,015,809	15,363	659,966	337,825
1962	1,766,094	945,493	22,157	510,823	287,621
1960	1,655,954	924,645	25,575	478,233	227,501
1958	1,555,234	899,562	27,327	415,206	213,139
1956	1,704,112	984,009	22,189	496,385	201,528

Source: Bureau of Census, Current Industrial Reports, Sales of Lubricating Oils and Greases.

Not all lube oil is consumed during use. Although approximately one-half of all new oil is burned as a lubricant, the remaining half becomes waste oil. This waste oil is typically contaminated with water, dust, and other chemical pollutants picked up during the combustion process.

The EPA has developed a profile of waste oil generation from various sources. Calculations based on a "Waste Oil Factor"—or the percentage of new lube oil that ends up as waste—have led EPA to estimate the various sources of waste oil as follows:

TABLE 3.—WASTE OIL GENERATION (6)

[Millions of gallons]

	Sales	W.O. factor	W.O.
Automotive lube oils:			
Service stations	270	0.63	170
Garages, auto supply stores	60	.63	38
New car dealers	102	.90	92
Retail sales for Commercial engines	90	.63	57
Auto fleet and other lube oil uses	136	.05	68
Factory fills (auto and farm equipment)	60	.90	54
Discount stores	168	.22	37
Commercial engine fleets	200	.50	100
Total	1,086		[1] 616
Industrial and aviation lube oils:			
Hydraulic and circulating system oils	325	.42	137
Metal working oils	150	.42	105
Railroad engine oils	60	.53	32
Gas engine oils	62	.90	56
Aviation and other	137	.50	64
Total	734		394
Other industrial oils:			
Process oils	310	.10	31
Electrical oils	57	.90	51
Refrigeration oils	10	.50	5
Total	377		87
Lube oils purchased by United States	37	.50	18
Grand total	2,234		1,115

[1] Other national estimates or extrapolations of estimates from regional data range from 400 to 730.

CURRENT DISPOSAL PRACTICES AND THEIR IMPLICATIONS

Although calculations, albeit imprecise, can be made concerning the sources of waste oil, much less is known about what happens to it once it is discarded. It appears that of the 1.1 billion gallons of waste oil that is generated each year, about half of it is being burned. Some of this burning occurs in controlled situations in which pollutants in the oil are carefully monitored. Most of the waste oil that is burned, however, is not carefully monitored. In fact, during last winter's oil embargo, some unscrupulous heating oil dealers were purchasing waste oil to blend with home heating oil and selling the mixture to unsuspecting consumers. The problem of burning untreated waste oil is not only the potential of releasing airborne pollutants, but also the damage that can be done to heating equipment.

Of the remaining 600 million gallons of waste oil, about 200 million gallons is used on rural roads to control dust. The EPA has calculated that about 30 percent of the oil spread on roads is biodegraded. Much of the oil is simply washed off the roadway. We simply do not know the fate of another 300 million gallons of waste oil. It is most likely dumped into sewers, or on the ground.

The remaining waste oil—only about 100 million gallons—is being rerefined and recycled each year. This total represents less than one-tenth of the total quantity of used oil generated annually. Fifteen years ago the rerefining industry consisted of between 125 and 150 small businessmen with a capacity to rerefine 300 million gallons of waste oil per year—or about 18 percent of total domestic lube oil demand. As of mid-1972, there were only 45 rerefiners left in operation with a total capacity of 100 million gallons or the equivalent of only 5.5 percent of domestic use. The following table, prepared by Tecknekcron, Inc., documents this decline:

TABLE 4.—*Estimated Industrial Production of Re-refined Oil in the United States*

Calendar year	and volume of gallons*
1939	11,250,000
1948	45,000,000
1950	50,000,000
1954	75,000,000
1960	300,000,000
1966	225,000,000
1971	120,000,000
1972	100,000,000

* SOURCE.—Estimates for 1939 and 1948 were included in a research paper prepared by Major Charles B. Cruikshank for the Air Command and Staff College of the Air University. Estimates for 1950 and 1954 were included in the April 26, 1954 issue of the Oil and Gas Journal. Figures for 1960–1971

were provided by the Association of Petroleum Re-Refiners, and the 1972 estimate was provided by EPA.

THE REASONS BEHIND THE DECLINE OF THE REREFINING INDUSTRY

The principal reason for the dramatic shrink in the capacity of the rerefining industry has been economic. Simply put, the industry has been victim of a cost-price squeeze. On the one hand, waste oil supplies have been more difficult to obtain: people are waiting longer between oil changes; more people are changing their own oil; and waste oil is being used increasingly as a fuel. On the other hand, rerefiners have been unable to recover higher costs with higher prices due to the stiff competition of cheap virgin lube oils of relatively low quality.

On top of these economic factors, the Federal Government has unwittingly contributed to the decline of the rerefining industry. Typically, a rerefiner blends reconditioned used oil with a quantity of new lube oil in order to upgrade the performance characteristics of his final product. A large part of the market for the rerefiner's product is for so-called off-highway uses. Here he can sell his product without, for example, encountering the problems of meeting warranty requirements for automobiles. The principle customers in this off-highway market are railroads.

In 1965 Congress changed the ground rules for the rerefiners and significantly undercut the industry's potential in this market. In that year, the Excise Tax Reduction Act (ETRA) exempted producers of new oil from a 6 cents per gallon tax on their product when it was sold for off-highway uses. Although rerefiners are exempted from any tax on their final product, the rerefiners were still charged a tax on the new oil they used in blending. When the rerefiners appealed to IRS to grant them a similar off-highway exemption for their blending oil, the IRS refused.

The end-product of all this skirmishing has been that in the off-highway market—which accounts for about 50 percent of the rerefining industry's total sales—the rerefiner has had to compete with new oil which pays no tax. In the meantime the rerefiner has been forced to bear additional costs for the taxes paid on blending oil. As the following chart indicates, the additional cost borne by the rerefiner is dependent on the quantity of new oil blended with used oil:

EXCISE TAX ON LUBRICATING OIL

	Percent—						
Proportion virgin oil	100	83	67	50	33	17	None
Highway use:[1]							
Tax per gallon[2] (cents)	6	5	4	3			None
Nonhighway use:							
Tax per gallon[2] (cents)	None	5	4	3	2	1	None

[1] About 50 percent of oil re-refiners' (recyclers) sales are for highway use.

[2] Tax paid, net of credit, by final consumer (i.e., owner of the device being lubricated) after shifting.

The year 1965 also saw the Federal Trade Commission confront the rerefining industry with another problem. Since the early 1940's the FTC had been concerned with protecting consumers against some unscrupulous rerefiners who misrepresented their products as new oil. In 1965 the FTC issued a trade regulation which determined that it would be an unfair and deceptive trade practice.

First, to represent used lubricating oil as new and unused;

Second, to fail to disclose clearly and conspicuously that such used lubricating oil has been previously used, and

Third, to use the term "rerefined" to describe previously used lubricating oil unless the physical and clinical contaminants acquired through previous use had been removed through a refining process.

Although it is virtually impossible to assess the impact on the rerefining industry, it is clear that the label "previously used" does not inspire consumer confidence. As the result, it is difficult for the rerefiner to avoid the stigma of inferiority for his product.

WHY SHOULD WE REREFINE OIL?

There are two essential reasons why we should be concerned about recycling waste lubricating oil. First, lubricating oil represents a valuable natural resource. In an era of growing scarcity it is simply not wise resource policy to waste lubricating oil to the extent that we do. Second, waste lube oil represents a serious environmental pollutant. Indiscriminate disposal of waste oil can create significant serious environmental and public health risks. I would like to touch on each of these points in more detail.

Lubricating oil is by itself a valuable commodity by virtue of the fact that only between 3 and 6 percent of a barrel of crude oil is of sufficient quality to be refined into lube oils. Beyond this fact, a quality lube oil is difficult and expensive to manufacture. Performance of a lube oil is often boosted with the addition of complex chemicals called "additive packages." The additive packages—which include such agents as viscosity index improvers, point depressants, rust inhibitors, and antifoam materials—are carefully matched to the chemical characteristics of the oil and represent up to 15 percent of each quart of oil. The expense of manufacturing high quality lube oils provides an excellent reason for not throwing away lube oil or even burning it to recover its heat content.

Not only does it make economic sense to recycle used oil, but it also makes environmental sense not to throw it away. Lubricating oil represents an extremely stable series of chemical compounds; it may take years before oil breaks down in the environment. Some additives may never break down. When waste oil is released into a body of water, it can interfere with the natural reoxidation of the water. In sufficient concentrations it can be toxic to many types of fish and wildlife.

Although estimates of the extent of oil pollution in the ocean is highly speculative, three researchers, J. Porricelli, V. Keith, and R. Storch, in 1971 produced these estimates of the sources of ocean oil pollution. This table appeared in an article entitled "Tankers and Ecology," in Transactions:

ESTIMATED ANNUAL OIL POLLUTION OF THE OCEANS[1]

Marine operations	Metric tons	Percent
Tankers:		
LOT tank cleaning operations	265,000	5.41
Non-LOT tank cleaning operations	702,000	14.34
Discharge due to bilge pumping, leaks and bunkering spills	100,000	2.04
Vessel casualties	250,000	5.11
Terminal operations	70,000	1.42
Tank barges:		
Discharge due to leaks	20,000	.41
Barge casualties	32,000	.65
Terminal operations	18,000	.38
All other vessels:		
Discharge due to bilge pumping, leaks and bunkering spills	600,000	12.25
Vessel casualties	250,000	5.11
Offshore operations	100,000	2.04
Nonmarine operations:		
Refineries and petrochemical plants	300,000	6.12
Industrial machinery	750,000	15.31
Highway motor vehicles	1,440,000	29.41
Total	4,897,000	100.00

[1] The final total does not include oil contributed by recreational boats, hydrocarbon fallout, and natural seepage.

As this table indicates, highway motor vehicles constitute the largest single source of oil pollution, and industrial machinery represents the second largest source.

If dumping waste oil is a serious environmental problem, so is burning. During the combustion process lubricating oil becomes contaminated with various trace elements, including magnesium, calcium, iron, lead, copper, barium, zinc, phosphorous, silver, tin, and chromium. Unless care is taken to control these trace elements, they can be released into the atmosphere as airborne pollutants if waste oil is burned. In short, it appears that waste oil cannot be burned safely in facilities which are not equipped with sophisticated control equipment to reduce the effluent emissions.

Recently one other health hazard of waste oil has been uncovered. Waste oil contains a high concentration of polynuclear aromatic compounds which are suspected carcinogens. Researchers who have been investigating oil recycling have concluded in light of this new finding:

> The presence of carcinogenic compounds in waste lubricating oil reinforces arguments against use of waste oil as burner fuels or for dust control on rural roads without further investigation of the health hazards involved.

THE QUESTION OF QUALITY

Much of the concern over rerefined oil has focused on the quality of recycled oil. There has been a great deal of misunderstanding and misinformation on the subject. In fact, lube oil quality has little relevance as to whether an oil is new or used.

Methods of recycling lube oil have been known since 1915. During World War I the Army Air Corps used rerefined oil in its airplanes. This practice was expanded during the Second World War. Over 29 million hours of flight time were logged by military aircraft using rerefined oil. In truth lube oil never wears out; it just gets dirty.

Recently researchers at ERDA found that although certain samples of rerefined oil failed to meet some standard performance tests, the same was true for some samples of new oil. Two of 10 new oil samples failed foam tests, while one of the 10 failed a corrosion test. The preliminary conclusion of this research is that used oil which is properly rerefined and carefully matched with the proper additives can meet the performance standards for quality new oil.

It is clear that the question of lube oil quality will be solved through a two step process. First, economical testing procedures must be developed to facilitate a comparison of new and used oil with a standardized performance criteria. Second, the rerefining industry—through largely self-imposed regulation—must establish strict quality control procedures to build consumer confidence in recycled oil.

WHY DO WE NEED THE NATIONAL OIL RECYCLING ACT?

Mr. Speaker, I have outlined how our Nation continues shamelessly to waste a valuable natural resource. I have also outlined the steps that can be taken to resolve our waste-oil disposal problem through recycling. The question still remains, however, why there is so little used oil being returned to use. The answer, in large part, stems from the remarkable inertia the Federal Government has demonstrated in moving to confront this problem.

In 1967 former Senator Boggs held a hearing before a subcommittee of the Senate Public Works Committee to investigate the waste-oil problem. As an outgrowth of these hearings, Senators MAGNUSON, MUSKIE, and Boggs wrote to the Department of Commerce asking the National Bureau of Standards to perform quality tests on rerefined oil. The Commerce Department requested $300,000 for the task, but the request was denied by the Bureau of the Budget.

In 1970, the Council on Environmental Quality began a study of waste-oil disposal, but CEQ dropped its study largely because its staff could not collect adequate information on the topic. Before CEQ forgot its investigation, however, it did ask the Defense Department to look into the possibility of procuring recycled oil.

In September 1972, the Defense Supply Agency issued the first comprehensive Government report on waste oil. The DSA study made recommendations to encourage recycling of waste oil and the purchase of rerefined lube oils by the Defense Department. Although the proposal went to the Department of the Army in early 1973, no action has yet been taken.

In 1972 Congress passed the Water Pollution Control Act amendments which, in part, mandated EPA to conduct a 2-year waste oil study. After 2 years of study and despite specific policy recommendations developed by the EPA researchers, the agency issued a call for further study and evaluation.

Mr. Speaker, it is clear that if the Federal Government is ever going to confront the waste-oil problem, Congress is going to have to legislate a solution. We need a national policy on waste-oil recovery. This policy need not, however, be complicated, elaborate, or expensive. All that is required is the will to recognize the problem, confront it, and overcome the bureaucratic stagnation that has thus far plagued efforts at improving waste-oil recovery practices.

Mr. Speaker, in a subsequent statement I intend to review in detail the provisions of the National Oil Recycling Act. I invite my colleagues to join me in this effort.

YOUTH CAMP SAFETY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. ROSENTHAL. Mr. Speaker, youth camp safety is a subject I am vitally concerned with. I introduced legislation in this area as early as 1967, and have testified on it before the House Select Subcommittee on Labor on several occasions. I have seen the number of accidents and deaths mount with each passing camp season. I feel grateful that the camping experience has been a positive one for my own children, but for too many other children it has been a horror. The obligation we have for the protection of our children is basic. Immediate passage of the Youth Camp Safety Act would lead to such protection.

Each summer, 10 to 12 million children enjoy the adventurous life of being campers. For many families this yearly excursion to summer camp has become a tradition, offering children an enriching and unique experience as they learn to substitute one lifestyle for another.

Their activities range from backpacking through mountain passes to changing bed linens and washing floors. Some chores are done grudgingly, perhaps, but done at the direction and with the assistance of camp staffers who assume the responsibility of their care and safety. Too many camps and too many States have not met that responsibility.

Many conscientiously operated camps subscribe to health and safety standards of their own. The problem is that these are voluntary, generally lack enforcement provisions and are adhered to with differing degrees of enthusiasm by subscriber camps. Worse, only 28 States have even minimal regulations of their own, and of these only eight have and enforce what can be considered adequate codes. One of eight, I am pleased to report, is my own State of New York.

This situation is simply not good enough. That is why this Congress must enact the Youth Camp Safety Act. I am proud to be a sponsor of this bill.

Nine years ago Senator RIBICOFF first offered legislation to tighten camp safety requirements. The bill was introduced at the request of Mitch Kurman, whose one man crusade for camp safety began when his son drowned in a camp canoeing accident in Maine in 1965. The canoe David Kurman was in did not contain lifejackets. Since then, many more children have died needlessly while the Congress and the administration have been debating the need for Federal legislation in this area. The time for study is long past. We must act—and act decisively without further delay to stop the needless injury and loss of life.

The Department of Health, Education, and Welfare has consistently fought effective Federal youth camp safety legislation, saying it was unnecessary, not enough was known about the problem and, anyway, it should be left to the States. In a 1968 report, HEW admitted to a gap in camp safety standards and its own general unawareness of this camp licensing or inspection, and that only half of the States had any kind of regulatory programs at all. The same report cited favorably the various camp recreation programs now in effect by the American Camping Association and other similar voluntary groups, but admitted such programs place relatively slight emphasis on compliance with minimal safety codes.

When, in 1968, HEW claimed insufficient data to make authoritative judgment about pending youth camp safety legislation, the bill died. Legislation was resubmitted in each succeeding Congress. In 1971 a minimum measure was enacted, authorizing the Secretary of HEW to determine the effectiveness of the State and local camp safety laws and regulations, and the extent of preventable accidents and illnesses so as to determine the need for Federal laws in this area. That HEW study was nothing more than a halfhearted literature search and mail questionnaire. Fewer than half the camps surveyed—3,343 of 7,861—bothered to respond. Results showed 25 deaths, 1,223 "serious" illnesses, and 1,448 injuries associated with camping in 1972.

Even these figures are not adequate representations since, accounting to the HEW report,

> There is no systematic or comprehensive monitoring of serious illness, injury, and death.

This, especially in light of HEW's report that a quarter of a million children are involved in serious camp accidents each season, appears to contradict the Department's conclusior that—

> The incidence of illnesses, injuries and deaths in summer camps does not appear to be a severe threat to youths.

It would be tragic if we waited any longer for more disasters to motivate us into action.

One need only spend a short time at a summer sleepaway camp or on a youth travel program to know the potential threat to safety and health that most activities pose. Swimming and boating activities, athletics, hikes, and campouts all may be hazardous to some extent. All questions of food supply, preparation and distribution, adequate sleeping arrangements, fire safety, water supply and sewerage, and health services become the responsibility of camp directors. Parents are almost helpless after they transfer the responsibility for their children's safety to camps—camps which they cannot adequately evaluate. Given insufficient information, it is hard for parents to differentiate between rustic, though adequate, and inadequate facilities.

Critics of the youth camp safety bill have consistently downplayed the legitimacy of Federal intervention in what they considered to be a State matter, yet this measure gives individual States the opportunity to establish and implement their own regulations. In fact, it encourages them to do so by authorizing grants for this express purpose.

HOW TO SELECT A SUMMER CAMP

Parents need not wait until meaningful youth camp safety laws become a reality in order to make sure their children are under adequate supervision. Here are some helpful things they can do:

VISIT THE CAMP

First. Do not rely on brochures alone. There is no substitute for a personal inspection.

Second. Make sure the swimming area is unhindered by rocks or boating traffic, and that the water is clean and platforms are provided for close supervision.

Third. Camp vehicles and all camping equipment should be in good repair and driven only by licensed camp staffers.

Fourth. Examine the cabins for potential overcrowding. There should be at least 30 inches between beds and at least two exits—one may be an easily opened window—in case of fire. Be certain there are no exposed wires in or near the bunks. Check bathroom facilities for health and safety standards.

TALK TO THE DIRECTOR

First. Whether you make a trip to the camp or not, talk to the people in charge about personnel, policies, and precautions.

Second. A doctor or registered nurse should always be on call, and emergency medical equipment should be readily accessible.

Third. Counselors should be at least 18 years old—check the ratio of counselors to campers, 1 to 6 is recommended for overnight campers under age 8, and 1 to 8 for those older.

Fourth. Waterfront directors should hold advanced Red Cross certificates.

Fifth. Note the ease with which the director discusses safety as well as the knowledge and concern shown.

Sixth. Ask what kinds of hikes and outings are planned, how well supervised they are, and who participates in those events that require some skill and hold a potential for danger.

ACCREDITATION AND INSPECTION

First. New York is one of only eight States—the others are California, Colorado, Connecticut, Michigan, and New Jersey—that have strong camp safety laws and enforce them. State and county health departments conduct annual inspections of New York camps. If you have any questions about a camp in New York, check with the New York State Health Department, Bureau of Residential and Recreation Sanitation, 845 Central Avenue, Albany, N.Y. 12206.

Second. The camp should be accredited by the American Camping Association, which has a strong safety code—though no power to enforce its standards and ACA inspections are made only about once every 5 years.

MARYLAND'S EASTERN SHORE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. BAUMAN. Mr. Speaker, as the Bicentennial celebration draws near, a great many Americans will be planning visits to our Nation's Capitol. These welcome travelers should realize that beyond the borders of Washington there lies many interesting and historic areas that are equally attractive.

Alice Lynn Booth writing in the Chicago Tribune of March 23, 1975 has described one of these areas—the Eastern Shore of Maryland. Though I am prejudiced because the article focuses on my home county, Talbot County, it hardly exaggerates the beauties of this area.

I would hope that Members and their constituents who might be interested in traveling in this area would feel free to contact my office.

I include the article at this point:

THE EASTERN SHORE OF MARYLAND

(By Alice Lynn Booth)

EASTON, MD.—A short drive from Washington or Baltimore is the Eastern Shore of Chesapeake Bay, a delightful escape into a nearly-undisturbed past.

The upper portion of the Eastern Shore, particularly the towns of Easton, Oxford, and St. Michaels, takes you into a quite, pastoral environment.

Located within a half-hour of each other, these three colonial towns are on Chesapeake Bay and its numerous tributaries. Here are untouched woods, still-productive farmland, and grand estates.

It is unlike Colonial Williamsburg, which appears more like a movie set than a living landmark of pre-Revolutionary America; or Annapolis, where Colonial history can't be separated from the modern day apartment complexes and traffice tieups. The Eastern Shore displays its Colonial relics in a setting not very different than its first settlers discovered more than 300 years ago. Farming remains its most important industry, and the sea, its second major source of income.

The Eastern Shore is easily accessible by the Cheaspeake Bay Bridges, located 42 miles east of Washington and 28 miles southeast of Baltimore. Annapolis, Maryland's historic and scenic state capital, is a stopover point just nine miles before the bridge toll entrance.

The $2 round-trip bridge toll is well-spent. For 7.5 miles, the cars travel 186 feet above the blue water. These massive steel structures, the newest opened a year ago, link Maryland's rapidly developing Western side with its rural Eastern Shore.

There's good reason why the Upper Eastern Shore largely is untouched by contemporary landmarks. Until 1952, when the first Bay Bridge was opened, the only passage from west to east was by ferry. It took about 45 minutes and the boat carried only 75 cars at a time.

Even after the bridge was built, the destination of most Washington and Baltimore residents were the ocean beaches of Maryland, at the southeastern corner of the state. Today, that area, particularly Ocean City, is a Miami of bumper-to-bumper traffic and high rise condominiums. But the bay side of the Eastern Shore has remained a virtual recluse, unseen by most travelers and, so far, untouched by hungry developers.

However, Wye Island, a wildlife refuge that has been uninhabited since colonists came upon it in the mid-1600s, is a target of Rouse Company, developers of Columbia. It is near U.S. Hwy. 50 and the Bay Bridge exit.

The island consists of marshland, lush foliage, and snarled, weathered oak trees. Thousands of honking geese, deer, wild turkey, quail, doves, and squirrels live there. It is great for a picnic or picture-taking, or fishing from the rickety wooden bridge that connects the island to land.

Residents of Queen Anne's County are opposed to the island's development, they want it to remain as it is. Even the lure of tax revenue can't compensate for the possible pollution and traffic that development would bring.

The owner has agreed to sell all but 200 acres of the island to Rouse for $8.5 million. At the moment, the project is at a standstill because the county commissioners have failed to agree to the necessary rezoning. However, eventual development of the island is considered inevitable.

The heart of the Upper Eastern Shore is Talbot County which begins a short way down U.S. 50 from the Wye Island turnoff. It is said that Talbot County has the largest percentage of millionaires of any county in America. Thanks to these wealthy residents, the county has kept industrial development at a minimum and controlled population growth. [Population was 23,363 in 1970; an increase of 4,000 over 1950.]

Talbot County is a delight for sightseers. The countryside is farmland [139,698 acres; the county's largest industry], marshy shoreline, and pine and oak woods. Magnificent old estates peek out of the wooded landscape. These mansions were built facing the water because access originally was by boat.

More than its Colonial heritage [the county was first reported by Capt. John Smith in 1608], its identity comes from its numerous waterways and relationship to the water. There are 602 miles of waterfront in Talbot County [out of 607 total county miles] on the Chesapeake Bay or its tributaries. That includes five rivers and countless creeks, streams, and inlets.

Talbot County is known for its unusual and abundant waterfowl, its sensational seafood, and its gracious harbors for pleasure yachts and crab and oyster boats. The county's historical importance stemmed from its shipbuilding industry [St. Michaels] and prosperous port of entry [Oxford].

The county seat is Easton, a pleasant, quiet town of 6,800. Built around a friend's meeting house [1682] and a courthouse [1710] which still stand, Easton is of historical interest as well as ideally located for a tour of the county. The town is 29 miles from the Bay Bridge; 70 miles from Washington, and 59 miles from Baltimore. Easton has an airport with regular flights to Washington and Baltimore.

The Tidewater Inn, a modern hotel built in colonial style [all new buildings in Easton are colonial in design] is located downtown. The inn retains a country inn flavor and hospitality. A special weekend rate of $48 for two includes Friday and Saturday night accommodations, a Friday night buffet, and Sunday brunch. Food in the dining room is quite good.

Within walking distance of the inn, there are numerous Colonial buildings constructed in the 17th and 18th centuries. Buildings currently in use are the Historical Society of Talbot County [1790]; the Bullitt House, a brokerage office [1763]; Talbot County Women's Club [1763]; County Courthouse [1710], and Foxley Hall, a residence [1795]. The Third Haven Meeting House, built in 1682 and one of the oldest frame buildings dedicated to religious meetings in America, was the scene of many William Penn sermons. The meeting house still holds Sunday services.

Fishing, tennis, boating, hunting, and golfing are within easy reach of Easton. Only a few miles away is the Martingdale Golf Club with brand-new waterside lodges;

Tighlman, a half hour's drive, is famous for its hunting lodges. The town also is the county's shopping center and there are interesting novelty and antique shops worth visiting.

St. Michaels, on the Miles River, and Oxford, on the Tred Avon, form a triangle around Easton. There's enough to see in both towns to warrant an overnight stay.

Oxford is a whisper of a town, a tiny version of St. Michaels. [Population of Oxford is 750; St. Michaels is 1,456.] Oxford was declared a port of entry in 1694 and in the early days shared importance with Annapolis as a center of trade. During the Revolution, the town was considered too exposed to British attack and trade there declined.

Today, Oxford is a charming reminder of Colonial times. It's British flavor is reflected in the red brick and white clapboard houses. The dock still is important for harvesting oysters, clams, crabs, and fish.

A special Oxford attraction is the charming Robert Morris Inn, a genuine Colonial hotel, which overlooks the Tred Avon River. Built in 1710 by ships' carpenters of wooden pegged paneling, ship's walls, and handhewn beams, the building has been enlarged many times but the original flooring and staircase remain.

Every room has a piece of history. Four guest rooms have handmade wall paneling and fireplaces of brick made in England and used as ballast in early sailing vessels. The tiny lounge has 260-year-old wood pegged wall panels. Dining room murals were made from wall paper samples used 135 years ago.

There are 28 rooms in the inn which range in price from $12.48 for twin beds and a community bath to a double room with a water view and private bath for $22.88. [There's also a cottage available with a kitchen and living-dining room that accommodates five at $36.40 per day.] Inn Keeper Ken Gibson warns guests that his hotel is "an old inn, and has no telephones or televisions in the rooms."

The ride across the Tred Avon to Bellevue is another treat. The ferry was built in 1760 and it is said that it is the oldest "free" [not attached to a cable] ferry in America still running continuously.

The drive from Bellevue to St. Michaels is less than 20 minutes, a scenic ride thru backwoods. After Bellevue and Oxford, St. Michaels, a town with several big restaurants, a major museum, and a variety of novelty and antique shops, seems a thriving metropolis.

The restaurants are a strong attraction. The famous Crab Claw sells hot, spiced Maryland steamed crab that's known statewide.

On the main street, there's the Carpenter's Inn, a tavern that dates back more than 150 years. Recently, the tavern was expanded to include food, as well as drinks.

In its heyday, St. Michaels was a center for shipbuilding. Today its dock remains a fascinating place. Besides the daily appearance of oyster and crab boats and luxury yachts, there are skipjacks and log canoes sailing the Miles River.

The Chesapeake Bay Maritime Museum includes a salt water aquarium, library, and several buildings with collections of models, paintings, full-size boats, and other articles relating to bay history.

St. Michaels is a place of peace and is a rare sight, as is all of Maryland's Upper Eastern Shore.

STATEMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. BRADEMAS. Mr. Speaker, I was absent yesterday, April 14, 1975, during rollcall No. 118, a vote on H.R. 5398, the Emergency Homeowners Relief Act, to authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed as a result of adverse economic conditions. The bill was passed 321 to 21. I was paired for this bill, and had I been present, would have voted for it.

TRIBUTE TO IMOGENE H. MANNING, M.D.

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DODD. Mr. Speaker, I rise at this time to pay tribute to and commend Imogene H. Manning, M.D.—Mrs. Carol Tarcauanu—a woman who has dedicated her full time and energy to tending and healing the children of my district.

Dr. Manning has had a private practice in pediatrics in Norwich, Conn., since 1953, in affiliation with W. W. Backus Hospital. And, for as long as she has practiced, Dr. Manning has donated her services as physician to schools and preschool, well-child conference clinics in the surrounding Connecticut towns of Bozrah, Franklin, Sprague, and her hometown, Lebanon.

The atmosphere of her office has always been in the tradition of New England neighborliness, an encouragement to all to "come and sit a spell." There's a crib for the use of the busy mother of several small children, toys to entertain the brothers and sisters whose turn will be another day and, of course, books. It is not an uncommon occurrence for a mother to stand impatiently at the doorway while her child finishes a story. How many doctors can claim children go out of their office door crying because they do not want to leave. Testimonials of the children's love are hung on the office walls, school pictures, family portraits, and budding artistry—the legion of Dr. Manning's "family."

To the children of Lebanon, Dr. Manning is not only a familiar figure during school hours, but after school as well. She tries to attend the various fairs, plays, and concerts of her "children," though often she never gets to see the end because a call has come that someone needs her. No matter how tired, she will stop to see a homebound patient when she finishes with office hours and is prone to calling the parents again in the evening and before she goes to work the next day. Though the epitome of a lady, she is not above plowing through mud or skidding over the ice to get to a sick child. In this day of modern medicine she achieves results with salt, boiled water, and Karo sirup as readily as with antibiotics. A plaque hanging in the entrance of the elementary school sums it up: "In appreciation for your unselfish contribution to Lebanon children."

Throughout her 66 years of life her family, religion, and education have been the priorities of this remarkable woman. An active member of the First Congregational Church of Lebanon, who has taught Sunday School, chaired the religious education committee, served on the board of trustees, was a member of the building committee for the Fellowship Hall and, recently, reorganized and updated the church library. At her own expense, she had a light installed in her pew at the church that connected with the church telephone so she would still be available on the Sunday mornings she was "on call."

For 15 years, she worked as a research assistant, then a chemistry professor to earn the money that would make her goal, to be a pediatrician. A former student of hers claims the exacting standards of Professor Manning have made her chemistry notes useful to four decades of chemistry students in the family. Nieces, nephews, and former patients who discuss college plans or further education with her are apt to get practical as well as philosophical encouragement. Inspired, herself, by the former town physician, Dr. Laura Hill, in 1946 at the age of 38 she was accepted at the Women's Medical School of Philadelphia. After an internship at Baroness Erlanger Hospital in Chattanooga, Tenn., she did her residency in pediatrics at Waterbury Hospital, Conn., and later, the Hitchcock Clinic in Hanover, N.H. But, her learning did not stop there. Dr. Manning constantly attends conferences in Europe, Canada, and throughout the United States, learning new methods, updating her practice.

Imogene Hopkins Manning was born December 30, 1908, in South Windham, Conn.; the oldest girl of nine children in a family that dates its heritage in America back to the Mayflower. Her wry sense of humor has enhanced many an informal get-together arranged by her to celebrate some family wedding, birth, or special occasion. Over the years, she has kept abreast of family and never forgets to send special remembrances to the more than 115 members of her family ranging from uncles and aunts to grandnieces and nephews.

In 1963, Imogene Manning married Carol Tarcauanu, a former Vice Consul and Chancellor of the Romanian Diplomatic Corps, who has divided his Lebanon years between farming and teaching. Mr. Tarcauanu, who became an American citizen in 1945, has been the Lebanon Democratic Town Chairman, the first president of the Lebanon Lions Club, and has served on numerous town commissions.

Lebanon residents are particularly appreciative of Dr. Manning's willingness to be available at any time; a confident for all ages and walks of life, a familiar friend to the community. In spite of the demands on her time, Dr. Manning maintains an active interest in all phases of town government. She actively encouraged the establishment of a town-supported public health nursing service, presently serves as president of the Lebanon Historical Society, has been the town health official and school physician.

Over the years at W. W. Backus Hospital, she has served as physician to the school of nursing and secretary to both the medical staff and the pediatric staff. There, statewide, she has served on New London County Medical Association, New England Pediatrics Association, Connecticut State Milk Control Board, and Child Rights and Abuse Panel.

In recognition of Dr. Manning's total humanitarian service, the town of Lebanon has declared Sunday, May 25, 1975 as "Dr. Imogene Manning Tarcauanu Day." Family, friends and townspeople from near and far will gather at a silver tea in her honor to offer testimonials of praise, appreciation, and love.

THE WORLD FOOD PROBLEM AND SATELLITE TECHNOLOGY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. McHUGH. Mr. Speaker, last week I voted against H.R. 4700, the NASA authorization bill, because I believed that Federal outlays could be better spent in more urgently needed areas such as health care and aid to the elderly.

A major concern I had, also, was that the authorization for LANDSAT could prove to be a duplication of money and effort when existing intelligence satellites might provide the same information. I submit for the RECORD a paper written by Prof. Robert J. Kalter and Mr. Wallace E. Tyner of Cornell which addresses this issue:

THE WORLD FOOD PROBLEM AND SATELLITE TECHNOLOGY

(By Robert J. Kalter and Wallace E. Tyner)

A CROP FORECASTING PROCESS

To produce reliable crop forecast information from remotely sensed data is a complex process. While the methods used to produce such forecasts obviously cannot be described in detail, it may be helpful to briefly sketch the process. Remotely sensed data may be in the form of images (photographs) or in digital form suitable for electronic processing. Image interpretation will be described here because it is somewhat simpler and computer processing of digital data is in principle very similar.

Given an image of a particular geographic area, a photo-interpreter must first classify the land into agricultural and other land uses. (Other classifications would be needed if information other than crop forecasts were to be derived from the data.) Agricultural land must then be further subdivided or stratified into crop type and finally crop species. Once all the crops present are identified, the areal extent (or acreage) planted in each crop must be measured. Completion of these steps provides information on acreage planted in each crop. But that information alone is inadequate to produce reliable crop forecasts. The potential yield of each crop must also be determined. Forecast yield is, then, multiplied by the acreage to forecast production for the crop.

Errors of estimation in the final forecast may enter at each stage of the process. For example, if the spectral signatures (unique light reflectance of each crop type) on crops are very similar, errors in crop identification may arise, especially with low resolution remote sensing devices. Similarly, errors in field boundaries may arise causing crop acreages to be incorrectly estimated. This problem is especially acute when field sizes are small, say less than 20 acres. Errors in yield estimation arise in similar fashion. Theoretically, at least, these errors can all be small enough to produce reliable crop forecasts using remotely sensed data. The issue at stake is whether or not the errors inherent in a given system are low enough to produce reliable forecasts of foreign production.

THE USE OF ERTS-TYPE DATA

We will begin exploring this question by reviewing the evidence on ERTS capability to produce reliable crop forecasts in the United States as reported by scientists who have worked with ERTS–1 data. Most of the advanced research using ERTS was done in the U.S. on U.S. cropping situations. We will then examine how these results might be modified if ERTS data is used to produce foreign crop forecasts.

A number of scientists have examined ERTS capabilities to produce crop acreage information. Acreage estimation accuracies reported by most investigators ranged from 60 percent to 95 percent with most around 80 percent to 85 percent. Many investigators reported substantial difficulty distinguishing spectrally similar crops such as corn and soybeans, until very late in the growing season. All investigators reported difficulty recognizing and interpreting small fields. Most investigators recognized a minimum field size of 15 to 20 acres. ERTS is generally considered a low resolution instrument; each picture element covers 1.1 acres of the earth's surface. Resolution is generally put at about 60 meters (200 feet). Since a square ten acre field is 660 feet on a side, it is easy to see how acreage measurement error would be high for small fields. The Earth Satellite Corporation conclusion on ERTS capabilities in crop acreage estimation based on all the available experimental evidence was that there is one chance in twenty of improving a late season forecast of the existing USDA crop acreage forecasting system by 1982. USDA forecasts are normally issued monthly during the growing season.

Very little work has been done on ERTS crop yield estimation capabilities. It is important to distinguish errors in a system used to forecast crop yield at a given point in time from errors derived by comparing that forecast with final yield. The reason for this distinction is that much of the yield forecast error arises from random events in nature through the growing season (such as drought, insects, rusts, floods, frosts, etc.). No yield forecasting system could improve on these types of forecast errors. Much of the error in the USDA system comes from this type of error, such as the forecast errors caused by the early frost in the Mid West in the 1974 crop year. Bearing this distinction in mind, the EarthSat analysis concluded that there is one chance in three of improving the late season yield forecast in one half of the anomalous (high error) crop years.

It is clear from the reports of scientific investigations and the conclusions of the EarthSat study that there is little scope for improved crop forecasts in the United States with the existing ERTS satellite sensors. The question remains on the extent to which this conclusion applies to foreign countries. Two principle issues arise in answering this question: (1) How do existing forecast systems and the quality of existing information in foreign nations differ from the USDA system used in the United States? (2) How would technical capabilities of an ERTS system be altered by employing the system on foreign agricultural patterns?

In answering the first question, it is clear that the USDA system is superior to that of most foreign nations, especially developing nations. Average errors of the USDA system are around two to three percent while foreign systems have much higher errors (perhaps around ten percent). Even if foreign errors are as much as ten percent, the ERTS system has not been demonstrated (in the U.S.) to consistently produce estimates with less than ten percent error. However, the ERTS system has not yet been tested in a systematic sampling scheme to determine what its accuracy might be. In other words, it is premature to judge the utility of ERTS data in producing forecasts more reliable than existing foreign forecasts.

One can say, however, that ERTS capabilities would probably be adversely affected when applied to the foreign agricultural situation, especially in developing nations. One major problem in developing countries is the much smaller field sizes. In much of India for example, family and holdings average two to three hectares (5.0 to 7.5 acres) all of which may not be planted to the same crop. Obviously, such small field sizes are beyond the resolution of the ERTS satellite system. In addition, essential ground truth (ground checks on crop species, acreage, and yield) information may be much harder and more expensive to come by. Hence, it appears that it would be more difficult to produce reliable forecasts using ERTS for foreign agriculture (especially in LDC) than for U.S. agriculture.

In summary, then, where the ERTS system is at its best—the U.S. type cropping conditions—the existing system is also quite accurate, and where the existing system is poorer, ERTS capabilities are likely to be even poorer. At the very least, one can say that there is no demonstrated capability to produce reliable crop forecasts of foreign agriculture using an ERTS based system. To promise the world reliable crop forecast information and to deliver them ERTS data would likely lead to another AID disaster.

A CONTRARY OPINION

NASA has commissioned its own studies of using ERTS for crop forecasting. In general, they are much more optimistic on both the technical capability issue and the potential economic benefits of the system than the EarthSat study. NASA has made their judgment on technical capability using a theoretical framework that has not been substantiated empirically. Their study focused on winter wheat and rice, but used dichotomous situations where no ambiguity in data interpretation is likely to occur. More specifically, Kansas wheat fields and large (150 acre) rice fields in California were used in an effort to show technical capabilities of the satellite. Both situations were in areas of large field size and were not complicated by mixed cropping situations.

The projected technical capability is dependent on the ability to "split" picture elements to improve accuracy. USDA personnel who have reviewed the technical capability question do not believe that the process of splitting the picture elements (1.1 acres), which is required by the NASA suggested techniques, can be feasibly undertaken. Moreover, they suggest strongly that boundary picture elements are not known and do not have the characteristics of the normal distribution. Therefore, the assumption of offsetting errors in the identification of these boundary elements cannot be accepted.

Of perhaps equal importance is the fact that the NASA study did not take accurate account of cloud cover problems in their technical capability assessment. Several reviewers have raised serious questions about using their technique with a floating sample of crop areas. Such a sample is required if the cloud cover problem is to be successfully surmounted. Finally, it is the conclusion of USDA personnel who have reviewed the NASA study that an ERTS-like satellite system cannot improve on current forecasting accuracy for yield information and cannot surpass the current system with respect to the timing of national (U.S.) crop forecasts.

In addition to the technical capability question, NASA studies have utilized economic modeling to forecast potential benefits from crop forecasting using ERTS. They have developed a conceptual model and utilized it to show substantial benefits from this activity. In general, their modeling effort is both sophisticated and rigorous. However, a number of assumptions are required to produce the benefits. In the opinion of most observers. the assumptions specified are unrealistic and result in excessive benefit estimates from the activity. For example, when assumptions similar to those utilized by the EarthSat study are fed into the NASA model, agricultural forecasting benefits for the U.S. drop to less than half of those projected by EarthSat.

THE CLASSIFIED ALTERNATIVE

Granting that the ERTS satellite is probably the inappropriate tool for fulfilling the Secretary's promise, the question remains, "What data source could be used, if any, to produce the desired crop forecast information?" One answer to that question lies directly under the Secretary's control in his other role as Chairman of the National Security Council. This answer is the use of more advanced and higher resolution U.S. satellites which are currently classified. In fact, it could be that the Secretary was contemplating use of these data sources, but later decided that this course was not best at this time. In any case, it is well known that the U.S. has the capability to produce crop forecasts anywhere in the world using classified data sources. Whether or not to use these data sources is partially a political question which must be answered on other grounds.

Several points can be made about the classified alternatives, however, based upon common knowledge of their capability. First, because of their extremely high resolution, use of the acquired data for crop forecasting may be an expensive process. Vast amounts of unnecessary data may need to be processed. Thus, although ERTS has inadequate resolution, Big Bird (or other classified systems) may provide data overkill (leading to excessive costs for the job in question). The public, however, has no knowledge of the information that could be spun off of our existing national security intelligence gathering operations at low cost (merely as an ancillary product).

Second, if classified data can do the crop forecasting job, why doesn't the U.S. do the interpretation and make the information available without releasing the primary data (because of national security)? The answer to this question seems to be based on foreign sensitivity to this type of "big brother" operation. Most countries not only want the information based on interpretation, but the raw data, itself.

The above may argue for an intermediate system (if the appropriate classified system cannot be declassified) which would have adequate technical capability to do the job but still be capable of civilian operation and distribution. This may require continued R & D efforts which, given budget cycles, would take us to the late 1970's before an operational system could be deployed.

CURRENT R & D EFFORTS

At the present time, a major effort, under the sponsorship of NASA but with the cooperation of a number of other agencies, is going forward in the crop forecasting area. Technically known as "LACIP" (Large Area Crop Inventory Project), this operation seeks to make joint use of classified information, ERTS-like information, and meteorology information. Portions of the project are classified and portions are not. Public announcements with respect to this effort have indicated that ERTS-B (to be launched in February of 1975) will play a major role in the project. This statement, however, is hard to verify because of the partial classified nature of the work and the numerous other components involved. From what is known, it is clear that the LACIP concept will be an integrated approach using more than simple ERTS imaginery. As a consequence, any technical or economic analysis of the ERTS satellite, per se, would be irrelevant to this effort. Total costs of the LACIP approach will obviously be far greater than those forecast for using ERTS imagery alone. However, if the technical capability for crop forecasting is increased, benefits may also be substantially changed.

MOSCOW PAPER ASSAILS USIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DERWINSKI. Mr. Speaker, I would like to bring to the attention of the Members the most recent Moscow blasts at the U.S. Information Agency—USIA. I submit this text in order that Members who wonder about the effectiveness and impact of U.S. intelligence operations, can realize the attack from the other side of the fence.

This statement, which I insert at this time, speaks for itself:

MOSCOW PAPER ASSAILS USIA "SUBVERSION" CENTERS

(Moscow Moskovskaya Pravda in Russian, February 22, 1975.)

(Unattributed Article: "Saboteurs at the Microphones.")

(Text) Bourgeois propaganda is continuing its ideological warfare directed against the Soviet Union and countries of socialism. Using powerful technical resources, the imperialist special services are resorting to the most varied methods of influencing people's minds. These "quiet" saboteurs are using radio broadcasts, press output, and other methods with the aim of falsifying the world's historical development, slandering the socialist system, and, at the same time, embellishing the reality of capitalist society. Under the conditions of the relaxation of international tension our ideological enemies are not only not slackening but, on the contrary, are stepping up their ideological attacks, which essentially constitute nothing but interference in our internal affairs.

IN THE SAME OLD KEY

The main role in the ideological war against the Soviet Union and other socialist countires belongs to the giant U.S. propaganda machine. The USIA occupies the dominant position within its system. The scale of its activity is demonstrated by the following figures: approximately 10,000 people work for the USIA, the Agency has 192 centers functioning in 111 countries, and it will receive $239.5 million in 1975 from the Federal Budget. The importance attached to the USIA and the trend of its activity are attested by the report presented to the U.S. Congress by a consultative commission on information. The report says, interalia: "The USIA realizes that the policy of detente with the Soviet Union means a sharp intensification of ideological conflict throughout the world. . . . In the coming years Congress must regard the USIA as the Agency bearing the main burden of ideological struggle for the United States. . . ."

An interview given by J. Keogh, the Agency's Director, to the magazine U.S. News and World Report is characteristic in terms of an understanding of the USIA's Aims. The magazine's correspondent asked him: "The USIA's operation have to a considerable extent been a result of the cold war. Are there any grounds for continuing this program now, in a period of detente?"

Keogh Answered: "In my opinion there are greater grounds for this now than ever before because the world situation in which the United States has to operate is now more complex than ever."

Using various means of propagating ideological subversive activity both against the socialist countries and against developing states, which have taken the path of independent development, USIA allocates a special role to VOA, which is the Agency's main organ. *Time* magazine defined the aims of this station's radio programs as follows: "VOA, being the Information Agency's official spokesman and having a staff of 2,303 employees and an annual budget of $55 million, operates on a strictly regulated basis. Its official task is to explain life in the United States and American foreign policy and to fight communism."

This means, of course, explaining is the key necessary for the USIA's propagandist aims. And these aims, as J. Keogh noted in a statement for the press, have not changed. "There has been no revision of VOA's policy regarding broadcasts to the Soviet Union," he said.

Sober-minded Americans make a proper assessment of VOA's radio broadcasts to the Soviet Union. For example, Frank Miller, a professor at Worcester College (Ohio), wrote in a letter to the Washington Post: "VOA's provocative broadcasts were of dubious effectiveness even under cold war conditions. Under any other conditions, such practice can only be considered malicious. Such provocative broadcasts can only be regarded in one way—as political contraband.

A CREATURE OF THE COLD WAR

Radio Liberty (RL) and Radio Free Europe (RFE), created by the CIA and under its tutelage, have been engaged in subversive propaganda against the Soviet Union and the other Socialist countries for more than two decades. Senator W. Fulbright called these subversive radio centers located in Western Europe "anachronisms which should be put in the graveyard of cold war relics."

What is RL, which broadcasts to the Soviet Union in 18 languages of the peoples of our country? This question is eloquently and exhaustively answered by the Austrian paper Volmsstimme: "RL is one of the most infamous centers of incitement in the capitalist world. It is controlled and financed by the CIA, and its headquarters is in New York. Founded at the height of the Cold War in March 1951, the Center is to this day a champion of this bankrupt policy and specialized in subversive propaganda against the USSR."

The radio's leading workers include former Hitlerite agents and collaborators, the newspaper continues. Now these people, "whose hands are stained with the blood of Soviet citizens and antifascists in other countries, want to 'liberate' the Soviet Union. . . ."

(Text) West German parliamentarian Karl-Heinz Hansen, a social Democratic Party Deputy in the Bundestag, calls RL and RFE "Offspring of the Cold War" in a book devoted to their activity. He backs up his assertion with an analysis of programs from both stations. Noting that "more refined methods" than previously are now used in broadcasts (they are emphatically informative in nature and include material which superficially does not look anti-Soviet or anti-Communist). Hansen stresses that all broadcasts from these Munich-based stations are nevertheless imbued with an aspiration to "make listeners receptive to anti-Communist ideas" and are steeped in slander and disinformation.

"Undermining the confidence of Communists and supporters of the Communist movement that world development is proceeding in favor of this movement" is how the "West European Consultative Commission of the RFE Committee" openly spells out one of these radio stations' objectives. It is no accident that attempts to put an end to the dangerous activities of the Munich broadcasters meet with stubborn resistant from reactionary forces in the United States and West Germany. In particular, the Board of the Christian Social Union—Strauss' Party—once stated outright that it regards the stations as "important broadcasting stations in the process of the exchange of information and views."

Certain American politicians also point out quite clearly what interpretation of the process of "the exchange of information and views" the Cold Warriors have in mind. This, S. Rosenthal, a Democrat from New York, exposing the assertions that these U.S.-funded stations are "organs of free information," has noted that their activity "is incompatible with the relaxation of tension" and constitutes "interference in other countries' internal affairs." For his part, Republican H. Burke has noted that "we would do the American people and the peoples of the entire world more good if we were to contribute to a reduction in international tension—something which is contradicted by the continuation of these conspiratorial broadcasts, particularly in view of our proclamation of the policy of renouncing the imposition of our version of the political truth on other countries."

But no matter how malicious our ideological enemies may wax, these are the convulsions of the doomed.

The authors and inspirers of dirty ideological subversion have nothing to counterpose to the truth, the real strength and attractiveness of the Socialist system, and the radiant ideals of our society. They have long since shown themselves to be rabid opponents of peaceful coexistence. It is perfectly obvious that the aspiration to liquidate the remnants of the Cold War must be backed up by the liquidation of all its "offspring." They belong on the garbage dump of history.

WHERE ARE WE GOING

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. HANSEN. Mr. Speaker, from time to time the proceedings of this House should also show the feelings and reactions of the people. For my colleagues' benefit, I submit an excellent letter from Mr. Tom Egan of Idaho Falls, Idaho, to President Ford and Members of the Idaho Congressional Delegation:

Gentlemen. Where are we going?

The United States of America is wallowing in a sea of indecision, misdirection, confusion, and desperately needs a firm hand at the tiller which can guide us to a strong, sound foundation upon which our State of the Union will rest.

Our actions in the international arena emulate a shy matador who is afraid of the bull. Our allies have a sound basis to question the premise of the United States being dependable in living up to its commitments.

Are we repeating the mistakes of the Thirties? We look very much to be the "paper tiger" as we watch the North Vietnamese flagrantly violate the agreements of the Paris Accords. We are defaulting in Southeast Asia. The American lives lost in the Vietnam war, were they lost in vain? Where do we take a stand?

Are we going to again turn inward, ignore the dangers and perils to our system of government now confronting us? Will we again turn our backs until we find ourself against the proverbial wall and forced to defend ourselves precipitating undoubtedly the greatest destruction of lives and property the world has ever known?

Are those in whom we have entrusted our lives and freedom going to lead us down the primrose path to oblivion? One hundred billion dollar deficits, the ever-increasing growth of the income transfer monster which will eventually destroy our economy if not stopped, laws which feed the fires of inflation, the real killer in our economy which will eventually sap our economic life blood!

Are we as a country going to awake one morning wondering where all of our life's savings have gone?

Just where do you stand? What proposals have you to offer which will put our country back on the road to the practice of sound, constructive programs which will reverse the present trend pointing to disaster.

The time for action is now. Please let me hear from you!

ENERGY CONSERVATION

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. OBEY. Mr. Speaker, I would like to call the attention of my colleagues to the accomplishments of the West Central Wisconsin Community Action Agency—West CAP—on the energy conservation portion of their housing program.

West CAP of Glenwood City, Wis., has issued a preliminary report on an energy conservation program carried out from December 1974 through February 1975, under the leadership of Mr. Jake Banks, West CAP executive director.

At a time of excruciating economic conditions, when people in the west-central part of Wisconsin are especially hard hit, this program is designed to provide valuable assistance to low income and/or elderly homeowners who occupy uninsulated or underinsulated homes.

This project has provided employment, produced a conservation of energy, and resulted in assistance to an impressive number of Wisconsin citizens.

I would like to share the report issued by West CAP as an example of the effect one Government program is having within my own State. The report, together with an accompanying letter, follows:

MARCH 18, 1975.

Hon. DAVID OBEY,
Representative, State of Wisconsin, Cannon House Office Building, Washington, D.C.

DEAR MR. OBEY: The attached report covers the Energy Conservation portion of the West CAP Housing Program, which summarizes the costs, the benefits, and the services provided.

We believe it to be one strategy to meet the "crisis of the times," energy conservation, cost reductions for home owners, valuable work experience for the unemployed, and supervisory positions for unemployed building related professionals.

This is an interim report on just one of 16 program grants to Community Action Agencies in Wisconsin. In our cold month of January, from reports of 14 of the above agencies, 324 homes were winterized, 800 families received energy crisis aid, many rental homes needing winterization were identified, and 55 homes received emergency fuel to tide them over. Ms. Margaret Thorpe, Division of Housing, State of Wisconsin, is in charge of this program.

A survey of program participants conducted by West CAP proves conclusively that well over $100 per insulted home will be saved in our northern climes per year. Shouldn't this program be expanded? We, of course, realize that this program is a trial size operation, and right now we only have a very few weeks of necessary supplies. We solicit your cooperation to do whatever you can to help assure us additional funds.

We are well aware that President Ford has recommended many millions of dollars for energy conservation for the Federal Energy Administration. They will, no doubt, have to invent someone like Community Action Agencies to get the job done. We feel these dollars should go to the Community Services Administration so that, in turn, West CAP and other community based agencies can continue these services.

Sincerely,

W. G. HEITING,
Board President.

ENERGY CONSERVATION

GETTING THE JOB DONE

In the 7 counties served by West CAP, there are about 205,817 people in a 5,225 square mile area. Three-fourths live in the rural area. 11% of the families have an income less than the poverty level, and over 16% of the occupied housing units are sub-standard.

Low income families were the hardest hit by the rise in fuel prices in 1973. Most homes in this area use fuel oil or propane for heating, although a few still heat with wood. National statistics show that households in the lowest income quartile spend over 8% of their disposable income for fuel oil, compared to 4.3% and 3.1% for families in the middle quartiles. Any increase in fuel prices means less for food, clothing and other shelter costs, at the same time that these other costs are going up. Budgets stretch only so far.

The federal Office of Economic Opportunity (now the Community Services Administration) tried to attack the problem in 1974. It channeled funds to several states in an attempt to repeat the success of a model winterization program conducted in Maine. Wisconsin received $140,000, and pledged $35,000 in state funds. Wisconsin also promised that state manpower funds received under the Comprehensive Employment and Training Act (CETA) could be used by Community Action Agencies to provide the labor needed to carry out the project.

Some funds were set aside for emergency fuel purchases, with the majority of the funds to be used for winterizing homes, on the theory that this would provide the most meaningful long term relief for the families involved. West CAP was allocated $12,600, and used this to buy several truckloads of 6 inch fiberglass insulation (the recommended ceiling insulation for this area), along with plastic for storm windows and doors, weatherstripping, and paper for banking homes.

West CAP arranged to use the Adult Work Training enrollees (A CETA program) to provide labor, and Emergency Energy Conservation Program enrollees to find the people who needed help. One EECP enrollee was trained to repair and refurbish furnaces. West CAP's Outreach workers provided much of the field work, and administration expenses were donated by the agency. To qualify for help, families had to be low income, and own or be making payments on their own home. Renters were assisted if the landlord was low income, and many renters were assisted with furnace repairs. No insulation was provided to other renters because West CAP had no way to insure families that landlords would not simply raise rents after improvements were made, thus forcing the families out. At the time the program was operating, low income guidelines defined a family of four as poor if they made less than $4,550 a year. Families involved turned out to be substantially below the guidelines, with an average family income for the 127 families participating at $3,474, with an average family size of 4.3.

WHAT WE DID

West CAP Outreach workers, funded by the regular agency budget, looked over their counties and came up with lists of families they thought might be interested. Our crisis workers, hired under the Emergency Energy Conservation Program, went out into the area to check up on the families referred. They also got referrals from oil companies, ministers, social service departments, and sometimes they just stopped at homes that looked like they need insulation.

Our crews, mostly young men enrolled in our Adult Work Training program, loaded insulation into their trucks and took off to handle 2 to 4 projects a day. They weatherstripped doors and windows, put on plastic storm windows, and installed 6 inch ceiling insulation. Purchase of a special blower enabled them to use loose insulation on homes with no access to the attic area.

They interviewed the family, took income statements, and determined eligibility. They inspected windows and doors for leaks. They climbed into attics to measure insulation. They asked about the furnace to see if heating efficiency could be improved by cleaning or minor repairs. They brought the information back to the office and set up a date for the work crew to do the needed winterization.

Another crew member, hired under the Emergency Energy Conservation program, checked the furnace and did the required repairs and cleaning.

The crew found homes with no insulation, large families forced to sleep in living rooms because second floor bedrooms were unlivable in cold weather, chimneys almost totally blocked up with soot, furnaces that had not been cleaned or adjusted for years.

West CAP is cooperating with the University of Wisconsin-River Falls Physics Department to study the impact of the insulation program on heat loss and fuel costs. Students visited four of the homes insulated before and after the project was completed. Both times they used a heat flow disc instrument and recorder to measure heat loss. They recorded the size of the home, number of doors and windows, type of construction, and other variables. Results of this study should be available before the Final report on the West CAP project comes out in spring of 1975.

There is no end date to this project—it will end when the materials are used up. West CAP projects a final total of 200 homes winterized, with 120 of them involving full ceiling insulation.

THE RESULTS

Families served	127
27% on AFDC or AFDCU.	
30% elderly or disabled.	
15% unemployed.	
28% employed low income.	
Average family size	4.3
Average family income	$3,473
*Homes insulated	77
Average cost for materials per insulation project	$77.06
Average cost for labor per winterization project	$107.00

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*About 60% of the families involved received the ceiling insulation. The other homes either did not need insulation or could not be insulated (mobile homes, basement homes). These homes were winterized, i.e., weatherstripped, equipped with plastic storm windows and doors, banked, or had furnace repairs made.

THE BUDGET

Materials—Purchased through a grant from the Wisconsin Department of Local Affairs and Development

Insulation	$8,400
Winterization materials	2,840
Emergency fuel fund	1,000
Stockpiling	450
Total	12,690

Labor—Funded through Comprehensive Employment and Training Act enrollee wages, or an in-kind contribution by West CAP of staff time

Case-finding	$1,202	$1,260
Labor:		
On-site	3,187	
Travel time	2,391	
Clerical	1,140	
Administration		2,502
Mileage	1,496	504
Total	9,416	4,266

FELLOW CITIZENS: This report has been prepared to show how our government, working through the Community Services Administration, can support the efforts of Community Action Agencies in their job of alleviating conditions that keep poor people poor.

The Community Action philosophy of "people helping people" is illustrated well by this energy conservation program. Funds were not received until December 1, 1974, and this preliminary report shows clearly the CAP ability to get things done. A program of this type operated nationwide could save low income people millions of dollars each year and conserve our precious energy resources.

J. C. BANKS
West CAP Executive Director.

CONCLUSIONS

(1) Most low income home-owners, at least in this area, own older homes. Many are elderly couples. Younger low income families purchase older homes because of the lower cost. As a result, most are uninsulated or under-insulated.

(2) Many of these homes have poorly maintained heating systems, because the families cannot afford to have them cleaned, and are unable to do it themselves.

(3) Providing free materials would not have helped most of the families we found, because the families do not have the funds to hire labor, and most cannot do the labor themselves.

(4) By combining the resources of West CAP, the Comprehensive Employment and Training Act, and the state grant for materials, we were able to insulate homes at a cost of $77 each for materials, or $184 for materials and labor (including the costs for case-finding, travel and supervision).

(5) Some way must be found to help renters, either by entering into long term contracts with landlords, so they will not raise rents after improvements are made, or by enforcing some kind of housing codes in rural areas.

H.R. 5398

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. MOFFETT. Mr. Speaker, I was unavoidably detained by official business during yesterday's rollcall vote on H.R. 5398, the Emergency Homeowners' Relief Act. Had I been present, I would have voted to support the measure.

REPRESENTATIVE KEMP COMMEMORATES THE 30TH ANNIVERSARY OF THE OCCUPATION OF HUNGARY BY THE SOVIET UNION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. KEMP. Mr. Speaker, April 4 marked the 30th anniversary of the occupation of Hungary by the Red Army of the Soviet Union.

On that day, the Soviet Union instituted a reign of oppression, imprisoning and executing thousands of Hungarian citizens who fought for the liberty and national integrity of Hungary.

Outright terror has been replaced with tactics of cultural and political manipulation, attrition through propaganda, and suppression. These efforts at russification have not, however, daunted the spirit of the Hungarian people.

Today, after 3 decades of occupation, Hungarian national feeling has not been transformed or suppressed—and continues as strongly as in 1945 and 1947 when, in elections, the Hungarian people rejected all forms of communism.

Mr. Speaker, the Hungarian perseverance for the cause of human rights is a memorial to the dignity of all mankind. It is incumbent upon this body to support the Hungarian cause and to remember that "détente" has not brought these people freedom from exploitation and oppression.

At this point, Mr. Speaker, I would like to include for the record a statement issued by the Free Hungarian Organization on the effect of the Soviet occupation upon the Hungarian people. This organization represents Hungarians on four continents—and has eloquently described the state of the economy, arts, and religion under Soviet subjugation.

The statement follows:

THE EFFECT OF SOVIET OCCUPATION ON HUNGARY'S PEOPLE, ECONOMY, ARTS, AND RELIGIONS

I

The Soviet Union with its military occupation and with its system of merciless stooges discards the right of self determination of the Hungarian Nation and exploits the right to vote of the Hungarian citizen. The elimination of these rights is based on the principle of the electoral system of the dictatorship: To vote you must, to select you are forbidden.

II

In the past thirty years individual work, the free enterprise system—the propellant of progress on the fields of agriculture, industry, commerce,—all free expressions of the political, social, religious and national life became the foe of the ruling Communist party put and kept in power by Soviet tanks. As the result of the occupation the once free, proud, self respecting and self relying Hungarians became dependent on the benevolence of a whimsical Party.

III

During the past thirty years those Hungarians who refuted the Soviet subjugation have been eliminated with vengeance masquerading under the pretense of artificially stimulated class struggle. In the late 1940's 300,000 Hungarians, soldiers and civilians, have been either exiled by the Soviet authorities behind the western borders of Hungary or destroyed in the jails and on the gallows of a bloody purge. At least the same number of Hungarians have been forcefully taken to the East and banished to the concentration camps of the Gulag Archipelago. In 1965, during and after the armed suppression of the Hungarian Revolution demanding the withdrawal of the Soviet troops from Hungarian soil, 35,000 Hungarians, mostly teenagers and workers, have been killed by Soviet guns, 200,000 Hungarians, mostly young adults, have been forced to escape from vengeful retaliation, and 25,000 young Hungarian Freedom Fighters have been deported to Siberia by the Soviet authorities occupying and thereby ruling the defeated Hungarian Nation.

IV

The party dictatorship maintained by the armed forces of a foreign power, with the government supported system of free abortions, destroyed 3 million fetuses, because the Soviet procurators of an occupied, colonized and exploited Hungary did not want to care for the children of the Hungarian Nation. Hungarians living in the Free World repeatedly objected to the system of abortions, pointing out the dreadful consequences of this self destructing genocide. The dictatorship realized the effect of this senseless killing only after the government subsidized destruction of 2 million lives.

V

The conditions created by the thirty years of occupation opened the door for the systematic elimination of the individualistic intelligentsia of the older generations, from the small holder, who has been renamed as kulak, through the Social Democrats, the Communists, who have been reared in Hungary, to the Bishop of Gyor and the Prinz Primate of the country. The Soviet maintained terror exiled, ostracized, jailed, executed or simply shot its victims. Later in 1956 and 1957 the same terror purposefully exterminated the generation of the young Freedom Fighters who dared to reject the ideology and actions of a political system which trained them.

VI

During the thirty years of military subjugation Hungarian literature and the arts have been forced in a political straitjacket of three categories: supported, tolerated and banned. The Soviet commissars—with the forced and continuous scrutiny of and interference with the administrative and pastoral functions of religious ministry by an atheistic regime—expend great efforts to change the churches into the instruments of International Communism. The once independent and libertarian Hungarian schools became dispensaries for party ideology.

VII

The developed and western oriented economy of Hungary has been captured by the neocolonialist empire of the Soviet Union. The economic power and knowledge of a talented people are exploited in order to raise the standard of living of the Soviet Union. The arteries of the Hungarian economy are being reoriented towards the East thereby assuring permanent economic dependency on the Soviet Union. The thirty years of occupation transferred the Hungarian worker to slave and forced the Hungarian economy in Soviet servitude.

VIII

As the result of the past thirty years of subjugation the usually vibrant, very much alive Hungarian people—losing faith in their future, giving up hope for the change of their condition to the better—occupy the dubious first place among the nation's of the world in suicidal rate.

IX

At the end of three decades of occupation, after the loss of many lives, fallen for liberty, independence and national integrity, after the loss of her freedom and sovereignty, Hungary finds herself a satrapy of Soviet communism.

X

Decent men can never recognize Soviet domination of Hungary. The claim of the Hungarian Nation to independence and liberty is not based on sentiment or politics. It is deeply rooted in history, in culture and in law. No matter what sort of suffering it brings, Hungarians do not mean to see that claim abandoned. Hungarians everywhere intend to hasten the arrival of the day when the men and women of Hungary will stand again in freedom and justice.

LT. COMDR. BERNARD AISENBERG

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. ANDERSON of California. Mr. Speaker, the men and women who dedicate their lives to our Nation's Armed Forces certainly deserve the gratitude of our country, and especially those of us in Government. The retirement of such a person should be a time for us to take a moment and express our heartfelt appreciation for a job well done.

Former Lt. Comdr. Bernard Aisenberg is such an individual. A resident of Harbor City, Calif., Lieutenant Commander Aisenberg recently retired after 27 years of service in the Navy. His career spanned two wars and a wide variety of service to our Nation.

Bernard Aisenberg enlisted in the Navy in 1948, shortly after his graduation from Manual Arts High School in Los Angeles. He joined the Navy, not as an officer, but as an ordinary seaman who had to work his way up through the ranks.

The Korean war saw Aisenberg serve as a radar control officer aboard a missile carrier. He also distinguished himself in two tours of duty in Vietnam, where he was captain of a naval river boat running the Vietcong blockade. He later trained South Vietnamese personnel to run the river boats.

During his career, Lt. Comdr. Bernard Aisenberg earned the Navy Award of Parachute Wings. He also earned recognition in an underwater demolition division in a SEALS unit, and was an instructor in radar and missile fire control. Lieutenant Commander Aisenberg's last command was officer in charge of the Armed Forces courier duty.

Although retired, former Lt. Comdr. Bernard Aisenberg does not intend to let his active life stop now. I understand he plans to return to school to study business administration and accounting.

I would like to take this opportunity to offer my congratulations to Bernard Aisenberg on his successful career in the Navy. I also wish him the best of luck as he reenters civilian life.

CITY OF NEW PORT RICHEY, FLA., ESTABLISHES ENERGY CONSERVATION COMMITTEE

HON. RICHARD KELLY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. KELLY. Mr. Speaker, as the Congress considers and discusses the merits of the various energy proposals submitted this year, it is heartening to see that local governments are not sitting back and waiting to see what we in Washington come up with. They are taking their own initiatives for energy conservation.

In my own Fifth Congressional District of Florida, the city of New Port Richey, by recent city council action, adopted a resolution to establish an energy conservation committee. The purpose of this committee is to study and analyze fuel consumption and electrical power usage by the employees and departments of the city and to formulate an energy conservation program for the purpose of reducing the city's energy consumption by 10–20 percent per year.

I commend the officials of New Port Richey for their initiative and foresight and would like to share with my colleagues the good news of this effort.

Mr. Speaker, at this point in the RECORD, I include a copy of the resolution and of the letter I recently received from Jack Theurer, the city manager, concerning New Port Richey's energy conservation study:

CITY OF NEW PORT RICHEY,
New Port Richey, Fla., March 5, 1975.

Re: Resolution No. 75-3—Energy Conservation Committee.

Hon. RICHARD KELLY,
The House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN KELLY: The City of New Port Richey is concerned. We realize that our nation is confronted with an energy crisis which threatens our national security, as well as all of the citizens of this great nation of ours. To assist in this energy crisis, the City of New Port Richey, Florida, by recent City Council action, adopted a Resolution to establish an Energy Conservation Committee to determine if energy use by the employees and departments of this City could possibly be reduced by 10% to 20% a year. A copy of this Resolution is attached for your information.

As of this writing, the Committee has met, organized and elected a Chairman. Several energy-conserving thoughts were brought up at this meeting. The Committee will again meet in 30 days and each Department Head will submit a full report to the Committee as to their methods of conserving energy within their Departments. The Committee will then analyze and review these thoughts and ideas, and a full report will be made public at that time.

I take great pride as City Manager, knowing that New Port Richey is one of the leaders in this field. If every governmental agency in this great land of ours would follow suit, I feel confident that this problem could be solved.

I am sure that you feel a sense of obligation that is resting upon you concerning the involvement of this problem and I am hopeful that you, through your respective agencies, will also create methods to relieve our energy crisis.

To me, the Energy Conservation Committee for the City of New Port Richey is more than an organization. It is a physical embodiment of the belief that men and women can assemble and, by subordinating interests to general interests, can thereby achieve a fuller community life than is otherwise obtainable.

Very truly yours,

JACK W. THEURER,
City Manager.

RESOLUTION NO. 75-3

A resolution by the City Council of New Port Richey, Florida to establish an energy conservation committee which shall conduct a feasibility study to determine if fuel and electrical power consumption by the employees and Departments of the Municipal Government of said city can be reduced by ten percent to twenty percent a year; further resolving that said committee shall render periodic reports and recommendations to said city council in regard to said conservation program.

That whereas, the United States of America, the State of Florida and the political subdiviisons thereof, and the City of New Port Richey, Florida are confronted with an energy crisis which threatens the national security as well as the economic welfare of the citizens and residents thereof;

And whereas, in order to assist in the alleviation of said energy crisis, the City Council of New Port Richey, Florida deems it advisable that this municipality have a well-coordinated, centrally directed, energy conservation program which shall have, as a goal thereof, the substantial reduction of petroleum and electrical consumption by the various departments and employees of said municipality;

And whereas, in order to establish a policy for such energy conservation, said City Council deems it advisable to create an energy conservation committee to be comprised of one member of the City Council, the City Manager and certain department heads of the City government.

Now, therefore, be it hereby *resolved* by the City Council of New Port Richey, Florida as follows:

1. That City councilperson, William Maybum; City Manager, Jack Theurer; Chief of Police, John Short; Fire Chief, Dave Melden; Building Director, Jay Ardizzone; Public Works Director, Nelson Vogel; City Clerk, June Sachse; and Pollution Control Director, Richard Walrath are hereby empaneled as the Energy Conservation Committee of the City of New Port Richey, Florida.

2. That said Energy Conservation Committee is directed to study and analyze fuel consumption and electrical power usage by the employees and departments of this City, to formulate an energy conservation program for this City government the objective of which, if feasible, shall be the reduction of such energy consumption by ten percent to twenty percent per year, and to report the findings and recommendations of said committee on a systematic basis to this City Council.

8. That copies of this Resolution be forwarded to all incorporated municipalities and county governments in Pasco, Pinellas, Hillsborough, Hernando, Manatee and Sarasota Counties as well as the Honorable Gerald Ford, President of the United States of America, the Honorable Reuben Askew, Governor of the State of Florida, the Honorable Richard Kelly, Congressman (Fifth District of Florida), the Honorable Lawton Chiles, United States Senator, and the Honorable Richard Stone, United States Senator.

PESTICIDE CONTROL

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. RONCALIO. Mr. Speaker, under provisions of the Federal Environmental Pesticide Control Act of 1972, the Environmental Protection Agency is presently in the process of promulgating regulations and guidelines, which establish detailed standards for certification of private pesticide applicators.

Under these proposed regulations, the States will be required to implement these standards on the basis of a State plan—approved by EPA—if farmers are to be permitted the use of restricted use pesticides.

It is my feeling and the feeling of many farmers, farm groups, and State officials, that the proposed EPA regulations exceed the intent of Congress in passing this act, and if enforced will create an administrative nightmare for farmers and State officials, in certifying private applicators, for something they have been doing safely and effectively for years.

EPA has proposed that farmers be required to pass a formal written test in order to be certified to use registered pesticides. Mr. Speaker, for years farmers have been using these pesticides. Their record is good, no serious accidents, no deaths, no serious illnesses. Why is it now necessary for EPA to determine the competency of farmers to use these chemicals? That is the question the farmers are asking. The proposed regulations would only place an unwarranted burden on today's farmers.

State officials are also complaining. In my State of Wyoming, the State agricultural commissioner, Jack Hertzler, has said:

> The new rules would be an administrative nightmare.

There is no question that for environmental reasons we need this act—designed to protect the environment from wrongful use of pesticides. Farm groups throughout the country strongly supported this legislation when passed in the 92d Congress. Their support was based on genuine concern for the environment. But we can not now allow EPA to place such a burden on farmers, who never anticipated that their competency to do something they had been doing safely for years, would be questioned.

Therefore, I am introducing legislation to amend the Federal Environmental Pesticide Control Act which would provide that the certification standard for a private applicator be deemed fulfilled by his signing a self-certification form. This "sign-up" method would require that each time a farmer purchases pesticides he simply sign a dealer register. This method holds respect for the farmer. He is already responsible for no unsafe residue on the crop, and for drift of the pesticide to nontarget areas. Now he would simply certify that he is competent to use the pesticide.

Dealers can keep certification registers which would be available to the proper State authorities at any time. This record would allow these officials to locate users as may be necessary. This procedure would allow for protection of the environment, and further, would be good effective administration for both the Federal Government and the farmers. And the original intent of this legislation would be fulfilled.

PAYING HEW'S BILL FOR HOSPITAL SCRUTINY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. CRANE. Mr. Speaker, whenever Government finances a program, whether it be in connection with agriculture, or education, or housing, one thing about it becomes almost immediately clear: Government controls follow almost directly behind Government funding.

When Government intervention in a given field is first proposed, those who advocate it always argue that Government controls will not follow. This was the case with regard to medicare and medicaid, as well as in the cases of other Government programs. Doctors were told that Government assistance would help the poor and aged to pay their bills, but would not interfere with the doctor-patient relationship and would not mandate a form of Government-controlled medical practice.

As in other areas of American life, Government controls have followed in medical care very quickly upon Government funding. We now have, in effect, two classes of medical care—one for those who pay their own bills and one for those whose bills are paid through medicare and medicaid. In addition, the privacy of those receiving Government assistance has been eliminated, as bureaucrats demand to see all records, including those always previously considered to be privileged.

Discussing this situation, Columnist James J. Kilpatrick describes what has become known as the PSRO "utilization review" program in these terms:

> . . . the rules require that within 24 hours after a Medicaid or Medicare patient is admitted to a hospital, a review committee, using predetermined criteria or "norms" must determine whether the admission is medically necessary. If a patient's stay is extended beyond the "norm," the extension must also be reviewed and justified. A review committee cannot include any doctor who is professionally involved in the patient's care. Neither can a committee include any doctor who has any financial interest in any hospital.

Initiated to save the Government money, the PSRO "utilization review" program is, instead, a very costly one. Six Phoenix hospitals, for example, put their costs of compliance at $2,565 per day, or somewhere in the neighborhood of $935,000 a year. Mr. Kilpatrick notes that:

> In New York State, where 415 hospitals admit 2.7 million patients annually, the cost of utilization review is estimated at $11 per new patient, or $25 million a year.

At this time, these oppressive rules and regulations apply only to medicare and medicaid patients. Mr. Kilpatrick concludes that:

> Once Congress, enacts comprehensive National Health Insurance, these costly, regimented and inquisitive procedures will affect us all.

It is high time that we think carefully about any further extension of Government into the medical field. In the name of saving money and making better medical care accessible to more Americans, we may only make things worse by destroying our current system of private practice and medicine.

I wish to share with my colleagues the column, "Paying HEW's Bill for Hospital Security," by James J. Kilpatrick, which appeared in The Washington Star of April 8, 1975, and insert it into the RECORD at this time.

[From the Washington Star, Apr. 8, 1975]

PAYING HEW'S BILL FOR HOSPITAL SCRUTINY

(By James J. Kilpatrick)

Let me come back, if I may, to this matter of "utilization review." If you receive hospital care under Medicaid or Medicare—or for that matter, if you merely pay federal taxes—this bureaucratic contrivance will cost you money, and it won't do you much good.

"Utilization review" is the short title given to the elaborate rules and regulations laid down last November over the signature of Caspar W. Weinberger, secretary of health, education and welfare. The effective date now is July 1.

In brief, the rules require that within 24 hours after a Medicaid or Medicare patient is admitted to a hospital, a review committee, using predetermined criteria or "norms," must determine whether the admission is medically necessary. If a patient's stay is extended beyond the "norm," the extension must also be reviewed and justified. A review committee cannot include any doctor who is professionally involved in the patient's care. Neither can a committee include any doctor who has any financial interest in any hospital.

One purpose of utilization review is to deter abuse of the Medicare and Medicaid programs, which together cost $17 billion a year. Another purpose is to improve the quality of hospital care. These are commendable purposes, but doctors throughout the nation—especially those attached to small rural hospitals—are turning apoplectic. They resent the implication that they are ripping off the government. They resent the time and expense. And putting resentments to one side, they say flatly that small institutions cannot comply.

The doctors' protest began in Oklahoma, gained momentum in Louisiana and last month caught fire in Arizona. Six hospitals in the Phoenix area gave Weinberger notice that they will reject utilization review, even if it means turning away Medicare and Medicaid patients.

Dr. John H. Jarvis provides some figures in point. The six Phoenix hospitals put their costs of compliance with utilization review at $2,565 per day, or somewhere in the neighborhood of $935,000 a year. Someone will have to pay these added costs. Guess who?

The Arizona estimate is based upon $15 per new patient. In New York State, where 415 hospitals admit 2.7 million patients annually, the cost of utilization review is estimated at $11 per new patient, or $25 million a year. An Illinois study puts the cost at $20 per patient.

These ballpark estimates may involve elements of scare talk. But at a conservative guess, we are talking of added hospital costs in the nation as a whole of $300 to $500 million a year.

Physicians and hospital administrators raise this further objection: Full-blown utilization review inevitably will further jeopardize a patient's privacy. Eventually every patient's medical records will become accessible to government inspection.

Jarvis warns also that under this system, the mutual decision of patient and doctor on whether to be hospitalized "would be compromised by a third party making determinations by 'cookbook' instead of clinical indications." The quality of medical care would not be enhanced, but diminished.

Under the pending regulations, the full panoply of utilization review applies only to Medicare and Medicaid patients. But be forewarned: Once Congress enacts comprehensive National Health Insurance, these costly, regimented and inquisitive procedures will affect us all. Dr. Weinberger, as the One Supreme Physician, may be the most expensive doctor the nation ever had.

PAN AMERICAN DAY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. RUPPE. Mr. Speaker, as the Congress celebrates the 31st annual Pan American Day, I believe it is particularly fitting to pay tribute to the Reverend Father Joseph F. Thorning.

By anyone's standards, Father Thorning has had a varied and brilliant career. He has been a parish priest, dean of the Graduate School of Georgetown University, and European correspondent for America. However, it is his tireless work on behalf of Inter-American cooperation and understanding which is especially meaningful to us today.

In 1944, Father Thorning helped to establish April 14 as Pan American Day in the U.S. Capitol—a day which commemorates the political, economic, and spiritual unity of the Americas—and he has been on hand each year for the past 31 years to offer the opening House prayer on that day. He has been honorary chaplain of the Inter-American Defense College since 1945, has represented the United States on a number of diplomatic missions to South America, and has energetically worked to promote Inter-American cultural exchange. Moreover, he has been a noted scholar, author, and journalist on Latin America.

Throughout this period, Father Thorning has espoused brotherly love and cooperation among the Americas, and has worked to bring improved education, housing, health care, and nutrition to the peoples of the Western Hemisphere. Today, more than ever, Inter-American programs need the vision and leadership of individuals such as Father Thorning, and I hope that his unstinting efforts on behalf of hemispheric understanding will continue to serve as an inspiration for us all.

SOUTH VIETNAM WAS SOLD OUT LONG BEFORE THIS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. McDONALD of Georgia. Mr. Speaker, I think it is fitting to point out that while others are busy assessing the blame for the current sad state of affairs in South Vietnam, we should really look again at the so-called peace with honor agreements concluded in January of 1973.

Mr. Ray S. Cline, who was formerly a Deputy Director of CIA, served as Director of Intelligence and Research at the Department of State and who presently serves as executive director of the Center for Strategic and International Studies at Georgetown University in Washington, D.C., asserts that all we were trying to achieve in South Vietnam was a "decent interval" before the Communists took over. Perhaps this was the game plan all along. I particularly want to call this item to the attention of my colleagues, because an administration witness, Mr. Phillip Habib, Assistant Secretary of State for East Asian and Pacific Affairs, in a recent appearance before the House Committee on Armed Services, tried to say that Mr. Cline was not in a position to know such things. My information is that he was, as his past assignments indicate. Therefore, I feel what he said deserves the most careful reading. This statement, as it appeared in the Los Angeles Times on April 3, 1975 follows:

[From the Los Angeles Times, Apr. 3, 1975]

"INDECENT INTERVAL" LED TO VIETNAM ROUT

(By Ray S. Cline)

The loss of much of South Vietnam before a frontal assault by North Vietnam's military forces and the impending fall of Cambodia to Hanoi-controlled Communist guerrilla armies—these are sorry events from every point of view.

Even critics of earlier American policies in Vietnam cannot but be dismayed at the further human suffering caused by the war—this time in an organized invasion that by no stretch of the imagination can be classed as a civil war (which the North Vietnamese and the Viet Cong had been losing for years). Yet the attack is a logical sequel to Hanoi's Easter offensive of 1972, and this time there are no American forces and planes to stem the invasion.

The White House, the State Department and the Pentagon all profess to be surprised at the assault on South Vietnam. Why this is so is hard to understand, for, in the fall of 1973, the logistic buildup in the highlands of Vietnam and along the Cambodian border was so extensive that a national intelligence estimate of that period flatly predicted a major countrywide attack in the winter-spring fighting season of 1974–75, if not a year earlier.

Since then the CIA estimates system has been changed and the tone of pronouncements has evidently become more optimistic. Yet the handwriting has remained on the wall: As soon as Hanoi could be sure the United States would not intervene as it did in 1972, the poised Communist forces would try to crack South Vietnamese morale with a sharp attack. It came right on schedule, almost exactly three years after the Easter offensive of 1972.

The attack might have been mounted sooner if two judgments had not been missing in Hanoi's calculations which have now been made: an assessment of American determination to keep its forces out of Vietnam, whatever the provocation, and an assessment of American willingness to pay the heavy costs of supplying the munitions needed by South Vietnam. In the past couple of months, however, the new Congress has supplied all the assurance needed that the United States not only would stand aside but would also, sooner or later, cut off the military aid that allowed President Nguyen Van Thieu's government to protect its territory.

The shock that hit the defenders of South Vietnam's northern provinces came in part from realizing the U.S. government was debating not whether to give direct military assistance to Vietnam but whether merely to bear the burden of the cost of military supplies. In terms of time, the most that Ford and Secretary Kissinger dared ask was three years, and few expected Congress to go along.

It is small wonder morale in South Vietnam cracked when it became clear that the mighty ally which had mobilized Vietnamese efforts for 20 years was in this time of travail arguing about when—not if—the United States would abandon its support of South Vietnamese efforts to defend themselves. Because Saigon had been shielded by some transpacific cultural lag from realizing how far American policy had shifted, the blow caused real panic and a series of defeats that could only be attributed to the sudden collapse of hope.

Back in 1972 and 1973 when Kissinger and President Richard M. Nixon were negotiating "peace with honor," a sharp, though secret, debate in the White House took place. Some, including Nixon, wanted to ensure South Vietnam a "decent chance" to survive on its own with massive American financial help but without direct involvement of American military forces. Others wanted to settle for providing only a "decent interval" before a Communist takeover. In the atmosphere of detente with Moscow and Peking, it was hard for Kissinger to argue persuasively that the advent to power of a Communist regime was really bad.

Once it was decided to permit North Vietnam's armed units to stay in South Vietnam while American forces withdrew, it seems clear the decision was for buying only an "interval." The December bombing of Hanoi and the simultaneous massive military supply surge for Saigon were designed to persuade President Thieu—and others—that he had that "decent chance."

Thieu was only partly convinced, but he acquiesced in the illusory cease-fire because Kissinger made it clear that otherwise support would stop altogether and there would be no chance of survival at all unless Thieu accepted the "peace" at hand.

Of course, the fighting in South Vietnam and Cambodia never really stopped. It was reported less because most newspaper and TV correspondents went home. And now, a mere two years after the cease-fire, Hanoi has made its moves. The prospect for seizing all of Cambodia and most of South Vietnam must have been too good for Hanoi to pass up, especially in view of the manifest post-Watergate confusions in Washington.

Hanoi calculated the United States would, as of 1975, settle for an "indecent interval" of supporting Saigon. It looks as if Hanoi is right.

OLDER AMERICANS MONTH

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. LEHMAN. Mr. Speaker, I am introducing today a joint resolution designating May 1975 as "Older Americans Month." Similar legislation has been introduced on the Senate side by Mr. BROCK.

The 13th Congressional District in Miami has thousands of retired older Americans. Many of them are still energetic and dedicated people. They are an important human resource of special skills and knowledge. However, we should not only take this time to recognize and honor the contributions of the elderly, but also to reflect on their problems.

The needs of the elderly are many: Low incomes, housing, transportation, health care, nutrition, loneliness, and more. In the current economic conditions, the problems of the elderly are only compounded. As the financial requirements for the basic necessities of life keep rising, many senior citizens are forced to live on fixed incomes. Thus, they cannot afford to maintain a proper nutritious diet. They ignore symptoms until a serious medical condition occurs, because they cannot afford to go to the doctor for a checkup. Then the medical bills will be even more, if hospitalization becomes necessary.

While they do receive increases in social security; it frequently means for many people a reduction in veterans' benefits, sudden ineligibility for food stamps, greater medicaid costs, and increases in their monthly rent. Five million older Americans live in poverty or slightly above. Basically, these people are fighting a battle just to keep from starving.

For those wanting to work to earn additional income, they find the barrier of age discrimination firmly entrenched in their path.

When they obtain employment, we penalize them by withdrawing some or all of their social security benefits depending on the amount of their earnings. Yet, it is obvious that most of our elderly cannot live on social security benefits alone.

The Older Americans Act, first enacted in 1965 was designed to ease the hardships confronting the elderly throughout the Nation. The act has since been revised and expanded by succeeding Congresses. Last week, we passed the 1975 amendments to the Older Americans Act. This legislation extends several senior citizens programs and creates a special service program that addresses the needs of the elderly in such areas as: In-home nursing care, legal and tax counseling, special housing needs for disabled elderly, transportation, and mortgage interest reduction. Older Americans can live more meaningful and independent lives. Senior Americans care about the future course this Nation takes. We must not neglect them, but provide means to meet their special needs and to encourage them to make their special skills and knowledge available, especially to young Americans. These proposals move us closer to this goal, but we must concede that there remains a great deal more work before our older Americans can face comparatively worry free, but productive years of retirement. By designating May 1975 as "Older Americans Month," we not only will be paying well-deserved tribute and recognition to our elderly, but also affording the Nation the opportunity to focus its attention on the problems of our senior citizens.

TOURISM PLAYS A KEY ROLE IN OUR ECONOMY

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. SANTINI. Mr. Speaker, I would like to alert my colleagues to the provisions and the need for H.R. 5357, a bill to promote domestic tourism.

The Commerce Transportation Subcommittee on which I serve and which is chaired by Representative FRED ROONEY reported out the bill unanimously March 20, and the full Commerce Committee has scheduled markup sessions on the measure this week.

Many Congressmen may not feel tourism affects their State, district, or constituents.

But the 2 days of hearings on H.R. 5357 were quite revealing and in some cases surprising. I was appalled with the lack of awareness and initiative that the administration has taken toward promotion of tourism.

The facts behind the tourism story in this country convinced me that it is a vital social and economic force that cannot be taken lightly. Before we dismiss tourism as an unnecessary luxury that we can do without during these lean economic times, I think that every Congressman should be made aware of a few statistics about the industry:

Tourism is among the top three industries in 46 States, and is the top industry in Nevada, Florida, and Hawaii.

Tourism contributes more than $61 billion a year to our economy. By 1985, it is predicted that it will increase to $127 billion a year;

Tourism is the second leading industry in this country—second only to grocery sales; and

Tourism employs more than 4 million Americans.

Tourism expenditures enhance wide sectors of the U.S. economy, and often involve small businesses—commercial lodging, food service, travel arrangement, service stations, and other important establishments.

The major point of a study conducted by the National Tourism Resources Review Commission was that tourism is a vast yet unexplored phenomenon whose economic importance is overwhelming.

But the Ford administration has been evasive in its support of H.R. 5357, which promotes domestic tourism and extends the life of the U.S. Travel Service, USTS. I understand that the administration will probably support the USTS extension but at an inadequate funding level, and plans to oppose any domestic tourism promotion spending.

It is incredible to me that the administration is willing to write off tourism as an unimportant factor in our economy. It is high time that the Government wake up to the needs and impact of tourism—before it is too late. The Federal Government has failed miserably to recognize the critical role of tourism in our national economy. Stimulation of tourism, in my view, should be regarded as one of the key elements in the economic recovery of this Nation. In addition, it supplies a psychological lift which is a healthy and necessary part of American life.

The Federal Government is not alone in failing to support tourism. I think part of the blame should be directed to the private travel industry, which up until now has approached this issue on promotion on a haphazard and segmented basis. I was pleased to see some coordinated effort on the part of the many segments of the travel industry which was well represented at our hearing. But more leadership and cooperation between the travel industry and the Government are needed in stimulating tourism.

The travel industry is attempting to maintain and improve an open communication channel to Congress. It is apparent to me that thus far the many convincing facts and figures have not been sold, or at least fully understood. Basic approaches such as letterwriting need to be initiated. The travel industry must mobilize an aggressive front to make those in policymaking positions well aware of the tremendous importance of tourism to our economy.

The rate of return for tourism investment makes it one of our best investments. For every dollar that we invest in tourism, we receive back $9 or $10, according to Commerce Undersecretary for Tourism, Longhorne Washburn.

But the funding for promotion of travel and tourism in this country has not been adequate. The United States has many unique offerings for the domestic and international traveler alike. This country abounds in spectacular scenery, fascinating events, interesting places, and friendly people. With our Bicentennial around the corner, many historical activities will be highlighted. I am proud of the heritage, the people, places and events which make this country, and I think as many Americans and foreign visitors as possible should be able to share and enjoy the qualities which comprise this country.

Let us examine the importance that other countries place on tourism promotion. According to the International Union of Official Travel Organizations, the U.S. expenditures of $9.1 million in 1973 for the promotion of tourism is less than the following countries: Ireland, $24.7 million; Canada, $21.6 million; Israel, $18.3 million; Turkey, $14 million; Greece, $12.7 million; France, $11 million; Belgium, $10.9 million; Mexico, $9.4 million; Italy, $9.2 million; and Iran, $9.2 million.

It is obvious to me that many of these countries, some smaller in size and population than the United States, fully realize the significance and contribution of tourist influx. Even small countries like the Bahamas, Tunisia, and Puerto Rico spend a comparable amount to the United States.

Under H.R. 5357, for the first time the Federal Government would fund promotion of domestic tourism at $2.5 million a year for the next 3 fiscal years.

It is crucially important that the dimensions of the tourism phenomenon in the country be communicated to Members of Congress, the Federal, State, and local governments. I urge my colleagues to support H.R. 5357.

FOREIGN FISHERMEN KILLING NEW ENGLAND LIVELIHOOD

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. EMERY. Mr. Speaker, the Congress has considered for several years the problems of foreign fishing in American waters and the desirability of extending our fishing rights 200 miles out to sea. Recently, the Bangor Daily News, Maine's largest newspaper, pointed out in an editorial dated April 10, 1975, the tremendous volume of foreign fishing vessels off the New England coast. This is a serious problem. The fishing industry is dying in Maine and hundreds of people are directly dependent upon this industry for their livelihood. The following is a copy of the editorial. I recommend it to my colleagues as valuable information on a critical subject:

BY THE NUMBERS

While there has been much talk about the need for federal laws, such as the 200-mile limit, to protect American fishing interests, there has been a matching lack of representative figures.

Are foreign fishing vessels really out there, off the Maine coast?

Of course they are.

To illustrate, and perhaps give Congress something to really get its teeth into while deliberating forever on the 200-mile limit, we'd like to call attention to the following vessel counts appearing this month in Maine Commercial Fisheries:

"A total of 344 individual foreign fishing and support vessels from the Soviet Union (204 vessels), Poland (40), the German Democratic Republic (13), Bulgaria (8), Japan (13), Spain (48), Italy (7), and one from the Republic of Ireland was sighted off the New England and Middle Atlantic coasts during February 1975. This total represented a 30 percent (99 vessels) increase over January 1975 and a 9 percent (24 vessels) increase over February 1974."

Any questions?

For those who may have, the News recommends viewing a special program on the 200-mile limit tonight at 9 p.m. on Maine public television.

POLITICS VERSUS IDEOLOGY: THE GREEK CASE

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. MADDEN. Mr. Speaker, Mr. George Anastaplo, brother of Indiana's preeminent broadcaster and talk-show personality John Anastaplos, has had a speech he delivered printed in the Journal of the Hellenic Diaspora, volume 1, No. 4, 1974. George Anastaplo has long been recognized as an expert on Greek affairs and Greek history. He currently is a professor of political science at Rosary College, River Forest, Ill., and a lecturer in the liberal arts at the University of Chicago. He is the author of a highly respected book, "The Constitutionalist: Notes on the First Amendment," following are excerpts from that article:

[From the Journal of the Hellenic Diaspora, volume 1, No. 4, 1974]

POLITICS VERSUS IDEOLOGY: THE GREEK CASE

(By George Anastaplo)

* * * * *

Let me begin this evening by making some general remarks about what is a serious difference between us, a difference which goes far beyond our respective opinions about Greek affairs. My own inclination is to try to think about the issues of the day more politically than economically or ideologically. I believe, that there is something seriously deficient in the mode of understanding which one finds in the typical radical analysis of these issues. I am very dubious about the usefulness of ideological or doctrinnaire analyses of such problems. They tend to give people the impression they understand things when in fact they are merely imposing upon them a predetermined form.

Another problem is that the language this sort of supposed understanding is usually couched in tends to be more violent or combative than is consistent with my taste. I put it as merely "taste" for the moment—but I believe it goes much deeper than that. I mention this violent language * * * as a serious problem with the ideological approach to political matters. Among the things it leads to is the lack of generosity toward one's opponents. It does not seem to be appreciated by dogmatists that honest differences of opinion must be expected in politics, no matter what one tries to do.

Your particular approach tends to see things in terms of "history" and of "forces," economically-based forces primarily. It is difficult for me to see that this is really the ways things work. I believe the truth is much harder to come by than is suggested by reliance on "laws of history."

It makes a difference in considering the issues of the day whether one thinks that there *are* laws of history. It makes a difference in the kind of remedies one advocates, in the kind of approach one takes to those issues in any particular situation. I believe that what I call a doctrinaire or ideological approach does not pay due respect to the role of chance in human affairs. It can lead, in desperation to ruthlessness. This seems to me a serious problem, to say nothing of what happens to freedom and human dignity in the process. I do not believe one can properly think about these matters in terms of such concepts as "the masses." "The masses" is a quite modern term which ultimately seems to come to us from physics. Consider what "the masses" implies. It implies a public which no longer has a rational component to be addressed. Such a public is not something to be reasoned with to some extent but merely something to be moved—by forces, by propaganda, by slogans. Ideas, as Trotsky put it somewhere, are the small change of objective interests. He evidently did not consider them something to be thought about on their own terms.

All this points to the underlying problem with the ideological approach I have been sketching—and that is the problem of what the nature of human understanding is. To what extent can one rise above one's class, to what extent can one stand outside one's particular interest? I suppose the perennial problem one has to deal with is the problem of *nature*—what it is, what human nature is and what the highest activity is which is called for by nature.

I would point, as a contribution to the solution of the problem of nature, to the ancient opinion that the highest human activity is somehow involved in understanding, not in action. But is not sound understanding ultimately dependent upon the proposition that ideas *do* matter, that they are not merely the emanations of "objective interests."

II.

I hope I can now show that what I have said thus far may have something to do with how one looks at "the Greek situation" today. For one thing, I believe it very easy to underestimate the role of chance in what has happened in Greece the past ten years. It is also very easy to underestimate the role of bad judgment on the part of all the men who were in responsible positions during this period—men who were conservatives, men who were liberals, men who were of what is called the Left and men who were of what is called the Right.

Indeed, the colonels' coup of April 1967 seems to me something which took place in large part because of the failure of virtually every major group in Greece which had had a part to play in the constitutional crisis leading up to that coup. Conditions had been allowed to deteriorate in such a way as seriously to disturb the stability of the country and to frighten people, thereby permitting self-seeking and ruthless Army officers to make the move which they had long wanted to make and were always looking for an opportunity to make. I believe that when one puts one's analysis this way, one *is* talking about political developments: one is emphasizing individuals who did this rather than that; one is talking about the role of mistakes and of moral failings. One is not talking about broad movements in history.

Now, one *can* think about Greece in terms of broad historical movements. I assure you that such movements are far more profound than those which one talks about when the stock radical analyses are relied upon. Indeed, the real problem in Greece is to decide where to begin in trying to understand that country and its people. It is plausible to suggest that one should begin in the Fifteenth Century, with the occupation of Greek-speaking lands by the Turks for the next four hundred years. The results of that occupation remain with Greece to this day. This is not an irrelevant consideration and has something to do with what is known as the Greek temperament. It has something to do as well with certain contemporary Greek problems.

* * * * *

These speculations are, I must say, more interesting in some ways than modern notions about "the masses" and "laws of history"—and they seem to me to go deeper into what human endeavors are all about. They bring in not only economic but also political and religious considerations.

III.

If one comes to modern times one has, of course, the Greek Revolution of 1821. That revolution continued for a hundred years, in the sense that there were, a century later, lands still being added to Greece. In fact, that revolution can be thought of as continuing down to our time with certain Greek-speaking lands yet to be added, in the view of some Greeks. That is, things have not really been settled yet and the problem is when (if ever) they will be settled. What will cause them to be settled?

Now if one looks at the situation today, one also has to say that it is hard to know whether or how things have been settled, even on a day-to-day basis. It is very hard to know what is going on at this very moment in Greece. Who is really in charge? There have been, I gather from what one can hear outside that country, two principal contenders for control of Greece since the November 25 revolution or coup d'etat or whatever one calls that uprising of six weeks ago. There is a general who is a more or less straightforward Army man, more conventional, less flamboyant, less ideological (I take it) than the colonels. He is the President of the country, and hence the nominal leader of Greece today.

Then there is in the background a colonel—in referring to these people as "colonels," I refer to the rank they had at the time the last legitimate government in Greece gave them a rank. This colonel is evidently not a man to be trifled with. He is from the reports I have had, which I have reason to believe, an Army officer who has been much involved in the torture which Greeks have been subjected to since 1967. He is something of a tyrant.

Which of these two men will control Greece in the immediate future remains to be seen.

IV.

My own position as to how the United States should conduct itself towards Greece may be found in a letter of mine which has been recently published in several newspapers in this country. (An earlier, shorter form of it was published in the *New York Times* of December 7, 1973.) I will now read the expanded version of that letter (which was reprinted in the December 26 issue of the *Congressional Record*) as the best statement of my current understanding with a view to immediate action:

"The crisis which has toppled the bloody Papadopoulos dictatorship in Athens cannot be resolved, or even smothered, by recourse to still another military strongman, especially one with so much recent experience in torture of his fellow citizens. This crisis is rooted in the incompetence and arrogance of colonels who cannot be expected to handle intelligently the complex social and economic problems of Greece. Such usurpers cannot enlist the necessary services and good will of the better professionals, politicians and military officers of that country for the great work of reconciliation and austerity which Greece so desperately needs.

"The shortsighted role played by our government since the colonels first took over in 1967 has already (and perhaps even permanently) compromised, in the eyes of the resentful Greek people, our legitimate interests in that country and hence in the Middle East. Among our mistakes of the past six years has been that of publicly backing the wrong men in Greece. I have found, in my visits at the State Department and the Pentagon during this period, that our policy-makers have been remarkably unequipped to consider seriously the long-range consequences of the policies they were pursuing.

"We should, before still another dictator becomes consolidated in Athens, try to redeem somewhat our good name by using our remaining influence in Greece and NATO to help the Greek people recover control of their own affairs. This can best be done, it seems to me, by vigorously encouraging the colonels to step aside for Constantine Karamanlis, the man whose prestige as a former conservative prime minister still recommends him to the Greek people as the best way to avoid the even bloodier crises which now threaten their country.

"Greece may be the only country in the world today where the genuine popular alternative to domestic tyranny is so moderate and so experienced a politician as Mr. Karamanlis. What more can the Greeks or the United States hope for? Dare we or they risk further deterioration in Greece and in American-Greek relations? Everyone should realize by now that phony constitutions and fake elections cannot work in Greece today."

V.

Let me make two observations about what I say in this letter. One has to do with what I have referred to as the "legitimate interests" of the United States in Greece and in the Mediterranean. I take it that you and I would probably have some difference of opinion as to what are in fact legitimate American interests in various parts of the world. I can suggest what may be at the root of this difference between us by making one simple comment, and that has to do with the proper role of the United States with respect to such a country as Israel. That is to say, the position many of your group take toward Israel is, fundamentally, what I would call "ungenerous."

The other observation I have to make about what I say in my December 1973 letter is that the causes of the November troubles in Greece were quite deep. The colonels *are* incompetent. They had shown themselves incompetent prior to the troubles with the students in November. Students were, for the most part, expressing resentments which were not limited to just the student population of the country. Indeed, one had begun to hear even from returning Greek-Americans, who had up to a year ago been more or less favorably inclined to the regime in Athens, complaints about the colonels' regime. One complaint was that "they have stayed too long." Whatever plausibility there had been in the colonels restoring a certain kind of order had begun to vanish. In addition, Greek-Americans returning to this country complained that inflation had become very serious in Greece.

* * * * *

VI.

The need today, among friends of the Greek people, is for a common cause built around the agreement that the crowd now in Athens should not be permitted to stay, that the support given that crowd by the United States is certainly improper, that that support is harmful to both Greeks and Americans, and that there should be serious efforts to make this clear to those in Washington who may be in a position to do something about it.

But I want to emphasize that the principal consideration here is a prudential one, the kind of prudence which is invoked in the Declaration of Independence, where prudence is held up as a limiting consideration in deciding upon revolutions against illegitimate regimes. I do not believe it prudent to think in terms of revolutionary "mass movements" in Greece—for such an approach would, in effect, sacrifice Greek lives to our delusions and our theatrical inclinations. We must take care lest we stir up trouble which the Greeks will have to live with for a very long time.

One reason the colonels have been able to stay in power so long with as little support as they have had is that most Greeks simply do not want civil war to break out again. That is, they simply are not going to go back, if they can possibly help it, to what happened to them between 1945 and 1949. We should be careful not to push them in that direction. All this, I believe, one has to keep in mind in thinking about what the Greeks may do and what we should expect them to do.

One hears arguments *pro* and *con* about American intervention in the affairs of other countries. I *am* willing to see American intervention in Greece, if by "intervention" one means making certain things "perfectly clear." We should make it clear that the United States will not continue to support the government in Athens; we should make it clear what we consider our legitimate interests and duties in that part of the world to be; and we should make it clear that we intend that the Greek people should resume control of their own affairs.

VII.

But we should have no illusion that once the Greek people do resume control of their own affairs they will do much better than they have done before, or for that matter, even as well as we do in this troubled country. That is to say, we should have no illusion that there *is* a final solution to the problems of any people.

This takes us back to my opening remarks of this evening. I believe the nature of politics to be such that it is dangerous and reckless and, in some ways, ruthless to proceed in the faith that there is indeed a final solution, an utopian state of affairs, which a people will surely reach by resolutely following a particular program. One tries to make things better. One realizes that whatever one does will almost certainly require further improvement, that there will be falling back as well as moving forward. This is, I have observed, the nature of human affairs—and no ideology can permanently change that, however long it may conceal it from view.

MR. AND MRS. GEORGE EDWARDS AND FAMILY WIN URBAN LEAGUE AWARD

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. STOKES. Mr. Speaker, Mr. and Mrs. George M. Edwards have been recently honored as the Urban League of Cleveland's "Family of the Year." George and his wife Lucille have long been known and respected as dedicated community workers and civic leaders. They have been active for years in Cleveland's health and welfare organizations.

George Edwards worked for the U.S. Postal Service for 38 years before his retirement in 1965. In addition to his career and his work for the welfare of the community, George has always found time for music. His considerable talent as a violinist is well known. He gave concerts in Cleveland while still a teenager and later perfected his art at the Oberlin Conservatory of Music which he entered in 1925.

Mrs. Lucille Edwards is a highly accomplished member of our community. A 1929 graduate of the Flora Stone Mather College of Western Reserve University, Mrs. Edwards received her masters degree from the Western Reserve Graduate School of Social and Applied Sciences in 1931. She retired in 1973.

The Edwards children are Elaine, a former captain in the Army Nurse Corps, now a teacher at Los Angeles Community College, and Merwyn, a systems analyst for Diamond Shamrock Corp.

Members of the Edwards family were recently honored as the guests of the Urban League's 57th anniversary luncheon in the ballroom of the Sheraton-Cleveland Hotel.

BUILDING UP AMERICA

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. RUSSO. Mr. Speaker, we are all concerned with the fact that our Nation is experiencing one of its most critical periods of development which is affecting a multitude of its people. Sharing this concern are Robert A. Georgine, president of the building and construction trades department AFL–CIO and William Marshall, Jr., president of the American Institute of Architects. They have composed a joint statement of what they feel are necessary measures to help bring us out of our economic distress. Their seven-point program consists of projects centering around community development and improvements involving the vigorous use of construction agencies and the use of Federal funds to substantiate these programs.

Their appeal is one of sincere interest in revitalizing our country's building power and it suggests that we concentrate these revival efforts on the towns and cities in which we live. The recommendations range from environmental improvements to tax incentives and are based on the attitude that, "a healthy construction industry is vital to a healthy nation." These programs would benefit American citizens as individuals while improving the country and its economy as a whole. They feel that there is no time for delay in implementing these ideas and express the urgency of taking positive action now.

It is obvious that we are in no position to dally with long-range solutions to the crisis with which we are faced. I would like to insert Mr. Georgine's and Mr. Marshall's joint statement as it appeared in a recent letter I received from them:

JOINT COMMITTEE OF THE
ECONOMIC CRISIS IN THE
CONSTRUCTION INDUSTRY,
February 28, 1975.

Hon. MARTIN A. RUSSO,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RUSSO: Beset with the common problem of massive unemployment in our ranks due to the prevailing national economic crisis, The American Institute of Architects and the 17 AFL–CIO Building and Construction Trades Unions have formed a joint committee to coordinate our efforts to rebuild the economy.

A seven-point program of recommended action has been approved by the governing bodies of both our organizations in this unique professional alignment. A copy of this program is attached therewith.

We have noted President Ford's recent decisions to release $2 billion of impounded federal highway funds and $4 billion of Environmental Protection Agency funds, as well as the United States Supreme Court decision related to the release of $8 billion of sewage funds. These funds, along with the additional release of building construction monies, could provide a shot in the arm that would help to alleviate the grave illness of the construction industry, which has the capability of leading other segments of the American economy out of the present crisis.

But this relief will come only if these funds are immediately put to use, not if federal agencies or departments now proceed to procrastinate or seek to maintain a form of impoundment by a series of technical delays. We urge you to take whatever legislative action is necessary to avoid such delays.

We respectfully advise you that we stand ready to discuss with you and your staff any aspects of our proposed program.

Sincerely,

ROBERT A. GEORGINE,
President, Building and Construction Trades Department, AFL–CIO.
WILLIAM MARSHALL, Jr.,
FAIA President, the American Institute of Architects.

JOINT STATEMENT BY **AFL–CIO** BUILDING AND CONSTRUCTION TRADES DEPARTMENT AND THE AMERICAN INSTITUTE OF ARCHITECTS

It is time to take positive, creative action to revive our economic system: not only to rebuild our economy, but to rebuild as well the human environments of our towns and cities.

We now have the opportunity to make wiser investments of public expenditures to stimulate both public and private construction in communities throughout America. In the near term, this will mean jobs and a boost for the economy of communities everywhere. In the longer term, it will result in permanent improvements to the physical environment, to the direct benefit of all our citizens.

This is the spirit that now draws together our organizations—the American Institute of Architects and the Building and Construction Trades Department of the AFL-CIO—in a common effort.

We believe that the key to the nation's economic prosperity rests with the construction industry in which we work together as architects and craftsmen. Time after time, it has demonstrated that a healthy construction industry is vital to a healthy nation. While no segment of our economy has suffered more from the current economic crisis, we are confident that the construction industry can and must lead the nation out of the recession, and at the same time, bring lasting public improvements to communities in every part of the country.

To accomplish this, however, will require strong action and leadership from the Administration and the Congress. The AIA and the Building Trades therefore make this joint appeal to the President, every Member of Congress, and every state and local government official. We urge that the following actions be taken at once:

1. Funds currently impounded by the Administration should be released immediately to construct facilities for health care, education, airports, mass transit, recreation, prisons, government offices, and neighborhood centers; to provide needed community planning; and make improvements to community environments.

2. Special emphasis should be placed on reviving and strengthening the nation's housing industry to provide decent homes for families with low and moderate incomes.

3. A broad new national public works program should be initiated to improve living environments of local communities.

4. General revenue sharing funds and community development block grants should be used by state and local governments for direct construction activities in local communities.

5. Federal monetary policies should be revised to increase the availability of mortgage funds to the construction industry.

6. Tax incentives should be immediately provided to owners of new and existing build-

ings to design and redesign their structures to make them more energy efficient.

7. Similar incentives should be provided for the renovation and remodeling of existing unused, or under-used buildings, to enable their adaptation for new and additional purposes, thus conserving energy and resources.

We view the prompt implementation of these programs as a vital first step, not only for the immediate economic relief of the industry and the nation, but as a lasting contribution to improving the quality of our national life.

REMARKS ON THE PROPCSED ANDERSON SUBSTITUTE FOR H.R. 46, THE YOUTH CAMP SAFETY BILL

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. SARASIN. Mr. Speaker, I am extremely disappointed in the last-minute attempts to effectively emasculate H.R. 46, the Youth Camp Safety Act, and I believe Congress should reject the proposed substitute bill and adopt the bipartisan and reasonable bill reported out unanimously by the House Committee on Education and Labor.

The basic problem is that the Anderson substitute is not an alternate path to the establishment of reasonable standards of protection for millions of boys and girls attending youth camps in this country, but is an abrogation of any congressional responsibility for effective action in the field.

If the committee bill would lead to a "Kiddie Camp Cop Corps" to police Federal standards under certain conditions as charged by the sponsor of the substitute, the substitute itself is a "Totally Toothless Tiger" which is totally oblivious of the record of evidence and testimony compiled by the Education and Labor Committee over years of study and months of drafting the bipartisan bill.

Rather than meeting administration objection to the youth camp safety bill as stated, I believe it would give legitimacy to the most effective administration argument: That the proposed expenditure of $7.5 million annually to protect our children is an excessive and unnecessary expense at this time of bulging deficits and inflationary pressure.

I am as concerned as anyone about the growing size of the deficit, but the appropriation of this comparatively minuscule amount to assure the protection of our young people falls within reasonable priorities. The proposed appropriation of $22.5 million in the substitute with no assurance that it will result in effective safety measures and no Government control over the ultimate programs or enforcement is harder to justify.

H.R. 46, the committee bill, reported out by a unanimous vote of 37 to 0, is a moderate, effective and well constructed bill. It does not mandate Federal interference in the basic State function of adopting and enforcing minimum youth camp safety legislation. It does provide support and encouragement for such programs and only the States which do not avail themselves of this opportunity would come under Federal regulation.

Basically, H.R. 46 is the proven carrot and stick method of achieving a needed goal; the substitute simply gives away carrots and when they are gone, we may find ourselves right where we are now.

H.R. 46 deserves the support of the Congress.

TRIBUTE TO WALLACE H. BRIERLEY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. KETCHUM. Mr. Speaker, I rise today to pay tribute to Mr. Wallace H. Brierley, who is retiring from the position of Superintendent of the McFarland, Calif., Union School District. Mr. Brierley has served in the capacity of Superintendent with great dedication for the past 27 years.

Wallace Brierley represents a figure who will be sorely missed in the field of education. He is held in the highest esteem by all those in the community who know him, not only as an outstanding educator, but as a civic leader as well.

A third generation Californian, Wallace Brierley was born in the Nevada County mining town of Bloomfield. Following the receipt of his bachelor of arts degree from San Jose State College, he began graduate work, attending Stanford, UCLA, Fresno State College, and the University of Southern California, from which he received a masters degree in school administration.

Mr. Brierley's educational career, appropriately enough, began in the McFarland Union School District, as a teacher. He has also served as superintendent-principal of various schools, including the pioneer project represented by the Arvin Federal Migratory School. This experimental school, now located in the Sunset Vineland District, was established to tackle the educational problem incurred by migrating victims of the "Dust Bowl" era.

Wallace Brierley took time out from his educational career to serve his country during World War II, serving as an officer in the U.S. Navy, with assignments in Washington, D.C., New Orleans, Hawaii, and the South Pacific, including Australia and the Philippines.

Following the war, he returned to the McFarland School District, where he became superintendent in 1948; he has held this post continuously until the time of his retirement.

Further in the world of education, Mr. Brierley has served as a member of the California Teachers Association. He is a past president of the Kern County Elementary Administrators Association, and for 2 years served as chairman of Section 12—California Association of School Administrators. Presently, he is a member of the Association of California School Administrators.

In addition to his educational contributions, this fine man has given of his personal time in service clubs, church, and the community in general. His great dedication to the Boy Scouts is well known, and he is a past president of the McFarland, Calif., Lion's Club. I could go on for some time, Mr. Speaker, listing this man's outstanding contributions. He is listed in "Who's Who in the West," and has been honored by the Kern County Board of Trade with the Man of the Year Award.

I know that all of my colleagues in the House will be pleased to join with me in honoring Wallace Brierley, and in wishing him, his wife, Mary Evelyn, and their two sons all the very best upon the occasion of his retirement. He has set a great example in the field of education. While he has truly earned these retirement years ahead, I know that all those who know Mr. Brierley and work with him will find his shoes very difficult to fill.

AN AUTOBIOGRAPHY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. RANGEL. Mr. Speaker, as we consider legislative solutions in this body to the problems of our Nation, it is all too easy for us to begin to view matters in the abstract manner of legislative debate. That is why above all other reasons, that despite the criticism of congressional recesses, it is necessary for each of us to return frequently to our homes, to the people who elected us, and learn from them the true nature of life in these United States—a perspective that often seems unavailable from our vantage point in Washington.

During the past 3 months, I have had the extraordinary good fortune of having on my congressional office staff as a student intern, a young man whose experience has prepared him far beyond his years to relate the abstractions of legislative and administrative procedures to the realities faced by those we seek to serve. Charles Dumas, who is serving this spring term in my office as a student intern from the State university of New York, is in his senior year, and after graduation in June he will attend the Yale University School of Law. In addition to performing effectively as a member of my staff, he evidenced during his early weeks in my office such wisdom and compassion that I sought to know more about him. In response, he shared with me an autobiographical statement that so moved and impressed me that I decided to share it with my colleagues in the Congress. I do not contend that Charles' autobiography is unique, nor do I wish to single him out—for I am certain this would embarrass him—for special praise for what he has achieved. What I believe his story illustrates and teaches us, however, is the extraordinary struggle required by many in our society to achieve the full realization of their potential. Charles has shown the strength and will to overcome, but for every one like him, there are perhaps hundreds of minority and poor children who are defeated and fall short of what they could have become. As we read of Charles, let us reflect on how we can assist others like him to receive opportunities for education, training, and service.

The autobiography follows:

AN AUTOBIOGRAPHY

Charles Dumas was born in Albany, Georgia, September 7, 1945. He was the first child born to Charles and Beverly Dumas. Charles Jr. was born at home on his family's farm where he lived until his father died three years later. Beverly moved to New York to find work. Ultimately, the mother and her young son lived in New York, Memphis, St. Louis, and Chicago. Charles went to school in many different cities often having to repeat years during the transitions. His primary educational development came through the direct efforts of his mother. Beverly had never finished high school but she had a high regard for learning. She taught Charles to read and instilled in him a love for reading which lasts to this day. So even though his formal schooling was not the best, his informal schooling by his family and friends of the family more than compensated for the deficiencies.

Charles left home when he was fifteen (1960) with the idea of joining the Army. They, of course, would not take him because of his age. He tried to enlist in all branches of the Armed Forces with the same result. Charles tried to get into the Merchant Marines with the same result. After staying around New York (taking dishwashing and errand boy jobs to survive) for a year someone told him that it was possible to get on ships in Canada. He went to Montreal and was successful in getting a mess boy job on a Greek ship which was bound for the Mediterranean. So at sixteen, Charles had embarked on what he describes as his "adventure with the world." He felt an uncontrollable urge to see for himself all of the things that he had been reading about in books.

For the next seven years this "adventure" continued. Stopping at virtually every major port in the world, Charles would leave the ships he was billeted with to live for weeks or months at a time. While on board ship he would read excessively. As he describes it, "after working hours all there was to do was gamble or read and I never had enough money to gamble." During this time he also got involved with what is called the civil rights movement. He worked with SCLC, CORE, and COFO in many states of the South including his own birthplace, Georgia. He kept a log of his travels and started writing poetry to describe things in his log.

In May of '69 he met Josephine Farrell at a concert in New York. They were married. Charles says that this did not end the adventure rather it continued on a different level. Their son, Thomas, was born a year later. With this expected arrival, the Dumas' decided to sit down and plan the rest of their life. It would be impossible for Charles to continue the life-style to which he had grown accustomed and which had been only slightly altered by his marriage to Josephine.

He had no formal schooling and therefore no chance to get a good job to support his family. He worked as a waiter and a mail room messenger and other such jobs, but this was not enough so he would still take trips to sea.

The Dumas moved to Poughkeepsie, New York in 1971. After a great deal of discussion they decided that Charles would try to continue his education. He wanted to be a lawyer. He had no idea how to go about doing that since he had not really had any high school let alone a diploma or degree. "I thought you went to school for a couple of years, took a test, and zap you were a lawyer. I didn't know about having to get a Bachelor Degree and three years of law school and all that." Charles started coming to H.V.O.I.C. in the summer of 1972 to get his High School Equivalency as the first step towards his goal. That fall he got a job with I.B.M. to support his family. He successfully completed his studies and got his Equivalency Diploma in October, 1972.

H.V.O.I.C. also provided him with excellent counseling in regards to his career plans. He was guided in the right direction and when necessary prodded toward the steps which eventually would lead to his stated objectives. Through the help of H.V.O.I.C., he got into Dutchess Community College. He left his job at I.B.M. when he started school and got a job working as School Bus Driver for the Agency. Around the same time his talents for writing were discovered and he was asked to write a piece for the Martin Luther King, Jr. Memorial Services. Since he had worked with Dr. Martin Luther King and believed strongly in the ideals that the man stood for, he accepted the task enthusiastically. He wrote the piece and read it along with Christine Keyes who sang the accompanying songs and Marlene Watts who did the arranging and played the back-up music. It was a success; the trio was asked to repeat their performance at the next year's service. Charles went on and did poetry reading around the Dutchess County area at schools and churches and organizational meetings. At the same time he was making the Dean's list at D.C.C. in his first semester at Dutchess. He went on to summer school in order to speed the long process of becoming a lawyer. He joined the Forum which was the Debate Club at D.C.C. and he won a trophy for "excellent reading of original poetry" as well as certificates for impromptu speaking, reading of prose, and competitive listening. He was chosen to be one of the representatives from Dutchess at the New York State Mock Assembly held in Albany, New York.

When the Fall semester started Charles expanded his participation in activities in the school. He was selected to be an aide in Freshman Orientation, he joined the Theatre Club and acted in two school plays, he joined the International Relations Club and was selected to go to the Harvard University Model United Nations where he distinguished himself by being named "outstanding delegate" (an honor given to twenty competitors out of about five hundred, it was also the first time a student from a two year college had won the honor).

He also remained active in the Forum and was selected to compete in the International Debate (an honor he had to refuse because of the time commitment involved). The Dutchess County Interfaith Council selected Charles to read Reverend King's "I had a Dream" speech at its annual convention.

When the Spring semester began, Charles realized that it would be necessary to take extra credit in order to graduate sooner. "I wasn't getting any younger and law school was getting farther away." He enrolled full time at New Paltz State College while he was still attending Dutchess full time. Altogether, Charles was taking 31 credits in one semester. He also had a leading role in the school play and was taking an independent study where he had to write a full length play. Earlier in the semester an opening occurred at H.V.O.I.C. and Charles was chosen as the evening P.D.S. Instructor. He also kept his job as School Bus Driver.

In the early part of 1974 H.V.O.I.C. chose Charles as its outstanding student of the past year and he went to the Regional Convention to receive his award with the other outstanding students from the East Coast in Atlantic City. He graduated with honors from Dutchess College (with a 3.7 overall average). He had gone full time to two schools in one semester and had gotten straight A's in both places. He was one of two students chosen to get Alumni Scholarships. In his first step toward his degree, Charles had been a Dean's list student each semester.

In order to get into law school it is necessary for one to take boards—which are competitive exams given all over the country to all students who want to go to law school. Charles got a 690 on these tests which put him in the ninety-six percentile of all students taking the exam. This, combined with his A— (3.8 overall average) virtually assures him of entrance into a good law school.

Part of Charles' activities in the Spring of 1974 included participation in a Human Relations Conference held through Dutchess. Because of this he was chosen as an E.O.P. Counselor for the Summer at D.C.C. with a full professional contract. This allowed him to help students who had the same difficulties that he had experienced. This went along with Charles Dumas' philosophy. "We all, all human beings are products of the earth. A farmer knows that you cannot continually take from the earth. If you do it goes fallow, useless, unable to produce life. As you take from the earth you put back into it, replenish it. We must do the same thing with all human activities. We must pay back to that which nourishes us. By teaching at H.V.O.I.C. I try to give the nourishment to others which was given to me. Working at Dutchess this summer I hope to do the same thing. In my life I pray that I will be able to live this philosophy. I don't want to become a lawyer for merely the prestige or wealth that it will bring to me but rather so that I will be better able to serve my community and mankind."

CONGRESS IS RENEGING ON INDOCHINA PLEDGES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. SPENCE. Mr. Speaker, it now looks grim, indeed, for our friends and allies in Southeast Asia. Even so, I can detect virtually no sympathy among my colleagues for the Cambodians or the South Vietnamese—at least to the extent that they would be willing to extend a helping hand. As an American, I am hurt by this attitude; though I suppose that the pain and disappointment I feel are minor compared to that being experienced by those who thought that they could depend on us.

My feelings were expressed eloquently and effectively in an editorial which appeared in South Carolina's largest newspaper, the State, on March 22, 1975. I believe that the words of the State editorialist will have meaning for some of us here, Mr. Speaker, so I include the article entitled "Congress Is Reneging on Indochina Pledges" at this point in the RECORD:

[From the Columbia (S.C.) State, Mar. 22, 1975]

CONGRESS IS RENEGING ON INDOCHINA PLEDGES

It is evident now that the liberals in Congress, joining the old doves, will let Indochina go down the drain and leave thousands upon thousands to a dreadful fate at the hands of Communist troops.

They cannot justify any emergency aid, the congressmen say. Indochina was a disaster from the beginning. Let it be over and done with. It is not worth any American dollars to give the Cambodians or the South Vietnamese the means to fight for their lives.

The President of the United States doesn't know what he is talking about when he stresses the strategic importance of Indochina to our own national interests.

President John F. Kennedy's pledge "to support any friend, oppose any foe in order to assure the success and survival of liberty" was mere rhetoric.

The Nixon Doctrine announced on Guam to provide free nations with the military support, but not American troops, to defend themselves against aggressors was nothing.

Nor did the Southeastern Treaty Organization (SEATO) pact for mutual aid and defense of that part of this Earth hold any serious commitment for the United States.

And it is nothing to be concerned about that the Paris Peace Accord, signed by Hanoi, pledged a stand-to of troops—a cease-fire with no reinforcements in South Vietnam. Yet, the South Vietnamese have now abandoned four of their provinces to the invaders from the North and the line of refugees fleeing the Communists is said to be 65 miles long.

Even such long-roosting Washington doves as Rep. Bella Abzug, D-N.Y., and Rep. Paul N. McCloskey, R-Calif., articulate opponents of U.S. involvement in Indochina, returned from their fact-finding mission urging some emergency aid.

But the congressmen are unmoved and will cause the United States to renege on its promises to its friends and allies in Southeast Asia.

We turn away from the Cambodia Ambassador who said, "If the United States wants a friend to die like a man, then the United States should provide him with the means to do so."

Only two years ago there was a design for "peace with honor" as American troops withdrew forever from Vietnam. But there is no peace. There is no honor. There were no promises—none at all.

INTRODUCTION OF FOREIGN DISCRIMINATORY COMMERCIAL PRACTICES ACT OF 1975

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DRINAN. Mr. Speaker, as the Arab States continue to amass great fortunes in petrodollars, the economic boycott of Israel imposed by members of the Arab League is exerting increasing influence upon the American economy. Approximately 1,500 American companies are presently boycotted by Arab States because they conduct business with Israel, conduct business with other companies which do business with Israel, or are otherwise considered "Zionist" by the Arab League.

The existence of this blacklist results in enormous pressure being brought to bear on American companies which do business with, or would like to do business with, the Arab States. A company may be encouraged to agree to sever its commercial ties with Israel, direct or indirect, in order to remain off the blacklist. Most recently, companies have been pressured to discriminate against Jews, in addition to Israeli nationals, in their employment and business practices, in order to cultivate Arab favor.

Such pressures may lead to actions by American companies which violate our constitutional principle of equal protection and our foreign policy of free trade. At the present time, actions by American companies which further the Arab boycott are discouraged, but not prohibited, by Federal law.

Yesterday, I introduced H.R. 5913 to prohibit American exporters from furnishing information or taking actions which have the purpose or effect of furthering a trade boycott imposed against a country friendly to the United States. I attach for the information of my colleagues the text of that bill, along with a section-by-section analysis, and a copy of the dear colleague letter which I sent to all of them yesterday. I urge my colleagues to join me in supporting this legislation which will preclude American corporate participation in the present Arab boycott and in any other boycotts which may occur.

H.R. 5913

A bill to prohibit actions by United States exporters which have the purpose or effect of supporting restrictive trade practices or boycotts imposed against countries friendly to the United States by other foreign countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 101. This Act may be cited as the "Foreign Discriminatory Commercial Practices Act of 1975."

SEC. 102. Section 3 of the Export Administration Act of 1969, as amended (50 App. U.S.C. 2402), is further amended by:

(a) Striking out subsection (5);

(b) Redesignating subsections (6) and (7) as subsections (10) and (11); and

(c) Inserting the following new subsections:

(5) It is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed against foreign countries friendly to the United States by other foreign countries.

(6) Actions by American companies which have the purpose or effect of furthering or supporting such restrictive trade practices or boycotts are contrary to the commercial and foreign policies of the United States.

(7) American companies are being subjected to increased pressures, by threats of boycott and otherwise, to discriminate in their commercial practices on the basis of race, color, religion, sex, and national origin and to refrain from doing business with foreign countries friendly to the United States which are the objects of restrictive trade practices or boycotts imposed by foreign countries, or with the citizens of those countries, or with persons doing business with those countries, or with the citizens of those countries.

(8) Certain American companies have, in response to such pressures, taken actions which have had the purpose or effect of furthering or supporting such restrictive trade practices or boycotts.

(9) It is in the best interests of the United States that such acts and practices be prohibited by law.

SEC. 103. The Export Administration Act of 1969, as amended (50 App. U.S.C. 2401–2413), is amended further by inserting after Section 5 (50 App. U.S.C. 2404) the following new section:

(a) It shall be unlawful for any United States exporter, or any of its subsidiaries or affiliates, to engage in any of the following acts or practices:

(1) Furnishing information to a foreign agent concerning the race, color, religion, sex, or national origin of any of its past, present, or future employees, officers, owners, stockholders, or agents.

(2) Furnishing information to a foreign agent concerning the race, color, religion, sex, or national origin of the past, present, or future employees, officers, owners, stockholders, or agents of any company with which it has done, does, or intends to do business.

(3) Furnishing information to a foreign agent as to whether the exporter, or any of its subsidiaries or affiliates, has had, has, or intends to have any business relationship with a boycotted country or a citizen of a boycotted country.

(4) Furnishing information to a foreign agent as to whether the exporter, or any of its subsidiaries or affiliates, has done, does, or intends to do any business with any firm that has a business relationship with a boycotted country or a citizen of a boycotted country.

(5) Furnishing information to a foreign agent as to whether the exporter, or any of its subsidiaries or affiliates, has had, has, or intends to have any investments, including branches, subsidiaries, affiliates, or holdings, or any commercial or legal representative in a boycotted country or in a business firm located or doing business in a boycotted country.

(6) Refusing, because of its business relationships with a foreign agent, to do business with any person on account of the race, color, religion, sex, or national origin of its past, present, or future employees, officers, agents, stockholders, or owners.

(7) Refusing, because of its business relationships with a foreign agent, to do business with a boycotted country or any person within such a boycotted country.

(8) Refusing, because of its business relationships with a foreign agent, to do business with any person which has done, does, or intends to do business with a boycotted country or any person within such a boycotted country.

(b) In addition to the prohibitions contained in Subsection (a), the Secretary of Commerce may, by regulation, proscribe other acts or practices which have the purpose or effect of furthering or supporting restrictive trade practices or boycotts.

SEC. 104. Section 10 of the Export Administration Act, as amended (50 App. U.S.C. 2409), is amended by adding a new Subsection(c):

(1) In addition to any other information required by law to be submitted to the Secretary, every United States exporter, or any of its subsidiaries or affiliates, shall report, within 15 days, to the Office of Export Administration of the Department of Commerce any request, direct or indirect, that it engage in any act or practice prohibited by Section 103 of this Act.

(2) Each report shall include the following information: name and address of the exporter submitting the report; the date on which the request was received; the name and address of the person making the request; the nature of the request; a copy of the request, if written, or a description of it, if oral; and a description of the response to the request, if oral, or a copy of it, if written.

(3) The information contained in these reports shall not be made public, without the consent of the exporter submitting it, prior to the institution of any enforcement proceeding.

TITLE II

SEC. 201. Section 6 of the Export Administration Act of 1969 (50 App. U.S.C. 2405) is amended by adding the following new subsection:

(h) Whenever any exporter violates any of the provisions of Section 103 or Section 104 of this Act, the Secretary shall suspend or revoke the export license or privileges of the exporter. The Secretary shall forthwith notify the Equal Employment Opportunity Commission of such suspension or revocation, and refer the matter to it for whatever additional remedial action the Commission deems appropriate.

(i) Whenever a court or administrative agency finds that an exporter has engaged in any discriminatory practice on account of race, color, religion, sex, or national origin, it shall forthwith transmit a copy of the final order, including findings and all related information, to the Secretary of Commerce for appropriate action under the Export Administration Act of 1969.

SEC. 202. The Export Administration Act of 1969 is amended by inserting after Section 2405 the following new section:

(a) The rights granted by Section 103 of this Act may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction.

(b) The court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other remedial order, and may award to the plaintiff actual damages and not more than $5,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff financially unable to assume such fees.

SEC. 203. Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), as amended, is amended to add the following provision as a new subsection (1):

(1) Notwithstanding any other provision of law, the Commission, whenever it receives a complaint, or initiates a Commissioner's charge, against an exporter subject to the Export Administration Act of 1969 (50 App. U.S.C. 2401-2413), shall forthwith transmit a copy of the complaint or charge, and any subsequent information, disposition, or findings, to the Secretary of Commerce for appropriate action under that Act.

SEC. 204. The Equal Employment Opportunity Commission and the Department of Commerce shall, within 30 days of enactment of this section, enter into a cooperation agreement for the exchange of information, the sharing of investigative resources, and other matters to facilitate the implementation of this Act. Nothing in this section shall be construed to limit any remedy presently available either to the Commission or the Department of Commerce.

SEC. 205. Section 8 of the Export Administration Act of 1969 (50 App. U.S.C. 2407) is amended by striking the number "551".

SEC. 206. Section 11 of the Export Administration Act of 1969 (50 App. U.S.C. 2410) is amended by striking out the present section and substituting the following provisions:

(a) The term "person" as used in this Act means [the singular and the plural and any individual, partnership, corporation, or other form of associaton, including any government or agency thereof.] *

(b) The term "United States exporter" as used in this Act means any person who has the power and responsibility for determining and controlling the sending of any commodities or technical data out of the United States.

(c) The term "country friendly to the United States" as used in this Act means any foreign country to which the United States accords formal diplomatic recognition which is not an object of a restrictive or discriminatory trade practice or boycott carried out, in whole or in part, by the United States.

(d) the term "foreign agent" as used in this Act means any person engaged in carrying out, furthering, or supporting a restrictive trade practice or boycott against a country friendly to the United States; or any person who is acting on behalf of or at the request of such a person.

(e) The term "boycotted country" as used in this Act means any foreign country friendly to the United States which is the object of a restrictive trade practice or boycott carried out by one or more foreign agents.

(f) The term "business relationship" as used in this Act means any past, present, or future trade in commodities or technical information, licensing arrangement, advertisement or promotion of goods, or any other agreement which results in the transfer of goods, money, or any other object of value between two or more persons.

SECTION-BY-SECTION ANALYSIS OF H.R. 5913

TITLE I

Section 101. Sets forth the popular name of the Act.

Section 102. Amends the Export Administration Act of 1969 to include additional congressional findings and declaration of policy with respect to restrictive trade practices and boycotts.

Section 103. Makes illegal certain commercial practices by United States exporters. It would prohibit the furnishing of information to boycott participants concerning the race, color, religion, sex, or national origin: (1) of the exporter's own employees and agents; and (2) of the employees and agents of firms doing business with the exporter. The section would also proscribe the furnishing of information to a boycott participant concerning any business relationships: (1) between the exporter and the boycotted country; and (2) between the exporter and firms which do business with the boycotted country. Furthermore, the section would forbid an exporter, because of his commercial activities with a boycott participant, from refusing to do business with any firm or country. Finally, the section authorizes the Secretary of Commerce to proscribe, by regulation, other acts which advance restrictive trade practices.

Section 104. Amends the present reporting provisions of the Export Administration Act to require additional reports concerning acts and practices prohibited by this Act.

TITLE II

Section 201. Requires the Secretary of Commerce to suspend or revoke export licenses or privileges whenever an explorer violates the prohibitions or reporting provisions of the Act.

Section 202. Provides civil remedies by private persons for any violation of the Act. A successful plaintiff could obtain injunctive relief, damages, and reasonable attorney's fees.

Sections 203 and 204. Federal laws prohibiting discrimination in employment practices based on race, color, religion, sex, or national origin, are principally enforced by the Equal Employment Opportunity Commission (EEOC). Such acts, when committed by exporters, may also be prohibited by this Act. Because of this inter-relationship, Sections 203 and 204 establish a close, cooperative working arrangement between the EEOC and the Department of Commerce.

Section 205. Amends the Export Administration Act to repeal its exemption from the Freedom of Information Act.

Section 206. Defines certain key terms which are used throughout the bill. The present Export Administration Act defines only the word "person," and that definition is incorporated into this bill.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 14, 1975.

DEAR COLLEAGUE: The participation of American companies in the Arab boycott of Israel is discouraged, but not prohibited, by existing federal law. The growing economic power of the Arab states makes it imperative that Congress enact legislation to prevent American companies which do business with the Arabs from taking action in response to promises of economic gain or threats of blacklisting, which serve to further the boycott. Such action may include refusing to do business with a boycotted country; refusing to do business with any company on account of race, color, religion, sex, or national origin; and furnishing information which assists boycotting states in carrying out discriminatory trade practices. These and related actions, when engaged in by American companies, are contrary to the foreign and commercial policies of the United States.

The greatest difficulty in formulating an effective legislative remedy to secondary boycott practices is in the area of enforcement. If we must await indictment, trial, and a final verdict in criminal court before imposing sanctions on an individual or company accused of economic coercion, the outlawing of such coercive practices may have limited deterrent effect. Consequently, I have today introduced H.R. 5913 which does not preclude criminal proceedings, but relies primarily upon existing administrative procedures within the Department of Commerce for the reporting, investigation, and penalizing of specified actions which have the purpose or effect of supporting a trade boycott against a friendly country.

H.R. 5913 amends the Export Administration Act of 1969 to prohibit any exporting company from furnishing information or discriminating in conducting business in response to a request, direct or implied, from a foreign government or agent engaged in restrictive trade practices. The legislation expands upon existing Commerce Department regulations by requiring any exporter receiving such a request to report it in detail to the Department.

A determination that an exporter has committed a prohibited act or failed to report a request for action shall result in the suspension or revocation of the person's license to export. Various other administrative sanctions available to the Secretary of Commerce may also be imposed. In addition, civil and criminal proceedings may be instituted on the basis of the detected violation.

Since discrimination in employment on account of race, color, religion, sex, or national origin may be encouraged or precipitated by an ongoing boycott, H.R. 5913 establishes a close working relationship between the Department of Commerce and the Equal Employment Opportunity Commission. The resources of both these agencies can thus be brought to bear in a cooperative fashion upon the investigation of discrimination stemming from a foreign trade boycott.

The text of the bill and a more detailed description will appear in the Extension of Remarks section of the April 15th *Congressional Record*. I intend to reintroduce H.R. 5913 on April 28th. Please call Jim at 55931 if you wish to sponsor the bill or desire additional information.

With my best regards, I am

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

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* The bracketed material is presently contained within section 2410 of the Export Administration Act of 1969.

ROBERT ANDERSON, PRESIDENT OF ROCKWELL INTERNATIONAL, ADDRESSES 31ST CONGRESSIONAL DISTRICT BUSINESS PROCUREMENT CONFERENCE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. CHARLES H. WILSON of California. Mr. Speaker, on April 4, I was privileged to host a Federal procurement and foreign trade conference in my 31st Congressional District to help small business owners secure contracts from the Federal Government. Mr. Robert Anderson, the very able president and chief executive officer of Rockwell International, graciously accepted my invitation to address this conference, and his remarks were most instructive and topical in this time when many small businesses are feeling the pinch of the recession.

After a distinguished career as a top executive with both Rockwell and the Chrysler Corp., Robert Anderson assumed leadership of Rockwell International in 1970. His administrative ability, combined with his scientific expertise, has made Rockwell one of the most respected aerospace industries in the United States.

In his address to 31st District businessmen and businesswomen, Mr. Anderson pointed out how vital the B–1 bomber is to our national defense structure. He also discussed the difficulties which the B–1 bomber is expected to encounter from a cost-conscious Congress. And, because many of my colleagues, especially new Members, are not fully knowledgeable about just why the B–1 is important to our security, I am sharing Mr. Anderson's remarks with you in the hope that your questions will be answered:

REMARKS BY ROBERT ANDERSON

Congressman Wilson, Ladies and Gentlemen, thank you for that kind reception.

I feel right at home. If we could see through some walls and across the airport runway, I could point out my office to you.

It was just about forty years age we helped turn a bean patch here at Mines Field into a great airport and one of the great aircraft manufacturing centers of the world. Some of the finest military lanes ever built rolled off assembly lines from those low buildings on the south side of the airport.

That's history.

The beans are gone, but the airplanes are still here, and that's one of the reasons we're at this meeting today.

With few exceptions, all of us have one thing in common.

We're interested in building quality products for the United States Government and building them at a profit.

Aerospace used to be a "go for broke" operation—and some of it *was* broke—but that's no longer true.

Aerospace is a business, another branch of engineering—only riskier. We must balance our books like any other business.

The Government, I'm sure, doesn't want anyone to go broke in fulfilling contractual obligations, And I can assure you that Rockwell International, in our dealings with small businessmen, want them to get a fair return for their efforts in helping us fulfill our contracts.

Other things we share in common—and this is true whether our businesses gross $400,000 a year, or $4 billion—are our vulnerability to the assault of inflation, to the demands of labor, and to the scarcity of materials.

To stay alive, all of us, large and small, must be responsive to technical change.

And all of us, without exception, are in need of a customer—whether it's the Department of Defense, or the building contractor around the corner. We must sell to survive.

Hopefully we can sell to people who understand our problems, who know the complexity of changing a paper contract into a piece of fine, finished hardware.

Fortunately there are experienced, farsighted legislators who recognize the need for a close-working relationship between the government and its suppliers, and that's why I want to thank Congressman Wilson and his staff, and all the Federal Procurement people who have worked so hard to arrange this meeting. This meeting of minds is a splendid idea, and we'll all profit by it.

Many of you have attended Congressman Wilson's Federal Procurement Seminars before. Some of you are already listed among the aerospace companies subcontractors.

For you who are attending for the first time, I hope the meeting leads to your participation in one of the most important industries in this country.

Last year, American aerospace sales reached $27 billion. That was an increase of more than $2 billion over the previous year. And, according to statistics compiled by the Aerospace Industries Association of America, 1975 sales should increase again to $29 billion.

The value of aerospace activity in real wages and in real jobs is incalculable. The impact on the national economy is great. Exports alone last year reached a record level of $6.8 billion.

The importance of that export figure is multiplied when you look at the growing foreign trade deficit of the United States. Without the huge plus figures of the overseas sales of the aerospace industry, the United States deficit would be far worse than it is.

The total employment in the industry today is about 968,000 people. That makes aerospace the second largest manufacturing employer in the United States. Automotive with its $71 billion in sales and a million-and-a-half employees, is first.

The billions of dollars of aerospace purchases generate hundreds of thousands additional jobs across the nation. Thousands of subcontractors and suppliers participate.

Nearly every state in the Union is beneficially affected.

In California alone more than six billion two hundred and fourteen million dollars in government prime contracts were awarded to aerospace companies last year.

501,000 Californians are employed in the industry.

For more than 50 years Southern California has been a focal point for aerospace sales to military and government agencies.

Military and commercial airplanes, missile and space systems, electronics and communication equipment, bring billions of dollars into this state each year.

And that's where you enter the picture. McDonnell Douglas can't fulfill its large government prime contracts alone. Lockheed can't fulfill its contracts alone. Nor can Hughes, Northrop, Garrett, TRW or any of the other large primes.

And most certainly Rockwell International with the B–1 bomber, the space shuttle, the space shuttle main engines, the Apollo-Soyuz, the global positioning satellite contracts—we can't do the job alone.

That's why all the primes support the growth and health of small business and the businesses owned by minority groups. That kind of support by the larger companies makes sense because *small* business helps maintain the industrial capacity needed by our government and industry.

Ever since the bean patch days at this corner of Los Angeles County, Rockwell, for example, has been seeking the help of small business.

In 1936, when we started to build airplanes across the runway, we only had 150 employees. We were small business ourselves.

But three years later when Europe exploded into war, we went to the small job shops in the neighborhood and solicited their aid in building new trainers for the Army Air Force, new fighters for the British. And then, of course, we needed help desperately to supply the flood of airplanes for the American war efforts both in Europe and the Pacific.

Many production parts of those great World War II airplanes built by North American, the T–6 Texan Trainer, the P–51 Mustang fighter, the B–25 Mitchell bomber, for example, were turned out in garages in Inglewood and Torrance and Long Beach.

In the post-war days, when we were busy with the new series of jet fighters, the F–86 Sabre, and the F–100 Super Sabre, we sought that same help.

We've *always* been in partnership with small business in Southern California and all over the country.

It's not just a pious performance on our part—it's a firm corporate policy.

We have it down in black and white that a portion of our total purchases for materials, supplies, and services will be placed with small business companies.

We award the greatest possible share of our purchase orders and subcontracts to qualified minority business enterprise firms.

In 1973 Rockwell's North American Aerospace and Electronics groups purchased nearly $140 million of goods and services from small businesses. In 1974 the figure increased to $154 million.

Eighty-six per cent of our subcontractors and suppliers are classified as small business.

In the past two years an average of 33 per cent of our purchase dollars under all our government contracts were awarded to small business firms. This is just about in line with the nationwide distribution of $12 billion in subcontracts by all the major prime Department of Defense contractors last year.

None of the aerospace primes seek out subcontractors or suppliers just because we like to be one big happy family. We're all looking for ways to be more efficient, and more economical in our own contract efforts.

And the fact that we have turned to small-business participation in such high percentage means that *you are* competitive.

Rockwell found out from long experience that when small business is invited to bid on tasks within its potential, it's generally successful in the bid against larger companies. We're well aware of your high quality, prompt delivery, and your fast reaction to change.

We do business with you because we've found it's good business for both of us.

Everything I'm saying about our relations with small business applies to our relations with minority-owned businesses.

Last year our purchases from minority owned businesses climbed to $9 million dollars a year—a 300 per cent increase in just three years.

Looking ahead, we have projected that over $50 million will be placed with minority businesses over the next five years.

I feel sure we'll exceed that projection.

We've gone a step beyond and formed a

wholly-owned subsidiary licensed as a minority enterprise small business investment corporation. It's called Space Ventures, Inc., and the primary mission is to aid in the participation in the free enterprise system of persons hampered by social or economic disadvantages.

The new company will provide long-term capital to minority-owned firms which produce products and services in support of the nation's space program.

And its Charter extends beyond that. It'll provide the same financial assistance to minority companies engaged in operations relating to the technology transfer from the space programs.

It's going to offer management advisory service to those participating firms, and that's putting policy into action.

At each of our major facilities in the Los Angeles area we've assigned personnel in the Material Departments as Small Business Administrators. Some of them are at this meeting today, and you may have already talked to them.

But, in any event, they're the ones who are responsible for making your subcontract entry into Rockwell simply and quickly.

I want to assure you—you won't die in the lobby when you come to see us.

You're given quick consideration and our administrator has the responsibility to determine that the consideration is equal and fair.

Ladies and gentlemen, if the problems of this nation and this world evolved around economic factors alone, there's no doubt in my mind we could cope with them. The solutions would hurt. We might have to back off from our accustomed standard of living—but we could cope.

Unfortunately, there's more besetting this world than economic problems. The security of the United States is bound up with world security, and the world today is a very insecure place.

Secretary of State Henry Kissinger just two months ago, when he was speaking here in Los Angeles, said that the world stands uneasily poised between unprecedented Chaos and the opportunity for unparalleled creativity.

We cannot risk the future of this nation on uncertainty, most especially not in the area of national defense.

The B–1 bomber Rockwell is building for the United States Air Force has a vital defense role. It's a major contribution to crisis stability.

I'm sure most of you are familiar with the B–1.

For those of you who aren't, here's a film taken during the fifth test flight just a few days ago.

(About 90 seconds of the mid-flight refueling exercise.)

It was five years ago this coming June that Rockwell was awarded the contract by the Air Force to build three flying prototype of that aircraft.

You probably noticed the comparatively small size of the aircraft in the film—less than two-thirds that of the B–52 bomber which it's designed to replace. And yet the internal bomb load is almost three times that of the B–52.

It has a variable swept wing. Its range is intercontinental. It's able to get into the air in far less time than the B–52, and it can use a much shorter runway. At high altitudes it can fly at twice the speed of sound.

In a nutshell, the B–1 flies farther, lower, faster, and is harder to find by enemy radar than is the B–52.

In every respect, it's a remarkable airplane, and a fitting partner in our national defense triad of land-based intercontinental ballistic missiles, submarine launched missiles, and long-range bombers.

This country needs that aircraft desperately.

Secretary of the Air Force, John L. McLucas, has said that the B–1 is the most important of any development program now underway.

Some of the B–52's which the B–1 will replace are 20 years old. How many of you would start a life-or-death high-speed nonstop journey across the country in a 1955 automobile?

Yet serious proposals are being made to rehab the B–52 and keep it going for another decade or more.

That would entail a great risk to the security of this country. The Russian bombers are not 20 years old.

The B–1 started its flight tests last December, and sometime late next year we will have a production decision.

The total cost, including R and D, will be about $20 billion, and this is the area where we have the greatest storm. There's little doubt we'll have the finest strategic military aircraft in the world with the B–1, but the cost is causing a great deal of trouble.

Nearly half of that estimated cost is due to inflation alone.

In 1970, we didn't allow for double digit inflation in 1974.

Did anyone? Is there anyone in this room, in this state, in this country who foresaw double-digit inflation five years ago?

Take the example of something we use every day in our lives—an automobile. Did General Motors know, back in 1970, that their Chevorlet, selling at that time for $2,660 would, in 1974, have a price tag of $4,440?

You can look at anything that has come into your life—even the cost of replacing your present home—and it's unbelievable, the difference in price over the five-year span.

Today, we're projecting for continuing inflation, and that $20.6 billion figure for R and D and a production run for 244 B–1 bombers takes into account the inflation factor for the next ten years.

The cost is high, but how high?

General David C. Jones, Chief of Staff of the Air Force has said, and I quote:

"In addressing whether we can afford the B–1, the easy answer would be that we can't afford not to buy it, but that begs the question. A more thoughtful response might be that there is no more important area in which national resources should be invited than maintaining U.S. security."

The B–1 is essential to the security of the United States.

We believe that the decision to put the B–1 into production should be made on the basis of the established need, in the light of the desired strategic defense posture of the United States, and the relative cost of the airplane to other, comparable elements in the same period.

Robert B. Hotz, Editor in Chief of Aviation Week magazine recently said, and I quote: "The Soviets have made it very clear what worries them most. It's the B–1 bomber, the Trident submarine launched missile, and the Minuteman ICBM missile. If we sacrifice any of these programs as a Salt II bargaining chip we deserve the fate that will eventually overtake us." End quote.

I'm confident, when everything is weighed carefully by Congress, we'll receive a favorable vote for B–1 production.

A United States Congressman, an opponent to the B–1, recently denounced Rockwell International because we had the temerity to point out, in our information material, that the B–1, in addition to being an essential part of national defense, was also aiding the American economy.

We don't think it's wrong to say that the greatest pool of scientific, engineering, and technical talent in the world is developing that airplane.

We don't think it's wrong to point out that over 5,000 subcontractors and supplier companies in 48 states are taking part in the B–1 research and development program.

Why should we keep from the American people the fact that the B–1 program, through 1985, will add more than $56 billion to the Gross National Product, that it will provide a potential 192,000 jobs, that it will be responsible for the payment of more than $17 billion in Federal and State taxes?

Why should this be kept secret at a time when Congress is spending billions of dollars in trying to find jobs for unemployed Americans?

While we're building an aircraft that the Strategic Air Command states is vitally needed, should we hide the fact that here in California alone the production program for that aircraft would provide over 41,000 aerospace jobs and 62,000 supporting jobs for over a total of 100,000 jobs?

Some of you in this room already know the economic impact of the B–1 in this preliminary research and development phase.

More than 3,000 of the companies helping us build the B–1 have 50 employees or less.

Over six hundred companies have between 50 and 200 employees.

And nearly 300 companies working on the B–1 have between 200 and 500 employees.

In Los Angeles County and Orange County alone, we've allocated more than $140 million in B–1 subcontracts and purchases in the first four years of the program.

Ladies and gentlemen, if disseminating this kind of information on how taxpayers' money is to be spent is propagandizing, I think the nation would welcome more of that kind of disclosure.

Let me re-emphasize this point—the B–1 is not a make-work program. Our primary object is to provide a highly efficient, cost-effective vehicle with aerodynamic, propulsive and structural efficiency unparalleled in any comparable aircraft ever developed.

But while we're doing that we're keeping skilled workmen busy at skilled jobs, adding to the skills inventory of this nation.

We're proud of the B–1 contributions to the economy of this country.

We're proud of the jobs it has created and will create.

We're not propagandizing those facts we're telling the nation just where their tax dollars are being spent, and what they're receiving in return. Ultimately, they're the one who will make the decision as to just what they wish to purchase for $20 billion dollars over the next 10 years.

I'm confident they'll demand the continued strength of the United States, the continuance of the Triad of defense with the most advanced hardware available.

Ladies and gentlemen, as I said earlier all of the major aerospace companies have challenging jobs ahead of them in fulfilling their contracts with the government agencies.

We can't do our jobs alone.

We need the help of small business.

We need the help of minority business.

And I'm glad to know that you're here today to see just what you can do to help.

Thank you.

VOICE OF THE PEOPLE

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DAN DANIEL. Mr. Speaker, history is more than a recital of battles and conferences; it is more than the headlines. It is, in the final analysis, the things which touch our lives as individuals.

In the Pittsylvania Star-Tribune, a newspaper which is published in Chatham, Va., the following letter appeared on March 26. It will never make the history books, but it deserves to. It is the statement of a gentleman who has given two sons in a cause to which this country was committed. Daily we are reminded that the war cost 55,000 lives and $100 billion but little mention is made of the cost revealed in this statement of individual sacrifice. It is especially timely at this juncture in our history, given the sacrifice of this family, which makes hollow the mouthings of those who have contributed nothing.

I commend it to our colleagues in the House:

VOICE OF THE PEOPLE

CHATHAM, VA.

DEAR EDITOR: I am weeping as I write this letter. Big wet warm tears are streaming down my face and falling on my hand-written copy. My eyes are so flooded that I have to stop and use my handkerchief so I can continue writing.

I, like Admiral Jeremiah Denton Jr., seven and a half years a prisoner of war in North Vietnam, am sickened, saddened, frustrated, and disgusted by the almost complete apathy and indifference of the American people toward the current struggle against Communist aggression in South Vietnam and Cambodia. Admiral Denton is well remembered for his "God Bless America" speech when he got off the P.O.W. plane in 1973. He might well have added: "and God save America."

My beloved oldest son, age 23, honor graduate of V.M.I. and winner of the Army Commendation Medal, lost his life in honorable service of his country during the Vietnam conflict. My beloved youngest son, age 20, and only other child we had—an honorably discharged veteran of the Vietnam War period—lost his life as a result of the Vietnam War. Needless to say, their mother and I will never recover from the grief and sorrow.

Thank God, however, that our sons served their country honorably, although it resulted in their deaths, instead of living the shameful life of a deserter or draft dodger.

Looking at the Vietnam War as a whole, the loss of our sons was just a drop in the bucket. Fifty to sixty thousand other American service men lost their lives in the Vietnam War, and scores of others are lying around in Veterans Hospitals in conditions far worse than if they were dead. Anyone doubting this has only to drive up to the nearby Vets Hospital at Salem, Va. Some of the living war victims there present a shocking and depressing sight.

These men did not dodge the draft or desert the armed forces. They served, obeyed orders, suffered, and died. Did they fight, suffer, and die all in vain? Were their months and years of sacrifice and suffering and fighting and dying to help a freedom-loving people throw off Communist oppression—was all this to no avail? After having sacrificed ten years time, billions of dollars, and sixty thousand men's lives,—are we now resigned to let the enemy win after all?

President Ford is so right in his "domino" theory, and believe it or not, it is not just theory. One free democratic country after another, and sooner or later the enemy will be at our own doorstep. Often times I get the feeling that he's already there! To quote President Ford: "Wherever the bells toll for freedom, they also toll for us." The Cambodians and the South Vietnamese as did the South Koreans, are surely fighting for us. As surely as the sun shines and the wind blows, their battles are also our battles, whether we help them or not.

It is impossible to remain isolated from international affairs in today's complex world. The needs of the peoples of the world are too great and too varied in regard to international trade and exchange of commodities and materials, for any one country to live entirely to and within itself. The United States is no exception. Choosing friends among countries is no different from choosing friends among people. It follows then that those countries having free non-Communist democratic forms of governments, in order to survive the onslaughts of Communist aggression, must help one another in time of desperate need. If we fail now to go to the rescue of Cambodia and South Vietnam, what other friendly countries will ever have any faith in our promises of aid in case of emergency?—and there might be something we will need from them very badly. In fact there is already. Also, as Admiral Denton said, such decisions and policy on the part of our government officials will have a very degrading effect upon the morale of our military personnel.

Some things are worth fighting for, and suffering for, and dying for. That darling little girl you always knew was sent from Heaven:—that precious little boy you wouldn't hesitate to make any sacrifice for; your government without fear of being thrown in prison or be put before a firing squad;—the good fortune of being a United States citizen with all its privileges, benefits, advantages, and blessings! A red headed fellow named Patrick Henry expressed it quite eloquently a few years ago with his words to the effect that death is indeed preferable to life without liberty;—and as in Patrick Henry's day, the enemy's chains an be heard clanking on the plains!

There are many who maintain that we made a mistake in getting involved in the Vietnam conflict. Many forget that we had a Southeast Asia Treaty Organization pledge of aid to keep. The really big mistake was the way the war was conducted by our heads of government;—not allowing the armed forces to go all out to really defeat the enemy. The avowed intention of Communism is world domination. Peaceful co-existence is just a mythical term used to lull the intended victim into a false feeling of security and safety. Danger is always nearer, and it is always later, than one thinks. There is probably not a free democratic country in the world which does not have a treacherous "Fifth Column" already within its gates ready to aid and abet a Communist take-over if and when the time is ripe. The United States is certainly no exception.

We should help Cambodia and South Vietnam for selfish reasons, if for no other. If the free, non-Communist countries of the world don't hang together, they will surely hang separately. God forbid that we sit idly by in apathy and indifference and watch the free, non-Communist dominoes fall one by one. The last, but by no means least one, could be us!

MAURY H. MOSES.

BUDGET RESOLUTION SHOULD BE SPEEDILY ENACTED

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. GRADISON. Mr. Speaker, there is an urgent need for Congress to deal with the growing problem of excessive budget deficits. In spite of the constant warnings we have been hearing about the harmful effects of excessive deficits, Congress has not yet faced up to the problem and taken action to hold down spending.

Far from trying to control spending, the majorities in both Houses of Congress have been passing new spending programs which will enlarge the deficit considerably. As a result, the huge deficit estimate of $51.9 billion for fiscal year, which was projected by the administration in January, has already been revised upward several times and the figure is still climbing rapidly.

The time has come to reverse this trend and take effective action to promote economic prosperity by getting the Federal deficit under control.

In order to deal with this problem, Congress as its first order of business, should act on the budget resolution, reported this week by the new Budget Committee which will establish firm upper limits on Federal spending and deficits for fiscal year 1976. Once such a resolution is passed, its limits should be strictly adhered to.

Passage of a budget resolution is already provided for by the Budget and Impoundment Control Act of 1974. Both the House and Senate Budget Committees have approved budget resolutions by the April 15 deadline. Congress is currently scheduled to enact a resolution by May 15.

The May 15 date for final passage of a budget resolution should be moved up. Too many decisions on spending have already been made by this Congress without adequate consideration of their impact on the budget. Any delay in setting a budget ceiling will only mean that the deficit will get further out of hand. We simply cannot afford to wait any longer for proper budgetary controls.

Therefore, I urge that consideration of a budget resolution be given top priority status by this Congress. Furthermore, until passage of a budget resolution, no other legislation which would enlarge the size of the deficit should be considered. Once a resolution is passed, we can proceed to consider other legislation affecting spending, but all such legislation would be required to conform to the overall budget limits.

As it stands now legislation is being passed by Congress without sufficient regard for its impact on the overall budget totals. A prime example is the Emergency Employment Appropriations Act which the House passed on March 12. This bill was ostensibly aimed at fighting recession, but was actually a hastily assembled conglomeration of separate spending programs, many of which are of little or no help in fighting recession and are of doubtful value in themselves. For instance, many of the Public Works projects in the bill may not even get started until after the recession has ended. In just this one case, the House passed a $6 billion dollar spending bill without any consideration being given to its impact on the deficit.

Another good indication of the need for a budget ceiling is the way that Congress has been rejecting the administration proposals to reduce spending without even giving them the careful consideration they deserve. So far, of a total of $2.59 billion in nondefense cutbacks proposed by the President, only $106 million, or 4 percent have been accepted by Congress. I am not suggesting that we should uncritically accept all the spending reductions proposed by the President, but the proposals deserve more careful consideration than they have been receiving so far.

If we were working under a budget resolution, there would be an incentive not to pass wasteful spending programs and to cut the fat out of existing programs so that the money would be available for the high priority programs where we should be doing more. As it stands now, no such incentive exists and spending decisions are being made on a piecemeal basis.

The best indication of the urgent need to clamp a ceiling on spending is the way that the estimated 1976 deficit has been growing in recent weeks. The original estimate contained in the Federal budget which came out in January was $51.9 billion. In addressing the Nation on March 29, President Ford announced that the deficit figure had already swollen to $60 billion. Even $60 billion is surely too low an estimate for the current figure since it depends on congressional acceptance of $12 billion in spending reductions proposed by the President. Based on recent performance, the majority in Congress seems unlikely to go along with these reductions, so the real deficit figure now is much closer to $72 billion than $60 billion.

Even this staggering $72 billion figure does not take into account the rash of spending initiatives proposed by Congress. My colleague Representative Michel has totaled up the proposed new spending programs and his figures show that the final, red-ink figure for 1976 could easily top $100 billion.

If we continue on our present course we are clearly headed for such a colossal deficit. A deficit in the $100 billion range would seriously impair our chances for economic recovery without renewed inflation.

Now that we have enacted a tax cut to stimulate the economy, Congress top priority should be to control the growing budget deficit. Passage of a budget ceiling is a necessary first step toward this goal.

NATIONAL CANCER PROGRAM PRAISED

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. PATTEN. Mr. Speaker, Congress did a good thing when it enacted the conquest of cancer legislation in 1971 and extended that legislation in 1974.

However, I am not at all sure that Members of this House are familiar with the details of the successes growing out of this legislation.

It would be just as bad to back biomedical research in cancer just because it is a popular cause as it would be to back any other popular Federal program without giving it close scrutiny.

The conquest of cancer program is not only popular, but the closer one examines it the better it looks.

A close look at the program was recently made by Science News, one of the world's most authoritative sources for laymen of news about science. Science News is published by the Institution for the Popularization of Science, founded in 1972, and such a base could not continue over all those years if it were not highly regarded.

The article puts the lie to the myth that science can only make advances against a disease where the etiology, or the exact nature of the development, of the disease is fully understood.

It is simply untrue that therapy advances must await full understanding of a disease.

Digitalis is still one of the world's most important heart drugs. Yet digitalis was used by the Egyptian pharoahs. They certainly were not as knowledgeable about heart arrhythmias as modern scientists are, yet they used digitals with great effect. The drug has stood the test of time and is still listed in all formularies around the world and is still produced by major drug firms.

Scientists at the National Cancer Institute hope in coming years to be able fully to explain the etiology, the origin, of cancer—in the singular, if possible—in all its forms if the origins are quite different among the dozens of known types of cancer.

But even without this knowledge great advances in therapy have been made, as the Science News article proves. What is a great advance? If your wife or your daughter or your mother has cancer and is cured, then surely you would speak of the therapy as a great advance.

There are 11 types of curable cancers today. Not the big tumors, unfortunately. The solid tumors are the most difficult kinds of cancer. But every year advances are made.

A reading of this authoritative article should make proud any Member who has taken part in supporting the authorizing legislation and the legislation providing appropriations for the National Cancer Institute. I recommend that Members soon facing votes on further appropriations for the national cancer program read this article by author Joan Arehart-Treichel to gain detailed information on what they are supporting.

The article follows:

IS THE GREAT CANCER CURE ALREADY WITH US?

(By Joan Arehart-Treichel)

Since the National Cancer Act of 1971, there has been a continual hubbub about conquering cancer. The public has been led to believe that some morning it will wake up, and newspaper headlines will glare: Cancer Cure Found! The cure, of course, will have come about because some smart or lucky scientist anguished away days and nights until he found the key.

But science rarely works that way. Breakthroughs come in bits and pieces. And it's exactly in this slow, undramatic way that cancer scientists have greatly increased the number of long-term or even permanent cancer remissions since cancer therapy was first tried during the 19th century. During the 1930's only one out of five cancer patients could expect a remission for five years or perhaps longer. Then one out of three could expect such a remission. Now the rate is approaching one out of two patients. And some of these patients will go on to live out their natural lifespan.

In short, cancer cures—or at least ample remissions—are already with us. And they're increasing every day. So much so, in fact, that health professionals are now facing a new problem—integrating successfully treated patients back into society. One job applicant out of a thousand is now a former cancer patient, and many of them have trouble getting employment.

Of course, tough challenges still lie ahead. There is a need to extend the present remission rates, to find effective treatments for certain cancers that are still intractable and to bring the best available treatment to those patients who need it.

Cancer is certainly nothing new. King Herod of Judea died from it. So did Napoleon. And so have many lesser known persons throughout the centuries. Treatments for cancers aren't new either. Surgery was tried during the 19th century, if not before. The 20th century, of course, has seen the real boom in cancer treatments.

After World War II, X-rays joined surgery in treating localized cancers. In 1948 the first cancer drug was approved by the U.S. Food and Drug Administration. Today there are several dozen cancer drugs on the market. They exert various biochemical actions, but most of them interfere in some way or another with the division of cancer cells. Drugs are most effective against cancers that are spreading. In 1964 Georges Mathé of the Paul-Brousse Hospital near Paris gave Bacillus Calmette-Guérin (BCG)—the tuberculosis vaccine—to children dying from leukemia. As he hoped, the vaccine primed the children's immune systems. Some of his patients are still alive today, 10 years later. Mathé's work opened the door on still another kind of cancer treatment. This was immunotherapy.

During the past few years, however, there has been a new trend toward the treatment of cancer. It is the combining of various treatments so they will be as effective as possible against various cancers. These multipronged approaches are obtaining more dramatic results than the use of isolated forms of treatment. This fact was underscored time and again at the National Conference on Advances in Cancer Management, held in New York City recently. The conference was jointly sponsored by the National Cancer Institute and the American Chemical Society. Some 3,000 of the nation's physicians attended.

In 1956, for instance, the outlook was dismal for children with leukemia. The survival average was six months. Now, thanks to an uphill fight combining four or five drugs with X-rays, the survival average is five years. This "total therapy," as it is called, was devised by Donald Pinkel and his team at St. Jude Children's Research Hospital in Memphis. It is now being used in many cancer centers.

The prognosis for patients with Hodgkin's disease—cancer of the lymph tissues—has also improved dramatically in recent years, first because of X-rays, then because of the use of drugs. A number of patients go on to live 20, even 30 years. But physicians aren't stopping here. During the next decade, Saul A. Rosenberg and his colleagues of Stanford University School of Medicine hope to extend survival rates still more by trying new X-ray and drug combinations.

Sarcomas are cancers of the bone. A third of the victims are adolescents. Physicians are extending the lives of these patients by giving them surgery plus drugs. Gerald Rosen of the Memorial Hospital for Cancer and Allied Diseases in New York City, and his colleagues, are working toward an even greater refinement of the combination treatment by using X-rays to zap cancer cells that have grown away from a major tumor. This way, they hope to spare the growing ends of the bones of young sarcoma patients.

Rosen and his team are trying a combination of surgery, drugs and immunotherapy on some patients. They also tried something highly experimental on three young girls with cancer of the thigh bone. They gave the patients drugs to shrink their tumors, cut out the remaining tumors, then inserted a prosthetic device where destroyed bone and tissues had been. This way they were able to avoid amputating the patients' legs. The long-term survival of these patients remains to be seen, however. Until then, amputation remains the standard treatment for cancer of the femur.

Melanomas are skin cancers erupting out of moles. They are likewise showing marked regression under combination therapy. Donald L. Morton and his colleagues at the University of California at Los Angeles School of Medicine have been treating melanoma patients for three years with surgery, or with surgery plus BCG. The aim, he says, was to see whether the immunotherapy helped extend tumor-free remissions. It turned out that it did. Cancer recurrences were twice as frequent among the patients who has received surgery alone as it was among the patients who had received surgery plus immunotherapy.

For a year now, Morton and his coworkers have also been giving some melanoma patients surgery, surgery plus BCG, or surgery plus BCG plus a vaccine comprised of tumor cells. Morton told SCIENCE NEWS that he expects the tumor cell vaccine to be even more effective than BCG in bringing about remissions. This is because BCG primes the immune system in general, whereas the tumor cell vaccine specifically primes the system against cancer.

The approaches they are using consist of cleaning out large tumors with surgery, then using immunotherapy to wipe out any leftover cancer cells. Morton stresses, though, that immunotherapy "is still in the horse and buggy days." Under certain conditions BCG has made cancer cells grow faster rather than slower in animals. There is the danger that it might do the same in patients.

Nor are breast cancer patients being bypassed by combination therapy. Bernard Fisher, a surgeon with the University of Pittsburgh School of Medicine, and Eleanor D. Montague, a radiotherapist with the M. D. Anderson Hospital and Tumor Institute in Houston, report that lesser operations followed by X-ray therapy or drug treatment might be as effective as radical surgery in treating breast cancer patients.

Although combination therapy is greatly contributing to current cancer remissions, technological advances are also making a difference. The colonoscope, for instance, is a fiberoptics instrument that lets physicians see far up the colon and to remove polyps before they invade the cell wall and become cancerous. William I. Wolff and his surgical team at Beth Israel Medical Center in New York City have used the colonoscope to remove polyps from the colons of 2,000 patients. Other surgical teams around the United States are using it too.

The EMI scanner—an X-ray scanner that pictures cross-sections of the brain—can differentiate between a brain tumor and a blood clot (SN: 9/1/73, p. 134). By improving the diagnosis of brain tumors, the scanner should also improve treatment of brain tumors. The scanner is now being used at a dozen American medical centers.

And then there is charged-particle radiography. It consists of passing charged atomic particles (matter) through tissue, as opposed to passing X-rays (light) through tissues (SN: 10/13/73, p. 234). It shows promise in the treatment of deep tumors, such as those of the head and neck Unlike X-rays, it doesn't jeopardize the body's immune system. However, such modes of therapy are still piggybacking on large accelerators developed by the Atomic Energy Commission. The need is to come up with hospital machines that do the same trick. Several groups of scientists are trying to design such machines.

Of course, tough challenges still lie ahead. One is to extend present cancer remissions still further. Another is to find effective treatment for those cancers that are still largely hopeless. Two of the major ones are lung cancer and brain cancer.

There are several reasons why lung cancers are nearly always fatal, and swiftly so. For one, they are usually not discovered until cancer cells near their 35th division. Once cancer cells reach the 40th division, they usually become fatal. For another, smokers, who are mostly likely to get lung cancer, usually get it in various tissues of one or both lungs, making treatment doubly difficult.

Brain tumors are often fatal for other reasons. It's difficult to diagnose them (although the EMI scanner should help as it becomes more widely available). The biology and pathology of brain tumors are not very well understood. And brain cells resist drugs and immune defenses through the so-called "blood brain barrier."

Still, scientists have not given up on these two cancers. C. Gordon Zubrod of the University of Miami School of Medicine believes that X-rays, surgery, drugs and maybe even immunotherapy might eventually make a dent in lung cancer mortality. Michael D. Walker of the National Cancer Institute in Baltimore believes that a good operation to remove most of a brain tumor, followed up with X-rays and drugs, looks promising. "We need to continually bang on these cells," he asserts, "because we cannot kill them all—not yet."

Meanwhile there is a pressing need to bring the latest medical treatments to cancer patients throughout the United States. Conferences such as the one in New York City, where physicians hear about the latest treatments, are helping. So are efforts of the National Cancer Institute.

During the past couple of years, the NCI has been setting up treatment demonstration networks. Certain hospitals are given funds to show other hospitals and individual physicians in their areas the latest diagnoses and treatments for certain cancers. The NCI is also funding various medical centers so they can become comprehensive cancer centers and influence the treatment of cancer in their geographic areas.

The NCI likewise informs the public about which physicians in their area are using the latest cancer treatments. This way, a person with a particular kind of cancer can get in touch with a physician who is up on the best treatment for his kind of cancer.

Information on which physicians are treating certain cancers can be obtained from: Office of Cancer Communications, Building 31, Room 10A21, National Cancer Institute, Bethesda, Md. 22014.

EQUAL OPPORTUNITY AND FULL EMPLOYMENT FIELD HEARINGS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. BADILLO. Mr. Speaker, the Equal Opportunity Subcommittee of the House Committee on Education and Labor is currently holding field hearings on the Equal Opportunity and Full Employment Act. This significant piece of legislation, if enacted, would guarantee to all our people the right to have a socially useful job at a decent rate of compensation. This farsighted measure has the potential for being the nucleus of a program to finally bring economic justice to all our citizens, not simply to those who most recently lost their jobs.

With massive unemployment ravaging our country and causing widespread hardship and deprivation, this legislation is urgently needed to reverse our current economic decline and to begin to employ the full productive capacity of our available labor force.

The first stop of the Equal Opportunity Subcommittee was in Detroit this past Monday, March 24. Among the witnesses was our distinguished colleague representing the First District in Michigan, Mr. CONYERS. As I believe his statement is a powerful expression of what is needed at this time, I would like to insert it in the RECORD for the Members of this body:

TESTIMONY OF CONGRESSMAN JOHN CONYERS, JR.

Thank you, Mr. Chairman, it's a pleasure for me to be here this morning to present my views on the most crucial problem facing our country today, the problem of full employment for all our citizens who seek useful and remunerative work.

The Equal Opportunity and Full Employment Act which this subcommittee is developing represents a much needed departure from the often inhumane and always very costly manner in which the federal government has traditionally reacted to the problem of structural unemployment. By continuing in the direction in which you and the members of the House who have worked with you on this legislation have pointed us, we are embarking on the most significant social legislation since the New Deal. You are to be greatly commended, Mr. Chairman, for the leadership and the initiative you have shown in sponsoring the present legislation.

In order for us to know precisely what problems we seek to remedy by this legislation, and what we may realistically hope to accomplish with it, we need to ask ourselves some very specific questions and try to answer them with the best information and soundest reasoning that we can summon. Only in this way can we really serve the best interests of the country and address the true needs of the people.

Where do we begin to make a policy of full employment for all Americans the law of the land? While these hearings continue, the Congress must immediately declare that the nation's first economic priority is to guarantee the right of all Americans to earn a decent living. Towards that end I will introduce a resolution in the House of Representatives calling upon all members to endorse the concept of full employment for all our citizens. These hearings are an important step towards achieving this goal. We need to give the fullest possible airing to the issues involved and draw upon our most knowledgeable, creative, and innovative thinkers to help us do the planning which must precede the enactment and implementation of the concepts embodied in the legislation. And we must begin to examine what other legislation we should develop which, in conjunction with a full employment bill, will begin the long process of bringing economic justice to all our people. The people of Detroit and other areas around the country, the employed and the unemployed together, must unite and join with us in support of this and other legislation.

Is a policy of full employment practical and workable? If we are asking, "Is it practical in the context of our present so-called free enterprise system?", which is based on the profit motive rather than on the needs of people, then my answer is, "No, it is not practical." It is practical only in the context of reorganizing our society and our system of government to meet the genuine needs of the people, which by and large go unmet under the present economic and political order.

Structural unemployment, that is, unemployment that is built into the parameters of work and productivity in our economy, has rarely fallen below 4% since 1947. That means that at least 3½ million and usually many, many more members of the labor force have been unemployed at any given time. We need to ask ourselves, "Is that practical?" Is it practical for our total national production to have fallen $2.1 trillion below what it could have been for the period 1953–1974 in a sustained, full-employment economy? Is it practical for our country to have forfeited 51.2 million man-years of employment, $1.2 trillion in lost wages and salaries, and additional family incomes averaging $18,750, over that same period of time? (Keyserling, *Full Employment Without Inflation*, Conference on Economic Progress, January 1975) Is it practical to countenance continuing cycles of boom and bust with their attendant physical hardships for individuals and their families? Is it practical to continue with a system that has worked well for a few but has not worked at all for millions of others? A full employment program, we should admit, may not be practical in terms of serving the profit interests of private enterprise, but it is eminently practical in terms of serving the legitimate needs and interests of people and of society as a whole.

A full employment program is not a luxury; it is a necessity. Such a program is necessary if our economy is to operate at the level of production of which it is capable to provide the goods and services we now deny ourselves. It is necessary if we are to insure the right of all members of our society to lead a decent life, and it is necessary if we wish for every child to realize his or her full potential as an adult. It is necessary, in short, if we are serious about establishing and maintaining a standard of living and a quality of life in this country second to none.

Why haven't we had a policy of full employment before? There is no single or simple answer to that question, but certainly the power of the corporate sector has been a major obstacle. In 1945, while the memory of war-time full employment was still fresh, the Congress tried to pass a full employment bill under the sponsorship of Congressman Wright Patman and Senator James Murray. There was a widespread belief at that time that all Americans ought to be able to have a useful job without the economy having to depend on the stimulus of war. The Patman-Murray bill passed the Senate, but the conservative opposition within the House was strong enough to prevent its enactment.

Corporate power has been exercised in this country through various means to hold unemployment up to so-called acceptable levels. Private industry has not found it profitable to employ either hard-core or marginally unemployed people to provide the basic services that society now requires and is not receiving. By holding unemployment up, the private sector has been able to restrain wages, hold the power of unions in check, maintain a ready-reserve pool of potential workers, and insure high profits. By subjecting corporate power to effective social control, we will take a great step forward in achieving true economic justice.

The primary reason why there is no full employment policy in this country is that the people haven't firmly demanded and vigorously struggled to achieve it. The labor movement has, of course, been active in championing the rights of workers during the latter part of the last century and during the present century. Coxey's Army marched on Washington in 1894 to demand jobs, and during the Depression, in 1932, 20,000 impoverished veterans came to Washington and camped on the Mall to protest the withholding of bonus pay they had been promised. Their treatment at the hands of the army is one of the more shameful chapters in our history. And more recently in the late sixties, poor people from around the country came to Washington and delivered their grievances. They protested their lack of jobs and the overall inequality of their economic lives.

We do not see that same militancy on the part of the unemployed for jobs today. The reason seems to be that the current unemployment crisis splinters the labor force and puts everybody on an individual basis. The people who have jobs in sagging industries feel lucky to have them, and there is little apparent cooperative effort between the people who have jobs and the people who need jobs to work together to try to solve our unemployment and other economic problems.

The dominant attitudes toward work and unemployment appear relevant in this regard. Too many people in the past have blamed the poor for being poor and the unemployed for being unemployed, imputing to these disadvantaged groups the negative characteristics of being lazy and unwilling to work for themselves. We should realize instead the shortcomings of our economic and political system which have caused a maldistribution of jobs with regard to the available labor force, job shortages, and insufficient training opportunities for workers to learn specialized skills needed to compete in today's labor market. Although others may blame them, the unemployed should not blame themselves for not being able to find jobs. They should not accept that their joblessness is due to their own inadequacies when clearly there is so much that needs to be done and that they could be doing if only our government would get its priorities in order.

Why don't more people demand a full employment program even now? Certainly as these hearings are continued in other depressed areas of the country, and as public awareness of the legislation before this subcommittee grows, more people will demand a full employment program. But public awareness must be translated into political pressure, pressure on officials at the local and state level as well as on the Congress and the White House. Just as surely as the people drove a President from office, brought American participation in the Vietnam War to a halt, and nearly caused the impeachment of another President, so we can mobilize at all levels for the enactment of a full employment bill. And there will be massive public pressure of this type if the Congress does not stop talking and start dealing with the tremendous unemployment crisis that is enveloping this nation.

Speaking of political pressure and Congressional inaction, a very concerned and rightfully indignant district director of the United Steelworkers of America, Mr. Charles G. Younglove of District 29 in Allen Park, Michigan, recently wrote a number of the members of the Michigan delegation and berated us and the Congress for planning to take a 10 day Easter Recess. Mr. Younglove made the very important point, and made it well, that the Congress ought to be staying in Washington working on the nation's severe economic problems rather than be taking a vacation at this time. His letter caused members of the Michigan delegation to urge the Speaker of the House, who himself had planned to go to China during the recess, to cancel the planned break. His letter did not have its hoped-for effect, but it did move some members of the House to action. That is an example of the type of public awareness leading to political pressure that we need a million times more of. I would like to enclose a copy of Mr. Younglove's excellent letter for the record of these hearings.

How effective have present federal programs been in relieving unemployment? The record here is woefully inadequate and reveals the hypocrisy which has guided federal efforts to date. The Emergency Jobs and Unemployment Assistance Act of 1974, which we passed in December, provided only 330,000 jobs nationwide when the official total of unemployed people, which is a fraction of the real number of people in need of jobs, was six and one-half million. The unemployed in Detroit alone would easily have consumed almost half the total number of jobs created for the entire country. To make matters worse, the Congress only appropriated enough money to pay for the first one-third of the jobs in December, with the other two-thirds coming in the middle of March. By mid-February, only 200,000 people around the country had been given jobs. Detroit, with more than 150,000 unemployed, was allocated only 3700 jobs. Now the Congress is considering a supplemental appropriation which is expected to provide 900,000 new jobs if approved, although the actual number of jobs will probably be somewhat less. The point I wish to make is that both these measures are examples of stop-gap legislation which does not begin to address the true severity of the present crisis. They are steps in the right direction, but they are only short steps at a time when it is imperative that we take giant strides.

Can we afford a program of full employment for all our citizens? Unquestionably, we can. Any nation that can afford a peacetime military budget of $100 billion has the resources to afford such a program. So the question might be better rephrased, "Where will the money come from?" It should come from a sensible reordering of our national priorities, with the balance of federal spending tipping in favor of our pressing domestic needs. We need to drastically reduce our Defense budget by cutting the fat and the waste out of military spending. The picture of military versus civilian priorities is not very encouraging. It is illustrative of the President's concerns that he wants to raise the price of food stamps to save $650 million but has already sent the Thieu regime $700 million in the current fiscal year. In November the President vetoed an $807 million bill to increase veterans' education benefits, but he wants another $522 million to send to Vietnam and Cambodia. Fortunately, the Congress overrode the veto in December, and the veterans will get their money.

We also need to reform our tax structure and close the loopholes that allow wealthy individuals and large corporations to escape without paying their fair share of the taxes on income. It is no secret to anyone that the oil companies raked in a harvest of profits that was unheard of before, at the expense of the American public, last year. And in the proposed budget for fiscal 1976, there is a total of $91 billion in tax subsidies—money which the government simply chooses not to collect.

So these two areas, military spending and tax reform, should be central in our thinking and in our efforts to create a condition of full employment for all. Let's stop buying expensive bombers and other military toys that people can't eat or live in and redirect these billions of dollars to our real domestic needs. And let's rewrite a tax code that's truly progressive and equitable instead of mailing rebates for everybody to have a few more dollars after taxes. Let us begin to make serious economic reform.

A full employment bill will not cure all our economic ills, but it is an important and necessary beginning down the road to achieving economic justice. The legislation which we seek and hopefully will enact into law should do three things: it should give a job to every citizen who needs one, not simply a makework job but a real job doing socially useful work for decent compensation; it should provide training opportunities for anyone who wants to learn a skill or a trade in order to better his or her condition; and it should provide a guaranteed annual income to those individuals who cannot work for whatever reason.

The great implication of such a program, when carried to its logical conclusion, is that government ought not to be simply the employer of last resort, gathering in the unwanted or the discarded members of the private labor force; it ought to be the employer of first resort. The private sector has never employed its available labor force, for reasons already stated, and without a full employment law it probably never will. But there is so much that needs to be done in our society, and that possibly only the government can do through large public works projects plus stimulation of the private sector, that the government really ought to become the employer of first resort. We ought to be willing and able to reverse the economic decline of our country and forge a new and better society by employing the talents, energies, resourcefulness, and aspirations of the people who have had the door to a full life closed in their faces and putting them to work in the great tasks that lie ahead—rebuilding our cities, building the needed houses, hospitals, nursing homes, and mass transit facilities that we so urgently require.

Although we cannot escape the question of what it will cost to implement a full employment program, we should also concern ourselves with what it will cost us if we do not create one. While we are worrying about costs, let us realize that by putting the available labor force to work society will be the benefactor. The goods and services produced will have a dollar value. We will get a return for our investment. Jobs will be created in certain industries, such as housing, that will have a multiplier effect and create more jobs in other areas. There will be more money in circulation, a rise in the Gross National Product, and a considerably broadened tax base for state, local, and federal government. Concurrently, the costs of competing programs, such as welfare, will be substantially reduced. We *will* get a return for our investment. But what returns do we presently get for having 20 to 25 million able-bodied, unemployed Americans sitting around with time on their hands? If we are worried about costs, then we should realize that we can no longer afford to continue our present system of structurally inherent unemployment.

What will happen if we don't enact a full employment program? People with as widely divergent backgrounds as Coleman Young and Henry Ford II have said that people will not stand quietly on street corners selling apples as they did during the first Depression. Disrespect for and disbelief in the federal government and Congress in particular will grow considerably. The alienation and cynicism of the people will reach epidemic proportions as they realize that the empty rhetoric of government is not helping them.

Until we achieve full employment, what sorts of things can we do to hold ourselves and our country together? There are several things we can do in the way of seeking other needed legislation which would have socially desirable consequences.

We must overhaul the Food Stamp Act. The present program is terribly inadequate. The poor are required to buy stamps they can't afford with money they don't have from banks and post offices that won't sell them when the people need them. It would be simpler and better to give individuals and families direct money supplements for food, and to increase the authorized amounts in order to insure that everyone has an adequate diet. The Congress should immediately write the legislation necessary to require the Department of Agriculture to ease its restrictions, which presently keep approximately 60% of the eligible applicants from applying for and receiving the stamps.

The Congress should also rewrite the laws governing unemployment insurance. The benefits should extend to all members of the labor force, not just to those workers who have been laid off from or permanently lost their last job. New entrants to the labor market, as well as people returning after months or years of absence, should also receive benefits as long as they are in need. There should be no expiration date for unemployment compensation.

Three bills that I have been involved with in the past, either as a sponsor or co-sponsor, could make significant contributions in today's troubled times. The Full Opportunity Act, which I introduced in 1967, would provide jobs or training for millions of men and women whom employers have regarded as "unemployable." The bill is a comprehensive bill and would seek to make progress in the areas of minimum wage, enforcement of equal employment opportunities, family allowances, adequate and non-discriminatory housing, and increased educational opportunities.

The Emergency Homeowner's Relief Act would temporarily defray mortgage payments by homeowners who have lost their jobs or suffered loss of income because of adverse economic conditions.

Under the Emergency Unemployment Health Benefits Act, the Department of Labor would purchase the same health benefits for an unemployed worker that he received when he was working. The way the legislation is presently written, the unemployed worker would have to be qualified for unemployment compensation in order to be eligible. Even so, there are two million workers who lost their health insurance through unemployment during 1974.

These are just a few of the socially desirable pieces of legislation that the Congress could enact in a short period of time if it has the will to confront the current economic crisis and attempt to alleviate its hardships with a multi-faceted approach.

In closing, Mr. Chairman, I want to reiterate my deep conviction that we need to enact a full employment bill as soon as possible. It should be a bill designed to meet the needs of people and to provide the services which our society desperately requires. It should avoid makework projects by providing the materials and training necessary to construct needed public facilities, such as recreation centers, nursing homes, and mass transit facilities. We should not depend on a full employment act alone to remedy all our economic problems but should be working within the Congress to make needed reforms in other areas, including the appropriation of money for defense, the collecting of taxes, and the distribution of needed services to the poor, the elderly, the disadvantaged, and the handicapped. Our goal must be to fulfill the promise of America as described by Thomas Wolfe—". . . so then to every man his chance, to every man his golden opportunity, to every man his right to live, to work, to be himself and to become whatever thing his manhood and his courage would combine to make him."

I pledge to work with you, Mr. Chairman and members of the subcommittee, in any way that I can to help remedy the problems that confront us today and to speed passage of the comprehensive legislation which I hope this subcommittee will report to the full Congress.

Thank you for inviting me here and for giving me the opportunity to express these views.

YOUTH CAMP SAFETY ACT, H.R. 46

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Youth Camp Safety Act, H.R. 46, will be considered by the House of Representatives on April 16. This measure has as its single goal the protection of the lives and health of this Nation's most precious resource—its children.

Hearings on youth camp safety have been held in four sessions of Congress, and H.R. 46 was reported from the Education and Labor Committee on March 11 by a vote of 37 to 0. Not only does the bill have the unanimous support of the Education and Labor Committee, but it also has widespread backing among organized camping groups and parents concerned with the welfare of their children attending summer camps.

As evidence of the broad-based endorsement of H.R. 46, I am including the text of several letters of support:

NATIONAL PTA SUPPORTS H.R. 46, YOUTH CAMP SAFETY ACT

CHICAGO, ILL.,
April 7, 1975.

DEAR MEMBER OF CONGRESS: Soon, it is hoped, the House of Representatives will have an opportunity to vote on H.R. 46—Youth Camp Safety Act. The National PTA urges your support for this worthy legislation that would set minimal federal standards to protect the safety and well being of children and youth enjoying various kinds of camping experiences.

For the last 78 years, the National PTA, an organization of more than 7½ million members, with a branch in every state, has placed safety of children among its top priorities. As parents, we want to create a safe environment for our children, not by limiting their growing experiences, but by developing standards and safeguards which permit such experiences to take place within a non-threatening atmosphere.

Enachment of H.R. 46 would assure parents that camps are required to address such basic concerns as protection against fire and water hazards; adequate sanitation; training and experience for adults who transport children or supervise their activities; safe physical facilities; and proper instruction and supervision of children in hazardous activities.

Properly, H.R. 46 places primary responsibility upon the states to develop a plan of regulation and inspection of children and youth camps while at the same time assisting the states to establish and run their own safety programs through technical and other assistance from HEW. This provision should more than satisfy the objections of those who believe that the matter of youth camp safety is a state concern, and not a national problem. Unfortunately, however, as the record of the hearings shows, states have not met this responsibility and there is need for federal assistance. Only seven states have comprehensive safety programs.

We look to the 94th Congress to enact youth camp safety legislation.

Sincerely,

Grace C. Baisinger,
Coordinator oj Legislative Activity.

American Camping Association Backs Daniels' Bill, H.R. 46

Westport, Conn., *April 2, 1975.*

Hon. Dominick V. Daniels,
Chairman, Select Subcommittee on Labor, U.S. House of Representatives, Washington, D.C.

Dear Mr. Chairman: I'm very pleased to learn that the House committee has approved and recommended H.R. 46. The Youth Camp Safety Act, to the floor for full consideration, and I look forward to seeing similar action in the Senate. As you know, the American Camping Association is fully supporting the concept of the Youth Camp Safety Act in keeping with our motto of Better Camping For All, regardless of which camp a youngster may attend. H.R. 46 will help achieve Better Camping For All.

The changes in the language of the bill, following this Association's recommendations in March 1975, will make H.R. 46 a better law which we as professionals in youth camping can well endorse. If these recommendations are adopted, we will effectively plug the remaining loopholes and pitfalls, and will thus produce a truly effective piece of legislation. In my testimony before your committee, Mr. Chairman, I mentioned my personal support for the Youth Camp Safety Act as going back to Senator Ribicoff's initial efforts some eight years ago. Then, speaking privately as the owner/director of Camp Cody for Boys in New Hampshire, I welcomed his work as a way to provide basic considerations for health and safety for *all* youngsters in *any* camp, regardless of that camp's sponsorship. The original bill has evolved into a better document and I am pleased with the result as shown in H.R. 46 today.

We in the A.C.A. can but little influence the several thousand camps that are not accredited as meeting our own exacting membership requirements, and there remains a wide variation in the demands of different states. There is no reason why all youngsters should not be entitled to basic considerations for health and safety regardless of the camp they attend, ACA accredited or not. It remains my firm opinion that substandard camps that can't meet such requirements should not be caring for children. In today's rapid transit, interstate traveling society, only a national guideline can set such basic operating standards.

Accordingly, the American Camping Association is supporting your efforts on behalf of H.R. 46 as being in the interest of good camping across the nation. Certainly, our own members have nothing to fear in this legislation; but we are concerned about the other camps whose level of performance is unproven and may be higher in promotion and publicity than in performance and quality.

On behalf of this Association, I wish you well in your continued efforts on behalf of camping and trust that you will find warm support for H.R. 46 from your colleagues in Congress. With best of personal good wishes, I remain,

Sincerly yours,

Alan J. Stolz,
National Legislative Chairman, American Camping Association.

YMCA's Support H.R. 46, Youth Camp Safety Act

March 28, 1975.

Hon. Dominick V. Daniels,
Chairman, Manpower Compensation, Health and Safety Subcommittee, Washigton, D.C.

Dear Congresman Daniels: The YMCAs of the United States are deeply concerned about the health and safety of all children and youth. For more than 90 years the Association Movement has been directly involved in organized camping, having pioneered this unique form of human service as well as the earliest efforts for camping standards. Today, more than one million boys and girls annually participate in our YMCA camping programs.

The 94th Congress has a significant opportunity to provide constructive legislation that will protect the health and safety of youth in all states and communities who take advantage of camping programs sponsored by other youth-serving agencies as well as the YMCA, by churches, public agencies, local community groups, and by private-independent operators.

It is important that the basic implementation of safety regulations be provided by the States and that State Advisory Councils, including knowledgeable camping leaders, be appointed to facilitate the development of regulations, the enforcement process, and the consideration of grievances.

Your concerned leadership for Youth Camp Safety legislation, along with the support of many of your Senate colleagues, is a distinct advantage and can be a noteworthy step in enhancing the health, safety and well-being of our nation's children.

For your information, I am also sharing this statement with Congressman Marvin L. Esch.

Sincerely yours,

Robert W. Harlan,
Executive Director.

Girl Scouts of America Endorse H.R. 46

New York, N.Y.,
January 20, 1975.

Dear Congressman: I am writing to you early in this 94th Session of Congress to direct your attention to the need for legislation to ensure the health and safety of the children and youth of our Nation who attend summer camp.

Girls Scouts of the U.S.A. operates the largest and most varied camping program for girls in this country. We first developed health and safety standards for our camps in the 1920's. National staff and volunteers regularly visit council camping programs of all kinds and submit reports to the boards of directors of the local councils and to the national Girl Scout organization. Our standards manual, "Safety Wise", has been updated and revised many times. Our standards are high; our health and safety record is excellent.

As a national organization concerned with all the youth of our country and not just those we serve directly, we realize that hundreds of thousands of children attend camps which HEW indicates have less than minimal health and safety standards. It is for these children that we are concerned.

During the 93rd Congress Girl Scouts of the U.S.A. testified before the House Select Committee on Labor as well as the Senate Subcommittee on Children and Youth in support of youth camp safety legislation. Girl Scouts will continue to support sound health and safety practices for camping.

Congressmen Daniels, Esch and Peyser are the primary sponsor of H.R. 46, the Youth Camp Safety Act of 1975. I hope you will carefully consider this legislation. If you feel it would be helpful, please do not hesitate to contact our National Representative, Mrs. Kathleen B. Ross, at 462–5252. Mrs. Ross will be happy to share with you in greater detail the camping expertise Girl Scouts of the U.S.A. has gained in its 63 years of operating safe and healthy camps for children and youth.

Many thanks for your kind attention.

Sincerely,

Cecily C. Selby,
National Executive Director.

Boy Scouts of America Support Youth Camp Safety

North Brunswick, N.J.,
February 5, 1975.

Dear Congressman: The Boy Scouts of America has always supported steps taken to improve the quality of life for young people especially in regard to Youth Camp Safety.

The volunteers and staff of our movement have testified and presented evidence on many occasions before both House and Senate Committees.

It is because of our ongoing interest in this subject that I write to you, urging your favorable consideration of H.R. 46 the Youth Camp Safety Act of 1975.

The Boy Scouts of America is intensely aware of the fact that standards for safety in camps for youth need to be maintained on a very high level. As you consider this legislation I know that you will be as alert as we for the protection of the camping youth of our country.

Sincerely,

Robert W. Reneker,
President.

YOUNG MARINES OF TAUNTON, MASS.

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mrs. HECKLER of Massachusetts. Mr. Speaker, I am pleased to call to the attention of the House the 10th anniversary of the founding of the Young Marines of Taunton, Mass., on April 11, 1965, by Sgt. Alvin G. Souza. The members of this outstanding organization have continuously displayed an exemplary commitment to hard work, patriotism and self-improvement. They have dedicated themselves to the highest principles and have gained the respect and admiration of the entire community. The occasion of the 10th anniversary of the Young Marines is in itself a tribute to their growth and well-earned success, and I take this opportunity to share with my colleagues the story behind the Young Marines. This story has been compiled by Sergeant Souza who continues to extend his expert and devoted leadership to these exceptional young people.

The Story Behind the Young Marines

How did we get started? Well, when my youngest son "Al", would raise the flag in front of my home every morning, two of his friends in the neighborhood became interested and started to help. That was when I decided to show them how to handle and raise the flag in the military manner. This small exercise impressed them enough to want to form a group. Upon further conversation with a fellow employee, who gathered 10 boys from his neighborhood, our first group of boys formed April 11, 1965.

At first we provided all their transportation so as to enable them to take full advantage of our program. This didn't last too long because within no time the small group grew to 30.

My original goal was simple. To give the boys something to do and a place to keep them out of trouble. I wanted to teach them to take pride in themselves and their appearance. It was at this point my wife and I had to set rules which I call "General Orders". These rules each boy must not only know but must abide by daily.

Later we included others such as "Our Aim". "To make better boys of already good boys".

And—"The Young Marine Prayer".

Please Lord, Take from me, all that is mean, so that I might be faithful and clean, like a U.S. Marine.

Nov. 1965 was our 1st graduation consisting of 30 boys. All received a set of utilities and their 1st stripe. Two trophies were given then. One was for Leadership and the other for outstanding Young Marine of the year.

By the time of our second graduation, the boys had complete dress blues. Some were donated but most were bought from money received by weekly dues. Now, in order to receive his complete set of utilities, a Young Marine must know his general orders, the Young Marine prayer and the Young Marine obligation. The dress blues are received after they have passed their oral and drill test. All of which takes approximately one year.

In 1966 a grandparent of a Young Marine wrote to the Mike Douglas Show. It was Nov. of that year when 12 boys and I appeared, all expenses paid for, on his show. It was then the program started to bloom cross country.

On the summer of "67" we had many officials from U.S. Marine Corp. in Boston come to view us. They left very much impressed.

In 1968 I wanted to take my boys to the Parris Island Marine Base. After writing many letters asking them permission to "come aboard", you'll never imagine the feeling I had when I read the letter of acceptance. I never realized all the planning that had to be done, not to mention all the help from the parents and the boys I received to raise the money for the transportation. Our first night was at the Marine Base at Quantico, Virginia. Second night we were at Cherry Point, N.C. (This was the Marine airbase which I was stationed.) This was our first full 7 day trip.

Since then, every year, all the Young Marines who graduated and kept the school marks as stated in the general orders were eligible to join us on such trips. These consisted of Parris Island (7 years), Cherry Point (5 years), Quantico (1 year), Ft. Meade, Maryland (1 year), Camp Lejune, N.C. and this past year, I'm proud to say, "Disney World," in Fla.

We've appeared on T.V. locally 4 times, gave numerous exhibitions and have performed in many parades which we've received numerous trophies. We were invited to go to the Boston Marine recruiting center. We went on the Constitution and spent many weekends at the Marine Corps. barracks in Newport, R.I. Also many weekends at the Niki Site in Rehoboth, Mass.

We were guests at the N.Y. Military Academy for a weekend. This really impressed my boys and in turn, my boys impressed the academy staff.

We were the 1st non-military organization to perform at the 8th-I parade at the Marine Corp. Headquarters at Washington, D.C. This came about when the former assistant Commandant of the Marine Corps, Gen. Lewis Walt gave the boys a personal and rifle inspection. He was so impressed that he made arrangements for our march. General Westmoreland was also an onlooker.

Over these 10 years, we've grown from using my home as our headquarters, to a large tent (donated), to a wooden building which consists of an office, recreation area, pool table and T.V. Outside we have a mini obstacle course, a swimming pool and by raising our own funds we purchased our own bus.

Now, I'm proud to say we have Young Marine Cadettes joining our program. They consist of girls in ages 10 to 17. This group developed Nov. of "73" with only 6 girls. Our first graduation was June 9, 1974. We had 15 girls graduate.

We have grown from a small group to a full staff of 3 assistant drill instructors, LPN nurses, 2 treasurers, a recording secretary, and a Mothers and Fathers Auxiliary.

The program itself has expanded to such an extent, it includes monthly roller skating, close order drilling and a complete physical fitness regime.

The trophies now received for graduation are Chaplin, most humorous, perfect attendance, outstanding Young Marine and Leadership.

"MR. LEVI'S DANGEROUS PROPOSAL"

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. GAYDOS. Mr. Speaker, I cannot oppose too strongly the proposal of Attorney General Edward H. Levi for a Federal ban on the sale of handguns and ammunition in urban areas with high or rising violent crime rates.

Mr. Levi would have the restrictions invoked automatically when the crime rates reached a certain level. Not only sales would be forbidden but handguns would not be permitted "outside the home or place of business."

The Attorney General explained to the Law Enforcement Executives Narcotics Conference here the other day that his regional approach to the gun matter would avoid more drastic measures such as registration and licensing. I add that his recommended ban would be against all handguns and not just the much-condemned "Saturday night special."

I have the highest respect for Attorney General Levi and grant him the sincerity of his proposition. But I cannot for the life of me see how he and the others seeking to circumvent the U.S. citizen's constitutional right to "keep and bear arms" can believe that a handgun ban would cut the crimes of violence.

The opponents of gun control have been pointing out for years that such statutes would disarm only the law-abiding and thus place them even more at the mercy of the armed criminal who would not surrender his weapon. Mr. Levi's regional plan, with its automatic ban, would serve to strip the lawful citizen of his gun's protection at the exact time he might need it most.

The remedy for violent crime is not in making the potential crime rate rise at the very time guns were being purchased with public money and destroyed. The cure rests with the police and the courts. When criminals are caught and properly punished and not coddled—when permissiveness in this crime-ridden era is ended—when prison terms are looked upon again as crime deterrents by their example—then, and only then, will crime be brought under control once more.

You cannot accomplish this by infringing on our constitutional rights. You cannot stop crime by placing us more at the peril of the gun-yielding thug. Neither can you blame the crime problem on the fact that millions of Americans possess handguns as Americans have for generations.

I respectfully urge Attorney General Levi, instead of pressing for gun controls, to place the great weight of his office and his own personal prestige on the side of those who are fighting the super-tolerance in our court system—the criminal pampering whose rise has been matched in almost like degree by the ascending crime rate.

IN DEFENSE OF INTERFERENCE

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. RUSSO. Mr. Speaker, the following article by Joseph Kraft, "Congress 'Meddles' Well," appeared recently in the Chicago Daily News. I feel that it reflects a well merited, but seldom voiced attitude of faith in the legislative branch of the Federal Government and disputes the criticism that Congress is unable to participate efficiently in the development of foreign policy.

It is a welcome defense of congressional presence as a coordinate branch of our constitutional structure and encourages us to continue our performance as the watchdog we should be over the executive branch.

At this point I submit Mr. Kraft's article so that it might be more readily available for the consideration of our colleagues:

[From the Chicago Daily News, Mar. 15, 1975]

CONGRESS "MEDDLES" WELL

(By Joseph Craft)

WASHINGTON.—Events are now making a liar of the claim that congressional "meddling" in foreign affairs inevitably yields disaster. Thanks to just such meddling, the Turks and Greeks are once more on the road to a Cyprus settlement.

Similar meddling holds out prospects for settlement in Cambodia—and eventually Vietnam. For only the Congress—it now becomes clear—can break the perverse logic whereby officials of the executive branch regularly cause the United States to become the prisoner of its allies.

Take first the case of Cyprus. The Congress cut off military aid to Turkey in order to force Ankara to compromise with Athens on a Cyprus solution.

The President and all his men harumphed about congressional interference. Sec. of State Henry Kissinger spoke on an "unmitigated disaster," and claimed the move to cut off aid would only stiffen Turkish resistance, thereby harming the Greeks.

In fact—after some huffing and puffing—

Turkish authorities saw that Washington meant business and that their forces would soon be running out of spare parts. Ankara, in these conditions, turned reasonable. Kissinger was received there Tuesday. Now negotiations for a Cyprus settlement have been renewed and the outlook is not bad.

In the case of Cambodia, the issue is whether to grant $222 million in special aid for food and ammunition to the beleaguered government of President Lon Nol.

President Ford claims there is a "moral" obligation to help. The secretary of defense implies that to abandon Cambodia would advertise American weakness to the world. The State Department indicates that it favors negotiations and could get something going if the situation on the ground were improved and it could find somebody to speak for the Communist insurgents, or Khmer Rouge.

These arguments are mostly nonsense. There is no reason to believe the Lon Nol government can ever right the military balance to the point of making a negotiated settlement possible. The Khmer Rouge rebels have at least as good a claim to legitimacy as Lon Nol, and they are far from being unknown figures.

The Congress, fortunately, has read the situation well. Instead of trying to prop up the satellite regime for one more go at a position of strength, senators and representatives understand that the right way to a settlement is through a change in the regime in Phnom Penh. With Lon Nol gone and the struggle to achieve political advantage abandoned, arrangements can be made for an orderly transfer of power. The result, far from being a disaster for the United States, will be a left-wing government likely to aggravate even further the already abundant strains working among Hanoi, Peking and Moscow.

Two leading senators—the Maryland Republican Charles Mathias and the Illinois Democrat Adlai Stevenson III—have seen that the same logic applies to Vietnam. They are readying legislation which would cut off aid to Saigon unless the regime of President Nguyen Van Thieu moves toward free elections and a more broadly based government. Only in that way can pressure be applied to Thieu to set up the kind of regime which could achieve a settlement.

This is not to say that the Congress ought to meddle indiscriminately and try to fine-tune all foreign policy issues. On the contrary, recent experience teaches that there is a definable condition where congressional meddling works.

That is the situation where the United States has become the prisoner of a client state, where American officials have become personally overcommitted to allied regimes, where the executive branch is burdened by past commitments to the point of being unwilling to re-examine them in the light of changed circumstances.

In those situations, the Congress, with its ego uninvolved and its face in no need of saving, has a wisdom which the executive branch does not. It can get the President off the hook, and its meddling works.

THE GRAND JURY REFORM ACT OF 1975

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. KASTENMEIER. Mr. Speaker, I am pleased to introduce today, together with my colleague, Mr. RAILSBACK, the Grand Jury Reform Act of 1975.

This bill is in response to the continuing nationwide abuse of the Federal grand jury. The historical basis for grand juries is that they are to be both a shield for the innocent and a sword against corruption in high places. However, as Federal Judge William Campbell points out—

> This great institution of the past has long ceased to be a guardian of the people. Today it is but a convenience tool for the prosecutor will admit he can indict anybody, at any time, for almost any reason.

There is a long litany of abuses surrounding the practices of Federal grand juries:

The Nixon Presidency brought us the political grand jury, essentially a glorified witch hunt used to intimidate political groups and communities, with few resulting indictments or convictions. Clearly the intent of this sort of grand jury was to instill fear of the law, the Justice Department, and the White House in an activist political citizenry.

The technique of providing use immunity to recalcitrant witnesses has become more than a device for procuring testimony; a club used to badger and intimidate.

Witnesses may be called to testify before a distant grand jury with no notice or knowledge of what the investigation they are to address is about.

There are no rules or guidelines for the questioning of witnesses, and they may be badgered, threatened, and intimidated by a whole panel of prosecutors.

Witnesses are not allowed counsel within the hearing room and may only occasionally leave the room to request counsel's advice.

Grand jury members, and the public they represent, are not allowed to actually exert themselves into the investigation. It occasionally happens that a persistent foreman is the reason for dismissal of a grand jury by the prosecutor.

The quality of the investigation of crime in high places is always uncertain because of the close political connection between those in power and the prosecutor. The success of the Watergate grand jury is definitely related to their independence from the Justice Department and the caliber of the Special Prosecutor's operation.

To meet this list of problems, I have introduced legislation which would protect the public and grand jury members by:

Giving only the grand jury the authority by majority vote to subpena and cite for contempt and requiring the district judge to inform them of their rights including:

Grand jury powers with respect to independent investigation;

Right to call and interrogate witnesses, including Government witnesses;

Right to request documents and evidence;

Right to know the full subject matter of the investigation; and

Allowing any interested citizen to request to testify.

Permit the more facile prosecution of crime in high places by providing for a court-appointed independent prosecutor at the request of a grand jury, and protect witnesses and accused by:

Requiring that subpenas be issued only on an affirmative vote of 12 or more members of the grand jury;

Requiring 7 days' notice of appearances;

Requiring that subpenaed witnesses be informed of his/her right to counsel as an adviser;

Requiring a clarification of right against self-incrimination;

Establishing the right to know if one's conduct is under investigation, and the subject matter of the investigation and statutes involved;

Requiring the Government to introduce all evidence which tends to prove the innocence of the accused; and

Eliminating use immunity and permitting only transactional immunity.

COMMUNIST ACTIVITIES AND MR. CHARLES O. PORTER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1975

Mr. McDONALD of Georgia. Mr. Speaker, on March 17, 1975, my extension of remarks on U.S. groups promoting nationalization of the energy industries as a step toward socialism included mention on page E7032 of the National Committee for Public Ownership of Oil and Gas—NCPOOG—which was founded in February 1974 by Charles O. Porter, J. P. Morray, and others, in NCPOOG's words:

> To promote the public ownership of oil and gas by doing research, drafting and lobbying for legislation in the Congress, encouraging discussion and debates and publication of pertinent information, and the litigation of actions against oil and gas companies in the public interest.

As part of my report on NCPOOG, I noted Mr. Porter's "known involvement with the Communist Party, U.S.A. (CPUSA) dates back 10 years when in 1964 he became the founder and chairman of an Oregon Ad Hoc Committee to Abolish HUAC, a part of the national CPUSA apparat to abolish the House Committee on Un-American Activities, whose 1969 conference he attended in Washington, D.C."

Mr. Porter has written to me expressing his objections to that phrase. However, I stand on what I said on March 17. In my files, the founding of the Oregon branch of the National Committee to Abolish HUAC/HISC was his first public involvement with an operation of the CPUSA.

Before I offer a response to Mr. Porter, let me insert the text of his letter for my colleagues consideration:

EUGENE, OREG.,
March 31, 1975.

HON. LARRY MCDONALD,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. MCDONALD: It has been called to my attention that you have inserted certain information about me on page 7032 of the March 17, 1975 Congressional Record.

Perhaps as a courtesy to a former Member you would tell me the source of your infor-

> mation about my activities. Recently at my request, made more emphatic by a suit filed in U. S. District Court, the CIA sent me a good part of their file on me but I would assume that this organization was not the source of your information.
>
> My guess is that someone on your behalf tapped the HISC files before they were impounded by the Judiciary Committee.
>
> Much of the information, so far as it goes, is accurate. I do, not unsurprisingly, object strenuously to the fourth paragraph which begins with the astonishing and grossly untrue reference to my "known involvement with the Communist Party, USA." You should correct the Record in the interests of truth and fair play. My association with the Committee to Abolish HUAC did not include involvement with the Communist Party and that Committee is not and has never been a part of any Communist effort to do anything except perhaps in the fevered fantasies of certain rightest extremists who see anyone who disagrees with them as a part of the international Communist conspiracy automatically and without regard to rationality or the slightest factual basis.
>
> I do get to Washington from time to time and I still have some good friends in both the House and the Senate. I think they would tell you that however much they might disagree with me from time to time on particular issues they would regard any suggestion that I would be a part of any move to overthrow our government by force and violence as ridiculous.
>
> In particular you might check with Otto Passman or Dan Flood or Henry Reuss or Tip O'Neill or Carl Albert or, indeed, with President Ford.
>
> I'm not so concerned about those very few people who will ever cast eyes on page E1213 of this year's Congressional Record as I am about you as a Member of Congress being a purveyor of erroneous and defamatory assertions which tend to poison a debate which needs to be carried on both in and outside of Congress about great issues of national policy.
>
> I hope you will set the record straight and that you will agree to disclose the source of your information.
>
> Sincerely yours,
>
> CHARLES O. PORTER.

First, I indeed regret that the files and publications collected by the House Committee on Internal Security have been sealed. The threat posed to our constitutional form of government and to the free enterprise system by Marxist and extremist organizations is of great concern to me and I believe that the abolition of the HCIS and the sealing of its files was a major blow against the opponents of totalitarianism.

No files of the HCIS were "tapped" on my behalf. My sources of information on Mr. Porter's activities are published reference works, the CPUSA newspapers such as the Daily World, and the literature disseminated by some of the CPUSA front organizations. Mr. Porter should be aware that the National Committee Against Repressive Legislation—NCARL—formerly the National Committee To Abolish HUAC/HISC, was cited by the HUAC as an organization set up by the Communist Party to direct its campaign to abolish the committee.

Mr. Porter should also be aware that among the evidence offered as to the CPUSA domination of NCARL was the fact that no fewer than seven of its national founders were identified members of the Communist Party. I also wish to point out that NCARL's current national field organizer and executive director is Frank Wilkinson, an identified CPUSA member, who for some 25 years has been a full-time employee of CPUSA's various fronts to abolish the House Committee on Internal Security.

NCARL's letterhead lists Charles O. Porter as "chairperson" of the Northwest Committee Against Repressive Legislation, under the subtitle, "Western Regional Office."

Mr. Porter will no doubt be unhappy to learn that he is involved in yet another cause organized and supported by the Communist Party, U.S.A., and the Soviet section of the world Communist movement.

The Daily World reported that in 1974, Mr. Porter and Joseph P. Morray had attended trials of military personnel charged with sedition and treason in Santiago, Chile. The Oregon Committee for Fair Trials in Chile, the local affiliate of the Lawyers Committee for Fair Trials in Chile, worked to provide "U.S. attorneys to help with the defense of victims of political repression in Chile."

Perhaps Mr. Porter is unaware that the principal figure in the Lawyers Committee for Fair Trials in Chile is Stanley Faulkner, a man with some four decades of diligent service to the world Communist movement behind him. Faulkner's current affiliations with domestic and international Communist fronts include the National Lawyers Guild, the International Juridicial Association and the International Association of Democratic Lawyers. And perhaps Mr. Porter is also unaware that J. P. Morray, a former employee of the Cuban Communist Government, also has a public record of devoted service to Marxism-Leninism.

The Oregon Committee for Fair Trials in Chile in November 1974 sponsored the Northwest tour of Mrs. Hortensia Bussi de Allende, a vice president of the Soviet-controlled Women's International Democratic Federation.

Mrs. Allende's tours of the United States during 1973 and 1974 were the subject of a staff study by Albert H. Solomon published as an appendix to HCIS hearings, "The Theory and Practice of Communism," part 5—Marxism Imposed on Chile. Mr. Porter may find, if he wishes to look, the documentation in that study that Mrs. Allende's speaking tours in the United States were organized and directed by the CPUSA operating as an agent of the Soviet-directed world Communist movement.

If Mr. Porter feels that material published by the House Committee on Internal Security is "tainted," I suggest he read for himself the back issues of the Daily World and People's World; and I offer this Communist Party memorandum as supporting evidence of the Communist Party control of the anti-Chilean movement.

A memorandum from the northern California district of the CPUSA "to all counties, clubs, and members" dated November 1, 1973, reads:

> A recently held enlarged meeting of the Peace Commission [of the Communist Party] selected a subcommittee to gather sample resolutions, petitions, and documents relative to * * * Chile.
>
> The material can be used as a basis for educational discussion in the [Party] clubs, as material and information for individuals to take into their organizations, for copies of petitions, etc.
>
> The World Peace Conference now ending in Moscow will result in the world peace movement achieving a new level of struggle against U.S. imperialism. Such a movement will encompass a mounting struggle to * * * rid the people of Chile from the U.S. inspired and armed counter-revolution which has established a Fascist military dictatorship in Chile.
>
> The material was gathered on Chile prior to the inspiring visit of [Chilean Communist Youth leader] Fernanda Navarro, Mrs. Allende's secretary. Her meeting with the members of the Party and those active in the struggle for Chile held at the People's World on Wednesday, October 31st was an inspiring event. As a result of her visit some important actions by sections of organized labor against the Fascist regime in Chile has resulted.

So much for the "fevered fantasies of certain rightest extremists."

With regard to the "overthrow of our Government by force and violence." Marxist-Leninist theory does not require the use of force and violence to overthrow the free enterprise system and our constitutional democracy which protects the rights of minorities against tyranny of the majority.

The position of the Soviet Union and its adjunct in this country, the CPUSA, is that force and violence is just one of many tactical options open to the Communists in their drive to establish socialism as the world's economic system.

As Gus Hall said in his remarks to the CPUSA National Council in December 1973:

> The struggle for the possibilities for peaceful transition [to socialism] is an important strategic and tactical question. We have never said that it was inevitable, but we have always said that as the relationship of world forces shifts, the possibility of peaceful transition is present. That is all we have ever said. * * *
>
> * * * Once you take part in an electoral coalition you cannot rule out the possibility of a peaceful transition. We said three years ago that the revolutionary movement may still have to take up arms. But that fact does not make the electoral effort wrong. What was done after the elections is the critical question.

On the topic of "peaceful coexistence," Hall stated:

> A word about peaceful coexistence. I just want to add a certain framework to this question. * * * It is a relationship between two countries with different social systems. * * * For us in the capitalist countries, it is a matter of foreign policy because, for us, it's not just that there is no peaceful coexistence in the field of ideology—in domestic affairs there is no peaceful coexistence in the fields of economics, politics or ideology. There is no peaceful coexistence with the ruling class. Anything that softens up that idea is a serious mistake. We have nothing but the class struggle.

Mr. Porter and others would do well to note that the purpose of the united front tactic is to "unite all those who can be united" to geometrically increase the influence of the Communist Party and Marxism-Leninism in the struggle for revolutionary socialism.

Local and national leaders in all fields have long been targets for recruitment into CPUSA fronts and causes, if not into the party itself. Among the requirements for a successful united front, Lenin listed "having the right approach, winning the absolute trust of the people." Obviously it helps in gaining the "absolute trust" of the masses if their leaders are already involved in front activity.

Certainly the great issues of national policy need to be debated throughout the United States as well as in Congress. However, I ask that those groups and individuals who believe that socialism is the best answer to America's problems be open and up front about their ideology. I am confident that when presented without artifice, trick, and strategem, the ideology of Marxism-Leninism holds no appeal for the citizens of the United States.

I ask that the President and the distinguished congressional leaders named by Mr. Porter join in encouraging the former Representative to carefully reexamine his activities and be absolutely sure this is the road he wishes to take.

HOUSE OF REPRESENTATIVES—*Wednesday, April 16, 1975*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not your heart be troubled: believe in God—John 14: 1.

O Thou who art the source of light and love and the companion of our way through life we bow in Thy presence this day praying humbly and sincerely that Thy spirit may come anew into our waiting hearts. Give us to know that in days of difficulty and through times of trouble we may be sustained by Thy presence, supported by Thy grace, and strengthened by Thy spirit.

Lead us into the fellowship of those who believe and who in responding to Thee have found new life, new hope, and new enthusiasm for all that is good and true.

Teach us as individuals and as a nation to forgive as we are forgiven, to love as we ought to love, and to live as we can live with Thee and with one another.

In the spirit of Him who is the life we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

USDA FIGURES INCORRECT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I do not know how many Members of this House noticed it, but our very able Republican colleague, the gentleman from Vermont, last weekend discovered that the figures which the USDA had provided this Congress for use in determining its position on the various sections of the farm bill a month ago were erroneous. It was discovered that, because of a misunderstanding of the committee bill as regards the quarterly adjustment provision in that bill, the USDA overestimated the cost to consumers of most dairy items to the tune of 75 percent.

The key point is that the new estimates indicate that the real cost to the consumer of a dairy bill with 85 percent of parity is less than the original estimate for the bill at 80 percent of parity.

As Members know, Common Cause and the AFL-CIO and the Washington Post and the New York Times and a great many other publications in this country wrote letters or newsstories or editorials trying to persuade this Congress to oppose 85 percent of parity on the basis of that erroneous information. I think all of those organizations owe it to the truth to write to admit that they were wrong and I think whoever is responsible in USDA for providing that erroneous information to the Congress ought to be fired on the spot.

MASS TRANSIT FOR ELDERLY AND HANDICAPPED

(Mr. BEARD of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEARD of Rhode Island. Mr. Speaker, I have introduced legislation today that will amend the Mass Transit Act. This legislation will provide free bus transportation for our elderly citizens and our handicapped citizens in this country.

In Rhode Island we have buses which run in off-peak hours, which waste fuel, and there is no reason why we cannot pick up our elderly and handicapped people. That service is provided in Michigan and Hawaii. I think we should have it in all of the United States. I think it is a waste of fuel and it makes no sense. I hope this legislation passes.

PERSONAL EXPLANATION

Mr. AuCOIN. Mr. Speaker, on rollcall No. 120 on passage of the bill H.R. 5899, second supplemental appropriations bill, 1975, I was in the Rayburn reception room meeting with my staff and the legislative bells announcing the vote failed to ring. Consequently, I missed the vote. Had I been present I would have voted "aye." I ask that this statement appear in the Record.

REFERRAL OF H.R. 2435 AND H.R. 5255 TO COMMITTEE ON EDUCATION AND LABOR

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bills H.R. 2435 and H.R. 5255 and that the bills be referred to the Committee on Education and Labor.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

TO AMEND THE CODE OF OFFICIAL CONDUCT OF RULES OF THE HOUSE OF REPRESENTATIVES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 396

Resolved, That upon the adoption of this resolution it shall be in order to consider the resolution (H. Res. 46) to amend the Code of Official Conduct of the Rules of the House of Representatives, in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 396 provides for consideration of House Resolution 46, which, as reported by our Committee on Standards of Official Conduct, would add a new paragraph 10 to House Rule XLIII, the Code of Official Conduct.

The proposed paragraph reads as follows:

A Member of the House of Representatives who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in the reinstatement of the presumption of his innocence or until he is reelected to the House after the date of such conviction.

Mr. Speaker, by definition, conviction includes a plea of guilty.

House Resolution 46 is intended to achieve two worthy objectives: First, to establish a specific policy for the guidance of Members; and, second, to preserve the integrity of the House itself. These objectives perhaps distinguish House Resolution 46 from a similar resolution which was adopted in the 93d Congress. The previous resolution merely expressed these matters as being the "sense of the House"; House Resolution 46 would incorporate that "sense of the House" into the Standing Rules of the House.

After 1 hour of debate on House Resolution 396 and upon the adoption of House Resolution 396, the House, as in the Committee of the Whole, would then proceed into the 5-minute rule for amendments to House Resolution 46.

Mr. Speaker, I urge the adoption of House Resolution 396 in order that House Resolution 46 may be considered.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I would be happy to yield to the chairman of the standing Committee on Ethics and Official Conduct.

Mr. FLYNT. Mr. Speaker, I support the rule as reported by the Committee on Rules and will address my remarks to the substance of House Resolution 46 at the appropriate time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as always, the able gentleman from Hawaii (Mr. MATSUNAGA) has explained fully the provisions of this resolution.

I serve on the Committee on Standards of Official Conduct of the House and also on the Committee on Rules, so I am honored to handle the rule on this, having discussed it fully in the Committee on Standards of Official Conduct.

Mr. Speaker, this is only a guideline for the membership of this House. I feel that it is good legislation. The rule should be adopted, along with House Resolution 46.

Mr. Speaker, I have no requests for time, but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FLYNT. Mr. Speaker, pursuant to the provisions of House Resolution 396, I call up the resolution (H. Res. 46) to amend the Code of Official Conduct of the Rules of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 46

Resolved, That rule XLIII of the Rules of the House of Representatives is amended by inserting immediately after paragraph (9) the following new paragraph:

10. A Member of the House of Representatives who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is then a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is reelected to the House after the date of such conviction.

With the following committee amendment:

Committee amendment: On the first page, line 8, strike out "then".

The committee amendment was agreed to.

Mr. FLYNT. Mr. Speaker, I move to strike the last word.

Mr. Speaker, House Resolution 46 was approved by unanimous vote of the Committee on Standards of Official Conduct on March 12 of this year.

It has two objectives: To establish a policy with respect to the official actions of a Member who has pleaded guilty to, or been convicted of, an offense punishable by a possible sentence of 2 or more years' imprisonment, and to safeguard the reputation of the House itself in such a circumstance.

The resolution would accomplish this by adding a new clause to House Rule 43, the Code of Official Conduct, to state the policy of the House that a Member convicted of a crime for which he could be sentenced to 2 or more years' imprisonment should voluntarily refrain from committee activities and from voting on the floor of the House. Even though a shorter sentence were imposed in such a case, the rule would be applicable.

The period of vote abstention would apply from the date of original conviction, or guilty plea, until a final determination of the case if the conviction is appealed. If the conviction were upheld, the Member would regain his voting rights if reelected by a constituency having full knowledge of the facts involved. A reversal of the conviction would restore voting rights immediately.

During the period of nonvoting, the Member would not be barred from attending sessions of the House or from carrying on normal representational activities, other than voting. His salary and other benefits would continue.

There is precedent for this resolution. It is similar to House Resolution 128 of the 93d Congress, which was adopted by a vote of 388 to 18 on November 14, 1973, and which expressed the "sense of the House" concerning Members convicted of certain offenses. The principal difference is that the resolution before us today would incorporate that "sense of the House" into the permanent rules as a declaration of policy.

Let me emphasize that there is nothing mandatory or compulsory in this resolution, nor is there any specific enforcement authority. However, a Member who ignored the stated policy of the House would do so at the risk of subjecting himself to disciplinary procedures provided under House rules.

As the report points out, the committee does not intend to deprive a Member of his right to attend sessions of the House or committees or to preclude him from recording himself "present" on a yea-and-nay vote or from responding to a quorum call. A Member thus could protect his attendance record without affecting the outcome of the vote.

However, I do feel that a Member affected by the rule should not be a party to a live pair, since such a pair could affect the outcome by offsetting the vote of the individual with whom he is paired.

The House could at any time waive application of the resolution as to specific legislation or issues, thereby restoring the Member's full voting rights in such instances without violating the spirit of the rule.

The committee feels that the preservation of public confidence in the legislative process demands that notice be taken of situations of the type affected by this resolution. It believes that a more severe procedure while the appeals process is pending would not be appropriate, since a reversal of the original conviction would reinstate the presumption of innocence lost in the first instance.

For the House to take no action at all pending ultimate disposition of a judicial proceeding could be construed as indifference on the part of the House.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. FLYNT. I will be glad to yield to the distinguished gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I am interested in the gentleman's statement that the provisions of this bill seem to be directory and not mandatory.

Would the gentleman agree with me that there might be some serious constitutional impediments to passing the bill if it provided that a person in these conditions could not participate in the business of each committee and could not vote?

Mr. FLYNT. Mr. Speaker, I agree with the statement of the gentleman from Texas (Mr. ECKHARDT). I agree with it for many reasons. The gentleman is a distinguished constitutional lawyer. It was the feeling of the committee that if this provision had been made mandatory, it would be unconstitutional, since the only way that a Member could be mandatorily deprived of his right to vote would be by expulsion.

Mr. ECKHARDT. Mr. Speaker, I think that is correct, and I think that is the lesson in the Powell case, as I understand it.

The **SPEAKER.** The time of the gentleman has expired.

(By unanimous consent, Mr. Flynt was allowed to proceed for 3 additional minutes.)

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield further?

Mr. FLYNT. I yield further to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, it would seem to me that to deprive a person mandatorily of his right to vote and participate on the committee would be tantamount to making him stand aside altogether in his function as a Congressman and would go to the question of his qualifications to serve. As I understand, the Powell case said that may only be for one of three reasons: The question of age, the question of citizenship, and the question of residency within the State from which a man comes.

So the only way that there could be a mandatory exclusion from the exercise of the right of any Congressman to represent his district, it would seem to me, would be on a two-thirds vote on expulsion. Would the gentleman agree?

Mr. FLYNT. Mr. Speaker, the gentleman from Texas is correct.

The committee felt—and I believe that the committee was unanimous—that to have attempted to make this mandatory would have been unconstitutional. It would have deprived the district, which the Member was elected to represent, of representation, as well as invoking a sanction upon the Member himself.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield further?

Mr. FLYNT. I yield further to the gentleman.

Mr. ECKHARDT. Mr. Speaker, I may say, to a certain extent practically, one may be depriving his district of representation when one tells him that he shall only participate at his peril on grounds of certain further action, which I suppose might include expulsion.

Mr. FLYNT. Except, if the gentleman will recall my remarks before I yielded to him, I stated that, in certain instances during the period of nonvoting the House could, by action of the House, specifically authorize the Member to vote on specific issues.

For example, on an issue in his district by which the Member's district is specifically and greatly affected; also on matters of extreme national interest, such as a declaration of war.

For the purpose of making legislative history, I would say that there might be a number of instances in which the House itself would waive the provisions of this rule and specifically authorize a Member to vote.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, that troubles me even a little more, because that seems to imply that the whole House will determine what issues are important with respect to that Member's district, and normally what Member is entitled to vote on all matters.

If there rests over his head the threat of expulsion of other disciplinary action if he shall purposely and freely choose to act, it seems to me there still remains some constitutional doubts about these limitations.

Mr. Speaker, I merely submit that for the consideration of the gentleman in the well. I really have some doubts about this approach, and I wished to express them for the Record.

Mr. FLYNT. Mr. Speaker, in response to what the gentleman has said, we do not feel this resolution is absolutely perfect, but we do feel that it is the best of all possible alternatives which we could present.

Mrs. FENWICK. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of this resolution.

However, I have a question on one point that does not seem clear, and I wish the distinguished gentleman from Georgia would answer it.

This is the question which is not clear to me: In the excellent report of the committee, I think it states very clearly the purpose of this resolution, which is that the House should not seem indifferent to the conduct of its Members and the morality of the body, but I notice that the report says this:

> The committee recognizes a very distinguishable link in the chain of due process—that is, the point at which the defendant no longer has claim to the presumption of innocence. This point is reached in a criminal prosecution upon a plea of guilty or upon conviction by a jury or by a judge (or judges) if jury trial is waived.

In the resolution itself nothing is said about a plea of guilty; it speaks only of conviction. Was that done on purpose, or is there some legal reason for it?

Mr. FLYNT. Mr. Speaker, if the gentlewoman will yield, the general rule, legally speaking, is that a plea of guilty is identical with a conviction.

Mrs. FENWICK. I see. I thank the gentleman.

Mr. FLYNT. That was discussed in the committee's deliberations.

The point made by the gentlewoman from New Jersey is well taken. However, the two are considered to be the same for that purpose.

Mrs. FENWICK. I thank the distinguished gentleman.

Mr. KAZEN. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in order to ask the chairman of the committee a question. First of all, what is the need of having a definite rule?

In the past we have passed a sense of the House resolution addressed to this particular situation, and it was put to use, as I recall, when a Member voluntarily stepped aside.

In view of the colloquy the chairman of the committee has had with our colleague, the gentleman from Texas (Mr. Eckhardt), and in view of some of the serious questions that might arise, we should make legislative history. What was the need of going that one step further and making this a rule rather than a sense of the House resolution?

Mr. FLYNT. Mr. Speaker, will the gentleman from Texas yield?

Mr. KAZEN. Yes; I yield to the gentleman from Georgia.

Mr. FLYNT. Mr. Speaker, the committee, in its deliberations, discussed this point at great length. The resolution was introduced by the gentleman from Illinois (Mr. Price) when he was chairman of this committee. He introduced a similar resolution in the 93d Congress when he was chairman of the Committee on Standards of Official Conduct. If the gentleman from Illinois is here and if he desires to respond further after I respond to the gentleman from Texas, I am sure the gentleman from Texas will be glad to yield to him for that purpose.

Mr. KAZEN. Certainly.

Mr. FLYNT. Mr. Speaker, I felt it would be preferable for this to become incorporated in the section of the rules of the House which is identified as the Code of Official Conduct, and that once this becomes a part of the permanent rule there will be no requirement or no necessity for reintroducing the same sense-of-the-House resolution in each Congress.

Further, it was felt that it would be to the best interests of Members and to the best interests of the House of Representatives, as an institution, if this were a part of the permanent rules. The gentleman from Texas can recognize the embarrassing situations which might arise if such a sense-of-the-House resolution were brought up when there was one specific Member to whom it would appear to be directed. The purpose of this resolution is to make it permanent rather than giving the effect of having it apply to one specific Member at any given time.

Mr. KAZEN. Mr. Speaker, I agree with the chairman, and I think that this is a valid reason. I doubt very seriously, if this occasion ever arose again, that any particular Member would challenge this type of rule, but I am just trying to engage the chairman in colloquy so that we will have a little legislative history as to the reason for a rigid rule.

Mr. FLYNT. Mr. Speaker, I thank the gentleman for taking the time to make this legislative history, and I think that his point is extremely well taken.

Mr. KAZEN. I thank the chairman.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman from Texas yield?

Mr. KAZEN. Yes, I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, I think, as I pointed out in the statement during the consideration of the rule itself, that by incorporating the resolution into the rules of the House, we serve permanent notice upon the Members of this House, and it will serve as a guide to individual Members. Then, of course, there has always been the question of the integrity of the House itself, and to have this incorporated in the rules of the House would definitely serve to elevate the integrity of this body.

Mr. KAZEN. Mr. Speaker, I agree with my colleague that this should be done.

The only reason I was asking these questions was because of the constitutional questions that could possibly arise in the future. I thought that it would be best that we discuss this at this particular time.

Mr. MATSUNAGA. Mr. Speaker, if the gentleman will yield further, I would like to put this question to the chairman of the committee, if I may: According to the report, one who is convicted or who has even admitted to his guilt, if reelected by his district, would not be forbidden by the restrictions of this resolution. Now I am wondering whether the House itself ought to take some action with respect to a felon, say, who is elected by the district, or is it the view of the committee that the district should be the sole determinant of whom it wants as his Representative?

Mr. KAZEN. Mr. Speaker, I certainly would yield to the chairman on that, but before I do, in my view, the reelection of a person in that situation would be a forgiveness of whatever crime he was convicted as far as his official status is concerned. The House would definitely have jurisdiction over the qualifications and seating of its own Members, so at that point I believe that the relevant question would be whether or not that particular person would be seated in the House, and once seated, whether we could take away his right to participate by voting in the House.

Mr. MATSUNAGA. My question would be this: Would this resolution now or the adoption of this resolution seem to indicate that the House in the future cannot unseat such a Member?

Mr. KAZEN. Mr. Speaker, I would yield to the chairman of the committee for the answer to that question.

Mr. FLYNT. Mr. Speaker, I thank the gentleman for yielding.

I would certainly say, in response to the question of the distinguished gentleman from Hawaii, that it would certainly not deprive the House of any of the prerogatives or privileges of the House which exist by reason of other rules. However, it is a basic principle of representative government that in the absence of strong and compelling reasons to the contrary, an individual elected by his constituency, is at least entitled to come before the House for the purpose of taking his oath.

The SPEAKER. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(By unanimous consent, Mr. KAZEN, was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Speaker, I yield to the gentleman from Georgia (Mr. FLYNT) so that he may finish his answer.

Mr. FLYNT. Mr. Speaker, I thank the gentleman from Texas for yielding.

There would certainly be nothing in this resolution, nor in any other rule of the House that I am aware of, that would abridge the privileges and rights of the House to act on the seating of a Member.

But, once being seated, after being reelected following a circumstance as described in this resolution, he would certainly be entitled to the same rights and privileges as all other Members unless by a two-thirds vote the House voted otherwise.

Mr. MATSUNAGA. Then this resolution will not in any way negate the precedent set in the Powell case where the Member was reelected and subsequently removed?

Mr. FLYNT. That is correct.

Mr. MATSUNAGA. I thank the gentleman.

Mr. PHILLIP BURTON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I would like to direct a question to the distinguished chairman, the gentleman from Georgia (Mr. FLYNT).

Mr. Speaker, I am somewhat troubled by what may be construed through the language in the resolution, more particularly in two respects:

The State of California has an indeterminate sentence law, and whether well advised or not, at the point in time that that law, or that approach, rather, to sanctions for criminal conduct was passed, it was considered to be quite enlightened, and progressive. However, I fear this resolution might be construed to cover some conduct for which there is a 1 day to up to 5 years on an indeterminate sentence basis, that someone finds himself overnight, if you will, or over the weekend, being incarcerated for that period of time, and that that may well possibly, under the wording of this resolution, cause him to be banned from further voting.

I want to express a reservation in that respect. Because I would like to note that perhaps this language could have been drawn a little better with that kind of a situation in mind: The situation in (a) that some States have an indeterminate sentence law; and the situation in (b) that whether or not there is an indeterminate sentence law, the finding of the court is to the effect, still technically, to be a finding of guilty on that ground, but as a matter of the issuance of a sentence, the conduct was such that no sentence was in order.

This resolution appears not to give even any kind of consideration to either of those situations or circumstances.

Mr. FLYNT. Mr. Speaker, if the gentleman from California will yield, I understand completely the question that has been raised by the gentleman and, furthermore, I understand his concern. As a matter of fact, that caused some concern to members of the committee and to the staff at the time that we were deliberating and discussing the reporting of this resolution.

It was the intention of the committee to arrive at the best language which we could to differentiate between an offense which was a misdemeanor, and an offense which was a felony.

It was the purpose of the Committee on Standards of Official Conduct to have this triggered by a conviction on a count in an indictment which amounted to a felony.

In studying the precedents, in studying the laws and in studying the statutes and judicial decisions, we found that there is no universal definition of a felony. We are aware, and we were at the time this resolution was reported, of the fact that the gentleman's State of California and perhaps other States have the indeterminate sentence law.

It would occur to the chairman of this committee, and speaking as closely as I can for the other members of the committee who served with me, that this would in a case such as the gentleman has described, address itself to perhaps a further action of the House of Representatives itself, if there is any question as to whether this is a serious crime or a felony; but we were trying to make this language apply, as nearly as we could, in the absence of a universal definition of the term "felony."

Mr. PHILLIP BURTON. The gentleman has considerably allayed my concerns. I would hope that, assuming that if under State law the imposition, let us say, of a sentence of 1 day, which then by definition under that State law makes that conduct a misdemeanor even though a sentence of a period of 2 or more years would make that conduct a felony, would mean in that situation that the fear expressed by myself is not justified.

Mr. FLYNT. Of course, let me say that I certainly hope that the circumstances which the gentleman has so accurately and well described would never be brought to the attention of the House. In fact, I would hope that the provisions of this resolution would never have to be triggered in any way. But I think that for the purpose of making legislative history, since the term 2 years is used in the resolution itself, and which, if adopted, would become part of the permanent Rules of the House, I would say that a conviction under such circumstances as the gentleman has described would be an occasion the House might well address separately.

The SPEAKER. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I think House Resolution 46 is improvident. As has been indicated by my colleague, the gentleman from Texas, a moment ago, the situation that this bill addresses did come up in the 92d Congress. In that case a sense-of-Congress resolution was passed, and the Member involved did refrain from participating or voting in Congress. I think it is far better to meet these problems when they arise than to write a rule of the House which seems to me to follow a different path than that pointed out to us by the Constitution.

It is true that the resolution merely says that a Member should not participate. It does not say he cannot participate, but in all the debate it has been indicated that if he does participate, he will be considered in violation of the rules. Therefore, he has hanging over his head a violation of the rules which would imply some type of sanction might be imposed against him. This is further implied by the existence of the exemption in which it is stated that if he is reelected, this resolution shall not apply. He is elected until his term expires.

My concern is simply this, that the Constitution has told us, and the Powell case reaffirms the proposition, that the decision of the voters in the district is absolutely inviolate as long as the three constitutional qualifications are met with. It would seem to me that in any aggravated case, one in which a convicted member whose case is on appeal does not voluntarily refrain from participation, the House might well independently consider the nature of the offense and expel him under its clear constitutional authority.

If the House did that, his congressional district would then be free to elect someone else to represent it. But, as I said in the Powell case when the matter was very hot politically, I did not want to mess with Harlem, and I did not want Harlem to mess with the Eighth District.

I feel that a general rule that provides that it is a violation of the rules of the House for a sitting Congressman to represent his district is a mistake. I think we should be compelled to take the courageous course in a manner in which we desire to remove that person from participation and expel him on a two-thirds vote, or else do nothing at all.

Mr. SPENCE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I wish to concur in the remarks of the distinguished chairman of the Committee on Standards of Official Conduct. As the ranking minority member of the committee, I have had the distinct honor of working closely on this bill with my colleague from Georgia, and I have been highly impressed with his diligence and his fairness.

At this point, it may be helpful to briefly highlight a few of the key points of the resolution before us.

As explained in the committee report, the terms of House Resolution 46 come into play when the defendent loses his presumption of innocence. That is, when a plea of guilty is entered, or when a finding of guilty is made either by a judge or a jury. The committee decided on this approach because we recognize that the appeals process can be made to extend to the point that eventual action by the House could be ineffective or moot.

As noted, the plea or determination of guilt may be made before any court of record which has jurisdiction over offenses carrying penalties of 2 years' imprisonment or more. If a Member is found guilty of an offense which does in fact carry the 2-year penalty, he is then subjected to the terms of this resolution.

The report of your committee emphasizes that the language in the resolution is intended to exclude cases in which a Member is convicted of a series of offenses, when no single offense carries a penalty of as much as 2 years' imprisonment. Even though the offenses may draw consecutive sentences which result in more than 2 years' imprisonment, they would not fall within the scope of this resolution.

On the other hand, where a Member is convicted of an offense which is punishable by imprisonment of 2 years or more, the language of this resolution would apply even if such punishment is suspended. The committee felt that determination of procedure in such a case should rest with the House of Representatives, rather than with the sentencing judge, the gravity of the offense, rather than the sentence actually imposed or served, is the controlling factor.

Article 1, section 5, of the Constitution provides that each House of Congress may "punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel the Member." Your committee determined that to resort to such severe measures as censure or expulsion, while there remained a possibility of eventual exoneration, would not be justified. To completely ignore such cases, however, would be an evasion of our responsibility to keep our own house in order.

We feel that this resolution strikes the proper balance, and provides for an orderly, uniform, and fair procedure. I urge its adoption.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, I would like to clarify for the Record if I may the expression in this resolution regarding restraining the Member from participation in the business of each committee of which he is a member. Would that in the gentleman's judgment refer to attending a committee meeting or reading a committee report? How far does this go? I just do not understand what the import of that is.

Mr. SPENCE. I think it would extend to voting and otherwise acting in the committee.

Mr. WYDLER. Do I understand that expression only means the Member would not vote on committee business?

Mr. SPENCE. Yes.

Mr. WYDLER. I thank the gentleman.

Mr. PRICE. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it is a pleasure to join with my colleagues on the Committee on Standards of Official Conduct in urging adoption of House Resolution 46.

This is a simple resolution and its provisions are clearly stated in the committee report. It deals with the actions that should be taken by a Member of this body who pleads guilty to or is convicted of a crime for which he could be imprisoned for 2 or more years.

The resolution would add to the Code of Official Conduct, which is a part of the House rules, a clause stating the policy of the House that a Member who finds himself in such a situation should refrain from voting in the House or in any committee of which he is a member. It would not bar him from attending House or committee meetings, or conducting his other representational duties.

The resolution would not apply to a Member who has been indicted for a serious offense but has not been tried. It would become operative only after the presumption of innocence has been removed by conviction and would remain operative during the appeals process. A reversal of the original conviction during the appeals process would restore the Member's voting rights. So would his reelection subsequent to conviction, even if the conviction were upheld.

In the past, we have dealt with such situations on a case-to-case basis through temporary procedures. Our committee feels that the proper way to deal with such matters, both in the interest of protecting the integrity of the House and alerting Members to the potential consequences of serious misdeeds, is to assert a uniform policy as part of the rules of this body.

Let me point out that there is nothing mandatory about the procedure recommended, but it would be expected that any Member affected would abide by the spirit of the policy. The policy could be waived by the House in specific cases if it deemed such a waiver would be in the public interest.

I urge adoption of the resolution.

Mr. EDWARDS of California. Mr. Speaker, the resolution before us proposes to inhibit participation in committee and voting on the floor of the House of Representatives by any Member of Congress after that person has been convicted of a crime for which a sentence of 2 or more years imprisonment may be imposed. This resolution was introduced in the last Congress and passed as a "sense of the House." Now we are asked to vote the measure permanently into our rules. I feel now as I did then, that this measure raises serious constitutional problems and I will therefore cast my vote against it.

Article I section 5, clause 2 of the Constitution states:

> Each House may punish its members for disorderly behavior, and with the concurrence of two-thirds expel a Member.

I do not question the right of this body to punish one of its Members for misconduct in the House. The Constitution has given us this right, and we have, on rare occasions made use of it. But there can be no doubt that such a sanction serves as a punishment. Nor may we doubt that the sanction imposed by House Resolution 46, though of a lesser magnitude, also serves as a punishment. Yet should the provisions of this resolution be applied to a Member of the House, this body would be punishing that Member for misdeeds committed outside the House of Representatives. The Constitution makes no provision for this.

The measure before us punishes a Member of the House by attempting to deprive that person of the right to vote and participate in the legislative process. However, in our effort to so discipline a Member of Congress, we would effectively disenfranchise the nearly one-half million Americans who elected that person to represent them. Such an action undermines the basic interest of a constituency in their representative government. Any constituency has a legitimate interest in being represented by its preferred choice who possesses all the constitutional eligibility requirements, even though objected to on other grounds, such as his unwillingness to support existing laws.

A resolution such as this could put the House in the position of encouraging the loss of representation to a constituency whose representative may have committed an act of civil disobedience as a matter of conscience, perhaps even with the approval of that constituency.

The Constitution has already provided this body with the remedy of expelling a Member for misconduct. Under that clause, the expelled Member may be immediately replaced by another person to represent the constituency. However, under the provisions of the measure before us, there can be no replacement for the punished Member. By the terms of the resolution a constituency would be left without a voice in the House of Representatives for the duration of the Congress or until the disciplined Member was acquitted.

I feel that the problems raised by this measure go to the heart of our form of government. One of the most fundamental principles of this representative democracy is, in the words of Alexander Hamilton, "that the people should choose whom they please to govern them."

Mr. **DRINAN**. Mr. Speaker, on November 14, 1973, this House debated and passed a resolution nearly identical to the one now before us. It expressed the sense of this body that Members convicted of a crime punishable by more than 2 years in prison should refrain from participating in committee business and from voting on the floor.

On that occasion, I strongly opposed the resolution because, in my judgment, it exceeded the powers of the House. The Constitution is quite plain on the matter of disciplining Members. Article I, section 5, clause 2 provides:

> Each House may . . . punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

That provision marks the limits of permissible action; no other sanction against an elected Representative is allowed. The resolution we debate today intrudes into the prohibited sphere.

Under the Constitution, the House may discipline its Members only for disorderly behavior. The sanction of expulsion, while authorized, is reserved for outrageous conduct which effectively disrupts the orderly workings of the legislative process, in short, a serious violation of the Member's oath of office.

It seems to me that an elected Representative is entitled to the full privileges of the House, unless suspended or expelled. There is no middle ground. We cannot have two classes of Members: one with all the rights, and the other with only partial powers. Such bifurcation in our body is at variance with the constitutional scheme which guides our actions. Yet that is what this resolution, if passed, would accomplish.

In addition, violation of a State or Federal statute, imposing a punishment in excess of 2 years in prison, may or may not provide a basis for imposing a sanction. Any punishment, including expulsion, must be undertaken only in connection with particular improprieties of an individual Member. It cannot be imposed through general principles or by widely applicable rules unrelated to a specific offense. That is the infirmity of the resolution before us: it seeks to discipline a Member without regard to the nature of the offense.

I would have thought that the House was sufficiently advised of the parameters of its power in this sensitive area by the Supreme Court. Only a few years ago, this body denied former Representative Adam Clayton Powell his proper place in the Chamber. The Court reversed the action of the House, holding that, in disciplining Members, it must adhere strictly to the provisions of the Constitution. *Powell* v. *McCormack*, 395 U.S. 486 (1969).

The thrust of that decision is that this House has very limited powers to punish an elected Member of the National Legislature. But, of course, we are not powerless to act in proper cases. If a particular Member has engaged in conduct calling for sanctions, the Constitution, in narrowly defined circumstances, provides for appropriate remedies. Expulsion, for example, is clearly available to us. But such punishment must be imposed only in the context of specific offenses, and not legislated broadly and indiscriminately.

In 1973, the action of this body in this delicate matter took the form of a sense-of-the-House resolution. Today its proponents seek to incorporate the substance of that resolution into the rules of the House. Tomorrow it may well become a mandatory obligation. Two years ago, I perceived no constitutional basis for passing the sense-of-the-House resolution; I see less justification for amending the rules in a similar fashion today.

Mr. **STARK**. Mr. Speaker, I rise in opposition to this resolution.

I believe that strong measures should be taken against Members of Congress who are convicted of crimes, or who plead guilty to certain charges. This resolution before us, however, is both ineffective and possibly unconstitutional, and in sum a poor method of dealing with this problem.

This resolution, which would prohibit Members, who had been convicted of certain crimes, from voting, either in committee or on the House floor, would effectively disenfranchise some 500,000 people who are being represented by that Member of Congress. It would deny them representation for up to 2 years. Not only is this unfair, but indeed, in my view, it violates our elective processes and the very Constitution of our land.

Rather than passing this legislation, I believe far stronger action should be taken. The House has the power both to censure and to expel. It also has the power to urge the resignation of one of its Members. In such a case, a vacancy would occur and a special election should be held—in the shortest possible time—so that a new Representative could be elected and the people would be given the critical representation to which they are entitled.

Mr. **FLYNT**. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The **SPEAKER**. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **WYDLER**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 37, not voting 35, as follows:

[Roll No. 121]

YEAS—360

Abdnor
Adams
Addabbo
Alexander
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Badillo
Bafalis
Baldus
Barrett
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carter
Casey
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Davis
de la Garza
Delaney
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Downey
Downing
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hall
Hamilton
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Hayes, Ind.
Hays, Ohio
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth

Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lehman
Lent
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lott
Lujan
McClory
McCollister
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKay
Macdonald
Maguire
Mahon
Mann
Martin
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Michel
Mikva
Milford
Miller, Ohio
Mineta
Minish
Mink
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reuss
Richmond
Riegle
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, James V.
Steed
Steelman
Steiger, Ariz.
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—37

Abzug
Biester
Breckinridge
Burton, John
Burton, Phillip
Carr
Corman
Crane
Danielson
Dellums
Dodd
Drinan
Eckhardt
Edgar
Edwards, Calif.
Gonzalez
Hammerschmidt
Harrington
Helstoski
Kastenmeier
Kindness
Long, Md.
McCloskey
Mazzoli
Mezvinsky
Miller, Calif.
Mitchell, Md.
Moss
Obey
Shuster
Stark
Steiger, Wis.
Studds
Van Deerlin
Waxman
Weaver
Whalen

NOT VOTING—35

Ashley
Cederberg
Dent
Findley
Fithian
Fraser
Gibbons
Goldwater
Gude
Hastings
Hefner
Hightower
Holland
Jeffords
Johnson, Colo.
Leggett
McKinney
Madden
Madigan
Mills
Rees
Rhodes
Risenhoover
Rosenthal
Ruppe
Ryan
Shriver
Solarz
Stanton, J. William
Stephens
Symms
Taylor, N.C.
Teague
Wilson, Charles, Tex.
Yatron

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

DISCHARGING COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF CERTAIN BILLS AND RESOLUTIONS AND RE-REFERRING SAME TO COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the following bills and resolutions and that they be re-referred to the Committee on Post Office and Civil Service: House Resolution 238; House Joint Resolution 114; House Joint Resolution 137; House Joint Resolution 244; House Joint Resolution 257; House Concurrent Resolution 138; and House Concurrent Resolution 155.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM FOR THE REMAINDER OF THE WEEK

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I rise in order that I may explain the schedule for the remainder of the week.

The next bill we will take up, of course, is the Education Appropriations Act for fiscal year 1976. If we finish this bill at a reasonable hour, we will continue with the Youth Camp Safety Act.

For Thursday we have scheduled H.R. 4111, the Securities Exchange Act which has an open rule with 1 hour of debate.

Mr. Speaker, there will be a Friday session this week. On Friday we will bring up H.R. 4975, the Amtrak Improvement Act, subject to a rule being granted.

We are all aware of the fact, of course, that in the President's message he asked for legislation on Vietnam by April 19. I understand in a conversation with the Speaker that the President said that that was not a deadline.

However, what is happening at the present time is that the Committee on Armed Services, under the chairmanship of the gentleman from Illinois (Mr. PRICE), will meet tomorrow and Friday, and if they are to report a bill, the House will be in session this week, including Friday, when in fact a report may be filed.

The Committee on International Relations, under the chairmanship of the gentleman from Pennsylvania (Mr. MORGAN), is meeting this afternoon with regard to two of the bills that the President sent over following his message of the other evening, and both of these bills are before that committee at the present time. The gentleman from Pennsylvania is holding hearings this afternoon, and he is holding hearings tomorrow. He has scheduled Dr. Kissinger to appear before his committee on Friday.

Mr. Speaker, there is a possibility that the bills from both committees could be reported by Friday. Then we would be required to have rules for those bills, so consequently they would not come up on the floor until sometime next week. In order to insure that the House may have committee hearings and that they be full hearings, the program has been scheduled the way it is, so there will be a session on Friday of this week, and Amtrak will be considered on Friday.

RESOLUTION SUPPORTING REPUBLICAN TASK FORCE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, today in the Republican conference, I presented the following resolution in support of a position endorsed by the House Republican Task Force on Reform:

> Each meeting of the Conference shall be open to the public except when the Conference, in open session and with a quorum present, determines by rollcall vote that all or a part of the remainder of the meeting on that day shall be closed because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives.

The resolution was thoroughly and vigorously discussed pro and con. Because the resolution is important, a final decision was deferred until next Wednesday so all Members may review it carefully.

Briefly, the task force and I believe that the people's business should be conducted in the open. As a responsible minority, we hope to set an example for the Democrat majority which uses secret unit-rule votes behind closed doors to bind, or perhaps to intimidate, or to guide, its Members. By example, we hope to influence "King Caucus" to let a little sunlight shine on its clandestine decisionmaking process.

The resolution is based both on our strong belief in the people's right to know, and a firm confidence in the judgment of Republican Members. We hope the majority party has similar beliefs and confidences.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO SIT TODAY DURING GENERAL DEBATE AND UNDER 5-MINUTE RULE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on

Armed Services be permitted to meet this afternoon during general debate and during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMON CAUSE'S EXPLANATION WITH RESPECT TO THEIR FINANCIAL DISCLOSURE REPORT

(Mr. HAYS of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter:)

Mr. HAYS of Ohio. Mr. Speaker, I just want to point out that yesterday the gentleman from Florida (Mr. Fascell) put in the Record an explanation furnished him by Common Cause of why they did not file timely under the election law.

What they gave him is not exactly factual, and I have a long explanation of exactly what the law says. However, I just want to read one paragraph of it.

> With regard to what the Supervisory Officers charged with enforcing the Federal election law did or said about the failure of Common Cause to file a March 10, 1975 report, I am advised that shortly after March 10, 1975 the Secretary of State sent Common Cause a telegram advising them of their failure to file the March 10, 1975 report and requested that such a report be filed. Upon receipt of the April 10, 1975 filing by the Secretary of the Senate, he advised Common Cause that the report was due . . . (on) March 10, 1975.

The Clerk of the House advised him of the same thing.

Mr. Speaker, what Common Cause did in their missive to the gentleman from Florida (Mr. Fascell) was to stonewall and act as though they had complied with the law, when all the time the truth is that they did not comply. There is a detailed explanation of the memorandum which I am now inserting in the Record.

The memorandum referred to follows:

On April 8, 1975 I accused Common Cause, the so-called citizens lobby, of not filing its March 10, 1975 financial disclosure report as prescribed by Federal election law. My colleague from Florida, Representative Dante Fascell, on April 14, 1975 desiring "to set the record straight," inserted into the Congressional Record a self-serving statement by Common Cause wherein they merely assert their financial disclosure report was not due to be filed with the Clerk of the House on March 10, 1975 but rather on April 10, 1975.

If we are to set the record straight, let's look at what the election law prescribes—let's carefully examine what Common Cause did and did not do under the Federal election law—let's see what notice was given to Common Cause to file its March 10, 1975 report with the Clerk of the House—let's review what the Supervisory Officers charged with carrying out this law did or said about the failure of Common Cause to file its March 10, 1975 report. Such an analysis will set the record straight and prove Common Cause to be totally wrong and as of having committed an apparent violation of the law.

With regard to the election law, on October 15, 1974, the Federal Election Campaign Act amendments of 1974, Public Law 93-443, were signed into law amending the Federal Election Campaign Act of 1971, Public Law 92-225. The 1974 law established the Federal Election Commission to administer, interpret and enforce Federal election laws. However, until the Commission and its counsel were appointed, to avoid any gaps in the administration and enforcement of the law and as an interim measure Section 208(b) of P.L. 93-443 provides in part as follows:

"Until the appointment and qualification of all the members of the Federal Election Commission and its general counsel and until the transfer provided for in this subsection, . . . the Clerk of the House of Representatives shall continue to carry out . . . [his] responsibilities under title I and title III of the Federal Election Campaign Act of 1971 as such titles existed on the day before the date of enactment of this Act. . . ."

Thus the Clerk of the House is specifically charged under the law with enforcing the filing dates prescribed and enumerated in Title III of P.L. 92-225, including the March 10, 1975 report. Title III does not require an April 10, 1975 report nor does it permit the Clerk of the House to authorize an April 10, 1975 report. Under the existing law, the Clerk of the House has no discretion in this matter. The other provisions of the 1974 amendments of P.L. 93-443 went into effect on January 1, 1975 except for the filing and reporting provisions. These were held in abeyance until the Commisison and its general counsel are appointed. To date the General Counsel for the Commission has not been appointed.

With regard to what Common Cause did and did not do under the law, on January 10, 1975 Common Cause filed a document with the Clerk of the House with a covering letter dated January 9, 1975 stating: "the enclosed Registration Form and State[ment] of Organization [was] completed in accordance with Section 308 of the 1974 Amendment to the Federal Election Campaign Act." A similar document was filed with the Secretary of the Senate. Section 308 prescribes that anyone filing reports under that section "shall file reports with the Commission *as if such person were a political committee.*" Thus, Common Cause, by filing under Section 308 with the Clerk of the House acknowledged: 1) it had a statutory responsibility to file reports as if it were a political committee and under the same terms applicable to all other political committees filing reports with the Clerk of the House; 2) and that until the Commission and its general counsel were appointed it would file reports with the Clerk of the House.

With regard to the notice given to Common Cause to file a March 10, 1975 report, the Clerk of the House in his letter of January 13, 1975 to Common Cause acknowledging receipt of its Registration Form filed on January 10, 1975 included as an attachment a notice dated December 31, 1974 that advised everyone registered with the Clerk of the House that reports were to be filed on March 10, 1975. I understand that similar notices were sent by both the Secretary of the Senate and the Comptroller General to Common Cause advising that reports were due on March 10, 1975. Common Cause never challenged any of these notices nor did they assert they had no obligation to file a March 10, 1975 report. This failure to file a report or to respond to such repeated notice borders on gross negligence on the part of Common Cause. Common Cause made its first such assertion when it filed its report a month late on April 10, 1975.

With regard to what the Supervisory Officers charged with enforcing the Federal election law did or said about the failure of Common Cause to file a March 10, 1975 report, I am advised that shortly after March 10, 1975 the Secretary of the Senate sent Common Cause a telegram advising them of their failure to file the March 10, 1975 report and requested that such report be filed. Upon receipt of the April 10, 1975 filing by the Secretary of the Senate, he advised Common Cause that the report was due as prescribed by Title III of P.L. 92-225, i.e., March 10, 1975. The Clerk of the House upon receipt of Common Cause's April 10, 1975 filing advised them by letter dated April 14, 1975 that the report had been due on March 10, 1975. Thus my position that the current applicable Federal election laws required Common Cause to file a report on March 10, 1975 is the prevailing view on this matter shared by both of the Supervisory Officers of the Congress.

The problem that Common Cause faced was that it missed the filing date of its first report under P.L. 93-443. When notified of its mistake, instead of promptly filing the prescribed report it chose to stonewall and try to cover up this matter. Registrants under section 308 of P.L. 93-443 are required to file reports as if it were a political committee, and since Common Cause registered under section 308, all I seek is that Common Cause be held to the same standards as are applicable to all other political committees. They should be given no special consideration or treatment.

All other political committees filed reports on March 10, 1975, why should there be an exception for Common Cause? In fact, since they hold themselves out as the "peoples lobby," they like Ceasar's wife should be above suspicion, and even if they believed the report was not due until April 10, 1975, they could have filed a March 10, 1975 report under protest and still reserved their position on the matter. Stonewalling and cover up didn't work for others; it won't work for them. Knowing how the Clerk of the House has dealt with apparent violations in the past, I am sure that he will continue to fulfill his Title III enforcement responsibilities and refer this apparent violation to the appropriate law enforcement authorities. It's no wonder that the membership of Common Cause is declining by the droves.

RE-REFERRAL OF H.R. 2398, H.R. 3513, H.R. 4375, H.R. 4462, AND H.R. 4463 FROM COMMITTEE ON EDUCATION AND LABOR TO COMMITTEE ON WAYS AND MEANS

Mr. DOMINICK V. DANIELS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the following bills and that they be re-referred to the Committee on Ways and Means: H.R. 2398, H.R. 3513, H.R. 4375, H.R. 4462, and H.R. 4463.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

EDUCATION DIVISION AND RELATED AGENCIES APPROPRIATION BILL, 1976

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5901) making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. Michel) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. Flood).

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Flood).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5901, with Mr. Wright in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Pennsylvania (Mr. Flood) will be recognized for 1 hour, and the gentleman from Illinois (Mr. Michel) will be recognized for 1 hour.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now going to talk about the first regular appropriation bill reported for fiscal year 1976. Under all the circumstances, perhaps it is very fitting that it relates to educational programs which for many years have been included among the last appropriation bills to be enacted. Funds dealing with matters concerning education have usually been considered as part of the appropriation bill known as Labor-HEW.

Of course a separate education bill is really not something new. You will recall we did this before in 1971, and we also did it in 1972. But since that time we have not been able to enact a separate appropriation bill for education simply because there was no authorizing legislation. We are an appropriating committee, and unfortunately we cannot act unless there is an authorizing act. You all know the situation dealing with authorization acts, especially for education. Members will also recall that 2 years ago the authorization was late for higher education. Last year—and who knows better than the Members the problem of trying to get an authorization bill enacted into law for elementary and secondary education? And that too went on and on, like Tennyson's brook. So that was the problem last year.

Fortunately we now do have all authorizations, and immediately your committee came in with a separate bill for an education appropriation.

The bill before the House includes appropriations for the Office of Education and the National Institute of Education, which you gave birth to a couple of years ago, and for the Office of the Assistant Secretary for Education. Then we have several institutions such as the American Printing House for the Blind, the National Institute for the Deaf, Gallaudet College for the Deaf, which is located here in the District of Columbia, and also Howard University, which the Members all know also is located in the District of Columbia.

There is one thing the Members should keep in mind and should not forget, and that is that the funds in this bill are for local schools and colleges right in your own back yards, all over the country, to support educational programs. And these programs, by the way, are of all kinds, and they are not just limited programs. Just run down the list of these in the report, and you will see the programs to help the poor, the handicapped, ethnic minorities, and all of the other groups of deprived persons. Now, it is that kind of a bill.

But the thing for you to keep in mind is the problem faced by local school administrators. You go back home and talk with your school boards and your school districts, so I do not have to tell you what the problems are. How much money are they going to get? How many teachers are they going to hire? What are they going to buy? What about their costs of maintenance of operations? These are terrific problems back in the districts.

That is why we are bringing this bill out now. That is why we want to see this bill passed now. That is why we do not want this bill endangered in any way. We want to get the bill passed right away. All right, if you want to help these people back home prepare for the next school year, they are working right now preparing for the next school year. That is what we want to do. Let us not do anything to endanger this bill.

If you will look at page 2 of the report—and, by the way, it is a very good report; we wrote it; be sure and read it. All of the subjects under this bill you ought to memorize in that report so you can go home and talk about it.

Wait until you hear this. Do you know what the total in this bill is for education? We are not in favor of education? This committee is not a friend of education? Wait until you hear this—$6,845,495,000. Over $6 billion. That is just for the fiscal year 1976. So, do not let anybody break down and say that this committee is not in favor of education. I know about the telegrams you got and the pressure from lobbyists—more, more, more. Think about that deficit. Think about this budget. Think about the record of this committee.

If there are any better friends of education than this committee, we want to know where they are, whether they are sitting in the balcony or out on the elevator. There are not.

By the way, this is an increase—now, hear this. This is an increase of $661 million over the budget request. Downtown they sent us a budget request, and this committee went $661 million over the budget request.

Just to be sure you know what is going on, this committee went $317,900,000 higher than the 1975 enacted appropriations for education. Three hundred seventeen million dollars. We did that, keeping in mind our responsibility with the depression and recession and what the country is faced with. You had better keep it in mind if you are going to go back home.

Included in this bill is $2 billion—$2 billion I am talking about. We do not want to fool around—$2,377,718,000 in advance appropriations funding for fiscal year 1977. This is something not exactly new. I think you are familiar with the idea of advance funding for education purposes.

I see the chairman of the Committee on Education here, the gentleman from Kentucky (Mr. Perkins). He knows very well on his committee why this was done, and we are funding that. This idea was started last year mostly for elementary and secondary education in the State-grant programs.

Mr. Chairman, everybody that we listened to—all the witnesses and everyone we have heard nationwide—thinks this is a very good idea. We think it should continue.

Another technical matter—I had better mention this—this bill also includes transition funds for the first time. This is what you are up against when you are talking about budgets and deficits, recessions, and rescissions, when you go back home and are talking about taxes. You are getting the mail.

This bill also includes funds for the 3-month transition period between fiscal year 1976 and the new fiscal year beginning 1977. Under the Budget Act—the new fiscal year begins on October 1, 1976. It used to run from June 30 to June 30. Now the new budget begins October 1, 1976, so we have a transition period from June 30 to October 1 and we must appropriate funds to finance that interim period.

This bill includes $464,683,000 for that interim period. That is $196.4 million over the budget. That is due mainly to the increases which are in the bill for fiscal year 1976. That accounts for it.

Mr. Chairman, as usual—and believe me, when I say "as usual" I mean as usual, and the Members serve on all kinds of committees and they think they have problems, they think they have difficulties; but if a Member has ever gotten mixed up with a can of worms he ought to sit with us on the Labor-Health, Education, and Welfare Subcommittee. They ought to spend a week with us. Ai, yi, yi.

We had difficulties with the education budget. When this budget came up it had cutbacks and terminations. Do the Members know how much? It was $775 million. The President's budget proposed a cutback of $775 million for all the projects in this bill. Most of those reductions I am sure Members are pretty familiar with.

Now let me tell the Members. What do they want to cut? All right. Impact aid is cut $390 million. Programs for the handicapped—imagine. It is cut $25 million. Higher education is cut $128 million. Libraries—whew!—cut $60 million. Vocational education, cut $22 million, just like that. And, Senators, bilingual education is cut $14 million.

The committee examined all of these proposals, and believe me, we examined them. We held hearings, and we held hearings on top of hearings, day and night, for weeks.

That is why I do not want somebody running in with amendments later on. "I just happen to have here a little amendment for a Commission which will cost $490 million." Bang! Or, "Here is another amendment"—just like that, after we have spent weeks and weeks and months on these hearings. We heard all of the HEW witnesses. We discussed these problems with the Secretary of Education and with the Commissioner of Education and with the Assistant Secretary for Education, and with everybody on both sides, on both sides of the question.

We have a complete record of testimony on these problems. So do not try to do something here overnight or in 5 minutes or dash off something fast and bring in an amendment.

This is what we did. All of us worked on this. All of us—and nobody dares to say anything else—all of us are interested in supporting the cause of education. All of us.

Everybody knows school financing is a headache. School financing is one of the biggest problems the State and local governments have—period. No question about it, whether we have combined districts or separate districts, no matter what we have.

The problem is not just in the elementary and secondary education, not by a long shot. It is in the vocational schools. It is in colleges. It is in universities, all through the country.

Now, while, of course, the Federal Government cannot resolve these things overnight themselves, we just could not justify cutbacks under all the circumstances to the degree that I outlined. We just could not buy that.

Now, let me say this, Mr. Chairman. Now, on the other hand—comma—all of us know about the present state of the economy. If we do not, we should not be here. We just came back from the Easter recess. We know the situation with the economy and we know the reputation of this committee for taking care of education down through the years. Just think about the situation in the counties back home. There may have been a couple letters and a couple telegrams, calls from special interest groups, all right; but think of the hundreds of thousands back in our districts who are thinking about what I am talking about right now, the taxes, the recession, the inflation—right? and the deficits. Think about those.

Now, in the February budget the President estimated a deficit of $51.9 billion for the fiscal year 1976. Now, that is what he said, remember, in February. A very short time later he came back with a revised estimate on the deficit. Now, it is $60 billion. Remember that? "I draw the line at $60 billion." That is the deficit.

On the question of unemployment, the President said, instead of 8 percent it would go down to 7.5 percent. It is now 8.7 percent. It may be 9 percent tomorrow morning, and Lord knows when it will be more.

Add those all together and do we know where we are going? We may have a $75 billion deficit.

Now, we are for helping education on the one hand but with the tremendous deficit on the other hand, we have tried, God knows, to bring in a truly balanced bill. We are for this bill.

I believe this committee has succeeded.

Anyway, take a look at the separate programs in this bill. When you go through this, compare the bill with the amount recommended last year, compare it with the budget for the previous year and see what we did in the face of everything I said.

I think the Members should agree that we have a solid bill, a realistic bill. Let me say that this is a bill which all of us, all of us who have been strong for education, can support without fear, without any shame of the increased figures—not a bit. If I thought so, I would tell the Members. Do not be afraid of this one, ashamed of it or afraid of it back home or anyplace else.

The largest single item in this bill is, of course, title I, the program which helps the school districts in educating the children from low-income families. We have $1.9 billion—$1.9 billion for this program. That is what we had last year. I am talking about billions, not millions. There it is, right in there in title I.

Now, we added $14 million. Do not think we do not know this program. When a Member comes from a district like I do, I have got to talk Polish out of self defense. I am from the coal fields of Pennsylvania. You name the race, creed, color, religion—I have it. What do you mean, bilingual education? We were bilingual before other Members started talking about it in Kansas and other places such as that. We added $14 million for bilingual education. We are for it. The total amount for 1976 will be $84 million for bilingual education. Did you ever think you would live that long? There is $84 million for bilingual education.

There are other funds in here for bilingual education under the Emergency School Aid Act, the Civil Rights Education Act.

All the Members recall this new consolidated grant program just authorized last year. Those who were here knew about the debates and the problems, but it was authorized just last year. The bill includes over $172 million. That is $31 million more than the 1975 appropriation for the related categorical programs.

We also include language in the bill, which prevents States from receiving less funds than they received in the previous year. The language in here says it cannot be done, so it cannot hurt the small States.

We heard about this problem which involves about 20 States. These would be hurt by consolidation, so we met that problem.

On impact aid—did you ever hear of that? What did we do? We increased the budget $300 million. We have been around here awhile. Except for the public housing provision—and by the way, that has never been funded—we are providing the amount required for the first and for the second payment steps; both of them, for the record, as it exists today, right on the button.

That new law, I will say it is certainly complicated but the HEW people tell us they will be ready to go by July 1. OK, there is no reason not to believe them, so we do. If they do anything wrong, bang, you know me and the gentleman from Illinois (Mr. MICHEL), we will have them up here. They cannot kid us, not at all.

We did not forget about handicapped children, certainly not. What do we do? We added $50 million to the budget. Why? Because we thought it was the right thing to do.

The budget proposed increases for the deaf and the blind, for the severely handicapped. What do we do? We agreed. We accepted all of those proposals.

For vocational education what do we do? We put in $546,600,000. That is what we had last year. That is $23 million over the budget. Again we are over the budget. We could not do less for vocational education. Nobody here would.

Of course, that budget is based upon proposed new legislation. That is going to be a problem. We do not think that a thing like that can properly be enacted before June 1. We certainly are not going to wait and hold up this bill, so we recommended appropriations under existing law. We are not going to take any chances.

We increased the budget for student aid by $174 million and we made sure all of the existing programs are going to be continued! Exclamation mark. All of them.

The budget people, what did they want to do? They wanted to cut out supplemental opportunity grants; they wanted to cut out direct loans. What do we say? "No, nothing doing. You cannot cut them out." They are in there.

Let me tell the Members something, though. We did not go along with the full funding on the basic opportunity grants. There was a lot of trouble with that. There were a lot of reasons why we did not go along with that. The Members who are its friends, believe me. I was one. There are a lot of problems with that. I think this can get straightened out, so relax on that; it is in good hands.

The budget proposed to eliminate the grants for land grant colleges. We did not go along with that. They wanted to cut out veterans cost of instruction. They wanted to cut out community services. We said, "No, no, no." They are in there. All of these programs your committee restored. Remember that.

Library programs—they cut those out. The Members will not believe that. We increased the library programs $47 million over the budget. One would not believe they were going to cut out the library programs. We added $47 million for the library programs.

Mr. Chairman, let us talk about NIE, the National Institute of Education. We all know what a terrible time we had with that last year. The other body was going to throw it out. Again I had to go to bat and stick my neck out and stick my mustache out on NIE to make that stick.

Now, that is $80 million. Compared with previous amounts, of course, that is modest. We approved the budget request, but we told them this: "Now, look, we know what is going on down there. We don't want any major shifts. We don't want any changes in funding educational laboratories and centers. Don't you do that."

Let me tell the Members this: That agency is operating without a director, and we thought nothing further should be done until we know what the policy is going to be. There are more actors down there in HEW than you can imagine. There are acting directors for this, there are acting directors for that.

Mr. Chairman, let me repeat for the purpose of emphasis a couple of figures. The total amount in this bill is $6,845,495,000. That is for fiscal year 1976. This bill is $661 million over the President's budget. I hope the Members heard that.

Now, I will say this, and I will frankly admit it: It is a little too bad that the very first appropriation bill for 1976 that is brought here on the floor exceeds the President's budget by such a large amount. It just happens to be that way. But, I think it is a fair and reasonable bill. I think so or I would not be down here pounding this table for it, you can be sure about that.

This bill is not excessive when compared with the appropriations enacted by Congress for 1975, not a bit.

The reason we brought this bill up now for education appropriations is to get it through early so the people back home can get their money for educational planning as quickly as possible. This is the time to do it, early in the year.

If we fool around with this thing, we are going to get a veto right between the eyes, and there goes the whole purpose for an early education appropriation bill; we would destroy the whole purpose and the whole intent of it right there.

Now, if you want to go back home and see your school directors after that happens, this is what they would tell you: "Why didn't you pass that bill you were talking about? He told you not to add to this thing; he told you to leave it alone; he told you it would be vetoed. Now it is vetoed and kicked around, and here it is 7 months later and we don't know where it is. It is your fault. You can look right in the Congressional Record."

So let us skip the telegrams and the telephone calls. Just listen to Flood, and you will wear diamonds.

Mr. MICHEL. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, may I begin where the chairman of the subcommittee left off. This is the first time in several years that we are bringing you this education appropriation bill as the first regular bill, and that is done for the purpose outlined by the subcommittee chairman: in order to give all our educational institutions around this country some lead time so that we can have an orderly distribution of education funds and better planning by all those educational institutions, whether they are in elementary and secondary areas, or whether they are in higher education.

While I have some reservations about increases in this bill, it is imperative that we not pile on to the extent that some are planning here this afternoon, in order that we can have a bill finalized in time and avoid what the chairman so rightly pointed out as the prospect of a veto.

The bill actually represents an increase of $1,422,000,000 over the budget as submitted. The increase of $661,000,000 stated in the committee report results from the committee adding to the budget figure items which were omitted from the original budget because of proposed legislative changes, but which the administration has indicated it will ultimately request funding for. Therefore, that is where the difference lies.

Accepting the committee's figures, the increase of $661 million over the budget is still, in my opinion, clearly excessive. In a year when the budget itself is $52 billion in the red, we are setting a very poor example when we come forth with nearly an 11 percent increase in the very first fiscal year 1976 appropriation bill to be considered. If this same spending trend were carried on through the remaining regular appropriation bills, we would end up adding some $38 billion to the budget deficit, for an overall deficit of a whopping $90 billion. That does not take into account those things which my chairman was making reference to during the course of his general remarks, having nothing to do with increases in appropriation bills, but just other effects, such as revenue losses and expenditure add-ons in one form or another, so the picture is mighty, mighty bleak.

In the report just submitted, the Budget Reform Committee makes specific reference, on page 11, to the fact that the committee was urged to avoid permanent tax cuts or increased expenditures on programs which cannot be cut back. I do not know of any educational program throughout this bill that anybody is very anxious about cutting back.

Therefore, Mr. Chairman, before adding to and expanding this bill, I think we ought to take a look at our Budget Control Committee and its report that has just been submitted before going off half-cocked today with that proposal of adding nearly $490 million to what the committee has proposed here.

ELEMENTARY AND SECONDARY EDUCATION

In the area of elementary and secondary education, we have $1.9 billion, the budget request for title I, and this amount represents an increase of $24 million over the appropriation for the current school year and is equal to last year's advance for the coming school year.

We have some other arguments that we might very well use at the time that the other amendment will be proposed, and we will withhold those arguments until that time, when there will be, hopefully, a better attendance of the Members in the Chamber.

Included within this title I allocation is $109 million for the education of handicapped children—an increase of $10 million over last year's appropriation. Then, in the area of support and innovation grants, we have the budget request in here of $172.8 million. For bilingual education, the chairman made reference to the fact that the $84,270,000 in the bill represents an increase over the budget of $14,270,000.

I would also point out to the Members very briefly that this is not the only place in which they will find funds for bilingual education, for in the Emergency School Aid Act we have $10 million for bilingual education; in the National Institute of Education, $4 million; in the educational television programs earmarked specifically for bilingual education, $3.75 million.

There are other areas, too, where funds are available for bilingual education, so there is plenty of money in this bill, in my judgment, for this purpose.

The Right to Read program is funded at the budget level of $12 million.

For the Follow Through program, the budget is $41.5 million, and the bill calls for $53 million.

The administration has been seeking to phase out this program, and I think such a phaseout is in order. It was originally initiated in 1968 as an experimental program for the purpose of achieving approaches in early primary education which would increase the achievement abilities of disadvantaged children who were enrolled in the Headstart and other similar preschool programs.

As with all experiments, there is a point at which they can be ended. The Acting Deputy Commissioner for School Systems, Robert R. Wheeler, testified during our hearings on the subject that:

> The program should be phased out because we are at the end of the experiment with the exception of performing additional evaluations so we can make the best use of the information and results which have come from this program.

The ironic thing, incidentally, is that the committee has cut back the one part of the program which really reflects what the program is all about—the evaluation studies. The program is supposed to let us know what approaches to early elementary education are best. The evaluation studies are designed to provide us with this information from the projects undertaken. Instead the committee has taken the money and put it into project grants. It leads one to wonder whether there is any interest in learning something from the money we are spending, or whether the only desire is to keep dishing out the money in order to pacify the special pleaders and vested interests.

This is not a service program and should not be funded as such. The educational approaches developed to assist the children involved should be more properly continued under the authority of title I. This experiment is ready for a phaseout, and now is the proper time to begin.

In the drug abuse education area, you will recall that yesterday we had $4 million in the supplemental. In this bill, while the budget request had nothing, there is $2 million, and it reflects what we consider to be an orderly phaseout of the program. That is, this is another one of these programs which has accomplished its objective and can be brought to an end. The committee has recognized this and is thus providing a lower level of funding for 1975. But I should point out that there is a similar program existing in the National Institute for Drug Abuse in Public Health Service, and this is where this whole effort ought to be carried out, under one roof, where everybody knows what we are talking about and what we are doing.

In the educational broadcasting area the budget request was for $7 million, and we have increased this by $3 million.

Frankly, I would have been willing to go along with the lower figure because that would still have provided for 26 projects to be funded, including 17 existing stations for upgrading and expanding to correct inadequacies, and nine new initiatives. The program has already raised the coverage of population served to 80 percent and 66 percent, respectively, for education television and radio.

IMPACT AID

In the area of impact aid, the chairman has pretty well covered that item, which is now at a level in the bill of $563 million. That is $297 million over the budget, but as the chairman pointed out, the vast majority of the districts represented in this body have some form of impact aid, and it just gets to be too ticklish a subject to eliminate it. In actuality, however, the only real justified impact aid is where a military establishment preempts the taxing authority, and a substantial number of children living on the base use the public schools.

The parents of such children do not contribute to the local tax base, and thus, since the base is in the national interest, the local districts have a right to expect a Federal payment to make up for the absence of tax revenue from these families.

However, if I have an agricultural laboratory in my district, as I do in Peoria, there is no good reason in God's green acre why that community ought to get some special kind of assistance to have the children of those employed at that Ag lab subsidized. It is a great thing to have the laboratory in my district, to have the additional generation of business activity and the people. There are similar we can cite all over the country, the impacted aid program has clearly outlived its usefulness in the categories of B and C and should be limited, as I said, to the A category.

Incidentally, under the funding provided in the bill, those school districts with 25 percent or more of the kids whose parents work on a military base would be funded at 100 percent, while those with less than 25 percent would be at 90 percent, and the B category would be at 60 percent of entitlement.

EMERGENCY SCHOOL AID

In the emergency school aid program, the Members will recall that yesterday we funded it at a level of $151 million in the Supplemental, and that is what is recommended in this bill for the coming year, although the budget request was for $50 million less. Frankly, I think that is more than sufficient to meet the needs for that program, as I mentioned in connection with the debate yesterday, the need for this program is no longer what it once was. This is reflected by the sharp decline in the number of school districts under new court or HEW desegregation orders. In the 1970–71 school year, 310 districts were under new court orders, while in each succeeding year, the figures dropped to 186, 125, 86, and 10, respectively. For new HEW orders, the figures are 500 in 1969–70 and 30 to 40 in the current year. Additionally, 250 districts were undertaking new voluntary desegregation efforts in 1969–70 compared with 50 to 65 this year.

The report states on this item that based on the amount recommended in the bill and the distribution under the various provisions of the basic law, $15,000,000 would be available for special projects, $108,750,000 for State apportionment, and $1,250,000 for evaluation.

For special projects, an amount of $5,000,000 is included for bilingual education projects to assist local school districts and organizations in meeting the needs of minority children from non-English speaking backgrounds.

Educational television projects in the amount of $3,750,000 would be supported to develop and produce children's television programs designed to increase understanding and cooperation among racial and ethnic groups.

In addition, $6,250,000 is included for special programs to support a wide range of activity in school districts experiencing particular problems with desegregation.

It may be that the committee recommendation could even be brought closer to the budget figure, to reflect the declining need, but at the very least, it should be held to what it is.

EDUCATION FOR THE HANDICAPPED

With respect to the education for the handicapped program—the chairman made mention of the increase here of $50 million over the $175 million request in the budget.

The total allocation in the bill of $225 million breaks down among four overall program areas as follows: $119,250,000 for State assistance, $39,250,000 for innovation and development, $26,750,000 for media and resources services, and $39,750,000 for special education manpower development.

The entire increase over the budget falls under the State assistance category, and goes to the State grant program. The budget request was more or less dependent on a proposed rescission of fiscal year 1975 funds, and when this was not granted, the request ended up being artificially low. The $100,000,000 provided for State grants is only $10 million short of the authorized level for the program, and reflects our concern that the educational needs of the handicapped be met.

I should also point out that this is only one of several programs at the Federal level which provide funds for the education of the handicapped. Others include ESEA title I, support and innovation grants, vocational education, the Teacher Corps program, and Head Start. All together, we are spending nearly $500 million to educate the handicapped.

So we are doing, I think, everything we have to do and ought to do in that category.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For the occupational, vocational, and adult education portion of this bill, we have an increase here again over the budget of $22 million, from $636,212,000 to $658,849,000. This is one of the areas the committee used an expected request by the administration to come up with a budget figure, because funding for vocational education was not included in the budget, pending action on proposed legislation to consolidate the program category.

The bill allocates $510,637,000 for State grants, and $35,000,000 for vocational research, both equal to last year's appropriation. The entire increase over the budget level falls in these categories.

Additionally, $67,500,000 is allocated for adult education and $45,712,000 is included for educational personnel, including $37,500,000 for the Teacher Corps. These levels are all equal to the budget request.

Enrollments in basic vocational education are expected to increase from 9.9 million in fiscal year 1975 to more than 10.9 million in the next fiscal year. Federal funds account for less than 20 percent of the total cost of vocational education. Forty percent of the Federal allotment must be used for specific purposes: disadvantaged students—15 percent; handicapped students—10 percent, and postsecondary programs—15 percent.

HIGHER EDUCATION

In the area of Higher Education, the overall budget request was $2,005,541,000, and there is $2,233,684,000 in the bill, for an increase of $228,143,000.

The bill represents an increase of $100,613,000 over the enacted appropriation for fiscal year 1975, though there are still pending supplemental appropriations of $19.8 million for work-study and $67.4 million for the Guaranteed Student Loan program. The increase over the budget level is distributed throughout the higher education programs.

STUDENT ASSISTANCE

The bill includes $1,978,053,000 for aid programs, an increase of $173,093,000 over the budget.

In the Basic Opportunity Grant program, while the administration wanted a bill with $1,050,000,000, the committee settled on the same figure as we had last year of $660 million. For the Supplemental Opportunity Grant program, for which there was nothing in the budget now, $130 million is included in the bill, while the budget did not fund the program.

The Work Study program is increased $110 million in this bill to $360,000,000. The guaranteed loans is at the level of the budget, $452,000,000, while the direct loans capital contribution is funded at $321 million.

The bill represents a significant change from the budget recommendation, in part because the budget did not reflect the requirement of the authorizing legislation that Supplemental Opportunity Grants, Work Study, and Direct Loans be funded at certain minimal levels before monies could be made available for BOG's. But it is regrettable, I believe, that having funded the BOG program the first year, 3 years ago, and applying it only to freshmen, and 2 years ago to freshmen and sophomores, and last year to freshmen, sophomores, and juniors, that we do not provide a sufficient amount of money now to carry those same students that have gone through 3 years under BOG, and provide them additional money so they can continue as seniors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 5 additional minutes.

Of course, that is part of the difference of opinion reflected not only in our committee, but I think in this House when the new authorizing legislation in higher education was enacted.

There was a very bitter debate over whether or not to go the route of basic opportunity grants as distinguished from these other programs, but frankly, unless we have the full funding for basic opportunity grants, the program does not really perform the way it was conceived—to provide up to $1,400 per student in assistance to go to college.

The minimal requirement for the direct loan program is $286 million, which is $35 million less than in the bill. It should be pointed out that we have over $2 billion in the revolving fund for this program, and $260 million in outstanding loans in delinquent status with a potential default rate of 14 percent. As I pointed out yesterday, I think we would be well justified in going with the minimal level provided in the authorizing legislation. Many institutions apparently are deliberately not seeking to put forth a full-faith effort to collect on outstanding loans because of the expectation that new Federal capital contributions will balance their funds out, but I believe, if they will improve their collection rate, there would be a substantial increase in loans that could be made and we could effectively reduce the level of capital contributions.

Additionally, it should be noted that there is a substantial increase in the amount allocated for teacher cancellations, from $6,440,000 to $8,960,000. This reflects for the most part the statutory change which provides for 100-percent reimbursement to institutions for cancellations granted on loans made after June 30, 1972. In view of the surplus of available teachers, we ought to think about dropping this cancellation provision, or at least limiting it to those areas of greatest need.

In the special programs for the disadvantaged we have allocated the budget request of $70.3 million.

INSTITUTIONAL ASSISTANCE

In the institutional assistance area we are $47 million over the budget. I would point out there that in the item of strengthening developing institutions, the allocation of $110 million is divided between the basic program of $52 million and the advanced program of $58 million. These funds are aimed essentially at the so-called black colleges and other institutions enrolling large proportions of low-income and minority students. But I think the justification for this special focus is no longer what it once was, what with many minorities being drawn into the mainstream of American higher education, particularly in view of the fact that there are financial problems facing many colleges across the board. About half the institutions funded under these programs are public schools, and it should be really up to the taxpayers of those States to fund those public schools if supplemental funding is deemed necessary, rather than the taxpayers of the Nation as a whole.

With the exception of the language training and area studies programs, most of the other programs under the institutional assistance are low priority items that have essentially accomplished their purpose and in my opinion would not need the additional funding we are giving them in this particular bill. These include aid to land-grant colleges, which has been going on at a fairly consistent figure now for about the last 40 years, university community services, and State postsecondary commissions.

The Veterans' cost of instruction program is another one. It was brought out in our hearings that the veterans' representative program of the VA is now present on all the campuses around the country while the cost of instruction program is on about 1,000 campuses. So there is an overlapping of personnel in 1,000 schools. Additionally, there is an overlapping of functions, with both programs providing informational and counseling assistance as well as some tutorial help. With a reduction in the size of the Armed Forces and thus a lesser number leaving the armed services, it seems to me we could eliminate this overlapping and save some money without reducing significantly the actual services received by these students.

This aid does not go to the veteran. It goes to the institution, and then only if the institution increases the enrollment of veterans 10 percent over what it was last year or has a basic veteran complement of 10 percent, something which they ought to be doing anyway. Frankly, if more Members were aware that it is not aid to a veteran, the Members would be more inclined to knock out the program rather than automatically supporting it simply because the title has the name "veteran" in it. Who wants to be against veterans these days? Nobody. But the moniker has no relationship to where the aid actually goes, and it goes to the institution rather than to the individual.

PERSONNEL DEVELOPMENT

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 3 additional minutes.

The bill allocates $7,750,000 for the various programs under personnel development, an increase of $5,500,000 over the budget level.

In view of the surplus of college teachers over the past couple of years, this is certainly a program which could be phased out, and I am pleased that the bill does move in this direction with respect to college teacher fellowships.

However, the increase of $5.5 million over the budget to continue public service fellowships and mining fellowships appears unwarranted.

The public service fellowship program is duplicative of the Harry S. Truman scholarship fund, for which $10 million has been requested under other auspices to fund the program for fiscal year 1976. The Truman program will award scholarships to students wishing to pursue public service careers.

The mining fellowship program emphasizes graduate study in mining fields. Singling out this area for favored treatment is unwarranted, as we have substantially increased research funds in the overall energy area which should provide for additional research in the mining field.

OTHER PROGRAMS

The committee recommendation would fund the low priority ethnic heritage program at the same level as last year. Because this program is of a low priority, in comparison with our other educational needs, and because it duplicates funding available under other programs, we ought to be able to drop funding for it.

Special curriculum materials can be disseminated by NIE and the Office of Education within their present authorities, and the bilingual programs also provide emphasis in this field.

The bill provides $194,054,000 for library resources, compared with the budget request of $147,330,000.

While some increase over the budget request for public libraries appears in order, but the increase of $36 million appears excessive in view of the fact that only 6 percent of the population now does not have access to public library services.

Additionally, States and localities are now using general revenue sharing funds for support of public libraries. Since 1972, over $100 million of such funds has been used for this purpose.

The college library resources program is a minimal direct subsidy program that is too widely dispersed, providing a maximum grant of $5,000 to some 2,380 institutions, including the wealthiest. The program is thus of marginal effectiveness and is thus another area where we ought to be able to make reductions.

The committee recommendation of $36,893,000 for innovative and experimental programs represents a reduction of $2.1 million from the budget recommendation, but an increase of $18,493,000 over last year's appropriation for comparable programs. This funding is under the authority of the new Special Projects Act, which requires that at least 50 percent of the funding for the program go to the first seven items—metric education, gifted and talented, community schools, career education, consumer education, women's education programs, arts in education—under a prescribed formula before funds can be allocated for discretionary activities.

This is clearly a low priority field where we ought to be able to make reductions. A number of these program areas are duplicative of programs in other fields, particularly programs under NIE. Gifted and talented, women's equity, and career education are three programs being undertaken under NIE. We also have handicapped funds, title I funds, and vocational funds going to career education. Consequently, since this is a new area, and is thus likely to take a ltitle while to implement, a smaller initial funding level would appear in order.

For the National Institute of Education, the budget request of $80 million is provided in the bill.

I have one other item here and it has to do with Howard University, and when I get to the special institutions area of this bill I will yield to the gentleman from Ohio (Mr. Ashbrook).

The increase for Howard University over last year is essentially for faculty salary increases and 97 new positions, of which 43 are of a nonfaculty nature. The overall budget for Howard's academic program is $88 million, of which the Federal Government is providing approximately 64 percent. In contrast, only about 13 percent is contributed by student tuition and fees. Student tuition at Howard University is only $1,100 a year, which is about half of what students are paying in comparable institutions around the country.

It should also be noted that there are 713 students from the OPEC countries currently attending Howard University and currently paying no more than the regular tuition, with each student now being subsidized at about $2,600 a year.

According to our studies, the total subsidy for these OPEC students amounts to about $1,850,000, an amount which does not include $106,000 in student aid assistance to 96 of these OPEC students.

The subsidy for all 2,065 foreign students amounts to about $5.5 million. Clearly the American taxpayer should not be required to finance such a subsidy, particularly in the case of OPEC countries whose students are becoming wealthy at our expense.

We find by our studies comparing Howard University with other institutions of similar size, including Georgetown and George Washington, that Howard University nonfaculty salaries designed as they are to keep pace with Federal salaries, are in the $12,340 range, an average of $3,000 to $4,000 higher than George Washington and Georgetown. This year Howard is asking an average salary of $13,500 for its new non-faculty employees. Clearly Howard ought to be doing a better job of managing its financial affairs, particularly at a time when other institutions are having to cut corners across the country.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I appreciate what the gentleman has brought to the attention of the House and I realize it is so broad, there are so many programs and so many extensions, that he cannot get into all the areas; but I was particularly struck by the increase of almost $15 million in the bilingual education program. In reading the report, I see absolutely no justification was given to the committee for that substantial increase. Could the gentleman shed some light on that?

Mr. MICHEL. Mr. Chairman, well, even over and above what the committee has added to the bilingual program, we will get an amendment this afternoon to increase it even further; but here again is a popular name, "bilingual" and that means so many things to so many people. It seems to be the popular thing to add more money for, regardless of what it might be spent for.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I point out that on page 157 of the hearings we are trying to teach 42 different languages. When the program was originally sold it was advocated that Puerto Rican speaking, Southwest Spanish speaking youth, had some difficulty; but I am wondering if we are training people to teach the Crow, Northern Cheyenne, Miccosukee Seminole, Choctaw and Cherokee—I cannot even pronounce many of these names. What in the world is going on? There are 42 different languages that I understand money is being spent for training 9,000 teachers in these 42 languages.

I do not know what kind of need is being met by having these 42 different languages taught in this country.

Mr. MICHEL. Well, I cannot say that I have an answer for the gentleman.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. Certainly, I yield to the gentleman from Michigan.

Mr. FORD of Michigan. The gentleman from Ohio and I were in the conference committee and I remember a discussion at the time of the conferences. The gentleman will recall that the State of Michigan made a study last year in which they discovered that we had 35,000 children that had been identified as having learning problems because English was not their primary language in the household and that encompassed 44 different languages being dealt with in the Detroit school system alone. So there is nothing startling about this.

As a matter of fact, I fought for the idea very hard that all the funds would not be confined to a single dominant language.

There is no question that the largest number of children in the country needing that assistance are Spanish speaking, but they are not the only ones. In the city of Detroit, for example, the second largest group to Spanish speaking are seven different dialects of Arabic.

Mr. FLOOD. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. Roybal).

Mr. ROYBAL. Mr. Chairman, I intend to offer at the appropriate time a package amendment to the education appropriations bill, 1976, which would firmly sustain our level of support for elementary and secondary education, higher education, and library resources. The fundamental thrust of this amendment is to preserve quality education, as well as to guarantee equal educational opportunity. In this effort I am pleased and honored to have the able support of two of my colleagues on the Labor-HEW Appropriations Subcommittee, Representatives Dave Obey and Louis Stokes.

The amendment which we will offer will, in fact, serve several important purposes. First, it will restore funding for several programs which have suffered cutbacks from 1975 appropriation levels; namely, vocational education personnel development, supplemental opportunity grants, aid to land-grant colleges, public libraries and environmental education.

Second, our educational package will strengthen our Federal commitment to equal educational opportunity, especially in terms of compliance with court orders and Federal civil rights laws. This situation has been reinforced by recent court actions mandating bilingual education, education for the handicapped, and desegregation.

Third, our amendment seeks to carry out the spirit and intent of recent formula changes in title I of the Elementary and Secondary Education Act and impact aid; namely, to reform the method of distribution without seriously impairing Federal assistance at the local level.

Last, the amendment takes into account, to some extent, the inflationary factor, as reflected in title I, Follow Through and adult education. However, the cost balloon factor applies particularly to school libraries and instructional resources where the price of books have skyrocketed, hitting hardest the less affluent areas of our Nation.

I believe that our amendment to add, above the committee's recommendation, $238.5 million for fiscal 1976 and $249 million in forward funded programs for fiscal 1977 is a reasonable and modest proposal. It was conceived after careful thought and review, which began as early as the President's budget message and proposed educational rescissions. We scrutinized and dissected each of these programs during hours of hearings and subcommittee debate. Our proposal is the outcome of that exacting process.

We were alarmed by the administration's attempt to eliminate or practically dismantle several educational programs, including direct loans and supplemental opportunity grants in higher education, vocational education personnel development, environmental education, and emergency school aid. Further, the administration sought to reduce support for bilingual education, completely ignoring the consequences of the Lau decision. Almost every major educational program was suspect: impact aid, vocational education, higher education, and library resources.

Personally, I was deeply disturbed by the negative effect of the President's budget both educationally and economically. The reality is that many States are facing budget deficits and rising expenditures this year and the following year.

Educational services are experiencing reductions due to dwindling State financing at the precise moment that courts are imposing new requirements to aid handicapped and limited English-speaking children.

Further, the court in the Serrano decision has called into question the basic revenue raising mechanism of many school districts. As a consequence, California is in the process of establishing a new method of school financing, which may cost its taxpayers an estimated $3.5 billion over 5 years.

At present, 38 States are considering an increase in taxes to meet the rising costs of government and to deal with the current recession and unemployment problems. It is reported that the net rise in taxes could be as high as $3.7 billion.

We can readily see that cutbacks in education add fuel to State and local economic woes, and place an enormous financial strain on their resources and capacity to meet present educational needs.

If we were to endorse the administration's dismantling approach, we would, indeed, be stepping backwards into the dark ages. I am pleased that the Labor-HEW Subcommittee under Mr. FLOOD's leadership has rejected the administration's ill-conceived proposition. Not only has the subcommittee acted to restore funding for several programs, but also provided, where necessary, interim funds until the start of the new budget year.

However, the subcommittee's recommendations also fell short in maintaining an adequate budget level for local educational support. Further, it did not strengthen those programs which focus on equal educational opportunity for the handicapped and for other disadvantaged children. The Roybal-Obey-Stokes package attempts to cover those needs without proposing a budget-busting or fiscally irresponsible approach. In fact, it is restrained in its response; it shows a net increase of only $170 million over previous appropriation or advance funded levels for those programs affected by our amendment.

I urge your strong support for this educational package which I will offer during consideration of amendments to the education appropriation bill this afternoon.

Mr. Chairman, I insert a table showing the additions requested under the Roybal-Obey-Stokes amendment in the RECORD at this point.

ROYBAL-OBEY-STOKES AMENDMENT TO EDUCATION APPROPRIATION, FISCAL YEAR 1976

Agency/appropriation	1975 appropriation	1976 estimate	1976 subcommittee recommendation	Roybal-Obey-Stokes package	Increase over subcommittee bill
OFFICE OF EDUCATION					
Elementary and secondary:					
Grants for disadvantaged	$1,876,000,000	[1] ($1,900,000,000)			
Advance for 1977		1,900,000,000	$1,900,000,000	$2,050,000,000	$150,000,000
Bilingual education	84,270,000	70,000,000	84,270,000	95,270,000	11,000,000
Follow through	53,000,000	41,500,000	53,000,000	59,000,000	6,000,000
Environmental education	1,900,000			2,000,000	2,000,000
School assistance in federally affected areas: Maintenance and operations	636,016,000	256,000,000	553,000,000	649,000,000	96,000,000
Emergency school aid	[2] 234,004,000	101,700,000	[3] 125,000,000	200,000,000	75,000,000
Education for the handicapped:					
State grant program	100,000,000	[1] (100,000,000)			
Advance for 1977		50,000,000	100,000,000	110,000,000	10,000,000
Occupational, vocational, and adult education:					
Adult education	67,500,000	67,500,000	67,500,000		
Advance for 1977		67,500,000	67,500,000	71,500,000	4,000,000
EPDA (vocational education)	9,000,000		3,000,000	9,000,000	6,000,000
Higher education:					
Student assistance:					
Suppl. opp. grants	240,300,000		130,093,000	240,093,000	110,000,000
Institutional assistance:					
Aid to land grant coll.	9,500,000		7,000,000	9,500,000	2,500,000
Library resources:					
School libraries and instructional resources	137,330,000	135,580,000	[4] (137,330,000)		
Advance for 1977			137,330,000	147,330,000	10,000,000
Public libraries	51,749,000	10,000,000	46,749,000	51,749,000	5,000,000
Total increase under Roybal-Obey-Stokes package				487,500,000	

[1] 1975 advance appropriation for 1976.

[2] Rate of spending authorized by the continuing resolution.

[3] Does not include the $26,700,000 recommended by the Subcommittee for Civil Rights Advisory. Services, which is authorized by title IV of the Civil Rights Act.

[4] 1975 advance appropriation for 1976.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I will yield to the gentleman from Virginia.

Mr. HARRIS. Mr. Chairman, I rise in full support of the Obey-Roybal-Stokes amendment to the fiscal 1976 education appropriation bill which would add $487.5 million to the committee-reported bill.

This is the first major education bill before the 94th Congress, and I urge my colleagues to come out loud and clear and tell the public and the administration that we care about our schools. For the last 6 years, the Congress and the Republican administrations have engaged in a tug-of-war over funds for education. Congress has had to fight veto after veto, on top of impoundments, rescissions, and deferrals. I am sure the 94th Congress—a Congress that has brought a breath of fresh air to our legislative process—will not turn its back on our schools.

This year, we have a particularly compelling reason to upgrade support for our schools. As one school official in my district put it, the energy crisis is "really tearing us up." Our school budgets are being stretched to their limits because of zooming utility and other energy costs. Since local funds usually pay for basic operational costs like these, school districts are looking to the Federal Government for funding of the types of programs in this amendment: aid to the handicapped, the disadvantaged, drug abuse programs, environmental educational education, vocational and adult education impact aid and libraries and instructional resources. I believe the Federal Government must not merely maintain its support of programs like this, but continue to increase and stimulate creative solutions to our children's educational needs by providing adequate funds.

In talking with school people in my district, I have found a grim picture. The electricity bill for the Prince William County schools next year will be about $500,000 more than it was this year. The cost of No. 2 heating oil has more than doubled since 1973, going from 15 cents to 34 cents per gallon. Particularly rough has been the fossil fuel adjustment charge. For one school, for example, the bill for kilowatt hours of fuel used in March 1975 was $916.53. The fossil fuel charge was an additional $1,572.55. Shortly, I will be joining with several of my colleagues to introduce legislation to eliminate the fuel adjustment clause and to require a full public hearing to justify higher fuel costs.

Similarly, Alexandria school officials tell me that since the 1973–74 school year, their electricity bill has almost tripled. For fuel oil in 1972–73, Alexandria schools paid an average cost of 11 cents per gallon; this month, they are paying 34 cents—a 200 percent jump. Gasoline for school vehicles cost the Alexandria schools 14 cents in 1973; this year it costs 29 cents—another doubling.

Fairfax County has a painful "laundry list" of increases for the July 1973–December 1974 period: gasoline, up 59 percent; No. 2 heating fuel, up 76 percent; No. 5 heating fuel, up 142 percent. In another area, educational supplies have risen 30 percent. Even rubber bands have gone up 28 percent.

The energy crisis has also raised the price of audiovisual materials such as educational films, filmstrip records and tapes—resources integral to the learning process. In one County, the cost of audiovisual equipment, much of which is made of plastic, petroleum-based products, have increased 65 percent. Curiously, many educators are asking for audiovisual materials to help teach students about energy, but the cost of polyvinyl chloride is seriously hampering the production of these materials.

There are many other justifications for this amendment: court decisions questioning the traditional means of supporting our schools; court decisions requiring States to provide quality education to handicapped and bilingual students; and dwindling State and local funds.

This amendment is a minimum commitment, in my view. President Ford did not even mention education in his state of the Union. To me, this represents the priorities of the administration. I intend, with my vote, to show to our students, parents, teachers and administrators that education is important to this Congress.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the amendment of the gentleman in the well (Mr. ROYBAL) and his colleagues on the committee (Mr. OBEY and Mr. STOKES).

This amendment provides $487.5 million in additional Federal funds for education programs—of which $307 million would be available in fiscal 1976, and $180 million in fiscal 1977.

Mr. Chairman, even with the additional funds included in this amendment, our schools will have less spending power this year than they had last. This is due not only to the administration's continued opposition to spending the amount of money which is truly necessary to provide every child in this country with an adequate education, but is also due to the disastrous economic policies of the Nixon-Ford administrations which brought about the highest rate of inflation since the post World War II years.

Let us just review what has happened to Federal education funds since the beginning of this year. The administration, in its budget message to the Congress, proposed slashing the overall budget for education by $1.2 billion for fiscal year 1976. The administration's budget request not only proposed spending less in fiscal 1976 than was spent in fiscal 1975 for many programs, but in some cases the figures contained in the administration's proposal were based upon legislation which had not even been introduced let alone enacted into law. To its credit, the Appropriations Committee ignored much of what the administration proposed and the bill which we now have before us contains approximately $700 million more in funds for education than was requested by the administration. However, the committee proposal still falls approximately $500 million short of the amount which was available for education programs in fiscal 1975.

Therefore, Mr. Chairman, we have found it necessary to offer this amendment for the purpose of guaranteeing that many important programs will be permitted to continue at the current level. These include programs for disadvantaged children under title I of the Elementary and Secondary Education Act, bilingual education, education of the handicapped, vocational education, impact aid, supplementary opportunity grants for students and colleges and universities, and other programs that would be seriously curtailed without the additional funding provided by this amendment.

Mr. Chairman, there is one provision contained in this amendment which is of vital importance to many of the communities in my own district. As many of my colleagues will recall, I strongly opposed the adoption of the Education Amendments of 1974 which modified the formula for making allocations under title I of the Elementary and Secondary Education Act. At that time, I stated that it was "ridiculous for us to say we are passing legislation to help cities and suburbs when the areas which receive the most dramatic increases under this conference report are vitally all rural, sparsely populated regions." Mr. Chairman, I am sorry to report that the fears which I expressed on the floor of these Chambers last year have turned out to be true. According to information I have received, both from the U.S. Office of Education and from the Michigan Department of Education regarding final allocations for ESEA title I for the current fiscal year, many of the school districts within my own congressional district will be receiving substantial cutbacks—despite the fact that the State of Michigan received almost $5 million more. Furthermore, these districts have been advised to expect even further reductions for the coming fiscal years. In order to reverse the trend of cutbacks and help these districts it is necessary to provide more money for title I programs. Accordingly the amendment which we now have before us provides an additional $150 million over the $1.9 billion included in the committee bill in advance funding for fiscal year 1977. At this point, I would like to include as part of the RECORD a table which shows the final allocation under title I ESEA for fiscal years 1974 and 1975 for the urban school districts located within Wayne County, Mich., so that my colleagues can examine the effect that the new formula has had upon these districts:

School district	1974 final allocation	1975 final allocation
WAYNE		
Detroit[1]	$19, 075, 202	$19, 523, 696
Allen Park	47, 305	47, 477
Cherry Hill	90, 210	160, 648
Dearborn City	270, 080	318, 583
Dearborn Heights No. 7[1]	112, 212	95, 380
Melvindale-North Allen Park[1]	113, 129	96, 160
Garden City[1]	116, 118	160, 261
Grosse Pointe	64, 357	98, 443
Hamtramck[1]	253, 945	215, 853
Highland Park[1]	963, 707	819, 151
Inkster[1]	571, 330	485, 631
Lincoln Park[1]	215, 441	183, 125
Livonia	210, 857	250, 565
Plymouth[1]	77, 528	68, 030
Redford Union	59, 267	80, 227
River Rouge[1]	356, 990	303, 442
Romulus[1]	316, 469	268, 999
South Redford	40, 154	59, 880
Taylor[1]	812, 440	690, 574
Trenton[1]	90, 027	76, 532
Wayne-Westland[1]	475, 069	403, 809
Wyandotte[1]	296, 666	252, 166
Flat Rock[1]	40, 338	34, 287
North Dearborn Heights	26, 953	35, 075
Crestwood	43, 271	46, 508
Westwood[1]	247, 894	210, 710
Ecorse[1]	355, 706	302, 350
Gibraltar[1]	43, 088	36, 625
Grosse Ile	12, 651	13, 177
Harper Woods[1]	20, 231	17, 196
Huron	46, 022	61, 818
Woodhaven	30, 915	26, 278
Northville	15, 386	18, 603
Riverview[1]	39, 238	33, 352
Southgate[1]	125, 781	106, 914
Van Buren[1]	153, 040	130, 084
Total	25, 879, 017	25, 731, 600

[1] School districts receiving less in fiscal year 1975 than in 1974.

Mr. Chairman, another important part of the amendment provides for an additional $96 million for the impact aid program. This money is vitally necessary to fund the new impact aid amendments through tier II. Even though the committee has added an additional $299 million to the administration's ridiculous request of $256 million, the additional $96 million is necessary because the amount recommended by the committee is not enough to fully fund the program through tier II, and unless all of tier II is funded, under the new authorizing law none of the money can be spent.

Mr. Chairman, I cannot stress enough the need for the additional funds for education which are provided by this amendment. If any of my colleagues have any doubts as to the importance of these funds, I would suggest that they return to their districts and talk to their school board members, to their superintendents, their teachers, parents, and students. I am sure they would learn that virtually every school district in this country is crying out for more funds just to maintain the same level of education they were able to provide for their students in the school year which will be coming to a close within the next few months.

Mr. Chairman, I know we will hear many comments today relating to the impact that this amendment will have on the President's budget.

We will hear the argument that this amendment is budget busting—that we simply cannot afford to spend the additional $307 million which it contains for education programs in fiscal year 1976. Let me just remind my colleagues that the President stood before us just 6 days ago and requested that we spend "without delay" some $722 million for emergency military assistance for the continued defense of the Government of

South Vietnam, in addition to his January request of $300 million for the same purpose and in addition to "an initial sum of $250 million for economic and humanitarian aid for South Vietnam."

I would therefore presume that the President seems to feel that we can well afford to spend more money and that the question before us now is simply whether or not we can justify spending money on our own children.

I would hope that a majority of my colleagues would vote for our own children and support this amendment.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise to commend the gentleman from California (Mr. Roybal), and I would like to associate myself with those remarks.

I plan to vote for the gentleman's package of amendments. In the event they fail of passage. I propose to make a point of order that hopefully will strike the language that imposes a limitation of impact aid on the families in public housing.

Mr. ROYBAL. Mr. Chairman, I yield back the balance of my time.

Mr. NIX. Mr. Chairman, I rise in support of the bill and in strong support of the Roybal-Obey-Stokes amendment for increased educational funding. We are all familiar with the increasing financial strains that the educational system in this country is faced with. Local school systems, colleges, and universities are hard pressed to find the resources to maintain their educational standards. At such a time the Federal Government must not allow its commitment to educational excellence to falter.

I believe it would be false economy in the extreme for us to reduce spending by reducing Federal support for education. One of the great strengths of our economy has always been the strength of our educational system. If we are to meet the economic challenges of the future, we must continue to provide our young people with the best education we possibly can. An investment in education is an investment in the future, and we know from experience that the dividends are substantial.

The Roybal-Obey-Stokes amendment provides desperately needed funding for vital educational programs. It provides additional support for elementary and secondary education, for emergency school aid, for education of the handicapped, for adult education, for higher education, and for library resources. We must not use our present economic difficulties as a reason for shortchanging education, a priceless national resource.

Mrs. SCHROEDER. Mr. Chairman, I would like to say a few words in support of the Roybal-Obey-Stokes amendment to H.R. 5901, which would add $487.5 million to 13 specific education programs. Although the total amount recommended in the bill already exceeds the budget request by $661,156,000, the increases principally reflect the amounts necessary to prevent cutbacks below anticipated 1975 funding levels. These additional funds would provide much-needed programs to improve the quality of education for many of our Nation's citizens, including assistance for the disadvantaged and the handicapped, and bilingual, vocational, and adult education programs, as well as funding for school libraries and public library services. It is evident that State financial support is inadequate to maintain the existing educational services and that a cutback on these services will be inevitable unless Congress helps to relieve the financial burden the States are now experiencing.

I would also like to take this opportunity to inform my colleagues that I will soon be introducing a bill to change the allocation of funds under title I of the Elementary and Secondary Education Act. As the statute now stands, if a child is based from a school eligible for title I funds to a school which is not, the child will only receive services and benefits provided for under title I for the remainder of that year. This is a situation which should be remedied. Children who are often desperately in need of these services are being deprived of them with no stronger arguments than that the "sheer administrative burden" of having to "track kids" makes it impractical. In this regard, my bill would enable these funds to "follow-the-child," with stipulations that these funds are to be used only for programs to supplement the regular educational curriculum of children diagnosed to need special assistance to insure a satisfactory educational experience.

Denver is now experiencing a situation where a growing number of children in need of title I services are being denied them when they are bused into a school attendance area that is ineligible for title I funds, since the percentage of children from low-income families in that particular area is not at least as high as the percentage of such children residing in the whole of the school district. I am certain that other Members are experiencing similar situations in their districts, and I cannot stress enough that education is one area that should not be subjected to "corner-cutting" and half-way measures, nor be compromised for the sake of bureaucratic convenience. It is vitally important that we strive to provide the best possible education for each and every one of our Nation's children.

Mr. HANNAFORD. Mr. Chairman, it is a pleasure for me to rise in support of H.R. 5901, education division and related agencies appropriation for fiscal year 1976. However, I do have some reservations concerning the inadequate funding level of some very worthwhile programs. One such program is the veteran cost of instruction program.

While the attention of the Nation is again focused on needs in Vietnam, it remains unfortunate that many Vietnam veterans who faithfully served our country in that difficult war are still receiving unjust treatment.

Compounding the problem of many veterans adjusting to civilian life are current depressed economic conditions. Since the veteran was in many cases the last hired, he is often the first laid off. For the veteran, aged 20 to 24, the employment rate in March was 17.5 percent. Compared to his peer who did not serve this represents a 50 percent higher rate of unemployment. There are now well over a half million veterans, aged 20 to 34, still out of work.

One effective program which can help to alleviate part of the problem of preparing the veteran to be more competitive in the job market is the veteran cost of instruction program.

Congressional initiative added VCIP to the Higher Education Act of 1972. The purpose of this important program is to provide qualifying institutions of higher learning with resources to assist veterans already in school and, more importantly, those veterans who are not now using their postsecondary education benefits.

The veterans cost of instruction program differs from the VA's vet rep program which was initiated 1 year after the VCIP of HEW. Rather than simply placing VA employees on campus, the veterans cost of instruction program has given more than 1,000 colleges funds to staff offices for veterans. These dedicated individuals help the veteran to obtain part-time jobs and loans so that they can get in school, and proper counseling and guidance to stay in school.

Through the leadership of people throughout the Nation like Dr. Steven Horn at California State University at Long Beach, which I am proud to represent, VCIP has been instrumental in helping countless deserving veterans.

I am enclosing for the Record a selected list of colleges and universities to reflect the increase in veterans enrollment. In many cases this enrollment has increased by over 50 percent.

The table follows:

INCREASE IN VETERANS ENROLLMENT AT SELECTED VETERANS COST OF INSTRUCTION COLLEGES

College	Spring 1973	Spring 1974
S. Bishop State Junior College, Mobile, Ala	265	485
Troy State University, Troy, Ala	732	1,091
Southcentral region, University of Alaska, Anchorage, Alaska	756	780
Glendale Community College, Glendale, Ariz	1,593	2,941
Mesa Community College, Mesa, Ariz	1,201	2,095
Maricopa Tech. Community College, Phoenix, Ariz	1,092	1,777
Eastern Arizona College, Thatcher, Ariz	312	564
Arizona State University, Temple, Ariz	2,010	2,798
Fresno City College, Fresno, Calif	1,928	2,685
California State University, Long Beach, Calif	3,156	3,164
Monterey Peninsula College, Monterey, Calif	1,814	2,825
Laney College, Oakland, Calif	2,055	2,287
College of the Desert Palm, Desert, Calif	852	1,017
Porterville College, Porterville, Calif	378	575
Canada College, Redwood City, Calif	391	480
San Bernardino Valley College, San Bernardino, Calif	2,545	3,328
Palomar Community College, San Marcos, Calif	1,608	2,748
California Lutheran College, Thousand Oaks, Calif	57	78
Kauai Community College, Lihue, Hawaii	222	276
College of DuPage, Glen Ellyn, Ill	845	1,397
Kishwaukee College, Malta, Ill	228	318
Illinois Eastern Community College, Olney, Ill	232	334
Triton College, River Grove, Ill	672	1,004
Rock Valley College, Rockford, Ill	520	805

INCREASE IN VETERANS ENROLLMENT AT SELECTED VETERANS COST OF INSTRUCTION COLLEGES—Continued

College	Srping 1973	Spring 1974
Wichita State University, Wichita, Kans	1, 395	1, 617
University of Louisville, Louisville, Ky	732	863
Howard Community College, Columbia, Md	102	150
Massasoit Community College, Brockton, Mass	411	596
Bunker Hill Community College, Charlestown, Mass	162	533
Northern Essex Community College, Haverhill, Mass	458	668
C. S. Mott Community College, Flint, Mich	821	1, 590
College of the Mississippi Gulf Coast Junior College District, Gulfport, Miss	329	655
Essex County College, Newark, N.J	691	1, 267
State University of New York, Farmingdale, N.Y	828	1, 068
Richmond College, City University of New York, Staten Island, N.Y	244	288
CUNY-Staten Island Community College, Staten Island, N.Y	1, 193	1, 541
Asheville-Buncombe Tech. Institute, Asheville, N.C	251	300
Rowan Technical Institute, Salisbury, N.C	483	640
Johnston Technical Institute, Smithfield, N.C	218	255
Oklahoma State University, Stillwater, Okla	1, 319	1, 347
University of Portland, Portland, Oreg	89	117
Chemeketa Community College, Salem, Oreg	626	1, 008
Montgomery County Community College, Blue Bell, Pa	305	365
Bucks County Community College, Newton, Pa	507	712
Midlands Tech. College, Beltline Campus, Columbia, S.C	660	964
Orangeburg-Calhoun Tech. College, Orangeburg, S.C	595	733
Columbia Technical Education Center, West Columbia, S.C	220	1, 083
Wenatchee Valley College, Wenatchee, Wash	234	363
Waukesha County Tech. Institute, Pewaukee, Wis	309	463

Mr. HANNAFORD. Mr. Chairman, the administration has been attempting to eliminate this worthwhile program. Congress wisely rejected the administration's attempts to have rescinded the funds already appropriated for fiscal year 1975. In the budget request for fiscal year 1976, no funds were requested. Thanks to the leadership of the Labor-HEW Subcommittee, VCIP will continue to exist for fiscal years 1975 and 1976.

However, because of amendments adopted last fall, up to 500 more colleges may be eligible for the veterans cost of instruction program. Therefore, it is imperative that the funding level be sufficiently increased to give every campus the means to participate in this worthwhile program. The veterans cost of instruction program helps thousands of veterans have the opportunity to acquire the education and skills necessary to adequately provide for themselves.

Mr. MOAKLEY. Mr. Chairman, an increase in Federal funding for education must be one of the highest priorities of the House. The need for quality education is immeasurable. Without adequate funding, the quality of education for our young people will deteriorate.

Inflation has not passed over the cost of running schools.

To think that tomorrow's leaders might be inadequately educated as a result of a lack of Federal moneys for a solid education is a discomforting thought.

The Roybal-Obey-Stokes amendment to the education appropriation bill for 1976 is a big step in the right direction toward providing the funds needed for a quality education.

I have recently received several communications from teachers, students, community leaders, school associations, and school administrators requesting my support for the Roybal-Obey-Stokes amendment. These concerned citizens have made it very clear to me that the funds provided in this amendment are vitally needed to provide the best education available for our young people.

Mr. Chairman, I support this amendment and urge my colleagues to join in passing this urgently needed measure.

Mr. FRENZEL. Mr. Chairman, I intend to vote for H.R. 5901. I am pleased that we are trying to speed up the process of funding for education. Nothing is more important than prompt action so local districts and departments are not kept in the dark as has been our regular custom.

I shall vote against the Roybal amendment. I support its purposes, but the extra one-half billion dollars it adds pushes the total bill a full billion dollars over the budget. The Quie amendment inculdes the worthiest additions of the Roybal amendment with a much softer impact on the budget. I support the Quie amendment with its increased funding for vocational education and other good purposes.

I shall vote for the bill on final passage, but I fear we may add too much money. This education appropriation can be, and should be, greater than the proposed budget, but there is a limit. That limit will be easier to determine when the Senate completes its work on the bill and when we see what other appropriations have exceeded the budget.

Education should have a high priority in whatever increased expenditures are available. But, at a time of a certain fiscal 1976 deficit of $60 billion, a probable deficit of $75 billion, and a possible deficit of $100 billion, we should be prepared to make sacrifices even in these high priority categories.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I am opposed to the Casey amendment to H.R. 5901 because the amendment's scope is too wide; while I support the protection of the Boy Scouts, Girl Scouts, and similar organizations, I am afraid that the inclusion of local school systems and other public agencies will result in a stalemate in the progress which has begun in providing equal facilities for girls' physical education in our primary and secondary schools.

Had the amendment been limited to scouting organizations, the YMCA, YWCA, Campfire Girls, boys and girls clubs and fraternal groups, I would have supported the amendment. However, as it is presently drafted, the Federal Government may be left in a position of withholding funds to school systems which are trying to provide boys and girls with equal physical education facilities. For years, girls physical education has been neglected, and this neglect is manifested in the unequal facilities made available.

I do not want to risk the gains that have been made in this area, however modest, by voting for an amendment that may end funding for equal facilities. I, therefore, oppose the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to compliment my colleagues on the Appropriations Committee for their timely and fine work in bringing this measure to the floor.

The nature of the educational budgeting and administrative process is such that the ability to complete advance planning is an integral part of the success of educational programs.

I am pleased that the committee, in recognition of this fact, has included appropriations for educational programs in a separate bill to be considered and enacted earlier than the appropriations for other programs administered by HEW. In this way, we will be able to let students and school officials know at the earliest possible date what level of assistance will be available to them. I urge my colleagues to move expeditiously and I shall be encouraging the Office of Education to do likewise in allocating funds after they are appropriated.

An item of particular importance in the bill is the funding for title I. In my opinion, the compensatory education programs of title I are the most important Federal educational assistance programs. These programs enable our schools to provide disadvantaged children with the special educational programs they need.

The bilingual education assistance programs also have my full support. Bilingual education programs ensure equal educational opportunities for students of limited or non-English speaking ability. It is an essential element in reaching these children and motivating them to stay in school and complete their education.

I also commend my colleagues for recognizing the need to continue to fund Federal educational programs in areas where the tax base is affected by Federal presence. I supported the impact aid provisions enacted by the Congress last year and am pleased that the committee has acted to carry them out.

Finally, let me conclude by saying again how essential it is that we do not delay in completing action on this legislation. Our schools need substantial lead time for planning which this bill will provide if we move quickly on it.

Mr. MICHEL. Mr. Chairman, I have no further requests for time.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that he will va-cate the proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under this call shall be considered as vacated.

The Committee will resume its business.

The Clerk will read.

The Clerk read as follows:

Provided further, That the amount made available to each State from the sum heretofore appropriated for the fiscal year 1976 or from the sum appropriated herein for the fiscal year 1977 for title IV, part C of the Elementary and Secondary Education Act shall not be less than the amount made available for comparable purposes for fiscal year 1975.

POINT OF ORDER

Mr. ADDABBO. Mr. Chairman, I raise a point of order that the language as it appears on page 3, line 1, through line 6. is legislation on an appropriation bill. I have a further reason. I understand that the committee will concede the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. I think we should point out that for different reasons historically there is now considered the same kind of language that has been in an appropriation bill before. This is what is sometimes referred to as the "hold harmless" provision, and the effect, of course, of this language is simply to prevent the reductions in State grants from last year. I will make that very clear. I will say the formula for making these distributions will certainly change under that new consolidated program enacted last year, and there are about 20 States now that will receive less under the so-called new consolidated program than they received under the previous program.

The language in the bill was an attempt to remedy that very situation. This is the effect of the language.

Of course, unfortunately, under title IV, part C, of the Elementary and Secondary Education Act it does not specifically authorize a "hold harmless" provision. We will have to concede the point of order, but this is just so the Members will know.

The CHAIRMAN (Mr. Wright). The gentleman from Pennsylvania concedes the point of order, and the Chair sustains the point of order. Therefore, the language appearing on page 3, lines 1 through 6, is stricken from the bill.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment to the paragraph of the bill just read which is a single substitute for several paragraphs of the bill, and I hereby give notice that, if the amendment is agreed to, I will make motions to strike out the paragraphs appearing as follows: the paragraph beginning on line 7, page 3 and ending on line 19, page 4; the paragraph beginning on line 20, page 4 and ending on line 22, page 4; the paragraph beginning on line 23, page 4 and ending on line 25, page 4; the paragraph beginning on line 1, page 5 and ending on line 3, page 5; the paragraph beginning on line 4, page 5 and ending on line 9, page 5; the paragraph beginning on line 10, page 5 and ending on line 11, page 5; the paragraph beginning on line 12, page 5 and ending on line 3, page 6; the paragraph beginning on line 4, page 6 and ending on line 6, page 6; the paragraph beginning on line 7, page 6 and ending on line 7, page 7; the paragraph beginning on line 8, page 7 and ending on line 10, page 7; and the paragraph beginning on line 11, page 7 and ending on line 21, page 7.

The Clerk read as follows:

Amendment offered by Mr. Roybal: On page 2, strike out the paragraph beginning on line 1 extending down through line 6 on page 3 and substitute in lieu thereof:

TITLE I—EDUCATION DIVISION

OFFICE OF EDUCATION

Elementary and Secondary Education

"For carrying out, to the extent not otherwise provided, title I, part A ($2,032,212,000), title I, part B ($16,538,000), title IV, part C ($172,888,000), and title VII of the Elementary and Secondary Education Act ($95,270,000); title VII of the Education Amendments of 1974; the Environmental Education Act ($2,000,000); section 417(a)(2) of the General Education Provisions Act; part J of the Vocational Education Act; part IV of title III of the Communications Act of 1934; the Alcohol and Drug Abuse Education Act; and part B of the Headstart-Follow Through Act ($59,000,000), $2,403,158,000, of which $10,000,000 shall be for educational broadcasting facilities and shall remain available until expended: *Provided*, That of the amounts appropriated above the following amounts shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977: title I, part A ($2,032,212,000), title I, part B ($16,538,000), title IV, part C ($172,888,000) of the Elementary and Secondary Education Act and section 417(a)(2) of the General Education provisions Act ($1,250,000): *Provided further*, That amounts appropriated for carrying out title I of the Elementary and Secondary Education Act in the fiscal year 1976, shall be available for carrying out section 822 of Public Law 93-380.

School Assistance in federally Affected Areas

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $649,000,000 of which $46,000,000 shall be for payments under section 6 and $603,000,000 shall be for payments under sections 2, 3, and 4 in accordance with subsection 5(c) of said Act. For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $10,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950. For "School assistance in federally affected areas" for the period of July 1, 1976, through September 30, 1976, $70,000,000.

Emergency School Aid

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, $226,700,000. For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, for the period July 1, 1976, through September 30, 1976, $325,000.

Education for the Handicapped

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $235,000,000: *Provided*, That of this amount, $110,000,000 for part B shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Education for the Handicapped" for the period July 1, 1976, through September 30, 1976, $10,500,000.

Occupational, Vocational, and Adult Education

For carrying out, the the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($438,978,000), D, F ($35,994,000), G ($19,500,000), H ($9,849,000), and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241-1391), and parts B-1, D, and F of the Education Professions Development Act, and the Adult Education Act of 1966, $668,849,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1976: *Provided*, That of this amount $71,500,000 for the Adult Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Occupational, vocational, and adult education" for the period July 1, 1976, through September 30, 1976, $151,000,000.

Higher Education

For carrying out, to the extent not otherwise provided, titles I, III, IV, and parts A, B, C, and D of title IX and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969, as amended, section 207 and title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, title IX of the Elementary and Secondary Education Act, and Public Law 92-506, $2,346,184,000, of which $240,093,000 for supplemental educational opportunity grants and amounts available for reallocation among eligible institutions for work-study grants and for incentive grants shall remain available through September 30, 1977, $23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, $660,000,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses) of which $648,500,000 shall remain available through September 30, 1977, and $452,000,000 for subsidies on guaranteed student loans shall remain available until expended: *Provided*, That none of the funds in this Act shall be used to pay any amount for basic opportunity grants for students who were enrolled at institutions of higher education prior to April 1, 1973. For "Higher education" for the period July 1, 1976, through September 30, 1976, $124,000,000, to remain available until expended.

Library Resources

For carrying out, to the extent not otherwise provided, titles I ($49,155,000) and III ($2,594,000) of the Library Services and Construction Act (20 U.S.C., ch. 16); title II, part A of the Higher Education Act; and title IV, part B ($147,330,000) of the Elementary and Secondary Education Act, $209,054,000: *Provided*, That the amount appropriated above for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977."

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Chairman, as I stressed in my remarks during the general debate, this package amendment would help to restore our level of support for education in all areas. It would preserve our commitment to quality education and advance our national goal to provide equal education for all.

This amendment is a reasonable and modest proposal—and one which focuses on the educational needs of our children. It is restrained in its response; it proposes to add, over the committee's recommendation, $238.5 million for fiscal 1976 and $249 million in forward funded programs for fiscal 1977.

This package is neither budget-busting nor fiscally irresponsible. In fact, it shows a net increase of only $170 million over previous appropriation or advance funded levels for those programs affected by the amendment. It restores funding for several items which have suffered cutbacks from 1975 appropriation levels, and further strengthens our Federal commitment to equal educational opportunity. In a word, the amendment concentrates on those areas where we felt the need was greatest.

TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

We were made aware in the testimony, and from thousands of parents throughout the country that many of our elementary and secondary schools face very real fiscal problems this year and the following year. With respect to the largest item in the package, the addition of $150 million in forward funding for title I of ESEA, we felt that the committee's recommendation to provide the same level for 1977 as was appropriated for 1976 did not take into account the rising cost factors, in fuel and electricity, in books, salaries, and paper. Perhaps we were too conservative in our proposed increase. But certainly to add less than an 8-percent increase over this year's amount would be ignoring the economic facts of life. While our increase does not cover inflationary costs applicable to this current school year, it does provide a realistic base for school planning for fiscal 1977.

BILINGUAL EDUCATION

With respect to bilingual education the administration recommended a $14 million cut below the 1975 appropriation level. The committee restored that amount by providing $84,270,000. We feel that an additional $11 million is justified on two counts: First, Recognition of the inflation of costs over the past year and, second, far-reaching consequences of the Lau decision mandating equal education for language minorities. In that decision the Supreme Court ruled:

> Basic English skills are at the very core of what these public schools teach. Imposition of a requirement that, before a child can effectively participate in the educational program, he must already have acquired those basic skills is to make a mockery of public education.

The estimated number of children eligible for participation in this program is over 5 million, yet only 3 percent are currently being served. Further, there is a serious lack of adequately trained bilingual education professionals including teachers, counselors, administrators and teacher aides. A conservative estimate puts the need for trained bilingual personnel at 100,000 yet only 4,000 teachers are currently being trained under the existing program.

Our amendment would raise the total funding level to $95,270,000. Of the total recommended: $60,000,000 would be used to support classroom demonstration projects; $25,370,000 for training activities to increase the number of bilingual teachers, with $870,000 of that amount for graduate fellowships; $7,000,000 for curriculum development; $2,800,000 for bilingual vocational grants; and $100,000 to support the advisory councils.

FOLLOW THROUGH

We believe the addition of $6 million for Follow Through is justified, and will maintain current educational activities for those disadvantaged children previously enrolled in Head Start. The program stresses reading and language development and reading skills in 169 projects in 50 States.

ENVIRONMENTAL EDUCATION

Environmental education is a small but very important program destined by the budget estimates and the committee action for extinction. Our amendment would keep it operative at last year's level, plus $100,000 to reflect increased costs. Some 85 projects could be continued or funded if the amendment is accepted. This is a matching grant program with recipients providing 20 percent of the cost of a project in its first year, 40 percent of costs in the second, year and 60 percent of the third year cost. My colleagues and I feel that this is a sound program, one which by its matching grant formula gives an excellent return on the Federal dollar.

IMPACT AID

An additional $96 million in impact aid is contained in our amendment. It was included for the following reasons: (1) This is the initial funding of the reformed program. The authorizing language is highly specific with respect to the deauthorization of sections of the act in the event of insufficient appropriations for the various funding tiers of the act; (2) the costs of educating children entitled to payment under the act for fiscal year 1976 are now in existence. In many cases, school budgets have already been adopted for the period beginning July 1. To remove a Federal source, or to reduce it drastically, could produce very adverse effects in the 4,400 school districts educating more than half of our public school students; and (3) the reformed act added 900,000 students for coverage for 1976, thus bringing the benefits of the act to many school districts facing great financial difficulty in the coming year.

If the impact aid money is not provided, the local tax rates must make up the difference.

The sum of $649,000,000 is needed to meet the requirements of funding through tier II. The committee bill provides $553 million for maintenance and operations, specifically excluding "public housing" children, contrary to the authorizing language.

Our amendment would provide: $52,750,000 for sections 2, 4, and 6 of the act; $254,000,000 for the tier I level, which must be paid first and is designed to cover "a" and "b" children, including public housing; $327,750,000 for the tier II level, which provides a higher payment level and must be paid fully or not at all; $4,902,000 for section 3(e) base closings (hold harmless); $9,598,000 as a safety margin to protect tier II funding.

EMERGENCY SCHOOL AID

This amendment would increase funding for the Emergency School Aid Act to the level of $200 million. I believe this increase to be justified and necessary if we are to fulfill our constitutional and moral obligation to provide equal educational opportunity for all children.

While I am pleased that the committee has rejected the administration's proposed cutback of ESAA, I am dismayed that full funding, established at the 1974 level, and provided under the continuing resolution, was not maintained. The committee recommendation of $125 million will create a $109 million funding gap for this program and drastically affect current funding support for equal educational programs, especially the development of reading and math skills, not only in the South but in the North and in the Southwest.

Last month, a Federal district court under Judge Pratt found that there existed some 170 districts which had at least one school with a racially disproportionate population. The court spelled out a 7-month timetable for HEW to take enforcement actions against school districts failing to comply with desegregation requirements. The Pratt ruling involves 42 school districts in Texas, 19 in North Carolina, 13 in South Carolina, 10 in Oklahoma, and covers districts in 12 other States.

Desegregation is not just a southern problem; it now involves a large number of midwestern, northern, and southwestern districts. Several California cities, including Los Angeles, are currently facing desegregation problems.

It is the purpose of ESAA to assist local school districts in ending discriminatory practices and preventing the recurrence of minority group isolation. The amendment will help restore our Federal commitment to educational equality. We cannot afford to return to a policy which accepts a segregated and unequal school system.

EDUCATION OF THE HANDICAPPED

The educational package further contains an additional $10 million for forward funding of the State grant programs for education of the handicapped. This would raise the funding level for this program to the full authorized level. It is a justified expenditure for those who wish to keep programs in this area from being eroded by inflation, and it is far under the needs in this area. It is justified in order to aid local and State educational agencies as they try to cope with recent court decisions requiring equal educational opportunities for handicapped students. For instance, in Pennsylvania, it is estimated that $90 million is needed for the State to implement this program.

VOCATIONAL EDUCATION PROFESSIONS DEVELOPMENT

Six million dollars above the $3 million provided in the committee bill was incorporated in the amendment for part F, Vocational Education, of the Education Professions Development Act. This increase would assure the same level of training support as was provided in fiscal 1975. This restoration in funding will enable the States to reach into local school districts and speed up local vocational development, strengthen excellence in this area and develop responsiveness to community vocational needs.

ADULT EDUCATION

Our amendment also provides an additional $4 million for adult education programs for fiscal 1977. The amount represents less than an 8-percent increase in costs which, conservatively, is estimated to occur this year. The addition represents, therefore, a hold-the-line approach to stem the cost erosion of goods and services to one of the potentially largest educational user groups in the country. It is estimated that 54⅓ million adults are functioning in our society without having the advantages of a high school education. An increase in the amounts invested by the Federal Government can and will generate additional State and local funds. This program has received strong local, State and Federal cooperation in both the sharing of costs and resources. There were 959,000 students enrolled in adult education classes in 1975, of which 767,000, ages 18 through 44, were enrolled in the basic classes providing eighth grade equivalency. The return to the individual and the Nation in improved job opportunities, job upgrading and enhanced self-esteem, all warrant this modest increase for fiscal 1977.

SUPPLEMENTAL OPPORTUNITY GRANTS

In the student assistance area the amendment adds $110 million above the committee's recommendations for the supplemental educational opportunity grants, thus restoring it to the fiscal 1975 funding level.

This grant program has been a vital source of aid to nearly 350,000 students in all types of institutions. First of all, it helps many students requiring extra assistance to attend more expensive public and private colleges. Also, it aids many thousands of needy students in low-cost colleges when the basic opportunity grant—which cannot exceed one-half the actual costs of attendance—is simply not adequate.

The House committee bill cuts the program nearly in half, from $240 million in fiscal 1975 to $130 million fiscal 1976. If this cut is sustained, most of the appropriation would have to be used for renewal awards to previous recipients. Very little would be left for grants to students, particularly freshmen, who have not been recipients in previous years.

In academic year 1975–76 a total of 347,000 students are estimated to receive supplemental grant awards averaging about $700. If the funds are not restored, more than 150,000 students would be cut out of the program and, as a result, might will find themselves unable to finance their college education in 1976–77.

AID TO LAND-GRANT COLLEGES

Also in the area of higher education, the amendment seeks to add $2.5 million for land-grant aid above the committee bill. The amount restores the program to the fiscal 1975 level. While the amount is small by comparison with many other items in the education division, we should not underestimate its importance to the colleges and universities which receive it. There is a long history of Federal support for this program—based on the belief that a vital national objective is being met by the special educational services offered at land-grant institutions. It has been estimated that to replace the loss of $2.5 million would require the diversion of more than $200 million of endowment to fill the gap. To do so would, of course, be detrimental to other academic programs and activities at these institutions.

LIBRARY RESOURCES

Finally, let me turn to library related programs. The amendment adds $5 million in fiscal 1976 funding for public library services and $10 million in fiscal 1977 advance funding for school libraries and learning resources.

The increased amount for public libraries simply brings the 1976 total up to the amount appropriated last year, a figure which has already been seriously eroded by inflation and increased operating costs. Money provided by this program helps the poorer States and localities provide library service that will soon be out of reach without these funds.

Indeed, the Federal dollars provided for this effort stimulate the States to increase their own spending for these vital library services. This Federal incentive encourages States particularly to extend library services to previously unserved populations such as the handicapped, the institutionalized, rural residents, migrants, low-income residents and the aging. Recent amendments to the law have placed additional requirements on the States to serve the bilingual, older readers, and the research community.

As for the school libraries and learning resources increase, I would first point out that this added figure of $10 million does not occur in the fiscal 1976 total, but rather is advanced funding to be spent in fiscal 1977. This program, which aids both private and public elementary and secondary schools, provides critical funds for allocation to areas in the States which have large numbers of low-income families, where English is not the dominant language, and where sparse population and geographic barriers make it difficult to provide children with a quality education.

Even today, thousands of elementary schools, especially in the less affluent areas of the country, lack library/media centers and the most recent survey of the States indicates an average of one-third of elementary schools lack libraries. It seems to me that adding $10 million to the fiscal 1977 appropriation for school libraries is a fitting use of Federal money.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I wish to commend the gentleman for his amendment.

In the committee bill, I am quoting from the so-called areas of impacted aid, there is an exclusion of public housing for children to be accounted for in the entitlements. Would the amendment of the gentleman put back the public housing children to be included in the entitlement?

Mr. ROYBAL. It would be; yes, sir.

Mr. ADDABBO. I thank the gentleman.

Mr. ROYBAL. Now, Mr. Chairman, it is most important that we really examine the facts as they are and not be motivated by the fact that we may have problems disagreeing with the President of the United States. He, of course, has his reasons for having made certain recommendations. The committee, likewise, came up with an increase over the recommendations made by the President and I commend the committee for doing so.

The CHAIRMAN. The time of the gentleman from California has expired.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. ROYBAL

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE to the amendment offered by Mr. ROYBAL: Page 1, line 2, after "part A" strike out "($2,032, 212, 000)" and insert "($1,893,212,000)".

Page 1, line 6, after "of 1974" strike out "the Environmental Education Act ($2,000,000)".

Page 1, line 11, after "Follow Through Act" strike out "($59,000,000)".

Page 1, line 17, after "part A" strike out "($2,032,212,000)" and insert "($1,882,212,000)".

Page 2, line 6, after "Ch. 13" strike out "$649,000,000" and insert "563,000,000".

Page 3, line 3, after "Aid Act" strike out "$226,700,000" and insert "$151,700,000".

Page 4, line 16, after Public Law 92–506, strike out "$2,346,189,000" and insert $2,343,684,000".

Page 5, line 13, after "title I" strike out "(49,155,000)" and insert "($44,155,000)".

Page 5, lines 17 and 18, after "Elementary and Secondary Education Act" strike out "$209,054,000" and insert "$194,054,000".

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. QUIE. I yield to the gentleman for the parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MICHEL. I would pose the question as to whether or not the amendment just read by the Clerk is in the form of an amendment to the amendment of the gentleman from California (Mr. Roybal), or is it in the form of a substitute for the amendment of the gentleman from California (Mr. Roybal)?

The CHAIRMAN. The Chair will advise the gentleman from Illinois that the amendment offered by the gentleman from Minnesota was offered in the form of an amendment to the amendment offered by the gentleman from California (Mr. Roybal).

Mr. MICHEL. I thank the Chair.

Mr. QUIE. Mr. Chairman, what this amendment does—which I imagine is a little difficult to follow by just listening to the numbers as they were read by the Clerk—is to remove from the Roybal amendment all except the increase for bilingual education, the increase for education for the handicapped, the increase for vocational education training—that is, the $6 million in EPDA—and the increase in the supplemental educational opportunity grants.

The total of the increase then would be $137 million rather than the amount in the Roybal amendment, which was $487 million.

As I look at the increases that I think we ought to make, these are the ones that I could strongly support. Bilingual education is not used very much in the area I come from, but I know that in the southwestern part of the Nation and in some other parts as well, where there are severe difficulties because of individuals not speaking English, and the need for training in bilingual education in order that they can fully assimilate their education, it seems to me that this is an acceptable amount.

With the handicapped, we are caught with the authorization level. There has been a substantial increase last year, but I believe the $10 million additional for the handicapped could well be used because of the mounting effort being made now to provide for the handicapped. The situation facing these handicapped children has reached crisis proportions. As we move to educate every child as "a matter of right," it is distressing to me that over 40 percent of the school-aged handicapped are not receiving an education. To me the education of these children is not only essential to their future well-being but a sound fiscal investment. If we can deter one handicapped child through our educational system from becoming an adult who must be institutionalized, the investment will pay dividends amounting to over a quarter million dollars for each individual in savings to the taxpayers. For every person who is placed in an institution, we the taxpayers must pay the price of maintenance and service. On the other hand, if these individuals can live at home, be trained to get jobs, become self-sufficient, they not only do not become a burden to society, they actually become contributors to it as taxpayers.

I must point out that the $10 million extra certainly will not meet all of the needs of the handicapped, as hundreds of millions or even billions of dollars may be needed to serve all of them. But through this amendment, we provide the maximum amount of dollars authorized by law. It is important to recall that the dollars appropriated under this authority are earmarked for children still unserved. Thus, by passing this amendment, we will say to the handicapped and to all of the Americans, that we in Congress truly care about these people.

While States and local school districts are beginning to make a truly significant effort in reaching these children and providing necessary services, the fact remains that it is generally more expensive to educate them and because of the high costs, numerous school systems have until recently tended to systematically exclude many of these children from not only special educational programs but quite often from school itself. In recent years, this situation has begun to reverse itself because there have been numerous law suits filed in behalf of handicapped children to force schools to provide educational services. The suits have been based on State compulsory attendance laws.

All of us when we were young were required to attend school because of compulsory attendance laws. In spite of these laws, over 1 million handicapped children are still denied access to an education today. The law suits which had been filed in their behalf are based on the right of handicapped children to be educated, and the suits have contended that State laws requiring education simply have not been carried out.

Twelve suits have already been concluded, and at the present time, there are over 40 right-to-education suits pending against States. These suits, being brought by parents and concerned citizens, seek to force States and local school systems to provide educational services for the 4 million handicapped children who are in school but not receiving special educational services as well as those who are excluded from school altogether. In most instances, the suits simply ask for actual implementation of existing State policy; and, in any event, they ask for fulfillment of a constitutional guarantee.

The time to serve handicapped children is now, for justice knows no timetable. It is my hope that in the near future the Education and Labor Committee will report a bill which authorizes more dollars to meet the educational needs of these children. Until we pass that legislation, we must not stand still. The amendment that I present today is just another step toward providing full educational bills for every child in America.

There is another area where there is a shortage of qualified personnel in our schools, even though there is a teacher surplus, and that is vocational education. So, I think the $6 million additional under EPDA for training of vocational education teachers should be acceptable.

The supplemental educational opportunity grants program would add an additional $100,000,000 to the supplemental grants program. The addition would bring the total amount available to colleges for the school year 1976–77 up to the amount available under already appropriated money for this coming school year. That is because this program is advanced funded.

Although my amendment would bring the total appropriations for the 2 years in line, students on the average would still not be as well off for two reasons: First, 3,394 institutions will participate this coming school year—an increase of 304 institutions over this current school year. Although we cannot say for sure, we would expect a similar increase in the number of participating institutions for the school year to which my amendment would apply.

The second reason that, even with this amendment, students would be less well off, is that the costs of attending college are increasing and, therefore, the amount needed by each institution in 1976–77 is bound to be higher. To give you an example of the increasing so-called "approved request," the request for this coming year is $519,891,000—an increase of $61,000,000 over this current year. Again, we can only anticipate that the approved requests for the 1976–77 school year will reflect a similar increase in approved request.

My problem is, the amount of the increase that is in the committee bill is not sufficient, but the $487 million is beyond what I think we can accept. We are talking now about huge deficits; $60 billion the President talked about; $73 billion that the committee on the budget of the House has talked about. It has not been brought to the House as yet for the House to make its decision, and the normal procedure under the Budget Control and Impoundment Act is that before an appropriation bill such as this is considered, we would have taken action on where we want to end up in the total budget.

Let us look at the Federal expenditures for education. If we take 1970 and this level of education appropriation which we are talking about here in the education division's appropriation, the amount was $3,814,000,000. This year, when we take the total amount that could be made available, it is $6,936,000,000. That is 182 percent of the 1970 figure. If we look at the consumer price index in 1970, it stood at 116.3. In February of 1975, it stood at 157.2. That is about 135 percent of the 1970 level.

So, when we look at the increased cost in the Consumer Price Index, the Federal participation in education has substantially increased. We have made good commitments for this year, and I believe we have done quite well to meet next year's commitments and provide some increases.

In the areas I have laid out here, I think the increases over the committee bill are valid, and I would urge my colleagues to support this substitute to the Roybal amendment rather than the Roybal amendment, which I think is beyond what we cannot afford in our present constraints on the budget and without making any transfers under the Budget and Impoundment Control Act.

Mr. OBEY. Mr. Chairman, I rise to speak against the Quie amendment to the Roybal amendment.

Mr. Chairman, there is a lot that I could say about the reasons for the original amendment being offered by the gentleman from California, the gentleman from Ohio and myself.

Let me just make a couple of points on the entire budgetary question which has been referred to several times. I do not want to go through all of the programs and tell the Members about the glories of these programs. I think everyone here has made up his own mind about whether these programs are good, bad or indifferent. I do want to make certain that everyone knows what we are doing on budget levels when we vote on each of these amendments, however.

The gentleman from Minnesota (Mr. QUIE) indicated that, while he thought the committee bill was too low, he thought that the amendment offered by the three of us was too high.

Let me point out that if the Members want to vote for legislaion which will be to the same degree above the budget which the committee says its bill is, then the Members will vote for the Roybal-Stokes-Obey amendment. Let me explain why. If one looks at the committee report issued by the Committee on Appropriations, one will see that the figure they use for the 1975 budget, the present level, the level for the year which we are in right now, is $6,527,000,000. But the fact is that their 1975 enacted figure does not include anything in the pending supplemental or in the continuing resolution. So it does not include, for instance, the $151 million which the House passed yesterday for ESEA.

In determining what the budget level is for the present year, it does not include the work study money which we passed last month to the tune of $120 million. It does not include the amount we included yesterday for Gallaudet and Howard, and all of the rest, and for salaries and expenses and for some other items.

The bottom line is simply this: While the committee says it is about $300 million over the present fiscal year, the fact is that it is $169 million below the present fiscal year.

Our amendment would place us $318 million above the present fiscal year. That means, in effect, that the President's budget was 12 percent, approximately, below the fiscal 1975 spending level. The committee came out with a level which was 2 percent below last year's spending level for education. Our amendment would put that level at 4.5 percent above last year's spending level, and that is just about half of the increase recommended by the Budget Committee, which will soon be bringing its legislation before the House. The fact is that that Budget Committee is recommending that we go $659 million above, and we are just about half that level.

For those Members who are concerned about the cap that is put on social security, for instance, and railroad retirement in that Budget Committee recommendation, we can get half of the money needed to eliminating that cap on social security and railroad retirement—by voting for our amendment.

I am not going to argue about the value of the programs, because the Members have their minds made up; but I do not want people to believe that this bill is going to take this as far above the President's budget or as far above this year's spending limit as the committee report suggests because it certainly is not.

Mr. PERKINS. Mr. Chairman, I rise in opposition to the Quie amendment and in support of the Roybal amendment.

Mr. Chairman, one cannot read through this bill without seeing some great improvements on the part of the House Committee on Appropriations; namely, the forward funding provisions. Naturally, the gentleman from Pennsylvania and the entire subcommittee are to be congratulated for coming in here with a timely funding bill. This is what we have been hoping for for many years.

So I do hope that we are on our way to timely authorizations and timely appropriations, which mean so much at the local level.

The forward funding in this bill for title I and for the consolidation programs, which deal with libraries, guidance, and counseling, audio-visual equipment, and innovation, and for the program for the handicapped, and for the adult education program, certainly is a tremendous improvement. Again I want to compliment the Committee on Appropriations for the forward funding in these areas.

But, Mr. Chairman, I do feel that the title I funding in the committee bill for the fiscal year 1977, at $1.900 million, which is the same as we have for 1976, is not adequate. If we let that $1,900 million figure stand for 1977, we are going to do great harm to the disadvantaged children in America.

We should at least halfway keep up with inflation in this country. The Roybal amendment provides an increase of $150 million for fiscal year 1977 for title I. That brings the $1,900 million up to $2,050 million.

Mr. Chairman, I want to say in all sincerity that that is the minimum that we can afford, looking to fiscal year 1977. This program in my judgment, held the schools together during the period of turmoil in 1968, 1969, and 1970. Now at a time when the only objections that we hear about the program today throughout the country are the inadequacies of the funding, we should at least go up to this $2,050 million figure.

The amendment offered by the gentleman from Minnesota (Mr. QUIE) certainly is an improvement over the committee bill. He deals in four areas: bilingual education, education for the handicapped, training of vocational teachers, and the supplemental education opportunity grants. But he does not deal in the area of adult education, and we have an increase there in the Roybal amendment of only $4 million more than we have for 1976.

So I would think, when we look over this package, that it is reasonable. Those Members who are from the federally impacted districts of this Nation should remember that the Quie amendment does not increase those funds. The President recommended a decrease of about $400 million from the impacted legislation, and the Roybal amendment puts that money back and provides for a modest increase. In other words, last year we spent $636 million for impact, and in the Roybal amendment, if it is adopted, we will spend $649 million.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. PERKINS) has expired.

(By unanimous consent, Mr. PERKINS was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, the gentleman speaks about impacted aid. I believe under the law the formula would be reduced year by year, and if the Roybal amendment is not adopted, all that money would be out next year in fiscal year 1977; is that correct?

Mr. PERKINS. The gentleman is correct.

Mr. Chairman, if we want to keep our elementary and secondary schools and our disadvantaged youngsters receiving funds which are comparable to those which they are presently receiving, we must act now by supporting the Roybal amendment.

Mr. Chairman, I would like to take this opportunity to elaborate somewhat on the merits of the Roybal amendment.

ESEA

The amendment provides an additional $150,000,000 for title I of the Elementary and Secondary Education Act, aid for educationally disadvantaged children. This is the minimum amount required to prevent cutbacks in the present level at which the title I program is operating.

It is not possible at this time to provide you with a table showing the allocation of these additional title I funds to the States because it is a forward funded program and the formula data which will be used for this allocation in fiscal year 1977 will be the most current available at that time. However, assuming that the distribution were to be made for the upcoming fiscal year, the increases to each State for those amounts available to local school districts would be reflected in the table which I include in the RECORD. This should give Members some idea concerning the possible impact on their States of the extra money being provided by this amendment.

The table follows:

ESTIMATES OF ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES BY STATE UNDER TITLE I OF ESEA AS PROVIDED IN THE COMMITTEE BILL H.R. 5901 AND AS PROVIDED IN THE OBEY-ROYBAL-STOKES AMENDMENT TO H.R. 5901

State	House committee	Obey-Roybal-Stokes amendment
Alabama	$42,196,906	$45,059,000
Alaska	3,340,991	3,559,000
Arizona	14,056,606	15,010,000
Arkansas	24,038,628	25,664,000
California	134,499,783	143,624,000
Colorado	14,175,784	15,137,000
Connecticut	14,527,608	15,513,000
Delaware	4,196,719	4,481,000
District of Columbia	10,156,367	10,845,000
Florida	50,283,399	53,695,000
Georgia	45,721,455	48,778,000
Hawaii	4,928,483	5,263,000
Idaho	3,873,763	4,135,000
Illinois	88,246,618	94,223,000
Indiana	21,857,924	23,341,000
Iowa	14,727,306	15,683,000
Kansas	12,293,253	13,121,000
Kentucky	32,614,146	34,786,000
Louisiana	49,509,617	52,868,000
Maine	5,971,008	6,376,000
Maryland	28,013,840	29,914,000
Massachusetts	31,812,166	33,970,000
Michigan	67,057,190	71,606,000
Minnesota	26,391,731	28,716,000
Mississippi	40,365,227	43,104,000
Missouri	29,829,639	31,846,000
Montana	4,716,172	5,036,000
Nebraska	8,550,104	9,118,000
Nevada	2,063,026	2,201,000
New Hampshire	2,882,165	3,078,000
New Jersey	49,063,277	52,392,000
New Mexico	12,629,644	13,485,000
New York	179,666,542	191,478,000
North Carolina	48,684,700	51,908,000
North Dakota	4,518,381	4,812,000
Ohio	50,512,785	53,939,000
Oklahoma	19,458,794	20,779,000
Oregon	13,722,006	14,653,000
Pennsylvania	82,472,070	88,067,000
Puerto Rico	41,595,872	44,418,000
Rhode Island	6,146,461	6,563,000
South Carolina	32,067,442	34,255,000
South Dakota	5,770,244	6,130,000
Tennessee	38,054,352	40,604,000
Texas	98,902,748	105,605,000
Utah	5,342,761	5,704,000
Vermont	2,933,729	3,133,000
Virginia	36,842,734	39,310,000
Washington	19,683,752	21,019,000
West Virginia	16,741,522	17,865,000
Wisconsin	25,888,455	27,645,000
Wyoming	2,152,428	2,298,000
Federal total	1,625,748,324	1,735,245,000

SEOG

Mr. PERKINS. Mr. Chairman, one of the most important and necessary increases proposed by the Royal-Obey-Stokes amendment will restore the supplemental educational opportunity grant program to the current level of funding.

Last year, we approved funding for school year 1976–77 of $240,300,000. That was deemed sufficient only to fund 39.4 percent of the approved requests for initial year assistance. Now this year, the committee bill would appropriate only $130,000,000 for school year 1976–77, which the amendment before us would raise to $240,300,000—obviously still far, far short of meeting the requests. Failure to do even this much would be simply disastrous for poor children trying to go to college.

In the area of student aid, I am concerned that the committee bill only provides $660,000,000 for basic opportunity grants for academic year 1976–77. I recognize that this is identical to the appropriations for 1975–76. There is, however, a real possibility that more than $135,000,000 in BOG moneys will be carried over so that there will be close to $800,000,000 available next year. We simply cannot accept a reduction in BOG moneys for academic year 1976–77. This is a matter to which we must give priority attention and continuing study—and I am sure appropriate supplemental funding in future bills.

IMPACT AID

The additional $96,000,000 provided by the Roybal-Obey-Stokes package for the program of assistance to federally affected areas (Public Law 81–874) is the minimum amount estimated to fund this program to the second level of funding as authorized by section 5(c) of the law as it was amended last year by the Education Amendments of 1975.

EDUCATION FOR THE HANDICAPPED

The additional $10,000,000 in the Roybal-Obey-Stokes package for the education of the handicapped brings the appropriations for the State grant programs to the $110,000,000 maximum authorized by law. Under the bill these programs are forwarded funded to fiscal year 1977 and during the academic year that begins in fall of 1976.

I personally feel that this appropriation level as well as the authorization level fall far short of meeting current needs. There are an estimated 5,000,000 to 6,000,000 handicapped children in the United States who need special educational services. It is not to our credit that in 1974 only about 3,800,000 were being served. The amount of funds being made available at present levels from federal sources mean less than $30 per child presently being served and yet the cost of providing essential services to handicapped children greatly exceeds the cost of providing education in a regular program.

ADULT EDUCATION

The Roybal-Obey-Stokes amendment provides an increase of $4,000,000 for funding the Adult Education Act, bringing the total amount available for the bill to $71,500,000. Evaluation of this program indicate noticeable reading and mathematics achievements gains, increased employment and reduced welfare reliance by program participants. Morover, earnings of those completing programs show definite increases. Evidence before the committee in considering an extension of the act during the last Congress indicated that for every dollar expended on this program there had been returned to the Government more than $11 in revenue. Despite the gains since the program was started in 1966, there are more than 70,000,000 adults in the United States not in school over the age of 16 who have less than a high school diploma.

LIBRARY ASSISTANCE

With respect to libraries, tremendous progress has been made under a variety of programs and acts. There are still millions of Americans however—maybe as many as one out of ten—who lack access to modern public library service. I am pleased that the committee rejected the administration's proposal to phase out the public library program and provide for an appropriation. The committee did not go far enough, however, the Roybal-Obey-Stokes amendment provides at least an additional $5,000,000 for the public library program—to bring that program up to last year's level.

I am pleased also that the committee has restored funding for the college library program, but distressed that in neither the committee bill nor the Roybal-Obey-Stokes amendment is there funding of the training programs for librarians. We must at a later date take action in this area.

With respect to libraries also, the Roybal-Obey-Stokes amendment increases new funding of the school library and instructional resources program by $10,000,000—a necessary increase but one which barely meets the increased costs created by the inflationary economy.

Mr. Chairman, I urge an overwhelming vote of approval for the Roybal-Obey-Stokes amendment.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from California (Mr. ROYBAL) and in opposition to the amendment of the gentleman from Minnesota (Mr. QUIE).

I support the general concepts of the amendment of the gentleman from California (Mr. ROYBAL) for either restoring decreases or slightly increasing appropriations in a number of important fields. Elementary and secondary education, bilingual education, education for the handicapped, and all of the matters covered by the Roybal amendment. However, I would like to speak specifically to three areas: Environmental education, vocational education, and adult education.

First, Mr. Chairman, I think we are being treated by the cut in environmental education to the old shell game. The administration, in cutting back completely on environmental education and in talking the Committee on Appropriations into cutting back completely in this area—in other words, cutting it out entirely—says that this can be covered by the Special Projects Act. They are saying that about a lot of things.

I am reminded of what happened in revenue sharing. When it first was brought out, we were told that everything could be covered by revenue sharing, but when you lifted up the shell, there were not enough peas under that shell to cover all the things that we were told it would cover.

That is precisely what is happening with respect to our environmental education, with regard to drug abuse education, and with respect to a number of other things.

Mr. Chairman, we should restore the $2 million which the Roybal amendment restores for environmental education.

This is really a developmental program. This is a modest amount, and it is very, very essential that we continue forward with progress in the field of environmental education.

Mr. MICHEL. Mr. Chairman, will the gentleman yield on that point?

Mr. MEEDS. Yes, I am delighted to yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I am rather curious to know about this. The gentleman talks about $2 million to $2.5 million for environmental education. What are our educators, our academicians, doing in these institutions of higher learning? Does the gentleman mean to tell me that in the absence of our appropriating $2.5 million, all of the institutions of higher learning in this country will be affected? Does he mean that they will not be able to teach environmental education in college these days in the absence of this $2.5 million? I cannot believe it.

Mr. MEEDS. Mr. Chairman, the gentleman does not take into account the need for these programs. These are developmental programs, programs which are sponsoring pilot projects which will provide for teacher education and projects that are teaching people how to teach and to develop new programs and curricula in the field of environmental education and drug abuse.

However, Mr. Chairman, turning my attention to the Adult Education Act, last year this House passed almost unanimously a new Adult Education Act to begin to cope with the problems of 55 million Americans who have never received adequate formal education. This year the Committee on Appropriations is suggesting a continuation of last year's funding in spite of the fact that under the new act we have new jurisdiction for institutionalized adults, for teacher training in adult education, and most important, in bilingual education in adult education.

Mr. Chairman, all of these are very important. The committee amendment would ask a modest $4 million increase to begin to develop some of these new fields and jurisdictions which we have under the Adult Education Act.

Finally, Mr. Chairman, in the field of vocational education; if ever there was a proposal which is penny-wise and pound-foolish, it is the requirement and request of the committee to cut funding in the Education Profession Development Act, section (f), which applies to vocational education.

Vocational education enrollments have more than doubled in the last 10 years in the Nation's schools, and we have a great demand for vocational educators and administrators. That is the purpose of section F in which the gentleman from California (Mr. ROYBAL) is seeking to restore some $6 million. The total amount is only $9 million, which is grossly inadequate, but the committee proposal would cut that back to $3 million. The Roybal amendment would restore, as even the amendment offered by the gentleman from Minnesota (Mr. QUIE) would also, restore $6 million, which is very badly needed.

Mr. Chairman, I ask for support of the Roybal amendment.

Mr. BELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentleman's amendment.

Today we are facing a crisis in several areas of education, and I think that this amendment is not only necessary and appropriate but very responsible.

There are approximately 7½ million handicapped children in the Nation today.

Over a million of them are not now receiving special education services.

We can only put $10 million into this bill today for the handicapped because of the limitation of the authorizing legislation.

The Select Education Subcommittee, of which I am ranking member, expects within the next month to report out a comprehensive bill directed at meeting the needs of all handicapped children.

Until that legislation becomes law, the $10 million in this amendment will illustrate Congress continued commitment to our handicapped.

The increased money for the bilingual programs is one which can be used to eliminate one of the major education problems in the State of California.

In spite of good attempts by the local California school systems to help all of the State's children, the fact is that children do come to school and cannot speak English.

Bilingual programs give special help to these students so that they can fit into and benefit from the regular school program.

Through the years, education at all levels has become a very expensive item.

Students have been called upon to pay an ever-increasing share of the costs for providing their own education.

However, there are many students throughout the country who are simply too poor to be able to afford college tuition fees and require supplemental aid.

Therefore, the need for the increased SEOG appropriations.

Without this new money, it is clear to me that many students simply will not get to go to school next year.

This amendment in my judgment will help not only the poor, but many other youngsters who seek and require an education.

Mr. BRADEMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

I want to address several items included in the amendment which affect programs coming within the jurisdiction of the Subcommittee on Postsecondary Education, on which I serve, and the Subcommittee on Select Programs of Education, which I have the honor to chair.

First, Mr. Chairman, the amendment would restore funding for the supplemental educational opportunity grant program to the level approved by Congress last session for the academic year beginning next September.

The supplemental educational opportunity grant program was originally established under the Higher Education Act of 1965.

Under this program funds are made available annually to colleges and universities for the purpose of making grants to needy students who would be unable to obtain the benefits of postsecondary education without such assistance. The grants themselves, which may not exceed $1,500, are made by the financial aid officers at the various colleges and universities which participate in the program, taking into account the financial circumstances of each student and his or her family.

During the current academic year $210 million has been available for grants to 304,000 students at over 3,000 institutions of postsecondary education.

During the academic year to begin next September, $240 million will be available for grants to over 340,000 students, and the average size of the grants will be increased from $670 to approximately $700.

But if the amendment is not adopted, Mr. Chairman, grants under this program will be sharply reduced for the academic year beginning in September 1976.

The committee has proposed what will amount to a reduction of 46 percent in funding for SEOG's, and while I sympathize with the committee's desire to hold down unnecessary spending, I cannot agree that this is a program which should be cut.

First, we are talking about over 340,000 young men and women who badly need such assistance to attend college.

Second, we are talking about over 3,000 institutions of post-secondary education in the United States, which, according to virtually all reports, are already severely pressed for resources.

Indeed, Mr. Chairman, those of us who saw the NBC evening news last night witnessed a film story on the student strike now going on at Brown University in Providence, R.I. According to the story, students at that institution are striking to protest, among other things, cuts in the university student aid budget, a development which university officials themselves admit to be highly undesirable, but which, according to the same officials, is unavoidable in the face of the institution's overall financial plight.

Mr. Chairman, the student strike at Brown reflects a financial condition which is widespread throughout institutions of postsecondary education, and I submit that we should not now aggravate that condition by cutting back on what is already an inadequate level of funding for Federal student aid programs.

Next, Mr. Chairman, the amendment would add a modest $10 million in additional moneys for the education of this Nation's handicapped children bringing us to a total of $110 million in advance funding for fiscal year 1977.

Mr. Chairman, we find the U.S. Office of Education reporting in this calendar year that despite increasing action in the courts, State legislatures and Congress, only 55 percent of our school-age handicapped children and a paltry 22 percent of preschoolaged handicapped children are receiving the public education programs which they so desperately require. We are talking about 3.9 million children standing in a long line before the schoolhouse door.

Now, we hear the wornout refrain that, frankly, not much can be done in a time of recession for "those other kids." Let us talk recession economics. For fiscal 1975, Congress managed to double the appropriation for education of the handicapped from $47.5 to $100 million.

Mr. Chairman, with an estimated 225,000 children already served by the Federal State-grant component, that doubling of appropriations should mean that a minimum of 100,000 more children will be served. Estimates vary but reliable sources advise that just these 100,000 additional children receiving an approximate education may mean that they will make a contribution over their lifetimes to the economy of some $3 billion.

On the other hand, if these 100,000 children are denied such an education, the cost to maintain 60 to 70 percent of them in institutions over a lifetime would be as much as $25 million. Concurrently, if all of these persons were to be maintained on welfare, the cost would be an estimated $11 billion over a lifetime. Approval of the $10 million increase may mean that an additionl 10,000-plus children will be brought into this cost-beneficial cycle.

Mr. Chairman, we have cited the remarkably large numbers of children still unserved by an appropriate education. The following chart, which presents a State-by-State estimate of additional dollars needed, should also be illuminating to Members of the House:

ESTIMATED COST FOR THE EDUCATION OF ALL HANDICAPPED CHILDREN IN THE UNITED STATES*

[Name and additional dollars needed]

Alabama	$35, 159, 825
Alaska	7, 485, 057
Arizona	20, 444, 240
Arkansas	34, 201, 375
California	786, 648, 180
Colorado	23, 261, 168
Connecticut	41, 500, 550
Delaware	5, 133, 800
Florida	28, 126, 136
Georgia	28, 484, 820
Hawaii	8, 205, 990
Idaho	9, 847, 573
Illinois	40, 858, 884
Indiana	26, 066, 911
Iowa	29, 261, 088
Kansas	13, 326, 850
Kentucky	18, 765, 253
Louisiana	15, 206, 922
Maine	8, 157, 724
Maryland	24, 491, 327
Massachusetts	24, 283, 656
Michigan	116, 308, 873
Minnesota	38, 661, 257
Mississippi	36, 438, 237
Missouri	$164, 229, 300
Montana	8, 194, 374
Nebraska	59, 632, 194
Nevada	5, 409, 120
New Hampshire	8, 327, 059
New Jersey	45, 599, 763
New Mexico	34, 731, 225
New York	232, 043, 680
North Carolina	33, 095, 171
North Dakota	14, 330, 364
Ohio	131, 465, 880
Oklahoma	35, 330, 526
Oregon	7, 470, 200
Pennsylvania	89, 749, 282
Rhode Island	11, 341, 072
South Carolina	13, 556, 480
South Dakota	2, 169, 360
Tennessee	45, 787, 664
Texas	252, 961, 635
Utah	10, 169, 820
Vermont	9, 478, 318
Virginia	99, 720, 120
Washington	66, 512, 544
West Virginia	19, 249, 919
Wisconsin	107, 035, 917
Wyoming	9, 789, 396
Washington, D.C.	11, 236, 967
Total	2, 995, 142, 246

The State/Federal Information Clearinghouse for Exceptional Children, The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091.

*Data derived from State Education Agency estimates of handicapped population for school year 1971–72 and estimates of projected enrollment for school year 1972–73 and average per pupil cost as reported in *Services for Handicapped Youth: A Program Overview,* Rand Corporation, May, 1973.

Third, Mr. Chairman, the amendment proposes to include $2 million for programs designed to teach about our environment.

The Environmental Education Act became law in 1970, because Congress believed that we needed a citizenry informed and aware of environmental problems if we were to deal effectively with maintaining an environment of quality. And, indeed, since that time the problems and pressures of the energy crisis have heightened our need to be informed of the complex problems which face us today.

During their brief history, the Environmental Education Act programs have helped many of our citizens to identify and evaluate alternative solutions to our complex environmental problems. The Act has made these advances possible by stimulating innovative educational programs, both formal and nonformal, including community education workshops, curriculum development, personnel training, outdoor study, and information exchange.

The wide public support for these programs has been demonstrated by the overwhelming number of proposals submitted to the Office of Environmental Education. Congress appropriated $1.9 million for fiscal year 1975, and the Office of Environmental Education received 1,311 proposals requesting a total of $52 million. Unfortunately they will only be able to fund 80 proposals.

Mr. Chairman, I am concerned that the administration proposed to kill Environmental Education Act programs by failing to request an appropriation for the act in the fiscal year 1976 budget and I am also concerned that the Appropriations Committee has followed the administration's advice by failing to include any funds in the education appropriations bill for 1976.

Finally, Mr. Chairman, the amendment to H.R. 5901 would add $5 million to the committee recommendation for public libraries, bringing the appropriation for the Library Services and Construction Act to this year's level.

Mr. Chairman, this is no time to cut back on library funding. If anything, we should be increasing it. Libraries provide information and recreational opportunities to Americans in communities throughout the country. During times of economic hardship particularly, people turn more and more to the neighborhood library, which provides its services free of charge. The amendment will not increase funding for public libraries, however; it is a hold-the-line amendment, which would do no more than restore fiscal year 1976 funding for the Library Services and Construction Act to the fiscal year 1975 level.

In my own State of Indiana, the Library Services and Construction Act has enabled localities to provide special services to minority groups, to the disadvantaged, to the handicapped, and to the aging. Traditional library services must be expanded and tailored to the special needs of groups such as these, and the Library Services and Construction Act has placed priorities on such specialized library and information services.

In addition, the act has encouraged States to plan more comprehensively for all library service needed throughout the State. The State of Indiana has formed Area Library Service Authorities, which are regional cooperative organizations composed of all types and sizes of libraries within specially designated planning and development regions. The aim of this project is better planning and coordination among all types of libraries in the State to cooperate in giving improved library services to all Hoosiers. Any resident of the State, no matter where he or she may live, thus has access to all the library resources of the State. Title I of the Library Services and Construction Act has encouraged the libraries of my State to undertake this cooperative organization. Similar projects are occurring in many other States.

One other point should be made here, Mr. Chairman. The administration has suggested that library support can be provided by the States and localities under the State and Local Fiscal Assistance Act—general revenue sharing. But in Indiana, public libraries can receive revenue sharing funds only if they provide contractual services to residents of townships which are not a part of a library taxing district. I am told that about 12 libraries in Indiana have received some funding from general revenue sharing, and that what little revenue sharing was provided to five of these represented a replacement of funds from local sources which they would probably have received in any case.

Mr. Chairman, as chairman of the Select Education Subcommittee, which has jurisdiction over library programs, I suggest that the administration should do an in-depth study of the impact of general revenue sharing upon libraries throughout the Nation before coming up with the recommendation that general revenue sharing can take the place of the Library Services and Construction Act.

Mr. Chairman, the amendment also provides $10 million in 1977 advance funding for the new consolidated title IV-B of the Elementary and Secondary Education Act. Title IV–B, Libraries and Learning Resources, authorizes grants to the States and local educational agencies for school library materials, for the acquisition of educational equipment, and for guidance, testing, and counseling. Because this is a new program, established by the Education Amendments of 1974 (Public Law 93-380), it is important that it get off to a good start. I understand that some anxiety exists at the local school level about how the consolidated approach will actually work. I believe the program will work and will be successful, and we on the Education and Labor Committee will be watching closely as title IV–B takes effect, 50 percent in 1976, and fully in fiscal year 1977. If the title does not work, we want to know about it. For fiscal year 1977, the first year the consolidation will be fully in effect, it is particularly important that the program be adequately funded. The amendment would add only $10 million to the administration's recommendation, which in turn, according to the authorizing legislation, represents the absolute floor below which funding cannot go if the program is to continue in existence. We on the Education and Labor Committee did not intend that ESAE IV–B be funded at the lowest possible level and we authorized $395 million for it the first year. The $147,330,000 proposed by the Roybal-Obey-Stokes amendment is far below this ceiling, and only $10 million above the floor.

Mr. Chairman, all of these increases, even when taken together, represent a modest increase in the appropriations bill. I urge all of my colleagues to support the amendment, and I commend the three authors of it for their initiative and leadership on this matter.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I should like to commend the gentleman for his statement and associate myself with it in every particular.

Mr. Chairman, I rise in strong support of the Roybal-Obey-Stokes amendment, and deeply regret that the Labor-HEW Appropriations Subcommittee failed to recommend what I believe to be minimal funding levels for the 13 programs addressed by this amendment. With the crucial role that education plays in our society and the present scarcity of local funds for public school support, it is difficult for me to accept any recommendations below the full legislative authorizations.

Of particular concern to me and my constituents is the inadequate $125 million for the implementation of the Emergency School Aid Act whose programs are vital for districts attempting to achieve the guarantee of equal educational opportunity. In Highland Park, Mich., a highly successful program of remedial reading, math instruction, and counseling was made possible over this last year by a $739,000 ESAA, grant, but the $109 million reduction from the fiscal year 1975 expenditure will seriously undercut this model program. The city of Detroit, now under a court order to desegregate city public schools, will require yearly an estimated $4 to $5 million under ESAA, but how much will the U.S. Office of Education be able to offer Detroit when only $125 million is available nationwide for all the eligible cities?

Despite yesterday's defeat of the Rose amendment which would have insured adequate funding for the coming year under the supplemental appropriations bill, it is not too late for us to mandate the ESAA's continuing effectiveness in fiscal year 1977. The stubborn battle against urgan segregation is far from won, and the "emergency" justification for the act is at least as valid today as upon its initial enactment. No phaseout of these funds is warranted, and to point to the administration's $75 million budget request as a comparison to the equally insufficient $125 million figure is to forget both this year's $234 million expenditure, which we gladly approved, and the administration's past reluctance to implement this act at all.

The President is apparently determined to slash expenditures on all education programs. Now is the time for the House to demonstrate its determined support of generous aid to the education of our Nation's children.

Mr. BRADEMAS. I thank the gentleman from Michigan.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Roybal amendment.

Mr. Chairman, I should like to address myself to the larger, more significant increases embodied in the Roybal amendment: $150 million for title I; $11 million, bilingual; $6 million, Follow Through; $96 million, impacted aid; $75 million, emergency school aid; and $110, SEOG. We will get into the other, smaller amounts later.

But now let us take this proposed $150 million add-on for the ESEA to pay for 8-percent inflation on the $1.9 billion.

Do Members know what kinds of unexpended balances we have in this program over a period of years? I checked with the Office of Education. In 1972 when we appropriated $1.6 billion for this program, we had $446 million unexpended at the end of the year. We appropriated $1.8 billion in 1973, and we had $670 million unexpended. In 1974 we appropriated $1.7 billion, and we had $930 million unexpended. This year, in 1975, we had $1.9 billion with over $1 billion that is yet to be obligated.

It suggests, with these kinds of balances, that there is not all that much demand for more funding. There is not the kind of demand that says: "We have got to have the money now; we are desperate." There is not that kind of demand now or there would not be this tremendous unexpended balance.

For bilingual education the proposed amendment would add $11 million to meet added costs stemming from the Court decisions and to reach the unserved part of the population. In 1975 the administration requested a doubling of this program to $70 million in recognition of that 1974 Supreme Court decision in Lau against Nichols and Congress appropriated $85 million. We even upped it. The committee bill maintains this level in the 1976 bill.

Incidentally, that Lau against Nichols decision places responsibility for providing bilingual education services on the State governments, not on the Federal Government, and we ought to make that point clear. The committee allowance of $84 million is an increase of $14 million over the present budget, and listen to what it supports. There are 400 demonstration projects, including 100 new ones. The bill provides $2.8 million to continue a second year of the bilingual vocational training program initiated in fiscal year 1975. The bill provides for the training of 1,000 administrators and counselors, 4,800 teachers, and 4,800 aides, of which approximately 1,620 would be receiving support for the first time. It would provide 1,500 traineeships for undergraduates and graduate students, of which 400 would be new traineeships. It would provide 750 grant fellowships, of which 250 would be brand-new. It would support 20 program development grants, and 10 projects for development of curriculum materials. All this is in the committee bill.

We do not need any more. Look at all the increases. The proposed amendment would add $6 million for Follow Through to help maintain support for the existing 169 projects, including the new entering class in each of the projects.

The committee recommendation would achieve the same objective.

For impact aid, the proposed amendment would add $96 million for operation and maintenance support. The additional funds would presumably consist of $50 million to provide funding of public housing children and $46 million would be for meeting the revised cost estimates for the hold harmless provisions contained in the new law. The public housing children have been a controversial expansion of the impact aid concept and have never been funded before. The 1969 Battelle memorial study on impact aid concluded there was no satisfying rationale which can be developed for including public housing projects in the impact aid program on the basis of the economic effects of public housing. The public housing payments would exceed revenues lost by school districts, because public housing units are not taxable.

The emergency school aid proposed addition brings this item to $200 million. Yesterday we had a supplemental appropriation bill before us.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. Michel was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. Mr. Chairman, we had an opportunity to have $200 million in the current fiscal year but we voted $125 million. Now we are going to reverse ourselves, almost the same day, and for fiscal year 1976 go right back up again. It is absolutely ridiculous.

In 1969 we had approximately 1,000 school districts that we were preparing to desegregate, and in the current year, there are no more than 100 new districts expecting to take such action. We have enough money in here to do that.

Then finally on this $110 million increase for supplemental education grants, the committee allowance is $130 million. That meets the threshold need in the program and the basic law. Overall, the committee allowed nearly $2 billion for student aid. That is an increase of $113 million over 1975 and an increase of $175 million over the budget.

The committee provides greater emphasis on the work-study and loan programs and assistance to the neediest students.

It seems to me in this regard the basic opportunity grant program is more effective than the supplemental opportunity grant program in targeting scholarship assistance to the lowest income and most disadvantaged students.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, let me say to the gentleman, the $130 million figure which the committee recommends for the supplemental grants is $110 million less than was appropriated last year for SEOG's. That was the reason for the add-on in the Roybal amendment to bring it up to the $240 miliion figure we had last year. I think there is nothing unreasonable about that.

In connection with the ESEA title I money, I am hopeful that the Office of Education will never again illegally withhold funds from school districts as they did in fiscal 1973 when we were operating under a continuing resolution. That was the reason for some title I funds not being spent in 1973. The funds were just being illegally impounded, and the school districts could not make plans for spending them. But I would like to point out that all those funds were finally spent the next year, in fiscal 1974, because school districts could carry them over to the following year.

I am hopeful that we will never have a situation like that again.

As regards some title I funds not being spent in fiscal years after 1973, the reason for that was that we were late in passing our appropriations bills. How can you expect school districts to spend funds when we do not appropriate until half or more than half of the school year is over with? But again let me point out that because of the carryover provision all those funds were finally spent in the succeeding fiscal years.

This bill will help us avoid that whole situation in the future, because the Appropriations Committee has provided for forward funding, and the committee is to be highly commended for that.

Mr. MICHEL. Mr. Chairman, one other item that I might mention has to do with New Jersey. In that State, the people vote on their school budgets. Well, what happened in the State of New Jersey in the last few weeks? The people set a new record for voting down budgets. Fifty-eight percent of the New Jersey school budgets went down to defeat when the people had the chance to express their opinions directly. When the people have had an opportunity to vote directly, they have not been falling all over themselves to pile on more money, like we seem to be bent on doing today.

I suggest we keep our ears tuned to the people out in the hustings. If they had an opportunity to vote here today directly on this bill, I submit that they would stick with the committee bill, rather than piling on undue amounts and exacerbate our terrific deficit budget situation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me suggest something else to the gentleman. It is a simple fact that 32 States in this country are proposing tax increases. The purpose of this bill is not to pile on more for education. Let us not kid ourselves. There is going to be more money spent on education, the financing of education, by property taxes and other local taxes on the State level to finance this situation right here.

Mr. MICHEL. But my point is, if we look at the relative budget deficit as against every State and local community in this country and the public revenue sharing funding, State and local governments are in better shape to fund these things than we are.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, perhaps I should hesitate to intrude myself into this debate, but it seems to me that we have some very important issues confronting us here. I think it could be said that we are all for education. We have demonstrated that by spending a lot of Federal money from year to year, and we also believe, I think, that the primary responsibility for education is with the local communities and States.

They are doing so much better financially than the Federal Government that there is really no comparison. So, it seems to me that we ought to be concerned about inflation that has put the schools and the people generally in such a difficult situation.

If one put a dollar in the bank 3 years ago and draws it out today, it is worth 70 cents. If one put it in a savings and loan, it still would have depreciated below the 100 cents. If we continue to overspend without raising revenue—and we are not increasing revenue, we are reducing revenue by handing out checks to the citizens—we are going to find ourselves in a much more difficult situation than we are in today.

It seems to me that if we are the friends of education, and all of us are, we would try to confront this amendment today in a realistic way. The committee, after long, hard and expeditious work—and they have worked diligently under the leadership of the gentleman from Pennsylvania (Mr. Flood)—brought to the full committee this bill. It was $660 million above the budget. There were many of us who felt that all of those dollars should not have been placed in the bill.

Now, we are proposing to put in $400 million more, and it is all for good purposes again. That is the objective, I should say.

So, we run the bill a billion dollars over the budget. Then we send the bill over to the Senate, knowing that perhaps as much as a half billion or a billion dollars may be added over there. Then, we finally agree in conference on a little lower figure and send it to the White House. It is vetoed. The veto cannot probably be overridden, and then we will go home and have to explain why there is no new funding for education.

Realistically, we are doing too much when we increase this bill by this amendment. It is impractical to do it. If we want a bill and want it in a timely way, it would be a lot better to have a little less money in it and give the school districts information as early as possible on what they can have in order that they can plan better. That was really the whole purpose of having a separate education bill and including in it advanced funding for 1977.

So, I would hope that we would support the objective of securing an education bill enacted into law. If we do feel that that is what we should do, we certainly should not vote for either of these amendments and we should try to hold the additions made in the other body down to a low figure, with the hope that we could get a bill enacted early in the session so that the schools would know what they could count on.

I believe that this is the most practical approach to the question which is before us. So, I shall not hesitate myself, being a friend of education to vote against the amendments and send this bill over to the Senate, and hope it will not be increased by that body.

So, Mr. Chairman, I urge the defeat of both the pending amendments.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me just suggest that while it is true, as the chairman has indicated, that it could be about a billion dollars over the President's budget, we have to keep in mind that the President's budget is $860 million below what we spent last year on education.

Let me also suggest, as I said earlier, that there are 32 States we know of who are planning tax increases, and only a few States which have State surpluses in their treasury right now. If I were in the enviable position of the gentleman from Texas, coming from a State which has $1.6 billion in surplus, which we find in some State treasuries around the country, I might take the same position as the gentleman from Texas takes, but I think that if a Member comes from a State among the 32 which are planning tax increases because a lot of money is going out of their revenue, he might take a different position.

Mr. MAHON. It is obvious that we are doing a lot for the States and for communities in all areas.

We are proposing about a $73 billion budget deficit and increasing the national debt by an even larger figure. This is an intolerable situation.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. MAHON. I just think we have to call a halt somewhere, and I believe the funds in the bill provide sufficiently for the education responsibility of the Federal Government. If we go a billion and a half or $2 billion above the budget, the bill will never be enacted, and all we will have is a frustrated and inadequate and unrealistic approach to the problem.

Mrs. FENWICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to speak most earnestly in behalf of the Quie amendment. Vocational education, as we all know, is one of the most essential parts of our educational system, and needs encouragement.

New Jersey has led in the education of the handicapped child, and I am proud to be able to say so. But we have thousands of children still not properly taken care of. We have many, many bilingual children in my State, many thousands, and this is an enormously valuable program for those children.

I could wish that both the Quie amendment and the Roybal amendment had addressed themselves to the need for more BOG, or basic opportunity grants, rather than the SEOG, because with the basic opportunity grants the student can move from one university to another, from one college to another. We know that 75 percent of our male students do so move, after their sophomore year.

However, since neither amendment incorporates this desirable feature, I certainly hope we are going to be able to vote for the Quie amendment.

I think we should keep our funding at least at the level where it is. All needy students, who can perfectly well do the work, need the support that these additional grants to education provide. I urge the adoption of the Quie amendment.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Roybal amendment and in opposition to the Quie amendment.

My principal motive in so doing is my concern with the $75 million that is in the Roybal amendment to increase the emergency school aid. I think we need this money, especially in my particular school district in Dade County, in the State of Florida, and throughout the South, that area of the country which is now in its so-called second generation of desegregation. We still have the same tensions, we still have many of the same problems, we still have many expenses, and we still need this kind of funding.

If the committee bill remains at $125 million, I am concerned that much of this money will go to new tension spots in the North, in their first generation of desegregation, and we in the South, who for over 5 years have really made an attempt and a wholehearted effort to do the right thing in regards to support the Supreme Court's ruling on desegregation, we need this money and we need this kind of funding, and we need this kind of support to continue the work we are doing, without calling on local taxation for these needs.

Mr. PEYSER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask a question of the chairman of the committee—a question dealing with the total amount of new moneys that are to be expended, including the Roybal amendment, against the amount that was allocated a year ago.

In other words, the difference between the bill including the Roybal figure and last year's total figure?

Mr. FLOOD. Mr. Chairman, if the gentleman will yield, I must say that I do not know those figures. I do not know where the gentleman got those figures.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the gentleman may be correct, but according to my calculations, the difference between the amount allocated for fiscal year 1975 and the amount in the Roybal amendment is $318 million.

Mr. PEYSER. I thank the gentleman.

Mr. FLOOD. I did not know what those figures were.

Mr. PEYSER. Mr. Chairman, $318 million, then, is really the difference we are talking about as far as this amendment is concerned, and not $1 billion, as has been stated.

Now, it seems to me that the priorities concerning where we are going here and where we want to spend our money in this time of economic crisis in this country, are very important. My suggestion to my colleagues is that there is no better place to put this money than in education. That is basically what the Roybal amendment does, as does the Quie amendment.

The Quie amendment, unfortunately, in my opinion, just does not go far enough. We are putting the emphasis on education in a way that has a direct impact on every educational office and relating to the financial problems they are having in practically all the areas throughout this country.

It seems to me at this time of crisis we should be putting our money where our young people are and where they will be benefited for the future, and that is in education.

I heard the chairman of the committee mention the question of revenue sharing. Of course, revenue sharing money, as we know, does not in any way go into the school system nor is it allowed to go into the school system. So I do not think we can talk of that in the same tone we are using in this particular appropriation bill.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, the gentleman would certainly have to agree that revenue sharing surely displaces funds in the State budgets that normally could be going to education. If that is what those powers that be think is more important, there is that much more revenue to do these good things for the people, if they are so popular.

Mr. PEYSER. Mr. Chairman, the thought was that under the revenue sharing regulations, as I understood them, moneys under revenue sharing could not be used for educational purposes nor could they divert funds deliberately from other areas and make that shift. That was the intent of the law as it was discussed in Congress.

I think one of the statements that has been made was that we should pare down this bill in the House so when the Senate loaded up the bill, we could then make out some compromise in conference. I think that basically is the wrong approach for us to take, to make our judgment on the basis of what the Senate is going to do to the legislation. I think our conferees must stand fast on what we come up with in this House and not give way to what may be some ridiculous Senate proposal.

So I would suggest we go along with the Roybal amendment. It is not a billion-dollar increase, as has been suggested, but a $310 million increase. It is something I think we can live with, and it puts the emphasis where it belongs, on our young people and on education.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Roybal amendment.

Mr. Chairman, as a member of both the Appropriations Committee and the Budget Committee, I have had an opportunity this year to review the effectiveness and desirability of many Federal programs in a wide range of areas.

My support of the Roybal-Obey-Stokes amendment results from a conviction that these programs addressed by the amendment are highly effective and are targeted to responsibly meet serious educational needs. It is also based on a recognition that in the overall range of national priorities educational programs have not fared well in recent years. I consider a strong educational system to be a vital cornerstone of our national economic and technological security. It is time for us to realize that we cannot postpone the quality education of future generations of citizens who will become the future leaders of this Nation. Our amendment would increase the committee bill by $487.5 million, and is aimed at strengthening those educational programs most seriously underfunded and most vulnerable, and valuable, because of current economic conditions.

With regard to the economy, I expected to hear numerous comments about the need for frugality and I absolutely agree that we must cut back—when we find unnecessary or wasteful programs. However, it is not frugality, but shortsightedness to cut back on effective, functioning educational programs. The national investment in education is the industrial equivalent of retooling with new generation equipment. The greater productivity resulting from education is an integral part of this Nation's historic ability to adapt to a changing world, and is our ultimate tool to guard against both inflation and recession.

If we want to make cutbacks in the budget there are far better places than these educational programs. The total package increase amendment which we are offering for the Nation's entire educational system is only two-thirds of the amount requested by the administration for new military aid to Vietnam.

Let me answer those wishing to make cuts in educational programs, that the committee bill, even while increasing funds in a few areas over last year's level to meet exceptional new demands or to accommodate changes in the law, does not increase the funding level in other areas. What it actually does is to decrease the actual amount available this year as compared to last year in a large number of programs. This exists to the extent that the total committee bill is less than the actual fiscal year 1975 level will be.

While the net reduction in the committee bill is $169 million, the cumulative amount of actual program level reductions is nearly $400 million below that of the preceding year. The overwhelming number of programs covered by this bill are thus either actually reduced or held to the inflation-eroded level of last year.

When we are talking about either the national economy or this Nation's educational needs, we must recognize that we cannot abdicate our legal responsibilities under the law. We ought not merely shift the burden to financially hard-pressed States. Such a course of action solves nothing—and it can cause serious financial and program dislocations. Currently 38 States are considering an increase in taxes to meet the rising costs of government at a time when we in Congress have passed an economically motivated tax reduction law. A major cutback in education would help to trigger State and local tax increases, and undermine a key element of our economic recovery plan.

There are 13 specific items in this amendment totaling $487.5 million.

Specifically affecting elementary secondary education is a $150 million advance funding increase for fiscal year 1977. Title I, grants for the disadvantaged, necessary because of substantial losses in funds to large urban areas because of last year's formula change. Additionally, $11 million is included to provide necessary funds to implement new bilingual requirements, pursuant to the Supreme Court Lau decision. We have included $6 million for the highly effective follow-through program, which is necessary to prevent program cutbacks according to the Office of Education. The $2 million for environmental education maintains this program at approximately the same level as last year and thus rejects the administration's proposal to eliminate it entirely in spite of congressional approval.

For impact aid $96 million has been included since this is the amount necessary to insure that both tier I and tier II are fully funded. Under the Public Law 93-380 formula, if tier II is not fully funded, then no funds can be appropriated for tier II children, which would mean a drastic cutback for schools now receiving impact aid.

The addition of $75 million to the committee recommendation for emergency school aid still leaves this important program funded at a level $36 million less than the preceding year. Without the extra funds provided for in the amendment, the Nation's principal program to facilitate constructive desegregation efforts would be emasculated and nearly cut in half. Forty-eight States now receive some amount of ESA funds.

Desegregation, as is now apparent, is not just a southern problem. Now a large number of northern school districts are faced with desegregation suits.

In Ohio, for example, new desegregation suits are expected in the cities of Cleveland, Cincinnati, Dayton, and Toledo. Many small cities in Michigan, such as Benton Harbor, will be faced with this issue. In Wisconsin the State legislature is currently debating the possibility of a metropolitan plan for Milwaukee in a voluntary attempt to help their citizens to escape from the kind of anguish now occurring in Boston. The city of Racine, Wis., has been under investigation by HEW, as have the cities of Bakersfield, Delano, and Fresno in California. Los Angeles still has a suit pending in the courts and Pasadena and Oxnard may soon join the growing list.

The point is that the "emergency" is not over. It has deepened because of the current economic crisis.

However, without this assistance, without the planning and other involvement by the community in the policymaking process we can expect more disruptions as have occurred in Boston.

We are responsible for assisting these communities to plan and implement school desegregation in a positive fashion. Otherwise, we in Congress will have to bear the responsibility for their failure.

The package also includes $10 million for education for the handicapped for fiscal year 1977 which is necessary because of court orders requiring satisfactory education for handicapped children.

In light of current economic conditions, I consider our recommended increases for adult education of $4 million and for Vocational Professions Development Act of $6 million, to be particularly necessary though the first is only a 7-percent increase, and the second only continues the program at last year's level.

The most important higher education item is $110 million for supplemental opportunity grants. This is only a restoration of the program to last year's level. It is a vital program in assisting the poorest students who could not attend school without it. State land-grant colleges are restored to their fiscal year 1975 level.

Finally, in the hard-pressed area of libraries our amendment provides for maintaining the fiscal year 1975 level for public libraries and giving a sorely needed 7-percent increase to school libraries.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. STOKES. Yes; I yield to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I wish to rise in support of the amendment offered by my colleagues, Messrs. ROYBAL, OBEY, and STOKES, which would assure the continuation of vitally needed education programs at least at their current level. The levels proposed in the amendment do not even speak to the increasing costs of running these programs, to fulfilling court-mandated expansions in certain of the programs, and certainly not to the disastrous fiscal situation in which many of our cities find themselves. These fiscal problems place critical dependence on Federal funds to assist cities in maintaining their educational effort. This amendment at least provides a standstill budget. To contemplate providing anything less is unconscionable.

The grants for the disadvantaged under title I of the ESEA are recommended in the bill to stand essentially at the level of the 1976 appropriations; the package amendment increases this by $150 million. The formula for allocation of title I moneys remains the same as well, and hence is detrimental to the funding of programs in areas of largest concentrations of disadvantaged children. New York City, for example, will receive about $111 million for fiscal year 1976 under this title, a loss of $20 million from the fiscal year 1975 allocations because of the formula change for title I allocations; the amendment could give the city an extra $10 million to restore some of that loss. I have spoken at length in past debates on the inequitable formula by which urban areas get their title I funds; this formula rewards those localities which contribute the least amount, with the largest proportion of Federal aid. The overcrowded juvenile courts, the low reading skills, and the drug addiction level of children in urban areas speak quite adequately to the need for these programs. Yet the formula has not changed.

May I remind the House that we used to recognize 100 percent of AFDC children as eligible for title I moneys; we now recognize only 66 percent. We now have a ceiling which permits State average expenditures to exceed the national average by only 120 percent.

Other programs can barely survive a standstill budget, and certainly cannot survive a cut. They are under court order to expand their operations. The bilingual education concept was valuable enough to see the Supreme Court in Lau against

San Francisco mandate special education for non-English-speaking students. We do not even know at this time that we will need to comply fully with this decision: the existing programs are fulfilling previous needs.

The Follow Through program, nationally, is a $60 million program. Last year, it was able to stretch its $53 million appropriation; we cannot rely on that again.

Education for the handicapped, even with the $10 million proposed increase over the reported bill, will provide minimal benefit for urban areas. These are extremely expensive programs to operate, yet Congress has correctly shown a desire in other legislation to assist these people, and the board of education in New York is under court order to provide immediate services to handicapped children at a cost of $40 million this year. Vocational education, and higher education programs, including programs like Upward Bound, which prepare the disadvantaged for expanded educational opportunities, are programs to which Congress has also shown a strong legislative commitment; yet they remain essentially at 1975 levels.

Very critical, and yet rather hidden in its importance, particularly to urban areas like New York, is the impact aid that can be used for a variety of educational purposes. New York City's $9 million of impact aid represents an invaluable asset in offsetting the terrible drain in tax levy funds. Funding of public housing children may be the single most important item to New York State according to Commissioner Nyquist.

For all these reasons, I urge you to support this restoration in needed educational moneys as set forth in the Roybal-Obey-Stokes package.

Mr. **GOODLING**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my interest this afternoon is not in whether we vote for or vote against certain amendments.

My major concern is as it is every time I come to the floor of the House, that whatever we do and however we vote, it is in the best, long-term interest of the United States and not because we received things of this nature. I know the Members probably received the same ones I have. Some of them are offensive. Some of them are educational. However, I do not believe that any of us here on the floor of the House need this job that badly that we would jump to this type of high-pressure lobbying.

Again I repeat, Mr. Chairman, it is my concern and my hope that we will vote only on what is in the best interests for America in the long term and not because we received this type of information from those who are looking out only for themselves.

Mr. **FLOOD**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to oppose the amendment. I do not believe that statement would surprise anybody.

Now, I have played this act before. Let us be fair about this thing, Mr. Chairman. I am not going to discuss and break down and cry about all of these items that are in this bill. When I became chairman of this subcommittee 10 years ago education appropriations amounted to $1.5 billion. Five years ago they were $3.8 billion. Today I bring you a bill of $6.8 billion. Now, put that in your pipe and smoke it.

Do you think we are opposed to all of these heart-twisting and heart-rending programs? I have been for these things, and my father and my grandfather before me, before most of the Members, as a matter of fact, were born, or you were wearing diapers. Let us not talk about that; let us not kid the troops.

Now, what do you want? Do you want money for these programs or do you want rhetoric? Well, I can give you both. You want money? Let me tell you—and, you know, I have talked to stacked juries before. I never lost a murder case yet, and I have had a lot of them. There is no one here who is going to be influenced by my gestures or by my mustache here. I know this. But if I could play back a tape recording of what took place in the Democratic Caucus this morning you would not get enough votes for this amendment to put in your hat. They scared you to death there, and you know it. And yet you come back here this afternoon, despite what you listened to, raptly—and you really did—and convincingly. You heard what was said. And to start this? It will be $73 billion as a deficit, never mind the $51.9 billion that the President said in February, and then he came back and drew a line on the TV program at $60 billion, and he said, "I won't go a nickel above that. I won't go a nickel above $60 billion."

But you heard what happened this morning. You heard the facts.

We are talking about a deficit of $75 billion. What do you want? Money or rhetoric? You know this, you old-timers, one of my pet projects was to bring to this Congress a separate appropriation bill for education. I married a school teacher. I am a smart guy. That is why I had to bring in a separate bill for education, or I would not dare go home. The whole purpose of doing so is so that the Office of Education can give school officials and students throughout this nation the information they need to plan their budgets wisely, and well in advance of the beginning of the school year. The first time one of these package amendments was adopted in the House was in connection with the 1970 appropriation bill. Remember that, that package? And when did you get your bill? You got the bill in March of the next year, after three-fourths of the fiscal year had passed.

In 1973 in came the same cast of characters, boom, boom, boom, boom, again with a package. What happened to it? What happened to you? Oh, you cried about the schools back home, that we must take care of our schools back home; we have to educate our people back home. You had telegrams, you had letters. And you started crying and talking like this. We had to take care of the people. They must have their money to be able to plan for the next year, oh, yes. So what happened? You got nothing. You did not get a bill. You got a continuing resolution instead. What do you want—money or rhetoric?

The **CHAIRMAN** pro tempore (Mr. LEHMAN). The time of the gentleman has expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 5 additional minutes.)

Mr. **FLOOD**. We want a separate and early bill for education appropriations, as I said for years to the people back home who need the money to plan—all these experts and pros who are in the halls out here, and who wrote you these letters—they will not be around in your districts. No. They will not be there when they say, "Where is the money?" You will not have it. The bill will be kicking around here some place. Is that not too bad? Is that not too bad? You will all be concerned. Oh, you were home for Easter. You were home for Easter. You mean these people are not concerned?

I am talking to the new people now, the new fellows who came on this side who are concerned. It is a lot different than when you came here, when you were elected in November.

What about the deficit? What about taxes? What about the recession? Oh, it is a different ball game in March, or when you go home for your next recess.

Mr. **FORD** of Michigan. Mr. Chairman, will the gentleman yield?

Mr. **FLOOD**. I yield to the gentleman from Michigan.

Mr. **FORD** of Michigan. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Pennsylvania knows of my great admiration for the effort that he has put in consistently to get money for education.

Mr. **FLOOD**. Yes, I am sure.

Mr. **FORD** of Michigan. I wonder if he and I might take the time when he comes out of the well, in light of what he has just said, to go over the list of our former colleagues who voted to sustain the last President's veto of one of his bills and who were defeated in the last election.

Mr. **FLOOD**. The gentleman from Michigan might also begin now, except that this is the year of our Lord 1975. He is talking about what is coming up. That is a horse of a different rolling stone, too. Do not forget that. You will find out. I hope they do not, but they know. They know. They have got big ears. They have got big ears. This bill under your suggestion will be $1.2 billion over the budget—$1.2 billion. Oh, big deal, until you get home. Until you get home with no money, but just the CONGRESSIONAL RECORD. No dough. They will love that at the school board; yes, indeed, and the colleges, and the presidents—these nice guys at the universities who send you wires today, nice guys. "Please support the Roybal amendment."

You know this subcommittee. You cannot put a finger on anybody in that subcommittee who is not for everything in this bill. No, sir, never, day or night, Republicans and Democrats. They are right down the line for these things. We watched them, and we paid for them, and continue to. But we have a different situation now. You know what it is, or I would not come down here like this.

I would be for you, ordinarily, on your side. But you are wrong this time.

I am afraid of this amendment. I want a separate appropriation bill for education. I need it. The people back home need it. I am afraid if you do what you are trying to do—by the way, there is no question about your bona fide, item by item. I know that. I know you. Three of you are on the subcommittee that I am talking about. You know that. It is just a question of degree. It is a question of opinion. It is a question of getting a bill enacted. As I have said, the Roybal amendment is bad. The amendment of the gentleman from Minnesota (Mr. Quie) is only half bad, so I am against that, too.

Under all the circumstances, do the Members of Congress want a bill? Do they want a separate bill for education to take that money back to the districts where it is needed? Remember, we are faced with this deficit, we are faced with this inflation, and we are faced with these terrible things the Democrats heard about this morning. Can they not remember for 3 hours? They scared us to death this morning. Now do we not care? We had better care. Whew.

Mrs. BURKE of California. Mr. Chairman, I would hope that the early consideration of appropriations for educational programs reflects a continued effort on the part of the Congress to place the education of its citizens among its highest priorities.

The extension of full and equal educational opportunities is fundamental. It is particularly crucial in this year of increasing demands for fiscal restraint and an administration adamantly refusing to initiate or carry out new and innovative domestic programs that the Congress remain steadfast in its determination not to lose ground in the struggle to maintain adequate funding levels for education programs.

Despite past congressional efforts on behalf of Federal assistance programs in the area of education, we find a number of critical areas where programs have not only failed to grow to meet increased needs but have in fact been curtailed.

California has a real problem in meeting its obligations under current court decisions requiring full and equal educational services to all children, not to mention a much needed expansion of our bilingual education programs.

In fiscal 1975 a total of $656 million was available to school assistance programs in federally affected areas. The administration's request of $266 million represents a shocking decrease of $390 million. Although the committee increased this appropriation to $563 million, this would still mean a loss of as much as $3 million to an area like San Diego County in California. It is not difficult to imagine the impact of such a revenue loss on a community's educational program. It is imperative that tier II be fully funded to avoid such drastic cutbacks.

Under the budget item education for the handicapped, we find an increased need for funding due to recent court decisions which require the enactment of programs to meet the special needs of the handicapped. The committee's recognition of this obligation, while laudable, should be expanded to provide full funding for fiscal 1977.

California, because of its highly multiethnic population, has critical and unique needs in the area of bilingual education. There are over 203,000 children in California alone with limited English-speaking ability.

The Supreme Court's 1974 decision in Lau against Nichols affirmed the principle that school districts must develop appropriate programs to insure equal educational opportunity for limited and non-English-speaking students.

In many school districts libraries have not enjoyed a broad base of support, often taking a back seat in the competition for priority to such areas as guidance and counseling, as well as audiovisual and other equipment programs.

Although the committee bill includes an increase of $46.7 million for library resources, it represents a decrease of $13.8 million from the amount appropriated for fiscal 1975. I would urge that the Congress maintain the fiscal 1975 level of funding for public library resources and increase the appropriation for fiscal 1977 to a level which will at least keep pace with inflation.

Each year the cost of higher education rises astronomically. Disadvantaged students have been particularly hard pressed due to the unavailability of familiar financial assistance, and the absence of traditional part-time career opportunities upon which so many are dependent. The need for financial assistance is, if anything, increasing. There are 300,000 full- and part-time students enrolled in the California State colleges and universities system; 75,000 or 25 percent of whom are receiving financial aid. Unless we bring the level of funding back to fiscal year 1975 amounts, more than 5,000 students will be totally eliminated from receiving supplemental opportunity grants at all. Countless others will face major reductions in their financial aid packages. As a minimum, I would hope the Congress will maintain the level of funding appropriated for this purpose in fiscal 1975.

I would hope that my colleagues in the House, when faced with the critical alternatives regarding Federal appropriations, will place our children squarely ahead of and above partisan politics. Let us move decisively. Let us not engage in false economy, for our best investment is clearly in the education of our young people.

A related table follows:

ESTIMATED CALIFORNIA ALLOCATIONS—ROYBAL-OBEY-STOKES AMENDMENT TO H.R. 5901, FISCAL YEAR 1976 EDUCATION APPROPRIATIONS BILL, ELEMENTARY AND SECONDARY EDUCATION

[In thousands]

	Additional fiscal year 1976 funds	Additional fiscal year 1977 funds	California allocation
ESEA title I		150,000	25,409
Bilingual education	11,000		2,750
Follow through	6,000		600
Environmental education	2,000		130
Public Law 874	96,000		12,480
Emergency school aid	75,000		8,145
Aid to handicapped (ESEA title VI)		10,000	1,000
Adult education		4,000	330
Education Professions Development Act vocational educational training	6,000		570
Public libraries	5,000		500
School libraries and instructional resources		10,000	1,360
Total			53,274

Mr. BIAGGI. Mr. Chairman, I rise to give my strong support to the amendment offered by my distinguished colleague from California (Mr. Roybal). Passage of this amendment will insure that the most seriously underfunded and vulnerable Federal education programs will be able to continue at levels which will render them effective to the educational needs of this Nation.

What the amendment will do in essence is insure funding levels for 13 key programs will be continued at levels consistent with fiscal year 1975 appropriations. I wish to comment on two programs of note. The first is bilingual education. The committee recommended $84.3 million for the program. This amendment will raise the figure to a more realistic $95.3 million. Bilingual education has provided numerous opportunities for children to learn English as a second language and the importance of bilingual education was pointed out in the Lau against Nichols case before the U.S. Supreme Court. In their decision they mandated new requirements for school districts with large ethnic minorities to provide bilingual education. In order for this decision to be implemented as well as insuring continuation of existing bilingual programs the $95 million figure is essential. It is anticipated that the Educaton and Labor Committee on which I am a member, will hold hearings later in the year to make further recommendation on improving and expanding bilingual education in our schools.

I am also pleased to note that funding will be continued for environmental education programs in the United States. There remains a great concern in this Nation for preserving our environment. The key to understanding the problem and coming up with solutions rests with education. This program was established with my support in 1970 for the purpose of providing comprehensive environmental education courses in schools and organizations across the Nation. The program has met with wide success despite its meager funding. The money provided in this bill will insure its continuation through this fiscal year.

In addition several other important programs will be increased to more realistic levels including impact aid and education programs for the handicapped.

This amendment today is vital if we are to preserve excellence in our educational system. As a member of the Education and Labor Committee I participated in the drawing up of many of these programs and was disturbed at the drastic cutbacks proposed in this bill. I hope the importance of education for America will be demonstrated by my colleagues today with swift and overwhelming passage of this amendment.

Mr. BADILLO. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleagues Mr. Roybal, Mr. Obey, and Mr. Stokes. I believe that the levels of funding in the committee's bill, H.R. 5901, are ill-advised in the current economic crisis.

The Roybal-Obey-Stokes amendment recognizes the critical need for funding in education today. The amendment reflects careful consideration of the needs of many disadvantaged groups with great educational needs. The increase in funding for bilingual education, for example, is very necessary at this time to implement the Supreme Court Lau decision, and to provide true equal educational opportunity for Spanish-speaking Americans and other non-English speaking citizens. The $95.3 million level in the amendment is still well below the authorization level of $135 million provided in the Education Amendments of 1974. Many other programs covered under the amendment, including followthrough and emergency school aid, are crucial for students in the district which I represent and throughout the country.

In particular, the committee's recommendation to reduce the appropriation for supplemental opportunity grants to $130.1 million would cause great hardship to students all over the country. For example, the City University of New York has informed me that passage of H.R. 5901 would mean for them a 45 percent cutback in supplemental opportunity grants, reducing from 10,000 to 5,000 the number of students who would receive such grants. These 5,000 students and many others would find it extremely difficult to meet college costs without this financial help. The private job market, in its current depressed state, cannot be expected to make up the slack by providing employment for large numbers of college students. Passage of the Roybal-Obey-Stokes amendment, which maintains funding for supplemental opportunity grants in the fiscal 1975 level, would allow New York City's students, and students similarly situated throughout the country, to continue to receive a college education.

I urge all Members to demonstrate their commitment to quality education for all students by supporting the Roybal-Obey-Stokes amendment.

Mr. OTTINGER. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Messrs. Roybal, Obey, and Stokes. The administration's fiscal 1976 budget request for the Office of Education falls some $1.2 billion short of the amount appropriated for comparable programs in fiscal 1975. The Appropriations Committee has reported a bill that would increase this budget request by approximately $700 million. While the committee is to be commended for its resistance to cutting badly needed educational programs, I believe the authorization is insufficient for meeting these needs in a period of rampant inflation.

The additional moneys that would be made available under this amendment are particularly critical for New York State. While I dislike running the risk of reopening an old wound, I feel compelled to remind my colleagues that last year my State suffered a drastic reduction in title I funding under adoption of the Orshansky formula. This, coupled with a hold-harmless level of only 85 percent and an incredible rate of inflation in the cost of educational materials and equipment has placed a tremendous burden on local education agencies attempting to find ways to continue services to our children.

Information provided to me recently by Mr. Seymour Rothman, director of Federal and State programs for the Mount Vernon public schools in my district, indicates that that school district will be short $600,000 in fiscal 1976 just to maintain what they now have in program commitments. This could mean total elimination of their preschool program, loss of all teacher aides and all or most supportive staff such as psychologists, social workers, and speech clinicians. It will reduce the numbers of children to be served by at least one-third.

Mrs. Ruth Geldon, administrator of State and federally funded projects in the city school district of New Rochelle, also in my congressional district, has pointed out to me that that school district must cut approximately $200,000 in planning next year's program. Under such a plan, about 24 paraprofessionals, most of them women from the community who desperately need the salaries they are earning to help maintain their families, will lose their employment. These are people who have received considerable training for their jobs and are providing a valuable service to the community. The greatest irony of this situation is that at the same time that we are depriving these trained personnel of the opportunity to serve our children, we are making available funds under CETA to create make-work employment for many of these same people. The loss to our overall society that will come from denying educational opportunity to disadvantaged children and meaningful, useful employment to many of their parents is incalculable.

Another specific program which would be included under the amendment offered by my colleagues is the environmental education program. It is indeed unfortunate that the committee chose not to include any funding for this program. This is the only program that would be so cut. Aside from my own personal commitment to the idea that the young people of the Nation must be made aware of the need to protect our environment and conserve our natural resources, I am also aware of numerous organizations and institutions which have been struggling to provide such education programs. In my own district numerous requests have been made for Federal assistance for environmental education programs; in light of the tremendous efforts by hundreds of individuals all across this land in promoting environmental concerns, I believe such requests are worthy of support.

Mr. Speaker, the supplemental appropriation which I had the privilege to support yesterday, plus the amendment to the appropriations bill we are considering today clearly will do much to alleviate the present crisis in education funding in my district. At that, about the best that can be said for the amendment's increase in title I is that this legislation would keep us from losing as much as we would have otherwise. Under impact aid, we might be able to offset as much as one-third of our losses. We would experience substantial gains in bilingual education funds—certainly a critical area for New York State. Under higher education we could restore funds under the supplemental educational opportunity grants and land grant college funding. We would experience substantial gains for library resources, adult education and, in 1977, in education of the handicapped.

The point of order which was made with reference to the appropriations bill we are considering at this time is also important, for it is vital in helping to restore much-needed funds not only to New York, but to many other States that will otherwise suffer heavy losses of education funds in fiscal 1977. This point of order would strike language establishing the base year of hold harmless for title IV, part C. ESEA as fiscal 1975. The language contained on page 3, lines 1 through 6 of H.R. 5901 provides for a modification of the allocation of funds not allowed in any law authorizing appropriations for this program. Furthermore, this program is an advance-funded program for which fiscal 1976 appropriations have already been made in a previous bill. Therefore, the bill we are presently considering may treat only appropriations for fiscal 1977 advance-funded programs and it is required that this language, which is inappropriate to matters of this bill, be removed.

Mr. Speaker, the amendment we are considering today will go a long way toward correcting some of the features of prior legislation which have been extremely detrimental to many local school districts around the country, and particularly those in urban areas. In the interests of those who stand to benefit from this bill—the youth of this Nation, and particularly those from disadvantaged backgrounds—I urge that we adopt the Roybal-Obey-Stokes amendment.

Mr. DODD. Mr. Chairman, I rise in support of the Roybal, Obey, Stokes amendment to H.R. 5901, a bill which makes appropriations for Federal education programs for fiscal year 1976. If passed, this amendment would appropriate a total of $487.5 million more than the Appropriations Committee has requested for fiscal year 1976, including an additional $96 million for Federal impact aid funds.

The Appropriations Committee has recommended that $563 million for impact aid projects be appropriated to local school jurisdictions in fiscal year 1976, an amount which is $93 million less than the amount appropriated in fiscal year 1975. This will reduce tremendously the level of impact aid funds available for local school jurisdictions, but even if the total impact aid appropriation for fiscal year 1976 were the same as it was for fiscal year 1975, under a new allocation formula enacted by the 1974 educational amendments which will become effective this fiscal year, every town in my district which now receives impact aid funds would receive less than it did in fiscal year 1975.

In addition, the Appropriations Committee request categorically states that no payments will be provided in fiscal year 1976 for children residing in low-rent public housing. This exemption directly contradicts the 1974 education amendments which are effective for fiscal year 1976. These amendments make no distintion between impact aid funds for children residing in low-rent public housing projects and other children whose parents live and/or work on Federal installations.

The Appropriations Committee here is clearly ignoring the policy established by Congress when this legislation was passed and signed into law by the President. I am concerned that the Appropriations Committee would now try to subvert the clear meaning of these education amendments.

By not taking into account impact aid funds for children in low-rent housing projects, the Appropriations Committee has come up with a funding request that is too low in view of the changes made in the way the program is to be administered. The amendments adopted last year change the payment provisions which come into play when appropriations are insufficient to pay full entitlements. These provisions authorize the Commissioner of Education to pay a percentage of total entitlements according to a three-step payment procedure.

Under this procedure, if there are not enough funds to provide total entitlements within each step, then no school jurisdiction will receive funding. This would mean a truly drastic cutback in funding for schools now receiving impact aid.

The simple fact is that the Appropriations Committee does not include funds for children residing in low-rent public housing projects, as the law now requires, and therefore is not of a sufficiently high level to provide full funding to all eligible school districts at each funding step.

Therefore, if the Appropriations Committee request is not increased, there will be a tremendous reduction in impact aid for all school jurisdictions now receiving these funds. The effect on my district in Connecticut illustrates what would happen nationwide.

For example, under the Roybal, Obey, Stokes amendment, the town of Ledyard would receive about $242,000 in fiscal year 1976 but, if the Appropriations Committee's request is adopted, Ledyard would receive only about $100,800. The town of Groton would be cut from $1,570,000 under the Roybal, Stokes, Obey amendment, to about $423,000 under the Appropriations Committee's request. Funds for the Waterford school district would drop from $138,000 to about $60,000. East Lyme would fall from $105,000 to about $45,400. Funds for Norwich schools would be lowered from $63,000 to $29,000. Funds for Voluntown would be cut from $11,600 to $4,800, and funds for the New London school district would be reduced from a level of $85,400 to $41,300.

Mr. Chairman, towns and cities are in most cases totally dependent on local property taxes to finance the operation of their schools. Therefore, the presence of a Federal installation cuts deeply into a local community's tax base and adds greatly to the demand for community a local community's tax base and adds local tax revenues failing, I do not think that the Congress should now be adding to the tax burden of local communities all over this country.

Mr. Chairman, I urge the Members to vote in favor of this amendment which would provide money that local school jurisdictions throughout the country need to finance the operation of their schools.

Mr. FORD of Tennessee. Mr. Chairman, I rise in support of H.R. 5901. The need for a more realistic and responsible bill than that proposed by the administration is great. The President's desire to avoid further increases in the budget deficit projected for fiscal year 1976 is understandable. I would hope, however, that with this vote the House indicates that the education of our children will not be sacrificed because of the administration's slipshod economic policy. The administration's drive to cut spending must be tempered by a sensitivity to our country's social needs: A sensitivity yet to be evidenced.

The Memphis, Tenn., school system received $23 million in fiscal year 1973–74. In this fiscal year the figures will be approximately the same. These funds were vital to maintaining a quality education system in Memphis. A variety of educational programs, including adult education, vocational training, and the neighborhood youth care program could not have operated without Federal assistance. A reduction in the funding of such programs, in Memphis or in any locality would serve only to disillusion those in need of educational benefits and to reinforce the conception that we in Washington are oblivious to the needs of the people we represent.

I also add my support for the Roybal-Obey-Stokes amendment which increases the funding for 13 programs by $487.5 million. The demands for more services within our school systems, the need for higher teachers' salaries, and the increased costs due to inflation have placed a tremendous burden on American education. The problem of financing and delivering equal educational opportunities to all Americans has become critical. The problem demands affirmative action by Congress and this bill is indicative of our concern for education.

I would urge my fellow Members, in viewing this bill, to consider our country's historic support and respect for education. I ask that with their vote they reflect that support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 31, noes 90.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 308, not voting 30, as follows:

[Roll No. 122]

AYES—94

Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
AuCoin
Bafalis
Bauman
Bell
Bennett
Broomfield
Brown, Mich.
Broyhill
Burke, Fla.
Burleson, Tex.
Butler
Chappell
Cleveland
Collins, Tex.
Conable
Conte
Coughlin
Daniel, Dan
Derwinski
Dickinson
Downing
Duncan, Oreg.
Duncan, Tenn.
du Pont
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fenwick
Fish
Forsythe
Frenzel
Frey
Fuqua
Goldwater
Goodling
Gradison
Hagedorn
Hastings
Hays, Ohio
Heckler, Mass.
Hillis
Hyde
Jarman
Jeffords
Johnson, Pa.
Kasten
Kelly
Kemp
Kindness
Lent
McCollister
McDade
McEwen
McKay
Martin
Mazzoli
Miller, Ohio
Moore
Mosher
Myers, Ind.
Myers, Pa.
O'Brien
Pritchard
Quie
Quillen
Railsback
Regula
Riegle
Robinson
Rogers
Schneebeli
Schulze
Sebelius
Shuster
Skubitz
Smith, Nebr.
Steelman
Steiger, Wis.
Taylor, Mo.
Thone
Treen
Vander Jagt
Wampler
Whitehurst
Wiggins
Winn
Wydler
Wylie
Young, Fla.

NOES—308

Abdnor
Abzug
Addabbo
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashbrook
Aspin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton, John L.
Burton, Phillip
Byron
Carney
Carr
Carter
Casey
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cochran
Cohen
Collins, Ill.
Conyers
Corman
Cornell
Cotter
Crane
D'Amours
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Devine
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Eshleman
Evans, Ind.
Fascell
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fulton
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Grassley
Green
Guyer
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Ichord
Jacobs
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Ketchum
Keys
Koch
Krebs

Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lehman
Levitas
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCormack
McDonald
McFall
McHugh
McKinney
Macdonald
Madden
Madigan
Maguire
Mahon
Mann
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patman
Patten
Patterson, Calif
Pattison, N.Y.
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Randall
Rangel
Rees
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Roncalio
Rooney
Rose
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Russo
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Seiberling
Sharp
Sikes
Simon
Sisk
Slack
Smith, Iowa
Snyder
Spellman
Spence
Staggers
Stanton, James V.
Stark
Steed
Steiger, Ariz.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Waxman
Weaver
Whalen
White
Whitten
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wirth
Wolff
Wright
Yates
Young, Alaska
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NOT VOTING—30

Adams
Ashley
Cederberg
Conlan
Daniel, Robert W., Jr.
Dent
Findley
Fithian
Fraser
Gibbons
Gude
Hébert
Hefner
Hightower
Holland
Johnson, Colo.
Leggett
Mills
Rosenthal
Ruppe
Ryan
Shipley
Shriver
Solarz
Stanton, J. William
Stephens
Symms
Taylor, N.C.
Teague
Yatron

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAGGONNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 143, not voting 30, as follows:

[Roll No. 123]

AYES—259

Abdnor
Abzug
Adams
Addabbo
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Aspin
Badillo
Baldus
Barrett
Baucus
Beard, R.I.
Bedell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brown, Calif.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clausen, Don H.
Clay
Cochran
Cohen
Collins, Ill.
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Dellums
Derrick
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
English
Evans, Ind.
Fascell
Fish
Fisher
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fulton
Gaydos
Giaimo
Gilman
Ginn
Gonzalez
Grassley
Green
Guyer
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Lehman
Litton
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
McClory
McCormack
McFall
McHugh
McKinney
Macdonald
Madden
Madigan
Maguire
Mathis
Matsunaga
Meeds
Melcher
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patman
Patten
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pressler
Preyer
Price
Pritchard
Randall
Rangel
Rees
Reuss
Richmond
Riegle
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rostenkowski
Roush
Roybal
Russo
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Sisk
Smith, Iowa
Spellman
Staggers
Stanton, James V.
Stark
Steed
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
White
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wirth
Wolff
Wright
Yates
Young, Alaska
Young, Ga.
Zablocki
Zeferetti

NOES—143

Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Boland
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carter
Casey
Chappell
Clancy
Clawson, Del
Cleveland
Collins, Tex.
Conable
Conte
Crane
Daniel, Dan
Derwinski
Devine
Dickinson
Downing
Duncan, Oreg.
Duncan, Tenn.
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fenwick
Flood
Flynt
Fountain
Frenzel
Frey
Fuqua
Goldwater
Goodling
Gradison
Hagedorn
Hansen
Harsha
Hastings
Hays, Ohio
Heckler, Mass.
Hillis
Hinshaw
Holt
Hutchinson
Hyde
Ichord
Jarman
Johnson, Pa.
Jones, Okla.
Kasten
Kelly
Kemp
Ketchum
Kindness
Landrum
Latta
Levitas
Long, Md.
Lott
Lujan
McCloskey
McCollister
McDade
McDonald
McEwen
McKay
Mahon
Mann
Martin
Mazzoli
Michel
Milford
Miller, Ohio
Montgomery
Moore
Myers, Ind.
Myers, Pa.
Nichols
O'Brien
Passman
Pickle
Pike
Poage
Quie
Quillen
Railsback
Regula
Rhodes
Roberts
Robinson
Rousselot
Runnels
Satterfield
Schneebeli
Schulze
Sebelius
Shuster
Sikes
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Steelman
Steiger, Ariz.
Steiger, Wis.
Taylor, Mo.
Thone
Treen
Vander Jagt
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Wydler
Wylie
Young, Fla.
Young, Tex.

NOT VOTING—30

Ashley
Cederberg
Conlan
Daniel, Robert W., Jr.
Dent
Findley
Fithian
Fraser
Gibbons
Gude
Hébert
Hefner
Hightower
Holland
Johnson, Colo.
Leggett
Lent
Mills
Rosenthal
Ruppe
Ryan
Shipley
Shriver
Solarz
Stanton, J. William
Stephens
Symms
Taylor, N.C.
Teague
Yatron

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Hébert against.

Mr. Gude for, with Mr. Teague against.

Mr. Rosenthal for, with Mr. Cederberg against.

Mr. Fraser for, with Mr. Symms against.

Mr. Leggett for, with Mr. Mills against.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), $563,000,000, of which $553,000,000, including $46,000,000 for amounts payable under section 6, shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and $10,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided,* That none of the funds contained herein shall be available to pay any local educational agency in excess of 60 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3(b) of title I: *Provided further,* That none of the funds contained herein shall be available to pay any local educational agency in excess of 90 per centum of the amounts to which such agency would otherwise be entitled pursuant to section 3 (a) of said title I if the number of children in average daily attendance in schools of that agency eligible under said section 3(a) is less than 25 per centum of the total number of children in such schools: *Provided further,* That the amount made available to each local educational agency under said Act of September 30, 1950 shall not be less than 80 per centum of the amount made available for that purpose for fiscal year 1974: *Provided, further,* That none of the sums appropriated herein shall be available for entitlements under section 403(1)(c) of said Act of September 30, 1950: *Provided further,* That, with the exception of up to $1,000,000 for repairs for facilities constructed under section 10, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b): *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 47.5 per centum may be used to fund section 5 of said Act.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 7, page 3, and ending on line 19, page 4.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For "School assistance in federally affected areas" for the period July 1, 1976, through September 30, 1976, $70,000,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 20, page 4, and ending on line 22, page 4.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMERGENCY SCHOOL AID

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, $151,700,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 23, page 4, and ending on line 25, page 4.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, for the period July 1, 1976, through September 30, 1976, $325,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 1, page 5, and ending on line 3, page 5.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $225,000,000: *Provided*, That of this amount $100,000,000 for part B shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 4, page 5, and ending on line 9, page 5.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For "Education for the handicapped" for the period July 1, 1976, through September 30, 1976, $10,500,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 10, page 5, and ending on line 11, page 5.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102(b) ($20,000,000), parts B and C ($438,978,000), D, F ($35,994,000), G ($19,500,000), H ($9,849,000) and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and parts B–1 and D of the Education Professions Development Act, and the Adult Education Act of 1966, $658,849,000, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1976, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That of this amount $67,500,000 for the Adult Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 12, page 5, and ending on line 3, page 6.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For "Occupational, vocational, and adult education" for the period July 1, 1976, through September 30, 1976, $151,000,000.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 4, page 6, and ending on line 6, page 6.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, and parts A, B, C, and D of title IX and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969, as amended, section 207 and title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, title IX of the Elementary and Secondary Education Act, and Public Law 92–506, $2,233,684,000, of which $130,093,000 for supplemental educational opportunity grants and amounts available for reallocation among eligible institutions for work-study grants and for incentive grants shall remain available through September 30, 1977, $23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, $660,000,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses) of which $648,500,000 shall remain available through September 30, 1977, and $452,000,000 for subsidies on guaranteed student loans shall remain available until expended: *Provided*, That none of the funds in this Act shall be used to pay any amount for basic opportunity grants for students who were enrolled at institutions of higher education prior to April 1, 1973.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 7, page 6, and ending on line 7, page 7.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For "Higher education" for the period July 1, 1976, through September 30, 1976, $124,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginnnig on line 8, page 7, and ending on line 10, page 7.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Roybal).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIBRARY RESOURCES

For carrying out, to the extent not otherwise provided, titles I ($44,155,000) and III ($2,594,000) of the Library Services and Construction Act (20 U.S.C. ch. 16); title II, part A of the Higher Education Act; and title IV, part B ($137,330,000) of the Elementary and Secondary Education Act, $194,054,000: *Provided*, That the amount appropriated above for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1976, and shall remain availble until September 30, 1977.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendent.

The Clerk read as follows:

Amendment offered by Mr. Roybal: Strike the paragraph beginning on line 11, page 7 and ending on line 21, page 7.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYBAL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 305. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

POINT OF ORDER

Mr. STARK. Mr. Chairman, I would like to reserve a point of order against section 305.

The CHAIRMAN. The Chair advises that this is the time to make a point of order against section 305. The Chair recognizes the gentleman from California for a point of order.

Mr. STARK. Mr. Chairman, I rise to make a point of order against section 305 on the grounds that it imposes additional burdens and duties on Government executives and is legislation on an appropriations bill, and is in violation of clause 2 of rule XXI.

Mr. Chairman, language similar to section 305 has consistently been ruled out of order in the past. Specifically, I cite chapter 26, sections 16.8, 16.9, and 16.10 of "Deschler's Procedure" in the House; in three cases amendments which sought to penalize students for disruptive conduct at a university were held to impose additional duties and ruled out as legislation on an appropriations bill.

Additional duties imposed by this amendment could include:

Determination as to whether the entire student body at Brown University, who went on strike yesterday over a number of administrative decisions, would have their student aid cut off.

Determination as to whether those students who verbally—but not physically—disrupted an appearance by Dr. William Schockley at Yale would have their student aid funds cut off.

Determination as to whether students in a demonstration against the war which was broken up by police, perhaps even teargas, and thus interrupted the curriculum in a college, would have their funds cut off.

The language of this amendment is vague and unreasonable and clearly imposes additional duties on executive officers and should be ruled out of order.

It could be cited that Public Law 92-318, section 497, already imposes this duty; but that public law requires that somebody be convicted of a crime and also convicted of a crime as of June 30, 1972.

In this bill, we are imposing a duty to go all the way back to August 1, 1969, to determine whether they have engaged in any such conduct.

It is one thing to check whether somebody has a criminal conviction, but another thing to determine whether they engaged in any conduct and it imposes a duty to search back 3 more years.

So I submit this is legislation on an appropriations act and should be ruled out of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. FLOOD. I do, Mr. Chairman.

Mr. Chairman, this language has been in this bill for many, many years, since 1969 anyhow. We have always considered this to be a limitation on an appropriation bill.

Mr. Chairman, I refer the Chair to "Deschler's Procedure," chapter 25, page 280, section 15.4, where I find this language:

> An amendment providing that no part of the funds carried in a pending general appropriation bill may be used for financial assistance for students who have engaged in force or have used the threat of force to prevent faculty or students from carrying out their duties or studies, was held in order as a limitation. 115 Cong. Rec. 21636, 91st Cong. 1st Sess., July 31, 1969 (H.R. 13111).

That was sustained in the 91st Congress, 1st session. I remember that very well, indeed.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair has examined the precedents cited by the gentleman from California as well as that precedent cited by the gentleman from Pennsylvania. It is a fairly well established principle that a limitation on an appropriation bill will be considered to be in order so long as it applies only to the funds contained in said appropriation bill and does not impose new and unusual duties and responsibilities upon the administrator such as the making of a specific determination or finding, in which case it is held to be legislation.

In the case cited by the gentleman from Pennsylvania, Chairman Holifield, on July 31, 1969, while presiding over the Committee of the Whole House, in considering an appropriation bill for education, was confronted with the same point of order.

The Chair finds that the provision under contest in the precedent, cited by the gentleman from Pennsylvania, was for all purposes identical to the provision contained in the present bill. It was held on that occasion that it was a legitimate limitation on an appropriation bill. Consistent with that precedent, and because the precedents cited by the gentleman from California are clearly distinguishable, the Chair overrules the point of order.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STARK: On page 13, line 15, strike out section 305 and renumber accordingly.

Mr. STARK. Mr. Chairman, on the question of legislating in these appropriation bills, I am afraid here we are creating a very dangerous precedent and a precedent which could come to haunt all of us in our districts. I hope all the Members will read section 305 very carefully, and I hope they will read it, understanding that people can be involved in strikes, in demonstrations, initiate them and be on the other side.

But, to give somebody the ability to deny higher education, to deny a job at the university of any kind, to do research or be employed in any administrative position merely because some undefined individual will determine that this person has "engaged in conduct"—with no hearing process, there is no appeal to a court, merely a statement here that if it is found that the individual has, "engaged in conduct on or after August 1, 1969," which takes us back 6 years in time, they may be fired; they may have their student aid cut off; they may have their research project canceled.

I would submit that this could cut across both sides of the aisle. If it is legislation in an appropriation bill that is not subject to a point of order it is indeed bad legislation. There is some legislation on the books which says that it is inappropriate for somebody to receive this aid if they have been convicted of a crime by any court in the land, but it just seems to me that to give this authority to deny a job or higher education to some undetermined person seems to me to be going far beyond what responsible legislation should include.

I would submit to the Members that we are adequately protected in the existing law. The Parliamentarian and the Chairman decided to make my previous point of order out of order. If that law exists, then there is no need for this present section in the appropriation bill, which I think could lead to a great deal of confusion and create retribution, perhaps, against people in a labor dispute or on any other grounds.

I am asking the Members to support my amendment, which would strike section 305.

Ms. ABZUG. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment to strike out this section, and I want to compliment the gentleman for bringing this important matter before us. I think that had he not raised the question it would have gone by unnoticed.

Some time ago the students on the campuses were quite concerned with a policy of the government, which has since been repudiated overwhelmingly by the American people, as well as by this body. And what were the students concerned with? They were concerned with the fact that our Government was continuing an illegal and an immoral war, to which they objected. In the heat and the passion and the debate and the controversy and the fears and the confusion, this body allowed itself to be panicked into passing amendments of this kind. Such amendments are now frozen into the law. On the face of it, the section is discriminatory and, in my opinion, also unconstitutional. It penalizes somebody who has not been convicted of a crime, somebody who can be the target of subjective, discriminatory conduct on the part of the university while pursuing his or her educational activities. Section 305 refers to conduct committed any time since August 1, 1969. Activities at that time in protest resulted in disturbance which interfered with the functioning of campuses. No one condones violence. But many of these actions were nonviolent even though they resulted in preventing classrooms and universities from functioning for a period of time. Today the campuses are relatively quiet. To continue this section can only have a chilling effect upon the campuses. Furthermore, it is unequal treatment to deprive someone of funds or employment because of past conduct, not necessarily criminal, that are available to others.

It seems to me that, we could disagree as to what is the use of force or the threat of force, and sometimes students, and even teachers, can be intemperate in language and in action. This provision has no place here.

I urge this body to wipe out the follies of the past, to deal with the needs of the present, and not repeat in the future ill-considered legislation or clauses in legislation which penalize individuals in a discriminatory fashion and which have no useful purposes except to repress differences.

I want again to commend the gentleman. There may be Members of this body today sitting here who were on the campuses at the time of unrest, who, I think, fulfilled the highest degree of patriotism when they objected to the war in Vietnam for which the people of this Nation have suffered and for which the people of other countries have suffered. It is time we got rid of these senseless irrelevant amendments and laws.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as is indicated by this amendment, it has been in the bill since 1969, and the gentlewoman from New York (Ms. ABZUG) is mistaken when she connects it with the Vietnam war. It was not connected with that war. This involved students who objected to curriculum and had seized classrooms and who had, by the use of force, prevented other students from going to class. These other students were students who had with their hard-earned money paid tuition and who wanted to get an education. They had gone to school, they tried to go to their classes, and they were prevented by force from going to class.

That was what we were confronted with. There was an uproar throughout the country. People said, "Look, the Government should not give money to support those kinds of students." The remedy proposed was to kill student aid programs.

So. Mr. Chairman, it was threatening the support for all student aid. If we had not put this amendment in here—and this is very temperate compared with some of the proposals that were made at the time—student aid programs would have suffered. What was happening was that there were a few students who really did not want an education, only a handful of them, who were causing us to lose the support for the thousands who needed student aid in the United States.

So we settled on this language, and we have carried it in the bill since that time. We have not had any criticism of student aid programs on that basis since and what we are doing here if we take this out is this: We are raising up the possibility of helping three or four students and running the risk of losing the support of tens of thousands of students over the country. I do not think that is what we want, and I do not think that is worth it.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, will the gentleman respond to this inquiry:

Is there any evidence actually that this provision, section 305, has ever been used to disqualify students who may be barred from receiving funds under this provision?

Mr. SMITH of Iowa. No, because apparently they leave it up to the universities, and they avoid great visibility in handling the problem.

I feel that we are making trouble when we raise questions like this, and I do not think it is necessary.

Mr. DRINAN. Mr. Chairman, has this ever gone to court? In my judgment, this could be unconstitutional on its face, and I believe it is totally unenforceable.

Mr. SMITH of Iowa. To my knowledge, it has not gone to court. But there is nothing to keep a student from going to school. While they cannot use Federal money for that purpose, if the university wants to take some other scholarship or university money and use it instead of the Federal money, they could do that. But this does not prohibit anybody from going to school. It only reserves the Federal money for those who do not use force to prohibit others from attending classes.

Mr. DRINAN. Mr. Chairman, if the gentleman will yield further, it does take away a right to which he would be eligible because of some misconduct which does not have to be a crime, and it does not say which tribunal should sit in judgment on this, particularly where there is a question of the statute of limitations, for instance. There are all types of legal questions involved, and this student could certainly be deprived of a right without due process.

Mr. SMITH of Iowa. And that was because he was infringing on the right of other students to attend class without being interfered with. That is why this language was put in here.

Mr. DRINAN. He should be punished for that, of course, but the question is whether he should be punished in this way.

Mr. SMITH of Iowa. But they do not have to use Federal money; they can use any other money they wish.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. STARK. Mr. Chairman, I think what the gentleman says is quite correct, that none of us here want to condone disruptive actions. There is a law on the books which says that if somebody has been convicted of a crime, they are denied a certain right, but in this particular section it merely says it will be denied to someone who has engaged in some certain conduct, and it does not say who will determine that. That is what it is about, in any event.

All I am suggesting is that we have good law to the effect that clearly states if somebody is convicted of doing exactly what the gentleman from Iowa says, we would not only abhor it, but the funds would be cut off. What this does, though, is to leave a loophole which overambitious administrators in a campus can apply in such a way that these students would not receive any aid. I would suggest this would not solve any problem.

Mr. SMITH of Iowa. Mr. Chairman, we have, of course, financial aid officers who handle aid funds for these students, and obviously the financial aid officer makes the decision when the student applies as to whether he fits in this category or not. If he fits into that category and he still wants to give him a loan, he can give it to him from other funds, from non-Federal funds.

I do not think we should knock this section out of here, because I think it would threaten student-aid programs. We have increased student-aid programs by hundreds of millions of dollars with this section in here, and I do not think we would be serving the students by striking this section. By simply raising the problem, we would take the risk of helping one or two students sometime in the future and hurting many others.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I frankly wish the amendment were not here because I think it does open old wounds which would best be forgotten. I also frankly think that there has been an incredible degree of overblown rhetoric on both sides of this question during the last 10 minutes.

I want to make one simple observation: I think it is unfortunate, for instance, that this issue has been tied to the Vietnam war. I do not care what people's motives were, I do not think it was patriotic, in any sense of the word, because of strong feelings over the war, for students to prevent other kids from going to classes or to destroy public property. We had some incredibly unfortunate events of that nature in my own State. But as long as the amendment is here, we are going to have to vote on it. Let me just make one small point on behalf of the amendment. This language has been there for years, it is true. But this language really requires us to go back and look at someone's conduct 6 years ago. I think that is a little bit heavy in comparison to the new statute of limitations placed on politicians under the Campaign Finance Reform Act last year.

The fact is, Mr. Chairman, that we passed a Campaign Finance Reform Act last year, and we shortened the statute of limitations for us to 3 years. But the bill is in effect a statute of limitations for students of 6 years and if the language is not changed next year, it will be 7, and the following year it will be 8.

That is not a fair balance between politicians and students.

Mr. Chairman, as much in error as I think those students were at the University of Wisconsin and all the other places in the country—and I do think they were wrong—I also think that it is just possible that some of them, after 6 and 7 years, are different people than they were when they committed the offenses. And as has been pointed out, there is no requirement in this language that someone even be convicted of an offense. There is simply a requirement that somebody be involved, no matter how indirectly. Therefore, while I think it is unfortunate that this amendment was brought up, I think that it is unfortunate that it has been debated in the context in which it was debated. In any event. I do think that there is a case for reasonableness which can be made in support of the amendment.

Mr. FLOOD. Mr. Chairman, I move to strike the requisite number of words.

I simply want to say that I agree with the gentleman from Iowa that there is no reason for this amendment. This language has been in here since 1969. We have had no complaint one way or the other. Thus, we have been acting out of an abundance of caution, as we usually do with this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and on a division (demanded by Mr. STARK) there were—ayes 37, noes 102.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 314. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

AMENDMENTS OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer two amendments, and I ask unanimous consent that they may be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. MOORE: On page 16, delete the words beginning on line 13, "which is", through words "Public Law 88-352," on line 15; and on line 17, delete words "so desegregated", and on line 19, delete words "so desegregated", and on page 16, delete the words beginning on line 23 "which is" through words "Public Law 88-352," on line 25.

Delete the words "so desegregated" on page 17, lines 2 and 4.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MOORE. Mr. Chairman, I shall be very brief, and I shall not use the full 5 minutes.

These two amendments are identical with those offered last year by the distinguished former Member, the gentlewoman from Oregon, Mrs. Green, and which were agreed to at that time and adopted in the Labor-HEW appropriations bill for fiscal year 1975. They were agreed to by the gentleman from Pennsylvania (Mr. FLOOD), chairman of this bill's subcommittee and by the gentleman from Mississippi (Mr. WHITTEN), who was the author of this particular section in the civil rights bill referred to in this bill.

This is the same language that we passed yesterday in my amendment to the supplemental appropriations bill.

As I say, this is the same language that was approved by this body last year in the Labor-HEW appropriations bill. The language that is to be stricken out makes reference to a definition of desegregation in the Civil Rights Act of 1964 which has been rendered useless and out of date by Supreme Court decision, and other court decisions since that time. While it may have been good language 6 or 7 years ago it is not up to date at the present time. Court orders are now the basis for desegregation actions rather than just the statutes. Therefore, the language to be stricken is no longer valid or necessary.

I urge my colleagues to approve the amendment.

Ms. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Chairman, I would ask the gentleman in the well if he would clarify what the legal effect of these proposed amendments is.

Mr. MOORE. The legal effect of these amendments, as far as I know and understand, is simply to take this language from the bill, as was done last year, and as was done yesterday, which just simply seeks to say that HEW must look to the language in the bill and not to the language in the Civil Rights Act for a determination of what they can and cannot do as regards busing.

Ms. ABZUG. What about the language of the Supreme Court of the United States?

Mr. MOORE. Certainly nothing can be done in this bill to abrogate that.

Ms. ABZUG. Is the gentleman just seeking to abrogate the Civil Rights Act?

Mr. MOORE. I am seeking to take any reference of that act out of the language of this bill because that is not the basis on busing any longer.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I can assure the Members that I am not going to argue against the merits of these amendments, and I am not going to engage in an extensive debate on this floor, in no way, because this is a very, very emotional and complicated subject, as the Members know.

The amendments proposed by the gentleman from Louisiana (Mr. MOORE) by the way, are identical to the language we adopted in the Labor-HEW appropriations bill in the House last year—identical language. The Senate, however, would not accept it in conference.

The appropriation bill that is before us now contains the so-called Whitten provisions. As the Members I am sure recall, these have been placed in the Labor-HEW appropriations bills for many, many years. It has been known as the so-called Whitten language, and everybody knew what that language contained.

Last year the House amended the Whitten provisions, just as they are being presented right now.

Let me say again that the Senate was strongly opposed to changing this language, and that is the situation right now. My guess would be that the other body would be just as strongly opposed to this language today as they were last year.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. MOORE).

The amendments were agreed to.

AMENDMENTS OFFERED BY MS. ABZUG

Ms. ABZUG. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Ms. ABZUG: on page 16, after line 11, strike out sections 314 and 315 and renumber accordingly.

PARLIAMENTARY INQUIRY

Mr. BAUMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAUMAN. Have not these sections already been read for amendment?

The CHAIRMAN. Only section 314 has been read for amendment.

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, I make the point of order that the amendment comes too late.

The CHAIRMAN (Mr. WRIGHT). Section 315 has not been read. Therefore, it would not foreclose consideration at this time of a further amendment offered to section 314.

The amendment offered by the gentlewoman from New York contains an additional part proposing to strike section 315, which has not been read. Absent a unanimous-consent agreement, she could not offer an amendment to strike section 315 if it had not been read.

Ms. ABZUG. Mr. Chairman, I ask unnanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. STARK. Mr. Chairman, reserving the right to object, would this preclude my making a point of order against section 314?

The CHAIRMAN. The Chair would advise the gentleman that section 314 has already been read and subject to legislative action in the form of the amendment offered by the gentleman from Louisiana and, therefore, a point of order would not be timely against section 314. The Chair would advise the gentleman that if he wishes to make a point of order against section 315, the moment for that would be after the Clerk has read that section and before someone offers an amendment and legislative consideration has taken place.

Mr. **STARK.** Mr. Chairman, I withdraw my reservation of objection.

The **CHAIRMAN.** Is there objection to the request of the gentlewoman from New York?

Mr. **BAUMAN.** Mr. Chairman, further reserving the right to object, if permission is not granted to consider the amendments en bloc, then is an amendment to section 314 in order?

The **CHAIRMAN.** The Chair would advise the gentleman under those circumstances, yes, an amendment to section 314 would be in order, and subsequently, after reading section 315, an amendment thereto would be in order. The Chair simply sees it as a matter of whether we want to vote once or twice.

Mr. **BAUMAN.** Mr. Chairman, I withdraw my reservation of objection.

The **CHAIRMAN.** Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. **ABZUG.** Mr. Chairman, I regret that one has to rise in connection with these sections. It seems to me that the purpose of sections 314 and 315 dilutes the equal protection and due process clauses of the Constitution. I do not think the Congress has the power to do this. I have argued this question before, as have others on this floor. They seek to overturn Supreme Court rulings which have held that local school districts do have responsibility to remedy school segregation, and that busing may be an appropriate remedy to accomplish desegregation.

I question the constitutionality of these sections. I also question whether we have, to continue to conduct this assault upon the children of this country, each time we deal with matters concerning children and education. It is not just an assault on black children; it is an assault on all children.

I believe these sections in the bill negate our efforts to provide the best possible education under existing conditions that we can for all children. I am sure children would not choose to put these provisions in. I think these sections reflect games that we grownups play for our constituencies. I think in so doing we degrade our legislative purpose. We know that there is a great deal of passion on this subject.

I am aware of this as I stand in this well. I am also aware of the fact that the issue of busing is a false issue. People have different opinions about the issue, but I do not believe we should play out our differences at the expense of an education bill or at the expense of children. Children cannot learn how to live with each other if adults keep fanning these emotional flames, which I think are totally irrelevant to the cause of establishing quality education, as this bill attempts to do.

To insist over and over again on violating the Constitution, the statutes, and the Supreme Court decisions is inappropriate. They intended to secure the best possible ways to provide educational opportunity for all children. To seek to undercut and undermine those objectives by these kinds of sections in legislation does us no good. It does us no good at all.

It is when we allow ourselves to deal with this emotional subject in this way that we encourage others to display their differences in an improper way. Outside of these halls of Congress we only help to inflame passions further.

I think it is wrong of us to take advantage of an education bill time and time again and try to assert our personal predilections in legislation in this way. It does not belong here. We ought to be big enough to have differences without incorporating them into legislation which has broader and more common objectives.

If we do not really believe in desegregation it is regrettable. We ought to try to educate each other as to why we should. If we believe in desegregation and have certain fears about it we should try to overcome them. In any case the way to do that is not by incorporating these fears or these differences in a piece of legislation which has totally different objectives.

I urge support to strike these sections.

Mr. **SMITH** of Iowa. Mr. Chairman, I move to strike the last word.

I would like to clarify what I believe to be the situation. We have in this country a body of law including constitutional law which prohibits desegregation. The Congress cannot change that by statute. What these amendments under consideration did several years ago and all they did was to say that HEW cannot go out to a local school district and tell them which one of several remedies the school district must use in meeting the constitutional prohibitions against desegregation. That is all. We can certainly do that. We can tell HEW they cannot send somebody out there and tell that local school district which one of several methods of overcoming discrimination which they must use—and it does not relieve the school districts of their responsibility but they should be able to choose for themselves whether they want to change the district lines or have a central school or whether they want to bus or use some other tool.

These provisions have been in the law for several years. In my opinion the amendments just adopted—which I opposed—did not do a solitary thing and this Congress cannot do a thing that changes constitutional law. So what we have here is that year after year, and it happened last year again, someone tries to tinker with these two sections and in the end we end up in a big argument in conference because both sides blow it up as if it means something substantive when the changes proposed in these amendments do not mean anything at all, and in the end we are then held up a couple of weeks.

I think it would be better if we would limit ourselves to what we are capable of doing which is what the sections as written do and not get into these emotional issues we cannot deal with anyway.

Mr. **STARK.** Mr. Chairman, will the gentleman yield?

Mr. **SMITH** of Iowa. I yield to the gentleman from California.

Mr. **STARK.** Mr. Chairman, assuming HEW or a community school had decided to use busing as a tool for achieving those ends and they have done that voluntarily, would not section 314, which ends by saying that no funds will be spent for "a particular school over the protest of his or her parents or parent", would this not be interpreted to mean if any parent objects, the school would be under the difficult situation of not spending funds to bus a particular student, or would the gentleman not agree it does that?

Mr. **SMITH** of Iowa. No; it says, no part of the funds may be used "to force" a school district to do certain things. That is the important part. Someone from HEW cannot force the school district to use one remedy instead of another. I do not think we serve the school districts by forcing them to choose one remedy instead of another. If we drop these provisions as they have been carried in bills for several years, we will find ourselves back with one of the amendments we adopted last year that goes further than this and is much more controversial.

Mr. **FLOOD.** Mr. Chairman, will the gentleman yield further?

Mr. **SMITH** of Iowa. I yield.

Mr. **FLOOD.** I said this several years ago, as the gentleman has just said it and the House has said the same thing now. This was the language adopted by the House. The House time and time again has expressed its will on this subject and for that reason the amendment should be denied.

The **CHAIRMAN.** The question is on the amendments offered by the gentlewoman from New York (Ms. ABZUG).

The amendments were rejected.

The **CHAIRMAN.** The Clerk will read.

The Clerk read as follows:

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

AMENDMENT OFFERED BY MR. CASEY OF TEXAS

Mr. **CASEY** of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY of Texas: On page 17 after line 14 insert the following new section and number accordingly: Section 316(a) No funds appropriated under this Act shall be used by the Department of Health, Education, and Welfare to draft, publish, promulgate or enforce regulations requiring any organization, association, institution, school district, or unit of government to integrate by sex physical education classes, Boy Scouts, Girl Scouts, YMCA, YWCA, Campfire Girls, Boys Clubs, Girls Clubs, and sororities and fraternities, whether honorary, service or social.

(b) No funds appropriated under this Act shall be withheld, nor shall any funds appropriated under this Act be used to effect the withholding of funds by the Department of

Health, Education, and Welfare from any organization, association, institution, school district or unit of government to compel the integration by sex of physical education classes, Boy Scouts, Girl Scouts, YMCA, YWCA, Campfire Girls, Boys Club, Girls Club, fraternities and sororities, whether honorary, service or social, or any similar organization.

POINT OF ORDER

Ms. **ABZUG**. Mr. Chairman, I have a point of order.

The **CHAIRMAN**. The gentlewoman will state the point of order.

Ms. **ABZUG**. Mr. Chairman, I would like to make a point of order. I believe that the amendment being proposed by the gentleman violates rule XXI, clause 2, of the Rules of the House. I believe it is unauthorized under our rules.

The **CHAIRMAN**. Does the gentleman from Texas desire to be heard on the point of order?

Mr. **CASEY**. Yes, Mr. Chairman. This is nothing more or less than a limitation on the use of funds, which is perfectly in order and it follows in the same manner the previous sections of this bill. It has no legislation in it. It imposes no new duties. It is simply a limitation on the use of funds.

Ms. **ABZUG**. Mr. Chairman, I believe it does require the exercise of judgment and imposes additional duties on the administration beyond which is provided for in the authorizing legislation and the regulations. Therefore, I believe the point of order should be sustained.

The **CHAIRMAN**. The gentlewoman from New York makes a point of order against the amendment of the gentleman from Texas on the ground that it constitutes legislation on an appropriation bill.

The gentleman from Texas argues that it is not legislation, but it is simply a limitation upon an appropriation.

The Chair notes that the amendment provides that no funds appropriated under this act shall be used by the Department of Health, Education, and Welfare to draft, publish, promulgate, or enforce regulations, and the Chair believes that that would constitute a simple negative limitation, not requiring a particular finding or imposing any burden on the Administrator.

The second part of the amendment provides that no funds appropriated under this act shall be used to effect withholding of funds to compel the integration by sex of physical education classes.

The Chair is of the opinion that this, too, would constitute a simple limitation on the appropriation bill and would not impose any particular burden upon the Administrator.

For those reasons the Chair views it as a proper limitation on an appropriation bill and the point of order is, therefore, overruled.

The gentleman from Texas is recognized for 5 minutes in support of his amendment.

Mr. **FLOOD**. Mr. Chairman, will the gentleman yield?

Mr. **CASEY**. I yield to the gentleman from Pennsylvania.

Mr. **FLOOD**. Mr. Chairman, I merely want to state that this is the identical language we had in the conference report, and it was retained.

Mr. **CASEY**. We had it in the conference report. I appreciate the comment of the gentleman from Pennsylvania.

Mr. Chairman, this language was in the conference report because we discovered the regulations that were being promulgated in trying to enforce segregation of physical education classes, even in elementary and secondary schools. I think it is clear that if the school districts themselves want to do it, let them do it, but I do not think HEW ought to tell them that they have to do it.

The thing that has disturbed me and disturbed my school districts is that they are telling the elementary school in a published, long regulation saying that, "You must integrate the physical education classes." They did say, "You can have separate toilet facilities, one thing and another," but I think it has gone too far.

It is not going to stop the thrust of title 9, which is that the female sex should have an opportunity for all educational opportunities that the male sex has. That is not my intention.

Mrs. **FENWICK**. Mr. Chairman, will the gentleman yield?

Mr. **CASEY**. I yield to the gentlewoman from New Jersey.

Mrs. **FENWICK**. Mr. Chairman, we have a law providing that these programs shall be made equally available to both sexes. I feel that the thrust and the effect of this amendment would be to deny that goal. Would the gentleman be willing to rephrase the amendment in such a way as to indicate that HEW ought to be careful to see that these funds are dispersed in accordance with that?

Mr. **CASEY**. I say to the gentlewoman that this will have no effect on the equal opportunity and participation in all the same kinds of activities, but I do not think HEW should tell them, "You have got to integrate physical education classes in all of these educational institutions."

This does not affect the requirement that they have got to have equal facilities and offer the same opportunities.

Mrs. **FENWICK**. Could I ask the gentleman, suppose it was found that a school district had disobeyed the law. Under this amendment, would HEW still have the right to withhold funds on the ground that the law is not being obeyed?

Mr. **CASEY**. Yes, they can withhold them if they are not offering people equal opportunity. If girls want to play football, they may, and if they want to have a sports team, they should have it.

Mrs. **FENWICK**. I did not phrase my question properly. All I am asking is, suppose HEW finds the law is being disobeyed and rights are being abridged——

Mr. **CASEY**. What law?

Mrs. **FENWICK**. The law that requires that these programs should be administered equally. Would HEW under the gentleman's amendment still have the right to withhold funds?

Mr. **CASEY**. Yes, but they cannot withhold them just on the basis of saying, "You have got to integrate by sex."

Mrs. **FENWICK**. If you want the money, you are going to have to integrate according to law.

Mr. **CASEY**. No, it does not say that at all. If the gentlewoman will read title 9, it does not say that they have got to integrate classes. It says that they have got to give equal opportunity.

Mrs. **FENWICK**. Yes, equal opportunity to male and female alike, but the point I am trying to make is, if HEW finds that the law is not being obeyed, surely the gentleman would not wish them to disburse funds?

Mr. **CASEY**. This would not stop them from withholding funds.

Mrs. **FENWICK**. It would not stop them from withholding funds?

Mr. **CASEY**. No.

Ms. **ABZUG**. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to pick up at the last question and answer. The fact is that the amendment specifically says that no funds shall be appropriated under this act, nor may the Department of Health, Education, and Welfare receive money for drafting, publishing, promulgating, or enforcing regulations which require any organization, any association, any institution, any school district or unit of government to integrate physical education classes by sex. By sex, gentlemen and ladies, by sex. By sex. Not by race. By sex.

Mr. Chairman, title IX is a significant step in attainment of educational equality for girls and women and for the elimination of restrictive sex role or stereotypes of boys and girls. It is not a panacea and some adjustments have to be made but it is a tool which should not be cut down as it is starting out, by those who are genuinely committed to educational equality and quality education.

Title IX provides in essence that—

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .

Games played together by boys and girls will make each of them healthier. Frankly, I am shocked to think that this amendment could be accepted by grownups in 1974. We have reached the stage where we understand that psychologically, educationally, and culturally it is a useful thing for us to be able to provide funds for young girls and women in the schools and in the colleges to be able to play, for example, tennis, the same way that funds are provided for young men, and that there is nothing wrong with having mixed doubles. This particular amendment would prevent that. I think that it is wrong to suggest that it would not.

Obviously, as long as there are Boy Scouts, boys are probably going to remain in the Boy Scouts; as long as there are Girl Scouts, the same would be so. But I think to include sororities and fraternities in this prohibition, whether honorary, service, or social, is again a complete violation of a complete inconsistency with the objectives of title IX. I think this would be a backward amendment even if there were not a title IX. I believe, regrettably, if adopted it will interfere with the intent of tile IX as we passed it.

It would be wrong for us to agree to this amendment, because we would be denying the ability of HEW to follow up on the title IX law, which this body has passed, or the regulations implementing that law. The regulations have not as yet been approved. But the amendment certainly violates the title IX provision passed by this body.

We are dealing with old taboos. Men and women participate in sports together. We have allowed that to happen even in this august body. I think to prevent equal participation in sports by young girls and boys is to suggest that we do not have enough sense to realize that not all of the young girls will want to play on your precious football teams, and that not every young girl is going to want to play on your baseball team, and that not every young girl is going to want to play on your basketball team. But it may be that some young girl may make a difference on the basketball team, football team, or baseball team. I fear this amendment will have the effect of depriving young girls and women of equal panels, equal facilities, equal programs and opportunity. I believe it is so intended.

Mr. Chairman, in any case, I hope that we will defeat this amendment because it discriminates against girls and young women who have a right to receive an equal amount of funds, an equal amount of facilities and an equal opportunity to develop their physical education.

Mr. BAUMAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. CASEY).

Mr. Chairman, I will read to the Members from the CONGRESSIONAL RECORD of Novmber 26, 1974, from page 37384. These are the remarks of our former colleague, Mrs. Green of Oregon, who was one of the authors of title IX. She made a speech on the occasion of the offering of an amendment which was almost identical, if not identical, to the language of the amendment the gentleman from Texas (Mr. CASEY) is now offering.

She mentioned in her remarks all of the points she was trying to combat: discrimination against women as teachers, higher grade point averages required for women than for men, discriminatory admission policies in law and medical schools, and different salary scales for women and men.

Then she said as follows, inferring that the regulations at HEW as actually imposed went far beyond this: I quote directly at this point.

> It was never designed for the purpose of having the Federal Government intrude on private organizations and to force by Government fiat the integration of such groups as Boy Scouts, Girl Scouts, Campfire Girls, YMCA, YWCA, the Boys Club, the Girls Club, and all sororities and fraternities. It was never designed to have the Federal Government say to a sorority or fraternity, whether it be social or professional, "You have to do this or we are going to withhold all the funds from the university."

Mr. Chairman, this is precisely the same amendment supported by this very gentlewoman from Oregon, who regrettably is no longer with us, who was so greatly respected. She took the same position the gentleman from Texas is taking.

I think we have seen here the application of the late Speaker Reed's dictum this afternoon, that the 5-minute rule is meant to either clarify or confuse. What we have seen here is an attempt to confuse by the opponents of this amendment.

I hope the Members will support this amendment, which will indeed protect the rights of women, as well as the rights of colleges and educational establishments, and at the same time protect the rights of private organizations which have been subjected to these misguided HEW directives.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CASEY).

The question was taken; and on a division (demanded by Ms. ABZUG) there were—ayes 98, noes 56.

RECORDED VOTE

Ms. ABZUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 253, noes 145, not voting 34, as follows:

[Roll No. 124]

AYES—253

Abdnor
Adams
Addabbo
Ambro
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Barrett
Bauman
Beard, Tenn.
Bell
Bennett
Bevill
Biaggi
Biester
Blanchard
Boland
Bonker
Bowen
Breaux
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carter
Casey
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Cornell
Coughlin
Crane
D'Amours
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis
de la Garza
Delaney
Derwinski
Devine
Dickinson
Dingell
Downey
Downing
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Esch
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Flood
Flowers
Flynt
Ford, Mich.
Forsythe
Fountain
Frey
Fulton
Fuqua
Gaydos
Giaimo
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Green
Guyer
Hagedorn
Haley
Hamilton
Hammerschmidt
Hanley
Hansen
Harsha
Hastings
Hays, Ohio
Hébert
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Holt
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kazen
Kelly
Kemp
Ketchum
Kindness
Krueger
LaFalce
Lagomarsino
Latta
Lent
Lloyd, Tenn.
Long, La.
Lott
Lujan
McCollister
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mann
Martin
Mathis
Matsunaga
Melcher
Michel
Milford
Miller, Ohio
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Nedzi
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Passman
Patman
Patten
Pickle
Poage
Pressler
Price
Pritchard
Quie
Quillen
Randall
Regula
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roncalio
Rousselot
Runnels
Russo
Sarasin
Satterfield
Schulze
Sebelius
Sharp
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Staggers
Steed
Steelman
Steiger, Ariz.
Stuckey
Sullivan
Talcott
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wright
Wydler
Wylie
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki
Zeferetti

NOES—145

Abzug
Alexander
Anderson, Calif.
Anderson, Ill.
Badillo
Baldus
Baucus
Beard, R.I.
Bedell
Bergland
Bingham
Blouin
Boggs
Bolling
Brademas
Breckinridge
Brodhead
Brown, Calif.
Burke, Calif.
Burton, John
Burton, Phillip
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conte
Conyers
Corman
Cotter
Dellums
Derrick
Diggs
Dodd
Drinan
du Pont
Early
Eckhardt
Edgar
Edwards, Calif.
Fascell
Fenwick
Fish
Fisher
Florio
Ford, Tenn.
Frenzel
Gilman
Ginn
Hall
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Heckler, Mass.
Hillis
Holtzman
Horton
Howard
Jacobs
Jeffords
Jenrette
Jordan
Karth
Kastenmeier
Keys
Koch
Krebs
Lehman
Levitas
Litton
Lloyd, Calif.
Long, Md.
McClory
McCloskey
McCormack
Maguire
Mazzoli
Meeds
Metcalfe
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mineta
Mink
Mitchell, Md.
Moffett
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Neal
Nolan
Nowak
Oberstar
Ottinger
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Preyer
Railsback
Rangel
Rees
Reuss
Richmond
Riegle
Rodino
Rooney
Rose
Rostenkowski
Roush
Roybal
St Germain
Santini
Sarbanes
Scheuer
Schroeder
Seiberling
Simon
Smith, Iowa
Spellman
Stanton, James V.
Stark
Steiger, Wis.
Stokes
Stratton
Studds
Symington
Tsongas
Vander Veen
Vanik
Waxman
Weaver
Whalen
Wilson, Charles H., Calif.
Wirth
Wolff
Yates
Young, Ga.

NOT VOTING—34

Ashley
Cederberg
Conable
Conlan
Daniel, Robert W., Jr.
Dent
Findley
Fithian
Foley
Fraser
Gibbons
Gude
Hefner
Hightower
Holland
Ichord
Johnson, Colo.
Landrum
Leggett
Mills
Patterson, Calif.
Rosenthal
Ruppe
Ryan
Schneebeli
Shipley
Shriver
Solarz
Stanton, J. William
Stephens
Symms
Taylor, N.C.
Teague
Yatron

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. **KELLY.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this bill.

This bill (H.R. 5901) makes good provision but provides for too much money to fund these programs.

Education is good and education requires money but there is a limit to the education we can afford.

Many school bond issues across this land are defeated every year by the vote of the people which bears testimony to the fact the cost of education is exceeding what the people believe reasonable.

This bill adding $10.17 billion to the tax burden of the American taxpayer at this time of economic stress is unreasonable.

Education is essential to the well-being of our Nation. Education that exceeds what the people can afford is oppressive to the people it is designed to serve.

Mr. du PONT. Mr. Chairman, will the gentleman yield?

Mr. **KELLY.** I yield to the gentleman from Delaware.

Mr. du PONT. Mr. Chairman, in considering the education appropriations bill, H.R. 5901, I think the committee has done a good job of striking a balance between the needs of our educational programs and our budgetary priorities. There is as great a need for additional funding for this purpose, as there is a need to put a reign on our spending policies—the latter being a problem that has been accentuated by this Congress irrepressible urge to increase the cost of any and all bills it considers.

Since I feel that this bill represents a reasonable approach to the problems we are facing, I will not be able to support either Mr. ROYBAL's attempts to increase the funding by almost a half a billion dollars, nor Mr. MICHEL's attempts to cut it back to the amount proposed by the administration.

The bill as reported by the committee represents a 12-percent increase over last year's appropriation, and as much as many of these programs could use additional funds, our deficit is already close to $80 billion. I cannot vote to further increase the deficit, for programs that have already been increased for the next fiscal year at a 12-percent rate.

Mr. **ASHBROOK.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Committee on Appropriations has recommended an appropriation of $84,270,000 for bilingual education. I prepared an amendment to reduce that figure by $14,270,000. This action would make the amount appropriated for bilingual education the same as the amount requested by the administration. Due to the House action on the Roybal amendment, my amendment could not be offered.

Mr. Chairman, I recognize the value of school districts providing educational opportunities to children of limited and non-English-speaking ability. Certainly, however, the $70 million requested in the budget is a fair amount. This is the same amount as the revised 1975 request.

Nevertheless, over $14 million has been added to the program. The committee report provides no justification or explanation for the increase. I think it ought to be rejected.

I would like to make one further point. According to the committee report—

> $53,370,000 will be used to support approximately 400 classroom demonstration projects, including up to 100 new demonstrations, providing bilingual education instruction in 42 languages.

It seems ridiculous for the Federal Government to be providing assistance for 42 different languages. Included are such languages as Ilocano, Trukese, Ponopean, Chammorro, and Palouan. How can this be justified on any cost basis? I believe it is a waste of taxpayers' funds.

Mr. Chairman, these are the 42 languages covered by the $84.2 million bilingual education appropriations: French, Portugese, Spanish, Italian, Greek, Yiddish, Russian, Haitian French, Chinese (Cantonese), Japanese, Korean, Ilocano, Samoan, Trukese, Marshalese, Ponopean, Chamorro, Palouan, Tagalog, Yupik, Siberian Yupik, Inupiat, Athabaskan, Aleut, Navajo, Lakota, Seminole, Zuni, Cree, Papago, Bannock Shoshoni, Crow, Northern Cheyenne, Miccosukee Seminole, Choctaw, Cherokee, Acoma Pueblo Keresan, Laguna Pueblo Keresan, Mississippi Choctaw, Passamoquoddy, Pomo, Mescalero Apache.

I cannot believe that the American taxpayer believes we need to train teachers in 42 languages. A handful of basic languages would seem to be more than adequate.

Mr. **ROUSSELOT.** Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, since a substantial number of amendments that, in my judgment, are improper and extravagant, have been added to H.R. 5901, the appropriation bill for the education division and related agencies for fiscal year ending June 1976, on the floor of the House today, I am rising in opposition to this legislation. The Members of this House have added better than a billion dollars to what, in my judgment, was already an overbloated sum.

Even though I have not supported Federal aid to education bills in the past because of the obvious control and dictation that occurs from the Washington bureaucracy, there are even more substantial reasons to be concerned about this bill's impact on an ever increasing deficit which is being imposed on the Federal treasury this deficit must ultimately require the American working people to pay for in one way or another. I cannot give support to this legislation. My additional reasons are:

First. The House of Representatives today, in my judgment, has acted wholly irresponsibly by adding another billion dollars to this already inflated bill—above and beyond what has been anticipated in the budget. This means when we finally come to grips with the Concurrent Resolution 218 related to our Congressional Budget Act of 1974, that we will push the level of deficit even higher than previously anticipated before the so-called budget control resolution even reaches the floor.

Second. The Labor and Education Committee of this House, which has the basic legislative oversight responsibility, has failed again to justify billions of dollars for education from the Federal level by proving that these dollars are really producing—with a few possible exceptions—constructive results for education of children. As a matter of fact, various GAO reports show in several cases that exactly the opposite is correct—that these billions of dollars are not providing excellence in education in all cases.

Third. When the Appropriations Committee has tried to justify whether moneys previously appropriated should be continued, they have had great difficulty proving that money has been spent in an entirely constructive way. Or, in some cases, the Federal funding has been absorbed by swelling bureaucracy at the Federal and State levels and not actually reaching the young people in forms of improved education programs that are supposed to benefit the young.

So, it is natural, I suppose that the National Education Association, which harrasses Congress to add more and more dollars to these programs—which, incidentally enhances its own bureaucratic lobbying efforts here in Washington—clearly have failed to prove their case that these billions of dollars necessarily provide better education. As a matter of fact, our good colleague from Pennsylvania, BILL GOODLING, formerly a superintendent of schools in his own district in Pennsylvania, has complained that much of the mail that Congressmen receive does not truly represent individuals from the field of education who have fully understood the kinds of requests that were being made. For these and many other reasons, Mr. Chairman, I cannot support this legislation.

Mr. **CONTE.** Mr. Chairman, the appropriations bill before us is unique. Segregating the "Education Division and Related Agencies" from the Labor-HEW appropriations bill proper will enable college and school administrators to plan their budgets with an early working knowledge of the extent to which they can rely on Federal funding. As you know, the Labor-HEW appropriations bill was vetoed last year and twice vetoed the year before. These setbacks seriously affect the ability of school officials to prepare their budgets. Further, the setbacks have an adverse effect on the implementation of various programs supported by Federal funds. It is my hope that passage of this bill will progress with all due expedience.

Consideration of this bill comes at a time while the Congress finds itself trying to cope with a recession knocking at the front door and inflation at the back. The importance of keeping the lid on nonessential spending and avoiding, where possible, excessive growth is obvious. However, we cannot sacrifice the quality of our educational system and its programs.

The quality of education provided for Americans, young and old, must be maintained and safeguarded. Granted, the bill as recommended by the Committee on Appropriations would increase budget authority for fiscal year 1976—the recommended increase included approximately $173 million for student aid programs in order to make more funds available to students across the Nation to attend college. Funding of this type is essential at this time when financial assistance from the family cannot meet the astronomical rise in tuition costs and other related expenses. In the last decade, tuition fees alone, rose more than 70 percent in our colleges and universities.

Although maintaining the quality and strength of our education system cannot be slighted, we must proceed with realistic financial limits in mind. Overall, the bill, as recommended by the Committee on Appropriations, reflected a genuine effort on behalf of the committee to find a balance between needs in the various areas of concern and financial resource limits.

The result was a restrained and responsible bill. There are many programs which could well utilize additional funding—however, we can only go so far. Increasing the bill beyond the level of funding recommended by the committee will only result in increased borrowing by the Federal Government. In turn, because of the Government's prime position on the market, the result will be less funds available for private sector borrowing. At long last, the market is beginning to show a trend toward lower interest rates. A marked increase in Federal borrowing would reverse that trend. We must proceed with all due caution to avoid such a turn which would obviously injure the borrowing capabilities of the private sector. We must hold the line.

No matter what figure the Committee on Appropriations recommends, there will always be amendments to increase funding. There will always be those who will request additional funds. However, all too often their amendments do not reflect a realistic appraisal of our financial limitations. Such a move is an invitation for the veto.

I opposed the Roybal-Obey-Stokes amendment, because it was offered in a block form. I had planned to offer my own amendments which were designed to raise the level of funding for aid to land-grant colleges and the Follow Through program. Further, my amendments would have accomplished a decrease in funding in nonessential areas such as public service and mining fellowships and innovative and experimental programs. There are other federally funded programs which adequately provide financial assistance for these type of fellowships. The innovative and experimental programs will receive substantial funding in this bill. Six of the nine different programs are new. Terminating the new programs would have decreased the funding by approximately $18.5 million which could have been utilized elsewhere in the fiscal year 1976 budget. There is no question about the utility of such programs. The financial climate this year is such that new programs of this nature become nonessential. Approval of the Roybal-Obey-Stokes amendment now renders my intentions to amend the bill unnecessary.

We are under a duty to proceed with extreme caution and fiscal responsibility in these financially troublesome times. Fellow Members—I fear the amended bill, resulting in an increase of $1.5 billion over the budget request, goes too far.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so only to make, as we bring the debate on this bill to a close, a very brief observation.

I had intended to offer several selective amendments to bring the bill more in line to assure us of a bill signed into law, but when the Roybal amendment was adopted, school was more or less out for me.

The bill came to the floor $661.1 million over the budget. The Roybal amendment added $487.5 million to that. We now have a bill that is $1,148,600,000 over the budget.

I have a straight motion to recommit on which I will ask for no rollcall. I personally will have to vote against the bill and I regret this because regardless of what the other body does, and we all know their proclivity for increasing the bill, I cannot conceive that we are going to be able now to do what we had promised we would do earlier and assure the educational community of an education appropriation bill passed and signed into law as one of the early items of business in this particular Congress.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Wright, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5901) making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. Yes, Mr. Speaker, I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Michel moves to recommit the bill (H.R. 5901) to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter, along with tables and charts, on the bill (H.R. 5901) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Roybal-Obey-Stokes amendment.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT ON H.R. 4296, EMERGENCY FARM PRICE SUPPORT

Mr. FOLEY submitted the following conference report and statement on the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per *centum of* parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes:

Conference Report (H. Rept. No. 152)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That title I of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof the following new section 108:

"SEC. 108. Notwithstanding any other provision of this Act—

"(a) The established price for the 1975 crops of upland cotton, corn, and wheat shall be 45 cents per pound, $2.25 per bushel, and $3.10 per bushel, respectively.

"(b) The Secretary shall make available to producers loans and purchases on the 1975 crops of upland cotton, corn, and wheat at 38 cents per pound, $1.87 per bushel, and $2.50 per bushel, respectively.

"(c) The rate of interest on commodity loans made by the Commodity Credit Corporation to all eligible producers for the 1975 crops shall be established quarterly on the basis of the lowest current interest rate on ordinary obligations of the United States.

"(d) The nonrecourse loan for the 1975 crop of upland cotton as set forth in section 103(e)(1) of this Act shall be made available for an additional term of eight months, at the option of the cooperator. Nonrecourse loans for the 1975 crops of wheat and corn shall be made available for a term not less than eighteen months from the first day of the month in which the loans are made.

"(e) The Secretary shall make available to producers loans and purchases on the 1975 crop of soybeans at such level as reflects the historical average relationship of soybean support levels to corn support levels during the immediately preceding three years.".

SEC. 2. Section 201 of the Agricultural Act of 1949, as amended, is further amended by adding the following new subsection:

"(d) Notwithstanding the foregoing provisions of this section, effective for the period beginning with the date of enactment of this subsection and ending on March 31, 1976, the support price of milk shall be established at no less than 80 per centum of the parity price therefor, on the date of enactment, and the support price shall be adjusted thereafter by the Secretary at the beginning of each quarter, beginning with the second quarter of the calendar year 1975, to reflect any estimated change during the immediately preceding quarter in the index of prices paid by farmers for production items, interest, taxes, and wage rates. Such support prices shall be announced by the Secretary not more than thirty, nor less than twenty, days prior to the beginning of each quarter.".

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

And the House agree to the same.

THOMAS S. FOLEY,
W. R. POAGE,
ED JONES,
BOB BERGLAND,
DAVID R. BOWEN,
WILLIAM C. WAMPLER,
KEITH G. SEBELIUS,
Managers on the Part of the House.

HERMAN E. TALMADGE,
JAMES O. EASTLAND,
GEORGE MCGOVERN,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
ROBERT DOLE,
MILTON R. YOUNG,
HENRY BELLMON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4296) to adjust target prices, loan and purchase levels on the 1975 crops of upland cotton, corn, wheat, and soybeans, to provide price support for milk at 80 per centum of parity with quarterly adjustments for the period ending March 31, 1976, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report. The differences between the House bill and the Senate amendment and the substitute agreed to in conference are noted in the following outline, except for conforming, clarifying, and technical changes:

(1) *Target prices of upland cotton and wheat for 1975.*

The *House* bill provides that the target prices for the 1975 crops of upland cotton and wheat shall be 45 cents per pound and $3.10 per bushel, respectively.

The *Senate* amendment increases the 1975 target prices to 48 cents for cotton and $3.41 for wheat.

The *Conference* substitute adopts the *House* provision.

In December 1971, the Secretary of Agriculture utilized the authority contained in the Commodity Credit Corporation Charter Act to purchase agricultural commodities in the marketplace.

The *Conferees* note that, if necessary, this authority again could be invoked with respect to the 1975 crops.

Thus, such purchases could be made to stabilize prices of agricultural commodities either *at* or *above* the "established price" levels provided in the bill so as to meet domestic requirements. If such action was taken, producer deficiency payments under the Agriculture and Consumer Protection Act of 1973 could be avoided.

(2) *Target prices of upland cotton, corn, and wheat for the 1976 and 1977 crops.*

The *Senate* amendment provides that the target prices for the 1976 crops of upland cotton, corn, and wheat shall be the 1975 target prices, as adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates (excluding feed and feeder livestock). Any increase that would otherwise be made shall be further adjusted to reflect changes in yields.

The *Senate* amendment also provides that the target prices for the 1977 crops of upland cotton, corn, and wheat shall be the target prices for the 1976 crops, as adjusted to reflect any change during the calendar year 1976 in the index of prices paid farmers for production items, interest, taxes, and wage rates (excluding feed and feeder livestock). Any increase that would otherwise be made shall be further adjusted to reflect changes in yields.

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

(3) *Payment rates for the 1975 through 1977 crops of barley and grain sorghums.*

The *Senate* amendment provides that the payment rate for grain sorghums, and, if designated by the Secretary, barley, for the 1975 through 1977 crops shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn.

The *House* bill contains no comparable provision. However, this provision is implicit in the *House* bill and explicit in existing law.

The *Conference* substitute deletes the *Senate* provision.

(4) *Loans and purchases on the 1975 crops of upland cotton and wheat.*

The *House* bill provides that the loan levels for the 1975 crops of upland cotton and wheat shall be 38 cents per pound and $2.50 per bushel, respectively.

The *Senate* amendment increases the 1975 loan levels to 40 cents per pound for cotton and $2.89 per bushel for wheat.

The loan levels established by the Secretary for cotton, feed grains, and wheat could not be less than the levels specified.

The *Conference* substitute adopts the *House* provision.

(5) *Loans and purchases on the 1976 and 1977 crops of upland cotton, corn, and wheat.*

The *Senate* amendment provides that the 1975 loan levels shall be applicable to the 1976 and 1977 crops, as adjusted so as to maintain the same percentage relationship to the target prices for the 1976 and 1977 crops of upland cotton, corn, and wheat as the 1975 loan rates are to the 1975 target prices.

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

(6) *Interest rates on CCC commodity loans.*

The *House* bill provides that the rate of interest on commodity loans made by the Commodity Credit Corporation for the 1975 crops shall be established quarterly on the basis of the lowest current interest rate on ordinary obligations of the United States.

The *Senate* amendment extends this provision to apply to the 1976 and 1977 crops.

The *Conference* substitute adopts the *House* provision and deletes the *Senate* amendment.

(7) *Extension of nonrecourse loan periods.*

The *House* bill provides that the nonrecourse loan period for the 1975 crop of upland cotton (presently 10 months) would be made available for an additional term of eight months, at the option of the cooperator.

The *Senate* amendment extends this provision to the 1976 and 1977 crops of cotton, and provides that nonrecourse loans for the 1975 through 1977 crops of wheat, corn, and soybeans shall be made available for a term not less than 20 months from the first day of the month in which the loans are made.

The *Conference* substitute adopts the *House* provision with an amendment providing that nonrecourse loans for the 1975 crops of wheat and corn shall be made available for a term not less than 18 months from the first day of the month in which the loans are made.

Thus, under the *Conference* substitute, the loan periods for wheat and corn—which are now 12 months old—could be extended for an additional term of six months, at the option of the producer. The *Conferees* anticipate, of course, that similar loans would be made available to producers of grain sorghums and barley.

(8) *Storage costs and interest rates.*

The *Senate* amendment strikes the *House* provision that requires the Secretary to establish the same terms and conditions relative to storage costs and interest rates on nonrecourse loans made with respect to upland cotton, wheat, and feed grains. The same interest rates already apply to all three crops. However, terms of storage costs are different.

The *Conference* substitute deletes the *House* provision.

However, the *Conferees* believe that a study should be made by the Department of Agriculture with respect to the terms and conditions relative to storage costs for all commodities for which loans are made. The Secretary of Agriculture is, therefore, requested to make such a study and submit his findings and recommendations to the Congress as soon as practicable.

(9) *Soybean price support.*

The *House* bill requires that a 1975 loan and purchase program be made available to producers of soybeans at a level reflecting the average relationship of soybean support levels to corn support levels during the immediately preceding three crop years.

The *Senate* amendment extends this provision to apply to the 1976 and 1977 crop years.

The *Conference* substitute adopts the *House* provision and deletes the *Senate* amendment.

(10) *Resale level of CCC stocks of wheat, corn, grain sorghums, barley, and upland cotton.*

The *Senate* amendment provides that—with respect to the 1975 through 1977 crops—the Commodity Credit Corporation shall not sell any of its stocks of wheat, corn, grain sorghums, barley, or upland cotton at less than 115 percent of the target prices for such crops, nor sell any of its stocks of soybeans at less than a comparable price.

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

(11) *1975 support price for tobacco.*

The *Senate* amendment provides that the 1975 support price for tobacco shall be established at 70 percent of the parity price therefor.

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

(12) *1975–1976 dairy support price.*

The *House* bill requires—effective with the period beginning on the date of enactment and ending March 31, 1976—that the support price of manufacturing milk be established at not less than 80 percent of the parity price therefor. Beginning with the second quarter of 1975, the established support price would be adjusted at the beginning of each quarter to reflect any change during the immediately preceding quarter in prices paid by farmers for production items, interest, taxes, and wage rates. Such support prices would—under the *House* bill—be announced "within" 30 days prior to the beginning of each quarter.

The *Senate* amendment increases the support price to 85 percent of parity and provides that quarterly adjustments reflecting any "estimated" change in the costs of production are to be announced "not later than" 30 days prior to the beginning of each quarter.

The *Conference* substitute adopts the level of support of the *House* bill—80 percent of parity. The *Conference* substitute adopts the Senate language with respect to the "estimated" change. It also provides that the date of announcing the support prices would be not more than 30 and not less than 20 days prior to the beginning of each quarter.

The *Conferees* take note of the fact that on March 28, 1975, the Department of Agriculture announced an increase in its support purchase price for cheese and butter in order to achieve the goal of providing farmers the announced support price for manufacturing milk of $7.24 per hundredweight.

The *Conferees* commend the Department on this action and urge the Department to continue to review the level of product purchase prices on an on-going basis in order that such prices will reflect current processing costs, and thereby assure that the required level of dairy price support to farmers will be met.

(13) *Meat import moratorium.*

The *Senate* amendment provides that for a period of 90 days following the date of enactment, no meat may be imported into the United States. "Meat" means fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep (except lambs).

The *House* bill contains no comparable provision.

The *Conference* substitute deletes the *Senate* provision.

Thomas S. Foley,
W. R. Poage,
Ed Jones,
Bob Bergland,
David R. Bowen,
William C. Wampler,
Keith G. Sebelius,
Managers on the Part of the House.
Herman E. Talmadge,
James O. Eastland,
George McGovern,
James B. Allen,
Hubert H. Humphrey,
Robert Dole,
Milton R. Young,
Henry Bellmon,
Managers on the Part of the Senate.

LET US EVACUATE THE AMERICANS FROM SOUTH VIETNAM

(Mr. JOHN L. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHN L. BURTON. Mr. Speaker, again I should like to address the House on my concern for the immediate safe evacuation of American nationals from South Vietnam. I received a telegram yesterday from Ed Daley of World Airways who has stated that they have over $22 million worth of in-flight equipment, which I assume are airplanes on the ground, currently in Saigon that were used to transport materials to Cambodia. That contract was cancelled, for whatever reasons I do not know, but the planes are still there. They are still able to fly Americans out of South Vietnam.

I just think it is criminal to keep these American citizens in South Vietnam as some form of hostage or show because our Secretary of State and our Ambassador over there think that is necessary. I think it is necessary to save their lives. I think they should be expeditiously moved out and the American evacuation should not be tied in with any evacuation of South Vietnamese nationals at this time.

I would like to share Mr. Daley's telegram with the Members:

April 15, 1975.

Hon. John L. Burton,
House Office Building,
Washington, D.C.

World Airways have over 22 million dollars worth of in flight equipment currently on ground in Saigon plus cockpit and cabin crews and other employees. We have just been notified by your high ranking and esteemed commanding general of the military airlift command, General Paul Carlton, through his subordinates, Messrs. Purkel and Kloeckner, within hours of my forecast of the fall of Saigon, that our contract with the military airlift command for the supply of food to Cambodia has been terminated effective this date; leaving the company without any insurance coverage with respect to the aircraft in question, without any compensation for its airlift capability in this emergency and without any guarantee for the safety of the equipment or its crews by your administration.

There is no wonder that the peoples of the worlds have lost their confidence in the U.S. Government and its people. With due respect to you and your worldwide problems, Mr. President, I strongly urge that you get the incompetents out of here immediately and appoint someone with the intelligence, competency and the guts necessary to get the job done. You don't have days or weeks—you only have minutes.

Respectfully yours,
Edward J. Daly,
President and Chairman of the Board,
World Airways, Inc.

(This message is being sent to President Ford, all members of his cabinet, all Members of the Congress, the Governors of all States, and to the press.)

REOPEN INVESTIGATION INTO THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, since I introduced House Resolution 204 on February 19—if the resolution is passed by the House a select committee of seven Members of the House would study the circumstances surrounding the deaths of President John F. Kennedy, U.S. Senator Robert F. Kennedy, and Dr. Martin Luther King, and the attempted assassination of Gov. George Wallace—there has been a tremendous surge of interest on the part of the media and the general public in finding out what were the true facts regarding these assassinations.

Part of this interest has come about as the result of the showing of a second-generation Zapruder film of the assassination of President John F. Kennedy which is owned by Robert Groden of New York. This film within the last months has been seen for the first time by the general public.

As I have indicated in previous statements on this subject, the interest and concern of the people is genuine and merits attention from the Congress.

I have recently received a copy of a draft brief for reopening the investigation into the assassination of President John F. Kennedy written by several students at the University of Virginia which I would like to share with you and other Members of the House. It is, as follows:

A Draft Brief for Reopening the Investigation Into the Assassination of President John F. Kennedy

(By the following students at the University of Virginia: Mark Allen (Coll. 4), Sally Boucher (Coll. 3), Kevin Farrell (Coll. 1), Mike Holm (Coll. 4), and Andy Purdy (Law 2)).

PREFATORY NOTE

This document is intended to point out some of the arguments in favor of reopening the investigation into the assassination of President John F. Kennedy. We have framed the arguments in "brief" form to overcome the threshold barrier to consideration of the issues by Members of Congress and the news media posed by the great volume of conflicting writings and evidence.

We believe that an appropriate committee of Congress should hear the evidence which calls into question the findings of the Warren Commission.

CHARLOTTESVILLE, VA., *April 14, 1975.*

The Warren Commission Findings

The Warren Commission concluded that Lee Harvey Oswald fired the shots that killed President Kennedy and wounded Governor Connally,[1] and that these shots were fired from the sixth floor of the Texas School Book Depository.[2] The shots came from behind,[3] back of his neck, and secondly by a bullet which entered the right rear portion of his head.[4] Governor Connally was struck by a bullet which entered the right side of his back and exited under his right nipple, then to pass through his right wrist and enter his left thigh.[5]

The Commission concluded that the shots were fired from the Texas School Book Depository because:

(a) of witnesses reporting seeing a gun fired from the sixth floor window of that building; [6]

(b) the bullets recovered from Governor Connally and the Presidential limousine were fired from the rifle found on the sixth floor of the Depository building "to the exclusion of all other weapons." Used cartridge cases also found on the sixth floor were identified as having been fired from the same rifle; [7]

(c) the windshield of the limousine was struck on the inside by a bullet fragment; [8]

(d) the autopsy report and examinations of Governor Connally's wounds by doctors and wound ballistic experts lead to the conclusion that the bullets were fired from above and behind.[9]

Although some witnesses said that they thought the shots came from the direction of the Triple Underpass (a forward direction), and from several other sites as well, the Commission found no substantial evidence to that effect.[10]

The Commission believed that there were three shots fired, based primarily on the evidence that three spent cartridge cases were found in the Depository Building. Witnesses varied on the number of shots they heard,[11] though the general consensus was three. However, "soon after the three empty cartridges were found, officials at the scene decided that three shots were fired, and that conclusion was widely circulated by the press. Eyewitness testimony may be subconsciously colored by the extensive publicity . . ." [12] There is some speculation about which bullets struck the President and Governor Connally, and whether the same bullet which pierced the President's throat also caused Governor Connally's wounds.[13]

Furthermore, the Commission concluded that Lee Harvey Oswald fired the shots because:

(a) Oswald owned the rifle from which the shots were fired and was observed to enter the Depository Building November 22, 1963 carrying a brown paper wrapped bundle, presumably the dissembled rifle. The two eyewitness reports of this bundle are not completely concurrent and somewhat vague.[14]

(b) Oswald was seen by one eyewitness at the time of the assassination at the sixth floor window.[15]

(c) Oswald had capable marksman abilities.[16] and

(d) had attempted to kill Maj. Gen. Edwin Walker on April 19, "thereby demonstrating his disposition to take human life." [17]

The Commission also concluded that Oswald killed Patrolman J. D. Tippit because of positive identification by two eyewitnesses who saw the shooting, and by seven eyewitnesses who heard the shots and saw the gunman leaving with a revolver in hand.[18] Oswald, at the time of his arrest possessed the revolver from which the cartridge cases found at the scene were fired "to the exclusion of all other weapons." And Oswald's jacket was found along the path of flight of the gunman.[19]

The Commission also concluded that Jack Ruby did not act as part of a conspiracy.[20]

FOOTNOTES

[1] *The Official Warren Commission Report on the Assassination of President John F. Kennedy* (Doubleday & Company, Inc., Garden City, N.J.: 1964), at 19.

[2] *Ibid.*, at 18.

[3] *Ibid.*

[4] *Ibid.*, at 19. See also 86–90.

[5] *Ibid.*, at 19. See also 92–93.

[6] *Ibid.*, at 18. See also 143–149.

[7] *Ibid.*, at 18.

[8] *Ibid.*

[9] *Ibid.*, at 18. See also 87–96.

[10] *Ibid.*, at 19.

[11] *Ibid.*, at 19, See also 110.

[12] *Ibid.*, at 19. See also 111.

[13] *Ibid.*, at 19. See also 87–96 and 111–117.

[14] *Ibid.*, at 19. See also 131–134.

[15] *Ibid.*, at 19. See also 63.

[16] *Ibid.*, at 19. See also 189.

[17] *Ibid.*, at 20. See also 183–184.

[18] *Ibid.*, at 20. See also 166–167.

[19] *Ibid.*, at 20.

[20] *Ibid.*, at 21.

I. The Implausibility of the Single Bullet Theory Calls Into Question the Essential Findings of the Warren Commission

The widely discussed "single bullet" theory is seen by critics of the Warren Commission as essential to the finding that Lee Harvey Oswald acted alone.[1] The Warren Commission said: "Although it is not necessary to any essential findings of the Commission to determine just which shot hit Governor Connally, there is very persuasive evidence from the experts to indicate that the same bullet which pierced the President's throat also caused Governor Connally's wounds. However, Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability but there is no question in the minds of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository." [2]

A. The single bullet theory is essential to the Warren Commission's finding that Lee Harvey Oswald acted alone.

The back/neck wound in President Kennedy and the wounds in Governor Connally, whether from the same or different bullets, occurred between frames 210 to 240 as shown by the Zapruder film.[3] This represents a time span, based on the 18.3 frames/second running speed of Zapruder's camera, of just over 1.6 seconds. The minimum firing time without aiming of Oswald's 6.5 millimeter Mannlicher-Carcano rifle was 2.3 seconds,[4] precluding the possibility of separate shots from the same gun inflicting these wounds in the men.

B. A study of the evidence shows that it is highly improbable that President Kennedy and Governor Connally were struck by the same bullet.

1. The Zapruder film shows rather convincingly that the President and Governor Connally were struck by separate bullets.

The Warren Commission said that the wound in President Kennedy's neck was incurred between Zapruder frames 210 to 225.[5] It is apparent in frame 230 that the President has been shot and Governor Connally is still unharmed, holding his hat in his as yet uninjured right hand in a position higher than when it was struck.[6]

Governor Connally, his wife, and his doctors [7] believe he was hit by a separate, second shot. About the single bullet theory, Mr. Connally has said: "They talk about the 'one bullet theory, but as far as I'm concerned, there is no 'theory'. There is my absolute knowledge, and Nellie's too, that one bullet caused the President's first wound, and that an entirely separate shot struck me." [8]

An analysis of the angle subtended by the line drawn along the shoulder and the line along the car indicate that Governor Connally was struck between Zapruder frames 237 and 238.[9] Other involuntary responses indicating this as the location of the hit on Governor Connally include the puffing of his cheeks and the disarranging of his hair. According to Dr. Gregory these factors are consistent with involuntary physical reactions to a bullet hit.[10]

2. Governor Connally's doctors believe the bullet which wounded him did not first pass through the President.

"Dr. Gregory indicated that both he and Dr. Shaw thought it highly unlikely that the President and the Governor had been hit by the same bullet." [11] The doctors were influenced by the character of the wound being very small and having clean-cut edges [12] and the fact that there were no cloth fibers in the back wound (as opposed to their presence in his wrist) in reaching the conclusion that the bullet which struck Connally had not struck Kennedy first.

3. Government reports also support this evidence of separate bullets.

Preliminary Special Dallas Report No. 1, Assassination of the President, prepared by the Secret Service said that the President was shot and "Immediately thereafter Governor Connally . . . was shot." [13] The FBI, in its five-volume report presented to the Warren Commission on Dec. 9, 1963, contained similar conclusions.[14]

4. The vertical and horizontal trajectories necessary for a single bullet to have wounded both men from the Depository window at a downward trajectory of 17 degrees are not plausibly established by the evidence.

An examination of the photograph contained in the Commission's final report reportedly demonstrating the bullet path of the single bullet theory shows a trajectory originating from the left (rather than the right) rear and in a vertical angle less than 17 degrees. Furthermore, such a bullet would be exiting from below the President's throat.[16] When examining the trajectories of the wounds and the bullet flight paths according to the Commissions report discrepancies arise.

"According to the commission theory, a bullet entered the upper right side of the President's back and emerged at the midline of the anterior throat, grazing the left side of the knot of the President's tie as it emerged." [17] The bullet was then supposed to have entered Governor Connally's back, exiting below the right nipple of his chest, and then crushing his wrist and lodging in his knee.

To do this, the bullet would have had to make an acute turn to the right in mid air before entering Governor Connally, which is virtually impossible.

From evidence obtained from an examination of the President's brain, an explanation of the smaller throat wound is made. It is believed to have been an exit wound for a piece of bone that was caused by the second head shot. This is consistent with the damage to the President's throat and also the fact that no traces of metal were found on the President's shirt or tie.[18] If this is true, then the single bullet theory has no credibility because there was no other bullet exit in the front of the President.

Exhibit 399, the pristine bullet, believed by the Commission to have caused the non-fatal wounds to President Kennedy and Governor Connally, is inconsistent with tests of like bullets in similar circumstances.[19]

The bullet which supposedly went through both the President and the Governor, shattering two bones in the process shows no deformity in the upper 2/3 of its length. There is a small loss of lead at the base of the bullet but the copper jacket remains intact. This is inconsistent with the amount of metallic particles which were found in the wounds.[20]

Footnotes at end of article.

If it is accepted (as the Warren Commission did) that the bullet which entered Kennedy's back, exited from his throat and then entered Connally's back, the angles of the trajectories need to be examined. Cyril Wecht has done so and concludes:

"It should also be pointed out that the indicated pathways of these wounds are in considerable disagreement with the calculated trajectories from the postulated firing position of the assassin. The supposed assassin's site looked down on the car at an angle which varied from 22 to 20 degrees in the vertical plane and from 12 to about 8 degrees (right to left) in the horizontal plane, during the time interval over which these wounds might have been inflicted. The slope of the street, about 3 degrees, might perhaps be deducted from the vertical angle if we assume that the men's seating posture was determined by the slope of the car rather than their own sense of balance. (The Warren Commission made this correction although it is open to some question.) However, the vertical angle through the President's back/neck would measures only about 11½ degrees, while that through the Governor's chest is larger, namely about 25 degrees. The indicated lateral angles (right to left in the horizontal plane) are about the same for both men, namely about 20 degrees. While these angular measurements are subject to error of a few degrees either way, the discrepancies seem too large to explain away in this fashion."

The original autopsy fact sheet places the President's neck wound in his back at a position below the neck wound in the front. Though said later to have been an incorrectly low, rough estimation of the wound, it does line up with the holes in the President's coat and shirt.[21] The response that the President's coat and shirt were "bunched up" in the back, thus accounting for the low clothing holes in light of a high wound, as conclusively disproven by a glance at Willis slide # 5.[22]

5. The character of the wound in the front of the President's neck establishes that a pristine bullet did not exit there as postulated by the single bullet theory.

The bullet wound in the President's throat, described later as viewed prior to the tracheotomy incision, was "very small . . . 3 to 5 mm."[23] Dr. Cyril Wecht has said that he finds a wound of that size ". . . very, very hard to buy as an exit wound for a bullet which would have entered the back."[24]

An experiment done for the Warren Commission by Dr. Alfred G. Olivier of the Army's Edgewood Arsenal was done to simulate the wound through the President's neck. Three 6.5 millimeter bullets were fired through 14 centimeters of goat meat held between goat skins and shirt and jacket cloth.[25] The bullet entry wounds are the same size as the wound in the President's back, but the smallest exit hole was 10 mm, compared to the 3–5 mm. throat wound[26] in President Kennedy.

6. The neutron activation analysis done on the bullet fragments found in Connally's wrist could not identify them with the bullet said to have wounded the President.

J. Edgar Hoover's letter of July 8, 1964 to the Warren Commission reports the results of the neutron activation analysis—that the metal fragments from Connally's wrist could not be identified as having come from the bullet which wounded the President.[27] The extensive studying of the (as yet unreleased) raw data could determine whether these test results prove the single bullet theory incorrect.

FOOTNOTES

[1] (Critics of Commission).

[2] *Warren Report* at 19.

[3] Interview with Josiah Thompson with *Life* Zapruder prints, Haverford, Pennsylvania, April 1, 1975.

[4] (5 H 153–154); (3 H 407) (Frazier).

[5] *Warren*, at 114.

[6] See Zapruder frame 230. See also Thompson, *Six Seconds in Dallas* (Bernard Geiss Associates, New York: 1967), at 68.

[7] (4 H 114).

[8] Thompson, *Life* interview with Governor and Mrs. Connally, October 30, 1966.

[9] Thompson, *Six Seconds in Dallas*, at 75.

[10] Interview with Thompson on April 1, 1975 re: his November 2, 1966 interview with Dr. Gregory.

[11] Thompson, *Six Seconds in Dallas*, at 77.

[12] (4 H 104).

[13] Archives CD 87, dated November 28, 1963.

[14] Archives CD 1.

[15] (5 H 160; 18 H 89—90).

[16] *Warren*, photo #12 after page 428.

[17] Cyril H. Wecht and Robert P. Smith, "The Medical Evidence in the Assassination of President John Kennedy", *Forensic Science* 3(1974), at 124.

[18] Thompson, *Six Seconds in Dallas*, at 54–55.

[19] *Ibid.*, at 146–154.

[20] Wecht and Smith, at 124.

[21] (5 H 59–60).

[22] Thompson, *Six Seconds in Dallas*, at 223.

[23] (17 H 29).

[24] See *Six Seconds;* Thompson interview with Wecht, May 26, 1967.

[25] (5 H 77–78).

[26] See Commission Exhibit 850.

[27] Interview with Thompson, April 1, 1975.

II. DOUBLE HEAD SHOTS

A. There is strong evidence to indicate that the President's head was hit by two shots in rapid succession, one from the front and the other from the rear.

1. The motion of the President's head tends to indicate that there were two shots.

Between frames 312–313 of the Zapruder film the President's head is seen to move forward at a rate of 69.6 feet/second. Beginning at frame 313 the head moves violently backward and to the left until it bounces off the back seat at frame 321. Its speed backwards is 100.3 feet per second. This all occurs in 1/18 of a second.

This motion is extremely rapid and analysis of the film shows that it was not caused by acceleration of the car, as none of the occupants were thrown off balance at that time. Secret Service agent Clint Hill testified that he was thrown off balance by the acceleration of the car, yet he did not reach the car until frame 368 which is 3 seconds after the head shots.

The motion cannot be explained as a neuromuscular reaction. The startled response takes place over an interval of 40–200 milliseconds. The time required for the head to move forward is 83 milliseconds. The change in direction of Kennedy's head observed in the film occurs in 56 milliseconds, much too fast for a neurospasm.

Similarly, with a neuromuscular reaction we would expect the head to keep accelerating, however, in this case the velocity remained constant. Also, since the motor strip (pre-central gyrus) was blown out by the entering bullet, the likelihood of any muscular reaction is considerably diminished.[1] The Warren Commission chose to completely disregard this backward head motion.

2. The location of brain matter after the shots supports the double shot theory.

Governor and Mrs. Connally were covered with brain matter which would support a shot from the rear. However, a large amount of brain debris splattered on the left rear of the presidential car and also on the uniforms and windshields of the two motorcyclists who were riding 6 to 8 feet to the left rear of the President's car. One officer testified that the splattering was with such force that he at first thought that he had been struck.

A piece of skull bone, found in the street by an observer approximately 25 feet from where the President was shot. It was identified by Dr. A. B. Cairns, chief pathologist at Methodist Hospital as being from the occipetal (rear) region of the skull. A bullet fired from the rear would have great difficulty causing this effect, but one fired from the front could easily explain it.[2]

3. Doctors at Parkland Hospital described the President's head wounds in a manner consistent with the double shot theory.

In addition to the massive wound to the right temple, the Parkland doctors described a large wound in the occipetal region with brain matter protruding from it. This tends to corroborate the belief that one of the head shots came from the front.

The Bethesda doctors give the picture of a shot entering the rear of the President's head and causing the massive damage to the temple region.[3]

FOOTNOTES

[1] Thompson, *Six Seconds in Dallas*, at 86–95.

[2] *Ibid.*, at 98–101.

[3] *Ibid.*, at 102–111.

III. IT IS HOPEFUL THAT OSWALD DID ALL THE SHOOTING

A. It is a widely accepted misconception that Lee Harvey Oswald was an expert rifleman, and that the shots from the Depository window were "easy".

Oswald's Marine Corps shooting scores indicate that he was not an expert rifleman. His last shooting score was taken in May of 1959 when Oswald scored 191 points. This performance barely qualified him for "marksman", the lowest title given out by the Marine Corps. Lt. Col. A. C. Folsom testified before the commission that Oswald's ability as evidenced by his score was that of a "rather poor shot."[1]

Complicating Oswald's rather mediocre shooting skill was the alleged assassination weapon itself, the Italian Manlicher-Caracano. The Caracano was a very cheap rifle, retailing for only $12.78. It had a reputation for being a "humanitarian" weapon, a poor choice for any assassin.[2] The maladjusted scope on the rifle sent bullets flying high and off to the right.[3] Its difficult bolt made rapid firing very difficult. In addition, Oswald's Caracano had an eccentric trigger and a disintegrating firing pin.[4]

Some of the Commission's difficulties regarding Oswald's rifle capability and his weapon's effectiveness might have been allayed had it been determined that Oswald had been practicing with the Manlicher-Caracano shortly before the assassination. The Commission was unable to document a single instance of Oswald practicing with his Manlicher-Caracano despite an extensive effort to do so.[5]

But even given an excellent rifle and a superb marksman, Oswald's alleged feat of shooting is remarkable. He fired three shots from a bolt action rifle (which he had to load and unload twice) in a short span of 4.6–5.6 seconds. He was shooting at a target moving down an incline, from 60 feet up and 180 to 265 feet away. He had only .8 seconds to aim for his first shot and yet he managed to land two accurate hits, the last one causing the President's fatal head wound.

The Commission endeavored to determine if Oswald was capable of such a performance. The Commission's rifle tests were so different from the actual conditions Oswald encountered, that any of their conclusions are open to serious question. The Commission's rifleman was shooting at stationary targets instead of moving ones; they were firing from 30 feet up instead of Oswald's 60; they took as much time as they wanted for the first shot while the assassin had less than one second to aim for his; and even more remarkable they corrected the defective sight of Oswald's Caracano by mounting the rifle with metal shims. Furthermore the Commission employed "master" riflemen for the test,

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Footnotes at end of article.

experts in firearms some four classes above Oswald's shooting ability.

Even under these more favorable circumstances, the Commission's test only served to prove how difficult Oswald's alleged feat really was. Only one of the three "master" riflemen, (with the stationary targets, corrected sight, reduced distance and added firing time for the first shot) managed to duplicate Oswald's ability.

B. The psychological stress evaluation indicates that Oswald was telling the truth when he said that he did not kill the President.

The Psychological Stress Evaluator (P.S.E.) was developed in the early 1970's as an auxiliary component to the polygraph which is designed to determine the authenticity of a suspects testimony. It was later discovered by its inventors, Alan D. Bell, Jr. and Charles R. McQueston (former lieutenant colonel in army intelligence), that the P.S.E. evaluated authenticity accurately enough to be used independently of the polygraph.[9] Other polygraph experts have come to the same conclusion and the P.S.E. is now growing to be a respectable device in criminological circles.[10]

In 1972 George O'Toole processed tape recordings of Lee Harvey Oswald's statements to reporters through the P.S.E. His results were interesting: the P.S.E. indicated that Oswald was telling the truth when he said that he had not killed the President.[11] Mr. O'Toole's results brought criticism from experts who learned of his project; however, after processing the tapes themselves, the experts had to agree with his conclusions.[12] For example, L. H. "Rusty" Hitchcock, a former army intelligence agent and one of the most experienced polygraph examiners in the country, sent a supportive letter to Mr. O'Toole after analyzing the appropriate material.[13]

The P.S.E.'s evaluation of the Oswald tapes brings Oswald's role in the assassination into question.

FOOTNOTES

[1] Warren Report: (8 H 304).

[2] Meagher, Sylvia; *Accessories After the Fact* (New York; The Bobbs Merrill Company, 1967), at 131.

[3] Warren Report at 194.

[4] Meagher at 131.

[5] *Ibid.*, at 108.

[6] Warren Report at 193-4.

[7] Meagher at 108.

[8] *Ibid.*

[9] "Lee Harvey Oswald Was Innocent", by George O'Toole, *Penthouse Magazine*, April 1975, p. 46.

[10] *Ibid.*, p. 124.

[11] *Ibid.*, pp. 45–46 and pp. 124–132.

[12] *Ibid.*, p. 132.

[13] *Ibid.*, p. 125 (See letter).

IV. THE AUTOPSY OF PRESIDENT KENNEDY RAISES DOUBTS AS TO THE WARREN COMMISSION FINDINGS

The autopsy of President Kennedy at Bethesda Naval Hospital was very incomplete and vague in its findings.

1. The autopsy team was mostly military and had had limited forensic experience at the time. No civilian forensic pathologist was present.

2. The positions of the wounds were determined by faulty measuring methods.

3. The wound to the anterior neck was not recognized and dissected because of the tracheotomy that had been performed in Dallas. This wound was only discovered the following day during a conversation with the Dallas physician who attended Kennedy at Parkland.

4. The back wound was not dissected or tracked under military orders.

5. Coronal sections through the fixed brain were not made, although this is a routine procedure in cases of gunshot wounds of the head in order to track the pathway of a bullet or bullet fragment.

6. As a result, the autopsy was unable to provide detailed analysis of the wounds to help investigators in locating the assassins positions.[1]

7. See also autopsy analysis of trajectories in Single Bullet Theory—Argument I, page 1.

V. THE WARREN COMMISSION INADEQUATELY INVESTIGATED THE MOVEMENTS AND ACTIONS OF JACK RUBY.

The Commission waited six months before interviewing the assassin of Oswald, indicating a predilection to accept the lone assassin theory before all the facts were in. Had the Commission been interested in thoroughly investigating the possibility of a conspiracy, its first witness would have been Jack Ruby, a man with troubling connections with the underworld and long time crony of many members of the Dallas Police force.

Testimony by several reliable witnesses bring the Commission's timetable of Ruby's movements into serious question. The Commission claims that Jack Ruby was not in Parkland Hospital shortly after the assassination, in the face of unequivocal testimony by disinterested and respectable witnesses. Seth Kantor, a member of the White House press corps reported in the Scripps-Howard Alliance newspaper on Monday, Nov. 25, that he had met Jack Ruby at Parkland Hospital about an hour after the assassination. As Kantor testified before the Warren Commission "I was indelibly sure at the time and have continued to be so that the man who stopped me and with whom I talked was Jack Ruby. I feel strongly about it, because I had known Jack Ruby and he did call me by my first name. . . .[1]

For the Commission to accept Kantor's credible testimony, they would have to admit they were unsure of Ruby's movements during a critical period following the assassination. Instead they chose to accept the testimony of a convicted murderer over that of a respected member of the White House corps.

Even more troubling is the Commission's inability to determine exactly Jack Ruby's means of entrance to the Dallas Police basement the day he murdered Oswald. The Commission was only able to state that Ruby "probably" entered by the Main Street Ramp, while the police guard, Officer Robert Vaughn was distracted by a departing vehicle. But five witnesses cast considerable doubt on the Commission's Main Street ramp hypothesis. The three officers who were in the car which allegedly distracted Vaughn, were departing by the same ramp that Ruby was supposed to have entered . . . yet none of the officers saw Ruby entering. Two of them, C. T. Pierce, the driver of the car and Sgt. Putnam stated they were positive no one came in while their car was leaving.[2]

The guard at the ramp, Officer Vaughn, also firmly denied that Jack Ruby slipped by him. Not taking his word, the Dallas police administered a lie detector test which the Officer passed.

The Commission also did not fully investigate the allegation that Jack Ruby was involved in Anti-Castro activities. Nancy Perrin Rich, a former waitress and bartender at Mr. Ruby's Carousel Club testified that several men approached her husband, a former gunrunner during the Spanish Civil War, about shipping some arms into Cuba. One of these men, Mrs. Rich testified, was Jack Ruby, from whose employment she had quit several months earlier. The Commission did not even mention her testimony in the 888 page report.

As a footnote to the Commission's incomplete treatment of Jack Ruby, it is noteworthy to mention the meeting of five men at Jack Ruby's apartment the night of Oswald's murder. Though all of these men were thought to be in good health, within 18 months, three of those men were dead, two by violent means. On April 23, 1964, reporter Bill Hunter was shot to death in a Long Beach Police station. Then on Sept. 21, 1964, Jim Koethe, another reporter present that night, was murdered, dying of a karate chop to the neck. Finally, on March 27, 1965, one of Jack Ruby's lawyers, Tom Howard died of what was diagnosed as a heart attack. The death of Hunter was termed accidental while the murder of Koethe remains unsolved to date.[3]

FOOTNOTES

[1] (15 H 88).

[2] See CE 5073; (15 H 189); CE 2002, p. 180, CE 2050 and 2063.

[3] Meagher, at 299.

SUMMARY OF ARGUMENT

We contend that there is a reasonable doubt that Lee Harvey Oswald acted alone in the assassination of President John F. Kennedy. We further contend that the magnitude and quality of responsible criticism of the essential findings of the Warren Commission justify a formal governmental inquiry into the assassination.

At a minimum, we contend that a Congressional committee should hold hearings to gather all evidence which calls into question the findings of the Warren Commission so that a representative body can independently determine if there is sufficient doubt that Oswald acted alone to justify reopening the investigation.

CONCLUSION

There is a reasonable doubt that Lee Harvey Oswald acted alone in the assassination of President John F. Kennedy. A governmental body should reopen the investigation of the assassination.

THE NATIONAL CENTER FOR PRODUCTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 10 minutes.

Mr. MCKINNEY. Mr. Speaker, while economists in this country are in total disagreement as to the proper path to follow in relieving our economic difficulties there is virtually unanimous agreement about the vital role of productivity growth in the strengthening of the U.S. economy in the next decade. The shocking statistics reveal that the United States, once overwhelmingly superior to the other nations in productivity, is in danger of becoming a second-rate industrial power, unless economic output increases substantially. The sad fact is that the United States over a period from 1960 through 1973 ranked last in a study of average annual growth in productivity, behind the United Kingdom, Canada, Germany, France, Italy, and Japan. Consequently, I feel that it is the responsibility of the Federal Government to provide assistance to industry, labor, and State and local government to insure that our national productivity does not drop to unsatisfactory levels.

In an attempt to provide a forum for the study, formation and implementation of means of improving this basic need of our economy, I, as ranking minority member of the Economic Stabilization Subcommittee on Banking and Currency and Congressman THOMAS ASHLEY, chairman of the subcommittee, have introduced legislation which would create a National Center for Productivity as an independent agency of the executive branch to succeed the National Commission on Productivity and Work Quality whose authorization expires June 30 of this year.

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[1] Wecht, pp. 12–113. See also Appendix D in Thompson's "*6 Seconds in Dallas*, pp. 278–284.

The National Center for Productivity as envisioned by this legislation will be able to continue in the same manner as it has as a national commission, which will mean a continuation in the areas of concentration which had been stated by Congress in the legislation which first authorized a comprehensive body to deal with our productivity concerns. Over the last 3 years, the American people have been saved millions of dollars through productivity advances conceived and implemented by the Commission. In the public sector, the Commission recommended a long list of innovations for productivity improvement.

For example, in the food industry, the Commission recommended and helped to implement the coast-to-coast fast train which enables eastern markets to receive fruits and vegetables 2 to 5 days faster than thought possible under old methods. It suggested a change in the Government regulations which now permits fuller use of truck capacity which is not only more productive but also provides fuel savings for this Nation. In the health care industry, the Commission set up conferences with hospital administrators from various parts of the United States to deal with the problems of developing improved practices to reduce cost pressures. From these recommendations came a program of testing and evaluation in over 600 hospitals in Texas. In addition, a model health insurance plan which rewards efficiency is being developed by labor and management in Racine, Wis. In the railroad industry, which affects all American industry, the efforts of this Commission have resulted in recommended changes in rate regulation, industry organization and technology and operation that will result in improved productivity performance.

In addition, the Commission recommended a railroad clearinghouse which was implemented by the Association of American Railroads. The result of the program was to reduce empty-car movements by 90 percent and provide an operating savings of $1.5 million per year per railroad. If this program was instituted by all classes of rail lines, the operating savings would reach more than $100 million. Furthermore, in the area of State and local government, the commission has concentrated on specific areas where productivity improvements are essential if we are to get the most out of our tax dollars. Recommendations as to the best practices in solid waste collection, effective and efficient means of operating our police departments, and more productive operation of State and local legislatures, has been successfully implemented. The Commission most importantly provides assistance in coordinating State and local efforts in identifying and correcting areas in which costly duplication of efforts in the Government sector is evident.

While the many accomplishments of the Commission over the last 3 years, in the area of increased productivity is a long one and thus cannot be completely listed in this statement, its work in improving the quality of the work environment is also exceptional. Its attempts to join industry and labor in a comprehensive effort to improve the conditions under which Americans work daily, which promises to have a great impact on the productivity of this Nation.

Under this bill, the Center would consist of a council of up to 30 members appointed by the President from industry, labor, and Government. The executive committee would be composed of the Chairman and two other members of the council, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Labor. There would also be an Executive Director who, under the direction of the executive committee, would be responsible for the operation of the Center. The Center's operation would be authorized for a 3-year period ending September 30, 1978. At the end of each fiscal year, the Center would be required to submit a report on its operation to the President and Congress. The cost for the operation of the Center is $2.5 million per year.

A recent Treasury study indicated that the only way a country can get wealthier, is to be increasing the amount of goods and services that 1 hour's worth of labor will produce. This increase in productivity can come about through education, better health of the work force, increased managerial and labor skills and improved technical processes besides physical investment. It is just these specific areas at which the efforts of the Commission on Productivity and the future Center for Productivity have been and will continue to be aimed.

I urge all Americans to give serious thought to the area of productivity and the importance that it will have on the future growth of this Nation. The work of the Center promises to be a continuation of the efforts of what I believe to be the Federal Government's most productive agency. The National Center for Productivity will obtain results which will translate into financial savings for America and an improved work environment for all Americans.

RECOMPUTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE. Mr. Speaker, since becoming a Member of Congress in 1966 I have worked for and introduced legislation to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949. I am again introducing my recomputation bill today.

There have been many changes in the uniformed services in recent years. Only volunteers are accepted. The pay is better and the education level is reportedly higher. However, for those who retired prior to June 1, 1958 there have been few changes and most of these have been unpleasant. For example, commissaries which traditionally have provided low cost food to both retired and active military personnel are presently under attack. Actions that are presently being taken are sure to drive prices up in U.S. commissaries. Hence commissary privileges will no longer be the fringe benefit they have been traditionally to military personnel. This robs all retirees, but it hits particularly hard on the older ones.

The 1958 pay act was a substantial restructuring of the pay scales. Prior to this law there was a system of adjusting retired pay upward whenever the pay of the active-duty forces was increased. Under this recomputation system each time active-duty pay was changed, retirement pay was refigured on the new pay scales. However, in 1958 this was changed and cost-of-living increases replaced recomputation.

Obviously, a lot of retirees are unhappy with this change. It is my hope that the Committee on Armed Services will act favorably on recomputation in the 94th Congress, and that these retirees will be given the recomputation they deserve.

THE NEGATIVE EFFECT OF TV VIOLENCE ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MCKAY) is recognized for 5 minutes.

Mr. MCKAY. Mr. Speaker, I wish to commend the National Association of Broadcasters for adopting an amendment to the television code designating 7 to 9 p.m. as family viewing time. The amendment is designed to prohibit programs inappropriate for viewing by general family audiences during prime time. The move comes because of congressional concern over the increasing amount of violence and sex on prime-time television.

Although I applaud this voluntary move, I think that the success of the experiment should be watched very carefully. I do not desire Government control of programing, but if necessary, reforms are not made voluntarily, I am afraid there may be no alternative to Government guidelines.

The impact of TV on American society, especially children, is pervasive. Ninety-six percent of American homes have one or more TV sets and the average set is on more than 6 hours a day. Most children watch at least 2 hours daily.

Recently the American Psychological Association has suggested that watching violence on TV by children can lead not only to their acceptance and toleration of such behavior, but the incorporation of media initiated antisocial responses into their everyday behavior. It is well documented that exposure to filmed violence can increase the likelihood that young children will exhibit aggressive behavior. Yet, violence in TV cartoons has been increasing and the adult orientation of prime-time television has been increasing. I do not think that we can afford, as a society, this impact on our children.

I am deeply concerned that this new voluntary effort is an insufficient solution, although it is a step in the right direction. The code provision does not cover prime children's viewing hours after school and on weekends. In addition, the code covers only two-thirds of the Nation's television stations. There is also a question about the willingness of the networks and stations to seriously enforce guidelines to protect children. Last fall the FCC developed guidelines to restrict advertising for children's television programs, but gave the authority to determine the application of the guidelines to the National Association of Broadcasters through its advertising code. The result of this self-regulation is that the guidelines are applied only on programs designed exclusively for children but ignores shows not so designed with very large child audiences.

SUPREME COURT SUSTAINS THE PATMAN POSITION ON THE BANKS' USE OF THE 360-DAY CALENDAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 20 minutes.

Mr. PATMAN. Mr. Speaker, some 4 years ago, I raised an issue over the commercial banks' manipulation of the calendar to gain extra interest from borrowers.

This was the practice by which the banks were charging interest based on a 360-day year calendar. Under this method, the rate was derived by multiplying the principal loan amount by the annual interest rate dividing by 360 to get the daily rate. The daily rate then was multiplied by 365 days, increasing the effective annual interest rate.

This was a bankers' gimmick which was fleecing borrowers all over the Nation—to the tune of several hundred million dollars a year.

When I raised these charges in 1971, the American Bankers Association and some of the bank regulators attempted to ridicule the charges and to attack my contentions. But, we continued to push the issue, forcing the Federal Reserve to survey the banks and in the end we discovered this was a widespread gimmick in the banking system.

A number of individuals picked up the issue and filed lawsuits against the banks in various localities. Slowly my original charges have been proven correct through successive court decisions.

Mr. Speaker, I am happy to report that the Supreme Court on Monday sustained a lower court ruling which prevents the banks from utilizing this gimmick against the consumer. The Supreme Court declined to review an appeal brought by a national bank in Oregon which attempted to argue that the 360-day practice did not violate Federal usury laws applicable to national banks.

The U.S. district judge in Oregon had ruled that it was illegal usury under Oregon law for a national bank to charge interest on loans as if every year had 360 days instead of 365. The National Banking Act requires that all banks with Federal charters obey State usury laws.

Mr. Speaker, the Supreme Court's decision to sustain this ruling that the usury laws were violated through the use of the 360-day calendar is highly significant. It is my hope that banks throughout the Nation—now that the Supreme Court has acted in this Oregon case—will voluntarily take steps to eliminate this practice in their institutions. I hope it will not take more court cases to get this gimmick off of the backs of the American consumer.

Mr. Speaker, I place in the RECORD a copy of an article which appeared in Monday's Washington Star and another which appeared in the Tuesday, April 15 edition of the American Banker on this issue.

[From the Washington Star, Apr. 14, 1975]

APPEAL REJECTED, STATUS OF "BANK RATE" IN DOUBT

The legal right of national banks to charge the so-called "bank rate" for loans was put in doubt today by the Supreme Court.

Without explanation, the Court declined to rule on a major test case involving the legality of that rate.

This left intact a lower court ruling that the rate is unlawful under state usury laws.

Although that ruling applies only in Oregon, it does put national bankers elsewhere on notice that they too, risk legal action if they charge the "bank rate."

A U.S. district judge in Oregon ruled that it was illegal "usury," under Oregon law, for a national bank to charge interest on loans as if every year had 360 days instead of 365.

Since the National Bank Act requires all banks with federal charters to obey state "usury" laws, the practical effect of the decision was to rule out use by national banks of the "bank rate."

The "bank rate" is designed to deal with accounting problems which result because different months in the year have different numbers of days.

Rather than figure on a 365-day year, many banks calculate their loan rates on the basis of a 360-day year. That means that a daily rate and a monthly rate can be calculated more easily, because it results in 12 months of 30 days each.

A survey in 1971 indicated that as many as 10,000 commercial banks may have been using this "bank rate," as opposed to the so-called "true rate" which is calculated on the basis of the 365-day year.

A Portland bank filed an appeal, supported by the American Bankers Association, seeking Supreme Court review of the issue.

Because it used the "bank rate," the bank was charging 10.139 percent a year on individual loans and 12.167 percent on corporate loans. Oregon's usury law in effect at the time set the ceilings at 10 and 12 percent.

The Supreme Court, acting on another case affecting business, agreed to decide if brokers' accountants violate anti-fraud law if they fail to inquire into questionable accounting procedures used by brokers which come to their attention.

The 7th U.S. Court of Appeals ruled last Aug. 30 that an accountant who is merely negligent may violate securities law against fraud.

The lower court rejected the argument that an accountant must have intended to violate the law and must have taken steps to carry out the violation, in order to be covered by the law.

[From the American Banker, Apr. 15, 1975]

SUPREME COURT LETS 360-DAY CURB STAND

WASHINGTON.—The Supreme Court let stand Monday a lower court ruling which prevents banks from charging interest based on a 360-day year unless state laws and court rulings specifically allow the practice.

The justices declined to review an appeal brought by the $2.1 billion-deposit First National Bank of Oregon, Portland, which argued that the 360-day practice does not violate Federal usury laws.

The Federal law makes it a crime for banks to knowingly make loans at interest rates greater than those allowed by state laws.

A widespread practice among banks is to calculate interest on loans on a 365/360 basis. The result is additional profit on loans.

Under the 365/360 method, the rate is derived by multiplying the principal loan amount by the annual interest rate and then dividing by 360 to get the daily rate. The daily rate then is multiplied by 365 days, increasing the effective annual interest rate by 1.72%.

Oregon law provides a maximum 10% interest per annum on individual loans and 12% on commercial loans. FNB of Oregon calculated interest on both types on a 360-day year, creating effective rates of 10.139% and 12.167%.

American Timber & Trading Co., which had a commercial loan at FNB of Oregon, and Dr. Lawrence Bernard, a Portland dentist who had a personal loan, filed suit in Federal court seeking triple damages for what they described as excessive interest paid on the loans.

U.S. District Judge William N. Goodwin, a former justice of the Oregon Supreme Court, said there was no indication in Oregon law or court decisions that per annum means anything but 365 days.

In response to the bank's argument that it did not knowingly charge usurious interest, Judge Goodwin said the bank intended to calculate interest on a 360-day year, and that intent was all that was required, not criminal knowledge.

The Ninth U.S. Circuit Court of Appeals, San Francisco, said Judge Goodwin's views of Oregon law were not clearly erroneous, and it affirmed the decision.

Judge Goodwin's decision ruled only that, as a matter of law, the bank had violated the Federal law. More litigation must follow, including whether American Timber and Dr. Bernard can file their suit on behalf of all commercial debtors at the bank.

In a friend of the court brief, the American Bankers Association said at least 10,000 banks calculate interest on a 360-day year. It said even if this traditional practice were barred in the absence of specific state statutes, the ruling should not be retroactive, since banks had no notice that it would be struck down.

EVACUATION OF VIETNAMESE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I am alarmed and outraged at the total failure of the Department of State to bring to the Congress any plan for dealing with the potential evacuation of large numbers of Vietnamese to whom—according to the President—we have a "special obligation."

My Subcommittee on Immigration, Citizenship, and International Law has heard estimates ranging from a few thousand to hundreds of thousands of Vietnamese to be evacuated. The administration has given the American people the impression that the evacuation and resettlement of these people is an obligation to the United States alone. The Department of State was unable, however, in 2 days of hearings, to give even the barest outline of how this country is going to deal with the problem.

State Department witnesses before the subcommittee this week have stated that no formal consultations have occurred or agreements made with the countries of the international community to either grant first asylum or resettlement opportunities for any Vietnamese who may be evacuated.

Before the Congress should authorize the expenditure of any funds for the evacuation of Vietnamese, the Congress and the American people have a right to know "where" these people will be resettled and "how" they will be resettled. I repeat, it is the obligation of the Department of State to formulate and present definite plans so that the Congress can proceed in a reasonable and informed fashion.

The various reports in the newspapers and on television quoted the President as stating that some 200,000 refugees might be brought here, but the airlift of a few thousand orphans has shown that the Department of State and the Immigration and Naturalization Service cannot adequately handle even a small number of children without losing them or properly prepare for their arrival and their welfare.

It is imperative that the President, particularly the Departments of State and Justice, immediately present the Congress with well-developed and carefully considered short-term plans to evacuate Vietnamese as well as detailed long-range plans to resettle any Vietnamese who are able to depart from South Vietnam. Such a plan should certainly include: The numbers involved, a listing of countries who will assist in any resettlement efforts, and proposed actions by our Government to facilitate the assimilation of those who may be admitted to the United States.

JOHN M. BAILEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, the death of my beloved friend, John M. Bailey, has been noted throughout the Nation.

One of the most moving tributes to John was given in the Bridgeport Post editorial, written by its editor, Joe Owens. Joe Owens is a seasoned and gifted reporter who has covered Connecticut politics for many years. In another recent article, Joe caught much of the flavor of Connecticut politics and the man, John Bailey who dominated for over a quarter of a century.

For the benefit of the readers of this RECORD, I am enclosing Joe Owens' article and editorial. These articles demonstrate why all Connecticut people—be they Democrat or Republican—feel a sense of personal loss with the passing of John M. Bailey.

[From the Bridgeport (Conn.) Post, Apr. 11, 1975]

JOHN M. BAILEY

Always it is sad to see a good man leave the public stage.

Yesterday afternoon life ended for an extraordinary individual, John Moran Bailey. By profession he was a lawyer. By choice he was a politician, certainly the most skilled man to practice this special and demanding science in Connecticut—perhaps in the entire country.

For many months Mr. Bailey knew that a debilitating illness, cancer, would not be denied. It was not his nature to give an inch. He continued to serve as Democratic state chairman until the final hour, counseling Governor Ella T. Grasso and others who made regular pilgrimages to his hospital room.

Mr. Bailey was best known as a kingmaker, the political scout who could perceive in certain individuals special qualities and potentials which would prove appealing to the electorate.

Coupled with this ability to accurately measure the worth of men and women as candidates was an equally important characteristic: courage. He was endowed with unique political foresight which was in union with a firmness of mind. That is perhaps the best way to explain his tremendous success in proving that seemingly insurmountable barriers could be overcome.

In 1954 Mr. Bailey sensed that Abraham Ribicoff's religion would not be a negative factor in the gubernatorial contest, though never before had either party nominated a Jew.

A few years later, when the thought of a Catholic living in the White House was believed appalling to millions, Mr. Bailey was the first prominent Democratic leader to endorse the presidential candidacy of John F. Kennedy.

As recently as last year, Mr. Bailey proved again that age and illness had not suppressed his natural instinct for detecting the mood of the people. He knew that Ella Grasso would be judged on her qualifications, and thus he recorded another first, the election of a woman to the Governor's office.

For 29 years Mr. Bailey served as state chairman of the Democratic Party and during the presidencies of Mr. Kennedy and Lyndon B. Johnson he was national chairman. Despite his long presence on the public scene, the true depth of the man was not generally known.

An old comrade in political arms and close personal friend, former Governor John N. Dempsey, observed in a tribute to Mr. Bailey that there had been countless beneficiaries of the warmth, kindness, and love of people which dwelled within the gentleman so many people affectionately referred to as "Mr. Chairman."

Mr. Bailey never thought of himself as a political power, even when he walked with presidents. When pressed to offer an explanation for his success, Mr. Bailey, glasses perched on his forehead and a cigar working, would often say: "You do what you got to do. You be where you got to be."

There was, of course, much more to it than that. John Bailey never shunted off to another a difficult task which was his responsibility. And, when in battle, he treated his opponents in a manner which allowed them to join him in the next contest, if they so desired.

Throughout his long public career Mr. Bailey was a modest and humble man who was thoroughly respected for many reasons, not the least of which was the fact his "word" was an unbreakable bond.

We know there will be no argument over our contention that Connecticut was privileged to have had John M. Bailey for so long.

BAILEY: A GOOD DAY

(By Joseph A. Owens)

On occasion, a writer can and probably should share his experiences and memories. Today I exercise that privilege. My thoughts go back to a golden October afternoon. If ever nature had provided a perfect autumn day for 18 holes of golf it was October 4, 1973.

Maybe I am succumbing to sentimentality and emotionalism, but that round played with John Bailey, Brian Gaffney, and Bob Killian on that tranquil, beautiful day was a most pleasurable experience.

OLD POWER GONE

Earlier, in the summer, Bailey had undergone surgery for cancer of the throat. He had lost weight. Illness and age had robbed him of the ability to drive a golf ball 200 yards or more. In his younger days Bailey was a scratch player—he could play the toughest courses in par and was ranked among the best amateurs in the state.

Even though his game had slipped, John still loved to play. So, it was with the enthusiasm of a youngster that he accepted a challenge thrust at him and Killian a few weeks earlier by myself and Gaffney.

Let it be clearly understood that one J. Brian Gaffney, then the Republican state chairman, rarely has to make excuses for his performance on a golf course, particularly his home grounds, Shuttle Meadow, which is just outside New Britain.

Bailey and Gaffney had not previously competed on the golf course. Their only contests had been strictly political in the hallways of the Capitol in Hartford. The old veteran had taken a liking to his young adversary. He admired Gaffney's spunk. In turn, Gaffney knew Bailey had virtually written the book on politics and that a fairer man never played the political game.

WANTS TO WIN

After the third hole, Gaffney, a serious look masking his cherubic countenance, announced to me, "This old guy really wants to beat us today."

And that was the truth.

When John Bailey stepped onto a golf course, it was like entering a political campaign, victory was his goal. Though he could no longer record considerable distance, he was uncanny with his chip shots around the greens and his putting.

The match was even most of the way around.

At the 17th tee Bailey hit a poor drive, the only tee shot of his which went astray all day. The ball went into the woods which line the right side of the fairway. Partner Killian said, "Hit another one, Judge, we'll never find that one."

THE SEARCH

Bailey merely shook his head.

After everyone else had driven, the search for Bailey's ball began. According to the etiquette of golf, no more than five minutes should be allowed to look for a lost ball.

Gaffney, realizing Bailey was compiling a respectable score, said to me, "If I had a ball like the one John is playing I'd drop it in here."

After about 10 minutes Bailey's ball was located. The discoverer was none other than Gaffney.

Exuding confidence, Bailey took a five iron, blasted the ball out of a pile of leaves onto the fairway. He put his next shot on the green. Then, with the finesse of Bobby Jones, he dropped the ball in the cup with one putt.

I wondered if people unacquainted with the ways of politicians would believe that Bailey's counterpart, GOP Chairman Gaffney, was actually rooting for Old John.

As matters turned out the Gaffney-Owens combo won the last hole and the match.

BAILEY LOW MAN

But when the individual scores were added up, who was the low man for the day with a highly respectable 82? None other than John Moran Bailey.

With the match over we seated ourselves on a second floor porch of the clubhouse in what seemed to be serene comfort. Dutifully, the good shots of all four were replayed along with some of the not so good efforts. And then it came time to talk politics.

When Killian left briefly to make a phone call, Bailey expressed his personal affection for Bob, noting that he had been in politics with Killian's father.

Quick with the needle, Gaffney asked, "What's the matter John, are you afraid that if Ella is the candidate and wins, you won't get into the office?"

Bailey smiled, "Don't forget that Ella's my girl. I made her a leader in the Legislature and then put her on the state ticket. No, I wouldn't have any problems with Ella Grasso."

With sincerity marking his words, the political warrior added, "My wife tells me that when this whole thing is over (the contest between Grasso and Killian for the gubernatorial nomination) I am bound to lose a friend. I hope it does not turn out that way."

Subsequent events proved Barbara Bailey's fears were not to be realized. It was John Bailey who convinced Ella and Bob to team up and head the Democratic ticket the following year. Yesterday the eyes of both glistened as they spoke lovingly about the friend they had lost.

That day at Shuttle Meadow the verbal sparring went on, much to the enjoyment of all. Both Bailey and Killian assured Gaffney that his man, Tom Meskill, was doomed for defeat if he sought reelection the following year.

As late afternoon turned to early evening, the session broke up.

"A GOOD DAY"

John Bailey looked at me and Brian and declared, "It was a good day. That's the best score I've had all year. And I was in good company. We'll have to do it again."

We did get the same foursome together last summer, but by then his illness had sapped most of Bailey's strength. It was a struggle, not a joy, for him to play the game he loved. By then Gaffney had resigned the GOP chairmanship. So, it simply wasn't the same. The day is not worth recounting.

But that gorgeous fall afternoon in '73, well—that was something special. The Old Master had shown three younger fellows how the game of golf is supposed to be played.

And at the 19th hole John Bailey was as good with the political quips as he was with his putter out on the course.

BRITISH-FRENCH CONCORDE SST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 20 minutes.

Mr. WOLFF. Mr. Speaker, the issue of the invasion of our shores by the British-French Concorde SST is rapidly coming to a head, with the public hearings in Washington already concluded, and close to 100 speakers scheduled for New York hearings commencing Friday. And, I should add, Washington and Virginia residents will have another chance to communicate their feelings on the FAA's proposal that the Concorde land at Dulles and John F. Kennedy Airports when hearings at Sterling Park, Va., get underway Monday.

I would urge my colleagues in the House to attend the New York and Virginia hearings to express in the strongest possible terms our opposition to this noisy, dirty, and economically unjustifiable aircraft.

As I have said in the past, and as I will continue to say—with the unified support of the New York Democratic delegation, and such distinguished colleagues as GILBERT GUDE of Maryland, and LES ASPIN of Wisconsin—the environmental threat posed by the Concorde is clear and present. The recent National Academy of Sciences report on the dangers posed to the upper atmosphere by all jet aircraft, and most especially a fleet of Concorde SST's, confirms the worst fears of Congress in its 1971 vote against an American SST.

These and other points were made by me in my testimony earlier this week before the FAA. I will include for the RECORD my statement, made Monday, and along with a copy of statements made by the distinguished atmospheric scientist, Dr. Harold Johnston, of the University of California, Berkeley.

Further, as I have done in the past, I am privileged to pass on to the House the feelings of English citizens who have been fighting the Concorde for years. We cannot lose sight of the fact that despite the rosy picture presented to us by British Government sources, backed by a few irresponsible organs of the press, British opposition to the Concorde is deep, and widespread. Many an Englishman, including many in the Government, would breathe a sigh of relief if the FAA withdrew its ill-advised recommendation favoring the Concorde.

The British cannot afford the Concorde economically and neither Britain nor the United States needs the Concorde environmentally.

The Concorde is too noisy, and we must stop it. I will conclude with another request to my colleagues that they strongly support the scheduled hearings on my SST legislation, which will come up soon before the Aviation Subcommittee of the House Committee on Public Works.

My legislation would require that foreign aircraft be compelled to meet the same environmental and noise standards being required of American aircraft, and would set as a maximum noise limit for all aircraft that presently being required of new, subsonic jets.

I now submit my statement, Dr. Johnston's testimony, and that of our British friends, represented by Mr. Andrew Wilson, a highly respected journalist for the London Observer.

FAA HEARINGS ON SST

(Statement by the Honorable LESTER L. WOLFF)

Good morning, ladies and gentlemen. Thank you for the opportunity to speak in behalf of the people of New York, and concerned citizens throughout the United States, on the topic before us today—the British-French Concorde supersonic aircraft.

I must begin by expressing my sense of wonder and concern that today's hearing, and Friday's scheduled reprise in New York, have been at all necessary. Any rational person would have concluded that the Congressional debate and vote of 1971 on the SST, the facts and figures of the Department of Transportation's own report of this January, and, finally, the recent, but hardly surprising report by the National Academy of Sciences, would all combine into a case against the SST as presently designed which no one could totally ignore.

Yet, incredibly, we are here today in the apparent face of all logic, and, I am sorry to say, truth as well. I say truth, for even a cursory reading of the government's ill-advised attempts to rationalize and distort the clearly unacceptable levels of noise and atmospheric pollution attributed to the SST by the fine print and obscure discussions of its own reports shows that it well knows what will be the result of even limited fleets of Concordes and Russian Tupelov 144's. This whole sorry episode can only lead us to lament the latest in the series of apparently willful deceptions, half-truths, and outright misstatements of fact which have come to taint the reports and public pronouncements of our government agencies.

The "fine print" I refer to will be discussed in depth by the appropriate experts today. But even non-experts are able to penetrate the FAA/DOT smokescreen sufficiently to see that the figures which would have honestly answered our questions on noise pollution, on the threat to the ozone layer, and the risks of skin cancer, have been deliberately left in raw data, changed into meaningless generalities, or otherwise unexplained.

If we have learned any one thing in the past few years, it is that we must stop playing politics with the truth. The facts will always come to haunt us, and the cost is all too frequently measured in human life. And so the time has come, indeed, it is well past, to demand of our government that it speak the truth, the whole truth, and nothing but the truth on matters before it. Today, we are facing the matter of the Concorde SST, and we have been given to understand that the FAA has not yet made up its mind, and will weigh carefully the series of public hearings now commencing. I certainly hope so. The American people deserve nothing less, and I can assure you that we here today have better things to do than to engage in a monstrous charade.

So, acting in the hope that someone really is listening today, and that what we say here really will have an input into the final decision on the Concorde as presently designed, let me outline legislation I have introduced with many distinguished cosponsors in the House of Representatives. I will then discuss the economic case against the Concorde, briefly allude to the scientific case which will be fully discussed by two of our nation's foremost atmospheric scientists, who will follow my statement, and conclude my remarks with what I hope you will find a graphic illustration of the noise pollution we can expect from the Concorde.

Let me preface a discussion of my legislation with the observation that even if the door to reason is not yet closed on the SST, we must face the unpleasant truth that while legal, scientific, economic and moral logic all combine to fly in the face of recommendations favoring the Concorde, the unpleasant spectre of diplomatic blackmail hovers over all that we say and do here.

While we have yet to hear so much as a "mais oui" from our French friends on the Concorde, perhaps because the stated range of their SST exceeds by 200 miles the distance from Paris to New York, our British friends have been very active in reminding the State Department that the so-called Chicago Convention of 1947 would seem to mandate reciprocal licensing of pilots and certification of aircraft by the signatories. However, with a life-long interest in aviation, and as Commander of the Congressional Squadron of the Civil Air Patrol, no one appreciates more than I the necessity of strictly monitoring both licensing and certification. One would think that our State Department, diplomatic niceties notwithstanding, would also appreciate this necessity.

But, distressingly, this is not the case, and reports have frequently appeared of heavy behind-the-scenes lobbying by our State Department in behalf of a foreign power, in the corridors of the FAA, the DOT, and even the Environmental Protection Agency. Indeed, the FAA's own recommendation last month that the Concorde be allowed to land specifically and at some length dwelt upon the possibly severe diplomatic reaction that could be expected from our allies should we turn down their unacceptable aircraft—even in the name of protecting our own citizens from noise and atmospheric pollution.

Surely no rational man, not even in the State Department, would seriously maintain that the Chicago Convention mandates the necessity of Americans standing mute should other nations seek to ram either unqualified pilots or unacceptable aircraft down our throats. I can assure you that Congress will not stand for it.

My legislation would require that the Department of Transportation certify in writing, and Congress accept, proof that any SST's can and will meet all current noise and other pollution standards of the United States before being allowed to land. Further, similar assurance would be required of the Environmental Protection Agency. Finally, in order that the FAA not be allowed to change the rules of the game to suit its industry clients, my legislation sets as minimally acceptable noise levels those presently being required by Federal Aviation Regulation, Part 36. Neither my many distinguished cosponsors, nor I, can see any reason why a foreign aircraft should be allowed to ignore environmental and noise standards required of American aircraft. Noise knows no pleasing accent.

Hearings on my legislation are promised shortly before the Aviation Subcommittee of the House Committee on Public Works. The Subcommittee's work will by then have been made all the easier by the recommendations against the Concorde by the Governor of the State of New York, the Hon. Hugh Carey, who has forthrightly and strongly urged the Port Authority of New York and New Jersey to close John F. Kennedy airport to the Concorde if it can't meet all noise and pollution standards. A similar resolution has been passed for the Los Angeles Airport, as have strong resolutions from concerned local governmental bodies up and down the Eastern Seaboard of the United States.

From my home area of Long Island, for example, I have received strong protests against the SST from local school boards, the mayors of towns and villages, and from unified citizen's action groups which, living in the flight path of Kennedy, have long been concerned over the negative impact of aircraft noise and pollution on the health and welfare of our people. I must add that the distinguished Long Island newspaper, Newsday, has movingly portrayed the reasons for public outrage at the FAA's recommendations, while its science and environmental reporter, Harry Pearson, has repeatedly discussed in depth the technical aspects of the SST.

The politics of the SST decision has been carefully analyzed, indeed, one might almost say exposed, by the Long Island Press, and its able Washington correspondent, Dick Seelmeyer. Indeed, both the work of Seelmeyer and Pearson, and the editorial comments of Newsday and the Long Island Press, show that the people of Long Island are suffering under few illusions as to the nature of the problem we face today. I will submit for the record today samples of the editorial comments, letters, and articles appearing in my district, including fine editorials by radio station WHLI general Manager Paul Godofsky, and WNBC–TV, Channel 4.

I note that here in the Washington area, county supervisors near Dulles, and the Metropolitan Council of Governments, have clearly noted the danger of setting a precedent for future expanded SST fleets should the presently-allowed Concordes and TU–144's actually land.

Fortunately for the people of New York and Los Angeles, their airports are controlled by dedicated men and women who are responsible to them, and accessible through the ballot box. Unfortunately for the people of Washington, Virginia and Maryland, Dulles International Airport is in the tender clutches of the FAA, whose employes are selected, not elected.

Since so many decision makers in Washington pride themselves on being pragmatists, let me begin my discussion of the economic case against the SST by wondering just where the pragmatists have been for the past few months. Certainly, they can have had no input into a decision recommending that the American aviation industry sit by and allow in an aircraft designed to take away up to $4 million a year in first class bookings on the New York to London run alone, according to the British Airways report to its government last Fall. Certainly no pragmatist, already cognizant of the cries for reincarnation of the old government subsidy to private airlines now being heard from Pan American, for one, would ever knowingly encourage even more foreign competition against Pan Am, and the rest of our domestic carriers. And certainly no pragmatist would relish standing in front of an audience of former American aviation industry employes who lost their jobs due to an FAA decision to allow in foreign competition in defiance of environmental and other local standards being required of American aircraft.

Of course, the task of an American pragmatist would be nothing compared with that already facing his British counterpart, who has been waging an increasingly ludicrous attempt to explain to the taxpayers of England why they should foot almost the entire bill for a fleet of aircraft costing $62 million each, in today's dollars, and the operation of which will cost another $60 million each year, even if all goes well. If our State Department is truly so concerned over the diplomatic effects of the Concorde, perhaps we could lend Mr. Burns or Mr. Greenspan to England for a few months to figure out ways to expand the British money supply sufficiently to cover the costs of Concorde. And perhaps Sheik Yamani could be helpful in locating the millions of gallons of fuel the Concorde would waste in carrying barely one-fourth the capacity of today's jet passengers so swiftly.

On both the questions of economics and pollution the British and their American proponents appear to want it both ways—they say that since only a few Concordes will ever be built due to the absurd price and minimal passenger and freight capacity, we cannot complain because the environmental and noise pollution will never amount to a significant total, no matter how bad individual aircraft might be.

On the other hand, the British government is telling itself and its taxpayers that the Concorde will indeed be economically successful, and our own FAA estimates that some 40 Concordes may eventually be in service. As my scientific colleagues will discuss shortly, even 40 present-design Concordes may be quite sufficient to cause irreparable harm to the health and well being of thousands of Americans, at least, according to the figures in the FAA/DOT "fine print."

Still, if we had some hope that these aircraft could meet the environmental and noise standards being required of American aircraft I would be willing to listen to reasons why Congress should override its clear 1971 vote against the SST. But British trade representatives in the United States have been frequently quoted as saying that they cannot afford to clean-up Concorde, and, in fact, that clean-up technology does not exist.

Let me also say that I consider the entire question of EPA's so-called "waiver" for the first 16 Concordes to be so transparent that I suspect any rookie attorney fresh from his bar exam could gain entry for an unlimited number of "present design" Concordes. After all, if the design was certified prior to our legal standards, and not even all of the "first" 16 have been built yet, then why isn't the entire run of 500 or 1,000 Concordes exempt? If the Concorde is allowed in, I predict that we shall hear such an argument in the next few years.

Incidentally, I should note that regarding the EPA "waiver," representatives of that normally attentive organization have indicated to my office that they were "snookered," as one put it, by the FAA on this matter, and I can assure you that I intend to question both the EPA and the FAA closely on this question before the appropriate forum.

As a final word on economics, let me quote the then president of Eastern Airlines, writing a friend during the time an American SST was being first discussed as a viable possibility. The quotation reads:

"They say they need it for national prestige sake. Well, if you look back over history, England, France and Italy have practically gone broke building super passenger ships for the high seas and none of them have ever made a dime. Only the taxpayer has paid the bill. Such would be the case with the supersonic plane . . . If we should do it . . . you could guarantee a failure."

This 1964 letter, from the late Eddie Rickenbacker, continues with the all too accurate prediction that, and again I quote:

". . . with all the bureaucratic agencies in Washington involved, the chances are that a couple of billion dollars will be spent without any results that justify any part of the $2 billion or more. In fact, it is questionable in my mind that such a unit (the SST) could be produced that would ever become commercially feasible. . . ."

Moving to the scientific question, it must be noted that the best that can be done by the FAA and DOT in their reports of January and last month is to try to persuade us that the threat to the ozone layer of the atmosphere, and the resulting increase in ultra violet radiation—and the threat of skin cancer—is not scientifically settled. Well, a prudent, some might say sensible, honest and concerned representative of the public trust, might conclude that where there is uncertainty, even angels should fear to tread.

It is clear by now that whatever else they might be, the minions of the FAA and DOT are not angels, and they indeed rush in like fools to urge that we pollute our upper atmosphere despite our ignorance.

It is clear to me, to Congress, to the EPA, to concerned environmentalists at home and abroad, and, I suspect, to most people in this room today, that ignorance of the consequences cannot be taken as a license to pollute. Rather, such ignorance serves as a red flag, warning us to minimize pollution at any level—much less to the climate of the world—until we fully understand the real consequences of our actions.

However, let me suggest that we are no longer ignorant in this crucial area, for we are fortunate to now have before us the results of a massive study by the National Academy of Sciences into the entire problem of aircraft pollution of the upper atmosphere, and the grave danger posed to all mankind in the form of greatly increased death rates from skin cancer.

I will no more than note in passing the splendid work of the Academy, or that of two independent scientists, Dr. Harold Johnston of the University of California at Berkeley, and Dr. Thomas Donahue, Chairman of the Department of Atmospheric and Oceanic Sciences at the University of Michigan, for I am privileged to sponsor here today the testimony of both Doctors Johnston and Donahue, who will discuss the scientific question in depth at the conclusion of my remarks.

Suffice it to say that the National Academy of Sciences' report confirmed the worst fears of myself, and the work of these two distinguished scientists, and further, raised serious questions on the ability of the FAA and DOT to responsibly carry out their public trust. For, as Doctors Johnston and Donahue will show, the FAA/DOT reports contain the raw information sufficient to show that a fleet of SST's as presently designed would run the serious risk of destroying the ozone layer to the point where life on earth itself could be threatened.

Finally, and with no irony intended, I assure you, let me conclude my statement today with a discussion of noise—which is clearly the overwhelming reason against allowing in even the so-called limited numbers of Concordes allegedly mandated by the "waiver" extorted from the Environmental Protection Agency.

I would suggest that it really makes little difference if it is finally decided that there is no threat to either the ozone layer—or the British and American taxpayer—and that the American aviation worker can really withstand the impact of increased foreign competition. For there is one single area in which we are all agreed—most especially, I am glad to say, in which the FAA, DOT and EPA are all agreed—it is that the Concorde is the noisiest aircraft ever developed for commercial aviation.

I know that the FAA, aided and abetted by the British Trade Ministry, has been claiming that the Concorde is not much noisier than some American subsonic jets. This facile argument depends on the scientific ignorance of the bulk of the American people, who can hardly be expected to understand logarithmic decibel level measurements. Even more, it ignores the noise abatement technology which Congress is requiring—despite FAA footdragging—of American commercial jets. And, let me add, the claim that Concorde is not much noisier that existing aircraft is itself a typical example of the half-truths being foisted on the American public by persons supposedly invested with the public trust.

By an honest computation of the FAA's deliberately whitewashed figures, we can see that the Concorde will exceed by some 20 to 30 percent the maximum allowed at John F. Kennedy Airport under today's standards, and exceeds by some 90 percent the maximum allowed by Federal Aviation Regulation, Part 36, which is being applied to American commercial aircraft. So I say that if the FAA, or the State Department people who have seconded themselves to the FAA, feel that the Concorde's noise levels are acceptable, let them be forced to live in my home district of Long Island, or out by Dulles. Let them sit in their homes while the Concorde passes overhead with its vibration levels 500 percent higher than any present aircraft, and with noise levels well above the legal limits allowed by the Department of Housing and Urban Development. Then let them issue their reports and recommendations. Then let them make fatuous remarks about diplomatic considerations at that evening's cocktail party with the Ambassador.

The FAA knows all this, of course. A memo quietly circulated to FAA officials last year clearly states, and I quote:

"Considerable adverse public reaction can be expected if the Concorde or TU-144 is permitted to operate into the U.S., because of the higher noise levels and greater numbers of people exposed . . . These differences will increase over the next five years as older, noisier subsonic aircraft are retired from service or modified for noise reduction purposes. Subjectively, the supersonic transports wil be judged several times as loud as subsonic aircraft of comparable or greater size. Considerable organized adverse public reaction can be expected if the Concorde is permitted to operate in the U.S. . . ."

I call on the FAA to immediately explain to the Congress and to the American people why the clear facts of this memo have been so cynically disregarded. Do not wait until after the public hearing charades have been completed. Give us an answer in New York this Friday. We deserve an answer, and we shall demand one.

I must say that the British authorities have been equally arrogant and ethically dishonest on the question of noise. One of the few heartening things about this whole sorry episode has been the support I have received from dedicated and informed members of the British public who are lucky enough to read the few objective newspaper reports available, or who are able to read between the lines of other drum-beating scandal sheets allegedly reporting the news.

Backed by the incisive opposition of the London Observer, the Guardian, the Sunday Times and one or two other organizations, British citizens have personally conveyed to me their frustration due to their inability to gain an honest noise test of the Concorde at Heathrow Airport outside London.

It is clear to the responsible British press, to the British people, and to me, that the British government is afraid to conduct honest noise tests with a fully loaded aircraft operating under genuine field conditions. Here at home, the Long Island Press, in a brilliant overview of the entire question last week, quoted a British representative as complaining that we are discriminating against Concorde by demanding honest tests at Kennedy airport, since we haven't required them of others in the past. The hypocrisy of this argument is all the more obvious when we read of public hearings in England on similar requests for honest noise tests by concerned British citizens.

In England, where no spurious discrimination arguments can be raised, where no behind the scenes diplomatic blackmail can be attempted, government officials arrogantly dismiss requests for honest noise tests on the grounds that other tests in other parts of the world have already provided sufficient data.

Well, at last I find myself in complete agreement with the British authorities. Sufficient data indeed there is. Unfortunately for the insouciant trade ministers, the data proves beyond the shadow of a doubt the necessity of denying Concorde landing rights in England, or anywhere else. I have been saying for weeks that if the British and French want their noisy, dirty and uneconomic aircraft they should keep it where it belongs, but I now apologize to the people of England and France, who deserve better. I certainly wish them well, but for the moment, all we can do to aid them is to squelch the Concorde project before it pollutes our country, and hope that—as our State Department plaintively notes—such negative action will mean that the already uneconomic Concorde becomes so uneconomic that the British and French taxpayers will be relieved once and for all of the present Concorde design—surely one of the great white elephants of all time.

We must deny entry to this aircraft. Even if the Concorde was only slightly more noisy than present jets, it would still be unacceptable, for the facts are that we in America already suffer too much noise for our own good—either psychologically or medically—and that is why Congress has passed noise control laws, and that is why concerned states and localities across the nation have them.

It is hardly necessary for me to discuss the well-known harmful effects of sudden, or loud noises, and of steady low frequency noise. Noise can scare people, and even make them ill. More often, it can make them irritable, and less efficient in their jobs. It's hard to think at home or study at school when it's noisy, and it's hard to relax in your home, or yard, or anywhere out of doors when even a normal subsonic jet thunders by. But compared with an SST, a jackhammer outside your home would be like listening to Rudolph Nureyev landing on the stage at Kennedy Center.

I promised you at the beginning of my statement a graphic illustration of the noise of the Concorde. I will now play for you a tape made by Ms. Raelyn Janssen, a psychologist specializing in noise problems who works with the Environmental Defense Fund, an organization to which we are all in debt. This tape has been calibrated to reproduce exactly, without the slightest exaggeration or dimunition, what we would hear if this room and the people in it had been exactly four miles away and behind the Concorde as it took off from Dulles last year. It is, I'm afraid, probably the closest thing to an honest noise test we are likely to get out of the British, or the FAA. (Tape is played.)

Three years ago, a distinguished American wrote the following words in the New York Times. He said, and I quote:

"To what extent do we control our own destiny economically and environmentally? Having decided not to put (American) SST's into operation, must we still do so because of the pressure of foreign governments? Even more basic is the issue of whether commercial and political interests make it impossible for modern man to protect his own atmosphere and senses. The supersonic transport symbolizes this issue. Our response to its challenge will indicate our future. Is the quality of life, or the advance of technology to guide us?

"For me, aviation has value only to the

extent that it contributes to the quality of the human life it serves. Research in fields of supersonic flight is, obviously, of great importance and should continue, but my personal conclusion is that the regular operation of SST's in their present state of development will be disadvantageous to both aviation and to the peoples of the world. I believe we should prohibit their scheduled operation on or above United States territory as long as their effect on our over-all environment remains unsatisfactory."

End of quote, from a piece which serves as its own tribute to its author, Charles Lindbergh.

Many of us here today are vested with the guardianship of the public trust. Surely if we have learned anything in the past few years it is that we betray that trust if we subordinate it to anything but the highest interests.

No petty considerations of the dollar, or the egos of our friends, can diminish in any way our duty to do the best we can in such matters as those now before us.

The FAA Environmental Impact Statement for the Concorde Supersonic Transport

(Statement Submitted to the Federal Aviation Administration by Harold S. Johnson)

SOME INADEQUACIES OF THE FAA ENVIRONMENTAL IMPACT STATEMENT WITH RESPECT TO STRATOSPHERIC POLLUTION BY THE CONCORDES

The Federal Aviation Administration's Concorde Environmental Impact Statement says on page 74:

"FAA recognizes that a decision to amend the British Airways and Air France operations specifications is an initial step in a chain of possible future Federal actions. Accordingly, all of the information presently available to FAA with respect to the Concorde and the environmental consequences of pending and possible future Federal action is presented in this statement".

On page 57, the "stratospheric effect" is considered, and it is noted that "the bulk of this analysis is excerpted from the Climatic Impact Assessment (CIAP) Report". A detailed examination shows that FAA used only the "Executive Summary" of the Department of Transportation's Report of CIAP Findings.

With respect to the stratospheric problem, the Executive Summary of the DOT Report of Findings is deceptively worded so that the major environmental impact is concealed from the "executive", the press, and the Congress. Furthermore, the body of the DOT Report of Findings contains some substantive errors and omissions with respect to the environmental impact of supersonic transports. One should turn to the three published proceedings of CIAP conference, the six CIAP monographs, the appendices of the DOT Report of Findings, and the report of the National Academy of Sciences—National Research Council (Environmental Impact of Stratospheric Flight, April 1975) to obtain the pertinent information that is available. If this Environmental Impact Statement includes "all the information presently available to FAA" on this subject, then FAA has failed to consider the existing pertinent data.

The stratospheric environmental impacts of supersonic transports are of two types: (1) Biological or health effects and (2) climatic effects. This distinction is clearly and repeatedly made in the body of the DOT Report of Findings. The climatic effects concern temperature, rainfall, wind patterns, etc. The health effects concern an artificial increase of nitrogen oxides, causing an ozone decrease, an increase of biologically damaging radiation, and an increase of human skin cancers. The first of the "Principal Scientific Conclusions of CIAP" on page 58 of the FAA Environmental Impact Statement is:

". . . Operations of present-day SST-type aircraft and those currently scheduled to enter service (about 30 Concordes and TU-144s) cause climatic effects which are smaller than minimally detectable".

Health effects are not mentioned. No one has ever implied that 30 Concordes would detectably change the climate; it is ludicrous to suppose that they might. In providing $20 million of what became CIAP, the Congress specifically asked for answers concerning the effect of SSTs on the amount and distribution of ozone in the stratosphere and on the biological effects of artificial changes of this ozone (Congressional Record, 21 September 1971, S14625, for example). DOT was not responsive to the request of Congress to give as its first principal conclusion the trivial statement that 30 Concordes would not detectably change the climate. In the other "principal scientific conclusions", the word "ozone" never appears, nor does it appear in the DOT list of recommendations. The first time the word "ozone" appears in the DOT Executive Summary is on page xii. The "executive", who is expected to read only the principal conclusions and recommendations, is never informed in language he can understand what the real findings are. It takes a highly skilled expert to decipher from the disjointed presentation and the fine print that the Executive Summary of the DOT Report of Findings and the FAA Environmental Impact Statement do indeed reveal that 30 Concordes would have a large, calculable, health impact; namely they would reduce ozone enough to increase skin cancer cases in the United States by 1200 per year. Over the 20 year lifetime of this fleet of aircraft, the additional number of skin cancer cases in U.S. would be 24,000. The great emphasis on the trivial "climatic effect" in the first principal conclusion had the result of concealing the large health effects that CIAP had confirmed.

One is being descriptive, not necessarily opprobrious, when one says that the Executive Summary of the DOT Report of Findings is deceptive. In the attached long report, I list examples wherein newspaper reporters and editorial writers were deceived. One can presume that the Environmental Protection Agency (EPA) was likewise deceived. Furthermore, from the content of the FAA Environmental Impact Statement, I think that FAA itself was deceived, like so many others, by the Executive Summary of the DOT Report of Findings.

The FAA Environmental Impact Statement fails even to consider what the environmental impact of Concordes would be if stratospheric aviation should be a success. In the section where FAA pretends to consider the "worst case" (page 101), it lamely states:

"It is difficult to assess the possible environmental impact of a fleet of Concordes because of uncertainties as to fleet size". Therefore it considers only the case of financial failure for the Concorde, namely, a maximum of 30 or 40 aircraft. EPA (Federal Register, *39*, 26654, 1974) projected 375 Concordes for the year 1990. According to the DOT Report of Findings, these would increase U.S. skin cancer cases by 15,000 per year. According to the National Academy of Sciences-National Research Council (1975), 375 Concordes would increase U.S. skin cancer cases by 22,000 per year.

The first recommendation of the DOT Report of Findings is:

"Develop, within the next year, a plan for a proper program for international regulation of aircraft emissions and fuel characteristics for whatever stratospheric flight operations may evolve in the future".

At the Fourth Climatic Impact Assessment Conference (February 1975), one airline executive said he saw no sense in setting up regulations for something 30 or 40 years down the road. (It takes about 10 years to build a fleet of SSTs, about 10 more years to build up to maximum ozone depletion by the SSTs, and other 10 to 50 years to develop skin cancers.) However, it is precisely the purpose of an environmental impact statement to identify hazards down the road, to modify or to cut off developments that would lead to harmful environmental effects, and thus to prevent the impasse between an established enterprise and an environment seriously damaged by it.

In this case we are dealing with questions of sickness and health for the general public, not just for the users of SSTs. It is inappropriate for such decisions to be made by the scientists and engineers whose professional fulfillment requires that SSTs be built and flown, nor by the SST manufacturers. Also, it is inappropriate that DOT and FAA should decide how much sickness is justified for this, their favored project. Such weighings of health on the one hand and economic benefits on the other hand should be made by our informed, elected representatives. FAA should withdraw its incomplete and deceptive Environmental Impact Statement and work with the Congress: (1) to define the cost-benefit balance for the United States, (2) to require the setting up of an effective international agency to regulate aircraft with respect to stratospheric pollution, and (3) to withhold any benefits (such as landing rights) that the United States can give to SSTs until such an international agency enforces a policy that protects public health as called for by Congress. The time to set up international controls is now, before large numbers of SSTs are built and before measurable damage is done.

[From the (London) Observer,
Mar. 23, 1975]

Concorde Fantasies We Cannot Afford

(By Andrew Wilson)

For nearly a year The Observer has kept silent about a subject on which its views are well known—the supersonic Concorde. The reason was twofold. Firstly, the refusal of airlines to order the plane seemed to confirm, beyond need of further comment, what we had been saying for years about its disastrous economics. Secondly, last summer's compromise agreement between Mr. Wilson and President Giscard—to complete production of the 16 planes already authorised, but to cease work thereafter unless there were firm orders—was probably the only politically feasible way out of the $1,000 million fiasco.

Since total orders have stuck at nine, placed under duress by British Airways and Air France, it could properly be assumed that no further Concordes would be built and that the nine Concordes ordered would be quietly phased out after a period of heavily-subsided service with the two State airlines.

That this will happen is almost certainly the case—but not, it appears, before a final attempt to commit us to further spending on aircraft for which there are neither buyers nor prospects. The attempt is being made in connection with a meeting on Tuesday between the Secretary for Industry, Mr. Tony Benn, and the French Minister of Transport, M. Marcel Cavaille.

Both the unions and the aircraft firms, BAC and Aerospatiale, have let it be known that they are pressing the Ministers to authorise the start of production of six more Concordes, and are saying that unless this happens the production lines at Bristol and Toulouse will have to be wound down.

The compulsion felt by the aircraft workers to protect their jobs is understandable. What is more serious, and requires to be answered, is the amount of misinformation that has reached the public in the past two months about an alleged revival of Concorde's commercial prospects.

The process began on 10 January with a report from Tehran that the Iranian airline, Iran Air, was about to place orders for four Concordes, of which two were to be leased to Pan American Airways for flying in competition with British Airways across the North Atlantic.

The report was made a leading item by the BBC, together with a firm prediction that Pan-Am's 'lease' would trigger off further orders 'before the end of the year' from Saudi Arabia (which was expected to lease planes to Pan Am's rival, TWA), China and Japan. These, it was said, would bring the total, including the nine British and French orders, to 21.

This report was based on a half-truth. Iran Air *does* have options on up to three Concordes, and the Shah has long been saying that he will confirm at least two of them. Iran Air is also in a deal to lend money to Pan American, which, under a technical agreement, could be asked to help Iran Air with pilots and engineering staff.

But there never was, and is not now, any agreement, or even discussion, between Pan American and Iran Air about leasing—a fact that could have been confirmed at any time in the past 10 weeks by a telephone call to any Pan American board member in New York. Nor has Pan American, or its rival TWA, changed any of the criteria which led both airlines to reject Concorde as an economic disaster two years ago.

The next misleading report occurred 10 days later, with the help, perhaps unintended, of the US Department of Transportation. On 20 January the Department published its long-awaited report on stratospheric pollution by high-flying aircraft, particularly supersonics, whose emission of nitrogen oxides can erode the vital ozone layer that protects us from the sun's ultraviolet radiation.

In a handout to the Press on its technical findings the Department (which, like other US Government departments, is anxious to avoid appearing discriminatory against Concorde) put stress on the fact that 30 Concordes or Soviet Tu-114s would not cause noticeable 'climatic effects.' It also stressed the fact that 'low emission' engines could reduce the disastrous effects to be expected from a larger fleet.

What it did *not* stress, nor did the British Press or a subsequent BAC statement point out, was that the 'low emission' engine had yet to be developed, and that, according to the Department's own figures, even 30 Concordes could produce an increase in the incidence of radiation-induced skin cancer.

So angry was one of the Department's own consultants, the atmospheric physicist Dr. Harold Johnston, that last month he wrote a letter to the British Anti-Concorde Project, saying that the conclusions of the report were packaged in such a way that they seemed to tell the opposite story from that to be found in the technical section, and that newspapermen 'were deceived.'

A similarly misleading treatment was given to the wider-ranging Environmental Impact Statement published earlier this month by the Federal Aviation Administration. Here again stress was put on the limited environmental damage to be expected from the small number of Concordes now likely to fly.

What many British newspapers simply failed to report was the statement's damaging confirmation that Concorde's noise levels (undiminished by a silencer, which has had to be abandoned) are far above those laid down by Federal Aviation Regulation 36—the standard applicable to all new planes at US airports.

Up to now, supersonic aircraft have been exempted from US Federal noise regulations; but this is now liable to be changed by a proposed regulation of the Environmental Protection Agency which would extend noise limits to include all supersonic aircraft whose production was started after 27 February this year.

This would exclude all Concordes after the 16 now being built. But even the current 16 are liable to be excluded from vital US airports, such as New York, if the airport authorities, already under strong pressure from noise sufferers, decide to act. Indeed, so tough are the rules at New York that BAC has proposed that pilots should put Concorde into a steep turn only 100 ft off the runway in order to cut down take-off noise—a proposal that has already drawn a sharp reaction from the safety-conscious British Airline Pilots Association.

There are other ways in which the public has been seriously confused about Concorde's remaining prospects—such as British Airways' declared eagerness to inaugurate the 'supersonic era,' when it is known that the Corporation would dearly like to cancel its purchase contracts, take out leases, and return the commercial risks to the Government.

Such misleading propaganda is particularly regrettable when each unwanted Concorde costs £30 million.

NO TROOPS FOR VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, I am shocked that the Senate Foreign Relations Committee seems willing to approve more weapons and even the use of U.S. troops in South Vietnam. This is not a compromise, it is a capitulation to the administration.

In setting up a "contingency fund" which the President can use at his discretion, the committee supposedly helps to evacuate Americans and some Vietnamese. But the proposal goes much farther than that.

Senator HUMPHREY concedes that although the $200 million suggested is not supposed to be used for weapons, the language is broad enough so that if the President decided South Vietnam needed weapons to maintain a defense line whose loss would endanger withdrawal of American civilians, he would be empowered to use some of the funds for weapons. In other words, the committee is still proposing to give military aid to South Vietnam in the face of overwhelming opposition from the American people.

Even more dangerous is the proposed authority for the President to use U.S. troops during the evacuation. This flies in the face of seven congressional prohibitions against further U.S. involvement in Indochina. It is terrifying to the American people, who remember what happened the last time we sent a few troops to Vietnam.

The vision of American soldiers shooting their way into Saigon, as some have suggested, is chilling. Once again there will be Americans dead—and American POW's. How many years more must we live through this nightmare?

Even the Washington Post this morning notes editorially that:

> It is still not absolutely clear to some committee members . . . to what extent the President sees the Americans in Saigon as a threatened community needing to be evacuated and to what extent he may still have some lingering hope of using them as a hostage for prying out more aid.

Personally, I fear that the understandable confusion and human misery of this war's ending is being misrepresented deliberately. Certainly there are many anti-Communists fleeing toward Saigon in fear of reprisals—and there will be reprisals. But there are also thousands of Vietnamese going north to their homes, people who for years have been prevented by President Thieu from returning to their farms and villages. There are thousands of others who simply flee from war. When the fighting sweeps past them, they return to their homes. Sometimes they are forced to flee again, when Thieu bombs the areas captured by the PRG.

But there is solid evidence that the PRG recognizes the necessity for treating these people humanely. Last Saturday's Washington Post noted that:

> In Hue and Danang the Communists sought to reestablish order quickly and to make sure public utilities kept working . . . Markets were open and prices stabilized . . . Mobile movie, cultural information teams were showing revolutionary films . . . People returning to Danang were surprised and moved to see their property protected by youths and workers . . ." The reporter, H. D. S. Greenway, adds that "Reading between the lines, one gets an indication that the citizens of Danang were out looting and robbing the houses of those who had left, and that the Communists were trying to prevent it.

The impression of an attempt to create stability was confirmed by five Americans including Quakers, who went to Paris last week to talk with representatives of all sides. They reported that on the basis of Saigon's own figures, only 3 percent of the population of Danang had fled when the PRG came; that the Catholic bishops of all eight areas under Communist control are staying on; that the Buddhist flag flies in Danang between the PRG and Saigon flags. Display of the Saigon flag, they note, suggests the PRG's desire to implement the political formula set out in the Paris agreements.

These agreements, they believe, can still constitute the basis for a political solution—provided there is a new government in Saigon to replace President Thieu. Even the South Vietnamese Senate has called for a change of leadership. Yet Thieu hangs on, and we support him. He has become the major obstacle to negotiations and peace.

It seems to me that the administration would do well to heed these signs, to listen to the Quakers and others and to those Vietnamese who are not tied to the Thieu government, rather than stampeding a panicky evacuation. It seems to me the Congress has a duty to investigate the offers of the PRG to negotiate—which the President has hardly noted—if Mr. Thieu steps down. President Ford could instruct our Ambassador to use his good offices to persuade Mr. Thieu to resign, and to work with his successor to set up a National Council of Reconciliation as provided in the Paris Peace Agreements.

Certainly we must send humanitarian aid, but through international rather than government agencies. It is interesting that the PRG's Ambassador in Paris appealed for aid to both sides.

Whatever we do, we must not add to the current confusion by escalating it into panic. And we must be wary of any proposal that attempts to overturn the will of the Congress and the American people, as this proposed compromise of the other body's committee appears to do.

EXCELLENT PROGRESS AGAINST CANCER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, if anyone doubts that phenomenal progress is being made in the fight against cancer all he has to do is read the facts reported by Dr. George P. Rosemond who, as president of the American Cancer Society, has pulled together an array of data proving positively that the Congress has been wise in supporting the war against cancer.

Here are some of the victories already won, just a few highlights from Surgeon Rosemond's data:

First. A new study made possible by the funding under the national cancer law of 1971 as extended has found a new way to use a known drug, L-PAM, so that the 5-year survival rate of women with breast cancer that has spread to their lymph nodes is expected to triple. The present 5-year survival rate is approximately 20 percent. The test of 1,750 women involving a new way to give L-PAM has produced results so good that there is almost statistical certainty that survival rates will go to 60 percent to 70 percent.

Second. And now screening to find breast cancer has vastly improved. In the joint American Cancer Society/National Cancer Institute breast cancer screening experiments, 77 percent of the cancers found are not yet spread to the lymph nodes. Even without further drug improvements the 5-year survival rate for women in such condition is 82 percent.

Third. Further, the war against cancer has caused such great publicity, and such a willingness on the part of prominent women to talk about the problem that more and more women are getting life-saving checkups. In 1964 only 23 percent of the American women had had recent Pap smears to detect cervical cancer. Now 52 percent of them have had recent checkups.

Fourth. Some quarter of a million women are alive today as a result of breast cancer cures.

Fifth. The 5-year survival rate in 1969 for Hodgkins disease was 68 percent in 1969. Now it is 90 percent. Even if the disease is not caught at an early stage the 5-year survival rate is now 65 percent. It was 10 percent for late-stage disease in 1969.

Sixth. At least one-fifth of all cancers are responding markedly better to treatment now than a couple of decades ago. Here's the record on 5-year survival rates:

[In percent]

Type of cancer	Survival rates	
	Late 1940's	Late 1960's
Prostate	37	56
Uterine corpus	61	74
Thyroid	64	85
Kidney	26	85
Bladder	42	61
Larynx	41	66
Melanoma	41	66
Hodgkin's disease	25	54
Chronic leukemia	15	30

Seventh. Our cancer care system is expanding so that patients all over the country will have expert help near their homes in a few years. For instance, in 1960 only 16 young doctors were in training to become therapeutic radiologists. Now 400 are in training.

The Congress is justified in taking a very close look at this $691 million program, particularly when questions asked at the outset of the program are being asked again in newspapers and at congressional hearings.

I am gratified that the facts Dr. Rosemond, a prominent Pennsylvanian, presents fully justify the Congress enactment of the 1971 national cancer law and its 1974 extension as well as the funding so far put into implementation of the law.

Speech at San Diego, Calif., March 21, 1975, by Dr. George P. Rosemond

Cancer control moves ahead slowly, not always evenly and not immediately reflected in end-results studies, which have been much discussed lately. However, there is progress, and in 1975 I feel that we are on the verge of a decade that may be the most exciting we have had in cancer control in this century.

Is this false optimism? I don't think so. It reflects the informed opinions of my colleagues at the American Cancer Society and the National Cancer Institute, and, if I may say so, my own 36 years of experience as a surgeon.

More cancers are being cured than ever before and more lives of those with this disease are being extended.

The American Cancer Society recently reported what we might call the bottom line in our cancer ledger today. Writing in "CA–A Cancer Journal for Clinicians" Edwin Silverberg and Arthur I. Holleb, M.D. of the Society's staff reviewed major trends in cancer and found that five-year survival rates continued to increase from the late 1940's to the late 1960's very substantially in nine types of cancer. Here are the Statistics:

[In percent]

Type of cancer	Survival rates	
	Late 1940's	Late 1960's
Prostate	37	56
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Larynx	41	66
Melanoma	41	66
Hodgkin's disease	25	54
Chronic leukemia	15	30

These include about 20% of all cancer cases. While survival rates went up during that period, mortality rates (death rates per 100,000 population) decreased substantially in the following cancers: (from National Center for Health Statistics)

Uterine: 19.0 to 9.0.

Rectum: 8.4 to 5.7 in males; 5.6 to 3.3 in females.

Stomach: 20.4 to 8.8 in males; 11.1 to 4.3 in females.

Bladder: 2.6 to 1.8 in females.

Lip: 0.6 to 0.1 in males.

While the overall incidence of cancer has decreased slightly during the past 25 years, from 1947 to 1969, according to the NCI, incidence of the following cancers decreased by the following substantial percentages: Stomach, 63%; Uterus, 37%; Bladder, 26% in females; Rectum, 26%; Esophagus, 23%; Ovary, 10%.

As you know, cancer survival statistics are based on the number of patients alive five years after diagnosis of the disease. The latest such figures are based on patients diagnosed before 1970. Early indications of 1970 figures show continued improvement in survival figures in the nine cancers listed above. Also, we are beginning to see significant improvement in our ability to effectively treat the more difficult tumors, such as breast, colon, lymphosarcoma, and osteogenic sarcoma.

I predict you will see significant progress when we show five-year survival statistics in 1978, the fifth year of full operation of the National Cancer Program. Also, I predict that you will be reporting, by that time, important turn-around in cancer research and treatment results, that will be traceable directly to the dramatic increase of effort, commitment, intensity of interest, and, yes, massive infusion of funds into the cancer battle. It is my fervent hope, and belief, that we will have reached the potential saving of one-in-two cancer victims.

Twenty-five years ago, one in four patients with cancer survived five years after treatment, free of disease; today that figure is one in three, and it could be one in two, today. But it is not, and we believe we know why. But our ability to achieve that figure in a few years will be based on diagnostic and treatment progress, as well as developing the ability to get the latest knowledge and forms of treatment to the medical practitioner through the national cancer control program.

Let me touch on developments that point the way to the future:

A key research area is epidemiology since it opens the door to life-saving action, often through prevention. Epidemiological studies can suggest what needs to be done—whether we as a people do it depends on our own set of values. Perhaps our best application of epidemiological information is in understanding the importance that environment plays in the development of cancer. This is encouraging knowledge. We cannot yet change our genes, but we can change our environment—if we wish to do so.

How much are we willing to change our environment? This question brings us to cigarette smoking, amply proved by Hammond, Horn, Wynder, Doll, Hirayama, and other to be the chief cause of the rise of lung cancer, and a major causal factor in circulatory disease and emphysema. Let me tell you about that rise, and its significance. Considering all cancer sites, including lung, death rates in males have continued to rise dramatically, with only five minor annual reductions, from 101.3 in 1930, to 159.8 in 1972. Excluding lung cancer, death rates in males has gone down from a peak of 114.5 in 1957, to a level of 109.8 in 1972.

Death rates in females have had the same experience: All sites: from a peak of 126.0 in 1936, on the downgrade ever since to a low of 108.8 in 1972. For all sites except lung cancer in females, the peak came in 1935

(123.7), and has been on a steady down trend since, to a level of 97.7 in 1972.

These figures certainly demonstrate the dramatic impact of lung cancer on cancer statistics. In 1930, male lung cancer death rates were 2.5 per 100,000. In 1972, they are 50 per 100,000. In females, the increase is not so dramatic, but the nature of the increase is. Lung cancer killed 1.5 females per 100,000 in 1930; 11.1 in 1972. However, since 1960, female death rates from lung cancer have increased more rapidly than males. The trends are ominous. Lung cancer is now the third cancer killer of females, behind breast, and colon and rectum. If the increase continues at its present rate, within a very few years, it will replace colon and rectum, and move up to second place.

It is tragicaly ironic that lung cancer—the one major cancer we know the cause of, and could reduce by about 80% by preventive measures—is the site that statistically keeps cancer death rates increasing. Without lung cancer, cancer death rates show a steady decline over the years.

There are more than 30,000,000 ex-cigarette smokers. Studies by the Gallup organization and others indicate that the vast majority (85%) of smokers show cigarettes are dangerous. Many have tried to stop. Many are quitting as a result of attending "Quit Clinics". Almost three out of four hard core smokers can stop—for a while. But recidivism is high. With support from the American Cancer Society, the American Health Foundation is conducting extensive research to help people to quit, and to keep them off cigarettes.

Despite the clarity of the evidence, and despite most intensive public education programs by health agencies, schools, government and much of the media, more cigarettes are being sold than ever before. Young girls and women have been taking up smoking at startling rates. After a precipitous drop, and a levelling off, per capita consumption of cigarettes is again climbing toward the peak reached just before the 1964 report of the Surgeon General. And the chief cause of lung cancer is flagrantly advertised on billboards, in magazines, and newspapers.

"Physician heal thyself" is often said rather scornfully but the American physician seems to have come close to healing himself from the risk of cigarette smoking. Data from California and New York suggest that where once two of three doctors smoked, now only one in four does. This medical demonstration of what an individual can do is one of the reasons that the American Cancer Society is striving toward a goal of 1,000 cigarette withdrawal programs, "Quit Clinics", in operation by the end of 1975. At the end of 1974 there were about 200 such programs.

A few more observations about epidemiology: the risks of exposure to vinyl chloride fumes and asbestos fibres to workers have been established. Now as a result of action by unions, government, health agencies, and much of industry, protective steps for those at risk from vinyl chloride and asbestos have been formulated.

One finding of epidemiology that I hope will lead to action in the next few years is that of the recent striking increase in blacks—far higher than in whites—of cancers of the esophagus, pancreas, colon, prostate, and lung. One possible explanation is that the black population is underenumerated, but most statistical authorities agree that the increase is real.

An important lead to the understanding of environmental cancer, not entirely assayed as yet, is the evidence from the ACS Environmental Cancer Research project that two or more carcinogens, working together, drastically increase risk. Asbestos is a carcinogen, but asbestos workers who also smoke, have a many times greater risk for cancer than those who do not smoke. Just as combined drug therapy is far more effective against cancer than a single drug, so combinations of carcinogens are the major threat. None of us in the modern urban world has a zero exposure to cancer causing substances, but where we can cut down our exposure we most certainly should.

I spoke earlier of the fact that half of all those with cancer can today be cured. How? By earlier diagnosis and prompt treatment. If this is to be done, persons at risk must present themselves earlier and more regularly for examination, and physicians must be more alert to the possibility of cancer. So we have our double-edged program of public and professional education. The importance of the procto, of the Pap test, of BSE and mammography, of the warning signals that may mean cancer are well known to this audience, but to know these things yourselves is not enough. We need your help in repeating and repeating their importance, in making them familiar to all Americans. Famliarity will not breed contempt but action, protective action.

We saw an excellent example of the impact the media can have in their reporting of the breast cancers of Mrs. Ford and Mrs. Rockefeller. The American Cancer Society and the NCI were flooded with requests for information. Breast cancer was presented to the public as the serious, important, but usually manageable problem that it is. The media's role was made easier by the dignity and calm, good sense of Mrs. Ford and Mrs. Rockefeller. Their constructive reaction was a great boon to public education about cancer.

According to a Gallup study done for the American Cancer Society and released in 1974, the number of women reporting having had a Pap test in the past 12 months increased in ten years from 23% in 1964 to 52% in 1974. Those reporting a routine medical checkup in the past year rose from 11% in 1964 to 40% in 1974.

Just as in public education the target audience is helping shape programs, so former patients are playing a significant part in cancer rehabilitation. The "Reach to Recovery" program, where women with mastectomies, trained in physical as well as psychological rehabilitation are visiting women who have just undergone mastectomies, in hospitals, with messages of encouragement, and training as to how to regain confidence as well as full use of limbs. In 1974 alone, 45,000 women were visited under this ACS program. Thousands of patients with colostomies and similiar operations meet regularly in branches of the ACS-supported United Ostomy Association to give each other aid, comfort and encouragement. Oldest of recovered patients' organizations is the International Association of Laryngectomies of the ACS. The IAL program involves laryngectomy volunteers teaching new laryngectomies esophageal speech.

One aspect of rehabilitation beginning to receive the attention it deserves is the difficulty many of those who have had cancer find in getting new jobs. In most cases an employee after treatment can return to his old work, but if he wants to change to a new position he has trouble. Dr. Robert McKenna of the University of Southern California School of Medicine pointed out recently that when a medical examination is a prerequisite for employment, the former cancer patient is likely to be rejected. Yet, he says, 80% of cancer patients are ready to work within 80 days. The reason for failure to hire? One, according to Dr. J. Herbert Dietz of Memorial Hospital in New York is that too many employers and workers still have a bizarre, medieval misunderstanding of cancer and contagion.

Yet, according to Metropolitan Life Insurance Company's statistical bulletin, a 14-year study of Metropolitan Life employees indicates that persons treated for cancer can be selectively hired for positions for which they are particularly qualified, and that their work performance differs little from that of others would at the same age for like assignments. Company expense was not noticeably increased by excessive absences, reduced productivity, or increased mortality.

Now let me turn to developments in therapy. In radiation therapy there has been much recent improvement, particularly in avoiding surface burns and general patient discomfort. Today when cancer of the cervix has been treated by a well trained radiotherapist, there is such slight damage that a year or two later a physician giving the woman a checkup might well not know from his examination that she had been treated for cancer.

In 1960 there were some sixteen young physicians in training to become therapeutic radiologists; today there are about 400. Developments in radiation treatment of cancer of the prostate allow surgical risk to be avoided, and the possibility of impotence later is greatly reduced. From France come reports by Dr. Sean Papillon of Lyons University of the use of radiation for certain kinds of rectal cancer, a technique particularly valuable when the patient is not strong enough for surgery. Exciting research in radiation is being done with neutrons. Conventional x-ray, cobalt, and linear accelerator machines depend on cells being oxygenated for effectiveness. However, cells near the center of tumors too often have little oxygen. Neutrons, fortunately, do not depend on cell oxygen for their affect.

Clinical trials of neutron therapy are underway at three locations in the United States—University of Washington, Medical College of Virginia, and University of Texas-M.D. Cancer Center in Houston. It is too early to evaluate results, but a number of people are being treated, and results so far are very encouraging. One problem precluding widespread application of this type of therapy is the production of neutrons, which requires availability of a cyclotron. Cyclotrons were developed for use in physics research, so are not usually convenient to medical facilities. Energetic efforts are underway to develop an inexpensive neutron generator designed for medical use only.

The other exciting area of radiotherapy is in developments with Pi Mesons, at Los Alamos, and at Stanford Medical Center. You will be hearing about this on Monday.

A major success story is the treatment of Hodgkins Disease. Five years ago, of Hodgkins Disease patients diagnosed in the earliest stages, 68% could be expected to survive five years; only 10% of those diagnosed at the advanced stages were to survive five years. Today, with the remarkable combined drug therapy, MOPP (mustargen, oncovin, prednisone, procarbazine), patients treated under ideal circumstances at the most advanced centers, can be expected to achieve up to 90% survival of early diagnosed disease; up to 65% of those diagnosed at the late stages.

About a quarter of a million women who once had breast cancer are now alive, free of disease, leading normal lives. While incidence has increased, the death rate remains unchanged. This is encouraging but the fact is that the death rate has been stable for forty years. Now it appears that x-ray diagnosis, surgery and chemotherapy have brought us to a point where many more lives will be saved.

The earlier the diagnosis, the greater are the patient's chances for longer survival, or cure. A Health Insurance Plan of New York study showed that periodic screening by mammography can be practical; can identify the most occult stages of the disease. To demonstrate this nationally, and to convince practitioners and the public that such a screening program is practical and feasible in terms of potential lives saved, by the end of 1974 the American Cancer Society and the National Cancer Institute jointly had 27 Breast Cancer Detection Demonstration Projects in operation throughout the country. Over a five-year period, 270,000 asymptomatic women, 35 years of age or older, will receive an annual free clinical examinations, plus mammography and thermography. Early results show that 77 percent of the cancers detected in these women thus far have negative lymph nodes. In this category, five-year survival rates are 82 percent. But you will be hearing about this in detail later in the Seminar.

Could an adaptation of this procedure be used to screen more than thirty million women? Physicians at the U.C.L.A. Center for Health Sciences estimated in 1971 that such a program would require 1900 screening centers, 3,800 mammographers, 6,600 technicians and $622 million dollars, almost as much as NCI's total budget for this year. But, it was felt that the program would save 20,000 women's lives annually.

We are homing in on breast cancer from another angle: a preliminary report by Dr. Bernard Fisher and Dr. Paul Carbone indicates a sharp drop in recurrence two years following surgery for women, who have lymph node involvement, when they are given the drug L–PAM after mastectomy. Dr. Vincent DeVita of the National Cancer Institute predicts that the five-year survival rate for women with involved lymph nodes, which has been around 20 percent, will rise to 60 or 70 percent. Added to the L–PAM finding has been the demonstration that women with advanced cancer of the breast, once with a very discouraging prognosis, can now by combined drug therapy often be restored to normal life for many months and years.

This application of chemotherapy to breast cancer has grown out of one of the oldest and most expensive of the country's research programs.

Since it is advanced, metastatic cancer that kills people, research in the early days concentrated on the systemic types of cancer like leukemia and the lymphomas where the disease was widespread and hopeless.

First significant developments in Acute Lymphocytic Leukemia were early in the 1960's when the NCI's Leukemia Task Force devised protocols that began to secure remissions that lasted. Today the major centers of treatment report five-year survival, free of disease of about fifty per cent of children with acute leukemia. By 1972, the M.D. Anderson Hospital in Houston had a 50% five-year survival of all forms of childhood cancer. A few years ago the rare osteogenic sarcoma had a very low survival rate. Today, Frei, Sutow, Rosen and others have shown that combined chemotherapy, following surgery, now can achieve an 80% disease-free survival for two years. Because of the rapid course of this disease, the two-year figure is impressive.

The L–PAM, Breast Cancer Story is an exciting development. Also exciting, and perhaps even more historically significant, is the fact that it represents the transfer of knowledge and experience gained over the years in treatment of leukemia, Hodgkins Disease, and other tumors which have responded so well to sophisticated chemotherapy progress, to one of the major, difficult to deal with, solid tumors.

A most important development has been the change through the sixties and early seventies in the attitude of the doctor, and his professional confidence in his growing ability to effectively treat the disease. Medical Oncology is now a subspecialty of the Board of Internal Medicine and Gynecological Oncology is recognized by the Boards of Obstetrics and Gynecology. Medical schools have introduced intensive training in new modalities of cancer treatment. Physicians crowd into meetings around the country on chemotherapy, radiotherapy, immunotherapy, and cancer.

Developments in the ability to manage colon and rectum cancer are very encouraging. In diagnosis, the new six-foot-long flexible colonscope can help detect and remove polyps without the strain of internal surgery. Dr. Charles Moertel's early results with a three-drug combination therapy following surgery could make a significant impact on reducing the number of deaths from this disease—which this year is estimated to kill 49,000 people.

Ovarian cancer strikes 17,000 women annually. It is treatable and curable when found early. The "silent ovary", however, gives few signs until it is past the stages of effective treatment. This accounts for the fact that 10,800 women die of the disease each year. Recent reports of chemotherapy combined with surgery offer some hope for improvement, but the effect remains palliative—a rare woman experiences a complete remission—and the cure rate remains disturbingly low.

What we may expect in the next ten years depends largely on how quickly physicians in various parts of the country master new techniques and what percentage of cancer patients will reach those best qualified to treat them. I believe physicians are learning, accepting the new techniques more quickly than ever. A major result is that more and more patients are getting to the best equipped and trained cancer therapists. The professional education programs of the American Cancer Society and other agencies have much to do with this development.

Expansion of the number and scope of the Comprehensive Cancer Centers will be a major factor in cancer control. There are now 17 such centers; there should be 36 of them strategically located, working in close cooperation with the American Cancer Society Divisions and local units.

Those of us who have spent our professional careers in treating cancer know what a grim, resourceful foe the disease can be.

Let me give you a figure that dramatizes our cancer control problem. I have mentioned M. D. Anderson's splended result with all childhood cancer. However, the latest published NCI end result figures which reflect general medical experience across the country show only a six per cent five year survival free of disease. This gap between what is being done and what could be done is a challenge to all of us in treatment today, from the isolated family physician to the emerging Comprehensive Cancer Centers.

Cancer control is complicated and slow; we are asking profound changes in behavior from millions of Americans. Papanicolaou and Trout published their work on cytology in 1943 and now by 1976 we hope to have every woman at risk given at least one Pap test. We have known the facts about cigarette smoking danger at least since 1964. Changing behavior, public or medical, takes time. For patients treated this year, we won't have five year survival figures until 1980. The time chain from laboratory bench to research bed to hospital and out-patient treatment is long.

What is the money situation? For once, I think, we should say "not bad" and express our appreciation to the public, to the Congress, to the administration for their support. We expect the American Cancer Society will have more than $100,000,000 for its programs in 1975, and the National Cancer Institute will have committed $691,000,000 before the end of the current fiscal year. Such levels of support were undreamed of 25 years ago. The federal dollar is overwhelmingly important, but so are the dollars of foundations, other local resources, and particularly the American Cancer Society, and its greatest resource—our volunteers. Tax dollars, you know, come out of the pockets of the people, and our 2½ million volunteers pay taxes like everyone else. Participation by the ACS, through its volunteer activity, helps save tax dollars. Volunteer programs keep costs down. And without the active grass roots involvement of many, many thousands of volunteers in service, public education, information, and professional education programs, the federal program would be hard pressed to reach the general public, locally. We are committed to help in every way we can, and to do everything practical to help the national cancer program meet its goals. Participation by the scientific community is vital. Incidentally, you will notice the large number of participants on this program who are active ACS volunteers in their respective Divisions, or county units, as well as some National officers.

With the total national commitment against cancer that is represented by the national cancer program, and the active involvement of the private sector, represented by the American Cancer Society, in the next ten years I expect to see the following:

Country-wide end results for the treatment of childhood cancer will approach those of the specialized centers today. I do not think this is unrealistic, since today there are some 80 hospitals across the United States where children with leukemia can be treated with approved chemotherapy protocals.

Surgery, radiation and chemotherapy will bring significant reductions in such major killers as cancer of the breast, ovary and colon-rectum.

Employers will accept former patients for new jobs as they do now anyone who has had a routine medical problem. Superstitions about cancer and contagion will have faded somewhat.

Case finding will improve through the alertness of the best case finders in cancer: the patients themselves reached by ACS action programs and by Comprehensive Cancer Centers.

In environmental cancer we will see wider acceptance by workers and management of protective measures against the industrial carcinogens now known and others that will surely be found. What about cigarettes, the major carcinogenic threat of our modern world? In the next ten years lung cancer alone, if present rates continue to increase, will cost about a million lives. Is this an acceptable rate of loss to our country? I hope not.

And our great research programs will continue, with scientists from many disciplines from all parts of the world in contact with each other, sharing their ideas and their plans freely and rapidly as never before: at meetings, in journals, through all the channels of scientific exchange including our newspapers, magazines, electronic media and news services.

Am I too much of an optimist? I don't think so. I am a practitioner. I deal with this dreadful enemy of mankind, day in and day out. I have had my share of disappointments, and of successes in treating cancer. However, I, and I think most physicians dealing with cancer in patients, am seeing a decisive shift to the plus side in our ability to effectively deal with this disease. I am optimistic. There is no percentage in pessimism, especially if it interferes with treatment—not for patient, not for doctor not for science writer.

ONE PAYING DEAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, opportunities to profit from its operations come quite infrequently to the United States. We have vast experience in dishing out funds, but lamentably little in raking them in. A chance for the latter offers itself, and it is no patent medicine snake oil deal.

In the wake of the court decision that possible crude oil and natural gas resources off our coastal lines belong to the Federal Government, and not to the adjacent States, a prominent lawyer friend of mine living in Morgantown, W. Va., suggests that the Government should receive remuneration for their proposed development. He further suggests that the total gross revenues could be applied to the national debt. It is an excellent idea, and ought to be evident except to those who are accustomed only to highly complicated schemes.

In fact, my friend offers two independent ideas. Their elaboration could take a number of practical implementations. There may be persuasive argument for undertaking development of these energy resources by the Government itself. Various international complications are likely to arise if these oil fields prove highly productive, and, if that should happen, it would be better if foreigners were dealing with our Government, and not with private individuals.

On the other hand, the Government has neither the expertise nor the equipment to undertake speedy development of oil fields. It is more probable that the fields will be leased to private oil concerns. In this, we have already had experience in leasing oil shale resources in our Western States. An alternative procedure might be a tax on energy recoveries.

Either course offers immense revenues for the Government. If these revenues should be used to reduce the national debt, it would free capital for private investment, something badly needed at the present time. Any prospective use would be a "shot in the arm" of our enfeebled economic system and speed the defeat of a hangnail depression.

The suggestion of my lawyer friend, Mr. Benjamin G. Reeder, is as practical as it is timely, and I want to thank him for it. It indicates that knowledgeable citizens are thinking about our common problems and are interested in helping to solve them. We hear many complaints that things are not going well, but few useful ideas for making them better.

One further thing about this proposal. It should spur us on to make full preparations for all the necessary arrangements that will be connected with the development of a new source of national resources. Foresight is an essential. We must not wait until events swallow up our alternatives. We need at once a step-by-step outline of our procedures in developing and using our offshore oil in case any exists. I hope to alert the Commerce Committee on any responsibilities—and opportunities—it may have in the matter.

RESEARCH AND EDUCATION PROGRAM FOR FREESTONE PEACHES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. VIGORITO) is recognized for 5 minutes.

Mr. VIGORITO. Mr. Speaker, today I am introducing a bill with cosponsors that would enable producers of freestone peaches to finance a nationally coordinated research and education program, to improve the productivity of freestone peach production, to provide the highest quality peaches to consumers, and in other ways to strengthen the ability of the freestone peach production sector to meet consumer demand.

In 1974, the freestone peach crop in the United States totaled 26.74 million bushels—48 pounds per bushel—with a farm value of some $147.6 million. In Pennsylvania, the 1974 crop totaled 2.5 million bushels, valued at $14.3 million.

The research and education program carried out under this bill would require only negligible Federal expenditures. Both the administrative costs of the program after it becomes operational, and the costs of specific research and education projects, would be borne by the freestone peach producers themselves. Such costs would be met out of a small per-bushel assessment on freestone peaches sold in commercial markets, collected by the handlers of the peaches.

While the assessment would apply to all commercial freestone peach producers in the United States, the bill provides for a refund in the case of any individual producer who elects not to contribute to the research and education program.

The projects to be carried out under my bill can help to assure the highest quality peaches to consumers for their money. A major use of the funds will be for production research, and specifically to supplement the research undertaking of State universities that have production research on freestone peaches either projected or in progress. Research on soil fertilization, tree breeding and cultivation, tree disease prevention and control, and other areas can result in significantly enhanced productivity in the freestone peach sector.

Other research assisted under this bill would focus upon marketing techniques to improve the quality of peaches in the fresh peach market. For example, research on packaging and handling can assist in prevention of bruising of fresh peaches before they reach consumers.

Generally speaking, both consumers and producers should benefit from the increased productivity and quality of fresh peaches that can result from this legislation.

RESOLUTION OF CLAIMS AND DISPUTES RELATING TO CONTRACTS AWARDED BY FEDERAL DEPARTMENTS AND AGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I have today introduced a bill providing for the resolution of claims and disputes relating to contracts awarded by Federal departments and agencies. This bill is based upon recommendations of the final report of the Commission on Government Procurement in 1972. In volume 4 of its report, the Commission analyzed the existing systems for resolving disputes in connection with the award and performance of contracts and made recommendations to achieve the fair resolution of these disputes. The Commission had worked for 3 years and had heard a large number of witnesses from both Government and industry. With the aid of an experienced and broadly based staff, it had also conducted intensive interviews and reviewed voluminous comments concerning Government contracting. Included among its conclusions was a statement that the present system for resolving contract disputes needs significant institutional and substantive change so that it might provide effective justice to contractors and the Government.

I feel there is an obvious need for congressional consideration of the problems and difficulties which exist in this area of the law. The bill I have introduced will provide the basis for such a congressional review of the current situation concerning claims and disputes relating to Government contracts.

CHARITABLE CONTRIBUTIONS OF ARTISTIC AND LITERARY WORKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 10 minutes.

Mr. BRADEMAS. Mr. Speaker, I am today introducing on behalf of myself and the gentleman from New Jersey (Mr. THOMPSON), the gentleman from New York (Mr. KOCH), and the gentleman from California (Mr. BELL), a bill to restore the incentive for artists, authors, sculptors, and painters to donate their manuscripts and works of art to museums, libraries, and other archival institutions.

A companion bill has been introduced in the other body by the distinguished senior Senator from New York, the Honorable JACOB K. JAVITS.

Mr. Speaker, in recent years there has been a sharp drop in contributions of valuable art and manuscripts by the artists and authors who created them. Most experts believe this is due to a change in the tax law in 1969 which eliminated a major incentive to make these contributions.

Prior to the enactment of the Tax Reform Act of 1969, artists and authors who contributed their works to nonprofit institutions were permitted to deduct from their income the market value of their gifts. This provision was widely accepted as one of the chief reasons works of art and literature were donated to public museums and libraries rather than remaining in private collections.

During consideration of the Tax Reform Act of 1969, some concern was raised about possible abuses in connection with favorable tax advantages given public officials who donated their political and public papers to museums and libraries.

The Tax Reform Act included a section which effectively eliminated this deduction by limiting it to the actual cost of the material used in producing the manuscript. However, the amendment was written with a broad sweep and affected not only the manuscripts of political figures but the papers, paintings, and other works of art of artists and authors.

Mr. Speaker, the impact of the 1969 change on libraries, museums, and universities has been serious and adverse for it contributed directly to a sharp curtailment of contriputions of valuable works to these institutions.

And nowhere has the impact been more devastating than on our Library of Congress. The Library of Congress has prepared a memorandum which documents this drop in donations of valuable manuscripts following enactment of the Tax Reform Act of 1969, and I would like to insert the text of this memorandum in the Record:

LITERARY, MUSICAL, AND ARTISTIC DONATIONS TO THE LIBRARY OF CONGRESS

STATISTICS BEFORE AND AFTER THE TAX REFORM ACT OF 1969

Research libraries throughout the United States have relied heavily on gifts of important manuscript collections and other such types of library materials and have, in effect, actively solicited such gifts in order that this material be available for research purposes. The Library of Congress in its 175-year history has been no exception to this practice. Its position as one of the world's leading repositories of cultural, historical, and scientific materials is due in large measure to the generosity of its donors. A substantial portion of these gifts were made by the authors, composers, scientific and historical figures themselves.

The following is a statistical breakdown of gifts of self-generated manuscripts to the Library of Congress prior to and after the Tax Reform Act of 1969.

MANUSCRIPT DIVISION

(The Division of the Library containing 31 million items of importance to scholars including the papers of 23 Presidents of the United States):

Prior to the enactment of the Tax Reform Act of 1969, the Manuscript Division received an average of 15 to 20 manuscript gifts each calender year from authors and literary artists. The following analysis indicates the change this division has experienced:

Calendar year:	*Gifts*
1968	20
1969	17
1970	8
1971	0
1972	0
1973	0
1974	1

(Since each gift could include anywhere from a few hundreds of thousands of manuscript pages, it is considered more accurate to identify such gifts by counting the donors and not the contents of the gifts.)

It is interesting to note that Archibald MacLeish, poet, writer, and former Librarian of Congress has been donating his correspondence and manuscripts to the Library of Congress prior to 1969 and new additions to this collection are "on deposit." Vladimir Nabokov, novelist and playwright, began in 1958 to donate his manuscripts, playscripts, and correspondence, but has ceased doing so since 1969. Eric Sevareid, journalist, broadcaster, and author, at the request of the Library of Congress made his first gift of his papers, including television scripts, lectures, etc., in 1958. Additions since 1969 have been "on deposit."

It must be noted that the deposit provision is not satisfactory to libraries and other archival institutions. First of all, they must make a commitment to store the material without any assurance that it will ultimately become a permanent acquisition. Even if the institutions are willing to make this commitment, they cannot in all instances, quite obviously, commit their limited resources to organize and catalog the material in order to make it available to researchers. The Library of Congress, for instance, accepts deposits of such materials but in most cases gives priority attention to cataloging, organizing, and preparing guides to those manuscripts to which they have full title or firm assurance that they will receive title to the material. The rationale for accepting deposits of materials is not only the hope that the material will ultimately be acquired but also the frank realization that important cultural and historical manuscripts may be lost forever because of improper storage that would result in loss or would cause the material to disintegrate.

PRINTS AND PHOTOGRAPHS DIVISION

New Yorker magazine artists Lee Lorenz, Whitney Darrow, Jr., Barney Tobey, and Edward Koren have ceased donating their original works to the Library of Congress since 1969.

MUSIC DIVISION

The Music Division had been receiving original compositions, librettos, etc., for many years from outstanding American musicians. Since the enactment of the Tax Reform Act, these materials are no longer outright gifts. Some of the previous donors are placing the materials on deposit, for a specified period of time, usually 10 years. It is estimated that some 35 well-known composers have ceased making gifts to the Library of Congress including Samuel Barber, Aaron Copeland, and Walter Piston.

Similar reports are available from research libraries throughout the country. To be specific:

DARTMOUTH

A leading living author, Erskine Caldwell, who had been making constant gifts of his manuscripts has ceased entirely to make these donations. He indicates that these manuscripts may later come to Dartmouth by bequest, but it is not possible to be certain that this will in fact occur. If it does not, the remaining manuscripts may be sold and widely dispersed.

A Pulitzer-Prize-winning dramatist has stopped giving his manuscripts and since he has not become wealthy through his writing, he is sorely tempted to begin selling his manuscripts.

HARVARD UNIVERSITY

Papers expected but either deferred or not received include those of John Updike, Neil Simon, and Denise Levertov. The papers of E. E. Cummings and Robert Lowell have had to be purchased.

UNIVERSITY OF CALIFORNIA, LOS ANGELES

Prior to 1969 the University of California, Los Angeles, was receiving the manuscripts and original drawings of Theodore Geisel (Dr. Seuss), the famous author of children's books. These gifts have now stopped.

The consequences of this decrease in gifts have had a serious effect on the archival holdings of the major libraries of this country and the far-reaching effects upon scholarship could be even more devastating.

The alternatives available to the creators of this material, besides the deposit mechanism, have negative effect on research and scholarship. One is for the creators to sell their manuscripts outright. The usual result of this, of course, is the dispersal of historically important materials among many private collectors, thereby making this material unavailable for future scholarship or making it very difficult for scholars to locate. Another alternative is to leave their papers as part of their estate, thus allowing their heirs to make a gift of the material after the creator of the manuscripts has died, or, as is often the case, to sell and disperse them.

Mr. Speaker, the bill Senator Javits and my colleagues and I have introduced would restore the incentive to artists and authors to contribute their valuable works of art by providing them with a deduction of nearly seventy five percent of the market value of the gift.

The measure also includes important provisions to guard against abuses and to insure that only bona fide artists and authors take advantage of the law.

For example, the bill would not allow public officials to take deductions for contributions of their papers.

The measure would require the donee institution to certify that the donated property represents material of historical or artistic significance and use by the donee will be related to the purpose or function constituting the basis for the institution's tax status.

And, most significantly, the bill would require that these contributions be deducted only from art-related income.

Mr. Speaker, these safeguards and the modest revenue loss to the Federal Government which I understand is less than $10 million, assure, I believe, that this bill will meet many of the objections traditionally raised by the Department of the Treasury to this type of legislation.

Mr. Speaker, the public's interest has not been well served by the curtailment of these contributions of art and manuscripts to museums, libraries, art galleries and other non-profit institutions. Documents of historical significance, important to scholarship and research, have been lost. Important works of art which could otherwise be placed on public display remain in private collections.

The bill we have introduced would serve the public interest by providing the necessary incentives to artists and authors to contribute their important works to these public institutions. I urge my colleagues to join in supporting this measure.

STATE VOTER REGISTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Bonker) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, I am introducing today a bill which I believe represents a viable alternative to the proposed post card voter registration bills currently before the Congress. This bill incorporates many of the elements of the previous post card voter registration proposals, yet reflects the very real concerns of State and local voter registration and election officials.

As a former county supervisor of elections, I am concerned that we develop a program to achieve greater voter participation without disrupting existing State and local voter registration systems. I am keenly aware that our election laws have done more to frustrate and inhibit than to encourage the voter on election day, and it is for that reason I am compelled to speak out as the Subcommittee on Elections of the House Administration Committee continues its deliberation on post card voter registration. I join many of my colleagues who feel it is time for government, and specifically the Congress, to shed its passive role in getting the people to the ballot box. We can no longer sit back and accept the declines in voter participation we have seen in this country over the past two decades.

There is no question in my mind that a voter registration by mail bill will be passed in this session of Congress. On Thursday, March 13, 1975, Senator McGee introduced S. 1117 with 51 Senators as cosponsors. In the House, the Subcommittee on Elections is currently holding hearings on several bills dealing with voter registration by mail. During the last Congress, the Senate passed a mail registration bill, and the House defeated the rule on that bill by only six votes. With a majority of the new Members committed to a more effective voter registration system, this measure will pass this year.

We have found that participation in American elections has been dropping sharply in recent years. Voter participation in Presidential elections has declined from 65 pecent of the voting population in 1960 to 62.9 percent in 1964, to 61.8 percent in 1968, and 55 percent in 1972. Participation in off-year congressional elections dropped from about 49 percent to 45 percent over the same period.

A study by the National League of Women Voters concluded that millions of Americans fail to vote not because they are disinterested but because they are effectively disenfranchised by the present election system. While nearly 140 million citizens were eligible to vote in 1972, only 94 million were registered, and less than 78 million actually voted. Thus, 62 million potential voters did not participate in the 1972 election, and a poll by Daniel Yankelovich, Inc., found that three-fourths of these nonvoters, or about 46 million Americans, would have voted had they been able to do so. We see from these figures that during a Presidential election year, when we know there is a much greater turnout, only 67 percent of our total eligible population was registered and only 55 percent actually voted. Our concerns today are with that 44.3 percent of the eligible population who did not vote during the 1972 election and what we can do to improve this situation.

The bill I have introduced today will, I believe, achieve the overall objective desired by a majority of the Congress while addressing the specific concerns of the State and local election officials who will administer the voter registration program in the future.

The essential differences between the proposal I am submitting today and the proposals of Senators McGee and Kennedy and Congressmen Hays and Dent include:

First. This bill would authorize voter registration by mail but would not provide for mass-mailing distribution of registration forms. It would, however, provide postage free privileges for voters to submit registration forms and for the mailing of voting registration notification forms.

The successful experiences with registration by mail in the States of Maryland, New Jersey, and Minnesota do not include the mass mailing feature. In addition to being a colossal waste of money, mass mailing offers no assurance that it would reach the people it is intended to locate. Specifically, mass mailing by postal patron lists cannot guarantee that all eligible persons in a household would receive registration cards. In a similar vein, distribution based on census data could not guarantee coverage of all households.

Second. This bill would create a Voter Registration Bureau within the recently established Federal Elections Commission to provide a grant-administering agency within the overall Standards Setting and Regulatory Commission.

Third. This bill would avoid separate Federal voter registration lists, thereby eliminating the possibility of dual registration systems and the increased confusion that could result among voters who would have to register twice to qualify for both Federal and State-local elections:

Fourth. This bill provides sufficient incentives to encourage State and local election officials to adopt their own post card voter registration systems. However, if they chose not to do so, it would make such voter registration procedures mandatory for Federal Elections by January 1, 1980.

Fifth. Grants would be available to States or political subdivisions for improving voter registration procedures and carrying out voter registration activities.

There are also several similarities between the provisions of this bill and those previously submitted, including:

First. Collection, analysis, and the printing of periodic data and reports on information concerning elections.

Second. Assistance upon request to State and local officials concerning voter registration by mail and election problems.

Third, National minimum standardized requirements for identifying qualified voters to be registered under State laws for all elections held in a State.

Fourth. Reports by State officials of unqualified or fraudulated registration.

Fifth. Penalties for fraudulant registration.

Sixth. Penalty provision statement on the post card forms.

Mr. Speaker, I would again reaffirm my support of the voter registration by mail concept. My bill would achieve the objectives sought by those who support this concept without the administrative problems and wasteful spending that is inherent in a mass mailing program. We can insure that people have access to the ballot box by simplifying registration procedures and making registration easy and convenient. My bill is intended to accomplish that end.

I hope that as the Subcommittee on Elections continues its deliberations of the various proposals, it might consider this approach as a possible alternative to the proposals that have been submitted.

SOLIDARITY SUNDAY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the 4-hour demonstration of 100,000 New Yorkers marching down Fifth Avenue last Sunday confirms my belief that American dedication to the freedom of Soviet Jews has become more resolute than ever. Men, women, and children of all nationalities and religions joined together in the parade to protest the bondage of Soviet Jews and to state that the denial of human rights is an international matter. Leading the march were three U.S. Senators, Hubert Humphrey, Henry Jackson, and William Brock, along with Members of the House of Representatives including Bella Abzug, Herman Badillo, Mario Biaggi, Jonathan Bingham, Hamilton Fish, Benjamin Gilman, Elizabeth Holtzman, Peter Peyser, Lester Wolff, Leo Zeferetti, and myself.

The rally, which ended at Dag Hammarskjold Plaza in front of the United Nations Building was addressed by the Senators, Gov. Hugh Carey, and Deputy Mayor Stanley Friedmann who read a message from Mayor Abraham Beame. Following are the three statements of the Senators:

Remarks of Senator Hubert Humphrey

Today the people of America—Jews and Christians, rich and poor, black and white—bear witness to one of the great human dramas of our time.

Today we bear witness to the suffering of a people who ask only to be free.

The drama and suffering of Soviet Jewry is the drama of Jewish history.

It is the drama of faith and hope.

It is the drama of a brave people struggling to keep alive the flame of human liberty against insurmountable odds.

Americans have a great stake in this human struggle,

This nation always has supported those who are willing to fight for their freedom.

Our land is inhabited by men and women who have escaped religious persecution in foreign lands. We are a nation of hope and of freedom for those denied their liberty.

Nearly 200 years after our independence, we have a moral obligation to tell the leaders of the Soviet Union that the American people have not abandoned their conviction that Soviet Jews be granted their freedom.

We must tell the leadership of the Soviet Union that the United States is unwilling to sign agreements with them if they deny Americans the right to postal and telephone communication with their brothers and sisters in Russia.

And we must tell Soviet leaders that detente means more than financial credits to help Soviet industry.

Detente must mean the free flow of ideas between our two nations. And it must mean that religious and cultural supplies from the American Jewish community should be allowed to be sent to the Soviet Jewish community.

We must tell the leadership of the Soviet Union that the American people want to know why a superpower is afraid of a Jewish prayer book.

We want to know why this superpower feels that it must outlaw the study of the Torah or the observance of the Sabbath.

Why is the Soviet Union so afraid of the timeless truth of your heritage that it will send men and women to prison if they dare teach this heritage to their children?

I have been to the Soviet Union many times.

I have met with the fearless leaders of the Jewish underground. I have marveled at their tenacity and the depth of their dedication. They have risked their lives for the cause of human freedom.

How can we as a free people not join in their struggle?

We cannot, we must not, we will not abandon them in their hour of need.

Every time I go to the Soviet Union I express to the Soviet authorities the outrage and concern of the American people. I have told Mr. Brezhnev, Mr. Kosygin, and Mr. Gromyko what all of us today must tell them about their Jewish citizens:

Let them live as Jews or let them leave as Jews.

It is as simple as that.

And when the Jews of the Soviet Union leave, we must insure that they can go to a secure and strong state of Israel.

Despite the talk of reappraisal, despite the doubts and worries, I want to assure you that the Congress of the United States and the American people are not about to turn their backs on Israel.

Israel is more than the only democracy in the Middle East.

It is more than America's most faithful ally in that troubled corner of the world.

It is the embodiment of a people's dream—a dream from which Americans of all faiths draw inspiration.

The Jews of the Soviet Union yearn to become a part of this dream.

Today we must pledge our support, and we must pray for the day when Soviet Jews will be able to give thanks to the God of their fathers in the land of their fathers.

As Americans and free people we can do no less.

REMARKS OF SENATOR WILLIAM BROCK

A few years ago when I was in the House of Representatives in the middle of the campus turmoil, I led a group of younger Congressmen to 50 colleges to listen to our young people. They were filled with indignation over their inability to be heard. They were frustrated with the absence of any clear set of principles in our foreign policy. They were discouraged about inequities at home and abroad. Everywhere I went I heard there were no more heroes to be admired and emulated for our young. I came into the Senate of the United States the next year wondering if my sons and daughter would grow up in this anti-hero atmosphere.

Then one day I was visited by June Silver who told me about some of today's true heroes. She told of those that had died in Siberia, and those that were locked away in mental institutions; and, above all, she told me of the heroism that still lives as Russian Jews fight daily for the freedom we found two hundred years ago here in this country.

During these two hundred years millions of immigrants have sought the freedom and opportunity of these United States. Their continued infusion into the bloodstream of our national life revitalized us. They restored our soul, our commitment to freedom. They were a constant reminder of how blessed we are and how desperate others from around the globe are for just a glimmer from the beacon of the Statue of Liberty. That beacon still shines, it is still our principal reason for existence.

The oppression of man is no new circumstance. One hundred and five years ago President Grant intervened with the czarist Russian authorities to prevent the expulsion of 20,000 jews from an area of southwestern Russia. At least ten American presidents have intervened directly or indirectly in behalf of Russian jewry in these past 100 years. Just eighty years ago a congressman from my state led a movement to refuse an allocation of funds for Russia on the grounds that the czarist regime had shocked the moral sensibilities of mankind by their treatment of jewish citizenry.

How many times must we relearn history. Even today we rely upon Russian assurances only to be disappointed on every occasion. Let's face it—when there is no sincerity on one side of an agreement, detente is no detente. Under these circumstances for the United States and the cause of freedom, it is all give and no take. Well, that won't work.

We will deal successfully with the leaders of the Soviet Union only from a position of strength and principle. There is no need to knuckle under on the Jackson amendment, or any other matter. On the contrary, such action only serves to damage our cause and the cause of free men everywhere.

What has changed today? Certainly not the plight of men and women around the world who seek freedom from oppression. The only question we must face is whether or not our own principles have changed, principles which require us to be concerned about our fellowman wherever and whoever he may be. Just as in the past, it is true today—our freedom is their freedom. Only to the extent that we are strong can we continue to be strong in their behalf. Yet, I wonder if we really understand what it is like to be a jew in the Ukraine or Damascus. I wonder if we can even understand what it is like to be in the besieged little State of Israel.

A young friend of mine from Tennessee went to fight in the last war for Israel. I congratulated him on the remarkable courage and perservance of those with whom he had fought. He said, "I'm not sure it's possible in this country with all of its size and strength and wealth to understand what it's like to be in that situation, but the way we look at it, we can't lose any single battle because every battle may be the last. If we lose even once, we have no place to go".

I wonder if it isn't important for us to look at the world like that. America is the only thing that stands between free men and a return to the dark ages of repression and slavery. If we lose this Nation, where would we go?

If we fail to stand for the rights of our fellowman, what is our reason for existence? Thus, the cause of Israel is our cause, her security is our security—and we will not let her down.

That tiny land asks not for troops, much less for 50,000 lives—they ask only for the right to earn their own freedom. If we value ours, we will support theirs. If we are to defend those things we hold dear, then we must do so consistently and with principle against acts of terrorism and oppression wherever they exist.

We stand here today in the shadow of the United Nations. I think it's important to note that it is not only the P.L.O. who stand guilty of the slaughter of innocents at Munich, Maa-Lot, and Kivyat Shnoneh. Equally at fault, both now and for those events yet to happen, are those who condemn Israel for defending itself while refusing to condemn or even discuss the murder, terrorism, and brutality of those who daily assault her. If these are the United Nations, the majority apparently are united only in their hyprocisy and shame.

The nations of the world stand here and preach from the high altars of morality of the legitimate rights of mankind, but only they will say who is to be accorded those rights. Where was the United Nations for the past thirty years as Jews struggled to leave the workers' paradise of the Soviet Union. Where are they today—in the ghettos of Syria.

Today the atmosphere of the daily life of Syrian Jews is reminiscent to that of Nazi Germany in 1938. Restrictions on Syrian Jews cover almost every aspect of life and have left the vast majority reduced to abject poverty and stripped of civil rights. Fear pervades the general community—fear from surveillance, frequent home searches and arrests, prison, torture and murder. Why must they leave? No one can bear a life of such slavery, of such deprivation of human rights.

If mankind is to achieve some greater freedom, it is for the United States to achieve it. It was not until some of the men on this platform joined together to use the power of the United States behind the cause of Soviety Jewry did the Soviet Union begin to yield. It was not until the United States stood fast upon the principle of self-determination, and national sovereignty for the state of Israel that sincere and honest neogtiations began in the Middle East.

Like the Jews of Russia and Syria, all Israel asks is an opportunity to choose its own future and to live its own life free from assault. That is little enough, and it deserves our unqualified support.

Today thousands of our fellowmen and women in the Soviet Union, Syria and around the world cry out for freedom. Why is their quest so dear to us—because their struggle is our struggle. A man yisrowael hai! The people of Israel live.

REMARKS BY SENATOR HENRY M. JACKSON

I am proud to join with you today in this great gathering in support of the rights of man.

Just a few days ago, agents of the Soviet government told a group of brave men and women in Moscow to give up their dream of emigrating from the Soviet Union. "Nobody cares about you any more," the KGB men said. "The West has forgotten about you."

Well, the KGB is wrong. And we here today are proving it.

For, unlike the Soviet Union, we take our laws seriously. And among our laws is a new statute—a new statute of liberty. It means that there will be no more U.S. government-sponsored credits and no most-favored-nation treatment for the Soviet Union without progress toward freer emigration. It is a law which gives substance to the human dimension of detente. Its purpose is written into the hearts of the American people and its fundamental principle is enshrined in the Universal Declaration of Human Rights.

By acceding to the "International Convention on the Elimination of All Forms of Racial Discrimination" in 1969, the Soviet Union acknowledged that emigration policy goes beyond the limits implied by the term "internal affairs." Soviet ratification of this convention ended once and for all the pretense that Soviet emigration policy is an improper subject for action by the international community. The Jackson-Vanik amendment, far from being an intrusion into anyone's internal affairs, is one small step along the road to an international community based on law.

And I want that message to be heard by President Ford. On Thursday he as much as told the Soviets not to bother qualifying under our new law. He encouraged them to believe that their bad faith will be rewarded by further concessions.

Well, he is wrong. And we are here today to tell him he is wrong.

The problem is not in the U.S. trade bill. The problem is in the Soviet Union, and the solution is in the Soviet Union.

When the Congress agreed with President Ford to a compromise on the Jackson-Vanik amendment, we did not know whether the Soviet Union would live up to its word. But we thought we could count on the President of the United States to live up to his.

The support that has come from the West for the brave people struggling to leave the Soviet Union will not diminish. They will not be bullied by Soviet brutality. And we will not forget them.

When I joined with you on Solidarity Day last year Sylva Zalmanson and Simas Kudirka were suffering in a Soviet prison camp. Victor Polsky was living under constant threats and harassment. Valery and Galina Panov were told they would be left to rot in the Soviet Union.

Today they are free.

And we will continue the fight until their friends can join them in a new land.

We have always had international law on our side in this great struggle. We have always had justice and right on our side. We have always enjoyed the support of the American people and their elected representatives. And today we can be proud to say that we have a new ally in our struggle. We have the laws of the United States of America.

REIMBURSEMENT OF LEGAL FEES FOR ACQUITTED DEFENDANTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, next week I will be introducing legislation which would provide for the payment by the United States of reasonable attorneys fees and other costs of the accused in criminal cases where the ultimate disposition is other than a conviction. The bill also provides that the decision to award these costs is subject to specific criteria upon application to the trial judge, whose decision, which must provide the reasons for granting or denial, is appealable. I am seeking cosponsorship of this bill.

The concept of reimbursing attorneys fees and other court expenses to defendants in criminal trials is part of the English system of justice. The English trial courts have the power to compensate the accused out of public funds for the costs of his defense. In England, costs in criminal cases are the actual expenses and disbursements of the prosecution and the defense including fees of counsel and solicitors and reimbursements to the witnesses for their expenses and loss of time. An award can be made when the examining justices refuse to commit the accused for trial, in a proceeding similar to the preliminary hearing in American jurisdictions. An award can also be made upon acquittal when the court "thinks that the prosecution should never have been brought, and not where the acquittal was on the benefit of the doubt or technicality." When a defendant wins a reversal on appeal, the appellate court may order as a matter of course that the defendant's costs on appeal be paid out of government funds, and it can also award him the costs he incurred at his trial. The English law also makes the decision to award the defendant these legal expenses discretionary with the judge.

In contrast to the English judicial system, the present American system of justice has become a costly exercise to those who have maintained their freedom after trial by jury, and beyond the financial reach of most people. The prospect of a long, drawn-out criminal case can no longer be borne by the average defendant and when won may leave that person bankrupt.

In the highly publicized Chicago Seven trial, for example, which lasted several years, a conservative estimate of the legal costs incurred is $1 million. In the Gainsville Eight trial, the defense costs totaled well over $125,000, and for the Wounded Knee trial, the costs mounted to $500,000, all unreimbursed. It is evident from these highly controversial criminal cases that the legal fees and costs incurred by the defendants, who were all acquitted of the substantial charges brought against them, were huge and should not have been borne by the defendants. The Gainesville Eight have said that they thought they would never recover financially from the burden of their trial. It is important to note as well that in many instances, the duration of the trial period for these cases was prolonged by the behavior and conduct of the prosecution. These were spectacular cases, but the everyday criminal case where the defendant is acquitted can play equal havoc for him or her.

We must recognize the heavy burden of a Federal criminal trial and insure that where a defendant is not found guilty, he should not be punished indirectly by being ruined financially. As a recent law review article on this subject stated:

> The policy generally articulated for such reimbursement statutes is that of making innocent men monetarily whole with regard to debts incurred during the defense of their prosecutions. It is contended that to continue to saddle all acquitted defendants with this financial burden due to a latent fear that a few "guilty" persons might likewise be benefited is to contradict the presumption of innocence which is the touchstone of our criminal justice system. Lorell, "The Case for Reimbursing Court Costs and a Reasonable Attorney Fee to the Non-Indigent Defendant Upon Acquittal." 49 *Nebraska Law Review*. 515 (1970).

It is time that we create some equity in our system of criminal justice. While the prosecution has unlimited funds at its disposal to prepare and try a case, the defendants many times are not able to afford an adequate defense and must rely on the good will of lawyers doing pro bono work or less gifted attorneys who are not expert in criminal cases. The prosecutor has little to lose by bringing the case, win or lose; but the defendant, even if acquitted, can look forward to years of debt because of the huge out-of-pocket expenses incurred through the trial. The reimbursement of attorney fees to defendants is not a reward for the defendant's acquittal or for the dismissal of the case. It simply recognizes the heavy financial burden of a Federal criminal trial and seeks to redress the wrong done such a defendant:

> "It seems clear that the sporting theory of justice inherent in our present system, which forces innocent lower and middle income defendants to choose between risking conviction by paying for mediocre or less than mediocre defense efforts and sacrificing perhaps the entirety of their financial resources to finance competent defense services, has outlived its limited utility. Lovell, "The Case for Reimbursing Court Costs and a Reasonable Attorney Fee to the Non-Indigent Defendant Upon Acquittal." 49 *Nebraska Law* Review. 515 (1970).

An indirect result of the reimbursement of costs to the acquitted defendant would be the discouragement of unfounded harassing prosecutions and would cause the prosecutor with a marginal case to better substantiate his charges before he begins a prosecution.

The legislation does have safeguards. It provides that the judge may determine whether the payment of attorneys fees and costs is in the interest of justice according to certain criteria, including: The costs of the litigation for the defendant; the strength of the Government's case; whether either party was guilty of dilatory tactics; whether either party was guilty of conduct that unnecessarily increased the costs of the litigation to the other party; whether the Government was justified in seeking an indictment, taking into account the evidence it was able to produce at trial; whether the acquittal was the result of a determination on the merits or of a technical rule of law; and any other factor the court determines is relevant.

The purpose of the safeguards is to make certain that no unconscionable result takes place with the reimbursement to a defendant of attorneys fees and costs when based on all the facts available to the court, and set forth by the court in its decision when a reimbursement is not warranted.

OPPOSITION TO SURFACE MINING CONTROL AND RECLAMATION ACT, H.R. 25

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, Mr. James A. Williams, Jr., editor-publisher and general manager of the Southwest Virginia Enterprise, a twice-weekly newspaper in Wytheville, Va., published an editorial recently opposing the Surface Mining Control and Reclamation Act, H.R. 25.

Mr. Williams calls to our attention an often overlooked fact—that many who favor passage of this bill are personally familiar with the situation as it really is in the mountainous terrain of Southwestern Virginia and surrounding States. In their correct concern with the environment, many fail to realize the serious impact of hasty and ill-considered action, taken with only partial knowledge of its consequences.

I respectfully request that Mr. Williams' editorial be considered as part of my remarks and in accordance with the permission granted aboue I include them for printing in the Record.

We'll Accept the Statement of Virginia's Harry Byrd Over That of Udall

Headline grabbing, stubborn, and possessing knowledge beyond anyone . . . that's the apparent description we have gained of an

Arizona Congressman, Morris K. Udall. The sponsor of the unrealistic strip mining bill is a good example of the many "Little Pharoahs" that have gained unlimited power in the legislative halls of the U.S. Congress.

This past Tuesday while hundreds of miners from Southwest Virginia, West Virginia, Kentucky and Tennessee in an orderly manner descended on Washington, Udall made it a point to grab the headlines, supposedly calling a news conference. His statements show he has such limited knowledge of the coal mining industry that he deserves the sympathy of everyone.

The Enterprise very strongly prefers to accept the knowledge of Senator Harry F. Byrd instead of a Congressmen from Arizona, that has as much knowledge of coal mining as a child in the third grade. Udall said that the bill would not reduce U.S. coal production nor would it throw miners out of work. He called the protest in Washington "a mischievous and purposeful effort" by segments of the coal industry to mislead miners and their families into thinking their jobs were at stake. The visit of the miners was called by the Arizona politician a "power play."

B. V. Cooper, the director of Va. Surface Mining and Reclamation Assn., said Udall "refuses to believe anyone has a valid point but himself." Little people get elected to public office. They soon become drunk with power. The nation and thousands of citizens suffer because of the obsession for power and glory and the spotlight.

Virginia's true statesman (not a flamboyant politician) Senator Harry F. Byrd welcomed the miners. He said the strip mining bill would result in 47,000 strip miners loosing their jobs. That means about 450,000 people directly affected. Byrd opposed the bill. He pointed out that the miners had a perfect right to make their problems known to the lawmakers. He emphasize such was democracy, and pledged his full support. Congressman William Wampler, who has fought the bill continually, also welcomed the group and re-emphasized his promise to work and do all humanly possible to see that President Ford realizes the seriousness of the problem and vetoes the bill.

It is obvious, we think, that Mr. Udall does not begin to comprehend the seriousness of the bill, or either he does not care, and has no interest in the people aside from the district he represents from his own state. Either way, the Enterprise certainly accepts the view and belief of Harry Byrd in preference to a Congressman from Arizona.

The bill is so stringent and demanding that anyone that has only a very limited amount of horse sense will readily realize that the steep mountain slopes of Southwest Virginia and West Virginia cannot be returned or re-placed to appear exactly like they were before the coal is dug. We have a granddaughter in the first grade of school. We could show her a mountain and explain the situation, and she would realize and know that such a demand is impossible. There are, apparently, a large number of the Congressmen that don't know why they voted for the bill, or else they have no concern for the future of the nation. Coal is and will become more vital to providing the nation with energy in the years ahead. To eliminate millions of tons annually when the nation faces a crisis is the height of absurdity, and the greatest display of stupidity that has taken place in the Nation's Capitol in decades. This fact is highly significant in view of the chaos and conglomeration of laws that can only be described as being the work of unthinkng, inane, irrational people.

The battle cry we have continually used for months is strengthened by the passage of the strip mining bill. Never in the history of the United States has the need been so great for statesmen and people of wisdom and possessing the God-given talent of common sense as it is in this year of 1975.

OPPOSITION TO THE SURFACE MINING ACT

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, last week thousands of union and nonunion surface coal miners, truckers, equipment operators, suppliers, and small coal operators peaceably petitioned the Members of the Congress not to enact the Surface Mining Control and Reclamation Act of 1975, now in conference, in its present form.

Some have attacked the surface coal miners and the truckers, as tools of big business and rapists of our environment. They are neither. They work for extremely small businesses and all but a few of the hundreds of trucks that participated in that parade were owner-operated. Moreover, Virginia's surface miners want to preserve their environment and are willingly abiding by Virginia's surface mining reclamation laws. The people of Virginia and the other States in the Appalachian coal fields are hopeful that there is still time to prevent the enactment of the surface mining control bill in its present form. They want to believe that their Government would not willingly force severe economic and social costs on the people of the Appalachian area. They desire a practical and reasonable law that will allow them to work and still provide balanced protection to their environment.

To assist me in presenting their case to the Congress, I requested the Congressional Research Service of the Library of Congress to draft a statement using the best available data which would present, in recapitulation form, the economic and social costs of implementing the Surface Mining Control and Reclamation Act of 1975, H.R. 25, with special attention to the "steep-slope" requirements, now in conference.

The statement follows:

The Economic and Social Costs of Implementing the Surface Mining Control and Reclamation Act of 1975—With Special Attention to the Steep-Slope Requirements

"Central Appalachia remains the most concentrated zone of poverty within the Region", says the Appalachian Regional Commission (1972 Annual Report, p. 20). Do we wish to contribute further to that dismal record by enacting H.R. 25 in its present form?

Section 515 in both H.R. 25 and S. 7, entitled Environmental Protection Performance Standards, requires numerous actions by the mine operator as requirements for all kinds of surface coal mining. Specific additional requirements, applicable to steep-slope surface coal mining are:

(d) (1)—No debris, equipment, spoil material, or waste mineral matter may be placed on the downslope below the bench or mining cut, except to provide initial access and for storage of spoil material in excess of that required to restore the original contour.

(2)—Backfilling to the original contour must cover the highwall and remain stable.

(3)—Land above the top of the highwall may not be disturbed.

(4)—"Steep Slope" is defined by the regulatory authority after consideration of soil, climate, and other characteristics of a region or State.

In its report on H.R. 25, (H. Rept. No. 94-45, March 6, 1975) the House Interior Committee remarked that, although many State regulatory programs have special environmental standards to control mining in steep-slope areas, their effectiveness is problematical. The report cited Maryland's and Kentucky's 33 degree and West Virginia's 30 degree restrictions on fill benches as being not restrictive enough, because (1) "experience . . . has shown that it is extremely difficult to stabilize such massive amounts of material placed on steep downslopes," and (2) because "regulation of operators is frustrated since it is difficult to determine actually how much material has been placed over the side of the hill," and (3) since "most contour surface mining in the Appalachian States occurs on steep slopes between 14 and 33 degrees," operations governed by these State regulations that prohibit fill benches are few (p. 109).

ECONOMIC IMPACT OF THE H.R. 25

It is difficult to arrive at precise estimates of the economic impact of H.R. 25 if it were to be enacted. The Administration has outlined its estimates of the extra costs, both in 1974 on legislation then active and again in the past couple of months on H.R. 25. The following table shows how these costs would impact even more ominously on the small mines.

TABLE 1.—ADDITIONAL COSTS [1] TO PRODUCERS FROM H.R. 25

	Small [2] surface mines	All surface mines	All surface and underground mines
Permits costs	$0.30		
Steep slope costs	.55	$0.50	$0.24
Impoundment costs	.10		
Reclamation fund fee	.35	.35	.30
Total	1.30	.85	.54
Estimated annual production affected after 1976 (million tons)	400	330	684

[1] Plus 20 to 20 percent.

[2] Production less than 50,000 tons per year.

Additional costs that were not included by the Administration in its estimates because they are difficult to quantify, but which it states could add 25–55% more to the estimated costs, are:

(1) requirements for additional capitalization

(2) protection of alluvial floors

(3) restoration of aquifers

(4) citizen suits

(5) designation of lands as unsuitable for surface coal mining

(6) costs of exploration permits

(7) increased costs due to the moratorium on coal leasing on Federal lands

(8) removal of siltation structures

(9) restrictions on mining in Natural Forests

(10) obtaining consent of surface owner for exploration and mining

The Administration estimates that the U.S. coal output could be reduced as much as 167 million tons by H.R. 25, which (at $15 per ton) would amount to a direct reduction in GNP of $1.75 billion.

EMPLOYMENT IMPACT OF H.R. 25

The Administration holds that, if coal output were to be reduced by 162 million tons, higher estimate of the effect of H.R. 25, 14,000 jobs would be lost directly during the first year of the Act's implementation. An additional 12,000 jobs would be lost indirectly, for a total first year impact of 26,000 jobs. This would amount to a loss in wages of $467 million.

The House Interior Committee, in its report on H.R. 25 (p. 112), discussed some of the costs associated with surface coal mining in steep slopes. Referring to a TVA-sponsored analysis of a study in Campbell County. Tennessee, concerning the "block-cut" approach to mining on slopes greater than 26 degrees (including restoration to the original contour), stated:

"The entire on-site mining and reclamation costs come to $8.65 per ton of coal for a 36-inch seam . . . While these costs do not include haulage to user, it is clear that such an operation is economically competitive within present market prices (December, 1974) . . . while average about twice the amount of costs shown here (*Cong. Record*, Dec. 1974, p. 40801)."

In a dissenting view of H.R. 25, included in the House Report (p. 175–176) Congressmen Sam Steiger, Don Young, Bob Bauman, and Steve Symms, pointed out that the steep-slope requirements constitute "another anti-small business provision of H.R. 25. This provision alone will put most of the small operators out of business since it is largely small operators who operate on steep slopes."

Furthermore, they continued (p. 176) the decision regarding downslope spoil placement should be made on an individual basis rather than on a sweeping legislative prohibition, because: "the true test of whether downslope soil can be stabilized and revegetated to prevent slides and excessive erosion depends upon the particular soil and other conditions at each particular site."

Certainly, experts know that variable geological and topographic conditions produce differing degrees of problems and different responses to natural influence as well as manmade ones. This issue was discussed at length in hearings on surface-mining legislation during earlier Congresses, and the need for flexibility in the law and in regulations was amply documented at that time.

The minority report by the four Congressmen, cited earlier, also discussed the magnitude of the effect of H.R. 25 on the production of coal in 1973 in the Appalachian region as follows:

In 1973, according to the U.S. Bureau of Mines, half of the bituminous coal produced was by surface mining methods, half of that amount came from Appalachian States, and half of that amount came from slopes greater than 20 degrees; thus, approximately 12% of the total U.S. production in 1973 would have been forbidden under the terms of H.R. 25.

The effect on mining in Virginia is even more significant. In 1973, more than a quarter of its coal production was by surface mining (in 1971, it was 44% for the Bristol economic area), and virtually all of that amount (in 1971 it was 97% from the Bristol area) came from slopes steeper than 20 degrees. At the 1973 price of $11.59 per ton, the value of the coal production that would have been denied by H.R. 25 would total a little less than $100 million.

Furthermore, of the 12,400 persons employed in coal mines in Virginia in 1973, approximately 1,650 of them would have been unable to mine this coal because it came from surface mines having a slope steeper than 20 degrees.

In terms of strippable coal resources remaining in the Appalachian region, Virginia has 1.5 billion tons according to the U.S. Bureau of Mines (Information Circular 8531, 1971, p. 14). Although only 17% of that amount can be mined with present technology, according to the Bureau of Mines, nevertheless the 253 million tons that are thereby classified as strippable reserves do constitute a significant element in long-range U.S. coal picture.* Only two percent of Virginia's strippable reserves, moreover, is high in sulfur in character and thus less desirable as a source of fuel.

These strippable reserves are located in six counties of Southwestern Virginia, as follows (B.M., 1971, p. 114):

Buchanan, 38 percent.
Wise, 25½ percent.
Dickenson, 17½ percent.
Lee, 7 percent.
Russell, 6 percent.
Tazewell, 5½%.

IMPACT OF H.R. 25 ON U.S. ENERGY POSITION

The Administration has stated that the potential impact of the results of implementation of H.R. 25 would be a reduction of coal output in the long run of 40–162 million tons. If this had to be replaced by imported oil, and additional 138–155 million barrels of oil per year would be required.

However, since not all of this coal can be replaced by oil, the Administration estimates that 20 percent must be supplied by underground mining of coal. This would result in a 10 percent increase in underground coal production per year, at the 1973 rate of production. Although the mining industry has repeatedly stated that it could expand production significantly if adequate safeguards and incentives were provided, present shortages of capital, equipment, and manpower indicate that such an increase would not come easily.

SUMMARY

It was pointed out in the House floor debate on March 14, (*Cong. Record*, March 14, p. 6698), H.R. 25 would do grevious harm to the coal miners of Southwestern Virginia. Numbers concerning the effect of that bill on surface coal mining in the six coal-producing counties of Virginia, graphically describe the importance of that industry to the Commonwealth, and especially to Virginia's ninth district.

More than 100 coal surface mining companies and suppliers operate in Virginia, employing 2,000 surface miners and 5,000–7,000 people are employed in related jobs; thus, $125 million is added to the economy of Virginia. Furthermore, much of the underground coal mining in Virginia is made possible because its underground-mined high-sulfur coal can be blended with Virginia's low-sulfur coal that is surface-mined. Furthermore, because the Southwestern Virginia coal occurs in areas with steep-slopes (all of the six producing counties have slopes that average 20 degrees or more), the steep-slope restrictions in H.R. 25 would have a devastating effect on the coal surface-mining industry in Virginia, and would bring economic chaos to this area of Appalachia.

In the early half of the 20th century, while the rest of the Nation prospered, Appalachia barely maintained the status quo. Then, in the 1950's the demand for coal decreased; many mines closed and others cut back. Without alternative industry to take up the slack, unemployment soared. By the late 1950's the situation was critical; Appalachia was a region without hope.

In 1963, at the request of the governors of the ten Appalachian States, President Johnson established the President's Appalachian Regional Commission, which combines the resources of nine of the ten Appalachian States and some ten Federal agencies. Eight months later the PARC submitted its report and recommedations, which were endorsed by the Congress; the result was that in March, 1965, the Appalachian Regional Development Act became law.

Eleven states were included in the original bill, with New York being added during its passage through the Congress and Mississippi later by amendment. The ensuing years of tackling the program's three goals—for social, economic, and physical development—has consumed approximately $1 billion of appropriated funds (plus another $1.5 billion for highways). The States and local governments have contributed an equivalent amount in both programs.

After ten years, Central Apalachia, (western Virginia, southern West Virginia, eastern Kentucky, and the northern part of eastern Tennessee) reveals a mixture of encouraging and unfavorable trends (Appalachian Regional Commission, 1972 Annual Report, p. 20). Although unemployment has remained significantly higher in Central Appalachia than in the nation or the other three subregions of Appalachia, the coal mining industry has been the largest employer since its dramatic reversal in 1970 of the declining unemployment of the 1950's and 1960's. It would be tragic if these employment gains were reversed by the steep-stope requirements of H.R. 25.

"Central Appalachia remains the most centralized zone of poverty within the region," says the ARC 1972 Annual Report. Do we wish to contribute further to that dismal record by enacting H.R. 25 in its present form?

NATIONAL CENTER FOR ASIAN STUDIES

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MINK. Mr. Speaker, this Nation is involved in a great debate at the moment over whether or not there should be additional military aid to countries in Indochina. There is increasing evidence that a war-weary Congress more and more is taking into consideration the seemingly endless ability of Asian insurgents to continue the present fighting for generations on end until the goals of the liberation forces are met. This kind of drive, this kind of motivation is difficult for most Westerners to understand, and it has been suggested that the willingness to endure these sacrifices on such a large scale as the people of Southeast Asia have for so long is rooted in a psyche that those who look to the Western tradition cannot hope to comprehend.

Is it too presumptuous to offer the opinion that had we as a nation been more aware of the Asian continent as an equal with a culture greater and richer than ours, and with a nationalistic will to bear unthinkable burdens, to commit generations, if necessary, to fight the struggle of self-determination and identity to the end, that we would not have involved ourselves in Southeast Asia as we did?

My point, Mr. Speaker, is that those of us educated in Western ways show an appalling lack of knowledge and understanding of the ways of the East, and while the basic considerations of the insurgent commitment may illustrate this point, I wish to turn today to the Asian peoples and ask the Congress to support legislation which I have introduced to fill the gaps in our knowledge and understanding of Asia through the creation of a National Center for Asian Studies.

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* In the Bristol economic area, 86% of the strippable reserve of $14 million tons comes from slopes of 20 degrees or greater. (CEQ report, Senate Committee Print Serial 93–8, March, 1973, p. 53).

This Nation is at a peak of interest in the people, history, science, culture, arts, and politics of Asian nations. The intense interest in acupuncture as an alternate approach to Western medical procedures is one example; another easily observable indication of this is less than a mile down the street from these chambers, where hundreds of thousands of people have stood countless hours in lines to see the fascinating exhibition of archeological finds from the People's Republic of China now on display at the Smithsonian's National Gallery of Art.

Educated in a system where Asian countries were passed over as part of the underdeveloped world with little to offer, we find ourselves poorly prepared to understand and learn from the many Asians who know so much more about us than we know of them.

How many of us are aware of the interchange of powerfully influential ideas between the East and West? How many of us know that the writings of Emerson and Thoreau influenced Ghandi who in turn was a major influence in the life of Martin Luther King?

As the jet airplane binds us together into a global community we are becoming world neighbors to millions of people who were once considered as "remote" and "inscrutable."

We now find ourselves in embarrassed awe at those who know anything of Asian nations. We gape at an American who has mastered the simple task of eating with chopsticks; we are awed at the President dining in Peking; we blush over our lack of pre-World War II historical knowledge of Japan when lunching with a Japanese businessman; we baffle over how we could have become involved in Vietnam—a nation whose very name left many citizens dashing to the family atlas only a few years ago.

Vietnam has left us knowing that we fail internationally in direct proportion to the unavailability of educated decisionmaking. Aware of this our citizens are flocking to anything which smacks of enlightening them about Asia—from listening to Indian ragas to taking yoga lessons to trying a hand at Chinese cooking.

Americans are tired of this area of ignorance. We have awakened to our need to know of Asia just as we have awakened to the rich heritage of Africa and South America. A new interest in Asia flows across this Nation in an intellectual flood.

At the University of Hawaii and the East-West Center, more than 4,000 students are studying at least one course in Asian areas and languages. At the University of Pennsylvania, at Columbia University, at the University of Colorado, at the University of California, to name only a few, students are spreadding from undergraduate to graduate work which will bring this Nation the expertise it so badly needs.

But scholarly resources for students of Asian humanities and cultures are badly scattered across the Nation. There is no single center to bring these activities together with a library and faculty to centralize the needs of the advanced scholar. Neither is there a national center to develop a curriculum of Asian studies for elementary and secondary educators.

However, the framework to begin a center does exist. In 1966 this Congress passed the International Education Act to revitalize our entire foreign studies effort. The objective of this act was—

> That strong American educational resources are a necessary base in strengthening relations with other countries; and—that this and future generations of Americans should be assured of ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures.

We showed such foresight in passing the act. We anticipated the future needs. We gave such promise to American education. We answered education's strongest pleas. Yet, after adopting this act, after showing our commitment to its spirit, funds were never appropriated. The act still awaits us, a hollow shell without the funds to fill its promise.

My bill proposes to establish a National Center for Asian Studies administered by the Department of Health, Education, and Welfare to parallel in Asian education and research such important Federal institutions as the National Science Foundation and the National Institutes of Health.

The Institute would not be designed to produce isolated experts in Asian studies, but to pool the collected competence of scholars, libraries, and facilities, free of diplomatic pursuits, on a single campus in a location which is equally accessible to American and to Asian scholars.

The bill also authorizes the construction of a national Asian studies library which is long overdue. We are in the midst of an information explosion internationally. Information is coming into our centers of learning faster than these centers can even provide shelves to house the books and files to hold the scholarly papers. Many need to be translated.

The current extensive Asian library of over 300,000 volumes at the University of Hawaii is crammed into basements, scattered in quonset huts, and packed into overflowing shelves thus reducing the books valuable availability to scholars from throughout the world coming to Hawaii seeking these volumes.

One researcher told me a graduate student at another university spent several years in research he believed completely new, only to find out that the data had already been published by Asian scholars, but was not readily available in the United States. This tragic waste could be stopped if our Nation built a library with centralized files to keep up with the rush of information coming to us from Asia.

A recent call to the Library of Congress by my office regarding an Asian newspaper published in New York produced a negative reply; yet the newspaper has an office in New York.

This point leads me to another disturbing problem. Asian-heritage children attending American schools find themselves without knowledgeable teachers to inform them of the Asian past and present which constitutes the children's particular ethnic identity.

These children of Asian heritage are joined in their desire to know about the Eastern world by their Western-, African-, and Latin American-heritage classmates. We must depend on developing the interest of our children into the intellectual commitment to provide us scholars and informed adults in the future.

The present East-West Center established at the University of Hawaii in 1960 and all other Asian studies departments at our colleges and universities lack the facility of disseminating Asian studies to the elementary and secondary students across our Nation. They concentrate on studying but do little to educate all Americans about Asia.

The East-West Center, as well as the others, has not provided a framework to expand cultural knowledge of Asia to our citizens.

My bill provides for the Department of Health, Education, and Welfare to disseminate a knowledge of Asia throughout our education system on par with a knowledge of Western civilization.

My bill would follow a new, more useful assumption: All nations of this world have some valuable knowledge for Americans.

The bill calls for utilizing some of the 145,000 foreign students currently in this country to supplement elementary and secondary education programs on a continued basis. These foreign vistors have much more to share than a single day of singing and dancing where they are exhibited like oddities from a human zoo.

The bill would give training grants to teachers willing to teach Asian languages in high schools and grade schools. How else except through shared languages can our citizens communicate with the rest of the world with something other than the big stick of militarism? This concept can be extended to allow us to benefit from the feedback heretofore never used, or our returning Peace Corps people.

The bill calls for curriculum development to investigate the study of Asian history, anthropology, geography, economics, art, literature, music, humanities, culture, sociology, religion, philosophy, and science into general course. For adult scholars research, visting professorships, community service, seminars, and experimental projects in Asian studies would be supported by Federal funds and Federal acknowledgment of our need to close the gap between Asia and ourselves.

Only by understanding the achievements of Asia will the next generation be able to live intelligently and compassionately without the periodic international slaughter of Americans and Asians on battlefields of shared bigotry.

Mr. Speaker, I urge my colleagues to give thoughtful consideration to this bill, and to support the legislation in the 94th Congress.

CONGRESS SHOULD PASS LEGISLATION TO FACILITATE THE NATION'S CONVERSION TO THE METRIC SYSTEM OF WEIGHTS AND MEASURES

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. McCLORY. Mr. Speaker, I am pleased to reintroduce today H.R. 627, a bill that would establish a program for the United States to convert to the international metric system. Mr. Speaker, our Nation is rapidly moving toward more general utilization of the metric system of weights and measures—even without the benefit of any Federal legislation. This fact makes it all the more essential that the Congress assume a leadership role in this inevitable conversion.

Mr. Speaker, the present need for effecting a changeover to the metric system is the coordinated and cooperative support of the Federal Government. My bill would establish a target date after which our Nation would be predominately keyed to the metric system with regard to most units of weights and measures.

Mr. Speaker, I am proud that 10 other Members of this body have joined me in the reintroduction of this legislation. I am encouraged to know that the Science, Research, and Technology Subcommittee will begin hearings on this measure Tuesday, April 29, 1975. The hearings will continue through Thursday, May 8, 1975. It is my hope that the subcommittee and the full Science and Technology Committee will recommend favorable action on this measure to the House of Representatives and that we may enact in this session of the 94th Congress a program for the United States to convert to the international metric system.

CONGRESS SHOULD REPEAL THE AUTHORITY FOR PRICE-FIXING STATUTES

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, I am pleased to reintroduce today H.R. 2390, the Price Reduction Act of 1975, aimed at the repeal of the Miller-Tydings Act of 1937, which has permitted States to enact so-called fair trade statutes under which manufacturers and wholesalers fix retail prices of various types of consumer goods. Mr. Speaker, the adverse effect on our economy, including the inflationary impact inherent in such legislation, as well as the anticompetitive practices permitted under such fair trade statutes have been most detrimental to the interests of American consumers.

Mr. Speaker, the distinguished Senator from Massachusetts (Mr. EDWARD BROOKE) has sponsored S. 408 in the other body, and I was privileged to sponsor a corresponding House measure—H.R. 2390 on January 29, 1975. The measure is supported by President Ford and has received uniformly favorable comments in the press and other media.

Mr. Speaker, I am proud that seven other Members of this body have joined me in reintroduction of this legislation. My Judiciary Subcommittee on Antitrust and Monopolies has already held 2 days of hearings on this subject. It is my hope that the subcommittee and the full House Judiciary Committee will recommend favorable action on this measure to the House of Representatives, and that we may see enacted in this session of the 94th Congress a repeal of the Miller-Tydings Act of 1937, and that we may take other necessary steps to eliminate this exemption from free competition and price fixing which our Federal statutes have condoned for almost 40 years.

A copy of this legislation (H.R. 5199) follows:

H.R. 5199

A bill to repeal exemptions in the antitrust laws relating to fair trade laws

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Price Reduction Act of 1975".

SEC. 2. The first section of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, as amended (15 U.S.C. 1), is amended by striking out the colon preceding the first proviso in the first sentence and all that follows before the period at the end of such sentence.

SEC. 3. Paragraphs (2) through (5) of section 5(a) of the Federal Trade Commission Act, as amended (15 U.S.C. 45(a)), are repealed.

SEC. 4. The amendments made by this Act shall become effective ninety days following the date on which this Act is enacted.

REMEDY FOR THE ABUSE OF MONOPOLY POWER BY LABOR UNIONS AND COOPERATIVES

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, unreasonably high prices paid for consumer goods must be curtailed. One cause of soaring prices is the power Congress has given certain entities in the chain of production, manufacture, or distribution to operate free and clear of the antitrust laws. The time has come to stop favoring some of us at the expense of all.

Among the favored are labor, agricultural, and horticultural organizations. They are exempt from the antitrust laws by section 6 of the Clayton Act of 1914.

Today, I am introducing legislation to correct this imbalance and curtail inflation. Although I abhor exemptions from the antitrust laws, let me emphasize that I do not propose to turn back the clock to the early hours of the industrial revolution. I do not propose to repeal section 6 of the Clayton Act. I do not propose to break up unions or farmers' cooperatives.

Mr. Speaker, I merely propose to restore sanity to the marketplace by holding in check the excesses of privilege. Thus the bill I introduce today is admittedly modest. It does not remove the privilege the unions and farmers' cooperatives enjoy but merely prohibits them from using their monopoly position to enhance unduly the price of articles in commerce.

A similar prohibition is now in effect with regard to farmers' cooperatives—section 2 of the Copper-Volstead Act. The difference between present law and my bill, with regard to farmers' cooperatives is that my bill would authorize the Attorney General to enforce the prohibition, whereas today only the Secretary of Agriculture is authorized to enforce the prohibition. And in the 50 years or more that the prohibition has been on the books, no Secretary of Agriculture has ever asserted that there was a violation. In my opinion the Secretary of Agriculture has neither the expertise nor the inclination by virtue of his office to do so. The Attorney General who by law bears a heavy responsibility in enforcing the antitrust laws is better suited to perceive violations and to enforce any provisions restraining the excesses of monopoly powers.

My bill would reimpose on labor unions and the other organizations only that portion of the antitrust laws banning monopolization and attemps to monopolize. It would not prohibit these organizations' members from combining with one another "in restraint of trade." Thus the bill would allow the organizations to exist and carry out their appropriate functions. It would simply prohibit them from using their general antitrust exemption to take advantage of consumers by using monopoly power to unduly enhance prices.

The bill is intended to supercede when necessary the provisions of the Norris-LaGuardia Anti-Injunction Act (29 U.S.C. 101–115) which remove jurisdiction from the Federal courts to grant temporary or permanent injunctive relief "in any case involving or growing out of any labor dispute." There is some question whether those provisions would be applicable in the context of my bill. But for those who believe they would be, I wish to make clear that my bill which expressly provides for injunctive relief in appropriate instances would be sufficient to achieve that end. Moreover, let me point out that these provisions have been superseded in other instances by legislation designed to authorize a governmental entity to assert the public interest against a labor union, for example, 29 U.S.C. 160(h).

Currently, the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary is considering my bill to repeal an exception to the antitrust laws which allows resale price maintenance of brand-name products. This type of legalized price-fixing is commonly called fair trade. Witnesses and Members alike have generally decried it as an exemption from our antitrust laws—one which should be repealed without delay.

I am pleased by such response, and I hope that the abhorrence of exceptions remains constant enough so that the Congress may at least modify one of the biggest exceptions known today.

It is my hope that over the last few years we have learned the error of the selective application of principles to favor our friends. If the abuse of monopoly power is prohibited to the businessman, it should be prohibited to the labor union or farmers' cooperative as well.

H.R. 6029

A bill to amend the Clayton Antitrust Act to remove certain exemptions where prices are unduly enhanced by reason of monopoly or attempt to monopolize by labor, agricultural, or horticultural organizations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 (15 U.S.C. 17) of the Act entitled "An Act to supplement existing laws against unlawful restraint and monopolies, and for other purposes", approved October 15, 1914 (88 Stat. 730), is amended—

(1) by inserting "(a)" immediately after "Sec. 6.";

(2) in the second sentence, by striking out "Nothing" and inserting in lieu thereof the following: "Except as provided in subsection (b), nothing"; and

(3) by adding at the end thereof the following new subsection:

"(b) Whenever the Attorney General has reason to believe that the price of any product in commerce is unduly enhanced by reason of a monopoly or an attempt to monopolize by a labor, agricultural, or horticultural organization, he may institute a civil action on behalf of the United States against such organization in the appropriate United States district court, and the court, upon a finding that the price of the product in commerce is unduly enhanced by a monopoly or an attempt to monopolize by that organization, shall grant appropriate injunctive and other relief, notwithstanding any provision of law."

INCREASING NATIONAL DEFICIT

(Mr. **BROYHILL** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **BROYHILL**. Mr. Speaker, I have been gravely concerned that estimates of the national deficit have been increasing day by day as Congress, either through inaction or through the passage of new laws, continues to increase spending far beyond the President's budget estimates. As I have indicated on many occasions in the past, such policies may have a grave effect on the American economy.

Clearly, it is possible to go overboard in fighting our current recession, thereby rekindling the fires of inflation. If inflation should get hopelessly out of control again, everyone's purchasing power would decline, forcing us into a new and potentially deeper recession.

I want to call to the attention of my colleagues two excellent articles from the Washington news media pertaining to this subject. The articles stress the danger inherent in increased Government deficits, resulting in competition between the Government, private homeowners, and private business for available credit. Such competition forces interest rates up, resulting in increased consumer prices, further depression of the Nation's housing industry, and increased unemployment.

Any number of well-meaning new spending bills will be coming before Congress for a vote in the weeks and months ahead. Many of us, while we might support the objectives of some to these bills, will nonetheless have to vote "no." To do otherwise would be irresponsible. With a predicted 1976 budget deficit of $80 billion or more, it is clear that Congress simply cannot afford to spend its way out of our current recession, and Congress would be foolhardy if it should try to do so.

U.S. DEBT MAY STIFLE RECOVERY

(By J. A. Livingston)

Dear Mr. Senator, dear Mr. Congressman: Please forgive me for not writing an individual letter, but I can't know who, among you, may not have noticed that General Motors Corp. recently borrowed $600 million.

Now $600 million is a lot of money even for GM, and if GM needs money, it's a sure bet that a lot of other companies, both large and small, are in need of money. And that is something for you, as a legislator, to think seriously about.

Your votes on government spending will determine interest rates businessmen have to pay when they borrow. Indeed, your votes might even determine whether businessmen, who need money, can get it. I'd like to offer a modern Wall Street truism: What's good for the U.S. Treasury isn't necessarily good for General Motors.

On the day the investment banking firm of Morgan Stanley & Co. offered $300 million in General Motors 8⅝ percent debentures due in 2005 and $300 million in 8.05 percent notes due in 1985, the Treasury came forth with an offering of $1.25 billion of 15-year bonds to yield 8.31 percent. That didn't help the sale of the GM issues. Nor did it help the bond market generally.

The GM offering was not a sellout, and the entire market adjusted to what the Treasury—America's top credit risk—had to pay. Bond prices fell. Interest rates rose. The GM issues eased off from their offering prices, and investors became bond-shy—especially of bonds with ratings less than Triple and Double A.

I hate to bring up Niagara Mohawk Power Corp., which serves the upper reaches of New York, including Niagara Falls. On March 12, a syndicate headed by Salomon Brothers and Merrill Lynch, Pierce, Fenner & Smith offered $50 million of Niagara Mohawk 10.2 percent bonds due in 30 years.

An investor in them now must feel as if he went over Niagara in a barrel. The bonds dropped 11½ points, meaning that $1,000 originally invested was worth only $885 in Wall Street.

What you, as legislators, give away, you can also take away—inadvertently. The tax reductions you have voted will put money in the hands of millions of Americans. Undoubtedly, recipients will use this money—some to eat, some to buy new homes, some for furnishings, and some to pay off debt.

But Secretary of the Treasury William E. Simon has to get from investors and savers the money that you as legislators, have handed out to taxpayers.

When Simon says "Lend me," Wall Street says "Yes, sir." But in so doing, it may then have to say "No, sir" to other borrowers.

We often say that capital is the goose that lays the golden eggs in the United States. But if companies can't raise funds for research and development, for new plants, or for other purposes, then the golden eggs won't get laid, and jobs, to reduce unemployment, won't hatch.

Many companies—and not pygmies, either—have postponed raising money in Wall Street because of the rise in interest rates or unsettled market conditions. Among these are United Aircraft, Emerson Electric, Cleveland Electric Illuminating Co. and Ashland Oil.

I don't want to exaggerate. New securities are being marketed. Wall Street isn't out to lunch. But the size of the federal deficit has become a critical influence.

In its April 7 market appraisal, Aubrey G. Lanston, specialists in U.S. securities, says: "Although something like 75 percent of the current recession may be behind us, the Treasury so far has raised only 25 percent or so of its total new money needs in calendar 1975 with an uncertain but surely huge cash need remaining through 1976." And that's what I'm trying to get across.

You, as legislators, can send Simon to the Wall Street well once too often. Federal deficit spending has its limits, as President Ford has frequently asserted.

Things are looking a bit better. Wholesale prices have stopped advancing, which augurs well for a further decline in living costs. And mortgage money has become more plentiful, which suggests that homebuilding will increase. We'll get some sort of a recovery this year in all probability. But you have it in your power, once it gets going, to stifle it by depriving business of funds.

The moral of this open letter is: Government deficits can cushion the economic fall, but, as a corollary, they can then blanket the rise.

Hence, this plea: Dear Mr. Congressman, be careful, don't spend away recovery.

UNITED STATES, FIRMS COLLIDE ON BORROWING NEED

(By Robert Lenzner)

NEW YORK.—United Aircraft Co., the giant airplane engine manufacturer, wants to borrow $200 million from the public for 25 years.

But the cost of borrowing that sum is too high, and competition for long-term money too stiff.

So, United Aircraft has delayed its bond offering—one of the major corporations, banks or municipalities having trouble raising money in today's market.

The chief reason for their problem is the tough competition between large corporate borrowers and the U.S. Treasury.

The blue-chip corporations and bank holding companies want to replace short-term debt with longer-term borrowings, and prepare for the upturn in the economy that is expected this summer. Meanwhile, Uncle Sam is financing the largest budget deficit in history.

Some expert financiers believe that less credit-worthy businesses will be forced out of public markets because of a shortage of capital from the flow of savings in the nation.

The proponents of catastrophe see the first signs of a "crowding out" of some would-be borrowers.

"I'm an alarmist. I don't think there is enougs money to go around. The nation's savings are not great enough. It is possible that the cost of money will rise to 12–15 percent in the next 12 months," says John Whitehead, partner of Goldman, Sachs & Co., one of Wall Street's major investment banking firms.

The alarmist view is by no means universal. John Gutfreund, a partner of Salomon Bros., believes "the money is there, but it's nervous."

He wants that pronouncements from the U.S. Treasury about the prospects of renewed inflation, higher interest rates and squeezing out borrowers will become self-fulfilling prophecies.

Treasury Secretary William E. Simon, a former partner of Salomon Bros., told the Senate Budget Committee, Mar. 17, "One possibility is that excessive federal demands on the capital markets would set in motion a vicious competition between the government and private borrowers for capital funds. Inevitably, mortgage borrowers and medium- to lower-rated business borrowers would be crowded out of the marketplace. This could abort the expected economic recovery at an early stage and cause unemployment to rise again."

There is little doubt in the financial community that the recent rapid rise in the cost of money has been caused by growing realization that the Treasury will need at least $70 billion in new money this year—far more than has been required in the past. The tax reduction bill has increased the pressure.

The crunch became evident a few weeks ago when General Motors raised a record $600 million, the largest industrial offering in history, while the federal government was borrowing $1.5 billion. Several public utilities and other corporations also were competing for capital.

However, the strains in the capital markets are being affected by other factors as well.

The top 100 corporations saw du Pont and General Motors borrowing money, and rushed to join the race to market. This "herd instinct," as one investment banker termed it, has created the largest demand for long-term capital in history. The March bond calendar was $4.5 billion until cancellations reduced it.

In addition, Wall Street investment men were overly aggressive in pricing the offerings and tried to obtain the lowest possible cost of money for their clients.

Investment bankers point to the recent Digital Equipment financing of $75 million bonds as an example. The financing was attempted Mar. 19, after the company was rated A, the third best grade. Lehman Bros., manager of the offering, decided that the money could be obtained if Digital paid investors 9.375 percent.

Unfortunately, the cost of money was moving higher in the second half of March, and Digital was competing with General Motors and the federal government. Only about 30 percent of the deal succeeded; the remaining bonds were sold at much lower levels for a return closer to 10 percent.

Lehman has come in for criticism for its decisions on the deal. Lehman's competitors are shaking their heads about the form—a straight bond. They think a convertible debenture or common stock would have been much easier. The institutional interest in Digital is not in its debt, but in its shares—as a way to invest in the company's spectacular growth in Profits. Rushing to market at 9.375 percent has been a small disaster for Lehman Bros. and a source of embarrassment for growth companies like Digital.

Though the return on good-quality, long-term bonds has risen to 9 percent, the historical return in the stock market, the large financial institutions prefer common stocks. The recent rally in the market has fortified this preference.

Commercial banks have to be wary about possible capital losses these days, and prefer short-term government notes to longer-term obligations of corporations.

There is a growing fear in the bond market, too, about sudden declines in the value of some issues after they go to market. Last week a utility bond plunged 12 points from its offering price. The instability of the market has investors in a state of shell shock. "Long-term bonds are a riskier investment than ever before," says a veteran trader.

The wealthy oil-producing nations are not interested in the U.S. bond market, either, because of the withholding of interest payments, and the threat that a new bout of inflation will reduce the value of the dollar.

Still, needy borrowers can get money if they are willing to pay the price. Utilities which get an AA rating for credit-worthiness usually have to pay investors 10 percent. The finest industrial firms, where financial problems are nonexistent, have to pay 9 percent for long-term money and more than 8 percent to borrow for five to seven years.

Otherwise, the banks can lend the money for shorter periods. Because of the recession, the prime loan rate at banks has dropped to 7¼ percent, while the demand for money has slackened.

In the short end of the market, the climate for borrowing has dramatically changed from last summer, when the yield on Treasury bills soared to 12 percent. Now, the return is 6 percent, a slight increase in recent days.

This changed climate is not expected to last long. The Treasury is borrowing more in the shortest end of the market presently, stressing one- to two-year issues. Irving Auerbach, economist at Aubrey G. Lanston & Co., Inc., which specializes in government securities, expects the increasing need to finance the deficit will require resorting to even shorter maturities—"I'm afraid borrowing for three- to six-month periods will create inflationary tendencies because these borrowings will have to be rolled over constantly."

The biggest danger is expected this summer when government needs reach a peak and corporate demand for capital is expected to spurt if the economy gets strong. The Federal Reserve, which has been increasing the supply of money and buying long-term government bonds, will be called on for more help.

Wall Street expects interest rates to increase in the short end of the market and to stay high in the long range.

". . . if the Federal Reserve pursues appropriately cautious policies, crowding out will develop as it should if renewed inflation is to be avoided. . . . I believe that a financial market problem is in any case unavoidable once the economy gains momentum," says Albert M. Wojnilower, senior vice president and economist for First Boston Corp.

FEDERAL REGULATION OF BUSINESS

(Mr. BROYHILL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROYHILL. Mr. Speaker, for some time I have been concerned with the increasing Federal regulation of business. Secretary of the Treasury William Simon has warned that such regulations "encumber almost every phase of business and industrial life and cost consumers untold billions of dollars."

I would like to call to the attention of my colleagues an excerpt from a speech by Murray C. Weidenbaum, former assistant secretary of the Treasury and director of the Center for the Study of American Business at Washington University in St. Louis. He points out that Federal regulators are often concerned with only a small aspect of a business, preventing the agency from acting with concern for the business as a whole. Businesses are forced to spend countless manhours and dollars completing bureaucratic paperwork, rather than spending that money on technical innovations, and increasing productivity. This, of course, results in lower employment and higher costs to the consumer.

Although the intent of many Government regulations is laudable, the effect of such "arbitrary and uncontrolled power" is detrimental both to the individual citizen and to the American economy.

NEW WAVE OF BUSINESS REGULATION

A massive expansion of government controls over private industry is clearly under way. Government officials are playing an ever larger role in what traditionally has been internal business decision-making. Yet the new wave of government regulation is not merely an intensification of existing activities; in good measure, it is a new departure.

The traditional notion of government regulation of business is based on the model of the Interstate Commerce Commission. Under this approach, a federal commission is established to regulate a specific industry, with the related concern of promoting the well-being of that industry. Often, the public or consumer interest is subordinated, or even ignored.

In some cases—because of the unique expertise possessed by the members of the industry or its job enticements for regulators who leave government employment—the regulatory commission becomes a captive of the industry which it is supposed to regulate. At the least, this is a popularly held view of the development of the federal regulatory process. In addition to the ICC, other examples of this development which have been cited from time to time include the Civil Aeronautics Board, the Federal Communications Commission and the Federal Power Commission.

Although that type of federal regulation of business surely continues, the new regulatory efforts established by the Congress in recent years follow, in the main, a fundamentally different pattern. Evaluating the activities of these newer regulatory efforts with the ICC type of model is inappropriate and may lead to undesirable public policy.

The new federal regulatory agencies are simultaneously broader in the scope of their jurisdiction than the ICC-CAB-FCC-FPC model. Yet, in important aspects, they are far more restricted. This anomoly lies at the heart of the problem of relating their efforts to the national interest.

In the cases of the Environmental Protection Agency, the Equal Employment Opportunity Commission, the Consumer Product Safety Commission, the Federal Energy Administration, and the Occupational Safety and Health Administration, the regulatory agency is not limited to a single industry. In the case of each of these relative newcomers to the federal bureaucracy, its jurisdiction extends to the bulk of the private sector and, at times, to productive activities in the public sector itself.

It is this far-ranging characteristic that makes it impractical for any single industry to dominate these regulatory activities in the manner of the traditional model.

Yet in comparison with the older agencies, the newer federal regulators in many important ways operate in a far narrower sphere. That is, they are not concerned with the totality of a company or industry, but only with the segment of operations which falls under their jurisdiction. This limitation prevents the agency from developing too close a concern with the overall well-being of any company or industry. Rather, it can result in total lack of concern over the effects of its specific actions on a company or industry.

If there is any special interest that may come to dominate such an agency, it is the one that is preoccupied with its specific task—environmental cleanup, elimination of job discrimination, establishment of safer working conditions, reduction of product hazards and so forth.

Thus, little if any attention may be given to the basic mission of the industry to provide goods and services to the public. Also ignored may be cross-cutting concerns or matters broader than the specific charter of the regulating agency, such as productivity, economic growth, employment, cost to the consumer, effects on overall living standards and inflationary impacts. At times, the process may seem to be epitomized by that proverbial dentist who sees his patient as merely two rows of teeth surrounded by a mass of miscellaneous material.

The result of the new approach to government regulation of business may be the reverse of the traditional situation. Rather than being dominated by a given industry, the new type of federal regulatory activity is far more likely to utilize the resources of various industries, or to ignore their needs, in order to further the specific objectives of the agency. My personal study of the activities of these new regulatory agencies reveals many negative aspects of considerable importance.

To begin with, it is difficult to criticize their basic approach. One must possess the personality of Scrooge to quarrel with the intent of the new wave of federal regulation—safer working conditions, better products for the consumer, eliminating discrimination in employment, reducing environmental pollution and so forth. And the programs established to deal with these problems have at times yielded significant benefits.

But no realistic evaluation of the practice of government regulation comfortably fits the notion of benign and wise officials making together sensible decisions in the Society's greater interests. Instead, we find waste, bias, stupidity, concentration on trivia, conflicts among the regulators and, worst of all, arbitrary and uncontrolled power . . .

The agencies carrying out federal regulation are proliferating . . .

The administrative cost of this army of enforcers (approximately $2 billion a year to support a regulatory work force in excess of 63,000) represents but the tip of the iceberg. It is the costs imposed on the private sector that are really large, the added expenses of business firms which must comply with government directives, and which inevitably have to pass on these costs to their customers.

A direct cost of government controls is the growing paperwork burden imposed on business firms: the expensive and time-consuming process of submitting reports, making applications, filling out questionnaires, replying to orders and directives, and appealing in the courts from some of the regulatory rulings. There now are 5,146 different types of approved government forms. Individuals and business firms spend over 130 million man-hours a year filling them out . . .

Another hidden cost of federal regulation is a reduced rate of technological innovation. The longer that it takes for some change to be approved by a federal regulatory agency—a new product or a more efficient production process—the less likely that the change will be made . . .

The private costs of government regulation arise in good measure from the attitudes of the regulators. To quote a member of the Consumer Product Safety Commission, "When it involves a product that is unsafe, I don't care how much it costs the company to correct the problem." Nobdoy can fault the commission for not putting its money (and the public's) where its big mouth is.

In one recent case where an offending company had not posted a label on its product bearing the correct officialese ("cannot be made non poisonous"), it was forced to destroy the contents. With little concern about costs, the commission apparently did not think about such economical solutions as pasting a new label on the can.

An expected result of the lack of attention to the costs of regulation is the opportunity for bureaucrats to engage in all sorts of exercises in trivia and on occasion sheer nonsense. What size to establish for toilet partitions? How big is a hole? (it depends where it is). When is a roof a floor? What colors to paint various parts of a building? How frequently are spittoons to be cleaned? . . .

Consider the plight of the small businessman who tries to deal with the Occupational Safety and Health Administration rules without paying for expensive outside assistance. The results stagger the mind. Start with a supposedly simple matter, the definition of an exit. The dictionary tells us that exit is "a passage or way out." For OSHA enforcers, defining exit is a challenge to their bureaucratic instincts and they are not found wanting. To OSHA, an exit is "that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge."

Obviously, you have to find out what is "a means of egress" as well as an "exit discharge." Exit discharge is defined merely as "that portion of a means of egress between the termination of an exit and a public way." But OSHA defines "a means of egress" as "a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: the way of exit access, the exit and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, exits, escalators, horizontal exits, courts, and yards."

Unlike the dictionary, OSHA is unable to provide a definition of exit which does not contain the word exit in it. And exit is a comparatively easy one. Try ladder, where the reader literally has to cope with three renditions of the same tedious set of definitions plus one trigonometric function. . . .

The operation of the Occupational Safety and Health Act provides a pertinent example of how government regulation can lose sight of the basic objective. A company, particularly a smaller one without its own specialized safety personnel, which invites OSHA to come to the plant to tell the management which practices need to be revised to meet the agency's standards instantly lays itself open to citations for infractions of the OSHA rules and regulations. The law makes no provision for so-called courtesy inspections.

In order to get around the problem, one regional office of OSHA has come up with a beautifully bureaucratic solution. They suggest that companies take photographs of their premises and send them to OSHA for off-site review. After all, if the inspectors do not actually "see" the violations, they cannot issue citations for them! . . .

It is perhaps inevitable, but the proliferation of government controls has led to conflicts among controls and controllers. In some cases, the rules of a given agency work at cross purposes with each other. OSHA mandates backup alarms on vehicles at construction sites but also requires employees to wear earplugs, to protect them against noise, that can make it extremely difficult to hear the alarms. More serious and more frequent are the contradictions between the rulings of two or more government agencies . . .

The simple task of washing children's pajamas in New York State exemplifies how two sets of laws can pit one worthy objective against another, in this case ecology versus safety. Because of a ban on phosphates in detergents, the mother who launders her child's sleepwear in an ecologically sound way may risk washing away its required fire-resistant properties.

In 1973, New York State banned the sale of detergents containing phosphates, in an effort to halt water pollution. Less than two months later, a federal regulation took effect requiring children's sleepwear to be flame-retardant. New York housewives now face a dilemma, because phosphates are the strongest protector of fire-retardency. They hold soil and minerals in solution, preventing the formation of a mask on the fabric that would inactivate flame-resistancy. What does a conscientious mother do in a phosphate-banned area to avoid dressing her child in nightclothes that could burn up. Smuggle in the forbidden detergent? Commit an illegal act of laundry? . . .

This is not a general attack on all forms of government action. A society, acting through government, can and should act to protect consumers against rapacious sellers, individual workers against unscrupulous employers, and future generations against those who would waste the nation's resources . . .

Because of the very substantial costs and other adverse side-effects that they give rise to, society should take a new and hard look at the existing array of government controls over business. A substantial effort should be made to eliminate those controls that generate excessive costs. Rather than blithely continuing to proliferate government controls over business, alternative means of achieving important national objectives should be explored and developed, solutions that expand rather than reduce the role of the market . . .

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. TREEN (at the request of Mr. RHODES), from 5:30 p.m. today, and balance of week, on account of official business as member of Board of Visitors to the Air Force Academy.

Mr. HEFNER (at the request of Mr. O'NEILL), for balance of the week, on account of official business.

Mr. ROBINSON (at the request of Mr. RHODES), for balance of week, on account of official business as member of Board of Visitors to the Air Force Academy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 15 minutes, today.

(The following Members (at the request of Mr. KELLY), to revise and extend their remarks, and to include extraneous matter to:)

Mr. MCKINNEY, for 10 minutes, on April 16.

Mr. KEMP, for 15 minutes, on April 16.

Mr. KEMP, for 15 minutes, on April 17.

Mr. DICKINSON, for 5 minutes, on April 16.

Mr. BURKE of Florida, for 5 minutes, today.

Mrs. HECHLER of Massachusetts, for 5 minutes, today.

Mr. HASTINGS, for 30 minutes, on April 17, 1975.

(The following Members (at the request of Mr. TSONGAS) to revise and extend their remarks and include extraneous material:)

Mr. MCKAY, for 5 minutes, today.

Mr. PATMAN, for 20 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. WOLFF, for 20 minutes, today.

Mr. MURPHY of New York, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Ms. HOLTZMAN, for 10 minutes, today.

Mr. STAGGERS, for 5 minutes, today.

Mr. VIGORITO, for 5 minutes, today.

Mr. RODINO, for 10 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. BRADEMAS, for 10 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. ALEXANDER, for 30 minutes, on April 17, 1975.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI in three instances, and to include extraneous matter.

Mr. GONZALEZ and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $895.

(The following Members (at the request of Mr. KELLY) and to include extraneous material:)

Mr. BIESTER.

Mr. ASHBROOK.

Mr. CRANE.

Mr. BEARD of Tennessee.

Mr. GILMAN.

Mr. McCLOSKEY.

Mr. GOODLING in two instances.

Mr. BOB WILSON in two instances.

Mrs. FENWICK.

Mr. DERWINSKI in two instances.

Mr. WHITEHURST.

Mr. DU PONT.

Mr. ROBINSON.

Mr. STEIGER of Arizona in three instances.

Mr. KEMP in two instances.

Mr. PEYSER.

Mr. BROYHILL in two instances.

Mr. GOLDWATER.

Mr. McDADE.

(The following Members (at the request of Mr. TSONGAS), and to include extraneous matter:)

Mr. MIKVA.

Mr. CARNEY.

Mr. SISK.

Mr. OBEY.

Mr. MOLLOHAN.

Mr. ROSENTHAL in 10 instances.

Mr. EILBERG.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BURKE of Massachusetts in two instances.

Mr. DRINAN.

Mr. MOFFETT in two instances.

Mr. SYMINGTON.

Mr. WOLFF in 10 instances.

Mr. BENNETT.

Mr. BIAGGI in 10 instances.

Mr. KASTENMEIER in two instances.

Mr. STOKES.

Ms. SPELLMAN.

Mr. SCHEUER in five instances.

Mr. DE LUGO.

Mr. McDONALD of Georgia in ten instances.

Mrs. SCHROEDER in two instances.

Mr. STARK.

Mr. STUDDS.

Mr. RANGEL.

Mr. DOMINICK V. DANIELS.

Mr. UDALL.

Mr. RONCALIO in five instances.

ENROLLED JOINT RESOLUTION

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 335. Joint resolution to extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 335. To extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

ADJOURNMENT

Mr. TSONGAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, April 17, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

800. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting plans for works of improvement in various watersheds, none of which involves a project with a structure which provides more than 4,000 acre-feet of total capacity, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended [5 U.S.C. 1005]; to the Committee on Agriculture.

801. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

802. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

803. A letter from the Secretary of the Interior, transmitting the annual report of the Interim Compliance Panel for calendar year 1974, pursuant to section 5(f)(2) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173); to the Committee on Education and Labor.

804. A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend the Federal Employees' Compensation Act, as amended, title 5, United States Code, by adding a new section providing for work injury coverage of Federal petit and grand jurors in the performance of their duties; to the Committee on Education and Labor.

805. A letter from the Executive Secretary to the Department of Health, Eduction, and Welfare, transmitting a proposed final regulation for the Follow Through program under title V of the Economic Opportunity Act of 1964, as amended, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

806. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed regulation governing the Community Schools Act, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

807. A letter from the Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting a report for the month of February 1975, on the average number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

808. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting plans for works of improvement in various watersheds, each of which involves a project with at least one structure which provides more than 4,000 acre-feet of total capacity, pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended [5 U.S.C. 1005]; to the Committee on Public Works and Transportation.

809. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing improvements to the plaza and completion of a pedestrian bridge to the new building occupied by the U.S. Tax Court in Washington, D.C.; to the Committee on Public Works and Transportation.

810. A letter from the Administrator of Veterans' Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, in order to extend and improve the program of exchange of medical information between the Veterans' Administration and the medical community, and for other purposes; to the Committee on Veterans' Affairs.

811. A letter from the Acting Secretary of the Treasury, transmitting a report for calendar year 1973 on the operation and effect of the Domestic International Sales Corporation legislation, pursuant to section 506 of Public Law 92–178; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

812. A letter from the Assistant Comptroller General of the United States, transmitting a report on the release of budget authority for the Job Opportunities Program of the Economic Development Administration, Department of Commerce, reported to Congress by the President as a deferral (D75–141) and reclassified by the Comptroller General as a rescission, which was not approved by the Congress (H. Doc. No. 94–107); to the Committee on Appropriations and ordered to be printed.

813. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during March 1975, pursuant to section 234 of Public Law 91–510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4109. A bill to amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089) (Rept. No. 94–148).

Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 2808. A bill to amend the joint resolution of July 18, 1939 (53 Stat. 1062), to provide for the acceptance of additional lands for the Home of Franklin D. Roosevelt National Historic Site, and for other purposes; with amendment (Rept. No. 94–149). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4269. A bill to amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands; with amendment (Rept. No. 94–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 403. Resolution providing for the consideration of H.R. 4975. A bill to amend the Rail Passenger Service Act to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes (Rept. No. 94–151). Referred to the House Calendar.

Mr. FOLEY: Committee of conference. Conference report on H.R. 4296 (Rept. No. 94–152). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 6017. A bill to promote the conservation and orderly development of hard mineral resources of the deep seabed, pending adoption of an international regime relating thereto; jointly to the Committees on Merchant Marine and Fisheries, and Interior and Insular Affairs.

By Mr. BEARD of Rhode Island:

H.R. 6018. A bill to amend the Urban Mass Transportation Act of 1964 to require that no urban mass transportation project be approved by the Secretary of Transportation unless the applicant for the project gives satisfactory assurances that free transportation service will be provided to elderly and handicapped persons during nonpeak hours; to the Committee on Public Works and Transportation.

By Mr. BEDELL (for himself, Mr. Roe, Ms. Holtzman, and Mr. Long of Maryland):

H.R. 6019. A bill to assure that an individual or family whose income is increased by reason of a general increase in monthly social security benefits will not, because of such general increase, suffer a loss of or reduction in the benefits the individual or family has been receiving under certain Federal or federally assisted programs; to the Committee on Ways and Means.

By Mr. BENNETT (for himself, Mr. Mr. Mazzoli, Mr. Hawkins, Mr. Ashley, Mr. Harrington, Mr. Lehman, Mr. Gilman, Mr. Carr, Mr. Krebs, Mr. Drinan, Mr. Long of Maryland, Mr. Leggett, Mr. Hicks, Ms. Abzug, Mr. Richmond, Mr. Solarz, Mr. D'Amours, Mr. Frey, Mr. Mann, Mr. Mineta, Mr. Gonzalez, Mr. Fithian, and Mr. Tsongas):

H.R. 6020. A bill to amend section 207 of title 18, United States Code, in order to prohibit former Federal employees who participated in a contract formulation from being employed for a period of 2 years, by anyone who has a direct interest in the contract; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. Rinaldo, Mr. Conyers, Mr. Edwards of California, Mr. Ottinger, Mr. Burgener, Mr. Burke of Florida, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Quie, Mr. Lloyd of California, Mr. St Germain, Mr. AuCoin, Mrs. Spellman, Mr. Mollohan, Mr. Yatron, Mr. Milford, Mr. Bonker, Mr. Charles Wilson of Texas, Mr. Coughlin, Mr. Stark, Mr. Blanchard, Mr. Charles H. Wilson of California, Mr. Howe, Mr. Fascell, and Mr. Vander Veen):

H.R. 6021. A bill to amend section 207 of title 18, United States Code, in order to prohibit former Federal employees who participated in a contract formulation from being employed, for a period of 2 years, by anyone who has a direct interest in the contract; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 6022. A bill to amend title II and XVIII of the Social Security Act to correct certain problems which presently limit the effectiveness of the medicare program and the availability of benefits thereunder, and to provide a review and study of the medicare program to determine additional ways of making such program work better from the standpoint of patients; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. JOHN L. BURTON:

H.R. 6023. A bill to amend the Federal Reserve Act to limit the terms of members of the Board to 4 years and to alter the composition of the membership; to the Committee on Banking, Currency and Housing.

By Mr. COUGHLIN (for himself, Mr. Ford of Tennessee, Mr. Gilman, Mrs. Heckler of Massachusetts, Mr. Jeffords, Mr. Kelly, Mr. Lent, Mr. McKinney, and Mr. Pattison of New York):

H.R. 6024. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. ESHLEMAN:

H.R. 6025. A bill to repeal section 411 (b) (4) of the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. FASCELL (for himself, Mr. Metcalfe, Mr. Charles H. Wilson of California, Mr. Rosenthal, Mr. Duncan of Tennessee, Mr. Hawkins, Mr. Pritchard, Mrs. Schroeder, Mr. Diggs, Mr. Ottinger, Mr. Florio, Mr. Mosher, Mr. Mazzoli, Mr. Harrington, Mr. Stark, Mr. Krebs, Mr. Koch, Mr. Dellums, Mr. Andrews of North Dakota, Mr. Ford of Tennessee, Mr. Leggett, Mr. Yatron, Mr. Lent, Mr. Rooney, and Mr. Bafalis):

H.R. 6026. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

By Mr. FASCELL (for himself, Mr. Brown of California, Mr. Rogers, and Mr. Moss):

H.R. 6027. A bill to provide that meetings of Government agencies shall be open to the public, and for other purposes; to the Committee on Government Operations.

By Mr. HAMMERSCHMIDT:

H.R. 6028. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

By Mr. McCLORY:

H.R. 6029. A bill to amend the Clayton Antitrust Act to remove certain exemptions where prices are unduly enhanced by reason of monopoly or attempt to monopolize by labor, agricultural, or horticultural organizations; to the Committee on the Judiciary.

By Mr. McCLORY (for himself, Mr. Gonzalez, Mr. Carr, Mr. Gibbons, Mr. Lent, Mrs. Fenwick, Mr. Hicks, Ms. Abzug, Mr. Dodd, Mr. Harrington, Mr. McKinney, and Mr. Martin):

H.R. 6030. A bill to establish a program for the United States to convert to the international metric system; to the Committee on Science and Technology.

By Mr. McCORMACK (for himself, Mr. Brown of California, Mr. Teague, Mr. Mosher, Mr. Goldwater, Mr. Hechler of West Virginia, Mr. Bell, Mr. Fuqua, Mr. Symington, Mr. Winn, Mr. Roe, Mr. Thornton, Mr. Myers of Pennsylvania, Mr. Scheuer, Mr. Emery, Mr. Ottinger, Mr. Hayes of Indiana, Mr. Harkin, Mr. Dodd, Mr. Blouin, Mr. Hall, Mrs. Lloyd of Tennessee, Mr. Pepper, and Mr. Yatron):

H.R. 6031. A bill to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles; to the Committee on Science and Technology.

By Mr. McFALL:

H.R. 6032. A bill to amend the National Environmental Policy Act of 1969 to provide for the judicial review of environment impact findings made by Federal agencies; to the Committee on Merchant Marine and Fisheries.

By Mrs. MINK:

H.R. 6033.—A bill to amend the Elementary and Secondary Education Act of 1965 to provide financial assistance for the establishment and operation of a National Center for Asian Studies; to the Committee on Education and Labor.

H.R. 6034. A bill to provide relief to certain small business concerns by prohibiting the enforcement of their contractual indebtedness to the United States for a period of 3 years; to the Committee on Small Business.

By Mr. NIX:

H.R. 6035. A bill to provide a penalty for the robbery or attempted robbery of any controlled substance from any pharmacy; to the Committee on the Judiciary.

By Mr PEYSER (for himself, Mr. AuCoin, Mr. Cotter, Ms. Holtzman, and Mr. McKinney):

H.R. 6036. A bill to restrict changes in the standards for slaughter cattle and carcass beef; to the Committee on Agriculture.

By Mr. RODINO:

H.R. 6037. A bill to amend section 611 and 627 of title 28, United States Code, relating to the retirement of the Director and Deputy Director of the Administrative Office of the U.S. Courts and the Director of the Federal Judicial Center; to the Committee on the Judiciary.

H.R. 6038. A bill to amend the act of August 6, 1958, 72 Stat. 497, relating to service as chief judge of a U.S. district court; to the Committee on the Judiciary.

H.R. 6039. A bill to amend title 28, United States Code, to provide in civil cases for juries of six persons, and for other purposes; to the Committee on the Judiciary.

H.R. 6040. A bill to authorize one additional judgeship for the Eastern District of Kentucky and for other purposes; to the Committee on the Judiciary.

H.R. 6041. A bill to amend title 28 of the United States Code to provide for the appointment of officers and employees of the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court, and for other purposes; to the Committee on the Judiciary.

H.R. 6042. A bill to enlarge the trial jurisdiction of U.S. magistrates in misdemeanor cases, to make technical and administrative amendments in the Federal Magistrates Act, and for other purposes; to the Committee on the Judiciary.

H.R. 6043. A bill to provide for civil penalty and injunctive relief in the event of a discharge or threatened discharge of an employee for the reason of such employee's Federal jury service; to the Committee on the Judiciary.

H.R. 6044. A bill to amend title 28 of the United States Code to provide for the investigation and prosecution of disciplinary proceedings against members of the bar of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

H.R. 6045. A bill to provide for the setting aside of convictions in certain cases, and for other purposes; to the Committee on the Judiciary.

H.R. 6046. A bill to provide for the appointment of legal assistants in the Court of Appeals of the United States; to the Committee on the Judiciary.

H.R. 6047. A bill to provide for the appointment of transcribers of official court reporters' transcripts in the U.S. district courts, and for other purposes; to the Committee on the Judiciary.

H.R. 6048. A bill to amend the Jury Selection and Service Act of 1968, as amended, by revising the section on fees of jurors; to the Committee on the Judiciary.

H.R. 6049. A bill to remove the limitation on payments for consultant services in the community relations service; to the Committee on the Judiciary.

H.R. 6050. A bill to amend the Jury Selection and Service Act of 1968, as amended, to clarify the qualification section of that act with regard to service by persons whose civil rights have been restored; to the Committee on the Judiciary.

H.R. 6051. A bill to provide for amendment of the Jury Selection and Service Act, as amended, adding further definitions relating to jury selection by electronic data processing; to the Committee on the Judiciary.

By Mr. SIKES (for himself and Mr. Conable):

H.R. 6052. A bill to amend the Agricultural Act of 1970 to increase the amount authorized to be appropriated for the forestry incentive program administered under title X of such act; to the Committee on Agriculture.

H.R. 6053. A bill to amend the Agricultural Act of 1970 to increase the size of a tract which may be affected by the forestry incentive program administered under title X of such act; to the Committee on Agriculture.

By Mrs. SULLIVAN (for herself, Mr. Leggett, and Mr. Forsythe):

H.R. 6054. A bill to authorize further appropriations for the Office of Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Ms. ABZUG (for herself, Mr. Carr, Mr. Cohen, Mrs. Collins of Illinois, Mr. Dodd, Mr. Fascell, Mr. Harrington, Ms. Holtzman, Mr. Roybal, Mr. Richmond, Mr. Rosenthal, Ms. Schroeder, Mr. Solarz, Mr. Stark, Mr. Waxman, and Mr. Charles H. Wilson of California):

H.R. 6055. A bill to amend title XIX of the Social Security Act to require the States to regulate nursing homes more effectively under their medicaid programs and to improve the enforcement of such regulation; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD of Tennessee:

H.R. 6056. A bill to amend title 18 of the United States Code to increase certain penalties for gun control offenses and to allow the United States to obtain appellate review of certain sentences relating to gun control offenses; to the Committee on the Judiciary.

By Mr. BRADEMAS (for himself, Mr. Thompson, Mr. Koch, and Mr. Bell):

H.R. 6057. A bill to amend the Internal Revenue Code of 1954 to modify the restrictions contained in section 170(e) in the case of certain charitable contributions of ordinary income property; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 6058. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

By Mr. DANIELSON:

H.R. 6059. A bill to amend the Internal Revenue Code of 1954 to provide for a credit or refund of manufacturers excise tax on parts and accessories installed on lightduty trucks; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 6060. A bill to amend part A of title IV of the Social Security Act to eliminate the provisions which presently prohibit the payment of aid thereunder with respect to dependent children of unemployed fathers in cases where such fathers are receiving unemployment compensation, and to restore the provisions making payment of such aid in those cases optional with the States; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 6061. A bill to amend the Social Security Act to direct the Secretary of Health, Education, and Welfare to develop standards relating to the rights of patients in certain medical facilities; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. GAYDOS:

H.R. 6062. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. HASTINGS:

H.R. 6063. A bill to amend the Internal Revenue Code of 1954 to provide that the discharge of disaster relief loans by the United States shall not constitute income to the taxpayer and shall not reduce the amount of any casualty loss deduction; to the Committee on Ways and Means.

By Mr. JOHNSON of Pennsylvania:

H.R. 6064. A bill to amend the Federal Trade Commission Act to provide that under certain circumstances exclusive territorial arrangements shall not be deemed per se unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTON:

H.R. 6065. A bill to amend the Food Stamp Act of 1964 to prohibit any individual enrolled in an institution of higher education from receiving food stamps if such individual received at least one-half of his income from any other individual who is a member of another household which is ineligible for food stamps; to the Committee on Agriculture.

By Mr. McCLORY (for himself, Ms. Abzug, Mr. Chappell, Mr. Ford of Tennessee, Mr. Duncan of Tennessee, and Mr. AuCoin):

H.R. 6066. A bill to repeal exemptions in the antitrust laws relating to fair trade laws; to the Committee on the Judiciary.

By Mr. McDADE (for himself and Mr. Coughlin):

H.R. 6067. A bill to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the Congressional Medal of Honor; to the Committee on Armed Services.

By Mr. McDADE:

H.R. 6068. A bill to establish a special office in the Department of Justice to represent industrial end users of natural gas in any proceeding before the Federal Power Commission with respect to the curtailment of natural gas supplies; to the Committee on the Judiciary.

H.R. 6069. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for State and local public utility taxes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 6070. A bill to amend chapter 34 of title 38, United States Code, to extend the basic educational assistance eligibility for veterans under chapter 34 and for certain dependents under chapter 35 from 36 to 45 months; to the Committee on Veterans' Affairs.

By Mr. NIX:

H.R. 6071. A bill to terminate the granting of construction licenses of nuclear fission powerplants in the United States pending action by the Congress following a comprehensive 5-year study of the nuclear fuel cycle, with particular reference to its safety and environmental hazards, to be conducted by the Office of Technology Assessment, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. PATTISON of New York:

H.R. 6072. A bill to authorize the Secretary of the Army to delegate to the States certain functions with respect to the location and plans for structures, excavations, or fills-in or on certain navigable waters; to the Committee on Public Works and Transportation.

By Mr. RODINO:

H.R. 6073. A bill to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ST GERMAIN (by request):

H.R. 6074. A bill to amend the Federal Credit Union Act in order to improve the efficiency and flexibility of the financial system of the United States by permitting Federal credit unions to operate more efficiently and to better serve the family financial needs of their members; by reorganizing the National Credit Union Administration; by establishing a central liquidity facility for Federal and State credit unions; and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. SHIPLEY:

H.R. 6075. A bill to prohibit the Consumer Product Safety Commission from restricting the sale or manufacture of firearms or ammunition; to the Committee on Interstate and Foreign Commerce.

By Mr. VIGORITO (for himself, Mr. Brown of California, Mr. Fithian, Mr. Jenrette, Mr. Johnson of Colorado, Mr. Mathis, Mr. Richmond, and Mr. Rose):

H.R. 6076. A bill to enable freestone peach growers to finance a nationally coordinated research and education program to improve their competitive position and expand their markets for peaches; to the Committee on Agriculture.

By Mr. WHITEHURST:

H.R. 6077. A bill to provide a national program in order to provide assistance in making the international metric system the predominant system of measurement in the United States and to provide for converting to the general use of such a system within 10 years; to the Committee on Science and Technology.

By Mr. ASHLEY (for himself and Mr. McKinney) (by request):

H.R. 6078. A bill to establish a National Center for Productivity to succeed the National Commission on Productivity and Work Quality; to encourage joint labor, industry, and Government efforts to improve national productivity, work life and output quality; to establish a Federal policy with respect to continued productivity growth and improved utilization of human, capital, technological, and natural resources in the United States; to provide for a review of the activities of Federal agencies including implementation of Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. BONKER:

H.R. 6079. A bill to amend the Federal Election Campaign Act of 1971 to establish within the Federal Election Commission a Voter Registration Bureau for the purpose of assisting States to improve their voter registration programs; to the Committee on House Administration.

By Mr. DANIELSON (for himself, Ms. Abzug, Mr. Ashley, Mr. Badillo, Mr. Bedell, Mr. Brown of California, Mr. Butler, Mr. Carr, Mr. Conyers, Mr. Corman, Mr. Dodd, Mr. Edgar, Mr. Edwards of California, Mrs. Fenwick, Mr. Ford of Michigan, Mr. Ford of Tennessee, Mr. Forsythe, Mr. Gibbons, Mr. Hannaford, and Mr. Hawkins):

H.R. 6080. A bill to amend title 18, United States Code, to provide that corporations, labor organizations, and certain Government contractors which make unlawful political contributions shall be fined in an amount equal to the amount of such contributions; to the Committee on House Administration.

By Mr. DANIELSON (for himself Mr. Hechler of West Virginia, Mr. Heinz, Ms. Holtzman, Mr. Ichord, Mr. Jenrette, Mr. Long of Maryland, Mr. McCloskey, Mr. Mitchell of New York, Mr. Moss, Mr. Neal, Mr. Richmond, Mr. St Germain, Mr. Sarasin, Mrs. Schroeder, Mr. Stark, Mr. Symington, Mr. Tsongas, Mr. Charles H. Wilson of California, Mr. Won Pat, and Mr. Young of Florida):

H.R. 6081. A bill to amend title 18, United States Code, to provide that corporations, labor organizations, and certain Government contractors which make unlawful political contributions shall be fined in an amount equal to the amount of such contribution; to the Committee on House Administration.

By Mr. DIGGS:

H.R. 6082. A bill to prohibit the transfer of nuclear materials to countries which have not ratified the treaty on Nonproliferation of Nuclear Weapons; to the Joint Committee on Atomic Energy.

By Mr. FULTON:

H.R. 6083. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 6084. A bill to provide additional financial assistance for consumer education and market development programs pertaining to U.S. fisheries; jointly, to the Committees on Agriculture, and Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 6085. A bill to provide for the resolution of claims and disputes relating to the Government contracts awarded by executive agencies; to the Committee on the Judiciary.

By Mr. ST GERMAIN (for himself, Mr. Reuss, Mr. Patman, Mr. Barrett, Mrs. Sullivan, Mr. Moorhead of Pennsylvania, Mr. Gonzalez, Mr. Minish, Mr. Annunzio, Mr. Hanley, Mr. Mitchell of Maryland, Mr. Fauntroy, Mrs. Boggs, Mr. Neal, Mr. Blanchard, Mr. Ford of Tennessee, Mr. LaFalce, Mrs. Spellman, Mr. AuCoin, Mr. Tsongas, Mr. Derrick, Mr. Hayes of Indiana, Mr. Evans of Indiana, and Mr. Beard of Rhode Island):

H.R. 6086. A bill to prohibit the Federal Home Loan Bank Board from permitting savings and loan associations to offer loans secured by improved real estate with variable interest rates; to the Committee on Banking, Currency and Housing.

By Mr. SATTERFIELD:

H.R. 6087. A bill to amend section 612(b) of title 38, United States Code, to provide any outpatient dental service and treatment to any veteran who has a service-connected disability of 80 percent or more; to the Committee on Veterans' Affairs.

By Mr. SATTERFIELD (by request):

H.R. 6088. A bill to amend title 38, United States Code, to establish the per annum full-pay scale for certain personnel of the Department of Medicine and Surgery of the Veterans' Administration; to make a career in the Department of Medicine and Surgery more attractive, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN:

H.R. 6089. A bill to provide for the addition of certain lands in the State of Alaska to the National Park, National Wildlife Refuge, National Forest, and the Wild and Scenic Rivers Systems, and for other purposes; jointly to the Committees on Interior and Insular Affairs, and Merchant Marine and Fisheries.

By Mr. TREEN:

H.R. 6090. A bill to amend the Coastal Zone Management Act of 1972 to authorize financial assistance to coastal States to enable them to study, assess, and plan the effects of offshore energy-related facilities and activities in or on the Outer Continental Shelf on their coastal zones, and to provide for needed public facilities and services; to provide assistance to the coastal States for coordinating coastal zone planning, policies, and programs in contiguous interstate areas; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 6091. A bill to amend the Ports and Waterways Safety Act of 1972, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.R. 6092. A bill to amend title 39, United States Code, to provide that certain State conservation publications shall qualify for second-class mail rates; to the Committee on Post Office and Civil Service.

By Mr. DANIELSON:

H.J. Res. 395. Joint resolution to authorize and request the President to issue a proclamation designating the third week in May of each year as National High School Band Week; to the Committee on Post Office and Civil Service.

By Mr. JEFFORDS (for himself, Mr. Fraser, Mr. Aspin, Mr. Mazzoli, Mr. Hechler of West Virginia, Mr. St Germain, Mr. Won Pat, Mr. Eilberg, Mr. Studds, Mr. Rosenthal, Mr. Cotter, Mr. Hicks, Mr. Andrews of North Dakota, Mr. Hanley, Mr. Obey, Mrs. Chisholm, Mr. Burke of Massachusetts, Mr. Cornell, Mr. Pattison of New York, Mrs. Collins of Illinois, Mr. Charles H. Wilson of California, and Mrs. Heckler of Massachusetts):

H.J. Res. 396. Joint resolution to amend the Emergency Petroleum Allocation Act of 1973 to prohibit the President from setting minimum prices for crude oil, residual fuel oil, or any refined petroleum product without congressional authority, to prohibit the President from using section 232(b) of the Trade Expansion Act of 1962 or any other provision of law to establish such minimum prices without congressional authority, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. SHIPLEY:

H.J. Res. 397. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right of life; to the Committee on the Judiciary.

By Mr. SIKES (for himself, Mr. Kelly, Mr. Randall, and Mr. Duncan of Oregon):

H.J. Res. 398. Joint resolution asking the President of the United States to declare the fourth Saturday of each Septemebr National Hunting and Fishing Day; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Mr. Anderson of California, and Ms. Holtzman):

H.J. Res. 399. Joint resolution calling for a wildlife preserve for humpback whales in the West Indies; to the Committee on International Relations.

By Mr. HECHLER of West Virginia:

H.J. Res. 400. Joint resolution to restore posthumously full rights of citizenship to Gen. R. E. Lee; to the Committee on the Judiciary.

By Mr. BEDELL (for himself, Mr. Blouin, Mr. Downey, Mr. Edgar, Mr. Harrington, Mr. Harris, Mr. Hechler of West Virginia, Mr. Howe, Ms. Keys, Mr. Jenrette, Mr. Leggett, Mrs. Lloyd of Tennessee, Mr. Maguire, Mr. Mezvinsky, Mr. Mineta, Mr. Neal, Mr. Pattison of New York, Mr. Pressler, Mr. Richmond, Ms. Spellman, Mr. Stark, Mr. Weaver, Mr. Winn, and Mr. Won Pat):

H. Con. Res. 222. Concurrent resolution expressing the sense of the Congress with respect to the need for the prompt and orderly evacuation of American civilians from Vietnam and with respect to the use of American combat forces in conjunction with any evacuation of American civilians from Vietnam; to the Committee on International Relations.

By Mr. BEDELL (for himself, Mr. Badillo, Mrs. Meyner and Ms. Holtzman):

H. Con. Res. 223. Concurrent resolution expressing the sense of the Congress with respect to the need for the prompt and orderly evacuation of American civilians from Vietnam and with respect to the use of American combat forces in conjunction with any evacuation of American civilians from Vietnam; to the Committee on International Relations.

By Mr. BURKE of Massachusetts (for himself and Mr. O'Neill):

H. Con. Res. 224. Concurrent resolution to name John Adams "Father of the U.S. Marine Corps"; to the Committee on Armed Services.

By Mr. FISH:

H. Con. Res. 225. Concurrent resolution to recognize the Washington-Rochambeau National Historic Route; to the Committee on Interior and Insular Affairs.

By Mr. HEINZ:

H. Con. Res. 226. Concurrent resolution expressing the sense of Congress concerning recognition by the European Security Conference of the Soviet Union's occupation of Estonia, Latvia, and Lithuania; to the Committee on International Relations.

By Mr. LONG of Maryland:

H. Con. Res. 227. Concurrent resolution with respect to the evacuation from Vietnam of American citizens; to the Committee on International Relations.

By Mr. WHITEHURST (for himself, Mr. Anderson of California, and Ms. Holtzman):

H. Con. Res. 228. Concurrent resolution calling for a regional conservation treaty to protect Northern Hemisphere pinnipeds; to the Committee on International Relations.

By Mr. WHITEHURST (for himself and Mr. Gilman):

H. Con. Res. 229. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Technology.

By Mr. COLLINS of Texas:

H. Con. Res. 230. Concurrent resolution expressing the sense of Congress with respect to passive restraint systems; to the Committee on Interstate and Foreign Commerce.

By Mr. BROOKS (for himself and Mr. Pressler):

H. Res. 397. Resolution directing the House Commission on Information and Facilities to provide for radio and television coverage of proceedings in the House Chamber during the first session of the 94th Congress; to the Committee on Rules.

By Mr. BURKE of Massachusetts:

H. Res. 398. Resolution expressing the sense of the House of Representatives that July 4, Independence Day, is the foremost naitonal holiday; to the Committee on Post Office and Civil Service.

By Mrs. FENWICK (for herself and Mr. Kemp):

H. Res. 399. Resolution concerning the safety and freedom of Valentyn Moroz, Ukrainian historian; to the Committee on International Relations.

By Ms. HOLTZMAN (for herself and Mr. John L. Burton):

H. Res. 400. Resolution directing the President to provide to the House fo Representatives certain information respecting U.S. nationals who are presently in South Vietnam; to the Committee on International Relations.

By Mr. MONTGOMERY (for himself, Mr. Hinshaw, Mr. Cohen, Mr. Stark, Mrs. Fenwick, Mr. Krueger, Mr. Chappell, Mr. Lujan, Mr. Hannaford, Mr. Dodd, Mr. LaFalce, Mr. D'Amours, Mr. Schulze, Mr. Pritchard, Mr. Biaggi, Mr. Levitas, Mr. McDade, Mr. Diggs, Mr. Johnson of Pennsylvania, Mr. Dominick V. Daniels, Ms. Holtzman, Mr. Ginn, Mr. Murphy of New York, Mr. Tsongas, and Mr. Sarbanes):

H. Res. 401. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

By Mr. STARK:

H. Res. 402. Resolution providing for additional staff members for certain Members of the House of Representatives, whose duties shall relate to certain legislative responsibilities of such Members, and for other purposes; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEARD of Rhode Island:

H.R. 6093. A bill for the relief of Maria D'Arpino; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 6094. A bill for the relief of Gustavo Hada; to the Committee on the Judiciary.

By Mr. SNYDER (by request):

H.R. 6095. A bill for the relief of Dr. Benedicto Principe and his wife, Erlinda Madula Principe; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

84. By the SPEAKER: Petition of Mary Lou Capps, Tahlequah, Okla., and others relative to preschool child day care; to the Committee on Education and Labor.

85. Also, petition of Marilyn Cline, Terre Haute, Ind., relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

86. Also, petition of Judy and Jim Fielding, Terre Haute, Ind., relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

87. Also, petition of Vera Miller, Terre Haute, Ind., relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

88. Also, petition of Joseph F. Spenner and others, Stayton, Oreg., relative to the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

89. Also petition of the board of supervisors, San Bernardino County, Calif., relative to the Federal Aid Highway Act of 1975; to the Committee on Public Works and Transportation.

90. Also, petition of the Speaker of the House of Representatives of the Republic of Vietnam, relative to providing assistance to South Vietnam; to the Committee on International Relations.

EXTENSIONS OF REMARKS

MARYLAND'S BIRTHPLACE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BAUMAN. Mr. Speaker, Maryland's "Mother County" is St. Mary's, located at the mouth of the Potomac River, just a short drive from the Nation's Capital. It is the land of not only pleasant living, but a place steeped in historic charm.

For those who may be interested in traveling to "the land of the fiddle and the flask," I include an article from the Maryland Travel Scene, April edition, which more fully describes the attractions of St. Mary's County. Those who might desire further information, may contact my office. We extend an invitation to enjoy the great hospitality of southern Maryland.

The article follows:

ST. MARY'S COUNTY—"WHERE COLONIAL MARYLAND IS AS NEAR AS YESTERDAY"

For the Bicentennial traveller tired of our Nation's Capital hustle-bustle, there lies only 40 miles south a land of tranquil charm, steeped in colonial history—St. Mary's County, the Mother County of Maryland. It was here in 1634, British colonists crowded into two tiny ships called "The Ark" and "The Dove", landed on Blackistone Island an established settleemnt dedicated to religious tolerance and "equality for all".

That story wil be re-enacted this summer on the same ground where history was made nearly 350 years ago. "Wings of the Morning", an outdoor drama written by Dr. Kermit Hunter, is not only a play about Maryland's historic beginning, but a moving, compassionate re-telling of Catholics and Protestants alike struggling to survive in an alien New World.

Under the leadership of Cecil Calvert, the second Lord Baltimore, this tiny band of colonists established what was to become the first capital of Maryland—St. Mary's City. Today, a reconstructed courthouse marks the spot where colonists fought for equal representation, where religious freedom was granted under the Act of Toleration, and where Margaret Brent, perhaps America's first woman liberationist, won citizen rights for women.

Produced by Ed Atkins in conjunction with the St. Mary's County Outdoor Drama Association and the St. Mary's County Bicentennial Commission, "Wings of the Morning" spans 14 years between 1633 and 1647 with action taking place at the Isle of Wight in Cowes, England and ending at the St. Mary's City site.

While listening to the pageantry and songs, the audience can feel the cool river breezes and watch a cast of 50 dance and perform on a new floating stage from shoreside seats nestled in a natural amphitheatre. Tickets for Thursday through Sunday performances beginning July 3 through August 31 are available by writing:

"Wings of the Morning," Box 36, Dameron, Maryland 20638. 301—863-5650.

But why not spend a weekend in St. Mary's? Just drive down historic Pennsylvania Avenue past the White House, around the Capitol, and turn right at the Branch Avenue and Rt. 5/301 signpost. Thirty miles south at Waldorf, Md., Rt. 5 branches left towards St. Mary's and within minutes you're driving through some of the most beautiful countryside the East has to offer. St. Mary's County offers all the pleasures of a tidewater peninsula, including some of the best charter-boat sport fishing in the world. For those who enjoy spicy Maryland steamed crabs and delicate flaky rockfish, the delights of the Chesapeake Bay are offered at every crossroad.

Or how about seeing a working 17th Century plantation complete with a manor house lost centuries ago over a game of cards? Sotterley Plantation is a living, touchable museum where days of long ago vividly come to life.

And of course, there is "Wings of the Morning" dramatically enacted on a waterfront stage in historic St. Mary's City where one of the oldest Episcopal churches in the Nation stands. Or wander through the St. John's archeological dig while blossoming tobacco waves in the background.

In Southern Maryland colonial America is as near as yesterday, but modern accommodations there make you glad for the 20th century. For additional information, call or write: St. Mary's Economic Development Commission, Leonardtown, Md. 20650, tel: 301/475-2411.

FREEDOM FOR VALENTYN MOROZ

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mrs. FENWICK. Mr. Speaker, April 15 marked the 39th birthday of Valentyn Moroz, the Ukrainian historian who has been imprisoned by Soviet authorities because of his defense of Ukrainian civil rights. I am today introducing with Representative Kemp of New York a resolution urging the President to express U.S. concern over Moroz to the Soviet Government.

I would also like to enter in the Congressional Record at this time a description of Valentyn Moroz' alleged treatment by Soviet officials, prepared by the privately sponsored Committee for the Defense of Valentyn Moroz:

VALENTYN MOROZ

Valentyn Moroz was born on April 15, 1936, in the village of Kholoniv, the Ukrainian SSR. He attended the University of Lviv, majoring in hisitory. After graduating in 1958, Moroz taught history and geography in Volyn Region until 1965. At that time he was also working on his doctoral dissertation.

FIRST ARREST AND IMPRISONMENT, 1965-69

Moroz was unable to defend his dissertation because on September 1, 1965 he was arrested for reading and disseminating "samizdat" literature and foreign publications. He was formally charged with "anti-Soviet propaganda and agitation" and put on trial in January 1966. At his trial, Moroz refused to denounce his actions and was sentenced to 4 years in strict-regime labor camps. During his confinement in the Mordovian ASSR, Moroz wrote "A Report from the Beria Reservation", an expose of the persistent legacy of Stalinism in the Soviet Union today.

NINE MONTHS OF FREEDOM

Upon his release on September 1, 1969, Moroz was unable to secure employment because of his "criminal record". During the next few months, he wrote three essays: "A Chronicle of Resistance" dealt with the deliberate destruction of Ukrainian culture; "Moses and Dathan" dwelt on the theme of an individual's loss of national consciousness; and "Amid the Snows" criticized a leading Ukrainian dissident writer for giving in to official pressure and compromising his views.

SECOND ARREST AND TRIAL, 1970

These essays precipitated his second arrest on June 1, 1970. Again the charge was "anti-Soviet propaganda and agitation". The trial took place on November 17-18, 1970, in Ivano-Frankivsk. The government built its case around the four essays Moroz had written. He himself acknowledged that he was the author, yet denied that they were anti-Soviet and demanded an open trial. On the grounds that a closed trial was illegal according to Soviet law, he refused to testify. Most of the witnesses called in the case either did the same or testified in Moroz's favor. Nevertheless, the court delivered a verdict of "guilty" and sentenced Moroz to 6 years special prison, 3 years in a special-regime labor camp, and 5 years exile.

SECOND IMPRISONMENT, VLADIMIR PRISON

Reports began coming out of the prison which indicated that Moroz was being put under intense pressure to renounce his views. In November 1971, he became ill with a liver condition. In addition, it was learned that Moroz was being subjected to forced injections of drugs and his food was being contaminated with chemicals. In November 1972, Amnesty International reported that in July Moroz had been attacked by criminal inmates, sustaining four stab wounds, and had been taken to the prison hospital in grave condition. He was later put in solitary confinement where he remained for nearly two years.

HUNGER STRIKE

In an attempt to save himself from conditions which he believed were intended to drive him to insanity, Moroz began a hunger strike on July 1, 1974. He declared that he would refuse food until he was either transferred to a hard-labor camp or until he died, death being preferrable to insanity.

To keep Moroz alive, prison authorities began force-feeding him. The tube used abraded the lining of his throat and esophagus, being covered with blood every time it was withdrawn. Moroz became frighteningly emaciated; his heart and liver conditions worsened. On their part, Soviet authorities denied him medical attention and until the 128th day of his hunger strike, refused to allow Moroz's wife, Raissa, to see him. Finally on November 5, 1974, his wife, father, and son were allowed to visit Moroz on the condition that they try to persuade him to terminate his strike. At this meeting, Moroz informed his family of his intention to continue his fast until the New Year, and if by that time his demands were still unmet, to find a way to end his life.

WORLD PROTEST

An international movement in defense of Moroz was initiated in July 1974. The first voices of protest were raised by prominent individuals and groups in the Soviet Union. Andrei Sakharov, the Soviet nuclear physicist who heads the civil rights movement in the USSR, has repeatedly appealed to Soviet and world leaders on behalf of Moroz. Outside the USSR, groups such as Amnesty International, the writers' organization P.E.N. International, the International Commission of Jurists, the AFL-CIO, United Auto Workers, and the Canadian Jewish Congress have all spoken out in defense of Valentyn Moroz. Hundreds of prominent private individuals from all over the world have voiced their concern, among them Nobel prize winners Aleksandr Solzhenitsyn and Heinrich Boell, Arthur Schlesinger, Eric Fromm, Jean-Paul Sartre, Pavel Litvinov, and Noam Chomsky. Members of the British, Canadian, and Australian parliaments have taken a stand in defense of Moroz; the Canadian government twice officially intervened. In the United States Congress, over 60 senators and representatives either introduced or co-sponsored resolutions urging that the US government make known its concern over Moroz's imprisonment. Additionally, many members sent individual letters of protest to the Soviet government. On December 10, 1974, Harvard University offered Moroz a fellowship in history.

END OF HUNGER STRIKE

On November 22, 1974, after 145 days of fasting, Valentyn Moroz ended his hunger strike. Soviet authorities promised they would ease his prison conditions and that he would be taken out of solitary confinement, but Moroz would not be transferred to a labor camp nor would there be a reduction of his prison term. On December 7, 1974, Raissa Moroz received a letter from her husband informing her that he was in a new cell block with another political prisoner. Informed sources have reported, however, that Moroz is suffering from the debilitative effects of his hunger strike and long prison internment, that pressure on him is still intense, and that harassment of his family continues.

USDA NOW ADMITS DAIRY COST ESTIMATES WERE MISLEADING AND FALSE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. OBEY. Mr. Speaker, the emergency farm aid bill which has just emerged from conference contains, with respect to the dairy provision, a determination of public policy based on what is now acknowledged to be a massive error of economic calculation by the Department of Agriculture. It is incredible to me, therefore, that either the House or Senate, being apprised of that fact, could in conscience still embrace the conference report.

I, for one, will not support, and I urge Members to reject the conference report.

At stake is nothing less than the integrity of the process by which we in the Congress must rely on the accuracy and candor of the technical information supplied to us by executive departments and agencies. Outside of Congress, there is an equally important stake: The ability of those influential segments of our society who mold public opinion, write editorials, mobilize their constituents, to aid or defeat legislative proposals, and to help substantively mold public policy to similarly be able to place trust and reliance in the kinds of information supplied by the executive branch.

Three weeks ago, based on the original Agriculture Department estimates of increased consumer prices, if support levels for dairy products were fixed at 85 percent of parity, a not insignificant coalition of labor, consumer, public interest and other groups and of newspaper editorial writers and urban lawmakers joined to narrowly win adoption of the Richmond amendment which eliminated from the emergency farm bill the original provision raising the minimum support price from 80 to 85 percent. The bill now recommended by the conference committee still contains that lower figure.

The U.S. Department of Agriculture now admits, however, that the figures which sparked the opposition to the 85 percent support level were wrong.

What is the size of the now confessed error in estimating economic impact of an 85 percent price support level made by USDA? We were told in a barrage of lobbying by USDA against that figure and in the flood of newspaper editorials by the Washington Post and the New York Times and others, and in the sheafs of memos sent out by Common Cause or the Consumer Federation of America, and in conversations with AFL-CIO representatives, that 85 percent support would raise the price of drinking milk by 8 cents a gallon.

The revised USDA figure is now 4.5 cents a gallon.

We were told the price of cheese would increase 10 cents a pound. USDA now acknowledges the price would increase by only 5.25 cents a pound.

We were told the price of butter would increase 20 cents a pound. USDA now acknowledges the increase would be not 20 cents, but 5.3 cents a pound.

In fact, USDA now acknowledges that a milk support price at 85 percent of parity under the revised figures would actually result in consumer increases below—below—the cost estimated for the bill with the 80 percent figure.

Mr. Speaker, this is not a minor or insignificant or meaningless difference. On a monetary scale, the differences between the old and the revised figures are so broad that it is incredible that such false and incorrect and totally misleading figures should now turn out to have served as the economic rock on which public policy has been determined by both the administration and the Congress; on which vigorous—but incorrect—editorials were written in some of our leading national newspapers; on which whole lobbying efforts intended to serve the consumer and public interest were launched.

The USDA explains quietly at this late date that its original figures were mistaken because of a misreading of the quarterly adjustment provision contained in the legislation and which led to a wildly exaggerated projection of consumer costs at a price support level of 85 percent of parity. Now that USDA has caught its mistake and read the provision correctly, it acknowledges that the revised actual cost projections under 85 percent are something massively less than the Frankenstein for consumers they originally claimed to see.

It is all very well to discover one's mistakes and correct them, Mr. Speaker, but what every Member of this Congress ought to be seriously troubled about, as should the Washington Post, the New York Times, Common Cause, the Consumer Federation of America, the AFL-CIO, and others, is that it was not USDA which troubled to pass the word when the mistake was discovered and to set the record straight.

It was a Republican colleague of ours in the House, JAMES M. JEFFORDS, of Vermont, who discovered through persistence and hard work and some luck that the whole cost estimates originally provided by USDA and which were serving as the basis for all the House and Senate and conference consideration of the dairy section of this bill, were all a big mistake, miles off the mark, and completely misleading, and were all being revised by USDA itself.

That mistake was clearly discovered at least as early at last week, if not a good deal earlier.

But in the flood of propagandizing against 85-percent support, at the time Congress was making its determination, USDA, conscious of its own mistake, did not call any press conferences, issue any reports, or otherwise make known to the public and concerned groups and the rest of us that we were legislatively proceeding on economic assumptions and information that USDA knew to be totally and wildly wrong. The editors of the Washington Post and the New York Times were not contacted to set the record straight, nor were the groups supporting the USDA position, and who, with whatever noble intentions, allowed themselves to be used by it after many of us had warned there was something very basically wrong with what USDA was telling them.

It would perhaps be charitable to ascribe the serious omission committed in not notifying Congress and the public of the changed figures to Secretary Butz's preoccupation with planning to attend the State funeral of Generalissimo Chiang Kai-shek in Taiwan. But experience suggests other motives may be involved in a Department which, under Secretary Butz, has unfailingly demonstrated any lack of interest in maintaining U.S. self-sufficiency in dairy production or in doing anything to prevent dairy farmers going out of business in droves day after day.

The first public word of this massive error by USDA was provided in a news release issued jointly last Thursday by Mr. JEFFORDS and Senator HUMPHREY. It is a matter of no small regret to those like myself who represent dairy farmers that one of the same newspapers which editorialized so fluently against 85 percent of parity—the Washington Post—has yet to find this item of news value or interest. Nor has the New York Times, which editorialized so strongly against 85 percent of parity, yet found the news of this colossal USDA blunder which misled not only Congress and groups like Common Cause, but the Times itself, fit to print.

Thus has public policy on this issue been fashioned and determined and the House been persuaded to legislate.

I suggest the House, now having been apprised of the wholly erroneous and wildly misleading assumptions on which it has been led to act, should make it clear it will not legislate under such a circumstance, by rejecting the conference report. And I suggest that those groups who were willing to provide assistance to dairy farmers at a level which the original USDA figures claimed would be provided at 80 percent of parity should now support 85 percent—which under the corrected figures would result in no greater cost to the consumer than would 80 percent under the old, now discredited figures.

Mr. Speaker, I would like to have printed at this point in the RECORD a summary prepared by our colleague Mr. JEFFORDS showing the vast discrepancy between the new corrected figures from USDA compared to the previous figures by which the House and the public were persuaded. And I would like to suggest that these finally discovered real costs are a small price to pay to prevent this Nation from losing its self-sufficiency in dairy products by 1980.

SUMMARY OF PRICE PROJECTIONS (FOR MANUFACTURING MILK PER HUNDREDWEIGHT-PAID TO FARMERS)

[Present support price based on 80 percent of parity as of Jan. 1, 1975—$7.24. Departmental projections are based on quarterly adjustments]

	As previously released by USDA	Incorrect reading of farm bill new comparable figures by USDA	Correct reading of farm bill new figures by USDA
At 80 percent of parity:			
April	$7.42	$7.31	$7.31
July	7.59	7.45	7.37
October	7.76	7.51	7.35
January 1976	7.93	7.51	7.31
At 85 percent of parity:			
April	7.91	7.76	7.76
July	7.98	7.91	7.82
October	8.13	7.97	7.79
January 1976	8.19	7.97	7.76

IMPACT ON CONSUMER PRICES (MAXIMUM PROJECTED)

[In cents]

	At 80 percent of parity		At 85 percent of parity	
	Incorrect reading of bill old projections	Correct reading of bill new projections	Incorrect reading of bill old projections	Correct reading of bill new projections
Fluid milk (per gallon)	6	1.1	8	5
Cheese (per pound)	7	1.3	10	5.7
Butter (per pound)	15	1.3	20	5.8
Nonfat dry milk (per pound)		.9		3.9

The plain fact is that because the House had the wrong information last month, its action on the dairy section of the emergency farm bill was wrong.

I hate to say I told you so, but—

LONG ISLAND PRESS BACKS LOBBYING DISCLOSURE LEGISLATION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. KASTENMEIER. Mr. Speaker, I wish to call to the attention of my colleagues the editorial appearing in the February 26 Long Island Press which supports the purposes of H.R. 15, the Public Disclosure of Lobbying Act of 1975.

NEED FOR TOUGHER LOBBYING CONTROLS

Eight members of Congress, four from each side of the political aisle, have joined Common Cause campaign to put real teeth in the Lobbying Act of 1946. Since its inception, this well-intentioned but weak law has been laughed at and ignored by the very special interests it is supposed to control.

John Gardner, chairman of Common Cause, itself a citizen's lobby—calls the old act "a sham and a hoax." Sen. Edward M. Kennedy, D-Mass. says it is "a disgrace." They're right. While lobbying serves a useful purpose when properly pursued, it has been subverted by too many special interest groups that try to influence lawmakers and administrators in secret, deceive the public and in Mr. Gardner's words, "corrupt the political process."

The need for tougher controls is urgent. Worsening economic and energy problems call for decisive government action of direct concern to many diverse groups, such as energy producers and distributors, labor unions, businesses, and the most concerned group of all, tens of millions of consumers. But government must do more than act decisively, it must also act in the open so that no one legitimate interest group gains at the expense of the others.

This can only be done by changing a law that is laughed at, into one that is respected.

This is exactly what eight lawmakers have in mind in the bill they have co-sponsored to amend the old act. Joining Mr. Kennedy in the Senate are Sens. Robert Stafford, R-Vt.; William Brock, R-Tenn.; and Dick Clark, D-Iowa. House sponsors are Reps. Tom Railsback, R-Ill., and Robert Kastenmeier, D-Wis.

The legislation would require lobbyists who spend $500 or more annually to file quarterly full-disclosure reports with the government on their activities and finances, including the identification of everyone seeking to influence not just Congress, but federal agencies as well. Each lobbyist would be required to maintain personal records of income and expenses of $10 or more. Violators could receive two years' imprisonment and be fined up to $10,000, with enforcement carried out by the new Federal Election Commission.

These new rules would correct deficiencies in the 1956 law, particularly through the extension of controls over lobbying of agencies and departments in the Executive Branch as well as Congress.

Lobbying reform is crucial to public understanding and support of the many other tough decisions Congress must make this year. Let's hope the old lobbying law is updated and strengthened within a matter of weeks.

H.R. 46, YOUTH CAMP SAFETY ACT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. DOMINICK V. DANIELS. Mr. Speaker, the Youth Camp Safety Act, H.R. 46, will shortly come before this body for consideration.

The bill has the backing of organized camping groups, the National Parent Teachers Association, and the National Safety Council. One of the most active of these associations in behalf of youth camp safety over many, many years, has been the American Camping Association, a private and voluntary association of approximately 4,000 youth camps.

The American Camping Association has its own certification and inspection program and makes every effort to insure that member camps provide adequate protection to youngsters.

However, the ACA cannot do the job alone. Without minimum Federal safety standards and effective Federal or State enforcement of standards, the ACA is powerless to protect all children in all youth camps.

I want to bring to my colleagues' attention a memorandum from Alan J. Stolz, national legislative chairman of the ACA which strongly endorses H.R. 46 and rejects any attempts to weaken the bill. The text of the memorandum follows at this point:

H.R. 46, YOUTH CAMP SAFETY ACT

(By Alan J. Stolz, National Legislative Chairman, American Camping Association)

I have been pleased to review H.R. 46, as reported from the House Education and Labor Committee, which we have helped develop over recent years.

The bill as stands today is very acceptable to the American Camping Association, and on behalf of our National Board of Directors and Executive Staff, I wish to commend your efforts in sponsoring this legislation for the protection of *all* children in *all* camps in *all* states.

As a voluntary professional organization in youth camping, the American Camping Association can have only minimal effect on non-member camps. The same would be true if a youth camp safety act was left to become voluntary on the part of individual subscribers or states as recommended by Mr. Anderson in his substitute amendment.

The basic concept of protecting children in all camping situations as offered in H.R. 46 can only have validity if subscribed to across the nation. Only then can all parents of all youngsters in any camp rely upon the protections offered for their child's basic health and safety. There is no reason why all youngsters should not be entitled to these basic considerations of health and safety regardless of which camp they attend, and only a national guideline can establish such regulations.

In today's rapid transit and interstate society, the American Camping Association recognizes that a child's camp experience is not limited to his own community and hence the need for basic health and safety regulations, regardless of the camp's location.

Accordingly, the American Camping Association is pleased to support your effort in H.R. 46 as being in the interest of Good Camping For All across the nation. Certainly our own members have nothing to fear in this legislation. We recognize that with the passage of H.R. 46, enforcement and responsibility for the Youth Camp Safety regulations will take place on the local, state level where each camp operator will have full opportunity for participation.

On behalf of the American Camping Association, I wish you well in these efforts and would urge support for H.R. 46 from your Colleagues in Congress.

CIVIL RIGHTS COMMISSION OPPOSES LIMITATIONS ON RIGHT TO ABORTION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Ms. ABZUG. Mr. Speaker, a report recently issued by the U.S. Civil Rights Commission charged that a constitutional amendment to restrict access to abortion would undermine the 1st, 9th, and 14th amendments. The report also advocated the repeal of all those statutory provisions which limit the right to choose or obtain an abortion, and urged the defeat of any future attempts to limit this right through legislation.

I concur with these findings of the report, and recommend it to my colleagues. At this point, I ask that two articles describing the content of the report be inserted in the RECORD.

[From the Washington Post, April 15, 1975]

RIGHTS UNIT ASSAILS ANTI-ABORTION BILLS

(By Stuart Auerbach)

The U.S. Civil Rights Commission charged yesterday that proposals to amend the Constitution to bar abortions would "undermine the First, Ninth and 14th amendments to the Constitution."

In a 101-page report to the President and Congress, the six-member commission said proposed anti-abortion amendments have proliferated since the Supreme Court, in January, 1973, limited the rights of States to the abortions.

The commission also called on Congress to repeal five anti-abortion laws currently on the books.

The commission report was immediately challenged by Terrence Cardinal Cooke of New York, chairman of the Catholic Bishops' Committee For Pro-Life Activities.

Cardinal Cooke said the Civil Rights Commission "has apparently joined the ranks of those who would violate the rights of the most powerless among us—the unborn child."

The Civil Rights Commission was founded in 1957 to study problems of discrimination in America. Its original charge concerned racial, religious and ethnic discrimination. The commission has no enforcement powers; it can only make recommendations to the President and Congress.

The commission said it issued its report on abortion under its charge to check federal laws and policies on sex discrimination. It said its recommendations are concerned only with supporting "each woman's constitutional right as delineated by the Supreme Court" in its abortion decision.

The report was signed by all members of the commission, which is headed by Arthur S. Flemming, the 69-year-old Republican who was Secretary of Health, Education and Welfare under President Eisenhower. He replaced the Rev. Theodore M. Hesburgh, president of Notre Dame University, as chairman about a year ago.

In its report, the commission said antiabortion amendments would violate the First Amendment by giving government sanction to one set of religious views; the Ninth Amendment by taking away the inherent right of American women to an abortion, and the 14th Amendment by denying equal protection to poor women, most of whom belong to racial and ethnic minorities.

"To prohibit abortion," the commission said, "would infringe upon the fundamental liberty to limit childbearing."

Moreover, the commission stated, constitutional amendments barring abortions would "jeopardize the professional judgment" of doctors and lead to an increase in maternal deaths, especially among the poor, because of illegal, unsafe abortions.

Proposals have been introduced in Congress to amend the Constitution to forbid abortions, but no House committee hearings have been held on them. The Senate Judiciary Subcommittee on Constitutional Rights held hearings this year and last.

The amendments were introduced in an attempt to override the Supreme Court decision by imposing a ban on abortions. The Supreme Court ruled that states could not prohibit abortions through the first three months of pregnancy and could regulate abortions in the second three months only to protect a woman's health.

Besides moving to amend the Constitution, anti-abortion forces have attached riders to a number of bills. The riders seek to limit federal funding of abortions and bar research on fetuses.

[From the New York Times, Apr. 15, 1975]

U.S. RIGHTS PANEL OPPOSES ABORTION RESTRICTIONS

WASHINGTON, April 14.—The United States Commission on Civil Rights stated today in a formal report on its opposition to a constitutional amendment or legislation restricting the freedom of women to obtain abortions.

The commission's unanimous report said that a constitutional amendment restricting access to abortion would "undermine the first, ninth and 14th Amendments."

An antiabortion amendment would come into conflict with the First Amendment, the report said, because it would have the effect of "compelling every woman to accept the view that a constitutionally protected "person" exists from the moment of conception, even when such a view conflicts with an individual woman's religious views."

The commission's report was attacked by Cardinal Cooke of New York, who called it "shocking." He said that the report "raises serious questions about the role of the Commission on Civil Rights and its fidelity to the legal mandate under which it was established."

"We have come to think of the commission as a defender of the powerless and oppressed," his statement continued. "However, in this instance it has apparently joined the ranks of those who would violate the rights of the most powerless among us—the unborn child."

The commission has statutory authority to study essentially any subject in the whole area of civil rights, and to make reports. It has no authority to require compliance with its views by any individual or organization.

The commission's report noted that the Supreme Court had asserted a woman's unlimited right to abortion in the first three months of pregnancy and a right limited only by some medical considerations in the second three months. The decision was made essentially under the 14th Amendment.

In addition, the commission said that an anti-abortion amendment to the Constitution would "undermine the ninth Amendment which reserved to the people of the United States certain rights that were not enumerated in the Constitution."

A right to abortion was generally accepted at the time of the adoption of the Bill of Rights of the Constitution, and thus is among these guaranteed rights, the report said. Restrictions on an abortion on medical grounds were not enacted until the 19th century.

The commission's report also cited a number of attempts, through legislation, to limit the access of women to abortion. It said all those that had been enacted should be repealed and those not yet enacted should be defeated.

It singled out for special mention, in this particular, the Legal Services Corporation Act, which prohibits use of any of the corporation's funds to litigate a woman's right to an abortion.

This Provision particularly discriminates against low-income women, the commission said, since they "have no other access to legal assistance in attempts to vindicate their rights."

The commission also warned that establishing a legal principle that a fetus, from the moment of conception, was a "person" could lead to conflict and chaos in several areas of the law including inheritances and taxes.

A MEMORIAL TO PRESIDENT CHIANG KAI-SHEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. GILMAN. Mr. Speaker, the death of President Chiang Kai-shek of the Republic of China is a deep and historic tragedy. Today, the Embassy of the Chinese Republic is holding a memorial service for its President at the National Cathedral and I know that many of my colleagues join in that memorial in spirit, if not by their presence.

President Chiang was more than his nation's leader. He was a living symbol of the freedom and determination, the courage and idealism, of the Chinese people through the centuries. As history judges our time from the perspective of years, he will most assuredly loom large as one of the men whose impression upon the world was indelible and lasting.

It was fated that Chiang Kai-shek assumed the leadership of his people at their most pivotal, crucial moment. The ancient, centuries-old, dynastic tradition of China had collapsed and a new Chinese Republic was emerging and struggling to achieve identity and support. Chiang is immutably associated with the Republican movement in China, having been one of its founding fathers and its greatest exponent.

The 20th century was a time of struggle in China as the Chinese people cast off the yoke of feudalism, striving to find their place in the modern world. Chiang Kai-shek has left his mark in that modern world through his dedication and the zeal with which he fought for the freedom of his people.

Mr. Speaker, I know that many of our colleagues and citizens join in mourning the loss of Chiang Kai-shek and in extending to the Chinese people our deepest sympathy.

GROWING STRENGTH OF SOUTHERN BLACK MAYORS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. RANGEL. Mr. Speaker, we in the Congressional Black Caucus are especially proud of the strides which have been made over the past few years in the election of more black mayors in the South. This increase in representation is, in large part, a product of the Voting Rights Act of 1965 which has encouraged fuller participation by all citizens in political affairs.

The success black mayors have been making in improving community services and increasing the responsiveness of local government to the needs of the poor and the forgotten is heartening. It is a positive sign of the type of progress we can work for if the Federal Government meets its moral commitment to renew the Voting Rights Act. As both the House of Representatives and the Senate debate renewing and strengthening this landmark legislation, we in Congress should keep in mind the fact that the Voting Rights Act has had a significant impact in protecting the rights of all our citizens.

It is not a theoretical piece of legislation. It has proven itself in such ways as enabling Federal aid to small cities and rural communities to be spent in a nondiscriminatory manner and funneling more money into the creation of jobs and construction of housing.

The newly formed Southern Conference of Black Mayors, chaired by Mayor Jay Cooper of Prichard, Ala., was organized to maximize their collective ability to attract badly needed funds and people to their community. The Congressional Black Caucus hopes to continue working closely with these mayors.

At this time I am including in the Congressional Record an article from the Roanoake, Va., Tribune on the establishment of the Southern Conference of Black Mayors and the problems they face.

[From the Roanoke (Va.) Tribune, Mar. 27, 1975]

SOUTHERN BLACK MAYORS COMING TO LIFE

GRAMBLING, LA.—Black mayors of Southern cities and towns with black majorities are coming to life. They are moving swiftly organizing, planning and implementing programs to breed new life into their once obscure and obsolete communities.

The 11 Southern states are now made up of 76 black mayors, and more than 1,500 black elected officials from justice of the peace to Congressman.

The mayors have formed the Southern Conference of Black Mayors, and they met here last week to explore ways of interdependence, to talk about the formation of coalitions with whites and others (already in progress), but mostly about attracting money and people with money to their "mayordoms."

Individually, and as a group, many of these black mayors have gained national reputations, and some have been successful in getting huge chunks of Federal greenbacks in their backyards.

Jay Cooper, for example, Mayor of Prichard, Ala., with a population of 45,000. He is president of the Southern mayors' group, has already gotten $10 million in Federal funds, mainly for urban renewal in the two and a half years he has been at the helm of the city.

But all is not roses.

True, there has been some success, but there are also difficulties ahead, especially for the smaller communities.

"The smaller cities are the ones we're worried about," said Cooper. "I'm talking about those of 5,000 population and under. That's where 60 to 80 percent of our membership is."

Mayor Cooper is also concerned about those townships and saving those governments that were inactive or were struggling to survive and are now under black leadership.

"If those towns are not saved," he said, "people will despair and fear that government, at any level, has no reason existing."

He explained that one stumbling block to "saving" these cities was a lack of understanding and sympathy among white officials and bureaucrats in state and Federal government, to whom the mayors must turn for help.

He cited his own city as an example. He said he had asked the Farmers Home Administration for a $3 million loan to finance an industrial park. He was denied, because Prichard is too near Mobile's "urban and urbanizing area" to qualify under FHA regulations. Furthermore, Secretary of Agriculture Earl Butz, who has the power to waive that regulation, has refused to do so.

"I believe that if I were a white mayor, Butz would have exercised his discretion," Cooper added.

FINANCIAL STATEMENT OF CONGRESSMAN EDWARD G. BIESTER, JR.

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BIESTER. Mr. Speaker, as a sponsor of financial disclosure legislation for Members of Congress and following my policy of publicly disclosing my personal finances, I am submitting for the Record a listing of Mrs. Biester's and my assets and liabilities:

FINANCIAL STATEMENT OF CONGRESSMAN AND MRS. EDWARD G. BIESTER, JR.

1974 TAXES

Federal	$8,568.86
Pennsylvania (combined State)	1,066.39
Pennsylvania (local)	1,600.48
District of Columbia	1,425.88
Total taxes	12,661.61

ASSETS—AS OF DECEMBER 31, 1974

Savings account	$305.00
U.S. Savings Bonds	3,621.53
Cash on hand in checking accounts	400.00
Personal notes due us	22,243.38
1971 Camaro, 1969 Ford, and 1965 Mustang	2,700.00

Real estate (appraised value):	
House in Furlong	50,000.00
House in Washington	87,500.00
Stocks and bonds:	
6 shares Xerox	309.00
12 shares A.T. & T.	535.50
50 shares General Motors	1,537.50
Bucks Republican Headquarters, Inc., bond	1,000.00
Household goods and miscellaneous personal property	14,000.00
U.S. Civil Service Retirement Fund	24,235.39
Total assets	208,387.30
LIABILITIES—AS OF DECEMBER 31, 1974	
Mortgages and loans secured on real property:	
House in Furlong	$17,084.23
House in Washington	40,452.79
Personal notes and loans	9,737.39
Total liabilities	67,274.71

SENTENCING FOR CRIMINALS IN THE COMMISSION OF A FEDERAL CRIME

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BEARD of Tennessee. Mr. Speaker, I introduce today for appropriate referral legislation which increases mandatory sentencing for criminals who carry a firearm in the commission of a Federal crime.

My bill differs from existing law in two principal areas—first, it increases penalties for offenders in both cases of first and second convictions; and second, it gives the Nation's Federal prosecutors the right to have the trial courts' sentencing reviewed if the sentencing judge fails to exercise proper discretion in determining the terms of sentencing.

Under the provisions of the Omnibus Crime Control and Safe Streets Act Amendments of 1970, strict sentences are imposed upon felons using or possessing a firearm in the commission of Federal crimes. The 1970 amendments provided a separate and additional penalty for the mere act of carrying a firearm in committing a crime—specifically separate and in addition to the sentence for the crime itself.

The legislation being offered here today would preserve some latitude in the case of first offenders. However, this discretion is intentionally restricted by the addition of language authorizing the United States the right to seek review of sentences received by first offenders if the trial court judge fails to exercise discretion in meting out penalties in such cases.

The need to maintain discretionary status in sentencing a first-time offender is not to imply that the individuals should be treated with leniency, but in recognition of the state of the Nation's penal system. In too many cases our Federal penitentiaries are breeding grounds for the schooling and training of even more determined criminals. The conditions prevalent in many Federal prisons force the internee to react with bitterness and vengefulness on the society which interned him. Therefore to confine a first offender in every instance means there is little hope for rehabilitation.

However, there are many cases where first offenders deserve imprisonment. While judges have the authority to mete out a sentence to these individuals, they often do not. My legislation, if adopted, would offer remedy in the case where the Federal prosecutor determined that suspension, probation or terms of sentence were unreasonable. This added tool would operate in both first and second offenses. Yet, in the case of the second offense, the additional penalty is truly a mandatory sentence which may not be suspended by the court, nor may probation be granted.

My bill provides for new terms of sentence. In the case of a first offense, the penalty can be up to 10 years. For second offenders the term of imprisonment cannot be less than 5 years and up to 25 years. In both cases, the sentence is in addition to the penalty for the underlying crime.

Mr. Speaker, I have asked the Justice Department to make a thorough investigation of the Government's experience with the type of sentencing enacted in 1970. Unfortunately, the mandatory sentencing provisions are not widely known by the general public and therefore, by the criminal as well. Of course, in order to be an effective deterrent to the potential criminal, these provisions must be publicized. If and when my bill is enacted, I will seek widespread publication of its effect and intent, and I will work to see that its use by the court is closely monitored.

With the passage of my legislation, the criminal who thinks to use a firearm in perpetrating a crime will have final notice that this society will not have even the slightest sympathy in the case where a firearm is used.

STATEN ISLAND IS STATEN ISLAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BIAGGI. Mr. Speaker, I am happy to be able to state, today, that New York City has taken a step to reunite itself with its historic past. Effective April 9, 1975, the borough of Richmond changed its official name to the Borough of Staten Island, County of Richmond.

This step may not appear to hold much significance to non-New Yorkers, but to city dwellers it comes as a move long overdue. The borough of Staten Island, though probably the least known of the five boroughs of New York, is virtually a city in its own right. With a population of about 300,000 people, Staten Island is larger than the great majority of cities in this great land of ours.

Staten Island first received its name from the explorer Henry Hudson in 1609. It was by this name that the island was known to the Dutch settlers of old New Amsterdam, and it is by this name that the island is known to all New Yorkers. Yet, its official name has been Richmond County for as long as I can remember.

By changing its official name to the borough of Staten Island, while keeping its old designation of the county of Richmond, the borough has placed itself closer to both its past and to the hearts of the people of the city of New York, while still keeping intact the link with its past as the county of Richmond.

Mr. Speaker, I would like to join with my colleagues in applauding the action taken by Staten Island, a community with its feet firmly rooted in its colorful past, but with its head looking bravely on to the future.

LET US JUNK "JUNK FOODS"

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. ROSENTHAL. Mr. Speaker, April 17, Food Day, will be a day of action and education around food issues. One of the most personal of those food issues is the problem of the deterioration of the American diet. One reason for that deterioration is the ready availability of "junk foods." Campaigns to remove junk foods from vending machines are part of Food Day plans in many parts of the country.

Vending machines and junk food have been a successful team for over 30 years. In 1973, 85 percent of the $5 billion spent on vended food was devoted to items low in vitamins, minerals, and protein—soda pop, coffee, candy bars, chewing gum. The dollar volume of vending machine sales has skyrocketed from less than $1 billion in 1953 to $5 billion in 1973.

Vending machines can, and should, be used to sell good foods. But unfortunately, as the vending machine population increases, so does the availability of junk food. Vending machine customers deserve to have some say about the products they buy, because until good food becomes as available as junk, the quality of our diets will continue to deteriorate.

Organizing a local "good vend" campaign is a worthwhile Food Day project. Successful campaigns to get junk food out of school vending machines have been conducted in Dallas, Tex., and Bloomington, Ind. The following suggestions will help citizens launch an effective "good vend" project.

First. Choose a specific target. Work toward getting soda pop and candy bars banned from school vending machines, or getting at least half of the slots of every vending machine in the community stocked with nutritious products.

Second. Solicit the support of health professionals before announcing the campaign. Doctors, nutritionists, and particularly dentists, should be willing to publicly support the project. Also, contact such organizations as the PTA and consumer groups.

Third. If a project concerns schools, the school board will have to vote on the proposal. Lobby individual board members prior to the meeting at which the issue will be raised. Stress the harmful effects of consuming too much sugar. The average American consumes more than 100 pounds of sugar every year. Degenerative diseases such as heart disease, some intestinal diseases, and obesity are caused, in part, by diets high in sugar, fat, and calories. Sugar is also the leading cause of tooth decay. Fluoridated water supplies do not totally prevent cavity formation.

Fourth. Citizens working on a communitywide "good vend" program should inform vendor(s) that they definitely want to have better foods. Point out that good foods are available in vendable forms. Unsalted nuts; whole grain snacks, such as granola; fruit; hard boiled eggs; yogurt; milk; and fruit juices can be easily purchased by the local vending company. These wholesome products cost about the same as products currently vended. Suggest that nutrition information be posted on vending machines. This will help to promote sales of the new offerings. Remind the vendor that favorable publicity will probably accompany the stocking of good foods.

Fifth. When plans are well formulated, citizens should contact local newspapers and radio stations. The press has shown a great deal of interest in the "good vend" campaigns that have been launched in the past. The public should be encouraged, through the press, to support "good vend" projects.

Attacking junk food vending machines in schools and communities will help make people sensitive to the junk food problem. It is also an issue where citizen pressure has a good chance of being rewarded with success.

QUESTION OF IMPORT TARIFFS

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. MOFFETT. Mr. Speaker, the question of import tariffs becomes increasingly significant as the international market continues to grow and develop. The goals of fairness to American business and of an open world market often seem to conflict on this point, and no easy answer is available. I would like to add to the discussion a statement filed with the International Trade Commission by W. E. DeCaulp for the Fafnir Bearing Co. of New Britain, Conn.

NEW BRITAIN, CONN.,
April 8, 1975.

Hon. ANTHONY J. MOFFETT,
Longworth Office Building,
Washington, D.C.

DEAR TOBY: Thanks for sending me a copy of the Joint Economic Committee Report "Achieving Price Stability Through Economic Growth." I found it most interesting.

I am enclosing a copy of the statement which I filed with the U.S. International Trade Commission on behalf of Fafnir, in connection with the forthcoming international trade negotiations. These negotiations are of extreme importance to Fafnir and the entire U.S. bearing industry. The flood of imports from Japan of specific sizes of ball bearings has caused extremely serious injury to the ball bearing industry.

Last January I was elected chairman of the Industry Sector Advisory Committee (ISAC No. 17) for Machine Tools—Other Metal-working Equipment and Other Non-Electric Machinery. As a member of ISAC 17 I submitted a report regarding the antifriction bearing industry in the United States with respect to these forthcoming international trade negotiations. I am enclosing a copy of that report, hoping that it will be of information and other assistance to you and your staff.

Cordially,

BILL.

INTERNATIONAL TRADE COMMISSION INVESTIGATION RE PRESIDENT'S LIST OF ARTICLES WHICH MAY BE AFFECTED BY INTERNATIONAL TRADE NEGOTIATIONS

NEW BRITAIN, CONN.,
April 7, 1975.

U.S. INTERNATIONAL TRADE COMMISSION,
Washington, D.C.
Attention: Mr. Kenneth R. Mason, Secretary.

DEAR SIR: The Fafnir Bearing Company, (hereinafter "Fafnir"), a Division of Textron Inc., is happy to have this opportunity to submit its recommendations to the United States International Trade Commission, (hereinafter "ITC"), concerning the articles which may be affected by the Tokyo Round of international trade negotiations.

Fafnir is one of the largest ball bearing manufacturers in the United States. It ranks as one of the largest bearing manufacturers (not limited to ball bearings) in the Free World. Fafnir is an active member of The Anti-Friction Bearing Manufacturers Association and supports fully the statement to be filed by AFBMA with the ITC.

INTRODUCTION

Although the industry is called the Anti-Friction Bearing Industry and much of the published data are an aggregation of the data for the several segments of this Industry, nevertheless it is vitally important to remember that there are two basic types of antifriction bearings and that these two basic types have significant differences. Therefore, the collective data often is misleading and, when applied proportionately to one of the basic segments (sub-industry), can in fact be incorrect.

The two basic types of antifriction bearings are ball bearings and roller bearings. The principal differences between them are in the rolling elements (balls as opposed to rollers), and in their respective abilities to carry load and to operate at high speeds. Ball bearings and roller bearings are not interchangeable because each bearing type has characteristics which make it the required choice for a certain application. A replacement must be made with the same type bearing; i.e., a ball bearing with a ball bearing.

The Ball Bearing Industry and the Roller Bearing Industry were developed in separate countries at separate times for different applications. The types of plants and types of equipment used for manufacturing each type are different.

The U.S. Industry has led in establishing international dimensional standardization of the most common sizes of ball and roller bearings. Specifications for bearing quality steels are virtually standard the world over. The bearings manufactured at plants in the European Community and in Japan are interchangeable, to a significant degree, with bearings manufactured in the United States.

Historically, there has existed a relatively small but important international trade in antifriction bearings among the Western European nations (including the United Kingdom), Canada, and the United States. Each country would import those bearings which because of usage volume, original equipment design, or technological characteristics were not readily available domestically. It has been estimated, for example, that a ball bearing manufacturer would export to these industrialized nations about 5 percent of his production.

In the last decade the ball bearing manufacturers in Japan have captured large portions of the U.S. market by predatory tactics which have led to actions taken by President Nixon, the ITC, the Department of Defense, and the Treasury Department. This captured market share illustrates the fact that the aggregate data for the Industry incorrectly states the factual situation existing: Department of Commerce figures show that in 1972 all imports represented 10 percent of the apparent U.S. consumption of ball and roller bearings; however, other published data show that ball bearing imports from Japan alone had captured over 35 percent of the consumption of important segments of the market.

DOMESTIC MARKET

The huge increase in imports of ball bearings from Japan has caused the U.S. Ball Bearing Industry to lose a significant share of the domestic market. During periods when the domestic consumption has decreased, imports from Japan have increased.

The Bearing Industry is both capital intensive and labor intensive. Production workers are highly skilled. Employment has declined from the highs of the 1967–69 years. Because of long-term uncertainties arising from the Japanese imports, domestic manufacturers have been unwilling to invest in sufficient new production capacity to keep pace with growth in the U.S. market. Additional capacity added by domestic producers is primarily for special ball bearings not subject, yet, to the Japanese penetration. Other new capacity is provided by U.S. subsidiaries of Japanese companies for assembly of components made in Japan. Plant closings due to inability to compete with the Japanese imports offsets much of the new capacity.

Competition within the U.S. market is intense, not only among the U.S. manufacturers but also from the foreign-based manufacturers. Almost all the major foreign ball bearing producers have manufacturing or assembling, and sales affiliates in the United States.

FOREIGN MARKETS

Fafnir exports to all countries in the Free World. Data for the domestic Bearing Industry indicate that Canada is the largest customer, taking about one-third of the total exports; France, the United Kingdom, Mexico and Brazil are the next largest customers.

Among the industrialized nations, Japan is the smallest customer. It is believed that the government of Japan, as a matter of policy, prevents imports of antifriction bearings except for bearings which are not available from Japanese manufacturers, and also prevents non-Japanese manufacturers from setting up operations to compete in Japan.

In a few markets outside the United States, bearings from government-owned plants in Communist countries are beginning to appear. Much greater volume is expected from this type of source as new manufacturing plants recently completed or under construction go into production.

KEY COMPETITIVE FACTORS

From the viewpoint of the U.S. Industry the world's markets and the competitive factors in these bearing markets may be divided into four groups:

1. The United States: The world's largest market open to all the world.

2. The Communist countries: Government owned and controlled; closed except for licensed imports on a "need" basis.

3. Japan: Government controlled: imports only by license; practically no competition with Japan-made bearings.

4. Other countries: Varies from almost as open as the U.S. market to restrictively protectionist for domestically-made bearings. (Many of these countries, including European, have some restriction on bearing imports from Japan.)

Key competitor factors are inherent in the market groupings listed above. In addition, the export push of Japan and the nature of the 15 principal manufacturers are important factors.

The U.S. companies are investor-owned, publicly held corporations subject to the pressures and accountability imposed on such corporations by the American public and our modern society. The foreign competitors are in a different status; they have different objectives. To them, market share, maintenance of employment and dumping excess products into world markets rather than curtailing operations, plus adherence to nationalistic planning policies are more important.

The ITC found injury to the U.S. Ball Bearing Industry as a result of imports from Japan. (TEA-I-27). The increased imports damaging the domestic industry resulted from concessions granted under trade agreements.

The President's Proclamation resulting from the Commission's findings of injury became effective May 1, 1974. Import data for the last eight months of 1974 and for January, 1975, are available to Fafnir. These data confirm the information Fafnir has learned from the marketplace: The increase in duties established by the Proclamation have not diminished the flood of imports from Japan; the injury suffered by the U.S. ball bearing producers continues unabated. Fafnir has seen no important increase in the sales prices of the Japanese imports. Apparently the Japanese manufacturers and their U.S. sales affiliates are willing and able to absorb the cost of the increased duties, or at least appear to do so as a "holding action" until such duties expire.

In the Federal Register of December 23, 1974, the Treasury Department announced that, having conducted a summary investigation, the U.S. Customs Service was instituting an inquiry into whether radial ball bearings with an outer diameter of 9mm and over but not over 100mm were being imported from Japan in violation of the Anti-Dumping Act.

In 1971 the Department of Defense recognized the serious threat to the national security resulting from the injury suffered by the U.S. ball bearing manufacturers which was caused by the Japanese imports. DoD issued a purchasing directive, (now ASPR 7-104.38), requiring all ball bearings 30mm or less O.D. for defense needs be purchased from U.S. or Canadian manufacturers.

OUTLOOK

Consumption of ball bearings in the United States is expected to increase in direct proportion to the real growth in GNP. Because of the price depressing effects of the bearing imports from Japan, it is likely that the growth stated in dollars will not be as great. The same forecasts could be made for the markets in the industrialized nations.

Higher rates of growth are anticipated in the less industrialized nations, including the "beneficiary developing countries" (formerly called "LDC's"). Costs of manufacturing bearings in the Western European countries and in Japan are approaching the high U.S. costs. In the near term, some sizes and types of American made ball bearings can be competitive with the foreign made bearings, both in the U.S. market as well as in other countries which do not restrict or discriminate against imports, especially imports from the United States.

That competitive status will be lost by the early 1980's. The major producers will seek lower cost sources. Also, the protect-domestic-manufacturers policy of countries such as Brazil and Mexico will encourage the establishment of factories within their borders.

The U.S. market is the largest and most open market in the world. If MFN status for the Communist countries and preferential (zero) duty for the LDC's are granted, Fafnir must anticipate that the domestic market will be overwhelmed with foreign made bearings. Already there are new Japanese bearing plants in Taiwan, South Korea and Brazil. There are new bearing plants in Eastern European countries, built with Japanese know-how. The results are predictable: A substantial loss of jobs; inability of U.S. producers to invest in additional productive capacity; and, possibly, a movement of the manufacturing and engineering technology out of the United States.

RECOMMENDATIONS

For the reasons stated above, Fafnir strongly urges that all ball bearings be removed from the list of products for possible negotiations. The injuries resulting from prior concessions have been well documented. Why should products so vital to the national security—classified by the Department of Defense as a pacing component—be sacrificed as an aid to the possible or wished-for increase in exports of some other product?

One *fact* must be remembered! A tariff concession, whether by the United States or by another nation, on ball bearings will *not* increase to any material degree the normal international trade in antifriction bearings. The only result of further tariff concessions will be a planned predatory increase in ball bearing imports. As the domestic industry proved to the ITC, only the Japan manufacturers, concentrating on a few carefully selected high volume sizes of radial ball bearings, were the real beneficiaries of prior concessions—not the U.S. industry!

It should be noted that the British and German bearing manufacturers supported the U.S. Bearing Industry before the ITC. It should also be noted that several of the E.C. member countries impose some type of effective restriction on the importation of bearings from Japan.

For many years Fafnir and the U.S. Bearing Industry have supported the concept of Fair Trade. We urge that the import restrictions imposed by Japan and a few other nations be removed. Tariff concessions by the United States in the past have not accomplished that result. No optimism can exist for the result of further bearing concessions.

The foregoing reasons for excluding antifriction bearings from the negotiations list also are reasons why, in the alternative, Sectoral Negotiations would be appropriate. True Sectoral Negotiations could lead to removal of import restrictions—whether penalty-rate-tariff or nontariff or a combination—and thus lead, on a country by country basis, to Fair Trade for antifriction bearings.

If Fafnir can be of any further assistance to the Commission or its staff, or provide any data, we would be happy to do so.

Respectfully yours,

W. E. DECAULP,

Assistant to the President and Division General Counsel.

GENOCIDE AGAINST THE ARMENIAN PEOPLE

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. MOFFETT. Mr. Speaker, I would like to take this opportunity to remind my colleagues that this month marks the 60th anniversary of the height of the genocide against the Armenian people. In 1915, as a "final solution" to the "Armenian problem," the Ottoman Empire uprooted and then exterminated millions of Armenians. This precedent was used by Adolph Hitler to justify his own extermination programs.

I believe all Americans should take note of and remember these tragic events. I sincerely hope that the memory of this terrible genocide will serve to prevent the recurrence of other future brutalities.

ROCKEFELLERS FUND MAOIST REVOLUTIONARY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. McDONALD of Georgia. Mr. Speaker, on April 1, one of the more diligent promoters of a new world order, the Rockefeller Foundation, announced the awarding of 34 "humanities fellowships" in a new $600,000 program "to illuminate and assess the values of contemporary society."

I find it outrageous that one of these grants, which average at over $15,000 for 1 year, has been awarded to H. Bruce Franklin, an avowed Maoist Communist revolutionary, for a study of "literature created by persons who became writers through prison experiences."

The public record of Bruce Franklin's activities indicates Howard Bruce Franklin was born February 28, 1934, in Brooklyn, N.Y. He attended Brooklyn Friends High School where he was student body president, and Amherst College from which he graduated magna cum laude in 1955. After graduation, Franklin worked for a short time as a mate on a tug boat in New York harbor before enlisting in the U.S. Air Force. In the Air Force, Franklin was a navigator and intelligence officer in the Strategic Air Command.

Franklin left the Air Force in 1959 to study for a Ph. D. at Stanford University. Stanford hired him as an assistant professor of English as soon as he was awarded his doctorate. He retained that post for 3 years.

In 1964, Franklin moved to Johns Hopkins University in Baltimore, Md., where he held the post of assistant professor. He became involved in Democratic Party politics to the extent of serving as a precinct captain during the 1964 Presidential election. The following year, he returned to Stanford and was promoted to associate professor.

In 1966, during a sabbatical in France, Franklin states he met some Vietnamese Communists and became a Marxist-Leninist-Maoist. He commenced his career as a revolutionary on March 21, 1966, when he and 70 other demonstrators disrupted a Redwood, Calif., City Port Commission meeting at which the commissioners were considering leasing two acres to the United Technology Center for a napalm plant. After his initiation into revolutionary politics, Franklin, a specialist on the works of Herman Melville and on early science fiction, switched to teaching such courses as "Literature and Revolution," and "Marxism-Leninism."

Bruce Franklin and his wife, Jane, led an escalating series of violent disruptions and confrontations on the Stanford campus. The university fired Franklin and obtained an injunction barring him from campus.

In the mid-1960's Franklin was a founding member of the Red Guard, formed in emulation of the Communist Chinese youth organization during the Cultural Revolution. The Red Guard, later renamed and reorganized with elements of Students for a Democratic Society as the Bay Area Revolutionary Union, advocated preparation for immediate armed struggle.

In 1971, Franklin led his ultra-militant faction out of the Revolutionary Union to form the Venceremos Organization, VO. Franklin and the VO called for whites to unite with minority revolutionaries to fight a "people's war" against capitalism which was to be sparked by the outbreak of urban guerrilla warfare. The VO collected firearms and explosives.

Franklin and the VO in general exhibited a weapons fetish, filling the pages of the VO newspaper with drawings of guns, appearing at press conferences brandishing weapons, and reciting Chairman Mao's maxim—

> Every Communist must grasp the truth, "Political power grows out of the barrel of a gun."

No doubt Franklin's new expertise in "literature created by persons who became writers through prison experience"—mostly degenerates and revolutionaries like George Jackson, Jean Genet, and Eldridge Cleaver—was developed after his Venceremos cadres entered the prison movement in California in 1971. For the next 2 years, VO cadres actively recruited among the more alienated and violence-prone prisoners developing shock troops for the planned revolution.

In October 1972, members of the Venceremos central committee planned and carried out the escape of a prisoner, Ronald Wayne Beaty, himself a VO recruit. Using two cars to force the vehicle transporting Beaty to a halt, in approved Tupamaros style, the VO members murdered one guard and seriously wounded the second. Four VO revolutionaries were eventually convicted for their parts in this crime.

After the Beaty attack, the Venceremos Organization came under pressure from law enforcement investigators during the legal proceedings. By the spring of 1973, VO began to collapse. At the end of summer, Bruce Franklin announced that the Venceremos Organization was "defunct."

It is of interest to note that during this period of collapse, the East Bay Venceremos collectives broke away and in conjunction with some of the revolutionary prisoners they had recruited formed the Symbionese Federation. It was from the Symbionese Federation which numbered perhaps some 50 persons that the Symbionese Liberation Army emerged on November 6, 1973, when it murdered Oakland school superintendent Marcus Foster.

In effect, tax-exemption is the equivalent of a Government subsidy and increases the tax burden on taxpayers. I am sure that the great majority of American taxpayers share my indignation at the granting of tax-exempt money to as notorious an enemy of America as Bruce Franklin. It is high time that the tax codes were overhauled to correct this and many other inequities.

FOOD DAY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. ROSENTHAL. Mr. Speaker, tomorrow is National Food Day and many citizens have organized to make its effect felt throughout the world. Public concern about the world food situation is continually growing and solutions are being pursued in many ways.

Citizen efforts are of a wide scope and have been long in the planning. Hunger task forces have been started and are aimed at providing maximum food to all who need it. They are working to determine the degree of hunger and poverty in their communities, investigating the implementation of Government food programs and trying to improve these programs. Also, to attack the world hunger problem, walkathons, fasting, and hunger banquets have been organized to raise relief money for hunger problem areas.

Youth garden programs have been successful and effective. For example, 21,000 young gardeners in Cleveland public schools last year harvested a vegetable crop worth over $600,000 for their families. This well-supervised voluntary program gets young people directly involved and serves to educate them as to the importance of food and our present-day food problems.

It is also important that the message of good nutrition be advanced. Public service broadcast announcements are being prepared and will be aired to counter paid advertising, especially that aimed at children, which promotes junk food and poor eating habits.

Farmers' markets have grown across the Nation and are another answer to our continuous search for nutritional, inexpensive food. It is at the farmers' market where you can get fresh, tasty produce and save money on the grocery bill. Since the foods we eat affect our health, a proper diet is an excellent way to prevent disease and protect health.

Attempts also are underway to cut down food imports and to make this country more regionally self-sufficient. Wasteful packaging and nonreturnable cans and bottles are also a target of food day activists. Food co-ops are being encouraged. Consumer education about the products and problems of the foods we buy is being significantly advanced. Gardens are springing up everywhere. Newspapers are carrying more and more nutritional food articles in their food sections. Vending machine innovation is progressing to provide more nutritional food in place of junk foods. Food stamp outreach is being broadened to inform people of the eligibility requirements for food stamps. Teach-ins, one of the most effective methods of consumer education, are scheduled all over the Nation.

The purpose of Food Day is to mobilize public concern and motivate increasing citizen and industry support for a national food policy which will promote better quality, lower priced food supplies, insure the livelihood of the family farmer and allow increased U.S. assistance to needy nations. Food Day is a day for everyone to get involved, especially when decisions on a subject such as food so directly involve and affect everyone.

REMARKS ON THE DEDICATION OF A PORTRAIT OF GEORGE WASHINGTON AFTER JOHN TRUMBULL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. EILBERG. Mr. Speaker, on Monday, April 7, I attended the unveiling of a portrait of George Washington at George Washington High School in my district in Northeast Philadelphia. During the ceremonies the chairman of the school's social studies department, William Ruderman, made an excellent speech about Washington and the artist, John Trumbull. At this time I enter Mr. Ruderman's remarks into the RECORD.

REMARKS ON THE DEDICATION OF A PORTRAIT OF GEORGE WASHINGTON AFTER JOHN TRUMBULL

I would like to address myself this morning to two topics regarding this painting. One, to the subject itself, George Washington, and secondaly to the artist after whom it is painted, John Trumbull.

A casual glance at this painting indicates that Washingon was a big man—a very big man. Immediately after he died, at age 67, his measurements were taken for posterity. His shoulders measured one foot, nine inches across which is average for a man of his unusual height. He measured six feet, three and one-half inches tall (6′–3½″). If Washington was that tall at death, he must have been at least one inch taller at the prime of life. He weighed well over two hundred pounds.

He and Lincoln had many characteristics in common. Washington, in his youth was a champion wrestler and rail splitter. It is a curious phenomenon that the two greatest presidents of the United States were also physical giants. Even by present standards Washington and Lincoln would be considered as unusually tall men. They were more outstanding for their size in their own time when the average man was considerably smaller.

If size may be regarded as the standard of excellence, then it is altogether fitting that this school, one of the biggest in Pennsylvania is named after George Washington.

Washington was probably painted more than any man of his time by the leading arists, John Trumbull, Gilbert Stuart and Charles Wilson Peale.

If you study a variety of portraits of Washington, one fact emerges above all else. He always looks different. Gilbert Stuart's painting which graces the one dollar bill is certainly different than this one. Aside from the fact that Washington was interpreted differently by different artists and at different ages in his life, a great deal of the difference lies in the fact that in addition to totally different styles, artists take liberties. Their liberties usually covered up physical defects in Washington's appearance or simply tried to make him look better than he actually was although in this particular portrait, that may be debatable.

Emanuel Leutze for instance, took great liberty in his classic of Washington Crossing the Delaware. Every one of us knows that you just don't stand up in a row boat. But how effective would Washington appear, cold and miserable, huddled in the bottom of a long boat, one of many faces hiding from winter winds on the Delaware. He stands out because the artist wanted him to.

Washington's hair and the amount of it varies in his portraits. It was probably red in his youth, turning as he said "an early grey in the service of my country." He is often painted wearing a wig, but it is apparent that Trumbull painted in an exaggerated hair line.

His complexion, as described by his contemporaries, was "sallow" and in spite of a tan from wind and sun burn, his poor complexion was always visible.

Up till the 19th century, dentistry in the modern sense was unknown. When something went wrong with a tooth, it was extracted. So, at the age of twenty-two, George Washington had his first tooth pulled. By fifty-seven, he was the possessor of two sets of awkward, noisy, ill fitting dentures which plagued him for the rest of his life. One set, incidentally was made by Paul Revere. His sunken cheeks were often filled in by the artist, and Gilbert Stuart is even supposed to have filled out his cheeks with cotton when Washington posed for him.

You will never see a portrait of Washington wearing glasses. Yet like most adults after reaching middle age, he wore reading glasses and considered them a "humiliating disfigurement." He used them only in the privacy of his family and among intimate friends.

The artists all carefully retouched the pock marks that deeply pitted his face. He acquired them from a bout with small pox when he was only nineteen and he carried the scars for life.

In most portraits, the Father of his Country is shown as having a chest bulging with well deserved pride. The chest must have been tailor-made for under the well padded coat, Washington's chest was flat and somewhat hollow in the center, probably from a case of rickets at an early age.

What is remarkable is that in spite of great physical strength and endurance, Washington was subjected to a host of diseases in his lifetime and almost barbaric medical practices and yet survived to the age of sixty-seven. His death was due to what doctors today would call a strep throat and it could have been cured easily with anti-biotics and a simple tracheotomy. His doctors used a variety of treatments and remedies, among which bleeding was the most prominent. Undoubtedly they contributed more to his death than the infection. He died on December 14, 1799.

The original of the picture you are looking at was painted by John Trumbull, one of the outstanding chroniclers of the men and events at the birth of this Nation.

Whether Trumbull was a great or mediocre painter is of little importance. When the flag was raised at Iwo Jima, a camera clicked. When Mr. Ford was inaugurated, the Associated Press took pictures.

John Trumbull came at a time of scant visual recording. It is through the eyes of this "Connecticut Yankee" that we still envision many of the great events of our heroic age.

Few artists in the long history of western painting have been privileged to become the creators of visual symbols of an epoch.

Our image, for instance of Martin Luther comes from the paintings and prints of his friend Lucas Cranach. Henry VIII and his court live through the meticulous recordings of Hans Holbein the Younger. In like manner, our visual conception of the events surrounding the birth of this nation are due to the documentation of John Trumbull.

Trumbull lived a very long time. He was born in 1756 and died eighty-seven years later, in 1843, when the country was on the verge of the Mexican War and a new fangled contraption, the clumsy box camera, began seriously to compete with the gentle art of miniature painting.

He saw the first ten presidents take office and was friendly with six of the Presidents. In fact, he knew most of the great men of the age. It was a wonderful, exciting and most creative period, but Trumbull never really took advantage of it.

His greatest tragedy was that most of his good work was produced before he was forty and he lived to be eighty-seven. Much of his work was done in England, from memory, for there was little esthetic tradition in America and art was regarded by many as the invention of the devil.

Trumbull's father, a colonial governor of Connecticut tried to discourage his son from painting and young John probably agreed with him in principle but was visionary enough to see the need for painters, or chroniclers of the age. He wrote shortly after being graduated from Harvard:

"I am fully sensible that the profession of painting as it is generally practiced is frivolous and little useful to society, and unworthy of a man who has talents for more serious pursuits. But to preserve and diffuse the memory of the noblest series of actions which have ever presented themselves in the history of man, is sufficient warrant for it."

Thus, with an eye on history and the future, Trumbull turned to painting and in his lifetime produced nearly three hundred paintings. His greatest works are of the Revolutionary War and we are all familiar with his Battle of Bunker Hill, the Capture of the Hessians at Trenton, the Surrender of Burgoyne at Saratoga and the Surrender of Cornwallis at Yorktown. His most famous painting, I think, is the Signing of the Declaration of Independence, which is reproduced in almost every U.S. history book.

Most of his works, including the original of this full length portrait, are housed in the Trumbull Gallery at Yale, a museum which he founded and designed.

An interesting fact is that John Trumbull suffered from monocular vision. He was nearly blind in one eye as a result of an accident when he was five years old. Because of this handicap, his best work was done in miniature. In his large works, like this one, his subjects often appeared distorted and grotesque.

His favorite subject and his personal idol was George Washington. He did thirty-four likenesses of him. Washington's admiration of Trumbull was apparent for in 1790 he wrote to Lafayette: "His pieces as far as they are executed, meet the applause of all who have seen them."

Trumbull rarely signed or dated his work. The original of this painting was probably done in 1790 and represents Washington after the Battle of Trenton or Princeton.

Many of Trumbull's miniatures have been used on our postage stamps and coins, and the picture of Hamilton on the ten dollar bill was done by him.

It is commonly believed that Philadelphia's First Presbyterian Church was designed by him.

John Trumbull's bicentennial occurred nineteen years ago on June 6, 1956. He was never a modest man and I think he would be flattered to know that one of his Washington portraits was to hang in a school like this.

He is buried at Yale in the famous Trumbull Gallery beneath the original of his full-length portrait of Washington. The inscription on his tomb reads: "Colonel John Trumbull, Patriot, and Artist, Friend and aid of Washington. To his country, he gave his sword and his pencil."

His greatness lies not in the quality of his art, but in the fact that he gave the new republic a portrait of itself in all the agony and drama of its birth and because of this great legacy, posterity has not failed him.

Let us hope that the dedication of this painting will be our symbol of the bicentennial which officially begins this month, and that posterity will not fail us!

THE BIRTHDAY OF PRINCE GEORGES COUNTY

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mrs. SPELLMAN. Mr. Speaker, on April 23, 1975, my county of Prince Georges will be 279 years old. In anticipation of our grand county's approaching birthday, I would like to quote the history of its early days and to describe its geographic relation to the Nation's Capital:

HISTORY OF PRINCE GEORGES COUNTY

When the Maryland Colonial Assembly decreed in 1695 that the new County to be named after Prince George be established on St. George's Day, 1696, almost 90 years of exploration and early colonization had already taken place.

This gentle, rolling countryside, nestled between the beautiful Potomac and Pautuxent Rivers, was first seen by white men in the ships of Captain John Smith in the summer of 1608, and his maps, remarkably accurate for the times, indicate the presence of numerous and prosperous Indian villages throughout the area.

Captain Smith described the 'Papawomeke" (Potomac) as navigable for 140 miles and "fed with many sweet rivers and springs . . . from the bordering hills. These hills . . . yield no lesse plentie and varietie of fruit, then the river exceedeth with abundance of fisth."

Of the "Pawtuxent" River, he wrote "here are infinit skuls of divers kinds of fish more than elsewhere" and noted that the Indian tribes included the "Acquintanasksuah, Pawtuxunt and Mattapanient" which he found living together more or less in harmony and "these of all we found the most civil to give entertainment."

It was to the powerful emperor of the Piscataways, in his village near where Ft. Washington now stands, that Leonard Calvert and his men sailed in 1634, after their original landing from the Ark and the Dove at St. Clement's (Blackistone) Island in the lower Potomac River.

It appears that pressure from their Iroquois enemies to the north inclined the Piscataways towards peaceful relations with the colonists and a log fort was built at the present site of Ft. Washington for mutual security.

Father Andrew White, S.J., who wrote much about the early colony, found the area pleasant indeed and suitable for colonization, describing the Potomac as "the sweetest and greatest river I have ever seene, so that the Thames is but a little finger to it. There are no marshes or swamps about it, but solid firme ground, with great variety of woode . . ."

This pleasant country drew settlers rapidly, who gradually worked their way inland, spurred by the large land grants which the charter permitted Lord Baltimore to dispense. These, in turn, led to a baronial society, later to develop naturally into the plantation way of life.

Large settlements were slow to form, although Upper Marlboro and Bladensburg soon began to shape up as centers of politics, commerce and culture, ranking with Annapolis and with Oxford on the Eastern Shore.

With most of the land along the Potomac still occupied by the friendly Piscataways, settlements had been established up the Patuxent nearly to Laurel, at the mouth of Rock Creek within the present limits of Georgetown, and along the Anacostia River in the vicinity of what is now Hyattsville and Bladensburg by 1695, with about 1,000 colonists.

On May 8, 1695, the General Assembly adopted the act creating Prince George's County, so honoring Prince George of Denmark, who was to be consort later to Queen Anne of England. At this time the Prince was an advisor to the ruling monarchs, William and Mary.

At the time of its founding, Prince George's County included the area which now comprises Montgomery, Frederick, Washington and Garrett Counties—its boundaries reaching up to what was later to become the Mason-Dixon line and westward to a vague, unexplored Blue Ridge mountain area.

The first County seat was Charles Town, located along the west bank of the Patuxent, where the Mt. Calvert estate had been established in 1657. Later, in 1706, the town of Marlborough was founded, named for John Churchill, first Duke of Marlborough. This became the County seat in 1721, retaing its original spelling until modified to Upper Marlboro about 1893.

The governing body of the County originally was the Governor and two other members, justices of the peace whom he appointed. This was both a judicial and administrative body, holding quarterly sessions. The high Sheriff acted as the clerk of the court, while each subdivision, or "hundred," had a constable. The County was at that time entitled to two delegates in the lower house of the Assembly.

In 1748, the area had become too large for efficient administration and Frederick County was established at the approximate line which now divides Prince George's from Montgomery County.

George Washington, Patrick Herry and others, were frequent visitors to Marlborough and Bladensburg, joining in social and political life of the times, which were gay enough from all indications. American horseracing began in colonial Prince George's County and, according to his diary, Washington was among the first to wager, and lose, money at the Marlborough Race Track, which still holds annual meets.

Prince George's County, which had contributed both troops and supplies to General Braddock during the French and Indian Wars, again supplied its men and materials to Washington during the revolution, specifically to the Maryland regulars, whose steadfast attitudes earned the title "Old Line." This later evolved into the nickname "Old Line State" for Maryland.

John Carroll, born in 1735 where the present Courthouse now stands, became the first Bishop in America and founded Georgetown University. At Washington's request, he accompanied Benjamin Franklin, Judge Samuel Chase and Charles Carroll of Carrollton on a mission to Canada seeking aid for the colonies during the Revolutionary War.

John Hanson, first president of the United States under the Articles of Confederation, was a native of neighboring Charles County, his plantation located almost across the Potomac from Washington's Mt. Vernon. Closely associated with men of similar attitudes from Prince George's County during the Revolution and early days of this Nation, he is believed buried at Oxon Hill Manor, in the County.

When the new National Capital was established, it was from Prince George's County that the Maryland portion was donated, leaving the present area of 486 square miles in the County.

Development of towns and plantations increased rapidly then and thousands of citizens had settled in Prince George's County before the disasterous interruption of the War of 1812.

British troops sailed up both the Potomac and Patuxent and the small American naval force of barges and sloops of war were routed and scuttled in the Patuxent near Marlborough. The British forces landed in Southern Maryland and encamped at Marlborough before marching on Washington, D.C. in two columns. In panic the garrison at Ft. Washington blew its magazines and abandoned the defense of the Potomac.

Raw recruits of the District militia fled after only a skirmish when the opposing forces met at Bladensburg, while Commodore Barney and his sailors and marines, transported from their abandoned fleet, were soon outnumbered and defeated, despite their gallant defense.

The following wild retreat has since been known as the "Bladensburg Races" and though the casualties were small—26 Americans killed and 53 wounded—the defeat cleared the way for the British advance on Washington and destruction of the Capitol Building and White House.

It was during that tragic period that Francis Scott Key found himself aboard a British warship in Baltimore harbor. He was seeking the release of Dr. William Beanes, of Marlborough, who had been taken by the British after he resisted looting of his home by British troops encamped near the town. The Marylanders witnessed the night-long bombardment of Ft. McHenry by the enemy fleet and Key was inspired by the defiant flag in "dawn's early light" to compose the Star Spangled Banner.

The next half-century found continued development enlivened by two historic events in Prince George's County. In 1832, railroad tracks of the Baltimore and Ohio Railroad stretched into Bladensburg, and three years later extended into the Capital City. A short time later, Charles B. Calvert, of Riverdale, descendant of the Lords Baltimore, obtained financial and political assistance for Samuel W. Morse and his telegraph.

The National Intelligencer of April 10, 1844, some weeks before the historic message "What hath God wrought" was sent on May 24th, reports that messages were sent by the telegraph from the Calvert Mansion in Riverdale to Washington, and back, reporting on passage of cars along the B&O railway.

Prince Georgians, as all Americans, found themselves swiftly swept along by the surge of emotion and circumstances which led to the heart-rending days of the Civil War. Though border-line Maryland residents were divided in their sympathies, records indicate most Prince George's loyalties were with the Confederacy, and several County units fought with the South.

Strategically located, the County became a thoroughfare for Southern agents and the general attitude might be indicated by the forced suspension of the County seat newspaper, The Gazette, which was denied use of the U.S. mails because of its Southern leanings.

Only once did Confederate forces actually enter Prince George's County—on a raid in 1864 by troops of General Jubal Early, who sough to capture Washington or at least release the thousands of Confederate prisoners at Point Lookout, along the lower Potomac River. Both attempts failed.

During the war, the tavern of Mary Surratt, in what is now Clinton, housed Southern sympathizers, including John Wilkes Booth, who obtained ammunition there shortly before the assassination of Lincoln. Booth escaped along a route running through the County, and Mary Surratt was hanged with other conspirators, though later historians believe her guiltless, a victim of the hysteria which swept the Nation at that time.

Passing through reconstruction, industrial revolution and expansion with the Nation, Prince George's County counted nearly 30,000 citizens at the turn of the 20th Century.

Small town commerce, keyed to agriculture—tobacco and truck vegetables for the Nation's Capital—marked the development of the Country through the World War II period. Then came the first great surge of the city to the metropolitan area, a pattern yet to climax in this still rapidly-expanding jurisdiction.

By 1940 the population of 1900 had tripled, and the tally doubled again in only ten years, with 194,000 residents here in 1950. Prince George's counted 640,000 citizens as of January 1, 1969 and new residents now move in at a rate of about 600 each week of the year.

Prince George's now has more citizens than live in five States of the Union.

From this fantastic growth, most rapid in the Nation, comes both the Pride and the Problem today. As the landscape changes and develops, so must the way of life—personal, economic, civic and governmental. New subdivisions and apartment complexes and industry develop the need for more schools, roads, police and fire protection and all government services.

Prince George's residents today include influential and talented experts in all phases of government and industry, and her officials are playing an important part in the sophistication of government on both the state and federal, as well as the local, level.

The heritage is a proud one, the present stimulating, and the way ahead fantastic, troublesome perhaps, but certainly challenging.

Mr. Speaker, I am proud to say that there are many, many people employed by the House of Representatives who are Prince Georgians. In recognition of this legion and in honor of St. George's Day, I extend to each Prince Georgian a cordial invitation to be my guest at St. George's Day on Capitol Hill, on April 23, from 5 until 7 p.m. in the Banking, Currency and Housing Committee room, room 2129, Rayburn Building.

Let us celebrate our special day together.

EMERGENCY HOMEOWNERS' RELIEF ACT

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. ROBINSON. Mr. Speaker, on Monday, April 14, I was delayed unavoidably by court proceedings in which I was a witness in my home community of Winchester, Va., and did not reach the Capitol until too late to vote on the bill (H.R. 5398) the Emergency Homeowners' Relief Act.

Because of the obvious need of temporary assistance to such homeowners as have suffered loss of income through recession-induced unemployment and have become delinquent in their mortgage payments, I would have voted for this bill, but with substantial reservations along the lines of those set forth in debate by my distinguished Virginia colleague, Mr. DAN DANIEL.

I hope that the Secretary of Housing and Urban Development, who would have the responsibility to develop regulations under the bill, if enacted into law, would take pains to insure that the program truly was used as a last resort, as is my understanding of its intent, and that the interests of the general taxpayer be protected against abuse of the program, either by mortgage lenders or by temporarily distressed homeowners having other sources of relief than this program.

Temporary Federal programs tend to become permanent. The bill would project this one into 1978.

I hope the distinguished committee which brought it to the floor will take a new look at the program—assuming it becomes law—to determine whether or not it might be terminated at an earlier date, after the program has been in operation for a year.

SURVEY RESULTS RELEASED

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. WINN. Mr. Speaker, today I am releasing for the record the results of my recent winter questionnaire. This survey was mailed to approximately 170,000 postal patrons in my congressional district in late January, and to date, I have received some 20,000 responses.

Included in these results I found strong support for U.S. food aid to foreign countries, for Federal intervention in prolonged labor strikes, and for negotiations between Israel and the Palestine Liberation Organization.

Although recent political scandals have damaged the Government's image in the minds of many people, I found that 55 percent of my constituents do not feel it is necessary to maintain a permanent Office of the Special Prosecutor to handle campaign financing violations and other irregularities.

My constituents also favor a temporary relaxation of environmental standards to reduce production costs for ailing industries.

The economy continues to concern residents in my district. Many made further comments on the need for definite economic leadership, but 57 percent are of the opinion that wage and price controls should not be reinstituted. Along these same lines, they indicated a desire for cuts in many areas of Federal spending. Leading the way were cuts in general revenue sharing, followed by defense contracts, environmental protection, housing, job training, food stamps and other programs.

Mr. Speaker, I am pleased by the large response to this questionnaire. To me it indicates an upturn in interest in the functions of Government. The general perception of these vital issues shows a renewed concern that our Nation's problems be solved before they become crises.

For the benefit of my colleagues, I am inserting a complete breakdown of the results of this questionnaire in the RECORD at this time:

WINTER QUESTIONNAIRE

1. Do you believe we should continue to provide food assistance to the peoples of other countries? Yes, 58.8 percent; no, 34 percent.

2. What are your views on the arms limitation agreement reached by President Ford and Soviet Leader Brezhnev?

a. It is a major breakthrough? Yes, 24 percent; no; 25 percent.

b. the limits of 2400 weapons, which may include 1320 MIRVS, are too high. Yes, 33.6 percent; no, 12.9 percent.

c. the talks should be reopened and we should seek a new agreement. Yes, 39.5 percent; no, 11.9 percent.

d. the talks were plainly unproductive. Yes, 20.5 percent; no, 28.1 percent.

3. If the Palestine Liberation Organization formally acknowledges the legitimacy of the Israeli state, should our government encourage Israel to negotiate with the PLO? Yes, 56.8 percent; no, 32 percent.

4. In our efforts to cut foreign oil imports and conserve energy, if it becomes necessary to choose between gasoline rationing and a sizeable increase in gasoline taxes, which would you prefer?

a. gasoline rationing. Yes, 35.9 percent; no, 25 percent.

b. gasoline tax increase. Yes, 39.6 percent; no, 21.5 percent.

c. a combination tax-rationing system. Yes, 23.5 percent; no, 27.6 percent.

5. Are you in favor of temporarily relaxing environmental standards to reduce production costs for ailing industries? Yes, 56.3 percent; no, 39.4 percent.

6. Do you favor Federal intervention when any prolonged labor strike threatens the public interest? Yes, 82.4 percent; no, 14.6 percent.

7. If cuts must be made in the budget to allow the government to hold the line on spending, which of the following programs do you feel should be cut?

a. job training. Yes, 33.8 percent; no, 33.8 percent.

b. environmental protection. Yes, 42.6 percent; no, 29.6 percent.

c. defense contracts. Yes, 57 percent; no, 22.5 percent.

d. unemployment compensation. Yes, 21.6 percent; no, 39 percent.

e. food stamps. Yes, 31 percent; no, 33.3 percent.

f. housing. Yes, 34.8 percent; no, 28.6 percent.

g. public transportation. Yes, 29.8 percent; no, 36.8 percent.

h. aid to the elderly. Yes, 5.5 percent; no, 51 percent.

i. general revenue sharing. Yes, 60.3 percent; no, 16.8 percent.

8. What is your view on the Justice Department's attitude on enforcing antitrust laws?

a. acceptable. Yes, 31.5 percent; no, 18 percent.

b. too vigorous. Yes, 12.3 percent; no, 23.8 percent.

c. not vigorous enough. Yes, 43.1 percent; no, 10.5 percent.

9. Do you believe it is necessary to maintain a permanent Office of the Special Prosecutor to handle campaign financing violations and other irregularities? Yes, 38.4 percent; no, 54.6 percent.

10. Do you believe wage and price controls should be reinstituted? Yes, 38.1 percent; no, 57 percent.

PERSONAL ANNOUNCEMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BINGHAM. Mr. Speaker, on Monday, April 14, I was absent when H.R. 5398, the Emergency Homeowners' Relief Act, was voted upon. At the time, I had joined Victor Polsky—a prominent Soviet Jewish dissident, recently arrived here from the Soviet Union—in a press conference.

Had I been there to vote on the bill, I would certainly have voted for it.

AuCOIN ON U.S. FISHERIES ZONE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. STUDDS. Mr. Speaker, from time to time I have taken the floor to point out to my colleagues the very real and serious problems facing the U.S. fishing industry. If this industry is to survive it will be up to the Congress to enact meaningful reform and begin a sound program of conservation of the valuable marine resources off our shores. But the problems facing our fishermen and the Congress are very complex. My distinguished colleague on the Merchant Marine and Fisheries Committee, Mr. AuCoin, of Oregon, has written an article on these problems and what our country must consider in our efforts to resolve them. I would like to enter at this point in the RECORD the full text of Mr. AuCoin's article as it appeared in the March issue of Portland magazine and I recommend it to the attention of my colleagues in the House:

200-MILE LIMIT QUESTION

(By LES AuCOIN, Member of Congress)

The question of whether the United States should extend its offshore fishing zone to 200 miles involves an array of complex and competing arguments. But in a larger sense, it is only a part of a continuing development in the relations between nations. Hundreds of millions of people now look to the sea as a supplementary source of food supply, and more sophisticated technology allows nations to consider realistically the possibility of mining the seas for minerals and extracting increased amounts of oil and natural gas.

As worldwide interest in the resources of the sea increases, the need for international agreement with regard to the extent and means of development, and jurisdiction over such development, becomes critical. No longer are the oceans of the world thought to be the limitless source of food and other valuables we once believed them to be. No longer can we say that they will provide us with everything we will ever need—they will help, but only if used wisely.

The most immediate problem, and the one that receives the most attention, is the depletion of fisheries due to the competing demands of nations. There is clear evidence that Soviet fishing practices have caused serious depletion of Oregon's fish resources, with both short- and long-term implications. If these resources are not managed in an intelligent manner, paying attention to sustained yield principles, not only will a major Oregon industry suffer severe economic dislocations—unemployment and loss of earnings—but an Oregon tradition and way of life may come to an end.

For many years fishermen in different parts of the country have asked Congress to extend the contiguous fishing zone of the United States to 200 miles in order to protect fisheries from the harmful practices of other nations. But this action cuts both ways. The U.S.-based "far sea" fishing industries, such as the southern California tuna fleet and the Gulf Coast shrimp fleet, fish within 200 miles of the shorelines of other nations, and the consequences for them are profound. The federal government has gone so far in its opposition to the unilateral extension of a 200-mile fishing zone as to pay fines for American vessels seized within 200 miles of other nations rather than prohibit the U.S. boats from fishing within such zones would imply recognition of jurisdiction.

To resolve the problems arising from the conflicting wants of the nations of the world with regard to the seas, a Law of the Sea Conference, sponsored by the United Nations, was held in Caracas last year. While this Conference enabled the 143 participating nations to present their views, it folded up with little substantive progress. The best the conferees could do was to agree that some solution was needed, and that another round of talks should be held this year in Geneva.

And this brings us to the present. The Geneva Law of the Sea Conference is preparing to convene, but there is no guarantee that an international agreement acceptable to enough members can be worked out. Indeed, the likelihood is yet another impasse. Congress, responding to the urgent need to safeguard the nation's resources, is considering legislation which would extend unilaterally the fishing zone to 200 miles. A number of slightly differing bills have been introduced for this purpose, but a good example is the Interim Fisheries Zone Extension and Management Act of 1975. This bill would extend the fisheries zone and certain authority over anadromous fish in order to provide proper conservation management to protect the domestic fishing industry until general agreement is reached at the Law of the Sea Conference.

The U.S. State Department has condemned precisely such action in the past in the belief that such issues must be resolved through mutual agreement among the nations of the world. But there is good reason for consideration of this bill by Congress. While I agree that any lasting comprehensive solution must be worked out through international agreement, such agreements will not be found until the world knows the United States means business. The 200-mile limit legislation would in my judgment do this. It could provide the impetus for serious diplomacy so conspicuously absent today.

In 1973, as a member of the Oregon Legislature, I helped to pass a state law which extended to 50 miles Oregon's jurisdiction over its coastal seas. At the time this was done the Legislature knew that Oregon did not have a navy to enforce the law—and few foreign fishing ships were going to feel threatened by an Oregon Fish Commission employee chasing them around in a motorboat trying to hand them a summons. But just as Oregon passed its law as a way of telling the federal government that it wanted action, so should Congress begin work on this legislation to demonstrate to the world community the rightful concern of the United States. Congress wants the Law of the Sea Conference to show results—not just to agree to talk about it again next year.

There are a host of problems—legal, economic, political, and diplomatic—which must be worked out. But further delay on this issue will only mean further depletion of our vital fishing resources and greater economic hardship on those who make their living from the sea.

I hope that any international agreement which is reached will deal not only with our fish resources, but with the entire economic development of the sea. When such an agreement is reached, there will be a firm basis for expanding harvest of the sea—for fish and other forms of marine life, for oil and natural gas, and for minerals—to the maximum extent possible, while still practicing sound conservation principles.

A TRIBUTE TO MR. JOHN M. KNAPICK OF CAMPBELL, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. CARNEY. Mr. Speaker, on Sunday, May 18, 1975, Mr. John M. Knapick of Campbell, Ohio, will be honored at a testimonial dinner which will be held at the Archangel Michael Greek Community Center in Campbell. A highly successful former head football coach at Campbell Memorial High School, John Knapick is retiring this year as athletic director and teacher after 43 years of dedicated service in the Campbell City School System.

Mr. Knapick was born in Fairport Harbor, Ohio, and moved to Youngstown with his family before he was a year old. He began his athletic career while attending St. Procopius Academy, a high school prep school in Lisle, Ill., which is just outside Chicago. Starring in football, baseball, and basketball, Knapick spent 5 brilliant athletic years at the academy.

While attending St. Procopius, Knapick was coached by Father Benedict Bauer, a personal friend of Knute Rockne, head football coach at Notre Dame University. In Knapick's own words—

> Father Bauer taught me everything—all the fundamentals of football. Father Bauer would visit Knute Rockne every spring and pass along the information to us at the Academy.

Knute Rockne had made it a point to see Knapick in action on several occasions and, being very much impressed, Rockne eagerly waited for Knapick to join the squad at Notre Dame in the fall of 1927. Unfortunately, however, financial difficulties forced Knapick to remain closer to home.

While a student in Chicago, Knapick read in the Chicago Tribune that a young coach, "Bo" McMillin, was beginning his career at Geneva College in Beaver Falls, Pa. Compelled by his love for football, Knapick arrived at Geneva College aboard a motorcycle driven by his brother.

In his freshman year at Geneva College, Knapick played in all the games in which freshmen were eligible. As a sophomore, he had the distinction of playing in the first night football game in the United States. The game was played at Forbes Field against Duquesne, and Knapick thrilled the crowd by returning the opening kickoff 93 yards for a touchdown. In 1930, he was named to the Little All-America team.

Following graduation from Geneva College in 1931, John Knapick was named head football coach at Cleveland Benedictine. While coaching at Benedictine, he joined the Cleveland Pennzoil semipro team and was a triple-threat halfback, playing every minute of every game in a league that featured many former collegiate stars.

The following year, misfortune struck the personable John Knapick. During the first game of the season for Cleveland Pennzoil, Knapick suffered a broken shoulder that ended his playing career. The injury also ended his hopes of playing baseball with the Cleveland Indians after an impressive tryout with the "Tribe." Knapick then returned to Youngstown where he coached the Hyvis Oil football team to 20 straight victories.

In 1933, Knapick joined Dick Barrett's coaching staff at Campbell Memorial and was named head coach in 1935. He launched his career by piloting his "poor little boys" through a 24-game winning streak. In the Steel Valley League, Knapick had undefeated seasons in 1936, 1939, 1945, and 1956, and was named Steel Valley Coach of the Year in 1958. Knapick brought State and national fame to Campbell by producing more than 150 outstanding college football players, including four all-Americans:

Andrew Cverko, Northwestern University; Jack Cverko, Northwestern University; Walter Chwalik, Miami University, Fla.; and Bob Babich, Miami University, Ohio.

In addition, six of Coach Knapick's boys went on to play professional football:

Ralph Goldston with Philadelphia of the NFL and the Canadian Football League; Andrew Cverko with Dallas; Jack Cverko with San Diego; Bob Babich with San Diego and Cleveland; James Carwell with Houston and Boston; and, Gil Sloko with Detroit.

John Knapick retired as head football coach at Campbell Memorial in 1963, with a lifetime coaching record of 174 wins, 84 losses, and 29 ties. In 1972, he was named to the Ohio High School Coaches Hall of Fame.

Mr. Knapick resides in Campbell, Ohio, and is married to the former Sarah Crino. He has one daughter, Sally Knapick Winsen, a teacher in the Youngstown school system, and one son, John Philip, with the Campbell City Fire Department.

Mr. Speaker, John Knapick has had an outstanding career as a coach, teacher, and athletic director. In these capacities, he has helped countless young people to grow into mature, responsible adults. Because of his service to the youth and his community, the city of Campbell, which is also my hometown, is a better place in which to live. When John Knapick's many friends join together to honor him, I hope to be among them.

THE 1975 QUESTIONNAIRE RESULTS FROM FLORIDA'S THIRD DISTRICT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BENNETT. Mr. Speaker, earlier this year, I mailed a questionnaire to my constituents in the Third Congressional District of Florida, seeking their views on important national issues. I received more than 12,000 responses and I have just completed compiling the results of the questionnaire. I am placing the results of the questionnaire in the CONGRESSIONAL RECORD, because I believe my colleagues in the House will benefit from seeing the opinions of a cross section of my constituents on the major issues of the day.

Here are the results of my questionnaire expressed in percentages:

[In percentage]

Do you favor:	
(1) Immediate tax cuts to fight recession?	
Yes	84.2
No	15.8
(2) Reduced government spending to fight inflation?	
Yes	92.1
No	7.9
(3) Compulsory national health insurance?	
Yes	42.7
No	57.3
(4) Increased military supplies to Southeast Asia?	
Yes	22.4
No	77.6
(5) In order to conserve energy, do you favor:	
(a) Higher fuel taxes? (Yes)	53.1
(b) Rationing? (Yes)	41.2
(5.7 percent wrote in other preferences.)	

FREEDOM WORTH DEFENDING—VIET FIGHT NOT IN VAIN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BOB WILSON. Mr. Speaker, we in Congress will soon be making momentous decisions about our future action in Vietnam. The whole world including our enemies and our friends will be watching to see if we weaken our resolve to fight for freedom.

A forceful and timely editorial on this subject appeared recently in the San Diego Union.

I include it as a portion of my remarks in the Appendix:

Freedom Worth Defending—Viet Fight Not in Vain

The questions and recriminations are beginning. Did the 56,000 Americans who gave their lives in Vietnam die in vain? Did the millions of U.S. airmen, soldiers, sailors and Marines who fought in Vietnam accomplish nothing? Was our $150 billion investment in Vietnam wasted? The suffering of our prisoners of war, of the wounded and disabled, of the families of the killed and missing in action—has it all become meaningless now that the enemy is sweeping through the cities and countryside that the Americans once helped defend?

Events of the last two weeks in Indochina are tragic enough for the people suffering there now, but they also are destined to haunt the American conscience for a long time to come. Ten years after the first U.S. combat units went ashore at Danang, we are still debating whether they should have been sent there in the first place. Two years after we struck an agreement with the Communists to remove our forces, we are still not sure whether we did the right thing in leaving our allies to the doubtful future promised by a jerry-built "cease-fire."

History will one day answer all of the political and military questions raised during the long agony of the Vietnam war, but one question can be answered now. History cannot undo the meaning of sacrifices made for a cause which is right. Does anyone believe that the 53,500 Americans who died in World War I died in vain because their sacrifice did not prevent another World War a generation later? One of the cruelties of warfare is the frailty of the hopes for enduring peace that wars engender.

Americans are fortunate. Our homeland has never felt the scourge of a foreign invader. The reason is that we have an historical commitment to the principle that people have a right to live securely within their borders under a government of their own choosing. We know that when a powerful force defies that principle anywhere in the world it threatens our own security.

The United States of America made its commitment to the survival of South Vietnam in response to that principle. Our support of the South Vietnamese prevented a victory by invaders from the north. Under terms of the 1973 cease-fire agreement we continued our support by replacing South Vietnamese material combat losses on a one for one basis. When the Congress, over a period of two years, progressively cut back on this commitment, we increased greatly the risk of what is happening in South Vietnam today.

Every day we read of Communist tanks rolling over territory once defended with American blood, but territory is not really the issue. What should concern us more is that those tanks are rolling over a principle that is worth fighting for, one that means life or death for free nations, one that Americans must stand ready to defend. This is surely not the last time that our country will face a challenge to its commitment to that principle.

The American sacrifice in Vietnam still has meaning, and it will continue to have meaning as long as freedom is cherished anywhere in the world. Our men will not have died in vain unless the American people decide that the cause of freedom is not worth defending. We have given the rest of the world—both our friends and our enemies—reason to question whether we remain committed to that cause or not. That is the overriding question that should be on the conscience of the American people today.

50TH ANNIVERSARY OF NASSAU POLICE FORCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. WOLFF. Mr. Speaker, 50 years ago today, the County Board of Supervisors of Nassau County, N.Y. met in the Old County Court House in Mineola and unanimously voted to create a county police force.

The original force, numbering 55, was entrusted with protecting the rights of the 200,000 residents of Nassau who were spread over an area of 175 square miles. Today, under the leadership of Commissioner Louis J. Frank, the force numbers 3,900 policemen and 1,000 civilian employees and must protect a much larger population living in an area of 220 square miles.

The first cars used by the Nassau Police Department were Ford runabouts, which were not supposed to be driven in excess of 20 m.p.h. except in an extreme emergency. Today, the force is equipped with modern vehicles containing sophisticated police equipment. The duties of the force have expanded from the land alone to include the sea and the air. There is a fleet of 15 boats patrolling the shoreline and four helicopters and one plane for use in the skies above the county.

Credit should also be given to the Patrolmen's Benevolent Association and its present president, Daniel Greenwald. The Nassau County PBA has been most effective in furthering the welfare of both the men and women of the police force and the citizenry of the area.

I would like to congratulate the Nassau County Police Department for its exemplary performance over the past 50 years and I wish its members all the best for the future.

SCHEUER INTRODUCES BILL DESIGNED TO LOWER PRICE OF IMPORTED OIL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. SCHEUER. Mr. Speaker, I have the privilege of introducing a bill which was also offered in the Senate Monday by the Senator from Idaho (Mr. CHURCH) and the Senator from Michigan (Mr. PHILIP A. HART). The purpose of this legislation is to insure the free flow of imported oil at the lowest possible price by designating the Federal Energy Administration as the sole purchasing agent and authorizing its purchases through sealed bids.

In the past 2 years the Organization of Petroleum Exporting Countries has quadrupled the price of crude oil. The ability of the OPEC nations to control the price implies the ability to control the supply as well. As a result of the behavior of this oil monopoly, we have suffered serious economic problems; elsewhere in the world there is the potential for economic chaos and slow strangulation.

While the Arab-Israeli dispute may originally have been impetus to the formation of the OPEC cartel, its settlement is unlikely to bring the price down. Surely the Venezuelan or Indonesian appetite for a high oil price will not be reduced by the course of Middle-East politics. Indeed, it is entirely possible that the price of oil may go still higher.

While the administration has tried to deal with the problem of imported oil, it has assumed that we must take the high foreign crude prices as an established fact. While the administration has talked of promoting solidarity among consuming nations, it will effect no reduction in price so long as oil continues to be purchased through oil company agents who have no interest in achieving low prices.

What is needed is a single oil-buying organization to deal directly with oil producing nations. By soliciting direct, sealed bids from these nations, the prices could be driven downward closer to production costs. By encouraging competition among the OPEC nations, we can finally drive down the price of oil.

This is perhaps the most appropriate moment for this legislation, Mr. Speaker. At this time there is a worldwide surplus of oil, yet little indication by the oil cartel of reducing the price. What we need is a policy that will place between the American consumer and the OPEC cartel an agent whose primary interest is the achievement of a reasonable price of foreign crude for the American consumer.

The bill follows:

H.R. 5978

A bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Emergency Petroleum Allocation Act of 1973 is amended—

(1) by inserting after the first section the following:

"TITLE I—MANDATORY ALLOCATION OF PETROLEUM PRODUCTS";

and

(2) by adding at the end thereof the following:

"TITLE II—PETROLEUM IMPORTS

"FINDINGS AND DECLARATIONS

"SEC. 201. The Congress hereby finds and declares that—

"(1) the United States needs adequate and available supplies of petroleum products at the lowest possible cost to meet the present and future needs of commerce and national security and the requirements for petroleum products of businessmen, communities, and consumers in activities in interstate commerce and affecting interstate commerce;

"(2) a major factor in the high rate of inflation, unemployment, and other economic dislocations is the quintupling of the cost of foreign petroleum;

"(3) the present and projected harmful effects to the economy, the businessman, and the consumer are caused in part by a lack of competition among suppliers of petroleum to the United States and among petroleum companies within the United States; and

"(4) the political and economic importance of imported petroleum from foreign nations is of such significance to the United States that it should be purchased by the Government rather than private companies.

"PURPOSE

"SEC. 202. It is the purpose of this title to insure the free flow of oil in foreign and interstate commerce at the lowest possible price.

"DEFINITIONS

"SEC. 203. For purposes of this title, the term—

"(1) 'Administration' means the Federal Energy Administration, and 'Administrator' means the Administrator of the Federal Energy Administration;

"(2) 'Crude oil' includes crude oil, natural gas, liquefied natural gas.

"(3) 'Qualified buyer' means a citizen of the United States, a domestic corporation, a domestic agricultural cooperative, or any department, agency, or other instrumentality of the United States or of any State.

"(4) 'Person' includes any individual, corporation, governmental agency, department, or instrumentality, or other entity.

"(5) 'Responsible offeror' means any company, sovereign state or person acting on its own or on behalf of others who has been found by the Administration, in accordance with such regulations as he may promulgate, to be capable of performing in accordance with the terms of its offer.

"PROHIBITION ON IMPORTATION

"SEC. 204 (a) On and after October 15, 1975, no person shall import into the United States any crude oil or refined petroleum product unless it has been purchased from the Administration, or manufactured from crude oil purchased from the Administration.

"(b) Any person who imports petroleum into the United States except in accordance with this title shall be punished for each offense by a fine not exceeding $1,000,000 or by imprisonment not exceeding 1 year, or both.

"FUNCTIONS OF THE ADMINISTRATION

"SEC. 205 (a) The Administration shall act as the exclusive agent of the United States in—

"(1) purchasing crude oil produced outside the United States for importation into the United States,

"(2) purchasing crude oil produced outside the United States for sale to refiners outside the United States pursuant to subsection (h) of this section, and

"(3) purchasing refined petroleum products outside the United States for importation into the United States.

"(b) All crude oil and refined petroleum products purchased by the Administration pursuant to subsection (a) of this section shall be sold to qualified buyers free on board the point of purchase. The Administration shall not engage in the business of producing, transporting, or refining crude oil or refined petroleum products on its own account or on the account of others.

"(c) The Administration shall endeavor to buy and sell without profit or loss. In the furtherance of this policy the Administration—

"(1) may, in the case of any individual transaction, sell crude oil or refined petroleum products at a price above or below the cost of same if, in the judgment of the Administrator, such sales may result in progress toward a lower price for oil sold in international commerce; and

"(2) shall periodically establish posted prices that will apply to all sales and outstanding contracts for sale of crude oil and refined petroleum products according to their particular gravities, qualities, grades, varieties, and locations.

"(d) Persons qualifying as responsible offerors wishing to sell crude oil or refined petroleum products to the United States shall submit sealed offers of sale to the Administrator in accordance with such regulations as the Administration shall promulgate.

"(e) All such sealed offers submitted to the Administrator shall be in United States dollar amounts and shall show price, specifications, volume, terms of delivery and schedule of delivery. The Administrator shall accept those offers whose terms are most favorable to the United States, and shall have the power to negotiate with the offerors of most favorable terms for terms more favorable to the United States, except that no contract accepted will be for a duration of more than two years.

"(f) The terms of any offer, or of any contract or agreement entered into by the Administration to purchase crude oil or refined petroleum products shall be kept secret by the Administration, its officers, and employees. The Administrator shall insure that such terms are known to no more than six persons within the Administration. Such terms may, however, be made public no sooner than five years after the termination of the transaction to which they apply, provided that the identities of particular offerors and contracting parties are not thereby disclosed.

"(g)(1) The Administrator shall, by the issuance of regulations, determine the system by which sales of crude oil and refined petroleum products purchased by the Administration pursuant to this section shall be made to qualified buyers.

"(2) Any regulation promulgated under authority of this subsection shall be promulgated pursuant to section 553 of title 5, United States Code.

"(3) Any regulation promulgated under authority of this subsection shall (A) encourage competition within the domestic petroleum industry, (B) allocate supplies of crude oil and refined petroleum products equitably on a geographical basis, and (C) insure the maximum utilization of petroleum refining facilities located within the United States.

"(1) The refinery in which the crude oil in question is to be run is owned by a qualified buyer.

"(2) The qualified buyer has contracted with the Administration to import into the United States all refined petroleum products manufactured by it from crude oil sold to it by the Administration.

"(3) The Administration has taken care, pursuant to subsection (g)(3) of this section, to insure the maximum utilization of petroleum refining facilities located within the United States.

"(i) In the performance of its functions under this title the Administration shall not set or establish tariffs or quotas on the importation of crude oil or refined petroleum products.

"AUTHORITY OF ADMINISTRATION

"SEC. 206. (a) In the performance of its functions the Administration is authorized—

"(1) to make, promulgate, issue, rescind and amend rules and regulations governing the manner of its operation and the exercise of powers vested in it by this act;

"(2) to appoint and fix compensation of such officers and employees as may be necessary to carry out such functions; and

"(3) to contract for the purchase of crude oil and refined petroleum products from any private individual, foreign state, or foreign or domestic corporation.

"(b) All contracts and other obligations entered into by the Administration shall be guaranteed by the full faith and credit of the United States.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 207. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

"REPORTS TO CONGRESS

"SEC. 208. (a) The Administrator shall submit to the President for transmittal to the Congress in January of each year a report which shall include a financial accounting of purchases and sales by the Administration under this title during the prior calendar year. Such report shall not, however, disclose any information required to be kept secret under the provisions of section 205(f) of this Act.

"(b) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable to accomplish the purposes of this Act.

"GENERAL ACCOUNTING OFFICE AUDIT

"SEC. 209. The General Accounting Office shall audit the functions of the Administration under this Act semiannually and report to the President and the Congress. Such report shall not, however, disclose any information required to be kept secret under the provisions of section 205(f) of this Act.

"DEFENSE AVAILABLE IN BREACH OF CONTRACT ACTIONS

"SEC. 210. In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused solely by compliance with the provisions of this title, or any rule, regulation, or order issued pursuant to this title."

SEC. 2. (a) Chapter 93 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1924. Disclosure of information concerning crude oil or refined petroleum products and speculation thereon.

"Whoever, being an officer, employee or person acting for or on behalf of the United States or any department or agency thereof, and having by virtue of his office, employment, or position, become possessed of information required to be kept secret by title II of the Emergency Petroleum Allocation Act of 1973 or by regulations promulgated pursuant to that title, willfully imparts directly or indirectly, such information, or any part thereof, to any person not entitled under such Act or regulations to receive the same; or, before such information is made public through regular official channels, directly or indirectly, speculates in any such product by buying or selling the same in any quantity; shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"No person shall be deemed guilty of a violation of any regulations promulgated pursuant to title II of the Emergency Petroleum Allocation Act of 1973, unless prior to such alleged violation he shall have had actual knowledge thereof."

(b) The table of sections of chapter 93 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1924. Disclosure of information concerning crude oil or refined petroleum products and speculation thereon."

THE RUSSIANS ARE COMING—WITH CAMERAS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. ASHBROOK. Mr. Speaker, the Soviets are continuing their attempts to invade the American market with various products. In addition to the Russian tractors and watches that I have previously discussed, the Soviets are now planning to export cameras to this country.

Concern has been expressed from numerous quarters with Soviet imports and U.S. Government proposals to grant the Soviet Union most-favored-nation status. The reasons are numerous.

One major reason is the Soviet's ability to set a price for their goods which has no regard for market costs. Economists have pointed out how this is possible due to the state-controlled economy of the Soviet Union. Production costs are unknown. The result is the possibility of unfair competition by Soviet goods and the export of more American jobs.

We seem to be developing a situation where the United States first builds various Soviet plants which allow that country to expand its industrial base and military machine and then we are expected to buy Soviet products. Both result in the export of American jobs.

At this point I include in the CONGRESSIONAL RECORD the text of an article from the Washington Star-News of April 11, 1975.

RUSSIAN CAMERA

NEW YORK.—Berkey Photo, Inc., says its import subsidiary has reached agreement to market a Russian-made camera in the United States. The agreement with Mashpriborintorg, the U.S.S.R. export agency for cameras and other optical equipment, covers the Cosmorex Se Camera, Berkey said.

The camera is expected to retail for under $140 and will be sold nationally beginning April 14, Berkey said.

SOME OF THE SECURITY OF THE FREE WORLD IS CRUMBLING THESE DAYS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. DERWINSKI. Mr. Speaker, I am sure that the Members are genuinely concerned over the international reaction to the tragedy in South Vietnam, and will note with interest the following article by Ernst Cramer, senior editor of Axel Springer's publications in Germany. The article which appeared in the Sunday, April 6, edition of Die Welt in Hamburg, Germany's most prestigious newspaper, is a sober reminder of the problems we face in Europe in the wake of the Indochina tragedy.

I insert the translation of this article into the RECORD at this time:

SOME OF THE SECURITY OF THE FREE WORLD IS CRUMBLING THESE DAYS

(Translation of an Article by Ernst Cramer)

The catastrophe of Vietnam is the gravest defeat the United States of America has suffered since the Republic was founded 199 years ago. And unless the West, whose foremost power the USA remains, learns the proper lessons, the collapse in Indo-China will be not merely the final of the tragedy of Vietnam. It will be the prelude to a far greater debacle.

It would be unjust to blame America alone for the breakdown of the South Vietnamese defense machine. President Nguyen Van Thieu and his generals have simply failed. But American officers with long experience in Vietnam had prophesied this: "If we withdraw and abandon the South Vietnamese to their own resources, total collapse will be at best a matter of a few years."

The coup de grace was the decision by Congress to reduce aid for South Vietnam so drastically that it was tantamount to a total cut. When the news reached Vietnam, demoralisation hit the army on a uprecedented scale.

But the disaster we are now witnessing had long been programmed: the seed was sown over ten years ago when President Lyndon Johnson began escalating the American engagement, at the same time, however, ordering restrictions on his generals in the conduct of the war which made a military victory impossible. The soil was fertilized when the Communist side's skillful polemics about the morality of the fight for Vietnam's freedom even undermined the thinking of America's leaders.

And the seed of defeat began to sprout when Henry Kissinger, then President Nixon's security adviser, negotiated the agreement on withdrawal of US troops and American disengagement began.

It is idle at this date to resume the discussion about whether it would ever have been possible to achieve a military decision in favor of South Vietnam. But if such a chance had never had credence it would have been a crime to sacrifice even one single life in this struggle. All real experts on the situation, who do not wear political or ideological blinkers, agree two two facts, however: first, that a military victory could have been won, given the courage in the highest places; and second, that many South Vietnamese hoped for such a development for many years because it promised a better future.

All this is now of the past. Communism has won a great victory whose effects reach far beyond Indochina. For the defeat the United States has suffered in this faraway, sorely tried country in Southeast Asia has profoundly shaken the confidence of the free world in the reliability of the leading power in the West. More: this development has given new courage to the adversaries of America and her allies.

"Today the Vietnamese, tomorrow it will be the Israelis," Arab circles are gloating, and already the chances for progress towards peace in the Middle East have faded into the distant future.

In Moscow too, and in the other control stations of Communist power in eastern Europe, there can be no doubt that the pro's and con's of possible demarches westwards are being weighed up anew. With the collapse in Vietnam some of the security of West Berlin, of Germany and of western Europe has crumbled away.

Mr. Kissinger well knows this. These days he repeatedly harks back to 1914 and fears now as then misunderstandings could lead to misjudgments, indeed to a collision between the world powers. But in Congress a mood largely reigns that in the end the embarrassing defeat in Vietnam is a caüse for relief. And those publicists who for years have willfully or involuntarily worked to weaken the forces of the free world, applaud enthusiastically.

Since Aristotle tragedy has been followed by catharsis, the process of purification. Will the Americans, will the other free peoples now awaken to the knowledge that the way so far taken will lead to the abyss? Will they come together and compel their leaders to set new priorities? Only an incurable optimist would answer these questions with an unreserved affirmative.

NORTHERN IRELAND TROUBLES CONTINUE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BIAGGI. Mr. Speaker, despite the facade of peace in Northern Ireland there remains many serious problems for the people of this war-ravaged nation. The most serious of these is the continued disregard of the basic civil rights and liberties of the people by the British Government.

The Irish National Caucus has prepared a comprehensive fact sheet which outlines perhaps the most tragic symbol of oppression in Northern Ireland, the Long Kesh Concentration Camp where many citizens of Northern Ireland have been incarcerated many with little if any respect of their rights of due process.

The Irish National Caucus is a new organization made up of prominent leaders of the Irish American community.

Some of its members are good friends of mine and represent some of the most eloquent spokesmen of the Irish community. These include Dr. Fred O'Brien who serves as information director; Mr. Sean Walsh; Mr. Teddy Gleason, the distinguished leader of the International Brotherhood of Longshoremen; Mr. John Henning, former Ambassador to New Zealand; Mr. Brendan McCusher; and Rev. Sean McManus. The caucus has already received the endorsement of 30 of the nation's largest Irish organizations as well as the executive council of the AFL–CIO which gave their endorsement in February.

I welcome the caucus and wish them the best of success. They are committed to finding solutions of the problems in Northern Ireland and boast some 1 million supporters already.

We must continue our efforts toward establishing a lasting peace in Northern Ireland. Next week I will be reintroducing a resolution which calls for the people of Northern Ireland to have the right of self-determination. I anticipate that this will be considered during hearings later in the year in the International Relations Committee of the House.

At this point in the RECORD, I wish to insert the article written by Dr. O'Brien entitled "The Facts Behind Long Kesh Concentration Camp." I urge my colleagues to read this article so they too can see the problems which still exist in Northern Ireland and hopefully they will join with me in finding the solutions:

IRISH NATIONAL CAUCUS—THE FACTS BEHIND LONG KESH CONCENTRATION CAMP

(By Dr. Fred Burns O'Brien)

British Justice in Occupied Ireland has been persistently deteriorating during the present five year conflict still ranging against the inherent injustice of the British Government, its Army and its Judiciary that sustains its presence in Ireland against the will of the people of Ireland for varying degrees of concern and a diversity of political philosophical reasoning. The institution of detention without trial is the despicable handiwork of a desperate British Government. This process deprives the detainee of the basic legal rights to be charged, confront witnesses and seek litigation before a jury of peers that is the stated foundation of due process under the English Common Law System.

To incarcerate an individual without informing him or her of the charges is to cast aside the necessity of a system of justice and obliterates the pretense of a legal system. The process of internment without trial cannot be excused or justified under a democratic system, only one that has at its base a totalitarian instrument of shame. The island of Britain houses a legal system that is just on its face, but that legal system has not been transposed in Occupied Ireland as pertinent parts to protect citizens were deleted and a selective process was promulgated upon selected victims of not justice but administrative process overriding the judicial Process.

ABUSIVE LEGISLATION

The Special Powers Act, now superseded by The Emergency Provisions Bill, are two pieces of legislation enacted by the British Parliament at Westminster, London, for imposition on the Irish People of the Six Northeast Counties of Ireland and not applicable to the other claimed jurisdiction in which the British Government exercises authority. Both Acts are extraordinary measures and are in derogation of the basic human rights of those coming within their imposed administration. On paper, they are intended to sound necessary although a bit unreasonable, but in practice they are absolutely brutal and inhumane setting the stage for the construction of Concentration Camps in Ireland.

The intent of both cited Acts is identical and the purpose of the latter act is to continue the questionable practices of the prior Act by setting out in law vague guidelines, so that any dastardly acts by The Crown's Forces might be legislatively justified. Through the two pieces of legislation, the violation of human rights is perpetuated and British policy in Occupied Ireland was in fact to destroy equality and equity for its inhabitants.

The legislation on its face is prima facie in derogation of democracy and its application is selective and arbitrary, abridging full guarantee of rights under domestic and international law. The Special Powers Act and now The Emergency Provisions Bill are designed to relegate dissent and effective political opposition, contrary to British designates, to oblivion. Internment without trial is a crime against humanity from which other abuses derive their being.

INHUMANE TREATMENT

Subsequent to the utilization of internment without trial causes detention and torture of detainees in institutions similar to the Long Kesh Concentration Camp now known as Her Majesty's Prison, The Maze. So blatant, so rampant was the extent of torture that the Irish Free State government in Dublin filed charges and a case against the United Kingdom government at the European Court in Strasbourg.

Among the charges against Britain, the Free State government alleges that in fact the British government violates the European Convention of Human Rights guaranteeing the right of life, the right to liberty and security of person and discrimination in the administration of justice based solely on political consideration. Also alleged is that treatment of detainees and internees constituted torture and inhuman treatment.

VERIFICATION OF TORTURE

Various sources have verified that in fact there has been torture practiced upon those incarcerated. Amnesty International, an international organization based in London confirmed abuse upon detainees. Congressman Lester Wolff heavily disguised went in to Long Kesh and observed the brutal conditions and talked to the men inside and testified to the observations of his visit before a specially convened Committee on Foreign Affairs. Bishop Thomas J. Drury, a member of the Roman Catholic Hierarchy stated after visiting the Concentration Camp "I was a chaplain with the United States Army-Air Corps during World War II, but even in Japan I never saw such abominable conditions. Long Kesh is clearly designed to disorientate its victims. In plain language, it is designed to torture, degrade, and drive the men out of their minds and its succeeded in the case of P.O.W. Patrick Crawford."

Verifying the Bishop's allegations is a report by Dr. Robert Daly, Professor of Psychiatry at University College, Cork, Ireland. Dr. Daly interviewed twenty men who had been subjected to extreme coercive pressure. He concluded "Whether it was called interrogation in depth or brainwashing was an academic point. The aim of the treatment was to cause temporary psychosis (in layman's terms to send a man temporarily insane), which was a severe psychological injury able to have very lasting (permanent) consequences. Some of those people have been permanently damaged." Dr. Daly was fully supported by Dr. Anthony Storr, the Harley Street (British) psychiatrist, who studied the cases of those studied by Dr. Daly. Dr. Storr concluded, "It is exactly what I would expect."

The British in the face of international embarrassment empowered a Commission under Lord Compton bearing his name. The Compton Commission set out with the task to investigate charges of torture. The process used was called "Interrogation in Depth" and the then Prime Minister, Edward Heath, was queried on its probability of continued use responded, "I must make it plain that interrogation in depth will continue."

MENTAL AND PHYSICAL TORTURE

The general process of torture is as follows: (Words of Dr. Daly) "The men were made to stand for many hours with arms raised against a wall, with a hood over the head and with a machine creating a background of monotonous noise. The men were also deprived of sleep and kept on bread and water." During this process they were beaten and physically abused, mostly concentrated on one area and upon the testicles. The intent of the depravity was to induce terror and humiliation. The process decreased intake of calories, temperatures were kept high to increase sweating, leading to dehydration resulting in physiological as well as psychological changes.

The Compton Report admitted ill-treatment of detainees, but excused it as necessary, although it was in clear violation of all covenants referring to human right guarantees. All allegations of abuse under the interrogation in depth was admitted by the Compton Commission that substituted selective rhetoric of ill treatment rather than torture, but the substance of hooding, etc., remained unchanged.

CONCENTRATION CAMP BURNED

The men of Long Kesh Concentration Camp are the victims of British torture and ill-treatment for their political offences. Minds and bodies can only tolerate so much suffering until the breaking point drive the rational beings into revolt. Such was the case in Long Kesh when victims of all processes previously referenced in this report had sustained all the abuse they could take. On the night of October 15, 1974, the men and boys of Long Kesh, Republican and Loyalist, Catholic and Protestant, burnt the concentration camp to the ground.

For two weeks they had appealed to their British captors for an improvement of depraved conditions to absolutely no avail. In Cage 13, British Forces beat an internee after an argument and this literally ignited those in the camp. The result was conflagration. The internees under internment under a system fraught with indiscretions, further subjected to beatings and torture, could take no more and destroyed the camp.

The reaction from the British Forces was an immediate attack upon the unarmed men and boys who were riddled with American manufactured rubber bullets and CS gas. The treatment of Irish People by the British Army involves maiming and killing; men and women are arrested and tortured; incarcerated and further abused. The entire way of life in Occupied Ireland is daily punishment of the people by the British. Degradation of the Irish is a British pastime both in and out of the Concentration camps.

Naturally and rationally the men and boys in the camp revolted at the inhumane treatment by the British and were joined by the women in Armagh prison. No people should be expected to suffer in their own country at the hands of a foreign power. It all leads to the inevitable conclusion that Ireland's problem is British presence with its complement of British terrorism promulgated by its Army. If any rational human being realizes the extent of abuse suffered by the Irish at British hands they would welcome the burning of the Long Kesh Concentration Camp as further symbols of the Irish will to resist British terror. The burning of Long Kesh was an act of unity of all political prisoners, Republican and Loyalist, Catholic and Protestant.

KEMP CALLS FOR INCREASED CONGRESSIONAL SCRUTINY OF FOREIGN DEBTS OWED U.S. TAXPAYERS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. KEMP. Mr. Speaker, yesterday I introduced legislation to provide that no debt owed the United States by any country may be settled in an amount less than the full value of that debt, unless Congress approves of such a settlement.

This issue of foreign indebtedness to the United States is one which we must take with utmost seriousness. Foreign debts very much affect our budget, our balance of payments, and our relations with other countries. Most important of all, foreign debts affect the American people who have exemplified a generosity unmatched in history in extending financial assistance of all kinds to nations throughout the world, and who have extended these particular loans with the assumption that they would be honored, and would be repaid according to a mutually agreed upon schedule between the United States and the debtor.

It concerns me very much that in recent years the State Department has taken upon itself certain loan negotiations which have had the effect of writing off substantial debts owed the American taxpayer by foreign governments. The Congress collects money from U.S. taxpayers, the Congress appropriates money from U.S. taxpayers, and I think the Congress, and not some executive department, should have final say over whether or not money owed to the U.S. taxpayer is to be collected, or is to be written off.

Mr. Speaker, the foreign debt owed the United States as of June 30, 1974 was $32 billion, exclusive of World War I debts. When World War I debts are added on, payments due the American taxpayers from foreign debtors total over $55 billion. Of the World War II debts owed the U.S. as of June 30, 1974, $6 billion was delinquent. Of the World War I debts owed as of June 30, 1974, over $19 billion was delinquent.

During the past several years, the State Department has entered into agreements with three nations which have netted up 3 cents on the dollar, and effectively canceled over $5 billion in outstanding foreign debts; $2.6 billion in claims from the Russian lend-lease debt were canceled; $2.2 billion in Indian Government rupees were canceled, and, most recently, a $370 million claim against the French Government was settled for $100 million.

At these times of inflation and recession at home, I question whether the American taxpayer who extended these loans in the first place shares the generosity of the State Department in writing off the loans.

The legislation I'm introducing today would not prevent the State Department from renegotiating foreign debts. It would, however, prevent the State Department from engineering these massive giveaways without the consent of Congress.

The Senate has already expressed agreement with the principle that foreign debts should not be rewritten at less than face value without the concurrence of Congress. Largely due to the efforts of Senator HARRY F. BYRD, Jr., the Senate voted in 1973 to prevent any settlement of India's debt to the United States at less than face value unless Congress approved of such a settlement.

The legislation I introduced yesterday has already been introduced in the Senate by Mr. BYRD, and is the result of his long, and often lonely battle to focus congressional attention upon delinquent payments due the American taxpayer.

I hope my colleagues in the House will join me in helping to maintain control of money loaned out by the American taxpayer with the reasonable and valid expectation it would be repaid according to schedule, and at the levels agreed upon.

"THAT THEY MAY LIVE"

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. HUGHES. Mr. Speaker, Mr. Curtis T. Corson, a resident of the Second Congressional District of New Jersey, has written a poem dedicated to the Bi-Centennial of the United States.

Mr. Corson's ancestors were among the original settlers of southern New Jersey, arriving in the area in 1690. Mr. Corson was born in Cape May County, N.J., and has lived there all his life. He was a farmer in the area and for the past 6 years has been a campground manager

Mr. Corson has never written poetry before and I commend him on his magnificent effort. I would like to read his poem, "That They May Live," to the House of Representatives:

THAT THEY MAY LIVE

(By Curtis T. Corson)

Listen all people, and you shall hear
How the United States, came to be here.
Tune your minds, and listen well
So that your children, will live to tell.

Your ancestors crossed the ocean, and braved the sea
To reach this land, of liberty.
Cherish your freedom, and guard it well
So that your children, will live to tell.

They fled oppression, and tyranny
To find a home, for you and me.
Cherish your freedom, and guard it well
So that your children, will live to tell.

They came here to worship, as they would
And develop religion, for the common good.
Cherish your faith, and guard it well
So that your children, will live to tell.

They left behind hunger, want and poverty
They found, a fruitful land of opportunity.
Conserve our resources and use them well
So that your children, will live to tell.

Some came here, against their will
Enslaved by us, in farm and mill.
Make room for them, and treat them well
So that your children, will live to tell.

The Indian was here, before we came
Living well, on land and game.
We must learn, to do as well
So that our children will live to tell.

This land, the Indian did not soil
Was received by us, to soon despoil.
Change your ways, and do it well
So that your children will live to tell.

They conquered the wilderness, with ax and plow
With blood and sweat, upon their brow.
Do your share, and do it well
So that your children will live to tell.

They rejected a King, upon his throne
And established a Government, of their own.
Respect its Laws, and obey them well
So that your children will live to tell.

They pushed the Frontier, from east to west
Across mountain and ocean, from crest to crest.
Keep moving forward, all obstacles repell
So that your children will live to tell.

Frontiers are here, for those who seek
And are found by the bold, not the meek.
Keep moving forward, all obstacles repell
So that your children will live to tell.

Shade your eyes, and look ahead
Be a leader, and not the led.
Teach your children, and guide them well
So that their children will live to tell.

United for strength, a mixture of all
Divided in contention, we are apt to fall.
Make bonds of unity, and weld them well
So that your children will live to tell.

We stand free, a light to all
Stand up straight, and do not fall.
Those who govern, do it well
So that your children will not rebell.

U.S. ARMS SALES A GROWING THREAT TO PEACE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. DRINAN. Mr. Speaker, after a record $8.3 billion in orders for foreign military sales in fiscal 1974, the export of American weapons is increasing still further in the current year. The United States contributes more to foreign arsenals through arms sales than the rest of the world combined. In 1974, American arms were sold to 70 foreign governments including a large number of repressive military dictatorships in Latin America, Africa, and Asia. In these countries, our arms help to perpetuate the subjugation of the people of the existing government.

The most dangerous facet of our foreign military sales program is our role in the Middle East, which has purchased the preponderance of American arms exports during the past few years. While the administration purports to be working for a peaceful settlement of the Middle East conflict and to reduce the risk of renewed hostilities, it has supplied vast quantities of arms to Iran, Saudi Arabia, Jordan, and other nations in this volatile part of the world. By expanding the arsenals of virtually all parties in the Middle East and Persian Gulf regions, the United States has made it easier for war to be waged and helped to insure that any future war will be more tragic and destructive than the last. The enormous expansion of arms sales to Middle Eastern nations has been carried out by the administration without the prior knowledge or consent of Congress. I have introduced H.R. 4133 in the House, similar to legislation filed in the Senate by Senator KENNEDY, which would suspend the sale of arms to Persian Gulf nations for 6 months unless Congress approves a comprehensive policy statement on such sales submitted by the President.

It is imperative that Congress participate in all decisions to sell weapons to various countries throughout the world. Until this year. Congresses only involvement in this key aspect of our foreign policy was in receiving periodic reports after the fact on sales completed in the the recent past. At that point, it was, of course, too late for Congress to act against any sale it did not approve of. An amendment to the Foreign Military Sales Act, contained within the Foreign Assistance Act of 1974, constituted the first significant step toward meaningful congressional oversight of proposed arms sales. That amendment provides for prior congressional notification of all proposed sales valued above $25 million carried out under the Foreign Military Sales Act. Congress then has 20 days in which to disapprove a proposed sale by concurrent resolution.

These recently enacted oversight requirements have a number of major loopholes which must be closed through appropriate legislation. First, the amendment adopted in 1974 applies only to sales conducted under the Foreign Military Sales Act. The export of weapons by private corporations and nongovernmental agencies is regulated under the provisions of the Mutual Security Act, which grants sole regulatory power to the President. On February 19, 1975, I introduced H.R. 3213 which would subject all proposed arms exports under the Mutual Security Act to the provisions of prior congressional notification and congressional disapproval contained in the Foreign Assistance Act of 1974. I am pleased to report that 45 of my colleagues have joined me in sponsoring this bill to date. The cosponsors are listed below:

Abzug, Badillo, Baucus, Bedell, Brademas, Brown of California, Carr, Collins of Illinois, Conyers, Corman, Cornell, Dellums, Diggs, Downey, Edgar, Edwards of California, Eilberg, Ford of Tennessee, Ford of Michigan, Gibbons, Gude, Hannaford, Harrington, Hawkins, Hechler, Helstoski, Holtzman, Koch, Leggett, Long of Maryland, Maguire, Metcalfe, Meyner, Mikva, Mitchell of Maryland, Moakley, Mottl, Ottinger, Riegle, Roe, Rosenthal, Simon, Solarz, Stark, and Stokes.

A second deficiency of existing provisions for congressional oversight in the field of foreign arms sales is the exemption of all sales valued at less than $25 million. From the standpoint of American foreign policy, it is the destination of the arms, rather than their cash value, which is of greatest significance. A relatively small sale of arms to South Africa or Hungary, for example, would have enormous implications for the conduct of our foreign policy. It is therefore necessary that Congress have prior notice and veto power over all proposed foreign weapons sales, regardless of the size of the transaction.

On April 7, 1975, I introduced H.R. 5659 which eliminates the exemption from oversight of all proposed arms sales valued at less than $25 million. The bill also establishes special procedures for the consideration of resolutions disapproving particular proposed arms sales to insure that Congress has an opportunity to complete action on such resolutions within the 20-day oversight period specified by law. I plan to circulate a Dear Colleague letter later this week to ask for the support of my colleagues on this piece of legislation.

No amount of congressional oversight conducted on a piecemeal basis, however, can effectively replace a set of consistent policies governing the sale of arms to foreign countries which will best serve the foreign policy objectives of the United States and the overall interests of world peace. This type of leadership has been sadly lacking as the administration has greatly expanded authorized arms sales during the past few years. An intensive evaluation of the possible consequences of massive arms sales by the United States to nations throughout the world is long overdue. Congress should seriously consider placing strict limits on additional arms sales until such an evaluation has been completed and fully considered by Congress.

The New York Times of April 14, 1975, contains an excellent article on the scope of our foreign military sales, particularly to nations in the Middle East. The article points out that the munitions industry has profited enormously from the recent increase in military sales. It is not the welfare of the munitions industry, however, which should be of paramount importance to the Ford administration in setting policy in this vital area. I reprint this informative article below for the consideration of my colleagues:

U.S. ARMS EXPORTS BOOM, PARTICULARLY TO THE MIDEAST; ORDERS, AT RECORD, TOP $8 BILLION A YEAR—MANUFACTURERS, WHILE DELIGHTED, ARE TROUBLED BY CONGRESSIONAL CRITICISM

(By Michael C. Jensen)

The worldwide arms buildup, particularly in the Middle East, has brought boom times for United States exporters of arms.

Foreign orders for American-made arms have reached a high of more than $8-billion a year, and deliveries of weapons to foreign customers are growing at the fastest rate in the nation's history.

Spurred by the feverish arms build-up in the Middle East, the arms boom is being financed in part by huge surpluses of petrodollars.

For some American arms manufacturers, the sale of weapons systems abroad has become one of their most profitable lines of business. For others, it has compensated for the decline in domestic military sales that followed America's disengagement from Vietnam.

Although the surge in business has delighted American manufacturers, it has also caused them some problems:

It has stirred Congressional criticism that exports are getting out of hand and that the United States is stimulating an arms race in the Middle East.

It has renewed charges of a conflict of interest on the part of former military officers who now work for arms contractors.

It has revived the label of war profiteer, which weapons manufacturers wish to avoid. "It's that old 'merchant of death' stigma," said one Defense Department official.

GRUMBLING HEARD

Also, some manufacturers are grumbling that they are not getting the cooperation they feel they deserve from the State Department and Defense Department.

Defense experts say that the boom in military sales will continue at least several more years and that a surge in multi-year contracts for future arms sales insures a continuing increase in weapon production in the years ahead.

United States manufacturers of weapons have recently sold antitank missiles to Oman, air defense missiles to Kuwait, jet fighters to Iran and Saudi Arabia and missiles to Israel that are capable of carrying nuclear warheads.

In the fiscal year ended last June 30, overseas customers ordered a record total of $8.3-billion worth of American-made fighter planes, tanks, missiles and other military equipment and technical assistance. The Pentagon served as a middleman, adding 2 per cent to the price as an administrative charge. Direct sales by manufacturers plus aid provided by the United States Government brought the total of arms orders from foreigners to about $10-billion.

Of the $8.3-billion in "foreign military sales" orders, more than $6.5-billion were placed by Mideast countries—with $3.8-billion of that from Iran and $2.1-billion from Israel.

MAIN BENEFICIARIES

The increase in foreign orders for American arms has been rapid. Orders in fiscal 1974 totaled more than twice the year-earlier level and about eight times the average level of the late nineteen sixties.

Manufacturers that were the leading beneficiaries of foreign military contracts were such traditional suppliers as the Bell Helicopter Company (a subsidiary of Textron, Inc.), the Northrop Corporation, the McDonnell Douglas Corporation, the General Electric Company, the FMC Corporation and the Raytheon Company.

These six companies, according to the Pentagon, received prime contract awards totaling more than $2-billion from foreign military customers over the last two fiscal years.

Although scores of United States companies manufacture weapons, a mere handful of them do the bulk of the business. The Defense Department announced in February that 132 technical assistance and training teams were operating in or for 34 foreign countries under "foreign military sales" contracts. An analysis of these contracts indicated that 90 per cent of the dollar volume (about $650-million of the $727-million involved) was accounted for by five companies. They were:

Bell Helicopter, with a $225-million contract for training helicopter pilots and mechanics in Iran and for developing a logistic system.

Raytheon, with a $32.5-million contract for the use and maintenance of the Hawk missile in Iran.

The Bendix Corporation, with a $139-million contract to establish a logistic system for the Saudi Arabian army.

Northrop, with a $146-million contract to train F–5 fighter pilots and mechanics in Saudi Arabia:

The Vinnell Corporation, with a $76.9-million contract to train Saudi Arabia's national guard.

CANDID DISCUSSIONS

Many arms manufacturers are reluctant to discuss their sales to foreigners, fearful of arousing controversy. However, some of the aerospace companies that are traditionally military-oriented were willing to talk candidly in recent weeks about current trends in their business.

McDonnell Douglas, for example, was clearly pleased by the prospect for foreign sales of its Phantom fighter, one of the mainstays in its line of military and commercial aircraft.

Last year the big aerospace company delivered 24 Phantoms to the United States armed forces. During the same period it delivered more than 100 Phantoms to Iran and Greece.

Over the next two and a half years, McDonnell Douglas expects the growth of sales abroad to accelerate, with an additional 349 Phantoms to be delivered to foreign governments but none to the United States military.

"Those F–4's [sold to foreigners] will be a very large part of our total production," an official of the company said in Washington.

McDonnell Douglas disclosed that, even though its over-all business was down in 1974, exports rose $292-million to $1.4-billion. One-third of its exports, it said, were sales to foreign governments.

Bell Helicopter, another major exporter, said that despite a decline in United States military sales, its dollar volume in 1974 increased 25 per cent and its exports rose $160-million. Especially helpful, Bell said, was a five-year $700-million contract to supply Iran with helicopters and training and logistic services.

Foreign military sales are engineered through a complex set of procedures and relationships that link the Pentagon, the State Department, the Washington offices of arms manufacturers and a number of associations that serve as a common meeting ground for government and industry representatives.

Indeed, there are so many of these associations that a "Council of Defense and Space Industry Associations" coordinates their activities. Among the most influential of its members are the Aerospace Industries Association of American and the Electronic Industries Association.

Another important organization is the American Defense Preparedness Association, administered by H. A. Miley, Jr., a four-star general who retired two months ago as head of the Army Materiel Command.

"What we do is develop a rapport between the services and industry," General Miley said in an interview.

AN IMAGE CAMPAIGN

Although former officers such as General Miley tend to talk without embarrassment about sales of military hardware, many manufacturers' spokesmen are not so forthcoming. The FMC Corporation, for example, objects to being listed as an important arms supplier.

"We don't exactly like being labeled international warmongers," said an FMC spokesman.

Part of the company's current image-making program is a four-color advertisement that shows a worker planting seeds in a rice paddy. The headline of the ad (for an FMC insecticide) says: "Every seed has one precious chance at life."

Documents filed with the Securities and Exchange Commission, however, portray another side of FMC. They disclose what every buyer knows—that in addition to insecticides and food machinery, FMC produces tracked personnel carriers, automatic naval gun mounts and guided missile launching systems.

The documents also show how profitable the sale of such products can be. In 1974 FMC's defense business of $170.5-million accounted for only 8.5 per cent of the company's sales but contributed 20 per cent of its pretax earnings.

VAST EXPORT TRADE

How do foreign arms sales of American companies compare with domestic military sales? In fiscal 1974, the Defense Department spent $15.2-billion for weapons and other items such as food and uniforms. During the same period, foreign orders for American-made weapons totaled more than $8-billion.

The United States is by far the world's largest exporter of weapons. According to the U.S. Arms Control and Disarmament Agency, the United States was responsible in 1973 (the last full year for which such statistics are available) for 54.4 per cent of the world's arms exports. The Soviet Union was second with 27.5 per cent.

Other countries, such as France and Britain, also sell large quantities of military equipment. Britain, for example, is reported to be negotiating a major arms deal with Libya that could include hundreds of millions of dollars worth of fighters, warships and other military hardware.

In the past, weapons produced by American manufacturers often were given away to allies by the United States Government or were financed with loans guaranteed by the Defense Department or the Export-Import Bank.

Most arms sales today, however, are for cash. In fiscal 1974 the Defense Department made loans of only $1.4-billion, mostly to Israel. The Export-Import Bank extended credits of $200-million, all for Iran. Outright gifts of arms amounted to $789-million, nearly half for Cambodia.

One increasingly controversial aspect of foreign arms sales involves their influence on domestic sales and product development.

Paul Kinsinger, a researcher at the Brookings Institution in Washington, recently chronicled Iran's increasing involvement in American weapon procurement.

A decade ago, he pointed out, Iran purchased the F-5A interceptor, a relatively unsophisticated plane designed by Northrop exclusively for export to less-developed countries.

By 1970 Iran had progressed by buying the up-to-date F-4E, manufactured by McDonnell Douglas.

In 1973 Iran, was allowed to buy the Grumann F–14 fighter, regarded by the Pentagon as the most advanced equipment available.

Last February the Secretary of Defense reported that the United States Navy had agreed to stretch its delivery schedule to give Iran equal priority during the F–14 production run. In effect, this would give Iran delivery of its F–14's before the Navy was fully supplied.

In addition, Mr. Kinsinger said, both Iran and Israel have reportedly expressed interest in buying the Rockwell International Corporation's Condor missiles for their fighters, even though the Defense Department has not yet decided to use the Condor because of its high cost.

CRITICS IN CONGRESS

One of the most voluble watchdogs in Congress has been Senator Gaylord Nelson, a Wisconsin Democrat. He recently warned, "The level of United States weapons and training being provided into Iran and Saudi Arabia lead some people to believe that the United States is actually stimulating an arms race in the Persian Gulf."

One concession Congress has wrung out of the Pentagon is the right to veto any pending foreign military sale of more than $25-million. However, a number of these notifications have been classified, effectively preventing any public debate.

Some of the classified transactions (such as an order for surface-to-surface Lance missiles, sold to Israel by LTV) were later made public.

Others, however, remain classified. It is openly discussed on Capitol Hill that classified deals are now pending on jet fighters for Switzerland and rockets for Iran. The Swiss currently fly fighters made by the French and British.

In one analysis of arms sales abroad, the General Accounting Office, which represents Congressional interests, reported early this year that nearly 500 military technical assistance personnel in Iran had skills that were in "critically short" supply in United States military units.

COSTS ARE NOTED

The G.A.O. also said that the Government had failed to recover at least $10.5-million in administrative costs and $24.2-million in interest costs on Export-Import Bank loans for foreign arms sales. The bank, it said, made the loans at lower interest rates than it paid for its borrowings, some of which were from the United States Treasury.

Arms manufacturers and their associations are quick to respond that they are maligned and misunderstood.

"Sometimes you get the feeling that the whole world is against you," said Jean A. Caffiaux, a vice president of the Electronic Industries Association.

"The assistance that foreign companies get from their governments is much greater than we get," he said. "Why, the ministers of defense in France and Britain are salesmen for their country's products."

Marshall J. Garret, an official of the Aerospace Industries Association of America, agreed.

"Our buddies up on Capitol Hill have no concept of the hell we have to go through to make a sale," he said. "Probably the least-known fact in the United States is the Government's absolute and utter control of the export of munitions. We have to get a license from Munitions Control of the State Department before we talk to even a friendly country."

Notwithstanding the red tape, the aerospace industry clearly has profited from its military exports. The Defense Department was its biggest customer last year spending more than $13-billion with aerospace companies. And military exports were up 27 per cent from the year-earlier level.

The aerospace industry's profit margin has improved dramatically from a low in 1971, when earnings after taxes were 1.8 per cent of sales, to 2.4 per cent in 1972, then 2.9 per cent in 1973 and 3.4 per cent in 1974. While the aerospace margin is still well below the average of 6 per cent for all manufacturers, its improvement has been steady.

One subject that arises when foreign military contracts are discussed is kickbacks, which often must be paid by American suppliers to middlemen in the buying country.

Richard R. Violette, director of sales negotiations for the Defense Security Assistance Agency in the Pentagon, testified last summer that "commissions" of up to 10 per cent were required in some commercial foreign arms sales but that larger sales often required payments of only 2 per cent.

"In many countries, corruption is a serious problem," said a Senate aide. "In Lebanon, the size of the kickback is the determining factor in what weapons system is selected."

Company and association officials take a more benign view of such "commissions" or "agents' fees." They dislike them, they say, but find them a necessary part of doing business in many parts of the world.

Although some countries remain more difficult to deal with than others, there has been some attempt to reduce the kickback problem. Shah Mohammed Riza Pahlevi of Iran, for example, has barred all commissions in his country.

Although arms manufacturers are not happy with kickbacks abroad, they are more likely to complain in private about too much United States Government "massaging" of their deals with foreigners.

Leonard A. Alne, who spent five years as director of the Defense Department's office of military sales and is now a consultant to Northrop, Raytheon and the Westinghouse Electric Corporation, sketched a picture of resentful arms manufacturers entangled in red tape and engulfed by a rising tide of criticism from Congress.

"As far as I'm concerned," he said, "the less 'policy' we have the better. There's a knee-jerk reaction about this business—that it's inherently villainous. But every transaction and every country are different."

U.S. FOREIGN MILITARY SALES—TOP 10 COUNTRIES IN FISCAL 1974

[In millions of dollars]

Deliveries	
Israel	$985
Iran	510
West Germany	417
Saudi Arabia	200
Australia	173
Greece	104
Taiwan	99
Britain	65
Canada	53
Venezuela	26
*Orders**	
Iran	$3,800
Israel	2,100
Saudi Arabia	588
Greece	435
West Germany	219
Spain	148
Canada	94
Taiwan	88
Korea	81
Chile	68

*Some orders cover more than one year.

Source: Department of Defense.

LEADING U.S. MANUFACTURERS OF ARMS FOR EXPORT[1]

[Companies are ranked by combined 1973–74 sales]

[Millions of dollars]

Company	Fiscal 1974	Fiscal 1973	Typical product
Textron (mainly Bell Helicopter)	$60	$509	Helicopters.
Northrop	221	171	Fighter-bombers.
McDonnell Douglas	120	224	Fighters.
General Electric	169	165	Fighter engines.
FMC	272	27	Armored personnel carriers.
Raytheon	34	191	Missiles and electronics.
Chrysler	220		Battle tanks.
United Aircraft (Sikorsky Helicopter)	126	68	Helicopters.
American Motors	157	13	Jeeps.
Hughes Aircraft	122	12	Missiles.

[1] Defense Department list of companies receiving prime contract awards of $10,000 or more for "foreign military sales." (Some are multi-year contracts and may be supplied from current Government stocks.)

NATIONALIZING OF RAILROADS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. GOODLING. Mr. Speaker, in recent months we have seen the advocates of the "nationalization" of our railroads fire up their engines. To date, I have seen little in the way of convincing arguments for such a course of action. Just the opposite has occurred. The more I hear of nationalization of the entire railroad system in the United States the more it scares me. An excellent article against nationalization appeared recently in Traffic World. This article was written by the Transportation Association of America and I would like to share it with my colleagues:

NATIONALIZATION OF RAILROADS: A MISTAKE AMERICA CANNOT AFFORD TO MAKE

A $100 BILLION "PROSPECTUS"

As an American citizen you are invited to invest about $500 in a new enterprise.

There will be no dividends; the enterprise is not intended to earn a profit.

But there may well be financial losses; if so, you will be irrevocably committed to help pay them.

Sorry, but once you have invested you may neither sell nor trade—nor even give away—your interest.

You won't have any voice at all in management or operating decisions; they will be made for you, and in your name, by politicians and government bureaucrats.

Great public benefits are forecast for the enterprise. Unfortunately, it's not now possible to predict what they will be, how they will be achieved, or when they will be realized.

If railroad nationalization were a commercial investment proposition, this would, in essence, be the "prospectus" that would have to be presented to the American people.

Unfortunately, however, the laws that require full factual disclosure in investment prospectuses don't apply to political issues. As a result, the hard facts of railroad nationalization proposals are largely ignored in the emotionalistic and often irrational public debate on this critical question.

Nationalizing the U.S. railroad industry would require an initial investment of an estimated $100 billion or more—or just under $500 for every man, woman and child in the country. It would place the greatest peacetime strain in history on the nation's financial resources. Without huge tax increases or unprecedented levels of deficit spending—or, very likely, both—it is hard to see how the federal budget could possibly absorb such an enormous outlay.

Furthermore, even its strongest advocates admit that a nationalized railroad system might well be expected to sustain substantial operating losses. Virtually every government-owned and operated enterprise in the country, from public transit systems to the U.S. Postal Service, loses money year after year. The same is true, without exception, of nationalized rail systems in other countries; subsidies in some countries run over $1.5 billion annually. Such losses could only heighten the already heavy financial pressure on the taxpayer.

Nor would it be possible, as a practical matter, for the nation to de-nationalize its railroads if it later wanted to change its mind. Nationalization is, for all intents and purposes, a one-way street; once the fateful step was taken, neither the managerial strength nor the financial wherewithal to reverse the process would be available in the private sector. For better or worse, America would have only the choice of a nationalized railroad system or no railroad system at all.

Proponents of railroad nationalization admit that the cost would be high. But, they contend, it is a necessary cost. Their arguments generally break down into three parts:

(1) Our railroad transportation system is "sick," and unable to adequately meet social and economic needs of the nation,

(2) The "sickness" is the fault of private-enterprise management of the U.S. railroads, and

(3) Nationalization would cure the existing ills, and thereby bring substantial social and economic benefits to the nation.

This is a very emotionally appealing argument. In a simplistic "good guys/bad guys" fashion it sets forth problem and solution very plainly, one-two-three.

The trouble is that all three points are, at the very least, open to serious question.

So much has been said and written about the "sickness" of the U.S. railroad industry that it is easy to over-estimate the severity of the problems confronting it. There is no question that a number of carriers are experiencing serious financial difficulties; as an industry, the railroads earn appreciably less return on investment than virtually every other type of U.S. business; some important roads in the northeast quadrant—notably the Penn Central—are now bankrupt, while a few others teeter precariously on the verge of insolvency. But this is far from the whole story.

On the positive side, the U.S. railroads comprise the only national rail system in the world to earn any profit at all.[1] Furthermore, their industry-wide financial picture—which includes the heavy losses incurred by the Penn Central and other bankrupt roads—is far from representative of the many more prosperous lines, which stack up well financially by any standard. And, despite recent economic downturns, the industry experienced one of its most profitable years of the past decade in 1974.

In sum, while some railroads are certainly facing serious problems, the picture is by no means as unremittingly bleak for the industry as it is sometimes painted.

In the freight transport field, the American rail system is universally acknowledged as the best in the world. Not only is the U.S. railroad service faster and more reliable than the same service in other nations, but American users pay considerably less for it.[2] And the carriers of this nation continue to exert worldwide leadership in railroading; as a rule, railroad innovation—from new operating equipment to advanced management systems—originates in America and is exported abroad to less progressive foreign (and nationalized) systems.

The only area in which superiority is claimed for foreign rail systems is passenger transportation. To a great extent this reflects cultural differences not related to railroading. For example, U.S. travellers prefer air and highway (especially private automobile) transportation for personal reasons, whereas economic and/or geographic conditions elsewhere make these alternatives less appealing to the citizens of other nations. Moreover, although passenger service is the most publicly exposed part of railroading, it is in the United States—as in most other countries—a secondary function of an industry whose main job is movement of the food, fuel and industrial goods needed for the public and economic welfare.

Nor has government takeover done much to enhance rail passenger service in the United States. Not only has the number of passenger trains been cut by about half since the creation of the National Railroad Passenger Corp. (AMTRAK), but even the small amount of remaining service is already requiring $200 million in annual subsidies.

Thus, while American railroading is far from an unmitigated success, on balance the

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[1] Outside the U.S., only a single one of the world's many railroads has returned a profit in any recent years the Canadian Pacific, the private-enterprise portion of Canada's mixed public/private system and the only non-U.S. privately operated railroad.

[2] Average freight charges per ton-mile were recently found as follows:

[In cents]

U.S. railroads	1.31
Canadian National Railways	1.32
Japanese National Railways	1.66
Netherlands Railways	2.07
Italian State Railways	2.40
French National Railways	2.83
German Federal Railway	2.88
British Railways	3.34

industry is far healthier and more productive than its critics seem willing to acknowledge. In the face of this, the blanket condemnation of private-enterprise railroad management in the U.S. as "inept" or worse appears hopelessly out of touch with reality.

A great many diverse factors have played roles in causing the problems that are currently besetting the U.S. railroad industry. Certainly one of these has been an element of managerial misjudgment; railroad management makes no claim to perfection, as could scarcely be expected in an industry where many different individuals, of many different levels of competence, are employed. But the simplistic scapegoatism of placing all the blame for every problem on management's shoulders serves more to camouflage the true causes than to point toward a solution.

The bankruptcy of the mammoth Penn Central affords a fine example of the fallacy of this approach. There is little question that managerial failures had a good deal to do with this disaster. But so, too, did government-imposed conditions on the Pennsylvania-New York Central merger that created the Penn Central. So did industry-wide labor work rules. So did restrictive regulatory policies of federal and state governments. So did changed economic conditions such as competitive inroads by motor carriers, major shifts in manufacturing activity away from the regions served by the Penn Central and a similar shift in coal production. It may be emotionally satisfying to single out just one of these factors for blame, but it is no substitute for serious, reasoned analysis.

In addition, it must be acknowledged that U.S. railroad management, whatever may be its failings, has overseen development of the best railroad system in the world. If management is to be held responsible for the industry's problems, it can hardly be denied credit for its successes, as well. On this basis, simple logic indicates that railroad management in the United States is at least equal to, if not better than, railroad management elsewhere in the world.

Seen in this light, the proposed 'answer' of railroad nationalization appears much less attractive. Not only is it based on a greatly exaggerated view of the industry's problems and an oversimplified and misleading identification of the cause of those problems, but there is also strong evidence that, instead of helping solve U.S. railroad problems, nationalization might very well make them worse.

Nationalization of industry has been tried many times in many different places throughout history. Mostly, the results have been extremely poor. Even governments dedicated to communist or socialist philosophies have often been forced, for practical reasons, to denationalize large sectors of ther economies; they found the goals nationalization was intended to achieve just weren't being adequately realized.

Railroad nationalization, say its advocates, would improve railroad service in the United States. It would encourage improved productivity in the industry. It would help bring about reduced rates.

The experience of England—which nationalized its railroad system in 1949—indicates just the opposite, however. In 1964 a British national opinion poll, based on comments of more than 2,500 randomly selected Englishmen and women, found over half of those questioned believed nationalization of their railroad system had achieved none of these goals.

Instead, they found (by a two-thirds majority or better) that nationalization produces "too much bureaucracy and red tape'; that workers in a nationalized enterprise "don't work so hard"; that nationalization "wastes public money," and—perhaps most significant of all—that instead of reducing rates, nationalization actually had increased them.[3]

The British poll, reflecting more than 15 years of that nation's actual experience with nationalization in several industries, including railroading, also produced these findings:

Some two-thirds of those questioned, asked to compare free enterprise with nationalization, found free enterprise "most efficient." Only 18.9 percent said nationalization was most efficient.

62 percent said free-enterprise economy was most conducive to lower operating costs and lower rates and charges; only 18.4 percent found nationalization better in this respect.

The fairest type of economy for the worker, said 56.4 percent, is a free-enterprise economy; nationalization was found fairest by only 28.8 percent.

Overall, the best type of economy for the country is free enterprise, according to 64.1 percent of those polled. Just 20 percent found nationalization to be best for the country.

Such heavy majorities, from a nation which has had some years of experience with substantial economic nationalization, cannot be dismissed lightly. If those who have tried this course of action so strongly believe it has worked out badly, it would be foolhardy for America to rush headlong down the same path without the most careful exploration of every alternative.

The American railroad system undeniably has some very serious problem before it. But those problems require specific and direct solutions, not the shotgun approach of nationalization—especially when that approach has been demonstrated ineffective in comparable situations abroad.

If the goal is to improve, and not further damage, the U.S. railroad industry, nationalization is a mistake America can't afford to make.

A RESOLUTION OF THE SOUTH BOSTON LITHUANIAN CITIZENS CLUB

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BURKE of Massachusetts. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues, a resolution which was formulated at a convention of South Boston Lithuanian citizens upon the 57th anniversary of the restoration of independence to the Lithuanian state. I want the Lithuanian people and all Americans of Lithuanian decent to know that I stand behind their efforts to regain the status of an independent state. In fact, I am a cosponsor of House Concurrent Resolution 165 which expresses the sense of the Congress "that the U.S. delegation to the European Security Conference should not agree to the recognition by the European Security Conference of the Soviet Union's annexation of Estonia, Latvia, and Lithuania and it should remain the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union."

The resolution of the South Boston Lithuanian Citizens Club is as follows:

RESOLUTION

We, the Lithuanian Americans of Greater Boston, assembled this 16th day of February, 1975, at the South Boston Lithuanian Citizens Club to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1975, marks the 57th anniversaray of the restoration of independence to the more than 700 year old Lithuanian State, which was won and protected by the blood sacrifice of the Lithuanian people during the wars of independence of 1919–1920, and recognized by the international community of States;

That the Republic of Lithuania was forcibly occupied and illegally annexed by the Soviet Union in 1940, in violation of all the existing treaties and the principles of international law;

That subjection of peoples to alien domination and exploitation constitutes a denial of the right to self-determination and the other fundamental human rights; is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and co-operation;

That so many countries under foreign colonial domination have been given the opportunity to establish their own independent states; while Lithuania having enjoyed the blessings of freedom for centuries is now subjugated to the most brutal Russian oppression and is nothing but a colony of the Soviet empire;

That though the Soviet Union, through programs of resettlement of peoples, intensified russification, suppression of religious freedom and political persecutions, continues in its efforts to change the ethnic character of the population of Lithuania, the Soviet invaders are unable to suppress the aspirations of the Lithuanian people for freedom and the exercise of their human rights.

Now, therefore, be it resolved:

That we demand that the Soviet Union withdraw its military forces, administrative apparatus and the imported Russian colonists from Lithuania and allow the Lithuanian people to govern themselves freely;

That we demand immediate release of all Lithuanians who are imprisoned for political and religious reasons and who for years are lingering in various Soviet jails and concentration camps;

That in expressing our gratitude to the United States Government for its firm position of non-recognition of the Soviet occupation and annexation of Lithuania, we request an activation of the non-recognition principle by stressing at every opportunity the denial of freedom and national independence to Lithuania and the other Baltic countries;

That the Soviet Union, in seeking a policy of detente with the United States, shall be requested to demonstrate its good faith and good will by restoring freedom and national independence to Lithuania and the other Baltic States;

That we are asking Senators and Members of Congress of the United States for their support of our requests;

That copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to the United States Senators and Congressmen from our State, and the news media.

INFLATION AND UNEMPLOYMENT: THE COMMUNIST PARTY'S NEW DRIVE—PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. McDONALD of Georgia. Mr. Speaker, with its customary opportunism, the Communist Party, U.S.A.—

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[3] "Aims of Industry" poll commissioned by the British National Opinion Polls, Ltd.

CPUSA—has seized upon the present economic crisis to organize for revolutionary Socialist changes in our Government and economic system.

The Communist Party's drive is twofold: First, a mass organizing campaign implemented through CPUSA's apparatus for penetration of trade unions, the National Coordinating Committee for Trade Union Action and Democracy—NCCTUAD or TUAD; and second, a legislative campaign in Congress to implement bills furthering Marxist goals.

First, let us consider the mass organizing campaign.

The mass organizing effort became public with the convening of a September 14, 1974, "Emergency Trade Union Conference To Fight Inflation" by TUAD in Chicago. The keynote speaker who outlined the CPUSA economic policy at the conference was Fred Gaboury, TUAD field organizer and CPUSA's Midwest trade union secretary.

The TUAD "Emergency Trade Union Conference to Fight Inflation" proposed a program for congressional economic action including slashing the military budget; price control of "food, rents and utilities"—a line to attract consumers; "public works to provide full employment with jobs at union rates of pay"; and "free, comprehensive health care for all."

The TUAD conference promulgated a call for mass demonstrations on November 16, 1974, as a "first step" in implementing this program. Of the 17 persons who signed the call for the November 16 demonstrations, 9 are either identified members of the Communist Party or editors of its official publications, while most of the additional 8 have extensive records of activity with multiple CPUSA fronts and causes.

The first group includes:

Ernest DeMaio, CPUSA, then vice-president of the United Electrical Workers and now U.N. representative of the Soviet controlled World Federation of Trade Unions.

Peter Orris, CPUSA, member of the executive committee of the Medical Committee for Human Rights.

Jack Spiegal, CPUSA, Midwest Organizer, Shoe Workers Union.

Angela Davis, CPUSA, and "co-chairperson," National Alliance Against Racist and Political Repression—NAARPR.

Bert Corona, CPUSA, general secretary of CASA Hermanidad.

Dr. Carlton Goodlett, CPUSA, publisher, Sun Reporter.

George Murphy [George B. Murphy, Jr.], CPUSA, Baltimore Afro-American.

Jim Williams, coeditor of Labor Today, the CPUSA's trade union publication, described by CPUSA's Gus Hall as "the TUAD organ."

John Kailin, coeditor, Labor Today.

Other sponsors included Jane Benedict, director of the Metropolitan Council on Housing, a CPUSA-dominated tenant organizing group. Mrs. Benedict has served in executive roles in CPUSA-dominated unions, fronts, and causes for some 35 years. She was the principal active organizer of the New York branch of the CPUSA's anti-inflation movement which eventually took the name New York Coalition to Fight Inflation and Unemployment, and was a leader in organizing the National Coalition to Fight Inflation and Unemployment—NCFIU.

Other signers included Carl Farris, labor secretary of the Southern Christian Leadership Conference—SCLC—and TUAD activist; Clyde Bellancourt, director of the American Indian Movement—AIM—and functionary of the CPUSA's NAARPR; Fr. William E. Hogan, of Chicago's Alliance to End Repression, a part of NAARPR; Illinois State Representative Peggy Martin, a founding sponsor of NAARPR; Alan Weaver, executive board, Local 1693, American Federation of Teachers; Rosella Bailey, president, King City unit, Elder Citizens of Washington State; and Elmer A. Benson, former governor of Minnesota.

The TUAD meeting also approved a call for an "anti-inflation demonstration in Washington, D.C. in March, 1975." As those who read the various trade union and CPUSA publications are aware, the mass march on Washington has been rescheduled for April 26, 1975.

The CPUSA newspaper, Daily World, then took up the call for mass demonstrations, stating:

> The idea of mass action has won wide acceptance . . . People's lobbies, rallies and marches in Washington have been suggested. Representative John Conyers (D.-Mich.) in a speech in Detroit some time ago suggested the launching in Washington of a People's Lobby on Inflation. A proposal for a major march in Washington after the election is being widely discussed [within Communist Party circles]. This can become a focus for all other efforts * * *.

Additional evidence for CPUSA origin and control of the various "Coalitions to Fight Inflation and Unemployment," as the movement is generally known, may be seen in the report to the Central Committee by Daniel Rubin, formerly CPUSA's organizational secretary who is now assigned as secretary of the CPUSA Anti-Inflation Commission, responsible for developing the strategy of the national campaign.

In his report to the December 7–9, 1974 CPUSA Central Committee meeting, Rubin stated that the party's aim had first been to focus the "rising tide of struggle" on "the organization of the simultaneous protest actions held in 39 cities on November 16."

Rubin further praised the CPUSA's organizing effort to develop a new united front by involving "progressive", that is, pro Socialist forces. He boasted that—

> The coalitions are of a very broad character, involving a significant sector of labor and the Black community as well as nearly all other sections of the anti-monopoly forces.

Rubin claimed for CPUSA the lead role in "stimulating this movement," but left it to other CPUSA leaders like Gus Hall to detail that the "significant sector of labor" was derived mainly through CPUSA's own TUAD organization, and that the representatives of the "black community" came from groups already sympathetic to the Communist Party's brand of socialism.

Following the successes of the November 16 demonstrations, a follow-up conference of the TUAD-derived coalitions was held in Chicago on December 16 at which the National Coalition to Fight Inflation and Unemployment—NCFIU—was set up.

The Communist Party has marshaled virtually all its existing fronts into the economic campaign. These range from the NAARPR through the Chicago Peace Council and surviving chapters of the People's Coalition for Peace and Justice to the Emma Lazarus Jewish Women's Clubs and the Young Workers Liberation League—YWLL—which for its part, according to its new chairman, James Steele, is "helping to build youth support for the Hawkins full employment bill and formulating proposals to strengthen it."

Steele also pointed out to a March meeting of the YWLL central committee that the group was attempting to organize unemployed youth saying:

> Their unity with workers on the job, however insecure, is the foundation of mass youth unity.

He also said:

> YWLL's Youth Rights program is the vehicle to unite and carry the entire young generation to a higher ground [toward communism]. Steele reported that as part of the youth rights campaign and as an adjunct to the NCFIU program, "Youth United for Jobs and similar organizations have been built in several cities. Youth employment bills have been submitted in three states.

The chairman of the Communist Party's youth group also outlined YWLL activities "in unity with broader forces to militantly honor Dr. Martin Luther King on April 4, the first international day of solidarity with U.S. youth fighting racism." The international day of solidarity on Dr. King's birthday was declared by the Soviet-controlled youth organization, the World Federation of Democratic Youth, of which YWLL is the U.S. affiliate.

The YWLL sponsored marches and demonstrations duly took place in New York, Cincinnati, Pittsburgh, Philadelphia and other cities, supported by such organizations as Operation PUSH, local NCFIU branches, NAARPR, National Welfare Rights Organization, the Coalition of Labor Union Women—CLUW—the Coalition of Black Trade Unionists—CBTU— and the National Student Committee Against Racism—NSCAR.

In the New York City demonstration, YWLL supported the action both directly under its own name, and via its new fronts, West Side Youth United for Jobs and Park Slope Youth United for Jobs, which are merely offshoots of the West Side YWLL branch and the Park Slope YWLL.

In fact, in many cases, the local affiliates of the National Coalition to Fight Inflation and Unemployment are attached to local branches and clubs of the CPUSA.

The National Alliance Against Racist and Political Repression has proved invaluable to the CPUSA in bringing elements of the civil rights movement and prison movement into the NCFIU campaign.

In particular, Operation PUSH—People United to Save Humanity—has assisted in linking alleged racial discrimination with job layoffs. Operation PUSH has also assisted in the effort to attract more Negroes into the new united front by associating the name of the late Rev. Martin Luther King, Jr. with the various local NCFIU/PUSH rallies in mid-January and the first week of April marking the anniversaries of the birth and death of Rev. Dr. King.

The founder and leader of Operation PUSH, Rev. Jesse L. Jackson, a former associate of Reverend King in the Southern Christian Leadership Conference—SCLC, has previously supported organizations dominated by the Communist Party including the People's Coalition for Peace and Justice, the New Mobilization Committee and the Chicago Peace Council.

In the context of the unemployment campaign, it is of interest to note that some three years ago, Political Affairs, the theoretical journal of the CPUSA, delightedly quoted Rev. Jackson as saying:

> We are going to talk not just about jobs, but we are going to talk about capitalism itself. For a long time people did not talk about capitalism because of McCarthyism. People have been afraid of using the word because the alternative is supposed to be communism. Whether or not that is the alternative, capitalism is a bad system.

Since December, the new Communist Party front, NCFIU, has been the motivating force in various building actions, rallies and demonstrations in preparation for its long planned April 26 march on Washington.

In addition to the January and April Martin Luther King events, these included a January 29 march in Washington by the CPUSA-controlled Distributive Workers of America, supporting a February 5 rally in Washington sponsored by the United Auto Workers—UAW, and holding a March 1 legislative conference also in Washington directly sponsored by NCFIU.

The president of district 65, Distributive Workers of America, is David Livingston, an identified CPUSA member. Livingston led the January 29 demonstration on the west steps of the Capitol. The Daily World reported,

> His voice rising in anger, Livingston denounced President Ford's request for aid to Southeast Asia.

Livingston's preference for socialism was apparent at an Emergency Conference on Economic Alternatives" held in the caucus room of the Cannon House Office Building in November, just before the November 16 demonstrations. He said:

> I do not believe, and the membership of my union does not believe, that there is any solution to the problems of energy that does not begin with nationalization of the oil companies in the U.S.

To loud applause, Livington said:

> Let the American people eat, let them be warm, and let them work.

A statement more suitable for enumerating the rights of draft horses than for the liberty-loving American people.

While NCFIU and its affiliates began organizing for a mass march on April 26 early in the year, on February 21, representatives from the American Federation of State, County and Municipal Employees—AFSCME; the International Union of Electrical Workers; Communications Workers of America; the CPUSA-controlled District 65, DWA, and District 1199, Hospital and Health Care Employees; and other unions met in New York to plan an "independent" march on Washington "to demand Government action on mounting unemployment."

The date originally chosen for this independent action was April 29, and was announced by Victor Gotbaum, executive director of District 37, AFSCME. A member of the Marxist Democratic Socialist Organizing Committee—DSOC—which works within the left-wing of the Democratic Party, Mr. Gotbaum claims he is not a socialist.

In response to the date variation, the Daily World interviewed an NCFIU representative who "said the organization expects the two groups to get together and work out a common date." To no one's surprise, the date decided was NCFIU's original April 26.

During this period, Trade Unionists for Action and Democracy and NCFIU kept up a pressure campaign via rank and file groups on the leadership of many unions and the AFL–CIO to participate in the "March for Jobs or Income Now."

On March 20, the Industrial Union Department—IUD—of the AFL–CIO announced it had changed the date of its march in Washington from April 19 to 26.

AFL–CIO's IUD comprises some of the largest and most powerful unions within the AFL–CIO including AFSCME; the United Steelworkers which absorbed the CPUSA–dominated Mine-Mill and Smelter Workers in 1967 and in which the CPUSA reports it is playing an active part in organizing rank and file movements; the International Brotherhood of Electrical Workers and the International Association of Machinists.

At this point, plans for the rally are snowballing. With so many responsible union leaders supporting the action on the 26th, large numbers of rank and file members are expected to participate. AFSCME and NCFIU report they have reserved some 460 buses and four trains. By the first week of April over 20,000 tickets had been sold. The organizers predict as many as 100,000 participants.

NCFIU and its allies will hold a separate march from the Capitol to Kennedy Stadium starting at 11 a.m. A united rally is scheduled for 1 p.m.

Recent literature from NCFIU indicates a new ploy to avoid identification of the march as CPUSA inspired. Although NCFIU was the first to call for the April 26 action, its leaflets now read "Industrial Union Department—AFL–CIO—Calls March on Washington, April 26th, 1975, For Jobs or Income Now!" NCFIU's program now calls for:

NCFIU Program

EMERGENCY SESSION OF CONGRESS

Set Aside All Other Business.

Provide Food Free from Federal Stocks for those in Need.

Stop Evictions, Repossessions, Utility Shut-Offs and Health Care Plan Cut-Offs.

Extend Unemployment Benefits for Duration of Joblessness to All, including 1st Job Seekers at 75% of Wages.

Immediate Public Works and Service Jobs for Millions of Unemployed and Crash Summer Jobs Program for 3 Million Youth, at Union Wages.

JOBS OR INCOME

30 Hour Week With No Reduction in Pay.

Pass A Strengthened Hawkins Full Employment Bill (H.R. 50).

Keep Scheduled Cost-of-Living Increases In Social Security Benefits and Raise.

Supplementary Security Income.

Expand Trade To Create Jobs and End Cold War Trade Restrictions.

ROLL BACK AND FREEZE PRICES OF NECESSITIES

Sharply Reduce and Eliminate Taxes for Lower And Middle-Income People.

CHANGE PRIORITIES NOW

Slash The Military Budget! No More Military Funds For Cambodia, South Vietnam Or Other Corrupt Dictatorships! Use The Money For Social Needs!

Close Tax Loopholes of the Super-Rich and Corporations.

Pass A Strong Health Security Bill To Assure All Adequate Health Care.

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FRESNO, CALIF., RESOLUTION ON ARMENIAN GENOCIDE

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. SISK. Mr. Speaker, passage last week of House Joint Resolution 148 marked the first official step toward designating April 24, 1975, as a "National Day of Remembrance of Man's Inhumanity to Man." As many of my colleagues know, this designation is prompted by the recollection of the 1915 genocide which the Armenian people endured at the hands of the Turkish nation. If an observance of this nature is to be a truly meaningful testament to the occurrence of this past atrocity and an instructive lesson in hopefully preventing future ones, the words must be accompanied by action.

I am proud to report that the city of Fresno in my congressional district is doing just that. In calling this fact to the attention of other Members, I am pleased to include at this point in the RECORD the text of a proclamation issued by Mayor Ted C. Wills of Fresno, Calif., officially designating the week of April 20, 1975, as "Armenian Heritage Week."

PROCLAMATION

Whereas, a significant segment of the population of the San Joaquin Valley is composed of the Armenian people who have contributed to the progress and betterment of life through agriculture, commerce, teaching, the professions, churches, and community organizations; and

Whereas, the Armenians among us are a remnant people of a nation against whom the first genocide of the 20th century was made, beginning on April 24, 1915, when a million and a half of them, comprising half the total of Armenians living during the Ottoman Empire, were annihilated by the Turkish government through a series of well-planned and secretly instituted atrocities, including the murder of the menfolk and the forced marches into the deserts of the women and children, where their ranks were decimated by hunger, lack of water and shelter; and

Whereas, by their own resolute Christian faith and will to survive and live again, and the generosity of many in the United States of America resulting in relief operations, a fraction of them were rescued and subsequently immigrated to this country and now comprise several hundred thousand in number; and

Whereas, their contribution to the building of America is evident by their leadership in the fields of education, science, medicine, the arts and government; and

Whereas, the Armenian community is an integral and important member of this multi-ethnic city and desires to help create and promote a greater appreciation for each culture; and

Whereas, we join the Armenians on this, the 60th Anniversary of this genocide, to affirm our conviction that genocide in whatever form and against whomever it is perpetrated, is rejected and condemned by us and all peace-loving and justice-seeking people of the world:

Now, therefore, I, Ted C. Wills, Mayor of the City of Fresno, do hereby proclaim the week of April 20–26, 1975, as Armenian Heritage Week and Thursday, April 24th as "Day of Remembrance of Man's Inhumanity to Man," and urge all the citizens of Fresno to render proper recognition to this solemn occasion and commemoration of the 60th Anniversary of the martyrdom of the Armenian people, and to participate in the activities of Armenian Heritage week.

THE MAKERS OF AMERICAN DEMOCRACY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. GOODLING. Mr. Speaker, I am pleased to bring to your attention the accomplishments of a talented young constituent of mine, Miss Margaret S. Blakey of York, Pa.

In a recent essay contest sponsored annually by the American Legion for high school students, Miss Blakey submitted the winning essay. Since we will soon be celebrating the 200th anniversary of our country, her remarks in her essay entitled "The Makers of American Democracy" are indeed timely. I would now like to share Miss Blakey's thoughts on this subject, for I believe that her views are original and expressive.

The essay follows:

THE MAKERS OF AMERICAN DEMOCRACY

In 1776 when Great Britain's thirteen American colonies banded together and proclaimed that from that day forward they would exist as an independent nation, free of all ties with Great Britain, the rest of the world laughed. They thought that the United States of America was a lofty name for a group of pompous colonists, and "democracy," the proposed form of government, a preposterous, slightly ridiculous idea that could never possibly succeed.

Time have proved them wrong, for in the 200 years that have passed since the colonies declared their independence, the United States has not only survived but has risen to become the wealthiest, most industrialized, most powerful nation in the world. As the country nears its Bicentennial Anniversary, it seems only natural that many Americans will pause to reflect on our history to determine just what has enabled us to become the nation we are today and who has played a role in forming and shaping our government in making American democracy.

The Founding Fathers of America are generally considered to be those men who were primarily responsible for drafting the Constitution, the Declaration of Independence, and other important documents of the day. They were the backbone of the American Revolution, and through them came the philosophies that guided the colonists in their struggle to throw off the yoke of Great Britain's rule. While their contributions to the shaping of the United States' democratic government are invaluable, it is necessary to realize that democracy did not start with the Founding Fathers. Many of the basic tenets of this philosophy began hundreds of years before, and the Founding Fathers were the receptacle for a wealth of ideas that had arisen before; they gathered the many scattered principles of democracy and molded them together with unique ideas of their own into a workable philosophy that became the foundation of American government.

Democracy actually began in Greece more than 2000 years ago. In 600 B.C. the Greeks stated their concept that every citizen should take an active part in government. All the male citizens met in a general assembly and voted on issues concerning the community. They elected officials to make laws and determine policy, and they had a judicial system to see that the law was administered properly.[2]

Several other cultures also influenced democracy in the United States. Cicero, the ancient Roman philosopher, believed that every person has some basic rights and that political power comes from the consent of the people.[3] Both of these principles are an integral part of our current political philosophy. The Declaration of Independence mirrors a basic Christian belief that all men are equal before God. In the years following the Revolutionary War several French writers influenced American thinking. Montesquieu believed in the separation of executive, legislative, and judicial powers; Voltaire professed that no government had the right to invade on the rights and freedoms of the individual; and Rosseau said that the only rightful rulers are those chosen freely by the people.[4]

English principles have always been important, being perhaps the greatest of all foreign influences on American democracy. In 1215 when King John approved the Magna Carta, he established provisions to protect the citizens against unlawful arrest, taxation without representation, and unfair trials by guaranteeing the right of a trial by jury. Other English writers of the Revolutionary period—Coke, Sidney, Harrington, Hobbes, and Locke—were important in the shaping of the American Constitution. From these writers came the basic outline of our judicial system and the two-party political system. Locke was probably the most influential of the English writers; he believed that the purpose of government was to protect the lives, liberties, and rights of the people. With Locke originated the Social Contract Theory, which embodies the idea that the state arose as a voluntary act of free men, that it exists to serve the will of the people who are the only source of political power, and that they may distribute that power as they see fit.[5]

The American colonists were aware of these principles, and they used them extensively. Thomas Jefferson, the principal writer of the Declaration of Independence, used Locke's Social Contract Theory as the justification for the American Revolution, arguing that the King and his ministers had violated the Contract. Samuel Adams was quoting Locke when he said that all men had a natural right to change a bad constitution for a better one whenever they have it in their power to do so.[6]

The Founding Fathers leaned heavily on the experiences of the colonists in the New World when writing the Constitution that was to frame the government of the United States. The idea of constitutional government, that is having a constitution that expressly states the powers of the government and the rights of the individual, was one that had been established in America many years before the Revolution. John Adams wrote the Massachusetts constitution in 1780, and John Jay wrote the New York constitution in 1777; these constitutions served as models in the planning of the new national government. Adams, like Montesquieu, argued strongly for a limited government with a balance of power between the legislative, executive, and judicial branches of government.

The Founding Fathers were pragmatic: they learned from their past mistakes. Benjamin Franklin remembered the failure of his Albany Plan of Union in 1754, and George Washington knew from his experiences during the Revolution the problem of trying to deal with a weak legislature. They both took steps to prevent these problems from occurring in the new government of the United States.[7]

James Madison is a name that is synonymous with democracy. For his tireless efforts of the Constitutional Convention of 1787, he earned himself the title "Father of the Constitution." Madison kept records of this historical assembly, later publishing them; but Americans mostly remember him for his ability to work out a compromise between differing factions when a middle ground seemed impossible.

Most state constitutions adopted during the Revolution contained a clear declaration of the rights of all persons. The man responsible for the first American bill of rights was George Mason. He wrote the Virginia Declaration of Rights of 1776. James Madison followed Mason's example when he proposed the first ten amendments to the Constitution, which became known as the Bill of Rights.[8]

The myriad of foreign influences coupled with native ideas has produced a doctrine of democracy that is distinctly American. Although some of the principles are directly traceable to a specific origin, most have intermingled; and it has become difficult to distinguish which thought came from exactly which origin. We have taken the most useful sections from several different political doctrines and combined them in the way most suitable to our needs. The result has been a philosophy that bears similarities to many others and at the same time remains uniquely different.

"Democracy like all other words, ideas, or institutions of men has a history and that history is not static but dynamic."[9] Just as democracy did not start with the Founding Fathers, it did not end with them either. There is continuous change as we strive to attain the democratic ideals of equality for all men in the sense of equal opportunity for all and the right of each man to pursue with absolute freedom his own interests so long as he does not infringe upon the rights of others. These are the goals we are working for and, if realized, would signify that we had reached a perfect democracy. Every American should be concerned with moving closer to these ideals, for the quality of democracy depends on the quality of participation; democracy needs people to make it work. As the Founding Fathers and all those who went before them are responsible for making the democracy we have now, so do we, in turn, have the opportunity as citizens of the United States today to be the "Makers of American Democracy" for tomorrow. This is the challenge presented to our generation, and the way in which we meet that challenge will determine our future.

Footnotes at end of article.

FOOTNOTES

[2] Donald Kagan, "Ancient Greece," *The World Book Encyclopedia* (1972), VIII, pp. 364–5.

[3] Leland P. Baldwin, *Best Hope of Earth: A Grammar of Democracy* (Pittsburgh: University of Pittsburgh Press, 1948), p. 63.

[4] Raymond G. Gettell, *History of American Political Thought.* (New York: The Century Co., 1928), p. 22.

[5] Gettell, p. 21.

[6] Baldwin, p. 63.

[7] Clinton Rossiter, "United States Constitution," *The World Book Encyclopedia* (1972), XX, pp. 126–30.

[8] *Ibid.*

[9] Stuart Brown, ed., *We Hold These Truths* (New York: Harper and Brothers, 1941), p. 1.

LEE HAMILTON'S WASHINGTON REPORT, "THE NATIONAL DEBT"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my Washington Report, "The National Debt":

THE NATIONAL DEBT

In my discussion of the economy it will usually not be long before someone brings up the size of the national debt. People are concerned about its enormity, and they want to know how long we can continue to add to it, when we are going to pay it off, and what its effects are on the economy.

Although most of us place the problem of our $540 billion national debt near the top of our list of problems, economic experts, strangely enough, just don't seem to get as worried about the size of the national debt as they do about achieving economic growth, high levels of production and employment, or reasonable price stability.

There is little doubt that the federal debt is huge. The question is has it gotten too big? Federal debt has been shrinking as a portion of total output and total debt, and, to the surprise of most of us, the federal government has borrowed more conservatively than the rest of the economy. The 1954 total debt of $271 billion amounted to 75% of the gross national product (GNP), while today's $540 billion debt represents only about 38% of our current one-and-one-half trillion dollar GNP. While federal debt has grown by 45% since 1950, private debt has increased by 800%, and the federal debt, as compared with total wealth, is much smaller than it was 20 years ago. The critical test for determining if the federal debt is too large is confidence on the part of the lender that the government will be able to repay the debt. The federal government pays the lowest rate of interest of any borrower in the economy. This is certain evidence that hard-headed lenders, such as banks and insurance companies, consider the federal government to be the best of all credit risks. So the upper limit of federal debt is established by the willingness and ability of the American people to support their government.

Nevertheless, we are still uncomfortable knowing that our government seems to make no effort to pay back what it has borrowed. We look at the national debt as a heavy burden we are selfishly passing on to our children. But the chief way we can burden them is to use up the nation's stock of capital goods so that the nation will be less productive in the future. If we pass on an internal debt (that is, a debt owed by a government to its own citizens) there are some distributional effects among people (for example, interest payments go from all the people to a few people who hold the government securities). If, however, the debt is external (owed, that is, to foreigners) there is a net reduction in the goods and services available to Americans.

The toughest question about the effects of federal deficits is whether they cause inflation. Traditional economic thought holds that federal budget deficits do cause inflation, but modern economics finds it is not an easy question to answer. For one thing, there is no systematic relationship between a budget deficit and inflation—a deficit of a given size may be inflationary in one year and not in another. In the past we have had inflation along with a budget surplus and falling prices along with a budget deficit. If the economy is sagging badly, as it is today, a deficit, and the economic stimulation it implies, can be healthy for the economy. The alternative is to permit the economy to continue indefinitely in recession with growing stagnation and unemployment. On the other hand, if the economy is running at full steam and overheats, even a small deficit may be excessive.

The debt also has significant psychological effects. A businessman may be dissuaded from an investment by reckless public spending or encouraged to make an investment because of an economy stimulated by government spending. Obviously, wasteful government spending and a careless attitude toward government deficits erode public self discipline and can lead to disastrous inflation.

Budget deficits and surpluses may not be quite as dominant in the economy as we have sometimes thought. Much of the inflation of recent years, for example, involves food and fuel prices and occurred independently of changes in the national debt. International conditions, collective bargaining agreements, and technology, to name a few factors, may have a greater influence on the economy than a deficit or a surplus. Nonetheless, federal deficits are still very important. Lower federal spending eventually means less demand in the economy and lower prices. The real cause of inflation is, of course, an imbalance between supply and demand. when demand is greater than supply, prices rise; when supply is greater than demand, prices level off or fall.

Oddly, contemporary economists tell us that we may never pay off the debt and that there are some disadvantages if we did. They point out that we would gain little by paying it off. Of course, our children would no longer be taxed to pay the interest on a debt. But, if there were no debt, we would lose an important mechanism for stabilizing the economy. In a faltering economy, government spending creates demand and jobs and returns us to prosperity. If the debt were paid off, we would also lose government bonds as a safe form of investment and deprive individuals and businesses of safe and easily convertible securities. In addition, over $500 billion in taxes—the equivalent of $2,200 for every man, woman, and child in the nation—would have to be raised to pay off the debt.

The point of all of this is that the federal debt is a serious matter and that new debt should be computed carefully, always with an eye to balanced inflationary tendencies with needed economic stimulation.

THIRTEENTH DISTRICT QUESTIONNAIRE RESULTS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. LEHMAN. Mr. Speaker, I wish to submit for the RECORD the results of my newsletter poll, taken in February and March of this year:

THIRTEENTH DISTRICT OF FLORIDA QUESTIONNAIRE RESULTS, FEBRUARY–MARCH 1975—TOTAL RESPONSES: 14,975

[In percentage]

1. Which do you feel is the single most important economic issue?

(a) Unemployment	39
(b) Inflation	55
(c) No answer	6

2. Are you in favor of a tax cut, even if it means a greater budget deficit?

(a) Yes	52
(b) No	44
(c) No answer	4

3. During a period of high unemployment, do you favor the government providing jobs for those temporarily unemployed?

(a) Yes	78
(b) No	19
(c) No answer	3

4. Do you favor wage and price controls as an answer to our economic problems?

(a) Yes	61
(b) No	35
(c) No answer	4

5. President Ford proposes to limit cost-of-living increases for social security recipients to 5 percent. Do you agree?

(a) Yes	30
(b) No	67
(c) No answer	3

6. Do you favor the temporary delay of environmental controls on automobiles and industry to help ease our energy problems?

(a) Yes	67
(b) No	30
(c) No answer	3

7. To deal with our energy problems, do you favor:

(a) Gas rationing to individuals	31
(b) Gas rationing to service stations	8
(c) Tax on all oil imports	17
(d) Tax on gasoline	17
(e) Tax on cars by weight	23
(f) Tax on cars by horsepower	27
(g) None of the above	21

8. Do you favor a program of national health insurance?

(a) Yes	83
(b) No	15
(c) No answer	2

9. If so, should the program be operated by:

(a) The Federal Government as part of social security	62
(b) The private insurance companies	23
(c) No answer	15

10. Should a national health insurance program cover:

(a) All medical bills	64
(b) Only catastrophic medical problems	25
(c) No answer	11

11. U.S. troops in Europe:

(a) Increase	3
(b) Maintain at present level	34
(c) Decrease	30
(d) Bring them all home	28
(e) No answer	5

12. Is it in the best interests of the United States to continue providing arms and military equipment to Israel?

(a) Yes	61
(b) No	33
(c) No answer	6

THE METRIC SYSTEM

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. WHITEHURST. Mr. Speaker, as the following article from the March 3, 1975, issue of U.S. News & World Report makes clear, the world is moving rapidly toward universal use of the metric system. In order for the United States to remain competitive in the world marketplace, it is vital that we make the transition to the metric system without undue delay. Following the lead of a number of my distinguished colleagues, including Mr. TEAGUE, Mr. HECHLER, and Mr. MCCLORY, I am today introducing legislation that would help facilitate such a change.

This bill would establish a National Metric Conversion Assistance Board to study the best ways of converting to the metric system, taking into account the interests, needs, and views of all segments of our economy and other interested groups. The Board, after completing its study, would then recommend appropriate legislation for effecting the transition.

Since the change to the metric system is inevitable, it is incumbent upon us, I think, to make that change as painless as possible for everyone, and that can only be done by means of careful and thorough planning and the provision of whatever assistance may be necessary.

The article follows:

THE METRIC SYSTEM IS CREEPING IN ON UNITED STATES

Steadily, without much fanfare, the U.S. is adopting the metric system—the standard of weights and measures used by most of the world.

Leading the shift are businesses—especially those competing abroad—educators, some federal agencies.

Also, a new push is getting under way in Congress to make metrics the official system for the nation within a decade. It's a legislative issue, debated now and again for almost 150 years, that may finally be resolved.

Swing by GM. In the meantime—

General Motors, the nation's largest manufacturer, is swinging to a policy of designing all new parts in metrics. The giant firm wants to harmonize production for all GM plants around the world. In the U.S., it will affect about 40,000 of GM's suppliers.

Pintos and Mustangs equipped with 2.3-liter engines are being powered by motors designed entirely in metrics. An estimated 30 to 40 per cent of Ford's production is in foreign markets where metrics are the standard. A shift in the U.S. will make parts interchangeable.

Big international firms such as Caterpillar Tractor, John Deere, International Harvester and IBM have been using metrics for years in foreign trade. They are now working on plans to use more of the same specifications in the U.S.

Before long, shoppers may be buying clothing and textiles with sizes in centimeters and meters, rather than in inches and yards. Sears Roebuck, J. C. Penney and Levi Strauss, among others, are now studying the impact of such changes.

Some canned and packaged foods will soon be carrying metric equivalents to ounces and pounds on their labels.

Later this year, Seven-Up soda will come in ½-liter and liter bottles, as a substitute for pints and quarts.

By 1979, all wine sold in the U.S. will be in metric bottles.

Paper, too. An international panel has agreed on a new standard size for widely used office paper—210 by 280 millimeters. It may eventually replace the 8½ by 11-inch paper found in most U.S. offices today.

Many adults will be in for some trying times computing the new figures. But youngsters in many parts of the country are already getting their first taste of the new standards in school.

At least 14 States are in the early stages of preparing classwork in metrics. Six have enacted laws calling for the metric system to be taught. In California, all elementary-school texts must include metrics by 1976.

Maryland has a six-year program of instruction to shift to the new system.

Many federal agencies are getting on the metric bandwagon, as well.

The U.S. Patent Office is encouraging inventors to include both types of measurements in their patent applications.

Even ships. The Maritime Administration has ordered all ships to be built to metric measures by 1980. All maritime cargo now traveling to and from Europe is marked with dual dimensions.

Federal environmental pollution standards, Agriculture Department crop reports and federal radio-signal measurements all carry the new figures.

Kilometers, as well as miles, are cropping up on highway signs as several States try out the new system.

Some television and radio stations are reporting temperatures in both Fahrenheit and centigrade degrees.

The American National Metric Council has been set up by private industry to aid business and government in the conversion process.

However, most experts agree that, if the entire nation is to go metric, it must have full federal backing—an idea that has been kicking around since Thomas Jefferson urged adoption of a decimal system 150 years ago.

In 1866, the National Academy of Sciences recommended shifting to the decimal system, but little came of the proposal. Finally, in 1968, Congress ordered the Department of Commerce to look into the problem. It concluded that the transition to metrics was inevitable and the sooner it was carried out the better.

The Senate adopted conversion legislation in 1972 and seemed just as ready to pass a similar bill last year. But the measure bogged down in the House, in large part because of the insistence of labor, along with some business groups, that the Government should pay for new metric-measure tools and equipment made to the metric standard.

Issue of subsidies. One sponsor of metric legislation, Representative Olin Teague (Dem.), of Texas, chairman of the House Sciences and Astronautics Committee which will hold hearings on the bill, says it will be "one of the first bills to come out of committee." However, aides say Mr. Teague is against federal subsidies for such things as replacement of tools. "You'd need a Government inspector in every tool box," says the aide.

Nevertheless, an official of the AFL–CIO says labor will insist on federal subsidies because "metric conversion would put a great burden on workers." As an example, the official argues that a typical machinist who buys his own tools might spend as much as $4,000 for a new set of metric-measure tools. Many small businesses say much the same thing—replacing existing equipment could prove prohibitive.

A bill in the Senate, sponsored by Claiborne Pell (Dem.), of Rhode Island, would provide grants of up to $2,000 to offset retooling costs.

Says one industry official:

"There's bound to be a lot of hauling and tugging over the final version of the bill, but if everybody gives a litle I think we can finally get the switch to metrication under way."

Supporters of the legislation estimate that the switch could add from 500 to 700 million dollars in exports a year—and foreign firms could increase sales 300 to 500 million in the U.S.

Failure to make the switch would leave the U.S. out of step with the entire industrialized world. About the only nations that have not adopted the metric system are Brunei, Burma, Liberia, the Yemen Arab Republic and the Yemen People's Democratic Republic.

DEFENSE DEPARTMENT AND CONSULTANT CONTRACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. ASPIN. Mr. Speaker, Washington correspondent Seth Kantor of the Detroit News in a story published April 10 has described the following example of Pentagon watchkeeping on the ramparts of the world:

[From the Detroit News, April 10, 1975]

DEFENSE DEPARTMENT AND CONSULTANT CONTRACT

(By Seth Kantor)

WASHINGTON.—The Pentagon says it can't figure out the likely political impact of any possible U.S. military force in the Middle East, so it has hired an outside consultant to find the answer, for $107,569.

Both the Defense Department and the consulting firm, American Institutes for Research (AIR), say they don't have a specific movement of military force in mind.

What is certain is that AIR came up with the idea for the contract and the Defense Department sought no other bidders for the job, according to Pentagon records.

A Pentagon spokesman told the Detroit News that on March 11 AIR got a contract to study "the political impact of U.S. military force in the Mid-East" because the Pentagon "cannot come up with precisely the same information on its own."

The study is to be conducted in Washington—much of it concerned with reading newspapers from Arab nations—said officials both in the Pentagon and at AIR.

A contract officer in the Defense Supply Service, the agency which handled the noncompetitive, unsolicited contract proposal from AIR, said the contract does not exclude any country in the Middle East from the study.

But the man in charge of the study does not say that. He is Paul A. Jureidini, born and raised in Lebanon and now a U.S. citizen. He said Israel is not to be included in his research.

"No. Not Israel," he said. "Somehow, we forget that Israel is in the Middle East."

So far the Defense Supply Service has obligated $35,015 for the first year of the study which is scheduled to continue through June, 1977. The Pentagon calls it "a one-shot deal."

Asked if the $35,015 might be equal to Jureidini's annual pay at AIR, the officer said the outlay of federal funds "has a relationship to the man's salary and skills."

Jureidini says that "basically this is a feasibility study of the perceptions of editorial writers and poly-makers in the Middle East. First we have to develop a reliable method of measuring those perceptions."

As an example, Jureidini said he would look at how one or more Mid-East countries perceive "a U.S. military force in the Mediterranean: Positively, negatively or not at all."

Jureidini supervises Mid-East studies at AIR, a private "think tank" with major offices at Palo Alto, Calif., and in the nation's capital. Its chief clients are a number of federal agencies that provide much of AIR's search into the behavioral sciences.

I submit that matters have reached a sorry pass when the Defense Department, with the entire U.S. intelligence and diplomatic information apparatus in the Middle East at its disposal, must pay someone right downtown here $107,569 to read Arab newspapers to assess the political impact of a U.S. military presence in the area.

But in addition, the contract in question is a perfect specimen of a type which should be avoided wherever and whenever possible. The proposal to the Defense Department was unsolicited and the contract let without competitive bidding. Such practices extend from contracts with individual "consultants" to those for the procurement of billions in weapons systems. These practices are a plague in a time of extreme stress on Federal resources. The foregoing example, in a money figure anyone can comprehend, is a wasteful affront to the American taxpayer.

I have concluded that the contract should be canceled forthwith.

Accordingly, I have written the Secretary of Defense the following letter requesting an explanation of the contract:

DEAR MR. SECRETARY: Please explain to me your department's justification for Defense Supply Service contract No. MDA 903–75–C0210 to the American Institutes for Research, 3301 New Mexico Avenue NW., Washington, D.C., published in the Commerce Business Daily, March 27, 1975.

On the face of the facts set forth in the attached story by Seth Kantor of the Detroit News Washington bureau, I hope that you will give serious consideration to the immediate cancellation of this contract.

Sincerely,

LES ASPIN,
Member of Congress.

A TRIBUTE TO ADELE GALIBER

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. DE LUGO. Mr. Speaker, I would like to add my public congratulations to Mrs. Adele Galiber of Charlotte Amalie who was recently feted at a testimonial dinner held in her honor by the St. Thomas Lions Club. Mrs. Galiber, a pioneer St. Thomas music teacher, musician, and devoted mother, is the second person so honored at the Lion Club's annual dinner in recognition of outstanding Virgin Islanders.

Hundreds of persons in the Virgin Islands over the years have had their lives magically touched by this remarkably gifted and dedicated teacher. Mrs. Galiber has been able to transcend both good times and bad by teaching the love and appreciation of music to our young people for over 40 years. For her work and her achievements in the field of music education, she was honored in 1968 by the first civilian Governor of the Virgin Islands.

Mr. Speaker, I am proud to have personally known Mrs. Galiber and the members of her outstanding family. I would like to share with my colleagues a little bit of this remarkable woman by including the following article from the Virgin Islands Daly News to be printed forthwith:

LIONS CLUB TO HONOR A. GALIBER

Lions Club of St. Thomas will hold a gala testimonial dinner and dance Friday night honoring Mrs. Adele Galiber, pioneer St.

Thomas music teacher, musician, and mother of a talented family of prominent Virgin Islanders.

Lion president Al Davis announced yesterday that tickets for the event scheduled for 7 p.m. Friday at Frenchman's Reef hotel, may be purchased from any Lion, or at Haynes Drug Center in Barbel Plaza.

Mrs. Galiber retired from active teaching in the public schools in 1968, after 40 years of service, and she was honored by the Virgin Islands' first civilian governor, Paul M. Pearson, for her innovation work in music education during the depression when limited funds were available for the schools.

Still spry and hearty in her retirement, Mr. Galiber devotes daily sessions to her beloved piano, and to her 'second love,' her island garden, bursting with fruit and floral tributes to her loving care.

A teacher and counsellor to generations of young Virgin Islands musicians, Mr. Galiber reared a large and talented family, whose own lives have contributed much to the Virgin Islands.

Son Flavio is a dentist, with offices in St. Thomas and Washington, D.C., and another, Andre is a physician, with offices in St. Croix. Another son Rudolph is an assistant commissioner of Public Works, and Leayle is a lieutenant colonel, serving as adjutant general of the new Virgin Islands National Guard. Daughter Doris is a mezzasoprano with the Oscar Hammerstein group, and daughter Norma is a supervisor of social services in Washington, D.C.

Friday's dinner dance honoring Mrs. Galiber will feature the music of Lion Arthur Jepessen and His Society Band of Reknown. Cocktails are at 7 p.m. dinner at 8 p.m., and dancing from 10 p.m.

The testimonial to Mr. Galiber is the second in an annual series honoring outstanding Virgin Islanders, and was initiated last year with a testimonial honoring veteran teacher and sportswoman, "Miss Edith" Williams.

Proceeds from the dinner and from a souvenir program published for the occasion will be used by the Lions to purchase education equipment and materials for the blind of St. Thomas.

Lions Club of St. Thomas recently completed the purchase of a $7,000 specially-equipped van to be used in transporting the blind and the aged.

ISRAEL'S 27TH ANNIVERSARY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. DOWNEY. Mr. Speaker, 27 years ago today the State of Israel was founded. These past 27 years stand to the people of all nations as a symbol of achievement and dedication and as a reminder that determination and courage can overcome the most difficult and trying adversities.

Since 1948, with the support of many of the world's nations and a firm commitment on the part of world Jewry, Israel has developed a democratic government, an expanding economy, and a stable society, and has become a model of growth and achievement for many other emerging nations. In meeting the challenges of a harsh, underdeveloped land, the Israelis have demonstrated an initiative and determination often characterized as the epitome of the pioneering spirit of the 20th century.

Their economy has made tremendous gains since the birth of the State. From the desert has been built highly productive agricultural land. At the same time, the country has encouraged development of the arts and sciences and can boast a fine symphony orchestra, Nobel prize-winning authors, more than 1,000 libraries and 5,000 schools, seven major universities and 52 colleges, and many museums and scholarly institutes.

Israel's progress has been recorded by economic indicators, growth rates and production figures. But these numbers simply cannot describe the pride, the perseverance, the sacrifices that have contributed to the making of Israel.

And even as Israel has itself been developing, it has offered its assistance to other developing countries. Believing that the gap in living standards between prosperous and poor nations is a danger to international stability and peace, Israel has sent hundreds of instructors, advisers, survey missions, and builders to dozens of countries of Africa, Asia, and Latin America under the auspices of U.N. agencies or at the invitation of the governments concerned. The Israel people, having found a measure of peace and prosperity after centuries of adversity, seek to share with other peoples in many lands the instruments and ways of peace.

But as the Israel people have made strides, their nation has been continually threatened both economically and physically. Only because of its strong and unyielding desire to remain free and maintain an atmosphere of dignity has it been able to overcome these tremendous odds. Despite the pressures imposed on the State of Israel—despite a future dimmed by uncertainty and danger—it has continued to reaffirm its determination to remain a free and independent state.

As Americans who cherish freedom, liberty, and equality, we take note of this special day—a day to reaffirm the ideals on which Israel was founded and a day to remark on the determination and accomplishments of the Israel people.

RESIGNATION OF FAA ADMINISTRATOR ALEXANDER BUTTERFIELD

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. GOLDWATER. Mr. Speaker, the resignation of Mr. Alexander P. Butterfield as administrator of the Federal Aviation Administration will be greeted with mixed emotion by the Congress and the aviation community.

Unfortunately, his tenure as the FAA Administrator has been surrounded by a great deal of controversy, which is largely due to the aftermath of the Watergate situation. I personally feel that Alex Butterfield gave everything he had to this job, and I happen to think that under the circumstances, he performed quite admirably in a very difficult job.

Just recently, there was an article in the Wall Street Journal about Mr. Butterfield which pointed out that he has devoted considerable time and attention to the FAA, and especially the problem of air safety. In fact, one of the most knowledgeable men in the field of aviation safety, Mr. Oscar Bakke, declared that Mr. Butterfield gave great attention to aviation safety and tried to effect positive changes in this vital area of FAA responsibility.

Mr. Speaker, regardless of Mr. Butterfield's difficulties as Administrator, I am not sure that anyone could perform this job, until Congress decides to do something about the relationship of the Federal Aviation Administration to the Department of Transportation. Mr. Butterfield and his predecessors for the most part, have been frustrated in their attempts to bring about change, because of the bureaucratic interference of the DOT on practically every FAA suggestion on safety and internal organization. I happen to think that the Congress made a mistake in the 1966 legislation, which established the DOT, when it ended the FAA's independence, and made it little more than a bureau of the DOT.

I claim to have no insight on Mr. Butterfield's problems in this connection, but knowledgeable people in the field of aviation tell me that every time he and his subordinates tried to affect change, they were stymied by the DOT bureaucracy. For the next FAA Administrator, I hope this will change.

I wish Alexander Butterfield success in his future endeavors and I hope that history will judge his performance as administrator, not on the basis of Watergate, but on his sincere devotion to the job of Administrator and his efforts to make aviation a vital link in the Nation's transportation system.

WHO NEEDS IT?

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. STEIGER of Arizona. Mr. Speaker, on April 15, 1975, the Wall Street Journal carried an editorial which I would like to call to the attention of my colleagues. This editorial deals with the issue of Federal land-use legislation and asks the question, "Who Needs It?" I commend this well respected newspaper for raising this question. For the last few years I have attempted to answer this same question, and have concluded that it will benefit no one—with the exception of a handful of environmentalists, planners, and Government bureaucrats.

The American people certainly neither need nor want this kind of restrictive Federal Government involvement in local land-use decisions. The public protest against this legislation last year clearly supports this conclusion. I hope that my colleagues will once more heed the advice of the people and reject the concept of a Federal land-use bill.

I would ask the Members of this body to consider this thoughtful statement from the Wall Street Journal.

[From the Wall Street Journal, April 15, 1975]

WHO NEEDS IT?

Presidential Candidate Mo Udall, a principal backer of the "land use' 'bill that died under public protest in 1973, has reintroduced a less authorization sounding version in this Congress. But the question remains: Who Needs It?

Chastened by the 1973 accusations that he was trying to install a U.S. Gosplan, Mr. Udall is at some pains to explain essential differences between the new and old bills. The new one, for example, contains no federal sanctions against states that do not set up planning operations that meet federal standards. The old bill would have bludgeoned them into cooperating by threatening to cut off federal airport, highway and conservation aid. The new bill also reduces the scope of proposed planning activities, apparently out of deference to politically powerful groups—farmers, for example.

The result is that Mr. Udall can now promote his bill with the modest plea that the federal government just wants to be helpful to the states. It wants to give them $500 million over six years to help them set up planning councils and no one is going to lay a finger on any state that prefers to go its own way. Of course, participating states would only get a bit of money initially; they wouldn't get the full federal grant until their plan got the approval of the Secretary of the Interior.

Now, as much as Mr. Udall would like to stress the innocence of the federal land use initiative, it has broad and profound implications. Those people who protested in 1973 obviously had some feel for those implications, even though Mr. Udall, Senator Jackson and others, of the land use movement apparently do not.

The ownership and use of land is both a tangible and intangible source of economic and political power. In the United States, unlike most nations of the world, land ownership is widely dispersed and real estate has long been a means for almost anyone with a few dollars to acquire some lasting substance. There are substantial political differences between countries where millions of people own their own land and countries where all land is owned by the state or much of it is owned by an aristocracy, the crown or large-scale private landlords. That difference is mainly in the political outlook of the electorate, its sense of independence and freedom. It is not easily defined but that makes it no less important.

Land ownership has never carried unrestricted rights. Land use restrictions have been applied mainly through local zoning laws, so that one man's ideas of how to use his land would not inflict some intolerable difficulty or annoyance on his neighbor.

Anyone who has had experience with zoning boards knows that questions over how a man can use his land are often sensitive and complex. It is the kind of question that demands, in a society such as ours, settlement at the local level.

It is safe enough to say that zoning as it now exists does not seriously impede the workings of market forces to put land to its highest and most efficient uses. That, in turn, provides an underlying base for an efficient economy—that is to say an economy capable of generating jobs and a high standard of living. It is not a neat looking system; there are lots of zoning fights and neighborly squabbles, but it adjusts to changing needs and fortunes in a rationing a finite resource.

Mr. Udall says he merely wants to provide "broad policy and financial incentives and also to put the federal government's house in order." That last is a tall order indeed. We find no popular groundswell. Until he comes up with more convincing arguments, it seems only fair to keep asking, "who needs it?"

ST. ADALBERT SCHOOL CELEBRATES 50TH ANNIVERSARY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. STOKES. Mr. Speaker, I call on my colleagues to join me in offering congratulations to the teachers and pupils of Cleveland's St. Adalbert School, which will celebrate its 50th anniversary on April 27, 1975. This is indeed a joyous occasion for St. Adalbert after years of hard work to keep the community-oriented school alive. The school was founded as an alternative to public education for innercity youth and has often experienced financial difficulties through the years, while keeping tuition costs minimal for pupils from east central, one of the city's most depressed areas.

St. Adalbert opened its doors in 1924 in an old wood frame building. This was the culmination of efforts begun in 1922 by a group of black Roman Catholics living in the east central area, to make the church more responsive to the needs of the black community. In 1960 a new school was built, and thus St. Adalbert became the first alternative school in Cleveland's inner city.

The school was founded, not as a citadel for Catholic education, but rather as an alternative to public education. Throughout the years St. Adalbert has met the particular educational, cultural and spiritual needs of inner-city children. Unlike public schools, St. Adalbert has been able to provide individual attention to the personal, familial, and societal problems of its pupils. Presently 300 students are enrolled, comprising 45 percent Catholics and 55 percent members of other denominations. The school has never discriminated in tuition or enrollment, showing more concern about where a child comes from than what church he belongs to. Religious practice is, however, encouraged and Christian values are stressed.

St. Adalbert is a community-oriented school. Pupils coming from outside the east central area are expected to pay the largest part of the school's financial burden. Of the 200 families with children attending the school about 50 come from outside the community. The school is controlled by the community through the St. Adalbert Community School parent-teacher unit which is the policy-making board for the school. This group assures that the needs of black people are met by the school administration.

In addition to education, St. Adalbert also provides clothing and food distribution, a meeting place for nonpartisan political activities, recreation, and youth activities, meetings of Alcoholics Anonymous, Alateen, and the Fairfax Area Council.

I call on my colleagues to join with me in commending St. Adalbert School for the essential services it has provided to the east central area for the past 50 years.

COMPLAINT FILED AGAINST PORT AUTHORITY TOLL INCREASE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. PEYSER. Mr. Speaker, this afternoon I filed a complaint with the Administrator of the Federal Highway Administration, requesting that he disallow the 50-percent toll increase that the Port Authority of New York and New Jersey recently announced. The Administrator has the authority to do so pursuant to the Bridge Act of 1906.

I am enclosing a copy of the complaint for the benefit of my colleagues.

WASHINGTON, D.C.,
April 16, 1975.

Hon. NORBERT T TIEMANN,
Administrator, Federal Highway Administration, Washington, D.C.

DEAR MR. TIEMANN: Last week the Port Authority of New York and New Jersey ordered a 50% increase in the toll rate for the bridges and tunnels under its jurisdiction. I believe that these increases are unjust and unreasonable.

Therefore, I am requesting you to exercise the authority vested in you, as Administrator of the Federal Highway Administration, pursuant to the Bridge Act of 1906, as amended (33 U.S.C. 494), to determine that such tools are unreasonable and unjust, to prescribe what rates may be reasonable and just under the circumstances, and to order a compensatory repayment of any unjust rates which may be paid if the higher rates go into effect in the interim.

The full text of the complaint is attached.

Sincerely,

PETER A. PEYSER,
Member of Congress.

COMPLAINT

This complaint is brought pursuant to Title 49, C.F.R., Part 310.

I. Complainant is Peter A. Peyser, U.S. Representative from the twenty-third Congressional District in New York State. His district encompasses much of Westchester County and part of New York City. Many of his constituents, in addition to himself and his family, regularly use the bridges and tunnels of New York City, which will be subject to the proposed rate increase, and they will suffer an unjust and unreasonable financial hardship if this toll scheduled is approved:

II. The bridges affected are the George Washington Bridge, the Bayonne Bridge, the Goethals Bridge, and the Outerbridge Crossing. The George Washington Bridge is located at West 178th Street, crossing the Hudson River to Fort Lee, New Jersey; the Bayonne Bridge extends from Bayonne, N.J., crossing Kill Van Kull to Port Richmond, Staten Island; the Goethals Bridge extends from Elizabeth, N.J., crossing Arthur Kill to Holland Hook, Staten Island, and the Outerbridge Crossing extends from Perth Amboy, N.J., to Tottenville, Staten Island, New York.

III. The agency responsible for establishing and collecting the tolls is the Port Authority of New York and New Jersey, located at 1 World Trade Center, New York, New York 10048.

IV. The rates alleged to be unjust are as follows:

$1.50 for passenger cars, which represents a 50% increase from the normal rate;

$.75 for motorcycles, which also represents a 50% increase from the normal rate.

V. Complainant believes that the rates are unreasonable and unjust for the following reasons:

1. The rate increase ordered by the Port

Authority is in excess of that necessary to conduct its operations and to assure a fair and reasonable return on capital invested in the Port Authority operations. The 1974 annual report indicated that last year the operating revenues of the Port Authority rose to $156,116,000, a $19,000,000 increase over 1973, despite decreased use of the bridges and tunnels.

2. The rate increase will not result in a shift of mass transit.

(a) During the gasoline shortage last winter, it became acutely obvious that the great majority of those who do drive in passenger cars do so because there is no mass transit available to them, and those who do not car pool do not because car pooling is very impractical, and in many cases is impossible. While there is no question that car pooling should be encouraged, this rate increase will not have the desired impact.

(b) The municipal governments in the metropolitan area have taken no action which would indicate that the area is sufficiently capable of affording adequate mass transportation for those who, because of the proposed rate increase, would be forced to utilize mass transportation. Again, there is no question that mass transportation should be encouraged and emphasis should be placed upon developing an adequate mass transportation network in the area. However, the proposed increase would not be that emphasis, but instead would be a form of regressive taxation.

(c) The municipal governments in the metropolitan area have taken no action to facilitate car pooling arrangements, in order to make car pooling workable and feasible. In the absence of such actions, it is unreasonable and unjust to impose financial hardship upon those who have no alternative but the private automobile for commuter transportation.

(d) The rate change will have sufficient adverse impact upon Northern Westchester County, which does not have sufficient mass transportation facilities. If the rate increase of the Port Authority is approved, it is certain that the New York State Thruway Authority will raise the toll on the Tappan Zee Bridge between Westchester and Rockland Counties $.50 to make it uniform with the toll on the George Washington Bridge. This will cause severe economic detriment to this area, and cannot result in a significant switch to mass transportation because there is no adequate system of mass transportation in the area.

(3) Commuters cannot afford a 50 percent increase in the cost of transportation.

The United States is curently in the midst of the deepest economic slump it has experienced since the Great Depression. Currently, the unemployment rate is 8.7 percent, meaning that 8,000,000 people are out of work. Inflation, although not as severe as last year, is currently running at an annual level of between 7 percent and 8 percent. Thus, the commuting worker is facing the worst economic picture that he has experienced in over 40 years.

The New York Metropolitan Area has been severely hit by this combination of recession and inflation. Workers in this area have seen their real incomes drop approximately 4 percent in the last year. A 50 percent increase in tolls for a daily commuter would be an added $125 cost annually for the average commuter, which would virtually eliminate the impact that the recently approved tax rebate would have.

(4) The impact of this will be severest on those who can least afford it.

The gasoline shortage last winter made it very clear that those who could not car pool and who could not utilize mass transportation were low and middle income commuting workers. These workers do not have viable transportation alternatives, and do not have the economic leverage to sustain the 50% toll increase.

(5) The increase is inflationary.

The rate increase of $.50 is a 50% increase in a major budgetary item for many New York and New Jersey workers. Clearly this can only serve to fuel inflation and thwart real economic recovery in the area.

(6) The increase will drive business away from the New York Metropolitan Area.

Businesses, already facing a depressed economy, will view this increase as a further incentive to move away from this area. Their workers will demand to be compensated for this cost of living increase. Those that cannot compensate their workers will face the loss of trained workers, or increased worker dissatisfaction over a situation beyond the control of management. Given the current economy, this can only be an incentive to move away from the area.

VI. Complaint has taken no prior action to obtain a change in the rates of toll alleged to be unreasonable and unjust, because no opportunities exist outside of the Federal Highway Administration for a hearing on this issue, and the probability that the Governor of either State will veto this rate hike is remote.

VII. The complaint prays that the Administrator determine that such tolls are unreasonable and unjust and disallow the increase; that the Administrator, if necessary, initiate formal adjudication to determine if any increase would be reasonable under the circumstances, and if a lesser increase would be reasonable, then to prescribe such a lesser increase; that in the event that the increase is determined unreasonable and unjust, the Administrator order a rollback of the increase, and that such rollback be compensatory; and the complainant prays for such other and further relief as the Administrator may deem just and proper.

THE ENERGY PROBLEM: THE SOLUTION IS A RETURN TO THE FREE MARKET

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. CRANE. Mr. Speaker, the U.S. present energy difficulties are another example of how Government interference in the free market system is costing the American taxpayer more money. And the Government is attempting to solve the problem by employing more of the medicine that almost killed the patient the first time around.

At the present time there are calls for a variety of different Government regulations, controls, and initiatives to "solve" or "cure" our difficulties in the field of energy.

As in any other area of life, problems cannot be solved unless and until we clearly understand their cause. To view Government as a potential solution to energy difficulties rather than one of the primary causes of those problems, is to misunderstand reality.

Consider the manner in which a variety of Government rules, regulations, and controls have contributed to our current energy dilemma.

In recent years, for example, demand has been increasing for all sources of energy while the supply curve has been plunging downward. Government is responsible for a large part of the increased demand and is equally responsible for decline in supply.

One Government policy which has increased demand, and which continues today, has been the favorably low rates given to mass users of energy such as utilities. As a result, utilities have doubled demand every 8 years since the end of World War II. In addition, the price of gasoline has been kept artificially low by Government, producing clogged highways with automobiles using a maximum amount of fuel. Environmental regulations have dramatically increased the use of such scarce resources, and Government's policy of controlling the price of natural gas has added to the already inflated demand for petroleum. At the same time that Government was increasing the demand for oil through these policies, it was keeping the supply down through an equally shortsighted policy—the imposition of artificial import quotas. All of this was happening, it must be remembered, long before the Arab oil embargo.

An excellent example of the Government doing more harm than good by interfering in the free market system can be found in an examination of the tightly regulated natural gas industry. This shows the paradox that the Government has been a major cause of the inflation and lack of production in the energy industry while attempting to help the consumer.

Today, the Nation faces a shortage of natural gas, yet it is generally agreed that there appear to be sufficient recoverable reserves of natural gas to accommodate the needs of Americans. That raises the question: If there are sufficient reserves of natural gas, then why cannot the United States get the natural gas that we both want and need? It is because free market principles have been violated. The interesting point that we have mentioned before is that the Government did this mischief, not by raising the price, but by artifically holding the price down. When Congress made the fateful decision to pass the Natural Gas Act in 1954, we guaranteed shortages and price increases. By limiting the price of gas sold in interestate commerce, we succeeded at one stroke in making it uneconomic for new sources of gas to be developed. While the regulation varied from area to area, it insured an average interstate price of gas of less than a realistic price.

Under artificial, Government-mandated price ceilings, the buyer and seller continued to exchange goods, but not at a price agreeable to both of them. The price has been a good deal for the consumer, but the return to the seller has been so low that he has not had enough profits to reinvest in further exploration and recovery of natural gas. Profits, after taxes, are industry's seed money. Those profits are the seed that industry plants so that it will have a crop to sell next year. If there is not enough seed, then there will not be enough crop. The natural gas industry is an example of there not being enough seed to produce enough crop for next year. The free market system allows for seed money—profits—by having both the buyer and the seller agree on the price of the item. But, in the case of natural gas, the Government has regulated seed money out of the exchange price.

With gas prices kept low, it is not surprising that many users switched from other fuels to gas. The ultracheap gas caused utilities and other industries to convert to it, thus ruining our domestic coal industry by capturing its market. With everyone using gas at a price which did not allow for its replacement, no one should be surprised that our already developed reserves are running low. Only now is the Government beginning to learn the simple lesson that cheap gas does not help to fight inflation if there is none of it to be had!

The artificially low price has not only prevented more gas supplies from being developed; it has also prevented the development of alternative fuels. The coal liquefaction process, for example, is capable of supplying us with enormous quantities of cheap liquid and gaseous substitutes. But it certainly cannot compete with the unrealistic regulated gas price. The result is that we have shortages of fuel everywhere.

The U.S. Geological Survey says that we have 228 trillion cubic feet of gas no more than 100 miles offshore, and less than 600 feet under the surface of the ocean. Gas is being flared in Louisiana, and is bubbling up to waste in the Gulf of Mexico. And it is the Government's regulation alone, not our abused free market system, which prevents us from getting at it.

This is one clear case in which allowing a price increase would help us to conquer inflation far more effectively than maintaining the regulation. All the price limit succeeds in doing is restricting the supply and preventing the development of alternative fuels. The final irony of the absurd situation which regulation has brought about is that now that we need our domestic coal industry, we find it crippled as a result of our policy on natural gas.

Characteristically, Congress saw fit to ignore warnings about a fuel shortage when there was time to take affirmative action to meet the need—that action consisting of withdrawing Government from the business of controls and permitting the free market system to work.

An analysis prepared by the Senate Committee on Government Operations revealed that by September 1970, long before the Arab oil cartel was formed the shortage had begun to take effect. The National Petroleum Council warned that the country faced a deficit of 250,000 barrels per day of fuel oil during the winters of 1970 and 1971. A House subcommittee investigated the fuel crisis and heard from Government and industry witnesses a number of suggested reasons for short supply: Tougher environmental regulations were requiring utilities to burn larger quantities of cleaner fuels; atomic energy was far behind schedule; demand for energy was shooting up; international disruptions were decreasing crude oil imports.

What did Congress do? It imposed wage and price controls on the economy. Thus, fuel oil prices were frozen at offseason lows and gasoline prices at seasonal highs. The result was to discourage the refining of fuel oil.

As early as January 1970, the President's Cabinet Task Force on Oil Import Controls had recommended abandoning the import quotas, but President Nixon refused to take his own task force's advice. As a result, demand levels continued to rise and refiners used up their yearly quotas early in 1972, forcing some to start drawing oil from stocks at a rate that plunged storage to the lowest point in postwar years.

While Government price controls have kept the cost of oil artificially low, thereby increasing demand, the general inflation of the economy has made the cost of finding oil increasingly high. Between 1960 and 1970, the cost of drilling an average well in the United States rose from $55,000 to almost $95,000. Today, drilling the average offshore well costs more than $500,000, and the average well in Alaska will run to more than $2 million. In addition, the chances of hitting a productive well are only one in eight. If Government continues to interfere in the economy, businessmen will have little incentive to make the huge investments necessary. More important, perhaps, the necessary capital will simply not be available.

If the price of domestic crude had been allowed to rise in line with the world changes in price, then more supplies would have been developed, more substitutes investigated, and more demand inhibited.

These past Government actions have helped cause the energy crisis. Now, the Government intends to solve this problem by extending the present regulations and adding other forms of Government interference. This will be done because we are said to be in the middle of an emergency, the so-called energy crisis, This crisis will allegedly be solved by more Government regulation. All this legislation will do is make the situation worse. What needs to be done is to remove restrictive legislation, not add more.

Those who advocate a policy of gasoline rationing as a legitimate response to the current problem are doing what politicians often do: look to more Government coercion to remedy the ailments brought about and deprive us of a part of our freedom as well.

The fact is that gasoline rationing is the last thing we need. The same is true with regard to a high tax on gasoline, which is also being proposed. Both represent irrational approaches to a real problem—approaches which will make things worse, and not better.

The major argument being advanced for rationing is that it is the only way to be fair to the poor. The fact is, quite to the contrary, that absolute equity is impossible to achieve. Rationing, in the long run, is unfair to everyone—and to provide a system of rationing for the 100 million automobiles on American roads would require the institution of a huge and costly new bureaucracy.

The real way to increase production and decrease consumption—which are the stated goals of every coercive proposal now under consideration—is to permit the free market to work. Economist Milton Friedman notes that—

> The most effective way to cut consumption and encourage production is simply to let the prices of oil products rise to whatever level it takes to clear the market. The higher prices would give each of the 210 million residents of the U.S. a direct incentive to economize on oil, to find substitutes for oil, to increase the supply of oil.

The only alternative to the free market, Professor Friedman points out, is—

> artificially low prices accompanied by governmental rationing. This method induces each of us to oppose the general interest rather than further it. Our separate incentive is to wangle as much as we can from the rationing authorities. . . . 210 million persons each with a separate incentive to economize or 210 million persons dragooned by men with guns to cut down their use of oil—can there be any doubt which is the better system?

While not as dangerous as rationing, the surtax proposals would also push the Nation further away from self-sufficiency in energy. Shale oil, for example, might become economically feasible if the price of crude oil reached $8.50 a barrel, but this would be the case only if industry can capture that $8.50. If the equivalent price of crude is pushed to that level with a surtax, the Government receives the revenues and shale will remain unprofitable and thus undeveloped.

The real answer to our energy problems is not to stifle the free market which the various proposals now before us would do, but to permit it to work. Dr. W. Philip Gramm, professor of economics at Texas A. & M. University and a consultant to Canada's Ministry of Natural Resources, declares that—

> The first step in solving the energy shortage is to allow the free market system to work. All price ceilings and government controls should be eliminated. Such action would greatly stimulate the supply of energy sources and eliminate shortages. Prices would rise but the expansion of output would hold prices to the minimum which current conditions dictate.

Discussing the merits of the free market as opposed to the various forms of Government regulation and intervention now under consideration, Professor Gramm states that—

> The free market will insure that energy will be allocated to the highest priority users. Price increases are not pleasant, but they are better than low prices and no energy. If these higher prices work hardships on the less fortunate among us, special provisions which would be preferable to the distortions and waste of rationing could be provided for this small minority.

The fact is that all suggestions meant to lower demand—rationing, increased gasoline taxes, et cetera—ignore the fact that no matter how much demand is lowered, energy problems will remain. Ultimately, the fossil fuels we now use will be exhausted. By the year 2000, many experts predict we will run out of gas and oil and new sources of energy will be needed to replace them. Driving at 55 miles per hour may save some marginal amount of gasoline today, but if that is not all we do we are only preparing for a larger and less soluble energy problem at a later time.

In the short run, there is as much oil and gas as we need. Unfortunately, most of the available known world reserves are in countries which have formed a tightly organized cartel which has dramatically increased prices. The problem is not that the oil is not available. It is that we and our West European and Japanese allies cannot easily afford it.

The cost of imported oil has risen from less than $2.50 a barrel in 1971 to $11.70 a barrel today—oil that costs about 15 cents a barrel to produce. By the end of 1974, the United States will have spent an estimated $29 billion for imported oil—as against $7.8 billion in 1973. That is approximately $20 billion that the American people will not have for goods and services produced in the United States.

What Americans seem not to understand is that the largest transfer of wealth in the history of the world—from the West to the oil producing states—is now taking place. The fourfold increase in the cost of imported oil has placed the balance of payments of almost all Western nations in the red. This cannot continue for very long without bankrupting many Western countries. Italy is on the verge of bankruptcy at the present time.

By the end of 1975, the assets of the oil producing countries will total from $120 to $130 billion. At this rate, by 1980, according to the World Bank, the OPEC countries will have more than $600 billion. Countries such as Great Britain are becoming hostages in another way as well. If the Arabs suddenly withdrew their funds from England, the British economy might collapse. The Financial Times noted that, "Britain is at the moment mortgaging its future," borrowing against expectations in order to obtain oil now. Italy's oil deficit in 1974 was $7.5 billion. This cannot continue.

What we must do at this time is not only discuss shortrun ways in which to lower demand, but consider longrun ways in which to increase our domestic supplies and cease to be dependent upon the OPEC nations for oil—and, in the even longer run, plan for the time when nuclear, solar, geothermal, and other alternative sources of energy will have to replace the fast-disappearing fossil fuels.

One indication of the direction in which we should be moving was suggested by Anthony Harrigan, executive vice president of the U.S. Industrial Council. In an address before the Discussion Club of St. Louis, he declared that—

> The U.S. has no alternative but to press ahead with the goal of energy self-sufficiency and meet our national needs from within our own territory. The evidence is overwhelming that we must accelerate the search for oil and gas on land and offshore, that we must utilize the vast coal reserves we possess, that we must develop new technology for shale oil and solar energy, and that we must speed up construction of nuclear power plants.

Yet, Government has taken every possible step to make energy self-sufficiency impossible. The 1970 Clean Air Act, which calls for the use of more and more expensive sources of energy, has neither been repealed nor revised. Restrictions on surface mining have been tightened. Licensing of nuclear plants proceeds at a snail's pace—more than 45 months from application to permit in one case. Decontrol of gas and oil prices is not authorized.

Mr. Harrigan notes that—

> As a nation we could supply what the sheiks are monopolizing. In that way, we could strike at the oil cartel. But the domestic foes of free enterprise and energy development refuse to utilize that freedom. Our people, as yet, have not awakened to the danger and the opportunity.

Unfortunately, many politicians have decided that the best way to deal with our energy problems is to make scapegoats of the oil companies, and keep the price of oil below the real market price. The attack upon oil company profits is simply a demagogic ploy to avoid laying the blame for our difficulties where they belong, namely with the intervention of Government in the economy through artificial price controls, import quotas, and unrealistic environmental standards.

The fact is that the very oil companies which are now coming under such sharp attack are the very companies which have historically provided Americans with the greatest supply of energy at the lowest prices in the world. The only thing which is being accomplished by the current attacks is the creation of uncertain conditions which are discouraging investment in the petroleum industry—when we need it most.

Economist Milton Friedman states that Members of Congress should be worrying that the oil companies are not making enough—not that they are making too much. The fact is that while Exxon, for example, announced 1973 profits of $2.44 billion—up 59 percent over the figures of a year ago—the corporation projected capital expenditures of $3.7 billion for 1974. It is, in effect, spending at a least a billion more than it took in in profits to enhance the Nation's energy outlook. It is going to require massive expenditures by all oil companies if the present shortage is to be overcome and continued Government interference will make such expenditure much less likely.

It is Government, not the petroleum industry, which has produced the current energy gap. It is Government, not the industry, which for more than 5 years delayed plans to build the Alaska pipeline, delayed lease sales of Federal offshore tracts, refused, despite frequent industry assertions of the need, to establish sound energy policy, raised the industry's tax burden, imposed for more than 20 years artificially low prices on natural gas, and, through import quotas, limited the amount of crude oil which could be brought into the country.

Now, all of these Government policies are coming home to roost. The best thing for Government to do to end the energy crisis is to step aside and permit the free market to work.

Both the proposals of the Democrats in the Congress and of the Ford administration fail to appreciate this fact. Discussing these proposals, Prof. Murray Rothbard states that—

> The Democrats want to make the oil shortage more severe by imposing gasoline rationing, import quotas on oil, and compulsory allocations by government. In short, combat the oil shortage by really creating an oil shortage. The Ford Administration, on the other hand, has opted for what it . . . calls the "market" solution for the alleged problem: a high tariff on imported oil, joined with a high tax on domestic production, thereby restricting the supply of oil and gas, and driving the price up. That's the market?

Professor Rothbard notes that the short-term oil shortage is a myth:

> The gasoline "shortage" disappeared overnight last year when the U.S. and other Western governments finally allowed most gas and oil prices to rise to free market levels. The price of gasoline went up by ten cents a gallon or so, and that was that. Has there ever been another time in human history when influential forces have called for the rationing of a product that is in no sense in short supply.

To move in the direction of a real solution we must alter those laws which limit production and alter as well those laws which stimulate an increased artificial demand—such as the arbitrarily high standards set for auto emission causing the use of additional petroleum products. If the free market is permitted to work, the energy problems we face—while not disappearing, would hardly appear the crisis they now seem to be.

H.R. 5247

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Ms. ABZUG. Mr. Speaker, testimony of Leon H. Keyserling, former Chairman of Economic Advisers and president of the Conference on Economic Progress, before the House Committee on Public Works and Transportation on H.R. 5247, authorizing local public works, makes some very important points, including the facts that:

First, the budget is out of balance because we are so far short of full production and full employment, and

Second, the deficit will continue to increase so long as we fail to take those measures to achieve full economic restoration.

I concur with these views and insert his complete testimony at this point in the RECORD:

TESTIMONY OF LEON H. KEYSERLING ON H.R. 5247, AUTHORIZING LOCAL PUBLIC WORKS

[Charts not reproduced in the RECORD]

Mr. Chairman and members of the Committee: I appreciate this opportunity to testify on H.R. 5247. I heartily approve of this proposal. The need for local public works is there. From the viewpoint of the economy and the unemployment situation, the need is urgent. The details of the bill seem well considered, and I will address my remarks rather to the general issues.

My *Chart 1* shows that we have never been near full production nor full employment since 1953. We have had five periods of stagnation and are now in the fifth recession, by far the worst of the lot. Full time unemployment in March 1975 was 8.6 percent, and I estimated the true level of unemployment at 11.5 percent, or 10.7 milion. Projected from a 1953 base, the economy in the 4 Q.1974 was running at an annual rate of 23.4 percent or 416.5 billion dollars below full production. The chronic nature of these difficulties should move us to take vigorous action now.

My *Chart 2* shows that, during 1953–1974, we forfeited more than 2.6 billion 1974 dollars of total national production, and 52.7 man-years of employment opportunity, through falling so far short of our potentials. These projections are from a 1953 base. Even projecting from a 1968 base, total production at an annual rate in 4 Q.1974 was more than 247 billion dollars short and the true level of unemployment was 4.2 million too high. And even writing off productivity gains which are gone forever, we are now between 200 and 225 billion dollars below full production, and about 5 million (full-time concept) below full employment. The same chart also estimates the tremendous losses we will suffer from now through 1980, if the national policies and programs now in being, including the recent tax reductions, are not fortified by far more extensive and far more responsive policies and programs.

My *Chart 3* shows that, to achieve full production and full employment by the fourth quarter of 1976, which is a feasible and necessary goal, civilian full-time employment needs to be 7.7 million higher than in 4 Q.1974, and total national production measured in 4 Q.1974 dollars needs to be up more than 300 billion dollars. It is very pertinent to the bill now before this Committee that, in a viable model for this economic restoration, Government outlays need to rise very much more rapidly than consumer spending or gross private domestic investment.

My *Chart 4* shows that the average unemployment rate in contract construction since 1953 has usually been more than twice as high as overall unemployment. In January 1975, it was almost twice as high. In March 1975, it was about 19 percent, compared with 8.7 percent for the total economy.

The 23 billion dollar tax reduction, recently enacted, can go only a small part of the way toward prompt and adequate economic restoration. As some of this tax reduction will not be immediately spent, I think it will have a direct G.N.P. stimulative value of not more than 20 billion. Using a multiplier of one and a half, which is high for tax reduction, this comes to 30 billion G.N.P.—a mere bagatelle compared with the 200–225 billion deficiency today as stated above and more than 300 billion left needed by fourth quarter 1976 as stated above. This is the vital reason why the current measure is so desperately needed at once, and why other measures will be required. Every dollar of outlays for public works provides much more stimulus to the economy and much more reduction of unemployment than a dollar of tax reductions.

As my *Chart 5* shows, the problem is further complicated by the restraining influence of monetary policy upon production and employment growth, and I am sure that this will continue. My *Chart 5* shows the tremendous increases in interest rates from 1972 to 1974, and that these excess interest costs have imposed a burden of about 806 billion dollars upon those who should not suffer this burden—to the benefit of those who did not need this type of unjust enlargement of their incomes.

And finally, my *Chart 6* shows the reasons why we should not let concern about inflation turn us away from immense measures to stimulate production and employment. The chart shows that, contrary to the prevalent belief translated into national policy, a healthy economy generates far less inflation than a sick economy.

Considerations of the condition of the Federal Budget should not stand in the way of this bill or similar measures. The Budget is now so seriously out of balance because we are now so far short of full production and full employment, and the Budget would now be in balance at existing tax rates if we had full employment and full production. The deficit will continue to increase so long as the economy continues to be anywhere as sick as it is now, and the only road to a balanced Federal Budget is to take those measures essential to full economic restoration. This is all in addition to the fact that a balanced economy is more important in every way than a balanced Federal Budget.

For all these reasons I submit that it would be the part of wisdom to enact H.R. 5247 without delay.

FLOOD DISASTER PROTECTION ACT OF 1973

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. MOLLOHAN. Mr. Speaker, one of the best narrative explanations of the Flood Disaster Protection Act that I have seen to date was published in a series of three articles in the Wheeling, W. Va., News-Register, starting on April 6, 1975. These articles are based on a question and answer sheet on the Federal flood insurance program published by the Department of Housing and Urban Development.

Because of the active interest a large number of my colleagues have demonstrated in this program, I am submitting this material for their information and use.

I would like to point out that the information sheet on which this article was premised strongly supports the current program. The writer has attempted to point out some of the less desirable features to make a balanced presentation.

[From the Wheeling (W. Va.) News-Register, Apr. 6, 1975]

FLOOD INSURANCE: PART I

DESIGNED TO PROVIDE "AFFORDABLE" PROTECTION

(By Kathy Showalter)

On Dec. 31, 1973, former President Richard M. Nixon signed into law the Flood Disaster Protection Act.

On Dec. 13, 1974, the federal government sent the city its flood hazard boundary maps identifying Wheeling as a "flood prone" community.

Sometime prior to the Dec. 13, 1975 deadline, Wheeling City Council must decide whether or not to comply with the program. Compliance offers as many negative sanctions for Wheeling as does noncompliance.

The Flood Disaster Protection Act of 1973 expands the National Flood Insurance Act of 1968. According to a list of 45 questions and answers published by the Housing and Urban Development, the 1973 law is "designed to provide flood insurance at rates affordable through a federal subsidy."

Regulations of the program include both land use and building code restrictions within flood plains. According to HUD, these regulations were incorporated to "save lives and be helpful in assuring a community that if it makes proper use of its flood plains, the amount of potential damage from future flooding will be reduced while the overall value of the community will ultimately be enhanced."

Insurance can be purchased for residential, commercial and industrial property. "Any property owner whose building is located in a community that has been approved for the sale of flood insurance under the program" can purchase the insurance.

"The owners or tenants of such structures may also purchase contents of coverage," according to the HUD publication. The insurance can be purchased after a city qualifies for the program from any "property and casualty insurance agent or broker licensed to do business within the state."

The publication states that "virtually every type of walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site," is eligible for insurance coverage.

Types of losses include mudflow and mudslide, flood-related erosion losses such as losses from river and stream flooding, coastal flooding, flooding along the shores of lakes and floodrelated erosions losses in such areas as a result of storm-activity.

Sewer back-ups are also covered under the program "but a general condition of flooding must exist and the sewer back-up must be clearly a result of that condition."

The HUD publication states that wharves, piers, bulkheads, growing crops, land, shrubbery, livestock, road, bridges, and motor vehicles are not insurable items under the program.

Wheeling City Council would first adopt two resolutions to join the program pledging its intentions to conform the city code to the land use and building code regulations for flood plain areas required by the flood program.

Once the application is accepted, flood insurance would be available to Wheeling residents under its "emergency" program. This "emergency" program would exist until the flood insurance administration would complete a detailed "Flood Insurance Rate Map," after the city would receive this, available limits of coverage are double those under the regular program than under the emergency program.

Under the emergency program, residents pay 25 cents per $100 worth of insurance purchased for residential property. Nonresidential property insurance can be purchased for 40 cents per $100 worth of insurance coverage.

Insurance covering contents of residential buildings can be purchased for 35 cents per $100 worth of coverage while insurance covering contents of nonresidential buildings can be purchased for 75 cents per $100 worth of coverage under the emergency program.

Limits under the emergency program are as follows: single family residential property, $35,000; other residential property, $100,000; non-residential property, $100,000; contents for residential property per housing unit, $10,000; contents for non-residential property per unit, $100,000.

These limits are doubled under the regular program but the federal subsidy is available only for the emergency program limits. Should property owners want to purchase more than $35,000 worth of insurance under the regular program once the city complies with it, he must pay the actuarial rates for the insurance.

No insurance policy under the program can be purchased for less than $25 annually, according to the HUD publication.

The flood insurance policies contain a deductible clause of $200 or two per cent of the loss, whichever is greater. The deduction is applicable "independently to structure and contents coverage," the HUD report states.

Townhouses or rowhouses are eligible for insurance coverage and are considered as single family units individually.

[From the Wheeling (W. Va.) News-Register, Apr. 7, 1975]

FLOOD INSURANCE: PART II

SERIOUS DRAWBACKS IN FLOOD ACT REJECTION

(By Kathy Showalter)

Home mortgages will be unavailable to approximately one-quarter of all Wheeling citizens if the city does not comply with the Flood Disaster Protection Act of 1973.

However, the federal government will have the power to dictate both building code and land usage controls for flood plain areas over local residents if it does comply with the program.

According to a series of questions and answers prepared by Housing and Urban Development authorities in March, "no federal or federally-related finanical assistance may legally be provided for construction or acquisition of buildings in the community's identified flood hazard areas" if Wheeling does not comply with the program.

According to HUD, "Such assistance will remain unavailable until the community has qualified. The financing of buildings outside these areas, however, is not affected."

According to the in-bank or savings and loan institution will require persons wanting mortgages for property within a flood plain to also purchase flood insurance for the amount of the mortgage or the amount available under the program, whichever is less.

If Wheeling does not comply with the program, the insurance would not be available.

By "federal or federally-related financial assistance," the program refers to "any direct federal finanical assistance as grants. Small Business Administration, Farmers' Home Administration, Veterans' Administration and Federal Housing Administration mortgage loans, and conventional construction and mortgage loans from federally insured, regulated or supervised lending institutions."

These lending institutions include banks insured by the Federal Depositors' Insurance Corporation, savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation or regulated by the Federal Home Loan Bank Board, credit unions insured by the National Credit Union Administration and banks regulated by the comptroller of Currency or the Federal Reserve Board.

"Flood insurance must be purchased as conditions of obtaining federal financial assistance for construction or acquisition of buildings in the identified special flood hazard areas of communities where flood insurance is available."

Persons who are buying a home through a bank or federal savings and loan mortgage must purchase insurance coverage "up to the amount of the financial assistance or the maximum amount of insurance available under the program, whichever is less."

Also affected by this tightening of federal assistance would be federal grants to the city should the grants help finance construction of a facility within a flood plain.

Although the negative sanctions regarding the financial assistance do not go into affect until the city passes the Dec. 13, 1975 deadline for complying with the program, some area banks and savings and loans institutions have already initiated a policy of denying mortgage loans for property within flood areas.

City officials have noted that the only means why which property could be purchased without the availability of the insurance if it was a cash transaction.

Should the city comply with the program, it will adopt two resolutions pledging to adopt land use and building code regulations as determined by the Federal Insurance Administration. FIA officials refer to these as "flood plain management" regulations.

According to HUD, flood plain management "means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans and any regulations aimed at the future use of flood plains.

"Such regulations refer to specific local codes and ordinances which provide standards for the location and design of new development within flood-prone areas.

"These regulations may be adopted in any manner that is legally enforceable for a particular community and typically take the form of portions of zoning, subdivision or building regulations, or a special purpose ordinance such as a flood plain ordinance." Any city complying with the program must meet minimum standards set by the FIA.

These minimum flood plain management standards include requiring a community to issue building permits for all new construction and substantial improvements and review the permits to assure that the sites are reasonably free from flooding.

"For its flood prone areas, the community must also require: 1) proper anchoring of structures, 2) the use of construction materials and methods that will minimize flood damage, 3) adequate drainage for new subdivisions and 4) that new replacement utility systems will be located and designed to preclude flood loss."

A community must also require all new construction to be built above the 100 year flood level or floodproofed to the "level of the base flood." Garages or basements cannot be constructed under the 100 year flood level.

The flood plain management regulations are not retroactive; they apply only to new housing or to existing housing that will be renovated to 50 per cent of its market value.

Should a home be destroyed by fire or any other method by 50 per its market value, the owner will be required to rebuild the structure meeting the flood insurance standards.

Buildings cannot be constructed in a flood plain or flood way resulting in raising the water level by one foot after the city has complied with the program.

Additional regulations are expected to be developed as the flood program matures. Councilmen have noted that the federal government is requiring participation in the program before the cities know fully what the restrictions are.

"The Congress recognized that federal participation in the form of a subsidized insurance program alone would not discourage the continued unwise use of flood hazard areas and would result in an even greater expenditure of tax dollars to provide economic relief to innocent flood victims," the HUD report states.

"In fact, availability of inexpensive insurance with no flood plain management measures would encourage unwise construction in the nation's flood plains and thus risk life and property."

[From the Wheeling (W. Va.) News-Register, April 8, 1975]

FLOOD INSURANCE: PART III

ACCEPTANCE MAY BE ONLY CHOICE

(By Kathy Showalter)

Like Wheeling City Council, residents protested the "mandatory" provisions of the Flood Disaster Protection Act of 1973 at a public hearing last week, but the general consensus was that the city may have no other choice but to comply with the program.

Councilmen now are saddled with the decision of whether early compliance with the regulations in the program will deter efforts by the city to have the mandatory provisions changed. The city can comply with the program as late as November to meet its Dec. 13, 1975 deadline.

Flood insurance in Wheeling could become available within one month's time after city council adopts two resolutions necessary for program participation. The resolutions pledge the city's interest in the program and that the city will comply with the regulations as directed by the Federal Insurance Administration.

These regulations are land use and building code restrictions for flood prone areas.

Planning Director Donald Reinke told residents at the public hearing last week that it may be a year or more before the "mandatory" provisions of the 1973 law be lifted. This assumes that a bill introduced by Congressman Robert Mollohan in the House of Representatives will be passed.

Councilmen and city officials have contacted Sen. Robert C. Byrd and met with Richard Crimm of the FIA in its attempts to make the program less restrictive. Proposed revisions to the regulations now being considered offers the City of Wheeling only partial relief.

One of the revisions would allow basements to be constructed under the 100 year flood level only in communities who have applied to the FIA to be excluded from that law.

Additionally, because the federal government does not determine the "flood way," the flow of flood waters, until after a city complies with the program, new construction could be prohibited in areas designated as flood prone.

Any part of a flood prone area could be named as part of a flood way. Nothing can be constructed in a flood way area because of the possibility of the new construction raising the elevation of the 100-year flood level.

All of Wheeling Island and that portion of land in South Wheeling located west of Route 2 and south of Thirty-third streets is designated as flood prone.

Portions of Center Wheeling, East Wheeling, and Warwood where properties border the Ohio River are also flood prone. Properties bordering Wheeling Creek through East Wheeling and Leatherwood are also designated as flood prone areas.

A flood hazard boundary map is not available for the Elm Grove area. This area may be designated as flood prone at a later date or determined flood prone at the time the FIA undertakes its detailed study of the Wheeling area.

A representative of the FIA attending last weeks' public hearing said that the cities of Wheeling and Charleston were among the West Virginia cities to object to the program. Charleston has just recently entered it.

Among councilmen's concerns is that entering the program may appear to federal officials that the city has accepted it.

Councilmen have suggested that officials continue to contact congressmen in efforts to have the program made less restrictive.

DR. FRANK O'HARA OF UNIVERSITY OF SCRANTON HONORED FOR 50 YEARS SERVICE

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. McDADE. Mr. Speaker, I want to take this opportunity to call to the attention of the Members of the House a most remarkable man in the field of higher education, Dr. Frank O'Hara of the University of Scranton. Dr. O'Hara is one of those rare individuals who has become a legend in his own time. He is known to thousands of University of Scranton alumni and friends as "Mr. University." On April 19th he is being honored for 50 years of outstanding service to the University of Scranton, by the Washington University of Scranton Alumni Society. He truly deserves this honor.

Upon graduation in 1925, Dr. O'Hara was appointed registrar at the University. Over the years has served as faculty manager of athletics, instructor in Latin and history, assistant to the president, bursar, controller, secretary of the university, director of evening and summer sessions, coordinator of civilian pilot training program, chairman of athletic council, chairman of scholarship committee, director of alumni relations, and interregnum president during 1942.

He filled all these positions with great distinction. He often went beyond the expected. For example, he obtained a barber's license so he could operate a shop enabling needy students to cut hair and earn a portion of their tuition during the Depression.

He obtained a pilot's license so he could become director of a civilian pilot training program which was critical to the university during the low student enrollment days during World War II. He founded the "Purple Club" to provide scholarship funds to needy students.

In 1969, the University of Scranton's Business Administration Department building was named "O'Hara Hall" in his honor.

Dr. O'Hara is the only person ever to have been elected an honorary member of the Lackawanna County Medical Society.

His interest in students is remarkable. He can recall almost any student who graduated from the university during his period of service.

Mr. Speaker, of Dr. O'Hara, truly, "No one will be able to catalog his achievements much less comprehend and fathom his lingering influence on lives today."

I extend my congratulations to Dr. O'Hara on the golden anniversary of his service to the University of Scranton.

Mr. Speaker, I insert the following citation for Dr. O'Hara at this point in the RECORD:

CITATION FOR DR. O'HARA

(By G. S. Connors, President)

Faithfully faithful to every trust,
Honestly honest in every deed,
Righteously righteous and justly just
This is the whole of the good man's creed.
—Cardinal Newman.

The noble ideals expressed in these immortal words summarize the salient qualities of **DR. FRANK O'HARA**—ideals which have motivated him during his fifty years of dedicated and devoted service to his Alma Mater.

The test of a great man is his full commitment to tested human values. Likewise the test of a great educational administrator is his eagerness to sacrifice much so that dreams of a great institution of learning might become reality. With a special skill in human engineering, Dr. O'Hara has amply demonstrated that he is both a great man and a great administrator.

Rarely has one man filled with equal distinction so broad a range of roles in the service of one institution—scholar, teacher, registrar, faculty manager of athletics, director of alumni activities, aid to the president, inter-regnum president and many others.

Especially valued has been his unusual capacity to listen with compassion to the concerns of countless many young men in search of reasonable solutions to their problems. No one will be able to catalog his achievements much less comprehend and fathom his lingering influence on lives today.

For his depth of insight, for his courageous, kind and judicious judgment, and for his devotion to the values and power of education, the Washington, D.C. Chapter of the University of Scranton Alumni Society takes great pride in presenting to Dr. O'Hara this award for his distinguished service to our beloved Alma Mater.

SUPPLEMENTAL BENEFITS RUNNING OUT IN DETROIT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. CONYERS. Mr. Speaker, while the rest of the country gradually succumbs to the ever widening depression, Detroit leads the way, plunging headlong into the jaws of the unemployment monster that is consuming greater numbers of working people month after month. Automobile workers have been particularly hard hit. As of the week ending April 11, 1975, there were just under 216,000 laid-off auto workers around the country, more than one-fourth of the industry's labor force.

Throughout most of the present unemployment crisis, auto workers who have lost their jobs have had two types of unemployment benefits which enabled them to collect 95 percent of their regular take home pay. Besides the State administered unemployment compensation funds, these workers have also been receiving SUB funds—supplemental unemployment benefits—which they won at the bargaining tables as part of their union contracts in 1965. In many cases these supplementary payments have offered more relief than the unemployment compensation benefits. The presence of these funds has substantially cushioned the severity of the depression in the Detroit area.

All that is ready to change now. The first of these company funds, the Chrysler SUB fund, was exhausted as of the close of business on Friday, April 11. This means 42,200 Chrysler employees still on indefinite layoffs just lost half or more of their incomes. The same thing is about ready to happen to 70,000 unemployed GM workers on or before May 1. By the end of April, there will be 115,000 UAW-represented GM workers on open ended layoffs. Of these, 20,000 have already exhausted their SUB benefits and 25,000 others were not eligible in the first place because they had less than 1 year of seniority. GM has already paid a total of $356 million in SUB benefits since January 1, 1974.

Due to the severity of the present slump in the automobile industry, Chrysler Corp. has announced plans to trim operations and personnel to the point where it can operate profitably in a 6 million car year. The company has already laid off over 40,000 blue-collar employees and 34 percent of its white-collar employees. UAW Vice President Douglas Fraser has termed these plans suicidal, indicating that Chrysler would permanently close not one but several of its plants and lay off thousands of hourly and salaried employees. According to Mr. Fraser, if the car market goes up to 8½ or 9 million vehicles a year, Chrysler would not have the capacity to regain its traditional share of the market.

Ford Motor Co. has also announced plans for cutbacks, although the company insists that it is not conducting a major housecleaning operation as is Chrysler, but rather is doing some necessary long-range planning. Presently, the company plans a reduction of several hundred white-collar jobs as well as reducing expenses in benefits programs.

A recent Michigan Employment Security Commission news release attributed a slight rise in the State employment level to the fact that nearly all the State's auto plants were in operation at least on a limited basis last month. Mr. Fraser mentioned at a news conference last week, however, that the report was collected during the one week when all the plants happened to be operating.

The situation in Detroit has grown desperate and can only become worse with the exhaustion of the GM SUB funds. Immediate legislative action is needed on a variety of measures which have been pending in the Congress for some time. Without quick Federal intervention, it may be too late to ward off disaster for thousands of homeowners and heads of families who may stand in jeopardy of losing all that they have worked a lifetime to acquire.

The best response the Congress could make to the recurring cycles of exorbitant rates of unemployment would be the enactment of full employment legislation. The Equal Opportunity and Full Employment Act, which is presently before the Equal Opportunity Subcommittee of the House Committee on Education and Labor, would guarantee a job to every unemployed worker who is unable to secure employment through conventional channels. Even if such a bill were to be enacted immediately, however, it could not be implemented fast enough to salvage the rapidly declining economic position of millions of unemployed workers and others who have been excluded from the labor force. There are other steps that the Congress must take in the meantime to ease the individual hardships and to restore some measure of confidence in the Federal Government's ability to deal with an economic crisis.

Earlier this week the House passed the Emergency Homeowners' Relief Act, H.R. 5398. The legislation authorizes the Secretary of the Department of Housing and Urban Development to make repayable emergency mortgage relief payments for homeowners who are 2 months or more delinquent in their mortgage payments due to loss of jobs or income. A maximum payment per homeowner of $250 per month for 2 years would be allowed. I urgently hope that the Members of the Senate will give this legislation their swift attention and approval.

Another measure which would mitigate the effects of the depression is the Emergency Unemployment Health Benefits Act, H.R. 5000. Millions of unemployed workers have lost the health care benefits they had when employed; a serious illness or injury to themselves or to a member of their family could mean financial ruin. Under this legislation, the Labor Department would purchase the same benefits for unemployed workers that they had when they were last employed.

The measure would only cover persons who are concurrently eligible for unemployment compensation; further or amended legislation would be required to extend health care benefits to all unemployed workers. This, I believe, is another matter to which the Congress should give serious attention.

Legislation which would broaden the present system of unemployment compensation to include all unemployed workers and to extend benefits without an arbitrary cutoff date is also needed to ease the country through the current malaise. I am working on such legislation and urge the Members of the House and Senate to give serious consideration to this type of measure.

It is time for the Congress to realize that the depression is on and that spreading a few more jobs or a few more dollars around the country via stopgap legislation will not lessen the suffering or the cynicism of people who need jobs and the assurance that their homes will not be taken from them or that a serious illness cannot impoverish them. Every day that we delay the enactment of some meaningful legislation compounds the desperation of the unemployed who find themselves squeezed tighter and tighter between the bill collector and inflation on the one hand and disappearing income on the other. I urge all my colleagues to give their fullest attention and to devote their undiluted energies to the enactment of the various pieces of legislation which will ease if not erase the hardships of individuals and their families during the present economic crisis.

A recent article by Peter Milius in the Washington Post depicts the plight of unemployed auto workers in Detroit as the SUB funds were beginning to expire. I wish to include it in the RECORD at this point:

DETROIT DEPRESSION—LAYOFF BENEFITS RUNNING OUT

(By Peter Milius)

DETROIT.—Sometime in the next few days, a big bank account here called the Chrysler SUB fund will run out of money.

When that happens, laid-off autoworker Willie Houston will no longer be able to pay his bills.

The bills are not extravagant. "I got the bills I have to have," the 50-year-old Houston said—a mortgage payment of $196 a month, $50 for the furniture company, somewhere between $60 and $70 for light, heat and a telephone, then his family's food and clothing.

He has already been to the furniture company, and for now they told him just to pay whatever he can. He does not know what he is going to do about the mortgage. What Houston is faced with, he said simply, is "losing most of what I've got."

The bills were not a problem when Willie Houston was first laid off last November. His take-home income fell only $12 a week, from about $152 to about $140.

The SUB fund was what kept him solvent. SUB stands for supplemental unemployment benefits. Regular unemployment benefits, the ones that come through the government, are less than half an auto worker's wages. The SUB funds, which the companies pay for, make up most of the difference.

Thus Houston, in addition to $67 a week from the government, has been getting $72.80 in SUB money.

Now, however, he will have only the $67. That comes to a little less than $300 a month. Take the mortgage and the utilities out of that, and Houston, who has a wife and a 4-month-old son, born about 10 days after he was laid off, may have $50 left for food and whatever else he has to buy. Take out more for food and incidentals, and he will not have enough left for the mortgage and utilities.

The economists say the country is only in a recession. In Detroit, it is a depression.

The unemployment rate in the six-county Detroit area in February, the last month for which a metropolitan figure is available, was 16.2 per cent. That is nearly twice what the national rate was; it means that one willing worker out of every six was out of a job. In the city of Detroit itself, the figure was one of four; the rate was 23.2 per cent. Among auto workers, it was 24.9 per cent. At Chrysler, hardest hit of the big automakers, it was 50 per cent.

The SUB funds—all the auto companies have them; the United Auto Workers union won them at the bargaining table back in the 1950s—have shielded the area from the full force of these unemployment numbers.

The SUB funds, however, were not set up to cope with 25 or 50 per cent unemployment rates; they were set up only to tide workers over the normal weeks of idleness in every typical year.

Thus the Chrysler Corp. fund, which had $82 million last fall, before the recession really hit, is now nearly empty. The Ford Motor Co. and American Motors funds are healthier; neither Ford nor American Motors has had to cut back as hard as Chrysler. But the General Motors fund will also be empty by June unless there is an upturn in auto sales and production of a size that few people here expect.

The Chrysler fund has been paying $4 million to $5 million a week to about 50,000 laid-off Chrysler blue-collar workers across the country, an estimated half of them in this metropolitan area alone.

When that money stops, the economy here will shrink still further. Instead of falling, the unemployment rate could rise.

Not every laid-off Chrysler worker is in the same straits as Willie Houston.

Gary Whyte, for example, has a newborn son, and all the bills Willie Houston has, including a $170-a-month mortgage payment plus a $100-a-month payment on his car. But Whyte, 28, has a working wife—she is a medical technician—and so the Whytes will make it. "I'll raise the baby and she'll go to work," he said.

For Roger Muehlbrandt, salvation is that he bought his home 10 years ago, when prices and interest rates were lower, so that his monthly payments are only $109.

There are also Chrysler workers who have found other jobs, but they are rare.

The economy here is geared to the auto plants. When the auto companies shut down, so do their suppliers. New jobs are thus hard to find.

Of those that are available, many are low-paying. "A $2 job won't do me any good," said Willie Houston. Two dollars an hour times 40 hours a week is $80. Take income and Social Security taxes out of $80, and Houston might as well keep drawing unemployment.

Finally, companies that do have jobs often ask for quitslips, meaning a worker must officially quit at Chrysler before they will hire him—and thus must forfeit his rung on the seniority ladder and his right to be called back if and when Chrysler resumes full production. And so far at least, almost everyone has allowed himself to think that sooner or later Chrysler will start up production again, if not this month then later this spring or perhaps this summer or this fall.

Whyte had heard about a possible job as a maintenance man at the hospital where his wife works. A journeyman machine repairman at Chrysler, he had not wanted to apply for it. "That's really going down," he said.

But now he is beginning to think he may never be called back at Chrysler. He has only two years' seniority—he started at Chrysler in 1972—"and they've laid off now back to 1965."

What next, then? No one really knows.

It mainly depends, of course, on how much and how fast auto demand and production revive. It is one of the ironies of the present situation that just two years ago the issue in Detroit was not the unemployment rate but compulsory overtime, which the UAW was trying to stop—not too little work, but too much.

Most economists do think there will be a revival of demand, before this year is up. How great a revival is another question altogether.

For the shorter run there is legislation pending in Congress to preserve at least the health and life insurance of laid-off workers. In the interim the UAW is negotiating with Chrysler to use a reserve SUB fund of about $19 million to pay these insurance premiums for the next several months.

The theory is that months of insurance are worth more than a few weeks of full benefits, which is all the reserve fund would pay.

There is also legislation pending in Congress to protect laid-off workers from mortgage foreclosures.

Meanwhile, at least one saving and loan association, the First Federal, the largest in the area, has set up a system of its own.

It will lend its laid-off customers three months, worth of mortgage payments—make them new loans so they can keep paying off their old one.

So far, fewer than 100 homeowners have borrowed mortgage money this way. But now the SUB money has stopped flowing, and there may be more.

HURTS RENT-A-GUN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. MIKVA. Mr. Speaker, each year thousands of innocent people are killed and injured by handguns in this country. And each year the number of dead and injured is greater than the year before. In spite of overwhelming proof that handguns create violence, not prevent it, Congress has failed to enact any effective handgun control legislation. Because of this failure, an ever-increasing number of handguns are manufactured and sold in this country each year.

I would like to bring to the attention of my colleagues an Art Buchwald column which appeared in the Washington Post on August 17, 1972, in which Mr. Buchwald in his inimitable style carries the "handgun boom" to its inevitable conclusion:

[From the Washington Post, Aug. 17, 1972]

HURTS RENT-A-GUN

(By Art Buchwald)

The Senate recently passed a new gun-control bill, which some observers consider worse than no bill at all. Any serious attempt at handgun registration was gutted, and Senate gun lovers even managed to repeal a 1968 gun law controlling the purchase of .22 rimfire ammunition.

After the Senate got finished with its work on the gun-control bill, I received a telephone call from my friend Bromley Hurts, who told me he had a business proposition to discuss with me. I met him for lunch at a pistol range in Maryland.

"I think I've got a fantastic idea," he said. "I want to start a new business called Hurts Rent-A-Gun."

"What on earth for?" I asked.

"There are a lot of people in this country who only use a handgun once or twice a year, and they don't want to go to all the expense of buying one. So we'll rent them a gun for a day or two. By leasing a firearm from us, they won't have to tie up all their money."

"That makes sense," I admitted.

"Say a guy is away from home on a trip, and he doesn't want to carry his own gun with him. He can rent a gun from us and then return it when he's finished with his business."

"You could set up rent-a-gun counters at gas stations," I said excitedly.

"And we could have stores in town where someone could rent a gun to settle a bet," Hurts said.

"A lot of people would want to rent a gun for a domestic quarrel," I said.

"Right. Say a jealous husband suspects there is someone at home with his wife. He rents a pistol from us and tries to catch them in the act. If he discovers his wife is alone, he isn't out the eighty dollars it would have cost him to buy a gun."

"Don't forget about kids who want to play Russian roulette. They could pool their allowances and rent a gun for a couple of hours," I said.

"Our market surveys indicate," Hurts said, "that there are also a lot of kids who claim their parents don't listen to them. If they could rent a gun, they feel they could arrive at an understanding with their folks in no time."

"There's no end to the business," I said. "How would you charge for Hurts Rent-A-Gun?"

"There would be hourly rates, day rates, and weekly rates, plus ten cents for each bullet fired. Our guns would be the latest models, and we would guarantee clean barrels and the latest safety devices. If a gun malfunctions through no fault of the user, we will give him another gun absolutely free."

"For many Americans it's a dream come true," I said.

"We've also made it possible for people to return the gun in another town. For example, if you rent the gun in Chicago and want to use it in Salt Lake City, you can drop it off there at no extra charge."

"Why didn't you start this before?"

"We wanted to see what happened with the gun-control legislation. We were pretty sure the Senate and the White House would not do anything about strong gun control, especially during an election year. But we didn't want to invest a lot of money until we were certain they would all chicken out."

"I'd like the franchise for Washington's National Airport," I said.

"You've got it. It's a great location," Hurts said. "You'll make a fortune in hijackings alone."

LAND-USE LOBBYING EFFORT EXPOSED

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. UDALL. Mr. Speaker, on March 30, 1975, the Miami Herald published a story by David Hess of the Knight newspapers entitled "The Land Lobby—We Are Creating the Will of the People Back Home." I urge all Members to read this article, for it is an excellent description of the kind of lobbying tactics that have been employed by special interests in both the 93d and 94th Congresses to defeat the land-use legislation.

It is regretable that a hand full of special interests who have fought for so long to block progressive land-use legislation have taken it upon themselves to "create the will of the people"—to use their phrase. The tactics being employed are deplorable and, in my opinion, point to the real need for this Congress to take a hard look at our lobbying laws.

Apparently the U.S. Chamber of Commerce is once again part of this effort, and is disseminating totally inaccurate information about the bill to its membership. The chamber of commerce did not find it necessary to testify before my subcommittee to present any specific objections, yet the chamber is once again misleading its constituency about this legislation, referring to it in a recent newsletter as a "Federal zoining ordinance" which is being pressed by "an active band of no-growth environmentalists." I would simply point out to my colleagues that this band of "no-growth environmentalists" includes, among others, the Mortgage Bankers Association, the American Retail Federation, the International Council of Shopping Centers, the League of Women Voters, and the National Association of Industrial Parks.

I commend the article that follows to the Members' attention:

The Land Lobby—"We Are Creating the Will of the People Back Home"

(By David Hess)

Washington.—Opponents of federal land-use legislation have targeted 10 members of the House Interior Committee for a sophisticated lobbying drive designed to kill the land-use bill before it reaches the House floor.

The lobbying campaign is a classic example of the way special interests band together temporarily in a common effort to exert pressure on "vulnerable" lawmakers who face tough opposition in their home districts or are slow to make up their minds on crucial issues.

Led by Rep. Sam Steiger (R., Ariz.) and former GOP Congressman Dan Kuykendall of Tennessee, the lobby will feature such tactics as using the list of election contributors to bring pressure on the targeted congressmen—a tactic one committee member called "unethical."

One trade association source said the lobbying campaign will be designed "to make it appear that there is grass-roots support back in the home districts for defeat of the land-use bill."

As Kuykendall remarked during a meeting of the land-use opponents: "We are creating the will of the people back home."

Steiger and Kuykendall are moving now to forge a coalition of realtors, developers, craft unionists, cattlemen, businessmen, building suppliers, homebuilders and others to put pressure on the 10 congressmen where it hurts most—back in their home districts. A similar coalition was put together last year by Steiger and others who, with White House support, managed to defeat a land-use bill in the House by seven votes.

Interior Secretary Rogers Morton told Congress on March 18 that the administration again would oppose such legislation.

The "targeted" congressmen, who Steiger believes are straddling the fence and can be pushed either way, include Committee Chairman James Haley (D., Fla.), Philip E. Ruppe (R., Mich.), Roy Taylor (D., N.C.), Teno Roncalio (D., Wyo.), Jim Santini (D., Nev.), Allan Howe (D., Utah), James Weaver (D., Oreg.), Manuel Lujan (R., N. Mex.), Don H. Clausen (R., Calif.) and Jaime Benitez (D., P.R.).

By Steiger's count, 18 members of the 43-member Interior Committee are against or "leaning" against the land-use bill; 15 are for it. That means the 10 "undecided" are pivotal in the battle to get a bill to the floor.

According to Steiger and several other persons who attended a meeting in the Capitol called by the Arizonan about two weeks ago, the lobbying campaign will consist of three major elements:

The basic strategy will be designed to stop the bill in the Interior Committee and prevent it from getting to the House floor. "Very candidly," Steiger said, "we're going to try to beat it there. If it gets out to the floor, we're in trouble."

National trade associations opposed to the bill will be urged to encourage their state and local affiliates in the targeted congressmen's home districts to write, telephone and buttonhole the lawmakers, asking them to vote against the bill in committee.

Kuykendall—along with former GOP Congressman David Towell of Nevada and San Antonio, Tex., lawyer Ben Wallis—will coordinate the coalition's efforts and recommend lobbying techniques to the state and local groups and individuals opposed to the bill.

Kuykendall said he already has been soliciting money from the interest groups to finance the campaign.

Each targeted congressman's published list of 1974 election campaign contributors will be carefully screened by Kuykendall and Steiger to determine whether any of the contributors "are inclined to oppose" land-use legislation, according to Steiger.

"That was my suggestion," Steiger said, "that we look at those lists and enlist the contributors in contacting committee members."

When it was suggested that this kind of lobbying might offend some of the targeted congressmen and backfire on him, Steiger chuckled:

"I've never been noted for my popularity . . . Anyway, I don't think it'll offend them. I have a theory that if you don't do this surreptitiously, you don't make people mad."

Interior Chairman Haley, however, scorned this strategy and said, "These lobbyists are way out of line if they start doing that, even before they see what kind of bill the subcommittee reports . . . You know, as a general rule, when people start turning up the heat on me, I start getting as stubborn as a Missouri mule."

Another targeted committee member, Ruppe of Michigan, who says he has not yet decided whether he will support a land-use bill, fumed: "It's quite unethical for one congressman to suggest specific tactics that might be employed to change the vote of one of his colleagues—especially a colleague of one's own party."

An Interior subcommittee is now drafting a land-use bill, using Rep. Morris Udall's (D., Ariz.) proposal as a starting point.

The Udall bill would provide $515 million in federal grants to states over a six-year period to set up state land-use planning agencies and advisory committees.

The bill is designed to encourage the states to limit unfettered residential, industrial, commercial and public development projects and require all developers to adhere to certain basic environmental principles.

"Somewhere along the line, we're gonna have to stop people from absolutely destroyin' and rapin' the land," Haley, a cigar-smoking, Southerner, huffed,

"Land-use planning by the states is a decided departure from the tradition of letting land owners use their land any way they please, but the time has come to start conserving some of our land heritage for future generations."

Steiger and his allies see the Udall bill as a "federal monster" intended to "superimpose the judgment of Washington bureaucrats on decisions about land which they are not competent to make."

Though the lobbying drive itself has not been cranked up, the plan to put the coalition together was hatched last December when Steiger called on Kuykendall—who was defeated for reelection in November—to "feel out" the various interests opposed to land use.

Kuykendall said he contacted friends in the National Chamber of Commerce here, who told him they thought it "worth the effort" to form a coalition of opponents to the bill.

In January, Kuykendall said, he met with about 30 or 40 persons—mostly cattle ranchers, building contractors and developers—in San Antonio, and raised some "seed money" to finance a "feasibility study" to find out whether it was possible to put the coalition together.

"They gave me a 60-day deadline, ending April 1," Kuykendall said.

The Tennessean then brought Towell and Wallis aboard to contact state and local trade associations around the country.

One prominent homebuilders' representative complained that these contacts had "some of the earmarks of a shakedown" as Kuykendall's associates sought money to finance the lobbying campaign.

Kuykendall, however, complaining that the land-use opponents are dragging their feet, said: "I've got a bunch of yesses on going ahead with the lobbying campaign, but no money from them yet."

He said it would cost about $75,000 to retain his firm, DK Consultants to coordinate the drive.

Environmentalists in support of the Udall bill complained last week that Kuykendall is engineering the lobbying campaign but has failed to register as a lobbyist, as the law requires.

David Calfee of the Environmental Policy Center said, "It appears to me that Mr. Kuykendall is winking his eye at the law."

But Kuykendall, quite sensitive to such charges, insisted that his efforts so far have been confined to "the feasibility study in order to find out whether the sentiment for a campaign exists. I have not lobbied anyone and neither has any of my potential clients."

A Common Cause expert on lobbying laws tended to agree with Kuykendall, and referred to a 1954 U.S. Supreme Court decision which indicated that lobbying does not begin until actual congressional contacts are made.

"Certainly, by the spirit of the law, he probably should have registered," the Common Cause expert said, "but by the letter of the law he is technically exempt—at least until the actual lobbying begins."

Kuykendall said he will "definitely register" when the members of the anti-land-use coalition start bending their congressmen's ears.

The squabble over the lobby registration issue is symptomatic of the bitter struggle between the land-preservers and the land-developers.

"Our final goal is to bury land-use planning on the federal level once and for all," Steiger told the gathering of trade associations and other interests at his Capitol Hill meeting.

"Anytime the Feds can make a qualitative judgment, they'll start dictating to the states."

If the national associations are reluctant to make a public commitment in opposition to the legislation, Steiger implored them, "stay neutral" until after the Interior Committee votes on the bill.

Some groups, including the realtors and homebuilders, also were advised to "lie low" if they chose at the national level—but not to discourage their local affiliates from joining the campaign against the bill.

Steiger argues that the struggle is mainly a philosophical debate over the "proper role of the federal government" in the development of land.

But the environmentalists and their allies insist that the "special interests" are worried about their economic welfare.

"For a long, long time," Calfee said, "These guys have controlled the local zoning boards and have gotten their way. They don't want to change that."

FLIGHT MAGAZINE COMMENTS OF FAA

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. RONCALIO. Mr. Speaker, on a field inspection of the Dallas/Fort Worth Airport facilities lately, the Aviation Subcommittee of the Public Works and Transportation Committee had an opportunity to meet George E. Haddaway, the popular and gutsy publisher of Flight Magazine.

I am happy to insert his editorial "Is There a Doctor in the House" in the Record, in the hope that a few Members of the House might just follow its suggestions. The editorial follows:

Is There a Doctor in the House?

(By George E. Haddaway)

One of the most damning indictments of a federal agency in recent years is a subcommittee report of the Committee on Interstate and Foreign Commerce, House of Representatives, published last December right after the TWA approach crash near Washington's Dulles Airport. The title: "Air Safety—Selected Review of FAA Performance."

Here's a quote from the report's foreword: "It has been noted before that regulatory agencies, like people, sometimes suffer from hardening of the arteries with advancing age. Symptoms of such a process have been noted within the FAA. Administrative delay and inactivity are bad in any agency; in the case of the FAA, [these policies] may literally endanger human life. Instances of completely inappropriate bureaucratic slowness to act, and inaction, are noted throughout this report."

While most of the committee's work concerned scheduled air transport safety matters, with much emphasis on the need for mandatory ground proximity warning systems (GPWS) and on the seriousness of controlled flight into terrain (CFIT) accidents (which account for 50 percent or more of all accidents), the main thrust of this special subcommittee report emerges as the sad state we're in as far as all aviation safety and regulatory procedures are concerned.

Few people will read or digest this indictment of the agency charged with the responsibility of fostering aviation safety. But many are today following and will continue to follow with deep interest the current National Transportation Safety Board's official public hearings on the December TWA crash during a below-minimums approach to Dulles. Our own reaction from these hearings is mixed with both horror and incredulousness.

The buck-passing going on between spokesmen for the airline pilots and spokesmen for the controllers should shake us all violently out of our complacent seats and into the rude awakening that there's something rotten within our systems and within some of the men who operate them, both on the ground and in the air.

Diagnosing the basic disease affecting air safety policies, procedures and regulations is a toughie because it involves so many complex factors—slavery to outmoded methodology and systems, conflicting interests (both political and economic), and even a wide diversity of honest opinions from competent and dedicated people.

We do know that there's growing evidence the shotgun marriage of the Federal Aviation Administration and the Department of Transportation has created a disaster that only a shotgun divorce can correct because no matter who the changing politicians put in change of these affairs, qualifications for the jobs are rarely considered. DOT Secretary Claude Brinegar, now retiring in his own wake of calamitous aviation policy, probably will be replaced by a Philadelphia lawyer, one William Coleman, whose main claim to fame in transportation experiences was during the "freedom rider" days! Lord only knows who'll replace ex-Air Force Colonel Alexander P. Butterfield as head of FAA. All that outfit needs now to self-destruct is more lawyers, or shirttail military men.

We desperately need a cleaning out at the top and more power in the hands of technically qualified men.

Next, while we have no built-in prejudices regarding labor unions and many of their causes, the unionized controllers and the unionized airline pilots have been acting lately more like some of their more radical rag-tag union brethren who have relegated public interest into non-existence while their union "rights" become paramount, all in an atmosphere of arrogance, total self-interest and, worst of all, bad faith. There is a pitiful lack of dedicated professionalism and statesmanship in an area of human endeavor demanding both these attributes, with out which safety goes down the drain.

As far as the aviation industry itself is concerned, many non-technical observers would heap a lot of blame on its shoulders. But most of the hard evidence reveals that civil aviation has been victimized, hamstrung and confused for years by proliferating bureaucracy run by unqualified mental pygmies who come and go with the political winds. If industry should share some of the blame for our Federal aviation policies it would be for not driving hard enough in trying to correct basic organizational faults or by the tolerating too long the worn out regulatory system that's still geared to the tube and rag days.

We must develop up-to-date procedures and policies now and not wait until a tragedy strikes to initiate change or corrective action.

This industry has never been so rich in technical knowledge and engineering genius as it is today. And we think it should be out of this wealthy bank of human expertise the nucleus for a revolutionary overhaul of our regulatory agencies must come, and it must come quickly.

The aviation safety matters now getting the limelight are merely symptoms of the disease that inspired a congressional committee to compare it with hardening of the arteries. It goes much deeper than that, and requires radical surgery beginning with cutting the infected umbilical cord between FAA and DOT, the appointment of qualified men to high office rather than political quacks, and active participation with all the technical and administrative skills that we can possibly muster. It will take this to lift our Federal agencies into the jet age, which "even more than the sea is terribly unforgiving of carelessness, incompetency or neglect."

STANLEY K. HATHAWAY FOR U.S. INTERIOR SECRETARY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mrs. SCHROEDER. Mr. Speaker, criticism of the nomination of Wyoming's Stanley K. Hathaway for U.S. Interior Secretary is continuing to mount throughout the Western States. The most recent organization to express strong disapproval is the Denver-based Colorado Open Space Council, a statewide environmental coordinating group whose member organizations number 30,000 people. COSC's board of directors voted unanimously to oppose the Hathaway nomination on the basis of the former Wyoming Governor's aggressive and often prohasty development stance—the hallmark of his 8 years in office from 1967 to 1975.

On the basis of Mr. Hathaway's record, I cannot support his nomination to this vital post. In this regard, I would like to insert a release of the Colorado Open Space Council detailing Mr. Hathaway's record during his years as Governor of Wyoming in several important environmental areas:

EAGLE SHOOTING

In 1968, 1969, and 1970, Hathaway petitioned the Interior Department for blanket eagle-shooting permits in up to 14 of Wyoming's 23 counties. The purpose of these open seasons, some as long as 5 months, was to combat alleged predation on sheep.

PREDATOR POISONING

In 1973, Hathaway's office testified for open use of sodium cyanide, strychnine, and the deadly and persistent "1080" sodium monofludoroacetate—to kill predators on public lands—both those administered by the Bureau of Land Management and the U.S. Forest Service. In 1974, Hathaway's State filed suits against the Interior Department and the Environmental Protection Agency alleging their failure to control predators.

ENERGY DEVELOPMENT

Throughout his two terms, Hathaway has been a strong partisan of rapid energy development in the Western States generally and Wyoming in particular. He has opposed the Interior Department's moratorium on coal leasing, given the green light to the leasing of Wyoming's State lands coal, criticized Interior's prototype oil shale leasing program for being too slow—1973; defended the oil depletion allowance—1974; defied former President Nixon's recommended 50-miles per-hour speed limit—1973; opposed a 3-percent minerals severance tax in Wyoming—1973; and repeatedly praised his State's weak mined land reclamation law.

TIMBERING IN THE NATIONAL FORESTS

In 1971, Hathaway openly opposed a possible Federal moratorium on clearcutting national forest timber while the practice was studied. During his two terms, he was a steady ally of the timber industry, defending them against their critics, and pushing for increased logging in the Shoshone, Bridger, and Teton National Forests. He also tried, unsuccessfully, to lure a pulp mill to his State.

WILDERNESS

In the late 1960's, Hathaway opposed any expansion of the Washakie Wilderness near Dubois, Wyo. In 1969, he assailed then U.S. Forest Service Chief, Edward Cliff, asking:

> When are you going to stop looking for new wilderness areas. You could turn my whole state into a wilderness and then nobody could make a living.

He has consistently fought wilderness designation, and labeled those who disagree "extreme conservationists who would fence the entire state."

NATIONAL PARK DEVELOPMENT

At hearings in 1973, Hathaway reaffirmed his long standing support of an enlarged jetport within the boundaries of Grand Teton National Park. He has also pushed for the increased commercialization of Yellowstone National Park.

CLEAN AIR

In 1970, Hathaway tried to undermine Wyoming's Clean Air Act by inserting loopholes which would grant variances to new firms locating in Wyoming, and to any industry locating in an area of low population, meaning most of his State.

PUBLIC LANDS

In 1972, Hathaway urged that certain public lands administered by the Interior Department's Bureau of Land Management should be sold to private enterprise for development.

WATER DEVELOPMENT

In 1971, Hathaway authored legislation which would have enabled dams on the Upper Green River near Pinedale, Wyo., and piped their water a considerable distance eastward across the Continental Divide. This river has been proposed for inclusion in the National Wild and Scenic Rivers System. Hathaway has also pushed other water projects in his State, especially those which would aid energy development.

GROWTH

Hathaway has repeatedly stumped for growth throughout both his administrations. He criticized a Wall Street Journal article extolling his State's wide-open spaces; he has praised new industries for bringing more people into Wyoming; and he has attacked concern for liberalized abortion laws as a gesture of the ecological fringe.

It is because of this consistent and pervasive record, and because of Hathaway's persistent labeling of all conservation-minded citizens who opposed his views as radicals, extremists, and newcomers who "don't know anything about Wyoming" that I feel he is an unsuitable candidate. The Interior Department is charged with managing the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Bureau of Land Management, the Federal rare and endangered species program, all National, Wildlife Refuges and Game Ranges, the Outer Continental Shelf oil leasing program, the Buerau of Reclamation—the agency responsible for building most Western dam and water projects—major portions of the National Wilderness Preservation System and the National Wild and Scenic Rivers System, and the bulk of energy development programs in the Western States—including oil, gas, coal, and oil shale. Interior is also the agency primarily responsible for the fate of 80 million acres in Alaska now under consideration for national parks, monuments, and wildlife refuges. To put these bureaus, programs, and services under Mr. Hathaway's direction would be to seriously jeopardize the environmental progress that has been made thus far.

ARIZONA RESCUE TEAM DEMONSTRATES AMERICAN COURAGE

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. STEIGER of Arizona. Mr. Speaker, the Old West was characterized by rugged, self-reliant individuals noted for their willingness to help a friend or a stranger in need and not to give up until the mission was accomplished or all hope of success had vanished. And then they took the bit in their teeth and gave it another try. I am proud to say that that spirit prevails today in the modern West. It was demonstrated again a few days ago in Yavapai County, Ariz., my home county, and a young lad lost in a rocky, snow-bound canyon literally owes his life to a volunteer rescue team from Prescott.

The Yavapai County Search and Rescue Team, headed by Mr. Jimbo Buickerood, is made up of 11 students, including 6 women from the Prescott College for Alternative Education. None of the members knew John Pallanich, who had become separated from companions on a hiking trip and who had spent 2 days alone without food or warm clothing after an unseasonal storm dumped heavy snow in the mountainous area. They did know, however, that unless they made a final, successful effort the teenager most surely would be doomed. Their efforts paid off.

The story of Jimbo Buickerood and his volunteer search and rescue team was told by Mr. Ken Wayman in the Arizona Republic and it is an inspiring story, which I want to share with my colleagues. Mr. Wayman's article follows:

"LAST LOOK" BY SEARCHERS SAVES LIFE OF CANYON HIKER

(By Ken Wayman)

PRESCOTT.—A final look into a remote canyon area by the Yavapai County Search and Rescue Team, minutes before the search was to be called off Tuesday, saved the life of John Pallanich.

Pallanich, 17-year-old Moon Valley High School senior, was discovered when the rescue team took one last look down into rugged Gap Creek Canyon in the Verde Rim Country, 25 miles northwest of Cordes Junction.

Pallanich, of 3216 W. Crocus Drive, Phoenix, son of Mr. and Mrs. Paul Pallanich, was found by Jimbo Buickerood, team leader of the rescue unit. The unit is composed of 11 students, including six women from the Prescott College for Alternative Education.

Pallanich was reported Wednesday afternoon to be in stable condition in the intensive care unit at St. Joseph's Hospital in Phoenix. He was suffering from possible frostbite and other complications.

Pallanich was found only 30 minutes before the search was to be called off until deep snow in the area melted. The search for the youth began late Sunday after he was reported missing by two companions near Tule Mountain. Pallanich, an inexperienced hiker, wore only a sweatshirt, levis and tennis shoes and had no food or matches.

The decision to end the search by sundown had already been made, according to Yavapai County Sheriff's Lt. E. J. Smith. He said it seemed useless to continue searching in the deep snow after up to 40 rescuers looking for two days failed to turn up any trace of the youth.

Smith and other searchers agreed Wednesday that Pallanich could not have survived until the time the search was to have resumed.

Buickerood said he found Pallanich after hearing the youth weakly call for help.

Although Pallanich could talk, he was too weak to move from a ledge area into the open. He told his rescuers he twice saw a helicopter flying through the canyon at low levels Tuesday afternoon, but he was unable to move to the open so that he could be seen.

While Buickerood and other team members were helping Pallanich, the youth told them he had been thinking a lot about dying.

"I was sure I was going to die," Buickerood quoted Pallanich as saying.

The rescue team members and three other searchers worked about an hour administering to Pallanich on the canyon floor. They built a fire to get him warm, dressed him in heavy clothing and fed him some honey and hot chocolate.

Pallanich was then placed inside a sleeping bag to make a stretcher of sorts. It took rescuers more than two hours to relay Pallanich about 1,000 feet up the steep canyon wall, Buickerood said.

Other rescuers were already at work at the top of the canyon clearing an area in the snow for a Department of Public Safety helicopter to land in the dark to pick up Pallanich and fly him to St. Joseph's Hospital in Phoenix.

Pallanich became separated from his companions, George Sharp, 17, 3402 W. Corrine Drive, Phoenix, and Kelly Osborne, 18, 6500 W. Glendale, Glendale, in mid-afternoon Sunday.

Pallanich told Buickerood he tried to find his way to a cabin at the top of the rim but failed when he missed a trail.

He said he spent Sunday night under a bush while up to 18 inches of snow fell in the area. When he became weak Monday and still could not find his way to the cabin, he holed up on the cliff side of Gap Creek.

LEGISLATION DRAFTED BY A CONSTITUENT

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. BURKE of Massachusetts. Mr. Speaker, one of my constituents, Mr. Thomas James Dougherty, of Quincy, Mass., is an outstanding scholar in both the fields of law and economics. Mr. Dougherty will soon earn a Ph. D. degree in economics, as well as a J.D. degree in law from Harvard. He is currently a staff member of the Harvard Journal on Legislation where he has combined his talents to undertake a thorough study of the wage and price control issue.

As a result of that study, he has drafted proposed legislation in this area, and has asked that I share his proposals with my colleagues here in the Congress. I am more than happy to comply with his request. I hope that all of my colleagues will take the time to read Mr. Dougherty's proposal, and of course, I would welcome any comments which they might wish to make with regard to it.

A copy of the legislation drafted by Mr. Dougherty follows:

PROPOSED LEGISLATION

A bill to amend the Council on Wage and Price Stability Act (Pub. L. No. 93-387, 88 Stat. 750, 12 U.S.C.A., § 1904, August 24, 1974) to provide continuous stand-by authority for a sectoral approach to wage and price stability and provide the Council with expanded powers and staff with which to implement the approach

MAIN FEATURES OF THIS BILL

This Bill establishes a new approach to the problem of controlling inflation. It recognizes that response to inflationary signals must be tempered by an appreciation of the different economic and social contexts within which they arise. It eschews the macro-approach of a universal wage/price freeze, with the attendant bureaucracy that would be needed to administer it, in favor of an approach characterized by flexibility and sectoral specicifity, directed by Congressional guidelines and oversight, and implemented by a relatively small knowledgeable staff. The hallmark of the Bill is its provision for *continuous stand-by authority* under which direct controls within a tailored regulation program can be imposed quickly and removed as soon as can be done safely. The Bill authorizes invocation of stronger control powers only after certification that a sector is an "inflationary sector." It sets out standards for certification on both the wage and price sides. Clear guidelines establishing criteria to which the sector should conform before controls will be lifted will reduce uncertainty, stabilize business expectations and facilitate an even-handed program.

This Bill charges the Council on Wage and Price Stability with the job of controlling inflation. It gives the Council a range of policy tools for dealing with inflation; these include: certification that an industry is a "subject of concern," negotiation with industry representatives, the power to hold hearings and subpoena witnesses, to suspend wage or price increases pending the hearings and/or for 90 days thereafter, to impose full wage and price controls on a sector by sector basis for a limited time, and to retain price control on an industry with market power. Non wage income is subject to control. Pay increases that are justified by productivity increases in one sector but are unjustified in another will be permitted in the former but not in the latter. Price increases that reflect market power rather than competitive processes will be disallowed. The federal government's role as purchaser of goods and services is coordinated with Council policy.

The effect of the Korean Economic Controls Scheme was weakened because there was a five month delay from the point when the need for controls was recognized by Congress to the point when they were used. In 1971, recruitment, training and job design for Phase II Pay Board staff had to take place while the Board wrestled with a rising backlog of tough cases. (*See* "Phase II Wage Controls" by Daniel J. B. Mitchell in *Industrial and Labor Relations Review*, Vol. 27, No. 3, April 1974, pp. 351, 359, reprinted by Brookings Institution as General Series Reprint 293, August 1974.) Even if public opinion is today divided about whether a permanent bureaucracy for pay and price controls should be established, stand-by authority for selective controls of increasing strength and limited duration should be created to minimize the harm of a long lag between renewed inflation and governmental response. A caveat to this, however, is that premature governmental action could be more disruptive than beneficial. This Bill meets both these problems first by acting early, while economic recession has checked inflation at the cost of high unemployment and loss of output and before the stimulus of monetary and fiscal policy (particularly the tax cut recently passed) have taken effect, and second by providing that the Council cannot fully control pay and prices in a sector unless and until inflation there exceeds a threshold level. [An economic controls program can take at least three alternative approaches to the controversial question of how income differentials are to be treated: it can say nothing; it can freeze differentials or prohibit their alteration except as the incidental and unavoidable side effect of the control program; it can expressly adjust them according to some norm. Each of these alternatives is stated in the Bill. *See* Sec. 10. The choice among them is political.

This *Journal* recommends that the third alternative, the most radical, be adopted. The first alternative would not give a clear mandate to the Council and is the least democratic in that either the Council or the courts would exercise maximum discretion in construing the Bill toward the second or third alternatives. If that discretion is not exercised explicitly the result could be *ad hoc*, haphazard, or inarticulated and thus unsupervised. The second alternative, on the other hand, does not recognize that controls could strengthen the advantages of the economically organized and powerful. The third approach recognizes that the logical implication of controls is that we drop the pretense that compensation is established by the market. It recognizes that compensation is the product of human agency, that power is decisive in determining who gets how much. That is, a just price theory is implicit, therefore articulate it and subject it openly to the political process.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(d) of the Council on Wage and Price Stability Act is amended to read as follows:

"(d) The Director of the Council may employ and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions of the Council at rates not to exceed the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States Code. Except that the Director, with the approval of the Chairman may, without regard to the provisions of title 5, United States Code [Title 5, Government Organization and Employees] relating to appointments in the competitive service, appoint and fix the compensation of not to exceed fifty positions at the rates provided for grades 16, 17, and 18 of such General Schedule, to carry out the functions of the Council."

(b) Section (3) of the Council on Wage and Price Stability Act is amended by deleting section 3(b), by striking out "(a)" so that the first line reads "Sec. 3 The Council shall——", by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting a semicolon in lieu thereof, by relabeling paragraphs "(1)" through "(7)" as paragraphs "(a)" through "(g)", and by adding at the end thereof the following new paragraphs:

"(h) have the authority to promulgate, by rule, for each sector of the economy, guidelines for noninflationary price and wage adjustments;

"(i) have the authority to promulgate, by rule, reporting requirements which direct persons to give prior, written notice to the Council of all price and wage increases;

"(j) have the authority to prohibit any person which the Council finds violating its price guidelines from obtaining any contract during the one-year period commencing on the date of such finding to provide goods or services to any agency or instrumentality of the United States;

"(k) have the authority to suspend any wage or price increase for a period of ninety calendar days or for a longer period not to exceed ninety calendar days from the end of a hearing held to consider evidence regarding the increases in question, provided that hearing is conducted without undue delay;

"(l) have the authority to retain full wage and/or price control on a sector only after certifying that the sector is a 'subject of concern as an inflationary sector' as provided in Section 5.

"(c) Section 4 of the Council on Wage and Price Stability Act is relabeled "Sec. 7", Sections 5, 6 and 7 of the Council on Wage and Price Stability Act, are struck and new sections are inserted before "Sec. 7" [Sec. 4 of the unamended Act] as follows:

"SEC. 4. (a) The Council may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council may deem advisable. The Council may administer oaths or affirmations to witnesses appearing before it.

"(b) When so authorized by the Council, any member or agent of the Council, may take any action which the Council is authorized to take by this subsection.

"(c) The Council shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence necessary or proper to carry out this Act. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing with the United States.

"(d) If a person issued a subpoena under paragraph (c) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Council) order such person to appear before the Council to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(e) The subpoenas of the Council shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(f) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

"Sec. 5(a) The Council shall have the authority to certify that a sector is a 'subject of concern as an inflationary sector' upon determining at a hearing, held pursuant to Section 4, and held for this purpose, that

"(1) wage settlements are out of line with those of other sectors considering comparable work in other sectors, unemployment, demand for products and other factors normally taken into account in collective bargaining, or that

"(2) price rises are greater than needed to call forth long run supply (regardless of immediate costs) or do not otherwise reflect competitive processes, or reflect market power or excess profits in a concentrated industry.

"(b) Wage and price certifications in a given sector under Section 5(a) shall be coordinated by the Council, but the Council shall not be constrained to define each sector for wage purposes as identical to a sector for price purposes (i.e., wage sectors and price sectors must overlap but need not be perfectly congruent).

"Sec. 6(a) Pursuant to Sections 3(1), 4 and 5 the Council shall have the power to control wage increases and to issue recommendations as to the terms of labor disputes which are referred to it by the disputing parties or by the President. To this end, it shall establish and act through tripartite boards composed of an equal number of representatives chosen from labor, industry and the public. These wage boards shall be responsible both for dispute settlement, including enforcement of settlement decrees, and for stabilizing the wage level.

"(b) The wage boards shall be directly responsible to the Director of the Council who shall coordinate wage board policy with price control policy and establish liaison between wage and price control personnel.

"(c) The Council shall remove controls imposed on a sector when it determines that the sector no longer meets the criteria which brought it within Section 5(a) unless there exist good reasons to retain controls, such as other Section 5(a) criteria, or the need for:

"(1) completion of economic shifts required by the new situation;

"(2) psychological adjustment of the community to the new situation;

"(3) adoption of ancillary fiscal or monetary measures.

(d) The following sections are added to the Council on Wage and Price Stability Act:

"Sec. 8. The Council shall report to the President and through him to the Joint Economic Committee of the Congress which shall oversee its activities. The Joint Economic Committee shall review the activities of the Council each year and make a recommendation to the Congress regarding the Council's program for the forthcoming year. The Joint Economic Committee's recommendation shall be voted on by the House and Senate without amendment.

"Sec. 9. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

[Three alternative approaches to the issue of whether the Council ought to concern itself directly with income differentials are presented. This *Journal* recommends the third approach.]

(a) [Say nothing at all.]

(b) "Sec. 10. Nothing in this Act authorizes the Council to narrow existing wage or income differentials, except that it is recognized that the unavoidable effect of controlling pay or price increases in different cases may be to alter these differentials."

(c) "Sec. 10. Wage controls should not freeze wage or income differentials. In determining allowable wage increases the Council should follow these guidelines:

(1) Sectors that have not yet regained lost parity with other sectors after the last inflationary period should be allowed to catch up; (2) Lower wage sectors should be allowed to catch up with comparable higher wage sectors; (3) Within a given sector, allowable increases should decrease (ultimately to zero) at higher levels of pay."

TRIBUTE TO DOUG HOLSCLAW

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 16, 1975

Mr. STEIGER of Arizona. Mr. Speaker, when I was a freshman senator in the Arizona State Legislature in 1961, one of the stalwarts of the house of representatives was Mr. Douglas Holsclaw of Tucson, at that time a veteran of many years of lawmaking. Mr. Holsclaw moved over to the State senate in 1967 and served with distinction through 1974.

On April 12, Mr. Holsclaw was honored by the Arizona Recovery Centers for his many years of civic work in the field of alcoholic rehabilitation. Mr. Bernie Wynn, widely read and highly respected political columnist for the Arizona Republic has written a fine tribute to Mr. Holsclaw, which I want to bring to my colleagues' attention. Mr. Wynn's article follows:

Home Folks Forgot Legislator's Record

(By Bernie Wynn)

Former Sen. Douglas Holsclaw, 75-year-old Tucson Republican, is proof that the home folks don't really pay close attention to a legislator's record of good deeds.

When a lawmaker is defeated for reelection it usually is because he committed a gross no-no, or he was the victim of a political trend that reacts automatically against the

It was the latter case that last November incumbent.

ended the 22-year career of Holsclaw, who began his record (GOP) legislative service in the House in 1952.

Down in District 12 in Tucson, Holsclaw's constituents dumped him and elected Mrs. Sue Dye, a Democrat.

Without disparaging Mrs. Dye, who appears to be a responsible person doing a conscientious job, it still remains a fact that Holsclaw was recognized in Phoenix as an outstanding legislator. But not in his home district.

On April 12, the Arizona Recovery Centers, an umbrella agency for 18 alcoholic rehabilitation homes, will present Holsclaw with its annual award for his pioneering work in the field of alcoholism treatment.

The banquet, expected to attract 500 citizens to honor the veteran legislator, will be in the Thunderbird Room of Hotel Westward Ho.

It will be one of many awards Holsclaw has received in recent years for his humanitarian deeds and consistent championship of the underdog.

Holsclaw is deceptive in appearance, frail of figure, mild of manner, bordering on meekness, with snow white hair and a shy grin. He doesn't look like a fighter.

Ben Avery, the Arizona Republic's retired outdoor editor, once described Holsclaw as "the gray fox."

But I've seen him more as a spiritual bulldog, one who clamps his jaws on a target and never lets go until his mission is completed.

Back in 1954, The Republic's former political writer, Arren Beaty, polled the newly elected lawmakers just before the 22nd legislature convened.

Holsclaw, completing his first term in the House, used the questionnaire to expound at length on his legislative goals.

He said he'd sponsor bills to curb drunken driving, to provide new commitment laws for the mentally ill, a memorial to Congress to return mineral rights to the Papago Indians, to create five-member boards of supervisors to encourage schools to set up night classes for adults, to repeal the merchants' inventory tax and calling for a national cemetery for Arizona military veterans.

All in all, Holsclaw sponsored more than 200 bills in his career, about 40 dealing with alcoholism-treatment and alcohol-related problems.

In fact, he had a basketful of bills ready for introduction in this session, prepared well before his defeat Nov. 5.

By now, every one of the bills mentioned as his objectives in 1954 has been enacted into law. Gov. Raul Castro just recently signed a memorial to the Veterans Administration petitioning for establishment of a national cemetery in Arizona.

Not all of his legislative endeavors have been greeted with enthusiasm by some of his colleagues, such as his authorship of the implied-consent law requiring suspected drunken drivers to submit to blood tests.

It wasn't long after the law took effect that the Pima County delegation started to get drunk in alphabetical order, one representative being arrested in Phoenix after a spectacular chase down N. Central.

Holsclaw, who originally intended to become a doctor, was forced to drop out of Harvard Medical School because of tuberculosis.

He returned to Tucson with his bride, Alice Young of Indianapolis, in 1927. The bridegroom was in a hospial bed during the ceremony.

A native of Grangeville, Idaho, Holsclaw first came to Tucson in 1921 to enroll at the University of Arizona. He operated a real-estate agency until retiring in 1947.

To prepare himself for legislative service; Holsclaw enrolled in the UofA Law School in 1949, and careful preparation became a Holsclaw hallmark in his legislative service.

At any moment, Holsclaw could produce volumes of facts and figures on any bill he sponsored, causing endless filing problems for his long-suffering secretaries.

Maybe the folks in Tucson's 12th District are unaware of his contributions, but what Holsclaw achieved in law-making will affect all the people of Arizona for the next 100 years.